



## TEXAS DEPARTMENT OF INSURANCE

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

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# memo

To: Workers' Compensation System Participants

From: Tracey Beaver, Director, Office of Workers' Compensation Counsel

CC: \_\_\_\_\_

Date October 2, 2015

Proposal: Amendments to 28 TAC §129.3 regarding Amount of Temporary Income Benefits and §129.11

RE: regarding Agreement for Monthly Payment of Temporary Income Benefits

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is accepting public comments on proposed amendments to 28 Texas Administrative Code (TAC) §129.3 and §129.11.

If you want to comment on the proposal, submit your written comments by 5:00 p.m. central time on Monday, November 9, 2015. A request for public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to [Rulecomments@tdi.texas.gov](mailto:Rulecomments@tdi.texas.gov) or by mail to:

Texas Department of Insurance, Division of Workers' Compensation  
Maria Jimenez  
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If a hearing is held, TDI-DWC will consider written comments and public testimony presented at the hearing.

The proposal will be published in the October 9, 2015 issue of the *Texas Register* and will be available at [www.sos.state.tx.us/texreg/index.shtml](http://www.sos.state.tx.us/texreg/index.shtml) once published. A courtesy copy will also be available on the TDI website at [www.tdi.texas.gov/wc/rules/proposedrules/index.html](http://www.tdi.texas.gov/wc/rules/proposedrules/index.html).

Proposed amendments to §§129.3(b), 129.3(f)(2), and 129.11(b) increase the hourly wage that qualifies an injured employee to be paid at the higher TIBs rate of 75% of the employee's pre-injury average weekly wage for the first 26 weeks of disability. Amended §§129.3(b), §129.3(f)(1), and §129.11(b)(1) clarify that the \$8.50 rate still applies to workers' compensation claims with a date of injury before September 1, 2015.