

No. **2025-9499**

**Official Order
of the
Texas Commissioner of Workers' Compensation**

Date: 8/28/2025

Subject Considered:

Amerisure Insurance Company
PO Box 2060
Farmington Hills, Michigan 48333-2060

Consent Order
DWC Enforcement File Nos. 36804 & 37032

General remarks and official action taken:

This is a consent order with Amerisure Insurance Company (Respondent). The commissioner of the Texas Department of Insurance, Division of Workers' Compensation (DWC) considers whether DWC should take disciplinary action against Respondent.

Waiver

Respondent acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Respondent waives all of these rights, and any other procedural rights that apply, in consideration of the entry of this consent order.

Findings of Fact

1. Respondent holds a certificate of authority issued by the Texas Department of Insurance to transact the business of insurance pursuant to Tex. Ins. Code §§ 801.051-801.053 and is licensed to write workers' compensation/employers' liability insurance in Texas.
2. Respondent was classified as "average" tier in the 2020, 2022, and 2024 Performance Based Oversight (PBO) assessments.

Failure to Timely Dispute Initial Temporary Income Benefits (TIBs) and Provide a Sufficient Explanation for an Action Taken on the Claim

File No. 37032

3. On [REDACTED], Respondent received notice of an employee's workplace injury.
4. The injured employee's first day of disability began on [REDACTED].
5. On [REDACTED], the injured employee failed to attend a designated doctor (DD) examination.
6. On [REDACTED], the injured employee had right knee reconstruction surgery in connection with the compensable injury.
7. The eighth day of disability accrued on [REDACTED].
8. Respondent was required to initiate or dispute TIBs seven days after the accrual date, or by [REDACTED].
9. On [REDACTED], Respondent sent a Plain Language Notice Form-11, *Notice of Disputed Issues and Refusal to Pay Benefits* (PLN-11), to the injured employee. In the PLN-11, Respondent disputed disability because the injured employee failed to attend the DD examination on [REDACTED].
10. Respondent did not file the PLN-11 with DWC.
11. In the absence of a DWC determination of good cause for the injured employee's failure to attend the DD examination, Respondent was justified in suspending TIBs. However, the PLN-11 lacked adequate substantive detail to clearly convey the Respondent's position, as it improperly conflated two distinct workers' compensation concepts: (1) the suspension of TIBs due to failure to attend a DD examination; and (2) whether the injured worker suffered a work-related disability. This conflation resulted in insufficient notice regarding Respondent's actions.
12. On [REDACTED], the injured employee attended a DD examination.

13. On [REDACTED], Respondent received a DD report finding the injured employee was not at maximum medical improvement.
14. On [REDACTED], Respondent paid \$ [REDACTED] in TIBs beginning [REDACTED].
15. On [REDACTED], Respondent filed the PLN-11 with DWC 46 days late.

Failure to Attend a Benefit Review Conference (BRC) without Good Cause

File No. 36804

16. On [REDACTED], Respondent received notice of a BRC to be held on [REDACTED], at 3:30 p.m. virtually via Zoom. On [REDACTED], the adjustor noted the date, time, and method of attendance.
17. Respondent failed to attend the BRC on [REDACTED]. Respondent's failure to attend the BRC caused a reset of the BRC for a second setting.
18. On [REDACTED], Respondent received notice of a BRC to be held on [REDACTED], at 8:30 a.m. virtually via Zoom.
19. Respondent failed to attend the BRC on [REDACTED]. Respondent's failure to attend the BRC caused a reset of the BRC for a third setting.
20. On [REDACTED], Respondent received notice of a BRC to be held on [REDACTED], at 8:30 a.m. virtually via Zoom. On [REDACTED], the adjustor noted the date, time, and method of attendance.
21. Respondent again failed to attend the BRC on [REDACTED], establishing a pattern of conduct. Respondent's failure to attend caused the contested issues to get set for a contested case hearing on [REDACTED].
22. The Benefit Review Officer never determined that Respondent presented good cause for its failure to attend the BRCs.

Assessment of Sanction

1. Timely submission of information and documents to DWC is imperative for the implementation and enforcement of the Texas Workers' Compensation Act.
2. DWC relies on the claims information insurance carriers submit for many purposes, including protecting injured employees, providing required information and reports to the Legislature, ensuring compliance with the Texas Labor Code and DWC rules, and detecting patterns and practices in claim handling that provoke improvements in the Texas workers' compensation system.
3. Failure to file appropriate notices increases the likelihood of disputes, and hinders the ability of DWC to provide access to a fair, cost-effective and efficient workers' compensation system for the state of Texas.
4. Attendance of BRCs by all required participants is necessary to DWC's goal of ensuring that system participants resolve their disputes efficiently without undue delay.
5. In assessing the sanction for this case, DWC fully considered the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e):
 - the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the prohibited act;
 - the history and extent of previous administrative violations;
 - the violator's demonstration of good faith, including actions it took to rectify the consequences of the prohibited act;
 - the penalty necessary to deter future violations;
 - whether the administrative violation had a negative impact on the delivery of benefits to an injured employee;
 - the history of compliance with electronic data interchange (EDI) requirements;
 - the economic benefit resulting from the prohibited act; and
 - other matters that justice may require, including, but not limited to:
 - PBO assessments;
 - prompt and earnest actions to prevent future violations;
 - self-report of the violation;
 - the size of the company or practice;
 - the effect of a sanction on the availability of health care; and

- evidence of heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules.
6. DWC found the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e) to be aggravating:
 - a. the violations are serious, creating unnecessary confusion about Respondent's basis for denial of TIBs which was filed 46 days late, and delaying DWC dispute resolution process by 90 days;
 - b. Respondent has a history of similar administrative violations, including two recent consent orders involving late benefits; and
 - c. a penalty is necessary to deter future violations; and
 - d. Respondent has a history of non-compliance with EDI requirements in cases 31077, 25841, 21741, 15745, and 11584.
 7. DWC is aware of no mitigating factors pursuant to Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).
 8. Respondent acknowledges communicating with DWC about the relevant statute and rule violations alleged; that the facts establish that the administrative violation(s) occurred; and that the proposed sanction is appropriate, including the factors DWC considered under Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).
 9. Respondent acknowledges that, in assessing the sanction, DWC considered the factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to Tex. Lab. Code §§ 402.001; 402.00114; 402.00116; 402.00128; 414.002; and 414.003.
2. The commissioner has the authority to dispose of this case informally pursuant to Tex. Gov't Code § 2001.056; Tex. Lab. Code §§ 401.021; 402.00128(b)(6)-(7); and 28 Tex. Admin. Code § 180.26(h) and (i).
3. Respondent has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intent to institute disciplinary action, notice of

hearing, a public hearing, a proposal for decision, a rehearing by the commissioner, and judicial review.

4. Pursuant to Tex. Lab. Code § 415.021, the commissioner may assess an administrative penalty against a person who commits an administrative violation.
5. Pursuant to Tex. Lab. Code § 415.002(a)(20) and (22), an insurance carrier or its representative commits an administrative violation each time it violates a DWC rule or a provision of the Texas Workers' Compensation Act.

Failure to Timely Dispute Initial TIBs

File No. 37032

6. Pursuant to Tex. Lab. Code § 408.101, an employee is entitled to temporary income benefits if the employee has a disability and has not attained maximum medical improvement.
7. Pursuant to Tex. Lab. Code §§ 408.081; 409.023; and 415.002(a)(16), an insurance carrier must pay benefits weekly, as and when the benefits accrue, without order from the commissioner.
8. Pursuant to Tex. Lab. Code §§ 408.081; 408.082; 409.021; and 28 Tex. Admin. Code §§ 124.3 and 124.7, an insurance carrier is required to initiate payment of TIBs no later than the 15th day after it receives written notice of the injury or the seventh day after the accrual date, unless the insurance carrier notifies DWC and the injured employee in writing of its refusal to pay.
9. Respondent violated Tex. Lab. Code §§ 409.021; 415.002(a)(16), (20), and (22); and 28 Tex. Admin. Code §§ 124.3 and 124.7 by failing to timely dispute initial TIBs.

Failure to Provide a Sufficient Explanation for an Action taken on the Claim

File No. 37032

10. Pursuant to Tex. Admin. Code § 124.2(h) and (k), notification to DWC and the claimant requires the insurance carrier to use plain language notices in the form and manner prescribed by DWC. These notices must provide a full and complete

Confidential Information Redacted

Texas Labor Code §§402.083 and 402.092

statement describing the insurance carrier's action and its reasons for the action. The statement must contain sufficient claim-specific substantive information to enable the claimant to understand the insurance carrier's position or action taken on the claim. A generic statement that simply states the insurance carrier's position with no further description of the factual basis for the action taken does not satisfy the requirements of this section.

11. Respondent violated Tex. Lab. Code § 415.002(a)(20) and 28 Tex. Admin. Code § 124.2(h) and (k) when it failed to provide to a clear rationale with substantive information in the plain language notice it sent to the injured employee and DWC.

Failure to Attend a BRC without Good Cause

File No. 36804

12. Pursuant to Tex. Lab. Code §§ 410.028; 415.002(a)(8); and 28 Tex. Admin. Code § 141.3(b)(8), a party who fails to attend a BRC without good cause commits an administrative violation.
13. Respondent violated Tex. Lab. Code §§ 410.028; 415.002(a)(8), (20), and (22); and 28 Tex. Admin. Code § 141.3(b)(8) each time it failed to attend a BRC without good cause.

Order

It is ordered that Amerisure Insurance Company must pay an administrative penalty of \$5,500 within 30 days from the date the Commissioner signs the order.

After receiving an invoice, Amerisure Insurance Company must pay the administrative penalty by electronic transfer using the State Invoice Payment Service, company check, cashier's check, or money order and make it payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: DWC Enforcement Section, MC AO-9999, PO Box 12030, Austin, Texas 78711-2030.



Jeff Nelson
Commissioner
TDI, Division of Workers' Compensation

Approved Form and Content:



Tyrus Housh
Staff Attorney, Enforcement
Compliance and Investigations
TDI, Division of Workers' Compensation

Unsworn Declaration

STATE OF Texas §
§
COUNTY OF Dallas §

Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is Lindsay Huffman. I hold the position of Director of Workers Compensation and am the authorized representative of Amerisure Insurance Company. My business address is: 26777 Halsted Road, Farmington Hills, Oakland, MI, 48331.
(Street) (City) (County) (State) (ZIP Code)

I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the facts stated in this document are true and correct.

Lindsay Huffman
Declarant

Executed on August 3, 2025.

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Texas Labor Code §§402.083 and 402.092