

# Trust Intelligence

A Newsletter published by the Workers' Compensation Trust

## The Added Value of Purchasing Workers' Compensation Insurance From the Trust

The Trust offers a vast array of services to its members and we wanted to take this opportunity to highlight some of those in this newsletter. Following is a brief list of the services that have proven to be most valuable to our members:

### OSHA Compliance Assistance

No one likes it when OSHA shows up at their doorway. An OSHA visit can be triggered by many things, such as a severe injury, an employee complaint or a National Emphasis Program. OSHA maintains that it is the employer's responsibility to know the regulations and meet compliance as well as keep proper records. Non-compliance can be costly:

- Serious Violation - \$14,502 per violation
- Failure to Abate - \$14,502 per day
- Willful or Repeated Violation - \$45,027 per violation

### How the Trust Can Help:

The Trust has a **formal alliance agreement with OSHA**, including both Federal OSHA and CONN-OSHA. This alliance allows for joint trainings with OSHA to ensure our members can ask questions directly to OSHA, which fosters communication and assists with compliance.

- **OSHA Recordkeeping** is one of the most cited standards, and the first thing an OSHA inspector will ask for is your OSHA 300 logs. Trust staff provides members **OSHA Recordkeeping Training** which includes resources and assistance to complete the logs correctly.
- Trust staff are authorized to teach both **OSHA's 10-hour and 30-hour General Industry Outreach classes** which are available to all members.
- **Trust Resource Kits** are available to assist members in meeting compliance. Changes in OSHA regulations mean changes for our members. These kits are provided to members to keep them abreast of changes. Educational sessions are offered and materials are developed to assist members in meeting compliance.
- **Sample programs and specific compliance training** are provided to supervisors and employees upon request.

40+1 Anniversary  
Celebration

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## Employee Education and Training

Untrained employees get injured. OSHA and state agencies often require specific trainings. Staff turnover can be high and completing required annual training for both new hires and existing staff is time consuming and expensive. Many members do not have dedicated safety trainers and many do not have “four wall” environments, so training is difficult to administer.

### How the Trust Can Help:

- **Trust University** is a free online training resource that provides over 250 courses. Members can develop customized training plans and assign and monitor training in areas of compliance, loss sources, supervisory skills and many other topics.
- **Onsite Educational Sessions** are offered at the Trust. Over 35 educational sessions are offered annually which provide training to supervisors and employees on relevant and timely topics to ensure your staff is trained and has current information. Virtually all of the trainings on-site at the Trust are free.
- **On-Demand Webinars** are available free of charge and can be used at any time. Trainings focus on hazards and exposures specific to our members.
- A dedicated **Loss Control Consultant** is assigned to work with each member to develop a plan to identify training needs and solutions to those needs. Trust staff can train on-site or virtually and dedicated trainings can be recorded for members to utilize on an ongoing basis.

## Streamline Claim Reporting While Eliminating Unneeded Trips to First Treatment Centers

No doubt, responding to work-related injuries in a consistent, effective and timely manner can be challenging for employers. Supervisors are typically the first ones to be notified and may lack the proper medical training to assess the situation. Minor injuries that would respond favorably to self-care usually get sent off-site for care that is more expensive, automatically creating a claim. Lastly, companies with remote sites, mobile employees, multiple shifts, and other dispersed workforces often experience difficulty tracking down First Report of Injury notices and their injured employees.

### How the Trust Can Help:

**Trust TeleCare** is a tele-triage service which provides a simple and effective way for members to address the challenge of reporting and managing work related injuries. The service provides the following:

- **Immediate access to triage nurses** to report injuries 24/7/365
- Care recommendations on whether to seek first aid, self-care or off-site medical treatment
- Documentation of incidents and recorded statements that can be retrieved in the future
- Prompt notification to all designated recipients at the member and the Trust
- Immediate transmission of completed First Report of Injury to the Trust, relieving the member of any further reporting.

Results have been staggering. Over 50% of claims reported to Trust Telecare have resulted in onsite first aid or self-care, which means no medical treatment costs and no OSHA recordable incident. Over time this will help lower experience mods and serve to reduce overall cost.

## Medical Care Plan Program

Immediate access to quality medical care for an injured worker is the foundational principle of a comprehensive medical management program. The quality of the care is crucial in the recovery of the injured worker and ultimately in controlling claim costs. While most insurance carriers lease their medical networks from other sources, the Trust contracts directly with physicians to create their own medical network. This allows us to maintain a proprietary and laser focused Provider Network which includes the specialties of Occupational Medicine, Chiropractors, Neurology, Neurosurgery, Orthopedics, Physical Medicine & Rehabilitation, Physical Therapy, Hand Surgery, Pain Management and Pharmacy.

## **How the Trust Can Help:**

Our provider network has proven results in injury recovery:

- Owning our network assists in getting injured workers timely and appropriate care
- Quality care and timely appointments help to ensure claim costs remain low
- If an injured worker refuses to seek care under these contracted providers, they forfeit their right to seek eligible benefits under workers' compensation
- The Trust is a leader in this area and has been **recognized in national trade magazines** and industry blogs for its innovation and results.

## **Distracted Driving: A Public Health Epidemic**

According to the Center for Disease Control and Prevention (CDC), nine people in the U.S. are killed every day in crashes that are reported to involve a distracted driver. Over 3,100 people were killed and about 424,000 were injured in crashes involving a distracted driver in 2019. About 1 in 5 of the people who died were not in vehicles—they were walking, riding their bikes or otherwise outside a vehicle. A pedestrian is killed every two hours and injured every seven minutes somewhere in the U.S. due to distracted driving.



### **Why are phones so distracting?**

Talking and texting on a phone are driving distractions. Texting while driving is especially dangerous because it combines all three types of distractions. Hands-free phones are not the solution. Research shows that they are just as distracting as handheld phones. Your brain has a limited capacity for attention. Any non-driving task you perform while behind the wheel reduces the amount of attention available to you for detecting and reacting to potential dangers on the road. The less attention you give to driving, the greater the chance you will be involved in a crash.

### **What do we know about distracted driving?**

Research has shown that drivers who are using cell phones may be looking at but failing to see up to 50% of the information in their driving environment. Usually, the driver's "field of view" is narrowed to what is directly in front of them. As a result, the missing 50% of information may include a stop sign, a stopped vehicle, or a child entering their path.

- On any given day in 2019, an estimated 2.9% of all drivers on the road were visibly using a handheld device.
- Research suggests that distraction is present during 52% of normal driving.
- On average, a non-fatal injury crash on the job that involves distraction costs the employer \$100,310.

### **Employers can use the following recommendations to prevent distracted driving.**

- Train employees upon hire, annually and after a preventable incident.
- Ban all phone use (texting, handheld, hands-free) while driving a company vehicle.
- Require workers to pull over in a safe location to look up directions, text, or to make or receive a call.
- Consider using phone-blocking technology external icon to limit workers' cell phone use while driving.
- Consider using technology that detects and warns drivers of distracted driving behaviors.

### **Prepare workers before implementing these policies by communicating:**

- That driving is their primary job when they are behind the wheel.
- How distracted driving puts them at risk of a crash.
- What they need to do to comply with your company's policies.
- What action you will take if they do not follow these policies.
- Have workers acknowledge that they have read and understand these policies.

The Trust has several methods to provide driver training to your employees; Trust University our free on-line educational resource, the National Safety Council 4 Hour Defensive Driving course held several times a year in Wallingford, on-demand webinars and on-site and virtual training by our loss control staff are all available to members.

# Why Employees Get Attorneys for their Workers' Compensation Claims

It's no secret that workers' compensation cases involving attorneys are generally more expensive. In fact, worker' compensation started over a century ago to remove workers and their employers from the tort (legal) system, however it remains highly litigious.

It does not have to be this way. By uncovering the reasons that injured workers hire attorneys, employers can take active steps to lower unnecessary litigation.

To answer the "why" question, the Workers Compensation Research Institute (WCRI) surveyed 6,823 injured employees in the 11 states that represent 46% of paid workers' compensation benefits. Those surveyed had lost more than seven days of work from work-related injuries and illnesses and had hired legal representation.

Their answers shed light on ways to help workers navigate the system without attorneys. Not surprisingly, the study found that workers are more likely to seek attorneys when they feel threatened. Sources of perceived threats can take different forms. The character of the employment relationship, for example, was a factor for the 23% who strongly agreed that they hired attorneys because they feared being fired or laid off. Fifteen percent also strongly agreed that they needed attorneys because their employer perceived their claims as illegitimate.

Miscommunication in the claims process was another significant factor. In fact, 46% said they hired attorneys because they felt the claim had been denied when, in fact, it had not yet been accepted into the process. Attorney involvement among workers with the most severe injuries were 15 percentage points higher than those with mostly minor injuries.

Interesting enough, the study found that workers in smaller firms, however, are more likely to have direct personal relationships with their employers. They are less likely to file claims.

Job tenure also affected the likelihood of workers hiring attorneys. Workers who had less than one year on the job when they were injured were more likely to hire attorneys. Those with more than 10 years with the same employer were less likely to involve attorneys due to employer loyalty. This was offset, however, by those who feared a pay cut from not being able to return to a job with the same employer.

Attorney involvement tends to increase as workers age: 20% of workers age 55 or older hired attorneys. About 17% of those between the ages of 25 and 54 hired attorneys, and 9% of 15-to-24-year-olds did so. Older workers, the study hypothesizes, are more likely to know those who have relied on workers' compensation attorneys.

## **What Employers Can Do**

Thankfully, there are ways that employers can help decrease or eliminate unnecessary legal action.

Training supervisors is one way to make a difference. Supervisors are often in the best position to shape workers' initial expectations about what should happen, post injury.

Communicating in a clear and timely fashion about the status of the claim can reduce the likelihood of attorney involvement. The largest factor predicting attorney involvement is the perception by a worker that the claim has been denied. Workers need materials that explain the claims process, quick attention to their injuries and an explanation as to what to expect during the process.

And finally, submitting the First Report of Injury to the workers' compensation carrier ASAP so contact with the injured worker can begin with the claims representative and benefits, if warranted, can begin immediately without delay.

# Workplace Violence: Is Your Organization Prepared?



Most every “place” is somebody’s workplace. Whether you are in the office, out in the community, at someone’s home or anywhere else, it’s important to be alert, have a plan and provide training so your employees are prepared.

According to the National Institute for Occupational Safety and Health (NIOSH), workplace violence falls into four categories: criminal intent, customer/client, worker-on-worker and personal relationship. Certain industries, including healthcare, service providers and education are more prone to violence than others.

Employers should address workplace violence. CT requires health care employers to develop and implement plans, policies and training programs designed to prevent and respond to workplace violence. While OSHA does not yet have a standard regulating workplace violence, they will

utilize the General Duty Clause to require employers to take feasible measures to protect employees from violence in the workplace where that constitutes a “recognized hazard”.

Employers should develop a policy on violence which includes:

- Employee training and creating an emergency action plan
- Conducting mock training exercises with local law enforcement
- Adopting a zero-tolerance policy toward workplace violence

No matter who initiates the confrontation, the deadliest situations involved an active shooter. U.S. Department of Homeland Security defines active shooter as someone “actively engaged in killing or attempting to kill people in a confined and populated area.” According to Gun Violence Archive (GVA), as of August 12, 2022, in the United States, there have been 408 incidents of mass shootings resulting in 1,756 people injured and 419 deaths. These incidents have taken place all over the country and in many settings. Every day these numbers increase.

On October 20th, the Trust in partnership with The Department of Homeland Security, will be presenting an educational session titled “Active Shooter Preparedness for 2022” . This four-hour educational session will cover:

- Understanding the elements of active shooter incident response planning
- Learning about common behaviors, conditions, and situations associated with active shooter events
- Understanding how to recognize potential workplace violence indicators and
- Learning about best practices, communications protocols, and resources

We strongly urge our members and clients to attend this session so that you can prepare your organization, employees and individuals should an active shooter event occur.

To register visit [www.wctrust.com](http://www.wctrust.com).

## Welcome Sally Santiago



The Trust is pleased to announce the hiring of Sally Santiago as a new Sr. Claims Representative. Sally began at the Trust in March. She comes to us from Gallagher Bassett where she has worked on State of Connecticut claims.

She is well versed in workers’ compensation claims as well as other lines of coverage. She holds a BS in Business and is bilingual speaking both English and Spanish.

# The Legal Corner

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

## Beware: Ban Hidden in Budget Bill Prohibits All Home Care Agencies from Protecting Caregiver from Direct Hire by Clients and Patients

Buried within the Legislature's 739-page law implementing the budget are key provisions prohibiting companion and skilled home care agencies from including "no-hire" provisions in their service agreements with clients or patients. Until now, it has been acceptable to include provisions in contracts with clients or patients that create financial penalties for clients or patients that directly hire caregivers (e.g., PCAs, HHAs, nurses, homemakers, etc.). Now, these agencies, which are already banned from using non-compete provisions with their employees, must make changes to their service contracts to comply with the new law and companion agencies must also be aware of other legislative changes that impact their hiring obligations.

Public Act 22-118, which is in effect, bans "no-hire" provisions in contracts between homemaker and companion agencies and clients, as well as agreements between home health agencies and clients or patients. Prohibited "no hire" provisions include those that impose a financial penalty (e.g., liquidated damages provisions), assess charges or fees, including legal fees, or

contain any language that can create grounds for the assertion of a breach of contract, claim for damages or injunctive relief against a client or patient that directly hires an employee of the agency. Under the new law, such penalty or damages provisions are void as against public policy. We are working with clients, especially our companion and homemaker clients, to address options to protect their client and caregiver relationships in light of this very broad new law.

If you have any questions regarding any of the information in this advisory, please contact Attorney John Letizia or Attorney Phyllis Pari by email at [letizia@laflegal.com](mailto:letizia@laflegal.com) or [pari@laflegal.com](mailto:pari@laflegal.com) or by phone at (203) 787-7000.

If you have any questions regarding any of the information in this advisory, please contact Attorney John Letizia or Attorney Phyllis Pari by email at [letizia@laflegal.com](mailto:letizia@laflegal.com) or [pari@laflegal.com](mailto:pari@laflegal.com) or by phone at (203)787-7000.

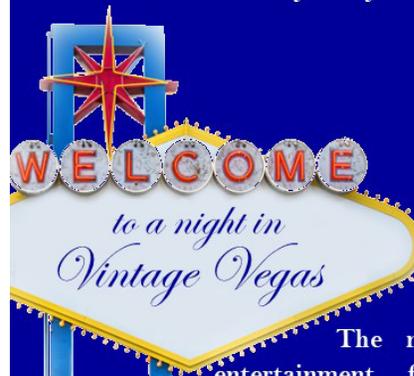
### Welcome to Our Newest Members

360 Management Group  
Comprehensive Neuropsychological Services, Inc.  
Eastern Connecticut Symphony, Inc.  
Enfield Housing Authority  
Golden Years Homemakers and Companions, Inc.  
Home Health Professionals Network, LLC  
I Dream Big, LLC  
Jewish Association for Community Living, Inc.  
Mercy Housing & Shelter Corporation  
Mid-Fairfield Child Guidance Center, Inc.  
Safeway Family Services, LLC  
Valley Railroad Co. dba Essex Steamtrain  
West Haven Housing Authority

### The Trust to Celebrate 40+1 Years

2021 marked the Workers' Compensation Trust's 40th Anniversary. Since COVID-19 made it difficult to have a celebration last year, we are excited to be celebrating our 40 + 1 anniversary this year.

Wednesday  
September 28, 2022  
5:00 - 9:00 p.m.



The Aqua Turf Club  
556 Mulberry Street  
Plantsville, CT

The night will include live entertainment, food, fun & a raffle. Attendees will have a chance to win a trip to Las Vegas!!

We look forward to sharing this special occasion with our members.

RSVP to [ceoadmin@wctrust.com](mailto:ceoadmin@wctrust.com)

## Another Emerging Infection

Just as we were beginning to see a bit of light at the end of the COVID tunnel, another infection, monkeypox, has reared its head. First discovered in 1958, and originally named for the laboratory monkeys it infected, monkeypox is a viral cousin of the vastly more deadly smallpox virus. At time of writing there are more than 6500 US cases since the 2022 outbreak began, and it continues to spread rapidly. Unlike COVID, it is not primarily a respiratory virus. Its predominant mode of spread is from close and prolonged skin-to-skin contact. While it is not sexually transmitted per se, the close skin-to-skin contact of a sexual encounter has been its primary mode of spread to date, and the majority of cases at this time have occurred among men who have sex with other men.

Symptoms of monkeypox include fever, fatigue, lymph node swelling and a rash which generally begins at the site of infection. The rash may be itchy, and in some individuals extremely painful. Fatality from the West African strain of monkeypox responsible for the current epidemic is very rare. Once an individual is significantly exposed, it may take several days to as many as three weeks for the disease to develop, and illness typically last from 2 to 4 weeks. Once all rash lesions have scabbed, fallen off, and new skin has formed underneath, the individual is no longer contagious.

A vaccine (JYNNEOS) originally designed to combat smallpox is recommended for high-risk groups and for individuals have had intermediate to high-risk exposures to an infected individual.

In healthcare settings, monkeypox patients should be cared for in single rooms, and their caregivers should wear gowns, gloves, eye protection and an N95 respirator. Post-exposure vaccination is recommended for unprotected skin contact, prolonged (>3 hours) unprotected respiratory contact, and unprotected exposures to contaminated bed linens.

As the epidemic unfolds, it becomes clearer and clearer that this is not a virus that spreads easily in the absence of close skin-to-skin contact. We are not seeing clusters of cases from airplane travel, public gatherings, or other settings that would suggest the sort of respiratory transmission to which we have become accustomed with COVID. While some have suggested the epidemic may fizzle due to its much lower potential for respiratory spread, that is likely overly optimistic. Syphilis and HIV also do not spread via the respiratory route, yet the human experience with both shows no signs of ending any time soon.



### Be Sure to Use Dedicated Line to Report Claims Through Trust TeleCare

On occasion, the Trust is notified by Medcor, the national nurse triage service that administers the Trust TeleCare Program, that some employees are calling Medcor's national 1-800 number to report their claim in error.

Please note that for Trust members utilizing Trust TeleCare, there is a special dedicated number of 866-730-1143. By utilizing this dedicated line, Medcor can immediately recognize the call as a Trust member and, if necessary, direct the employee to the member's designated first treatment center if care is warranted. Additionally, triage reports can be transmitted quickly to the Trust First Report Of Injury Desk and to the member.

Trust TeleCare wallet cards and posters are available on our website should members need this material to reinforce the TeleCare procedures and dedicated phone number.



## Upcoming Educational Programs

The following education programs are designed to assist members in gaining knowledge of issues that surround and support the reduction of work related injuries and create a safe and healthy workplace. To register, or obtain detailed information, go to [www.wctrust.com](http://www.wctrust.com). Your attendance is encouraged.

### **Supervisor's Toolkit: Stepping Up To Supervisor - In Person**

Wednesday, September 21                      9:00 AM - 12:30 PM    Members: \$50 pp                      Self-Insured Clients \$75 pp

### **Safety Solutions: Are You Ready For Winter Hazards? - In Person**

Tuesday, September 27                      9:00 AM - 11:30 AM    Members: FREE                      Self-Insured Clients: \$50 pp

### **Safety Solutions: Keeping Maintenance and Facilities Personnel Safe - In Person**

Thursday, October 6                      8:30 AM - 3:30 PM    Members: FREE                      Self-Insured Clients: \$100 pp

### **Partnering With The Trust - In Person**

Thursday, October 13                      9:00 AM - 12:30 PM    Members: FREE                      Value: PRICELESS

### **Active Shooter Preparedness in 2022 - In Person**

Thursday, October 20                      9:00 AM - 1:00 PM    Members: FREE                      Self-Insured Clients: \$50 pp

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

Thursday, October 27                      8:30 AM - 1:00 PM    Members \$50 pp                      Self-Insured Clients \$75 pp

### **WC Claims: Key Strategies for Improving Claim Outcomes - In Person**

Thursday, November 3                      9:00 AM - 1:00 PM    Members: FREE                      Self-Insured Clients: \$50 pp

### **OSHA Recordkeeping: The Basics - In Person**

Thursday, November 10                      9:00 AM - 12:30 PM    Members: FREE                      Self-Insured Clients: \$50 pp



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