

No. 2023-7960

**Official Order  
of the  
Texas Commissioner of Workers' Compensation**

**Date:** 5/11/2023

**Subject Considered:**

Texas Association of Counties RMP  
PO Box 26300  
Austin, Texas 78755-0300

Consent Order  
DWC Enforcement File No. 31616, 31617, 31618, 31619, 31620

**General remarks and official action taken:**

This is a consent order with Texas Association of Counties RMP (Respondent). The commissioner of the Texas Department of Insurance, Division of Workers' Compensation (DWC) considers whether DWC should take disciplinary action against Respondent.

**Waiver**

Respondent acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Respondent waives all of these rights, and any other procedural rights that apply, in consideration of the entry of this consent order.

**Findings of Fact**

1. Respondent is a risk management pool comprised of governmental entities which self-insure collectively, pursuant 401.011(27)(D).
2. Respondent was classified as "average" tier in the 2010 and 2022 Performance Based Oversight (PBO) assessments. Respondent was classified as "high" tier 2012, 2014, 2016, 2018, and 2020, PBO assessments. Respondent was not selected to be tiered in the 2007 and 2009 PBO assessments.

Failure to Timely Act on a Medical Bill

*File No. 31616*

1. On [REDACTED] a health care provider (HCP) provided medical services to an injured employee. On [REDACTED] Respondent received a completed medical bill in the amount of [REDACTED] from the HCP.
2. Respondent was required to act on the bill within 45 days of receiving it. The deadline to act was [REDACTED]
3. On [REDACTED] Respondent paid [REDACTED] to the HCP, which was 196 days late.

*File No. 31617*

4. On [REDACTED] a HCP provided medical services to an injured employee. On [REDACTED] Respondent received a completed medical bill in the amount of [REDACTED] from the HCP.
5. Respondent was required to act on the bill within 45 days of receiving it. The deadline to act was [REDACTED]
6. On [REDACTED] Respondent denied the claim, which was 193 days late.

*File No. 31618*

7. On [REDACTED] a HCP provided medical services to an injured employee. On [REDACTED] Respondent received a completed medical bill in the amount of [REDACTED] from the HCP.
8. Respondent was required to act on the bill within 45 days of receiving it. The deadline to act was [REDACTED]
9. On [REDACTED] Respondent denied the claim, which was 204 days late.

*File No. 31619*

10. On [REDACTED] a HCP provided medical services to an injured employee. On [REDACTED] Respondent received a completed medical bill in the amount of [REDACTED] from the HCP.
11. Respondent was required to act on the bill within 45 days of receiving it. The deadline to act was [REDACTED]
12. On [REDACTED] Respondent denied the claim, which was 168 days late.

*File No. 31620*

13. On [REDACTED] a HCP provided medical services to an injured employee. On [REDACTED] Respondent received a completed medical bill in the amount of [REDACTED] from the HCP.
14. Respondent was required to act on the bill within 45 days of receiving it. The deadline to act was [REDACTED]
15. On [REDACTED] Respondent denied the claim, which was 290 days late.

**Assessment of Sanction**

1. Prompt payment of medical bills is imperative to DWC's goal of ensuring that injured employees have access to prompt, high-quality medical care. Failure to promptly pay medical bills harms medical providers economically, increases disputes and exhausts administrative resources in the workers' compensation system.
2. In assessing the sanction for this case, DWC fully considered the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e):
  - the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the prohibited act;
  - the history and extent of previous administrative violations;
  - the violator's demonstration of good faith, including actions it took to rectify the consequences of the prohibited act;
  - the penalty necessary to deter future violations;


- whether the administrative violation had a negative impact on the delivery of benefits to an injured employee;
  - the history of compliance with electronic data interchange requirements;
  - to the extent reasonable, the economic benefit resulting from the prohibited act; and
  - other matters that justice may require, including, but not limited to:
    - PBO assessments;
    - prompt and earnest actions to prevent future violations;
    - self-report of the violation;
    - the size of the company or practice;
    - the effect of a sanction on the availability of health care; and
    - evidence of heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules.
3. DWC found the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e) to be aggravating: the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the prohibited acts, including the economic harm to the HCPs and the number of violations; the history and extent of previous administrative violations; and the penalty necessary to deter future violations.
4. DWC found the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e) to be mitigating: the demonstrated good faith of the violator, including actions taken to rectify the consequences of the prohibited act; and other matters that justice may require, specifically the implementation of a 'logging system,' to assist in directing faxes to the appropriate department, which should limit the prevalence of similar violations moving forward.
5. Respondent acknowledges communicating with DWC about the relevant statute and rule violations alleged; that the facts establish that the administrative violation(s) occurred; and that the proposed sanction is appropriate, including the factors DWC considered under Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).
6. Respondent acknowledges that, in assessing the sanction, DWC considered the factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).

### **Conclusions of Law**


1. The commissioner has jurisdiction over this matter pursuant to Tex. Lab. Code §§ 402.001, 402.00111, 402.00114, 402.00116, 402.00128, 414.002, and 414.003.
2. The commissioner has the authority to dispose of this case informally pursuant to Tex. Gov't Code § 2001.056, Tex. Lab. Code §§ 401.021 and 402.00128(b)(6)-(7), and 28 Tex. Admin. Code § 180.26(h) and (i).
3. Respondent has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intent to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, a rehearing by the commissioner, and judicial review.
4. Pursuant to Tex. Lab. Code § 415.021, the commissioner may assess an administrative penalty against a person who commits an administrative violation.
5. Pursuant to Tex. Lab. Code § 415.002(a)(20), an insurance carrier or its representative commits an administrative violation each time it violates a DWC rule.
6. Pursuant to Tex. Lab. Code § 415.002(a)(22), an insurance carrier or its representative commits an administrative violation each time it fails to comply with a provision of the Texas Workers' Compensation Act.
7. Pursuant to Tex. Lab. Code § 408.027 and 28 Tex. Admin. Code § 133.240, an insurance carrier is required to timely process and take final action on a completed medical bill within 45 days of receiving the bill.
8. Respondent violated Tex. Lab. Code §§ 408.027; 415.002(a)(20) and (22); and 28 Tex. Admin. Code § 133.240 each time Respondent failed to pay, reduce, deny, or determine to audit a completed medical bill within 45 days of receiving the bill.

**Order**

It is ordered that Texas Association of Counties RMP must pay an administrative penalty of \$5,000 within 30 days from the date of this order. Texas Association of Counties RMP must pay the administrative penalty by company check, cashier's check, or money order and make it payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: DWC Enforcement Section, MC AO-9999, P.O. Box 12030, Austin, Texas 78711-2030.

  
\_\_\_\_\_  
Jeff Nelson  
Commissioner  
TDI, Division of Workers' Compensation

Approved Form and Content:

  
\_\_\_\_\_  
Dan Garcia  
Staff Attorney, Enforcement  
Compliance and Investigations  
TDI, Division of Workers' Compensation

**Unsworn Declaration**

**STATE OF TEXAS** §  
§  
**COUNTY OF TRAVIS** §

Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is Susan Redford. I hold the position of Executive Director and am the authorized representative of Texas Association of Counties RMP. My business address is:

1210 San Antonio St.                      Austin                      Travis                      Texas                      78701.  
(Street)    (City)    (County) (State) (ZIP Code)

I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the facts stated in this document are true and correct.

DocuSigned by:  
  
FC7CDB441BCA46B...

Declarant

Executed on 04/27/2023 | 1:35 PM CDT 2023.