

STATE WORKERS' COMPENSATION OVERVIEW – TEXAS

Issue	Regulation	Comments
Employee's Notice to Employer	Within 30 days	Excusable if there is good cause.
Employee's Claim Filing Requirements	Within one year	Excusable if there is good cause or if the employer's insurance carrier does not dispute the claim.
Employer's Report of Accident	Within eight days	The employer must submit an injury report to the insurance carrier within eight days. The insurance carrier must submit a report to the commission within seven days of receiving the employer's report.
Employee's Waiting Period	Seven days	No indemnity is available unless the disability lasts for at least one week. Retroactively paid if disability exceeds 2 weeks
Temporary Income Benefits (TIB)	<u>Oct. 1, 2018 to Sept. 30, 2019</u> Max: \$938 per week Min: \$141 per week	An employee's weekly TIB rate is up to 75 percent of his or her average weekly wages (AWW), subject to the minimum and maximum limits in effect on the date of injury. New limits become effective as of Oct. 1 each year. The limits did not change from the prior year for 2015-2018.
Death Benefits	<u>Oct. 1, 2015 to Sept. 30, 2018</u> Max: \$913 per week Min: \$137 per week	Death benefits are 75 percent of a deceased's employees AWW, subject to the maximum (but not the minimum) in effect on the date of injury. A surviving spouse may receive benefits for life or until remarriage. Surviving children may also receive benefits up until their 18 th birthday (25 th if they are full-time students). Employers must also pay up to \$10,000 for a deceased employee's funeral expenses.
Impairment Income Benefits (IIB)	<u>Oct. 1, 2018 to Sept. 30, 2019</u> Max: \$656 per week Min: \$141 per week <u>Oct. 1, 2015 to Sept. 30, 2018</u> Max: \$639 per week Min: \$137 per week	An employee's weekly IIB rate is 70 percent of his or her average weekly wages (AWW), subject to the minimum and maximum limits in effect on the date of injury.
Coverage of Minors	Yes	Benefits payable to guardian.
Coverage of Occupational Disease	Yes	Must file within one year from the time the employee learns (or should have learnt) of the disease's relationship to his or her employment.
Occupational Hearing Loss	Yes	
State OSHA Program	No	

ADDITIONAL INFORMATION

Resources:

Texas Division of Workers' Compensation [website](#)
Employer [forms](#)

*Texas is the only state that does not have mandated coverage. However, employers who chose to not provide coverage must notify their employees and report their status and all employee injuries to the Division of Worker's Compensation.

Mailing Address:

Division of Worker's Compensation Central Office
7551 Metro Center Drive, Suite 100
Austin, TX, 78744-1645
(800) 252-7031

Heffernan Insurance Brokers

<http://www.heffins.com>
CA, MO, NY, OR 94596
800-234-6787