

The Ombudsman for Injured Workers Annual Report, CY 2002

Research & Analysis Section

Department of Consumer & Business Services

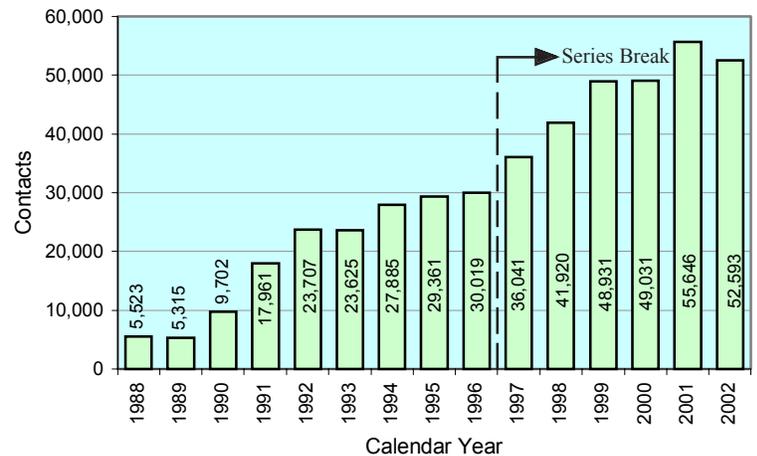
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by Jay Dotter

Introduction

The Ombudsman for Injured Workers acts as an independent advocate helping those in the workers compensation system who have experienced problems in the administration of their workers compensation claims. The Ombudsman answers questions about the workers compensation system, helps to resolve conflict between opposing parties, and gives educational seminars to insurance companies, labor unions, and others involved in injured workers issues. The Ombudsman reports directly to the Director of the Department of Consumer and Business Services. The office of the Ombudsman was established by the Legislature in 1987 and now has seven staff in addition to the Ombudsman. This report focuses first on the number of contacts the office has had over the last 15 years, and then the type of contacts with the office. Finally the report focuses on the issues that are bringing workers to the office, and how these issues have changed over the past four years.

**Figure 1. Ombudsman for Injured Workers
Contacts, 1988-2002**



Contacts

Records on the number of contacts made by Ombudsman's staff on the behalf of injured workers have been kept since 1988. In 1997, the procedure for counting contacts changed; therefore the earlier counts cannot be compared to recent counts. The current procedure is to count all telephone calls (incoming and outgoing), walk-ins, and mail contacts. As **Figure 1** shows, there were ten times as many contacts in 2001 as in 1988.

From 1997 to 2001, the number of contacts steadily increased before experiencing a decline of 5.5 percent in 2002. The contacts primarily come from injured workers, but are also initiated by attorneys, insurance companies, employers and a variety of other sources. **Table 1** shows inquiries from different groups as a percent of total inquiries from 1999 through 2002. Most inquiries result in multiple contacts.

Table 1. New inquiries by inquirer type, 1999-2002

Inquirer Type	1999		2000		2001		2002	
	Inquiries	Percent of Total*	Inquiries	Percent of Total*	Inquiries	Percent of Total*	Inquiries	Percent of Total*
Attorney	70	0.7%	51	0.5%	86	0.8%	93	0.7%
Workers Compensation Board	197	2.1%	97	0.9%	220	2.0%	273	2.2%
Director's Office	3	0.0%	2	0.0%	5	0.0%	0	0.0%
Employer	107	1.1%	62	0.6%	95	0.9%	133	1.0%
Governor's Office	74	0.8%	68	0.6%	57	0.5%	51	0.4%
Hearings Division	41	0.4%	24	0.2%	16	0.1%	5	0.0%
Injured Worker	8,302	87.5%	9,801	92.6%	9,852	90.0%	11,468	90.4%
Insurance Company	86	0.9%	68	0.6%	82	0.7%	79	0.6%
Insurance Division	3	0.0%	8	0.1%	37	0.3%	23	0.2%
Legislator	68	0.7%	41	0.4%	54	0.5%	35	0.3%
Medical Provider	153	1.6%	109	1.0%	172	1.6%	208	1.6%
Miscellaneous	241	2.5%	136	1.3%	151	1.4%	184	1.5%
OSHA	5	0.1%	0	0.0%	1	0.0%	1	0.0%
Other Agency	40	0.4%	43	0.4%	36	0.3%	48	0.4%
Union Rep.	35	0.4%	33	0.3%	24	0.2%	28	0.2%
Voc. Provider	2	0.0%	3	0.0%	5	0.0%	3	0.0%
WCD	65	0.7%	35	0.3%	51	0.5%	53	0.4%
Total	9,492	100.0%	10,581	100.0%	10,944	100.0%	12,685	100.0%

*Percents may not add to total due to rounding

Figure 2. Foreign language skills inquiries, 1998-2002

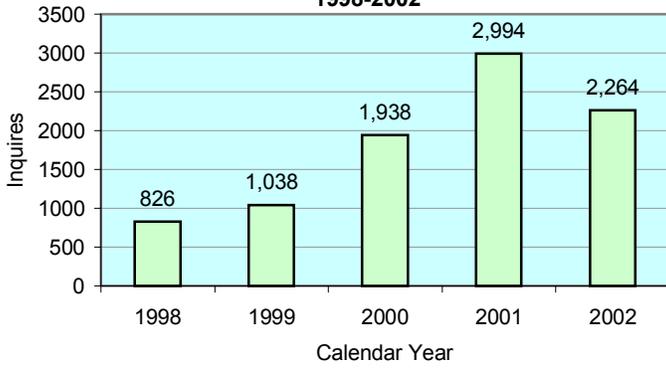


Figure 3. Complex Inquiries Extending over 2 Days, 2001-2002

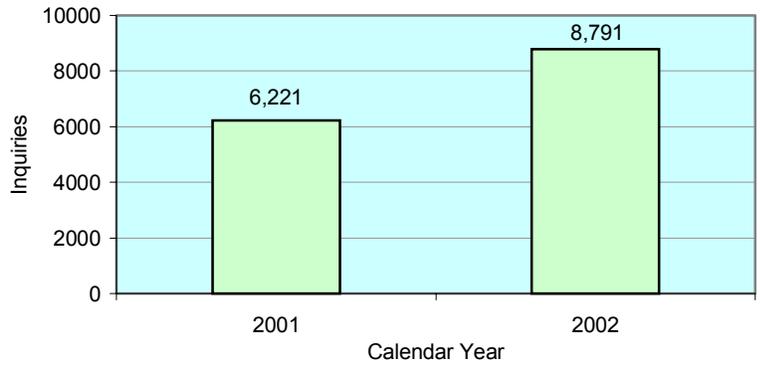


Table 1 shows that inquiries come predominantly from injured workers. In 1999, nearly 88 percent (8,302) of new inquiries were from injured workers. By 2002, injured workers accounted for 90 percent (11,468) of the total inquiries, a 38 percent increase in inquiries since 1999. The next four major inquiry types; Workers Compensation Board, Medical Provider, Miscellaneous, and Employer make up 798 (66%) of the remaining 1,217 inquiries. From 1999 through 2002, these four inquiry types, with the exception of “Employer” in 2000, make up the most frequent inquirer types, after “Injured Worker.” The remaining 12 inquirer types all had fewer than 100 inquiries per year during this period.

Since 1998, the Ombudsman staff have gathered data on inquiries from non-English speaking individuals. **Figure 2** shows that inquiries requiring staff to use foreign language skills rose from 826 in 1998, to 2,994 in 2001, a dramatic increase of 262 percent. The number decreased by 24 percent in 2002.

Since 2001, Ombudsman staff have identified “Complex” inquiries. These inquiries require multiple contacts and take more than two

days to complete. **Figure 3** shows that the annual number of complex inquiries increased 41 percent, from 6,221 in 2001 to 8,791 in 2002.

Issues

The myriad of issues that motivate people to contact the Ombudsman can be grouped into 10 broad categories (see Table 2).

From 1999 through 2002, roughly 50 percent of all new inquiries resulted from issues in three groups: Benefits(20.7%), Claim Processing (18.1%), and Medical (14.2%). Examples of issues in these groups include: Benefits - time loss and insurer issues, Claim Processing - claim acceptance and payment issues, and Medical - medical treatment rights and problems with medical bills. Issues concerning out-of-state employers and all issues that did not fit in the remaining nine groups were placed in the group Other Issues. The percentage of total inquiries for both Benefits and Medical issue groups experienced a slight downward trend each year from 1999 through 2002.

Table 2. Percent of New Inquiries by Major Issue Group, 1999-2000

Major Issue Group	Year			
	1999	2000	2001	2002
Attorney	2.1%	1.5%	1.6%	2.0%
Benefit	22.5%	21.7%	21.9%	20.7%
Claim Processing	11.9%	18.0%	17.2%	18.1%
Denials	7.8%	7.1%	6.7%	7.2%
Medical	15.2%	14.3%	14.6%	14.2%
Orders & appeals	8.7%	7.9%	7.8%	8.7%
Settlements	12.1%	12.4%	9.3%	8.4%
Unable to Contact*	0.3%	2.0%	3.6%	3.3%
Work Release	7.7%	6.9%	6.8%	7.1%
Other Issues	11.8%	8.3%	10.4%	10.4%
Total	100.0%	100.0%	100.0%	100.0%

*These are cases where staff has been unable to contact inquirer after initial contact.

Table 3. Top 30 Issues for Inquiries in 2002 with their corresponding 1999-2001 rank and data

2002 Rank	Type of Issue	1999			2000			2001			2002		
		Number of issues	Rank	Percent of total	Number of issues	Rank	Percent of total	Number of issues	Rank	Percent of total	Number of issues	Rank	Percent of total
1	Time Loss	1334	1	9.5%	1,534	1	10.3%	1838	1	10.7%	1,761	1	9.2%
2	Other Issues	1217	2	8.7%	692	7	4.6%	1224	2	7.1%	1,351	2	7.1%
3	Medical Treatment Rights	1084	3	7.8%	1,026	2	6.9%	1222	3	7.1%	1,069	3	5.6%
4	Claim Denial	897	4	6.4%	919	3	6.2%	964	4	5.6%	1,065	4	5.6%
5	Reporting Claim	663	6	4.7%	811	5	5.4%	861	5	5.0%	1042	5	5.4%
6	Litigation	628	7	4.5%	831	4	5.6%	730	6	4.2%	838	6	4.4%
7	Modified Release Problems	487	10	3.5%	509	9	3.4%	593	9	3.5%	634	7	3.3%
8	Medical Bills	562	8	4.0%	448	11	3.0%	452	14	2.6%	627	8	3.3%
9	Employer Problems	517	9	3.7%	415	13	2.8%	484	13	2.8%	618	9	3.2%
10	Reconsideration Process & Order	469	11	3.4%	512	8	3.4%	576	10	3.4%	609	10	3.2%
11	Aggravation	395	15	2.8%	408	14	2.7%	512	11	3.0%	534	11	2.8%
12	Notice of Closure	244	18	1.7%	303	19	2.0%	406	17	2.4%	525	12	2.7%
13	Claims Disposition Agreement	770	5	5.5%	740	6	5.0%	630	7	3.7%	501	13	2.6%
14	BOLI Issue	411	14	2.9%	426	12	2.9%	445	15	2.6%	495	14	2.6%
15	Claim Status	463	12	3.3%	461	10	3.1%	510	12	3.0%	479	15	2.5%
16	Permanent Partial Disability	372	16	2.7%	228	16	1.5%	392	18	2.3%	476	16	2.5%
17	General Processing Questions	N/A	N/A	N/A	312	18	2.1%	318	19	1.9%	469	17	2.5%
18	Vocational Assistance	451	13	3.2%	405	15	2.7%	410	16	2.4%	462	18	2.4%
19	Insurer Problems	362	17	2.6%	262	21	1.8%	312	20	1.8%	429	19	2.2%
20	New Condition	35	47	0.3%	208	24	1.4%	259	22	1.5%	355	20	1.9%
21	Claim Cost Reimbursement	74	31	0.5%	250	22	1.7%	294	21	1.7%	310	21	1.6%
22	Claim Closure	29	49	0.2%	321	17	2.2%	248	23	1.4%	235	22	1.2%
23	Disputed Claims Settlement	212	19	1.5%	223	23	1.5%	183	24	1.1%	203	23	1.1%
24	Own Motion Reopening & Order	128	24	0.9%	122	28	0.8%	134	30	0.8%	199	24	1.0%
25	Claimant Problem w/ Representation	160	23	1.1%	104	31	0.7%	156	27	0.9%	196	25	1.0%
26	Attending Physician Problem	6	57	0.0%	106	30	0.7%	150	28	0.9%	187	26	1.0%
27	Non Workers Compensation	56	34	0.4%	126	27	0.8%	142	29	0.8%	178	27	0.9%
28	Unable to Find Representation	126	25	0.9%	86	35	0.6%	107	34	0.6%	168	28	0.9%
29	Partial Denial	91	29	0.7%	76	38	0.5%	111	33	0.6%	167	29	0.9%
30	Insurer Medical Exam	170	20	1.2%	159	24	1.1%	166	25	1.0%	161	30	0.8%
Remaining Issues		1,517		10.9%	1,581		10.6%	1,730		10.1%	2,152		11.3%
Unable to Contact*		46		0.3%	291		2.0%	623		3.6%	628		3.3%
Totals		13,976		100.0%	14,895		100.0%	17,182		100.0%	19,123		100.0%

N/A: Not applicable, first collected in 2000

*These are cases where staff has been unable to contact inquirer after initial contact.

Table 3 provides a list of the top 30 issues of 2002 and how those issues ranked in the previous three years. Currently the Ombudsman office tracks a total of 71 issues and the top 30 issues represent 88 percent of the 2002 inquiries. This table illustrates the diversity of topics that people bring to the Ombudsman office.

Generally, with minor variations, the same top six issues: Time Loss, Other Issues, Medical Treatment Rights, Claim Denial, Reporting Claim, and Litigation were reported during 1999 through 2002. Time Loss, the most frequent issue during this period, shows an upward trend from 1999 through 2001, with a slight decrease in 2002. The second most frequent issue, Other Issues, includes those issues that do not fit into any of the other 70 issue types.

Unable to Contact are those inquiries where Ombudsman staff were unable to locate the contact person after the initial contact and therefore represent an unresolved issue. Unable to Contact shows an increase greater than 13 times from the 46 inquires in 1999 to 628 inquires in 2002.

The issues that were in the top 30 during 1999 through 2001, but were not in the top 30 in 2002 are: Changing Attending Physician, Acceptance, Palliative Care, Provider Problems, Managed Care Organization Problems, Determination Order, and Preferred Worker Program/ Employer At injury Program. It should be noted that the Changing Attending Physician issue was in all three of the previous years, 1999-2001. Overall, the total number of issues increased by 36.8 percent from 1999 to 2002.

Oregon Injured Workers: You have an advocate!

Free help is just a phone call away.

If you are unsure of your rights as an injured worker, call the Ombudsman for Injured Workers.

The Ombudsman for Injured Workers is an independent advocate for Oregon's injured workers.

The ombudsman's staff can give you straight answers, at no charge, about the following:

- ▣ **Benefits**
- ▣ **Rights**
- ▣ **Responsibility**
- ▣ **Closures**
- ▣ **Disability**
- ▣ **Reconsideration**
- ▣ **Aggravation**
- ▣ **Settlements**
- ▣ **Appeals**

Call the toll-free number, (800) 927-1271, or if you're in Salem, call (503) 378-3351.

Visit the Ombudsman for Injured Workers Web site:

<http://www.cbs.state.or.us/external/wco>

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