

# Health Care Provider Quarterly Meeting

November 20, 2020  
9:30 a.m. to 10:30 a.m.

# Agenda Items

- Welcome
- Office of Medical Advisor Update
- Compliance and Investigations Update
- Designated Doctor Update
- Telemedicine Update
- MFDR Update
- Network Report Card and Data Call Update
- Q&A
- Closing

# Welcome

Cassie Brown, Commissioner  
Division of Workers' Compensation

# Office of Medical Advisor Update

Mary Landrum, Director  
Health Care Business Management

# Medical Quality Reviews

- Calendar Year 2020
  - 4 reviews initiated
    - includes complaint, audit, or monitoring based reviews
    - assigned to MQRP members for review
  - 7 reviews concluded
    - 57% referred to Enforcement
    - 43% 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 10/8/20

# Compliance and Investigations Update

Debra Knight, Deputy Commissioner  
Compliance and Investigations

# CY2020 Complaints

# CY2020 - Complaints

## **1,274 Complaints Received**

73	Attendance
382	Communications
310	Indemnity Benefit Delivery
300	Medical Benefit Delivery
132	Other
77	Quality of Care

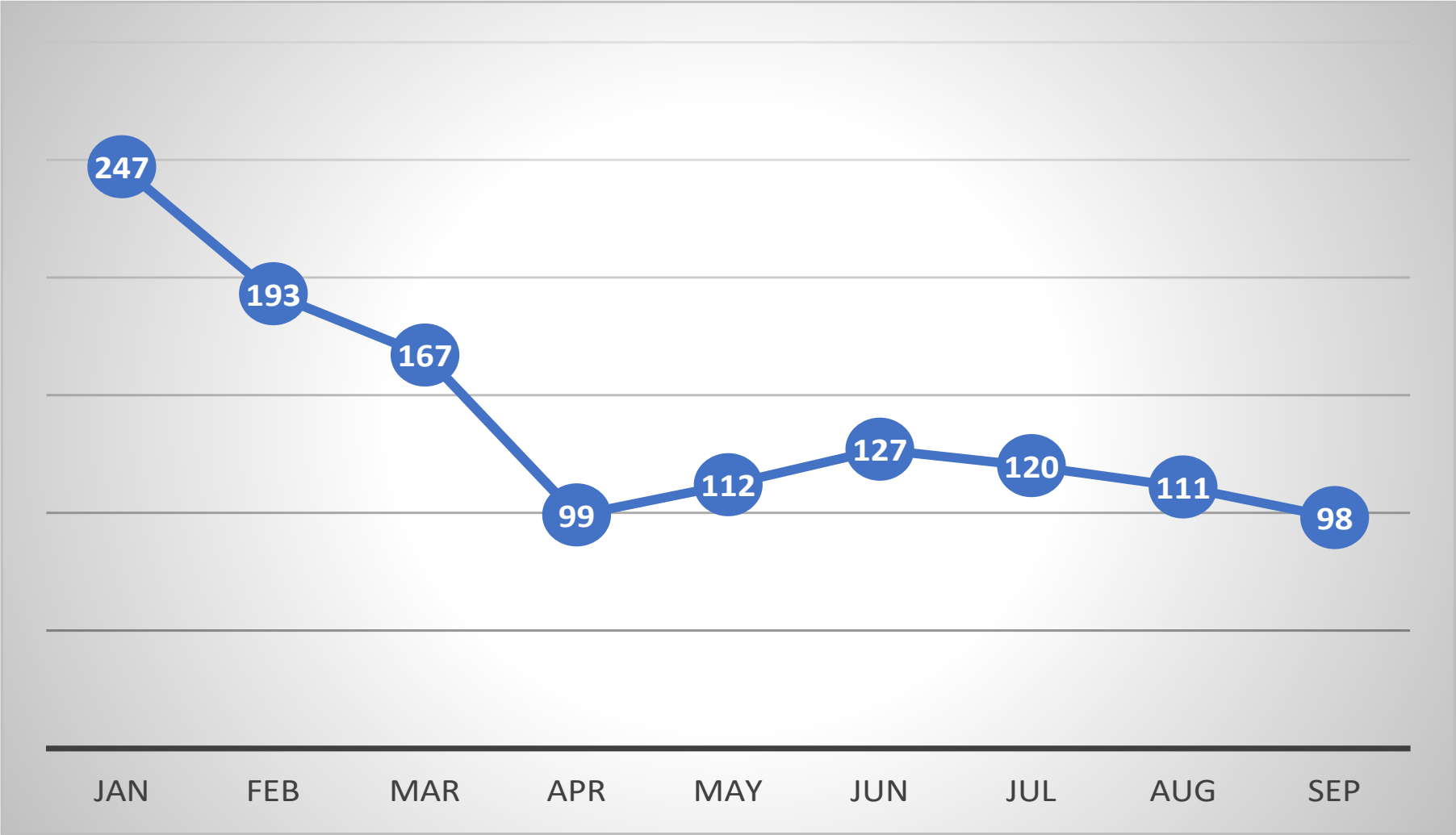
## **1,642 Complaints Closed**

374	Confirmed
518	DWC Education Complaint
750	Not Confirmed

\*Based on complaint data as of 10/5/2020



# 2020 Complaint Volume by Month



\* Based on complaint data as of 10/5/2020

# Quality of Care Complaints

- Calendar Year 2020
  - 75 complaints forwarded to OMA  
(includes external complaints & internal referrals)
  - 110 complaints investigated by OMA
    - 54% closed with no action
    - 30% issued letters of education
    - 10% initiated a medical quality review
    - 6% referred to enforcement

Source: Texas Department of Insurance, Division of Workers' Compensation, data as of 10/26/20

# 2020 Performance Based Oversight (PBO)

# Performance Based Oversight (PBO)

## 2020 Assessment Selection

121 insurance carriers

*20+ initial payment of TIBs received between January-June of 2020*

## Assessment Timeline

- October 5, 2020 - Management response due
- November 2020 - Review management responses
- January 2021 - Distribute results

# Performance Based Oversight (PBO)

## 2021 Methodology Changes related to HCPs

- **No pre-selection** – selection is based on volume of assessment period data.
- **DWC Form-073 measures combined** into one category:
  - **70% weight** – off work measure
  - **30% weight** – completeness measure

## 2021 PBO Methodology Paper

- Located on website  
(<https://www.tdi.texas.gov/wc/pbo/hcppbo.html>)

# Performance Based Oversight (PBO)

## 2021 HCP PBO Assessment Timeline

April 2021	Data call for DWC Form-073s
July 2021	Distribute initial findings for all measures
November 2021	DWC distributes results
December 2021	Publish results

## Assessment Period

- **DWC Form-073's** identified through medical billing data received between June 1, 2020, and February 28, 2021.
- **DWC Form-069's** with exam dates between January 1, 2021, and April 30, 2021.

# DWC Fraud

# Fraud Definition

Per Black's Law Dictionary:

*"Fraud includes any intentional or deliberate act to deprive another of property or money by guile, deception, or other unfair means."*

<https://www.acfe.com/fraud-101.aspx>



# Fraud Schemes

Examples of fraud the DWC Fraud and Prosecution teams investigate:

- Billing for services not performed by attorneys and healthcare providers.
- Under reporting employees or misclassifying high risk employees in order to obtain lower premium rates.
- Working and drawing.
- Falsifying documents to keep from having to pay benefits.

# CY2020 – DWC Fraud Stats

**1,115** fraud referrals received

**125** fraud cases open

**1,041** fraud cases closed

**6** fraud referrals for prosecution

As of 9/30/20

# CY2020 – DWC Prosecution Stats

## **13 Indictments**

- 8 employer
- 3 healthcare provider
- 2 injured employee

As of 9/30/20

# CY2020 – DWC Prosecution Stats

## **3 Convictions**

- 1 employer
- 1 injured employee
- 1 healthcare provider

As of 9/30/20

# Enforcement Update

# Enforcement Key Initiatives

Strategies to improve efficiencies in market compliance and case processing:

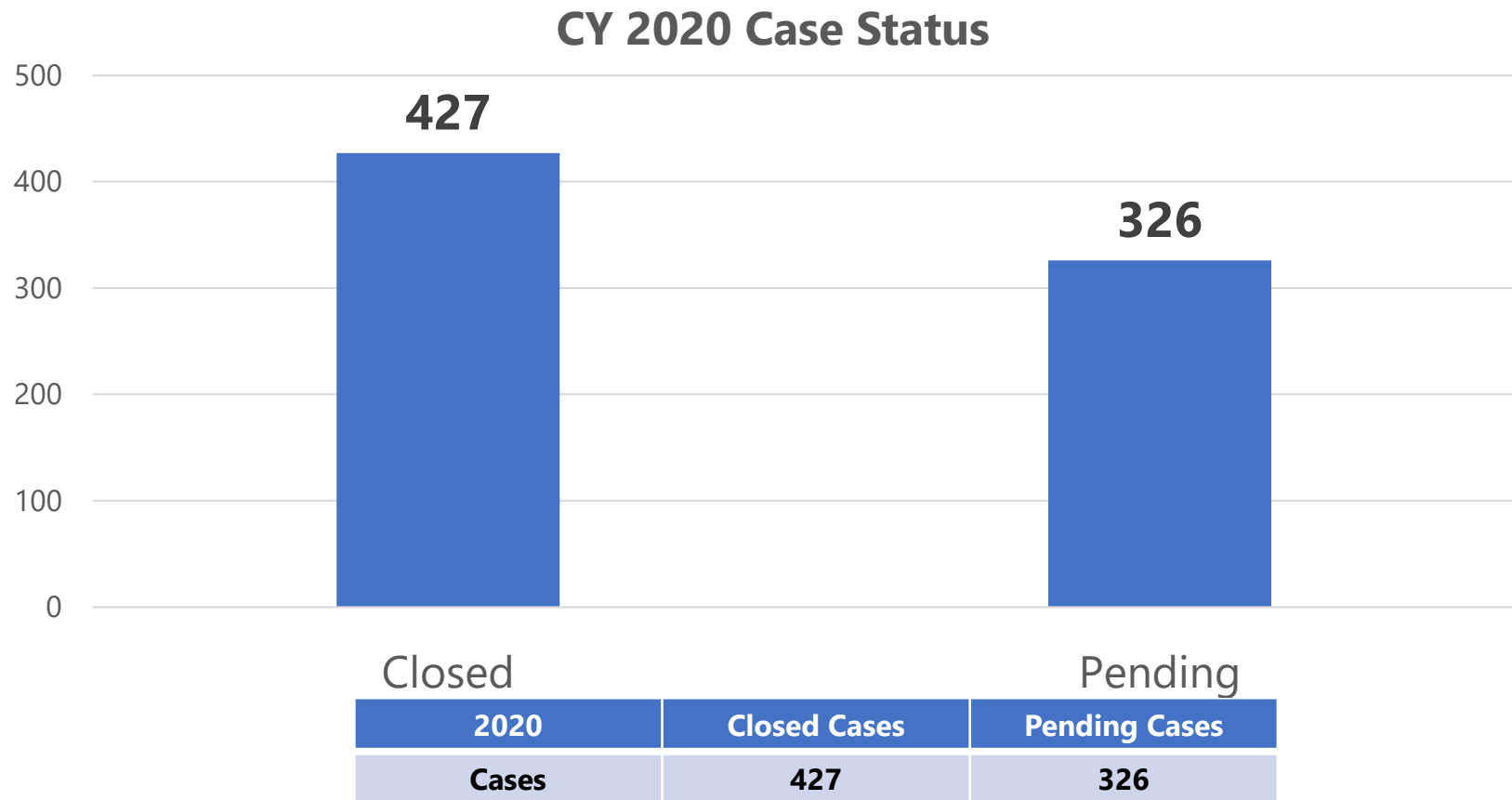
- Using clear, express statutory authority for all enforcement cases.
- Informing workers' compensation stakeholders about compliance goals.
- Partnering with DWC program areas to foster compliance.
- Assisting the Office of the Medical Advisor.
- Providing swift, appropriate actions for statutory and rule violations.

# Examples of Administrative Violations

- Billing injured employee;
- Quality of care;
- Failure to pay timely indemnity benefits;
- Failure to initiate TIBS;
- Failure to accurately pay TIBS;
- Attorney fee billing violations; and
- Failure to comply with medical fee dispute resolution or decision and order.

# Enforcement Case Status for CY2020

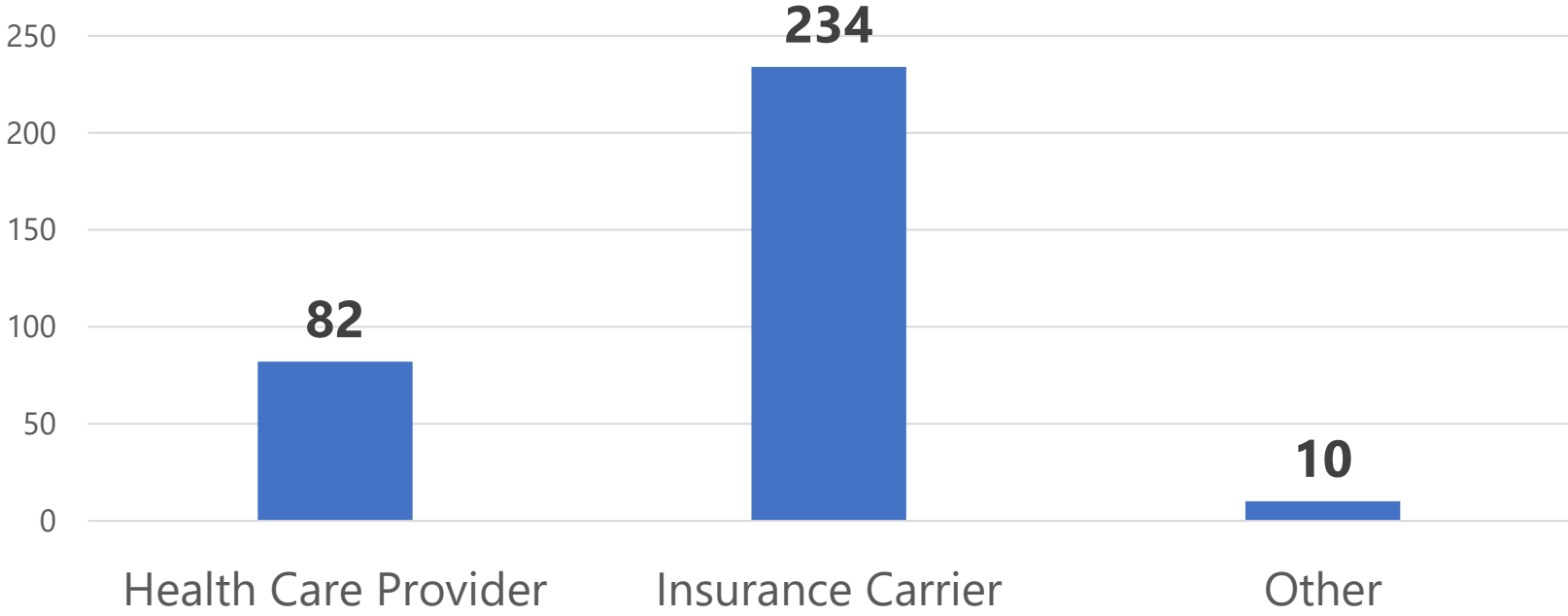
(Closed as of 09/30/2020. Pending as of 10/20/2020.)





# Cases Pending by Subject Type as of October 20, 2020

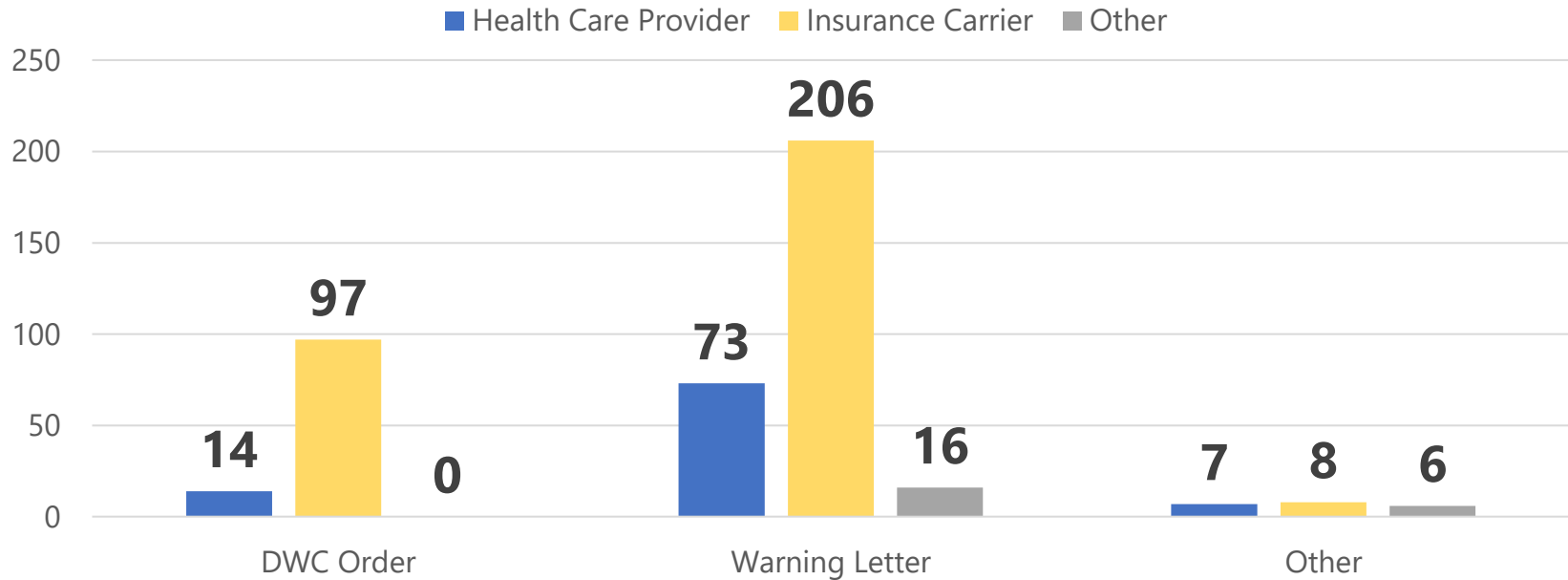
CY 2020 Cases Pending by Subject Type



2020	Health Care Provider	Insurance Carrier	Other
Cases	82	234	10

# Cases Closed by Disposition Type for CY2020 as of September 30, 2020

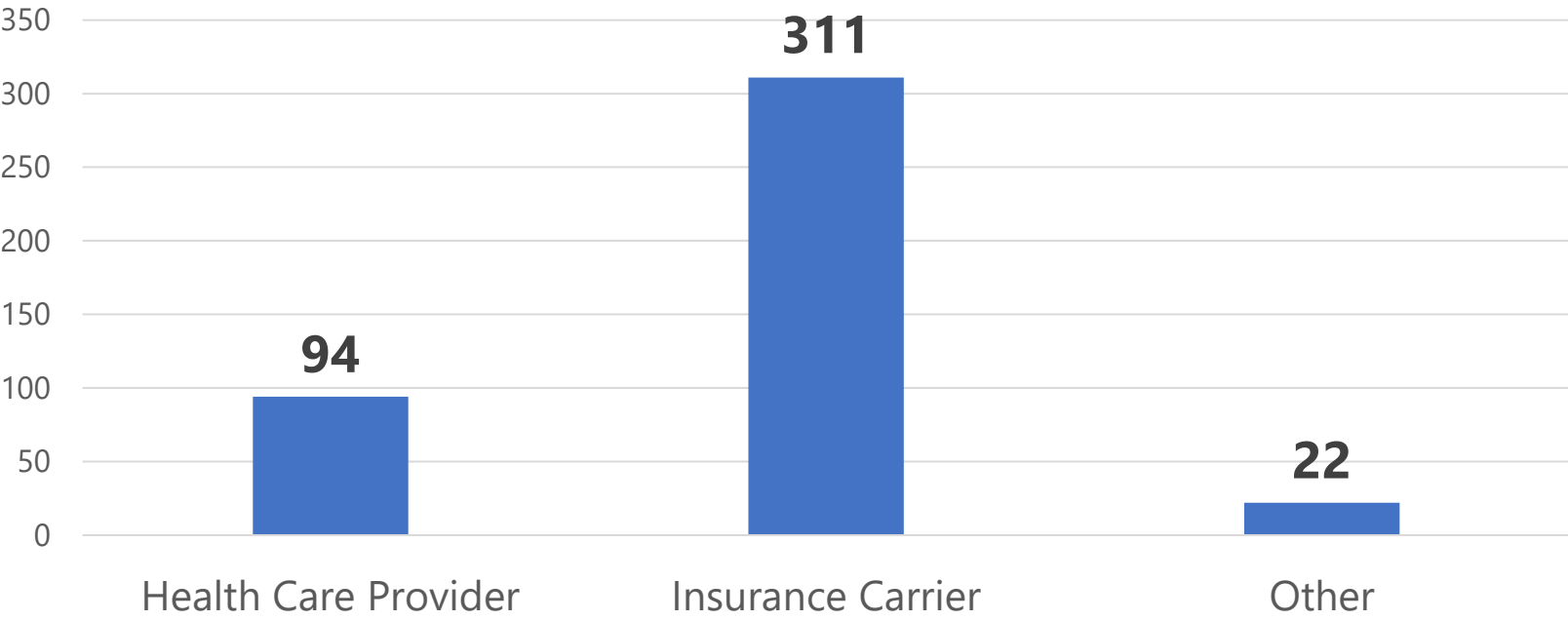
**CY 2020 Cases Closed by Disposition Type**



2020	Health Care Provider	Insurance Carrier	Other
<b>DWC Order</b>	14	97	0
<b>Warning Letter</b>	73	206	16
<b>Other</b>	7	8	6

# Cases Closed by Subject Type for CY2020 as of September 30, 2020

CY 2020 Case Status



2020	Health Care Provider	Insurance Carrier	Other
<b>Cases</b>	<b>94</b>	<b>311</b>	<b>22</b>

# OMA Enforcement Cases

- Calendar Year 2020
  - 14 OMA referrals received in Enforcement
  - 17 OMA cases concluded by Enforcement
    - 2 consent orders/final orders
    - 12 warning letters
    - 3 other action
  - 22 OMA cases pending in Enforcement
  - 2 OMA cases pending at SOAH

Source: Texas Department of Insurance, Division of Workers' Compensation, data as of 10/29/20

# Designated Doctor Update

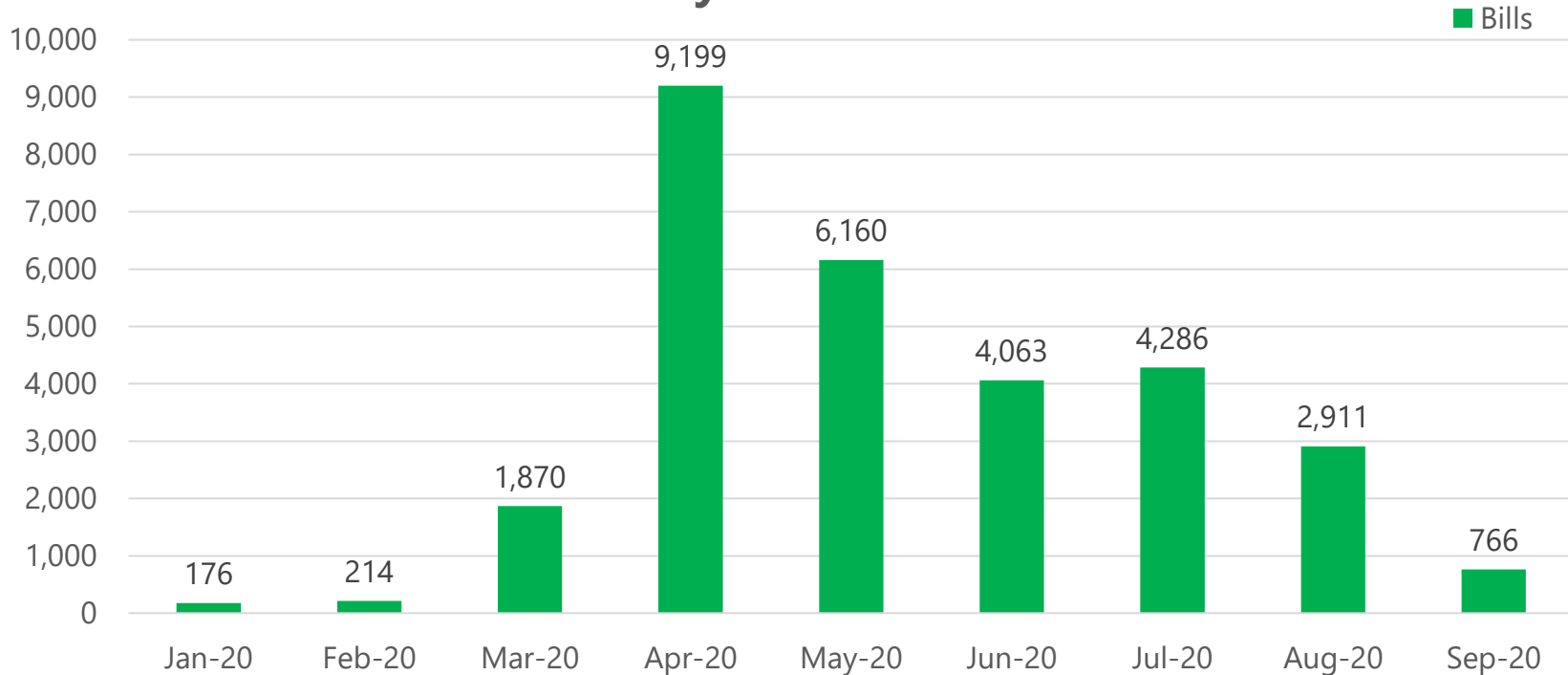
Joe McElrath, Deputy Commissioner  
Business Process

# Telemedicine Update

Matt Zurek, Deputy Commissioner  
Health and Safety

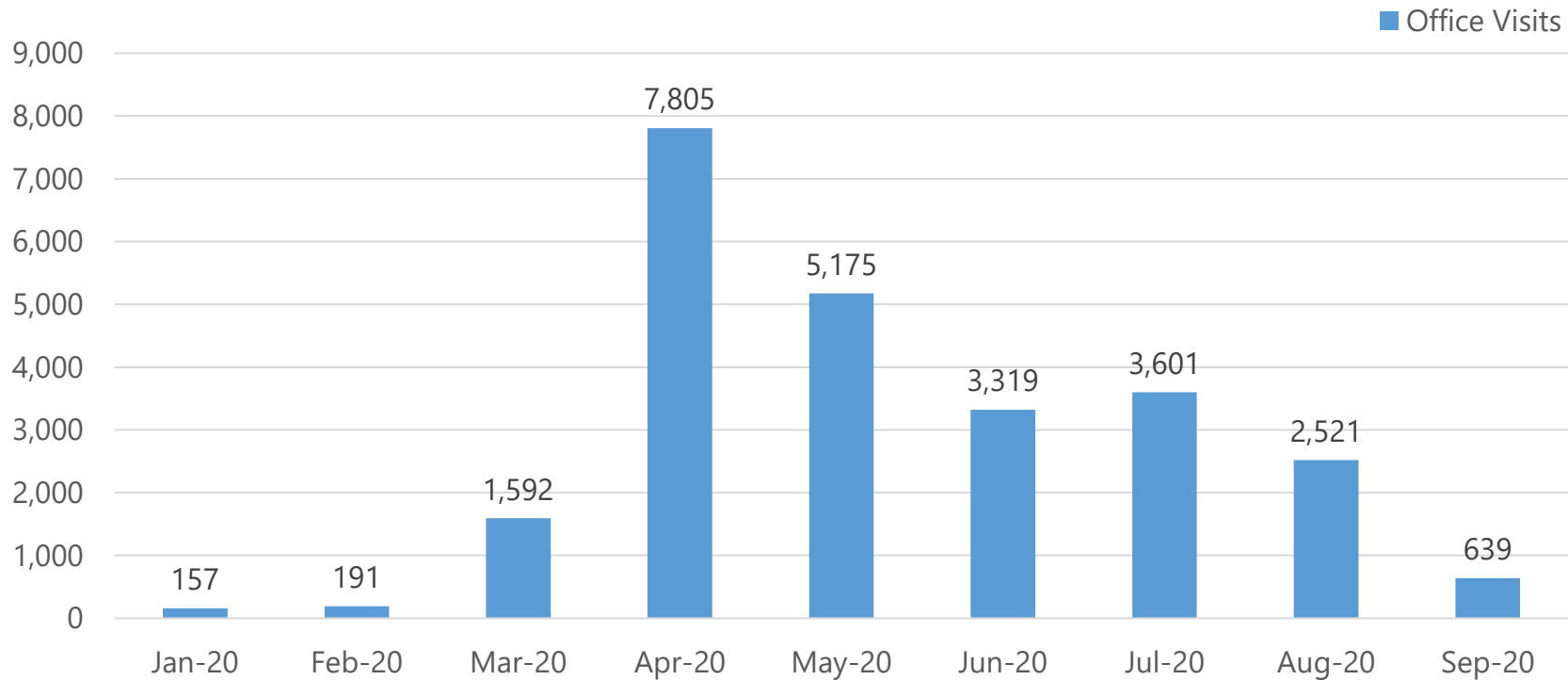
# Telemedicine Activity

## Bills by Date of Service



# Telemedicine Activity

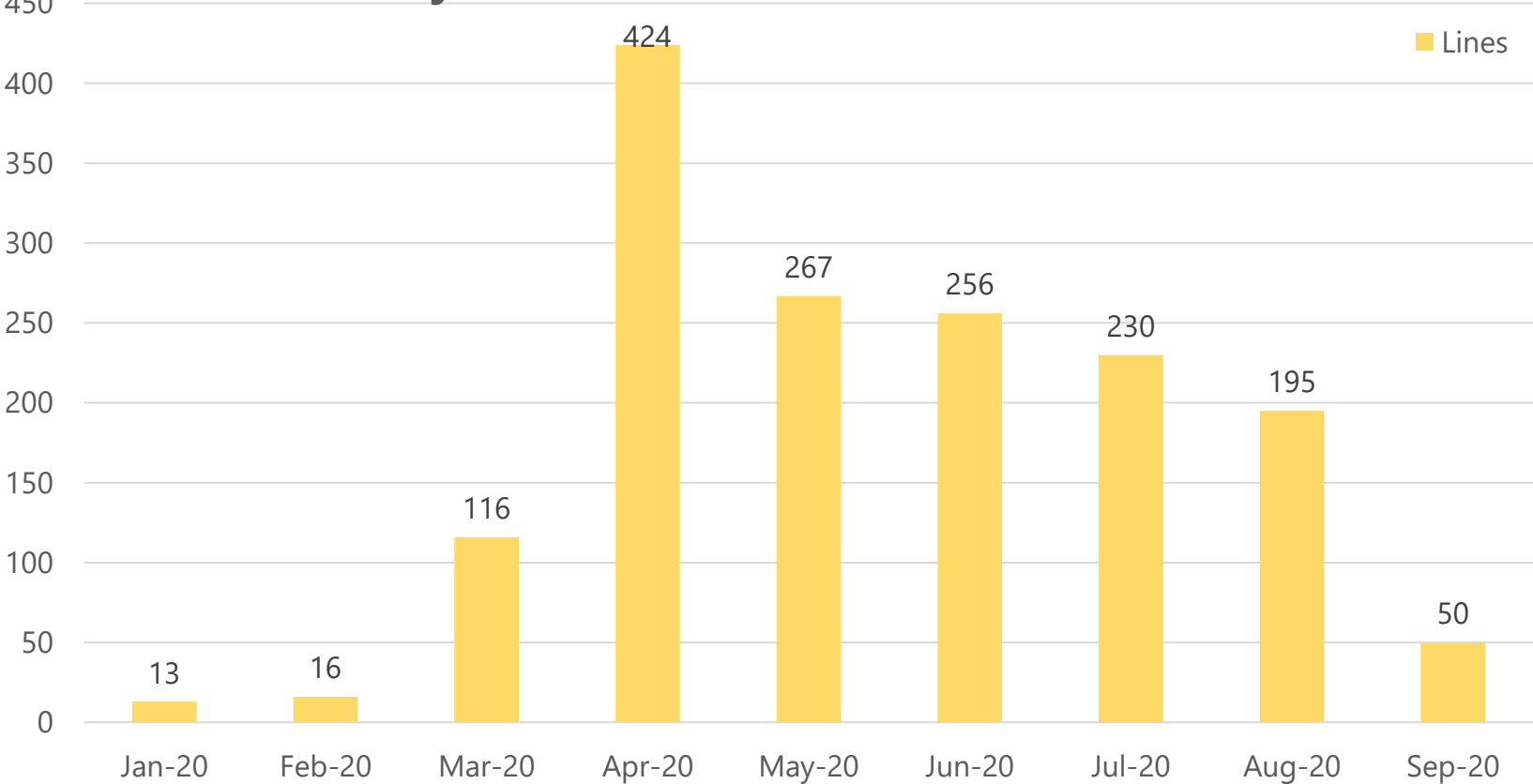
## Office Visits



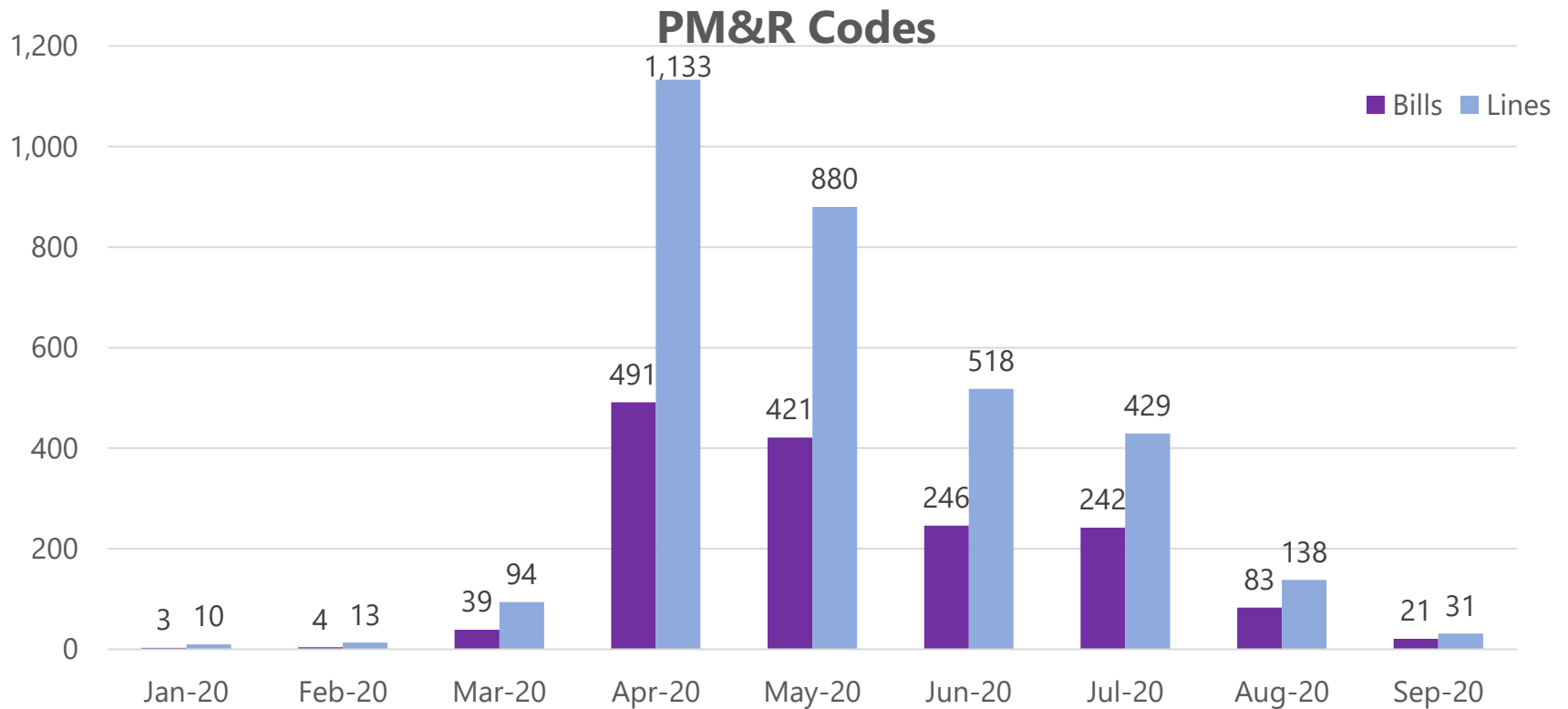


# Telemedicine Activity

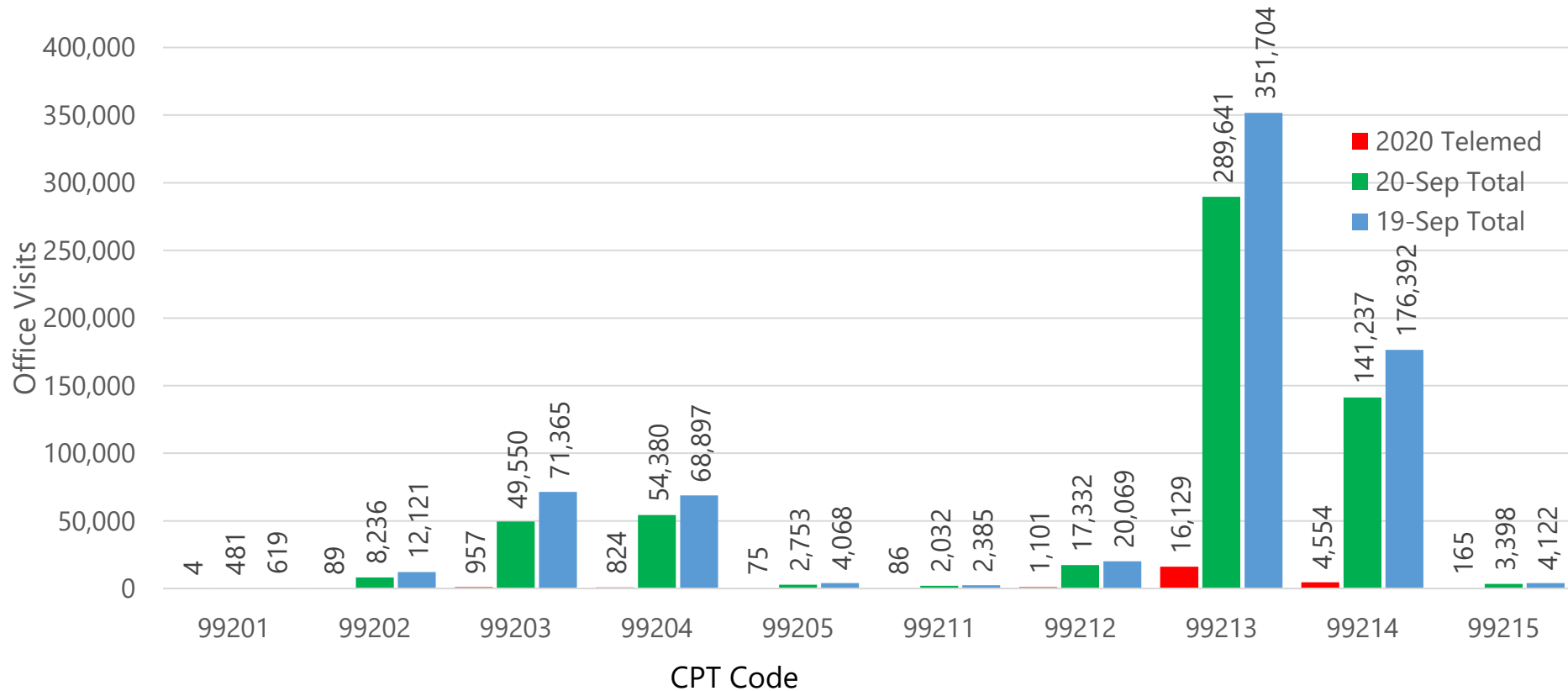
## Psych/NeuroBehavioral Health Codes



# Telemedicine Activity

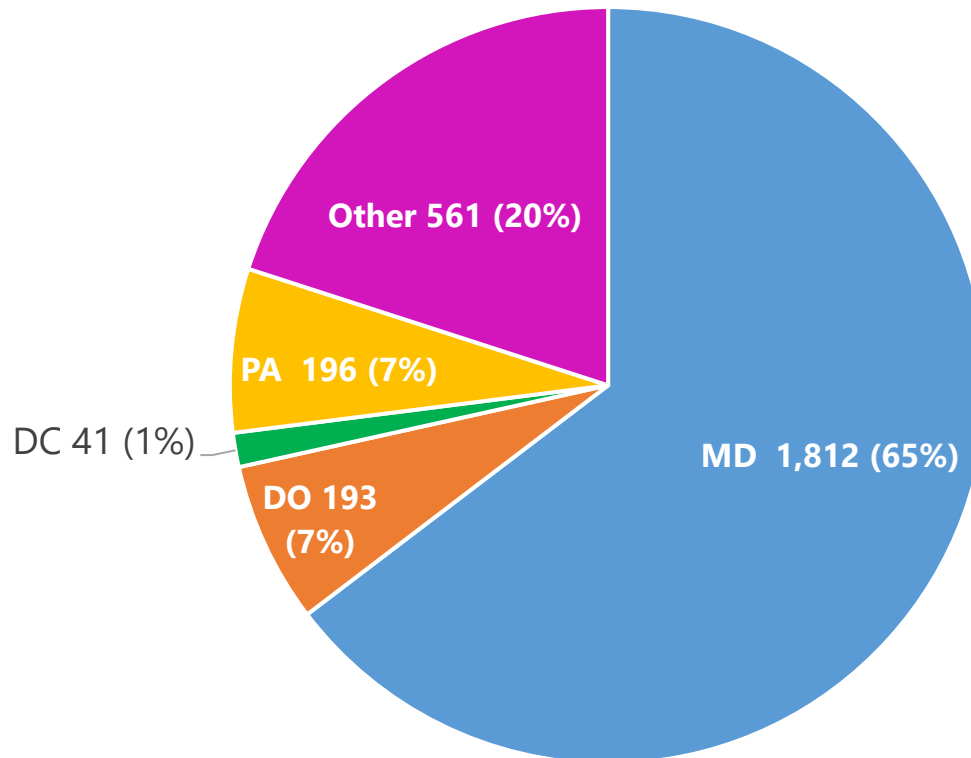


# Selected Office Visit Activity by CPT Code



# Types of Telemedicine Providers

Provider Count



# MFDR Update

Greg Arendt, Director  
Medical Fee Dispute

# Proposed Changes to Texas Administrative Code §133.307

- Currently health care providers can only submit medical fee disputes by “any mail service or personal delivery.”
- The proposed change allows health care providers to submit fee disputes by:
  - Secure File Transfer Protocol
  - Fax
  - Encrypted email
  - Any mail service
  - Personal delivery

# Proposed Changes to Texas Administrative Code §133.307

- Currently a dispute is considered received “on the date the MFDR Section receives the request.”
- The proposed rule states that a dispute is considered received “on the date the division receives the request.”

# §133.307 Update Timeline

- The proposed rule was published in the October 9, 2020, issue of the *Texas Register* and is available at [www.sos.state.tx.us/texreg/index.shtml](http://www.sos.state.tx.us/texreg/index.shtml) and on the TDI website at [www.tdi.texas.gov/wc/rules/2020rules.html](http://www.tdi.texas.gov/wc/rules/2020rules.html).
- Comments were accepted until November 9, 2020.
- Planning to adopt the rule in early 2021.



# Data Call and Network Report Card Update

Amy Lee, Special Advisor | Director  
Research and Evaluation Group

# COVID-19 Data Call Results

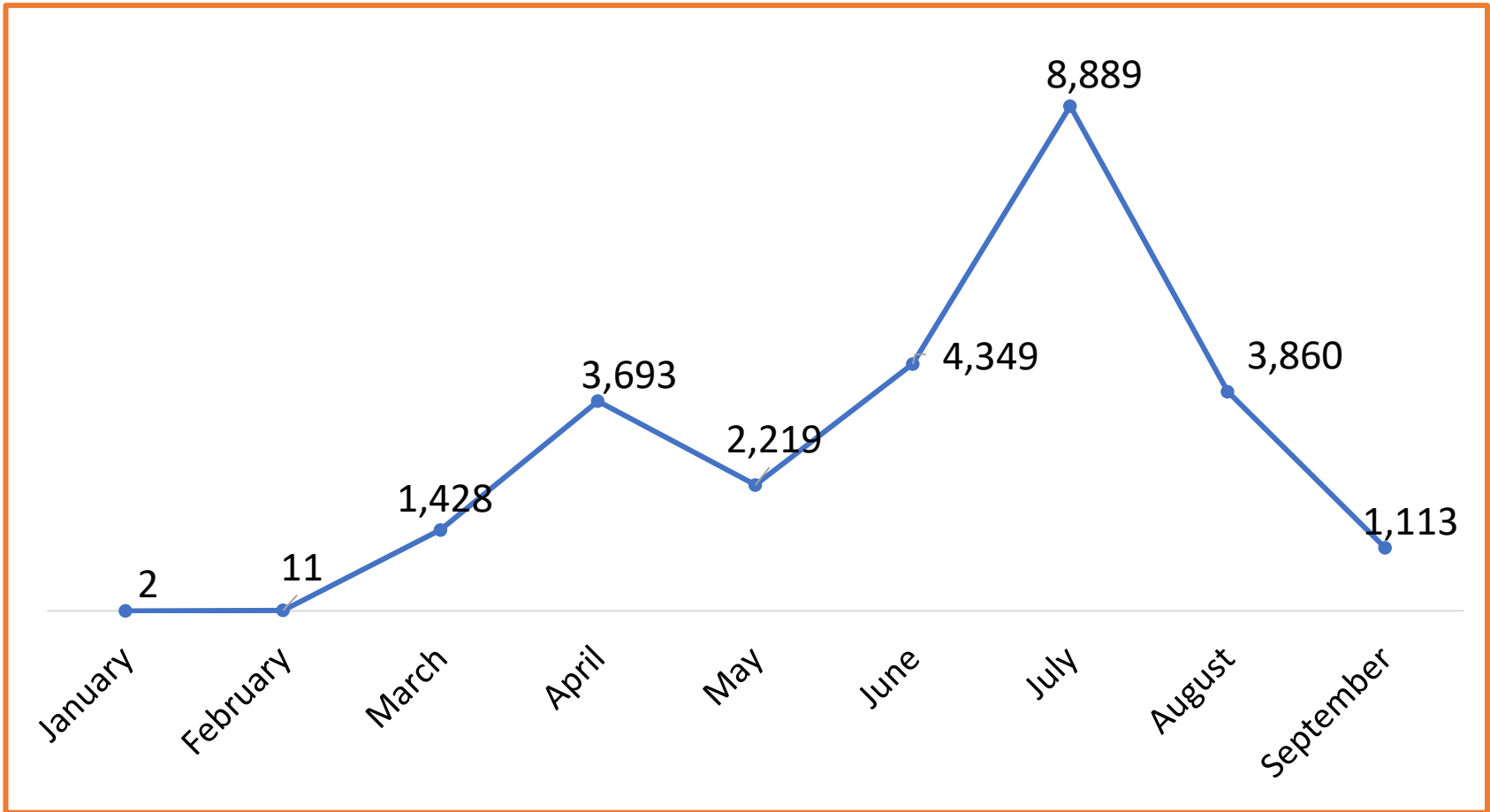
# COVID-19 Workers' Compensation Claims in Texas

- Analysis timeframe: COVID-19 claims reported to an insurer as of September 27, 2020
- Approximately 25,571 claims identified, including 103 fatalities and 5 disputes
- Data sources:
  - claim and medical EDI for workers' compensation claims
  - COVID-19 case data collected by Texas Department of State Health Services
- Workers' compensation claims identified by:
  - injury nature = 83 (COVID-19); or
  - key words in the incident description field in first report of injury

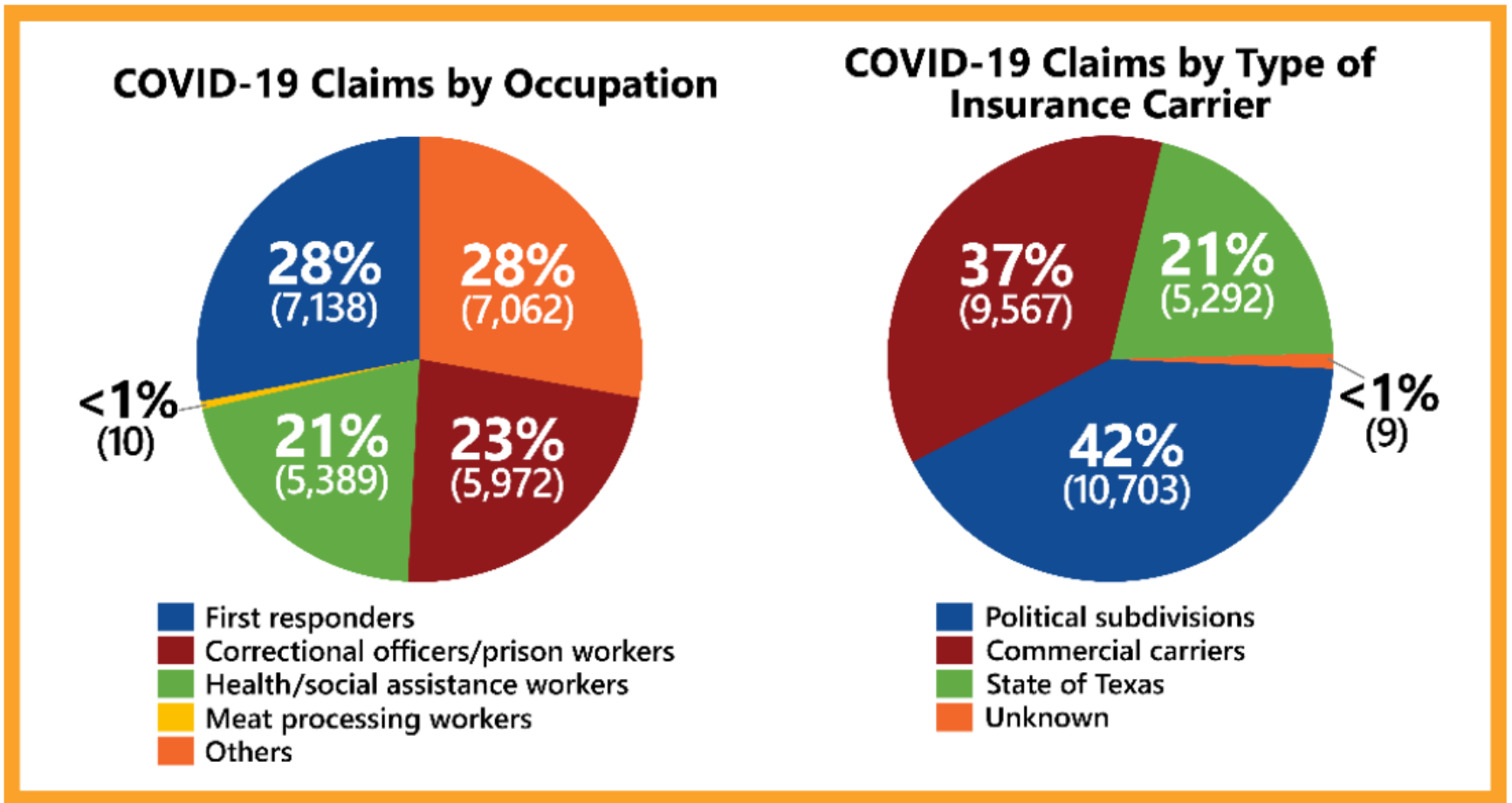
# COVID-19 Workers' Compensation Claims in Texas

- **Issue:** Many initial claims were filed for exposure-only - no confirmed positive test or diagnosis
- **Concern:** Need to differentiate claims filed on exposures vs. positive test or diagnosis to provide accurate picture of claims handling to policymakers
- **Solution:** Analyze administrative data for overall trends, but issue data call to selected insurers to gather more detailed information on claims with positive tests or diagnoses

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

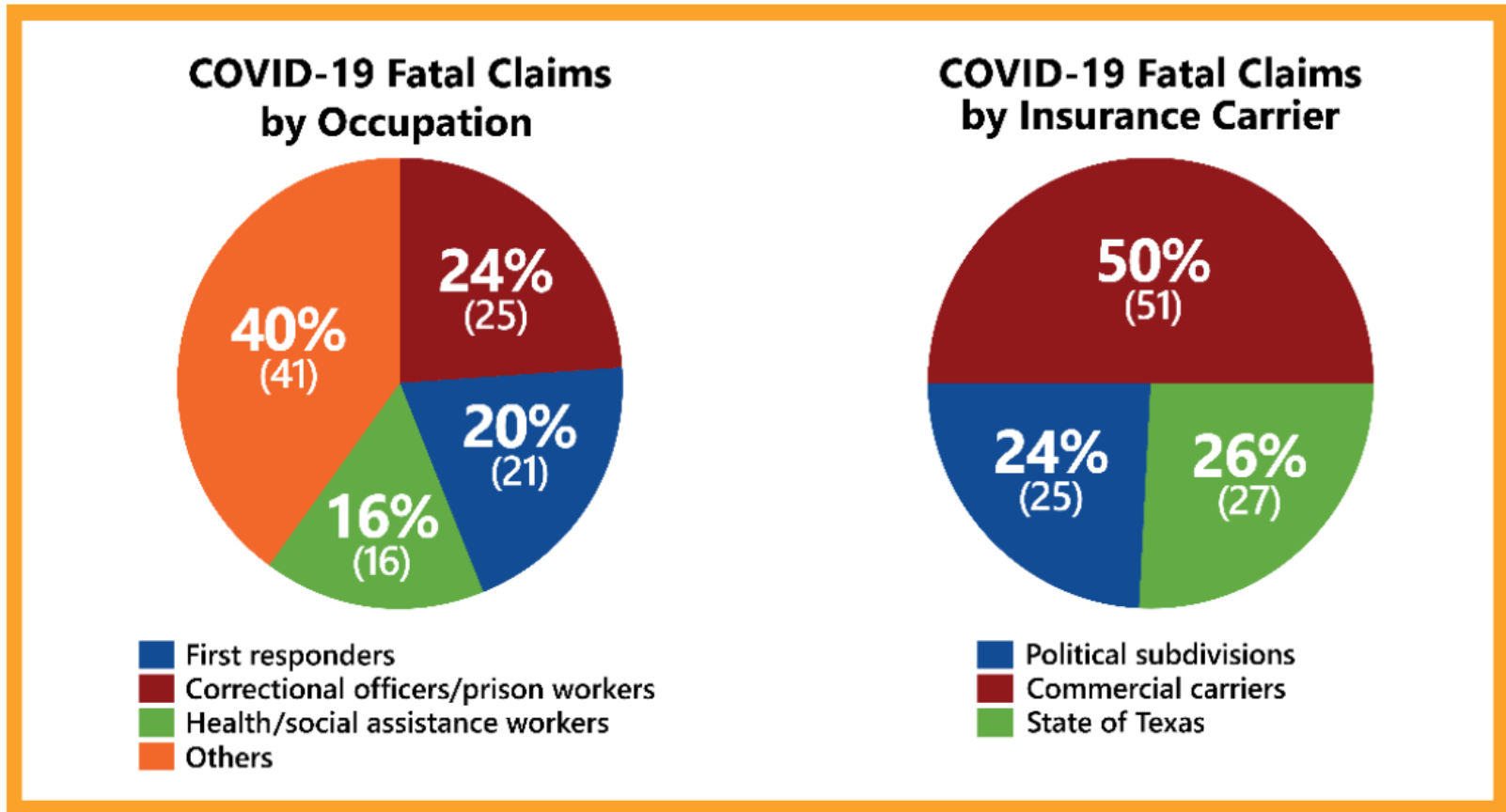


# COVID-19 Claims by Occupation and Type of Insurance Carrier



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.

# 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.

# COVID-19 Data Call Results, 1<sup>st</sup> Submission

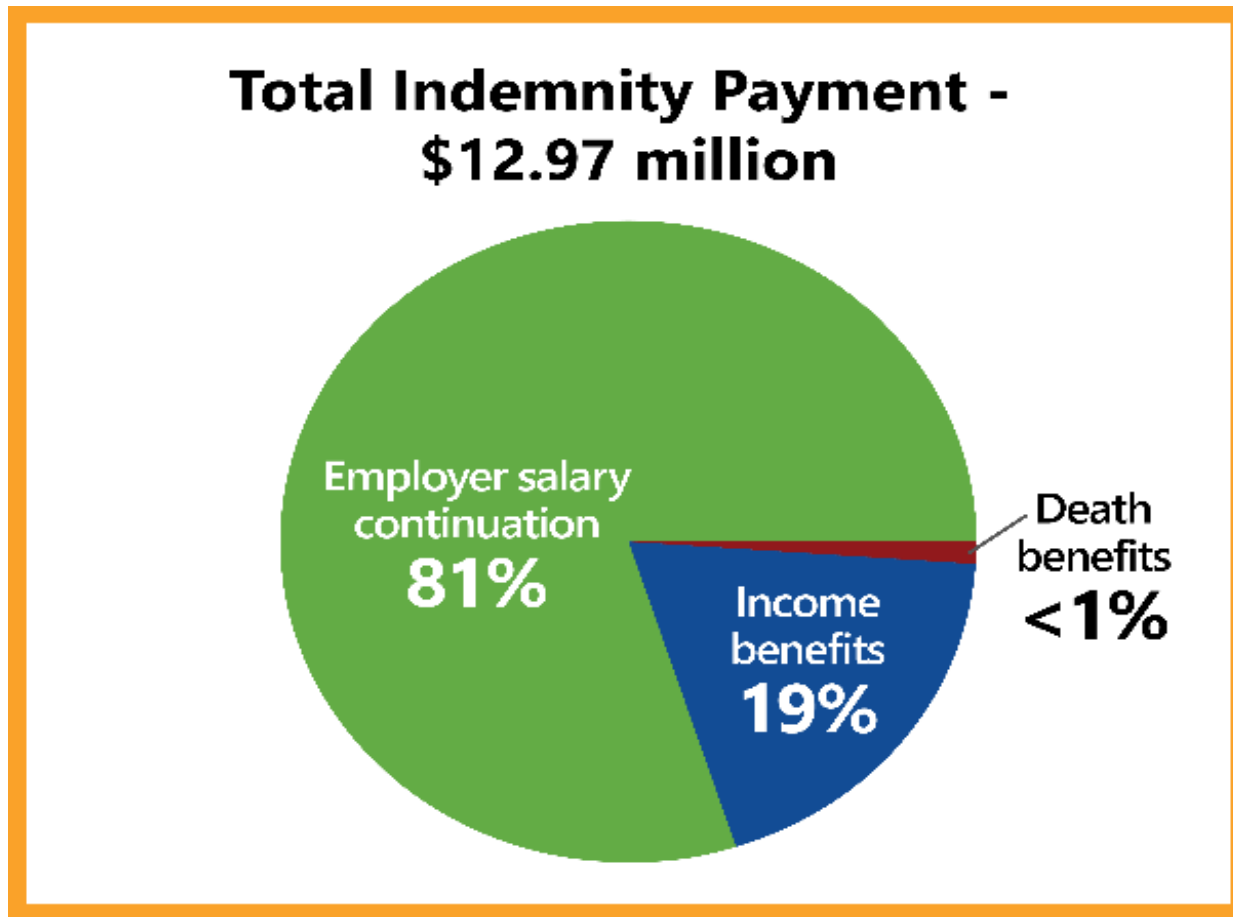
<b>Insurance Carriers</b>	<b># of Claims Reported to Insurance Carriers</b>	<b># and % of Claims with a Positive Test or Diagnosis</b>	<b># and % of Positive Claims Accepted by Insurance Carriers</b>	<b># and % of Positive Claims Denied by Insurance Carriers</b>	<b># and % of Positive Claims Still Under Investigation</b>
Commercial carriers	3,719	2,406 (65%)	826 (34%)	1,077 (45%)	503 (21%)
Political subdivisions	6,138	1,421 (23%)	1,102 (78%)	198 (14%)	121 (9%)
State of Texas	2,448	495 (20%)	137 (28%)	358 (72%)	0
All carriers total	12,305	4,322 (35%)	2,065 (48%)	1,633 (38%)	624 (14%)

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 data as of June 30, 2020.

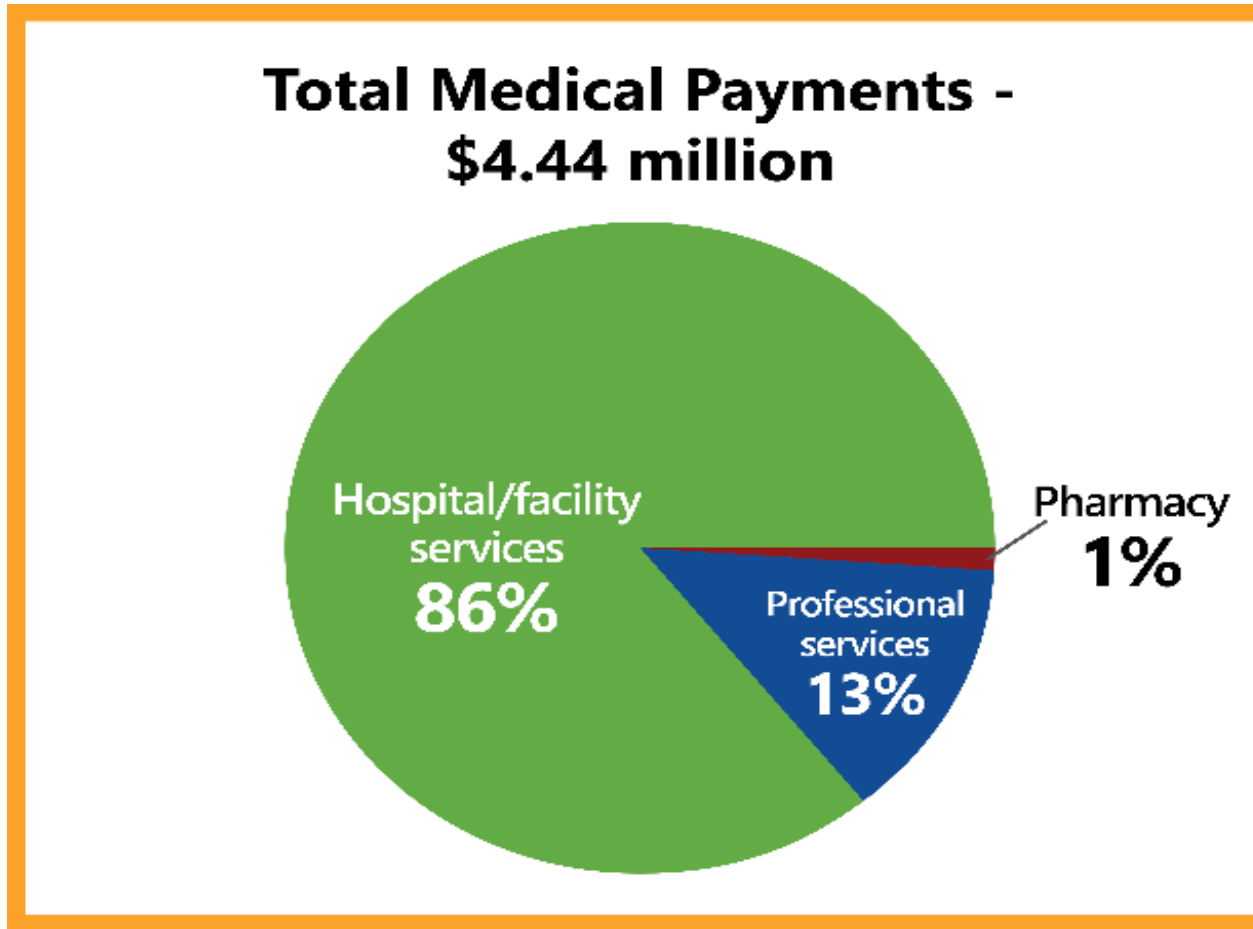


# COVID-19 Indemnity Benefits Paid



Source: DWC administrative data as of October 8, 2020, for claims reported to insurance carriers as of June 30, 2020.

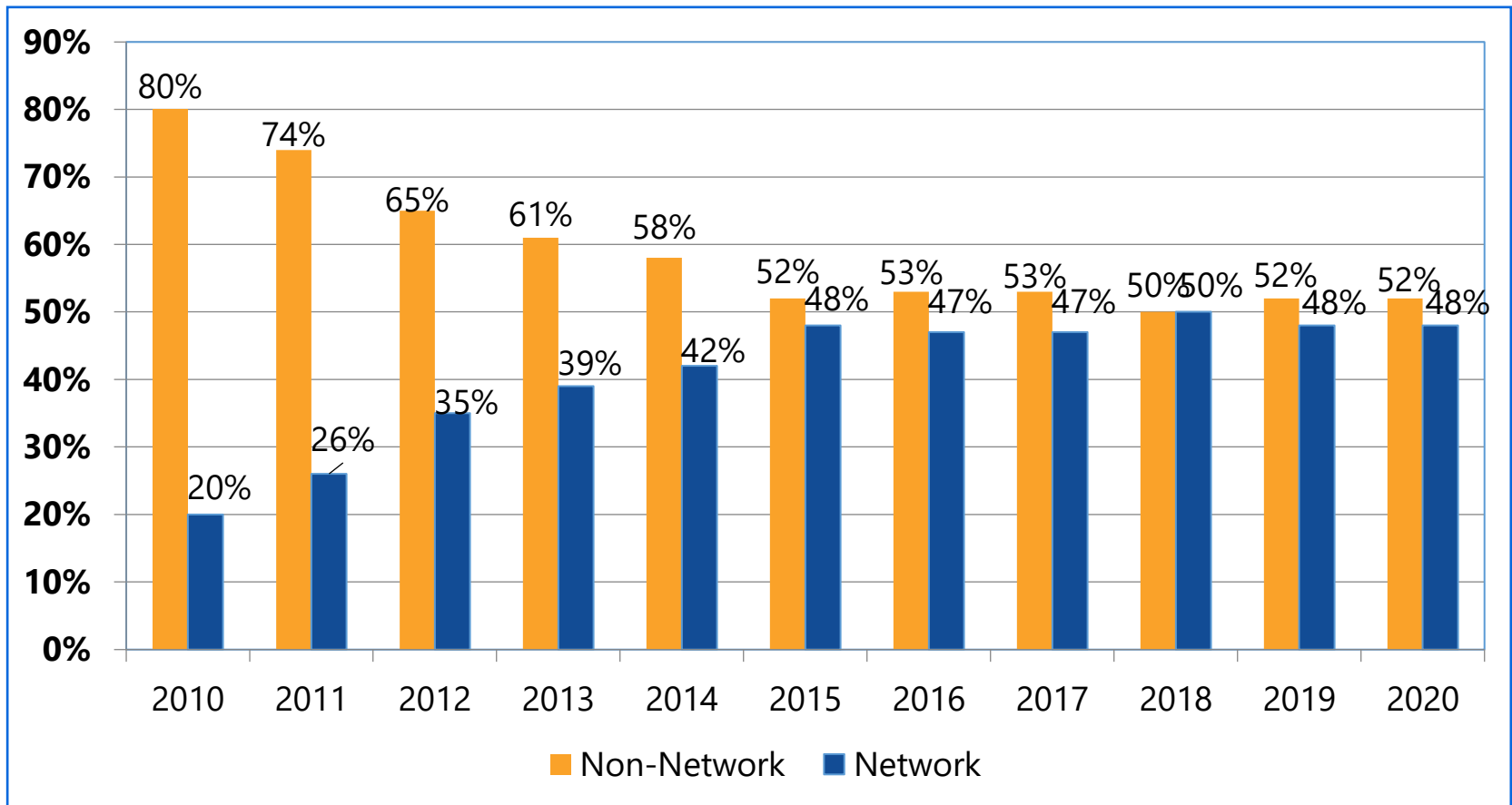
# COVID-19 Medical Benefits Paid



Source: DWC administrative data as of October 8, 2020, for claims reported to insurance carriers as of June 30, 2020.

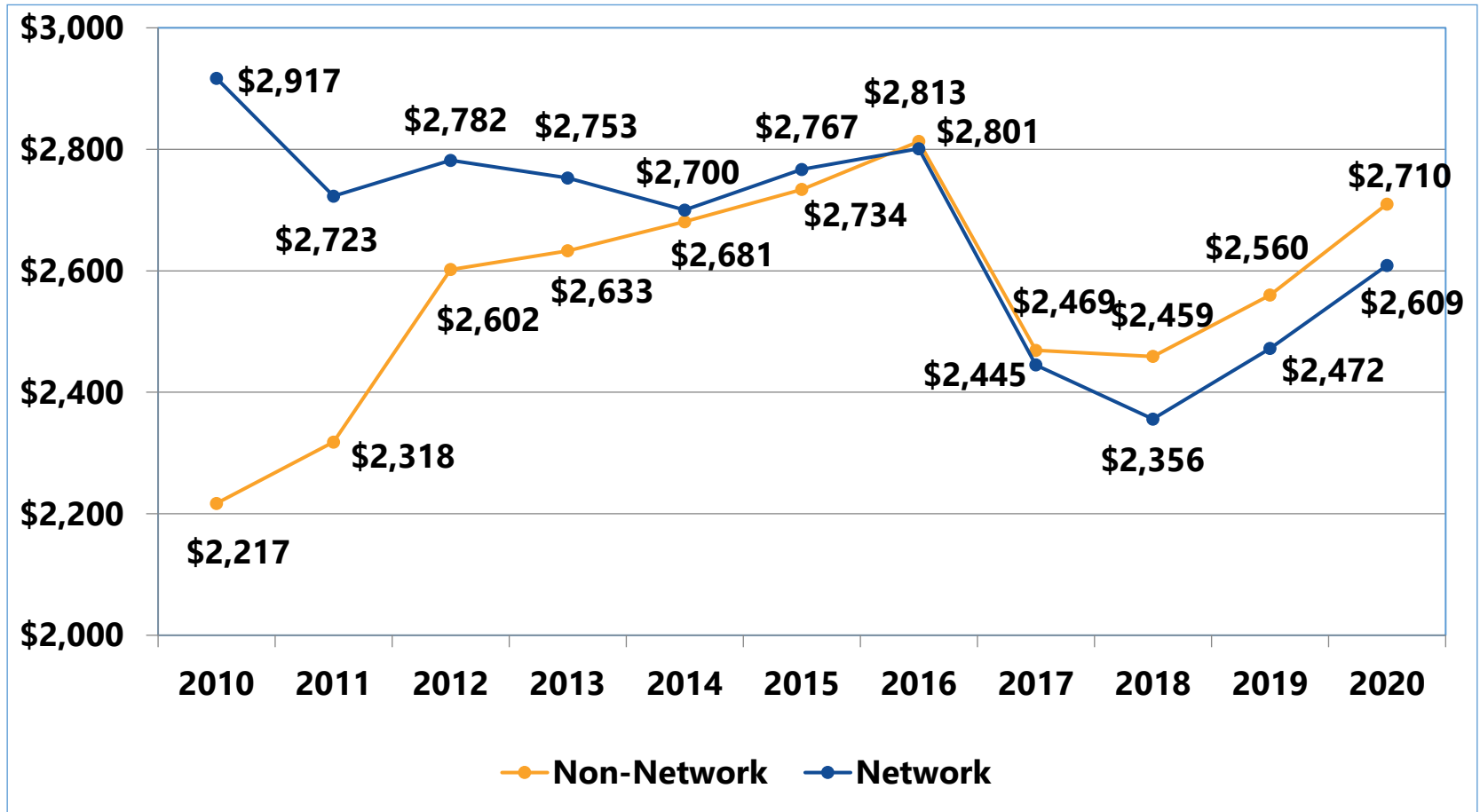
# 2020 Network Report Card

# Percentage of New Claims in Workers' Compensation Networks 2010-2020



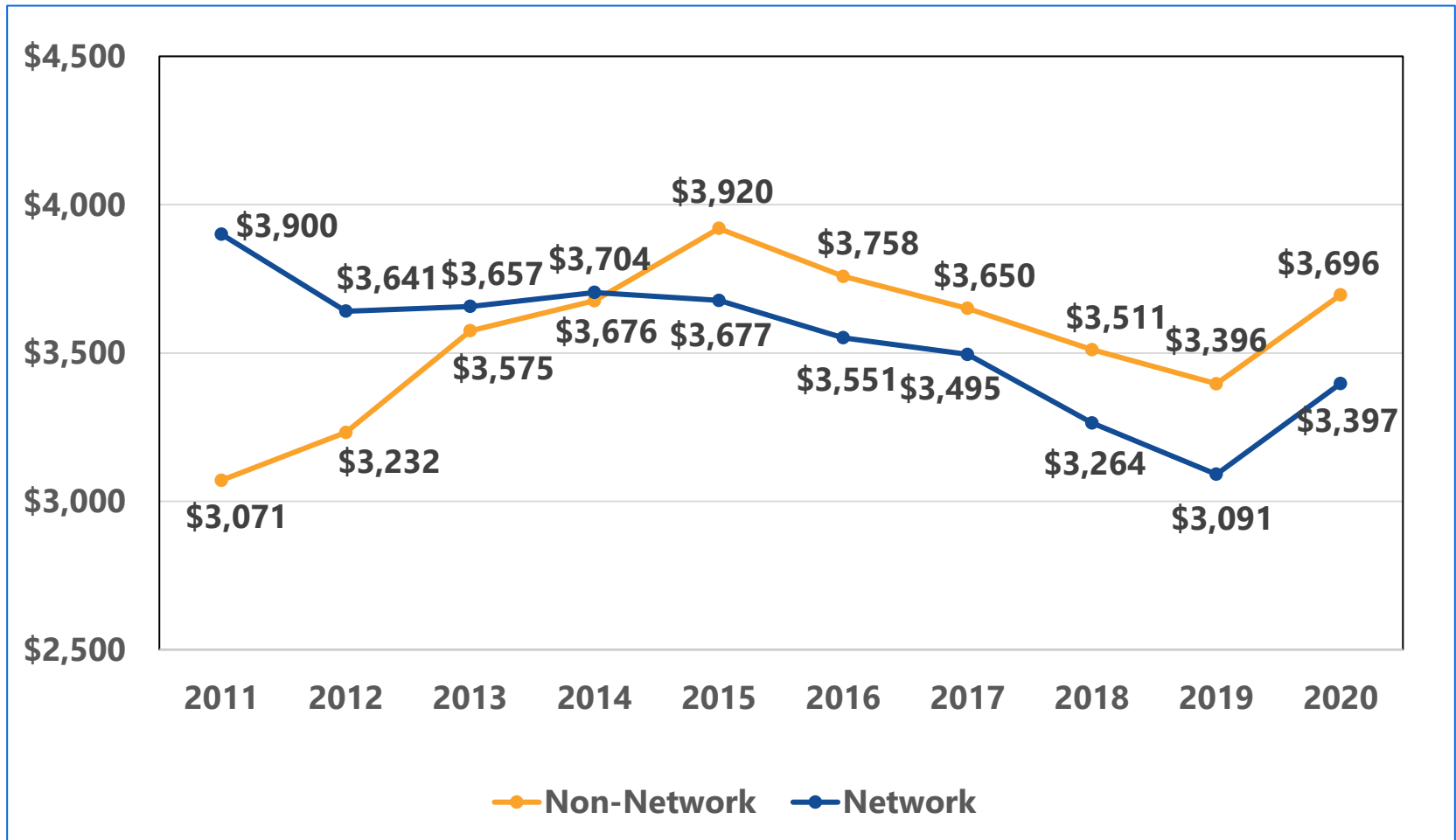
Source: Workers' Compensation Research and Evaluation Group, 2020 Network Report Card.

# Average Medical Costs, Six Months Post-Injury



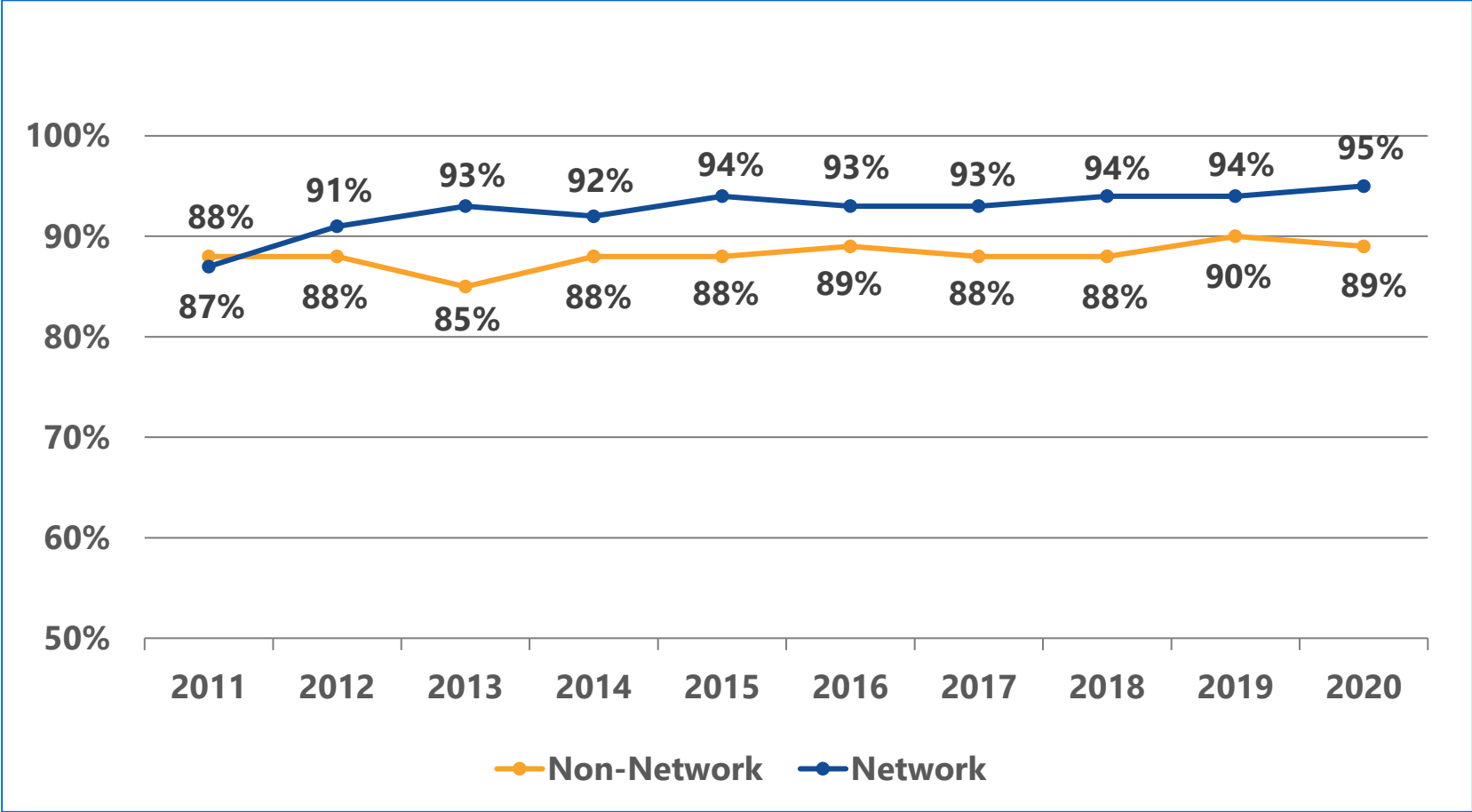
Source: Workers' Compensation Research and Evaluation Group, 2020 Network Report Card.

# Average Medical Costs, 18 Months Post-Injury



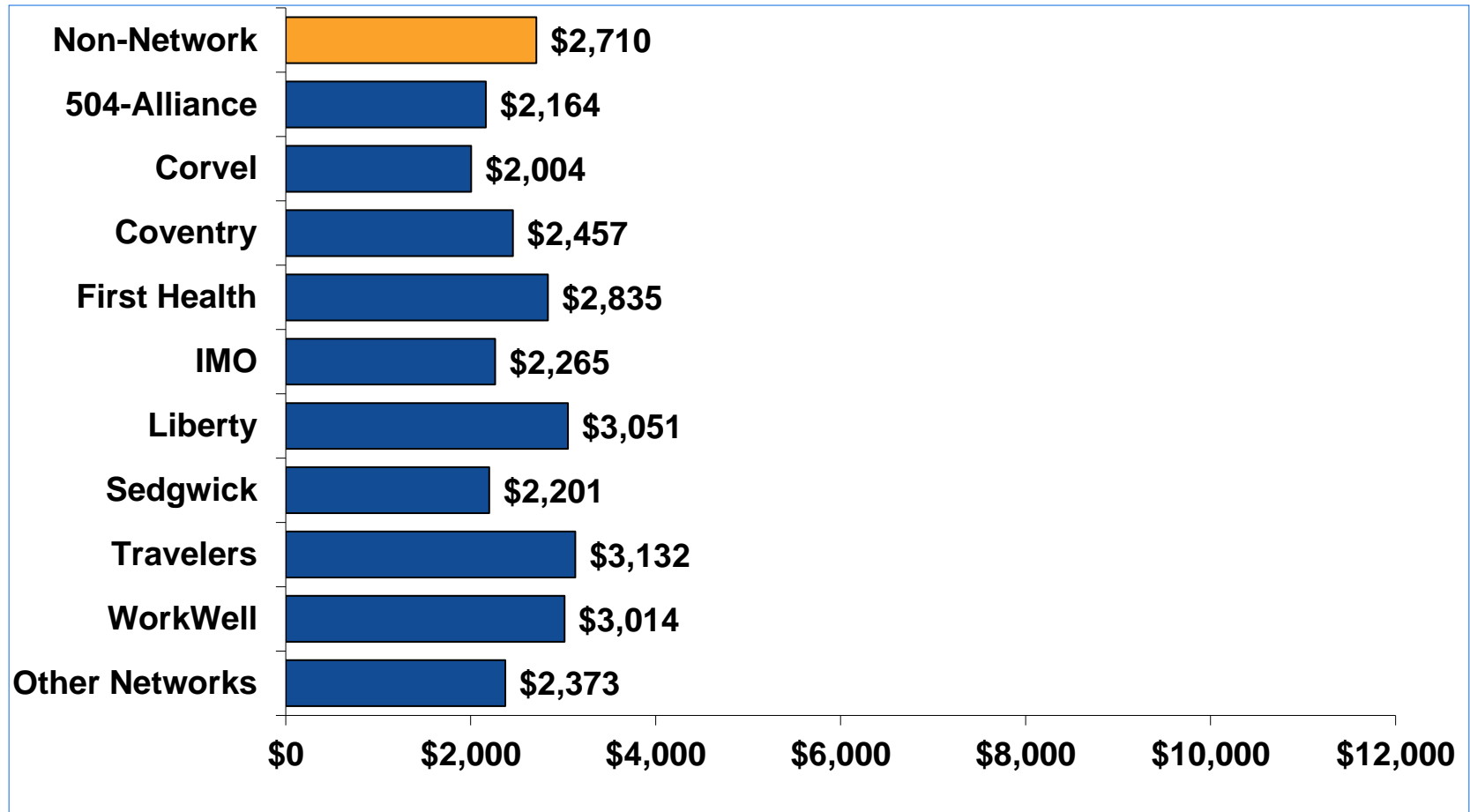
Source: Workers' Compensation Research and Evaluation Group, 2020 Network Report Card.

# Percentage of Injured Employees Who Reported That They Went Back to Work



Source: Workers' Compensation Research and Evaluation Group, 2020 Network Report Card.

# Average Overall Medical Cost per Claim, Six Months Post-Injury – All Claims



Source: Workers' Compensation Research and Evaluation Group, 2020 Network Report Card.

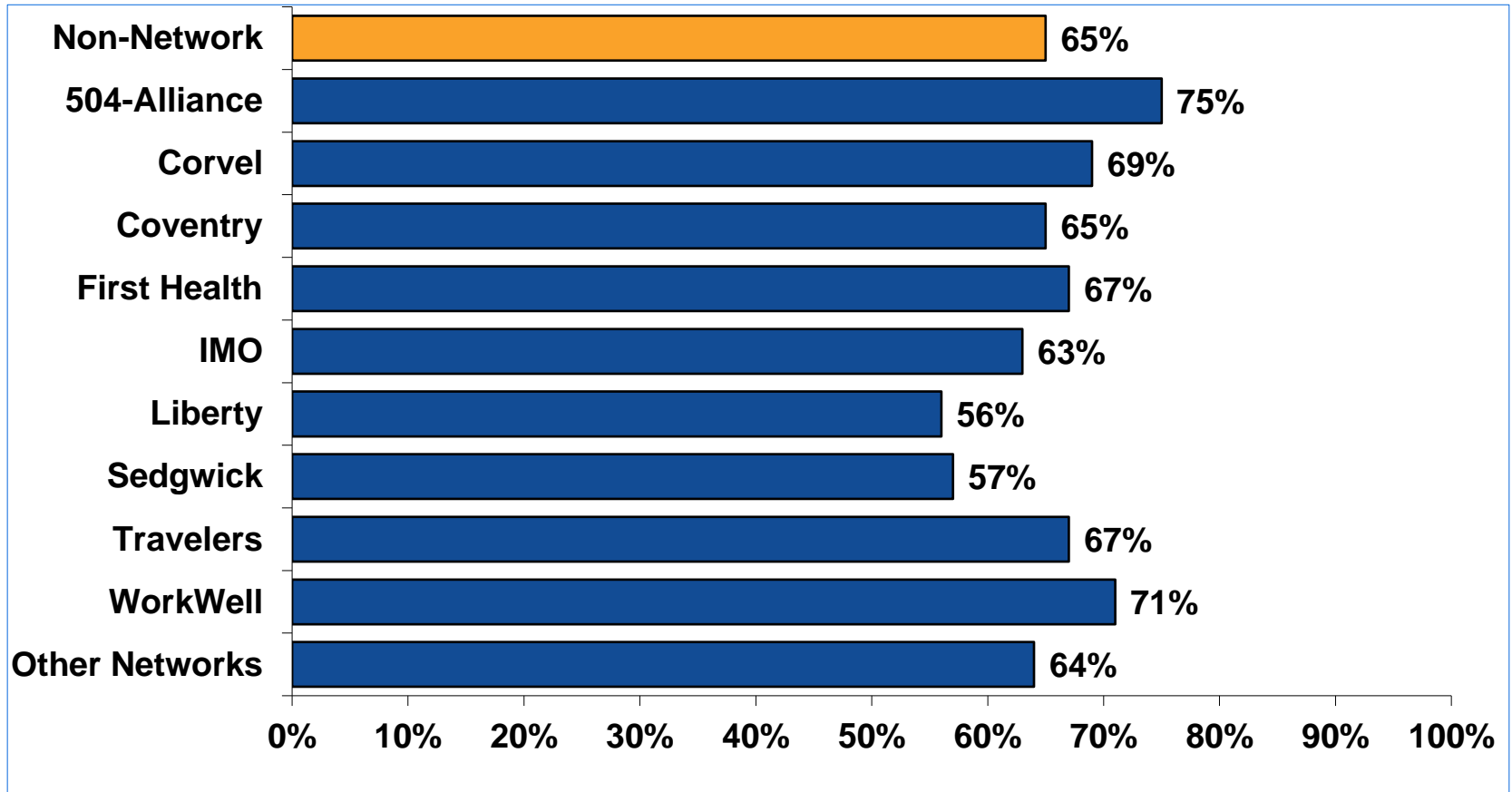


## Utilization of Care

- Professional Services
  - More network claims receive physical medicine services, but fewer services per claim
  - Fewer network claims receive CT scans, MRI use mixed
- Hospital Services
  - Fewer network claims receive these services
  - Networks tend to have fewer inpatient hospital claims than non-network
- Pharmacy Services
  - More network claims receive these services
  - # of prescriptions/claim lower for many networks
  - Fewer network claims receive opioids, but more anti-inflammatory drugs

# Overall Satisfaction with Medical Care

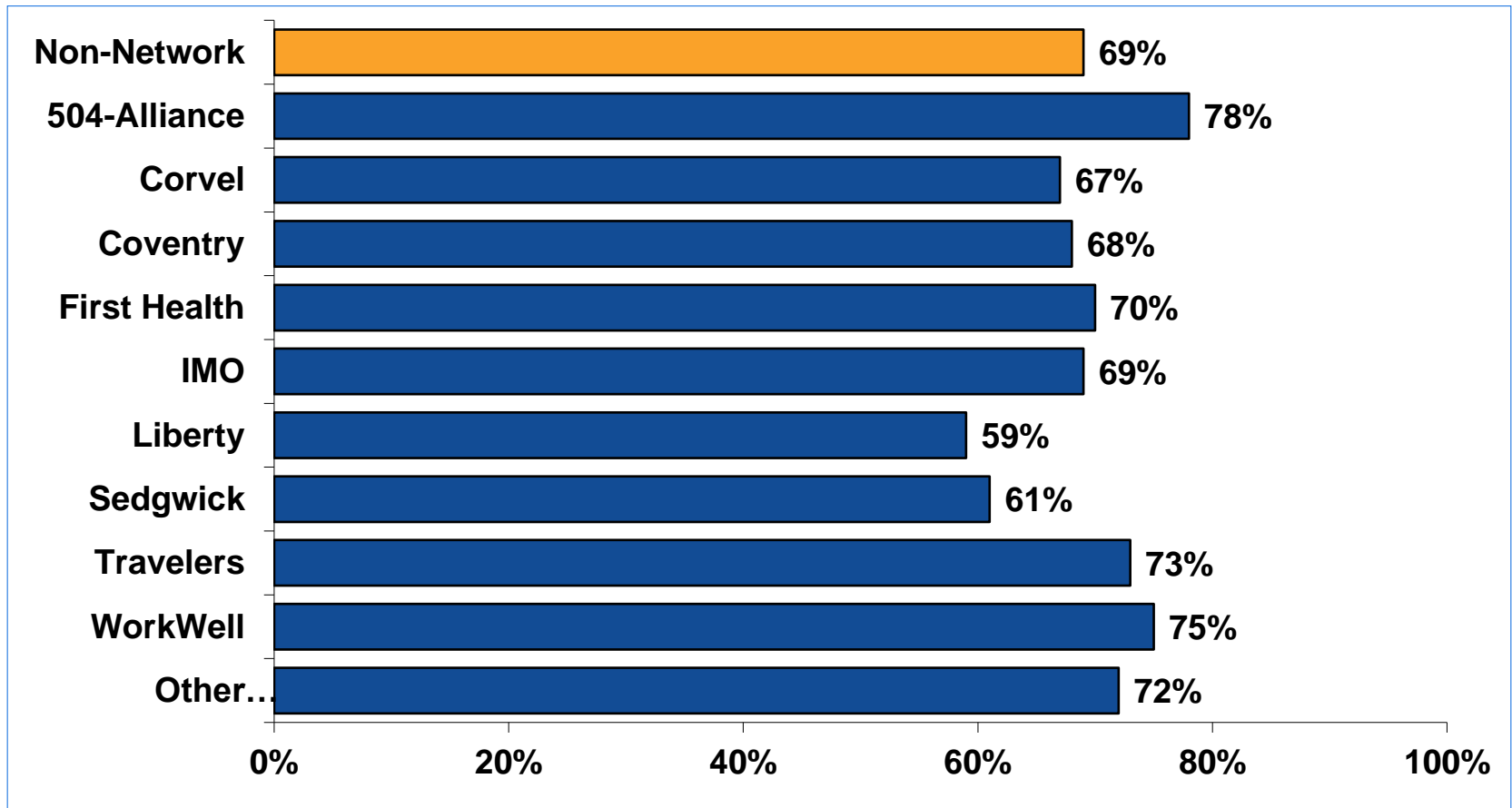
Percent of injured employees who indicated that they were “satisfied” with the quality of the medical care received for their work-related injury.



Source: Workers' Compensation Research and Evaluation Group, 2020 Network Report Card.

# Satisfaction with Treating Doctor

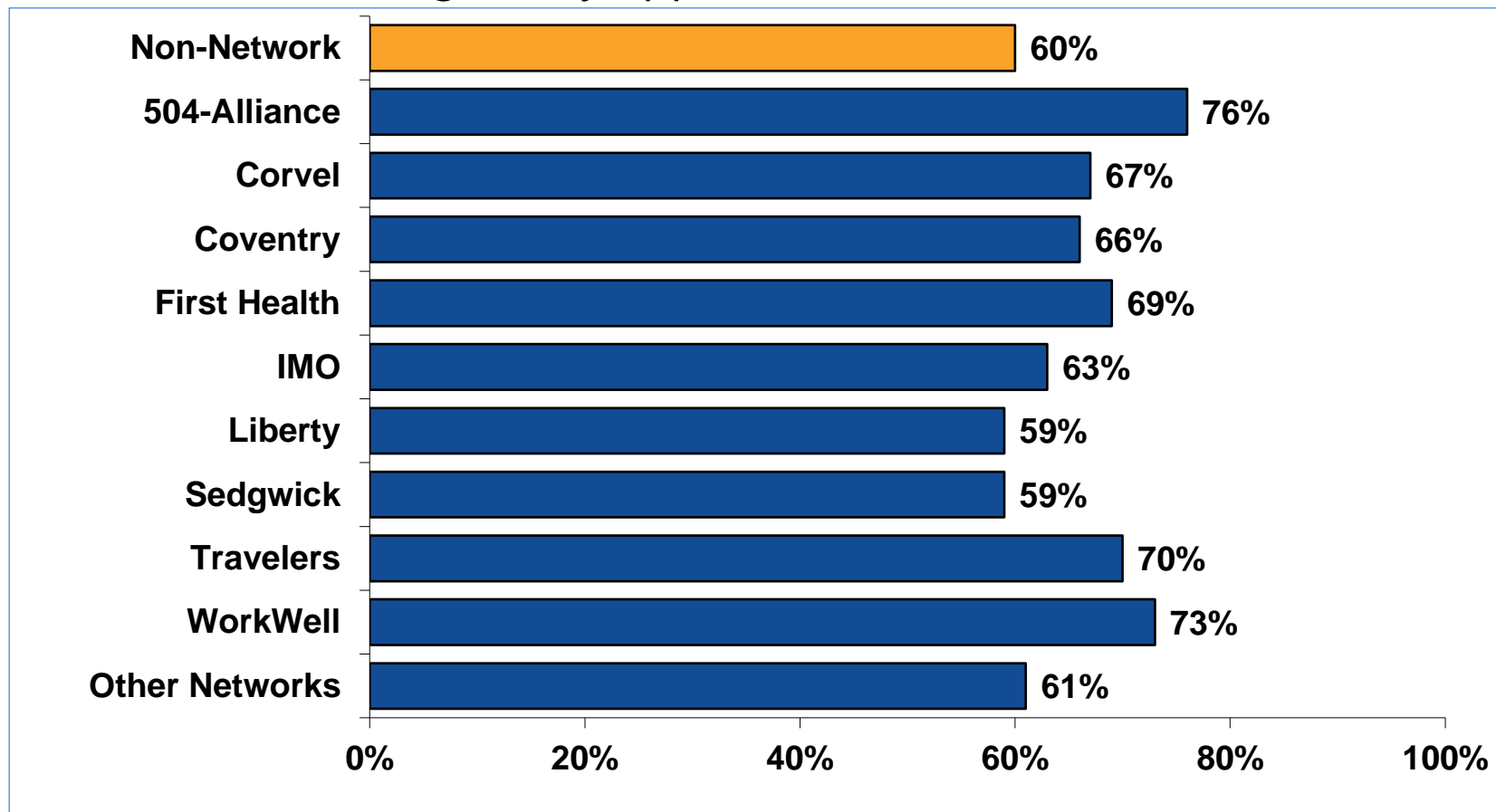
Percentage of injured employees who indicated that they were “satisfied” with the quality of the medical care received from their treating doctor.



Source: Workers' Compensation Research and Evaluation Group, 2020 Network Report Card.

## Getting Needed Care

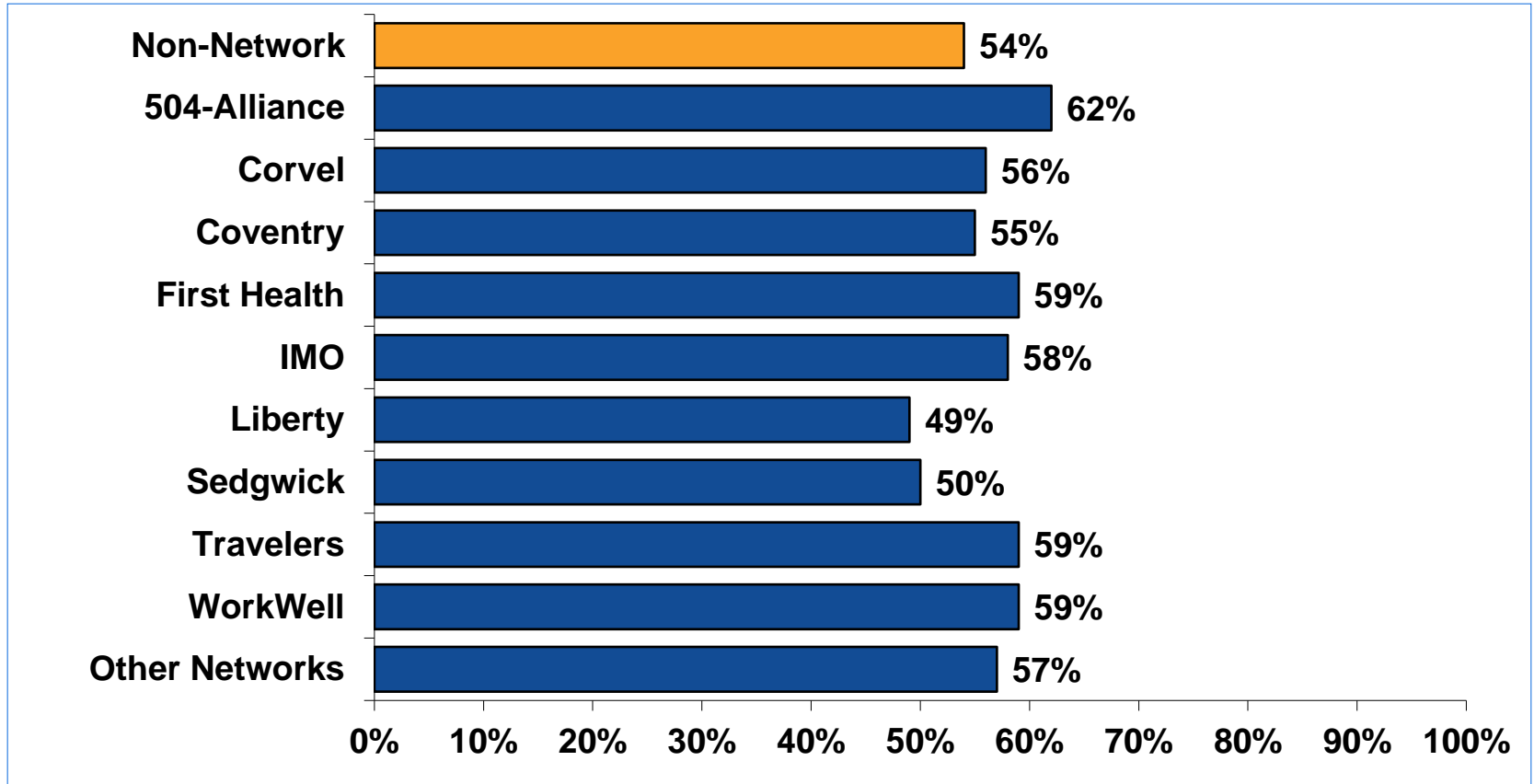
Percentage of injured employees who reported no problem: getting a personal doctor they like, seeing a specialist, getting necessary tests or treatment, and receiving timely approvals for care.



Source: Workers' Compensation Research and Evaluation Group, 2020 Network Report Card.

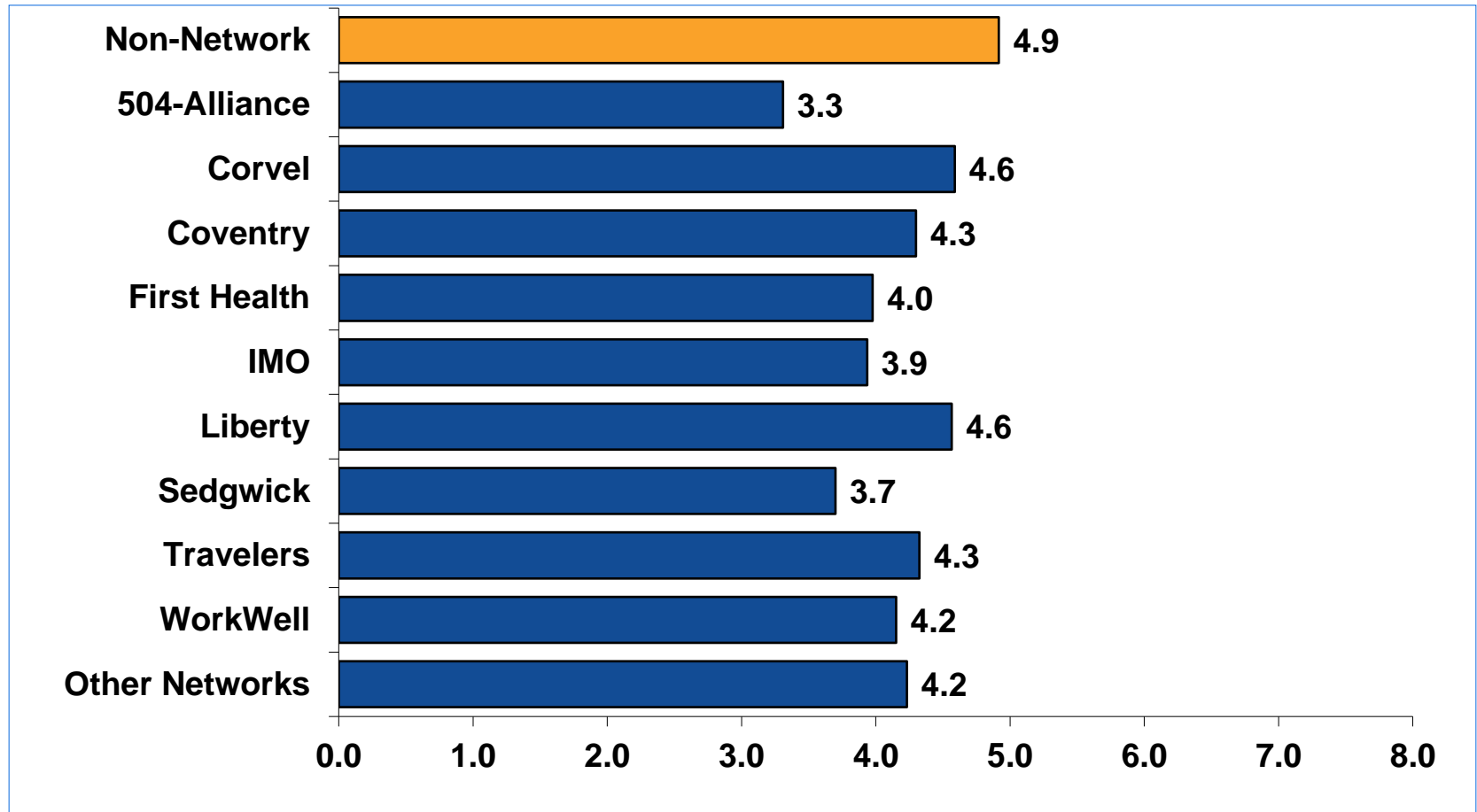
# Getting Care Quickly

Percentage of injured employees who reported always: receiving care as soon as they wanted, getting an appointment as soon as they wanted, and being taken to the exam room within reasonable time of their appointment.



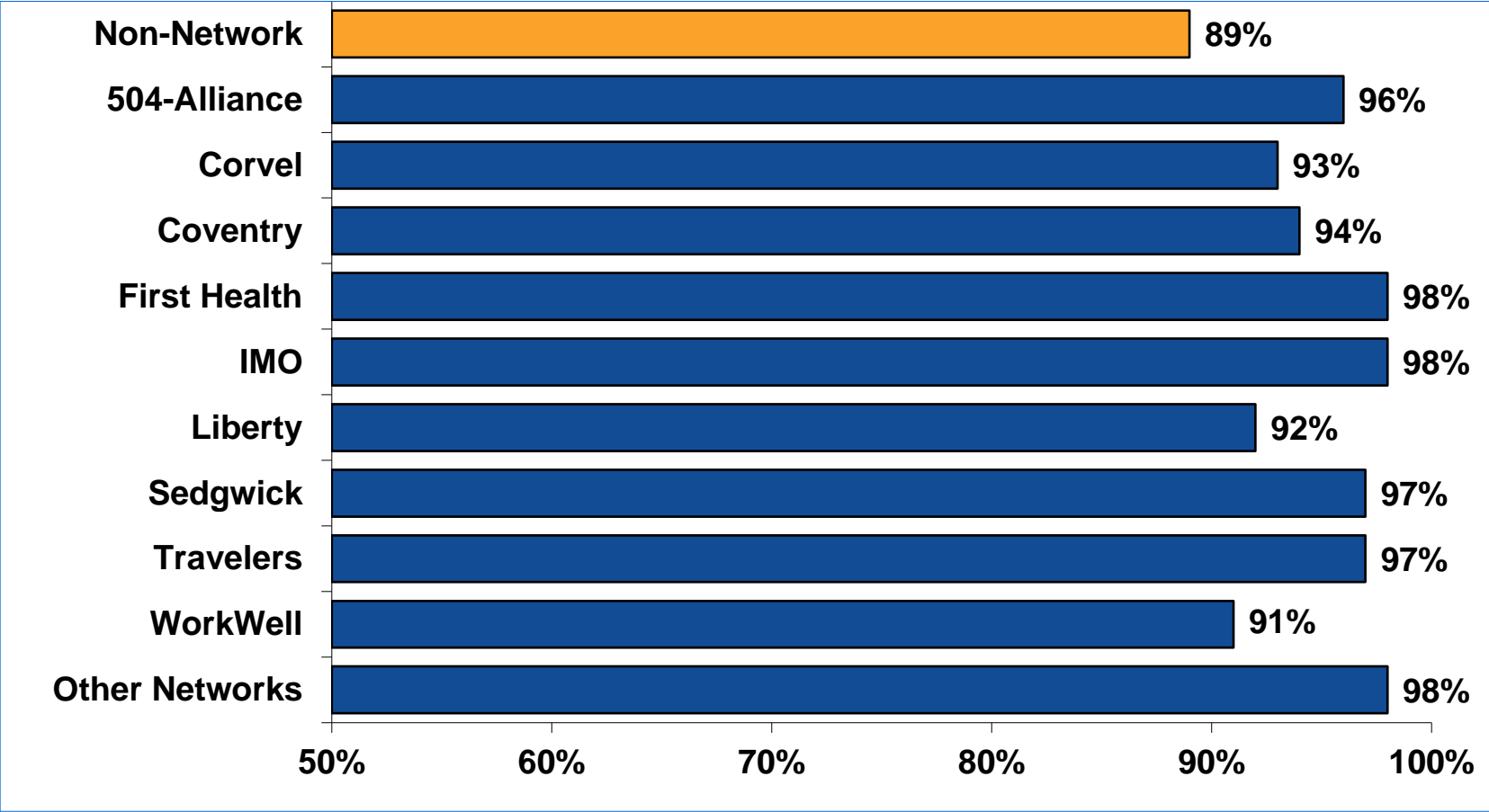
Source: Workers' Compensation Research and Evaluation Group, 2020 Network Report Card.

# Average Number of Days from Date of Injury to Date of First Non-Emergency Treatment (derived from administrative medical data)



Source: Workers' Compensation Research and Evaluation Group, 2020 Network Report Card.

# Percentage of Injured Employees Who Indicated That They Went Back to Work at Some Point After Their Injury



Source: Workers' Compensation Research and Evaluation Group, 2020 Network Report Card.

# Q&A



# Closing

Cassie Brown, Commissioner  
Division of Workers' Compensation