

SUBCHAPTER B. Health Care Provider Billing Procedures
§133.10

1. INTRODUCTION. The Commissioner of Workers' Compensation adopts amendments to §133.10 concerning Required Billing Forms/Formats. The amended sections are adopted without changes to the proposed text as published in the September 29, 2006 issue of the *Texas Register* (31 TexReg 8190).

2. REASONED JUSTIFICATION. The amendments are necessary to revise the effective dates for the use of nationally standardized pharmacy billing forms for paper billings.

3. HOW THE SECTIONS WILL FUNCTION. Subsection (b) is amended to change the implementation date for use of the National Council for Prescription Drug Programs (NCPDP) Universal Claim Form (UCF) from January 1, 2007 to January 1, 2008. The use of Division form DWC-66 is extended through December 31, 2007. Until that time, the DWC-66 is required to be used for paper billings.

The amendment extends the date on which pharmacists and pharmacy processing agents are required to begin using the UCF in order to make it

consistent with the implementation date of the electronic medical billing requirements recently adopted by the Division. This will allow a longer period of transition for health care providers and insurance carriers to integrate these forms into their processes.

4. SUMMARY OF COMMENTS AND AGENCY'S RESPONSE TO COMMENTS.

Comment: Commenter supports the adoption of the proposed rule amendment stating that the change in implementation date for use of the UCF will make it consistent with the implementation date of the electronic medical billing requirements and will allow a longer period for integration of these forms into system processes.

Agency Response: The Division agrees.

5. NAMES OF THOSE COMMENTING FOR AND AGAINST THE SECTIONS.

For: Insurance Council of Texas

6. STATUTORY AUTHORITY. The amendments are adopted under the Labor Code §§401.024, 406.010, 408.025, 408.0251, 408.027, 413.007, 413.011, 413.0111, 413.015, 413.053, 402.00111, and 402.061. Section 401.024 authorizes the Commissioner by rule to permit or require the transmission of

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information through electronic means. Section 406.010 authorizes the Commissioner to adopt rules necessary to specify the requirements for insurance carriers to provide claims service. Section 408.025 requires the Commissioner to adopt requirements for reports and records required to be filed within the Workers' Compensation System. Section 408.0251 requires the Commissioner to adopt rules regarding the electronic submission and processing of medical bills. Section 408.027 establishes the timeframe for a health care provider's claim submission, the timeframes for an insurance carrier's processing of a claim including requests for additional documentation and audit, the reimbursement during the pendency of an audit, and the section's applicability to all delivered health care whether or not subject to a workers' compensation health care network. Section 413.007 requires the Division to maintain a statewide database of medical charges, actual payments, and treatment protocols. Section 413.011 requires the Commissioner to adopt the most current reimbursement methodologies, models, and values or weights used by the federal Centers for Medicare and Medicaid Services, including applicable payment policies relating to coding, billing, and reporting, and may modify documentation requirements as necessary to meet other statutory requirements. Section 413.0111 provides for the contractual use of agents and assignees by pharmacies to process claims and act on behalf of the pharmacies. Section 413.015 permits an insurance carrier to contract with another entity to forward payments for medical services.

Section 413.053 authorizes the Commissioner to establish standards for reporting and billing, governing both form and content. Section 402.00111 provides that the Commissioner of Workers' Compensation shall exercise all executive authority, including rulemaking authority, under the Texas Workers' Compensation Act. Section 402.061 authorizes the Commissioner to adopt rules necessary to administer the Texas Workers' Compensation Act.

7. TEXT.

§133.10. Required Billing Forms/Formats.

(a) Health care providers shall submit medical bills for payment:

(1) on standard forms used by the Centers for Medicare and Medicaid Services (CMS);

(2) on applicable forms prescribed for pharmacists and dentists specified in subsections (b) and (c) of this section; or

(3) in electronic format in accordance with Subchapter F of this chapter (relating to Electronic Medical Billing, Reimbursement, and Documentation).

(b) Pharmacists and pharmacy processing agents shall submit bills using the current National Council for Prescription Drug Programs (NCPDP) Universal Claim Form (UCF) for health care provided on or after January 1, 2008.

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Pharmacists and pharmacy processing agents shall use the Division form DWC-66 for health care provided on or before December 31, 2007.

(c) Dentists shall submit bills using the current American Dental Association claim form.

(d) All information submitted on required billing forms must be legible and completed in accordance with Division instructions.

CERTIFICATION. This agency certifies that the adopted sections have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on _____, 2006.

Norma Garcia
General Counsel
Division of Workers' Compensation
Texas Department of Insurance

IT IS THEREFORE THE ORDER of the Commissioner of Workers' Compensation that amendments to §133.10, concerning Required Billing Forms/Formats are adopted.

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AND IT IS SO ORDERED.

ALBERT BETTS
COMMISSIONER OF WORKERS' COMPENSATION
TEXAS DEPARTMENT OF INSURANCE

ATTEST:

Norma Garcia
General Counsel

COMMISSIONER'S ORDER NO. DWC-06-0049