

ADVISORY NO. 408
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**TOPIC: PRME PROCESS SCRAPPED;
UPDATE TO IRO SUBMISSION POLICIES**

In two separate recent announcements, TDI-DWC indicated its intent to stop taking PRME requests and TDI-HWCN issued a policy statement regarding how to handle IRO Requests (Form LHL009) that are not eligible for IRO review.

PRME Requests: TDI-DWC has declared that it intends to repeal Rule 133.650, Prospective Review of Medical Care not Requiring Preauthorization. The Division announced that it will no longer accept PRME requests after Monday, June 18, 2007. With the advent of treatment guidelines, treatment plans and the requirement of preauthorization for services inconsistent with or outside such guidelines and plans, the Division determined the Rule is no longer needed.

IRO Requests: In the June 2007 edition of *WCNet News*, TDI-HWCN indicated its intent to divulge itself of the obligation to dismiss IRO Requests that have been uploaded to its system and that are not eligible for assignment to an IRO. In the past, we uploaded the Request into the TDI-HWCN system and then filed motions to dismiss based upon the eligibility grounds stated in Rule 133.308(h). The Department would then grant the motion or assign an IRO anyway. In most cases, grounds for dismissal involve late requests or where no request for reconsideration has been filed (premature requests). The Department now shifts the burden of determining eligibility to the URA/carrier, threatening investigation of any complaints about the URA's/carrier's decision.

The URA/carrier is now instructed to:

1. Screen the IRO Request (LHL009) to determine if it is "eligible for IRO";
2. Determine if there is "documented proof" the case is not eligible for submission by reason of any of the grounds for dismissal;
3. If so documented, the IRO Request should not be uploaded to TDI-HWCN); **and**
4. Inform "all involved parties" of the reasons the IRO Request is not being submitted to TDI-HWCN.

In the circumstance where there has not been a request for reconsideration at the time of receipt of the LHL009, the URA/carrier is instructed to make a choice:

1. If submitted timely (with 15 working days for non-network, 30 calendar days for network, of the initial denial), accept the LHL009 as the request for reconsideration; inform the requestor of that fact; then process the LHL009 as a request for

- reconsideration; then, if denied upon reconsideration, submit the IRO Request to TDI-HWCN (essentially accepting the original LHL009 as a prematurely filed IRO Request, requiring delayed, but now immediate action); **or**
2. Return the LHL009, informing the requestor and the claimant that the request is not eligible for submission to an IRO, and stating the grounds for the non-eligibility. In this case, the IRO Request is not uploaded to TDI.

Note that the above is applicable only to non-“life threatening” conditions or diseases, as the requestor is excused from the requirement of reconsideration in such case.

Accordingly, each URA/ Carrier must make the determination how it wants to handle these situations.

Where FOL is handling the submission to TDI-HWCN, we will evaluate the Request for eligibility and routinely return the ineligible LHL009 rather than consider it a prematurely filed request for reconsideration. In any event, please contact Steve Tipton at smt1@fol.com or (512) 435-2162 to discuss which option you prefer to take.

A copy of the announcement is appended below. The entire publication may be found at <http://www.tdi.state.tx.us/pubs/tdipubs9.html>, Issue I, Vol. IV.

WCNet News

Update Regarding Submission of Requests for Independent Review by Certified Independent Review Organizations (IROs)

In the case of a non-life threatening condition, an employee, the employee’s representative, or requesting provider may request review by an IRO not later than the 45th calendar day after receipt of a denial of reconsideration (see 28 TAC §133.308(g)). The request for review by an IRO must be submitted to the carrier or the carrier’s utilization review agent (URA) on IRO request form LHL009.

What if a carrier or URA receives an IRO request before reconsideration has been performed?

The carrier or URA may:

- Accept form LHL009 as the request for reconsideration, initiate the process (if the time

frame for requesting reconsideration has not lapsed)* and inform the requestor that receipt of a denial of reconsideration is required before the request will be assigned to an IRO;

- Submit the IRO request to the HWCN Division for processing if the reconsideration is denied; or
- Inform the requestor and the employee that the case is not eligible for IRO assignment and the reason why it is not eligible. If reconsideration has not been requested and the time frame for requesting reconsideration has lapsed, DO NOT SUBMIT THE IRO REQUEST TO THE DEPARTMENT.
- The time frame for requesting reconsideration: 30 calendar days after issuance of an adverse determination (28 TAC §10.103(a)(2))for Workers' Compensation Network cases. The time frame for requesting reconsideration for Workers' Compensation Non-Network cases is 15 working days after receipt of an initial denial (28 TAC §134.600(o)(1)).

The carrier or URA should initially evaluate the request to determine if it is eligible. If the carrier or URA has documented proof that a case is not eligible for IRO for any of the reasons listed in 28 TAC §133.308(h), the Department does not expect the carrier or URA to submit the request for IRO to the Department. The carrier or URA must however, inform all of the involved parties of the reason for not submitting the IRO request to the Department.

The Department will monitor and investigate any complaints received regarding the IRO process as appropriate.

To review the IRO request process and to locate the required forms, please see the PowerPoint presentation and other links on the TDI website at http://www.tdi.state.tx.us/company/iro_requests.html.