



Texas Department of Insurance

Division of Workers' Compensation

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September 23, 2005

COMMISSIONER'S BULLETIN NO. B-0057-05

To: WORKERS' COMPENSATION SYSTEM PARTICIPANTS

Re: REQUESTING AN INTERLOCUTORY ORDER FOR THE PAYMENT OF INCOME BENEFITS

The adoption of House Bill 7 (HB 7) by the 79th Texas Legislature amended Texas Labor Code §410.032 and §410.033 regarding the issuance of interlocutory orders. The following statutory provisions take precedence over any conflicting provisions in current workers' compensation rules:

- §410.032 requires the Commissioner of Workers' Compensation to designate Division staff to consider requests for interlocutory orders for payment of income benefits. Pursuant to HB 7, the Division staff person designated by the Commissioner of Workers' Compensation cannot be the benefit review officer that presided, or may preside, at a benefit review conference regarding the benefits in dispute.
- §410.033 clarifies that the Commissioner of Workers' Compensation, rather than the benefit review officer, may issue an interlocutory order directing each insurance carrier to pay a proportionate share of benefits if there is a dispute as to which of two or more insurance carriers is liable for compensation for one or more compensable injuries.

Workers' compensation system participants should note that staff is currently working on an informal draft of new rules regarding the issuance of interlocutory orders. These rules will be available for stakeholder review and consideration by the Commissioner of Workers' Compensation as soon as practicable. Please continue to check the TDI website regularly for updates on rule proposals and for copies of informal drafts of Division rules (<http://www.tdi.state.tx.us/wc/indexwc.html>).

However, until further notice, requests for an interlocutory order for the payment of income benefits should be sent to:

Texas Department of Insurance, Division of Workers' Compensation
Attn: Randy Steger, Manager of Benefit Review Officers
7551 Metro Center Drive, Suite 100, MS-30
Austin, Texas 78744-1609
(512) 804-4071 Facsimile

Questions regarding this bulletin should be directed to:

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