

Insurance Carrier Quarterly Meeting

Jan. 10, 2024 – 2 to 3:30 p.m.

TDI Division of Workers'
Compensation

Agenda items

- Welcome.
- Compliance and Investigations update.
- Business Process update.
- Health and Safety update.
- Operations and External Relations update.
- Claims and Customer Services update.
- Q&A.
- Closing remarks.

An aerial photograph of a city, likely Denver, Colorado, featuring a large central park area with a grid of paths and green spaces. In the foreground, a large, classical-style building with a prominent dome is visible. The background shows a dense urban skyline with various skyscrapers. The entire image is overlaid with a semi-transparent blue filter.

Welcome

Jeff Nelson, Commissioner of Workers' Compensation

New deputy commissioners



Dan LaBruyere



Matthew Posey



Compliance and Investigation update

Dan LaBruyere, Deputy Commissioner of Compliance and Investigation

CY2023 complaints

2,018 complaints received

| | |
|------------|----------------------------|
| 27 | attendance |
| 622 | communications |
| 543 | indemnity benefit delivery |
| 573 | medical benefit delivery |
| 153 | other |
| 100 | quality of care |

2,112 complaints closed

| | |
|------------|---------------------------------|
| 833 | confirmed |
| 387 | DWC education letter (low risk) |
| 892 | not confirmed |

Based on complaint data as of 11/30/2023.

CY2023 – complaints received by respondent type

| Type of complaint | Injured employee | Insurance carrier | Health care provider | Employer | Attorney | Other |
|---------------------------|------------------|-------------------|----------------------|----------|----------|-------|
| Attendance | 7 | 9 | 3 | 0 | 8 | 0 |
| Communications | 1 | 282 | 150 | 125 | 64 | 1 |
| Indemnity benefits | 0 | 527 | 4 | 10 | 2 | 0 |
| Medical benefits | 0 | 482 | 92 | 0 | 0 | 0 |
| Quality of care | N/A | 2 | 98 | N/A | N/A | 0 |
| Other | 1 | 60 | 16 | 68 | 1 | 5 |

Based on complaint data as of 11/30/2023.

FY2024 compliance audits

Death benefits/lifetime income benefits (LIBs)

20 initiated

Initial payment of temporary income benefits (TIBs)

13 initiated
5 completed

Medical bill processing

8 completed

Based on audit data as of 11/30/2023.

CY2023 DWC Fraud Unit

1,325 fraud referrals received

- 49** fraud cases open
- 58** fraud cases closed
- 3** fraud referrals for prosecution

Based on complaint data as of 8/31/2023.

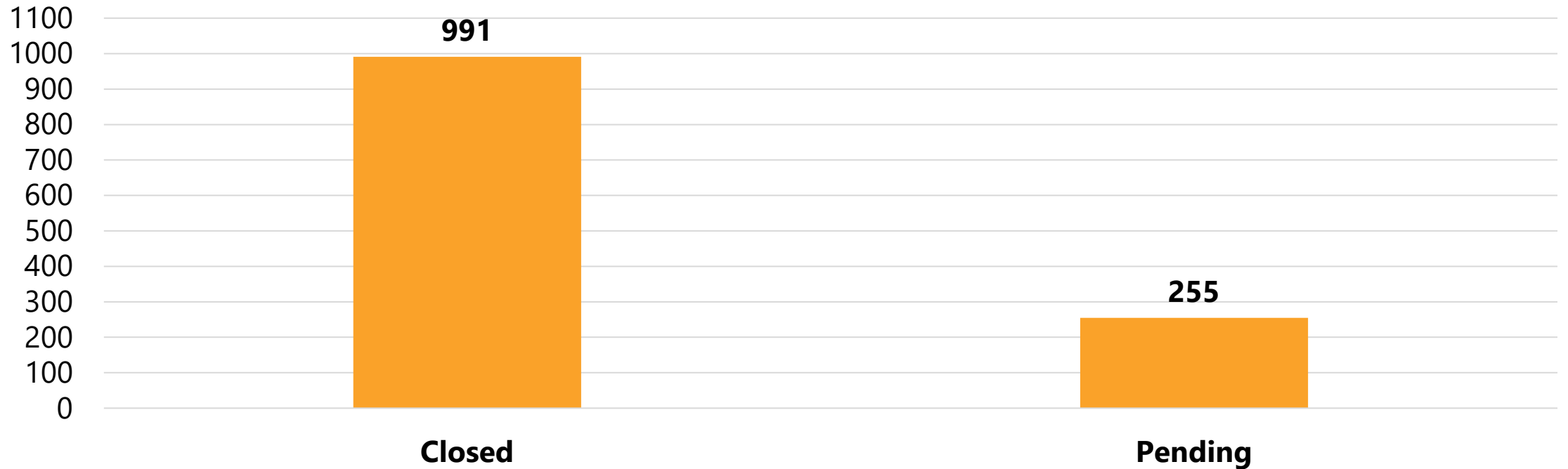
CY2023 DWC Fraud & Prosecution Units

2 convictions

- 1 claimant
- 1 attorney

Based on complaint data as of 8/31/2023.

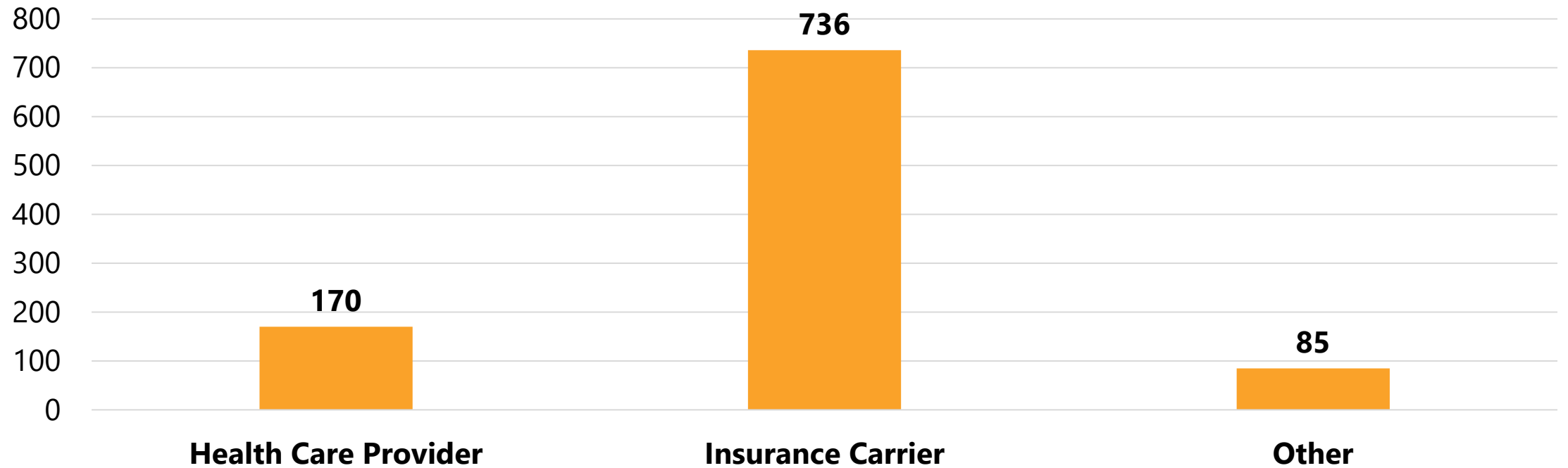
CY2023 – Enforcement case status



| 2023 | Closed cases | Pending cases |
|-------|--------------|---------------|
| Cases | 991 | 255 |

Based on enforcement data as of 12/18/2023.

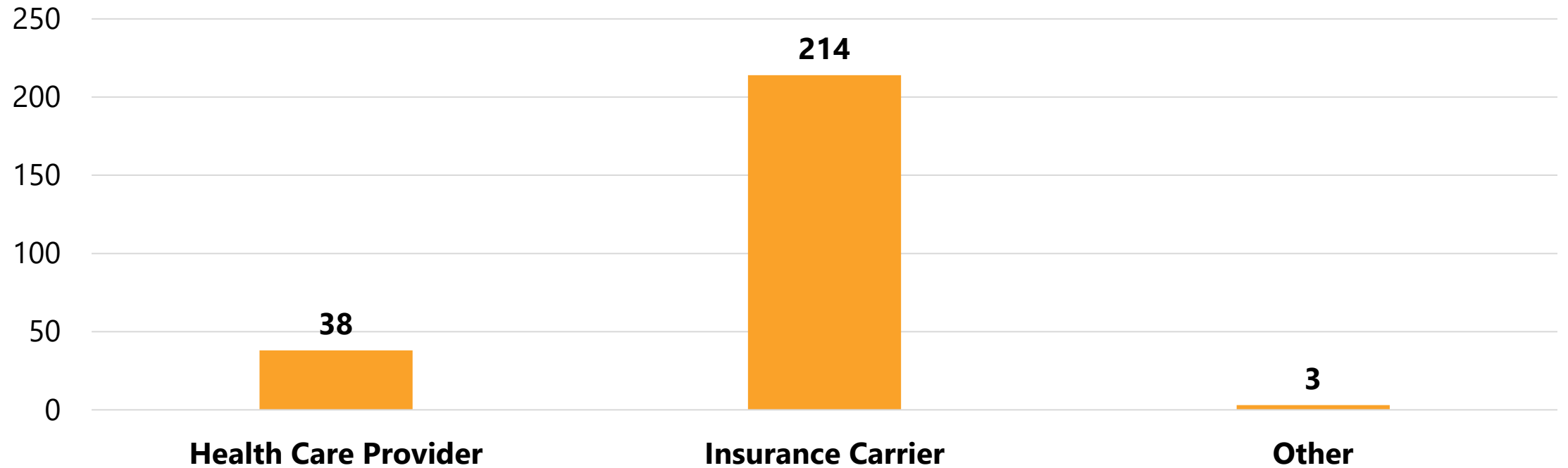
CY2023 – cases closed by subject type



| 2023 | Health Care Provider | Insurance Carrier | Other |
|--------------|----------------------|-------------------|-------|
| Cases | 170 | 736 | 85 |

Based on enforcement data as of 12/18/2023.

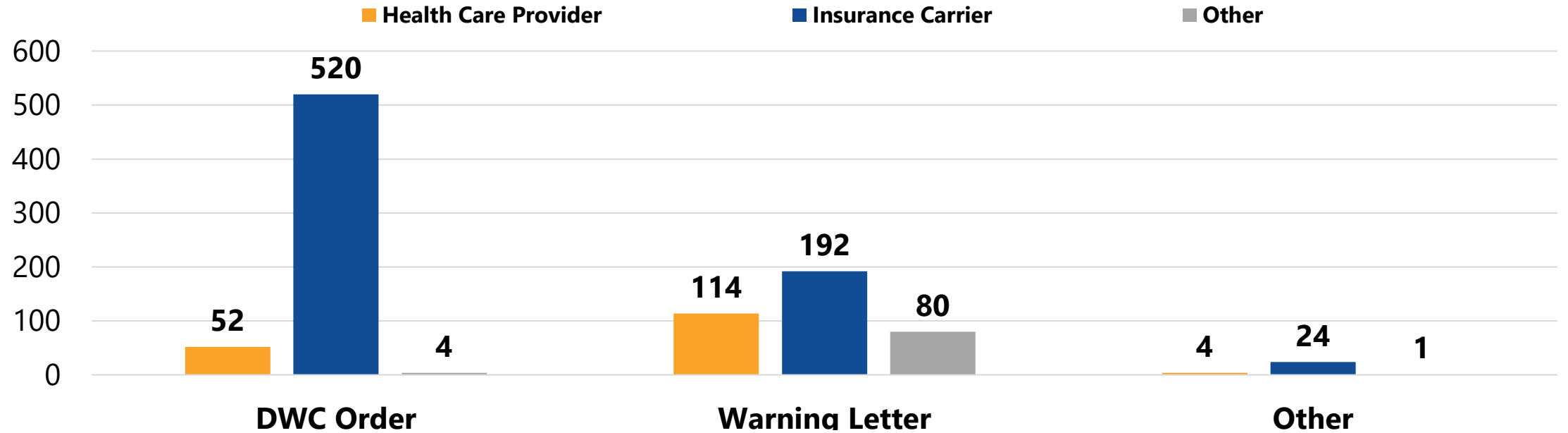
CY2023 – cases pending by subject type



| 2023 | Health Care Provider | Insurance Carrier | Other |
|--------------|----------------------|-------------------|-------|
| Cases | 38 | 214 | 3 |

Based on enforcement data as of 12/18/2023.

CY2023 – cases closed by disposition type



| 2023 | Health Care Provider | Insurance Carrier | Other |
|----------------|----------------------|-------------------|-------|
| DWC Order | 52 | 520 | 4 |
| Warning Letter | 114 | 192 | 80 |
| Other | 4 | 24 | 1 |

Based on enforcement data as of 12/18/2023.

Sircon payment system

Approved administrative penalties imposed by DWC and audit billing invoices may now be paid using Vertafore's Sircon solution.

(Please don't pay **before** receiving the final order and invoice from DWC.)

If you don't already have a Sircon account, sign up to pay administrative penalties:

www.sircon.com/products/company/signup/

If you're paying an audit billing invoice:

www.sircon.com/products/carrier/signup/

If you have any questions about your Sircon account or this new payment service, contact:

Sircon Customer Services
at 877-876-4430

Violations to watch

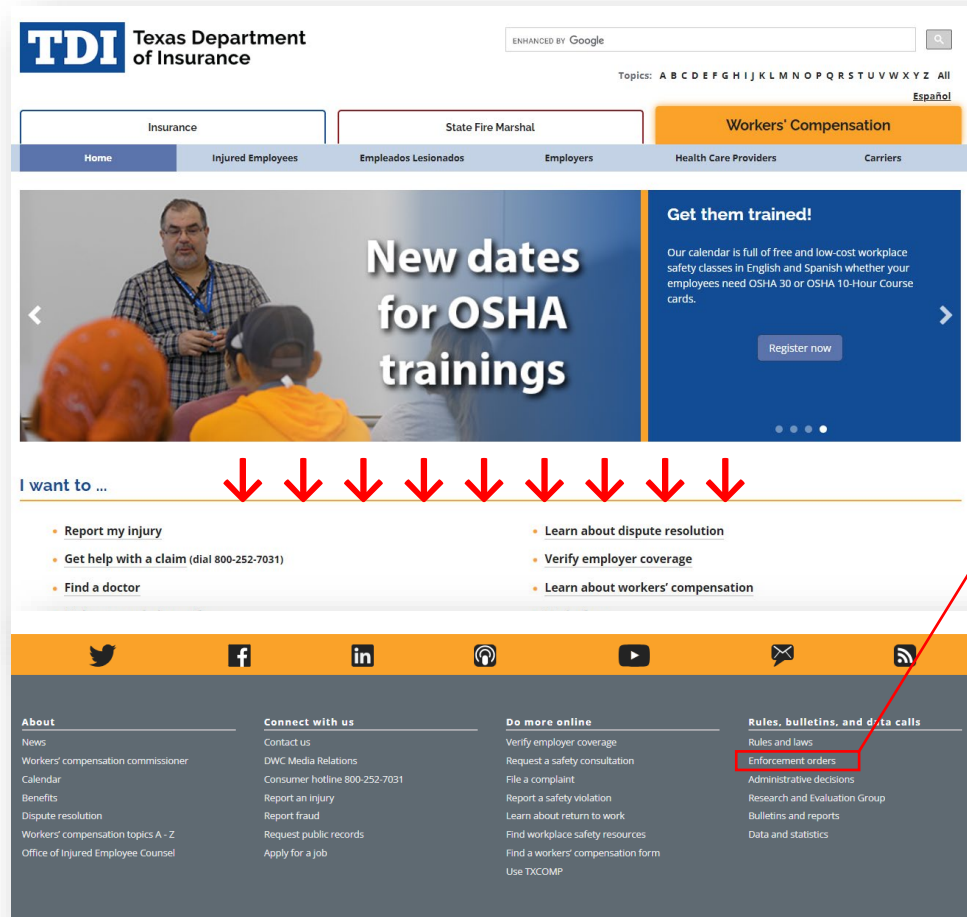
Texas Labor Code § 413.019(a) and 28 Texas Administrative Code (TAC) § 134.130(a)

An insurance carrier must pay interest on medical bills paid on or after the 60th day after the insurance carrier originally received the complete medical bill.

Labor Code § 408.064 and 28 TAC § 126.12(b)

Accrued but unpaid income benefits and interest shall be paid in a lump sum.

Enforcement orders webpage



Scroll to bottom of [DWC homepage](#) and click "Enforcement orders".

or

Visit

www.tdi.texas.gov/wc/orders/index.html.



Questions?

dan.labruyere@tdi.texas.gov



Business Process update

Tammy Campion, Deputy Commissioner of Business Process

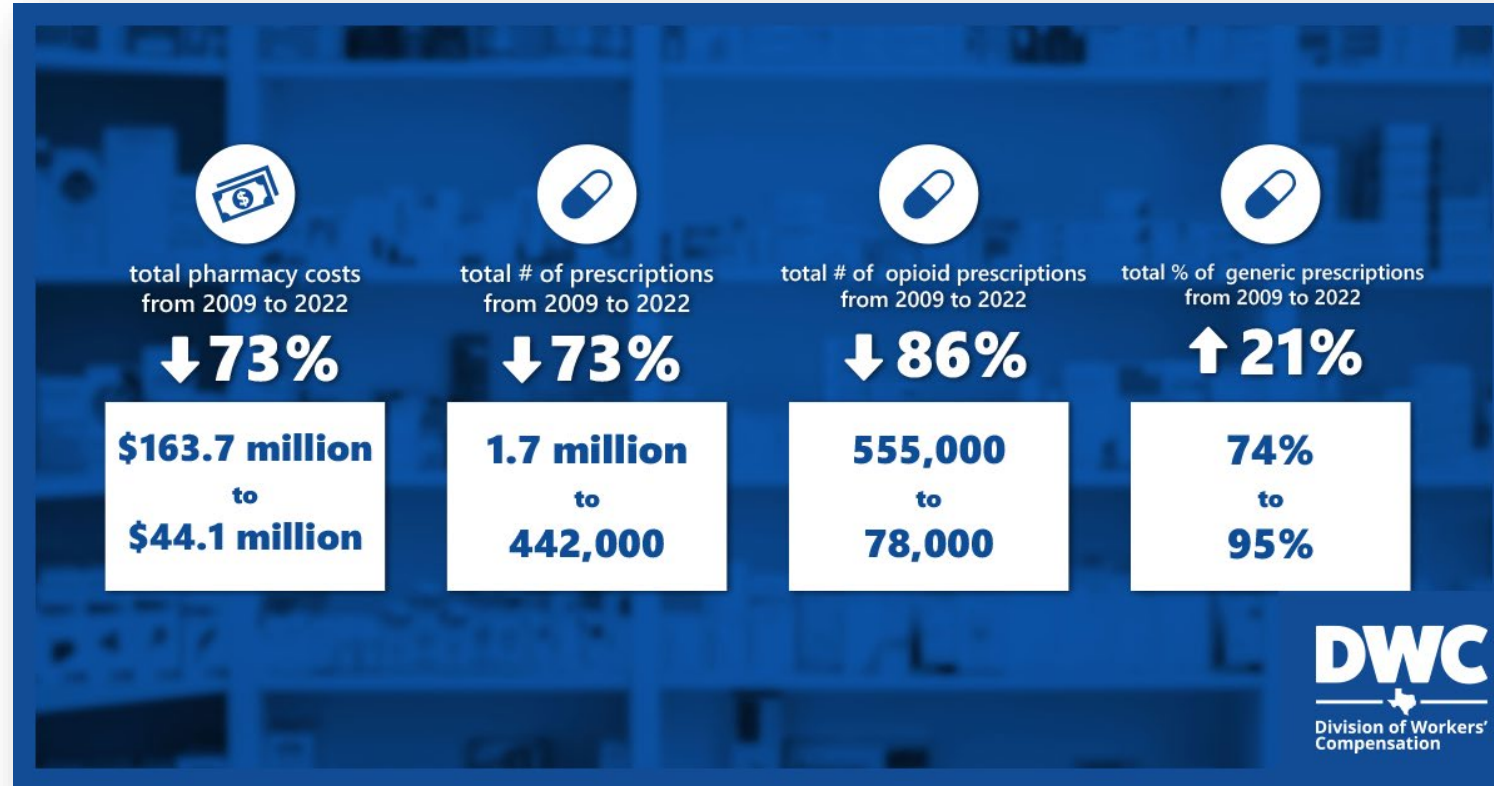
Business Process update

Workers'
Compensation
Research and
Evaluation Group (REG)

E-filing options update

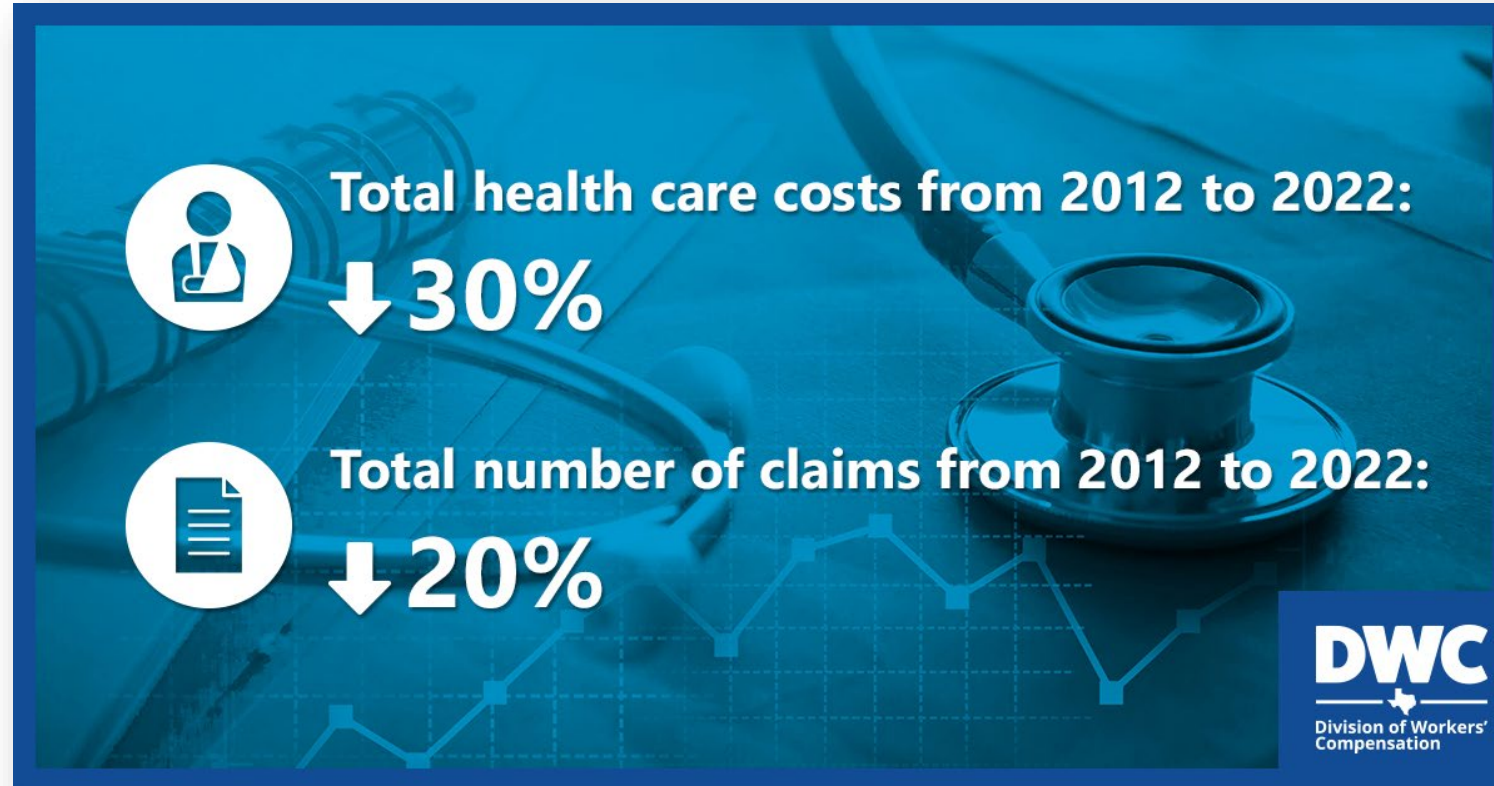
EDI update

Pharmacy Cost and Utilization Report



Snapshot: <https://ww.tdi.texas.gov/wc/reg/pharmacy2023.html>

Health Care Cost and Utilization Report

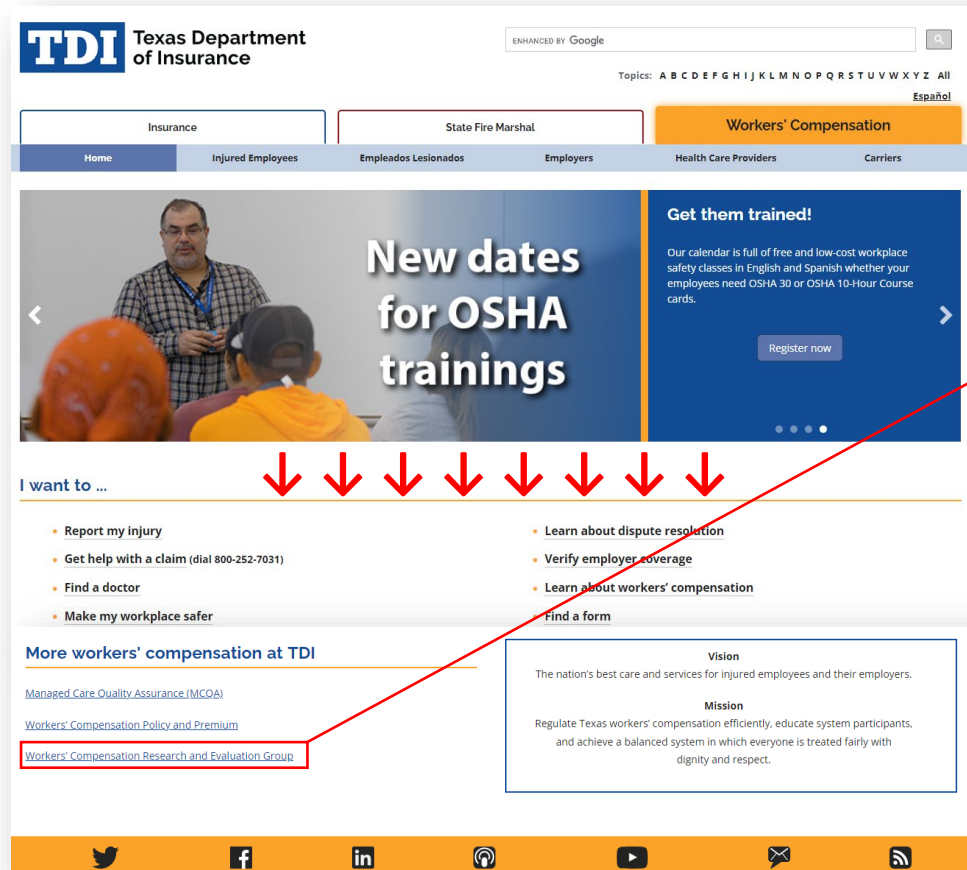


Snapshot: <https://ww.tdi.texas.gov/wc/reg/hccu2023.html>

FY2024 research agenda

1. Workers' Compensation Health Care Network Report Card.
2. Employer Participation Report.
3. Income Benefit Adequacy Report.
4. Medical Cost and Utilization Report.

Find everything REG-related



Scroll to bottom of [DWC homepage](#) and click “Workers’ Compensation Research and Evaluation Group”.

or

Visit www.tdi.texas.gov/wc/reg/index.html.



E-filing options update

Rebekah Capelo, Manager of Records Management Services

Electronic filing options webpage

The screenshot shows the TDI Texas Department of Insurance website. The header includes the TDI logo, a search bar, and a language selector for Spanish. The main navigation menu has tabs for Insurance, State Fire Marshal, and Workers' Compensation. Below the navigation, there is a breadcrumb trail: Home > Workers' Compensation > Insurance carrier resources > Electronic filing options. The page content is divided into two columns. The left column contains a list of links: About DWC, Commissioner of Workers' Compensation, Executive staff contacts, Disciplinary orders, Bulletins, Rules, Public hearings, Open records, Data calls, Forms, Memos to system participants, Reports, News, Calendar, Jobs, Contact us, and Topics A - Z. The right column features the heading 'Electronic filing options' with a sub-heading 'Upload documents in TXCOMP'. Below this, there is a list of document types that can be uploaded through TXCOMP, including Designated doctor requests, Medical reports, Plain language notices, Insurance forms, Hearings documents, Contest case hearing documents, Appeals documents, Medical fee disputes, Subsequent injury Fund reimbursement requests, and Any other DWC form. A section titled 'Create a profile in TXCOMP to upload documents' provides a numbered list of steps: 1. Go to TXCOMP, 2. Select Online Access Request from the Main Menu, 3. Complete the online request process, and 4. Log on to your profile using the user ID and password you created through the online request process.

<https://www.tdi.texas.gov/wc/carrier/efileoptions.html>

TXCOMP upload portal and SFTP

- Use PDF read only format and ensure that they are not password protected.
- Include the DWC or carrier claim number on filings.
- File name must be less than 60 characters.
- Do not use these special characters in the file name: < > : " / \ | ? * , ; ()

When filing through SFTP:

- Use the DWC form type followed by the DWC claim number if available in the naming convention.
- Refer to the [DWC SFTP Standards Guide](#) for file naming conventions used for specific documents.
- Place filings for DWC in the "To_DWC" subfolder.
- Remove documents within the "From_DWC" subfolder once received.
- Let us know when your password needs to be reset.

File names for common SFTP filings

Plain language notices

- PLN1 DWC Number_Injured Employee Name
- PLN11 DWC Number_Injured Employee Name

Other forms

- DWC22 DWC Number
- DWC32 DWC Number
- DWC153 DWC Number

Benefit review conference

- DWC45 DWC Number
- DWC Number-Dispute Sequence Number_BRC Exchange

Contested case hearing

- DWC Number-Dispute Sequence Number_CCH Exhibit



Questions?

Email eFiling-Help@tdi.texas.gov for help uploading documents.

An aerial view of a city, likely Washington D.C., featuring a large central park area with a prominent domed building in the foreground. The image is overlaid with a blue tint.

EDI update

Martha Luévano, Director for Enterprise Automation Services

Updates

Claim EDI reporting.

- Scorecards.
- Detail claim data.
- New claim EDI dashboard.

Claim EDI monitoring and outreach.

- PLNs.

2024 insurance carrier PBO.

2023 health care provider PBO results.

Help with Texas Claim EDI

txdwcedi@verisk.com

Texas Claim EDI 3.1.4 filing requirements, rejections, and updates to registration.

txdwcbillingquestions@verisk.com

Billing, invoices, and billing registration.

edisupport@tdi.texas.gov

Request training, EDI-03 Compliance Coordinators, and EDI rules.

An aerial photograph of a city campus, likely in Madison, Wisconsin, featuring a central greenway with multiple rectangular lawns and walkways. A prominent domed building is visible on the right side, and the Wisconsin State Capitol is in the background. The entire image is overlaid with a semi-transparent blue filter.

Questions?

An aerial, blue-tinted photograph of a city street. The street is wide and has a central greenway with multiple rectangular grass patches. On the right side, there is a large, classical-style building with a prominent dome. In the background, a city skyline is visible, including a large domed building that resembles a state capitol. The overall scene is urban and well-maintained.

Health and Safety update

Mary Landrum, Deputy Commissioner of Health and Safety

Health and Safety update

Office of the
Medical
Advisor

Health Care
Provider
Outreach

Designated
Doctor
Program

Workplace
Safety

An aerial, blue-tinted photograph of a city street. A wide, paved road runs down the center, flanked by green spaces and walkways. In the background, a large, classical-style building with a prominent dome is visible, surrounded by other city buildings. The overall scene is a mix of modern urban infrastructure and historical architecture.

Office of the Medical Advisor update

Traci Moten, Director of Health Care Business Management

CY2023 quality of care complaints

120 complaints forwarded to OMA

- Includes external complaints and internal referrals.

73 complaints investigated by OMA

- 66%** closed with no action
- 22%** issued letters of education
- 10%** initiated a medical quality review
- 1%** referred to Enforcement
- 1%** licensing board referrals

Based on data as of 12/18/2023.

CY2023 medical quality reviews

13 reviews initiated

- Includes complaint, audit, or monitoring-based reviews.
- Assigned Medical Quality Review Panel members for review.

19 reviews concluded

26% referred to Enforcement

74% recommended other actions

(includes letters of education, referrals to medical licensing boards, and closures with no action)

Based on data as of 12/18/2023.

CY2023 medical quality reviews – cont.

PBO assessments

- 589 assessments received
- 589 assessments initiated
- 589 assessments concluded

Based on data as of 12/18/2023.

CY2023 OMA enforcement cases

- 15** OMA referrals received in Enforcement
- 37** OMA cases concluded by Enforcement
(10 consent/final orders, 26 warning letters, 1 other action)
- 6** OMA cases pending in Enforcement
- 1** OMA case pending at SOAH

Based on data as of 12/18/2023.

An aerial view of a city campus, likely the University of California, Berkeley, showing a central greenway with multiple rectangular lawns and walkways. The background features a dense urban skyline with various skyscrapers and a prominent domed building in the distance. The entire image is overlaid with a semi-transparent blue filter.

Designated Doctor Program update

Santiago Calderon, Director of Designated Doctor Operations

Billing and reimbursement rule update

Amendments to 28 Texas Administrative Code (TAC) Chapter 133 and 134.

- Comment period ends 1/29/24.
- Hearing via Zoom on 1/23/24 at 11 a.m.
- Proposed effective date 6/1/24.

An aerial view of a city campus, likely in Madison, Wisconsin, featuring a central green courtyard with a grid of paths, surrounded by modern and classical buildings. The Wisconsin State Capitol is visible in the background. The entire image is overlaid with a semi-transparent blue filter.

Workplace Safety update

Chris D'Amura, Director of Workplace Safety

An aerial photograph of a city campus, likely in Madison, Wisconsin, featuring a central greenway with multiple rectangular lawns and walkways. A prominent domed building is visible on the right side, and the Wisconsin State Capitol is in the background. The entire image is overlaid with a semi-transparent blue filter.

Questions?

An aerial view of a city, likely San Francisco, featuring a large central park with a grid of paths and green spaces. In the foreground, a large, classical-style building with a prominent dome is visible. The background shows a dense urban skyline with various skyscrapers. The entire image is overlaid with a semi-transparent blue filter.

Operations and External Relations update

Matthew Posey, Deputy Commissioner of Operations and External Relations



88th Session legislation implementation update

Kate Sidora, Director of External and Media Relations

House Bill 2314

About

Allows for death benefit filing to both carriers and DWC.

Implementation

Revised DWC-042 form and PLN12.

Effective date

- Effective for death benefit claims on or after June 10, 2023.
- Rules became effective Dec. 11, 2023.

House Bill 90 – Texas Military Forces

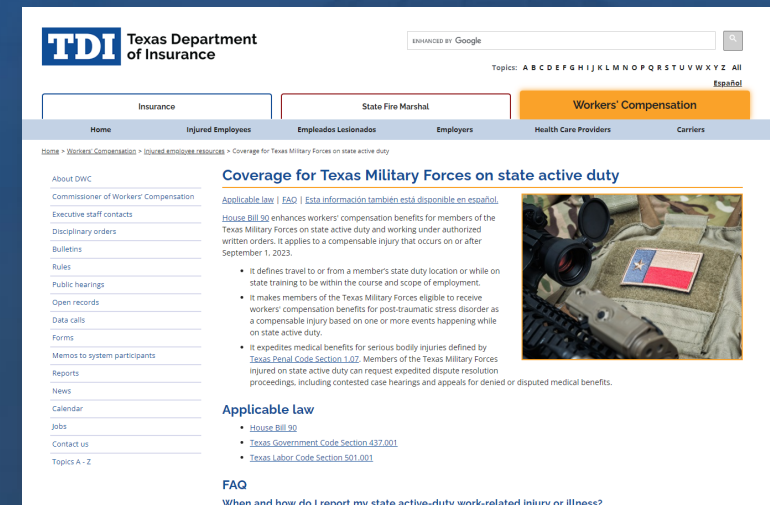
About

- Texas Military Forces on state active duty and working under authorized written orders.
- Applies to a compensable injury occurring on or after Sep. 1, 2023.
- Defines travel to or from a member's state duty location or while on state training to be within the course and scope of employment.
- Eligible to receive workers' compensation benefits for post-traumatic stress disorder as a compensable injury based on **one or more** events happening while on state active duty.
- Expedites medical benefits and dispute proceedings for serious bodily injuries defined by Texas Penal Code §1.07.

House Bill 90 – continued

Implementation

- Adoption posted on website Dec. 13, 2023, and was effective as of Dec. 28, 2023.
- New topic [webpage](#) for Texas Military Forces coverage.
- Call Claims and Customer Service at 800-252-7031, opt. 1 for questions.



House Bill 2468 – lifetime income benefits

About

- New traumatic brain injury LIBs eligibility standard “a major permanent neurocognitive disorder” that “renders the injured employee **permanently unemployable**.”
- Expands coverage for third degree burns.

Effective date

Effective for eligible claims on or after Sep. 1, 2023.

House Bill 2468 – continued

About

Certain first responders:

- Adds serious bodily injuries (Penal Code §1.07) that renders the employee permanently unemployable as a qualifying condition.
- Creates a right to review by the insurance carrier.
- Requires annual certification that the first responder has not been employed in the previous year.
- Expedites dispute resolution proceedings for first responder LIBs claims on new Labor Code §408.1615.

House Bill 2468 – continued

Implementation

- Informal rules comment period closed Nov. 20, 2023.
- Looking at new or updated forms.
- Web resources until final rules are adopted:
 - [LIBs topic page](#).
 - [First responder FAQ](#).
- Call 800-252-7031, opt. 1 for questions.



Rule recap

Current:

- Designated doctor billing and reimbursement proposed rules.
- Accident prevention services.

Coming soon

- Interim charges.
- Updates to quarterly meetings.



Questions?

kate.sidora@tdi.texas.gov

An aerial view of a city street, likely in San Francisco, featuring a central green parkway with a grid pattern of paths and trees. Modern high-rise buildings line the street, and the San Francisco State Capitol building is visible in the background. The entire image is overlaid with a semi-transparent blue filter.

Claims and Customer Services update

Erica De La Cruz, Deputy Commissioner of Claims and Customer Services

What we do

Customer Service Operations

Outreach and Claims Services

Subsequent Injury Fund

- Educate system participants.
- Promote communication between parties.
- Serve as a single point of contact (SPOC) for injured employees.
- Process DWC forms submitted by injured employees or insurance carriers.
- Initiate contacts with injured employees or their beneficiaries.
- Pay LIBs to certain employees who receive a new work injury.



DWC single point of contact (SPOC)

Teresa Johnson, Director of Outreach and Claims Services

DWC single point of contact (SPOC)

DWC forms processing.

Outreach initiatives:

- SIBs.
- First responders.
- Beneficiaries.
- Federal medical treatment facilities.
- Wage statements.



Contact us at 800-252-7031

An aerial photograph of a city, likely Denver, Colorado, featuring a large central park area with a prominent domed building in the foreground. The image is overlaid with a semi-transparent blue filter. The text "Questions?" is centered in white, with a thin orange horizontal line underneath it.

Questions?

Contact us at 800-252-7031



Closing remarks

Jeff Nelson, Commissioner of Workers' Compensation