

Risky Business

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V&A RISK SERVICES

Workers' Compensation Services

Tradition Square
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Toledo, OH 43617
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Home Owners: Are you on the hook for a repairman's injuries?

The misclassification of employees as independent contractors is a pervasive and worsening problem in the workplace and is no longer a matter that primarily concerns (and excites) lawyers, the IRS and various state agencies. Witness the plethora of recent headlines involving a California court's decision finding Uber drivers misclassified as independent contractors. As an article in last Sunday's (August 2nd) Plain Dealer highlights, however, the misclassification issue is a much more extensive problem than people realize. It may well impact you in that most prized personal possession-your home.

In the letter appearing in the "Money Matters" column in Sunday's P.D., a reader expressed concern about hiring home repair and other home maintenance workers. The writer noted the difficulty in finding such workers who carry workers' comp coverage. The homeowner very skeptically noted that all of these workers classify themselves as independent contractors, which then exempts them from having to obtain workers' compensation insurance. The homeowner was greatly concerned that he/she could be financially responsible if one of these workers injured themselves while working at the homeowner's home.

As the columnist correctly responded, the homeowner's concern was well founded. The columnist observed that the homeowner may well be on the hook for any injury a worker he/she hires if that worker is found to be an employee. The columnist strongly recommended that the homeowner insist on proof of workers' compensation insurance from any general contractor doing work on the homeowner's property. While sound advice as far as it went, the columnist's response was also incomplete and missed a good opportunity to remind homeowners of the need to carry their own workers' compensation coverage in certain situations.

The most obvious example is working spouses who employ nannies or other domestic help or caregivers. While an exhaustive list of the criteria for determining whether these workers are considered the homeowner's employees is beyond the scope of this article, some general guidelines can assist in that determination. First, do these workers work set hours? That is one strong indication of an employer-employee relationship. Equally important is whether specific direction or instruction regarding how the job tasks are to be performed is given. These questions inevitably lead to many gray areas, but the more direction and instruction a homeowner gives to a nanny or caregiver—"put the baby down for nap around this time," or give the elderly parent medication at this time and feed them around this time—the more likely that worker will be considered an employee. In those cases, the homeowner will be financially responsible for any injury that worker sustains. Also note that homeowner's insurance policies exclude coverage for such work injuries. Under Ohio workers' compensation law, an employer who does not carry workers' comp. insurance will be directly liable for every dollar paid out in a claim. For a serious injury, that can be extraordinarily expensive.

Steven P. Dlott is a Certified Specialist in Workers' Compensation Law and heads the Workers' Compensation Department at Myers, Roman, Friedberg and Lewis. Steve has extensive experience defending employers in workers' compensation cases and counsels employers in reducing workers' compensation premiums and preventing workers' compensation fraud and abuse. Steve can be contacted at (216) 831-0042 or



Important Dates

November 15

Group Rating Forms Due

November 23

Group Rating Rosters Filed

November 30

Drug Free Applications Due
Public Employer Only

Transitional Work Bonus
Applications Due
Public Employers Only

Industry Specific Safety
Program Application Due
Public Employer Only



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Control Costs with an Onsite Clinic

With the rising costs of healthcare and workers' compensation premiums, many employers are searching for better strategies to control costs while providing quality care for their employees. One such solution, the onsite medical clinic, has been embraced for decades and is enjoying increased interest as medical costs rapidly rise.

For employers with thousands of employees, comprehensive medical clinics are common. Doctors and nurses staff the clinic full time and the services may be available to families, as well as employees. Smaller employers, however, have taken a fragmented approach to managing costs, often using multiple providers. As a result, the financial reward has been minimal. Many small employers give up believing that their efforts are not worth it.

Worksite clinics can change all of that. Appropriately managed medical clinics can bring a more structured and streamlined approach. Centralizing all aspects of the organization's cost control strategy in the worksite clinic means eliminating the need for multiple providers, improving communication and lowering the costs to provide services.

By scaling hours, using appropriate providers and offering only the services that make sense for the employer, small organizations can reap many of the same benefits that Fortune 500 companies have been enjoying for decades. For some organizations, that may mean a nurse practitioner available for injury and illness treatment a few hours each week. For others, it may mean having a registered nurse to provide services normally outsourced to occupational healthcare provider or to spearhead wellness programs. Other services, like physical therapy or case management can be brought in, as needed.

Worksite clinics, developed and expanded according to the needs of the small employer, have been shown to reduce medical costs up to 30 percent, positively impact attendance, increase productivity and impact employee morale.

Lisa Wade is the Senior Vice President of Client Services for [First Connect Plus](#). First Connect Plus specializes in healthcare and workers' compensation cost containment services including worksite medical clinics, early intervention case management, transitional work and drug free workplace programs. For more information, Lisa can be reached at 855-990-5500.

It's Flu Season!

Each flu season, one in five employees will call in sick with the flu. Overall, the flu accounts for 75 million lost workdays and 22 million visits to healthcare providers.

Employers can help combat flu related absence by reminding employees to wash hands often, supplying hand sanitizer and encouraging employees to stay home when they're sick. Employers can also make it easy for employees to get a flu shot by providing vaccines at the worksite. Costs vary each year but most healthcare insurance will cover vaccines given at the worksite.

V&A On the Road!

***November 5
Toledo Human Resource Association
Conference
Perrysburg, Ohio***

***November 12
NE Ohio Apartment Association
Conference
Cleveland, Ohio***

***November 19
NWOSIA Med/Legal Seminar
Perrysburg, Ohio***

Ohio BWC, MCOs now using ICD-10

On October 1, the Ohio BWC implemented the International Classification of Diseases (ICD-10). While the BWC was not required to make this move, ensured that physician offices providing treatment to injured workers would not have to make special accommodations, resulting in uninterrupted services for employees.

The change to the new ICD-10 code offers medical professionals the ability to be more specific in how the provider documents the location and severity of the injury. Employers should be aware that the change might mean there is more than one code or different codes are used in existing workers' compensation claims after October 1. The change and/or additional codes should not be misconstrued to mean additional allowances, however.

New Law Provides Relief to Ohio's Non Profits

Effective in September, a new law helps reduce workers' compensation costs for Ohio's non-profit organizations. The law removes the requirement for non-profit organizations to provide workers' compensation coverage for their unpaid corporate officers.

From BWC Administrator/CEO Steve Buehrer: "By allowing officers who volunteer their services to non-profit corporations not to be covered by BWC, we are freeing up money for these organizations to provide services that help local communities throughout the state."

The previous law required corporate officers of a nonprofit be treated as if they were earning an income regardless of whether they were paid. Under the new law, the non-profit may still elect to cover their non paid corporate officers.

Important Reminder!

*Group Rating Applications are due in our
office no later than November 15th!*