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To: Texas Workers' Compensation System Participants

From: Kara Mace, General Counsel

Date: [September 15, 2023](#)

Re: Proposed rules on claims for death benefits (implementing House Bill 2314)

The Texas Department of Insurance, Division of Workers' Compensation (DWC) is proposing amendments to Title 28, Texas Administrative Code (28 TAC), [Section 122.100](#) and new 28 TAC Section 124.8, concerning claims for death benefits. The amendments and new section allow eligible beneficiaries to file claims for death benefits with DWC or an insurance carrier and clarify an insurance carrier's obligations for recordkeeping and notice to DWC. Existing rules require an insurance carrier to send a plain-language notice of potential entitlement to workers' compensation death benefits to a potential beneficiary. The new section requires the insurance carrier to copy DWC on that notice. The rules implement Texas Labor Code Sections [408.182](#) and [409.007](#), which were amended by House Bill 2314, 88th Legislature, Regular Session (2023).

The proposed rules will be published in the September 29, 2023, issue of the *Texas Register* and available at [www.sos.state.tx.us/texreg/index.shtml](http://www.sos.state.tx.us/texreg/index.shtml) once published. We will also post a copy of the proposed rules on the TDI website at [www.tdi.texas.gov/wc/rules/2023rules.html](http://www.tdi.texas.gov/wc/rules/2023rules.html). We will hold a public hearing on the proposed rules at 11 a.m., Central time, on October 24, 2023.

You may submit written comments on the proposed rules to:  
[RuleComments@tdi.texas.gov](mailto:RuleComments@tdi.texas.gov), or mail or deliver your comments to:

Legal Services, MC-LS  
Texas Department of Insurance, Division of Workers' Compensation  
PO Box 12050  
Austin, Texas 78711-2050

The deadline to submit comments is 5 p.m., Central time, on October 30, 2023.