



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: January 26, 2018

RE: Proposal: Implementing House Bill 2112

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is accepting public comments on proposed rules amending 28 Texas Administrative Code (TAC) §§ 110.105, 112.101, 112.102, 112.201, 112.202, 130.101, 130.102, and 136.1, and repealing 28 TAC §130.10 and §136.2. The proposal will be published in the January 26, 2018, issue of the Texas Register and available at www.sos.state.tx.us/texreg/index.shtml once published. A courtesy copy of the proposal will also be available on the TDI-DWC website at www.tdi.texas.gov/wc/rules/2018rules.html.

The amendments to §§ 110.105, 112.101, 112.102, 112.201, 112.202, 130.101, 130.102, and 136.1, and repeal of §130.10 and §136.2 primarily implement legislation passed during the 85th legislative session (House Bill 2112) that eliminated or amended certain reporting and notification requirements throughout the Labor Code. In addition, the amendments include non-substantive changes for consistency and to ensure the conveyance of accurate information, such as state agency names.

TDI-DWC is posting informal working drafts of several forms simultaneously with this rule, including the DWC Form-081, *Agreement Between General Contractor and Subcontractor to Provide Workers' Compensation Insurance*; the DWC Form-082, *Agreement for Motor Carriers and Owner Operators*; the DWC Form-083, *Agreement for Certain Building and Construction Workers*; the DWC Form-084, *Exception to Application of Joint Agreement for Certain Building and Construction Workers*; and, the DWC Form-085, *Agreement Between General Contractor and Subcontractor to Establish Independent Relationship*. In addition, TDI-DWC is removing the DWC Form-065, *Application for Inclusion on Registry of Private Providers of Vocational Rehabilitation Services*, and the DWC Form-020, *Insurance Carrier's Notice of Coverage/Cancellation/non-Renewal of Coverage*, from the TDI-DWC website. Additional information and the draft forms are available on the TDI-DWC website at www.tdi.texas.gov/wc/rules/proposedrules/documents/drhb2112fm0118.pdf.

If you want to comment on the proposal, submit your written comments by 5:00 p.m. Central time on February 26, 2018. Send written comments by email to Rulecomments@tdi.texas.gov or by mail to:

Texas Department of Insurance, Division of Workers' Compensation
Maria Jimenez
Workers' Compensation Counsel MS – 4D
7551 Metro Center Drive, Suite 100
Austin, Texas 78744-1645

The proposal amends:

- §110.105, *Employer Requirements for Notifying the Division of Termination Coverage*, to allow employers to submit a notice of termination by any means;
- §112.201, *Agreement to Establish Employer-Employee Relationship for Certain Building and Construction Workers*, and §112.202, *Joint Agreement to Affirm Independent Relationship for Certain Building and Construction Workers*, to remove requirements for hiring contractors to file legible copies of certain agreements with TDI-DWC;
- §112.101, *Agreement Regarding Workers' Compensation Insurance Coverage between General Contractors and Subcontractors*, and §112.102, *Agreements between Motor Carriers and Owner Operators*, to remove requirements for general contractors to file legible copies of certain agreements with TDI-DWC; and,
- §136.1, *Review of Employer Report of Injury*, §130.101, *Definitions*, and §130.102, *Eligibility for Supplemental Income Benefits Amount*, to replace the Texas Department of Assistive and Rehabilitative Services with the Texas Workforce Commission, remove references to the registry of private providers of vocational rehabilitation services, and eliminate the requirement that a copy of the notice be sent to the insurance carrier.

The proposal repeals:

- §130.10, *Commissioner Review of Employment Status during the Impairment Income Benefits Period*, to remove the TDI-DWC requirement to review and determine the unemployment or underemployment status of injured employees; and,
- §136.2, *Registry of Private Providers of Vocational Rehabilitation Services*, to remove the registry of private providers of vocational rehabilitation services from the TDI-DWC website.