

Insurance Carrier Quarterly Meeting

February 3, 2022

1:30 p.m. to 3 p.m.

Agenda Items

- Welcome
- Compliance and Investigations Update
- Health and Safety Update
- Business Process Update
- COVID-19 Data Call
- Hearings Update
- Q&A
- Closing

Welcome

Dan Paschal, Deputy Commissioner
Policy and Customer Services

Compliance and Investigations Update

Debra Knight, Deputy Commissioner
Compliance and Investigations

CY2021 Complaints

CY2021 - Complaints

1,828 Complaints Received

13	Attendance
603	Communications
0	Fraud
487	Indemnity Benefit Delivery
433	Medical Benefit Delivery
200	Other
92	Quality of Care

1,770 Complaints Closed

529	Confirmed
449	DWC Education Complaint
792	Not Confirmed

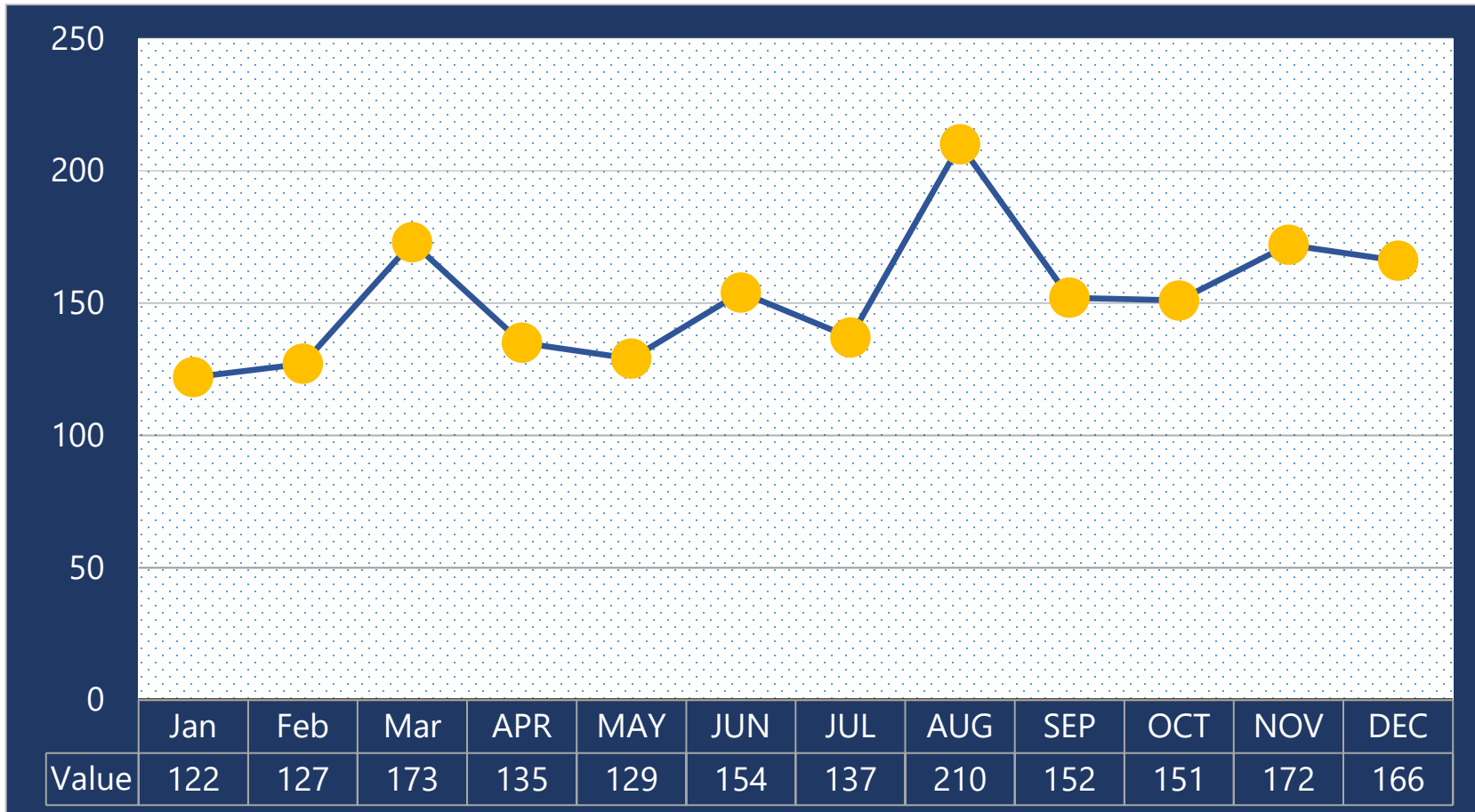
Based on complaint data as of 12/31/2021

CY2021 – Complaints By Respondent Type

Type of complaint	Injured Employee	Insurance carrier	Health care provider	Employer	Attorney	Other
Attendance	5	2	3	0	2	0
Communications	0	320	170	101	9	3
Indemnity benefits	0	474	5	4	1	3
Medical benefits	1	292	138	0	0	2
Quality of care	N/A	N/A	92	N/A	N/A	N/A
Other	2	142	8	42	3	3

Based on complaint data as of 12/31/2021

CY2021 Complaint Volume by Month Received



*Based on complaint data as of
12/31/2021*

FY2022 Compliance Audits

FY2022 - Compliance Audits

Death Benefits/Lifetime Income Benefits

- 25 initiated
 - 1 canceled
 - 3 completed
 - 21 in progress

Initial Payment of TIBs

- 11 in progress (round 1)
- 10 planned (round 2)

Medical Bill Processing

- 9 in progress (round 1)
- 10 planned (round 2)

Based on audit data as of 1/13/2022

2022 Performance Based Oversight (PBO)

Performance Based Oversight

2022 Insurance Carrier Assessment

- Next steps
- Email: PBO@tdi.texas.gov

DWC Fraud & Prosecution Units

CY2021 – DWC Fraud Unit

1294 fraud referrals received

98 fraud cases open*

341 fraud cases closed

3 fraud referrals for prosecution

**Based on data received as of 12/31/2021*

CY2021 – DWC Fraud & Prosecution Units

- **8 indictments**
 - **5** attorney
 - **1** injured employee
 - **2** employer

**Based on data received as of 12/31/2021*

CY2021 – DWC Fraud & Prosecution Units

15 convictions

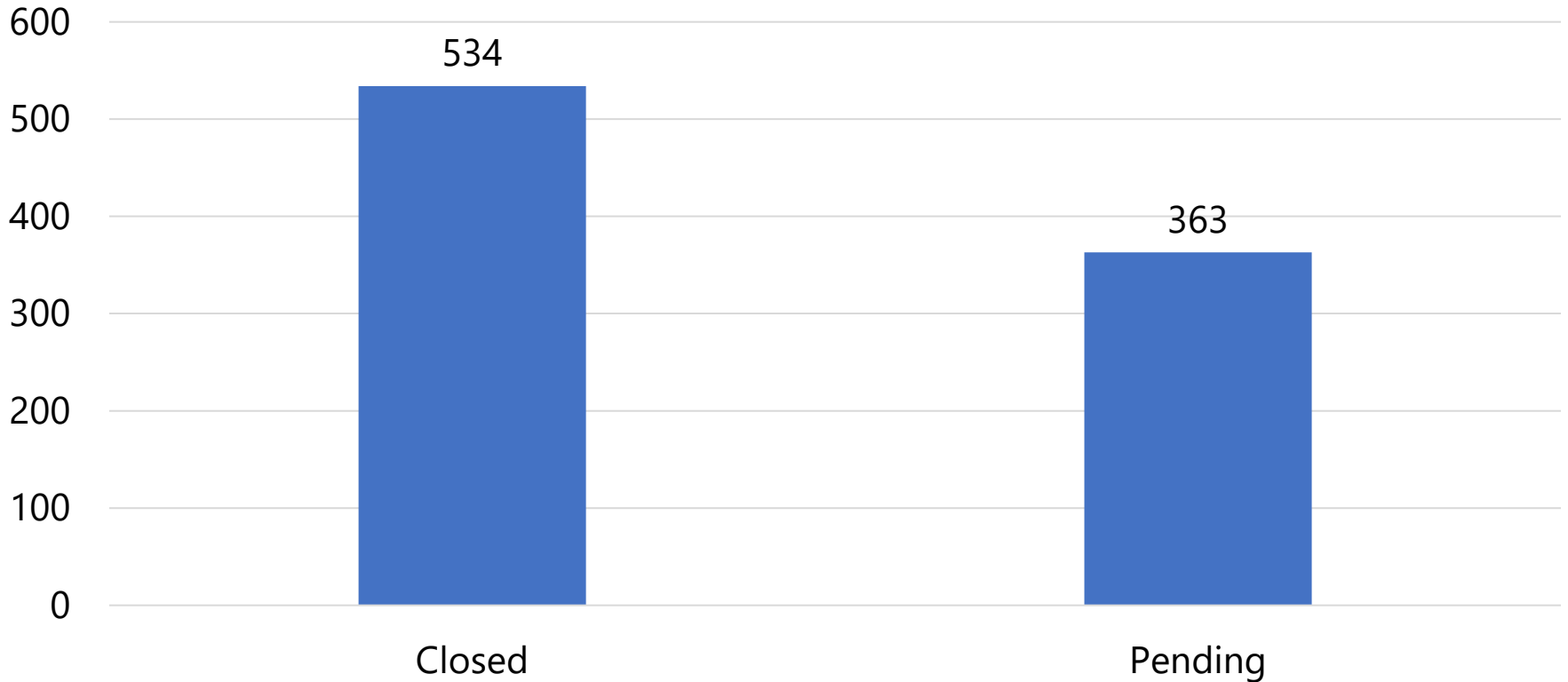
- **12** health care provider
- **3** employer

**Based on data received as of 12/31/2021*

Enforcement Update

CY2021 Enforcement Case Status

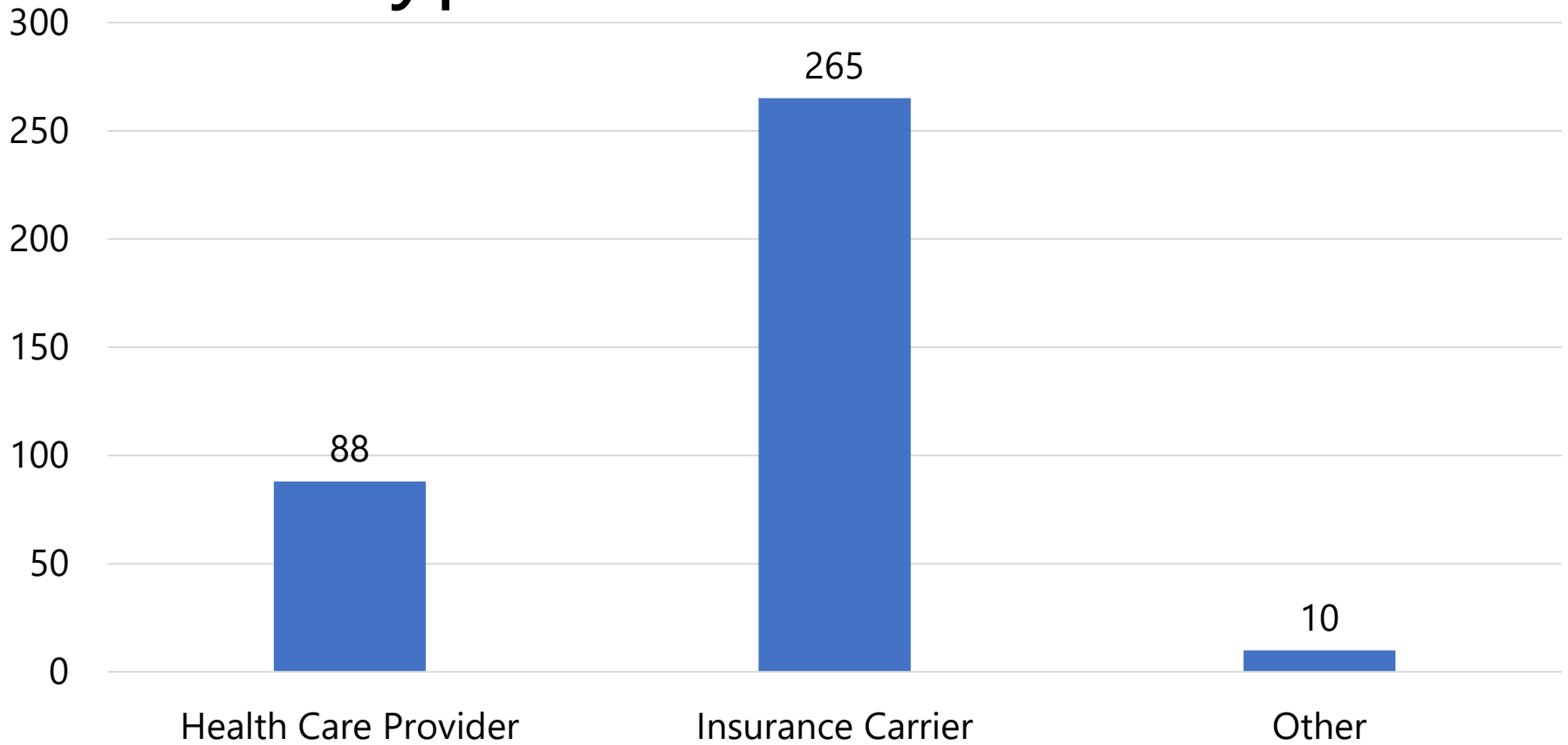
Based on enforcement data as of 01/04/2022



2021	Closed Cases	Pending Cases
Cases	534	363

CY2021 Cases Pending by Subject Type

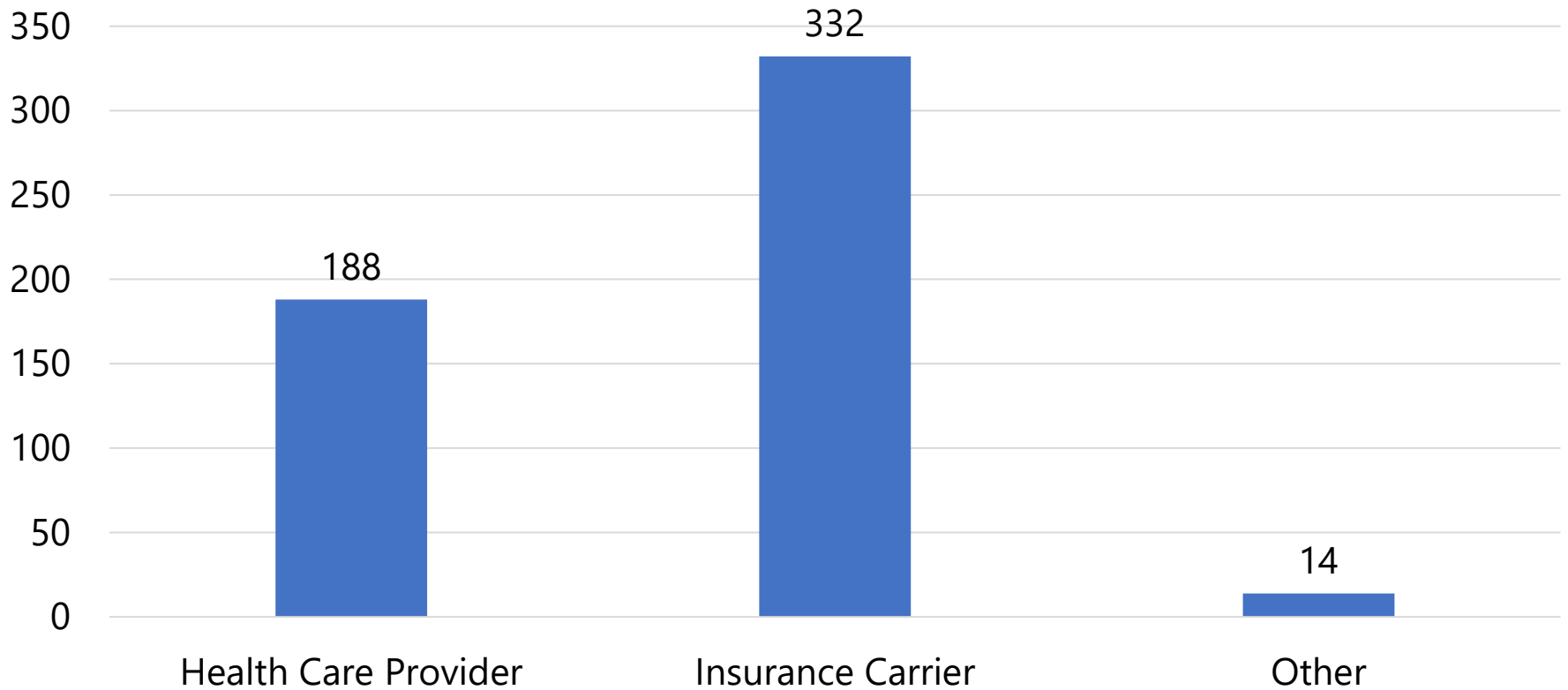
Based on enforcement data as of 01/04/2022



2021	Health Care Provider	Insurance Carrier	Other
Cases	88	265	10

CY2021 Cases Closed by Subject Type

Based on enforcement data as of 12/31/2021



2021	Health Care Provider	Insurance Carrier	Other
Cases	188	332	14

CY2021 Cases Closed by Disposition Type

Based on enforcement data as of 12/31/2021

■ Health Care Provider ■ Insurance Carrier ■ Other



2021	Health Care Provider	Insurance Carrier	Other
DWC Order	33	148	0
Warning Letter	129	178	11
Other	26	6	3

DWC Enforcement Disciplinary Orders Link

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

Questions?

Health and Safety Update

Matt Zurek, Deputy Commissioner
Health and Safety

Utilization Review Agent Plan-Based Audit

- Audit completed in 2021
 - Adherence to ODG and medical standards of care for conducting utilization review when approving spinal lumbar fusions.
 - Appropriate selection of reviewing health care providers.
- 30 cases selected and reviewed
- 13 cases closed with no action
- 17 cases referred to enforcement

Shoulder Surgery Plan-Based Audit

- Audit adopted December 2021
- Adherence to ODG and medical standards of care for performing acromioplasty or distal clavicle resection procedures conducted as part of a shoulder rotator cuff repair
- Appropriate medical recordkeeping
- 10 subjects to be selected with five random cases

CY2022 Annual Audit

- Audit adopted December 2021
- Two review categories:
 - Evaluate the reasonableness of a doctor's decision and recordkeeping regarding RTW.
 - Evaluate the appropriateness of a health care provider's decision-making and recordkeeping that supports the use and effectiveness of spinal cord stimulators.

Health Care Provider Outreach

- HCP website:
www.tdi.texas.gov/wc/hcprovider/index.html
- News section:
 - Live webinars schedule
 - CY22 medical fee guideline conversion factors
 - Financial disclosure
- Live webinars and on-demand training:
 - New recordings added to the list of on-demand training

Brooke Army Medical Center

- Reminder:
 - TAC 28 134.150 - Reimbursement
- Questions: Matthew.Zurek@TDI.Texas.Gov, (512) 804-4870

Return to Work

- DWC Form-073

Business Process Update

Joe McElrath, Deputy Commissioner
Business Process

- DWC forms update
- EDI rule update
- Designated Doctor update

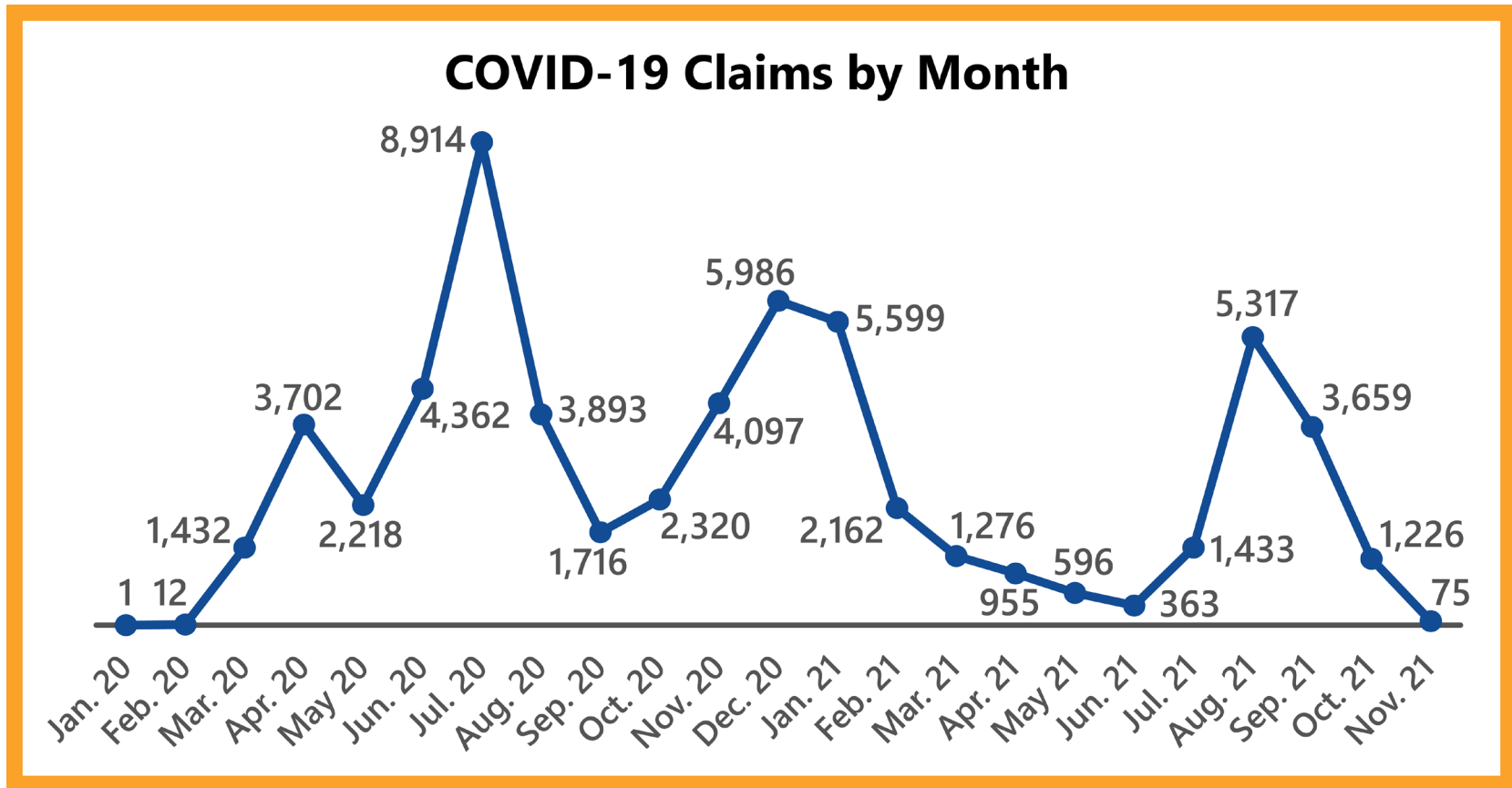
COVID-19 Workers' Compensation Claims in Texas

Botao Shi, Director
Workers' Compensation Research
and Evaluation Group

COVID-19 Workers' Compensation Claims in Texas

- Data sources:
 - claim and medical EDI for workers' compensation claims
 - COVID-19 data call
 - COVID-19 case data collected by Texas Department of State Health Services
- Analysis timeframe: COVID-19 claims reported to an insurer as of September 30, 2021
- More than 61,000 claims identified, including 371 fatalities and 134 disputes filed as of November 7, 2021.

Number of COVID-19 Claims by Month Insurance Carrier Received Claim Notice

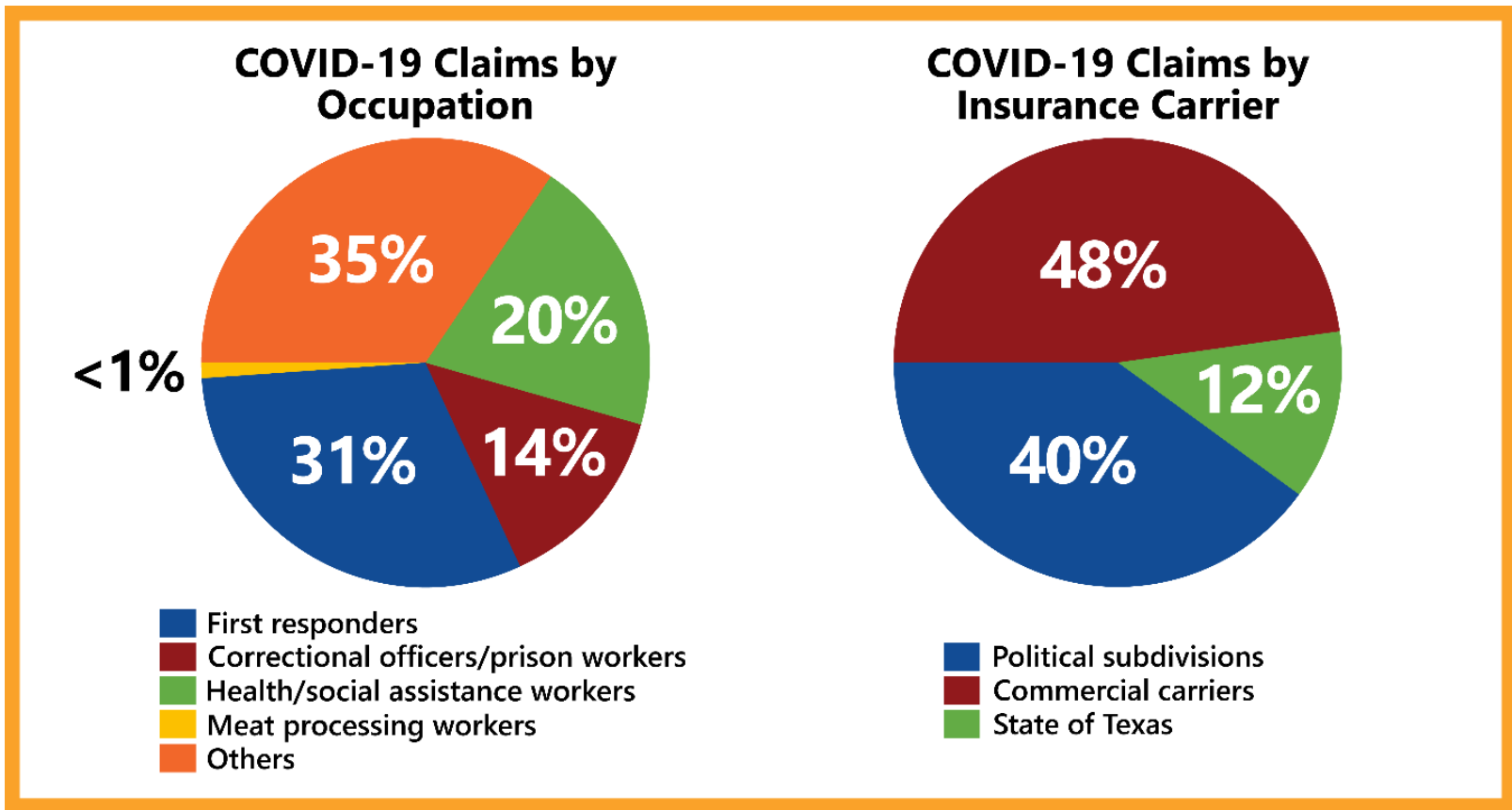


Note: Monthly counts may change over time as insurance carriers file updated claim reports with DWC.

Seventeen claims did not include information about the date of claims.

Source: DWC administrative data as of November 7, 2021.

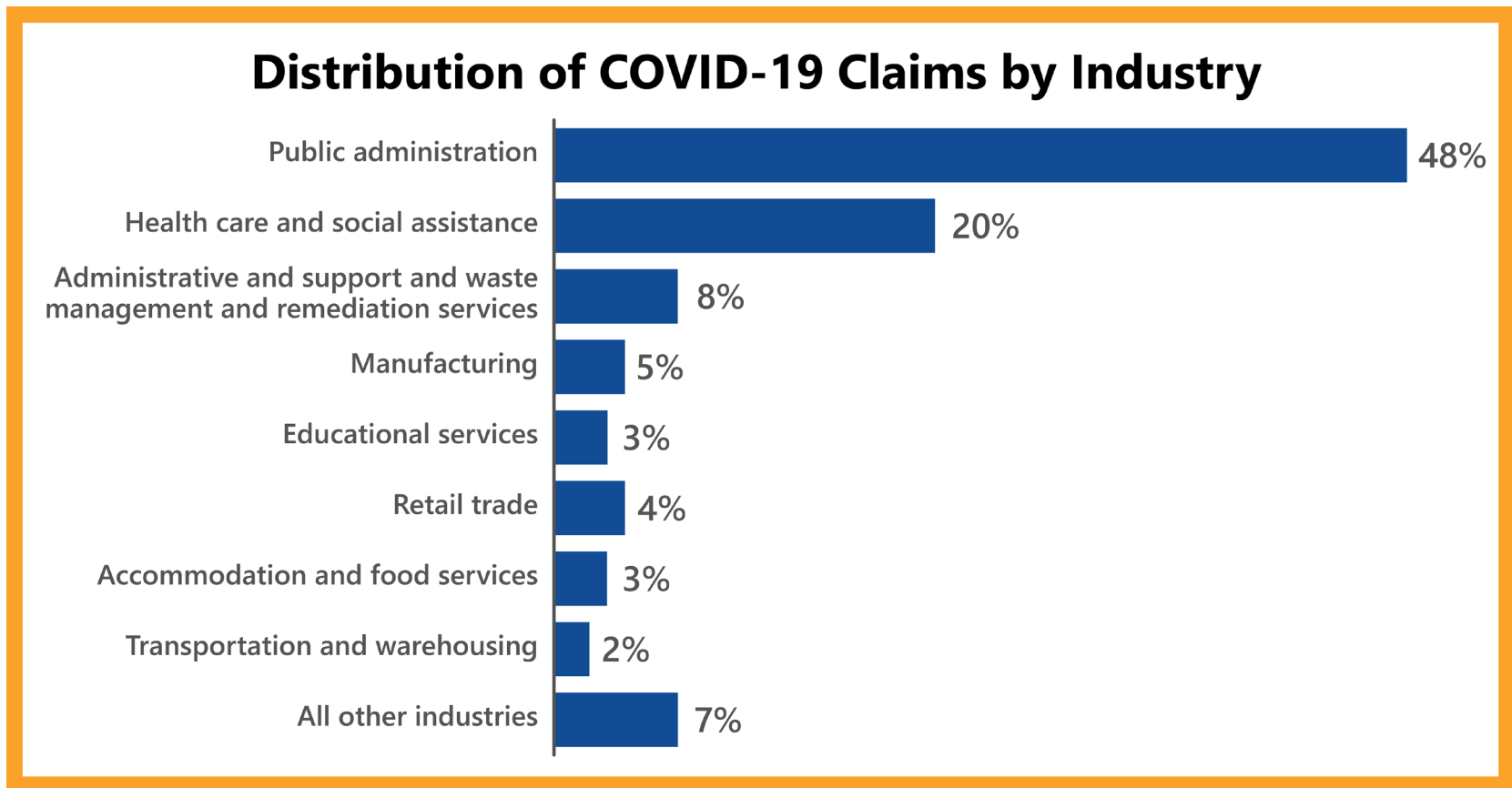
COVID-19 Claims by Occupation



Note: "State of Texas" includes the State Office of Risk Management, the University of Texas System, the Texas A&M University System, and the Texas Department of Transportation. "Commercial carriers" includes licensed insurance companies and certified self-insured employers.

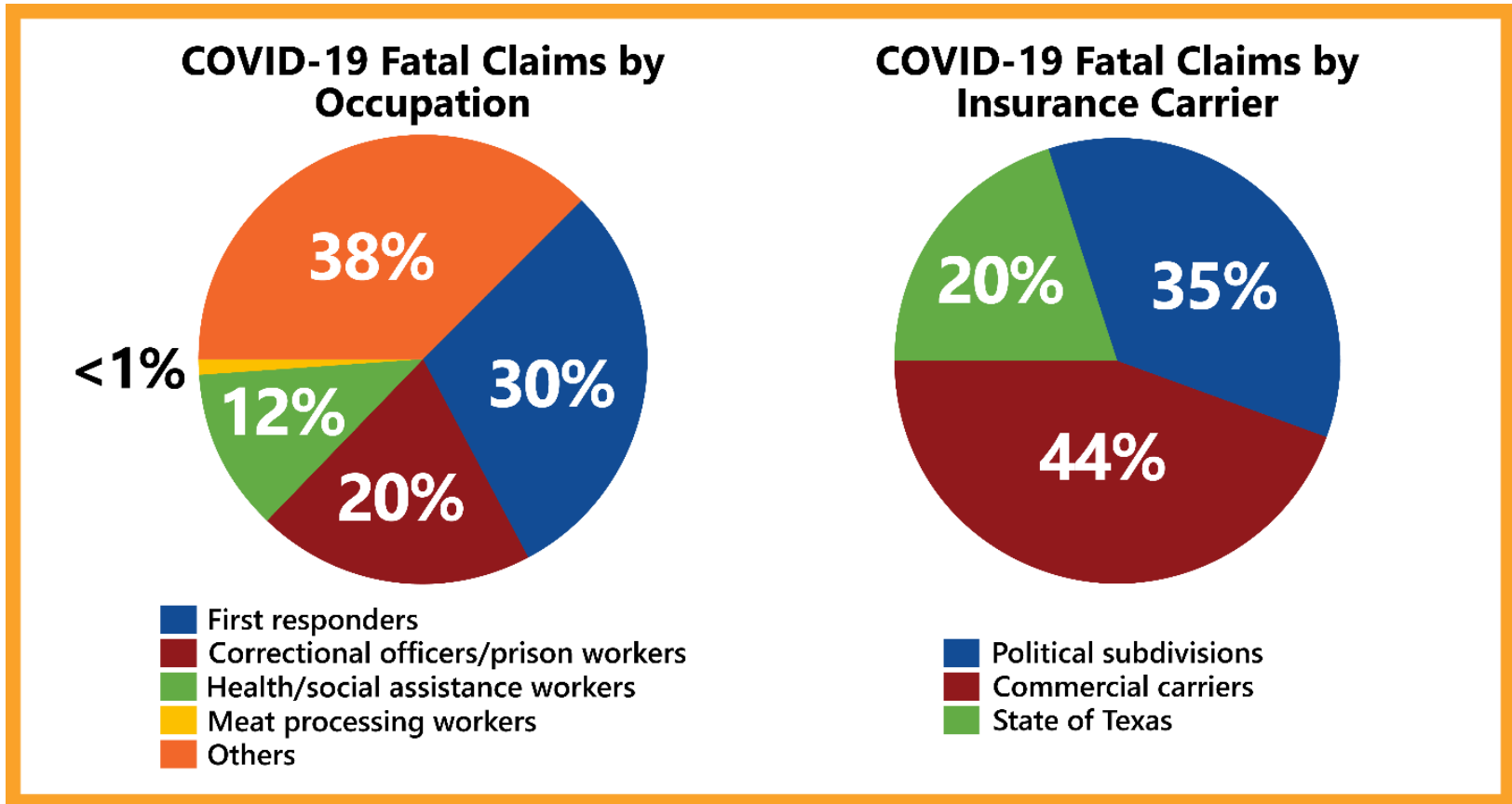
Source: DWC administrative data as of November 7, 2021.

COVID-19 Claims by Types of Industry



Source: DWC administrative data as of November 7, 2021.

Fatal COVID-19 Claims by Occupation and Type of Insurance Carrier



Note: "State of Texas" includes the State Office of Risk Management, the University of Texas System, the Texas A&M University System, and the Texas Department of Transportation. "Commercial carriers" includes licensed insurance companies and certified self-insured employers.

Source: DWC administrative data as of November 7, 2021

COVID-19 Data Call Results, 6th Submission

Insurance Carriers	# of Claims Reported to Insurance Carriers	# of Claims with a Positive Test or Diagnosis (% of exposure)	# of Positive Test Claims Accepted by Insurance Carriers (% of positive test)	# of Positive Test Claims Denied by Insurance Carriers (% of positive test)	# of Positive Test Claims Still Under Investigation (% of positive test)
Commercial carriers	26,974	18,883 (70%)	5,177 (27%)	13,381 (71%)	325 (2%)
Political subdivisions	24,626	14,629 (59%)	12,119 (83%)	2,109 (14%)	402 (3%)
State of Texas	7,526	2,100 (28%)	424 (20%)	1,183 (56%)	493 (23%)
All carriers total	59,126	35,612 (60%)	17,720 (50%)	16,673 (47%)	1,220 (3%)

Note: "State of Texas" includes the State Office of Risk Management, the University of Texas System, the Texas A&M University System, and the Texas Department of Transportation. "Commercial carriers" includes licensed insurance companies and certified self-insured employers.

Source: Data call submission as of September 30, 2021.

First Responders' COVID-19 Claims: Initially Denied, Filed After Passage of SB 22, and Their Disposition

Insurance Carriers	# of First Responders' COVID-19 Claims Initially Denied	# of PLN-15's Filed	# of PLN-15's Accepted	# of PLN-15's Denied
Commercial carriers	355	2	0	2
Political subdivisions	7,575	23	19	3
State of Texas	5,246	74	53	21
All carriers total	13,176	99	72	26

Source: DWC administrative data as of November 7, 2021.

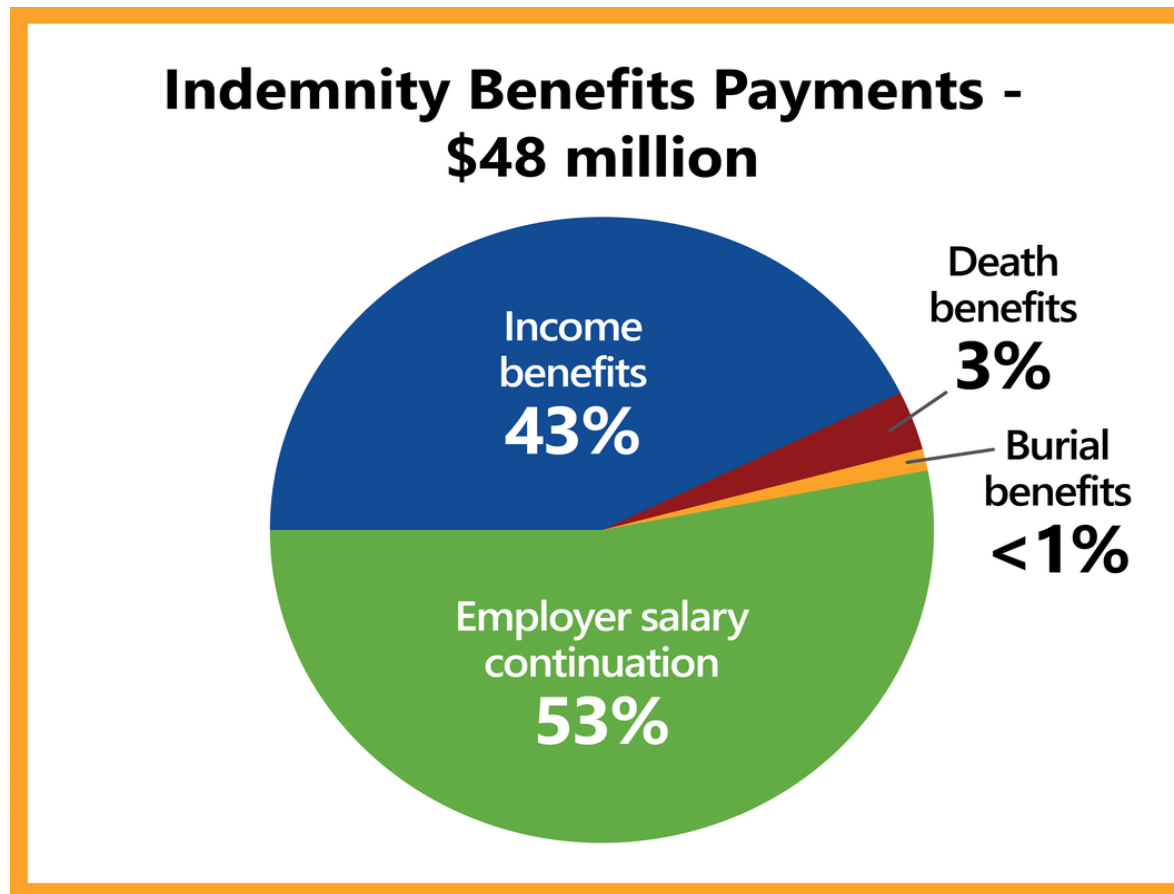
First Responders' COVID-19 Fatal Claims: Initially Denied, Filed After Passage of SB 22, and Their Disposition

Insurance Carriers	# of First Responders' COVID-19 Fatal Claims Initially Denied	# of PLN-15's Filed for Fatal Claims	# of PLN-15's Accepted for Fatal Claims	# of PLN-15's Denied for Fatal Claims
Commercial carriers	10	2	0	1
Political subdivisions	104	2	0	2
State of Texas	71	14	13	1
All carriers total	185	18	13	4

Note: A decision about acceptance or denial is not mentioned for one of the fatal claims.

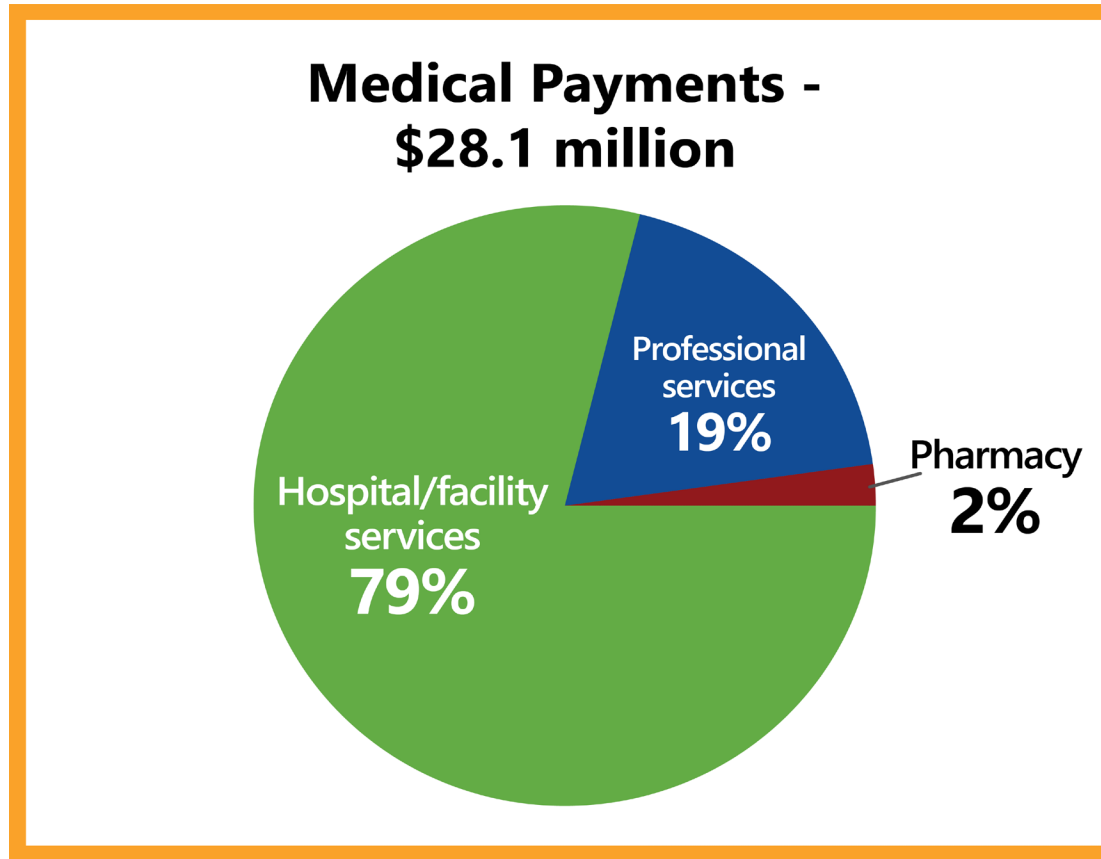
Source: DWC administrative data as of November 7, 2021.

COVID-19 Indemnity Benefits Paid



Source: DWC administrative data as of November 12, 2021, for claims reported to insurance carriers as of September 30, 2021.

COVID-19 Medical Benefits Paid



Source: DWC administrative data as of November 12, 2021, for claims reported to insurance carriers as of September 30, 2021.

Workers' Compensation Research and Evaluation Group

- Questions? Contact us!
- Web: tdi.texas.gov//wc/reg/index.html
- Email: WCResearch@tdi.Texas.gov

Hearings

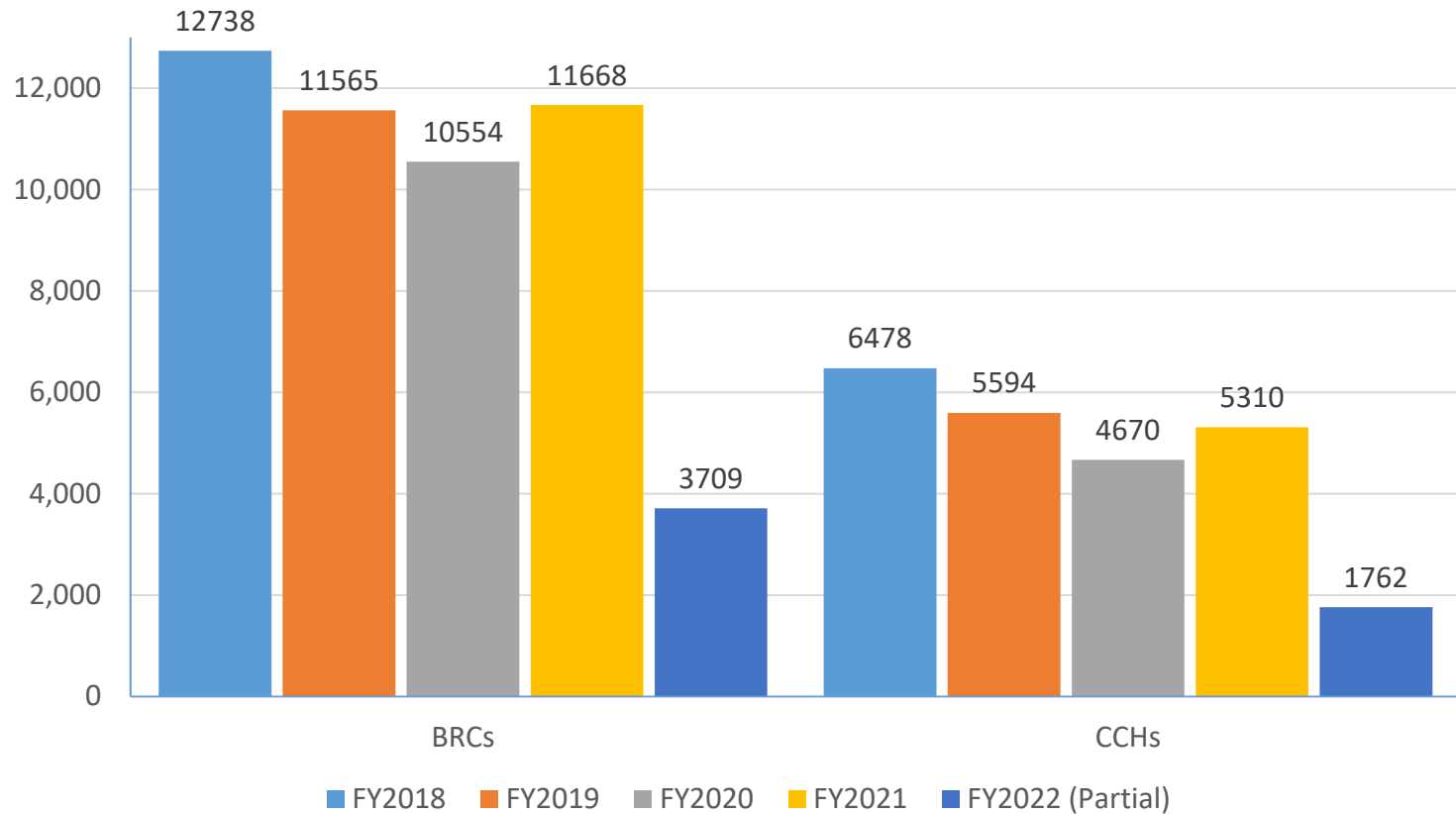
Allen Craddock
Deputy Commissioner, Hearings

New Administrative Law Judges

- Dallas
 - Lindsay Wallace
- San Antonio
 - Gilbert Atkinson
- Corpus Christi
 - Pamela Delgado

Proceedings Held

FY22 - Through December



New Forms

- DWC Form-045 – *Request to schedule, reschedule, or cancel a benefit review conference*
- DWC Form-045m – *Request to schedule, reschedule, or cancel a benefit review conference to appeal a medical fee dispute decision*

Rule Update - Virtual BRCs

- Rule 141.1 updated to provide online dispute resolution as the default method for conducting benefit review conference.

Communication

- File requests and responses timely.
- Do not send multiple copies of documents.
- Properly label/number the exhibits and remove blank pages.
- Do not send emails to presiding officers.

Communication (Continued)

- Secure File Transfer Protocol (SFTP)
- Emails
 - [BRC Exchanges@tdi.texas.gov](mailto:BRC_Exchanges@tdi.texas.gov)
 - [CCH Exhibits@tdi.texas.gov](mailto:CCH_Exhibits@tdi.texas.gov)
- Hearings' fax
 - 512-804-4011

Questions?

Closing

Dan Paschal, Deputy Commissioner
Policy and Customer Services

2022

TEXAS WORKERS' COMPENSATION
CONFERENCE

SHAPING THE FUTURE TOGETHER



June 27-29, 2022

[Registration](#) opens April 2022.