

Texas Workers' Compensation Update

A publication of the Texas Department of Insurance, Division of Workers' Compensation

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Tools for Compliance Success Offered at Conferences in Austin and Houston

The 2012 Workers' Compensation Compliance Conferences will be held in Austin on September 20-21 and in Houston on October 22-23. The conferences will inform employers, insurance carriers, health care providers and designated doctors about common non-compliance issues and provide education to assist them in fulfilling their role within the Texas workers' compensation system. *Tools for Compliance Success* is the theme for the conferences.

The TDI-DWC also hosts Workers' Compensation Educational Conferences to educate workers' compensation system participants on the laws passed by the Texas Legislature and rules adopted by the agency. The compliance conferences and the educational conferences will be held biennially, in alternating years. The next educational conference will be held in the Fall of 2013.

The Austin compliance conference will be held Thursday and Friday, September 20-21, 2012 at the Renaissance Austin Hotel, 9721 Arboretum Blvd.

The Houston conference will be held Monday and Tuesday, October 22-23, 2012 at the Renaissance Houston Greenway Plaza Hotel, 6 Greenway Plaza. Registration is \$250 per person through August 15, 2012 and \$325 per person after August 15, 2012. The registration fee includes conference materials, lunch and refreshments.

Each conference will feature an optional pre-conference session entitled *Basic Workers' Compensation* geared toward individuals who are new to the Texas workers' compensation system. The second day will include 20 breakout sessions organized in three tracks for employers and insurance carriers, health care providers and designated doctors, as well as exhibitors offering workers' compensation-related products and services.

Conference participants may be eligible for continuing education credits. Application will be made for Texas CLE credit for attorneys, TDI continuing education credit for insurance adjusters, and CRC, CDMS, and CCM credits for rehabilitation providers.

For additional conference details, visit the TDI website at www.tdi.texas.gov/wc/events/cconference.html.

Training Opportunities with TDI-DWC

In addition to the TDI-DWC conferences, *Workers' Compensation Educational Conference*, *Workers' Compensation Compliance Conference*, and *Workplace Safety & Health Conference (Texas Safety Summit)*, the TDI-DWC offers several educational opportunities for workers' compensation system participants; including training, seminars, brown bag educational sessions and regional safety summits.

The TDI-DWC offers education to system participants and the general public across the state and also contracts with organizations and institutions to provide presentations to private audiences through the agency's Speaker's Bureau. Many of the presentations offer continuing education credits (CEUs) for workers' compensation professionals.

For additional information on educational opportunities and to view the *TDI-DWC Public Outreach, Events and Training Calendar*, visit the TDI website at www.tdi.texas.gov/wc/events/index.html.

Inside

From the Commissioner: Opioids and the Texas Workers' Compensation System	2
Number of Work-Related Injuries/Illnesses Requiring Days Off Work Decreases	3
Recent Rule Adoptions by TDI-DWC	4
Recent TDI-DWC Form Revisions and New Forms	6
2011 Performance-Based Oversight Results for Health Care Providers	7
DWC News in Brief	9
TDI-DWC Consent Orders	12
Contact Information	18

Opioids and the Texas Workers' Compensation System

THERE IS NO DISPUTING THE GROWING CONCERN over the use of prescription drugs, particularly opioids. Abuse and misuse of prescription drugs, including opioids, is a serious issue in health care including the Texas workers' compensation system.

I'd like to take this opportunity to remind workers' compensation system participants of our shared responsibilities concerning the use of prescription drugs and about the tools that the TDI-DWC has made available to assist system participants in this area. Our goal is to promote prompt, high-quality health care for injured employees while ensuring effective cost control.

The TDI-DWC has adopted and implemented several rules that provide the tools necessary for system participants to monitor prescription drug utilization and curb unnecessary medical care. We have adopted evidence-based treatment and return-to-work guidelines that provide guidance to system participants about recommended treatment protocols and expected return-to-work outcomes for specific types of injuries. We also have adopted rules requiring preauthorization for services outside of these guidelines. In addition, the TDI-DWC has adopted a new closed pharmacy formulary which identifies specific drugs that require preauthorization from the insurance carrier before they can be dispensed. New medical data reporting requirements for insurance carriers will allow the TDI-DWC to more effectively monitor prescription patterns for doctors and evaluate the effectiveness of new rules on medical costs and quality of care outcomes. Finally, monitoring of doctors who prescribe opioids has been added as a required review category for the enforcement-based CY 2012 Medical Quality Review Audit Plan.

We have begun to see the positive impact of these efforts through reduced prescription drug utilization and costs for new claims.

The TDI-DWC will continue to monitor the transition of legacy claims (i.e. claims with dates of injury prior to September 1, 2011) to the closed pharmacy formulary on September 1, 2013. Research findings by the Workers' Compensation Research and Evaluation Group indicate that these legacy claims account for a disproportionate share of prescription drug utilization and costs. As a result, our rules require that insurance carriers identify these claims as quickly as possible and begin the dialog with prescribing doctors about the need to either continue the use of drugs excluded from the closed pharmacy formulary for these legacy claims or the need to transfer and/or wean these injured employees off of excluded drugs. For injured employees who have been taking these drugs for many years, this presents serious health concerns that can only be effectively managed if both insurance carriers and health care providers have open communication and focus on the injured employee's health and safety first.

These efforts alone cannot resolve the problems associated with prescription drug abuse and misuse in the Texas workers' compensation system. Prescribing doctors are reminded of their responsibility to prescribe drugs in accordance with the appropriate standard of care and the applicable treatment guidelines. Insurance carriers are reminded of the tools they have through the closed pharmacy formulary rules and through appropriate utilization review methods to address overutilization and inappropriate use of prescription drugs, including opioids.

We at the TDI-DWC will continue to discuss with all system participants ways to improve compliance with current statutes and rules. Working together we can ensure a smooth transition of legacy claims to the closed pharmacy formulary in 2013 and promote high quality and cost effective health care for all injured employees in Texas.

Rod Bordelon

Commissioner of Workers' Compensation

Texas Workers' Compensation Update

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Texas Workers' Compensation Update has been posted, readers can subscribe to Division of Workers' Compensation eNews Updates. The updates are free, opt-in email newsletters available for viewing online or by subscription. More information about TDI eNews Updates is available at:

www.tdi.texas.gov/alert/emailnews.html

Direct questions or suggestions about content of the

Texas Workers' Compensation Update via e-mail to PIO@tdi.state.tx.us or

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The staff that prepares this newsletter has no role in proposing, drafting, editing, or approving TDI rules or policies or interpreting statutes.

Texas Workers' Compensation Update should not be construed to represent the policy, endorsement or opinion of the Commissioner of Insurance, the Commissioner of Workers' Compensation or the Texas Department of Insurance.

By necessity, summaries of proposed and adopted rules cannot explain their full complexity. Readers interested in complete information about administrative rules should consult the versions published in the Texas Register.

To the best of the staff's ability, information presented in this newsletter is correct as of the publication date, but scheduled dates and proposed rules and amendments may change as the adoption process goes forward.

Texas Workers' Compensation Update is available online at:

<http://www.tdi.texas.gov/pubs/tdipubs8.html> under "News and Publications."

Number of Work-Related Injuries and Illnesses Requiring Days Off Work Decreases in 2010

Private industry employers in Texas reported a 5.8 percent decrease in nonfatal occupational injuries and illnesses involving days away from work during 2010 for a total of 56,720.

A. Nonfatal occupational injuries and illnesses involving days away from work, private industry, Texas 2008-2010

	2008	2009	2010
Number of nonfatal occupational injuries and illnesses involving days away from work	64,700	60,240	56,720
Incidence rates of nonfatal occupational injuries and illnesses involving days away from work per 10,000 full-time employees	84.6	81.2	79.5
Median days away from work	8	8	9

The annual Bureau of Labor Statistics Survey of Occupational Injuries and Illnesses revealed that there were 79.5 injuries and illnesses involving days away from work per 10,000 full-time equivalent employees in Texas. This rate was 2.1 percent lower than the rate of 81.2 in 2009 and is below the national rate of 118.

The median days away from work, a key measure of severity of injuries and illnesses, increased to 9 in 2010 from 8 in 2008 and 2009. This is higher than the 8 median days away from work reported nationally.

The TDI-DWC collects survey data in order to assist employers, safety professionals, and policymakers in identifying occupational safety and health issues in the state.

Recent Rule Adoptions by TDI-DWC

Following is a summary of recent rule adoptions by the TDI-DWC.

28 TAC §141.2 and §141.3 Regarding Canceling or Rescheduling a Benefit Review Conference and Failure to Attend a Benefit Review Conference and §143.2 Regarding Description of the Appeal Proceeding

(Adopted 10/31/2011, published in the Texas Register 11/18/2011)

The purpose of the adopted amendments to 28 TAC §141.2 and §141.3 is to implement certain legislative changes made by House Bill 2605, 82nd Legislature, Regular Session, effective September 1, 2011 (HB 2605), that affect the rescheduling of benefit review conferences (BRCs). HB 2605 amended Texas Labor Code §410.028 to require the Commissioner of Workers' Compensation by rule to define "good cause" for rescheduling a BRC and establish deadlines for requesting that a BRC be rescheduled. The adopted amendments include provisions that define "good cause" for rescheduling a BRC both prior to the scheduled BRC and in situations where a party fails to attend the BRC. The adopted amendments also establish procedures for requesting to reschedule a BRC when a party has failed to attend the BRC. These new provisions and other amendments to these rules will apply to a request for a BRC that is filed on or after December 1, 2011. The provisions in previous 28 TAC §141.2 and §141.3 will continue to apply to a request for a BRC that is filed before December 1, 2011.

The DWC Form-045, *Request to Schedule, Reschedule, or Cancel a Benefit Review Conference (BRC)*, has been revised to conform with the adopted amendments to 28 TAC §141.2 and §141.3 and is to be used for requests for a BRC filed with the TDI-DWC on or after December 1, 2011. The previous version of the DWC Form-045 will not be accepted after November 30, 2011. The revised form may be accessed and downloaded from the Texas Department of Insurance website at www.tdi.texas.gov/forms/form20.html.

The purpose of the adopted amendments to 28 TAC §143.2 is to implement certain legislative changes made by HB 2605 to Texas Labor Code §410.203 and §410.204. These legislative changes authorize the TDI-DWC's Appeals Panel to affirm the decision of the hearings officer in a case described by Texas Labor Code §410.204(a-1). Texas Labor Code §410.204(a-1) authorizes an Appeals Panel to issue a written decision affirming the decision of a hearings officer if the case is a case of first impression, involves

a recent change in law, or involves errors at the contested case hearing that require correction, but do not affect the outcome of the hearing. These adopted amendments incorporate these new provisions into existing TDI-DWC rules affecting the Appeals Panel.

The adopted rules are effective November 20, 2011.

28 TAC §126.15 and §126.16 and Amended 28 TAC §128.1, Regarding Procedures for the Resolution of Underpayments and Overpayments of Income Benefits

(Adopted 12/12/2011, published in Texas Register 12/23/2011)

The purpose of the adopted new rules and amendments is to implement House Bill (HB) 2089, enacted by the 82nd Legislature, Regular Session, effective September 1, 2011. HB 2089 enacted Texas Labor Code §408.0815 which requires the Commissioner of Workers' Compensation to adopt rules to establish a procedure by which an insurance carrier may recoup an overpayment of income benefits from future income benefit payments, and shall pay an underpayment of income benefits, including interest on accrued by unpaid benefits. The adopted rules apply to income benefits only and do not affect the TDI-DWC's authority to identify and take action on underpayments and overpayments on its own motion.

The TDI-DWC has created a sample notice, *Notice of Underpayment of Income Benefits*, injured employees may use under adopted new 28 TAC §126.15 when providing the insurance carrier with written notice of an underpayment. Injured employees may begin using this form on or after January 1, 2012. The form is available for download in English and Spanish at www.tdi.texas.gov/forms/form20.html.

The adopted rules are effective January 1, 2012.

28 TAC Chapter 180 Regarding the Monitoring and Enforcement Authority of the Division of Workers' Compensation

(Adopted 1/24/2012, published in Texas Register 2/10/2012)

The purpose of these adopted amendments and new rules is to implement recent legislation in House Bill (HB) 2605, enacted by the 82nd Legislature, Regular Session, effective September 1, 2011, that impacts the TDI-DWC's system monitoring and enforcement authority under the Texas Workers' Compensation Act (Act). This legislation expanded the Commissioner of Workers' Compensa-

Continued on page 5

Recent Rule Adoptions for TDI-DWC continued from page 4

sation's authority to enter the final decision in all TDI-DWC enforcement actions heard at the State Office of Administrative Hearings (SOAH); authorizes the Commissioner of Workers' Compensation to issue ex parte emergency cease and desist orders in certain cases; and authorizes the TDI-DWC to conduct announced and unannounced on-site visits when reviewing the operations of a person regulated by the TDI-DWC. These adopted amendments and new rules amend 28 TAC Chapter 180 to reflect the Commissioner of Workers' Compensation's expanded authority in enforcement cases heard at SOAH and enact procedures in that chapter that will apply to emergency cease and desist orders and on-site visits conducted by the TDI-DWC. These adopted rules also contain changes that clarify and update existing rules Chapter 180 and provide the TDI-DWC with greater flexibility when performing certain system monitoring and enforcement activities under the Act.

The adopted rules are effective February 14, 2012.

28 TAC §§133.2, 133.240, 133.250, 133.270, 133.305, Regarding General Medical Provisions, and 28 TAC §134.600, Regarding Preauthorization, Concurrent Utilization Review, and Voluntary Certification of Health Care

(Published in the Texas Register 4/6/2012)

The purpose of these amendments is primarily to harmonize these rules with other TDI-DWC rules, current agency policy or other certain provisions of Chapters 1305 and 4201, Insurance Code. Most of these changes were previously proposed in the TDI-DWC's withdrawn proposal published on July 29, 2011. The TDI-DWC published its withdrawal of that proposal in the December 16, 2011 issue of the Texas Register.

With the adoption of these amendments, which include paper explanation of benefits requirements, the TDI-DWC will eliminate the DWC Form-062, *Explanation of Benefits*, on the effective date of the adopted amendments.

These adopted rules are effective on July 1, 2012.

28 TAC §§133.307, 133.308, 144.1-144.7, 144.9-144.16, Regarding MDR of Fee Disputes, MDR of Medical Necessity Disputes, and Arbitration

(Adopted 5/11/2012, Published in the Texas Register 5/25/2012)

The TDI-DWC has also revised existing TDI-DWC forms related to medical fee dispute resolution and arbitration and created new forms that are to be used by workers' compensation system participants in conjunction with these adopted amendments. Specifically, the TDI-DWC has revised the DWC Form-060, Medical Fee Dispute Resolution Request, and DWC Form-044, Election to Engage in Arbitration. The TDI-DWC has created new DWC Form-045M, Request to Schedule, Reschedule, or Cancel Benefit Review Conference for Medical Fee Dispute, and new DWC Form-049, Request to Schedule Medical Contested Case Hearing. The DWC Form-045A will be replaced by the newly adopted DWC Form-049 effective June 1, 2012. Workers' compensation system participants are to use the revised and new forms for disputes filed on or after June 1, 2012. These forms were posted 5/18/2012 on the TDI website at www.tdi.texas.gov/forms/form20.html.

The adopted rules are effective May 31, 2012.

Recent TDI-DWC Form Revisions and New Forms

TDI-DWC forms and notices are available for download from the TDI website at www.tdi.texas.gov/forms/form20.html.

DWC Form-044, Election to Engage in Arbitration (For use on or after June 1, 2012)

Workers' compensation system participants use this form to elect to participate in arbitration to resolve disputed benefit issues. The form was revised to conform to the amendments to 28 TAC Chapter 144 adopted by the Commissioner of Workers' Compensation on May 11, 2012.

DWC Form-045, Request to Schedule, Reschedule, or Cancel a Benefit Review Conference (BRC) (For use on or after December 1, 2011)

Workers' compensation system participants are required to file this form with the TDI-DWC to request to schedule, reschedule or cancel a benefit review conference. The form was revised to conform with amendments to 28 TAC §141.2 and §141.3 adopted by the Commissioner of Workers' Compensation on October 31, 2011.

DWC Form-045A, Request for a Medical Contested Case or SOAH Hearing (Replaced by the DWC Form-049)

DWC Form-045M, Request to Schedule, Reschedule, or Cancel a Benefit Review Conference for Appeal of a Medical Fee Dispute Decision (BRC-MFD)

(For use in fee disputes that are filed on or after June 1, 2012)

Workers' compensation system participants use this form to request the scheduling, rescheduling, or cancellation of a benefit review conference for the appeal of a Medical Fee Dispute decision (BRC-MFD). The form was created to conform to the amendments to 28 TAC §133.307 adopted by the Commissioner of Workers' Compensation on May 11, 2012.

DWC Form-047, Employee's Request for Advance of Benefits

(For use on or after March 27, 2012)

Injured employees are required to file this form to request an advance of his/her workers' compensation income benefits. The completed forms should be submitted to the TDI-DWC by fax to 512-804-4378 or mail to the Texas Department of Insurance, Division of Workers' Compensation, 7551 Metro Center Drive, Suite 100, MS-94, Austin, Texas 78744-1645.

DWC Form-049, Request to Schedule Medical Contested Case Hearing (MCCH)

(For use on or after June 1, 2012)

Workers' compensation system participants use the form to request to schedule a medical contested case hearing (MCCH) to appeal an Independent Review Organization (IRO) Medical Necessity decision to the TDI-DWC or appeal a Medical Fee Dispute Decision to the State Office of Administrative Hearings (SOAH). The form was created to conform to the amendments to 28 TAC §133.308 adopted by the Commissioner of Workers' Compensation on May 11, 2012.

DWC Form-053, Employee Request to Change Treating Doctor

(For use on or after March 27, 2012)

Injured employees who are not part of a certified workers' compensation health care network, and whose claim does not involve medical benefits provided through a political subdivision pursuant Texas Labor Code §504.053(b)(2) are required to file this form to request a change of treating doctor. The completed forms should be submitted to the TDI-DWC by fax to 512-804-4378 or mail to the Texas Department of Insurance, Division of Workers' Compensation, 7551 Metro Center Drive, Suite 100, MS-94, Austin, Texas 78744-1645

DWC Form-060, Medical Fee Dispute Resolution Request

(For use on or after June 1, 2012)

Workers' compensation system participants use this form to request medical fee dispute resolution. The form was revised to conform to the amendments to 28 TAC §133.307 adopted by the Commissioner of Workers' Compensation on May 11, 2012.

DWC Form-066, Statement of Pharmacy Services (For use on or after August 1, 2011)

Pharmacies and pharmacy processing agents submitting paper medical bills to insurance carriers are required to use this form, or a mutually agreed upon alternate form. The form was revised to conform to amendments to 28 TAC §133.10, §133.500, §133.501 and new §133.502 adopted by the Commissioner of Workers' Compensation on August 1, 2011. Please be advised that the DWC Form-066 issued in February 2011 has been withdrawn and replaced with this updated version. The TDI-DWC was removed on this version, because the TDI-DWC address is unnecessary since the form is submitted to the insurance carrier and payment should be remitted to the pharmacy. *Continued on page 7*

2011 Performance-Based Oversight Results for Health Care Providers

IN THE FALL OF 2011, the performance of health care providers in the workers' compensation system was assessed in one of three categories as part of a biannual Performance-Based Oversight (PBO) assessment by the TDI-DWC.

The TDI-DWC is statutorily required to monitor system participants' compliance with the Texas Workers' Compensation Act and TDI-DWC rules and to take actions to correct noncompliant behavior. The TDI-DWC assesses the performance of insurance carriers and health care providers as a part of a biannual PBO assessment.

The results, which were announced on October 17, 2011, are:

- Of the 99 health care providers reviewed for the timeliness of filing the *Report of Medical Evaluation* (DWC Form-069), 87 health care providers had scores placing them in the high performer tier, 10 health care providers were in the average performer tier, and 2 health care providers had scores placing them in the poor performer tier.
- Of the 100 health care providers reviewed for the timely release to return to work and completeness of the *Work Status Report* (DWC Form-073), 49 health care providers had scores placing them in the high performer tier, 34 health care providers were in the average performer tier, and 17 health care providers had scores placing them in the poor performer tier.

- Of the 41 health care providers reviewed for the usage of magnetic resonance imaging, 32 health care providers had scores placing them in the high performer tier, 9 health care providers were in the average performer tier, and no health care providers had scores placing them in the poor performer tier. This category was a pilot measure and individual results will not be made public.

The TDI-DWC uses Performance Based Oversight, data monitoring, complaint handling, audits, enforcement actions and referrals to law enforcement, when appropriate, to achieve its compliance objectives. The TDI-DWC will focus its regulatory oversight on the poor performers while offering incentives for high performers in order to promote improved performance and greater overall compliance with the Texas Workers' Compensation Act and TDI-DWC rules.

The results of the 2011 PBO assessment and a list of the health care providers assessed are posted on the TDI website. The omission of a health care provider from the list does not imply that a health care provider participating in the Texas workers' compensation system is exempt from the requirement to comply with the Texas Workers' Compensation Act and TDI-DWC rules.

Further information regarding PBO and the 2011 assessments may be found on the TDI website at www.tdi.texas.gov/wc/pbo/hcppbo.html.

Recent TDI-DWC Form Revisions and New Forms

continued from page 6

Sample Notice Regarding the Underpayment of Income Benefits

(For use on or after January 1, 2012)

Injured Employees may use the form when providing insurance carriers with written notice of an underpayment of income benefits. The form was created to conform to new 28 TAC §126.15 adopted by the Commissioner of Workers' Compensation on December 12, 2011.



Work-Related Fatalities Decreased in Texas in 2010

TEXAS RECORDED a preliminary total of 456 work-related fatalities in 2010, a 5 percent decrease compared to the revised 2009 total of 482 fatalities. Nationally, there were a preliminary total of 4,547 fatal work injuries in 2010, about the same as the final revised count of 4,551 in 2009, according to the most recently available data released on August 25, 2011, by the U.S. Department of Labor, Bureau of Labor Statistics (BLS), Census of Fatal Occupational Injuries (CFOI).

The TDI-DWC compiles detailed information on all work-related fatalities occurring in Texas for the CFOI, a program jointly administered with the BLS. The TDI-DWC annually releases total fatality counts and descriptive data in an effort to provide information to assist employers, safety professionals, and policymakers in identifying occupational safety and health issues in the state.

Despite a decrease in the total of fatalities in Texas in 2010, the category of transportation incidents experienced an increase of 20 percent from 2009 and continued to be the leading cause of fatalities with 196 incidents (43 percent of the total fatalities).

Following transportation incidents, assaults and violent acts was the second highest cause of fatalities in 2010, the category experienced a decrease of 21 percent from 2009 and a decrease of 30 percent in workplace homicides. Workplace homicides experienced a 30 percent decrease from 2009.

Overall, 91 percent of fatal work injuries in Texas involved employees in the private industry in 2010. Service providing industries in the private sector recorded 50 percent of all fatal work injuries, while 41 percent were in the goods producing industries. Nine percent of the fatal work injury cases involved government employees. Fatal work injuries among government employees decreased 25 percent in 2010 (41 incidents). Over two-thirds (68 percent) of the fatalities occurred in local government, 15 percent occurred in state government, and 17 percent occurred in federal government. Local government police protection fatalities increased from 8 in 2009 to 15 in 2010.

Women accounted for 7 percent of the total fatalities (30 incidents) in 2010. They were involved in fatal transportation incidents in 53 percent of the cases (16 incidents) and were victims of an assault or a violent act in 27 percent of the cases (8 incidents). The leading cause of fatalities among men was transportation incidents with 180 incidents (42 percent), followed by assaults and violent acts with 66 incidents (15 percent).

Service providing industries in the private sector recorded 50 percent of all fatal work injuries, while 41 percent were in the goods producing industries

Table 1.
Annual Number of Fatal Occupational Injuries in Texas, 2003-2010

2003	2004	2005	2006	2007	2008	2009	2010
491	440	495	489	528	463	482	456

Note: Data for 2010 are preliminary. Data for prior years are revised and final.

Sources: Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) and Census of Fatal Occupational Injuries (CFOI) in cooperation with the Bureau of Labor Statistics (BLS), U.S. Department of Labor

Fatal work injuries decreased in 2010 for employees 20 to 24 years of age to 25 incidents, from 39 incidents in 2009, and for employees 35 to 44 years of age to 85 incidents, from 108 incidents in 2009. The age group 65 years and over experienced an increase from 37 incidents in 2009 to 44 incidents in 2010.

The number of fatal work injuries rose among White, non-Hispanic employees from 239 incidents in 2009 to 255 incidents in 2010, but decreased from 43 to 26 incidents for Black, non-Hispanic (40 percent) and from 185 to 162 incidents in 2010 for Hispanic or Latino employees (12 percent). A transportation incident was the leading cause of fatal work injuries for all three groups.

The TDI-DWC provides various safety and health services to assist employers in providing safe and healthy workplaces, including free safety and health consultations on Occupational Safety and Health Administration (OSHA) regulations; regional and onsite safety training; free safety training DVD/video loans; the Safety Violations Hotline; and free safety and health publications. For more information on these services, visit the TDI website at www.tdi.texas.gov/wc/safety/index.html or call 800-687-7080. For more information about fatal work-related incidents, contact the TDI-DWC at 512-804-4658 or cfoi@tdi.state.tx.us.

WC News in Brief

Bryan Office Changes Service to Injured Employees

Effective February 1, 2012, the Bryan Office of the TDI-DWC began providing walk-in customer service to injured employees by appointment only. Benefit review conferences and contested case hearings continue to be held at the Bryan Field Office location as scheduled.

Injured employees with workers' compensation claims managed by the Bryan Field Office should call 1-800-252-7031 for assistance with their claim, to make an appointment and for information on where to send all correspondence and faxes, including official actions and forms.

The Office of Injured Employee Counsel (OIEC) ombudsman will also continue to hold appointments at the Bryan Field Office location. To schedule an appointment with OIEC, injured employees should call 1-866-EZE-OIEC (1-866-393-6432).

System Participants Encouraged to Subscribe to TDI eNews

On June 1, 2012, the TDI-DWC began distributing news and communications to workers' compensation system participants using a new application, TDI eNews.

TDI eNews updates are free e-mails available by subscription. Sign up is quick, easy and free.

You can subscribe to one or more of the mail lists offered, including:

- Division of Workers' Compensation eNews Update – Includes Division of Workers' Compensation related rules, bulletins, educational session and training events and other related news; and
- Safety and Health eNews Update – Includes information on occupational safety and health matters, including safety tips and publications, upcoming training events, training DVD loans, and Occupational Safety and Health Administration (OSHA) updates.

To subscribe, visit the TDI website at www.tdi.texas.gov/alert/emailnews.html.

Website Redesign Launched

In an effort to make online resources for workers' compensation system participants more user-friendly, the TDI-DWC has launched a redesign of its homepage on the TDI website at www.tdi.texas.gov/wc/indexwc.html.

The TDI-DWC homepage redesign features a new tab style menu with three sections to assist system participants in accessing workers' compensation information.

- Topics A-Z features an alphabetical listing of workers' compensation-related subject matter that directly links to website content.
- Online Services features direct links to services, including: safety violation reporting, employer coverage verification and attorney fee processing.
- Resources features direct links to resources, including the Texas Labor Code, TDI-DWC rules, calendar of events and training and TDI-DWC forms.

The TDI-DWC homepage on the TDI website also features **Employee** and **Employer** web pages. The Employee webpage outlines the responsibilities of the TDI-DWC and the Office of Injured Employee Counsel (OIEC). The web page also provides direct links to Employee Frequently Asked Questions and information on the different types of the workers' compensation benefits and returning to work after a work-related injury or illness. The Employer web page provides direct links to information for employers with and without workers' compensation coverage, including injury, illness and fatality reporting requirements; notification of coverage requirements to employees and the TDI-DWC; Frequently Asked Questions and workplace safety.

Victoria Office Closed November 1

The Victoria Field Office of the TDI-DWC closed permanently on November 1, 2011. Injured employees and other workers' compensation system participants in Bee, Calhoun, Dewitt, Goliad, Gonzales, Jackson, Karnes, Lavaca, Refugio and Victoria counties now receive customer service from the TDI-DWC Austin, Corpus Christi, Houston East and San Antonio field offices.

Injured employees should call the TDI-DWC at 1-800-252-7031 or the Office of Injured Employee Counsel (OIEC) at 1-866-393-6432 for assistance with their workers' compensation claim.

For information on where to send all correspondence and faxes, including official actions and forms, relating to claims formerly managed by the Victoria Field Office, call 1-800-252-7031.

Companies Certified to Self-Insure for Workers' Compensation

Under Texas law private companies can be certified to self-insure for workers' compensation while retaining the protections of the Texas Workers' Compensation Act for the company and for its employees. To qualify, a company must meet specific Texas Labor Code and TDI-DWC rule requirements, which include proof of financial strength and liquidity to promptly meet incurred workers' compensation obligations and a minimum workers' compensation insurance unmodified manual premium of \$500,000 in Texas or at least \$2 million nationwide. Certified companies must apply to renew their certificate annually.

From July 2011 through May 2012, a total of 34 companies with approximately 242,400 employees in Texas were certified to self-insure for workers' compensation for a one-year period under TDI-DWC's Self-Insurance program. During this period, the Commissioner of Workers' Compensation approved Certificates of Authority to Self-Insure for the following companies:

- AAA Cooper Transportation, Dothan, AL
- ABF Freight System, Inc., Fort Smith, AR
- American Electric Power Company Inc., Heath, OH
- Archer-Daniels-Midland Company, Decatur, IL
- Ascension Health, St. Louis, MO
- Associated Wholesale Grocers, Inc., Kansas City, KS
- Baker Concrete Construction Inc., Monroe, OH (new to program)
- Baptist Hospitals of Southeast Texas, Beaumont
- Bradford Holding Company, Inc., Corpus Christi
- E.I. du Pont de Nemours and Company, Irving
- Emerson Electric Co., St. Louis, MO
- FedEx Freight, Inc., Harrison, AR
- FedEx Ground Package System Inc., Pittsburgh, PA
- Guardian Industries Corp., Auburn Hills, MI
- Hyatt Corporation, Chicago, IL
- International Paper Company, Memphis, TN
- Jacobs Engineering Group, Inc., Houston
- James Construction Group, LLC, Baton Rouge, LA
- Leonard Family Corporation, San Antonio
- Limited Brands Inc., Columbus, OH
- Lockheed Martin Corporation, Fort Worth
- Louisiana-Pacific Corporation, Portland, OR
- Mount Vernon Mills, Inc., Mauldin, SC
- PACCAR Inc., Bellevue, WA
- Parker-Hannifin Corporation, Cleveland, OH
- Poly-America L.P., Grand Prairie
- Sam Kane Beef Processors Inc., Corpus Christi
- Textron, Inc., Providence, RI
- The Proctor & Gamble Company, Cincinnati, OH
- The Sherwin-Williams Company, Cleveland, OH
- Union Tank Car Company, Chicago, IL
- VF Corporation, Greensboro, NC
- Wal-Mart Associates Inc., Bentonville, AR
- Weyerhaeuser Company, Federal Way, WA

For more information on applying to the Self-Insurance program, visit the TDI website at www.tdi.texas.gov/wc/si/index.html.

Texas Companies Receive Safety Award at Texas Safety Summit

The TDI-DWC recognized Detex Corporation of New Braunfels and James Avery Craftsman, Inc. of Kerrville with the Peer Review Safety Program Award for exemplary occupational safety and health programs on April 12 at the 16th Annual Safety and Health Conference, the Texas Safety Summit, in Austin.

Detex Corporation manufactures life safety and security hardware for entry and exit doors. Their products include quick exit “panic” release bars, exit door alarms, integrated security systems for access control, and guard tour verification systems. A seven-time recipient of this award, Detex Corporation has created an outstanding safety culture that fosters high quality and active participation in the safety program at all levels of its 100 employees. According to their application for the Peer Review Safety Program Award, over the past three years, Detex Corporation has maintained exceptionally low injury and illness rates well below national averages for their industry and sustained no employee injuries that resulted in lost work days, restricted duties or job transfers. The company is also a current recipient of the TDI-DWC Occupational Safety and Health Consultation (OSHCON) program’s Safety and Health Achievement Recognition Program (SHARP).

James Avery Craftsman, Inc. manufactures jewelry at locations in Kerrville, Hondo, and Fredericksburg, and sells their products at retail stores

Once approved, these programs can serve as models or standards of comparison for employers developing or reviewing their own workplace safety programs.

throughout Texas. A three-time recipient of this award, James Avery Craftsman, Inc. has created an excellent safety culture with a top-to-bottom commitment to maintaining the safest possible workplaces for its 1,500 employees. According to their application for the Peer Review Safety Program Award, the employer’s safety commitment and culture has been exhibited in injury and illness rates well below the national averages for their industry over the past three years.

The TDI-DWC Peer Review Safety Program recognizes Texas employers that have comprehensive safety programs. Once approved, these programs can serve as models or standards of comparison for employers developing or reviewing their own workplace safety programs. Companies are nominated or can self-nominate, and may qualify for the award by having proven safety programs in place and injury and illness incidence rates below the national averages for their industries. For more information about the Peer Review Safety Program, visit the TDI website at www.tdi.state.tx.us/wc/safety/index.html or call 512-804-4610.

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Consent Orders

division of workers' compensation

August 1, 2011 through April 30, 2012

Insurance Carriers

COMPANY	CITY	VIOLATION	ACTION TAKEN	ORDER NUMBER	DATE
AAA Cooper Transportation	Dothan, AL	Failed to timely pay income benefits to injured employee; Failed to accurately submit medical bill and payment data	Fined \$9,000	DWC-11-0115	12/06/11
Ace American Insurance Company	Philadelphia, PA	Failed to timely pay medical bill or to pay medical bill according to Division Medical Fee Guidelines; Failed to comply with order or decision of Commissioner or TDI-DWC	Fined \$8,500	DWC-12-0008	01/04/12
Accident Fund Insurance Company of America	Lansing, MI	Failed to accurately report benefit data to TDI-DWC	Fined \$8,000	DWC-11-0089	09/23/11
ACIG Insurance Company	Dallas	Failed to timely pay medical bill or to pay medical bill according to TDI-DWC Medical Fee Guidelines; Failed to accurately submit medical bill and payment data	Fined \$5,500	DWC-12-0007	01/04/12
American Home Assurance Company	New York, NY	Failed to timely pay income benefits to injured employee; Failed to timely and accurately submit benefit data to TDI-DWC via Electronic Data Interchange	Fined \$1,000	DWC-12-0018	01/30/12
American Zurich Insurance Company	Schaumburg, IL	Retrospectively reviewed medical necessity of preauthorized medical service or treatment; Failed to timely pay income benefits to injured employee; Failed to timely act on request for reconsideration of a medical bill; Failed to comply with order or decision of Commissioner or TDI-DWC	Fined \$27,500	DWC-12-0006	01/04/12
Castlepoint National Insurance Company	New York, NY	Improperly charged policyholders for providing accident prevention services	Fined \$10,000 with a dollar-for-dollar reduction up to \$4,650 for refunds paid to policyholders	DWC-11-0125	12/22/11
Cherokee Insurance Company	Warren, MI	Failed to timely pay income benefits to injured employee; Failed to accurately submit medical bill and payment data to TDI-DWC	Fined \$14,000	DWC-11-0078	08/18/11
Cherokee Insurance Company	Sterling Heights, MI	Failed to comply with Commissioner rule or decision; Failed to timely pay income benefits to injured employee	Fined \$4,000	DWC-12-0051	04/02/12
Chubb Indemnity Insurance Company	Warren, NJ	Failed to timely pay income benefits to injured employee; Failed to accurately report benefit data to TDI-DWC	Fined \$24,000	DWC-11-0092	09/23/11
City of Corpus Christi	Corpus Christi	Failed to timely pay income benefits to injured employee; Failed to accurately submit medical bill and payment data	Fined \$1,000	DWC-11-0085	09/08/11
City of Houston	Houston	Failed to timely pay income benefits to injured employee; Failed to accurately report benefit data to TDI-DWC or accurately submit benefit data by electronic data interchange	Fined \$5,000	DWC-11-0077	08/18/11
City of McAllen	McAllen	Failed to timely pay a TDI-DWC ordered advance; Failed to comply with TDI-DWC order	Fined \$4,000	DWC-12-0036	03/01/12
Clarendon National Insurance Company	New York, NY	Failed to accurately and timely report benefit data to TDI-DWC; Failed to timely pay medical bill or to pay medical bill according to TDI-DWC Medical Fee Guidelines	Fined \$26,500	DWC-11-0090	09/23/11
Corpus Christi Independent School District	Corpus Christi	Failed to accurately report electronic billing data to TDI-DWC	Fined \$15,000	DWC-11-0087	09/08/11
Dallas Independent School District	Dallas	Failed to accurately submit medical bill and payment data	Fined \$3,500	DWC-11-0111	11/03/11
Dallas National Insurance Company, A Texas Stock Insurance Company	Dallas	Failed to timely pay medical bill or to pay medical bill according to TDI-DWC Medical Fee Guidelines; Failed to timely pay income benefits to injured employee	Fined \$100,000	DWC-11-0119	12/15/11

Consent Orders

division of workers' compensation

August 1, 2011 through April 30, 2012

Insurance Carriers

COMPANY	CITY	VIOLATION	ACTION TAKEN	ORDER NUMBER	DATE
Dallas National Insurance Company, A Texas Stock Insurance Company	Dallas	Failed to timely pay income benefits to injured employee; Failed to timely pay medical bill or to pay medical bill according to Division Medical Fee Guidelines; Failed to pay an order awarding benefits; Failed to comply with order or decision of Commissioner; Failed to timely pay attorney's fees	Fined \$20,000	DWC-11-0110	11/03/11
Dallas National Insurance Company, A Texas Stock Insurance Company	Dallas	Failed to timely pay income benefits to injured employee; Failed to accurately report benefit data to TDI-DWC or accurately submit benefit data by Electronic Data Interchange; Failed to timely pay medical bill or to pay medical bill according to TDI-DWC Medical Fee Guidelines; Failed to timely file accident prevention services annual report	Fined \$19,000	DWC-12-0045	03/12/12
El Paso County	El Paso	Failed to comply with order or decision of Commissioner or TDI-DWC	Fined \$2,500	DWC-11-0120	12/16/11
Employers Insurance Company of Wausau	Wausau, WI	Failed to accurately submit medical bill and payment data	Fined \$15,000	DWC-12-0004	01/04/12
Federal Insurance Company	Warren, NJ	Failed to timely pay income benefits to injured employee; Failed to timely pay medical bill	Fined \$17,500	DWC-11-0093	09/23/11
Fidelity & Guarantee Insurance Company	Austin	Failed to timely pay income benefits to injured employee	Fined \$8,000	DWC-12-0010	01/09/12
Gray Insurance Company	Metairie, LA	Failed to accurately submit medical bill and payment data to TDI-DWC; Failed to timely pay income benefits to injured employee	Fined \$5,000; Must provide compliance plan for timely processing of medical bills	DWC-11-0075	08/05/11
Hartford Insurance Company	Hartford, CT	Failed to timely pay income benefits to injured employee; Failed to notify TDI-DWC and injured employee of actions taken on a claim	Fined \$13,000	DWC-12-0032	02/16/12
Hartford Underwriters Insurance Company	Hartford, CT	Failed to process claims promptly in a reasonable and prudent manner	Fined \$5,000	DWC-12-0005	01/04/12
Hidalgo County	Edinburg	Failed to timely pay income benefits to injured employee; Failed to timely notify TDI-DWC on actions taken on a claim	Fined \$7,500	DWC-11-0113	11/03/11
Houston Independent School District	Houston	Failed to timely pay income benefits to injured employee; Failed to notify TDI-DWC and injured employee of actions taken on claim	Fined \$6,500	DWC-12-0050	04/02/12
Illinois National Insurance Company	New York, NY	Failed to timely pay income benefits to injured employee; Failed to timely and accurately submit benefit data to TDI-DWC via Electronic Data	Fined \$8,900	DWC-12-0015	01/30/12
Insurance Company of the State of Pennsylvania	New York, NY	Failed to accurately report claims information to TDI-DWC; Failed to timely schedule required medical examination; Failed to timely pay death benefits	Fined \$3,900	DWC-12-0046	03/16/12
Liberty Insurance Corporation	Boston, MA	Failed to timely pay income benefits to injured employee	Fined \$5,000	DWC-12-0016	01/30/12
Liberty Mutual Insurance Company	Boston, MA	Failed to timely pay income benefits to injured employee; Failed to accurately submit medical bill and payment data	Fined \$16,500	DWC-12-0002	01/04/12
National Interstate Insurance Company	Richfield, OH	Failed to timely file Accident Prevention Services Report; Failed to timely provide investigation documentation relating to compensability of a death	Fined \$3,000	DWC-11-0106	11/03/12

Consent Orders

division of workers' compensation

August 1, 2011 through April 30, 2012

Insurance Carriers

COMPANY	CITY	VIOLATION	ACTION TAKEN	ORDER NUMBER	DATE
New Hampshire Insurance Company	New York, NY	Failed to timely pay medical bill or to pay medical bill according to TDI-DWC Medical Fee Guidelines; Failed to timely reimburse injured employee for travel expenses; Failed to timely notify TDI-DWC of death benefit payments	Fined \$16,000	DWC-12-0027	02/14/12
Netherlands Insurance Company	Boston, MA	Failed to timely report termination of death benefits	Fined \$8,500	DWC-11-0112	11/03/11
Pharr San Juan Alamo Independent School District	Pharr	Failed to timely pay income benefits to injured employee; Failed to timely notify TDI-DWC and injured employee of actions taken on a claim; Failed to accurately submit medical bill and payment data	Fined \$8,000	DWC-12-0003	01/04/12
Pharr-San Juan-Alamo	Pharr	Failed to timely pay medical bill or to pay medical bill according to TDI-DWC Medical Fee Guidelines; Failed to accurately submit medical bill and payment data	Fined \$7,500	DWC-12-0038	03/02/12
Praetorian Insurance Company	Sun Prairie, WI	Failed to provide on-site visit or other appropriate services to policyholders with \$25,000 or more in premium; Failed to provide written solicitation of comments from each policyholder at least every 12 months	Fined \$14,000	DWC-12-0031	02/16/12
Texas Builders Insurance Company	Austin	Failed to maintain or provide accident prevention services and facilities; Failed to provide mandatory on-site visits to certain policyholders	Fined \$25,000	DWC-11-0109	11/03/11
Texas Mutual Insurance Company	Austin	Failed to timely pay an order to pay attorney's fees; Failed to comply with a TDI-DWC order; Failed to provide opposing party a letter of clarification	Fined \$10,000	DWC-11-0114	12/06/11
Texas Mutual Insurance Company	Austin	Failed to timely pay income benefits to injured employee; Failed to timely report payment of indemnity benefits	Fined \$12,000	DWC-12-0011	01/17/12
Texas Political Subdivisions Joint Self Insurance Funds	Dallas	Failed to timely pay income benefits to injured employee; Failed to comply with order or decision of Commissioner or TDI-DWC	Fined \$2,500	DWC-11-0076	08/08/11
Tower National Insurance Company	New York, NY	Improperly charged policyholders for providing accident prevention services	Fined \$36,000 with a dollar-for-dollar reduction of up to \$30,200 for refunds paid to policyholders	DWC-11-0126	12/22/12
Travelers Property Casualty Company of America	Hartford, CT	Failed to process claims promptly in a reasonable and prudent manner; Failed to timely pay death benefits to eligible beneficiaries; Failed to timely notify TDI-DWC electronically of first payment of disability death benefits	Fined \$25,000	DWC-12-0034	02/22/12
Ullico Casualty Company	Washington, D.C.	Failed to timely pay medical bill or to pay medical bill according to TDI-DWC Medical Fee Guidelines; Failed to timely submit medical bill and payment data to the TDI-DWC	Fined \$8,500	DWC-11-0108	11/03/11
Wal-Mart Associates, Inc.	Bentonville, AR	Failed to timely pay income benefits to injured employee; Failed to timely respond to a request for reconsideration; Failed to pay fees according to TDI-DWC Medical Fee Guidelines	Fined \$23,000	DWC-11-0086	09/08/11
Wausau Business Insurance Company	Boston, MA	Failed to accurately submit medical bill and payment data	Fined \$16,000	DWC-12-0009	01/09/12
Wausau Business Insurance Company	Irving	Failed to timely pay income benefits to injured employee; Failed to notify TDI-DWC and injured employee of actions taken on a claim	Fined \$12,000	DWC-12-0039	03/02/12

Consent Orders

division of workers' compensation

August 1, 2011 through April 30, 2012

Insurance Carriers

COMPANY	CITY	VIOLATION	ACTION TAKEN	ORDER NUMBER	DATE
Wausau Underwriters Insurance Company	Boston, MA	Failed to accurately submit medical bill and payment data	Fined \$3,500	DWC-12-0068	04/30/12
Wausau Underwriters Insurance Company	Wausau, WI	Failed to timely pay income benefits to injured employee	Fined \$5,000	DWC-12-0030	02/14/12
Zurich American Insurance Company	Schaumburg, IL	Failed to timely pay income benefits to injured employee; Failed to timely pay medical bill or to pay medical bill according to TDI-DWC Medical Fee Guidelines	Fined \$4,000	DWC-12-0041	03/08/12

Health Care Providers

COMPANY	CITY	VIOLATION	ACTION TAKEN	ORDER NUMBER	DATE
Baylor Medical Center at Irving	Irving	Improperly billed an injured employee for workers' compensation medical services provided	Fined \$2,000	DWC-12-0054	04/09/12
Benson, Leslie Wayne M.D.	Waco	Failed to timely file and/or accurately complete TDI-DWC forms, reports or records; Failed to comply with order or decision of Commissioner or TDI-DWC	Designated Doctor appointments restricted to one location for one year	DWC-12-0019	01/30/12
Capitol Emergency Associates PA	Oklahoma City, OK	Improperly billed an injured employee for workers' compensation medical services provided	Fined \$1,000	DWC-12-0049	03/29/12
Danshaw, Craig Brian D.O.	Fort Worth	Failed to provide reasonable and necessary health care	Must complete medical recordkeeping course; Must comply with monitoring review of care provided to injured employees	DWC-12-0058	04/18/12
Ennis, Gregory P., M.D.	Irving	Failed to timely file and/or accurately complete TDI-DWC forms, reports or records	Fined \$1,500; Must attend compliance training for doctors and medical office staff	DWC-11-0121	12/16/11
Gottesman, Jerome G.	Houston	Breached a TDI-DWC approved agreement	Fined \$1,000	DWC-11-0091	09/23/11
Henry, Mark Howard M.D.	Houston	Failed to timely file and/or accurately complete TDI-DWC forms, reports or records	Fined \$1,500; Must attend compliance training for doctors and medical office staff	DWC-12-0056	04/11/12
Katy Urgent Care Center	Katy	Improperly billed an injured employee for workers' compensation medical services provided	Fined \$1,000	DWC-12-0028	02/14/12
King's Daughters Clinic	Temple	Improperly billed an injured employee for workers' compensation medical services provided	Fined \$1,000	DWC-12-0059	04/18/12
Lewis, Jacques Brandon M.D.	Uvalde	Failed to provide sufficient documentation to support conducting problem-oriented physical examinations	Fined \$2,000; Must attend physician training	DWC-11-0084	09/08/11
Lubbock Heritage Hospital, L.L.C. d/b/a Grace Medical Center	Lubbock	Improperly billed an injured employee for workers' compensation medical services provided	Fined \$3,000	DWC-11-0105	11/03/11
McShane, Ricky Michael D.O.	Deer Park	Failed to timely file and/or accurately complete TDI-DWC forms, reports or records; Failed to timely file letter of clarification	Fined \$10,000; Must attend compliance training for doctors and medical office staff	DWC-11-0107	11/03/11
McWatt, Gordon G., D.O.	Aledo	Failed to timely file and/or accurately complete TDI-DWC forms, reports or records	Fined \$15,000	DWC-11-0124	08/05/11

Consent Orders

division of workers' compensation

August 1, 2011 through April 30, 2012

Health Care Providers

COMPANY	CITY	VIOLATION	ACTION TAKEN	ORDER NUMBER	DATE
McWatt, Gordon G., D.O.	Fort Worth	(The order was not a Consent Order, SOAH issued a Proposal for Decision and Decision in Docket No. 454-09-5313.C1; the Commissioner issued an Official Order) Failed to maintain required documentation; Failed to timely file and/or accurately complete TDI-DWC forms, reports or records. Both Orders were appealed and are pending in district court.	Must attend workers' compensation health provider training	DWC-12-0020	02/01/12
Mirkin, Dana Brian M.D.	Austin	Failed to timely file and/or accurately complete TDI-DWC forms, reports or records	Fined \$4,000; Must attend compliance training for doctors and medical office staff	DWC-12-0001	01/04/12
Nguyen, Quoc Thai D.C.	Houston	Failed to practice medicine or provide health care consistent with public health, safety and welfare	Fined \$2,500; Must complete approved continuing education hours	DWC-11-0127	12/22/11
Niemirowski, George J., M.D.	Arlington	Failed to timely file and/or accurately complete TDI-DWC forms, reports or records	Fined \$4,500	DWC-12-0044	03/12/12
Ninala, Ranil Ronald M.D.	Dallas	Failed to timely file and/or accurately complete TDI-DWC forms, reports or records	Fined \$3,000	DWC-12-0029	02/14/12
Oakley, Carol Jane D.C.	Houston	Failed to comply with order or decision of Commissioner or TDI-DWC	Fined \$1,000; Must not participate in workers' compensation system as health care provider for one year	DWC-12-0017	01/30/12
Orlov, Alexander D.O.	Lufkin	Criminal offense	Removed from workers' compensation system as health care practitioner and deleted from Designated Doctor List	DWC-11-0116	12/09/11
Schwartz, David P., D.O.	Pasadena	Failed to perform a required designated doctor examination; Failed to timely file and/or accurately complete TDI-DWC forms, reports or records	Removed from Designated Doctor List	DWC-12-0069	04/30/12
Select Physical Therapy	Mechanicsburg, PA	Improperly billed an injured employee for workers' compensation medical services provided	Fined \$2,000	DWC-12-0060	04/18/12
Swartworth, William M.D.	Tyler	Failed to comply with order or decision of Commissioner or TDI-DWC	Fined \$2,000	DWC-12-0013	01/25/12
University General Hospital, L.P.	Houston	Improperly billed an injured employee for workers' compensation medical services provided	Fined \$1,000	DWC-12-0064	04/27/12
Vista Hospital of Dallas, L.L.P. and Vista Community Medical Center, L.L.P.	Dallas	(The order was not a Consent Order, SOAH issued a Decision and Order in Docket No. 454-10-6056) Submitted charges for services not furnished; Violated TDI-DWC fee and treatment guidelines; Failed to comply with requirements for medical billing; Failed to comply with a Commissioner rule. The order was appealed to District Court and reversed and remanded back to SOAH.	Fined \$18,000	DWC-11-0082	09/15/11
Winn, Mitchell H., O.T.R.	Plano	Failed to properly complete and document a functional capacity examination	Must attend functional capacity examination training	DWC-12-0063	04/27/12

Consent Orders

division of workers' compensation

August 1, 2011 through April 30, 2012

Employers

COMPANY	CITY	VIOLATION	ACTION TAKEN	ORDER NUMBER	DATE
Affordable Elder Care Inc.	Mesquite	Failed to timely comply with TDI-DWC request for information on workers' compensation coverage status	Fined \$700	DWC-12-0040	03/06/12
Assist Med, Inc.	Houston	Failed to comply with Commissioner's Order to provide requested information about workers' compensation coverage status	Fined \$1,000	DWC-12-0035	02/23/12
Bon Appetit Management Company	Charlotte, NC	Failed to timely provide TDI-DWC with requested information about workers' compensation coverage status; Failed to comply with TDI-DWC order	Fined \$3,000	DWC-12-0062	04/23/12
Juanita's Angels Home Healthcare L.L.C.	Pharr	Failed to timely provide TDI-DWC with requested information about workers' compensation coverage status; Failed to comply with TDI-DWC order	Fined \$1,000	DWC-12-0057	04/18/12
Prudential Healthcare Services, Inc.	Arlington	Failed to timely provide TDI-DWC with requested information about workers' compensation coverage status; Failed to comply with TDI-DWC order	Fined \$1,500	DWC-12-0066	04/30/12
Royal Care, Inc.	Houston	Failed to comply with Commissioner's Order to provide requested information about workers' compensation coverage status	Fined \$1,000	DWC-12-0067	04/30/12

Networks

COMPANY	CITY	VIOLATION	ACTION TAKEN	ORDER NUMBER	DATE
Beech Street, A Viant Network	Lake Forest, CA	Failed to provide TDI-DWC with accurate list of insurance carriers in informal network; Failed to timely provide information to TDI-DWC	Fined \$26,500	DWC-12-0055	04/09/12
One Call Medical, Inc.	Parsippany, NJ	Failed to provide TDI-DWC with accurate list of insurance carriers in informal network; Failed to timely provide information to TDI-DWC	Fined \$18,500	DWC-12-0065	04/30/12

Division of Workers' Compensation Contact Information

www.tdi.texas.gov/wc/dwcontacts.html

Comp Connection for Health Care Providers	1-800-372-7713
Safety Violations Hotline	1-800-452-9595
Injured Employee Hotline (local field offices).....	1-800-252-7031 or local office/(Austin) 512-933-1899
Fraud Hotline	1-888-327-8818 or 512-463-6700
Workplace Safety	1-800-687-7080 (Accident Prevention Services; OSHCON; Safety Resource Center; Federal Data Collection)
TDI-DWC Main Office (Austin)	1-800-371-7713 or 512-804-4000
Speakers' Bureau	512-804-4685
Other Helpful Numbers	
Department of Assistive and Rehabilitative Services	1-800-628-5115
Office of Injured Employee Counsel	1-866-EZE-OIEC (1-866-393-6432)
Texas Workforce Commission	1-800-832-2829

Link to TDI's other publication:

TDInSight