

# /// PENSER NEWS

A Workers Compensation Newsletter

Summer 2012



## STAY AT WORK PROGRAM

Under the SAW program, employers who return their employees to a modified light duty job are eligible for a refund for half the wages paid to the employee, up to \$10,000 per worker, for a maximum of 66 days worked in a consecutive 24 month period. If you are unable to identify any light duty work in your organization, please contact your Penser claims manager. Working together with your claims manager, light duty positions can be developed in order to get your workers back in business and get you a refund.

Forms and instructions are available on Labor and Industries website at [www.lni.wa.gov/main/stayatwork](http://www.lni.wa.gov/main/stayatwork)

You can apply for 50% reimbursement of light duty wages paid. Even if the worker returns to his/her job of injury with any modifications, you can request benefits.

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# HEAT STRESS

Working outdoors in hot weather can result in serious illness or even death. Workers exposed to extreme heat may experience symptoms of heat-related illness (HRI) such as cramps, heat rash, heat exhaustion, fainting, heat stroke and other symptoms.

Heat related illness is also linked to injuries from falls, equipment operation accidents and other on the job incidents. Such incidents can happen when someone with heat stress becomes fatigued, dizzy or confused.

Employers must provide training to workers so they understand what heat stress is and how it affects their safety.



The heat exposure rule WAC296-62-095 applies from May 1 through September 30, every year when exposures are at or above a specific temperature.

There are general rules and rules for specific workplaces such as agriculture.

## Helpful hints

- Keep well hydrated. Don't wait for thirst before taking a drink; drink enough water that you don't become thirsty.
- Take more breaks and in the shade or a cool area when possible.
- Work early or late during the coolest parts of the day.
- Acclimatize (adapt) to the heat gradually through short exposures followed by longer periods to reduce heat stress.
- Avoid alcohol or drinks with caffeine before or during work.
- Wear light weight, loose fitted, light weight clothing.
- Keep an eye on workers for symptoms of heat stress.

If someone is suffering from heat exhaustion or heat stroke, move the victim to a cool area to rest. Give cool water to drink, about a cup every 15 minutes. Fan the person, spray with cool water, or apply a wet cloth to his or her skin. If you feel this is not working and the victim is not feeling better, get medical help immediately and call 911.

# REOPENINGS

Requests received after the closing order is final are commonly referred to as aggravations, reopening, reopening requests, or reopening applications.

The department may reopen claims for Medical Aid (MA) and Accident Fund (AF) benefits within seven years of the first final claim closure when the workers' accepted condition has worsened since the most recent claim closure or reopening denial (RCW 51.32.160 and 296-14-400). If a reopening request is received within 60 days of claim closure or reopening denial, it is treated as a protest. Reopening requests received more than seven years (or ten for eye claims) from the first final claim closure or reopening denial may be reopened by the claims manager (CM) for MA benefits only.

## A claim cannot be reopened solely for:

- Permanent Partial Disability (PPD) even if there was an adjudicative error when the claim was closed and the PPD award was less than the worker was entitled to receive.
- Vocational Services
- Home modification
- Surgeries recommended before claim closure but declined by the worker if there has been no additional objective worsening. However, if the claim is reopened because of worsening some benefits can be addressed.

## Burden of proof

The worker bears the burden of proof. The worker's proof must include medical evidence to support all of the following:

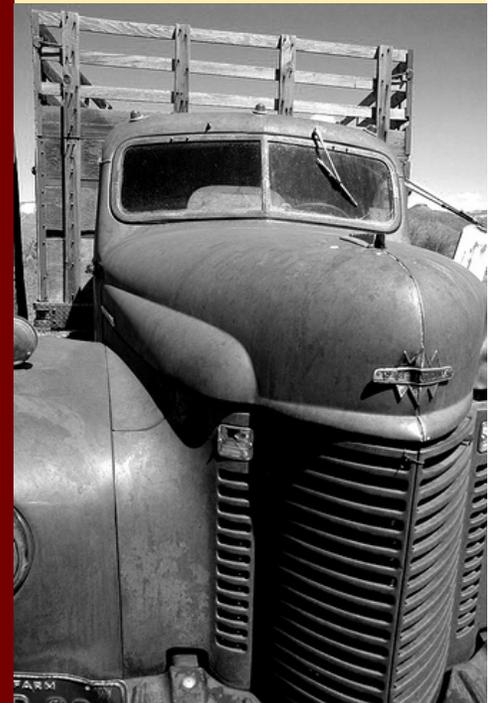
- A causal relationship to the injury or occupational disease, and
- The accepted condition worsened since the most recent claim closure or reopening denial, and
- The need for curative treatment

The worker's condition cannot be due to a new injury or exposure or the natural progression of aging.

## Speakers

If you need speakers for your company presentations please contact us. We have motivational speakers for your corporate or safety meetings and question and answer forums.

Our consultants are available to provide training and development for your team for return to work programs.



## SPOTLIGHT

Established in 1968 the company was set up specifically to represent state funded employers on matters of workers' compensation. In the mid-seventies, Penser expanded its services to include unemployment and self-insurance.

Headquartered in Olympia, Penser North America is one of the oldest Third Party Administrators (TPA) in Washington State. After 40 years, what started as a new concept with modest beginnings has grown to a full-fledged force in the third party administration and human resource areas. Penser has set the standard by which other TPA's now operate.

By partnering with Penser, customers benefit from a wealth of knowledge and experience unparalleled in the Northwest and beyond. Penser's commitment to excellence extends to your employees, ensuring them respect and a timely and complete response to their needs. Our team concept of claims management extends from each of our departments to your organization, working together to produce a financially sound program.

Penser continues to provide our clients with updated information, training and consulting services that have earned us the reputation of being the best in the industry as reflected by the refunds and lower costs our clients continue to enjoy.

Call (360) 455-4128 x 111 for a free consultation.

Our State Fund staff trained at Labor and Industries in either the WACA or Journeyman Program or their certification through Washington Self Insurance Association Workers Compensation Professional Program.

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