



Texas Department of Insurance

Division of Workers' Compensation

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Memorandum

To: Workers' Compensation System Participants

From: Jeff Carothers, Director of the Office of Workers' Compensation Counsel

Date: December 19, 2012

Subject: Adoption: New 28 TAC §126.17 Concerning Guidelines for Examination by a Treating Doctor or Referral Doctor After a Designated Doctor Examination to Address Issues Other Than Certification of Maximum Medical Improvement and the Evaluation of Permanent Impairment

On December 17, 2012, the Commissioner of Workers' Compensation Rod Bordelon adopted new 28 Texas Administrative Code (TAC) §126.17. The adoption was filed with the Office of the Secretary of State on December 17, 2012 for publication in the December 28, 2012 issue of the *Texas Register* and may be viewed on the Secretary of State website at <http://www.sos.state.tx.us/texreg/index.shtml> at that time. A courtesy copy of the adoption is available on the TDI website at <http://www.tdi.texas.gov/wc/rules/adopted/index.html>.

The purpose of the adopted rule is to implement relevant amendments in Texas Labor Code §408.0041, which were enacted by House Bill 2605 by the 82nd Legislature, Regular Session, effective September 1, 2011. The adopted rule implements Texas Labor Code §408.0041(f-4) which requires the Commissioner of Workers' Compensation by rule to adopt guidelines prescribing the circumstances under which an examination by the injured employee's treating doctor or another doctor to whom the injured employee is referred by the treating doctor to determine any issue under Texas Labor Code §408.0041(a), other than an examination under Texas Labor Code §408.0041(f-2), may be appropriate.

The adopted rule is effective January 6, 2013.

If there are any questions regarding the information in this memo, contact Elena Cablao at (512) 804-4748 or Elena.Cablao@tdi.texas.gov.