

Texas Department of Insurance
Division of Workers' Compensation



Return-to-Work
Plan-Based Audit

July 7, 2016

Section I: General Statement and Overview

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is required by Texas Labor Code §413.002 to "monitor health care providers, insurance carriers, independent review organizations, and workers' compensation claimants who receive medical services to ensure the compliance of those persons with rules adopted by the commissioner relating to health care, including medical policies and fee guidelines." Furthermore, Labor Code §413.0512 allows the Medical Quality Review Panel (MQRP) to recommend to the medical advisor appropriate action regarding doctors, other health care providers, insurance carriers, utilization review agents, and independent review organizations.

DWC will manage the medical quality review process in a manner that is fair to all workers' compensation system participants; open and transparent to the extent consistent with state confidentiality laws, and provide the subject of a review the opportunity to participate throughout the medical quality review process. Medical quality review aids DWC in monitoring compliance with the Texas Workers' Compensation Act and DWC rules to help ensure that injured employees in the workers' compensation system receive medically necessary and appropriate health care that is timely, cost-effective, and facilitates functional recovery and appropriate return-to-work outcomes.

To obtain these objectives, performance audits will be conducted on select system participants. The Labor Code authorizes DWC to conduct performance audits of participants in the Texas Workers' Compensation System. DWC is specifically directed in Labor Code §402.075 to focus its regulatory oversight on insurance carriers and health care providers identified as poor performers in the Performance-Based Oversight (PBO) program. Therefore, the health care providers selected for calendar year 2016 medical quality review audits are those identified as poor performers in the PBO program. Detailed information regarding PBO can be found at: <http://www.tdi.texas.gov/wc/pbo/pbo.html>.

Section II: Purpose for Plan-Based Audit

- Promote the delivery of quality health care in a cost-effective manner, including protection of injured employee safety.
- Ensure that health care providers' decisions and recordkeeping regarding return to work were appropriate.

Section III: Scope and Methodology for Plan-Based Audit

- Includes health care providers who were identified as poor performers in the 2015 Health Care Provider Assessment for the PBO measure of documentation supporting why the injured employee is prevented from returning to work as reported on the DWC Form-073, *Work Status Report*.
- Includes health care providers who were identified as those that billed for the DWC Form-073 that checked Part II, Box "c" preventing injured employees from returning to work.
- Procedures for determining the medical necessity and appropriateness of health care services

are set forth in Section II of the Medical Quality Review Process. See also Labor Code §§413.002, 413.013, and 413.05115.

Section IV: Selection Criteria for Plan-Based Audit

- Time frame to select data:
 - Subjects will be identified through the 2015 Health Care Provider Assessment PBO Tier Placement.
 - Cases will be identified through:
 - medical bill and payment data submitted to DWC with dates of service on or after March 1, 2015, through December 31, 2015, which contain CPT code 99080 with modifier 73; and
 - claims data submitted to DWC where the injured employee was receiving temporary income benefits (TIBs) as of December 31, 2015.
- Subject selection:
 - Select health care providers:
 - identified as poor performers in 2015 for the PBO measure of documentation supporting why the injured employee is prevented from returning to work as reported on the DWC Form-073, *Work Status Report*; and
 - had 25 or more injured employees with five bills per injured employee submitted for reimbursement using CPT code 99080 with modifier 73.
- Case selection:
 - Select cases where the injured employee:
 - had five or more bills with CPT code 99080 with modifier 73 between March 1, 2015, and December 31, 2015; and
 - was receiving TIBs as of December 31, 2015.
 - Randomly select no more than seven cases per each health care provider.
 - Select all cases for a health care provider that has seven or less cases.
- Exclusions:
 - any case where the health provider checked DWC Form-073 Part II, Box “a” allowing the injured employee to return to work without restrictions; or
 - any case where the health provider checked DWC Form-073 Part II, Box “b” allowing the

injured employee to return to work with restrictions.

Section V: Roles and Responsibilities

Information Management Services (IMS)

- Provides a list of health care providers based on the scope, methodology, and selection criteria.
- Selects the case files for medical quality review based on selection criteria.

Health Care Quality Review (HCQR) Division of Workers' Compensation

- Notifies subjects chosen for medical quality review and requests documents.
- Requests from IMS another case if the nurse investigator verifies in writing that a case was not selected in accordance with the approved plan-based audit criteria.
- Selects MQRP members to perform a review in accordance with Labor Code §§408.0043, 408.0044, and 408.0045 and 28 Texas Administrative Code §§180.1 and 180.22.
- Provides an executive summary to the commissioner of workers' compensation upon conclusion of the plan-based audit.

Medical Advisor, Division of Workers' Compensation

- The medical advisor shall develop questions for the MQRP experts. Those questions shall be approved by all undersigned parties prior to any records being sent to the MQRP experts.

Section VI: Conflicts

This *Return-to-Work Plan-Based Audit* incorporates the approved medical quality review process in effect. However, if a specific conflict exists between this plan-based audit and the medical quality review process, this plan-based audit prevails.

Section VII: Approvals

This *Return-to-Work Plan-Based Audit* is respectfully submitted by:



Patrick Palmer, M.D.
Medical Advisor

Date

7/7/16

This *Return-to-Work Plan -Based Audit* is respectfully approved by:



W. Ryan Brannan
Commissioner of Workers' Compensation

Date

7/7/16