

MEMORANDUM

February 8, 2010

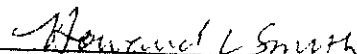
TO: Commissioner, Texas Workers' Compensation Commission


FROM: Office of the Medical Advisor

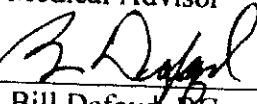
Resistance to recent recommendations from the Office of the Medical Advisor concerning some doctors practicing within the Texas Workers' Compensation System has caused concern within the Office. The recommendations have been based upon findings that patients of these doctors have not received the quality of medical care the Office and the MQRP believe they require, and to which they are entitled. These recommendations have been ignored or rejected by some within the System because of allegations of irregularities in the process whereby the doctors have been brought under scrutiny. These activities raise two distinct issues which must be addressed, simultaneously if necessary, but as mutually exclusive challenges.

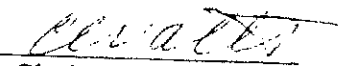
First, and foremost, a finding of the MQRP/QAP that patients are not receiving proper care means patients are being harmed by the care received. No legal argument about process can negate that fact, nor justify failure to act in the best interest of the injured workers, regardless of the means whereby notice of that harm was brought to the Office. The System, as its first priority, has a *legal* obligation to provide quality medical care to the injured worker. Additionally, the professionals within the Office have *ethical* obligations to see that that care is delivered and if it isn't, to so advise the Commissioner. If "rights" of the subject doctors are compromised by irregularities in the oversight process, then those irregularities should be addressed. However, poor patient care must not be tolerated by the Commissioner, *for any reason*; and all within the Commission must support this position of the Commissioner. Those doctors have no "rights" to continue to provide poor care to the injured worker while process is being addressed.

The Workers' Compensation System was designed and established for the benefit of the worker, not as an exercise in process management [see and compare Labor Code 402.021(b)(4) and 402.021(b)(7) for expressions of intent of the legislature]. It is a responsibility of the Office of the Medical Advisor to ensure all within the System understand that premise. This communication, the Medical Advisor believes, is in furtherance of that responsibility.


Howard Smith MD JD
Medical Advisor


Ken Ford MD


Bill Defoy DC


Clark Watts MD JD

FROM RONNIE TO CAROL
2/9/10

Provider	Support Staff Cost	RN Cost	MGRP Cost	GAP Cost	Total Review Cost	Reason for Review	Provider Amt. Billed per Case	Provider Amt. Paid per Case	Billing Data Timeframe	Total Charged by Provider
Calodney	\$165.00	N/A	N/A	N/A	\$165.00	Monitoring, Data Runs, Complaints	\$65,531.00	\$13,221.00	05/01/07 - 04/21/09	\$1,869,231.00
Cyr	\$3,705.00	\$1,020.00	\$1,450.00	\$1,500.00	\$7,675.00	Monitoring & Data Runs, Complaints	\$308,425.00	\$234,067.00	04/03/06 - 05/19/08	\$3,255,872.00
Dodson	\$420.00	\$60.00	\$2,600.00	\$2,200.00	\$5,280.00	Qily Random Data Run	\$243,338.00	\$124,647.00	05/01/07 - 08/08/08	\$2,707,526.00
Earle	\$245.00	\$450.00	\$1,245.00	\$2,200.00	\$4,140.00	Qily Random Data Run	\$191,309.00	\$68,505.00	05/01/07 - 08/12/08	\$2,556,360.00
Ghaffari	\$735.00	\$1,260.00	\$1,995.00	\$1,500.00	\$5,490.00	Qily Random Data Run	\$113,444.00	\$64,883.00	05/01/07 - 07/31/08	\$673,504.00
Howland	\$1,080.00	\$1,740.00	\$1,700.00	\$2,200.00	\$6,720.00	Qily Random Data Run	\$63,885.00	\$45,375.00	05/01/07 - 06/27/08	\$1,252,458.00
Kotmann	\$1,020.00	\$1,080.00	\$1,400.00	\$1,800.00	\$5,300.00	Qily Random Data Run	\$25,460.00	\$15,140.00	05/01/07 - 07/18/08	\$29,907.00
Patel	\$555.00	\$2,100.00	\$1,400.00	\$1,500.00	\$5,555.00	Qily Random Data Run	\$66,872.00	\$44,453.00	05/01/07 - 08/08/08	\$1,278,822.00
Somerville	\$1,755.00	\$1,200.00	\$2,900.00	\$2,200.00	\$8,055.00	Qily Random Data Run, Complaint	\$258,972.00	\$33,480.00	05/01/07 - 07/31/09	\$1,155,917.00
Grand Totals	\$9,680.00	\$8,910.00	\$14,690.00	\$15,100.00	\$48,380.00		\$1,337,236.00	\$643,771.00		\$14,779,597.00

MGRP/GAP Cost @ \$100 per hr., **Support Staff Cost @ \$15 per hr., RN Cost @ \$60 per hr. * Obtained from: MGRP Invoices GAP Mig. Cost: **OMA Staff Cost Spreadsheets. Billing is from Health Care Mgmt. Team