

The Fundamentals of Workers' Compensation

A Presentation for:

Yuba Community College

Presented by:

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Agenda



- Claim Reporting and Injury Investigation
- Compensability Determination
- Medical Treatment
- Temporary Disability
- Permanent Disability Disability
- Apportionment
- Resolving Disputes
- Vocational Rehabilitation

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Agenda



- Employee's Responsibilities
- Temporary Transitional Work & Return to Work program
- Common Acronyms



Reporting Requirements

Same day reporting is a MUST.

**Late reporting could have financial ramifications
due to tight time constraints.**

California state law requires Keenan & Associates, as your Workers' Compensation program third party administrator (TPA), to provide payment to an injured worker within 14 days from the last day worked, if the disability causes more than three (3) days of lost time.



Reporting Requirements



Mandatory State Form:

- **Form 5020 – Employer’s Report of Occupational Injury or Illness**

California state law requires that the employer submit Form 5020, Employer’s Report of Occupational Injury or Illness within five (5) days to report every employee industrial injury or occupational illness that results in lost time beyond the date of injury or that results in medical treatment other than First Aid.

- **Form can be completed through Ultra Claims*ONLINE***



■ Injury Investigation and Future Prevention ■

- Focus on providing any needed medical care.
- Refer to your designated Frontline Provider.
- In case of emergency, dial 911.



Injury Investigation and Future Prevention

An immediate investigation enables you to preserve the evidence while it is fresh. In addition, performing diligent investigations will strongly deter potential perpetrators of fraud from attempting such activities.

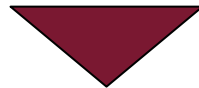
- Preserve the evidence (if applicable)
- Take photographs
- Document the location of the injury
- Provide body part affected and how it was affected
- Determine how the injury occurred
- Promptly identify and interview all potential witnesses
- Determine how the injury could have been prevented
- Corrective action taken to prevent similar injury in the future





■ **Taking Care of the Employee and Facilitating Prompt Medical Attention** ■

- The intent of the Workers' Compensation system is to compensate workers who are injured on the job.
- Workers' Compensation is a no fault system. Benefits cannot be denied due to employee negligence.
- Compensation can include: medical care, surgery, medical equipment, dentures, glasses, and transportation.





Compensability Determination

- If liability is not rejected within 90 days of receipt of the claim form (DWC-1), the claim is deemed compensable (accepted.)
- Employer must provide medical treatment for the injured worker within one day of knowledge of injury, up to \$10,000.

Treatment subject to ACOEM guidelines.

Includes mileage, prescriptions, etc.



Medical Treatment



- Must be consistent with American College of Occupational Environment Medicine (ACOEM) guidelines and UR process
- Subject to utilization review (UR)
- Physical therapy, chiropractic, and occupational therapy limited to 24 visits each.

Applies to date of injury 01-01-04 or after

Additional visits may be authorized if warranted
(burn injuries, etc.)

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Medical Treatment

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- Primary Treating Physician (PTP) Presumption repealed

Retroactive – all dates of injury





Temporary Disability Benefits

(benefit the injured worker receives when unable to work)

- Limits temporary disability benefits to 104 aggregate weeks in a two (2) year period with a few exceptions to the rule.

Permanent Disability

(benefit to compensate for inability to compete in the labor market)

- New way of calculating benefits effective 01-01-05.

Applies to all claims, regardless of date of injury, if prior permanent disability determination not made.

Amount of permanent disability based on AMA guidelines, rating whole body as opposed to individual body part ratings.



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Permanent Disability

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- Payments increase 15% if not returned to work in a permanent modified capacity.
- Payments decrease 15% if returned to work in a permanent modified capacity.





“Permanent Disability”

Does it mean Permanently Departed from the District?

Answer:

No. For example, a 10% disabled rating would mean that the injured worker would be excluded (could not perform) 10% of jobs on the open labor market. **This doesn't mean the employee is unable to return to work doing their regular job!**





Apportionment

- Allowed for a prior existing disability or prior award.
- Apportionment can be based on causation.
- Employee must disclose prior awards for permanent disability.

Vocational Rehabilitation

- Now paid via voucher, based on final amount of permanent disability determined.
- \$4,000 to \$10,000 depending on level of permanent disability

Employees Responsibilities



Reasonable Expectations

- Report any and all hazards in and around their immediate workplace and Campus Grounds to their direct Supervisor/Management
- Adhere to all Safety practices as described by the College Safety Committee, Supervisor/Management
- If interested, complete their physician pre-designation form prior to an accident
- After an injury, and if beyond First Aid, thoroughly complete their section of the DWC-1/Employee Claim form
- Adhere to the treating physicians orders and comply with the treatment plan including keeping final appointments through discharge
- Immediately after medical appointments, submit all Doctors notes, pertaining to their work status, to their immediate supervisor, H.R. personnel

Employee Responsibilities



- Should the College make available a transitional task accommodates the Work Restrictions described by the treating physician, the injured worker MUST make an effort to return to the workplace and adhere to the work restrictions. Failure to do so could jeopardize their benefits
- Employee should make an effort to schedule medical appointments, including physical therapy, before or after their work shift. If the medical facility does not have extended office hours, the employee should make every effort to schedule their appointments as close to the beginning/end of their work shift so as not to disrupt the employee/districts work schedule. This will also conserve the employees leave benefits



Temporary Transitional Work and Return-to-Work Program

Why it is important to the employee and the district.

Benefits to the employee:

- It speeds recovery.
- The employee maintains their self-esteem by providing valuable work for their employer.
- The employee continues to be a productive part of their team, even though they are not 100%.



Temporary Transitional Work

Benefits to the employer:

- Fosters loyalty
- Increases morale
- The employee feels connected to the workplace.
- An out-of work employee feels disconnected.
- With the budget being so tight, Managers and Supervisors have the ability to impact Workers' Compensation costs in a positive manner.
- Return-to-Work program impacts Workers' Compensation cost.
- Save 15% in permanent disability payments.





Temporary Transitional Work



In Summary

- **It is important to return the injured worker back to work as soon as possible.**
- **The temporary modified duty/tasks should be meaningful work that maintains the employee's self-esteem.**
- **Managers and Supervisors must adhere to the injured worker's temporary restrictions.**
- **Communication is the key to an effective RTW program.**
- **There could be a 30% swing in permanent disability paid, based on Employer's ability to offer regular modified or alternative work on a permanent basis.**

Common Acronyms

A.D.	Administrative Director
AOE/COE	<u>Arising Out of</u> or in the <u>Course of Employment</u>
ACOEM	American College of Occupational & Environmental Medicine
AMA	American Medical Association
AME	Agreed Medical Evaluator
C&R	Compromise & Release
HCO	Health Care Organization
IMR	Independent Medical Review
MPN	Medical Provider Network
PD	Permanent Disability
P&S	Permanent & Stationary

Common Acronyms

PTP	Primary Treating Physician
QME	Qualified Medical Evaluator
RTW	Return to Work
SJDV	Supplemental Job Displacement Voucher
STIP	Stipulated Award
TPD	Temporary Partial Disability
TTD	Temporary Total Disability
UR	Utilization Review
WCAB	Workers' Compensation Appeals Board
WCJ	Workers' Compensation Judge

■ We Are Here to Help ■

Branch Support	Branch Support
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Questions?

