

Kevin R. Abrams, Chief Operating Officer
Ohio Bureau of Workers' Compensation
Getaway Advanced Workers' Compensation Seminar
08/27/2020

Introduction

The New Vocabulary
The Transition
Work from Home

The Biggest Challenge

There is no Administrative Code Rule or Ohio Revised Code provision for “Here’s how you carry out duties during a pandemic.”

Challenge: Requirement for medical evidence versus “stay at home” order.

Solution:

- Initially, continuation of compensation based on available evidence.
- More flexible use of telemedicine
- Giving managed care organizations (MCOs) discretion to extend treatment authorization for vital care (i.e. home health care, skilled nursing, counseling services, etc.) even when a new treatment request could not be obtained.
- Our pharmacy program also initiated temporary changes to allow injured workers to fill prescriptions early or for an extended day supply up to 60 days.

Challenge: C92/C92A—no examinations and no hearings. Two-thirds of DEP physicians not conducting face to face exams.

Solution:

- “Agreed order.” BWC attorneys to work with parties’ representatives to present agreement to Industrial Commission. Largely unsuccessful.
- Targeted settlement initiative. Initially contemplated claims in which C92 application is pending and no exam conducted. Successful results support expansion of settlement efforts.

Challenge: Social distancing protocols. In-person and field staff services on hold. No on-site safety or business consultations with employers, no classroom-based safety trainings, no in-person employer audits, and the cancellation of our Ohio Safety Congress & Expo this past March.

Solution: Weekly safety webinars in lieu of classroom learning have been well-received. We’ve moved consulting to video and telephone for now. External audits are conducted via phone.

Challenge: Employers are facing unprecedented challenges.

Solution:

- Premium payment deferrals, dividends, and penalty/lapse forgiveness.
- In April, we sent private and public employers nearly \$1.6 billion — 100% of the premium they paid in policy year 2018.
- In May, Governor DeWine announced our second installment payment extension, delaying June, July, and August premium payments until Sept. 1, 2020.
- \$579 million remains in the economy to help businesses get on their feet amid the ongoing pandemic.

COVID-19 Claims (as of 8/17/2020)

State Fund Claims

PA: Private Employers

PEC: Public Employer Taxing Districts

PES: Public Employer State Agencies

Initial Decision	PA	PEC	PES	Grand Total
Accepted	171	58	17	246
Denied	36	55		91
Dismissed	165	54	8	227
Pending	48	22	3	73
Total Claims	420	89	28	637

Self-Insured Claims

Initial Decision	Total
Certified	134
Rejected	129
Pending	55
Total Claims	318

Note: BWC does not make determinations on Self Insured claims

Occupation

SF: State Fund SI: Self-Insured

Policy Type

Healthcare or EMW	Occupation (group)	SF	SI	Total Claims
Healthcare/EMW	Correction Officer	53	1	54
	Delivery	1	1	2
	Firefighter	64	2	66
	Nurse	136	101	237
	Other	133	101	234
	Paramedic/EM/EMT	21		21
	Physician	9	3	12
Non-Healthcare/EMW	Police	81	3	84
	Delivery	3		3
	Other	136	106	242
Total		637	318	955

ORC 4123.68 -- The following diseases are occupational diseases and compensable as such when **contracted by an employee in the course of the employment** in which such employee was engaged and due to the nature of any process described in this section. **A disease which meets the definition of an occupational disease is compensable pursuant to this chapter though it is not specifically listed in this section.** (Emphasis added.)

ORC 4123.01(F)-- (F) "Occupational disease" means a disease contracted in the course of employment, which by its causes and the characteristics of its manifestation or the condition of the employment results in **a hazard which distinguishes the employment in character from employment generally, and the employment creates a risk of contracting the disease in greater degree and in a different manner from the public in general.**

The Numbers

- Continued Decline in New Claims--84,364 in 2019, down from 101,000 in 2012 and 260,000 in 2000.
- Pre-COVID 2020-Decline continues. January and February down 10-15% from 2019.
- Post COVID--down more than 50% in April. Currently at 72% of 2019 rate.
- Policies: the anomaly—Applications for coverage down 40% initially; by July numbers increased to 2019 levels. August applications exceed 2019 levels!

Ongoing Priorities

Substance Use Recovery and Workplace Safety Program. Partnership with local Alcohol Drug Addiction and Mental Health Services boards (ADAMHS) to assist employers in hiring workers in recovery. Although paused briefly, the program is expanding, now partnering with 15 local boards covering 32 counties, and 83 employers are participating.

Kids' Chance of Ohio, a scholarship program for children of workers who have died or been declared permanently and totally disabled as a result. We will redouble our communication efforts as charitable giving lags.

On the Horizon

Improved on-line FROI process:

- Adding the ability for the filer to upload supporting claim documentation.
- Adding the authorization forms (R2 and R1) to the process, with an electronic signature feature using OneSpan. Signed documents will upload to the file.
- Adding an interface with ODJFS to obtain employer information, to be matched against employer data in our system and auto-populate the FROI. This feature will minimize the high error rate we see in employer information and will speed claims handling.
- Adding screens that will default to information the user will likely provide. They will have the ability to see more information if they choose. This cuts down on the noise (clutter) on the screen.
- Adding a prompt for IWs to sign up for E Notifications. E Notifications enable BWC to send reminders about important information and deadlines that IWs need to know.

E-Signature

- Adding electronic signature capabilities to our on-line forms--user completes on-line form which can be sent to others for signature. Final version can then be sent to BWC and will upload to the claim file.
- We are starting with our Wages forms.
- Intend to add the ability to upload documentation to the claim file in additional scenarios, much like the C-92. The C-86 motion is tentatively scheduled for this feature after BWC completes its updates to the FROI process.

Single Payroll Reporting Form

- Currently working with Innovation Ohio, DAS and the Lieutenant Governor's office to develop a single payroll reporting form for state agencies. Benefits include simplification and more accurate information, and Ohio employers entering information once. Audits will be reduced. Capturing payroll at the employee level will also expedite wage calculation for injured workers. Primary agency involvement by BWC, Taxation, and ODJFS.

Succession Planning

- Potential staffing issues due to the hiring freeze coupled with retirements may impact service delivery to injured workers and employers. Our goal is to address in part by increasing online service offerings and encouraging more customers to use them expediting exchange of information. We are working on a succession planning project to determine the future structure and staffing needs of the agency.

Straight Through Processing

- We are finalizing the creation of an online tool that will allow new employers to complete the entire application process online including the assignment of manual classifications and development of installment payments. Straight Through Processing will expedite applications for coverage and allow employers to begin jobs sooner.

Teleworking Class Codes

- Due to the impact of COVID-19, many employers were forced to change how they did business. Many allowed employees to work from home performing non-operational duties or paid employees while they were idle at home. Consistent with NCCI practice, BWC will afford both private and public employers the ability to add teleworking class codes for reporting payroll.