



Workers' Comp...licated

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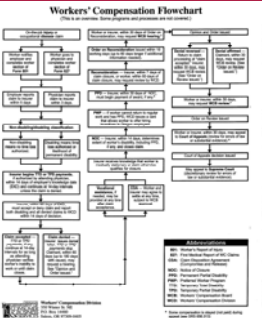
Oregon's Workers' Comp System




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It's complicated.





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Who is covered by workers' comp?

- **"Subject workers"**
 - Regular, part-time and temporary employees
 - Optionally-covered volunteers



What is covered by workers' comp?

- Injuries and/or disease arising out of the **course and scope** of employment:
 - Accident
 - Illness
 - Exposure
 - Stress
 - Damage to prosthetic device
 - Medical causation



What are the benefits?

- **Wage replacement**
 - 66 2/3% of salary, limited by the state's current average weekly wage, for authorized time off
- **Medical care** related to the injury
 - Medical expenses
 - Rx expenses
 - Durable medical equipment
- Mileage reimbursement
- Permanent disability awards
- Vocational rehabilitation
- Death benefits



Claim Handling

Two types of workers' comp claims:

1. Non-disabling ("Medical Only")
 - No time loss authorized by physician
2. Disabling ("Indemnity")
 - Time loss authorized by physician and/or likelihood of permanent disability



Claim Processing Timeline

Examiner has **60 days** from the employer's date of knowledge of the injury to **either accept or deny** the WC claim

- May accept some conditions and deny others
- Insurer must notify employee of accept-deny decision
 - Must report to WCD within 14 days of denial
- If claim denied, employee has appeal rights
 - 60 days following denial; up to 180 days with cause



Independent Medical Exams (IME)

A tool to manage the workers' comp claim:

- Impartial, objective medical opinion
- Conducted by specialists (orthopedist, neurologist, etc.)
- Results -
 - Compensability decisions
 - Appropriateness of medical treatment
 - Recommendations for treatment
 - Medically stationary determinations
 - Impairment ratings
 - Determination of eligibility for vocational retraining, if worker is unable to return to his/her job



Managed Care Organization (MCO)

Helpful in complex claims:

- Multiple injuries
- Multiple specialties needed
- Provides oversight and coordination
- The only “network” permitted by law



Claim Closure

At the time the claim is ready to be closed:

- Injured worker must be “medically stationary”
- Impairment ratings and a permanent disability award are made
- Work disability award made in cases where the worker can’t return to the regular job at the time of injury



Claim Closure

- Notice of Closure and appeal rights provided
- Aggravation rights
 - 5 years from closure for time loss benefits
 - Lifetime related medical expenses
- “Board’s Own Motion”
 - Reopening rights after 5 years from closure



What happens when a claim is disputed?

Worker or insurer may pursue (in order):

- Reconsideration by Workers' Compensation Division (WCD)
- Hearing by the Workers' Compensation Board (WCB)
 - Parties may ask for further review by WCB of its decision
- Appeal to Oregon Court of Appeals (errors of law or substantial evidence)
- Appeal to state Supreme Court



Parties Can Settle at Any Time

Several options to conclude disputed claim:

- Stipulation
- Disputed Claim Settlement
- Claims Disposition Agreement



CIS Workers' Comp Approach and Services



CIS' Approach to Workers' Compensation

- Prevent work injuries from occurring through safety and risk management activities
- Help injured workers heal quickly and return to their jobs whenever possible
- Provide resources to the employer that will support an injured worker's return
- Be trustworthy, professional and fair in all of our interactions



Helping Injured Workers Heal



- CIS24
 - Promotes seamless treatment of injuries during the WC claim evaluation period
 - Treated like a WC claim, even if it is ultimately denied
 - Doctors encouraged to evaluate and treat injuries, rather than delay waiting for WC determination
 - Regence holds claims (rather than denying them) until CIS makes WC decisions
 - Happens behind the scene –
 - Nothing required of employers or injured workers



Impact of Early Return-to-Work (RTW)

- **95%** success rate for RTW if off work less than 1 month
- **50%** success rate for RTW if off 6 months



Accessing RTW Incentives

- **Employer-at-Injury Program (EAIP)**
 - Incentive program to encourage light duty
 - CIS administers program
- **Preferred Worker Program (PWP)**
 - Incentive program to encourage hiring injured workers with permanent work restrictions
 - State WCD administers program
- **CIS RTW Incentive**
 - Monies available for complex claim (WC and non-occupational), or when a little extra is needed for success



Integration with Other CIS Coverage/Services

- **Employment Liability**
 - Challenges when injured worker has both a WC claim and other employment-related issues
 - CIS WC, Pre-Loss and Liability teams communicate to ensure solving one problem doesn't create another
 - May result in global settlement of WC and employment issues
- **Law Enforcement Services**
 - Critical incident grants
 - Collaboration, problem-solving



What can members do?

- Report timely
- Investigate
- RTW/job descriptions





Contact Information

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