



2017

Office of Workers' Compensation Administration Annual Report



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Office of Workers' Compensation Administration



2017 Annual Report

John Bel Edwards
Governor

Ava Dejoie, Executive Director
Louisiana Workforce Commission

Sheral Kellar, Director
Office of Workers' Compensation Administration

The Louisiana Workforce Commission, Office of Workers' Compensation Administration (OWCA), respectfully submits its 2017 Annual Report. This report, past annual reports and other OWCA information are available on the LWC's website, www.laworks.net and at the Louisiana State Library. In accordance with Executive Order BJ-08-08, the OWCA will disseminate this Annual Report via electronic means whenever possible. However, 100 hard copies of the 2017 Annual Report have been published at a cost of \$288.02. L.S.A.-R.S 43.31 requires copies to be made available upon request to individuals without the ability to receive this information in an electronic format. This document was published by the Louisiana Workforce Commission and OWCA, Post Office Box 94040, Baton Rouge, Louisiana 70804-9040.

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L.S.A.-R.S 23:1310.10 provides that:

Annually, on or before the first day of April, commencing in 1990, the director shall prepare and submit a report for the prior calendar year to the governor, the chief justice of the supreme court, the president of the Senate, the speaker of the House of Representatives, and each member of the legislature, which shall include a statement of the number of awards made and the causes of the accidents leading to the injuries for which the awards were made, total workload data of the workers' compensation judges, a detailed report of the work load of each workers' compensation judge, a detailed statement of the expenses of the offices of the director of worker's compensation and the workers' compensation judges, together with any other matter which the director deems proper to report, including any recommendations he may desire to make.

Table of Contents

Letter to the Governor	4
Executive Summary	5
Organizational Chart	7
Leadership Biographies	8
Office of Workers' Compensation Funding and Expenditures	11
Administration	13
Fraud Section	14
Hearings Section	18
Medical Services Section	22
Records Management Section	25
OSHA Consultation/Safety Section	30
Second Injury Board and Finance & Audit Section	32
Workers' Compensation Councils	35
Statewide District Directory	36

Table of Contents: Tables & Charts

OWCA Expenditures Table	11
OWCA Expenditures Chart	12
Fraud Investigations Initiated and Completed	15
Fraud Criminal Referrals	16
Fraud Employer Compliance	17
Hearings Section Activities	19
Hearings Average Day Delay for 1008s	21
Tacit Denials/Decisions Rendered by Medical Director	23
Decisions Rendered (Percent)/Average Days to Decide	24
Indemnity Workplace Injuries by Cause	27
Workplace Fatalities Reported Claims	28
Printed Forms Received and Records Requested	28
Causes of Workplace Fatalities	29
Causes of Workplace Fatalities (Percent)	29
SIF Claims Received, Closed and Ongoing	33
Second Injury Board	34

Letter to Governor

Dear Governor Edwards,

The 2017 Workers' Compensation Administration Annual Report serves as an overview on the progress of the Office of Workers' Compensation Administration (OWCA) under the Louisiana Workforce Commission (LWC).

The Louisiana Office of Workers' Compensation Administration (OWCA) was created in 1983 to administer the Louisiana Workers' Compensation Act. Although significant changes to the law's provisions have occurred, the premise has remained the same: employees injured in the workplace should be compensated regardless of who is at fault. OWCA's purpose is to provide protection to the injured employee through employer safety efforts, medical treatment and partial compensation for lost income. The office exercises its authority under Chapter 10 of Title 23 of the Louisiana Revised Statutes and is established within the Louisiana Workforce Commission (LWC). The OWCA is administered by a director of the LWC pursuant to R.S. 36:307. OWCA operates on a fiscal year that begins July 1st each year and ends June 30th of the following year.

Please feel free to reach out to me or Sheral Kellar, Director of the OWCA, at owca@lwc.la.gov or (225) 342-7561 with any questions or concerns about this report. Thank you for your time.

Sincerely,



Ava Dejoie

Executive Director

Louisiana Workforce Commission



Executive Summary

In 2017, the Office of Workers' Compensation Administration (OWCA) continued to direct its focus on the improvement of services that promoted an early return to work with the improvement of workplace safety and health throughout Louisiana.

In 2017, the Hearings Section received 4,397 disputed claims for compensation, a decrease from 2016. This section assists parties in resolving their disputes through both adjudication and mediation. In 2017, the Hearings Section conducted 1,997 trials/hearings, and mediated 1,760 disputes. An additional 4,860 settlements were also approved. The average delay for resolving disputed claims for compensation was less than eight months. Despite this accomplishment, the Hearings Section strives to reach a goal of 180 days, or six months, for resolving disputed claims.

During the 2017 calendar-year, the Finance and Audit Section of the OWCA completed three percent more audits of self-insured employers and group funds than it completed in calendar-year 2016. As some of these entities had never been audited, this increase is admirable given the complexity of first-time audits. The unit reached the ultimate goal of 100% of auditable entities reviewed at least once every three years. Delinquent receivables for OWCA and Second Injury Board remain at historically-low levels, while increased scrutiny of the securities posted has resulted in increases of over \$3 million in posted security.

The Fraud Section provides the OWCA with a strong program to fight both employee and employer fraud. During 2017, the Fraud Section continued high standards of investigation and ensured the continued prosecution of criminal activity. The section participated in training seminars to educate the public about the penalties for workers' compensation fraud and encouraged the use of its nationwide toll-free hotline (800-201-3362) and online resources to report suspected fraud directly to the OWCA.

This section is part of a Task Force combining units from the Louisiana Department of Revenue, Unemployment Insurance and Workers' Compensation. The Task Force is called Game On or Government Against Misclassified Employees Operational Network. The agency engaged in cooperative agreements with the Internal Revenue Service and the USDOL's Wage and Hour division to step-up efforts to catch cheating employers.

The Records Management Section responded to more than 9,441 requests for information with a goal of responding in three days. There were 24,467 workers' compensation claim forms - 1007s (134), 1002s (19,849) and 1003s (4,484) mailed to the section, a decrease of one percent from the previous year. The Records Management Section publishes the OWCA Annual Report, which highlights accomplishments of the OWCA concerning workplace fatalities, injuries and illnesses. The Louisiana Legislature mandated that trading partners including insurers, self-insured employers and claim administrators submit the First Report of Injury (FROI) by Electronic Data Interchange (EDI) effective Jan. 1, 2014.

As of January 2018, approximately 186 Trading Partners have reported 816 unique Subsidiary Insurers. In 2017 the OWCA received 8,149 First Report of Injury (FROI) claims with a 2017 date of injury with more than seven days of lost time. In 2018, the office anticipates 100% FROI compliance via <http://lwcedi.info/>.

Executive Summary

The Second Injury Board Accounting Unit finished 2017 with approximately 45 outstanding reimbursement requests, 89% of those being less than 30 days old.

The Compliance Unit had a decrease in ongoing claims for reimbursement to 1,632 in 2017 from 1,651 in 2016. Number of claims received and number of decisions rendered remained consistent with recent years.

The goal of the Medical Services Section is to facilitate getting injured workers back to work as quickly as possible. This is mostly facilitated by the LWC-WC-1009 Medical Treatment Guidelines (MTG) decision process. The Medical Director takes an average of 15 days to render a decision on a disputed 1009 request for medical treatment. In 2017, the Medical Director approved 80% of medical treatments requested or 2376 disputed 1009 request. 576 disputed 1009 request were denied or 20%.

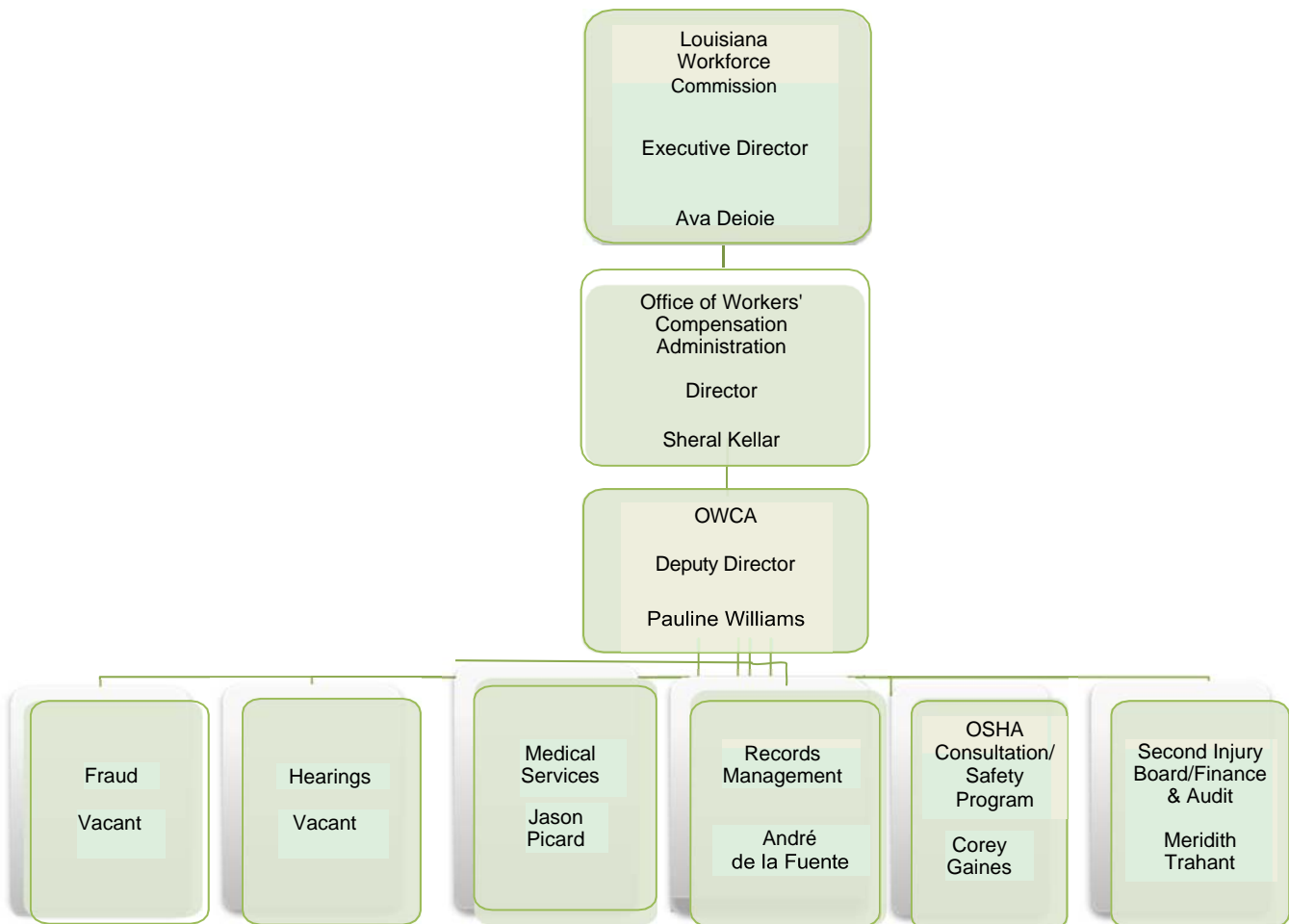
The Workplace Safety Section receives information that assists it in identifying employers experiencing above-average injuries for their industry classification. Employers identified may receive incentive discounts for attending cost containment meetings held by this section. In addition, the section provides on-site facility inspections to identify hazards and assess written program elements to ensure compliance with LA RS 23:1291(b)(4). The Workplace Safety Section's objective is to continuously improve the efficiency, quality and effectiveness of service to Louisiana employers and employees. To this end, the Workplace Safety Section completed 361 on-site visits in 2017. This section also oversees the Office of Risk Management's Loss Prevention Program as it applies to the Louisiana Workforce Commission. To accomplish this, the unit works closely with 60 safety coordinators located at each of our offices throughout the state.

This has been an exceptional year for the OSHA Consultation Program. It continued to focus on developing a working relationship with the construction, logging and oil and gas industries. The Bureau of Labor Statistics (BLS) Illness and Injury Recordable (IIR) rates indicate that overall construction industry rates in Louisiana are decreasing. The program identified 964 serious and imminent hazards and removed 56,555 workers from serious risk. While the frequency of claims declined in 2017, the severity of claims increased causing the NCCI to recommend a modest .4% increase for the 1st time in ten years. This recommendation will be reviewed by the Department of Insurance and if approved would become effective in May 2018. For the fifth consecutive year, Louisiana has been ranked as the second-safest in the nation in terms of the number of injuries and accidents rates. The Louisiana On-site Consultation Program continues to provide a quality product in terms of overall consultation visits, effective outreach and employee training. The increasing number of employers the program reaches has greatly increased as several new initiatives have been put in place.

OSHA Enforcement Penalty Violation Cost:

- Willful and Repeat Violation: Up to \$70,000 per violation, with a Max of \$124,709 per violation
- Serious: Up to \$7,000 per violation, with a Max of \$12,471 per violation
- Failure to Abate: Up to \$7,000 per day beyond abatement date and \$12,471 per day beyond the abatement date
- Other-than-Serious: Up to \$7,000 per violation

Organization Chart



Ava Dejoie, Executive Director



Ava Dejoie is the Executive Director of the Louisiana Workforce Commission (LWC). She was appointed by Governor John Bel Edwards in January 2016. As Executive Director, Dejoie is responsible for providing the strategic vision to enhance the growth of Louisiana's economy and its workforce. This is achieved by putting people to work in fulfilling, family-sustaining careers. The commission monitors employment, administers unemployment compensation and tax funds, provides training resources for employers and job-seekers and oversees worker compensation benefits. Additionally, the LWC gathers and provides information on the labor market and occupational sectors in Louisiana.

Dejoie has more than 15 years of leadership experience in public administration and is passionate about finding solutions that make Louisiana an outstanding place in which to live, work and grow a business. Her focus on the public policy field took root when she served as an intern in the office of U.S. Sen. John Breaux, D-La.

Dejoie joined the LWC in 2012 and most recently served as a statewide coordinator of its Rapid Response Team. In this role, she directed resources to workers displaced by corporate layoffs, shut-downs and other job reduction actions. She earlier served as director of LWC special projects in the New Orleans area, including supervising the Avondale Employee Transition Center.

Her extensive background in Louisiana workforce development includes experience as a business liaison for the Louisiana Department of Education. She has also served as a board member of the Louisiana Community and Technical College System from 1998-2007.

Dejoie also served as vice president of the Welfare to Work Partnership, a nonpartisan nonprofit organization in New Orleans that provides innovative workforce solutions for companies through the hiring, retention and promotion of welfare recipients and other unemployed workers. Supervising the creation of the partnership's law project, her efforts were recognized for the accomplishment by President George W. Bush in ceremonies at the White House. While with the partnership, she helped secure funding for a process technology laboratory at L.B. Landry High School in New Orleans.

Dejoie is a native of New Orleans and graduate of Ursuline Academy. She holds a Bachelor of Arts degree in political science and government from Loyola University of New Orleans.

Sheral Kellar, OWCA Director



Sheral Kellar is the Director of the Office of Workers' Compensation Administration at the Louisiana Workforce Commission (LWC). She was appointed in January 2016 by Governor John Bel Edwards and LWC Executive Director Ava Dejoie. She is responsible for strategic planning and operation of the Louisiana workers' compensation system. Expanding efforts to improve outreach to both employers and injured workers, she has repurposed existing personnel resources to increase compliance from carriers and proactively pursue the misclassification of employees.

Before her appointment as Director of the Office of Workers' Compensation Administration, Kellar served as the Workers' Compensation Chief Judge for over seventeen years and as a sitting workers' compensation judge in Lafayette, Alexandria, Natchitoches and Shreveport for eight more. As a workers' compensation judge, Kellar ruled on thousands of workers' compensation disputed claims. Prior to her service as a workers' compensation judge, Kellar was a state civil service referee and a staff attorney with the state's attorney general's office where she was a litigator in the Department of Justice, Corrections Section.

Kellar has extensive experience as an administrative law judge and as a litigator. She has represented clients in personal injury cases and in cases before both city and state court. She is also a business owner, owning Strategic Alternative Conclusions, a general business enterprise since 2014.

Kellar is a licensed attorney and current fellow of the College of Workers' Compensation Lawyers. Recently, she was appointed to its Board of Directors. She is a member of the Louisiana State and Baton Rouge Bar Associations. In 2015, she was appointed to the Louisiana State Bar Association's Access to Justice Commission by Louisiana Supreme Court Chief Justice Bernette J. Johnson. Kellar currently serves on the Board of Directors of the National Association of Workers' Compensation Judges and on its Curriculum Committee. She also serves as an advisory committee member for the Workers' Compensation Research Institute, chairman of the Louisiana Workers' Compensation Advisory Council and member of the Louisiana Second Injury Board. Kellar earned both her bachelor's degree and her law degree from Louisiana State University.

Pauline M. Williams, OWCA Deputy Director



Pauline M. Williams was named Deputy Director of the OWCA in June 2015. She served previously as the Executive Director of the Louisiana Second Injury Board and manager of the OWCA Finance and Audit Section. In these positions, she was responsible for all operations of the Second Injury Board, self-insurance approval and compliance, third-party administration provider approval and compliance and annual assessments and collections.

She has been employed by the Louisiana Office of Workers' Compensation since 2007. Williams has more than 25 years of experience in the insurance industry. Her prior roles have included claims management, quality control and training for insurance carriers and third-party administrators. Her work has been primarily in Louisiana workers' compensation, but does include other lines of property and casualty insurance claims throughout the Eastern U.S. Williams holds the CRM, CWCP and CMSP designations as well as a BA in Business Administration from Southeastern Louisiana University.

She is formerly a member of the Kids' Chance Scholarship Committee and the Baton Rouge Claims Association. She also serves on the Regulation Committee for the IAIABC and is Co-chair of the SAWCA or Southern Association of Workers Compensation Administrator's Claims Committee.

OWCA Funding and Expenditures

The OWCA is funded by an assessment paid by workers compensation insurance carriers, self-insured group funds and authorized self-insured employers. In addition, OWCA receives matching funds from the Federal Government to support the OSHA Consultation program. The OWCA assessment funds the operation and administration of the office. It does not pay benefits to injured workers. The OWCA is responsible for regulating workers compensation benefits and workers compensation coverage compliance, as well as providing OSHA and Safety Consultation.

The fund is considered to be self-generated and dedicated. The OWCA's budget and expenditures are subject to legislative oversight and approval.

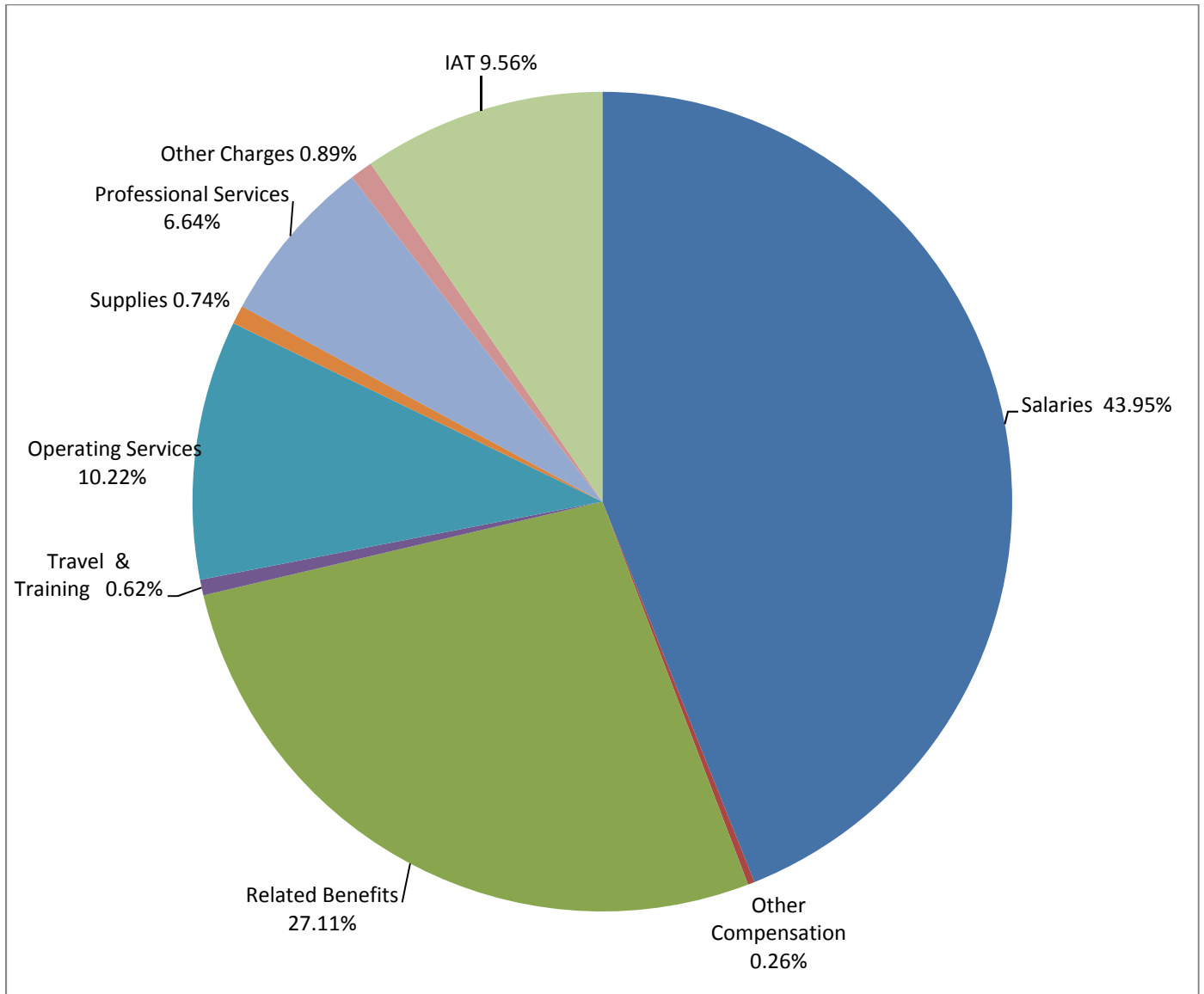
All insurers who pay Louisiana workers compensation benefits are required to submit an Annual Report of Workers Compensation Costs (WC-1000). The information collected on the report is the basis for the annual assessment.

The approved budget for fiscal year 2017 was \$14,033,841.00. During 2017, sections within the OWCA remained strong in the face of state budget deficits.

The table below shows OWCA expenditures for the past five years. (OWCA Expenditures Table Estimated Expenditures to Administer the Workers' Compensation Act Fiscal Years)

Description	FY 2013	% of Total	FY 2014	% of Total	FY 2015	% of Total	FY 2016	% of Total	FY 2017	% of Total
Salaries	6,647,832	45.20%	6,853,177	44.20%	7,112,091	43.50%	6,542,910	43.60%	6,167,607.19	43.95%
Other Compensation	143,389	1.00%	210,022	1.40%	241,316	1.50%	92,253	0.60%	37,092.59	0.26%
Related Benefits	3,505,101	23.80%	3,740,005	24.10%	4,334,760	26.50%	3,929,066	26.20%	3,805,248.52	27.11%
Travel & Training	117,339	0.80%	130,699	0.80%	166,775	1.00%	121,826	0.80%	86,809.42	0.62%
Operating Services	1,816,003	12.40%	2,008,553	13.00%	1,617,051	9.90%	1,292,477	8.60%	1,434,311.03	10.22%
Supplies	129,118	0.90%	135,342	0.90%	158,459	1.00%	99,528	0.70%	103,625.17	0.74%
Professional Services	1,239,877	8.40%	1,160,570	7.50%	1,145,314	7.00%	1,192,756	7.90%	931,357.96	6.64%
Other Charges	38,596	0.30%	47,123	0.30%	(49,934)	-0.30%	250,744	1.70%	125,539.09	0.89%
Acquisitions	87,798	0.60%	294,410	1.90%	121,170	0.70%	343	0.00%	0	0.00%
IAT	978,020	6.70%	921,789	5.90%	1,495,686	9.20%	1,494,515	10.00%	1,342,250.16	9.56%
Total	14,703,074	100%	15,501,690	100%	16,342,689	100%	15,016,418	100%	14,033,841	100%

OWCA Expenditures Chart
OWCA Expenditures for Calendar Year 2017
\$14,033,841



Administrative Section

The OWCA is headquartered in Baton Rouge, Louisiana at 1001 N. 23rd St. Its mission is to ensure a manageable, cost-effective workers' compensation system. It is led by a strong administrative team that meets day-to-day challenges with a focus on customer service, early return to work and the improvement of workplace safety and health throughout Louisiana.

Administrative Section

Sheral Kellar, Office of Workers' Compensation Administration Director

The OWCA is headed by a director who is appointed by and serves at the pleasure of the governor.

Contact Information

Telephone: 225-342-7561

Fax: 225-342-5665

owca@lwc.la.gov

Vacant, Manager

The Fraud Section investigates allegations of workers' compensation fraud by any person or entity and monitors the compliance of employers with respect to the workers' compensation laws of Louisiana.

Prohibited activities investigated by the Fraud Section include, but are not limited to:

- Any person knowingly and willfully making a false statement or representation for the purpose of obtaining or defeating any workers' compensation benefit or payment as outlined in L.S.A.-R.S.23:1208;
- Any employer knowingly or willfully failing to provide security for compensation required by L.S.A.-R.S.23:1168;
- Any employer knowingly or willfully providing false information to misrepresent the fact that he has provided or provides security for workers' compensation insurance as required by L.S.A.-R.S.23:1168 and
- Any person assisting, aiding, or abetting another to commit a violation of the Workers' Compensation Act. L.S.A.-R.S.23:1208(B)

Criminal penalties for violations of the workers' compensation statute include, but are not limited to, fines of \$500 to \$10,000 and imprisonment, with or without hard labor from one to 10 years.

All records, reports and other documentation obtained during the course of investigation by the Fraud Section are confidential and are not subject to subpoena or public records requests.

The Fraud Section is responsible for monitoring Louisiana's employers for compliance with the Workers' Compensation Act. Civil fines are assessed by the workers' compensation courts, collected by the Compliance Unit and deposited into the Workers' Compensation Administrative Fund. An employer may appeal any penalty assessed to the appellate courts.

Employers who are found to be in violation of Louisiana's compliance laws on multiple occasions may be served with a cease and desist order to prohibit operations until proof of compliance is provided, in addition to being subject to criminal sanctions for willful violations.

In 2017, the Fraud Section continued its efforts to combat fraud in the workers' compensation system and engaged in successful partnerships with other state and federal agencies including the Office of Unemployment Insurance, the U.S. Department of Labor and the Louisiana Department of Revenue. During 2017, a total of 590 investigations were opened, with 565 closed in a timely manner.

Fraud Section

The Fraud Section continues to offer training seminars to educate the public about the penalties for workers' compensation fraud and non-compliance. To encourage this behavior, the use of the nationwide toll-free fraud hotline (800-201-3362) and online fraud reporting is recommended by the Fraud unit.

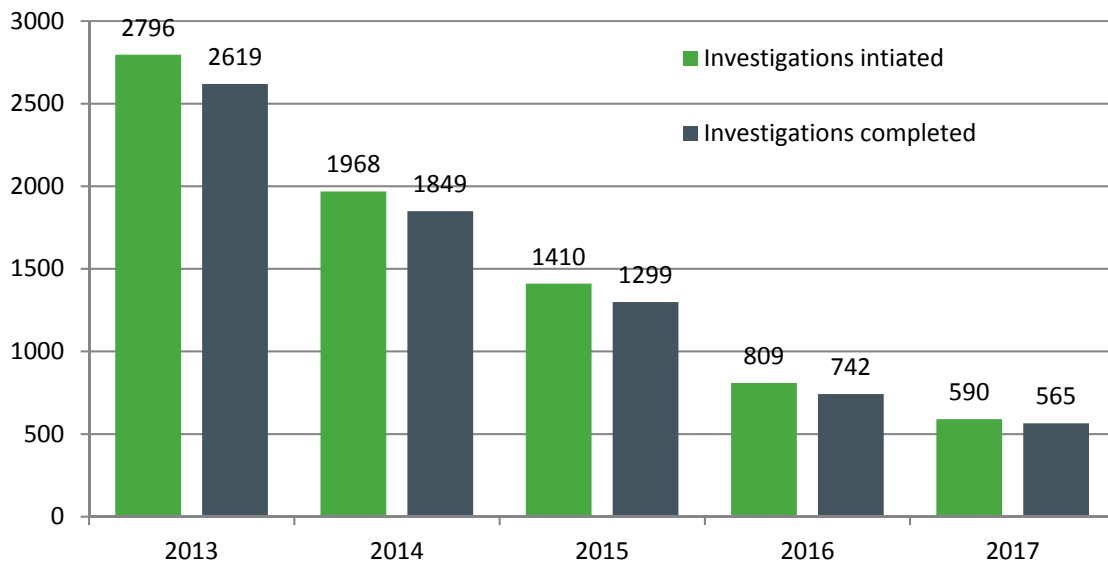
Contact Information

Telephone: 225-342-7558

Toll Free: (800) 201-3362

Fax: 225-342-1880

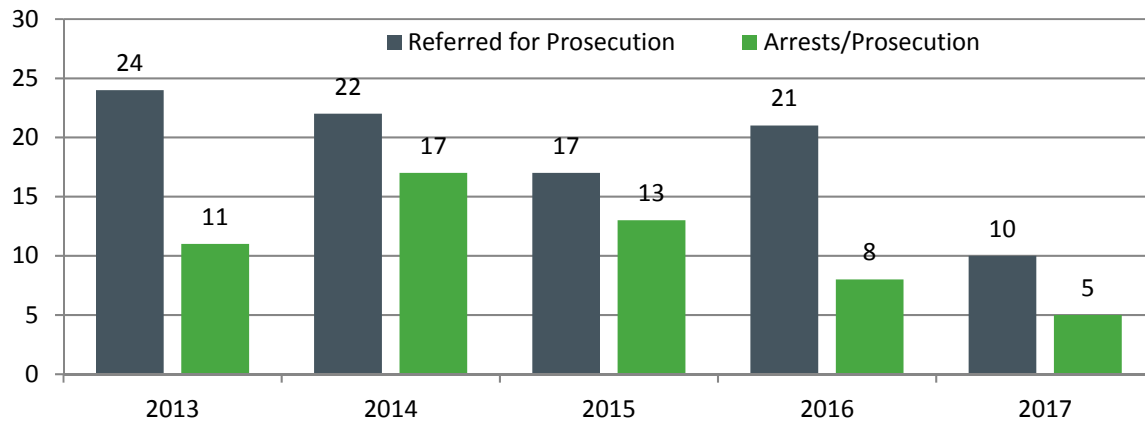
wcfraud@lwc.la.gov



Fraud Investigations Initiated and Completed

During 2017, the Fraud Section made numerous referrals to the Louisiana Attorney General's office. Of these referrals, suspected injured worker fraud totaled \$36,189.97. Referrals of suspected employer fraud totaled \$130,945.00.

Fraud Section



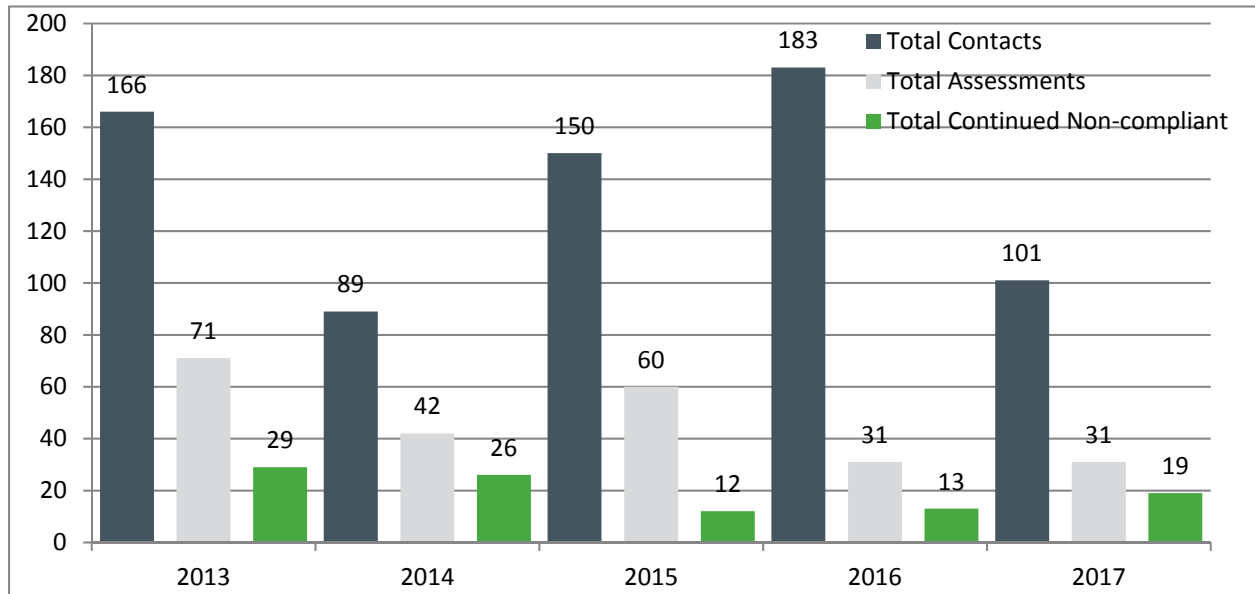
The OWCA continues to focus on employer compliance. Employers who fail to secure the necessary workers' compensation insurance, put employees at risk of receiving no medical or wage loss benefits if they are injured on the job. Non-compliant employers may also have an unfair advantage over competitors by not securing coverage as required by law.

During 2014, legislative changes were made to the workers' compensation statute, streamlining the enforcement process of employer compliance. Louisiana employers that conduct business without mandatory workers' compensation insurance are now penalized by a workers' compensation judge.

Penalties collected are deposited into the Workers' Compensation Administrative Fund. During 2017, a total of 101 employers were contacted to provide proof of workers' compensation coverage. There were 31 hearings held in the workers' compensation courts resulting in the assessment of civil fines and orders for employers to provide proof as required by statute. Of the 188 employers who were penalized by the courts, only 19 remained non-compliant. Further legal action is pending.

The Office of Workers' Compensation Administration created an automated system to aid in the tracking and recording of all compliance activities. The Mandatory Insurance Compliance System (MICS) was created in-house utilizing the same software and docketing system operating within the workers' compensation courts.

EMPLOYER COMPLIANCE



Employers, employees, insurers and other interested parties are encouraged to use the online Coverage Verification System located on the Louisiana Workforce Commission's website, laworks.net, to assist in determining whether an employer has workers' compensation insurance in the state of Louisiana. This tool is also available through a smart phone app offered free of charge (WC Coverage Verification).

Any questions concerning workers' compensation fraud or compliance should be directed to 800-201-3362.

Vacant, Workers' Compensation Chief Judge

In 2017 the Hearings Section received 4,397 disputed claims for compensation. The section continues to assist parties in resolving disputes through both adjudication and mediation. In 2017, the Hearings Section conducted 1,997 trials/hearings and mediated 1,760 disputes. Additionally, 4,860 settlements were approved in 2017. In 2017, the average delay for resolving disputed claims for compensation was less than eight months. The Hearings Section is striving to reach a goal of 180 days, or six months, for resolution of disputed claims.

The Hearings Section's primary duty is to resolve disputed workers' compensation claims filed with the OWCA. A claim for benefits, the controversion of entitlement to benefits or other relief under the Workers' Compensation Act, is initiated by filing the appropriate form, a Disputed Claim for Compensation (LWC-WC-1008) with the Workers' Compensation Court. There are 10 district courts located statewide: Alexandria, Baton Rouge, Covington, Harahan, Houma, Lafayette, Lake Charles, Monroe, New Orleans and Shreveport.

Contact Information

Telephone: (225) 342-7970

Toll Free: (800) 201-2499

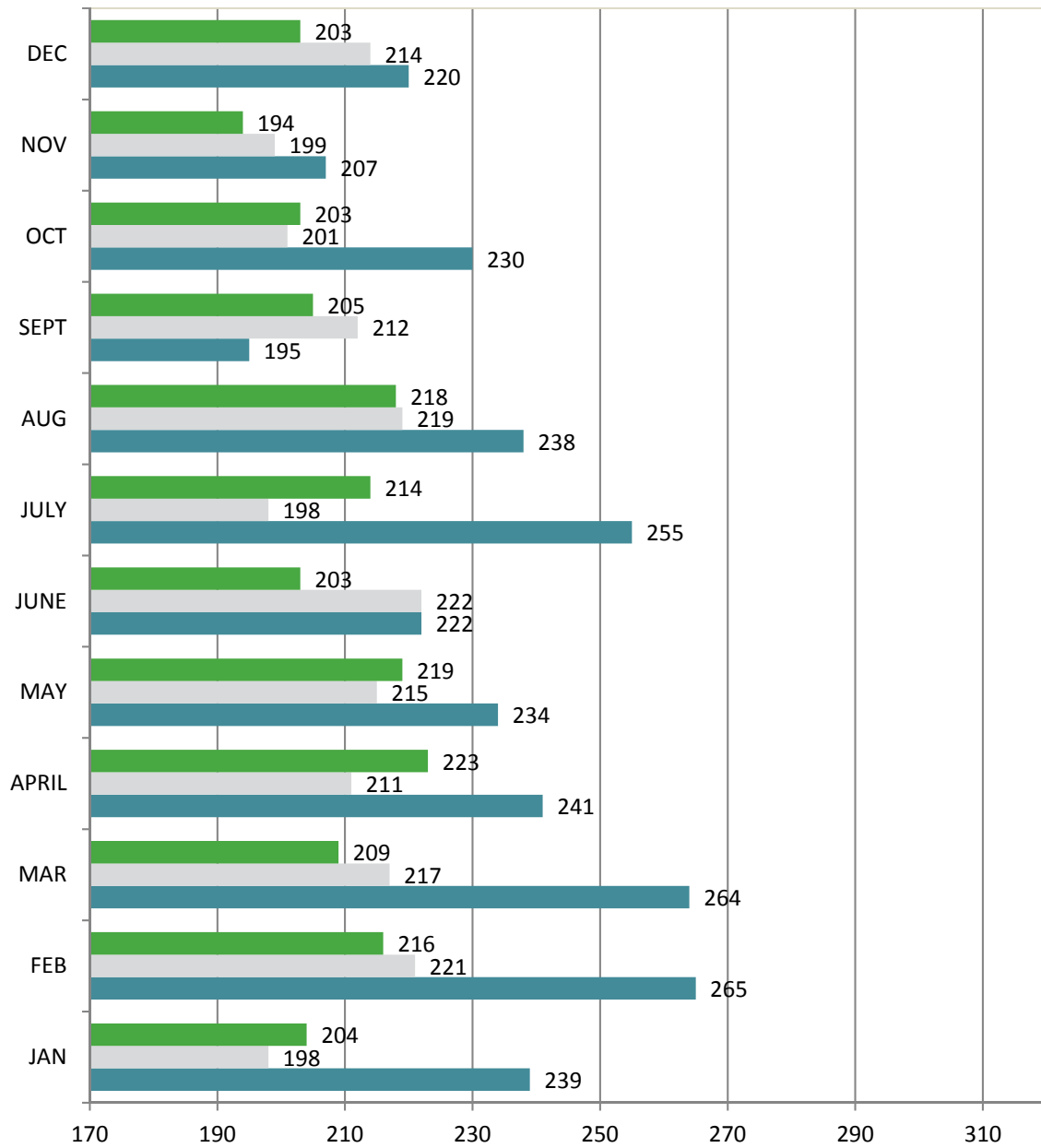
Fax: (225) 342-4790

wchearings@lwc.la.gov

Number of Appeals Filed by OWCA Offices											
Year	1W Shreveport	1E Monroe	2 Alexandria	3 Lake Charles	4 Lafayette	5 Baton Rouge	6 Covington	7 Harahan	8 New Orleans	9 Houma	Total
2013	11	10	15	62	25	15	16	8	12	8	182
2014	9	12	14	39	21	22	14	21	18	11	181
2015	12	15	19	17	18	4	15	15	11	8	134
2016	6	13	8	22	15	3	11	15	10	10	113
2017	8	7	6	18	15	12	10	6	10	11	103
Number of Settlements Approved by OWCA Offices											
Year	1W Shreveport	1E Monroe	2 Alexandria	3 Lake Charles	4 Lafayette	5 Baton Rouge	6 Covington	7 Harahan	8 New Orleans	9 Houma	Total
2013	461	381	507	424	791	1040	457	503	400	389	5353
2014	556	346	352	395	755	1164	539	489	401	377	5374
2015	424	359	372	417	651	1068	555	568	462	354	5230
2016	448	306	332	402	678	1087	500	663	448	336	5200
2017	436	309	320	304	647	1002	470	605	453	314	4860
Number of Claims Resolved Prior to Trial											
Year	1W Shreveport	1E Monroe	2 Alexandria	3 Lake Charles	4 Lafayette	5 Baton Rouge	6 Covington	7 Harahan	8 New Orleans	9 Houma	Total
2013	178	118	200	211	90	242	170	127	124	123	1583
2014	218	104	215	167	94	284	241	105	109	109	1646
2015	145	129	213	172	63	209	258	169	180	90	1628
2016	181	109	169	195	63	212	183	169	94	67	1442
2017	130	96	184	173	68	173	126	158	86	89	1283
Number of Claims Closed											
Year	1W Shreveport	1E Monroe	2 Alexandria	3 Lake Charles	4 Lafayette	5 Baton Rouge	6 Covington	7 Harahan	8 New Orleans	9 Houma	Total
2013	746	344	456	778	981	783	464	579	404	505	6040
2014	782	295	337	842	1024	731	546	460	358	446	5821
2015	439	253	1010	369	440	630	595	742	470	434	5382
2016	435	251	975	413	461	639	458	982	924	395	5393
2017	672	435	450	500	931	1264	679	888	642	468	6929

Number of Disputed Claims Received by OWCA Offices											
Year	1W Shreveport	1E Monroe	2 Alexandria	3 Lake Charles	4 Lafayette	5 Baton Rouge	6 Covington	7 Harahan	8 New Orleans	9 Houma	Total
2013	635	262	294	639	575	613	501	583	424	447	4973
2014	429	274	296	524	618	593	491	554	472	417	4668
2015	354	263	254	434	625	662	493	604	456	380	4525
2016	369	255	230	486	626	599	463	507	377	330	4242
2017	400	251	222	428	750	596	464	532	388	312	4397
Number of Mediation Conferences Held by OWCA Offices											
Year	1W Shreveport	1E Monroe	2 Alexandria	3 Lake Charles	4 Lafayette	5 Baton Rouge	6 Covington	7 Harahan	8 New Orleans	9 Houma	Total
2013	270	156	246	312	102	358	138	160	209	185	2136
2014	264	134	305	283	81	344	223	137	155	161	2087
2015	159	169	221	247	103	260	188	234	147	133	1861
2016	191	171	221	301	98	269	180	276	114	100	1921
2017	175	141	263	266	124	206	144	200	109	132	1760
Number of Trials/ Hearings Held by OWCA											
Year	1W Shreveport	1E Monroe	2 Alexandria	3 Lake Charles	4 Lafayette	5 Baton Rouge	6 Covington	7 Harahan	8 New Orleans	9 Houma	Total
2013	166	125	186	218	378	216	351	292	465	252	2649
2014	159	100	150	187	393	241	287	260	573	254	2604
2015	99	87	136	100	319	141	377	322	557	247	2385
2016	103	82	166	282	63	143	266	339	350	223	2035
2017	153	98	144	104	291	145	222	317	269	254	1997
Number of Decisions Rendered by OWCA Offices											
Year	1W Shreveport	1E Monroe	2 Alexandria	3 Lake Charles	4 Lafayette	5 Baton Rouge	6 Covington	7 Harahan	8 New Orleans	9 Houma	Total
2013	139	109	151	148	357	133	228	362	606	226	2459
2014	136	100	142	156	332	101	199	326	738	186	2416
2015	78	81	157	86	247	62	320	566	839	186	2622
2016	102	82	175	82	271	102	637	653	523	181	2808
2017	108	80	82	123	189	109	164	582	203	166	1806

2015 - 2017 Average Delay for 1008's



	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
■ 2015 Delay	204	216	209	223	219	203	214	218	205	203	194	203
■ 2016 Delay	198	221	217	211	215	222	198	219	212	201	199	214
■ 2017 Delay	239	265	264	241	234	222	255	238	195	230	207	220

Dr. Jason Picard, Medical Director

The Medical Services Section manages the appeals of recommended medical treatment that are filed on the disputed claim for Medical Treatment Appeals form (LWC-WC-1009) and Special Reimbursement Consideration Appeals (LWC-WC-3000). In addition, the Medical Services Section also manages Requests for Independent Medical Examinations (LWC-WC-1015), which addresses only disputes regarding work status and/or physical condition.

List of FAQs:

http://www.laworks.net/FAQs/FAQ_MainMenu.asp

Workers' Compensation Forms:

http://www.laworks.net/Downloads/Downloads_OWC.asp#Forms

Workers' Compensation Training Courses:

http://www.laworks.net/WorkersComp/OWC_Courses.asp

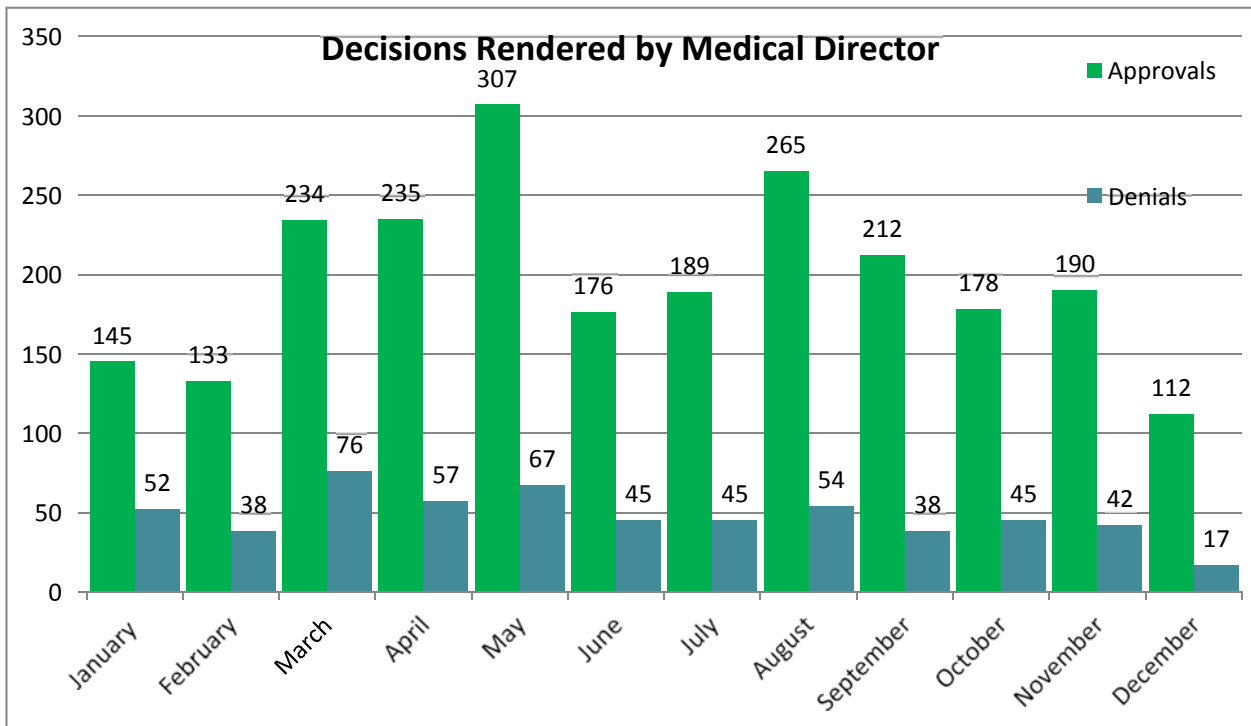
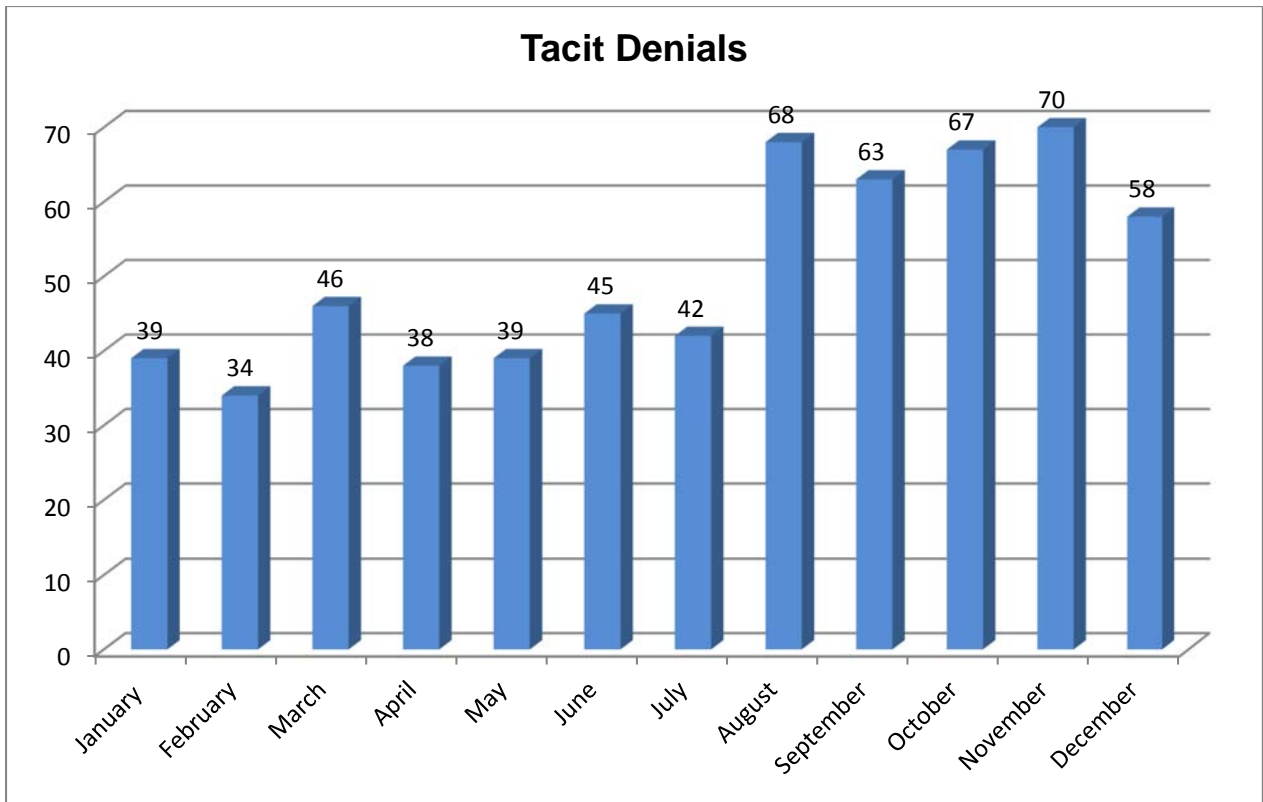
Contact Information

Telephone: (225) 342-7555

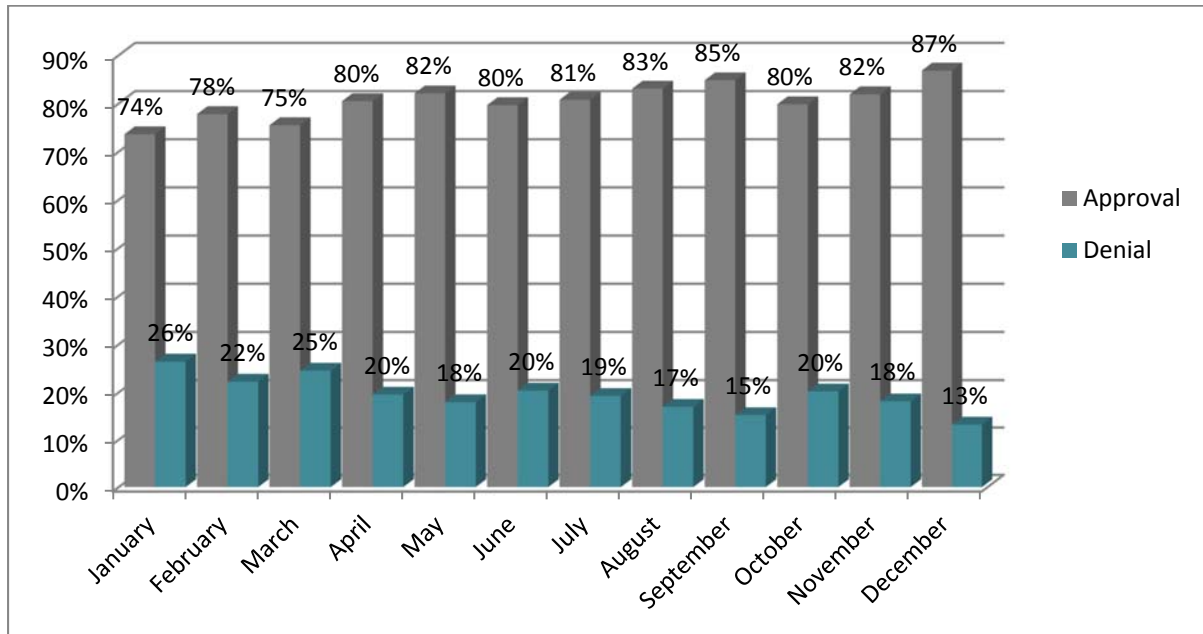
Toll Free: (800) 201-2494

Fax: (225) 342-9836

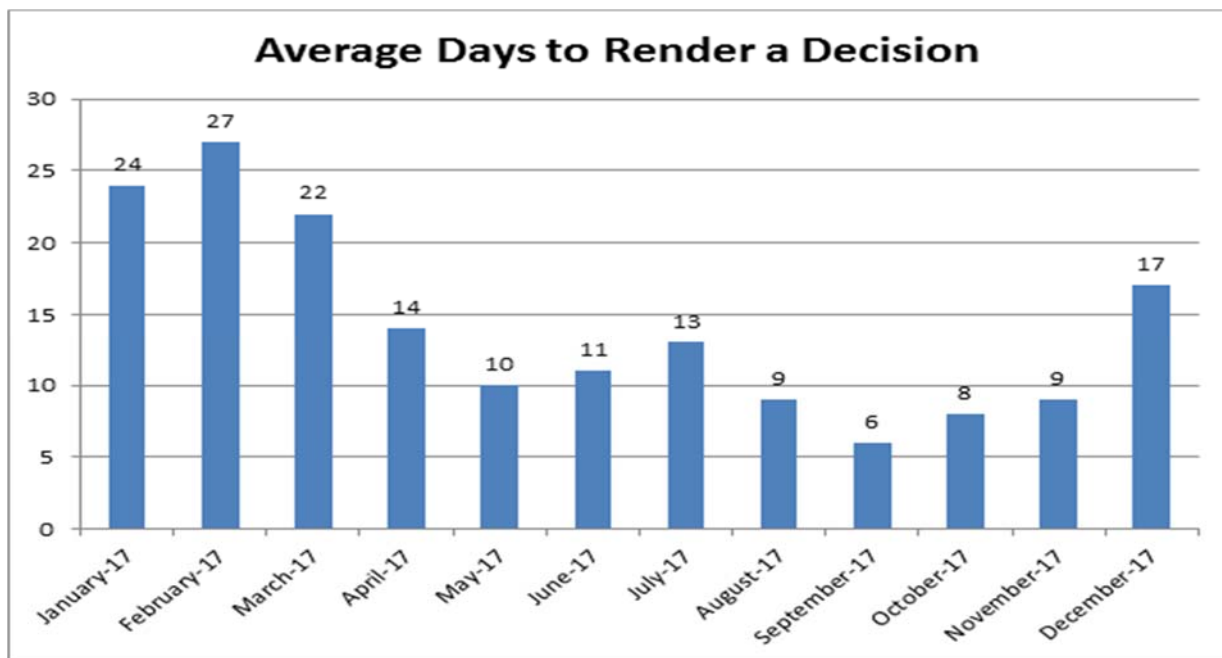
medicalservices@lwc.la.gov



Decisions Rendered by Medical Director (Percent)



Average Days to Render a Decision



Andre de la Fuente, Manager

Records Management is a support section for the OWCA and is comprised of four units: Administrative, Audit and Publication, Occupational Safety and Health (OSH) and Uncontested.

The Administrative Unit serves as a repository for workers' compensation records and oversees the imaging of records of the office. The unit also processes record requests from internal stakeholders such as the Hearings Section, and external stakeholders such as employees, and their representatives.

The Audit and Publication Unit publishes the OWCA Annual Report highlighting accomplishments of the OWCA in regards to workplace fatalities, injuries and illnesses, prevention and treatment, legally and medically. This unit also responds to requests for claim files. A total of 9,441 requests were made in 2017. The unit responds to every request for disputed workers' compensation claims [LWC-WC-1008 (Disputed Claim for Compensation) and/or LWC-WC-1009 (Disputed Claim for Medical Treatment)]. A total of 757 requests from parties to a 1008 and/or 1009 were received in 2017. For copies of Annual Reports, visit: http://www.laworks.net/WorkersComp/RecordsManagement/OWC_StatisticsMenu.asp. For answers to Frequently Asked Questions about Rights and Responsibilities in Workers' Compensation, visit: http://www.laworks.net/FAQs/FAQ_WorkComp_RightsAndResponsibilities.asp.

The Occupational Safety and Health Unit (OSH) partners with the U.S. Department of Labor's Bureau of Labor Statistics (BLS) to provide work-related fatality counts and estimates of work-related injuries and illnesses, to help determine where safety resources can be allocated more effectively. These are lagging indicators. The number of work-related fatalities in 2016 in Louisiana was 95 according to the U.S. Bureau of Labor Statistics (BLS) in its Census of Fatal Occupational Injuries. This figure decreased from 112 in 2015. The 2016 Survey of Occupational Injuries and Illnesses data showed Louisiana ranked first among 41 participating states, trailing only the District of Columbia for the rate of non-fatal work-related injuries and illnesses. Louisiana's private industry rate remained constant at an estimated 1.9 incidents per 100 full-time workers, the same as the previous year.

Visit BLS at <https://www.bls.gov/iif/oshstate.htm#LA> and get more detailed Louisiana statistics at http://www.laworks.net/Downloads/Downloads_OSHS.asp The unit added select charts to the state website to provide additional visual perspectives in addition to the spreadsheets with numbers in table format.

The Uncontested Unit processed 24,467 hard-copy work-related injury claim forms in 2017 (LWC-WC-1007s, 1002s and 1003s), a decrease of 319, or one percent from the previous year's total of 24,786. This includes a total of 134 hard-copy 1007 forms received in 2017 and returned to trading partners (insurers, self-insured employers and claim administrators) for electronic submission.

In accordance with Chapter 10, Title 23 §1306 Employer Reports (B) (1) (a), the unit received 8,149 First Report of Injury (FROI) claims with a 2017 date of injury, a decrease of 871 from 2016's revised 9,020 claims. These claims were submitted via Electronic Data Interchange (EDI) based on the International Association of Industrial Accident Boards and Commissions (IAIABC) standards. Its trading partners enroll in mandatory electronic submission at <http://lwcedi.info>. The Uncontested Unit is emailing scorecards to trading partners to assist with increasing the number of Transactions Accepted (TAs), hence transitioning to more data compliance and analysis in addition to data processing.

Data generated from all forms are used in accident prevention and compliance efforts. In the future, the Notice of Payment, Modification, Suspension, Termination or Controversion of Compensation or Medical Benefits (LWC-WC-1002) and Stop Payment (LWC-WC-1003) forms will be reviewed for feasibility to transition to EDI and renamed the Subsequent Report of Injury (SROI).

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Records Management Section

For the last four years, the OWCA has been reviewing the manner in which injuries and illnesses occurred in the workplace. There have been 37,020 indemnity workers' compensation First Report of Injury (FROI) cases reviewed for cause of injury and illness within the last four years. According to the table below for classified injuries reported in 2017, "fall, slip or trip injury" were cited as having the highest number of claims in 2017. "Strain or Injury By" made up the second most common cause of injury followed by "Struck or Injured By." 732 claims reported resulted from "Motor Vehicle" accidents. "Burn or Scald - Heat or Cold Exposures- Contact With" and "Striking Against or Stepping On" had the fewest number of claims.

Indemnity Workplace Injuries by Cause, 2014-2017

Cause of Injury Group	2014*	2015*	2016*	2017*	Total
Striking Against or Stepping On	235	266	254	170	925
Burn or Scald - Heat or Cold Exposures- Contact With	263	280	242	277	1,062
Cut, Puncture, Scrape Injured By	417	421	418	365	1,621
Caught In, Under or Between	445	449	384	381	1,659
Miscellaneous Causes	865	775	642	574	2,856
Motor Vehicle	876	863	863	732	3,334
Struck or Injured By	1,350	1,298	1,203	1,298	5,149
Strain or Injury By	2,777	2,723	2,520	2,041	10,061
Fall, Slip or Trip Injury	2,880	2,668	2,494	2,311	10,353
Total	10,108	9,743	9,020	8,149	37,020

The claims reported are workplace injuries that are identified through the filings of electronic First Report of Injury (FROI) or LWC-WC-IA-1 forms. The 2014 thru 2017 claims utilize the Workers' Compensation Insurance Organization (WCIO) Injury Description codes submitted via Electronic Data Interchange (EDI).

* These claims are subject to revision as new claims are received.

Note: The cause "Rubbed or Abraded By" is excluded due to low claim counts.

Records Management Section -Workplace Fatalities

Each year, a small number of workplace accidents result in the tragic death of workers. The number of workplace fatalities reported in 2017 decreased by 18% from 2016. The number of workplace fatalities was calculated by using data from the electronic LWC-WC-IA-1 forms.

The information represents workplace fatalities in instances that were reported where:

- Death claims occurred while on the employer's premises and is work-related
- Death claims occurred off the employer's premises and is work-related

Workplace Fatalities Reported Claims, 2014-2017

Year	Number of Fatalities	Percentage of Change from prior year
2014*	87	29%
2015*	73	-16%
2016*	76	4%
2017	62	-18%

*Data has been revised for 2015 and 2016 due to the processing of additional information and the elimination of duplicates.

Year	Printed Forms *	Records Requests
2013	29,851	12,611
2014	25,660	17,133
2015	25,257	12,117
2016	24,786	9,910
2017	24,467	9,441

*Includes LWC-WC-1007s, 1002s and 1003s

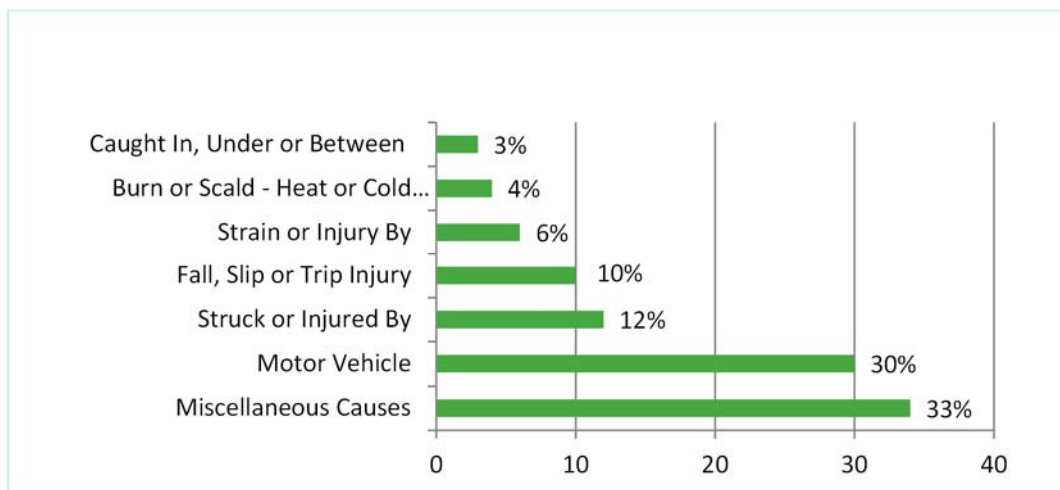
Records Management Section -Workplace Fatalities

The table below represents the cause of workplace fatalities over a four-year period.

Causes of Workplace Fatalities, 2014-2017

Cause of Injury Group	2014	2015	2016	2017	Total
Caught In, Under or Between	0	2	6	2	10
Strain or Injury By	3	3	5	-	12
Burn or Scald - Heat or Cold Exposures-Contact With	2	5	3	8	18
Fall, Slip or Trip Injury	8	5	9	9	31
Struck or Injured By	10	8	11	8	37
Motor Vehicle	33	24	16	18	91
Miscellaneous Causes	31	25	26	19	101
Total	89	72	76	66	303

Note: The claims reported are workplace fatalities that are identified through the filings of the First Report of Injury (FROI), or the LWC-WC-IA-1, using Electronic Data Interchange (EDI). Data has been revised for all years as additional information is processed and duplicates eliminated. Some data is suppressed to maintain confidentiality.



Causes of Workplace Fatalities 2014-2017 (Percent)

“Miscellaneous Causes” registered the highest claim rate at 33 percent. Miscellaneous Causes” include heart attacks, gunshots, natural disasters, etc. Over a four-year period, “Motor Vehicle” accidents accounted for an average of 91 cases. In 2017, “Motor Vehicle” incidents accounted for 30% of all fatalities and aircraft crashes accounted for an average of three cases. “Struck or injured By” accounted for 12 percent of the claims.

Corey S. Gaines, Manager

This has been an exceptional year for the OSHA Consultation Program. It continued to focus on developing a working relationship with the construction, logging and oil and gas industries. The Bureau of Labor Statistics (BLS) Illness and Injury Recordable (IIR) rates indicate that overall construction industry rates in Louisiana are decreasing. The program identified 964 serious and imminent hazards and removed 56,555 workers from serious risk. While the frequency of claims declined in 2017, the severity of claims increased causing the NCCI to recommend a modest .4% increase for the 1st time in ten years. This recommendation will be reviewed by the Department of Insurance and if approved would become effective in May 2018.


For the fifth consecutive year, Louisiana has been ranked as the second-safest in the nation in terms of the number of injuries and accidents rates. The Louisiana On-site Consultation Program continues to provide a quality product in terms of overall consultation visits, effective outreach and employee training. The increasing number of employers the program reaches has greatly increased as several new initiatives have been put in place.

Lower claims are the result of Louisiana's improved incidence of nonfatal injuries and illnesses on the job. Similar to 2016, the programs consultative visits identifies sprains, strains and tears as the most common injuries statewide and the upper extremities as the most often affected body part. Vehicular accidents were the most frequent source of injuries and illnesses. The majority of injuries and illnesses were due to overexertion and bodily reaction. Therefore, the program focused on ergonomics and body mechanics to help decrease these types of bodily injuries.

The Workplace Safety Section receives information that assists in identifying employers who are experiencing above-average injuries for their industry classification. Employers identified may receive incentive discounts for attending cost containment meetings held by this section. In addition, the section provides on-site facility inspections to identify hazards and assess written program elements to ensure compliance with LA RS 23:1291(b)(4). These inspections are confidential and provided free to requesting employers.

The Workplace Safety Section's objective is to continuously improve the efficiency, quality and effectiveness of service to Louisiana employers and employees. This section also oversees the Office of Risk Management's Loss Prevention Program as it applies to the Louisiana Workforce Commission. To accomplish this, the unit works closely with 60 safety coordinators located at each of our offices throughout the state.

In 2017 OSHA Consultation identified and verified abatement of 964 serious safety and health hazards during a total of 361 audits of small businesses throughout Louisiana. The current minimum penalty for an OSHA fine is \$7,000 each. This means OSHA Consultation saved small businesses \$6,748,000 in penalties in 2017.



Therefore, it can be viewed that on average, each business that used OSHA Consultation services in 2017 potentially saved \$18,693.00 by having serious safety and health hazards identified and abated through OSHA Consultation services rather than through enforcement.

Contact Information

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Meridith J Trahant, Director

The Second Injury Fund (“Fund”) is an employer and insurer funded program, the primary purpose of which is to encourage the employment, re-employment or retention of employees who suffer from a pre-existing permanent partial disability. The Fund promotes the hiring of employees with pre-existing medical conditions by protecting employers from excess liability for workers’ compensation costs resulting from a work related injury. Specifically, it applies to any employee or handicapped person who has suffered a permanent partial physical impairment due to a previous accident or disease or any congenital condition and is subsequently re-injured on-the-job and the second injury merges with the first injury to cause a greater degree of impairment than would have resulted had there been no pre-existing medical condition. When this situation arises, the Fund reimburses employers or insurers for excess indemnity and medical benefits paid to these employees due to the second injury.

The Fund is administered and managed by the Second Injury Board (“SIB”) with assistance from the SIB’s Director, Legal unit, Compliance unit, and Finance & Audit unit. These sections work collectively to manage the claims for reimbursement, disburse funds for approved claims from the Fund, approve applications for self-insured employers, determine the levels of self-insurance retentions and make recommendations on annual assessment rates for the OWCA and SIB.

The SIB consists of five members, one each from the Secretary of State, State Treasurer, the Commissioner of Insurance, and the Secretary of the Department of Social Services and the OWCA Director. The board meets monthly to determine whether claims for reimbursement are approved, the amount of reimbursement payments for partial and quarterly payments, and reviews settlements. The board coordinates directly with the Director and SIB units at the meetings to ensure proper accounting and the liability of the fund.

The Director manages the SIB units which are comprised of a compliance supervisor, three compliance officers, two accounting technicians, three administrative assistants and three attorneys. At the end of FY 15/16, the Compliance unit had an average of 867.5 open claims. At the end of FY 16/17 the average was 907.2 and currently for FY 17/18 the average is 934.4. During August and September 2017 the unit had a high of 965 open claims. At the end of December there were 911 open claims of which 223 are currently pending a decision. This issue is being resolved by cooperative efforts within the unit to review claims and repurpose personnel resources due to vacancies in the unit. It is anticipated that the personnel shortage will be addressed shortly. Ideally, the Director would like to reach the goal of 900 open claims or less at the end of 2018.

Additionally, the Director oversees the Finance & Audit Section. This section comprises an audit supervisor, two auditors and an administrative coordinator. This unit is responsible for evaluating and recommending approval or denial of applications to become authorized self-insured employers or approved third-party administrators for workers’ compensation programs. The unit determines appropriate levels of self-insurance retention and appropriate levels of security to be posted with the OWCA. This unit also collects and maintains records to ensure that self-insured employers remain financially sound, maintain proper levels of retention and security and remain in compliance with all self-insurance requirements. It is also responsible for recommending annual assessment rates for the OWCA administrative assessment and the SIB assessment.

Second Injury Board and Finance & Audit Section

Following approval of the assessment rate, the Finance & Audit section issues annual assessment notices, posts receivables and acts on delinquent collections. The unit improved the total percentage of all controlled entities being audited within three (3) years from 97% to 100%. As a result, delinquent receivables remain at historically-low levels.

In November of 2017, the SIB levied its annual assessment based upon a rate of 6.75 percent of total compensation benefits paid in 2016. This rate is an increase from 5.95 percent due to lower than anticipated benefits reported; i.e. \$20 million less was reported from benefits paid than in previous years. Consequently, the SIB's assessment rate needed to be increased to fully fund the reimbursement appropriation. If the assessment rate had not been increased, the direct result would have caused reimbursements on requests from stakeholders to be pushed back by several months. For 2017, the Louisiana Legislature appropriated \$59,566,615.45 to the Fund for claims payments.

Contact Information

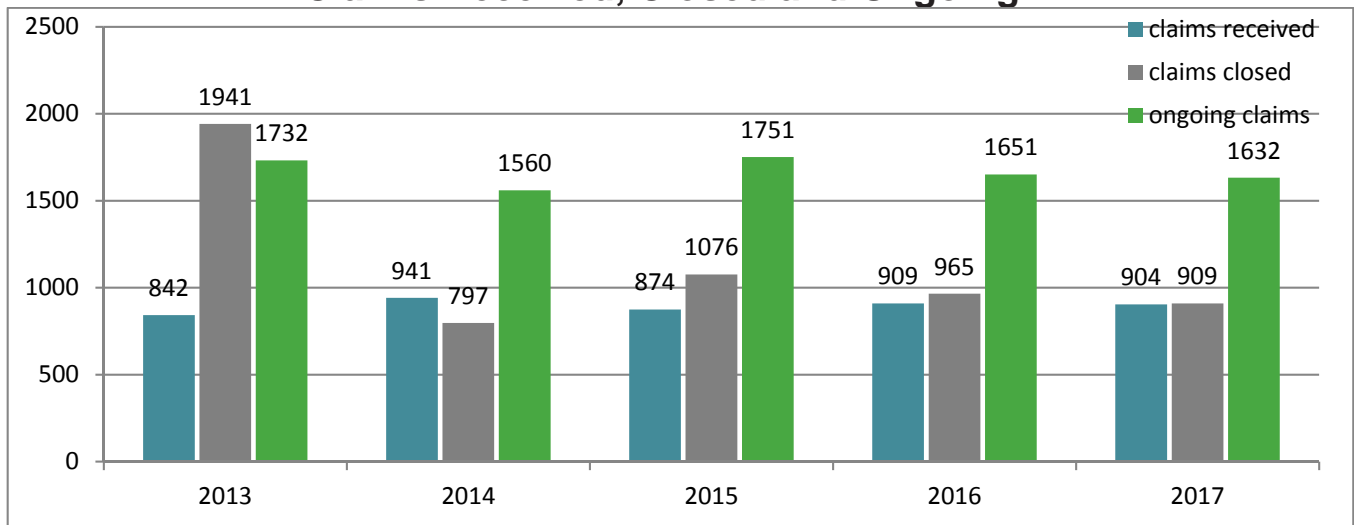
Telephone: 225-342-7866

Toll Free: 800-201-2493

Fax: 225-219-5967

SIF@lwc.la.gov

Claims Received, Closed and Ongoing



Second Injury Board

Year	Claims Received	Claims Closed	Decisions Rendered	Claims Pending	Ongoing Claims
2013	842	1941	1054	2903	1732
2014	941	797	791	3203	1560
2015	874	1076	1010	3071	1751
2016	909	965	862	3026	1651
2017	904	909	856	3130	1632

Second Injury Board

Year	Claims Received	Claims Closed	Decisions Rendered	Claims Pending	Ongoing Claims	Assessment Actual	Reimbursement	Total Administrative Cost
2013	842	1941	1054	2903	1732	\$49,085,256	\$32,394,616	\$939,927
2014	941	797	791	3203	1560	\$45,379,348	\$45,379,348	\$838,800
2015	874	1076	1010	3071	1751	\$50,568,670	\$49,353,057	\$907,936
2016	909	965	862	3026	1651	\$51,521,392	\$60,127,056	\$874,099
2017	904	909	856	3130	1632	\$59,566,615	\$58,563,219	\$800,949

Workers' Compensation Councils

Workers' Compensation Advisory Council

Sheral Kellar, Chairman

The Louisiana Workforce Commission's website, www.laworks.net, displays the Workers' Compensation Advisory Council webpage, which includes a listing of past and present scheduled meetings, locations and minutes.

Visit the Louisiana Legislature website for further information:

<http://www.legis.la.gov/legis/BoardMembers.aspx?boardId=820>

Workers' Compensation Medical Advisory Council

The Medical Advisory Council reviews current guidelines and provides recommendations for a medical treatment schedule to guide treatment for workplace illnesses and injuries. It is made up of at least one representative from each of the following disciplines: orthopedic surgeon, neurosurgeon, neurologist, interventional pain management physician, family practice physician, physical and occupational therapists, psychologist and psychiatrists and a representative from the Chiropractic Association of Louisiana. Members of the council are appointed to two-year terms by the director of the OWCA.

Statewide District Directory

Baton Rouge

Administrative Office
Chief Judge, Vacant
P.O. Box 94040
1001 N. 23rd St.
Baton Rouge, LA 70804-9040
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Telephone: (800) 201-2499
Fax: (225) 342-4790

District 1W

Judge Linda Smith
Dispute Resolution Specialist:
LaTonya Martin
9234 Linwood
Shreveport, LA 71106-7001
Telephone: (318) 676-5331
Telephone: (800) 209-7173
Fax: (318) 676-5332

District 1E

Judge Brenza Irving Jones
Dispute Resolution Specialist:
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Monroe, LA 71301-5730
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Telephone: (800) 209-7321
Fax: (318) 362-3083

District 2

Judge James Braddock
Dispute Resolution Specialist:
Brandi Mason Foss
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Alexandria, LA 71302-3327
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Telephone: (800) 209-7329
Fax: (318) 767-6085

District 3

Judge Charlotte Bushnell
Dispute Resolution Specialist:
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Lake Charles, LA 70601
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Fax: (337) 491-2208
Western Div. Judge Diane Mayo

District 4

Judge Sharon Morrow
Dispute Resolution Specialist:
Sharon Francis
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Telephone: (800) 209-7174
Fax: (337) 262-1106
Acadiana Div. Judge Adam Johnson
Cajun Div. Judge Anthony Palermo

District 5

Judge Pamela Moses-Laramore
Dispute Resolution Specialist:
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Central Div. Judge Jason Ourso

District 6

Judge Robert Varnado
Dispute Resolution Specialist:
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District 7

Judge Shannon Bishop
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District 8

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Eastern Div. Judge Diane Lundeen

District 9

Judge Elizabeth Lanier
Dispute Resolution Specialist:
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