

OFFICE OF INJURED EMPLOYEE COUNSEL																							
FY 2017 Measures	Sept	Oct	Nov	1ST QTR	Dec	Jan	Feb	2ND QTR	Mar	Apr	May	3RD QTR	Jun	Jul	Aug	4TH QTR	YEAR-TO-DATE	% OF TARGET	FY2017 TARGET	High Values are?	2nd Quarter Result	Explanation of Variance	
<b>Outcome Measures</b>																							
<b>Key</b>	Outcome Measure 1.1 oc 1 Percentage of disputed issues resolved by the Office of Injured Employee Counsel prior to holding a Texas Department of Insurance administrative dispute resolution proceeding	60.95%	65.20%	62.73%	62.98%	74.70%	68.38%	54.45%	65.92%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	64.34%	103.78%	62.00%	Good	Met		
	Total Disputes Resolved Prior	1,258	1,360	1,057	3,675	1,172	1,265	869	3,306								0						
	Total Disputes Received	2,064	2,086	1,685	5,835	1,569	1,850	1,596	5,015								0						
<b>Key</b>	Outcome Measure 1.1 oc 2 Percentage of Texas Department of Insurance administrative dispute resolution proceedings in which an Ombudsman assisted an unrepresented injured employee	50.36%	45.76%	47.89%	48.00%	49.70%	49.14%	54.00%	50.88%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	49.43%	112.33%	44.00%	Good	Positive	The Office of Injured Employee Counsel (OIEC) exceeded this measure due to a higher rate of proceedings in which an Ombudsman assisted an injured employee than anticipated.	
	Total Number with Assistance	988	902	886	2,776	834	1,051	993	2,878								0						
	Total Number Proceedings Held	1,962	1,971	1,850	5,783	1,678	2,139	1,839	5,656								0						
<b>Key</b>	Outcome Measure 1.1 oc 3 Percentage of issues raised at contested case hearings where the injured employee prevailed when assisted by an Ombudsman	24.19%	24.74%	25.54%	24.81%	23.94%	22.87%	23.01%	23.25%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	23.97%	88.76%	27.00%	Good	Negative	The Office of Injured Employee Counsel (OIEC) did not meet this measure due to the continued result of the more stringent burden of proof that has been required on extent of injury disputes. Extent of injury disputes are now the majority of the issues that we encounter. The quality of the causation letters that we are able to obtain, when we actually get one, is usually insufficient to meet our burden. We hope the pending causation bill will help in this area.	
	Number issues employee prevailed	141	142	142	425	147	164	156	467								0						
	Total number of CCH issues raised	583	574	556	1,713	614	717	678	2,009								0						
<b>Key</b>	Outcome Measure 1.1 oc 4 Percentage of issues raised on appeal where the injured employee prevailed when assisted by an Ombudsman	24.53%	19.48%	20.50%	22.36%	22.64%	17.98%	12.90%	18.72%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	20.53%	89.28%	23.00%	Good	Negative	The Office of Injured Employee Counsel (OIEC) did not meet this measure due to the continued result of the more stringent burden of proof that has been required on extent of injury disputes. Extent of injury disputes are now the majority of the issues that we encounter. The quality of the causation letters that we are able to obtain, when we actually get one, is usually insufficient to meet our burden. We hope the pending causation bill will help in this area.	
	Number issues employee prevailed	92	30	41	163	72	41	24	137								0						
	Total number of appeal issues raised	375	154	200	729	318	228	186	732								0						
<b>Key</b>	Outcome Measure 2.1 oc 1 Percentage of injured employees reached about their rights & responsibilities in the workers' compensation system	90.52%	90.45%	90.67%	90.54%	90.91%	90.88%	94.68%	92.15%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	91.29%	99.23%	92.00%	Good	Met		
	Number r&rs reached	17,137	17,428	14,735	49,300	14,268	15,033	15,044	44,345								0						
	Total number r&rs mailed	18,931	19,268	16,252	54,451	15,695	16,541	15,889	48,125								0						
	Outcome Measure 3.1 oc 1 Percentage of adopted workers' compensation rules analyzed	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	100.00%	#DIV/0!	#DIV/0!	100.00%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	100.00%	100.00%	100.00%	Good	Met		
	Number All Rules Analyzed	0	0	0	0	1	0	0	1								0						
	Number All Rules Adopted	0	0	0	0	1	0	0	1								0						
	Outcome Measure 3.1 oc 2 Percentage of adopted workers' compensation rules in which the Office of Injured Employee Counsel participated	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	100.00%	#DIV/0!	#DIV/0!	100.00%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	100.00%	100.00%	100.00%	Good	Met		
	Number IE rules participated	0	0	0	0	1	0	0	1								0						
	Number IE rules adopted	0	0	0	0	1	0	0	1								0						
<b>Key</b>	Outcome Measure 3.1 oc 3 Percentage of adopted workers' compensation rules changed for the benefit of injured employee as a result of the Office of Injured Employee Counsel participation	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	100.00%	#DIV/0!	#DIV/0!	100.00%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	100.00%	133.33%	75.00%	Good	Positive		
	Number rules changed	0	0	0	0	1	0	0	1								0						
	Number IE rules participated	0	0	0	0	1	0	0	1								0						
<b>Output Measures</b>																							

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	<i>Output Measure 1.1.1 op 1</i> Number of injured employees prepared for a benefit review conference by an Ombudsman	919	806	508	2,233	469	475	456	1,400				0				0	3,633	132.11%	5,500	Good	Positive	The Office of Injured Employee Counsel (OIEC) exceeded this measure due to more BRCs preparations were provided than anticipated.
<b>Key</b>	<i>Output Measure 1.1.1 op 2</i> Number of benefit review conferences with Ombudsman assistance	710	647	602	1,959	567	742	685	1,994				0				0	3,953	121.63%	6,500	Good	Positive	The Office of Injured Employee Counsel (OIEC) exceeded this measure due to more BRCs w/ ombudsman assistance were provided than anticipated.
	<i>Output Measure 1.1.1 op 3</i> Number of injured employees prepared for a contested case hearing by an Ombudsman	440	356	298	1,094	327	255	344	926				0				0	2,020	134.67%	3,000	Good	Positive	The Office of Injured Employee Counsel (OIEC) exceeded this measure due to more CCHs preparations were provided than anticipated.
<b>Key</b>	<i>Output Measure 1.1.1 op 4</i> Number of contested case hearings with Ombudsman assistance	278	255	284	817	267	309	308	884				0				0	1,701	113.40%	3,000	Good	Positive	The Office of Injured Employee Counsel (OIEC) exceeded this measure due to more CCHs w/ ombudsman assistance were provided than anticipated.
<b>Key</b>	<i>Output Measure 1.1.1 op 5</i> Number of injured employees prepared for an appeal by an Ombudsman	95	134	110	339	107	106	131	344				0				0	683	136.60%	1,000	Good	Positive	The Office of Injured Employee Counsel (OIEC) exceeded this measure due to more appeals w/ ombudsman assistance were provided during the first quarter than anticipated.
	<i>Output Measure 2.1.1 op 1</i> Number of telephone calls made or received by the Office of Injured Employee Counsel where injured employees were educated or assisted	25,608	24,701	21,790	72,099	19,795	22,213	19,298	61,306				0				0	133,405	121.28%	220,000	Good	Positive	The Office of Injured Employee Counsel (OIEC) exceeded this measure due to an increase in both phone calls and emails.
	<i>Output Measure 2.1.1 op 2</i> Number of in-person visits (walk-ins) by injured employees assisted at local field offices by the Office of Injured Employee Counsel	2,414	2,264	2,065	6,743	2,031	2,340	2,129	6,500				0				0	13,243	98.10%	27,000	Good	Met	
	<i>Output Measure 2.1.1 op 3</i> Number of public outreach presentations performed	32	22	17	71	19	16	15	50				0				0	121	186.15%	65	Good	Positive	The Office of Injured Employee Counsel (OIEC) exceeded this measure due to more outreach presentations given than anticipated.
	<i>Output Measure 2.1.1 op 4</i> Number of referrals to the Department of Assistive and Rehabilitative Services, the Texas Workforce Commission, the Texas Department of Insurance, or other social or regulatory services	299	257	239	795	167	294	239	700				0				0	1,495	62.29%	4,800	Good	Negative	The Office of Injured Employee Counsel (OIEC) did not meet this measure due to a sharp decline in referrals to Texas Workforce Commission and to other social and regulatory services.
<b>Key</b>	<i>Output Measure 3.1.1 op 1</i> Number of adopted workers' compensation rules analyzed by the Office of Injured Employee Counsel	0	0	0	0	1	0	0	1				0				0	1	16.67%	6	Good	Negative	The Office of Injured Employee Counsel does not have any control over how many rules are adopted by the Texas Department of Insurance-Division of Workers' Compensation during a fiscal year. During the first quarter, TDI-DWC did not adopt any rules, therefore it was impossible for us to meet the performance measure target. OIEC does analyze all rules that are adopted and this is tracked in non-key outcome measure 3.1 oc and 1.
<b>Key</b>	<i>Output Measure 3.1.1 op 2</i> Number of adopted workers' compensation rules in which the Office of Injured Employee Counsel participated	0	0	0	0	1	0	0	1				0				0	1	25.00%	4	Good	Negative	The Office of Injured Employee Counsel does not have any control over how many rules are adopted by the Texas Department of Insurance-Division of Workers' Compensation during a fiscal year. During the first quarter, TDI-DWC did not adopt any rules, therefore it was impossible for us to meet the performance measure target.
	<i>Output Measure 3.1.1 op 3</i> Number of adopted workers' compensation rules changed for the benefit of injured employees as a result of the Office of Injured Employee Counsel participation	0	0	0	0	1	0	0	1				0				0	1	33.33%	3	Good	Negative	The Office of Injured Employee Counsel does not have any control over how many rules are adopted by the Texas Department of Insurance-Division of Workers' Compensation during a fiscal year. During the second quarter, TDI-DWC adopted one rule, therefore it was impossible for us to meet the performance measure target.

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<i>Output Measure 3.1.1 op 4</i> Number of assists a regional staff attorney provides to an Ombudsman	324	330	270	924	221	292	269	782				0				0	1,706	126.37%	2,700	Good	Positive	The Office of Injured Employee Counsel (OIEC) exceeded this measure due to a higher rate of assists from regional staff attorneys to an Ombudsman than anticipated.

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<b>Efficiency Measures</b>																							
<i>Efficiency Measure 1.1.1 ef 1</i> Average number of days to resolve a disputed issue prior to entering the Texas Department of Insurance administrative dispute resolution system	22.35	18.31	20.47	20.37	19.75	26.50	24.75	24.01	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	22.17	100.77%	22.0	Bad	Met		
<i>Total # days from ID'd to resolved</i>	10,304	8,478	6,797	25,579	6,934	12,748	9,899	29,581				0				0	55,160						
<i>Number of issues resolved prior</i>	461	463	332	1,256	351	481	400	1,232				0				0	2,488						
<b>Key</b> <i>Efficiency Measure 2.1.1 ef 1</i> Average number of educational sessions provided to or on behalf of injured employees per month	28,054	26,987	23,872	26,304	21,845	24,569	21,442	22,619	0	0	0	0	0	0	0	0	24,462	122.31%	20,000	Good	Positive	The Office of Injured Employee Counsel (OIEC) exceeded this measure due to more telephone calls, walk-ins, and outreach presentations were provided during the first quarter than anticipated.	
<i>211op1+211op2+211op3</i>	28,054	26,987	23,872	78,913	21,845	24,569	21,442	67,856	0	0	0	0	0	0	0	0	146,769						
<i>Number of months in reporting period</i>	1	1	1	3	1	1	1	3	1	1	1	3	1	1	1	3	6						



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<b>Explanatory Measures</b>																							
<i>Explanatory Measure 1.1.1 ex 1</i> Average dollar amount saved per injured employee when assisted by an Ombudsman		\$1,366		\$1,366		\$1,574		\$1,574		#DIV/0!		#DIV/0!		#DIV/0!		#DIV/0!	\$1,574	87.45%	\$1,800	Good	Negative	The Office of Injured Employee Counsel (OIEC) did not meet this measure due to a smaller amount of approved attorney fees paid than anticipated.	
<i>Sum of fees approved to be paid</i>		\$1,923,987		\$1,923,987		\$3,776,423		\$3,776,423		\$0		\$0		\$0		\$0	\$3,776,423						
<i>Number claims w/ approved atty fees</i>		1,408		1,408		2,399		2,399		0		0		0		0	2,399						
<i>Explanatory Measure 1.1.1 ex 2</i> Number of disputed issues resolved prior to entering the Texas Department of Insurance administrative dispute resolution system	461	463	332	1,256	351	481	400	1,232				0				0	2,488	92.15%	5,400	Good	Negative	The Office of Injured Employee Counsel (OIEC) did not meet this measure due to a higher rate of disputes going on to a BRC than anticipated.	
<b>Key</b> <i>Explanatory Measure 1.1.1 ex 3</i> Number of preparation appointments held prior to a benefit review conference by an Ombudsman	1,675	1,665	1,339	4,679	1,363	1,531	1,283	4,177				0				0	8,856	118.08%	15,000	Good	Positive	The Office of Injured Employee Counsel (OIEC) exceeded this measure due to a higher rate of benefit review preparations by an Ombudsman than anticipated.	
<b>Key</b> <i>Explanatory Measure 1.1.1 ex 4</i> Number of preparation appointments held prior to a contested case hearing by an Ombudsman	469	489	483	1,441	484	520	563	1,567				0				0	3,008	120.32%	5,000	Good	Positive	The Office of Injured Employee Counsel (OIEC) exceeded this measure due to a higher rate of contested case hearing preparations by an Ombudsman than anticipated.	
<b>Key</b> <i>Explanatory Measure 1.1.1 ex 5</i> Number of preparation appointments held for an appeal by an Ombudsman	96	136	115	347	112	115	136	363				0				0	710	135.24%	1,050	Good	Positive	The Office of Injured Employee Counsel (OIEC) exceeded this measure due to a higher rate of appeal preparations by an Ombudsman than anticipated.	
<i>Explanatory Measure 3.1.1 ex 1</i> Number of workers' compensation rules adopted	0	0	0	0	1	0	0	1				0				0	1	16.67%	6	Good	Negative	The Office of Injured Employee Counsel does not have any control over how many rules are adopted by the Texas Department of Insurance-Division of Workers' Compensation during a fiscal year. During the first quarter, TDI-DWC did not adopt any rules, therefore it was impossible for us to meet the performance measure target.	

**SUMMARY**

KEY MEASURES			
Met Target	2	10	71.43% Positive Performance
Variance is Positive	8		
Variance is Negative	4	4	28.57% Negative Performance
Total Measures	14		

The Goal for Positive Performance is 80%

ALL MEASURES			
Met Target	6	19	65.52% Positive Performance
Variance is Positive	13		
Variance is Negative	10	10	34.48% Negative Performance
Total Measures	29		