



Missouri

Division of Workers' Compensation

Developments at the DWC

MSIA Conference

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MISSOURI

Department of Labor & Industrial Relations Division of Workers' Compensation

2021 Version 1.0



MISSOURI DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS

DEPARTMENT ASPIRATION

We will promote economic vitality, safety, and fairness
for Missouri's businesses and workers.

DEPARTMENT THEMES

Growth
Foster a business environment to
support economic development

Safety
Prevent injuries and
save lives on the job

Opportunity
Invest in our workforce
for today and tomorrow

DIVISION VISION

To be a responsive partner as we promote
growth, safety and opportunity for workers and businesses.

DIVISION MISSION

We promote growth, safety and opportunity
by making sure injured workers get the benefits they are entitled to.



First Report of Injury - Volume

| Year | Total Claims | COVID 19 Claims | % COVID 19 | Change Compared to 2019 Volume |
|------|--------------|-----------------|------------|--------------------------------|
| 2021 | 67,960 | 4,623 | 6.8% | -6.7% |
| 2020 | 90,973 | 10,173 | 11.2% | -11.5% |
| 2019 | 102,818 | - | - | - |

Missouri Labor

labor.mo.gov/injured-workers

Putting Safety First

GENERAL SAFETY PRACTICES FOR OPERATING A CHAINSAW

PROTECTING YOURSELF AND OTHERS

1. Always use proper cutting techniques. Do not cut back, kick, or cut across the grain. Do not cut into the ground. Do not cut into the trunk of a tree. Do not cut into a limb or branch that is not supported by the trunk. Do not cut into a limb or branch that is not supported by the trunk. Do not cut into a limb or branch that is not supported by the trunk.

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SAFER TOGETHER

GET THE INFORMATION AND RESOURCES YOU NEED TO HAVE A SAFER AND HEALTHIER WORKPLACE

SAFEATWORK.MO.GOV

Process for Injured Workers

Report Your Injury

Get Medical Care

Benefits Available

Resolve Your Case (Claim)

Appealing the Decision

Report your injury immediately to your employer or supervisor. Failure to report your injury to your employer within 30 days may jeopardize your ability to receive workers' compensation benefits.

The employer or insurer is required to provide the medical treatment and care to cure and relieve the employee from the effects of the injury.

In addition to medical benefits, an employee may be entitled to **temporary total disability benefits** and **permanent partial** or **permanent total disability benefits**.

If you believe that you have not received all benefits due to you and you have contacted your employer or the insurance company and the problem still has not been resolved, you may wish to review your options.

Once an employee has gone through the hearing process and an administrative law judge has issued an award, the employee has the right to file an application for review with the **Labor and Industrial Relations Commission** within 20 days of the date of the award.

Call Us Toll Free: 800-775-2667

Email Us: workerscomp@labor.mo.gov

Send Mail To:

Division of Workers' Compensation

3315 W. Truman Blvd.

P.O. Box 58

Jefferson City, MO 65102-0058

Helpful Links

Report Fraud

Disability Schedule

Workers' Compensation Laws

2014 Changes to the Missouri Workers' Compensation Law

Workers' Comp Rules & Regulations

Workers' Comp State Average Weekly Wage

Update/Change of Address

Frequently Asked Questions

Customer Service Unit

- Toll-free: #800-775-2667
- Answered 8:00-5:00 every week day
- Injured workers, employers, lawyers, and anyone with a question about workers' compensation



Injury Processing Unit



- First Report of Injury (FROI)
- Claim for Compensation
- Answer to Claim for Compensation
- Lost time report
- Medical report
- Other documents and correspondence
- Processed through Box.com

Dispute Management Unit

Confidential

Informal

Voluntary

Meeting to help
resolution workers'
compensation disputes

For more information
contact

Dispute Management
Unit

800-775-2667



Fraud & Noncompliance Unit

- Investigates alleged noncompliance by employers
- Failure to carry workers' compensation insurance when required to by law
- Failure to post notice of workers' compensation information at the workplace



Fraud & Noncompliance Unit

- Investigates alleged fraud by injured workers, employers, lawyers, insurers, and physicians
- Knowingly provide false information to related to or interfering with a case or benefit



Fraud & Noncompliance Unit

- Emphasis on education and awareness
- Appropriate cases of fraud and noncompliance are referred to the Missouri Attorney General's Office for prosecution
- Toll-free: #800-592-6003 to report

Adjudication



- Cases can be resolved by settlement or hearing
- Timing of settings before Judges are driven by medical treatment, return to work, adjusters, employers, attorneys

Adjudication

The DWC has 8 adjudication offices:

- Central Office - Jefferson City
- East - St. Louis, St. Charles, Cape Girardeau
- West - St. Joseph, Kansas City, Springfield and Joplin



Adjudication

- Courtrooms are updated for virtual settings
- Hybrid settings allow for in-person and video appearance simultaneously



Adjudication

Once an Administrative Law Judge issues an award it can be appealed:

- Labor and Industrial Relations Commission
- Missouri Court of Appeals
- Missouri Supreme Court

Second Injury Fund

SHARED RISK POOL

- MO State Treasurer is the Custodian
- MO Attorney General's Office
represents the Fund in litigation

Second Injury Fund



- Bills and collects the annual and supplemental surcharges from insurance carriers and self-insurers
- Pays benefits when cases are settled or awards issued
- Ensures SIF benefit recipients continue to qualify for weekly benefits when awarded

Additional Programs Administered

Line of Duty Compensation

Physical Rehabilitation

Medical Fee Disputes

Tort Victims Compensation Fund

- Johnson & Johnson



Missouri Workers' Safety Program
<https://labor.mo.gov/safe-at-work>

Workplace Industry Data and Statistics

Toolbox Talks

OSHA Resources

Videos

Newsletter

Safety Programs

We are here to help and can customize services to help you stay safe at work.



**Helps identify and correct
workplace hazards**

**Reduces workers' compensation
insurance costs**

No fines or penalties are assessed

**Consultations are confidential and
controlled by the employer**

No cost



**Ensures insurance carriers provide
individualized safety assistance
when requested**

**Maintains a list of certified safety
consultants that offer independent
services**

**Helps develop a safety and health
management program**

No cost



**Assists miners in implementing
safe and healthy work habits**

**Offers customized consultation
and implementation services**

**Provides specialized trainings,
including safety and health, first
aid, substance abuse, mine rescue
and more**

No cost

Self Insurance Department reviews:

- Self Insurance Applications
- Changes, increases and reductions in Security
- Release Requests
- Surety Company Changes
- Calls in Security
- Excess Carrier Policy and Endorsements Impacting Coverage

Self Insurance Privilege

Determining Factors under 8 CSR 50-3.010 (3)(I)(1).

- A. Profitability, efficiency, solvency and liquidity ratios;
- B. Profit and loss history;
- C. Organizational structure and management background;
- D. Workers' compensation loss history;
- E. Source and reliability of financial information;
- F. Ratio of tangible net worth to annual workers' compensation premium;
- G. Number of employees;
- H. Excess insurance coverage;
- I. Guarantee by parent company;
- J. Surety bond or other security;
- K. Claims administration;
- L. Safety program;
- M. Experience modification factor; and
- N. Other relevant factors as determined by the division.

Self Insurance Annual Reports

ANNUAL
REPORT



- Reports are due within ninety (90) days of the end of the calendar year.
- All reports should be on forms provided by the Division.
- Separate reports are required for each legal entity for which there is a separate self-insurance authority.
- All reports will be analyzed to determine if additional security is required.

Self Insurance Required Notices

- The employer should notify the Division at least thirty (30) days PRIOR to any of the following:
 - Change in ownership or employer's address
 - Change in operations to include new locations, locations which have been closed, or a significant change in the number of employees at a current location
 - Change in service company to include Third Party Administrator or broker
 - Security
 - Any other change that affects the employer's self-insurance status.
- Excess Insurance coverage cannot be canceled or non-renewed unless a sixty (60) day notice is given to the Division and the other party to the policy.

Group Trusts

Reporting Requirements & Quarterly Submissions

The group trust shall notify the Division at least 30 days prior to any change in ownership, officers, trustees, operations, service company, address, security, or any other change that affects the group trust's self-insurance status.

If a member of the group trust changes address or ownership, the group trust shall notify the Division within 30 days of the change.

Quarterly Loss Runs

Quarterly Unaudited financial statements

Group Trusts Annual Reports

- Audited Financials - due 150 days after the end of the fiscal year
- Rate filings – due prior to inception
- Actuarial report
- Proof of Insurance
- Annual Report - due 150 days after end of calendar year



Self Insurance Audits

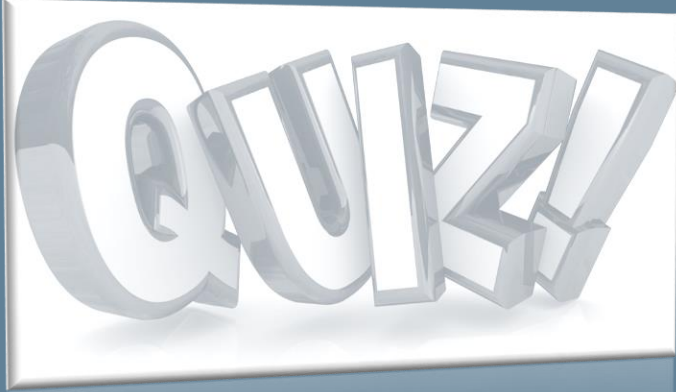
8 CSR 50-3.010 Rules Governing Self-Insurance, The division shall have the authority to conduct audits relating to safety, claims and any other audits deemed necessary and appropriate as determined by the division.

Audit Types:

Complaint Audits

Reserve Audits

Compliance Audits



Quality Quiz

When are FROI due?

30 days and best in practice is 10 days of employers first notice of injury beyond first aid

Form 2 Commencement is due?

30 days

Form 2 Termination is due?

10 days

When should the Medical Treatment Form be filed?

After first and last medical treatment. (We really don't want 100 pages of medical!)

How many days for the Claim for Comp to be filed?

30 days

When should TTD be paid?

Indemnity benefits should be paid as the employee was paid prior to the injury but at no more than 2 week intervals

Quality Quiz

File Management includes the files, notes, claims system and financials. Separate files must be maintained for each individual injury – NEW COMBINING INJURY NUMBER FORM!

Current status, well organized, updated regularly

All files should have?

Thorough investigation, Compensability Decision, Ultimate Probable reserves, effective Plan of Action and

What time frame should medical bills be paid?

30 days

Medical Management should include:

Diagnosis, treatment plan, work status; release dates (return to work and treatment) and PPD ratings.

Documentation needs to support case closure



Division of Workers' Compensation Resources

Want a refresher for your staff ?

Work Comp 101 PowerPoint

Division's Best in Practice Guidelines

Workers' Compensation Educational Seminar



Division of Workers' Compensation Contacts

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Fraud & Non-Compliance Unit

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To sign up for Box.com, please contact
ElectronicFiling@labor.mo.gov or 573-526-4943

Website: <https://labor.mo.gov/dwc>
Toll Free: 800-775-2667