

Insurance Carrier Quarterly Meeting

March 22, 2023

2 to 3 p.m.

Agenda Items

- Welcome
- Compliance and Investigations Update
- Health and Safety Update
- Operations and External Relations Update
- EDI Update
- Q&A
- Closing

Compliance and Investigations Update

Debra Knight, Deputy Commissioner
Compliance and Investigations

CY2023 Complaints

CY2023 - Complaints

338 Complaints Received

3	Attendance
106	Communications
0	Fraud
101	Indemnity Benefit Delivery
81	Medical Benefit Delivery
27	Other
20	Quality of Care

493 Complaints Closed

200	Confirmed
86	DWC Education Complaint
207	Not Confirmed

Based on complaint data as of 3/13/2023

CY2023 – Complaints By Respondent Type

Type of Complaint	Injured Employee	Insurance Carrier	Health Care provider	Employer	Attorney	Other
Attendance	1	1	0	0	1	0
Communications	0	52	32	17	4	1
Indemnity Benefits	2	95	0	3	1	0
Medical Benefits	0	67	14	0	0	0
Quality of Care	N/A	N/A	20	N/A	N/A	0
Other	0	9	0	16	0	2

Based on complaint data as of 3/13/2023

FY2023 Compliance Audits

FY2023 - Compliance Audits

Death Benefits/Lifetime Income Benefits

24 initiated

- 18 completed
- 6 in progress

Initial Payment of TIBs

22 initiated

Medical Bill Processing

10 initiated

- 7 completed (initiated in FY 2022)

Based on audit data as of 3/13/2023

Insurance Carrier Performance Based Oversight (PBO)

Performance Based Oversight

2024/2025 PBO biennial planning

- If you have any recommendations related to 2024 insurance carrier or 2025 health care provider assessments, please send to PBO@tdi.texas.gov

Email PBO@tdi.texas.gov if you have questions.

DWC Fraud & Prosecution

FY23 – DWC Fraud Unit

785 fraud referrals received

50 fraud cases open*

35 fraud cases closed

3 fraud referrals for prosecution

**Based on data received as of 3/13/2023*

FY23 – DWC Fraud & Prosecution Units

5 Convictions

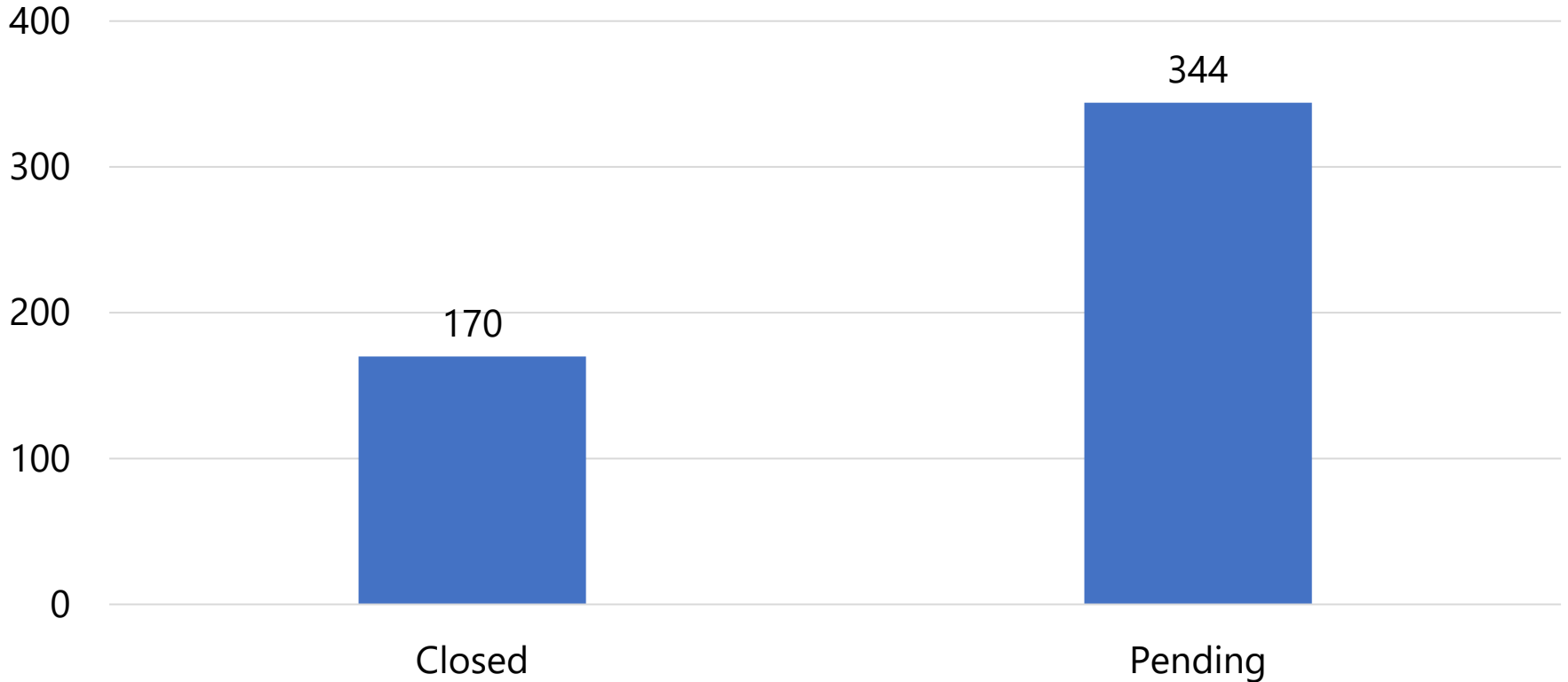
- **2** employer
- **1** health care provider
- **1** injured employee
- **1** attorney

**Based on data received as of 3/13/2023*

Enforcement Update

CY2023 Enforcement Case Status

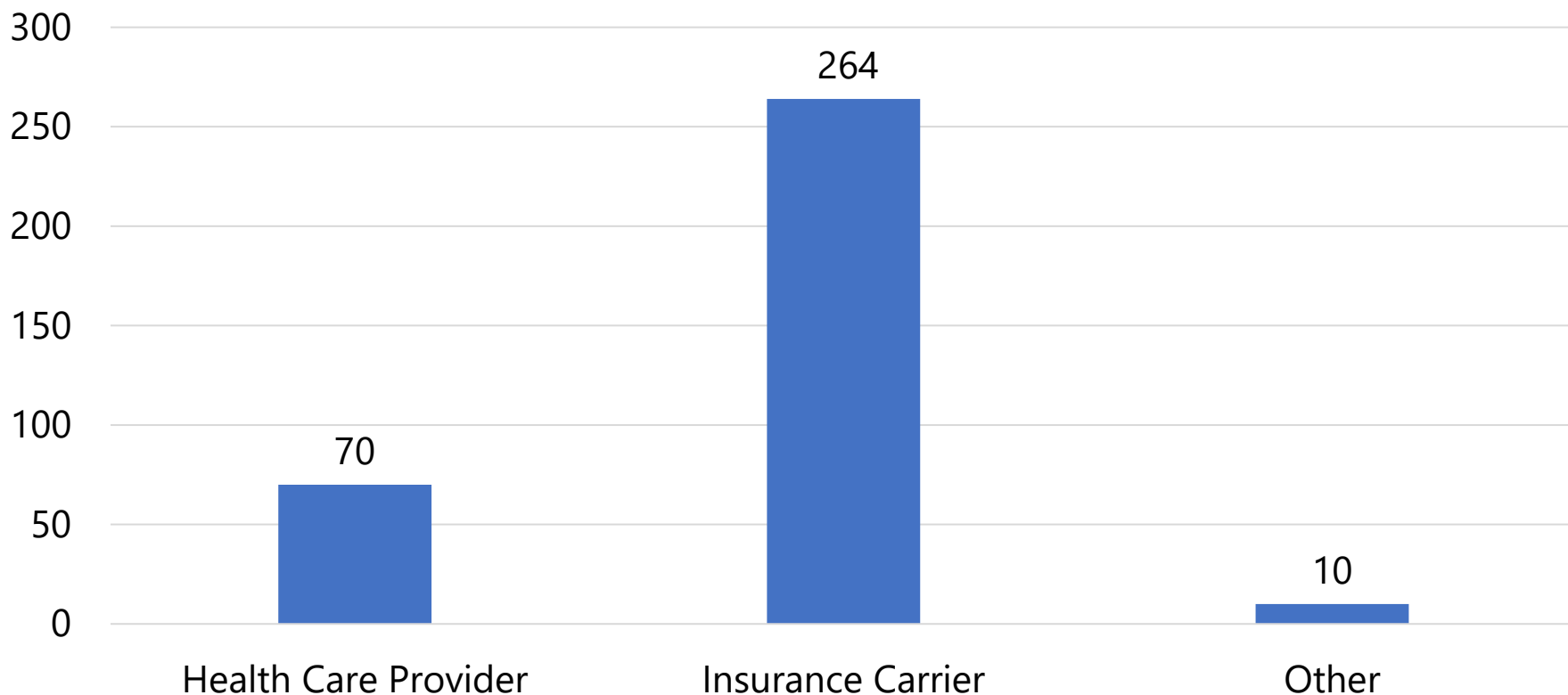
Based on enforcement data as of 03/14/2023



2023	Closed Cases	Pending Cases
Cases	170	344

CY2023 Cases Pending by Subject Type

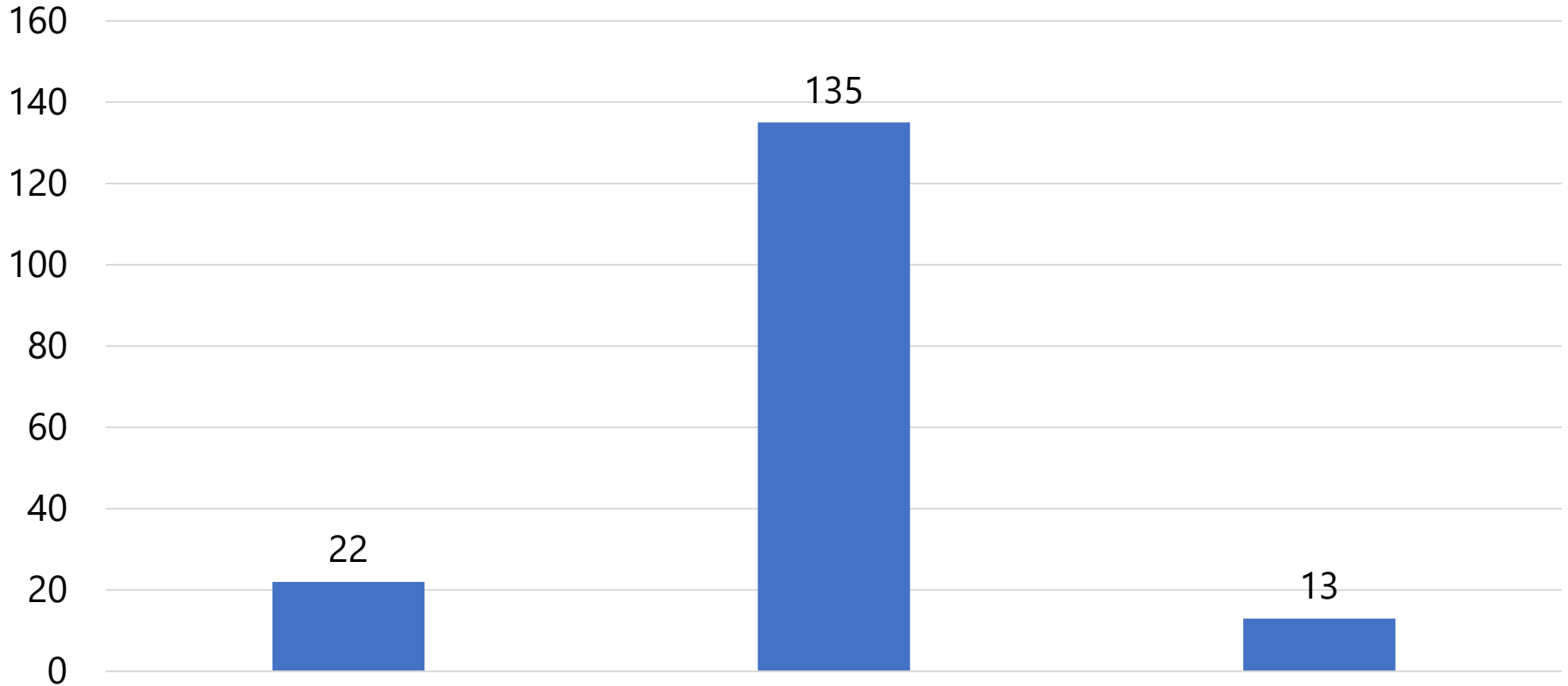
Based on enforcement data as of 03/14/2023



2023	Health Care Provider	Insurance Carrier	Other
Cases	70	264	10

CY2023 Cases Closed by Subject Type

Based on enforcement data as of 03/14/2023

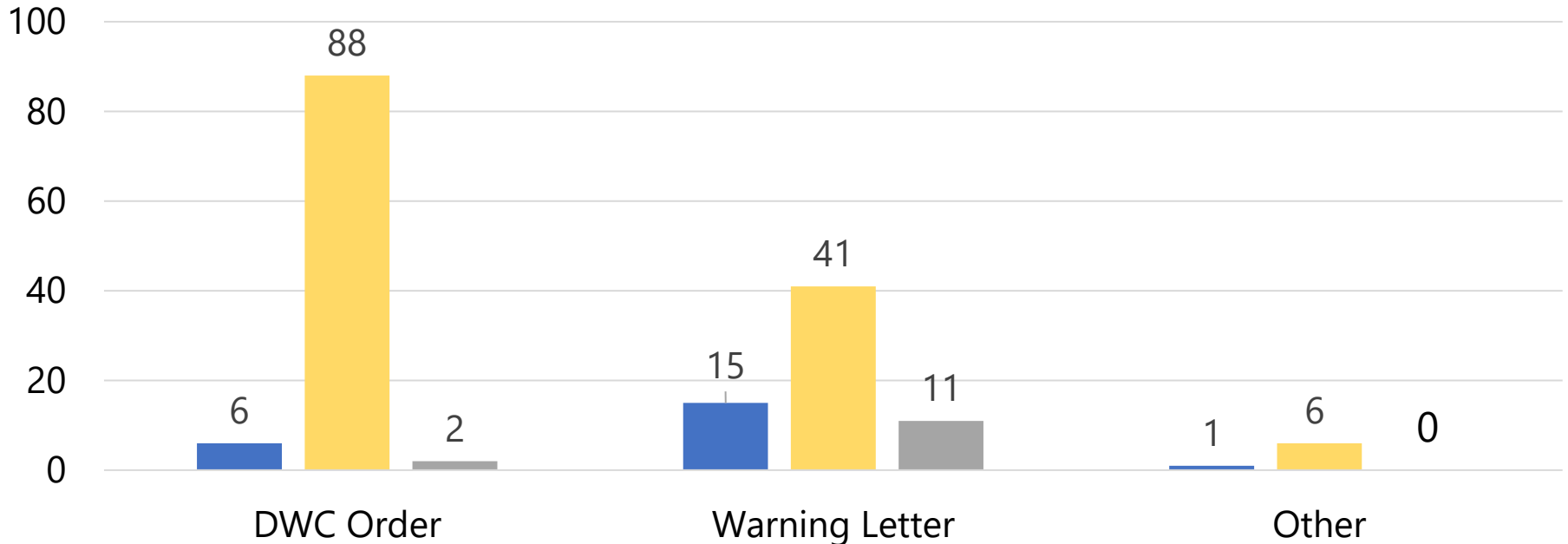


	Health Care Provider	Insurance Carrier	Other
2023	22	135	13
Cases	22	135	13

CY2023 Cases Closed by Disposition Type

Based on enforcement data as of 03/14/2023

■ Health Care Provider ■ Insurance Carrier ■ Other



2023	Health Care Provider	Insurance Carrier	Other
DWC Order	6	88	2
Warning Letter	15	41	11
Other	1	6	0

DWC Enforcement Disciplinary Orders Link

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

Questions?

Health and Safety Update

Mary Landrum, Deputy
Commissioner

Health and Safety Update

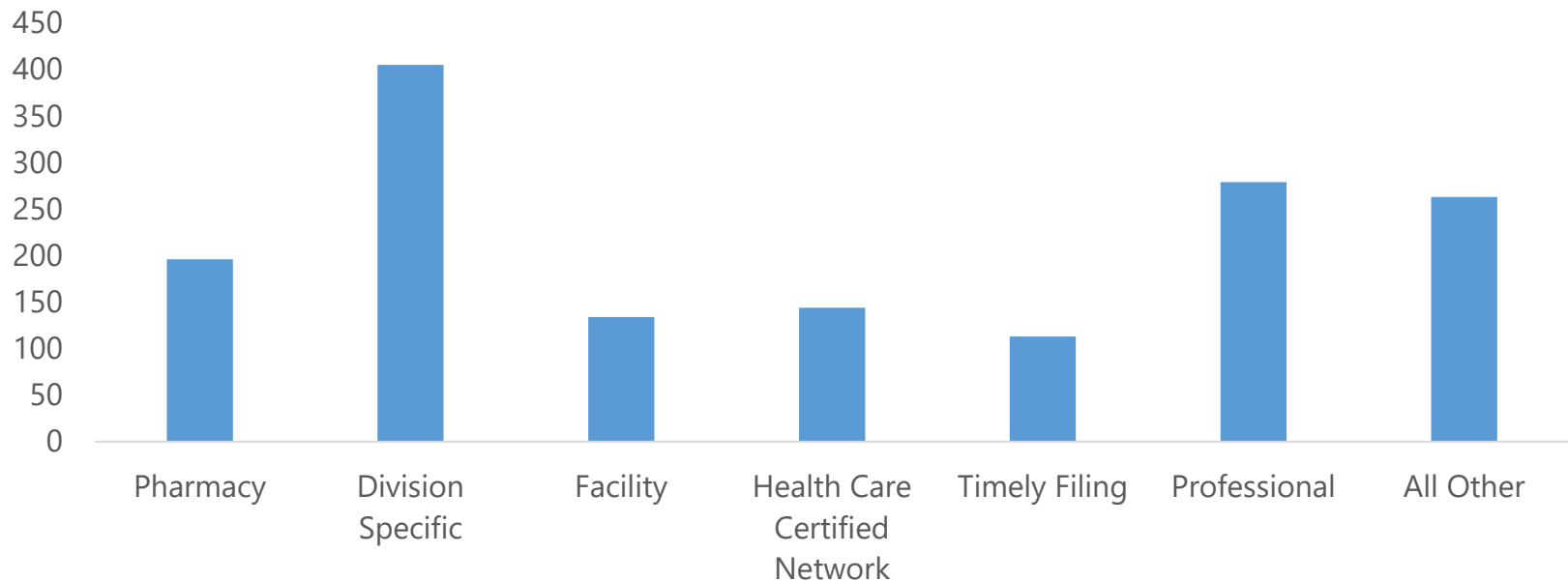
- Office of the Medical Advisor
- Health Care Provider Outreach
- Return to Work
- Designated Doctor Program
- Workplace Safety
- Medical Fee Dispute Resolution

MFDR Update

Greg Arendt, Director
Medical Fee Dispute

1,534 Disputes Received First Six Months of Fiscal Year 2023

FY 2022

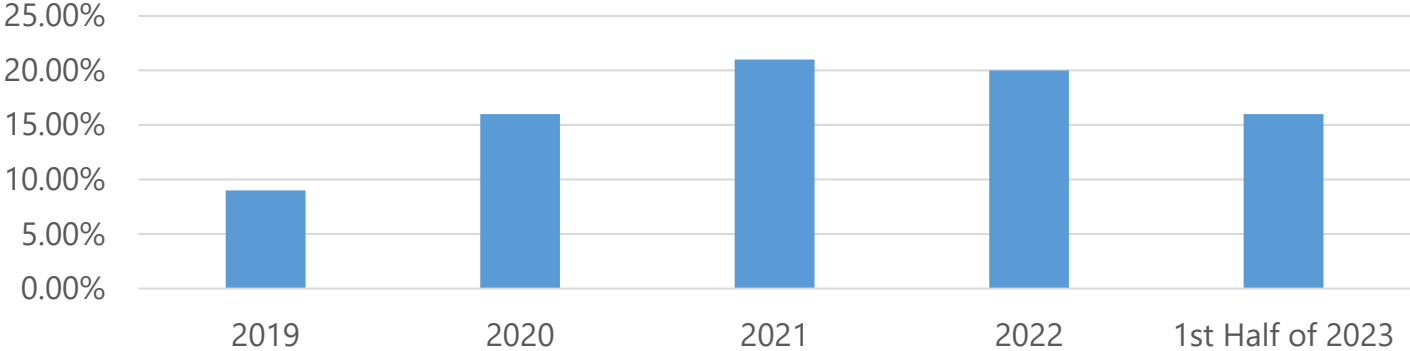


Pharmacy	Division Specific	Facility	Certified Network	Timely Filing	Professional Services	All Other	Total
196	405	134	144	113	279	263	1534

Insurance Carrier Responses

- Texas Administrative Code 133.307(d)(1) states (1) Timeliness. The response will be deemed timely if received by the division through mail service, personal delivery, or electronic transmission, as described in §102.5 of this title, within 14 calendar days

Percentage Missing or Untimely Responses



FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
9%	16%	21%	20%	16%

Response Submission

- Fax: 512-804-4811
- Encrypted Email: MDRInquiry@tdi.texas.gov
- Paper Submission
 - Delivery Service or In Person
 - Division of Workers' Compensation, MC: HS-MFDR
 - Texas Department of Insurance
 - 1601 Congress Avenue, Suite 6.900
 - Austin, Texas 78701
 - US Postal Service
 - Texas Department of Insurance
 - Division of Workers' Compensation, MC: HS-MFDR
 - PO Box 12050
 - Austin, TX 78711
- Secure File Transfer Protocol (SFTP)

Operations and External Relations Update

Kimberly Donovan, Deputy Commissioner
Operations and External Relations

Legislative Update

Dates of Interest

March 10, 2023

- 60-day deadline for bill filing

May 29, 2023

- Sine die – end of regular session

About 8,300 bills total filed this session

DWC Legislative Recommendations

- SB 1122 and HB 2535
 - Relating to the exclusion of certain medical services performed to determine an appropriate level of workers' compensation benefits from sales and use taxes.
- HB 2534
 - Relating to the confidentiality of working papers and electronic communications of administrative law judges and appeals judges under the workers' compensation system.

Topics to Watch

First responders – expanding eligibility of certain benefits, expanding presumption laws, or broadening the definition of a first responder

- HB 471
- HB 790
- HB 2468/SB 1033
- HB 2317
- HB 3416
- SB 799
- SB 1878

Topics to Watch

Medical scope of practice

- HB 2553
- HB 3370
- HB 1190
- HB 2556

Changes to medical reports and fees

- HB 790
- HB 1839
- HB 2702/SB 1793

Topics to Watch

Combined coverage policies for group health and workers' compensation

- HB 351

Changes to "course and scope" of employment

- HB 2539
- HB 3107 and SB 1674
- HB 3335

Topics to Watch

Changes to how contested case hearings are held

- HB 4214
- HB 4649 and SB 1640

Research and Evaluation Group Update

Upcoming Reports

Employer Participation Report

- End of March 2023

COVID-19 Factsheet

- March 2023 (11th Edition)
- May 2023 (12th Edition)

Return-to-Work Outcomes for Texas Injured Employees

- May 31, 2023

Health Care Cost and Utilization in the Texas Workers' Compensation System

- August 31, 2023

Access to Medical Care in the Texas Workers' Compensation System

- August 31, 2023

Impact of the Texas Pharmacy Closed Formulary

- August 31, 2023

2023 Workers' Compensation Conference

July 10 - 12, 2023

HYATT REGENCY

AUSTIN, TX



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Texas Division of
Workers' Compensation



@TexasDWC



Texas Division of
Workers' Compensation



GET THE LATEST ON:

- » The impact of new legislation and case law.
- » Investigating and identifying subrogation claims.
- » Trends in workers' compensation fraud and enforcement.
- » The "fault-line" between compensable and non-compensable claims.
- » Case management for better employee outcomes, return to work, and cost containment.

www.tdi.texas.gov/wc/events/wcconference.html

DWC | Division of Workers' Compensation

EDI Updates

Martha Luévano, Director
Enterprise Automation Services (EAS)

Claims EDI R3.1- Implementation

Testing opened January 12

- All carriers must complete testing before July 26, 2023.
- Carriers that use an EDI Vendor are automatically approved when the vendor completes the test plan.
- Small carriers that opted to use web entry are not required to test.

General Implementation Information

- Go to txdwcedi.info/impl-info
- Release 1 cut-off - July 25, 2023 5 p.m. CST
- Release 3.1 is LIVE July 26, 2023

Claim EDI R3.1- Help & Support

- For technical questions, send an email to txdwcedi@iso.com
- To see the FAQs, go to txdwcedi.info/faq
- To get training (individual or group) email martha.luevano@tdi.texas.gov
 - One-hour virtual training sessions customized to the attendees' needs.
 - Multiple sessions and longer meetings may be requested.
 - Learn about new and important features of the reporting standard.
 - Learn how to prepare for implementation.

Claims EDI R3.1 - Billing

- Billing for costs associated with Claim EDI 3.1:
 - Data collection agent (DCA) may recover start-up costs and ongoing costs.
 - Carriers must provide billing contacts to the DCA.
 - Initial bills must be paid by July 26, 2023.
 - Governmental entities are excluded.
- More information about billing:
 - Memos detailing the costs and how invoices are calculated txdwcedi.info/news
 - Billing FAQ txdwcedi.info/faq
- Questions? Email txdwcbillingquestions@verisk.com

Questions?

Martha Luévano

Director for Enterprise Automation Services (EAS)

WC coverage | Open Records | eBill | EDI Reporting |

Informal Networks

martha.luevano@tdi.texas.gov

(512) 804-4858

Closing

Jeff Nelson, Commissioner
Division of Workers' Compensation