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To: Texas Workers' Compensation System Participants

From: Kara Mace, General Counsel

Date: [October 19, 2023](#)

Re: Opportunity to review and comment on rule to implement House Bill 2468

The Texas Department of Insurance, Division of Workers' Compensation (DWC) informally proposes:

- Amendments to include affected lifetime income benefits (LIBs) in 28 Texas Administrative Code Sections [127.1](#) and [127.25](#), Requesting Designated Doctor Examinations and Failure to Attend a Designated Doctor Examination; and
- Amendments to and new sections in 28 TAC Chapter [131](#), Benefits--Lifetime Income Benefits.

These amendments and new sections implement House Bill (HB) 2468, 88th Legislature, Regular Session (2023). To implement HB 2468, DWC is required to adopt rules. The draft rules divide Chapter [131](#) into subchapters to make the sections that apply to first responders affected by HB 2468 easy to find, and they make conforming amendments to Sections [127.1](#) and [127.25](#). DWC is also creating two new related forms to assist with compliance with the law. There will be an opportunity to provide input on these forms separately.

HB 2468:

- Amended Texas Labor Code Section [408.161\(a\)](#), which redefines physically traumatic brain injuries for the purpose of entitlement to LIBs.
- Added new Section [408.1615](#) to allow certain first responders to receive LIBs.
- Amended Section [408.0041](#) to include first responders under Section [408.1615](#).

We are requesting comments on the draft rule text. Email your comments to [RuleComments@tdi.texas.gov](mailto:RuleComments@tdi.texas.gov). We must receive your written comments by 5 p.m., Central time, on November 20, 2023. You may also email or deliver your comments to:

Legal Services, MC-LS  
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