

# West Central Ohio Safety Council

## *An Accident Happened – Now What?*

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# Prevent Injuries

The best claim is the claim  
that never happened!

**Can every accident can be prevented?**

# Accident

*An unanticipated event*

# Prevent

*Anticipating an event*

# **Preventing an Accident**

*Anticipating the Unanticipated*

# At Risk Behaviors

- For every 700,000 At-Risk-Behaviors:
  - 600 Near Misses/Property Damage incidents
  - 60 First Aid Cases
  - 30 Recordable Injuries
  - 10 Lost Workday Incidents
  - 1 Fatality
- Source: “Measuring Safety Performance to Achieve Long-Term Improvement”, September 1999, James C. Manzella, Professional Safety

# Before An Injury Occurs

- Have procedures in place
  - Training for emergency responses
  - Inform employees what to do if injured at work
  - Training for Accident Analysis



# When an Injury Occurs

- Make sure injured worker receives medical attention
- Secure area where injury occurred
- Conduct Accident Analysis
- Report claim to BWC

# Advantages To Employer Reporting

- Claim will be submitted with the correct policy number.
- Claim will be submitted with the correct manual number.
- Claim will have a complete accident description.
- The injured worker will have a claim number at or near the time of the initial treatment.
- BWC will know whether or not the employer certifies the facts of the claim.

# Additional Information:

## What should employers report?

- Incident report
- Witness statements
- Certification
- Wages
- Transitional work opportunities
- Job description
  - Note, as the employer, you should also consider sharing both the job description and transitional work opportunities with the treating provider. Ask the provider if the injured worker can perform any of these duties.

# Claims Flow Process:

## What happens after reporting an injury?

- Contact made with injured worker, employer and their representatives if appropriate.
- Investigate details and verify information.
- Review with appropriate team members.
- Request physician review if appropriate.

# Making A Decision

- Weigh the evidence – factual and medical.
  - Employer/Employee Relationship
  - Injury is physical in nature
  - Accidental in character
  - In course and arising out of employment
  - Ohio has Jurisdiction
- Place a BWC Order.

# What do I do once I receive a BWC order?

- Submit a *Waiver of Appeal* (C-108).
- File a *Notice of Appeal* (IC-12) to the BWC Order.

# The Industrial Commission of Ohio

- Presenting evidence
- Attending hearings
- The hearing process

# Claims Management Through Partnership

- BWC
- Managed Care Organization (MCO)
- Employer
- Injured worker
- Provider
- Representatives



# The injured worker's role

- Report all workplace injuries to management regardless of treatment
- Notify employer if a claim is filed
- Follow medical restrictions
- Keep employer informed of progress and obstacles encountered

# The employer's role

- Employer and/or MCO reports claim timely
- Investigate accident promptly
- Decide to certify or reject the claim

When an employer certifies a claim, it is stating that:

1. An injury occurred at work
2. The injured person was its employee

# The employer's role

- Follow up with its injured worker
- Coordinate remain-at-work / return-to-work strategies with MCO, medical providers, and BWC

# The BWC role

- Investigate and determine claim allowance
- Manage lost time benefits
- Adjudicate additional conditions
- Determine eligibility for Rehab
- Assist with bringing the claim to resolution

# The MCO role

- Every state fund employer has an MCO
- Paid by BWC
- Medically manages the claim
- Approves medical treatment
- Drives return-to-work

# Third Party Administrator role

- Employer not required to have TPA
- Private contract between employer and TPA
- Manage claims for employer
- Settle claims and pursue handicap reimbursements
- Represent employer at I.C. hearings

# Outcome Management

- Develop a plan of action by establishing goals, developing interventions and identifying barriers.
- Continually work with injured worker, employer, their representatives and the treating provider to facilitate an early return to work.

# Benefits Of Early RTW Programs

- Reduces costs
- Reinforces management's commitment to employee welfare
- Maintains quality/production
- Increases safety and prevents future injuries (i.e. ergonomic improvements)



# Remain at Work

- Accommodate injured worker's restrictions so they can remain at work.
- Services are provided to injured worker experiencing difficulties.

(Physician must approve release of injured worker to participate)

# Transitional Work Program

## Light Duty

- Light duty is open-ended.
- Light duty has no therapeutic goals defined.
- Light duty responsibilities of employer and employee are often not outlined.
- Light duty has no alternative plan if program fails.

## Transitional Work

- Sets a starting and ending date
- Offers work hardening or other therapeutic benefits
- Defines responsibilities clearly and in writing
- Has a developed alternative plan

# Computing And Paying Compensation

- Full weekly wage
- Average weekly wage
- Minimum and maximum award calculations
- When is compensation payable?

# Types Of Compensation

- Temporary total
- Wage loss
- Living maintenance
- Living maintenance wage loss

# Types Of Compensation

- Scheduled loss (Permanent Partial)
- Facial disfigurement
- Percentage of permanent partial
- Statutory permanent total disability
- Permanent total disability
- Disabled Workers' Relief Fund

# Claims Settlement

- Formal agreement between IW, Employer and BWC
- Agree to amount to cover all future claim costs
- BWC pays settlement amount (becomes a part of the claim cost)
  - BWC cannot pay settlement until 30 days after agreement is reach. During 30 day period, either party may withdraw from agreement, and/or the Industrial Commission may disapprove the settlement.
- Once paid, claim is closed
- No reserve on settled claim (settlement may lower total claim cost)

# How can you impact claims management?

- Encourage employees to immediately report near misses and incidents/injuries.
- Ensure claims are reported to BWC as quickly as possible.
- Verify the facts of the claim in a timely manner.
- Maintain ongoing contact with the injured worker.
- Share availability of modified or transitional work information with the customer care team.

# How can you impact claims management?

- Work with treating provider to facilitate an early return to work.
- Work with immediate supervisor to ensure employee adheres to any restrictions.
- Use BWC Web site to monitor claims.
- Staff existing claims with customer care team to determine impact of pursuing settlement.
- Partner with BWC safety and hygiene personnel to determine possible injury prevention measures.



# Questions?