

# Health Care Provider Quarterly Meeting

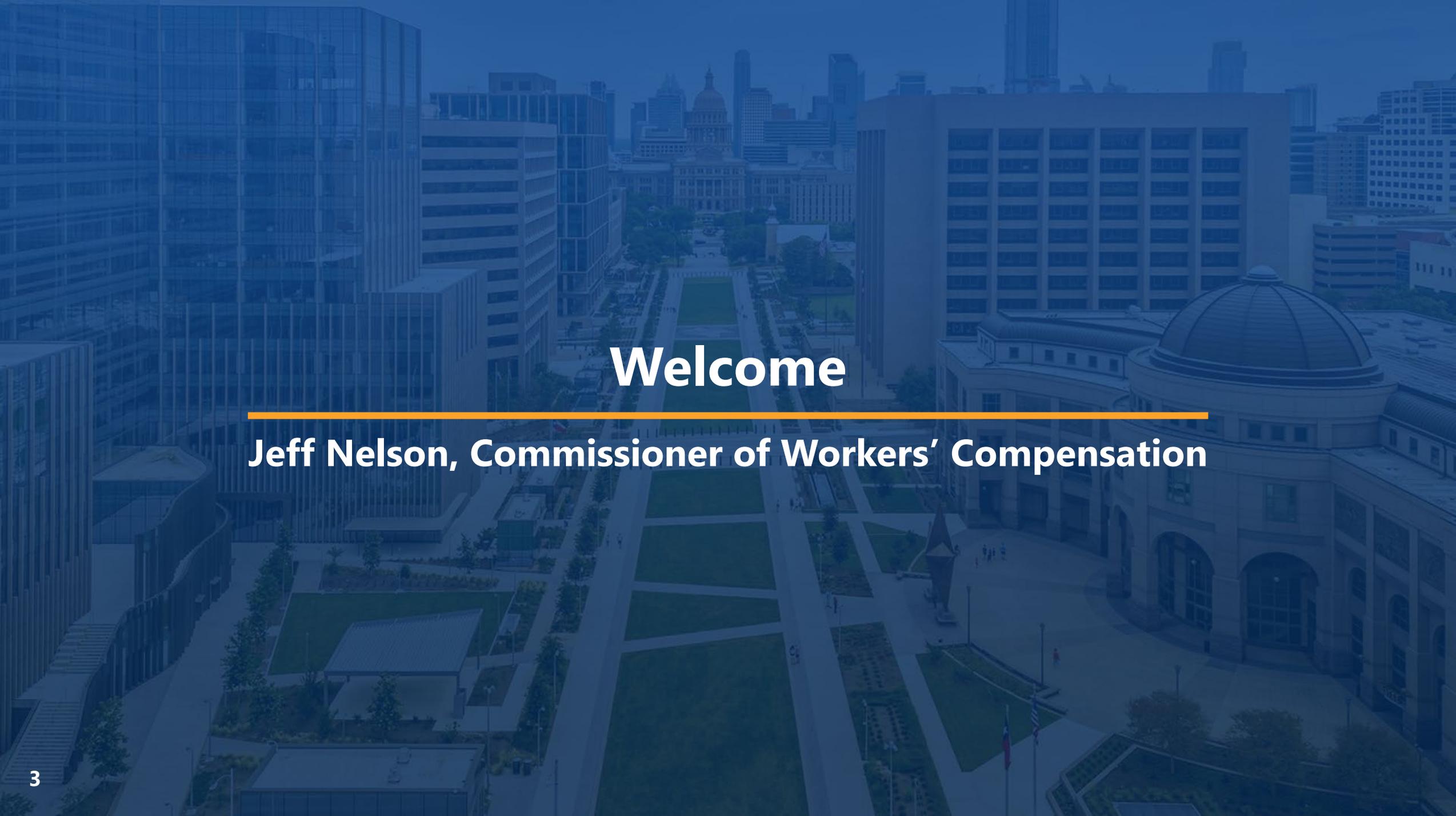
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Jan. 10, 2024 – 10 to 11:30 a.m.

**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, high-angle view of a city street, likely in Denver, Colorado. The street is wide and paved, with a central greenway area featuring grass and trees. On either side of the street are modern, multi-story office buildings with glass facades. In the background, the Colorado State Capitol building is visible, characterized by its large, ornate dome. The entire image is overlaid with a semi-transparent blue filter.

**Welcome**

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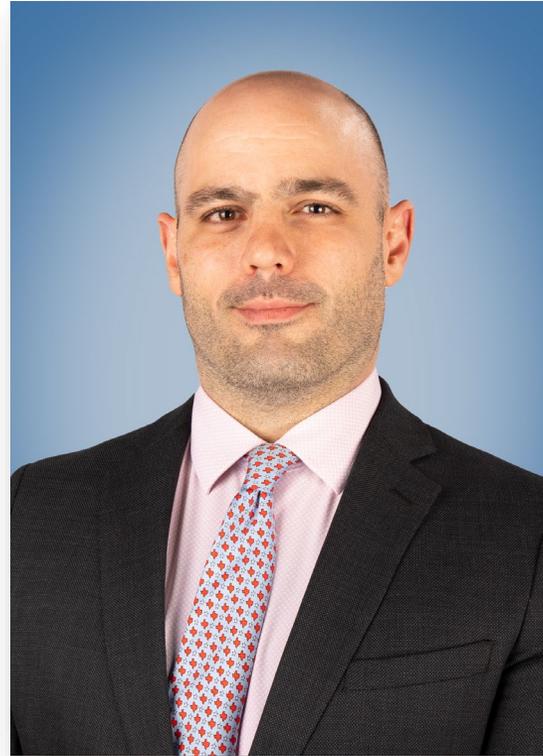
**Jeff Nelson, Commissioner of Workers' Compensation**

# New deputy commissioners

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Dan LaBruyere



Matthew Posey



# **Compliance and Investigation update**

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**Dan LaBruyere, Deputy Commissioner of Compliance and Investigation**

# CY2023 complaints

**2,018 complaints received**

<b>27</b>	attendance
<b>622</b>	communications
<b>543</b>	indemnity benefit delivery
<b>573</b>	medical benefit delivery
<b>153</b>	other
<b>100</b>	quality of care

**2,112 complaints closed**

<b>833</b>	confirmed
<b>387</b>	DWC education letter (low risk)
<b>892</b>	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
<b>Attendance</b>	7	9	3	0	8	0
<b>Communications</b>	1	282	150	125	64	1
<b>Indemnity benefits</b>	0	527	4	10	2	0
<b>Medical benefits</b>	0	482	92	0	0	0
<b>Quality of care</b>	N/A	2	98	N/A	N/A	0
<b>Other</b>	1	60	16	68	1	5

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

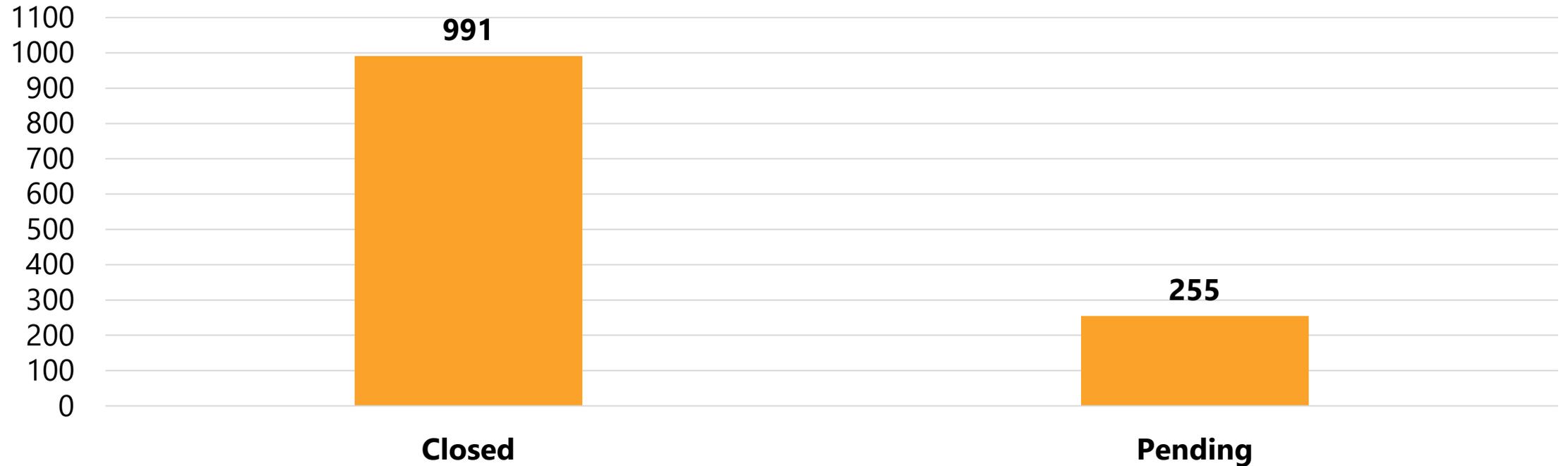
# **CY2023 DWC Fraud Unit**

**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 – Enforcement case status



2023	Closed cases	Pending cases
Cases	991	255

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

# CY2023 DWC Fraud & Prosecution Units

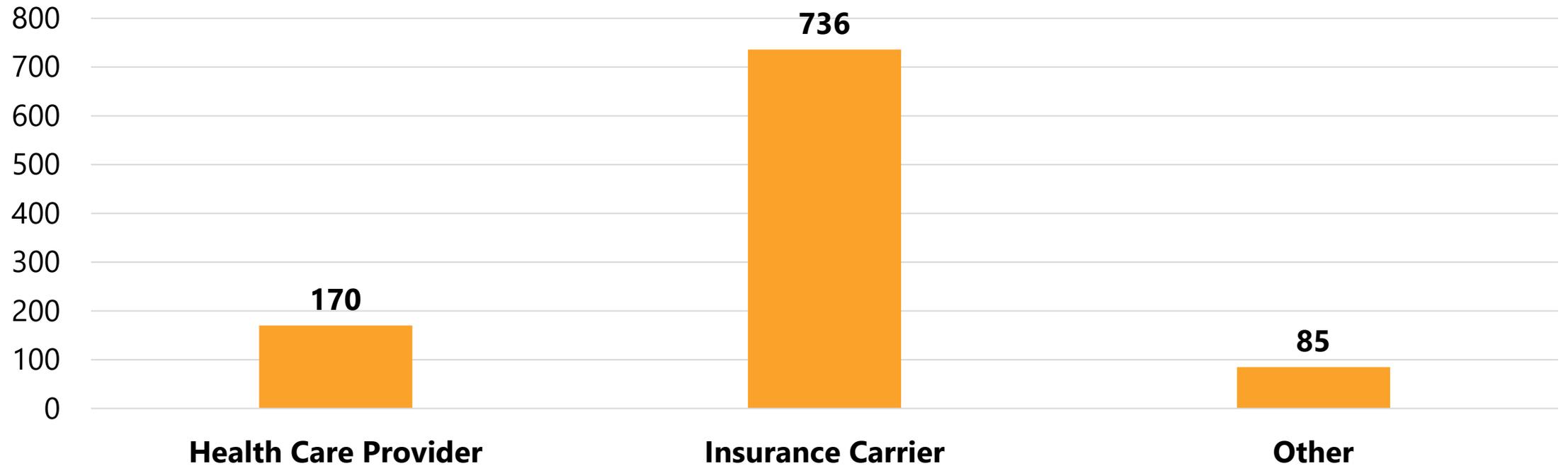
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## 2 convictions

- 1 claimant
- 1 attorney

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

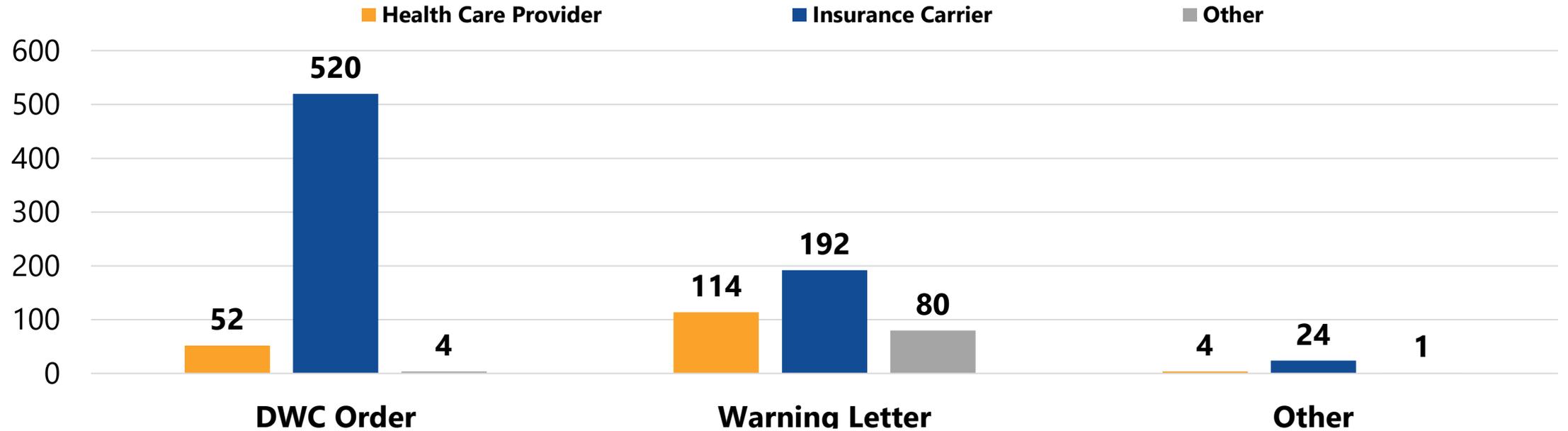
# CY2023 – cases closed by subject type



2023	Health Care Provider	Insurance Carrier	Other
<b>Cases</b>	170	736	85

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

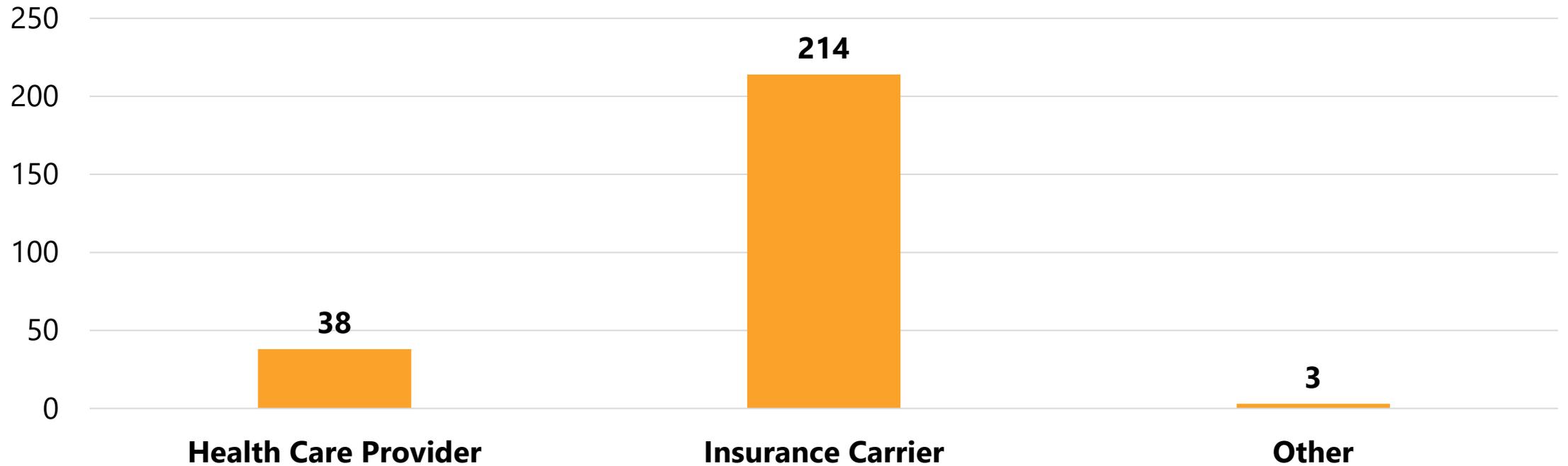
# CY2023 – cases closed by disposition type



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.

# CY2023 – cases pending by subject type



2023	Health Care Provider	Insurance Carrier	Other
<b>Cases</b>	38	214	3

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

# Violations to watch

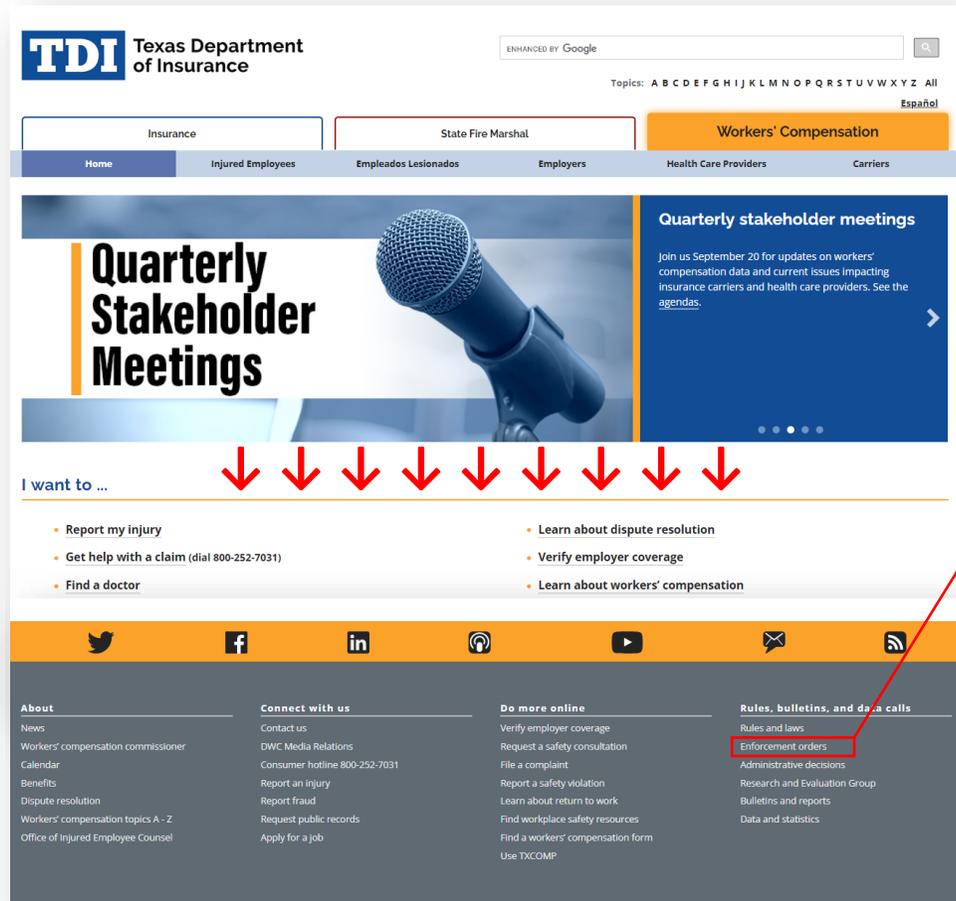
## **Texas Labor Code § 413.019(a) and 28 Texas Administrative Code (TAC) § 134.130(a)**

An insurance carrier must pay interest on medical bills paid on or after the 60<sup>th</sup> 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

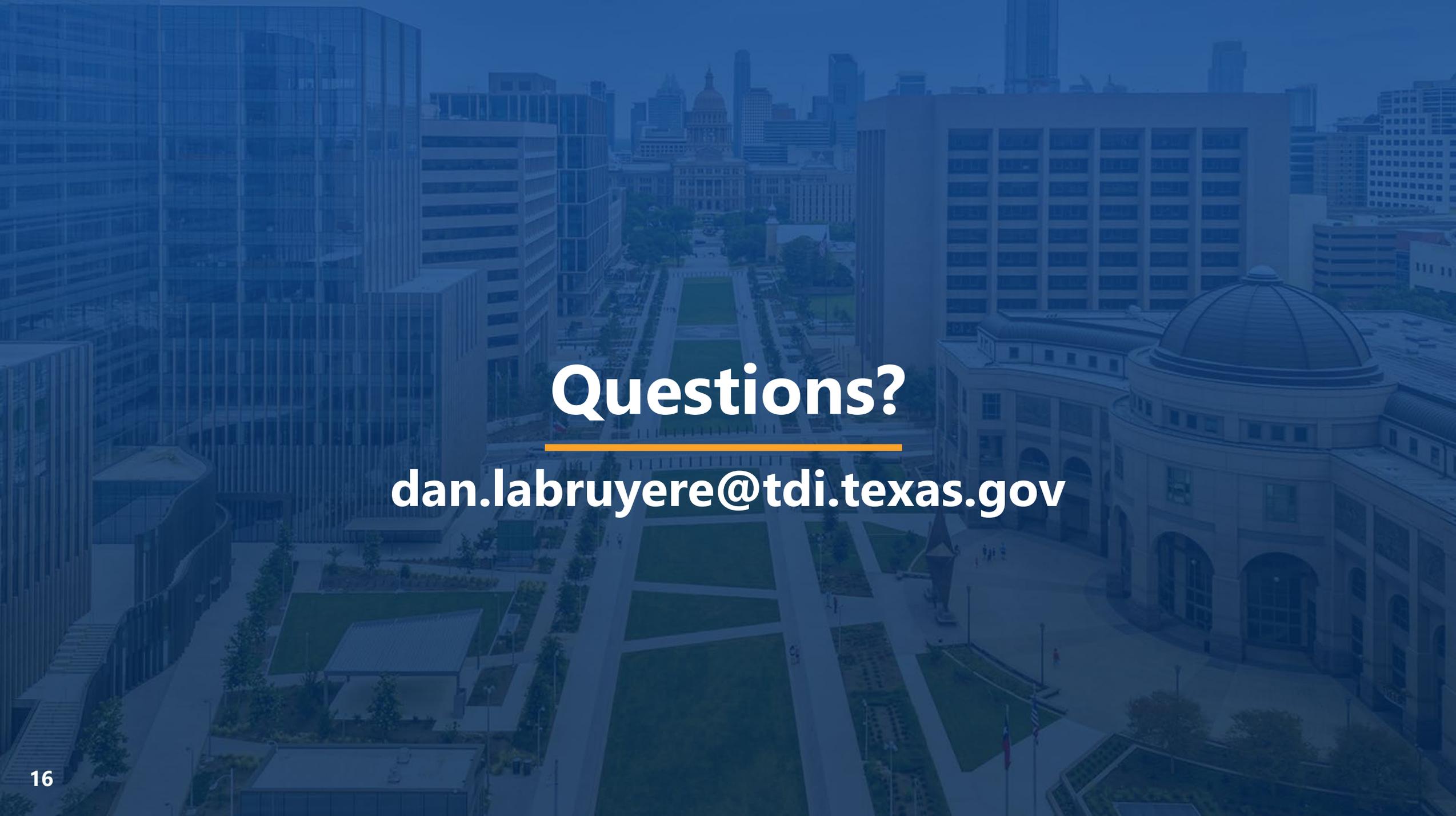


Scroll to bottom of [DWC homepage](#) and click "Enforcement orders".

or

Visit

[www.tdi.texas.gov/wc/orders/index.html](http://www.tdi.texas.gov/wc/orders/index.html).



**Questions?**

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**[dan.labruyere@tdi.texas.gov](mailto:dan.labruyere@tdi.texas.gov)**

An aerial view of a city street, likely in Madison, Wisconsin, showing a central greenway with a fountain and a large domed building in the foreground. The image is overlaid with a blue tint.

# **Business Process update**

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**Tammy Campion, Deputy Commissioner of Business Process**

# Business Process update

Workers'  
Compensation  
Research and  
Evaluation Group (REG)

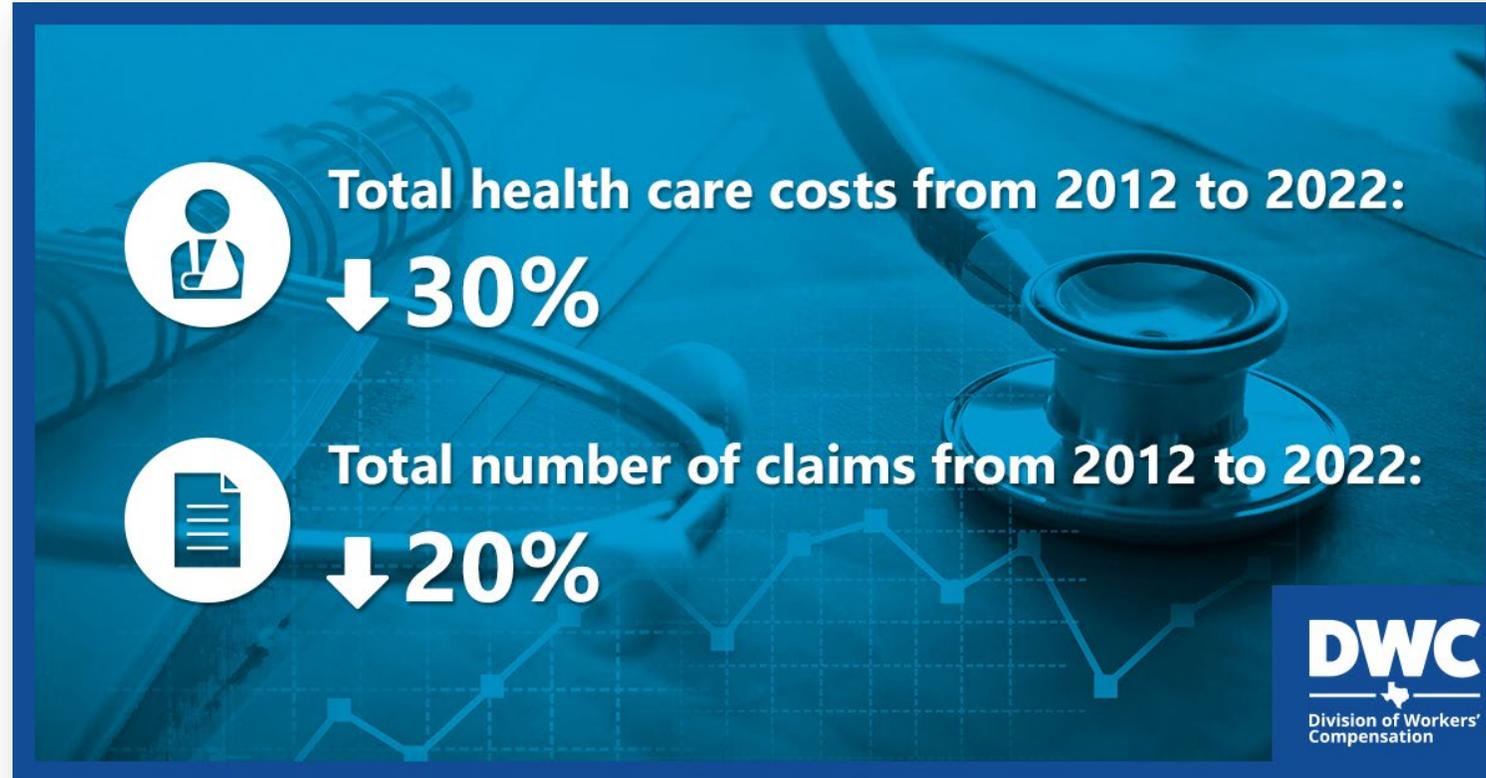
Health care provider  
PBO results

# Pharmacy Cost and Utilization Report



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

# Health Care Cost and Utilization Report

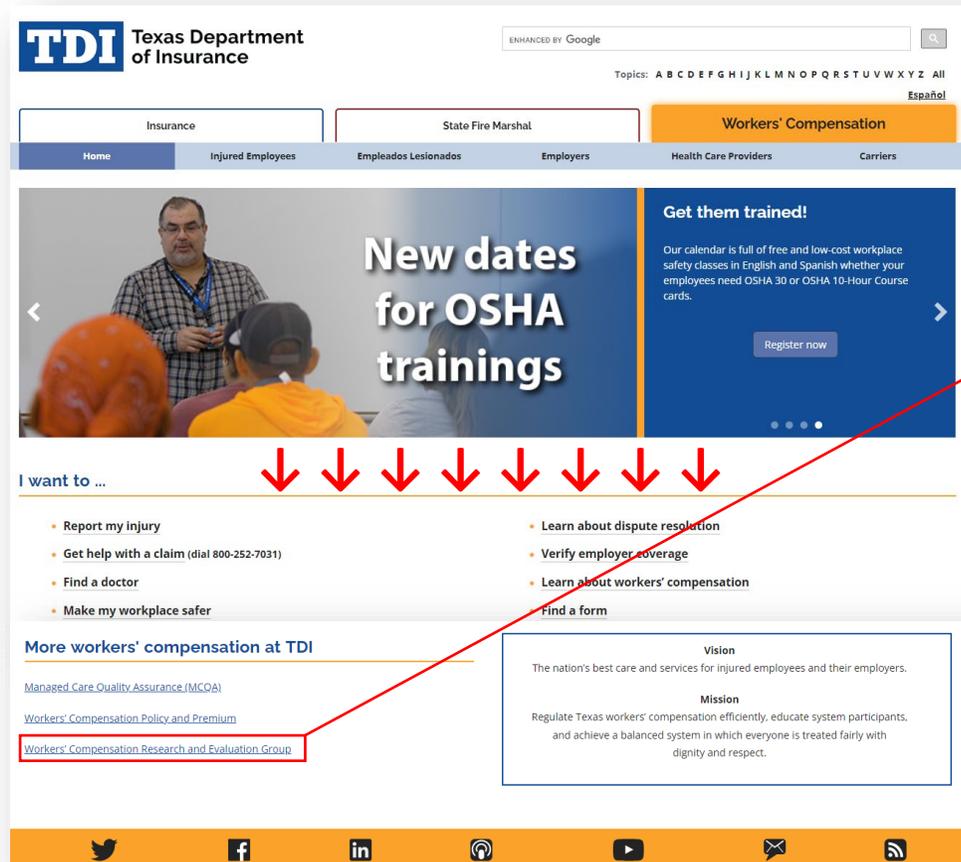


Snapshot: <https://www.tdi.texas.gov/wc/reg/hccu2023.html>

# **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".

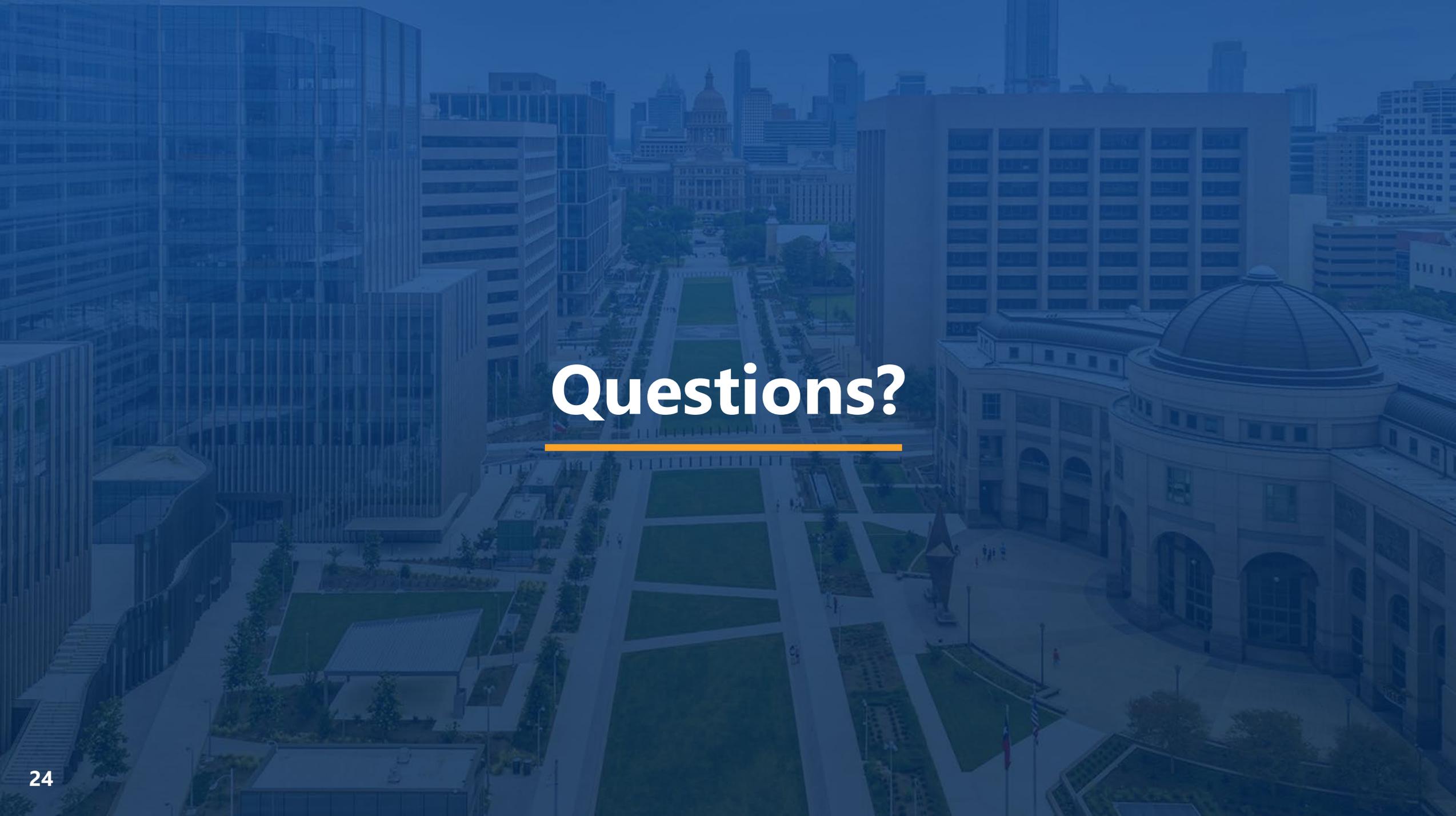
or

Visit [www.tdi.texas.gov/wc/reg/index.html](http://www.tdi.texas.gov/wc/reg/index.html).

# 2023 health care provider PBO results

Assessment	HCP assessed	High tier performers	Average tier performers	Poor tier performers
DWC-073 form	93	45	38	10
DWC-069 form	95	58	30	7

- The final HCP PBO tier report is now available on our website.
- Final reports will be sent to health care providers this week.
- High performers will receive a certificate signed by the commissioner.

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?

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An aerial view of a city street, likely in Denver, Colorado, featuring a central green parkway with a grid pattern. 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.

# Health and Safety update

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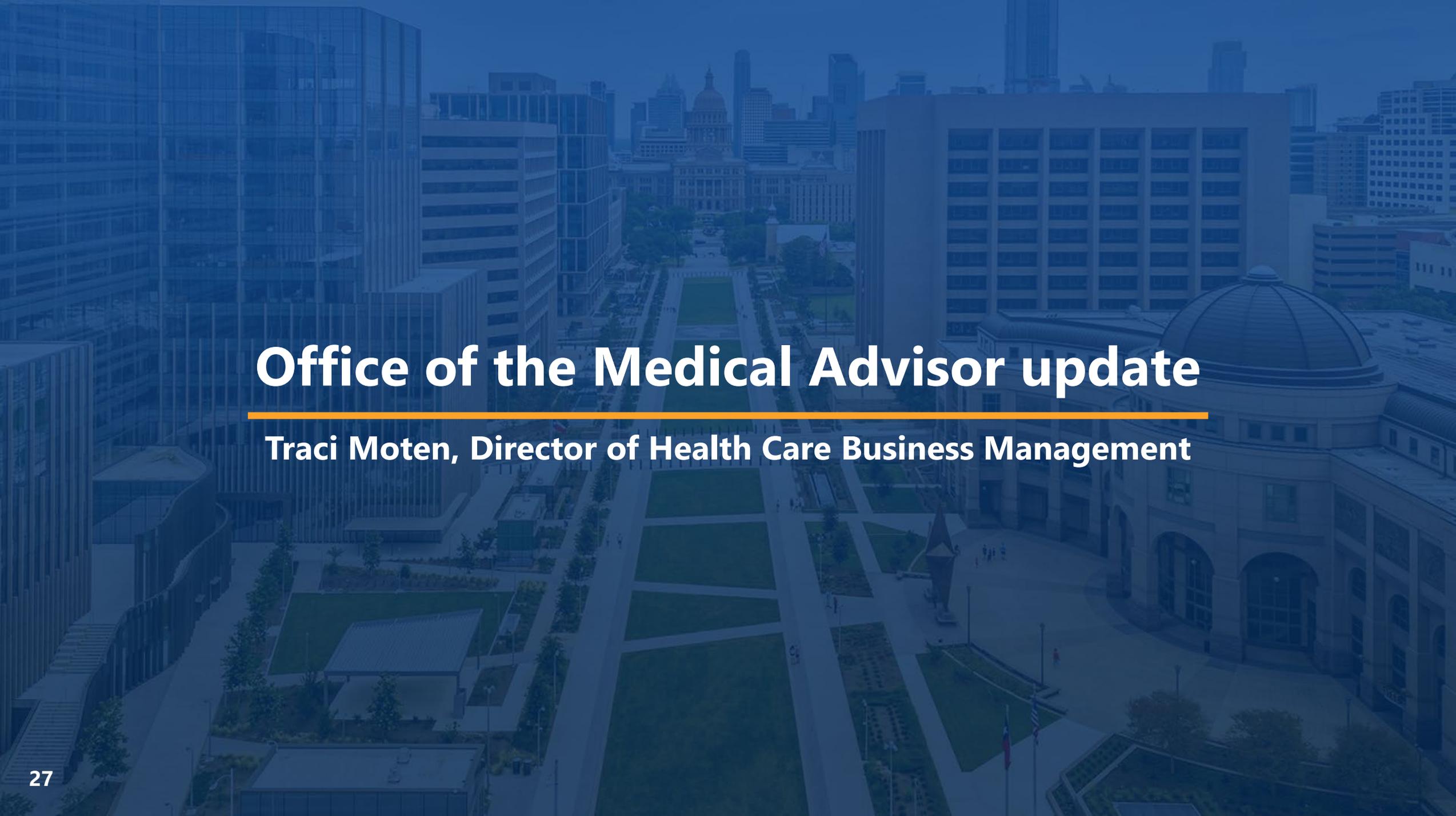
**Mary Landrum, Deputy Commissioner of Health and Safety**

# Health and Safety update

Office of the  
Medical  
Advisor

Health Care  
Provider  
Outreach

Designated  
Doctor  
Program

An aerial photograph of a city street, likely in Madison, Wisconsin, showing a central greenway with multiple rectangular lawns and walkways. In the background, the Wisconsin State Capitol building is visible among other city buildings. The entire image is overlaid with a semi-transparent blue filter.

# Office of the Medical Advisor update

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**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.*



# Designated Doctor Program update

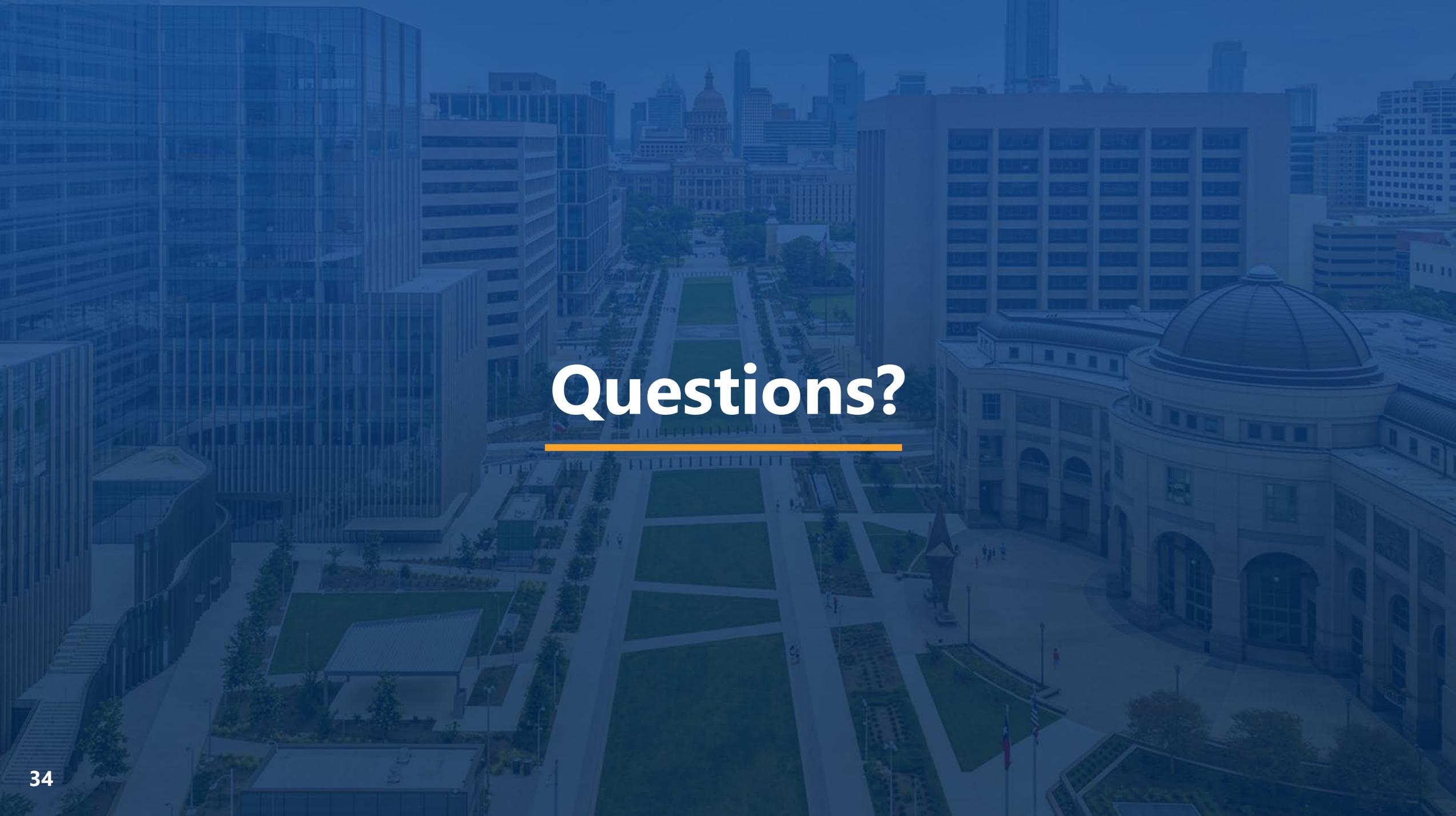
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**Santiago Calderon, Director of Designated Doctor Operations**

# **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 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?

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An aerial photograph of a city, likely Madison, Wisconsin, showing a large central park area with a prominent domed building in the foreground. The image is overlaid with a blue tint. The text is centered over the image.

# Operations and External Relations update

**Matthew Posey, Deputy Commissioner of Operations and External Relations**



# **88<sup>th</sup> Session legislation implementation update**

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**Kate Sidora, Director of External and Media Relations**

# House Bill 2314

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## 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

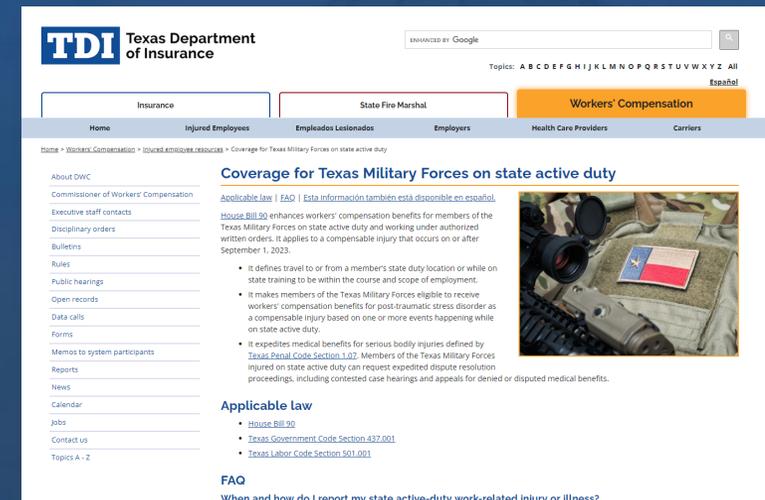
## About

- 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

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## About

### Certain first responders:

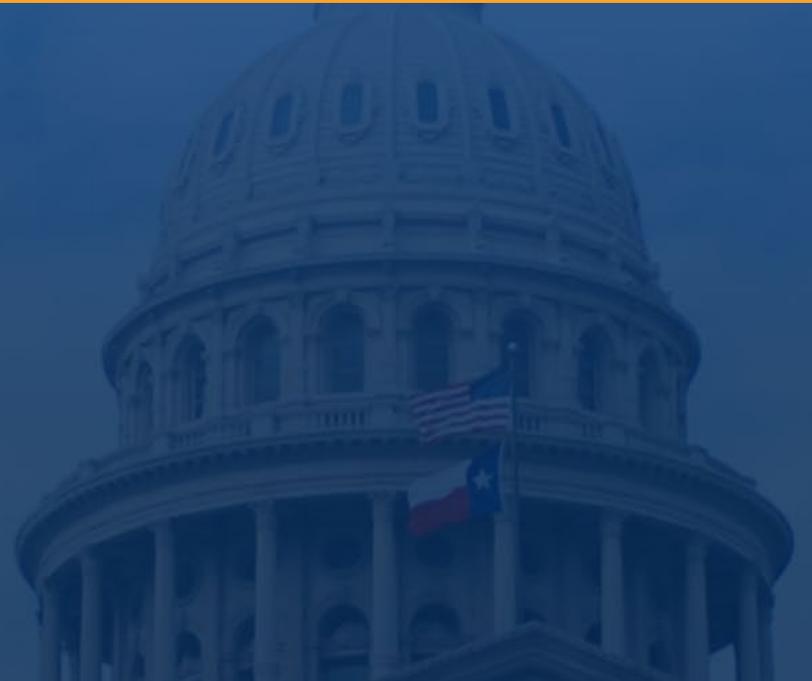
- Adds serious bodily injuries (Penal Code §1.07) that renders the employee permanently unemployable as a qualifying condition.
- Creates a right to review by the insurance carrier.
- Requires annual certification that the first responder has not been employed in the previous year.
- Expedites dispute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

# House Bill 2468 – continued

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## 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?**

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**[kate.sidora@tdi.texas.gov](mailto: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. In the background, the San Francisco City Hall is visible. The image is overlaid with a blue tint.

# Claims and Customer Services update

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

# What we do

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## 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.

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

# DWC single point of contact (SPOC)

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**Teresa Johnson, Director of Outreach and Claims Services**

# DWC single point of contact (SPOC)

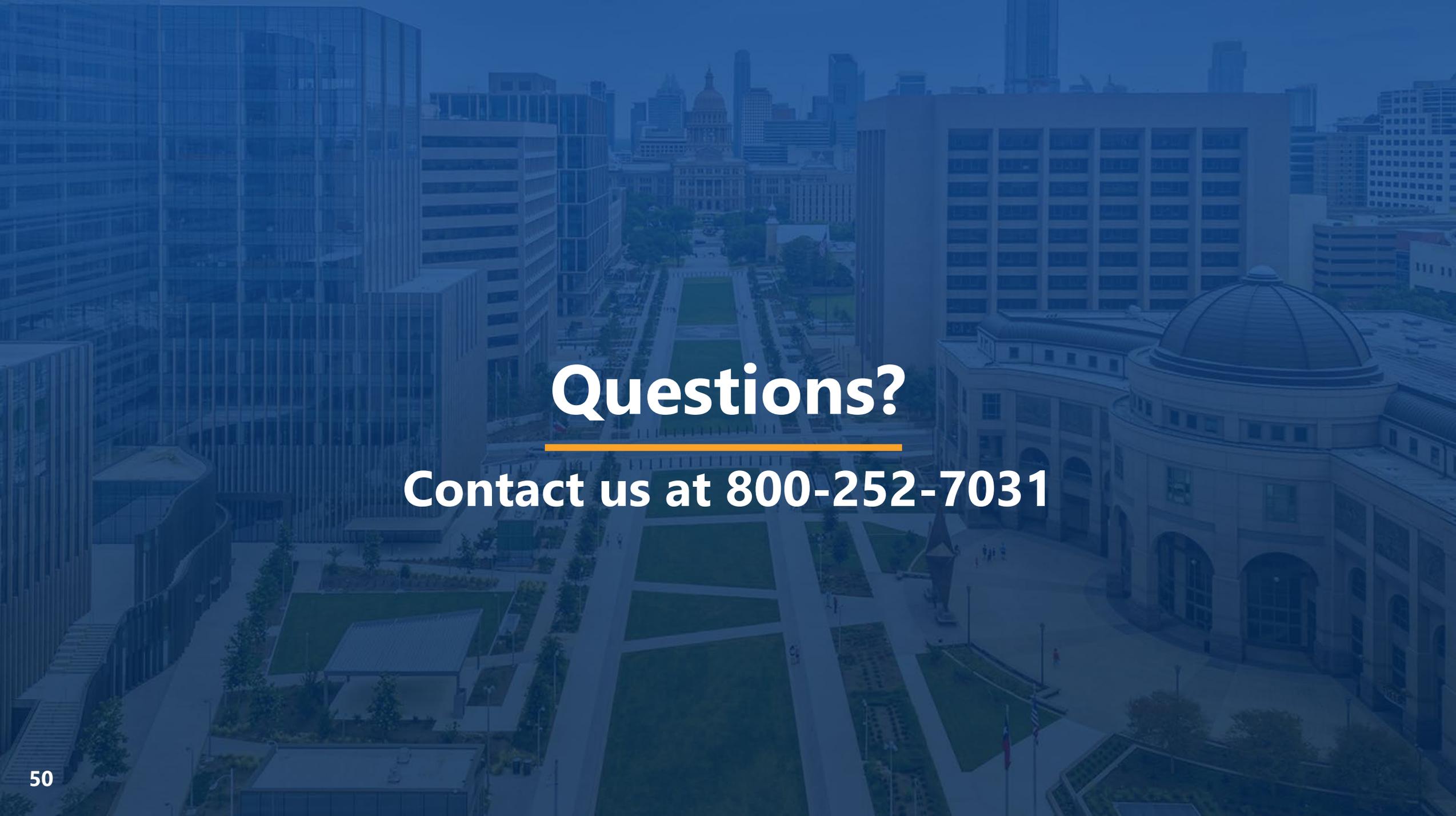
**DWC forms processing.**

**Outreach initiatives:**

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



**Contact us at 800-252-7031**



**Questions?**

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**Contact us at 800-252-7031**

An aerial view of a city street, likely in Denver, Colorado, featuring a central greenway with multiple rectangular grass patches and paved walkways. Modern high-rise buildings line the street, and the Colorado State Capitol building is visible in the background. The entire image is overlaid with a semi-transparent blue filter.

# Closing remarks

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**Jeff Nelson, Commissioner of Workers' Compensation**