

## RISK MANAGEMENT

*Loss Prevention and Claims Administration for State Agencies*

# WORKERS' COMPENSATION AND RETURN TO WORK

WHAT EVERY EMPLOYER NEEDS TO KNOW



# Objectives

At the end of this presentation, you should be able to:

- Define state employees' workers' compensation.
- Identify who is covered under workers' compensation.
- Understand the process of reporting an injury/illness.
- Understand the different types of indemnity benefits.
- Understand the statute of limitations.
- Understand how to handle legal correspondence.
- Report suspected fraudulent activity.
- Understand a Return-to-Work Program (RTW).

# What is State Employees' Workers' Compensation?

An insurance plan provided by the State of Florida that covers all workers'-compensation-authorized, reasonable, and necessary medical care if a state employee sustains an injury or occupational illness "arising out of the course and scope" of his or her employment.

**Workers' Comp Works For You**

**If you are injured on the job:**

1. Notify your employer immediately to get the name of an approved physician. Workers' comp insurance may not pay the medical bills if you don't report your injury promptly to your employer.
2. Notify the doctor and medical staff that you were injured on the job so that bills may be properly filed.
3. If you have any problems with your claim or suffer excessive delays in treatment, contact the State of Florida's Division of Workers' Compensation at 1-800-342-1741.

**\$25,000 Reward**  
For reporting safety violations

**DEPARTMENT OF FINANCIAL SERVICES**  
DIVISION OF WORKERS' COMPENSATION  
300 SOUTH FLORIDA AVENUE, SUITE 1000  
TALLAHASSEE, FLORIDA 32301  
WWW.FLORIDAWORKERSCOMP.COM





**Who is Covered Under State  
Employees' Workers'  
Compensation?**

## Who is Covered? (continued)

- All full-time, part-time, and temporary employees, excluding temporary employees from leasing agencies – Section 440.02, Florida Statutes
- Volunteers are covered for medical benefits and indemnity benefits (in some situations) – Section 110.504 , Florida Statutes
- Offenders may receive medical benefits under certain circumstances – Section 948.036, Florida Statutes

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# **Injury/Illness Reporting Process**

# Employee's Responsibilities

- The employee should report the injury or illness as soon as possible, but no later than 30 days from the date of occurrence.
  - The claim may be denied if it is not reported timely.



# Employer's Responsibilities

- Within 7 days after knowledge of an injury/illness, the employer shall report the injury/illness to the Division of Risk Management (DRM) – Section 440.185 (2), Florida Statutes.
- Call AmeriSys as soon as possible to report all injuries/illnesses.
- The supervisor and the employee should call AmeriSys together, if possible.
- Safety coordinators are required to investigate all work-related injuries or illnesses for their agency or university. – Section 284.50(1)(c), Florida Statutes.



# First Report of Injury/Illness - FROI (DWC-1)

The supervisor should have the following information when reporting an injury/illness to AmeriSys:

The 4-digit location number.

The employee's occupation.

The injured employee's full name.

The injured employee's Social Security number.

The injured employee's current home address, telephone number, and birth date.

The injured employee's rate of pay.

## FROI (continued)

The date the injury or illness was first reported to the employer.

The place of the injury or illness (i.e., premises, job site, en route, in field, etc.), including the address and county in which the injury or illness occurred.

Employer's location address.


The date and time of the injury or illness.

The description of the injury or illness (How did the injury or illness occur? What was the cause of the injury or illness? What part of the body was affected? )

Does the employer agree or disagree with the description of the injury or illness?

# What Steps are Taken Next?

- AmeriSys completes the FROI.
- If warranted, AmeriSys directs employee for medical treatment.
- If medical treatment is authorized, a copy of the DWC-25 is provided to the employer by AmeriSys, the employee, or DRM.

The background of the slide is a dark blue gradient with a complex, abstract pattern of curved, overlapping lines that create a sense of depth and movement, resembling a tunnel or a stylized architectural structure. The lines are more densely packed and lighter in color (a bright blue) on the right side, fading into a darker blue on the left.

**Florida Workers' Compensation  
Uniform Medical Treatment / Status  
Reporting Form (DWC-25)**



## DWC-25 (continued)

- The DWC-25 provides the sole means for physicians to consistently report the employee's medical treatment and status to the employer.
- The DWC-25 is required for use by physicians, including primary treating physicians, consulting/referral physicians, emergency room physicians, advanced registered nurse practitioners, and physician's assistants.
- The DWC-25 should be completed after initial care, after any subsequent care for the work-related injury, after any actionable change in the treatment plan, at a maximum of 30-day intervals during the course of treatment, and following maximum medical improvement (MMI) / permanent impairment rating (PIR).
- The completed DWC-25 must be consistent with physician notes and medical records.

# DWC-25 Key Points

- Box 10 – Is the injury/illness work related?
- Box 13 – Major contributing cause.
- Box 21 – No functional limitations – full duty.
- Box 22 – Injured worker taken out of work.
- Box 23 – Functional limitations & restrictions.
- Box 24 – MMI.
- Box 25 – PIR.
- Box 28 – Next scheduled appointment.

# Temporary Partial Disability (TPD)

TPD is paid when the employer cannot accommodate the functional limitations and restrictions set forth by the authorized workers' compensation treating physician.

- The employer should accommodate the work restrictions, when possible.
- The employee will be eligible for TPD until the employer can either accommodate the functional limitations & restrictions or the employee is released to full duty.

# Temporary Total Disability (TTD)

- TTD is paid when the injured worker has been taken out of work by the authorized workers' compensation treating physician.
- Contact the adjuster at DRM and let them know the employee is out of work or if there are changes in work status or employment status immediately.
- For all full-time and part-time employees, the employer pays their regular wages for the first week of disability.
- OPS employees are not paid for the first 7 days of disability unless they are out of work 21 or more days – DRM will pay the first 7 days retroactively.
- The agency or university is responsible for reimbursing DRM for the first ten weeks of TTD.
- A Wage Statement (DWC-1a) will need to be provided to DRM as soon as possible.



## Wage Statement (DWC-1 a)

- Provides the employee's wage information to the adjuster for calculating the employee's Average Weekly Wage (AWW) and Weekly Compensation Rate (CR) to establish benefits due to the employee or a beneficiary.
- The AWW is based on the wages the employee earned in the 13 weeks immediately preceding the date of injury/illness.
- DRM pays the indemnity benefits beginning on the 8<sup>th</sup> day of disability. A one-week benefit is paid, then benefits are biweekly and may not correspond with agency/university pay periods.

# Maximum Medical Improvement (MMI) & Permanent Impairment Rating (PIR)

## MMI:

- When the physician determines that the injured worker has returned to his/her pre-injury condition or has reached a state in which the worker's condition cannot be improved any further.
- Once the treating physician places the injured worker at MMI and determines if there are permanent restrictions, a PIR is assigned.

## PIR:

- The authorized treating physician determines whether a physical impairment to the injured worker's body as a whole exists as related to the industrial injury.

# Statute of Limitations

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# Medical and Indemnity Benefits

- The claim will remain open no less than 2 years from the date of the injury or illness or 1 year from the last date of authorized medical services or paid benefits once it has been more than 2 years since the date of the accident (Section 440.19, Florida Statutes).
- Indemnity benefits may be provided for a maximum of 104 weeks.



# Litigation

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# Litigation

- If the employee engages an attorney, **all** communication with the attorney is handled through DRM. If the attorney calls, direct them to the adjuster.
- Forward any legal communication to the adjuster.
- Please direct any telephonic questions or e-mails to the adjuster for appropriate action.
- Legal activity may extend the statute of limitations.

# Petition for Benefits (PFB)

- The adjuster has only 14 calendar days to respond to a PFB. If the employer receives a PFB, forward it to the adjuster immediately.
- It is imperative that the workers' compensation coordinator (WCC) researches and responds to DRM requests as soon as possible to avoid unnecessary litigation and legal fees.

**Time is of the essence!**

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**Fraud**

# Reporting Suspected Fraud

- Communication is very important. If you have any knowledge or even hearsay regarding the claimant or the injury – please notify the adjuster.
  - Example: The injured employee plays softball on Friday evenings and reports a back injury on Monday morning - please notify the adjuster.

**Personal and pre-existing conditions may play a role in determining the compensability of the claim.**



# Return-to-Work

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# What is a Return-to-Work (RTW) Program?

A RTW program is an employer program designed to encourage and enable injured workers to remain at or return to work within the physical or mental functional restrictions established by their authorized medical provider.

# Statutory Requirements for RTW Programs

- Covered under Section 284.50(3), Florida Statutes
- All agencies provided workers' compensation insurance coverage by the State Risk Management Trust Fund AND employing more than 3,000 full-time employees shall establish and maintain return-to-work programs for employees who are receiving workers' compensation benefits.

# Benefits of a RTW Program

- Lowered medical costs.
- Reduced indemnity payments.
- Less need to replace/retrain employees or incur additional payroll.
- Quicker claim resolution.
- Improved employee morale.
- Maintained work conditioning.

# Elements of a RTW Program

- **RTW policy and training:**
  - Establish and communicate program objectives.
- **Program coordination:**
  - Monitor claims and communicate with the key participants.
- **Alternate and/or modified duty:**
  - Identify alternate job tasks and notify the employee of their availability.



# RTW Program Participants

- Injured employee.
- Supervisor.
- Workers' compensation coordinator.
- Authorized treating physician.
- Medical case management provider.
- Division of Risk Management adjuster.

# RTW Program Responsibilities

## Employee

- Attends appointments.
- Agrees to program terms.
- Provides employer with medical documentation.
- Agrees to alternate/modified duties.

## Supervisor

- Determines if modified or alternate duty is available.
- Ensures restrictions are met.
- Reports to WC coordinator.

## Workers' Compensation Coordinator

- Evaluates level of RTW.
- Communicates with employee and other key RTW players.

# RTW Program Responsibilities (Continued)

## Authorized WC treating physician

- Determines work restrictions.
- Completes the DWC-25.
- Places injured worker on MMI when appropriate.

## Medical case management provider

- Assigns nurse case manager.
- Coordinates proper medical treatment.
- Reviews the DWC-25.
- Provides the DWC-25 to employer and adjuster.

## Division of Risk Management

- Determines compensability.
- Pays medical bills and indemnity benefits.
- Assigns the adjuster.

# Alternate and Modified Duty

## Alternate Duty:

- Temporary duty away from employee's regular responsibilities
- Within DWC-25 functional limitations and restrictions

## Modified Duty:

- Temporary duty within employee's regular responsibilities
- Within DWC-25 functional limitations and restrictions

# Review of Presentation Objectives

- Define state employees' workers' compensation.
- Identify who is covered under workers' compensation.
- Understand the process of reporting an injury/illness.
- Understand the different types of indemnity benefits.
- Understand the statute of limitations.
- Understand how to handle legal correspondence.
- Report suspected fraudulent activity.
- Understand Return-to-Work Program basics.



# Questions

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# Resources

Bureau of State Employee Workers' Compensation Claims website:

<http://www.myfloridacfo.com/Division/Risk/WorkersCompensation/Default.htm>

Chapter 440, Florida Statutes:

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0440/0440ContentsIndex.html&StatuteYear=2012&Title=-%3E2012-%3EChapter%20440](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0440/0440ContentsIndex.html&StatuteYear=2012&Title=-%3E2012-%3EChapter%20440)

First Report of Injury (DWC-1)

[http://www.myfloridacfo.com/Division/Risk/WorkersCompensation/Documents/02.DFS-F2-DWC-1-FNOI\\_Rev3-2009.pdf](http://www.myfloridacfo.com/Division/Risk/WorkersCompensation/Documents/02.DFS-F2-DWC-1-FNOI_Rev3-2009.pdf)

Uniform Medical Treatment/Status Reporting Form (DWC-25)

[http://www.myfloridacfo.com/Division/Risk/WorkersCompensation/Documents/06.DWC-25\\_Uniform\\_Treatments.pdf](http://www.myfloridacfo.com/Division/Risk/WorkersCompensation/Documents/06.DWC-25_Uniform_Treatments.pdf)

# Resources (continued)

Wage Statements (DWC-1a)

[http://www.myfloridacfo.com/Division/Risk/WorkersCompensation/Documents/05.DFS-F2-DWC-1a-WAGE\\_Rev3-2009.doc](http://www.myfloridacfo.com/Division/Risk/WorkersCompensation/Documents/05.DFS-F2-DWC-1a-WAGE_Rev3-2009.doc)

Frequently Asked Questions

<http://www.myfloridacfo.com/Division/Risk/WorkersCompensation/FaqGlossary/EmployerFAQ.htm>

Division of Risk Management

<http://www.myfloridacfo.com/Division/Risk/>

Bureau of Risk Financing and Loss Prevention

<http://www.myfloridacfo.com/Division/Risk/LossPrevention/default.htm>

## Resources (continued)

Division of Workers' Compensation website:

<http://www.myfloridacfo.com/division/WC/>

### **AmeriSys:**

Available 24 hours a day, 7 days a week, 365 days a year.

Phone: (800)455-2079

AmeriSys will advise the employee where to go for medical treatment.

# Contact Information

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For additional RTW questions or to request a copy of the RTW Model Guidelines, please contact:

[StateLossPreventionProgram@myfloridacfo.com](mailto:StateLossPreventionProgram@myfloridacfo.com)





# WORKERS' COMPENSATION AND RETURN TO WORK

THANK YOU