

# Workers' Compensation Advisory Committee (WCAC)

December 15, 2021



This meeting is being streamed live on TVW

#### **AGENDA**

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

Wednesday, December 15, 2021 Zoom 9:00 – 12:00

Time	Topic	Presenter(s)
9:00 am - 9:10 am	Welcome     Introductions     Safety Message	Joel Sacks Vickie Kennedy Jenifer Jellison
9:10 am – 10:00 am	General Updates  Rulemaking COVID-19 Claims Governor's Vaccine Mandate Update OSHA Proposed Vaccine Rule Legislation and Budget Requests	Joel Sacks Vickie Kennedy Tammy Fellin
10:00 am – 10:30 am	Vocational Quality Assurance Model and L&I WorkSource Partnerships	Vickie Kennedy
10:30 am – 10:40 am	Break	
10:40 am – 10:55 am	Industrial Insurance State Fund Financial Overview	Rachel Swanner
10:55 am – 11:15 am	Insurance Services Dashboard	Vickie Kennedy
11:15 am – 11:45 am	Perspectives on National and International Workers' Compensation Policy	Vickie Kennedy Joel Sacks
11:45 am – 12:00 pm	Closing Comments & Adjourn	Vickie Kennedy Joel Sacks

#### Next WCAC Meeting

Wednesday, March 30, 2022





# **Safety Message**

Jenifer Jellison Safety and Health Investment Program (SHIP) Manager

## **Prevention Through Design (PtD)**

University of Washington, Holmberg Mechanical, Valley Electric

- PtD: the concept of applying methods to minimize occupational hazards early in the design process, with an emphasis on optimizing employee health and safety throughout the life cycle of materials and processes.
- Purpose:
  - Identify best practices when implementing the PtD for Mechanical/Electrical/Plumbing (MEP)
  - To synthesize and report best implementation practices and exemplary cases

#### The PtD Process: The five phases of PtD

#### The Five Phases

The PtD process has five key phases:

- 1. Hazard Identification
- 2. Risk Assessment
- 3. Design Revision
- 4. Implementation
- 5. Learning

Within each phase are a set of different tasks that are to be carried out by one or more of the following stakeholders:

- Architect
- Structural Engineer
- MEP Designer
- MEP Contractor (Safety Professional/Foreman)
- General Contractor (GC)
- Owner/Maintenance Personnel





it is important to identify and track hazards so that designers can think through the potential hazards that may occur throughout the building's lifecycle (during and after construction) and determine which hazards could be removed or mitigated through

changes in the MEP design or building design by applying the PtD concept. Phase 1 has four key steps

- Identify components with critical safety implications
   Review the impact of the identified components on
- other building designs
  4. Develop specific hazards for each component

Everyonic Specimic Instantists to each component Step 1: Identify components with critical soflery implications
 Stakeholders involved:
 Design-Build: MEP Designer and the MEP Contractor (Safety Professional/Foreman)
 Plan-Spec: MEP Contractor (Safety Professional/Foreman)

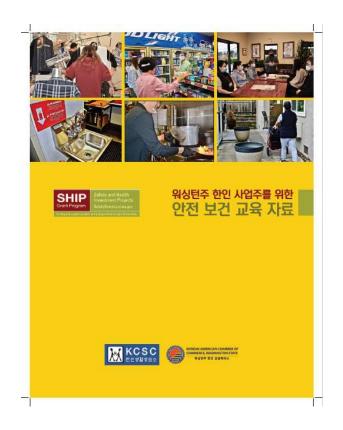
VouTube

# Culturally and Linguistically Competent Safety and Health Education and Outreach to Korean American Businesses and Workers – Korean Community Service Center,

Washington State Korean American Chamber of Commerce

- To develop tools and information geared towards the Korean American Business Owner on specific topics that were identified from a survey of their target population.
  - Accident Prevention Program
  - Hazard Communication
  - Safety Committees and Safety Meeting
  - Exposure Control





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규정이 요구하는 사람	WS 778
중식적인 서면 시고에당 프로그램 개설	WAC 296-800-14005
실전 가능한 안전보건 교육 프로그램 개호, 감독 및 시행	WAC 296-800-14020
시고에당 프로그램이 실제로 효과적인지 확인	WAC 296-800-14025





# **General Updates**

Joel Sacks, Agency Director Vickie Kennedy, Assistant Director for Insurance Services Tammy Fellin, Legislative Director

- Rulemaking
- COVID-19 Claims
- Governor's Vaccine Mandate Update
- OSHA Proposed Vaccine Rule
- Legislation and Budget Requests

# Rule Packages

- 2022 Premium Rates
- Changes to Independent Medical Exams

## **COVID Claims**

	State Fund	Self-Insured	Total
Allowed total	5 <i>,</i> 255	3,531	8,786
Open	309	581	890
Closed	4,946	2,950	7,896
Rejected	910	330	1,240
Pending	230	26	256
Total	6,395	3,887	10,282

State Fund Accepted Claims	
Time-loss	3,860
Medical	747
KOS	648
Total	5,255

Industry Group	State Fund	Self-Insured	<b>Total Claims</b>	Share
Healthcare related	3,404	2,278	5,682	55%
First responders	756	517	1,273	12%
Miscellaneous Services	1,147	35	1,182	12%
All other	774	233	1,007	10%
Misc. Professional and Clerical	189	555	744	7%
Government	125	269	394	4%
Total	6,395	3,887	10,282	100%

Fatal Claims	
State Fund	30
Self-Insured	13
Total	43

# 2022 Agency Request Bills

- Z-0301/Z-0417
  - Adding psychologists for mental health only claims to the list of those who can act as an attending provider
- Z-0322/Z-0391
  - Concerning attorney and witness fees in industrial insurance court appeals

- Z-0306/Z-0392
  - Requiring an employer to reimburse employee fees when a paycheck is dishonored by nonacceptance or nonpayment
- Z-0321-Z-0390
  - Restoring references to contractor licensing laws in workers' compensation, public works, and prevailing wage statutes





# Vocational Quality Assurance Model and L&I WorkSource Partnership

Vickie Kennedy
Assistant Director for Insurance Services

## **VR/QA Milestone Accomplishments**



- Best Practices Agreement
- Vocational Recovery (VR) referral 1<sup>st</sup> referral
- Firm-based referrals



- Referral Coordinator Role
- Quality Assurance (QA) Plan
- QA Elements
- QA data tracking and reporting (VR)
- Firm authentication



- Validation and verification
- Quality Assurance Compliance Management
- Worker surveys
- PDFs and recruitment for QA Team positions

# Vocational Firm Quality Assurance Model – components implemented

- Firm quality assurance (QA) plans signed and regularly updated
- Firms report QA data monthly to the department
- At least two individualized QA validation meetings with firms each year
- Quality of re-training plans certified by firms
- New expectations for supervising interns in place
- Firms notified of at-risk referrals\*
- Orientation sessions for prospective firms
- Worker survey for all Vocational Recovery referrals
- QA compliance process and tracking in place

<sup>\*</sup>Referrals considered at risk based on duration

## Vocational Recovery vs. "The Old Way"

Vocational Recovery	"The Old Way" = Ability to Work Assessment
Heal and RTW	Defensible outcome
Facilitate RTW (pull towards RTW)	Adjudicate RTW (push towards RTW)
Enable RTW	Employability vs. RTW
Worker-Centric	System-Centric
Work Disability Prevention (WDP)	Bureaugenic disability/medicalized work disability
Lead w/worker, add employer, approach medical provider	Blanket packets and forms
Quality elements aligned with WDP	System-centric performance indicators
Firm-based referrals	Referrals made by CMs directly to individual VRCs
Vocational Recovery Plans	Work history for transferrable skills assessment and labor market – prove employability
Closely aligned with statute	Loosely aligned with statute



# Quality Assurance – Data Reporting individualized reports sent out monthly to firms

#### Vocational Recovery QA elements 8/20-8/21

## -8/21 AWA QA elements 5/21-8/21



Firm signs and returns addendum to L&I, agreeing to implement activities listed in the addendum

Firm reviews a specific subset of cases, randomly selected by L&I, and sends answers to validation questions to L&I

Quality
Assurance
Validation
Process

4

Firm-specific action items are captured in the QA plan addendum

L&I meets with the firm to discuss strengths and opportunities L&I reviews same subset of cases and firm's response to validation questions

## **Vocational Recovery Referral – Worker Survey**

**2595** calls made at 30 days since VR referral; **958** (37%) answered; of those answered, **888** (93%) agreed to participate – 11/26/2021. Of those participating:

#### Contact

- 96% indicated VRC has been in touch
- 82% know how to contact their VRC
- 55% know when next meeting/call with VRC is scheduled

## Return to Work Goals

- 58% worked w VRC to develop Vocational Recovery Plan
- 69% VRC asked about goals
- 67% VRC asked about concerns

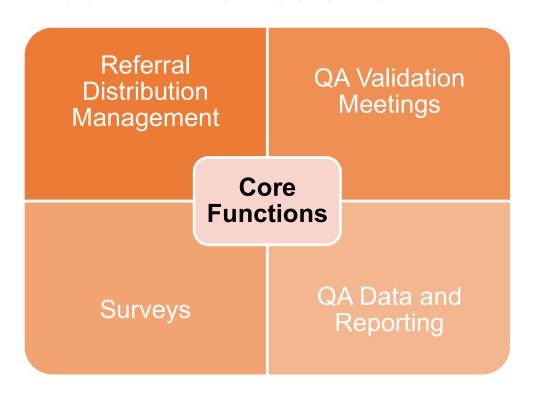
#### Knowledge of roles

- 63% VRC
   explained
   worker's part in
   Vocational
   Recovery
- 65% clear about next steps
- 74% understand how VRC can support

**95%** agree to exit survey



# Vocational Services Quality Assurance Team – Functions



#### + Specialty Areas:

- Communications and web maintenance
- Process improvements
- Administrative support (logistics)
- Quality assurance compliance
- Resource and tool development
- Projects and initiatives

# **Vocational Recovery Project – Next Steps**

- QA data reporting expanded to Plan Development (PD) and Plan Implementation (PI) referrals
- Integration of AWA, PD, and PI in QA validation meetings
- Build QA team and support leadership transition
- Implement next phases of worker survey
- Initiate new Vocational Recovery Advisory Committee
- Research concepts to enhance VRC credentials
- Update Vocational Services web pages (What's New page will be updated in Dec.)
- Next phase of data quality and process improvements

## **WorkSource Locations**

- Auburn
- Bellingham
- Everett\*
- Kennewick
- Mt. Vernon
- North Seattle Community College\*\*

- Pierce
- Rainier\*
- Silverdale\*\*
- Spokane
- Thurston
- Union Gap\*\*
- Vancouver\*

<sup>\*</sup> indicates 2021 new locations

<sup>\*\*</sup> indicates 2020 new locations

## **Break Time**







# Industrial Insurance (State) Fund Financial Overview - Appendix

Rachel Swanner
Workers' Compensation Accounting Manager

#### **Significant Financial Highlights**

July 2021 through September 2021

The contingency reserve increased **\$192 million**, from \$4,675 million on July 1, 2021 to \$4,867 million on September 30, 2021.

Contingency Reserve Additions

- Favorable Development
  - Medical Aid Account
  - Accident Account
  - CAE
  - Retro

- Expected revenue less then projected costs (Premium Inadequacy)
- Loss on Investments



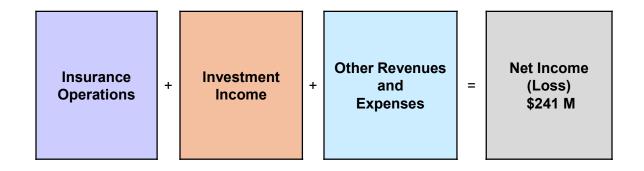
Change in contingency reserve by quarter for fiscal year 2022.

• July 1st to September 30, 2021 – an increase of \$192 million

#### **State Fund Results**

"Net Income"

July 2021 through September 2021



### **Insurance Operations**

July through September 2021 (in millions)

#### **Three Months Ended**

		September 30, 2021		September 30 2020	
We took in (Premiums Earned)	+	\$	540	\$	385
We spent (Expenses Incurred)					
Benefits Incurred			381		473
Claim Administrative Expenses			55		50
Other Insurance Expenses			24		23
Total Expenses Incurred	-		460		546
Net Income (Loss) from Insurance Operations	=	\$	80	\$	(161)

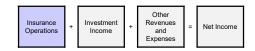
Net loss from insurance operations is normal for workers compensation insurers who routinely rely on investment income to cover a portion of benefit payments.



#### **Premiums Earned**

July through September 2021 (in millions)

	Three Mon	ths Ended	
	September 30, 2021	September 30, 2020	Difference
Standard Premiums Collected	\$505	\$453	
Less Retrospective Rating Adjustments	(22)	(9)	
Less Ceded Reinsurance Premiums	(7)	(6)	
Net Premiums Collected	476	438	
Changes in future Premium Amounts To Be Collected	78	(15)	
Changes in future Retrospective Rating Adjustment Refunds	(14)	(38)	
Net Premiums Earned	\$ 540	\$ 385	\$ 155



#### **Benefits Incurred**

July through September 2021 (in millions)

#### **Three Months Ended**

	September 30, 2021		September 30, 2020		Diffe	rence
Benefits Paid	\$	405	\$	393	\$	12
Change in Benefit Liabilities		(24)		80		(104)
Total Benefits Incurred	\$	381	\$	473	\$	(92)



#### **Investment Income**

July through September 2021 (in millions)

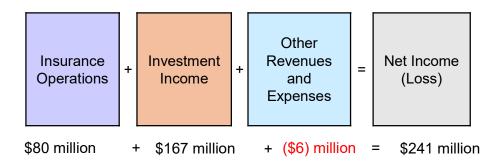
#### **Three Months Ended**

		September 30, 2021		Sep	otember 30, 2020	
Investment Income Earned from Interest on bonds	+	\$	112	\$	118	
Realized Gain/(Loss) from Fixed Income Investments Sold	+		55		55	
Realized Gains from Stocks (Equity Investments) Sold	+		0		0	
Total Investment Income	=	\$	167	\$	173	



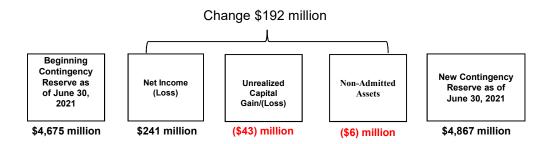
### **Results of Operations**

July 2020 through September 2021

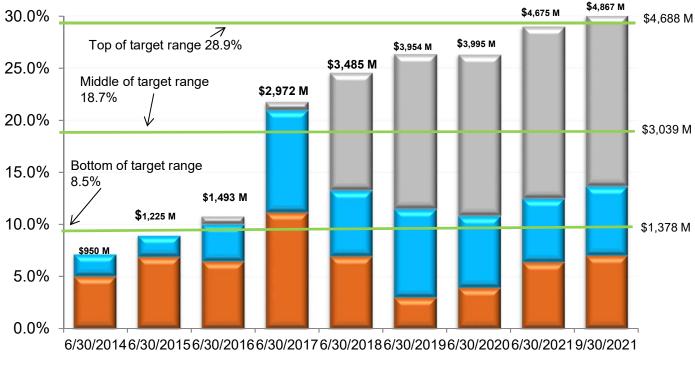


### **How Did Contingency Reserve Perform?**

July 2021 through September 2021



# Combined Contingency Reserve vs. Targets Combined Contingency Reserve is 30.0% of Total Liabilities

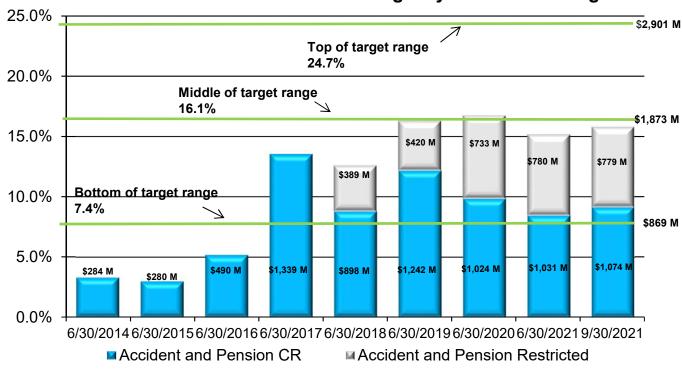


■ Medical Aid Fund ■ Accident & Pension Funds ■ Restricted Contingency Reserve

Restricted is based on final June 30, 2021 financial information and the change in the value of investments through 9-30-21.

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

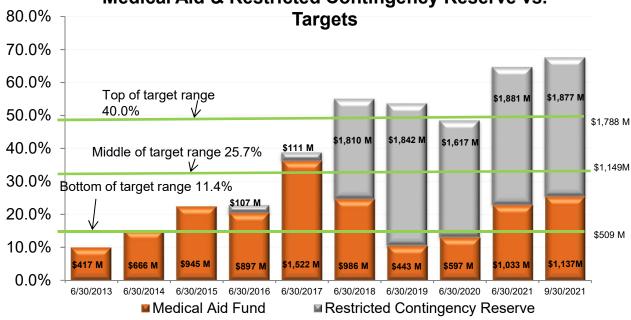
# Accident, Pension & Restricted Contingency Reserve is 15.8% of Liabilities Accident & Pension Contingency Reserve vs. Targets



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

## Medical Aid & Restricted Contingency Reserve is 67.5% of Liabilities

Medical Aid & Restricted Contingency Reserve vs.



Restricted is based on final June 30, 2021 financial information and investment earnings through 9-30-21.

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

### **Key Financial Ratios**

as a percentage of premium earned

	Quarter Ended September 30, 2021		Fiscal Year	Fiscal Year
Ratios	State Fund	Industry Forecast	Ended June 30, 2021	Ended June 30, 2020
Current Year Benefit (Loss Ratio)	101.0%		117.1%	90.5%
Prior Year Benefit (Loss Ratio)	(30.3)%		30.0%	35.4%
Total Benefit (Loss Ratio)	70.7%	48.4%	147.1%	125.9%
Current Year CAE Ratio	12.4%		14.4%	11.5%
Prior Year CAE Ratio	(2.3)%		1.8%	1.8%
Total Claim Administration Expense (CAE) Ratio	10.1%	12.6%	16.2%	13.3%
Sub-Total: Benefit and Claim Administration Expense Ratios	80.8%	61.0%	163.3%	139.3%
Underwriting Expense Ratio includes all insurance administrative expenses except CAE	4.5%	26.2%	6.1%	5.1%
Combined Ratio (Industry omits dividends)	85.3%	87.2%	169.4%	144.4%
Investment Income Ratio	20.8%	16.7%	28.9%	26.3%
Operating Ratio	64.5%	70.5%	140.5%	118.1%

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!

#### **Reconciliation of Change in Benefit Liabilities**

(In \$1,000s)

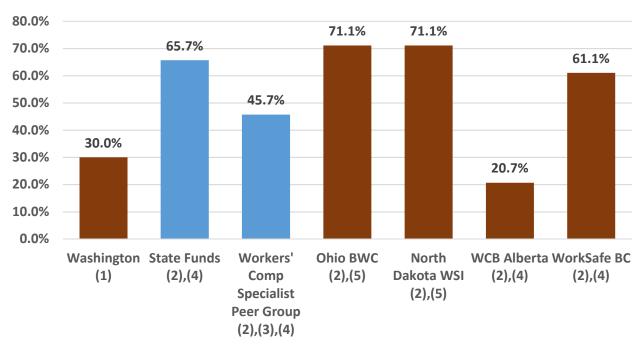
July 1, 2021 Benefit Liability Beginning Balance	\$14,622,093
Prior Year Benefit Payments	(\$385,383)
Prior Year Development and Model Change (Unfavorable)	(\$254,199)
Self Insurance Prefunded Pension Transfers	\$3,534
Regular reserve discount reduction	\$86,799
Net Total Prior Year Benefit Liability as of September 30, 2021	\$14,072,844
New Current Year Benefit Liabilities	\$525,665
September 30, 2021 Benefit Liabilities Ending Balance	\$14,598,509
Change Between Beginning and Ending Balance	(\$23,584)

### **Highlights of Changes in the Contingency Reserve**

	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22 Q1	Total
Actuarial Development <sup>1</sup>	\$149M	\$543M	\$147M	\$926M	\$941M	\$352M	\$(197)M	\$287M	\$254M	\$3,428M
Rate Changes	\$58M	\$59M	\$38M	\$27M	\$(14)M	\$(120)M	\$(110)M	\$(44)M	\$(15)M	\$(121)M
Greater (less) than expected changes in the stock market	\$279M	\$(29)M	\$(101)M	\$411M	\$199M	\$50M	\$340M	\$1,263M	\$(16)M	\$2,396M
Mortality table change	-	\$(146)M	-	-	-	-	-	-	-	\$(146)M
Adjustments to avoid double counting 2011 reform savings	\$(130)M	\$(83)M	-	-	-	-	-	-	-	\$(213)M
Discount rate reduction	\$(256)M <sup>2</sup>	\$(31)M	\$(31)M	\$(36)M	\$(646)M <sup>3</sup>	-	\$(90)M <sup>4</sup>	\$(384)M <sup>5</sup>	-	\$(1,473)M

- 1. Includes numerous, offsetting factors including model changes, operational influences, and the state of the economy.
- 2. Model change for 13-year plus claims \$102 M; Pension Discount change \$154 M.
- 3. Pension Discount Rate reduction from 6.2% to 4.5%
- 4. Non-Pension Discount Rate reduction from 1.5% to 1.0%
- 5. Proposed Pension Discount Rate 4.5% to 4.0%

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



<sup>(1)</sup> Preliminary as of 9/30/2021

<sup>(2)</sup> Source: Conning Peer Analysis, August 19, 2021

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

<sup>(4)</sup> As of 12/31/2020

<sup>(5)</sup> As of 6/30/2020

## Historic Results of Operations July through September (in millions)

As of Quarter Ended September 30,	Insurance Operations	+	Investment Income	+	Other Revenues & Expenses	=	Net Income (Loss)
2021	80		167		(6)		241
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**

#### **Fiscal Year Ended**

	Quarter Ended September 30, 2021	June 30, 2021	June 30, 2020	June 30, 2019	June 30, 2018	June 30, 2017
Investment Income	112,105,000	462,700,000	496,981,000	498,626,000	481,048,000	478,130,000
Realized Gain (Loss)	54,859,000	299,787,000	272,266,000	(23,498,000)	1,092,446,000	102,540,000
Unrealized Gain (Loss)	(43,146,000)	1,069,560,000	161,264,000	151,820,000	(812,942,000)*	380,183,000
Total Invested Assets	19,755.137,000	19,793,907,000	17,992,984,000	17,443,448,000	16,728,166,000	15,815,997,000

\*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.

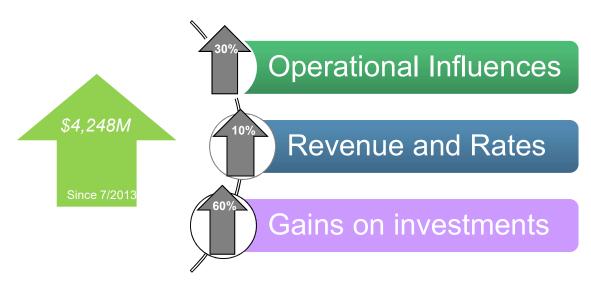
#### **Total Investments**

(rounded to billions)





#### **Contingency Reserve Drivers**



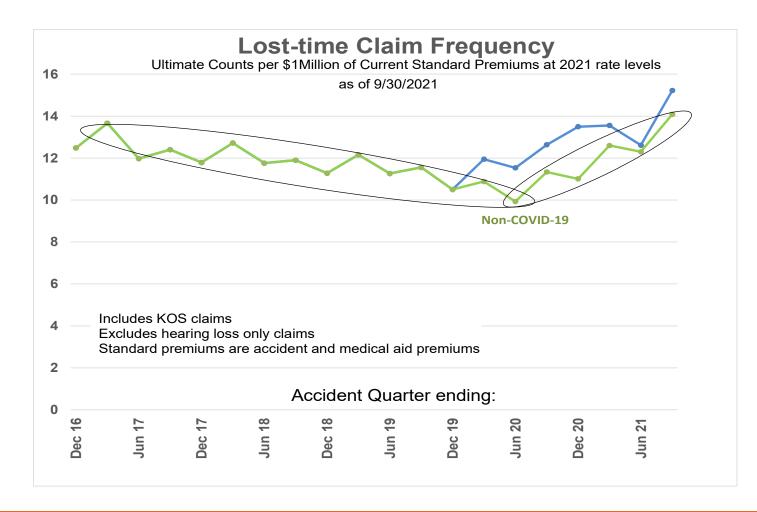
As of 9/30/2021 the CR is at \$4,867M.



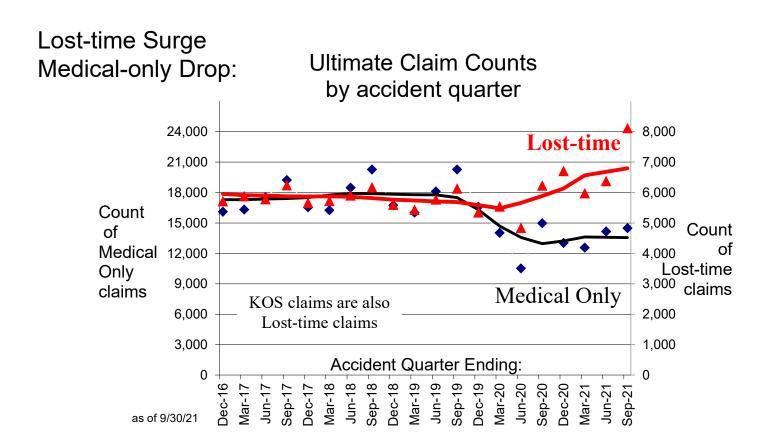


## Dashboard – Help Injured Workers Heal and Return to Work

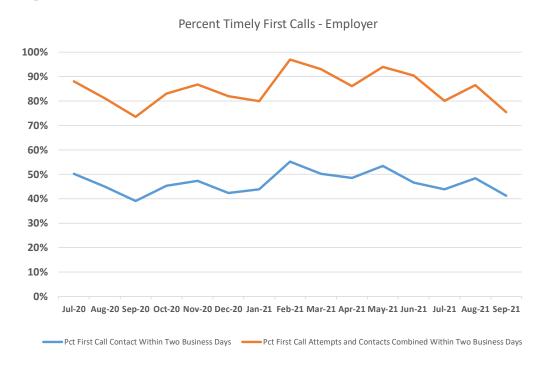
Vickie Kennedy
Assistant Director for Insurance Services



Non COVID-19 lost-time frequency increasing since 2Q20



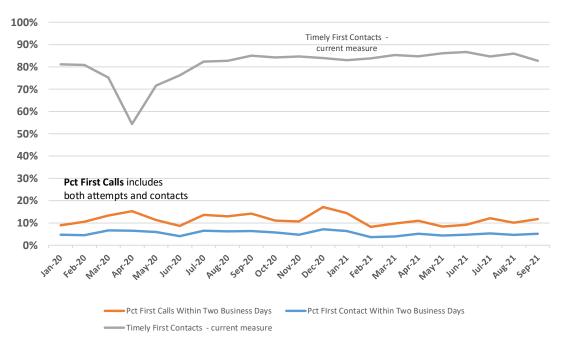
# JLARC recommended employer contact measure



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

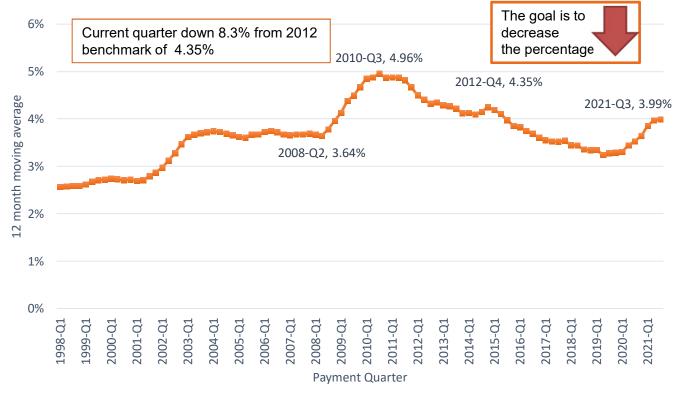


Note: Clock starts when firm and class are assigned on the JLARC recommended measure and when time loss is first paid on the current operational measure.

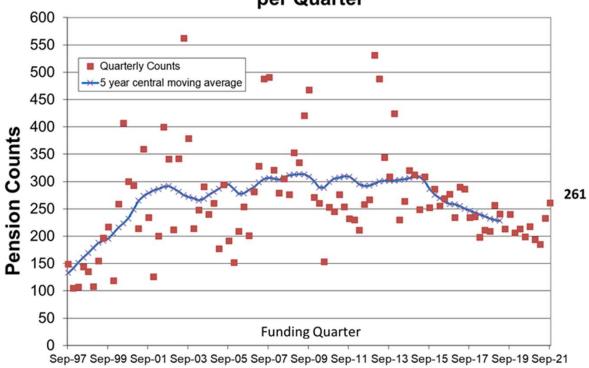
#### Long term disability percent

Share of injured workers with time-loss paid in the 12th month post injury: smaller

percentage indicates less long-term disability

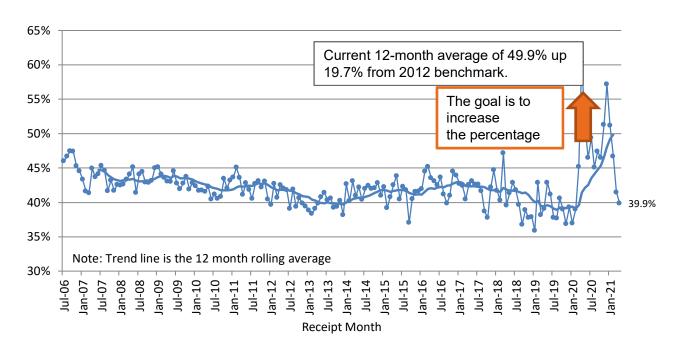


## Count of State Fund TPD Pensions Funded per Quarter



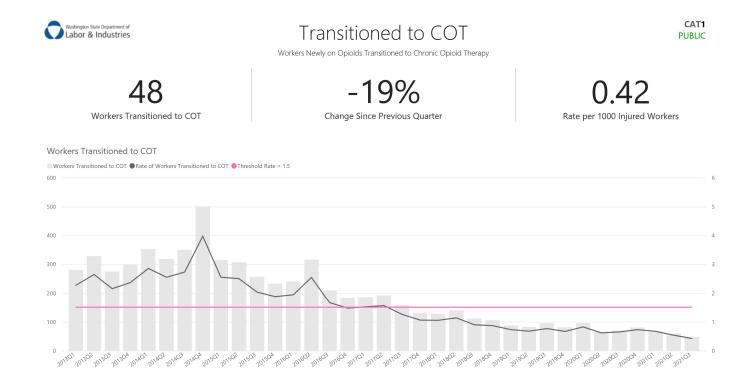
#### The share of time-loss claims resolved six months after claim receipt

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



#### **Transitioned to COTS**

#### Workers newly on opioids transitioned to chronic opioid therapy



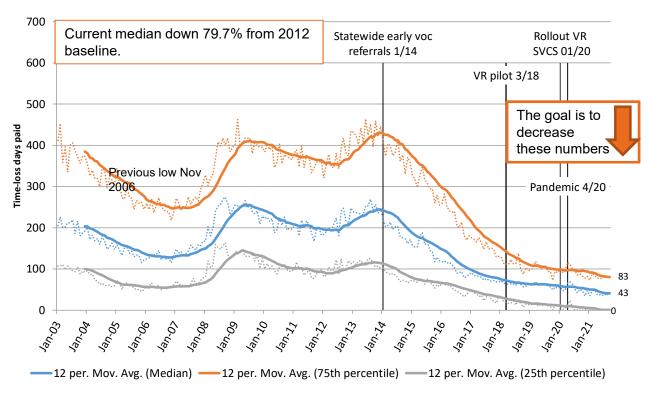
#### **High risk claims –** Initiatives in the first year are improving RTW outcomes



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

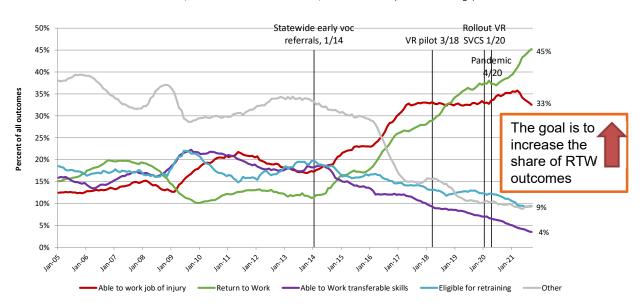
Time-loss days paid at first vocational service referral



#### 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 294.8% since the new process was implemented.

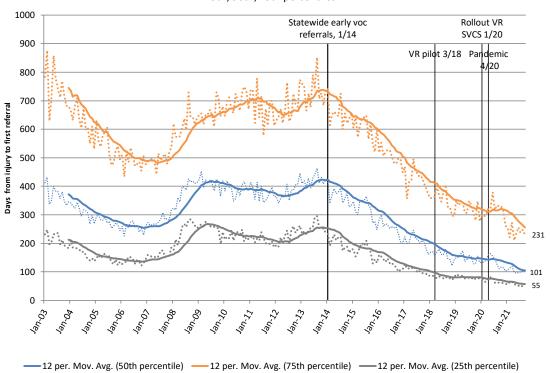
Outcome distribution, first vocational service referrals, select outcomes (12-month average)



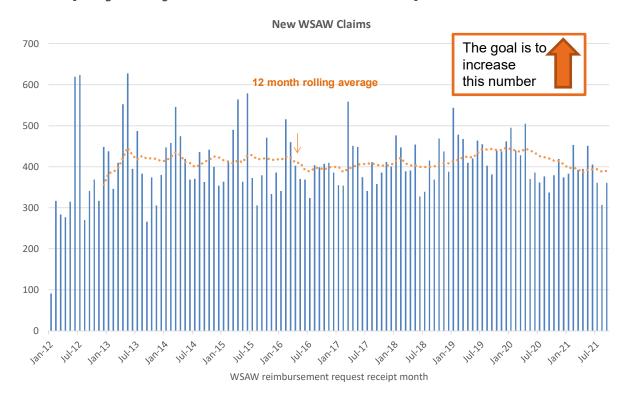
#### Referrals are now targeted to address the onset of disability

days from date of injury

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

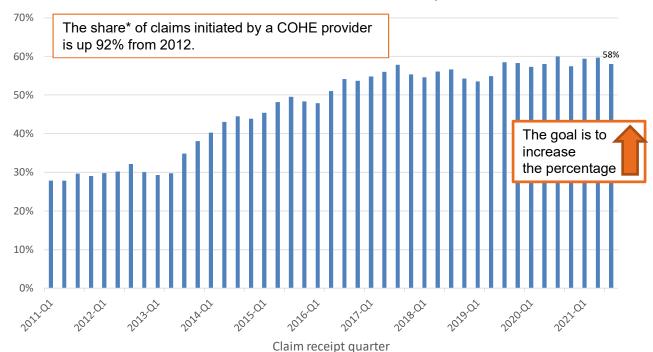


#### Participation in light duty job assignments helps maintain the employer/injured worker relationship.



## Percentage of claims for injured workers initiated with a COHE provider





\*Average share for most recent 4 quarters.

## **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	-8.3%	✓	13.0%	Δ
Pensions granted	Down	✓		
<b>Resolution rate</b> - time-loss claims at 6 months	19.7%	✓	15.5%	✓
<b>High risk claims</b> – share return to work at 12 months	1.0%	✓	-2.5%	Δ
Median time-loss days paid at first vocational service	-79.7%	✓	-14.0%	✓
<b>% RTW outcomes</b> - all first vocational service referrals	294.8%	✓	18.3%	✓
WSAW participation	Steady utilization			
COHE utilization	92.0%	✓	0.4%	✓





## Perspectives on National and International Workers' Compensation Policy

Vickie Kennedy
Assistant Director for Insurance 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





## **Closing Comments & Adjourn**

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

## **Next Meeting**

- March 30, 2022
- 9:00 am 12:00 pm
- Tentatively scheduled to be held in the L&I Tumwater HQ Auditorium

### **Supplemental slides**

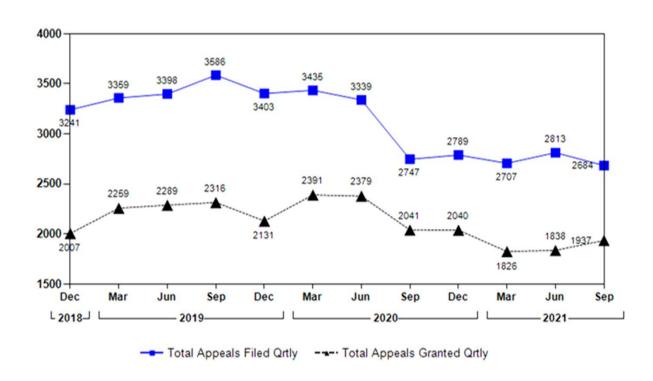




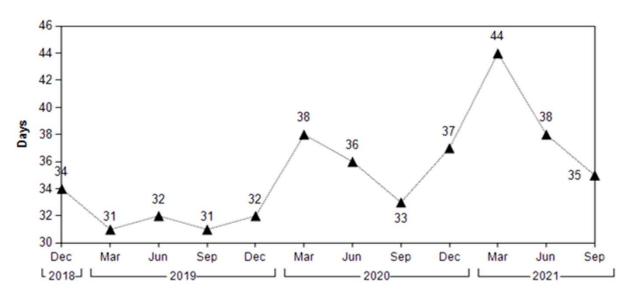
# **Board of Industrial Insurance Appeals (BIIA) Update**

Mark Jaffe, Chair Pro Tem

## **Total Appeals Filed and Granted**

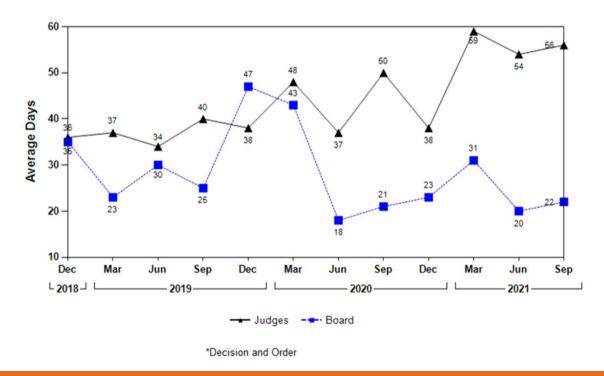


# Average PD&O\* Time-lag by Quarter for Hearing Judges

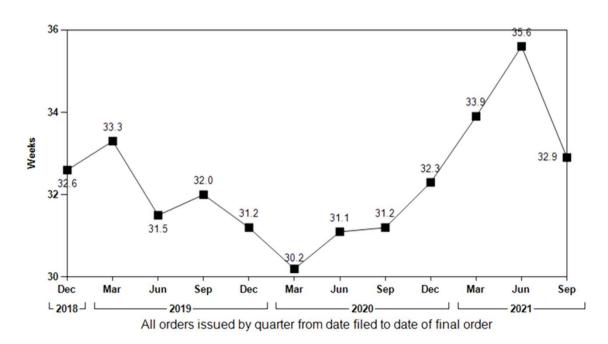


\*Proposed Decision and Order

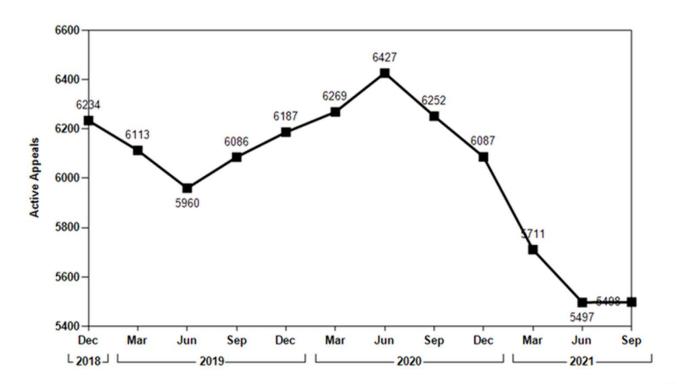
## D & O\* Time-Lag by Quarter



# Quarterly Average Weeks to Completion



## Caseload at End of Quarter



## Percentage of Final Orders Appealed to Superior Court - Quarterly

