

Comments to Joint Meeting of Senate Select Committee on Workers' Compensation Commission and House Business and Industry

August 26, 2004, 8:30 a.m.

Good Morning Mister Chairman, Madame Chair, and Committee members.

We have been asked to update you on the status of the Approved Doctor List and on the Commission's actions to remove doctors from the workers' compensation system.

Since we were last before the Committees we have continued to monitor the numbers of doctors in the workers' compensation to identify any access issues that may require immediate attention. Although the rate of growth has slowed down from where it was when the ADL was initiated in September, we continue to see the number of doctors approved to provide treatment grow. As the map before you indicates, there are **over 17,000 who have been approved to provide treatment**. Approximately 14,600 of those doctors are located in Texas, and the map shows the geographic distribution of those doctors.

In response to concerns about whether doctors who are approved to treat are actually treating patients, we have also been monitoring the medical billing

data (recognizing that all of the data for care provided since the ADL change on 9/1/2003 has not been reported to the Commission at this time) to identify any disconnect between the number of doctors with the ADL certification and the number are actually billing for care. Excluding the billing associated with things that are not “direct care,” such as billing coming from assessment of maximum medical improvement and impairment, or care that is provided in an emergency room, **we have received billing for care of patients with injuries since September 1st of last year from 67% (11,158) of the doctors** approved to provide treatment.

We recognize that there are some locations in the state and types of injury where it may difficult to find a doctor. The processes we have put in place through the field offices and the Medical Director’s office to assist workers in connecting with a doctor appear to be working. As of Monday, 415 patients have been assisted by Dr. Nemeth or his staff to find an appropriate doctor. The number of calls for this type of assistance has decreased by about one third over the last six months.

On the flip side of the doctor issue, Dr. Nemeth’s Medical Quality Review Panel (MQRP) has been very busy in reviewing doctors making

recommendations for denial of ADL applications or removal from the ADL. As of August 20th, the **MQRP and the Medical Director have reviewed 93 doctors** and the Commission has taken action to **deny 36 doctors** from providing treatment. Of the denials, 7 doctors have filed suit in court against the Commission – 3 in district court and 4 in federal court. Of the cases in district court, two temporary restraining orders and 1 temporary injunction are in place to prevent making the denial effective. The Commission's recommendations have been upheld in the federal cases and are either pending based on requests for reconsideration of the court's decision or court dates. Over the next several months, we will be preparing for the trials on the merits for these cases. We expect the preparation and defense of those cases will require the dedication of a significant amount of resources.

At this time, I will be glad to respond to any questions you have. Also, I have Bob Shipe, Acting Executive Director, and Dr. Nemeth, the Commission's Medical Director, with me this morning to also respond to your questions.