



Texas Department of Insurance

Division of Workers' Compensation

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MEMORANDUM

DATE: February 13, 2007

TO: Insurance Carriers and Attorneys in the Workers' Compensation System

FROM: Patricia J. Gilbert,
Executive Deputy Commissioner for Operations
Division of Workers' Compensation

RE: Timeliness of BRC Scheduling, Cooperation of Parties
in Preparing for BRC Proceedings

The Texas Department of Insurance, Division of Workers' Compensation (Division) is developing new procedures to expedite the scheduling of benefit review conferences (BRCs.) As a part of a broader initiative to streamline BRC processes, the Division has initiated a pilot project at the El Paso Field Office to decrease, by 25 percent, the average number of days for parties to receive a BRC.

The pilot project will last 90 days, and if successful, the new procedures will be implemented at Division field offices statewide.

The Division asks for the cooperation of workers' compensation system participants in making BRCs more effective and less time consuming. Specifically, the Division requests that all parties:

- **Exchange pertinent documents prior to the BRC.** To increase the effectiveness of BRC mediations, parties should exchange pertinent documentation and information as far in advance of the scheduled BRC date as possible. Failure to exchange information in advance of the BRC often prolongs the dispute resolution process.
- **Have the authority to reach an agreement or settlement.** Insurance carrier representatives attending a dispute resolution proceeding should have complete authority to reach an agreement. If the adjuster does not attend the scheduled proceeding in person, he or she should be available by telephone during the scheduled proceeding time.
- **Take action to resolve disputes prior to and at the BRC.** TDI Commissioner's Bulletin No. B-0040-05 states that a BRC may not be scheduled unless the requesting party describes the issues in dispute and documents efforts to resolve those issues. The Bulletin also advises parties to use Box 7 on the Division's *Request for a Benefit Review Conference* (DWC Form-45) to document efforts to resolve issues until the Division adopts rules to provide guidelines. Before a BRC the parties need to exchange all available documentary information so they will be prepared to meaningfully mediate their disputed issues at the BRC.

- **Request and complete Doctor Examinations and Letters of Clarification prior to the BRC.** To the extent possible, Required Medical Examinations and Designated Doctor Examinations should be performed prior to requesting a BRC. Reports from the examinations also should be exchanged prior to the BRC. Also, any requests to have the designated doctor clarify his or her report should be made before requesting a BRC and must be sent to the Division, when appropriate.

Checklists to help parties identify the types of documents or information that may be necessary to effectively address issues in a benefits dispute, and how to obtain and exchange that information, are available on the Division's website at:

http://www.tdi.state.tx.us/wc/dwc/divisions/hearings/brc_info_iw.html

For more information or questions regarding guidance for BRCs, contact Randy Steger, Manager of Benefit Review Officers, at 512-804-4085; e-mail randy.steger@tdi.state.tx.us.

For more information regarding the BRC scheduling pilot project, contact Luis Mata, El Paso Field Office Manager, at 915-834-7002, ext. 500; e-mail luis.mata@tdi.state.tx.us.