



ADVISORY NO. 460

TOPIC: BRC EXCHANGES

The Division, through its Complaint Resolution Intake Unit, has recently begun issuing Requests for Documentation to monitor the system participant's compliance with the BRC exchange rules. This presents a good opportunity to reiterate the rules regarding these exchanges, which have been in effect since 1991.

Unless the Benefit Review Conference is set on an expedited basis, the parties must exchange all pertinent information with the other side no later than 14 days before the hearing. Failure to do so is an administrative violation with a potential penalty of up to \$25,000 per day for non-compliance. See Rule 14134(b) and §415.021(a) of the Texas Labor Code.

Unless our office is specifically requested to make the exchange, or unless we have a standing agreement to do so, the responsibility will remain with the carrier or its TPA to make the exchange.

The Division has given every indication that it intends to step up enforcement actions regarding this issue.

If our office is provided the file material prior to the exchange deadline, we would be pleased to make the exchange on behalf of the carrier. You may make the request with Cindi Friedel by email (caf@fol.com) or by phone (512-435-2244).