

Work Comp Connection

August 2012 Newsletter



Division of Workers Compensation:
Serving Kansas for more than 100 years

New Topeka Phone Number: 785-296-4000

All Topeka Workers Compensation phones have switched to an automated calling tree system with options for each service. All of the other Topeka phone numbers are no longer in use.

Visit www.dol.ks.gov for more information
You may also continue to call
toll free 800-332-0353.

Electronic Data Interchange Release 3 Mandate

Kansas Workers Compensation will mandate the use of IAIABC Electronic Data Interchange (EDI) Release 3 Standards beginning April 2013.

Implementation of the mandate will follow a tiered or phased approach which will be announced by regulation later this summer.

All insurance carriers, group pools and self-insurers will be required to use EDI to file both *First and Subsequent Reports of Injury* using the Release 3 Standards.

EDI Release 3 migration is a topic of presentation at the 2012 seminar. Register to attend the seminar at www.dol.ks.gov/wc/event.html or email inquiries to wc@dol.ks.gov.

Watch for the
 **New Law Book**
Coming Fall 2012

Claims: One Year Later

The 2011 changes to the Workers Compensation Act continue to raise some questions. At this time, there have been no final awards under the new law decided by the Workers Compensation Appeals Board (WCAB). There is a Supreme Court decision, *Bryant v. Midwest Staffing Solutions, Inc.* that makes reference to the 2011 legislative changes. However, the primary issue is day-to-day living activities prior to the 2011 changes.

The first issues that arose last summer were with employee claims for heat exhaustion and stroke that were being denied as personal risks. Most of these were settled by payment of claims without litigation. There are a number of these cases pending before the Administrative Law Judges, but none have been decided before the WCAB.

An area that appears to be headed for litigation involves the date a notice of injury is given in repetitive trauma cases. It is possible for notice to be required even before the date of the accident for a repetitive trauma.

The WCAB has heard cases involving notice from Preliminary Hearing Orders with differing results. Two examples are *Vergara v. Perfekta* and *Ray v. Goodyear*. Finally, we are hearing about a number of cases being denied due to a neutral risk or activities of normal daily living. It will be interesting to see how the courts deal with these in light of the change to a prevailing factor standard.

As always, the Ombudsman section is available to assist all parties with questions. Email: wc@dol.ks.gov.

To arrange mediation services, email:
Jassina.Washington@dol.ks.gov.

To request staff for public speaking, email:
Carol.Cast@dol.ks.gov.

Division News

Who's Working for You?



Diane Jordan is a graduate of Missouri Southern State University with a Bachelor of Science in Business Administration.

Diane's previous work experience includes 10 year at Crawford and Company as a Casualty Claims

Adjuster. She has worked for four years as a legal assistant to the Workers Compensation Appeals Board and was promoted to Ombudsman in 2000. Diane has been a Certified Mediator since 2008.

She contributed to the article on the first page, *Claims: One Year Later* and will present two management track sessions at the 2012 seminar in October. Diane's seminar presentations are titled, *Basic and Advanced Workers Compensation and Computation*.

Fast Facts: Ombudsmen

The division employs full-time personnel who specialize in aiding injured workers, employers and insurance professionals with claims information and problems arising from job-related injuries and illnesses.

Ombudsmen act in an impartial manner and provide the parties with general information about current workers compensation issues. They have current information on legislative changes and decisions made by the Workers Compensation Board, the Court of Appeals and the Supreme Court. Find out more about Ombudsman at www.dol.ks.gov/wc/ombuds.html.

Reporting Fraud

If you believe or have knowledge that a violation of the Workers Compensation Act has or is occurring, you may notify the Fraud and Abuse investigation section online at www.dol.ks.gov/wc/fraud.html.

Email Article

  **Suggestions to**
 **wc@dol.ks.gov**

Seminar News

38th Annual Workers Comp Seminar

October 2-3, 2012

Overland Park Convention Center

Visit the website:

www.dol.ks.gov/wc/events.html

Registration begins August 1

Early Two Day:....\$140

Two Day:.....\$160

Single Day:.....\$100

Registration will not be sold on site

The 2012 Workers Compensation Seminar is October 2 and 3 at the Overland Park Convention Center. Registration begins August 1 on the seminar website and will not be sold on site this year.

The focus of the event this year is the new law, one year later. Topics include; causation: prevailing factor, temporary total disability to maximum medical improvement, psychological injuries and pain management and post award medical.

Registration prices are \$140 for early two day, \$160 for two day, and \$100 for one day. Visit the seminar website at www.dol.ks.gov/wc/events.html for additional information.

Safety Culture, presented by Brian Chance, Safety Director, UCI Construction Company will be the feature at the seated lunch on day one. See the below information to purchase additional tickets.

Extra Lunch Tickets

Lunch tickets will not be sold at the seminar. Purchase extra lunch tickets on the seminar's website. They are non-refundable and require payment by credit card.

DOWNLOAD FOR HANDOUTS

available 8:00 a.m. September 18

★ until 4:00 p.m. October 16 at ★

www.dol.ks.gov/wc/events.html

Seminar confirmation number needed
Handouts will not be available on site