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WELL AT HOME. SAFE AT WORK.

Session 603
Successfully Returning Injured Workers to Employment

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11 a.m. to 12 p.m. Wednesday, March 28

Ohio Bureau of Workers' Compensation

Objectives

- o Ohio law requires all employers to provide workers' compensation to employees.
- o This ensures employers provide compensation and medical benefits for occupational injury and disease.
- o Vocational rehab is part of the medical benefits provided to injured workers.
- o Some employers pay directly for rehab. Others pay through a special mutualized fund.

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Workers' Comp in Ohio

- o Ohio law requires all employers to provide workers' compensation to employees.
- o This ensures employers provide compensation and medical benefits for occupational injury and disease.
- o Medical benefits includes :
 - Medical services;
 - Vocational rehabilitation.

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Why Early Return to Work (RTW) is Important?

- o Without early, safe RTW, injured workers may have more medical and psychological problems due to inactivity and loss of previous role.
- o They may have more difficulty in eventually returning to work.
- o They may possibly rely more on social welfare programs.

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Direct costs	Indirect costs
<ul style="list-style-type: none"> o Medical costs o Compensation costs o BWC claim reserves 	<ul style="list-style-type: none"> o Hiring replacements o Training replacements o Overtime (lost work) o Legal expenses o Production delays o Product/tool damage o Loss of business

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Changing the Culture

A change in the culture must be accomplished by a change in expectations.

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Change the Culture for the Worker

- “If I am injured at work and can’t do my entire job, I stay at home and collect.”
- “If I am injured at work, I go back to work, do what I can do and get help from therapists.”

What’s In It for Me?

“Ronfeldt helped me stay on the payroll and do something productive without losing any time. By working in the office, I didn’t worry about family finances, and I recovered faster than my physician expected.”

Leo Pietrykowski, production worker, Ronfeldt Associates, Toledo.

What’s In It for Me?

“After my injury, I wanted and needed to keep working - not stay at home.”

Linda Booth, press operator
Ronfeldt Associates, Toledo

Change the Culture for Employers

- Injured worker must be 100-percent fit for duty before returning to work.
- Injured worker can return to work through accommodation or transitional work before being 100-percent fit for duty.

What’s In It for Me?

“In law enforcement, you can not work full duty without being totally healthy. A minor injury can keep an officer off work unless there is a transitional work program in place to get the patrolman back to work in a limited-duty status.”

Sgt. Rick Herring, union representative
and past president of the Bellefontaine
Safety Association.

Change the Culture for Physicians

- Expect physicians to make return-to-work determinations based on the worker’s opinion.
- Let the physician determine compatibility between a worker’s physical restrictions and functional job demands.

What's In It For Me?

"The (job) analysis are better than the job analysis we had from human resources and legal representatives. They truly describe the physical capacities a worker needs to perform and city job."

Robert Lentz, mayor
City of Bellefontaine

Transitional Work Programs

Win-win for:

- Injured workers;
- Employers;
- Health-care providers.

Transitional Work Is Not:

- o Light duty;
- o Non-productive busy work;
- o Punitive in nature.

Transitional Work Is:

- o Work-site program;
- o Goal oriented to a specifically targeted job;
- o Time-limited and progressive.

Work Task Progression

- o Job demands increase gradually, using jobs available or modified job tasks.
- o It may include periods of regular job performance mixed with light-duty tasks.
- o It uses techniques of injury prevention, proper body mechanics and positive work behaviors.

Why Use Transitional Work?

What's In It for The Worker?

- Workers receive their full pay, benefits and seniority during their transitional work program.
- Employers do not replace workers.
- Employees work their scheduled work hours.
- They have a faster and more complete recovery.
- They are less apt to face de-conditioning and loss of work skills.
- It reduces fear of re-injury.
- It eases transition to regular work duties.

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What Is In It for the Employer?

- Helps to control the claim's course and cost
- Contributes to a safer workplace, ergonomic improvements and injury prevention
- Helps to retain good employees
- More productive business

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Developing a Transitional Work Program

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Transitional Work Components

- Corporate analysis
- Employer/employee relations
- Policies and procedures
- Job analysis
- Program evaluations

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Corporate Analysis

- Demographics
- On-site review of accident reporting, dispute procedures and return-to-work policy
- Identify barriers to implementation
- Needs assessment and recommendations for improvement

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Employee/Employer Relations

- Assess the current level of cooperation between management and labor
- Assess the union/non-union relationship with employer
- Develop and incorporate a joint labor/management team

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Union and Management Agreement

- Formal part of the bargaining agreement
- Voluntary program
- Work assignments not assigned to another worker
- In-source jobs
- Workers maintain their shifts

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Policy and Procedure Development

- Mission statement
- Outline eligibility issues
- Customize to fit the individual workplace
- Identify participants' roles and responsibilities

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Job Analysis

- Must accurately describe the job using worker input, and observation and measurements
- Must be functional
- May require analysis of "in-between" jobs for progression

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Program Evaluation

- Procedure for evaluating program outcomes
- Results and quality must be measurable
- Results analyzed and communicated at regular intervals

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Vocational Rehabilitation

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The Purpose of Vocational Rehabilitation

- Directed toward returning an injured worker to employment or maintaining work if currently employed
- Increases RTW probability, reduces lost time and decreases medical expenses

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What Is Vocational Rehabilitation?

- Programs and services to assist an eligible injured worker:
 - RTW; or
 - Remain on the job
- Primary focus is not medical treatment

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What Is Vocational Rehabilitation?

- Vocational rehabilitation is voluntary.
- The injured worker has choice of provider (physician, voc case manager, etc.).
- BWC provides the injured worker with due process (appeal) rights on decisions that affect workers' compensation benefits.

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Vocational Rehab: BWC's Role

- Determine eligibility
- Pay compensation (living maintenance) while in plan
- Review and consult with managed care organization (MCO) on rehab plans
- Ensure quality
- Resolve disputes
- Develop policy

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Vocational Rehab: MCO's Role

- Provide medical management of the claim which includes vocational rehabilitation
- Provide vocational services in accordance with the BWC laws, rules and policies

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Rehab Process Begins with a Referral

- Anyone can make a referral.
- Make a referral by phone, fax, e-mail, letter or in-person.
- Make referral to BWC or the MCO.
- The MCO and BWC consider referral during staffing of a lost-time claim.

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Eligibility: Ohio Administrative Code (OAC) 4123-18-03

- Recognized claim with lost time allowed by a BWC or Industrial Commission of Ohio (IC) order, or certified by a self-insuring employer, state university or state agency that presents a significant impediment to return to work and the injured worker is receiving one of the following:
 - Temporary total (TT) compensation;
 - Salary continuation in lieu of TT;
 - Non-working wage loss;
 - Permanent total compensation on the date of referral.

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Eligibility (continued)

- The injured worker also has a lost-time claim with documented restrictions from the allowed claim and one of the following:
 - Is at maximum medical improvement;
 - Has a permanent partial impairment award;
 - Has a catastrophic injury and his or her medical professional can establish a vocational goal;
 - Is working and has significant work-related problems from a previous lost-time claim in which compensation was paid; needs rehab to maintain the job (job retention);

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Eligibility (continued)

- Has been granted a scheduled award under division (B) Of section 4123.57 of the Ohio Revised Code (ORC);
- Received living maintenance wage loss (LMWL) less than 90 days prior to referral, continues to have documented restrictions and has lost their job due to no fault of their own.

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Credentialed Vocational Rehab Case Manager Is Assigned

Certified as:

- Rehabilitation counselor;
- Case manager;
- Disability management specialist;
- Rehabilitation registered nurse;
- Vocational evaluator;
- American Board of Vocational Experts.

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Case Manager Assesses the Injured Worker's Case

- Physical abilities and restrictions
- Interest in return to work
- Work history
- Vocational skills
- Vocational limitations
- Educational level
- Length of time off work

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Pre-plan Evaluations

May include:

- Vocational evaluation;
- Functional capacity evaluation;
- Evaluation by physical medicine and rehabilitation physician;
- Psychological evaluation.

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Feasibility for Vocational Services

- The reasonable probability that the injured worker will return to work upon receipt of vocational rehab services
- Is an ongoing assessment during the entire voc rehab process

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Injured Worker Must Be Medically Stable

- He or she can actively participate at a minimum of three times per week.
- The injured worker should not be in the acute phase of recovery such as immediately post-op.
- He or she should not be scheduled for further surgery.
- Drug detoxification program, if needed, should occur before vocational services.

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Case Manager Assesses the Employer

- Objective functional information about the job
- Availability of original job
- Knowledge of strategies to encourage early return to work:
 - Transitional work;
 - Job modification;
 - Gradual return to work;
 - Employer incentives.

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Each Step of the Hierarchy Calls for Different Rehab Strategies

- Same job, same employer
- Different job, same employer
- Same job, different employer
- Different job, different employer

Skill enhancement, short term training may help at any step in return to work.

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The Rehab Agreement (RH-1)

- Injured worker agrees to fully participate and notify rehab case manager ASAP when:
 - Discontinuing participation for illness or any reason;
 - Employed;
 - Applying for lump sum settlement.

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Voc Case Manager Develops the Vocational Rehab Plan (RH-2)

- Written return to work strategy
- Describes the medical and vocational situation and identifies strengths and barriers
- Identifies the job goal, required services, time frame and costs
- Original plan along with amended plans as necessary

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LMWL: OAC 4123-18-21

- LMWL is compensation to help buffer the financial impact of a new lower salaried job.
- LMWL may continue for 200 weeks if eligibility is maintained.
- Since Senate Bill 7 permits only an additional 26 weeks of non-working wage loss.

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LMWL: Initial and Ongoing Eligibility

- Injured on after Aug. 22, 1986
- Completes a rehab plan and returns to work
- Experiences reduced wages at new job
- Submits restrictions from physician at six-month intervals
- Does not voluntarily limit income
- Notifies BWC when changing jobs

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What Is Voluntary Limitation of Income?

- Injured worker accepts a lower paid job when more appropriate jobs are reasonably available in that worker's labor market.
- BWC's disability management coordinator makes determination.

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Vocational Rehab Case Closure

- Occurs after return to work
- May occur even if terms of plan are not completed
- Appeal rights are provided at closure

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When Disputes Occur in Eligibility for Vocational Rehab or for LMWL

- BWC's rehab policy department makes these determinations.
- If not resolved, the dispute may be appealed to the IC.

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When Disputes Occur in Vocational Rehab

- These are MCO determinations and are handled by MCO for a peer review.
- The MCO submits a recommendation after the peer review and BWC writes and order.
- If still not resolved, dispute goes to the IC.

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Vocational Rehab: Laws, Rules, Policy

- ORC Sections 4121.61 to 4121.69
- Ohio Administrative Code Sections 4123-18-01 to 4123-18-22 and applicable rules within chapter 4123-6 and 4123-17
- Chapter 4 of MCO Policy Reference Guide. Online: ohiobwc.com under BWC Library > BWC Publications > Medical Provider Publications.

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Vocational Rehabilitation Programs

Remain-at-work program

Allows injured workers with medical-only claims that are experiencing difficulty at work that are related to their allowed conditions to receive services and stay on the job

Remain-At-Work Services

- Transitional work services and on-site therapy
- Functional capacity exam
- Job analysis
- Ergonomic study
- Job modification
- Purchase of tools and equipment
- Gradual return to work
- On-the-job training
- Remain-at-work field case management

RTW Incentives

- Employer incentive contracts
- Gradual return-to-work
- Job modifications
- On-the-job training
- Tools and equipment
- Work trials

- Questions/Discussion