

Future of Workers' Compensation



Why a Forum?

- We want to hear from you!
- Collaboration
 - brings more ideas to the table, and
 - improves the chances that positive change will happen and be sustainable.

We Want Your Ideas and Opinions!

To Text Questions:

- “Dial” **22333**
- Type **TNWCCONF**, then type your question.
- IMPORTANT:
 - You are only allowed 145 characters.
 - Be brief
 - But, make sure we can understand your question.
 - Depending on your rate plan, standard texting charges may apply

Topic 1: Where Did We Want to Go in 2013?

- Adjudication/Court
 - **For Employees**—More timely litigation process
 - **For Employers**—More predictability/consistency in opinions from court
 - **For Both**—Fair and impartial judges who only conduct workers' compensation cases
- Medical Care
 - **For Employees**—More rapid access to **quality** medical care
 - **For Employers**—More employer control/involvement, effective medical care
 - **For Both**—Less opioid use, the right care at the right time
- Lower Costs
 - **For Both**—Workers' compensation is seen as a positive for companies considering coming to TN or expanding in TN so there will be more jobs
- Overall
 - **For Both**—Responsible program that is **fair to employees and employers**

Are We There Yet – Adjudication/Court?

- New Workers' Compensation Court
 - 83% cases completed in < 60 days
 - 30 days from scheduling of expedited hearing to decision
 - Orders are consistently in compliance with law
- Workers' Compensation Board of Appeals
 - Appeals are resolved faster (typically < 5 days)

How do you think it is going for Employees and Employers?
What do you think can **improve** the WC court system?

Are We There Yet -Assistance for Employees?

- Almost **70%** of in-person mediations result in agreement
- 62% of telephonic mediations result in agreement
- Over 4,000 contacts with the Ombudsman program in first year
- Resources for unrepresented parties were developed and made available to parties

- What can improve the assistance we provide?
- How can employers communicate better with employees about the workers' compensation system?
- Should the bureau encourage employers to keep an injured worker on the payroll so payroll deductions can continue?

Are We There Yet - Improved Medical Care?

- Treatment Guidelines for best medical practices
- Legislative clarity: causation, presumption of correctness of ATP opinion, ability to receive medical records
- Case manager certification to ensure effective practices
- Shortened time for UR appeals

How do you think it's going?

- What can be done to improve medical outcomes; to identify the most effective doctors?
- *Is Pay for Performance* an option for WC medical providers?

Lower Costs - Are We There Yet?

- PPD benefits are lower
- Closed formulary projected to save \$24 M/year
- New causation definition will reduce # of compensable claims
- New standard of “fair and impartial” construction
- 21.05% reduction in loss costs in last 2 years, further reductions are expected

Are you seeing lower costs? In what areas are you seeing lower costs? How can the system be more cost effective?

New Frontiers – Do We Want to Go There?

- What can we do to reduce # of accidents?
- How can we provide training for workers if they cannot return to their job?
- How do we change the focus from disability to recovery?
- What can we do to increase employer education and involvement?

The Grand Bargain: Is it Over?

- *ProPublica* alleges benefits have been reduced so much that exclusive remedy is no longer justified
- Some employers say that states should authorize an alternative to Workers' Compensation that includes exclusive remedy and eliminates state regulation
- What is the best balance between differing perspectives?
- Is workers' compensation a right or a benefit like group health?
- Who should pay for the cost of injuries caused by employment?

Additional Questions/Topics

- Is 30 days the “right” requirement for notice? Plan sponsors of the new option in OK frequently require notice in 24 hours.
- Should degenerative problems be covered as a compensable injury?
- Should benefits for temporary total disability start sooner than the 8th day?

The Importance of Your Ideas!

- This forum is not just about today
- We want to continue to hear from you
- Send additional comments to: wc.info@tn.gov

And In Conclusion...

THANK YOU!

Working together we can make more improvements to Tennessee's workers' compensation system.