

The Ombudsman for Injured Workers Annual Report, CY 2003

Research & Analysis Section

Department of Consumer & Business Services

July 2004

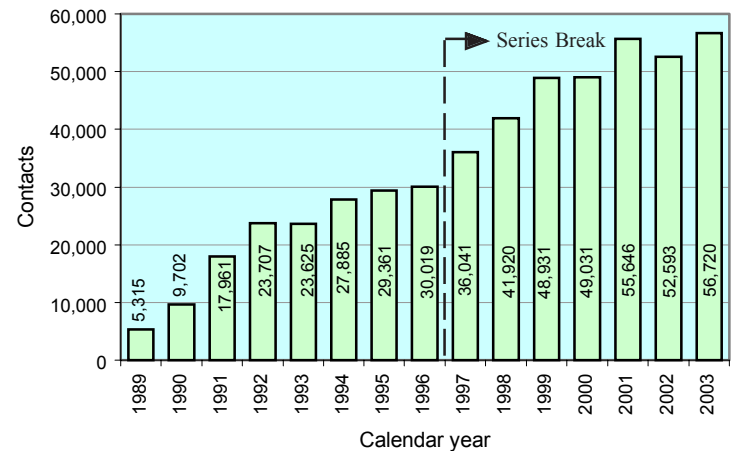
by Jay Dotter and Julie Sutton

Introduction

The Ombudsman for Injured Workers (OIW) acts as an independent advocate for workers experiencing problems with the workers' compensation system. The office of the ombudsman provides information about and referral for workers' compensation benefits, the claims process, and the rights of injured workers. The ombudsman's office also provides education about workers' compensation and injured worker issues to workers, employers, insurers, and policymakers. In addition, the office investigates workers' complaints; engages in problem solving, informal mediation and negotiation in order to resolve injured workers' concerns and problems; and reports on its activities and recommendations to the governor.

The director of the Department of Consumer and Business Services appoints the ombudsman, with the concurrence of the governor. The legislature established the OIW in 1987; the ombudsman's office comprises the ombudsman and seven staff members. This report focuses first on the number of contacts the office has handled over the past 15 years and then describes the type of inquiries that occur. Finally, the report examines the issues that bring workers and other parties to the ombudsman's office and how these issues have changed over the past four years.

Figure 1. Ombudsman for injured workers contacts, 1989-2003



Contacts

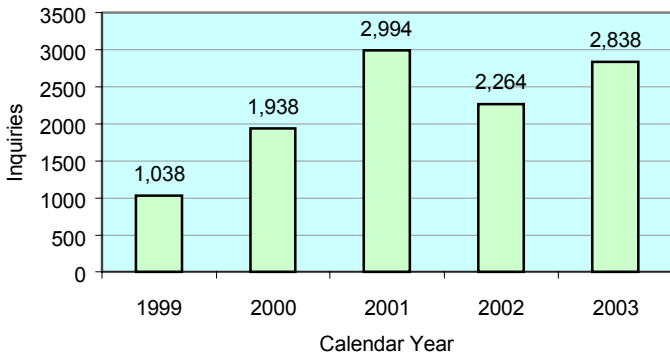
Records on the number of contacts made by ombudsman's staff on behalf of injured workers have been kept since 1988. In 1997, the procedure for counting contacts changed; therefore counts prior to 1997 cannot be compared to more recent counts. The current procedure is to count all telephone calls (incoming and outgoing), walk-ins, and mail contacts. As Figure 1 shows, there were more than five times as many contacts in 1996 as in 1989. Furthermore, the number of con-

Table 1. New inquiries by inquirer type, 2000-2003

Inquirer type	2000		2001		2002		2003	
	Inquiries	Percent of total*	Inquiries	Percent of total*	Inquiries	Percent of total*	Inquiries	Percent of total*
Attorney	51	0.5%	86	0.8%	93	0.7%	69	0.5%
Workers' Compensation Board	97	0.9%	220	2.0%	273	2.2%	350	2.4%
Director's Office	2	0.0%	5	0.0%	0	0.0%	0	0.0%
Employer	62	0.6%	95	0.9%	133	1.0%	93	0.6%
Governor's Office	68	0.6%	57	0.5%	51	0.4%	37	0.3%
Hearings Division	24	0.2%	16	0.1%	5	0.0%	3	0.0%
Injured worker	9,801	92.6%	9,852	90.0%	11,468	90.4%	13,463	91.4%
Insurance company	68	0.6%	82	0.7%	79	0.6%	97	0.7%
Insurance Division	8	0.1%	37	0.3%	23	0.2%	22	0.1%
Legislator	41	0.4%	54	0.5%	35	0.3%	22	0.1%
Medical provider	109	1.0%	172	1.6%	208	1.6%	258	1.8%
Miscellaneous	136	1.3%	151	1.4%	184	1.5%	151	1.0%
OSHA	0	0.0%	1	0.0%	1	0.0%	1	0.0%
Other agency	43	0.4%	36	0.3%	48	0.4%	72	0.5%
Union representative	33	0.3%	24	0.2%	28	0.2%	27	0.2%
Vocational provider	3	0.0%	5	0.0%	3	0.0%	4	0.0%
Workers' Compensation Division	35	0.3%	51	0.5%	53	0.4%	61	0.4%
Total	10,581	100.0%	10,944	100.0%	12,685	100.0%	14,730	100.0%

*May not equal 100% due to rounding.

Figure 2. Foreign language skills inquiries, 1999-2003



tacts has increased by 57 percent since 1997, with a dip of 5.5 percent in 2002. The contacts come primarily from injured workers, but also are 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 2000 through 2003. Most inquiries result in multiple contacts.

Table 1 also shows that inquiries come predominantly from injured workers. For the last four years, over 90 percent of all inquiries to the OIW have come from injured workers, with a 37 percent increase in inquiries since 2000. The next three major inquiry types (by decreasing rank) were Workers’ Compensation Board, medical providers, and miscellaneous; they comprise 60 percent (759) of the remaining 1,267 inquiries in 2003. Since 2000, these three inquiry types accounted for the highest number of inquiries after “injured worker.” The remaining 13 inquirer types had fewer than 100 inquiries each per year during this period.

Since 1998, the ombudsman staff has gathered data on inquiries from non-English-speaking individuals. *Figure 2* shows that inquiries requiring staff to use foreign-language skills rose from 1,038 in 1999 to 2,994 in 2001, a dramatic, threefold increase. The number decreased by 24 percent in 2002, followed by a continuation in 2003 of the previous increasing trend.

Ombudsman staff have identified “complex” inquiries since 2001. These inquiries require multiple contacts and take more than two days to complete. From 2001 through 2002, the annual number of complex inquiries rose 41 percent, from 6,221 to 8,791. The method of counting complex inquiries was changed in January 2003 from treating each day the inquiry was unresolved as a separate inquiry, to simply counting the inquiry once.

Issues

The numerous issues that motivate people to contact the ombudsman can be grouped into 10 broad categories (see *Table 2*).

From 2000 through 2003, roughly 54 percent of all new inquiries resulted from issues in three groups: benefits, claim processing, and medical. 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 into specific issue categories were placed in the group labeled “other issues.”

Table 2. Percent of new inquiries by major issue group, 2000-2003

Major issue group	Year			
	2000	2001	2002	2003
Attorney	1.5%	1.6%	2.0%	2.3%
Benefit	21.7%	21.9%	20.7%	19.4%
Claim processing	18.0%	17.2%	18.1%	18.2%
Denials	7.1%	6.7%	7.2%	7.1%
Medical	14.3%	14.6%	14.2%	16.3%
Orders & appeals	7.9%	7.8%	8.7%	9.6%
Settlements	12.4%	9.3%	8.4%	10.2%
Unable to contact*	2.0%	3.6%	3.3%	1.3%
Work release	6.9%	6.8%	7.1%	7.3%
Other issues**	8.3%	10.4%	10.4%	8.5%
Total	100.0%	100.0%	100.0%	100.0%

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

**Includes the following issue types: BOLI, Inmate Injury Fund, OSHA, VRD, out-of-state employer, and other issues.

Table 3. Top 30 issues for inquiries in 2003, with corresponding 2000-2002 rank and data

2003 Rank	Type of issue	2000			2001			2002			2003		
		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	1,534	1	10.3%	1,838	1	10.7%	1,761	1	9.2%	2,133	1	8.9%
2	Medical-treatment rights	1,026	2	6.9%	1,222	2	7.1%	1,069	2	5.6%	1,512	2	6.3%
3	Claim denial	919	3	6.2%	964	3	5.6%	1,067	3	5.6%	1,256	3	5.3%
4	Litigation	831	4	5.6%	732	5	4.3%	840	5	4.4%	1,185	4	5.0%
5	Reporting claim	811	5	5.4%	861	4	5.0%	1,042	4	5.4%	1,083	5	4.5%
6	Modified release problems	509	8	3.4%	593	7	3.5%	634	6	3.3%	927	6	3.9%
7	Reconsideration process & order	512	7	3.4%	576	8	3.4%	609	9	3.2%	836	7	3.5%
8	Aggravation	408	13	2.7%	512	9	3.0%	534	10	2.8%	746	8	3.1%
9	General processing questions	312	17	2.1%	318	17	1.9%	469	16	2.5%	731	9	3.1%
10	Employer problems	415	12	2.8%	484	11	2.8%	618	8	3.2%	674	10	2.8%
11	Notice of Closure	303	18	2.0%	406	15	2.4%	525	11	2.7%	634	11	2.7%
12	Medical bills	448	10	3.0%	452	12	2.6%	627	7	3.3%	632	12	2.6%
13	New condition	208	22	1.4%	259	20	1.5%	355	19	1.9%	616	16	2.6%
14	Insurer problems	262	19	1.8%	313	18	1.8%	429	18	2.2%	551	14	2.3%
15	Claims Disposition Agreement	740	6	5.0%	630	6	3.7%	501	12	2.6%	546	15	2.3%
16	BOLI issue	426	11	2.9%	445	13	2.6%	495	13	2.6%	539	16	2.3%
17	Permanent partial disability	338	15	2.3%	392	16	2.3%	476	15	2.5%	523	17	2.2%
18	Vocational assistance	405	14	2.7%	410	14	2.4%	462	17	2.4%	508	18	2.1%
19	Claim status	461	9	3.1%	510	10	3.0%	479	14	2.5%	508	19	2.1%
20	Disputed claims settlement	223	21	1.5%	183	22	1.1%	203	22	1.1%	464	20	1.9%
21	Claim cost reimbursement	250	20	1.7%	294	19	1.7%	311	20	1.6%	383	21	1.6%
22	Attending physician problem	106	28	0.7%	150	26	0.9%	187	25	1.0%	350	22	1.5%
23	Changing attending physician	139	24	0.9%	170	23	1.0%	146	31	0.8%	325	23	1.4%
24	Claim closure	321	16	2.2%	248	21	1.4%	236	21	1.2%	281	24	1.2%
25	Claimant problem with representation	104	29	0.7%	157	25	0.9%	197	24	1.0%	277	25	1.2%
26	Own Motion Reopening & Order	122	26	0.8%	134	28	0.8%	199	23	1.0%	269	26	1.1%
27	Insurer medical exam	159	23	1.1%	166	24	1.0%	161	29	0.8%	263	27	1.1%
28	Partial denial	76	36	0.5%	111	31	0.6%	167	28	0.9%	248	28	1.0%
29	Wage calculation	91	31	0.6%	117	30	0.7%	109	35	0.6%	234	29	1.0%
30	Non workers' compensation	126	25	0.8%	142	27	0.8%	178	26	0.9%	229	30	1.0%
	Other issues*	692		4.6%	1,224		7.1%	1,351		7.1%	1,294		5.4%
	Unable to contact**	291		2.0%	623		3.6%	628		3.3%	319		1.3%
	Remaining Issues	1,327		8.9%	1,550		9.0%	2,066		10.8%	2,842		11.9%
Totals		14,895		100.0%	17,186		100.0%	19,131		100.0%	23,918		100.0%

*These are issues that do not fit into specific issue categories.

** 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 2003 and how those issues ranked in the previous three years. Currently, the ombudsman's office tracks a total of 71 issues (including "unable to contact" and "other issues"); the top 30 issues represent 81 percent of 2003 inquiries. This table illustrates the diversity of topics that people bring to the ombudsman's office. Generally, with minor variations, the same top five issues — time loss, medical-treatment rights, claim denial, reporting claim, and litigation — were reported in 2000-2003.

"Other issues" includes those issues that do not fit into any of the other 70 issue types and make up only 5.4 percent of the total inquiries. "Unable to contact" are those inquiries in which

ombudsman staff were unable to contact the person who originally reported having an issue. The number of "unable to contact" inquiries was over twice as high in 2001 and 2002 compared to 2000, and then dropped by one half in 2003.

The issues that were in the top 30 from 2000 through 2002, but were not in the top 30 in 2003 are "acceptance," "regular work release," "palliative care," "partial denial," "NCE," and "unable to find representation." Overall, the total number of issues increased by 61 percent from 14,895 in 2000 to 23,918 in 2003. The rank order of the top five issues remained fairly consistent from 2000 through 2003.



DEPARTMENT OF
CONSUMER
& BUSINESS
SERVICES

Research & Analysis Section
350 Winter St. NE, Room 300
P.O. Box 14480
Salem, OR 97309-0405
(503) 378-8254

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>

In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternative formats by calling (503) 378-4100 (V/TTY).

The information in this executive summary is in the public domain and may be reprinted without permission. Visit the DCBS Web site, <http://www.cbs.state.or.us>

To receive electronic notification of new publications, see the Information Management Web Board, <http://www.cbs.state.or.us/imd/notify.html>