



## **TEXAS WORKERS COMPENSATION INFORMATION**

### **TEN THINGS OFFICERS INJURED IN THE LINE OF DUTY NEED TO KNOW:**

1. There are specific duties and responsibilities you **MUST** follow to ensure your claim is properly handled and to ensure you get the treatment you need to recover from your job related injury. Read and follow the Notice of Injured Rights and Responsibilities (attached). Also found online here: <https://www.oiec.texas.gov/documents/ierightsrespeng.pdf>
2. If you are injured while on the job, report the injury to your supervisor or department **IMMEDIATELY (not later than 30 days)**, even if you do not seek immediate medical attention or treatment.
3. Do **NOT** trust your supervisor or department to do the right thing with regards to your claim. Not that they will intentionally mislead you, but they simply may not know or understand their responsibilities with regards to your claim.
4. Section 451.001, Labor Code, prohibits your employer from discharging you or discriminating against you for filing a workers compensation claim or exercising your rights under the law.
5. It is very important that the initial report of the injury be filed and is accurate. In many cases, your supervisor or department may do this by completing DWC Form-041, Employee's Claim for Compensation for a Work Related Injury or Occupational Disease. You also have a duty to report the injury to the Division of Workers Compensation (DWC) within 1-year of the injury using this form. Again, it is recommended that you report any injury **immediately**, even if you do not seek immediate medical attention. If your supervisor or department files an inaccurate or incomplete DWC Form-041, you can and should file an amended form immediately. DWC Form-041 is available online: <https://www.tdi.texas.gov/forms/dwc/dwc041firstprt.pdf>
6. Make sure your current mailing address is listed on the DWC Form-41 and any information you submit to your employer or your workers compensation insurance carrier. Both the insurance carrier and the Division of Workers Compensation will send important documents to this address. Read and ask questions regarding any documents sent to you in the mail. Some documents may impose other duties and responsibilities you have regarding your claim. For example, the Division of Workers Compensation may require you to see another doctor to evaluate your injury. The "designated doctor" is independent and unbiased and not connected to your insurance carrier or employer. Failure to see this doctor may result in your benefits being discontinued or interrupted. Again, ask questions regarding any documents you receive.
7. Injured employees are entitled to **FREE** assistance from the Office of Injured Employee Counsel (OIEC) to assist them with their claims. OIEC is an independent agency not associated with the Division of Workers Compensation, your employer, or your insurance carrier. Also, OIEC now has a **First Responder Liaison** who is specifically employed to answer questions and help injured officers weed through the red tape associated with on the job injuries. Information on the First Responder Liaison can be found online here: <https://www.oiec.texas.gov/employee/firstresponder.html>  
You can also watch this video: <https://www.youtube.com/watch?v=EC-SCqtWv5E>

8. Workers compensation insurance is separate and different than your normal health care insurance. Injury claims should be processed through the employer's workers compensation insurance carrier, not your health insurance provider. If unable to work, you are entitled to temporary income benefits and in some cases, salary continuation. Make sure you ask and understand the rules with regards to temporary income benefits or salary continuation.
9. You have the right to appeal any denial of a claim or denial of specific treatment for your injury that has been recommended by your treating health care professional. First responders who have been seriously injured have the right to have their claims and appeals expedited under the system. Information on appeals and dispute resolution can be found here:  
<https://www.tdi.texas.gov/wc/employee/dispute.html>
10. The Texas Department of Insurance, the Division of Workers Compensation, and the Office of Injured Employee Counsel have all made extensive upgrades to their websites and have easy to find links with needed information. Take the time to review them.

**The link below is a good place to start. On this page are easy to understand instructions and videos.**

### **Workers Compensation Resources for Injured Employees**

<http://www.tdi.texas.gov/wc/employee/>

#### **FIRST RESPONDERS (PEACE OFFICERS)**

- [First responder FAQs](#)
  - <https://www.tdi.texas.gov/wc/employee/firstresp.html>
- Expedited medical disputes – a first responder request for medical dispute resolution must be accelerated by DWC and given priority (see [Texas Labor Code §504.055](#)). Use box 10 to request a first responder's [expedited medical contested case hearing](#) or box 2 to request an expedited [medical fee dispute](#).
- Office of Injured Employee Counsel [first responder liaison](#)
  - <https://www.oiec.texas.gov/documents/empfrnotice.pdf>

#### **GETTING HELP**

- Call 800-252-7031, option 1 to speak to a customer assistant
- Watch the [Your Guide to Workers' Comp video series](#)
  - <https://www.tdi.texas.gov/wc/employee/guide.html>
- [Office of Injured Employee Counsel](#) - can help with a dispute.
  - <https://www.oiec.texas.gov/index.html>



## **Notice of Injured Employee Rights and Responsibilities in the Texas Workers' Compensation System**

As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel (OIEC). This assistance is offered at local offices across the State. These local offices also provide other workers' compensation system services from the Texas Department of Insurance (TDI). TDI is the State agency that administers and regulates the workers' compensation system through the Division of Workers' Compensation (DWC).

Many services provided by OIEC and DWC can be completed over the telephone. You can contact OIEC by calling the toll-free telephone number 1-866-EZE-OIEC (1-866-393-6432). Additional information, including office locations, is available on the Internet at: [www.oiec.texas.gov](http://www.oiec.texas.gov). You can contact DWC by calling the toll-free telephone number 1-800-252-7031. Information about DWC is available on the Internet at: [www.tdi.texas.gov](http://www.tdi.texas.gov).

### **Your Rights in the Texas Workers' Compensation System:**

**1. You have the right to hire an attorney to help you with your workers' compensation claim.**

For assistance locating an attorney, contact the State Bar of Texas' lawyer referral service at 1-877-983-9227 or <http://www.texasbar.com/>. Attorney referral information can also be found on OIEC's website at [www.oiec.texas.gov](http://www.oiec.texas.gov).

**2. You have the right to receive assistance from OIEC if you do not have an attorney.**

OIEC Customer Service Representatives and Ombudsmen are available to answer your questions and provide assistance with your workers' compensation claim by calling OIEC or visiting an OIEC office. **You must sign a written authorization before an OIEC employee can access information on your claim.** Call or visit an OIEC office to fill out the written authorization. Customer Service Representatives and Ombudsmen are trained in the field of workers' compensation and can help you with scheduling a dispute resolution proceeding about your workers' compensation claim. An Ombudsman can also assist you at a benefit review conference (BRC), contested case hearing (CCH), and an appeal. However, Ombudsmen cannot make decisions for you or give legal advice.

**3. You may have the right to receive medical and income benefits regardless of who was at fault for your injury, with certain exceptions. Your beneficiaries may be entitled to death and burial benefits.**

Information about the exceptions can be found at [www.tdi.texas.gov](http://www.tdi.texas.gov) or by visiting with OIEC staff.

**4. You may have the right to receive medical care to treat your workplace injury or illness for as long as it is medically necessary and related to the workplace injury.**

You may have the right to reimbursement of your incurred expenses after traveling to attend a medical appointment or required medical examination if the trip meets qualifying conditions.

**5. You may have the right to receive income benefits for your work-related injury.**

There are several types of income benefits and eligibility requirements. Information on the types of income benefits that may be available and the eligibility requirements can be found at [www.tdi.texas.gov](http://www.tdi.texas.gov) or by visiting with OIEC staff.

**6. You may have the right to dispute resolution regarding income and medical benefits.**

You may request Medical Dispute Resolution if you disagree with the insurance carrier regarding medical benefits. You may request Indemnity (Income) Dispute Resolution if you disagree with the insurance carrier regarding income benefits. The law provides that your dispute proceedings will be held within 75 miles from your residence.

**7. You have the right to choose a treating doctor.**

If you are in a Workers' Compensation Health Care Network (network), you must choose your doctor from the network's treating doctor list. You may change your treating doctor once without network approval. If you are not in a network, you may initially choose any doctor who is willing to treat your workers' compensation injury; however,

changing your treating doctor must be pre-approved by the DWC if you are not in a network. If you are employed by a political subdivision (e.g. city, county, school district,) you must follow its rules for choosing a treating doctor. It is important to follow all the rules in the workers' compensation system. **If you do not follow these rules, you may be held responsible for payment of medical bills.** OIEC staff can help you to understand these rules.

**8. You have the right for your workers' compensation claim information to be kept confidential.**

In most cases, the contents of your claim file cannot be obtained by others. Some parties have a right to know what is in your claim file, such as your employer or your employer's insurance carrier. Also, an employer that is considering hiring you may get limited information about your claim from DWC.

**Your Responsibilities in the Texas Workers' Compensation System**

**1. You have the responsibility to tell your employer if you have been injured at work while performing the duties of your job. You must tell your employer within 30 days of the date you were injured or first knew your injury or illness might be work-related.**

**2. You have the responsibility to know if you are in a Workers' Compensation Health Care Network (network).** If you do not know whether you are in a network, ask the employer you worked for at the time of your injury. If you are in a network, you have the responsibility to follow the network rules. If there is something you do not understand, ask your employer or call OIEC. If you would like to file a complaint about a network, call TDI's Customer Help Line at 1-800-252-3439 or file a complaint online at <http://www.tdi.texas.gov/consumer/complfrm.html#wc>.

**3. If you worked for a political subdivision (e.g., city, county, school district) at the time of your injury, you have the responsibility to find out how to receive medical treatment.** Your employer should be able to provide you with the information you will need in order to determine which health care providers can treat you for your workplace injury.

**4. You have the responsibility to tell your doctor how you were injured and whether the injury is work-related.**

**5. You have the responsibility to send a completed Employee's Claim for Compensation for a Work-Related Injury or Occupational Claim Form (DWC041) to DWC.** You have one year to send the form after you were injured or first knew that your illness might be work-related. Send the completed DWC041 form even if you already are receiving benefits. You may lose your right to benefits if you do not timely send the completed claim form to DWC. For a copy of the DWC041 form you may contact DWC or OIEC.

**6. You have the responsibility to provide your current address, telephone number, and employer information to DWC and the insurance carrier. DWC can be contacted at 1-800-252-7031.**

**7. You have the responsibility to tell DWC and the insurance carrier anytime there is a change in your employment status or wages.** (Examples of changes include: you stop working because of your injury; you start working; or you are offered a job).

**8. Eligible beneficiaries or persons seeking death and burial benefits have the responsibility to send a completed Beneficiary Claim for Death Benefits (DWC-042) to DWC within one year following the employee's date of death.**

**9. You are prohibited from making frivolous or fraudulent claims or demands.**