

THE SDIC ADVISOR

A Publication of SDIC

February 2008

THE NEWSLETTER FOR MEMBERS OF THE SCHOOL DISTRICTS INSURANCE CONSORTIUM



*From the Director:
Cheryl LaPotin*

It does seem like this past year has come and gone so quickly, especially around the holiday season, and now we find ourselves already in the month of February 2008.

I would like to pass along some tips for getting and staying on the safe track for the 2008 year. The approach we recommend at SDIC for Safety is **PROACTIVE**. Most Workers' Compensation accidents and injuries are the result of inadequate planning, training and enforcement of safety parameters.

Safety Committees can publish their own best practice lists for distribution to all employees. To get the most out of your safety committees' hard work, time and effort get active participation and commitment from the 'front lines'. Decide how much influence the Safety Committee should have and enforce it. Decide who should be on the committee and how long they should serve. Set specific meeting performance standards and expectations, benchmarks if you will. Implement a system for tracking corrective action items and publish the results. Remember the approach is **PROACTIVE**, not reactive. As one famous credit card company says:

Cost of Safety Training:

Free to SDIC Members

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WHAT'S HOT :

DIRECTING CARE

You and your employees, no doubt, have heard about the posted panel of physicians. The panel is a list of physicians, consisting of providers whose specialty is in occupational medicine, orthopedics, physical therapy, eye specialists and chiropractors. There will be a group of family practices in some geographic areas due to the limited physician pool.

The Workers' Compensation Act states, specifically, how the panel should be set up. There must be at least six providers from which the employee will choose, no more than four of whom may be a coordinated care organization and no fewer than three of whom shall be physicians. The Act goes on to say that the employee shall continue to visit the same provider or another designated provider for a period of ninety days from the date of the "first visit." The "first visit" is the date that tolls the statute for 90 days of treatment.

The providers for the panel are chosen with care. For the most part, they are health care professionals whose expertise lies in the area of work-related injuries and who have agreed to treat work-related injuries as well as deeper discounts through the Pennsylvania Fee Schedule and Preferred Provider Organization discounts through SDIC.

When your employee is injured, the panel should be provided so they will choose the provider they wish to see. When anyone other than the employee picks a provider from

the panel, no matter how helpful or expedient it may seem at the time, the act of choosing that one particular provider is construed as directing care, and as such, may leave you liable to legal action. The only exception is where 911 has been called for emergency care.

In the act of directing care, you have limited the employee's choice of health care providers to only one rather than the six or more listed on the panel. There is always a chance, no matter how slight, that the employee may not be satisfied with the care they have received. It is their right, at that time, to seek legal remedy. As an employer in the state of Pennsylvania, you have the right to "control" medical care. That right will be challenged for all employers in this state if the courts find the rules and regulations are violated. Let's keep our solid performance as a respected employer in Pennsylvania.

Finally, remember that the panel must be posted in all buildings of your school district in an area that is accessible to

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WHAT'S INSIDE:

*From the Director
What's Hot
Safety & Medical
Financial & Legal
Safety Alert
Ask the Judge
Bulletin Board
Yellow Pages*





SAFETY AND MEDICAL

FIRE SAFETY FOR SCHOOLS

Fires start without warning and can spread quickly. So when the alarm sounds, you need to be to act! Be familiar with your school's Emergency Plan. Know your evacuation route and assigned duties, then do your part to get everyone out of the building immediately. In a real fire everyone must know their role and react as if it were second nature. Do you know YOUR role in case of a fire?



DO NOT OPEN ANY DOOR IF IT IS HOT TO THE TOUCH !

Follow safe evacuation procedures and be ready to respond in the event of a small contained fire by using the proper fire extinguisher. Know how to operate a fire extinguisher: **Pull the pin, Aim, Squeeze and Sweep (P.A.S.S.)** If you or anyone catch on fire remember to **STOP, DROP, AND ROLL !** Smother the fire. **NEVER RUN!**

Do you know the four components needed to start a fire? Fuel—a combustible material, Oxygen— it only takes 16% oxygen to ignite a fire, the oxygen we need to breath is about 21%, Heat— provides energy, and Chemical— creates a chain reaction.



We have several members of the Consortium who are very pro-active in prevention of accidents and fire. Eastern Center for Arts and Technology held Fire Safety Drills and on-site training to Safety committee members. The pictures in this article were submitted by, ECAT. We have received many creative ideas that are being used and developed by the Safety Committees in various School Districts belonging to SDIC Consortium. I would also like to recognize Hazleton Area School District, Coatesville School District and Upper Perkiomen School District for their commitment and concern for the safety of others.

TRUE OR FALSE



Know your primary & secondary evacuation routes ans. T

Avoid smoke, stay low ans. T

Do not remove clothing that is stuck to a burn victim ans. T

Use cool water to soothe a burn ans. T

Elevate burned arms/legs to prevent shock ans. T

Fire requires fuel, oxygen, heat and a chemical chain reaction ans. T



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all employees. The panel should be presented to the employee upon hire and at the time of an injury and a signed copy should be kept on file to prove that the employee read and understood the panel and how it works.

FIND THE FIVE WORD MESSAGE

A	O	W	D	O	X	R	P	S	E
B	D	F	O	M	V	I	A	R	P
S	Y	J	N	R	E	N	O	T	X
H	F	Z	B	L	K	Y	W	E	S
T	D	I	R	E	C	T	U	E	O
G	W	O	U	M	A	K	R	T	S
L	E	U	M	E	D	I	C	A	L
C	A	R	E	G	H	W	L	S	I

Answer on last page

HEALTH AND SAFETY TIP



WHAT IS MRSA ?

It is an infection with a strain of bacteria resistant to antibiotics. Infections are increasingly being reported in schools, gyms and day care centers.

SYMPTOMS INCLUDE:

- Skin abscess
- Fever
- Rash
- Fatigue
- Muscle aches



PRECAUTIONS:

- Wash hands thoroughly & often
- Cover cuts & scrapes
- Do not share personal items
- Wipe down surfaces

Most drug-resistant staph cases are mild skin infections. The best way to protect yourself, and others, from MRSA is to practice good hygiene.

THE SDIC ADVISOR STAFF:
Editor in Chief: Katherine Robinson
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Roving Legal Reporter: Fall Seminar Presentation

FINANCIAL UPDATE:



PARTIAL DISABILITY!

Partial disability applies to any injured worker who, upon return to work, has a loss of earnings. This area of the Workers' Compensation Act is clearly defined, in Section 306 (a.2) refer to their website www.state.pa.us Pa. keyword "workers comp"

Employees are eligible for partial disability payments until their earnings meet or exceed the pre-injury wage or a maximum of 500 weeks, whichever comes first. The calculation of this benefit is two-thirds (2/3) of the "difference between the average weekly wage and the current earnings, up to a maximum compensation rate for the year of the injury."

If work is available in the school district within the restrictions, the employee should return to work at a mutually agreed time and date. The return to work letter must be issued by the appropriate manager or supervisor within the district. At this time, the hours of employment and the rate of pay should be defined. If wage loss is expected, partial wage loss benefits will commence when appropriate.

SDIC will monitor disability status with the physician for a full duty return to work release. Should the employee never return to work in full capacity, yet their earnings have exceeded the pre-injury wage, the partial disability is suspended until such time as the conditions change in nature and extent. We recommend the wages for each week be faxed or emailed to the proper party at SDIC.

If the employer cannot provide work within confirmed restrictions, wage loss benefits shall continue. In Workers' Compensation claims, the primary focus is on pre-injury wages and return to work earnings for the partial disability claim.



What's Hot in Workers' Compensation Law



SETTLEMENT STRATEGIES Of Workers' Compensation Claims

The following is a recap of the Settlement Strategies of Workers' Compensation Claims that was presented at the November 2007 SDIC Seminar.

- **ACT 147 of 2006**

The WCJ must set forth a mandatory trial schedule at the first hearing that includes (1) specific deadlines for presenting evidence, (2) dates of future hearings, and (3) a specific date and time for a mediation conference. The mediation conference must be held no later than 30 days after the date set for filing of proposed findings and briefs.

Act 147 requires the Office of Adjudication to create a resolution of hearing procedure to expedite consideration of compromise and release agreements within 14 days of receiving notice of a settlement.

Proposed changes to the Rules and Regulations include changes that address mediation, which is formally defined as "A conference conducted by a judge, as authorized by sections 401 and 401.1 of the Act, having as its purpose an attempt to reconcile any or all disputes existing between contending parties." The proposed changes specifically provide that the "Mediation shall not be limited in purpose to achieving a compromise settlement (C&R agreement), but may have as its goal conventional adjustment of the claim, other amicable resolution or the narrowing of issues via stipulation, for decision by the adjudicating judge."

The proposed rules also address the question whether or not the assigned judge can also act as the mediating judge. Although the proposed rules would forbid this practice, the rules

are clear that this does not apply to parties who wish to mediate the case before the adjudicating judge through voluntary mediation.

Once the parties have resolved a case, either party can request a resolution hearing in writing; however, the parties must be prepared for the hearing within 14 days as mandated by Section 401.1 of the Act.

- **ACT 109 of 2006**

Act 109 applies any time the claimant will receive net proceeds in excess of \$5,000.00 out of a monetary award under a WCJ Order. Act 109 requires the claimant to provide the WCJ with a statement with identifying information as well as a printout of the PACSES website found at www.childsupport.state.pa.us documenting the existence/non-existence of any child support arrearage as well as the amount of such arrearage. The WCJ must order payment of the child support arrearage out of the lump sum.

SAFETY ALERT NOTICE

Over the past 3 months the primary Safety Alert Notification involved:

Cuts, lacerations

Safety Solution:

Safety suggestion would be to have the Safety Committee present training or paycheck stuffers reminding all employees to use the appropriate PPE Personal Protective Equipment—gloves, shoes, safety glasses etc.

ATTENTION !

See the 2008 Pennsafe Safety Committee Training Schedule on our Website



- “The SDIC Advisor” is going electronic. This is our last printed issue of the Newsletter. The next one will come directly to you via email.
- Reminder, if your district needs any safety training call Kathy Robinson

PLEASE VISIT OUR WEBSITE AT WWW.SDICWC.ORG

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Cost of a Slip and Fall: \$ 50,000
 Cost of a Permanent Disability: \$500,000
 Cost of a **PROACTIVE SAFETY COMMITTEE:** **PRICELESS!!!**

All of us here at SDIC have so much to be thankful for and not the least of which is the trust you have placed in us. It is through that trust and your membership with us that we are able to claim another financially sound and fiscally fit year. Once again, we have the highest confidence level of any pool in the Commonwealth. Your membership in this pool is very much appreciated. Thank you.

SDIC NAMES & PHONE NUMBERS
Email Address's

- | | | |
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MAIN: 800-445-6965 FAX 215-393-053
Report a Claim: 800-445-6965 ex. 101



ASK the JUDGE:

GOT A QUESTION ?

When an employee is injured can I tell him/her what doctor to see?

ANS.

NO!!! See the answer to the puzzle below.



Please submit your question, for the Judge, to krobinson@sdicwc.org. You will be able to read the answer in our next Newsletter.

Answer : FIND THE MESSAGE

A	O	W	D	O	X	R	P	S	E
B	D	F	O	M	V	I	A	R	P
S	Y	J	N	R	E	N	O	T	X
H	F	Z	B	L	K	Y	W	E	S
T	D	I	R	E	C	T	U	E	O
G	W	O	U	M	A	K	R	T	S
L	E	U	M	E	D	I	C	A	L
C	A	R	E	G	H	W	L	S	I

Pa. WC Law: Injured employee MUST choose from a posted list of providers. No one can tell the employee where to go or make the appointment for them.

Answer: DO NOT DIRECT MEDICAL CARE

INFORMATION WEBSITES

Bureau of Workers' Compensation
 1171 S. Cameron St. Room 324
 Harrisburg, Pa. 17104-2501
 717-772-4447
 Website: www.dli.state.pa.us

Pa. Chamber of Commerce
 417 Walnut St.
 Harrisburg, Pa. 17101
 Website: www.pachamber.org

Occupational Health & Safety (OSHA)
 Website: www.ohsonline.com

Coastal Safety Videos for Schools
 Website: www.coastal.com

National Safety Compliance Safety Training Videos by OSHA
 Website: www.osha-safety-training.net