

Golden Nuggets of Workers' Compensation

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Session Goals:
Tips to improve claim
workflow
and avoid pitfalls.

Prior to Claim/Injury & Intake of Injury on Employer Side

Pitfall: Should forms be only posted on Intranet and not Internet (for those employees out in the field).

Tip: Reporting workflow is important for completeness/accuracy of paperwork.



Prior to Claim/Injury & Intake of Injury on Employer Side

Investigation Form (Supervisor Report) will have clarifying details from WC Coordinator/Employer if they have any issues or concerns about the injury.

Tip: Don't be afraid to document concerns as long as they are not worded as AOE/COE determination.

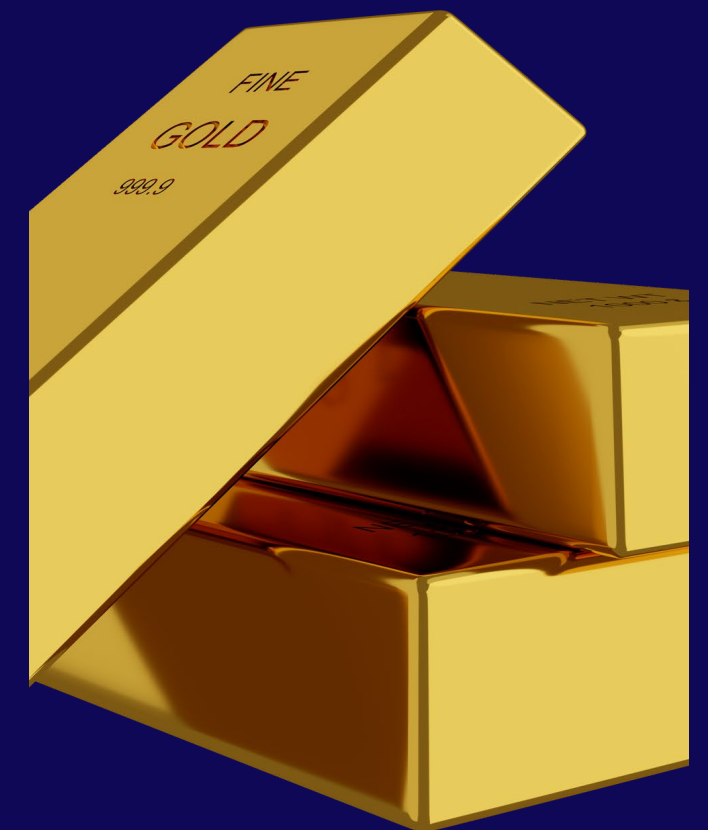


Third Party Administrator (TPA)

Pitfalls: Missing injured worker contact information on forms / incorrect date of knowledge on forms

- 24-hour injured employee contact is best practice
- Examiner can immediately make calls if forms have detailed contact information (home phone, cell phone & work phone)
- Examiner will direct to designated Urgent Care for immediate treatment & return to work information
- Employer Date of Knowledge on DWC-1 is critical for AOE/COE timeline (shortened for presumptions)
 - Knowledge of lost work days and/or
 - Knowledge of seeking medical treatment

Tips: Approval to make contact at work? Form employee signs stating no lost time and/or seeking medical treatment.



Medical Treatment

YOU are the client of the Clinic.

Pitfalls:

- Clinic does not understand the Employer's program and goals.
- Clinic only has information from Injured Worker

Tip: Establish a relationship.

Pitfall: Clinic is unable to provide effective work restrictions

Tip: Provide clinic with essential job functions.



Medical Treatment

Pitfall: Lack of progress in medical treatment

Tip – Early identification and being proactive

- follow up on next appointments.
- have scheduled meetings with Risk to discuss claims.
- Nurse case management
- MPN intervention



Return to Work Program

Pitfalls : Inconsistencies when returning to work

Lack of or unclear work restrictions

Tips :

Have clearly defined Employer Policy / Procedures and Processes

- Appointments and Attendance – does Employer pay for medical appointments ? – tracking for payroll purposes – policy/procedures
- Making Follow-up appointments
- Turning in slips after appts.
- Modified Duty



Return to Work Program

Pitfall:

- An undefined and/or inconsistent program

Tips:

- Clear policies to direct the program across the organization and supported at the highest level.
- Provide measurement to departments demonstrating impact.
- Return To Work Coordinator (TPA) helps define/clarify restrictions and timelines to be in modified duty positions.



Litigation Issues

Pitfalls:

- Overly litigated claims
- Union involvement in recommending Applicant Attorneys.

Tip: Include Human Resources/Risk Program and engage with their Labor Team when negotiating MOU (Memorandum of Understanding) Agreements that involve changes to modified duty programs/RTW (Return to Work) programs.

Tip: Ensuring there is trust between employees and management in implementing the WC program.



Litigation Issues

Pitfall : Unavoidable Litigation

Tips:

When to refer the file to the Defense Attorney:

Task Assignments

- Consultation on WC issues as they pertain to employment issues
- Meeting attendance with departments for WC process or safety issues, civil litigation
- Consulting on investigation of claims
- Best employment practices for WC program

Full Referral

Settlement



Litigation Issues - Other Task Assignments

Pitfall: Undefined Referrals

Tips:

- Depositions
- Hearings
- Mediation
- Settlement Approvals



Litigation issues - Full Legal Referral

Pitfall: Understanding when to refer the file

Tips:

- Timing of Referral:
 - During investigation: First 90 days or 75 for presumptive injuries.
- Post claim acceptance or denial
- Preparing for Med-Legal Examination
- After QME/AME report received with issues pending



Litigation Issues - Legal Referral Outline:

Pitfalls: Incomplete Litigation Referral

Tips:

- Vitals
- Position, Date of hire
- Date of injury and body parts
- Claim Status
- Benefit Status
- Legal Filings and Hearings
- Plan of Action



Litigation Issues - What documents are to be provided to counsel?

Pitfall: Incomplete claim material

Tips:

- All investigation reports
- Claim notes including prior claim history (settlements, med-legal reports with overlapping body parts)
- Medical and UR (Utilization Review) files
- Index reports, Subpoenaed medical records/release
- Legal Filings



Litigation Issues

Pitfall: Not Understanding the three prongs of litigation:

Tips:

Factual: investigation, witness statements, depositions

Medical: Prior medical history, current medical treatment and
AME/QME evaluations

Legal: Defenses, Issues, Applying Labor Code and case law, trial
outcomes



Litigation Issues

Pitfall: Not understanding when, how, and why of Settlements

Tips: Determine best option and when

Type of settlement : C&R, C&R with open medical, Stipulations

At what stage of the litigation: before or during discovery, after Med Legal, at MSC/Trial or post trial.

Approval: WCAB is required to review all settlements and supporting documents to make sure that they are fair and reasonable and to award attorney fees.

Depending on authority level, approval from governing body

Litigation Issues

Pitfalls:

Lengthy settlement approval process

Tips:

- Know the Client authority level within the organization
- Understanding organization SAR (Settlement Authority Review) process
- Timing of board meetings to approve settlements & preparing agenda items.



Litigation Issues - Subpoena of Records

Pitfall: Not complying with the subpoena.

Producing unrequested documents

Tip:

- Is it a valid subpoena?
- What are they asking for?
- Who is the actual holder of records?



Handouts

- Glossary of Terms
- County of Fresno :
 - Transitional Work Assignment Management Directive
 - Supervisor's Investigation Report
 - On the Job Injury Packet
 - Employer and Supervisor WC Guides



Questions?

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