

Health Care Provider Quarterly Meeting

November 29, 2022

10 to 11:30 a.m.

Agenda Items

- Welcome
- DWC Staffing Changes
- Office of the Medical Advisor Update
- Compliance and Investigations Update
- Legislative Update
- Designated Doctor Rules Update
- Q&A
- Closing

Welcome

Jeff Nelson, Commissioner
Division of Workers' Compensation

DWC Staffing Changes

Claims and Customer Services

Deputy Commissioner, Erica De La Cruz

- Subsequent Injury Fund
- Self-Insurance Regulation
- Customer Service
- Injured Employee Outreach & Claims Services
- Program Services

Health and Safety

Deputy Commissioner, Mary Landrum

- Office of the Medical Advisor
- Health Care Business Management
- Return to Work
- Designated Doctor Program
- Medical Fee Dispute Resolution
- Workplace Safety

Operations and External Relations

Deputy Commissioner, Kimberly Donovan

- DWC Communications
- Research and Evaluation Group
- External and Media Relations

Business Process

Deputy Commissioner, Tammy Campion

- Business Operations
- Information Management Services
- Enterprise Automation Services
- Business Process Services

Office of the Medical Advisor Update

Mary Landrum, Deputy Commissioner
Health and Safety

Quality of Care Complaints

- Calendar year 2022
 - 80 complaints forwarded to OMA
(includes external complaints and internal referrals)
 - 115 complaints investigated by OMA
 - 35% closed with no action
 - 16% issued letters of education
 - 26% initiated a medical quality review
 - 23% referred to enforcement

Source: Texas Department of Insurance, Division of Workers' Compensation, data as of 11/14/22

Medical Quality Reviews

- Calendar year 2022
 - 24 reviews initiated
 - includes complaint, audit, or monitoring based reviews
 - assigned to MQRP members for review
 - 10 reviews concluded
 - 30% referred to Enforcement
 - 70% 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 11/02/22

OMA Enforcement Cases

Calendar year 2022

9 OMA referrals received in Enforcement

15 OMA cases concluded by Enforcement

- 4 consent orders/final orders

- 7 warning letters

- 4 other action

29 OMA cases pending in Enforcement

1 OMA case pending at SOAH

Source: Texas Department of Insurance, Division of Workers' Compensation, data as of 11/16/22

Compliance and Investigations Update

Debra Knight, Deputy Commissioner
Compliance and Investigations

CY2022 Complaints

CY2022 - Complaints

1,839 Complaints Received

28	Attendance
579	Communications
0	Fraud
550	Indemnity Benefit Delivery
502	Medical Benefit Delivery
128	Other
52	Quality of Care

1,307 Complaints Closed

291	Confirmed
431	DWC Education Complaint
585	Not Confirmed

Based on complaint data as of 11/14/2022

CY2022 – Complaints By Respondent Type

Type of complaint	Injured employee	Insurance carrier	Health care provider	Employer	Attorney	Other
Attendance	7	12	5	0	4	0
Communications	3	327	128	68	53	0
Indemnity Benefits	3	528	14	2	3	0
Medical benefits	0	413	86	0	0	3
Quality of care	N/A	N/A	51	N/A	N/A	1
Other	2	60	10	51	3	2

Based on complaint data as of 11/14/2022

Health Care Provider Performance Based Oversight (PBO)

2023 Health Care Provider PBO

- The health care provider PBO methodology was published on July 26
www.tdi.texas.gov//wc/pbo/documents/pbo2023hcp.pdf.
- Work status reports (DWC Form-073) that occur between **June 2022 through February 2023** will be assessed.
- Reports of medical evaluation (DWC Form-069) that occur between **January 2023 through April 2023** will be assessed.
- The weights for individual measures and overall scoring criteria for the regulatory tiers did not change when compared to the 2021 assessment.

2023 Health Care Provider PBO

Get ready

- Check and update your TxComp provider profile.
 - Contact txcomp.help@tdi.texas.gov if you need help finding your profile or logging into your account.
- Read through the 2023 Health Care Provider Methodology paper.
 - Contact PBO@tdi.Texas.gov if you have questions about the assessment.

2023 Health Care Provider PBO Schedule

- April 2023 - Health care providers selected for DWC Form-073 category review will be asked to provide copies of DWC Form-073.
- Summer 2023 - Preliminary findings will be provided for both DWC Form-073 and DWC Form-069 category.
- December 2023 - Results will be published.
- 2024/2025 PBO biennial planning begins 2023.
 - If you have any recommendations related to 2024 insurance carrier or 2025 health care provider assessments, please send to PBO@tdi.texas.gov.

DWC Fraud & Prosecution

FY23 – DWC Fraud Unit

358 fraud referrals received

55 fraud cases open*

13 fraud cases closed

2 fraud referrals for prosecution

**Based on data received as of 11/10/2022*

FY23 – DWC Fraud & Prosecution Units

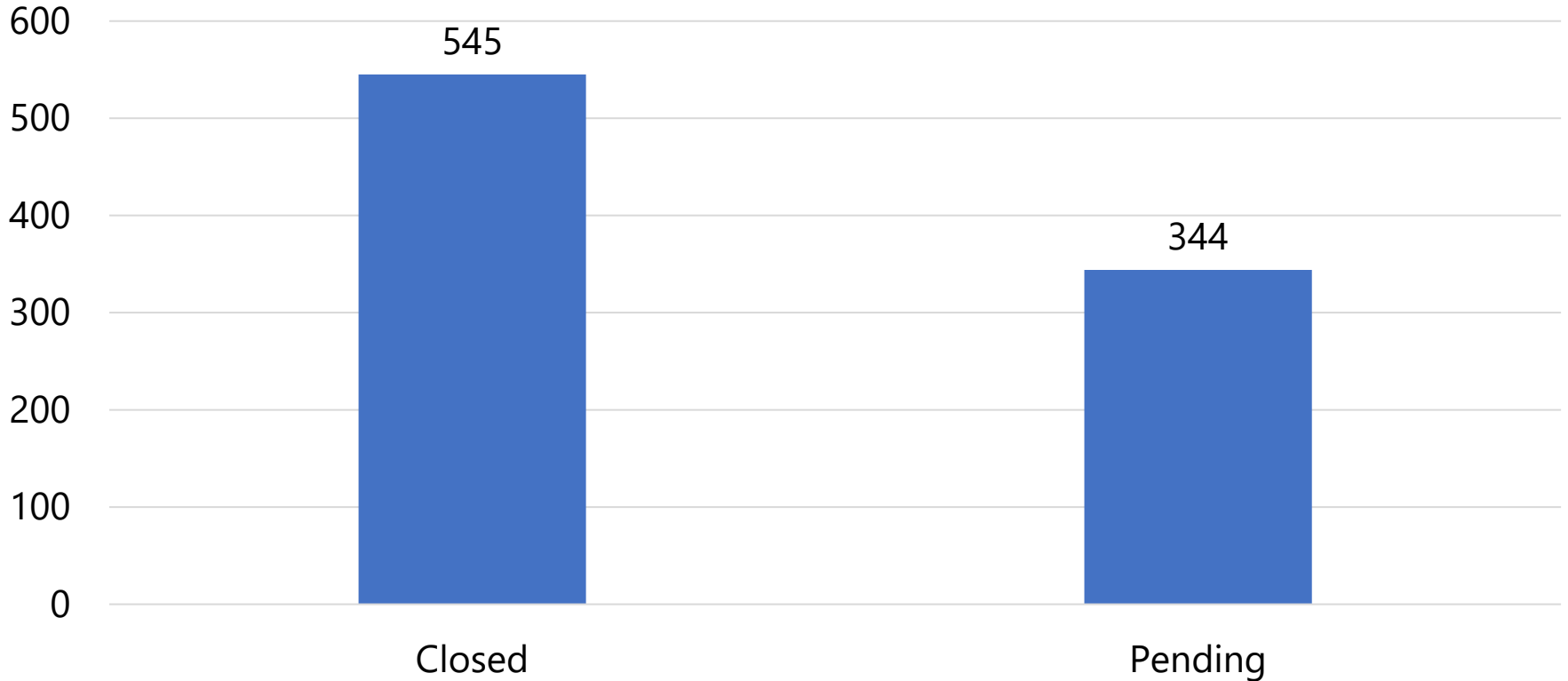
- **3 Convictions**
 - **1** health care provider
 - **1** injured employee
 - **1** employer

**Based on data received as of 11/10/2022*

Enforcement Update

CY2022 Enforcement Case Status

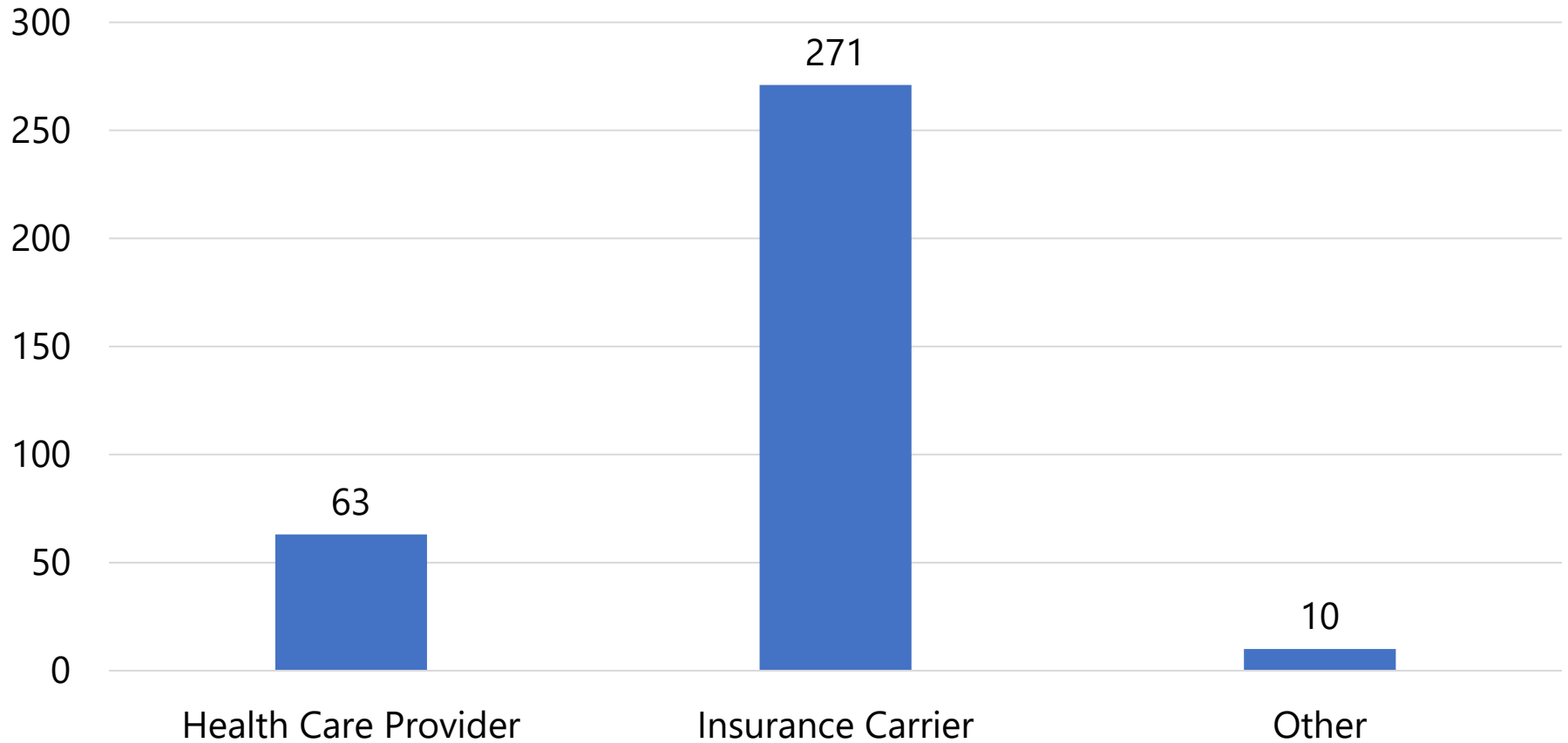
Based on enforcement data as of 11/8/2022



2022	Closed Cases	Pending Cases
Cases	545	344

CY2022 Cases Pending by Subject Type

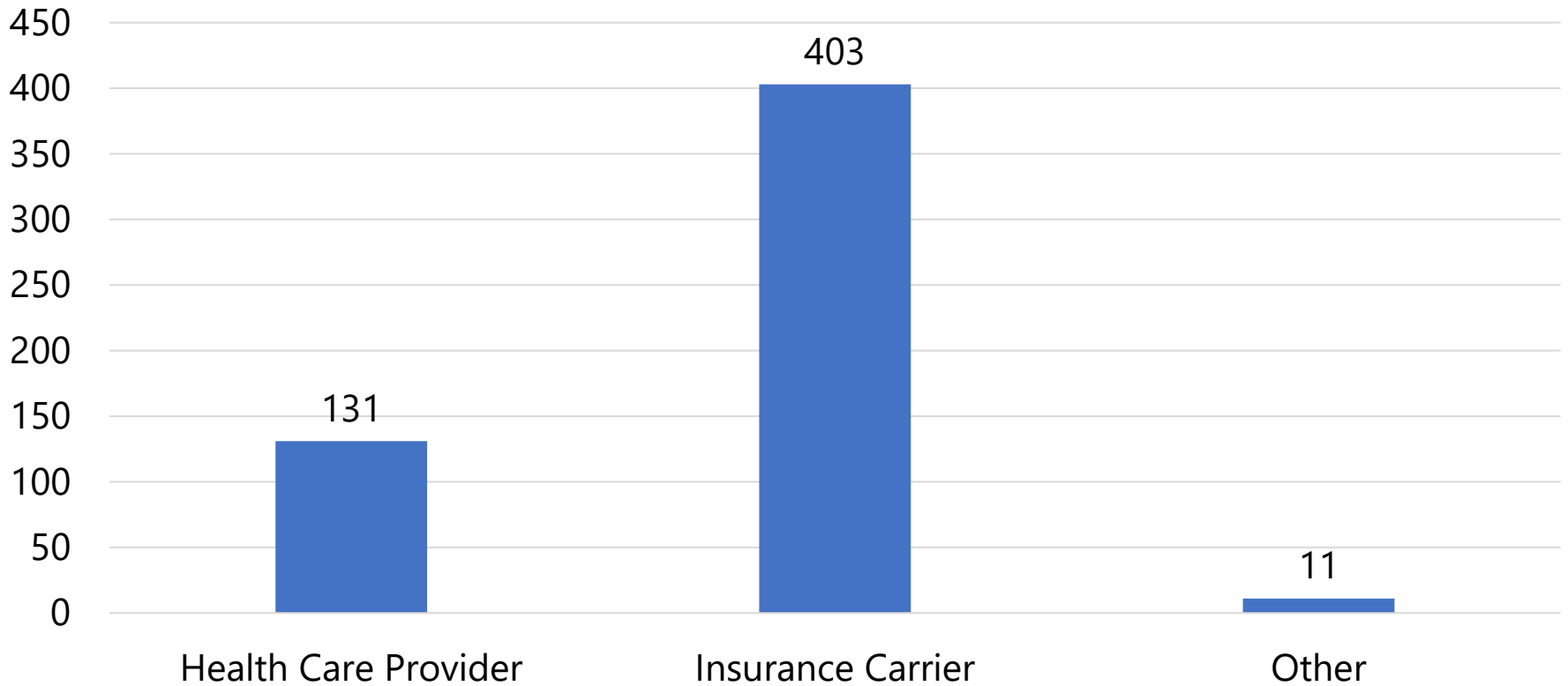
Based on enforcement data as of 11/8/2022



2022	Health Care Provider	Insurance Carrier	Other
Cases	63	271	10

CY2022 Cases Closed by Subject Type

Based on enforcement data as of 11/8/2022

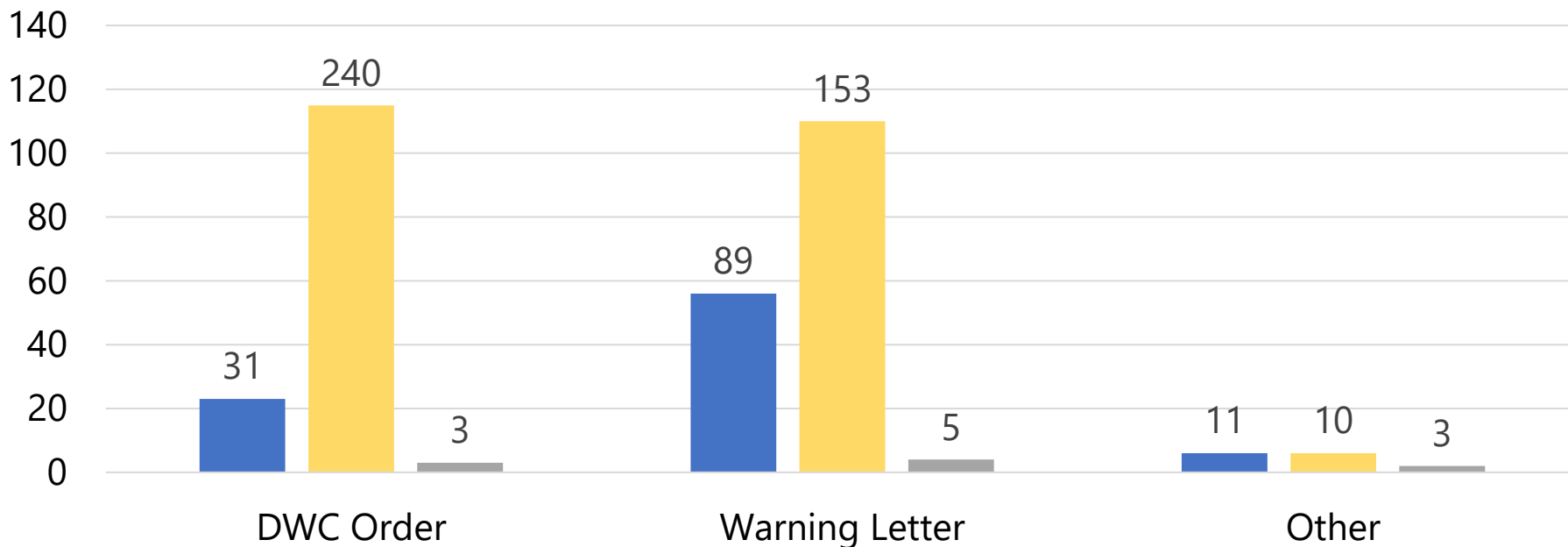


2022	Health Care Provider	Insurance Carrier	Other
Cases	131	403	11

CY2022 Cases Closed by Disposition Type

Based on enforcement data as of 11/8/2022

■ Health Care Provider ■ Insurance Carrier ■ Other



2022	Health care provider	Insurance carrier	Other
DWC Order	31	240	3
Warning Letter	89	153	5
Other	11	10	3

DWC Enforcement Disciplinary Orders Link

- www.tdi.texas.gov/wc/orders/index.html

Questions?

Legislative Update

Kimberly Donovan, Deputy Commissioner
Operations and External Relations

Dates of Interest

- November 14, 2022
 - First day of bill filing
- January 10, 2023
 - First day of 88th Legislative Session
- March 10, 2023
 - 60-day deadline for bill filing
- May 29, 2023
 - Sine die – end of regular session

DWC Biennial Report

- Due December 1, 2022
- Two legislative recommendations

Amend Texas Tax Code Section 151.0039(b)

- Exempt any medical examination or service performed to determine the appropriate level of benefits under the Texas Workers' Compensation Act from sales and use tax.
- On October 20, 2022, the Texas Comptroller of Public Accounts issued Private Letter Ruling No. PLR20220516113922.
- On November 10, 2022, Comptroller issued memo delaying implementation of the ruling after legislative session.

Amend Texas Labor Code Chapter 410

- Add limited public information exception for working papers and electronic communications for ALJs and Appeals Panel judges.
- Government Code §552.144 provides this protection to SOAH ALJs but no other agency ALJs.

Topics to Watch

- First responders – expanding eligibility of certain benefits, expanding presumption laws, or broadening the definition of a first responder.
- Extending COVID-19 presumption past expiration date of September 1, 2023.
- Studies or changes to medical treatment guidelines.
- 24-hour coverage policies for work and non-work-related injuries.
- State workers' compensation benefits to active duty National Guard serving on the border.

Questions?

Designated Doctor Rules

Joseph McElrath, Deputy Commissioner
Business Process

Questions?

Closing

Jeff Nelson, Commissioner
Division of Workers' Compensation