

# ADVISOR

nysif.com

4th Quarter 2016

EMPLOYER

CLAIMANT

INSURANCE  
REPRESENTATIVE

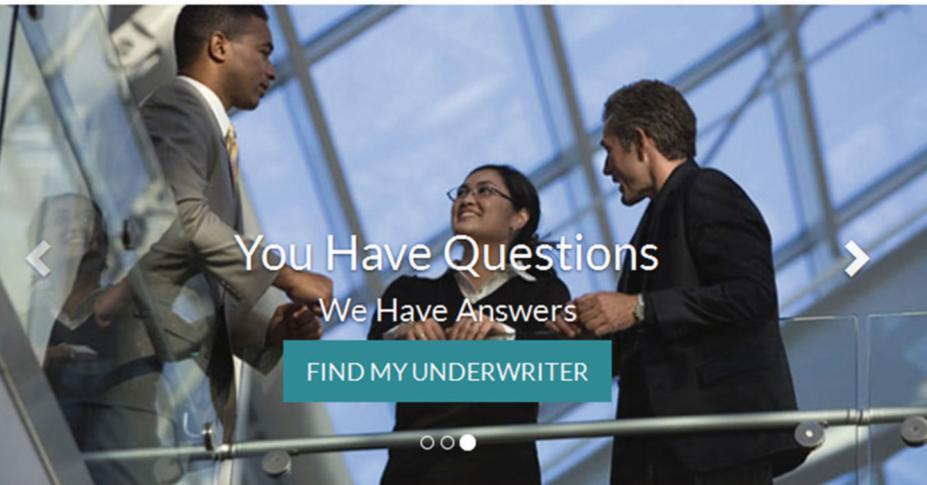
MEDICAL  
PROVIDER

WHERE'S MY  
CHECK?

REPORT AN  
INJURY

LOGIN

SEARCH



You Have Questions  
We Have Answers

[FIND MY UNDERWRITER](#)

#### QUICK LINKS



PRINT A CERTIFICATE



GET A QUOTE



PAY MY BILL



UNDERSTANDING MY BILL



FIND MY UNDERWRITER



FIND MY CASE MANAGER

# Look For Our New Web Site This Fall!

## REDESIGNED FOR EASIER, FASTER, BETTER SERVICE



A NEW WEBSITE EXPERIENCE AT NYSIF.COM

GET FULL ACCESS, REGISTER NOW!

LOGIN

PRINT A  
CERTIFICATE

GET A  
QUOTE

PAY MY  
BILL

REPORT AN  
INJURY

WHERE'S MY  
CHECK

ON DEMAND CERTIFICATES, E-STATEMENTS, POLICY PAGES, PROVIDER PAYMENT STATUS AND CLAIM DETAILS



## WCA FYI

# WC Certificates of Insurance

In August 2016, NYSIF introduced enhancements to our certificate of insurance (COI) system to create a more efficient process and improve the customer experience.

The following enhancements became available August 11, 2016:

Policyholders have the ability to renew certificates online. This can be completed under your Customer Account.

Notification period time frames have changed for newly created certificates from 20 days prior to cancellation to zero days. All current certificates issued prior to August 11, 2016, will follow previous outlined time frames.

A new Subscription Service is available for certificate holders. This subscription will allow a certificate holder who validates a COI the option to subscribe to receive cancellation notifications (electronic or paper) in the future. Those who do not subscribe will no longer receive these notices.

Policyholders, brokers and safety group managers have the option to select a cancellation notice period on new certificates. If choosing this option, the policyholder or representative is responsible for providing advance notice of cancellation to the certificate holder.

## A SUBSCRIPTION IS REQUIRED TO RECEIVE CANCELLATION NOTICES FOR NEW CERTIFICATES.

NYSIF encourages certificate holders to subscribe to stay informed of the COI status.

Subscribing electronically is easy. See [nysif.com](http://nysif.com) for instructions on [how to validate a certificate and subscribe to cancellation notices](#).



## New This Fall: Mobile App for NYSIF Certificates

Need a certificate of insurance in a hurry? Can't get to a computer?

This fall, NYSIF is releasing its mobile app for NYSIF certificates.

With the NYSIF certificate app, you'll have direct access to create, view, search and send certificates with your smart phone from any worksite, or anywhere on any android or Apple supported device.

The free app is scheduled for release in the fourth quarter of 2016.

## NEED TO KNOW... Worker Injuries & Firm Value

A new study published in the [Journal of Finance](#) found businesses substantially decrease in value when injuries increase.

### This Issue

- [New Electronic Process Makes Payroll Reporting Easy/2](#)
- [NYSIF's New Website Is Debuting This Fall/3](#)
- [Critical Precautions for Working In Confined Spaces/4](#)
- [Governor Announces Nail Salon Air Requirements/6](#)
- [Safe Patient Handling Program Deadline Approaches/7](#)

# New eSignature for Online Payroll Reports

NYSIF is now using DocuSign for policyholders to electronically sign and submit their payroll reports online.

NYSIF's updated, electronic payroll reporting system does not require use of a New York State driver's license.

DocuSign is easy to use, allowing eligible policyholders to electronically sign and complete the payroll reporting process entirely online. Eligible policyholders can complete and submit payroll reports to NYSIF 24/7.

Once submitted, the report is processed electronically. Electronic reporting saves time, reduces our carbon footprint and allows employers to focus on running their businesses.

NYSIF mailed instructions for online payroll reporting to eligible policyholders. Visit our website at [nysif.com](http://nysif.com) if you need further assistance.

Depending on premium size and the nature of their operations, some employers are subject to periodic payroll audits.

# Coming Soon! A New nysif.com



Coming this fall, NYSIF's revamped website will make it easier for visitors to find the information they need and take advantage of the new services NYSIF has to offer. We've improved navigation, made it faster to open an online account and streamlined content for all customers, Employers, Claimants, Insurance Reps and Medical Providers, under a reorganized and consolidated format for a much better web experience!

Policyholders now have one-click access to login for statements of account, electronic policy documents, certificates and more, available only to registered users. NYSIF encourages all customers to register for an online account for full access to get the most out of what the new nysif.com has to offer.

Medical providers will want to register to access our Medical Provider Portal for an extended range of services. We've itemized an easy-to-use checklist of required claimant information for trouble-free submission of medical documentation.

Claimants can access benefit payment status just by entering their case number.

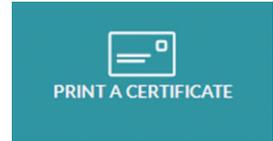
NYSIF product information and applications are in one place for insurance reps and prospective clients to apply for insurance online.

Frequently visited areas are available from one-click icons for employers and reps to get a quote, understand billing statements, contact an underwriter or report an injury, and for claimants to check on benefit payments or contact their case manager.

Information about policyholder responsibilities, claims, audits and injury and illness prevention is realigned under the Employers tab, providing more concise and organized web content.

With a redesigned home page, easy-to-navigate menus and new colors, the new nysif.com will make it easy to find what you want, when you want it!

*I'm an Employer  
I want to...*



*I'm a Claimant  
I want to...*



*I'm a Policyholder  
I need help...*



*I'm an Insurance Rep  
I want to...*



*I'm a Policyholder  
I want to...*



**DON'T WAIT TO CREATE AN ACCOUNT.  
REGISTER NOW FOR FULL ACCESS TO  
ON-DEMAND CERTIFICATES, E-STATEMENTS  
OF ACCOUNT, ELECTRONIC POLICY DOCS,  
MEDICAL PROVIDER PORTAL AND MORE.**

# SAFETY COP

Gary Dombroff, CSC  
NYSIF



## Caution: Confined Space Hazards

**R**ecent workplace fatalities have focused attention on confined space hazards [WCA3Q2016; p.8]. Confined spaces are found in many workplaces. Employers must identify and manage them accordingly. A confined space is any that meets all of the following conditions, as defined by The Occupational Safety and Health Administration (OSHA):

- It is large enough for a worker to enter;
- It has a limited means of entry or exit; and
- It is not designed for continuous occupancy.

Workplaces are “confined” when they hinder the activities of any employee who must enter, work in, and exit them. Employees who work confined spaces generally must squeeze in and out through narrow openings and perform tasks while cramped or contorted. In addition, a permit-required confined space poses specific health or safety hazards.

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### CONFINED SPACE HAZARDS: ASPHYXIATION, MOVING MACHINERY, EXPOSED WIRES, TOXIC CHEMICALS

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The confined space standard for general industry is 29 CFR 1910.146; a separate standard revised last year for confined spaces in construction is 29 CFR 1926 Subpart AA. Confined spaces include underground vaults, tanks, storage bins, sewers, manholes, pits, silos, boilers, utility vaults, pipelines and HVAC ducts. Frequently, these spaces contain hazards for entrants.

#### CONFINED SPACE HAZARDS

Workers in confined spaces may encounter walls that converge inward or floors that slope downward and taper into smaller areas that can entrap them. They may be exposed to fumes or suffocating atmospheres, moving machinery, exposed electrical wires and toxic chemicals.

Asphyxiation is the leading cause of death in confined spaces, generally from oxygen deficiency or toxic atmospheres. Vapors usually released in the open air can generate a highly toxic or otherwise harmful atmosphere within a confined space. Employees working in silos have been asphyxiated by fine particles (such as grain or sawdust) that block breathing passages. Others become caught in narrow, tapering, discharge pipes in water towers and bulk material hoppers.

OSHA also has documented confined space incidents that led to fatalities caused by auger-type conveyors and other rotating or moving parts. Failure to de-energize equipment inside the space prior to entry was a factor in many of these accidents.

#### WORKSITE PRECAUTIONS

OSHA requires employers to identify confined spaces in their workplaces and to establish a comprehensive, effective written confined space program. In addition to hazard identification, the mandated program requires training, methods for safe entry and exit, monitoring, attendants and emergency rescue strategies.

Training is critical in an effective confined space program. The following must receive appropriate training that includes specific hazards of a confined space (electricity, oxygen deficiency, or presence of toxic atmospheres and substances, such as chemical residues or fumes):

- All employees who enter and work in confined spaces;
- Attendants who monitor or stand by;
- Rescue crews, and
- Any worker who may be affected by the confined space.

General industry and construction employers must determine whether a space is a confined space, and whether any identified confined spaces are permit-required spaces. Some permit-required spaces require full permit entry rules. Others require less restrictive alternative entry rules. OSHA can help you identify them:

<https://www.osha.gov/SLTC/confinedspaces/index.html>.

## PERMIT-REQUIRED CONFINED SPACES

Generally, a confined space with a hazard is a permit-required confined space, which exposes entrants to a dangerous or oxygen-deficient atmosphere, or material that can engulf an entrant, unguarded machines or live wires.

All permit-required spaces must be identified by the employer, who must inform exposed employees of the existence and location of these spaces and their hazards.

Prior to entry, permit-required spaces must be evaluated and employees must receive a written permit, training in identified hazards and suitable personal protective equipment. Initial and ongoing air monitoring also is required. Attendants must stand by to rescue or summon help if needed. Construction site permit spaces usually require continuous monitoring.

If the hazard in a permit-required space is removed, then it may become a regular confined space that does not require a permit to enter.

## CONSTRUCTION WORKSITES

Construction regulations are complex, especially communication required among host employers, controlling contractors and entry employees. OSHA's FAQs explain the revised standard. <https://www.osha.gov/confinedspaces/faq.html>.

### Construction Site Confined Spaces: Key Provisions

- Coordination of activities for multiple employers;
- Having a competent person evaluate the worksite and identify confined and permit spaces;
- Continuous atmospheric monitoring, whenever possible;
- Continuous monitoring of engulfment hazards;
- Allowing the suspension of a permit (instead of cancellation) for changes from entry conditions, or an unexpected event requiring evacuation of the space.

Changing conditions at a construction worksite could produce a confined space, or cause one to become permit-required, even if there are none at the start of a project. Crawlspace and attics, for instance, are often confined spaces rather than permit spaces, but can change due to changing entry, exit or air flow conditions.

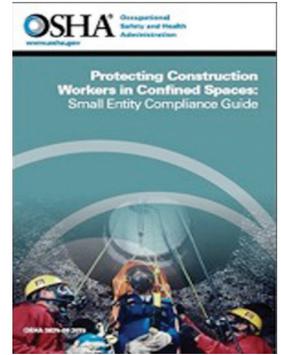
## PROPER RESPONSE AND RESCUE

Adequate training in the extraction of trapped or injured employees is vitally important. Employers must identify and train designated rescuers and equip them properly to be able to respond safely. Time and communication are critical when workers or attendants enter toxic or oxygen-deficient atmospheres. Many times, untrained or under equipped co-workers die while attempting a rescue.

Some employers use rescue services. Not all emergency responders, however, are trained or equipped to conduct confined space rescues. It is critical for responders to be familiar with the exact site location, the types of permit-required confined spaces and all onsite hazards. They must

## ADEQUATE TRAINING IN THE EXTRACTION OF TRAPPED EMPLOYEES IS VITALLY IMPORTANT

have appropriate rescue gear: atmospheric monitors, fall protection, extraction equipment and self-contained breathing apparatus for the particular permit-required confined space. Employers should provide exact locations in advance, including access routes, gates, landmarks, site plans and GPS coordinates.



### Permit Confined Spaces: General Guidelines

- Do not enter permit-required confined spaces without being trained and without a permit to enter.
- Review, understand and follow all procedures before entering and know how and when to exit.
- Before entry, identify any physical hazards.
- Before and during entry, test and monitor for oxygen content, flammability, toxicity or explosive hazards as necessary. Use the employer's fall protection, rescue, air-monitoring, ventilation, lighting and communication equipment according to entry procedures.
- Maintain contact at all times with a trained attendant either visually, via phone, or by two-way radio, enabling the attendant and entry supervisor to order evacuation and alert trained rescue personnel when needed.

## RESOURCES

### Permit-Required Confined Space General Industry Quick Card

[https://www.osha.gov/OshDoc/data\\_Hurricane\\_Facts/confined\\_space\\_permit.pdf](https://www.osha.gov/OshDoc/data_Hurricane_Facts/confined_space_permit.pdf)

### Confined Spaces in Construction FAQs (revised rule)

<https://www.osha.gov/confinedspaces/faq.html>

### Protecting Construction Workers in Confined Spaces:

<https://www.osha.gov/Publications/OSHA3825.pdf> (top)

### OSHA e-Laws:

<http://webapps.dol.gov/elaws/osha/confined/PRCSGEN.asp>

### Emergency Rescue from Confined Spaces ("Is 911 your Confined Space Rescue Plan?")

<https://www.osha.gov/Publications/OSHA3849.pdf>

# Health & Safety Focus

## New Regs for Nail Salons

**G**overnor Andrew M. Cuomo announced new ventilation requirements to protect workers and customers in nail salons statewide.

Effective Oct. 3, 2016, all new nail salons must meet the 2015 International Mechanical Code standard, which requires specific exhaust systems at all manicure and pedicure work stations to remove all chemicals, vapors, fumes, dust and other air contaminants from the salon to the outdoors. The ventilation system must assure that no exhaust air is recirculated into the building where the business operates.



Salons licensed before October 3, 2016, will have five years until October 3, 2021, to comply with code standards.

The governor's Nail Salon Industry Enforcement Task Force last year directed nail salons to pay workers more than \$2 million in unpaid wages and damages, while New York State enacted industry reforms requiring employers to provide adequate supplies of protective equipment, such as masks, eye protection and gloves to salon workers.

Earlier this year, the governor announced that his Task Force to Combat Worker Exploitation had directed 1,547 businesses to pay nearly \$4 million in back wages and damages to more than 7,500 workers since inception in July 2015.

The governor also announced a multi-agency investigation of the exploitation of dry cleaning workers in a coordinated effort to ban harmful chemicals, such as perchlorethylene (PERC), commonly used in the industry, and launched a new, \$5 million education and training grant program for non-profit organizations to improve occupational health and safety in low-wage industries. Interested organizations can find more information at <http://on.ny.gov/RFA>.

## Warning: Inflation Hikes OSHA Penalties

Maximum penalties issued by the Occupational Safety and Health Administration (OSHA) have gone up. The first [increase in penalties](#) since 1990 is part of overall federal-mandated penalty adjustments made by Congress last year.

OSHA's new penalty levels took effect after Aug. 1, 2016. Maximum penalties for serious violations rose from \$7,000 to \$12,471. Maximum penalties for willful or repeated violations rose from \$70,000 to \$124,709. OSHA citations issued after August 1 are subject to the new penalties if the related violations occurred after Nov. 2, 2015.

## Severe Injury Reports Yield Positives

[Severe injury reporting requirements](#) show a disturbing trend of seven reported amputations a day at U.S. workplaces. In 2015, the first full year of the requirements under which employers must report any worker's hospitalization or amputation, employers reported 2,644 amputations. This year, as of July 31, 2016, employers reported 1,500 amputations.

On the positive side, OSHA said, the reports are leading to inspections, citations and agreements with employers to make changes to protect workers.

"Prompt reporting of injuries has created opportunities to work with employers that we wouldn't have had otherwise," OSHA Assistant Secretary Dr. David Michaels said.

As part of a settlement process, employers have agreed to specific and extensive worksite improvements, including comprehensive safety and health programs and using OSHA's On-site Consultation Program.

## Get Your Tractor Safety Magnet;

A new magnet for tractor operators encourages safe handling when in the driver's seat. The magnets affix directly to tractors. Order them from OSHA in [English](#) or [Spanish](#).



## Hazards of Common Paint Strippers

OSHA has a new fact sheet about how methylene chloride vapors can quickly reach lethal levels when using common paint stripping products. The [Fatal Fact sheet](#) tells the story of a temporary worker who died while using a paint stripper containing the hazardous substance.



Tractor Safety magnet

## Fall Prevention Device Safety Recall

Makers of the original Lad-Saf™ sleeve are voluntarily recalling the device used to prevent falls from fixed ladders. The company said misuse of the device (interfering with the braking system or attaching the sleeve upside down) could cause serious injury or death, and urged customers to stop using the recalled sleeve immediately. See the [recall notice](#).

## Spanish Translation for All OSHA Pages

Every page on [OSHA's website](#) can now be translated into Spanish. Click or tap the Spanish link at the top right corner of every webpage to have the text instantly translated.

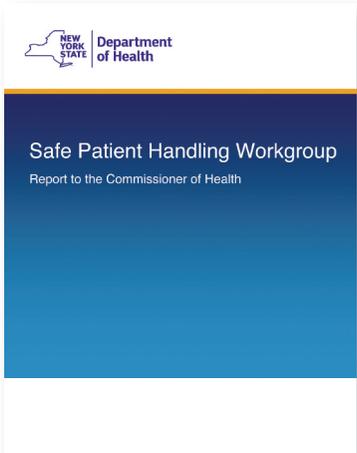
# Safe Patient Handling Steps to Implementation

As of Jan. 1, 2017, the Safe Patient Handling Act [Public Health Law § 2997-(k)(2)] requires all health care facilities in New York State to implement their facility's safe patient handling program (SPH).

The act covers all hospitals, nursing homes, diagnostic treatment centers and clinics licensed under Article 28 of the Public Health Law, including state-operated group homes and health care units in all Correctional facilities.

Each covered facility must:

- Establish a SPH policy by Jan. 1, 2017, implementation of which may be phased in;
- Consider best practices and sample policies identified by the New York State Zero Lift Task Force;
- Conduct a patient handling hazard assessment;
- Develop a process for appropriate use of SPH based on patients' physical and medical conditions, and availability of equipment;
- Provide initial and ongoing SPH training;
- Utilize an investigation process for incident review, which may include corrective action;
- Conduct and report annual evaluations to your SPH committee, including evaluation of the reduction of injuries to patients and workers;
- Consider installing SPH equipment during construction or remodeling within the facility;
- Develop a process for a covered employee to refuse to be involved with patient handling or movement that the employee reasonably believes will expose the patient or employee to unacceptable risk. The employee must make a good faith effort to ensure patient safety, alert the facility in a timely manner and, by following this procedure, not face disciplinary action.



See the Department of Health Safe Patient Handling Report to the Commissioner (top) and WCA3Q2015 (above) for more.



## PEOPLE

### Dr. Navneet Kathuria, NYSIF Commissioner

Dr. Navneet Kathuria, MD, VP of Population Health Management for Hackensack Meridian Health, was nominated to NYSIF's Board of Commissioner by Gov. Andrew M. Cuomo, and his appointment was confirmed by the NY Senate on June 17.

In the past 20 years, Dr. Kathuria has worked in all aspects of health care from medical practitioner to educator and executive. Prior to joining Meridian, he established Baylor College of Medicine's Center for Globalization as chief performance improvement officer, and served as vice chair of Quality Assurance and deputy chief medical officer for Mount Sinai Hospital.

Dr. Kathuria received his medical degree from Albany Medical College, and trained in internal medicine at NYC Health + Hospitals/Bellevue, in hematology at Yale University, and in general medicine at Columbia University. He earned an MBA from the NYU Stern School of Business.



Chairman of NYSIF's Board of Commissioners **Kenneth R. Theobalds** saluted NYS NAACP President Hazel Dukes at the NAACP 80th anniversary conference and ceremony, honoring NYS Common Retirement Fund CIO Vicki Fuller, SEIU 1199 President George Gresham and actress Cicely Tyson.

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**Shirley Stark** Deputy Executive Director & Chief of Staff

**William O'Brien** General Attorney

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Disability Benefits Claims/Service 1-866-697-4332  
Business Offices [nysif.com](http://nysif.com) • WCA Comments [jmesa@nysif.com](mailto:jmesa@nysif.com)

## A NYSIF 'U' REFRESHER

NYSIF's education and information series for employers.



### 68 Arrests in 2015; Help NYSIF Fight Fraud

Investigations initiated by NYSIF's Division of Confidential Investigations (DCI) in 2015 led to 68 arrests, \$2,403,152 in restitution and \$6,688,851 in additional premium and estimated savings.

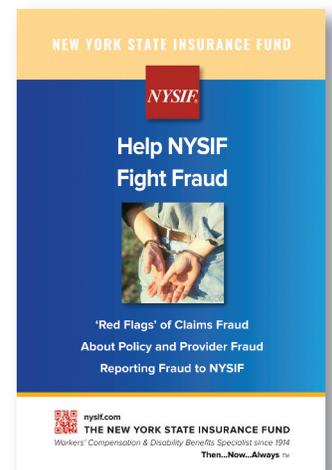
In addition, DCI conducts training for NYSIF Claims, Underwriting and Audit departments to assist in the detection of potential fraud by claimants, policyholders and medical providers.

DCI also works with the New York State Police, FBI Healthcare Task Force, the DEA, and federal and state prosecutors to reduce prescription drug fraud and abuse.

A recent joint investigation by DCI and the US Attorney's Office led to a 114-count federal indictment of a western New York neurologist and pain management specialist for unlawful prescribing of controlled substances.

Our guide (above, r.) details NYSIF anti-fraud efforts, offering tips and contact information to help NYSIF fight fraud. Since 1995, more than 10,000 DCI fraud investigations have resulted in more than 1,900 arrests and over \$242 million in restitution, additional billed premium and estimated savings.

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



NYSIF's guide to fighting fraud