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Trust Intelligence

A Newsletter published by the Workers' Compensation Trust

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Trust TeleCare Yielding Positive Results

As we continue to transition our members to Trust TeleCare, the preferred method in which claims should be reported to the Trust, the benefits of the program for members and injured employees are beginning to take shape.

Since inception of the program in September 2017, we now have over 50 members actively utilizing the service with over 570 calls made to date. Of those calls, 52% have resulted in the employee never leaving work and engaging in self-care as recommended by the Trust TeleCare nurse. Self-care does not create an OSHA recordable event and is considered a Record Only from a workers' compensation insurance standpoint.

Some of the key performance indicators pointing to the success of the program include:

- Based on time of day and the type of medical care available at the time of injury, it is estimated conservatively that over \$162,000 in medical expenses was averted for those who opted for self care rather than treatment from an initial care visit in either an outpatient urgent care clinic or ER setting.
- Average lag time when TeleCare is utilized has been trending 25% lower than when an injury is reported through other means such as online or through fax. Lag time is defined as the time between when the injury occurs and when the Trust is notified. This metric is critical as industry data has shown that increased lag time has a direct correlation to greater claim costs.

Feedback from members utilizing the service continues to be positive. Repeatedly, we hear comments from our members describing Trust TeleCare as “convenient, efficient, reassuring, and a real time and cost saver to the organization!”

If you are interested in this new service, please contact your Loss Control Consultant so they can assist you with the training and enrollment process.

Employee Training Made Easy with Trust University



For several years, the Trust has offered our members free online training for supervisors and employees through Trust University. Available to your employees 24/7, Trust University allows

users to train anytime, at any pace, at any place on an internet connected device.

Several new management tools were added this year including the ability to assign training by department, adding and tracking external training events allowing the employer to have one source for all training documentation, and a new user interface to ease registering and enrolling your employees into courses.

We are also pleased to announce new trainings called “Quick Courses”. These courses are shorter and include post-test training to ensure competencies. Current courses include:

1. Personal Safety in the Community

2. Safely Handling Threatening Behavior When Providing Homecare, and
3. Tips for Maintaining Health and Safety for Clients with Dementia.

With over 45 courses available, Trust members have an entire library of approved courses at their disposal. Since inception, over 15,000 employees have taken over 64,500 courses with an outstanding pass rate of over 91%.

Top courses taken are:

1. OSHA Compliance
2. Bloodborne Pathogens for Healthcare Professionals
3. Fire Prevention
4. Hazard Communication
5. Workplace Violence Prevention
6. Defensive and Winter Driving
7. Sexual Harassment Prevention for Employees
8. HIPAA Privacy for Healthcare Providers

If you would like to learn more about Trust University or attend a webinar, go to www.wctrust.com in the Quick Links menu or send an email to losscontrol@wctrust.com.

Avoiding OSHA Citations



If an OSHA inspector was to knock on your door, do you have confidence that your programs, policies and training are in compliance? There are several circumstances that could trigger an inspection including a high DART Rate, an employee complaint, reporting of a severe injury, or an OSHA initiative targeting certain class of business. Connecticut healthcare and social service organizations have been cited in recent years.

A skilled nursing facility was cited \$65,190 for lack of compliance with the Bloodborne Pathogens and Recordkeeping standard. Under the recordkeeping standard, an employer was cited for not complying with the requirement to report to OSHA timely when there was a reportable incident. A home health agency was cited \$9,300 under the Personal Protective Equipment and Hazard

Communication requirements.

To assist our members in maintaining a safe workplace by meeting OSHA requirements, the Trust in partnership with OSHA has added a new educational training session to our fall schedule titled:

“How to Avoid OSHA Citations”
September 20th - 9:00 a.m. - 3:00 p.m.

This course will focus on OSHA’s citation process, methods our members can undertake to achieve regulatory compliance and will also include an interactive session for participants to discuss their experiences, challenges and solutions. To register, please go to www.wctrust.com.

OSHA Requirement: Employers must report a fatality, (within 8 hours), in-patient hospitalization, amputation or loss of an eye (within 24 hours).

WE ARE PLEASED TO ANNOUNCE THE

2018 Safety & Health Committee *Award of* Excellence

The Trust is looking to recognize members whose safety and health committee plays an integral role in the overall safety culture of the organization and has positively impacted the organization in the reduction of employee injuries and incidents. This award is a great way to show your safety committee members that they can make a difference and that their efforts are recognized. In addition other members will benefit from the information provided and bring some of the ideas to their own committees.

To be considered for this award, visit www.wctrust.com and click on the link on the homepage to complete the application. Questions may be submitted to losscontrol@wctrust.com or your Senior Loss Control Consultant. Submissions are due by September 14th and winners will be announced October 19th. So get those applications in!



A female teaching instructor in her early 30s injured her back in 2016 while dealing with a disruptive student who had pulled on her shirt and pulled her down in a “jerking” motion. The claim for a sprained back was initially deemed compensable based upon the accident facts as presented and medical reports received. As time went on, other body parts such as the neck and shoulder came into play and treatment and disability continued.

Because of emerging suspicion prompted by the claim representative that the seriousness of the injury and the extent of total disability for so long was just not adding up, the Trust initiated an investigation with its special investigations

unit which included surveillance in the winter of 2017. Video evidence ultimately revealed that the worker, who was on total disability at the time, was able to go skiing for the day and physically act in a manner which did not align with her subjective pain and disability complaints. The video evidence was eventually shown to the treating orthopedic surgeon who, at the time, was contemplating surgery in an effort to relieve her unrelenting pain complaints and concluded that the employee did not need the proposed surgery and agreed that she was not disabled to the level portrayed.

Based on the video evidence and lack of medical evidence supporting her extent of disability by her treating physician, the Trust petitioned and received approval by the Workers’ Compensation Commission to discontinue her indemnity benefits and was not responsible for accepting an unwarranted surgery. The Trust, in concert with defense counsel, is currently reviewing options for formally drafting a complaint and submitting it to the State of Connecticut Workers’ Compensation Fraud Unit.

What To Do If You Suspect Fraud

1. Call the Trust’s Fraud Hotline toll free 1-800-559-3739 or complete our online form at www.wctrust.com
2. Provide as much detailed information as possible – Who, What, Where, When and How?

Caller does not need to leave their name. All information will be held in the strictest of confidence and will be thoroughly investigated.



Fall, the transition period from summer into winter, can make it easy to cozy up, stay inside and lose track of your health progress. But less sunlight, more rain and cooler temperatures don't have to affect your employees' wellbeing. People who are physically active reduce their risk for heart disease, diabetes, and cancer and have lower stress. People who stay fit will cost less, be present more, and be more productive at work.

Low Cost Strategies

1. Offer flexible work hours to allow for physical activity during the day.
2. Support physical activity breaks during the day, such as stretching or walking.
3. Map out on-site trails or nearby walking routes.
4. Host walk-and-talk meetings.
5. Post motivational signs at elevators and escalators to encourage stair use.
6. Provide exercise/physical fitness messages and information to employees.
7. Have employees map their own biking or walking route to and from work.
8. Provide bicycle racks in safe, convenient, and accessible locations.



Healthy eating is crucial in the prevention and management of overweight and obesity. Consumption of fruits, vegetables, and whole grains helps prevent chronic diseases such as cancer, stroke, and heart disease. Healthy eating also helps improve productivity.

Employees often eat and drink at work. Strategies and policies that improve the food culture make sense. For example, employees will eat fruits, vegetables, and whole grain foods if they are available in the cafeteria, vending machines, and at company meetings. Allowing employees to store and prepare food at work will help them avoid the expense and negative health impact of fast food.

Low Cost Strategies

1. Send healthy food messages to employees via multiple channels (i.e. email, posters, payroll stuffers, etc.).
2. Promote fruit and vegetable consumption through motivational signs, posters, etc.
3. Provide protected time and dedicated space away from the work area for breaks and lunch.
4. Choose healthy food options for vending machines, snack bars, and break rooms.
5. Offer healthful food alternatives at meetings, company functions, and health education events.

Resource: WellSteps by Dr. Steve Aldana

<http://www.wellsteps.com/blog/2018/01/09/employee-wellness-program-examples-budget/>

What Do You Think???

Situation

The claimant was on a business trip. While there, a higher-ranking employee arranged for the claimant and other co-workers to have dinner and drinks. They were told they could keep the restaurant tab open until 8:00 pm. Sometime after that the claimant and co-workers went to another establishment where the claimant was assaulted and suffered severe injuries. Were the injuries deemed compensable?

Answer

The trial commissioner found that the employer was only liable until 8:00 pm. After that, the claimant's activities were a deviation from employment and any injuries suffered as a result of those activities was not considered compensable.

Safety Grant Program Spotlight

Recovery Network of Programs, Inc.

Recovery Network of Programs, Inc. (RNP) is a community based behavioral health organization serving over 5000 clients daily in 18 different programs. One of the most unique aspects of RNP is the extensive continuum of care offering programs from detox, medication assisted treatment, outpatient services, residential and housing. In 2017, RNP was awarded the 2017 Safety Grant from the Workers Compensation Trust. With these funds, RNP was able to replace and upgrade the video surveillance systems in the First Step Detoxification Program and Recovery Counseling Services which is an intensive outpatient treatment program. The upgrade to these systems have allowed RNP to identify individuals in the video easily and acts as a deterrent for unsafe/criminal behavior while eliminating blind spots within these facilities. “With the financial help of Worker’s Compensation Trust we have achieved our goals and provide safer environments to staff and clients in both of these programs” says Linda Mosel, Chief Operating Officer, Regional Network of Programs, Inc.



VNA Community Healthcare and Hospice



VNA Community Healthcare and Hospice has been providing healthcare at home and in the community since 1910 throughout 35 towns. Their goals for the safety grant were to reduce slip and fall injuries, patient handling related injuries and to improve staff safety awareness through enhanced and updated employee safety training. The safety grant was used to purchase icy grippers for staff to use in inclement weather. Slide sheets were purchased and training provided to assist nurses and therapists who need to move/reposition immobile or obese patients. New videos were purchased focusing on slip, trip and fall prevention, workplace violence, back safety, needle safety, and safety orientation to be used for new hire orientation and annual training. Since receiving the grant, the organization has experienced an overall frequency reduction of thirty-seven percent.

Branford Hills Health Care Center



As a recipient of a 2017 Safety Grant awarded by the Trust, Branford Hills Health Care Center has purchased additional mechanical lifts. They then designed a mandatory in-service program covering Patient Safe Handling and took the opportunity to purchase DVDs which focused on ergonomics. Branford Hills has seen significant success in their overall accident rate this year with a reduction of twenty-five percent. “The Trust Grant has assisted us in providing a safer and more educated working environment for our employees” said Janet Woxland, Administrator at Branford Hills Health Care Center.

The Legal Corner

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

Medical Marijuana in the Workplace Rights and Protection

Under Connecticut's medical marijuana law, (i.e., Palliative Use Of Marijuana Act (PUMA)), Connecticut adult residents who have been diagnosed with specific debilitating medical conditions (e.g., cancer, glaucoma, multiple sclerosis, Crohn's disease, post-traumatic stress disorder as well as other similar conditions) qualify for the palliative use of medical marijuana. The qualifying patient must simply obtain State certification and then they are protected from any form of State civil or criminal penalty, or discrimination in the workplace due to their medical use of marijuana.

Although PUMA limits the use of medical marijuana to certain specified medical conditions, the Connecticut Workers' Compensation Commission (CWCC) has broadly defined the use of medical marijuana, especially in cases of "pain management." Therefore, an injured worker does not have to fall within one of the listed medical conditions in PUMA in order to be approved by the CWCC for medical marijuana use. In addition, unlike other workers' compensation cases, the employer's workers' compensation carrier or self-insured employer is obligated under the above law to pay for the medical marijuana without any co-payment by the employee; this could cost up to \$1,500 a month.

PUMA explicitly protects "an employer's ability to prohibit the use of intoxicating substances during working hours" and an employer's right to discipline an employee for being under the influence of intoxicating substances during working hours. Furthermore, the law does not allow, nor does it protect, the ingestion of marijuana in a moving vehicle in the workplace, on any school grounds, or in any public place or in the presence of a person under the age of 18. However, the law does not clearly define "workplace", so it would be up to the courts, and where applicable, the Connecticut Commission on Human Rights and Opportunities (CHRO), to determine the employee's workplace. It has always been our position that, for homecare employees, the workplace is not only the physical office they may go to on occasion, but also the home of any of their patients or consumers (in the case of

companion agencies). Finally, PUMA also has an OSHA-like protection that prohibits the use of marijuana when it "endangers the health or wellbeing of a person other than the qualifying patient/employee."

Under PUMA, a certified medical marijuana user is protected from discrimination in the application process and during employment. In short, no employer may refuse to hire, discharge, penalize, threaten or demote an employee solely on a basis of such employee's status as a certified medical marijuana user. This also would protect the applicant who discloses their certified medical marijuana or authorized workers' compensation use, or if it is uncovered through a pre-employment drug test. The discovery of medical marijuana use in the application process is probably the most legally complex area of the law, especially if an otherwise qualified applicant (experience, education and physical ability) is not hired for the position.

Employers also risk claims in State Superior Court, as well the Connecticut Workers' Compensation Commission if they discriminate against an injured employee (e.g., denying the employee suitable available light-duty work) because the employee is using medical marijuana that has been authorized by the CWCC.

Further, an employer who discriminates against a certified or workers' compensation authorized medical marijuana user could lead to an Americans with Disabilities Act (ADA) discrimination complaint before the CHRO and eventually in Federal or State Court, as employees that have sued under the ADA claim that allowing medical marijuana use outside of the workplace should be treated as a reasonable accommodation under the ADA.

A narrow exception to PUMA may allow an employer to refuse to hire or fire an employee who engages in the palliative use of marijuana if the employer is required to do so by federal law or to obtain federal funding, such as, for example, a DOT employee or contractor. However, a healthcare employer's Medicare contract is not sufficient to fall within the exception.

The Medical Corner

Mark Russi, M.D., MPH,
Medical Director

Concussion Care

The American Academy of Neurology defines concussion as a trauma-induced alteration in mental status with or without loss of consciousness. Unfortunately more than 2.5 million people sustain traumatic brain injuries (TBI) in the United States annually from motor vehicle accidents, falls, assaults, occupational injuries, recreational accidents, and other causes.



Symptoms of concussion include confusion, difficulty concentrating and memory loss, which may be apparent immediately or follow minutes after the trauma. Often there is memory loss of the event itself, as well as the period immediately preceding and

following it. The majority of concussions do not involve loss of consciousness. Other symptoms may include headache, dizziness, lack of awareness of surroundings, and nausea or vomiting. In the days following a concussion, individuals also may experience mood disturbances, difficulty sleeping, and sensitivity to light or noise. Anyone who has sustained a concussion should be medically evaluated and monitored carefully during the first 24 hours to be certain they remain neurologically stable. Depending upon severity, such monitoring can be done at home or in a hospital.

Warning signs that someone may have a more serious brain injury or a bleed within the brain include limb weakness or numbness, inability to move a limb, visual abnormalities, speech abnormalities or any other symptoms that suggest stroke. Whenever someone who has had a concussion experiences ongoing neurological deterioration, a medical evaluation should be carried out urgently to rule out bleeding in or around the brain.

Over time, most individuals recover fully from a concussion, though mild symptoms may persist for several weeks. Individuals who sustain multiple concussions may suffer permanent damage and should be referred for formal neurologic and neuropsychological assessment.

In light of the broad protections under PUMA, the Connecticut Workers' Compensation Act, and the Connecticut and Federal ADA laws, we strongly recommend that employers revisit and strengthen their drug-free workplace policy, their application process, and do not deny employment or take adverse action solely based on an applicant's or employee's legal use of medical marijuana within the parameters of the State law. We have recommended to employers, especially in the health care or social services area, that they broadly expand their drug-free workplace policy to also include authorized narcotics such as opioids, that could adversely affect and put at risk the employee, as well as other employees, patients, and the general public, if under the influence during the work day. As to the application process, you need to make certain that you are conducting the appropriate vetting of employees, as well as interns and volunteers, as those individuals may or may not, depending on the volunteer or intern position, qualify for protection under PUMA, the Connecticut Workers' Compensation Act, or the ADA.

If you would like further information, please contact John Letizia by email letizia@laflegal.com, by email or phone (203) 787-7000.

Board Appoints New Director

The Trust is pleased to announce the addition of F. Edward Nicolas as a new Board member.

Ed is Vice President and Chief Financial Officer of Visiting Nurse Services of Connecticut, Inc. in Bridgeport, a member of the Trust since 2003. He will be attending his first board meeting in September.

Ed is a CPA and holds an MS degree in Healthcare Administration from University of New Haven and a BS degree in Business Administration from Suffolk University.

We are thrilled to welcome Ed to the Board of Directors!



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.

OSHA Safety Series: How to Avoid OSHA Citations

Thursday, September 20 9:00 AM - 3:30 PM Members: FREE Value: \$200

Slips, Trips and Falls: A Preventable Problem

Wednesday, September 26 9:00 AM - 12:30 PM Members: FREE Value: \$100

Executive Series: Building a Safety Culture

Wednesday, October 3 9:00 AM - 1:00 PM Members: FREE Value: \$100

Responding To An Active Shooter Event

Thursday, October 11 9:00 AM - 3:30 PM Members: FREE Value: \$200

Partnering with the Trust

Wednesday, October 17 9:00 AM - 12:00 PM Members: FREE Value: PRICELESS

Patient Handling in the Community

Thursday, November 1 8:30 AM - 3:30 PM Members: FREE Value: \$200

National Safety Council Defensive Driving 4 Hour Course

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

WC Claims: Key Strategies for Improving Claim Outcomes

Wednesday, December 5 9:00 AM - 3:30 PM Members: FREE Value: \$200



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