IRMI Workers Comp
Table of Contents

- Workers Compensation Tips
- III: The Workers Compensation System
  - The Evolution of Workers Compensation Law
    - Common Law System
      - Employers Liability Statutes and Judicial Modifications
      - Early Workers Compensation Laws
    - Today's State Workers Comp Laws
      - Compulsory versus Elective Workers Compensation Laws
      - Covered Employees
      - Extraterritorial Coverage
      - Covered Injuries
      - Covered Diseases
      - Workers Compensation Benefits
      - Self-Insurance Requirements
      - Competitive and Monopolistic State Funds
    - Federal Workers Comp Laws
      - Longshore and Harbor Workers Compensation Act
      - Outer Continental Shelf Lands Act
      - Defense Base Act
      - Nonappropriated Fund Instrumentalities Act
      - Federal Employees Compensation Act (FECA)
      - Federal Coal Mine Health and Safety Act of 1969 (FCMHSA)
    - Federal Employers Liability Laws
      - Federal Employers Liability Act
      - General Maritime Law
      - Death on the High Seas Act
      - The Jones Act
      - Migrant and Seasonal Agricultural Worker Protection Act
  - The Workers Compensation Insurance Marketplace
    - Workers Compensation Insurance Markets
      - Monopolistic State Funds
      - The Voluntary Private Market
• Competitive State Funds
• Residual Market Plans
  • Alternatives to Insurance
    • Individual Self-Insurance
    • Group Self-Insurance
  • Regulation of Workers Compensation Insurance
    • The Role of NCCI
    • Reporting of Financial and Statistical Data
    • Regulation of Rates
    • Regulation of Policy Writing Rules
    • Regulation of Forms
  • IV: Residual Market Plans
    • Overview of Residual Market Plans
    • NCCI-Managed State Assigned Risk Plans
      • Employer Eligibility
      • Applying for Coverage
      • Premium Calculation and Payment
        • Rates and Rating Programs
        • Submitting Payment of Premium
        • Premium Payment Plans
      • Coverage Effective Date
      • Assignment to an Insurer
        • Certificates of Insurance
        • Cancellation and Nonrenewal
      • Coverages Available
        • Federal Laws Coverage
        • Limited Other States Coverage
        • Coverage for Operations in Multiple States
        • Increased Employers Liability Limits
        • Alternate Employer and Waiver of Subrogation Endorsements
      • Employee Leasing
      • Agency Concerns
        • Alabama--Florida Residual Market Plan Summaries
        • Georgia--Maine Residual Market Plan Summaries
        • Maryland--New Hampshire Residual Market Plan Summaries
        • New Jersey--Rhode Island Residual Market Plan Summaries
        • South Carolina--Wyoming Residual Market Plan Summaries
  • V: State Funds
    • State Funds
    • Monopolistic State Funds Overview
• Insurance Policies
• Other States Coverage
• Employers Liability Coverage
• Federal Laws Coverage
• Premium Determination
• Agent Involvement

○ North Dakota’s Workers Compensation Insurance System
  • Covered and Exempted Employments
  • All States Incidental and Temporary Coverage
  • Application to Out-of-State Employers and Employees
  • Coverage Provided
  • Agent Involvement
  • How To Obtain Coverage
  • Premium Determination
  • Premium Payment Options
  • Premium Deposits
  • Safety Programs
  • Loss Control Services
  • Claims Procedure
  • Contesting a Claim
  • For More Information

○ Ohio’s Workers Compensation Insurance System
  • Covered Employments
  • Application to Out-of-State Employers and Employees
  • Coverage Provided
  • Agent Involvement
  • How To Obtain Coverage
  • Premium Determination
  • Rating Program Options
  • Premium Payment/Payment Options
  • Other Costs
  • Safety Programs
  • Loss Control Services
  • Claims Procedure
  • Contesting a Claim
  • For More Information

○ Washington’s Workers Compensation Insurance System
  • Covered and Exempted Employments
  • Application to Out-of-State Employers and Employees
  • Coverage Provided
• Agent Involvement
• How To Obtain Coverage
• Premium Determination
• Rating Program Options
• Premium Payment
• Safety Programs
• Loss Control Services
• Claims Procedure
• Contesting a Claim
• For More Information
  o Wyoming’s Workers Compensation Insurance System
    • Covered and Exempted Employments
    • Application to Out-of-State Employers and Employees
    • Coverage Provided
    • Agent Involvement
    • How To Obtain Coverage
    • Premium Determination
    • Rating Program Options
    • Premium Deposits
    • Premium Payment Options
    • Safety Programs
    • Loss Control Services
    • Claims Procedure
    • Contesting a Claim
    • For More Information
  o Competitive State Funds Overview
  o Competitive State Fund Summaries
• VI: Insurance Coverage
  o Annotated Workers Compensation and Employers Liability Policy
    • Workers Compensation and Employers Liability Insurance Policy
      • General Section--The Policy
        • Who Is Insured
        • Workers Comp Law
        • State
        • Locations
      • Part One--Workers Compensation Insurance
        • How this Insurance Applies
        • We Will Pay
        • We Will Defend
        • We Will Also Pay
- Other Insurance
- Payments You Must Make
- Recovery from Others
- Statutory Provisions
- Part Two--Employers Liability Insurance
  - How this Insurance Applies
  - We Will Pay
  - Exclusions
  - We Will Defend
  - We Will Also Pay
  - Other Insurance
  - Limits of Liability
  - Recovery from Others
  - Actions Against Us
- Part Three--Other States Insurance
  - How this Insurance Applies
  - Coverage for New Operations in Other States
  - Coverage for Incidental Exposures in Other States
- Part Four--Your Duties If Injury Occurs
- Part Five--Premium
  - Our Manuals
  - Classifications
  - Remuneration
  - Premium Payments
  - Final Premium
  - Records
  - Audit
- Part Six--Conditions
  - Inspection
  - Long Term Policy
  - Transfer of Your Rights and Duties
  - Cancelation
  - Sole Representative
  - Index of Multistate Workers Comp Endorsements
  - Annotated Federal Coverage Endorsements
    - Defense Base Act Coverage Endorsement
    - Federal Mine Health and Safety Act Coverage Endorsement
    - Federal Employers' Liability Act Coverage Endorsement
    - Longshore and Harbor Workers' Comp Act Coverage Endorsement
    - Nonappropriated Fund Instrumentalities Act Coverage Endorsement
- Outer Continental Shelf Lands Act Coverage Endorsement
- Migrant/Seasonal Agricultural Worker Protection Act Coverage Endorsement

- Annotated Maritime Coverage Endorsements
  - Maritime Coverage Endorsement
  - Voluntary Compensation Maritime Coverage Endorsement
  - Limited Maritime Coverage Endorsement

- Other Coverage and Exclusion Endorsements
  - Alternate Employer Endorsement
  - Designated Workplace Exclusion Endorsement
  - Employers Liability Coverage Endorsement
  - Insurance Company As Insured Endorsement
  - Joint Venture As Insured Endorsement
  - Medical Benefits Exclusion Endorsement
  - Medical Benefits Reimbursement Endorsement
  - Partners, Officers and Others Exclusion Endorsement
  - Rural Utilities Service Endorsement
  - Sole Proprietors, Partners, Officers and Others Coverage Endorsement
  - Voluntary Compensation and Employers Liability Coverage Endorsement
  - Voluntary Compensation and Employers Liability Coverage for Residence Employees Endorsement
  - Waiver of Our Right To Recover from Others Endorsement
  - Workers Compensation and Employers Liability Coverage for Residence Employees Endorsement
  - Domestic and Agricultural Workers Exclusion Endorsement
  - Employee Leasing Endorsements
    - Voluntary Market
    - Residual Market
  - Terrorism and Catastrophic Loss Endorsements
    - Policies Effective on or after 12-27-2007 but Prior to 9-1-2008
    - Policies in Effect on or after 9-1-2008 but Not in Effect after 12-31-2014
    - Policies in Effect on or after January 1, 2015

- List of State Workers Compensation Endorsements

- VII: Federal Laws
  - Introduction to Federal Workers Comp & Employers Liability Laws
  - Seamen's Remedies
    - The Jones Act
      - Seamen Status
      - Vessel in Navigation Status
      - Other Elements of the Jones Act Claim
      - Defenses to the Jones Act Claim
- Jones Act Damages
- Death on the High Seas Act
  - Elements of the DOHSA Claim
  - Defenses to the DOHSA Claim
  - DOHSA Damages
- Unseaworthiness
  - Elements of the Unseaworthiness Claim
  - Defenses to the Unseaworthiness Action
  - Unseaworthiness Damages
- Wages, Maintenance, and Cure
  - Elements of the Wages, Maintenance, and Cure Claim
  - Defenses to the Wages, Maintenance, and Cure Claim
  - Wages, Maintenance, and Cure Benefits
  - Compensatory and Punitive Damages and Attorneys’ Fees
- Interrelationship of Maritime Remedies
  - The Longshore Act Including OCSLA
    - History of the Longshore Act
    - History of OCSLA
    - Covered Employees
    - Key Applicability Issues
    - Interconnection between the Longshore Act & State Workers Comp Systems
    - Covered Injuries and Diseases
    - Benefits
    - Longshore Act Claims
      - Time Limitations on Filing Claims
      - Claims Settlement Procedures
    - Insurance Requirements and Penalties
    - Medicare Set-Asides and Secondary Payer Act
    - Suits Against Third Parties under the Longshore Act
    - Suits Against Third Parties under OCSLA
      - Under Louisiana Law
  - The Defense Base Act
    - Covered Employees
    - Illustrative Caselaw
    - DBA Exclusivity
    - DBA Benefits
    - Administration of a DBA Claim
    - Insurance Coverage
  - An Overview of the Federal Black Lung Program
    - Benefits Payable under the Act
Covered Employees
- Definition of "Miner"
- Length of Employment Determination

Elements of Entitlement
- Proving the Existence of the Disease
- Proving Employment Caused the Disease
- Proving Disability
- Establishing the "Cause of Disability"

Survivors' Claims
- 2010 Amendments' Impact on Survivors' Claims

Liability for Benefits
- Definition of "Operator"
- Determination of the Responsible Operator

Benefit Payment Options

Claims Administration

Filing and Adjudication of a Claim

- Federal Employers Liability Act
  - History of FELA
  - Covered Employees
  - Actionable Negligence
  - Actionable Injury
  - Common Carriers by Railroad
  - Damages
  - Jurisdiction
  - Defenses
  - Other Considerations

- The Nonappropriated Fund Instrumentalities Act
  - Covered Employees
  - Illustrative Caselaw
  - Administration of an NFIA Claim
  - Insurance Coverage

- Migrant and Seasonal Agricultural Worker Protection Act

VIII: State Laws
- Introduction to State Workers Compensation Laws
- Overview of State Workers Compensation Laws
  - Insurance Requirements and Penalties
  - Exclusive Remedy
  - Suits Against Third Parties
  - Waiver of Subrogation
  - Employments Subject to the Act
- Independent Contractors
- Employee Leasing
- Sole Proprietors, Partners, Executive Officers, and Limited Liability Companies
- Elective Coverage
- Minors
- Extraterritorial Application
- Injuries Not Covered
- Occupational Disease
- Mental Injury Coverage
- Physician Choice/Workers Comp Managed Care Organizations
- Medical Fee Schedule
- Attorney Involvement
- Cancellation/Nonrenewal Provisions
- Employee Injury Claim and Notice Requirements
- Employer Regulatory Reporting Requirements
  - Individual State Workers Compensation Law Summaries
  - Overview of State Workers Compensation Benefits
    - Temporary Total Disability Benefits
    - Permanent Total Disability Benefits
    - Temporary Partial Disability Benefits
    - Permanent Partial Disability Benefits
    - Max Benefit Payments/Number of Weeks for Permanent Partial Disabilities
    - Payment Methods of Scheduled Awards
    - Adjustment of Maximum Benefit Levels
    - Disfigurement Benefits
    - Death Benefits for Surviving Spouses and Children
    - Maximum Burial Allowance
    - Compensation Waiting Periods
    - Method of Compensation Payment
    - Workers Comp Law Offset Provisions
      - Individual State Workers Compensation Benefit Summaries
- IX: Risk Management Concerns
  - Introduction to Risk Management Concerns in Workers Compensation
  - Certificates of Insurance
    - Standard Certificates
      - Modification of Standard Certificate
    - Manuscript Certificates
    - Enforceability
    - Certificate Management
      - Verifying Compliance
- Monitoring Ongoing Compliance
- Maintaining Records
  - Automated Certificate Tracking Systems
    - Making the Decision To Go Electronic
- The Impact of the Waiver of Subrogation on the Workers Comp System
  - Subrogation Basics
  - Subrogation Statutory, Legal, and Insurance Framework
    - Statutory and Legal Framework
    - Insurance Framework
  - The Mechanics of Subrogation
  - Workers Comp Waivers of Subrogation
    - State Statutory Provisions
  - The Effect of the Waiver on the Subrogation Process
  - The Problem of Double Recovery
  - Measures to Address the Double-Recovery Problem
- Pros and Cons of Waivers of Subrogation
  - Pros in Requiring a Waiver of Subrogation
  - Cons in Requiring a Waiver of Subrogation
  - Pros in Providing a Waiver of Subrogation
  - Cons in Providing a Waiver of Subrogation
- Recommendations for Using Waivers of Subrogation
- Summary
- Workers Comp Claims Management
  - Basic Concepts
    - Assume a Leadership Role
    - Think Long-Term
    - Treat Every Claim as Equally Important
  - Working with Claims Adjusters
    - Selecting an Insurer
    - Selecting a Claims Adjuster
    - Defining the Adjuster’s Role
  - Investigating Reported Injuries and Illnesses
    - Investigating during the First 24 Hours after an Injury Is Reported
    - Compensability Investigations
    - Safety Investigations versus Compensability Investigations
  - Determining Compensability
    - Injury or Illness
    - Course of Employment
    - Arising Out of Employment
- Impairment
- Wage Loss
- Making the Compensability Determination
- Determining When to Contest a Claim
- Communication with Injured Employees
- Maintaining Continuous Contact
- The Adjuster's Role in the Communication Process

- Medical Management
  - Selecting Medical Providers
  - Managing Medical Care
  - Using Case Managers
  - Managing Medical Costs
  - Independent Medical Evaluations
  - Utilization Review

- Managing Workers Comp Litigation
  - Avoiding Litigation
  - Selecting an Attorney
  - The Litigation Process

- Settling Claims
  - The Settlement Process
  - Determining How Much to Pay by Using the Risk Assessment
  - What Is Included in a Settlement?
  - Does the Settlement Set a Harmful Precedent?

  - Mandatory Reporting
  - Medicare Approval and Set-Asides

- Vehicles for the Recovery of Claim Costs
  - Subrogation
  - Second Injury Funds

- Summary
  - The Third-Party-Over Action

- The Problem
  - Contribution and Implied Indemnity
  - Express or Contractual Indemnity
  - Injured Employee's Causes of Action Against Third Parties
  - Apportionment of Fault between Third Party and Employer
  - Express Indemnity Agreements

- Mechanics of the Basic Third-Party-Over Action
- Third-Party-Over Actions in the Construction Industry
- Third-Party-Over Actions--No Additional Insured
• Third-Party-Over Actions--No Indemnity Agreement
• Summary
  ○ Workers Compensation Insurance Checklists
    ▪ How To Use IRMI Workers Comp Checklists
    ▪ Workers Compensation Coverage Checklist
    ▪ Excess Workers Compensation Coverage Checklist

• X: International Workers Compensation
  ○ Canadian Workers Compensation Fund Summaries
    ▪ Alberta
    ▪ British Columbia

• XI: Rating and Risk Financing
  ○ Introduction to Rating and Risk Financing for Workers Comp
  ○ Rating Overview
    ▪ Exposure Base (Payroll Limitations)
    ▪ Classification
    ▪ Calculating Estimated Annual Premium
      ▪ Experience Modifier
      ▪ Loss Constant
      ▪ Expense Constant
      ▪ Minimum Premium
      ▪ Premium Discount
      ▪ Schedule Rating
    ▪ Numerical Example
    ▪ Summary
  ○ Workers Comp Experience Rating
    ▪ The Purpose of Experience Rating
    ▪ Experience Rating Period and Eligibility
    ▪ Ownership
    ▪ Employers with Professional Employment Organizations (PEOs) and the Impact on Experience Modification Factors
    ▪ Corrections to an Experience Modification Factor
    ▪ Application of Experience Modification
    ▪ Reading the Experience Modification Work Sheet
    ▪ Controlling Experience Modifiers
  ○ Workers Comp Residual Markets
    ▪ Overview of Residual Markets
      ▪ Structure of the Residual Market
      ▪ The Residual Marketplace
      ▪ The Residual Market Assignment Process
      ▪ Calculating an Insurer's Residual Market Assessment
The Residual Markets and the Individual Insured
- Residual Market Assessments: Timing and Forecasting Issues
- Methods of Charging for RMLs
- Strategies for Minimizing Residual Market Charges

Guaranteed Cost Insurance
- Cost-Saving Options
  - Premium Discounts
  - Small Deductibles
  - Dividend Plans
- Dividend Payment Schedules
  - Premium Installment Plans
- Summary

Loss Sensitive Insurance Plans
- When to Consider a Loss Sensitive Plan
- History
- Potential Conflict of Interest
- Types of Loss Sensitive Insurance Plans
  - Retrospective Rating
  - Dividend Plans
  - Safety Group Dividend Plans
  - Large Deductible Plans
- Paid Loss Retros versus Large Deductible Plans
- Choosing Among Competing Loss Sensitive Plans
- Summary

Retrospective Rating Plans
- Historical Options--Tabular Plans (Obsolete)
- Retrospective Rating Plan D (Old Option V)
- Loss Limitations (Optional)
  - Workers Comp & Employers Liability Loss Limitations
  - Mandatory Loss Limitations
- Components of Retrospective Rating
- Retrospective Rating Cost Control Considerations
- Advantages and Disadvantages of Retrospective Rating Plans

Retrospective Premium Factors
- Retrospective Premium Formula
  - Standard Premium
  - Basic Premium
  - Converted Losses
  - Incurred Losses
  - Loss Conversion Factor
- Excess Loss Premium (If Optional Loss Limitation Applies)
- Retrospective Development Premium (Optional)
- Tax Multiplier
- Maximum Premium
- Minimum Premium

- Determining the Basic Premium Factor for a Retro Plan
  - Expense Allowance in Basic Premium Factor
  - Insurance Charge in Basic Premium Factor
  - Putting the Components All Together

- Workers Comp Retrospective Rating Filings by NCCI
  - 1991 NCCI Retrospective Rating Severity Adjustments Filing
  - 1993 Retrospective Rating Plan Flexibilities Filing-- NCCI Item R-1293

- Retrospective Rating Plan Options
  - Paid Loss Retrospective Rating Plans
    - Paid Loss Retro Plan Elements
    - Paid Loss Retro Pay-In Options
    - Cash Flow Implications of Paid Loss Retros
    - Advantages and Disadvantages of Paid Loss Retro Plans
  - Retrospective Rating Combined with Other Plans
    - Retro Plans with Superimposed Dividends
    - Retro Plans with Deductibles
  - Three-Year versus One-Year Retrospective Plans
  - Large Risk Alternative Rating Option
  - Analyzing Retrospective Plans
  - Canceling a Retro Plan
    - One-Year Retrospective Plans
    - Three-Year Retrospective Plans
  - Paid Loss Retro Checklist

- Large Deductible Plans
  - History
  - Advantages of Large Deductible Programs
    - State Approval Not Required
    - Claims Handling and Other Services
    - Lower Start-Up Costs
    - Incentive for Loss Control
    - Effect of Large Deductibles on Experience Rating
  - Disadvantages of Large Deductible Plans
    - Risk of High Costs
  - Collateral Requirements
    - Risk of High Service Charges and Assessments
- Issues with Cancellation or Nonrenewal
- Treatment of Defense Costs
- Medicare Secondary Payer Law Requirements
- Large Deductible Program Structures
- Large Deductible Program Cash Flows
- Deductible Plan Buyouts
- State Regulations
- Insurer Filing Requirements
- Summary
  - Workers Compensation Nonsubscription
    - History of Nonsubscription
    - Self-Insurance versus Nonsubscription
      - Self-Insurance
      - Nonsubscription
    - Subscriber Exposures
    - Nonsubscriber Exposures
      - Potential Damages under Nonsubscription
      - Defenses Available under Nonsubscription
      - Mitigating Potential Damages under Nonsubscription
    - Nonsubscriber Obligations
    - Potential Obstacles for Nonsubscribers
    - The Optimum Nonsubscription System
      - Management
      - Benefit Plan
      - Employee Communications
      - Insurance Coverage
      - Claim Administration
      - Reporting
    - Opting Out: The Advantages
      - Reduction of Frivolous and Fraudulent Claims
      - Short-Term Cost Savings
      - Elimination of Insurer Administrative Costs
      - Additional Incentive for Safety
      - Reduction of Internal Administration Costs
      - Improved Employee Satisfaction
    - Opting Out: The Disadvantages
      - Potential Catastrophic Liability
      - Deterioration of Employee Relations
    - Conclusion
o Retaining the Workers Comp Exposure
  ▪ Self-Insurance
    ▪ Considerations for Effective Self-Insurance
    ▪ Excess Workers Comp Insurance
  ▪ State Self-Insurance Requirements
  ▪ Captive Insurance Companies
    ▪ Fronting Arrangements
    ▪ Advantages of Using a Captive
    ▪ Disadvantages of Using a Captive
  ▪ Summary
o Tax Implications of Risk Financing Options
  ▪ Guaranteed Cost Insurance
  ▪ Retrospectively Rated Insurance
  ▪ Large Deductible Plans
  ▪ Self-Insurance
  ▪ Captives
o Cost Allocation
  ▪ Setting Objectives
  ▪ Accountability versus Stability
    ▪ Credibility
    ▪ Experience Period
    ▪ Allocation Cap
    ▪ Maximum Annual Change
    ▪ Timing of Allocations
  ▪ Allocating Risk Management Costs
    ▪ Retained Losses
    ▪ Insurance Premiums
    ▪ Loss Adjustment Expenses
    ▪ Loss Control Expenses
    ▪ Risk Management Overhead
  ▪ Allocation Example
    ▪ Pure Exposure Allocation
    ▪ Pure Experience Allocation
    ▪ Blended Allocation
    ▪ Multiyear Experience Period
    ▪ Allocation Cap
  ▪ Funding
  ▪ Special Considerations
    ▪ Acquisition of a New Division
    ▪ Change in Management
• End-of-Year Balances
• Road Map to Change

• XII: Employee Leasing
  o Employee Leasing Overview
  o The Leasing Decision
    ▪ Benefits of Leasing
      ▪ Reduced Administrative Costs
      ▪ Employee Benefits
      ▪ Safety and Loss Control Services
      ▪ Advice on Employment-Related Laws
    ▪ Choosing a Leasing Company
  ▪ Summary
    o Regulation of the Employee Leasing Industry
      ▪ Licensing Requirements
    o Workers Compensation & Employers Liability Insurance
      ▪ The Employment Relationship
        ▪ State-Specific Status of Employer Determination and Exclusive Remedy
      ▪ Workers Compensation Insurance
        ▪ Voluntary Market
        ▪ Residual Market
        ▪ State-Specific Insurance Placement Rules
          ▪ Alabama thru Montana
          ▪ Nebraska thru Wyoming
      ▪ General Liability Insurance
        ▪ CGL Endorsement
        ▪ Contractual Risk Transfer

• XIII: Loss Control Management
  o Introduction to Workers Compensation Loss Control Management
  o Safety Management Issues
    ▪ Making the Risk Connection
      ▪ Traditional Approach to Safety
      ▪ Creating a Safety Culture
        ▪ Who Is Responsible for Establishing a Safety Culture?
        ▪ Corporate Safety Culture Defined
        ▪ The Importance of Trust
        ▪ Managing the Shift in Culture
        ▪ The Importance of Sending a Clear Message
        ▪ Stating the Case for Change to Executive Management
    ▪ Selling the New Corporate Culture
- Get the Top Administration on Board
- Middle Management Buy-In
- Employee Buy-In
- Designing the Program
  - Most Effective
  - Least Effective
- A Few Things To Anticipate
- Will It Be Worth the Effort?
- Summary
  - Assessing Safety Program Effectiveness
    - Reasons for Assessing Effectiveness
      - The Mission of Safety
      - Establishing a Baseline
      - Evaluating the Safety Department
      - Organizational Change
      - Correcting a Problem
      - Compliance with Regulations or Internal Standards
    - Assessment Tools
      - Existing Document/Data Review
      - Comprehensive Program Documentation Review
      - Management Interviews
      - Employee Perception Questionnaires
      - Job Observations and Physical Plant Inspections
      - Internal Safety Program Assessments
      - Selecting a Consultant
    - Time Frame for Assessment
    - The Assessment Findings
      - Identification of Underlying Causes
      - Using the Assessment Findings
    - Final Thoughts on Safety Program Assessments
      - Safety Key Performance Indicators
      - Technology
      - Safety Assessments and Surveys
  - Safety Regulatory Issues
    - Workplace Safety and the ADA of 1990 and 2008 Amendments
      - The ADA of 2008
      - The ADA's Impact on Safety in the Workplace
        - Hiring and Placement Practices
        - ADA-Compatible Procedures
        - ADA-Compliant Job Descriptions
• The ADA’s Impact on Organizational Interfaces
• Financial Impact of ADA Accommodations
• Interface between ADA Accommodations and Safety
• The ADA’s Impact on Workers Compensation
• Summary

○ Safety Training Issues
  • Hazard Recognition: Beyond a Checklist
    • Integration into Risk Management
      • Determination of Scope and Objectives
      • Use of Analytical Tools
      • Development of Hazard Identification Procedures and Practices
      • Implementation of Hazard Identification Procedures and Practices
      • Monitoring Procedures and Practices
    • Key Points of Hazard Identification

○ Employee Assistance Programs
  • Types of Services
    • Drug and Alcohol Rehabilitation
    • Stress Management
    • Workplace Violence
    • Addictive Behaviors
    • Supervisor Training
    • Referral Service
  • Management’s Role in the Program
    • Financial Commitment
    • Program Design
    • Selecting a Provider
    • Confidentiality
    • Communication and Evaluation
  • Summary

○ Ergonomic Programs
  • Steps in the Ergonomic Process
    • Identifying Hazards
    • Reviewing Specific Processes
    • Developing Ergonomic Recommendations
    • Implementing Ergonomic Recommendations
    • Monitoring/Revising Ergonomic Program Elements
  • Successful Program Elements
    • Developing an Organizational Infrastructure
    • Communicating Program Goals and Processes
    • Training and Education
• Preventing Hazardous Situations
• Involving Medical Experts
• Quantifying Program Costs

• Summary
  o Substance Abuse Programs
    • Policy Development
      • Assess Needs
      • Set Goals
      • Define Scope
      • Establish Detection Procedures
      • Testing and Searches
      • Establish Penalties for Violations
      • Establish Procedures for Appeals
    • Supervisor Training
    • Employee Education
    • Treatment
      • Employee Assistance Programs
    • Putting It All in Writing
    • Substance Abuse Policy Checklist
  o Wellness Programs
    • Types of Wellness Program Initiatives
      • Fitness
      • Back Care
      • Smoking Cessation
      • Nutrition and Weight Management
      • Other Initiatives
    • Management’s Role in the Program
      • Designing a Wellness Program
      • Promoting a Wellness Program
      • Removing Barriers
      • Provide Variety
    • Wellness Program Cost-Benefit Analysis
      • Wellness Program Employer Benefits
      • Wellness Program Employer Costs
    • Participation: the Key to Success
  • XIV: Claims Management
    o Introduction to Claims Management
    o Improving Employee Relations
      • Communication
        • Educate Employees
Consider Providing Supplemental Benefits
Show Compassion
Designate a Contact Person
Pay Bills on Time
Be Available

Case Management
Need for Case Management
Role of the Case Manager
  Contact with Employee
  Coordinate Medical Care
  Facilitate Return to Work
Program Design
  When Is Case Management Appropriate?
Evaluating a Case Manager
  Workable Caseloads
  Communication
  Documentation
Helping Case Managers Be Effective

Selecting the Right Adjustment Company
Large versus Small Companies
  Specialization Needs
  One Provider or Many
  Large Company Advantages
  Small Company Advantages
Communications
  Insurance and Claims Gibberish
  Listening Ability
  Telephone Conduct
Staffing
Common Sense and Imagination
  Over-Investigating Small Claims
  Full Formal Reports on Small Losses
  Settle at any Cost
  Sympathy or Solutions
  Billing versus Results
Costs
Subrogation Savvy Yields Financial Rewards
Summary
Claim Auditing
  The Need for Claim Auditing
- Quantitative Auditing
- Qualitative Auditing
  - Initial File Handling and Contact
  - Investigation
  - Reserve Review and Reserve Adequacy
  - Payment Control and Supervision
  - Supervision and Control of Examiner/Adjuster Staff
  - Litigation
  - Risk Transfer Issues
  - General Performance Issues
  - Personnel
  - Internal Systems and Procedures--Paper-Flow
- Three-Dimensional Claim Auditing Methodology
- Walk-Through
- Summary
  - Management of Occupational Disease Claims and Lawsuits
    - Investigation
      - Determining Coverage
      - Verifying Employment
      - Verifying Exposure
      - Worker History
      - Other Information
      - On-Site Inspections
      - Industrial Hygiene Air Sampling
    - Evaluation
      - Selecting an Evaluating Physician
      - Physician's Evaluation
    - Decision Making
    - Disposition
      - Case Study
  - Workers Comp Claim Costs Imposed by the Medicare, Medicaid and SCHIP
    - Enumerating the Added Costs
      - Entitlement Status Verification
      - Medicare Statutory Right of Recovery
      - Medicare Set-Aside Allocation
      - Presettlement MSA Submission to the CMS
      - Tangential Loss Costs
      - The MMSEA Claim Reporting Requirements
    - Risk Identification
    - Conclusion
XV: Medical Cost Management

- Fee Schedules
  - Excluded Services
  - Compliance
  - Implications for Price Competition
  - Effectiveness
- Managed Care
  - Origins of Managed Care
    - Health Maintenance Organizations
    - Preferred Provider Organizations
  - The Application of Managed Care in Workers Comp
    - Legislative Reforms
    - Fee Schedules
    - Choice of Provider
  - Managed Care Services
    - Case Management
    - Contracts with Medical Providers
    - Utilization Review Controls
    - Outcomes Measurement
  - Employer Vicarious Liability Exposures
    - Negligent Credentialing/Provider Selection
    - Utilization Review Controls
    - Warranties Regarding Quality
    - Financial Incentives
    - Antitrust
    - Treatment of Exposures
    - Advantages of Managed Care
  - Workers Comp Managed Care in the New Millennium
- Selecting Managed Care Providers
  - Identify Needs
    - Unit Cost Management
    - Cost and Utilization Management
  - Type of Provider
    - Services
    - Ability to Reduce Indemnity Costs
    - Quality of Medical Care
    - Credentialing Procedures
    - Cost
    - Overall Compatibility
- Managed Care Implementation and Assessment Procedures
• Implementation Procedures
  ▪ Communication
  ▪ Program Structure
  ▪ Contractual Risk Transfer

• Assessment Procedures
  ▪ Credentialing
  ▪ Monitoring System
  ▪ Utilization Review
  ▪ Involvement in Controversial Cases

• XVI: Indemnity Cost Management
  o Return to Work Programs
    ▪ Return to Work Origins
    ▪ Results to Date
    ▪ Elements of a Successful Program
      ▪ Management Support
      ▪ Communication
      ▪ Physician Involvement
      ▪ Detailed Job Descriptions
      ▪ Meaningful Assignments
      ▪ Accountability
      ▪ Financial Incentives
      ▪ Rewards
    ▪ Types of Transitional Duty
    ▪ Physician Releases
    ▪ Removing Obstacles
    ▪ Monitoring Employee Performance
  o Vocational Rehabilitation Programs
    ▪ Statutory Requirements
      ▪ Type of Program
      ▪ Program Funding
      ▪ Benefits Provided through Process
      ▪ Time and Cost Limitation
      ▪ Mechanism To Enforce Employee Compliance
    ▪ Vocational Rehabilitation Options
      ▪ Return to Work
      ▪ Training
      ▪ Education
    ▪ Vocational Rehabilitation Process
      ▪ Evaluation
      ▪ Development of Rehabilitation Plan
Utilization of Plan
Factors in an Effective Program

Summary
State Vocational Rehabilitation Provisions

- Work Hardening Programs
  - Work Hardening versus Work Conditioning
    - Work Hardening Process
    - Selection of a Provider
    - Measurement of Outcomes
    - Summary

- XVII: Current Issues
  - The Impact of Telecommuting on Workers Comp
    - Workers Comp Issues
      - Control of the Worker and the Workplace
    - Potential Solutions
      - Contractual Transfer
      - Judicial Interpretation
      - Employee Selection
      - Legislative/Regulatory Action
    - Conclusion
  - The Conflict between Workers Comp and Medicare over Claim Settlements
    - A Brief History
    - Impact on Workers Compensation
    - Attempts To Mitigate
    - Impact of the Medicare, Medicaid, and SCHIP Extension Act of 2007