



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

To: Texas Workers' Compensation System Participants

From: Kara Mace, General Counsel

Date: [December 18, 2023](#)

Subject: Proposed rules on billing and reimbursement for certain workers' compensation-specific services, including designated doctor examinations

The Texas Department of Insurance, Division of Workers' Compensation (DWC) proposes amendments to 28 Texas Administrative Code (TAC) [Chapter 133](#), General Medical Provisions and 28 TAC [Chapter 134](#), Benefits--Guidelines for Medical Services, Charges, and Payments to improve billing and reimbursement for certain workers' compensation-specific services, including designated doctor (DD) examinations, required medical examinations (RMEs), work status reports, and maximum medical improvement (MMI) evaluations and impairment rating (IR) examinations by treating and referred doctors. The proposed rules are necessary to attract and retain DDs, RME doctors, and doctors that perform MMI evaluations and IR examinations by addressing billing and reimbursement issues, reducing disputes, and decreasing the administrative burdens of participating in the programs.

We held stakeholder presentations in March, September, and December 2022 to discuss specific possible changes to the billing methodology for DD exams and possible changes to DD exam reimbursement rates. We posted informal working drafts in August 2022, November 2022, and June 2023. In addition, we conducted a stakeholder survey to gather information about anticipated implementation costs and benefits in September 2023. We considered the comments we received at the meetings and on the informal drafts when drafting these proposals. We considered comments on those drafts, as well as stakeholder comments on House Bill 2702, 88th Legislature, Regular Session (2023). While the bill did not pass, it directly addressed DD billing and reimbursement, so the information gathered as the bill moved through the process was relevant.

The proposals:

- Adjust the fees once by applying the Medicare Economic Index (MEI) percentage adjustment factor for the period 2009-2024.
- Adjust the fees annually on January 1 (after that initial adjustment) by applying the MEI percentage adjustment factor in Section 134.203(c)(2).

- Round the fees to whole dollars.
- Create a \$100 missed appointment fee.
- Create a \$300 specialist fee.
- Eliminate tiering so that for DDs and RME doctors, all issues addressed within one exam will be paid at the established fee and not reduced.
- Require an assignment number in the prior authorization field of medical billing forms to identify DD-associated billing.
- Clarify the start of the 95-day period for timely submission of a DD exam bill.
- Contain editorial and formatting changes throughout to improve clarity.

The proposed rules will be published in the December 29, 2023, issue of the *Texas Register* and available at www.sos.state.tx.us/texreg/index.shtml once published. We will also post a copy on the TDI website at www.tdi.texas.gov/wc/rules/2023rules.html. We will hold a public hearing on the proposed rules at 11 a.m., Central time, on January 23, 2024.

You may submit written comments or requests for a hearing on the proposed rules to RuleComments@tdi.texas.gov, or mail or deliver your comments to:

Legal Services, MC-LS
Texas Department of Insurance, Division of Workers' Compensation
PO Box 12050
Austin, Texas 78711-2050

The deadline to submit comments is 5 p.m., Central time, on January 29, 2024.