

Performance Based Oversight

2027 Assessment Plan

Health Care Provider

The Texas Department of Insurance, Division of Workers' Compensation (DWC) evaluates the performance of workers' compensation health care providers (providers) in selected areas of compliance through Performance Based Oversight assessments. See [Texas Labor Code §402.075](#).

There are two separate categories of review. Each has its own measures and selection criteria. Providers may be selected for one or both categories based on the selection criteria.

DWC places providers in a high, average, or poor regulatory tier for each category based on the outcome.

Categories and measures

DWC Form-73 Work Status Report billed by MD, DO, DC, APRN, and PA	DWC Form-69 Report of Medical Evaluation filed to DWC by Designated Doctors
Is form complete or incomplete per Rule 129.5 ?	Was the report filed to DWC on time or late per Rule 130.1(d)(2) and any other rules that extend the deadline?
Is the "off work" status in Part II. supported?	

How DWC selects health care providers & forms to review

	DWC Form-73 Work Status Report	DWC Form-69 Report of Medical Evaluation
Timeframe	Oct 1, 2026, to March 30, 2027	Oct 1, 2026, to March 30, 2027
Data source	Medical State Reporting Data	TxComp Data
Included	Medical bills with CPT code 99080 and modifier 73 for claims with income benefits paid	DWC 69s filed to DWC by designated doctors via TxComp
Excluded	Medical bills with a date of service less than 30 days from the date of injury	DWC 69 unrelated to a DWC-ordered designated doctor examination
Document source	DWC requests DWC 73s from providers	DWC gets DWC 69 from TxComp

Selected	Health care providers that billed 20 or more work status reports.	Designated doctors that filed 20 or more DWC 69s.
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DWC request for copies of work status reports

Providers will have 30 days to respond to the DWC's request for DWC 73s.

- DWC 73s received by the deadline will be reviewed and DWC's findings will be eligible for rebuttal.
- DWC 73s not received by the deadline will automatically receive an irrebuttable negative finding for both measures.

Review

DWC staff will evaluate all the DWC 69s, and any DWC 73s where the provider concludes that the injured employee can return to work. DWC 73s with an "off-work" status are referred to the Medical Quality Review Panel (MQRP) to decide if the off-work status is appropriate. See [Addendum](#) for more information about MQRP review.

Findings & Rebuttals

DWC will send the initial findings to providers for review. Providers may choose to rebut negative findings. Evidence of compliance with any applicable rules, notice requirements, and documentation requirements must be provided with rebuttals.

DWC will not accept or consider rebuttals received after the rebuttal deadline specified in the initial findings packet. In those cases, the initial findings and tier ratings become final.

Scores & Tier Ratings

The tier rating for each category is based on the total score.

- **High Tier:** 95.00 or greater
- **Average Tier:** 80.00 through 94.99
- **Poor Tier:** 79.99 or less

DWC Form 73 Category	Score	Weight	Subtotals
Complete	$\frac{\text{Complete 73s}}{\text{Total 73s}}$	30 points	Score x 30
Status Supported*	$\frac{\text{Supported}}{\text{Total 73s}}$	70 points	Score x 70
Total Score			Add subtotals

DWC Form 69 Category	Total Score
Timely filing	Timely Items Total Items reviewed

* If the DWC Form-073 does not take the injured employee off work, DWC considers the work status supported. If the DWC Form-073 takes the injured employee off work, MQRP will decide whether the work status is supported.

2027 PBO Schedules for each category

	DWC Form-73 <i>Work Status Report</i>	DWC Form-69 <i>Report of Medical Evaluation</i>
April	DWC requests copies of DWC 73s and supporting documentation	Initial results packets sent to designated doctors
May	Deadline to provide DWC 73s	Rebuttals due
June	DWC Review	Timely rebuttals reviewed
July		Results & high performer certificates issued
August		Results Published
September	Initial results packets sent to health care providers	
October	Rebuttals Due	
November	Results & high performer certificates issued	
December	Results Published	

Impact of Tier Ratings

DWC provides incentives for high performance during PBO. DWC will focus oversight efforts on providers found to be poor performers in PBO.

The following table describes how PBO tier ratings may affect providers during other compliance processes at DWC.

PBO Tier Rating	DWC Compliance & Investigations Audits	DWC Enforcement Fines/Penalties
High	Exempted*	Consider pursuant to Rule §180.26 (e)
Average	Included if selection criteria are met	Consider pursuant to Rule §180.26 (e)
Poor	Included regardless of whether selection criteria are met	Consider pursuant to Rule §180.26 (e)

** DWC may audit high-tier performers at its discretion*

Recognition of High Performers

High performers will be recognized on DWCs website and will receive a signed certificate from the commissioner which can be used as a marketing tool.

Reminder regarding compliance, investigations, and enforcement.

DWC may impose sanctions on any health care provider that commits an administrative violation. The health care provider's PBO tier rating is one of the factors that DWC is required to consider.

DWC considers factors in [Texas Labor Code §415.021\(c\)](#) and [Rule §180.26](#) when determining appropriate enforcement actions.

Addendum

Medical Quality Review Panel (MQRP) review of DWC Form-073 with off-work status

If a DWC Form-073 indicates that the injured employee has an off-work status, it will be referred to an MQRP doctor.

MQRP review

DWC assigns an MQRP doctor to review whether the off-work status is supported by the DWC's return to work guidelines rule 137.10.

If the health care practitioner does not provide justification of off-work status based on the Official Disability Guidelines (ODG) return to work guidelines, the MQRP doctor will determine whether the health care practitioner's rationale is based on other competent sources of evidence-based medicine such as the American College of Occupational and Environmental Medicine ([ACOEM](#)) .

In addition, the MQRP doctor may consider the following documentation:

- DWC Form-074, *Description of Injured Employee's Employment*.
- The injured employee's job classification.
- Restrictions based on personal protective measures to prevent recurrence, additional injury, or foster recovery.
- Required attendance at a place of care, such as a hospital, physician's office, or physical therapy.
- Recovery or quarantine that requires confinement to the bed or home.

Examples of insufficient narratives

The following explanations by themselves do not support off-work status.

- Work (restricted or not) was not available by the employer.
- Pending further tests, rehabilitation, physical therapy, surgery, etc.
- Pain.
- Rest, no mobility, no activity, immobility.
- Injuries—severe, multiple.
- Per another or different physician's assessment or recommendation.

If the DWC Form-073 does not take the injured employee off work, DWC considers the finding acceptable. If the DWC Form-073 takes the injured employee off work, the MQRP doctor will determine whether the medical rationale for an off-work status finding is acceptable.