

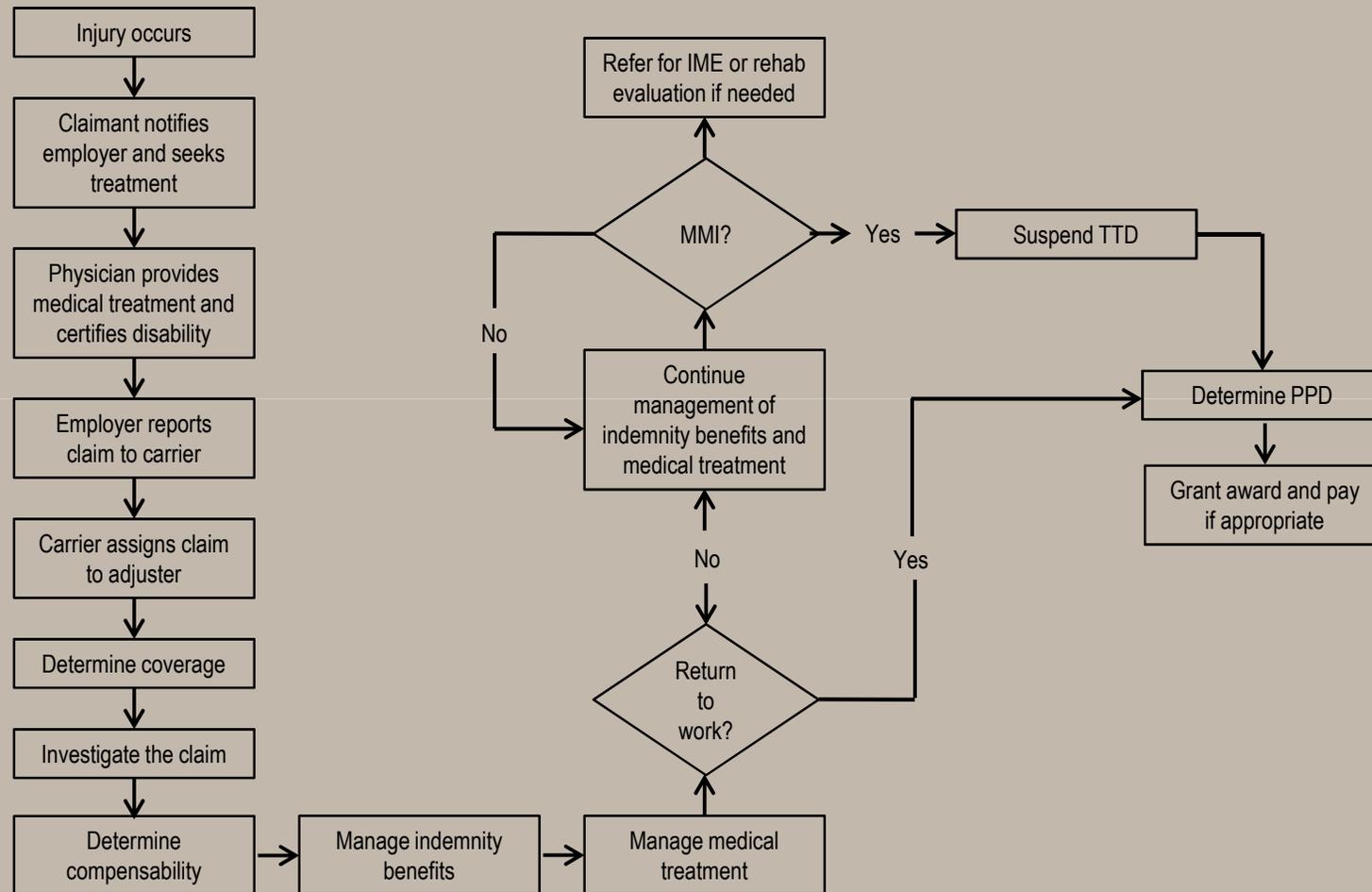
The Life Cycle of a Claim in West Virginia

Molly Wilson, BrickStreet Insurance

Your Business. Your People. You're Covered.™



Life Cycle Overview



Injury Occurs

Employee notifies employer immediately

Employer notifies carrier within five days

Carrier assigns claim to an adjuster

Manage Claim

Steps

- Determine coverage
- Investigate
- Determine compensability and eligibility for benefits
- Manage indemnity benefits
- Manage medical treatment
- Assist the claimant in returning to work

Determine Coverage

Policy in effect for date of injury

In W.Va., owners included unless they opt out

Some employers not required to have coverage

- Those in domestic services
- Casual employers
- Churches
- Those engaged in organized professional sports, etc.

Investigate

Gather facts of the case

Make contacts

Request records

Determine Compensability

Three elements must co-exist

- A personal injury
- Received in the course of employment
- Resulting from that employment

Timely filing: six months for injury

Determine Compensability

Review facts to determine compensability and eligibility for benefits

Protestable decision must be issued within 15 working days

Manage Indemnity Benefits

Temporary Total Disability (TTD)

- More than three days to qualify
- More than seven to receive TTD for first three days
- Order must be issued within 15 working days
- Medical evidence necessary to justify continued TTD
- Order cannot be entered granting prospective TTD for a period of more than 90 days

Manage Indemnity Benefits

TTD

- Maximum of 104 weeks
- Suspend with notice
 - If IME physician concludes MMI
 - When authorized treating physician advises MMI or ready for rating
 - When other evidence justifies finding of MMI
 - When other evidence justifies finding of abuse

Manage Indemnity Benefits

Other Types

- TPR: temporary partial rehabilitation benefits paid when RTW and average weekly earning are less than pre-injury earnings (52-week limit)
- NAP: Has not RTW and can be paid until RTW or entry of PPD as prepayment of award
- Rehab TTD: TTD paid as part of rehabilitation plan (52-week limit)

Manage Indemnity Benefits

Other Types

- PPD: Permanent partial disability benefits based on whole body medical impairment
- PTD: Permanent total disability threshold minimum of 50% PPD or 35% statutory

Manage Indemnity Benefits

IME if 120 days of TTD

PPD

Refer to IME within 20 days of the end of the 120-day period of TTD

Manage Indemnity Benefits

Act on PPD evaluation within 30 working days

Payment of PPD within 15 days of award decision

Manage Medical Treatment

Respond to request for authorization within 15 working days

Prior authorization required for some services:

- Inpatient hospitalizations subsequent to the DOI
- Surgeries
- Psychiatric treatment
- Physical medicine treatment in excess of rule
- Certain DME (85-20-9.10 for complete list)

Manage Medical Treatment

Rule 20 has specific guidelines for controlled substances

- Schedule II drugs no longer than **two weeks** after initial injury or following a subsequent operative procedure
- Schedule III drugs no longer than **six weeks** after initial injury or following a subsequent operative procedure

Manage Medical Treatment

Rule 20 guidelines, continued

- Schedule IV drugs no longer than **six weeks** after initial injury or following a subsequent operative basis
- Schedule IV drugs no longer than **six months** after initial injury or following a subsequent operative procedure

Authorization must be obtained to prescribe medications beyond the above guidelines

Assist Claimant In RTW

Rehab plan may be needed

Rehabilitation hierarchy

- Return to pre-injury job with same employer
- Return to pre-injury job with same employer, with modification of task, work structure or hours
- Return to employment with same employer in different position

Assist Claimant In RTW

Rehabilitation hierarchy continued

- Return to employment with same employer in different position with on-the-job training
- Employment with new employer without training
- On-the-job training for employment with new employer
- Enrollment in retraining program

Life Cycle Recap

Claim Activity	Adjuster's Action
Report of injury filed	Compensability decision
Medical evidence or 219 received	Extension decision
Authorization request	Authorization decision
Return to work	TTD closure decision
MMI reached	Suspension notice
Suspension notice expires	Suspension decision
PPD determined	Award decision

Claim Scenario

31-year-old construction worker

- Slipped and hit right knee on a rock
- Continued to work that day
- Sought treatment that night at the ER
- Initial diagnosis knee sprain
- Return to work light duty

Claim Scenario

Continued

- Still limited to “sitting work”
- Tried physical therapy
- Employer no longer can offer modified/light duty
- MRI revealed medial meniscus tear
- 219 received extending benefits for 90 days
- Scheduled for right knee arthroscopy

Claim Scenario

Status after 10 weeks reveals

- Still wearing brace, but not using crutches
- Continuing physical therapy
- Feels better, but without brace feels like it wants to buckle
- Exam reveals some instability and diminished flexion
- Potential reconstructive surgery
- Request custom brace
- Still limited in activities – return in three weeks

Claim Scenario

Further results

- Custom brace didn't seem to help
- Request authorization to proceed with arthroscopic reconstruction of his right knee anterior cruciate ligament

Claim Scenario

Further results

- Claimant has surgery, now complains of feeling tired and vomiting
- Went to ER and was transported to ICU, placed on ventilator
- Additional surgery to drain knee because of staph infection
- Treated for infection and released to full duty after six weeks

Statutory Reference Guide

Topic	Code Location
Application for benefits	§ 23-4-15
Coverage	§ 23-2-1(b)
Compensability	§ 23-4-1
Employee report	§ 23-4-1a
Employer report	§ 23-4-1b
Timely filed	§ 23-4-15
Wages	§ 23-4-1c(d)
Computation of benefits	§ 23-4-6(b)
Issuing decisions	§23-5-1

Statutory Reference Guide

Topic	Code Location
Disability longer than three days	§ 23-4-1c(b)
Not to exceed 90 days	§ 23-4-1c(c)
Criteria for disability benefits	§ 23-4-6
120-day referrals	§ 23-4-7a(f)
Maximum TTD 104 weeks	§ 23-4-6(c)
Suspending benefits	§ 23-4-7a(e)
Statutory PTD	§ 23-4-6(m)
PTD threshold	§ 23-4-6(n)
Settlements	§ 23-5-7

Questions?

Your Business. Your People. You're Covered.™

