

# Texas Department of Insurance- Department of Workers Compensation

Quarterly Meeting- 7/20/2017

1. Compounding Pharmacy- These should only be indicated for people unable to swallow pills/meds, allergic to regular medications and if all else fails. This should not be considered as a first line drug. Audit shows average \$800 price per prescription, no documentation of medical necessity, no outcome based rationale. 2/3<sup>rd</sup> of all compounding in the State is in Houston. Currently Feds (Medicare, Medicaid, Tricare), BCBS (TX) all deny Compound pharmacies. Recommended enforcement of high end users  
**Presenter:** David Davis, MD (Associate Medical Advisor)
2. MRI plan based Audit: ODG requires 30 days of non-imaging Rx (anti-inflammatory/PT) before MRI can be ordered  
**Presenter:** Patrick Palmer, MD (Medical Advisor)
3. Telemedicine: SB 1107 TMB to promulgate rules on telemedicine. §413.011 Rx governed by Medicare Payment policy for WC. Telemedicine restricted to Medical rural areas be Medicare where there is Dr shortage. PT/OT not allowed to bill under Telemedicine. 3 agencies are required to work together in rule making: Pharmacy Board, Nursing Board and TMB.  
**Presenter:** Matt Zurek (Deputy Commissioner; Health Care Management & System Monitoring)
4. Fraud Activities: Fraud investigation was brought back under DWC from TDI (HB 2053). Travis County DA office will have embedded prosecutors. Both Employee fraud (working and drawing) and Employer Fraud (misclassification of employees) will be reviewed here.  
**Presenter:** Matt Zurek (Deputy Commissioner; Health Care Management & System Monitoring)
5. Performance Based Oversight: Statutory requirement, non-punitive rating systems, no enforcements. DWC-73 used for audits. Is documentation complete; was rationale for taking employee out of work documented on form (Pain is not adequate reason). >95% good performer; 80-94.99% average performer and < 79.9% poor performer.  
DWC-69 Designated Dr form; 7 days requirement to submit unless there is additional testing required when 15 days are allotted  
**Presenter:** Matt Zurek (Deputy Commissioner; Health Care Management & System Monitoring)
6. HB 2576: PA can complete and sign DWC-73 if there is delegation authority agreement by Dr  
**Presenter:** Matt Zurek (Deputy Commissioner; Health Care Management & System Monitoring)
7. Timely Payment Audits: 98% of all claims are paid timely (45 days to pay clean claims) based on payor data. There was concern raised by some regarding methods used by carriers to delay payments. Requested Commissioner to review Provider data regarding submission. Also requested review of non-payments after obtaining pre-authorizations.  
**Presenter:** Matt Zurek (Deputy Commissioner; Health Care Management & System Monitoring)
8. HB 2056: DWC can request for review of contracts between DD and Scheduling companies  
HB 2111: Hearing Officers will now be referred as Administrative Law Judges to help retention  
SB 1494; Work Hardening and Work Conditioning facilities exempted from Pre-auth requirements will be reevaluated (CARF facilities)  
**Presenter:** Jeff Nelson (Director of External Relations)
9. Designated Doctor update: testing and training is being finalized. DD 101 to also be available in Webinar format, revisions for tests being formalized  
**Presenter:** Joe McElrath (Dep. Commissioner Business Process)