

Workers' Compensation Network Contract with Insurance Carrier Contract Requirements Checklist

We have made every effort to ensure the completeness of the information contained in this document. However, the reader must consult the Texas Insurance Code (TIC), Texas Labor Code, and Title 28 of the Texas Administrative Code (28 TAC) and other applicable laws relating to a Workers' Compensation Health Care Network (network) to determine the accuracy and completeness of all requirements. The reader may access [insurance statutes and rules](#) and [DWC rules](#).

Filing Requirements

Page _____: Network must file a copy of the form of any new contract or subcontracts or any changes to previously filed contracts. [TIC Section 1305.053](#), [28 TAC Section 10.22\(5\)](#), and [28 TAC Section 10.25\(b\)](#).

Relevant Definitions

- "Insurance carrier" - [TIC Section 1305.053](#); [Labor Code Section 401.011](#); [28 TAC Section 10.2](#)
- "Network" or "workers' compensation health care network" - [TIC Section 1305.004](#)
- "Transfer of Risk" - [TIC Section 1305.004](#)

Network Contract with Carrier Required

A network may provide health care services to employees **only through a written contract with an insurance carrier. Exceptions: Emergencies and approved out-of-network referrals** [TIC Section 1305.154](#)

Network Contract with Insurance Carrier: Prohibited Provisions

Page _____: Transfer of risk prohibited [TIC Section 1305.151](#); [28 TAC Section 10.41\(a\)\(16\)](#)

Network and Insurance Carrier Functions

Page _____: A carrier and a network may negotiate the functions to be provided by the network, except that the network shall contract with providers for the provision of health care and shall perform functions related to the operation of a quality improvement program and credentialing. [TIC Section 1305.154\(b\)](#)

Required Provisions in Network Contract with Insurance Carrier

Page _____: Description of delegated functions [TIC Section 1305.154\(c\)\(1\)](#); [28 TAC Section 10.41\(a\)\(1\)](#)

Page _____: Compliance with Chapter 1305, Texas Workers' Compensation Act, and TDI rules (compliance by network, management contractor, and third party [TIC Section 1305.154\(c\)\(2\)](#); [28 TAC Section 10.41\(a\)\(2\)](#))

Page _____: Termination of contract (with and without cause) [TIC Section 1305.154\(c\)\(3\)](#); [28 TAC Section 10.41\(a\)\(3\)\(A\)-\(B\)](#)

Page _____ : Hold-harmless provision (applicable to network, management contractor, and third party) [TIC Section 1305.154\(c\)\(4\)](#); [28 TAC Section 10.41\(a\)\(4\)](#)

Page _____ : Carrier retains ultimate responsibility (of all delegated functions, management contractor functions, compliance of statutes and rules, and financial responsibility) [TIC Section 1305.154\(c\)\(5\)](#); [28 TAC Section 10.41\(a\)\(5\)](#)

Page _____ : Network's role [TIC Section 1305.154\(c\)\(6\)](#); [28 TAC Section 10.41\(a\)\(6\)](#)

Page _____ : Carrier's oversight and monitoring [TIC Section 1305.154\(c\)\(6\)](#); [28 TAC Section 10.41\(a\)\(6\)](#)

Page _____ : Data network must provide monthly to carrier (data necessary for the carrier to comply with reporting requirements) [TIC Section 1305.154\(c\)\(7\)](#); [28 TAC Section 10.41\(a\)\(7\)\(A\)-\(C\)](#)

Page _____ : Compliance with reporting requirements (applicable to network, management contractor, and delegated third party) [TIC Section 1305.154\(c\)\(8\)](#); [28 TAC Section 10.41\(a\)\(8\)](#)

Page _____ : License numbers of management contractor, delegated third party, URA, or any party that performs a function *that requires* a license [TIC Section 1305.154\(c\)\(8\)](#); [28 TAC Section 10.41\(a\)\(8\)](#)

Page _____ : Contingency plan [TIC Section 1305.154\(c\)\(9\)\(A\)-\(D\)](#); [28 TAC Section 10.41\(a\)\(9\)\(A\)-\(F\)](#)

Page _____ : Written delegation agreement required (required for any function delegated to a management contractor or any third party) [TIC Section 1305.154\(c\)\(10\)](#); [28 TAC Section 10.41\(a\)\(10\)](#)

Page _____ : Written delegation agreement must require that the delegated third party or management contractor be subject to all the requirements of Chapter 1305, Subchapter D, and 28 TAC Chapter 10 [TIC Section 1305.154\(c\)\(10\)](#); [28 TAC Section 10.41\(a\)\(10\)](#)

Page _____ : Network must provide license numbers of management contractor, delegated third party, URA, or any party that performs a function **that requires** a license [TIC Section 1305.154\(c\)\(11\)](#); [28 TAC Section 10.41\(a\)\(11\)](#)

Page _____ : Acknowledgment of compliance by management contractor and third party with applicable of statutes and rules; carrier and network oversight and monitoring of performance [TIC Section 1305.154\(c\)\(12\)\(A\)](#); [28 TAC Section 10.41\(a\)\(12\)\(A\)](#)

Page _____ : Acknowledgment that carrier or network may cancel delegation of any or all delegated functions (if management contractor or third party fails to meet monitoring standards and are not in full compliance with all statutory and regulatory requirements) [TIC Section 1305.154\(c\)\(12\)\(B\)](#); [28 TAC Section 10.41\(a\)\(12\)\(B\)](#)

Page _____ : Information for compliance with 28 TAC Section 10.60 (network, management contractor or third party must provide information to carrier) [TIC Section 1305.154\(c\)\(13\)](#); [28 TAC Section 10.41\(a\)\(13\)](#)

Page _____ : TDI examination of management contractor or third party [TIC Section 1305.154\(c\)\(14\)](#); [28 TAC Section 10.41\(a\)\(14\)](#)

Page _____ : Complaint system required [28 TAC Section 10.41\(a\)\(15\)\(A\)](#)

Page _____ : Complaint log; carrier right to complaint files [28 TAC Section 10.41\(a\)\(15\)\(B\)](#)

Page _____ : Transfer of risk (nothing in contract may be interpreted as a transfer of risk) [28 TAC Section 10.41\(a\)\(16\)](#)

Page _____ : Carrier's contingency plan [28 TAC Section 10.41\(a\)\(17\)](#)

Page _____ : Compliance with federal and state laws [28 TAC Section 10.41\(a\)\(18\)](#)

Questions

If you have questions or require assistance regarding the information provided in this checklist, call 512-676-6400, select Option 3.

Your rights

You can request information we have about you by emailing OpenRecords@tdi.texas.gov or writing to: Public Information Coordinator, Texas Department of Insurance, P.O. Box 12030 (mail code GC-ORO) Austin, Texas 78711-2030. You also have the right to ask that we fix information we have about you that is wrong. To ask for a correction, send (1) your name, mailing address, and your phone number, (2) details about what needs to be fixed, and (3) the reason or proof showing why the information is wrong. Send this by email to RecordCorrections@tdi.texas.gov or by mail to: Record Correction Request, Texas Department of Insurance, P.O. Box 12030 (mail code CO-AAL-CC), Austin, Texas 78711-2030.