

Happy July 4th

CLIENT NEWSLETTER



THE LAW OFFICE OF RICKY D. GREEN, PLLC

July 3, 2012



HAPPY INDEPENDENCE DAY! We hope you have a safe and happy 4th of July! The Division has recently adopted new amendments to the rules regarding General Medical Provisions, which took effect on July 1st. You can view the rules on the Secretary of State website at <http://www.sos.state.tx.us/texreg/index.shtml> or on the TDI website at <http://www.tdi.texas.gov/wc/rules/adopted/index.html>.

The Division issued a memo dated June 28, 2012 that gives a brief explanation of the newly effective amended rules, and our law office has pasted the main body of the memo in this newsletter. One of the most important amended rules require that all utilization review (UR) be performed by an insurance carrier that's registered with TDI to perform UR or be performed by a UR agent that's certified by TDI to perform UR. Other key rule amendments are as follows:

28 TAC §133.2

- Adds the definition of "agent" and
- Deletes the definitions of "health care provider agent" and "insurance carrier agent."

28 TAC §133.240

- Requires explanations of benefits (EOBs) regarding pharmaceutical services to be sent to prescribing doctors under certain circumstances.
- Prescribes the required elements of a paper form explanation of benefits.
- Clarifies that insurance carrier payments to a pharmacy processing agent must be in accordance with 28 TAC §134.503, relating to Pharmacy Fee Guideline.
- All utilization review must be performed by an insurance carrier that is registered with or a utilization review agent that is certified by TDI.
- Provides that all utilization review agents or registered insurance carriers who perform utilization review relating to the expedited provision of medical benefits to first responders employed by political subdivisions who sustain a serious bodily injury in course and scope of employment must comply with Labor Code §504.055 and any other provisions of Chapter 19, Subchapter U of this title (relating to Utilization Reviews for Health Care Provided under Workers' Compensation Coverage).

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28 TAC §133.250

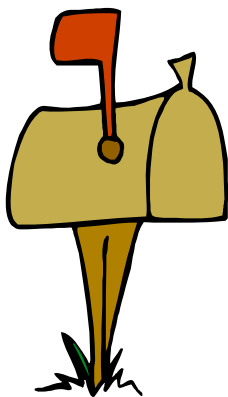
- Reduces the deadline for a party to request reconsideration from eleven to ten months from the date of service.
- Provides insurance carriers with 30 days to take final action on a request for reconsideration.
- Provides that an insurance carrier shall provide an explanation of benefits in accordance with §133.240(e)-(f) for all items included in a reconsideration request in the form and format prescribed by the TDI-DWC when there is a change in the original, final action or in accordance with §133.240(e)(1) and §133.240(f) when there is no change in the original, final action.
- Provides that all utilization review agents or registered insurance carriers who perform utilization reviews relating to the expedited provision of medical benefits to first responders employed by political subdivisions who sustain a serious bodily injury in course and scope of employment must comply with Labor Code §504.055 and any other provisions of Chapter 19, Subchapter U of this title (relating to Utilization Reviews for Health Care Provided under Workers' Compensation Coverage).

28 TAC §133.270

- Makes a nonsubstantive change to clarify that an injured employee may request reconsideration of a medical bill prior to requesting medical dispute resolution in accordance with the provisions of Chapter 133, Subchapter D of this title (relating to Dispute of Medical Bills).

28 TAC §133.305

- Adds definitions of “first responder” and “serious bodily injury.”
- Provides that the TDI-DWC may assess an administrative fee against an insurance carrier if the TDI-DWC requests and the insurance carrier fails to provide the TDI-DWC with the required health care provider notice under Labor Code §408.0281.



QUESTIONS? COMMENTS? Have questions or comments about any of the stories in the newsletter or general questions about a workers' compensation matter? Drop us a line at questions@rickygreen.com, or give us a call at (512) 280-0055. We look forward to handling all of your workers' compensation needs.

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