

COMMISSIONER'S BULLETIN # B-0020-17

August 29, 2017

To: ALL INSURANCE COMPANIES, CORPORATIONS, EXCHANGES, MUTUALS, RECIPROCALLS, ASSOCIATIONS, LLOYDS, OR OTHER INSURERS WRITING WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE IN THE STATE OF TEXAS AND TO AGENTS AND REPRESENTATIVES AND THE PUBLIC GENERALLY AND ALL WORKERS' COMPENSATION SYSTEM PARTICIPANTS

Re: Hurricane Harvey – an extraordinary event; Workers' compensation issues concerning hurricane victims or evacuees

Hurricane Harvey has had a catastrophic impact on Texans and their property, and Gov. Greg Abbott's disaster proclamation will help Texans rebuild and recover. The proclamation directs that all necessary measures, both public and private, as authorized under §418.017 of the Texas Government Code, be implemented to meet that threat.

For the duration of the Governor's disaster proclamation, and with reference to claims involving workers' compensation claimants residing in a county included in the Governor's disaster proclamation insurance carriers must provide or continue to provide:

- Processing and delivery of benefit checks and necessary medical care, services, and supplies, including physical therapy, pharmaceutical benefits, and medical equipment,
- Waiver of penalties and restrictions related to necessary emergency and non-emergency health care provided out-of-network,
- Coverage of payment for necessary emergency and non-emergency health care services obtained out-of-network,
- Extended deadlines for medical examinations,
- Authorize payment to pharmacies for up to a ninety day supply of any prescription medication, subject to the remaining number of days authorized by the prescribing provider, for individuals regardless of the date upon which the prescription had most recently been filled, and
- Expedited change of address processing.

For system participants who reside in the counties listed in the Governor's disaster proclamation, the Texas workers' compensation deadlines for the following procedures are tolled through the duration of the Governor's disaster proclamation:

- Workers' compensation claim notification and filing deadlines,
- Medical billing deadlines,
- Medical and income benefit payment deadlines,
- Electronic data reporting deadlines, and
- Medical and income benefit dispute deadlines.

DWC also recognizes that first responders are currently on the front lines of this disaster, helping their fellow Texans. Political subdivisions should keep in mind that Section 504.055 of the Texas Labor Code states that both DWC and political subdivisions shall accelerate and give first priority to an injured first responder's claim for workers' compensation medical benefits if that first responder sustains a serious bodily injury in the course and scope of employment.

The Office of Injured Employee Counsel has a designated First Responder Liaison, Yolanda Garcia, who can be reached at 512-804-4173 or FirstResponderHelp@oiec.texas.gov.

Key contact numbers:

- To reschedule a benefit review conference or a contested case hearing, call DWC's local field office or, if the office is not available, 1-800-252-7031.
- For questions related to workers' compensation health care networks, call 866-554-4926 or 512-676-6400, Option # 7 or contact wcnet@tdi.state.tx.us.
- For other questions related to the disaster, call the Workers' Compensation Injured Employee Hotline at 1-800-252-7031.

This supersedes any prior bulletin.

Ryan Brannan

Commissioner of Workers' Compensation

Texas Department of Insurance-Division of Workers' Compensation

For more information contact: WorkersComp@tdi.texas.gov

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