



WORKER’S COMPENSATION HEALTH CARE NETWORK PROVIDER CONTRACT CHECKLIST

We have made every effort to ensure the completeness of the information contained in this document. However, the reader must consult the Texas Insurance Code (TIC), Texas Labor Code, and Title 28 of the Texas Administrative Code (28 TAC) and other applicable laws relating to the Workers’ Compensation Health Care Network (network) to determine the accuracy and completeness of all requirements. The reader may access statutes and rules at the following links: <http://www.tdi.texas.gov/rules/index.html> and <http://www.tdi.texas.gov/wc/rules/index.html>.

FILING REQUIREMENTS	
Network must file a copy of the form of any new contract or subcontracts or any changes to previously filed contracts.	28 TAC §10.25(b)

APPLICATION FOR NETWORK PARTICIPATION NOT REQUIRED	
A network <i>is not</i> required to accept an application for participation in the network from a health care provider that otherwise meets the requirements specified in this chapter if the network determines that the network has contracted with a sufficient number of qualified health care providers, including health care providers of the same license type or specialty.	28 TAC §10.42(a)

NETWORK CONTRACT WITH PROVIDERS REQUIRED	
Network must provide or arrange for health care services <i>only</i> through providers or provider groups that <i>are under contract</i> with or are employed by the network.	TIC §1305.101, §1305.152
EXCEPTIONS: EMERGENCIES AND OUT-OF-NETWORK REFERRALS	

RELEVANT DEFINITIONS	
<ul style="list-style-type: none"> • Doctor • Health care facility • Health care practitioner • Health care provider • Treating doctor <p>Note: The terms listed above are hereinafter collectively referred to as “provider.”</p>	<ul style="list-style-type: none"> • TIC §1305.004 • Labor Code §401.011 • 28 TAC §10.2
Transfer of risk	TIC §1305.004; 28 TAC §10.2

REQUIRED PROVISIONS IN PROVIDER CONTRACTS AND SUBCONTRACTS	
Hold-harmless clause	<ul style="list-style-type: none"> • TIC §1305.152(c)(1) • 28 TAC §10.42(b)(1)
Agreement to follow network treatment guidelines, return-to-work guidelines and individual treatment protocols	<ul style="list-style-type: none"> • TIC §1305.152(c)(2) • 28 TAC §10.42(b)(2)
Insurance carrier or network may not deny treatment solely on the basis that a treatment for a compensable injury in question is not specifically addressed by the treatment guidelines	<ul style="list-style-type: none"> • 28 TAC §10.42(b)(3)
Retaliatory action	<ul style="list-style-type: none"> • 28 TAC §10.42(b)(4)
Continuity of treatment	<ul style="list-style-type: none"> • TIC §1305.152(c)(3) • 28 TAC §10.42(b)(5)
Termination of provider and notice to employees	<ul style="list-style-type: none"> • TIC §1305.152(c)(4) • 28 TAC §10.42(b)(6)
Posting complaint notice in provider office	<ul style="list-style-type: none"> • TIC §1305.152(c)(5) • TIC §1305.405 • 28 TAC §10.42(b)(7)
List of treatments and services that require preauthorization	<ul style="list-style-type: none"> • TIC §1305.152(c)(5) • 28 TAC §10.42(b)(8)
Compliance with all applicable statutory and regulatory requirements under federal and state law	<ul style="list-style-type: none"> • TIC §1305.152(c)(5) • 28 TAC §10.42(b)(10)
Schedule of fees	<ul style="list-style-type: none"> • TIC §1305.152(c)(5) • 28 TAC §10.42(b)(11)
Treating doctor agreement and responsibilities	<ul style="list-style-type: none"> • TIC §1305.152(c)(5) • 28 TAC §10.42(b)(12)
Billing by and payment to the provider	<ul style="list-style-type: none"> • TIC §1305.152(c)(5) • Labor Code §408.027 • 28 TAC §10.42(b)(13)
Provider specifically agrees to provide treatment for network injured employees	<ul style="list-style-type: none"> • TIC §1305.152(c)(5) • 28 TAC §10.42(b)(14)

APPLICABLE REQUIREMENTS RELATING TO NETWORK PROVIDERS (These are only samples of requirements relevant to providers. The reader must review all TIC and TDI rules for all requirements.)	
Selection of treating doctor	<ul style="list-style-type: none"> • TIC §1305.104 • 28 TAC §10.60
HMO PCP: Injured employee selection as treating doctor his/her HMO primary care physician or provider	TIC §1305.105
Nonprimary care physician specialist as the injured employee's treating doctor (for injured employee with a chronic, life-threatening injury or chronic pain)	<ul style="list-style-type: none"> • TIC §1305.104(f) – (i) • 28 TAC §10.60
Transfer of risk prohibited	<ul style="list-style-type: none"> • TIC §1305.151 • 28 TAC §10.42(b)(9)
Financial incentive or inducement to limit medically necessary services prohibited	<ul style="list-style-type: none"> • TIC §1305.152(e) • 28 TAC §10.42(c)
Economic profiling	28 TAC §10.42(d)

Insurance carrier liability for out-of-network health care provided by out-of-network provider	TIC §1305.006
Designated Doctor: Network provider <i>may not</i> serve as a designated doctor or perform a required medical examination	TIC §1305.101
TDI examination of providers	TIC §1305.252

PROVIDER CREDENTIALS	
Credentialing of providers by network	28 TAC §10.82

If you have questions or require assistance regarding the information contained in this checklist, please call 512-676-6400, select Option 8.

NOTICE ABOUT CERTAIN INFORMATION LAWS AND PRACTICES

With few exceptions, you are entitled to be informed about the information that the Texas Department of Insurance (TDI) collects about you. Under sections 552.021 and 552.023 of the Texas Government Code, you have a right to review or receive copies of information about yourself, including private information. However, TDI may withhold information for reasons other than to protect your right to privacy. Under section 559.004 of the Texas Government Code, you are entitled to request that TDI correct information that TDI has about you that is incorrect. For more information about the procedure and costs for obtaining information from TDI or about the procedure for correcting information kept by TDI, please contact the Agency Counsel Section of TDI's General Counsel Division at (512) 676-6551 or visit the Corrections Procedure section of TDI's website at www.tdi.texas.gov.