

**CHAPTER 150. REPRESENTATION OF PARTIES BEFORE THE AGENCY
QUALIFICATIONS OF REPRESENTATIVES**

§150.1. Minimum Standards of Practice for an Attorney.

- (a) An attorney, in practice before the commission, shall observe:
 - (1) these rules;
 - (2) the Texas Disciplinary Rules of Professional Conduct; and
 - (3) The Texas Lawyer's Creed, promulgated by the Supreme Court of Texas on November 7, 1989.
- (b) An attorney who undertakes representation of a claimant on a valid compensation claim and a third party liability action shall not abandon the compensation claim for the purpose of avoiding the maximum attorney fee established under the Texas Workers' Compensation Act (the Act), §4.09.
- (c) An attorney who fails to comply with this rule may be assessed an administrative penalty under the Act, §10.07 (a)(11).

The provisions of this §150.1 adopted to be effective on March 7, 1991, 16 TexReg 1197.

§150.2. Qualification and Authorization of Attorney to Practice Before the Commission.

- (a) An attorney who represents any party before the commission shall be licensed to practice law by the State Bar of Texas in order to receive an attorney's fee.
- (b) An attorney who represents a claimant for benefits shall notify the commission in writing within 10 days of undertaking the representation of the party. The written notice shall identify the attorney and the claimant and the injured employee (if different from the claimant).
- (c) An attorney may be disqualified, after a hearing under the Texas Workers' Compensation Act (the Act), §10.33, from representing any party before the commission for the following activities:
 - (1) knowingly charging a claimant a fee in excess of that allowed by the commission;
 - (2) knowingly assisting any person in making a false or misleading statement, misrepresenting or concealing a material fact, and/or fabricating, altering, concealing, or destroying a document, in order to claim benefits;
 - (3) knowingly assisting any person in making a false or misleading statement, misrepresenting or concealing a material fact, and/or fabricating, altering concealing, or destroying a document, in order to defeat a claim for benefits;
 - (4) for engaging in conduct described in the Act, §10.07(a)(1)-(10), or §10.07 (b)(1)-(23), whether or not an administrative violation is assessed; or
 - (5) being suspended or disbarred by the State Bar of Texas.
- (d) An attorney who is disqualified may apply to the commission for reinstatement, no sooner than the expiration of the term of disqualification. However, an attorney who has been disbarred by the State Bar of Texas cannot apply for reinstatement to practice before the commission unless the State Bar of Texas certifies that the attorney has had the license to practice law reinstated.

The provisions of this §150.2 adopted to be effective on March 7, 1991, 16 TexReg 1197.

§150.3. Representatives: Written Authorization Required.

- (a) A representative, as that term is defined in the Texas Workers' Compensation Act (the Act), §1.03(40), is authorized under the Act, §2.09(e), to provide services in workers' compensation matters if:
- (1) the person is an insurance adjuster holding a State Board of Insurance license to adjust workers' compensation claims, if the adjuster provides, to the commission, a written authorization from an insurance carrier to adjust claims. Written authorization is not required from an adjuster who is an employee of the insurance carrier;
 - (2) the person is an attorney and complies with the requirements of §150.2(a) of this title (relating to Qualification and Authorization of Attorney to Practice Before the commission); or
 - (3) the person who is not either an adjuster or attorney files with the commission a written power of attorney, or written authorization from the claimant, allowing that person access to confidential records. No fee or remuneration shall be received either directly or indirectly from a claimant.
- (b) A representative that fails to comply with the Act, or violates a rule of the commission, may be subject to sanctions, including suspension, as provided by the Act, §2.09(f) and §10.07(d).

The provisions of this §150.3 adopted to be effective on July 8, 1991, 16 TexReg 3399.