

Workers' Compensation Advisory Committee (WCAC) Meeting

Labor and Industries, Tumwater, WA

Meeting Notes

September 28, 2023

Hybrid – L&I Auditorium and Zoom

Business Representatives:

Bob Battles, Association of Washington Business
Sheri Call, Washington Trucking Association
Jon DeVaney, Washington State Tree Fruit Association
Kelly Early, ESD 113

Labor Representatives:

Joe Kendo, Washington State Labor Council
AJ Johnson, Washington State Council of Firefighters (*not in attendance*)
Mark Riker, Washington State Labor Council
Brenda Wiest, Teamsters Local 117

Labor and Industries:

Joel Sacks, Director
Mike Ratko, Assistant Director for Insurance Services

Board of Industrial Insurance Appeals (BIIA):

Holly Kessler, Chair

Court Reporter:

Andrea Clevenger, Capitol Pacific Reporting

Recorder:

Cristina Gaffoglio (*present*)

Guests:

Alex Woodward, Ali Ishaq, Amy Early, Andrea Clevenger, Anna Minor, Anthony Felice, Ashley Oberst, Bill Vasek, Brenda Heilman, Brenda Wiest, Brian Ducey, Brian Helmholz, Cameron Van Dyke, Candice Bock, Carolyn Longue, Celia Nightingale, Cherell Fisher, Cherie Wagaman, Cristina Gaffoglio, David Kennerud, Debra Hatzialexiou, Dakota Selene-Hait, Dr. Gary Franklin, Emily Stinson, Erich Hahn, Holly Kessler, Jayme Mai, Jennifer Marcum, Jessica Nau, Jon DeVaney, Ji Young Nam, Joe Kendo, Joel Sacks, John Cox, Joshua Ligosky, Julie Black, Julie White, Keith Bingham, Kelly Early, Kelly Leonard, Kim Hurley, Kim Wallace, Kirsta Glenn, Knowrasa Patrick, Lauren Gubbe, Leigh Haley, Lisann Rolle, Liz Evans, Maria McClain, Mark Riker, Meenu Thapar, Michael Harris, Mike Ratko, Mike Williams, Michelle Trowbridge, Nichole Runnels, Rob Cotton, Rose Gundersen, Ryan Guppy, Sarah Etue, Sarah Crain, Scott Bradley, Sheri Call, Sheryl Divina, Suzyn Daniel, Taylor May, Thomas Feller, Tom Kwieciak, Tricia Daniel, TVW Streaming, Tyler Langford, Vickie Kennedy

Welcome and Introduction: Mike Ratko and Joel Sacks

The meeting began with a brief overview of the agenda and introductions of the committee members.

Mr. Ratko moved to approve the minutes from the June 15, 2023 meeting. Ms. Sundstrum seconded the motion. There was no opposition to the motion. The minutes were approved.

Mr. Ratko introduced Anthony Felice, Safety Officer with Labor and Industries, who presented the safety message.

General Updates: Mike Ratko and Joel Sacks

Mr. Ratko gave an update on the current status of COVID-19 claims and talked through slides 5-7. **Ms. Heilman explained** that there is going to be a difference in the number of claims that are allowed or denied due to COVID now being treated like an occupational disease because the presumptive no longer applies. Meaning that a non-first responder worker who used to be presumptively covered now would not have a presumptive. The threshold for proving occupational disease has to be met for their claim to be allowed. Versus a first responder working with a patient can cite a specific patient who had COVID that were exposed to be able to file an allowable claim.

Mr. Ratko introduced Brenda Heilman, who gave an update on Agency Request Legislation, updating the committee of the Return to Work incentive package that's being sent to the Governors office. Explaining that several programs have not had any increases in the incentives for close to a decade, which identified the need for providing employees with such things as ergonomic devices and more opportunities for training to help them be successful in the workplace.

Mr. Ratko discussed Supplemental Decision Packages. One package is requesting \$400,000 to conduct a study on PTSD, in regards to system impacts, treatment strategies, and access to care issues and challenges. **Mr. Kendo asked**

Ms. Smith explained talked through slides 8-10 about the current status of the Workers Compensation System Modernization.

Mr. Ratko and Mr. Sacks gave an update on 23-25 Budget Requests.

Operational Health Dashboard: Mike Ratko

Mr. Ratko talked through slides 14-27.

In regards to the fluctuation in the percent of time-loss loss claims coming in the door, **Mr. Battles asked** if this tied to Covid claims. **Mr. Ratko confirmed** that was the case and pointed out the multiple spikes in the percentage of time-loss claims during the pandemic. **Mr. Sacks shared** that another contributing factor most likely had to do with the fact that we'd seen a significant reduction in medical-only claims during that same time period, noting this was a national phenomenon.

Mr. DeVaney wondered if the fluctuations and decreases in percentage of medical-only and the percent time-loss are similar across industries and if perhaps hybrid/telework has effected particular industries. **Ms. Rolle stated** that drop-offs in medical-only claims have been universal across all industries, but she can look into it further and report back, including a review of the industries more likely to be working in a hybrid environment.

Ms. Gunderson shared that she was seeing a trend in frontline workers moving out of state and reducing their options for return to work. Rose indicated she had proposed legislation last session that didn't pass that attempted to mitigate this concern and she was interested if the department had data on workers moving out of state during their injury. **Mr. Ratko indicated** that the department would look into this.

Board of Industrial Insurance (BIIA) Update: Holly Kessler, BIIA Chair

Mr. Ratko introduced Ms. Holly Kessler, BIIA Chair, who talked through slides 22-27.

Mr. Battles asked if the Board planned on retaining hybrid hearings? **Ms. Kessler indicated** that this would be the case until it was no longer feasible or massively unpopular.

Program Spotlight – SHARP Overview: Dr. Dave Bonauto

Mr. Ratko introduced Dr. Dave Bonauto, Research Director for SHARP Program, who shared information about the Safety and Health Assessment and Research for Prevention (SHARP) program came about due to related to the chemically-related illness, and specifically multiple chemical sensitivity that workers in an industrial setting are exposed to.

Dr. Bonauto talked through slides 30-43.

Mr. DeVaney asked whether SHARP will be addressing specific types of injuries with industry partners. **Dr. Bonauto responded** with yes, SHARP continues to research and identify emerging hazards and bring awareness to workers.

Program Spotlight – Work-related Musculoskeletal Disorder (WMSD) claims: Dr. Jennifer Marcum

Dr. Bonauto introduced Dr. Jennifer Marcum, WMSD Epidemiologist for SHARP.

Dr. Marcum talked through slides 45-58

Dr. Marcum gave an in-depth view of work WMSD claims in the Workers' Comp System, specifically relating to the new ergonomics bill. **Dr. Marcum explained** that WMSDs account for about a third of all the compensable claims in Washington and they account for 45 percent of the compensable claim costs to the state fund.

Dr. Marcum will be publishing an annual report to indicate which risk classes, which industries, are affected by WMSDs. She showed examples of what the reports might look like and what data will be pulled. **Ms. Wiest asked if** Dr. Marcum is able to identify an employer who has more injuries than another. Or is it just looking at the risk class as a whole? **Ms. Marcum indicated** that the department has the capability to take a much more detailed look into an industry, including at the individual firm level. There was much discussion about what criteria would be used to determine the industry to focus on, and the department indicated that it was still working out the details regarding the list and that the committee members would be kept informed as things developed.

Industrial Insurance State Fund Financial Overview: Rob Cotton

Mr. Ratko introduced Rob Cotton, Chief Accounting Officer for Financials, who talked through slides 60-72.

There was discussion about the appropriate level of the contingency reserve, which is currently around 30%. Mr. Sacks indicated that his ideal reserve level is around 25% to enable him the ability to ensure predictable and stable rates.

Spanish Language Web Access Project: Tim Church

Mr. Ratko introduced Tim Church, Assistant Director for Web and Communications.

Mr. Church went over slides 74-78.

Mr. Church explained that people who speak Spanish in Washington are the largest non-English-speaking community in our state. About 15 percent of Washington workers identify themselves as Hispanic. **Mr. Church added** that Spanish speaking customers were struggling to navigate LNI's website, which is why his team launched the new Spanish-Language website.

Mr. Church introduced Lizzy Drown, Enterprise Project Manager, who gave a brief demonstration of the Spanish website.

Closing Comments & Adjourn: Mike Ratko and Joel Sacks

Mr. Ratko and Mr. Sacks thanked Ms. Sundstrom for her commitment and passion for Workers Comp and good policy. They presented her with a gift

Mr. Sacks thanked the presenters for their time and effort putting together their presentations and asked the committee to send any topic ideas their way so they can be incorporated into future agendas.

Mr. Ratko thanked the attendees and presenters.