

Health Care Provider Quarterly Meeting

April 26, 2024 – 12 p.m. to 1:30 p.m.

TDI Division of Workers'
Compensation

Agenda

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

Welcome

Jeff Nelson, Commissioner of Workers' Compensation



Health and Safety

Mary Landrum, Deputy Commissioner of Health and Safety



CY 2024 quality of care complaints

21 complaints forwarded to OMA

- Includes external complaints and internal referrals.

37 complaints investigated by OMA

- 65% closed with no action
- 30% issued letters of education
- 3% initiated a medical quality review
- 3% referred to Enforcement

Based on data as of 4/2/2024.

CY 2024 medical quality reviews

7 reviews initiated

0 reviews closed

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

Based on data as of 4/2/2024.

CY 2024 OMA Enforcement cases

- 2 OMA referrals received in Enforcement
- 0 OMA cases concluded by Enforcement
- 6 OMA cases pending in Enforcement
- 1 OMA case pending at the State Office of Administrative Hearings (SOAH)

Based on data as of 4/2/2024.

Snapshot of disputes in workers' compensation

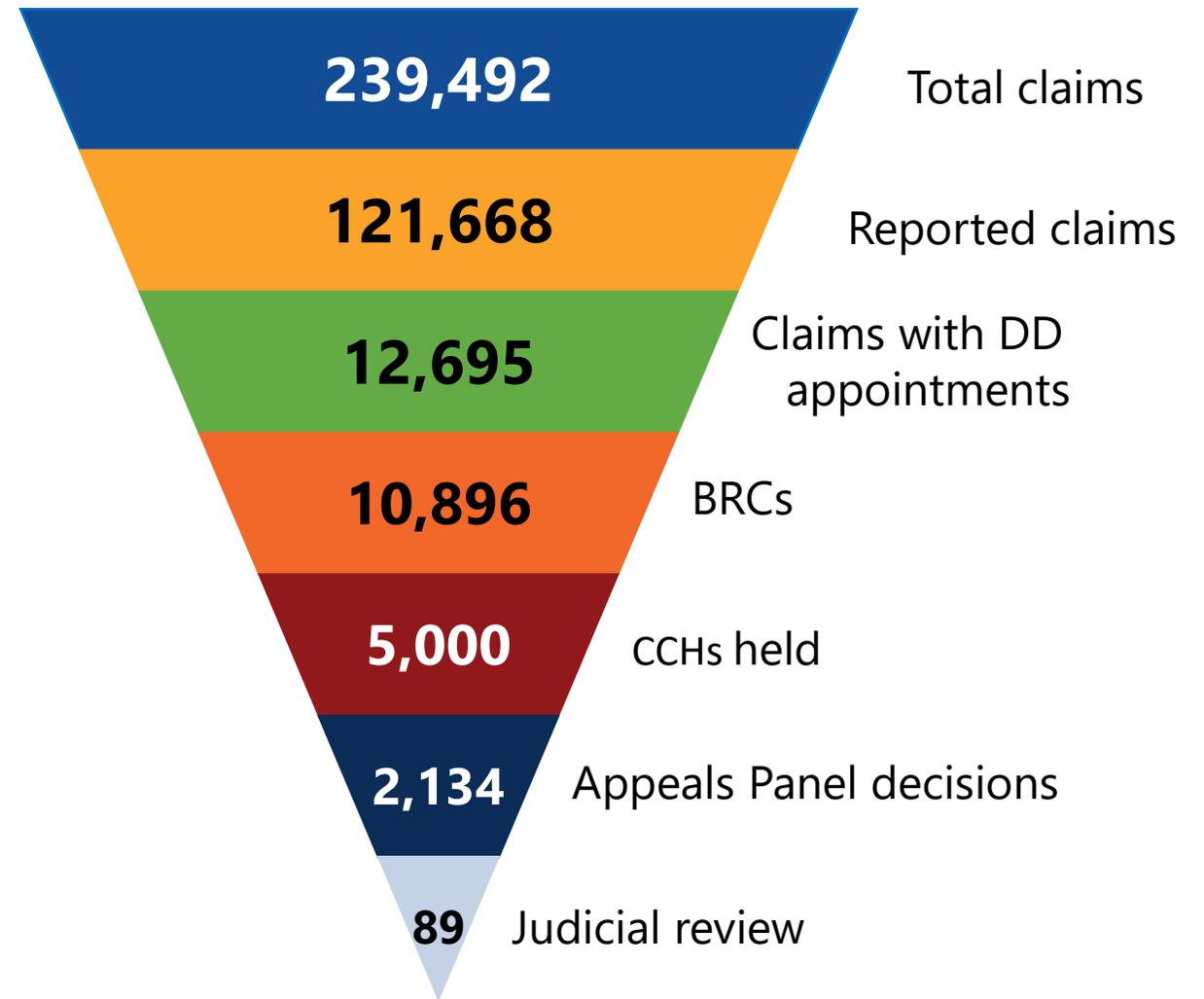
Traci Moten, Director of Health Care Business Management



Total claims for FY 2022

The dispute resolution process includes:

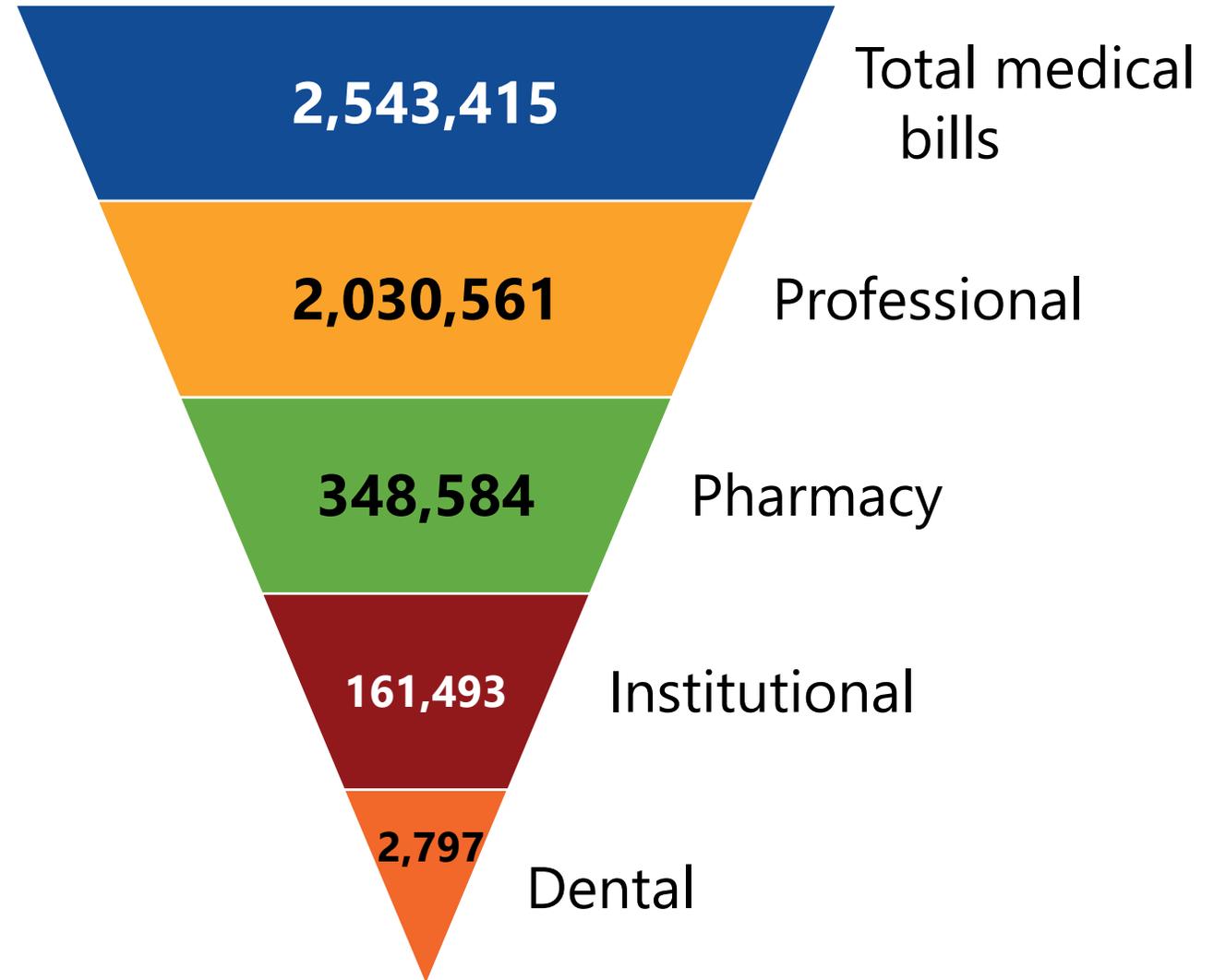
- Informal resolution.
- Benefit review conference (BRC).
- Contested case hearing (CCH).
- Appeal to Appeals Panel.
- Judicial review.



Total bills for CY 2022

Medical fee disputes received in 2022:

- 3,022 = 0.12%
- Less than 1% of bills are sent to medical fee dispute resolution.



Return to work & health care provider resources on DWC's website

Amy Rich, Communication Specialist



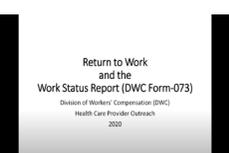
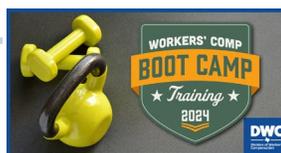
Return to work (RTW) training and resources

Live training:

- RTW course for employers at TWC's Texas Conference for Employers.
- RTW course for employers upon request with one hour of general CE credit.
- RTW for health care providers (part of Boot Camp series).

On-demand and other resources:

- RTW [webpage](#).
- Employer RTW [guide](#).
- RTW for employers recording.
- RTW CompCourses [video](#).
- RTW for health care providers recording.
- HCP's role in facilitating RTW training (new).



HCP training and resources

Live training:

- Boot Camp for health care providers.
- Connecting with CompConnection.
- Finding DWC resources (interactive PDF).
- Other live webinar topics.

On-demand and other resources:

- CompConnection for health care providers.
- Health care provider [webpage](#).
- General [FAQs](#).
- Fee guideline [FAQs](#), including conversion factor information.
- 13 on-demand [videos](#).



HCP training and resources

Upcoming events and improvements

Live webinar improvements:

- Interactive polling questions.
- Increased time for Q&As.
- Surveys.

Redesign of HCP webpage:

- PDFs of slides for recordings.
- IRO flowchart.
- User-friendly with more images.

DD billing and reimbursement training.

Need help? Contact us!

800-252-7031, option 3



Designated doctor (DD) billing and reimbursement implementation

Santiago Calderon, Director of Designated Doctor Operations



DD billing and reimbursement rule

About

Stakeholders affected:

- DDs.
- Doctors with MMI and IR certifications.
- Any health care provider who conducts DD-ordered testing or evaluation.

Implementation

DWC adopted amendments to 28 TAC Chapters 133 and 134.

Effective date

6/1/2024

DD assignment number

A 12-digit alphanumeric assignment number will now appear on the commissioner's order and the cancelation order.

The assignment number has three parts:

- DWC claim number + DD + sequence number.
- Example: 12345678DD01
 - Note: the sequence will pick up on the actual sequence number starting 6/1/2024. Not all orders will start at sequence #1.

DD order (OA32A) example



PO Box 12050 | Austin, TX 78711 | 800-252-7031 | tdi.texas.gov/wc

Injured employee: Name

DWC #: DWC Claim #

Date of injury: Date

Employer: Name

Insurance carrier: Name

Insurance carrier claim #: Carrier Claim #

DD Assignment #: DD Appointment ID

Date: Letter Date

DWC 12-digit
assignment # given to
DD from DWC



Workers' comp insurance carrier billing example

Insurance carrier medical bill processing contact information:

DD assignment #: DWC Claim # + DD + Sequence #

Business name: Name

Mailing address: Address

Phone number: Phone #

Fax number: Fax #

Email address: Email Address

Workers' compensation
insurance carrier billing
information

Live training events for rule change

Training for billing/reimbursement for DD and other certifying doctor exams:

- [May 14, 2024](#), from 12 – 1:30 p.m. Central time.
- [May 21, 2024](#), from 12 – 1:30 p.m. Central time.

Note: Training will be recorded and added to website.

Other resources

Webpages:

- DWC training calendar: www.tdi.texas.gov/wc/events/index.html
- DD program homepage: www.tdi.texas.gov/alert/event/dd.html
- HCP training resources: www.tdi.texas.gov/wc/hcprovider/index.html
- Medical fee guideline conversion factors:
www.tdi.texas.gov/wc/fee/conversionfactors.html

Email addresses:

DDScheduler@tdi.texas.gov

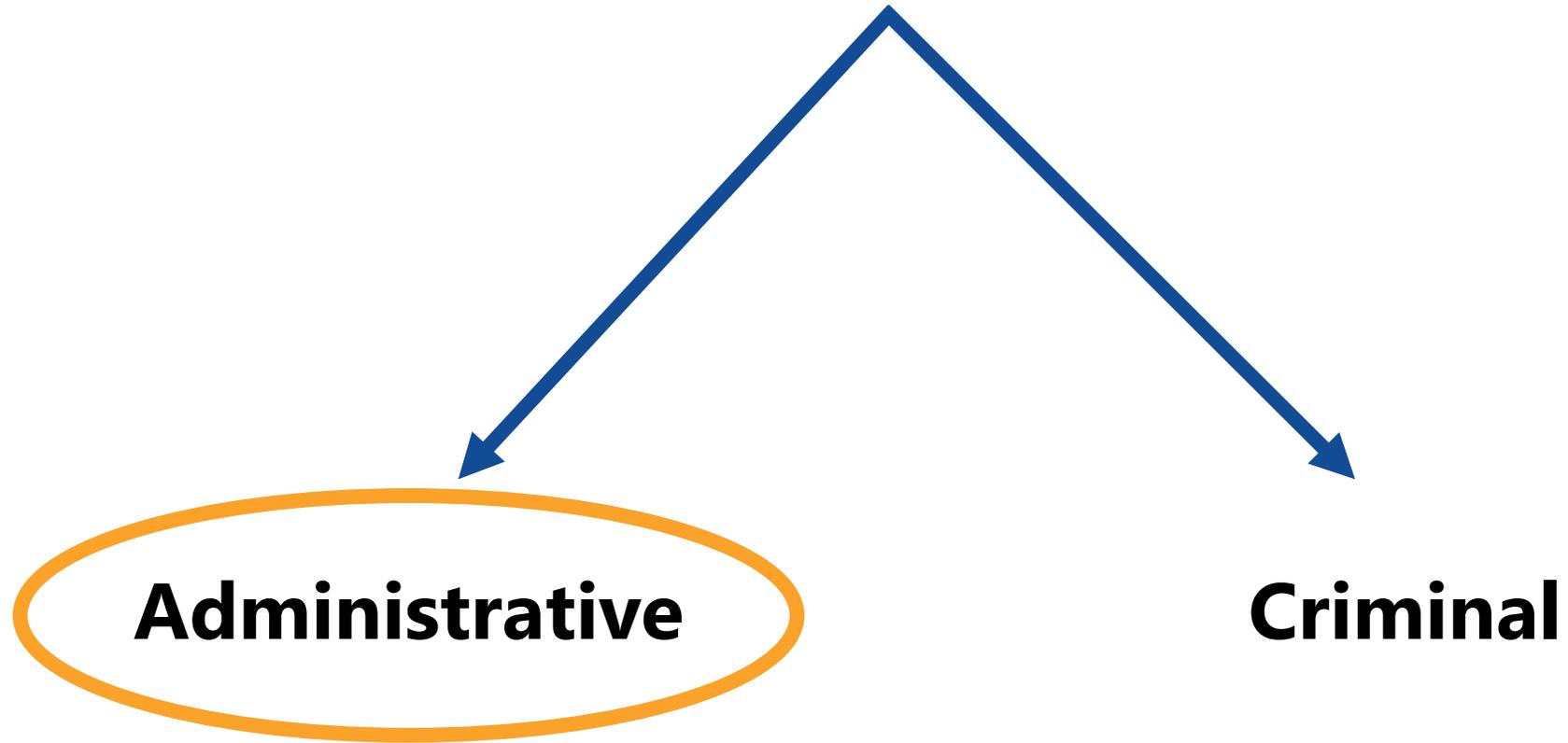
DDRecords@tdi.texas.gov

Compliance and Investigations

Dan LaBruyere, Deputy Commissioner of Compliance & Investigations



Compliance and Investigations



Lifecycle of a complaint

Administrative violation

A violation of the Texas Labor Code, a rule, or an order or decision of the commissioner of workers' compensation.

[Texas Labor Code §401.011\(2\)](#)

Complaint



Audits & Investigations



Enforcement

Complaint

A written submission to DWC alleging a violation of the Labor Code or rules by a system participant.

[Texas Administrative Code §180.1\(6\)](#)

Complaint

- Written.
- Violation of the Labor Code or DWC rules.
- Against a system participant.

Complaint

Any person may submit a [complaint](#).

The screenshot shows the Texas Department of Insurance (TDI) website. The header includes the TDI logo and the text "Texas Department of Insurance". A search bar is present with the text "ENHANCED BY Google". Below the header, there are navigation tabs for "Insurance", "State Fire Marshal", and "Workers' Compensation" (which is highlighted in orange). A secondary navigation bar includes "Home", "Injured Employees", "Empleados Lesionados", "Employers", "Health Care Providers", and "Carriers". The main content area is titled "Workers' compensation complaints" and includes a link for "Quejas de compensación para trabajadores en español". The text explains that a complaint is a written allegation of a violation of Title 5, Subtitle A, of the Texas Labor Code or TDI rules. It provides a phone number (800-252-7031) for assistance. The "Steps to file a complaint" section lists three steps: 1. All complaints must be in writing. You can either:

- Download and print the complaint form (DWC Form-154).
 - [English - complaint form](#)
 - [Spanish - complaint form](#)
- Send us an email or letter.

 2. Gather any documents you think will support your complaint. 3. Submit your complaint and your supporting documents to us one of the following ways:

- Email: DWCCOMPLAINTS@tdi.texas.gov

Workers' Compensation Complaint Form

Este formulario está disponible en español en el sitio web de la División en <https://www.tdi.texas.gov/forms/dwc/dwc154compt.pdf>
 Para obtener asistencia en español, llame a la División al 800-252-7031.

Complainant Information (Person Filing Complaint)

| | | |
|---|--|----------------------------|
| 1. Name* (First, Middle, Last) | 2. Date of Complaint (mm/dd/yyyy) | 3. Email Address |
| 4. Address (Street or P.O. Box, City, State, ZIP Code) | | 5. Phone Number () |

*Required under Texas Labor Code [§402.023\(d\)\(2\)](#)

Injured Employee Information

| | |
|---|--|
| 6. Name (First, Middle, Last) | 7. Phone Number () |
| 8. Address (Street or P.O. Box, City, State, ZIP Code) | 9. DWC Claim # (if known) |
| 10. Employer (at time of injury) | 11. Date of Injury (mm/dd/yyyy) |

Complaint

A **complaint** is a written allegation that a system participant has violated [Title 5, Subtitle A, of the Texas Labor Code](#) or Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) rules. If your issue is a **complaint**, please describe the facts of the alleged violation of workers' compensation laws or rules, including the dates or time period during which the violation occurred, in the space below (attach additional pages if necessary). Also include the following information:

- the nature of the violation, including specific sections of Title 5, Subtitle A, of the Texas Labor Code or TDI-DWC rules alleged to have been violated, if known;
- name and contact information of the subject of or parties to the complaint, if known; and
- name and contact information of witnesses, if known.

Example: *By failing to send my impairment income benefit check for the week of December 13th, ABC Insurance Company violated Texas Labor Code Section 408.061, which requires weekly payment of income benefits. The insurance adjuster is Mr. Jones and his phone number is (512) 555-1234.*

12. Description of Complaint

Frequently Asked Questions

What types of documentation should I submit to support my complaint?

Please submit any supporting documentation with your complaint. Supporting documentation may include:

- medical bills;
- explanations of benefits (EOBs);
- copies of invoices or checks;
- evidence of communications (written correspondence or documentation of conversations) between you and the insurance carrier, attorney, or health care provider, including names, dates, and phone numbers;
- proof of timely submission or filing (for example, certified receipts or fax receipts);
- off-work slips;
- copies of relevant DWC forms;
- photographs, reports, and recordings (video, audio, surveillance) if fraud is alleged; and
- any other documentation to support your complaint.

Where can I find additional information about complaints?

- Texas Labor Code [§402.023](#), Complaint Information, and [§402.0235](#), Priorities for Complaint Investigation;
- 28 Texas Administrative Code [§180.2](#), Filing a Complaint; and
- The "File a Complaint" section of the TDI-DWC website, <https://www.tdi.texas.gov/wc/ci/wccomplaint.html>.

Is the information I submit confidential?

The information in TDI-DWC's investigation files is confidential per Texas Labor Code §402.092 and generally may not be disclosed except:

- in a criminal proceeding;
- in a hearing conducted by TDI-DWC;
- on a judicial determination of good cause;
- to a governmental agency, political subdivision, or regulatory body if the disclosure is necessary or proper for the enforcement of the laws of this or another state or of the United States; or
- to an insurance carrier if the investigation file relates directly to a felony regarding workers' compensation or to a claim in which restitution is required to be paid to the insurance carrier.

In addition, TDI-DWC investigation files are not open records for purposes of the Public Information Act, Chapter 552, Government Code.

How do I submit my complaint and supporting documentation to DWC?

E-mail: DWCCOMPLAINTS@tdi.texas.gov
Fax: (512) 490-1030
Mail: Texas Department of Insurance
 Division of Workers' Compensation
 PO Box 12050
 Austin, Texas 78711

For questions or assistance with submitting a workers' compensation complaint, call **(800) 252-7031**.

Note: With few exceptions, on your request, you are entitled to:

- be informed about the information DWC collects about you;
- receive and review the information (Government Code Sections 552.021 and 552.023); and
- have DWC correct information that is incorrect (Government Code Section 559.004).

For more information, contact DWCLegalServices@tdi.texas.gov or refer to the Corrections Procedure section at www.tdi.texas.gov/commissioner/legal/accorpcr.html

Processing complaints

Audits & Investigations

22 full-time employees

1 director

Complaint process



Initial processing

- Routed into our system.
- Processed as they come in.
- Approximately seven days.
- Assigned a problem report I.D. number (PRI number).

Initial processing

Ambiguous or uncertain complaints:

- Insurance specialist with DWC will reach out to the complainant to request clarification.

Initial processing

Received and looked at:

- Insurance specialist will send confirmation of receipt to the complainant.

Complaint process



Assigning complaint

Program supervisor assigns complaint to an insurance specialist.

Complaint process



Document gathering

Insurance specialist requests documents from the respondent relevant to the complaint.

Common documents:

- Adjuster's notes.
- Payment summaries.
- Medical bills.
- DWC forms.
- First report of injury.
- Work status reports.
- Maximum medical improvement reports.
- Documents establishing accrual of benefits.

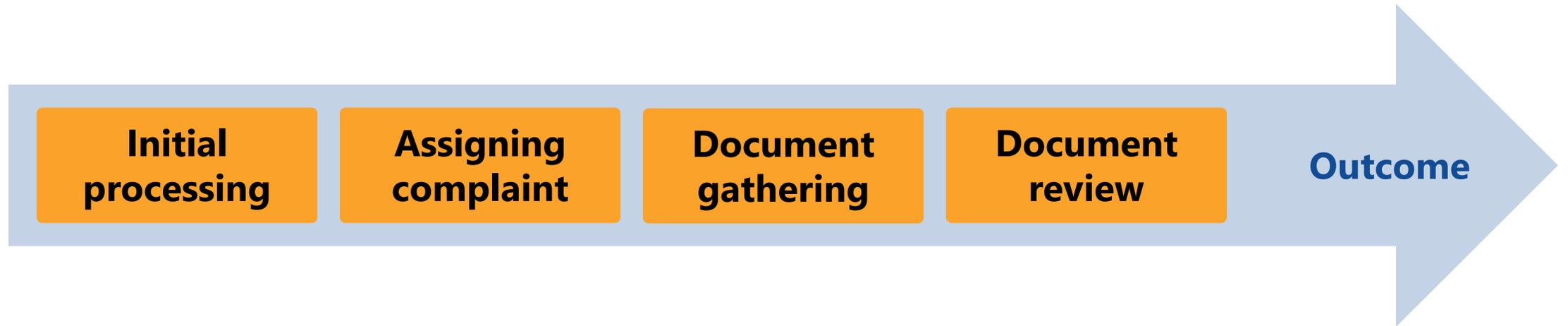
Complaint process



Document review

Once all documents are gathered, the insurance specialist determines if the allegation in the complaint forms the basis of an actionable violation.

Complaint process



Possible outcomes

Confirmed

Unconfirmed

Confirmed

- If the insurance specialist confirms the allegation in the complaint the case is sent to a quality assurance specialist for review.
- Insurance specialist sends complainant and respondent a letter confirming the finding and the matter will be sent to DWC Enforcement.
- Complaint is closed in A&I.

Unconfirmed

- Insurance specialist sends the complaint and evidence to a quality assurance specialist for review.
- Complaint is then closed in our system.
- Letter sent to complainant and respondent with explanation of DWC's findings.

Enforcement

7 attorneys

2 program
specialists

1 legal assistant

1 director

Confirmed complaint Enforcement case

- Confirmed complaint allegations are assigned a case number by a program specialist.
- Director of Enforcement evaluates the case subject matter and complexity and assigns to Enforcement attorney.

Case resolution

1. Dismissal
2. Letter of education
3. Warning letter
4. Consent order
5. Final order

Process of working a case to a consent order

Evidence and review

- If there is sufficient evidence, the assigned attorney recommends a penalty and drafts a consent order.
- Parties negotiate and exchange further information.

If the parties agree:



No agreement:



[Texas Labor Code §415.036](#)

Practice tips

- If documents are requested pursuant to complaint investigation, please comply with that request as it is made.
- If you anticipate a delay, please let us know.
- We don't punish good-faith negotiations.

Audits & Investigations update

CY 2024 Q1 and Q2 complaints

985 complaints received

| | |
|------------|----------------------------|
| 11 | attendance |
| 277 | communications |
| 284 | indemnity benefit delivery |
| 296 | medical benefit delivery |
| 70 | other |
| 47 | quality of care |

1,154 complaints closed

| | |
|------------|---------------------------------|
| 423 | confirmed |
| 184 | DWC education letter (low risk) |
| 545 | not confirmed |
| 2 | frivolous |

Based on data as of 2/29/2024.

CY 2024 Q1 and Q2 – complaints received by respondent type

| Type of complaint | Injured employee | Insurance carrier | Health care provider | Employer | Attorney | Other |
|---------------------------|------------------|-------------------|----------------------|----------|----------|-------|
| Attendance | 3 | 4 | 2 | 0 | 2 | 0 |
| Communications | 0 | 156 | 53 | 65 | 3 | 0 |
| Indemnity benefits | 0 | 280 | 0 | 4 | 0 | 0 |
| Medical benefits | 0 | 240 | 55 | 0 | 0 | 1 |
| Quality of care | N/A | 1 | 46 | N/A | N/A | 0 |
| Other | 0 | 25 | 8 | 35 | 1 | 1 |

Based on data as of 2/29/2024.

FY 2024 compliance audits

Death benefits/lifetime income benefits (LIBs)

20 initiated
7 completed

Initial payment of temporary income benefits (TIBs)

21 initiated
5 completed (initiated in FY23)

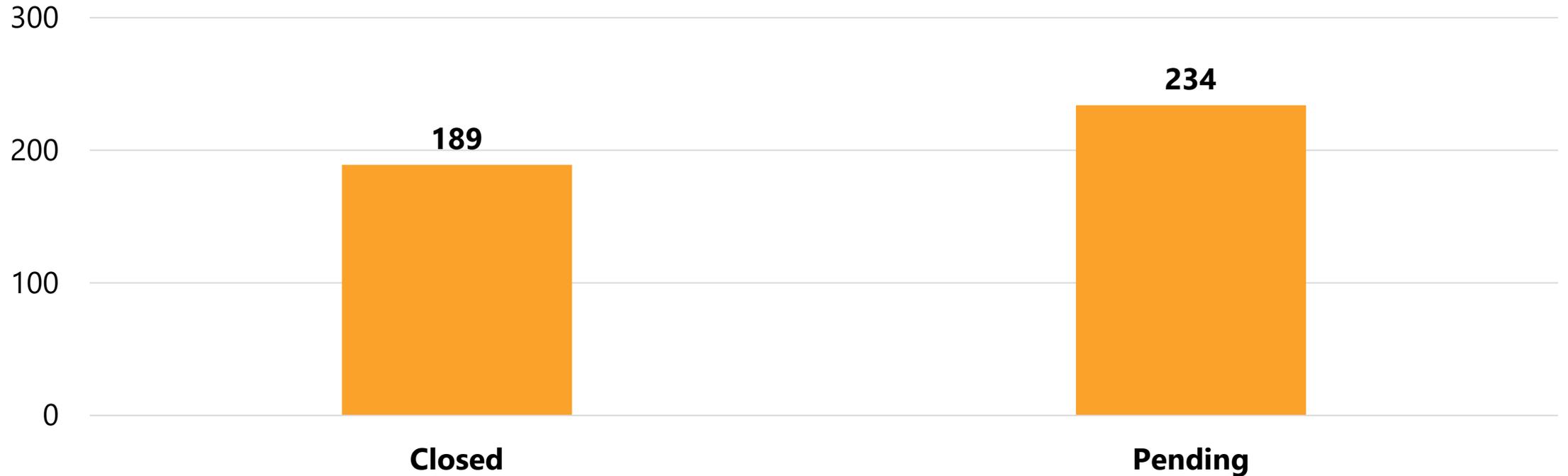
Medical bill processing

8 initiated
8 completed (initiated in FY23)

Based on data as of 4/2/2024.

Enforcement update

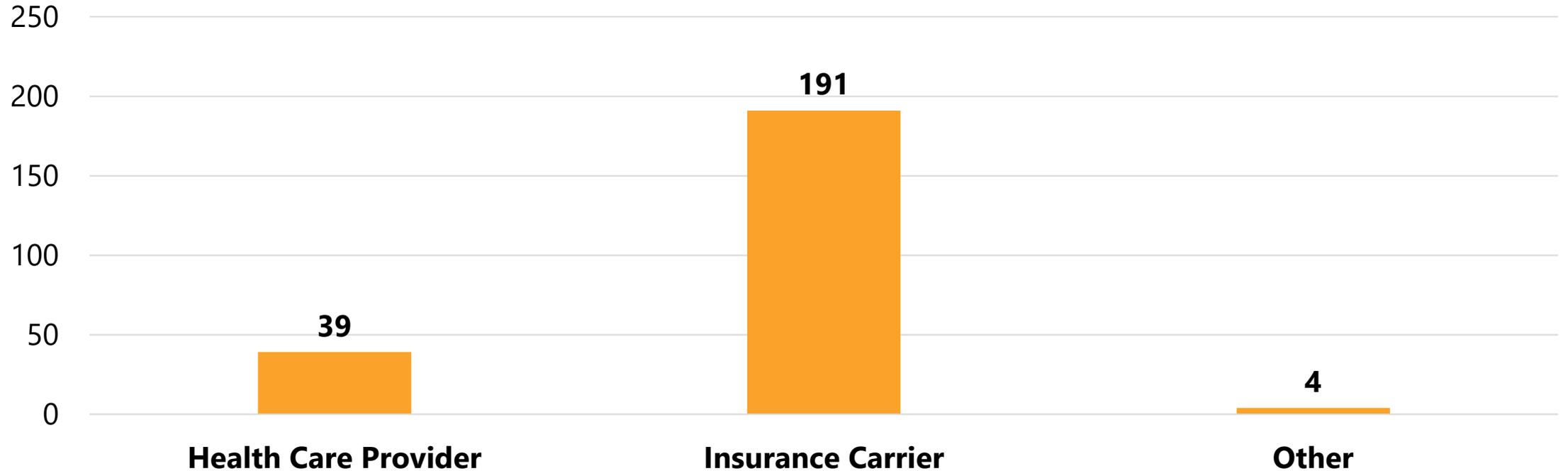
CY 2024 – Enforcement case status



| 2024 | Closed cases | Pending cases |
|-------|--------------|---------------|
| Cases | 189 | 234 |

Based on enforcement data as of 4/2/2024.

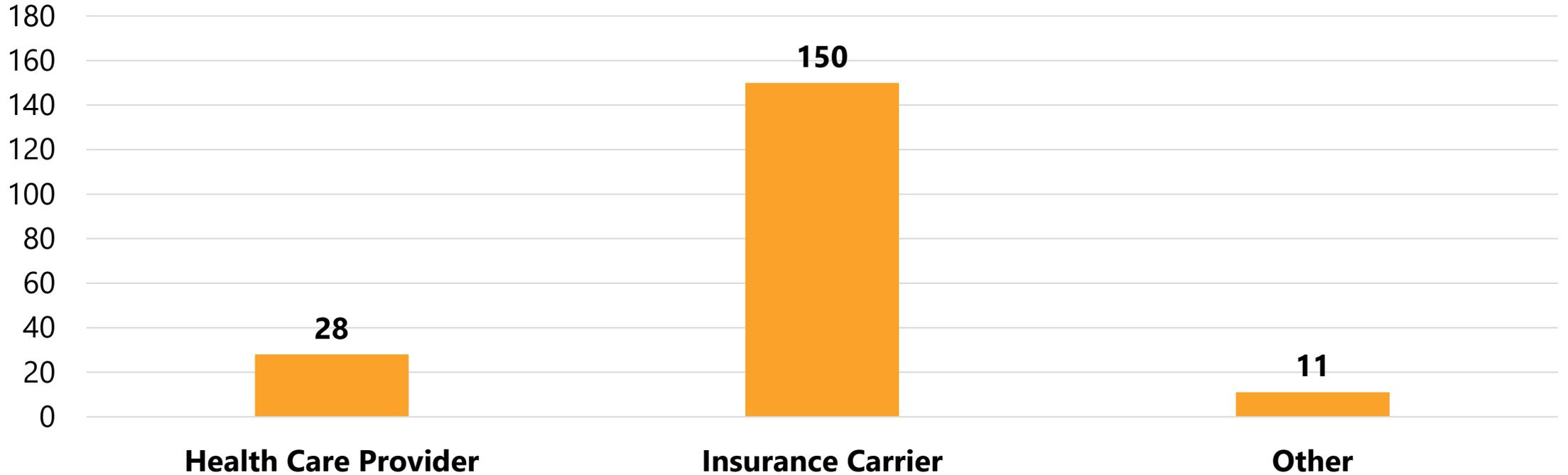
CY 2024 – cases pending by role



| 2024 | Health Care Provider | Insurance Carrier | Other |
|-------|----------------------|-------------------|-------|
| Cases | 39 | 191 | 4 |

Based on enforcement data as of 4/2/2024.

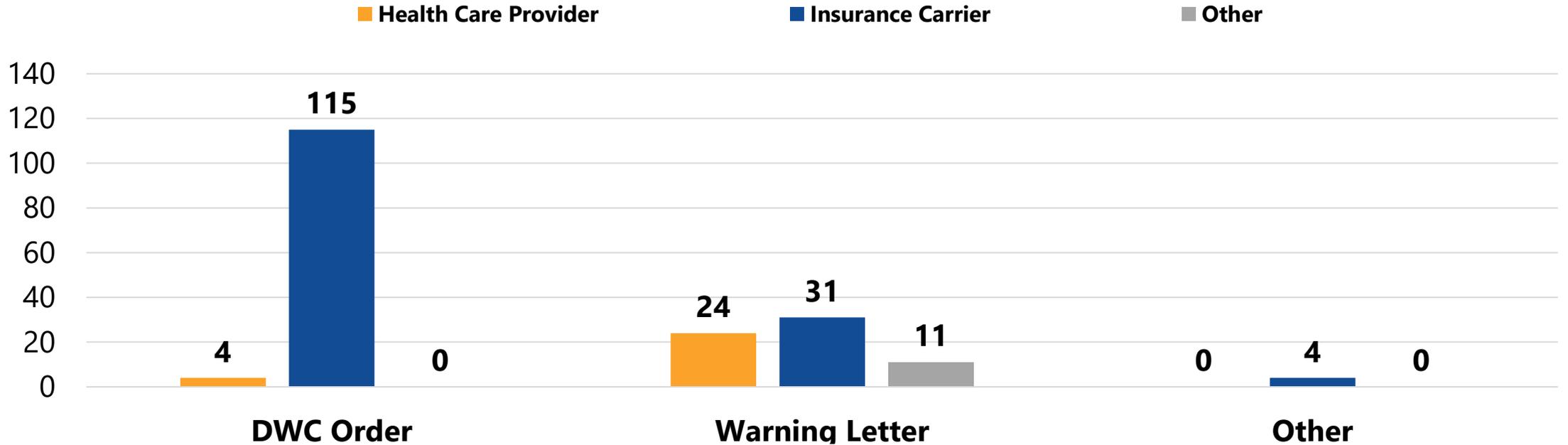
CY 2024 – cases closed by role



| 2024 | Health Care Provider | Insurance Carrier | Other |
|--------------|----------------------|-------------------|-------|
| Cases | 28 | 150 | 11 |

Based on enforcement data as of 4/2/2024.

CY 2024 – cases closed by disposition type



| 2024 | Health Care Provider | Insurance Carrier | Other |
|----------------|----------------------|-------------------|-------|
| DWC Order | 4 | 115 | 0 |
| Warning Letter | 24 | 31 | 11 |
| Other | 0 | 4 | 0 |

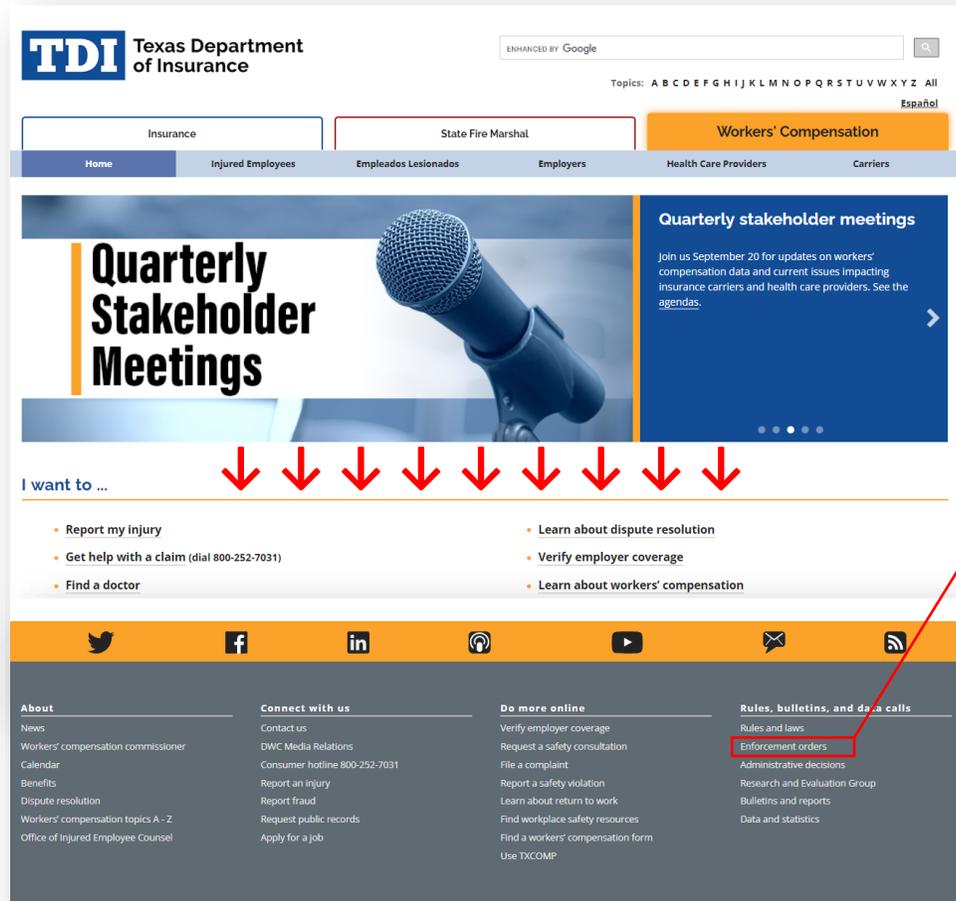
Based on enforcement data as of 4/2/2024.

Enforcement orders webpage

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

or

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



Fraud Investigations & Fraud Prosecution update

FY 2024 DWC Fraud Unit

857 fraud allegations received

- 38 fraud cases open
- 35 fraud cases closed
- 2 fraud referrals for prosecution

Based on data as of 2/29/2024.

FY 2024 DWC Fraud & Prosecution Units

Referrals and indictments

Referrals to Travis County special prosecutor

- 1 employer fraud
- 1 beneficiary fraud

Indictments

- 1 claimant

Prosecutions and restitution

Successful prosecutions

- 2 claimants

Restitution recovered

\$32,100

Based on data as of 2/29/2024.

Questions?

Dan.LaBruyere@tdi.texas.gov



Business Process

Martha Luévano, Director for Enterprise Automation Services (EAS)



Texas workers' comp coverage basics

- Texas does not require most private employers to have workers' compensation coverage.
- Governmental entities (Texas counties, cities, school districts, housing authority, state agencies) must have workers' compensation coverage.
- Employers that have Texas workers' comp coverage are subscribers.
- Employers that do not have Texas workers' comp coverage are non-subscribers.

Workers' comp coverage categories for Texas employers

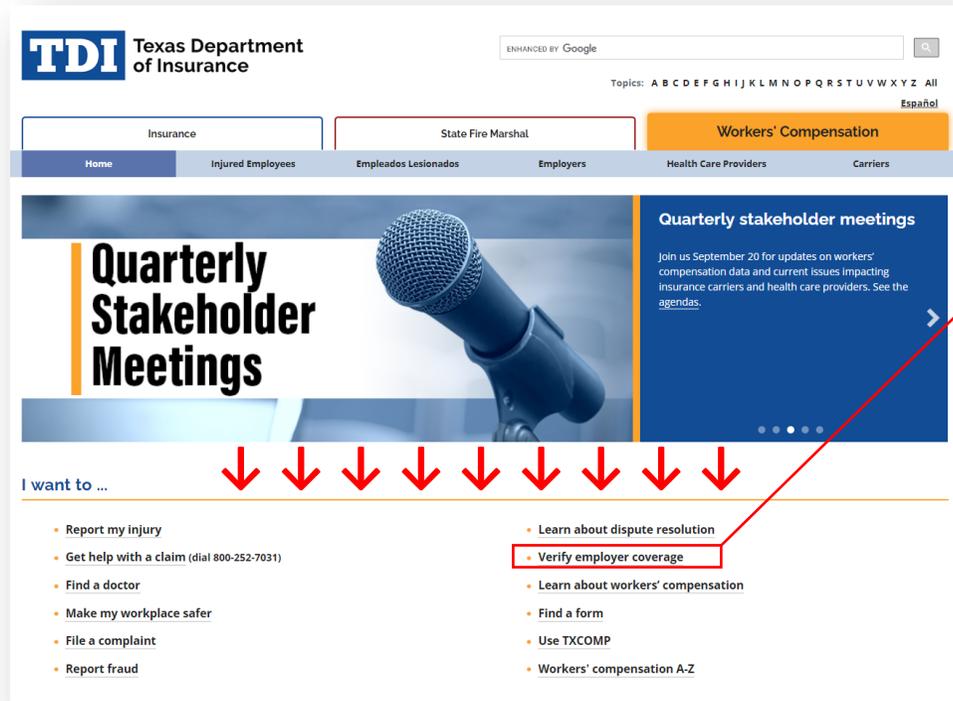
Subscriber

- Covered by a licensed Texas insurance carrier.
- Certified self-insured.
- Governmental entity that self-insured.

Non-subscriber

- Employer without workers' compensation coverage.

Texas workers' comp coverage resources



Scroll down on the [DWC homepage](#) and click “Verify employer coverage.”

or

Visit

www.tdi.texas.gov/wc/employer/coverage.html.

Texas workers' comp coverage resources

To get help, email coverage.verification@tdi.texas.gov with:

- Name of the employer.
- Physical address of the employer.
- Date of injury or approximate date of injury.

Employer information:

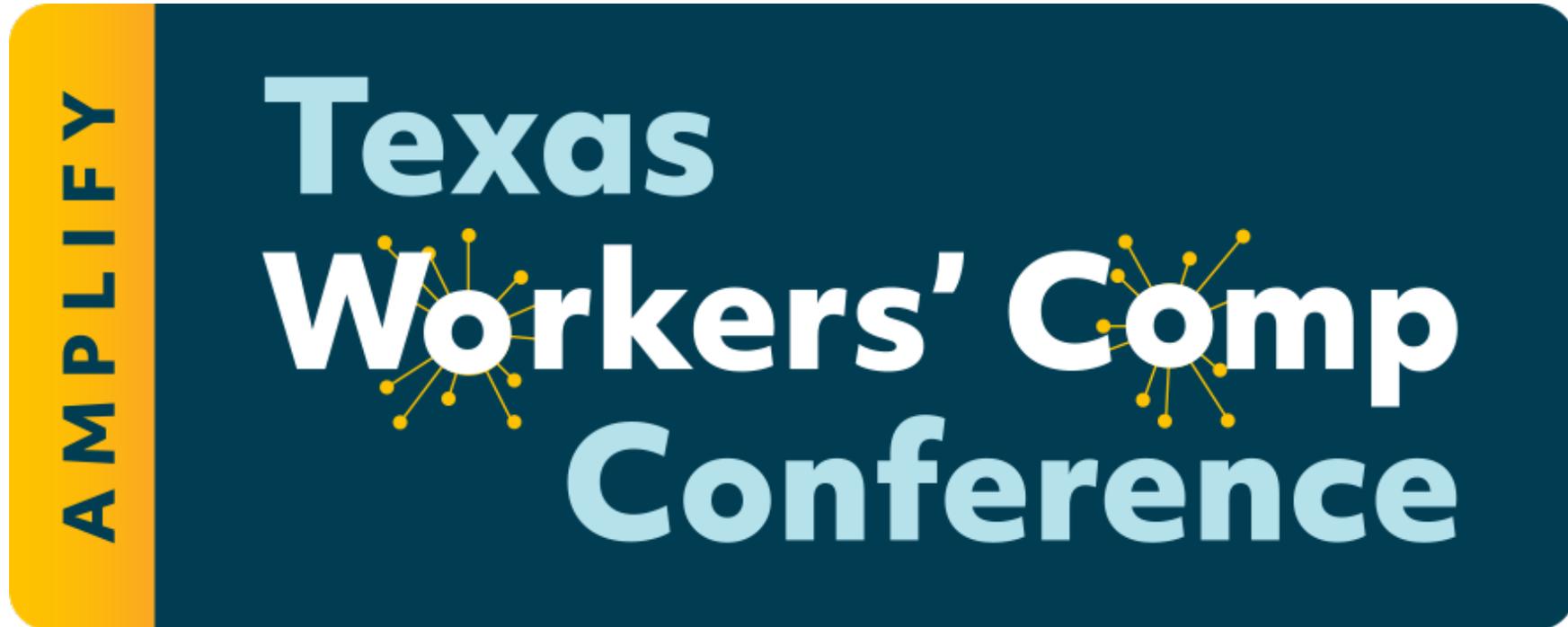
- Must be accurate to give good results.
- Must be the employer at the time of injury.
- Critical to locating the workers' comp policy.

Operations and External Relations

Matthew Posey, Deputy Commissioner of Operations and External Relations



2024 Texas Workers' Compensation Conference



Save the date: October 22-23



The graphic features a light blue background with a network of dots and lines. At the top, the dates "OCTOBER 22-23, 2024" are displayed. Below this is a dark blue box with a yellow vertical bar on the left containing the word "AMPLIFY" in white. The main text in the box reads "Texas Workers' Comp Conference" in white and light blue. A QR code is positioned below the box, with the text "Visit our conference page!" underneath it. To the right of the graphic, a list of topics is presented with yellow arrowheads. At the bottom right of the graphic, the TDI logo and "Division of Workers' Compensation" are visible.

OCTOBER 22-23, 2024

AMPLIFY

Texas
Workers' Comp
Conference

Visit our conference page!

Get the latest on:

- ▶ Harnessing the power of AI in Texas.
- ▶ Emerging trends in workers' compensation.
- ▶ Making a good fraud case.
- ▶ Modernizing data collection with EDI 3.1.
- ▶ How stress, attitude, and behavior influence driving.
- ▶ DWC rule projects and key case law updates.

TDI | Division of Workers' Compensation

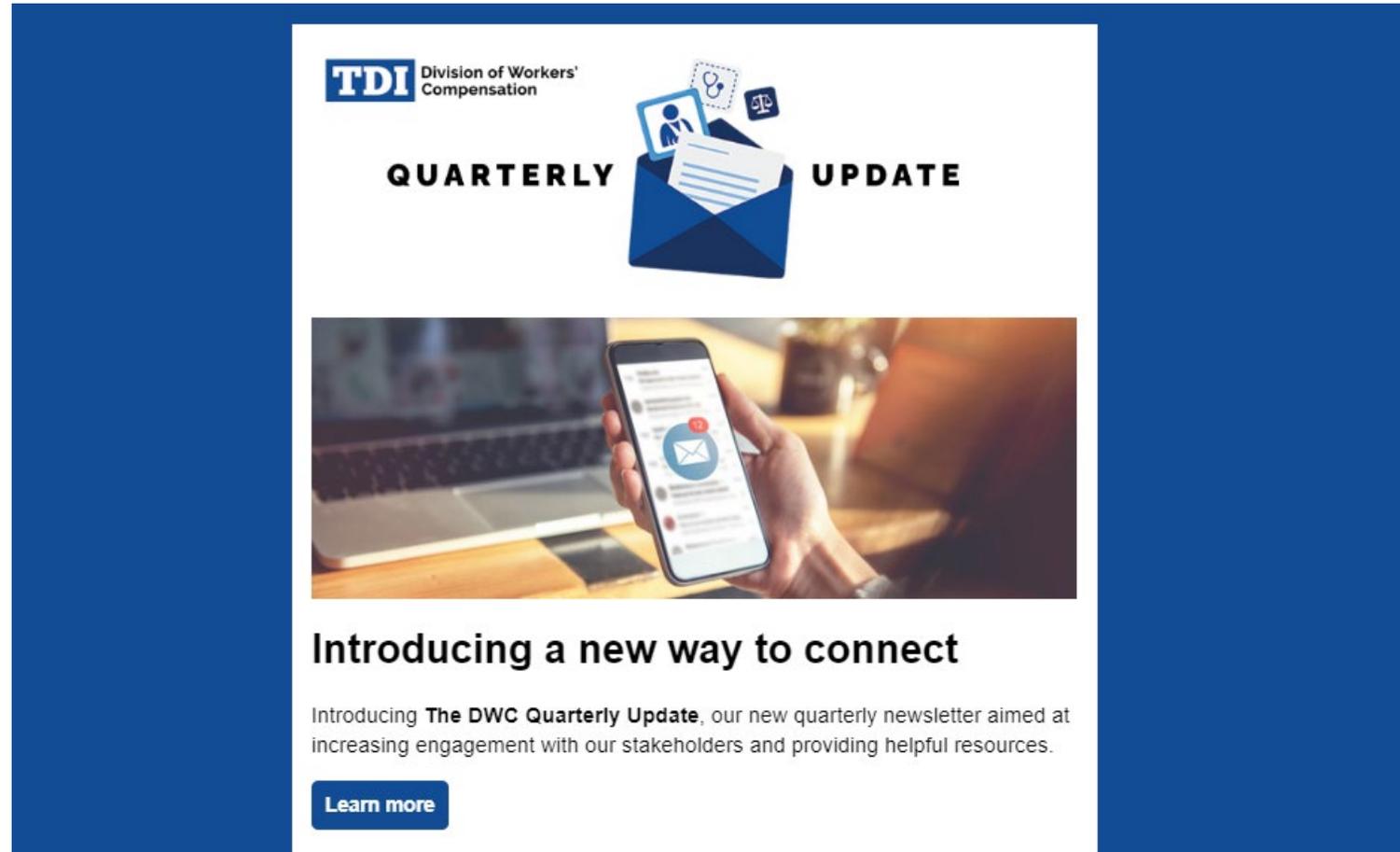
Get continuing education credit all year



Learn more:



Coming soon



TDI Division of Workers' Compensation

QUARTERLY UPDATE

Introducing a new way to connect

Introducing **The DWC Quarterly Update**, our new quarterly newsletter aimed at increasing engagement with our stakeholders and providing helpful resources.

[Learn more](#)

Sign up for DWC news:



Air ambulance update

Background

1978

- Congress enacted the Airline Deregulation Act (ADA).

2018

- [Federal Aviation Administration Reauthorization \(FAA\) Act](#) directs the U.S. Department of Transportation to create an advisory committee.

February 2016

- DWC's MFDR program abated decisions to air ambulance providers.

March 2022

- Air Ambulance and Patient Billing Advisory Committee issue a [report](#) to Congress.

2023 FFA reauthorization

- Working with Office of State-Federal Relations on possible amendment to the ADA during the 2023 FAA Reauthorization process. ([S.1939](#), [H.R. 3935](#))
- July 12, 2023, Congressman Gooden of Texas (R-TX 5th District) proposed an amendment to Section 41713(b) of Title 49, United States Code declaring that state laws regulating billing and payments for air ambulance services within workers' compensation insurance programs fall outside the scope of federal preemption.
- DWC worked with IAIABC and SAWCA organizations on letters of support for a narrow amendment to the ADA to address state workers' compensation air ambulance services.
- Reauthorization process is ongoing with S.1939 on the Senate Legislative calendar. Congress has until May 10, 2024, to pass legislation before the 3rd funding extension expires.

Closing remarks

Jeff Nelson, Commissioner of Workers' Compensation

