

OMBUDS OFFICE

2009 Annual Report

Ohio

Ohio

Ombuds
Office

An Independent Service of
Ohio's Workers' Comp System

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Office**

An Independent Service of
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May 5, 2010

Industrial Commission
Nominating Council

Dear Council Members:

The Ombuds Office for the Ohio workers' compensation system is pleased to present its 2009 annual report. In accordance with Ohio Revised Code section 4121.45, this report provides statistical information on the office's activities for the year, reviews the prior year's activities, and makes recommendations for improving the Ohio workers' compensation system.

In 2009 the Ombuds Office staff handled 12,182 inquiries from customers of Ohio's workers' compensation system. This volume of customer contacts in 2009 reflects a substantial increase of 29% over the same period in 2008. Increased customer contact volume was seen in all three main areas: injured workers, employers, and medical providers. Of these inquiries, 2,509 were classified as complaints due to the customer expressing dissatisfaction with either the Bureau of Workers' Compensation (BWC) or the Industrial Commission (IC). The Ombuds Office analyzes these complaints to assist in making recommendations for improving Ohio's system.

As the economy of Ohio continues its ongoing struggle towards economic prosperity and full employment, the Ombuds Office continues to perform its legislative mandate: *"To assist claimants and employers in matters dealing with the Bureau of Workers' Compensation and the Industrial Commission."* The Ombuds Office also continues its other key mission, to be an element for positive change and improvement within Ohio's workers' compensation system. This report provides detail on both of these areas, and as always, I await your comments or questions.

Sincerely,



Michael Travis, Esq.
Chief Ombuds Officer

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Executive Summary

Background

Ohio law (ORC 4121.45) creates a workers' compensation ombuds system. It is the responsibility of the Ombuds Office to assist employers, injured workers, and their representatives, in problems and questions arising out of the Ohio workers' compensation system. The Ombuds Office answers inquiries and investigates complaints about the workers' compensation system, mainly as it relates to injured workers' claims and employers policies, facilitating resolution of issues when possible. All inquiry and complaint data is captured and categorized. The data is then analyzed in order to identify potential opportunities for improvement in the workers' compensation system. Both the inquiry/complaint data and areas identified as opportunities for improvement are published annually in this report.

2009 Statistical Information

Total inquiries received in 2009 totaled 12,182. The table below segregates these inquiries between general inquiries and complaints, and compares the statistics to the prior year. Inquiries are classified as complaints when dissatisfaction is expressed with the Ohio workers' compensation system.

In calendar year 2009, the Ombuds Office had a slight increase of 2% in the volume of **complaints** handled compared with 2008. In calendar year 2009, the Ombuds Office volume of **general inquiries**, compared with 2008, was up substantially, 38%. The total volume of customer contacts for the Ombuds Office in 2009 was 12,182, which was up 29% from the same period in 2008. The top issue addressed by Ombuds staff continues to revolve around payment of indemnity benefits to injured workers. The prominent employer issue was concerns about how their premium rates were calculated.

	2009	2008	Percent Change
Complaints	2,509	2,457	2% Increase
General Inquiries	9,673	7,020	38% Increase
Total	12,182	9,477	29% Increase

Status of recommendations from prior years

Summary of Proposed Ombuds Office 2009 - 2010 Opportunities for Improvement

Listed below are summaries of Opportunities for Improvement, for action by the Ombuds Office, as previously discussed by the Industrial Commission Nominating Council at their April 2009 annual meeting.

- **Lump Sum Settlements** - *Revisions and improvements to the lump sum settlement process for both internal settlements involving only the BWC, and external settlements involving the BWC and the Ohio Attorney General's office.*

- Questions and concerns about lump sum settlements (LSS) are a common topic of calls received by the Ombuds Office. Many of these calls express concerns about the lack of timeliness in processing LSS applications, and the Ombuds Office has observed a substantial improvement in this area.

Through 2009, BWC Administration worked with BWC local service office claims staff, and external parties, including employers, TPAs, attorneys, and the Ombuds Office, to form a settlement enhancement team, streamlining the LSS process, which yielded substantial improvements in customer satisfaction. At any point in time, BWC has a working inventory of approximately 4,000 open LSS applications, and the stated goal is to complete the entire settlement process, from application to close, in less than 120 days. As of April 2010, over 90% of LSS applications meet this time frame, a trend that has shown consistent improvements over the last 12 months. The Ombuds Office anticipates this improvement will yield to a substantial decrease in the number of stakeholder calls, on this subject.

Ombuds Office will continue to monitor this subject in 2010.

- **Ohio Workers' Compensation Forms** - *Edits, revisions, deletions, and combining the current volume of over 125 separate forms available for use by injured workers, employers, medical providers, and their legal representatives.*

- Throughout 2009, the Ombuds Office has seen improvement in this area. Rather than arbitrarily reduce the number of forms from 125 to a smaller total, BWC has instead begun to modify procedures that require the use of forms. These re-engineering efforts combine multiple forms that serve the same purpose into one consolidated form, simplifying the process for external stakeholders.

A key process that was re-engineered in 2009, resulting in a reduction of forms, was the employer policy application process. This included how employers apply for new workers' compensation coverage, cancel an existing policy, or merge two companies together into one coverage policy.

The Ombuds Office receives a large volume of calls from employers expressing confusion on these processes. By BWC's 2009 actions of reducing paperwork and simplifying the process of creating, modifying, or cancelling coverage, Ombuds anticipates that employer contacts in this area will show a reduction.

Ombuds Office will continue to monitor this topic in 2010.

- **Delivery of Workers' Compensation Medical Services** - *Review of both delivery of medical services and the ADR process related to resolving medical disputes. Also begin Ombuds Office interaction with newly created Ohio State University Workers' Compensation Research Institute, as an agent for positive change, in Ohio's system.*

- In 2009, BWC re-engineered the alternative dispute resolution process for resolving medical treatment disputes. Every year, Ombuds Office receives a large volume of calls from medical providers generally concerned about one of two issues—treatment requests being denied, and delays in reimbursements for medical services rendered. In 2009, BWC paid out \$838 million for medical treatment to Ohio’s injured workers, and over 28,000 medical disputes were appealed through the ADR system.

In consultation with external stakeholders including managed care organizations, hospitals, attorneys, and physicians, BWC streamlined the dispute resolution process, including eliminating one appeals level that had a 97% concurrence rate. This re-engineering has resulted in a substantial reduction in the time frame for medical disputes to be adjudicated. Ombuds Office is monitoring this development in 2010, to see if the BWC action results in a decrease in stakeholders contacts to the Ombuds Office.

- **Ohio Executive Agencies Ombuds Initiative** - *Work with newly formed Ombuds offices in other State of Ohio executive agencies, in supporting regulatory reform objectives and the Governor’s Common Sense Business Initiatives.*

- This has been an area of considerable activity for the Ombuds Office in 2009. As part of Governor Strickland’s Common Sense Business Initiative, a regulatory reform office was formed, and the workers’ compensation Ombuds Office has been active with this start-up.

All of the large state agencies that have substantial interaction with Ohio businesses, including EPA, Taxation, ODJFS, Commerce, Agriculture, DNR, and ODOT, were required to create an Ombuds Office. Since the workers’ compensation Ombuds Office has been in operation since the 1970s, this office has fielded many start-up questions.

One of the key benefits of each major state agency having an Ombuds function is to facilitate the flow of information, questions, and problems efficiently between agencies. This coordinated effort can help existing Ohio employers solve problems efficiently, and also help with economic development, both in job retention and new business growth.

The workers’ compensation Ombuds Office expects to continue these efforts in 2010.

- **Workers’ Compensation Ombuds Offices Best Practices** - *Solicit input from workers compensation Ombuds offices in other states, both public and private sector insurance, to evaluate and incorporate best practices into Ohio’s workers’ compensation system.*

- Throughout 2009, the Ohio workers’ compensation Ombuds Office has solicited information from other Ombuds offices, nationwide, regarding their structure, governance, and scope. A vast majority of time spent in this area in 2009 involved working with new State of Ohio start-up Ombuds, as described above. A key goal for 2010 will be to analyze this data on how Ombuds functions

outside of Ohio are structured and run, and how to incorporate their best practices into Ohio's system. Throughout 2010, the Ombuds Office will be updating members of the ICNC on any proposed restructuring.

- **Industrial Commission Hearing Outcomes** - *Work with the Ohio Industrial Commission to establish methods of improving both the consistency and accountability of Industrial Commission orders, state-wide.*

- In 2009, the Industrial Commission took a major step in re-engineering the process of how workers' compensation contested hearings are scheduled, and conducted. In 2009 the IC conducted 175,000 hearings, state-wide. Every year, the Ombuds Office receives a large volume of calls from external stakeholders with questions and concerns related to the IC hearing process.

This re-engineering effort reconfigured the process by which the IC schedules hearings and grants continuances, to minimize scheduling conflicts and maximize the time third party stakeholders are involved in the system.

Throughout 2010, the Ombuds Office will be monitoring the volume of calls received from external stakeholders, related to this topic, as an indicator of the effectiveness of these changes.

- **Ohio Employer Risk Issues** - *Work with both BWC and external parties on ensuring that the risk-related recommendations proposed in the 2009 Deloitte study will be implemented timely.*

- As stated elsewhere in this annual report, the Ombuds Office closely monitors all major changes that BWC makes to risk programs, because such changes frequently result in an increased call volume to the Ombuds Office. 2009-2010 programs that have been introduced, pursuant to the Deloitte recommendations, include a new Drug Free Safety Program, deductible coverage, and simplified procedures to obtain, modify or cancel coverage.

Throughout 2010, the Ombuds Office will be monitoring the volume of calls received from external stakeholders, related to these new programs, as an indicator of the effectiveness of these changes.

2010 Topics To Watch

Over the last three decades, history has shown that any major changes to Ohio's workers' compensation system raise questions, and many of these questions are fielded by the Ombuds Office.

In an on-going effort to stay "ahead of the curve," and to ensure that the information provided by Ombuds Office staff is 100% timely and 100% accurate about new laws and issues that affect our stakeholders, the Ombuds Office is always keeping an eye on future developments within the workers' compensation system.

Accordingly, listed below is a brief summary of the key issues the Ombuds Office anticipates in 2010. Some of these involve changes to Ohio statutes and administrative rules, while others are legal trends, but all are topics that are expected to generate questions and controversies that will be handled by Ombuds Office staff in 2010, and beyond.

- Independent contractors - Both the U.S. Department of Labor and the State of Ohio have announced stepped-up efforts in 2010, to identify employers that wrongfully classify individuals as independent contractors, rather than employees.
- Illegal immigrants / undocumented workers - Pending legislation in Ohio has highlighted this issue and is generating questions for the Ombuds Office, regarding workers' compensation coverage and eligibility for benefits, for injured workers whose legal status to work is in question.
- Workers' compensation privatization efforts - This topic will remain in the news, while a task force of interested parties reviews and analyzes the issue of whether to allow private insurance carriers to underwrite workers' compensation coverage in the State of Ohio.
- Common Sense Business Initiative and Governor's Economic Development efforts - As previously discussed, the Governor's Office and many state agencies will be working on several different fronts, to ensure that Ohio's economic climate is business friendly, to promote job growth.
- Journalist's access to BWC claims records - Legislation is pending in the Ohio General Assembly, addressing who has access to BWC records, and legally who qualifies as a "journalist."
- New BWC risk programs, including Drug Free Safety Program and premium discounts for high deductible coverage - As BWC introduces new risk programs, following up on the Deloitte Study recommendations, the Ombuds Office will be closely monitoring these new changes, to ensure accurate information is provided to our customer contacts.

- Federal Medicare set-aside requirements for all state workers' compensation lump sum settlements - This is a controversial and unsettled area, where the Federal Government Medicare Office has sent conflicting information about whether, when, and how much money needs to be set aside from state workers' compensation settlements to satisfy future Medicare claims for the injured worker. As with other constantly changing topics, Ombuds Office is monitoring this issue, to ensure accurate information is dispensed to stakeholders.
- Interstate Jurisdiction - The increased technology capabilities of the workplace now allow for more work from home, remote computing, and long distance/electronic commuting. As a result, there is an increase in legal disputes about the proper location for obtaining workers' compensation coverage. The Ombuds Office will be closely monitoring all changes in this area, to ensure that accurate information is supplied to both employers and employees, when questions arise.

2009 Administrative Update

Budget:

Expenditures to operate the Ombuds Office in calendar year 2009 totaled \$677,525. This total includes payroll costs for staff of \$560,322 and operating expenses of \$117,203. A spreadsheet providing budget details can be found on page 25 of this annual report.

Total payroll costs for 2009 vs. 2008 were up 9%, and this increase was a planned-for budget item, reflecting the July 2008 transfer of two additional staff members from the Bureau's Complaint Handling Unit to the Ombuds Office. In calendar year 2009, no overtime was paid. The Ombuds Office is working on payroll budgeting for 2011, which is estimated to be down, vs. 2010 spending levels. In Calendar year 2009, the Ombuds Office lost three staff, one due to retirement and two due to internal transfers. These three vacancies were back-filled with only one new hire, an internal transfer, who started in first quarter 2010. It is not anticipated that the other two vacancies will be filled.

Operating costs for the Ombuds Office for 2009 increased from \$72,641 in 2008 up to \$117,203 in 2009. Ninety percent of this increase was attributable to overall increases in rent, utilities, and building maintenance costs, line items that are established by BWC, and not under the management control of the Ombuds Office. These three line items are the largest operating expenses for the Ombuds Office.

Database:

In December 2008 the Ombuds Office implemented the ePowerCenter tracking software. Benefits of this industry standard software will include:

- Improved tracking of individual complaints and inquires
- Improved consistency of information provided to Ombuds Office customers
- Quicker recall history of prior discussions with customers
- Quicker access to injured worker claims data
- Quicker access to employer risk data
- Improved report generating capabilities
- Improved data trend analysis capabilities

The Ombuds Office began collecting data in January 2009, and this data continues to be useful in conducting year over year comparisons, and identifying customer trends.

Customer Tracking:

In 2009, Ombuds Office conducted an analysis, tracking the source of our customer contacts, to more effectively market workers' compensation Ombuds services. The top ten sources of Ombuds Office work load:

1. General awareness of 1-800 Ombuds number
2. Referral from BWC claims offices
3. Found Ombuds Web site
4. Found Ombuds informational brochure
5. Referral from BWC Board member or BWC Administration
6. Referral from Industrial Commission hearing officer
7. Referral from other government agency
8. Referral from attorney
9. Referral from union representative
10. Referral from MCO

Marketing of Ombuds Office Services

Over the last few years, through the end of 2007, the overall volume of complaints and inquiries handled by the Ombuds Office showed a slight but steady decline. Some of this downward trend was attributable to overall lack of awareness and utilization of Ombuds services. In a multi-faceted effort to improve this utilization trend, and increase the volume of customer contacts, the Ombuds Office implemented several marketing efforts in 2008, and continued these marketing efforts in 2009. These included:

Printed Material

The Ombuds Office continues to distribute an updated capabilities brochure, designed to answer questions and provide information to the major stakeholder groups: employers and injured workers. The brochure was produced and printed in-house at minimal cost by BWC Communications and Office Services staff. This brochure is mailed out upon request, distributed at speaking engagements, and provided to injured workers and employers by some Industrial Commission hearing officers.

Marketing to Industrial Commission

The Ombuds Office increased the marketing of its services to the Industrial Commission in 2009 in several ways. These included:

- Distributed Ombuds Office brochure, as described above, in all IC hearing locations, state-wide
- Met first-hand with IC support staff, in IC offices state-wide, to discuss available Ombuds Office services
- Enhanced placement of link to Ombuds Office information on IC's Web site, www.ohioic.com

Marketing to Bureau of Workers' Compensation

The Ombuds Office increased the marketing of its services to the BWC in 2009, in several ways. These included:

- Met first-hand with BWC service office managers and claims staff, to discuss available Ombuds Office services
- Met first-hand with BWC risk staff and employer services specialists, to raise awareness of Ombuds Office services available to Ohio employers
- Met first-hand with Safety & Hygiene Division staff, both at headquarters in Pickerington, and in locations across Ohio, to increase awareness of Ombuds Office services available to Ohio employers
- Met first-hand with BWC business consultants, state-wide, to increase their awareness of Ombuds Office services

- Worked with BWC's 1-800-OHIO-BWC call center staff to increase awareness of Ombuds Office services and to increase referrals
- Enhanced placement of link to Ombuds Office information on BWC's Web site, www.ohiobwc.com

Marketing to Ohio Employers

In 2009 the Ombuds Office increased the marketing and awareness of its services to Ohio employers in several ways. These include:

- Distributed Ombuds Office capabilities brochure to business trade groups for distribution to their members
- Spoke at special events and/or seminars with target audiences present, including Ohio Safety Congress
- Provide information on Ombuds Office services to local and regional chambers of commerce and safety councils

Marketing to Government Officials

In 2009 the Ombuds Office increased the marketing and awareness of its services to various Ohio government entities. These include:

- Provided information on the services available through the Ombuds Office to members of the Ohio General Assembly, and their staff, as a resource when handling complaints and inquiries from constituents
- Provided information on Ombuds Office services to call centers and action lines of local government entities, including Ohio cities, counties, and townships
- Provided information on Ombuds Office to court personnel across Ohio, through speaking engagements at the Ohio Judicial College
- Exchanged information about workers' compensation Ombuds Office services with the newly established Ombuds offices in other state agencies

Marketing to Labor Groups

In 2009 the Ombuds Office increased the marketing of its services to Ohio labor groups in several ways. These include:

- Distributed new Ombuds Office capabilities brochure to local unions, across Ohio
- Spoke at labor seminars, including AFL-CIO, UAW, and Teamsters
- Provided links to Ombuds Office information on the Web sites of local unions
- Conducted meetings with local union stewards, to increase their awareness of the services offered by the Ombuds Office

Ohio Bureau of Workers' Compensation Year-End Statistics

	FY 2009	FY 2008	FY 2007
State-Fund Claims Filed			
Lost Time	15,428	18,738	19,487
Medical Only	101,791	122,540	133,221
Occupational Disease	1,439	1,685	1,793
Death	197	236	176
Disallowed or Dismissed	13,694	16,412	17,015
Total	<u>132,549</u>	<u>159,611</u>	<u>171,692</u>
 Net Allowed Injuries	 118,855	 143,199	 154,677
 Note: Every claim is evaluated at 60 days after filing for purposes of claim type, State Fund versus Self-Insured, combine status, and allowance status. Values exclude combined and Self-Insured claims.			
 Open Claims (Per Statute)			
Lost Time	407,841	486,942	532,262
Medical Only	913,373	928,549	1,008,281
Total	<u>1,321,214</u>	<u>1,415,491</u>	<u>1,540,543</u>
 Benefits Paid			
Medical Benefits Paid	\$833,508,906	\$839,466,966	\$788,735,401
 Compensation Paid			
Wage Loss	\$19,123,153	\$18,351,000	\$19,566,863
Temporary Total	258,845,993	254,370,076	257,483,825
Temporary Partial	48,179	69,398	151,507
Permanent Partial	23,361,375	23,812,862	25,871,729
% permanent Partial	84,406,058	80,295,738	88,224,580
Lump Sum Settlement	206,137,108	312,317,176	242,020,469
Lump Sum Advancement	20,581,269	20,396,760	16,543,090
Permanent Total & DWRF	385,463,075	385,273,687	383,661,796
Death	82,396,222	81,991,570	79,870,369
Rehabilitation	43,429,274	40,371,244	37,774,178
Other	6,973,290	7,148,595	10,867,270
Total Compensation Paid	<u>\$1,130,764,996</u>	<u>\$1,224,398,106</u>	<u>\$1,162,035,675</u>
 Total Benefits Paid	 <u>\$1,964,273,902</u>	 <u>\$2,063,865,072</u>	 <u>\$1,950,771,076</u>

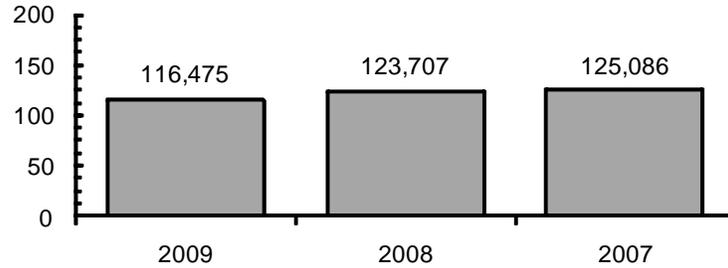
BWC year-end statistics continued

	FY 2009	FY 2008	FY 2007
Fraud Statistics			
Fraud Dollars Identified	\$65,183,784	\$73,528,436	\$100,019,724
\$\$\$ Spent to \$\$\$ Saved Ratio	1 to 5.65	1 to 5.99	1 to 8.33
Prosecution Referrals	222	314	301
Active Employers By Type			
Private	257,012	264,870	270,499
Public (Local)	3,791	3,810	3,783
Public (State)	124	125	126
Self-Insured	1,188	1,174	1,139
Black Lung	38	39	37
Marine Fund	98	92	95
Total	<u>262,251</u>	<u>270,110</u>	<u>275,679</u>
BWC Personnel	2,158	2,412	2,542
IC Personnel	468	486	488
MCO Fees Paid	\$161,317,153	\$168,327,075	\$173,138,584
BWC Combined Funds Financial Data (000s omitted)			
Operating Revenues			
Premium & Assessment Income, net of Provision for Uncollectibles	\$236,930	\$2,138,402	\$2,395,421
Assessment income due to statutory change	\$ -	\$ -	\$1,875,512
Other Income	17,197	22,247	17,703
Total Operating Revenues	<u>\$2,378,127</u>	<u>\$2,160,649</u>	<u>\$4,288,636</u>
Non-Operating Revenues			
Net Investment Earnings	\$733,284	\$862,670	802,271
Increase (Decrease) in Fair Value	<u>(928,019)</u>	<u>(143,510)</u>	<u>109,159</u>
Net Investment Income (Loss)	<u>\$(194,735)</u>	<u>\$719,160</u>	<u>911,430</u>
Dividends, Rebates and Credits			
Dividends & Credits	\$ -	\$ -	\$ -
Total BWC Assets	\$22,420,349	\$22,381,974	\$22,140,786
Total Net Assets (Deficit)	\$2,515,342	\$2,503,289	\$2,305,546

Note: Due to improvements in BWC data capture and reporting systems, prior year data may not agree with amounts previously reported.

Industrial Commission 2009 Year End Statistics

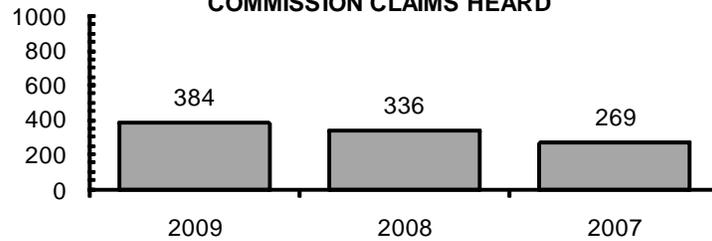
DHO CLAIMS HEARD



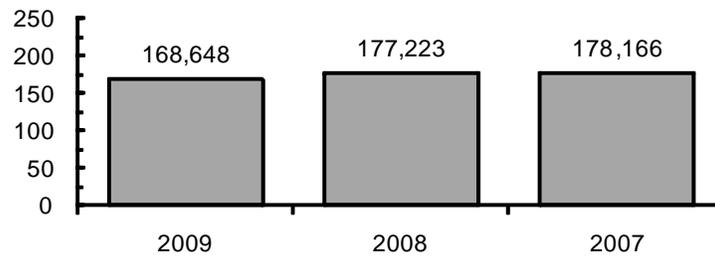
SHO CLAIMS HEARD



COMMISSION CLAIMS HEARD



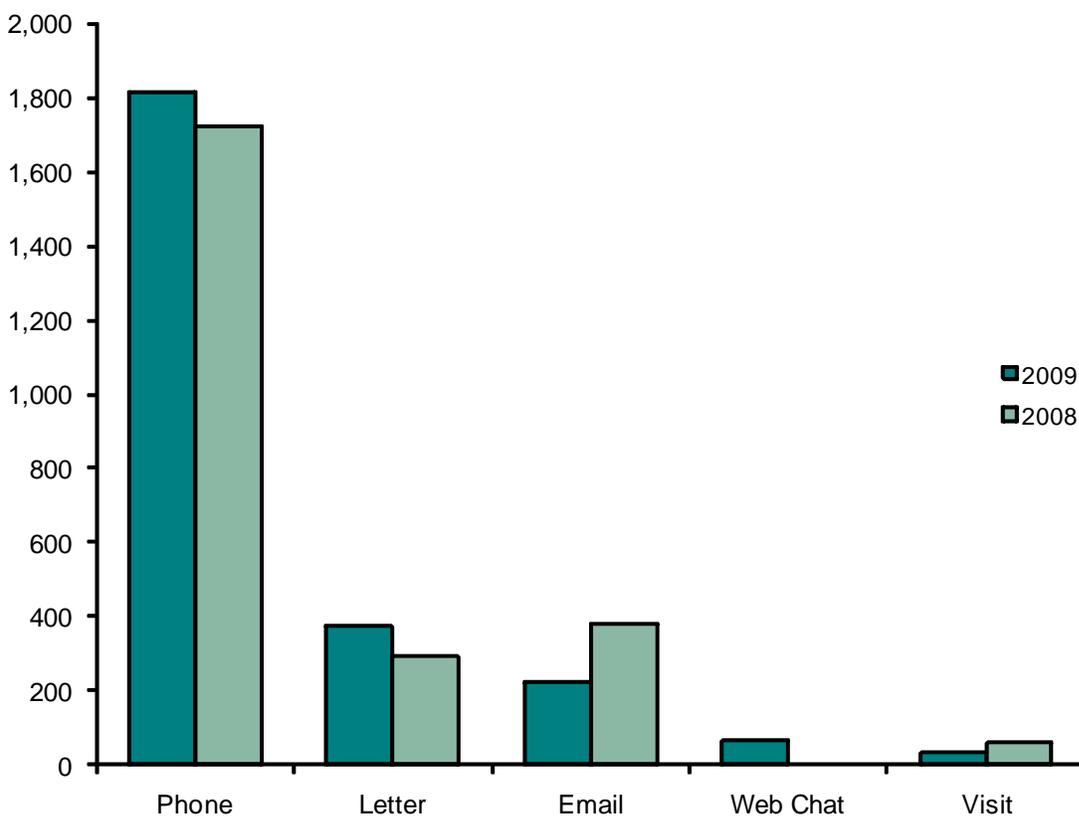
TOTAL CLAIMS HEARD



Statistical Information

Contact Method

The Ombuds Office resolved 2,509 complaints during 2009. The complaints were received by the following methods:

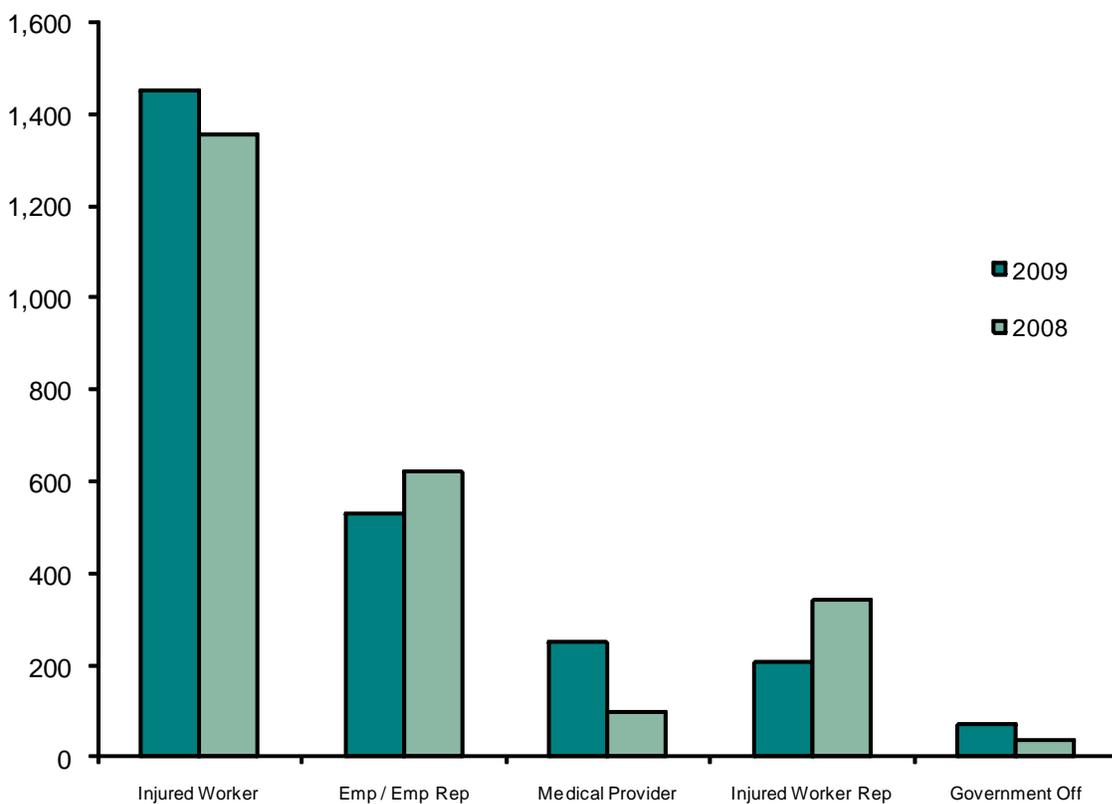


	2009	2008	Percent Change
Phone	1,819	1,724	6%
Letter	373	381	-2%
Email	220	294	-25%
Web Chat ¹	65	NA	NA
Visit	32	58	-45%
Total	2,509	2,457	2%

¹Began utilizing Web Chat in 2009

Originator Report

Complaints are recorded for the purpose of identifying which group of individuals use Ombuds Office services. Injured workers and injured worker representatives accounted for more than 66% of our business in 2009, down from 70% market share in 2008.



Originator Type	2009	2008	Percent Change
Injured Worker	1,450	1,358	7%
Employer / Employer Representative	529	621	-15%
Medical Provider	252	99	155%
Injured Worker Representative	207	342	-39%
Government Office	71	37	92%
Total	2,509	2,457	2%

Executive Summary of Complaint Statistics

Charts on the next three pages analyze the volume of complaints received and processed by the Ombuds Office. In calendar year 2009 the Ombuds Office handled 2,509 separate complaints, up 2% from the same period of 2008.

The first chart, **Initial Complaint Report**, shows who or what was initially established by Ombuds Office staff to be the subject of the complaint.

The second chart, **Accountability Report**, identifies who is the party ultimately responsible for the problem. This determination is made by Ombuds Office staff after the complaint has been fully researched.

The third chart, **Complaint Resolution Report**, denotes what the Ombuds Office staff found to be the problem. This determination is made after a complete review and analysis of this complaint has been made, by Ombuds Office staff.

Note that all three of these reports are useful tools in determining trends and identifying areas where the workers' compensation system can be improved. With the Ombuds Office implementing ePowerCenter database software in December 2008, and collecting data in all of 2009, data analysis should be simplified and trends, both positive and negative, should be easier to identify.

Initial Complaint Report

The codes below are used to describe what the Ombuds Office staff considered to be the problem, when the complaint was initially received.

Complaint Type	2009	2008	Percent Change
Employer Policy Issues	453	537	-16%
Compensation	437	489	-11%
Bureau of Workers' Compensation	390	540	-28%
Self Insured Bills Non Payment ¹	204	NA	NA
Processing Delay	177	203	-13%
Industrial Commission - Hearing Issues	148	159	-7%
MCO - Medical Bills Non Payment	138	116	19%
Claim Allow/Disallow	118	73	62%
MCO - Authorization of Medical Treatment	110	69	59%
Employer Delay of Claim Processing	100	106	-6%
Pharmacy Benefits Manager	98	59	66%
Medical Provider	64	45	42%
Attorney Delay	29	26	12%
MCO - Find Medical Provider	17	13	31%
<u>Santos</u> - Subrogation Refund ²	13	19	-32%
MCO Vocational Rehabilitation ¹	12	NA	NA
Injured Worker Attorney Fee Disputes	1	3	-67%
Total	2,509	2,457	2%

¹New category added in 2009

²Class action lawsuit settled in 2006

Accountability Report

This chart identifies the area that the Ombuds Office staff found to be responsible, for the complaint, after investigation.

Accountability	2009	2008	Percent Change
Injured Worker	990	749	32%
Employer	719	683	5%
BWC	329	605	-46%
Medical Provider	163	175	-7%
MCO	78	53	47%
Unverified Complaint ¹	70	NA	NA
Injured Worker Rep	52	74	-30%
IC	48	71	-32%
Pharmacy Benefits Mgr	17	9	89%
Financial Institution	16	1	1500%
Employer Representative	11	23	-52%
Government Office	11	9	22%
U.S. Post Office	5	5	0%
Total	2,509	2,457	2%

¹New Category added in 2009

Complaint Resolution Report

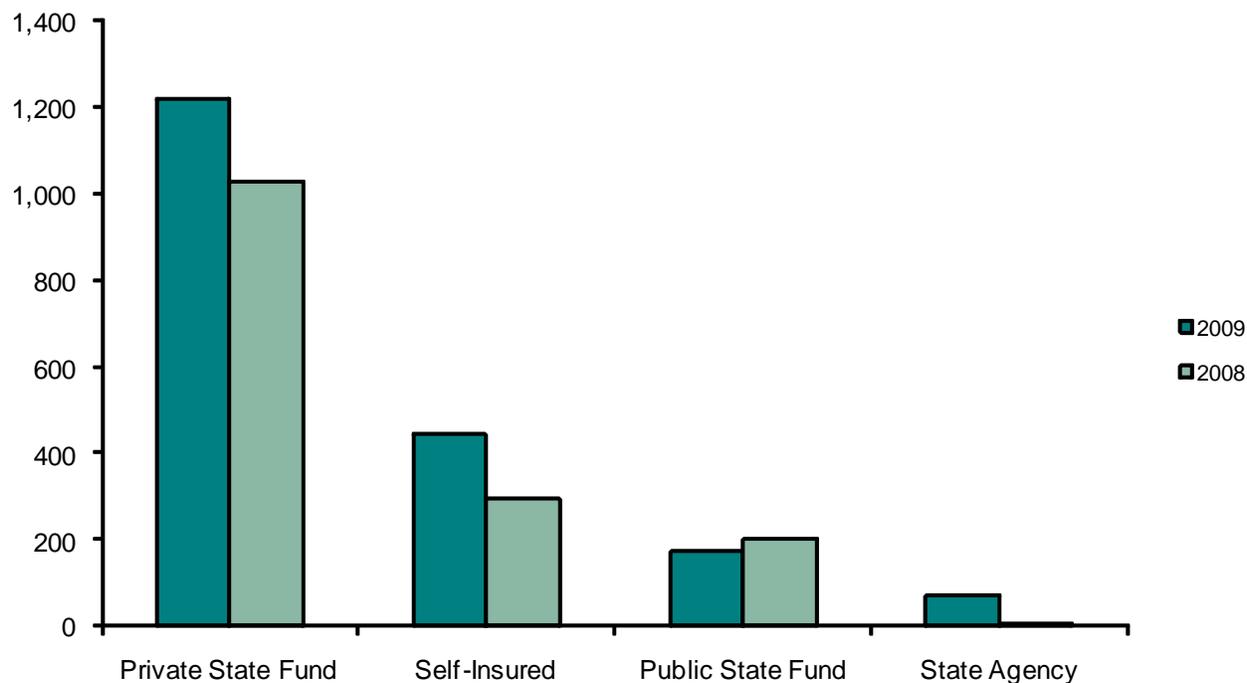
This chart denotes what the Ombuds Office staff found to be the problem, after investigating the complaint.

Resolution	2009	2008	Percent Changed
Claims Representative Information	607	478	27%
Unjustified Complaint	453	600	-25%
Employer Error	314	149	111%
Appeals	192	221	-13%
Claims Representative Error	184	306	-40%
Information Missing	144	174	-17%
Treatment / Bills Denied	82	106	-23%
Injured Worker	79	49	61%
Provider Error	66	47	40%
MCO Error ¹	53	NA	NA
Claim Disallowed	52	30	73%
Error - Policy Services	49	77	-36%
Unresponsiveness CSS / MCS	47	27	74%
Employer Representative Error	34	27	26%
Wanted Claim Expedited	28	43	-35%
Med. Exam / Review Required	26	55	-53%
Claim Inactive	16	4	300%
New Claim Status	15	17	-12%
Claim Settled	15	5	200%
IW Representative Error ¹	14	NA	NA
IC Error ¹	13	NA	NA
Statute of Limitations	7	4	75%
IW Out of State	6	6	0%
Overpaid	4	8	-50%
Hearing Problems	4	6	-33%
Warrant Returned / Reissued	3	15	-80%
Warrant Lost or Stolen	2	3	-33%
Total	2,509	2,457	2%

¹New Category added in 2009

Complaint by Claim Type

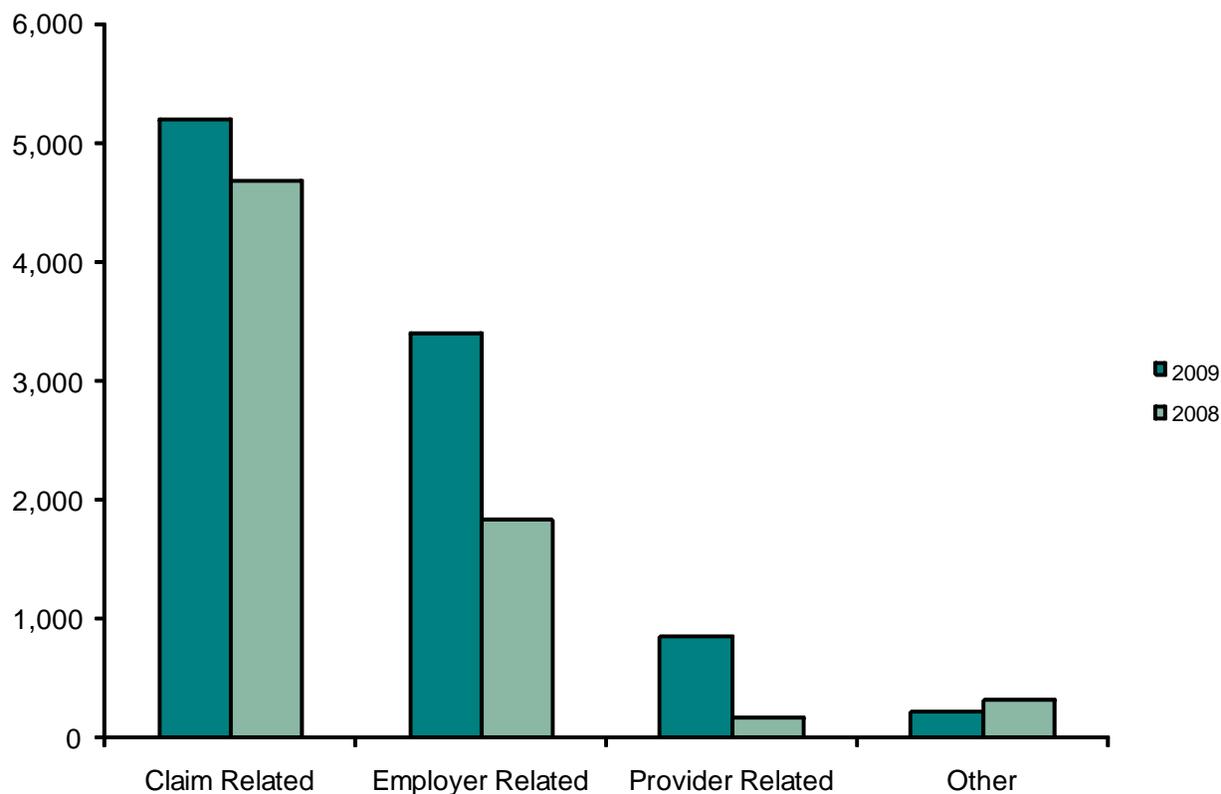
The data and chart below provide information on the type of claim, giving rise to the initial complaint.



Claim Type	2009	2008	Percent Change
Private State-Fund			
Lost Time	971	781	24%
Medical Only	249	245	2%
Total	1,220	1,026	19%
Self-Insured			
Lost Time	332	185	79%
Medical Only	113	108	5%
Total	445	293	52%
Public State-Fund			
Lost Time	126	145	-13%
Medical Only	46	58	-21%
Total	172	203	-15%
State Agency			
Lost Time	54	4	1250%
Medical Only	18	2	800%
Total	72	6	1100%
Grand Total	1,909	1,528	25%

General Inquiries

This data and chart below provide information on the various types of general inquiries, that are not categorized as complaints.

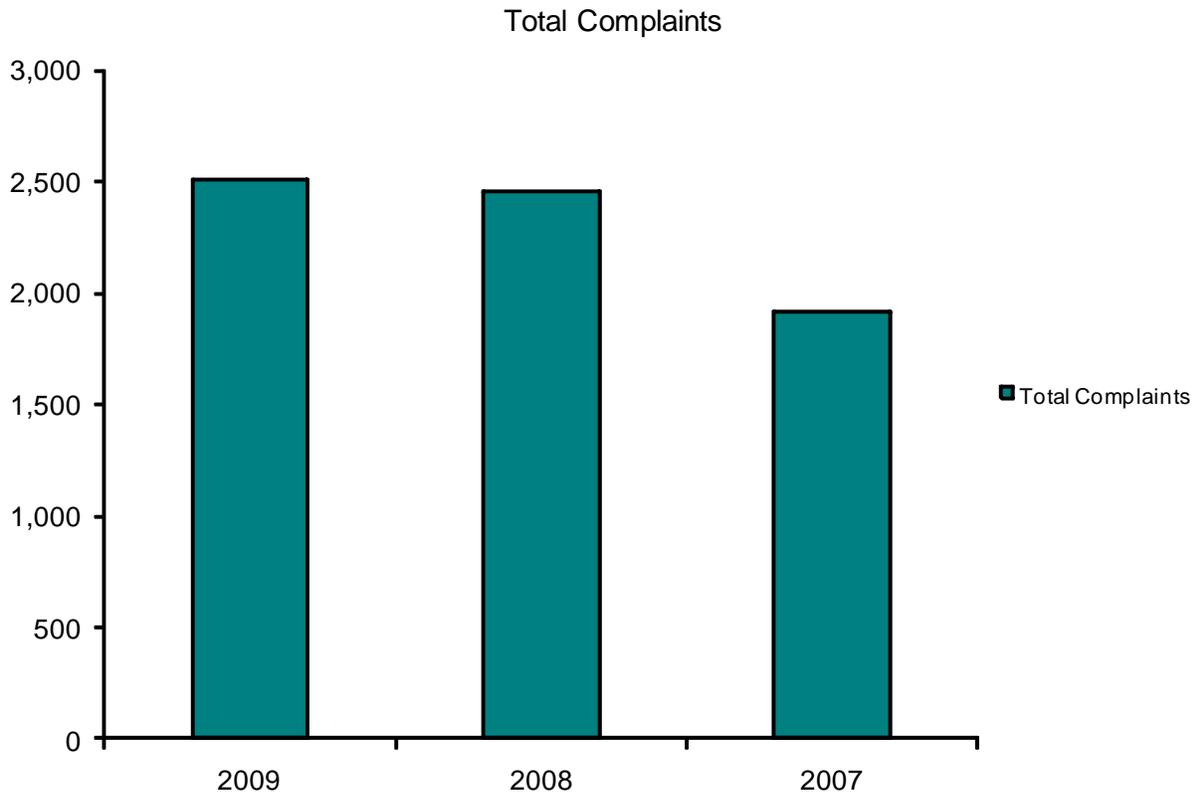


General Inquiries	2009	2008	Percent Change
Claim Related	5,202	4,691	11%
Employer Related	3,407	1,841	85%
Provider Related	850	170	400%
Other ¹	214	318	-33%
Total	9,673	7,020	38%

¹Primarily calls related to other government benefits.

Ombuds Office Complaint History

This chart shows the recent trend of total complaint volume, handled by the Ombuds Office.



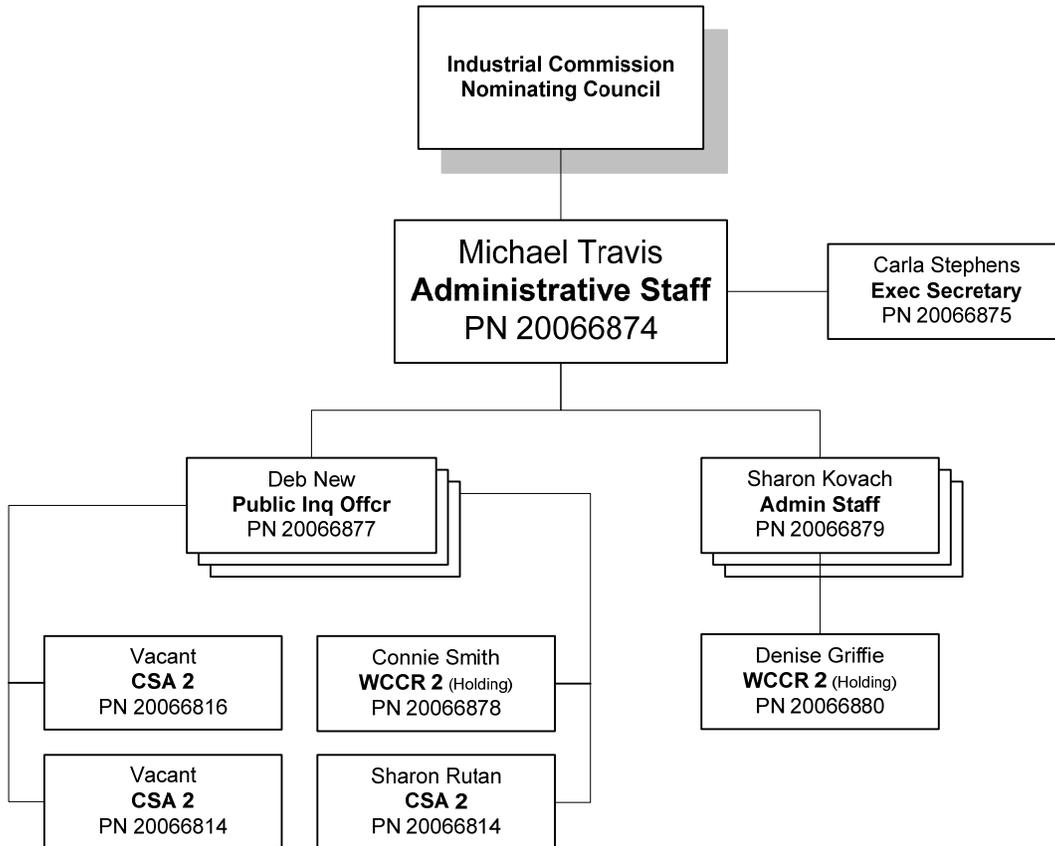
	<u>2009</u>	<u>2008</u>	<u>2007</u>
Total Complaints	2,509	2,457	1,921

BWC OMBUDS OFFICE EXPENDITURE REPORT - CALENDAR YEAR 2009

OBJECT CLASS	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.	TOTAL EXPENSES
10 Payroll	46,969	43,019	46,180	47,086	67,465	23,672	65,840	39,295	42,142	41,708	59,600	36,145	559,121
10 Overtime Paid	0	0	0	0	0	0	0	0	0	0	0	0	0
13 Personal Service	0	0	443	0	0	0	0	0	0	0	0	0	443
15 Other P.S.	0	223	178	0	0	182	0	0	0	0	0	175	758
Total 100	46,969	43,242	46,801	47,086	67,465	23,854	65,840	39,295	42,142	41,708	59,600	36,320	560,322
20 Edible Products	0	0	0	0	0	0	0	0	0	0	0	0	0
21 Supplies	0	0	0	0	0	0	0	0	0	0	0	17	17
211 INTRNL SUPPLIES	284	300	372	3	23	38	0	22	20	1	33	0	1,096
22 Vehicle Maintenance	0	0	0	0	0	0	0	0	0	0	0	0	0
221 INTRNL VEHICLE	0	0	51	0	0	8	0	113	0	74	297	0	543
23 Travel Fees	335	0	0	0	0	0	0	0	0	0	0	0	335
24 Communications	115	115	1	229	79	565	51	52	52	52	0	0	1,311
241 INTRNL COMM	2,785	(842)	(405)	951	789	(328)	562	485	49	52	175	302	4,575
25 Fuel/Utilities	0	0	2,032	0	0	2,265	0	0	1,442	0	0	1,099	6,838
26 Maintenance	0	(449)	4,234	0	0	4,606	0	0	640	0	0	2,314	11,345
27 Rentals	0	0	78,850	0	0	0	0	0	5,746	0	0	0	84,596
28 Printing/Advertising	0	0	0	0	0	0	0	0	0	0	0	0	0
281 INTRNL PRT/ADV	42	0	42	0	50	0	0	42	0	0	0	0	176
29 General/Other	488	397	749	1,356	382	385	391	298	349	170	927	480	6,372
291 GENERAL	0	0	0	0	0	0	0	0	0	0	0	0	0
Total 200	4,048	(478)	85,926	2,539	1,323	7,539	1,004	1,012	8,297	349	1,432	4,212	117,203
30 Food Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
31 Office Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
32 Motor Vehicles	0	0	0	0	0	0	0	0	0	0	0	0	0
33 Construction	0	0	0	0	0	0	0	0	0	0	0	0	0
34 Communications Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
35 Medical/Lab Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
36 Educational/Rec Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
37 Data Processing Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
371 INTRNL DP EOP	0	0	0	0	0	0	0	0	0	0	0	0	0
38 Copy/Print Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
39 Other Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
Total 300	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total	51,017	42,764	132,727	49,625	68,788	31,393	66,844	40,307	50,439	42,057	61,032	40,532	677,525

Note: Mass Allocations included in March, June, September, and December.

OMBUDS OFFICE TABLE OF ORGANIZATION



Industrial Commission Nominating Council
Roster current as of May 2010

Employer Representatives:

Eric Burkland*
Ohio Manufacturers Association

Andrew E. Doehrel
Ohio Chamber of Commerce

Catherine Duhigg
Eaton Corporation

John C. Mahaney, Jr.
Ohio Council of Retail Merchants

Public Members:

Harriet Applegate
Cleveland AFL-CIO

Mark Sanders
Ohio Association of
Professional Firefighters

Labor Representatives:

Peggy Griffith***
C.W.A. Local 4302

David Prentice
United Steelworkers

Tim Burga**
Ohio AFL-CIO

JoAnn Johntony
Ohio Association of Public
School Employees Union

* Chairperson
** Vice Chairperson
*** Secretary