

Insurance Carrier Quarterly Meeting

April 25, 2024 – 1:30 p.m. to 3 p.m.

TDI Division of Workers'
Compensation

Agenda

- Welcome.
- Compliance and Investigations update.
- Business Process Update
- Health and Safety update.
- Operations and External Relations update.
- Hearings update.
- Claims and Customer Service update.
- Q&A.
- Closing remarks.

Welcome

Jeff Nelson, Commissioner of Workers' Compensation

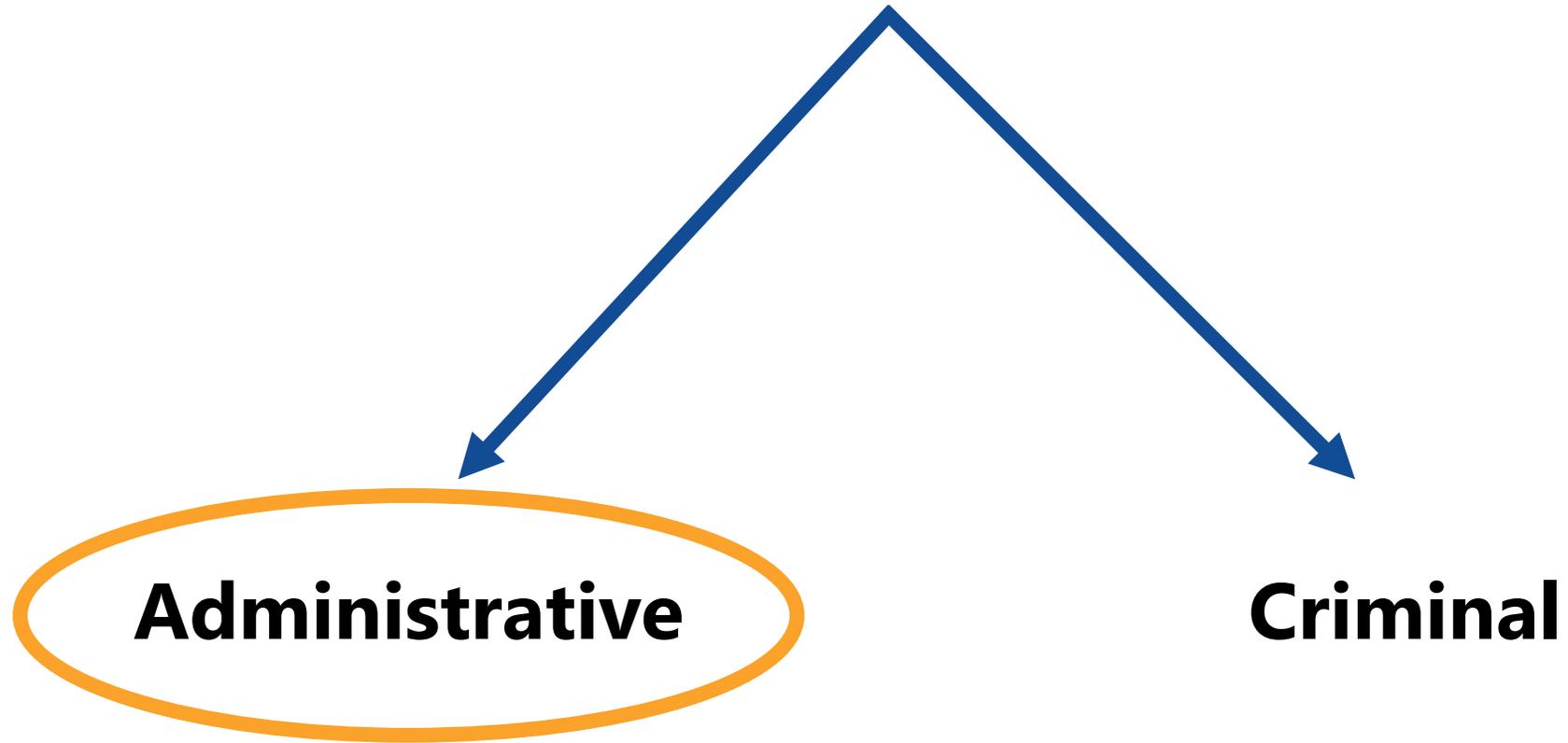


Compliance and Investigations

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 DWC.

[Texas Labor Code §401.011\(2\)](#)

Complaint



Audits & Investigations



Enforcement

Complaint

A written submission to DWC alleging that a system participant violated the Labor Code or rules.

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

Complaint

- Written.
- Violation of 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 Texas Department of Insurance, Division of Workers' Compensation (DWC) 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

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



Complaint process



Assigning complaint

Program supervisor assigns complaint to an insurance specialist.

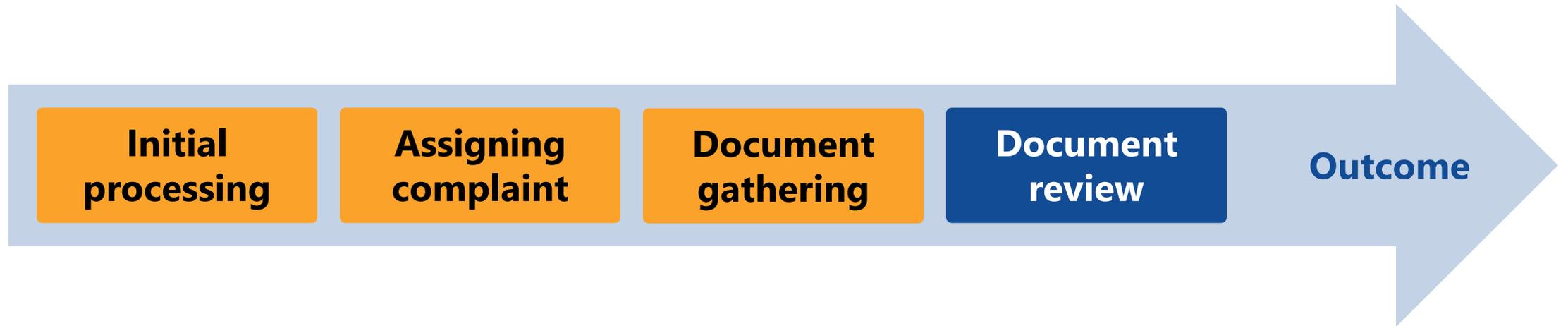
Document gathering

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 (MMI) 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 case

- A program specialist assigns a case number to a confirmed complaint allegation.
- 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 following the complaint investigation, please comply with that request as it is made.
- If you expect 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)

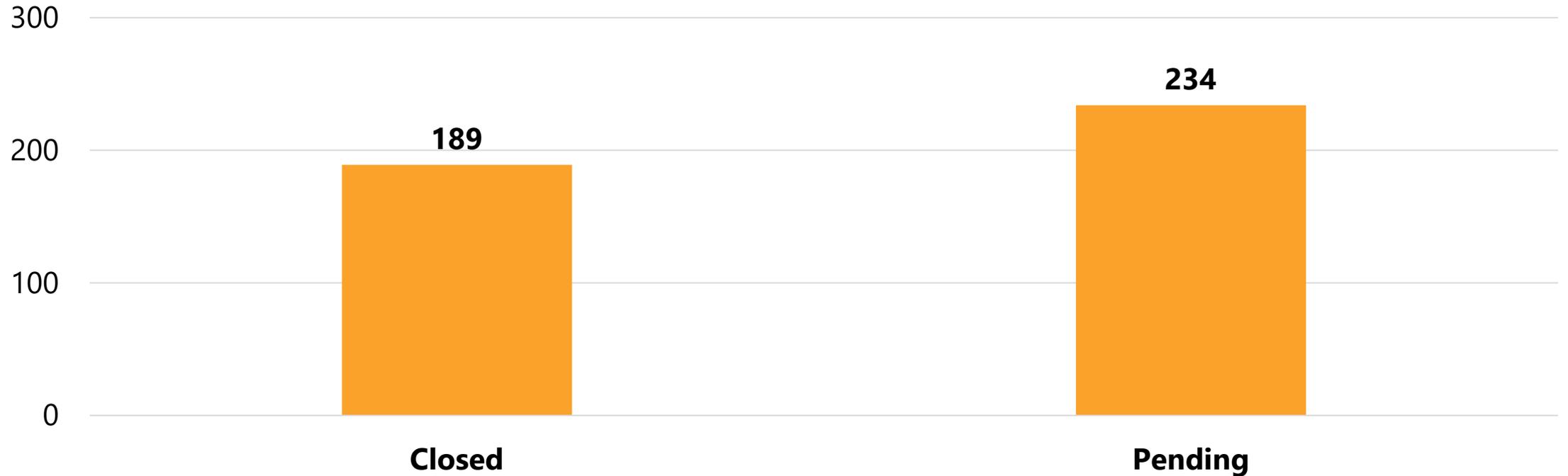
Medical bill processing

8 initiated
8 completed (initiated in FY23)

Based on data as of 4/2/2024.

Enforcement update

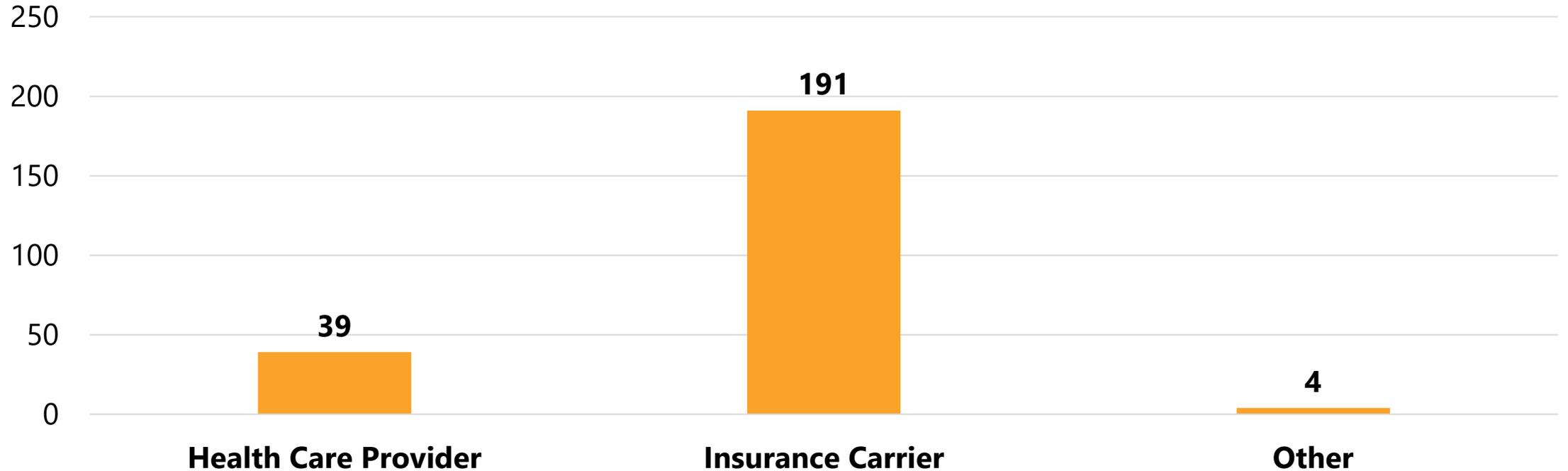
CY 2024 – Enforcement case status



2024	Closed cases	Pending cases
Cases	189	234

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

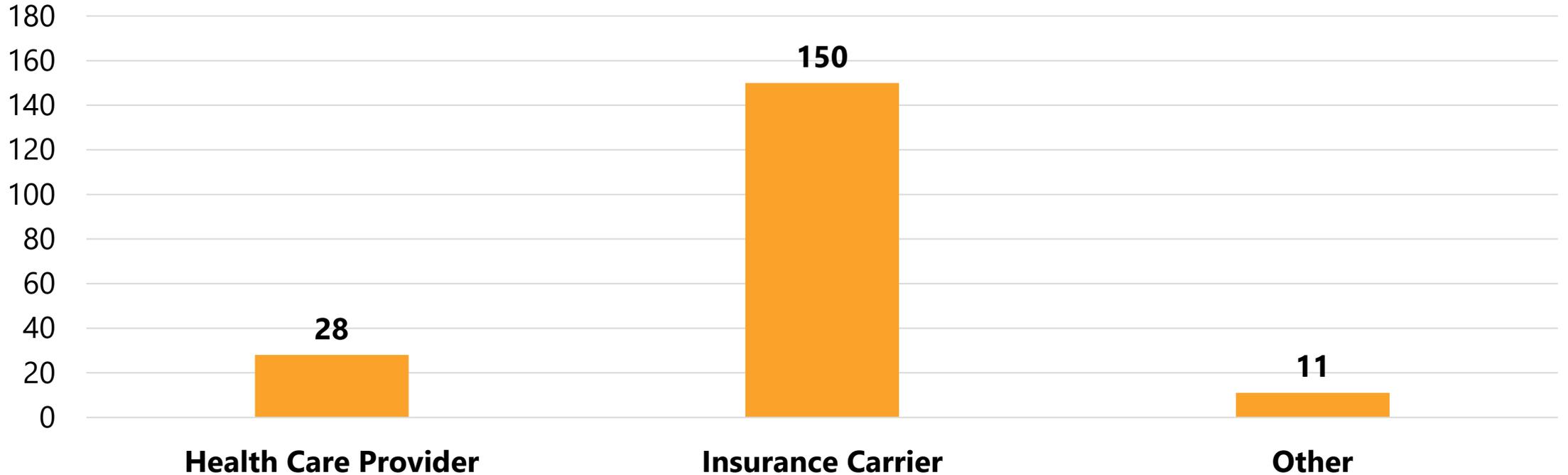
CY 2024 – cases pending by role



2024	Health Care Provider	Insurance Carrier	Other
Cases	39	191	4

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

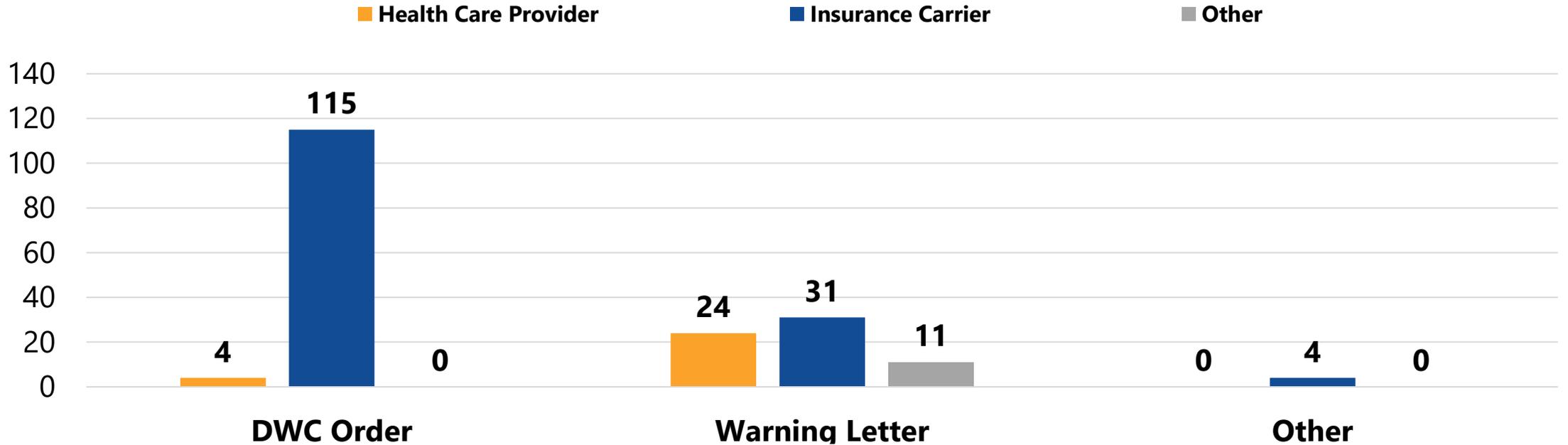
CY 2024 – cases closed by role



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

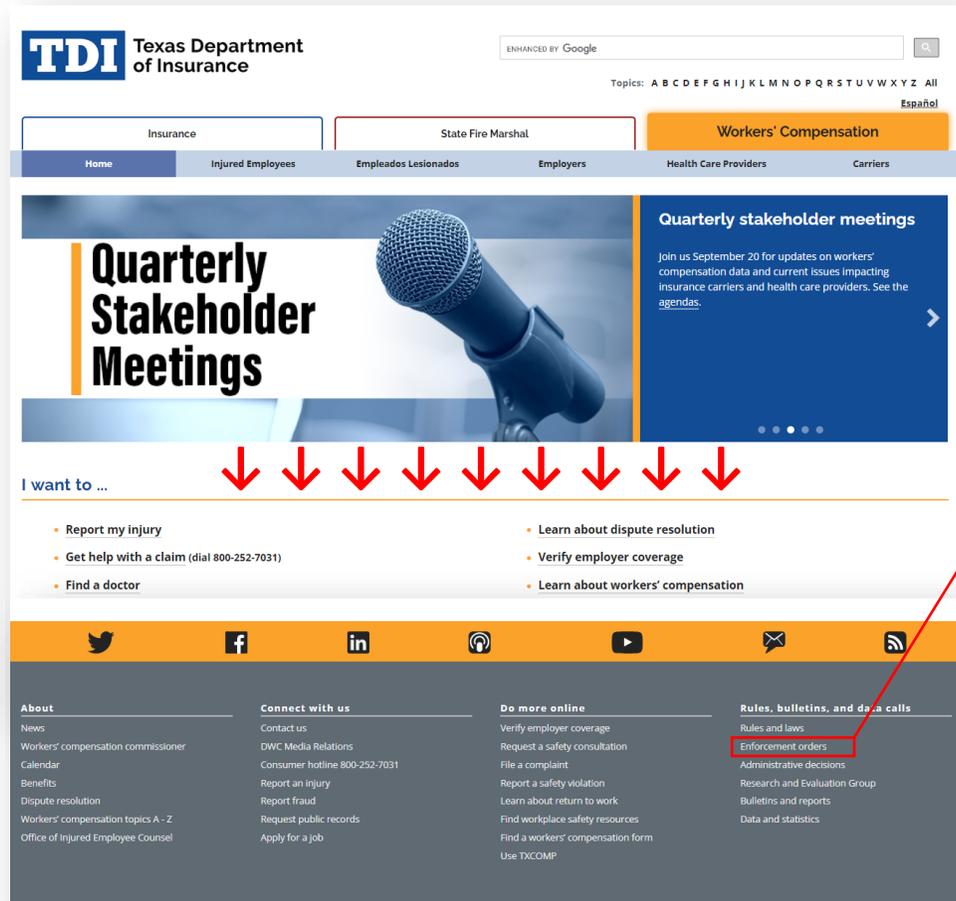
Based on enforcement data as of 4/2/2024.

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

TDI Division of Workers'
Compensation

EDI and PBO updates

Martha Luévano, Director for Enterprise Automation Services (EAS)



Recent changes

	DWC program	Deputy commissioner	Program contact	General questions
Performance based oversight (PBO)	Business Process	Tammy Campion	Martha Luévano	PBO@tdi.texas.gov
Scorecards Claim and medical EDI data (raw)	Business Process	Tammy Campion	Martha Luévano	edisupport@tdi.texas.gov
Scorecards Complaint data	Compliance & Investigations	Dan LaBruyere	Martha Luévano	edisupport@tdi.texas.gov
Audits & Investigations	Compliance & Investigations	Dan LaBruyere	Diana Ramos	DWC-ComplianceReview@tdi.texas.gov
Complaints	Compliance & Investigations	Dan LaBruyere	Diana Ramos	DWC-ComplianceReview@tdi.texas.gov

Claim EDI reporting updates

Claim EDI reporting

- Scorecards are current.
- Detail claim data delivery is current.
- Developing compliance coordinator dashboard.

Claim EDI outreach

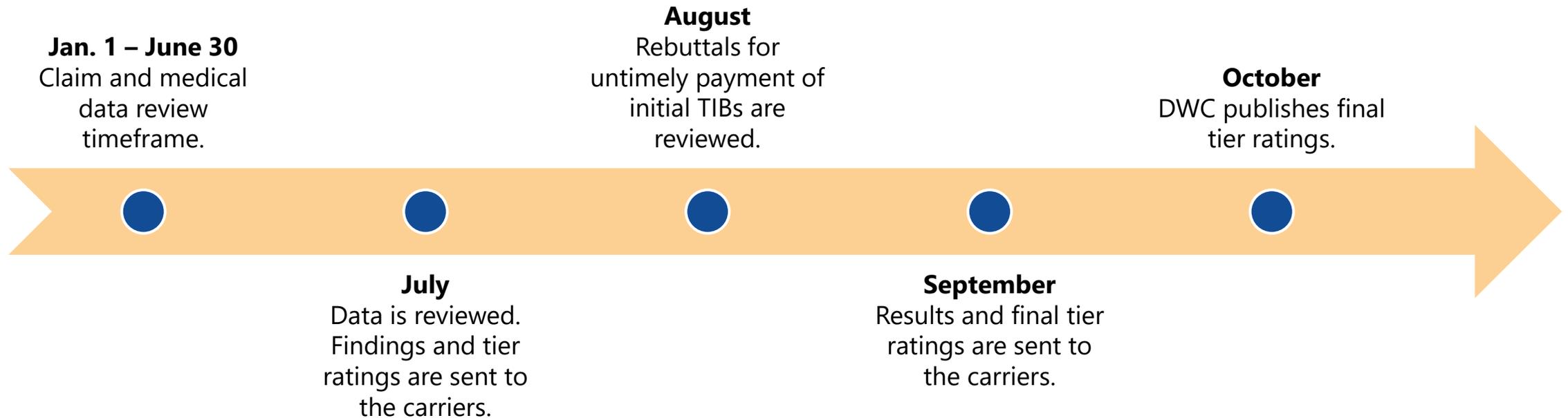
- PLN 1s missing EDI denial (FROI 04).
- PLN 11 dispute over disability missing first report of injury (FROI 00) and/or partial denial report (SROI PD).
- First report of injury rejections.

New claim EDI FAQ posted at txdwcedi.info/faq.

PBO update

2024 insurance carrier PBO assessment plan posted at www.tdi.texas.gov/wc/pbo/index.html.

PBO schedule:



Contacts

txdwcedi@verisk.com

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

txdwcbillingquestions@verisk.com

Claim EDI 3.1.4 billing, invoices, and billing registration.

edisupport@tdi.texas.gov

Request for training, EDI-03 compliance coordinators, and EDI rules.

PBO@tdi.texas.gov

Questions about PBO.

Health and Safety

Mary Landrum, Deputy Commissioner of Health and Safety



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 maximum medical improvement (MMI) and impairment rating (IR) certifications.
- Health care providers who conduct 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 cancellation 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

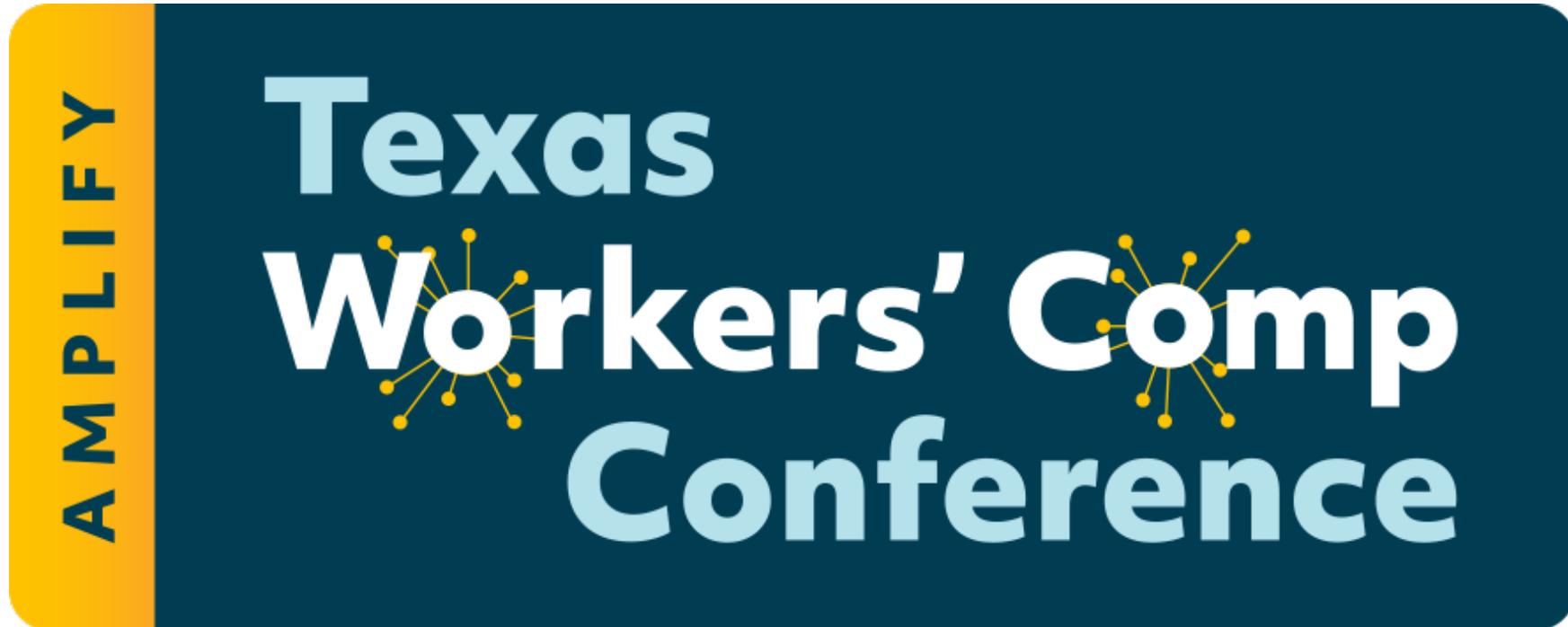
DDRecords@tdi.texas.gov

Operations and External Relations

Matt Posey, Deputy Commissioner for 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, a dark blue box contains the word "AMPLIFY" in a yellow vertical bar and the text "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, a list of topics is presented with yellow arrowheads. The TDI logo and "Division of Workers' Compensation" are in the bottom right corner.

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.

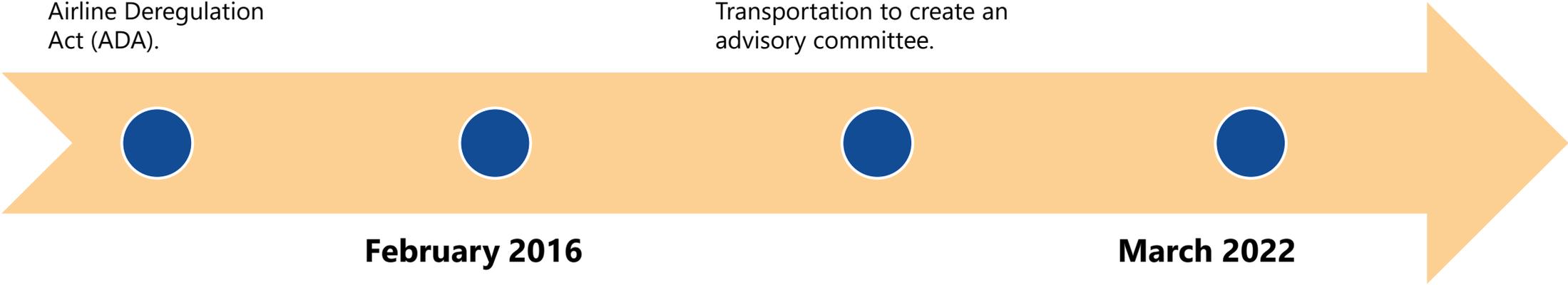
[Learn more](#)

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.

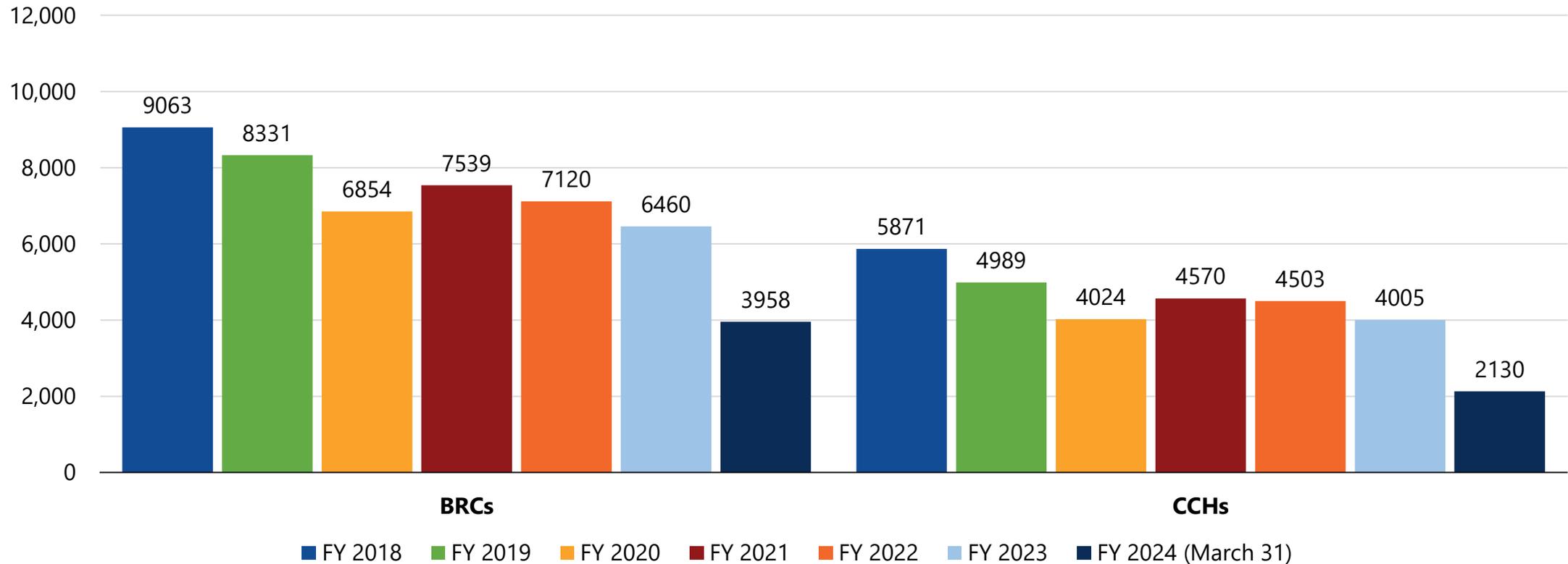
Hearings

Allen Craddock, Deputy Commissioner of Hearings



Proceedings concluded

FY 2022 – March 2024



Austin field office construction

Brenda Foster Austin Field Office

- During construction:
 - Loud construction after hours.
 - Two hearing rooms.
- New field office:
 - Waiting area.
 - Three hearing rooms.
 - Two caucus/meeting rooms.



Rule updates

**Condense and
reorganize**

**Update outdated
information**

Chapter 147

**Remove references to
penalties**

**Comply with agency
style guide**

Multi-certification process

Receive dispute with MMI, IR, extent of injury (EOI.)

Work with parties to identify EOI conditions that need to be rated.

Issue presiding officer directive (POD.)

Work with DD section.

Work with DD and parties to get report.

Request for information



“

Notice to parties: We request this information for mediation purposes only, and we will use your answers to order a designated doctor to prepare multiple certifications. **Your answers do not bind you, and you may change your mind.** However, inaccurate answers will likely cause additional exams and delays in the dispute resolution process. You should consult with your attorney or ombudsman.

”

Communication

- Secure File Transfer Protocol (SFTP).
- TXCOMP.
- PROs:
 - Hearings [webpage](#), click “Dispute Resolution News”, then click “Contact information for PROs.”
- Emails:
 - [BRC Exchanges@tdi.texas.gov](mailto:BRC_Exchanges@tdi.texas.gov).
 - [CCH Exhibits@tdi.texas.gov](mailto:CCH_Exhibits@tdi.texas.gov).
- Hearings fax: 512-804-4011.

Questions?

TDI Division of Workers'
Compensation

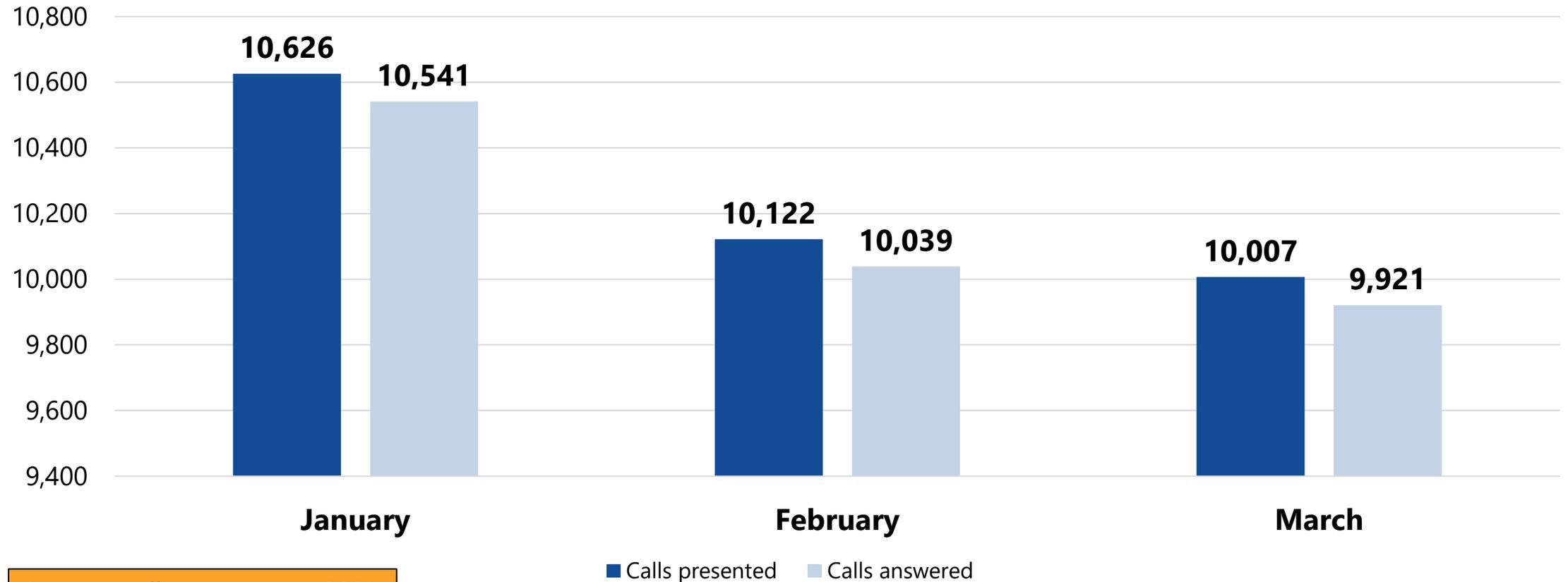
What's new in customer service

Erica De La Cruz, Deputy Commissioner of Claims and Customer Service

Teresa Johnson, Director of Outreach & Claims Service



Customer service helpline dashboard



Average call capture rate: **99%**
Average wait time: **11 seconds**

Got a wage statement?

You should have an employer's wage statement for every claim where income or death benefits are due.

We'll ask you to send us the wage statement when we're reviewing the following DWC forms:

- [DWC Form-031](#), *Request to change payment period or purchase of an annuity.*
- [DWC Form-033](#), *Request to reduce benefits due to contribution.*
- [DWC Form-046](#), *Request to accelerate impairment income benefits.*
- [DWC Form-047](#), *Request to advance benefits.*
- [DWC Form-052](#), *Application for supplemental income benefits.*
- [DWC Form-055](#), *Request to adjust average weekly wage for seasonal employee.*

We'll also ask you to send us the employer's wage statement...

...when we're helping potential beneficiaries and first responders with their claims.

The DWC single point of contact (SPOC) verifies the benefit amount and educates about:

- The importance of reviewing information the employer put on the wage statement.
- Completing [DWC Form-003ME](#), *Employee's multiple employment wage statement*, if applicable.

The insurance carrier, not the employer, is responsible for sending the wage statement to DWC when requested.

Want to learn more about wage statements?

Stay tuned for our upcoming trainings:

CompCourses: The Wage Statement

- Requirements for filing a DWC Form-003, *Employer's Wage Statement*.

Texas Workers' Compensation Conference: Wage Calculations

- Using the wage statement to calculate income and death benefits.

Common processing issues with DWC forms

Help us process DWC forms timely by:

For Required Medical Exam (RME) requests:

- Requesting to rescind the previous RME approval order that exam **did not** occur.

For all DWC forms:

- Responding to the SPOC timely when requesting information.
- Reporting address changes via EDI.
- Reporting adjuster changes timely via EDI.

Questions?

Call us at 800-252-7031, option 1
Monday through Friday, 8 a.m. to 5 p.m. Central time



Closing remarks

Jeff Nelson, Commissioner of Workers' Compensation

