

I nformal D ispute R esolution

The Employee Assistance Office (EAO)

The core function of EAO is to inform and assist injured workers, employers/carriers, and health care providers in fulfilling their responsibilities under workers' compensation law. This entails serving as a resource to employees; educating and disseminating information to employees and employers; investigating disputes and attempting to facilitate an agreement between the employee and the employer/carrier; and assisting the employee in initiating formal litigation through completing and filing a Petition for Benefits (PFB) which meets the specificity requirements outlined in sections 440.192(2) and 440.192(6), F. S. In addition to the central office in Tallahassee, EAO specialists are located in 13 field offices throughout the state: Cocoa, Daytona Beach, Ft. Lauderdale, Ft. Myers, Gainesville, Jacksonville, Miami, Ocala, Orlando, Panama City, Pensacola, Tampa, and West Palm Beach. The desired goal of EAO is to resolve disputes and prevent their escalation to the formal dispute resolution stage.

Requests for Assistance (RFAs)

Upon arrival in the division, Requests for Assistance (RFAs) are promptly date stamped and scanned into the Organized Fast Flow Information Support (OFFIS) system in the Bureau of Information Management (BIM), then forwarded electronically to EAO. Once in EAO, an RFA team reviews RFAs for

accuracy, and codes and enters data elements into the division's Integrated database in preparation for investigation by the specialists.¹ Disputes do not always proceed automatically to the PFB stage, even if some or all issues are unresolved after 30 days of investigation by EAO. The statute allows for filing a PFB after 30 days, but the decision to do so rests with the injured worker. Also, EAO specialists are not prohibited from continuing their attempts at resolution beyond 30 days.

The RFA has been the basic instrument by which EAO measured workload and allocated resources, although this process has been supplanted somewhat by the Early Intervention Program (EIP). Table 1 highlights RFA activity during each of the seven years since the 1993 reforms. The number of cases submitting RFAs jumped dramatically after 1994. From 1995 through 2000 the number of cases submitting first RFAs has remained fairly stable at about 40,000 despite the decline in lost-time cases during these years. In contrast to this pattern, the total number of RFAs and the total number of issues on those RFAs increased with each successive year of submission through 1999 before declining slightly in 2000. The difference between the first two columns in Table 1 is that the second also includes cases for which an RFA was already submitted in an earlier calendar year.

Compared to 1995, a third more RFAs were submitted in 1999, collectively containing 87% more issues than in 1995. Since the reforms, EAO associates have had to handle, on average, almost 1.7 RFAs per injured worker filing an RFA, attempting to resolve over 3.5 issues on each of those RFAs—or six issues per case. Average RFAs per case have remained fairly stable over the past several years,

Table 1

***Cases Submitting RFAs, Total RFAs, and RFA Issues
by Year of Submission (1994-2000)***

Year of Submission	Total Cases Submitting First RFA	Total Cases Submitting RFAs	Total RFAs	Average RFAs per Case	Total Issues	Average Issues Per RFA	Average Issues Per Case
1994	33,307	33,307	45,473	1.37	100,995	2.22	3.03
1995	42,984	53,003	85,690	1.62	249,481	2.91	4.71
1996	40,490	57,404	93,044	1.62	289,142	3.11	5.04
1997	41,245	61,768	105,304	1.70	383,769	3.64	6.21
1998	41,426	65,302	117,203	1.79	453,587	3.87	6.95
1999	40,671	66,656	119,251	1.79	471,688	3.96	7.08
2000	39,980	65,046	114,584	1.76	467,025	4.08	7.18
Total	280,103	402,486	680,549	1.69	2,415,687	3.55	6.00

Source: Division of Workers' Compensation Integrated database as of April 30, 2001, and Investigations File (for cases submitting RFAs between January 1, 1994, and October 16, 1994)

although average issues per RFA have shown a general, though slowing, growth pattern since the RFA process was implemented in 1994. The rightmost column of Table 1 shows that specialists were faced with about seven issues per case during the past three years, compared to about five in 1995 and 1996, the first years with complete data. The increase in issues per case would indicate an intensified workload for specialists investigating RFAs, other things being equal.

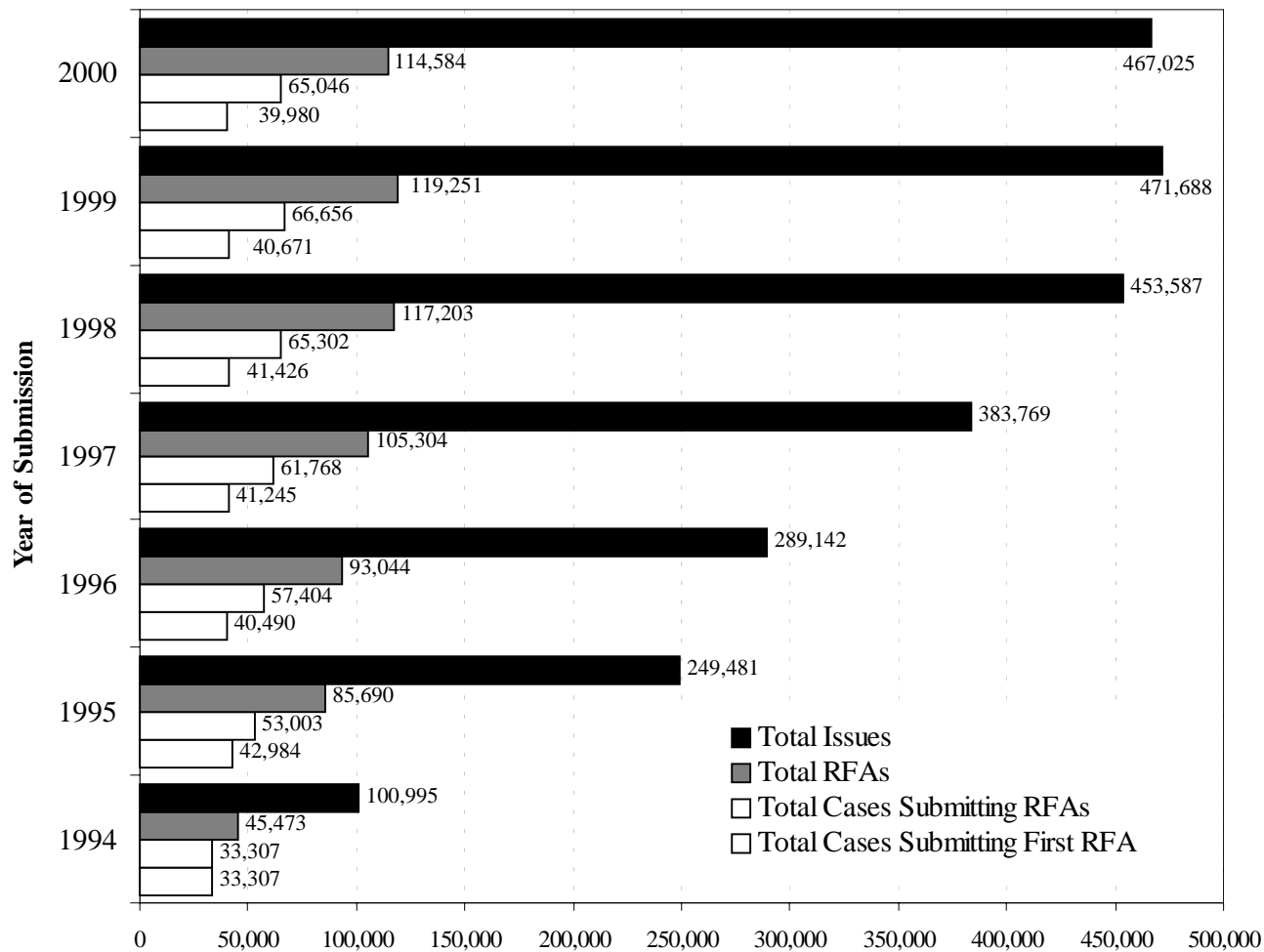
Figure 1 graphically displays the dramatic rise in the number of issues relative to the number of RFAs and cases by year of submission. Following substantial growth in RFAs submitted from 1994 through 1998, the growth rate dropped in 1999, and the count of RFAs submitted in 2000 actually dropped below the level of both 1998 and 1999. It is possible that the decline may be due to increased efforts made by EAO specialists as part of the Early Intervention Program; however, it is difficult to substantiate that hypothesis.

A distribution of the 2.4 million issues listed on RFAs submitted from 1994 through 2000 is

presented in Table 2. The 15 specific issue categories are listed by descending count. In every year, Medical Authorization and Treatment was the most common issue, representing more than one-fourth of RFA issues. It is notable that the proportion of Medical Authorization and Treatment issues has remained stable despite an increase in the number of workers treated in managed care arrangements, which should have internal grievance procedures. Despite the fact that use of managed care arrangements became mandatory several years ago², it appears that injured workers and their attorneys are still pursuing resolution of healthcare disputes through RFAs instead of, or in addition to, using the grievance procedures of managed care arrangements. This table also confirms an impression gained from Table 1: 1994 was a shakedown period for the RFA process so data for that submission year are not fully reflective of later years. Note, for example, the changes in relative rankings in 1994 compared to later years for Attorney Fees and Temporary Partial Disability. There are also expected shifts in the proportions involving disability types defined or terminated by the reforms, such as Impairment Benefits

Figure 1

Total Cases Submitting RFAs, Total RFAs, and Total RFA Issues by Year of Submission (1994-2000)



Source: Division of Workers' Compensation Integrated database as of April 30, 2001, and Investigations File (for cases submitting RFAs between January 1, 1994 and October 16, 1994)

Table 2

The Fifteen Most Frequent RFA Issue Categories by Year of Submission (1994-2000)

Type of Issue	1994		1995		1996		1997		1998		1999		2000		1994 - 2000	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Medical Auth. & Treatment	27,954	27.7%	67,848	27.2%	80,420	27.8%	102,215	26.6%	119,536	26.4%	123,769	26.2%	117,836	25.2%	639,578	26.5%
Attorney Fees	6,492	6.4%	39,313	15.8%	49,953	17.3%	66,682	17.4%	72,916	16.1%	74,402	15.8%	81,228	17.4%	390,986	16.2%
Penalties and Interest	8,463	8.4%	31,712	12.7%	39,402	13.6%	52,037	13.6%	64,516	14.2%	67,471	14.3%	71,631	15.3%	335,232	13.9%
Temporary Total Disability	6,779	6.7%	18,819	7.5%	22,597	7.8%	30,196	7.9%	36,456	8.0%	37,476	7.9%	38,017	8.1%	190,340	7.9%
Temporary Partial Disability	12,203	12.1%	14,654	5.9%	13,554	4.7%	27,105	7.1%	35,429	7.8%	36,269	7.7%	36,459	7.8%	175,673	7.3%
Payment of Medical Bills	11,405	11.3%	25,206	10.1%	24,290	8.4%	24,113	6.3%	26,530	5.8%	26,505	5.6%	24,783	5.3%	162,832	6.7%
Additional Benefits	2,055	2.0%	7,561	3.0%	10,941	3.8%	18,500	4.8%	23,953	5.3%	24,796	5.3%	24,179	5.2%	111,985	4.6%
AWW* & Comp Rate	6,371	6.3%	9,581	3.8%	11,367	3.9%	15,218	4.0%	19,706	4.3%	21,571	4.6%	21,877	4.7%	105,691	4.4%
Compensability	4,145	4.1%	5,870	2.4%	6,907	2.4%	9,057	2.4%	10,901	2.4%	11,775	2.5%	10,900	2.3%	59,555	2.5%
Permanent Total Disability	4,034	4.0%	7,476	3.0%	8,205	2.8%	9,656	2.5%	10,553	2.3%	10,380	2.2%	8,584	1.8%	58,888	2.4%
Independent Medical Examiner	167	0.2%	1,002	0.4%	4,136	1.4%	7,288	1.9%	7,977	1.8%	8,483	1.8%	8,236	1.8%	37,289	1.5%
Impairment Benefits	145	0.1%	1,306	0.5%	3,089	1.1%	5,392	1.4%	7,383	1.6%	8,711	1.8%	6,728	1.4%	32,754	1.4%
Attendant Care	1,203	1.2%	2,762	1.1%	3,165	1.1%	3,904	1.0%	4,553	1.0%	4,906	1.0%	3,937	0.8%	24,430	1.0%
Wage Loss (Pre-1994)	6,168	6.1%	6,734	2.7%	3,023	1.0%	2,138	0.6%	1,313	0.3%	774	0.2%	412	0.1%	20,562	0.9%
Supplemental Benefits	286	0.3%	902	0.4%	703	0.2%	2,032	0.5%	3,279	0.7%	3,620	0.8%	2,590	0.6%	13,412	0.6%
All Other Issues	3,125	3.1%	8,735	3.5%	7,390	2.6%	8,236	2.1%	8,586	1.9%	10,780	2.3%	9,628	2.1%	56,480	2.3%
Total	100,995	100.0%	249,481	100.0%	289,142	100.0%	383,769	100.0%	453,587	100.0%	471,688	100.0%	467,025	100.0%	2,415,687	100.0%

*Average weekly wage
 Source: Division of Workers' Compensation Integrated database as of April 30, 2001, and Investigations File (for cases submitting RFAs between January 1, 1994, and October 16, 1994)

and Wage Loss.

The same set of six issues has predominated for each post-reform year, collectively comprising over three-quarters of RFA issues submitted annually after 1994. During this same period, the top three issues maintained their relative ranking, comprising well over half of all issues. Attorney Fees have hovered at around one-sixth of all recorded issues, while the proportion for Penalties and Interest has risen slightly. The prevalence of Attorney Fees as a reported issue implies an ongoing level of attorney involvement in workers' compensation disputes at the informal stage, contrary to the intent of the 1993 reform legislation. EAO records every issue type submitted on RFAs for internal reporting purposes, but has no authority in the area of attorney fees, so this issue should not be included on an RFA. Similarly, EAO seldom has jurisdiction over issues of Penalties and Interest. This may indicate that many RFAs are produced by their submitters from boilerplate text to cover all or most issues that may eventually come into dispute regarding the claim.

Each of the top nine issues listed in Table 2 has individually comprised 2% or more of the total for each year. Over the past five years there has been relative stability in the rankings by issue. The source database for Table 2 actually includes over 40 categories of RFA issues that may be reported. Those not specifically listed in the table are collapsed into the "All Other Issues" category. Among those included in All Other Issues are Permanent Impairment and Maximum Medical Improvement (MMI); Notice of Injury; Rehabilitation and Vocational Services; Statute of Limitations; Catastrophic Loss; Death/Dependency Guardianship; and Offsets to Unemployment Compensation, Social Security, or Previous Overpayments. In this report, Supplemental Benefits, a post-reform permanent partial disability type, is reported separately for the first time.

The investigation of a given RFA may result in one of several outcome classifications. Some issues

on an RFA may be resolved, while some may remain in dispute, and others may be for benefits not yet due, and so on. Table 3 presents a breakout of outcomes for RFAs submitted from October 1994 through December 2000. In last year's report the data were displayed in subgroups as resolvable and unresolvable. However, recent procedural changes in data entry have clouded this distinction. Consequently, RFA outcomes are reported in Table 3 only by the extent to which they reflect resolution of comprised issues: all, some, or none. This approach does have shortcomings; for example, any RFA containing Attorney Fees as an issue could never be classified as having all issues resolved, simply because such fees are not under the jurisdiction of EAO staff. To reduce reporting bias, the issues Attorney Fees and Penalties and Interest were excluded from totals provided in Table 3.

Trends in Table 3 provide information regarding the evolution of the RFA process. For recent years, there has been a notable increase in the proportions of RFAs with no issues resolved. The accelerated drop in resolution rate for 2000 may be a consequence of concentrating staff efforts on the Early Intervention Program. EAO continues to phone carriers on behalf of injured workers who walk in or call a regional office; however, if an RFA is received from an attorney, EAO's initial involvement is typically limited to forwarding the form to the carrier. Experience has shown that EAO does not receive a response to a large proportion of these forms. Formerly, EAO would make several attempts to contact the carrier/adjuster. Failure of carriers to respond is now included in the count of No Issues Resolved. No information is available regarding the number of carriers that respond directly to the injured worker without informing EAO.

In any case, the underlying trends in Table 3, displayed graphically in Figure 2, continue to show apparent problems with utilization of the RFA system. Recall from Table 2 that Attorney Fees and Penalties and Interest are among the top-ranked RFA issues. Thus, resolution rates may also be affected by RFAs

Table 3

RFA * Outcomes by Year of Submission (1994**-2000)

Outcome	1994**		1995		1996		1997	
	RFAs	Percent	RFAs	Percent	RFAs	Percent	RFAs	Percent
All Issues Resolved	3,620	25.1%	18,565	21.9%	19,103	20.7%	15,390	14.7%
Some Issues Resolved	1,664	11.5%	9,304	11.0%	10,507	11.4%	10,662	10.2%
No Issues Resolved	9,160	63.4%	56,852	67.1%	62,565	67.9%	78,494	75.1%
Total	14,444	100.0%	84,721	100.0%	92,175	100.0%	104,546	100.0%

Outcome	1998		1999		2000		1994 - 2000	
	RFAs	Percent	RFAs	Percent	RFAs	Percent	RFAs	Percent
All Issues Resolved	12,957	11.1%	9,545	8.1%	4,528	4.0%	83,708	13.0%
Some Issues Resolved	9,803	8.4%	7,314	6.2%	3,437	3.0%	52,691	8.2%
No Issues Resolved	93,649	80.4%	101,441	85.7%	105,787	93.0%	507,948	78.8%
Total	116,409	100.0%	118,300	100.0%	113,752	100.0%	644,347	100.0%

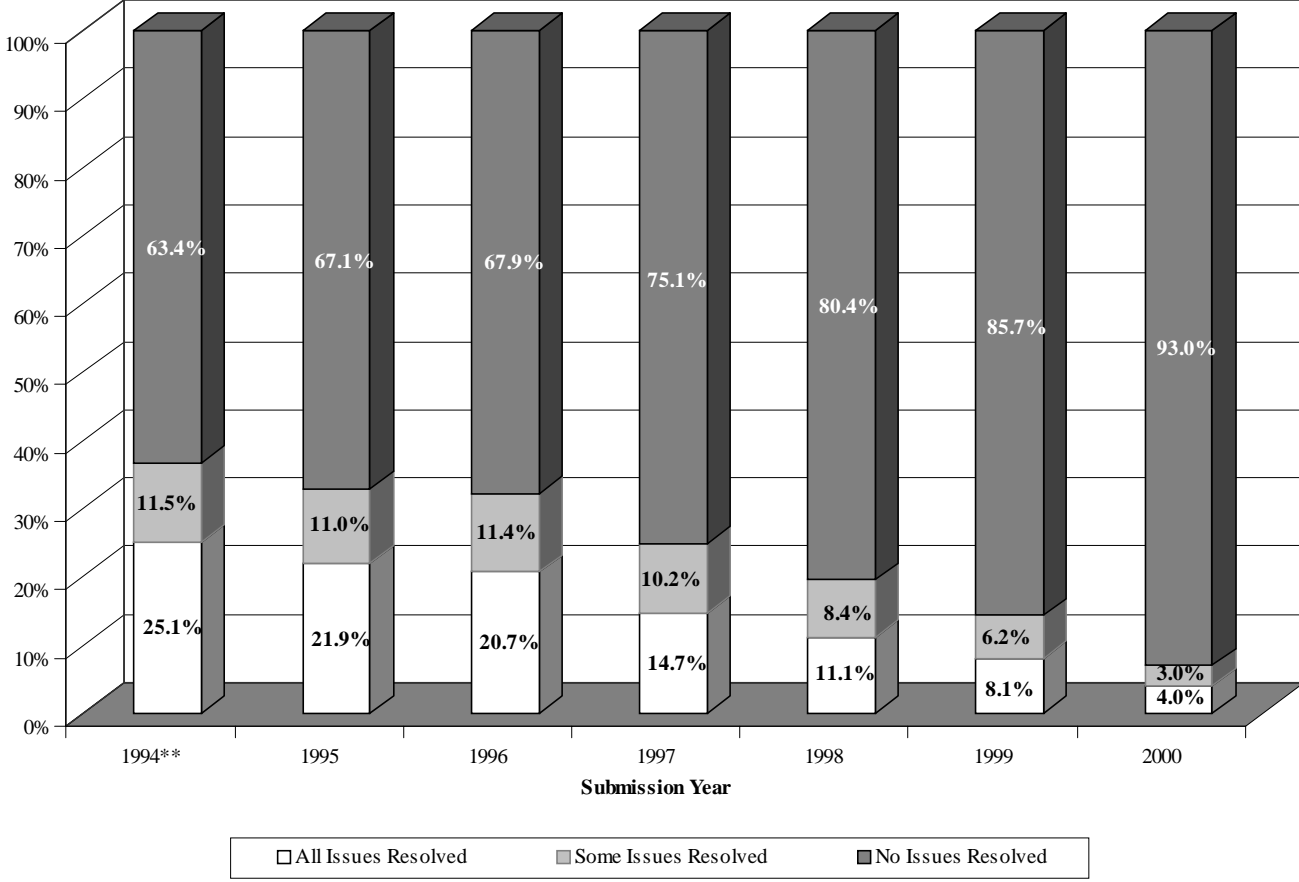
*Because EAO has no jurisdiction to resolve issues involving attorney fees or penalties and interest, such issues are not included in this table. For that reason, the count of RFAs in this table is lower than in other tables.

**Includes 4th quarter only.

Source: Division of Workers' Compensation Integrated database as of April 30, 2001

Figure 2

Distribution of RFA Outcomes* by Year of Submission (1994-2000)**



*Because EAO has no jurisdiction to resolve issues involving attorney fees or penalties and interest, such issues are not included in this figure.
 **Includes 4th quarter only.
 Source: Division of Workers' Compensation Integrated database as of April 30, 2001

2001 Dispute Resolution Report

“front-loaded” with all possible issues, whether or not due and owing at the time of filing, for the purpose of avoiding subsequent filing of RFAs prior to litigation. In any case, Figure 2 does illustrate a continuous decline in the percentage of RFAs with all issues resolved since 1994. The percentage with some issues resolved remained steady through the first few post-reform years but it has also declined notably during the three most recent submission years.

In contrast to the analysis of overall RFA outcomes, Table 4 displays the outcomes of the most frequently submitted individual *issues* from October 1994 through December 2000. Again, because of the difficulty in distinguishing unresolved and unresolvable issues, the issues are simply summarized as “resolved” or “not resolved” in this report. Because of jurisdictional problems noted above with Attorney Fees and Penalties and Interest, these issues have been eliminated from Table 4 and replaced with Notice of Injury and Permanent Impairment. Issues are listed in descending order according to the aggregated percentage of resolutions. Across the entire period, EAO specialists had by far the greatest success resolving issues related to Notice of Injury, although this accounted for a relatively small number of issues. Typically in these cases, an injured employee informs EAO that the employer has refused to file a First Report of Injury or Illness. EAO may either contact the employer to advise them of their duty to report the alleged injury to the carrier for a determination of compensability, or EAO may report the alleged injury directly to the carrier. An employer may refuse to file the Notice of Injury based on doubt that the employee had a workplace injury, but this refusal may make the employer subject to a civil penalty. A successful resolution of a Notice of Injury issue does not necessarily imply that the carrier has agreed that the injury is compensable, but only that EAO was successful in getting the carrier to accept, or the employer to file, the Notice of Injury as required by law.

The next highest success rate, more than one in five, was for issues related to Independent Medical

Examiners (IME). The same five issues have had the highest resolution rates and relative rankings since 1996.³ At the other end of the spectrum, issues related to Supplemental Benefits were least likely to be resolved. This is the only remaining post-reform permanent disability type in which wage loss is a factor in calculation of benefits, and it is second only to Permanent Total disability in terms of per-claim benefit payments. Somewhat surprising is the low resolution rate for Temporary Partial disability, the least severe disability type. Often this issue indicates a disagreement between the employee and employer about the employee’s ability to work within restriction, e. g., at “light duty,” and the filing of a form to this effect. In contrast, the issue of Temporary Total disability, for example, may be considered more straightforward in being a determination that the employee is not able to work even on a limited basis.

The combined resolution percentages from Table 4 are displayed in Figure 3. It is notable generally that issues related to direct provision of benefits, including medical services, appear more subject to successful intervention by EAO specialists. Issues related to determination of disability are more intractable at the informal stage of dispute resolution. These issues may be complicated by medical questions as well as disagreements about the worker’s ability to return to some type of employment. Likewise, compensability issues appear to be difficult to resolve. Compensability is a unique issue in being an initial decision by the insurance carrier. Thus, compensability is a pivotal judgment call, which will potentially open the gates to consideration of other issues, so carriers may feel less reluctant to pursue this question into the formal dispute resolution process. However, carriers may face additional liabilities for attorney fees when compensability is in dispute.⁴

Information maintained by the division formerly permitted tracking of who submits RFAs: the injured worker, the carrier, a medical provider, or an attorney. This information is not required in the Integrated system and is no longer reliably collected, so data on attorney

Table 4

Outcomes of the Fifteen Most Frequent RFA Issues* by Year of Submission (1994-2000)**

Type of Issue	1994**			1995			1996			1997		
	Resolved	Not Resolved	Total	Resolved	Not Resolved	Total	Resolved	Not Resolved	Total	Resolved	Not Resolved	Total
Notice of Injury	220 88.7%	28 11.3%	248	1,288 84.2%	242 15.8%	1,530	1,347 80.7%	323 19.3%	1,670	1,319 81.7%	295 18.3%	1,614
Independent Medical Examiner	20 20.8%	76 79.2%	96	403 40.2%	599 59.8%	1,002	1,391 33.6%	2,745 66.4%	4,136	2,269 31.1%	5,019 68.9%	7,288
Additional Benefits	256 28.0%	657 72.0%	913	2,163 28.6%	5,398 71.4%	7,561	3,299 30.2%	7,642 69.8%	10,941	4,034 21.8%	14,466 78.2%	18,500
Medical Auth. & Treatment	3,761 34.7%	7,069 65.3%	10,830	21,114 31.1%	46,734 68.9%	67,848	21,431 26.6%	58,989 73.4%	80,420	17,593 17.2%	84,622 82.8%	102,215
Payment of Medical Bills	1,396 29.9%	3,280 70.1%	4,676	5,639 22.4%	19,567 77.6%	25,206	5,898 24.3%	18,392 75.7%	24,290	3,781 15.7%	20,332 84.3%	24,113
Wage Loss (Pre-1994)	236 12.7%	1,620 87.3%	1,856	772 11.5%	5,962 88.5%	6,734	357 11.8%	2,666 88.2%	3,023	110 5.1%	2,028 94.9%	2,138
AWW & Comp Rate	521 28.8%	1,286 71.2%	1,807	2,445 25.5%	7,136 74.5%	9,581	2,480 21.8%	8,887 78.2%	11,367	1,543 10.1%	13,675 89.9%	15,218
Attendant Care	86 19.1%	364 80.9%	450	376 13.6%	2,386 86.4%	2,762	460 14.5%	2,705 85.5%	3,165	385 9.9%	3,519 90.1%	3,904
Impairment Benefits	31 34.1%	60 65.9%	91	282 21.6%	1,024 78.4%	1,306	495 16.0%	2,594 84.0%	3,089	419 7.8%	4,973 92.2%	5,392
Permanent Impairment/MMI***	46 15.6%	249 84.4%	295	199 13.8%	1,240 86.2%	1,439	146 13.4%	941 86.6%	1,087	102 7.1%	1,325 92.9%	1,427
Temporary Total Disability	715 21.4%	2,626 78.6%	3,341	3,241 17.2%	15,578 82.8%	18,819	2,789 12.3%	19,808 87.7%	22,597	1,569 5.2%	28,627 94.8%	30,196
Compensability	212 19.4%	879 80.6%	1,091	673 11.5%	5,197 88.5%	5,870	667 9.7%	6,240 90.3%	6,907	562 6.2%	8,495 93.8%	9,057
Permanent Total Disability	102 7.9%	1,184 92.1%	1,286	588 7.9%	6,888 92.1%	7,476	632 7.7%	7,573 92.3%	8,205	462 4.8%	9,194 95.2%	9,656
Temporary Partial Disability	579 19.4%	2,408 80.6%	2,987	2,237 15.3%	12,417 84.7%	14,654	1,588 11.7%	11,966 88.3%	13,554	1,095 4.0%	26,010 96.0%	27,105
Supplemental Benefits	8 3.3%	236 96.7%	244	53 5.9%	849 94.1%	902	68 9.7%	635 90.3%	703	82 4.0%	1,950 96.0%	2,032
All Other Issues	207 16.6%	1,042 83.4%	1,249	1,255 21.8%	4,511 78.2%	5,766	988 21.3%	3,645 78.7%	4,633	888 17.1%	4,307 82.9%	5,195
Total	8,396 26.7%	23,064 73.3%	31,460	42,728 23.9%	135,728 76.1%	178,456	44,036 22.0%	155,751 78.0%	199,787	36,213 13.7%	228,837 86.3%	265,050

Type of Issue	1998			1999			2000			1994 - 2000		
	Resolved	Not Resolved	Total	Resolved	Not Resolved	Total	Resolved	Not Resolved	Total	Resolved	Not Resolved	Total
Notice of Injury	1,200 83.4%	239 16.6%	1,439	926 78.8%	249 21.2%	1,175	430 71.0%	176 29.0%	606	6,730 81.3%	1,552 18.7%	8,282
Independent Medical Examiner	1,877 23.5%	6,100 76.5%	7,977	1,365 16.1%	7,118 83.9%	8,483	654 7.9%	7,582 92.1%	8,236	7,979 21.4%	29,239 78.6%	37,218
Additional Benefits	4,159 17.4%	19,794 82.6%	23,953	3,021 12.2%	21,775 87.8%	24,796	1,281 5.3%	22,898 94.7%	24,179	18,213 16.4%	92,630 83.6%	110,843
Medical Auth. & Treatment	14,469 12.1%	105,067 87.9%	119,536	10,754 8.7%	113,015 91.3%	123,769	5,282 4.5%	112,554 95.5%	117,836	94,404 15.2%	528,050 84.8%	622,454
Payment of Medical Bills	3,095 11.7%	23,435 88.3%	26,530	1,882 7.1%	24,623 92.9%	26,505	956 3.9%	23,827 96.1%	24,783	22,647 14.5%	133,456 85.5%	156,103
Wage Loss (Pre-1994)	38 2.9%	1,275 97.1%	1,313	19 2.5%	755 97.5%	774	5 1.2%	407 98.8%	412	1,537 9.5%	14,713 90.5%	16,250
AWW & Comp Rate	1,066 5.4%	18,640 94.6%	19,706	568 2.6%	21,003 97.4%	21,571	334 1.5%	21,543 98.5%	21,877	8,957 8.9%	92,170 91.1%	101,127
Attendant Care	254 5.6%	4,299 94.4%	4,553	199 4.1%	4,707 95.9%	4,906	102 2.6%	3,835 97.4%	3,937	1,862 7.9%	21,815 92.1%	23,677
Impairment Benefits	369 5.0%	7,014 95.0%	7,383	288 3.3%	8,423 96.7%	8,711	122 1.8%	6,606 98.2%	6,728	2,006 6.1%	30,694 93.9%	32,700
Permanent Impairment/MMI***	62 3.9%	1,516 96.1%	1,578	30 1.6%	1,894 98.4%	1,924	12 0.5%	2,285 99.5%	2,297	597 5.9%	9,450 94.1%	10,047
Temporary Total Disability	1,134 3.1%	35,322 96.9%	36,456	731 2.0%	36,745 98.0%	37,476	453 1.2%	37,564 98.8%	38,017	10,632 5.7%	176,270 94.3%	186,902
Compensability	485 4.4%	10,416 95.6%	10,901	346 2.9%	11,429 97.1%	11,775	244 2.2%	10,656 97.8%	10,900	3,189 5.6%	53,312 94.4%	56,501
Permanent Total Disability	350 3.3%	10,203 96.7%	10,553	284 2.7%	10,096 97.3%	10,380	129 1.5%	8,455 98.5%	8,584	2,547 4.5%	53,593 95.5%	56,140
Temporary Partial Disability	894 2.5%	34,535 97.5%	35,429	556 1.5%	35,713 98.5%	36,269	305 0.8%	36,154 99.2%	36,459	7,254 4.4%	159,203 95.6%	166,457
Supplemental Benefits	100 3.0%	3,179 97.0%	3,279	96 2.7%	3,524 97.3%	3,620	26 1.0%	2,564 99.0%	2,590	433 3.2%	12,937 96.8%	13,370
All Other Issues	715 12.8%	4,854 87.2%	5,569	815 10.6%	6,866 89.4%	7,681	392 5.8%	6,333 94.2%	6,725	5,260 14.3%	31,558 85.7%	36,818
Total	30,267 9.6%	285,888 90.4%	316,155	21,880 6.6%	307,935 93.4%	329,815	10,727 3.4%	303,439 96.6%	314,166	194,247 11.9%	1,440,642 88.1%	1,634,889

*Excluding attorney fees and penalties and interest, over which EAO generally has no jurisdiction

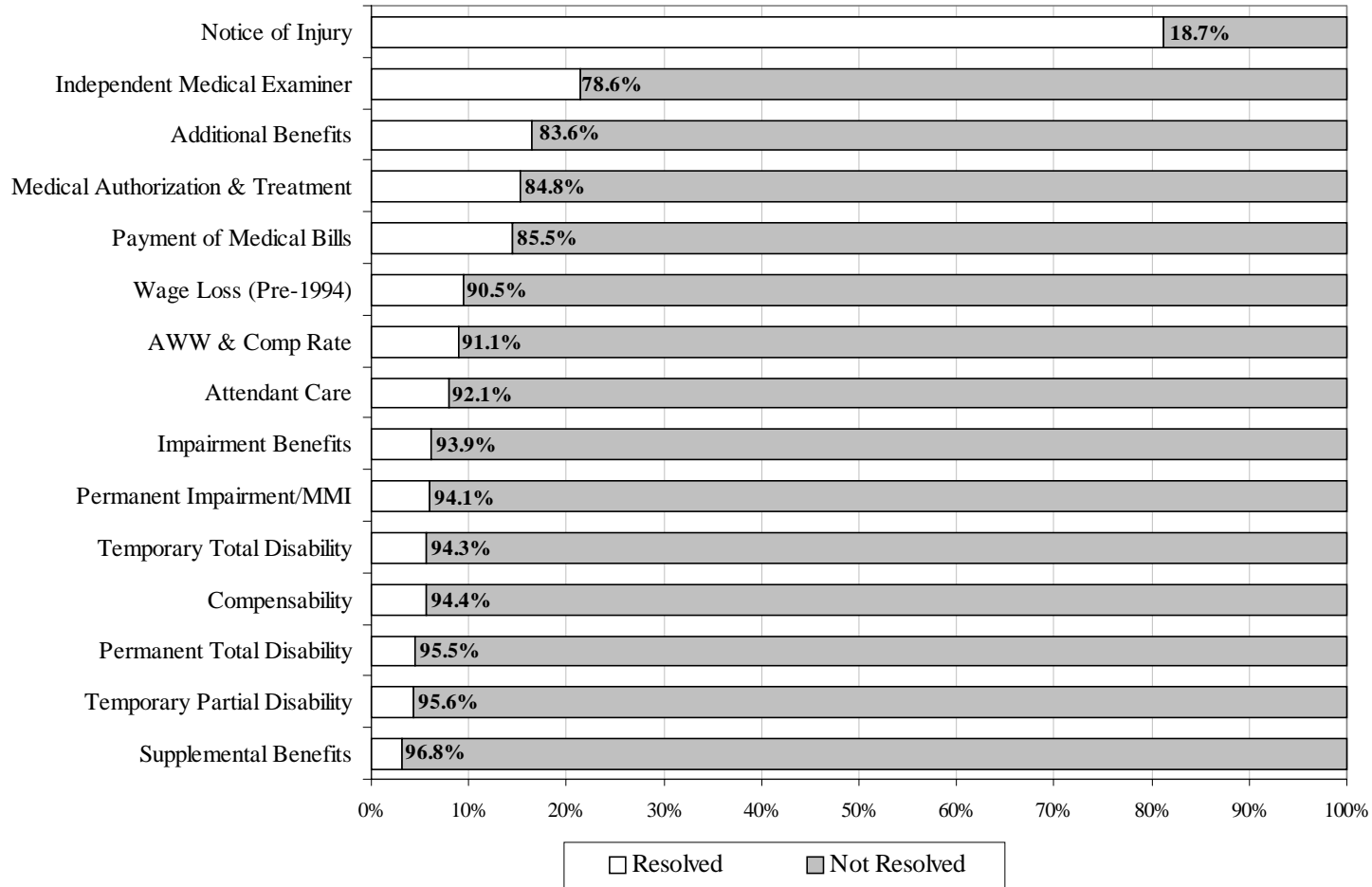
**Includes 4th quarter only.

***Maximum medical improvement

Source: Division of Workers' Compensation Integrated database as of April 30, 2001

Figure 3

Outcomes of the Fifteen Most Frequent RFA Issues* (1994-2000)**



*Excluding attorney fees and penalties and interest, over which EAO generally has no jurisdiction
 **Includes 4th quarter only.
 Source: Division of Workers' Compensation Integrated database as of April 30, 2001

involvement in the RFA process are no longer available. Available information does indicate, however, that attorneys submit well over nine of every ten RFAs.

The informal dispute resolution process revolves around the statutory interval of 30 days for completing investigations once an RFA is filed with the division. To measure EAO's success in complying with this mandate, Table 5 displays the mean and median days to resolution for RFA issues submitted from October 1994 through December 2000. Note in previous reports that this table displayed closure rates for *all* issues. However, a procedural change in data entry was implemented such that closure dates are not entered for RFAs where a carrier fails to respond to an inquiry from EAO. Based on the availability of data, Table 5 was changed to provide closure time only for those issues that were *resolved*.

Attorney Fees and Penalties and Interest are again excluded from the table because EAO generally has no authority to resolve these issues.

For the most part, EAO managed to stay well within the 30-day time constraint across the entire period, with the possible exception of 1996, when several types of issues took longer to resolve. Resolution times did not show a consistent pattern from year to year, overall or even for individual types of issues. For example, among the 15 specified types of issues, Supplemental Benefits issues were among the longest to resolve in 1997 – 1999, but among the shortest in the remaining years. Independent Medical Examiner was the only type of issue that averaged over 30 days to resolve in multiple years (1994, 1996, and 2000), although it ranked in the middle third over the entire time frame.

Table 5

Mean and Median Resolution Time in Days for RFA Issues* by Year of Submission (1994-2000)**

Type of Issue	1994**		1995		1996		1997		1998		1999		2000		1994 - 2000	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median
Attendant Care	22.1	21.0	25.8	20.0	35.1	29.0	23.0	21.0	22.5	19.0	22.7	21.0	27.1	27.0	26.7	22.0
AWW & Comp Rate	25.0	21.0	23.8	17.0	31.9	28.0	24.6	22.0	21.6	20.0	22.7	23.0	28.4	25.0	26.1	22.0
Compensability	22.1	15.0	21.9	14.0	28.7	24.0	25.1	20.0	22.7	19.0	24.4	22.0	33.6	27.0	25.2	21.0
Medical Auth. & Treatment	25.3	21.5	22.7	16.0	31.3	25.0	24.6	20.0	21.0	18.0	22.1	21.0	28.9	27.0	25.1	21.0
Permanent Total Disability	24.6	19.5	22.9	15.0	29.3	26.0	23.7	21.0	23.3	20.0	23.3	22.0	29.6	23.0	25.1	21.0
Independent Medical Examiner	33.6	31.0	22.8	20.0	30.4	26.0	22.8	19.0	21.7	20.0	23.5	21.0	30.1	27.0	24.6	21.0
Payment of Medical Bills	21.9	17.0	22.0	15.0	32.4	24.0	22.2	18.0	18.6	16.0	20.8	20.0	29.0	23.0	24.5	19.0
Temporary Total Disability	29.7	21.0	22.9	14.0	28.6	24.0	21.9	17.0	16.8	14.0	17.0	14.0	22.6	16.0	23.6	17.0
Supplemental Benefits	16.5	14.0	18.5	14.0	25.9	25.0	25.8	22.0	22.6	21.0	24.8	24.0	22.4	21.5	23.6	22.0
Wage Loss (Pre-1994)	25.1	16.0	21.6	13.0	28.9	22.0	20.2	17.0	14.4	7.5	18.5	13.0	9.2	3.0	23.5	15.0
Additional Benefits	20.4	19.0	22.9	16.0	29.7	24.0	22.6	19.0	19.3	17.0	22.0	21.0	27.8	25.0	23.4	20.0
Temporary Partial Disability	24.2	17.5	22.6	14.0	29.6	22.0	21.3	17.0	17.1	14.0	17.6	15.0	23.9	21.0	23.0	17.0
Impairment Benefits	13.9	13.0	27.5	16.0	29.5	24.0	20.0	16.0	16.9	14.0	19.1	18.5	27.6	26.0	23.0	18.0
Permanent Impairment/MMI	26.3	23.0	19.9	14.0	27.7	21.5	22.1	18.0	18.9	19.5	24.7	19.0	22.3	28.5	22.9	18.0
Notice of Injury	5.1	0.0	8.9	0.0	11.5	3.0	8.6	2.0	9.3	4.0	9.0	2.0	6.9	1.0	9.2	2.0
All Other Issues*	24.5	18.0	24.1	15.0	29.7	24.0	22.3	16.0	18.4	15.0	17.0	16.0	19.5	14.0	23.2	17.0
Total*	24.2	20.0	22.4	15.0	30.3	24.0	23.0	19.0	19.7	17.0	21.0	20.0	27.0	24.0	24.1	20.0

*Excluding attorney fees and penalties and interest, over which EAO generally has no jurisdiction

**Includes fourth quarter only.

Source: Division of Workers' Compensation Integrated database as of April 30, 2001

2001 Dispute Resolution Report

Compensability was the only type of issue that consistently remained in the top three in longest average resolution time over the past four years. Interestingly, this is in direct contrast to the finding of previous years, when closure times for resolved and unresolved issues combined were the fastest for Compensability. This may indicate a dichotomy in the disposition of compensability issues. Compensability is usually determined early in the claims investigation process; after initial receipt of the case, the carrier investigates and makes this decision. As noted earlier, by the time an RFA is filed with EAO, the carrier is usually firm in its position to deny compensability. In other words, a decision on whether or not the issue of compensability is resolvable can be made fairly quickly. On the other hand, if compensability does appear to be negotiable by EAO, these cases tend to take longer than average to resolve.

It should be noted in general, however, that there are no consistent, *major* differences in time to resolution among types of issues; some of the fluctuations are likely due to small numbers of cases. Factors such as a carrier's responsiveness and willingness to cooperate with the EAO may have greater effect on the length of an investigation than the nature of the dispute itself. One exception is Notice of Injury, which has consistently appeared as an outlier in having the shortest resolution time in all seven submission years. As noted earlier, this issue can frequently be handled by a timely call describing the employer's responsibility to file a First Report of Injury or Illness. This filing is required even if the *occurrence* of a workplace accident is still in dispute and subject to a determination of compensability by the carrier.

Figure 4 displays median days to resolution for all years combined, based on the last column of Table 5. Notice that all specified types of issues have typically required at least two weeks for resolution, with most requiring roughly three weeks. There does not appear to be a notable correlation among the resolution rate, shown in Figure 2, length of time to

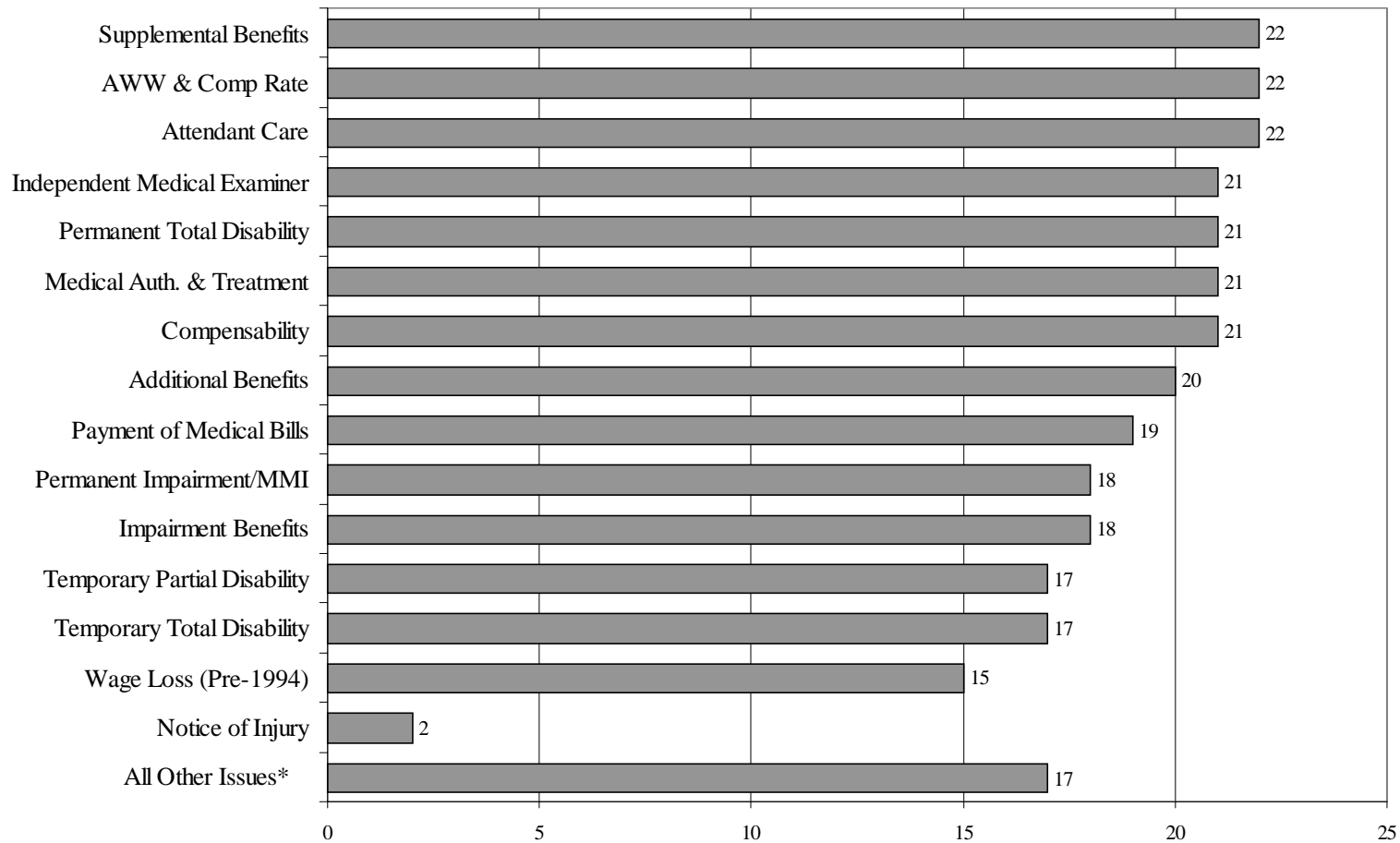
resolution, and relative frequency of occurrence of RFA issues. If no resolution has been achieved after 30 days of investigation, EAO specialists may assist the injured worker in filing a Petition for Benefits to initiate formal dispute resolution. In some cases, EAO staff may continue to work toward resolution beyond 30 days, as the statute does not prohibit their continuing efforts. In those instances where post-30-day EAO efforts result in resolution of disputes, the issue is coded as resolved in the division database.

Table 6 provides data on the time period from injury to submittal of an RFA by year of injury using 100-day increments. The table shows that the largest number of RFAs is submitted within the first 100 days following the injury, with a gradual tapering off of submittal rates with the progression of time. For years with mature data, there is a slight trend for progressively earlier submission of RFAs, though a significant portion of RFAs were not submitted until more than 900 days after the date of injury. Recall from Table 1 that individual injuries, particularly those involving long-term disability, may have multiple RFAs over time, so this could result in a subsequent RFA being submitted several years after the date of injury.

The totals in the bottom row of Table 6 show growth in the number of RFAs for injury year 1994 through 1997, with a subsequent drop. However, the last three columns suggest that the decline may be due, for the most part, to data immaturity. A scan of the data by row for like periods of data maturity is instructive. Figure 5 provides a graphical depiction of the intensity of RFA activity by year of injury in a comparable vintage format. The graph indicates that the number of RFAs submitted shows an increasing trend after controlling for time duration from injury to RFA through injury year 1999, although the over-the-year percentage *rate* of growth has declined.

Figure 4

Median Days to Resolution for RFA Issues* (1994-2000)**



*Excluding attorney fees and penalties and interest, over which EAO generally has no jurisdiction

**Includes 4th quarter only.

Source: Division of Workers' Compensation Integrated database as of April 30, 2001

Table 6

Days from Injury to RFA by Injury Year (1994-2000)

Days from Injury to RFA	1994		1995		1996		1997		1998*	1999*	2000*
	RFAs	Percent	RFAs	Percent	RFAs	Percent	RFAs	Percent	RFAs	RFAs	RFAs
0 - 100 Days	8,851	16.4%	12,421	19.7%	15,060	20.2%	17,058	20.0%	19,351	20,634	19,423
101 - 200 Days	8,019	14.8%	9,683	15.4%	11,661	15.6%	14,319	16.8%	14,894	16,009	
201 - 300 Days	7,604	14.1%	8,394	13.3%	10,162	13.6%	12,071	14.1%	12,758	13,054	
301 - 400 Days	6,895	12.7%	7,450	11.8%	9,164	12.3%	10,681	12.5%	11,096	10,688	
401 - 500 Days	6,184	11.4%	6,346	10.1%	7,574	10.2%	8,886	10.4%	8,934		
501 - 600 Days	5,043	9.3%	5,546	8.8%	6,458	8.7%	7,164	8.4%	7,228		
601 - 700 Days	4,407	8.1%	5,111	8.1%	5,607	7.5%	6,065	7.1%	5,793		
701 - 800 Days	3,981	7.4%	4,483	7.1%	5,085	6.8%	5,114	6.0%	4,780		
801 - 900 Days	3,108	5.7%	3,525	5.6%	3,815	5.1%	3,975	4.7%			
Subtotal	54,092	100.0%	62,959	100.0%	74,586	100.0%	85,333	100.0%			
More than 900 Days	17,072	23.9%	16,342	20.6%	13,707	15.5%	10,165	10.6%			
Missing Injury Date	187		125		153		214		653	208	174
Total	71,351		79,426		88,446		95,712		85,487	60,593	19,597

*Preliminary data

Source: Division of Workers' Compensation Integrated database as of April 30, 2001

Footnotes

¹ The division's Integrated database was implemented on March 21, 2000. Prior to that date, the Total Dispute Resolution (TDR) database was used for storing information on informal dispute resolution. The TDR was installed in October 1994 and, although some data were available in an older system, the installation of TDR marked the earliest availability of all data on informal dispute resolution carried out under the terms of the 1993 reforms of Florida's workers' compensation system. The data from the TDR database were transferred to the Integrated database, which is the source for this year's report.

² Passage of House Bill 1803 in the 2001 Florida Legislature makes managed care optional for treatment of workers' compensation injuries beginning October 1, 2001.

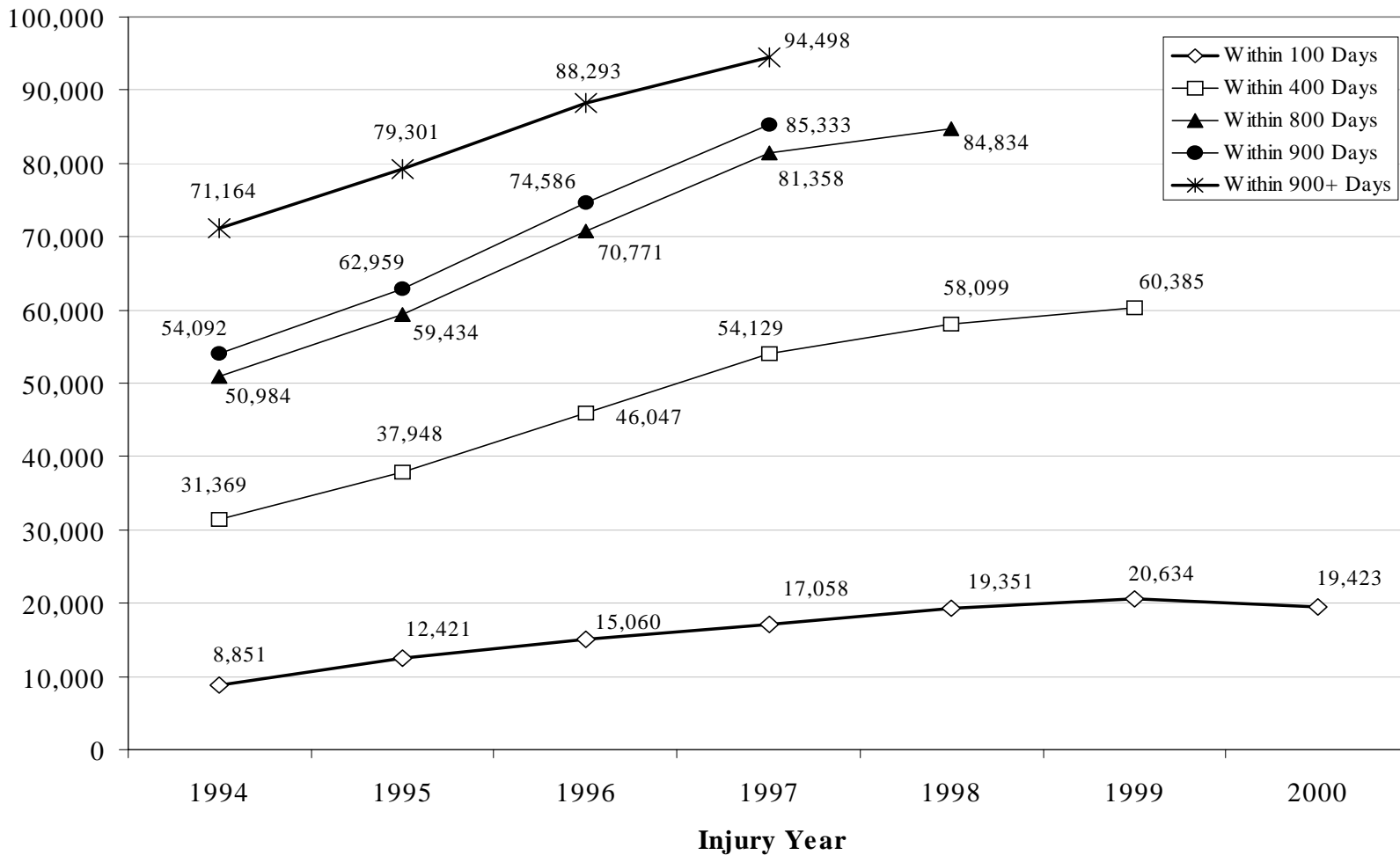
³ Data users may note an interesting statistical phenomenon in the case of Wage Loss issues, which relate only to pre-reform injuries. This category ranks sixth of 15 overall in the seven-year period, but has a ranking no higher than 11th in any individual year. Wage Loss issues were relatively more prominent in the first three post-reform years,

becoming almost negligible after 1997. Thus, the unusual "weighting" of Wage Loss issues toward the first three years, when overall resolution rates were much higher, gives Wage Loss an unexpectedly high seven-year average rate.

⁴ Section 440.34 (3) (c), F. S.

Figure 5

RFAs Submitted Within Specified Days of Injury by Injury Year (1994-2000)



Source: Division of Workers' Compensation Integrated database as of April 30, 2001