



Texas Department of Insurance

Division of Workers' Compensation

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MEMORANDUM

DATE: February 20, 2008
TO: Workers' Compensation System Participants
FROM: Robert E. Lang, Deputy Commissioner for Hearings
RE: Reminder of March 1, 2008 Deadline for Filing for Subclaimant Status

The purpose of this memo is to remind Texas workers' compensation system participants of the March 1, 2008 deadline for filing for subclaimant status and the process for filing.

House Bill 251 (79th Regular Session) allows health insurance carriers or their authorized representatives to obtain data matches on claims for injuries occurring on or after September 1, 2002. Workers' compensation carriers should be aware that some requests for reimbursement they receive from health insurance carriers or their authorized representatives under 409.0091(s) will be based on health care services provided between September 1, 2002 and January 1, 2007.

Workers' compensation carriers should also note that requests for reimbursement that are subject to 409.0091(s) are not subject to the requirement to be filed not later than six months after the date on which the health care insurer received information under Section 402.084(c-3) and not later than 18 months after the health care insurer paid for the health care service.

Texas Labor Code 409.0091(s) provides:

On or after September 1, 2007, from information provided to a health care insurer before January 1, 2007, under Section 402.084(c-3), the health care insurer may file not later than March 1, 2008:

- (1) a subclaim with the division under Subsection (l) if a request for reimbursement has been presented and denied by a workers' compensation insurance carrier; or
- (2) a request for reimbursement under Subsection (f) if a request for reimbursement has not previously been presented and denied by the workers' compensation insurance carrier.

An insurance carrier and an authorized representative of an insurance carrier, as described by Section 402.084(c-1) can meet these March 1, 2008 filing requirements by either filing a written claim for subclaimant status with the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) or by filing a DWC Form-026, *Reimbursement Request for Payment Made by Health Care Insurer*.

To file a written claim as a subclaimant with TDI-DWC, a person must submit a separate written notice for each claim (preferably on letterhead of the organization they represent) on which they are asserting subclaimant status. Written notices must be signed and dated by the person filing notice and should include:

- language to clearly state this is a notice of subclaimant status;
- the subclaimant's contact information, including the subclaimant's name, mailing address and telephone number; and
- the injured employee's information, including the employee's first and last name, last four digits of the employee's social security number, date of injury and DWC claim number.

Written notices can be filed at the TDI-DWC Central Office located at 7551 Metro Center Drive, Suite 100, MS-93, Austin, Texas 78744 or any of the 24 TDI-DWC field offices. For information on the TDI-DWC field offices visit the TDI website at <http://www.tdi.state.tx.us/wc/dwcccontacts.html> under "Office Locations".

Participants are cautioned, however, that subclaimant status is not bestowed upon an entire class of entities. Rather, subclaimant status is established on request when the requirements for subclaimant status are met on a claim by claim basis.

For additional information on filing for subclaimant status, contact TDI-DWC at 512-305-7238 or 800-252-7031. Contact Jennifer Hopens at 512-804-4033 with questions regarding this memo.