



Navigating Ohio's workers' compensation system

For most employers, workers' compensation is one of a thousand items that require their attention daily. Most workers' compensation professionals will tell you that the best injury is one that never happens. The reality is that there are 249,000 private and public Ohio employers incurring approximately 85,000 allowable injuries on an annual basis (Source: Ohio Bureau of Workers Compensation 2019 Annual Report).

Managing a workers' compensation program can be simplified by implementing a few standardized processes that will make it easier for you to minimize lost days, control your costs and maintain productivity in your business.

Early Claim Intervention

Having a standardized injury reporting process and claim investigation mandate in place before an injury happens means that you will have tools at your disposal to quickly analyze what happened, is it work related and are there any red flags that will lead you to contest the claim.

Your Managed Care Organization (MCO) can provide your company with guidance on any questions related to injury reporting and seeking BWC (Bureau of Workers Compensation) authorized provider medical treatment. The injured worker will need to complete a First Report of Injury (FROI), which is the BWC form required for filing a claim application. It is also a good best practice to have your employee complete a supplemental accident report that is specific to your work environment and expands on some of the important questions that arise during an injury investigation, such as – were there any witnesses? Did you immediately notify your supervisor?

Minimizing Claim Costs

Once a claim application is filed with the BWC, things begin to move quickly and your window of opportunity to minimize the impact is small. The most common type of compensation is Temporary Total (TT). This is when the BWC pays the injured worker a portion of their regular pay to cover their lost wages while recovering from an allowed injury.

If you are not contesting the claim or its compensability, your focus should move to helping your injured workers get the necessary treatment they need to quickly return to full duty employment. If you can accommodate a return to light duty while the treatment moves forward, then making a light duty job offer will prevent the claim from flipping from “medical only” to “lost time”. It will also keep your injured worker from getting used to being off work because of the injury. If light duty is not an option, then another path is to pay the claimant their regular wages – also known as salary continuation - while they are off work.

Other Cost Containment Options

When a claim is allowed the BWC attaches a reserve to estimate and cover future costs. There are several ways to minimize the impact a reserve has on your annual premiums:

Settlement – the most effective way to close a claim and prevent future costs from being applied is to negotiate a full and final settlement with the injured worker. The settlement amount is paid out of the

claim by the BWC, the cost is added to the overall claim cost and the injured worker receives monies in lieu of future treatment and compensation.

Handicap Reimbursement – The BWC currently has a program in place to recognize pre-existing conditions that negatively impact the allowed conditions or the injured worker's recovery from the allowed condition. The BWC will hold an informal conference with the employer/Third Party Administrator (TPA) to review the application and the medical that supports the request and then will determine an impact percentage between 0% and 100%. This percentage relates to the amount of "relief" the employer will receive due to filing a successful application.

Subrogation/No Fault MVA (Motor Vehicle Accident) – When a third-party is the cause of a workplace injury there may be relief that can be pursued to offset the cost of the claim. The most common example is an employee's claim that is the result of a non-at-fault vehicle accident involving a third party.

Navigating the workers' compensation system can feel frustrating and at times complicated, but with your MCO and TPA partners you have access to subject matter experts that can make your job easier and keep your premiums down.

If you have any questions, contact our Sedgwick program manager, Bob Nicoll at (330)-418-1824 or robert.nicoll@sedgwick.com

Near misses – are they important?

Did you know that many companies do not report near misses, and as a result, an injury occurred? OSHA says, **"A near-miss is a potential hazard or incident in which no property was damaged and no personal injury was sustained, but where, given a slight shift in time or position, damage or injury easily could have occurred."** Many times, near misses may go unreported for several reasons, such as no company policy or not encouraging it. But reporting near misses is a valuable source of information. This allows organizations the opportunity to identify hazards or weaknesses and address them before an injury occurs. There are many ways to identify a near miss. They are like accidents, but luckily, no serious injury occurred. Near misses may be identified as:

1. Unsafe conditions such as a slippery walk area.
2. Unsafe behaviors such as someone not following safety protocols or wearing the correct PPE.
3. Minor incidents and injuries that had the potential to be more serious such as using the wrong tool for the job.

4. Events where an injury could have occurred but did not.
5. Events where property damage could have resulted but did not.
6. Events where safety barriers were not being used.
7. Events where potential environmental damage could have resulted but did not.

REMEMBER: This is not an all-encompassing list; your organization's list may include other types of near misses.

*As you can see, near misses also include potential property damage and potential spills to the environment.

*Some additional tips on near misses:

- Make sure near misses become a part of your Incident Investigation Policy.
- Treat near misses as any other investigation and include determining root causes and talking with witnesses.
- Teach employees and management the importance of near miss reporting.
 - Create the safety culture that near misses are an important tool to help reduce or eliminate injuries.
- Discuss near misses at monthly safety meetings or toolbox talks and post on a bulletin board.
- Train employees on how to report near misses.
- Both reporting and investigating on near misses demonstrate a company's proactive approach to an effective safety program.
- Ensure to follow through with near miss investigations so employees see positive results.

Near misses must be treated just as you would any other incident investigation. Create a culture that helps recognize near misses in the workplace and how to resolve them. If you can demonstrate over time, that reporting near misses are an important piece of your safety program, you are well on your way to success!

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