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To: Texas Workers' Compensation System Participants

From: Kara Mace, Deputy Commissioner, Legal Services

Date: December 9, 2022

RE: Proposed Amendments to 28 Texas Administrative Code Chapter 127, Designated Doctor Procedures and Requirements, and 28 TAC §180.23, Division Required Training for Doctors

The Texas Department of Insurance, Division of Workers' Compensation (DWC) formally proposes two rules: amendments to 28 Texas Administrative Code (TAC) Chapter 127, Designated Doctor Procedures and Requirements, and amendments to 28 TAC Section 180.23 to improve the designated doctor program. The rules concern how the designated doctor program operates. The section DWC proposes to repeal, §127.110, has been incorporated into amended §127.100. The proposed amendments and repeal implement Texas Labor Code §§408.0041 and 408.1225, which direct DWC on the operation of the designated doctor program. Section 180.23 implements Labor Code §408.1225, concerning designated doctor certification and training. Neither rule concerns billing or reimbursement—DWC will address billing and reimbursement in future rulemaking.

DWC is also informally proposing updates to three forms:

- DWC Form-032, *Request for designated doctor examination*;
- DWC Form-067, *Designated doctor certification application*; and
- DWC Form-068, *Designated doctor examination data report*.

The proposed rules will be published in the December 23, 2022, issue of the *Texas Register* and will be available at www.sos.state.tx.us/texreg/index.shtml once published. We will also post a copy of the proposed rules and forms on the TDI website at www.tdi.texas.gov/wc/rules/2022rules.html.

Submit any written comments on the proposed rules to RuleComments@tdi.texas.gov. We must receive your written comments by 5 p.m., Central time, on January 30, 2023. You may also mail or deliver your comments to:

Legal Services, MC-LS
Texas Department of Insurance, Division of Workers' Compensation
PO Box 12050
Austin, Texas 78711

DWC will also consider written and oral comments on the proposal at a public hearing at 10 a.m., Central time, on January 18, 2023. The hearing will take place remotely. DWC will publish details of how to view and participate in the hearing on the agency website at www.tdi.texas.gov/alert/event/index.html.