PRIMA'S 2019 RISK MANAGEMENT
WEBINAR SERIES

Claim Advocacy – Fact or Fiction?

A fictional case:

Harper vs. The All American University

What is Claim Advocacy?

- Handling the claim process from all perspectives with dignity and respect
  - Employer Role
  - Carrier/TPA/UR Role
  - Medical Provider Role
  - Employee Role
- Compassionate, concise communication
- Setting realistic expectations in your respective roles
- Maintain interaction

The Fictional Trial

Harper vs. The All American University

Characters:

- Terry Hurt – Injured Employee
- Harper Hurt – Spouse of injured employee
- Kelly Vendetta – Director of Maintenance
- Dylan Denial – Adjuster
- Dr. Scalpel – Treating Physician
- Max Hammer – Plaintiff Attorney
- Francesca Justice – Defense Attorney

Facts:

- Date and Time of Injury: Tuesday, January 3 at 6:00 a.m.
- Standard work hours are 8a-5p, M-F
- Accident Site, Construction Site
- Description of Injury: Employee walked into a backhoe on an unsecured construction site coming into the office.

THE WOODSHED

Upcoming Vignette:

- Dylan Denial – First Adjuster
- Francesca Justice – Defense Attorney

This video captures defense attorney, Ms. Justice, gathering facts from the adjuster, Dylan Denial, in preparation for the upcoming trial.

Justice & Denial

Thoughts & Questions:

- Time of Accident
- Course & Scope with HR issue
- Unsecure Job Site
- Training (Adjuster / Employer / Client)
- Morale

Compare & Contrast

ADJUSTER ROLE	TRADITIONAL	CLAIM ADVOCACY
CLAIM APPROACH	Task Driven	Holistic
PROFESSIONAL TRAINING	Years of WC experience only	Enhanced Communication while maintaining compliance
INVESTIGATION	2 point contacts-MO's	Prompt 4-point contact on MO's
COMMUNICATION	Carrier vs. Injured Employee	Adaptable to audience
CASELOADS	Industry standard by jurisdiction	Lower than the traditional model
BEST PRACTICES	Focuses on carrier processes	Customized Program communication roles and best practices

“V” IS FOR VENDETTA

Upcoming Vignette

- Kelly Vendetta – Director of Maintenance
- Francesca Justice – Defense Attorney

This video captures defense attorney, Ms. Justice, conducting a direct examination of the injured employee's supervisor, Ms. Kelly Vendetta, as it relates to the reporting of injury.

Justice & Vendetta

Upcoming Vignette

Kelly Vendetta – Director of Maintenance

Max Hammer – Plaintiff Attorney

This video captures plaintiff attorney, Mr. Hammer, cross examining the injured employee's supervisor, Ms. Kelly Vendetta, during the trial.

Hammer & Vendetta

New Facts (Employer)

- In position 7 years with training
- Short staffed
- Policies and procedures not followed
- Late reporting (2 weeks late & evidence not secured)
- Refused to offer RTW
- Facebook opinions expressed

Compare & Contrast

EMPLOYER ROLE	TRADITIONAL	CLAIM ADVOCACY
CLAIM REPORTING	Not a priority	Treated urgently with compassion
SAFETY	No interaction with claim process	Safety investigation incorporated into the analysis of a claim
INVESTIGATION	Paper driven (minimal effort)	Active participation and preservation of evidence
COMMUNICATION	Employer vs. Injured Employee	Continual compassionate communication
RETURN TO WORK	Not available unless full duty capacity	Stay at work and accommodate
TRAINING	Minimal after an injury	Employee and supervisor training prior to an injury to establish process understanding

WHY ME?

Upcoming Vignette

- Harper Hurt– Injured Employee's Spouse
- Max Hammer– Plaintiff Attorney

This video captures plaintiff attorney, Mr. Hammer, direct examining the injured employee's surviving spouse during trial.

Harper & Hammer

New Facts (Widow)

- Claimant died
- 18 years of marriage, 2 biological children, 4 adopted
- Tone and approach during communication
- Multiple narcotic drug use
- Continued denied treatment
- Feeling of helplessness / Mental health factor

Compare & Contrast

IMPACT ON THE EMPLOYEE	TRADITIONAL	CLAIM ADVOCACY
COMMUNICATION	Carrier vs. Injured Employee	Continual compassionate communication by all parties.
HEALTHCARE	Following guidelines with no communication to the employee	Set up early communication expectations with medical providers/network/employee
RETURN TO WORK	Not available unless full duty capacity	Communicate with EE to help them stay at work or return to meaningful work
PHYSICAL AND EMOTIONAL HEALING	Only the physical accepted injury is acknowledged and managed	Solution based approach to the whole person even if it doesn't belong in the work comp system

CLOSING SECTION

Summary

Shift from the Traditional Model

- Culture (change your language)
  - Working with employee and employer focus
  - Eliminate the injured employee vs. carrier atmosphere
  - Prompt Investigation & Assistance (Set the stage)
  - Empathy, even if denied
- Focus on recovery from injuries (RTW & Healing)
  - Holistic Claims Handling
  - Utilization Review Agent
  - Stay in touch

Summary Continued . . .

- Performance Metrics
- Good Will Fund
  - Outplacement Services
  - Case Management even on denied claims
  - Use available resources (EAP) to assist employee through recovery

Advocacy Model Outcomes

- Total expenditures decreasing
- Lower total incurred costs
- Fewer Hearings
- Quicker claim closures
- Less miscommunication and frustration for the employee

Questions