



Sunset Commission Seeks Input on Worker's Compensation

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The Sunset Advisory Commission would like your help in reviewing and improving the way Texas regulates workers' compensation. The Legislature, through the Texas Sunset Act, has charged our Commission with reviewing the mission and performance of both the Division of Workers' Compensation of the Texas Department of Insurance and the Office of Injured Employee Counsel.

In general, the Sunset Commission periodically evaluates state agencies to determine if the agency is needed, if it is operating effectively, and if state funds are well spent. Based on the recommendations of the Sunset Commission, the Texas Legislature ultimately decides whether an agency continues to operate into the future. Additional information on the Sunset Commission can be found on our website at www.sunset.state.tx.us.

As part of these agencies' reviews, we seek the input of organizations and individuals who have an interest in the agencies. Please take some time to comment on the attached questionnaires that include issues identified by the Sunset Commission staff as potential research areas. Also, let us know of other issues of interest to you or your organization. Feel free to share copies of this email and the attachments with any others who may have an interest in the Division of Workers' Compensation or the Office of Injured Employee Counsel. To help ensure the free flow of information, comments submitted to Sunset staff before publication of the staff report are confidential.

To give the staff time to consider your information during our review of the Division of Workers' Compensation and the Office of Injured Employee Counsel, we request you send your response by January 8, 2010. Please mail, email, or fax your comments to the address or fax number provided on the attached Questionnaires. Also, if you need more information or have questions about our process, please contact Chloe Lieberknecht at (512) 463-1300. We greatly appreciate your assistance and look forward to hearing your ideas.

Questionnaire

TDI - Division of Workers' Compensation

Name: _____ Organization: _____

1. Has the transfer of workers' compensation functions from an independent agency to a division within the Texas Department of Insurance (TDI) worked well? Is having the Division of Workers' Compensation part of TDI effective?
2. Has the workers' compensation system improved since legislative reforms from 2005 have taken effect? If so, how? If not, why? What improvements still need to be made?
3. Is the Division's regulation of the workers' compensation system at the appropriate level or does regulation need to be strengthened or reduced? Is the system fair to all participants?
4. Is the Division adequately soliciting stakeholder input in developing guidelines, rules, and policies?
5. Is the Division effectively communicating information and educating system participants about the workers compensation system?
6. From your perspective, has the transition to certified workers' compensation networks improved the workers' compensation system? What changes, if any, need to be made to make the network system work better?
7. Are designated doctors providing an objective and meaningful evaluation of injured employee cases?
8. How are the dispute resolution processes administered by the Division working? Are the processes accessible, timely, straightforward, and consistent?
9. How effective are the Division's enforcement functions? Are the processes just, fair, and consistent?
10. Please add any other comments about the Division of Workers' Compensation. If you would

like to suggest any changes to the Division, its operations, or its statute, please provide:

- a brief statement of the suggested change,
 - background information on how the current system works and a description of what you would like to see changed,
- benefits of your recommendation, and
- any potential difficulties that may arise from implementing your recommendation.

Please return to:

Chloe Lieberknecht
Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711
Fax: (512) 463-0705
Phone: (512) 463-1300
email: sunset@sunset.state.tx.us

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Questionnaire

Office of Injured Employee Counsel

Name: _____ Organization: _____

1. Is it more or less effective to have the role of advocate for injured employees placed in an agency that is independent from the Division of Workers' Compensation? Should the Office of Injured Employee Counsel's functions continue in a stand-alone agency?
2. What changes, if any, should be made to the mission and functions of the Office of Injured Employee Counsel?
3. Does the Office effectively communicate information regarding the workers' compensation system and the Office's services to injured employees?
4. Does having both the Division of Workers' Compensation and the Office involved in providing education to injured employees create any problems?
5. Is the Office effectively assisting injured employees in resolving disputes before the Division of Workers' Compensation, including in Benefit Review Conferences and Contested Case Hearings?
6. Is the Office effectively and appropriately advocating for injured employees as a class in judicial proceedings?
7. Please add any other comments about the Office of Injured Employee Counsel. If you would like to suggest any changes to the Office, its operations, or its statute, please provide:
 - a brief statement of the suggested change,
 - background information on how the current system works and a description of what you would like to see changed,
 - benefits of your recommendation, and
 - any potential difficulties that may arise from implementing your recommendation.

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