

Workers' Compensation Advisory Committee (WCAC) Meeting

Labor and Industries, Tumwater, WA

Meeting Notes

September 17, 2024

Hybrid: L&I HQ Auditorium and Zoom

Business Representatives:

Lindsey Hueer, Association of Washington Business
Sheri Call, Washington Trucking Association
Jon DeVaney, Washington State Tree Fruit Association
Kelli Early, ESD113

Labor Representatives:

Joe Kendo, Washington State Labor Council
AJ Johnson, Washington State Council of Firefighters
Mark Riker, Washington State Labor Council
Brenda Wiest, Teamsters Local 117

Labor and Industries:

Joel Sacks, Director
Mike Ratko, Assistant Director for Insurance Services

Board of Industrial Insurance Appeals (BIIA):

Holly Kessler, Chair

Court Reporter:

Brionna Staudenmaier, Capitol Pacific Reporting

Recorder:

Cristina Gaffoglio

Guests: Aaron Hoffman, Aimee Jolie, Alicia Milani, Amy Updike, Amy Earley, Andrea Smiley, Angelique Guppy, April Poier, Ashley Frank, Ashley Oberst, Brenda Heilman, Cameron Van Dyck, Celeste Monahan, Celia Nightingale, Cherell Fisher, Cheryl Barker, Chris Ristine, Chrissy Pierce, Dan Plunkett, James Cranall, David Kennerud, Emily Stinson, Eric Moncada, Herbert Atienza, Ian Payne, Irina Razvina, Isabel H, Jamie Hodge, Jen Chatwood, Jessica Gallardo, Jessica Nau, Ji Young Nam, John Meier, Jennifer Jutte, Jennifer Marcum, Jessica Gallardo, Jessica Nau, Joshua Ligosky, Julie Black, Kaethe Long, Karen Jost, Karen Lehnert, Katherine Mason, Kathy Petruzzelli, Katie Beeson, Katrina Linker, Kaylynn Wollen, Kim Wallace, Ken Smith, Kim Hurley, Kirsta Glenn, Knowrasa Patrick, Kris Tefft, Lauren Gubbe, Leigh Haley, Lynda Ducharme, Lisann Rolle, Maria McClain, Mark Phillips, Matt Doumitt, Megan Soria, Michelle O'Brien, Molly Petrie, Nicole Bennett, Rachel Hamar, Regine Neiders, Rose Gundersen, Ryan Guppy, Samantha Adams, Sarah Battin, Sarah Clifthome, Scott Dilley, Sheryl Divina, Stacie Neiswanger, Sarah Jackson, Tammy Fellin, Thomas Feller, Tiffany Loescher, Todd Gendreau, Tom Kwieciak, William Vasek

Welcome and Introduction: Mike Ratko

The meeting began with a brief overview of the agenda and introductions of the committee members. Mr. Ratko introduced Lindsey Hueer who is the newest committee member in replacement of Bob Battles from the Association of Washington Business.

Mr. Ratko moved to approve the minutes from the June 25, 2024 meeting. There was no opposition to the motion. The minutes were approved.

Mr. Ratko introduced Dr. Dave Bonauto, SHARP, who presented the safety message and information for action.

General Updates: Joel Sacks, Mike Ratko, Elizabeth Smith, Brenda Heilman

Mr. Sacks thanked and congratulated Mr. Ratko on his upcoming retirement at the end of September. He continued by introducing and congratulating Brenda Heilman who will transition into the role of Assistant Director for Insurance Services starting October 1, 2024.

Mr. Ratko introduced Cherell Fisher who transitioned into the role as the new Chief of Claims.

Ms. Smith gave an update on the Workers' Compensation Systems Modernization project. Ms. Smith mentioned that the agency is having ongoing conversations with the legislature to raise awareness and increase understanding of the importance of this investment.

Ms. Heilman talked through slides 11-12, providing an update on IME Recordings.

Mr. Sacks asked for the total IMEs coming in monthly, which Ms. Heilman answered approximately 1,000-1,200. In addition, Ms. Heilman discussed the progress made from the listening sessions held in May and August; one more meeting will be held in October. More updates to come in the December meeting.

In the chat, Kris Tefft asked if the State Fund tracks attorney involvement in the request to record. Ms. Heilman explained that the agency tracks the attorney's involvement and requests to record. She will follow up with data that shows how many IME referrals have an attorney attached to the claim, specifically self-insurance employers.

Mr. Ratko discussed the staffing levels for Workers' Compensation Adjudicator employees. Amy Early has a question regarding overtime specifically about claims managers who are backlogged because they are not able to work overtime. Mr. Ratko explained that the department's overtime has decreased due to budget restrictions and Ms. Heilman added that individuals may be backlogged, but the system itself is not backlogged. Ms. Heilman encouraged Ms. Earley to reach out to Cherell Fisher (Chief of Claims) to see if there is something the department can do about the specific situation she is encountering.

2024 -2025 Legislative Update: Brenda Heilman, Kirsta Glenn

Ms. Heilman talked through slides 15-18 updating three Workers' Compensation bills that were passed during the legislative session and two Proviso Funding bills. Mr. Kendo asked what type of data is being collected through the light-duty complaint unit or if a survey is being developed. Ms. Heilman explained that the department is interested in collecting data on how often a dispute occurs and the nature of the dispute to see if certain patterns are emerging. The data collected will be discussed during a future meeting.

In regards to light duty complaints, Amy Early asked if the agency can ensure that if an employer has a TPA the department staff are contacting the TPA versus the employer directly. Ms. Heilman explained that is an area that should improve since there are dedicated staff working on this process.

In addition, Ms. Heilman discussed four agency request legislation bills and two decision packages. Mr. Sacks mentioned that a third package is being drafted requesting additional staff for the Collections team to deal with early collections to assist in getting ahead of the process.

Ms. Glenn discussed agency request legislation for a new Vocational Award Pilot Z-0033. Sheri Call asked if there is information available on the Vocational Advisory Committee, to which Ms. Glenn answered yes and that she could provide more information about the committee; also for reference, there are labor and business representatives who are a part of the committee; including Joe Kendo, Sarah Sanders, and Lindsey Hueer.

Rates: Joel Sacks

Mr. Sacks talked through slides 20-25 giving a high-level overview of where the department currently is for rulemaking.

Mr. Kendo asked if the data presented for the late 90's and early 2000's adopted rates indicate the rebates and refunds the department issued. Mr. Sacks explained that the rates would not show a rate dividend unless there is a rate holiday. Bill Vasek clarified that the rate holiday is not included in the rate chart on slide 25.

Mr. Sacks proceeded to talk through slides 25-30.

Ms. Heilman talked through slides 30-33 discussing better outcomes for workers. She proceeded to explain that there would be updates during the next meeting on the agency's proposed vocational award pilot.

Operational Health Dashboard: Mike Ratko

Mr. Ratko explained that Ms. Kessler was on the agenda to be the next presenter, but due to a scheduling conflict he will present the Operational Health Dashboard first and her presentation will follow once she's able to join the meeting.

Mr. Ratko talked through slides 41-56.

Thomas Feller asked when the revised audit system in Self-Insurance will be completed and in place. Mr. Ratko said he would follow up with Knowrasa Patrick, the Self-Insurance Program Manager who can provide an answer to Mr. Feller's question.

Limited English Proficiency (LEP) Update: Cherell Fisher, Uriel Iniguez, Angelique Guppy, Amy Updike

Ms. Fisher talked through slides 57-60 giving an update on how Claims staff communicates with LEP customers.

Mr. Iniguez and Ms. Guppy talked through 61-68 giving information about the Community Relations Outreach and Engagement Unit and the Workers Outreach Grants (WOG). Ms. Updike, the Nursing Director for the Office of the Medical Director talked through slides 68-71. Mr. Feller asked where provider navigators are located and Ms. Updike stated their locations are in Bellingham, Union Gap and Spokane.

Ms. Early asked if a current phone list could be provided for field nurses to call if they have issues with access to care, delay, etc. Ms. Updike explained that the Claims Managers are still the first point of contact for any claims issues, but they are currently working on updating this process and will return with an update at a later meeting.

Board of Industrial Insurance (BIIA) Update: Holly Kessler

Mr. Ratko introduced Holly Kessler, Chair for the Board of Industrial Insurance Appeals, who talked through slides 35-40.

Industrial Insurance State Fund Financial Overview: Kim Hurley

Mr. Ratko introduced Kim Hurley, interim Chief Accounting Officer for Financial Services, who talked through slides 72-85, which provided the financial results for the fiscal year 2024 (July 2023– December 2023).

Closing Comments & Adjourn: Mike Ratko and Joel Sacks

Mr. Sacks wanted to publicly thank Mike Ratko, who is retiring from being the Assistant Director of Insurance Services, for being such a hardworking and compassionate employee.

Ms. Heilman asked the committee to send her any topic ideas so they can be incorporated into future agendas.

Mr. Ratko thanked the presenters for their time and effort putting together their presentations. Meeting adjourned.