

20175065

**OFFICIAL ORDER**  
*of the*  
**TEXAS COMMISSIONER OF WORKERS' COMPENSATION**

**Date:** APR 27 2017

**Subject Considered:**

FY 2017 RESEARCH AGENDA FOR THE  
WORKERS' COMPENSATION RESEARCH AND EVALUATION GROUP

**General remarks and official action taken:**

The commissioner of workers' compensation considers the proposed Fiscal Year (FY) 2017 Research Agenda for the Workers' Compensation Research and Evaluation Group (REG or group) at the Texas Department of Insurance, Division of Workers' Compensation (division).

Labor Code §405.0026 requires the commissioner of insurance to adopt an annual research agenda for the Workers' Compensation Research and Evaluation Group at the Texas Department of Insurance (TDI). Labor Code § 405.0025 requires the REG to conduct professional studies and research related to the delivery of benefits; litigation and controversy related to workers' compensation; insurance rates and ratemaking procedures; rehabilitation and reemployment of injured employees; the quality and cost of medical benefits; employer participation in the workers' compensation system; employment health and safety issues; and other matters relevant to the cost, quality, and operational effectiveness of the workers' compensation system.

Insurance Code § 1305.502 requires the REG to develop and issue an annual informational report card that identifies and compares, on an objective basis, the quality, costs, health care provider availability, and other analogous factors of the workers' compensation system of this state with each other and with medical care provided outside of networks.

Labor Code § 405.0026 requires the group to prepare and publish annually in the *Texas Register* a proposed workers' compensation research agenda for the commissioner's review and approval.

On January 9, 2017, the commissioner of insurance delegated the functions of the REG to the commissioner of workers' compensation.

In December 2016, the REG posted on the TDI website an informal request for stakeholders and the public to provide input on a suggested FY 2017 research agenda. The REG also requested input from legislative offices. TDI received no responses.

The division published the proposed research agenda in the February 24, 2017 issue of the *Texas Register* (42 TexReg 830) for public review and comment. The division received no requests for hearing. The division received one comment.

**Comment:**

A commenter expressed concern that "Work Simulation," although recommended by the Official Disability Guidelines Treatment in Workers' Comp (ODG), is not included in treatment plans. The commenter wrote that the cost of additional physical therapy is increasing and that workers are returning to jobs that they cannot perform. The commenter wrote that he has developed "the first Return to duty Program for our firefighters" and is conducting the program at a certified training facility, and that this work simulation is professionally-staffed, certified by carriers, and consistent with the duties that a "front line firefighter" must perform. The commenter observed that "[a]s a previous firefighter and CARF surveyor [sic] I have seen a complete failure in their[sic] CARF accreditation." The commenter lamented that CARF (Commission on Accreditation of Rehabilitation Facilities) standards are not enforced "with the exception of an annual letter asking the facilities if they are maintaining their standards." The commenter asked the agency how the agency thinks a facility will reply to such a letter and ended by writing that CARF accreditation is a "costly expense with no enforcement."

**Agency Response:**

The division appreciates the comment. The division notes that research agenda item number 4 will be an update of the 2003 study on impact of accredited and non-accredited work-hardening/work conditioning programs. Thus, this research project should provide some insight into the commenter's observations about the cost effectiveness and return-to-work outcomes associated with accredited and non-accredited work hardening/work conditioning programs.

The commissioner of workers' compensation adopts the following FY 2017 Research Agenda for the Workers' Compensation Research and Evaluation Group.

1. Completion and publication of the 11<sup>th</sup> edition of the Workers' Compensation Health Care Network Report Card (required under Insurance Code § 1305.502(a) – (d) and Labor Code § 405.0025(b)).
2. Baseline evaluation of the utilization and cost patterns of compound drugs.
3. A comprehensive analysis of the income benefit adequacy of claims receiving Temporary Income Benefits (TIBs), Supplemental Income Benefits (SIBs), Lifetime Income Benefits (LIBs), and Death Benefits.
4. Update of 2003 study on impact of accredited and non-accredited work-hardening/work conditioning programs.

The commissioner of workers' compensation approves and adopts the FY 2017 Research Agenda for the Workers' Compensation Research and Evaluation Group, as specified above, effective immediately.

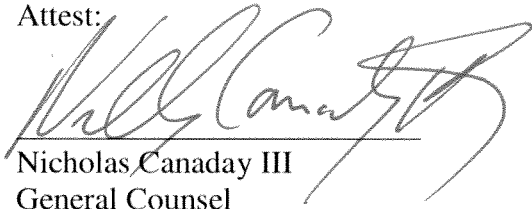
  
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W. RYAN BRANNAN  
COMMISSIONER OF WORKERS' COMPENSATION

Recommended by:

  
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D.C. Campbell

D.C. Campbell  
Director of the Workers' Compensation Research and Evaluation Group  
Texas Department of Insurance, Division of Workers' Compensation

Attest:



Nicholas Canaday III  
General Counsel

Texas Department of Insurance, Division of Workers' Compensation

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