

Return To Work



WORKERS' COMPENSATION BOARD
DEPARTMENT OF LABOR

Why Pursue Return to Work (RTW)?



- RTW programs are a proven, cost-effective way to control for the effects of disability and absenteeism in the workplace.
- RTW programs serve the best interests of the employer and employee.
- RTW programs optimize healing and function for most injured workers.
- RTW encourages the continued contribution of injured workers, helps control disability costs, and maintains the economic vitality of the State.

Return to Work Programs reduce:

- the frequency and duration of lost time
- workers' compensation costs
- medical costs
- litigation
- wage replacement costs
- utilization of short-term and long-term disability benefits
- utilization of the Family and Medical Leave Act and other leave policies
- worker replacement costs
- productivity losses

WCB and DOL Partnership

- Executive staff from the WCB and DOL formed a committee tasked with facilitating effective RTW policies, programs, and procedures.

RTW Committee Priorities

THE COMMITTEE IDENTIFIED PRIORITIES BY
REVIEWING THE RTW REPORT ISSUED BY THE
COMMISSIONER OF LABOR.

THE COMMITTEE DEVELOPED WCB AND DOL POLICIES
AND PROCEDURES AS WELL AS MATERIALS TO
PROMOTE RTW PROGRAMS TO BUSINESS AND LABOR.

DOL WSLPIP Regulations

- Adopted September 2, 2009.
- Provides for incentives and discounts for employers who voluntarily implement a safety, drug and alcohol prevention, and/or return to work programs.

WCB Publications

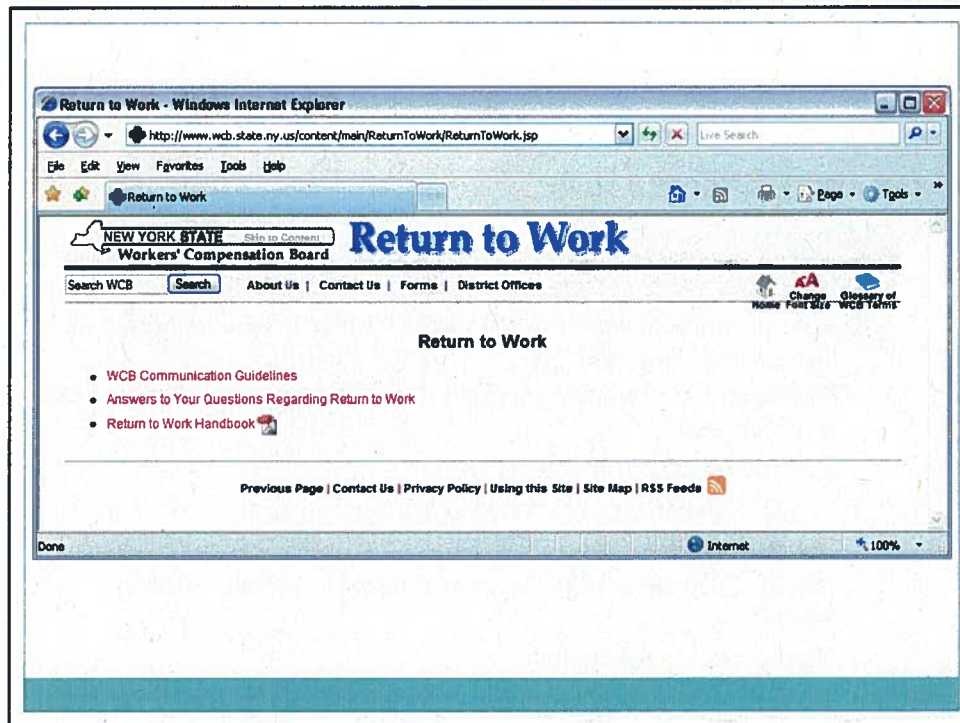
- Return to Work Handbook
- *Answers to Your Questions Regarding Return to Work*
- WCB Communication Guidelines
- Subject Number 046-309
- Website

The screenshot shows the Workers' Compensation Board website in a Windows Internet Explorer browser window. The address bar shows the URL <http://www.wcb.state.ny.us/>. The page header includes the Governor David A. Paterson and Chair Robert E. Beloten, along with navigation links like "About Us", "Contact Us", "Forms", and "District Offices". The main heading is "Workers' Compensation Board".

The website is organized into several sections:

- Workers:** File A Claim, Workers' Compensation Benefits, The Claim Process, Disability Benefits.
- Employers / Businesses:** Report Injury/Illness, Coverage Requirements, Disability Benefits, Respond to Employer Notice.
- Insurance Carriers:** Certificates of Insurance, Coverage Reporting Mandates, Insurance Compliance Inquiry.
- Self-Insured Employers:** Individual/Group, Political Subdivisions, Disability Benefits.
- Health Care Information:** Find a Doctor, Medical Care Fee Schedules, Unpaid Medical Bills (HP-1).
- Representatives:** Attorneys, Licensed Representatives, Third Party Administrators.
- Board Announcements:** Chair Robert Beloten's Testimony before the NYS Senate Labor Committee, Carrier Performance Standard For Waiver Pool of Coverage Penalties, Workers' Compensation Board Releases Data on 49,000 World Trade Center Cases, Revised Medical Report Forms August 2009.
- Right Side Navigation:** Board Releases (Subject Numbers), Press Releases, On-line Services, Public Contracts, Debarment List, Laws and Regulations, Publications, 2009 Board Meeting Dates, Procurement Opportunities, Return to Work, World Trade Center Registry.
- Bottom Right:** WC/DB Exemptions Form (CF-210).

The browser status bar at the bottom shows "Internet" and "100%" zoom level.



RTW Pilot Program

- WCB and DOL created a pilot program regarding return to work using the existing resources of both agencies to identify claimants who:
 - Have not returned to work,
 - Have the capacity to return to work,
 - Cannot return to their pre-injury job, and
 - Need assistance finding alternative employment.
- The goal of the program is to provide services to these claimants early on in the claim and return them to work as soon as medically possible.


- RTW Pilot began in July, 2009, in 3 locations
- Claimant identification :
 - WCB Examiners review cases and identify claimants who:
 - Have been out of work for 8 weeks in Manhattan and 10 weeks in Queens and Syracuse;
 - Have a partial disability pursuant to medical from treating medical provider; and
 - Have no surgery scheduled.
 - WC ALJs identify cases where claimant:
 - Has partial disability;
 - Has not been referred to Vocational Rehabilitation Counselor before; and
 - Has no surgery scheduled.

- When a Claimant is identified:
 - WCB sends request to treating physician to complete the Estimated Physical Capabilities Form
 - WCB sends request for employer to complete the Return to Work form
 - Claimant is referred to Vocational Rehabilitation Unit
 - Vocational Rehabilitation Counselor (VRC) sends letter to claimant with an appointment to meet within 7 days or stating will call within 5 days
 - VRC sends *Answers to Your Questions Regarding Return to Work*.




- **If Claimant responds the VRC:**


- VRC checks for RTW form
 - If yes, follows information
 - If no, contacts ER for job status
- VRC reviews Estimated Physical Capabilities Form, or medicals
- Claimant interviewed
- VRC prepares report




- **If Claimant doesn't respond, the VRC**


- Sends another letter to Claimant
- **If Claimant still doesn't respond, this is brought to the WCLJ's attention**


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- When Claimant responds, after the VRC completes his/her work, a referral is made to the appropriate DOL One Stop Center.
 - All appropriate information about the claimant is sent to DOL, including:
 - Contact information;
 - Physical capabilities form or medical;
 - Education; and
 - Work history.

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- When DOL receives referral, they:
 - Schedule an initial appointment within two work days
 - Perform initial assessment
 - ✦ Notify VRC about:
 - Which services will be provided
 - If the claimant is a no show
 - Evaluates for UI
 - May provide employment services or refer to VESID

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- WCB and DOL are sharing information and outcomes on claimants.
 - Since the pilot began in July, very few claimants have met the criteria for inclusion in the pilot: the claimant has not returned to work, is partially disabled at 8 or 10 weeks post accident, and is not awaiting surgery.
 - WCB and DOL continue to evaluate the pilot and will determine next steps in a few months.

Data Sharing

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- WCB and DOL have been sharing data for the past two years.
 - DOL wage data is matched with WCB claimant data and analyzed to determine return to work rates and identify the subsets of claimants who have the most difficulty returning to work.
 - Analyses are published annually by DOL and WCB.
 - Claimants classified as PPD NSL or who accept a Section 32 settlement have the lowest reemployment rates.



- **Two years after injury the following % of claimants were working:**

- 20% of claimants with PPD NSL classification,
 - 32% of temp total claimants who accepted a section 32 settlement,
 - In contrast, 74% of temp total claimants who did not accept a section 32 settlement were working in NYS.
- **The data sharing initiative will continue.**

Pending Items



THE WCB AND DOL CONTINUE TO WORK TO FACILITATE RETURN TO WORK INITIATIVES

Faster Medical Care

- **Faster access to medical care means faster recovery, resulting in better outcomes. This will be achieved through revision of the Medical Treatment Guidelines and physician forms.**
 - **Medical Treatment Guidelines will include:**
 - **Quality standards for timely, cost-effective medical care of injured workers,**
 - **A streamlined process for resolving disputes,**
 - **A training component for health care providers, billing clerks, claims examiners, and attorneys who work in the system, which will include training on Return to Work.**

- **Physician Forms**
 - **Improved forms provide more information to medical service providers regarding Return to Work.**
 - **C-11: Employer's Report of Injured Employee's Change in Employment Status Resulting from Injury**
 - **R Form: Carrier's Report on Rehabilitation**
 - **Developing strategies to improve reporting procedures.**

Stakeholder Training

- WCB will be doing outreach on RTW by providing training to stakeholders, including employers, unions and attorneys .
- The training, which is currently being developed, will include information on:
 - Why RTW is important
 - How Employers and Employees benefit from RTW
 - Resources available on the WCB website to support RTW

Forms & Enforcement

- The Report recommended that the WCB:
 - Redesign the Employer's Report of Injured Employee's Change in Employment Status Resulting from Injury (C-11) form and Carrier's Report on Rehabilitation (R) form
 - Develop, implement and enforce penalties for late or non-filing of forms related to return to work and rehabilitation programs.

Long Term Vision



WHERE DO WE GO FROM HERE?

Agency Coordination



- RTW Report's recommended better coordination between government agencies to enhance return to work and/or retraining services for injured workers.
- Board and DOL continue to work on improving reemployment services for injured workers.
- Board is speaking with VESID in the Education Department about sharing data, improving referrals, and signing a Memorandum of Agreement.

Fee Schedule

- **To incentivize physicians to participate in RTW efforts, the WCB is reviewing:**
 - Revisions in the fee schedule to increase reimbursement for office visits
 - Payment for completing and submitting RTW forms in a timely manner

Legislation Recommended by RTW Report

- **Amendments to the WCL:**
 - Require RTW policies for employers with 25 or more employees, insurers provide for smaller employers;
 - Provide Vocational Assessments paid for by the carrier;
 - Increase in penalties assessed for nonpayment of medical fees;
 - Payment for claimant attorney representation in medical-only cases;
 - Establishment of RTW pilot incentive programs in consultation with RTW Advisory Council.

Next Steps for RTW

- Seek input from business and labor.
- Establish priorities and timetable for implementing other recommendations from RTW Report.
- Analyze claimant data for Safety Net report and make recommendations.
- Research use of RTW incentives in NYS.
- Research RTW incentives from other states.

