



Workers' Comp

# ADVISOR

nysif.com

4th Quarter 2017

**OPEN YOUR ACCOUNT NOW**

## More Reasons to Go Online

- Sign and Submit Electronic Forms
- Add Authorized Multi-User Accounts
- Enhanced Claims Search Coming Soon

**PFL UPDATE: WHAT TO DO BEFORE JANUARY 1, 2018**



Workers' Comp Advisor

This Issue • WCA4Q2017

- [More Reasons to Open Your Online Account/3](#)
- [Paid Family Leave: Implementation Checklist/4](#)

## NEED TO KNOW... Paid Family Leave

Have more questions about Paid Family Leave? Visit [ny.gov/paidfamilyleave](http://ny.gov/paidfamilyleave) or call **844-337-6303** toll free.

- [A Look at Safe Patient Handling Compliance/5](#)
- [Focus on Health and Safety/7](#)
- **NYSIF U: Workers Want Their PPE/8**

## WCA FYI

### Lower Loss Costs Approved

**G**ov. Andrew M. Cuomo's fiscal year 2018 budget includes workers' compensation reforms that provide cost savings for businesses and better protections for injured workers. As a result, the Department of Financial Services approved a recommendation by the New York Compensation Insurance Rating Board (NYCIRB) for a 4.5 percent decrease in overall loss costs, effective Oct. 1, 2017. Renewal premium for NYSIF policyholders could be higher or lower than last year's premium because of other changes in NYCIRB loss costs, and additional factors that affect premium.

The reduction includes a loss cost decrease of up to 1.7 percent applied to policies with effective dates between April 10 and Sept. 30, 2017, as well as the unexpired portion of policies in force after April 10, 2017, with an effective date on or after Oct. 1, 2016. Credits will be made by the end of the year.

### Common Forms Go Electronic

**N**YSIF's 10 most-common underwriting forms, used to make changes or additions to workers' compensation coverage, are now available for electronic signature through DocuSign. Previously, underwriters mailed the forms to employers, who signed them and mailed them back. Now DocuSign will email policyholders a link to complete, sign and electronically return the form to NYSIF. If the form requires a second signature, it is automatically sent to a second signer before being executed. Policyholders receive email confirmation when forms are completed. NYSIF Underwriting Operations Manager James Kennedy said the electronic process will save time, reduce errors, expedite coverage issues and save postage costs.

#### More Electronic Forms to Come

A future rollout will enable customers to electronically sign and submit supplemental forms needed to obtain coverage.



Gov. Cuomo, with a WWII veteran in the passenger seat, took the first drive across the new bridge.

### Mario M. Cuomo Bridge Replaces Tappan Zee

Gov. Andrew M. Cuomo opened the Mario M. Cuomo Bridge to four lanes of Rockland-bound traffic on Aug. 25, taking the first ride across the new bridge in a vintage auto. The first span of the new bridge opened to an additional four lanes of Westchester-bound traffic on Oct. 6, 2017, replacing the 62-year-old Tappan Zee Bridge.

When completed by design-builder Tappan Zee Constructors in 2018, the 3.1-mile twin span will accommodate eight traffic lanes, four emergency lanes, a bicycle and walking path, and future rapid transit. The project is one of the largest in the nation and the biggest in the history of the New York State Thruway Authority.

The project has totaled some 110,000 tons of American steel, 7,000 workers and 9 million work hours. The new bridge is the first cable-stayed crossing over the Hudson River: 192 steel cables connect the bridge deck to eight, 419-foot towers.

NYSIF salutes policyholders who worked on building the bridge. Nearly 30 percent of the first-tier contractors hired by Tappan Zee Constructors were NYSIF policyholders, adding to a proud tradition that has made NYSIF a part of some of the most historically significant projects in New York State.

**HAVE YOU  
SIGNED UP  
YET?**

**Register Now**

# More Service for Online Account Owners

**N**YSIF has great services for policyholders and authorized reps who have online accounts. Using our online services gives you powerful tools to help you manage your policy, and helps NYSIF control costs.

Now NYSIF offers new features, including the ability to electronically sign and submit our most commonly-used forms [See “Common Forms Go Electronic”, pg. 2], as well as to easily add and manage authorized account users.

To open an account as a policyholder, broker, claimant or medical provider, simply click “LOGIN” at nysif.com and choose “Create An Account” to access all of the following:

**Instant Quote** – Obtain an instant quote for household domestic worker policies.

**eApplication** – Employers or authorized reps can use a fully electronic application to apply for workers’ compensation insurance and make premium deposits.

**Certificate System (eCERTS)** – Print or renew certificates of

insurance and use account management features, including a subscription service for renewal notices.

**Mobile App** – Create, print or send certificates from anywhere.

**Digital Documents** – Policyholders and authorized reps can access declaration pages, renewals, rebills, and more.

**Audit Worksheets, Exit Forms** – Policyholders and authorized reps can access audit worksheets and exit interview forms.

**Claims Payment Summaries** – Workers’ compensation claimants can access claims payment information.

**Med Provider Portal** – A helpful resource for checking the payment status of medical bills and EOB for all medical claims.

**Direct Deposit** – All claimants and medical providers can enroll in the direct deposit of benefits receivable from NYSIF.

## COMING SOON

**Claims Search** – Our new Claims Search will offer easy access to expanded data for policyholders and authorized reps.

## NYSIF Expands Account Access

### Administration Console Home



#### Update Profile

You can review and update your profile any time.

[Update](#)



#### User Management

Here you can add a new authorized user account or manage your existing accounts.

[Manage User Access](#)

**N**YSIF is pleased to inform workers’ compensation representatives that now you can grant multiple authorized users access to your online account. This feature is designed to make it easier for brokers to more easily manage NYSIF policies and quote requests.

Authorized users have access similar to the master account holder, including access to policy and claims information. To access their accounts, all users must first complete multi-factor authentication (MFA), if they have not done so already.

### Managing Accounts

Master account holders complete all required fields for the authorized users they want to add, and then create a username and one-time password for the new user to access the account. When signing in for the first time, new users must change the password and complete MFA.

Simply log in to your account and select “Account Management” from the drop-down menu at the top right of the page to access your Administration Console home page (above). Choose “Manage User Access” under “User Management” to add, edit or delete users.

### Managing Quotes

Brokers choose “Get a Quote” from the Quote home page to view and manage quotes for each authorized user. Master

account holders can assign quotes to any user, or reassign them to other users.

**Note:** Authorized users cannot view other user accounts, but inherit all other permissions of the master account. Please ensure that all users understand they must safeguard all policy and claims information.

## New User Guides Available

Comprehensive user guides with new screenshots and step-by-step instructions are available for NYSIF account holders, including **workers’ compensation** and **disability benefits policyholders, authorized reps, providers, claimants and certificate holders**.

Each guide is available on its customer landing page for users with online accounts.

# Paid Family Leave Update

As covered in [WCA3Q2017](#) (r.), New York State Paid Family Leave (PFL) takes effect on Jan. 1, 2018. PFL provides job-protected, paid leave to bond with a new child, care for a loved one with a serious health condition, or help relieve family pressures when someone is called to active military service. Coverage is mandatory for most private employers in New York State. Eligible employees of NYSIF disability benefits insurance policyholders will be automatically covered under their employer's NYSIF disability benefits policy. You will receive a NYSIF PFL Welcome Packet with additional details in the mail this fall.

## Attention: Public Employers

All New York State public employers currently insured with NYSIF for disability benefits coverage, including government agencies, political subdivisions and public authorities, will be covered under PFL unless the public employer notifies NYSIF's DB Underwriting department in writing **no later than Dec. 1, 2017**, that it wants to **OPT OUT** of PFL coverage for its employees. Send the request, signed by a current officer listed on the policy, to [box398@nysif.com](mailto:box398@nysif.com), or fax the request to **518-437-5278**.

## Voluntary Coverage Entities

Private employers who have opted for voluntary coverage by obtaining approval from the New York State [Workers' Compensation Board](#) (WCB) will automatically be covered for PFL under your NYSIF disability benefits policy. Contact [NYSIF's DB Underwriting department](#) if you have any questions regarding your coverage.

## Attention: Sole Proprietors, Partners, Limited Liability Companies and LL Partnerships

Sole proprietors and partners, members of Limited Liability Companies or Limited Liability Partnerships, and other self-employed individuals who are exempt from New York State disability benefits insurance coverage may **OPT IN** for NYSIF DB/PFL coverage by submitting an application for approval to the [WCB](#). After obtaining WCB approval, **contact your NYSIF underwriter as soon as possible but no later than Dec. 31, 2017**, for PFL coverage to take effect on Jan. 1, 2018. A policy for PFL coverage issued after Jan. 1, 2018, and beyond 26 weeks after you became self-employed, is subject to a two-year waiting period while premiums are paid before you become eligible for PFL benefits.

## Care Claims: What Constitutes a Serious Health Condition?

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential healthcare facility, or continuing treatment or supervision by a healthcare provider. Unless complications arise, cosmetic treatments, the common cold, flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental, orthodontia, or periodontal disease, etc., do not constitute a serious health condition and do not qualify for PFL.

## PFL Tax Guidance

Premiums are based on gross wages and should be deducted from employees' post-tax wages. Employers should report employee contributions on Form W-2, Box 14 - State Disability Insurance Taxes Withheld. Employee PFL benefits will be taxable, non-wage income that must be included in federal gross income. NYSIF will issue Form 1099-G to claimants for tax reporting. See [www.tax.ny.gov](http://www.tax.ny.gov) (notice N-17-12) for more.

## An Employer's PFL Checklist: How to Prepare for PFL Coverage

### DO NOW

- Implement a process to collect PFL employee withholdings no later than Jan. 1, 2018.
- Offer ineligible employees the chance to [waive coverage](#), and keep any executed waivers on file.

### BY JAN. 1, 2018

- Update written materials, such as an employee handbook, with PFL information.
- Advise employees of PFL payroll deductions and PFL benefits.

- Post the PFL Notice of Compliance provided by NYSIF. Look for your notice in NYSIF's PFL Welcome Packet.
- Designate who will complete the employer section of [PFL claim forms](#).
- Create a plan to cover employee duties while on leave, and reinstate workers after leave.

### WHEN YOU RECEIVE A CLAIM

- Complete the employer section of the claim form within three days and return it to the claimant.
- Keep a record of the employee's scheduled PFL usage.



See [nysif.com/paidfamilyleave](http://nysif.com/paidfamilyleave) and [WCA3Q2017](#) for more information.

# SPH Compliance Is Good Medicine

**S**tarting in October, NYSIF's Field Services representatives will be visiting healthcare policyholders who seek to verify their compliance with the Safe Patient Handling (SPH) Act.

Meanwhile, field reps have been working since early last year to help hospitals, nursing homes, diagnostic treatment centers and clinics implement strong SPH regimens. Through NYSIF's SPH initiative, members of our Field Services team have been assisting facilities in training staff and planning a program that aims to reduce injuries related to manual lifting and positioning of patients.

Healthcare facilities that are serious about creating a safer workplace for their staff have embraced the initiative. Under the law, those who comply may be eligible for premium credits.

"When we have a willing partner in this, they're very happy to have the field rep there," NYSIF Safety Program Development Coordinator John McCarthy said.

## Encouraging Committee Participation

Field Rep Sheena James, who serves the New York City area, said work began early in the process with assisting on SPH committees that are required by law. The committees, whose total membership must include one-half nonmanagerial, frontline employees, offer input on equipment needs, selection, use and staff training. They also are responsible for conducting annual comprehensive reviews of SPH programs.

Ms. James said some facilities found the process daunting at first. She felt it was part of her job to help assuage those fears so that they could press forward toward a good SPH policy.

"Some facilities took the approach that they had to reinvent the wheel," she said. "Most already have a Safe Patient Handling process in place. This is not very different, it's just making sure you educate the workforce about it."

## Meeting Different Needs

Field Rep Christine Olli, who serves policies in the White Plains area, said she absorbed much of the SPH reading material before going on service calls, which went a long way in helping managers and staff feel less overwhelmed.

By focusing their attention on key information, helpful links, sample programs and other points included in the documentation, Ms. Olli explained, "I think I was able to help by steering them in a certain direction."

Since each facility has different needs, the role of Field Services staff can vary from one facility to another. A larger hospital network might want to determine its equipment selection and training needs based on its diverse departments. Smaller facilities might welcome more outside help. Special Assistant for Field Services Todd Reynolds said smaller nursing homes have particularly appreciated NYSIF's assistance.

New York State's Safe Patient Handling Act took effect Jan. 1, 2017, for all facilities licensed under New York Public Health Law Article 28.



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## WHAT FACILITIES CAN DO WHEN THEY GET OUT IN FRONT OF SAFE PATIENT HANDLING COMPLIANCE

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"They've been very receptive to having the field staff as a resource," Mr. Reynolds said. "We've had a lot of great feedback from them, in terms of the help we have been able to offer in understanding the law and providing training."

## Overcoming Resistance

Ms. Olli said one nursing home was initially hesitant about adding training and equipment, but that the SPH committee there has since become a vigilant safety watchdog.

"They decided to embrace the Safe Patient Handling concept whether or not they get insurance credit, because they understood the value of doing it," she said. "They're now attuned to any injury whatsoever. They get right on it."

Field reps also help by providing information about loss trends and projecting future losses. Since hospital staff suffer work-related injuries and illnesses – including a substantial number of lifting injuries – at nearly twice the national average, facilities that have a robust policy could see a significant reduction in claims.

However, there are still obstacles to implementation, even among the staff the law is meant to protect. Field reps have found some resistance to overcome, in part because of frontline workers' reliance on longstanding habits when lifting patients.

More, Page 6

# SPH Is Good Medicine | From 5

“The hardest thing is trying to get buy-in from people who are used to doing things the way they’ve always done them,” Mr. McCarthy said. “We get a lot of pushback from employees and mid-level managers who think it’ll add too much extra time, or it won’t work somehow.”

## Gaining Buy-In

One antidote, he said, is to provide examples of facilities that have reduced injuries, improved patient care and saved money due to fewer lost work days after implementing SPH policies. Ms. James agreed, but said to encourage employee buy-in, it is crucial for top management to show it is serious about this initiative.

She noted the differing levels of enthusiasm at facilities where staff were trained to use equipment properly and to communicate effectively with patients, versus those where safety practices had not yet been implemented.

Ms. James added that emphasizing a personal regard for workers’ safety and valuing their feedback makes a difference. “Explain to middle management and to staff, ‘We’re doing this because we want you to be safe,’” she said. “You might see more buy-in if they relate on that individual level. Let the most vocal employees in on committee meetings for their input.”

## Seeing Results

Field Services hopes to see a 10% reduction in claims for policyholders who have fully complied with the law by the end of 2018. Since training includes not just patient handling, but general accident prevention, facilities are working toward reducing all injury claims. Indeed, Ms. James said healthcare facilities that are fully implementing SPH procedures have shown encouraging signs. At one facility, a survey found less

apprehension among patients about using lifts, which is key because patients need to trust staff to perform a safe transfer. “Internally, they found that in just a six-month period, the amount of injuries had already gone down,” she said.

**[NYSIF policyholders:** To make an appointment to verify SPH compliance, email Todd Reynolds at [treybold@nysif.com](mailto:treybold@nysif.com).]



See [WCA3Q2015](#) and [nysif.com/SafetyResources/Healthcare Series](http://nysif.com/SafetyResources/HealthcareSeries) for more about SPH.

## Two Cases Point to Benefits of Safe Patient Handling

Initial, short-term costs and employee reluctance to behavioral change are challenges to implementing a strong SPH policy. However, facilities that have robust policies tend to save money in the long run, maintain a healthier workforce and see greater levels of patient satisfaction.

A Department of Health report cites one Western New York healthcare network as an example. SPH implementation took place from late 2004 to early 2006 at the network’s hospitals and long-term care facilities, which made an investment of approximately \$2.5 million in new equipment, trained some 3,500 employees and converted more than 1,700 beds.

### Full Return

By 2009, the network realized a full return on investment, thanks mostly to a precipitous drop in lost work days. Systemwide, the network had nearly 10,000 lost work days related to lifting and repositioning injuries in 2003. In 2006, that number had dropped to 3,300, and by 2016, with a continuing commitment to safety that included new investment and training, it fell to 760.

Facilities that implemented new compliance programs have only very recent data available. However, those that have

been diligent in their long-term approach, like the Mount Sinai Health System in New York City, have already reported a decrease in lost work days.

### Tale of Multi-Disciplines

Yvonne Guariglia, who oversees the safety programs for two of Mount Sinai’s hospitals, credits an inclusive and multi-disciplinary SPH committee, as well as creativity in addressing the large system’s diverse needs, as keys to its early success.

“One area where we had greater numbers of incidents and lost time was the ICU, so we started by developing a focus group just for ICU,” she said. “We found it was helpful to learn from one department and go from there.”

Arlette Loeser, of Mt. Sinai’s Selikoff Center, directs the systemwide Ergonomics and Injury Prevention program. She said working simultaneously on education and equipment analysis has offered staff a deeper understanding of the SPH program’s impact, and is one of the benefits of having committees led by both nursing staff and safety experts.

“There’s a big difference when you’re facilitating a committee that’s made of two disciplines as opposed to just one,” Ms. Loeser said. “There’s a broader perspective on looking to approach change in different ways. It gives us more latitude to experiment and communicate.”

## CUSTOMER APPRECIATION



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*Photo (l.-r.): NYSIF Field Rep Owen Holt, General Plating Managing Member Jeffrey Schenkel*

## PEOPLE

### Ryan Delgado, Commissioner



NYSIF appointed Ryan Delgado of the New York State AFL-CIO to its Board of Commissioners. Commissioner Delgado was nominated by Gov. Andrew M. Cuomo, and was confirmed by the New York State Senate on June 19.

Commissioner Delgado has more than 16 years of experience in governmental affairs, public relations, and legislative and labor issues. In 2012, *City and State* magazine named him on its list of "40 Under 40 Rising Stars." He previously held positions at the NYS Public Employees Federation, Local 1102 RWDSU/UFCW, and the NYC Central Labor Council of AFL-CIO.

He also has shown a commitment to fighting for injured workers. As a member of the Board of Citizens for the Extension of the Zadroga Act, he helped extend federal legislation providing health and benefit programs to first responders and survivors of the Sept. 11, 2001 attacks.

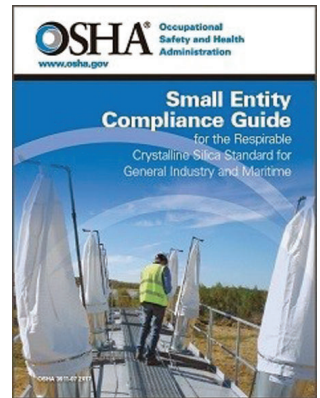
Commissioner Delgado earned an MBA in organizational behavior and human resources management at Baruch College, and a BBA in marketing at Hofstra University.

## Health & Safety Focus

The Occupational Safety and Health Administration (OSHA) recently announced several new releases. These include:

### Silica Rule Compliance for Small Businesses

The [Small Entity Compliance Guide for General Industry and Maritime](#) describes steps employers need to take to protect employees in general industry and maritime from hazards associated with silica exposure, and comply with the agency's Final Rule to Protect Workers from Exposure to Respirable Crystalline Silica. Enforcement of the final rule in general industry and maritime is scheduled to begin June 23, 2018.

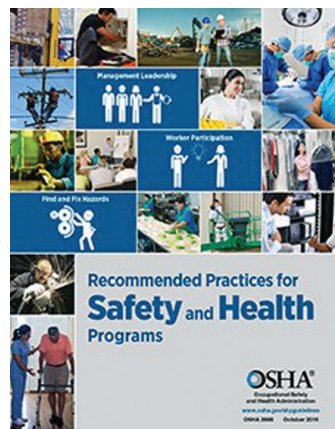


### Publication Examines Cause of Fatal Fall

This addition to OSHA's Fatal Facts series emphasizes the importance of using manufacturer-approved lifting equipment to prevent falls. The fact sheet, [Warehouse Fall from a Pallet Lifted by a Forklift](#), examines the root causes of an incident in which a worker who was pulling stock from elevated shelves died in a fall from an improperly raised pallet.

### Window Cleaning Safety Guide

The International Window Cleaning Association developed an [online field guide](#) for protecting the safety and health of window cleaners. The mobile-friendly guide offers advice to identify and avoid fall, chemical, electrical and other hazards on the job.



### Effective Safety and Health Programs

OSHA recently updated its [Recommended Practices for Safety and Health Programs](#), offering sound advice and tips for starting or improving your safety and health program, including many strategies routinely addressed in WCA. Find Core Elements, Tools, Case Studies, and more in these guidelines.

### Trenching Safety Symposium Webinar

Available online as a video, this June 27, 2017, [Trench Safety Symposium Webinar](#) conducted by representatives from the National Utility Contractors Association, OSHA and the University of Texas at Arlington focuses on preventing trenching and excavation hazards in the construction industry. Visit OSHA's [Trenching and Excavation webpage](#) for more information.

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## A NYSIF 'U' REFRESHER

NYSIF's education and information series for employers.



### Healthcare Staff Look to Management

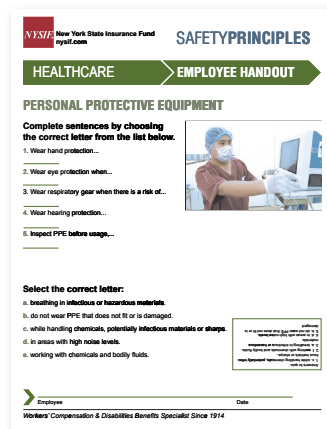
A new report by the International Data Center (IDC) found that many healthcare workers are not wearing personal protective equipment despite a "marked increase" in sharps injuries, and blood and body fluid splashes. IDC tracks occupational exposures among healthcare facilities that participate voluntarily from the eastern United States to the Pacific Northwest.

Nearly two-thirds of splashes involved the eyes, the [IDC Exposure Prevention Information Network \(EPINet\)](#) found, but fewer than seven percent of workers involved reported using eye protection.

More workers are aware that these exposures can be prevented. In 2015, 68.6% exposed to splashes and 48.7% reporting needle sticks said their injuries were preventable. In 2014, only 30% felt these exposures could have been prevented with proper equipment.

IDC issued a [Consensus Statement and Call to Action](#), noting that healthcare workers are "demonstrating a high degree of awareness of the value of protective products and workplace measures, and are looking to management" to make necessary changes.

[ If you have a question for NYSIF 'U' email [jmesa@nysif.com](mailto:jmesa@nysif.com) ]



See [nysif.com/SafetyResources](http://nysif.com/SafetyResources) for [Healthcare Series](#) materials.