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To: Workers' Compensation Health Care Providers

From: Debra Knight, J.D.
Deputy Commissioner of Compliance and Investigations

Date: July 26, 2022

RE: Health Care Provider Performance Based Oversight (PBO) 2023 Assessment
Methodology

Texas Labor Code Section 402.075 requires the Texas Department of Insurance, Division of Workers' Compensation (DWC) to assess system participants' performance in meeting the key regulatory goals established by the commissioner of workers' compensation. DWC monitors workers' compensation system participants' compliance with the Labor Code and DWC rules in part through the performance-based oversight (PBO) assessment process.

DWC will evaluate health care practitioners on three measures in the 2023 PBO assessment:

- documentation of off-work status supporting how the injured employee's medical condition prevents them from returning to any work as reported on the DWC Form-073, *Work Status Report*;
- completeness of the DWC Form-073; and,
- designated doctors' timeliness of filing the DWC Form-069, *Report of Medical Evaluation* with DWC.

House Bill (HB) 2546, 85th Regular Session (2017) and HB 387, 86th Regular Session (2019), amended Labor Code Section 408.025 to give physician assistants and advance practice registered nurses, respectively, the authority to complete and sign a work status report regarding an injured employee's ability to return to work. DWC may include these health care practitioners in the sample of DWC Form-073's reviewed in the 2023 assessment depending upon volume and workload.

The weights for individual measures and overall scoring criteria for the regulatory tiers remain the same from the 2021 health care provider PBO assessment.

DWC anticipates publishing the final results of the health care provider PBO assessments in December 2023. The methodology paper can be viewed at www.tdi.texas.gov/wc/pbo/documents/pbo2023hcp.pdf.

For more information, contact: PBO@tdi.texas.gov.