



OIEC Quarterly Review

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Letter from the Public Counsel



On January 1st, the Office of Injured Employee Counsel (OIEC) began its third year of existence. The Public Counsel and the Deputy Public Counsel were the only two employees on the first day of business. The Ombudsmen were transferred from the Texas Department of Insurance Division of Workers' Compensation (DWC), and we became operational as an agency.

The 80th Texas Legislature transferred 25 dispute resolution officers from the DWC to augment Ombudsmen services so that resources would be available to provide advocacy on behalf of claimants earlier in the claim and, hopefully, reduce disputes and denials with quicker resolutions.

The Legislature also provided an additional 36 full time equivalents so that OIEC would be able to provide "one stop shop" convenience to claimants who had little understanding of the intricacies of the claim process.

OIEC is fully aware of its responsibility to be good and faithful stewards of the public money that has been allocated to it and to perform the tasks assigned by statutory mandate in an efficient and effective manner. As a result, OIEC has undertaken several projects that will enable it to accomplish our mission at the highest possible standard. First of all, we are in the process of building a management plan based on the classic business model taught by most business graduate schools. There are fundamental differences between a for-profit company and a state agency but the most innovative management techniques have been proven to effectively apply to one as much as the other. It is our hope that we can implement our management plan by March 1st, the second anniversary of the date that we became operational.

Secondly, we are doing an examination of the workers' compensation systems in other states to determine whether their claimant assistance programs would benefit Texas claimants. If it is determined that there are benefits that would bear consideration, this information will be shared with the Governor's office and the Legislature for their analysis.

We would like to express our appreciation for the continued support of the Texas Department of Insurance and the Division of Workers' Compensation.





Injured Employee Rights and Responsibilities Revised

The Office of Injured Employee Counsel has revised its educational publication entitled "Notice of Injured Employee Rights and Responsibilities in the Texas Workers' Compensation System" (Rights and Responsibilities). OIEC's Rights and Responsibilities is designed to provide injured employees with necessary information upon sustaining a work-related injury. OIEC considers the Rights and Responsibilities a key tool in its efforts to fulfill the agency's mission to assist, educate, and advocate on behalf of injured employees. The publication was sent to approximately 200,000 injured employees during the 2007 fiscal year.

OIEC revised the publication to keep injured employees abreast of the recent workers' compensation laws passed during the 80th Legislative Session. Changes to the publication include more information about choosing a treating doctor in a workers' compensation health care network, obtaining medical treatment if the employer is a political subdivision, and the removal of the Approved Doctor List.

The Injured Employee Rights and Responsibilities are available at www.oiec.state.tx.us under "Publications."

Customer Service Division is Here!



The Legislature, during the most recent Legislative Session, provided OIEC with funding to be used to build a Customer Service Division. This funding provides for the hiring of 33 Customer Assistants who will be placed in the field offices around the State. The Customer Service Division will also have a Manager and two Supervisors. The Customer Assistants will be OIEC's first point of contact with injured employees and will be trained to educate, assist, advise as well as to both identify and help resolve issues experienced by the injured employee maneuvering through the unfamiliar territory of the workers' compensation system. If a dispute is identified and it becomes necessary for the injured employee to go through the formal dispute resolution process, the Customer Assistant will refer the injured employee to OIEC's Injured Employee Services for more specialized assistance.

To date, 16 Customer Assistants have been hired and placed in various offices around the State. The Customer Service Manager and one Supervisor have also been hired. These new Customer Assistants bring a wealth of experience and knowledge to the agency. The Customer Assistants' training includes a newly written training handbook, on-line modules, observations of the various stages of the dispute resolution process and team-training with existing OIEC staff. Ongoing training will include monthly teleconferences and a yearly conference. This training will enable Customer Assistants to provide knowledgeable answers and quality assistance to injured employees.

The development and implementation of the Customer Service Division will enable OIEC to become a "one stop shop" for injured employees needing education and assistance.



Injured Employee Services

Injured Employee Services is responsible for directly assisting injured employees through its Ombudsman program. This quarter the program has been busy in a variety of areas:

OMBUDSMAN ASSOCIATES. With the addition of the Ombudsman Associates in September, this program is better able to assist its customers as soon as a dispute is identified. An Ombudsman Associate becomes involved when an injured employee contacts OIEC and it is determined that the injured employee has a claim-related dispute. Acting proactively on behalf of the injured employee, the Associate will contact the parties to clarify the issue, provide relevant information, gather appropriate documentation and attempt to resolve the dispute. If the issue cannot be resolved, the dispute is forwarded to the Division of Workers' Compensation to set a Benefit Review Conference. Ombudsman Associates already have extensive experience with workers' compensation and dispute resolution since the original Ombudsman Associates were transferred from DWC. This experience has allowed them to make an immediate impact with OIEC.

The Ombudsman Associate is a new position for OIEC that will enhance the services that OIEC provides.

MEDICAL DISPUTE RESOLUTION. House Bill 724 (Texas Legislature, Regular Session, 2007) changed the process to provide parties in a medical necessity or medical fee dispute an opportunity to administratively appeal a medical dispute resolution decision to either a contested case hearing (CCH) or the State Office of Administrative Hearings (SOAH). An appeal to a CCH is allowed for retrospective medical necessity disputes where the amount billed does not exceed \$3,000, medical fee disputes in which the amount of reimbursement sought does not exceed \$2,000, and prospective and concurrent medical necessity disputes. An appeal to SOAH is appropriate for disputes where the dollar amounts in dispute exceed those allowed for CCH.

This statutory change became effective September 1st, 2007, and injured employees are already requesting Ombudsman assistance in these cases. The Ombudsmen have received extensive training on these new processes and are ready and able to assist.

TRAINING. Injured Employee Services believes that training its employees is critical to fulfilling OIEC's mission. It provides training on a regular basis through online training, monthly teleconferences, and conferences. In October, the new Ombudsman Associates (along with their supervisors and Regional Staff Attorneys) traveled to Austin for a training conference. The OIEC team spent a total of two days discussing topics such as OIEC and its processes, Medical Dispute Resolution, and Disability Management. Based on the feedback they provided, the conference was a great success! OIEC will continue to provide training that gives its staff the knowledge and skills they need to effectively do their jobs.



Legal Services

Legal Services is pleased to announce that OIEC has hired its sixth Regional Staff Attorney (RSA) who started on December 10, 2007. This RSA will office in the Dallas Field Office and has been assigned to provide legal counsel to the Dallas, Tyler, and Wichita Falls Field Offices. The teams assigned to each RSAs had to be realigned with the hiring of the sixth RSA. Each quarter the RSAs are required to travel to the field offices that they assist and where they do not office. The priority in the first quarter of 2008 will be for the RSAs to make their first trips to the field offices that have been newly assigned to them to provide an opportunity for face-to-face interaction.

Legal Services has completed three training sessions with the Ombudsmen. The training focuses on developing and refining the skills that the Ombudsmen use in assisting injured employees in the dispute resolution process. The training has been well-received and has served the twin objectives of providing the Ombudsmen with helpful information and giving them the chance to work as a team while they are learning. Two more training sessions are being planned for March 2008 and May 2008. A third session will likely be given in October 2008. Two of the RSAs pair up to develop and deliver the training to the Ombudsmen in field offices around the State. Beginning with the March 2008 training, the Ombudsman Associates will also participate. Legal Services looks forward to continuing with the program and striving to provide meaningful, useful training in a way that is both fun and informative.

Three Practical Skills training sessions are planned for 2008. Both Ombudsmen and Ombudsman Associates will participate.

Happy New Year!



The New Year is upon us and in 2008 OIEC will continue to focus on its mission to assist, educate, and advocate for the injured employees of Texas. OIEC wishes you a happy New Year and hopes that we can all work together to ensure that injured employees' rights are protected in the Texas Workers' Compensation System.

Contact Us

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