



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 30, 2005

COMMISSIONER'S BULLETIN NO. B-0039-05

TO: WORKERS' COMPENSATION SYSTEM PARTICIPANTS

RE: AMENDMENTS TO PREAUTHORIZATION AND CONCURRENT REVIEW REQUIREMENTS

Texas Labor Code §413.014 (regarding Preauthorization Requirements; Concurrent Review and Certification of Health Care), requires the Commissioner of Workers' Compensation to, by rule, specify which health care treatments and services require express preauthorization or concurrent review by the insurance carrier.

The adoption of House Bill 7 (HB 7) by the 79th Texas Legislature amended §413.014 by adding physical and occupational therapy to the list of health care treatments and services requiring preauthorization or concurrent review that the Commissioner of Workers' Compensation must specify by rule. Additionally, Section 8.005 (c) of HB 7 states that rules of the Texas Workers' Compensation Commission (TWCC) are transferred to the Texas Department of Insurance, Division of Workers' Compensation (Division) and remain in effect as a rule of the Commissioner of Workers' Compensation until the date that the rule is superseded by a new rule adopted by the Commissioner of Workers' Compensation.

As such, current workers' compensation rules regarding preauthorization and concurrent review remain in effect until new preauthorization and concurrent review rules are adopted by the Commissioner of Workers' Compensation. However, workers' compensation system participants should note that staff is currently working on an informal draft of new preauthorization and concurrent review rules. These rules will be available for stakeholder review and emergency consideration by the Commissioner of Workers' Compensation.

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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