

# companion

A workers' compensation resource for employers served by SFM Companies

# SLIP INJURIES



**Are you counting on luck?  
When it runs out, somebody gets hurt**

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# SFM<sup>®</sup>

The Work Comp Experts

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## BRIEFS

### Post OSHA log through April

Employers subject to Occupational Safety and Health Administration recordkeeping requirements are reminded to post their OSHA 300 log of recorded injuries and illnesses for 2010. OSHA requires employers to post the log Feb. 1 through April 30.

If you need a blank OSHA 300 log for 2010, you can download it at [sfmic.com](http://sfmic.com) > Employers > Resource Catalog. Keyword search: OSHA log.

### Applications for contractor CPAP credit due April 1

The deadline to submit 2011 Minnesota, Wisconsin and Nebraska Contractors' Premium Adjustment Program applications is April 1.

Minnesota employers should file online at [www.mwcia.org](http://www.mwcia.org). Wisconsin employers should file at [www.wcrb.org](http://www.wcrb.org). Nebraska employers should file at [www.ncci.com](http://www.ncci.com).

Submitting online gives the employer immediate reply on whether it qualifies for the credit, and it allows those who don't qualify the ability to recheck and resubmit their data immediately.

The contractor premium adjustment program credit reduces the workers' compensation premiums of contractors paying above-average wages in certain job classifications.

### Minnesota treatment parameters revised

Significant changes to Minnesota's treatment parameters and permanent partial disability schedule went into effect in August. They include:

- Generics are generally to be preferred for non-steroidal anti-inflammatory, muscle relaxants and opioids.
- Limits on the duration of opioid medication unless certain conditions are met.
- Complex regional pain syndrome or Reflex Sympathetic Dystrophy (RSD) is to be rated under individual sections such as motor or sensory loss rather than groupings of mild, moderate or severe.
- Rotator cuff tears that are repaired surgically and treatment results in normal function are to receive a 0 percent PPD rating.

Treatment parameters establish reasonably required treatment of work injuries.

### Revised Nebraska medical form released

The Nebraska Workers' Compensation Court recently released a revised "Employee's choice or change of doctor" form. The revision includes a signature line for the injured employee who wishes to change his choice of treating physicians.

For a copy of the form, available in English and Spanish, go to [sfmic.com](http://sfmic.com) > Employers > Employer Kit, Nebraska icon.

## 60-minute webinar 'Responding to work injuries'



April 27, 11 a.m.

- Walks through your responsibilities as a claims coordinator.
- Covers your "Five-step response" when an injury occurs, ways to avoid reporting errors, tips on filling out the First Report of Injury, and best practices for handling questionable claims.
- A great seminar for those new to the responsibility of reporting work injuries to their insurer, and for those who need a refresher.

Register online at [sfmic.com](http://sfmic.com) > Employers > Resources > Seminars

## New workers' comp *Employer Kit* is an all-in-one resource; order copies online

The SFM *Employer Kit* has been updated and integrated with SFM's online Employer Kit at [sfmic.com](http://sfmic.com).

The kit includes best practices for reporting claims, managing work injuries, planning return to work, preventing injuries and more. Features include:

- Primers for getting ready before an injury occurs.
- Keyword search references for more information.
- An easy-to-use CD including state-specific forms and resources.
- State-specific references to the online Employer Kit for more information.

To order copies, go to SFM's Resource Catalog at [sfmic.com](http://sfmic.com) > Employers > Resource Catalog.



## SFM Resource Catalog **Employers'** top picks

1. Video Lending Library safety flicks
2. "Return-to-work: A basic policy"  
*CompTalk*
3. "Educating your supervisors"  
*CompTalk*
4. "Walk like a penguin" materials
5. "Four points to safe lifting"  
employee guide
6. "You were injured at work...  
now what?" brochure
7. "Slips, trips and falls"  
*5-Minute Solution*
8. SFM *Employer Kit*
9. "Employee handbook policy"  
*CompTalk*
10. "Break the injury cycle"  
*5-Minute Solution*

Download these and hundreds more resources at [sfmic.com](http://sfmic.com) > Employers > Resource Catalog

## SFM ranks No. 1 in response on claims

For the 12th consecutive year, SFM ranked No. 1 among large insurers for prompt action on lost-time claims, according to the Minnesota Department of Labor and Industry's recently released *Prompt First Action Report* for the 12-month period ending June 30, 2010.

SFM, which handled 1,816 lost-time claims during the 12-month period, ranked No. 1 in prompt action among all

insurers with more than 250 claims.

The annual state report tracks insurers' timeliness in paying or denying lost-time claims within the statutory 14-day period starting from the employer's knowledge of the injury.

SFM's high performance reflects its responsiveness on claims from when they are reported through to their resolution, ultimately helping control claim costs.

## Salvage yard workers tone up with Pilates

Ace Auto Parts Inc., an SFM policyholder based in St. Paul, Minn., was featured recently in the *Minneapolis-St. Paul Star Tribune* for its wellness program to help prevent injuries to their salvage yard workers.

The company invites a Pilates instructor

in once a week to its auto dismantling yard to help strengthen backs and shoulders and improve balance as a way to ultimately reduce the number of workplace injuries.

The Star Tribune news report and video is at [www.startribune.com](http://www.startribune.com).

## Scholarship applications due March 31

Graduating high school students of parents who have been injured or killed on the job may be eligible for college scholarships up to \$5,000 for the 2011-12 school year through SFM Foundation.

If you are aware of a student in this situation, direct him or her to the Foundation website [www.sfm-foundation.org](http://www.sfm-foundation.org)

for information and the scholarship application form. The deadline to submit applications is March 31.

The scholarship is available to children of parents fatally or seriously injured while working for Minnesota or Wisconsin employers, regardless of the insurer for the workers' compensation claim.



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The Work Comp Experts

# Auto accidents

## What you need to know when an employee is hurt

Too often at the scene of an accident, employee drivers are uncertain about what is expected of them, and they leave the accident scene without getting vital information. Employers should be sure their drivers know that, if involved in an auto accident, they should:

**1. Call police to the scene.** If that can't be done, the employee should make a report with the local police department as soon as possible.

**2. Get key information:**

- Names, addresses and phone numbers of all drivers, passengers and witnesses.
- License plate numbers of all vehicles.
- Insurance information from the other drivers.

**3. Take photos** of damages to all vehicles if possible. Cell phone cameras make it easy.

**4. Call the employer** and talk to the person who handles insurance claims.

**5. Request a copy of the traffic accident report** from the police department. Provide this accident report to SFM.

**6. Report the accident to his or her personal auto carrier** if the vehicle is not company owned.

### When an employee is hurt

Employers sometimes mistakenly think injury-related costs will be taken care of

up-front by the at-fault driver's auto liability insurance. Because workers' compensation coverage is primary, this is not the case.

As the workers' compensation insurer, SFM must handle the employee's injury claim. SFM's claims representatives will gather facts, determine primary liability, and take care of the injured employee's wage loss and medical care needs.

Fast reporting to SFM is therefore important because of state-imposed workers' compensation deadlines. SFM's policy is that employers report injuries to SFM immediately.

### Is it a work injury?

States' laws differ but generally do not consider travel to and from the workplace — commuting—to be covered under workers' compensation except when (1) the employee is considered a traveling employee, or (2) the employee is riding in employer-provided buses, trucks or vanpools.

The law is full of gray areas, so an employer who is unsure whether an auto accident is work-related should go ahead and report it to SFM. The SFM claims representative will investigate it and issue a liability decision in accordance with state law.

### When a third party is at fault

SFM's specialization in subrogation recoveries produces substantial benefits for employers.

For instance, in Minnesota, state workers' compensation law includes a formula that limits the insurer's share of a subrogation recovery to less than two-thirds of the workers' compensation benefits paid. Many workers' compensation insurers doing business in Minnesota concede to this recovery percentage. SFM obtains higher recoveries through its specialization in state-specific workers' compensation law and strategically applying case law to recovery negotiations.

Although SFM wants to move cases along as quickly as possible, SFM also wants to collect the maximum possible recovery. Therefore, SFM usually needs to know the final cost incurred on the claim before it can begin settlement discussions. If liability is mixed and damages are difficult to objectify—because auto claims law is different than workers' compensation law—litigation may be necessary, and the civil litigation process does take time.

### Getting premium dollars back

Immediately upon receipt of a subro settlement check, SFM re-files the Statistical Unit Card—or stat card—with the state rating bureau. Recovered dollars are reflected as quickly as possible in the employer's workers' compensation loss history and premium. ♦

### Contacts for questions

SFM's subrogation team  
subro@sfmic.com  
(800) 937-1181 ext. 4288



# Handling injuries

## What is a 'work ability' report? How do I get it?

By **Rose Hatmaker**, RN BAS CCM CPHQ  
Manager, SFM Medical Services

The so-called "report of work ability" is issued by the treating doctor to establish medical restrictions and describe what the injured employee is able to do while recuperating. The report involves four parties, including you:

■ **The healthcare provider** is required by the state to give the injured employee a completed work ability report. In fact, healthcare providers generally are accustomed to providing all patients, including those outside workers' compensation, with this work slip if they are unable to perform job duties.

■ **The employee** must give the work ability report to the employer or the insurer, as well as the employee's rehabilitation consultant, if he has one.

■ **As the employer**, you may need to remind the injured employee to give you the work ability report following all healthcare provider visits.

If the employee does not provide a copy of the report to you, you can contact the healthcare provider directly and request a copy by fax. It is not uncommon for a larger employer with a designated clinic to ask the clinic to automatically send them a copy of the work ability report following each employee visit.

If an employee has restrictions to performing regular job duties, a work ability report should be received after every visit if visits are less frequent than once every two weeks, and every two weeks if visits are more frequent than once every two weeks, unless restrictions change sooner. Open-ended durations of disability or restriction are not acceptable.



A critical step for you, the employer, is to communicate to the clinic your interest in returning the injured employee to safe, transitional work as soon as possible. Your SFM claims representative or nurse is always available to assist you in identifying light-duty work. You also need to get the injured employee's job description to the clinic at the time of treatment. The treating doctor needs those two pieces of information in order to fill out the work ability report accordingly and allow the recuperating employee to return to work.

■ **As the insurer**, SFM also will request a copy of the work ability report. The claims representative or an SFM nurse will make the request and will share the information with the employer. In most cases, with good communication and partnering among all parties involved, there is little delay in securing the work ability report.

Using the report, SFM builds a collaborative plan involving the employer, employee and treating doctor to return the employee to a productive lifestyle. ♦



## About the Premier Partner Award

*Editor's note: SFM serves more than 13,000 employers across the Midwest. Our Premier Partner Award is given to a select few each year, recognizing them for putting good ideas into action.*

## Ideas in action

### Four-point formula keeps small firm injury-free

ROGERS, Minn.—Successful small-business people pride themselves at solving problems. One in Rogers, Minn., has come up with solutions that have kept his manufacturing business injury-free for years.

“It’s expensive to solve a problem more than once. Having the proper policies and procedures in place—including safety and training—translates to the bottom line,” says Peter Will, second-generation owner of the family business Universal Promotions Inc., a 22-employee firm that does contract plastic printing for national and local markets.

It produces, for instance, pill boxes and medicine droppers for pharmacies. That involves manufacturing hazards.

Will’s formula for addressing them:

**1. Work area inspections.** “We make sure the area around each workstation is free of clutter, well-lighted and properly equipped. We’ll replace wobbly chairs, for instance. Each operator is required to clean the workstation at the end of each shift,” says Will.

**2. Training.** “Before somebody operates a piece of equipment, we make sure they have a clear understanding of what they are doing. They read our written policies and procedures. They are trained by others who are experienced.”

“In fact, we cross-train employees in different areas. It keeps employees fresh and attentive when they do different things throughout the day.”

**3. Regular employee meetings.** One agenda item is safety, spiced up a little: A quiz, for instance, challenges employees to recall where the fire extinguishers are located, or the eyewash. Correct answers earn small prizes.

**4. Safety point person.** Currently, that’s the Human Resources director, Gail Duncan, who oversees the three-person safety committee and keeps it active.

“If somebody slipped and fell, would you know what to do? If you went to the eyewash station, would you actually know how to use it?” says Duncan. And so the company looks beyond required OSHA training. It trains for practical use, and it trains repeatedly. Resources include SFM’s *5-Minute Solutions* and videos.

Says President Will: “Everybody likes to think they have common sense when it comes to doing their jobs safely. It’s not always easy to capture that. But if you can capture and document it, and pass it along to others, then it becomes easier for the next person, and it’s better for the organization.” ♦





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## When an injury occurs, report it to SFM—

- **Accurately.** Pay attention to dates.
- **Completely.** Don't overlook the lost-time box.
- **Timely.** Submit within 24 hours of injury.



Don't have it all? Go ahead and report anyway. Call SFM later with the rest.

Report minor injuries as "Incident only."

**Report online at [sfmic.com](http://sfmic.com)**



# SLIP INJURIES



## Are you counting on luck? When it runs out, somebody gets hurt



**“Fell on ice. Sprained right shoulder,”** the employer wrote on the First Report of Injury.

Her employee, Mrs. Anderson, a long-time teacher in her 50s, had been walking from the car to the building when her right foot shot out from under her, flinging her down hard. It was a nasty fall. She had to miss several days of school and probably will suffer back and shoulder pain the rest of her life.

The accident may have been prevented had the employer shoveled and salted after the light snowfall. It may also have been prevented had Mrs. Anderson been reminded that the changing weather conditions call for changing footwear and even changing one’s gait on a walkway that’s turned icy.

This injury, as many are, was no fault of the employee. However, the cost, in human terms, was devastating.

### Chilling facts

- Slips and falls are the third largest cause of workplace injuries and the single most common reason for visits to the emergency room, according to national statistics.
- \$28,000 is the average cost of a slip-and-fall injury, including medical treatment and lost wages, according to the U.S. Bureau of Labor Statistics.

- Slips-and-falls lead to 104 million lost workdays per year in North America.

SFM’s experience, too, is that slip-and-fall injuries are costly, on average, and occur at a higher rate of incidence than they should, given the relatively small effort an employer can make to avoid them.

With medical costs continuing to rise in workers’ compensation, slips-and-falls are an excellent opportunity to reduce injuries and control costs.

While you might not eliminate slips-and-falls altogether, you can reduce the number of incidents as well as their severity by:

- Understanding how slip-and-fall accidents happen.
- Identifying the problem areas.
- Increasing employee awareness of the hazards.
- Eliminating or minimizing hazards of slips and falls.

### Take the right precautions

You’ll get better results than relying on luck to prevent slips and falls:

- Monitor the weather and changing conditions. Act accordingly.
- Keep adequate supplies of snow and ice removal tools in accessible areas.
- Shovel and apply ice melt as necessary to keep walking areas clean and dry.



# Slip injuries

- Watch for areas where ice tends to form. Remove ice accumulations promptly and apply additional ice melt to prevent buildup.
- Provide good lighting and clear path markings in parking lots and walkways.
- Clearly identify steps, ramps and other elevation changes that might not be visible in snowy conditions.
- Contract with a snow removal company to keep your parking lots clear of snow and ice.
- Place high-quality, beveled edge mats in walking areas subject to water or snow accumulation.
- Change mats regularly to ensure those in place are dry.
- Apply a slip-resistant floor treatment in areas that tend to become wet and slippery. Clean and maintain these floors according to the manufacturer's specifications.
- Raise awareness of the hazards with employees. Use SFM's Penguin Series of materials to help generate awareness and promote safe behaviors. ♦

For assistance with slips-and-falls training or for specific questions about precautions you can take, contact your SFM Loss Prevention representative.

## Walk like a penguin

Slips-and-falls can be serious. They also can be expensive. But, with your help, they can be avoided.

Your part is pretty easy. Just reminding employees to exercise special care and caution when treading outdoors will go further than you might think.

- 1 Download or order posters and other materials in SFM's Penguin Series. Go to [sfmic.com](http://sfmic.com). Click the orange penguin.
- 2 Hang penguin posters, put out table tents and distribute envelope stuffers. Switch them out regularly to keep them fresh.
- 3 Talk to your employees about winter hazards. Use SFM's "Winter slip and falls" *5-Minute Solution*, a mini-training safety talk, to get you started or as a refresher throughout the winter. ♦

One in SFM's series of six penguin posters. Available at [sfmic.com](http://sfmic.com).



## Falls in the parking lot are likely to be considered work-related

**By Beth Mandel**

Senior Defense Counsel

Lynn Scharfenberg and Associates, SFM's in-house law firm

If your employee falls and is injured in your parking lot, it's likely the employee is eligible for workers' compensation benefits—regardless of who's responsible for snow removal.

### **Parking lot rule**

Employees are eligible for workers' compensation benefits when an injury occurs in the course of employment. Generally, injuries sustained going to and coming from the workplace are

not deemed to have occurred in the course of employment.

One exception, however, is the so-called "parking lot rule." This holds that, if an injury occurs in a parking lot or other off-premises area over which the employer has some control, the injury may be considered work-related and subject to workers' compensation benefits.

### **Third-party liability**

A third party may be liable as well. If your organization employs a third party for snow removal services and

your employee fell due to poor maintenance or slippery conditions in the parking lot, some workers' compensation benefits may be recovered from the third party.

However, if your staff is responsible for snow removal, you'll want to set your expectation up front so they can maintain the parking lots and sidewalks to prevent employees from falling.

Take a preventive approach. Keep parking lots and sidewalks clear of snow and ice. ♦



## How to contact SFM

### General offices

Toll-free (800) 937-1181  
Metro area (952) 838-4200  
Fax (952) 838-2000  
Email info@sfmic.com

### To report a claim

Online www.sfmic.com  
Toll-free (800) WC-CLAIM  
Metro area (952) 838-2020

### Lynn, Scharfenberg & Associates

Toll-free (800) 937-1181  
Metro area (952) 838-4450

### Your claims information

CompOnline® www.sfmic.com  
Phone (952) 838-4200

**Safety programs** (952) 838-4309

**CompRehab Inc.** (952) 838-4400

### SFM Risk Solutions (for TPA clients)

Online www.sfmic.com/TPA  
Toll-free (800) 937-1181  
Metro area (952) 838-4200

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