



Fast Facts

Disability Management

Overview

Texas Department of Insurance, Division of Workers' Compensation

Disability management optimizes health care and return-to-work outcomes for injured employees through the use of treatment and return-to-work guidelines. This serves the interests of all workers' compensation system participants by:

- addressing appropriate medical treatment for injured employees;
- promoting principles of evidence-based medicine;
- achieving greater accountability through communication;
- providing guidelines for expected return-to-work time frames; and
- improving the ability to monitor system outcomes.

Background

In May 2005 the Texas Legislature passed sweeping reforms of the Texas workers' compensation system. Central to these reforms is the adoption of disability management rules, including return-to-work and treatment guidelines by the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) for claimants not required to receive medical care for a work-related injury or illness through a certified workers' compensation health care network (non-network). Other statutory exceptions exist for certain claimants covered by political subdivisions as noted in Texas Labor Code §504.002(a)(6) and §504.053(b)(2) and (c)(3).

In 2006, the TDI-DWC adopted disability management rules, which may be viewed on the TDI website at <http://www.tdi.texas.gov/wc/dm/index.html>.

Title 28 Texas Administrative Code (TAC) Chapter 137

§137.1 – Disability Management Concept

§137.10 – Return to Work Guidelines

§137.100 – Treatment Guidelines

Effective dates for disability management components

- Disability Management Rules apply to applicable claims with a date of injury occurring as of January 1, 1991.
- Treatment and Return-to-Work Guidelines are effective on or after May 1, 2007 for treatments and services to applicable claimants.

What is the goal of disability management?

The goal of disability management is to optimize health care and return-to-work outcomes for injured employees to avoid delayed recovery in the Texas Workers' Compensation System.

All system participants in a workers' compensation claim are encouraged to facilitate and improve communications regarding the return-to-work goals or plans established by health care providers.



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Overview of Return-to-Work Guidelines

The TDI-DWC adopted the most current edition of The Medical Disability Advisor, Workplace Guidelines for Disability Duration (The MDGuidelines), excluding all sections and tables relating to rehabilitation, published by the Reed Group, as the TDI-DWC's return-to-work guidelines.

These guidelines provide expected lengths of disability durations, which represent points in time when additional evaluation and communication among the health care provider, injured employee, insurance carrier, and employer may occur if an injured employee has not fully recovered and returned to work.

Additional information about the MDGuidelines is available from the Reed Group website at <http://www.ReedGroup.com>.

Return-to-Work Guidelines for Health Care Providers

- The MDGuidelines provides minimum, optimum, and maximum expectancies (or averages) of return-to-work time frames (disability duration) that are considered to be an expected length of disability duration.
- Treating doctors and other health care providers may consider factors that may influence medical recovery and disability durations, such as co-morbidity conditions and medical complications of the injured employee.
- The MDGuidelines disability durations values in the guidelines are not absolute values and do not represent specific lengths or periods of time at which an injured employee must return-to-work; the values represent points in time at which additional evaluation may take place if full medical recovery and return to work have not occurred.
- 28 TAC §129.5 concerning work status reports addresses communications between the treating doctor and system participants regarding the injured employee's return-to-work.

Return to Work for Insurance Carriers

- Insurance carriers are encouraged to facilitate and improve communications with the treating doctor and injured employee regarding return-to-work goals and monitor the injured employee's progress.
- Insurance carriers are encouraged to assist the treating doctor and injured employee in communicating with the employer regarding proposed job duty and activity modifications.
- An insurance carrier may not use the MDGuidelines as the sole justification or the only reasonable grounds for reducing, denying, suspending or terminating income benefits to an injured employee.



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Overview of Treatment Guidelines

The TDI-DWC adopted the most current edition of the *Official Disability Guidelines Treatment in Workers' Comp* (ODG), excluding the return-to-work pathways, published by Work Loss Data Institute (also referred to as the "TDI-DWC treatment guidelines"). The ODG provides evidence-based protocols for medical treatment and includes recommendations for medical procedures.

Health care providers are required to provide treatment in accordance with adopted guidelines and treatments and services within the guidelines presumed to be health care reasonably required.

An insurance carrier may not deny preauthorization or reimbursement for a treatment solely because the diagnosis or treatment is not included in the TDI-DWC treatment guidelines. However, an insurance carrier who can provide evidence-based documentation that outweighs the presumption of reasonableness established by the Texas Labor Code and TDI-DWC rules may retrospectively deny reimbursement for a treatment or service that is included in the treatment guidelines.

A hard copy of the ODG is published annually and will not reflect changes and updates in evidence and treatment recommendations made after printing. The online version is the most current version and is updated frequently. System participants are to use the most current edition of the publication on the date medical service is rendered. The TDI-DWC and the publishers of the ODG have partnered to identify changes that have occurred in the online version of the ODG in the previous month. The TDI-DWC posts these updates of the online version of the ODG monthly. These updates are posted on the TDI website at <http://www.tdi.texas.gov/wc/dm/documents/odgupdates.xls> for convenience, but are not a substitute for the complete online text of the ODG.

For information on how to purchase access to the guidelines, see the Work Loss Data Institute's website at <http://www.worklossdata.com>.
