

TITLE 28. INSURANCE

PART 2. TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

CHAPTER 134: BENEFITS – GUIDELINES FOR MEDICAL SERVICES, CHARGES, AND PAYMENTS

SUBCHAPTER C. MEDICAL FEE GUIDELINES REPEAL 28 TAC §134.202 and §134.302

1. INTRODUCTION. The Texas Department of Insurance, Division of Workers' Compensation (division) adopts the repeal of 28 TAC §134.202, concerning medical fee guideline, and 28 TAC §134.302, concerning dental fee guideline. The repealed sections are adopted without changes to the proposed text published in the March 18, 2016, issue of the *Texas Register* (41 TexReg 2117). No request for a public hearing was submitted to the division and the division did not receive written comments. The adoption of amended 28 TAC §134.204 and new 28 TAC §§134.209, 134.210, 134.215, 134.220, 134.225, 134.230, 134.235, 134.239, 134.240, and 134.250 is published elsewhere in this issue of the *Texas Register*.

2. REASONED JUSTIFICATION. The repeal is necessary because the sections are no longer effective. Identical requirements of 28 TAC §134.202 were adopted in 28 TAC §134.203 and §134.204, which superseded the section for professional services and workers' compensation specific services provided on or after March 1, 2008. Title 28 TAC §134.302 was superseded by 28 TAC §134.303 for dental services on or after June 15, 2005.

3. SUMMARY OF COMMENTS. The division did not receive any comments on the published proposal for repeal.

4. STATUTORY AUTHORITY. The repeal is adopted under Labor Code §402.00111 and §402.061.

Labor Code §402.00111 requires the commissioner of workers' compensation to exercise all executive authority, including rulemaking authority, under Title 5 of the Labor Code. Labor Code §402.061 requires the commissioner of workers' compensation to adopt rules as necessary for the implementation and enforcement of the Texas Workers' Compensation Act.

5. TEXT.

§134.202. Medical Fee Guideline.

§134.302. Dental Fee Guideline.

CERTIFICATION. This agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on June 7, 2016.

Nicholas Canaday III
General Counsel
Texas Department of Insurance, Division of
Workers' Compensation

The commissioner adopts the repeal of 28 TAC §134.202, concerning medical fee guideline, and 28 TAC §134.302, concerning dental fee guideline.

W. Ryan Brannan
Commissioner of Workers' Compensation

COMMISSIONER'S ORDER NO. _____

ATTEST:

Nicholas Canaday III
General Counsel
Texas Department of Insurance, Division of
Workers' Compensation

COMMISSIONER'S ORDER NO. _____