

Insurance Carrier Quarterly Meeting

July 7, 2021
1:30 to 3 p.m.

Agenda Items

- Welcome
- Office of the Medical Advisor Update
- Compliance and Investigations Update
- Business Process and Designated Doctor Operations Update
- EDI Update
- Legislative Update
- Hearings Update
- Data Call Update
- Q&A
- Closing

Welcome

Cassie Brown, Commissioner
Division of Workers' Compensation

Office of the Medical Advisor (OMA) Update

Mary Landrum, Director
Health Care Business Management

Quality of Care Complaints

- Calendar Year 2021
 - 51 complaints forwarded to OMA
(includes external complaints & internal referrals)
 - 32 complaints investigated by OMA
 - 67% closed with no action
 - 11% issued letters of education
 - 7% initiated a medical quality review
 - 15% referred to enforcement

Source: Texas Department of Insurance, Division of Workers' Compensation, data as of 06/30/21

Medical Quality Reviews

- Calendar Year 2021
 - 30 reviews initiated
 - includes complaint, audit, or monitoring based reviews
 - assigned to MQRP members for review
 - 2 review concluded
 - 50% referred to Enforcement
 - 50% recommended other actions
 - (includes letters of education, referrals to medical licensing boards, and closures with no action)

Source: Texas Department of Insurance, Division of Workers' Compensation, data as of 06/15/21

OMA Enforcement Cases

Calendar Year 2021

- 4 OMA referrals received in Enforcement
- 4 OMA cases concluded by Enforcement
 - 3 consent orders/final orders
 - 1 warning letter
 - 0 other action
- 21 OMA cases pending in Enforcement
- 1 OMA case pending at SOAH

Source: Texas Department of Insurance, Division of Workers' Compensation, data as of 06/15/21

Questions?

Compliance and Investigations Update

Debra Knight, Deputy Commissioner
Compliance and Investigations

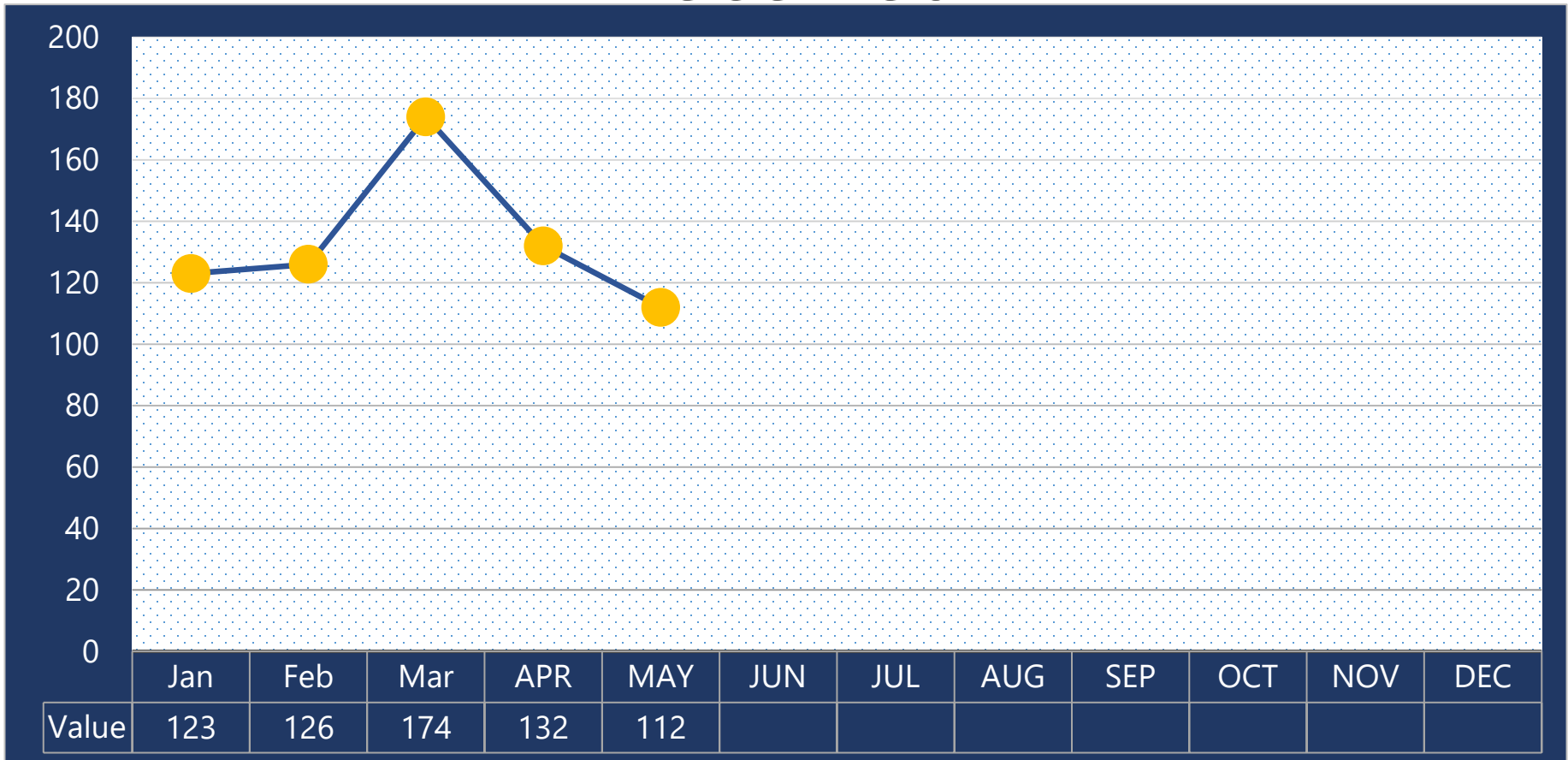
CY2021 Complaints

CY2021 - Complaints

- 667 Complaints Received
 - 6 Attendance
 - 209 Communications
 - 0 Fraud
 - 152 Indemnity Benefit Delivery
 - 129 Medical Benefit Delivery
 - 139 Other
 - 32 Quality of Care
- 644 Complaints Closed
 - 204 Confirmed
 - 145 DWC Education Complaint
 - 295 Not Confirmed

Based on complaint data as of 6/4/2021

CY2021 Complaint Volume by Month Received



Based on complaint data as of 6/4/2021

FY2021 Compliance Audits

FY2021 - Compliance Audits

- Death Benefits/Lifetime Income Benefits
 - 23 completed
- Initial Payment of TIBs
 - 16 completed
 - 12 in progress
- Medical Bill Processing
 - 5 completed
 - 12 in progress

DWC Fraud

CY2021 – DWC Fraud Stats

- 522 fraud referrals received
- 106 fraud cases open*
- 125 fraud cases closed
- 2 fraud referrals for prosecution

*Based on data received as of 5/31/21

CY2021 – DWC Prosecution Stats

6 Indictments

- 5 attorney
- 1 injured employee

CY2021 – DWC Prosecution Stats

12 Convictions

- 12 health care provider

**Based on data received as of 5/31/21*

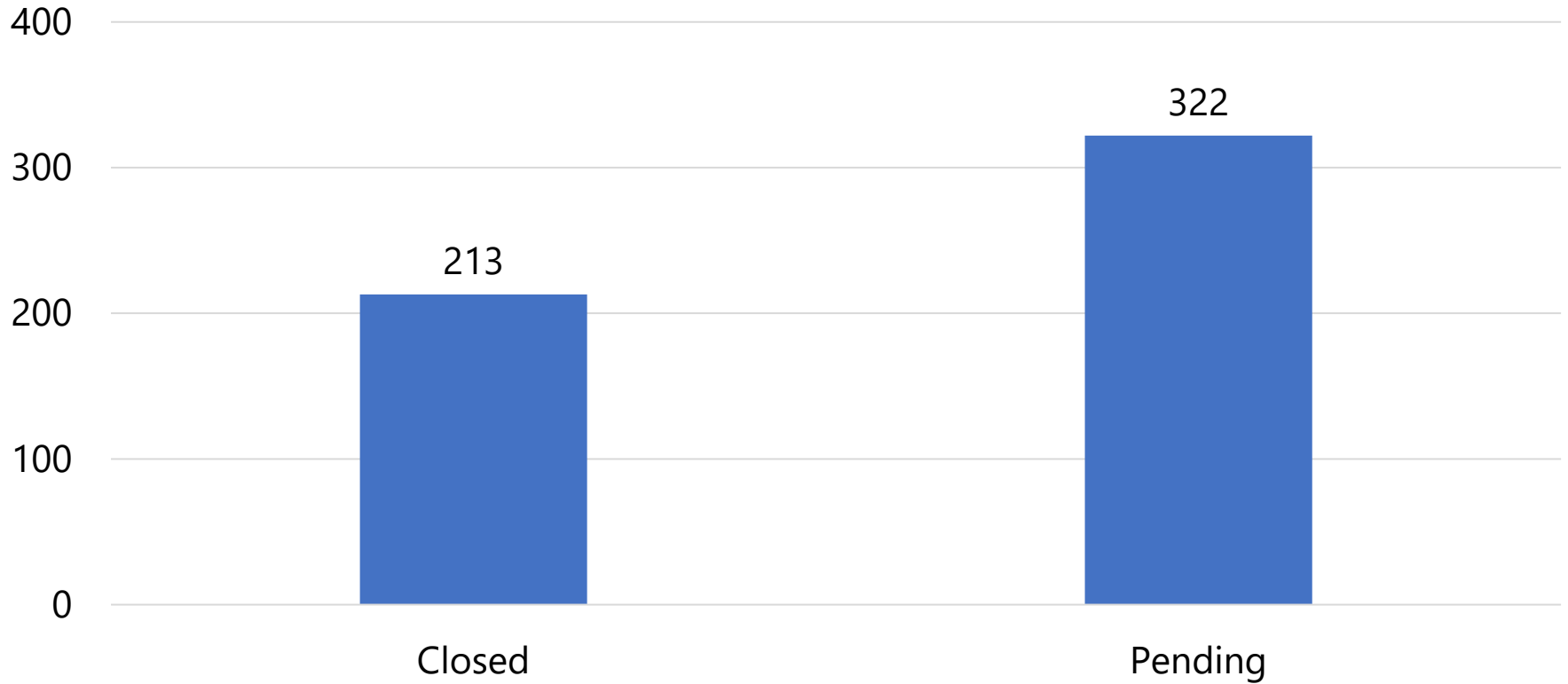
Enforcement Update

Examples of Insurance Carrier Administrative Violations

- Failure to:
 - pay timely indemnity benefits;
 - initiate TIBS;
 - accurately pay TIBS;
 - investigate a claim;
 - file PLN1 or PLN11;
 - pay or dispute a medical bill within 45 days of receipt;
 - and
 - timely pay attorney fees.

CY2021 Enforcement Case Status

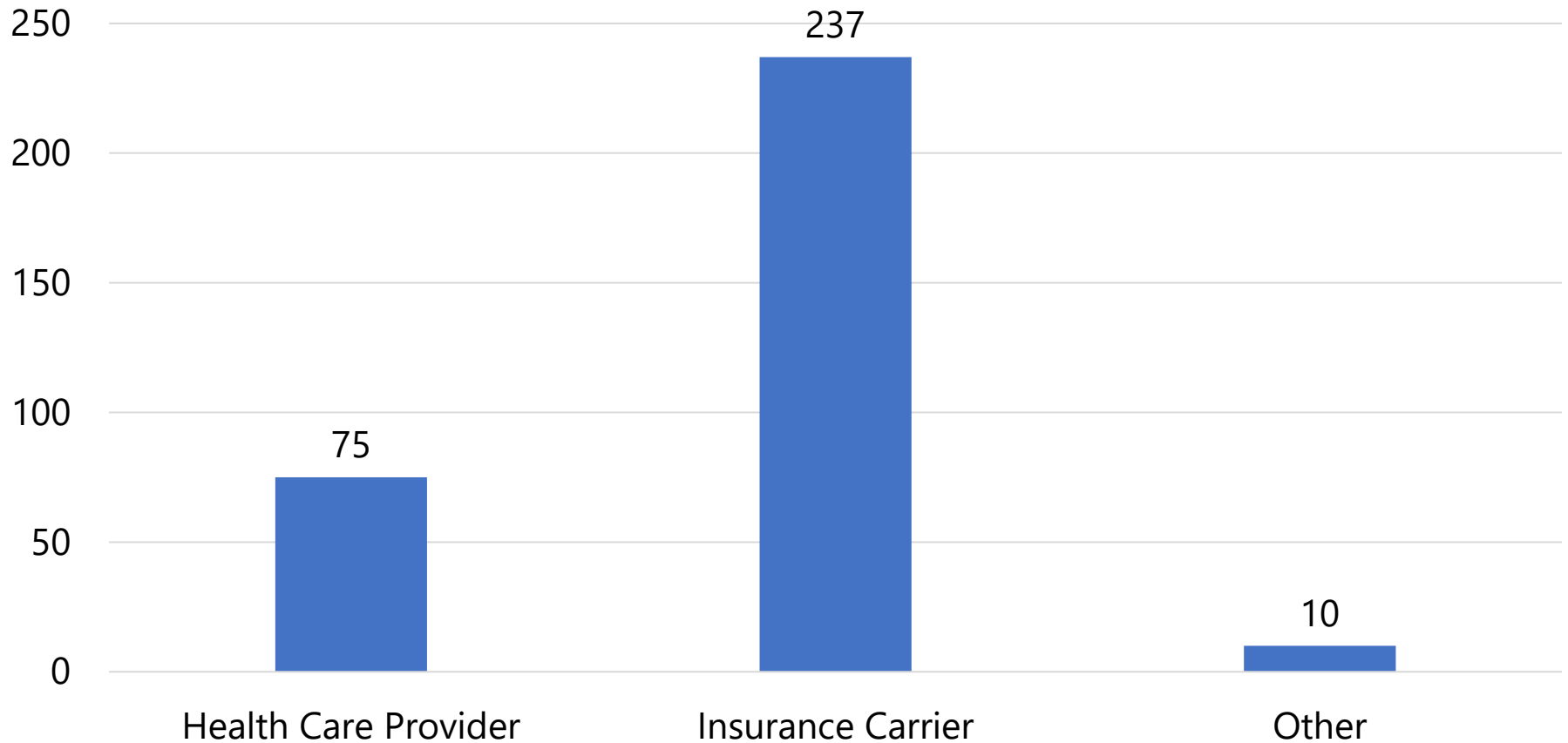
Based on enforcement data as of 6/16/2021



2021	Closed Cases	Pending Cases
Cases	213	322

CY2021 Cases Pending by Subject Type

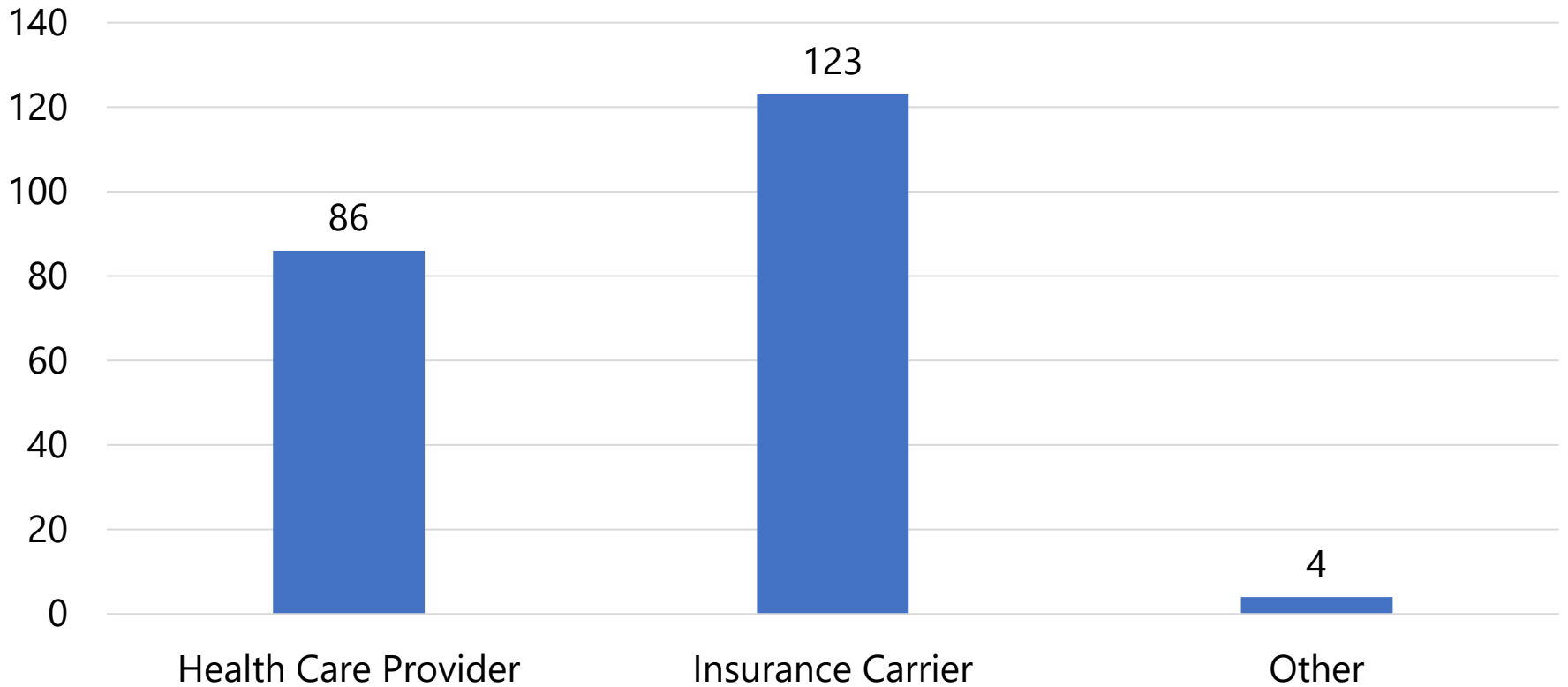
Based on enforcement data as of 6/16/2021



2021	Health Care Provider	Insurance Carrier	Other
Cases	75	237	10

CY2021 Cases Closed by Subject Type

Based on enforcement data as of 6/16/2021

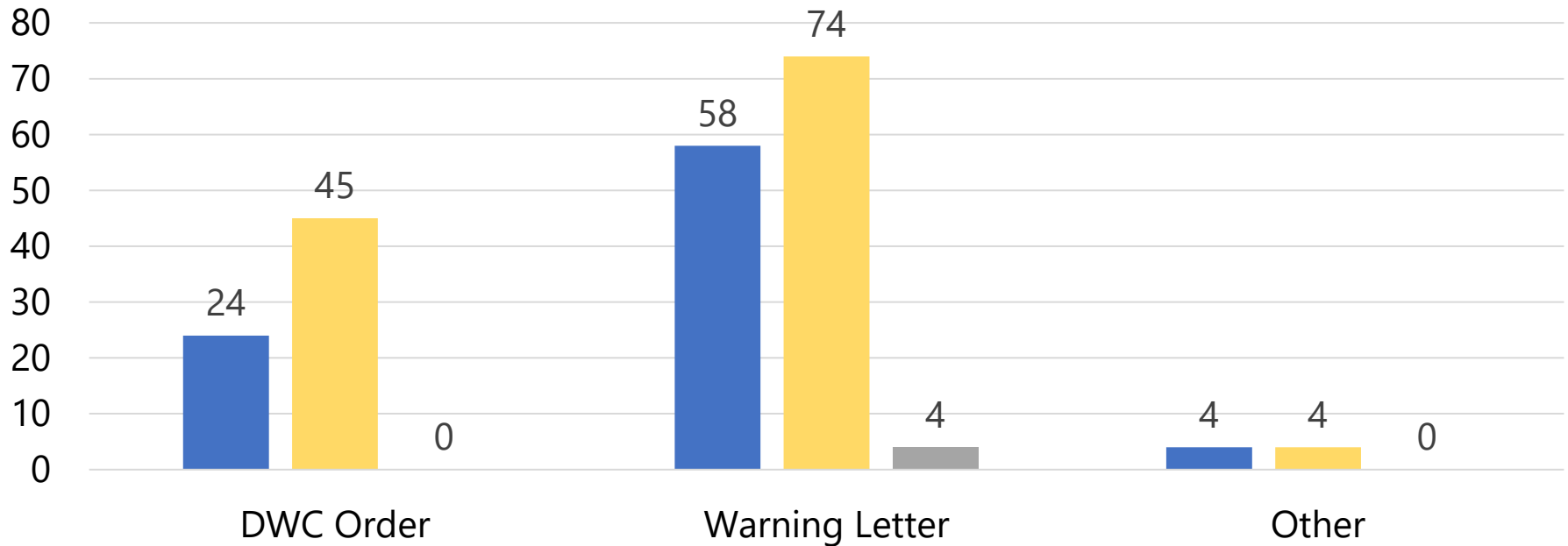


2021	Health Care Provider	Insurance Carrier	Other
Cases	86	123	4

CY2021 Cases Closed by Disposition Type

Based on enforcement data as of 6/16/2021

■ Health Care Provider ■ Insurance Carrier ■ Other



2021	Health Care Provider	Insurance Carrier	Other
DWC Order	24	45	0
Warning Letter	58	74	4
Other	4	4	0

Questions?

Business Process and Designated Doctor Operations Update

Joe McElrath, Deputy Commissioner
Business Process

DWC Forms and Notices Update Project

Updating forms and notices for new letterhead and mailing instructions.

- Some forms and notices modified for content, font size, and plain language.
- Project planned for completion in summer of 2022.
- Quarterly update of forms to be revised in the near future. Other forms and notices this summer:
 - *Request to Get Reimbursed for Travel Costs* (DWC Form-048)
 - *Prospective Employment Authorization* (DWC Form-156)
 - Joint Agreements (DWC Forms 081 - 085)

DWC Forms and Notices Update Project

Group One: Significant Updates

- Modernize English and Spanish versions of forms for plain language, font size, letterhead, DWC return address information, and other changes.
- Update the form revision date in the lower left corner and barcode information.
- Drafts posted for comment.
- On final adoption, forms available for use immediately, with at least a 90-day period before discontinuing the previous version.

DWC Forms and Notices Update Project

Group Two: Limited Updates

- Update English and Spanish versions of forms with DWC's new letterhead and return address information **only**.
- No update to the form revision date in the lower left corner or to barcode information.
- Post updated forms to use immediately with no comment period.

Zoom Poll

DWC Forms and Notices Update Project

REMINDER - Comments on updates to forms and notices needed for legislative implementation

- Senate Bill 22 – COVID Presumption Claims
 - New Request for Reprocessing
 - Revised PLN 14 – *Notice of Continuing Investigation*
 - New PLN 15 – *Results of Reprocessed Claims*
- House Bill 1752 – BRCs by Video Conference
 - Revised PLNs 1-12
 - Revised DWC Form-045 and Form-045M, *Request for Indemnity and Medical Fee Dispute BRC*
- Comments due by 5 p.m., Monday, July 12, 2021

DWC Resumes all DD and RME Exams

On Monday, August 2, 2021, DWC will resume processing requests for DD examinations and RMEs for all issues, including return to work or disability as a direct result of the compensable injury.

Questions

Updates on Electronic Data Interchange (EDI)

Martha Luévano, Director
Enterprise Automation Services (EAS)

Claims EDI R3.1

- EDI Technical Workgroup May 24, 2021
 - Second informal rule & tables posted May 25, 2021
 - Comment period ended Monday June 21, 2021
 - Claims EDI R3.1 Survey
 - Next steps
 - Next technical group meeting mid to late July.
- To join, email edisupport@tdi.texas.gov

EDI Reminders & Notices

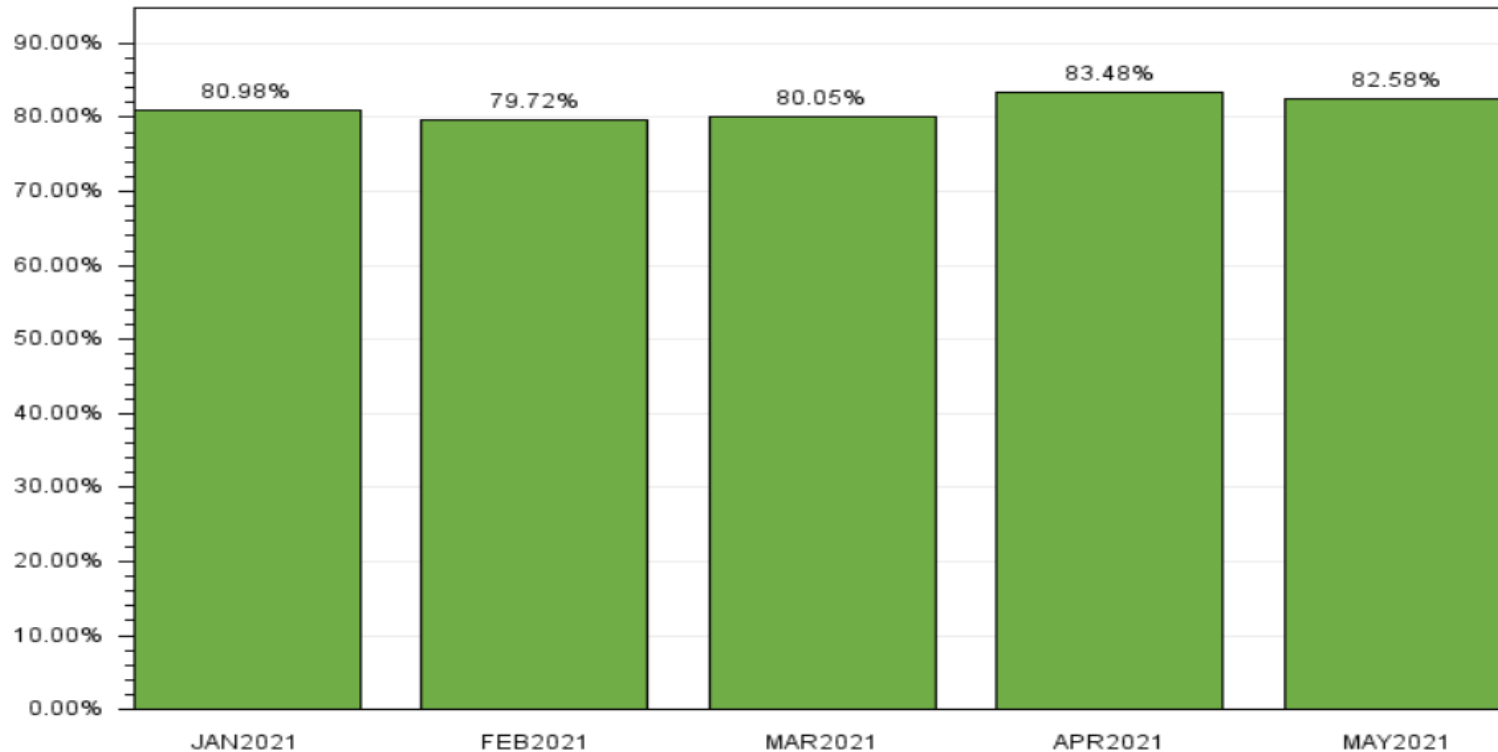
- PLN1 and FROI 04 must be concurrently filed. [FROI 04 may be filed as the first transaction](#)
- If claims are moved from one claim administrator to another claim administrator, the new claim administrator should file an EDI FROI AU for each claim acquired.
- Please review the proposed FAQ for SB 22 relating to EDI reporting of new and re-processed COVID claims.



Insurance Carrier SCORECARD

- Found at <http://tdi.texas.gov/wc/carrier/index.html>.
- DWC uses raw or unprocessed data to create monthly snapshots.
- Used by carriers to oversee timeliness of payments and EDI filings.
- Carriers can use these reports to find problems and address them.
- The monthly snapshots are not refreshed or re-calculated.

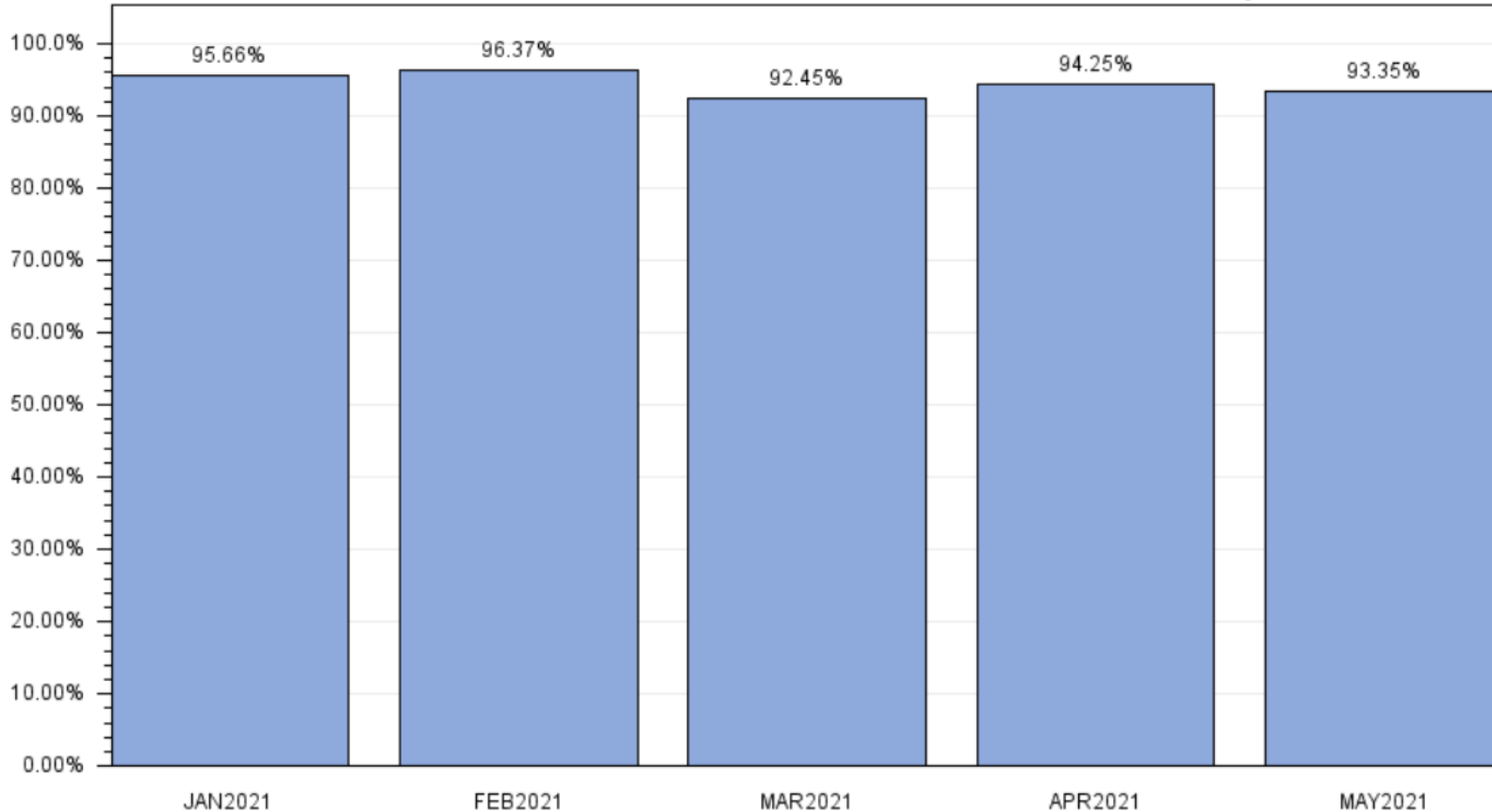
Timeliness of Initial TIBS Payment 2021



Type Timely Paid

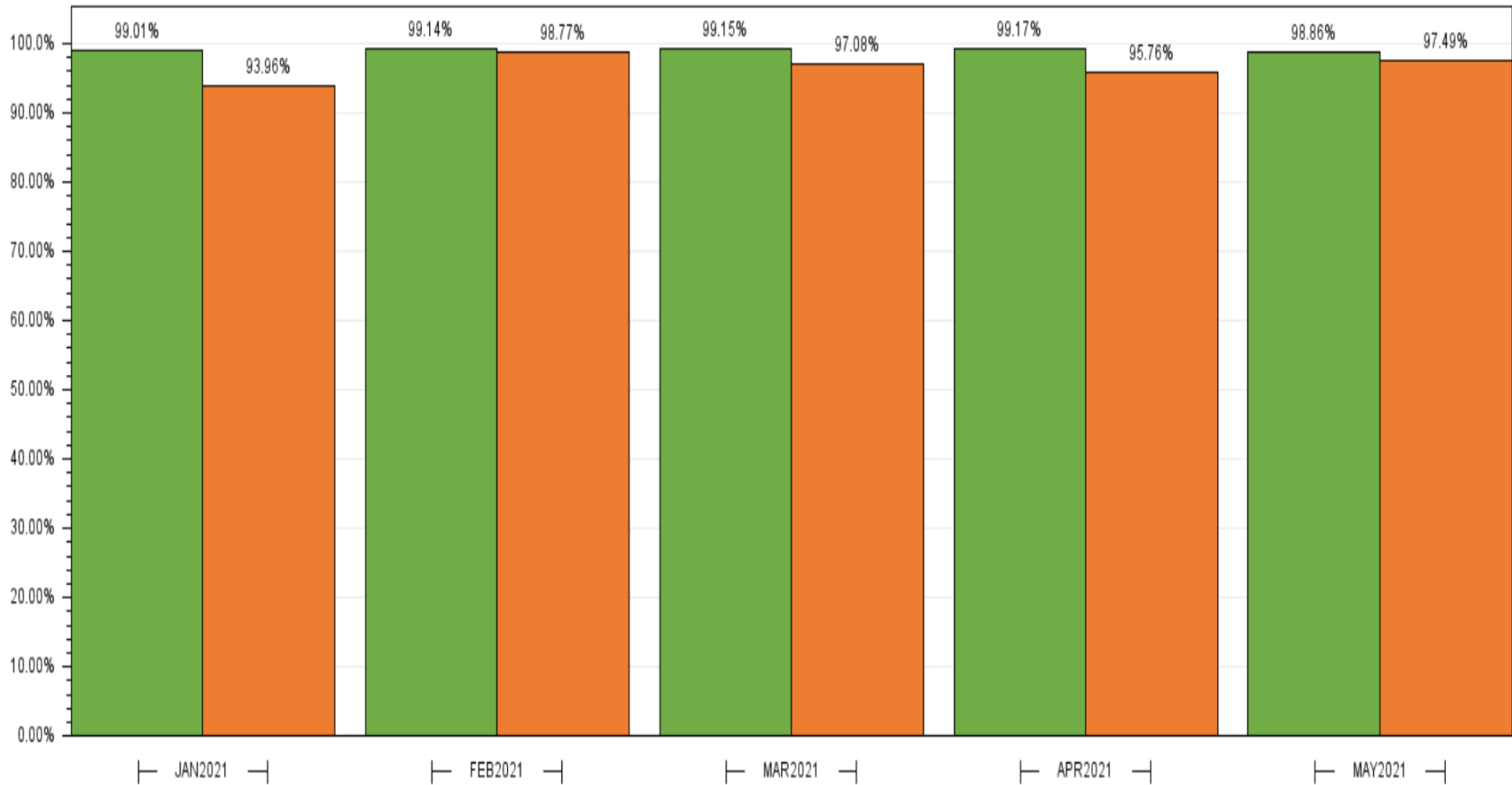
January	February	March	April	May
80.98%	79.72%	80.05%	83.48%	82.58%

Timeliness of Initial TIBS Reporting 2021



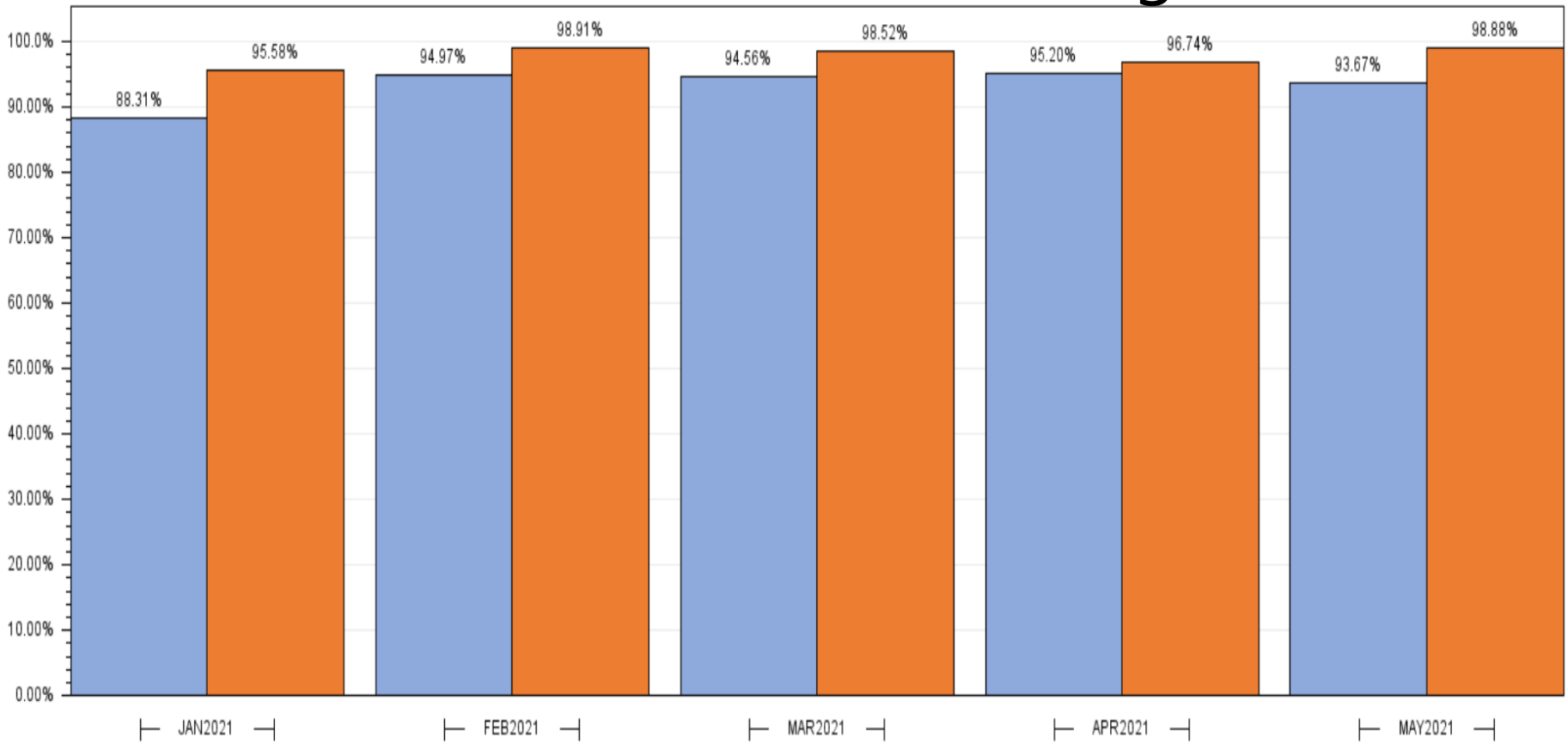
January	February	March	April	May
95.66%	96.37%	92.45%	94.25%	93.35%

Timeliness of Bill Processing 2021



	Jan	Feb	Mar	Apr	May
Processed	99.01%	99.14%	99.15%	99.17%	98.86%
Reported	93.96%	98.77%	97.08%	95.76%	97.49%

Timeliness of Recon Bill Processing 2021



	Jan	Feb	Mar	Apr	May
Processed	88.31%	94.97%	94.56%	95.20%	93.67%
Reported	95.58%	98.91%	98.52%	96.74%	98.88%

Questions?

If you have suggestions for the next meeting, contact me at martha.luevano@tdi.texas.gov or call (512) 804-4858

Legislative Update

Jeff Nelson, Director
External Relations

DWC Legislative Recommendations

- **HB 1752** Relating to benefit review conferences under the Texas workers' compensation system.
- **HB 1753** Relating to certain required reports under the Texas workers' compensation system.

Presumption Bills: Public Safety Employees

- **HB 541** Relating to a presumption regarding the eligibility of public safety employees who have contracted coronavirus disease (COVID-19) for certain benefits.
- **HB 637/ HB 1498/ SB 107** Relating to certain claims for benefits, compensation, or assistance by certain public safety employees and survivors of certain public safety employees.
- **HB 4301/ SB 22/ SB 463/ SB 527** Relating to certain claims for benefits, compensation, or assistance by certain public safety employees and survivors of certain public safety employees.

Senate Bill 22

- Creates a rebuttable presumption for COVID for police, firefighters, EMT, and detention and custodial officers.
- Applies to claims for benefits on or after June 14.
- Allows claims on injuries older than a year to be filed.
- Creates a process to allow covered employees to resubmit a previously denied claim and the carrier must process under new provisions.

Senate Bill 22

- Creates a process for covered employees to be reimbursed for out-of-pocket expenses including partial payments and co-payments.
- The provisions of the bill expire September 1, 2023.

Sunset Review

SB 713 Pushes the Sunset date back two years, from 2023 to 2025, for DWC, TDI, and OEIC, among others.

Utilization Review

- **HB 3459** “Gold Standard” for health care providers.
- Lays out exemptions to preauthorization requests for contracted providers who have in the preceding calendar year, submitted not less than five preauthorization requests for a particular service and had at least 90% of their preauthorization requests approved.
- Does NOT apply to workers’ compensation.

Health Care

- **HB 1363** Allows for a PT to provide treatment without referral for up to 15 consecutive days if they are board certified in physical therapy.
- **HB 2056** amends the current telehealth statute to include teledentistry to current telehealth statutes and gives authority to the Texas State Board of Dental Examiners and HHSC to promulgate rules.

Rule Proposals

HB 1322 Requires state agencies to post a summary of formal rule proposals in English and Spanish on the agency website.

Bills That Didn't Pass

- All presumption bills other than SB 22
- Lifetime Income Benefits - HB 2502, HB 3120/SB 1450, HB 4308
- Approved Doctor List - HB 3517/SB 1852, HB 3622
- Telemedicine DD Exams - HB 3098
- DD fee increase - HB 3818
- Death Benefit Cost of Living Adjustment - HB 243
- Elimination of UR, DD, and RME - HB 4385

Questions?

Hearings Update

Allen Craddock, Deputy Commissioner
Hearings

Benefit Review Conferences

- Benefit review conferences will continue to be held by Zoom unless good cause is shown.
- Good cause motion:
 - File your motion after the set notice is issued.
 - The motion must identify why you believe there is good cause based on case-specific facts.
- Supplemental Income Benefits – Work Search Requirements

Benefit Review Conferences

- Hearings may change the assigned benefit review officer the week prior to the scheduled proceeding.
 - Watch your email.
 - Subject of email will say "Urgent/Updated Zoom Information."
- The DWC Form-045 is being updated.

Contested Case Hearings

- DWC will return to in-person contested case hearings on August 2, 2021.
 - We have plexiglass in the hearing rooms.
 - There was no change made to the venue statute for contested case hearings.
 - All contested case hearings are in-person at the field office.
 - File your motion with the ALJ to have a party or witness call into the hearing by phone.

Electronic Documents

- Benefit review conference exchanges should be filed with DWC and exchanged with other parties at least 10 days before the proceeding.
- You are encouraged to continuing using electronic exhibits.
 - Exhibits should be filed with DWC and exchanged with other parties at least three business days before the hearing.

Electronic Documents

- Administrative law judges are now verifying exhibit numbers and pages at the beginning of each hearing.
- Checklist:
 - ✓ Number of pages indicated on the cover sheet matches the number of pages in the exhibit.
 - ✓ Exhibits are properly labeled in the lower right-hand corner (CR 1, Pg. 1).
 - ✓ If possible, consecutively number all pages in the lower left-hand corner.

Questions?

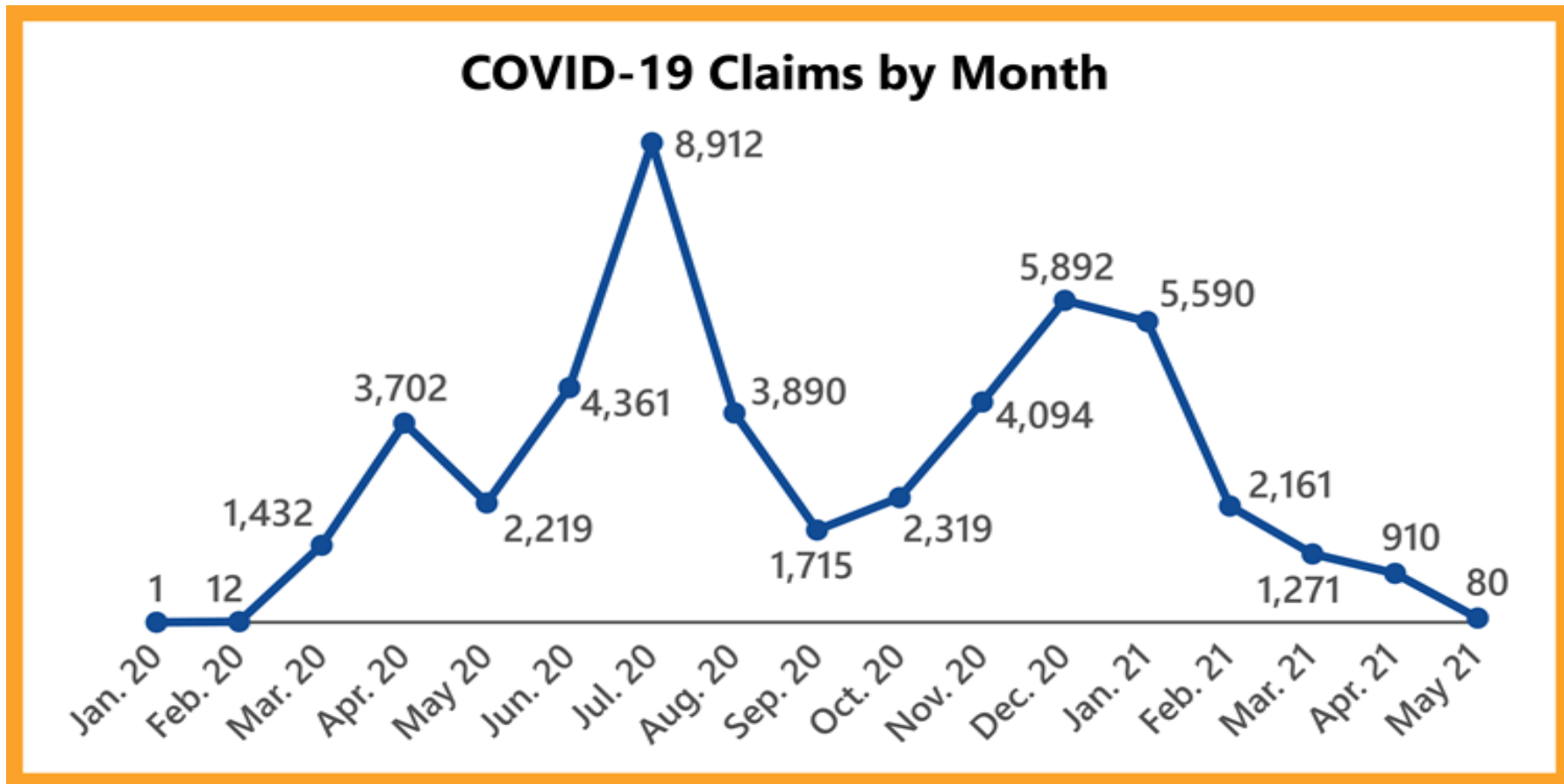
COVID-19 Workers' Compensation Claims in Texas

Dan Paschal, Deputy Commissioner
Policy and Customer Service

COVID-19 Workers' Compensation Claims in Texas

- Analysis timeframe: COVID-19 claims reported to an insurer as of March 31, 2021
- More than 48,000 claims identified, including 249 fatalities and 85 disputes as of May 09, 2021
- Data sources:
 - claim and medical EDI for workers' compensation claims
 - COVID-19 data call with 74 insurance carriers
 - COVID-19 case data collected by Texas Department of State Health Services

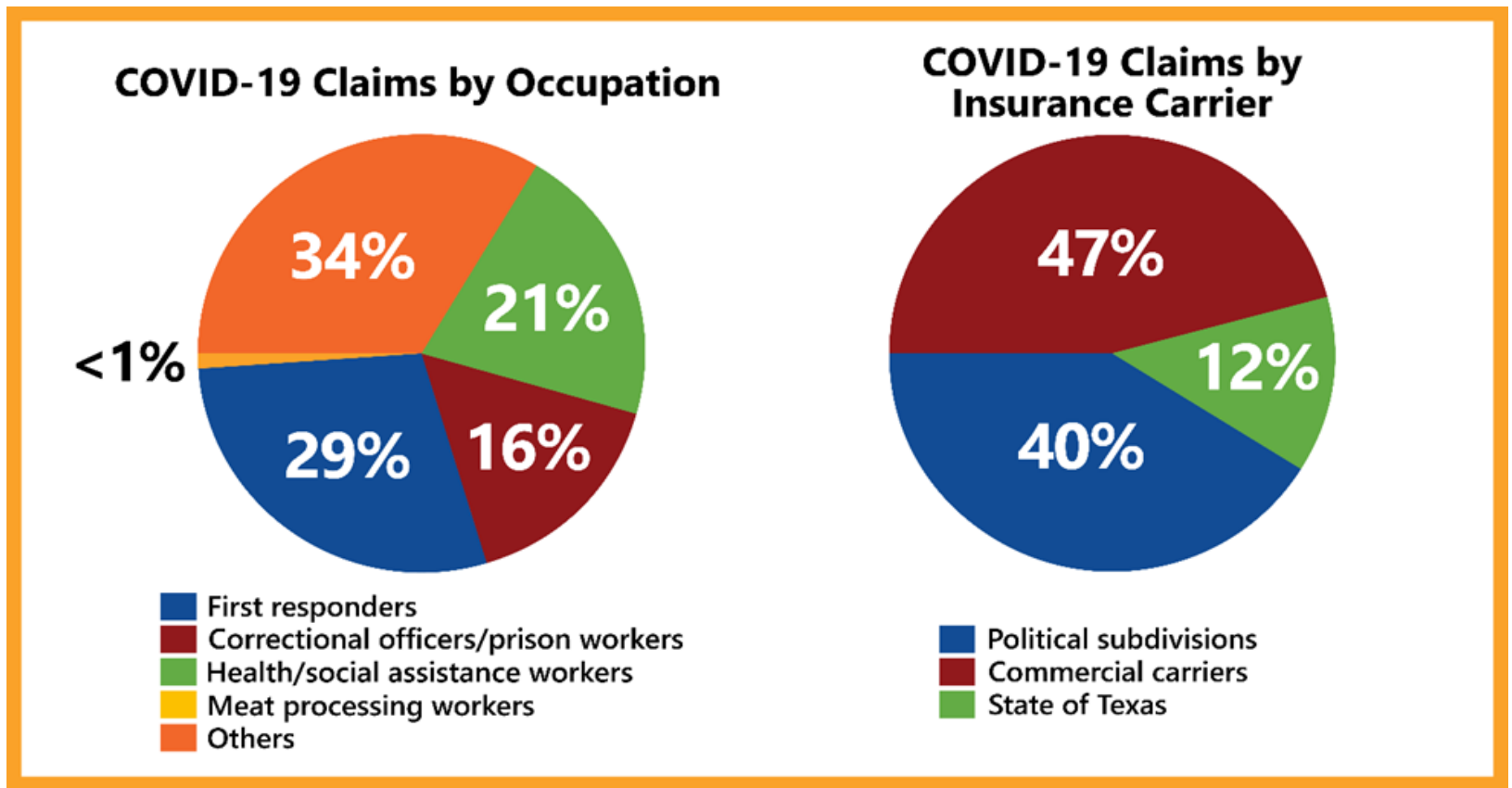
Number of COVID-19 Claims by Month Insurance Carrier Received Claim Notice



Note: Monthly counts may change over time as insurance carriers file updated claim reports with DWC. Twelve claims did not include information about the date of claims.

Source: DWC administrative data as of May 9, 2021.

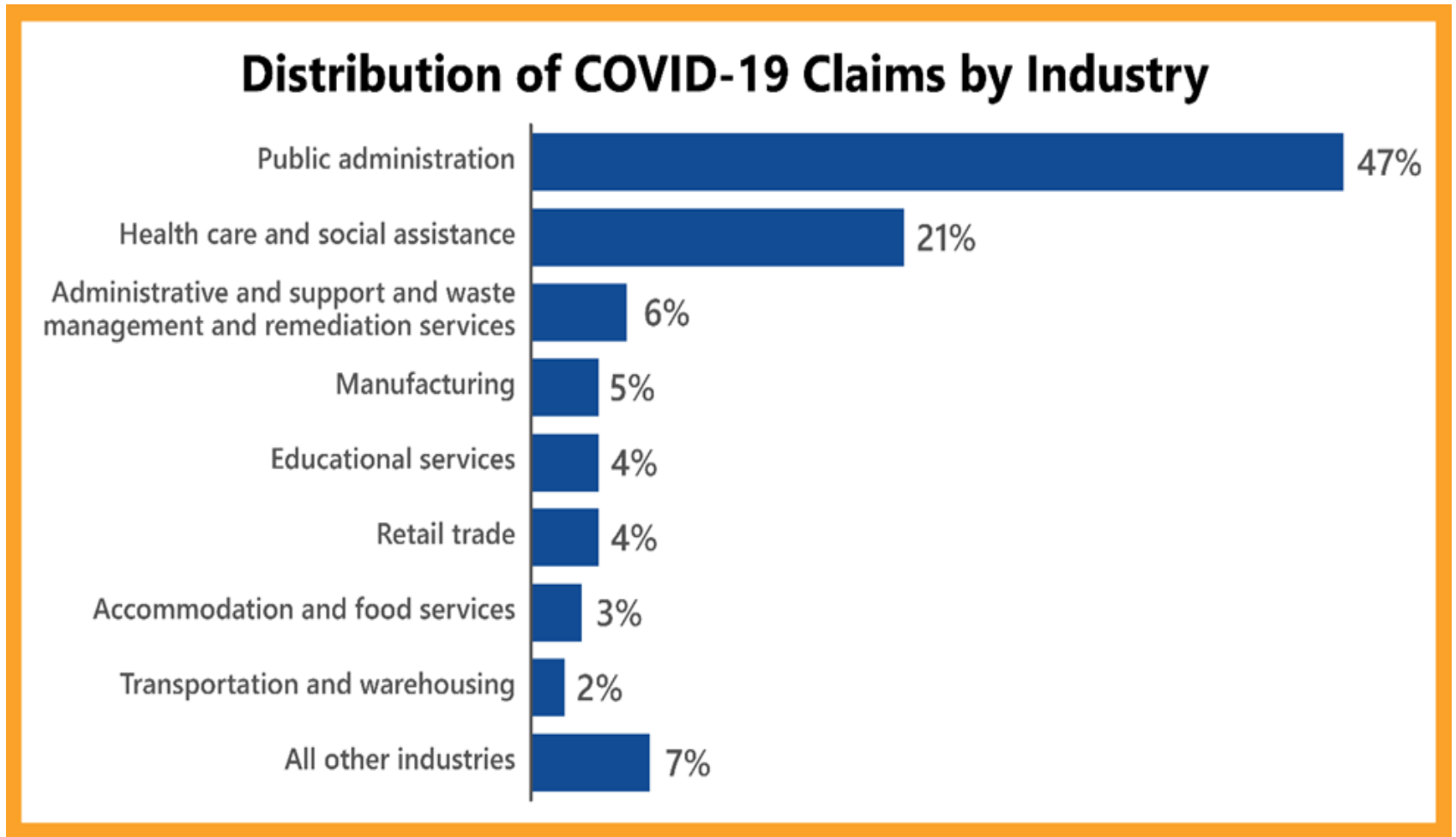
COVID-19 Claims by Occupation and Type of Insurance Carrier



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.

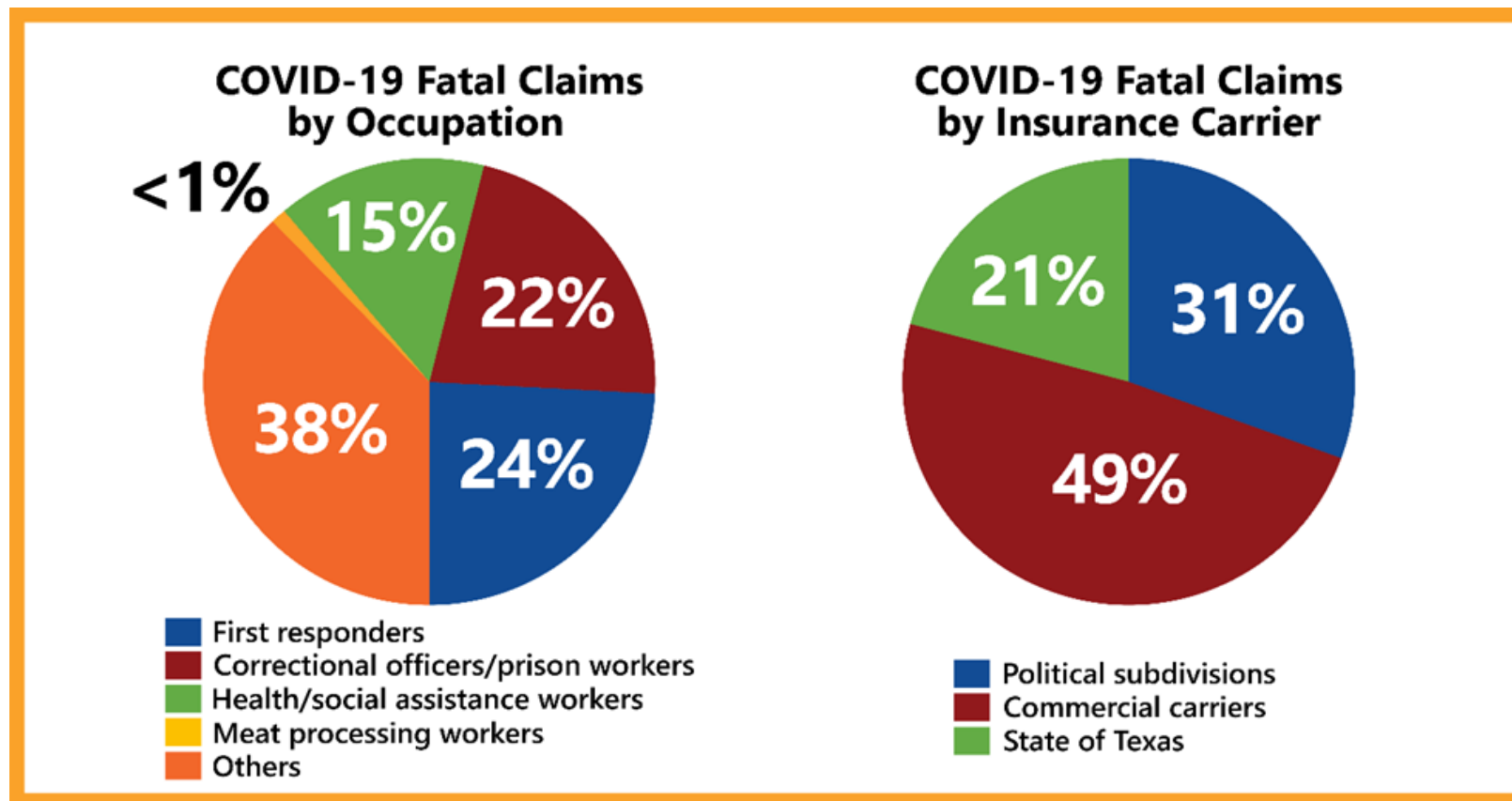
Source: DWC administrative data as of May 9, 2021.

COVID-19 Claims by Types of Industry



Source: DWC administrative data as of May 9, 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 May 9, 2021

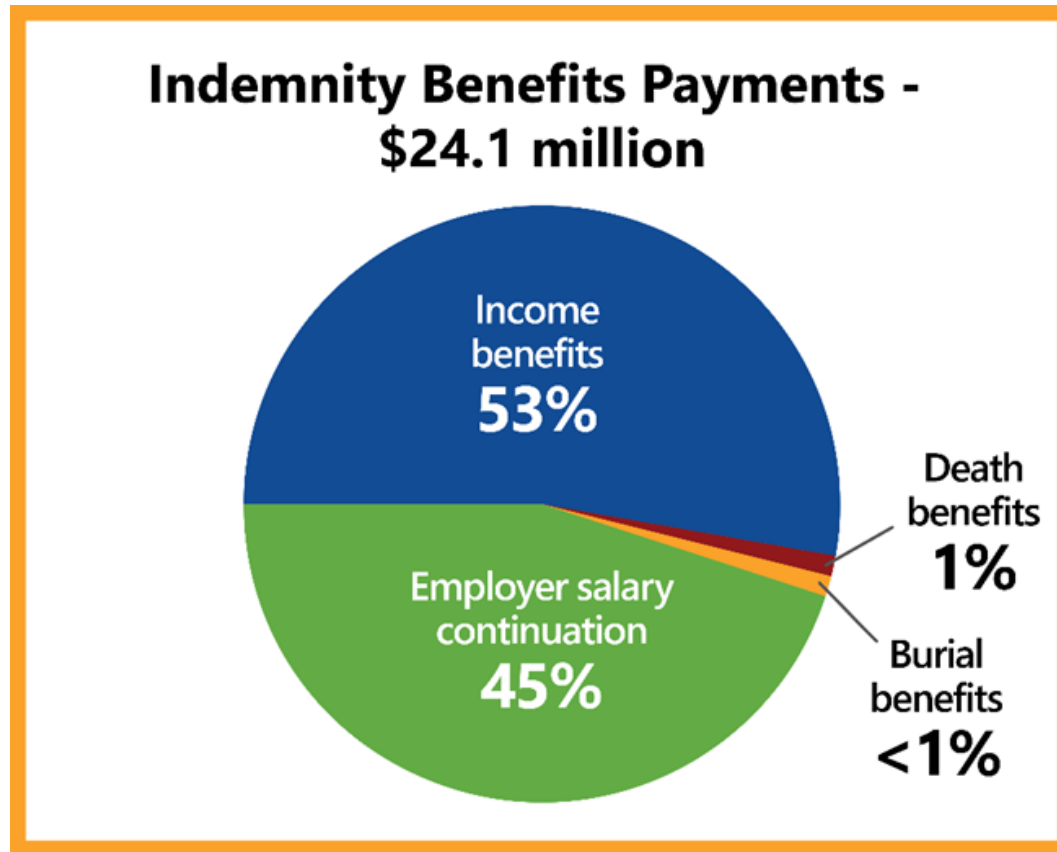
COVID-19 Data Call Results, 4th Submission

Insurance Carriers	# of Claims Reported to Insurance Carriers	# of Claims with a Positive Test or Diagnosis	# of Positive Test Claims Accepted by Insurance Carriers	# of Positive Test Claims Denied by Insurance Carriers	# of Positive Test Claims Still Under Investigation
Commercial carriers	21,213	15,237 (72%)	4,934 (32%)	9,807 (64%)	496 (3%)
Political subdivisions	19,555	10,667 (55%)	8,916 (84%)	1,692 (16%)	59 (1%)
State of Texas	6,529	3,850 (59%)	467 (12%)	3,365 (87%)	18 (<1%)
All carriers total	47,297	29,754 (63%)	14,317 (48%)	14,864 (50%)	573 (2%)

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.

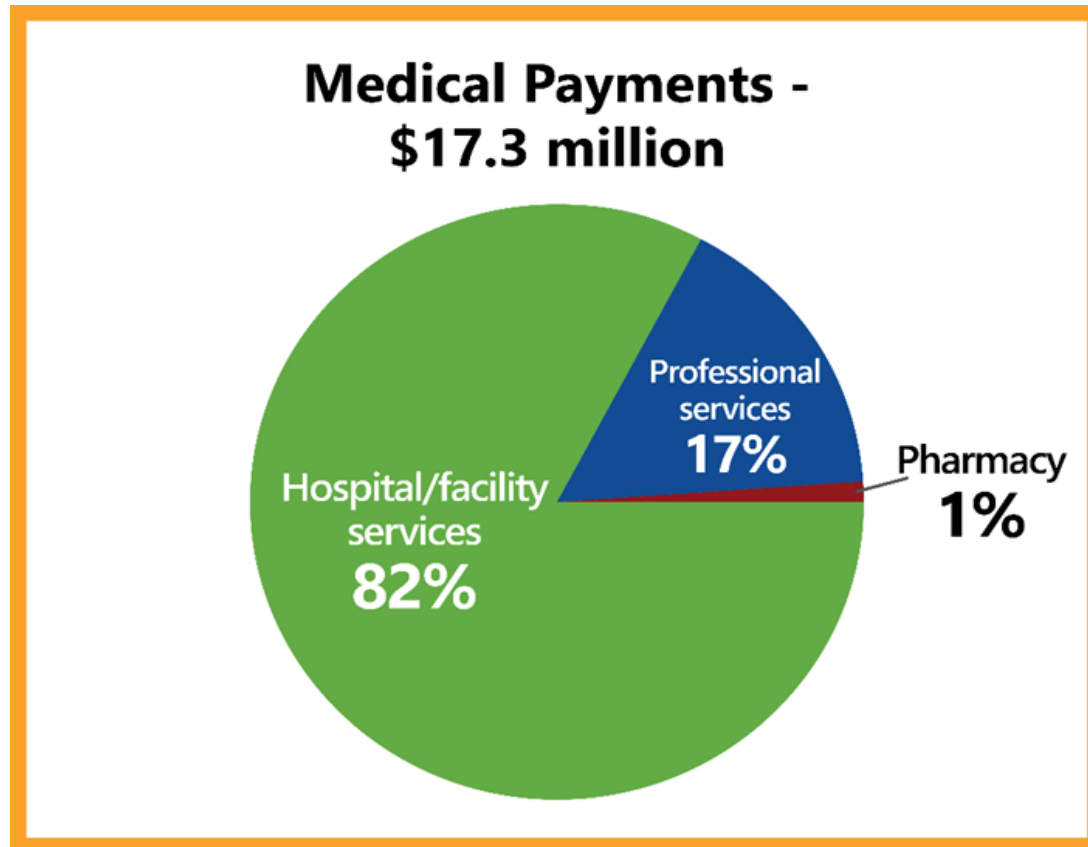
Source: Data call submission as of March 31, 2021.

COVID-19 Indemnity Benefits Paid



Source: DWC administrative data as of April 22, 2021, for claims reported to insurance carriers as of March 31, 2021.

COVID-19 Medical Benefits Paid



Source: DWC administrative data as of April 22, 2021, for claims reported to insurance carriers as of March 31, 2021.

Workers' Compensation Research and Evaluation Group

Questions? Contact Us!

Web: tdi.texas.gov//wc/reg/index.html

Email: WCResearch@tdi.Texas.gov

Questions

Poll

Closing

Cassie Brown, Commissioner
Division of Workers' Compensation