



OIEC Quarterly Review

Issue No: 2

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Letter From the Public Counsel



As we approach the close of our second quarter as a functioning agency, I am very pleased to report that we have made amazing progress. Many of our accomplishments will be discussed in greater detail at other places in this Quarterly Report, but because of the dedication and commitment of our staff, I think some special recognition is justified.

- We have hired our first three regional staff attorneys. They come to us with exceptional qualifications and are progressing quickly through our training program. These employees will provide the foundation for adding additional attorneys and give us valuable insight for future attorney training. Our ombudsmen will have legal resources that have never before been available and we eagerly anticipate enhanced performance of our ombudsmen services.
- Our Injured Employee's Rights and Responsibilities publication has been approved and adopted and is now posted on our website. Texas Mutual Insurance Company has agreed to send it to their legacy claimants that have previously been moved into their network and they will send it to future legacy claimants as they progress into

Injured Employee Rights & Responsibilities Have Been Published

their medical network program. I would like to express my appreciation to Russ Oliver, CEO of Texas Mutual Insurance Company, for his cooperation in making this happen. I would also like to express my appreciation to Commissioner Albert Betts and Commissioner Mike Geeslin for their cooperation and efforts to adopt this publication so that injured employees will know that we are here and eager to help them through the complexity of the workers' compensation process.

- I have personally visited OIEC staff in the field offices in Denton, Dallas, and Ft. Worth to discuss issues that affect them. The Deputy Public Counsel and/or the Director of Injured Employee Services have visited several field offices this quarter, including Abilene, Corpus Christi, Dallas, El Paso, Houston, Midland, and Victoria. All three of us are in the process of scheduling more visits to field offices in the near future. These visits are particularly important for me so that I can become better acquainted with the ombudsmen and ombudsmen

assistants on a personal level and gain a better understanding of the kind of support that they require.

- Our ombudsmen have produced remarkable results since the first of the year. They had a win rate of 44.5% for 2005. Between January and April 1st that had increased to 47% and for the period between January and June 1st it had increased to a 50.9% win rate. That amazing success was accomplished without the assistance of the regional staff attorneys that are soon to be available to them. All of our ombudsmen get a heartfelt "Way to go!"
- We have finalized the agenda for the ombudsmen conference scheduled for the week of July 10th. Because of our confidence in the skills and commitment of our staff, challenging exercises will be presented and highly qualified and interesting speakers are scheduled to present lectures on advanced concepts.
- I would also like to commend our Counsel for Policy Development regarding his input on proposed rules and his involvement in several key TDI workgroups on behalf of OIEC. He is doing an excellent job in ensuring that injured employees have a voice on several important issues.

Even though the next legislative session is not scheduled to begin until January, 2007 we are making plans and beginning preparations for a full participation in the discussions that will pertain to our mission and our progress.

2nd Quarter Accomplishments

We are proud to announce these major accomplishments that occurred during the second calendar quarter of 2006:

- Injured Employee Rights & Responsibilities were adopted and published in both English and Spanish.

- A pilot project began in the five largest field offices to collect statistics regarding the number of calls received from injured employees. We are hopeful that these statistics will reveal an appropriate number of staff required for OIEC to perform injured employee customer service functions.
- The agenda for its first Team OIEC Conference was finalized and arrangements have been made for outside speakers, including the TDI and DWC Commissioners.
- Testimony was provided at the Public Hearing regarding Interlocutory Orders on May 10, 2006.
- The OIEC website was enhanced. Specific enhancements to the site are listed separately within this Quarterly Review: www.oiec.state.tx.us
- Several critical staff positions were filled, including three staff attorneys, an injured employee customer service person, an employee trainer, and several field office ombudsmen and ombudsman assistant positions.
- Staff worked with the Legislative Budget Board to finalize the framework for the agency's first Strategic Plan (and its performance measures).
- OIEC launched its Intranet this quarter that serves as an extensive resource for its employees.



OIEC Website Improvements

Before the end of June 2006, several new features were added to the OIEC website:

- Links to Injured Employee's Rights & Responsibilities
- The new Injured Employee Home Page was added to provide customers with a single source for relevant information

- OIEC's plan for delivering services to non-English speaking customers
- Links to TDI's workers' compensation network information pages
- Easy to follow "First Steps" for Injured Employees
- Additions to our "Frequently Asked Questions"

Ombudsman Experience

Currently, there are 56 Ombudsmen assisting injured employees across the state. Experience among the ombudsmen in our field offices breaks down as follows:

- 11 Ombudsmen have 12 to 15 years of ombudsman experience
- 15 Ombudsmen have 7 to 14 years of ombudsman experience
- 19 Ombudsmen have 3 to 6 years of ombudsman experience
- 11 Ombudsmen have 1 to 2 years of ombudsman experience

All four of our senior ombudsmen average in excess of 12 years of experience as ombudsmen.

We are continuing to grow our training program in order to ensure that staff receive the best training possible and are well equipped with the knowledge and tools required to adequately assist the injured employees of Texas.

Rule Comments & Rule Development Updates

OIEC has actively participated in the Texas Department of Insurance, Division of Workers' Compensation (DWC) rulemaking initiatives during the last quarter.

Several workgroups have been formed by DWC in an effort to create a forum where various stakeholders are invited to provide informal comment on DWC's rules. OIEC feels that active involvement in all work groups is vital in OIEC's mission as an advocate on behalf of all injured employees in the workers' compensation system. OIEC staff believe that vigorous participation at the informal

rulemaking stage provides the greatest opportunity to effectively impact workers' compensation rules. OIEC has represented the interest of injured employees in the following workgroups:

- Workers' Compensation Workgroup;
- Peer Review Monitoring; and
- Performance Based Oversight Work Group.

OIEC has also participated in the Translation Workgroup and Workers' Compensation Communications Work Group to assist the Texas Department of Insurance in providing informative educational materials to injured employees regarding workers' compensation health care networks.

OIEC has provided extensive comment on the DWC's medical dispute resolution rules. OIEC feels that it is important for all injured employees to be considered as a party in the process. Further, OIEC feels that the 30 day timeframe to appeal a medical dispute resolution decision to district court should be provided to injured employees. The medical dispute resolution rules are currently in the proposal stage of rulemaking, and OIEC comments and testimony for the public hearing are currently being prepared.

OIEC has also commented that the process to request an interlocutory order should be simplified. Testimony was provided by the Public Counsel during a public hearing in an effort to simplify and shorten the timeframe by which an interlocutory order must be issued.

OIEC is proud to announce its first rule proposal regarding the Ombudsmen Education and Training Program. The proposal can be found on the agency's website at: <http://www.oiec.state.tx.us/resources/rulespage.html>. The comment period ends July 24, 2006, and OIEC would appreciate any comment you may have to improve the Ombudsman Program for the injured employees of Texas.

Contact OIEC

We encourage you to provide feedback, ask questions, or send a request to be added to our Quarterly Review distribution list using this address: OIECinbox@oiec.state.tx.us.