

ADVISORY NO. 333
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**TOPIC: TMA AND AFL-CIO SUE TO BLOCK
NEW MEDICAL FEE GUIDELINES**

The Texas Medical Association and The Texas AFL-CIO have filed suit in Travis County seeking an injunction blocking the implementation of 28 TAC § 134.202 (TWCC Rule 134.202), the *2002 Medical Fee Guidelines* adopted by the TWCC on April 25, 2002. The suit also requests the court to void the rule, in anticipation of its effective date of September 1, 2002. A copy of the petition is available on our website.

The new rule effected a material reduction in overall reimbursement rates compared the current *1996 Medical Fee Guidelines*. This challenge was not unanticipated. The TWCC is the named defendant and will be represented by the Attorney General's office.

We previously notified you of another development regarding this rule. Governor Rick Perry has requested an opinion from the Attorney General regarding the conversion factor. Detail and possible responses are described in our *Folagram* of June 11, 2002.

FLAHIVE, OGDEN & LATSON

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July 11, 2002