



## OFFICE OF INJURED EMPLOYEE COUNSEL

NORMAN DARWIN, PUBLIC COUNSEL

### **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. 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 the system through the Division of Workers' Compensation.

You can contact the Office of Injured Employee Counsel by calling the toll-free telephone number 1-866-EZE-OIEC (1-866-393-6432). Also, more information is available on the Internet at: [www.oiec.state.tx.us](http://www.oiec.state.tx.us) <<http://www.oiec.state.tx.us>>.

You can contact the Division of Workers' Compensation by calling the toll-free telephone number 1-800-252-7031. More information about the Division of Workers' Compensation is available on the Internet at: <<http://www.tdi.state.tx.us/wc/indexwc.html>>.

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

**1. You may have the right to receive benefits.**

You may receive benefits regardless of who was at fault for your injury with certain exceptions, such as:

- You were intoxicated at the time of the injury;
- You injured yourself on purpose or while trying to injure someone else;
- You were injured by another person for personal reasons;
- You were injured by an act of God;
- Your injury occurred during horseplay; or
- Your injury occurred while voluntarily participating in an off-duty recreational, social, or athletic activity.

**2. You have the right to receive medical care to treat your workplace injury or illness. There is no time limit to receive this medical care as long as it is medically necessary and related to the workplace injury.**

**3. Choosing 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.
- If you are not in a network, you may choose any doctor who is willing to treat your workers' compensation injury.
- 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.

**4. You have the right to hire an attorney at any time to help you with your claim.**

**5. You have the right to receive information and assistance from the Office of Injured Employee Counsel at no cost.**

Staff is available to answer your questions and explain your rights and responsibilities by calling the toll-free telephone number 1-866-EZE-OIEC (1-866-393-6432) or visiting any Division of Workers' Compensation/Office of Injured Employee Counsel local field office.

**6. You have the right to receive ombudsman assistance if you do not have an attorney and a dispute resolution proceeding about your claim has been scheduled.**

An ombudsman is an employee of the Office of Injured Employee Counsel. Ombudsmen are trained in the field of

workers' compensation and provide free assistance to injured employees who are not represented by attorneys. At least one Ombudsman is located in each local field office to assist you at a benefit review conference (BRC), contested case hearing (CCH), and an appeal. However, Ombudsmen cannot sign documents for you, make decisions for you, or give legal advice.

**7. You have the right for your 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 the Division of Workers' Compensation.

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

**1. You have the responsibility to tell your employer if you have been injured at work or in the scope of your employment.**

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. Your employer must give you a copy of the TDI network rules. Read the rules carefully. If there is something you do not understand, ask your employer or call the Office of Injured Employee Counsel. 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.state.tx.us/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 provider 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 claim form (DWC-41) to the Division of Workers' Compensation. 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 DWC-41 form even if you already are receiving benefits. You may lose your right to benefits if you do not send the completed claim form to the Division of Workers' Compensation. Call 1-800-252-7031 or 1-866-393-6432 for a copy of the DWC-41 form.

**6. You have the responsibility to provide your current address, telephone number, and employer information to the Division of Workers' Compensation and the insurance carrier.**

**7. You have the responsibility to tell the Division of Workers' Compensation and the insurance carrier any time there is a change in your employment status or wages. Examples include:**

- You stop working because of your injury;
- You start working; or
- You are offered a job.



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### **Draft Notice of Injured Employee Rights and Responsibilities in the Texas Workers' Compensation System for Discussion Purposes Only.**

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

##### **1. You have the right to hire an attorney at any time to help you with your claim.**

For assistance locating an attorney contact the Texas State Bar referral service at:

<http://www.texasbar.com/>

##### **2. You may have the right to receive medical and income benefits.**

- You may receive benefits regardless of who was at fault for your injury with certain exceptions, such as:
- You were intoxicated at the time of the injury;
- You injured yourself on purpose or while trying to injure someone else;
- You were injured by another person for personal reasons;
- You were injured by an act of God;
- Your injury occurred during horseplay; or
- Your injury occurred while voluntarily participating in an off-duty recreational, social, or athletic activity.

##### **3. You have the right to receive medical care to treat your workplace injury or illness.**

The medical care may continue for as long as it is reasonable and medically necessary and related to the workplace injury.

- You may request Medical Dispute Resolution if you disagree with the insurance carrier regarding medical benefits.
- You have the right to recourse if the insurance carrier denies your claim.

##### **4. You may have the right to receive income benefits for part of your lost income in the form of temporary income benefits (TIBs), impairment income benefits (IIBs), supplemental income benefits (SIBs) and/or lifetime income benefits (LIBs).**

- You may request Indemnity (Income) Dispute Resolution if you disagree with the insurance carrier regarding income benefits.

##### **5. 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.
- If you are not in a network, you may choose any doctor who is willing to treat your workers' compensation injury.
- 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.

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

You have the right to receive Ombudsman assistance if you do not have an attorney and you need assistance with scheduling a dispute resolution proceeding about your workers' compensation claim.

An Ombudsman is an employee of OIEC. Ombudsmen are trained in the field of workers' compensation and provide free assistance to injured employees who are not represented by attorneys. At least one Ombudsman is located in each local field office to assist you at a benefit review conference (BRC), contested case hearing (CCH), and an appeal. However, Ombudsmen cannot sign documents for you, make decisions for you, or give legal advice.

**7. You have the right to have your proceeding from OIEC and DWC staff within 75 miles from your home.**

Many services provided by the agencies can be completed over the telephone. However, you are entitled to have BRC, CCH, and appeal proceedings held in a location that is not more than 75 miles from your residence.

**8. You have the right for your 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.

**9. You have the right to travel reimbursement for mileage as related to medical or mandated medical examination appointments if you meet the qualifying conditions.**

**10. You may have the right to rehabilitation and training provided by a vocational rehabilitation program.**

### **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 guidelines. 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 provider 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 (DWC-041) 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 DWC-041 form even if you already are receiving benefits.
- You may lose your right to benefits if you do not send the completed claim form to DWC.
- Call OIEC at 1-866-393-6432 for a copy of the DWC-041 form.

**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 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. The maximum burial benefit is \$6,000.00.**

**9. You have the responsibility to avoid making frivolous or fraudulent claims or demands.**

As an injured employee in Texas, you have the right to free assistance from OIEC at no cost to you.

This assistance is offered at local offices across the State. These local offices also provide other workers' compensation system services from TDI. TDI is the state agency that administers the workers' compensation system through DWC.

You can contact OIEC by calling the toll-free telephone number 1-866-EZE-OIEC (1-866-393-6432). Also, more information 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 at 1-800-252-7031. More information about DWC is available on the Internet at: <http://www.tdi.texas.gov>.