

Welcome to the
School Districts Insurance Consortium
2019 Spring Safety Seminar

The Growing Mold Problem

Presented in Partnership with



Thanks for allowing us to help you for 40 Years!

We truly appreciate your membership!



School Districts
Insurance Consortium

WORKERS' COMP CLAIMS PERSPECTIVE ON MOLD

Presenters:

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Overview of SDIC Claims Staff

8 Claims Handlers- 3 Senior Adjusters, 4 Adjusters and 1 Claims Associate.

Claims are assigned based upon designated districts, type and severity.

- **Senior Adjusters-** Handle mostly lost time and litigation as well as respiratory related claims and/or toxic exposures.
- **Claims Adjusters-** Handle medical only and limited periods of lost time.
- **Fast Track Claims Associate-** Handle bites, scratches, dental injuries, and other high volume, quick turnover claims.
- **Legacy Sr. Claims Adjuster-** Handle claims with a loss date of 2011 and earlier.

Claims Process

- Claims Manager reviews all incoming injury reports
- Claim will then be assigned to the adjusting level required within the assigned district
- A complex claim will be assigned to a Senior Adjuster
- Claim may require discussion before contacts, during, or after contacts between claims staff/management to formulate an action plan
- We may seek legal counsel input on severe/questionable losses
- Claims are handled properly and timely as required under the act: 21 days to accept or deny. Timely notification

Information Gathering: District

Every attempt will be made to contact the district first before speaking with the injured worker so we can assist with identification of issues or address your areas of concern.

Primarily we will be asking you:

- Are there any other employees reporting issues? Identify?
- When was the district first notified and to whom was it reported?
- Any other issues that may be impacting this type of exposure?
- Any pending disciplinary issues with this employee? Union employee?

Information Gathering: District

- Secure information regarding what you know about the incident:
 - Any roof leaks?
 - Moisture in offices?
 - Any mold found?
 - Where, when and what found?
- What initial testing/remediation, if any, has been performed or is scheduled? Secure copies of the results
- Was cleaning required? Completed?
- Was a second air quality test performed? Secure copies of the results
- We will speak with the employee for their information and discuss any differences between your understanding and theirs, if any



Information Gathering: Claimant

We will ask about the alleged injury specifics:

- When did the symptoms begin?
- Who was this reported to at the district?
- What are the symptoms experienced?
- In what room or area did this occur?
- How long was the exposure? Frequency?



Information Gathering: Claimant

- What is the health history? First time allergy or aggravation pre-existing condition?
- If an aggravation, we will ask for the last treatment date
- Was the treatment with Primary Care, ENT, Allergist, or a Pulmonologist?
- All health related medical records will be requested



Information Gathering: Claimant

We will ask about their symptoms:

- Frequency of those symptoms
- Changes in those symptoms
- How they feel after departing the building
- Do they have knowledge of staff/students having similar complaints?
- We will ensure the first 90 days of treatment is performed on panel or by referral to specialist
- If the claim results in lost time, we will explain indemnity benefit payments

Workers' Comp Act Quick Facts

ACCEPT OR DENY

- Carrier has 21 days to accept or deny from the date the employer has knowledge of an injury

STATUTE OF LIMITATIONS

- Must give employer notice within 120 days of injury
- Once notice is given, employee has 3 years to file a claim

WAITING PERIOD

- 7 Calendar Days
- Retroactive to day 1 once employee exceeds 14 days total out of work

What's Next?

- Once we have obtained sufficient information to make a determination, we will issue the proper bureau form
- Continue to investigate the nature and extent of disability
- Monitor the medical treatment and keep in contact with all parties
- In many instances, we will assign a nurse to assist us with the ongoing medical treatment
- The district will be kept updated regarding medical treatment, expected return to work, and special medical instructions for return to work



Tools To Limit Your Exposure

- Offer modified/full duty work to your employee
- We can offer assistance with return to work/job offer letter
- Consider other buildings/locations for return to work
- Schedule an Independent Medical Evaluation to secure a release
- If release is provided, but no return to work, we can file a petition:
 - Termination: If found fully recovered from all accepted injuries
 - Modification: If release will involve reduced earnings
 - Suspension: If release will be at pre-injury earnings

Case Study #1

Claim Background:

- Claimant is a 35 year old female
- August 2018- Injury Date
- October 2018- District Notified of Injury
- November 2018- Report made to SDIC
- Injury Description: The claimant described having respiratory problems from alleged mold exposure in the classroom.

Case Facts:

- The claimant reported the claim almost 3 months late.
- All treatment performed out of network by the claimant's personal doctor.
- There were no other complaints made by staff or students.
- District had their own air quality study - no evidence of elevated mold levels.

Determination:

Claim was denied as no evidence of a work related injury and/or disability

Case Study #2

Claim Background:

- Claimant is a 37 year old female
- Late August 2018- Injury Date
- September 2018- District Notified of Injury
- September 2018- Report made to SDIC
- Injury Description: Claimant experiencing severe respiratory problems.

Case Facts:

- Claim reported timely to SDIC and the District.
- Treatment on panel and supportive of reported injury.
- Several reports and claims made by other staff members.
- Air Quality Study showed elevated levels of mold. The entire school was remediated and follow-up testing was performed.
- Claimant returned to work within the 7 day waiting period.

Determination:

Claim was accepted based on the above information



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Questions?
Comments?
Share Your Experience.

Thank You!