

DWC Activities

Kentucky Department of Workers' Claims

Dwight T. Lovan, Commissioner

24TH Annual WC Seminar
June 4 & 5, 2015

Medical Dispute Program

1. Still Going
2. Judge Borders and Judge Williams

Coal Workers' Pneumoconiosis

Post *Vision Mining* Experience - (from 7/1/14 – present*)

- **470** claims have been referred for KRS 342.315 evaluations
- **0** claims are pending appointments
- **97** claims have appointments scheduled
- **202** claims have completed the evaluation process
- **421** claims continue to be temporarily assigned/in abeyance to the CALJ

*some files have records review filed only and therefore are not included in the detail of those referred.

Number of CWP cases resolved since 5/2012 (Constitutionality)

- 67 Awards
- 512 Agreements
- 190 Dismissals

Number of CWP Cases Resolved Since 1/2014

- 54 Awards
- 422 Agreements
- 133 Dismissals

Total of 609 Cases Resolved Since 1/2014

*Judge Case currently has 237 CWP cases showing
as 'in abeyance' or 'pending'*

In The Works!

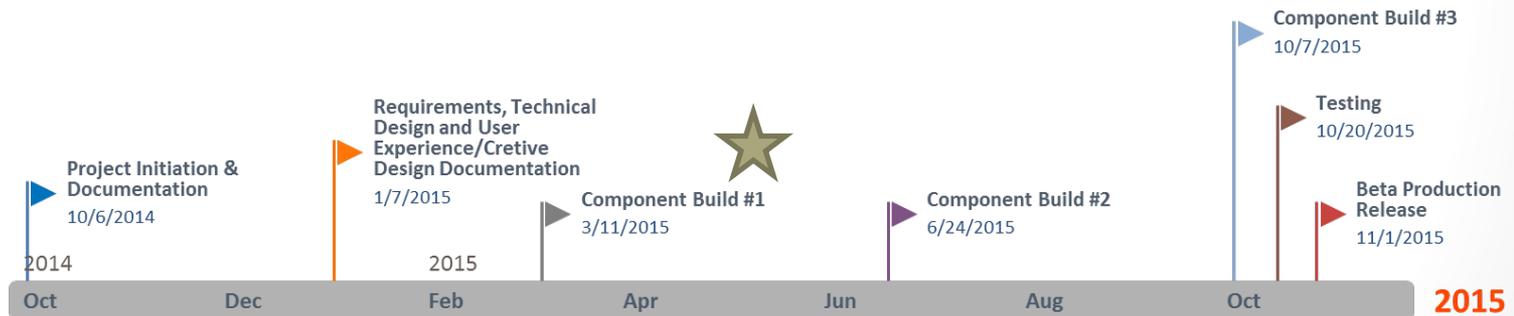
- Litigation Management System
 - Currently developing the 2nd Iteration of the system
 - Complete integration with existing DWC technologies (e.g. Open Records, EDI, etc.)
 - Online litigation capabilities for parties
 - Paperlessly *Litigate* a Workers' Compensation Claim

What We Need...

- Practice Regulations
- Training - internally and externally (around the Commonwealth)
- Interact with the Court of Justice -
been started

Litigation Management System Timeline

*Kentucky Department of Workers' Claims
Litigation Management System Timeline as Proposed by CapTech Final Contract*



During requirements gathering, CapTech will work jointly with the DWC to prioritize the defined requirements into the user stories required for the Sprints and into the three build phases. At the completion of each build, CapTech will present the DWC with the following Build and Release items: Build/Unity Test/Code Review; Test Cases; & System/Integration Test Demo.

Star designates current phase of the project. User acceptance testing of iteration 1 and building/designing iteration 2.

What You Need to Pay Attention To...

LMS information *Coming Soon* on
the DWC website:

www.Labor.Ky.Gov/Workersclaims or
for general LMS comments/questions:

Francesa.Davis@ky.gov or
YvonneK.Creech@ky.gov

Kentucky Legislation – Nothing Passed

- **House Bill 156** – Firefighter Presumption

- **House Bill 206** – Exempt Small Churches

House Bill 294– Attorney Fees, Old Age Benefits Extension

Senate Bill 95 —Attorney Fees, Indemnity Benefits, etc.

- **House Bill 256** –Misclassification and Sharing Information

- **House Bill 277** –Funding Commission and Special Fund Settlements

Self Insurance

- Individual Self Insurance
- Coal
- Self Insurance Groups

Self Insurance

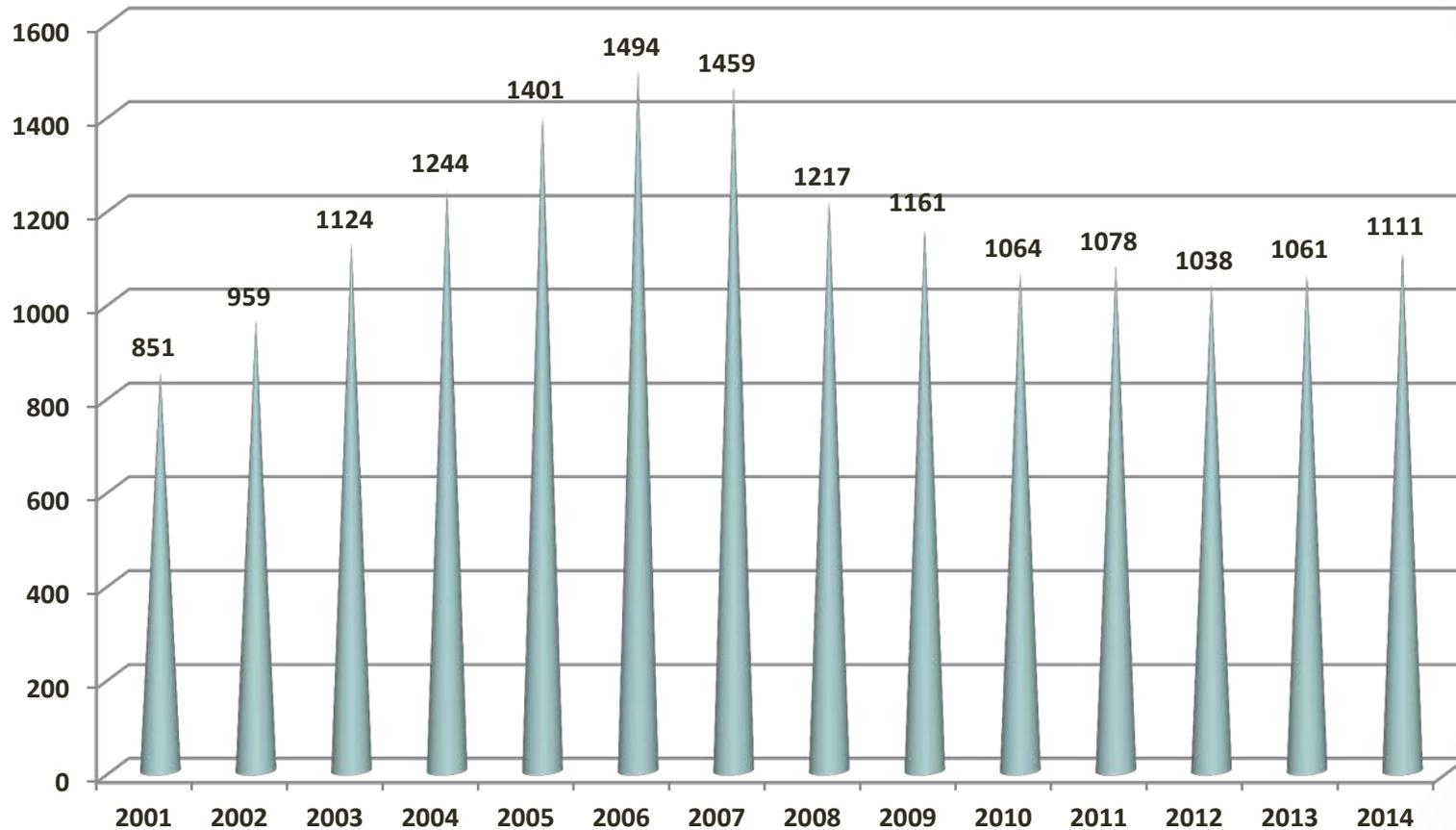
- Surety Program
- Bankruptcy
- Default

Statistical Update



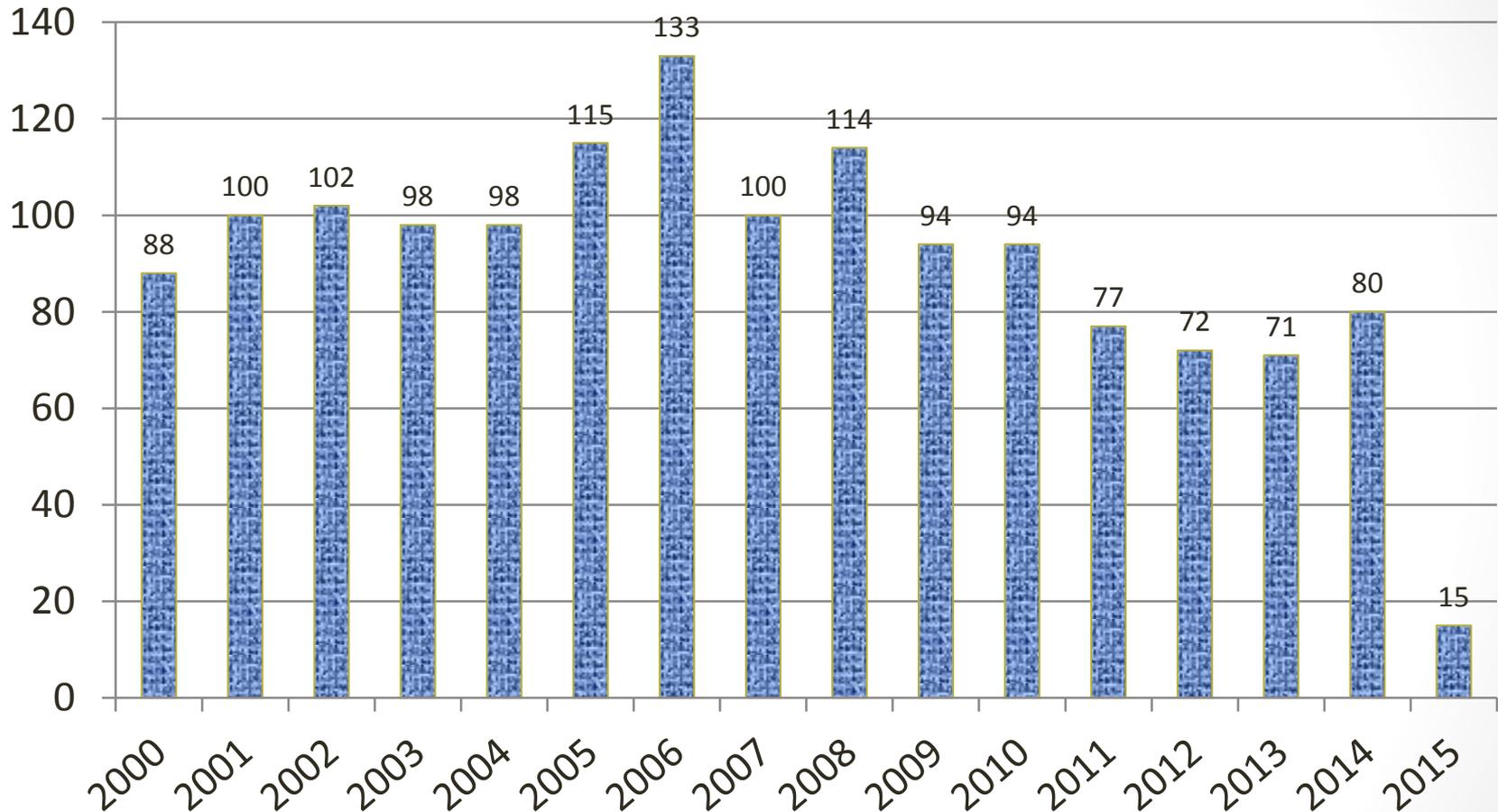
Workers' Compensation System Costs by Calendar Year

Dollars in Millions



Source: WC Funding Commission 5/2015 – update not yet available for 2015.
Total system costs defined as total WC cost to employer.

Fatalities Reported to DWC by Calendar Year (2000-2015*) Work-Relatedness Not Determined



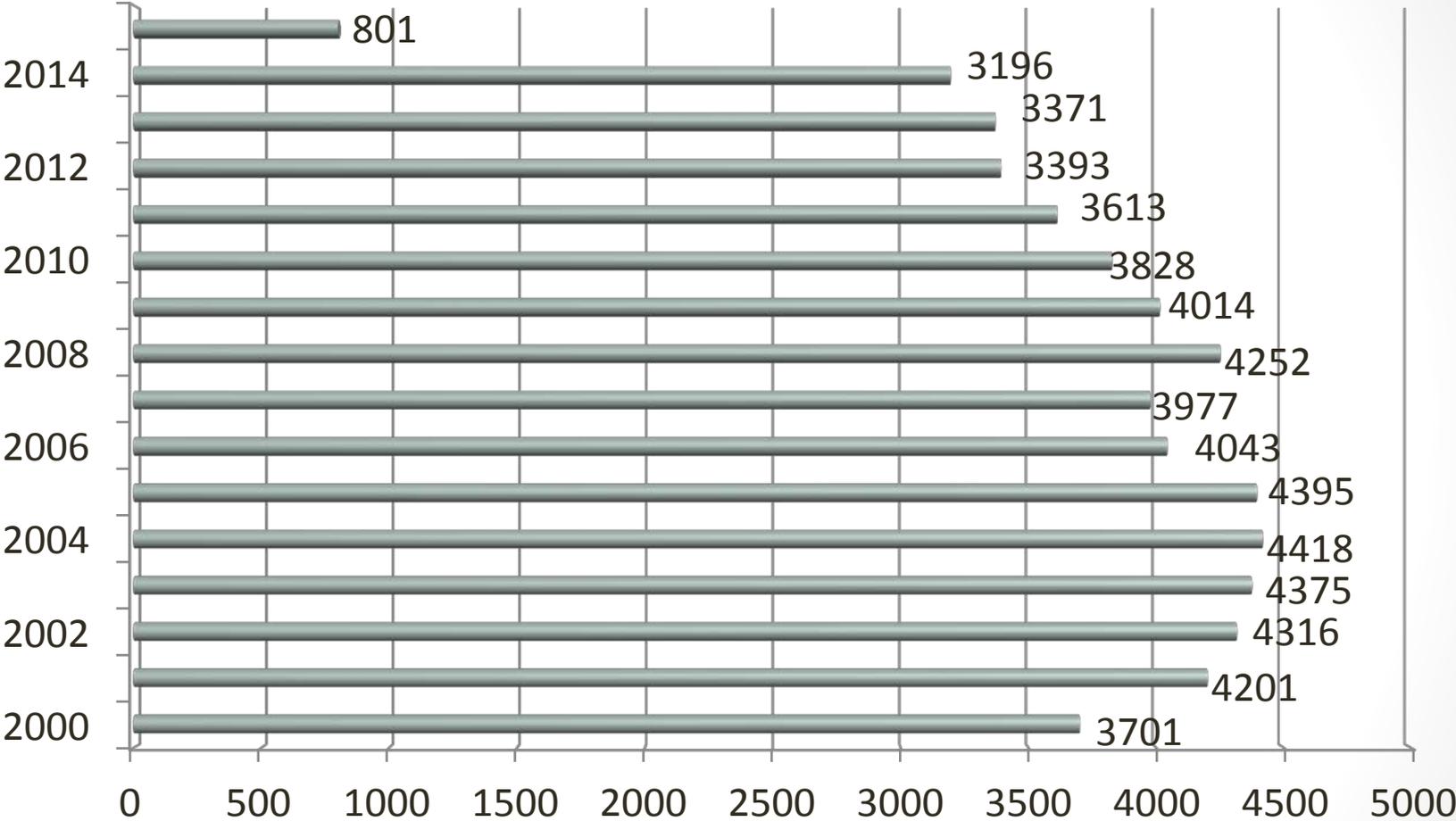
Data based on date received and date of death

Data not scrutinized for work-relatedness

Source: Information & Research – *2015 data from 1-1-15 through 3/31/2015

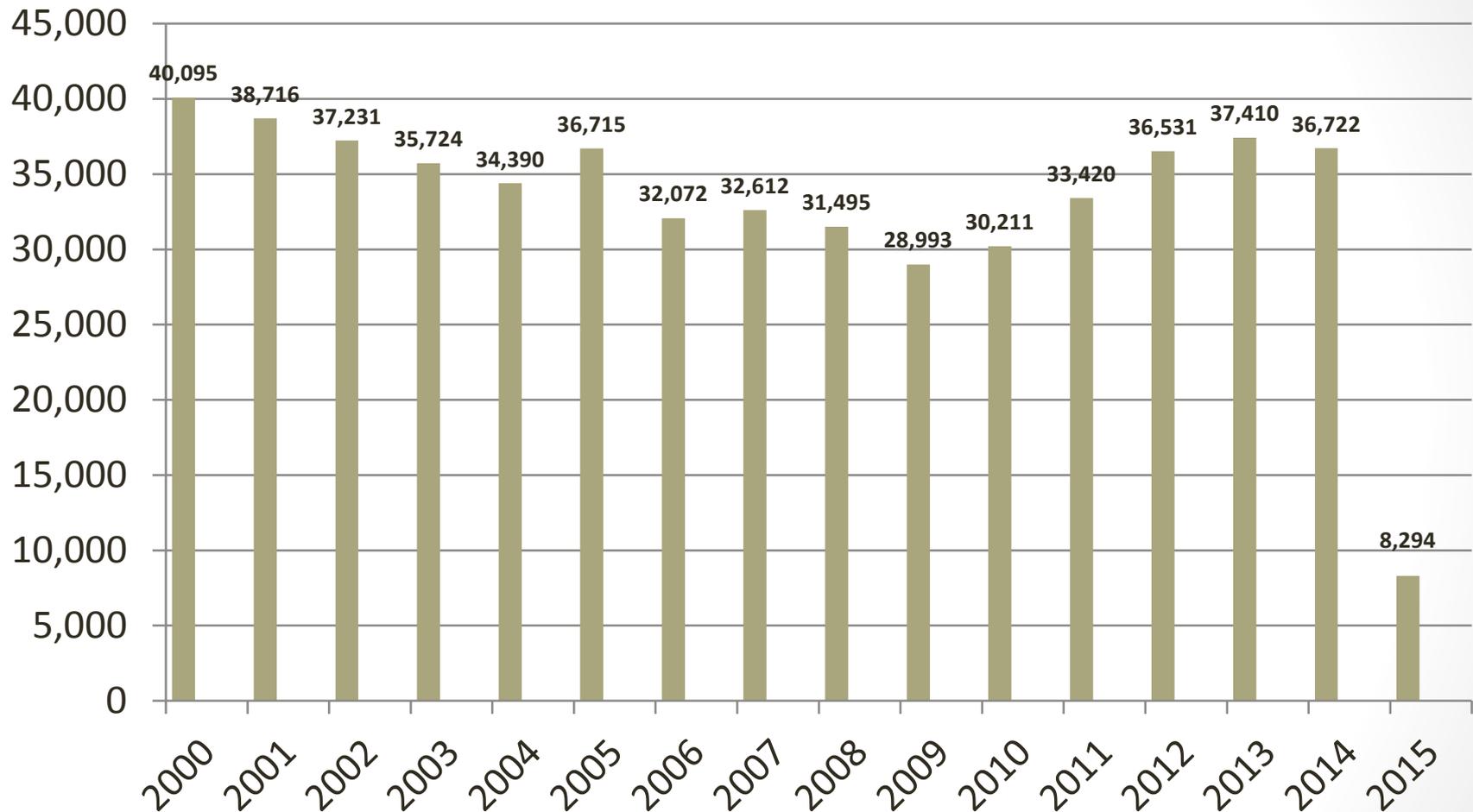
Run date: 4/2015

Pre-litigated Agreements by Calendar Year (2000-2015*)



Source: Information & Research
Run date: 5/2015* - *2015 data from 1-1-15 through 3-31-2015

First Reports of Injury by Calendar Year (2000-2015*)



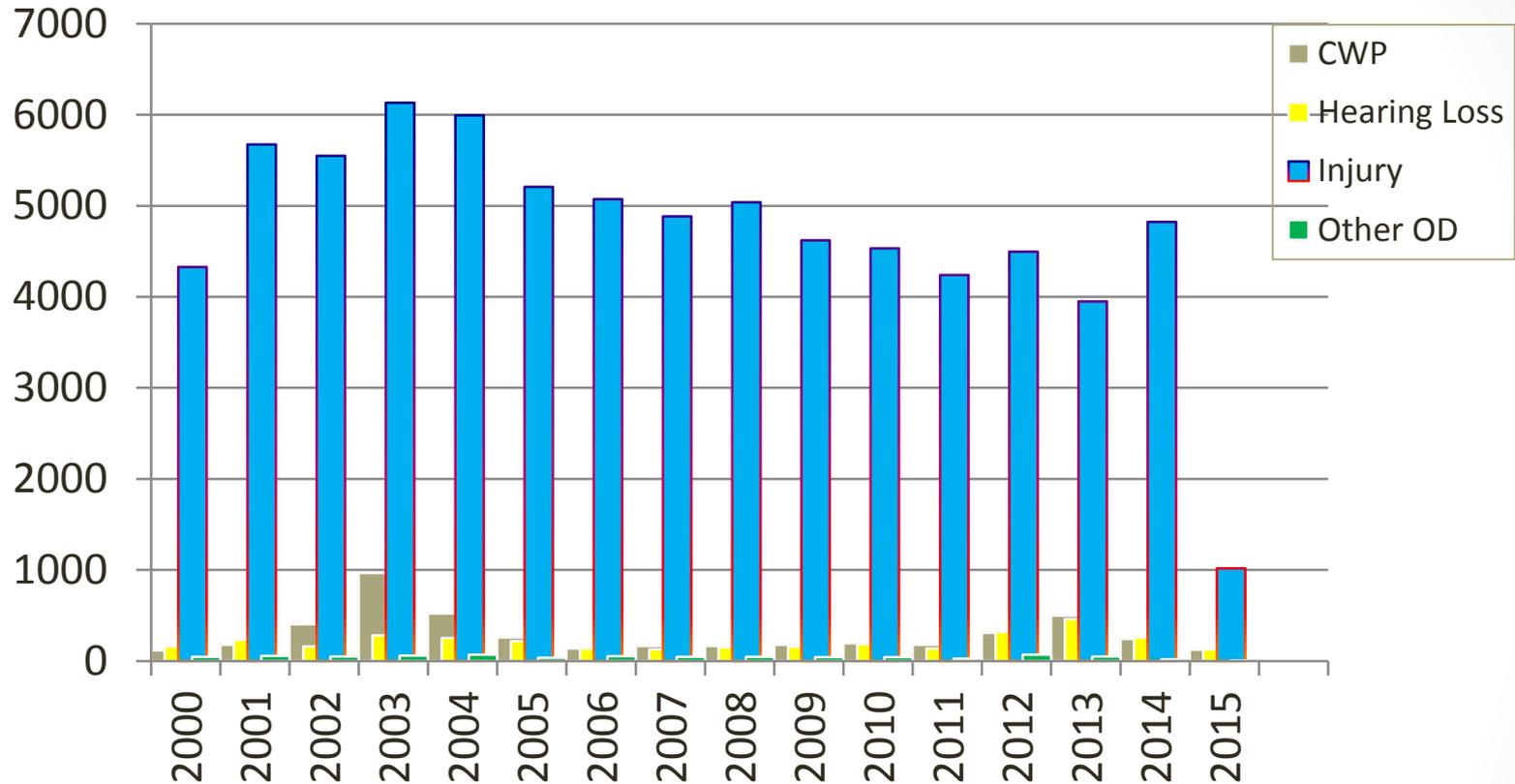
Excludes no lost time reports; Data based on date received by DWC.

Data includes only information submitted via EDI.

Source: Information & Research - *2015 data from 1-1-15 through 3-31-2015

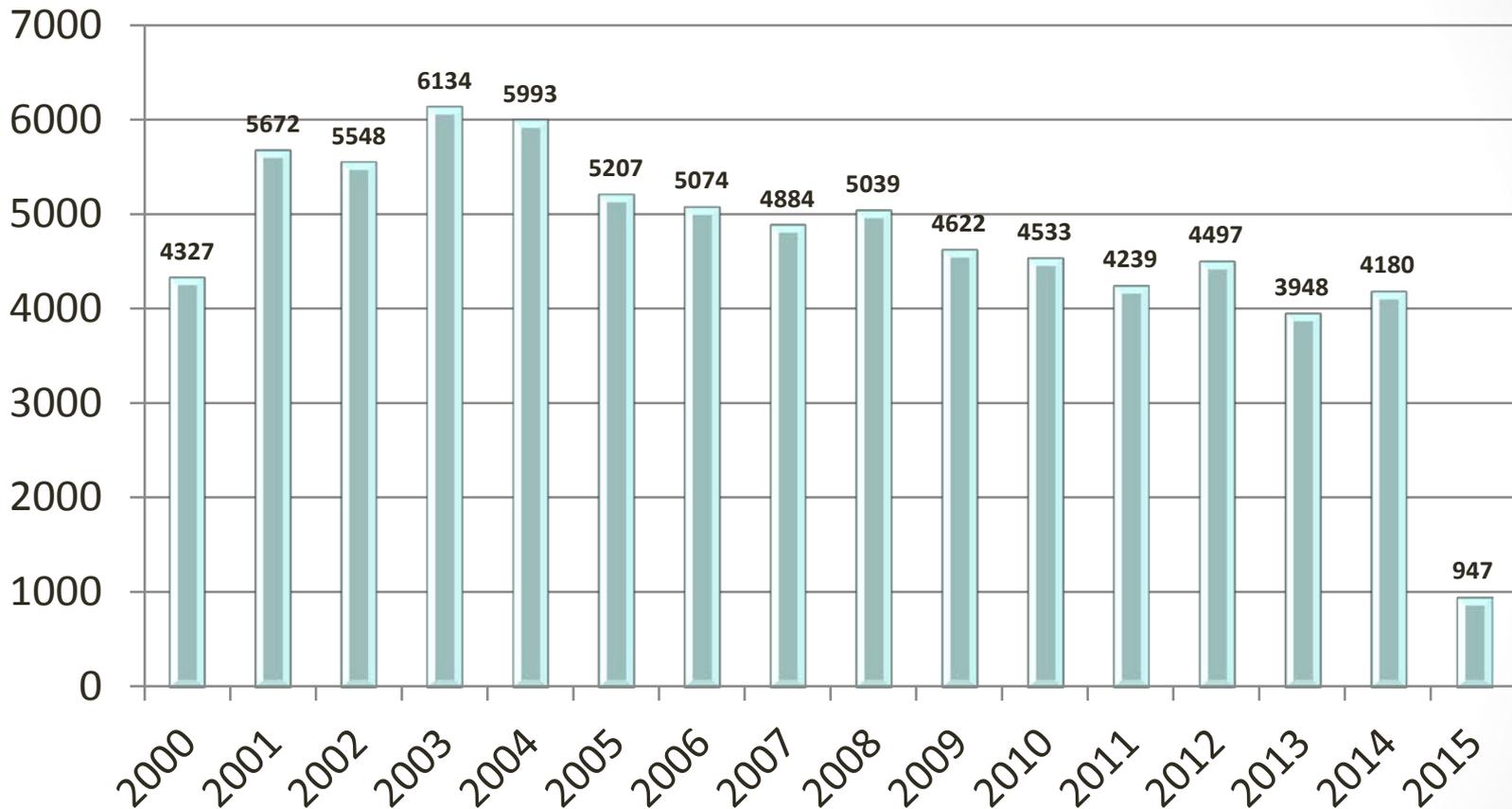
Run date: 5/2015*

Claims by Nature Type by Calendar Year (2000 – 2015*)



| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|--------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| CWP | 118 | 178 | 402 | 968 | 523 | 257 | 137 | 164 | 164 | 179 | 193 | 179 | 308 | 499 | 240 | 124 |
| Hearing Loss | 161 | 231 | 161 | 282 | 253 | 218 | 138 | 127 | 150 | 158 | 183 | 136 | 318 | 461 | 258 | 126 |
| Injury | 4327 | 5672 | 5548 | 6134 | 5993 | 5207 | 5074 | 4884 | 5039 | 4622 | 4533 | 4239 | 4497 | 3948 | 4822 | 1019 |
| Other OD | 46 | 56 | 49 | 58 | 71 | 35 | 54 | 46 | 45 | 44 | 41 | 27 | 69 | 49 | 19 | 6 |

“Injury” Claims by Calendar Year (2000-2015*)

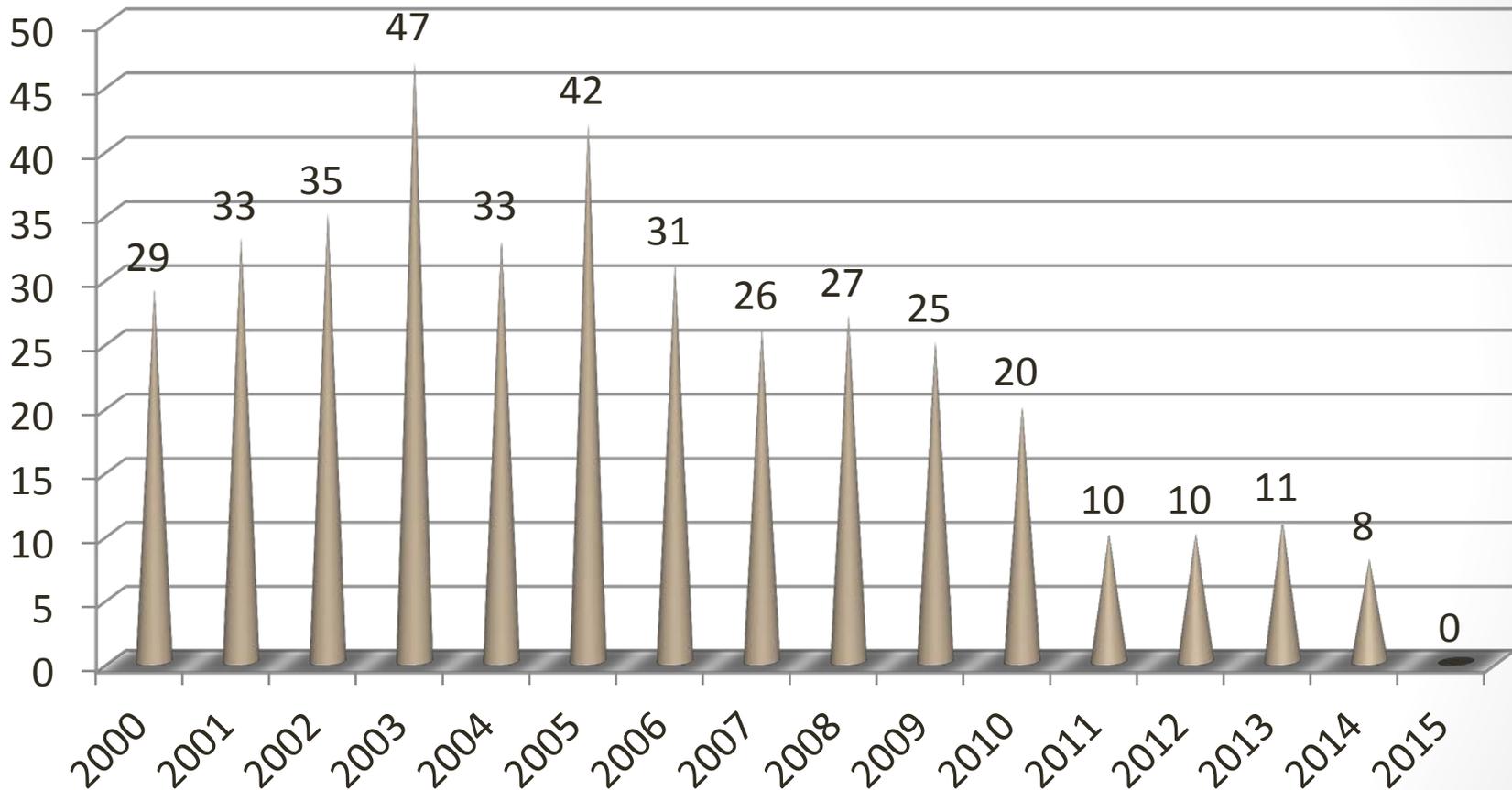


Data based on 'injury' nature type. Calendar year based on file date.

Source: Information & Research - *2015 data from 1-1-15 through 3-31-2015

Run date: 5/2015

Occupational Disease Claims by Calendar Year (2000-2015*)

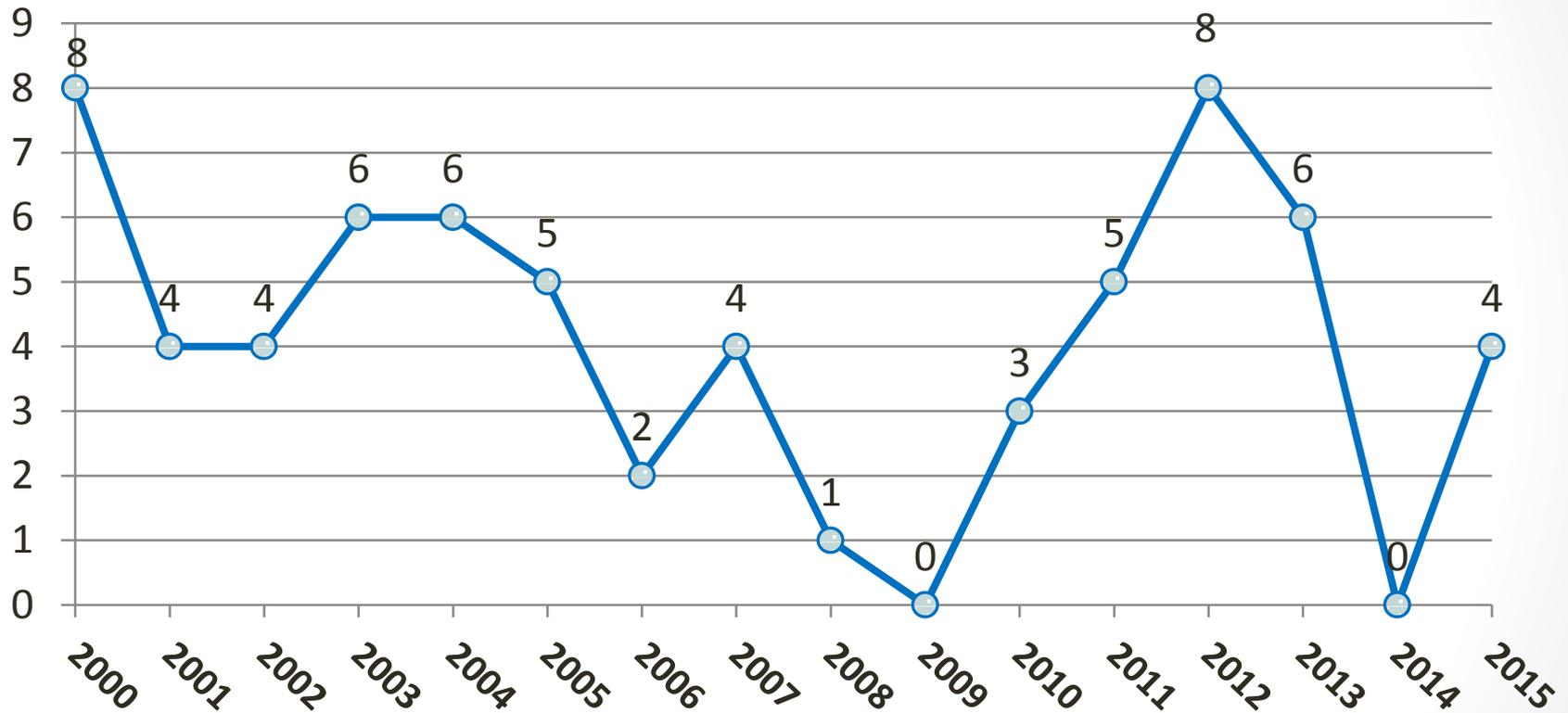


OD Claims by date of last exposure. Natures restricted to 61, 63, 64, 65, 66, 67, 68, 70, 71, 73, 74, 75, 76.

Based on date of last exposure. - - *2015 data from 1-1-15 through 3-31-2015

Source: Information and Research/Run date: 5/2015

Occupational Disease Awards by Calendar Year (2000-2015*)

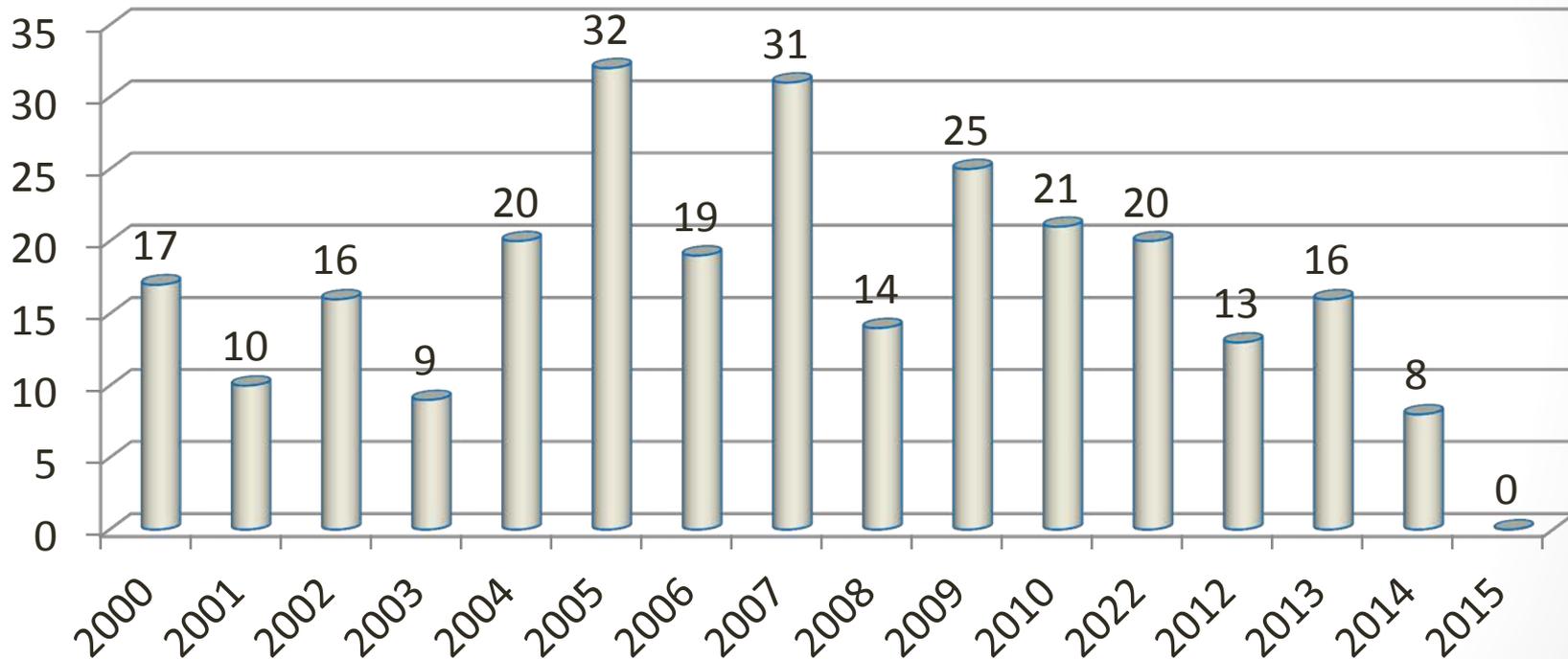


Calendar year based on award date. Natures restricted to 61, 63, 64, 65, 66, 67, 68, 70, 71, 73, 74, 75, 76.

Based on OD Claims filed by date of last exposure. - - - *2015 data from 1-1-15 through 3-31-2015

Source: Information and Research/ Run date: 5/2015

Occupational Disease Agreements by Calendar Year (2000-2015*)



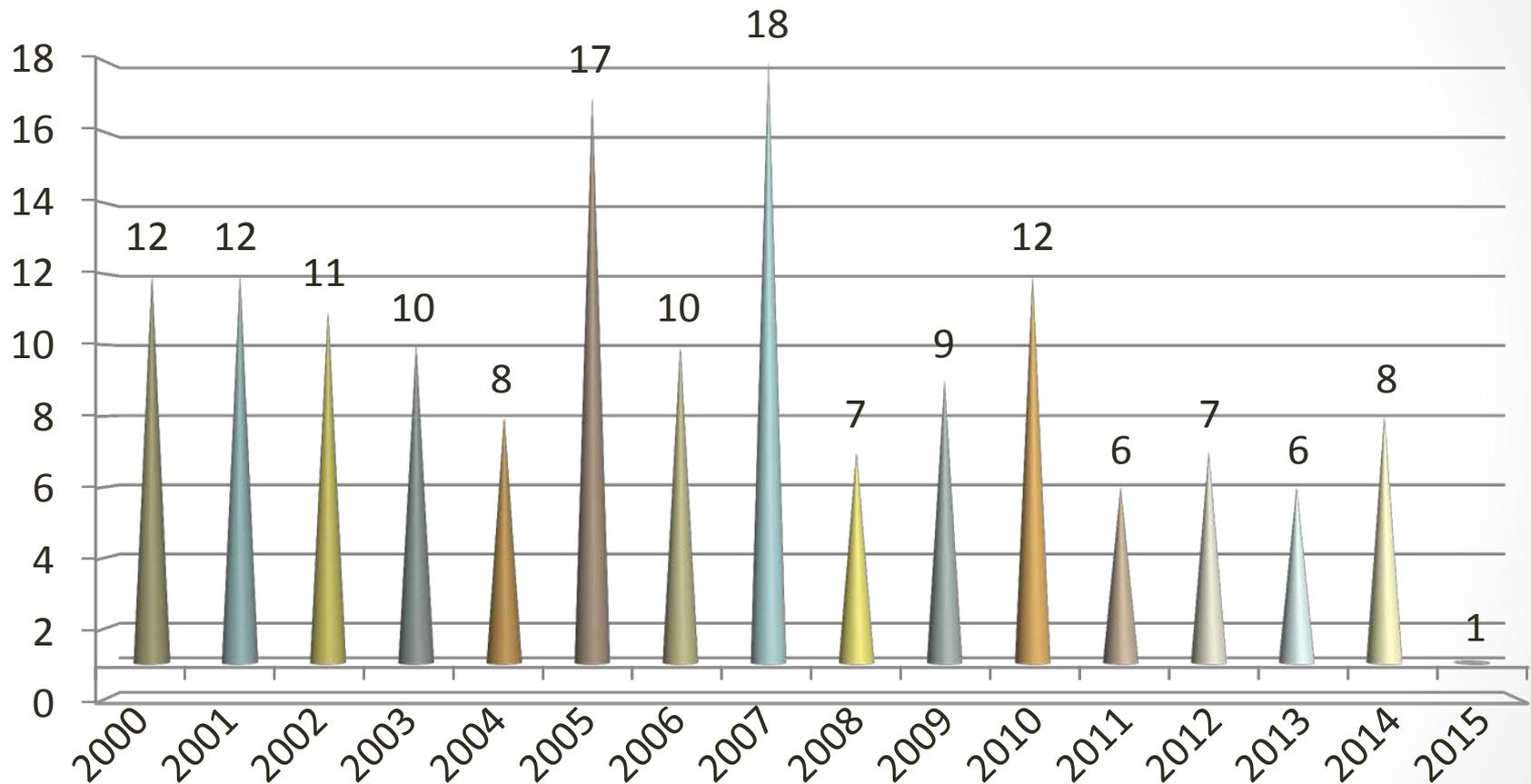
Calendar year based on agreement date. Natures restricted to 61, 63, 64, 65, 66, 67, 68, 70, 71, 73, 74, 75, 76.

Based on OD Claims filed by date of last exposure.

*2015 data from 1-1-15 through 3-31-2015

Source: Information and Research/Run date: 5/2015

Occupational Disease Dismissals by Calendar Year (2000-2015*)

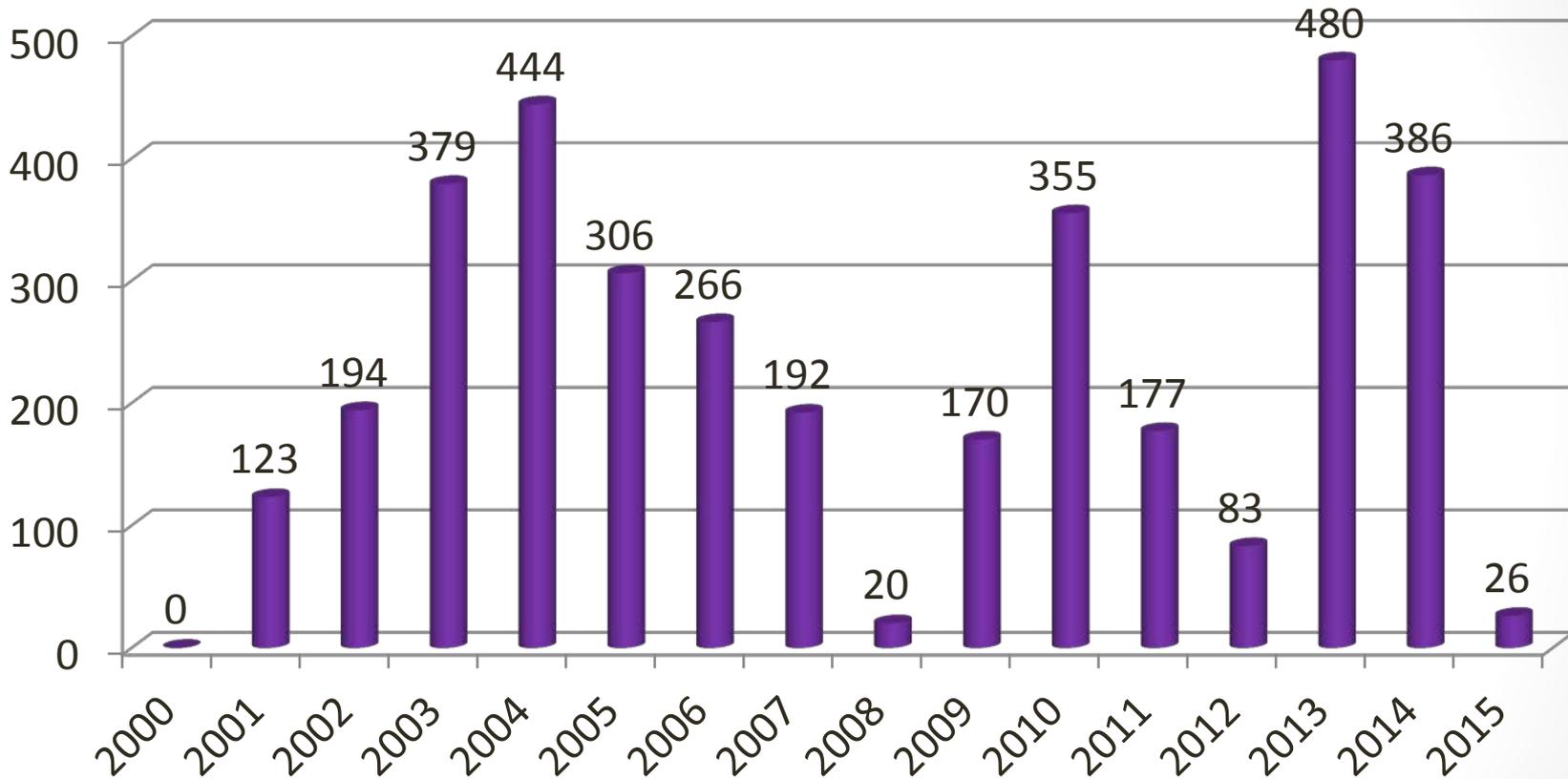


Calendar year based on status date. Natures restricted to 61, 63, 64, 65, 66, 67, 68, 70, 71, 73, 74, 75, 76.

Based on OD Claims filed by date of last exposure. *2015 data from 1-1-15 through 3-31-2015

Source: Information and Research/Run date: 5/2015

Hearing Loss Claims by Calendar Year (2000 – 2015*)



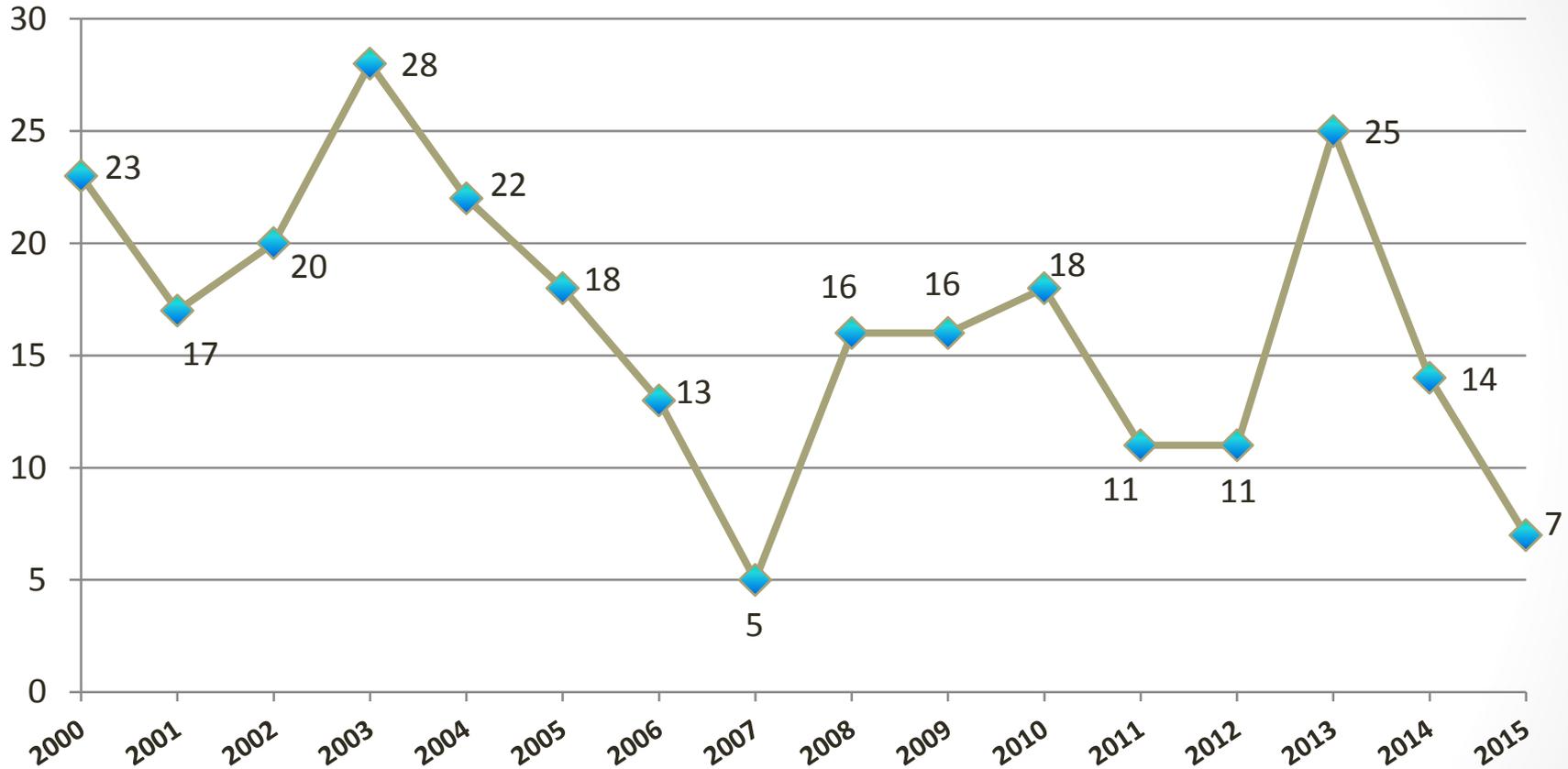
Hearing loss claims filed by date of last exposure

Natures restricted to 72. CY 2012 forward includes natures 31 and 72.

*2015 data from 1-1-15 through 3-31-2015

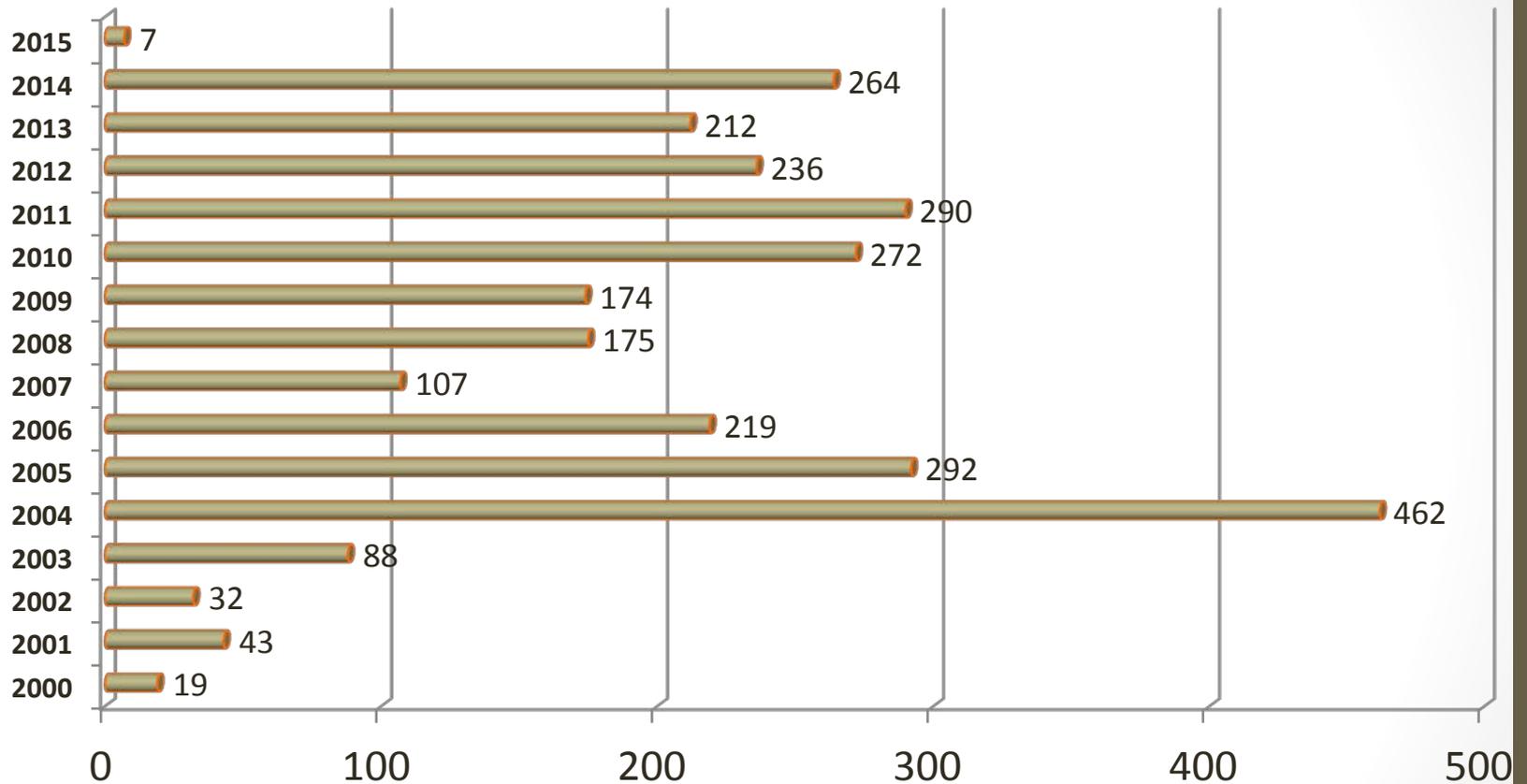
Source: Information and Research - Run date: 5/2015

Hearing Loss Awards by Calendar Year (2000-2015*)



Awards based on hearing loss claims based on date of last exposure.
Natures restricted to 72. CY 2012 –forward data includes natures 31 and 72.
*2015 data from 1-1-15 through 3-31-2015
Source: Information and Research - Run date: 5/2015

Hearing Loss Agreements by Calendar Year (2000-2015*)



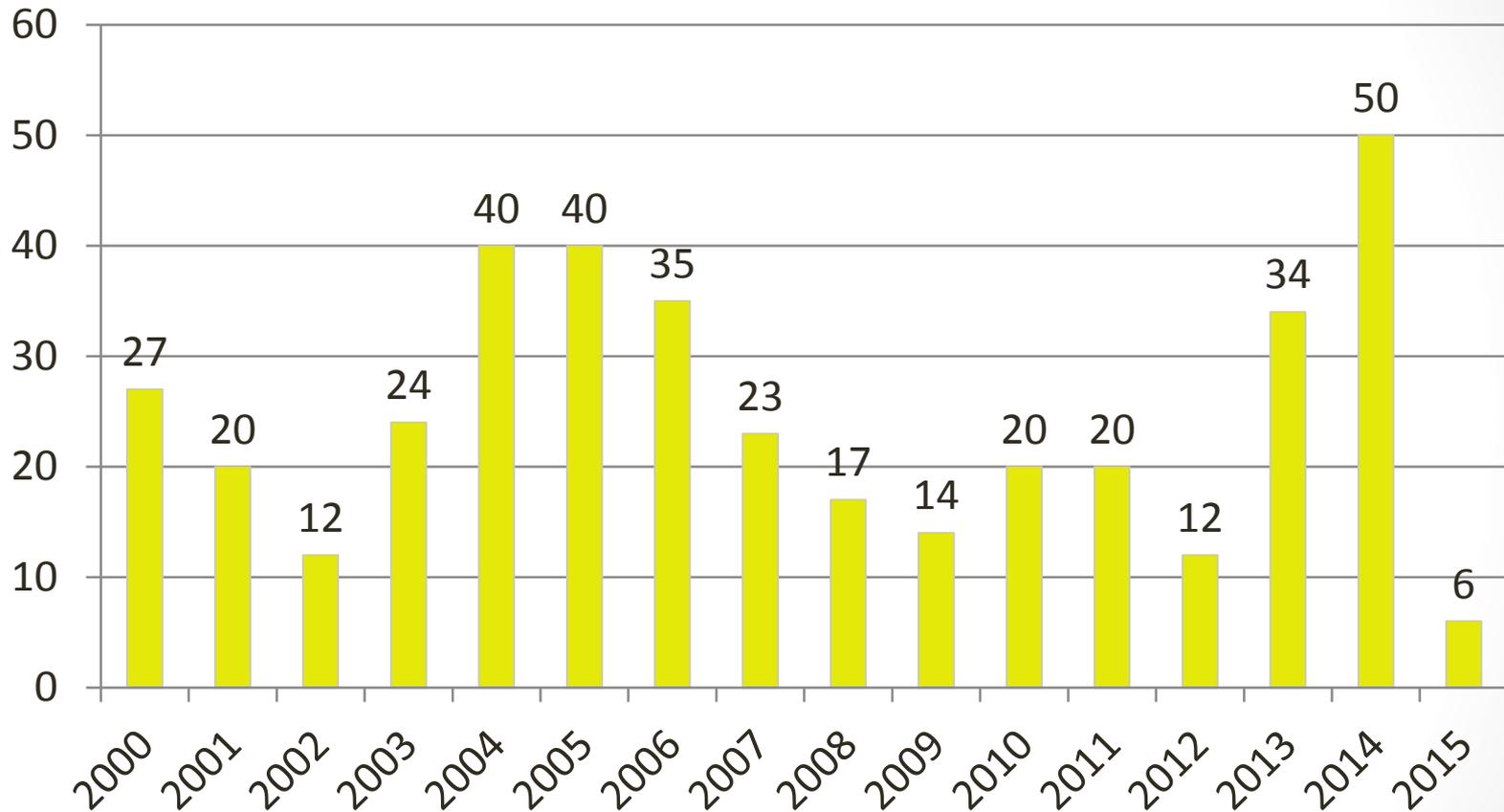
Agreements based on hearing loss claims based on date of last exposure. Natures restricted to 72.

CY 2012 forward data includes natures 31 & 72.

*2015 data from 1-1-15 through 3-31-2015

Source: Information and Research/Run date: 5/2015

Hearing Loss Dismissals by Calendar Year (2000-2015*)



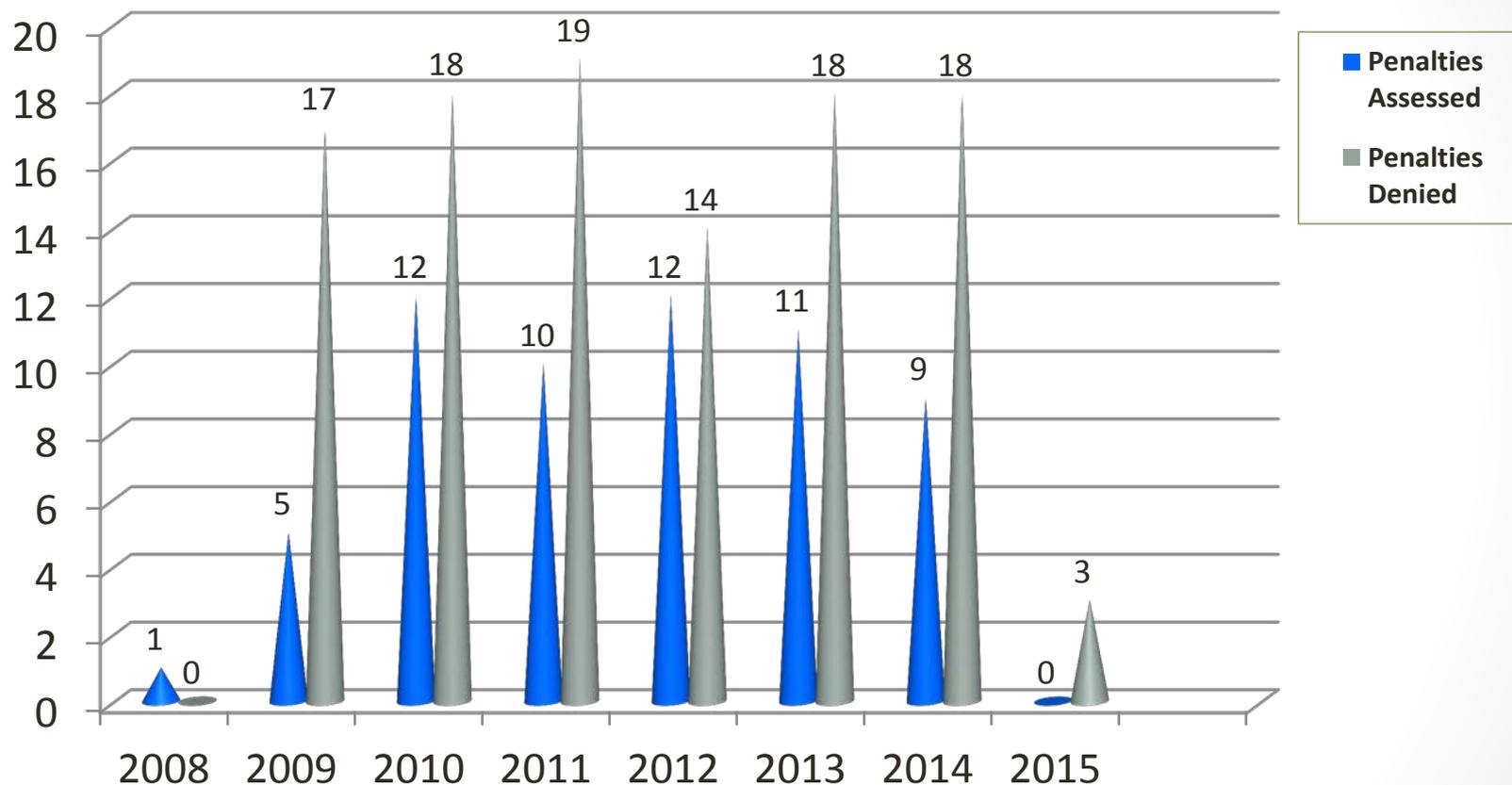
Dismissals based on hearing loss claims based on date of last exposure.
Natures restricted to 72. CY 2012 forward data includes natures 31 and 72.
*2015 data from 1-1-15 through 3-31-2015
Source: Information and Research/Run date: 5/2015

DWC Enforcement Actions by Fiscal year

Investigation Analysis

| | FY 07-08 | FY 08-09 | FY 09-10 | FY 10-11 | FY 11-13 | FY 13-14 | FY-14-15 |
|--------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Number of Investigations | 10,415 | 10,978 | 11,400 | 10,497 | 9,574 | 9,842 | 9,700 |
| Number of Citations | 966 | 979 | 1,015 | 958 | 772 | 848 | 781 |
| Penalties Collected | 1,061,324 | 1,533,629 | 1,703,578 | 1,777,307 | 1,360,663 | 1,079,945 | 1,818,300 |

Safety Penalties by Calendar Year (2000-2015*)



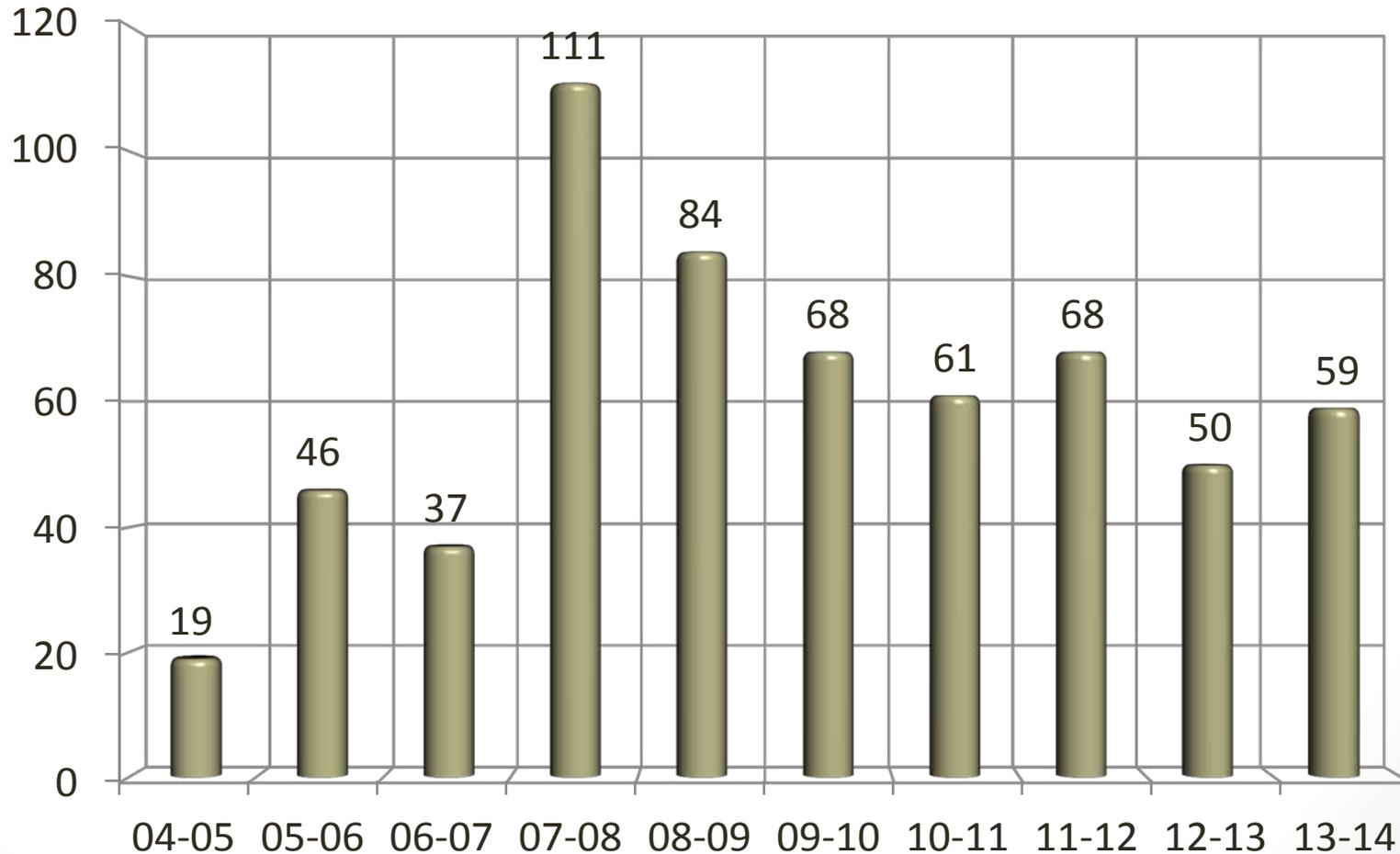
Data based on status codes SVPD and SVPA.

Source: Information and Research

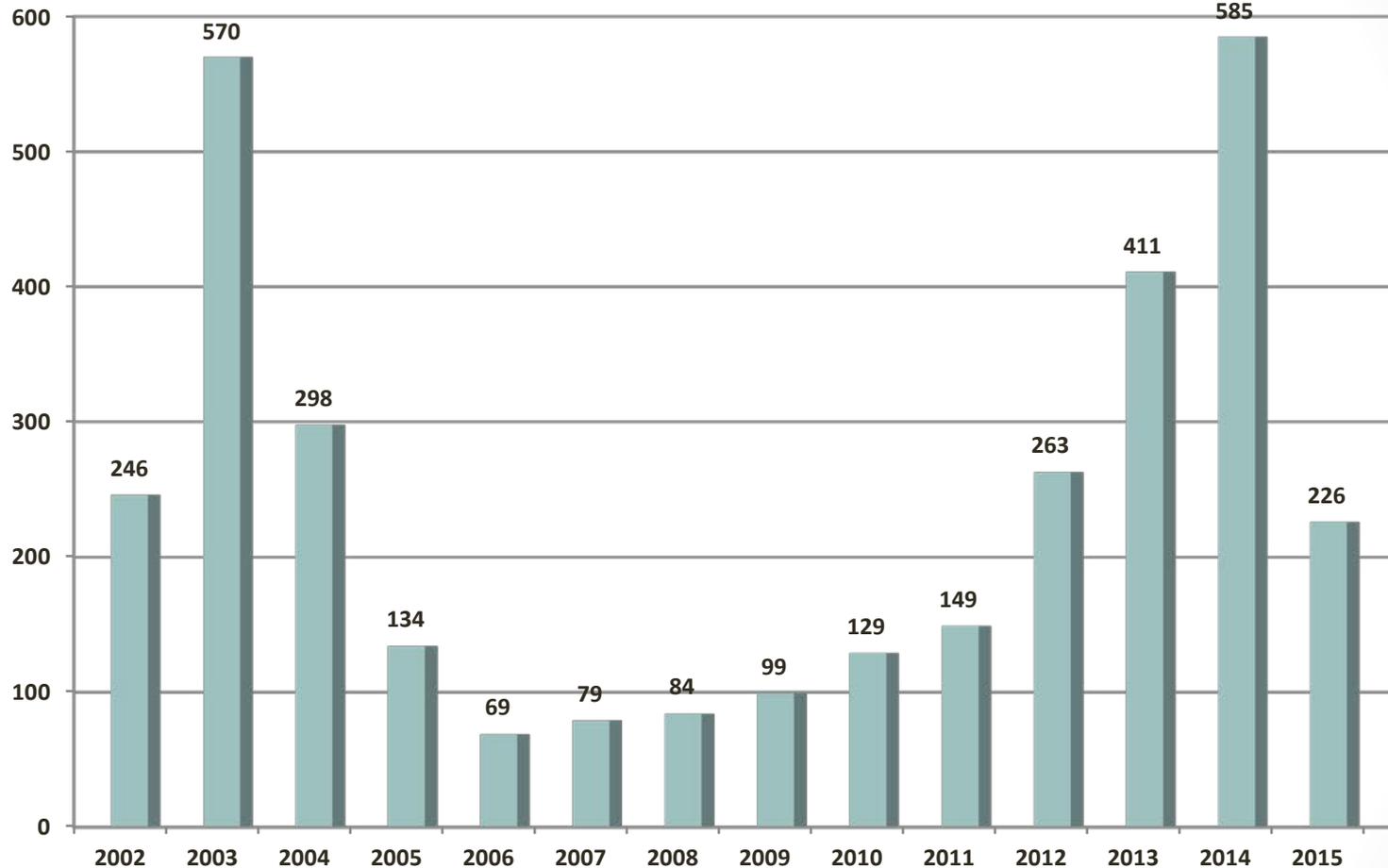
*2015 data from 1-1-15 through 3-31-2015

Run date: 5/2015

Unfair Claims Practices Penalties and Cases by Fiscal Year



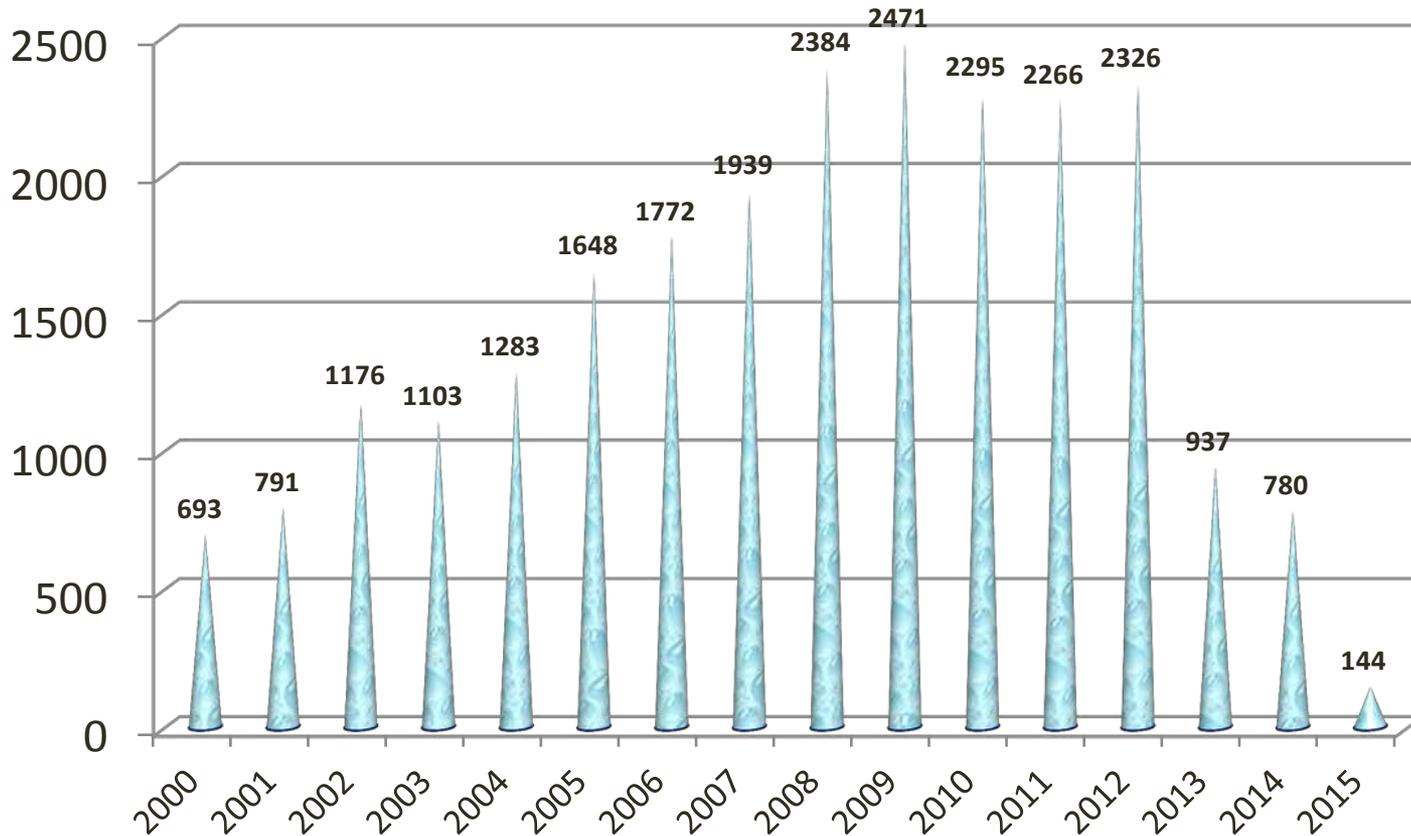
House Bill 348 (CWP) Claims Filed by Calendar Year 7/15/02 – 5/31/2015



Claims filed based on status codes created specifically for HB 348 (ACWP)

Source: Information and Research/DWC/Run date: 6/2015

Medical Disputes by Calendar Year (2000-2015*)



Data based on status date. This does not include the Medical Dispute Pilot.

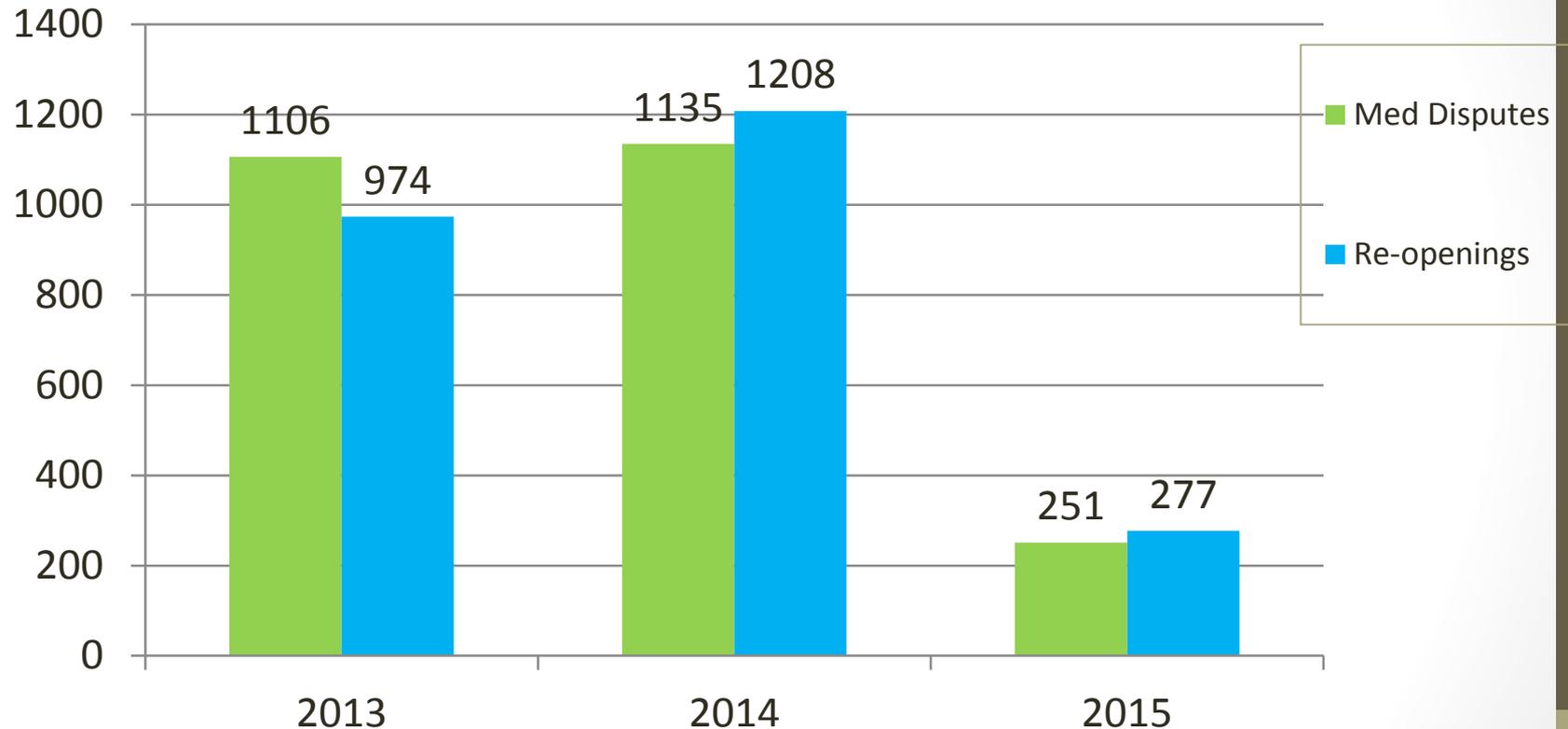
These medical disputes were submitted along with an application for resolution of claim.

*2015 data from 1/1/15 – 3/31/15

Source: Information and Research/DWC

Run date: 5/15

Medical Dispute Pilot Statistics (1/1/2013 – 3/31/2015*)

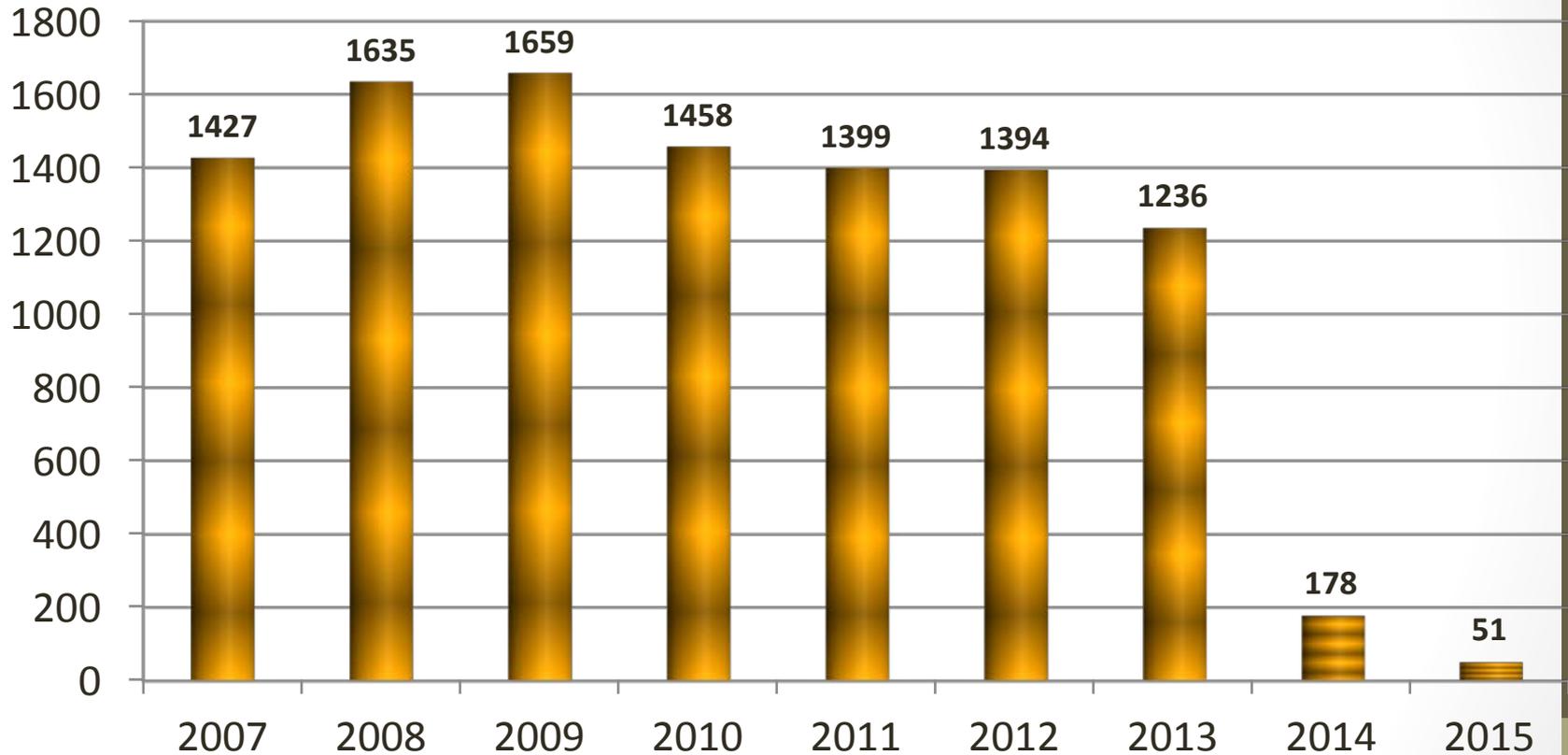


Medical Dispute Pilot Assignments and Re-openings

*2015 data for the period 1/1/15 – 3/31/15

Source: I&R; Run date 5/2015

Re-openings by Calendar Year (2007-2015*)



Data based on status code MROP for re-openings.

*2015 data for the period 1/1/15 – 3/31/15

Source: Information and Research

Run date: 5/2015

www.labor.ky.gov/workersclaims

Thank You!