



Blueprint for Workers Comp Cost Containment

Table of Contents

Blueprint for Workers Comp Cost Containment (2nd edition)

- Acknowledgments
- About the Author
- Topical Index
- Chapter 1: Introduction
- Chapter 2: Designing Your Insurance Program
 - First Step: Establish Clear Goals
 - Retention%2FLimits, Control, Administration
 - Second Step: Select a Program Structured to Your Goals
 - Guaranteed Cost Insurance
 - Self-Insurance
 - Retrospectively Rated Programs
 - High Deductible Programs
 - Program Summary Chart
 - Comparing Program Cost
 - Estimating Self-Insurance Cost
- Chapter 3: Understanding Reserves and Estimating Losses
 - Developing a Formula
 - Understanding Claim Reserves
 - Reserve Realities
 - Managing Reserves
 - Estimating IBNR
 - Using Loss Development Triangles
- Chapter 4: Integrated Disability Management
 - Advantages of Integrated Disability Management
 - A Pricing Advantage
 - More Efficient Administration
 - Improved Benefit Delivery
 - Systems
 - Disadvantages of Integrated Disability Management
 - Accuracy Sacrificed for Speed
 - Successful Program May Deteriorate
 - How Integrated Is the Program?
 - Administration May Be Increased at First
 - Is Your Company a Candidate for Integrated Disability Management?

- Chapter 5: Finding a Claims Management Partner
 - Writing a Request for Proposal
 - First Section: Data
 - Second Section: Philosophy
 - Third Section: Service Expectations
 - Prescription Drug Program
 - Diagnostic Testing and Physical Therapy Networks
 - Reviewing Request For Proposal Responses
 - Interviews
- Chapter 6: Understanding Claim Service Pricing
 - Per-Claim Pricing Options
 - Administrative Costs
 - Hidden Costs
 - The Claim Pricing Model
- Chapter 7: Managing the Partnership with Your Claims Adjusters
 - Compliance versus Ownership
 - The Adjuster's Perspective
 - Tools for Managing the Adjuster Partnership
 - Claim Service Directive
 - Performance Guarantees
 - Claim Audits
 - Claim Reviews
- Chapter 8: Using Performance Measurement and Cost Allocation
 - The Fundamental Principles of Performance Management and Allocation
 - Developing Performance Information for Senior Managers
 - Developing Safety Data for Management
 - Developing Cost Data
 - The Cost-Per-Unit-Produced Analysis
 - Using the Data from Management's Perspective
 - Cost Allocation
 - A Personal Perspective for Safety and Claims Managers
- Chapter 9: Managing Insurance Information
 - Change Employer Perspective on a Risk Management Information System
 - Data Consolidation and Management
 - Distributed Access and Reporting
 - Claim Reporting
 - HR System Integration
 - Data Quality
 - Incident Reporting
 - Exception Notices
 - OSHA Record Keeping
 - Claim Management System

- Incident Management and Escalation
 - Exposure Data
 - System Administration
- Chapter 10: Determining When Claims Are Covered
 - Evaluating the Impact of High-Cost Claims
 - The Culture of Abuse
 - The Five-Step Test of Compensability
 - Did the Employee Suffer an Injury or Illness?
 - Ergonomic Studies
 - Did the Injury Arise in the Course of Employment?
 - Did the Injury Arise Out of Employment?
 - Has the Employee Suffered Impairment?
 - Has the Employee Had a Wage Loss Due to a Work-Related Injury?
- Chapter 11: Recognizing and Responding to Different Claim Types
 - Fraudulent Claims
 - Identifying Characteristics of Fraudulent Claims
 - Control Measures for Fraudulent Claims
 - Malingering
 - Identifying Characteristics of Malingering
 - Control Measures for Malingering
 - Subconscious Malingering
 - Identifying Characteristics of Subconscious Malingering
 - Subconscious Malingering Control Measures
- Chapter 12: Effective Employee Communications
 - Developing a Communication Process
 - Who Are the Target Audiences?
 - Communicating with the Hourly Work Force about Workers Compensation
 - Communication after an Injury
- Chapter 13: Managing the Medical Component of Workers Compensation
 - The Medical-Legal Aspect of Workers Compensation
 - Providing the Best Medical Care
 - Quality of Care
 - Rapport
 - Accessibility
 - Conservative Yet Fair
 - Questions To Ask
 - Referrals
 - Frequent Contact
 - Case Management
 - Managing Managed Care
 - Choose the Nurse
 - Control Assignments

- Use the Least Costly Method
 - Utilization Review
 - Bill Repricing
 - Duplicate Detection
 - Fee Schedule Reductions
 - R&C Reductions
 - Network Savings
 - Program Savings
 - Maximizing Bill Review Savings
 - Prescription Management
 - Durable Medical Equipment
 - Service Networks
 - On-Site Clinics
- Chapter 14: Making Independent Medical Evaluations More Valuable
 - Factors in Achieving Independent Medical Evaluation Goals
 - When To Do an Independent Medical Evaluation
 - Who To Use: Selecting an Independent Medical Evaluator
 - Preparing Independent Medical Examiners
 - History
 - Medical Records and Diagnostic Test Results
 - Scope of Examination
 - The Specific Questions To Be Answered
 - Postexam, Prereport Discussion
 - The Best Ways To Analyze an Independent Medical Evaluation
 - Limitations on Independent Medical Evaluations--Practical and Legal
 - How To Read Medical Reports
 - Sections of Medical Reports
- Chapter 15: Coordinating State%2FFederal Programs with Workers Compensation
 - COBRA: Fast Facts on Compliance
 - Managing Work-Related FMLA Leaves
 - Preparation
 - The Importance of Record Keeping
 - How the FMLA Works
 - ADA Overview
 - Steps for Ensuring ADA Compliance
 - Coordinating the ADA with Workers Compensation
 - Attorney Advice
- Chapter 16: Writing a Leave of Absence Policy
 - Important Elements of a Leave of Absence Policy
 - Practical Application of Leave Policies
- Chapter 17: Defending Mental Injury Claims
 - Compensability Questions

- What Constitutes an Injury?
 - What Causes of Psychiatric Claims Are Recognized?
 - What Is the Standard of Proof for Work Exposures?
 - What Is the Standard for Causation?
 - Preparing a Defense
 - Gather Background Information
 - Make Sure Your Lawyer Is Up to the Task
 - Schedule the Defense Medical Evaluation
 - Evaluate Periodically
- Chapter 18: Designing an Effective Return-to-Work Program
 - Return-to-Work Goals
 - When Alternate Duty Is Not Appropriate
 - Developing a Process That Will Work for Your Company
 - Keeping It Simple
 - Following the Injury Report
 - Disciplining Employees Who Refuse Alternate-Duty Assignments
- Chapter 19: The First 48 Hours after an Injury
 - Step 1: The Injury Report
 - Step 2: Referral for Medical Care
 - Step 3: Initial Contact with the Medical Provider
 - Step 4: Preliminary Investigation
 - Step 5: The Initial Compensability Determination
 - Step 6: Postexamination Interview
 - Step 7: Return to Work
 - Step 8: Claim Submission
 - Conclusion
- Chapter 20: Managing Litigation to Win Cases
 - Avoiding Litigation
 - Return to Work
 - Communication
 - Pay All Benefits That Are Due
 - Resist Paying a Premium to Employees Because They Are Represented
 - Selecting a Workers Compensation Defense Attorney
 - Controlling Legal Costs
 - Effectively Managing Litigation
 - Assessing Your Program
 - Improving Your Program
- Chapter 21: Successfully Defending Occupational Disease Claims
 - Three Elements of an Occupational Disease Claim
 - Diagnosis
 - Exposure
 - Scientific Link

- Key Provisions of Occupational Disease Statutes
 - Causation
 - Standard of Proof
 - Apportionment
- Using Medical Histories To Distinguish Aggravation from Exacerbation
- Tying It All Together
- Chapter 22: Getting Results from Vocational Rehabilitation
 - The Vocational Rehabilitation Process
 - Keeping Control of the Process
 - Vocational Rehabilitation Incentives
 - Why and When To Use It
 - Starting Early Is Important
 - Putting It All Together
 - Step 1: Select a Competent Counselor
 - Step 2: Assign the First Task to the Counselor
 - Step 3: Review the Rehabilitation Plan and Discuss It with the Counselor
 - Step 4: Establish Reporting Guidelines and Monitor Progress
- Chapter 23: Controlling the Cost of Permanent Partial Disability Awards
 - The Permanent Partial Disability Process
 - Impairment versus Disability
 - Illogical Conclusions from the Disability Rating Process
 - Public Policy Issues
 - How Permanent Partial Disability Leads to Litigation
 - How To Manage Permanent Partial Disability To Avoid Litigation
 - Communicate with Employee before Permanent Partial Disability Awards
 - Steps After Employees Qualify for Permanent Partial Disability
 - How the Voluntary Process Works
 - Settling Medical Benefits
- Chapter 24: Using Private Investigators to Limit Fraudulent Claims
 - Situations Where an Employer Should Hire an Investigator
 - When the Investigator Does Not Need To Find Much
 - When You Already Know What You Are Going To Find
 - When the Cost of a Claim Is Potentially Catastrophic
 - Follow-Up Surveillance
 - Using the Investigation Results
 - Confronting the Employee
 - Confronting the Physician
 - Impeaching the Employee's Testimony
 - Avoiding Liability and Cutting Costs by Properly Setting Up Investigations
 - Timing the Investigation
 - Talk with the Investigator
 - Establish Limits

- Determine Who Gets the Report
- Chapter 25: Negotiating Fair and Reasonable Claim Settlements
 - Reasons To Settle Claims
 - Avoiding Financial Disaster
 - Achieving a Discount
 - Avoiding Unproductive Litigation
 - Avoiding Bad Precedents When Settling
 - Case 1
 - Case 2
 - Case 3
 - How Much Should You Pay?
 - Patience Is Important
 - Be Certain You Know What You Are Settling
 - Questions To Ask before Settling
- Chapter 26: The Eroding Exclusive Remedy: Avoiding Civil Liability
 - Advantages of the Civil Justice System
 - Disadvantages of the Civil Justice System
 - When the Exclusive Remedy Is Not Exclusive
 - Intentional Injuries
 - Fetal Injuries
 - Lease and Contract Indemnities
 - Bad-Faith Claims
 - Third-Party-Over Action
 - Dual Capacity
 - Employment Suits
 - Fellow Employee Suits
 - Steps To Take To Avoid Liability Beyond Workers Compensation
 - Review All Leases and Contracts for Indemnities
 - Make Sure Independent Contractors Are Insured
 - Document Programs and Employee Safety Training
 - Share Medical and Exposure Data with Employees
 - Resolve Safety Recommendations
 - Never Ignore Safety Alerts
 - Avoid Attorney Involvement
- Chapter 27: Subrogation: Recovering from Third Parties
 - Third-Party Liens
 - Compromising a Lien
 - Should You Use an Attorney for Subrogation?
 - Legal Expenses
 - Becoming a Party
 - Steps To Take When Third-Party Liability May Exist
 - Signs of a Third-Party Lawsuit

- Should an Employer Negotiate Its Lien in Advance?
 - Protecting Subrogation Rights When Contracting
- Chapter 28: Closings, Layoffs, Acquisitions, and Other Situations
 - Avoiding Workers Compensation Consequences from Layoffs and Closings
 - Outplacement
 - Discouraging and Defending Claims
 - Assigned Risk Pool: A Legitimate Way To Deal with Lay Offs?
 - Due Diligence during Acquisitions: How To Avoid Buying Problems
 - The Mechanics of a Purchase
 - Analyzing Cost
 - Who Pays for Claims When Plants Are Sold?
 - Indemnity Contracts
- Chapter 29: Safety Basics
 - Compliance versus Ownership
 - Performance Measurement
 - Management Systems
 - Employee Involvement
 - Are Safety Incentives Appropriate?
 - The Role of the Safety Manager
- Chapter 30: Managing OSHA Inspections
 - OSHA: How It Works
 - Standards
 - Inspections
 - Citations
 - Abatement
 - Penalties
- Appendix A: Case Studies
 - Case 1 - Did the employee carry his burden of proof?
 - Case 2 - Work related stress disability?
 - Case 3 - Did the employee's death arise out of employment?
 - Case 4 - Did the employee suffer an occupational disease?
 - Case 5 - Was the employee's heart attack work-related?
 - Case 6 - A contested rehabilitation case: Is the employee unable or unwilling?
 - Case 7 - Work related aggravation?
 - Case 8 - Was the employee disabled, denied work, or both?
 - Case 9 - Suit barred by exclusive remedy?
- Appendix B: Glossary