

Correction of Error

The Texas Department of Insurance published adopted amendments to 28 TAC §21.5010 in the February 13, 2026, issue of the *Texas Register* (51 TexReg 900). Due to an error as submitted by the agency, a validly submitted comment in support of the proposal with changes was inadvertently omitted from the order. The corrected list of commenters and the comment and response follow. Underlined text indicates what was omitted from the original publication.

Commenters: TDI received comments from five commenters. One commenter spoke at the public hearing. The four others submitted written comments. Commenters in support of the proposal were Texas Association of Health Plans and Texas EMS Alliance. Commenters in support of the proposal with changes were Texas College of Emergency Physicians, Texas Medical Association, and Texas Hospital Association.

Comment. The commenter expresses its support for the proposed amendments to §21.5010, stating that it is consistent with its understanding that a full denial is not subject to mediation and provides clarity regarding zero-dollar payments. The commenter also suggests that TDI consider additional clarifications regarding other zero-dollar payment situations that may be subject to mediation and, if TDI decides to revise the rule in response to this comment, the commenter requests that TDI withdraw the proposed rule and republish for additional stakeholder input.

Agency Response. TDI thanks the commenter for its support but declines to make any changes. Under §21.5010(a)(1), a qualified mediation claim is one where there is an amount billed by the provider and unpaid by the health benefit plan issuer or administrator after copayments, deductibles, and coinsurance, for which an enrollee may not be billed. This is consistent with Insurance Code §1467.051(a)(1). Under §21.5010(c), Division 2 does not require a health benefit plan issuer or administrator to pay for an uncovered service or supply. Mediations are not meant for determining questions of coverage or other issues in dispute other than disputes over out-of-network provider charges, unless otherwise agreed to by the parties.