



Texas Department of Insurance

Commissioner of Insurance, Mail Code 113-1C
333 Guadalupe • P. O. Box 149104, Austin, Texas 78714-9104
512-463-6464 telephone • 512-475-2005 fax • www.tdi.state.tx.us

August 17, 2005

COMMISSIONER'S BULLETIN NO. B-0035-05

TO: WORKERS' COMPENSATION SYSTEM PARTICIPANTS

RE: APPEALS OF MEDICAL DISPUTE RESOLUTION DECISIONS

The adoption of House Bill 7 (HB 7) by the 79th Texas Legislature amended Texas Labor Code §413.031, regarding medical dispute resolution. The following statutory provisions take precedence over any conflicting provisions in workers' compensation rules:

Section 413.031(k) removed the State Office of Administrative Hearings (SOAH) from the appeal process for medical dispute resolution decisions and orders. Parties that disagree with a medical dispute resolution decision may seek judicial review of the decision. Section 413.031(k) also clarifies that the Texas Department of Insurance (TDI) and the Texas Department of Insurance, Division of Workers' Compensation (Division) are not considered to be parties to the medical dispute for the purposes of an appeal.

This means that an appeal of a medical dispute resolution decision that is not pending on or before August 31, 2005 for a hearing at SOAH is not entitled to a SOAH hearing. For medical dispute resolution decisions that are issued prior to September 1, 2005, parties intending to file a request for a SOAH hearing are encouraged to be diligent in submitting those requests. The 20-day timeframe to appeal to SOAH, found in Texas Workers' Compensation Commission Rule 148.3, is shortened by the statute. All appeals must be at SOAH by 5:00 p.m. on August 31, 2005. Please allow sufficient time for the Texas Workers' Compensation Commission to process all appeals and forward those appeals to SOAH by August 31, 2005, 5:00 p.m.

Beginning September 1, 2005, appeals of medical dispute resolution decisions must be made directly to Travis County District Court (Subchapter G, Chapter 2001, Government Code). An appeal to district court must be filed not later than 30 days after the date on which the medical dispute resolution decision is final and appealable.

If a conflict exists between the statute and workers' compensation rules, the statute takes precedence.

Questions regarding this bulletin should be directed to:

Nancy Moore (512) 322-3486, nancy.moore@tdi.state.tx.us

or

Jerry Hagins (512) 463-6425, jerry.hagins@tdi.state.tx.us

or

Steve Quick (512) 804-4436, steve.quick@twcc.state.tx.us

Sincerely,

Mike Geeslin
Commissioner of Insurance