



Dallas Summit Final Report

Statement of Purpose

The purpose of the 2016 Workers' Compensation Summit held in Dallas, TX on May 11 and 12, 2016 was to begin a conversation for positive change by identifying areas where the potential for consensus exists; the goal of all changes would be to make the workers' compensation system more efficient, affordable, and fair to both employers and workers. A more efficient system with less burdensome regulation should ultimately improve outcomes for both injured workers and those who employ them.

The importance of workers' compensation was best stated by a Florida appellate judge decades ago, he said "workers' compensation is a very important field of law, if not the most important. It touches more lives than any other field of the law. It involves the payments of huge sums of money. The welfare of human beings, the success of business, and the pocketbooks of consumers are affected daily by it."

- Judge E.R. Mills, *Singletary v. Mangham Construction*, 418 So.2d 1138 (Fla. 1st DCA 1982).

In 1972 a national commission was established concordant with the birth of the Occupational Safety and Health Administration (OSHA). The findings of that commission noted that "In recent years serious questions have been raised concerning the fairness and adequacy of present workers' compensation laws in the light of the growth of the economy, the changing nature of the labor force, increases in medical knowledge, changes in the hazards associated with various types of employment, new technology creating new risks to health and safety, and increases in the general level of wages and the cost of living." The march of technology and the ever changing nature of our workplace are as evident today.

Though there is much discussion of change, and perhaps of national standards or federal control, the state-based workers' compensation systems, while improvements may be required, remains the most acceptable means of addressing work injuries. The following topics have been identified as worthy of further discussion and consideration.

Overview

This report represents the final output from the Dallas meeting of the 2016 Workers' Compensation Summit, but is in no way intended to represent the final point of discussion regarding the "National Conversation" the Summit was designed to kick off. The group is continuing with its activities, with the next meeting scheduled for August 21, 2016, in Orlando, Florida. Additionally, it is hoped other groups will build from this effort, discussing the

foundational work done here as well as building towards a greater consensus for positive change.

The lists below represent the 29 main friction points, or “Imperative Issues” identified by the Summit attendees. These have been published previously. This report, however, is intended to prioritize these issues in a manner that makes them more manageable. The issues are listed in three separate “Priority Groups”, ranked in importance by a survey of the Summit attendees. We have also identified 3 prominent priority issues for workers’ compensation, based on the voting pattern of the participants. We have listed them separately in order to emphasize their importance to the industry.

It is our hope that this report will bring a bit more clarity to the work of the Summit, as well as the ongoing National Conversation on Workers’ Compensation.

3 Top Priority Issues for Workers’ Comp

1. Benefit adequacy
2. Regulatory complexity
3. Delays in treatment even if compensable

First Priority Group

TOP 11

Benefit adequacy

Regulatory complexity brings cost and does not contribute to the delivery of benefits

Delays in treatment even if compensable

System failures

Incentive is different in WC and group health

Systems are persistently adversarial

Staffing and training of the workers’ compensation professions

Permanent partial compensation

Opt out movement

Injured workers beliefs - not informed or uninformed assumptions

Are treatment protocols a benefit or a burden

Second Priority Group

MIDDLE 10

Perceptions and education

Vocational rehabilitation has been a failure

Ability versus disability

Methodology of claims handling

Medical ignorance

What is the critical point that causes a case to go over-the-edge?

Data illustrates people who are acting inappropriately, but then nothing happens

Misclassification

Unrealistic expectation of full recovery and youth

Federalization

Third Priority Group

BOTTOM 8

Is it time for a new national commission?

Employee not represented in the conversation (not injured)

Occupational disease

Lawyers in the system

Competition between states

Roles and delineation

Colorado proposal for single payer

There is a question about whether there are outliers

2016 Workers' Compensation Summit

The Conversation Continues...