

Workers' Comp

ADVISOR

nysif.com

3rd Quarter 2016

NYSIF PAYGO

**New Service Lets You
Pay As You Go For
Workers' Comp
Insurance**

- Eliminate Down Payments
- Manage Cash Flow
- Minimize Audit Adjustments

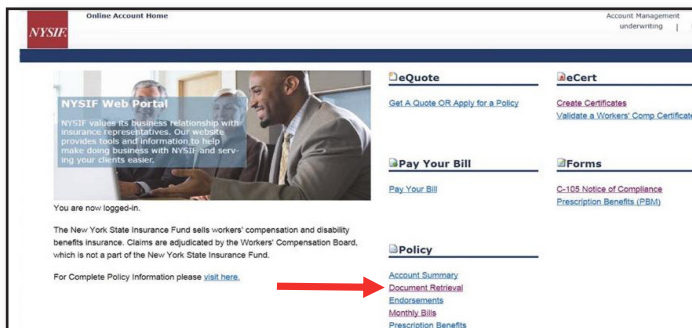


GREAT NEWS: VALIDATE CERTIFICATES OF INSURANCE WITH QR SCAN



WCA FYI

Electronic Info Pages



Choose Document Retrieval after you log in to your online account for access to your electronic policy info pages. If you don't already have an online account, you must create one by registering at nysif.com to access electronic info pages.

In our continuing effort to offer quicker and easier access to policy documents and to reduce the volume of paper communications received by customers, NYSIF now provides electronic access to policy information pages to all workers' comp policyholders, safety group managers, brokers, agents and other policy representatives.

Information pages such as declarations, endorsements, renewals, rebills and audits are available at nysif.com to registered users through their NYSIF online accounts.

Eventually, NYSIF will discontinue mailing information pages to all representatives once it adds a notification feature to alert them when policy documents are available online. Until that time, insurance representatives will continue to receive paper notifications, and will be notified in advance before paper mailings are discontinued.

Policyholders will continue to receive paper versions of all documents, with the ability to opt out of receiving paper information pages once the online notification feature is active.

MUST BE REGISTERED

You must be a registered user at nysif.com for access to policy info pages. NYSIF's new rapid registration makes it very easy to register for an online account. Simply log in at nysif.com to create an account, and receive an email with a link to gain full online access.

For help retrieving electronic policy pages, email the NYSIF Help Desk at sifhd@nysif.com or call (877) 435-7743.

NEED TO KNOW... 'One Stop Shop' for Business

Learn about tax breaks for new and existing business. Go to NYS Dept. of Tax and Finance [Business Incentives](http://BusinessIncentives) webpage.

This Issue

- [NYSIF PAYGO: An Easier Way to Pay Your Premium/3](#)
- [New Law Places Limits on Prescribing Opioids for Pain/4](#)
- [Health & Safety Focus: Guilty Verdict in Worker Death/6](#)
- [Customer Appreciation: The First Stagehands' Union/7](#)
- [NYSIF U: Hazards of Working in Confined Spaces/8](#)

QR Code Verifies Certs

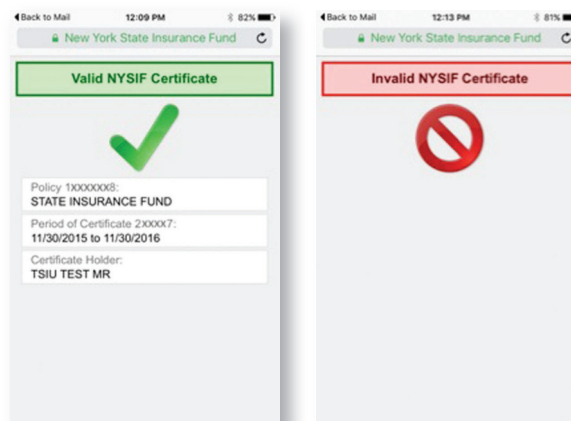
NYSIF has great news for policyholders and contractors away from the office: all NYSIF workers' comp certificates now include a dynamic QR (quick response) code, which can be scanned to instantly validate a certificate and prove coverage.

Government agencies, contractors and other businesses rely on certificates of insurance to prove that active workers' comp coverage is in place.

Certificate holders in the field or on a worksite can now verify a NYSIF certificate immediately using a QR code reader on a mobile device. Open your QR reader and point the camera at the square barcode in the upper right corner of the certificate. The QR reader will scan the code and return the certificate's status: a green checkmark for valid certificates and a red slash for invalid certificates. See screen images below.

MORE CHANGES COMING

NYSIF is implementing further enhancements to the certificate system this summer, including an online subscription service for certificate cancellations and renewals. This will eliminate unnecessary mailings of cancellation notices to certificate holders and an unnecessary drain on NYSIF resources, as our research shows approximately 80 percent of NYSIF certificates that go into cancellation status are reinstated prior to the effective cancellation date.



Introducing NYSIF PAYGO

NYSIF has a new option for policyholders to pay their workers' compensation premium – NYSIF PAYGO.

NYSIF PAYGO is a simple and convenient way for eligible policyholders to pay their workers' comp insurance through approved payroll processors.

NYSIF PAYGO allows policyholders to better manage their workers' comp costs because NYSIF will calculate premium based on actual payroll for the period.

More accurate premium calculations can mean smaller audit adjustments at the end of the policy period.

In addition, NYSIF PAYGO policies are not required to pay a premium deposit.

Find out more and learn how to enroll by visiting nysif.com/paygo or [contacting your underwriter](#).

How Do I Enroll in NYSIF PAYGO?

Using information from your payroll processor, NYSIF PAYGO will calculate workers' comp premium based on actual payroll for the period.

Most payroll processors are approved by InsurePay, NYSIF's software provider, to provide NYSIF PAYGO to eligible policyholders.

NYSIF customers who use Paychex can enroll directly at: <http://pages.paychex.com/NYSIF-WCPS.html>

NOTE: Payroll processor ADP is not participating in NYSIF PAYGO at this time.



Make easy, accurate workers' comp payments with NYSIF PAYGO!

NYSIF PAYGO is a simple and convenient way for eligible policyholders to pay their workers' compensation insurance through approved payroll processors. Find out more and learn how to enroll by visiting nysif.com/paygo or contact your underwriter.

NYSIF PAYGO Advantage

- Eliminates down payment requirements
- Calculates premium payments based on actual payroll
- Calculates more accurate premium payments, resulting in smaller audit adjustments
- Allows policyholders to match payments to cash flow

Visit [InsurePay](#) to see if your payroll provider is approved. If not, have your payroll processor contact InsurePay at support@insurelinx.com or 866-951-5469 to be added.

To begin the enrollment process with InsurePay, email NYSIF PAYGO at paygo@nysif.com.

Once you email NYSIF about participating, you will receive an email from InsurePay, explaining how to complete enrollment.

Participation is subject to NYSIF underwriting approval and acceptance of [NYSIF PAYGO Terms and Conditions](#).

Frequently Asked Questions

Q. Can enrollment occur at anytime?

Policyholders are eligible to enroll at policy issuance or renewal.

Q. Is there a fee to enroll in NYSIF PAYGO?

NYSIF does not charge a fee for the program. However, payroll companies may assess a small fee.

Q. Will a policyholder receive a bill from NYSIF while on this plan?

Policyholders will not receive a bill unless there is a balance related to a prior period.

Q. Will NYSIF require audits for NYSIF PAYGO clients?

NYSIF will continue to audit policies, but we expect the amount of time and work related to audits to significantly decrease.

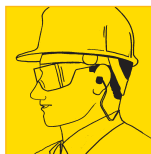
NYSIF PAYGO Eligibility

- New or renewal policies with annual premium of \$1,000 - \$250,000
- Annual premium larger than \$2,000 for all contracting codes (excluding roofing, which is not eligible for PAYGO)

See nysif.com/paygo for terms, conditions and other exclusions.

SAFETY COP

Gary Dombroff, CSC
NYSIF



Getting a Handle On Pain & Drugs

Nationwide, opioids were involved in 28,647 deaths in 2014, according to the Centers for Disease Control and Prevention (CDC). The United States is experiencing an epidemic of drug overdoses, the CDC said, driven by a 200% increase in the rate of overdose deaths involving opioid pain relievers and heroin. The most commonly prescribed opioid painkillers, oxycodone and hydrocodone, were involved in more overdose deaths than any other opioid type.

New York is one of many states faced with a heroin and opioid crisis. Of the opioid-prescription overdose deaths in 2014, roughly 8% (2,300) occurred in New York State, according to the 2016 Report of the New York State Senate Majority Coalition Joint Senate Task Force on Heroin and Opioid Addiction.

Injured workers are frequently prescribed opioids for pain. The National Safety Council (NSC) cites a 2012 Workers' Comp Prescription Drug Study that found 25% of prescription drug claims were for opioid pain medication.

**'IT'S A VERY IMPORTANT
ISSUE FOR EMPLOYERS TO
PAY ATTENTION TO AND
NOT PUT THEIR HEAD IN
THE SAND.'**

According to the NSC report, one study found that receiving more than a week supply of opioids soon after an injury doubles a worker's risk of disability one year later. Several state courts have found employers and insurers financially responsible when an injured worker who is prescribed painkillers fatally overdoses, the NSC reported.

"It's very important for employers to understand this is an

issue they need to pay attention to and not put their head in the sand," NSC President Deborah Hersman was quoted.

The CDC identifies opioid addiction as the number one risk factor for heroin addiction, and overprescribing opioids as a key driver of America's drug-overdose epidemic.

Created in March 2014, the New York State Joint Senate Task Force on Heroin and Opioid Addiction has held 18 forums in regions throughout New York State to examine the rise in heroin and opioid addiction, and enacted 11 bills signed by Governor Andrew Cuomo to fight substance abuse.

New Law Addresses Crisis

On June 22, 2016, Governor Cuomo signed landmark legislation to combat heroin and opioid addiction in New York. Following recommendations made by the task force, the legislation takes major steps to increase access to treatment, expand community prevention strategies, and limit the over-prescription of opioids.

The new law limits initial opioid prescriptions from 30 to seven days and requires mandatory prescriber education on pain management, while lifting barriers to treatment for addiction.

These greatly expand on several measures taken since 2011 to identify and address shortcomings in prevention and treatment, including Good Samaritan protections to encourage people to call 911 in overdose situations, and the Internet System for Tracking Over-Prescribing Act (I-STOP), a Prescription Monitoring Program (PMP) to prevent patients from "doctor shopping" for multiple prescriptions for controlled substances.

Earlier this year, the governor announced that New York was joining the National PMP InterConnect hub, allowing states to share data to prevent individuals from stockpiling dangerous drugs, and on March 27, New York State began requiring mandatory electronic prescribing in all but limited situations.

Strategies to Curtail Usage

As of September 2015, there have been more than 34 million PMP searches conducted for more than 12 million patients since enactment of the Prescription Drug Reform Act of 2012 and I-STOP, leading to an 82% drop in the number of doctor shoppers, according to the task force.

New York doctors must consult the PMP registry when prescribing Schedule II, III and IV controlled substances. The registry provides direct, real time access to view controlled substance prescription histories for patients. Many opioids now fall under federal controls governing amounts dispensed, refills and proper physician oversight.

There is more encouraging news. A 2015 Drugs Trend Report by a large workers' comp prescription benefits man-

A NEW LAW LIMITS INITIAL OPIOID PRESCRIPTIONS FROM 30 TO SEVEN DAYS.

ager that examined more than 400,000 claims and more than seven million prescriptions noted a 2.9% decrease in opioid utilization.

States are developing coordinated strategies to fight opioid abuse while not ignoring the all-too-real pain that workers may suffer. While oxycodone and hydrocodone are sometimes right for short-term acute pain expected immediately after an injury, surgery and early in the healing process, the NSC says evidence indicates increased use of these drugs does not result in better treatment outcomes.

The New York Workers' Compensation Board (WCB) Medical Treatment Guidelines (MTGs) urge doctors not to use opioids as the first option for regular problems such as backache and arthritis. The WCB recommends that physicians substitute treatments such as NSAIDs (nonsteroidal anti-inflammatory drugs) and physical therapy, whenever possible.

NYSIF has implemented case management strategies that

address the MTGs and opioid abuse. NYSIF claims managers, medical care reps, hearing reps, and other personnel have received training geared toward modifying dangerous, long-term opioid treatment for claimants.

NYSIF's Division of Confidential Investigations and Legal Department work jointly with the New York State Police, FBI Healthcare Task Force, the DEA, and federal and state prosecutors to reduce prescription drug fraud and abuse.

NYSIF's objective is to achieve the best health outcomes for injured workers.

RESOURCES FOR NEW YORKERS

New York has many resources for help with heroin and opioid addiction, accessing treatment, insurance coverage, and prevention.

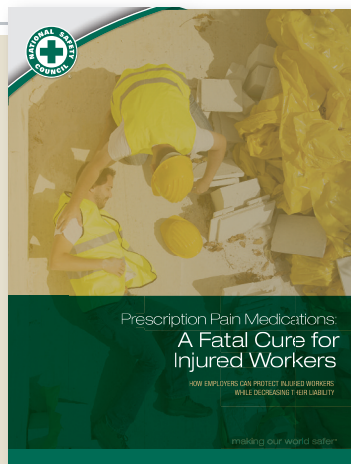
Addiction HOPEline: **1-877-8-HOPENY (1-877-846-7369)** or text **HOPENY** (Short Code 467369).

NY Combat Heroin and Prescription Drug Abuse Page
www.combatheroin.ny.gov

Office of Alcoholism and Substance Abuse Services
www.oasas.ny.gov/accesshelp

Kitchen Table Toolkit
www.combatheroin.ny.gov/kitchen-table-toolkit

Conversation Starters
<http://talk2prevent.ny.gov/toolkit/conversation-starters>



Opioids Prevalent in the Workplace

Estimates suggest the annual economic burden of opioid abuse is more than \$60 billion, nearly half of which is related to workplace costs.

According to the National Safety Council (NSC), 23% of the U.S. workforce has used prescription drugs non-medically. Even employees who take a medically-prescribed dose may be too impaired to work.

According to NSC, injured workers who are prescribed even one opioid have average total claims costs that are four times greater than similar claims from workers who were not prescribed opioids.

Several factors increase the risk of an opioid overdose, especially for injured workers at high risk: Taking a high dose over an extended period, taking multiple opioids, or mixing them with alcohol, sleeping pills, anti-depressants and anti-anxiety medications. Sleep apnea, heart failure, obesity and respiratory conditions also increase the risk.

What's an employer to do? Here are some NSC resources intended to help save lives, jobs, and reduce human costs.

Addressing Opioids in the Workplace

<http://www.nsc.org/learn/NSC-Initiatives/Pages/prescription-painkillers-for-employers.aspx>

Prescription Pain Medications: A Fatal Cure for Injured Workers

<http://www.nsc.org/RxDrugOverdoseDocuments/Rx-Fatal-Cure-For-Injured-Workers.pdf>

The Proactive Role Employers Can Take: Opioids in the Workplace

<http://www.nsc.org/RxDrugOverdoseDocuments/proactive-role-employers-can-take-opioids-in-the-workplace.pdf>

Prescription Drug Abuse: What Employers Can Do

<http://www.nsc.org/RxDrugOverdoseDocuments/RxKit/EMP-Prescription-Drug-Abuse-What-Employers-Can-Do.pdf>

Health & Safety Focus

Construction Company Guilty in Worker Death

General contractor Harco Construction, LLC, was found guilty of manslaughter, criminally negligent homicide and reckless endangerment in the trench collapse that killed worker Carlos Moncayo, 22, last year, the New York County District Attorney announced on June 12. The DA said Harco failed to heed and address unsafe work conditions at the construction site.

Mr. Moncayo, who was buried alive, worked for subcontractor Sky Materials Corp [\[WCA3Q2016\]](#), against whom the same charges were pending trial.

Worker advocates said they believed this was the first trial conviction of a general contractor for an on-site worker death. The DA vowed to pursue criminal charges against other companies that put expediency and profit above safety.

Indicted for Manslaughter in Fall

A Bensonhurst, NY, construction company owner was indicted on manslaughter and other charges following the April 2015 death of a worker at a Coney Island worksite, the Occupational Safety and Health Administration (OSHA) reported. The owner faces up to 15 years in prison if convicted.

The fatality followed multiple citations to the company since 2011 from OSHA and the NYC Department of Buildings for failing to provide proper fall protection. Victim Vidal Sanchez-Ramon was not wearing a harness when he fell from the sixth floor of the worksite, nor was required fall protection installed, OSHA said.

Fall Prevention Infographics Available

OSHA, the [National Institute for Occupational Safety and Health](#) (NIOSH) and the [Center for Construction Research and Training](#) have a new series of infographics in English and Spanish to raise awareness of fall hazards in construction. Download the materials for use in social media and presentations from [stopconstructionfalls.com](#).

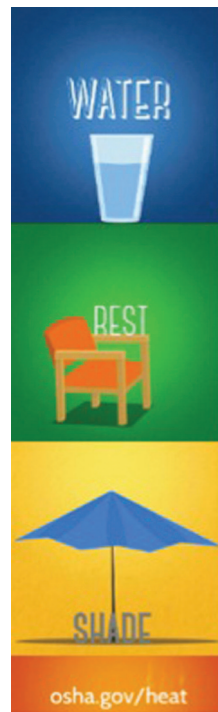


Workplace Violence: OSHA Citations

Two employers were recently cited for failing to protect employees from the threat of [workplace violence](#).

A New Jersey convenience store received a violation after a worker was fatally shot in a robbery. OSHA said there were repeated violent incidents at the store, including armed robbery, but the employer did not implement safety measures to protect employees.

A Nebraska facility for the developmentally challenged received a violation after a pregnant worker who was bit and kicked by a client had to be hospitalized. The facility was also cited for not reporting the hospitalization within 24 hours, as required by OSHA's [reporting regulation](#).



Summer Heat Safety

In 2014, 2,630 workers suffered from heat illness and 18 died from heat stroke and related causes, according to OSHA, even though heat-related fatalities are entirely preventable when employers and employees heed the dangers of working in the heat. A majority of heat-related deaths investigated by OSHA involved workers on the job for three days or less – highlighting the need for employers to ensure that new workers become acclimated to the heat when starting or returning to work.

OSHA's [webpage](#) has heat safety tips, an animated video, heat exhaustion and heat stroke illustrations, training resources, and a link to its heat safety phone app. Use #WaterRestShade for more information.

Fined \$105K for Chemical Exposure

A safety and health complaint led inspectors to a Syracuse, NY, rail manufacturer where they found workers exposed to serious levels of cancer-causing chemicals including silica, lead, nickel and cadmium among 17 violations totaling fines of \$105,000.

Final Silica Rule

A final rule updating protections for workers exposed to silica dust is expected to curb lung cancer, silicosis, chronic obstructive pulmonary disease and kidney disease, OSHA stated. About two million construction workers who drill and cut concrete and stone, and 300,000 in brick manufacturing, foundries and hydraulic fracturing are exposed the respirable crystalline silica.

The rule provides greater compliance assistance by including a table of specified controls, and staggering dates to meet requirements. OSHA's [silica rule webpage](#) offers fact-sheets, answers to frequently asked questions, and [email updates](#) on compliance.

Zika Virus Guidance

OSHA and NIOSH offer guidance to protect workers at risk for Zika virus through on-the-job exposure to mosquitoes, or the blood and other body fluids of infected individuals. Although Zika has not spread to mainland USA through mosquitoes, it has spread in Central and South America, Mexico and parts of the Caribbean, including U.S. territories. Visit OSHA's [Zika webpage](#).

CUSTOMER APPRECIATION



F.A. Guernsey's Company, Schoharie, 85 Years

Customers have relied on Guernsey's Schoharie Nurseries for the best choices in landscape design for over 125 years. Guernsey's guarantees to have all the trees, plants, flowers and materials needed for the ideal landscape project. The company, its website reads, has been "Growing since 1889!"

Photo (l.-r.): President Floyd Guernsey, NYSIF Policyholder Services Rep Julie Turgeon.



Theatrical Protective Union Number One, New York, 80 Years

Theatrical Protective Union Number One traces its roots to 1853 and the Theatrical Workman's Council, the first stage employees' organization. Incorporating in 1865 as the Theatrical Mechanical Association, it adopted a new charter on April 26, 1886, as the Theatrical Protective Union of New York. Designated Theatrical Protective Union Number One in honor of its place in history, it became known as Local One, the "mother local" of the National Alliance of Theatrical Stage Employees, and today holds a place of honor in the Alliance, which became the International Alliance of Theatrical Stage Employees (IATSE) in 1902.

Photo (l.-r.): Treasurer Robert McDonough, NYSIF Field Rep Robert Cooney, Recording Secretary Robert C. Score



H Brickman & Sons, Manhattan 75 Years

H Brickman & Sons, an independently owned Ace Hardware and Benjamin Moore Paint dealer serving Lower Manhattan since 1933, continues a family tradition. Its three locations serve Washington Square, Greenwich Village, Stuyvesant Town and neighborhoods throughout NYC with a full line of hardware, housewares and paints.

Photo (l.-r.): Manager Paul Brickman, NYSIF PHS Rep Trainee Chris Menasche



John J Doody & Sons, Brooklyn 75 Years

Doody Home Center, a fourth generation family-owned business, has been serving customers since 1925 as the local alternative to the "big box" chains, with competitive prices and friendly customer service as the cornerstone of its business.

Photo (l.-r.): President Peter Doody, NYSIF Field Rep Sheena James

Workers' Comp. Advisor

New York State Insurance Fund
Media and Publications Office
13th Floor
199 Church Street
New York, NY 10007

PRSRT STD
U.S. POSTAGE
PAID
Per mit #125
Far minghamdale, NY

Andrew M. Cuomo
Governor
Kenneth R. Theobalds
Chairman



Commissioners

Chair **Kenneth R. Theobalds**, VP, Gov't. & Regulatory Affairs, Entergy • Vice Chair **Barry Swidler**, CEO, Long Island Carpet Cleaners Inc. • **Joseph Canovas**, New York AFL-CIO • **Eileen A. Frank**, President, J.P. West Inc. • **Charles B. MacLeod**, Principal/Owner, SMM Advertising • **Dr. Navneet Kathuria**, MD, VP, Meridian ACO • **David E. Ourlicht**, Managing Director, GAMCO Asset Management • **Louis J. Roberti, Jr.**, President/Principal, Arroway Chevrolet, Arroway Chrysler Dodge Jeep • **Sheila A. Stamps**, Former Executive VP, Dreambuilder Investments LLC • **Alexis E. Thomas**, Principal, The Williams Capital Group LP • **Roberta Reardon** (ex-officio), Commissioner, State Dept. of Labor

Eric Madoff Executive Director & CEO

Shirley Stark Deputy Executive Director & Chief of Staff

William O'Brien General Attorney

Francine James Secretary to the Board of Commissioners

Business Managers **Michael Rachek** Bronx/Queens **Lorna Morris** Brooklyn/Staten Island **Les Javorsky** Lower Manhattan **John Zenkewich** Upper Manhattan **Augusto Bortoloni** Albany **Thomas Racko** Binghamton **Ronald Reed** Buffalo **Cliff Meister** Nassau **Lisa Ellsworth** Rochester **Catherin Carillo** Suffolk **Patricia Albert** Syracuse **Carl Heitner** White Plains

Workers' Comp Claims/Service 1-888-875-5790

Disability Benefits Claims/Service 1-866-697-4332

Business Offices nysif.com • WCA Comments jmesa@nysif.com

A NYSIF 'U' REFRESHER

NYSIF's education and information series for employers.



Hazards of Working in Confined Spaces

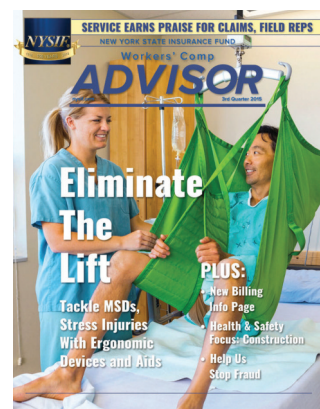
In a case that serves as a reminder about required safeguards for working in confined spaces, the Occupational Safety and Health Administration (OSHA) recently cited a local food processing plant with a dozen alleged safety violations after a worker was seriously injured when he fell into a 3,000-gallon tank.

According to OSHA, the company allegedly failed to identify confined space hazards such as oxygen deficiency and acetic acid vapors, and allegedly failed to provide air monitoring and rescue equipment for workers entering confined spaces. OSHA stated the employee fell from a ladder leading into a tank he was about to clean. Among other hazards, OSHA said it found the following:

- Inadequate respiratory protection
- Lack of emergency eyewashes and splash goggles
- No chemical hazard communication program and training

OSHA standards require employers to identify confined spaces in their workplaces and maintain a comprehensive and effective confined space program.

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



[WCA3Q2015](#) (pg. 2) noted OSHA confined space rules