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To: Texas Workers' Compensation System Participants

From: Kara Mace, General Counsel

Date: May 31, 2024

Subject: Proposed rules on designated doctor procedures and requirements and lifetime income benefits to implement House Bill 2468

The Texas Department of Insurance, Division of Workers' Compensation (DWC) proposes amendments to 28 Texas Administrative Code (TAC) [Chapter 127](#), Designated Doctor Procedures and Requirements and 28 TAC [Chapter 131](#), Benefits--Lifetime Income Benefits. The amendments and new sections implement House Bill (HB) 2468, 88th Legislature, Regular Session (2023), which amended Texas Labor Code Section [408.0041](#) and enacted Labor Code Section [408.1615](#).

We posted informal working drafts in October 2023 for comment and considered the comments we received when drafting these proposals.

The proposals:

- Add a reference to Labor Code Section [408.1615](#) to 28 TAC Section [127.1\(d\)](#), which states that DWC will deny a request for a designated doctor (DD) examination if it violates certain statutes.
- Allow for the suspension of lifetime income benefits received under Labor Code Section [408.1615](#) and for the reinstatement of those benefits after completing a missed DD examination.
- Add definitions for first responders receiving benefits under new Section [408.1615](#).
- Create procedures for:
  - A first responder's annual certification to the insurance carrier required under Section [408.1615](#).
  - The suspension and reinstatement of lifetime income benefits under Section [408.1615](#).

- The dispute of the first responder's continuing entitlement to lifetime income benefits under Section [408.1615](#).
- Contain editorial and formatting changes throughout to improve clarity.

DWC is also accepting public comments on the draft new and revised forms below. These are not comments on the rules under the Administrative Procedure Act, but DWC will consider substantive comments before finalizing these forms.

- Revised: DWC Form-032, *Request for Designated Doctor Examination*.
- New: DWC Form-038, *Application for Lifetime Income Benefits*.
- New: DWC Form-039, *First Responder's Annual Certification for Lifetime Income Benefits*.
- Revised: DWC PLN-04, *Notice of Eligibility for Lifetime Income Benefits*.
- Revised: DWC PLN-07, *Notice of Change of Indemnity Benefit Type*.

You may submit your comments on the draft forms by completing our [online form](#).

The proposed rule will be published in the May 31, 2024, 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 and forms on our website at [www.tdi.texas.gov/wc/rules/2024rules.html](http://www.tdi.texas.gov/wc/rules/2024rules.html). We will hold a public hearing on the proposed rules at 10 a.m., Central time, on June 25, 2024.

You may submit written comments on the proposed rule 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  
P.O. Box 12050  
Austin, Texas 78711-2050

The deadline to submit comments is 5 p.m., Central time, on July 1, 2024.