

§276.10. Ombudsmen Training Program/Continuing Education.

- (a) Definitions. The following words and phrases shall have the following meaning in this section unless the context clearly indicates otherwise:
 - (1) Adjuster's license: A workers' compensation license issued by the Texas Department of Insurance.
 - (2) Continuing education: A formal training program required for all ombudsmen in this state that includes continuing education for obtaining and retaining an adjuster's license.
 - (3) Ombudsmen education and training program: The training required by the Office of Injured Employee Counsel (OIEC) to serve as an ombudsman, which results in certification upon completion.
- (b) Purpose. OIEC shall establish and maintain the ombudsmen education and training program to ensure consistent, quality, and thorough training of ombudsmen staff. The ombudsmen education and training program applies to every ombudsman, regardless of hire date. The ombudsmen education and training program shall include, but is not limited to:
 - (1) formal classroom training conducted by OIEC staff;
 - (2) on-the-job training monitored by a supervising ombudsman, senior ombudsman, and regional staff attorneys;
 - (3) observations of ombudsmen by supervising ombudsman, senior ombudsman, and regional staff attorneys;
 - (4) professional skill development and legal education on workers' compensation laws, rules, advisories, and appeals panel decisions by the regional attorneys; and
 - (5) resource meetings with OIEC's central staff to discuss current and pending issues instrumental to providing assistance to injured employees in informal and formal proceedings.
- (c) OIEC staff's responsibilities regarding education and training. OIEC staff shall maintain the knowledge and skills needed to properly assist unrepresented injured employees in the workers' compensation system.
 - (1) Injured Employee Services is the division within OIEC that is responsible for the overall management of the ombudsmen education and training program. Injured Employee Services' responsibilities include, but are not limited to:
 - (A) educating ombudsmen about the workers' compensation laws, rules, advisories, appeals panel decisions, dispute resolution, OIEC policies and procedures, and application of such information to specific cases or factual situations;
 - (B) selecting team lead supervisors, training ombudsmen, and senior ombudsmen to observe, supervise, train, and provide feedback to ombudsmen on a daily basis;
 - (C) notifying regional staff attorneys if guidance, instruction, or legal research on

technical areas is needed;

- (D) establishing on-going training schedules for ombudsmen and evaluating the performance of ombudsmen's progress through the education and training program;
 - (E) maintaining documentation to monitor the effectiveness of the ombudsman program and coordinating with OIEC's Legal Services division to develop education and training materials to address systematic issues to enhance ombudsmen's effectiveness;
 - (F) examining the proficiency and competency of each ombudsman by conducting technical observations and identifying areas for professional improvement;
 - (G) providing targeted training to individual ombudsman for professional development and incorporating the technical observations and evaluations into the performance evaluation process;
 - (H) providing continuing education and training, at least annually, to ombudsmen on workers' compensation laws, rules, advisories, appeals panel decisions, dispute resolution, OIEC policies and procedures; and
 - (I) assigning a staff attorney to each ombudsman who will advise the ombudsman on providing assistance to injured employees and preparing for informal and formal proceedings.
- (2) An ombudsman's responsibilities shall include, but is not limited to:
- (A) obtaining and maintaining a valid workers' compensation adjusters' license issued by the Texas Department of Insurance and submitting a copy of the license to OIEC's central office;
 - (B) completing the ombudsmen education and training program;
 - (C) participating in OIEC conferences;
 - (D) completing all continuing education requirements;
 - (E) maintaining the technical and professional skills to perform all the duties of an ombudsman; and
 - (F) assisting and serving as an advocate for injured employees throughout the workers' compensation system.

The provisions of §276.10 are adopted to be effective August 28, 2006, 31 TexReg 6515.