



2015 CLM Annual Conference

Palm Desert

The Dream Team Approach To Workers' Compensation Case Management

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The Players

- Broker
- Employer
- Claims adjuster
- Attorney

The Playbooks

Broker

- Objectively learn the operation and, most notably, the client's claims and risk management philosophy
- Assess client insurance needs, develop relationships and negotiate with underwriters (and their claims teams), review and amend policies, oversee claims process and collect insurance premiums
- Assess and prioritize complex and changing risk factors
- Evaluate risk management policies, including, but not limited to:
 - Hiring practices
 - Return-to-work
 - Safety initiatives
 - Claims management and investigative procedures
 - Emergency claims response protocols
 - Wellness culture
- Develop customized risk management programs
- Assess insurance carrier resources, claims management and reserving philosophy
- Maximize insurance carrier resources
 - Claim reporting procedures
 - PPO networks
 - Physician panels
 - Managed care
 - Pharmacy benefit manager

- Data analytics
- Online access to financials and adjuster notes
- Subrogation
- Experts
- Partner to identify strategies for improvement and ways to work together and implement
- Document improvement/lowering insurance costs
 - Identify financial impact of claims
- Coordinate claims reviews/strategy meetings and communication (agreed upon claims handling instructions are key)
- Loss trending and analysis
- Provide ongoing claims advocacy

Employer

- Identify and train management team
 - Risk management
 - Safety management
- Implement programs to address changes in management / backup team
- Educate employees, administrators, supervisors, personnel and panel/company physicians regarding changes in the law, and emphasize timely reporting thorough investigations and accurately obtaining history
- Institute a well-developed return to work program for all employees
- Maintain jobs
- Maintain job descriptions for pre-injury jobs, modified-duty/light-duty jobs and ongoing review of vacancies
- Diary all workers' compensation injuries to control exposure, develop plan to return to work, timeline of treatment and progression of claim
- Education on safety and incentives for employees to ensure safety and limit exposure
- Quarterly and/or monthly meetings with personnel and management regarding risk and safety management
- Identify and emphasize a positive culture
- Open communication with employees, supervisors and personnel handling workers' compensation loss and reporting
- Prompt investigation of all claims, including having employees complete accident reports after injury regarding circumstances of injury, time, date, extent and any witnesses to reduce discrepancies and confusion
 - Should be completed as close to the time of injury as possible
 - Respect all employees reporting a work injury
- Prompt and continuous contact with injured employee to ensure a positive relationship resulting in a faster return to work
- Determine unemployment, sickness and accident, social security and pension/credit issues
- Investigation of alcohol and/or drugs in appropriate instances
 - Consider post-accident testing where equipment, tools and vehicles are involved
- Awareness of potential ADA, FMLA and EEOC claims and ramifications, and develop strategies to handle situations involving these statutes

- Coordinate job offer with insurer and prompt notification of actual return to work
- Maintain and document personnel files, including disciplinary actions
- Maintain accurate wages and wage records on all employees
- Conduct claim reviews and/or strategy conferences to analyze facts, develop defenses and exposure on a regular basis / settlement consideration
- Demonstrate interest in workers' compensation, and attend important hearings

Claims Adjuster

- Maintain and coordinate contact with employer's claims team to determine appropriate forms are accurate and timely
- Articulate team vision, philosophy and effective communication, and coach/mentor team members
- Appropriate panel physician posting and employee's receipt of these documents
- Investigations and management of claims, including recorded statement of employee, contact with witnesses, supervisors and managers, obtaining an incident report and details of how the injury occurred
- Document claim diary system, claims financials and subrogation activity, assess insurers reporting and reserves
- Coordinate and direct outside service providers, including panel physicians, medical providers, legal counsel and broker
- Maintain knowledge of workers' compensation law and statutory requirements, state workers' compensation forms, benefit payment procedures and liability determinations
- Conduct claim reviews and/or strategy conferences to maintain progress, limit exposure and settlement considerations

Attorney

- Identify risk management personnel/team involved in the claim
- Coordinate with adjuster/broker/employer the investigation of the claim/reporting the claim, and identify employer contact
 - Identify any restrictions on communication
- Identify red flags, including:
 - Accident not reported promptly
 - Lack of witnesses
 - Discrepancies in story
 - Accident occurs in an area where injured worker would not normally be working
 - Monday reporting
 - Vague details of the accident
 - Injured worker is new employee
 - Injured worker is disgruntled or on the verge of being fired
 - Injured worker is having financial difficulty
 - Injured worker is never home
 - Injured worker discusses settlement early in the life of the claim
 - Injured worker does not show up for medical appointments
 - Tip is received
- Verification of designated health care providers and proper posting
- Employee rights and duties/workers' compensation information

- Notice
- Mechanism of injury
 - Site inspections, including with judge
- Effective return to work
- Develop defenses/prepare witnesses
- Assess exposure and cost benefit analysis
- Settlements

Benefits and Challenges

- Balancing all interests
- Collaboration with employer/adjuster/broker/attorney
- Expedite the entire claim process and ensure the most favorable result
- Communication