



Letter from the Public Counsel

Dear Friends:



I told our Ombudsmen at our first OIEC Conference that we would confront many fundamental changes as we began the process of implementing House Bill 7. It would be necessary to organize our new agency from the ground up, and our first order of business would be to construct a solid foundation upon which we would build the structure to fulfill our statutory mandates.

At our second OIEC Conference, a great deal of emphasis was placed on business professionalism. This past summer at our third OIEC Conference, we stressed business and philosophical ethics in the workplace. In the first week of October we will hold a conference for our supervisors on business leadership. It is felt that these types of instruction will enable our leadership to understand the necessity of creating a sense of investment in the organization by our employees and give them ownership of the successes that we are planning.

I invited our Ombudsmen to submit the names of other Ombudsmen who would be qualified to speak at our leadership conference on what they valued in a leader. The response was outstanding and two of our Ombudsmen were chosen to speak from the point of view where the "rubber meets the road."

I have no doubt that the next legislative session will provide us with additional opportunities for professional growth, and I am proud to say, we are ready.

Norman Darwin

In This Issue

- 1 Letter from the Public Counsel
- 2 Third Annual OIEC Conference
- 2 Hurricane Ike
- 3 New MACC Chair
- 3 One-Stop Searching on OIEC Website
- 3 Ethics Committee
- 4 Question of the Quarter
- 4 OIEC Fatality Initiative
- 4 Program Area Updates
- 5 Employee Spotlight

Contact Us

Office of Injured Employee Counsel

7551 Metro Center Drive
Suite 100, MS 50
Austin, TX 78744-1609

Phone: (512) 804-4170
Fax: (512) 804-4181

Injured Employee Toll-free
Number 1-866-393-6432
www.oiec.state.tx.us

Please provide feedback, ask questions, or send a request to be added to the Quarterly Review distribution list at OIECinbox@oiec.state.tx.us.

Third Annual OIEC Conference



It was a rare treat as all OIEC employees attended the agency's third OIEC Conference in July. The agency had grown since the conference the year before: over 50 new Ombudsman Associates and Customer Service Representatives had been hired to enhance OIEC's early intervention initiatives.

The conference topics ranged from business writing skills to appellate case law. On the second day of the conference, the employees broke into three groups based on their work functions so that the training could be more targeted to their daily activities.

On the last day the group met back together and enjoyed a powerful presentation by Dr. Beverly Chiodo, a Texas State University professor who motivated OIEC's employees. This conference closed with the annual employee awards ceremony. OIEC is full of dedicated, knowledgeable, and skilled employees, and several were recognized with an award.

Team Excellence Awards were presented to a member of each of the seven Ombudsman Program teams: Anita Flores (Midland), Enedelia Guimarin (San Antonio), JoAnn Simmons (Fort Worth), Leo Montano (Missouri City), Nick Perez (Dallas), Sabrina Alfaro (Beaumont) and Teresa Tuch (Victoria).

Technical Achievement Awards were presented to one Ombudsman Assistant and one Ombudsman for exceptional skill and proficiency. This year Ombudsman Assistant Adriana Torres (Lubbock) and Ombudsman Melody Manuel (Denton) were recognized with these awards.

OIEC is already busy planning next year's conference, which will be held June 24 – 26, 2009 in San Antonio.

Impact of Hurricane Ike

In the early morning hours of September 13th, Hurricane Ike hit the Texas coast and moved, slightly weakened, inland. OIEC worked closely with the Texas Department of Insurance, Division of Workers' Compensation (DWC) to ensure the employees were safe and that equipment and claim files were protected in all of the field offices.

The Beaumont, Bryan, Corpus Christi, Houston East, Houston West, Lufkin, Missouri City, Tyler, and Victoria Field Offices experienced temporary closures due to the hurricane. While they were closed, all other field offices were open and prepared to handle calls that were re-routed from the affected offices.

Some hearings were affected by the office closures. If a customer's hearing was canceled due to an office closure during the week of September 15th – 19th, the hearing will only be rescheduled upon request. The field offices affected were Houston East, Houston West, Missouri City, Beaumont, Lufkin, Tyler, and Bryan.

DWC's Hearings Division encourages all participants to talk and decide how, when, and where they want the Benefit Review Conference or Contested Case Hearing reset. Choices include:

- attending the hearing by telephone,
- requesting a change of venue for the hearing to a different field office, or
- requesting the hearing be reset in the original field office.

All affected OIEC field offices have re-opened for business, and its employees have volunteered to help with Disaster Relief by participating in shelter outreach.



Deputy Public Counsel Named Chair of the MACC

On September 15, 2008, Brian White was elected Chair of the Mid-Size Agency Coordinating Council (MACC).

The MACC's purpose is to promote communication and education on issues affecting member agencies such as budget, finance, human resources, and information technology.

The MACC is a Council that is made up of members from state agencies that have at least 100 but not more than 799 full-time equivalent staff positions.

The Council meets on a monthly basis and serves as a resource on required agency reporting and the latest government initiatives.

To learn more about the MACC, please visit its website at www.dir.state.tx.us/macc.

One-Stop Searching on OIEC's Website



OIEC's mission to assist, advocate, and educate the injured employees of Texas now extends beyond workers' compensation. OIEC has listened to its customers and their frustrations due to the loss of a job, their need to retrain, or the need to find information about benefits available to the family members who have experienced the work-related death of a loved one.

OIEC has a plan to assist and educate those affected by a workers' compensation injury or death by providing a simple search for information on our website. The OIEC website will feature a one-stop location for information on: where to go to search for a job; where to go to seek assistance with vocational rehabilitation and training; where to go to seek information on disability and social security disability benefits; and where a family member or survivor can get information on workers' compensation death and burial benefits.

The OIEC website will provide information on the following as well as the links to their agency sites:

- Where to look for a job - Texas Workforce Center (TWC);
- Where to seek assistance with disability, rehabilitative, and vocational services - Department of Assistive and Rehabilitative Services (DARS); and
- What is worker's compensation death and burial benefits, who qualifies, and what is the criteria - DWC.

It is OIEC's hope that by providing a one-stop location it will ease some of the frustration of having to search multiple websites, and it will provide the information that may make the difference in helping injured employees return to a productive life and better tomorrow.

Ethics Committee

OIEC is dedicated to operating under the highest standards of ethical and professional behavior. The agency created an Ethics Committee in June of 2008 to ensure that every effort is made to achieve this goal.

OIEC's Ethics Committee addresses the ethical questions and issues presented to it by OIEC employees. The Committee is comprised of a diverse section of OIEC staff, which includes employees from all divisions of the agency who hold both supervisory and non-supervisory positions. The Director of Legal Services, Elaine Chaney, is the Chair of the Committee.

The Ethics Committee will convene as necessary to discuss the issues presented to it by OIEC employees. A quarterly update on the issues will be created and sent out to all agency staff.



Question of the Quarter

I received a DWC Form-41 in the mail. I already told my employer about my injury. Do I really need to complete this form and turn it in?

Yes! The "Employee's Claim for Compensation for a Work-Related Injury or Occupational Disease" form, better known as the DWC Form-41, is extremely important. It must be filed with DWC within one year of the date of your injury. It can be filed in paper form or online. A link to file this form online is available by clicking "Report an Injury Online" on the front page of the OIEC website at www.oiec.state.tx.us.

You should file the DWC Form-41 even if you are already receiving benefits. If you do not file this form with DWC within one year, you could lose the right to receive your benefits. So please take the time to accurately complete the form and file it with DWC within the time limit. If you have any questions about this form or any others, please contact an OIEC CSR by calling 1-866-EZE-OIEC (1-866-393-6432) or visiting an OIEC field office.

The OIEC Fatality Initiative

An important part of OIEC's mission is to help those who have suffered a loss due to a work-related death. OIEC is taking an extra step in extending our services to the family members affected by a work-related death.

The OIEC Fatality Initiative was created with the goal to make telephone contact with the deceased employee's family. During this contact, OIEC Customer Service Representatives (CSRs) provide information about death and burial benefits to which the family may be entitled and explains the services OIEC offers. A brochure that outlines the benefits and criteria of eligibility is mailed following that contact with the family.

OIEC also sends a courtesy letter to the deceased employee's state senator and representative to notify them of the work-related fatality. Within just a few months, this initiative has already resulted in 26 contacts with a family member and 52 courtesy letters to legislators regarding their constituency.

Program Area Updates

Customer Service



CSRs are working diligently with injured employees to provide information and assistance and to identify and attempt to resolve their problems and disputes. On a monthly basis the CSRs are making 8,000 to 9,000 contacts with, or on behalf of, injured employees to help them maneuver through the workers' compensation claims process.

In May of this year, Customer Service began a two-part outreach initiative. The first part of the initiative is to contact injured employees within the first 60 days of their claim and explain the services that OIEC provides. Copies of OIEC brochures, DWC regulatory forms and brochures from other State agencies with which injured employees may seek additional assistance are provided upon request. As of September 1st, over 13,000 injured employees have been contacted. These contacts are made in addition to the regularly monthly contacts listed above. The second part of the initiative involves contacting health care providers and sending them OIEC brochures to display in their offices and make available to their workers' compensation patients.

By providing information and assistance to injured employees early in the claims process, Customer Service hopes to resolve problems before they become benefit disputes.



Program Area Updates (Continued)

Legal Services

During the OIEC Conference in July, Legal Services conducted training with the CSRs and with the Ombudsmen. For the CSRs, the training provided an overview of workers' compensation law with a focus on providing practical information that would likely help the CSRs when answering questions from injured employees. For the Ombudsmen, the Legal Services' staff teamed up with the Ombudsman Program to deliver training on the medical dispute resolution process. The training included a discussion of the newly adopted medical dispute resolution rules and of evidence-based medicine and how the Ombudsmen could go about obtaining that evidence when providing assistance to injured employees in a medical dispute. As a practical component to this training, the participants were divided into four groups and asked to form a plan of action for assisting an injured employee with four of the most common preauthorization disputes - medication, diagnostic testing, physical therapy, and surgery.

In an effort to coordinate employee training between the divisions of OIEC and to ensure that every employee has the necessary skills and tools to effectively perform their duties, OIEC has, as of June 2008, established a training committee. The committee is comprised of employees from each division of OIEC and is designed to avoid redundancies in training programs by creating a comprehensive plan for developing and delivering training for the individual divisions of OIEC and for the agency as a whole.

Ombudsman Program

The Ombudsman Program is now fully staffed and all Ombudsmen, including Ombudsman Associates transferred from DWC on September 2007, are assisting unrepresented injured employees at Benefit Review Conferences, Contested Case Hearings, and Appeals. The Ombudsman Program is on track to assist a greater number of injured employees this year due to becoming more involved on more claims earlier in the process.

This early intervention effort is happening in OIEC field offices throughout the State in order to better serve the injured employees of Texas.

Employee Spotlight

Margaret Mery-Cisneros is an Ombudsman in the San Antonio Field Office. She has worked for the state for more than 13 years, six of which have been as an Ombudsman. She started with DWC (formerly the Texas Workers' Compensation Commission) as an Administrative Assistant in the Proceedings section, and subsequently held positions as Field Office Manager's Administrative Assistant, Ombudsman Assistant, and Customer Service Representative before she became an Ombudsman.

Margaret says the most rewarding part of her job is knowing she is really making a difference in someone's life. She said, "so many times we are all they have left, and we have got to give them 110%. We impact so many lives and just that call back or that extra letter to them is appreciated. The fact that many injured employees call or write a thank you even when they lose makes it all worthwhile - because they know you did all you could have done for them." Her supervisor, Juan Rodriguez, agrees that Margaret is passionate about her job and that she is "devoted to the plight of the injured employee."

As a grandmother of three girls, she is busy outside of work as well. She and her husband have been raising two of her grandchildren and she enjoys every day with them. When she is not wearing her Ombudsman or "Gramma" hat, you might find her dancing in her Samba Drum and Dance group! She has been with them for 13 years, performing at many community events from Mardi Gras to Fiesta.

One of OIEC's Regional Staff Attorneys, Melissa Deleon, remarked that Margaret is, "one of the most positive people I know. She always has a warm smile and infectious laugh. But when it gets down to business, she is serious about protecting the injured employee's interests without losing her charm and grit (fortitude and determination)." OIEC is fortunate to have employees like Margaret working on behalf of the injured employees of Texas.

