



OUTREACH and OVERSIGHT

Texas Department of Insurance
Division of Workers' Compensation

UPDATE

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Recent TDI-DWC Form Revisions and New Forms

TDI-DWC forms and notices are available for download from the TDI website at <http://www.tdi.texas.gov/forms/form20.html>.

DWC Form-032, Request for Designated Doctor Examination

(For use on or after September 1, 2012)

The injured employee, injured employee's representative, or insurance carrier uses this form to request the TDI-DWC to order a designated doctor examination. If the request is approved, the TDI-DWC assigns a qualified designated doctor to examine the injured employee. The designated doctor should have a copy of the DWC Form-032 prior to the examination, because it contains the reason for the examination and the questions to be addressed and answered in the designated doctor report. The form was revised to specifically conform to 28 TAC §127.1, relating to Requesting Designated Doctor Examinations. Highlights of the rule changes revising the form include:

- Workers' compensation system participants filing a DWC Form-032 with the TDI-DWC are required to provide a copy of the completed DWC Form-032 to all parties;
- Requester must reference the injured employee's current diagnosis or diagnoses and the part of the body affected by the injury;
- Requester must identify certified workers' compensation health care network (network) for the injured employee, if any;
- Requester must identify the name of the political subdivision health plan, if any;
- Requester must state whether the injured employee has previously been to a designated doctor on the claim and if so, give the date of

TDI-DWC Adopts Rules Impacting Designated Doctor Program

On June 29, 2012, the Commissioner of Workers' Compensation Rod Bordelon adopted new and amended rules affecting designated doctor scheduling, certification and qualification. These adopted rules also implement other changes as mandated by House Bill 2605 (82nd Texas Legislature, Regular Session) for the efficient administration of the designated doctor program and to establish TDI-DWC requirements formerly not expressed in rule.

The primary purpose of adopting 28 Texas Administrative Code (TAC) §§127.1, 127.5, 127.10, 127.20, 127.25, 180.23; the repeal of §130.6 and §180.21, and new §§127.100, 127.110, 127.120, 127.130, 127.140, 127.200, 127.210, and 127.220 is to implement the statutory changes made in House Bill 2605. These adopted rules also repeal 28 TAC §180.21 of this title (relating to Division Designated Doctor List) and 28 TAC §130.6 of this title (relating to Designated Doctor Examinations for Maximum Medical Improvement and/or Impairment Ratings) and recodify the relevant provisions of the repealed rules in 28 TAC Chapter 127.

These adopted amendments, repeals and new sections will become effective on September 1, 2012 (with delayed applicability of some provisions until January 1, 2013 pursuant to HB 2605) and highlights include:

- requiring certification, qualification, testing and training of designated doctors to assess their proficiency and ability to perform their specific statutory duties;
- requiring designated doctors to remain with case assignments unless otherwise authorized; and
- authorizing the TDI-DWC to refuse to renew designated doctor certifications.

TDI-DWC Adopts Rules Impacting Designated Doctor Program (cont.)

The TDI-DWC has also revised the existing TDI-DWC form related to requesting a designated doctor examination and created new forms that are to be used by designated doctors in conjunction with these adopted rules. Specifically, the TDI-DWC has revised the DWC Form-032, Request for Designated Doctor Examination, and created new DWC Form-067, Designated Doctor Certification Application, and DWC Form-068, Designated Doctor Certification

Application. Workers' compensation system participants are to use the revised and new forms on and after September 1, 2012. The forms are available for download from the TDI website at <http://www.tdi.texas.gov/forms/form20.html>.

The adopted rules may be viewed on the Designated Doctor web page on the TDI website at <http://www.tdi.texas.gov/wc/dd/index.html#actrules>. ♦

Recent TDI-DWC Form Revisions and New Forms (cont.)

the most recent designated doctor examination and name of that doctor who performed the examination;

- Maximum Medical Improvement (MMI) Examination requestors are required to submit the statutory MMI date, if applicable; and
- Impairment Rating (IR) requestors are required to submit the date of MMI determined to be valid by the TDI-DWC, court or agreement of the parties, if any.

DWC Form-067, Designated Doctor Certification Application

(For use on or after September 1, 2012)

A doctor requesting to serve as a designated doctor is required to complete and submit a DWC Form-067 to the TDI-DWC as part of the certification process. Designated doctors whose certifications expire on or after September 2012 are required to submit a completed DWC Form-067 to the TDI-DWC as part of the recertification process. The completed form can be submitted to the TDI-DWC via fax to 512-804-4207 or mail to TDI-DWC, 7551 Metro Center Drive, Suite 100, MS-603, Austin, Texas 78744-1645. The form was created to specifically conform to 28 TAC §127.100, relating to Designated Doctor Certification.

DWC Form-068, Designated Doctor Examination Data Report

(For use on or after September 1, 2012)

The DWC Form-068 is the designated doctor report submitted by designated doctors to address issues related to extent, disability and other issues not related to MMI, IR and return to work. The form was created to specifically conform to 28 TAC §127.220, relating to Designated Doctor Reports. Designated doctors completing a DWC Form-068 must:

- provide general information about the designated doctor, injured employee and insurance carrier;
- identify any network or political subdivision health plans, if any;
- identify the questions the TDI-DWC ordered the designated doctor to address;
- list all injuries determined to be compensable by the TDI-DWC or accepted as compensable by the insurance carrier;
- provide a diagnosis code for each injury (for data purposes only);
- provide clearly defined answers for each question to be addressed;
- provide a diagnosis code for disputed injuries when addressing extent;
- provide the date and address of the examination and the time the examination began;
- list any additional testing and referrals and identifying those health care providers; and
- provide the signature of the designated doctor who performed the examination. ♦

Designated Doctors' New Requirements to Recertify

Recently adopted TDI-DWC rules will change the recertification requirements for designated doctors as of September 1, 2012. The new rules also include changes to the testing and training requirements for current designated doctors.

All current TDI-DWC designated doctors should immediately check their TXCOMP profile to determine when their designated doctor credential expires. TXCOMP can be accessed at <https://txcomp.tdi.state.tx.us/twccprovidersolution/homehtml>.

Credentials Expiring between September 1, 2012 and December 31, 2012

To meet the requirements for credentials expiring in this period, designated doctors must, prior to their expiration date:

- Attend TDI-DWC approved training (AADEP). If you have not already attended, the next scheduled trainings are: September 13-14 in Austin, October 25-26 in Houston, and November 15-16 in Dallas.
- **NEW REQUIREMENT** — Complete and pass the TDI-DWC approved test (the CEDIR, TIRSAT or TEIRS are currently approved by the TDI-DWC).

- **NEW REQUIREMENT** — Submit the new paper application Designated Doctor Certification Application (DWC Form-067), along with a copy of the training certificate and test score verification.

Credentials Expiring on or after January 1, 2013

- To meet the requirements for credentials expiring in this period, designated doctors must, prior to their expiration date, **meet the requirements above and:**
- **NEW REQUIREMENT** — The TDI-DWC must receive a complete Designated Doctor Certification Application (DWC Form-067) no less than 45 days prior to the expiration of the designated doctor's certification. The TDI-DWC will not offer initial appointments to designated doctors during this period until it receives a complete application.

Complete information regarding recertification requirements for designated doctors are outlined in TDI-DWC Rules, 28 Texas Administrative Code (TAC) §127.110. The designated doctor rules, new application, training dates, and testing vendor information are available on the TDI website at <http://www.tdi.texas.gov/wc/dd/index.html> or by contacting the TDI-DWC Designated Doctor Outreach and Oversight at 512-804-4766. ♦

Mandatory Data Call for Designated Doctors

With the passage of new and amended rules concerning the designated doctor process, designated doctors will be selected based on an injured employee's current "diagnosis or diagnoses" and "the part of the body affected by the injury" rather than the injured employee's current medical condition and type of health care the injured employee is currently receiving.

In an effort to comply with the changes in the law and TDI-DWC rules, the TDI-DWC will be contacting all current designated doctors via U.S. Mail in early

fall requesting information regarding the doctors':

- identifying information;
- license type and board of issuance; and
- board certifications, if any, and board(s) of issuance, either the American Board of Medical Specialties or American Osteopathic Association Bureau of Osteopathic Specialists.

It is imperative that all doctors respond immediately to the TDI-DWC data call to ensure their availability for selection for examinations to be performed on or after January 1, 2013. ♦

Tools for Compliance Success Offered at Conferences in Austin and Houston

The 2012 Workers' Compensation Compliance Conferences will be held in Austin on September 20-21 and in Houston on October 22-23. The conferences will inform designated doctors and other system participants about common non-compliance issues and provide education to assist them in fulfilling their role within the Texas workers' compensation system. *Tools for Compliance Success* is the theme for the conferences.

The conferences will feature 20 breakout sessions organized in three tracks for designated doctors, employers and insurance carriers and health care providers, as well as exhibitors offering workers' compensation-related products and services. In addition, each conference will feature an optional preconference session entitled *Basic Workers' Compensation* geared toward individuals who are new to the Texas workers' compensation system.

The Austin compliance conference will be held Thursday and Friday, September 20-21, 2012 at the Renaissance Austin Hotel, 9721 Arboretum Blvd. The Houston conference will be held Monday and Tuesday, October 22-23, 2012 at the Renaissance Houston Greenway Plaza Hotel, 6 Greenway Plaza. Registration is \$250 per person through August 15, 2012 and \$325 per person after August 15, 2012. The

registration fee includes conference materials, lunch and refreshments.

Note: Attending the conferences does not fulfill any requirements for attendance at TDI-DWC approved training for certification or recertification for designated doctors.

Conference participants may be eligible for continuing education credits. Application will be made for Texas CLE credit for attorneys, TDI continuing education credit for insurance adjusters, and CRC, CDMS, and CCM credits for rehabilitation providers.

The TDI-DWC also hosts Workers' Compensation Educational Conferences to educate workers' compensation system participants on the laws passed by the Texas Legislature and rules adopted by the agency. The compliance conferences and the educational conferences will be held biennially, in alternating years. The next educational conference will be held September 13-14, 2013 in Austin and October 21-22, 2013 in Dallas.

For additional conference details, visit the TDI website at <http://www.tdi.texas.gov/wc/events/cconference.html>. ♦

Designated Doctor Workshops

The TDI-DWC is conducting free workshops for new designated doctors at various locations throughout Texas. These workshops are designed for designated doctors and focus on the processes a doctor should follow when conducting designated doctor examinations and preparing associated narrative reports.

The workshops also provide tools meant to enhance the quality of examinations and reports, which are critical components of the dispute resolution process. The workshops provide attendees with an opportunity to work through sample cases and prepare reports to answer questions designated doctors are appointed to address using the TDI-DWC approved impairment, treatment and return-to-work guidelines. Attendees will gain greater familiarity with the *American Medical Association*

Guide to Evaluation of Permanent Impairment 4th edition (AMA Guides), *Official Disability Guidelines Treatment in Workers' Comp* (ODG) and *The Medical Disability Advisor, Workplace Guidelines for Disability Duration (The MDGuidelines)*, relevant TDI-DWC rules and Appeals Panel Decisions. Please note that these workshops do not fulfill any requirements for attendance at TDI-DWC approved training for certification or recertification.

For additional information concerning dates and locations of the workshops, visit the Designated Doctor web page on the TDI website at <http://www.tdi.texas.gov/wc/dd/index.html#training>. ♦

Designated Doctor and Impairment Rating Doctor Training Courses

The following schedule features training courses for designated doctors and impairment rating doctors for the remainder of calendar year 2012. Registration for the courses can be completed online using the American Academy of Disability Evaluating Physicians website at www.aadep.org or by calling 800-456-6095. Information on training dates and locations is also available on the Designated Doctor web page on the TDI website at <http://www.tdi.texas.gov/wc/dd/>

September 13-14, 2012

**Renaissance Arboretum
9721 Arboretum Boulevard
Austin, Texas 78759**

APPROVED TRAINER

American Academy
of Disability Evaluating
Physicians

October 25-26, 2012

**TENTATIVE
Houston**

APPROVED TRAINER

American Academy
of Disability Evaluating
Physicians

November 15-16, 2012

**TENTATIVE
Dallas**

APPROVED TRAINER

American Academy
of Disability Evaluating
Physicians

**For more information or to register, visit the
American Academy of Disability Evaluating Physicians website at www.aadep.org**

Overview of New and Amended Designated Doctor Rules and Forms

AUSTIN, TX — The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is offering free educational seminars entitled Overview of New and Amended Designated Doctor Rules and Forms. The seminars are for all Texas workers' compensation participants, including: injured employees, designated doctors, health care providers, medical office staff, insurance carriers, claim adjusters and attorneys.

This educational seminar will provide detailed information regarding new and amended rules recently adopted by the Commissioner of Workers' Compensation affecting designated doctor scheduling, certification and qualification that become effective September 1, 2012. The training will also provide information on recently adopted forms used in the designated doctor process and for use on and after September 1, 2012. These forms include revised DWC Form-032, Request for Designated Doctor Examination; new DWC Form-

067, Designated Doctor Certification Application; and new DWC Form-068, Designated Doctor Examination Data Report.

For more details on the following educational seminars, visit the TDI-DWC Events and Training Calendar on the TDI website at <http://www.tdi.texas.gov/wc/events/index.html>. The seminars will be held from 9 a.m. to noon. Check-in begins at 8:30 a.m.

- August 22, 2012 Houston
- August 27, 2012 Fort Worth

Due to limited space, registration is required. To register, visit the TDI website at <https://wwwapps.tdi.state.tx.us/inter/perlroot/sasweb9/cgi-bin/broker.exe?service=wcExt&program=progExt.medreg.sas>.

For additional information, contact Chuck Whitacre at 512-804-4689 or Chuck.Whitacre@tdi.texas.gov. ♦

Designated Doctor Related Statistics for Fiscal Year 2007 through Fiscal Year 2011

Table 1 - Incidents or Injuries, Based Upon Date of Injury

Number Incidents or Injuries	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
"Reportable" Injury/Incident ^{1,2}	113,195	109,349	100,102	99,116	99,020

¹"Reportable": Injuries with at least one day of lost time, occupational disease, or fatality.

²Incidents or Injuries By Fiscal Year, Based Upon Date of Injury

Table 2 - Indemnity Disputes

Number of BRC Requests	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
BRC Requests ³	31,055	26,953	25,549	24,605	16,055

³Includes only one instance of each request for indemnity dispute resolution (regardless of level, BRC, CCH, or Appeal).

Table 3 - Total Designated Doctors in Workers' Compensation System

Number of Designated Doctors	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Designated Doctors ⁴	1,848	1,620	1,665	1,675	1,745

⁴Numbers include all doctors, both in and out-of-state, with an active DD credential anytime during the reporting period.

Table 4 - Total Designated Doctors Appointments Scheduled

Number of Appointments Scheduled	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Initial	48,173	46,059	39,927	36,663	34,143
Subsequent	10,358	9,038	8,231	8,720	7,869

⁵Initial Appointments: The first appointment on a particular claim assigned to a unique designated doctor. Injured employees may have multiple initial appointments if they are examined by more than one designated doctor.

⁶Subsequent Appointments: Appointments following an initial appointment on a claim where the same designated doctor was assigned.

Source: Texas Department of Insurance, Division of Workers' Compensation, 2012.

Designated Doctor Information and Resources Available Online

Designated doctor information and resources are available on the TDI website to assist designated doctors in performing their role in the workers' compensation system. Recently the URL to the Designated Doctor web page was shortened to be more convenient for designated doctors.

The Designated Doctor webpage features:

- a "What's New" section,
- data, including numbers of designated doctors and appointments by county and date;
- the *Designated Doctor Update* newsletter and other designated doctor publications;

- information on Letter of Clarification;
- disciplinary orders;
- training;
- forms; and
- laws and TDI-DWC rules relating to the designated doctor program.

Visit the Designated Doctor web page on the TDI website at <http://www.tdi.texas.gov/wc/dd> and set new web address to your browser's "favorites". ♦