

**Texas Department of Insurance
Division of Workers' Compensation**

FastFacts

Disability Management Overview

Disability management optimizes healthcare and return-to-work outcomes for injured employees through the use of treatment and return-to-work guidelines.

Background

In May 2005 the Texas Legislature passed sweeping reforms of the Texas workers' compensation system. Central to these reforms is the Division's adoption of disability management rules, including and return to work guidelines, guidelines.

In December 2006, the Division adopted disability management rules
<http://www.tdi.state.tx.us/wc/rules/adopted/dmaorder1206.html>.

Title 28 Texas Administrative Code (TAC) §137
§137.1 – General Provisions
§137.10 – Return-to-Work (RTW) Guidelines
§137.100 – Treatment Guidelines

What is the goal of disability management?

The goal of disability management is to ensure appropriate medical treatment of injured employees, promote evidence-based medical care and facilitate communication among system participants.

All parties – the insurance carrier, the healthcare provider (HCP), the injured employee, and the employer – are encouraged to participate in developing a plan that helps the injured employee and the employer set expectations for safe and appropriate return to work.

Transition to Disability Management

Disability Management Rules apply to all claims with a date of injury occurring as of January 1, 1991. Treatment & Return to Work Guidelines are effective May 1, 2007 and are applicable to treatments and/or services provided as of this date.

Division Return-to-Work Guidelines

The Division has adopted the most current edition of *The Medical Disability Advisor, Workplace Guidelines for Disability Duration* (MDA), excluding all sections and tables relating to rehabilitation, published by the Reed Group, as the Division's return-to-work guidelines.

These guidelines provide expected lengths of disability durations, which represent points in time when additional evaluation and communication among the HCP, injured employee, carrier, and employer should occur if an injured employee has not fully recovered and returned to work.

Additional information about the MDA is available from the Reed Group website at <http://www.rgl.net/states/Texas.aspx>.

Division Treatment Guidelines

The Division has adopted the most current edition of the *Official Disability Guidelines - Treatment in Workers' Comp*, excluding the return to work pathways, (ODG), published by Work Loss Data Institute (Division treatment guidelines).

Treatments and services included in the Division treatment guidelines are presumed to be health care reasonably required. Accordingly, HCPs are required to provide treatment in accordance with these guidelines (unless the treatment or service requires preauthorization as established by the preauthorization list in 28 TAC §134.600).

An insurance carrier may not deny preauthorization or reimbursement for a treatment solely because the diagnosis or treatment is not included in the Division treatment guidelines. However, a carrier who can provide evidence-based documentation that outweighs the presumption of reasonableness established by the Labor Code and Division rules may retrospectively deny reimbursement for a treatment or service that is included in the treatment guidelines.

The ODG is published annually and may not reflect changes made throughout the year. The on-line version is the most current. For information on how to purchase access to the guidelines, see the Work Loss Data Institute's website at <http://www.worklossdata.com/>

Publication produced by the Texas Department of Insurance, Division of Workers' Compensation, Policy Implementation & Outreach, 7551 Metro Center Drive, Suite 100, Austin, TX 78744; (512) 804-4000. This update is for educational purposes only and is not a substitute for the statute and Division rules.