

Document Help on WC Conference Call

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Present: Debra Diaz-Lara, Charles Reyna, Olga Escobedo and Pat Brewer represented HWCN

TOPIC	DISCUSSION/ACTION	FOLLOW-UP
Antitrust Statement	<p>Charles Reyna read the antitrust plan.</p> <p>Participants are asked not to put this call on hold in order to avoid others hearing the “hold” music. Callers are also asked to use the “mute” feature on their phones if possible to eliminate background noise.</p>	
Open for Questions and Comments	<p>There were no set agenda items for today’s call. The floor was opened for general questions and comments.</p> <p>Q: Could you give a short recap of last week’s meeting? A: The list of agenda items was very short. One of those was a discussion of third party contract requirements. I addressed some items of interest of third party contract requirements. There may be meeting minutes available through the Department’s Internet home page. We also revisited the issue of how providers can find out whether employees belong to a network. The minutes should reflect that.</p> <p>Q: I’m actually on the website now. How would I go about finding those minutes? What is the address? A: The address is www.tdi.state.tx.us; there is a star in the left hand corner. The third line down of the items to the right of the star, the last item is workers’</p>	

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comp networks. That is the hyperlink you want to click on. That will take you to all of the available information, such as certified networks, FAQ's, teleconference minutes, etc.

Q: I received this phone number because I attended a meeting last week in Houston sponsored by TMA, which was the Workers' Compensation and Managed Care Network, Shape of Things to Come. I have a few questions. I manage a clinic so my question: if I am interested in marketing my clinic (we have a managed care department where we work). I'm interested in making sure my part of these networks. There was a slide in the presentation on how to market it and that would be to contact existing group health networks or use the TMA resource, which is a link that they showed. Are you familiar with that slide or information?

A: Yes?

Q: My question is, when I go to this website, it shows a listing of all of the networks that have applied to the TDI. If I were to contact these individuals, am I correct in assuming that by the time they apply to TDI, they have already secured the providers they were originally wanting for their network? Because you have to have a complete network before you apply, correct?

A: You have to have a complete network before you are certified. You said there was a list of applicants. Excuse me a minute. TMA gave you a list in the back of a book?

Q: Yes.

A: They did provide a list of network applicants, but

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that list is not up to date. If you want a current list of network applicants and the contact information, you can submit an open records request by email to wcnet@tdi.state.tx.us and a list of those pending applicants will be sent to you. What we have on our website (that we discussed earlier) is a list of those that have already received their certification. However, just because a network has been certified, does not mean it has stopped growing. They may be continuing to add.

Q: That was the question. I understand that is certainly one way to market, once you have been approved or while you are still applying, I can contact you. But concern was, if I did it in that manner, I would be “behind the eight ball.” From what I have learned, these networks, when they contract, are going to have their primary and their “secondary” groups or physicians. And each network can decide which physicians or specialties are considered a primary group, is that correct?

A: They would decide which specialties or physicians can serve as treating doctors.

Q: That is the word I was looking for, “treating doctors.”

A: Right. And the ones that are not treating doctors have the status of “specialists.”

Q: OK. Each network can decide which specialty, group or physician is going to be in their listing of treating doctors, correct?

A: It will be the specialty of doctor, not necessarily a particular group.

Q: So each network can decide on the specialty.

A: Right.

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	<p>Q: Every network can be different on the specialties they are considering in their provider network, correct?</p> <p>A: Yes. True.</p> <p>Q: Is there a listing anywhere of groups that are in the recruitment phase, that are not yet applying and/or certified yet? Is there a way to get a listing like that? To say, 'I know you are recruiting and I would like to talk to you to make sure we have opportunities to be part of networks that we want to be in'?</p> <p>A: I don't know of a listing of networks that are forming that have not yet filed an application with us.</p> <p>Q: So unless they contact us independently, the way to find them is once they have applied and/or been certified, correct?</p> <p>A: That is the list of people that we have to give you, yes. Or if you are aware of any existing PPO networks that were involved in workers' comp prior to the passage of this law, you might contact them to see if they are considering forming a network or getting certification as a network.</p> <p>Q: My managed care department does have some contacts with groups like that. I didn't know if there was something already out there that I just didn't know about.</p> <p>A: If there is, we don't know about it either.</p> <p>Q: We are still experiencing patients calling in to make appointments and they are not aware they are part of a network. Even when we call the carrier, the carrier is still unclear whether or not the patient is part of a network. A couple of weeks ago on the conference call, someone at TDI was going to look into that. Is there any resolution to that?</p>	
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A: Are you saying the carrier still cannot tell you whether or not they are part of a network?

Q: We have experienced again, one other time at this point, because we are asking every time a patient calls in to make an appointment, if they are workers' comp, if they are part of a network. The patient never knows. When we call a carrier to get approval to see that patient, we're again asking that carrier if the patient is part of a network. In the past two weeks we've had at least one instance where the carrier was not sure if the patient was part of a network, and I believe called us back.

A: Do you have the patient's employer at the time you are calling the carrier?

Q: Yes, we do.

A: They should be able to tell you that information. That is their role in this piece, to be able to know which employers they have enrolled into their workers' comp programs and to be able to tell you that. If you are having difficulty like that, we need to hear about that as part of our complaint process. The only way we can truly regulate these networks and make them work for you is if we know of the problems you are having. If you continue to have an issue like that, where they are not calling you back or you can't tell if they are part of a network, we need you to fill out the complaint form on our website and submit it so that we can do the research and make sure we can put a stop to that.

Q: When a network comes to me and says 'I'm interested in having you as part of our network' are they supposed to tell me at that time (because I ask),

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am I considered a treating? In other words, how do you want to recruit my business or my clinic? As a treating or as a specialty? Is that appropriate to ask?

A: Certainly.

Q: Would they and should they tell me at that time?

A: They should be able to tell you who they have designated as treating doctors and who they are expecting to be a specialist. By your definition of provider type, they should be able to answer that for you.

Q: Is it appropriate for me to ask who else they have signed on?

A: They don't need to tell you who they have signed on. But if you have the name of the network, you can certainly go to their website and check it out, that would certainly tell you who their other providers are.

Q: But wouldn't that be only after they have been approved?

A: That is only after they have been certified, yes.

Q: In the recruitment process, you really don't know?

A: If they are recruiting you as a treating provider, there is another portion in your contract that needs to be in there that specifically tells you what as a treating doctor you are required to do for the network. That should be part of your discussion with them if they are asking you to be a treating doctor.

Q: What are the responsibilities, or what their definition of a treating doctor is?

A: What the requirements are for a treating doctor under that network. That is part of the contract requirements.

Q: When I look at a listing that shows network applicants, or those have already been approved, and

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they show an address, how do I know what areas that network has the potential to cover?

A: You mean what is the service area?

Q: Yes.

A: Our website actually gives you the counties of the service areas of the certified networks. Counties that have been approved for the certified networks. We do not have that information on the website for the applicants, only for certified networks.

Q: So if I just pick up the phone and ask applicants what their service area intends to be then I would know, but only those that have been “approved” have it outlined on the website.

A: Yes. And what is intended in the application process is not necessarily what the service area will end up being. Changes may occur from the time they file to the time they are certified.

Q: OK. In the booklet I received at last week’s seminar, under ‘certified workers’ compensation networks’ there is First Health/AIGCS, First Health/TX HCN, etc. There are three different First Health’s. Is it safe to assume that each one is separate, non-related, and therefore if you are interested in being a part of it, you need to contact each one?

A: Yes.

Q: OK. So if you say ‘I have a contract with First Health’ and it is not one of those specifically, then you don’t have a contract with any of those three?

A: It is not a simple yes or no. The three certified networks that have First Health as a panel of providers could very well be the only entity that contacts you for a contract for all three.

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Q: OK. But you cannot make that assumption. You need to actually be very specific when you look at the First Health contract to see which, if any, of these it includes?

A: Yes.

Q: What happens when the ADL (approved doctor list) expires in 2007 if employers have not joined a network?

A: That will be a question for the Division of Workers' Compensation. But the ADL does not apply to networks.

Q: I understand that, but if the ADL goes away, and the employer has not joined a network, then can they just go to any doctor?

A: I have been told they can, if the ADL does in fact go away. But you realize that the Legislature is fixing to meet again in January. So that very well could be extended, or additional language adopted during the session that would change that. In other words, we don't really know yet how it is going to work out. We can't speculate about it.

Q: So really, that September 2007 deadline is effective as of today, but could change?

A: Exactly. That is speculation.

Q: Yes. There is nothing "guaranteed." It is today, but you don't know what it may be tomorrow. It could change.

A: Yes.

Q: There was also a note that a treating physician could not be considered or not be a designated doctor in the same network. Correct? That is one of the

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changes that has taken effect?

A: That is correct.

Q: What happens if an employer does not join a network? Does that mean then that they can continue to go to anyone on the ADL and the current fee schedule is in effect and none of the new network rules apply to them?

A: Almost none. Yes. In essence, your life has not changed. There are one or two rules that will have an affect on you, but those are in progress as we speak.

Q: Can you elaborate on what rules will be in effect?

A: No. Not at this point. We have rules in development that should be out shortly. Actually we have a lot of rules coming out. DWC has quite a few rules, and so do we. I would just suggest you watch our web page for proposed rules.

Q: Do you have any idea how many employers have joined networks to this date?

A: That is not information we currently capture, so we would not be able to answer that at this point in time.

Q: When you talk about employers, is that a list? If these employers start to find out you're in a network, or whatever the case may be, is that something that we get to see somewhere? Who signed up with what? So that I know what the other employers in town have or have not done?

A: Here in the HWCN Division, we do not capture that information. You might ask DWC; I know they have access to which employers are offering workers' comp, but again, I don't believe they have a list stating who is going with networks. And I don't know if that

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information is public or not. You would need to make an open records request for it at DWC.

I know some providers have contacted the insurance carriers to find out to whom they have sold network plans, and the carriers have refused, stating it is proprietary information.

Q: It is just curiosity right now. But in time it would be nice to say I know these employers have contracted with “X.” Because at the seminar they also talked about making sure to ask your patients when they call to make an appointment, are you in a network, and which one? Coming from an HR background of many years, these employees, even if you inform them of things, do not remember, do not understand. So this is also a way, if you work for company “X” then we can find out what network you are in, or not in.

A: May I make a suggestion? As you find patients that come in, and you verify with their employers if they do or do not have a network plan, you can build your own list that would be unique to your part of Texas.

Q: You are right. Many times it is the employer or representatives of the employer calling to make those work injury appointments. So that’s very easy to do.

Q: Can an insurance company use more than one network?

A: Yes they can.

Q: For example, if they have insurance company XYZ, and if insurance company XYZ is using three

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networks, how would we know which network this particular employer is in?

A: That is where having the name of the employer comes into play. The carrier, again, should be able to tell you which network they belong to. And if they are offering more than one network to the employer, again, they should be able to track that for you. They are going to have to tell us how they do that, so I would expect they would already have that built into their system, to be able to tell that to you.

Q: OK. I have a question to follow up on that. There may be an offering of more than one network to an employer. Is the employer then required to select one network and only one?

A: It really depends on what the service area is, and it may be they are offering more than one because the employer is currently located in more than one service area the networks are allowed to operate in. So they may be doing it for that reason. We have some discussion going on in our legal department about them offering more than one in the same area, and those discussions are still underway. They have not concluded.

Q: If I make my own list, and I say Company Coffee Cup uses XYZ network, I need to be cognizant of the fact that they may be XYZ network and ABC network; there is the potential.

A: That is right. There is the potential.

Q: You said a treating doctor could not be a designated doctor. Is there something else that treating doctor could not do other than be a designated doctor?

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A: They can be a designated doctor for another network. They just cannot be a treating doctor and a designated doctor in the same network.

Q: What services does a designated doctor provide?

A: That is a good question, and something that I don't know. Is that something that is handled by the Division of Workers' Comp? ...The requirements or responsibilities for a designated doctor are specified in the law.

Discussion among participants:

Q: Doesn't a designated doctor exam, and determine injury, possibly the extent of the injury if there is a conflict with the insurance carrier, patient or the diagnosis that was given? A lot of times there are situations or second opinion type situations.

Q: What they are doing is confirming or giving their opinion on what the diagnosis is or the injury is. But it is not the extent of the injury or an impairment rating or anything like that, correct?

Q: It could be the extent of injury. And it could be an impairment rating as well too.

Thank you for the information, Tracy.

Q: Especially if the patient wants to contest the impairment rating that was given by the treating doctor. The DWC makes us send a paper to a designated doctor for an exam.

Q: So a designated doctor exam could be any of those responsibilities or job functions you just described?

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Q: Right. Depending on what is needed. But not all at the same time?

Q: It could be. It could vary.

Q: I am on the TDI website home page. Where do I view the list of approved doctors? And how does an approved doctor get on that list?

A: That would be a question for the DWC. But there is a link to DWC which answers all those questions. You need to go to the DWC link, which I believe is the first one, to the right of the star. There is the ADL and contact information. There are a lot of frequently asked questions there to help you navigate the website and through the ADL information and network.

Q: Do not trust that list. It is not up to date or accurate. You need to call the doctor's office and confirm if they are on the ADL and if they are taking new workers' comp cases.

A: Good suggestion. Thank you.

Q: And also to verify if an employer has an insurance carrier. It is my opinion that portion is not up to date. It's my opinion it is past due or can be up to six months or a year behind in updates. You need to be careful with that and verify that information too.

Any other questions or comments?

Q: I thought we were going to have a representative from the DWC here today. What happened?

A: Apparently they were side-tracked today. I will reissue the invitation and tell them we have people waiting to hear from them. We can bring them on for

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next Tuesday.

Q: Is there normally an agenda for these calls?

A: Yes, there is normally an agenda. I take full blame; I did not get the agenda up on the website for this call. We will have one for next week's meeting. As soon as I leave here I will create one. Do you have some other agenda items other than having DWC present?

Q: Tell me where on the website to find the agenda, please.

A: Look at the star on the home page. I believe it is the third entry down, Workers' Comp Networks. Click on that and scroll down that page. I believe it is under Open Conference Calls. Staff is working to get the meeting minutes on the web.

We look forward to talking to you next week. Thank you for calling in.