

Trust Intelligence

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Return to Work Specialist Hits the Ground Running



Robb Wright hit the ground running his first day on the job as the Trust's very own return-to-work specialist. In this capacity, Robb brings over 25 years of experience as an occupational therapist working with employers in helping injured workers stay at work or return to work during their recovery process from a work

related injury. Within days of starting at the Trust, Robb began working diligently with all stakeholders: injured workers, members, adjusters, nurse case managers and even the treating physicians to minimize the impact of lost work time associated with workplace injuries.

In his new role, Robb is now the Trust's main point person for all things related to return-to-work. Over the next several months, the Trust will be offering a number of educational programs to our members on return-to-work issues. More information will be coming out shortly through our educational announcements. The Trust is very excited that Robb has joined the team as we believe his vast experience and proven results

will greatly benefit the injured worker in their recovery process, significantly reduce the negative financial and emotional impact of long-term workplace absences, and provide a very unique and valued resource to our members.

Should you wish to learn more about how Robb can help your organization, please feel free to contact him directly at (203) 678-0103. Don't be surprised if you get a courtesy call from him to check in on how that injured worker is doing while they are at WORK! Just another added value from the Trust.



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WCC Establishes Final Fee Schedule for Hospitals and Ambulatory Surgical Centers

After a series of meetings were held at the Workers' Compensation Commission (WCC) over the final months of 2014, with input from the payor, provider and employer communities, the Chairman issued the following rates and rulings in an official memorandum dated December 31, 2014:

- The hospital inpatient rate shall be 174% of the Medicare rate
- The hospital outpatient and hospital-based ambulatory surgery rate shall be 210% of the Medicare rate
- The non-hospital based ambulatory surgery rate shall be 195% of the hospital-based outpatient Medicare rate



The National Commission on Compensation Insurance (NCCI) recently announced that they have filed an overall average loss cost change of -2.3% as a result of the new fee schedule. The WCC is currently working with a vendor to publish the applicable rates, rules and guidelines for implementation of this fee schedule for an effective date of April 1, 2015.



What Do You Think?

According to the workers' compensation statute, an employee has up to one year to file a claim for workers compensation. However there are 3 exceptions to this. One of these exceptions is if the employer provides or directs medical care within one year from the date of injury. In the case below, a formal notice of claim was never filed, however the employee claimed compensability because he believed medical care was provided within one year of the incident. Here are the facts of the case:

The employee fell at work in October 2012, injuring the left knee. He reported the injury to his supervisor, but did not seek treatment. In June 2013, the employee asked his supervisor if he could go to the emergency room because his left leg hurt. There was no mention that this pain was related to the October 2012 injury. The emergency room bills were processed through group insurance.

The employee later claimed that the June 2013 medical treatment fell under the medical care exception because the treatment was provided within one year. The Commissioner found that the employer was not aware the employee was treating for an injury when the employee requested to go to the emergency room. He also found that allowing an employee to go to the emergency room is different than directing an employee to go to the emergency room. The Commissioner ultimately decided that the employee failed to demonstrate he had met the medical care exception and denied his claim.

New Members

All About Home Care, LLC
Boys & Girls Club of the Lower
Naugatuck Valley
Care Given at Home, LLC
Nova Home Care, LLC



Returning Members

ARC of Meriden - Wallingford, Inc.
Bristol Community Organization, Inc.
Newton-Foster Home Care Agency,
dba Danae's Training
Rehab Solutions, LLC

Preparing for Your Workers' Compensation Payroll Audit

The first question regarding the payroll audit for your workers' compensation coverage might be; "Why is an audit necessary?" Good question! Workers' compensation rates are per one hundred dollars of payroll exposure in each class code. At the beginning of the policy year, the insured estimates what their total payroll exposure will be by class code for the upcoming year and that payroll is used to determine the estimated premium for the policy term. At the end of the policy term, an audit is conducted to determine the actual payrolls paid by class code during the policy term. Those audited payrolls are then used to calculate the final audited premium. That audited premium is then compared against the estimated premium that was billed throughout the year. If the audited premium is lower, a return premium is due the insured. If it is higher, an additional premium is due to the insurance company.



Being properly prepared for your payroll audit is key to making the whole process go smoothly. To assist in preparing for the audit, the Trust emails its members a self-audit packet during the first week of the policy's expiration month. 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 941's and UC-2's, instructions on how to correctly classify and record payroll for employees, and instructions on how to handle payments made to independent contractors (1099's).

If your business used independent contractors/consultants, outside agencies or businesses to perform work similar to the type of work anticipated under your classification codes, it is critical to require certificates of insurance showing proof of workers' compensation coverage. Keep these certificates on file for the auditor. If there are no certificates, the payments made to these consultants will be included in the audit and charged accordingly.

The worksheets included in the packet were revised in 2014. You may use these worksheets as a guide but having the information in Microsoft Excel format is easiest for the auditor to download. Your payroll provider should be able to download the information into Excel format which can be given to the auditor, saving you time and effort.

Having the self-audit information assembled in advance is very important. If you have questions, the auditor's contact information is provided in the packet. The auditor will usually be contacting you within 30 days following the expiration of the policy in order to set up an appointment in the following weeks to conduct the audit.

Also needed, but not included in the packet, is 1) a listing of all owned, rented or leased business locations; 2) the current number of employees at each location separated by full time and part time; and 3) the number of stories high each building is.

Thank you in advance for properly preparing for the audit and if you have any questions please don't hesitate to contact the auditor listed in the self-audit packet.

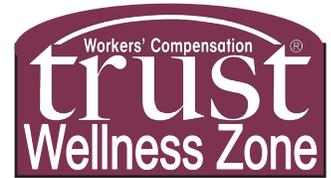
"Pay As You Go" PREMIUM PAYMENT PROGRAM

Trust members have the ability to pay for their workers' compensation premium as they issue payroll. This program calculates earned premium based on the payroll amounts incurred 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 the payment of workers' compensation premiums. Ask your broker today about "Pay As You Go"! Or you can contact the Trust at (203) 678-0110.

Spring Into Action & Get Healthy!

Getting Active

Here in New England, few would argue that spring is the best time of the year. Winter is over, days are longer, the sun is shining and the temperatures are warming. And it's not yet too hot to be outdoors and active! It's time to use that spring zing for personal benefit, especially to get healthy. Everyone is aching to get outside and get a taste of spring by jogging a few miles, teeing up for the first round of golf or playing some tennis. But before you do, you need to prepare your body for your exercise program, especially if the cold weather was used as an excuse to become a couch potato.



Don't overdo it. Take it slow. Don't go out and run 10 miles on the first day. Even with the warm days calling your name, taking it slowly means starting from square one. If you've been less active for awhile, it is best to see your doctor before starting any new exercise program. Try to schedule your annual exam to correspond with the start of spring to get a clean bill of health. Here you can discuss with your doctor your intent to gear up your activity level. After getting the green light from the doctor, start with a slow exercise program, an easy walking or jogging regimen with a stretching routine. Know your body and work yourself towards realistic goals. By taking it slow and working your way up, you will be able to get back into shape and avoid injuries as well. The last thing you want to do is end up injured and starting back at square one.

Trust members received a 2015 Pure Wellness calendar in December. The calendar contains inspirational quotes, medical advice, identifies various health observances, and monthly tips to share with employees. You may use this information to create monthly wellness messages. Keeping health and wellness as a part of your everyday operations will help to facilitate a healthy culture within your organization. If you do this, you may find healthier and happier employees, leading to reduced injuries and lower costs for your organization.

Eating Well

Spring is also the perfect time to start eating right to help aid in your wellness. WebMD offers some spring tips to share with your employees:

- **Fill up on vegetables.** A low calorie salad before a meal will help tame your appetite.
- **Eat hot cereal** like oatmeal which is more filling and less caloric than dry cereal. Hot cereals are high in fiber which is also good for your heart.
- **Drink green tea**, it's calorie-free and stimulates the body to burn calories.
- **Curb cravings by giving in.** One square of dark chocolate is plenty to satisfy your sweet tooth. It also has antioxidants to help lower blood pressure and reduce the risk of heart disease and diabetes.



Some additional tips to keep in mind at your workplace:

- **Encourage employees to eat breakfast.** This can raise metabolism by as much as 10% and provides the energy needed to perform at their best.
- **Make sure to have drinking water available** to your employees. Providing an alternative to sugary beverages helps cut extra calories.
- **Identify healthy eateries** in close proximity to your workplace.
- **Post nutritional information** on the vending machine. This can dissuade unhealthy choices.

Trust Staff Comings and Goings

Retirements, New Hires and Promotions

2015 has brought about more than just a mere flurry or two of snow. It brought with it an unusual number of staffing changes here at the Trust. The Trust has had an astonishing staff longevity record. People come to the Trust, they like it, they stay. It's that simple. However, eventually, they do retire. And so the Trust has just recently said goodbye to three long term valuable employees.



In January we said farewell to Sarah Gibbs. Sarah joined the Trust in September of 2002 and spent the next 13 years as a Senior Claim Representative working with many of our private healthcare clients. Sarah's commitment and hard work did not go unrecognized as many of her members were very sad to see her go. Sarah plans to spend more time with her family and her church.



Last month, we said goodbye to Nancy Marone. Nancy spent 17 years at the Trust as a Claim Support Representative. She was the first line of contact for many of our claimants, members, and providers, in search of assistance and support. Nancy will now have more time to spend in her garden and with her dog Max.



We also said farewell to Claims Manager, Kathy Yeager. Kathy started at the Trust in 1994 as a Claims Manager and held that position for over 20 years. She was instrumental in establishing many of the benefits of our program today and during her tenure saw the Trust double in size of membership and triple in size of staff. Kathy will have more time for travel and her passion, quilting.

And while we will miss our retirees, work continues and we are pleased to welcome their replacements.



Mark Sawina
Claims Adjuster



Anne Lovett
Claim Support Coordinator



Kathy Crisman
Claims Manager

Mark Sawina joins us as Senior Claim Representative. He has taken over Sarah Gibb's desk and has over 25 years of experience in workers' compensation claims on both the carrier and broker side of the business.

Anne Lovett joins us as Claim Support Coordinator. This is a newly created position at the Trust that will provide supervisory oversight to the claim support team. She is a paralegal with previous experience working in an orthopedic office.

Lastly, we'd like to congratulate Kathy Crisman on her promotion from Senior Claim Representative to Claims Manager! She's been with the Trust since 2003 and we are pleased to be able to reward her outstanding adjusting and people skills with a manager position. Congrats all!

The Legal Corner

Attorney John Letizia, Managing Partner
Letizia, Ambrose & Falls, P.C., New Haven

Avoid Sexual Harassment in the Workplace Educate Your Employees



Sexual harassment in the workplace is of special concern in the health care industry. To avoid liability, employers must take steps to prevent, detect, and remedy sexual harassment of their employees both by other employees and by the countless other people they come into contact with in the workplace.

Connecticut is one of the few states that requires employers to provide sexual harassment prevention training to supervisors.

According to Connecticut General Statutes § 46a-54(15)(B) and CHRO Regulations § 46a-54-204, employers with fifty or more employees must provide two hours of training and education to all supervisors within six months of their assumption of a supervisory position. The training must be done in a classroom-like setting. The CHRO also strongly recommends that every three years, employers provide supervisors with an update of legal requirements and developments in the law. Furthermore, the CHRO recommends that employers keep records of sexual harassment prevention training.

Employers can be held liable for sexual harassment of their employees by anyone, including patients.

An employer can be held liable for sexual harassment of its employees by supervisors, co-workers, and non-employees, including patients, visitors, vendors, and anyone else they come into contact with in the workplace. An employer can also be held liable for retaliation against an employee who makes a complaint or cooperates in a sexual harassment investigation.

If a supervisor sexually harasses an employee and a tangible employment action, such as termination, demotion, undesirable re-assignment, or constructive discharge, is taken against the employee, it is very difficult for an employer to avoid liability if the harassment actually occurred.

Employers can avoid liability for sexual harassment by implementing and following a strict sexual

harassment prevention policy and taking prompt corrective action. If, either the sexual harasser was not a supervisor, or the victim did not suffer a tangible employment action, the employer may be able to avoid liability by demonstrating that it provided training to its employees, had an updated sexual harassment policy, promptly and thoroughly investigated the complaints, and punished the harasser.

This is virtually the only area of employment law in which the employer can avoid liability or mitigate damages by proving that it took proactive steps to prevent and remedy the harm, even if the harassment actually occurred.

Best practices to prevent sexual harassment and defend a sexual harassment claim include the following:

1. Create and enforce a zero-tolerance policy for sexual harassment in the workplace.
2. Educate employees to avoid and identify sexually offensive behavior.
3. Provide multiple avenues for employees to report sexual harassment.
4. Provide training to supervisors at least in accordance with state law; however, we recommend employers go beyond state law requirements and provide supervisors periodic updates on sexual harassment law and provide training or education materials to all employees on identifying and reporting sexual harassment.
5. Keep thorough records of all trainings, legal updates, and efforts to educate and reinforce the sexual harassment prevention policy.
6. Promptly and confidentially investigate all sexual harassment complaints.
7. Ensure protection against retaliation for victims and witnesses.
8. Take appropriate remedial action against harassers, up to and including termination of employment.

If you would like more information please do not hesitate to call Letizia, Ambrose & Falls, at (203) 787-7000 or email Attorney John M. Letizia (letizia@laflegal.com).

The Medical Corner

Mark Russi, M.D., MPH, Medical Director
Workers' Compensation Trust

Dog Bites

Dog bites, while common, can sometimes be serious health threats. It has been estimated that more than 4 million dog bites occur per year, with more than 800,000 requiring medical attention, and 300,000 requiring emergency department visits. Many can be prevented, and common sense tells us to avoid dogs we don't know, to avoid trying to pet a dog when it is eating or feeding its pups, and avoid behaving aggressively around a dog.

If a dog bite occurs, the wound should be washed with soap and water. If there is bleeding, apply pressure to control it. Antibiotic ointment and a sterile bandage also should be applied. Many dog bites should be evaluated by a clinician, particularly if you have been bitten by an unfamiliar dog, if the wound is deep or large, if it is on the face or hands, if it is difficult to stop the bleeding, or if any signs of infection develop such as redness, pain or swelling.

Dog bites can be associated with a number of bacterial infections, some of which are serious. In rare circumstances, dog bites may even be associated with tetanus or rabies. If you are bitten by a dog, you should try to determine whether the dog has received the rabies

vaccination. If the dog is a stray, or if the bite was unprovoked, there is a higher risk.

When a clinician evaluates a dog bite, he or she will determine whether a tetanus booster is needed, whether there is any debridement (cutting away of damaged or dead tissue) required, whether suturing is required, and whether you need to receive antibiotics. While suturing a wound tends to result in less scarring, dog bites will sometimes be left open to avoid infection developing beneath the sutures. Occasionally, dog bites will be serious enough to require hospitalization or intravenous antibiotics.

When in doubt, it is best to have a dog bite evaluated by a clinician in order to determine the best management and avoid development of an infection.



Dog Bite Management and Prevention

Dog attacks account for more than one-third of all homeowner insurance liability claims totaling nearly \$479 million. Dog owners often say “Don't worry-my dog won't bite” but given the right set of circumstances, any dog can attack. Members of the Trust have seen an increase in these types of injuries; both frequency and severity are rising, specifically with our Home Health, Home Companions and Social Service organizations. An effective risk management program can reduce the likelihood that employees will be injured. The program should:

1. Ensure your organization's home assessment checklist includes a review of the pets in the home.
2. Ensure your employees understand your company policy concerning animals and know the exposures prior to working in the home.
3. Educate staff on preventing dog bites by knowing the warning signs.
4. Educate your employees on what to do if they are bitten by a dog.

The Trust has developed A Guide to Dog Bite Management and Prevention. Please contact your Loss Control Consultant for a copy. Please remember if an employee is bitten, send in the First Report of Injury and investigate the incident to determine what additional controls are needed to keep employees safe.



Upcoming Educational Programs

The following 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. To register, or obtain detailed information, go to www.wctrust.com. Most courses offer Continuing Education Units (CEUs). Your attendance is encouraged.

Limiting Agressive Development Disability Behaviors

Thursday, April 30 9:00 AM - 11:00 AM Members: FREE Value: \$100

Sexual Harassment Prevention Training for Supervisors

Wednesday, May 6 9:00 AM - 11:00 AM Members: FREE Value: \$100

Developing Employee Training: Make It “Click”, Make it “Stick”

Thursday, May 14 9:00 AM - 12:00 PM Members: \$50 Value: \$100

Managing Your Return-To-Work Program

Wednesday, May 20 8:30 AM - 12:30 PM Members: FREE Value: \$100

National Safety Council’s Defensive Driving 4 Hour Course

Thursday, May 21 8:30 AM - 1:00 PM Members: \$40 Non-Members: \$60

ADA & FMLA: An Advanced Program for Employers

Thursday, June 4 9:00 AM - 3:30 PM Members: FREE Value: \$300

OSHA Standards for Healthcare Part 2 of 4

Thursday, June 11 9:00 AM - 11:30 AM or
1:00 PM - 3:30 PM Members: FREE Value: \$100

Discipline and Legal Issues for Supervisors and Managers

Thursday, June 18 9:00 AM - 12:00 PM Members: \$50 Value: \$100



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