COUNTY MANAGEMENT & RISK CONFERENCE
APRIL 10-12, 2019 | SAN MARCOS
RESOURCES AND SOLUTIONS FOR COUNTIES
Looking Forward: The Changing Climate of Workers’ Compensation

Presented by: Stacy Corlucchio, TAC RMS Claims Manager
Yesterday in Workers’ Compensation

The Wisconsin Workmen’s Compensation Act of 1911 assured victims of work-related accidents or illnesses just compensation regardless of fault. With this law, enacted on May 3, 1911, Wisconsin became the first state to have a constitutional system for providing medical expenses, wage loss payments, or death benefits to employees or their families. The law is regarded as a pioneering act of social legislation and a major accomplishment of Wisconsin’s progressive movement.

On September 1, 1911, the date the law became fully effective, a mutual insurance company began operations in a one-room office in downtown Wausau. The company, which was formed by a group of central Wisconsin businessmen as a means of meeting their responsibilities under the new law, is today known throughout the world as Wausau Insurance Companies.

The purveyor of the first policy issued by the fledgling insurer was the Mosinee Paper Corporation, then known as Wausau Sulphite Fibre Company. That contract is recognized as the nation’s first valid workers’ compensation policy.
Today and Tomorrow in Workers’ Compensation
Today’s Session Content

• Post-Traumatic Stress Disorder (PTSD)
• Presumption (Cancer)
• Medical Marijuana
• Psycho-Social Barriers and RTW
• Technology in Workers’ Compensation
All of us...

1 Event

55%

7-8%

PTSD

*U.S. Department of Veterans Affairs, Property Casualty 360, Post-Traumatic Stress Disorder in Workers’ Compensation, June 25, 2018*
PTSD

- Firefighters: 7-37%
- Law Enforcement: 19%
- EMTs: > 20%

How many do not report and why?

*The National Center for Biotechnical Information
*McCanlies, Mnatsakanova, Andrew, Burchfiel, & Violanti, 2014
PTSD in Texas

First Responders in Texas Labor Code §504.019

- Peace Officer (Article 2.12 Code of Criminal Procedure)
- Emergency Medical Care Attendant
- Emergency Medical Technician, Intermediate and Paramedic
- Licensed Paramedic
- Firefighter (subject to certification by TCFP)
What is PTSD?

The National Institute of Mental Health

“a disorder that develops in some people who have experienced a shocking, scary, or dangerous event.”
PTSD Claims

• Anyone witnessing violence or a horrific accident while at work (course and scope)

• Anyone badly injured at work

• Anyone with prolonged pain or suffering due to a work-related injury or treatment
How Mental Injuries Manifest

Physical-Mental

Mental-Physical

Mental-Mental

Wait... What?
Diagnosing PTSD

“Trauma- and Stress-Related Disorders”

*Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*

The *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)* is the product of more than 10 years of effort by hundreds of international experts in all aspects of mental health. Their dedication and hard work have yielded an authoritative volume that defines and classifies mental disorders in order to improve diagnoses, treatment, and research.
Compensable PTSD in Texas

Based on Diagnosis from APA – DSM-5

Event in Course and Scope of Employment

Preponderance of Evidence Indicates Event was Substantial Contributing Factor
Changing the Culture

I am sorry, you cannot return to work with PTSD
Considerations for the County

• More training for first responders on how to recognize PTSD
• Early counseling and intervention – Don’t wait for time to pass after the event
• How can TCOLE assist?
• How can the county accommodate the employee with PTSD and RTW?
Cancer Presumption in Firefighters and EMTs
Presumption Law

• Government Code §607.051 and §607.055
• Regularly responded to fires, or
• Exposed during an event involving the documented release of radiation or a known or suspected carcinogen, and
• Cancer is known to be associated with fire fighting or exposure to heat, smoke, radiation, or a known or suspected carcinogen as determined by the International Agency on Research on Cancer
Criteria for Presumption

Participates in a minimum of 40% of drills conducted by the individual's department

AND

25% of the fire or other emergency calls received by the department during the time that the volunteer firefighter is on call
More Presumption Requirements

• Employed 5 or more years in the role
• Physical examination failed to reveal evidence of cancer
• Tobacco exclusions for users and spouses who use
• May be rebutted
  • Preponderance of the evidence
  • Risk factor, accident, hazard, or other cause not associated with the individual's service as a firefighter or emergency medical technician caused the individual's disease or illness.
Marijuana in Workers’ Compensation
Texas - 1 of 13 States Low THC (.5%), High CBD (10%)

Medical Situations

Limited Circumstances
Medical Marijuana in Texas

• Legislative measure filed would expand the list of debilitating medical conditions (epilepsy) that qualify for medical cannabis under the 2015 Compassionate Use Act
  • Terminal cancer
  • Autism
  • Crohn's disease
  • PTSD
Poll question: What is your opinion on the legalization of marijuana possession?

- Possession of small amounts or any amount should be legal
- Legal for medical purposes only
- Should not be legal under any circumstances

**ALL TEXANS**
- Feb. 2014: 49% - 28% - 23%
- June 2018: 53% - 31% - 16%

**REPUBLICANS**
- Feb. 2014: 38% - 29% - 32%
- June 2018: 39% - 39% - 21%

**DEMOCRATS**
- Feb. 2014: 60% - 27% - 14%
- June 2018: 67% - 23% - 9%

Source: University of Texas/Texas Tribune polling
Credit: Chris Essig
Impact on Employers and Workers’ Compensation

- Coming back to work?
  - Drug Free workplace
- Cost vs. Benefit
  - Productivity issues
  - More Injuries?
- Length of Treatment
  - Business Needs
Psychosocial Barriers and Return to Work

No. 1 Barrier to Successful Outcomes

Business Insurance, March 30, 2017 - Rising Medical Solutions’ 2016 Workers’ Compensation Benchmarking Study survey of 492 claims professionals
Psychosocial Barriers

- Job Satisfaction
- Support at Home
- Work Relationships
- Beliefs about Cause of Injury and Pain
What Can Employers do?

1. Build and maintain positive relationships with employees
2. Be flexible to motivate employees
3. Explain your return-to-work policy
4. Employee Assistance Plan not a stigma

Direct, Positive Impact on Recovery and Outcome!
Technology Today

• Risk and Insurance “Three Powerful Technologies Are Joining Forces to Revolutionize Workplace Safety”
  • Antony Ireland | February 21, 2019
• “Virtual workers” review the physiological limits of a task before sending a live human to do it
• Today virtual technology is a training tool
Technology Acronyms and Application

• Sensor-laden wearable technology (wearables), virtual reality (VR) and augmented reality (AR)
Technology Today

VR and AR together

How can or will this work in counties?
Wake Up!
Sleepy Drivers?

• Ford’s SafeCap monitors truck drivers’ brainwaves to detect tiredness, instructing them to pull over and communicate with headquarters.

• Can this be applied to counties?

• Hurdles?
Challenges with Technology

• Building a large and reliable dataset to model workers and work environments
• Data processing power
• Cost – now? Several years from now?
More Challenges

• Wearables generate enough data without the demands of VR or AR on a single server
• Issues around the consent of workers and the privacy and security of data generated by wearables
• Challenges surmountable?
Looking Forward

• Early intervention – PTSD
• Understanding risks of your Volunteer Firefighters and EMTs
• How would medical marijuana affect county business?
• Technology – how can it be leveraged to reduce claims in the county?
Thank You for Attending

Questions?

Contact StacyC@county.org (512) 478-8753, ext. 3634.