



## TEXAS DEPARTMENT OF INSURANCE

### General Counsel Division - Legal Section (MS-4D)

7551 Metro Center Drive, Suite 100, Austin, Texas 78744-1645

(512) 804-4703 | F: (512) 804-4276 | (800) 372-7713 | TDI.texas.gov | @TexasTDI

# memo

To: Texas Workers' Compensation System Participants

From: Emily McCoy, Associate General Counsel, Office of General Counsel

Date: February 28, 2018

RE: New Amendment to Plain Language Notice 3b and Delayed Effective Date

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) has made an additional amendment to new plain language notice PLN-3b. The amendment provides insurance carriers with an option to communicate to injured employees when they are making a reasonable assessment of impairment rating pursuant to Labor Code §408.121(c). This additional language does not need to be included on the PLN-3b when an insurance carrier is not making a reasonable assessment.

TDI-DWC notes that Labor Code §408.0041(f) requires an insurance carrier to pay benefits based on the designated doctor's opinion during the pendency of any dispute, unless otherwise ordered by the commissioner.

**Insurance carriers must begin using revised plain language notices PLN-1, PLN-2, and PLN-4 through PLN-12 on March 1, 2018. To allow time for system participants to implement the latest amendment, insurance carriers must begin using the PLN-3a, PLN-3b, and PLN-3c on April 1, 2018.**

The finalized PLNs are available on the TDI-DWC website at [www.tdi.texas.gov/forms/form20plain.html](http://www.tdi.texas.gov/forms/form20plain.html). Insurance carriers may choose to continue using the existing plain language notices or to begin using the revised notices until the effective date.

If you have any questions, please contact Emily McCoy at [Emily.McCoy@tdi.texas.gov](mailto:Emily.McCoy@tdi.texas.gov).