



Legislative and Case Law Update

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Legislative update

Key legislative session dates

November 9, 2026

First day legislators and legislators-elect may file bills for the 90th Legislature.

March 12, 2027

60-day bill filing deadline.

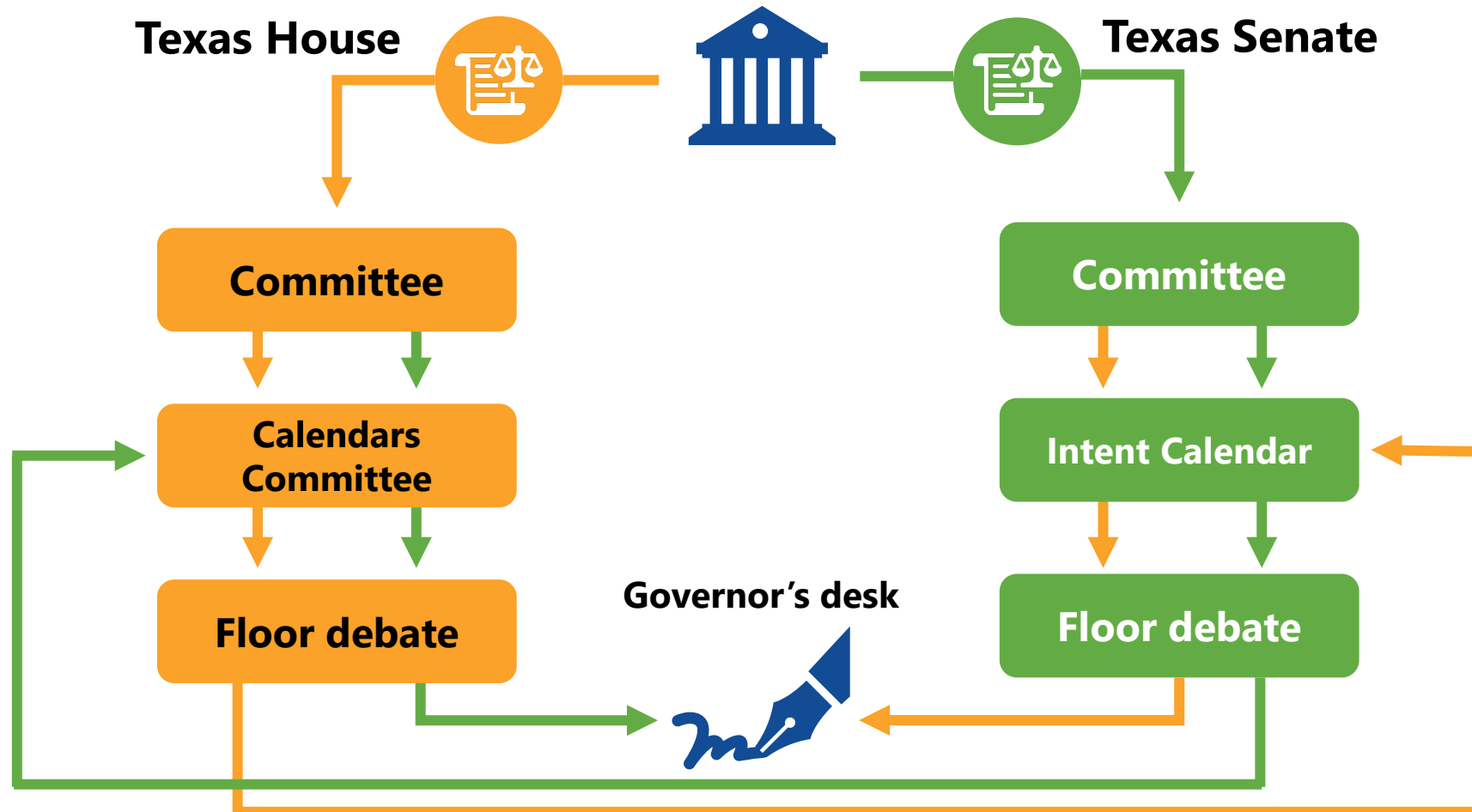
January 12, 2027

90th Legislature convenes.

May 31, 2027

Sine die (last day of 90th Regular Session).

Lifecycle of a bill



DWC's role in the legislative process

- Provide educational information on the Texas workers' compensation system.
- Act as a resource for committees of jurisdiction.
- Provide fiscal impact information for potential legislation.
- Implement newly-adopted laws and rulemaking.

Review of the 89th Legislative Session

House Bill (HB) 331

First responder heart
attack and stroke
presumption changes

HB 1306

Change in benefits for
"death investigation
professionals"

HB 2488

Videoconference
contested case
hearings

HB 4464

Workers' compensation
coverage for TDEM
disaster response

Senate Bill 14

State agency rule
reform

Interim updates

Regulatory efficiency review

- DWC is working with the Texas Regulatory Efficiency Office to streamline its rules.
- Asked for stakeholder feedback in June.
- Plan to repeal, amend, and create rules.

Budget

- Joint Budget and Senate Finance hearings on September 3, 2026.
- All state agencies must reduce their base legislative appropriations request by 3%.

Workers' compensation topics next session

- System replacement.
- First responders.
- Scope of practice.
- Extent of injury.
- Mental health coverage.
- Telemedicine.
- Exclusive remedy.
- Mandatory coverage for certain industries.
- Non-subscriber benefits.

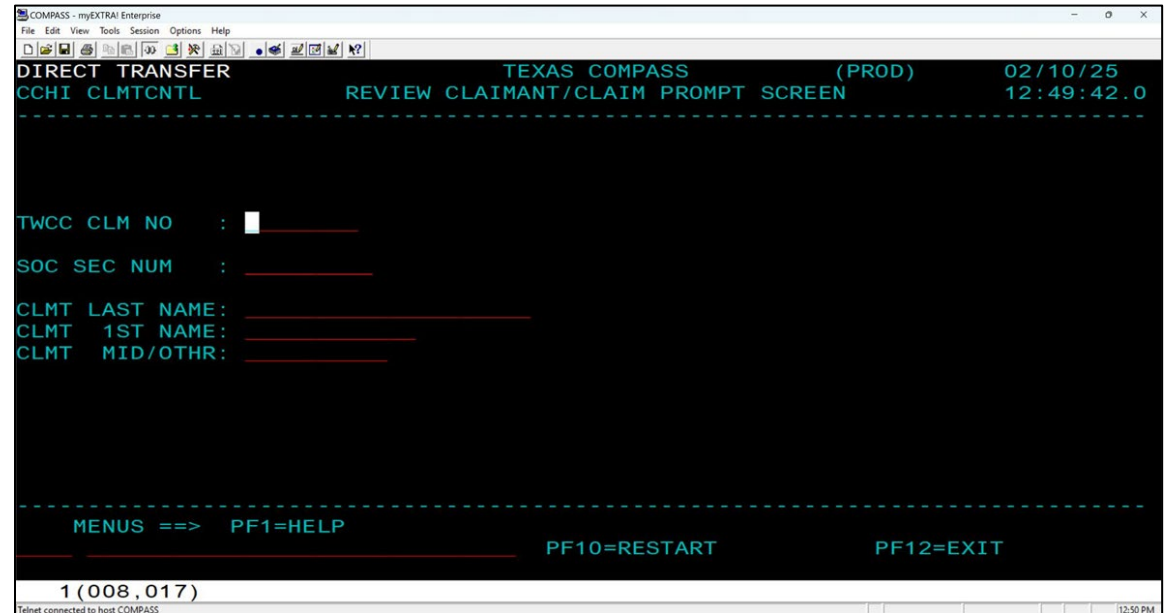
Dispute resolution legacy system replacement

Current COMPASS system:

- Developed in 1980s.
- No online services.
- Difficult to support and cannot be improved.

New system:

- Improved accessibility.
- Customer focused.
- Automated intake and process workflows.



COMPASS, 2026

Information on bill implementation

DWC memos webpage

TDI Texas Department of Insurance

Topics: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z All

Insurance State Fire Marshal **Workers' Compensation**

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Regulatory efficiency review

DWC is working with the Texas Regulatory Efficiency Office (TREGO) to streamline its rules. Under [Texas Government Code Section 465.0052\(4\)](#), TREGO coordinates with state agencies to reduce rules or other regulatory requirements, including by reducing inefficiencies from rules or other regulatory requirements, and by eliminating those that are unnecessary or ineffective.

As a result of the regulatory review, DWC is considering amending, repealing, and adopting certain rules. DWC is seeking comments on those actions, and is particularly interested in feedback on possible cost savings. [Learn more](#) (PDF).

Workers' compensation laws

In effect

- [Texas Workers' Compensation Act](#)
- [28 TAC Chapter 102-180 \(PDF\)](#)
- [Texas Administrative Code - Division of Workers' Compensation](#)
- [Telework Plan](#)

In progress: DWC rulemaking

- [2026](#) | [2025](#) | [2024](#) | [2023](#) | [2022](#) | [2021](#) | [2020](#) | [2019](#) | [2018](#) | [2017](#) | [2016](#) | [2015](#) | [adoptions prior to March 2015](#)
- [Rule review](#)
- [Texas Register](#)

References

- [28 TAC Chapters 41-69 Old Law Rules](#) (for injuries prior to January 1, 1991, PDF)

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DWC rulemaking webpage

TDI Texas Department of Insurance

Topics: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z All

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Memos to system participants

2026

- [Notice and opportunity to comment on DWC Regulatory Efficiency Review](#) 6/18/26
- [Informal working draft of amendments to return-to-work guidelines rule](#) 5/6/26
- [Informal working draft of rule on electronic transmission of information](#) 2/19/26
- [Opportunity to Comment on Potential Amendments to Attorney Fees Rules](#) 1/28/26
- [Adopted rule on workers' compensation claims for death investigation professionals](#) 1/15/26

2025

- [Adopted repeals of expired and invalid rules](#) 12/29/25
- [Adopted Repeal of Texas Administrative Code, Section 63.5 - Quarterly Report](#) 12/22/25
- [2026 Annual Audit Plan](#) 12/17/25
- [Finalized Gabapentin or Pregabalin with Opioids Executive Summary](#) 12/11/25
- [Adopted rule on supplemental income benefits](#) 12/9/25
- [Proposed amendments to 28 Texas Administrative Code Sections 128.3, 128.5, 128.6, and 128.7](#) 11/14/25
- [Revised DWC Form-154, Workers' Compensation Complaint Form](#) 11/13/25
- [DWC Finalizes the Designated Doctor Plan-Based Audit](#) 11/13/25
- [Rule Review and Readoption: 28 TAC Chapters 160, 165, 166, and 180](#) 11/6/25
- [Revised DWC Form-154, Workers' Compensation Complaint Form](#) 10/20/25
- [Proposed rule on workers' compensation claims for death investigation professionals](#) 10/20/25
- [Proposed rule to repeal 28 Texas Administrative Code, Section 63.5 - Quarterly Report](#) 10/14/25
- [Proposed Repeal of 28 TAC Sections 133.4, 133.5, and 133.309](#) 10/10/25

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Case law update

Disclaimer

What follows is an overview of recent case law impacting the Texas workers' compensation system.

While I am here in a professional capacity, any opinions expressed are my own and do not necessarily reflect those of DWC.

The case discussions are intended for educational purposes. They are not, however, a substitute for performing your own legal research and do not constitute legal advice.

Jurisdiction

Case:

Eastland Court of Appeals – *Sanchez v. K&C Chicken 2, LLC*

Issue:

- Post-*Oteka*: Does DWC have exclusive jurisdiction to determine whether the death of an employee was compensable under Texas workers' compensation law?

Sanchez v. K&C Chicken 2, LLC, 2025 West Law 2247539 (Tex. App.–Eastland 2025).

Attorney's fees

Case:

Austin Court of Appeals – *Law Offices of Miller & Bicklein, PC v. Ace American Insurance Co.*

Issue:

- How should attorney's fees be awarded in cases involving supplemental income benefits?

Law Offices of Miller & Bicklein, PC v. Ace American Insurance Co., 2025 West Law 2534670 (Tex. App.–Austin [3rd Dist.] 2025).

Employment status

Case:

Tyler Court of Appeals – *Antonio Munoz Aserradero, LLC v. Thomas*

Issue:

- Had the injured party entered into a contract for hire with employer at the time of injury?

Antonio Munoz Aserradero LLC. v. Thomas, 2026 West Law 696913 (Tex. App.–Tyler 2026).

Course and scope

Case:

Houston Court of Appeals – *City of Houston v. Gutierrez*

Issue:

- Applicability of coming-and-going rule to automobile collision involving city employee in city-owned vehicle.

City of Houston v. Gutierrez, 2025 West Law 3523082 (Tex. App.–Houston [14th Dist.] Dec. 9, 2025, no pet.).

Procedural matters

Case:

San Antonio Court of Appeals – *Galvan v. Hyatt Regency San Antonio*

Issue:

- Appellee's plea to the jurisdiction and motion to dismiss was based on appellant's alleged untimely filing of petition for judicial review under Texas Labor Code Section 410.252(a).

Galvan v. Hyatt Regency San Antonio, 2025 West Law 3294728 (Tex. App.–San Antonio 2025).

Procedural matters

Case:

Waco Court of Appeals – *Juarez v. Texas Mutual Insurance Co.*

Issue:

- Dismissal of notice of appeal to court of appeals due to error by trial court clerk.

Juarez v. Texas Mutual Insurance Co., 2026 West Law 538855 (Tex. App.–Waco 2026).

A few words about...

Mandamus

Procedural matters

Case:

Austin Court of Appeals – *In re Fort Bend County*

Issue:

- Is a party objecting to a subpoena issued in a workers' compensation proceeding by a DWC administrative law judge entitled to immediate judicial relief?

In re Fort Bend County, 731 S. W. 3d 753 (Tex. App.– Austin [15th Dist.] 2026, no pet.).

A few words about...

Subject-matter jurisdiction

Jurisdiction

Case:

Houston Court of Appeals – *Hirsch v. City of Houston*

Issue:

- Does a police officer trainee meet the statutory definition of “first responder”?

Hirsch v. City of Houston, 731 S. W. 3d 50 (Tex. App.– Houston [14th Dist.] 2025).

Jurisdiction

Case:

Beaumont Court of Appeals – *Texas Association of Counties Risk Management Pool v. Adams*

Issue:

- Impact of governmental immunity on beneficiary's claims for declaratory and injunctive relief.

Texas Association of Counties Risk Management Pool v. Adams, 2026 West Law 1255926 (Tex. App.– Beaumont 2026).

Exclusive remedy

Case:

Houston Court of Appeals – *In re ExxonMobil Corp.*

Issue:

- Employee's negligence, gross negligence, and premises liability claims barred by exclusive remedy.

In re ExxonMobil Corp., LLC, 2025 West Law 3672143 (Tex. App.– Houston [14th Dist.] Dec. 18, 2025).

Exclusive remedy

Case:

Beaumont Court of Appeals – *Lilly v. Weisinger*

Issue:

- Employee's negligence and vicarious liability claims against employer barred by exclusive remedy.

Lilly v. Weisinger, 2025 West Law 2473230 (Tex. App.–Beaumont 2025).



Questions?