

**Texas  
Department  
of Insurance**

# **Workers' CompUpdate**

*a publication of the Division Of Workers' Compensation*

*volume 1, number 2 May 2006*

## **Networks Change Health Care Delivery**

THE FIRST WORKERS' Compensation Health Care Network in Texas, as authorized by House Bill (H.B.) 7, was certified by the Texas Department of Insurance (TDI)'s Health and Workers' Compensation Network Certification and Quality Assurance Division on March 29, 2006. About 20 additional applications for certification were pending at the end of March.

Health care networks are intended to lower medical costs and improve the quality of care for injured employees. As networks begin to operate, the Division of Workers' Compensation is anticipating simultaneous changes in non-network health care delivery through the adoption of disability management components (See related article, Page 11).

Commissioner of Insurance Mike Geeslin and Commissioner of Workers' Compensation Albert Betts are overseeing the system changes while keeping stakeholders engaged as important milestones are reached. The commissioners issued Bulletin No. B-0013-06 on March 20 outlining insurance carrier responsibilities in anticipation of the certification of the first networks. Also, the Department has created an outreach plan to communicate with system stakeholders about the functions of workers' compensation health care networks.

"We are educating Division staff, along with the stakeholders, about how health care delivery to injured employees will change," Commissioner Betts said.

"Our success in implementing these reforms will depend on clear communication and cooperation among the system participants," he said.

Betts said staff is prepared to provide information and assistance to injured employees and other stakeholders who have questions about participation in networks

Bulletin No. B-0013-06 urges insurance carriers to develop plans for continuity of care when handling existing workers' compensation claims. Although the Texas Insurance Code states that a network may assign an injured employee to a treating doctor 14 days after the employee receives notice, the commissioners have asked health care providers, carriers and networks to be flexible.

"It may become necessary in some situations for carriers or networks to authorize out-of-network care for a brief period of time in order to maintain a high level of care during transition," the Bulletin states.

Networks may establish unique procedures for preauthorization of health care, change of treating doctor, and treatment guidelines, and are not required to use Division medical forms. The Division's procedures for health care delivery will remain in effect for injured employees whose employers subscribe to workers' compensation insurance that is not through a network  
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**"Our success in implementing these reforms will depend on clear communication and cooperation among the system participants."**

Albert Betts

Commissioner of Workers' Compensation

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CHANGE IN THE TEXAS WORKERS' COMPENSATION SYSTEM depends on the cooperation and efforts of all system stakeholders. In my brief time as Commissioner, I have been privileged to meet with many participants who are committed to making the system work. I have been heartened by many pledges of support for the agency's efforts to implement the reforms set out by the Legislature in House Bill (H.B.) 7.

In the area of income benefit dispute resolution, we have developed some practical strategies to streamline the process and make it as timely, fair and consistent as possible. As I see it, the Division's role is to:

- Provide parties with information on the dispute resolution process.
- Set proceedings when requested by the parties.
- Provide fair and impartial consideration of the evidence.
- Consider the established legal and administrative proceedings precedents.

H.B. 7 requires the Division to publish information that is useful in resolving disputes. This information is posted on our website at: [www.tdi.state.tx.us/wc/dwc/divisions/hearings/brcinfo.html](http://www.tdi.state.tx.us/wc/dwc/divisions/hearings/brcinfo.html). The information is organized so that individuals can easily locate what they need prior to attending a Benefit Review Conference (BRC).

All that we ask of the parties involved in disputes is to come prepared and to make use of information that the Division is now providing. When a BRC is held, the parties should come to the table with informal dispute resolution as a goal. Both sides of the dispute should be willing and able and have the authority to resolve disputes at the BRC.

The new law limits parties to two BRCs per disputed issue. This places an even greater responsibility on the Division to assist injured employees and other system participants in being prepared; it also increases the responsibility of the parties to use the opportunity for meaningful dispute resolution efforts. We will continue to fulfill our duty while exploring rule changes, administrative adjustments, and educational efforts that further support an overall goal of "low-level, informal dispute resolution" in our system.

I recognize that not all disputes can be resolved informally or at the front end of our resolution process. However, I believe we can have the most impact on streamlining the dispute resolution process when all parties work toward resolution of disputes when they first arise.

**Albert Betts**  
*Commissioner of Workers' Compensation*

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The staff that prepares this newsletter has no role in proposing, drafting, editing, or approving TDI rules or policies or interpreting statutes.

**Workers' CompUpdate** should not be construed to represent the policy, endorsement or opinion of the Commissioner of Insurance, the Commissioner of Workers' Compensation or the Texas Department of Insurance. By necessity, summaries of proposed and adopted rules cannot explain their full complexity. Readers interested in complete information about administrative rules should consult the versions published in the *Texas Register*.

To the best of the staff's ability, information presented in this newsletter is correct as of the publication date, but scheduled dates and proposed rules and amendments may change as the adoption process goes forward.

**Workers' CompUpdate** is available online at:  
**www.tdi.state.tx.us/wc/indexwc.html**  
under "News and Publications."

## A New Approach to System Medical Quality Review

HOUSE BILL (H.B.) 7 BROADENS the scope of the Medical Quality Review Panel (MQRP) to include review of independent review organization (IRO) decisions and designated doctors in the workers' compensation system.

Commissioner Albert Betts directed a comprehensive review of the medical quality review process. One goal has

been to address misconceptions about methods for selecting health care providers to be reviewed, and about the review process itself. Also, the review process will be changed to incorporate H.B. 7 requirements.

"We intend to remove the air of mystery from the process, to make our actions and decisions as transparent as possible," Commissioner Betts said.

Dr. Ken Ford, the Division's Acting Medical Advisor, is working with Allen McDonald, Acting Deputy Commissioner for Workplace and Medical Services, to revise the process model for MQRP. McDonald said a Quality Assurance Panel of physicians from a variety of disciplines practicing around the state will monitor the reviews of individual MQRP doctors.

Ford said H.B. 7 creates an important distinction in the focus of MQRP from the past.

"The Division intends to review both over-utilizers and under-utilizers as well as decision-makers in the system such as the designated doctors, peer reviewers and IROs," Ford said. "We want to increase fairness, objectivity and integrity in the entire medical review process."

The MQRP is expected to resume operation under the revised procedures in May 2006.

**"We want to increase fairness, objectivity and integrity in the entire medical quality review process."**

Dr. Ken Ford  
Acting Medical Advisor

# Networks Change Health Care Delivery

*continued from Page 1*

work. These non-network procedures include selection of a treating doctor from the Division's Approved Doctor List.

The Division planned to conduct a discussion group, including staff and external stakeholders, on the first drafts of non-network disability management rules on May 8. Discussion topics were to include issues related to treatment guidelines, return-to-work guidelines and treatment planning.

H.B. 7 requires TDI's Workers' Compensation Research and Evaluation

Group to prepare annual report cards on the performance of workers' compensation health care networks. The report cards will compare the networks to each other and to non-network medical care on measures including access to care, health-related outcomes, return-to-work outcomes, health care costs and utilization, and employee satisfaction of care.

## New Definitions for System Health Care

THE CREATION OF WORKERS' Compensation Health Care Networks in Texas has created three classifications of medical care for injured employees in the system: "network," "out-of-network," and "non-network." Both network and out-of-network medical care refers to medical services provided when the employer has elected to have workers' compensation medical benefits provided by a network certified by the Texas Department of Insurance.

### **Network Services**

When the employer elects to use a network for medical services, the injured employee must seek medical treatment from health care providers who have contracted with that network. Each network will address any medical necessity and fee disputes through its own particular internal medical dispute resolution processes.

### **Out-of-Network Services**

Out-of-network medical care occurs when an employer elects to use a network and the injured employee lives within the network service area, but the network does not have a particular provider or service available within the network. The treating physician must request and receive ap-

proval for an out-of-network referral from the network on behalf of the injured employee.

For out-of-network medical services, the insurance carrier may reimburse services according to the Division medical fee guidelines or, if the health care provider agrees to the network terms, the carrier may honor the network contract for out-of-network services.

### **Non-network Services**

Non-network medical care refers to medical services provided when the employer has elected not to use a network. Non-network services are provided, billed, and reimbursed in accordance with the Texas Labor Code and Division rules. Division medical forms are used for non-network medical services. Also, medical services provided to injured employees must be obtained from or approved by a doctor on the Division's Approved Doctor List. The Division will handle non-network fee disputes. Medical necessity disputes will be processed in accordance with medical dispute resolution rules that are currently being amended.

# Proper Filing of DWC Form-6 is Key to RTW

EMPLOYERS PLAY AN IMPORTANT role in managing return-to-work (RTW) opportunities for injured employees. Proper filing of the DWC Form-6, Supplemental Report of Injury, by employers can help ensure timely and accurate delivery of benefits to injured employees as well as facilitate better RTW outcomes systemwide.

Injured employees may first learn of RTW opportunities offered by their employer from their copies of the DWC Form-6. If the employer offers RTW services, they may identify a contact person for those services on the form. Also listed on the form is information about whether the employer requested RTW and/or accident prevention services from the carrier over the past 12 months.

“Communication is a very important part of effectively returning an injured employee to work,” said Virginia May, Manager of RTW Services. “One way a properly submitted DWC Form-6 can contribute to this important communication is by alerting the carrier of the potential RTW services needs of the employer.”

## Employer Audits

The Division’s Compliance and Regulation section initiated audits of 17 employers in November 2005. The audits included the employers’ compliance with timely filing of properly completed DWC Form-6 forms. In selecting employers to audit, the Division primarily considered employers that filed the most forms.

Texas Labor Code Section 409.005 (e) and Division Rule 120.3 identify the duty of employers to file the DWC Form-6. Division Rule 180.12 establishes a 95 percent compliance standard for meeting the filing obligation, but all employers are expected to strive for 100 percent compliance, said Teresa Carney, Acting Deputy Commissioner for Compliance and Regulation.

“One of the important goals we established for the employer audits was to

## Employers: When to File

The DWC Form-6, Supplemental Report of Injury, is required to be filed by employers with the insurance carrier and the injured employee when:

- An injured employee begins to lose time from work;
- An injured employee returns to work;
- An injured employee experiences additional days of disability;
- There are changes in earnings; or
- The employee is terminated or resigns.

For further information on filing the DWC Form-6, download the form and instructions from the TDI website at: [www.tdi.state.tx.us/forms/dwc/dwc6.pdf](http://www.tdi.state.tx.us/forms/dwc/dwc6.pdf).

identify deficiencies so that long-term compliance would increase,” said Darrell Cooper, Manager of Audit & Enforcement. “The timely and accurate reporting of lost time and RTW status is vital to managing and improving RTW outcomes.”

Cooper said employer deficiencies in meeting the filing requirement were evident in the audits. None of the employers achieved the 95 percent compliance standard, he said.

The DWC Form-6 is required to be filed under a variety of conditions (see box). Filing of the DWC Form-6 aids in ensuring benefits are paid appropriately.

Changes in disability status often result in wage fluctuations, which if reported timely, will eliminate untimely payments, overpayments and/or underpayments to injured employees. Accurate payments by the carrier could potentially result in the decreased cost for insurance paid by the employer.

## IRO Processes to be Consolidated

FOLLOWING THE ADOPTION of House Bill (H.B.)7, efforts began to identify opportunities for ensuring consistent and efficient operations across TDI.

One shared function identified and assigned to a work group was the process for requesting, assigning, regulating, and obtaining Independent Review Organization (IRO) decisions as a part of workers' compensation medical dispute resolution.

The goal of this work group is to provide consistency in the quality of dispute resolution approaches, regardless of whether services are delivered as part of a workers' compensation health care network or through non-network providers. The Division and TDI's Health and Workers' Compensation Network Certification and Quality Assurance Division have begun the process of consolidating functions into a single, consistent regulatory structure for IRO's.

Revisions to Division Rules 133.305, 133.307 and 133.308 pertaining to medical dispute resolution (MDR) are being drafted to prevent health care providers from facing different processes to resolve medical necessity disputes for network and non-network claims. Currently, the different processes require the use of different

forms and for paperwork to be submitted to different areas within TDI. As a result, IROs are being assigned by different sections within TDI.

By adopting the same model for IRO processes for non-network and network disputes, TDI will have a single process of submitting and processing these disputes within the network certification division. This approach simplifies the administrative processing for stakeholders, makes efficient use of agency resources and ensures a consistent method of resolving disputes regardless of type of coverage.

TDI is creating a "Request for IRO Assignment" form to provide a single method for parties to request an IRO review. Use of a modified form for all IRO assignments is expected to be implemented prior to other process changes that are dependent on rule changes. The formal MDR rule proposals will be released in the near future and public comments will be accepted. The consolidation of IRO operations is expected to be completed during the summer.

## Division Explores Dispute Resolution Options

IN FEBRUARY, THE DIVISION invited representatives from certain health care providers and insurance carriers to participate in low-level and informal medical fee dispute resolution meetings. During a one-week period, the parties met with Division staff to discuss selected disputes involving "fair and reasonable" fees, said Heidi Jackson, Acting Deputy Commissioner for Dispute Resolution.

"The conference week was a success in that we were able to resolve more disputes using less staff over a shorter period of time than is the norm," Jackson said.

The informal conferences may not be practical for all types of medical fee disputes. The Division will continue to explore innovative approaches to make dispute resolution, for both medical and indemnity disputes, as timely, efficient, fair and consistent as possible. These strategies include developing low-cost alternatives to current processes and reducing paperwork with the increased use of automation.

## Working Group Studies System Reforms

HOUSE BILL (H.B.) 7 REQUIRES the Commissioner of Workers' Compensation to prepare a Strategic Management Plan (SMP) to define how the Division will be organized and carry out reforms of the workers' compensation system and other statutory requirements. The SMP is posted on the TDI website at: [www.tdi.state.tx.us/reports/dwc/documents/dwctstratplan.pdf](http://www.tdi.state.tx.us/reports/dwc/documents/dwctstratplan.pdf).

In the report, Commissioner Albert Betts identified five major focus areas and

outlines strategies to implement the goals of H.B. 7 in each of those areas. The focus areas are: injured employee services; return to work; medical quality, cost and access; dispute resolution; and performance-based oversight.

The SMP will provide a basis for discussions by the Workers' Compensation Working Group. Commissioner Betts and Insurance Commissioner Mike Geeslin created this group to involve external stakeholders in the system reforms.

## Rulemaking Under Texas Procedure Act

THE DIVISION'S RULEMAKING process is prescribed in the Texas Administrative Procedure Act. Prior to the prescribed process, the Division provides system stakeholders with opportunities to be involved in policy discussions and the development of informal draft rules.

The formal process begins when:

- New legislation takes effect that results in a new, amended or repealed rule;
- A system need develops that requires a rule change; or
- A party outside of the Division requests rule changes by petition to the Commissioner. A rule petition may be accepted or denied by the Commissioner.

Staff members from program areas related to the specific subject matter of the rule form Division rule teams. Information on rulemaking projects is posted on the TDI website to allow the public to follow the progress of the rules. Input is sought from system stakeholders on pre-proposal drafts of rules and the Division accepts comments at stakeholder meetings. Finally, the Division accepts public comment regarding the proposed rule.

When a new or amended rule is proposed by the Division, the rule and the proposal preamble are published in the *Texas Register* for public comment. The proposal

preamble includes information regarding the purpose of the rule, a fiscal note and cost benefit analysis, the statutory authority for the rule and the proposed text of the rule.

Public comments are reviewed and analyzed by the rule team. The adoption preamble will contain a summary of these comments and responses to comments. The final rule may be changed from the proposal as a result of public comment. The rule team prepares the adoption preamble and rule and presents it to the Commissioner for adoption.

Proposed and adopted rules are posted on the TDI website at: [www.tdi.state.tx.us/wc/rules/planning/ruleschart.html](http://www.tdi.state.tx.us/wc/rules/planning/ruleschart.html).

If the rule is adopted, it is filed with the *Texas Register* for publication. Generally, a rule takes effect 20 days following the filing of the notice of adoption with the *Texas Register* unless a later date is required by statute or is specified in the rule.

### Rules Status on the Web

The status of all rules under development at the Division of Workers' Compensation is posted on the TDI website at:

[www.tdi.state.tx.us/wc/rules/planning/ruleschart.html](http://www.tdi.state.tx.us/wc/rules/planning/ruleschart.html)

## **TDI Develops Outreach Plan, FAQs on Networks**

The Department is developing an outreach plan to provide an overview of Workers' Compensation Health Care Networks to the primary participants in the system. General information publications describing networks have been



posted on the agency website at: [www.tdi.state.tx.us/wc/wcnet/index.html](http://www.tdi.state.tx.us/wc/wcnet/index.html). The publications are printed in English,

Spanish and other languages and are available at all of the Division's field offices.

Frequently Asked Questions (FAQs) about networks also have been posted at this website address. The FAQs are grouped by system participant group: provider, carrier, employee and employer.

## **Seminars at Small Business Development Centers**

The Division is presenting seminars about recent changes in the workers' compensation system, including information on return-to-work (RTW) services, statewide through an agreement with the Small Business Development Centers [SBDCs] Human Capital Program. The seminar titled *Workers' Compensation 101 and Return to Work* has been presented at the University of Houston in Victoria; Del Mar College in Corpus Christi; Texas State University in Austin and Round Rock; Sul Ross University in Del Rio, Eagle Pass, and Uvalde; and Texas Tech University in Lubbock.

Presentations are scheduled for May 4 at the Angelo State SBDC in San Angelo and on July 27 at the El Paso Community College SBDC in El Paso

The seminar provides an overview of recent legislative changes in the workers' compensation system, including the rights and responsibilities of system participants; functions of the Office of Injured Em-

ployee Counsel (OIEC); and detailed information and the functions of the Division's Workers' Health and Safety and Compliance programs.

SBDCs assist small businesses in understanding and complying with federal, state, and local regulations, like workers' compensation and workplace safety.

For more information, visit the TDI website at [www.tdi.state.tx.us/wc/services/outreachcal/puboutreach.html](http://www.tdi.state.tx.us/wc/services/outreachcal/puboutreach.html).

## **Commissioner Approves Self Insurance Certificates**

The Division certifies certain large, private employers to self insure for workers' compensation liabilities through its Self-Insurance Program. Employers that hold certificates of authority to self insure in Texas retain the protection of workers' compensation insurance coverage as provided in the Texas Workers' Compensation Act. Each of these employers must have a minimum workers' compensation manual premium of \$500,000 and meet other requirements.

Commissioner Albert Betts approves new applications and reapplications for certificates of authority to self-insure in Texas. For more information on applying to the Self-Insurance Program, visit TDI's website at [www.tdi.state.tx.us/wc/dwc/divisions/selfins.html](http://www.tdi.state.tx.us/wc/dwc/divisions/selfins.html).

## **Division Relocates Corpus Christi Field Office**

On April 3, the Division's Corpus Christi field office moved to: Flynn Parkway Tower, 5155 Flynn Parkway, Suite 218, Corpus Christi, Texas, 78411, MS-302. The e-mail address is [CorpusChristi@tdi.state.tx.us](mailto:CorpusChristi@tdi.state.tx.us) and the telephone number remains (361) 883-2551. The Corpus Christi office serves Aransas, Jim Wells, Kleberg, Live Oak, Nueces and San Patricio counties



## Free OSHA Consultations for Texas Employers

The Occupational Safety and Health Consultation (OSHCON) Program is a free-service of the Division designed to help small, private-sector Texas employers understand and comply with Occupational Safety and Health Administration (OSHA) regulations. OSHCON is voluntary and non-regulatory.

Experienced, professional consultants do not fine or cite employers for safety or health hazards found at their worksite. Instead, consultants offer employers real solutions to correcting workplace safety and health issues and preventing occupational injuries and illnesses. The focus of the program is on small employers (250 or fewer employees per worksite and no more than 500 nationwide) in high-hazard industries.

The latest studies show that the thousands of Texas employers that received OSHCON assistance from 2002 through 2004 experienced a 30 percent reduction in injury rates following their participation in the program.

For more information or to request assistance from an OSHCON consultant, call (800) 687-7080 or visit our website at [www.tdi.state.tx.us/wc/services/oshcon.html](http://www.tdi.state.tx.us/wc/services/oshcon.html)

## Poster Raises Awareness of Return-to-Work

The Division's Return-to-Work (RTW) Services section has created a poster in both English and Spanish to promote awareness of Stay at Work and RTW programs.

The poster is free and may be downloaded from the TDI website at: [www.tdi.state.tx.us/wc/dwc/divisions/rtw/documents/rtwposter.pdf](http://www.tdi.state.tx.us/wc/dwc/divisions/rtw/documents/rtwposter.pdf).

## Applications Available for Return-to-Work Pilot Program

In February, the Division announced a new pilot program to reimburse small employers for eligible expenses that help injured employees return to work after a workplace injury. Eligible employers with workers' compensation insurance and two to 50 employees may be reimbursed for workplace modifications, special equipment, tools, furniture or devices, or other related costs.



The Return to Work (RTW) Pilot Program for Small Employers will assist small employers in bringing employees back to work more quickly, which is beneficial for both the employee and the employer. An employer may be reimbursed for up to \$2,500 annually for eligible expenses. The pilot program is funded through August 31, 2008.

For more information or to obtain an application form, call (512) 804-5000 or E-mail [rtw.services@tdi.state.tx.us](mailto:rtw.services@tdi.state.tx.us). Additional information is also available on the TDI website at: [www.tdi.state.tx.us/wc/dwc/divisions/rtw/documents/smlemplyrpilot.pdf](http://www.tdi.state.tx.us/wc/dwc/divisions/rtw/documents/smlemplyrpilot.pdf)

## In the Next Issue of Workers' CompUpdate

The summer edition of the *Workers' CompUpdate* will include the latest news about the TXCOMP system. Current and past issues of the newsletter are posted on the agency website at the following address: [www.tdi.state.tx.us/wc/indexwc.html](http://www.tdi.state.tx.us/wc/indexwc.html), under "News and Publications."

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This publication is available for download as an Adobe Acrobat PDF file at: [www.tdi.state.tx.us/wc/indexwc.html](http://www.tdi.state.tx.us/wc/indexwc.html), under "News and Publications."

# Division Publishes Rulebook Supplements

Rulebook Supplements 2006-01 and 2006-02 containing rules adopted by the Commissioner of Workers' Compensation are available online from the TDI website at [www.tdi.state.tx.us/wc/rules/tableofcontents/supplements.html](http://www.tdi.state.tx.us/wc/rules/tableofcontents/supplements.html).

Supplement 2006-01 contains rules published in the *Texas Register* on February 17, 2006 regarding the Return-to-Work (RTW) Pilot Program for Small Employers (28 TAC Chapter 137).

Supplement 2006-02 contains new and amended rules published in the *Texas Register* on April 28, 2006 regarding preauthorization, and medical billing and reimbursement. These rules are under Chapter 133 and Chapter 134 of the Texas Administrative Code (28 TAC Chapters 133 and 134).

In order to assist system participants with updating hard copy rulebooks, the Division posts instructions on where to find newly adopted or amended rules on the TDI website:

1. Determine the supplement(s) containing rules adopted since the last update of the rulebook.
2. Click on the chapter number that contains new or amended rules.
3. Print the chapter.
4. Remove the old version of the chapter from the rulebook and replace it with the new one. Do this for each chapter listed.
5. If a "Table of Contents" is listed under the supplement number, click on it to download and print the updated table of contents. Remove the old version of the table of contents and replace it with the new one.

Rulebook supplements can be downloaded and printed from the website or system participants can purchase a hard copy of the supplements as well as a complete set of the Texas Workers' Compensation Act and Division Rules by contacting the Division's Publications Section at 512-804-4240.

## Locate Division Forms on TDI Website

Modification of workers' compensation system forms reflecting the name change to the Texas Department of Insurance, Division of Workers' Compensation (DWC), was completed in December 2005. The main website page for Division forms is: [www.tdi.state.tx.us/wc/forms/index.html](http://www.tdi.state.tx.us/wc/forms/index.html). The following links are for groups of forms posted on this page:

### Employer Forms

[www.tdi.state.tx.us/wc/forms/#employerforms](http://www.tdi.state.tx.us/wc/forms/#employerforms)

### Carrier Forms

[www.tdi.state.tx.us/wc/forms/#carrierforms](http://www.tdi.state.tx.us/wc/forms/#carrierforms)

### Employee Forms

[www.tdi.state.tx.us/wc/forms/#employeeforms](http://www.tdi.state.tx.us/wc/forms/#employeeforms)

### Medical Forms

[www.tdi.state.tx.us/wc/forms/#medicalforms](http://www.tdi.state.tx.us/wc/forms/#medicalforms)

### Agreement Forms

[www.tdi.state.tx.us/wc/forms/#agreementforms](http://www.tdi.state.tx.us/wc/forms/#agreementforms)

### Health & Safety Forms

[www.tdi.state.tx.us/wc/forms/#healthsafetyforms](http://www.tdi.state.tx.us/wc/forms/#healthsafetyforms)

### Other Business Forms

[www.tdi.state.tx.us/wc/forms/#otherforms](http://www.tdi.state.tx.us/wc/forms/#otherforms)

### Self-Insurance Regulation Forms

[www.tdi.state.tx.us/wc/forms/#selfinsureforms](http://www.tdi.state.tx.us/wc/forms/#selfinsureforms)

The Division has updated its Form Developer Kit for the use of system participants that create their own forms. For questions about Division forms, or to request copies of forms, please contact Customer Services at (512) 804-4240 or E-mail: [WorkersCompCustomerServices@tdi.state.tx.us](mailto:WorkersCompCustomerServices@tdi.state.tx.us)

# Defining the Role of Disability Management

**Editor's Note:** *Commissioner Albert Betts has made rules to implement treatment and return-to-work guidelines and treatment planning rules a priority for the Division.*

DISABILITY MANAGEMENT IS accomplished by appropriate medical management of work-related injuries or conditions by the doctor, with the cooperation of the injured employee and with the participation of the employer and the insurance carrier.

Disability management utilizes a set of “tools” for enhancing health care quality and RTW outcomes for the injured employees who are most at risk for delayed recovery. The components of a disability management approach can include:

**Adoption of Treatment Guidelines and Lost-Time Guidelines:** Treatment and lost-time guidelines allow for identification of high risk cases (outlier cases) based on expected recovery time and appropriate medical management of the medical conditions involved in the injury. Treatment guidelines focus on “best practices,” given a population of patients presenting with certain diagnoses. Lost-time guidelines establish lost-time durations based on the diagnosis and the injured employees’ type of employment.

**Benchmarking “At Risk” Claims:** If an injured employee has not returned to work, based on diagnosis and reasonable lost-time parameters for appropriate treatment of that condition in a normalized population, then that specific claim would

be subject to special care and attention for potential early intervention to redirect and refocus clinical resources as needed.

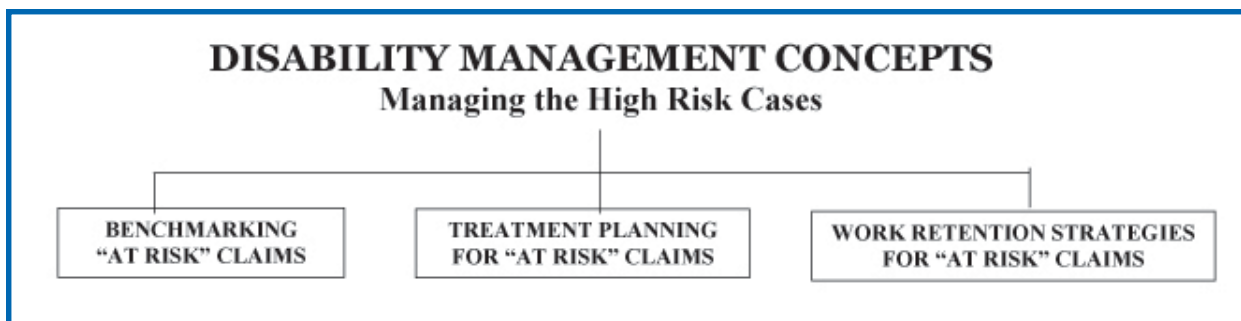
## **Treatment Planning for “At Risk”**

**Claims:** Treatment planning is the critical “redirecting and refocusing” of attention on these at-risk claims early enough in the course of the injured employees’ treatment and recovery to prevent inappropriate health care and unnecessary prolonged disability duration (lost time).

**Disability management utilizes a set of “tools” for enhancing health care quality and RTW outcomes for the injured employees who are most at risk for delayed recovery.**

**Work Retention Strategies:** Both stay-at work (SAW) and RTW approaches may be utilized, as appropriate, for the individual injured employee’s injury case. When medically appropriate, these approaches can benefit the employee by allowing them to return to the workplace, often at work that keeps income and benefits in place or restored. These approaches can benefit the employer by providing meaningful work that allows a trained and experienced employee to contribute to the company’s production and reduce workers’ compensation costs.

Case management is a component of disability management. The Division will consider rules related to case management when other priority rules have been adopted.



## Texas Safety Summit is May 17-18 in Austin

TEXAS GOVERNOR RICK PERRY has proclaimed the month of May as "Occupational Safety and Health Month," to highlight the importance of providing employers and employees with the tools and information necessary to keep workplaces safe. A similar proclamation was signed by Austin Mayor Will Wynn.

The 10th Annual Safety and Health Conference (Texas Safety Summit) that will be held May 17-18, 2006 in Austin. The conference is hosted by the Texas Department of Insurance, Division of Workers' Compensation. Registration is \$275 per person. Discounted rates are available for groups or employers that send five or more participants.

General session topics include disaster response efforts after hurricanes Katrina and Rita; homeland security in Texas; and an update on House Bill 7. Breakout session topics include:

- How to Pass a Dept. of Transportation Audit;
- Liability of an Owner or General Contractor for Injuries to Other Company's Employees;

- Rigging Gear Safety;
- Emergency Showers and Eyewashes;
- Development of a Successful Motor Carrier Fleet Safety Program;
- Leveraging the Compliance Audit as a Tool for Organizational Learning;
- Desktop Disaster Incident Drill
- To Go or Not to Go: Shelter in Place vs. Evacuation of Employees;
- Accident Investigation: Looking Beyond the Obvious;
- Drive to Arrive Alive; and
- Disease Transmission and Infection Control in the Workplace.

For more information, visit the TDI website at: [www.tdi.state.tx.us/wc/services/employers.html](http://www.tdi.state.tx.us/wc/services/employers.html) under "Annual Health and Safety Conference" or call the Division at (512) 804-4610.

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