

Workers' Compensation Advisory Committee (WCAC)

September 30, 2021





Workers' Compensation Advisory Committee (WCAC) Quarterly Meeting

Thursday, September 30, 2021 Zoom 9:00am – 12:00pm

Time	Торіс	Presenter(s)
9:00 am - 9:10 am	Introductions Motion to approve minutes Safety Message	Joel Sacks Vickie Kennedy Dave Bonauto
9:10 am — 9:30 am	Insurance Services Dashboard • JLARC Recommended New Data	Vickie Kennedy
9:30 am – 9:45 am	Industrial Insurance State Fund Financial Overview	Rachel Swanner
9:45 am – 10:05 am	Rates	Joel Sacks Mike Ratko
10:05 am – 10:20 am	Break	
10:20 am – 11:50 am	General Updates Protecting Customer's Personal Information Project WCSM Agency Legislation and Budget Requests Potential Rule Filings COVID-19 Vaccine Mandate	Maurice Perigo Joel Sacks Vickie Kennedy
11:50 am – 12:00 pm	Closing Comments & Adjourn	Vickie Kennedy Joel Sacks

Next WCAC Meeting

Wednesday, December 15, 2021 Zoom



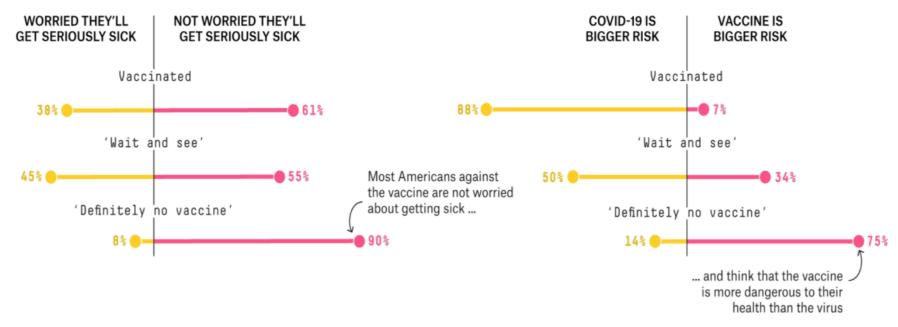


Safety Message

David Bonauto, MD, MPH

Most unvaccinated Americans think vaccine poses bigger risk than COVID-19

Share of respondents who said they are either worried or not worried from getting seriously sick of COVID-19 and who said whether they think COVID-19 or the vaccine is a bigger risk to their health, by vaccine intention



Survey conducted July 15-27 among 1,517 participants.

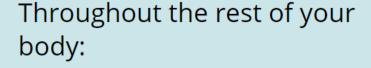
FiveThirtyEight SOURCE: KAISER FAMILY FOUNDATION

Monitoring systems for vaccine side effects

- CDC and FDA have significant <u>longstanding</u> systems in place to monitor the safety of all vaccines
 - Vaccine Adverse Effects Reporting System (VAERS)
 - Vaccine Safety Datalink (VSD)
- Advisory Committee on Immunization Practices (ACIP)
- FDA with oversight of vaccine manufacturing facilities
- Lots of observations ~380 million COVID-19 doses administered
- Side effects usually within 42 days post immunization

COVID-19 Vaccination Common Side Effects

On the arm where you got the shot:





- Pain
- Redness
- Swelling



- Tiredness
- Headache
- Muscle pain
- Chills
- Fever
- Nausea

https://www.cdc.gov/coronavirus/2019-ncov/vaccines/expect/after.html

If you fully vaccinate one million people...

	J&J Ber	nefits: COVID-	J&J Harms: adverse events†			
Sex/Age group, yrs Females	Cases	Hospital admissions	ICU admissions	Deaths	Guillain Barre Syndrome	TTS
18–29	8,900	700	50	5	1	4–5
	,				<u>'</u>	
30–49	10,100	900	140	20	6–7	8–10
50–64	12,100	1,600	350	120	7–8	3–4
≥65	29,000	5,900	1,250	840	8–10	0
Males						
18–29	6,600	300	60	3	2	2–3
30–49	7,600	650	150	25	7–8	1–2
50–64	10,100	1,800	480	140	14–17	1–2
≥65	36,600	11,800	3,300	2,300	7–8	0

Source: MMWR 70(32); 1094-1099

If you fully vaccinate one million people...

Vaccine	mRNA Vacci	ne Benefits: CO	mRNA Vaccine Harms: adverse events†		
Sex/Age group, yrs	Cases	Hospital Admissions	ICU admissions	Deaths	Myocarditis
Females					
18–29	12,800	750	50	5	3–4
30–49	14,600	950	140	20	1–2
50–64	17,500	1,700	375	125	1
≥65	32,000	6,200	1,300	900	<1
Males					
18–29	9,600	300	60	3	22–27
30–49	11,000	700	160	25	5–6
50–64	14,700	1,900	500	150	1
≥65	52,700	12,500	3,500	2,400	1

Source: MMWR 70(32); 1094-1099

Vaccination data/research

- Benefits greatly exceed harms
- Follow Advisory Committee on Immunization Practices (ACIP)
- Concern about very low risk of GBS, TTS, and Myocarditis
 - Modify vaccine used
- Questions?
 - David.Bonauto@Lni.wa.gov





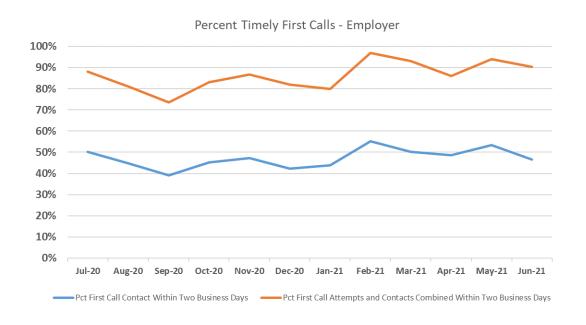
Dashboard – Help Injured Workers Heal and Return to Work

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	-11.3%	✓	12.5%	Δ
Pensions granted	Down	✓		
Resolution rate - time-loss claims at 6 months	24.9%	✓	27.8%	✓
High risk claims – share return to work at 12 months	-2.2%	✓	-7.2%	Δ
Median time-loss days paid at first vocational service	-83.5%	✓	-43.5%	✓
% RTW outcomes - all first vocational service referrals	281.9%	✓	18.3%	✓
WSAW participation	Steady utilization			
COHE utilization	92.6%	✓	2.8%	\checkmark

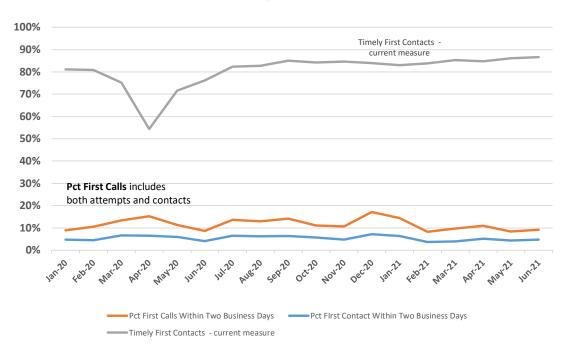
JLARC recommended employer contact measure



Note: Clock starts when claim is established in the system.

JLARC recommended worker contact measures & L&I's current measure

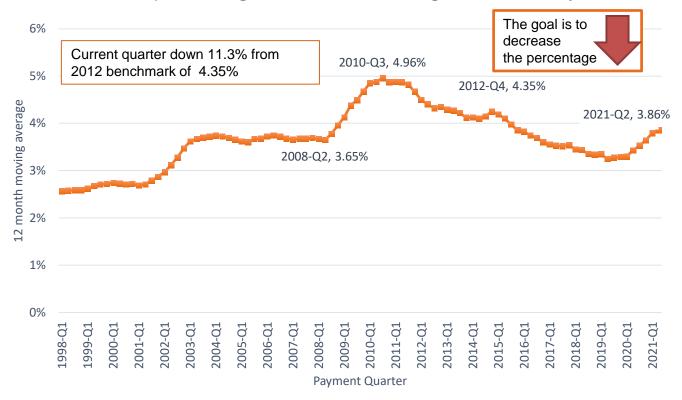
Percent Timely First Calls - Workers



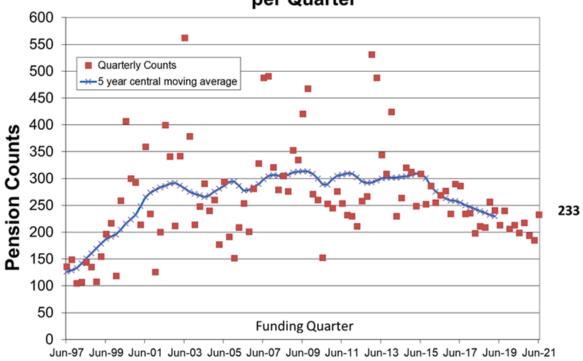
Note: Clock starts when firm and class are assigned on the JLARC recommended measure and when time loss is first paid on the current operational measure.

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

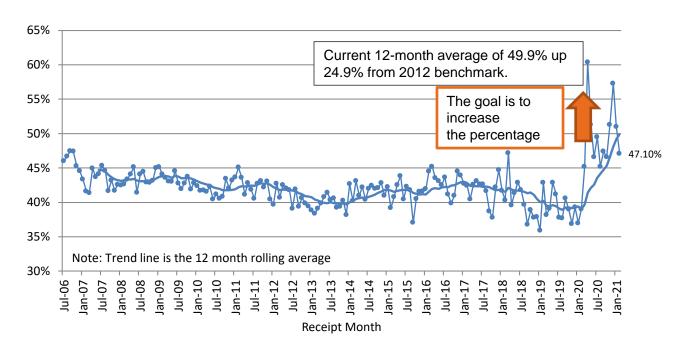


Count of State Fund TPD Pensions Funded per Quarter



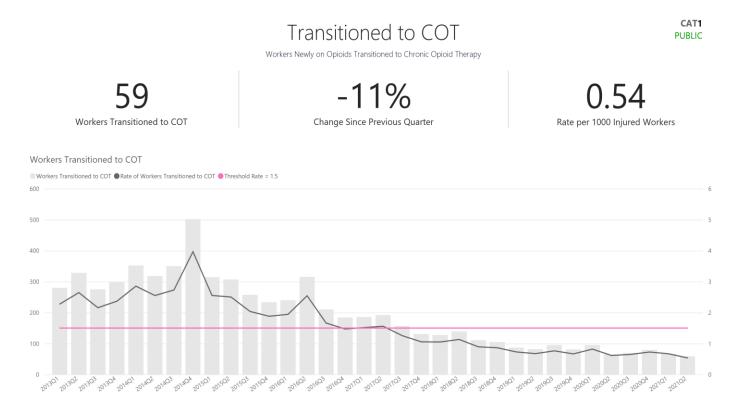
The share of time-loss claims resolved six months after claim receipt

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

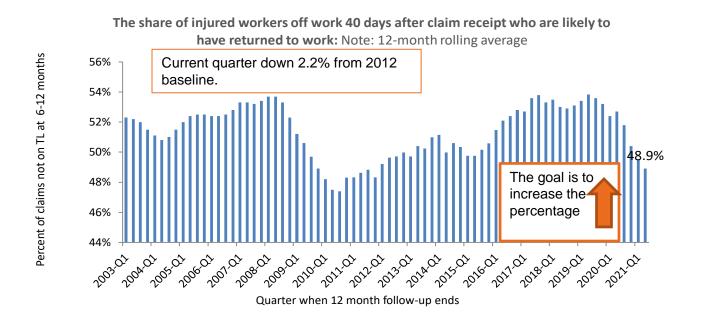


Transitioned to COTS

Workers newly on opioids transitioned to chronic opioid therapy

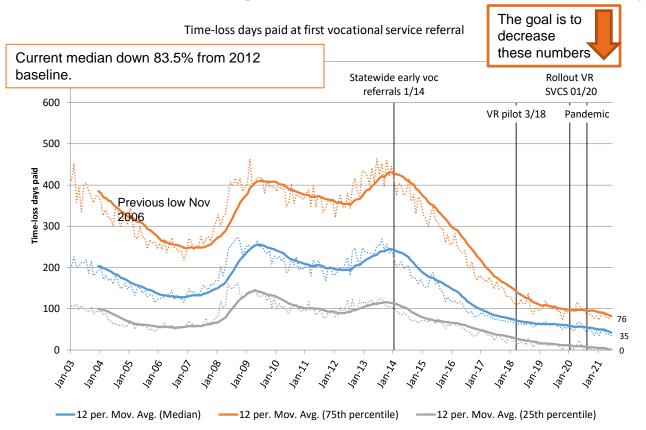


High risk claims — Initiatives in the first year are improving RTW outcomes



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

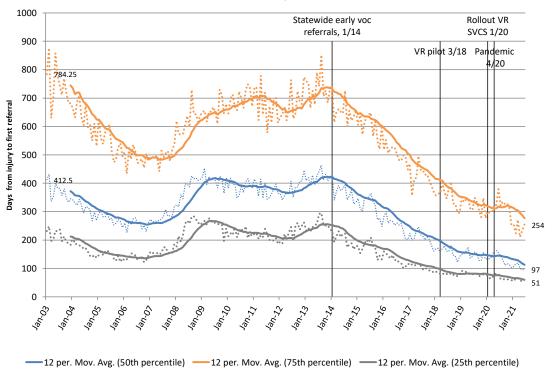
Referrals are now targeted to address the onset of disability



Referrals are now targeted to address the onset of disability

days from date of injury

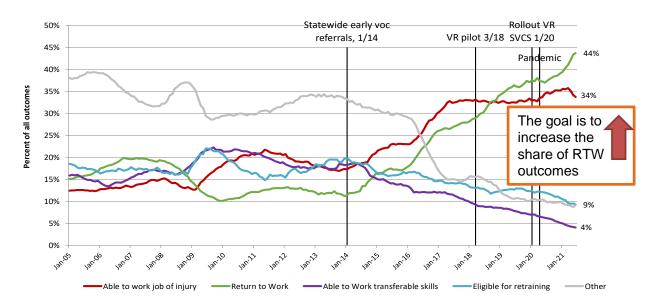
Injury Days at first vocational referral 25th, 50th, 75th percentiles



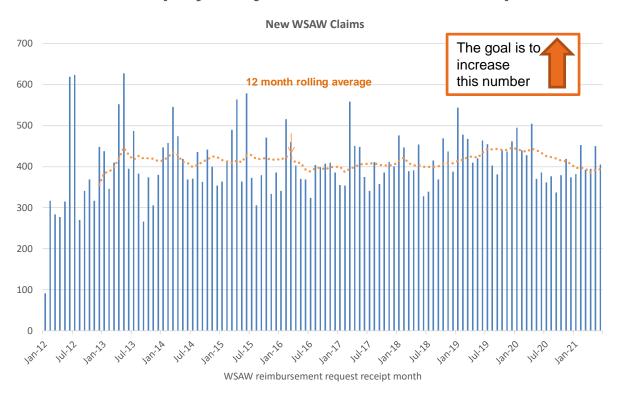
New focus on return to work has increased positive employable outcomes for all first vocational service referrals

The share of RTW outcomes on all first vocational service referrals has increased 281.9% since the new process was implemented.

Outcome distribution, first vocational service referrals, select outcomes (12-month average)

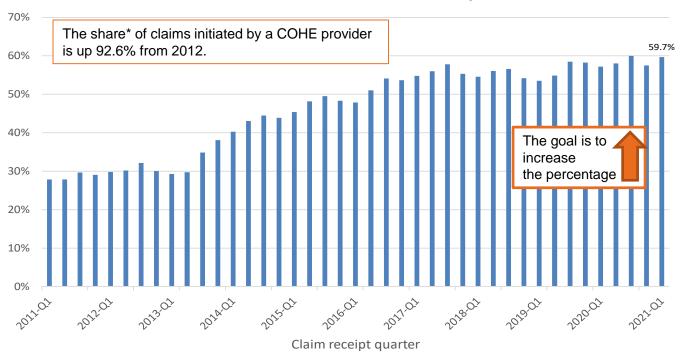


Participation in light duty job assignments helps maintain the employer/injured worker relationship.



Percentage of claims for injured workers initiated with a COHE provider

Percent of claims received initiated with a COHE provider.



^{*}Average share for most recent 4 quarters.



Industrial Insurance (State) Fund Financial Overview

Preliminary Statutory Financial Information Fiscal Year 2021 through Fourth Quarter July 2020 – June 2021

Rachel Swanner, Workers Compensation Accounting Manager



Significant Financial Highlights

July 2020 through June 2021

The contingency reserve increased **\$731 million**, from \$3,995 million on July 1, 2020 to \$4,726 million on June 30, 2021.

Contingency Reserve Additions

- Gain on Investments
- Favorable Development
 - Medical Aid Account
 - Accident Account

- Net Loss resulting from Premium Inadequacy
- Anticipated Pension discount rate change from 4.5% to 4.0%

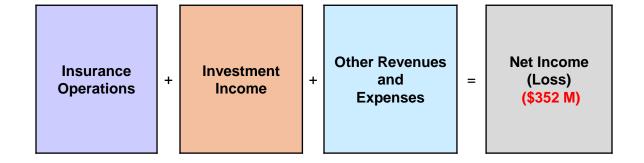


Change in contingency reserve by quarter for fiscal year 2021.

- July 1st to September 30, 2020 an increase of \$276 million
- October 1st to December 31, 2020 an increase of \$330 million
- January 1st to March 31, 2021 an increase of \$20 million
- April 1st to June 30, 2021 an increase of \$105 million

State Fund Results

"Net Income"
July 2020 through June 2021



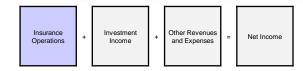
Insurance Operations

July through June 2021 (in millions)

Twelve Months Ended

		June :	30, 2021	June	e 30, 2020
We took in (Premiums Earned)	+	\$	1,615	\$	1,892
We spent (Expenses Incurred)					
Benefits Incurred			2,337		2,384
Claim Administrative Expenses			261		251
Other Insurance Expenses			98		96
Total Expenses Incurred	-		2,696		2,731
Net Income (Loss) from Insurance Operations	=	\$	(1,081)	\$	(839)

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 June 2021 (in millions)

	Twelve Mo		
	June 30, 2021	June 30, 2020	Difference
Standard Premiums Collected	\$1,926	\$2,120	
Less Retrospective Rating Adjustments	(214)	(210)	
Less Ceded Reinsurance Premiums	(13)	(12)	
Net Premiums Collected	1,699	1,898	
Changes in future Premium Amounts To Be Collected	(35)	(12)	
Changes in future Retrospective Rating Adjustment Refunds	(49)	6	
Net Premiums Earned	\$ 1,615	\$ 1,892	\$ (277)

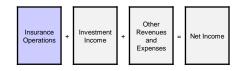


Benefits Incurred

July through June 2021 (in millions)

Twelve Months Ended

	June	30, 2021	June 30, 2020		Diffe	rence
Benefits Paid	\$	1,648	\$	1,669	\$	(21)
Change in Benefit Liabilities		305		715		(410)
Discount Rate Reduction from 4.5% to 4.0% for State Fund		384		0		384
Total Benefits Incurred	\$	2,337	\$	2,384	\$	(47)



Investment Income

July through June 2021 (in millions)

Twelve Months Ended

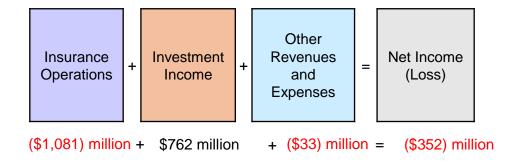
		June 30, 2021		Jur	ne 30, 2020
Investment Income Earned from Interest on bonds	+	\$	463	\$	497
Realized Gain/(Loss) from Fixed Income Investments Sold	+		106		269 *
Realized Gains from Stocks (Equity Investments) Sold	+		193		3
Total Investment Income	=	\$	762	\$	769

*Resulting from the sale of bonds in order to transfer assets from the accident account to the pension reserve account to cover the pension reserve deficit that existed at the end of FY19, rebalancing the investment portfolio in March 2020, and in June 2020, shorter term fixed income investments were sold and longer term purchased in order to align duration with the asset allocation policy.



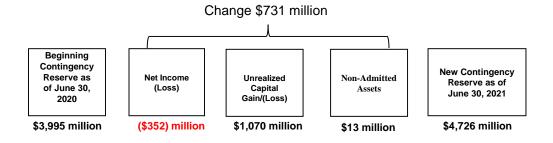
Results of Operations

July 2020 through June 2021

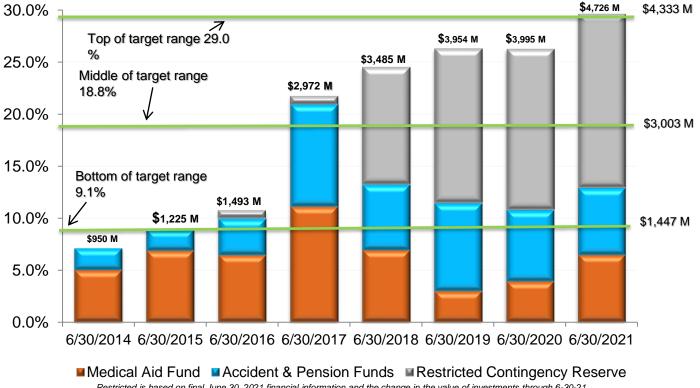


How Did Contingency Reserve Perform?

July 2020 through June 2021

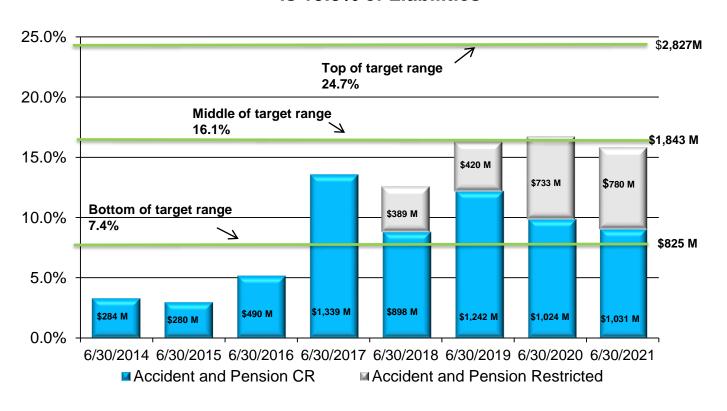


Combined Contingency Reserve is 29.6% of Total Liabilities



Restricted is based on final June 30, 2021 financial information and the change in the value of investments through 6-30-21. June 30, 2021 totals include anticipated pension discount rate reduction from 4.5% to 4.0%

Accident, Pension & Restricted Contingency Reserve is 15.8% of Liabilities



Medical Aid & Restricted Contingency Reserve is 64.6% of Liabilities



Restricted is based on final June 30, 2021 financial information and investment earnings through 6-30-21.

Key Financial Ratios

as a percentage of premium earned

	Quarter June 3	Ended 0, 2021	Fiscal Year	Fiscal Year	
Ratios	State Fund	Industry Forecast	Ended June 30, 2020	Ended June 30, 2019	
Current Year Benefit (Loss Ratio)	117.1%		90.5%	83.7%	
Prior Year Benefit (Loss Ratio)	27.5%		35.4%	4.9%	
Total Benefit (Loss Ratio)	144.6%	52.5%	125.9%	88.6%	
Current Year CAE Ratio	14.4%		11.5%	10.3%	
Prior Year CAE Ratio	1.8%		1.8%	5.9%	
Total Claim Administration Expense (CAE) Ratio	16.2%	13.6%	13.3%	16.2%	
Sub-Total: Benefit and Claim Administration Expense Ratios	160.8%	66.1%	139.3%	104.8%	
Underwriting Expense Ratio includes all insurance administrative expenses except CAE	6.1%	27.0%	5.1%	5.4%	
Combined Ratio (Industry omits dividends)	166.9%	93.1%	144.4%	110.2%	
Investment Income Ratio	28.6%	17.1%	26.3%	25.9%	
Operating Ratio	138.3%	76.0%	118.1%	84.3%	

Note: a ratio of 100% would indicate that costs = premium for the period.

Questions & Comments

Contact Rachel Swanner,
Workers Compensation Accounting Manager

- Phone: 360-902-6263

- Email: Rachel.swanner@lni.wa.gov.

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	(\$1,380,202)
Prior Year Development and Model Change (Unfavorable)	\$96,699
Self Insurance Prefunded Pension Transfers	\$16,320
Regular reserve discount reduction	\$330,734
Net Total Prior Year Benefit Liability as of June 30, 2021	\$12,957,537
New Current Year Benefit Liabilities	\$1,625,040
June 30, 2021 Benefit Liabilities Ending Balance	\$14,582,577
Change Between Beginning and Ending Balance	\$688,591

Highlights of Changes in the Contingency Reserve

	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21 Q4	Total
Changes that increased the contingency reserve									
Operational Influences and model changes	\$149 M	\$543 M	\$147 M	\$926 M	\$941 M	\$352 M	(\$171) M	\$287 M	\$3,174
Rate Changes	\$58 M	\$59 M	\$38 M	\$27 M	N/A	N/A	N/A	N/A	\$182 M
Greater than expected changes in the stock market	\$279 M	N/A	N/A	\$411 M	\$199 M	\$50 M	\$340 M	\$1,263 M	\$2,542
Changes that decrease	ed the co	ontinge	ncy rese	erve					
Rate Changes	N/A	N/A	N/A	N/A	\$14 M	\$120 M	\$110 M	\$44 M	\$288
Mortality table change	\$0	\$146 M	\$0	\$0	\$0	\$0	\$0	\$0	\$146 M
Adjustments to avoid double counting 2011 reform savings	\$130 M	\$83 M	\$0	\$0	\$0	\$0	\$0	\$0	\$213 M
Discount rate reduction	\$256*M	\$31 M	\$31 M	\$36 M	\$646 M**	\$0	\$89***	****\$384M	\$1,473 M
Less than expected changes in the stock market	N/A	\$29 M	\$101 M	N/A	N/A	N/A	N/A	N/A	\$130 M

Operational Influences FY14: \$91M FY15: \$515M FY16: \$136M FY17: \$926M FY18: \$947M FY19: \$327M FY20: (\$171)M FY21: \$287M Total: \$3,053M

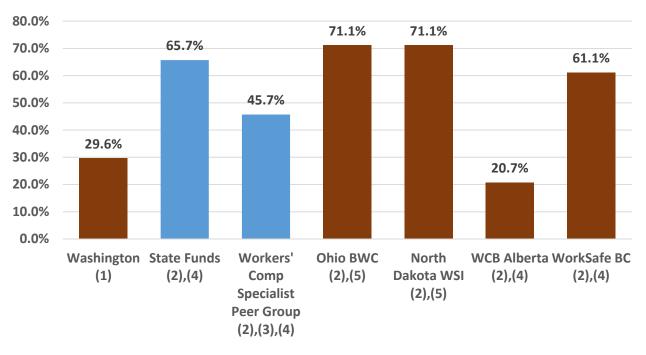
*Model change for 13year plus claims \$102 M; Pension Discount change \$154 M.

**Pension Discount Rate reduction from 6.2% to 4.5%

***Pension Discount Rate reduction from 4.5% to 4.0%

***Non-Pension Discount Rate reduction from 1.5% to 1.0%

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



⁽¹⁾ Preliminary as of 6/30/2021

⁽²⁾ Source: Conning Peer Analysis, August 19, 2021

⁽³⁾ Worker's Comp Specialist Peer Group—workers' compensation specialist insurers including some state funds

⁽⁴⁾ As of 12/31/2020

⁽⁵⁾ As of 6/30/2020

Historic Results of Operations

July through June (in millions)

As of Quarter Ended June 30,	Insurance Operations	+	Investment Income	+	Other Revenues & Expenses	=	Net Income (Loss)
2021	(1,081)		762		(33)		(352)
2020	(839)		769		(4)		(74)
2019	(193)		475		15		297
2018	(223)		1,573		33		1,383
2017	444		581		62		1,087
2016	(252)		636		58		442
2015	(354)		552		53		251
2014	(702)		783		54		135
2013	(797)		552		40		(204)
2012	(750)		1,030		84		364
2011	(416)		560		64		208

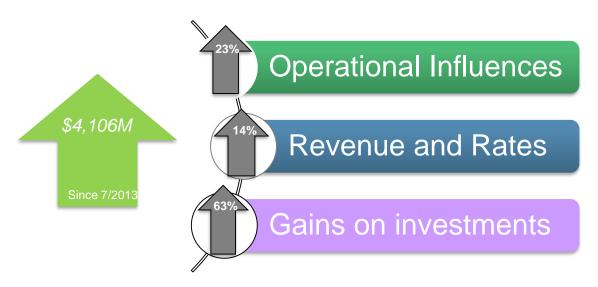
Historical Investment Performance

Fiscal Year Ended

	Quarter Ended June 30, 2021	June 30, 2020	June 30, 2019	June 30, 2018	June 30, 2017	June 30, 2016
Investment Income	462,700,000	496,981,000	498,626,000	481,048,000	478,130,000	498,499,000
Realized Gain (Loss)	299,787,000	272,266,000	(23,498,000)	1,092,446,000	102,540,000	137,988,000
Unrealized Gain (Loss)	1,069,560,000	161,264,000	151,820,000	(812,942,000)*	380,183,000	(181,830,000)
Total Invested Assets	19,793,907,000	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 6/30/2021 the CR is at \$4,726 M.

Total Investments

(rounded to billions)









2022 Rates:3.1% overall rate change

Joel Sacks, Agency Director

Mike Ratko, Deputy Assistant Director for Insurance Services

L&I's rate-setting philosophy

- 1. Steady and predictable rates
- 2. Benchmark against wage inflation
- 3. Maintain adequate reserves
- 4. Lower costs while focusing on better outcomes for injured workers

Additional inputs to the rate decision

Break-even rate indication



Size of contingency reserve



State of the economy

2022: Proposed Overall Rate Change of 3.1%

Funds	2021 Average Hourly Rate	2022 Proposed Hourly Rate	2022 Proposed % Change
Accident	\$ 0.323	\$ 0.323	0.0%
Medical Aid	\$ 0.172	\$ 0.172	0.0%
Supplemental Pension	\$ 0.137	\$ 0.156	14.0%
Stay-at-Work	\$ 0.005	\$ 0.005	10.4%
Overall*	\$ 0.638	\$ 0.657	3.1%
Per \$100 of payroll**	\$ 1.62	\$ 1.64	1.2%

2022 Break-even Hourly Rate	2022 Break-even Indication
\$ 0.373	15.3%
\$ 0.223	28.8%
\$ 0.176	28.1%
\$0.005	10.4%
\$ 0.777	21.7%
\$ 1.94	19.4%

^{*}Before retrospective premium refunds

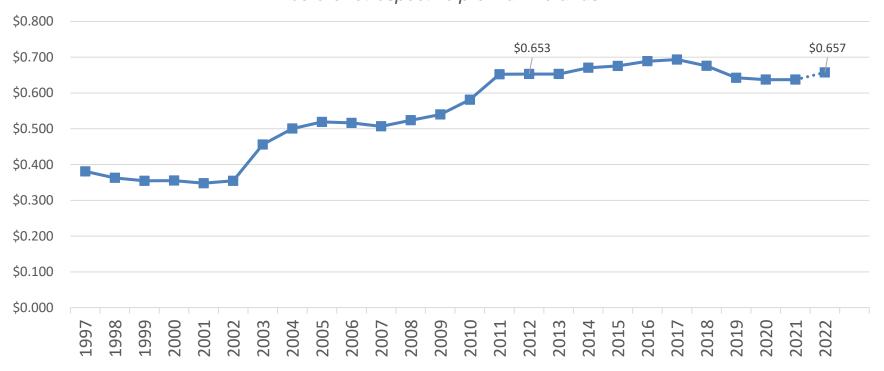
^{**}Before retrospective premium refunds and based on year ending March 31, 2021 mix of business and current wage inflation assumptions as of June 30, 2021. After retrospective premium refunds, the net rate per \$100 of payroll is projected to be \$1.53.

1. Steady and predictable rates

- Supplemental Pension fund requires 14% rate increase to pay benefits and avoid loans
- 0% increase in Accident and Medical Aid fund rates enabled by adequate reserves
- Combined average hourly premium rate is approximately the same as it was in 2012

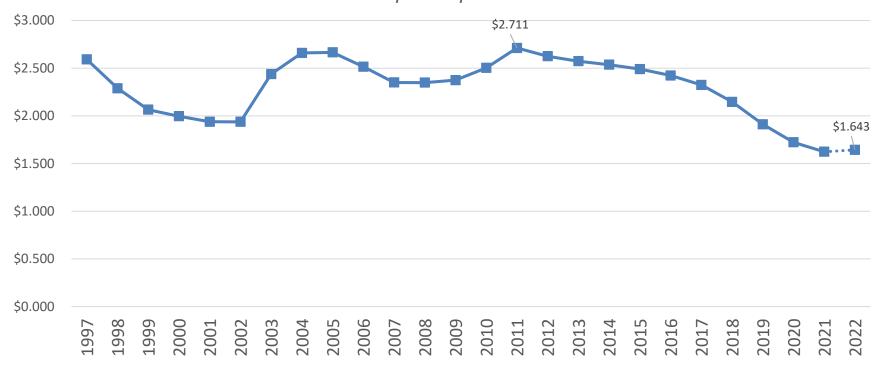
Hourly Premium Rate

Combined Accident, Medical Aid, Supplemental Pension, and Stay-at-Work rates, before retrospective premium refunds

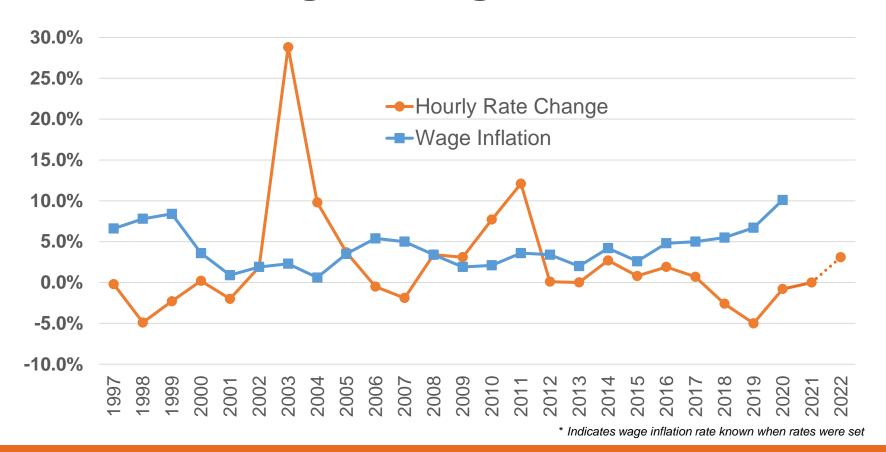


Rate per \$100 of Payroll

Combined Accident, Medical Aid, Supplemental Pension, and Stay-at-Work rates, before retrospective premium refunds



2. Benchmark against wage inflation



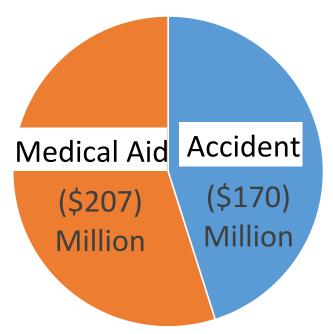
3. Maintain adequate reserves

Contingency Reserve as % of Liabilities



*Includes pension discount rate assumption of 4.0%

Projected \$377 Million Contingency Reserve decrease during 2022 from Rate Inadequacy



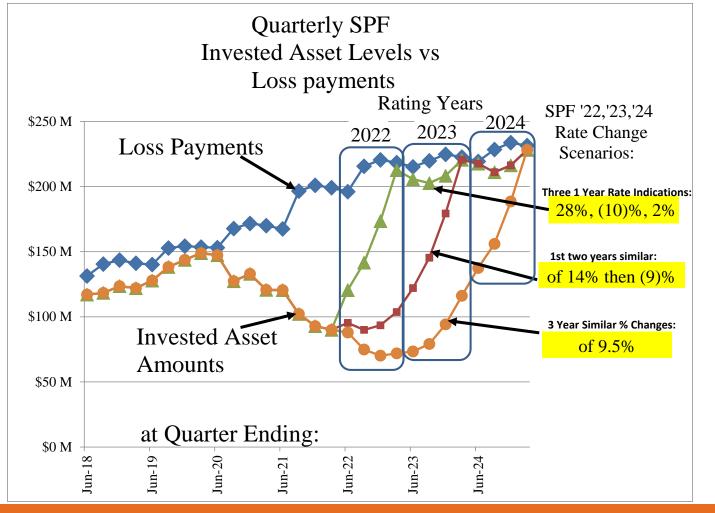
4. Lower costs while focusing on better outcomes for injured workers

- Vocational recovery and occupational health best practices reducing the rate of long-term disability
- Pension frequency continues to fall

Next steps in adopting rates

- Public hearing via Zoom (10/26/2021)
- Adopt final 2022 rates (11/30/2021)
- Begin mailing rates to employers (12/7/2021)
- New rates are effective (1/1/2022)

Supplemental slides



Break Time







General Updates

Maurice Perigo, Assistant Director for Administrative Services Joel Sacks, Agency Director Vickie Kennedy, Assistant Director for Insurance Services

Protecting Customer's Personal Info Project

Background

- SHB 1455 / RCW 43.22.315
 - Cease disclosure of SSNs with non-governmental third parties by July 1, 2023
- Improve Protections for all Personally Identifiable Information (PII)

Project Goals

- Minimize the collection and use of PII
- Reduce risk and severity of data incidents

Scope of Work

- Develop our future state policy for collect and use of SSNs and PII
- Inventory business processes that currently store SSNs and PII
- Gap analysis to define specific projects in business area to improve how we do business

L&I submitted 4 proposals for consideration

- Requiring an employer to reimburse employee fees when a paycheck is dishonored (Z-0306)
- Adding references to contractor licensing laws in workers' comp, public works, and prevailing wage statutes (Z-0321)
- Adding psychologists as attending providers (Z-0301)
- Paying appeals fees and costs in workers' compensation court appeals (Z-0322)

Adding Psychologists as Attending Providers

- To add capacity to the system to treat mental health-only workers' comp claims, proposing to add psychologists as AP
- AP is responsible to file the claim, certify time-loss, coordinate care, determine work restrictions, and recommend when a worker has reached maximum medical improvement
- Medical providers who may act as APs currently includes:
 - Physicians, Osteopathy, Chiropractic, Naturopathy, Podiatric Medicine and Surgery, Dentistry, Optometry, and ARNPs.
 - All must:
 - Be member of MPN
 - Work within scope of practice, as defined by Dept. of Health

Appeals Costs and Fees

- Currently, when L&I awards benefits and that award is upheld by Superior Court, L&I is responsible for paying the worker's costs and fees
- Costs are socialized across all state fund employers and paid from the department's administrative appropriation
- Proposal would have employer (> 25 FTEs) or retro group that appeals and loses pay worker's fees and costs
 - Estimated 28 cases annually at \$20,800 per case
 - Total costs roughly \$582k
 - Will vary

6440 Rulemaking Activity

- Work Completed
 - Research to consider rulemaking to:
 - limit hand selection of examiners
 - set an enforceable deadline for claim/medical records to be sent to the IME firm (for SI claims)
- Work Underway:
 - Conduct rulemaking to:
 - Define case progress for IMEs
 - Limit the number of IMEs allowed on a claim.
 - Resolve disputes to IMEs (SI)

Pension discount rate rulemaking timeline

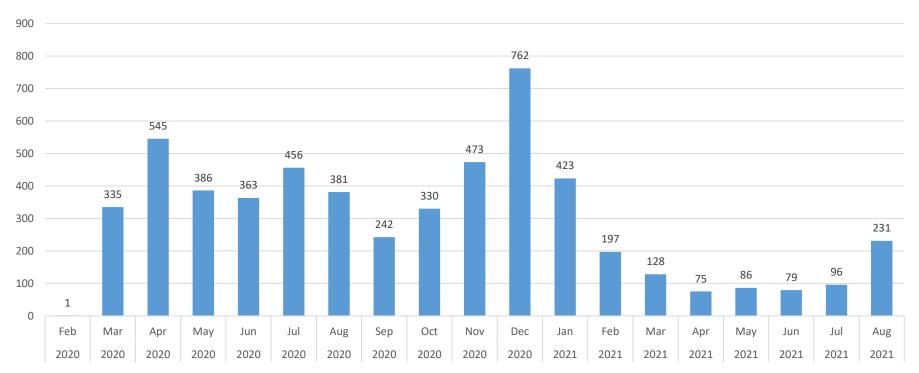
Withdrawal (CR-101)	Sept. 21, 2021
Preproposal (CR-101)	Sept. 21, 2021
Proposal (CR-102)	Nov. 16, 2021
Public Hearing	Jan 6, 2022 (virtual)
Adoption (CR-103)	Feb. 15, 2022
Effective	Apr. 1, 2022

State fund COVID-19 claims*

- 5,589 total state fund COVID-19 claims received
 - 4,438 accepted (79%)
 - 657 rejected (12%)
 - 494 pending (9%)
- Costs being socialized, so no impact on experience rating
- COVID-19 claims not being used in rate-setting
 - Assuming this is an isolated event

*As of 8/31/2021

State fund COVID-19 claims by month established



Paid-to-date costs of accepted state fund COVID-19 claims

	Claims	Paid-to-date cost	Average paid-to- date cost
Compensable	3,146	\$12,974,300	\$4,120
Kept on Salary	586	\$252,820	\$430
Fatal	20	\$7,072,450	\$353,620
Medical-only	686	\$303,030	\$440
Total "lost time"	3,752	\$20,299,570	\$5,410
Total accepted	4,438	\$20,602,600	\$4,640

As of 8/31/2021. These costs will develop upward over time.

Top 10 industries with accepted COVID-19 claims (state fund)

Risk class	Claims	Percent
Healthcare related	2,892	65%
2. Miscellaneous Services	764	17%
3. First responders	529	12%
4. Government	78	2%
5. Misc. Professional and Clerical	67	2%
6. Agriculture	44	1%
7. Transportation and Warehousing	34	1%
8. Stores	10	<1%
9. Trades	5	<1%
10. Food Processing and Manufacturing	4	<1%
All Other	11	<1%
Total	4,438	100%





Closing Comments & Adjourn

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

Next Meeting

- December 15, 2021
- Zoom