

Workers' Compensation Advisory Committee (WCAC)

Wednesday, December 16, 2020



AGENDA

Workers' Compensation Advisory Committee (WCAC)

Quarterly Meeting

Wednesday, December 16, 2020 Zoom meeting 9:00 – 11:30 https://us02web.zoom.us/j/85612792384 pw: wcac1216! 12532158782,,85612792384#,,,,,,0#,,905281376#

Time	Торіс	Presenter(s)
9:00 - 9:10	Welcome Introductions Safety Message 	Joel Sacks Vickie Kennedy Jeff Killip
9:10 – 9:40	General Updates • Legislation • Budget • Final Rate Decision • Interpreter Services	Vickie Kennedy Tammy Fellin Randi Warick Mike Ratko
9:40 - 10:05	Insurance Services Dashboard	Vickie Kennedy
10:05 - 10:20	Break	
10:20 – 11:05	Vocational Recovery Project Quality assurance plan Rules eff. 01/01/2020 New Referral Processes 	Vickie Kennedy Ryan Guppy Kirsta Glenn
11:05 - 11:15	Industrial Insurance State Fund Financial Overview	Rachel Swanner
11:15 - 11:25	Board of Industrial Insurance (BIIA) Update	Linda Williams
11:25 - 11:30	Closing Comments & Adjourn	Vickie Kennedy Joel Sacks

Next WCAC Meeting

Tuesday, March 30, 2021 Zoom



Safety Message

Jeff Killip DOSH Education & Outreach Senior Manager



L&I Resources – Coronavirus (COVID-19)

- Website
- COVID-19 (Coronavirus) safety topic page
- eTool Selection Guide for Face Coverings, Masks, and Respirators

eTool Selection Guide for Face Coverings, Masks, and Respirators

Version: 2020-94

L&I Website: Coronavirus (COVID-19) Resources

- Latest L&I News
- Paid Sick Leave
- Workers Compensation

 Workplace Safety & Health
 → COVID-19 (Coronavirus) safety topic page

Agency Website: Coronavirus (COVID-19) Topic Page

Washington State Department of Labor & Industries		С на	ome 👤 My L&I: Sign In S	Search L&I
▲ Safety & Health Cl	aims Patient Care	Insurance	Workers' Rights	Licensing & Permits
Home > <u>Safety & Health</u> > SAFE topics	TY TOPICS >			
A SAFETY TOPICS	COVID-19 (C	oronavirus	5)	
Search By Topic	The Department of Labor & Industries (L&I) requires employers to implement the Governor's "Stay Home, Stay Healthy" order. Employers must ensure social distancing for employees and customers, frequent and adequate employee hand-washing, and that sick employees stay home. Employers must also provide basic workplace hazard education about coronavirus and how to prevent transmission in languages best understood by employees.			
Industry				
Chemicals & Materials	The recent increase in the spread of COVID-19 cases is very concerning. The latest data show Washington is seeing more than 2,000 new cases a day. In response, new			0
Machinery & Equipment		statewide restrictions are in effect as of November 15th. Read more: Governor announces updated COVID-19 restriction (Nov.15, 2020) 		
Environmental Hazards	Use the information and during the COVID-19 pa maintain a safe and hea	ndemic. If you have	e other specific questio	ns on how you can

Agency Website: Coronavirus (COVID-19) Topic Page

GENERAL INFORMATION

REQUIREMENTS & POLICIES

<u>Coronavirus Employee Training PowerPoint template</u> (also available in Spanish)

INDUSTRY- AND TOPIC-

SPECIFIC RESOURCES

- <u>Coronavirus (COVID-19) Prevention: Summary of General Workplace Requirements</u> (F414-167-000): This fact sheet helps Washington employers know what their requirements are regarding employee safety and health during the coronavirus outbreak.
- <u>Workplace Health and COVID-19 Prevention</u>; General overall review for anyone interested in Washington specific information regarding COVID-19 prevention.
- COVID-19 Reopening Guidance for Businesses and Workers (Governor Inslee's office)
- Sequence for safely putting on and removing Personal Protective Equipment. Printable
 PDF (CDC)
- Stop the Spread of Germs (CDC poster) (also available in Spanish)

Masks, face shields, and respiratory protection

- Which Mask for Which Task? COVID-19 Prevention at Work: When to Use Face Coverings and Respirators (F414-168-000)
- eTool Selection Guide for Face Coverings, Masks, and Respirators
- Common questions and answers regarding worker face covering and mask
 requirements

eTool Selection Guide for Face Coverings, Masks, and Respirators

eTool Selection Guide for Face Coverings, Masks, and Respirators

eTool Selection Guide for Face Coverings, Masks, and Respirators

Version: 2020-9e



eTool – National Attention!



	间 f У in	Search	Q
		Clobal DSC Safety Congress & Expo	
IDE	E-NEWSLETTERS	COVID-19	

Home » COVID-19 pandemic: New e-tool designed to help pick the right respiratory protection

WORKPLACE EXPOSURES RESPIRATORY PROTECTION

COVID-19 pandemic: New e-tool designed to help pick the right respiratory protection

NEWS SAFETY TIPS WORKPLACE SOLUTIONS PRODUCTS RESOURCES BUYER'S GU

October 16, 2020 One Comment 🔽 🖨 🖪 🗹 🗓

CORONAVIRUS PERSONAL PROTECTIVE CLOTHING PERSONAL PROTECTIVE EQUIPMENT RESPIRATORY PROTECTION WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES

CURRENT ISSUE



This Month in Safety+Health



Team players 10 insights into OSHA's Top 10 Working in the cold

Earn recertification points

BCSP Board of Certified Safety Professional

Please Stay Safe!

Jeff Killip

DOSH Education & Outreach Senior Manager jeffrey.killip@lni.wa.gov 360-999-9477



General Updates



- Legislation 2020 Vickie Kennedy
- Legislation 2021 Tammy Fellin
- Budget Randi Warick
- Final Rate Decision Mike Ratko
- Interpreter Services



Dashboard – Help Injured Workers Heal and Return to Work

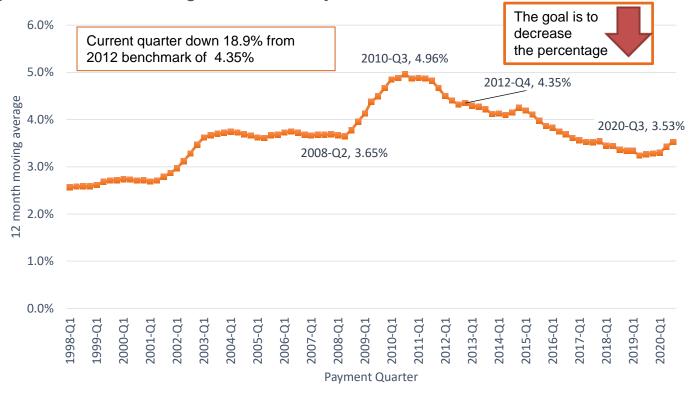
Vickie Kennedy, Assistant Director for Insurance Services



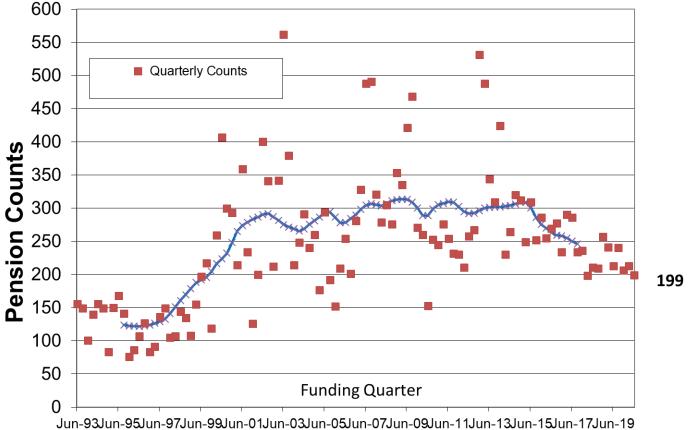
DASHBOARD SUMMARY

Measure	Change from 2012 (unless otherwise noted)		Y/Y Change	
Long Term Disability – share that received a TL payment in the 12 month post injury	-18.9%	~	8%	۸
Pensions granted	Down	✓		
Resolution rate - time-loss claims at 6 months	-0.9%	٨	0%	
Auto adjudication of claims	75% from 2014	\checkmark	-2.5%	Δ
High risk claims – share return to work at 12 months	4%	✓	-3.2%	⚠
Median time-loss days paid at first vocational service	-76.9%	✓	-12.5%	~
% RTW outcomes - all first vocational service referrals	233.6%	✓	7.9%	✓
WSAW participation	Steady utilization			
COHE utilization	90.8%	\checkmark	5.4%	\checkmark

Long term disability percent Share of injured workers with time-loss paid in the 12th month post injury: *smaller* percentage indicates less long-term disability

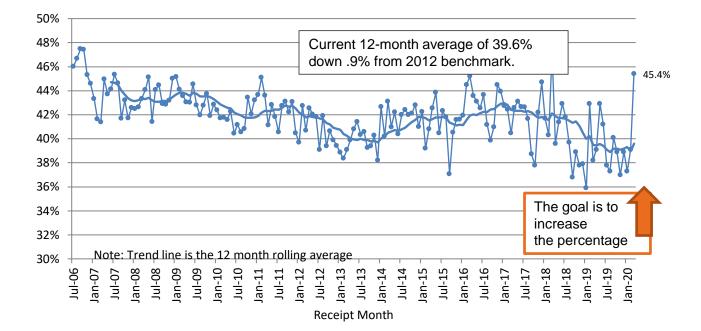


Count of State Fund TPD Pensions Funded per Quarter

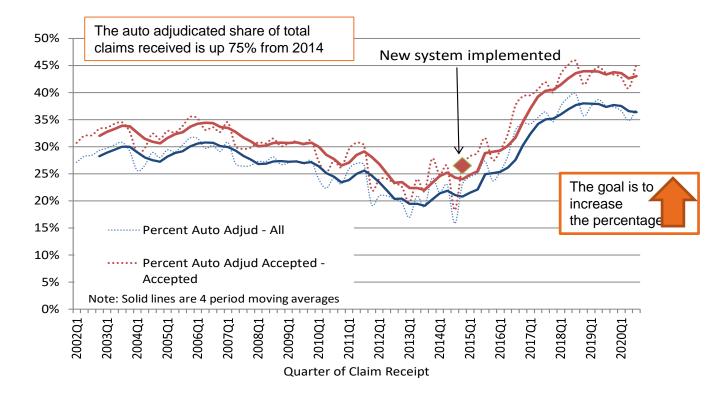


The share of time-loss claims resolved six months after claim receipt

Share of time-loss claims resolved six months after claim receipt

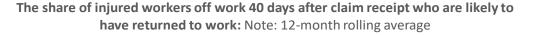


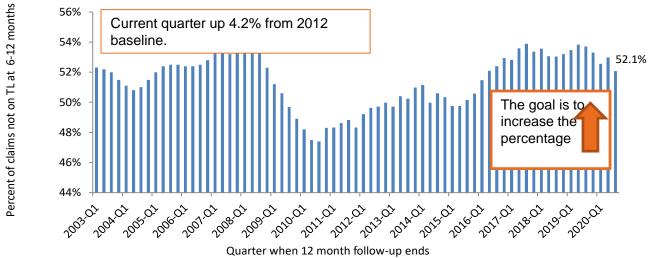
A new auto-adjudication process was implemented in early 2015 and is showing results



Washington State Department of Labor & Industries

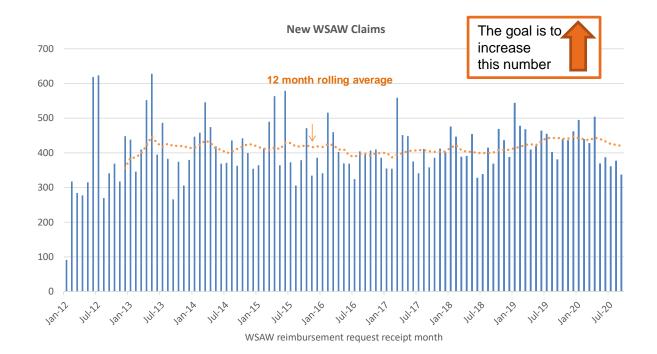
High risk claims – Initiatives in the first year are improving RTW outcomes



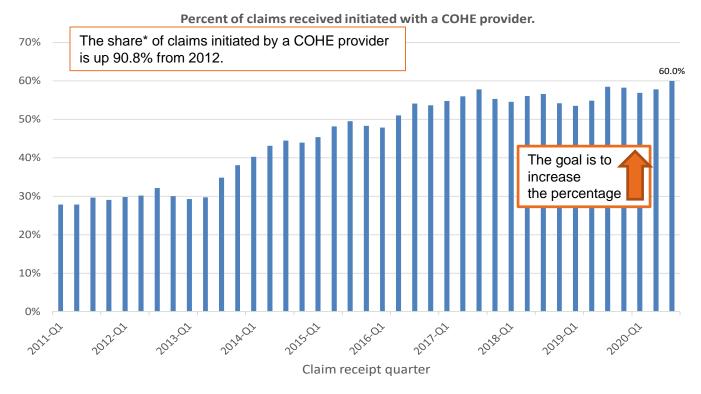


High risk workers are defined as those being disabled on the 40th day following claim receipt, about 1,540 claims per quarter. RTW is defined as the status of not receiving disability benefits between 7 and 12 months

Participation in light duty job assignments helps maintain the employer/injured worker relationship.



Percentage of claims for injured workers initiated with a COHE provider



*Average share for most recent 4 quarters.

Break Time





Vocational Recovery Project

Vickie Kennedy, Assistant Director for Insurance Services Ryan Guppy, Chief of Return to Work Partnerships



Why change vocational services?

The most significant method of keeping time-loss benefits from growing to lengthy levels is through the vocational rehabilitation program.

Early and aggressive intervention by skilled VR professionals has great potential to reduce time-loss and improve return to work for injured workers.

- Washington State Pension System Review, W.E. Upjohn Institute, 2008

Why change vocational services?

2016 JLARC Audit recommendation

Implement RTW standard practices:

"Some vocational service practices need to be tailored to be more effectively utilized in appropriate claims. For example, the AWA is being used as an "adjudicative" tool, but the adjudicative approach is not an effective RTW tool. New practices and interventions need to be defined and put into use, which can become part of a standard RTW

"

practice used to manage claims towards desired outcomes . . .

Why change vocational services?

Work Disability

"Work disability occurs "when a worker is unable to stay at work or return to work because of an injury or disease. Work disability is the result of a decision by a worker who for potential physical, psychological, social, administrative, or cultural reasons does not return to work. While the worker may want to return to work, he or she feels incapable of returning to normal working life. Therefore, after the triggering accident or disease has activated a work absence, various determinants can influence some workers to remain temporarily out of the workplace, while others return, and others may finally not return to work at all."

> Handbook of Work Disability Prevention and Management – Loisel and Anema 2013

Work Disability Contributing Factors

Bureaugenic Disability?

"Ambivalence and resistance should not be ignored, rewarded or punished, but recognized, understood and acted upon. An engaged employer or insurer can be the difference by being a guide that offers clear and consistent direction for mutual benefit. A disengaged employer or insurer will surely create Bureaugenic Disability, that is, unnecessary lost time created by competing or ambiguous return to work policies and practices."

Impaired, Disabled or Just Stuck? Managing Ambivalence and Resistance to Returning to Work* Kenneth Mitchell, Ph.D. WorkRx Group, Ltd. 2011

Work Disability Contributing Factors

	triggers when a preci should remain at work		ealth-related, raises the o	question whether a
Escalation Level	Who is involved?	How is current work capacity determined?	How are job demands determined (both usual job and alternatives)?	What triggers the actual return to work?
0	Worker	Personal knowledge	Personal knowledge	Personal decision
	Worker and Supervisor	Discussion	Discussion	Discussion
1	Worker and Physician	Discussion RTW note from physician	Verbal description of usual job	Discussion
2	Worker Physician Claims adjuster/case manager	Formal inquiry Simple physical capacities form completed by MD	List of job's functional demands	Discussion
3	Worker Physician Claims adjuster/case manager Physical therapist Ergonomist or vocational consultant IME examiner Union steward Lawyer	Objective testing Functional capacity evaluation Independent medical opinion	Video of job Ergonomic analysis of job On-site workplace visit	Written offer of employment Formal return to work plan Sign-off by all parties

ACOEM - American College of Occupational and Environmental Medicine

Work Disability Contributing Factors

"Employees who are satisfied with their employer's response to injury or illness return to work 50% faster with 54% lower cost."

Kenneth Mitchell, Ph.D.: The Return to Work Dividend: Protecting Productivity, Stay-at-Work and Back-to-Work Strategies – Lessons from the Private Sector. Testimony to the US Senate Committee on Heath, Education, Labor and Pensions., 2012 "In fact, the goal of work disability prevention and management is not to fix a disorder or take care of an illness. It is identifying and effectively addressing the determinants of work disability at the personal (physical and psychological), workplace, and societal levels through evidence-based interventions."

Loisel and Anema, Handbook of Work Disability Prevention and Management, 2013

Impacts of Work Disability

"...the insight has grown and convincing evidence has been amassed that indicates that long-term work disability contributes to 2–3 times increased risk of poor general health, 2–3 times increased risk of mental health problems, and 20% excess mortality."

Loisel and Anema, Handbook of Work Disability Prevention and Management, 2013

Worker Centric Means We...

- put the worker in the lead role and make it easy for them to choose to return to work
- are engaging and activating workers based on what they think needs to happen through goal planning and attainment to enable them to successfully return to work or progress through the process
- develop relationships and trust with workers to help them identify their motivations, concerns, and risks with returning to work

Preventing Work Disability

The 4 principles of work disability prevention:

- 1. Prevent unnecessary delays
- 2. Prevent a confusing process
- 3. Prevent unnecessary duration
- 4. Prevent unclear return-to-work expectations or plans

By permission of Centrix Disability Management Services Inc., 2005–2020

Washington's First Steps to Address Work Disability...

- Change from leading with the process rich ability to work model to better aligning vocational services with statutory language and work disability prevention to help workers achieve vocational recovery
 - Evidence informed
 - Washington a leader
- Success in providing vocational services earlier
 - 2014-2017 steadily increasing rates of return to work
- Need to update referral types and rules
 - Referral types, rules, and processes still reflected impairment mentality

Changes in 2018 and 2019

- 2018 2019: Tested new Vocational Recovery (VR) referrals
- 2019: Updated rules to be in line with disability prevention model, workercentric approach
- End of 2019: Referrals are no longer assumed to be *owned* by individual VRCs or firms
- End of 2019: All vocational firms that wanted to receive vocational recovery referrals signed a Best Practice Agreement

Jan. 1, 2020 Rule Changes

How do the new rules align with the statutory language? (RCW 51.32.095)

- "enable the injured worker to become employable at gainful employment"
- highest priority given to returning a worker to employment
- Defined vocational recovery services
 - Statutory RTW priorities
 - Engagement of all parties, particularly the worker
 - Vocational recovery plans, strategies to address worker needs, goals
- Established new expectations for vocational firms (*Annual Firm Agreement, QA Plan*)
- New requirements for VRCs, escalation steps for egregious behavior

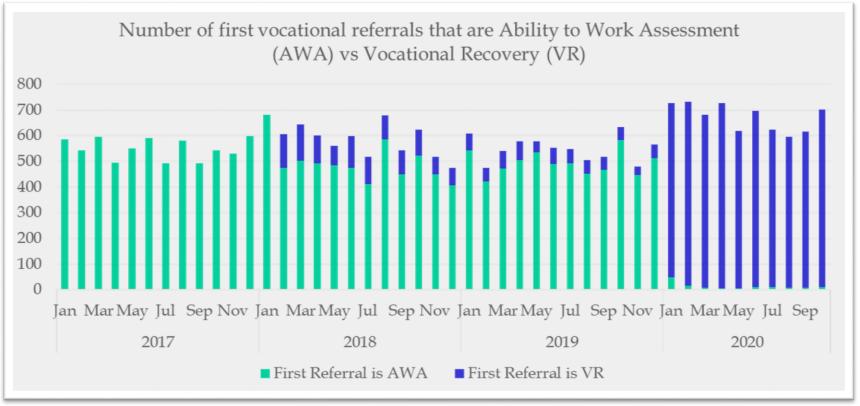
Other Changes in 2020

- Jan Jun 2020:
 - Shift to making referrals to firms instead of individual VRCs
 - Centralized department referral process
- Jan Aug 2020: Testing of firm quality assurance (QA) measure reporting for vocational recovery services
- Sep 2020: All firms begin to report QA measures to the department
- Aug Oct 2020: Testing of validation of QA process
- Dec 2020:
 - Testing of Ability-to-Work Assessment QA measure reporting
 - Firms receiving state fund referrals:
 - Sign annual firm agreement
 - Sign a QA plan

Changes to come

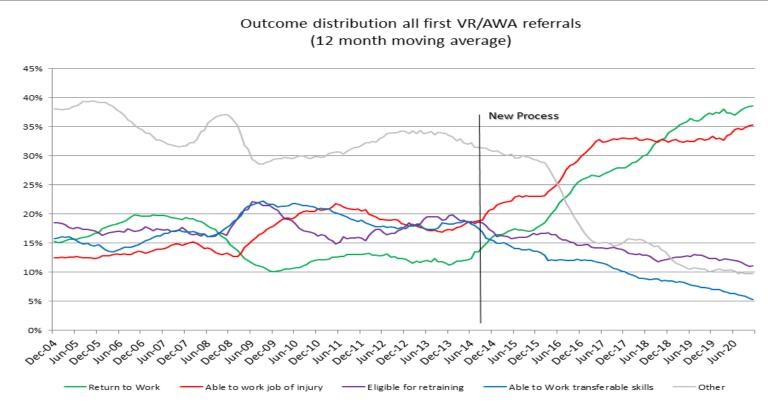
- 2021 Q1
 - Continuation of Vocational Recovery QA measure reporting
 - Start Ability-to-Work Assessment QA measure reporting
 - Start validation process and firm specific QA plans updated
- 2021 Q2
 - Continuation of Vocational Recovery and Ability-to-Work Assessment QA measure reporting
 - Start Training Plan Development and Plan Implementation QA measure reporting
 - Continuation of validation process and updates to QA plans
 - Implement new worker survey
- 2021 TBD
 - System performance measures reported regularly
 - Continuous improvement model adjust as needed to achieve goals

Introduction of Vocational Recovery (VR) referrals



*This graph uses a "global" first referral definition and so numbers might differ from those reported for first referrals "by firm".

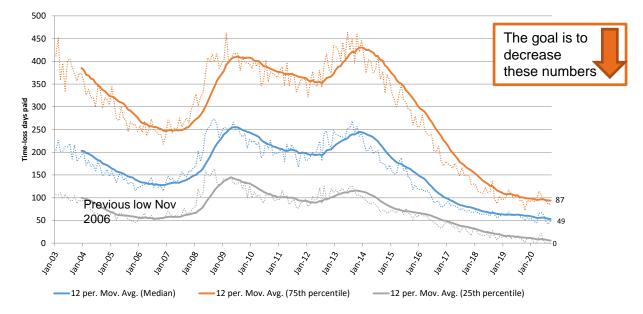
Outcomes of first referrals remain strong despite system changes and COVID impact.



Referrals are now targeted to address the onset of disability

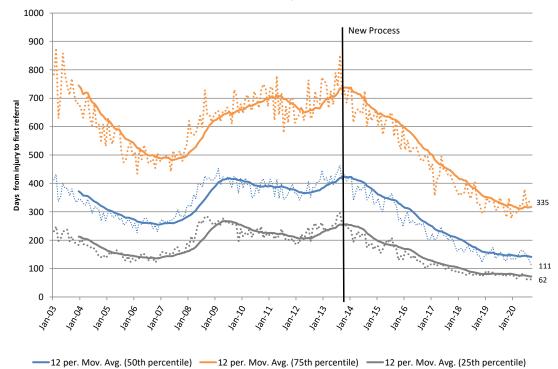
Current median down 76.9% from 2012 baseline.

Time-loss days paid at first vocational service referral



Referrals are now targeted to address the onset of disability days from date of injury

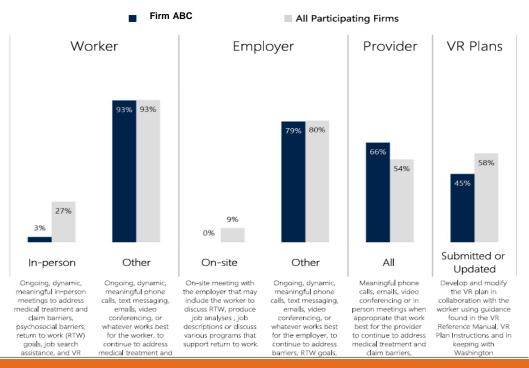
Injury Days at first vocational referral 25th, 50th, 75th percentiles



Sample Quality Assurance report based on August activity.

Percentage of Vocational Recovery Referrals with Engagement Activities

Vocational recovery referrals initiated between August 2020 and August 2020 Engagement activity period starting in August 2020



Vocational Firm QA Elements

https://lni.wa.gov/claims/_docs/quality-assurance-elements.pdf

Helping staff, providers through change

- Support for CMs
 - Training on VR
 - Updated resources
 - Surveys to gauge acceptance
 - Testing with smaller groups of CMs
- Support for vocational firms and VRCs
 - Testing of VR model
 - Training on VR for all VRCs
 - Templates and tools
 - Information sessions
 - Surveys to gauge capabilities and readiness
 - Open Q&A forums and individualized assistance
 - Identified and defined elements of quality assurance

Questions?



Industrial Insurance (State) Fund Financial Overview

Statutory Financial Information Fiscal Year 2021 through First Quarter July 2020 – September 2020

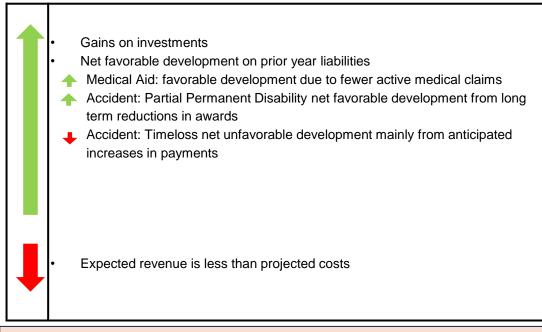
Rachel Swanner, Workers Compensation Accounting Manager



Significant Financial Highlights

July 2020 through September 2020

The contingency reserve increased \$275 million, from \$3,995 million on July 1, 2020 to \$4,270 million on September 30, 2020.

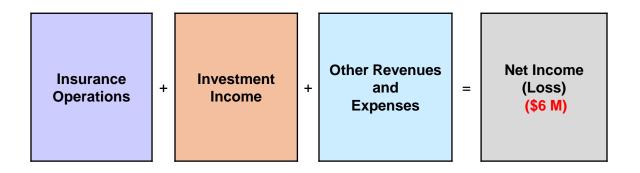


Change in contingency reserve by quarter for fiscal year 2021.

• July 1st to September 30, 2020 – an increase of \$275 million

State Fund Results

"Net Income" July 2020 through September 2020



Insurance Operations

July through September 2020 (in millions)

Three Months Ended

		-	mber 30, 020	mber 30, 019
We took in (Premiums Earned)	+	\$	385	\$ 515
We spent (Expenses Incurred)				
Benefits Incurred			473	620
Claim Administrative Expenses			50	74
Other Insurance Expenses			23	24
Total Expenses Incurred	-		546	718
Net Income (Loss) from Insurance Operations	=	\$	(161)	\$ (203)

Net loss from insurance operations is normal for workers compensation insurers who routinely rely on investment income to cover a portion of benefit payments.



Premiums Earned

July through September (in millions)

	Three Mon		
	September 30, 2020	September 30, 2019	Difference
Standard Premiums Collected	\$453	\$544	
Less Retrospective Rating Adjustments	(9)	(17)	
Less Ceded Reinsurance Premiums	(6)	(6)	
Net Premiums Collected	438	521	
Changes in future Premium Amounts To Be Collected	(15)	47	
Changes in future Retrospective Rating Adjustment Refunds	(38)	(53)	
Net Premiums Earned	\$ 385	\$ 515	\$ (130)



Benefits Incurred

July through September (in millions)

Three Months Ended

	September 30, 2020		September 30, 2019		Difference	
Benefits Paid	\$	393	\$	427	\$	(34)
Change in Benefit Liabilities		80		193		(113)
Total Benefits Incurred	\$	473	\$	620	\$	(147)

Insurance Operations + Investm Incom		=	Net Income	
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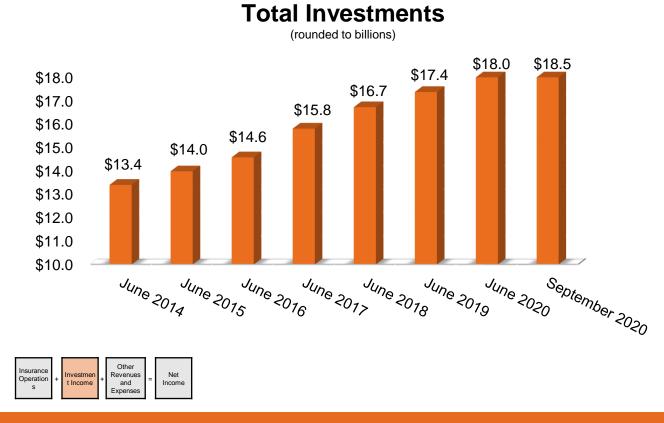
Investment Income

July through September (in millions)

Three Months Ended

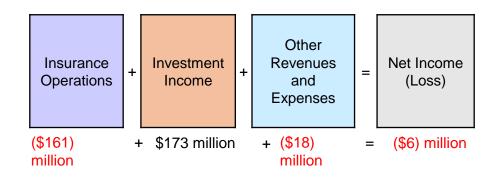
		September 3	0, 2020	Septembe	er 30, 2019
Investment Income Earned from Interest on bonds	+	\$	118	\$	125
Realized Gain/(Loss) from Fixed Income Investments Sold	+		55		60
Realized Gains from Stocks (Equity Investments) Sold	+		0		3
Total Investment Income	=	\$	173	\$	188

Insurance Operations	ŀ	Investment Income	+	Other Revenues and Expenses	=	Net Income	
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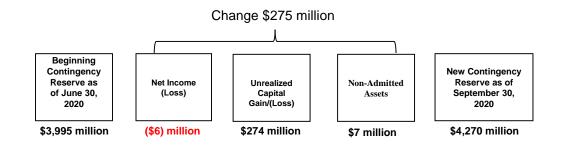
Results of Operations

July 2020 through September 2020

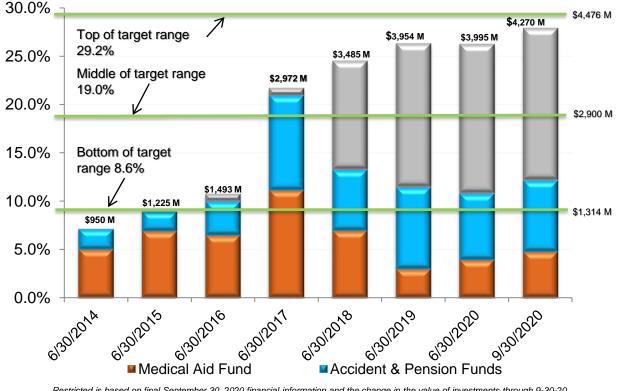


How Did Contingency Reserve Perform?

July 2020 through September 2020

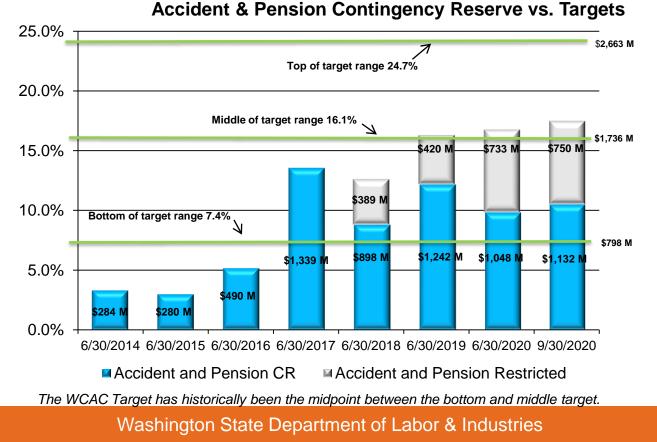


Combined Contingency Reserve vs. Targets Combined Contingency Reserve is 27.9% of Total Liabilities



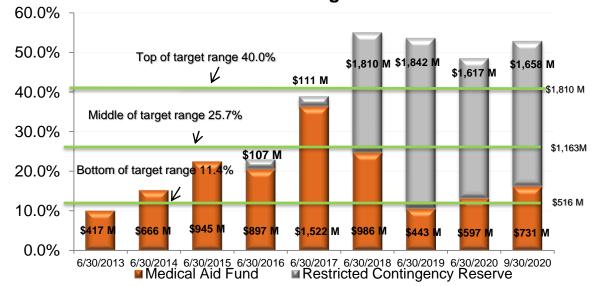
Restricted is based on final September 30, 2020 financial information and the change in the value of investments through 9-30-20. The WCAC Target has historically been the midpoint between the bottom and middle target.

Accident, Pension & Restricted Contingency Reserve is 17.5% of Liabilities



Medical Aid & Restricted Contingency Reserve is 52.8% of Liabilities

Medical Aid & Restricted Contingency Reserve vs. Targets



Restricted is based on final June 30, 2020 financial information and investment earnings through 9-30-20.

The WCAC Target has historically been the midpoint between the bottom and middle target.

Key Financial Ratios

as a percentage of premium earned

		r Ended er 30, 2020	Fiscal Year	Fiscal Year	
Ratios	State Fund	Industry Forecast	Ended June 30, 2020	Ended June 30, 2019	
Current Year Benefit (Loss Ratio)	119.4%		91.8%	83.7%	
Prior Year Benefit (Loss Ratio)	3.5%		34.2%	4.9%	
Total Benefit (Loss Ratio)	122.9%	47.0%	126.0%	88.6%	
Current Year CAE Ratio	15.0%		11.5%	10.3%	
Prior Year CAE Ratio	(2.0%)		1.8%	5.9%	
Total Claim Administration Expense (CAE) Ratio	13.0%	15.0%	13.3%	16.2%	
Sub-Total: Benefit and Claim Administration Expense Ratios	135.9%	62.0%	139.3%	104.8%	
Underwriting Expense Ratio includes all insurance administrative expenses except CAE	5.9%	27.8%	5.1%	5.3%	
Combined Ratio (Industry omits dividends)	141.8%	89.8%	144.4%	110.2%	
Investment Income Ratio	30.6%	19.0%	26.3%	25.9%	
Operating Ratio	111.2%	70.8%	118.1%	84.3%	

Questions & Comments

Contact Rachel Swanner,

Workers Compensation Accounting Manager

- Phone: 360-902-6263
- Email: <u>Rachel.swanner@lni.wa.gov</u>.

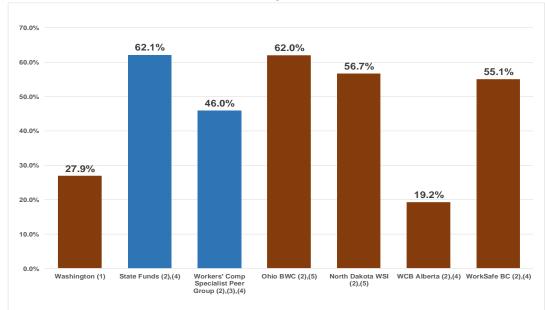
Thank You!

Supplemental slides

Reconciliation of Change in Benefit Liabilities (In \$1,000s)

July 1, 2020 Benefit Liability Beginning Balance	\$13,893,986
Prior Year Benefit Payments	(\$373,049)
Prior Year Development and Model Change (Unfavorable)	(\$73,303)
Self Insurance Prefunded Pension Transfers	\$2,391
Regular reserve discount reduction	\$84,480
Net Total Prior Year Benefit Liability as of September 30, 2020	\$13,534,505
New Current Year Benefit Liabilities	\$439,599
	. ,
September 30, 2020 Benefit Liabilities Ending Balance	\$13,974,104
Change Between Beginning and Ending Balance	\$80,118

Washington's Contingency Reserve is below most other funds as a percent of liabilities



(1) Preliminary as of 9/30/2020
(2) Source: Conning Peer Analysis, August 19, 2020
(3) Worker's Comp Specialist Peer Group—workers' compensation specialist insurers including some state funds
(4) As of 12/31/2019
(5) As of 6/30/2019

Historic Results of Operations July through June (in millions)									
As of Quarter Ended September 30,	Insurance Operations	+	Investment Income	+	Other Revenues & Expenses	=	Net Income (Loss)		
2020	(161)		173		(18)		(6)		
2019	(203)		188		4		(11)		
2018	(85)		123		10		48		
2017	175		214		20		409		
2016	(168)		128		18		(22)		
2015	(194)		184		20		10		
2014	(81)		132		16		67		
2013	(36)		158		15		137		
2012	(11)		144		8		141		
2011	(104)		135		18		49		

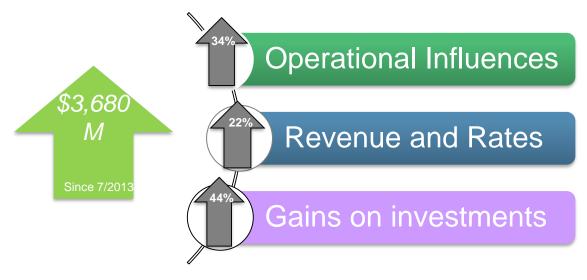
Historical Investment Performance

i looui i oui Ellaou	Fiscal	Year	Ended
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	Quarter Ended September 30, 2020	June 30, 2020	June 30, 2019	June 30, 2018	June 30, 2017	June 30, 2016
Investment Income	117,829,000	496,981,000	498,626,000	481,048,000	478,130,000	498,499,000
Realized Gain (Loss)	54,905,000	272,266,000	(23,498,000)	1,092,446,000	102,540,000	137,988,000
Unrealized Gain (Loss)	273,985,000	161,264,000	151,820,000	(812,942,000)*	380,183,000	(181,830,000)
Total Invested Assets	18,453,583,000	17,992,984,000	17,443,448,000	16,728,166,000	15,815,997,000	14,593,530,000

*Unrealized gains in prior years that increased the contingency reserve were removed from unrealized and included in realized gains when equities were sold in fiscal year 2018.

Contingency Reserve Drivers



As of 9/30/2020 the CR is at \$4,270 M.

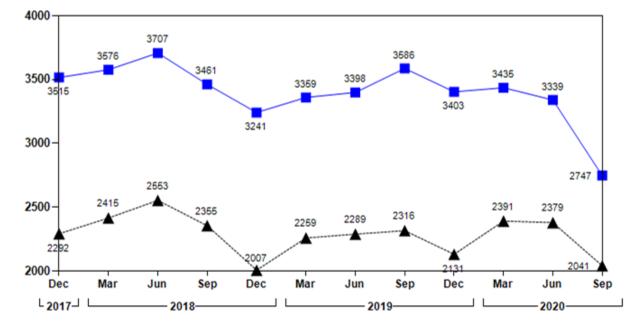


Board of Industrial Insurance Appeals (BIIA) Update

Linda Williams, BIIA Chair

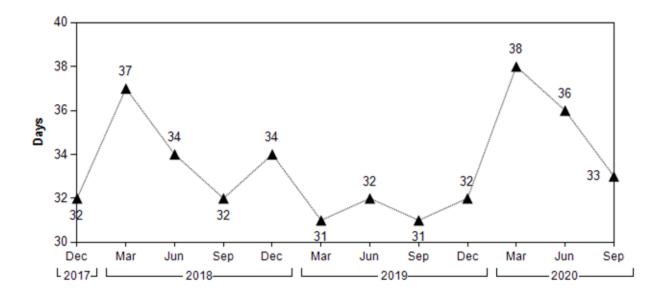


Total Appeals Filed and Granted



--- Total Appeals Filed Qrtly ---- Total Appeals Granted Qrtly

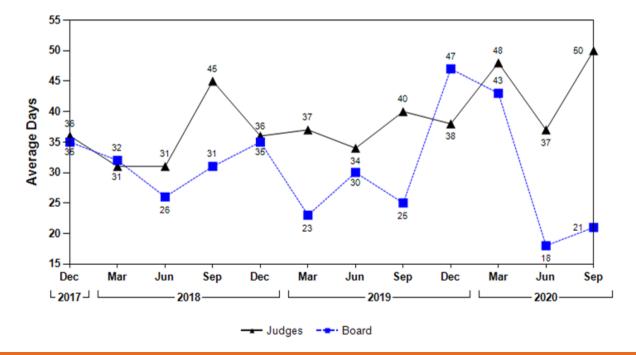
Average PD&O* Time-lag by Quarter for Hearing Judges



Washington State Department of Labor & Industries

*Proposed Decision and Order

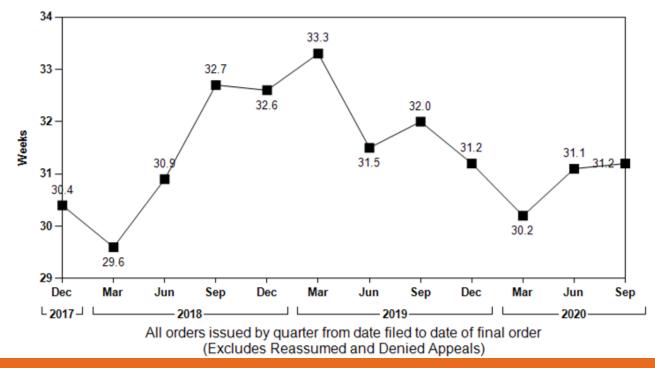
D & O* Time-Lag by Quarter



Washington State Department of Labor & Industries

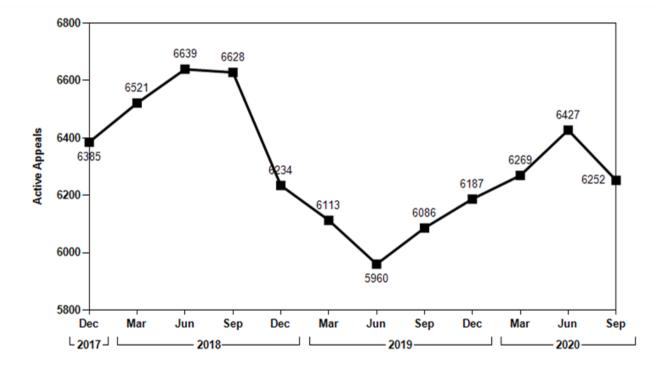
*Decision and Order

Quarterly Average Weeks to Completion

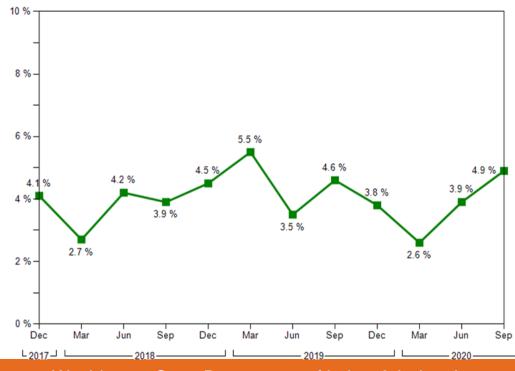


Washington State Department of Labor & Industries

Caseload at End of Quarter



Percentage of Final Orders Appealed to Superior Court - Quarterly



Washington State Department of Labor & Industries



Closing Comments & Adjourn

Vickie Kennedy, Assistant Director for Insurance Services Joel Sacks, Agency Director

