



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 published online by the Office of Injured Employee Counsel (OIEC): <https://www.oiec.texas.gov/employee/rights.html>
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. 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.
3. 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.
4. 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 an Employer's First Report of Injury or Illness Report. You also have a duty to report the injury to the Division of Workers Compensation (DWC) within **1-year** by filing a DWC-041 form, Employee's Claim for Compensation for a Work Related Injury or Occupational Disease. Again, it is recommended that you report any injury **immediately**, even if you do not seek immediate medical attention. DWC Form-041 is available online: <https://www.tdi.texas.gov/forms/dwc/dwc041firstrpt.pdf>
5. If there is a death because of a work-related injury or illness, death benefits may be paid to the injured employee's legal beneficiaries (surviving spouse, children, etc.). If the officer has no legal beneficiaries, some death benefits may be paid to a non-dependent parent. A surviving spouse of a first responder may receive death benefits for life, regardless of remarriage. To apply for death benefits, a beneficiary or non-dependent parent must file the DWC Form-042, Beneficiary Claim for Death Benefits **within 1-year** of the injured employee's death. DWC Form-042 is available online: <https://www.tdi.texas.gov/forms/dwc/dwc042benclm.pdf>.

A person who pays all or part of an officer's burial expenses for a work-related death may request reimbursement by submitting a copy of any bills to the insurance carrier **within 1-year** of the injured employee's death.

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 DWC 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 DWC 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 health care provider. Information on appeals and dispute resolution can be found here: <https://www.tdi.texas.gov/wc/employee/dispute.html>

First responders who have been seriously injured have the right to have their medical care and medical disputes expedited under the system.

If you paid out of pocket for medical care and were denied reimbursement by the insurance carrier, you may dispute that denial by filing a medical fee dispute with DWC. Information on medical fee dispute resolution can be found here: <https://www.tdi.texas.gov/wc/mfdr/index.html>

If your health care provider requested approval for a specific medical treatment and was denied by the insurance carrier, you or your health care provider may dispute that denial by filing a medical necessity dispute. An independent panel of doctors certified by the Texas Department of Insurance called an Independent Review Organization (IRO) will be assigned to resolve the dispute. Information on medical necessity dispute resolution can be found here: https://www.tdi.texas.gov/hmo/mcqa/iro_requests.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>