



CLIENT NEWSLETTER



THE LAW OFFICE OF RICKY D. GREEN, PLLC

October 23, 2012



We hope you're enjoying the cooler fall weather. Please feel free to contact our law firm if you have any questions about this newsletter or any other workers compensation matter. We're always here to help.

The Division of Workers' Compensation held a compliance meeting last Thursday, October 18th, and reported that insurance carriers and adjusters could face disciplinary action based on their handling of "legacy claims" under the new drug formulary. The division adopted a closed formulary for prescription drugs, effective September 1, 2011, for claims on and after that date. However, the closed formulary will not apply to "legacy claims", which are claims with dates of injuries before September 1, 2011, until September 1, 2013.

Matt Zurek, DWC executive deputy commissioner for health care management and system monitoring, said he has been meeting with doctors to discuss preparations for the change and was told some adjusters are applying the requirements of the closed formulary to legacy claims – which fall under the former "open" formulary. The Division reported that some adjusters and carriers are improperly requiring preauthorization for some legacy claim prescriptions, Zurek said.

Amy Lee, special deputy commissioner for policy and research, said the division "is concerned that it is adjusters" who are telling providers that the prescription requests will be denied. That would be the role of a utilization review agent, Lee said. Lee said the agency is reviewing the reports by the doctors, and may take action against the agents and carriers.

Carriers are required to inform doctors treating injured workers with legacy claims affected by the formulary change by March 1, 2013. However, Zurek said, few doctors reported receiving such letters. Zurek said that many doctors requested that carriers send the letters to them at their practice location – and not to a post office box which may be used for billing – to assure that the doctors receive the letters. The Division has published a sample "Legacy Claim Notification Letter" which insurance carriers may use to inform the prescribing doctor, the injured employee and the pharmacy (if known) that "legacy claims" will be moved into the closed drug formulary by September 1, 2013.

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The Division requires this notice to be sent by March 1, 2013. But, we recommend that carriers send the notification letters to the prescribing doctor, the injured employee and the pharmacy sooner than later. The link to the sample notification letter is: <http://www.tdi.texas.gov/wc/pharmacy/documents/legpharmdr.pdf>. The Spanish version of the notification letter is: <http://www.tdi.texas.gov/wc/pharmacy/documents/legpharmies.pdf>.

On a different note, the Division announced its Houston West field office will move to a new location on or after January 30, 2013. The new location is located at 350 N. Sam Houston Parkway, #110, Houston, Texas.



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@rickydgreen.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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