

Calendar Year 2006 Accomplishments

The following are highlights of OIEC's accomplishments by program area during 2006:

1. Injured Employee Services:

- Assisted 6,343 injured employees in a Benefit Review Conference (BRC) (March – December).
- Assisted 1,993 injured employees in a Contested Case Hearing (March – December).
- Established OIEC's toll-free number for injured employees: 1-866-EZE-OIEC (1-866-393-6432), and assisted over 20,300 injured employees by telephone.
- Distributed a new Benefit Review Conference Video to OIEC staff to better prepare injured employees for upcoming BRCs.
- Developed the *Injured Employee Rights and Responsibilities in the Workers' Compensation System* to be distributed by DWC upon first report of injury in both English and Spanish. Staff has educated approximately 53,300 injured employees about their rights and responsibilities in the workers' compensation system between September and November of 2006.
- Held its first Team OIEC Educational Conference where staff received various training on HB 7 and new workers' compensation rules. Training was also given to enhance staff's advocacy and customer service skills.
- Developed an access plan to the agency's programs and facilities to assure that non-English speaking injured employees have access to OIEC services.
- Performed 44 education and outreach presentations regarding OIEC services.

2. Legal Services:

- Filed OIEC's first amicus curiae (friend of the court) brief with the Texas Supreme Court on September 5, 2006 in *Lockheed Martin Corp. v. Eunice Alexander* concerning the interpretation of Labor Code §409.021(c), which establishes that an insurance carrier waives its right to contest compensability if it fails to do so within 60 days of the date it receives written notice of the claimed injury. In that brief, OIEC requested that the petition for review be denied. OIEC received notice that on December 1, 2006, the Texas Supreme Court denied the petition.
- Served as the voice of injured employees through providing rule comments on the following TDI and DWC rules: Preauthorization and Concurrent Review Processes Rules; Medical Billing and Reimbursement Rules; Treating Doctor Examination to Define Compensable Injury Rule; Interlocutory Order Rules; Electronic Claims Request Rules; Designated Doctor/ Required Medical Examination Rules; Peer Review Rules; Disability Management Rules, including Treatment Guideline, Return to Work Guideline, and Treatment Planning Rules; and Medical Dispute Resolution Rules.
- Established Chapters 275-300 of the Texas Administrative Code for OIEC rulemaking activities.
- Adopted the following rules
 - §276.1 pertaining to Chapter 276 Definitions;
 - §276.2 pertaining to OIEC's Mission;
 - §276.5 pertaining to Employer's Notification of the Ombudsman Program to Employees;
 - §276.10 pertaining to the Ombudsman Training Program/Continuing Education; and

- §276.12 pertaining to Procedures for Private Meetings with Unrepresented Injured Employees Prior to a Workers' Compensation Proceeding.
- Participated in the following TDI and DWC work groups: Workers' Compensation Work Group; Workers' Compensation Network Communications Work Group; Peer Review Monitoring Work Group; Performance-Based Oversight Work Group; Complaints Work Group; Disability Management Work Group; Language Translations Work Group; and Inpatient/Outpatient Hospital Fee Guideline Work Group.
- Standardized several letters and documents to enhance the effectiveness of the Injured Employee Service Program.
- Hired regional staff attorneys who conduct research, assist ombudsmen with spotting legal issues and developing legal strategies, assist ombudsmen with questions, develop model discovery and case development tools, and help with the preparation for informal and formal proceedings and appeals.
- Regional Staff Attorneys provided training to the Ombudsmen at four monthly teleconferences.
- Regional Staff Attorneys provided small group practical skills training on direct and cross-examination to the Ombudsmen.

3. Policy Development:

- Launched OIEC's website (www.oiec.state.tx.us) to serve as a resource for injured employees and other system participants.
- Developed the agency's Strategic Plan, which outlined OIEC's goals for 2007 – 2011 and defined its performance measures that are reported to the Legislative Budget Board.
- Published the agency's first Legislative Appropriations Request for the 80th Texas Legislature, Regular Session, 2007.
- Created comprehensive training materials tailored to the specific needs of each OIEC employee. In addition, specific training for Ombudsmen and Ombudsman Assistants have been developed to enhance job performance.
- Established various agency policies, procedures, and processes to support and evaluate OIEC staff as well as both performing all administrative operations in both the central office and all field offices.
- Registered OIEC as a provider for Texas Continuing Education credits, which enhances the agency's ability to provide Ombudsmen with the required credit hours to maintain their adjuster's licenses. The Ombudsmen received three hours of continuing education credit by participating in the direct and cross-examination training conducted by the Regional Staff Attorneys.
- Worked with TDI and DWC to make modifications to the computer system to capture key statistics with regard to the efficiency and effectiveness of the Ombudsman Program.
- Published OIEC's biennial legislative report complete with a description of the agency, an overview of the workers' compensation system, and system recommendations from the injured employee perspective.
- Created and published four *Quarterly Reports* to provide injured employees, legislative offices, and system participants with agency updates and to provide a forum where current issues may be explored from the injured employee viewpoint.