



OFFICE OF INJURED EMPLOYEE COUNSEL

NORMAN DARWIN, PUBLIC COUNSEL

Stakeholder Meeting Minutes

June 13, 2011

1. Welcome and Introductions

a. In attendance:

Stuart Colburn

John Pringle

Warren Cooper

Amy Lee

Dirk Johnson

Patricia Gilbert

Lucinda Saxon

Nick Huestes

Ruth Bading

Betsy Norton

Trey Gillespie

Diana Johnson

Dr. Alexander Prychdko

Steve Nichols

Richard Evans

Theresa Hankins

2. Sunset Across-the-Board (ATB) Recommendations

a. *No comments from stakeholders.*

b. *Deadline for comments is July 8, 2011 at 5:00 p.m.*

3. Proposed Ethics Rules

a. *Comments are due by June 13, 2011 at 5:00 p.m.*

(John Pringle) Agrees with all comments that were made via email.

(John Pringle) Feels sufficient time has been given to comment on the rules.

(Stuart Colburn) Agrees with Joe Anderson's email comments on § 276.7 and 276.8.

(Stuart Colburn) Regarding the Office of Injured Employee Counsel (OIEC)'s Ethics Committee, we should consider having a non-OIEC employee on the committee; perhaps someone from a claimant's group or someone from the Division of Workers Compensation (DWC).

(Stuart Colburn) Mr. Colburn took issue with the use of the term advocate in § 276.13(b). Mr. Colburn felt that OIEC's advocacy role is not meant to extend beyond advocating in the rule making process. He feels that general advocacy is outside of OIEC's authority and that we should revise our ethics rules throughout to clarify our advocacy role.

(Dirk Johnson) We should strike § 276.13(b) completely because we only need to reference the statute in the preamble. We should also avoid defining our services (as they may change) and should simply reference the statute when describing the services we are able to provide. Portions of the language in § 276.13(b) needs to be removed.

4. Rights and Responsibilities

a. *Comments due by July 8, 2011 at 5:00 p.m.*



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- (John Pringle) Under Rights (1), we should strike “at any time”.
- (Dirk Johnson) We should add a disclaimer somewhere in our Rights and Responsibilities to clarify that DWC’s rules trump OIEC’s rules. Otherwise, we should refrain from citing specific entitlements which may be subject to change by DWC’s rule.
- (Dirk Johnson) Strike the defined dollar amount in Responsibilities (8) because burial benefit amount will change.
- (Pringle) Add “unless there is good cause shown” to proceedings being held within 75 miles from one’s residence in Rights (7).
- (Stuart Colburn) Under Responsibilities (3), add “self-insured” before political subdivision. We should also consider moving (6) to position (4) and include OIEC’s telephone number.
- (Stuart Colburn) Add OIEC, DWC, and Texas Department of Insurance (TDI)’s contact telephone numbers somewhere early in the document.
- (Colburn and Pringle) Take out “qualifying conditions” language from Responsibilities (9) and (10).
- (Dr. Andrew Prychdko (sp)) Include some language in Rights (3) to say that Injured Employees (IEs) have the right to appeal denied medical care.
- (Pringle) Right to appeal denied medical care and right to medical travel reimbursement could be included in Rights (3).
- (Stuart Colburn) Add stronger language to Responsibilities (9) which says that IEs have the responsibility “not” to make fraudulent claims. In other words, remove “avoid.”
- (John Pringle) Also remove “frivolous” from Responsibilities (9).
- (Stuart Colburn) Remove frivolous throughout the Rights and Responsibilities.

5. OIEC Business Plan and Budget

- a. Mr. Brian White, Deputy Public Counsel/Chief of Staff announced that OIEC’s Budget and Expenditures as well as the Business Plan are reported monthly on OIEC’s web site at www.oiec.state.tx.us