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WE want you to know...about the 2018 first carrier meeting

On February 27, 2018, the Texas Department of Insurance, Division of Workers' Compensation, held the first Quarterly Insurance Carrier Meeting of 2018 at the DWC Metro Office. In attendance were numerous representatives of various insurance carriers. Commissioner Ryan Brannan, Tim Riley, Marisa Lopez, Hilda Baker, Mary Landrum, Martha Luevano and Kerry Sullivan represented the DWC.

Commissioner Brannan gave a brief introduction. He noted the DWC will launch a new web design on March 1, 2018 (which will certainly be outdone by the recently launched WhiteEspey.com website). The new telemedicine rule will be sent to the Register on Friday. OSHA recognized the DWC for their response to Hurricane Harvey.

Denny Whitehouse then spoke about complaints. He noted **over 5,000 complaints were received in calendar year 2017**. The most common complaint area was still the communications area. The specific numbers for each area of complaints will be posted online. (This was a recurring theme as apparently the previous audiences have been bored with all the numbers.)

Marisa Lopez then spoke on Enforcement. As expected, Ms. Lopez went over the Division's enforcement key initiatives. She then said that specific numbers will be posted online regarding current/closed Enforcement cases.

Hilda Baker presented actual numbers on the Fraud Unit. She said in 2017, the Fraud Unit received 1,518 complaints. 205 cases are currently open and 1,508 were closed. She was proud to announce that 13 cases were referred for prosecution in 2017. Of those referrals: five were injured workers; five medical providers; two employers; and one beneficiary. She also announced that the Fraud Unit has achieved **four convictions** in its year of existence.

Of note, she said that the Fraud Unit will be investigating **premium fraud** and **payroll fraud** cases. A fraud meeting will be held on March 29, 2018 and the public is welcome to attend (more details to follow).

Mary Landrum then discussed the Office of Medical Advisor. She addressed the growing number of complaints from injured workers regarding the **utilization review process**. She encouraged all carriers to read through Chapter 19 as well as Rules 133 & 180. She stressed that adjusters cannot make these treatment decisions. Someone with proper credentials and a Texas license is required. Denials should be issued by a doctor, not a nurse. Also, the peer-to-peer communications need to take place.

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She then spoke about reviews of Designated Doctors that have been taking place. They are reviewing the **necessity of referrals made by DDs**. These referrals have been for FCEs, neurological testing, EMGs and MRIs. She also mentioned the 2017 Provider PBO assessment. 665 doctors were assessed. She noted that 72% of the DWC-73s they reviewed were not acceptable. This will likely be a **future audit topic**.

Finally, Kerry Sullivan spoke about hearings. He said the Division will soon begin a Pilot Program for **hearings via teleconference**. These hearings will initially begin with TML and Texas Mutual. He said that these hearings will be initiated at the **BRC level only** and both parties will need to agree to do the hearing by teleconference. He then stressed the importance of the **14-day BRC Exchange**. He indirectly stated that violations may be on the horizon for not complying with this Rule.

There was a lengthy Q&A session that followed mostly regarding the teleconference hearings. A training session will be held in the near future so the Division can teach parties about Zoom and how it will work. The next meeting Carrier Meeting is tentatively scheduled for **April/May 2018**.

Questions about the meeting?

WE want to hear from you!