



BPR Project Webinar Session Participant Comments

Attorney Session, September 26, 2013

To improve readability, participant comments have been edited for punctuation, spelling, and typographical errors.

Do you agree with what has been discussed so far today? What else do you think is not working well?

- The problem with the compensation system is the timeliness and due process. I've seen a reserve decision that took five to six years to be completed.
- The administration's advocating on behalf of carriers taints the operation and function of the system.
- Timeliness.
- There are more medication disputes.
- Health care professionals are the most important part of everything we do, yet the cumbersome process has caused many hundreds of doctors to leave the system entirely. We have a problem.
- I do not agree with the categorization of the mis-functioning of the system. What I agree with is that the process needs to be modified to allow *more* hearings to resolve issues and less Administrative Decisions that are made in the absence of parties being present and often create delays in cases rather than moving cases forward.
- Possibly an overemphasis on technology and process in lieu of in-person contact with injured workers has contributed to a lack of efficiency in delivering benefits.
- I agree with that. Many doctors don't want to take compensation cases any more.
- Carrier has too long to have IME on SLU after cl files SLU RFA-1; appeals take way too long to resolve, etc., etc.
- Does the first payment of compensation measure include controverted cases?
- Carriers can just deny all medical for no reason and they are not penalized for doing so.

- WAMO is severely understaffed and over a year behind on processing claims, which is contrary to the purpose it was created to do and that is settle more claims in a more timely fashion.
- What constitutes a "poor injury outcome?"
- People, process, technology, *and the law* should not be forgotten.
- Requests for hearings from all parties to the Board are not acted upon timely.
- You must also *look* at the *law* as written!
- Practice before the agency is to be without the formality of pleadings and motions in the courts. However, it has become a system of multiple writing assignments over factual issues alone.
- Carrier should have 20 days to schedule an IME after Claimant files SLU RFA-1; appeals should be decided in 60 days; hearings should be scheduled within 30 days of filing our RFA-1. The slowness of the system is greatly prejudicial to the injured worker.
- Carriers can deny requests for treatment for MG-2 sites using a "lack of burden of proof" argument. They cannot do this with other, non-MG2 sites. There needs to be more uniformity.

We have looked at what's not working well with the system. But let's also spend a few minutes talking about what does work well with the workers' compensation system?

- There should be a day a week with late hours. Some claimants are trying to work. They have to take off for the day and lose their pay to attend hearings. But it usually takes many hearings to resolve an issue. So they have to take much time off.
- Late hours.
- How do you change the process and outcomes without changing the law?
- Hearings before judges with all parties present to address disputed issues.
- I do think the electronic board file works pretty good.
- The Section 32 settlement process in our district is working well. It's a great tool for the parties to resolve cases.
- Current workers' compensation system works well at de-incentivizing injured workers from filing claims, erecting barriers to access to benefits, and compensating insurer vendors.
- IMEs, pharmacy networks, etc.
- The raise in the maximum weekly rate was long needed, and allows claimants to survive with dignity and some hope for financial viability *in the short term*. Long term with caps in place is another matter....
- Hearing process works well. Section 32 was good amendment to the law.

What do you think would be one impactful change that would benefit injured workers in the system?

- Enforce penalties already on books.
- Get a quicker hearing after we file for one.
- A focus on return to work following work place injuries.

- For the WCB to interpret, apply and enforce the law as it was intended—social legislation to protect the worker.
- Establish effective return to work or rehabilitation as part of a claimant's receipt of benefits.
- From a process standpoint, decide appeals within 60 days.
- Twenty years ago, the WCB had offices in every county in the state. Soon there will be only about a dozen offices, making it more difficult for injured workers to get to hearings.
- Keep the existing hearing sites and review for additional sites to accommodate both injured workers and employers. Closing hearing sites is not the answer to reducing costs.
- Return to work should *always* be the goal following a workplace injury.
- Amen to the appeals process.
- I believe that often times decisions are being made by people who cannot appreciate the practical implications of the decisions they make.
- The statute and practicality already encourage return to work. The system fails to adequately consider the reality of employment and its availability to injured workers.

Do you have any questions on the BPR project phases or BPR project structure?

- What is the budget for this BPR?
- You mentioned attorneys being involved. Are any attorneys who are not WCB employees on any of the BPR team?
- Is Deloitte going to attend hearings in the various districts across the state?
- Other than webinars, what role will stakeholders, especially attorneys, have in the BPR project? I believe that attorneys have excellent practical insight into the workings of the system.
- Will there be claimants involved in the project?
- Labor is organized on behalf of workers, to some extent.
- Will there be an outreach program for these teams and once established will the stakeholders be apprised of the identity of those teams?
- They know the best how to fix the system. They are the major stakeholders.
- What is BPR outreach to Labor?
- How does the Board utilize the inputs of the stakeholders? Will the inputs, if valid and constructive, be incorporated in the decision making process?
- And all you have to do to get input from claimants is sit in the waiting room at any WCB location and ask them.
- It isn't that hard and you will get a lot of feedback—though the WCB might not like what it hears.
- Does Deloitte have any experience with workers' compensation systems in other states?
- Are we speaking of procedural changes or legislative changes as well?