



## Texas Department of Insurance

### Division of Workers' Compensation

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645

512-804-4000 • 512-804-4001 fax • [www.tdi.state.tx.us](http://www.tdi.state.tx.us)

### MEMORANDUM

**DATE:** December 22, 2010

**TO:** Workers' Compensation System Participants

**FROM:** Christopher Bean, Workers' Compensation Counsel Section Chief

**RE:** Adoption: Amended 28 TAC §§180.1-180.3, 180.8, 180.22, 180.24, 180.25, 180.27, and 180.28 Regarding Sanctions and Enforcement; New 28 TAC §180.26 and §180.50 Regarding Sanction Criteria and Severability; and Repeal of 28 TAC §§180.6, 180.7, 180.10 - 180.18, 180.20, and 180.26 Regarding Guidelines for Establishing Evidence of Patterns of Practice, the Schedule of Administrative Penalties for Violations, Warning Letters, and the Approved Doctors List

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On December 21, 2010, Commissioner of Workers' Compensation Rod Bordelon adopted the repeal of 28 Texas Administrative Code (TAC) §§180.1-180.3, 180.8, 180.22, 180.24, 180.25, 180.27, and 180.28 regarding sanctions and enforcement; new 28 TAC §180.26 and §180.50 regarding sanction criteria and severability; and repeal of 28 TAC §§180.6, 180.7, 180.10 - 180.18, 180.20, and 180.26 regarding guidelines for establishing evidence of patterns of practice, the schedule of administrative penalties for violations, warning letters, and the Approved Doctors List. The official adoptions will be published in the December 31, 2010 issue of the *Texas Register* and may be viewed at that time at [www.sos.state.tx.us/texreg/index.shtml](http://www.sos.state.tx.us/texreg/index.shtml). The adoptions may also be viewed on the Texas Department of Insurance website at [www.tdi.state.tx.us/wc/rules/adopted/index.html](http://www.tdi.state.tx.us/wc/rules/adopted/index.html).

The purpose of the adoption of amendments to 28 TAC §§180.1-180.3, 180.8, 180.22, 180.24, 180.25, 180.27, and 180.28 and proposed new 28 TAC §180.26 and §180.50 is to implement statutory amendments to the Texas Labor Code and Insurance Code and to codify existing Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) processes and procedures. The statutory amendments driving the proposals were made by House Bill (HB) 7, enacted by the 79th Legislature, Regular Session, effective September 1, 2005 (HB 7); HB 34, HB 1003, HB 1006, and HB 2004 enacted by the 80th Legislature, Regular Session (effective September 1, 2007); and HB 4290, enacted by the 81st Legislature, Regular Session (effective September 1, 2009). The purpose of the proposed repeal of 28 TAC §§180.6, 180.7, 180.10 - 180.18, 180.20, and 180.26 is to conform TDI-DWC rules to amendments to the Texas Labor Code made by HB 7.

The adoptions are effective January 9, 2011.

If there are any questions regarding the information in this memo, contact Christopher Bean (512) 804-4704 or [Christopher.Bean@tdi.state.tx.us](mailto:Christopher.Bean@tdi.state.tx.us).