

WORK COMP REPORTER

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DWC UPDATES

Renewal of Emergency Adoption: Amended 28 TAC §134.503 Regarding the Pharmacy Fee Guideline

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) has submitted a Renewal of Effectiveness for the emergency adoption of amended 28 Texas Administrative Code (TAC) §134.503 regarding the Pharmacy Fee Guideline. The text of the amended section was originally published in the December 31, 2010, issue of the Texas Register (35 Tex Reg 11777).

The TDI-DWC has determined it is necessary to renew this emergency adoption while the 82nd Legislature considers possible statutory changes to clarify the reimbursement of pharmaceutical services within the workers' compensation system.

The Renewal of Effectiveness for the emergency adoption of 28 TAC §134.503 will be in effect until June 29, 2011, for a 60-day period, after the original expiration date of April 30, 2011. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Tex. Gov't Code §2001.034).

If there are any questions regarding the information in this memorandum, contact Jeff Carothers at (512) 804-4280 or Jeff.Carothers@tdi.state.tx.us.

Automobile Mileage Rate Change

Effective January 1, 2011

51 cents per mile



TDI-DWC Hosts Educational Seminars on the Pharmacy Closed Formulary and Clean Claims/eBill

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) will present a series of free, half-day educational seminars entitled Pharmacy Closed Formulary and Clean Claims/eBill. The seminars are being offered in cooperation with Small Business Development Centers.

The Pharmacy Closed Formulary portion of the seminar will provide an overview of the pharmacy closed formulary rules adopted by the TDI-DWC in December 2010 for both certified network and non-network workers' compensation claims with dates of injury on or after September 1, 2011.

The Clean Claims/eBill portion of the seminar will provide an overview of the new TDI-DWC requirements related to submitting paper and electronic medical bills, including a discussion of the changes from the previous requirements and a brief introduction to the new electronic medical billing standards. This presentation also provides an opportunity for new and experienced medical billing employees to recognize how to complete medical bills to minimize insurance carrier returns or rejections after the August 1, 2011 effective date.

Due to limited space, registration is required. For more details on the following educational seminars, visit the TDI-DWC Events and Training Calendar at www.tdi.state.tx.us/wc/events/index.html.

Pharmacy Closed Formulary will be presented from 8 a.m. to 11 a.m. and Clean Claims/eBill will be presented from 11 a.m. to 12 p.m. at each venue. Texas workers' compensation system participants may attend one or both portions of the seminar.

May 6, 2011 Dallas

May 7, 2011 Fort Worth

May 20, 2011 San Antonio

May 25, 2011 Wichita Falls

June 3, 2011 Corpus Christi

June 8, 2011 San Antonio

June 10, 2011 Houston

June 24, 2011 Edinburg

July 15, 2011 El Paso

August 18, 2011 Austin

Discount Rate and Interest Rate Determined for April 1, 2011 through June 30, 2011

The Texas Department of Insurance, Division of Workers' Compensation has determined, pursuant to the authority and direction given under the Texas Workers' Compensation Act (Texas Labor Code, Section 401.023), that any interest or discount provided for in the Act shall be at the rate of 3.74%. This rate is computed by using the treasury constant maturity rate for one-year treasury bills (0.24%) issued by the United States Government, as published by the Federal Reserve Board on March 17, 2011 (the 15th day preceding the first day of the calendar quarter for which the rate is to be effective), plus 3.5% as required by Section 401.023. The rate shall be effective April 1, 2011 through June 30, 2011. The rate in effect for the previous period of January 1, 2011 through March 31, 2011 was 3.80%.

For more information regarding calculation of the Discount Rate and Interest Rate, contact Dareld Morris III, Texas Department of Insurance, Financial Services, at 512-305-7274.

Enforcement Actions

TDI Announces February Enforcement Actions April 5, 2011 - The Texas Department of Insurance today announced enforcement actions taken by Commissioner Mike Geeslin that became final during February 2011. The actions include six license revocations, three license denials and fines and restitution totaling \$920,170. Copies of Geeslin's orders may be obtained by contacting TDI's Public Information Office. More details at <http://www.tdi.state.tx.us/news/2011/news201111.html>

DWC Form-022, Required Medical Examination (RME) - Request for Agreement / Request for Order

Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) has proposed revisions to the DWC Form-022, Required Medical Examination (RME) - Request for Agreement / Request for Order. The form is for insurance carriers requesting an injured employee to attend a Required Medical Examination (RME) to be performed by a doctor of the insurance carriers' choice.

The purpose of this memo is to request input from system participants regarding the proposed changes to the DWC Form-022. The proposed form is available for download from the TDI website at www.tdi.state.tx.us/wc/forms/documents/dwc022drft411.pdf. Since this is not a formal proposal, public comments received will not be responded to in accordance with the Texas Administrative Procedures Act. The TDI-DWC is accepting public comments regarding the proposed revisions to the DWC Form-022 until 5 p.m. (Central Standard Time) on Wednesday, May 11, 2011.

The proposed revisions are due to automation of the form and removal of the "Division Order" section. The final form will be available in an English version and Spanish version.

Public comments may be submitted to the TDI-DWC by e-mailing informalrulecomments@tdi.state.tx.us or by mailing or delivering the comments to Maria Jimenez at:

Texas Department of Insurance, Division of Workers' Compensation
Workers' Compensation Counsel, MS-4D
7551 Metro Center Drive, Suite 100
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The attorneys at Pappas & Suchma, P.C. have been and will continue to be your ally in navigating the ever changing landscape of Texas Workers' Compensation law. If you have any questions, please do not hesitate to contact Dean, Jane, Tommy or Jerry at any time. The Houston office number is 713-914-6200.



“the achievements of an organization are the result of the combined efforts of each individual”