



## TEXAS DEPARTMENT OF INSURANCE

### Division of Workers' Compensation - Legal Services (MS-4D)

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To: Texas Workers' Compensation System Participants

From: Kara Mace, Deputy Commissioner, Legal Services

Date: September 4, 2020

RE: Opportunity to Review and Comment on Amendments to 28 Texas Administrative Code §180.1

In 2019, the 86th Legislature passed Senate Bill (SB) 1742, which amended Texas Labor Code §408.0043, Professional Specialty Certification Required for Certain Review, to require that a physician who performs a peer review, utilization review, or independent review of health care services provided to an injured employee must be of the same or similar specialty as the physician requesting, ordering, or providing the service being reviewed. The changes made by SB 1742 took effect for any peer review, utilization review, or independent review request made on or after September 1, 2019.

In response, the Texas Department of Insurance, Division of Workers' Compensation (DWC) plans to revise the definition of "appropriate credentials" in 28 Texas Administrative Code (TAC) §180.1(4) to conform the language regarding the credentials of reviewing physicians with the changes made to Labor Code §408.0043 by SB 1742. The informal rule text is available on the TDI website at [www.tdi.texas.gov/wc/rules/drafts.html](http://www.tdi.texas.gov/wc/rules/drafts.html).

DWC will host a virtual stakeholder meeting on October 7, 2020, at 1:30 p.m., Central time, through Zoom to discuss the proposed change to the definition of appropriate credentials in 28 TAC §180.1. Information on how to connect to the meeting will be available on the TDI website. DWC provides reasonable accommodations for people attending meetings, hearings, or educational events as required by the Americans with Disability Act. If you need accommodations, please contact Cynthia Guillen at 512-804-4275 or at [RuleComments@tdi.texas.gov](mailto:RuleComments@tdi.texas.gov) before noon, Central time, on October 6, 2020.

Email your comments to [RuleComments@tdi.texas.gov](mailto:RuleComments@tdi.texas.gov). You may also mail or deliver your comments to:

Cynthia Guillen  
Legal Services, MS-4D  
Texas Department of Insurance, Division of Workers' Compensation  
7551 Metro Center Drive, Suite 100  
Austin, Texas 78744-1645

We must receive your written comments by 5 p.m., Central time, on Friday, October 16, 2020.