**Senator Hegar’s Motion to Modify Issue 2 (MQRP)**

**Division of Workers’ Compensation**

**Sever all Staff recommendations contained in Issue 2 and replace with the following recommendations.**

***Change in Statute***

**2.1 Require the Division to develop guidelines to strengthen the medical quality review process.**

This recommendation would require the Division to develop criteria, subject to the Commissioner’s approval, to further improve the medical quality review process. In developing such guidelines, the Division would be required to consult with the Medical Advisor and consider input from key stakeholders. The Division should also define, at a minimum, a fair and transparent process for the:

* handling of complaint-based cases; and
* selection of health care providers and other entities for review.

Once developed, the Division would be required to make the adopted process for conducting both complaint-based and audit-based reviews available to stakeholders on its website.

***Change in Statute***

**2.2 Establish the Quality Assurance Panel in statute.**

This recommendation would establish the Quality Assurance Panel (QAP) in statute and require the Division to hold QAP meetings as a means to assist the Medical Advisor and the Medical Quality Review Panel, while providing a second level evaluation of all reviews.

***Management Action***

**2.3 Improve the medical quality review process by clarifying the Quality Assurance Panel’s involvement.**

In conjunction with Recommendation 2.2, but as a *management action*, the Commissioner would adopt procedures, subject to input from the Medical Advisor, to further define the QAP’s role in the medical quality review process and establish the frequency of QAP meetings. At a minimum, such procedures should include:

* a process for selecting QAP members from the pool of appointed MQRP members, including health care professionals from diverse health care specialty backgrounds and individuals with expertise in utilization review and quality assurance;
* a policy outlining the length of time a member may serve on the QAP;
* procedures to ensure QAP members are kept informed of enforcement outcomes of cases under review ; and
* formal procedures to clarify the roles and responsibilities of QAP members and Division staff at QAP meetings.

This recommendation would ensure that the QAP is properly structured and managed to maximize its value in the review process. This recommendation would also ensure that all participants in QAP meetings are aware of their required tasks and do not compromise the decision-making process for reviews that become active investigations in the enforcement process.

***Change in Statute***

**2.4 Require the Division to develop additional qualification and training requirements for Medical Quality Review Panel members.**

This recommendation would require the Commissioner, subject to input from the Medical Advisor, to adopt rules outlining clear prerequisites to serve as a MQRP expert reviewer, including necessary qualifications and training requirements. In developing these policies, the Division could use the Texas Medical Board's expert reviewer process as a guide. At a minimum, rules on qualifications should include:

* a policy outlining the composition of expert reviewers serving on MQRP, including the number of reviewers and all health care specialties represented;
* a policy outlining the length of time a member may serve on MQRP;
* procedures defining areas of potential conflicts of interest between MQRP members and subjects under review and the avoidance of such conflicts; and
* procedures governing the process and grounds for removal from the Panel, including instances when members are repeatedly delinquent in completing case reviews or submitting review recommendations to the Division.

As part of this recommendation, the Division would also develop rules on training. Under this recommendation, MQRP members would be required to fulfill training requirements to ensure panel members are fully aware of the goals of the Division's medical quality review process and the Texas Workers' Compensation Act. Training topics should include, at a minimum, the following areas:

* administrative violations affecting the delivery of appropriate medical care;
* confidentiality of the review process and the qualified immunity from suit granted to MQRP members under the Labor Code; and
* medical quality review process guidelines adopted under Recommendation 2.1.

The Division could also include training on topic areas such as the Division's adopted treatment and return-to-work guidelines, other evidence-based medicine resources, and the impairment rating process.

Under this recommendation, the Division should also work to better educate Panel members about the status and enforcement outcomes of cases resulting from the medical quality review process. These changes would provide MQRP members with a working knowledge of what constitutes a violation of the Texas Workers' Compensation Act and result in a better focused, more informed panel of expert reviewers.

***Change in Statute***

**2.5 Require the Division to work with health licensing boards to expand the pool of Medical Quality Review Panel members.**

Under this recommendation, the Division, in consultation with the Medical Advisor, would be required to work with health licensing boards, beyond just the Texas Medical Board and the Texas Board of Chiropractic Examiners, as necessary, to expand the pool of health care providers available as expert reviewers. The Division should also work with the Texas Medical Board to increase the pool of specialists available, as necessary, enabling the Division to better match an MQRP member’s expertise to the specialty of a physician under review.

As part of this recommendation, when selecting the composition of expert reviewers serving on MQRP, the Medical Advisor would advise the Division by identifying areas of medical expertise that may not require ongoing representation on the MQRP. In such circumstances, the Division should develop a method to partner with these other agencies to access outside expertise on an as-needed basis.