



Texas Department of Insurance

Division of Workers' Compensation

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Memorandum

To: Workers' Compensation System Participants

From: Nick Gonzalez, Director of the Office of Workers' Compensation Counsel

Date: August 8, 2013

Subject: Adoption: Amend 28 TAC §130.1 Regarding Certification of Maximum Medical Improvement and Evaluation of Permanent Impairment

On August 5, 2013 the Commissioner of Workers' Compensation Rod Bordelon adopted amended 28 Texas Administrative Code (TAC) §130.1, regarding certification of maximum medical improvement and evaluation of permanent impairment. The adoption was filed with the Office of the Secretary of State on August 5, 2013. The adoption will be published in the August 16, 2013 issue of the *Texas Register* and may be viewed at that time on the Secretary of State website at <http://www.sos.state.tx.us/texreg/index.shtml>. A courtesy copy of the adoption is available on the Texas Department of Insurance website at <http://www.tdi.texas.gov/wc/rules/adopted/index.html>.

The purpose of these adopted amendments is to clarify the consequence of noncompliance with 28 TAC §130.1(c)(3). The amendments clarify that an impairment rating is invalid and therefore not adoptable if it is based on a date that is not the maximum medical improvement (MMI) date, which is the Texas Department of Insurance, Division of Workers' Compensation's longstanding interpretation of the rule. These amendments further clarify that an impairment rating and its corresponding MMI date must be included in the DWC Form-069, *Report of Medical Evaluation*, to be valid.

If there are any questions regarding the information in this memo, contact Tim Eubank at 512-804-4756 or Timothy.Eubank@tdi.texas.gov.