Take a Walk in Their Shoes
What employees face after a workplace injury
What we will cover today

• Overview of OIEC
• When there is an injury
• When there is a dispute
• Tips
• Kids’ Chance of Texas
About OIEC
What is OIEC?

The Office of Injured Employee Counsel (OIEC) is:
• state agency
• assists, educates, and advocates
• on behalf of the injured employees of Texas.
OIEC and workers’ compensation

State agency roles

• TDI-DWC – regulatory

• OIEC – advocacy
OIEC locations

- Offices across the state
- Help from OIEC is free
- Accomplish mission:
  - Assist – Customer service
  - Educate – Ombudsmen
  - Advocate – Legal Services
The Injury
“I had just gathered the morning mail for work. I didn’t realize that water had leaked from the equipment room, under the wall board and mailboxes and onto the carpeting in front of the mailboxes. Once I stepped from the carpeting onto the tile floors, I fell with mail flying everywhere.”
Types of injuries

An injury to the body

• Specific injury
  - Day, time, place
• Occupational disease
  - Includes repetitive trauma

Vicki fell on her left side, catching herself with that arm.

What kind of injury did Vicki have?
What does Vicki need to do?

Meet all deadlines, including:

1. **30 days** to report injury to employer (supervisor)

2. **One year** to file the Form DWC 041 with TDI-DWC
   - Employee’s Claim for Compensation for a Work-Related Injury or Occupational Disease
   - Take time with completing this form!

✔ Vicki noted all parts of her body that have been hurting since her fall—her left hip and shoulder.
What does Vicki need to do?

Know her medical benefits.
- Entitled to medical treatment for the compensable injury
- Choose treating doctor (network vs. non-network)
- Treatment must be:
  - Reasonable and necessary
  - Related to original injury
- Carrier pays medical bills
  - no out-of-pocket or employees

What is the first thing you would suggest Vicki do? (assuming she has told supervisor and filed claim with DWC)
Treating doctor responsibilities

1. Make initial diagnosis
2. Treat the work-related injury: Request Preauthorization
3. Manage care and referrals
4. Assess work status and provide DWC 073 forms
5. Certify MMI and impairment when appropriate
What does Vicki need to do?

Explore return-to-work opportunities.

• How to return to work:
  • Work restrictions from doctor
  • Job options from employer (Modified, alternate work)
  • Bona fide offer of employment in writing

• Effect on benefits – might get wages and WC

• Retraining if needed (Texas Workforce Commission)
Return to work – working... works!

Benefits injured employees:
- Heal faster and better
- Retain job skills
- Retain benefits/seniority
- Retain long-term productive employment
- Economic stability

Benefits employer
- Reduce costs
- Reduce employee turnover
- Maintain productivity
- Increase employee morale
DWC dispute resolution & role of OIEC Ombudsman
What does Vicki need to do?

• It has been 6 months since Vicki’s injury.
• The insurance carrier paid for the surgery to fix her left shoulder’s rotator cuff.
• She’s back at work (part-time, modified duty)...
• But there may be disagreements that come up that she needs help with.
Income benefit disputes

A disputed issue regarding:

• Compensability
• Entitlement to income or death benefits
Common disputes

- Was there a **compensable** injury?
- Is there a disagreement over the **extent of injury**?

Lately Vicki’s **left hip** (that she also landed on in the fall) has been hurting.

Keep this in mind...
Income Benefits

In most claims, these are the income benefits the injured worker MIGHT be entitled to:

- **Temporary Income Benefits (TIBs)**
- **Impairment Income Benefits (IIBs)**
- **Supplemental Income Benefits (SIBs)**

**Date of Injury**
(Is there “disability”)

**MMI (IR)**

401 weeks total (max)
What does Vicki need to do?

• **Vicki’s hip is getting worse**—it’s hard to sit or walk.
• She did mention her hip to her doctor on first visit, but her shoulder was main problem.
• Now doctor wants her off work completely (for her hip).
• But carrier disputes hip was part of her injury.

What kind of dispute does Vicki have?
Income Benefit Dispute Resolution

• DWC has a dispute resolution process if disputes can’t be resolved
  • Benefit review conference (BRC)
  • Contested case hearing (CCH)
  • Review by Appeals Panel

• OIEC ombudsmen are available to help through this process.

✓ Vicki contacted OIEC for help.
OIEC Ombudsman Program

What ombudsman are:

• Experts in workers’ compensation and dispute resolution
• Licensed insurance adjusters
• Not attorneys - assist vs. represent
OIEC Ombudsman Program

What ombudsman do:

• Assist injured employees, free of charge
• Prepare injured employee for proceeding
• Communicate with other parties, try to resolve
• Gather documentation and reports
• Attend and participate in proceedings
Her dispute is going to a proceeding. Now what?

• Make all scheduled meetings with her ombudsman.
  • Bring any relevant paperwork
  • Write down important dates, times, other info
• Meet all deadlines.
• On day of the proceeding:
  • Be prepared to answer questions about the issues in dispute.
  • Dress professionally.
• Arrive on time.
What about Medical Disputes?

This is a different process than just discussed.

- Medical dispute resolution
  - Whether medical treatment is reasonable and necessary
  - Preauthorization
  - Retrospective medical necessity
- File Form LHL009, *Request for an Independent Review Organization (IRO)* to resolve disputes that have to do with medical treatment.

Ombudsmen can help with these disputes too.
When to Dispute Income/Medical Benefits?

- Contact OIEC with your particular information and we can help guide you.
What does Vicki need to do?

- Vicki used an ombudsman to help her with her dispute.
- They reached an agreement that her hip was hurt when she fell.
- She got the medical treatment she needed and is back at work full-time.
- If she has any questions she knows she can call OIEC or DWC for help.
Tips
Tips For Injured Employees

• Injured employee is responsible for their claim
• Keep all paperwork and reports
• Keep in contact with:
  • Employer
  • Doctor
  • Insurance adjuster
  • Attorney or
  • OIEC ombudsman
• Stay involved
• If you have questions, ask!
• Dispute process for most things
Tips for Supervisors

- Communication!
- Be knowledgeable about the process
- Have resources available
  - Office of Injured Employee Counsel
  - Division of Workers’ Compensation
- Other resources include:
  - Texas Workforce Commission
  - Social Security
  - 2-1-1
  - OIEC field offices can provide additional resources.
OIEC as Resource

When to refer to OIEC? If they:

• have a Texas workers’ compensation claim,
• are not represented by an attorney on claim, and
• they have a possible dispute.

Workers' comp dispute? We can help.
www.oiec.texas.gov
Kids’ Chance of Texas Scholarship
What is Kids’ Chance of Texas?

• Nonprofit offers scholarship programs for students who have had a parent catastrophically or fatally injured while in the course and scope of their job.

Scholarship eligibility requirements:

• 16 - 25 years old
• Dependent of parent catastrophically/fatally injured in work-related accident
• Resident of Texas at time of the accident (the worker)
• Enrolled as full-time student at a college, university, technical or trade school
"The Kids’ Chance scholarship that I received has impacted me in the best way possible."

Christi, 1st scholarship recipient
Contact Us

Follow OIEC and Kids’ Chance on social media for the latest info!

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kidschanceoftexas.org