

# Risky Business

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## Did You Know?

### Computer Positioning Tip:

- The top of the monitor (e.g. menu bar) should be at or slightly below eye level.

Source *Ohio BWC*

### Injury Stats:

- In 2004, 3.7 million American workers suffered disabling injuries in the workplace.
- Motor vehicle crashes are the number one cause of work-related injuries.

Source *www.nsc.org*

## Out with the Old, in with a View

BWC changing from MIRA reserving to MIRA II

The Ohio Bureau of Workers' Compensation (BWC) has been mandated by State legislators to replace the current Micro Insurance Reserving Analysis (MIRA) system with a more "user-friendly" and transparent MIRA II beginning June 30, 2008.

A MIRA II Workgroup, consisting of BWC Project Members and selected Third Party Administrators (TPA, like V&A Risk Services), has been meeting to discuss the transition to MIRA II and the differences between the 2 reserving systems.

Under the current MIRA system, BWC reports 49 factors

in each claim to NCCI, the owners of MIRA, who then reports the resulting calculated reserve quarterly to BWC. Neither the BWC nor TPAs are privy to those calculations. The results are reported quarterly and 12/31 reserves are used to determine employer rates for the next 7/1 fiscal year.

Also, if a claim has no activity for 13 months the reserve becomes suppressed (temporarily set to zero).

Under MIRA II, the factors that contribute to or change the reserve will be reported *weekly* on the BWC On-Line website and made available for employers to

view by logging into their established on-line account. This makes the reserve transparent to all parties, allowing better understanding of the calculations and giving parties the opportunity to make corrections where warranted.

Also, the timeline of reserves lasting 13 months beyond last activity has been reduced in most cases to 6 months.

With the new transparency, weekly updates and the shorter timeline on reserves, it appears MIRA II will be a change for the better for Ohio employers.

## Senate Passes Bill No. 334

This bill prevents an injured worker from receiving Workers' Compensation benefits in Ohio if they have an allowed claim in another state for the same injury.



## Proposed Law Healthy For Families But Not Employers

The proposed "Healthy Families Act" supported by Senator Ted Kennedy and Labor Unions could prove to be detrimental to Ohio employers. The Act would require employers with more than 25 employees to provide 7 days of paid sick leave for full-time employees as well as a pro-rated amount for part-time workers. The employees would be able to take the time off in 1-hour increments and would not be required to provide a doctor's off work slip.

Unions have gathered enough signatures to require the Act be

presented to the State Legislature. If the Legislature does not pass the bill then the Unions will try to acquire enough signatures to get the Act onto the November 2008 ballot.

Currently, of the lowest quarter of wage earners only 31% have any paid sick days. Many supporters of the Act feel that it would prevent the spread of illness as it would allow more parents to stay home with ill children and currently only 32% of food-service workers have paid sick leave.

*Providing the personal touch in Workers' Compensation claims and policy management*



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## Sprain or strain, how do I treat it?

Confused about the difference between a sprain and a strain?

- A sprain is a ligament injury.
- A strain is a muscle or tendon injury.

Signs of either injury include a sharp pain which could be followed by redness, swelling and bruising. Most of these injuries can be treated at home and will heal in 2 or 3 weeks.

Physicians recommend the RICER principle for treatment at home.

**R**est injury for a day.

**I**ce the injury in 20 minute intervals.

**C**ompress the injury with bandages.

**E**levate the injury.

**R**ehabilitate by slowly adding movement after a couple days.

An anti-inflammatory, such as Ibuprofen, will also help alleviate the discomfort. Heat and massage can also be added to the treatment after 48 hours.

A person's risk of a strain or sprain can be increased by high risk sports such as skateboarding, skiing or rock climbing. Improper posture, poor fitting shoes and being overweight can also increase your risk of these injuries.



## Mandarin Cake

1 box yellow cake mix  
½ cup vegetable oil  
4 eggs  
1 (11 oz) can mandarin oranges

Mix all ingredients with electric mixer. Divide into three 9 inch greased and floured layer pans. Bake at 325° for 20 minutes. Cool completely.

## Did You Know?

### Rate Reductions

- 10-percent overall premium rate decrease for Ohio state agencies, universities and university hospitals.
- 5-percent overall premium rate decrease for private employers.

Source Ohio BWC

## Supreme Court Reversal

The Ohio Supreme Court recently reversed its decision in *State ex rel. Wise v. Ryan*, Slip Opinion No. 2008-Ohio-1740. Robert Wise fractured his leg at work and underwent surgery in November 1995 and was told there was a risk of post-traumatic arthritis. In 1997 the employer's TPA sent a settlement offer of \$2000 to Mr. Wise, who agreed to the amount. The TPA sent Mr. Wise the settlement documents however did not indicate the reason the settlement was desired, a requirement under R.C. 4123.65(A). Mr. Wise signed the papers with no counsel representation and an IQ of 72.

Five years after the settlement

Mr. Wise acquired counsel who sought the agreement to be vacated based on the lack of representation and his competency at the time of signing. The DHO denied this motion stating that the TPA's letter satisfied the requirement and Mr. Wise was competent enough to understand the papers and also had guidance from his father.

Mr. Wise filed an appeal and the SHO upheld the prior decision that Mr. Wise was competent and understood the settlement agreement.

The case then went to the Franklin County Court of Appeals where the decision was upheld again.



On April 16, 2008 the Supreme Court found it unnecessary to address Mr. Wise's competency as the settlement agreement failed to provide the reason the settlement was desired under R.C. 4123.65 (A).

As a result of this decision the Industrial Commission has adopted a new section into their Policy and Guidelines stating that a SHO must review settlements and determine if the agreement is or is not fair and just.