

*Workers' Comp.*

# ADVISOR

nysif.com

2nd Quarter 2013



**Let's  
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Shopping  
for  
Safety**

**FLOOR TO  
CEILING  
INVENTORY  
FOR ANY  
RETAIL  
STORE**



**Robert H. Hurlbut**  
**1936-2013**

***Commissioner &  
Former Chairman***

NYSIF mourned the loss of long-time commissioner and former Chairman of the Board Robert H. Hurlbut, who died unexpectedly at his home in Honeoye Falls on Monday, March 4. He was 77.

A well-respected Rochester businessman and philanthropist, Mr. Hurlbut was credited with being a pioneer as founder and CEO of multistate nursing homes that fostered a shift from nursing-only facilities to multilevel senior living campuses in reshaping the industry.

"Commissioner Hurlbut will hold a special place in NYSIF annals, in the hearts of the people he touched through his association with NYSIF, and through his work on behalf of his much-loved Rochester and communities across the United States," NYSIF Chief Executive Deputy Director Dennis J. Hayes said.

**CONTINUED ON 7**



# New All-in-One NYSIF Guide

## Look to Trim Print Costs, Increase Web Usage

Information about all of the resources NYSIF has to offer is now contained in a new guide for policyholders entitled, *Welcome to NYSIF* (right).

Just published in 2013, the welcome booklet is mailed in NYSIF packets to new policyholders and is available at [nysif.com](http://nysif.com) to download or print from our website. The new booklet represents an effort to cut printing and postage costs by replacing the individual brochures NYSIF previously included in new business packets.

The latest all-in-one guide summarizes important information for NYSIF policyholders about online services, claims, workplace safety, fraud, premium and billing, disability benefits and customer service. The new booklet directs policyholders to self-serve by visiting [nysif.com](http://nysif.com) for online services, more information, and downloading free NYSIF publications and safety resources.

The booklet describes NYSIF online services and summarizes popular NYSIF brochures including *A Claims Guide for the Employer*, *Partners In Safety*, *NYSIF Leads the Fight Against Fraud*, *Understanding Your Bill*, *Make Audits Work For You*, *The Construction Employment Payroll Limitation Program* and *Low Cost NYSIF Disability Benefits*.



## Go Green, Don't Miss An Issue



**Help save a tree.** E-mail [marketing@nysif.com](mailto:marketing@nysif.com) to receive the *Workers' Comp. Advisor* electronically. Never miss our issues-filled newsletter, first-place winner for excellence in writing from the American Association of State Compensation Insurance Funds for the article, *What Causes Accidents?* [1Q2012].

Download free NYSIF publications at [nysif.com](http://nysif.com) **About>Publications** and **NYSIF Safety Resources** under the **Products & Services** menu. Our updated Online Services brochure (r.) helps you navigate NYSIF's new home page (see page 7).



*NYSIF Workers' Comp. Advisor*  
April/May/June 2013

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# NYSIF Automates DB Application

**N**YSIF introduced a new, automated online disability benefits insurance application process on Feb. 11, 2013.

Now employers can request a quote for low cost NYSIF disability benefits insurance, complete the application, pay the deposit premium and bind coverage all online.

Employers can submit the completed application with a electronic signature validated with a New York State driver's license through the NYS Dept. of Motor Vehicles' verification service. Employers may then pay the deposit premium with NYSIF's online payment service to complete the process.

"This is the fastest and most convenient way for employers to obtain the disability coverage they need for their employees," Director of Disability Benefits Joseph Masi said.

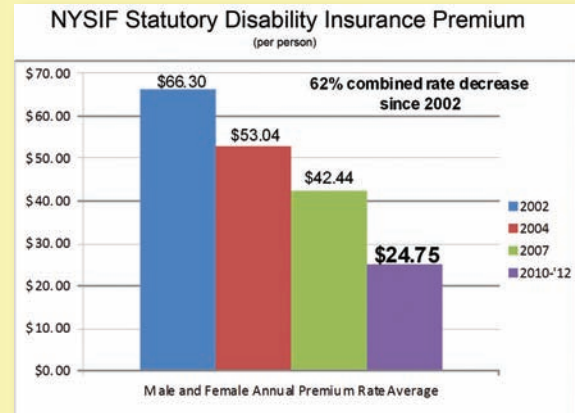
**NYSIF offers the ease of an automated application process with the most competitive disability benefits insurance rates in the industry.**

"NYSIF's combined premium rates for male and female employees are lower than any competitors, and our policyholders have the potential to earn premium dividends to further reduce their cost of New York State disability benefits insurance," Mr. Masi said.

NYSIF confirms receipt of the application with a premium estimate by return e-mail early in the quote process, a feature Mr. Masi described as a "significant benefit for employers seeking disability benefits insurance."

Employers who cannot complete the process online may obtain a quote, then complete, sign and mail the disability benefits application with a premium deposit to NYSIF Disability Benefits, 15 Computer Drive West, Albany, NY 12205.

NYSIF standard rates for disability benefits insurance are at a decade low \$.14 per \$100 of employee payroll. Noting one insurer's departure from the statutory disability benefits market in New York, DB Director Masi said he hopes insurance agents find NYSIF's online application process convenient for quote requests for clients.



*'How can you not do business with the State Insurance Fund? You've got to be nuts.'*

One agent's opinion expressed to NYSIF Business Mgr. Mike Rachek at the Professional Insurance Agents (PIA) Metro Regional Awareness Program, Jan. 31, 2013, Brooklyn, NY

## 1st Drug Diversion Task Force Arrest Highlights 2012

NYSIF's anti-fraud program again set the pace as a leader in the fight against workers' compensation fraud in 2012.

Our Division of Confidential Investigations (DCI) asserted its elite status among special investigation units in the insurance industry by conducting over 1,000 investigations resulting in 96 arrests, \$2.36 million in restitution, and estimated potential savings of \$12.6 million.

Since 1995, NYSIF DCI is responsible for 7,895 investigations, over 1,700 arrests, and recoveries and estimated savings of more than \$215 million.

The success of NYSIF's anti-fraud program relies on referrals from the public, NYSIF Claims and Policyholder Services staff trained to spot red flags of potential fraud, and cooperation from the NYS Dept. of Financial Services Insurance Fraud Bureau, the Workers' Compensation Board (WCB) Fraud Inspector General, other agencies and law enforcement authorities.

**In 2012, these efforts led to:**

■ A guilty plea, a reparation order of \$5 million and court-ordered five years' probation in a policyholder fraud case, the

largest workers' comp. fraud conviction in New York State history.

■ A joint DCI, U.S. Environmental Protection Agency and Internal Revenue Service investigation of an asbestos abatement company whose employees received payment through a temporary agency but were not classified as asbestos workers.

■ A stepped-up crackdown on NYSIF claimants and medical providers involved in the illicit sale of prescription drugs, leading to the first arrest by a new DCI-NYS Police Drug Diversion Task Force, and the arrests – in conjunction with federal and local authorities – of a WCB authorized doctor, the doctor's staff and others connected to illicit drug sales.

■ Assistance with an undercover investigation by the Suffolk County Insurance Crime Unit in the arrest of a healthcare provider for billing non-rendered services.







**Let There Be Light:** Clean, spacious and well-lit stores, inside and out, make for a safer retail environment

# Brick & Mortar Safety for Retail

Gary Dombroff, CSC/CSS  
*Safety Cop* NYSIF 

**R**etail stores have evolved greatly since owners lived above their shops. Today's stores include both self-service and clerk-centered operations, warehouse-style retail chains, dollar stores, specialty stores within mega-malls, and supermarkets where customers bag and ring up their own purchases. Despite online shopping, brick-and-mortar stores are here to stay. While there are many different kinds of stores, all retail employees face the same basic hazards.

The majority of claims from big-box retailers, corner grocers, home improvement centers, drugstores and supermarkets alike arise from falls, sprains, strains and back injuries. Employees performing repetitious tasks, such as cashiers, butchers and workers opening cartons, face risks of cumulative trauma disorders such as carpal tunnel syndrome. Other hazards also exist. When food is prepared, there is exposure to kitchen operations; power machinery brings risks of cuts and lacerations. Robbery and violence are dangers for any store, especially at night.

## PRICE, SELECTION, SERVICE... SAFETY?

Retailers often focus on the "customer experience" in the front of the store. Safety should also play a part. A workplace made safe for customers is safer for workers. The motivation is clear, since injured employees file workers' comp. claims, but hurt customer may bring more expensive lawsuits. Consumers also take notice: Given the choice, customers prefer clean, spacious, well-lit safe stores that do not endanger their employees.

Managers concerned with preventing "shrinkage" – loss of merchandise due to shoplifting and employee theft – must balance security with life safety, especially safe egress. No attempt

to prevent shrinkage is an excuse to double-lock a fire exit. Likewise, employees should not endanger their lives by resisting an armed robber or violent thief.

## SAFETY FOR EVERYONE'S SAKE

The worker experience is often much different in a store's back room, prep, storage or supply areas, stairways, or anywhere the customer usually does not see. Even though service areas may lack carpeting and soft music, they should be free of clutter and debris. Employees are safer when all work areas remain well-maintained. Loading docks do not require the same décor as showrooms, but must be properly equipped and maintained.

For the safety of both employees and customers, keep common areas such as entrances and parking lots in good repair. Visibility is important, and stores should pay attention to lighting. Beyond aiding customers in selecting merchandise, appropriate lighting helps prevent accidents and deters shoplifting. Fire exits must be marked, illuminated directional exit signs must remain lit.

Proper training is one key to overall employee safety, especially for younger workers. For many teenagers and young adults, their first job is a part-time or summertime store position. Those new to the working world may have no clue about common hazards lurking in stores, even if they have been customers there for years. Age dictates what kinds of work they may legally perform. Make sure all new employees understand their job duties and learn how to perform them safely.

Hand safety is one example. Emphasize that employees wear appropriate hand protection when required. Train workers on how to use box cutters and knives correctly, and to pick up broken glass and other sharp objects with brooms and dust pans. Use proper procedures when using compactors, baling machines or dumpsters (abide by age restrictions).

## FALL PREVENTION

Falls cause a great number of injuries to store employees. In supermarkets and grocery stores, meat and food scraps, spills, inappropriate footwear, poor housekeeping, and uneven or damaged floors cause falls. Common unsafe acts include using crates for ladders, not maintaining floor mats, and not placing warning signs in wet floor areas.

Floors must be clean and dry. If someone requests a "clean-up in aisle 3," an employee should immediately assess the problem, block off the affected area with warning signs, and clean it properly. Warning signs should remain in wet floor areas during and after cleaning. Ensure floor mats lie flat. Aisles should always be free of congestion, even when stocking shelves or moving merchandise. Stairways must be free of storage and clutter.

Insist that employees use stepladders and other appropriate lifts, not stand on chairs, cartons or milk crates to place or retrieve items on shelves.

## BACK INJURIES, STRAINS, SPRAINS

All employees need instruction on the correct way to lift and carry heavy boxes and merchandise of all types. In food stores, this includes sides of beef, produce and dairy, and containers of meat and fish. Staff should train in the safe method of moving displays, shelves and grocery items to avoid overextending the body, performing repetitive tasks, twisting while lifting, and overreaching.

## *Don't discount safety. It never goes out of style!*

Employees should always utilize correct lifting techniques: Keep the back straight, bend at the knees, do not twist while lifting. Use leg muscles to power the lift, keep objects close to the body when lifting and carrying to reduce back stress. Get help from a co-worker when handling heavy or odd-shaped loads. Mechanical devices can minimize lifting and carrying. Keep hand trucks, dollies, conveyer belts and other material handling equipment in good condition. Ensure employees receive proper training in the use of powered trucks (age restrictions may apply).

### **FIRE SAFETY**

Fire is an ever-present danger for stores. Ensure that employees know your fire safety plan. If the store is located inside a mall or other building, be sure to follow the building's plan. Employees should heed warning signals and know where to locate the exits. The store should designate a meeting point following an evacuation, so you may easily conduct a head count.

Ensure illuminated fire exit signs are in working order. Keep emergency exits free of obstructions and unlocked. All personnel should know the location of fire extinguishers, which need to be easily accessible and suitable for store contents. Train authorized employees on how and when to use extinguishers.

Keep flammables and combustibles stored in approved containers away from heat and sources of ignition. Merchandise storage should be at least 18 inches below sprinkler heads. To prevent electrical fires, ensure outlets and circuits are not overloaded. Remove equipment with damaged power cords from service and have the cord replaced by a qualified technician.

### **VIOLENCE PREVENTION**

Workplace violence includes robbery, employee conflicts and domestic violence spillover. Recognize your company's exposures and minimize them. Train supervisors and all staff to be aware of potentially violent situations and signs of troubled or disgruntled workers or customers.

Homicides are a major cause of workplace deaths. Most murders in the workplace result from robberies, not confrontations. Awareness is the key to crime prevention in businesses prone to robbery: retail stores, hotels, restaurants, jewelers, gas stations, cabs, car service, and others that handle cash. Encourage employees to report all suspicious or dangerous incidents. Instruct staff to cooperate during a robbery.

Do a security survey of the store; change locks and access codes if necessary when employees leave or are fired. To deter armed robberies, avoid single-employee shifts and install cameras and alarm systems. If safes operate on time-delay, or employees cannot open them, use highly-visible, multilingual signs that state this in languages suitable to your location.

### **THE BOTTOM LINE**

Retail stores are under pressure from landlords, utilities and competition from online merchants. Safety helps your bottom line, so take the same care in maintaining a safe store – for customers and workers – that you do when selecting the merchandise you sell. Don't discount safety – it never goes out of style!

## **Taking Stock of Safety**

### **General**

- Well-maintained parking lots, entrances, common areas, prep/storage/loading areas
- **All areas well lit**
- Well-trained workers, especially young workers

### **Falls**

- Clean and dry floors; warning signs
- **Aisles and stairways free of clutter**

- No improvised ladders, unsafe climbing

### **Backs, Strains & Sprains**

- Proper lifting practiced
- **Handtrucks, dollies, conveyers in good repair**
- Help available for the asking

### **Fire**

- Knowledge of fire safety plan, fire extinguishers
- **Clearly-marked, unobstructed, unlocked exits**
- Proper storage of flammables

### **Violence**

- Employees trained to spot, report all trouble signs
- **Employees instructed to cooperate during a robbery**
- Security survey, upgrades completed



### **The Resource List @ nysif.com**

- [About>Publications>Partners In Safety](#)
  - [Safety & Risk Management>Free Safety Resources>Safety Checklists>Supermarket Safety](#)
- [Safety & Risk Management>Free Safety Resources>Safety Checklists>Small Business Safety](#)
  - [Safety & Risk Management>Free Safety Resources>Safety Checklists>Warehouse Safety](#)
- [Safety & Risk Management>Free Safety Resources>Safety Basics](#)
  - [Safety & Risk Management>Free Safety Resources>Safety Matters](#)





## WCB Phasing-In eClaims

The Workers' Compensation Board (WCB) announced its phased implementation plan for the mandatory filing of eClaims beginning in June 2013 and continuing through March 2014. The WCB is adopting the International Association of Industrial Accident Boards and Commissions (IAIABC) national standard for electronic claims reporting to improve timely reporting and delivery of benefits, reduce errors and delays in the claim process, and increase the quality and quantity of available claims data.

NYSIF eFROI® – electronic First Report of Injury system – supports the electronic reporting requirement by creating an electronic eC-2, “Employer’s Report of Work-Related Injury/Illness” for submission to the WCB. It will be updated to accommodate the IAIABC compliant electronic claims form, FROI-00, “First Report of Injury.”

Other benefits of NYSIF eFROI® include:

- Provides the reporting party a loss record identification number immediately after submitting the report;
- Allows for immediate NYSIF loss record creation with information provided by the reporting party, and routes the loss record to the correct NYSIF claim office;
- Routes the loss record in “Incident” type status, which may change to “Claim” status if loss exceeds a first-aid case;
- Sends the eC-2 file to the WCB, creating a copy of the eC-2 in the WCB eCase system and NYSIF loss record for the reporting party;

Visit [nysit.com](http://nysit.com) > [Report an Injury](#) to learn more.

## New MTG Standards Include CTS

The WCB introduced a series of improvements to its Medical Treatment Guidelines (MTG) to take effect for dates of service on or after March 1, 2013, including a second edition of the MTG with revisions to existing processes, adoption of new Carpal Tunnel Syndrome (CTS) guidelines, and a new maintenance care program.

The Board also revised forms used by medical providers, **MG-1, MG-1.1, MG-2, MG-2.1** and **C-4 AUTH**, as well as the C-8.1 form filed by carriers. The revised forms, dated 02/13, must be used for effected dates of service.

The WCB said the revised regulations adopt evidence-based CTS guidelines as the standard of care for treatment of injured workers with carpal tunnel syndrome, the most common occupational disease found in the workers’ comp. system.

The maintenance care program authorizes up to 10 visits per calendar year of ongoing chiropractic, occupational, or physical therapy for those who have a previously observed and documented deterioration in functional status without the identified treatment. Eligible injured workers with chronic pain must have reached maximum medical improvement (MMI), have a permanent disability and meet requirements of the program. There are no variances from the 10 visit annual maximum.

# Language Access Docs Available on NYSIF Web

NYSIF initiated a Language Access program that is part of the statewide policy under Executive Order 26 issued by Gov. Andrew M. Cuomo. The program requires all state agencies to provide direct public translation and interpretation services between the agency and an individual in his or her primary language with respect to the provision of services or benefits.

Customer Service Director Kerry Kirwan said NYSIF’s program took effect on Oct. 5, 2012.

## Access Resources

Language resources at [nysif.com](http://nysif.com) > [About](#) > [Language Access](#) include forms in English, Spanish, Chinese, Haitian Creole, Italian, Korean, Polish and Russian, as well as an “I-Speak” language identification chart (I.), also available in all NYSIF business offices. The chart identifies 36 languages for non-English speakers.

Multilingual workers’ comp. forms, including the Claimant Information Packet, are available from the [NYSIF Forms page](#).



Available documents include the Pharmacy Benefits Management (PBM) Notice to Post in Spanish.

## NYSIF Tops MWBE Goal

NYSIF regularly contracts for supplies and services from certified Minority and Women-Owned Business Enterprises (MWBE) licensed to do business in New York State.

In the first two quarters of fiscal year 2012-13, NYSIF general procurement and investment services topped 50% MWBE participation in each quarter. This exceeded the 20% goal set by Gov. Cuomo and NYSIF’s Board of Commissioners for participation by MWBE as bidders, subcontractors and suppliers on NYSIF procurement contracts, consistent with New York State laws.

“Over the past two years, NYSIF has worked with several state agencies and other entities to promote equality of economic opportunities for MWBE and to eliminate barriers to their participation in state contracts,” NYSIF Chief Executive Deputy Director Dennis Hayes said.

Since 2011, NYSIF has hosted an MWBE symposium to bring NYSIF asset managers and MWBE financial firms together to learn about the services MWBE brokers provide. This year 150 people attended the event.

Visit [NYS Empire State Development](http://NYS Empire State Development) for MWBE requirements. All vendors may participate in NYSIF procurement opportunities at [nysif.com](http://nysif.com) > [About](#) > [Procurement Opportunities](#). E-mail questions to [contracts@nysif.com](mailto:contracts@nysif.com).



## In Memoriam: Robert H. Hurlbut

### From 1

The longest-serving commissioner in continuous service to NYSIF, Mr. Hurlbut rarely missed a board meeting in 24 years. He served as vice chairman from 1995 to 2006, and as chairman from 2006 to 2012. True to form, he attended the Board's most recent meeting in February 2013.

"Bob was a lovely, kind and good man and a dedicated and stable presence at NYSIF," Acting NYSIF Chairman H. Sidney Holmes III said. "I will miss him."

Born in Rochester, Mr. Hurlbut earned a degree in hotel administration from Cornell University in Ithaca, NY. He founded, led and consulted for companies specializing in nursing homes, long-term healthcare facilities and retirement complexes since 1956. Most recently, he founded and served as president of the Hurlbut Trust, a healthcare consulting and financial services firm, since 1994.

Mr. Hurlbut was chairman and founder of ROHM Services Corp., operating since 1964 with more than a dozen nursing homes in western New York. He also headed Vari-Care, Inc., until 1993, a five-state chain of long-term care facilities he founded in 1968. The *Rochester Business Journal* reported that Mr. Hurlbut's "radical idea" to build complexes offering assisted living and other levels of care including skilled nursing services is now an industry standard.

Mr. Hurlbut had a keen perspective on elder-care. His parents, Harold and Martha, ran an adult-care business in which essentially he grew up as child. The acronym ROHM contains his parents initials.

A member of the Rochester Business Hall of Fame and a winner of the Eastman Medal from the University of Rochester, the university's archive states Mr. Hurlbut "made an indelible mark on the University of Rochester, supporting the Medical Center, the School of Nursing, the Eastman School of Music and the Memorial Art Gallery," calling him "one of this region's most insightful and dedicated healthcare leaders."

More on Commissioner Hurlbut [nysif.com](http://nysif.com)>NYSIF News

**NYSIF**

## Customer Appreciation



M. Schwartz & Gettinger - 80 Years

## A Quick Guide to NYSIF's New Web Design

We changed our look to improve access to service for all stakeholders!

### Login/Online Services

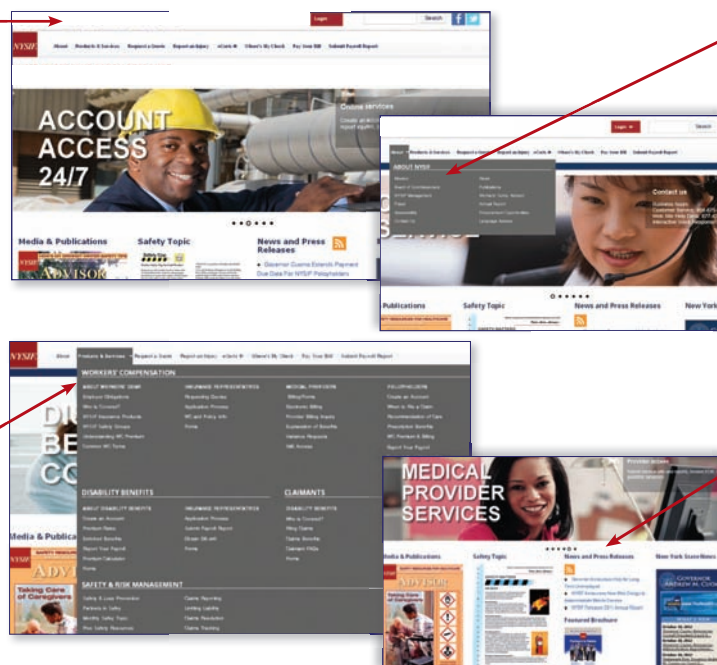
- 🔑 Login or create an account
- 🔑 Request a quote for workers' compensation or disability benefits insurance
- 🔑 Report an injury with NYSIF eFRO® (First Report of Injury)
- 🔑 Access NYSIF eCERTS® to create, print or validate a NYSIF certificate of insurance
- 🔑 Click "Where's My Check?" for the status of a benefit payment, or medical provider billing inquiry
- 🔑 Pay your bill with NYSIF eCHECK
- 🔑 Submit your payroll report

### Products & Services

Access all NYSIF services and features under four main categories:

- 🔑 Workers' Compensation
- 🔑 Disability Benefits
- 🔑 Claimants
- 🔑 Safety & Risk Management

Including important page links and forms for policyholders, claimants, medical providers and insurance representatives.



### About NYSIF

- 🔑 Learn about NYSIF services and insurance plans for any business
- 🔑 Contact Us - for web assistance, office locations and to reach our Customer Call Center; locate commonly-used forms, frequently-asked questions, and a fast, complete overview of online services menu
- 🔑 Access online publications
- 🔑 Find procurement opportunities for vendors, including MWBE
- 🔑 Download multi-lingual Language Access documents
- 🔑 Report fraud

### Newsroom

Quickly find NYSIF news and media including:

- 🔑 Our award-winning publications
- 🔑 Monthly safety topic Press releases
- 🔑 New York State news

Scroll the top panel for links to featured information and services.

For more information, see NYSIF's *Online Services* brochure at [nysif.com](http://nysif.com)>About>Publications



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Business office contact information [www.nysif.com](http://www.nysif.com)

Send WCA comments to [jmesa@nysif.com](mailto:jmesa@nysif.com)

## A NYSIF 'U' REFRESHER

NYSIF's education and information series for employers.



### Ergonomics an Rx for Healthcare and Caregivers

**P**reviously in this space, NYSIF U. cited an article by Peter Budnick, PhD, CPE, about the success of patient handling devices in preventing injuries to healthcare workers [WCA 1Q 2013, right]. Writing again for *The Ergonomics Report™*, Dr. Budnick describes a new system for reporting ergonomics problems that may help improve the quality of healthcare along with safety in hospitals.

■ The reporting system was developed and tested by researchers in Israel in two hospitals as an alternative to the typical accident investigation used for data collection. The study began with an ergonomics analysis of the daily work activities and routines performed by clinical staff, and the development of reporting forms on which participants recorded relevant difficulties and hazards in their daily work, anonymously if they so chose.

■ Final forms identified five problem areas: work procedures and structure; physical space and layout; medication administration; equipment and instructions, and reporting and recording. Among the significant outcomes, Dr. Budnick cites: a proactive, rather than reactive, approach to reporting systems; increased awareness of ergonomics concerns and self-initiated problem identification and solutions; improvements in the patient and caregiver experience as well as business/organizational purpose and success, engineered by ergonomics.

Study abstract: *Journal of Human Factors* <http://hfs.sagepub.com/content/54/2/195>

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

