

**ADVISORY NO. 367**  
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**TOPIC:        COMMISSION PROPOSES CHANGES TO OLD LAW MEDICAL RULES**

The Texas Workers' Compensation Commission has proposed amendments to Rule 42.105 (Medical Fee Guideline), and the repeal of Rule 42.115 (Pharmaceutical Fee Guideline).

The amendments to Rule 42.105 are proposed to make all fee guidelines and pharmaceutical benefit provisions under Chapter 134 of the commission's rules applicable to the reimbursement of medical treatments and services provided to employees who sustained compensable injuries before January 1, 1991 ("old law" claims).

Currently, only Rule 134.201 of that chapter provides for the reimbursement of professional medical treatments and services that relate to "old law" claims. In addition, there is currently no facility fee guideline applicable to the reimbursement of facility services that relate to "old law" claims. The proposed amendments to Rule 42.105 provide that Rule 134.201 will continue to apply to "old law" claim for professional medical treatments and services rendered before May 1, 2004; and that all the fee guidelines and pharmaceutical benefit provisions within Chapter 134 will apply to "old law" claims for professional medical treatments and services rendered on or after May 1, 2004.

The proposed amendments to Rule 42.105 will also make any facility fee guidelines currently in effect, and any facility or other health care fee guidelines adopted by the commission in the future, applicable to "old law" claims. The proposed amendments to Rule 42.105 do not make all of Chapter 134 applicable to "old law" claims. Only the fee guideline provisions currently found in Subchapters C and D, and the pharmaceutical benefit provisions currently found in Subchapter F, and any fee guideline provisions or pharmaceutical benefit provisions adopted by the commission under Chapter 134 in the future, would apply. The only exception would be Rule 134.501, relating to Initial Pharmaceutical Coverage. Rule 134.501, which addresses the reimbursement of pharmaceutical services provided within the first seven days following the date of injury for new law cases.

The applicable Rules of Chapter 134 currently in effect would be as follows:

- 134.201 Medical Fee Guideline for Medical Treatments and Services Provided under the Texas Workers' Compensation Act
- 134.202 Medical Fee Guideline
- 134.203 Dental Fee Guideline
- 134.401 Acute Care Inpatient Hospital Fee Guideline

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- 134.500 Definitions
- 134.502 Pharmaceutical Services
- 134.503 Reimbursement Methodology
- 134.504 Pharmaceutical Expenses Incurred by the Injured Employee
- 134.506 Outpatient Drug Formulary

The proposed rules are in Adobe Portable Document Format (PDF). To view the PDF document, you will need Acrobat Reader. If you do not have Acrobat Reader, please go to [www.adobe.com](http://www.adobe.com) and follow the instructions to download the free software.

**Should you wish to comment on the proposed rule, comments must be received by 5:00 p.m. CT on by February 16, 2004 as follows:**

- Via the Internet by using the [Comment Form <commentform1.html>](#), or
- By e-mailing your comments to [rulecomments@twcc.state.tx.us](mailto:rulecomments@twcc.state.tx.us) or
- By mailing or delivering your comments to:

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