



Texas Department of Insurance

Division of Workers' Compensation

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Memorandum

To: Workers' Compensation System Participants

From: Donald Patrick, M.D., J.D., Medical Advisor

Date: September 19, 2011

Subject: TDI-DWC Finalized *Treating Doctors – Lumbar Spinal Fusions Plan-Based Audit*

On July 6, 2011 the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) solicited and received constructive input from workers' compensation system participants. All comments were carefully considered and discussed. In response, the TDI-DWC will consider some of the comments as part of a future plan-based audit. There were no changes to the previous draft of the *Treating Doctors – Lumbar Spinal Fusions Plan-Based Audit*. Workers' Compensation Commissioner Rod Bordelon has approved the *Treating Doctors – Lumbar Spinal Fusions Plan-Based Audit*.

Some of the reasons for not making changes to the *Treating Doctors – Lumbar Spinal Fusions Plan-Based Audit* are outlined below:

Medical Quality Review Panel: A number of comments relate to a standard set of questions that the TDI-DWC developed with input from MQRP members. This set of questions broadly addresses many of the comments received.

Other Plan-Based Audits: Some of the comments received are being considered for future plan-based audits as part of the current 2011 Annual Audit Plan (Utilization Review Agent and Pain Management) or categories to be considered for the proposed 2012 Annual Audit Plan. As the Medical Advisor, I will be seeking input from workers' compensation system participants on the development of the 2012 Annual Audit Plan.

Complaint Process: Some of the comments received were regarding ties between the spinal surgeon and other health care providers. The approved Medical Quality Review Procedure allows MQRP members or the Medical Advisor to expand the scope of investigation if during the course of review, a system participant other than the subject of the review may be suspected to be in violation of the Act or rules. Expanding the scope of investigation requires a written complaint to be submitted to TDI-DWC for investigation. The TDI-DWC also encourages system participants to utilize the complaint process pursuant to the Texas Administrative Code section 180.2 should a system participant suspect another system participant to be in violation of the Act or rules.

All medical quality reviews initiated on or after January 1, 2011 will be performed in accordance with the approved procedure. The Procedure and the Plan are posted on the TDI website at www.tdi.texas.gov/wc/hcprovider/medadvisor.html.

If you have any questions regarding this memo, contact Mary Landrum of TDI-DWC Health Care Quality Review at 512-804-4814 or Mary.Landrum@tdi.texas.gov.