

DIVISION OF WORKERS' COMPENSATION

2021

ANNUAL REPORT

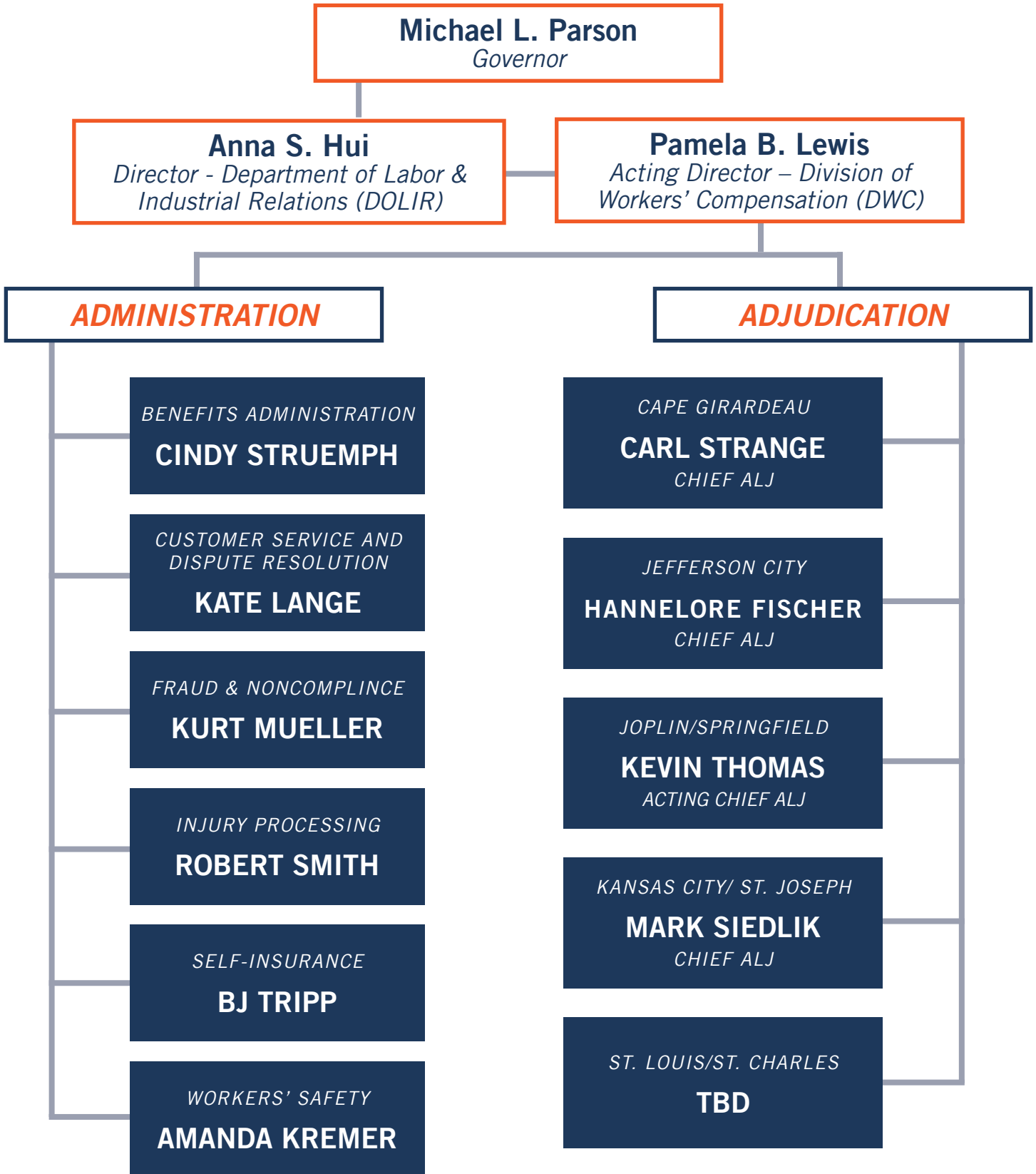


DIVISION OF
WORKERS'
COMPENSATION

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ORGANIZATIONAL CHART



DIVISIONAL & DEPARTMENTAL LEADERSHIP



ANNA S. HUI

DEPARTMENT OF LABOR &
INDUSTRIAL RELATIONS DIRECTOR



PAMELA LEWIS

DIVISION OF WORKERS'
COMPENSATION ACTING DIRECTOR

DIVISION OF WORKERS' COMPENSATION

The Missouri Division of Workers' Compensation (DWC) administers programs that provide services to all stakeholders including workers who were injured on the job or were exposed to occupational diseases arising out of and in the course of employment. The DWC ensures injured workers receive benefits they are entitled to under the Missouri Workers' Compensation Law.

MODERNIZATION PROJECT

The DWC continues to make progress towards modernizing its business processes and replacing the current legacy system. The project is moving forward in several areas, with vendor selection happening in the near future.

The paper document digitalization project, the foundation of several other components that rely on electronic access to documents or information, is continuing on schedule. The staff has processed more than 4,000 boxes and continues to find ways to be more efficient while maintaining the integrity of the data.

The extensive process of capturing a comprehensive list of future requirements and charting potential future workflow processes has continued with business readiness activities centered around research into forms, correspondence, and future workflows.

Organizational change management activities ramped up in 2021. Designed to help staff adapt to the changing environment, activities included change management training, bi-weekly Webex training to upskill staff on new technology and processes, quarterly Town Hall updates, and the production of a series of short explainer videos for external stakeholders on Division and modernization processes and procedures. Stakeholder surveys continue to gauge the pulse of change underway and receive input regarding the project. DOLIR is in the initial steps of embarking on a department-wide website study, which will encompass redesign aspects of the Division's website.



EXPENDITURES

WORKERS' COMPENSATION ADMINISTRATIVE FUND TAX & SURCHARGE

As required by §287.690 and §287.716, the State of Missouri imposes a workers' compensation administrative tax on all workers' compensation insurance carriers and self-insured employers and an administrative surcharge on every workers' compensation deductible plan policyholder insured in Missouri. Section 287.690 authorizes the imposition of an administrative tax not to exceed two percent and §287.716 authorizes the imposition of an administrative surcharge at the same rate as the administrative tax. The revenue from the administrative tax and administrative surcharge is used to fund expenses associated with the administration of the Law. The Division Director determines the rates for the subsequent calendar year by October 31, using the formula set forth in §287.690.

CASH BALANCE of fund on January 1, 2021	\$19,297,896
REVENUE:	
Tax & Surcharge Collections	\$17,900,013
Interest	\$61,126
Miscellaneous Receipts	\$287,373
Total Revenue	\$18,248,512
EXPENDITURES:	
Tax & Surcharge Collections	\$21,242,334
Total Expenditures	\$21,242,334
CASH BALANCE of fund on December 31, 2021	\$16,304,074

2021 WC ASSESSMENT RATE:
1% Tax & Surcharge

ASSESSMENTS & EXPENDITURES CONTINUED

SECOND INJURY FUND SURCHARGE & SUPPLEMENTAL SURCHARGE

Section 287.715 provides for the collection of an annual surcharge not to exceed three percent from every authorized self-insurer and every workers' compensation policyholder insured in Missouri. To address the solvency issues facing the SIF, §287.715.6 authorizes the Division Director to collect a supplemental SIF surcharge not to exceed three percent for calendar years 2014 to 2021 of the policyholder's or self-insured's workers' compensation net deposits, net premiums or net assessments of the previous policy year. The 2022 SIF Surcharge and SIF Supplemental Surcharge rates have been approved and set at 3% and 1% respectively resulting in a reduction in the SIF supplemental surcharge to be paid by employers in 2022.

BALANCE of fund on January 1, 2021	\$31,617,227
REVENUE:	
Surcharge Collections	\$87,071,828
Interest	\$120,034
Miscellaneous Receipts	\$209,945
Total Revenue	\$87,401,807
EXPENDITURES:	
Benefit Disbursements	\$70,262,465
Administrative Costs	\$4,783,130
Total Expenditures	\$75,045,595
BALANCE of fund on December 31, 2021	\$43,973,439

2021 SIF ASSESSMENT RATE:
3% Surcharge & 2% Supplemental Surcharge

WORKERS' COMPENSATION

INJURY PROCESSING

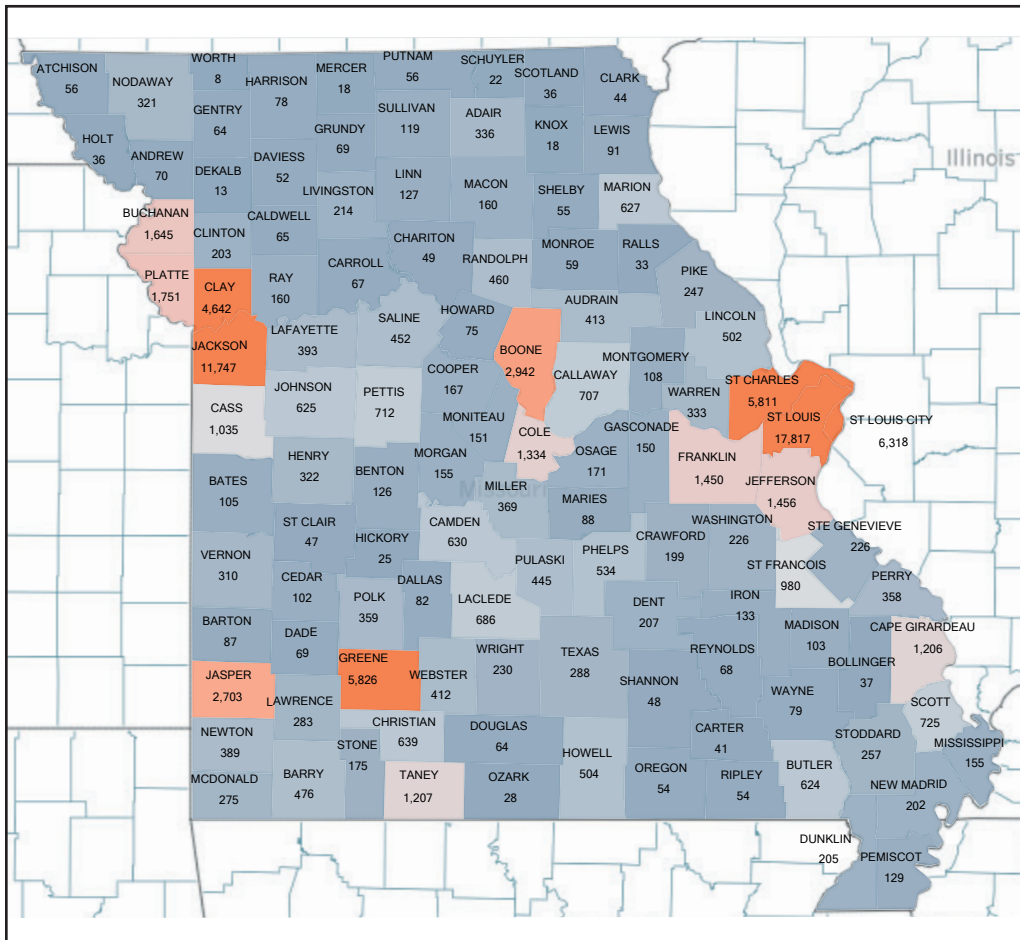
The Injury Processing Unit processes paper and electronic filings made by external parties, including documents initially filed at each of the Division's eight Adjudication offices. This unit's functions include claims processing, case review, paper imaging, document management and electronic data interchange (EDI) monitoring.

FIRST REPORTS OF INJURY (FROIS)

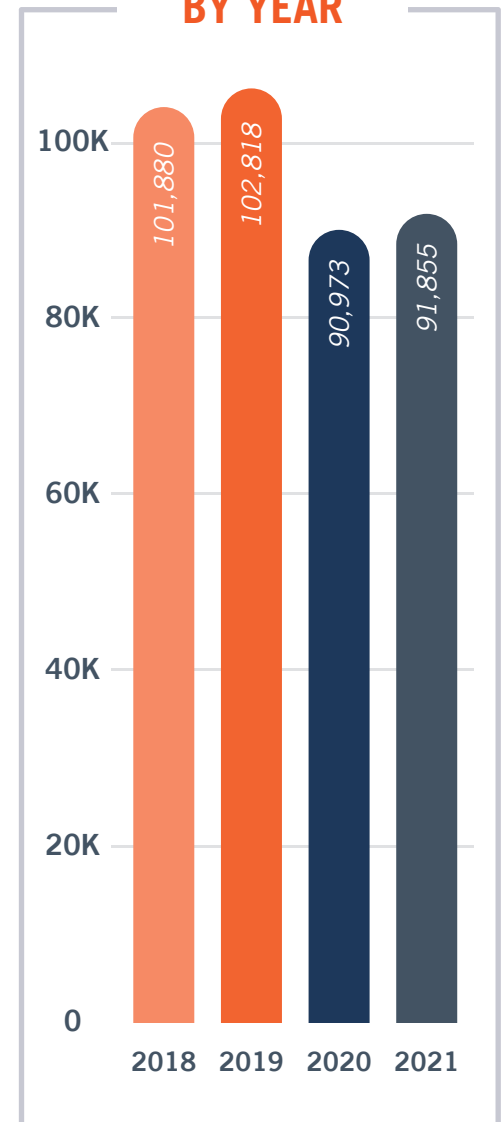
In 2021, 98% of FROIs were filed electronically (through EDI or the web).

FIRST REPORTS OF INJURY FILED

BY COUNTY



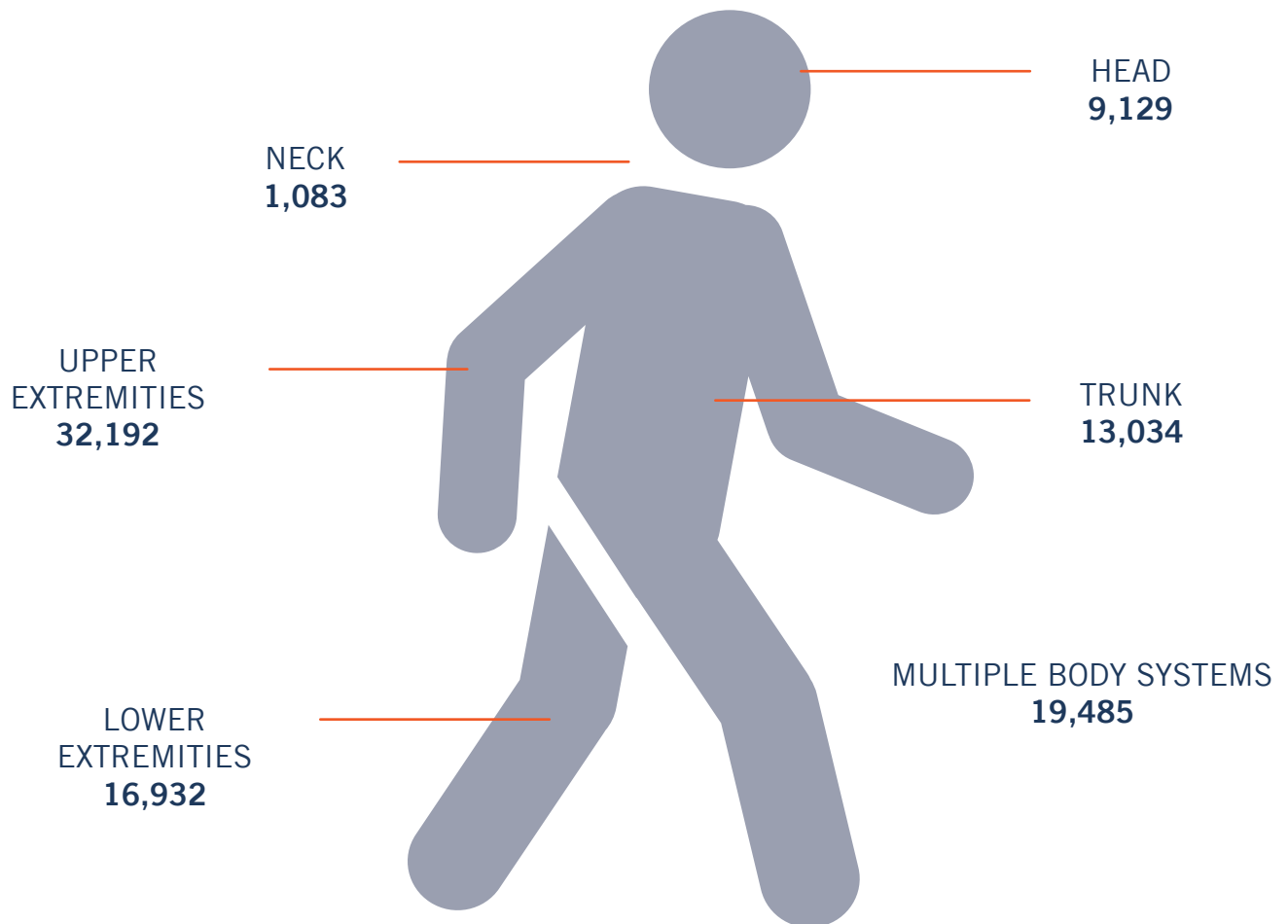
BY YEAR



WORKERS' COMPENSATION CONTINUED

FIRST REPORTS OF INJURY FILED

BY BODY PART



BY AGE GROUP

20-29	21,779
30-39	19,492
50-59	17,982
40-49	17,043
60-69	10,253
16-19	3,558
70-79	1,514
80-89	178
10-15	42
90-99	8
UNKNOWN	6

BY INDUSTRY (TOP 10)

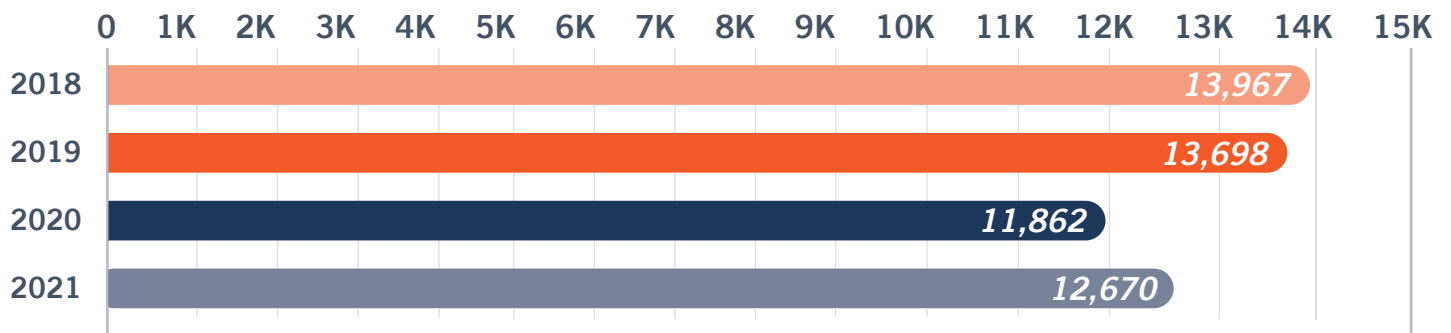
Health Care & Social Assistance	18,581
Manufacturing	12,554
Retail Trade	10,993
Public Administration	10,017
Transportation & Warehousing	6,365
Accommodation & Food Services	4,982
Finance & Insurance	4,732
Educational Services	4,256
Construction	4,083
Wholesale Trade	3,301

WORKERS' COMPENSATION CONTINUED

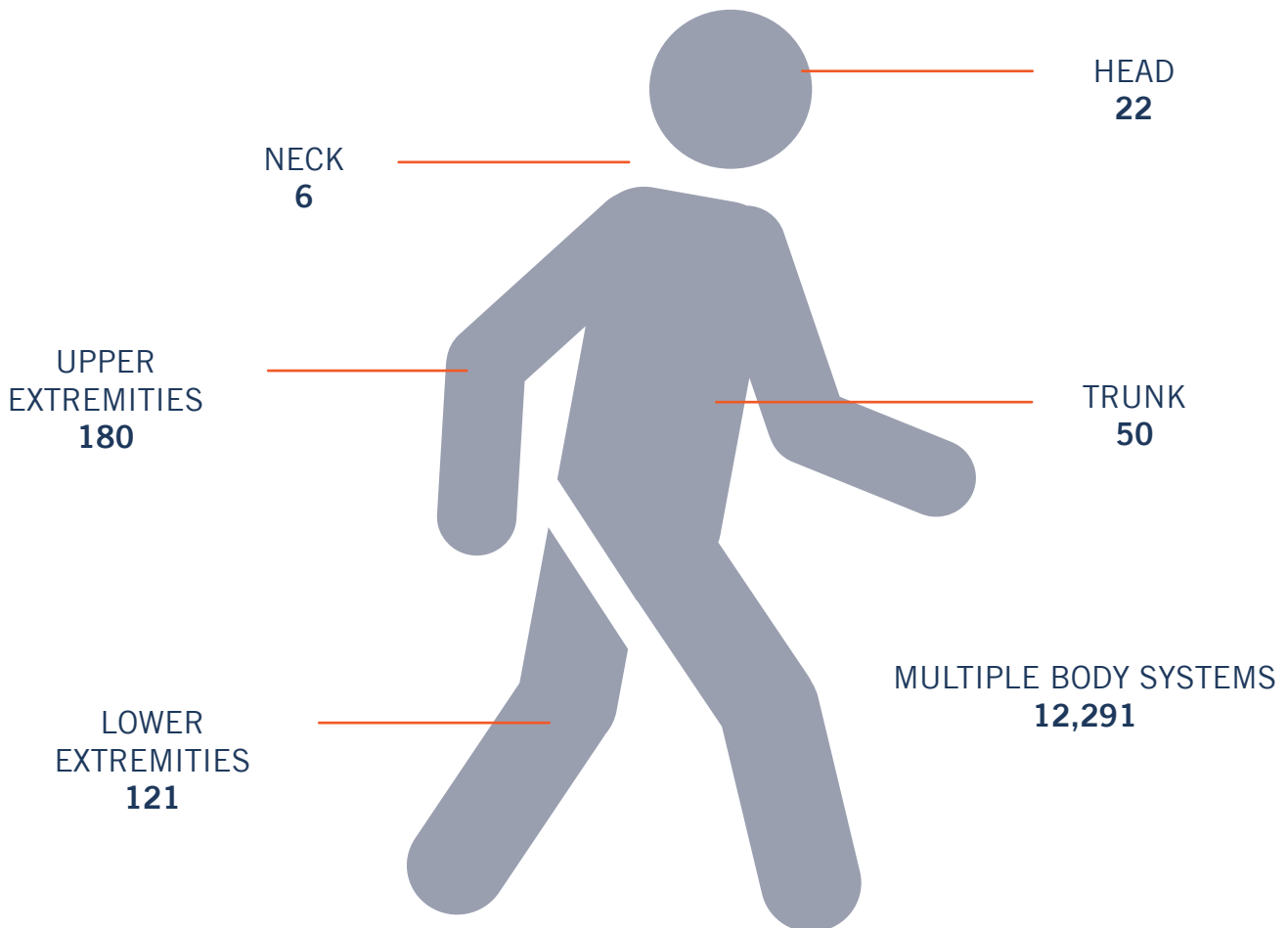
CLAIMS FOR COMPENSATION

An employee may file a Claim for Compensation with the Division if they believe they are not receiving benefits they are entitled to under the Law. An employee may obtain legal representation to file a Claim for Compensation with the Division. The filing of a Claim initiates a contested case proceeding where the Administrative Law Judge (ALJ) has the authority to determine the issues in dispute. As of December 31, 2021, 24,510 Claims for Compensation were pending before the Division.

CLAIMS FOR COMPENSATION FILED BY YEAR



BY BODY PART



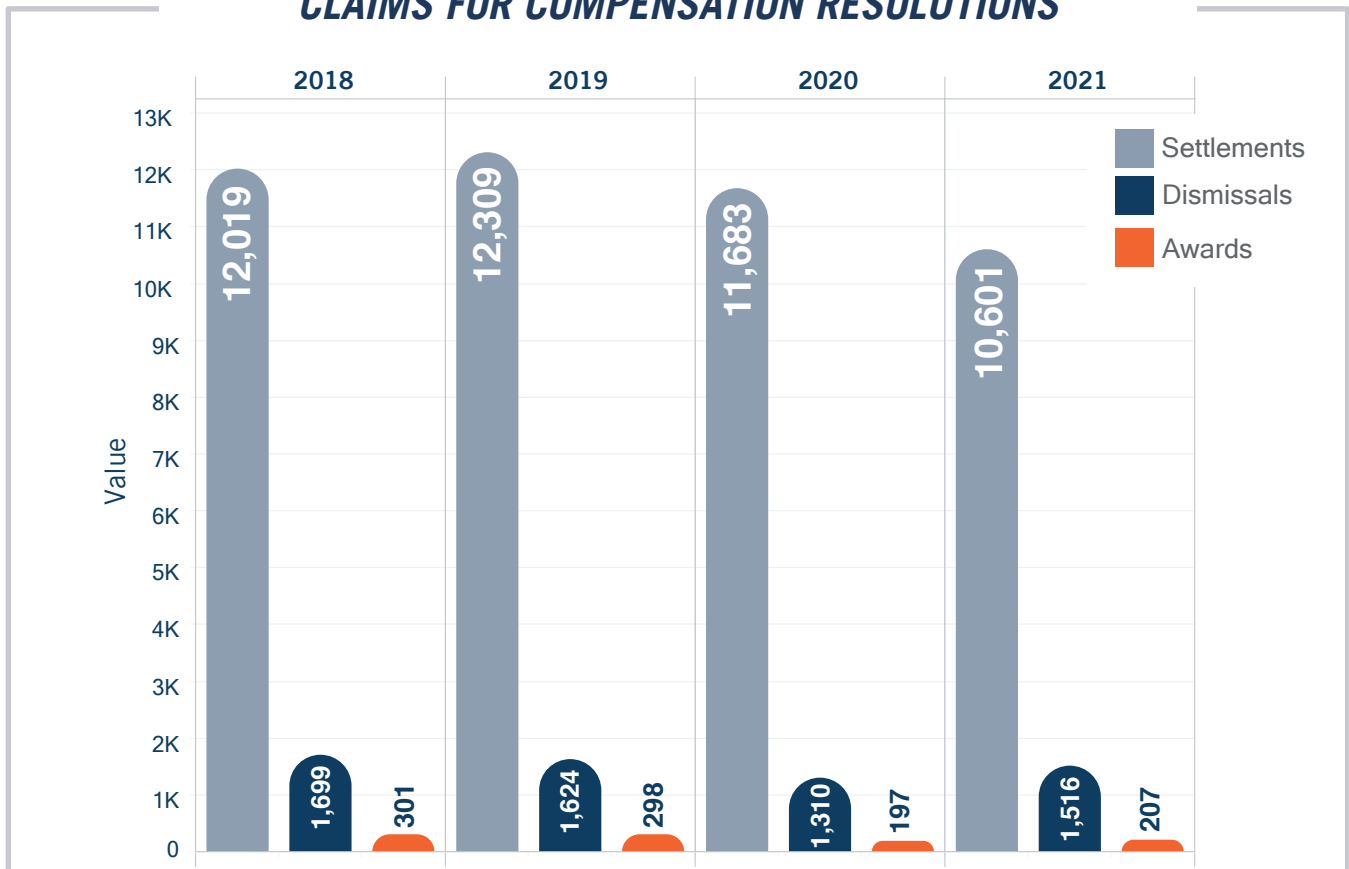
WORKERS' COMPENSATION CONTINUED

Claims may be resolved through the issuance of an award, a compromise settlement, or a dismissal. Case resolution time frames vary considerably for each resolution type, with cases proceeding to an evidentiary hearing before an ALJ and the issuance of an award taking longer to resolve than settlements and dismissals.

CLAIMS FOR COMPENSATION TOP 10 BY INDUSTRY

Manufacturing	2,128
Public Administration	1,616
Health Care & Social Assistance	1,486
Transportation & Warehousing	1,338
Retail Trade	1,019
Construction	822
Unknown	797
Wholesale Trade	595
Administrative & Support & Waste Management & Remediation Services	574
Accommodation & Food Services	457

CLAIMS FOR COMPENSATION RESOLUTIONS



WORKERS' COMPENSATION CONTINUED

OCCUPATIONAL DISEASES

Section 287.067.1 defines an occupational disease (OD) as an identifiable disease arising with or without human fault out of and in the course of employment. To be compensable under Chapter 287, the occupational exposure must be the prevailing factor in causing both the resulting medical condition and disability. In 2021, 840 claims were filed for occupational diseases.

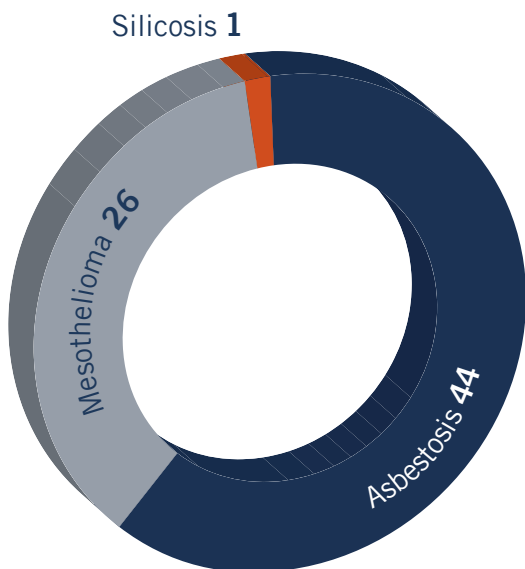
OD CLAIMS - TOP 10 BY INDUSTRY

Manufacturing	250
Unknown	116
Public Administration	116
Transportation & Warehousing	55
Health Care and Social Assistance	49
Construction	46
Retail Trade	42
Wholesale Trade	33
Accommodation & Food Services	25
Finance & Insurance	21

OD TOTAL CLAIMS



OD DUE TO TOXIC EXPOSURE as set forth in §287.020(11)



OD CLAIMS - TOP 10 NATURE OF INJURY

Nature of Injury	Frequency
All Other Occupational Disease NOC	519
Carpal Tunnel Syndrome	128
Mental Stress	69
Asbestosis	55
Respiratory Disorders	17
Contagious Disease	9
Loss of Hearing	9
Dermatitis	7
Cancer	6
Poisoning-Chemical	6

WORKERS' COMPENSATION CONTINUED

WORKERS' COMPENSATION PRIMARY INJURY FUNNEL

Statistics portraying an injury's resolution through the workers' compensation process.

FIRST REPORTS OF INJURY

91,855

SETTLEMENTS

15,318

CLAIMS FOR COMPENSATION

12,670

HEARINGS

521

AWARDS

212

WORKERS' COMPENSATION CONTINUED

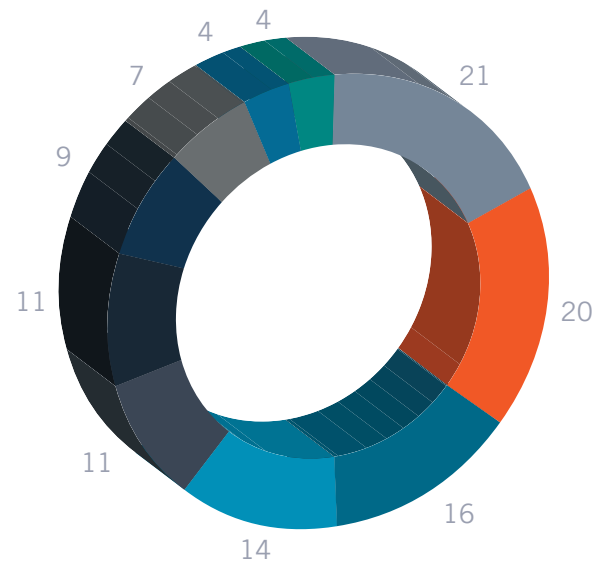
FATALITIES

Fatalities may be reported to the Division through either a FROI or through the filing of a Claim for Compensation. The injury may or may not be determined to be a compensable injury that caused the death of the injured worker. An ALJ has jurisdiction to determine compensability of an injury resulting in death based upon evidence presented.

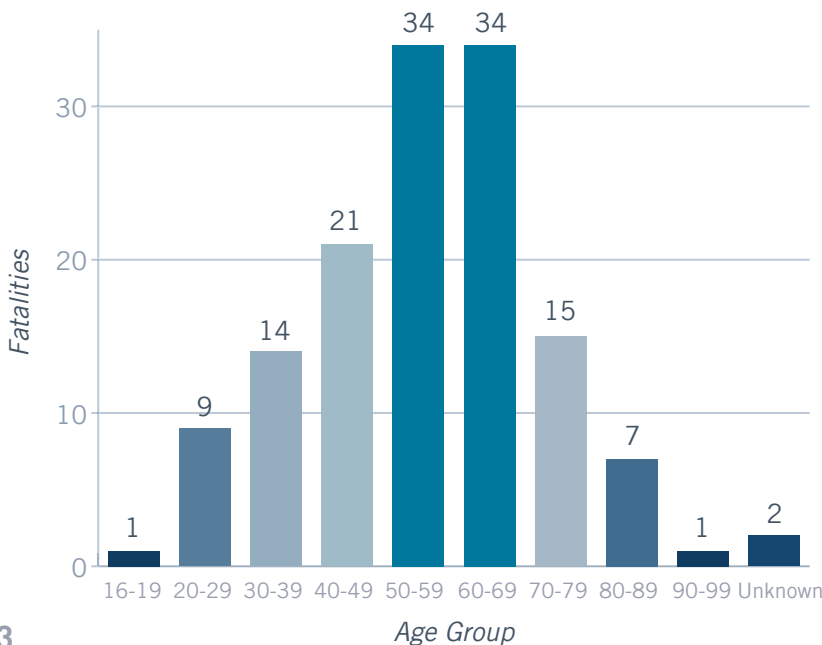
FATALITIES - TOP 10 BY CAUSE

Cause	Frequency	Percent
Unknown	26	19%
Pandemic	23	17%
Other-Miscellaneous	18	13%
Motor Vehicle, NOC	10	7%
Absorption, Ingestion, Inhalation, NOC	9	7%
MV Collision With Another Vehicle	8	6%
Other Than Physical Cause of Injury	5	4%
Strain or Injury, NOC	5	4%
Gunshot	4	3%
Burn Due to Dust, Gases, Fumes, or Vapors	4	3%

FATALITIES - TOP 10 BY INDUSTRY



FATALITIES BY AGE GROUP



Industry

- MANUFACTURING
- PUBLIC ADMINISTRATION
- TRANSPORTATION & WAREHOUSING
- UNKNOWN
- CONSTRUCTION
- HEALTH CARE & SOCIAL ASSISTANCE
- RETAIL TRADE
- ADMINISTRATIVE & SUPPORT & WASTE MANAGEMENT
- ACCOMMODATION & FOOD SERVICES
- INFORMATION

CUSTOMER SERVICE AND DISPUTE RESOLUTION

The Enterprise Functions Unit is responsible for Customer Service and Dispute Management tasks, as well as broader Division-wide functions such as information technology-related issues, data analysis and report creation.

CUSTOMER SERVICE

The Division is required to maintain a public information program that provides assistance to all parties including injured workers, employers, insurers, and lawyers. The Unit has four Customer Service Representatives who respond to calls received on the toll-free line. The Division's Representatives responded to a total of 20,811 calls in 2021.

The Unit received approximately 1,274 requests for assistance through the Division's website from various stakeholders and customers. The Unit responded to approximately 17 constituent requests and 41 requests for Proof of Workers' Compensation Insurance Coverage, which is supplemental to the search that can be conducted on the portal on whether an employer has purchased workers' compensation insurance coverage.

DISPUTE MANAGEMENT

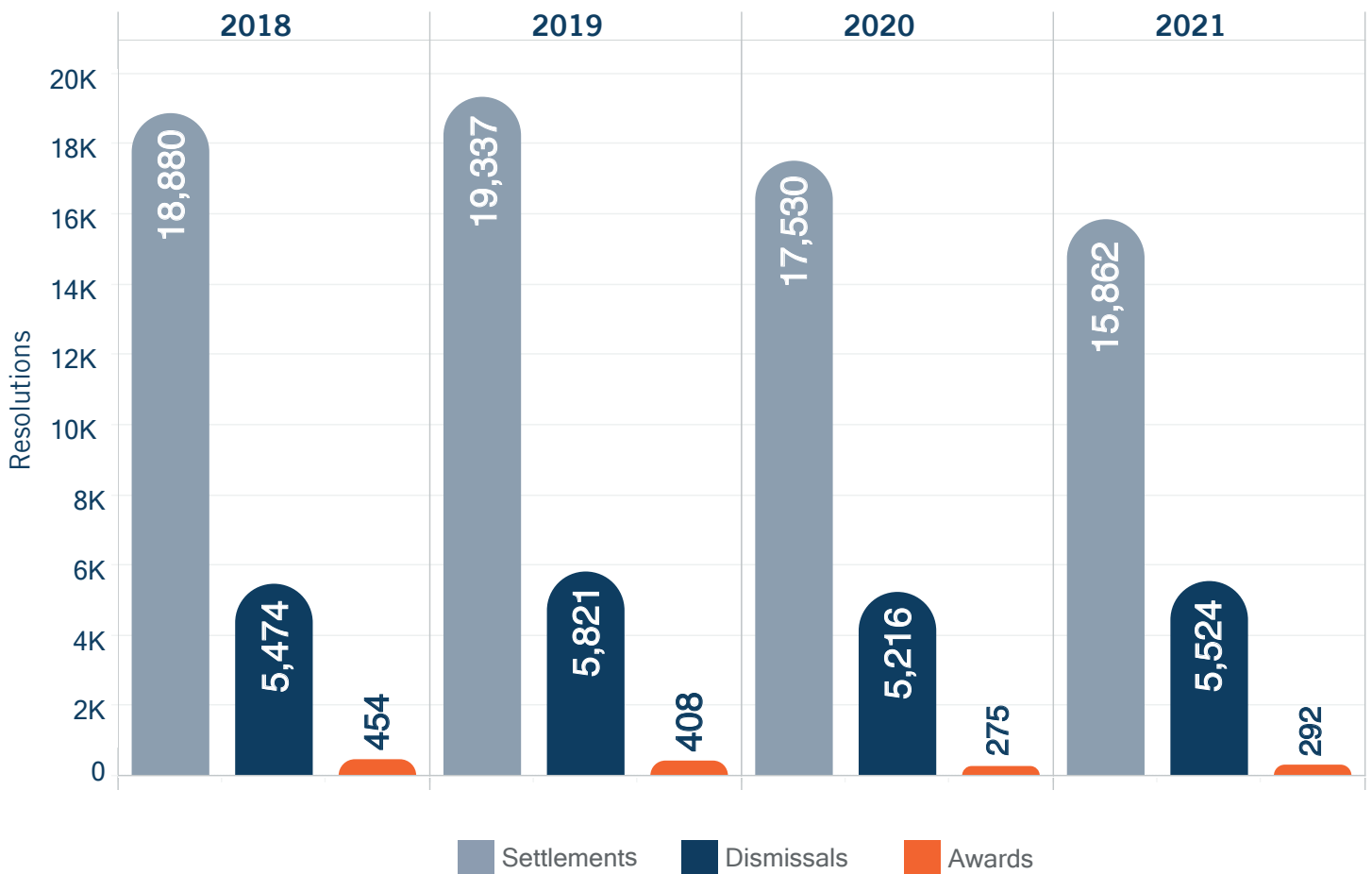
The Dispute Management Unit (DMU) program offers voluntary early intervention services to mediate disputes that arise between the parties after a workplace injury occurs and before a Claim for Compensation is filed.

This process is designed to benefit all parties by allowing an exchange of information and records to resolve issues without incurring litigation costs. Agreements that are reached between the parties remain confidential. Because DMU is voluntary, when mediation is rejected or fails, the party originally requesting mediation services is advised that further adjudication steps are available including filing of a Claim and determination by an Administrative Law Judge (ALJ). Once a written claim is filed, DMU is no longer available to either party as the case has become a contested proceeding.

ADJUDICATION

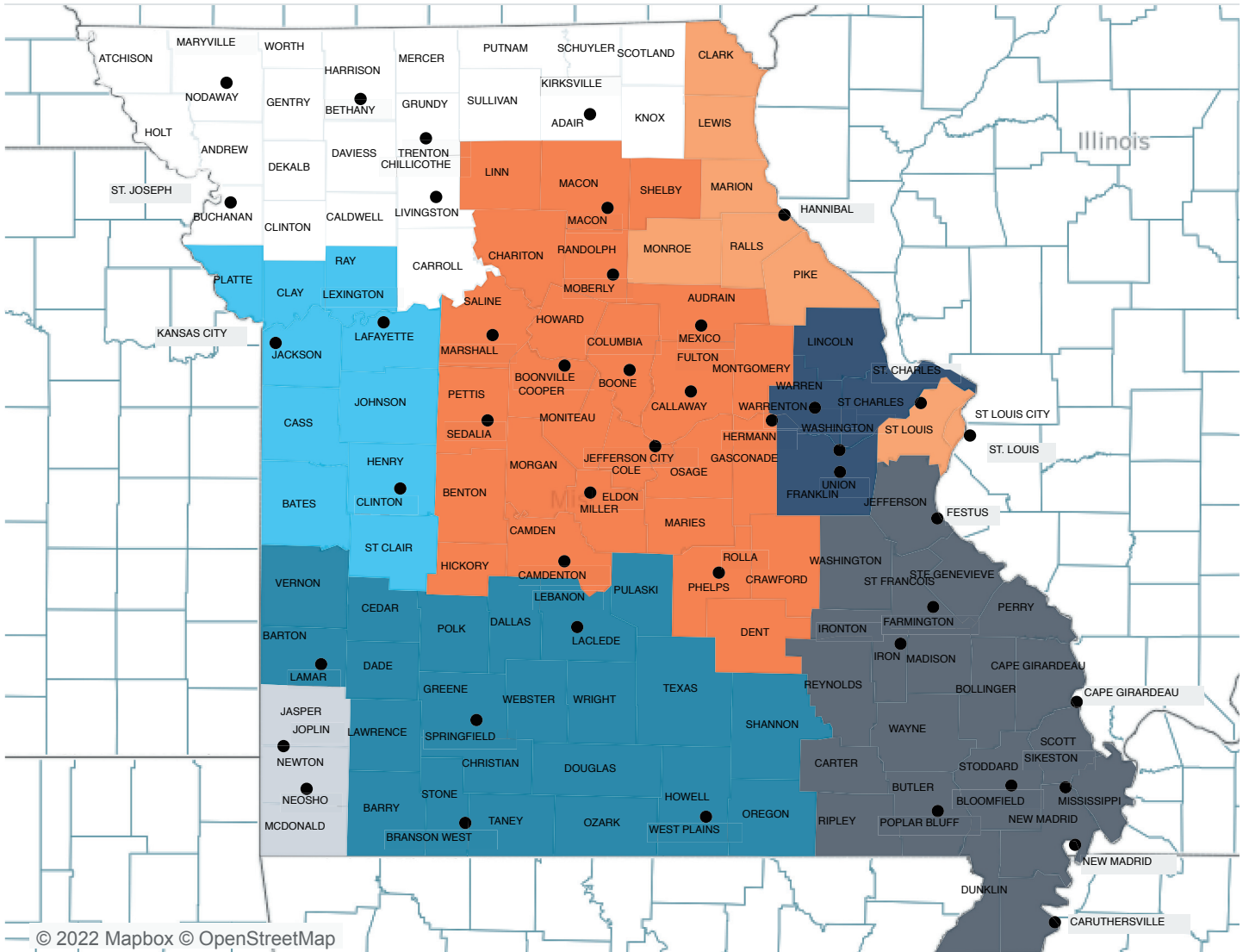
The Division's statutory responsibility to adjudicate and resolve disputes under the law is fulfilled by the eight adjudication offices throughout the State of Missouri. The ALJs, court reporters, docket clerks, and assistants provide services to the parties in the case who appear at the scheduled docket settings in each respective office. The Division offers various docket settings, such as voluntary settlement conference, prehearing, mediation, §287.203 hearing (to contest termination of compensation), hardship hearing, hearing upon final award, and notice to show cause or dismissal settings.

CASE RESOLUTION COUNTS



ADJUDICATION CONTINUED

COUNTIES & VENUES BY LOCAL DWG ADJUDICATION OFFICE



Administrative Law Judges/Local DWG Adjudication Office (Chief Administrative Law Judges are Noted by an Asterisk)

■ CAPE GIRARDEAU	■ JEFFERSON CITY	■ JOPLIN	■ KANSAS CITY
Amy Young Carl Strange* Maureen Byrne	Bruce Farmer Hannelore Fischer* Melodie Powell	Karen Fisher	Angela Heffner Emily Fowler Kenneth Cain Lawrence Rebman Lisa Pottenger Mark Siedlik*
■ ST. LOUIS	■ ST. CHARLES	■ SPRINGFIELD	
Jason Tilley John Ottenad Joseph Denigan Joseph Keaveny Karla Boresi Kathleen Hart Lee Schaefer Suzette Flowers Gina Mitten	Edwin Kohner	Kevin Elmer Kevin Thomas	
	□ ST. JOSEPH		
	Ryan Asbridge		

ADJUDICATION CONTINUED

DOCKET SETTINGS

<i>Local Office</i>	<i>Conferences</i>	<i>Dismissals</i>	<i>Mediations</i>	<i>Prehearings</i>	<i>Hardship Hearings</i>	<i>Final Hearings</i>	<i>Total</i>
Cape Girardeau	685	117	1,003	3,973	9	46	5,833
Jefferson City	986	320	850	2,017	14	41	4,228
Joplin	260	40	222	962	8	14	1,506
Kansas City	632	1,793	1,754	541	63	204	4,987
Springfield	771	202	746	1,696	12	61	3,488
St. Charles	284	241	907	4,066	8	18	5,524
St. Joseph	324	49	60	674	2	9	1,118
St. Louis	1,420	1,679	3,673	15,454	12	73	22,311
Grand Total	5,362	4,441	9,215	29,383	128	466	48,995

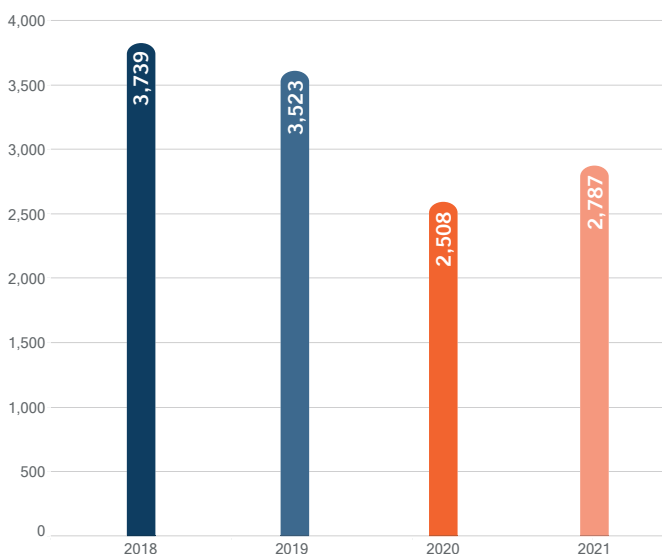
BENEFITS ADMINISTRATION UNIT

The Benefits Administration Unit is responsible for tasks associated with the Second Injury Fund, Medical Fee Disputes and the Tort Victims' Compensation Fund.

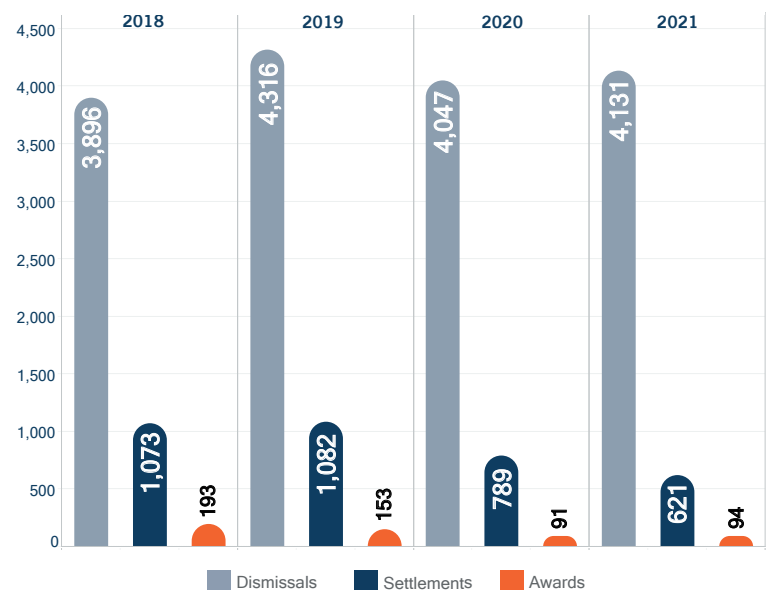
SECOND INJURY FUND

The Second Injury Fund (SIF) liability is set forth in §287.220, RSMo. When the SIF statute is applicable, the employer is liable only for the amount of disability caused by the employee's current or last injury, and the SIF is liable for the amount of the increase in disability caused by the synergistic effect of the two injuries. As a result, the SIF provides the employers with protection in hiring an employee who has a preexisting disability. For Claims filed for injuries after January 1, 2014 (or post-2014 injury), the employee has to prove that a qualifying preexisting disability, combined with the disability from the primary injury, results in permanent total disability. Claims for Compensation filed against the SIF are resolved by dismissal, settlement, or issuance of an award. All awards issued by ALJs are issued after a hearing and may determine whether the claimant is eligible for SIF benefits under the statute or is not eligible for SIF benefits based on the evidence presented at the hearing. All awards are subject to appeal as provided by law. As of December 31, 2021, there were 13,121 open SIF claims pending before the Division. Section §287.715 provides for the collection of an annual surcharge not to exceed three percent from every authorized self-insurer and every workers' compensation policyholder insured in Missouri. To address the solvency issues facing the SIF, §287.715.6 authorizes the Division Director to collect a supplemental SIF surcharge not to exceed three percent for calendar years 2014 to 2022. For calendar year 2023, the supplemental surcharge rate may not exceed 2.5%.

SECOND INJURY FUND CLAIMS FOR COMPENSATION FILED

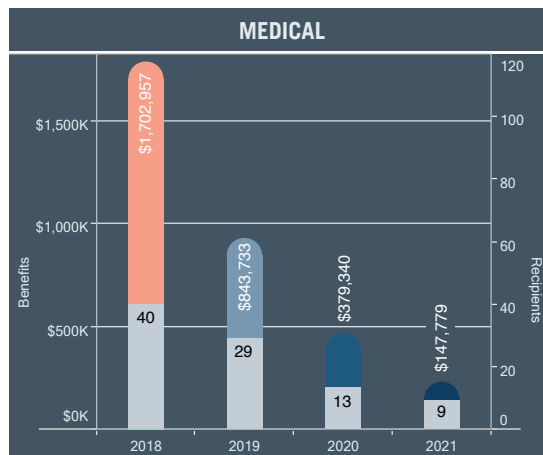
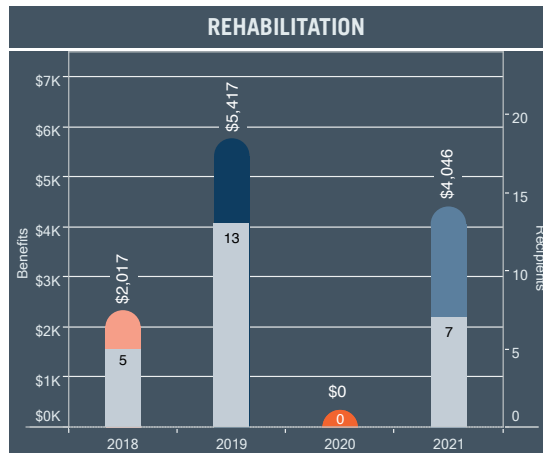
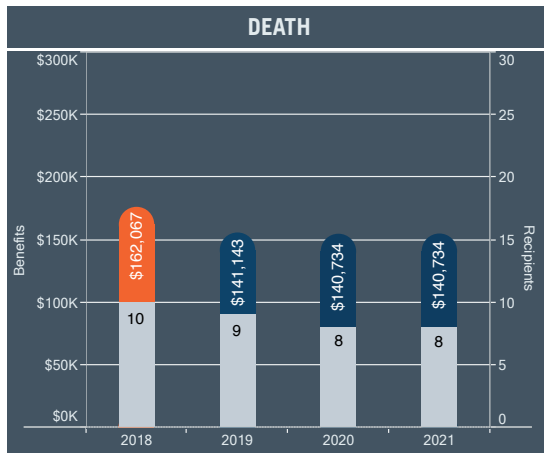
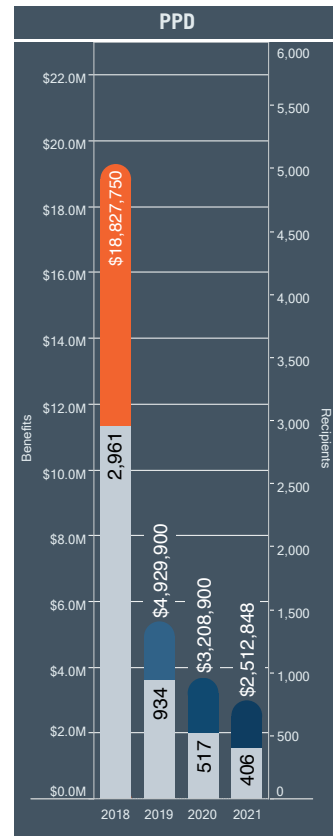
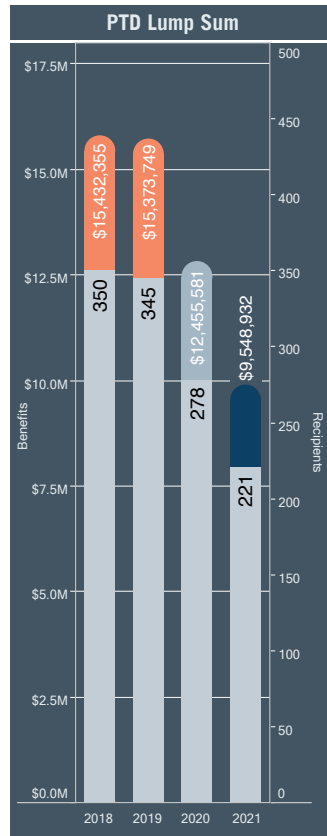
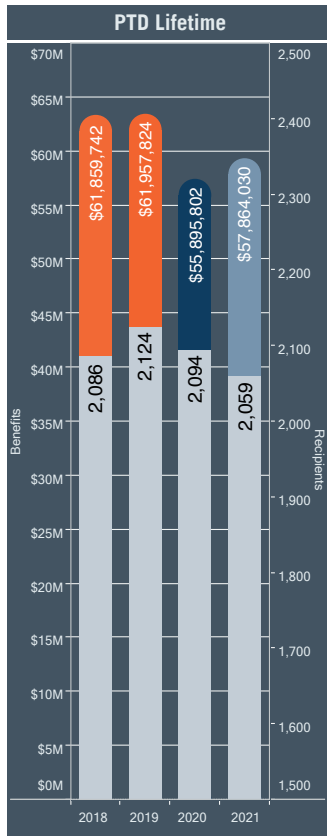


SECOND INJURY FUND RESOLUTIONS



BENEFITS ADMINISTRATION UNIT CONTINUED

SECOND INJURY FUND CONTINUED



BENEFITS ADMINISTRATION UNIT CONTINUED

MEDICAL FEE DISPUTE

The Medical Fee Dispute Program allows health care providers to file an application for reimbursement of disputed and outstanding charges and fees relating to treatment and services provided to injured employees. In 2021, the Unit processed 107 applications for direct payment and 2,034 applications for payment of additional reimbursement. The Medical Fee Dispute Program received 174 applications for “reasonableness” disputes under \$1,000 in 2021. Requests for an Administrative Ruling were submitted in five cases.

LINE OF DUTY COMPENSATION FUND

The Line of Duty Compensation Act provides for benefits, separate and apart from workers’ compensation death benefits, paid from the Line of Duty Compensation Fund to the survivors of certain individuals who are killed in the line of duty. These individuals include air ambulance pilots, air ambulance registered professional nurses, emergency medical technicians, firefighters, law enforcement officers, and volunteer firefighters. Effective August 28, 2018, the Missouri Legislature expanded the class of individuals who are entitled to line of duty benefits. There were 18 Line of Duty Claims received and 18 Line of Duty awards issued in 2021.

RELIGIOUS EXCEPTION

The Religious Exception Program receives, reviews, and responds to all questions related to granting workers’ compensation exceptions to employers and employees who are members of a recognized religious sect or division (as defined by federal law) who are conscientiously opposed to acceptance of benefits of any public or private insurance in various contexts. In 2021, the Unit received 67 applications for religious exception in which 67 employees working for five different employers qualified for a religious exception.

BENEFITS ADMINISTRATION UNIT CONTINUED

TORT VICTIMS' COMPENSATION FUND

The Missouri Tort Victims' Compensation Fund (Fund) helps to compensate people who have been injured due to the negligence or recklessness of another person called tortfeasor. It could include a motor vehicle collision or a hunting accident, or individuals who have been unable to obtain full compensation because the party at fault had no insurance, inadequate insurance, has filed for bankruptcy, or for other reasons specified in the law.

CLAIMS FILED DURING THE 2019 ANNUAL CLAIMS PERIOD

There were 89 claims filed during the 2019 annual claims period and awards were issued in 61 claims. The aggregated total of the awarded amounts in the 61 claims was \$10,674,000.00. However, \$4,696,560.00 was paid out on a pro-rata basis. Therefore, each claimant received .44 cents for each dollar awarded.

CLAIMS FILED DURING THE 2020 ANNUAL CLAIMS PERIOD

There were 85 claims filed during the 2020 annual claims period and awards were issued in 62 claims. The aggregated total of the awarded amounts in the 62 claims was \$13,000,000.00. However, due to lack of available funds, no claims have been paid out for the 62 awarded claims to date.

CLAIMS FILED DURING THE 2021 ANNUAL CLAIMS PERIOD

There were 454 claims filed during the 2021 annual claims period. Claims are pending and are under review at this time.

SELF-INSURANCE

The Division's Self-Insurance Unit is responsible for authorizing and regulating all self-insured employers in Missouri. The Self-Insurance Unit oversees roughly 30% of the workers' compensation insurance market (based on premium) as many employers take advantage of the option to self-insure their obligations. The Unit must ensure that all self-insured employers comply with chapter 287, RSMo, and follow the regulation 8 CSR 50-3.010. The Unit's primary functions consist of evaluating applications to self-insure submitted by employers, providing oversight and assistance to current self-insured entities, ensuring that annual reports are submitted to the Division on time, evaluating security posted, conducting audits to examine management practices for compliance with statutory requirements and the Division's established guidelines, and performing safety audits.

SELF-INSURANCE COUNTS

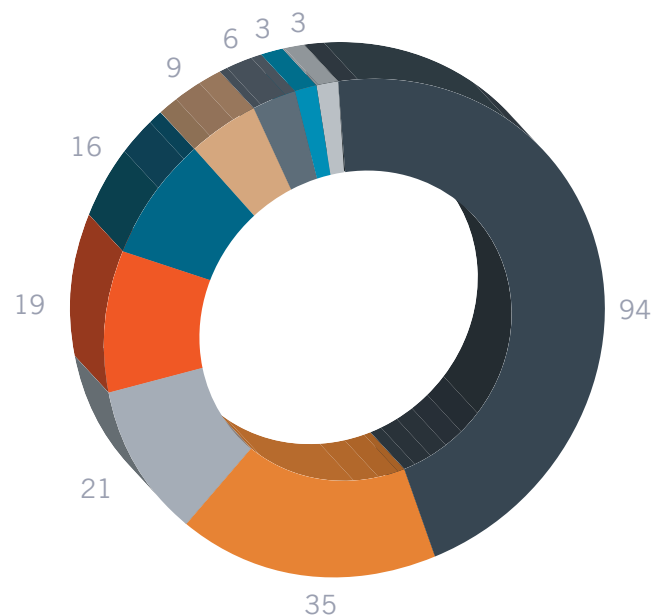
Individual Self-Insurers	216
Group Trusts	20
Individual Member Employers in Group Trusts	2,565
Covered SI Employees*	712,227
Covered SI Payroll*	\$31,612,746,837

*Numbers provided are based on counts as of January 1 of the indicated year.

SELF-INSURED BY INDUSTRY

Industry

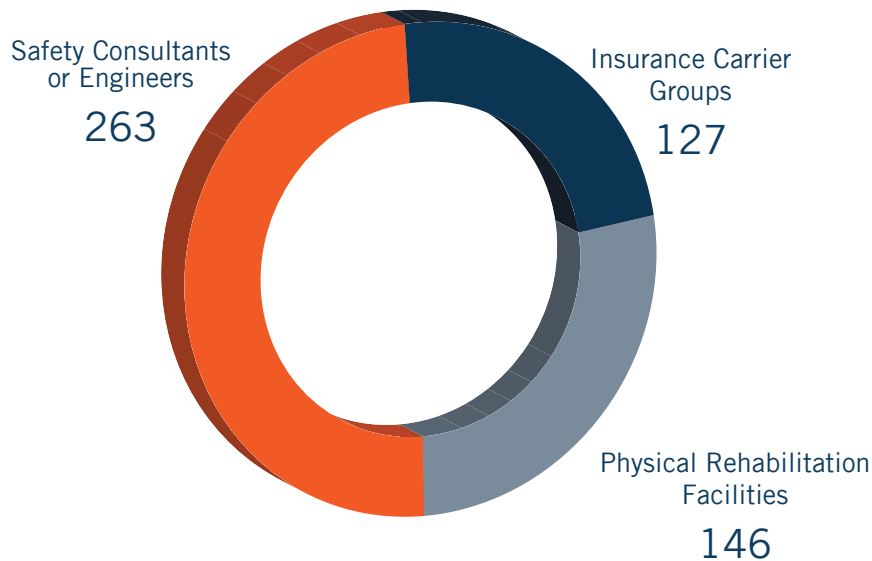
- SERVICES
- MANUFACTURING
- PUBLIC ADMINISTRATION
- RETAIL TRADE
- TRANSPORTATION & PUBLIC UTILITIES
- WHOLESALE TRADE
- FINANCE, INSURANCE, AND REAL ESTATE
- CONSTRUCTION
- AGRICULTURE, FORESTRY, & FISH



MISSOURI WORKERS' SAFETY PROGRAM (MWSP)

The Missouri Workers' Safety Program was created to help employers improve workplace safety and reduce workers' compensation insurance costs. The Missouri Workers' Safety program offers FREE safety and health services to Missouri businesses. MWSP can answer safety and health questions, survey facilities to help identify hazards and safety violations, review or provide written safety programs, assist in accident investigations, or help develop safety training programs. Workers' Safety also works to ensure that Missouri businesses have access to individualized safety and health resources through their workers' compensation insurance carrier and also maintains a list of certified safety consultants and engineers who can offer independent services.

CERTIFICATIONS COMPLETED



SITE VISITS CONDUCTED

Type	Count
Rehabilitation Facilities	17
Requests for Services	2
Self-Insurance Audits	5
Grand Total	24

FRAUD AND NONCOMPLIANCE

The Fraud and Noncompliance Unit promotes a safe, supportive, fair, and equitable work environment by preserving the integrity of Missouri’s Workers’ Compensation Law. The Unit investigates allegations of fraud, and apparent failure to comply with the law’s requirements, providing education and awareness through outreach opportunities, and by serving all stakeholders impacted by Missouri’s Workers’ Compensation Law. The Fraud and Noncompliance Unit investigates a variety of issues including, but not limited to, misclassification of employees, subcontractors vs. employees, employers allegedly failing to insure their liability, failure to report an injured worker, fictitious or modified certificates of insurance, fraudulent injury claims, denying prior injuries, false information provided to employers, insurers, medical providers, claiming a non-work injury as work-related and false information or statements all related to acquiring or interfering with a claim or obtaining a benefit.

INVESTIGATIONS CONDUCTED

FRAUD
167

NONCOMPLIANCE
150

**REFERRALS TO THE
ATTORNEY GENERAL'S
OFFICE**

72

PENALTIES RECEIVED

YEAR	FRAUD	NONCOMPLIANCE	TOTAL
2018	\$500.00	\$416,356.68	\$416,856.68
2019	\$1,400.00	\$339,113.83	\$340,513.83
2020	\$7,124.76	\$303,890.87	\$311,015.63
2021	\$55,490.81	\$213,356.33	\$268,847.14

**REPORT FRAUD/NONCOMPLIANCE or REQUEST A PRESENTATION:
1-800-592-6003 | FraudAndNoncompliance@labor.mo.gov**

MISSOURI DWC CONTACTS

MISSOURI DIVISION OF WORKERS' COMPENSATION

Central Office

P.O. Box 58
Jefferson City, MO 65102-0058
573-751-4231
Internet Home Page: www.labor.mo.gov/dwc
Toll Free Information Line: (800) 775-2667

Missouri Department of Commerce and Insurance (DCI)

Property and Casualty Section
P.O. Box 690
Jefferson City, MO 65102-0690
573-751-3365 or 800-726-7390
Internet Home Page: www.insurance.mo.gov

National Council on Compensation Insurance (NCCI)

901 Peninsula Corporate Circle
Boca Raton, FL 33487-1362
Customer Service: 800-622-4123
Internet Home Page: www.ncci.com

Box Account Set-up

(800) 775-2667

Dispute Management

573-526-4951

Fraud and Noncompliance

(800) 592-6003

Injury Claims Processing

573-526-3533

Line of Duty

573-522-6960

Medical Fee Dispute

573-751-7268

Physical Rehabilitation Benefits

573-522-6960

Physical Rehabilitation Facility Certification

573-526-4945

Records Requests

(800) 775-2667

Religious Exception

573-522-6960

Self-Insurance

573-526-3692

Second Injury Fund Benefits

573-526-3876

Second Injury Fund Surcharge

573-526-3543

Tort Victims' Compensation

573-526-2700

Vocational Rehabilitation

573-522-6960

Workers' Safety Program

573-526-5757

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DIVISION OF WORKERS' COMPENSATION

Division of Workers' Compensation

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