

June  
2023  
Issue 116

2023  
Safety  
Grant  
Recipients

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# Trust Intelligence

A Newsletter published by the Workers' Compensation Trust

## Record 68 Members Share in \$450,000 Safety Grant Awards

We're very pleased to report this year's Trust Safety Grant Program celebrated its 6th anniversary in record fashion with new records set in both the number of applicants and recipients. Member interest in this program increases each year and its impact on reducing losses has been remarkable. This year's applicant pool grew to a record 135 grant applications resulting in a record 68 members being selected to share the \$450,000 grant pool. The overall average award was over \$6,600 with the maximum individual award capped at \$15,000.

While the Trust offers extensive loss control programs and services, we also know that our members are well aware of the hazards and exposures posing the most immediate threat to worker safety. Often times significant funding is needed to help reduce or eliminate these hazards and the funds are not in the budget. This is where the Safety Grant Program is able to lend a helping hand by allowing members to take ownership of the program, identify loss problems unique to their organizations, develop solutions to help control or eliminate those loss sources in the future and successfully implement their program to accomplish those goals.

This program has repeatedly proven that empowering our members to improve working conditions is one of the best investments we can make. It takes proactive measures and financial investment to reduce future losses, along with commitment from all parties to effectively implement needed programs. Our experience has shown this Safety Grant Program to be very effective in all those areas. Sometimes the problems are obvious, as are the solutions, such as patient handling injuries. Other times, the true causes of the loss are not so obvious and require in-depth knowledge of the business to identify, such as the causes for aggression in patients/clients and how to eliminate those causes. This program gives our members a chance to analyze their own loss drivers and customize a solution that works for them.

### **Every Trust Member Wins with the Safety Grant Program**

Rest assured that every Trust member wins with this program. The members receiving grant funding win by implementing programs to help lower loss results and premiums. The Trust wins by investing into well thought-out loss prevention measures specific to individual businesses, reaping the benefits of lower losses now and into the future. All Trust members win when Trust losses are lowered, resulting in higher premium returns. Thanks to all who participated, we hope to see your applications again next year!

**See page 2 for the list of award recipients.**

# 2023 Safety Grant Recipients

## Abilis

Aetna Ambulance Service, Inc.  
Ambulance Service of Manchester, LLC  
American Ambulance Service, Inc.  
Applied Behavioral Rehabilitation Institute, Inc.  
ARI of Connecticut, Inc.  
Assisted Living Services, Inc.  
Church Homes, Inc.  
Clasp Homes, Inc.  
Colonial Health and Rehab Center of Plainfield  
Community Residences, Inc.  
Connecticut Institute for Communities, Inc.  
Connecticut Renaissance, Inc.  
Cook Willow Convalescent Hospital, Inc.  
Duncaster, Inc.  
Easterseals Capital Region & Eastern CT  
EdAdvance  
EFK of Connecticut Inc.  
Enfield Housing Authority  
Family Centered Services of CT, Inc.  
FOCUS Center for Autism, Inc.  
Franciscan Family Care Center, Inc.  
Gilead Community Services, Inc.  
Greenwich Emergency Medical Service, Inc.  
Groton Ambulance Association, Inc.  
Health Care Visions, Inc.  
Hispanic Health Council, Inc.  
Human Resources Agency of New Britain, Inc.  
Jewish Community Center of Greater New Haven  
JFS Care at Home LLC  
Key Human Services, Inc.  
Keystone House, Inc.  
Liberation Programs, Inc.  
Mercy Housing & Shelter Corporation

Milestones Behavioral Services, Inc.  
New Britain Emergency Medical Services, Inc.  
New England Residential Services, Inc.  
North East Transportation Co., Inc.  
Odd Fellows Home of Connecticut, Inc.  
PrimeCare, Inc.  
Project M.O.R.E. Inc.  
Regional Hospice & Home Care of Western CT  
Reliance Health, Inc.  
SARAH SENECA Residential Services, Inc.  
SARAH, Inc.  
Southeastern CT ADD, Inc.  
Southwest Community Health Center, Inc.  
Star Inc., Lighting the Way...  
Stonewall Lane Associates, LLC  
The Access Agency Inc.  
The ARC of the Farmington Valley, Inc.  
The Caring Community of Connecticut, Inc.  
The Carolton Chronic & Convalescent Hospital  
The Connection, Inc.  
Monsignor Bojnowski Manor, Inc.  
The Hartford Dispensary  
The Mary Wade Home, Inc.  
NHV Jewish Community Council Housing Corp.  
The Wellspring Foundation, Inc.  
United Cerebral Palsy of Eastern CT, Inc.  
RVNAhealth  
Farmington Valley VNA  
Wachusett Ventures, LLC  
Waterford Country School Inc.  
Waveny LifeCare Network, Inc.  
Wellmore, Inc.  
Wethersfield Housing Authority  
YWCA Hartford Region, Inc.

## Did You Know Sexual Harassment Training For Our Members is Available Online ?



With the assistance of Attorney John M. Letizia of Letizia, Ambrose & Falls, PC, the Trust has developed an on-demand sexual harassment training course that meets the Commission on Human Rights and Opportunities (CHRO) requirement for employers with 3 or more employees. All new employees must provide 2 hours of sexual harassment training within 6 months of hire whether or not the employee has received this training from another employer. Employees must complete this training every 10 years to satisfy this requirement.

To access this no cost training, go to [www.wctrust.com](http://www.wctrust.com) and click on the member education tab to view our on-demand library. **Just another benefit of being a Trust member.**

## Welcome to the Newest Members of the Trust

Advanced Back & Neck Care Center LLC  
Comprehensive Orthopaedics & Musculoskeletal Care, LLC  
Family Partnerships of Connecticut, LLC  
Hall Neighborhood House, Inc.  
Oak Hills Park Authority  
Plainville Early Learning Center Inc  
Pure Skin, LLC  
Signature Property Management LLC  
The Children's Museum, Inc.  
Transportation Management Solutions, LLC  
Trinity Terraces, LLC

# June is National Safety Month



Annually the National Safety Council dedicates the month of June to safety, focusing on staying safe at work and home. This year, the National Safety month topics include:

- Week 1 Emergency Preparedness
- Week 2 Slips, Trips and Falls
- Week 3 Heat-Related Illness
- Week 4 Hazard Recognition

There are free resources available to help keep the safety message ongoing. Even if your organization is not a member, you can take advantage of this free material. Resources includes 5-minute safety talks, tip sheets, posters and checklists (provided in both English and Spanish).

These free weekly resources will provide information on each topic. We encourage our members and clients to use the materials to keep safety ongoing and in the forefront. Each can be used as part of a safety awareness campaign. Some ways to implement these topics include:

- Create newsletters/blog based on the weekly themes
- Hold a safety trivia contest with weekly prizes
- Make an activity out of identifying hazards where you work and live
- Throw a safety fair or lunch ‘n learn
- Encourage others to take the SafeAtWork pledge at [nsc.org/workpledge](http://nsc.org/workpledge)
- Share posts on your social media channels using #NSM
- Provide safety training

## Emergency Preparedness

**Treat every drill as if it is the real thing.**  
Practice makes perfect, and "perfect" can save lives. Don't panic, take action!

### Drill Do's

- Do take drills seriously
- Do help keep evacuation routes clear, year round
- Do evacuate to a designated area, as quickly as possible
- Do alert management if any physical issues hinder your getting to safety
- Do exercise caution after given an official "all clear"
- Do give feedback after a drill—the good and the bad—to improve the process

### Drill Don'ts

- Don't assume a drill is a "false alarm"
- Don't go back to your workstation for personal items
- Don't head for the main exit instead of your closest emergency exit
- Don't socialize during drills – remain quiet and calm and await further instructions
- Don't use an elevator – take the stairs



- Know what types of emergencies you need to get ready for:
  - Fires
  - Natural disasters (tornadoes, hurricanes, earthquakes)
  - Active shooter incidents
  - Chemical or gas leaks
- Know your company's plans for each type of emergency:
  - Review your company's safety manual
  - Ask your supervisor to go over anything you don't understand
  - Make sure new hires get a thorough safety briefing
- Know how to report emergencies:
  - Should you dial 911 or a designated internal number?
- Know where fire alarms and fire extinguishers are located
- Know the different alarms for different emergencies
- Know all the escape routes in your facility
  - In case your closest one is blocked
  - For when you're in a different area when an alarm sounds



### When There's an Active Shooter

- Flee immediately, if you can
- Leave belongings behind
- If you cannot flee, hide
- If you're behind a door, lock or barricade it
- As a last resort:
  - Try to incapacitate the shooter
  - Keep moving and be distracting
  - If in close range, fighting increases your chance of survival
  - Call 911 as soon as you can do so safely



For more information on this and other safety topics, visit the member-exclusive website at [nsc.org](http://nsc.org)

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Source: National Safety Council's Minute Safety Talks, "Drills."

## Online Bill Payment Now Available!

The Trust has now made paying your policy premium easier than ever by adding two new payment methods.

### Pay Online

We accept online payments by check, bank transfer and or any major credit card. You will need your customer/policy number and zip code.

**To pay online go to [www.wctrust.com](http://www.wctrust.com) and locate the "Quick Links" section. Click on the "Pay Bill Online or by Phone" link.**

### Pay by Phone - (855) 560-8630

The automated phone system is available to make payments anytime, 24/7. You will need your customer/policy number and zip code and your banking information or major credit card.

# Current Changes in the Connecticut Occupational Injury Care Marketplace



Over the past 48 months or so, the Trust has observed several changes in the occupational injury care marketplace that have created some disruption to the Trust's first treatment care network and ultimately to our members. There have been several urgent care center clinics across the state which once accepted both non-occupational and occupational injuries that are now declining to treat occupational injuries.

The most recent clinic network, PhysicianOne Urgent Care, with 16 clinic locations throughout Connecticut announced back in February of this year that it would no longer treat occupational injuries and referred any patient seeking such care over to Concentra Urgent Care Centers. Other clinic networks, such as Yale New Haven Healthcare Occupational Health and Wellness with 5 clinics up and down the I-95

corridor whose sole mission is to treat work related injuries are now requiring employers to call ahead and schedule an appointment versus just accepting an injured worker on a walk-in basis. Even those clinics that will accept walk-in injury care for work related injuries, are now enforcing strict requirements where written or verbal "authorization" by an employer must be provided in advance of the employee being treated; no ifs, ands or buts!

So, what's happening out there in the world of occupational medicine and work-related injury care? After researching this topic with several industry insiders, it appears that there are 3 main factors driving this current environment:

1. Despite a very good, regulated fee scheduled reimbursement rate in Connecticut for treating workers' compensation injuries, it seems that many of these clinics now just want traditional group health insurance coverage or self-pay by the patient. If it's not "guaranteed" payment at the door with an insurance card or a personal check, they really have no interest in tracking down an employer or insurance carrier to see if the service will be covered.
2. No doubt, workers' compensation claims can raise questions from various stakeholders that need answers and take time to research. Questions such as work relatedness, return to work abilities, and possible referrals to specialists within certain networks, all of which must be handled by the provider or other clinic staff. Although the higher reimbursement of the Connecticut Fee Schedule takes this extra effort into account, and therefore pays a higher rate to treat these types of patients, it appears that these clinics just don't want to deal with the extra responsibilities that go along with handling a workers' compensation claim.
3. Lastly, staffing these clinics had been problematic even before the COVID-19 pandemic hit. Staffing shortages have led to extended wait times for patients to be seen, which has led these clinics to change how they operate. It comes down to basic economics; getting the biggest bang for your buck and some of these clinic networks apparently have identified that treating workers' compensation patients and everything that goes along with it no longer fits their business model for success.

It is unclear whether this is a brief period of disruption in this marketplace which will eventually work its way out, or whether this trend will continue its current course. In the meantime, the Trust is aggressively seeking out other alternative clinics to expand the first treatment care network for our members throughout the state and will keep our members informed of our efforts.

If your organization has been recently impacted by any of these marketplace changes and you would like to discuss options for first treatment injury care within your area, please feel free to contact Brian Downs, Vice President of Quality & Provider Relations at (203) 678-0103 or via email at [downs@wctrust.com](mailto:downs@wctrust.com).



# CNA Hall of Fame Inductees

We're very proud to have once again sponsored the CNA of the Year Awards ceremony conducted annually by The American College of Health Care Administrators, Connecticut Chapter (ACHCA-CT). This event honors some very special individuals serving on the front lines of patient care every day. We've all seen CNA's at work and the difficulties of the jobs they perform. Their work is critical to the patient's overall care and comfort and they often develop close friendships with those they serve. It takes a truly special, caring person to do this job well,

Realizing this has historically been a very unheralded position, the ACHCA-CT started the CNA Hall of Fame a few years ago. Each year members are encouraged to nominate their best CNA candidates for induction. In order to qualify for nomination, each candidate must have a minimum of 20 years of service as a CNA as well as an unblemished license history with the State of Connecticut. Candidates are nominated by their facilities' supervisors who submit letters of recommendation and supporting information for each candidate. Representatives of ACHCA-CT review all applications and make the final selections.

The Trust was honored to be a part of this ceremony which was held at the Aria Banquet Facility in Prospect on March 27, 2023.

## **Congratulations to the 6 CNAs Inducted into the Hall of Fame**

**Carlos Echevarria**, Complete Care at Meriden  
**Rochelle LaRose**, Complete Care at Glendale Center  
**Josephine McKnight**, West Hartford Health and Rehab  
**Sandra Poupart**, Complete Care at Harrington Court  
**Luz Torres**, Silver Springs Care Center  
**Paulette Ward**, Middlesex Healthcare Center



Pictured here, Russell Schwartz, former Chair of the Board of Directors and President of West Hartford Health & Rehab with Josephine McKnight, one of this year's inductees.

## **20 Year Member Recognition**

This year so far, the Trust has recognized 3 Member for 20 years of service:

1. Staffmates, Inc., Hebron
2. Bristol Adult Resource Center, Inc., Bristol
3. Notre Dame Convalescent Home, Inc., Norwalk

In March, Diane Ritucci visited Notre Dame Convalescent Home, Inc. to congratulate them on thier longstanding partnership with the Trust.

Pictured left are Marjorie Simpson, Administrator and Candace Pace, Staff Development Director of Notre Dame Convalescent Home, Inc.



# The Legal Corner

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

## Unemployment Update - Many Changes Impacting CT Employers & Their Restrictions on Present and Former Employees

Over the past several months, on a Federal and State level, employers have faced many changes that have impacted the employer-employee relationship and even an employer's relationship with former employees. Many of these changes have increased employee rights and employer obligations. This article highlights some of the key changes that employers should be aware of and the need for employers to address the impact of those changes and be prepared for more to come.

### A. Non-Competes Prohibited in Healthcare

Nationally, there is a proposal to eliminate all non-compete restrictions for all employees. Although this national ban is still under discussion, Connecticut has been at the forefront in restricting employers in the homecare industry from utilizing non-competes. In the non-clinical homecare arena, employers cannot even restrict clients from "stealing" companions from the employer and having the companion work directly for the client or for another agency. This trend is now being pushed by employee advocates to apply to all other industries.

### B. Prohibition on Non-Disparagement Language in Settlement Agreements

Employers can no longer use severance agreements to broadly prevent terminated employees from talking about their work or criticizing their former employers. This restriction applies even if the employee is represented by a lawyer and voluntarily agrees to the settlement and to the confidentiality of the settlement. Such non-disparagement agreements, as well as provisions threatening litigation or imposing damages if case of an employee breach, which were valid when drafted, may not be valid now, although courts have not yet addressed whether the rule applies retroactively. This adds an additional layer of concern for an employer deciding whether to settle or defend against litigation by former employees.

### C. Arbitration Provisions Only Enforceable at Employee Option in Sexual Harassment Cases

Even though we strongly recommend all employers to have binding arbitration obligations in their agreements with employees, employers will no longer be able to require an employee who alleges sexual harassment in the workplace

to pursue their claim through a confidential arbitration process. Such mandatory arbitration provisions are only enforceable at the employee's option in this context. This prohibition does not apply to other types of employment or discrimination cases, and therefore, we still believe mandatory arbitration obligations offer the best available protection for employers versus the public forum of civil litigation, which costs more, takes more time and, we believe, results in settlements or resolutions that are significantly higher.

### D. Technology Helps Employers Keep Track of Employee Hours

With a large percentage of the Connecticut workforce still working remotely at least a few days a week, and the increase in the homecare business, there are movements afoot to expect employers to utilize timeclock-keeping apps versus traditional timesheets. The use of apps enables an employer to keep more accurate records of employee hours worked, which is particularly important in the homecare industry. We know that the Connecticut Department of Labor prefers this method of determining hours worked in some settings. Employers should consider whether it may be reasonable to use a reliable timeclock app for those employees that work remotely at times during the week or are in the homecare industry.

### Conclusion

Although some employers are still recovering from the adverse impact of the COVID pandemic on their businesses or are facing an uncertain future because of the expiration of COVID-related funding and support, these new developments in employment law have the potential to make it even more difficult for employers to protect their businesses. Employers must make changes in response to these developments and consider others moving forward so that they can stay ahead of this movement to further increase employee rights, regardless of the impact on employers.



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. You are encouraged to consult with the appropriate legal counsel prior to relying on this information or analysis. You can reach Letizia, Ambrose & Falls, PC at (203) 787-7000 by email at [letizia@laflegal.com](mailto:letizia@laflegal.com)

## Covid-19 Public Health Emergency

Well, Covid-19 isn't over, probably will never be, but daily reported cases, deaths and hospitalizations are down over 80 percent compared to the Omicron surge of January, 2022, and the scheduled termination date for the Public Health Emergency (PHE) in the United States is May 11, 2023. What does that mean, what will change, what will not?

Access to Covid-19 vaccinations and certain treatments, such as Paxlovid and Lagevrio will generally not be affected. With the transition back to traditional health care coverage, many Americans will continue to pay nothing out-of-pocket for the Covid-19 vaccine, which is covered by most private insurers without co-pay as a preventive health service. Out-of-pocket expenses for certain treatments may change depending on an individual's health care coverage. Medicare Part B will continue to cover the vaccine without co-pay, and Medicaid will cover both the vaccine and Covid-19 treatments without co-pay through September 30, 2024.

Conclusion of the PHE will not impact the FDA's ability to authorize tests, treatments or vaccines for emergency use, and existing EUAs (emergency use authorizations) for Covid-19 products will remain in effect. Telehealth flexibilities under the PHE, which relaxed certain past restrictions in order to broaden access to healthcare during the pandemic, will largely remain in place through December, 2024, and there will be no reduction at all in telehealth flexibility for Medicaid participants.

Without going into excruciating detail, the PHE allowed for certain flexibilities and waivers for healthcare providers to ease care delivery and expand capacity during the pandemic. These will come to an end, and healthcare facilities will need to comply fully with Center for Medicare and Medicaid Services (CMS) standards going forward.

With respect to Covid-19 diagnosis, the requirement for private insurance companies to cover both laboratory and over-the-counter (OTC) tests will end, though some plans may choose to continue it. State Medicaid programs will continue to provide testing without co-pay through September 30, 2024. Depending upon supply and resources, the US Government may continue to distribute free Covid-19 home test kits. Requirements from the US Department of Health and Human Services (HHS) that laboratories report their Covid-19 test results to the CDC will end, and the CDC is currently working to sign voluntary data use agreements encouraging states and jurisdictions to continue to share their Covid-19 data.

That covers the major changes. Hopefully we'll enjoy a bit of respite before the next Public Health Emergency.

### Trust Adds New Training Program for Member Claim Contacts

The Trust recognizes that there has been a significant amount of staff movement and transition among our members over the past several years, especially post pandemic and with that, changes to those responsible for handling workers' compensation claim functions within the organization. As a result, the Trust has added a training course specifically designed for those who have the responsibility of managing and coordinating claims within their organization. This 2-hour program, titled **Claim Essentials for Members**, will be offered August 8th and November 2nd at the Trust.

This program is a must for anyone responsible for reporting claims and communicating with Trust staff to process injured worker information in a timely and effective manner. Attendees will learn how to effectively report claims along with reviewing time-sensitive forms and documents that must be conveyed to the Trust to ensure claims are handled effectively and that the members' rights are protected. In addition, attendees will learn how the Trust manages workers' compensation claims for better outcomes and the critical role a member's internal claims contact plays in the process. Please refer to the Trust's educational calendar on instructions on how to register staff who will benefit from this program.

