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To: Texas Workers' Compensation System Participants

From: Kara Mace, Deputy Commissioner, Legal Services

Date: September 7, 2021

RE: Proposal to Amend 28 Texas Administrative Code §141.1, Requesting and Setting a Benefit Review Conference

The Texas Department of Insurance, Division of Workers' Compensation (DWC) is accepting public comments on a proposed rule amending 28 Texas Administrative Code §141.1 to conform the methods of conducting a benefit review conference (BRC) to Texas Labor Code §410.005. The Legislature amended Texas Labor Code §410.005 under House Bill 1752, which became effective June 4, 2021.

The proposed changes will amend 28 TAC §141.1(j) to:

- add videoconference as a way DWC can conduct a BRC; and
- provide that DWC will hold a BRC in person if a requesting party shows DWC good cause for conducting the BRC in person.

The proposed rule will be published in the September 17, 2021, issue of the *Texas Register* and available at www.sos.state.tx.us/texreg/index.shtml once published. We will also post a copy of the proposed rule on the TDI website at www.tdi.texas.gov/wc/rules/2021rules.html.

You may submit written comments on the proposed rule to RuleComments@tdi.texas.gov, or mail or deliver your comments to:

Texas Department of Insurance, Division of Workers' Compensation
Legal Services, MC-LS
7551 Metro Center Drive, Suite 100
Austin, Texas 78744-1645

The deadline to submit comments is 5 p.m., Central time, on October 22, 2021.