

## **Workers' Compensation Advisory Committee (WCAC) Meeting**

Labor and Industries, Tumwater, WA

Meeting Notes

December 8, 2022

Hybrid – L&I Auditorium and Zoom

### **Business Representatives:**

Bob Battles, Association of Washington Business  
Sheri Call, Washington Trucking Association  
Jon DeVaney, Washington State Tree Fruit Association  
Sheri Sundstrom, Washington Self-Insurers Associations

### **Labor Representatives:**

Joe Kendo, Washington State Labor Council  
AJ Johnson, Washington State Council of Firefighters (*not in attendance*)  
Mark Riker, Washington State Labor Council (*not in attendance*)  
Brenda Wiest, Teamsters Local 117 (*not in attendance*)

### **Labor and Industries:**

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

### **Board of Industrial Insurance Appeals (BIIA):**

Holly Kessler, Chair

### **Court Reporter:**

Lori Stefano, Capitol Pacific Reporting

### **Recorder:**

Ashley Oberst (*present*)

### **Guests:**

Ali Ishaq, Amalia Diaz, Amy Rhodes, Anna Minor, Ashley Frank, Audrey Dorsey, Azadeh Farokhi, Beth Vandehey, Bill Vasek, Bobbi Meins, Brenda Heilman, Brian Schmidkofer, Bryan Jewell, Celeste Monahan, Cherell Fisher, Cheri Ward, Cherie Wagaman, Dan Erickson, David Kennerud, Debra Hatzialexiou, Donna Egeland, Ellen Saline, Gary Franklin, Herbert Atienza, Ian Payne, Jessica Gallardo, Jessica Nau, Ji Young Nam, Joe Kendo, John Meier, Joshus Ligosky, Julie Black, Kaethe Long, Karen Jost, Kathy Petruzelli, Keith Bingham, Kelly Leonard, Ken Smith, Kim Wallace, Knowrasa Patrick, Kris Tefft, Lisann Rolle, Liz Smith, Lloyd Brooks, Maria McClain, Mark Phillips, Marty Cohen, Megan Soria, Michael Harris, Michelle O'Brien, Milt Crafton, Nichole Runnels, Rachel Swanner, Rob Cotton, Robert Mitchell, Rose Gundersen, Ryan Guppy, Sharon Perkins, Susan Abolafya, Tammie Hetrick, Tammy Fellin, Tiffany Loescher, Tom Feller, Trudes Tango

### **Welcome and Introduction: Mike Ratko and Joel Sacks**

The meeting began with a brief overview of the agenda and introductions of the committee members.

Ms. Sundstrom moved to approve the minutes from the September 28, 2022 meeting. Mr. Kendo seconded the motion. There was no opposition to the motion. The minutes were approved.

Mr. Ratko introduced Sharon Perkins, Digital Education Manager for the Division of Occupational Safety and Health, who presented the safety message.

#### **General Updates: Mike Ratko and Joel Sacks**

Mr. Ratko gave an update on the current status of COVID-19 claims and talked through slides 12-13.

**Mr. Kendo asked** if the proportion of accepted and rejected COVID claims aligned with the non-COVID claims. **Ms. Ward responded** that the proportion of accepted versus rejected COVID-19 claims is higher than that of regular claims. **Ms. Kessler asked** if the claims are being filed as industrial injury or occupational disease claims. **Ms. Ward responded** that the claims are being treated as occupational exposures.

**Mr. Battles asked** if there were anything that jumps out about the data on slide 13. **Mr. Sacks responded** that the vast majority of claims that are categorized under the Miscellaneous category are from residential facilities. **Mr. Battles followed up** by asking if the COVID claim numbers are for the whole pandemic. **Mr. Ratko responded** that yes, the claims listed on slides 12 and 13 are for March 2020 through early November 2022.

Mr. Ratko gave an update on the other topics on slide 11: ProviderOne and Workers' Compensation System Modernization (WCSM). Mr. Sacks gave an update on Transportation Network Companies (TNC) and the status of the 2023 rate adoption.

**Mr. Kendo asked** if there is an appropriation L&I is seeking for the next phase of the WCSM work. **Mr. Sacks responded** that there are some unique challenges aligning the work with the Governor's and legislative budget cycles. L&I has put in a request to the Governor for additional funding in his 2023-2025 budget and will potentially do the same in the 2024 legislative session, when the agency can be more specific on next steps and the request for funding.

#### **Long COVID: Dr. Ji Young Nam**

Dr. Gary Franklin, Medical Director, introduced Dr. Ji Young Nam, MD, MPH, Associate Medical Director, who talked through slides 15-55.

**Mr. Kendo commented** that he is interested in hearing more about the impact of long COVID-19 on workforce availability. **Dr. Nam responded** that L&I's Safety & Health Assessment & Research for Prevention (SHARP) program will be releasing its study on long COVID in early January 2023.

**Mr. DeVaney asked** if there is any information on why long COVID effected women at a higher rate than men. **Dr. Nam responded** that the answer is currently unknown and there are on-going studies on this, but may be related to underlying immune factors and hormone cycles.

**Mr. Kendo asked** what can be done to get people back to work and assist them through their long COVID diagnoses. **Dr. Franklin responded** that earlier patient-centered and multidisciplinary care is a clear indicator of patient improvement and long-term success. This applies not just to long COVID, but all injured workers and patients as a whole.

**Ms. Sundstrom asked** if this information is being shared with the Department of Health (DOH) and if there is education for providers. **Dr. Nam responded** that the SHARP researchers are collaborating and sharing information with DOH.

**Mr. Smith commented (via Zoom chat)** that 58% of people who have died of COVID, not with COVID, were vaccinated and/or boosted. **Dr. Nam responded** that despite vaccinations, breakthrough infections can still happen and those people can still develop long COVID. Despite this, a couple of current studies are showing encouraging results about vaccinations and protection against long COVID.

#### **Operational Health Dashboard: Mike Ratko**

Mr. Ratko talked through slides 57-63.

**Mr. Meier asked (via Zoom chat)** if the agency has data on the number of vacant claims positions in relation to the total number of positions. **Mr. Ratko responded** that the data is not immediately available, but will be sent out before the next meeting.

#### **Conning – National Workers’ Comp Update: Daniel Erickson**

Mr. Ratko introduced Daniel Erickson, Vice President of Insurance Research, Conning & Associates.

Mr. Erickson talked through slides 77-96.

**Mr. Sacks asked** if the data on slides 81 and 82 shows that more people are working and more jobs are open than pre-pandemic. **Mr. Erickson responded** that the assumption is not necessarily true. There is an estimated 3 million people who have not returned to the workforce, with about 2 million of those people being early retirements. This helps explain the increase in wages. With job openings being higher, more employers are looking for workers and are raising wages and offering better benefits to entice workers.

#### **Program Spotlight – Employer Services: Keith Bingham**

Mr. Ratko introduced Keith Bingham, Employer Services Program Manager, who talked through slides 102-109.

**Program Spotlight – Field Audit: Bryan Jewell**

Mr. Ratko introduced Brian Jewell, Technical Expert for the Field Audit program, who talked through slides 111-113.

**Industrial Insurance State Fund Financial Overview: Rachel Swanner**

Mr. Sacks introduced Rachel Swanner, Workers' Compensation Accounting Manager, who talked through slides 115-126.

**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 136-141.

**Mr. DeVaney asked** about the BIIA filling vacancies if caseloads go up. **Ms. Kessler responded** that there has been some great resume turnouts for their recruitments and they have recently hired three or four hearing judges to help with rising caseloads.

**Closing Comments & Adjourn: Mike Ratko and Joel Sacks**

**Mr. Kendo asked** if meetings would start being held in Tukwila periodically. **Mr. Sacks responded** that we want to defer to the committee and do whatever is easiest for them.

**Mr. Ratko asked** the committee to send any topic ideas his way so they can be incorporated into future agendas.

**Mr. Sacks thanked** the presenters for their time and effort putting together their presentations.

Meeting adjourned.