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To: Texas Workers' Compensation System Participants

From: Kara Mace, General Counsel

Date: [June 26, 2023](#)

Re: Opportunity to review and comment on designated doctor billing and reimbursement rules

The Texas Department of Insurance, Division of Workers' Compensation (DWC) [informally proposes amendments](#) to 28 Texas Administrative Code (TAC) [Chapter 133](#), General Medical Provisions and 28 TAC [Chapter 134](#), Benefits--Guidelines for Medical Services, Charges, and Payments to improve the designated doctor (DD) program. Also posted with these amendments is a fee table showing the rates for DD exams, required medical exams, and maximum medical improvement and impairment rating exams for treating doctors and referral doctors.

To implement these improvements, DWC must adopt rules. We held stakeholder presentations in March, September, and December 2022 to discuss specific possible changes to the billing methodology for DD exams and possible changes to DD exam reimbursement rates. We posted informal working drafts in August and November 2022. We considered comments on those drafts, as well as stakeholder comments on House Bill 2702, 88th Legislature, Regular Session (2023). While the bill did not pass, it directly addressed DD billing and reimbursement, so the information gathered as the bill moved through the process was relevant.

This third informal working draft:

- Adjusts the fees once by applying the Medicare Economic Index (MEI) percentage adjustment factor for the period 2009-2024.
- Adjusts the fees annually on January 1 (after that initial adjustment) by applying the MEI percentage adjustment factor in Section 134.203(c)(2).
- Rounds the fees to whole dollars.
- Creates a \$100 missed appointment fee.

Because the 2024 MEI percentage adjustment factor is not yet final, the fee amounts in this informal working draft are estimates based on the current projection for the 2024 factor.

We are requesting comments on the rule text. Email your comments to [RuleComments@tdi.texas.gov](mailto:RuleComments@tdi.texas.gov). Include "Chapters 133 and 134 Informal Posting" in the subject line. We must receive your written comments by 5 p.m., Central time, on Wednesday, July 26, 2023. You may also mail or deliver your comments to:

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Texas Department of Insurance, Division of Workers' Compensation  
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