

Trust Intelligence

A Newsletter for Members of the Workers' Compensation Trust

Issue 92

June 2017

29 Members Share \$250,000 in Safety Grant Awards

When we announced the Trust's first ever Safety Grant Program in February, we were hopeful it would spark interest and generate proactive thinking by members on how they could help reduce or eliminate loss exposures in workplaces and thereby, improve the overall future loss results of the Trust. It's no exaggeration to say that our initial expectations were "blown away" not only by the overwhelming number of applications received but also by the wide array of practical, innovative, and even "urgent" safety ideas members wanted to initiate.

There were 83 entries received, making the final decisions a difficult task for the committee. While many entries were certainly worthy of recognition, the committee needed to stay within the \$250,000 grant limit and worked hard at selecting finalists based on a multitude of factors. A total of 29 finalists were ultimately selected and they will share the grant in varying amounts up to the maximum of \$15,000 per member.

Winning projects and programs covered a wide spectrum of ideas and loss exposure areas including automated CPR devices for stretcher transport, driving simulator training, keyless entry security systems, indoor and outdoor safety improvements, in-house training programs, numerous safe patient handling devices and much more.

Every Trust Member Wins!

Inside This Issue

- 2 Mental Health & Well Being in Workers' Comp
- 2 Trust TeleCare Pilot Program
- 3 June is National Safety Month
- 4 Wellness Zone
- 4 OSHA News
- 5 CNA Awards
- 5 Maintaining Safe Workplaces
- 6 Legal Corner
- 7 Medical Corner
- 8 Education Calendar

This new Safety Grant program benefits all members as the grants awarded from this program are funding programs that will most certainly have an immediate impact in reducing the Trust's future claim costs by more than this \$250,000 investment. Reducing losses enables the Trust to keep our pricing lower and return more premiums back to our members. So rest assured that these newly funded programs are working for your organization's benefit as well! Together, we can all make a difference in controlling workers' compensation costs.

This year's grant recipients are:

Abilis	Martin House
ACORD	New Britain Emergency Medical Services
Allied Community Services	New England Residential Services
American Ambulance Service	New London Homeless Hospitality Center
ARC of Quinebaug Valley	Opportunity Works Connecticut
Area Cooperative Educational Services	Recovery Network of Programs
Beth-EI Center	Sarah, Inc.
Branford Hills Health Care Center	Thames Valley Council for Community Action
Community Residences	VISTA Life Innovations
Cook Willow Convalescent Hospital	VNA Community Healthcare
Covenant Shelter of New London	Wellspring Foundation
Easter Seals Capital Reg. & E. CT	West Haven Community House Association
Emergency Resource Management	Whole Life, Inc./Tri-County ARC
Hands on Hartford	
Madonna Place	

Trust Participates in National Discussion on Mental Health & Well-Being in Workers' Compensation

On April 11th, Brian Downs, Vice President, Quality & Provider Relations was asked among several other key industry professionals to participate in a national webinar sponsored by Safety National and Sedgwick on the impact of mental health and well-being in workers' compensation. Over 600 participants signed into the webinar representing large and small employers alike, workers' compensation professionals, medical providers and mental health counselors.

The presenters collectively outlined the issues that unfortunately have been on the backburner for far too long--that employers and insurance carriers are not effectively addressing these issues. The facts and statistics are startling and undeniable, mental health issues like stress, anxiety and depression contribute to disabilities and can significantly slow recovery in work related injuries. Much more needs to be done about it in terms of recognition and treatment. **The most recent research shows the following:**

- Mental health accounts for approximately \$179 billion in healthcare costs.
- 18% of adults have one or more anxiety disorders, in any given year.
- Mental health is one of the top-three reasons for employee absences.
- Employees are two-to-six times more likely to have a WC claim if they are suffering from stress.

Brian highlighted several initiatives the Trust has taken to educate Trust claim professionals on how to respond to behavioral health issues if and when it is identified that it may be a barrier in the recovery process of an injured worker. In addition, the Trust continues to build on its newly developed Injury Coping Assistance (ICA) Program which refers certain injured workers to behavioral health professionals on a time limited basis to help them in gaining better coping and perspective with their injury recovery.

Trust TeleCare Pilot Program

In our ongoing effort to ensure that we continue to provide innovative, cost effective services to our members, the Trust is establishing a telephonic injury assessment service called Trust **TeleCare**. Trust TeleCare is a tele-triage program that provides injured workers with immediate telephonic access to a registered nurse, trained in providing guidance to help determine if the injured worker needs to seek immediate medical care, the appropriate type of care that is needed, or provide information as to how they can safely self-treat.

This service will be available 24 hours a day, 7 days a week, through our partnership with Medcor, Inc. Medcor has been providing workplace injury tele-triage since 1997 and through their proven methods and patented evidence based clinical decision making intelligence, have developed a best in class system that is expected to provide timely services that will ensure the injured worker is receiving the most appropriate level of medical care for a specific injury.

We believe this program will provide tremendous benefits to our members by eliminating unnecessary time away from the workplace and the potential avoidance of costly treatment, especially during off hours or weekends when the Emergency Department is the only option. In addition, this service will provide the employee the ability to have greater say in how to manage their own injury while still allowing for the incident to be reported timely and documented. We also believe that this service, which is being offered at no cost to our members, will have immediate reduction in the cost of workers' compensation claims.

We have identified a small group of members that have committed to actively participate in the pilot program for a 3 month period beginning in July. It is anticipated that the service will be offered to our entire membership sometime in the fall. Stay tuned for more details on this new and very exciting offering.

June is National Safety Month

Let's Work Together to Keep Each Other Safe

Annually the National Safety Council (NSC) promotes and provides employers with safety materials focusing on reducing injuries both at home and on the job. This year's theme "Let's Work Together to Keep Each Other Safe" hopes to eliminate preventable deaths.

Materials can be found on National Safety Council website and can be used throughout the month and even the year in an ongoing effort for organizations to promote safety and keep the safety culture alive in the organization. Research has shown that it takes seven "touches" to make an impact. What better way to enhance your safety culture and efforts than by using the materials to "touch" employees.

Try a 5 minute Safety talk to at the beginning of a shift, place posters in strategic places throughout the facility, have some fun and give the employees a quiz, maybe handout a prize to the employee who gets the most answers. The ideas are endless.



Week 1: Stand Up to Falls

In 2015, the U.S. Bureau of Labor Statistics reported over 223,000 non-fatal falls on the job. Slips, Trips, and Falls continues to be a loss leader for Trust members. The majority of falls (149,180) were not from a height or elevation, but rather falling on the same level due to slipping on a slick surface or from tripping over a hazard in the work area.



Week 2: Recharge to Be in Charge (Focusing on Fatigue)

Good sleep is something we all need, but so many of us aren't getting enough of it. A 2016 Centers for Disease Control and Prevention (CDC) report states that 1 in 3 adults don't get enough sleep. It is estimated that approximately 37 percent of the U.S. workforce is sleep deprived. Sleep is necessary to regain stamina and face the day. It affects our long and short-term health. Lack of sleep can reach into the workplace and affect safety and performance.



Week 3: Prepare for Active Shooters

Workplace violence can occur at or outside the workplace and can range from threats and verbal abuse to physical assaults and homicide. It is one of the leading causes of job-related deaths. Incidents may be triggered by stress, increased workloads, financial problems, firing, or disciplinary actions. Some basic planning and preparation strategies can minimize or avoid violent situations in the workplace.



Week 4: Don't Just Sit There - Focusing on Ergonomics

According to the US Bureau of Labor Statistics, one-third of all workers' compensation claims are due to ergonomic issues. Ergonomics involves designing and arranging workspaces so people work efficiently and safely. The study, however, is not limited to just the workplace. Ergonomics also touches people in their everyday lives.

Go online now to print out your National Safety Month materials. If you aren't a member, go online to <http://www.nsc.org/act/events> and sign up for your free membership!



Simple, Fun Wellness Challenges to Start at Work

June marks Employee Health and Fitness month. According to the U.S. Bureau of Labor Statistics, over 90 percent of workers spend more than 40 hours per week at work, which makes the workplace a great place to target and change health behaviors. Employers have the potential to positively impact employee health in a number of ways, including making environmental and cultural changes. As part of cultural change, wellness challenges at work can provide a fun, motivating spin on promotion of health behaviors.

Walking Challenge - Walking is one of the most accessible forms of physical activity, and there are a number of ways to implement walking challenges. For example, participants can earn a reward for walking a certain number of steps every day for a set period of time, or can earn a raffle entry for each 1,000-2,000 steps walked over set time. Get inspiration from the Surgeon General's Step It Up! campaign.

Daily Habit Challenge - Daily habit challenges work well over shorter, 2-4 week periods. The idea is to come up with a different healthy habit that participants must do each day. Habits can be anything from packing your own lunch to taking a daily walk. Each behavior earns a raffle entry, with drawings at the end of each week.

Team Wellness Challenge - Team challenges can foster a sense of community and motivate people to a common purpose. Participants work towards large, group goals, such as "walk 5,000 miles" or "lose 50 pounds" and keep track of group results on a white board or poster, usually displayed in a common area.

Participation Challenge - This challenge encourages participants to accomplish a goal or task a certain number of times over a set period, rewarding those who reach a certain number. For example, if an employer subsidizes a health club membership (or has a fitness center on site) they can challenge their employees to attend 25 fitness classes in 30 days.

Weight Loss Challenge - Weight loss is a common goal for Americans - according to a Gallup poll earlier this year, 49 percent of Americans want to lose weight - and challenges provide a fun, motivating atmosphere. Weight loss challenges can span several weeks to a few months, and typically include regular weigh-ins as well as support throughout, such as nutrition education.

Building a culture of wellness in the workplace takes time, but fun challenges like those listed above can help engage employees and bring them together toward the common goals of increased physical activity and overall better health.

OSHA NEWS

Update - Electronic Submission of Records

OSHA is not accepting electronic submissions of injury and illness logs at this time, and intends to propose extending the July 1, 2017 date by which certain employers are required to submit the information from their completed 2016 Form 300A electronically. Updates will be posted on OSHA's webpage (www.osha.gov) when they are available. The webpage will continue to be monitored on a regular basis by the Trust. If you have any questions, please contact your Senior Loss Control Consultant.

Reporting Severe Injuries

We want to remind our members that severe injuries need to be reported to OSHA.

- Within 8 hours, an employer must report any work fatality to OSHA including fatal heart attacks and other incidents that may not be recordable on the OSHA 300 log.
- Employers are also required to report within 24 hours amputations, loss of an eye and/or a hospitalization of an employee who is admitted for more than observation.
- An employer is not required to report a highway or public street motor vehicle accidents unless they are in a construction work zone. Or if the injury occurred on a commercial airplane, boat, train, subway or bus accident.

If you have any questions on the reporting of a severe injury, contact the Trust.

Proud to Sponsor the 2017 ACHCA-CT Chapter CNA Hall of Fame Ceremony

Those familiar with the nursing home environment truly understand the crucial role the Certified Nursing Assistant (CNA) plays in fulfilling a nursing home's ability to properly care for the needs of its residents. The CNA position is the underlying support for the entire patient care platform and to fill the position properly requires a truly exceptional person with a "servant's heart", one who has an enduring love for people in need, limitless patience and can perform even the most undesirable patient care tasks while simultaneously offering their patients true friendship and respect.

Over the past 16 years the Connecticut Chapter of The American College of Health Care Administrators (ACHCA-CT) has conducted a special awards ceremony to recognize these everyday heroes by inducting them into their CNA Hall of Fame. This year's annual meeting was held on March 9th at Zandri's Stillwood Inn in Wallingford, CT and marked the 15th anniversary of the awards ceremony.

The Trust was proud to once again sponsor this year's ceremony as six new inductees were honored.

Our congratulations to the following inductees: Dawn Barner of Hughes Health & Rehab in West Hartford, Ruth Brown of Touchpoints at Farmington, Marco Cambisaca of Beechwood Rehab & Nursing Center (Member) in New London, Krystyna Kuron of Avon Health Center (Member), Hyacinth Mallett of Westside Care Center in Manchester and Mary Roberts of Valerie Manor in Torrington.



Krystyna Kuron
Avon Health Center



Marco Cambisaca
Beechwood Rehab
& Nursing Center

Trust Quoted in National Trade Magazine: Maintaining Safe Workplaces

In early March, Provider magazine, with a readership of more than 52,000 owners, operators, clinicians, administrators, and others working in nursing facilities and assisted living communities across the country reached out to two of our senior management executives, Brian Downs, Vice President, Quality & Provider Relations and Carol Fronczek, Vice President, Loss Control Services, to gain their insights for the lead article in their April edition on what it takes to maintain a safe work environment within these industries. Both Brian and Carol gave some specific suggestions on what they have seen in their two decades of experience within these environments on what works to minimize workplace accidents, but also emphasized that nothing will work if organizations do not have the foundational pillars in place of strong leadership, a commitment to foster an ongoing culture that clearly demonstrates care and compassion for employee safety, and strong protocols in place to follow up and remediate safety issues and concerns when they are identified.

In addition to the Trust's insights, we were pleased to see that one of our members, Branford Hills Health Care Center, a 190-bed skilled nursing center in Branford, Connecticut and a longtime member of the Trust was featured in the article as well on their efforts on some unique programs that they have put in place to achieve a safer workplace for their employees.

While patient safety is a crucial part of any center's regime, "it's just as important to see how employees are being handled in that organization as well," says Brian Downs.

According to experts at the Trust, one way to relieve worker fatigue and prevent injuries is to more efficiently address workflow. This may involve re-engineering some jobs to reduce one-on-one handling to a minimum, or re-designing some positions so that one particular individual is not on the frontline every single day and every hour. Carol Fronczek emphasizes the importance of having a strong and effective accident investigation program in place that identifies the true causes of injuries.

The Legal Corner

Attorney John Letizia, Managing Partner

Letizia, Ambrose & Falls, P.C., New Haven

Supreme Court ReAffirms Exclusivity Provision of the Workers' Compensation Act

An employee who sustains a compensable injury during the course of their employment has long been required to file a workers' compensation claim with their employer in order to have their medical bills paid and receive a weekly pay benefit if they are unable to return to work. The Connecticut Workers' Compensation Act requires an injured worker, who chooses to file a claim for workers' compensation benefits, to forfeit their right to file any lawsuit for negligence in the court against the employer for their injury. This is commonly called the "exclusivity bar."

The exclusivity provision protects all employers and significantly limits the right of injured workers to file a lawsuit in court against their employer for a work-related injury, even if the employer's negligence caused the injury. In return, the employer must pay workers' compensation benefits, even if the employee's negligence was the cause of the work accident. Although, Workers' Compensation Act §31-284(a) or the exclusivity provision, as it is more commonly known, has been in place for many years it is not immune to challenges – that will allow an injured worker (or in the sad case of an employee killed at work, their spouse) to sue the employer for a work-related accident.

Recent Supreme Court Decision Reconfirms Exclusivity Bar

The latest in a series of recent legal challenges to the exclusivity bar involved a spouse of a deceased employee who filed a claim with the Connecticut Workers' Compensation Commission (CWCC) for workers' compensation benefits after she found her husband's body following an accident, where he was crushed by an ATV at work. The employer accepted that the accident was work-related and paid the spouse \$300,000 in a full and final settlement of her workers' compensation claim. After receipt of these benefits, the spouse then filed a lawsuit in civil court for the negligent infliction of emotional distress that she suffered after finding her husband's body.

The spouse's attorney asserted a creative argument in an effort to circumvent the exclusivity bar. The attorney argued that bystander negligent infliction of emotional distress is not a compensable injury and, therefore, was not barred by exclusivity because the spouse was not an employee. Bystander negligent infliction of emotional distress (anxiety, grief, fear, shock, etc.) occurs when a third party, in this case a wife, suffers emotional distress or harm as a result of the defendant's negligent conduct.

This argument did not persuade the Connecticut Supreme Court. In a unanimous decision, the Court reaffirmed its long-standing position on the exclusivity bar. They held that this bar was a legislative policy decision to limit tort remedies (i.e., personal injury lawsuits against employers by their employees) as a trade-off for workers' compensation benefits. It noted that relinquishing rights to a common-law tort claim in exchange for benefits was an essential part of the bargain for an injured party that created and is the basis for the workers' compensation system.

The Court held that bystander emotional distress claims by their very nature are derived from the injury of another, and arise out of an underlying personal injury or death. Therefore, compensability of the personal injury or death of an employee due to work bars even the spouse from bringing a personal injury lawsuit against the employer for negligent infliction of emotional distress that may be covered by or arise out of the work-related accident.

Impact on Employers

This is good news for Connecticut employers.

If you have any questions regarding this decision and how it will affect you, please contact Attorney John M. Letizia, LAF (letizia@laflegal.com or 203-787-7000).

The representations made in this article and any sample forms or policies are the analysis of the law offices of Letizia, Ambrose & Falls, P.C., who are responsible for its content. This information and analysis are provided gratuitously and for information purposes only. You are encouraged to consult with the appropriate legal counsel prior to relying on this information or analysis.

Might be a Bad Year for Lyme Disease

Remember all those acorns a couple of years ago? Well, according to disease ecologist Richard S. Ostfeld at the Cary Institute of Ecosystem Studies in Millbrook, NY, they are the acorns that fed the white footed mice that fed the black legged tics that are about to feed upon us. Lots of mice might mean lots of tics carrying one of our least favorite microbes, *Borrelia burgdorferi*, the cause of Lyme Disease.

Only time will tell, and the ticks we worry most about for the long summer season are those in the next generation of tiny nymphs that emerge in May. But, the news there isn't good either. It's been a wet spring, good for the nymphs, so score another point for our eight-legged pests.

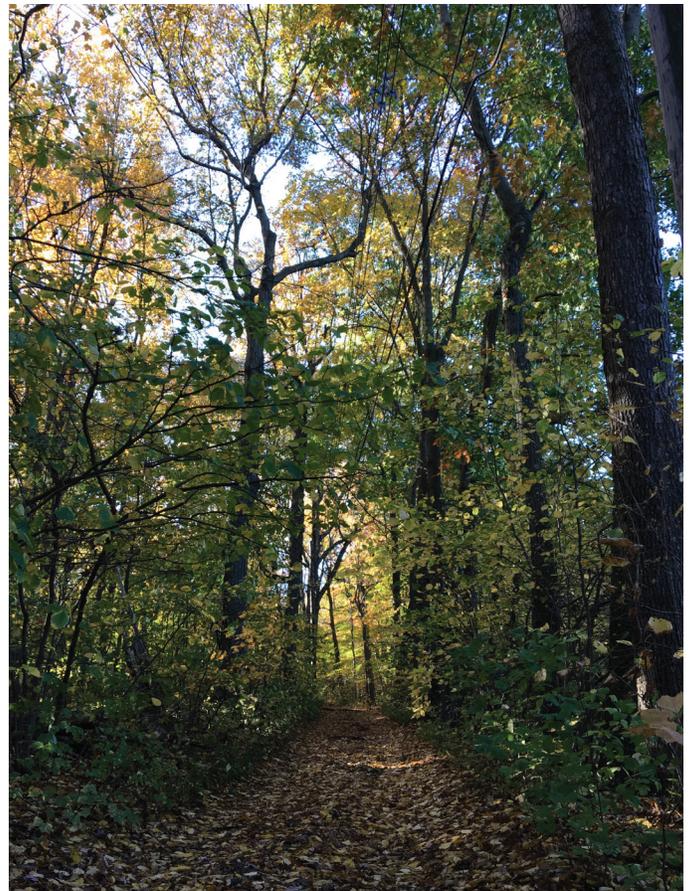
And remember, Lyme Disease is not the only threat we face from a burgeoning tick population. Tics may also carry the microbe that causes an unpleasant disease in humans called *Granulocytic Anaplasmosis*, which is on the rise, as well as *Borrelia miyamotoi*, an agent causing an uncommon illness similar to (though possibly more severe than) Lyme Disease. In addition, ticks transmit a malaria-like illness called *Babesiosis* to humans, as well the Powassan virus, which often causes no symptoms, but occasionally can be deadly.

Fortunately, it's not all doom and gloom. You can actually prevent tick bites with common sense and daily attention. Remember this advice:

- Wear light colored long pants tucked into your socks when walking in areas where ticks may be present.
- If you're hiking on a trail, stick to the trail's center rather than the edges.

- Use DEET-containing insect repellants.
- Shower after you have been outside.
- Check yourself (and your children) for ticks after being in the woods, and at least once a day.

Remember that ticks like to hide under the arms, in and around the ears, inside the belly button, on the backs of the knees, in and around hair, between the legs, and around the waist.



Good News for Second Injury Fund

Denise L. Nappier, State Treasurer
State of Connecticut, Office of the Treasurer

In a letter dated May 1, 2017, Denise Napier, State Treasurer announced the Second Injury Fund (Fund) assessment rates for insured and self-insured employers will remain unchanged for Fiscal Year 2018, which begins on July 1, 2017. The assessment rate for insurance companies will remain 2.75% for

insured employers, and 3.25% for self-insured employers. This marks the nineteenth consecutive year in which the Fund has either reduced or maintained assessment rates for Connecticut businesses. This reflects a total reduction of 73% in rates assessed for insurance companies and 78% for self-insured employers.



Upcoming Educational Programs

The following 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. Most courses offer Continuing Education Units (CEUs). Your attendance is encouraged.

Partnering With the Trust

Wednesday, July 12 9:00 AM - 12:00 PM Members: FREE Value: PRICELESS

National Safety Council Defensive Driving 4 Hour Course

Thursday, August 17 8:30 AM - 1:00 PM Members: \$40

Supervisor's Toolkit: Dealing with Challenging People and Situations

Wednesday, September 13 9:00 AM - 12:00 PM Members: \$50 Value: \$100

What Every CEO/CFO Needs to Know About Buying Insurance - 6 Part Series

Wednesdays, September 13 - Oct 18 8:30 AM - 12:30 PM Members: \$795

Contesting DSS Audits & Penalties

Wednesday, September 20 9:00 AM - 12:00 PM Members: FREE Value: \$100

WC Claims: Key Strategies for Improving Claim Outcomes

Thursday, September 28 9:00 AM - 3:30 PM Members: FREE Value: \$200

OSHA Series: Electrical, Hand & Power Tool Safety

Thursday, October 5 9:00 AM - 12:00 PM Members: FREE Value: \$100

Partnering With the Trust

Wednesday, October 11 9:00 AM - 12:00 PM Members: FREE Value: PRICELESS



47 Barnes Industrial Road South
Wallingford, CT 06492