

Health Care Provider Quarterly Meeting

April 9, 2021

9:30 a.m. to 10:30 a.m.

Agenda Items

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

Welcome

Cassie Brown, Commissioner
Division of Workers' Compensation

Office of the Medical Advisor Update

Mary Landrum, Director
Health Care Business Management

Quality of Care Complaints

- Calendar Year 2021
 - 20 complaints forwarded to the Office of the Medical Advisor (OMA)
(includes external complaints & internal referrals)
 - 6 complaints investigated by OMA
 - 83% closed with no action
 - 17% initiated a medical quality review

Source: Texas Department of Insurance, Division of Workers' Compensation, data as of 03/22/21

Medical Quality Reviews

- Calendar Year 2021
 - 9 reviews initiated
 - includes complaint, audit, or monitoring-based reviews
 - assigned to MQRP members for review
 - 1 review concluded
 - 100% referred to Enforcement

Source: Texas Department of Insurance, Division of Workers' Compensation, data as of 03/25/21

OMA Enforcement Cases

Calendar Year 2021

- 1 OMA referral received in Enforcement
- 2 OMA cases concluded by Enforcement
 - 1 consent order/final order
 - 1 warning letter
 - 0 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 03/24/21

Q&A

Compliance and Investigations Update

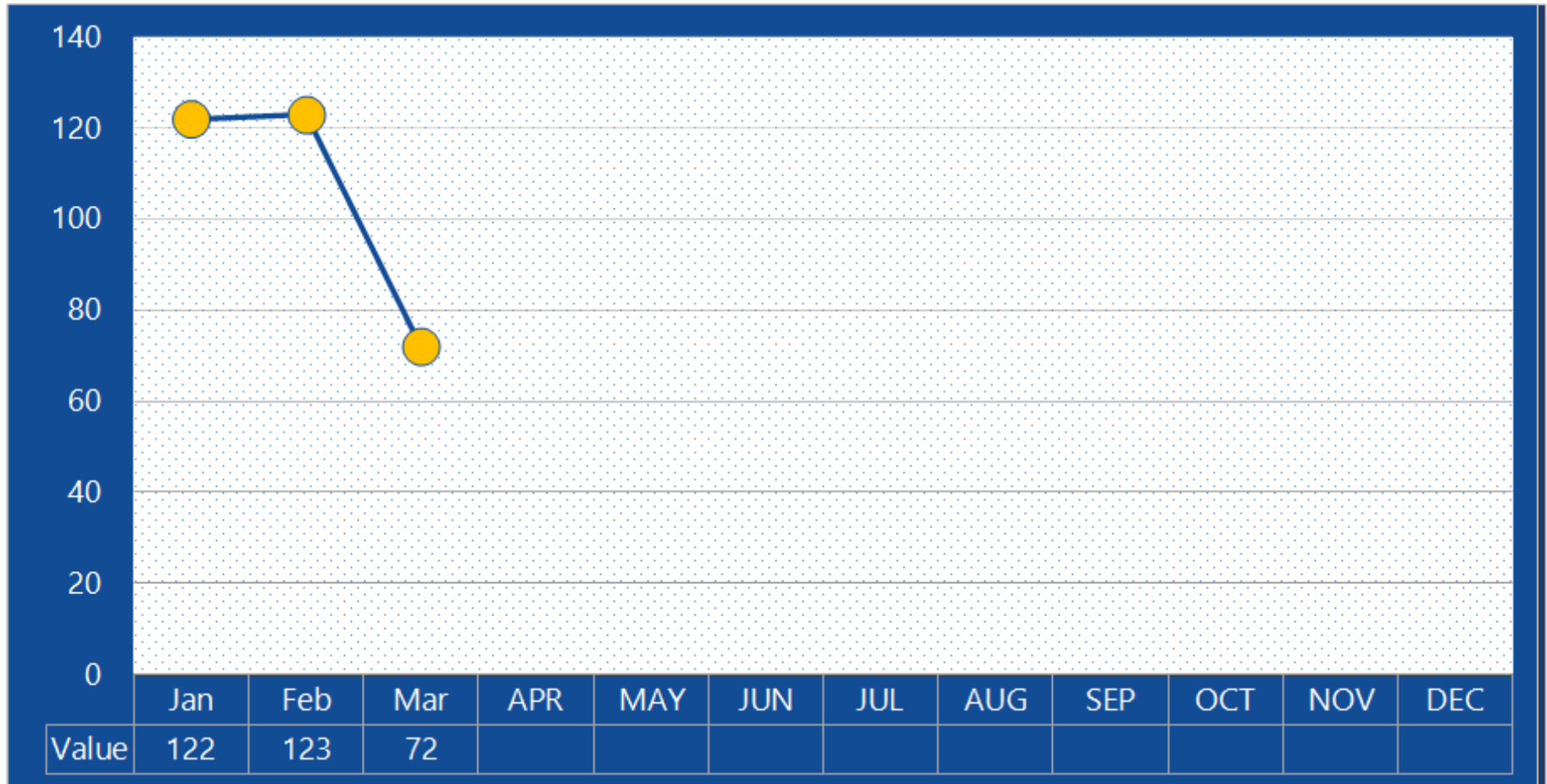
Debra Knight, Deputy Commissioner
Compliance and Investigations

CY2021 - Complaints

- 317 Complaints Received
 - 3 Attendance
 - 91 Communications
 - 0 Fraud
 - 90 Indemnity benefit delivery
 - 68 Medical benefit delivery
 - 53 Other
 - 12 Quality of care
- 309 Complaints Closed
 - 106 Confirmed
 - 48 DWC education complaint
 - 155 Not confirmed

Based on complaint data as of 3/22/2021

CY2021 Complaint Volume by Month Received



Based on complaint data as of 3/22/2021

FY2021 - Compliance Audits

- Death Benefits/Lifetime Income Benefits
 - 19 completed
 - 4 in progress
- Initial Payment of Temporary Income Benefits (TIBs)
 - 4 completed
 - 24 in progress
- Medical Bill Processing
 - 2 completed
 - 15 in progress

Performance Based Oversight

- 2020 Insurance Carrier PBO Assessment
 - 120 insurance carriers
 - 40 High
 - 76 Average
 - 4 Poor

Performance Based Oversight

- 2021 Health Care Provider Assessment
 - Changes in methodology reminder
 - Next steps
 - SFTP account – provide responses

DWC Fraud

CY2021 – DWC Fraud Stats

223 Fraud referrals received

111 Fraud cases open*

56 Fraud cases closed

2 Fraud referrals for prosecution

*Based on fraud data received as of 3/22/21

CY2021 – DWC Prosecution Stats

5 Indictments

- 5 attorneys

*Based on fraud data as of 3/22/21

CY2021 – DWC Prosecution Stats

12 Convictions

- 12 health care providers

*Based on fraud data as of 3/22/21

Enforcement Update

Enforcement Key Initiatives

Strategies DWC Enforcement uses to improve efficiencies in market compliance and case processing:

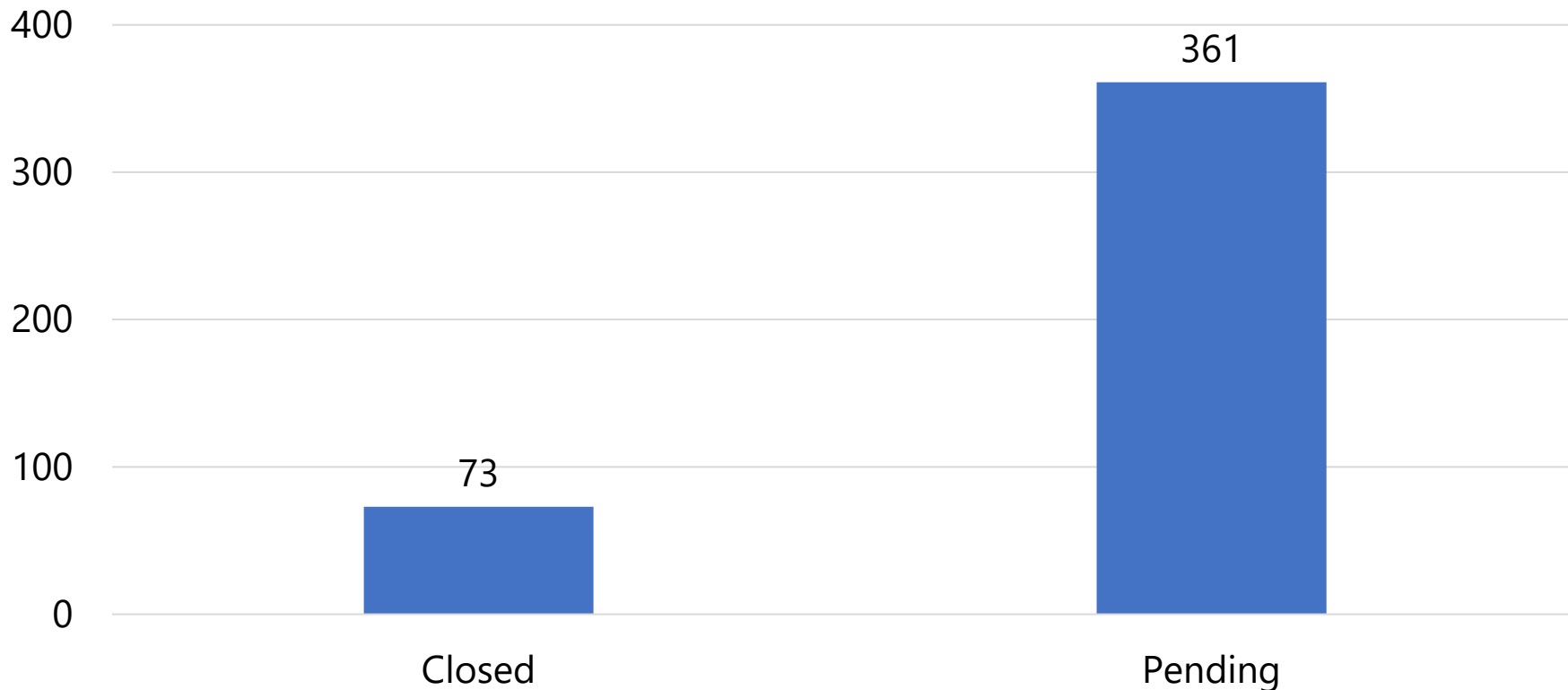
- Uses clear, express statutory authority for all enforcement cases.
- Informs workers' compensation stakeholders about compliance goals.
- Partners with DWC program areas to foster compliance.
- Assists OMA.
- Provides swift, appropriate actions for statutory and rule violations.

Examples of Insurance Carrier Administrative Violations

- Failure to pay timely indemnity benefits;
- Failure to initiate TIBS;
- Failure to accurately pay TIBS;
- Failure to investigate a claim;
- Attorney fee billing violations; and
- Failure to comply with medical fee dispute resolution (MFDR) or decision and order (D&O).

CY2021 Enforcement Case Status

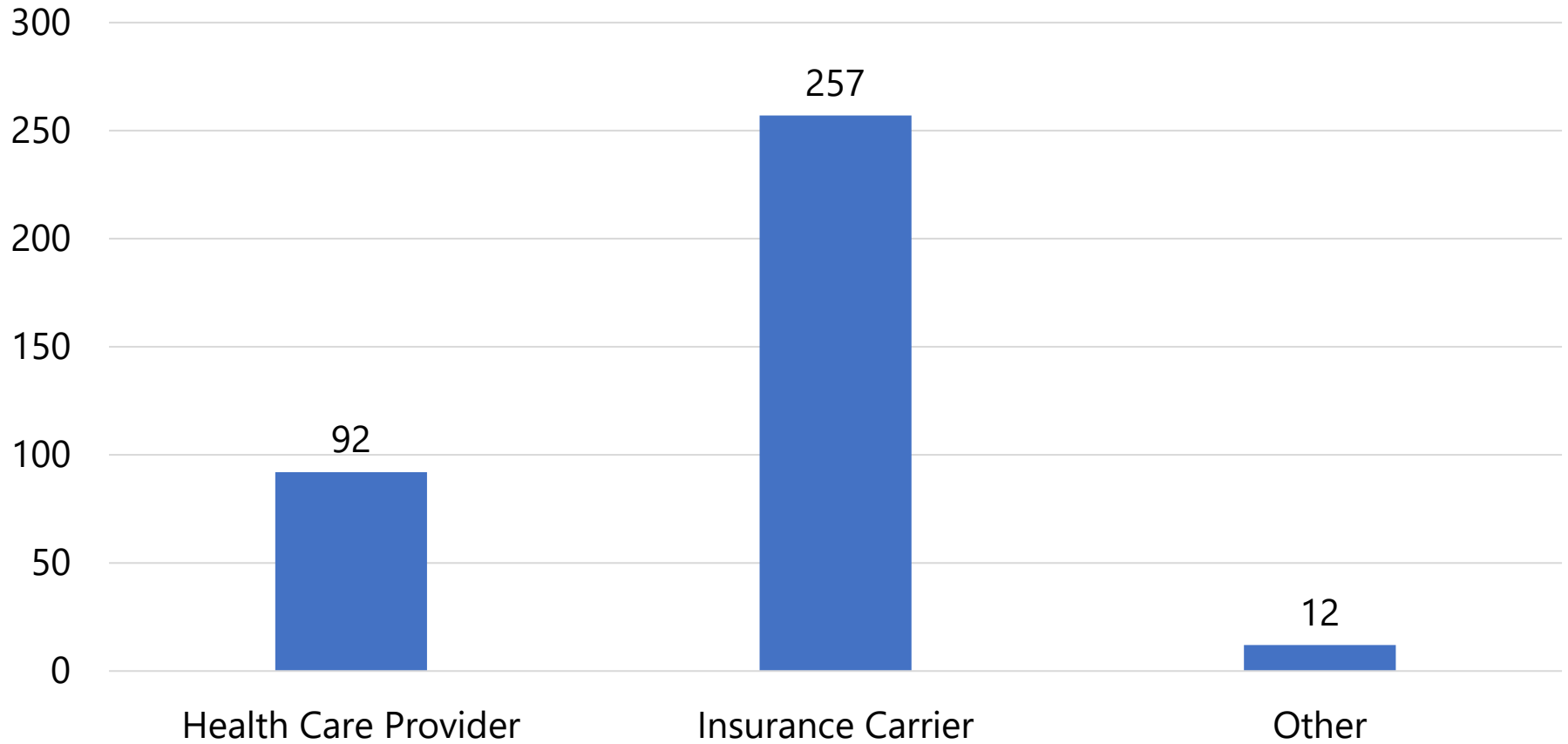
Based on enforcement data as of 3/19/2021



2021	Closed Cases	Pending Cases
Cases	73	361

CY2021 Cases Pending by Subject Type

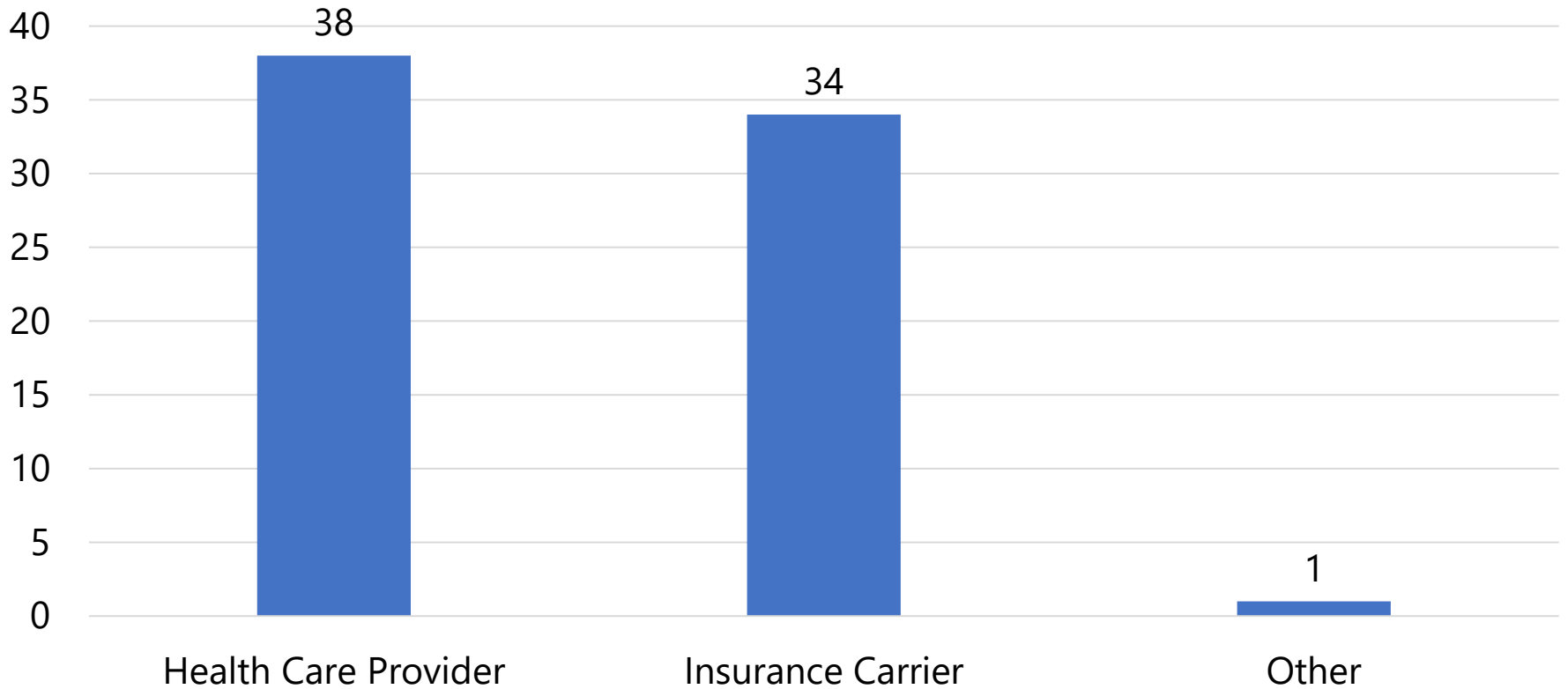
Based on enforcement data as of 3/19/2021



2021	Health Care Provider	Insurance Carrier	Other
Cases	92	257	12

CY2021 Cases Closed by Subject Type

Based on enforcement data as of 3/19/2021

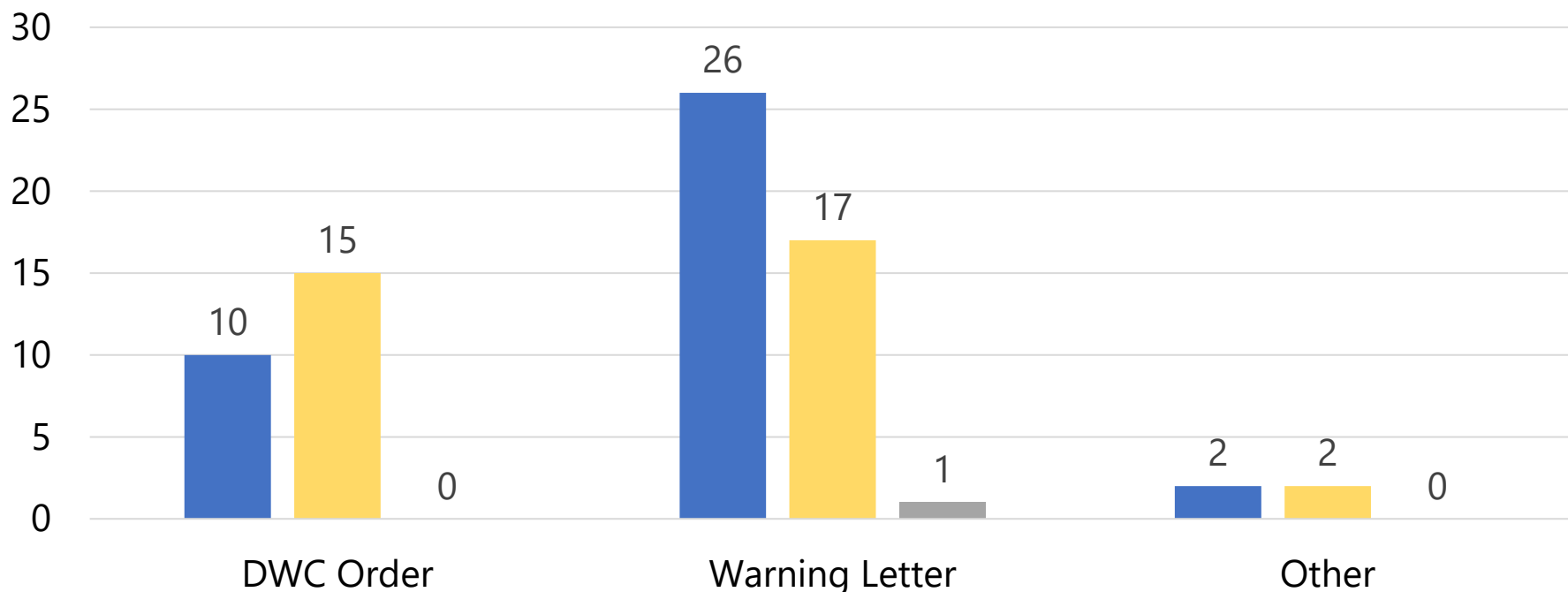


2021	Health Care Provider	Insurance Carrier	Other
Cases	38	34	1

CY2021 Cases Closed by Disposition Type

Based on enforcement data as of 3/19/2021

■ Health Care Provider ■ Insurance Carrier ■ Other



2021	Health Care Provider	Insurance Carrier	Other
DWC Order	10	15	0
Warning Letter	26	17	1
Other	2	2	0

Q&A

Designated Doctor Update

Joe McElrath, Deputy Commissioner
Business Process

Q&A

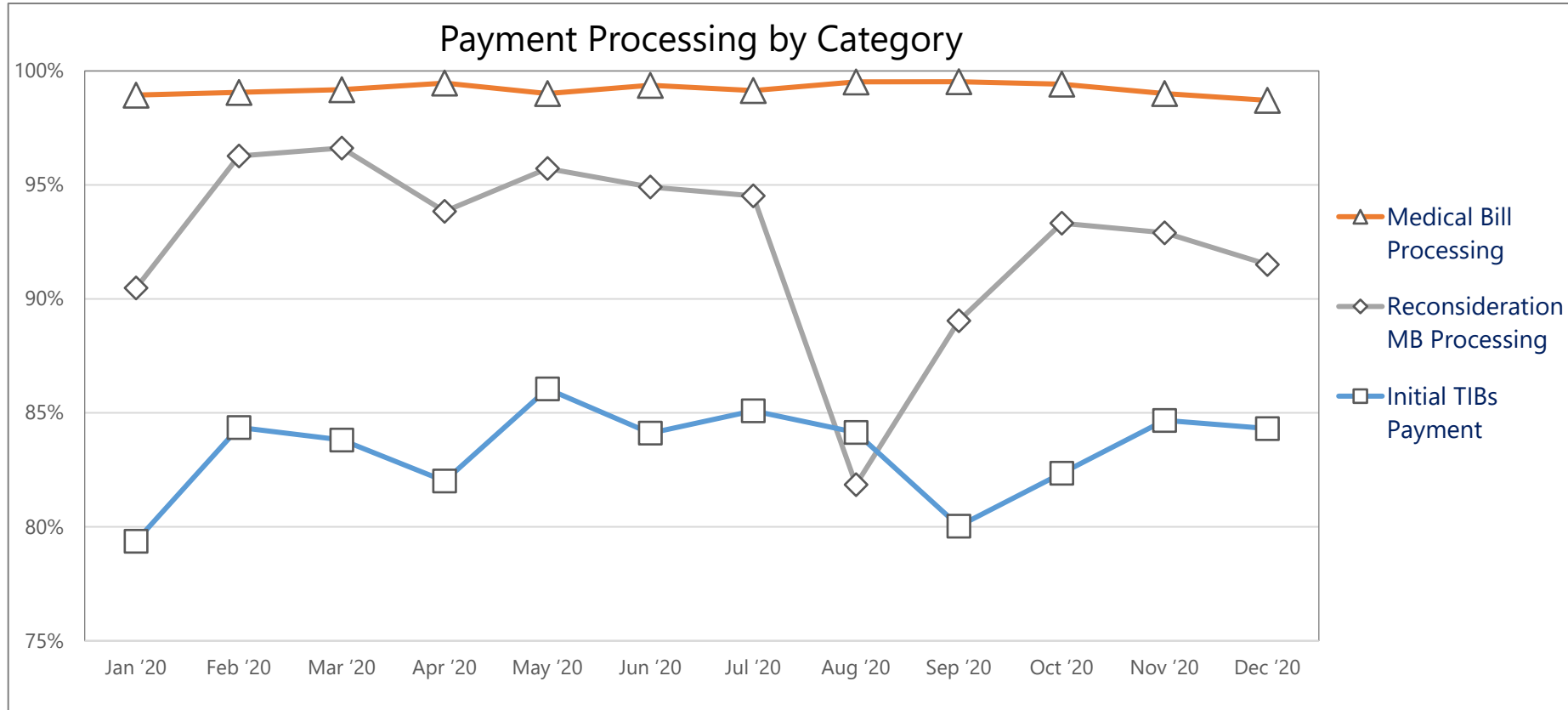
Updates on Electronic Data Interchange (EDI)

Martha Luévano, Director
Enterprise Automation Services (EAS)

Updates on EDI

- EDI technical workgroup
- System data reported through EDI
- Changes to the claim record
- Important reminders
- Claims EDI release 3.1 rule update

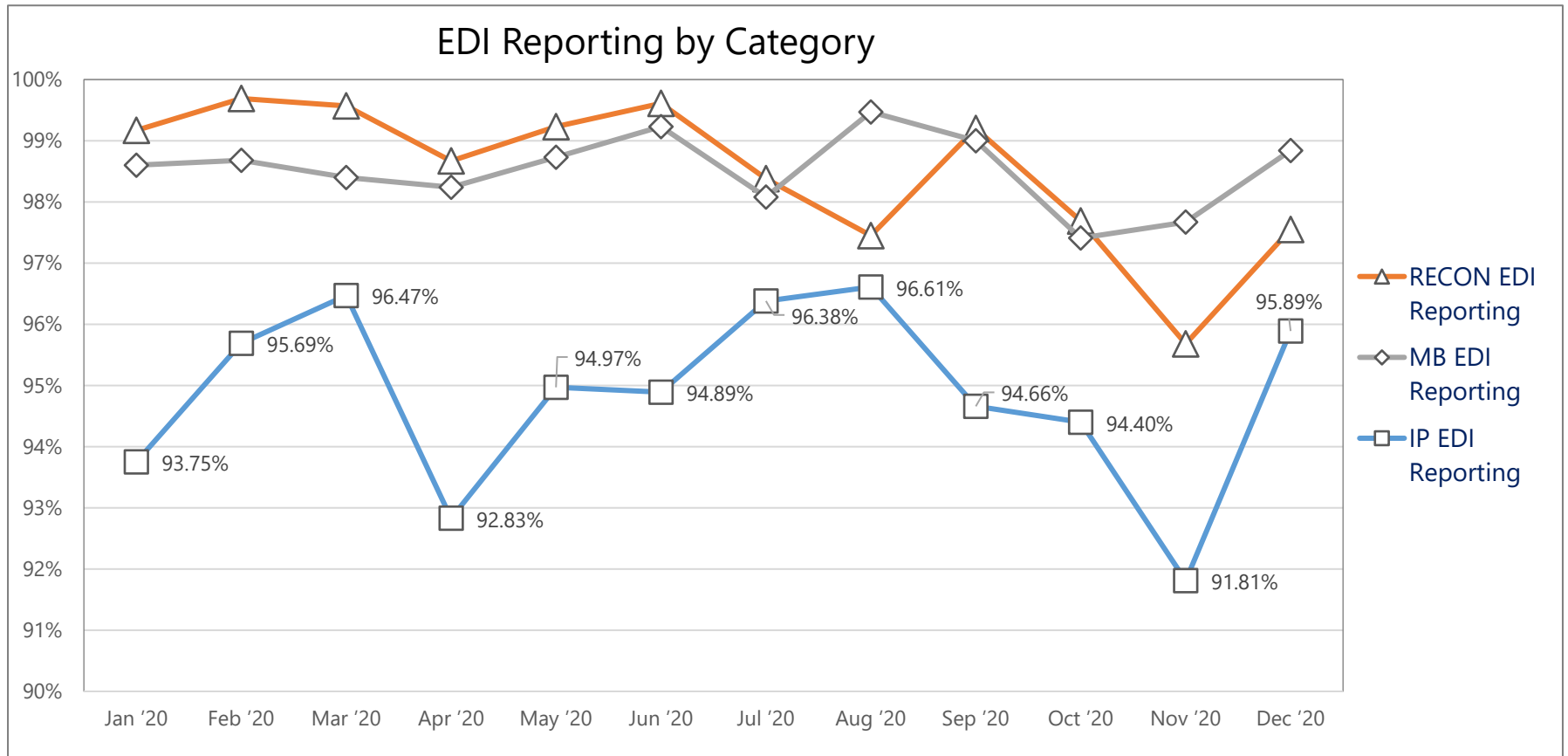
CY2020 – **Payment** of Initial Temporary Income Benefits (TIBs) and **Processing** of Medical & Reconsideration Bills



** Based on data as of March 1, 2021*

Category	Jan '20	Feb '20	Mar '20	Apr '20	May '20	Jun '20	Jul '20	Aug '20	Sep '20	Oct '20	Nov '20	Dec '20
Medical Bill Processing	98.94%	99.06%	99.18%	99.47%	99.01%	99.37%	99.14%	99.52%	99.53%	99.42%	99.01%	98.71%
Reconsideration MB Processing	90.48%	96.27%	96.62%	93.84%	95.72%	94.91%	94.52%	81.85%	89.04%	93.32%	92.90%	91.51%
Initial TIBs Payment	79.37%	84.36%	83.81%	82.01%	86.05%	84.11%	85.09%	84.14%	80.03%	82.35%	84.67%	84.31%

CY2020 – EDI Reporting of Initial TIBs Payment, Medical Bill, and Reconsideration



* Based on data as of March 1, 2021

Category	Jan '20	Feb '20	Mar '20	Apr '20	May '20	Jun '20	Jul '20	Aug '20	Sep '20	Oct '20	Nov '20	Dec '20
RECON EDI Reporting	99.17%	99.69%	99.57%	98.67%	99.23%	99.61%	98.38%	97.45%	99.20%	97.69%	95.68%	97.55%
MB EDI Reporting	98.60%	98.68%	98.40%	98.24%	98.73%	99.23%	98.08%	99.47%	99.00%	97.41%	97.67%	98.84%
IP EDI Reporting	93.75%	95.69%	96.47%	92.83%	94.97%	94.89%	96.38%	96.61%	94.66%	94.40%	91.81%	95.89%

EDI Technical Workgroup

- Met on April 7
- Claims EDI R3.1 Tables
 - Comments and recommendations
 - DWC next steps - table updates
- To join, email edisupport@tdi.texas.gov
- Next meeting in the summer

Changes to the Claim Record

- EDI Change report 148-02 or FROI 02
 - injured employee address / phone number
 - employer information
 - update jurisdictional SSN 999-MM-DDYY to a real SSN
- Email records_processing@tdi.texas.gov to correct:
 - a social security number
 - a date of injury
 - an employee's first / last name
 - an employee's date of birth

Important Reminders & Rule Update

- Claims EDI – New nature of injury code 38 adverse reaction to a vaccination. **Do not use nature of injury code 83.**
- Medical EDI – Error code 058 code/ID invalid. Continue to report these to edisupport@tdi.texas.gov and please resubmit.
- If you are having issues with rejections, connectivity, or to self-report a violation, don't wait! Email us at edisupport@tdi.texas.gov.

Q&A

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 in regard to 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.

Presumption Bills

School District Employees/ Nurses

- **HB 47** Relating to presumptive coverage for school district employees that contract COVID-19.
- **SB 612** Relating to the eligibility of school district employees for workers' compensation benefits for the coronavirus disease (COVID-19) and payment of those benefits.
- **HB 396/ SB 433/ SB 439** Relating to the eligibility of nurses for workers' compensation benefits for coronavirus disease (COVID-19) and payment of those benefits.

First Responder COVID-19

- **HB 34** Relating to presumptive coverage for first responders that contract COVID-19.
- **HB 2073/ SB 1401** Relating to quarantine leave for fire fighters, peace officers, and emergency medical technicians employed by, appointed by, or elected for a political subdivision.

Post Traumatic Stress Disorder

- **HB 3623** Relating to the eligibility of certain health care providers for workers' compensation benefits for post-traumatic stress disorder arising from events in the course of employment during a public health disaster.
- **HB 2598** Relating to the eligibility of a first responder for workers' compensation benefits for post-traumatic stress disorder.

Lifetime Income Benefits

- **HB 2502** Relating to lifetime income benefits under the workers' compensation system.
- **HB 3120/ SB 1450** Relating to the eligibility of an injured employee for lifetime income benefits under the workers' compensation system.
- **HB 4038** Relating to eligibility for lifetime income benefits under the workers' compensation system.

Relating to DWC

- **HB 1635** Relating to research duties and reports of the workers' compensation research and evaluation group.
- **HB 2247** Relating to a demonstration program at the State Office of Risk Management for real-time processing of workers' compensation authorizations of payment for medical services and medical bills.
- **HB 3042** Relating to the adoption and review of certain workers' compensation guidelines, protocols, and formulary.

Approved Doctor List

- **HB 3517/ SB 1852** Relating to the eligibility of certain physicians to provide and receive remuneration for workers' compensation health care services.
- **HB 3622** Relating to the eligibility of certain physicians to provide and receive remuneration for workers' compensation health care services.

Medical Benefits

- **HB 3098** Relating to conducting certain medical examinations using telemedicine under the workers' compensation system.
- **HB 3818** Relating to payments associated with certain medical examinations under the workers' compensation system.
- **HB 4385** Relating to medical benefits under the workers' compensation system.

Intoxication

- **HB 2654** Relating to the determination of whether a person is intoxicated for purposes of the Texas Workers' Compensation Act.

Cost-of-Living Increase

- **HB 243** Relating to a cost-of-living increase applicable to death benefits paid under the workers' compensation system.

Workers' Compensation Requirement

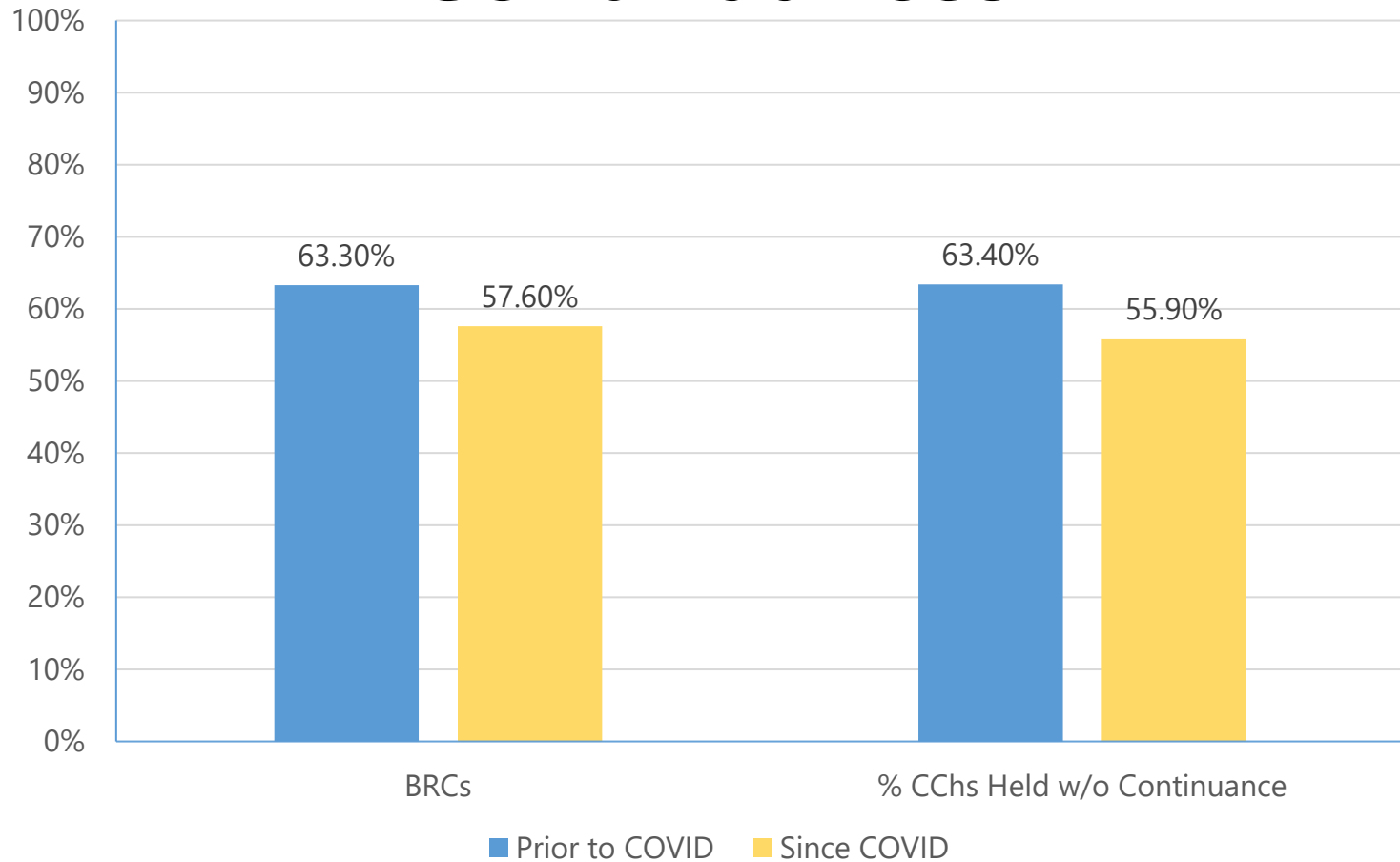
- **HB 776/ SB 305** Relating to required provision of workers' compensation insurance coverage for employees of building and construction contractors and subcontractors.

Q&A

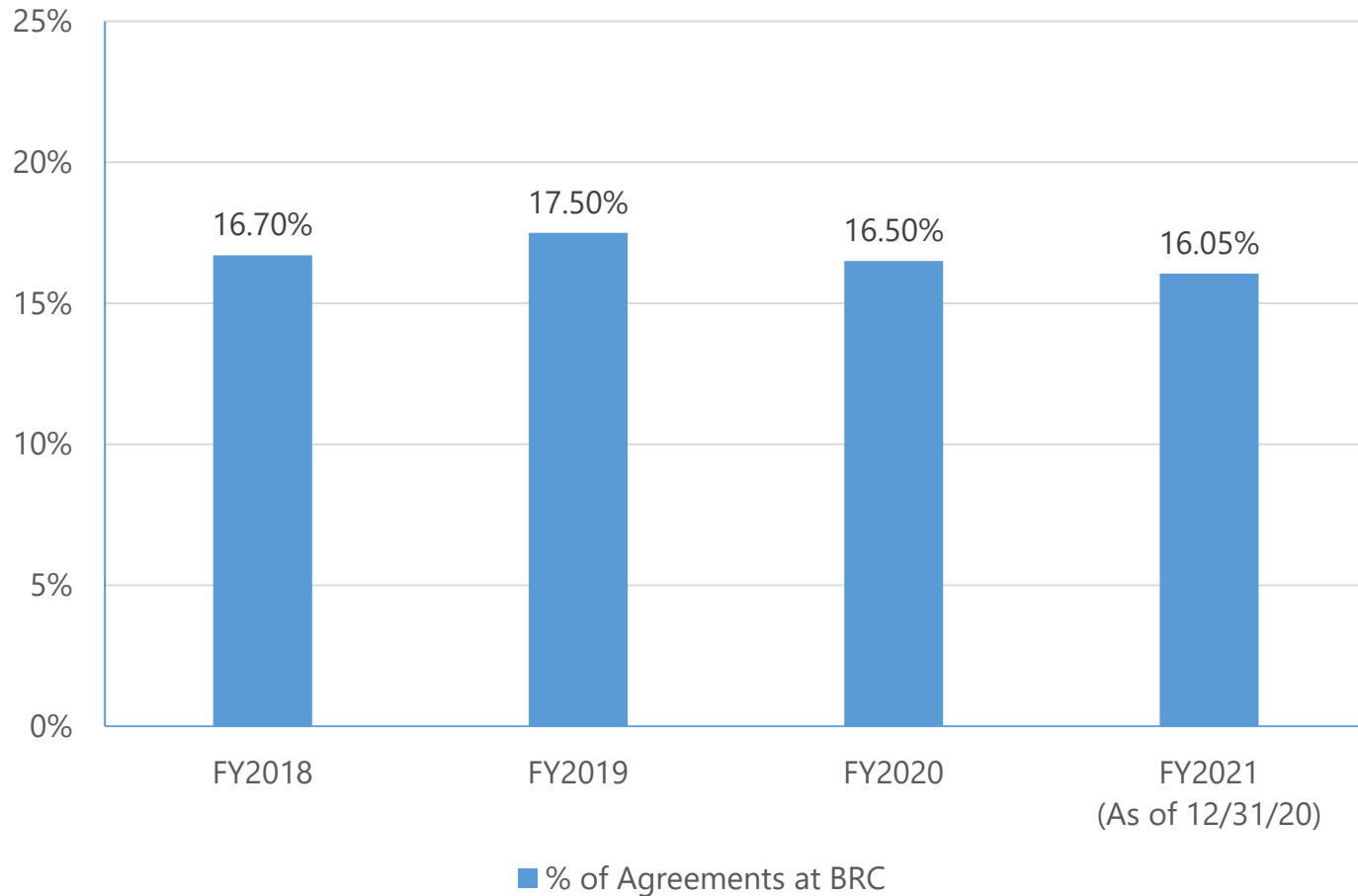
Hearings Update

Kerry Sullivan, Deputy Commissioner
Hearings

Proceedings Held Without Continuances



Agreements at BRC



Scheduling Changes

- Hearings may change the assigned presiding officer the week prior to the scheduled proceeding.
- Watch your email.
- Subject of email will say "Urgent/Updated Zoom Information."
- New Zoom information will be in the email.

Electronic Documents at Contested Case Hearing (CCH)

- Exhibits should be filed with DWC and exchanged with other parties at least three business days before the hearing.
- ALJs are now verifying exhibit numbers and pages at the beginning of each hearing.

Electronic Documents at CCH

- Number of pages indicated on the cover sheet matches the number of pages in the exhibit.
- Exhibits are properly labeled in the lower righthand corner (CR 1, Pg. 1).
- If possible, consecutively number all pages.

Electronic Documents at CCH

- Secure File Transfer Protocol (SFTP) - A secure, electronic way to upload your documents.
 - Upload exhibits and videos by SFTP.
 - Use proper naming conventions (provided to you when you sign up for an SFTP account).
 - If you want an SFTP account, contact DWC at eFiling-Help@tdi.texas.gov.

Please Use Video

- DWC encourages all parties to participate with video.

Q&A

MFDR Update

Greg Arendt, Director
Medical Fee Dispute

Update to Texas Administrative Code 133.307 effective February 22, 2021

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

Electronic Submission

- Fax: 512-490-1044
- Encrypted Email: MedFeeDispute-Submission@tdi.texas.gov
- Secure File Transfer Protocol (SFTP)
 - To set up a SFTP box contact DWC at e-filinghelp@tdi.texas.gov.
 - For more information visit DWC's e-filing webpage at tdi.texas.gov/wc/carrier/efileoptions.html.

Update to Texas Administrative Code 133.307

- Previously a dispute was considered received “on the date the MFDR section receives the request.”
- The updated rule states that a dispute is considered received “on the date the division receives the request.”

New MFDR Decision Search Tool

Medical Fee Dispute Resolution (MFDR) decisions - 2014 to present

Data in the table below can be filtered, sorted, and exported. See [search tips](#) for more details. Use [Google](#) to search published decisions by topic or keyword.

Show entries

Search:

MFDR tracking number ↑↓	Date received ↑↓	Date issued ↑↓	Requestor ↑↓	Respondent ↑↓
M4210611	12/02/2020	01/21/2021	BAYLOR SURGICARE OF PLANO	Valley Forge Insurance Co
M4210413	11/12/2020	12/03/2020	BAYLOR SURGICAL HOSPITAL	North American Specialty Insurance Co
M4210365	10/26/2020	01/06/2021	BAYLOR SURGICARE @BLUE STAR	Starr Indemnity & Liability Co
M4210302	10/19/2020	12/14/2020	BAYLOR SURGICARE AT PLANO PARK	LM Insurance Corp
M4210288	10/19/2020	11/18/2020	BAYLOR SURGICARE OF PLANO	LM Insurance Corp
M4210135	09/28/2020	11/02/2020	BAYLOR SURGICARE OF PLANO	Employers Preferred Ins Co
M4210089	09/17/2020	10/12/2020	BAYLOR SURGICARE OF PLANO	Hartford Casualty Insurance Co
M4203024	08/31/2020	10/05/2020	BAYLOR ORTHOPEDIC & SPINE HOSP	Texas Mutual Insurance Co
M4202975	08/21/2020	09/28/2020	BAYLOR SURGICARE AT MANSFIELD	Hartford Casualty Insurance Co
M4202826	07/31/2020	10/12/2020	BAYLOR SURGICARE AT MANSFIELD	Hartford Fire Insurance Co

Showing 1 to 10 of 164 entries (filtered from 15,891 total entries)

Q&A

COVID-19 Data Call Update

Amy Lee, Special Advisor | Director
Research and Evaluation Group

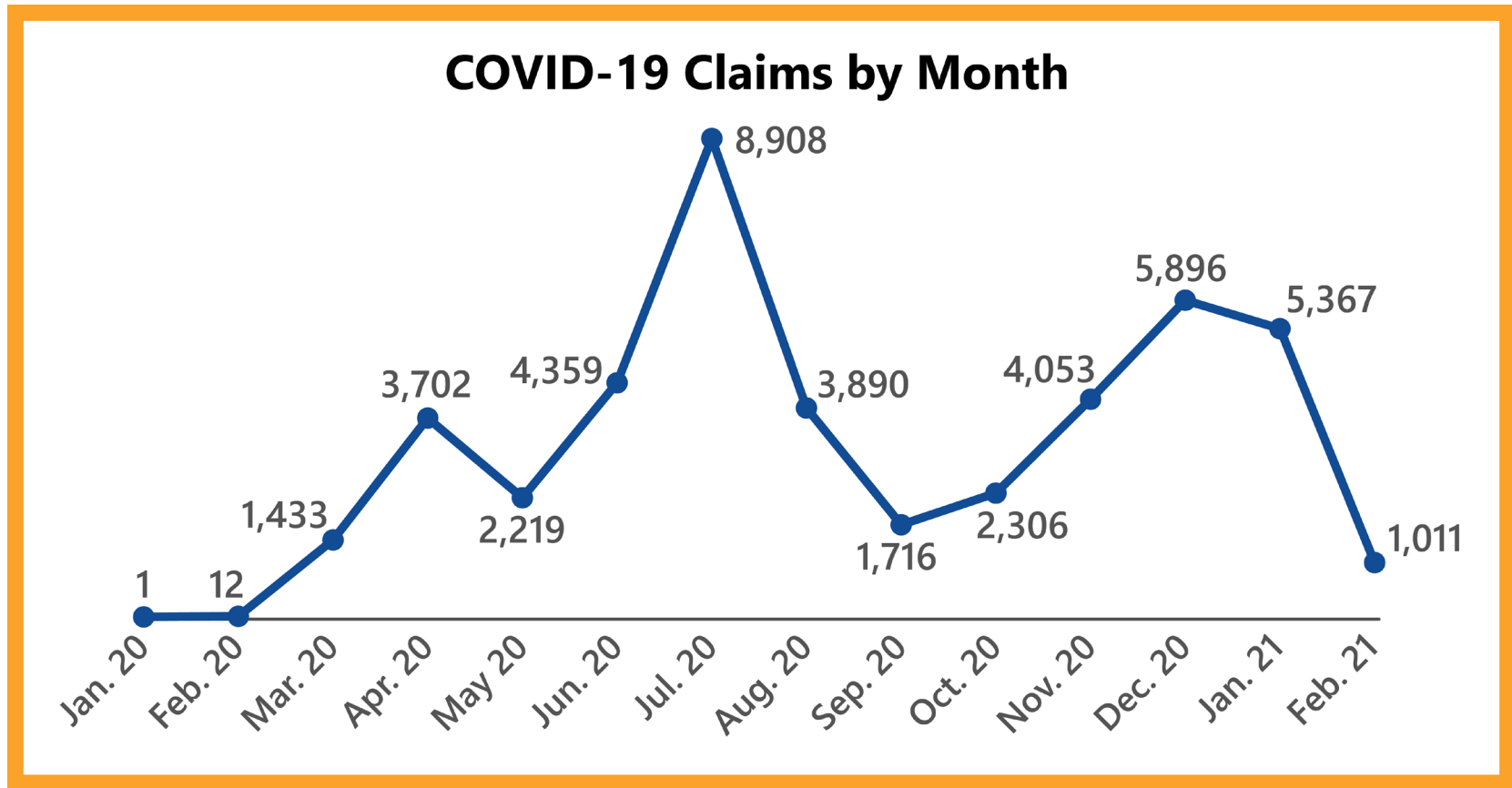
COVID-19 Workers' Compensation Claims in Texas

- Analysis timeframe: COVID-19 claims reported to an insurer as of February 14, 2021.
- Approximately 44,873 claims identified, including 200 fatalities and 45 disputes.
- Data sources:
 - claim and medical EDI for workers' compensation claims
 - COVID-19 case data collected by Texas Department of State Health Services
 - COVID-19 data call
- 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

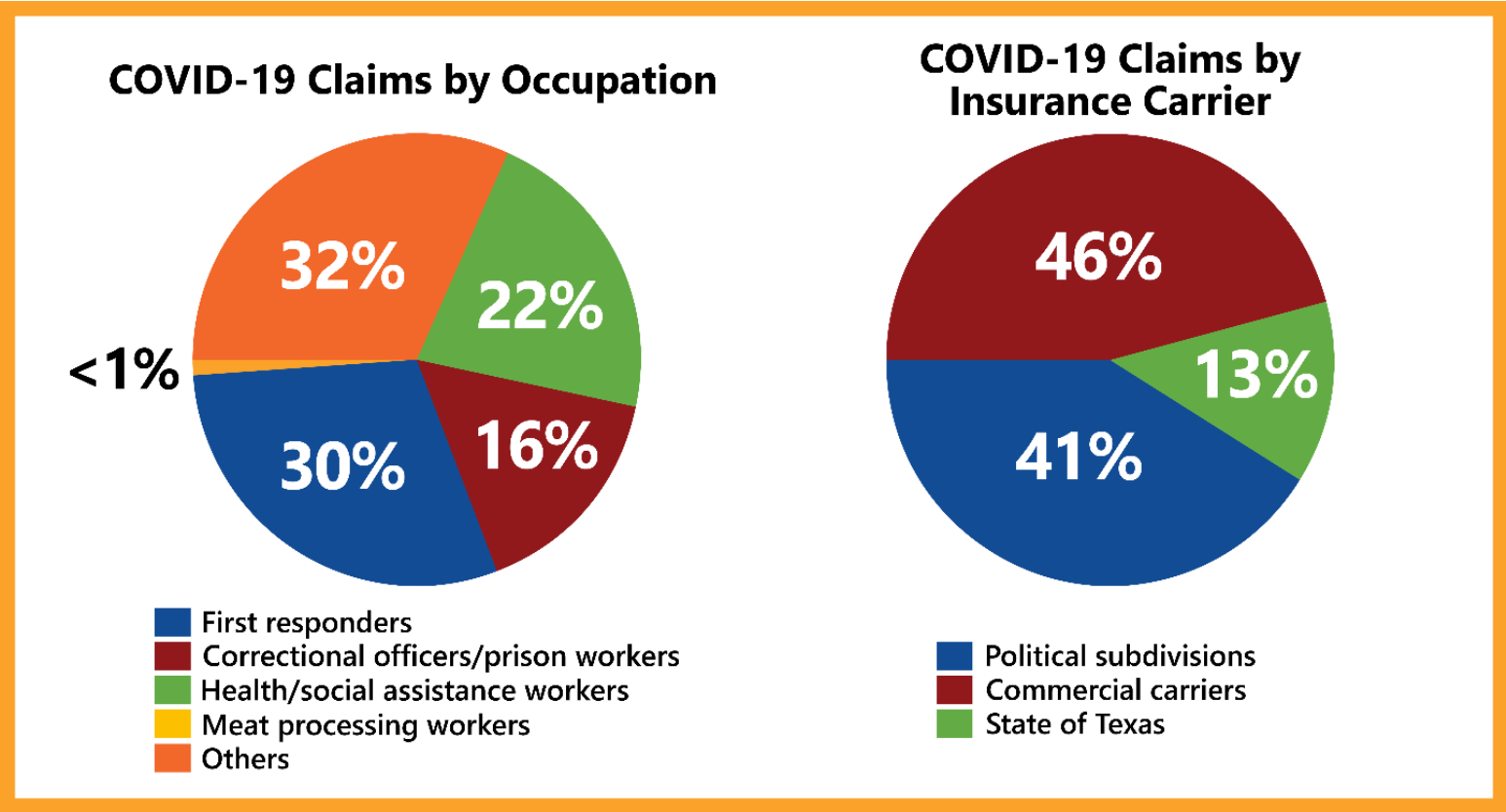
- **Issue:** Many initial claims were filed for exposure-only - no confirmed positive test or diagnosis.
- **Concern:** Need to differentiate claims filed on exposures vs. positive test or diagnosis to provide accurate picture of claims handling to policymakers.
- **Solution:** Analyze administrative 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



Source: DWC administrative data as of February 14, 2021.

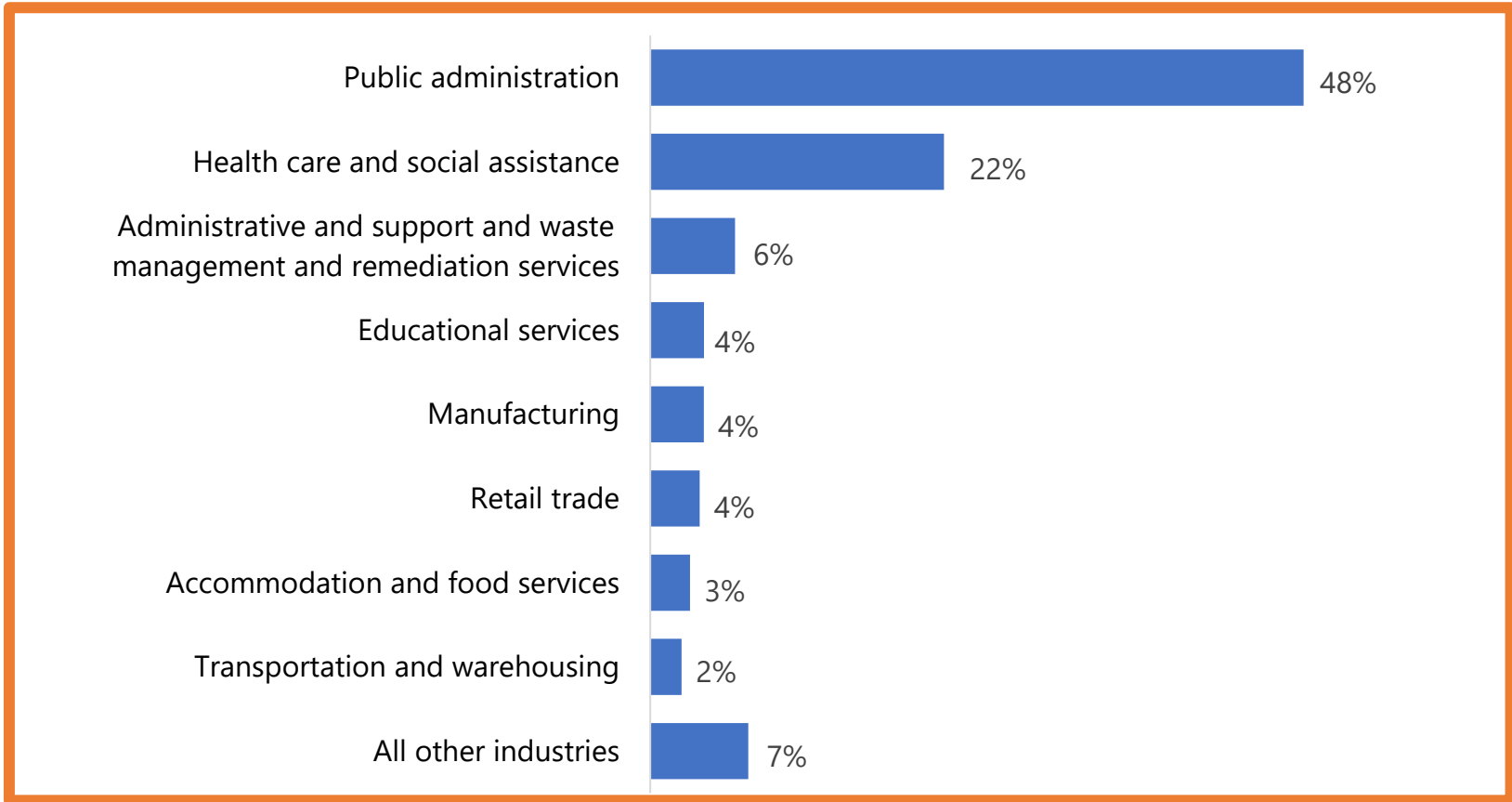
COVID-19 Claims by Occupation and Type of Insurance Carrier



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 February 14, 2021.

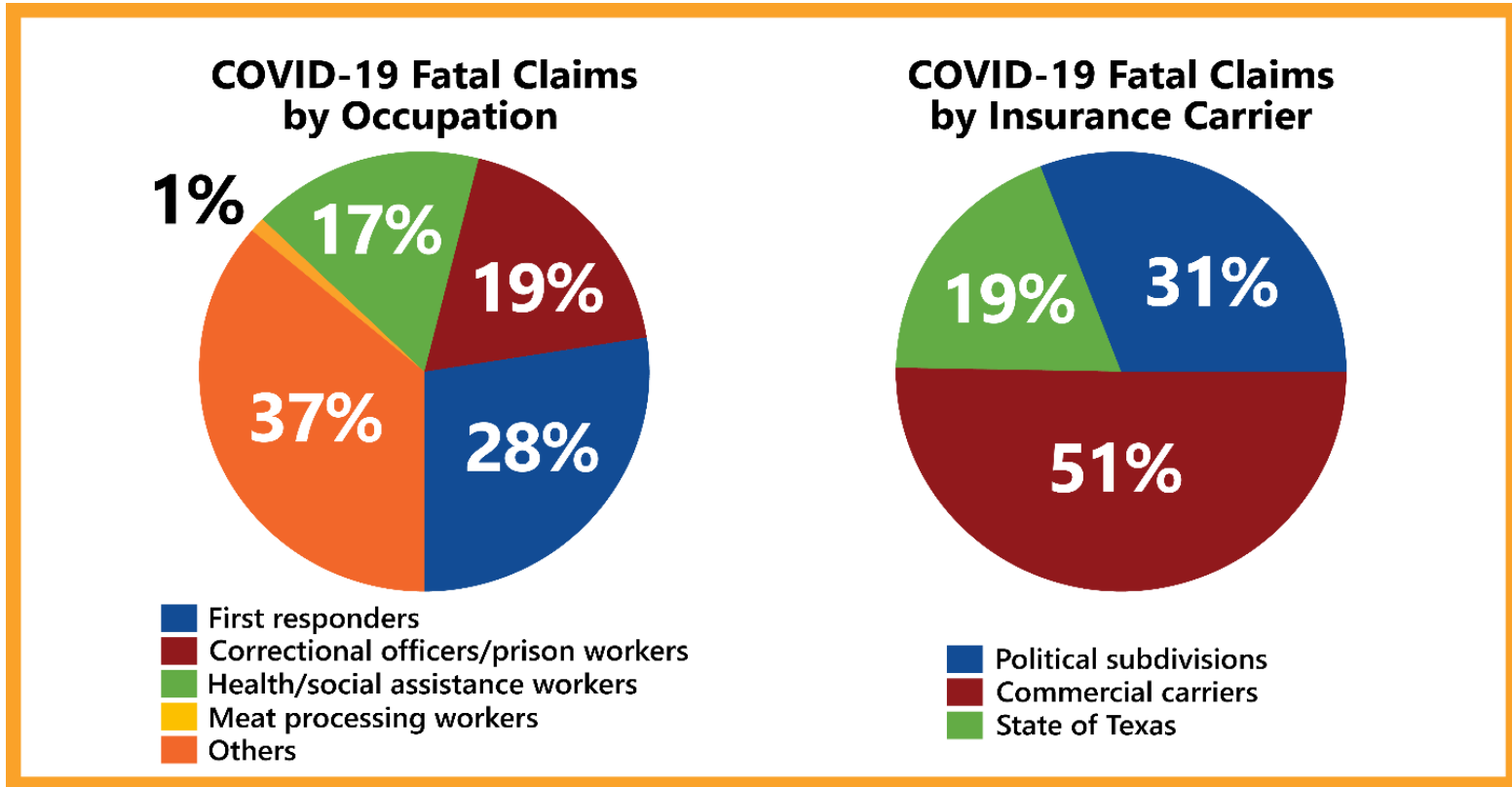
COVID-19 Claims by Industry



Note: "All other industries" includes agriculture/forestry/fishing/hunting, arts/entertainment/recreation, construction, finance/insurance, information, management of companies and enterprises, mining/quarrying/oil and gas extraction, other services (except public administration), professional/scientific/technical services, real estate/rental/leasing, utilities, and wholesale trade.

Source: DWC administrative data as of February 14, 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 February 14, 2021.

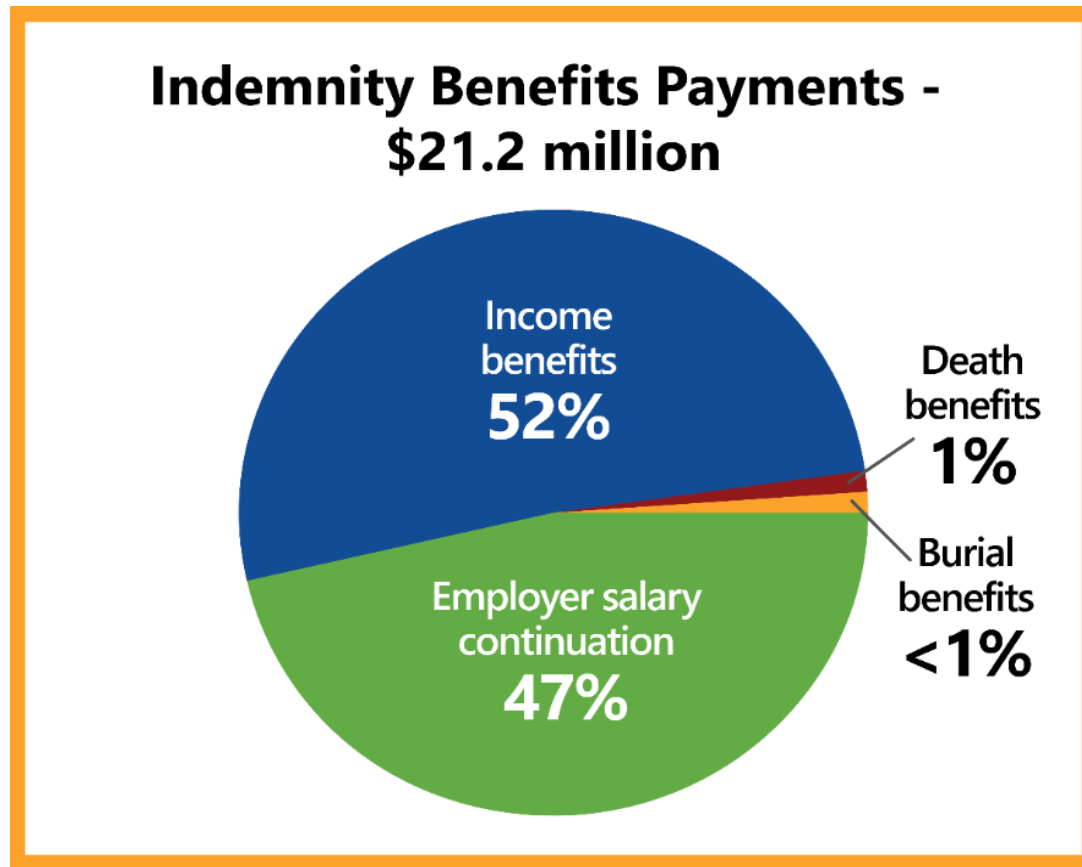
COVID-19 Data Call Results, 3rd Submission (as of December 30, 2020)

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	15,636	10,990 (70%)	3,838 (35%)	6,416 (58%)	735 (7%)
Political subdivisions	16,383	7,634 (47%)	6,095 (80%)	1,305 (17%)	234 (3%)
State of Texas	6,321	3,730 (59%)	415 (11%)	3,264 (88%)	51 (1%)
All carriers total	38,340	22,354 (58%)	10,348 (46%)	10,985 (49%)	1,020 (5%)

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. Due to rounding, percentages of positive test claims accepted, denied, and under investigation may not add to 100.

Source: Data call submission as of December 31, 2020.

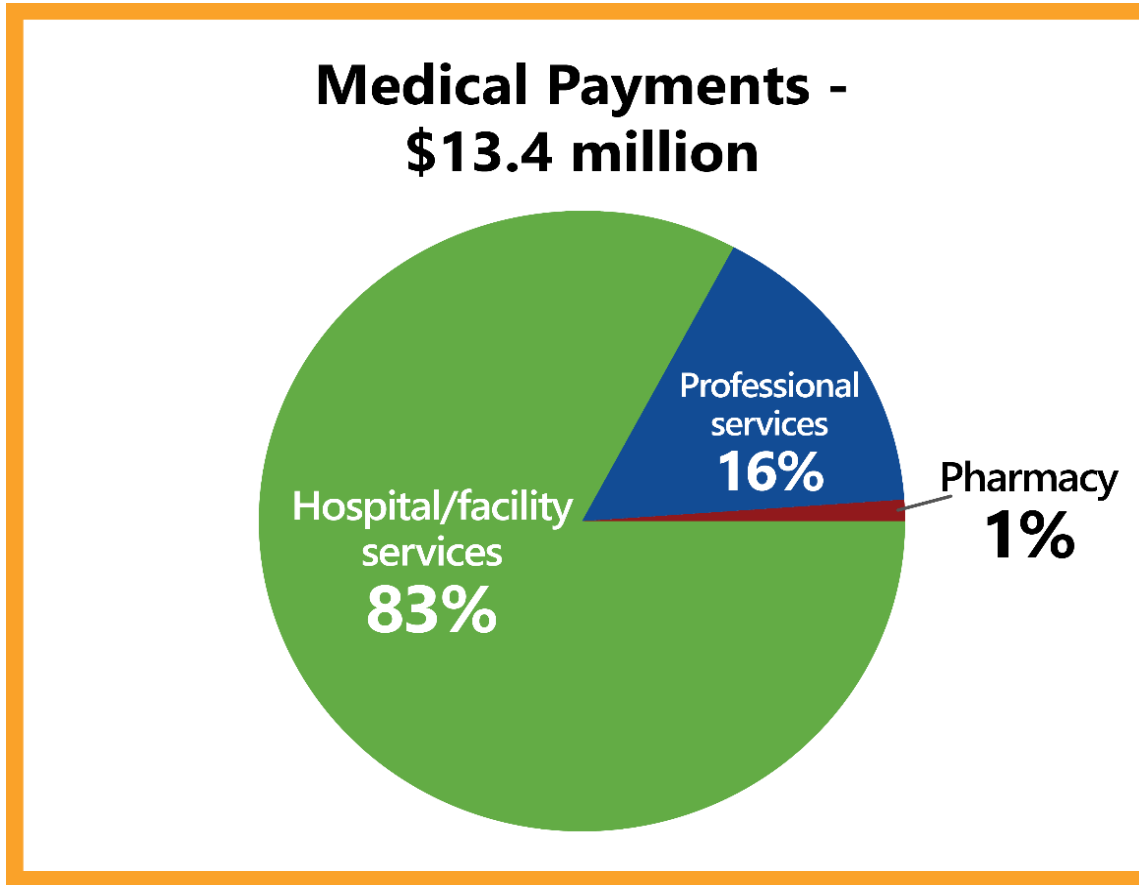
COVID-19 Indemnity Benefits Paid



Note: Due to rounding, percentages may not add to 100.

Source: DWC administrative data as of February 3, 2021, for claims reported to insurance carriers as of December 31, 2020.

COVID-19 Medical Benefits Paid



Note: Due to rounding, percentages may not add to 100.
Source: DWC administrative data as of February 3, 2021, for claims reported to insurance carriers as of December 31, 2020.

Q&A

Closing

Cassie Brown, Commissioner
Division of Workers' Compensation