

OMBUDS OFFICE

# 2008 Annual Report

Ohio

Ohio

Ombuds  
Office

An Independent Service of  
Ohio's Workers' Comp System

Columbus Office  
30 West Spring St., L29  
Columbus, OH 43215-2256  
800-335-0996  
Fax 614-644-1998

**Ohio**

**Ombuds  
Office**

An Independent Service of  
Ohio's Workers' Comp System

Cleveland Office  
615 W Superior Avenue, L6  
Cleveland, OH 44113-1889  
800-335-0996  
Fax 216-787-4454

March 10, 2009

Industrial Commission  
Nominating Council

Dear Council Members:

The Ombuds Office for the Ohio workers' compensation system is pleased to present its 2008 annual report. In accordance with Ohio Revised Code section 4121.45, the report provides statistical information on the office's activities for the year, reviews the prior year's activities, and makes recommendations for improving the workers' compensation system.

In 2008 the Ombuds Office staff handled 9,477 inquiries from customers of Ohio's workers' compensation system. Of these inquiries, 2,457 were classified as complaints due to the customer expressing dissatisfaction with either the Bureau of Workers' Compensation (BWC) or the Industrial Commission (IC). The Ombuds Office analyzes these complaints to assist in making recommendations for improving Ohio's system.

As Ohio's economy continues to battle through an economic storm of unprecedented fury, the Ombuds Office stands by its legislative mandate: *"To assist claimants and employers in matters dealing with the Bureau of Workers' Compensation and the Industrial Commission."* The Ombuds Office will also continue its other key mission, to be an element for positive change and improvement within Ohio's system. This report provides detail on both of these areas, and as always, I await your comments or questions.

Sincerely,



Michael Travis, Esq.  
Chief Ombuds Officer

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# Executive Summary

## Background

Ohio law (ORC 4121.45) creates a workers' compensation ombuds system. It is the responsibility of the Ombuds Office to assist employers, injured workers, and their representatives, in dealings with the Ohio workers' compensation system. The Ombuds Office answers inquiries and investigates complaints about the workers' compensation system, mainly as it relates to injured workers' claims and employers policies, facilitating resolution of issues when possible. All inquiry and complaint data is captured and categorized. The data is then analyzed in order to identify potential opportunities for improvement in the workers' compensation system. Both the inquiry/complaint data and those areas identified as opportunities for improvement are published annually in this report.

## 2008 Statistical Information

Total inquiries received in 2008 totaled 9,477. The table below segregates these inquiries between general inquiries and complaints, and compares the statistics to the prior year. Inquiries are classified as complaints when dissatisfaction is expressed with the Ohio workers' compensation system.

In calendar year 2008, the Ombuds Office had an increase of 28% in the volume of **complaints** handled compared with 2007. In calendar year 2008, the Ombuds Office volume of **general inquiries**, compared with 2007, was essentially flat, down 1%. The total volume of customer contacts for the Ombuds Office in 2008 was 9,477, which was up 5% from the same period in 2007. The top issue addressed by Ombuds staff continues to revolve around payment of indemnity benefits to injured workers. Another prominent issue was employer concerns about how their premium rates were calculated.

	<b>2008</b>	<b>2007</b>	<b>Percent Change</b>
<b>Complaints</b>	2,457	1,921	28% Increase
<b>General Inquiries</b>	7,020	7,124	1% Decrease
<b>Total</b>	9,477	9,045	5% Increase

## Status of recommendations from prior years

Following are opportunities for improvement, from prior year's Ombuds Office annual reports. It should be noted that these prior recommendations fall into one of three categories: (1) items that have been resolved by action of BWC and/or IC, (2) items that have been addressed by BWC and/or IC, and are still a work in progress, and (3) items that have been dropped from review by the Ombuds Office because of new or changed circumstances.

**Prior year's Opportunities for Improvement worth noting include:**

- *BWC could improve the accuracy of the premium rate calculations at the National Council on Compensation Insurance (NCCI) manual classification level if they would assign the correct NCCI to claims more precisely.*
  - BWC senior management has stated in its "Director's Flexible Performance Agreement" that two key goals are to "identify and apply standard actuarial principals to all aspects of BWC rates" and also to ensure that "Ohio's employers will have access to a robust and informative claims reserving system." Both of these goals will ensure that proper insurance rates are charged for each employer's specific risk.
- *BWC could provide better customer service by monitoring the service provided by claims representatives and ensuring timely, accurate service.*
  - The Ombuds Office will continue to monitor this concern, as data shows that 33% of all complaints in 2008 were related to BWC claims representatives.
- *BWC could improve on the accuracy of claims determination, when the question of interstate jurisdiction arises.*
  - In 2008, BWC implemented several actions that have reduced Ombuds Office concerns in this area. First, BWC made available to all Ohio employers and third party administrators detailed information that provided answers to common interstate jurisdiction coverage issues. Second, in the Bureau's cover letter accompanying the semi-annual payroll reports, sent to all 240,000 Ohio employers, BWC prominently mentioned the new Ohio statute that permits Ohio employers to segregate out payroll for work performed in other states.

While the Ombuds Office continues to receive a small volume of complaints related to interstate jurisdiction, this initiative will be dropped from further monitoring and review as a stand-alone subject, based on the above findings.

- *Every employer in Ohio needs to pay accurate premiums, based on actuarially appropriate rates.*
  - This opportunity for improvement is a carry-over from previous Ombuds Office annual reports, but remains a key initiative. As stated above, the Ombuds Office notes that BWC continues to make this concept of actuarial accuracy for Ohio employer workers' compensation premiums a top priority.

Under the overall concept of actuarial accuracy the Bureau continues to work on three key initiatives, all of which the Ombuds office will monitor and report on. These include:

MIRA II - Per statutory mandate from the Ohio General Assembly, BWC implemented a new claims reserving methodology in 2008, MIRA II. Through this complex computer program, BWC seeks to increase the accuracy of setting reserves at the individual claim level, which will lead to more accurate setting of employer premiums.

Group Rating - BWC continues a multi-year initiative to reduce inequities in the workers' compensation group rating program. The Ombuds Office continues to monitor and report on the politically charged changes in both BWC practice and procedures, related to group rating.

Deloitte Study - In 2008, BWC Board of Directors commissioned a \$1.5 Million detailed study of BWC risk and actuarial functions, conducted by the independent consulting firm of Deloitte. The final report, containing findings and recommendations, will be released in March 2009. The Ombuds Office will monitor and report all major actions taken, as they relate to opportunities for improvement.

- *BWC could improve the alternative dispute resolution process for employer disputes, including but not limited to, the BWC's Adjudicating Committee process.*
  - The Ombuds Office notes that this proposed opportunity for improvement was acted upon by BWC. In 2008, BWC conducted a *Kaizen* Quality Initiative, addressing both substantive and procedural problems with the existing system of handling employer protests related to risk and premium issues. The Adjudicating Committee reconfigured the entire employer appeals process, leading to quantifiable improvements in scheduling, consistency, and outcome timeliness. The Ombuds Office will continue to monitor and report all major activities, as they relate to this opportunity for improvement

Based on this outcome, BWC in 2009 will be revamping the process of another problem area of alternative dispute resolution, how disputes related to medical treatment decisions are adjudicated. Such medical disputes total over 40,000 per year, and involve almost 30 full time employees, so process improvements similar to those of the Adjudicating Committee are to be expected. The Ombuds Office will monitor and report on efforts in this area of medical alternative dispute resolution.

- The Industrial Commission should examine and seek to correct the lack of consistency in Industrial Commission hearing outcomes, state-wide.
  - This remains a consistent and long-standing complaint, raised by both Ohio employers and injured workers to the Ombuds Office. Both stakeholder groups are concerned that similar fact patterns receive substantially different outcomes, from IC hearing officers across the State of Ohio.

In 2008, the Ombuds Office met with senior staff at the Industrial Commission on this issue, and they agreed with the concerns raised by this office. The Executive Director of the Industrial Commission has stated that two key goals for 2009, related to the hearing process, are *consistency* and *accountability*.

The expectation of the Ombuds Office related to consistency is that the same workers' compensation facts, argued anywhere in the state, in front of any hearing officer, will result in similar outcomes.

The expectations of the Ombuds Office, related to accountability is that the Industrial Commission will implement policies and procedures to ensure that orders can be tracked and monitored for quality control, down to the level of individual hearing officer. The Industrial Commission currently has aggregate data on the 175,000 orders drafted annually but little quality control at the individual hearing officer level. The Ombuds Office will be monitoring Industrial Commission actions in 2009 related to these concerns, and will be reporting activities and outcomes.

- *BWC could take actions to reduce the economic costs of the large real-estate vacancy rate within the William Green Building (estimated 35%) and other BWC sites across Ohio.*
  - The Ombuds Office notes that both BWC and the Industrial Commission are taking strong pro-active actions on this issue. In 2008 a major restacking of staff and offices within the William Green Building in Columbus, the headquarters for both agencies, was started.

The result of this consolidation was vacating five floors and 100,000 square feet of office space. The State of Ohio is looking for various state agencies to move into this space, saving both taxpayer dollars and employer assessments.

In 2009 both BWC and IC will be conducting cost/benefit analysis of real estate needs, related to service office locations across Ohio. The results of these studies will help both agencies to achieve substantial reductions in operating expenses, reducing the burden on Ohio employer premiums.

- *BWC and IC could take action to evaluate workers' compensation forms, (currently 139 different forms), to streamline and simplify the reporting requirements for the main stake-holder groups: employers and injured workers.*
  - In 2008 the Ombuds Office worked with BWC's I.T. Division, in tracking utilization of forms state-wide, by all stakeholder groups. Results show that a small number of forms are heavily used, while many forms are rarely, if ever, used. In 2008, a total of 8.1 million forms were submitted to BWC and/or IC. In 2009, the Ombuds Office will make recommendations to BWC and IC on forms that can either be eliminated or combined. Such actions would potentially reduce paperwork, improve productivity, and simplify the workers' compensation system for stakeholders.
- *BWC should explore options and then develop best-practices for employer non-compliance education, and enforcement.*
  - The Ombuds Office notes that the Bureau has acted on this recommendation, and the Bureau's initial actions appear to be successful. In 2008, BWC started an Employer Compliance Team with a staff dedicated to finding employers that continue to operate in Ohio, while not paying their legally required workers' compensation premiums.

Employees injured while working for non-complying employers are eligible for full benefits, even if their employer failed to pay premiums, while complying employers

are unfairly forced to subsidize these costs. Through the close of calendar year 2008, this start-up unit has resolved over 2,000 delinquent employer policies and collected over \$38 million in past-due premium from these non-complying employers.

- *BWC should compile comments, evaluate, and make recommendations regarding the fast-track lump sum settlement process, which was introduced in September 2006.*
  - The Ombuds Office notes that BWC has acted on this recommendation. In early 2008 the Bureau authorized a detailed review of the lump sum settlement process, and extensive findings and recommendations were received from an outside consultant in December 2008. The Ombuds Office notes that settlements are a substantial cost for the workers' compensation system, with lump sum settlements to injured workers totaling \$983 million for the five year period from 2004-2008.

A Settlement Enhancement Team, comprised of staff from BWC Legal, I.T. and Claims Management, is evaluating the findings contained in this report, and will be implementing changes in 2009. BWC is planning a multi-step implementation process, first establish improved internal controls and measurements, next determine how best to proactively identify claims for potential lump sum settlements, and finally establish how settlements properly fit into the overall risk and claims life cycles. External stakeholder comments will be solicited in the final stages of this settlement review process. Throughout 2009, the Ombuds Office will monitor the activities of the Settlement Enhancement Team, and report on actions, as warranted.

- *BWC should evaluate potential solutions to the ongoing problem of medical management of out-of-state workers' compensation claims.*
  - Calls continue to be received by the Ombuds Office from injured workers, primarily those on permanent total disability, complaining about the difficulty in getting proper medical care through managed care organizations (MCO), when the injured worker no longer resides in Ohio. Even if the medical treatment has been preauthorized by the MCO, many non-Ohio providers will not honor such approvals, and require up-front payment from the injured worker.

In 2008, the Ombuds Office brought these concerns to the attention of BWC, and the Bureau's Medical Management staff, in conjunction with MCOs, in developing options to address this problem. The Ombuds Office will monitor activities related to this concern and report on actions, as warranted.

## 2008 Administrative Update

Expenditures to operate the Ombuds Office in calendar year 2008 totaled \$584,285. This total includes payroll costs for staff of \$511,644 and operating expenses of \$72,641.

Total payroll costs for 2008 vs. 2007 were up 18%, and this increase was a planned-for budget item, reflecting the July 2008 transfer of two additional staff members from the Bureau's Complaint Handling Unit to the Ombuds Office. In calendar year 2008, a very minimal amount of overtime was paid, \$223.00, incurred during the busy February time period when employer premiums are due, and employer related call volume spikes up.

Operating costs for the Ombuds Office for 2008 declined from \$84,488 in 2007 down to \$72,641 in 2008, reflecting a 14% reduction. The largest operating expenses are for rent, postage, and telephones.

In December 2008 the Ombuds Office implemented the ePowerCenter tracking software. Benefits of this industry standard software will include:

- Improved tracking of individual complaints and inquires
- Improved consistency of information provided to Ombuds Office customers
- Quicker recall history of prior discussions with customers
- Quicker access to injured worker claims data
- Quicker access to employer risk data
- Improved report generating capabilities
- Improved data trend analysis capabilities

## **Marketing of Ombuds Office Services**

Over the last few years, through the end of 2007, the overall volume of complaints and inquiries handled by the Ombuds Office showed a slight but steady decline. Some of this downward trend is attributable to overall lack of awareness and utilization of Ombuds services. In a multi-faceted effort to improve this utilization trend, and increase the volume of customer contacts, the Ombuds Office implemented several marketing efforts in 2008. These included:

### **Printed Material**

The Ombuds Office developed a new and updated capabilities brochure, designed to answer questions and provide information to the major stake-holder groups - employers and injured workers. The brochure was produced and printed at minimal cost by BWC Communications and Office Services staff.

### **Marketing to Industrial Commission**

The Ombuds Office increased the marketing of its services to the Industrial Commission in 2008 in several ways. These included:

- Distributed new Ombuds Office brochure, as described above, in all IC hearing locations, state-wide
- Met first-hand with IC support staff, in IC offices state-wide, to discuss available Ombuds Office services
- Presentation to all IC hearing officers at state-wide training seminar in May 2008
- Enhanced placement of link to Ombuds Office information on IC's Web site, [www.ohioic.com](http://www.ohioic.com)

### **Marketing to Bureau of Workers' Compensation**

The Ombuds Office increased the marketing of its services to the BWC in 2008, in several ways. These included:

- Met first-hand with BWC service office managers and claims staff, to discuss available Ombuds Office services
- Met first-hand with BWC risk staff and employer services specialists, to raise awareness of Ombuds Office services available to Ohio employers
- Met first-hand with Safety & Hygiene Division staff, both at headquarters in Pickerington, and in locations across Ohio, to increase awareness of Ombuds Office services available to Ohio employers
- Met first-hand with BWC business consultants, state-wide, to increase their awareness of Ombuds Office services

- Worked with BWC's 1-800-OHIO-BWC call center staff to increase awareness of Ombuds Office services and to increase referrals
- Enhanced placement of link to Ombuds Office information on BWC's Web site, [www.ohiobwc.com](http://www.ohiobwc.com)

### **Marketing to Ohio Employers**

In 2008 the Ombuds Office increased the marketing and awareness of its services to Ohio employers in several ways. These include:

- Distributed Ombuds Office capabilities brochure to business trade groups for dissemination to their members
- Spoke at special events and/or seminars with target audiences present, including Workers' Compensation Universities
- Ensured that business trade groups Web sites provide a direct link to information on the Ombuds Office
- Provide information on Ombuds Office services to local and regional chambers of commerce and safety councils

### **Marketing to Government Officials**

In 2008 the Ombuds Office increased the marketing and awareness of its services to various Ohio government entities. These include:

- Provided information on the services available through the Ombuds Office to members of the Ohio General Assembly, and their staff, as a resource when handling complaints and inquiries from constituents
- Provided information on Ombuds Office services to call centers and action lines of local government entities, including Ohio cities, counties, and townships

### **Marketing to Labor Groups**

In 2008 the Ombuds Office increased the marketing of its services to Ohio labor groups in several ways. These include:

- Distributed new Ombuds Office capabilities brochure to local unions, across Ohio
- Spoke at labor seminars, including AFL-CIO and UAW
- Provided links to Ombuds Office information on the Web sites of local unions
- Conducted personal meetings with local union stewards, to increase their awareness of the services offered by the Ombuds Office

## 2009 Ombuds Office Opportunities for Improvement

Listed below is a key opportunity for improvement for action in calendar year 2009, by the Ombuds Office. At the request of the Industrial Commission Nominating Council, specific opportunities for improvement for 2009 related to process improvements within Ohio's workers' compensation system are not included in this year's Ombuds Office annual report.

Instead, the Industrial Commission Nominating Council will be embarking on a detailed analysis to determine how the resources of the Ombuds Office can best be utilized for system improvements. Specific opportunities for improvement arising out of this Industrial Commission Nominating Council analysis will be reported, at a future date.

### **Ombuds Office Best Practices**

***Research and compile best-practices of how other Ombuds Offices are structured and function, and how they are used as elements for positive change.***

- This opportunity for improvement will involve multiple processes, first compile data, next to analyze this data, and then determine which elements can be effectively applied to Ohio's system. Information will be compiled from Ombuds offices in both the public and private sectors, across a wide range of industries. This data will be used as a continuous improvement tool, applied to a wide variety of Ombuds Office future opportunities for improvement.

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**Ohio Bureau of Workers' Compensation  
Year-End Statistics**

	FY 2008	FY 2007	FY 2006
<b>State-fund claims filed</b>			
Lost time	18,738	19,487	20,363
Medical only	122,540	133,221	144,828
Occupational disease	1,685	1,793	1,666
Death	236	176	196
Disallowed or dismissed	16,412	17,015	18,179
Total	<u>159,611</u>	<u>171,692</u>	<u>185,232</u>
 Net Allowed Injuries	 143,199	 154,677	 167,053
 Note: Every claim is evaluated at 60 days after filing for purposes of claim type, state fund versus self-insured, combine status and allowance status. Values exclude combined and self-insured claims.			
 <b>Open claims (Per statute)</b>			
Lost time	486,942	532,262	571,532
Medical only	928,549	1,008,281	1,092,836
Total	<u>1,415,491</u>	<u>1,540,543</u>	<u>1,664,368</u>
 <b>Benefits paid</b>			
Medical benefits paid	\$839,466,966	\$788,735,401	\$845,182,432
 Compensation paid			
Wage loss	\$18,351,000	\$19,566,863	\$21,758,719
Temporary total	254,370,076	257,483,825	271,659,951
Temporary partial	69,398	151,507	123,555
Permanent partial	23,812,862	25,871,729	26,668,619
% permanent partial	80,295,738	88,224,580	88,390,515
Lump sum settlement	312,317,176	242,020,469	162,657,161
Lump sum advancement	20,396,760	16,543,090	15,007,602
Permanent total & DWRP	385,273,687	383,661,796	379,697,201
Death	81,991,570	79,870,369	79,350,218
Rehabilitation	40,371,244	37,774,178	36,304,628
Other	7,148,595	10,867,270	7,977,627
Total compensation paid	\$1,224,398,106	\$1,162,035,675	\$1,089,595,795
 Total benefits paid	 <u>\$2,063,865,072</u>	 <u>\$1,950,771,076</u>	 <u>\$1,934,778,227</u>

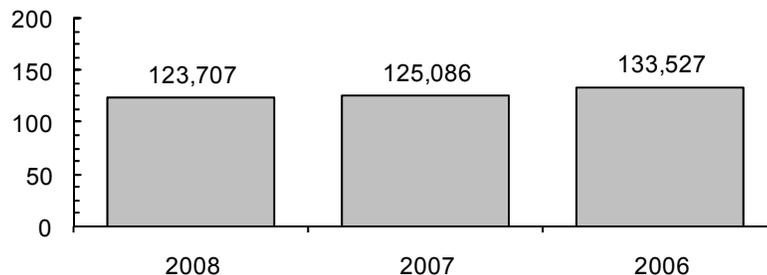
BWC year-end statistics continued

	FY 2008	FY 2007	FY 2006
<b>Fraud statistics</b>			
Fraud dollars identified	\$73,528,436	\$100,019,724	\$90,654,585
Dollars spent to dollars saved ratio	1 to 5.99	1 to 8.33	1 to 7.80
Prosecution referrals	314	301	239
<b>Active employers by type</b>			
Private	264,870	270,499	283,038
Public (local)	3,810	3,783	3,771
Public (state)	125	126	126
Self-insured	1,174	1,139	1,136
Black lung	39	37	36
Marine fund	92	95	91
Total	<u>270,110</u>	<u>275,679</u>	<u>288,198</u>
<b>BWC personnel</b>	2,412	2,542	2,578
<b>IC personnel</b>	486	488	484
<b>MCO fees paid</b>	\$168,327,075	\$173,138,584	\$172,822,429
<b>BWC Combined Funds Financial Data</b> (000s omitted)			
<b>Operating revenues</b>			
Premium and assessment income, net of provision for uncollectibles	\$2,138,402	\$2,395,421	\$2,095,060
Assessment income due to statutory change		1,875,512	
Other Income	22,247	<u>17,703</u>	15,326
Total operating revenues	<u>\$2,160,649</u>	<u>\$4,288,636</u>	<u>\$2,110,386</u>
<b>Non-operating revenues</b>			
Net investment earnings	\$863,380	802,270	658,866
Increase (decrease) in fair value	(143,510)	109,160	104,946
Net investment income (loss)	<u>\$719,870</u>	<u>911,430</u>	<u>763,812</u>
<b>Dividends, rebates and credits</b>			
Dividends and credits	\$-	\$-	\$(8,229)
<b>Total BWC assets</b>	\$22,381,974	\$22,140,786	\$19,537,704
<b>Total net assets (deficit)</b>	\$2,503,289	\$2,305,546	\$(126,621)

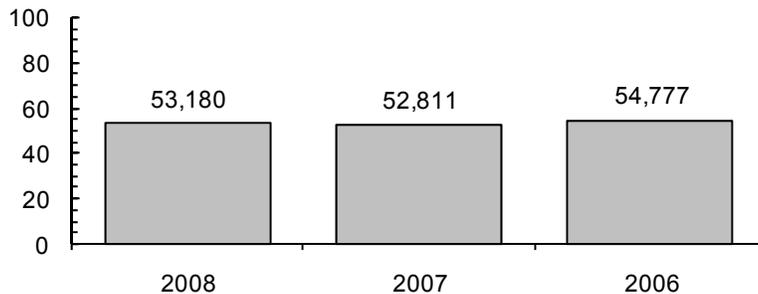
Note: Due to improvements in BWC data capture and reporting systems, prior year data may not agree with amounts previously reported.

## Industrial Commission 2008 Year End Statistics

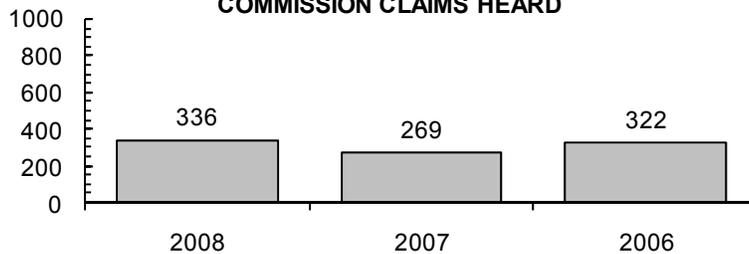
**DHO CLAIMS HEARD**



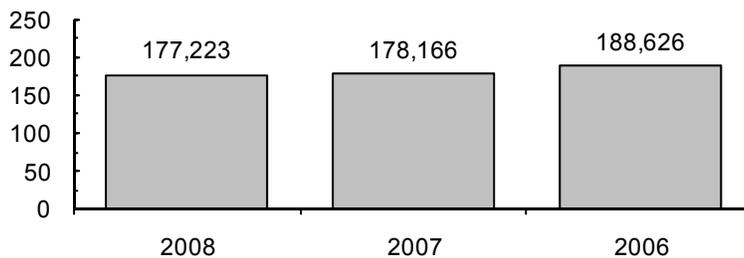
**SHO CLAIMS HEARD**



**COMMISSION CLAIMS HEARD**



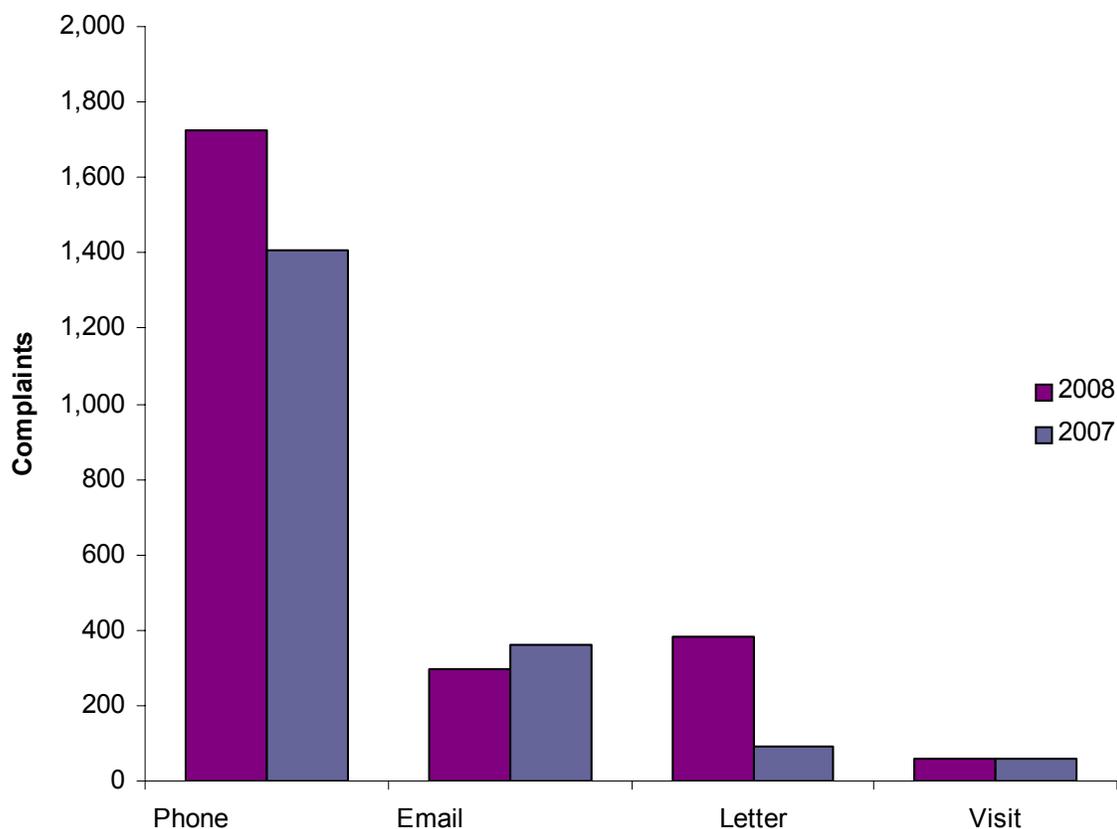
**TOTAL CLAIMS HEARD**



# Statistical Information

## Complaint Type

The Ombuds Office resolved 2,457 complaints during 2008. The complaints were received by the following methods:

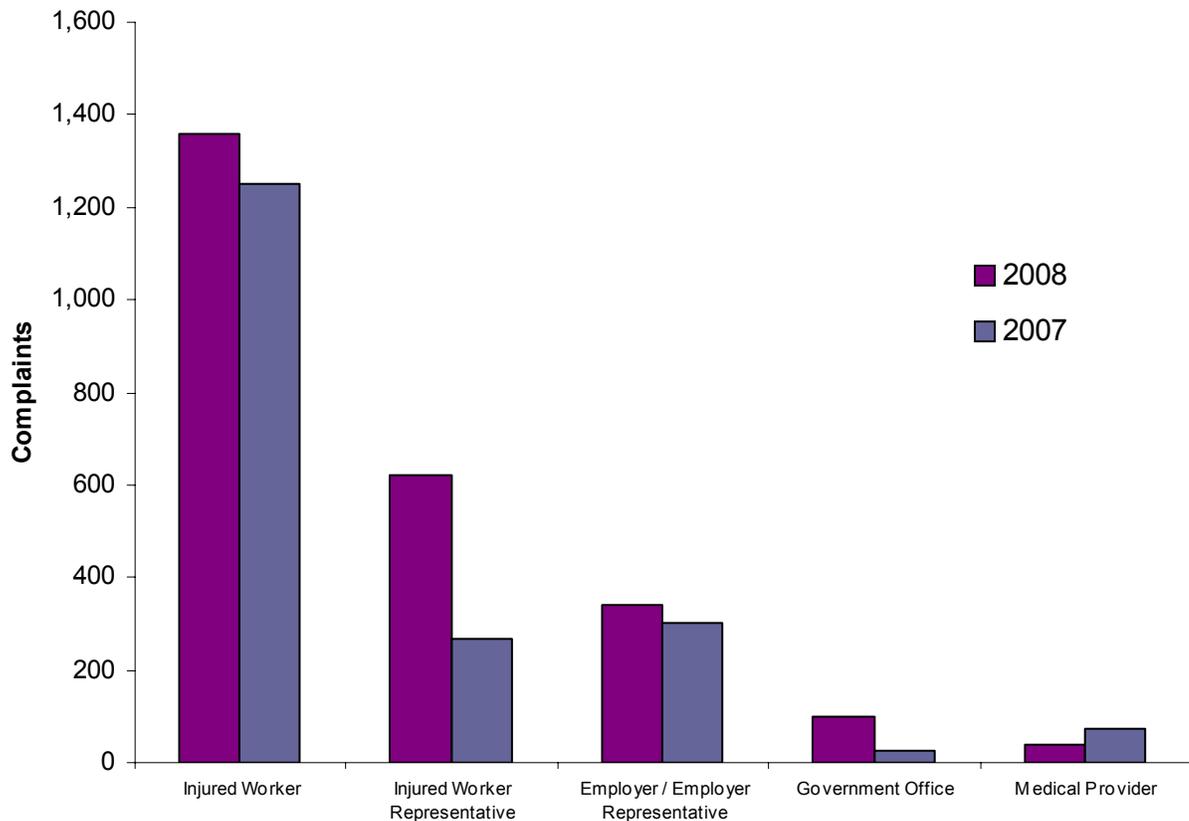


	2008	2007	Percent Change
Phone	1,724	1,406	23%
Letter <sup>1</sup>	381	94	305%
Email	294	361	-19%
Visit	58	60	-3%
<b>Total</b>	<b>2,457</b>	<b>1,921</b>	<b>28%</b>

<sup>1</sup>A large portion of this increase was due to a planned letter writing campaign regarding employer group rating

## Originator Report

Complaints are recorded for the purpose of identifying which group of individuals use the Ombuds Office services. Injured workers and injured worker representatives were accountable for more than 70 percent of our business in 2008.



Originator Type	2008	2007	Percent Change
Injured Worker	1,358	1,251	9%
Employer / Employer Representative	621	266	133%
Injured Worker Representative	342	302	13%
Medical Provider	99	27	267%
Government Office	37	75	-51%
<b>Total</b>	<b>2,457</b>	<b>1,921</b>	<b>28%</b>

## Executive Summary of Complaint Statistics

Charts on the next three pages analyze the volume of complaints received and processed by the Ombuds Office. In calendar year 2008 the Ombuds Office handled 2,457 separate complaints, up 28% from the same period of 2007.

The first chart, *Initial Complaint Report*, shows who or what was initially established by Ombuds Office staff to be the subject of the complaint.

The second chart, *Accountability Report*, identifies who is the party ultimately responsible for the problem. This determination is made by Ombuds Office staff after the complaint has been fully researched.

The third chart, *Complaint Resolution Report*, denotes what the Ombuds Office staff found to be the problem. This determination is made after a complete review and analysis of this complaint has been made, by Ombuds Office staff.

Note that all three of these reports are useful tools in determining trends and identifying areas where the workers' compensation system can be improved. With the Ombuds Office implementing ePowerCenter database software in December 2008, data analysis should be simplified and trends, both positive and negative, should be easier to identify.

## Initial Complaint Report

The codes below are used to describe what the Ombuds Office staff considered to be the problem, when the complaint was initially received.

<b>Complaint Type</b>	<b>2008</b>	<b>2007</b>	<b>Percent Change</b>
Bureau of Workers' Compensation	540	299	81%
Employer Policy Issues	537	190	183%
Compensation	489	571	-14%
Processing Delay	203	222	-9%
Industrial Commission - Hearing Issues	159	152	5%
MCO - Medical Bills Non Payment	116	65	78%
Employer Delay of Claim Processing	106	103	3%
Claim Denied	73	66	11%
Pharmacy Benefits Manager	69	43	60%
MCO - Authorization of Medical Treatment	59	66	-11%
Medical Provider	45	31	45%
Attorney Delay	26	27	-4%
<u>Santos</u> - Subrogation Refund <sup>1</sup>	19	83	-77%
MCO - Locate Medical Provider <sup>2</sup>	13	NA	NA
Injured Worker Attorney Fee Disputes	3	3	0%
<b>Total</b>	<b>2,457</b>	<b>1,921</b>	<b>28%</b>

<sup>1</sup>Class action lawsuit settled in 2006

<sup>2</sup>New category added in 2008, with less than twelve months of tracking

## Accountability Report

This chart identifies the area that the Ombuds Office staff found to be responsible, for the complaint, after investigation.

<b>Accountability</b>	<b>2008</b>	<b>2007</b>	<b>Percent Change</b>
Injured Worker	749	688	9%
Employer	683	281	143%
Bureau of Workers' Compensation	605	533	14%
Medical Provider	175	140	25%
Injured Worker Representative	74	71	4%
Industrial Commission	71	89	-20%
Managed Care Organization	53	47	13%
Employer Representative	23	29	-21%
Pharmacy Benefits Manager	9	3	200%
Government Office	9	8	13%
U. S. Post Office	5	14	-64%
Financial Institution	1	18	-94%
<b>Total</b>	<b>2,457</b>	<b>1,921</b>	<b>28%</b>

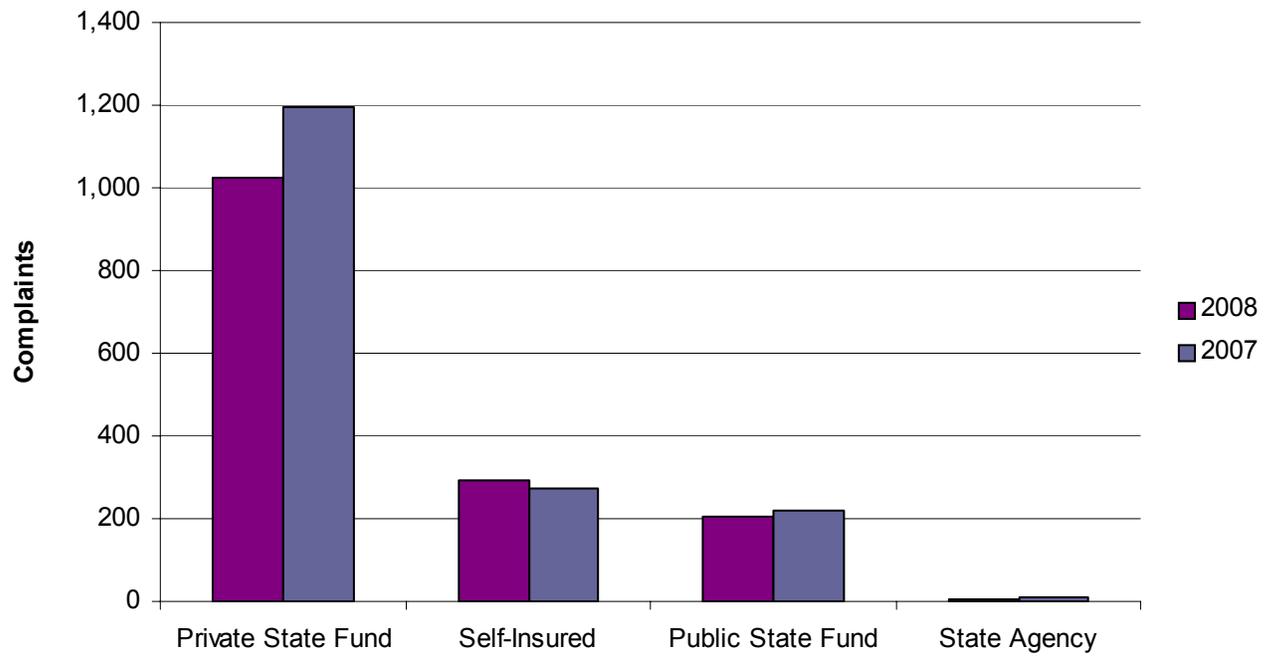
## Complaint Resolution Report

This chart denotes what the Ombuds Office staff found to be the problem, after investigating the complaint.

<b>Resolution</b>	<b>2008</b>	<b>2007</b>	<b>Percent Change</b>
Unjustified Complaint	600	300	100%
Claims Representative / Information	478	311	54%
Claims Representative / Clerical Error	306	340	-10%
Appeals	221	254	-13%
Information Missing	174	168	4%
Employer Error	149	75	99%
Treatment / Bills Denied	106	77	38%
Policy Services Error	77	36	114%
Medical Exam / Review Required	55	52	6%
Injured Worker	49	63	-22%
Provider Error	47	33	42%
Wanted Claim Expedited	43	71	-39%
Claim Disallowed	30	14	114%
Employer Representative Error	27	19	42%
Unresponsiveness by BWC claims staff	27	23	17%
New Claim Status	17	19	-11%
Warrant Returned / Reissued	15	13	15%
Overpaid	8	6	33%
Hearing Problems	6	13	-54%
Injured Worker Out of State	6	2	200%
Claim Settled	5	4	25%
Claim Inactive	4	5	-20%
Statute of Limitations	4	12	-67%
Warrant Lost or Stolen	3	11	-73%
<b>Total</b>	<b>2,457</b>	<b>1,921</b>	<b>28%</b>

## Complaint by Claim Type

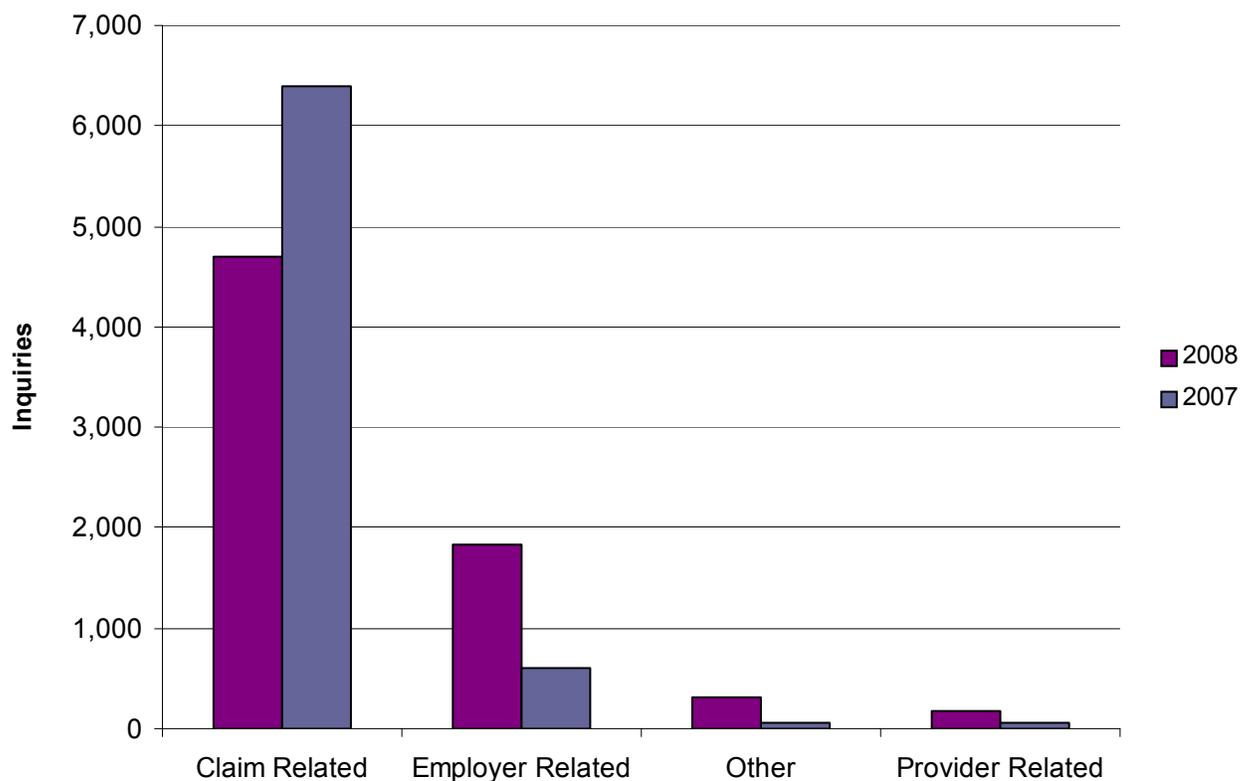
The data and chart below provide information on the type of claim, giving rise to the initial complaint.



Claim Type	2008	2007	Percent Change
Private State-Fund			
Lost Time	781	957	-18%
Medical Only	245	238	3%
<b>Total</b>	<b>1,026</b>	<b>1,195</b>	<b>-14%</b>
Self-Insured			
Lost Time	185	188	-2%
Medical Only	108	87	24%
<b>Total</b>	<b>293</b>	<b>275</b>	<b>7%</b>
Public State-Fund			
Lost Time	145	159	-9%
Medical Only	58	61	-5%
<b>Total</b>	<b>203</b>	<b>220</b>	<b>-8%</b>
State Agency			
Lost Time	4	9	-56%
Medical Only	2	0	200%
<b>Total</b>	<b>6</b>	<b>9</b>	<b>-33%</b>
<b>Grand Total</b>	<b>1,528</b>	<b>1,699</b>	<b>-10%</b>

## General Inquiries

This data and chart below provide information on the various types of general inquiries, that are not categorized as complaints.

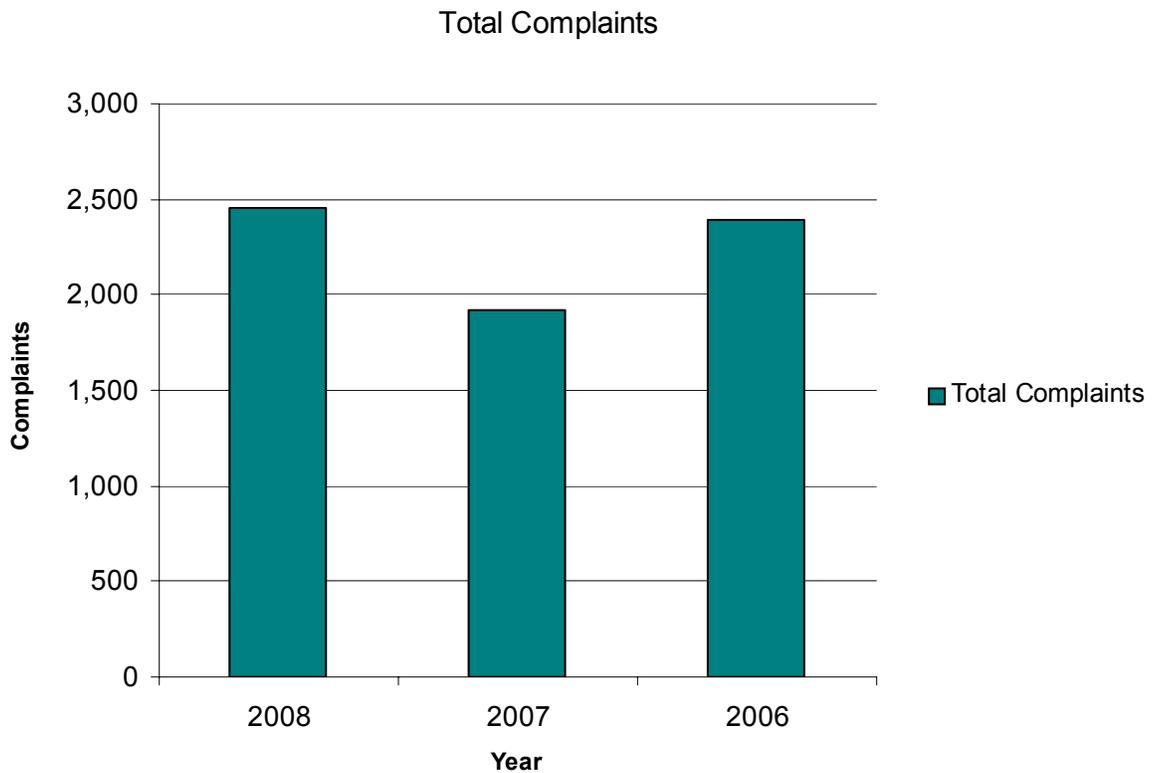


General Inquiries	2008	2007	Percent Change
Claim Related	4,691	6,403	-27%
Employer Related	1,841	609	202%
Other <sup>1</sup>	318	62	413%
Provider Related	170	50	240%
<b>Total</b>	<b>7,020</b>	<b>7,124</b>	<b>-1%</b>

<sup>1</sup>Primarily calls related to other government benefits.

## Ombuds Office Complaint History

This chart shows the recent trend of total complaint volume, handled by the Ombuds Office.



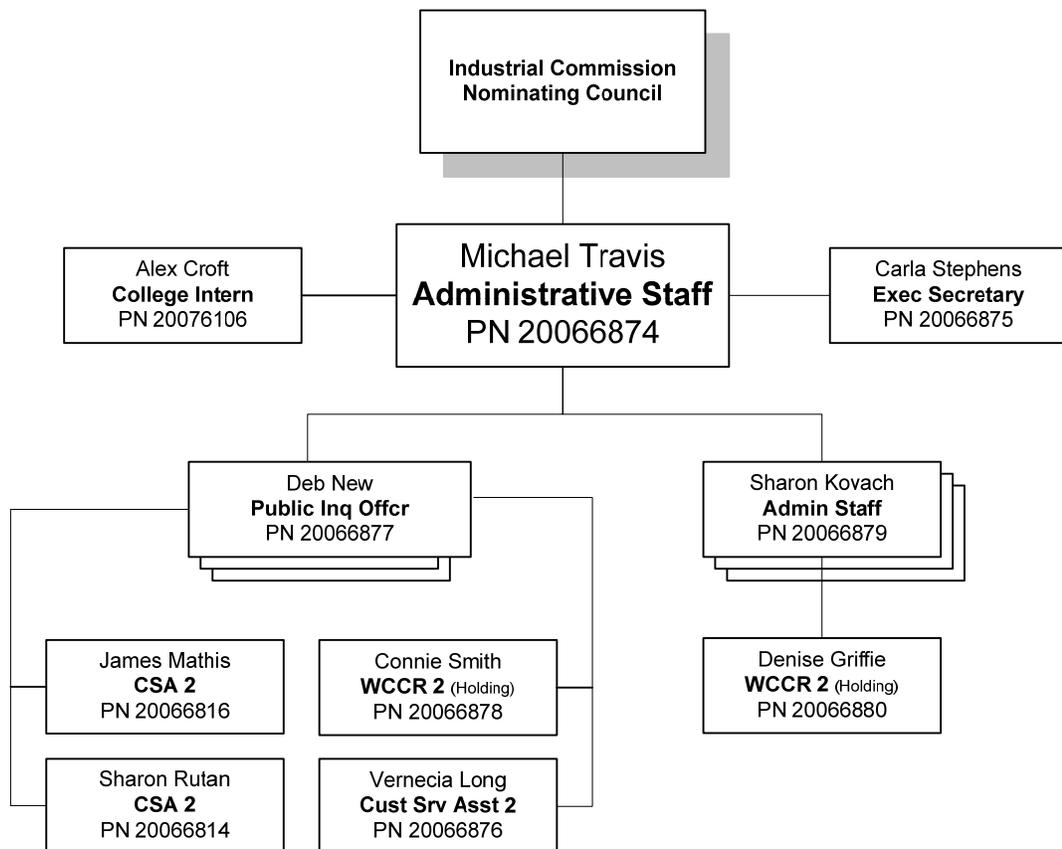
	<u>2008</u>	<u>2007</u>	<u>2006</u>
<b>Total Complaints</b>	<b>2,457</b>	<b>1,921</b>	<b>2,395</b>

**BWC OMBUDS OFFICE EXPENDITURE REPORT - CALENDAR YEAR 2008**

OBJECT CLASS	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.	TOTAL EXPENSES
10 Payroll	35,412	36,046	34,141	33,186	53,428	17,828	56,968	40,340	41,055	45,782	69,646	46,624	510,456
10 Overtime Paid	0	209	0	0	0	0	0	0	0	0	14	0	223
13 Personal Service	0	0	0	0	0	0	0	0	149	0	0	79	228
15 Other P.S.	0	278	78	100	0	0	182	0	0	99	0	0	737
<b>Total 100</b>	<b>35,412</b>	<b>36,533</b>	<b>34,219</b>	<b>33,286</b>	<b>53,428</b>	<b>17,828</b>	<b>57,150</b>	<b>40,340</b>	<b>41,204</b>	<b>45,881</b>	<b>69,660</b>	<b>46,703</b>	<b>511,644</b>
20 Edible Products	0	0	0	0	0	0	0	0	0	0	0	0	0
21 Supplies	112	0	0	0	0	7	0	20	0	0	31	0	170
21I INTRNL SUPPLIES	36	7	6	69	223	249	28	30	113	47	73	277	1,158
22 Vehicle Maintenance	0	0	0	0	0	0	0	0	0	0	0	0	0
22I INTRNL VEHICLE	0	83	88	0	87	192	88	81	83	815	249	0	1,766
23 Travel Fees	0	0	0	0	0	0	0	0	0	0	0	0	0
24 Communications	124	127	7	235	(6,059)	114	114	41	228	233	0	244	(4,592)
24I INTRNL COMM	509	2,169	(4,091)	667	561	953	670	954	33	590	895	627	4,537
25 Fuel/Utilities	0	0	960	0	0	1,170	0	0	647	0	0	1,213	3,990
26 Maintenance	0	0	2,181	0	0	883	0	0	7	0	0	3,206	6,277
27 Rentals	0	0	44,885	0	0	2,284	0	0	5,257	0	0	0	52,426
28 Printing/Advertising	0	0	0	80	0	0	0	0	0	0	0	0	80
28I INTRNL PRT/ADV	84	224	11	139	1,147	223	54	312	83	205	108	42	2,632
29 General/Other	336	561	389	0	527	244	247	342	311	308	317	615	4,197
29I GENERAL	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total 200</b>	<b>1,201</b>	<b>3,171</b>	<b>44,436</b>	<b>1,190</b>	<b>(3,514)</b>	<b>6,319</b>	<b>1,201</b>	<b>1,780</b>	<b>6,762</b>	<b>2,198</b>	<b>1,673</b>	<b>6,224</b>	<b>72,641</b>
30 Food Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
31 Office Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
32 Motor Vehicles	0	0	0	0	0	0	0	0	0	0	0	0	0
33 Construction	0	0	0	0	0	0	0	0	0	0	0	0	0
34 Communications Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
35 Medical/Lab Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
36 Educational/Rec Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
37 Data Processing Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
37I INTRNL DP EQP	0	0	0	0	0	0	0	0	0	0	0	0	0
38 Copy/Print Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
39 Other Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total 300</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Grand Total</b>	<b>36,613</b>	<b>39,704</b>	<b>78,655</b>	<b>34,476</b>	<b>49,914</b>	<b>24,147</b>	<b>58,351</b>	<b>42,120</b>	<b>47,966</b>	<b>48,079</b>	<b>71,333</b>	<b>52,927</b>	<b>584,285</b>

Note: Mass Allocations included in March, June, September, and December.

## OMBUDS OFFICE TABLE OF ORGANIZATION



**Industrial Commission Nominating Council**  
Roster current as of March 10, 2009

**Employer Representatives:**

**Eric Burkland \***  
Ohio Manufacturers Association

**Andrew E. Doehrel**  
Ohio Chamber of Commerce

**Catherine Duhigg**  
Eaton Corporation

**John C. Mahaney, Jr.**  
Ohio Council of Retail Merchants

**Public Members:**

**Carol A. Caruso**  
Greater Cleveland Partnership

**Mark Sanders**  
Ohio Association of  
Professional Firefighters

**Labor Representatives:**

**Peggy Griffith \*\*\***  
C.W.A. Local 4302

**David Prentice\*\***  
United Steelworkers

**Tim Burga**  
Ohio AFL-CIO

**JoAnn Johntony**  
Ohio Association of Public  
School Employees Union

\*Chairperson  
\*\* Vice Chairperson  
\*\*\*Secretary