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Kansas

Department of Labor

45TH ANNUAL STATISTICAL REPORT

2019

KANSAS DEPARTMENT OF LABOR
WORKERS COMPENSATION DIVISION

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Introduction

The Kansas Workers Compensation Program

The Kansas Legislature enacted the state's first law governing Workers Compensation in 1911. Although many significant changes to its provisions have been made since then, the basic purpose of the law remains the same. The law protects employees affected by workplace accidents or occupational illness by providing medical treatment and partial compensation for lost income. As a no-fault system, the law ensures that entitled employees receive fair compensation, while also protecting employers from unreasonable legal action. The law also provides more general employee protections through increased employer safety efforts.

Until 1939, the Workers Compensation Law was administered under the authority of various public commissions, including the Public Safety Commission in the 1920's and the Commission of Labor and Industry in the 1930's. In 1939, the Kansas Legislature transferred jurisdiction over Workers Compensation through the creation of a stand-alone agency named the Office of the Workmen's Compensation Commissioner, which was reorganized as the Office of the Director of Workers Compensation in 1961. This office subsequently became a division of the Department of Labor.

The current Workers Compensation Law covers all employers in Kansas, with a few exceptions, including employers engaged in agricultural pursuits, or employers with an estimated gross annual payroll of less than $20,000, along with a few others. Private employers pay all benefits owed to their injured workers, either directly from the employer's own resources or indirectly through another party. While most covered employers obtain insurance from private carriers, provisions in the law establish criteria for qualified employers to become self-insured or to participate in the formation of group-funded self-insurance pools.

Additional Workers Compensation information for employees, employers, and insurers can be found at https://www.dol.ks.gov/WC/home, and see the additional links on the following page.

Changes to the Annual Statistical Report in Fiscal Year 2019

This year the analysts at the Division of Workers Compensation have made changes to the annual statistical report to reinforce the principles of statistical reporting and accommodate organizational changes. In November 2018 the division launched OSCAR, which is the Online System for Claims Administration and Research/Regulation. This is a comprehensive Workers Compensation management system that changed the way we receive, interpret, and store data. In an effort to accommodate this change and improve on the replicability of our findings, we have changed the methodological approach to this report, primarily by rethinking the way that many of the metrics are calculated in light of presently available data.

In revising our approach, we also determined to substantially simplify the report. Many of the measures that were previously reported are now obsolete, given the aforementioned organizational changes. Some of these have been consolidated or abandoned in an effort to highlight the core metrics of the division. Additionally, we have chosen to withhold much of the analysis of closed claims data from the annual statistical report, with the goal of publishing a more in-depth investigation of closed claims to the Kansas Department of Labor website in the summer of 2020. We hope all of these changes provide a more enjoyable experience for the reader.

Links to More Information

Kansas Department of Labor
https://www.dol.ks.gov

Kansas Division of Workers Compensation
https://www.dol.ks.gov/WC/

Resources for Employers and Employees
https://www.dol.ks.gov/WC/resources/forms-and-publications/employers

Workers Compensation Laws and Regulations
https://www.dol.ks.gov/WC/resources/forms-and-publications/statutes-and-regulations

Kansas Online System for Claims Administration Research/Regulation (OSCAR)
https://www.oscar.dol.ks.gov

OSCAR Help
https://www.oscar.dol.ks.gov/help

Additional Resources
https://www.dol.ks.gov/WC/resources

Labor Market Information
https://klic.dol.ks.gov

Links to Related Agencies and Insurance Industry Organizations
https://www.dol.ks.gov/WC/resources/other-resources

1. Administrative Profile of the Division of Workers Compensation

The Division of Workers Compensation is a division of the Kansas Department of Labor. The Division is headed by a director, who oversees the various organizational units that carry out the Division's key functions. These units fall into three administrative sections, which include Operations, Legal, and Public Resources. The structure of the Division is shown below in Figure 1, followed by an introduction to the function and responsibilities of each of the Division's units.

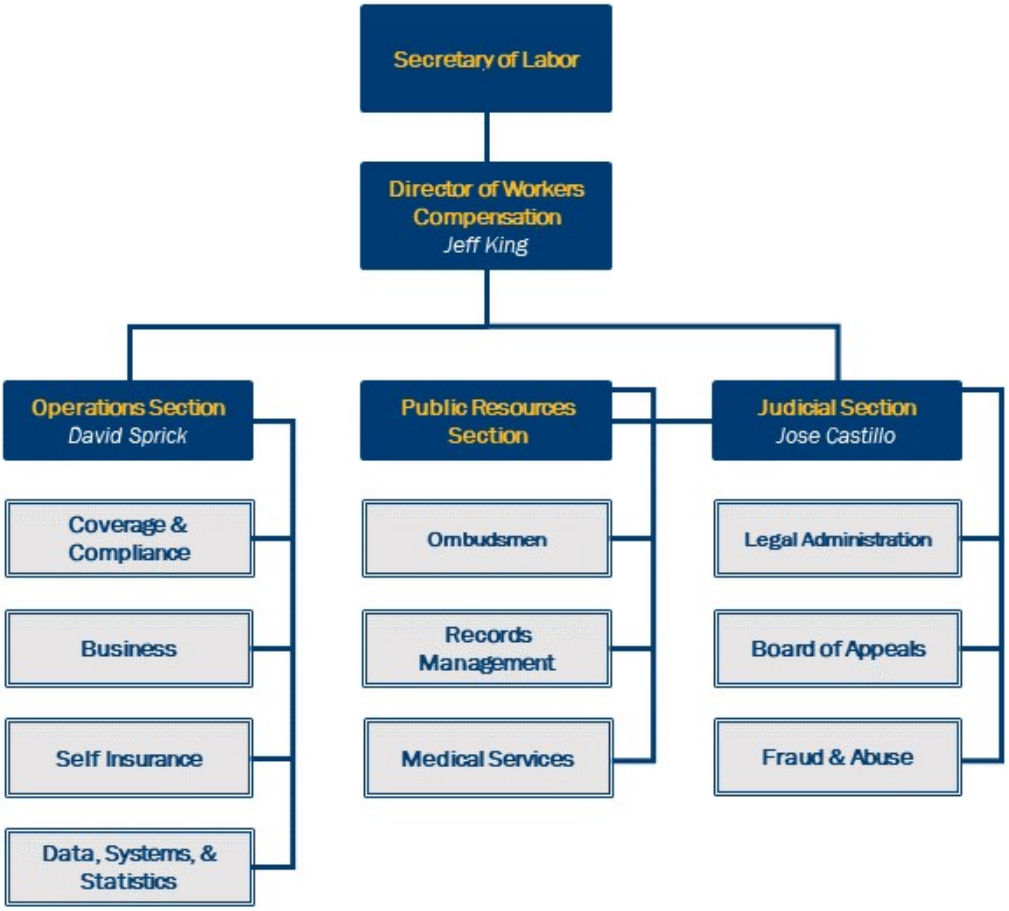

Figure 1 Organizational Structure of the Division of Workers Compensation

1.1 Operations

1.1.1 Business

The Business unit manages the business operations of the division. This includes the collection of all financial resources required to run the division by assessing a tax on paid losses from all Workers Compensation insurers. In addition, the Business unit assists the KDOL Fiscal unit with budgeting and revenue projections, planning, financing, and managing requests for all division projects, managing division contracts and trust accounts, and ensuring needs are met for all regional locations. See §2.1 for details on assessments collected in fiscal year 2019.

1.1.2 Self-Insurance

The Self-Insurance unit administers the state self-insurance program. The main task of the unit is to review applications and approve permits for self-insurance. The self-insurance unit aided 131 employers in obtaining or maintaining their status as self-insured during fiscal year 2019.

1.1.3 Coverage and Compliance

The Coverage and Compliance unit ensures that Kansas businesses are aware of their responsibilities and are in compliance with Workers Compensation law. The primary tasks of the unit are to enforce mandated proof of coverage compliance, ensure the completeness and timely filing of accident reports, maintain accurate employer and insurance carrier information, and verify Social Security numbers with the Social Security Administration. In fiscal year 2019, the Coverage and Compliance unit reviewed nearly 1,500 election filings.

Election Status	Elections
Approved	1307
Cancelled	39
Rejected	119
Total	1465

Table 1 Number of Election Requests Processed in Fiscal Year 2019 by Status

1.1.4 Data, Systems, and Statistics

The Data, Systems, and Statistics unit is tasked with the development and implementation of technical processes, management of data, and the retrieval and reporting of various kinds of information. The primary functions of the unit are to administer and provide support for the division's Electronic Data Interchange (EDI) program, coordinate with KDOL Information Technology in the ongoing development, maintenance, and enhancement of the database and the web application OSCAR, generate reports for departmental sections and units, respond to ad hoc research requests from internal and external customers, and publish the department's annual statistical report. In fiscal year 2019, the division processed more than 150,000 EDI transactions pertaining to more than 66,000 claims.

1.2 Judicial

1.2.1 Administrative Law

The Administrative Law unit consists of administrative law judges (ALJs) who hold hearings and issue decisions, special administrative law judges (SALJs) who are authorized to hold settlement hearings and approve settlements, and various personnel who provide administrative support for these activities. See §4 for more information on the judicial activity of the department.

1.2.2 Board of Appeals

The Workers Compensation Board of Appeals has jurisdiction to review appeals from all final orders and certain preliminary hearing orders entered by the state's administrative law judges, as well as to review appeals from orders entered in utilization review proceedings. The board issued decisions for 145 appeals in the last year.

1.2.3 Fraud and Abuse

The Fraud and Abuse unit has a mandate to protect employees, employers, and insurance carriers from fraudulent and/or abusive acts and practices. The unit ensures that businesses in Kansas abide by the statutory requirements of Workers Compensation law by investigating allegations of fraud and abuse, and as necessary, initiating criminal or administrative action individuals, including the collection of fines or restitution as requested by judges or hearing officers. See §2.2 for fiscal year 2019 collections details.

1.3 Public Resources

1.3.1 Ombudsmen

The Ombudsmen unit acts as a liaison between the division and the general public in assisting employees, employers, and other concerned parties to protect their rights under the Workers Compensation Act. The Ombudsmen provide technical assistance on Workers Compensation issues, assist unrepresented claimants in obtaining a hearing, mediation, or appeal, and conduct presentations and provide training opportunities to interested parties.

1.3.2 Records Management

The Records Management unit maintains enduring records of Workers Compensation cases, and is responsible for the ongoing migration of physical legacy case contents to digital format, a process which is largely complete at this time. The unit fulfills requests for records, and provides support for the online exchange of records relating to Workers Compensation claims and legal proceedings. The inception of the OSCAR system in November 2018 streamlined the records request process. In the last seven months of fiscal year 2019, nearly 16,000 requests for records were fulfilled through OSCAR.

Request Type	Requests
Request related to an offer of employment	13747
Request on worker seeking benefits	2005
Request of personal records	35
Total	15787

Table 2 Number of Records Requests Processed on OSCAR in Fiscal Year 2019 by Request Type

1.3.3 Medical Services

The Medical Services unit develops a fee schedule that is sufficient to ensure availability of treatment for Workers Compensation clients. The unit monitors medical issues relating to Workers Compensation and acts as a liaison for all parties involved in health care related Workers Compensation issues. They also work closely with the National Council on Compensation Insurance (NCCI) and provider communities to assure that payments to health care providers remain current, reasonable and fair.

1.4 Special Programs

1.4.1 Workers Compensation Seminar

The division is responsible for the planning, promotion, and implementation of an Annual Workers Compensation Seminar. It is an educational event for sharing information about legislative and procedural changes, updates to forms and publications, requirements in electronic reporting, advancements made in the field of medicine, and other Workers Compensation-based information. It also provides opportunities to earn continuing education credits for attorneys, case managers, and health professionals including doctors, nurses, physician's assistants, physical therapists, and occupational therapists. The 45th Annual Workers Compensation Seminar was held at the Overland Park Convention Center on September 24-25, 2019. There were a total of 475 attendees and 86 exhibitors. The seminar is funded by exhibitor and attendee fees.

1.4.2 Mediation

The division also administers mediation services, which provides a means of resolving disputes in an informal, non-adversarial setting by a neutral third party. Mediation conferences are offered free of charge. Mediation is a cost-effective way of resolving disputes within the Workers Compensation system. Mediators are qualified pursuant to the Dispute Resolution Act, and must be approved by the director. There are currently three (3) mediators at the division who provide services for Workers Compensation claims in the state of Kansas.

1.4.3 Accident Prevention Program

K.S.A. 44-5,104 of the Kansas Workers Compensation Act mandates that as a prerequisite for authority to provide Workers Compensation insurance coverage to Kansas employers, each insurance company or group-funded self-insurance plan is required to provide Accident Prevention (AP) programs upon request of the covered employer. The purpose of the program is to ensure all employers being provided Workers Compensation insurance have access to safety and health services from their insurer, should they desire such services. An AP service can include surveys, recommendations, training programs, consultations, analyses of accident causes, or industrial hygiene and industrial health.

Each year, insurers and group-funded self-insurance plans provide responses to a survey about AP services. In fiscal year 2019, 274 insurers provided details on the AP services they provide. The total of reported AP service expenditures in the state of Kansas during the fiscal year was $5,641,124. This is an approximately 8 percent decrease from the reported amount spent during fiscal year 2018. The number of qualified field

safety staff hired to provide those services was 1,412, which is an increase of 4 percent from 2018. There was one report of having a non-qualified field safety staff on board.

2. Fiscal Activities

The Kansas Workers Compensation Division of the Kansas Department of Labor (KDOL) is classified as a revenue agency within state government, and does not receive any funding through general tax revenue. Therefore, the Workers Compensation Division itself must fully recover all the costs it incurs in the delivery of its services through its own revenue sources.

2.1 Paid Losses and Assessment Collection

By law, the recovery of the division's administrative costs, which includes the cost of personnel, building, supplies, travel, etc. is done through administrative assessments that are paid by insurance carriers and self-insured employers on their paid losses for the previous calendar year.

Figure 2 below displays the total amount of paid losses reported for the calendar year 2018. Paid losses are the sum of losses assumed by insurers, deductibles payed by covered employers, and any deductions pertaining to losses that fall under the purview of certain federal programs.

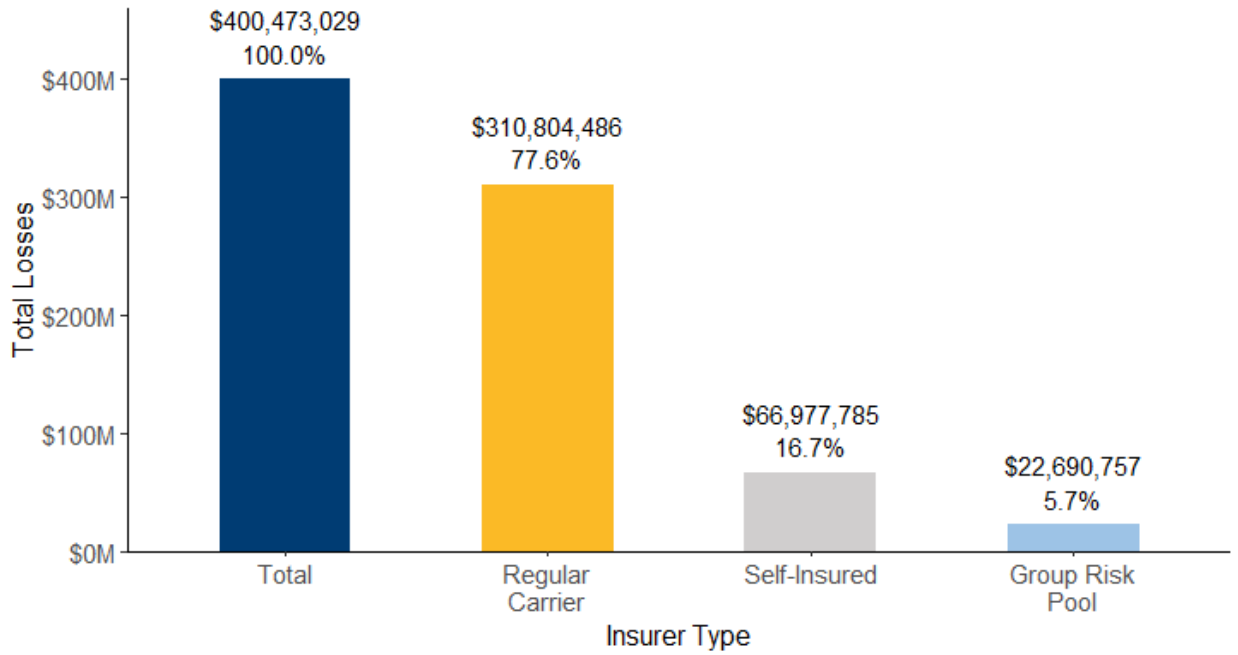

Figure 2 Total Paid Losses Reported for Calendar Year 2018, by Insurer Type

Figure 3 displays the revenues generated from those paid losses for the fiscal year 2019. In fiscal year 2019, paid losses were assessed at a rate of 2.75 percent. Note that payments are waived for assessments of $10 or less.

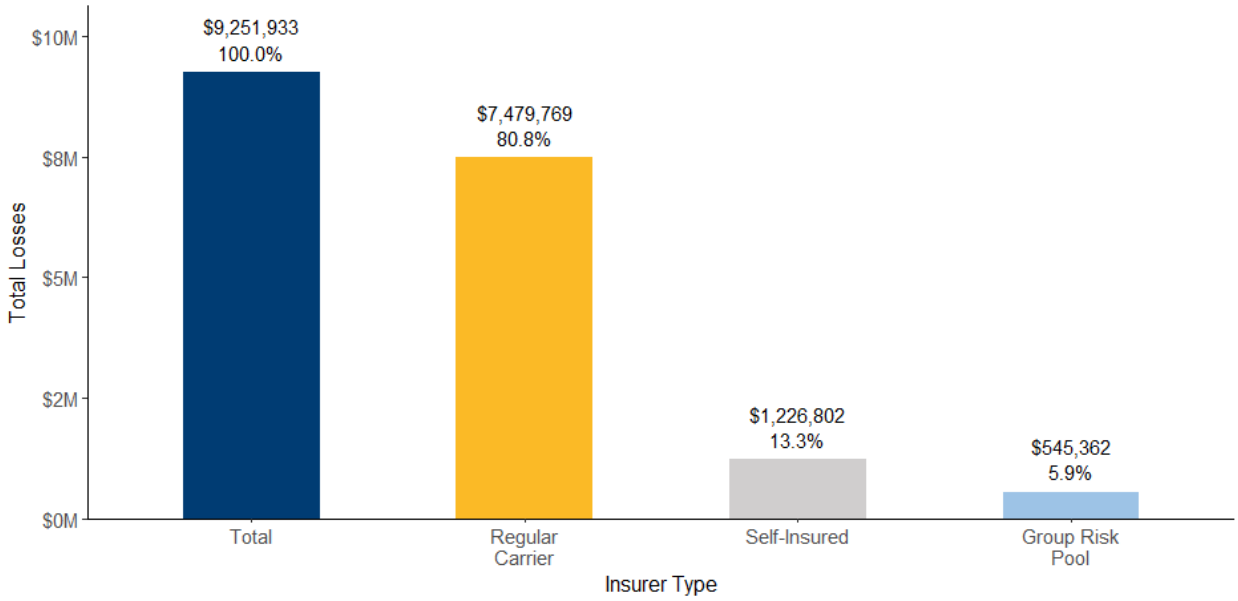

Figure 3 Total Assessment Payments Collected in Fiscal Year 2018, by Insurer Type

2.2 Collection of Fines and Restitution

In addition to paid loss assessments, the division may assess fines and restitutions when entities are investigated and found to have committed fraudulent and/or abusive practices (as set forth K.S.A.44-532 and K.S.A. 44-557), or have failed to comply with workers compensation laws (K.S.A. 44-5, 120). Revenues generated as a result of paid loss assessments, as well as those generated by investigations, are deposited in the state treasury and credited to the Workers Compensation Fund per KS 44-566(b).

Table 3 presents information about investigations conducted in 2018. Counts of investigation types and payments are defined and calculated based on the reported Kansas statute that was violated in the assessment.[1]

Investigation Type	Investigations Opened	Payments Collected	Total Paid
Compliance	209	334	$178,361.98
Fraud	40	73	$16,942.73
Other	8	14	$600.00
Total	257	421	$195,904.71

Table 3 Investigations and Investigation Payments Collected in Fiscal Year 2019, by Investigation Type

[1] Note that investigations opened in fiscal year 2019 aren't necessarily the same investigations for which payments were made in the same fiscal year. Investigations that result in fines or restitution may remain open for an indeterminate period of time before any payments are collected, and the collection of payments for a given investigation may remain ongoing for some time as well.

3. Basic Claims Information

The Workers Compensation Division obtains information about workplace injuries and illnesses in the state of Kansas via claims submitted through EDI submissions from claim administrators and insurers. EDI is the computer-to-computer exchange of data in a standard electronic format between business partners. The Division's EDI program allows trading partners to submit injury reports electronically.

3.1 Injuries and Types of Claims

3.1.1 Total Injuries Reported

In fiscal year 2019 there were 47,053 total injuries reported. This figure represents any claimed or alleged occupational injury or illness that was reported to the department, and includes reports of traumatic injury, occupational disease, and repetitive trauma.[2] Of the reported injuries, 43 resulted in fatalities.

In terms of the types of injuries associated with claims, traumatic injuries represent an overwhelming majority. 45,839 claims are related to traumatic injuries (97.4 percent), with 803 claims of repetitive trauma (1.7 percent) and only 349 occupational disease claims (0.7 percent). Most claims do not result in compensation for lost time. In fiscal year 2019 there were 8,060 compensated lost-time claims, which represent about one sixth of all claims.[3]

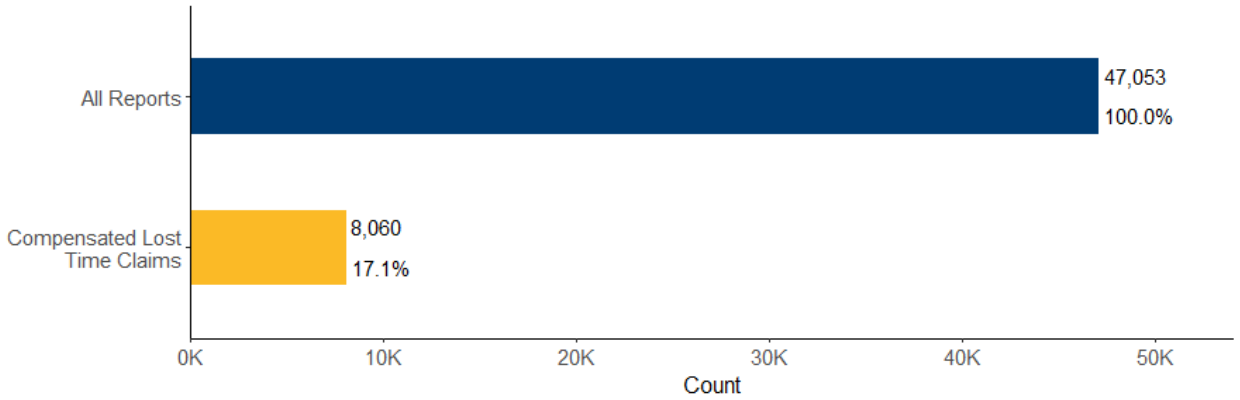

Figure 4 Number of Compensated Lost Time Claims in Fiscal Year 2019 as a Proportion of Reported Injuries

3.1.2 Types of Claims

The majority of claims in fiscal year 2019 (67.9 percent) were medical only claims, which consist of injuries that may require some medical intervention but do not result in lost time beyond the seven-day waiting period.[4] This is generally true in any given fiscal year. Claims that are explicated coded as indemnity claims

[2] Not included in the total reported injuries are reports that are cancelled following their initial submission. Sometimes injuries are reported in error, or reported with errors sufficient to warrant the retraction of the report.
[3] Note that claims that resulted in compensation in FY 2019 do not necessarily belong to the set of claims reported in 2019.
[4] Kansas law only allows lost time compensation for seven or more consecutive days of lost time.

are relatively rare, although claims of other types may ultimately result in an indemnity claim, even if not specified as such.

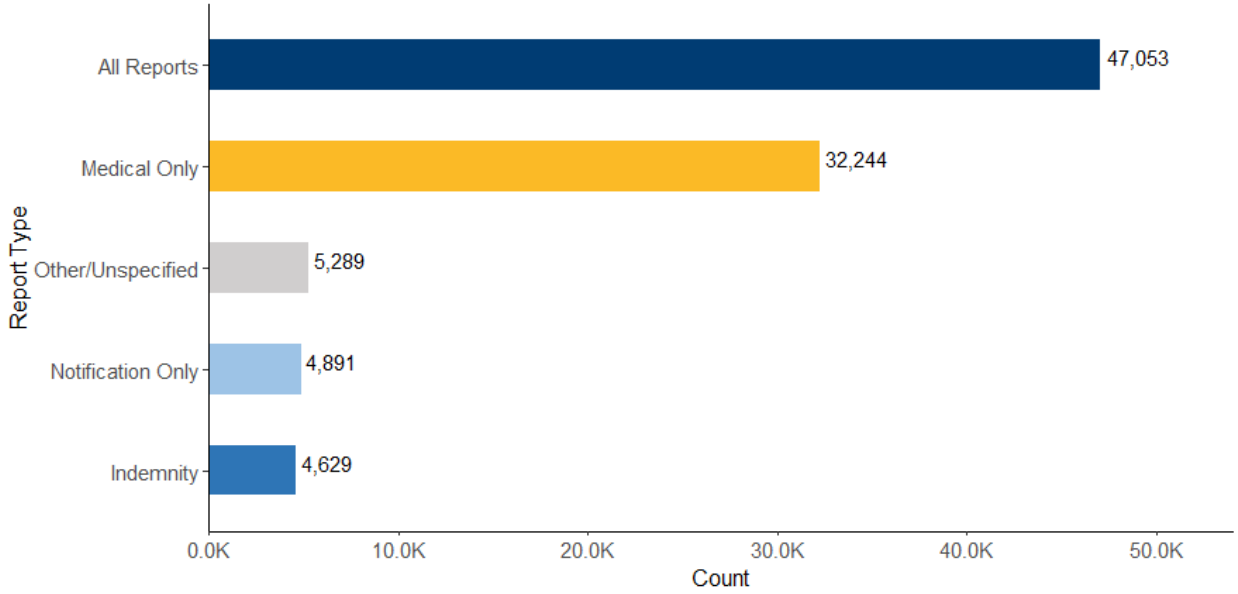

Figure 5 Number of Injuries Reported in Fiscal Year 2019 by Claim Type

3.2 Incidence

This section presents the number of claims as a function of segments of the population. §3.2.1 reports the number of reported injuries in relation to the number of labor hours in Kansas during the year, while §3.2.2 presents the number of injuries occurring in each county in relation to the county population size.

3.2.1 Overall Incidence

The Overall Incidence Rate for the state of Kansas is defined as the number of reported injuries per 100 full-time workers during the year. The Kansas Overall Incidence Rate is modeled after the U.S. Bureau of Labor Statistics (BLS) Incidence Rate,[5] and is formally defined as the total number of reported injuries divided by total hours worked by private industry employees during the fiscal year, multiplied by the number of hours worked by 100 full-time employees (200,000 hours, or 40 hours per week for 50 weeks).[6] Injury and illness data was obtained from the Division of Workers Compensation and includes all EDI submissions for first reports of injury for the year, and the employment hour data used in the division's calculation of incidence rates was obtained from the Kansas Labor Market Information Services Division.

[5] Total Kansas labor hours estimated based on the number of full-time non-farm, non-federal employees, at 40 hours per week for 50 weeks. For full Kansas employee data, see Appendix C. For BLS definitions, see https://www.bls.gov/bls/glossary.htm.

[6] Note that while the calculation of the Kansas Overall Incidence Rate is modeled after the BLS Incidence Rate, the underlying measure differs because it does not take into consideration circumstances of the injuries involved, but counts all reported injuries as occupational injuries or illnesses. This distinction is driven in part by tradition, and in part by availability of data. Historically, the Division has reported incidence on the basis of total injuries reported. Although data on the nature of claims has improved with the implementation of mandatory EDI reporting, current reporting requirements do not mandate the inclusion of data that would be sufficient to calculate incidence on the basis of injury circumstances (e.g. severity of injury or amount of lost time).

The Kansas Overall Incidence Rate for fiscal year 2019 was 3.37, and is shown in Table 4, along with updated incidence rates for the preceding four fiscal years.[7]

Fiscal Year	Total Injuries	Incidence Rate
2015	48651	3.55
2016	49933	3.62
2017	48570	3.52
2018	47166	3.41
2019	47059	3.37

Table 4 Number of Injuries, with Overall Incidence Rate, Fiscal Years 2015-2019

3.2.2 Incidence by County

Perhaps unsurprisingly, the number of injuries reported in a given county is related to population size. The five counties with the most reported injuries are Johnson (8,861), Sedgwick (8,592), Wyandotte (4,067), Shawnee (3,088), and Douglas (1,341). These are also the five largest counties in Kansas by population.[8] The 10 largest counties by population are shown in Table 5, along with the number of reported injuries.

County	Number of Injuries	Population
Johnson	8861	597555
Sedgwick	8592	513607
Wyandotte	4067	165324
Shawnee	3088	177499
Douglas	1341	121436
Reno	1175	62342
Riley	1162	73703
Saline	1068	54401
Finney	1008	36611
Butler	798	66765

Table 5 Top Ten Counties by Number of Reported Injuries in Fiscal Year 2019, with Population

[7] Note that the figures for prior fiscal years differ somewhat from previous years' reports. There are several reasons for this. First, the data in the current report reflect the most up-to-date information available, both in terms of the injury data from the Division of Workers Compensation, as well as in terms of labor hours reported by Kansas Labor Market Information Services Division. The status of reports can change as errors are corrected, reports are cancelled, or new reports come in as lingering injuries are finally reported. In general, this causes the total number of reports to increase. It has also been determined that the method of counting reports has varied somewhat from year to year. In order to avoid presenting potentially misleading information, the incidence rate is presented with incidence for prior years as calculated according to the same methodology. Finally, previous years' reports did not take into consideration certain information that is now more readily available, and thus did not exclude cancelled EDI reports and duplicate reports created where claims were acquired by new claims administrators.

[8] Population data from *Kansas Certified Population Data*, Division of the Budget (https://budget.kansas.gov/population/)

A simple linear regression model fitted to the data showed a significant correlation between population and number of injuries ($F[1,103] = 4251$, $p < .0001$; $R^2 = .976$). The model predicts an increase of 16 injuries for every increase of 1,000 people ($\beta = .016$, $p < .0001$). The plotted data for this model, along with the fitted regression line can be seen in Figure 6.[9]

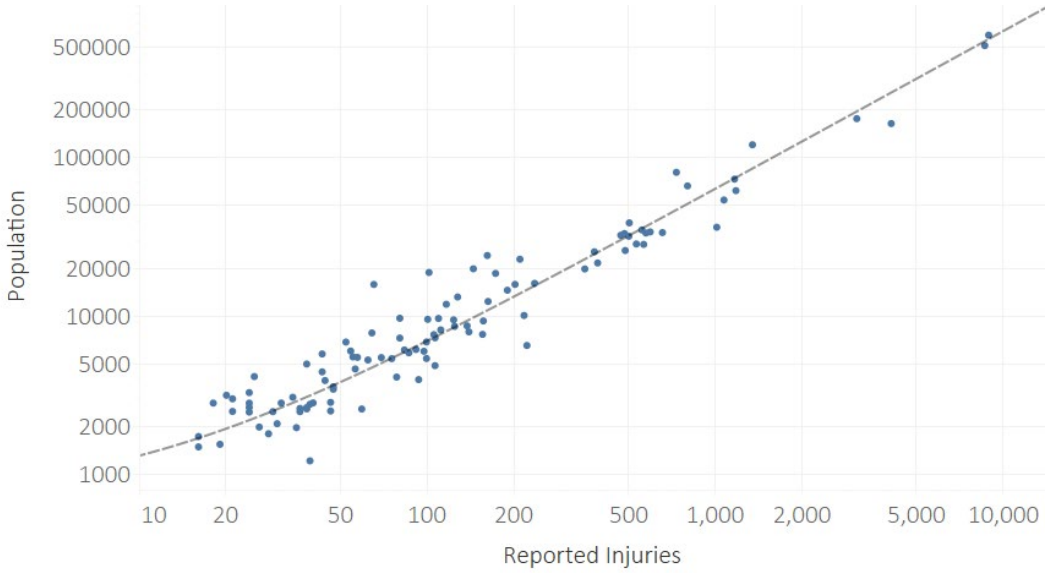

Figure 6 Reported Injuries in Fiscal Year 2019 by County Population

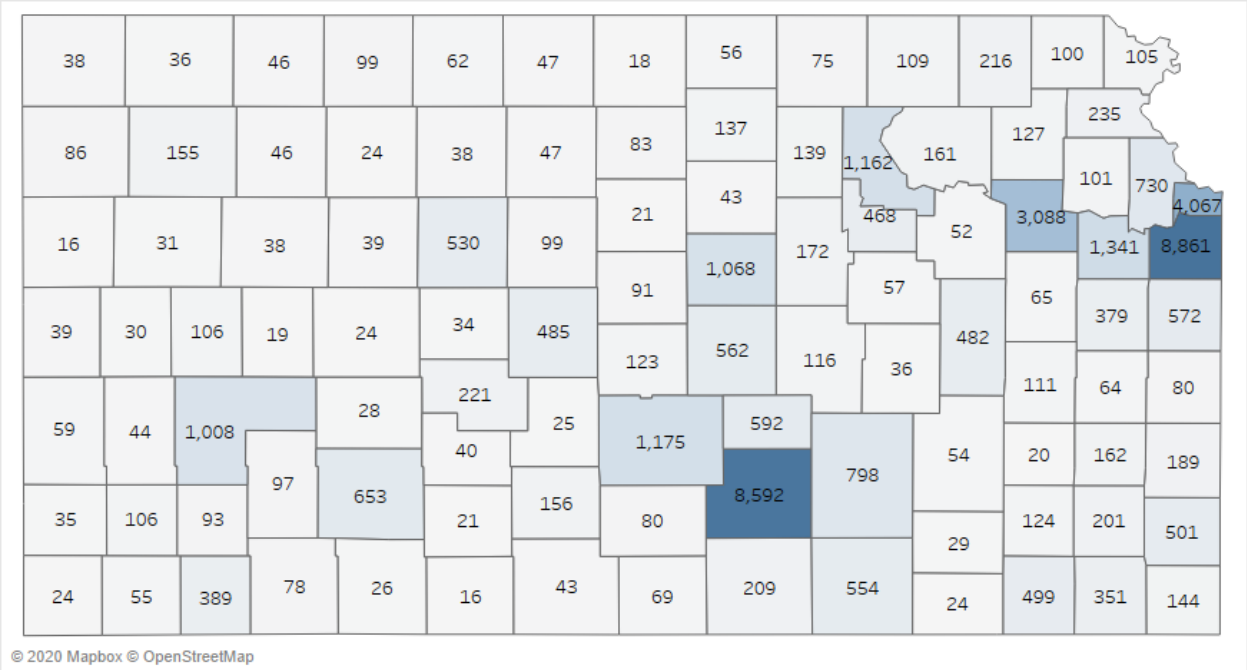

Figure 7 Number of Injury Reports in Fiscal Year 2019 by County

[9] Note that for visualization purposes, each of the respective axes are displayed with a logarithmic scale.

Note, however, that when population size is controlled for, the relative number of claims in a given county varies widely. Such differences are likely due to differences in the makeup of economic sectors, presence of influential employers, or outsized number of workers commuting from other counties.

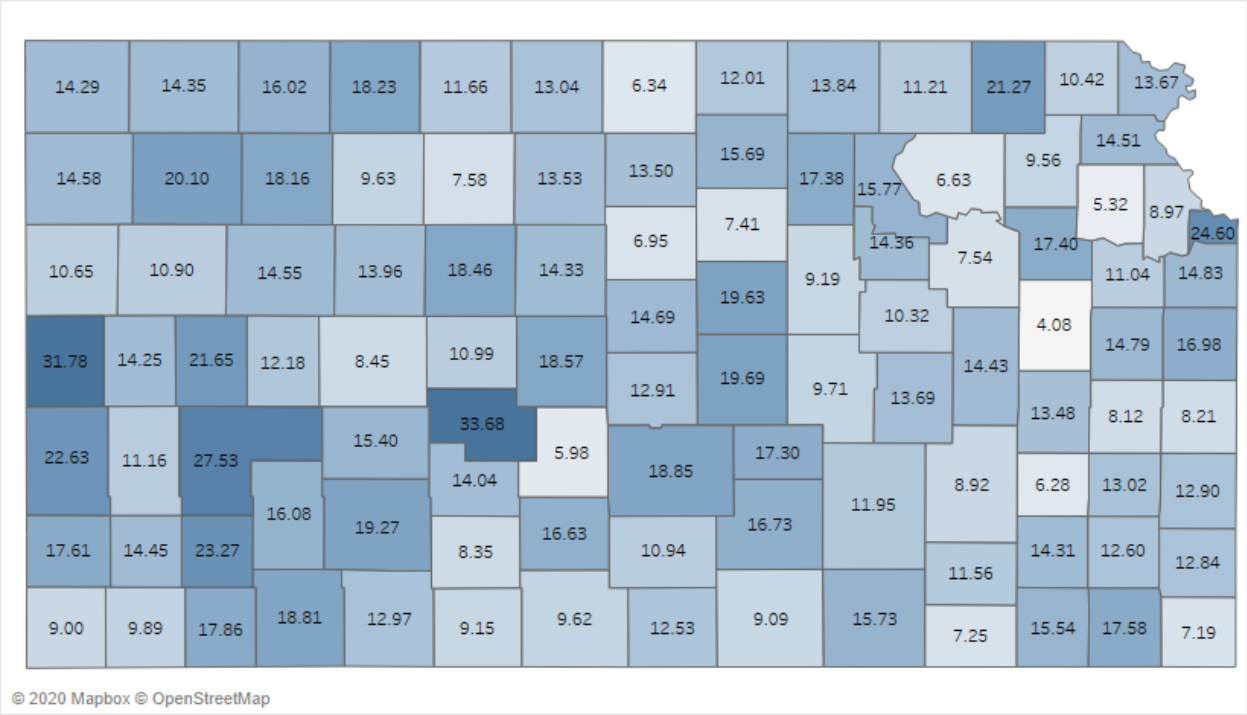

Figure 8 Injuries Reported per Thousand Residents in Fiscal Year 2019 by County

3.3 Cost of Claims

This section presents a brief look at the cost of claims. In §3.3.2, all direct losses reported by insurers to the division in fiscal year 2019 are presented, which comprises the total amount Kansas insurers spent on claims during the preceding calendar year (2018). In §3.3.2, figures are reported from all claims that were closed by claims administrators in calendar year 2018 that included indemnity payments.

3.3.1 Insurer Direct Losses

Direct losses are any losses resulting from an occupational injury or illness of an employee working for a covered employer. Direct losses are the sum total of amounts covered by insurers, as well as any deductibles paid by the policy holders.[10] Losses reported to the division in fiscal year 2019 totaled $400,494,206.[11] Of this, 26.4 percent were deductibles paid by policy holders.

[10] Note that a small portion ($21177.00) of the total losses reported here include losses that fall under the scope of certain federal programs, and are deducted for the purposes of tax assessment. For this reason, total losses differ slightly from paid losses reported in §2.1.

[11] Losses reported to the division in fiscal year 2019 reflect expenditures occurring during calendar year 2018.

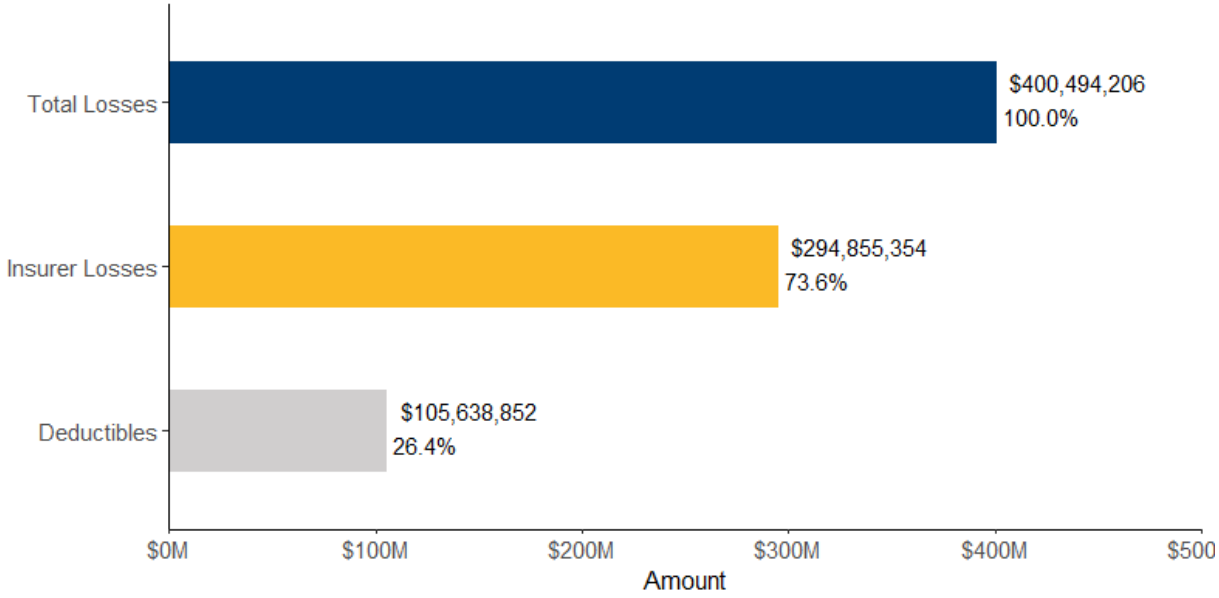

Figure 9 Losses Reported in Fiscal Year 2019, by Type of Loss

3.3.2 Closed Indemnity Claim Benefits

Not every injury results in a claim for indemnity benefits, but those that do allow our division to collect information about the costs of those claims. When no further payments are expected on a claim, a final report (FN) is submitted that details the total of all benefits and expenses paid to date. We utilize as our primary source of data for this section all FNs filed during the study year (2018) that report an indemnity payment.[12] This allows us to examine claims in terms of the benefits paid on behalf of the insured from start to finish.[13]

The total reported cost of benefits associated with indemnity claims that closed in calendar year 2018 was $175,970,639. Medical benefits comprised the greatest share of this cost at 51.1 percent, followed by indemnity benefits at 44.7 percent, legal benefits at 4 percent and other benefits at 0.3 percent. Figure 10 illustrates total benefits paid on behalf of insurers for claims with reported indemnity benefits that closed in 2018. The total amount is given, as well the percentage that each type of expense represents of the total.

[12] Because there can exist a lag between when an FN report was created and when it is received by our division, we define the FN as pertaining to our dataset by the date it was generated in the EDI system, which is not necessarily the date it was created.

[13] Certain assumptions and limitations are worth noting. Because the state of Kansas legislates the actions that employers and employees must take when a workplace injury takes place, we assume that injuries are reported honestly by both employees and their employers. EDI industry implementation standards, together with Kansas legislation, determine the sequencing of EDI files as well as which information is mandatory on a claim file. We, therefore, assume that claim administrators have received the training needed to submit correct claim and payments information to our division. We assume that when an FN is filed, no further payments are anticipated. It should be noted that this is not always the case, as claims may be reopened for various reasons, but we assume that this is true at the time of reporting.

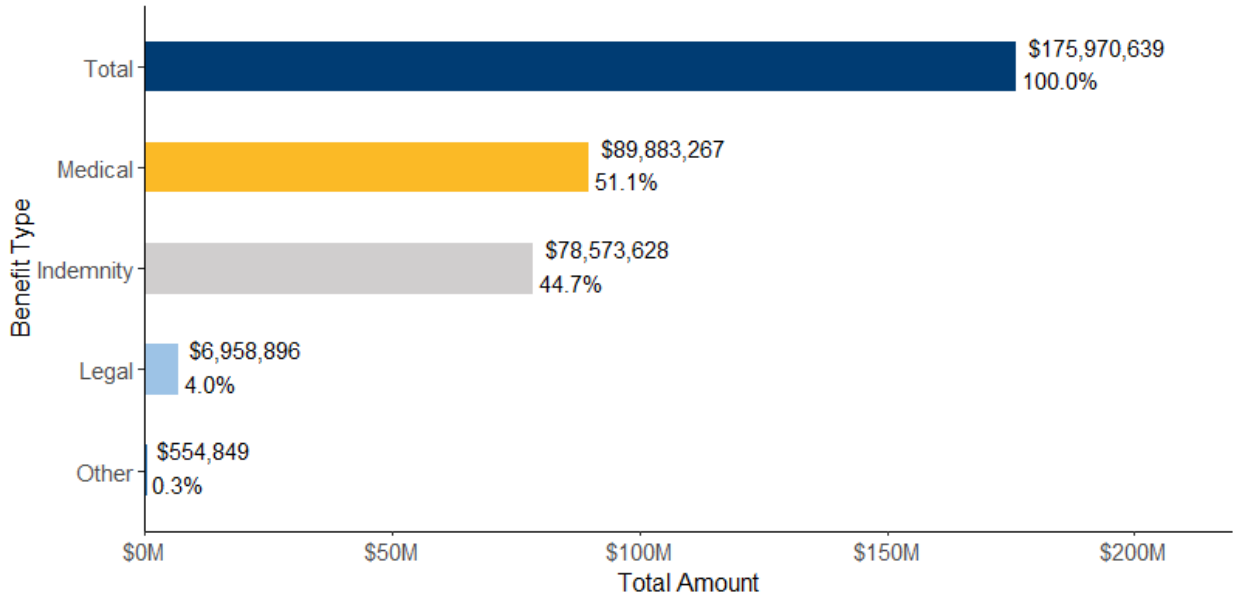

Figure 10 Benefits Paid on Indemnity Claims Closing in Calendar Year 2018, by Benefit Type

Calendar year 2018 closed claims had a median total benefit amount of $15,439, with a median medical benefit amount of $7,211.76, and a median indemnity benefit amount of $5,156.16. Note that legal and other (non-medical, -indemnity, or -legal) benefit types on a claim had median values of $0. This means that, while a few claims did incur legal and other expenses, the typical claim that closed in 2018 did not involve insurer-paid benefits not categorized as indemnity or medical. Figure 11 below illustrates median benefits by benefit type paid for the set of claims closing in calendar year 2018.

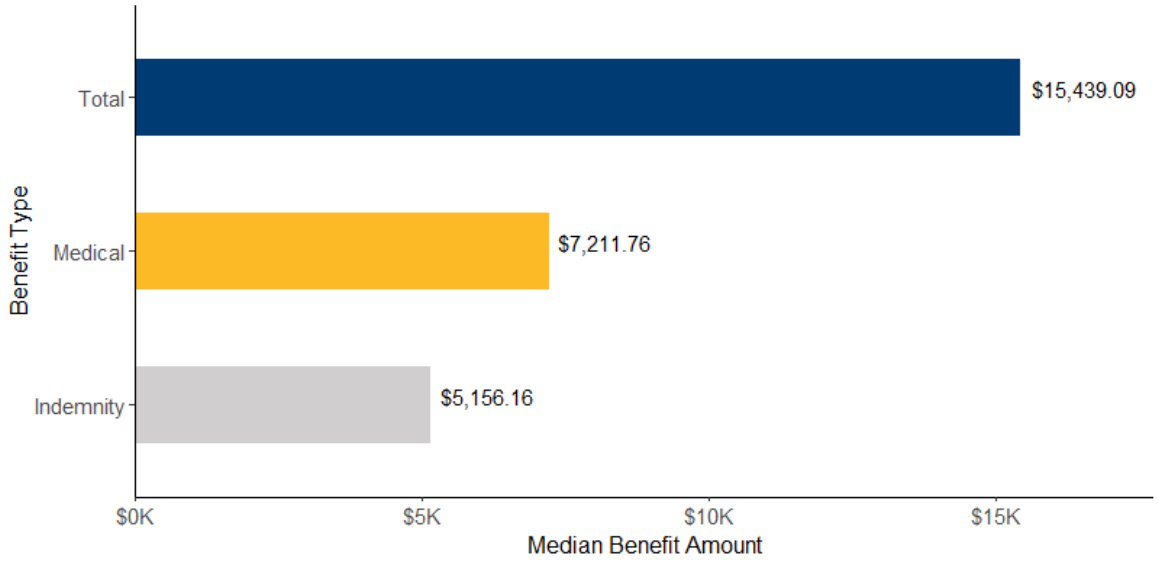

Figure 11 Median Benefit Amount Paid on Indemnity Claims Closing in Calendar Year 2019, by Benefit Type

4. Judicial Activity

4.1 Legal Filings

Judicial filings give a broad picture of the volume of cases moving through the system, as well as an informal indicator of the number of cases reaching various stages of litigation. Major filing types under consideration are listed with their definitions below:

E1/E2: Application for benefits; initiates judicial review of a claim[14]
E3: Request for preliminary hearing
E4: Application for post-award medical benefits, or termination or modification of medical benefits
E5: Application for review and modification of a decision on a case
E6: Application to dismiss a case for lack of resolution within three years of filing of an E1/E2
Appeals: Request for an independent review of an award or order on a case by the Board of Appeals
Entry of Appearance: Formal notice of representation of a respondent (i.e. employer)

4.1.1 Total Filings by Type

In fiscal year 2019, there were over 16,000 official filings. The total number of filings of each major type are shown in Figure 12.

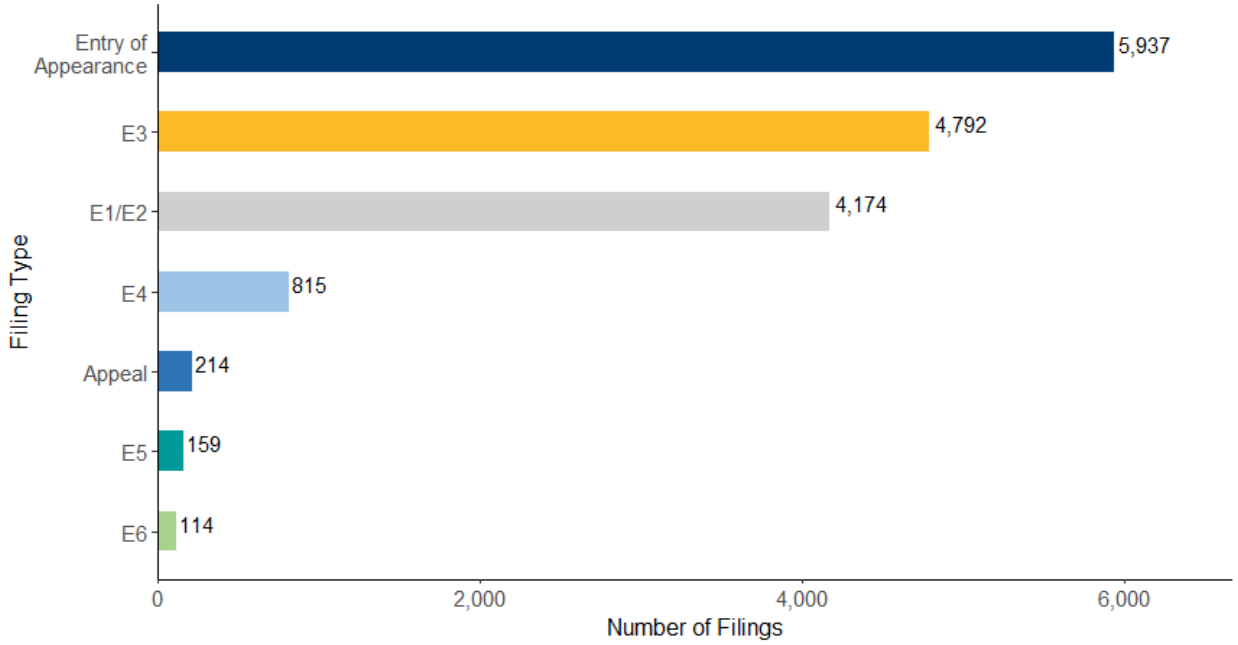

Figure 12 Total Number of Filings in Fiscal Year 2019 by Filing Type

4.1.2 Monthly Filings by Type

The number of filings can vary somewhat from month to month, but in general remains relatively stable throughout the year. The monthly number of filings of each type are given in Figure 13 and Table 6.[15]

[14] An E2 is the same as an E1, but for a surviving spouse, dependent, or heir.
[15] Note that the dip in filings in November 2018 coincides with the inception of the OSCAR system.

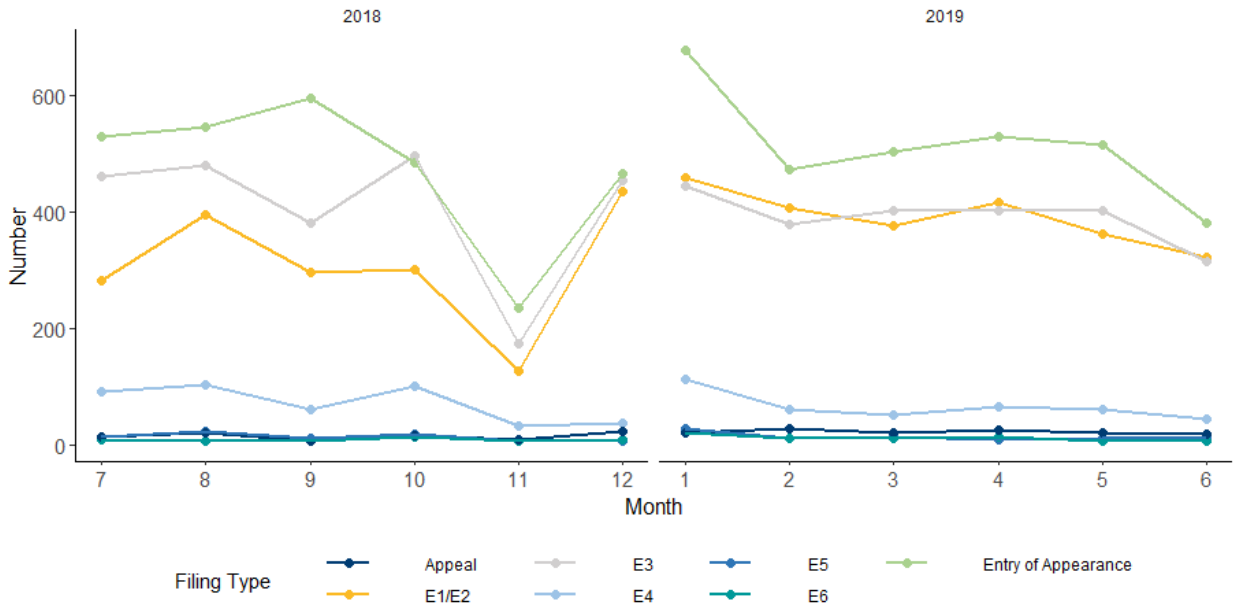

Figure 13 Monthly Filings by Type for Fiscal Year 2019, Organized by Calendar Year

Year	Month	E1/E2	E3	E4	E5	E6	Appeal	EOA	Total
2018	Jul	281	461	92	13	9	12	529	1397
2018	Aug	395	480	102	23	5	20	546	1571
2018	Sep	295	381	60	10	7	6	595	1354
2018	Oct	300	496	101	18	12	16	484	1427
2018	Nov	126	173	31	6	7	9	235	587
2018	Dec	436	455	36	7	9	22	466	1431
2019	Jan	459	446	113	28	19	21	679	1765
2019	Feb	406	378	61	11	11	27	472	1366
2019	Mar	377	403	50	12	10	19	504	1375
2019	Apr	416	402	65	9	12	25	529	1458
2019	May	362	403	60	10	6	20	516	1377
2019	Jun	321	314	44	12	7	17	382	1097
Total		4174	4792	815	159	114	214	5937	16205

Table 6 Monthly Filings by Type for fiscal year 2019

4.2 Hearings

The volume of hearings can also help to provide an indication of the number of cases reaching various stages of litigation, as well as an idea of where judicial resources are being allocated. The major hearing types under consideration here are listed with their definitions below:

Prelim: a hearing to establish facts or conditions on which a regular hearing may depend
Motion: a hearing to request a judicial ruling on some legal matter
Pre-hearing Settlement Conference (PHSC): a preliminary meeting with the parties intended to provide a path to settlement, if possible
Regular: a hearing to decide whether benefits will be awarded to a claimant, and the benefits to be awarded
Post-Award Medical: a hearing of whether additional medical benefits will be awarded, modified, or terminated
Review and Modification: a hearing to review and possibly modify an award
Settlement: a hearing for administrative approval of a settlement. Docketed settlements begin with an application for judicial review of a claim through filing of an E1, while undocketed settlements do not

4.2.1 Total Hearings Set and Held by Type

Hearings are often set, but not held for various reasons. Figure 14 and Table 7 show the number of hearings set and held in fiscal year 2019 for each of the main hearing types. Note that hearings were held in fiscal year 2019 were not necessarily set in fiscal year 2019, nor vice versa.

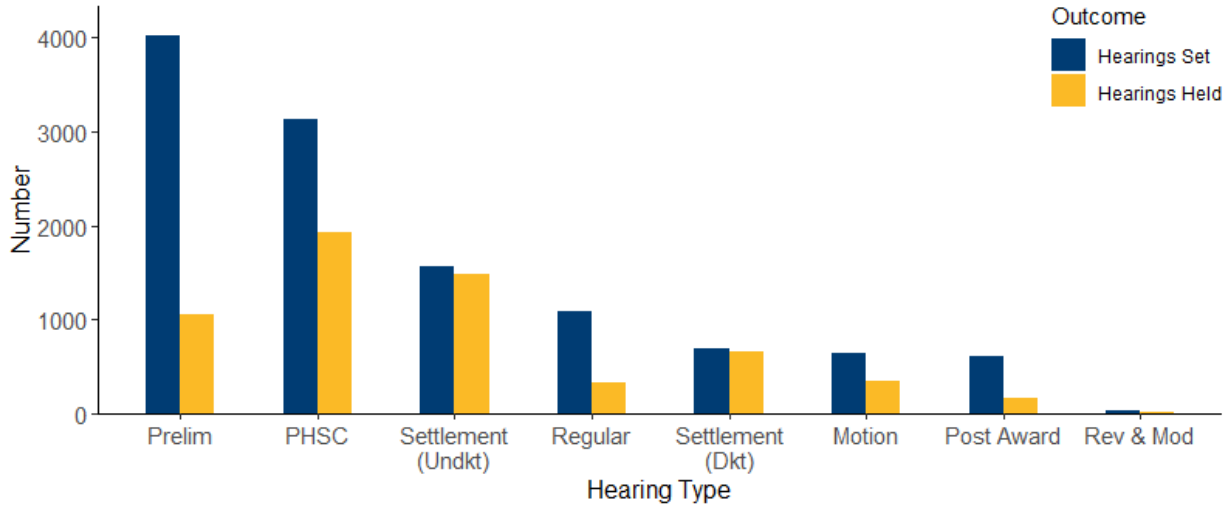

Figure 14 Number of Hearings Set and Held in Fiscal Year 2019 by Hearing Type

Hearing Type	Hearings Set	Hearings Held
Prelim	4011	1063
PHSC	3127	1935
Settlement (Undkt)	1571	1483
Regular	1081	336
Settlement (Dkt)	701	666
Motion	649	351
Post Award	618	172
Rev & Mod	39	11
Total	11797	6017

Table 7 Number of Hearings Set and Held in Fiscal Year 2019 by Hearing Type

As a general rule, more hearings are set than held, although settlement hearings have a higher likelihood of being held than other hearing types. By far, preliminary hearings are most likely to be set but not held. This is likely an indicator that a move toward litigation frequently leads to non-administrative resolutions.

4.2.2 Monthly Hearings Set and Held by Type

As with legal filings, the numbers of hearings set and held remain relatively stable from month to month. For fiscal year 2019, on average, there were 942.9 hearings set and 500.3 hearings held per month. Figures 15 and 16 show the monthly trends in hearings set and held, respectively, while Table 8 provides the exact figures of the same.

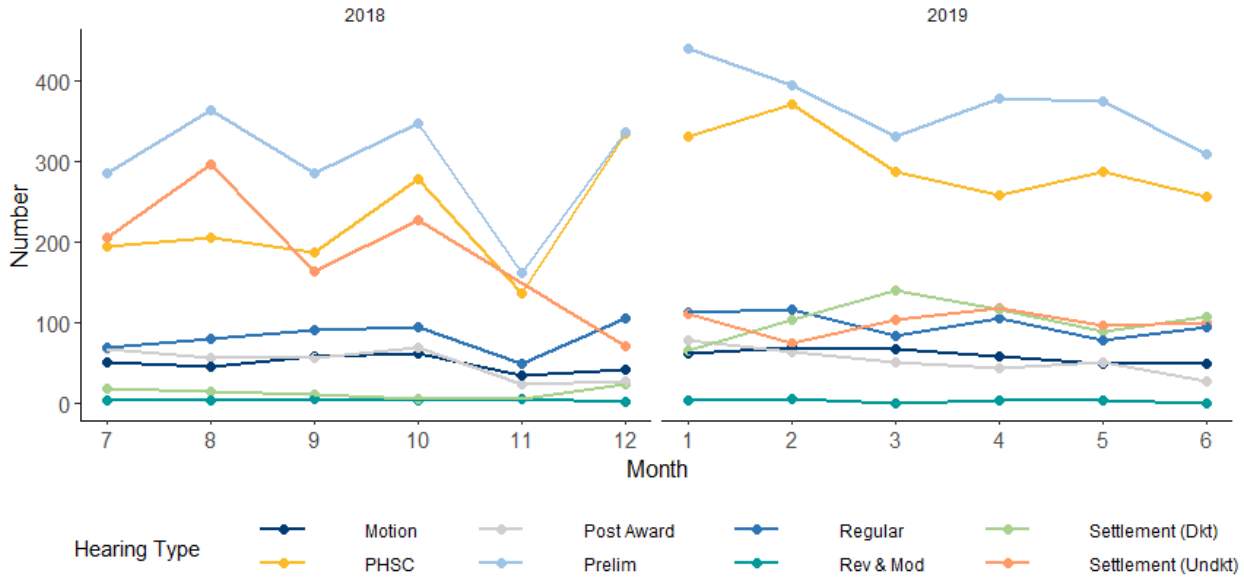

Figure 15 Monthly Hearings Set in Fiscal Year 2019 by Hearing Type, Organized by Calendar Year

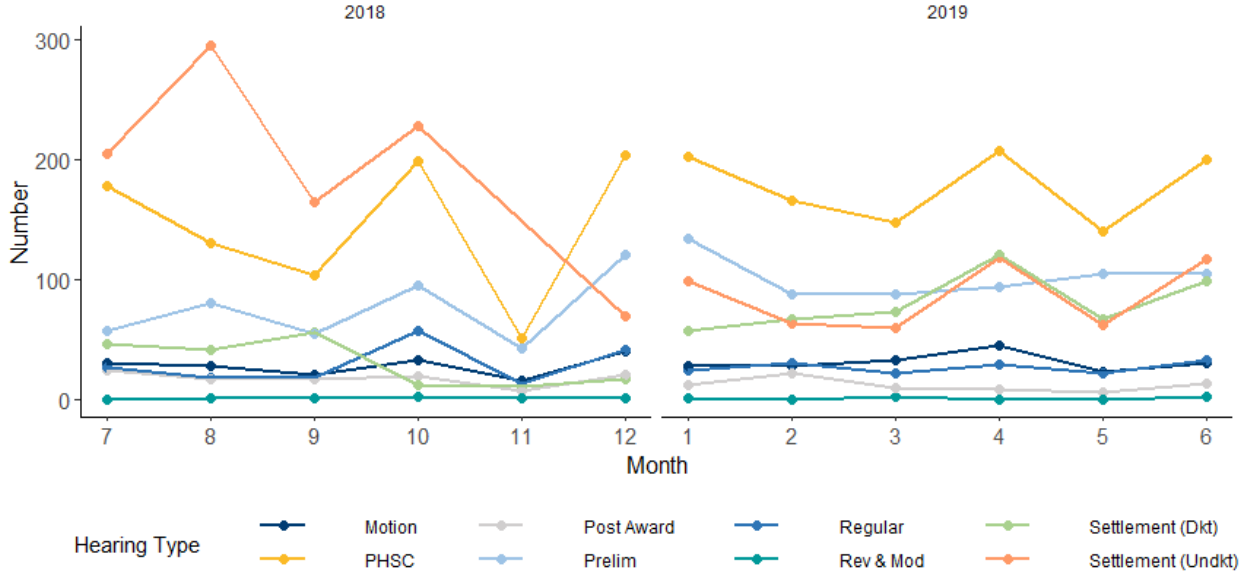

Figure 16 Monthly Hearings Held in Fiscal Year 2019 by Hearing Type, Organized by Calendar Year

Interestingly, there is less variability in the number of monthly hearings set and held since the inception of OSCAR in November 2018, which may be an early indicator that the new system has streamlined the judicial process.

Year	Month	Outcome	Prelim	Motion	PHSC	Regular	Post Award	Rev & Mod	Settlement (Dkt)	Settlement (Undkt)
2018	Jul	Set	286	51	195	70	67	3	18	205
		Held	57	30	178	26	24	0	46	205
	Aug	Set	364	46	206	81	57	3	14	296
		Held	80	28	130	18	17	1	41	296
	Sep	Set	285	59	187	91	57	5	11	164
		Held	55	20	104	18	16	1	56	164
	Oct	Set	347	62	278	94	70	3	5	228
		Held	95	32	199	57	19	2	12	228
	Nov	Set	162	34	136	49	23	5	6	0
		Held	42	15	51	13	7	1	11	0
	Dec	Set	337	42	334	105	28	2	23	71
		Held	120	40	204	41	20	1	16	69
2019	Jan	Set	441	62	331	113	79	4	66	112
		Held	134	28	203	24	12	1	57	99
	Feb	Set	395	69	371	116	63	5	103	75
		Held	88	28	166	30	21	0	67	63
	Mar	Set	331	67	288	83	51	1	141	103
		Held	87	32	148	21	9	2	73	60
	Apr	Set	378	59	258	105	44	4	116	118
		Held	94	45	207	29	8	0	121	118
	May	Set	375	49	287	79	51	3	90	97
		Held	105	23	140	22	5	0	67	62
	Jun	Set	310	49	256	95	28	1	108	100
		Held	105	30	200	33	13	2	99	117

Table 8 Monthly Number of Hearings Set and Held in Fiscal Year 2019 by Hearing Type

4.2.3 Total Hearings Held by Location

Workers Compensation divides the state into five jurisdictional regions, which are Eastern, East Central, Central, South Central, and Western. Respectively, these include counties roughly centered around Lenexa, Topeka, Wichita, Salina, and Garden City, in which the main offices of the Division are located. Each region can be seen in the map in Figure 17 with the respective counties that belong to each.

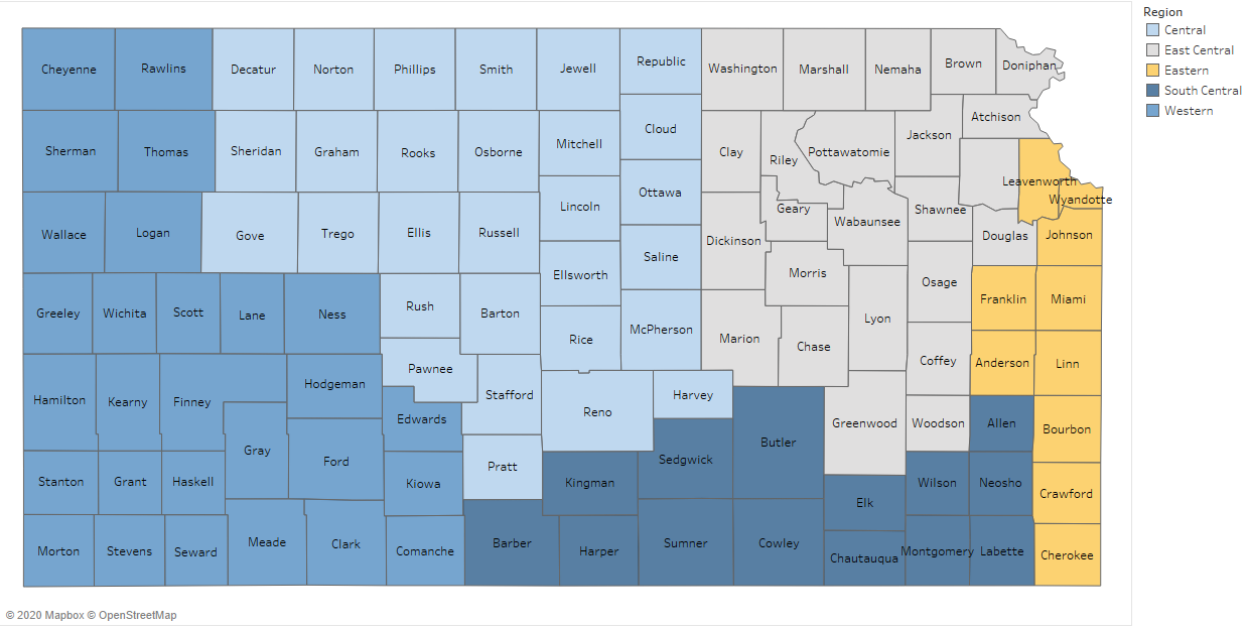

Figure 17 County of Venue, by Jurisdictional Region

In terms of volume, the South Central region (Wichita) had the greatest number of hearings (2,073), while the Western region had the fewest (332).

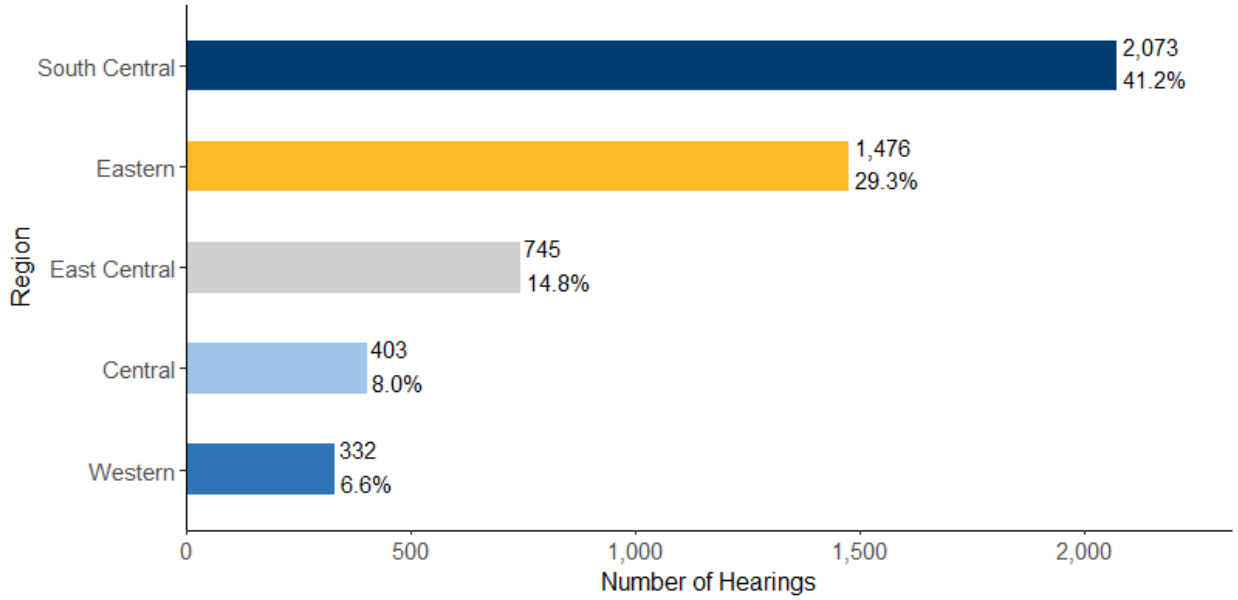

Figure 18 Number of Hearings Held in Fiscal Year 2019 by Jurisdictional Region

Appendix A: Injury Reports by County

County	Injuries	County	Injuries	County	Injuries	County	Injuries
Allen	162	Finney	1008	Logan	31	Rooks	38
Anderson	64	Ford	653	Lyon	482	Rush	34
Atchison	235	Franklin	379	Marion	116	Russell	99
Barber	43	Geary	468	Marshall	109	Saline	1068
Barton	485	Gove	38	McPherson	562	Scott	106
Bourbon	189	Graham	24	Meade	78	Sedgwick	8592
Brown	100	Grant	106	Miami	572	Seward	389
Butler	798	Gray	97	Mitchell	83	Shawnee	3088
Chase	36	Greeley	39	Montgomery	499	Sheridan	46
Chautauqua	24	Greenwood	54	Morris	57	Sherman	86
Cherokee	144	Hamilton	59	Morton	24	Smith	47
Cheyenne	38	Harper	69	Nemaha	216	Stafford	25
Clark	26	Harvey	592	Neosho	201	Stanton	35
Clay	139	Haskell	93	Ness	24	Stevens	55
Cloud	137	Hodgeman	28	Norton	99	Sumner	209
Coffey	111	Jackson	127	Osage	65	Thomas	155
Comanche	16	Jefferson	101	Osborne	47	Trego	39
Cowley	554	Jewell	18	Ottawa	43	Wabaunsee	52
Crawford	501	Johnson	8861	Pawnee	221	Wallace	16
Decatur	46	Kearny	44	Phillips	62	Washington	75
Dickinson	172	Kingman	80	Pottawatomie	161	Wichita	30
Doniphan	105	Kiowa	21	Pratt	156	Wilson	124
Douglas	1341	Labette	351	Rawlins	36	Woodson	20
Edwards	40	Lane	19	Reno	1175	Wyandotte	4067
Elk	29	Leavenworth	730	Republic	56		
Ellis	530	Lincoln	21	Rice	123		
Ellsworth	91	Linn	80	Riley	1162		

Source (population data): *Kansas Certified Population Data*, Division of the Budget (https://budget.kansas.gov/population/)

Table A1 Injuries Reported in Fiscal Year 2019, by County

Appendix B: Population by County

County	Population	County	Population	County	Population	County	Population
Allen	12444	Finney	36611	Logan	2844	Rooks	5013
Anderson	7878	Ford	33888	Lyon	33406	Rush	3093
Atchison	16193	Franklin	25631	Marion	11950	Russell	6907
Barber	4472	Geary	32594	Marshall	9722	Saline	54401
Barton	26111	Gove	2612	McPherson	28537	Scott	4897
Bourbon	14653	Graham	2492	Meade	4146	Sedgwick	513607
Brown	9598	Grant	7336	Miami	33680	Seward	21780
Butler	66765	Gray	6033	Mitchell	6150	Shawnee	177499
Chase	2629	Greeley	1227	Montgomery	32120	Sheridan	2533
Chautauqua	3309	Greenwood	6055	Morris	5521	Sherman	5899
Cherokee	20015	Hamilton	2607	Morton	2667	Smith	3603
Cheyenne	2660	Harper	5506	Nemaha	10155	Stafford	4178
Clark	2005	Harvey	34210	Neosho	15951	Stanton	1987
Clay	7997	Haskell	3997	Ness	2840	Stevens	5559
Cloud	8729	Hodgeman	1818	Norton	5430	Sumner	22996
Coffey	8233	Jackson	13280	Osage	15941	Thomas	7711
Comanche	1748	Jefferson	18975	Osborne	3475	Trego	2793
Cowley	35218	Jewell	2841	Ottawa	5802	Wabaunsee	6899
Crawford	39019	Johnson	597555	Pawnee	6562	Wallace	1503
Decatur	2871	Kearny	3943	Phillips	5317	Washington	5420
Dickinson	18717	Kingman	7310	Pottawatomie	24277	Wichita	2105
Doniphan	7682	Kiowa	2516	Pratt	9378	Wilson	8665
Douglas	121436	Labette	19964	Rawlins	2508	Woodson	3183
Edwards	2849	Lane	1560	Reno	62342	Wyandotte	165324
Elk	2508	Leavenworth	81352	Republic	4664		
Ellis	28710	Lincoln	3023	Rice	9531		
Ellsworth	6196	Linn	9750	Riley	73703		

Source: *Kansas Certified Population Data*, Division of the Budget (https://budget.kansas.gov/population/)

Table B1 Kansas Population by County

Appendix C: Kansas Non-Farm, Non-Federal Employment

Month	Non-Farm	Federal	Total	Month	Non-Farm	Federal	Total
2014-07	1375700	24800	1350900	2017-01	1380200	25100	1355100
2014-08	1380100	24800	1355300	2017-02	1395800	25100	1370700
2014-09	1397900	24700	1373200	2017-03	1401300	25100	1376200
2014-10	1409400	24800	1384600	2017-04	1403800	25000	1378800
2014-11	1412900	24800	1388100	2017-05	1407500	25000	1382500
2014-12	1412700	25100	1387600	2017-06	1401300	25000	1376300
2015-01	1375100	24900	1350200	2017-07	1385900	25100	1360800
2015-02	1387900	24800	1363100	2017-08	1389300	25100	1364200
2015-03	1393200	24900	1368300	2017-09	1410700	25100	1385600
2015-04	1403000	25100	1377900	2017-10	1420800	25000	1395800
2015-05	1411000	25000	1386000	2017-11	1427300	25000	1402300
2015-06	1406100	25000	1381100	2017-12	1425500	25100	1400400
2015-07	1385200	24900	1360300	2018-01	1388600	25100	1363500
2015-08	1387600	25100	1362500	2018-02	1403500	24900	1378600
2015-09	1405300	25100	1380200	2018-03	1406000	25100	1380900
2015-10	1417500	24900	1392600	2018-04	1416800	25000	1391800
2015-11	1419400	24900	1394500	2018-05	1421600	25100	1396500
2015-12	1418600	25200	1393400	2018-06	1415000	25200	1389800
2016-01	1382300	24900	1357400	2018-07	1399200	25200	1374000
2016-02	1393000	24900	1368100	2018-08	1409200	25200	1384000
2016-03	1398300	25000	1373300	2018-09	1422900	25400	1397500
2016-04	1414000	25000	1389000	2018-10	1432300	25300	1407000
2016-05	1413800	25000	1388800	2018-11	1438100	25300	1412800
2016-06	1404000	25000	1379000	2018-12	1434900	25400	1409500
2016-07	1387600	25000	1362600	2019-01	1399300	25100	1374200
2016-08	1389100	25100	1364000	2019-02	1410000	25500	1384500
2016-09	1411400	25100	1386300	2019-03	1411800	25300	1386500
2016-10	1420400	25000	1395400	2019-04	1431300	25500	1405800
2016-11	1422400	25000	1397400	2019-05	1433700	25400	1408300
2016-12	1418300	25400	1392900	2019-06	1424100	25400	1398700

Source: *Current Employment Statistics*, KS Labor Information (https://klic.dol.ks.gov/altentry.asp?action=lmiguest&whereto=CES)

Table C1 Total Kansas Non-Farm, Non-Federal Employment