

# Insurance Carrier Quarterly Meeting

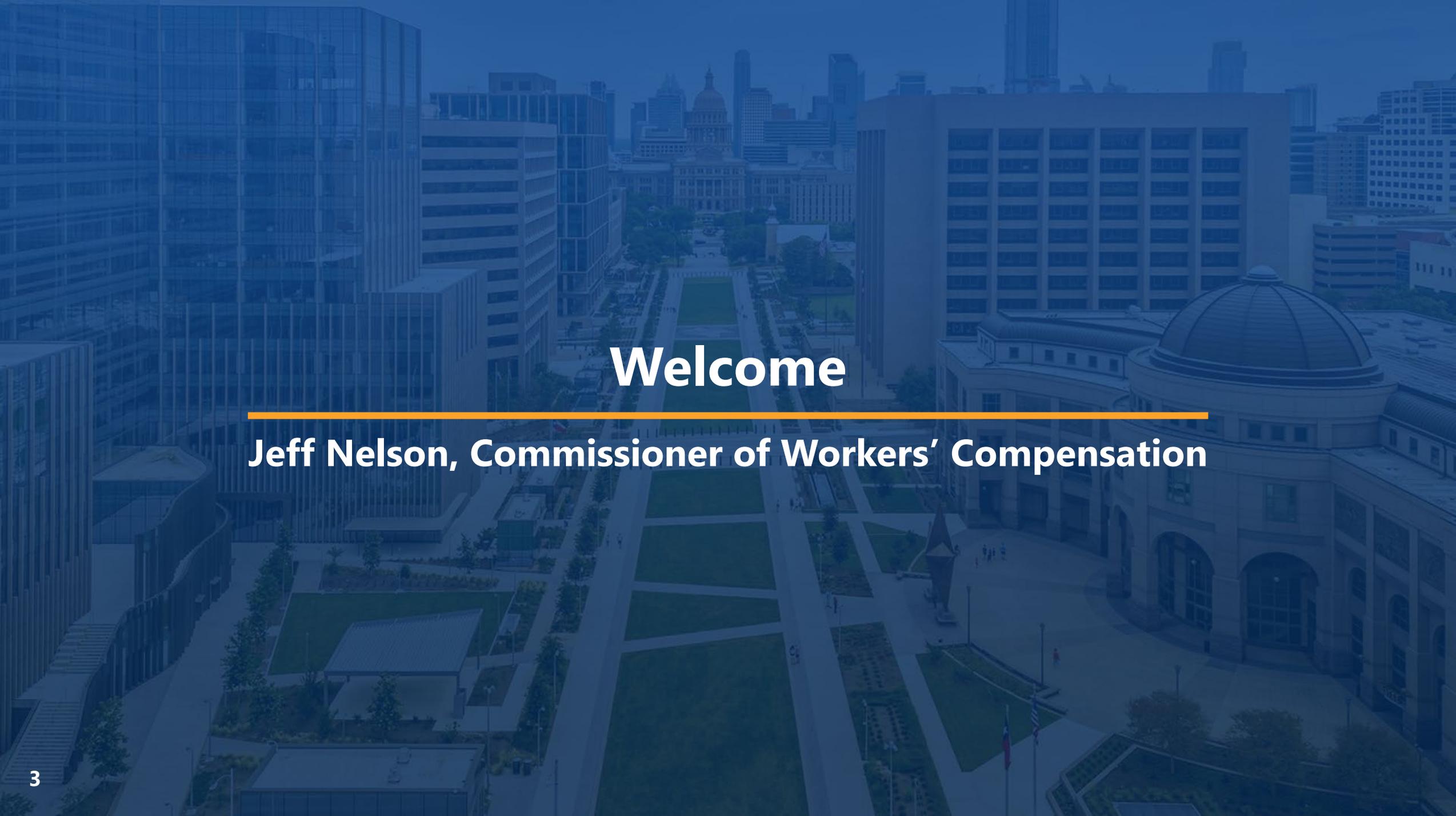
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Jan. 10, 2024 – 2 to 3:30 p.m.

**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 photograph of a city street, likely in Denver, Colorado, featuring a central greenway with multiple rectangular lawns and 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.

**Welcome**

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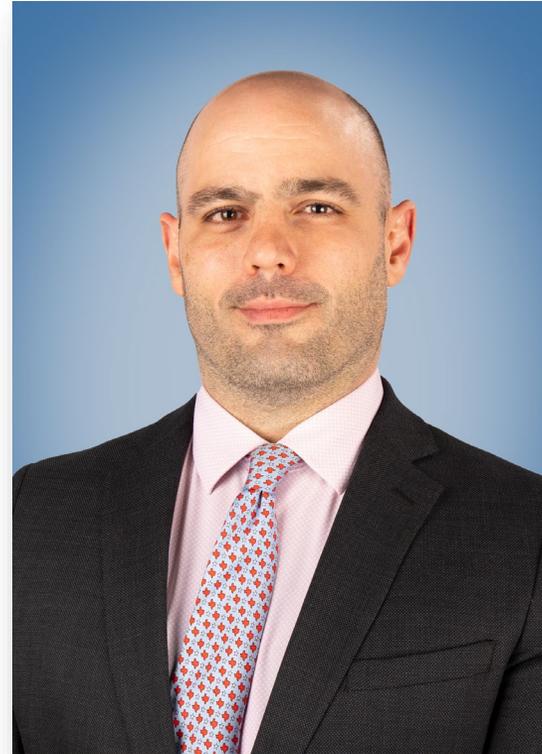
**Jeff Nelson, Commissioner of Workers' Compensation**

# New deputy commissioners

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Dan LaBruyere



Matthew Posey



# Compliance and Investigation update

**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.

# FY2024 compliance audits

## Death benefits/lifetime income benefits (LIBs)

20 initiated

## Initial payment of temporary income benefits (TIBs)

13 initiated  
5 completed

## Medical bill processing

8 completed

*Based on audit 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.*

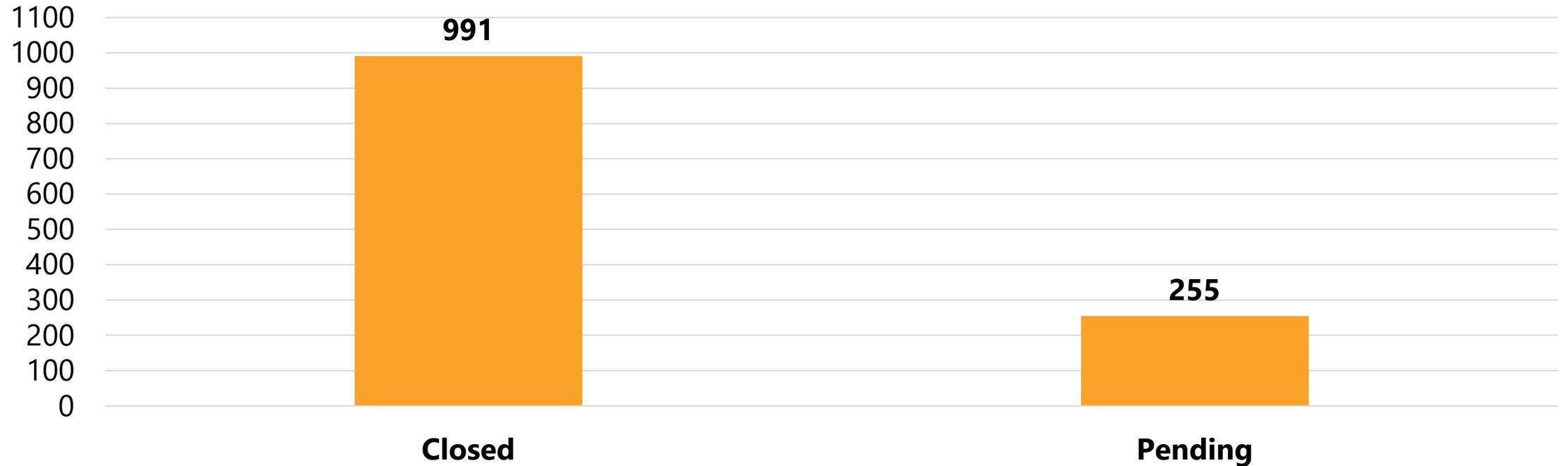
# CY2023 DWC Fraud & Prosecution Units

## 2 convictions

- 1 claimant
- 1 attorney

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

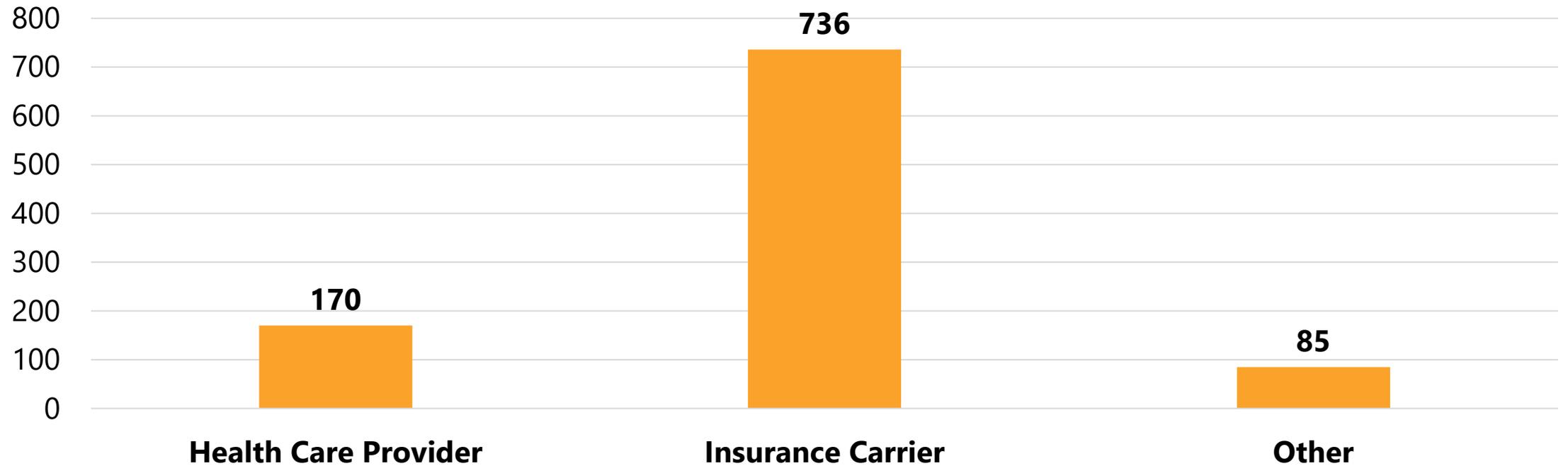
# CY2023 – Enforcement case status



2023	Closed cases	Pending cases
Cases	991	255

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

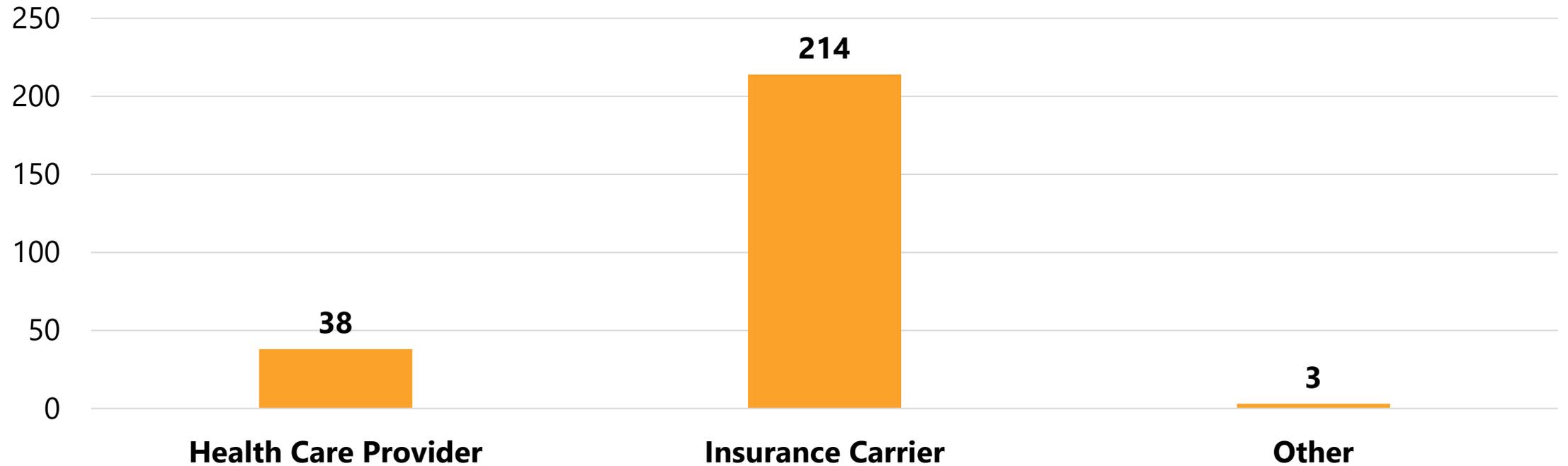
# CY2023 – cases closed by subject type



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

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

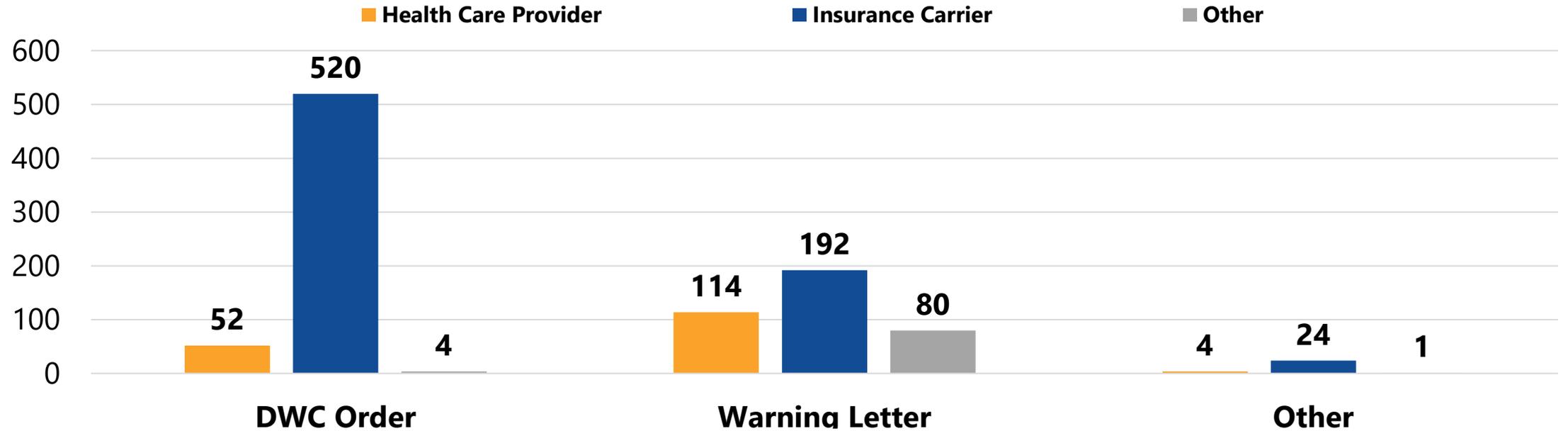
# CY2023 – cases pending by subject type



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

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

# 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.

# Sircon payment system

**Approved** administrative penalties imposed by DWC and audit billing invoices may now be paid using Vertafore's Sircon solution.

(Please don't pay **before** receiving the final order and invoice from DWC.)

If you don't already have a Sircon account, sign up to pay administrative penalties:

[www.sircon.com/products/company/signup/](http://www.sircon.com/products/company/signup/)

If you're paying an audit billing invoice:

[www.sircon.com/products/company/signup](http://www.sircon.com/products/company/signup)

If you have any questions about your Sircon account or this new payment service, contact:

Sircon Customer Services  
at 877-876-4430

# Violations to watch

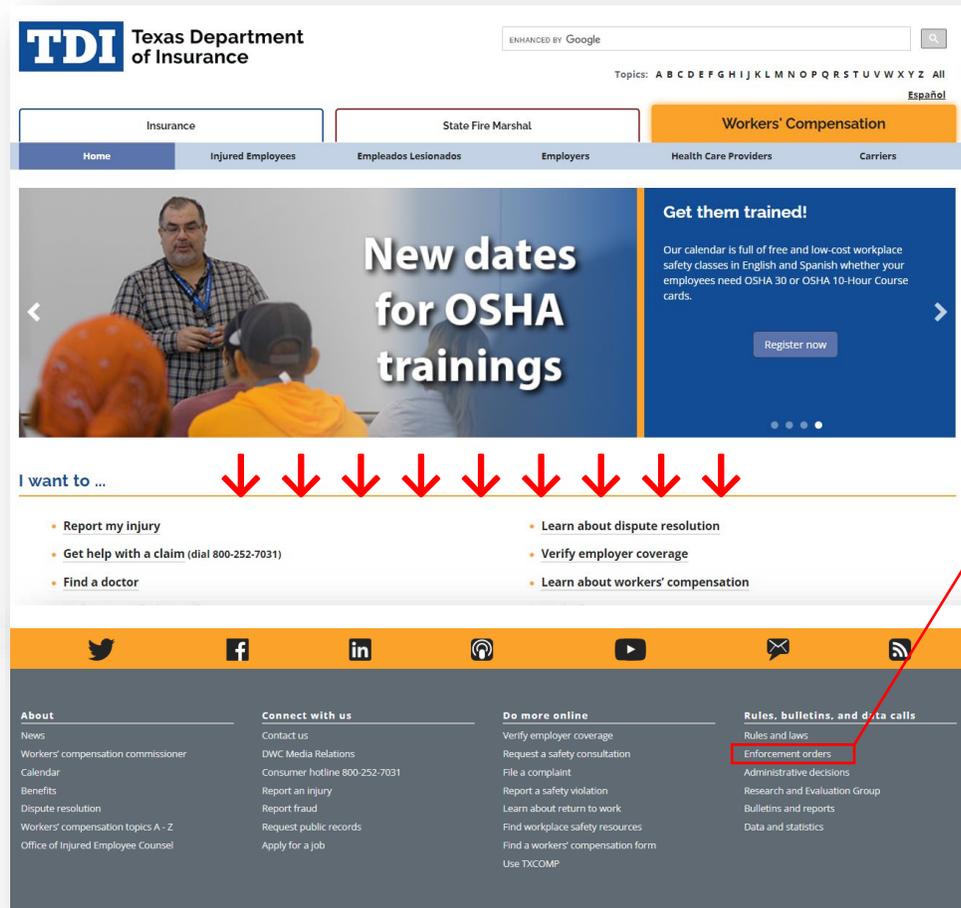
## **Texas Labor Code § 413.019(a) and 28 Texas Administrative Code (TAC) § 134.130(a)**

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

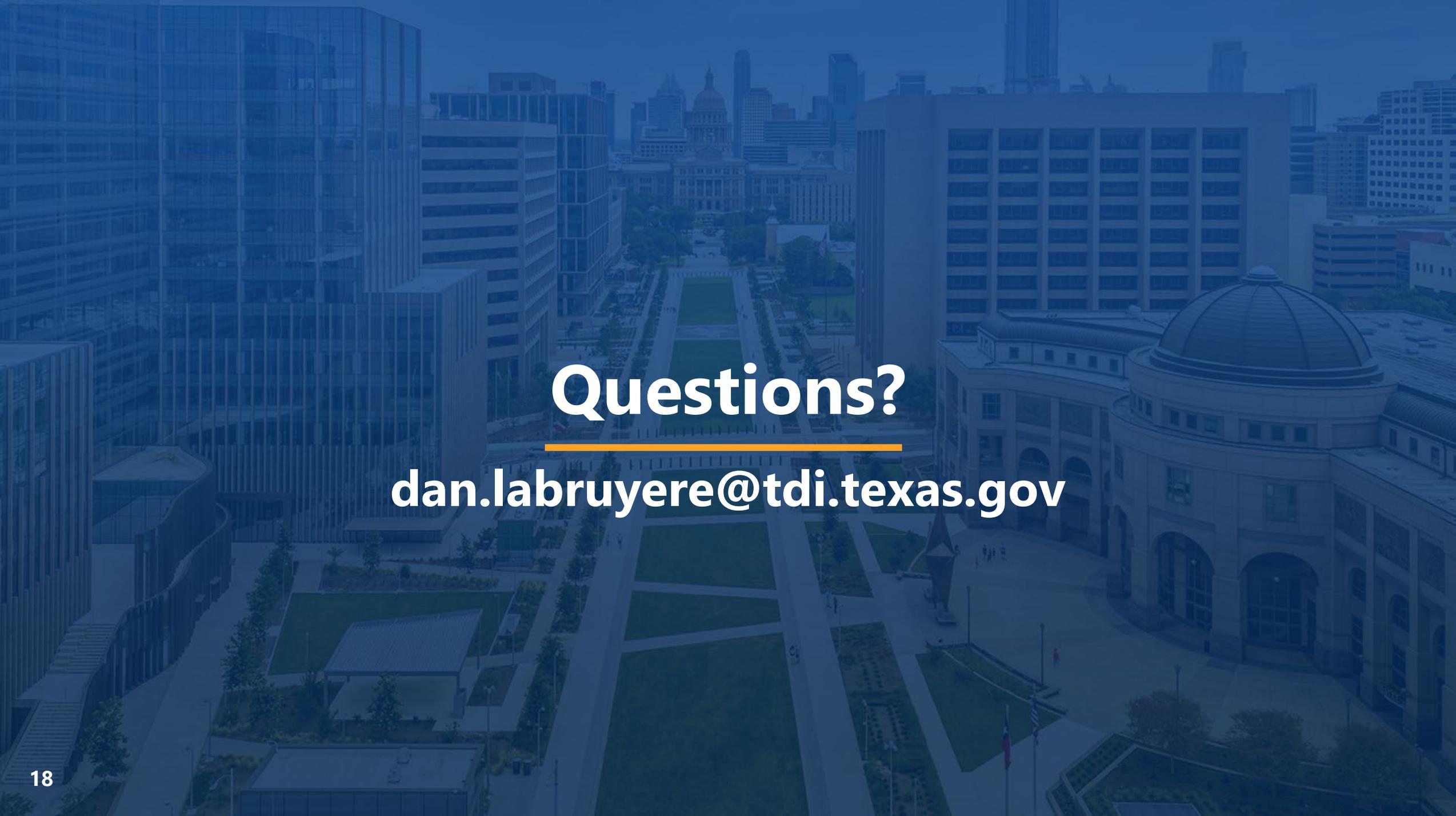


Scroll to bottom of [DWC homepage](#) and click "Enforcement orders".

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)**



# **Business Process update**

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

# Business Process update

Workers'  
Compensation  
Research and  
Evaluation Group (REG)

E-filing options update

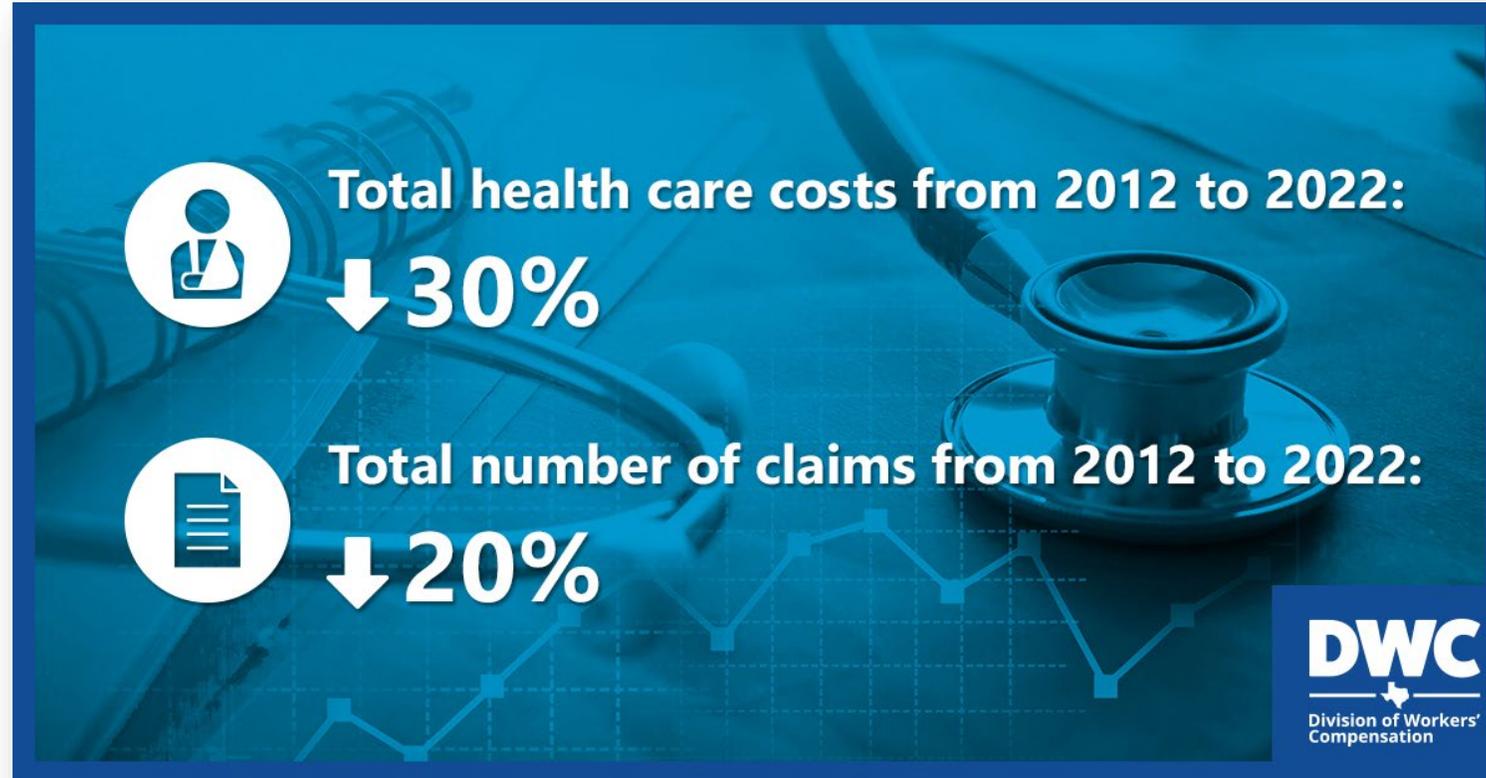
EDI update

# Pharmacy Cost and Utilization Report



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

# Health Care Cost and Utilization Report

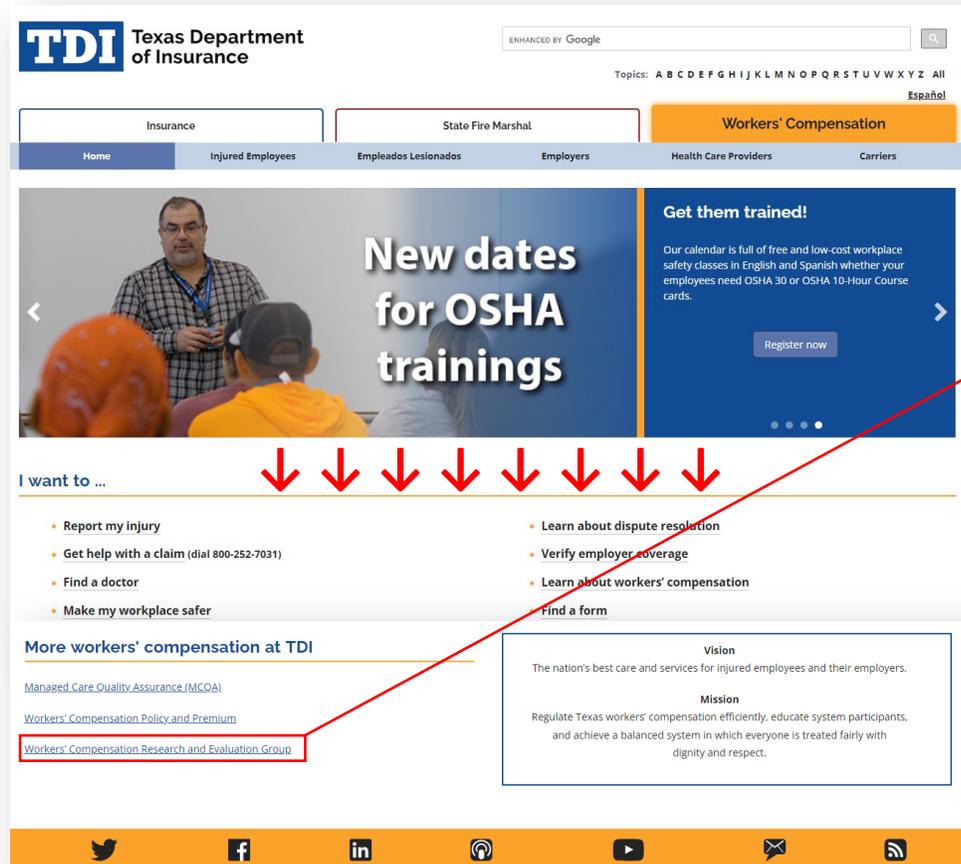


Snapshot: <https://ww.tdi.texas.gov/wc/reg/hccu2023.html>

# **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).

An aerial view of a city street, likely in a major metropolitan area, featuring a central greenway with multiple rectangular lawns and walkways. In the foreground on the right, there is a large, classical-style building with a prominent dome. The background shows a dense urban skyline with various skyscrapers under a clear sky. The entire image is overlaid with a semi-transparent blue filter.

# **E-filing options update**

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**Rebekah Capelo, Manager of Records Management Services**

# Electronic filing options webpage

**TDI** Texas Department of Insurance

ENHANCED BY Google

Topics: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z All

Español

Insurance State Fire Marshal **Workers' Compensation**

Home Injured Employees Empleados Lesionados Employers Health Care Providers Carriers

Home > Workers' Compensation > Insurance carrier resources > Electronic filing options

About DWC  
Commissioner of Workers' Compensation  
Executive staff contacts  
Disciplinary orders  
Bulletins  
Rules  
Public hearings  
Open records  
Data calls  
Forms  
Memos to system participants  
Reports  
News  
Calendar  
Jobs  
Contact us  
Topics A - Z

## Electronic filing options

[Create a profile in TXCOMP](#) | [Tips for success](#) | [Exchange documents through SETP](#) | [Online filing of insurance forms](#)

### Upload documents in TXCOMP

Any workers' compensation system participant can upload documents through TXCOMP, such as:

- Designated doctor requests (DWC032).
- Medical reports (DWC068, DWC069, DWC073 and Narrative).
- Plain language notices required to be sent to DWC.
- Insurance forms (DWC027, DWC121, DWC030, DWC153, DWC156, DWC205I, DWC005 and DWC007).
- Hearings documents or BRC exchange.
- Contest case hearing documents or exhibits.
- Appeals documents.
- Medical fee disputes (DWC060 and Attachments).
- Subsequent injury Fund reimbursement requests.
- Any other DWC form.
- Any other document type.

### Create a profile in TXCOMP to upload documents

Anyone can create a profile in TXCOMP to upload electronic documents to DWC and get a printable receipt.

1. Go to [TXCOMP](#).
2. Select **Online Access Request** from the Main Menu.
3. Complete the online request process.
4. Log on to your profile using the user ID and password you created through the online request process.

<https://www.tdi.texas.gov/wc/carrier/efileoptions.html>

# TXCOMP upload portal and SFTP

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- Use PDF read only format and ensure that they are not password protected.
- Include the DWC or carrier claim number on filings.
- File name must be less than 60 characters.
- Do not use these special characters in the file name: < > : " / \ | ? \* , ; ( )

## When filing through SFTP:

- Use the DWC form type followed by the DWC claim number if available in the naming convention.
- Refer to the [DWC SFTP Standards Guide](#) for file naming conventions used for specific documents.
- Place filings for DWC in the "To\_DWC" subfolder.
- Remove documents within the "From\_DWC" subfolder once received.
- Let us know when your password needs to be reset.

# File names for common SFTP filings

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## Plain language notices

- PLN1 DWC Number\_Injured Employee Name
- PLN11 DWC Number\_Injured Employee Name

## Other forms

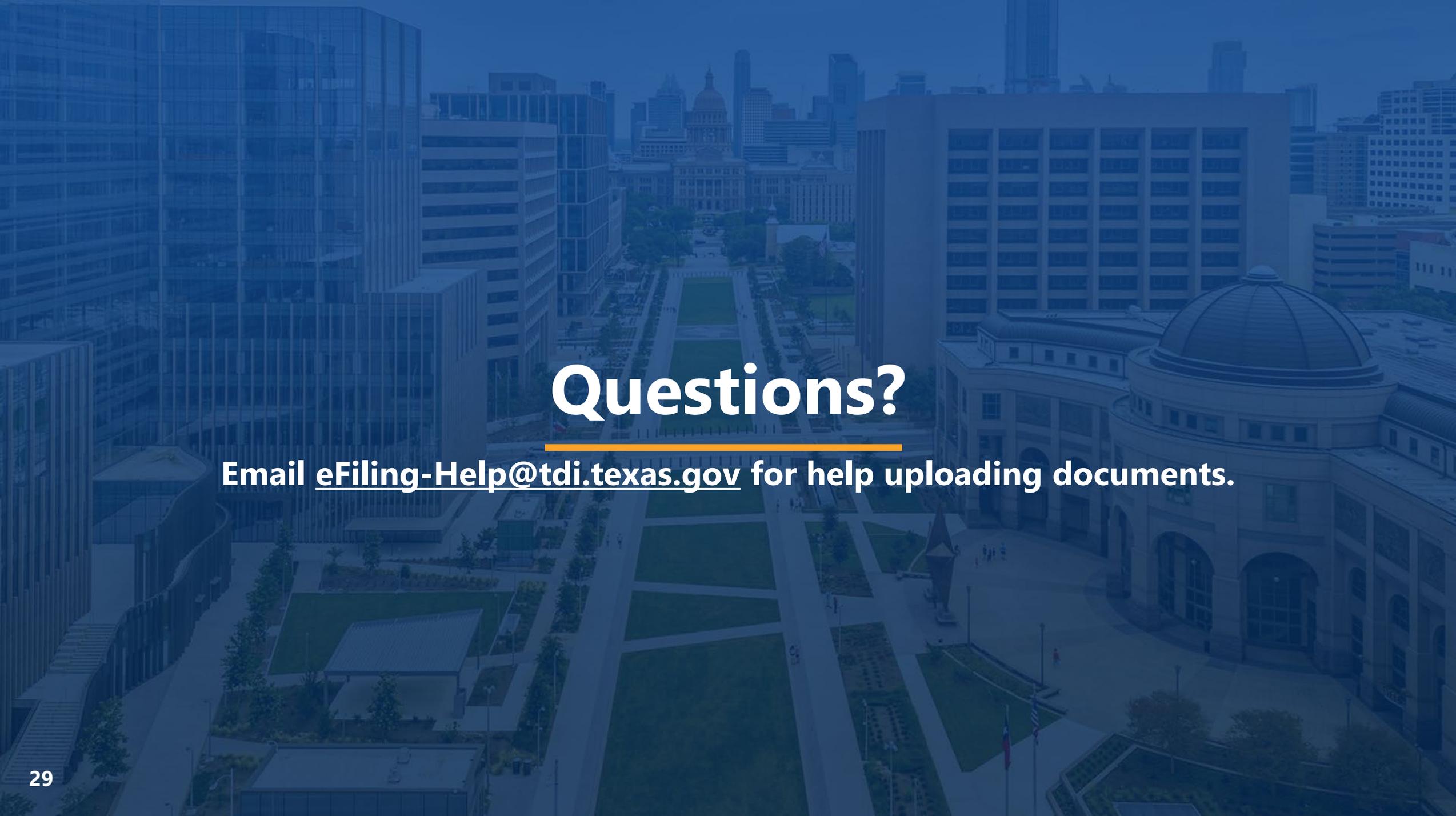
- DWC22 DWC Number
- DWC32 DWC Number
- DWC153 DWC Number

## Benefit review conference

- DWC45 DWC Number
- DWC Number-Dispute Sequence Number\_BRC Exchange

## Contested case hearing

- DWC Number-Dispute Sequence Number\_CCH Exhibit



# Questions?

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Email [eFiling-Help@tdi.texas.gov](mailto:eFiling-Help@tdi.texas.gov) for help uploading documents.

An aerial view of a city, likely Washington D.C., showing a large central park area with a prominent domed building in the foreground. The image is overlaid with a blue tint.

# EDI update

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**Martha Luévano, Director for Enterprise Automation Services**

# **Updates**

## **Claim EDI reporting.**

- Scorecards.
- Detail claim data.
- New claim EDI dashboard.

## **Claim EDI monitoring and outreach.**

- PLNs.

## **2024 insurance carrier PBO.**

## **2023 health care provider PBO results.**

# Help with Texas Claim EDI

[txdwcedi@verisk.com](mailto:txdwcedi@verisk.com)

Texas Claim EDI 3.1.4 filing requirements, rejections, and updates to registration.

[txdwcbillingquestions@verisk.com](mailto:txdwcbillingquestions@verisk.com)

Billing, invoices, and billing registration.

[edisupport@tdi.texas.gov](mailto:edisupport@tdi.texas.gov)

Request training, EDI-03 Compliance Coordinators, and EDI rules.

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, blue-tinted photograph of a city street. The street is wide and has a central greenway with grass and trees. On the right side, there is a large, classical-style building with a prominent dome. In the background, a city skyline is visible, including a large domed building that appears to be a state capitol. The overall scene is urban and well-maintained.

# Health and Safety update

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

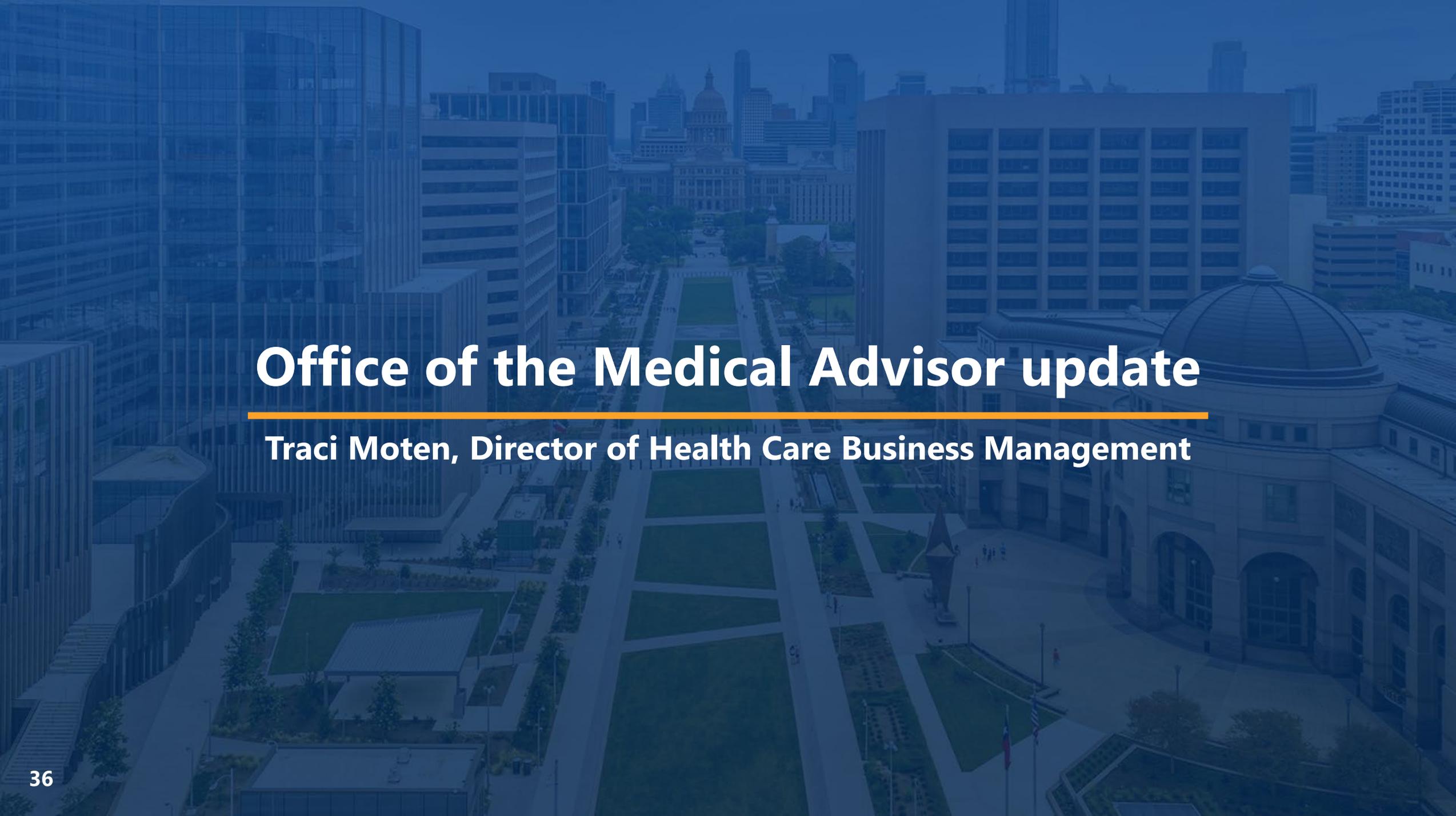
# Health and Safety update

Office of the  
Medical  
Advisor

Health Care  
Provider  
Outreach

Designated  
Doctor  
Program

Workplace  
Safety

An aerial photograph of a city street, likely in Madison, Wisconsin, showing a central greenway with multiple rectangular lawns and walkways. In the foreground on the right, there is a large, classical-style building with a prominent dome. The background shows a dense urban skyline with various skyscrapers and 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.**

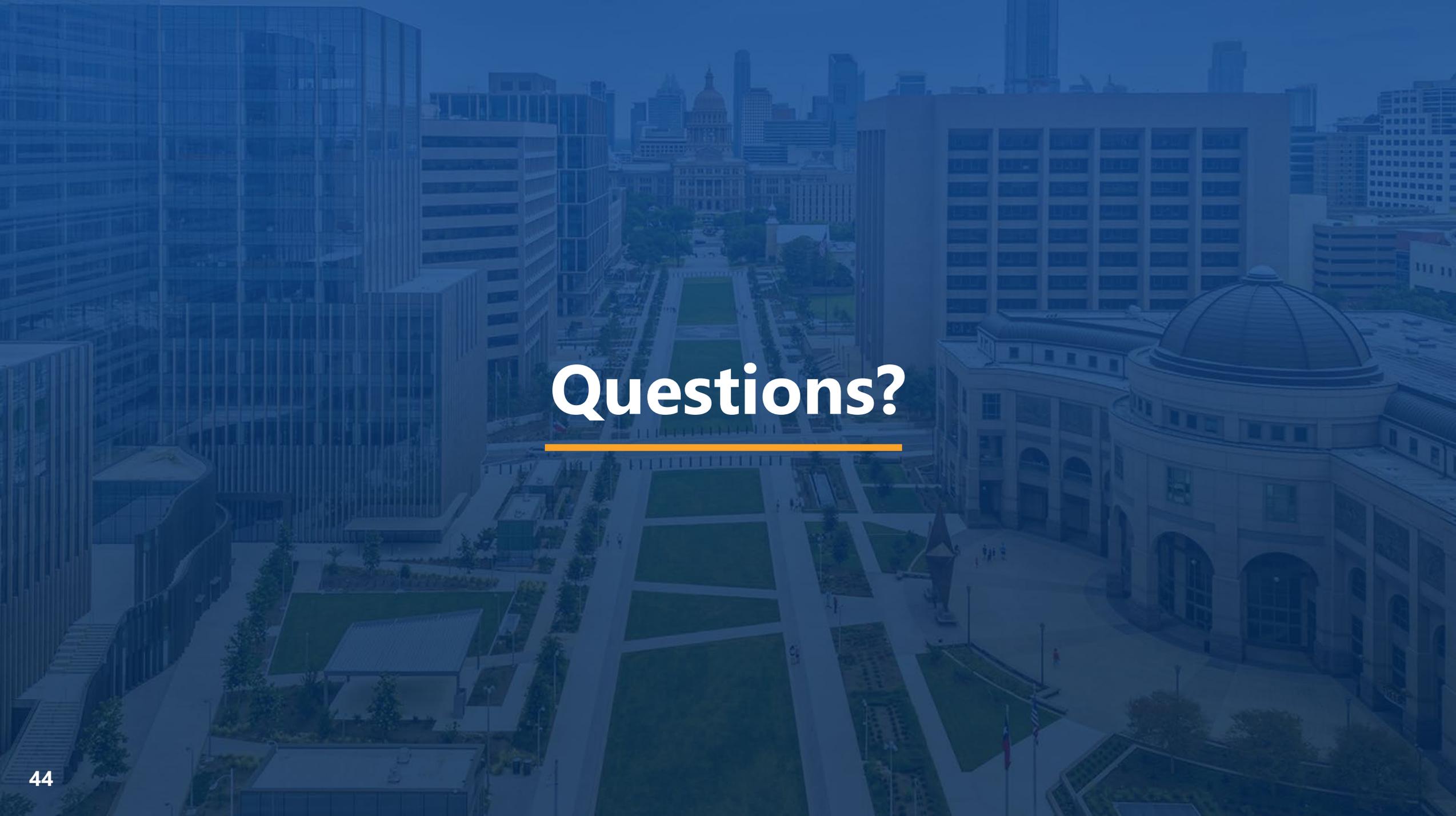
- Comment period ends 1/29/24.
- Hearing via Zoom on 1/23/24 at 11 a.m.
- Proposed effective date 6/1/24.

An aerial photograph of a city campus, likely in Madison, Wisconsin, featuring a central green courtyard with a grid of walkways, surrounded by modern and classical buildings. The Wisconsin State Capitol is visible in the background. The entire image is overlaid with a semi-transparent blue filter.

# Workplace Safety update

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**Chris D'Amura, Director of Workplace Safety**

An aerial photograph of a city campus, likely in Madison, Wisconsin, featuring a central greenway with multiple rectangular lawns and walkways. A prominent building with a large dome is visible on the right side. The background shows a city skyline with various skyscrapers. 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 central park area with a large green lawn and a prominent domed building in the foreground. The image is overlaid with a blue tint.

# Operations and External Relations update

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**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

## 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

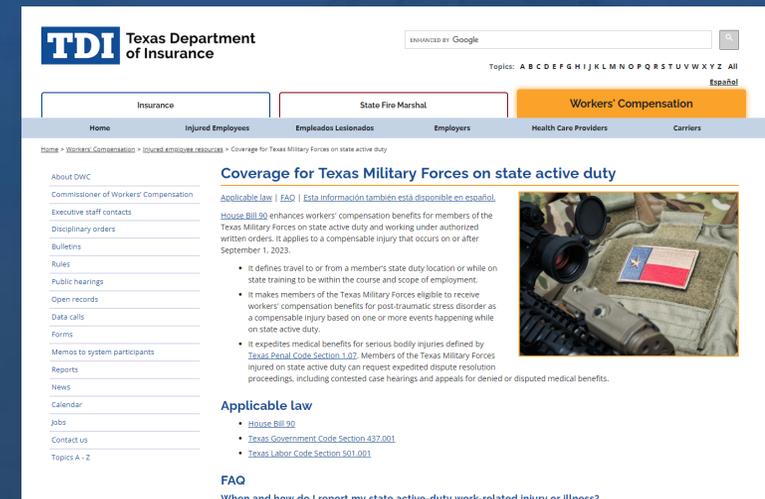
## About

- 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.



The screenshot displays the Texas Department of Insurance (TDI) website. The main navigation bar includes 'Insurance', 'State Fire Marshal', and 'Workers' Compensation'. The 'Workers' Compensation' section is active, showing a breadcrumb trail: Home > Workers' Compensation > Injured Employees Resources > Coverage for Texas Military Forces on state active duty. The page title is 'Coverage for Texas Military Forces on state active duty'. The content area features a sidebar with links for 'About DWC', 'Commissioner of Workers' Compensation', 'Executive staff contacts', 'Disciplinary orders', 'Bulletins', 'Rules', 'Public hearings', 'Open records', 'Data calls', 'Forms', 'Memos to system participants', 'Reports', 'News', 'Calendar', 'Jobs', 'Contact us', and 'Topics A - Z'. The main content area includes an 'Applicable law | FAQ | Esta información también está disponible en español.' section, followed by a paragraph explaining that House Bill 90 enhances workers' compensation benefits for members of the Texas Military Forces on state active duty and working under authorized written orders. It applies to a compensable injury that occurs on or after September 1, 2023. A list of bullet points follows: 'it 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.', 'it makes members of the Texas Military Forces 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.', and 'it expedites medical benefits for serious bodily injuries defined by Texas Penal Code Section 1.02. Members of the Texas Military Forces injured on state active duty can request expedited dispute resolution proceedings, including contested case hearings and appeals for denied or disputed medical benefits.' Below this is an 'Applicable law' section listing 'House Bill 90', 'Texas Government Code Section 432.001', and 'Texas Labor Code Section 501.001'. An 'FAQ' section is also present with the question 'When and how do I report my state active-duty work-related injury or illness?'.

# 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:

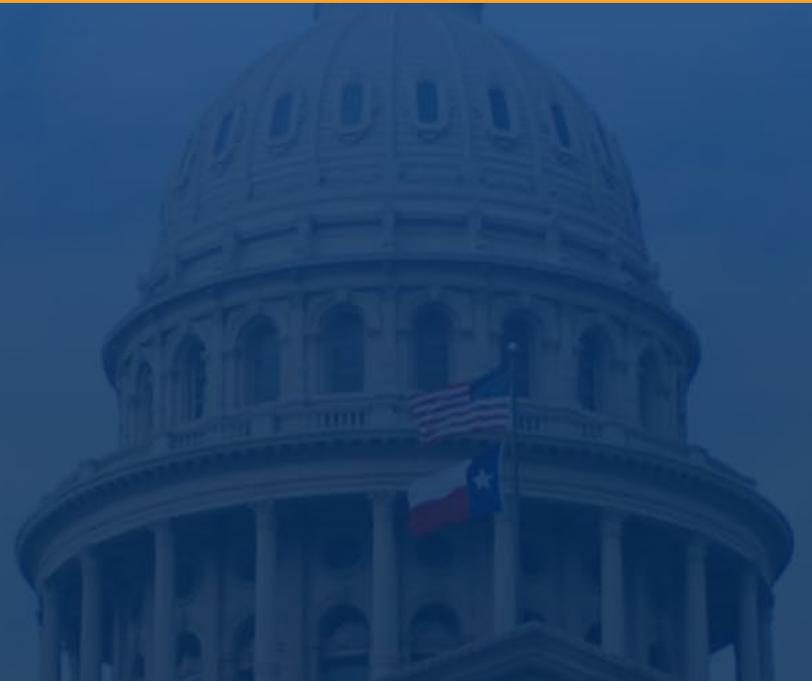
- Adds serious bodily injuries (Penal Code §1.07) that renders the employee permanently unemployable as a qualifying condition.
- Creates a right to review by the insurance carrier.
- Requires annual certification that the first responder has not been employed in the previous year.
- Expedites dispute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



# 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 view of a city campus, likely the University of Wisconsin-Madison, featuring a central green courtyard with a large fountain, surrounded by modern and classical buildings. The 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)

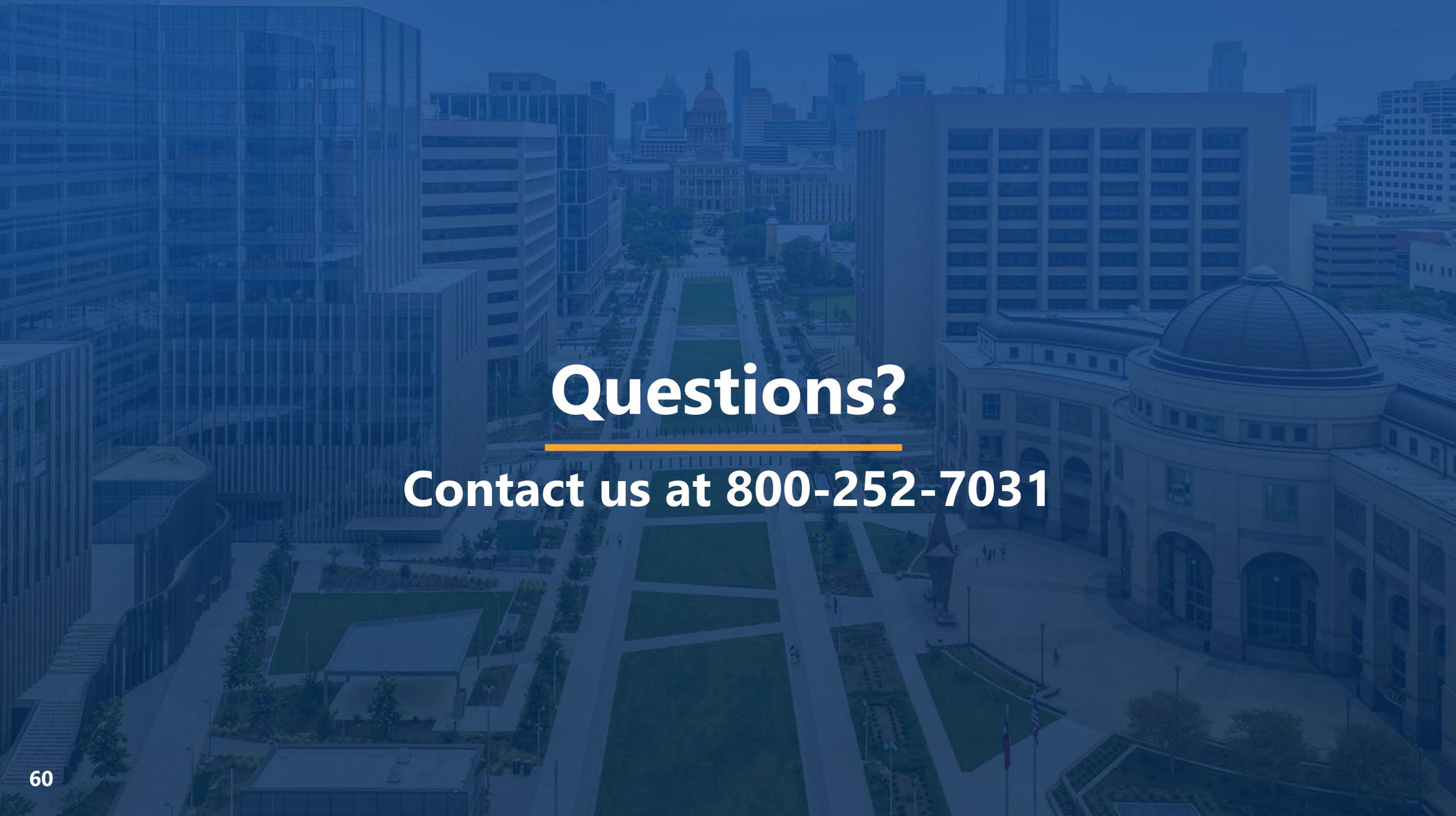
**DWC forms processing.**

**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 lawns and 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**