

The POD-cast

Allen Craddock, Deputy Commissioner for Hearings



Communicating with designated doctors

- Letters of clarification (LOCs).
- Presiding officer directives (PODs).



Why do we call them PODs?



Because POO didn't work!

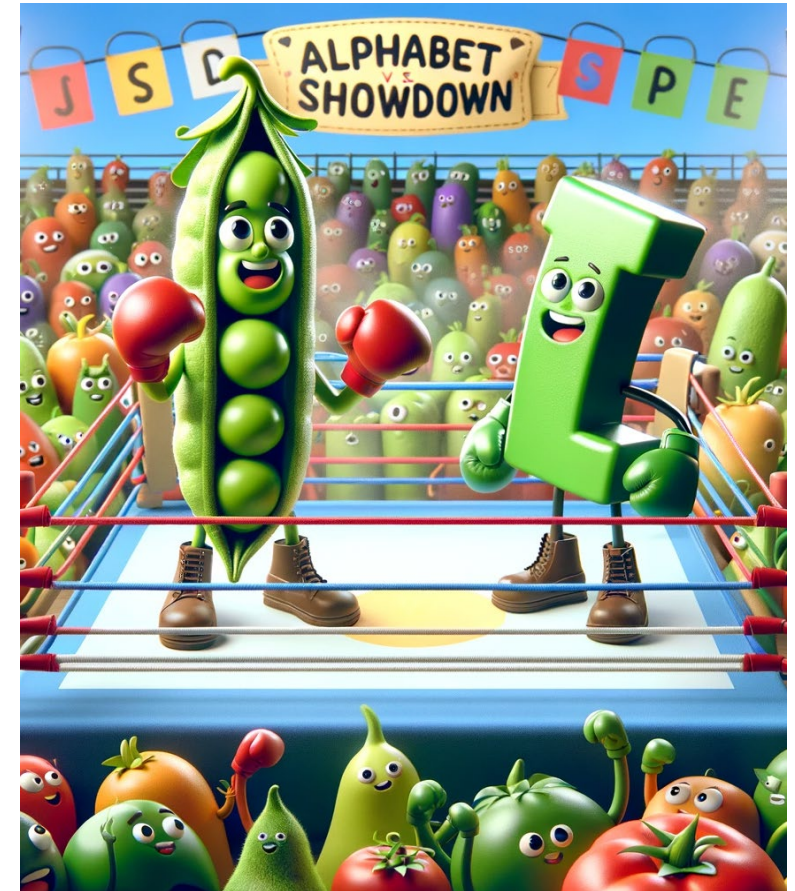
PODs vs. LOCs

LOCs

- No exam necessary.
- Clarify or correct.
 - Based on information available at the time of the exam.
 - No new reports.
- Not billable.

PODs

- New exam/report.
- Considers information not previously available.
- Billable.



Background



Where do PODs come from?

- Administrative law judges (ALJs) need specific reports.
- Need for reduced delays in disputes.
- Stop disputes within disputes.

Authority

Statutes

- [Texas Labor Code §408.041](#): "Avoid undue influence..."
- [Labor Code §408.0041](#): "At the request of an insurance carrier or employee, or on the commissioner's own order, the commissioner may order a medical examination..."

Rules

- Section 125.15



Disputing a POD



Disputing PODs

- [28 TAC §127.1](#): disputes about designated doctor requests.
- [Labor Code §408.0041](#): “At the request of an insurance carrier or employee, or on the commissioner’s own order, the commissioner may order a medical examination...”

“But it is wrong”

- Go through the presiding officer.

Multi-certification process

The triplets:

Extent of injury (EOI)



Maximum medical improvement (MMI)



Impairment rating (IR)



Multi-certification process



Three ratings:

- All injuries claimed by the injured employee.
- All injuries accepted by the insurance carrier.
- All the injuries the designated doctor believes are compensable (if different).

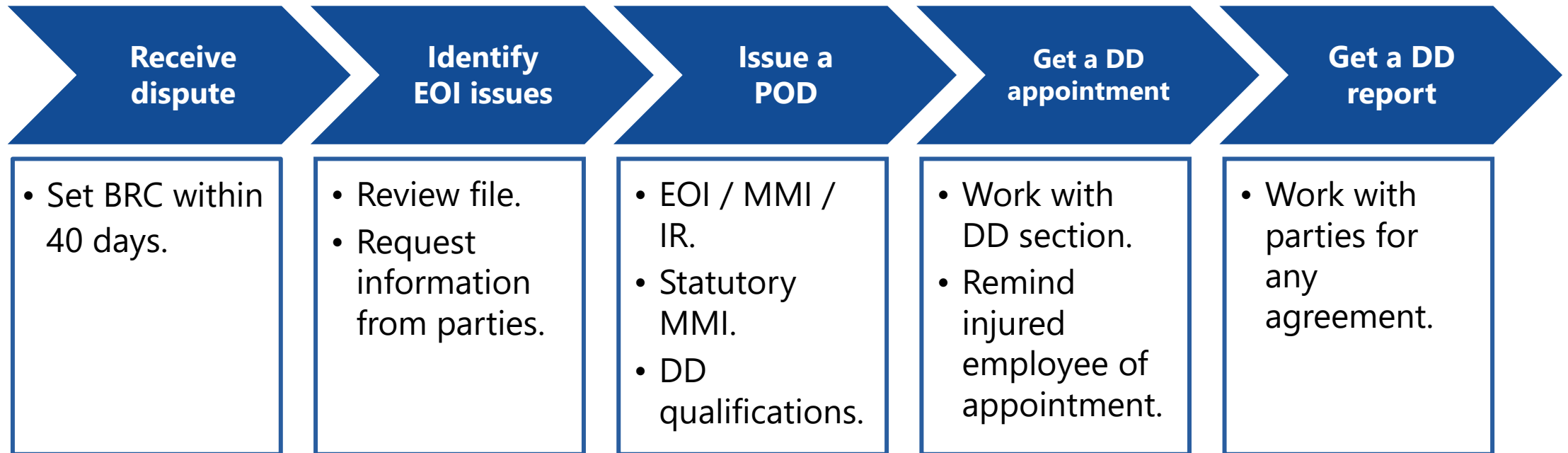
Multi-certification process

Average time for resolution of a dispute:

135 days



Multi-certification process



POD-ponderings?

