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*Workers' Comp.*

# ADVISOR

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October, November, December 2008

# PREVENTING A 'BACK ATTACK'

**Special Back Safety Issue**

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**Pull-Out-and-Post Presentation:**  
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**Dynamics of the Back**  
**Basic Rules of Lifting**  
**Mechanics of the Body**  
**Sad, But True Case Study**

**Need to know...**

British researchers last year found that returning to work can help some back pain sufferers recover more quickly.

## Gov.: '09 Rates to Decline

Governor David A. Paterson announced that workers' comp. rates will fall by about 5% on average in 2009, the second decline in a row. In 2008, rates fell an average of 20.5%. Gov. Paterson credited the lower rates to workers' comp. reform passed in 2007, including a new system that ties rates to the actual loss cost of paying claims according to data submitted by insurance carriers.

"We will continue to work hard to cut costs for New York businesses and improve benefits for injured workers," Gov. Paterson said.



## Service Adds New Convenience

NYSIF Executive Director David P. Wehner announced a new service, **NYSIF eCHECK**, that allows policyholders to pay their premiums by electronic funds transfer from a bank at no extra charge.

Workers' comp. and disability benefits policyholders can use the service at [nysif.com](http://nysif.com) by clicking on "Pay My Bill." Have your policy number, premium amount, bank account number and bank routing number available.

Easy and convenient, the service lets policyholders pay their premiums without having to write a check, use a credit card, incur fees, or use a stamp and envelope to mail a payment. It may also help avert cancellation.

"Completing a simple transaction through our web site



## Policyholders, Claimants Receive PBM Notice

Policyholders and claimants were notified via letter in late summer and early fall of details regarding NYSIF's pharmacy benefits management program with Express Scripts, Inc., its pharmacy benefits manager (PBM).

■ In accordance with 2007 Workers' Comp.

Reform requiring carriers and self-insureds to use a PBM for medication prescribed for work-related injury or illness, NYSIF claimants should fill prescriptions at a pharmacy within the Express Scripts network. ■ NYSIF sent policyholders a notice to post in the workplace, *Notification Concerning Workers' Compensation Pharmacy Benefits*, informing employees of the PBM program. Copies of the notice are available by e-mailing [PBMnotice@nysif.com](mailto:PBMnotice@nysif.com). ■ NYSIF also sent employers a *Workers' Compensation Temporary Prescription Services ID* form. This is for NYSIF's "short-fill" service that allows injured

workers immediate acceptance by any PBM pharmacy. New York law does not require NYSIF to offer this service, but NYSIF provides a limited number of cost-effective prescription benefits for new claims to help injured workers to get through the first, difficult days after an injury and before the claim is accepted.

■ Claimants injured under a NYSIF policy should bring this completed form along with their prescription(s) to any pharmacy in the network. ■ Injured workers can quickly find local participating pharmacies by visiting [nysif.com](http://nysif.com) and clicking on "Find a Network Pharmacy" to take them to the ExpressComp Pharmacy Locator, or they may call Express Scripts' 24-hour patient care hotline at (866) 533-7011. Express Scripts also has a mail-order service. ■ Network pharmacies must stay open during hours that are typical in their communities, must stock a sufficient supply of medication to serve claimants without undue delay, and must post a sign stating they serve claimants who receive NYSIF benefits.

*NYSIF Workers' Comp. Advisor October/November/December 2008*

### This Issue



### Show Employees How to Be Good to Their Backs

Back injuries are the No. 1 on-the-job malady in America. Safety and health experts agree most back problems result from pushing the body beyond its natural limits, either by lifting, kneeling, twisting, gripping, stretching, reaching, or working in other awkward positions. This special issue gives workers some easy-to-

understand information about how their backs work and some easy-to-follow guidance on the Basic Rules of Lifting, Body Mechanics and Easy Exercises to Support a Stronger Back. Remove NYSIF's pull-and-post Back Safety Presentation from the centerfold, then rotate posting the front and back of this informative pull-out in your workplace.

**Pages 3-6**

saves time, money and makes it easier for customers to do business with us by being able to pay their premiums in a quick, efficient manner," Mr. Wehner said.

**Please note:** Payment by eCHECK results in an immediate deduction of funds from your checking account. Using eCHECK triggers a one-time deduction and does not establish a monthly payment. Once your transaction is complete, you'll receive on-screen confirmation and a printable receipt. Payment is credited within 48 hours.

Policyholders can also make an eCHECK payment by phone by calling **877-309-6028**.



# Keeping Your Back from Going Out of Whack

By Veronica Migon, NYSIF Field Services Representative

**B**ack pain is the most common work-related medical problem in the United States. This article will include discussion on the dynamics of the back, how to lift correctly and exercises to keep a back strong. I'm also going to talk about jelly donuts, toddlers and a gallon of milk. What do they have to with back safety? We'll get to that later.

Back safety is important to every worker. No matter what you do—from sedentary clerical jobs to very active, physical jobs like construction or warehouse work—a back injury will cause pain and, in some cases, the inability to do your job. Just as important, your personal life and your family life also will suffer due to a back injury.

**Interestingly, while many Americans know the roles that cholesterol, diet and exercise play in preventing heart attacks, few Americans know how to prevent spinal problems, or a “back attack.”** Everyone understands that chest pain is a signal that something is wrong. Random bouts of back pain, however, are largely ignored until the problem becomes more serious, and a disc is herniated.

## **AVOIDING MORE SERIOUS PROBLEMS**

What happens more often are muscle or ligament injuries. These types of injuries, although painful, are generally short term. The pain is your muscles way of saying, “Hello, you're working me too hard, I need a break!” Your back is telling you to take it easy; apply moist heat; rest for a few days. On the job, be more conscious and cautious to avoid back stress.

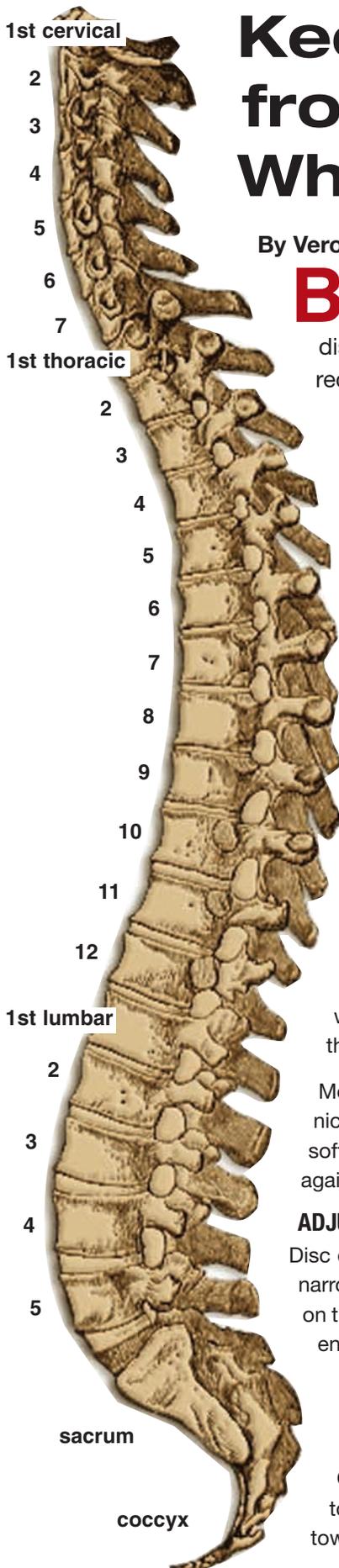
The spine looks like an “S”. This is its natural, and strongest, position. You are less likely to suffer a back injury when your spine is in the natural position. Of course, when we're busy at work we don't think about keeping our backs in the natural position. We stretch, reach further than we should, twist into awkward positions and, in general, think we are contortionists.

More serious injury occurs when there is disc damage. In a healthy back, your vertebrae all sit nicely, one on top of the other, with the discs cushioning them. Discs are pads of cartilage with a soft liquid center. They act as ligaments holding the vertebrae together, and as “shock absorbers” against the impact of daily activities by keeping the bones from rubbing against one another.

## **ADJUST BODY MECHANICS, LIFESTYLE**

Disc damage occurs when there is a herniated disc or a bulging disc injury. These injuries cause a narrowing of the spinal canal due to an impingement or bulge. There is pressure on the nerves or on the spinal cord, and there may be considerable pain, a weakening of the muscles, and/or a lessening or loss of normal body function.

**Poor posture combined with habitually incorrect body mechanics stresses the spine and its ability to carry the bulk of your body weight.** This is compounded as we age because biochemical changes cause discs to gradually dry out, affecting disc strength and resiliency. Other factors—lifestyle choices, lack of regular exercise, inadequate nutrition—can contribute to poor disc health. Proper posture, body mechanics and a healthy lifestyle can go a long way toward maintaining healthy discs and a healthy back.



# Basic Rules of Lifting

**B**ecoming familiar with the dynamics of the spine, and the importance of proper posture and body mechanics are crucial to the long term health of your back. Now, let's discuss lifting.

## WHAT ARE THE "RULES OF LIFTING"?

- Never bend, lift and twist at the same time.
- Use mechanical aids or assistance when possible.
- Bend your knees and use your legs to lift.

**Before attempting to lift or move something heavy, it is important to step back and analyze what needs to be accomplished. Think about how heavy the object is, how far it has to be moved, where it is going to end up? What is the shape of the object? Is it cumbersome, will it be easily manipulated? Is it a two-person job? Is there anything in the way that needs to be moved prior to lifting?**

Stand directly in front of the load with feet about shoulder width apart. One foot should be slightly forward of the other for balance. Then bend the knees and tighten the stomach muscles. Using both hands, grasp the object firmly and pull it as close as possible to your body.

**Since leg muscles are stronger than back muscles, lift with the legs until they are straightened.** Avoid sudden movements. Keep the natural curve in the spine; don't bend at the waist.

To change walking positions, turn your body completely instead of twisting at the stomach. This turn is similar to a military-type turn.

What happens when you bend at the waist to pick up an item? Your spine is no longer in its neutral and natural "S" shape. When this happens you are more likely to have an injury. **Whether it is picking up a newspaper or a cement block, you can injure your back by bending at the waist.**

Lifting is not the only way to suffer a back injury. Remember that standing, sitting and lying down can also contribute to back pain and back injury.

## Most important rule:

**THINK BEFORE YOU LIFT.** No amount of safety training can substitute for common sense when it comes to lifting, pushing or pulling anything. This is not to imply that unsafe behaviors should not be addressed and corrected. As a worker, however, you have the major responsibility for following proper lifting procedures to avoid injury.



# Mechanics of the Body

## STANDING

When standing, maintain good posture. Stand straight; don't slouch. If you stand for long periods of time, use a footrest or anti-fatigue mat. Wearing good shoes is a necessity.

## SITTING

Did you know that sitting is harder on your back than standing? When sitting, be sure to sit up straight; don't slouch. If you must sit for long periods of time consider using a pillow or a rolled up towel to support your lower back. All people are not built the same so select a chair that fits you.

## DRIVING

Many of us have jobs that require long distance driving. Whether you are a truck driver or a salesperson, driving long distances takes a toll on your back. The seat in a car tends to be of the "bucket" type and the support for the lower back is not sufficient. If this is the case, your spine's natural "S" shape is compromised. Consider a pillow, rolled up towel or other support for your back while driving.

Drivers tend to get bulging discs in the lumbar and the sacrum sections of the spine. This will cause pain in the legs as the bulging discs put pressure on the sciatic nerve.

## Easy Exercises for Stronger Back Support

In an effort to keep your back strong, a series of exercises can be done. I do these exercises and they work to support the lower back. Good, strong muscles, along with the tendons and ligaments, support the spine.

**The Knee Raise** is a good stretching exercise. Lie down on your back with your knees bent. Raise one knee at a time to your chest, and hold it for 30 seconds. Lower your foot to the floor, and raise the other knee. You can do this before your get out of bed in the morning.  
*Repeat six times for each leg.*

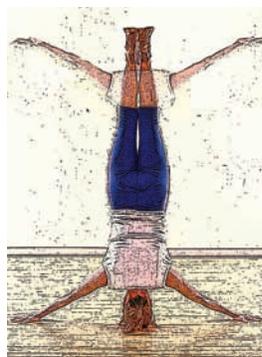
**The Leg Lift** is very beneficial as it helps strengthen your gluteus maximus, which helps support your lower back. Lie

*These exercises are presented for informational purposes only. It is advisable that you consult a physician to determine if you're healthy enough before attempting any type of exercise.*

## LYING DOWN

One more position to discuss—lying down. Be sure to select a mattress that doesn't sag. Sleep on your side with your knees bent. If you sleep on your back, try putting put a pillow under your knees. This will take extra stress off the lower back. Avoid sleeping on your stomach because your back loses its natural "S" shape in this position.

*"Back safety" is one of the topics most requested by policyholders when NYSIF loss control specialist Veronica Migon visits work sites in the Syracuse area. An employer recently thanked Ms. Migon for sharing information that was "helpful and practical." She shares the information here in an article culled from her back safety presentations.*



face down on the floor with your head resting on your folded arms. Lift your right leg up from your hip until you feel the muscles stretch. Inhale while lifting up your leg, and exhale while lowering your leg. Return to your starting position. Relax.  
*Repeat eight - 10 times for each leg.*

**The Half Sit-Up** strengthens your stomach muscles. Stomach muscles

attach to the ligaments and tendons that support your spine. Lie down on your back with your knees bent. Put your arms on your chest. Raise your body six to eight inches off the floor. Hold for five seconds and relax.  
*Repeat six times.*

Remember, our bodies are incredible instruments and when used correctly will work well. Once you start to misuse your body, it will breakdown.

# The Sad Story of Hard-Working Joe



**J**oe was a 49-year-old ironworker and he is now disabled due to a back injury. Why? Joe (not his real name) was the strongest man I have ever met, with huge biceps and hands. Joe's job was seasonal in nature, working during the summer and being idle in the winter. Joe worked for the same employer for 27 years, never missing a day of work due to illness. Joe never complained about his body hurting, never really injured himself, only the occasional strained muscle.

One year, work lasted longer than usual and Joe ended up working in December. His specialty was tying rebar and he was working on putting up a wall. Joe climbed up the wall wearing his fall protection—a belt with hooks he tied off. He would tie

the rebar, then proceed along the wall by unhooking the belt and moving as needed.

This day in December, it was 18 degrees below zero, which didn't include the wind-chill factor. Joe was hanging 30 feet in the air off the wall. Joe was wearing the usual long underwear, workpants and jacket. Anyone who wears a jacket knows that it never covers up the entire backside. So, this scenario pits Joe against exposure to extreme cold temperatures on his lower back area, hanging by a waist belt that is putting pressure on his lower back, and stretching to tie the rebar. A "perfect storm" for an injury.

## LIFE CHANGING INJURY

His back hurt so much, Joe barely made it home that day. He thought a hot shower would relax his back since he figured he had pulled a muscle. Joe took the hot shower, stepped out, and collapsed. He couldn't walk! The cold weather had kept the injury from swelling, but once the hot water warmed up the area, the tissue fluid immediately swelled in the damaged area, causing debilitating pain.

Joe's diagnosis was bulging discs at L3, L4 and L5 with nerve impingement. Joe had severe pain down his left leg, as the sciatic nerve is involved. Joe had back surgery and now the pain only goes to his knee. He is on nerve medication, pain patches, and anti-depressants for his low self-esteem.

Joe's injury has completely changed his personal life. He was an avid bowler with a 200 average. Now he can't throw the ball. He used to walk five miles a day. Now he can walk approximately 50 feet, then needs to sit down. He hasn't slept through an entire night in three years due to the pain. There are many ways Joe's life has changed and none for the better. With the damage to his nerves and back we only hope he doesn't get any worse as he ages.

## Could Joe's accident have been avoided?

A safety culture needs to be continually reinforced in all aspects of job safety. Consider body mechanics, weather conditions, stretching and warm up exercises, and extra breaks. We know this takes time, and time is money, but in addition to losing a valued employee, a claim like Joe's will affect a company's experience for years to come.

## What we can learn about our backs from jelly donuts, toddlers and a gallon of milk

■ To explain a disc injury, picture a jelly donut. Your disc has the same dynamics—a soft, almost liquid center, and a harder outer surface. When your vertebrae moves, bends and presses on



its disc, sometimes the disc gets pinched so hard that the "jelly" squeezes out. Just like biting into a jelly donut, while the jelly squeezes out the other end from too much pressure. This is a herniated disc.



■ How many of you have toddlers around? Watch these little people.

They have perfect little bodies and know the correct way to lift.

Toddlers do not bend at the waist to pick things up. They squat. First of all, they haven't learned any bad habits; secondly, if they bent at the waist they would fall over since their heads are a bit too big for their bodies at this age.



■ When you bend at the waist to lift you put an enormous amount of pressure on your lower back. The pressure on your lower back is equal to the total of the weight of your upper body plus

the weight of the item you are lifting, times 10. Take a gallon of milk, for example. A gallon of milk weighs slightly over eight pounds. The average upper torso weighs 105 pounds:  $8 + 105 = 113$  pounds; so,  $113 \times 10 = 1,130$  pounds of pressure on your lower back. Wow! Now think of some other items you lift on a regular basis. Everything times 10.

# Busy Season For NYSIF Fraud-Fighters

NYSIF turned up the heat as a very active summer for the Division of Confidential Investigations (DCI) led to a wave of fraud arrests. A recap of recent cases:

## Bar Owner Booked

The owner of a Tompkins County tavern was arrested and charged with paying five employees off the books including a bouncer who was injured when he tried to escort a patron out of the Roman Village Bar at 346 Locke Road.

**Monica J. Todd**, 42, of Groton, was charged with offering a false instrument for filing and committing a fraudulent practice.

## Boiler Man Busted

Authorities arrested a man who had been receiving benefits from NYSIF while working for the Masonic Care Community in Utica in a case with an estimated potential fraud value of more than \$82,000.

**Clarence Ward Burk**, 73, aka Ward Burk, of Rome, NY, was charged with offering a false instrument for filing, insurance fraud and fraudulent practices—all felonies—for receiving benefits for a previous injury, while working in the boiler room of the health care facility run by the Masons.

## No Sale for Waitress

An Ontario County, NY, waitress receiving workers' comp. benefits for injuries she sustained in 2002 was charged with felony fraudulent practices allegedly for selling pain killers prescribed for her injuries.

Under a relatively new provision of workers' comp. law that treats the sale of narcotics as employment, Ontario County Sheriff narcotics officers arrested **Leeann MacArthur**, 48, of Honeoye, for allegedly selling OxyContin and hydrocodone prescribed for neck and back pain. After authorities filed drug charges against Ms. MacArthur, a joint probe with DCI culminated in her arrest on the fraud charge.

## Contractor Serving Time

A Suffolk County contractor is serving a year in prison after he pleaded guilty in a case of

workers' comp. fraud and received a concurrent sentence in connection with an unrelated grand larceny plea.

**Daniel Brabant**, 45, of Bellmore, NY, was sentenced in the fraud case after pleading guilty to offering a false instrument for filing as a misdemeanor relating to an alleged forged insurance certificate that he used to obtain a building permit from the Village of Lindenhurst.

## Charge Thruway Worker

A NYS Thruway Authority employee was arrested for collecting injured worker benefits from NYSIF while allegedly employed by an Albany area trucking company.

**Steven Epstein**, 45, of Glenville, was charged with violating Sect. 114 of the Workers' Comp. Law and falsifying business records, both felonies. Mr. Epstein allegedly was working for Blackburn's Trucking, in Colonie, at the time he submitted signed forms to NYSIF indicating he had not returned to any type of work.

## Two Arrests, \$300G Savings

Two individuals who allegedly worked while collecting workers' comp. benefits were arrested in separate cases of fraud with a total estimated potential value of more than \$300,000. State police arrested **Ronald Hansen**, of Ballston Lake, and **Tyniquia Scott**, of Poughkeepsie, charging each with Workers' Comp. Law violations, insurance fraud and grand larceny.

## Contractor, Sub In Mix

A Buffalo area contractor and the sub-contractor he hired are both facing charges of workers' comp. fraud following their arrests by New York State Police.

**Phillip Gish**, 70, of East Aurora, owner of Gish Construction, allegedly concealed the hiring of **Michael Hanson**, 44, of Kenmore, during a routine NYSIF audit. Mr. Hanson, who was collecting workers' comp. benefits from NYSIF, was charged with offering a false instrument for filing and insurance fraud.

Gov. David A. Paterson named three new members to NYSIF's Board of Commissioners:



## H. Sidney Holmes III

Commissioner Holmes is a corporate partner with Winston &

Strawn, LLP. A graduate of Columbia University, Mr. Holmes holds a JD from Hofstra University School of Law. He is a commissioner of the Port Authority of NY&NJ and board member of the NY Urban League, Greater Jamaica Development Corp., and Brooklyn Navy Yard Development Corp.



## R. Wayne LeChase

Commissioner LeChase is chairman and managing partner of

LeChase Construction. A member of the Rochester Business Hall of Fame, Mr. LeChase has a BS degree from John Carroll University, a JD from SUNY Buffalo and an honorary law degree from St. John Fisher

College.



## David E. Ourlicht

Commissioner Ourlicht is senior vice president of

Marketing and Sales for Amalgamated Bank's Trust and Investment services. Mr. Ourlicht has a business degree from SUNY Buffalo, and over 20 years experience in financial services, investment, marketing, client service and business development.

The NYS Senate has confirmed all appointments.

**"In many cases, the potential exists for hundreds of thousands of dollars to continue to be gotten unlawfully were it not for the arrest and prosecution of those who commit fraud."**

—NYSIF Exec. Dir. David P. Wehner

*Criminal complaints and indictments are accusations only. Defendants are innocent until proven guilty.*

**Monthly Safety Cop** will return next issue

**Safety Topics**

Find safety topics at [nysif.com](http://nysif.com) > Safety & Risk Management > Small Business

**October Fire Safety**

**November Trenches and Excavations**

**December Workplace Violence - Retail**

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

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

## Crackdown on 'Extensive' Labor Abuses

The NYS Workers' Comp. Board and the NYS Department of Labor continued to crackdown on rogue employers who skirt labor laws.

In September, the Board announced it had issued 1,000 stop work orders since July 2007 to New York businesses that failed to carry workers' comp. insurance. The Board said it has assessed \$7 million in fines against companies for failing to provide workers' comp., or furnish employee payroll, wage and classification records.

The Labor Department said it found multiple violations of minimum wage, overtime and other basic labor laws by employers including thoroughbred owners and trainers at Saratoga Race Track, a state fair restroom contractor, car wash operators, and a garment producer for some high profile retailers.

Labor Commissioner M. Patricia Smith said investigators found "extensive abuse" affecting Saratoga's backstretch workers, employed by individual

trainers who function as independent contractors for multiple owners; restroom attendants at state fairs employed by Pennsylvania-based Portlock Maintenance Systems; car wash workers at nearly half of all car wash facilities statewide, and factory workers who produce garments for Macy's, The Gap, Banana Republic and Victoria's Secret, among others, for Jin Shun, Inc.

### Find Resources for Drug-Free Workplaces

The U.S. Department of Labor stages its third annual Drug-Free Work Week, October 20-26, dedicated to communicating that a drug-free workplace policy is a vital component of a safe workplace. Find resources and ideas at the [Drug-Free Work Week](#) web site.

### *Workers' Comp. Advisor*

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