



Workers' Comp Update

A NEWSLETTER OF THE IDAHO INDUSTRIAL COMMISSION CLAIMS & BENEFITS DEPARTMENT

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Lump Sum Settlements

Expediting Lump Sum Settlements

It is our goal to process and obtain approval within seven business days on all lump sum settlements determined to be in the parties' best interest. In order to expeditiously process lump sum settlements, adequate and thorough documentation is needed, as has always been the case. Per Rule 18, the Defendant's Settlement Summary must be completed and attached to the proposed lump sum settlement. Likewise, the Claimant's Attorney Memorandum must also be received before the settlement can be processed. The overwhelming majority of settlements and Claimant's Attorney Memoranda are now coming to us timely and complete. We greatly appreciate the attention being given to this process.

LSS: Claimant's Counsel Memorandum for Settlements

Please do not submit settlements or counsel's fee memorandum as two-sided documents. After a period of years on-site in the Industrial Commission file room, all claims files, including the closed legal file, are sent out to be imaged. Two-sided documents, when found, are converted to single-sided paper documents in order to be fed into the document reader. Consequently, there is no positive environmental impact; just the opposite. Further, there is the risk of a document not being recognized as being two-sided, and every other page not being imaged.

Thank you for your adherence to this policy.

Electronic Payment of Work Comp Benefits

The Idaho Industrial Commission (Commission) finds no prohibition against the practice of the issuance of electronic payments in lieu of mailing physical benefit checks. However, the method of payment must be agreed to by the recipient (check vs. direct deposit, debit card, etc.).

The Commission requires that the carrier remains in compliance on all other rules and regulations, particularly in regard to prompt payment and check-writing requirements. Issuance must be from in-state, unless a check-writing waiver is requested and approved; issue date and routing information must

be affixed to the transaction, and the receipt of benefits funds in this manner will not cost the claimant any fees or costs.

If you have a specific payment model that you would like us to review, please don't hesitate to ask.

In-state Claims Administrator Designation and Reporting Exceptions

Each insurance carrier must designate a primary in-state claims administrator to adjust its claims. It is also the responsibility of the carrier to advise the Commission when that relationship changes. In addition to those employers whose claims are adjusted by the “primary”, the carrier may have individual policyholders that desire a specific claims administrator, other than the primary. Such relationships are deemed to be “exceptional”. The Commission requires that the carrier provide notice of their primary claims administrator. Additionally, the carrier must provide notice of each exceptional relationship, specifying the claims administrator for each such policyholder. Each carrier shall maintain that information and report any change to the Commission in writing within 15 days. IDAPA 17.02.10.012.03(a)

Carrier Should Provide FROI to Policyholders

It is necessary for sureties to provide their policyholders with the proper industrial injury report form, as well as claims administrator contact information. Currently, we find that employers often submit injury reports on forms that were created either by jurisdictions other than Idaho, or by a surety other than the one currently on the risk. In the latter instance, the form may instruct the employer to submit the form to that (incorrect) surety. This results in a delay in the compensability determination and prompt payment of benefits that may be due. The generic Idaho First Report of Injury form is available at http://www.iic.idaho.gov/forms/ic_1_froi.pdf. IDAPA 17.02.10.012.04

AUDIT CRITERIA NOW POSTED ON COMMISSION WEBSITE

The Commission met with many adjusters and third party administrators over the past year. As a result of these meetings we have posted on our website the key areas of focus during a surety audit. The document is not to be considered an all inclusive list; it is an outline of our primary areas of focus when conducting site audits.

The link for the most recent Audit Criteria list on the Commission website is: http://iic.idaho.gov/insurance/audit_criteria_revised_05_10_13.pdf

CIWCS

CIWCS Courses, Co-Sponsors and Upcoming Courses

The Claims and Benefits Department of the Idaho Industrial Commission offered three (3) Certified Idaho Workers' Compensation Specialist courses in Boise in 2013, and with the help of Northwest Urgent Care and Northwest Specialty Hospital, a course was presented in Post Falls in August of 2013. Thanks again to Tiffani Bartel, Occupational Health Coordinator for Northwest Urgent Care, and Vaughn Ward, CEO and Rick Rasmussen, CFO of Northwest Specialty Hospital for their assistance with arrangements for this course. The expansion of the course to 3.5 days for Advanced level attendees has been a success and will be continued to better assist attendees to prepare for the Advanced level final exam.

Since the first CIWCS course was offered in January of 2002, the Industrial Commission has presented 51 Workers' Compensation Certification Courses to 1,017 attendees with 642 Idaho Workers' Compensation Specialist Certifications issued as of September 2013.

CIWCS Courses scheduled for 2013 - 2014:

- Boise - November 19, 20, 21, and 22, 2013
- Boise - March 11, 12, 13, and 14, 2014
- Boise - June 4, 11, 18, and 19, 2014
- Twin Falls - (Tentative) August 5, 6, 7, and 8, 2014
- Boise - November 18, 19, 20, and 21, 2014
- Another course may be scheduled in Idaho Falls in 2014.

Previous course co-sponsors include:

- Occupational Health Solutions
- CH2M-WG Idaho LLC
- Clearwater Paper Corporation
- St. Joseph Regional Medical Center
- Bonner General Hospital
- Gritman Medical Center
- Active Hand and Rehab
- David Christensen, M.D.
- North Idaho Immediate Care
- Kootenai Medical Center
- St. Luke's Idaho Elks Rehabilitation
- Northwest Specialty Hospital/Premier Urgent Care
- INL Occupational Medicine Program
- Mountain View Occupational Health Solutions
- INL/Battelle Energy Alliance Legal Department

Thank You!

Benefits Division Overview and Responsibilities

Recently, we have realigned the workflow within the Claims and Benefits Department to better serve the department's mission "To facilitate the fair and expeditious resolution of claims under the Idaho Workers Compensation law." Settlements and phone inquiries are no longer allocated by alphabet. We have instituted a team approach. All phone calls and settlements are now taken on a first come, first serve basis and assigned to an Analyst based on availability. We are proud of this new team approach and are confident you will find settlements and inquiries handled more effectively. Meet our Analysts:

Kim Takagi is a Program Analyst. Kim's primary responsibilities include supervision of the claims staff. She also is the founder and lead instructor of the Certified Idaho Workers' Compensation Specialist (CIWCS) program. Kim has 20 years prior experience as a workers' compensation claims adjuster. Kim joined the Commission in September 2000. In her off time she enjoys farming, gardening and spending time with her family.



Kim after a hard day's goat-roping

Faith Cox is a Program Analyst. Faith's primary responsibilities include Surety Claims Audits, and she is the primary co-instructor for the CIWCS program. Faith has 20 years of insurance experience working with Independent Agents, Captive Agents and Sureties. Faith joined the Commission in November 2009. In her off time she enjoys hiking, biking and golfing.



Faith at the 19th hole.

Matt Vook is a Benefit Analyst. Matt's primary responsibilities include Employer Education. Matt served in the Navy as a Nuclear Technician on a submarine and has worked as an attorney in his own private practice. Matt joined the Commission in March 2013. In his off time he enjoys sports and playing guitar.



Matt Rocking the Free World

Tamie Bremer is a Benefit Analyst. Tamie's primary responsibilities include Physician Education. Tamie has over 10 years experience in Workers' Compensation primarily as a Claims Adjuster. Tamie also has experience implementing and managing safety programs and return to work programs. Tamie joined the Commission in March 2013. In her off time she enjoys country dancing and spending time with her family in northern Idaho.



Tamie Friday night (fish) line dancing

Mileage Reimbursement Rates

Since July 1, 2012, the mileage reimbursement rates have stayed steady at 55.5 cents per mile. You can check the current state mileage reimbursement rate at <http://www.sco.idaho.gov/web/sbe/sbe-web.nsf/pages/trvlpolicy.htm> under Appendix "A".

Effective Date	Private Vehicle	Meals In-State	Meals Out-State
7-1-08	58.5 cents private vehicle/aircraft	\$30.00	\$39.00 or Federal Rate
1-1-09	45.5 cents private vehicle/aircraft	\$30.00	\$39.00 or Federal Rate
10-1-09 (Approved on 12-15-09)	45.5 cents private vehicle/aircraft	\$30.00	\$46.00 or Federal Rate
7-1-12	55.5 cents private vehicle/aircraft	\$30.00	\$46.00 or Federal Rate

Audit Issue: Failure to File First Report of Injury

Failure to file a First Report of Injury (FROI) with the Commission is regarded as a 'crucial' audit issue. Idaho Code 72-301(2) gives the Commission the authority to revoke a surety's authority if workers "are not fully protected."

At a recent Commission show cause hearing, failure to file a First Report of Injury with the Commission was determined to be a crucial element in the lapse of the surety to provide full protection to the injured worker. This determination was reached based on the fact that upon receipt of a FROI at the Commission, the Commission sends to each alleged injured worker an initial letter, which provides both the phone number of the adjuster of record, and the Commission phone number; this provides to the worker 'protection' that is not provided when a FROI is not filed with the Commission.

Recent/Informative Industrial Commission Decisions

Cook v. Ashley Inn, LLC, et al. IC #2009-025203 Filed: January 30, 2013

The claimant was removing a metal roof from an outbuilding when he felt a “twinge.” Dr. Julie Conyers performed surgery for a possible hernia on October 26, 2009, but no acute hernia was found. Due to continuing groin pain, Dr. Conyers performed another surgery, with no improvement noted. The claimant was referred to Dr. Williams and Dr. Shoemaker of the Saltzer Medical Group for pain management. Dr. Shoemaker noted a possible relation to spinal nerve injury and referred the claimant to Dr. Shane Andrew who found no relation between the claimant’s groin pain and lumbar condition. The claimant eventually underwent lumbar surgery, which completely resolved his groin pain. Dr. Andrew opined there was no anatomical basis to explain the lumbar surgery completely resolving the claimant’s groin pain. After conducting a Hearing, the Commission issued a decision awarding benefits for treatment of the groin pain. The Commission noted that the Saltzer physicians were attempting, among other things, to diagnose and treat the inguinal pain the claimant had consistently described since the date of the accident. As such, this treatment was entirely compensable. Confounding issues relating to preexisting conditions which obscured diagnosis and treatment did not render this treatment non-compensable. As a result, Claimant is entitled to TTD benefits from the date of accident to April 26, 2010 (the date of lumbar MRI or the date the complaints focused on the back issue), in addition to the medical treatment noted previously. Treatment related directly to the claimant’s lumbar condition was denied due to pre-existing conditions and the claimant’s inability to prove a causal relationship to this injury.

Johnson v. City of Rexburg, et al. IC# 2009-025743 Filed: July 5, 2013

On October 1, 2009, the claimant fell off a ladder, catching himself abruptly with his left arm and was diagnosed with a cervical disc herniation. The claimant underwent two cervical surgeries including a microdiscectomy and fusion, but continued to report significant neck pain with headaches. Methadone and Ambien were prescribed, along with radiofrequency ablation, trigger point injections, and physical therapy. The claimant reported a decrease in pain after this treatment, but required ongoing treatment to continue to manage his pain. After conducting an IME, Dr. Chung opined that the treatments received to date did not provide “improvement”, and further treatment was not reasonable. The surety denied any

additional medical treatment, including medications, based on Dr. Chung’s opinion. After conducting a Hearing, the Commission issued a decision awarding additional reasonable and necessary medical care for the claimant’s chronic neck pain and headaches. It was found that an improvement in the claimant’s chronic pain, even though not accompanied by significant functional improvement, was nonetheless an improvement in his condition; therefore, it was reasonable and necessary medical treatment.

Selzer v. Ross Point Baptist Camp, et al. IC#2007-015506 Filed: February 27, 2013

Claimant worked in food service management for summer camps. While working in Arizona in 2006, Claimant injured his back, shoulder, and neck, for which he opened a workers’ compensation claim in Arizona. In 2007, while working in Idaho, Claimant sustained an electrical shock and burn to his finger. In 2007 and 2008, Claimant received a number of IMEs, but told none of the doctors about his previous injury in Arizona. Eventually, Claimant received a 28% upper extremity impairment, which the surety paid. In 2011, the surety had Claimant attend another IME with the medical records from the Arizona accident. This IME doctor apportioned none of the impairment to the 2007 Idaho injury. The Commission agreed and ordered Claimant to repay the full PPI benefit instead of shortening the time period of future benefits. The Commission based this ruling on its equitable jurisdiction when Idaho law does not provide an adequate remedy at law.

2013 ANNUAL SEMINAR ON WORKERS’ COMPENSATION

The 2013 Annual Seminar on Workers’ Compensation will be held at the Boise Centre in Boise, ID on October 24, 2013. The seminar this year includes presentations by:

- Dr. David Pate, President and CEO of St. Luke’s Health System
- Robert Wilson, President and CEO of WorkersCompensation.com
- Dr. Mike Weiss, St. Luke’s Occupational Health Services
- Richard Owen, Attorney at Law and Susan Veltman of Breen, Veltman, Wilson presenting the case law review

Registration for the seminar is now open. To receive the early bird discount, register before October 1st. To register visit: <http://iic.idaho.gov/seminar/seminar.html>