

**March  
2023  
Issue 115**

**The Medical  
Corner**

**COVID-19 and  
Stress**

**Page 7**

**Index**

- 2 Effective Nurse Care Management Can Improve Claim Outcomes
- 2 Why Is My DART Rate So Important?
- 3 Preparing for Your WC Audit
- 3 Trust Retains 100% of January Renewals
- 4 Workplace Violence
- 4 New Members/New Staff
- 5 April is National Distracted Driving Awareness Month
- 5 Board of Directors News
- 6 The Legal Corner: Protecting Your Organization Against Federal and State Wage Audits
- 7 The Medical Corner: COVID-19 and Stress

# Trust Intelligence

A Newsletter published by the  
**Workers' Compensation Trust**

## Safety Grant Program Gets Underway



The Workers' Compensation Trust is pleased to announce that 2023 marks the seventh annual opportunity for members to apply for a Safety Grant. When the program began in 2017, we had no idea how popular and successful it would be! This year's grant pool is \$450,000, with a maximum of \$15,000 per member for projects to improve or implement employee safety or loss control efforts for the organization.

Safety Grants will be awarded for projects or initiatives that improve employee safety or reduce risk for workplace injuries. Grants can be used for enhancements to safety and security of your workforce or workplace. The program objective is to encourage and support member efforts in developing innovative safety initiatives by defraying the cost of participating in, adding to or enhancing a risk reduction strategy, program or process.

Members who have been awarded safety grants continue to benefit each year from the controls implemented and all members of the Trust benefit from prevention and reduction of injuries.

We encourage our members to apply for the 2023 grant and work towards continuing to keep your employees safe.

To apply for the Safety Grant, go to [www.wctrust.com](http://www.wctrust.com). Grant applications must be completed in full and postmarked or emailed no later than **March 24, 2023**. Safety Grant award winners will be announced on April 21, 2023. Projects must be completed by December 29, 2023.

Please contact Carol Fronczek at 203-678-0161 or email her at [fronczek@wctrust.com](mailto:fronczek@wctrust.com) with questions or for more information.

**The Trust has fulfilled 182 Safety Grant requests since 2017 for a total of \$2,300,000**

# Effective Nurse Care Management Can Improve Claim Outcomes



Statistically, year over year, the frequency of workers' compensation claims continues to decline on a national level. Despite the good news, severity of claim costs have had a tendency to rise over that same period. There are many factors that come into play; an aging workforce requiring longer recovery periods, medical inflation, new and expensive medical technology available to patients, and injuries that once were life threatening are now survivable due to early emergency medical response in the field improving the outcome. One way to minimize these increasing costs is using effective nurse care management. **Unlike other carriers, the Trust provides nurse care management services without additional charges to the file.**

Nurse care managers are invaluable in optimizing the outcome and controlling the cost of claims related to serious injuries, such as those requiring surgical intervention and/or long absences from work. Injured workers facing a protracted recovery time can experience both physical and emotional challenges, and the nurse care manager can provide the necessary support and direction to avoid the claim cost from skyrocketing out of control.

Engaging a nurse care manager on a claim can save an average of \$6,100 in medical and indemnity costs, resulting in an 8:1 ROI. Time delays in referring a claim to care management have been found to increase claim costs 18% on cases reported at two weeks, as opposed to those reported at one week. A study was conducted that compared shoulder surgery claims with nurses to similar claims from 31 other companies that did not have a nurse assigned. The study found that claims with a nurse assigned had 57% fewer disability days, despite other variables. The future potential savings include 18% medical dollars, 26% loss dollars and 15% number of workdays lost.

The goal of a nurse care manager is to establish trust with the injured worker, help set clear measurable goals, and engage and support the worker in their own recovery. At the Trust, our nurse care management team consisting of 3 nurses and one occupational therapist, are committed to changing lives for the better and devoting themselves to the welfare of those receiving their care. They are responsible for assessing, planning, coordinating, implementing, and evaluating injured workers through the medical care management process. They work as intermediaries between the Trust, attorneys, medical care providers, employers, and the injured worker to ensure appropriate and cost-effective health care services are rendered.

When nurse care management is quickly and appropriately deployed for claims that could benefit for this level of service, return to work delays can be reduced by almost 50% and claims cost can be reduced as much as 30%.

If you would like to learn more about comprehensive nurse care management services available through the Trust, please contact our Managed Care Manager, Robb Wright at (203) 678-0185 or via email at [wright@wctrust.com](mailto:wright@wctrust.com).

## Why Is My DART Rate So Important?

Why is your DART Rate important? OSHA uses the DART Rate (Days Away, Restricted or Transferred) which is obtained through the electronic reporting process to identify organizations to target for inspections or inquiries. So, you should be concerned about your DART Rate and how you compare to others in your industry.

Annually the Trust shares DART and Incidence Rate data with those who participate in our survey, so that you can compare or benchmark your organization against other similar businesses. The information provided by the Trust will help you to determine if your organization has a high DART Rate and allow you to be better prepared for a potential OSHA inspection. It will also provide employers with information to set benchmarking goals to reduce frequency.

The survey was emailed to our eligible members in February. Data submission is due to the Trust by March 31st. All requested information can be obtained from the 2022 OSHA 300A form(s) which should already have been completed and posted.

A confidential comparison report will be sent to all participating organizations by June.

If you are interested in participating, the survey form can be accessed on our website [www.wctust.com](http://www.wctust.com). Any questions, please contact loss control at [losscontrol@wctrust.com](mailto:losscontrol@wctrust.com) or call 203-678-0123.

# Tips To Prepare for Your Workers' Comp Audit

Workers' compensation premiums are always an estimate based on anticipated payments for the policy year. At the completion of the policy term, an audit is conducted to determine the actual payrolls incurred by class code. The final policy premium is then determined and applied against the premium paid to date, resulting in a debit or credit.

Being properly prepared for an audit is key to making the whole process go smoothly and quickly. To assist in preparing for the audit, the Trust emails its members a self-audit packet in advance of the policy expiration. The packet includes a full explanation of how the audit is conducted along with a listing of the various records that are needed, such as payroll verification schedules (941's/UC-2's) and instructions on how to record payroll for employees.

If your business uses independent contractors/consultants, outside agencies or businesses to perform work, it is critical to require certificates of insurance from these contractors showing proof of their own workers' compensation coverage. These certificates should be available to the auditor. If no certificates are on file, the payments made to these entities will be included in your audit and charged accordingly.

The worksheets included in the packet may be used as a guide but having the information in excel format is easier to work with. If you use a payroll provider, they should be able to download the information into excel which can then be given to the auditor, saving you time and effort.

Having the self-audit information assembled in advance is very important. The auditor will usually contact you within 30 days following the expiration of the policy in order to set up an appointment to conduct the audit.

In addition to the payroll by class code information, the items needed are:

- a listing of all owned , rented or leased business locations
- the current number of employees at each location separated by full time and part time
- the number of stories high each building is

If a member has a disagreement with the final audit results, the member must file a written appeal with supporting documentation to the President & Chief Executive Officer of the Trust within 30 days of the audit invoice date. The item(s) in question will then be reviewed and a final determination will be made.

## Trust Retains 100% of January 1 Renewal Business! 2023 Off to a Great Start

January 1st is, by far, the largest renewal date for the Trust with well over 100 policies renewing on that date, accounting for more than \$16 million in premium. The Trust is proud to announce it has once again retained 100% of its January 1st renewals, marking the fourth time in the past five years the Trust has accomplished this feat! In addition, we added nearly one million in new business premium as well, giving us a fantastic start to the 2023 year.

We understand price is always important, but we also know there are several other components that come into play in order to accomplish these truly exceptional retention results, such as superior claims management, effective educational programs and seminars, proven loss control programs to identify and correct potential sources of injury, returning excess premiums to the members, and so much more.

The programs and services provided to our members are key in reducing claim costs, which in turn increases profits. This allowed Trust members to share in the collective results with \$7 million in premium returns for the 2022 year now being distributed and over \$65 million in premium returns to date.

The Trust is entering its 42nd year and is the state's leading provider of workers' compensation to Connecticut's healthcare and human service providers. A special "Thank You" to all of our members for your continued dedication and support of the Trust. It pays to be a Trust member!



# Workplace Violence



No doubt, workplace violence can result in massive costs, injuries and even loss of life. The continued escalation of workplace violence is heavily affecting businesses, with the Bureau of Labor Statistics reporting that more than 20,000 workers experience physical trauma in the workplace each year. According to recent data, workplace violence causes American businesses to lose \$250 billion to \$330 billion yearly with most workplace violence occurring in the healthcare industry, accounting for roughly 75% of all incidents each year. However, the frequency of workplace violence has been increasing in any industry that interacts with the general public, including teachers, transportation workers, delivery drivers, retail employees and restaurant workers.

All employers should take note of this trend and take preventative measures to minimize incidents of workplace violence. The Occupational Health and Safety Administration (OSHA) has published a comprehensive guide for preventing workplace violence in healthcare and social services environments at <https://www.osha.gov/sites/default/files/publications/osha3148.pdf> and is a good starting point for management to develop a comprehensive workplace violence prevention program.

In addition, the Trust has many resources available to assist our members and clients with their Workplace Violence Prevention Programs, including sample policies, security assessments and training. The Trust also works closely with the Connecticut DHS Protective Security Advisor, and the Region 3 Coordinator School Safety Program Lead from the Connecticut Division Emergency Management and Homeland Security. These resources provide members and clients the ability to create or strengthen their programs.

If you would like more information to assist in developing a workplace violence prevention program, please contact your Senior Loss Control Consultant or [losscontrol@wctrust.com](mailto:losscontrol@wctrust.com).

## Staff Changes



We are happy to introduce Julian Leite as a Sr. Claims Representative. Julian began in December and comes to us with experience in both medical only and lost time claims.



## Welcome to Our New & Returning Members

ABA Services of CT, Inc.

Brand-Nu Laboratories, Inc.

Elderly Housing Management, Inc.

High Hopes Therapeutic Riding, Inc.

Housing Authority of the City of Bridgeport

Mental Health Connecticut, Inc.

Northwestern Connecticut YMCA, Inc.

Rehabilitation Associates, Inc.

The Learning Clinic, Inc.

Ultimate Limousine Service LLC

Wallingford Country Club

Waterbury ARC, Inc.

# April is National Distracted Driving Awareness Month

Distracted drivers aren't just a threat to themselves. They are a danger to everyone else on the road. The national distracted driving effort focuses on ways to change the behavior of drivers through legislation, enforcement, public awareness, and education.

In 2020, The National Highway Traffic Safety Administration (NHTSA) reported that distracted driving killed 3,142 people and that roughly 20% of injuries occurring in car accidents involved distracted driving.

Distracted driving has become a deadly epidemic on our roads. While drivers texting behind the wheel tops what seems like an endless list of distractions, other risky actions include talking — whether it be on the phone or to others in the car, setting your navigation, adjusting what you're listening to, drinking coffee, applying makeup, and more. By driving distracted, you're robbing yourself of seconds that you may need to avoid a close call or deadly crash. Texting is the most alarming distraction. Sending or reading a text takes your eyes off the road for 5 seconds. At 55 mph, that's like driving the length of an entire football field with your eyes closed.

A lot can happen in an instant: A driver is eight times more likely to be involved in a crash when reaching for an object and three times more likely to crash while eating or drinking.

The US Department of Transportation has put together resources to assist with training and reminding drivers about risky behaviors. Whether or not your employees drive agency vehicles or their personal vehicles for work, we encourage you to continue to remind employees to drive safely. These resources are free of charge and can help to establish a mindset of safe driving year round.

To learn more about Defensive and Distracted Driving and Share with Others:

Occupational Safety and Health Administration (OSHA): [www.osha.gov](http://www.osha.gov)

National Safety Council:[www.distracteddriving.nsc.org](http://www.distracteddriving.nsc.org)

US Department of Transportation: [www.distracted.gov](http://www.distracted.gov)



## Board of Directors News

The Trust welcomed a new slate of Officers for 2023.



### Chairperson

Heather LaTorra  
President & CEO  
Marrakech, Inc.



### Vice Chairperson

Derrick Gibbs  
Chief Executive Officer/Owner  
Change, Inc./Nurses at Home



### Treasurer

Christine Murray  
Director of Contracts  
NAFI Connecticut, Inc.



### Secretary

Diane M. Ritucci  
President & CEO  
Workers' Compensation Trust

# The Legal Corner

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

## Protecting Your Organization Against Federal and State Wage Audits

The Clean Slate Law severely limits employers' ability to discover, consider, and make decisions based on an employee's or applicant's criminal history. Effective January 1, 2023, public and private employers (which is now defined as any employer with 1 or more employees) are barred from asking an employee or applicant to disclose any "erased criminal history information." Although Connecticut law has long barred employers from requesting information about, making hiring decisions, discriminating against or discharging employees based on criminal records that have been erased, the new law greatly expands protections for individuals whose records have been erased and will expand the types of criminal convictions that will be erased. Even though some of the erasures are being delayed to later in 2023 due to logistical issues, employers must be aware of and comply with their obligations under the new law.

### **What Records are Erased?**

In addition to expunging youth offender records, the new law now requires erasure of the following adult crimes:

- Misdemeanors shall be erased or deemed erased after seven years from the date of conviction (includes pleas).
- Class C felonies or unclassified felonies carrying a term of imprisonment of not more than 10 years but more than 5 shall be erased after 12 years.
- Class D or E felonies or unclassified felonies carrying a term of imprisonment term of not more than 5 years shall be erased after 10 years.
- Fortunately, any conviction designated as a family violence crime or any offense that is a nonviolent sexual offense or a sexually violent offense is not eligible for erasure.

Employers cannot inquire into or act on such erased crimes even if voluntarily disclosed by the applicant or employee, nor can employers discriminate against applicants or employees in compensation or in the terms, conditions or privileges of employment based on erased criminal history information. Under this new law, applicants and employees with expunged records can truthfully answer that they have no criminal record. The law allows applicants and employees to file complaints alleging violations of this law with the Connecticut

Department of Labor, the Connecticut Commission on Human Rights and Opportunities or in Connecticut Superior Court, depending on the circumstances. However, employers are not protected from suits alleging negligent retention or negligent hiring of an employee with an expunged record who commits a similar crime (such as, for example, a patient assault) during the course of his or her employment.

### **New Notice Requirement**

Where employers are required by law to ask about applicants' criminal history, there is a requirement to include a very specific revised notice, in clear and conspicuous language.

### **Next Steps**

In addition to adding the notice provision to your employment application, when necessary, employers should:

1. Consult with their background check vendor to ensure that the vendor will comply with the new law, and consider adding indemnification language to vendor contracts to protect employers. In addition to addressing the Clean Slate Law with background check vendors, companion agency employers must be sure their vendors comply with the new Department of Consumer Protection requirements governing background checks.
2. Employers must revise policies and educate managers with hiring authority, including human resources personnel, to ensure they ask appropriate questions and do not rely on improper information to make hiring decisions.

If you have any questions regarding the new law and how it will affect you, would like a copy or assistance in reviewing or revising your employment application or application and interview process, please contact Attorney John M. Letizia at (203) 787-7000 or [letizia@laflegal.com](mailto: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. You are encouraged to consult with the appropriate legal counsel prior to relying on this information or analysis.

## COVID-19 and Stress

It has been a long three years. On a global level, nearly 7 million people have died from COVID-19, economies have been disrupted, and our notions of what constitutes “normal life” have been altered irreparably. While things are not as frightening as they once were, we are not out of the woods, and frankly, we may never be. On the day prior to my penning this article, there were an estimated 113,000 new covid cases and 1200 covid deaths in the United States alone. Like influenza and the respiratory syncytial virus (RSV), COVID-19 will continue to circulate in the human population for the foreseeable future, waxing and waning in incidence as the virus continues to mutate.

It goes without saying that it has been traumatizing. Social isolation, fear and uncertainty, job losses, misinformation, business failures, deaths of friends and loved ones are but a few of the stresses we have suffered as a population. For those on the frontline who cared for patients, policed our streets, tended our businesses, and responded in myriad ways to the exigencies of a functioning society, the stresses have been even more challenging. As we move on from the pandemic, it is imperative we reckon in constructive ways with the emotional stresses not only from what we have been through, but also from what lies ahead.

While the work we do each day, and the places in which we gather to accomplish it, can serve as sources of stress, they also can provide critical infrastructure for the sort of social interaction and emotional support we need to address our stressors. While employers may differ considerably in their offerings to employees to cope with stress, two rules of thumb are worth bearing in mind, regardless of the specifics around the workplace social environment, employee assistance programs, or access to mental healthcare.

First, we need to be honest with one another about the emotional challenges we have faced. All of us have been impacted in one way or another, and leveraging that shared experience to engender candid discussions about experiences during the pandemic, along with the challenges and anxieties they may have triggered, is an important first step. Sometimes those will be conversations among friends and colleagues, sometimes they will be private discussions with counselors or mental health professionals



in a more formalized setting. Whatever form they take, being honest about what we have experienced and how it may have impacted our lives is the first step toward getting the support we need.

Second, we need to dispense with the stigmatizing of counseling and other mental health services. Along with that comes a basic acceptance that it is normal to have found the last three years stressful, that it is normal to need to talk about it, and that it is normal to reach out for help, whether informally through social networks, or formally through counseling or other mental health services.

The next few years must be a time for healing, a time for returning to something that feels at least closer to what we have regarded as normal. Being honest with one another, being supportive and non-judgmental about one another's needs is the best way forward.





## 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](http://www.wctrust.com). Your attendance is encouraged.

### **Safety Solutions: Using Audits to Decrease Employee Injuries**

Wednesday, March 15                    9:00 AM - 12:00 PM      Members: FREE                    Self-Insured Clients: \$50 pp

### **Youth Mental Health First Aid Training**

Wednesday, March 29                    9:00 AM - 2:30 PM      Members: FREE                    Self-Insured Clients: \$75 pp

### **How to Avoid and Defend a CHRO Employment Discrimination Complaint**

Wednesday, April 5                    9:00 AM - 12:00 PM      Members: FREE                    Self-Insured Clients: \$50 pp

### **Managing Your Return to Work Program**

Wednesday, April 12                    9:00 AM - 12:00 PM      Members: FREE                    Self-Insured Clients: \$50 pp

### **National Safety Council Defensive Driving 4-Hour Course**

Tuesday, April 18                    8:30 AM - 1:00 PM      Members: \$50 pp                    Self-Insured Clients: \$75 pp

### **Safety Solutions: OSHA Inspections**

Wednesday, April 26                    9:00 AM - 11:30 AM      Members: FREE                    Self-Insured Clients: \$50 pp

### **Fleet Safety: Prevent Employee Injuries**

Wednesday, May 3                    9:00 AM - 12:00 PM      Members: FREE                    Self-Insured Clients: \$50 pp

### **Safety Solutions: Mindfulness in the Workplace**

Wednesday, May 10                    9:00 AM - 1:00 PM      Members: FREE                    Self-Insured Clients: \$50 pp

### **Safety Solutions: Top Five Employee Injuries and Solutions**

Wednesday, May 17                    9:00 AM - 3:00 PM      Members: FREE                    Self-Insured Clients: \$100 pp



47 Barnes Industrial Park Road  
Wallingford, CT 06492