



Changes to the Designated Doctor Program Rules

Division of Workers' Compensation
2023

Disclaimer

This presentation is for educational purposes only and provides general information. It is not a substitute for a full review of statutes and rules.

System participants are responsible for knowing and complying with the applicable sections of the Texas Insurance Code, Texas Labor Code and Texas Administrative Code.

Any opinions that the speakers express are personal, and do not constitute or reflect any statement of policy by the Texas Department of Insurance, Division of Workers' Compensation (DWC).

Agenda

- Which rules and forms were amended?
- Why were they amended?
- Who does this affect?
- How will the changes to the designated doctor certification program work?
- When will the changes take place?
- What resources are available?

Which rules were amended?

28 Texas Administrative Code (TAC) Chapter 127, Designated Doctor Procedures and Requirements, Subchapters:

- A. Designated Doctor Scheduling and Examinations.
- B. Designated Doctor Certification, Renewal, and Qualifications.
- C. Designated Doctor Duties and Responsibilities.

28 TAC Chapter 180, Monitoring and Enforcement

Subchapter B, Medical Benefit Regulation, Section (Sec.) 180.23, Division-Required Training for Doctors.

Which forms were amended?

DWC Form-067, Designated doctor certification application (effective April 30, 2023).

DWC Form-032, Request for designated doctor examination (effective June 5, 2023).

DWC Form-068, Designated doctor examination data report (effective June 5, 2023).

Why make changes?

The purpose of the amendments is to:

- Attract and retain doctors to participate in the designated doctor (DD) program and the maximum medical improvement (MMI) and impairment rating (IR) certification program.
- Expand access to examinations for traumatic brain injury by updating DD qualifications.
- Streamline and make editorial changes to rule language and forms.

Who does this affect?

Any doctor that is authorized to certify maximum medical improvement AND assign impairment ratings:

- DDs;
- Required medical examination doctors; and
- Other certifying doctors.

How does the designated doctor program, certification testing and training change?

The rule amendments and changes:

- simplify rule language;
- change testing requirements;
- alter DD qualifications, certification, and renewals;
- restrict multiple certifications to when ordered by DWC; and
- reduce administrative burdens.

Review of Certification Testing Changes

Required Certification Testing

DDs and other certifying doctors are only required to have passed the required certification test at least once since May 13, 2013.

- No longer required to take the certification test every two years, unless specifically asked by DWC.



28 TAC Sec. 127.100, Designated Doctor Certification and 28 TAC Sec. 180.23, Division Required Training for Doctors

DWC Required Additional Testing

Examples of reasons DWC may require additional testing at renewal for:

- substandard performance;
- changes in duties;
- updates to the guidelines; and
- legislative changes.

28 TAC Sec. 127.100 (d), Designated Doctor Certification

Continued Certification Training

DDs and other certifying doctors must still take required certification training every two years.

- DDs must continue to reapply for certification using the DWC Form-067, *Designated doctor certification application*.
- Other certifying doctors must submit documentation that they have taken the training every two years.

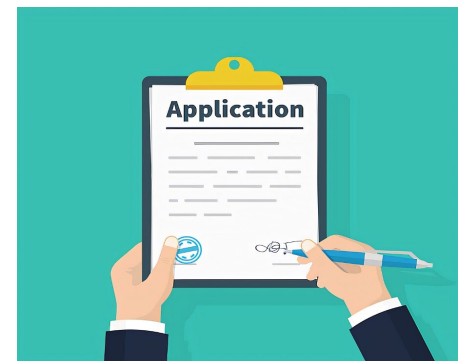


Designated Doctor Certification Application

DDs must still apply for a renewal every two years.

A DD must:

- have a completed DD certification application on file with the DWC 45 days prior to expiration.
- complete all DWC related trainings within 12 months of the date of the application;



Designated Doctor Certification Application

A DD must (cont'd):

- have current documentation confirming their completion of training on file with the DWC (within the last 12 months);
- comply with financial disclosure requirements, and
- provide detailed answers to disclosure questions on the doctor's professional background, training and fitness to perform duties, including disciplinary actions relating to your license.

Designated Doctor Renewal Certification

28 TAC Sec. 127.110, Designated Doctor Recertification

- 28 TAC Sec. 127.110, Designated Doctor Recertification is deleted.
- Certification and renewal certification requirements are now in one section, 28 TAC Sec.127.100, Designated Doctor Certification.
- Recertification is now referred to as "Renewal Certification".

Adverse Certification Actions

28 TAC Sec. 127.100, Designated Doctor Certification

As a part of the certification process, DWC may deny, suspend or revoke a DD's certification for the reasons listed in the rule, including:

- defects in the certification application; or
- timing and performance issues.

Designated Doctor Response to Adverse Certification Actions

DD's response to adverse actions.

- For an initial certification denial, DD may respond in writing.
- For a renewal certification denial, a certification suspension or revocation a DD may:
 - respond in writing; or
 - send DWC a written request for an informal conference.

Adverse Certification Actions

Response or request for informal conference must be received by the 15th working day after the date the doctor received the notice of the adverse action.

If not received timely:

- the action (denial, approval with restrictions, suspension, or revocation) will be final, effective the next day.
- DWC will not send further notice.

If received timely, the DWC will set the informal conference to occur no later than 31 days after it received the request.

Designated Doctor Restricted Renewal Certification

DD renewal with restrictions:

- A two-year renewal certification may be approved with restrictions.
- DD must meet the conditions before they will be assigned exams. Conditions are specific to the deficiencies in the designated doctor's application or performance history.
- DD may request an informal conference to dispute the restrictions.

28 TAC Sec. 127.100(h) and (k)

Revised Qualification Standards for Designated Doctor Examinations

- Changes are found in 28 TAC Sec. 127.130, Qualification Standards for Designated Doctor Examinations.
- Qualification revisions apply to exams ordered on or after June 5, 2023.
- Some qualification standards were not revised and remain the same.

Exam Types Impacted

Exam Types

- Traumatic brain injury (TBI)
- Spinal cord injuries
- Multiple fractures

General Changes

- Added several physician board specialties for TBIs.
- Only physicians with certain board specialties for spinal cord injuries.
- Expanded qualifications for simple fractures.

Qualification Standards for Designated Doctor Examinations – Traumatic Brain Injury

Qualifications for Traumatic Brain Injury :

- Additional physician specialties are now qualified to examine **traumatic brain injuries, including concussion and post concussion syndrome.**
- DD must be board certified (or previously board certified) by the American Board of Medical Specialties (ABMS) or American Osteopathic Association Bureau of Osteopathic Specialists (AOABOS).

Qualification Standards for Designated Doctor Examinations – Traumatic Brain Injury

Qualifying ABMS certifications include the existing board specialties:

- Neurological surgery
- Neurology
- Physical medicine and rehabilitation
- Psychiatry

Added ABMS board specialties:

- Orthopaedic surgery
- Occupational medicine
- Dermatology
- Plastic surgery
- Surgery
- Anesthesiology with a subspecialty in pain medicine
- Emergency medicine
- Internal medicine
- Thoracic and cardiac surgery
- Family medicine

Qualification Standards for Designated Doctor Examinations – Traumatic Brain Injury

Qualifying AOABOS certifications include the existing board specialties:

- Neurological surgery
- Neurology
- Physical medicine and rehabilitation
- Psychiatry

Added AOABOS board specialties:

- Orthopedic surgery
- Preventive medicine/occupational-environmental medicine
- Preventive medicine/occupational
- Dermatology
- Plastic and reconstructive surgery
- Surgery (general)
- Anesthesiology with a certificate of added qualifications in pain management
- Emergency medicine
- Internal medicine
- Thoracic and cardiovascular surgery
- Family practice and osteopathic manipulative treatment

Qualification Standards for Designated Doctor Examinations – Multiple Fractures

Qualifications for complex multiple fractures:

- No longer require a board-certified specialist for multiple fractures (except for fractures of the pelvis or ribs) unless they have vascular injury.
- Allows a chiropractor or physician with a different board specialty or no board specialty to examine more than one simple resolved fracture (without vascular injury).
- One or more fractures with vascular injury, including crush injuries to bones, must be examined by a physician with the specified board-certifications.

28 TAC Sec. 127.130 (b)(9)(F), Qualification Standards for Designated Doctor Examinations

Qualification Standards for Designated Doctor Examinations – Multiple Fractures

Old rule language:

- To examine MULTIPLE FRACTURES, JOINT DISLOCATION, AND PELVIS OR HIP FRACTURE, a designated doctor must be board-certified by...

New rule language:

- To examine any JOINT DISLOCATION, ONE OR MORE FRACTURES WITH VASCULAR INJURY, ONE OR MORE PELVIS FRACTURES, OR MULTIPLE RIB FRACTURES, a designated doctor must be board-certified by....

Qualification Standards for Designated Doctor Examinations – Multiple Fractures

ABMS board specialties:

- Emergency medicine
- Orthopaedic surgery
- Plastic surgery
- Physical medicine and rehabilitation
- Occupational medicine

AOABOS board specialties:

- Emergency medicine
- Orthopedic surgery
- Plastic surgery
- Physical medicine and rehabilitation
- Preventive medicine/occupational-environmental medicine
- Preventive medicine/occupational

Qualification Standards for Designated Doctor Examinations – Spinal Cord Injuries

Qualifications for Spinal Cord Injuries:

- Amendments change the phrase “documented neurological deficit” to “documented neurological injury, or vascular injury, more than one spinal fracture.”
- Clarifies what types of conditions require a board-certified specialist.

28 TAC Sec. 127.130 (b)(9)(C), Qualification Standards for Designated Doctor Examinations

Qualification Standards for Designated Doctor Examinations – Spinal Cord Injuries

Old rule language:

- To examine spinal cord injuries and diagnoses, a spinal fracture with documented NEUROLOGICAL DEFICIT, or cauda equina syndrome, a designated doctor must be board-certified by...

New rule language:

- To examine spinal cord injuries and diagnoses, including a spinal fracture with documented NEUROLOGICAL INJURY, OR VASCULAR INJURY, MORE THAN ONE SPINAL FRACTURE, or cauda equina syndrome, a designated doctor must be board-certified by....

Qualification Standards for Designated Doctor Examinations – Spinal Cord Injuries

ABMS board specialties:

- Neurological surgery
- Neurology
- Physical medicine and rehabilitation
- Orthopaedic surgery
- Occupational medicine

AOABOS board specialties:

- Neurological surgery
- Neurology
- Physical medicine and rehabilitation
- Orthopedic surgery
- Preventive medicine/occupational-environmental medicine
- Preventive medicine/occupational

Review of Multiple Certification and Referral Testing Changes

Multiple Certifications

What were multiple certifications?

Multiple certifications were required when MMI, IR, and extent of injury (EOI) were requested for a single exam on the old DWC Form-032.

These multiple certifications occurred before the first benefit review conference and were often not used in the hearings process.

Multiple Certifications

DDs will no longer complete multiple certifications for exams:

- ordered on or after June 5, 2023, and
- that include MMI, IR, and extent of injury.

DDs will only provide multiple certifications when ordered by a Presiding Officer Directive (POD). The POD will provided directions regarding the certifications required.

28 TAC Sec. 127.10, General Procedures for Designated Doctor Examinations

Subchapter A. Designated Doctor Scheduling and Examinations

28 TAC Sec. 127.1, Requesting Designated Doctor Examinations

- Amended to remove the requirement that the requester list the injuries determined to be compensable by the division or court, or all injuries accepted by the insurance carrier on the DWC Form-032, Request for designated doctor examination.
- As a result of rule change, the DWC Form-032, Request for designated doctor examination, has been amended.

Designated Doctor Referral Testing

28 TAC Sec. 127.10, General Procedures for Designated Doctor Examinations

- Referral doctors who provide testing for DDs can be in the same certified workers' compensation health care network as the injured employee's claim but are not required to be.

Designated Doctor Referral Testing

28 TAC Sec. 127.220, Designated Doctor Reports, adds requirements for the DD to:

- specify the date the additional testing or referral examination was completed, and
- provide the total amount of time required to review medical records.

Revised Forms

DWC Form-067, Designated doctor certification application

Form only used by DDs for:

- Initially applying to become a DD.
- Renewing (formerly recertifying) their application.

DWC Form-067, Designated doctor certification application

Designated doctors should use the new DWC Form-067:

- Beginning April 30, 2023.
- When submitting an initial application and requesting a renewal.

DWC Form-032, Request for designated doctor examination

Form used to request a DD examination, can be submitted by:

- Injured employee, or representative
- Insurance carrier
- DWC

DWC Form-032, Request for designated doctor examination

Form revised to comply with agency style standards along with content revisions.

- New form available now but must be used on or after June 5, 2023, but will have a 30-day grace period to use new form.
- Boxes are renumbered.
- Removes box #37, "List all injuries accepted as compensable by the insurance carrier."

DWC Form-032, Request for designated doctor examination

New DWC Form-032 changed language:

- New box #32 (old box #38) has been revised and states "Has there been an approved DWC Form-024, *Benefit Dispute Agreement*, final DWC decision, or final court order to determine the compensable injury?"
- New box #32 requires a yes or no answer in order to keep it simple. DWC will get the needed information to the DD.

Revised DWC DD Order

Revised DD DWC Order:

- is accompanied by the DWC Form-032 or POD which includes the issues the DD is to address.
- includes the insurance carrier agent and billing information to assist the DD in medical bill submission.
- begins June 5, 2023.

Billing Information Examples

- With Billing Information

Insurance carrier medical bill processing contact information:

Business name: Zurich Services Corporation
Mailing address: PO Box 968070, Schaumburg, IL 60196-8070
Phone number: 1.719.590.8719
Fax number:
Email address: usz.zurich.claims.documents@zurichna.com

- Without Billing Information

Insurance carrier medical bill processing contact information:

There's no medical billing contact information on file. Call DWC at 1-800-252-7031, Monday to Friday, 8 a.m. to 5 p.m., Central time.

DWC Form-068, Designated doctor examination data report

Form used by DDs when performing an examination for all issues except MMI/IR, which includes:

- extent of injury;
- disability – direct result; or
- other similar issues.

Not used when performing **just** MMI, IR or return to work examinations.

Purpose of form is to provided all information on one document.

DWC Form-068, Designated doctor examination data report

Revised to comply with agency style standards:

- Assists DDs in recording extent of injury findings more precisely.
- Must use new form beginning June 5, 2023.

Important Dates

On or after April 30, 2023, DDs and other certifying doctors that pass or have previously passed the certification test **on or after May 13, 2013**, are no longer required to retest every two years when they renew their certification.

On or after June 5, 2023, a DD will only provide multiple certifications of MMI and IRs when DWC directs.

On or after June 5, 2023, exam orders will use the new qualification standards for exams.

Important Dates

On or after June 5, 2023, requesters must use the new DWC Form-032 Request for DD examination, with a 30-day grace period.

On or after June 5, 2023, DDs must begin using the new DWC Forms 32 and 68.

DWC Resources

DD certification and renewal:

- Application process
- Deferral requests
- Voluntary surrender requests
- Verify DD certification dates and MMI/IR authorization dates

Telephone: (512) 804-4766

Fax: (512) 804-4207

Email: OMA@tdi.texas.gov (questions only, not forms)

DWC Resources

DD examination coordination:

- Scheduling and rescheduling of DD examinations (TxComp or fax)
- Request for redesignation (fax only)
- Request to change an exam location (TxComp or fax)
- Injured employee no show notification (fax only)
- Request for additional time to complete report (TxComp or fax)

Telephone: (800) 252-7031

Fax: (512) 804-4121

Email: DDScheduler@tdi.texas.gov

Email: DDRecords@tdi.texas.gov

DWC Resources

DD education:

- Required certification course and optional training content
- Required testing
- Education outreach

Telephone: (512) 804-4765

Fax: (512) 804-4769

Email: DesDoc.education@tdi.texas.gov

DWC Resources

DD operations – Outreach planning and coordination:

Questions concerning registration for certification courses and optional trainings.

Telephone: (512) 804-4585

Email: opc@tdi.texas.gov

DWC Resources

DWC Designated Doctor webpage

Found under Workers' Compensation A-Z, "D" for
Designated Doctor

<https://www.tdi.texas.gov//wc/dd/index.html>

Review

- Which rules and forms were amended?
- Why were they amended?
- Who does this affect?
- How will the changes to the DD certification program work?
- When will the changes take place?
- What resources are available?



Contact Us

CompConnection:
800-252-7031 option 3

Compconnection@tdi.texas.gov

Thank you!