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Trust Intelligence

A Newsletter published by the Workers' Compensation Trust

Home Healthcare
Workers at High
Risk for Workplace
Violence

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Season's Greetings Trust Members! \$7.5 Million Premium Return for 2023!

Most business owners don't usually think of their insurance provider as the bearer of good news at any time, let alone during the holiday season. Let's face it, most insurance providers are viewed as companies who charge as much premium as possible while paying as little in claims as possible, in order to return maximum profits to shareholders.

The Trust takes a different approach. We believe in spending what is needed on a claim to provide the proper treatment: specialists, rehabilitation, etc. in order to get the injured worker properly healed and back to the workforce as quickly as possible. In addition, we provide members with top quality loss control and educational services to help to prevent future losses and to increase overall productivity. Our approach saves money in the long run, which leads to lower claim costs, allowing us to provide lower premiums to members.

As for shareholders, we don't have any. We have **members** and we are delighted to be able to return excess profits back to them to invest back into their businesses and staff. The Trust has a tremendous track history with premium returns and this year is no exception. Once again, the Trust board of directors has good news during the holidays by declaring a \$7.5 million premium return to qualifying members for the 2023 year! An astounding 99.1% of eligible members have qualified to receive checks and the average premium return check exceeds \$17,500 with some checks ranging into the hundreds of thousands.

Diane Ritucci, President and CEO commented: "Our dedicated and talented Trust family works extremely hard throughout the year to deliver exceptional results and the fruits of their labor culminate in the millions of dollars we are able to return back to our members. I'm delighted to announce this is the fifth consecutive year the Trust has returned \$7 million or more to members and we have now returned \$37 million in just the last five years alone, with a grand total of \$72.5 million to date!"

Consistent results like this don't just happen, they are earned and we cannot achieve these results without the strong working relationship we have with you, our members. Working together, we all achieve so much more! We thank all of you for your continued support. We wish you a very joyous holiday season and a prosperous 2024.

OSHA NEWS

Electronic Reporting Requirement Change for Many Employers with 100 or More Employees in One Location

OSHA has issued their final rule that revises requirements for submitting workplace injury and illness information to OSHA. The final rule becomes effective January 1, 2024. Establishments/locations with 100 or more employees in designated high-hazard industries listed in Appendix B to Subpart E of 29 CFR Part 1904, will be required to electronically submit OSHA detailed information for each recordable injury and illness entered. This includes the date, physical location and severity of the injury or illness; details about the worker who was injured; and the details about how the injury or illness occurred. The information should be able to be taken from the OSHA form 300 Log and Form 301. The Trust's First Report of injury is the equivalent of the Form 301. The 2023 calendar year information will need to be submitted for those locations/establishments which fall under this regulation.

As of this writing, CONN-OSHA, which oversees public entities in Connecticut, has not decided to adopt the requirement.

The Injury Tracking System (ITA) will begin accepting 2023 injury and illness data on January 2, 2024. The due date to complete the submission is March 2, 2024.

Please be advised that the Trust will be holding an "OSHA Intermediate Recordkeeping" education session at the Trust on January 11, 2024. This requirement will be covered in more detail. Please mark your calendars to attend.

More information will be sent to our members. In the meantime, information can be accessed at osha.gov/recordkeeping/final-rule.

If you have any questions, please contact your assigned Senior Loss Control Consultant.

How Will I Know if My Company is Getting a Premium Return?

The premium return program rewards current members based on a combination of each individual member's longevity with the Trust, loss ratio and proportionate share of premium. Each qualifying member will receive their check in the 30 day period preceding the renewal date of their policy in 2024. Each member that qualifies for a premium return will receive a letter by January 1, 2024 informing them of their premium return amount. Brokers will be advised as well.

Renewing Your Policy

Remember, when your policy renews, please keep in mind the competitive workers' compensation premium you receive from the Trust is even more attractive when your premium return is applied! Also keep in mind that the Trust caps every employee's payroll at a maximum of \$75,000, unlike the traditional marketplace. These market advantages are why we are able to achieve renewal rates in the high 90's each year.

The Trust would like to wish you and your employees a safe, happy & healthy holiday!

Stress and Anxiety: Drivers of Poor Workers' Compensation Outcomes



Stress and anxiety can have dire effects on workers' compensation outcomes, impacting areas like tissue healing, rehabilitation efforts and, ultimately, return to work. There are several circumstances that cause stress and anxiety, including pain, fear, financial issues, family issues, the stigma of being injured, and more.

Luckily, there are evidence-based strategies for modifying employer and workers' compensation stakeholder behavior to reduce injured worker stress. First, we must listen and engage our injured workers to determine what is going on in their lives. This helps in understanding how we can best assist them in recovery,

have empathy, and engage the right resources. Having the combination of an understanding employer along with an empathetic claims representative working together in a coordinated manner is the most effective way to assist injured workers that struggle with stress and anxiety. Helping them get top notch medical care, paying owed lost wages in a timely manner, and keeping in frequent contact with them and getting them back into the routine of work as quickly as possible are all important in minimizing the stress of the unknown.

For employers, adopting an empathetic, biopsychosocial approach to their full wellness programs, not just when an employee is injured, can result in overall positive. From time to time, employers should do a self-evaluation of their corporate culture:

- Are solutions being offered at work to minimize drivers of stress and anxiety?
- Is the use of PTO encouraged to allow for downtime?
- Are there flexible work schedules to help with life situations?
- Is EAP offered?

Over the years, the Trust has invested in extensive training with our claims staff to embrace and employ the injured worker advocacy model to ensure that all resources are available to minimize stress and anxiety during an injured worker's period of recovery. Unfortunately, this is often overlooked by a treating physician who just focuses in on the physical injury and not necessarily the emotional impact of the injury or the events that led up to the injury such as an assault.

One of the programs the Trust developed to address this unique and specialized issue is our **Injury Coping Assistance Program (ICA)**. This program is available to injured workers who may need the assistance of a psychologist or social worker to assist in better managing their stress and anxiety during their period of recovery.

This is just another example of the many ways the Trust works hand in hand with our members to minimize the potential for a small claim to become a big claim. If you would like to learn more about our Injury Coping Assistance Program or any of our specialized programs to help injured workers in their recovery process, please contact Brian Downs, Vice President, Quality & Provider Relations at (203) 678-0103 or via email at downs@wctrust.com.

Legal Counsel for Over 30 Years

In November, the Board of Directors recognized John M. Letizia, Managing Member and Partner of Letizia, Ambrose & Falls, PC, for his 30 years of unwavering support, wisdom, guidance and thoughtful representation of the Trust.

Heather LaTorra, Chair of the Board of Directors and Diane M. Ritucci presented John with a plaque of appreciation.



Member Education Programs Benefit All

Trust members have come to rely on the Trust to provide training either free or at minimal cost. OSHA compliance and safety remain the top priorities for our training, but as our member needs change so does the direction of some of our training.

For the first half of 2024, the Trust will be offering a hybrid training platform. Most classes will be on-site at our Wallingford office, but we are also offering training via webinars. These webinars will be recorded and uploaded to our on-demand library which can then be accessed as needed. Defensive Driving, Safety Committees, Active Shooter and De-Escalation and Personal Safety will be presented as webinars.

Our members have had challenges maintaining staff, especially in the supervisory and Human Resource positions. To assist, the Trust is again offering repeated classes on OSHA Recordkeeping (critical for compliance) and Claim Essentials for staff who are not as familiar with the Workers' Compensation (WC) process but are responsible to oversee the program.

Our Supervisory Series is back with Stepping Up to Supervisor (one of the most popular classes offered) and Dealing with Challenging People and Situations.

We are also excited to offer a new educational course taught by Letizia, Ambrose and Falls and two senior attorneys overseeing the CHRO Housing Discrimination area titled "What Every Housing Authority and Covered Private Sector Employer Needs to Know". Speakers from the CHRO will describe the housing complaint process including how they evaluate complaints and violations. The program is geared towards all housing authorities as well as any agency that provided temporary or permanent housing to individuals including housing provided through funding by the Department of Developmental Services, Department of Social Services, Department of Veteran Affairs and any other government agency. Be on the lookout for these exciting new course offerings.

20 Year Members

In October, Diane Ritucci visited two members who recently had 20 year anniversaries with the Trust.

Ambulance Service of Manchester & Aetna Ambulance Service



ASM and Aetna Ambulance Service are dedicated to providing consistent, timely and clinically excellent service to patients, clients and communities in the greater Hartford, Wethersfield and Rocky Hill areas. Pictured at left to accept the awards are Heather Zimmerman, Chief Financial Officer, Steve Conley, Director of Operations at ASM, Diane Ritucci, Mark Hannegan, Director of Operations at Aetna, and Kim Aroh, President & Chief Executive Officer of both companies.

Angel Touch Care



Angel Touch Care is an in-home care agency that provide non-medical companion care services to most counties in the state. Alex Odski, Owner, was happy to accept the award on behalf of the agency. Pictured at left are Lee Sinkwich, Roland Dumont Agency, Diane Ritucci, Alex Odski, Dennis Assis, Vice President of Business Development at the Trust, and Nicolle Michaud, Supervisor and Payroll Specialist at Angel Touch Care.

Wrapping Up An Incredible Year for the Trust

The 2023 premium return of \$7.5 million mentioned in our lead article is only part of the good news for the year. We are very pleased to report the Trust retained over 98% of its quoted renewals for the year. This is an incredible feat within the insurance industry and we have been at or above this level for several consecutive years.

In addition, we had our best new business production year in recent history, booking over 90 new members totaling over \$5.4 million of new premium. These new members cover a wide range of business types and many brokers are now realizing the much wider array of businesses the Trust can serve. The brokers are excited to offer the Trust's services to their customers because they know their customers will be well served and very satisfied as a policyholder of the Trust. Not to mention the chance of receiving a premium return as well.

We thank all of our members and brokers for their continued support. Happy Holidays!

Home Healthcare Workers: At High Risk for Workplace Violence

In light of the horrible and senseless tragedy that recently occurred in our state, when a home health nurse, Joyce Grayson, lost her life while visiting a client, we remind our members who provide home care services to have programs and training in place. Research studies have reported that many home healthcare workers have experienced verbal abuse from clients. As many as 41% have reported sexual harassment and many have reported being physically assaulted. Additionally the Bureau of Labor Statistics notes that 76% of all workplace violence in private industry occurs in the Healthcare and Social Assistance Business Sector.

Key Components of an Effective Workplace Violence Include:

- Zero-tolerance policy towards workplace violence
- Policies and rules on the safety of lone home healthcare workers in the field such as regular cell phone contact or check-ins, and conducting home visits in pairs and/or with security escorts
- Rules and strategies related to visits in homes or neighborhoods where violence has occurred in the past
- Management commitment to home healthcare worker safety, including the formation and support of safety committees that involve field home healthcare worker participation and input

Training

- Providing comprehensive training to employees on workplace violence including; content specific to their job and work environment
- Teaching employees to assess the work environment and surroundings for safety including the presence of drugs of abuse, drug paraphernalia, weapons and aggressive pets
- How to recognize signs of imminent violence, including verbal abuse and aggressive body language and/or posturing
- How to employ verbal de-escalation techniques
- How to utilize escape and egress techniques

Post Assessments

- Assess completed visits for violent events that occurred or were imminent
- Identify factors that contributed to a violent event and/or hazardous environment
- Identify strategies and resources to prevent future occurrences
- Record events and monitor records for trends and the effectiveness of the controls

The Trust can assist our members with Workplace Violence (WPV) program development and training. Available on our on-demand training platform, you can use our webinar titled "Workplace Violence & De-Escalation Strategies for Employees Working in the Community" and please mark your calendar for a new webinar titled "Preventing Workplace Violence for Employees Working Offsite and In the Community" to be held on February 22, 2024.

Please note that material for this article was provided by the Center for Disease Control's NIOSH Science Blog.

The Legal Corner

Attorney John M. Letizia, Managing Partner
Letizia, Ambrose & Falls, PC

Medicaid Audits - What You Need to Know Before You are Audited

The Connecticut Department of Social Services (DSS) is actively auditing Medicaid providers, including skilled home health care providers, non-medical providers (companion agencies), and DDS providers. DSS audit findings can result in significant financial penalties of \$100,000 to over \$2,000,000 because of DSS' practice of using extrapolation, which means that a single audit finding will be multiplied based on the assumption that the finding occurred in numerous cases. Providers must be aware of their compliance obligations and conduct routine self-audits before they receive notice of a DSS audit. Once the audit is conducted and preliminary audit findings/penalties are issued, a provider must act quickly to put itself in the best possible position to reduce or eliminate key financial findings. A thorough factual and legal response could reduce initial penalties significantly in some circumstances.

I. DSS Audit Process – What to Expect

A. DSS typically audits a sample of 100-150 claims submitted for payment during a 2–3-year audit period. DSS reviews, among other things, billing documentation to ensure amounts paid do not exceed hours and services authorized; and 2) service documentation to ensure required signatures and other elements are present to support the services provided and obtained within required timeframes.

B. Providers usually have 30 days to produce documents and other information in response to DSS' audit requests after receiving notice of the audit.

C. After reviewing the documents produced by the provider, DSS will prepare a preliminary written report summarizing the audit findings/penalties. DSS will hold an exit conference with the provider to discuss the findings and any new information offered by the provider.

D. Typically, the exit conference does not result in significant changes to the audit findings. DSS usually issues a final written report within 60 days of the exit conference. Providers may appeal adverse findings through an administrative hearing conducted by a DSS representative, but providers have the best chance of success on appeal if they can show that DSS' finding was wrong or that DSS improperly relied on extrapolation, so it is important to know the service, documentation and other rules governing payment and how to attack extrapolation. Unlike other government agencies, this initial process may not appear legal in nature, but having a legally defensible basis with the needed factual support to demonstrate such concepts as "harmless error" or "clerical

error" are critical to having these initial penalties reduced before having to go to a more formal legal appeals hearing. Also, providers must adhere to required timeframes or else they will be deemed to have waived their right to move to the next step in the DSS process.

II. Self-Audits Are Critical

To be prepared for any audit, providers should conduct routine self-audits in key audit areas. DSS has published audit protocols for some provider types, such as home health care, home care and behavioral health providers, to help those providers to understand potential audit issues and self-audit areas: Audit Protocols (ct.gov). However, DSS has not published audit protocols for all provider types, leaving some providers to sift through published regulations and provider bulletins to understand their obligations. Self-audits are critical, but you must understand the key legal areas where you are likely to be vulnerable, even if you provided the services but failed to obtain, for example, the prior signature of a physician and how you will correct that should you actually be audited.

III. Conclusion – Preparation is Important

Providers must understand the Medicaid audit process, be aware of their compliance obligations and conduct self-audits of billing and service documentation. It is also important to know how to respond to extrapolated audit findings to put yourself in the best position to defend against potentially exorbitant financial penalties. Unlike other administrative penalties or findings, DSS may reduce penalties if you are able to legally demonstrate services were provided, the problem was corrected, and what is in place to prevent it from happening again. There are specific legal methodologies for doing this that have been proven successful despite significant changes in how DSS audits are conducted.

If you have any questions or wish to discuss a DSS audit, please do not hesitate to contact Attorney John M. Letizia at 203-787-7000 or letizia@laflegal.com.



The representations made in this article are the analysis of the law offices of Letizia, Ambrose & Falls, P.C. This article is provided for information purposes.

What's New with Respiratory Syncytial Virus (RSV)

Respiratory Syncytial Virus (RSV) has been in the news lately. Among children less than 5 years old, the virus is responsible annually for approximately one million visits to healthcare providers, between 60,000 and 80,000 hospitalizations, and 100-300 deaths. Among adults above the age of 65, the statistics are worse with 60,000-160,000 hospitalizations and between 6,000 and 10,000 deaths annually. This year the U.S. Centers for Disease Control and Prevention (CDC) has issued three new recommendations to protect those most at risk.

In July, CDC recommended RSV vaccine for adults aged 60 and older. Two vaccines are licensed by the FDA, RSVPreF3 (Arexvy) and RSVprefF (Abrysvo) for adults 60 and over. Both vaccines contain a part of the RSV virus. Included in the guidance is a recommendation to seek counsel from your healthcare provider to determine whether vaccination is appropriate for you. Individuals at higher risk for RSV include those with weakened immune systems, such as from illnesses (like leukemia or HIV infection) or due to use of medications that suppress the immune system. Chronic medical conditions such as heart or lung disease also impart higher risk, and any individual who lives in a nursing home is regarded as being at high risk. It is thought that a single RSV vaccination will protect adults over age 60 for two years. Studies of the vaccine Arexvy have shown it to be 83% effective in preventing lung infection during the first year, and 56% effective during the second year. Abrysvo was 89% effective during the first year, and data are still being accumulated regarding its efficacy during the second year.

In August, CDC recommended a new RSV immunization called nirsevimab to protect babies and some toddlers. It is recommended for all infants younger than 8 months who are born during (or entering) their first RSV season. Most infants do not need the vaccine if they were born more than 14 days after their mother received RSV vaccine. Nirsevimab is also recommended for children between the ages of 8 months and 19 months if they are at risk of severe RSV disease, such as from premature birth, chronic lung disease, severe immune compromise, severe cystic fibrosis, or Native American/Alaskan Native heritage.

In September, CDC also recommended use of RSV vaccine for women who are 32-36 weeks pregnant in order to protect their babies from severe RSV. A single

dose of Abrysvo should be given between September and January if gestational weeks 32-36 fall within that time frame (unless the pregnant woman is experiencing a moderate or severe acute illness, in which case vaccination should be delayed until she improves).



Time will tell what impact the new vaccines and recommendations will have on RSV illness this fall and winter, but there is reason to be hopeful many lives will be saved.



The following organizations have recently joined the Trust. Welcome to all!

Alternatives, Inc.
Abilities Without Boundaries, Inc.
Ascension Habilitative Support Services, LLC
Bristol Hospital and Healthcare Group, Inc.
Community First School, Inc.
Corporation for Public Management
Donald & Macie Health, LLC
Eagle Medical Transport LLC
Filosa OPCO, LLC dba HavenCare at Filosa
Neighborhood Music School
Resolute Dental Partners, LLC
Wakeman Memorial Association, Inc.

Attention!

Trust 2023 Safety Grant Recipients

In 2023 the Trust provided safety grants to 68 members. We'd like to remind those members that were awarded a grant, the project must be completed and safety grant monies disbursed by December 31, 2023. If you have not yet submitted paperwork for reimbursement invoice(s) and proof of payment, please do so at your earliest convenience.

Questions can be directed to Carol Fronczek, fronczek@wctrust.com



Upcoming Educational Programs

The following education programs are designed to assist members in gaining knowledge of issues that surround and support the reduction of work related injuries and create a safe and healthy workplace. To register, or obtain detailed information, go to www.wctrust.com. Your attendance is encouraged.

OSHA Recordkeeping: Intermediate

Thursday, January 11th 9:00 AM - 12:00 PM Members: FREE Self Insured Clients: \$50 pp

Partnering with the Trust

Thursday, January 25th 9:00 AM – 12:30 PM Members: FREE

Webinar: Tools for Building an Effective Safety Committee

Thursday, February 1st 10:00 AM – 11:00 AM Members: FREE Self Insured Clients: FREE

Defending a CHRO Housing Discrimination Complaint

Friday, February 2nd 9:00 AM – 12:00 PM Members: FREE

National Safety Council Defensive Driving 4-Hour Course

Thursday, February 8th 8:30 AM – 1:00 PM Members: \$50 pp Self-Insured Clients: \$75 pp

Claim Essentials for Members

Thursday, February 15th 9:00 AM – 11:00 AM Members: FREE Self-Insured Clients: \$50 pp

Webinar: Preventing Workplace Violence for Employees Working Offsite and in the Community

Thursday, February 22nd 10:00 AM - 11:00 AM Members: FREE Self-Insured Clients: FREE

Stepping Up to Supervisor

Thursday, March 7th 9:00 AM - 12:30 PM Members: \$50pp Self-Insured Clients: \$75 pp

OSHA Recordkeeping: Critical for Compliance

Thursday, March 14th 9:00 AM - 12:00 PM Members: FREE Self-Insured Clients: \$50 pp



47 Barnes Industrial Park Road
Wallingford, CT 06492