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Issue 117

**Trust Staff
Member
Takes on New
Role at ASSP**



AMERICAN SOCIETY OF
SAFETY PROFESSIONALS

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Trust Intelligence

A Newsletter published by the Workers' Compensation Trust

Tips to Reduce Your Workers' Compensation Premium

While Workers' Compensation rates continue to be stable, your individual pricing depends heavily on the type of exposure or risk in your company, and your own loss experience. Here are some ways that you may be able to reduce your premium, by implementing these loss saving measures:

1. Establish an Accident-Prevention Program

Avoiding injuries to your employees is the single best way to reduce your costs over time. Not only do workplace injuries count against your loss experience, but you have additional costs as you replace these workers so that the job can still get done. All members should have loss reduction focused safety programs in place that addresses the main accident drivers in your organization. The Trust loss control staff is available to help identify risks and exposures and build a safety & health program that supports these efforts.

2. Accident Investigation

Even if the incident/accident did not cause injury, all incidents should be investigated to evaluate how the incident/accident occurred. That way you can see patterns, or issues that need to be addressed in order to prevent further occurrences. The Trust has a complete Accident Investigation program ready for you to adopt and customize for your organization.

3. Don't Delay When Reporting Injuries

Multiple studies have shown that the longer it takes for claims to be reported, the costlier the case is. Lag time is measured from the time an employee reports the incident to their company and then from the time the company reports it to the Trust. All should be done within 24 hours. Lag time has been reduced significantly for those organizations who use Trust TeleCare as it provides a method to receive reports 24/7 and allows an employee to be triaged by a Registered Nurse at the time of the call. This reduces the lag of treatment time and the cost as well. If you haven't set up Trust TeleCare in your organization, reach out to your loss control rep and get started.

4. Stay in Touch with Injured Workers

It is important for the employer to stay in close contact with an injured worker throughout the course of their recovery. This not only motivates the employee to return to work but allows the employer to understand the progress and be ready to design a suitable return to work activity for that injured worker. Returning injured workers to work as soon as possible after an injury is paramount to reducing overall workers' compensation costs.

5. Create an Effective Return-to-Work Program

Having a well-established, ready to enact Return to Work program is essential to have in place before it is needed. Transitional and modified work allows the employee to slowly get back to full time work while accommodating the recovery process and ensuring a good outcome for all.

Partnering With Relias Brings Discounts to Trust Members



In 2020, the Trust partnered with Relias, a leading healthcare/social software solutions company. With over 10,000 clients, 7000+ unique training courses and over 47 million courses completed, Relias is the industry leader in Healthcare and Social Services education. The Trust offers the Relias Health and Safety Suite free to Trust Members to support your training and compliance needs.

In addition, Relias offers many libraries which provide for specific training and CEs for your credentialed staff. Most courses meet the requirements of such organizations such as CARF, COA, JCAHO, and DSS and more. Some of the core training libraries that are available include:

Post-Acute & Senior Care

- Assisted Living
- Skilled Nursing & Long Term Care
- Home C& Palliative Care
- Rehabilitation Therapy

Behavioral Health

- Mental Health
- Addiction & Substance Misuse
- Children, Youth & Families

Intellectual & Developmental Disabilities and Applied Behavior Analysis (ABA)

- Intellectual & Developments Disabilities
- Special Education & Schools

Acute & Ambulatory Care

- Hospitals & Health Systems
- Payers & Health Plans
- Community & Rural Health

Additional Industries

- Public Safety

Trust members who do not currently contract with Relias are eligible for a 20% discount when the Relias Learning Management System and a training library is purchased. Be sure to mention you are a member of the Trust for the discount. If you have any questions, please reach out to losscontrol@wctrust.com

20 Year Member Hartford Pathology Associates



In July, Diane Ritucci visited with Hartford Pathology Associates to present them with a plaque of appreciation to thank them for their longstanding membership with the Trust. Cynthia Ambrose accepted the award.

Pamela Hunter Takes on a New Role at the American Society of Safety Professionals

Pamela Hunter, Ph.D., B.S., CMP, in addition to her role at the Trust, has been appointed as the Assistant Administrator of the Healthcare Practice Specialty of the American Society of Safety Professionals. This will allow her to further her impact in the field of occupational safety & health.



Pam has been a Senior Loss Control Consultant with the Trust for over 9 years. The Trust is fortunate to have her on staff and wish her well in this appointment.



AMERICAN SOCIETY OF
SAFETY PROFESSIONALS

Trust Recognized as BEST IN CLASS in Providing Triage Services to Members

The Trust recently shared its performance results with Medcor on key metrics of success with the Trust TeleCare program. Well, apparently the results caught the attention of Curtis Smith, Chief Customer Success Officer and one of the original founding partners of Medcor 30 plus years ago and shared some very kind words below about our program. Among the hundreds of clients Medcor works with across the United States and Canada, it's always nice to be considered among the best-in-class.



“The Workers’ Compensation Trust (WCT) began working with Medcor in 2017 and has been an unwavering advocate for their members and clients alike from the start. They recognized that access to injury triage is not enough – injured employees need to use the service as soon as incidents occur to get the best results. Implementation and ongoing utilization across WCT’s client base of hundreds of worksites and thousands of employees requires ongoing effort. WCT has achieved and sustained best-in-class results from our service for its clients, with 70% of first reports of injury flowing through triage, and 82% of those calls occurring within 24 hours of the incident. WCT brings out the best in our service: 98% agreement by injured employees with triage recommendations, nearly 50% of cases appropriately resolved with self-care, and serious cases rapidly identified and referred in-network to the right level of care.”

*Curtis Smith, Chief Customer Success Officer
Medcor, Inc.*

New PTSD Legislation Expands Beyond First Responders to Cover All CT Employees

On June 5, 2023, the Connecticut Legislature passed Public Act (PA) No. 23-35, “An Act Expanding Workers’ Compensation Coverage for Post-Traumatic Stress Injuries for All Employees.” The Act expands the definition of “employee” to allow nearly all workers, not just first responders who were originally covered a number of years ago following the Sandy Hook tragedy who suffer certain tragic qualifying events to claim workers’ compensation benefits. PA 23-35 also expands the “qualifying events” for which an individual, including an employee, may seek workers’ compensation benefits. Under PA 23-35, a “qualifying event” includes:

- Viewing a deceased minor
- Witnessing the death of a person or an incident involving the death of a person
- Witnessing an injury to a person who subsequently dies or requests admission to a hospital
- Having physical contact with and treating an injured person who subsequently dies before or upon admission at a hospital as a result of the injury
- Carrying an injured person who subsequently dies before or requires admission at a hospital as a result of the injury; and
- Witnessing a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in permanent disfigurement of the victim

Finally, PA 23-35 permits employees to seek recovery through workers’ compensation for qualifying post-traumatic stress injuries to the same extent that first responders in Connecticut are permitted to recover. To the extent possible, employers may want to review and refine their health and safety protocols to reduce the risk of a “qualifying event” in the workplace. Employers may also want to consider reviewing and familiarizing themselves with applicable Occupational Safety and Health Act (OSHA) standards to ensure compliance to maximize healthful working conditions in the workplace, and to reduce opportunities for post-traumatic events to occur in the workplace. The law will take effect on January 1, 2024.

Welcome

A B O A R D

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

- Agency On Aging of South Central Connecticut, Inc.
- APNH: A Place to Nourish Your Health Inc.
- Career Resources, Inc.
- Compass Youth Collaborative, Inc.
- HARC, Inc.
- Helping People Excel, Inc.
- Joyce D & Andrew J Mandell Hartford Jewish Community Center, Inc
- K-B Ambulance Corps, Inc
- Northeast Scientific Corporation
- Quiet Corner Transport, LLC
- Shepard Meadows Therapeutic Riding Center, Inc
- The Master's School, Inc.
- The Young Men's Christian Association of Wallingford, Inc.
- There 4U Home Care, LLC
- Valley Community Baptist Church

The Trust also recently welcomed a number of Housing Authorities around the state. Here is the complete listing:

Ashford, Cheshire, Clinton, Coventry, Fairfield, Guilford, Hamden, Ledyard, Litchfield, Middlefield, Montville, Morris, Naugatuck, New Britain, New London, Newington, North Canaan, Norwalk, Norwich, Oxford, Plymouth, Preston, Rocky Hill, South Windsor, Simsbury, Stonington, Thomaston, Thompson, Voluntown, Waterbury, Watertown, West Hartford, Westport and Willimantic

Staffing Changes at the Trust

It is a great pleasure to introduce some of the newest faces at the Trust. We are pleased to have them on board!



Rachel Roones
Claim Support Representative



Nina Muniz
Account Manager, Sales & Marketing



Sandra Alves
Payment Support Representative



Kaili Saccavino,
Assistant, Accounting / Sales & Marketing



The mission of Kids' Chance is to provide educational scholarships to the children of Connecticut workers who have been seriously or fatally injured in work related accidents. The scholarships can make a significant difference in the lives of children affected by a workplace injury by helping them pursue and achieve their educational goals. If you know of anyone who may be interested in a scholarship, go to www.kidschanceofct.org.



Autumn Workplace Safety Tips

Autumn comes with its own unique set of seasonal hazards. Shorter days can increase the dangers for employees who may be working or driving in the dark. Think about sharing some safety tips with your employees by discussing at your next safety meeting or posting materials on a bulletin board or your intranet. Let's all make the effort to ensure that employees stay safe and enjoy the season.

PREVENT THE FLU

Fall marks the start of flu season. Consider offering a free on-site vaccination clinic. Or, if that's not possible, encourage employees to get a flu shot at their local pharmacy or doctor's office.

PRACTICE LADDER SAFETY

Whether they're at the job site, hanging decorations in the office, or cleaning gutters at home, employees should be reminded of best practices for ladder use. Choosing the right ladder for the job and maintaining three points of contact. It's essential to have both feet and one hand on the ladder at all times. It's also important to use the right kind of ladder for the job. Ladders have specific weight and height limits, and the top rung or step should not be used. The ladder should be placed on level ground and, if needed, leaning against a stable surface.

PREVENT SLIPS AND FALLS

Keep walkways clear of leaves, which can become slick when it rains. As the weather gets colder, make sure sidewalks are cleared of ice and snow. Slips, trips and falls can be prevented when walkways and building entrances are cleared of leaves, water, ice and snow, and warning signs are placed where trip hazards are hidden or cannot be removed. Lighting should be adjusted to illuminate dark or shadowy areas. Encourage employees to wear non-slip footwear and take their time when leaving their vehicles or carrying objects.

ROAD SAFETY

Prepare for hazardous fall and winter driving conditions by inspecting company vehicles and replacing fluids, worn tires, headlights and taillights, and windshield wipers. All vehicles should contain a well-supplied first aid kit. Remind employees to do the same with

their personal vehicles and reduce their speed when driving in bad weather or darkness. Drivers should stay alert for school buses picking and dropping off children. Other hazards include deer, slow-moving farm and construction equipment, and stop-and-go traffic. Vehicle operators should not text or talk on hand held devices while driving. Alert drivers to autumn road hazards. Rain, fog, fallen leaves, and deer crossing are common hazards this time of year.

SPACE HEATERS

Space Heaters are a common fire hazard when not used properly. If your workplace allows space heaters, educate employees on safe use practices. Consider requiring employees to request approval from a supervisor before using a space heater at work to ensure the proper precautions are followed.

INSPECT YOUR SMOKE ALARMS,

fire extinguishers, and first aid kits. A small amount of effort now will ensure these are in good working order in the event of an emergency.

WALKING IN DARKNESS

Encourage employees to stay in well lit areas. Looking at a phone screen can reduce night vision. It can be tempting to plug in music, type text messages or make calls while walking, but in the darkness it is important to stay alert and be aware of other people who may be around you. This is especially important when approaching or leaving a locked building, as there will be a period of time when you are focusing on access. It is worth planning a route, ensuring that someone knows where you are, and when you intend to arrive at a destination. Carrying items in both hands can make someone an easy target. It is worth wearing a backpack to carry items, leaving hands free.

The Legal Corner

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

Top 5 Common and Costly Mistakes When Acquiring or Merging With a Connecticut Homecare Agency

We have represented skilled and non-skilled homecare agencies for over 3 decades in every legal aspect of their operations, including in the sale, acquisition or merger with another organization. Over the years, we have seen buyers and sellers make costly mistakes that could be prevented or protected against before an acquisition or merger agreement is finalized, avoiding unnecessary legal and operational problems and liabilities following the closing. The 5 most common areas of concern are as follows:

1. When acquiring a homecare agency that is a Department of Social Services (DSS) Medicaid provider, you must make certain you are providing notice to, and where necessary, obtaining approval from DSS to be a DSS provider, which may involve completing a new provider application. In short, you cannot simply take over the acquired entity's DSS provider contract. This process must be started as soon as possible after the letter of intent or purchase agreement is signed and approval is not automatic.
2. You must pursue tax clearance with the Connecticut Department of Revenue Services (DRS) as soon as possible. The DRS may take up to 60 days to provide the acquirer, as it is their responsibility, a tax clearance letter to determine the taxes that are owed by the acquired or merged with agency. Over the years, we have noticed both sides have argued that the amount DRS states is owed sometimes appears to be arbitrary. Regardless, if you are the acquiring company or individual, you need to make certain this request is filed as soon as possible following the signing of the letter of intent or purchase agreement and that the selling or merging agency addresses and pays the liability prior to or at the closing. Please note, the DRS has found at times that even non-profit agencies have a tax liability (e.g., failure to pay sales tax on out-of-state purchases).
3. If you are the acquirer, make certain to keep sufficient purchasing funds in escrow for at least 2-3 years following an acquisition or merger. It is vitally important, especially for acquired agencies that are Medicaid providers, that anywhere from 5% to up to 20% of the purchase price is placed in escrow with your attorney, pursuant to a protective escrow agreement. DSS audits typically go back 3 years and DSS is not going to look to

the prior owner for payment of any audit findings, if the acquirer is also a DSS provider, which could range in the millions depending on the size of the agency. This is in addition to any potential Department of Public Health (DPH), Department of Labor (DOL) and for non-skilled agencies, Department of Consumer Protection (DCP) audits and investigations, which could also be very costly, especially DOL with regard to unpaid wages or overtime for live-in caregivers or improperly classified exempt employees (e.g., bookkeepers).

4. You should perform proper due diligence as to any pending audits or investigations with Federal and State agencies, not just civil litigation. All too often we see due diligence inquiries highlighting whether there is any pending lawsuits against the agency to be acquired or merged with our client. Many such lawsuits are covered by insurance, but the necessary time is not spent investigating whether the agency is subject to a present audit or investigation or is likely to be subject to an audit or investigation by DPH, DSS, DOL and for non-skilled homecare agencies, DCP.
5. Finally, it is critically important to retain counsel with significant experience in mergers and acquisitions in the skilled and non-skilled homecare area and in working with these multiple Federal and State agencies. The most common problem we have seen is individuals, companies or agencies retaining a "corporate lawyer" or a law firm that does not have significant experience in representing Connecticut skilled and non-skilled homecare agencies, not just with regard to mergers and acquisitions, but specifically with regard to the various government audits and investigations.

If you are considering acquiring, merging with or selling your Connecticut skilled or unskilled homecare agency and would like to have a brief telephone consultation (203-787-7000) at no charge or a 2-hour, in depth consultation for the reduced charge of \$500, please contact my partner, Phyllis Pari at pari@laflegal.com or myself at 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.

Storms

The other night I sat up watching lightning flashes from seemingly everywhere, listening to the roars of thunder, and really hoping a bolt of lightning would not select my exact location from thousands of available targets. To be sure, extreme weather events are becoming more common as the globe warms, and while we all remember a few do's and don'ts about lightning storms from childhood, it's well worth reviewing how we can prepare ahead of time, how we can increase our safety during a storm, and what to do afterward. A lightning strike can kill you, so can a downed tree or a downed powerline.

A number of things can be done around the house ahead of time. Trees that are close enough to your house to cause damage in high winds should be trimmed as well as possible. Any unhealthy tree that could fall onto your house should be removed. Drains, gutters and downspouts should be clean and properly functioning. If the house is prone to flooding, consider getting a sump pump with battery backup. If you have items outside your house that can blow away or damage your house if a gust drives them into a window, make certain they are secured or brought inside before a storm hits. Beyond the immediate threat to life from a severe thunderstorm, we are all familiar with lengthy power outages that can follow. Having a backup battery to keep cell phones charged, battery-powered light sources, adequate stores of food and water, and for those whose water comes from a well, enough water in storage (e.g. a full bathtub and a handy bucket) to flush toilets if no water is available for several days, are good steps for storm preparation.

Remember that a thunderstorm watch is a reminder to be prepared, and a warning means it's time to take action. If a lightning storm is coming, seek shelter, preferably in a sturdy building; the best place to be is in a basement or a small, interior windowless room on the lowest level of the building. During the storm itself, avoid using devices connected to electrical outlets, and avoid running water (lightning can travel through plumbing and water lines). Mobile homes, trailer homes and recreational vehicles

are not great places to be, but they are better than being outside. If you are in a moving vehicle, pull off the road and get to a place where falling trees and powerlines are not close by.



Once a storm has passed, numerous hazards may remain. Stay away from fallen powerlines, which can electrocute you, and report them to the power company. If you are using items such as generators, grills or camp stoves, only do so outside where ventilation is adequate. If refrigeration is lost for a period of time, be careful not to eat any food that may be spoiled. The Red Cross, which has been the source for much of this information, provides a Disaster Distress Helpline at 1-800-985-5990. Thunderstorms will likely become more common in the years to come, along with other extreme weather events. It pays to be prepared ahead of time and to know what to do when a storm hits.

Fourth Year in a Row CompPharma Ranked myMatrixx the Top Workers' Compensation Pharmacy Benefit Manager (PBM)

CompPharma, an independent consulting and research firm, works with payers and PBMs to bring transparency into workers' compensation pharmacy programs. Since 2004, the firm has surveyed workers' compensation payers on managing the cost of prescription drugs. The goal of the survey is to gain insight into the major cost drivers, management approaches, problems and trends that decision makers face - and how they are working to control costs and meet clinical goals.



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.

Diversity Without Adversity

Wednesday, September 13 9:00 AM - 12:00 PM Members: \$50 pp Self-Insured Clients: \$75 pp

OSHA Recordkeeping: Critical for Compliance

Thursday, September 21 9:00 AM - 12:00 PM Members: FREE Self-Insured Clients: \$50 pp

OSHA Requirements: Utilizing Temporary Help

Thursday, September 28 9:00 AM - 12:00 PM Members: FREE Self-Insured Clients: \$50 pp

National Safety Council Defensive Driving 4-Hour Course

Thursday, October 5 8:30 AM – 1:00 PM Members: \$50 pp Self-Insured Clients: \$75 pp

Partnering with the Trust

Thursday, October 12 9:00 AM - 12:30 PM Members: FREE

Workplace Violence and Active Shooter Preparedness for 2023

Thursday, October 19 9:00 AM – 3:00 PM Members: FREE Self-Insured Clients: \$75 pp

Housing Authorities - Emergency Action Plans & WPV Prevention

Thursday, October 26 9:00 AM – 12:00 PM Members: FREE

Claim Essentials for Members

Thursday, November 2 9:00 AM – 11:00 AM Members: FREE Self-Insured Clients: \$50 pp



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