

# Trust Intelligence

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## June is National Safety Month

Each June, the National Safety Council (NSC) encourages employers to participate and promote National Safety Month. This is an annual event to meet the goal of educating and influencing employee behaviors around leading causes of *preventable* injuries and deaths.

The 2013 theme is “**Safety Starts with Me**”. Successful organizations engage everyone in safety and create a culture where people feel a personal responsibility not only for their own safety, but for that of their coworkers as well. While leadership from the top is important, creating a culture where there is a sense of ownership of safety by all, is critical to stopping injuries.

Information is available to employers at [www.nsc.org](http://www.nsc.org) and includes a Tip Sheet for each topic and also a crossword puzzle and key. Additional information is available for members of the NSC including posters, 5 minute safety talks, an information article and safety scrambles. All very easy ways to get the message out in a positive way.

The focus this year is on Preventing Slips, Trips and Falls, Employee Wellness, Emergency Preparedness and Ergonomics

Use these tips and activities to engage your employees during the month:

### Preventing Slips, Trips, and Falls (STF)

Educate employees to identify and report hazards. Have employees form teams and go on hazard walks to identify STF hazards. Consider offering a prize for the team that finds the most hazards. Incorporate the Trust’s “GET A GRIP” Program, designed to create a safety awareness culture to prevent STF related injuries.

The Trust will be holding an educational seminar on August 8, 2013 titled “Preventing Costly Employee Slips, Trips & Falls”.

Members can get more information and register by going online to [www.wctrust.com](http://www.wctrust.com).

### Employee Wellness

Distribute literature, find a local RX drop box and encourage employees to properly dispose of unused and expired prescriptions. Publicize drug-free workplace policies and incorporate guidelines regarding prescription drugs. Highlight any wellness services offered through your benefits package and through your Employee Assistance Program.

### Emergency Preparedness

Update (if applicable) and share your organization’s emergency preparedness and business continuity plans with staff. Conduct drills and document findings and educate employees how to create a plan for home. Create a display of well-stocked home emergency kit items for staff to view.

### Ergonomics

Form and educate a team of employees on how to perform ergonomic assessments. Educate staff on how to recognize ergonomic risk factors and symptoms and share stretching techniques to encourage employees to take breaks or 10 minute recess stretches. Have the ergo team perform assessments of workstations, and follow up with corrective action if needed.

For assistance with any safety issues or concerns within your organization, contact your loss control consultant.



### INSIDE THIS ISSUE

- |   |   |   |                                   |
|---|---|---|-----------------------------------|
| 2 | 2013 CNA Hall of Fame Inductees           | 5 | BUSTED!                           |
| 2 | 20 Year Anniversaries                     | 6 | SmartPay                          |
| 3 | Provider Choice: How it Affects WC Claims | 6 | Legal Corner: New HIPAA Mega Rule |
| 3 | 2013 NCCI Symposium Updates               | 7 | Medical Corner: Emerging H7N9 Flu |
| 4 | Wellness Zone                             | 7 | New / Returning Members           |
| 4 | What Do You Think?                        | 7 | Peer Networking Groups            |
| 5 | Keeping Workers' Compensation Costs Down  | 8 | Educational Seminar Updates       |

# ACHCA-CT Inducts 2013 CNA Hall of Famers

The American College of Health Care Administrators, Connecticut Chapter (ACHCA-CT) conducted its annual meeting on March 20, 2013 at the Farmington Club in Farmington, CT. Each year, the highlight of the annual meeting is the induction ceremony for the CNA (Certified Nursing Assistant) Hall of Fame. This was the 11<sup>th</sup> anniversary of the event.

In order to qualify for consideration, nominees must have a minimum of 20 years of service as a CNA and 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.

Every year the induction ceremony is very touching and this year was no exception. Each winner is recognized individually and then given the opportunity to address those in attendance, sharing how much their patients mean to them. Testimonials were given by the supervisors of each inductee, reflecting on how much these special care givers have impacted not only the lives of their patients, but also of their patient's family members and their fellow co-workers. These are truly good, caring workers and each is a strong testimony that one person can, in fact, make a great and positive difference in the lives of many. To these inductees, being a CNA is not a job, it's a passion.

The Trust was proud to sponsor this year's ceremony as three new inductees were presented. All of us at the Trust know how difficult the work of a CNA is and we offer our congratulations and appreciation of their dedicated service to others. This year's inductees are:



**Mary Ann Chase**

36 Years

The Summit at Plantsville



**Hazel Davis**

25 Years

Riverside Health & Rehab Center



**Carmen Pabon**

23 Years

Beechwood Rehab & Nursing Center

## Members Celebrate 20 Years with the Trust

In the past few months, Diane Ritucci, President & CEO, and Pat Cramer, Account Executive have visited members in appreciation of their 20 years of membership with the Trust. We are honored and privileged to be able to partner with these organizations to control their workers' compensation costs. Ms. Ritucci brought these members a plaque and tray of cookies in recognition of their longstanding support of the Trust. These agencies recently marked their 20 year anniversary: Project Return in Westport, Kuhn Employment Opportunities in Meriden, and Nursing Services, Inc. in East Hartford.



Pictured with Diane Ritucci are Susan Basler from Project Return (left), Robert Stephens and Jerry Brennan from Kuhn Employment Opportunities (center) and Linda & Larry Tucker from Nursing Services Inc. (right).

We wish you all continued success and appreciate your loyalty and support of the Trust.

# The Impact of Provider Choice on A Workers' Compensation Claim

From time to time, a new member to the Trust will ask: Does it really matter whether the injured employee goes to their doctor, or to a select group of providers in the Trust provider network? A recent study published by the Workers' Compensation Research Institute (WCRI) speaks directly to this question with some resounding facts.

We all know that health care providers play many important roles in the outcome of workers' compensation cases, from diagnosing the conditions to assessing its cause through medical management practices to making decisions on the degree of impairment.

At the same time, there has been a longstanding debate between workers and employers on this issue. Workers and their advocates have always argued that the choice of the treating provider should always be left to the worker, allowing the worker to be treated by those whom they trust and whose interests align with those of the worker. Employer advocates argue that employer choice would ensure that incentives exist for keeping the cost of care reasonable and would help avoid excessive treatment, as well as ensure quality treatment. They also contend that providers familiar with the employer's worksite could use that knowledge to expedite return to work.

In a recent 2012 WCRI study, which analyzed claim data and employee interviews from a number of states which allowed employee choice against those that allowed employer choice, the study found that **costs were generally higher and return-to-work outcomes poorer when the injured worker was able to select any provider of their choosing.**

This recent national study validates once again, the importance of having the Trust offer a quality and customized provider network to our members to ensure better outcomes for injured workers.

## NCCI Symposium Updates National Market Issues

The National Council on Compensation Insurance recently conducted the Annual Issues Symposium in Orlando, Florida with more than 800 insurance professionals attending from throughout the country. The theme of the meeting was "Walking the Tightrope to Recovery". Each year a singular word is chosen that best reflects the current market conditions as perceived by NCCI. This year's word is "encouraging" which is certainly an improvement over the prior three years.



Workers' compensation premium has increased 9% nationally, driven by increases in payroll, loss costs, pricing and audit additional premiums. The payroll and pricing increases delivered the biggest impacts and workers' compensation is growing faster than any other line of commercial insurance. The total premium for 2012 was \$35 billion which was a \$3 billion increase over 2011 and a \$5 billion increase over 2010.

The national combined ratio for workers' comp of 109% showed marked improvement over the 115% combined ratio for 2011. The drop in the loss ratio results can be partially attributed to a 5% decrease in claim frequency. However, lost time claims increased 1% in 2012 and medical severity increased 3%.

Many states are seeing growth in their residual markets (assigned risk pools) with most of the increase being generated by accounts with premiums in excess of \$100K. Some of these risks are in less hazardous occupations than would have normally been found in residual markets, driven by tightening underwriting guidelines.

Other factors negatively impacting the overall results are the continued slow pace of economic recovery, low interest rates, and the uncertain impact of the affordable care act.

On a positive note the industry's capital position has strengthened, which should help in stabilizing market swings.

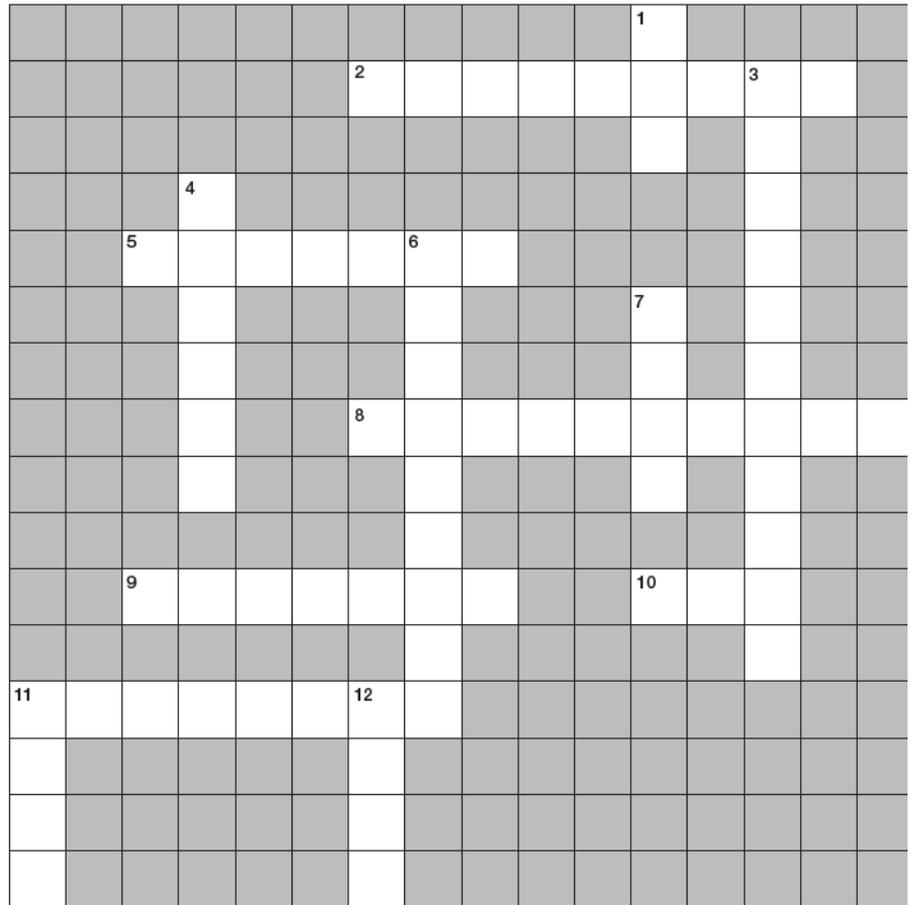


# Test Your Summer Wellness Skills

## Challenge Your Employees

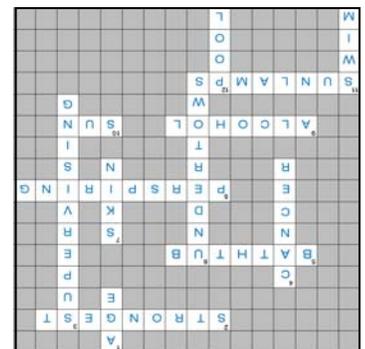
### ACROSS

2. Shade is important, especially in the middle of the day when the sun's rays are \_\_\_\_\_.
5. Never leave a child alone near water: on the beach, at a pool or in the \_\_\_\_\_.
8. Use sunscreen with a sun protection factor of 30 or higher; reapply after swimming, toweling dry or \_\_\_\_\_.
9. Never consume \_\_\_\_\_ when operating a boat.
10. Avoid the \_\_\_\_\_ between 10 a.m. and 4 p.m.
11. Tanning booths and \_\_\_\_\_ are not a safe alternative to natural sun.



### DOWN

1. Drowning isn't \_\_\_\_\_ specific.
3. A \_\_\_\_\_ adult needs to position themselves to scan the area within 10 seconds and reach the water within 20 seconds.
4. About 1.3 million new cases of skin \_\_\_\_\_ are diagnosed in the U.S. each year.
6. Don't underestimate the power of water; even rivers and lakes can have \_\_\_\_\_.
7. Guard as much \_\_\_\_\_ as possible when out in the sun.
11. Everyone needs the skills to be able to \_\_\_\_\_.
12. If you own a \_\_\_\_\_, make sure to be trained in infant and child CPR.



### What Do You Think?

The claimant sustained a compensable neck injury, which resulted in a ten percent permanent impairment rating. The claimant then retired from the company. The claimant continued to be prescribed medication that allowed him to carry on with his activities of daily living. Was the medication considered curative in nature?

### Answer:

For medical treatment to be curative in nature it must seek to repair damage to the health caused by the job, keep the employee working, eliminate pain so the employee can work, or prolongs life. In this case the Commissioner felt none of the standards were met by the claimant and deemed the medication was palliative in nature, which meant it no longer would be paid within the workers' compensation claim.

# Keep Your Workers' Compensation Costs Down

It's no secret that workers' comp costs are on the rise across the nation. This is due primarily to rising claim costs and weak investment returns. Unfortunately, Connecticut happens to be one of the leaders in a category no one wants to be at the top of, the category of "highest accident year combined ratio", and according to the National Council on Compensation's (NCCI) recently compiled data for 2010, Connecticut's loss ratio of 134% ranked second highest. It appears that 2011 won't fare much better when the final data is tallied as NCCI estimates Connecticut will still be in the 130% range. However, there are several things that you can do within your business to help reduce losses and take better control of your future costs. Following is brief list of some ideas to consider:

**CT is a leader in category. . .  
"highest accident year combined ratio"**

- Do you have an effective Return-To-Work (RTW) policy for injured employees who have been cleared for light duty? RTW programs are proven to significantly reduce claim costs and bring injured workers back to full duty quicker.
- Are your employees aware that job safety is a top priority in your business? If not, you may need to change the culture in the workplace.
- Do you have an Accident Investigation Team? This

should be made up of management and staff personnel, to investigate work-related accidents, interview injured workers and witnesses, and implement corrective actions in order to reduce the recurrence of a similar accident in the future.

**"Safety is no accident, it is a proactive mindset that begins with top management's commitment"**

- Are you reporting accidents immediately, within 24 hours or less, to your claims adjuster? Delays in reporting a claim loses valuable time for the claims adjuster to make contact with the injured worker. This can lead to delayed treatment, a frustrated claimant, the involvement of attorneys and ultimately result in skyrocketing claim costs.
- Do you work cooperatively with your Trust loss control consultant and utilize all of the information, material and programs made available to you and your employees?

Remember, every claim dollar incurred can impact future premiums for years to come. A good loss history and strong safety programs are your best bet for keeping future premiums down. Safety is no accident, it is a proactive mindset that begins with top management's commitment. Contact your Trust loss control consultant today and see how the Trust can help you with the list of ideas mentioned above.

## SMARTPAY "Pay As You Go" PREMIUM PAYMENT PROGRAM

This new payment option is available to Trust members. It calculates earned premium based on the payroll amounts reported for each payroll period. The "Pay as You Go" program will help eliminate large premium adjustments at audit, giving members a more accurate, budget friendly, economical way for handling their workers' compensation premiums. Ask your broker today about **SmartPay!**



## **BUSTED!**

A male cook, in his early forties, injured his back while lifting some food products from a cart while employed by a Trust member in September 2001. The employee treated on and off for several years and eventually underwent back surgery in 2005. After a period of recuperation, he went back to work, but always complained to his employer that he continued to have back pain. In 2009, he sought active treatment again and again was placed out of work. He eventually applied for and was awarded social security and disability income for the back pain and subsequent depression which he also attributed to his limited and altered lifestyle. The Trust maintained an open claim on the case and paid for all medical care associated with his back issues.

In late fall of 2012, on a tip from a confidential source, an investigation ensued. We found that the person was an active golfer in a local men's league with a very low handicap indicative of a very good golfer. Surveillance evidence was obtained and the individual and his attorney were confronted with the facts. Ultimately, the case was settled for \$70,000 less than what was being proposed by a workers' compensation commissioner.

**If you suspect a claimant of committing fraud or misrepresenting facts while collecting workers' compensation benefits PLEASE CALL OUR HOTLINE AT 1-800-559-3739.** Caller does NOT need to leave their name. All information is handled in the strictest of confidence.

# Legal Corner: The New HIPAA Mega Rule: Compliance Deadline is Approaching

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

The new HIPAA Mega Rule greatly expands who is subject to the HIPAA Privacy and Security Rules and the civil monetary penalties that may be imposed as a result of non-compliance. To demonstrate compliance with the new rule, covered entities and business associates must revise policies and procedures, review and revise their business associate agreements and privacy notices, train their workforce and maintain documentation. Three key changes to HIPAA are addressed below.

## 1. What Constitutes a Reportable “Breach”?

Any unauthorized use or disclosure of unsecured protected health information (“PHI”) is presumed to be a reportable breach which can be rebutted by showing that there is a “low probability” that the PHI has been compromised, based on the following factors:

- The nature and extent of the PHI;
- The identity of the person who impermissibly used the PHI or to whom the PHI was impermissibly disclosed;
- Whether the PHI was actually viewed or acquired; and
- The extent to which the covered entity or business associate has minimized or mitigated the risk.

**What this means for your organization:** To comply, organizations must revise their breach response plan and investigation procedures to account for this new risk analysis, which should include a procedure for creating and maintaining documentation to demonstrate your compliance with the risk analysis.

## 2. Liability on Business Associates and Covered Entities

The definition of “business associate” has been expanded to include subcontractors of business associates that “create, receive, maintain or transmit” protected health information on behalf of another business associate. In addition, new provisions must be included in **business associate agreements** (“BAA”), including:

- a specific requirement that the business associate comply with the Security Rule provisions for PHI;
- a provision requiring the business associate to report any breach of unsecured PHI to the covered entity pursuant to the breach notification rule;
- a provision ensuring that subcontractors that receive, create, maintain or transmit PHI on behalf of the business associate agree to abide by the same rules, restrictions and conditions of the business associate;
- a requirement that if a business associate performs a covered entity’s obligation under the Privacy Rule, the business associate must abide by the same Privacy Rule requirements that apply to the covered entity.

Finally, covered entities are now subject to penalties for the actions of their business associates if the business associates are agents of the covered entity.

**What this means for your organization:** Covered entities should inventory and obtain copies of all BAAs between their business associates and subcontractors to ensure compliance with this Rule. They must also revise their BAAs to include the above elements and contain provisions to protect against liability for the actions of business associates.

## 3. Organizations Must Revise Notices of Privacy Practices

Covered entities must modify their Notices of Privacy Practices (“Notices”) to advise individuals of certain changes imposed by the new Rule, including:

- For health plans, the prohibition against using or disclosing genetic information for underwriting purposes;
- That disclosure of PHI for purposes of the marketing and sale of PHI, and the marketing and disclosure of psychotherapy notes requires an express written authorization;
- That the covered entity is required to notify affected individuals of a breach of unsecured PHI;
- That the individual has the right to opt out of receiving fundraising communications; and
- That the covered entity is required to agree to an individual’s request to prohibit or restrict disclosure of PHI to a health plan where the individual has paid for the health care services directly and not through a third-party payor.

**What this means for your organization:** Covered entities must revise their notices and promptly post or redistribute the notices on or before the September 23, 2013 compliance date. Covered entities should also review their current marketing and fundraising policies and procedures to ensure that marketing authorizations are obtained where necessary and that an appropriate and effective fundraising opt-out procedure is put in place.

Covered entities are required to implement these and other significant changes by September 23, 2013. Organizations affected by this Rule should analyze their existing HIPAA compliance policies and procedures, contracts and Notices, and take immediate steps to comply with the new Rule, including consulting with counsel if necessary.



**Somehow, your medical records got faxed to a complete stranger. He has no idea what’s wrong with you either.**

# Medical Corner: Emerging H7Np Avian Influenza Strain

Mark Russi, MD, MPH, Medical Director, Workers' Compensa-



case numbers grow, and whether cases begin to be seen outside of China, it will be important for hospital emergency departments and outpatient clinics to assess travel histories among any patients presenting with pneumonia or severe respiratory tract symptoms. Patients with such symptoms who have been in affected areas of China within the previous 10 days should be admitted under respiratory isolation precautions until a diagnosis can be established.

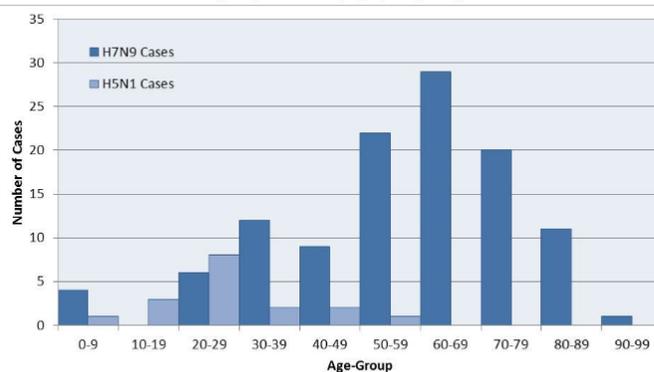
While the likelihood of our seeing U.S. outbreaks in the near future of the emerging H7N9 Avian Influenza strain is low, it is a virus with high human lethality and one with which healthcare personnel should be familiar. To date, all reported infections have occurred in China, and most, though not all have followed contact with infected poultry. While no sustained person-to-person spread of the H7N9 influenza virus has been documented, there are sporadic human cases which may have occurred following contact with an infected person.

Reflecting on the recent past, it is worth remembering that during the 2003 SARS outbreak and the 2009 Novel H1N1 Influenza epidemic, healthcare workers stood on the front line, sustaining infections prior to the full recognition that the patients they treated posed real infectious threats. While an H7N9 outbreak may be unlikely, it is never too early for healthcare institutions to become familiar with current CDC guidance around infection control, and to begin to take appropriate preventive steps. CDC guidance for H7N9 influenza can be accessed at <http://www.cdc.gov/flu/avianflu/h7n9-virus.htm>.

The virus causes severe respiratory illness in most humans who have been infected, and the mortality rate to date is approximately 30%. A recent analysis of more than 100 patients showed that three-quarters had severe disease. Median age among those infected was 61, and more than 40% were over the age of 65. Nearly all patients developed pneumonia, and infections were most severe among those who had other predisposing illnesses, such as heart disease, hypertension, diabetes, or chronic lung disease. The majority of patients were sick enough to require treatment in an intensive care unit.

The U.S. Centers for Disease Control and Prevention (CDC) has developed recommendations for infection control in medical centers. In the coming months, depending upon how rapidly

**Cases of H7N9 and H5N1 Influenza in China (Same Provinces) by Age-Group (4/26/13)\***



\*Total cases = 120

Note: ages of 2 cases are unknown



## WELCOME NEW MEMBERS

Careco Medical, Inc.  
Caregiver's Home Solutions, LLC  
NW Home Care, LLC  
The Shoreline Soup Kitchens  
Transitional Employment Unlimited, Inc.

## WELCOME BACK TO THE TRUST

Marrakech, Inc.  
Wolcott View Manor, Inc.



## PEER NETWORKING GROUPS



The Trust is now offering Peer Group education meetings to our members. These groups allow members with similar exposures and challenges the opportunity to learn from each other. The following groups have been scheduled:

**June 26**      **Nursing & Personal Care Facilities**  
**September 18**      **Hospitals**

For more information, go online to [www.wctrust.com](http://www.wctrust.com).



# Upcoming 2013 Educational Programs for Members

The following seminars are offered by the Trust for the third quarter of 2013. These programs are designed to assist our members in gaining knowledge of issues that surround and support the reduction of work related injuries and associated claims. Detailed information can be found on our website at [www.wctrust.com](http://www.wctrust.com). Most courses offer contact hours (CEUs) for Nursing Home Administrators. Your attendance is encouraged.

### Transformational Leadership in Healthcare

Friday, June 14th                      9:00 AM – 4:00 PM                      Members: \$60                      Value: \$300



### Creating Wellness Programs

Wednesday, June 19th                      9:00 AM – 12:00 PM                      Members: FREE                      Value: \$100



### Partnering With The Trust– Member Orientation to Trust Services

Thursday, July 25th                      9:00 AM – 11:00 AM                      Members: FREE

### Eliminating Costly Slips, Trips & Falls

Thursday, August 8th                      9:00 AM – 12:30 PM                      Members: FREE                      Value: \$100

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

Thursday, September 12th                      8:30 AM – 1:00 PM                      Members: \$40                      Non-Members: \$60



### DSS/MCS Audits: Are You Ready? \*\*\*NOTE DATE CHANGE\*\*\*

Friday, September 13th                      9:00 AM – 12:30 PM                      Members: FREE                      Value: \$100



### Workers' Compensation Claims: From Start to Finish

Thursday, October 10th                      9:00 AM – 3:30 PM                      Members: FREE                      Value: \$200



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