



OIEC Quarterly Review

Issue No. 7

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Letter from the Public Counsel

Dear Friends,

The second annual Office of Injured Employee Counsel (OIEC) Conference was held in July, and I would like to express my appreciation to the speakers from outside of OIEC who contributed so much to the success of our program. Our Ombudsmen brought enthusiasm and challenging, real-life scenarios to the discussions.

As of September 1st, 23 employees, who had been Dispute Resolution Officers at the Texas Department of Insurance, Division of Workers' Compensation (DWC), were transferred to OIEC where they will be designated Ombudsman Associates. We also received two vacant FTEs from DWC. When those vacancies are filled, the employees will begin training as Ombudsman Associates as well. The Director of Injured Employee Services and other OIEC staff have designed an excellent year-long training program that will ultimately lead them to becoming fully qualified Ombudsman, having received their adjuster's licenses. In addition, they will receive supervised training in the dispute resolution process from experienced, Senior Ombudsmen. By that time they will be fully prepared to fulfill the responsibilities of providing quality assistance to claimants.

We are in the process of staffing our customer service division to service the needs of injured workers at the various field offices across the State. We will ultimately have 33 customer service employees. Since these positions do not require prior workers' compensation experience, a comprehensive training program has been designed by the Manager of Customer Service and other OIEC staff to assure thorough preparation to provide the superior level of service that is sought by all OIEC employees.

Sincerely,





New Ombudsman Associates Join OIEC

During the 80th Legislative Session, OIEC was given additional funding through the legislative appropriations process to increase the number of Ombudsmen.

On September 1st, 23 new Ombudsman Associates joined OIEC. The Ombudsman Associate position is a new one for OIEC. Ombudsman Associates are "apprentice Ombudsman" and required to complete an intensive, one-year training program. At the end of that year, the Ombudsman Associate will have the knowledge and experience to be eligible for a career ladder promotion to become a full Ombudsman.

Traditionally, an Ombudsman was not involved in a workers' compensation claim until an issue was set for a proceeding. With the addition of the new Ombudsman Associate position, OIEC will become involved earlier in the dispute resolution process prior to a proceeding being scheduled.

The Ombudsman Associates will have a positive impact on injured employees as they proactively assist them with their disputes.

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Rulemaking Initiatives



OIEC proposed new Rule 276.3 concerning the procedure for submission, consideration, and disposition of rule petitions to OIEC. Rule 276.3 provides for how OIEC considers rule petitions, either by initiating rulemaking procedures or by denying the petition in writing. This rule is necessary to implement state agency rulemaking procedures in accordance with the Administrative Procedure Act, Chapter 2001 of the Texas Government Code. Rule 276.3 is slated to be adopted by the Public Counsel in early November after all public comments are received and carefully considered.

DWC is also busy with rulemaking initiatives in an effort to implement legislation recently passed this last legislative session. OIEC is actively participating in various stakeholder meetings and focus groups to serve as the voice of injured employees as a class in DWC's rulemaking process. Specifically, OIEC actively participated in DWC's stakeholder meeting to ensure Senate Bill (SB)1169 and House Bill (HB) 473 regarding whether interlocutory orders are properly integrated to give full meaning to each bill. OIEC believes SB 1169 is critical for the injured employees of Texas as it provides for interlocutory orders to be requested either in writing or verbally at a benefit review conference and issued within three days of the request. Another issue OIEC is closely monitoring is the implementation of HB 724. OIEC believes that injured employees should be promptly reimbursed for all out-of-pocket expenses in a simple, easy to use procedure.

OIEC appreciates the opportunity to serve as the voice for injured employees as a class and looks forward to the implementation of this last legislative session's workers' compensation bills.



Legal Services Update

Training Sessions Continue

A third session of practical skills training is being developed by OIEC Regional Staff Attorneys. The training will be given in November 2007 to all Ombudsmen in the State in six different field offices: Corpus Christi, Dallas, El Paso, Fort Worth, Houston East, and San Antonio. This session addresses the use of discovery in workers' compensation cases and making and responding to objections. In the prior two practical skills trainings, the Ombudsmen were provided an opportunity to apply what they had learned in a mock contested case hearing. In this session, the Ombudsmen will demonstrate their knowledge of the material in a contest that will pit one team of Ombudsmen against another. We anticipate that the new format will be both fun and effective. For attending and participating in the third practical skills training, the Ombudsmen will receive two hours of continuing education units, which are necessary to retain the required workers' compensation adjuster's license.

During the third quarter of 2007, OIEC's Legal Services program was involved in providing training to the Ombudsmen at the Second Annual OIEC Conference in July and the breakout session for the Ombudsmen at the Hearings Conference given by DWC in August. At the OIEC Conference, the training addressed disability management and more specifically, the Medical Disability Advisor (MDA) (return-to-work guidelines) and the Official Disability Guidelines (ODG) (treatment guidelines). The emphasis at the OIEC conference was on familiarizing the Ombudsmen with both the MDA and the ODG and in trying to anticipate how both guidelines were likely to be used in DWC's dispute resolution process. Training on MDA and ODG will continue as more information about the use of these disability management tools becomes available.

At the breakout session of the August 2007 Hearings Conference, OIEC's Legal Services and the Senior Ombudsmen joined forces to provide training for the field office Ombudsmen about medical dispute resolution and their new responsibilities in assisting unrepresented injured employees in that process. The goals of the training were to provide a broad overview of medical necessity and fee disputes and to provide a step-by-step analysis of how those disputes progress through the dispute resolution process. Just as in the case of disability management, it is anticipated that significant changes may occur in medical dispute resolution as DWC implements the new system. Therefore, OIEC anticipate that medical dispute resolution training efforts will be ongoing for OIEC staff.

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OIEC Website



The OIEC website continues to be an excellent source of information for OIEC's customers. It includes topics, resources, and links that provide both general and detailed information about OIEC and the Texas workers' compensation system.

The website receives over 50,000 hits each quarter and in September had 20,033 hits –the busiest month ever! The areas of highest interest continue to be: Employer Notification of OIEC's Ombudsman Program; Injured Employee's Rights and Responsibilities; Ombudsman Program; and the Injured Employee Homepage. Be on the lookout for new updates to the website as new rules are proposed and new publications developed over the next several months.



Annual OIEC Conference

OIEC employees from around the State traveled to Austin to attend the Second Annual OIEC Conference in July. The three days of training included topics such as: legislative impact on OIEC; disability management; a workers' compensation case study and contested case hearing demonstration; Public Vocational Rehabilitation Services; change management; and professionalism and ethics. The presentations included a balance of both general information, application, and practical skills.

Team Excellence and Technical Achievement Awards were presented at the annual conference.



A highlight of the conference was the Injured Employee Services Performance Recognition Awards ceremony. The Annual Performance Recognition Awards are intended to recognize employees who exhibited superior performance or special efforts significantly beyond their regular duty requirements and directly related to fulfilling the OIEC mission.

The Team Excellence Awards are presented to an employee on each Team who may be either an Ombudsman or an Ombudsman Assistant. The Team Excellence recipients were: Cara Lane (Wichita Falls), Sandra Cabrera (Houston West), Linda Lewis (Bryan), Farris Avery (Victoria), Mary Valenzuela (El Paso), Melody Manuel (Denton) and Irma Elizaldi (San Antonio). The Technical Achievement awards are presented to one Ombudsman and one Ombudsman Assistant who have demonstrated outstanding skill and proficiency in his/her position. The recipients of the Technical Achievement awards were Monica Haynes (Ombudsman - Laredo) and Kathy Frymire (Ombudsman Assistant - Abilene).

Congratulations to the award recipients as well as all OIEC employees who work together to assist the injured employees of Texas.

Contact Us



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