

# Health Care Provider Quarterly Meeting

July 7, 2021  
9:30 to 11:00 a.m.

# Agenda Items

- Welcome
- Office of the Medical Advisor Update
- Compliance and Investigations Update
- Business Process and Designated Doctor Operations Update
- Introduction to Coverage Verification
- 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

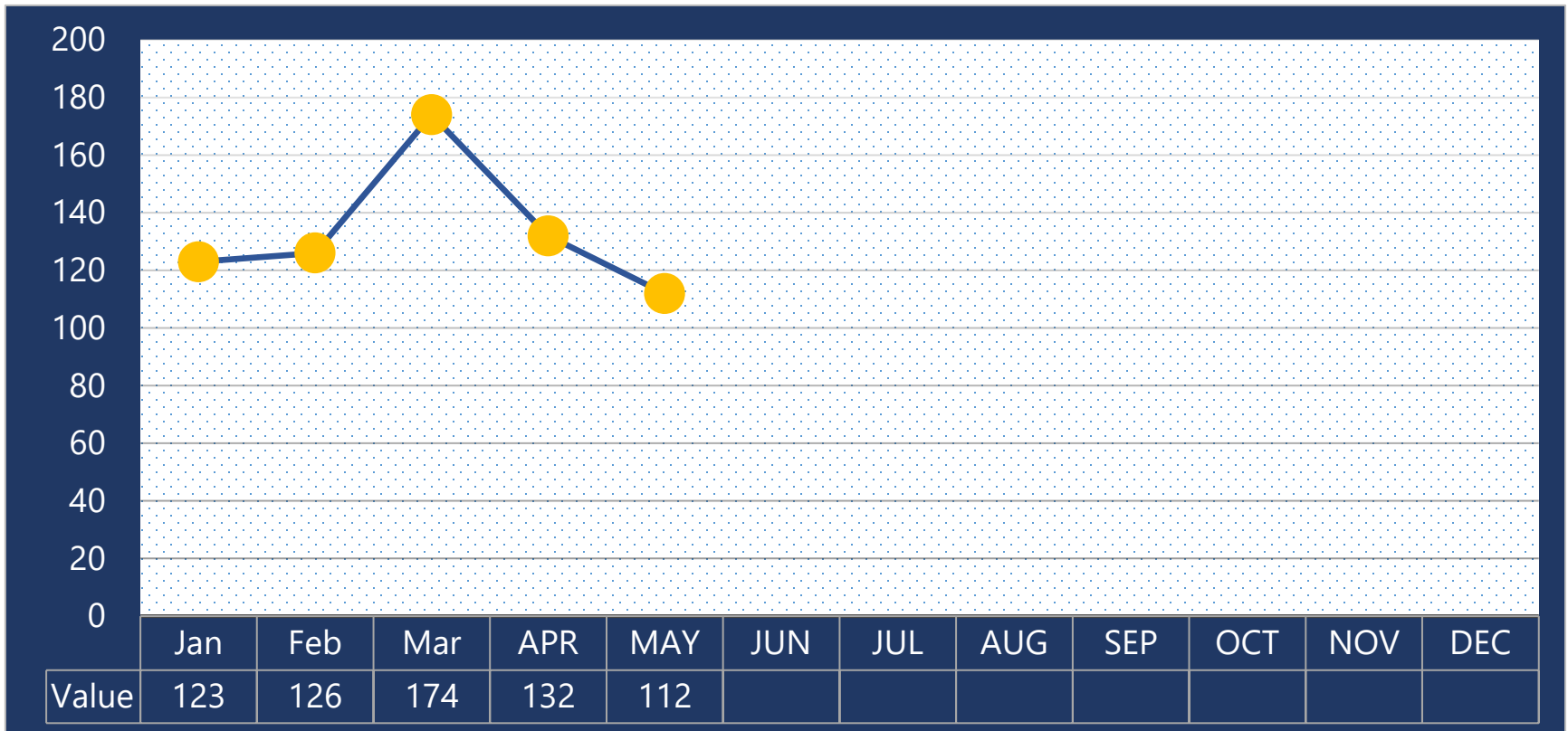
# CY2021 Complaints

# 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

# 2021 Performance Based Oversight (PBO)

# Performance Based Oversight (PBO)

## 2021 Health Care Provider Assessment

- Changes in Methodology Reminder
- Next Steps
- SFTP Account – Provide Responses
- Email: [PBO@tdi.texas.gov](mailto:PBO@tdi.texas.gov)



# 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

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

# CY2021 – DWC Prosecution Stats

12 Convictions (health care provider)

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

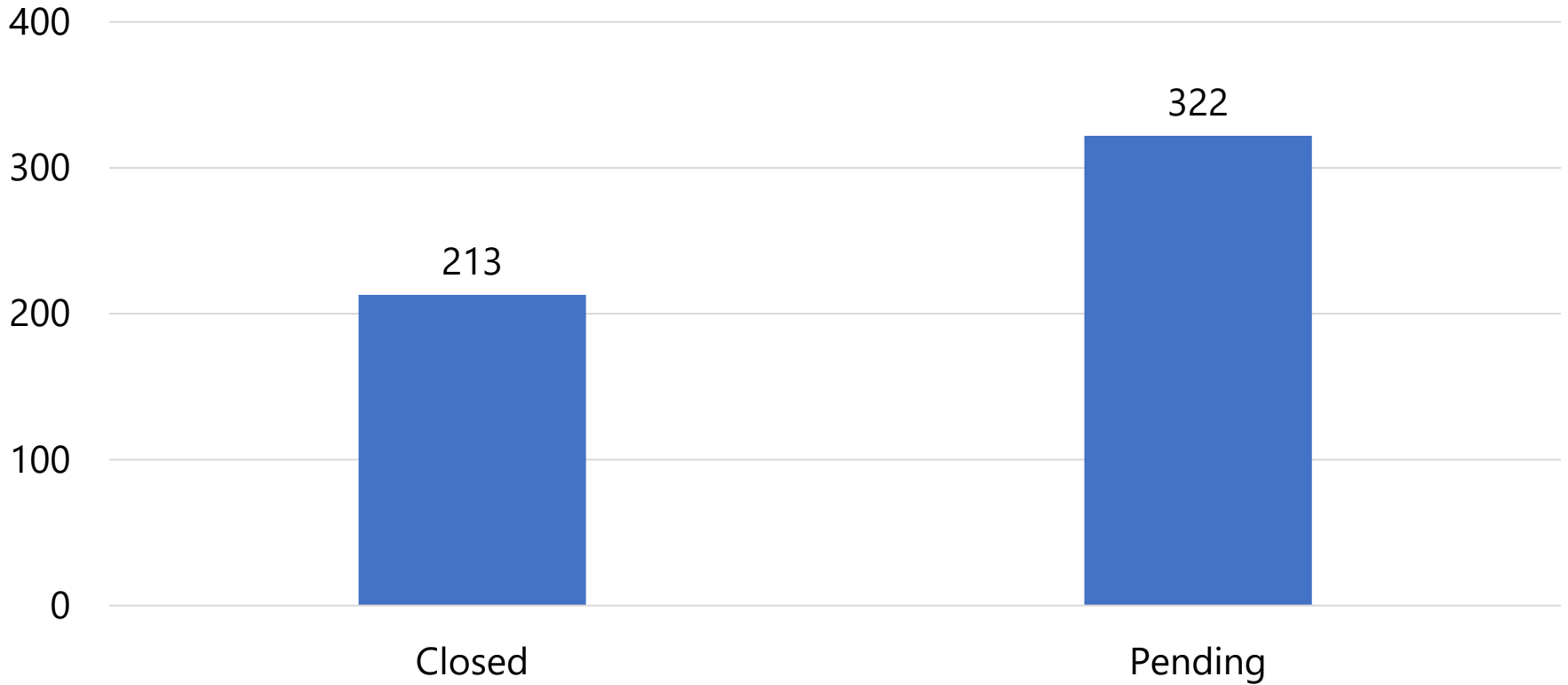
# Enforcement Update

# Examples of Health Care Provider Administrative Violations

- Billing the injured employee;
- quality of care;
- failure to timely file required reports;
- failure to attend an ordered examination; and
- failure to timely send medical records.

# CY2021 Enforcement Case Status

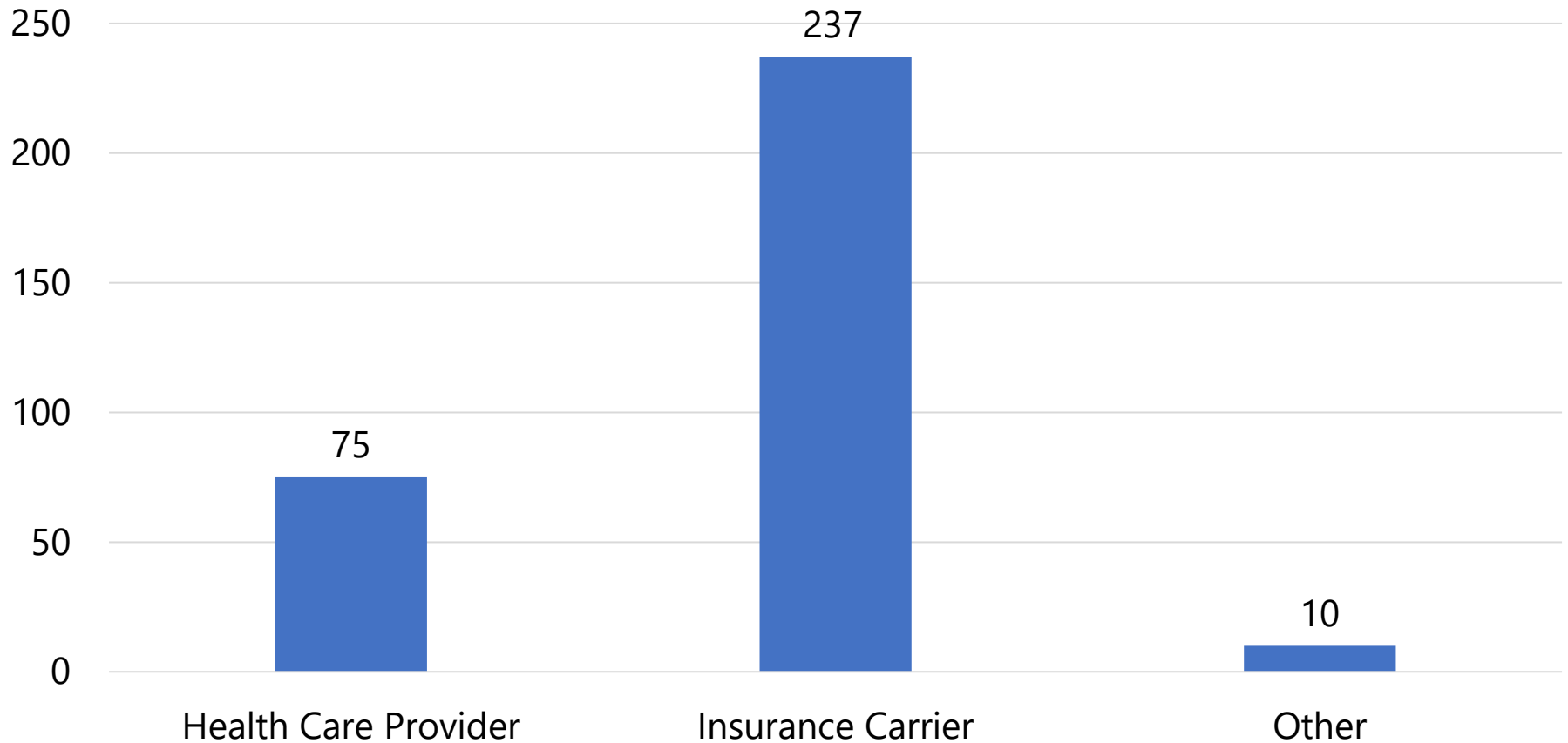
Based on enforcement data as of 6/16/2021



2021	Closed Cases	Pending Cases
Cases	213	322

# CY2021 Cases Pending by Subject Type

Based on enforcement data as of 6/16/2021

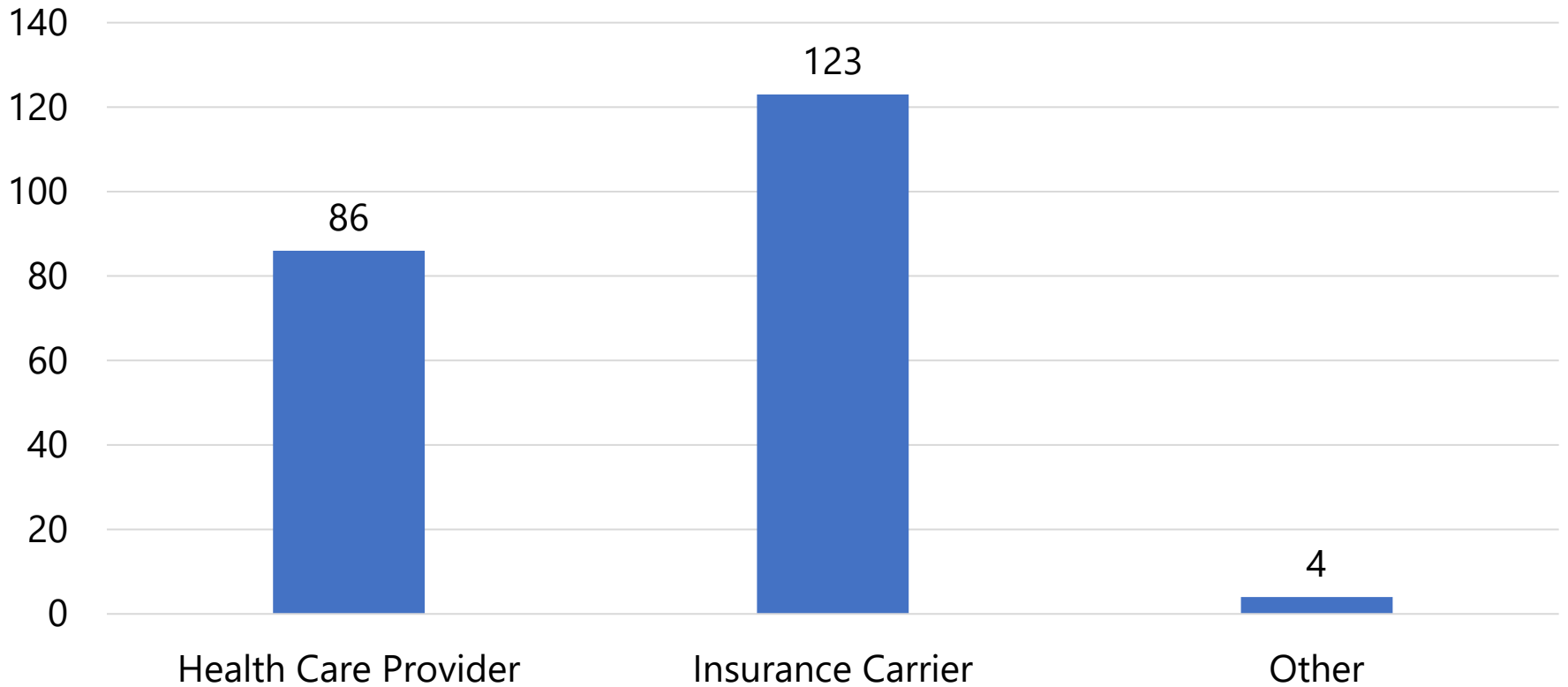


2021	Health Care Provider	Insurance Carrier	Other
Cases	75	237	10



# CY2021 Cases Closed by Subject Type

Based on enforcement data as of 6/16/2021

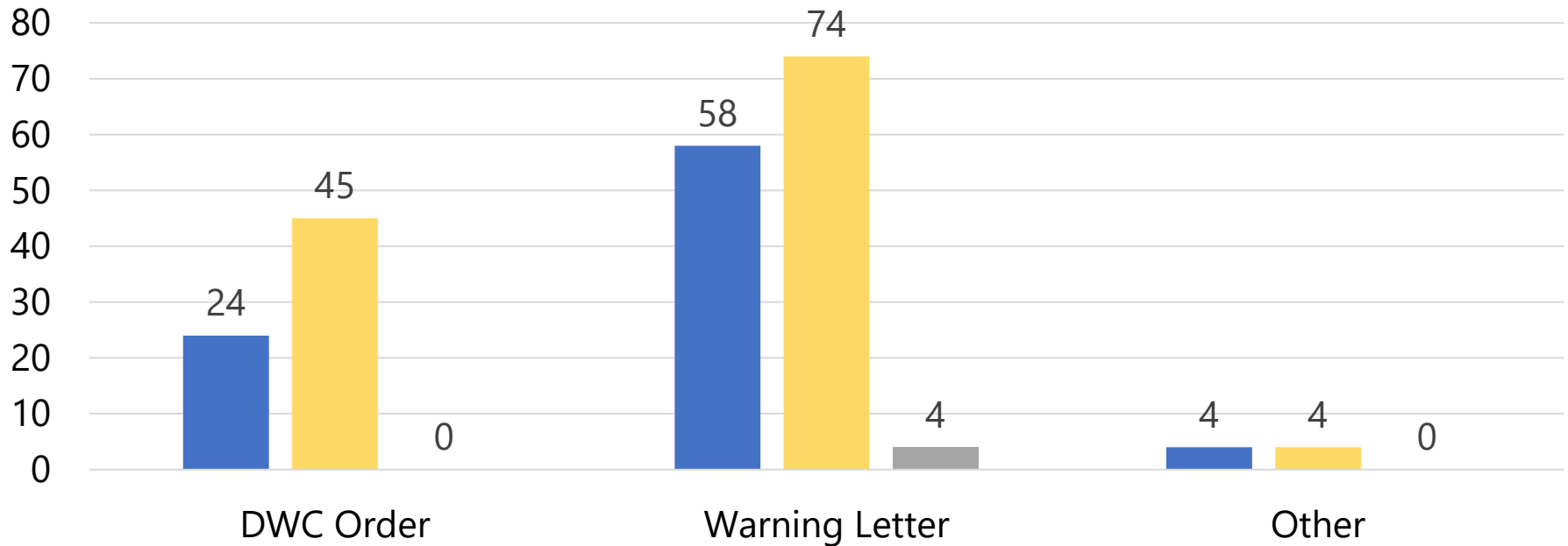


2021	Health Care Provider	Insurance Carrier	Other
Cases	86	123	4

# 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?

# Introduction to Coverage Verification

Martha Luévano, Director  
Enterprise Automation Services (EAS)

# DWC Coverage Section

- ✓ Collects employers' workers' compensation coverage information.
- ✓ Collects information about employers without workers' compensation coverage.
- ✓ Publishes lists of covered and non-covered employers.
- ✓ Can assist health care providers by:
  - Verifying whether an employer is a subscriber or a non-subscriber.
  - Providing bill processing, network verification, and other work comp carrier contact information for subscribers.
- × Cannot verify benefits for an individual injured worker.

# Categories of WC Coverage

- Subscribers – public and private employers covered by a private WC carrier
- Non-subscribers – private employers that choose not to purchase WC coverage
- Certified self-insured – private companies certified to self-insure for WC coverage
- Self-insured governmental entities – governmental entities (school districts, public works, cities, counties) that choose to self-insure

# How to get help

1. Email us at [coverage.verification@tdi.texas.gov](mailto:coverage.verification@tdi.texas.gov)

and include:

- Name of the employer
  - Address of the employer
  - Date of injury
- Call us at (512) 804-4345
1. Self-help resources

[www.tdi.texas.gov/wc/employer/coverage.html](http://www.tdi.texas.gov/wc/employer/coverage.html)

# Questions?

If you have suggestions for the next meeting, contact me at [martha.luevano@tdi.texas.gov](mailto: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.
- Sub-claimants must attend proceedings.
- 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 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 continue 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?

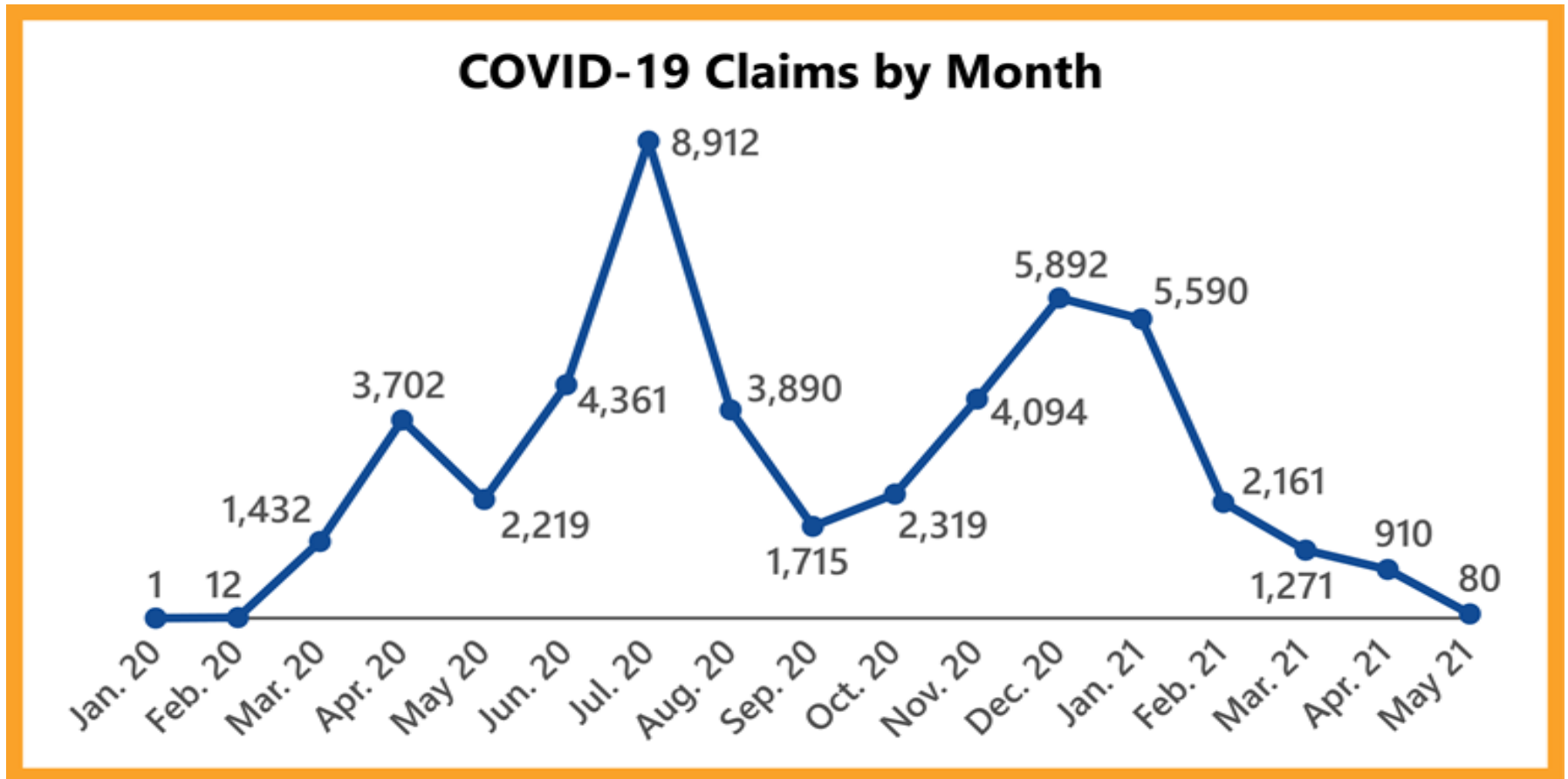
# COVID-19 Workers' Compensation Claims in Texas

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

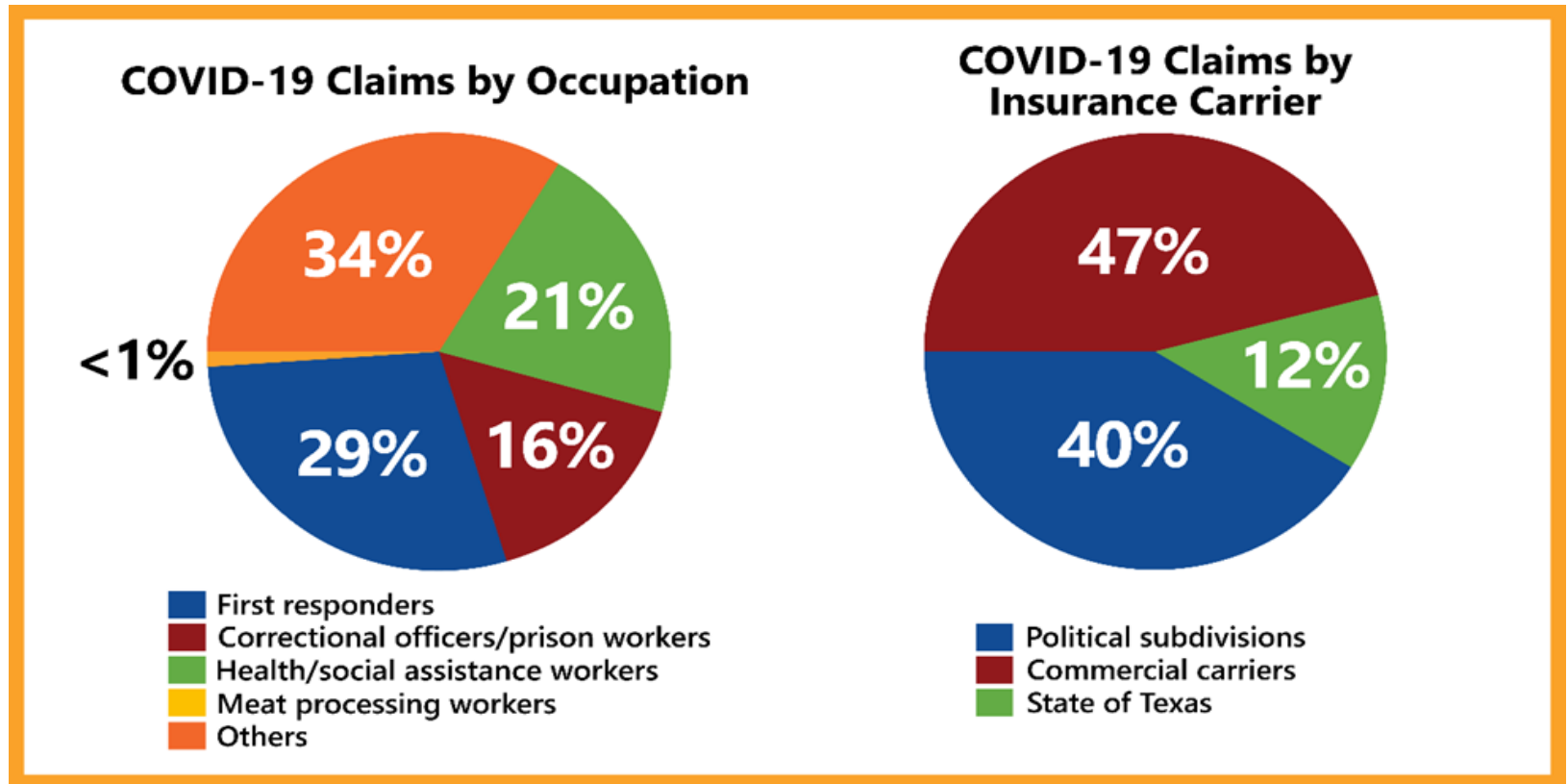
# Number of COVID-19 Claims by Month Insurance Carrier Received Claim Notice



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.

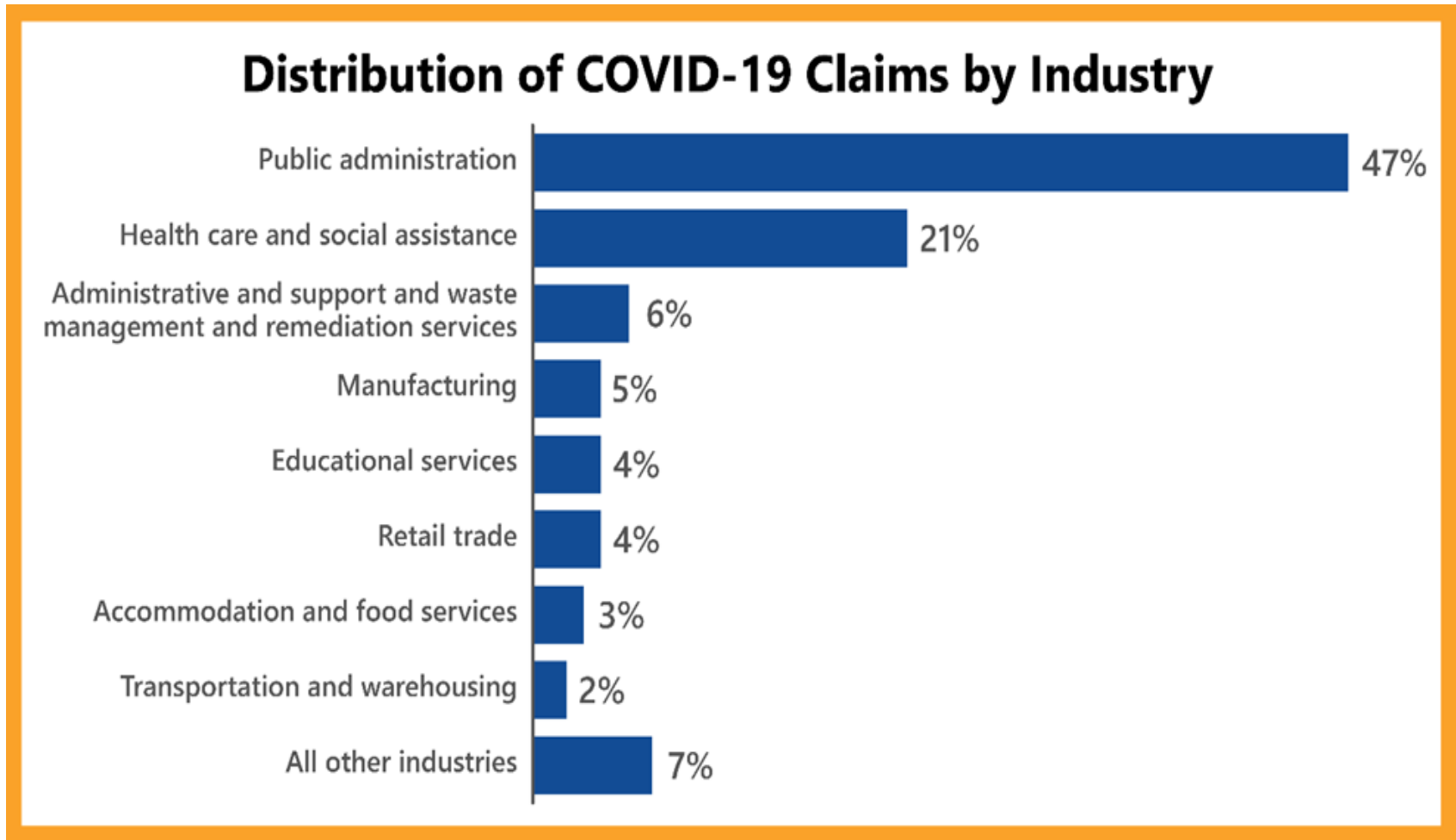
# COVID-19 Claims by Occupation and Type of Insurance Carrier



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.

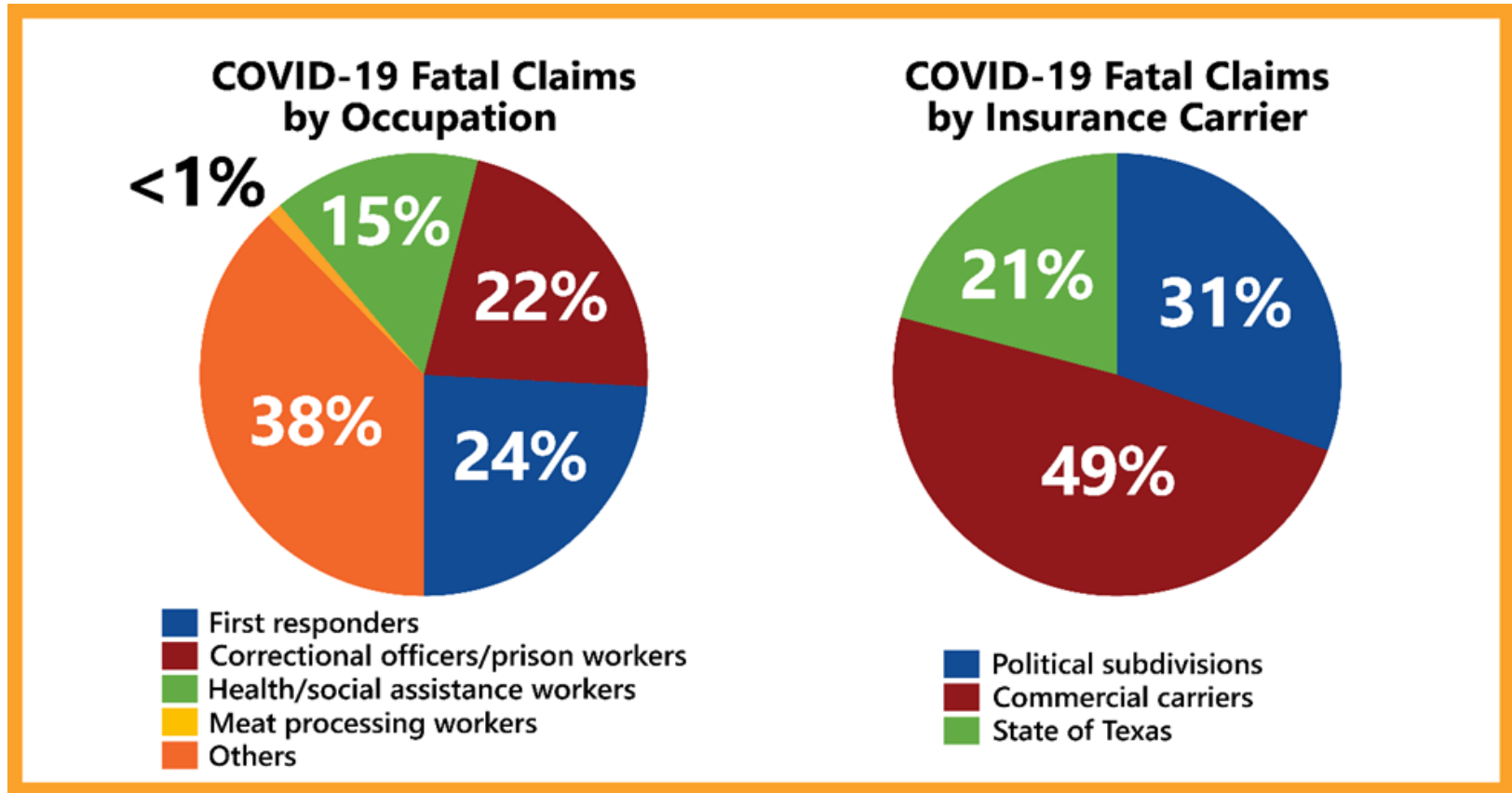
Source: DWC administrative data as of May 9, 2021.

# 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



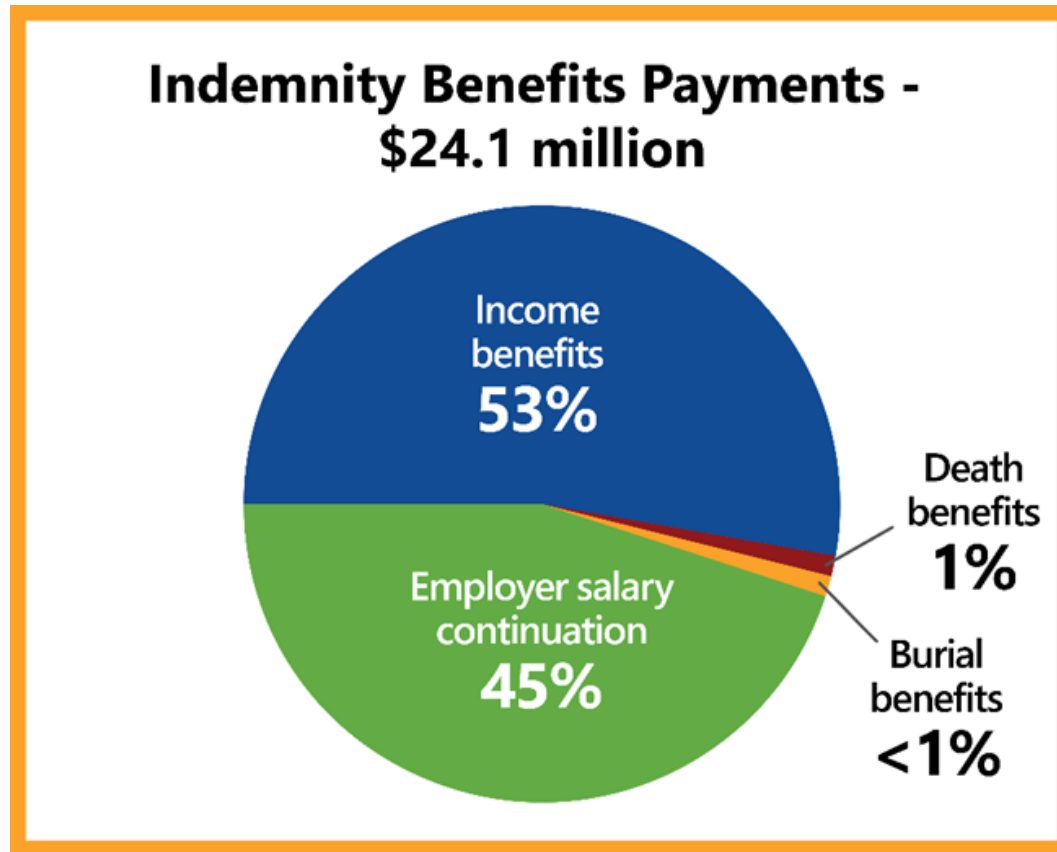
# COVID-19 Data Call Results, 4th Submission

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.

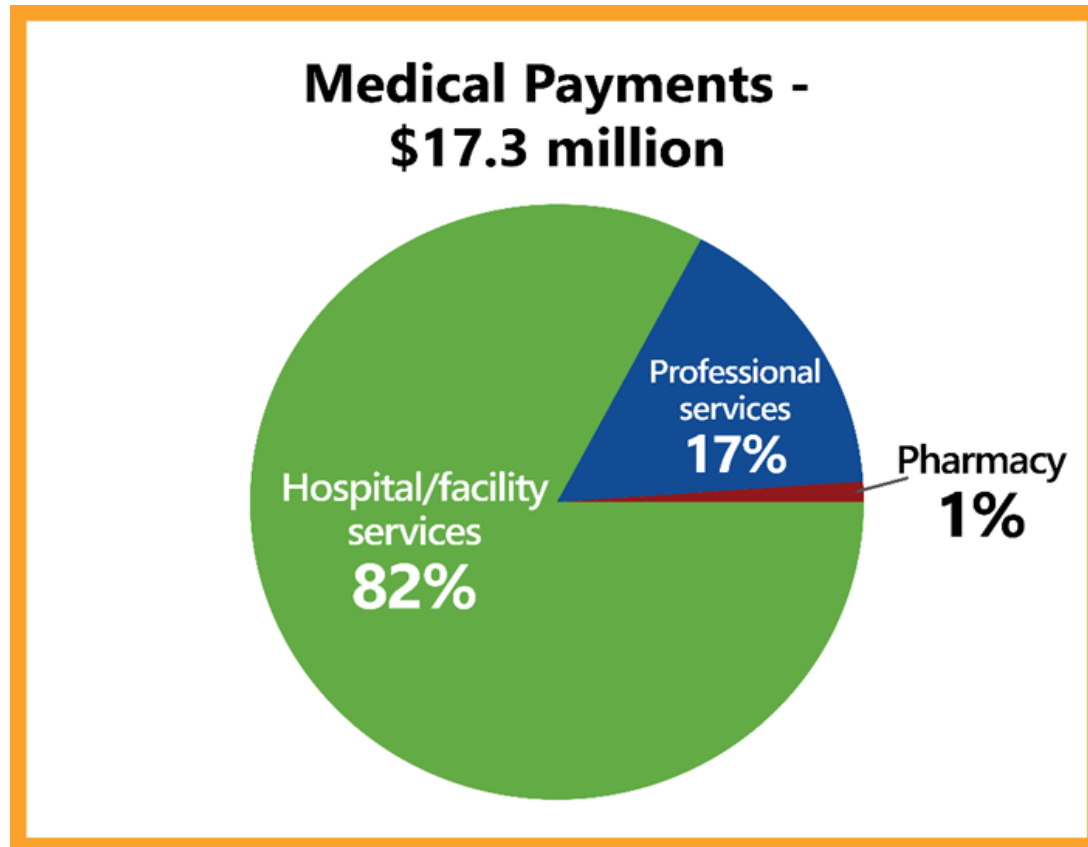
Source: Data call submission as of March 31, 2021.

# 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](http://tdi.texas.gov//wc/reg/index.html)

**Email:** [WCResearch@tdi.Texas.gov](mailto:WCResearch@tdi.Texas.gov)

# Questions?

# Poll

# Closing

Cassie Brown, Commissioner  
Division of Workers' Compensation