TEXAS WORKERS' COMPENSATION ACT

SUBTITLE A. TEXAS WORKERS' COMPENSATION ACT

CHAPTER 401. GENERAL PROVISIONS

SUBCHAPTER A. SHORT TITLE; APPLICATION OF SUNSET ACT

| Sec. 401.001. | Short Title | 1 |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Sec. 401.002. | Repealed | 1 |
| Sec. 401.003. | Activities of The State Auditor | 1 |
| SUBCHAPTI | ER B. DEFINITIONS | |
| Sec. 401.011. | General Definitions | 2 |
| Sec. 401.012. | Definition of Employee | 6 |
| Sec. 401.013. | Definition of Intoxication | 6 |
| SUBCHAPTI | ER C. MISCELLANEOUS PROVISIONS | |
| Sec. 401.021. | Application of Other Acts | 8 |
| Sec. 401.022. | Discrimination Prohibited | 8 |
| Sec. 401.023. | Interest or Discount Rate | 8 |
| Sec. 401.024. | Transmission of Information | 9 |
| Sec. 401.025. | References to Commission and Executive Director | 9 |
| CI | HAPTER 402. OPERATION AND ADMINISTRATION OF WORKERS' COMPENSATION SYSTEM | |
| SUBCHAPTI DIVISION | ER A. GENERAL ADMINISTRATION OF SYSTEM; WORKERS' COMPENSATION | N |
| Sec. 402.001. | Administration of System: Texas Department of Insurance; Workers' Compensation Division | 11 |
| Sec. 402.0011 | Relationship Between Commissioner of Insurance and Commissioner of Workers' Compensation; Separation of Authority; Rulemaking | 11 |
| Sec. 402.0011 | 2. Investigation of Division | 11 |
| Sec. 402.0011 | 3. Administrative Attachment to Department | 11 |
| Sec. 402.0011 | 4. Duties of Division; Single Point of Contact | 12 |

| Sec. 402.00115 | 5. Composition of Division | 12 |
|----------------|--------------------------------------------------------------|----|
| Sec. 402.00116 | 5. Chief Executive | 12 |
| Sec. 402.00117 | 7. Appointment; Term | 12 |
| Sec. 402.00118 | 3. Qualifications | 13 |
| Sec. 402.00119 | O. Ineligibility for Public Office | 13 |
| Sec. 402.00120 |). Compensation | 13 |
| Sec. 402.00121 | . Grounds for Removal | 13 |
| Sec. 402.00122 | 2. Prohibited Gifts; Administrative Violation | 13 |
| Sec. 402.00123 | 3. Civil Liability of Commissioner | 14 |
| Sec. 402.00124 | 1. Conflict of Interest | 14 |
| Sec. 402.00125 | 5. Prohibition on Certain Employment or Representation | 14 |
| Sec. 402.00126 | 5. Lobbying Activities | 15 |
| Sec. 402.00127 | 7. Training Program for the Commissioner | 15 |
| Sec. 402.00128 | . General Powers And Duties Of Commissioner | 15 |
| Sec. 402.0015. | Repealed | 16 |
| Sec. 402.002. | Administration of System: Office of Injured Employee Counsel | 16 |
| Sec. 402.003. | Repealed | 16 |
| Sec. 402.004. | Repealed | 16 |
| Sec. 402.005 | Repealed | 16 |
| Sec. 402.006 | Repealed | 16 |
| Sec. 402.007 | Repealed | 16 |
| Sec. 402.008 | Repealed | 16 |
| Sec. 402.009 | Repealed | 16 |
| Sec. 402.010 | Repealed | 17 |
| Sec. 402.011 | Repealed | 17 |
| Sec. 402.012 | Repealed | 17 |

SUBCHAPTER B. SYSTEM GOALS; GENERAL ADMINISTRATION OF SYSTEM

| Sec. 402.021. | Goals; Legislative Intent; General Workers' Compensation Mission of Department | 18 |
|----------------|--------------------------------------------------------------------------------|----|
| Sec. 402.0215. | . Reference to Commission Divisions | 19 |
| Sec. 402.022. | Public Interest Information | 19 |
| Sec. 402.023. | Complaint Information | 19 |
| Sec. 402.0235. | . Priorities for Complaint Investigations | 20 |
| Sec. 402.024. | Public Participation | 20 |
| Sec. 402.025. | Repealed | 20 |
| SUBCHAPTE | ER C. PERSONNEL | |
| Sec. 402.041. | Appointments | 21 |
| Sec. 402.042. | Division of Responsibilities | 21 |
| Sec. 402.043. | Career Ladder; Annual Performance Evaluations | 21 |
| Sec. 402.044. | Equal Employment Opportunity Policy Statement | 21 |
| SUBCHAPTE | ER D. GENERAL POWERS AND DUTIES OF DIVISION AND COMMISSIONER | |
| Sec. 402.061. | Adoption of Rules | 23 |
| Sec. 402.062. | Acceptance of Gifts, Grants, and Donations | 23 |
| Sec. 402.063. | Repealed | 23 |
| Sec. 402.064. | Fees | 23 |
| Sec. 402.065. | Employment of Counsel | 23 |
| Sec. 402.066. | Recommendations to Legislature | 23 |
| Sec. 402.0665. | . Legislative Oversight | 23 |
| Sec. 402.067. | Advisory Committees | 24 |
| Sec. 402.068. | Delegation of Rights and Duties | 24 |
| Sec. 402.069. | Qualifications and Standards of Conduct Information | 24 |
| Sec. 402.070. | Annual Report | 24 |
| Sec. 402.071. | Representatives | 24 |

| Sec. 402.072. | Sanctions | 24 |
|---------------|---------------------------------------------------------------------|----|
| Sec. 402.073. | Cooperation With State Office of Administrative Hearings | 25 |
| Sec. 402.074. | Strategic Management; Evaluation | 25 |
| Sec. 402.075. | Incentives; Performance-Based Oversight | 25 |
| Sec. 402.076. | General Duties; Funding | 26 |
| Sec. 402.077. | Educational Program | 26 |
| Sec. 402.078. | Regional Offices | 27 |
| SUBCHAPTI | ER E. RECORDS AND EMPLOYEE INFORMATION | |
| Sec. 402.081. | Division Records | 28 |
| Sec. 402.082. | Injury Information Maintained by Division | 28 |
| Sec. 402.083. | Confidentiality of Injury Information | 28 |
| Sec. 402.084. | Record Check; Release of Information | 29 |
| Sec. 402.085. | Exceptions to Confidentiality | 31 |
| Sec. 402.086. | Transfer of Confidentiality | 32 |
| Sec. 402.087. | Information Available to Prospective Employers | 32 |
| Sec. 402.088. | Report of Prior Injury | 33 |
| Sec. 402.089. | Failure to File Authorization | 33 |
| Sec. 402.090. | Statistical Information | 33 |
| Sec. 402.091. | Failure to Maintain Confidentiality; Offense; Penalty | 33 |
| Sec. 402.092. | Investigation Files Confidential; Disclosure of Certain Information | 34 |
| SUBCHAPTI | ER F. COOPERATION WITH OFFICE OF INJURED EMPLOYEE COUNSEL | |
| Sec. 402.251. | Cooperation; Facilities | 36 |
| | CHAPTER 403. DIVISION FINANCING | |
| Sec. 403.001. | Funds | 37 |
| Sec. 403.002. | Maintenance Taxes | 37 |
| Sec. 403.003. | Rate of Assessment | 37 |

| Sec. 403.004. | Collection of Tax After Withdrawal From Business | 38 |
|----------------------|-------------------------------------------------------------------------------------------------|----|
| Sec. 403.005. | Tax Rate | 38 |
| Sec. 403.006. | Subsequent Injury Fund | 38 |
| Sec. 403.007. | Funding of Subsequent Injury Fund | 39 |
| | CHAPTER 404. OFFICE OF INJURED EMPLOYEE COUNSEL | |
| SUBCHAPTI | ER A. OFFICE; GENERAL PROVISIONS | |
| Sec. 404.001. | Definitions | 41 |
| Sec. 404.002. | Establishment of Office; Administrative Attachment to Texas Department of Workers' Compensation | 41 |
| Sec. 404.003. | Sunset Provision | 41 |
| Sec. 404.004. | Public Interest Information | 41 |
| Sec. 404.005. | Access to Programs and Facilities | 42 |
| Sec. 404.006. | Rulemaking | 42 |
| SUBCHAPTI | ER B. INJURED EMPLOYEE PUBLIC COUNSEL | |
| Sec. 404.051. | Appointment; Term | 43 |
| Sec. 404.052. | Qualifications | 43 |
| Sec. 404.053. | Business Interest; Service as Public Counsel | 43 |
| Sec. 404.054. | Lobbying Activities | 44 |
| Sec. 404.055. | Grounds for Removal | 44 |
| Sec. 404.056. | Prohibited Representation or Employment | 44 |
| Sec. 404.057. | Trade Associations | 45 |
| SUBCHAPTI COUNSEL | ER C. GENERAL POWERS AND DUTIES OF OFFICE OF INJURED EMPLOYEE | |
| Sec. 404.101. | General Duties | 46 |
| Sec. 404.102. | General Powers and Duties of Public Counsel | 46 |
| Sec. 404.103. | Operation of Ombudsman Program | 46 |
| Sec. 404.104. | Authority to Appear or Intervene | 47 |

| Sec. 404.105. | Authority to Assist Individual Injured Employees in Administrative Procedures | 47 |
|---------------|----------------------------------------------------------------------------------------------------|----|
| Sec. 404.106. | Legislative Report | 47 |
| Sec. 404.107. | Access to Information by Public Counsel | 48 |
| Sec. 404.108. | Legislative Recommendations | 48 |
| Sec. 404.109. | Injured Employee Rights; Notice | 48 |
| Sec. 404.110. | Applicability of Confidential Requirements | 48 |
| Sec. 404.111. | Access to Information | 48 |
| SUBCHAPT | ER D. OMBUDSMAN PROGRAM | |
| Sec. 404.151. | Ombudsman Program | 50 |
| Sec. 404.152. | Designation as Ombudsman; Eligibility and Training Requirements; Continuing Education Requirements | 50 |
| Sec. 404.153. | Employer Notification; Administrative Violation | 51 |
| Sec. 404.154. | Public Information | 51 |
| | CHAPTER 405. WORKERS' COMPENSATION RESEARCH | |
| Sec. 405.001. | Definition | 53 |
| Sec. 405.002. | Workers' Compensation Research Duties of Department | 53 |
| Sec. 405.0025 | . Research Duties of Group | 53 |
| Sec. 405.0026 | . Research Agenda | 54 |
| Sec. 405.003. | Funding; Maintenance Tax | 54 |
| Sec. 405.004. | Coordination With Other State Agencies; Confidentiality | 55 |
| СН | APTER 406. WORKERS' COMPENSATION INSURANCE COVERAGE | |
| SUBCHAPT | ER A. COVERAGE ELECTION; SECURITY PROCEDURES | |
| Sec. 406.001. | Definition | 57 |
| Sec. 406.002. | Coverage Generally Elective | 57 |
| Sec. 406.003. | Methods of Obtaining Coverage | 57 |
| Sec. 406.004. | Employer Notice to Division | 57 |
| Sec. 406.005. | Employer Notice to Employees; Administrative Violation | 57 |

| Sec. 406.006. Insurance Coverage and Claim Administration Reporting Requirements; Administrative Violation | 58 |
|------------------------------------------------------------------------------------------------------------|----|
| Sec. 406.007. Termination of Coverage by Employer; Notice | 58 |
| Sec. 406.008. Cancellation or Non-Renewal of Coverage by Insurance Company; Notice | 59 |
| Sec. 406.009. Collecting and Maintaining Information; Monitoring and Enforcing Compliance | 60 |
| Sec. 406.010. Claims Service; Administrative Violation | 60 |
| Sec. 406.011. Austin Representative; Administrative Violation | 60 |
| Sec. 406.012. Enforcement of Subchapter | 61 |
| SUBCHAPTER B. COVERAGE REQUIREMENTS | |
| Sec. 406.031. Liability for Compensation | 62 |
| Sec. 406.032. Exceptions | 62 |
| Sec. 406.033. Common-Law Defenses; Burden of Proof | 62 |
| Sec. 406.034. Employee Election | 63 |
| Sec. 406.035. Waiver of Compensation Prohibited | 64 |
| SUBCHAPTER C. COVERAGE THROUGH COMMERCIAL INSURANCE | |
| Sec. 406.051. Security by Commercial Insurance | 65 |
| Sec. 406.052. Effect of Other Insurance Coverage | 65 |
| Sec. 406.053. All States Coverage | 65 |
| SUBCHAPTER D. EXTRATERRITORIAL COVERAGE | |
| Sec. 406.071. Extraterritorial Coverage | 66 |
| Sec. 406.072. Principal Location | 66 |
| Sec. 406.073. Agreement on Principal Location; Administrative Violation | 66 |
| Sec. 406.074. Inter-Jurisdictional Agreements | 66 |
| Sec. 406.075. Effect of Compensation Paid in Other Jurisdiction | 67 |
| SUBCHAPTER E. APPLICATION OF COVERAGE TO CERTAIN EMPLOYEES | |
| Sec. 406.091. Exempt Employees; Voluntary Coverage | 68 |
| Sec. 406.092. Alien Employees and Beneficiaries | 68 |

| Sec. 406.093. | Legally Incompetent Employees | 68 |
|---------------|----------------------------------------------------------------------------------------|----|
| Sec. 406.094. | Certain Persons Licensed by Texas Real Estate Commission | 68 |
| Sec. 406.095. | Certain Professional Athletes | 69 |
| Sec. 406.096. | Required Coverage for Certain Building or Construction Contractors | 69 |
| Sec. 406.097. | Executive Employees of Certain Business Entities | 70 |
| Sec. 406.098. | Volunteer Emergency Service Members and Personnel | 70 |
| SUBCHAPT | ER F. COVERAGE OF CERTAIN INDEPENDENT CONTRACTORS | |
| Sec. 406.121. | Definitions | 72 |
| Sec. 406.122. | Status as Employee | 72 |
| Sec. 406.123. | Election to Provide Coverage; Administrative Violation | 73 |
| Sec. 406.124. | Cause of Action | 73 |
| Sec. 406.125. | Restriction of Unsafe Work Practices Unaffected | 74 |
| Sec. 406.126. | Exemption | 74 |
| Sec. 406.127. | Effect of Certain Contracts of Hire | 74 |
| SUBCHAPT | ER G. COVERAGE OF CERTAIN BUILDING AND CONSTRUCTION WORKERS | 8 |
| Sec. 406.141. | Definitions | 75 |
| Sec. 406.142. | Application | 75 |
| Sec. 406.143. | Provision of Workers' Compensation Insurance; Independent Contractor Without Employees | 75 |
| Sec. 406.144. | Election to Provide Coverage; Agreement | 75 |
| Sec. 406.145. | Joint Agreement | 76 |
| Sec. 406.146. | Wrongful Inducement Prohibited | 76 |
| SUBCHAPT | ER H. COVERAGE OF FARM AND RANCH EMPLOYEES | |
| Sec. 406.161. | Definitions | 78 |
| Sec. 406.162. | Scope | 78 |
| Sec. 406.163. | Liability of Labor Agent; Joint and Several Liability | 79 |
| Sec. 406.164. | Elective Coverage of Employer and Family Members | 79 |

| Sec. | 406.165. | Not Ap | nlicable 1 | to Inden | endent (| Contractors |
|------|----------|--------|------------|----------|----------|-------------|
| | | | | | | |

CHAPTER 406A. GROUP PURCHASE OF WORKERS' COMPENSATION INSURANCE COVERAGE

| Sec. 406A.001. Definitions | 81 |
|-----------------------------------------------------------|----|
| Sec. 406A.002. Certification Program | 81 |
| Sec. 406A.003. Formation of Group | 81 |
| Sec. 406A.004. Plan of Operation | 81 |
| Sec. 406A.005. Group Purchase Authorized | 82 |
| Sec. 406A.006. Policy Rates | 82 |
| Sec. 406A.007. Group Discount | 82 |
| Sec. 406A.008. Applicability of Other Law | 82 |
| CHAPTER 407. SELF-INSURANCE REGULATION | |
| SUBCHAPTER A. GENERAL PROVISIONS | |
| Sec. 407.001. Definitions | 83 |
| SUBCHAPTER B. DIVISION OF SELF-INSURANCE REGULATION | |
| Sec. 407.021. Repealed | 84 |
| Sec. 407.022. Repealed | 84 |
| Sec. 407.023. Exclusive Powers and Duties of Commissioner | 84 |
| Sec. 407.024. Claim or Suit | 84 |
| SUBCHAPTER C. CERTIFICATE OF AUTHORITY TO SELF-INSURE | |
| Sec. 407.041. Application | 85 |
| Sec. 407.042. Issuance of Certificate | 85 |
| Sec. 407.043. Procedures on Denial of Application | 85 |
| Sec. 407.044. Term of Certificate of Authority; Renewal | 85 |
| Sec. 407.045. Withdrawal From Self-Insurance | 85 |
| Sec. 407.046. Revocation of Certificate of Authority | 86 |
| Sec. 407.047. Effect of Revocation | 86 |

SUBCHAPTER D. REQUIREMENTS FOR CERTIFICATE OF AUTHORITY

| Sec. 407.061. | General Requirements | 87 |
|---------------|-----------------------------------------------------------------|----|
| Sec. 407.062. | Financial Strength and Liquidity Requirements | 87 |
| Sec. 407.063. | Premium Requirements | 88 |
| Sec. 407.064. | General Security Requirements | 88 |
| Sec. 407.065. | Specific Security Requirements | 88 |
| Sec. 407.066. | Effect of Dispute | 89 |
| Sec. 407.067. | Excess Insurance; Reinsurance; Administrative Violation | 89 |
| Sec. 407.068. | Guarantee by Parent Organization | 90 |
| SUBCHAPTI | ER E. POWERS AND DUTIES OF CERTIFIED SELF-INSURER | |
| Sec. 407.081. | Annual Report | 91 |
| Sec. 407.082. | Examination of Records; Administrative Violation | 91 |
| Sec. 407.083. | Payment of Insurance Agent's Commission | 92 |
| SUBCHAPTI | ER F. FINANCING OF SELF-INSURANCE PROGRAM | |
| Sec. 407.101. | Fund | 93 |
| Sec. 407.102. | Regulatory Fee | 93 |
| Sec. 407.103. | Self-Insurer Maintenance Tax; Effect on General Maintenance Tax | 93 |
| Sec. 407.104. | Collection of Taxes and Fees; Administrative Violation | 93 |
| SUBCHAPTI | ER G. TEXAS CERTIFIED SELF-INSURER GUARANTY ASSOCIATION | |
| Sec. 407.121. | Guaranty Association | 95 |
| Sec. 407.122. | Board of Directors | 95 |
| Sec. 407.123. | Board Rules | 95 |
| Sec. 407.124. | Impaired Employer; Assessments | 95 |
| Sec. 407.125. | Payment of Assessments | 96 |
| Sec. 407.126. | Trust Fund; Fee; Schedule | 96 |
| Sec. 407.127. | Payment of Benefits Through Association | 96 |

| Sec. 407.128. Possession of Security by Association | 96 |
|----------------------------------------------------------------------------------------|--------|
| Sec. 407.129. Release of Claim Information to Association | 97 |
| Sec. 407.130. Association as Party in Interest | 97 |
| Sec. 407.131. Preference | 97 |
| Sec. 407.132. Special Fund | 97 |
| Sec. 407.133. Suspension or Revocation of Certificate for Failure to Pay Assessment | 97 |
| CHAPTER 407A. GROUP SELF-INSURANCE COVERAGE | |
| SUBCHAPTER A. GENERAL PROVISIONS | |
| Sec. 407A.001. Definitions | 99 |
| Sec. 407A.002. Application of Chapter; Establishment of Private Group | 100 |
| Sec. 407A.003. Merger of Groups | 100 |
| Sec. 407A.004. Group Not Insurer | 100 |
| Sec. 407A.005. Certificate of Approval Required | 100 |
| Sec. 407A.006. Service of Process | 100 |
| Sec. 407A.007. Hearings | 101 |
| Sec. 407A.008. Rules | 101 |
| SUBCHAPTER B. APPLICATION REQUIREMENTS FOR CERTIFICATE OF APPROVE SELF-INSURANCE GROUP | AL FOR |
| Sec. 407A.051. Application For Initial Certificate of Approval; Approval Requirements | 102 |
| Sec. 407A.052. Issuance of Certificate of Approval; Refusal | 103 |
| Sec. 407A.053. Financial Requirements | 103 |
| Sec. 407A.054. Excess Insurance Requirements | 104 |
| Sec. 407A.055. Premium Requirements | 105 |
| Sec. 407A.056. Indemnity Agreement Requirements | 105 |
| Sec. 407A.057. Additional Performance Bond Requirements | 105 |
| SUBCHAPTER C. TERMINATION OF CERTIFICATE OF APPROVAL | |
| Sec. 407A.101. Certificate of Approval; Termination | 106 |

SUBCHAPTER D. BOARD OF TRUSTEES

| Sec. 407A.151. Board Membership | 107 |
|----------------------------------------------------------------------------------|-----|
| Sec. 407A.152. Board General Powers and Duties | 107 |
| Sec. 407A.153. Prohibited Activities | 107 |
| Sec. 407A.154. Group Funds | 107 |
| SUBCHAPTER E. GROUP MEMBERSHIP; TERMINATION; LIABILITY | |
| Sec. 407A.201. Admission of Employer as Member | 108 |
| SUBCHAPTER F. EXAMINATIONS, FINANCIAL STATEMENTS, AND OTHER REPORTS | |
| Sec. 407A.251. Financial Statement | 109 |
| Sec. 407A.252. Examination | 109 |
| SUBCHAPTER G. TAXES, FEES, AND ASSESSMENTS | |
| Sec. 407A.301. Maintenance Tax For Division and Research Functions of Department | 110 |
| Sec. 407A.302. Maintenance Tax for Department | 110 |
| Sec. 407A.303. Collection and Payment of Taxes | 110 |
| Sec. 407A.304. Premium Tax | 111 |
| SUBCHAPTER H. RATES; REFUNDS; PREMIUM PAYMENTS; RESERVES; DEFICITS | |
| Sec. 407A.351. Rates | 112 |
| Sec. 407A.352. Audits | 112 |
| Sec. 407A.353. Refunds | 112 |
| Sec. 407A.354. Premium Payment Plan; Reserves | 112 |
| Sec. 407A.355. Deficits; Insolvencies | 113 |
| Sec. 407A.356. Repealed | 113 |
| Sec. 407A.357. Repealed | 113 |
| SUBCHAPTER I. DISCIPLINARY ACTIONS; PENALTIES | |
| Sec. 407A.401. Prohibited Solicitation | 115 |
| Sec. 407A.402. Fines | 115 |

| Sec. 407A.403 | . Cease and Desist Orders | 115 |
|---------------|---------------------------------------------------------------------------------------------|-----|
| Sec. 407A.404 | . Revocation of Certificate of Approval | 115 |
| SUBCHAPTE | CR J. TEXAS SELF-INSURANCE GROUP GUARANTY FUND | |
| Sec. 407A.451 | . Definitions | 117 |
| Sec. 407A.452 | . Guaranty Fund | 117 |
| Sec. 407A.453 | . Board of Directors | 117 |
| Sec. 407A.454 | . Immunity | 117 |
| Sec. 407A.455 | . Board General Powers and Duties | 118 |
| Sec. 407A.456 | . Plan of Operation | 118 |
| Sec. 407A.457 | . Trust Fund; Schedule | 118 |
| Sec. 407A.458 | . Effect of Insolvency of Group | 119 |
| Sec. 407A.459 | . Collection of Assessments From Group Members; Continuation of Joint and Several Liability | 120 |
| Sec. 407A.460 | Payment of Benefits Through Guaranty Fund | 120 |
| Sec. 407A.461 | Possession of Security by Guaranty Fund | 120 |
| Sec. 407A.462 | Release of Claim Information to Guaranty Fund | 120 |
| Sec. 407A.463 | Guaranty Fund as Party In Interest | 120 |
| Sec. 407A.464 | Preferences | 121 |
| Sec. 407A.465 | Special Fund | 121 |
| | CHAPTER 408. WORKERS' COMPENSATION BENEFITS | |
| SUBCHAPTE | CR A. GENERAL PROVISIONS | |
| Sec. 408.001. | Exclusive Remedy; Exemplary Damages | 123 |
| Sec. 408.002. | Survival of Cause of Action | 123 |
| Sec. 408.003. | Reimbursable Employer Payments; Salary Continuation; Offset Against Income Benefits; Limits | 123 |
| Sec. 408.004. | Required Medical Examinations; Administrative Violation | 124 |
| Sec 408 0041 | Designated Doctor Examination. | 126 |

| Sec. 408.0042. | Medical Examination By Treating Doctor to Define Compensable Injury | 129 |
|----------------|-------------------------------------------------------------------------------------------|-----|
| Sec. 408.005. | Settlements and Agreements | 130 |
| Sec. 408.006. | Mental Trauma Injuries | 130 |
| Sec. 408.007. | Date of Injury for Occupational Disease | 130 |
| Sec. 408.008. | Compensability of Heart Attacks | 131 |
| SUBCHAPTE | ER B. MEDICAL BENEFITS | |
| Sec. 408.021. | Entitlement to Medical Benefits | 132 |
| Sec. 408.022. | Selection of Doctor | 132 |
| Sec. 408.0221. | Repealed | 133 |
| Sec. 408.0222. | Repealed | 133 |
| Sec. 408.0223. | Repealed | 133 |
| Sec. 408.023. | List of Approved Doctors | 133 |
| Sec. 408.023. | List of Approved Doctors; Duties of Treating Doctors | 134 |
| Sec. 408.0231. | Maintenance of List of Approved Doctors; Sanctions and Privileges Relating to Health Care | 138 |
| Sec. 408.024. | Noncompliance With Selection Requirements | 140 |
| Sec. 408.025. | Reports and Records Required From Health Care Providers | 140 |
| Sec. 408.0251. | Electronic Billing Requirements | 140 |
| Sec. 408.0252. | Underserved Areas | 141 |
| Sec. 408.026. | Spinal Surgery Second Opinion | 141 |
| Sec. 408.026. | Spinal Surgery | 141 |
| Sec. 408.027. | Payment of Health Care Provider | 141 |
| Sec. 408.0271. | Reimbursement By Health Care Provider | 142 |
| Sec. 408.028. | Pharmaceutical Services | 143 |
| Sec. 408.029. | Nurse First Assistant Services | 144 |
| Sec. 408.030. | Reports of Physician Violations | 144 |
| Sec. 408.031. | Workers' Compensation Health Care Networks | 144 |

| Sec. 408.032. | Study on Interdisciplinary Pain and Rehabilitation Program and Facility Accreditation Requirement | 144 |
|---------------|---------------------------------------------------------------------------------------------------|-----|
| SUBCHAPT | ER C. COMPUTATION OF AVERAGE WEEKLY WAGE | |
| Sec. 408.041. | Average Weekly Wage | 145 |
| Sec. 408.042. | Average Weekly Wage for Part-Time Employee | 145 |
| Sec. 408.042. | Average Weekly Wage for Part-Time Employee or Employee with Multiple Employment | 146 |
| Sec. 408.043. | Average Weekly Wage for Seasonal Employee | 147 |
| Sec. 408.044. | Average Weekly Wage for Minor, Apprentice, Trainee, or Student | 147 |
| Sec. 408.0445 | . Average Weekly Wage for Members of State Military Forces and Texas Task Force | 148 |
| Sec. 408.0446 | . Average Weekly Wage; School District Employee | 148 |
| Sec. 408.045. | Non-Pecuniary Wages | 149 |
| Sec. 408.046. | Similar Employees, Services, or Employment | 149 |
| Sec. 408.047. | State Average Weekly Wage | 149 |
| SUBCHAPT | ER D. COMPUTATION OF BENEFITS | |
| Sec. 408.061. | Maximum Weekly Benefit | 150 |
| Sec. 408.062. | Minimum Weekly Income Benefit | 150 |
| Sec. 408.063. | Wage Presumptions; Administrative Violation | 150 |
| Sec. 408.064. | Interest on Accrued Benefits | 151 |
| SUBCHAPT | ER E. INCOME BENEFITS IN GENERAL | |
| Sec. 408.081. | Income Benefits | 152 |
| Sec. 408.082. | Accrual of Right to Income Benefits | 152 |
| Sec. 408.083. | Termination of Right to Temporary Income, Impairment Income, and Supplemental Income Benefits | 152 |
| Sec. 408.084. | Contributing Injury | 153 |
| Sec. 408.085. | Advance of Benefits for Hardship | 153 |
| Sec. 408.086. | Division Determination of Extended Unemployment or Underemployment | 153 |

SUBCHAPTER F. TEMPORARY INCOME BENEFITS

| Sec. 408.101. | Temporary Income Benefits | 154 |
|---------------|-------------------------------------------------------------------------------|-----|
| Sec. 408.102. | Duration of Temporary Income Benefits | 154 |
| Sec. 408.103. | Amount of Temporary Income Benefits | 154 |
| Sec. 408.104. | Maximum Medical Improvement After Spinal Surgery | 155 |
| Sec. 408.105. | Salary Continuation in Lieu of Temporary Income Benefits | 155 |
| SUBCHAPT | ER G. IMPAIRMENT INCOME BENEFITS | |
| Sec. 408.121. | Impairment Income Benefits | 156 |
| Sec. 408.122. | Eligibility for Impairment Income Benefits; Designated Doctor | 156 |
| Sec. 408.122. | Eligibility for Impairment Income Benefits | 156 |
| Sec. 408.1225 | 5. Designated Doctor | 156 |
| Sec. 408.123. | Certification of Maximum Medical Improvement; Evaluation of Impairment Rating | 157 |
| Sec. 408.124. | Impairment Rating Guidelines | 158 |
| Sec. 408.125. | Dispute as to Impairment Rating | 158 |
| Sec. 408.126. | Amount of Impairment Income Benefits | 160 |
| Sec. 408.127. | Reduction of Impairment Income Benefits | 160 |
| Sec. 408.128. | Commutation of Impairment Income Benefits | 160 |
| Sec. 408.129. | Acceleration of Impairment Income Benefits | 160 |
| SUBCHAPT | ER H. SUPPLEMENTAL INCOME BENEFITS | |
| Sec. 408.141. | Award of Supplemental Income Benefits | 162 |
| Sec. 408.1415 | 5. Work Search Compliance Standards | 162 |
| Sec. 408.142. | Supplemental Income Benefits | 162 |
| Sec. 408.143. | Employee Statement | 163 |
| Sec. 408.144. | Computation of Supplemental Income Benefits | 163 |
| Sec. 408.145. | Payment of Supplemental Income Benefits | 163 |
| Sec. 408.146. | Termination of Supplemental Income Benefits; Reinitiation | 163 |

| Sec. 408.147. Contest of Supplemental Income Benefits by Insurance | Carrier; Attorney's Fees 164 |
|--------------------------------------------------------------------|------------------------------|
| Sec. 408.148. Employee Discharge After Termination | 164 |
| Sec. 408.149. Status Review; Benefit Review Conference | 164 |
| Sec. 408.150. Vocational Rehabilitation | 164 |
| Sec. 408.151. Medical Examinations for Supplemental Income Benefit | ts 165 |
| SUBCHAPTER I. LIFETIME INCOME BENEFITS | |
| Sec. 408.161. Lifetime Income Benefits | 166 |
| Sec. 408.162. Subsequent Injury Fund Benefits | 166 |
| SUBCHAPTER J. DEATH AND BURIAL BENEFITS | |
| Sec. 408.181. Death Benefits | 167 |
| Sec. 408.182. Distribution of Death Benefits | 167 |
| Sec. 408.183. Duration of Death Benefits | 168 |
| Sec. 408.184. Redistribution of Death Benefits | 169 |
| Sec. 408.185. Effect of Beneficiary Dispute; Attorney's Fees | 169 |
| Sec. 408.186. Burial Benefits | 169 |
| Sec. 408.187. Autopsy | 169 |
| SUBCHAPTER K. PROTECTION OF RIGHTS TO BENEFITS | |
| Sec. 408.201. Benefits Exempt From Legal Process | 171 |
| Sec. 408.202. Assignability of Benefits | 171 |
| Sec. 408.203. Allowable Liens | 171 |
| SUBCHAPTER L. ATTORNEY'S FEES IN WORKERS' COMPE | ENSATION BENEFIT MATTERS |
| Sec. 408.221. Attorney's Fees Paid to Claimant's Counsel | 172 |
| Sec. 408.222. Attorney's Fees Paid to Defense Counsel | 173 |
| CHAPTER 409. COMPENSATION PR | OCEDURES |
| SUBCHAPTER A. INJURY REPORTS, CLAIMS, AND RECORI | os |
| Sec. 409.001. Notice of Injury to Employer | 175 |

| Sec. 409.002. Failure to File Notice of Injury | 175 |
|---------------------------------------------------------------------------------------------|-----|
| Sec. 409.003. Claim for Compensation | 175 |
| Sec. 409.004. Effect of Failure to File Claim for Compensation | 175 |
| Sec. 409.005. Employer Report of Injury; Administrative Violation | 176 |
| Sec. 409.005. Report of Injury; Modified Duty Program Notice; Administrative Violation | 176 |
| Sec. 409.006. Record of Injuries; Administrative Violation | 177 |
| Sec. 409.007. Death Benefit Claims | 178 |
| Sec. 409.008. Failure to File Employer Report of Injury; Limitations Tolled | 178 |
| Sec. 409.009. Subclaims | 178 |
| Sec. 409.010. Information Provided to Employee or Legal Beneficiary | 178 |
| Sec. 409.011. Information Provided to Employer; Employer's Rights | 179 |
| Sec. 409.012. Vocational Rehabilitation Information | 179 |
| Sec. 409.013. Plain Language Information; Notification of Injured Employee | 180 |
| SUBCHAPTER B. PAYMENT OF BENEFITS | |
| Sec. 409.021. Initiation of Benefits; Insurance Carrier's Refusal; Administrative Violation | 181 |
| Sec. 409.022. Refusal to Pay Benefits; Notice; Administrative Violation | 182 |
| Sec. 409.023. Payment of Benefits; Administrative Violation | 183 |
| Sec. 409.0231. Payment by Electronic Funds Transfer | 183 |
| Sec. 409.0232. Timeliness of Payments | 183 |
| Sec. 409.024. Termination or Reduction of Benefits; Notice; Administrative Violation | 184 |
| CHAPTER 410. ADJUDICATION OF DISPUTES | |
| SUBCHAPTER A. GENERAL PROVISIONS | |
| Sec. 410.001. Repealed | 185 |
| Sec. 410.002. Law Governing Liability Proceedings | 185 |
| Sec. 410.003. Application of Administrative Procedure and Texas Register Act | 185 |
| Sec. 410.004. Repealed | 185 |

| Sec. 410.005. | Venue for Administrative Proceedings | 185 |
|---------------|------------------------------------------------------------------------------------|-----|
| Sec. 410.006. | Representation at Administrative Proceedings | 185 |
| Sec. 410.007. | Information List | 186 |
| SUBCHAPT | ER B. BENEFIT REVIEW CONFERENCE | |
| Sec. 410.021. | Purpose | 187 |
| Sec. 410.022. | Benefit Review Officers; Qualifications | 187 |
| Sec. 410.023. | Request for Benefit Review Conference | 187 |
| Sec. 410.024. | Benefit Review Conference as Prerequisite to Further Proceedings on Certain Claims | 187 |
| Sec. 410.025. | Scheduling of Benefit Review Conference; Notice | 188 |
| Sec. 410.026. | Powers and Duties of Benefit Review Officer | 188 |
| Sec. 410.027. | Rules | 188 |
| Sec. 410.028. | Failure to Attend; Administrative Violation | 189 |
| Sec. 410.029. | Resolution at Benefit Review Conference; Written Agreement | 189 |
| Sec. 410.030. | Binding Effect of Agreement | 189 |
| Sec. 410.031. | Incomplete Resolution; Report | 189 |
| Sec. 410.032. | Payment of Benefits Under Interlocutory Order | 190 |
| Sec. 410.033. | Multiple Carriers | 190 |
| Sec. 410.034. | Filing of Agreement and Report | 190 |
| SUBCHAPT | ER C. ARBITRATION | |
| Sec. 410.101. | Purpose | 191 |
| Sec. 410.102. | Arbitrators; Qualifications | 191 |
| Sec. 410.103. | Duties of Arbitrator | 191 |
| Sec. 410.104. | Election of Arbitration; Effect | 191 |
| Sec. 410.105. | Lists of Arbitrators | 192 |
| Sec. 410.106. | Selection of Arbitrator | 192 |
| Sec. 410.107. | Assignment of Arbitrator | 192 |

| Sec. 410.108. | Rejection of Arbitrator | 192 |
|---------------|------------------------------------------------------------------------|-----|
| Sec. 410.109. | Scheduling of Arbitration | 193 |
| Sec. 410.110. | Continuance | 193 |
| Sec. 410.111. | Rules | 193 |
| Sec. 410.112. | Exchange and Filing of Information; Administrative Violation | 193 |
| Sec. 410.113. | Duties of Parties at Arbitration; Attendance; Administrative Violation | 193 |
| Sec. 410.114. | Testimony; Record | 194 |
| Sec. 410.115. | Evidence | 194 |
| Sec. 410.116. | Closing Statements; Briefs | 194 |
| Sec. 410.117. | Ex Parte Contacts Prohibited | 194 |
| Sec. 410.118. | Award | 194 |
| Sec. 410.119. | Effect of Award | 195 |
| Sec. 410.120. | Clerical Error | 195 |
| Sec. 410.121. | Court Vacating Award | 195 |
| SUBCHAPT | ER D. CONTESTED CASE HEARING | |
| Sec. 410.151. | Contested Case Hearing; Scope | 196 |
| Sec. 410.152. | Hearing Officers; Qualifications | 196 |
| Sec. 410.153. | Application of Administrative Procedure Act | 196 |
| Sec. 410.154. | Scheduling of Hearing | 196 |
| Sec. 410.155. | Continuance | 196 |
| Sec. 410.156. | Attendance Required; Administrative Violation | 197 |
| Sec. 410.157. | Rules | 197 |
| Sec. 410.158. | Discovery | 197 |
| Sec. 410.159. | Standard Interrogatories | 197 |
| Sec. 410.160. | Exchange of Information | 197 |
| Sec. 410.161. | Failure to Disclose Information | 198 |

| Sec. 410.162. | Additional Discovery | 198 |
|---------------|---------------------------------------------------------------------------------|-----|
| Sec. 410.163. | Powers and Duties of Hearing Officer | 198 |
| Sec. 410.164. | Record | 198 |
| Sec. 410.165. | Evidence | 199 |
| Sec. 410.166. | Stipulations | 199 |
| Sec. 410.167. | Ex Parte Contacts Prohibited | 199 |
| Sec. 410.168. | Decision | 199 |
| Sec. 410.169. | Effect of Decision | 200 |
| SUBCHAPT | ER E. APPEALS PANEL | |
| Sec. 410.201. | Appeals Judges; Qualification | 201 |
| Sec. 410.202. | Request for Appeal; Response | 201 |
| Sec. 410.203. | Powers and Duties of Appeals Panel; Priority of Hearing on Remand | 201 |
| Sec. 410.204. | Decision | 202 |
| Sec. 410.205. | Effect of Decision | 202 |
| Sec. 410.206. | Clerical Error | 202 |
| Sec. 410.207. | Continuation of Division Jurisdiction | 202 |
| Sec. 410.208. | Judicial Enforcement of Order or Decision; Administrative Violation | 202 |
| Sec. 410.209. | Reimbursement for Overpayment | 203 |
| SUBCHAPT | ER F. JUDICIAL REVIEW—GENERAL PROVISIONS | |
| Sec. 410.251. | Exhaustion of Remedies | 204 |
| Sec. 410.252. | Time for Filing Petition; Venue | 204 |
| Sec. 410.253. | Service | 204 |
| Sec. 410.253. | Service, Notice | 204 |
| Sec. 410.254. | Commission Intervention | 205 |
| Sec. 410.255. | Judicial Review of Issues Other Than Compensability or Income or Death Benefits | 205 |
| Sec. 410.256. | Court Approval of Settlement | 205 |

| Sec. 410.257. | Judgment After Judicial Review | 206 |
|---------------|------------------------------------------------------------------------------------|-----------------------------------|
| Sec. 410.258. | Notification of Division of Proposed Judgments and Settlements; Right to Intervene | 207 |
| | ER G. JUDICIAL REVIEW OF ISSUES REGARDING COMPENSABILITY OR R DEATH BENEFITS | |
| Sec. 410.301. | Judicial Review of Issues Regarding Compensability or Income or Death Benefits | 208 |
| Sec. 410.302. | Admissibility of Records; Limitation of Issues | 208 |
| Sec. 410.303. | Burden of Proof | 208 |
| Sec. 410.304. | Consideration of Appeals Panel Decision | 208 |
| Sec. 410.305. | Conflict With Rules of Civil Procedure | 208 |
| Sec. 410.306. | Evidence | 208 |
| Sec. 410.307. | Substantial Change of Condition | 209 |
| Sec. 410.308. | Certified Copy of Notice Securing Compensation | 209 |
| | CHAPTER 411. WORKERS' HEALTH AND SAFETY | |
| SUBCHAPTI | ER A. GENERAL PROVISIONS | |
| Sec. 411.001. | Definitions | 211 |
| Sec. 411.002. | Application | 211 |
| Sec. 411.003. | Immunity From Certain Liability | 211 |
| Sec. 411.004. | Exclusive Remedy | 211 |
| SUBCHAPTI | ER B. GENERAL POWERS AND DUTIES OF DIVISION | |
| Sec. 411.011. | Coordination and Enforcement of State Laws and Rules | 212 |
| Sec. 411.012. | Collection and Analysis of Information | 212 |
| Sec. 411.013. | Federal Contracts and Programs | 212 |
| Sec. 411.014. | Educational Programs; Cooperation With Other Entities | 212 |
| | | |
| Sec. 411.015. | Educational Publications | 212 |
| | Educational Publications Peer Review Safety Program | 212213 |
| Sec. 411.016. | | |

SUBCHAPTER C. JOB SAFETY INFORMATION SYSTEM

| Sec. 411.031. | Job Safety Information System; Cooperation With Other Agencies | 214 |
|----------------------|---------------------------------------------------------------------------|-----|
| Sec. 411.032. | Employer Injury and Occupational Disease Report; Administrative Violation | 214 |
| Sec. 411.033. | Job Safety Data Base | 214 |
| Sec. 411.034. | Confidentiality Requirement; Offense; Penalty | 215 |
| Sec. 411.035. | Use of Injury Report | 215 |
| SUBCHAPT | ER D. HAZARDOUS EMPLOYER PROGRAM - Repealed | |
| SUBCHAPT | ER E. ACCIDENT PREVENTION SERVICES | |
| Sec. 411.061. | Accident Prevention Services; Prerequisite for License | 216 |
| Sec. 411.062. | Repealed | 216 |
| Sec. 411.063. | Accident Prevention Personnel | 216 |
| Sec. 411.064. | Inspections | 217 |
| Sec. 411.065. | Annual Information Submitted by Insurance Company | 217 |
| Sec. 411.066. | Notice to Policyholders | 217 |
| Sec. 411.067. | Division Personnel | 217 |
| Sec. 411.068. | Administrative Violation | 218 |
| SUBCHAPT MATERIAL | ER F. EMPLOYEE REPORTS OF SAFETY VIOLATIONS; EDUCATIONAL S | |
| Sec. 411.081. | Telephone Hotline | 219 |
| Sec. 411.082. | Employer Retaliation Prohibited | 219 |
| Sec. 411.083. | Judicial Relief for Employer Retaliation | 219 |
| Sec. 411.084. | Educational Publications | 219 |
| SUBCHAPT | ER G. POLICY FOR ELIMINATION OF DRUGS IN THE WORKPLACE -Repeale | d |
| SUBCHAPT SAFETY | ER H. GENERAL REQUIREMENTS RELATING TO OCCUPATIONAL HEALTH | AND |
| Sec. 411.101. | Legislative Policy; Purpose | 221 |

| Sec. 411.102. Definitions | 221 |
|---------------------------------------------------------------------------------------------------|-----|
| Sec. 411.103. Duty of Employer to Provide Safe Workplace | 221 |
| Sec. 411.104. Division Duties | 222 |
| Sec. 411.105. Confidential Information; Penalty | 222 |
| Sec. 411.106. Safety Classification | 222 |
| Sec. 411.107. Elimination of Safety Impediments | 223 |
| Sec. 411.108. Accident Reports | 223 |
| Sec. 411.109. Effect on Other Law | 223 |
| Sec. 411.110. Labor Disputes | 223 |
| CHAPTER 412. STATE OFFICE OF RISK MANAGEMENT | |
| SUBCHAPTER A. GENERAL PROVISIONS | |
| Sec. 412.001. Definitions | 225 |
| SUBCHAPTER B. OFFICE | |
| Sec. 412.011. Powers and Duties of Office | 226 |
| Sec. 412.0111. Affiliation With Office Of Attorney General | 227 |
| Sec. 412.012. Funding | 227 |
| Sec. 412.0121. Interagency Contracts | 227 |
| Sec. 412.0122. State Self-Insuring for Workers' Compensation | 228 |
| Sec. 412.0123. Deposit of Workers' Compensation Subrogation Recoveries | 229 |
| Sec. 412.0123. Allocation of Workers' Compensation and Risk Management Costs; Risk Reward Program | 229 |
| Sec. 412.0123. Allocation of Workers' Compensation and Risk Management Costs | 229 |
| Sec. 412.0124. Deposit Of Workers' Compensation Subrogation Recoveries | 229 |
| SUBCHAPTER C. BOARD | |
| Sec. 412.021. Risk Management Board | 230 |
| Sec. 412.022. Training Program for Board Members | 230 |
| Sec. 412.023. Effect of Lobbying Activity | 231 |

| Sec. 412.024. Grounds for Removal From Board | 231 |
|-----------------------------------------------------------------------------------------|-----|
| SUBCHAPTER D. GENERAL POWERS AND DUTIES OF BOARD | |
| Sec. 412.031. Rulemaking Authority | 233 |
| Sec. 412.032. Board's Report to Legislature | 233 |
| Sec. 412.033. Hiring Director | 233 |
| SUBCHAPTER E. DIRECTOR | |
| Sec. 412.041. Duties; Responsibilities | 234 |
| Sec. 412.041. Director Duties | 235 |
| Sec. 412.042. Reports to the Legislature | 236 |
| SUBCHAPTER F. STATE AGENCIES | |
| Sec. 412.051. Duties of State Agencies Insurance Reporting Requirements | 238 |
| Sec. 412.052. Exemption of Certain State Agencies | 238 |
| Sec. 412.053. Annual Report by State Agency | 238 |
| CHAPTER 413. MEDICAL REVIEW | |
| SUBCHAPTER A. GENERAL PROVISIONS | |
| Sec. 413.001. Repealed | 241 |
| Sec. 413.002. Medical Review | 241 |
| Sec. 413.003. Authority to Contract | 241 |
| Sec. 413.004. Coordination With Providers | 241 |
| Sec. 413.005. Repealed | 241 |
| Sec. 413.006. Advisory Committees | 242 |
| Sec. 413.007. Information Maintained by Division | 242 |
| Sec. 413.008. Information From Insurance Carriers; Administrative Violation | 242 |
| SUBCHAPTER B. MEDICAL SERVICES AND FEES | |
| Sec. 413.011. Reimbursement Policies and Guidelines; Treatment Guidelines and Protocols | 243 |
| Sec. 413.0111. Processing Agents | 244 |

| Sec. 413.012. Medical Policy and Guideline Updates Required | 244 |
|-------------------------------------------------------------------------------------------------|-----|
| Sec. 413.013. Programs | 244 |
| Sec. 413.014. Preauthorization | 244 |
| Sec. 413.014. Preauthorization Requirements; Concurrent Review and Certification of Health Care | 245 |
| Sec. 413.0141. Initial Pharmaceutical Coverage | 245 |
| Sec. 413.015. Payment by Insurance Carriers; Audit and Review | 246 |
| Sec. 413.016. Payments in Violation of Medical Policies and Fee Guidelines | 246 |
| Sec. 413.017. Presumption of Reasonableness | 246 |
| Sec. 413.018. Review of Medical Care if Guidelines Exceeded | 246 |
| Sec. 413.019. Interest Earned for Delayed Payment, Refund, or Overpayment | 247 |
| Sec. 413.020. Division Charges | 247 |
| Sec. 413.021. Return to Work Coordination Services | 247 |
| Sec. 413.022. Return-to-Work Pilot Program for Small Employers; Fund | 248 |
| Sec. 413.023. Information to Employers | 249 |
| Sec. 413.024. Information to Employees | 249 |
| Sec. 413.025. Return-to-Work Goals and Assistance | 249 |
| SUBCHAPTER C. DISPUTE RESOLUTION | |
| Sec. 413.031. Medical Dispute Resolution | 251 |
| Sec. 413.032. Independent Review Organization Decision; Appeal | 253 |
| SUBCHAPTER D. HEALTH CARE PROVIDERS | |
| Sec. 413.041. Disclosure | 254 |
| Sec. 413.042. Private Claims; Administrative Violation | 254 |
| Sec. 413.043. Overcharging Prohibited; Offense | 254 |
| Sec. 413.044. Sanctions on Designated Doctor | 254 |
| SUBCHAPTER E. IMPLEMENTATION OF COMMISSION POWERS AND DUTIES | |
| Sec. 413.051. Contracts With Review Organizations and Health Care Providers | 256 |

| Sec. 413.0511. Medical Advisor | 256 |
|-------------------------------------------------------------------------------------------|------|
| Sec. 413.0512. Medical Quality Review Panel | 257 |
| Sec. 413.0513. Confidentiality Requirements. | 257 |
| Sec. 413.0514. Information Sharing with Occupational Licensing Boards | 258 |
| Sec. 413.0515. Reports of Physician and Chiropractor Violations | 258 |
| Sec. 413.052. Production of Documents | 259 |
| Sec. 413.053. Standards of Reporting and Billing | 259 |
| Sec. 413.054. Immunity From Liability | 259 |
| Sec. 413.055. Interlocutory Orders; Reimbursement | 259 |
| CHAPTER 414. ENFORCEMENT OF COMPLIANCE AND PRACTICES REQUIREMI | ENTS |
| Sec. 414.001. Repealed | 261 |
| Sec. 414.002. Monitoring Duties | 261 |
| Sec. 414.003. Compilation and Use of Information | 261 |
| Sec. 414.004. Performance Review of Insurance Carriers | 261 |
| Sec. 414.005. Investigation Unit | 262 |
| Sec. 414.006. Referral to Other Authorities | 262 |
| Sec. 414.007. Medical Review | 262 |
| CHAPTER 415. ADMINISTRATIVE VIOLATIONS | |
| SUBCHAPTER A. PROHIBITED ACTS | |
| Sec. 415.001. Administrative Violation by Representative of Employee or Legal Beneficiary | 263 |
| Sec. 415.002. Administrative Violation by an Insurance Carrier | 263 |
| Sec. 415.003. Administrative Violation by Health Care Provider | 265 |
| Sec. 415.0035. Additional Violations by Insurance Carrier or Health Care Provider | 265 |
| Sec. 415.004. Penalty Specified in Other Law | 266 |
| Sec. 415.005. Overcharging by Health Care Providers Prohibited; Administrative Violation | 266 |
| Sec. 415.006. Employer Chargebacks Prohibited; Administrative Violation | 266 |

| Sec. 415.007. | Loans by Attorneys Prohibited | 266 |
|---------------|----------------------------------------------------------------------------|-----|
| Sec. 415.008. | Fraudulently Obtaining or Denying Benefits; Administrative Violation | 266 |
| Sec. 415.009. | Frivolous Actions; Administrative Violation | 267 |
| Sec. 415.010. | Breach of Agreement; Administrative Violation | 267 |
| SUBCHAPT | ER B. PENALTIES | |
| Sec. 415.021. | Assessment of Administrative Penalties | 268 |
| Sec. 415.022. | Classification of Administrative Violations; Penalties | 268 |
| Sec. 415.023. | Commission of Wrongful Act as Matter of Practice; Administrative Violation | 269 |
| Sec. 415.024. | Breach of Settlement Agreement; Administrative Violation | 269 |
| Sec. 415.025. | References to a Class of Violation or Penalty | 269 |
| SUBCHAPT | ER C. PROCEDURES | |
| Sec. 415.031. | Initiation of Administrative Violation Proceedings | 270 |
| Sec. 415.032. | Notice of Possible Administrative Violation; Response | 270 |
| Sec. 415.033. | Failure to Respond | 270 |
| Sec. 415.034. | Hearing Procedures | 270 |
| Sec. 415.035. | Judicial Review | 271 |
| СНАРТЕ | R 416. ACTIONS AGAINST INSURANCE CARRIER FOR BREACH OF D | UTY |
| Sec. 416.001. | Certain Causes of Action Precluded | 273 |
| Sec. 416.002. | Exemplary Damages | 273 |
| | CHAPTER 417. THIRD-PARTY LIABILITY | |
| Sec. 417.001. | Third-Party Liability | 275 |
| Sec. 417.002. | Recovery in Third-Party Action | 275 |
| Sec. 417.003. | Attorney's Fee for Representation of Insurance Carrier's Interest | 276 |
| Sec. 417.004. | Employer Liability to Third Party | 276 |
| | CHAPTER 418. CRIMINAL PENALTIES | |
| Sec. 418.001. | Penalty for Fraudulently Obtaining or Denying Benefits | 277 |

| Sec. 418.002. Penalty for Fraudulently Obtaining Workers' Compensation Insurance Coverage | 277 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| CHAPTER 419. MISUSE OF DIVISION NAME | |
| Sec. 419.001. Definitions | 279 |
| Sec. 419.002. Misuse of Division's Name or Symbols Prohibited | 279 |
| Sec. 419.003. Rules | 279 |
| Sec. 419.004. Civil Penalty | 280 |
| Sec. 419.005 Administrative Penalty | 280 |
| Sec. 419.006 Injunctive Relief | 280 |
| Sec. 419.007 Remedies Not Exclusive | 280 |
| SUBTITLE B. DISCRIMINATION ISSUES | |
| CHAPTER 451. DISCRIMINATION PROHIBITED | |
| Sec. 451.001. Discrimination Against Employees Prohibited | 281 |
| Sec. 451.002. Remedies; Burden of Proof | 281 |
| Sec. 451.003. Injunction | 281 |
| SUBTITLE C. WORKERS' COMPENSATION INSURANCE COVERAGE FOR CERTAIN GOVERNMENT EMPLOYEES | |
| CHAPTER 501. WORKERS' COMPENSATION INSURANCE COVERAGE FOR ST EMPLOYEES UNDER THE DIRECTION OR CONTROL OF THE BOARD O REGENTS OF TEXAS TECH UNIVERSITY | |
| SUBCHAPTER A. GENERAL PROVISIONS | |
| Sec. 501.001. Definitions | 283 |
| Sec. 501.002. Application of General Workers' Compensation Laws; Limit on Actions and Damages | 284 |
| Sec. 501.003. Legal Beneficiary of Deceased Employee | 285 |
| SUBCHAPTER B. COVERAGE | |
| Sec. 501.021. Workers' Compensation Coverage for Employees | 286 |
| Sec. 501.022 Texas Tech University Employees | 286 |
| Sec. 501.023. State Self-Insuring | 286 |

| Sec. 501.024. Exclusions From Coverage | 286 |
|--------------------------------------------------------------------------------------------------------|-----|
| Sec. 501.025. Coverage for Out-of-State Employees | 287 |
| Sec. 501.026 Coverage for Certain Services Provided by Volunteers | 287 |
| SUBCHAPTER C. ADMINISTRATION | |
| Sec. 501.041. Workers' Compensation Division; Director | 288 |
| Sec. 501.042. Director As Employer And Insurer | 288 |
| Sec. 501.042. Director As Insurer | 288 |
| Sec. 501.043. Director's Powers And Duties | 288 |
| Sec. 501.0431. Compilation of Statistics Relating to Fraud | 289 |
| Sec. 501.044. Effect of Sick Leave; Annual Leave | 289 |
| Sec. 501.045. Effect of Emergency Leave | 289 |
| Sec. 501.046. Reports of Termination or Continuation of Injuries | 289 |
| Sec. 501.047. Reports To Legislature | 290 |
| Sec. 501.048. State Agency Summary in Budget Requests | 290 |
| Sec. 501.049. State Workers' Compensation Account | 291 |
| Sec. 501.050. Notice of Appeal; Notice of Trial Court Judgment; Offense | 291 |
| Sec. 501.051. Payment of Medical and Indemnity Benefits | 291 |
| CHAPTER 502. WORKERS' COMPENSATION INSURANCE COVERAGE FOR EMPLOYEES OF THE TEXAS A&M UNIVERSITY SYSTEM | |
| SUBCHAPTER A. GENERAL PROVISIONS | |
| Sec. 502.001. Definitions | 293 |
| Sec. 502.002. Application of General Workers' Compensation Laws; Limit on Actions and Damages | 293 |
| Sec. 502.003. Legal Beneficiary of Deceased Employee | 294 |
| SUBCHAPTER B. COVERAGE | |
| Sec. 502.021. Workers' Compensation Coverage for Institution Employees | 295 |
| Sec. 502.022. Authority to Self-Insure | 295 |
| Sec. 502.023. Insurance Requirement | 295 |

| Sec. 502.024. Preexisting Disqualifying Condition | 295 |
|-------------------------------------------------------------------------------------------------------|-----|
| Sec. 502.025. Coverage for Out-Of-State Employees | 295 |
| SUBCHAPTER C. OFFSETS | |
| Sec. 502.041. Exhaustion of Annual and Sick Leave | 297 |
| SUBCHAPTER D. ADMINISTRATION | |
| Sec. 502.061. Administration and Rules | 298 |
| Sec. 502.062. Percentage of Payroll Set Aside for Workers' Compensation Expenses; Account; Reports | 298 |
| Sec. 502.063. Certified Copies of Division Documents | 298 |
| Sec. 502.064. Preemployment Physical Required; Examining Physicians; Institution Records | 298 |
| Sec. 502.065. Reports of Injuries | 299 |
| Sec. 502.066. Required Examination of Injured Employee; Refusal to Submit to Examination | 299 |
| Sec. 502.067. Refusal to Submit to Medical Treatment | 300 |
| Sec. 502.068. Postponement of Hearing | 300 |
| Sec. 502.069. Notice of Appeal; Notice of Trial Court Judgment; Offense | 300 |
| Sec. 502.070. Attorney General as Legal Representative | 300 |
| CHAPTER 503. WORKERS' COMPENSATION INSURANCE COVERAGE FOR EMPLOYEES OF THE UNIVERSITY OF TEXAS SYSTEM | |
| SUBCHAPTER A. GENERAL PROVISIONS | |
| Sec. 503.001. Definitions | 301 |
| Sec. 503.002. Application of General Workers' Compensation Laws; Limit on Actions and Damages | 301 |
| Sec. 503.003. Legal Beneficiary of Deceased Employee | 302 |
| SUBCHAPTER B. COVERAGE | |
| Sec. 503.021. Workers' Compensation Coverage for System and Institution Employees | 303 |
| Sec. 503.022. Authority to Self-Insure | 303 |
| Sec. 503.023. Insurance Requirement | 303 |
| Sec. 503.024. Waiver of Rights | 303 |
| Sec. 503.025. Coverage for Out-Of-State Employees | 303 |

SUBCHAPTER C. OFFSETS

| Sec. 503.041. Exhaustion of Annual and Sick Leave | 305 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| SUBCHAPTER D. ADMINISTRATION | |
| Sec. 503.061. Administration and Rules | 306 |
| Sec. 503.062. Percentage of Payroll Set Aside for Workers' Compensation Expenses; Account; Reports | 306 |
| Sec. 503.063. Certified Copies of Division Documents | 306 |
| Sec. 503.064. Examining Physicians | 306 |
| Sec. 503.065. Reports of Injuries | 307 |
| Sec. 503.066. Required Examination of Injured Employee; Refusal to Submit to Examination | 307 |
| Sec. 503.067. Refusal to Submit to Medical Treatment | 307 |
| Sec. 503.068. Postponement of Hearing | 308 |
| Sec. 503.069. Notice of Appeal; Notice of Trial Court Judgment; Offense | 308 |
| Sec. 503.070. Venue for Judicial Review | 308 |
| Sec. 503.071. Attorney General as Legal Representative | 309 |
| | |
| CHAPTER 504. WORKERS' COMPENSATION INSURANCE COVERAGE FOR EMPLOYEES OF POLITICAL SUBDIVISIONS | |
| | |
| FOR EMPLOYEES OF POLITICAL SUBDIVISIONS | 311 |
| FOR EMPLOYEES OF POLITICAL SUBDIVISIONS SUBCHAPTER A. GENERAL PROVISIONS | 311 |
| FOR EMPLOYEES OF POLITICAL SUBDIVISIONS SUBCHAPTER A. GENERAL PROVISIONS Sec. 504.001. Definitions | |
| FOR EMPLOYEES OF POLITICAL SUBDIVISIONS SUBCHAPTER A. GENERAL PROVISIONS Sec. 504.001. Definitions Sec. 504.002. Application of General Workers' Compensation Laws; Limit on Actions and Damages | 311 |
| FOR EMPLOYEES OF POLITICAL SUBDIVISIONS SUBCHAPTER A. GENERAL PROVISIONS Sec. 504.001. Definitions Sec. 504.002. Application of General Workers' Compensation Laws; Limit on Actions and Damages Sec. 504.003. Election of Remedies | 311 |
| FOR EMPLOYEES OF POLITICAL SUBDIVISIONS SUBCHAPTER A. GENERAL PROVISIONS Sec. 504.001. Definitions Sec. 504.002. Application of General Workers' Compensation Laws; Limit on Actions and Damages Sec. 504.003. Election of Remedies SUBCHAPTER B. COVERAGE | 311 312 |
| FOR EMPLOYEES OF POLITICAL SUBDIVISIONS SUBCHAPTER A. GENERAL PROVISIONS Sec. 504.001. Definitions Sec. 504.002. Application of General Workers' Compensation Laws; Limit on Actions and Damages Sec. 504.003. Election of Remedies SUBCHAPTER B. COVERAGE Sec. 504.011. Method of Providing Coverage | 311 312 313 |
| FOR EMPLOYEES OF POLITICAL SUBDIVISIONS SUBCHAPTER A. GENERAL PROVISIONS Sec. 504.001. Definitions Sec. 504.002. Application of General Workers' Compensation Laws; Limit on Actions and Damages Sec. 504.003. Election of Remedies SUBCHAPTER B. COVERAGE Sec. 504.011. Method of Providing Coverage Sec. 504.012. Optional Coverages | 311 312 313 313 |
| FOR EMPLOYEES OF POLITICAL SUBDIVISIONS SUBCHAPTER A. GENERAL PROVISIONS Sec. 504.001. Definitions Sec. 504.002. Application of General Workers' Compensation Laws; Limit on Actions and Damages Sec. 504.003. Election of Remedies SUBCHAPTER B. COVERAGE Sec. 504.011. Method of Providing Coverage Sec. 504.012. Optional Coverages Sec. 504.013. Coverage for Trustees and Staff of Self-Insurance Fund | 311 312 313 313 313 |

| Sec. 504.017. | Federal and State Funded Transportation Entities | 315 |
|---------------|-------------------------------------------------------------------------------------------------------|-----|
| Sec. 504.018. | Notice to Division and Employees; Effect on Common-law or Statutory Liability | 315 |
| SUBCHAPT | TER C. BENEFITS AND OFFSETS | |
| Sec. 504.051. | Offset Against Payments for Incapacity | 317 |
| Sec. 504.052. | Sick Leave Benefits | 317 |
| Sec. 504.053. | Election | 317 |
| SUBCHAPT | ER D. ADMINISTRATION | |
| Sec. 504.071. | Rules; Forms | 319 |
| Sec. 504.072. | Appropriations for Disbursements; Account; Report | 319 |
| Sec. 504.073. | Representation in Legal Proceedings | 319 |
| СНА | PTER 505 WORKERS' COMPENSATION INSURANCE COVERAGE FOR EMPLOYEES OF TEXAS DEPARTMENT OF TRANSPORTATION | |
| SUBCHAPT | ER A. GENERAL PROVISIONS | |
| Sec. 505.001. | Definitions | 321 |
| Sec. 505.002. | Application of General Workers' Compensation Laws; Limit on Actions and Damages | 321 |
| SUBCHAPT | ER B. COVERAGE | |
| Sec. 505.011. | Workers' Compensation Coverage for Department Employees | 322 |
| Sec. 505.012. | Authority to Self-Insure | 322 |
| Sec. 505.013. | Individuals Employed by Subcontractors | 322 |
| SUBCHAPT | ER C. ADMINISTRATION | |
| Sec. 505.051. | Administration; Rules; Forms | 323 |
| Sec. 505.052. | Percentage of Payroll Set Aside for Workers' Compensation Expenses; Account; Reports | 323 |
| Sec. 505.053. | Certified Copies of Division Documents | 323 |
| Sec. 505.054. | Pre-employment Physical Required; Examining Physicians | 323 |
| Sec. 505.055. | Reports of Injuries | 324 |
| Sec. 505.056. | Required Examination of Injured Employee; Refusal to Submit to Examination | 324 |

| Sec. 505.057. Refusal to Submit to Medical Treatment | 325 |
|--------------------------------------------------------------------------|-----|
| Sec. 505.058. Postponement of Hearing | 325 |
| Sec. 505.059. Notice of Appeal; Notice of Trial Court Judgment; Offense | 325 |
| Sec. 505.060. Effect of Sick Leave; Annual Leave | 325 |
| CHAPTER 506. MISCELLANEOUS PROVISIONS APPLICABLE TO GOVERNMENT EMPLOYEES | |
| Sec. 506.001. Late Payment of Judgment by the State | 327 |
| Sec. 506.002. Reimbursement From Non-Treasury Funds | 327 |