

# Industrial Commission Continuance & Docketing Processes

Kaizen Event Report Out  
January 25-29, 2010

# The Block Party



# Team Members

Tom Connor – Director, Hearing Services

Scott Greene, Management Planning

Nilima Sinha, Information Technology

Mark Russo, Information Technology

Cynthia Slocum, Columbus Hearing Administrator

Kathi Hopkins, Cincinnati Hearing Administrator

Jack Bischoff, Assistant, Akron Hearing Administration

Verlenia McKissic, Assistant, Cleveland Hearing  
Administration

David Packer, Columbus Staff Hearing Officer

David Greim, Columbus District Hearing Officer

# Team Members Continued

David Barnhart - Fulton Law Office (IW rep)

Jim Buonpane - Careworks Consultants Inc. (TPA)

Paul Disantis – Dawson & Disantis (Employer rep)

Mark Heinzerling – Heinzerling, Goodman & Reinhard (IW rep)

Pat Ingle – Sheakley Uniservice (TPA)

Laura Kaiser – Installed Building Products on behalf of Ohio Self-Insurers Association

Sara Nichols - Reminger Co. (Employer rep)

Niki Talik – CompManagement, Inc., a Sedgwick CMS Company (TPA)

Rebecca Todora - Barkan Neff Handelman Meizlish (IW rep)

Pat Walsh – Bevan & Associates (IW rep)

Tom Bevan – IW Rep

Ann Shannon – BWC

Doug Farmer – BWC

Gina Mee- ODJFS

Kate Nicholson - DAS

## **Facilitators**

Bill Demidovich

Cathy Herron

Steve Wall

# General Overview

The Industrial Commission (IC) of Ohio conducts over 180,000 hearings annually and most of these hearings take place within 45 days of the original claim appeal. We provide a forum for appealing Ohio Bureau of Workers' Compensation (BWC) and self-insured employer decisions. Since 1912, the IC has been resolving issues between parties who have a dispute in a workers' compensation claim. Throughout the appeals process, the Industrial Commission offers information and resources to assist parties, including a customer service phone line, and assorted Web services.

Hearings on disputed claims are conducted at three levels within the Commission: the district level, the staff level, and the Commission level.

**Purpose of the Kaizen Event is to evaluate the docketing and continuance processes to look to improve efficiency and provide greater customer satisfaction.**

# Kaizen Event Scope

From the notification of a claim requiring a hearing to the time the hearing takes place. The scope will also include the following:

- Continuance Policy
- Hearing/Vacation Block-outs
- Concurrent Hearing Values

# Out of Scope

- No one loses their job because of the Kaizen event- *but the work performed may change*
- Legislative changes
- Statute time frames (4123.511)
- No additional dollars spent
- No additional people

# Goals

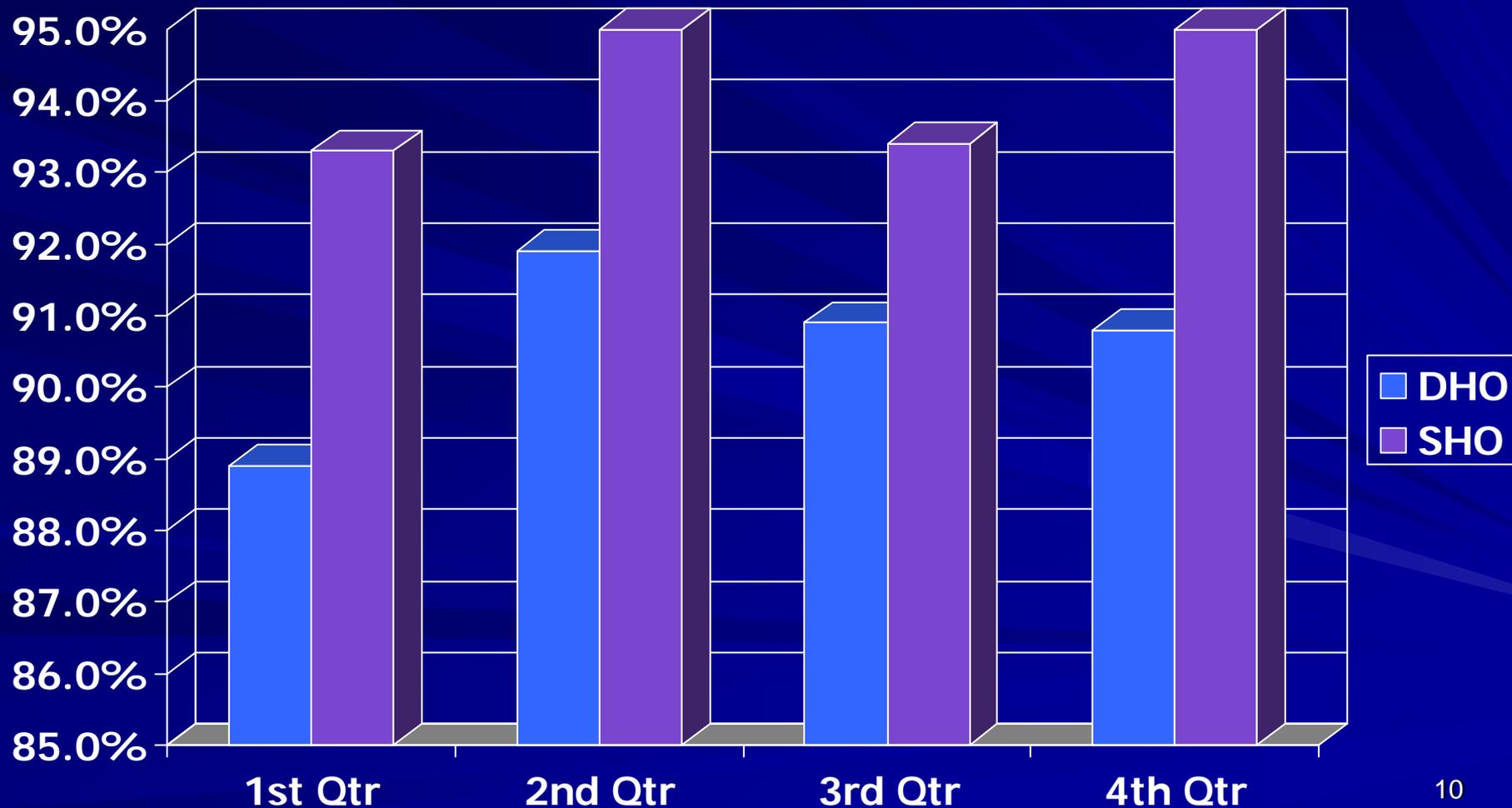
- To alleviate docketing challenges/woes experienced by our customers and the Industrial Commission.
- To develop a more consistent continuance evaluation statewide.
- To reduce the number of unnecessary continuances.

# Focus Group Common Themes

## 12/18/09 (the woes)

- Inconsistency from region to region to get a continuance granted
- Docketing process – no flexibility, no human touch
- Lots of drive time back and forth may be caused by: lack of smooth schedule, weird peaks, not grouped, time gaps between some hearings (i.e. 1 case at 9AM; another case at 3PM)
- Set too quick- not enough time to gather evidence (medical)
- Do not set hearings if an upcoming exam is after hearing date – want to adjust the date
- We want a change in the ‘blocking policy’ - this has increased the number of continuances

# Baseline Data: Percentage of time the 45 Day Requirement was met-2009



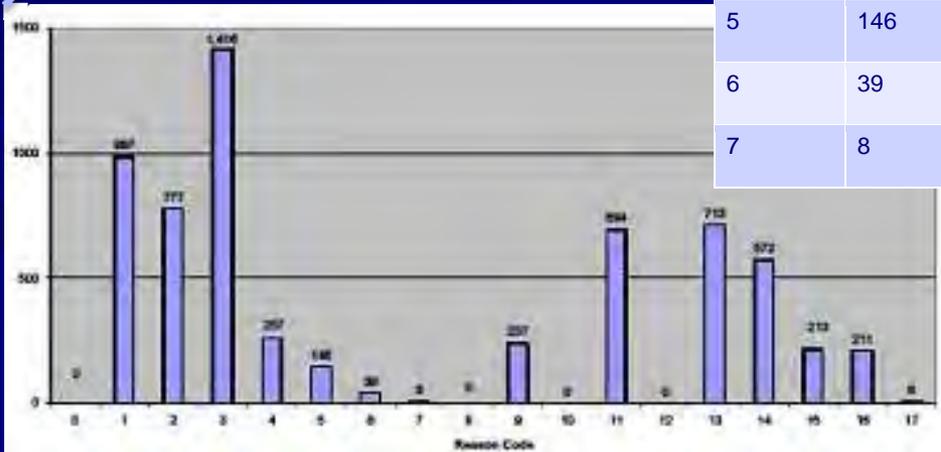
# Baseline data: Continuance Statistics 2008-2009

|            |     | CONTINUANCES   |        |      |        |      |
|------------|-----|----------------|--------|------|--------|------|
| 2009 RATE  |     | CLAIMS HEARD   | PRIOR  | RATE | AT     | RATE |
| Akron      | 23% | 26,286         | 4,791  | 18%  | 1,444  | 5%   |
| Cincinnati | 23% | 33,618         | 4,496  | 13%  | 3,360  | 10%  |
| Cleveland  | 24% | 48,978         | 8,151  | 17%  | 3,319  | 7%   |
| Columbus   | 21% | 44,137         | 7,084  | 16%  | 2,119  | 5%   |
| Toledo     | 33% | 15,245         | 4,289  | 28%  | 808    | 5%   |
| STATEWIDE  | 24% | <b>168,264</b> | 28,811 | 17%  | 11,050 | 7%   |

|            |     | CONTINUANCES   |        |      |        |      |
|------------|-----|----------------|--------|------|--------|------|
| 2008 RATE  |     | CLAIMS HEARD   | PRIOR  | RATE | AT     | RATE |
| Akron      | 25% | 28,710         | 5,344  | 19%  | 1,736  | 6%   |
| Cincinnati | 24% | 33,134         | 4,354  | 13%  | 3,788  | 11%  |
| Cleveland  | 23% | 50,736         | 8,080  | 16%  | 3,780  | 7%   |
| Columbus   | 21% | 48,832         | 7,658  | 16%  | 2,515  | 5%   |
| Toledo     | 33% | 15,475         | 4,148  | 27%  | 952    | 6%   |
| STATEWIDE  | 24% | <b>176,887</b> | 29,584 | 17%  | 12,771 | 7%   |

# Reasons for Continuances

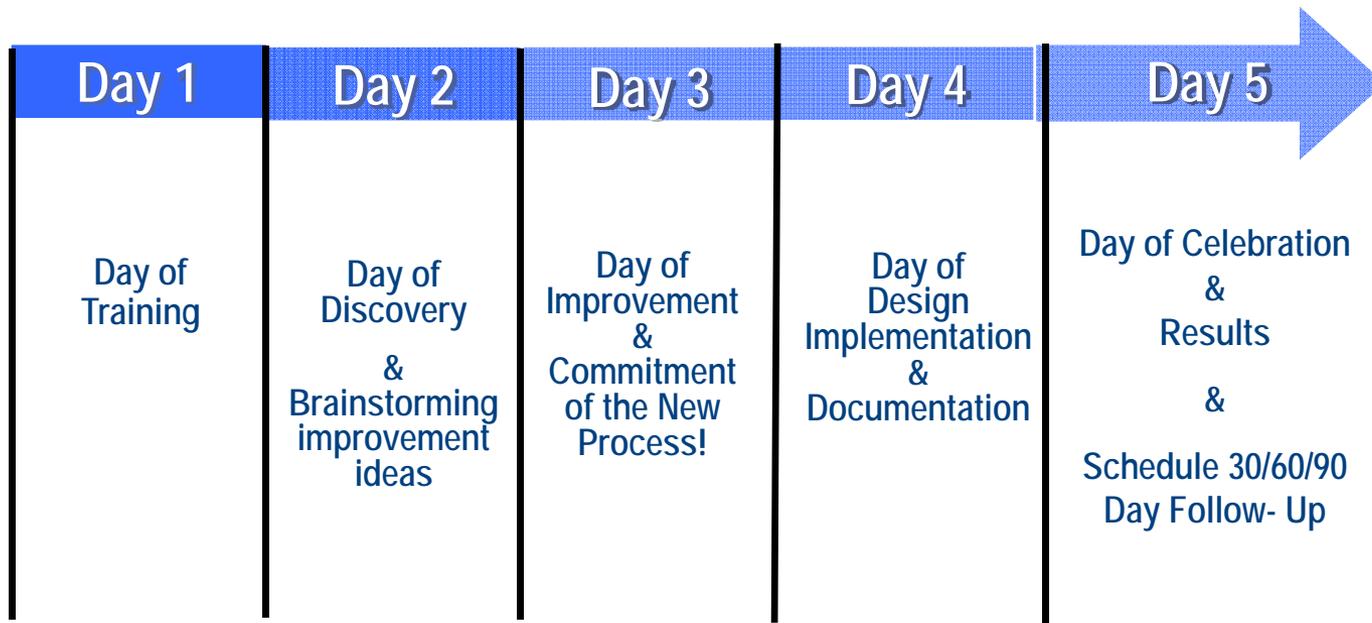
| Reason Code | Volume | Description   |
|-------------|--------|---|
| 3           | 1416   | As their representative has a documented court/IC hearing conflict  |
| 1           | 987    | As they have demonstrated due diligence in scheduling an IME  |
| 2           | 777    | They have recently retained legal council and indicated this hinders their ability to obtain evidence for hearing |
| 13          | 713    | Due to schedule conflict on date of hearing   |
| 11          | 694    | Have demonstrated due diligence to obtain medical documentation in prep for hearing                               |
| 14          | 572    | Due to unforeseen circumstances   |
| 4           | 257    | Parties have indicated they are negotiating a settlement  |
| 9           | 237    | Due to the injured worker's failure to submit an executed medical release or appear for the employer's IME        |
| 15          | 213    | Due to scheduling error   |
| 16          | 211    | As the parties agreed to change the hearing venue...  |
| 5           | 146    | For administrative processing of...   |
| 6           | 39     | IC did not provide proper notice of hearing to all parties  |
| 7           | 8      | The opposing party did not receive the request for action   |



# Our Approach to the Week

## *Kaizen Breakthrough Experience*

**Team-based energy and creativity drives immediate process improvement**



*At the end of the week, each Kaizen team  
has achieved dramatic operational improvements*

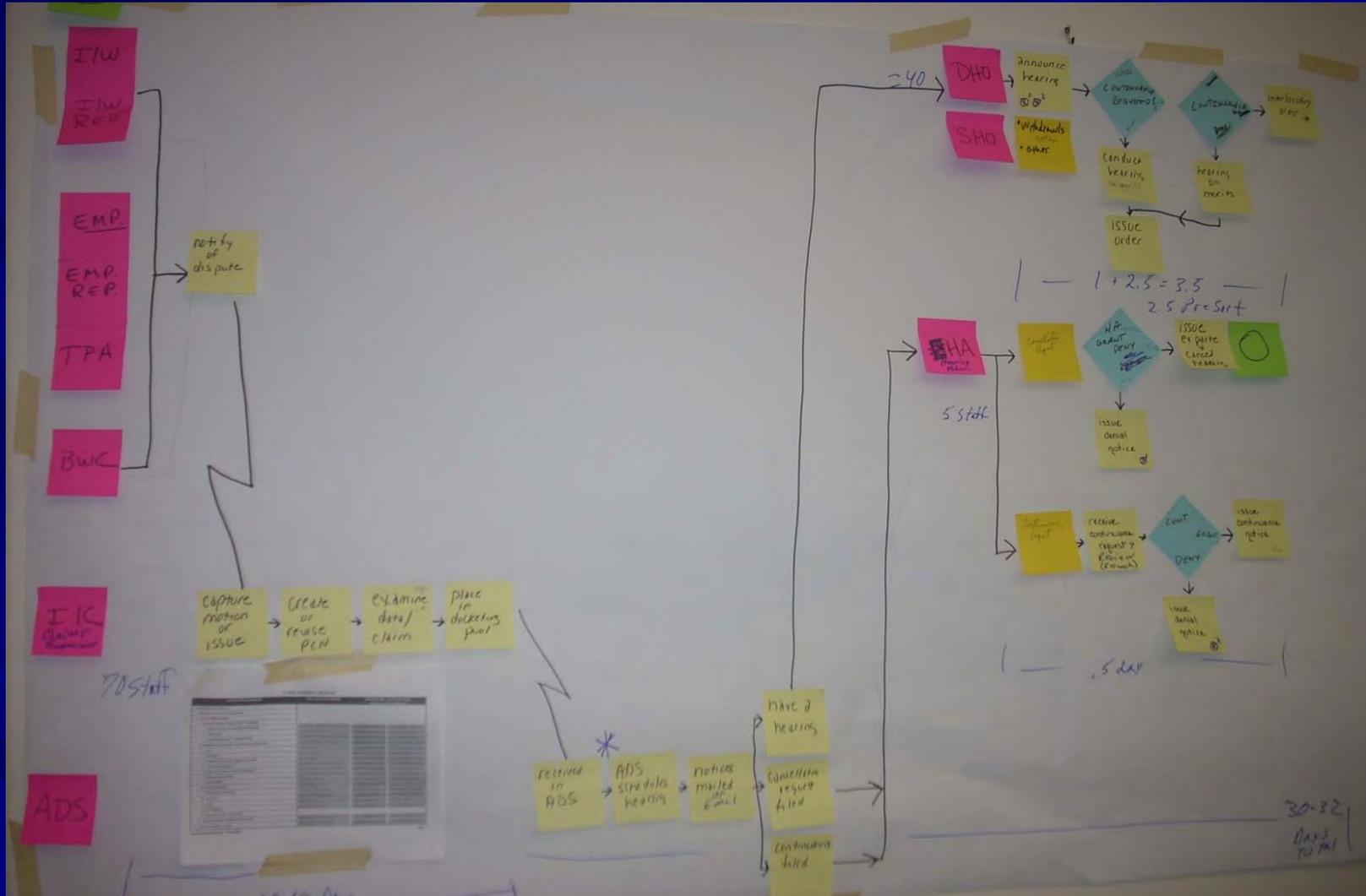


# Key Principles

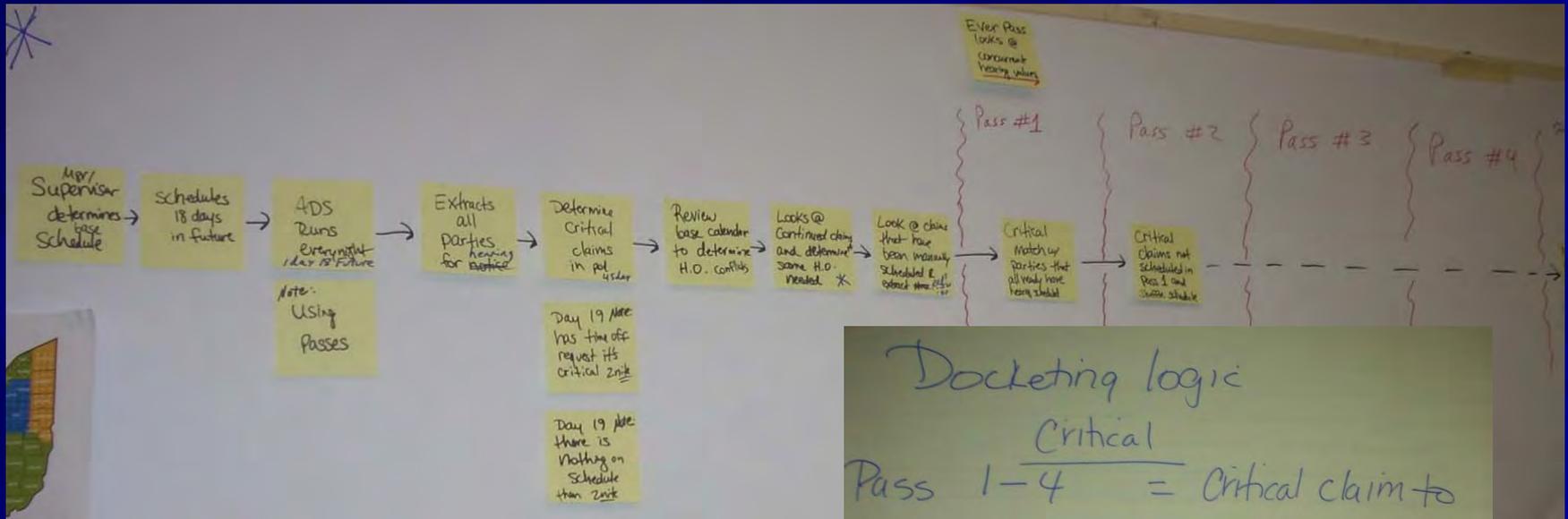
- Clear objectives
- Team process
- Tight focus on time (one week)
- Quick and simple, action first
- Necessary resources available right away
- Immediate results (new process functioning by end of week)



# Existing Hearing Process



# Automated Docketing System- ADS



Docketing logic

Critical  
 Pass 1-4 = Critical claim to meet 45 days

Non Critical  
 Pass 5 = NO additional time spent in District  
 Pass 6 = time spent in District can increase  
 Pass 7 = Concurrent values CAN BE BROKEN time spent in District can increase

Plan# Codes (set insured<sup>10</sup>/Risk#) can ID Representative By Plan code

ADS is the critical link between the claims examination and the hearing process

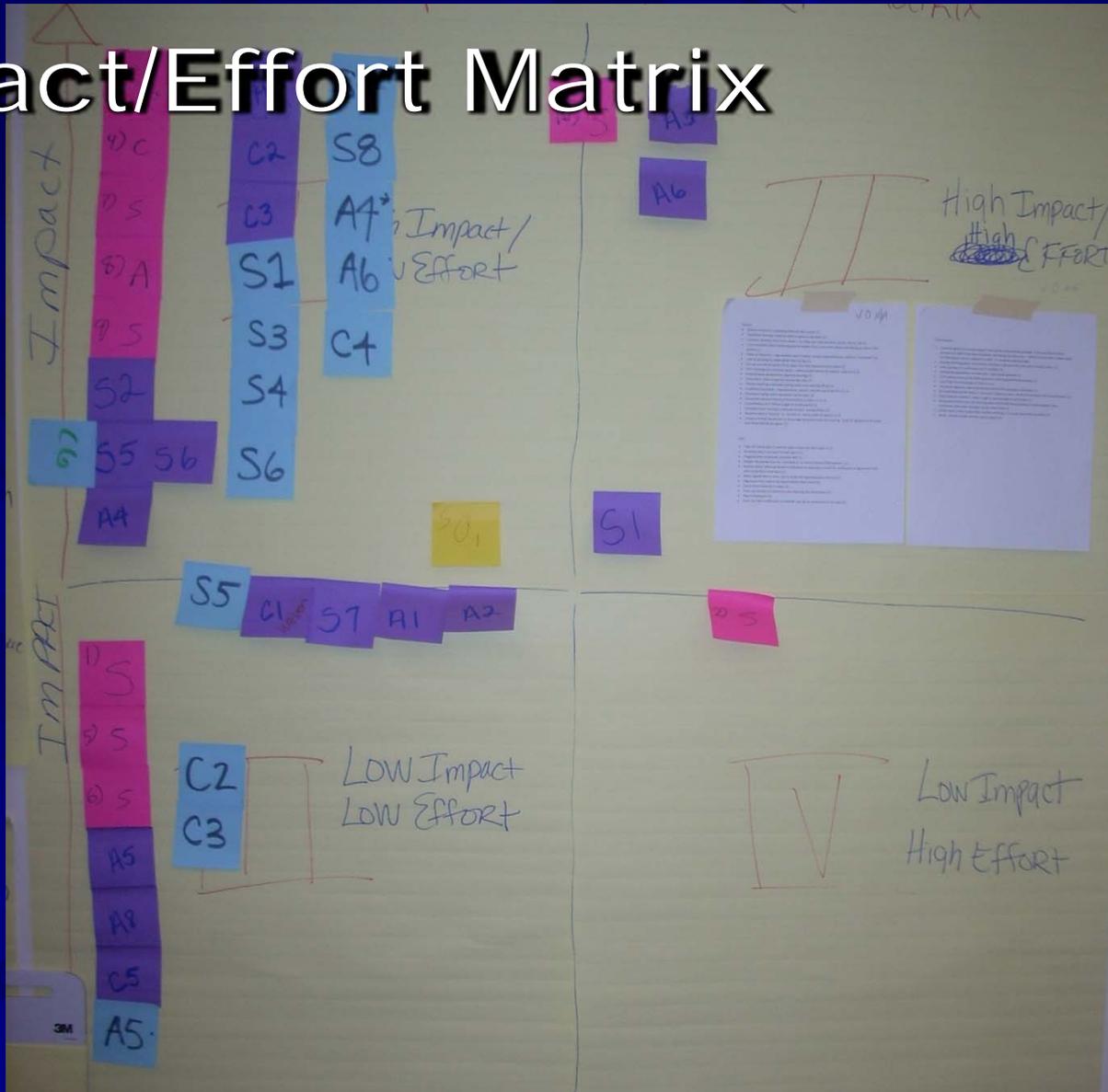
# Opportunities for Improvement

## Brainstorming Ideas

- Reduce minutes for docketing ADR and ADS issues ( 1)
- Telephone hearings- create a uniform policy to do them (1)
- Extend or develop concurrent values – ie. Cities, etc, reps per hour, proxy, risk vs. risk
- Communication plan/ marketing plan to explain how concurrent values and setting up reps in the system (1)
- Look at grouping by week rather than by day (1)
- Can we put critical claims (35-45 days) into ADS instead of every claim (1)
- Fill-in hearings for continued spots – notice would need to be waived –plug ins (1,3)
- Related issues docketed for separate hearings (1)
- Concurrent cities recognition across the state (1)
- Take off critical path or reverse order of how the ADS starts (1,3)
- Eliminate pass 7 and push to next day (1,3)
- Flagging dates on already schedule IME (1)
- Weight the parties that are “mandatory” vs. nice to know (ICON system) (1)
- Mutual waiver which generates notification to opposing counsel for verification of agreement but with a time limit of 60 days (1)
- If parties agree to a mutual waiver it should be automatically granted- in the very front of the process not after it has been docketed- will not go into the pool. – ability of rep to give a date ready for hearing and do not release it to ADS. (1- could be positive/neg)
- Change blocking policy -do not know 30 days in advance that you need to block a day- (1)
- Limit number on continuance for IC conflicts (1)
- Standardize/guidelines on what will or will not be allowed (1)
- Limit continuances at the table done by a criteria/guideline developed ( 1)
- Use of Non-Oral Hearings on C92s (1 or 2)

# Impact/Effort Matrix

Impact



Effort

# Common Themes

- Some type of waiver prior to docketing for complex cases
- Change the Block Out policy
- Change to ADS daily scheduling to generate a larger pool of claims to pull from
- Continuance standardization

# Adjustment to the Scope

- After process mapping and brainstorming potential solutions, the team determined a need to increase the scope to include the front-end of the process that BWC controls
- This change was needed to dramatically reduce the number of continuances and improve the process for BWC and IC's primary customers – the injured workers and employers of the state of Ohio along with their representatives
- BWC was called and came to participate during the rest of the event without hesitation
- With BWC's help and expertise the following changes will be made:
  - Provide opportunities for parties to waive statutory provisions in order to obtain information on the front end
  - Provide BWC with enough information to make an informed decision and come to consensus on matters before they get to the IC

Much thanks to Ann Shannon, Doug Farmer, James Barnes, and BWC Executive staff!



**Expected results: reduction in Continuance Reason code 1 (987 in 4<sup>th</sup> qt)**

# Major Changes

1. Process to waive statutory provisions
2. Improvements to the ADS schedule
3. Revision of Block Policy & additional block opportunities
4. Clarified the continuance guidelines



# Process to waive statutory provisions

1. Provide mechanism to request waiver of statutory period for BWC decision making process when necessary and agreed by parties preventing possible disputes
2. Provide notice to parties of ability to request waiver of statute if more time is needed when dispute is filed or referred to the IC
3. Provide mechanism on ICON to request waiver of statutory time frames for hearings when necessary and agreed by parties preventing possible continuances, cancellations, and los docket space
4. Provide necessary notification and training to internal staff to ensure effective execution of new processes



# Improvements to the ADS schedule

| What   | Who   | When  | Status                                 |
|--|---|---|--|
| <b>1) Pool Expansion</b><br>a) Expand pool to three days of claims for improved docketing purposes<br>b) Concern with hearing spike<br>c) Temporary inconvenience  | IC (Permission)   | 3-11-10 Pool date with impact 3-31-10 to 4-2-10 | Priority #1 Low effort                 |
| <b>3) Concurrent Values</b><br>a) Redefine definition of current values based on number of people, districts and docket slots<br>i) Number of people is the key<br>b) All parties will be required to update concurrent values<br>i) ICON updated for interactive update, IC will notify all parties of deadline date<br>ii) Communicate/Educate Immediately | IC (Permission)   | May 1, 2010                                     | running concurrent                     |
| <b>4) Rep Preferences in ADS</b><br>a) Matching TPA/Rep with Injured Worker Rep<br>i) TPA's account for over 50% of hearings statewide<br>ii) TPA is the default if a preference is not selected i.e.: Company Attorney  | BWC (communication between agencies and change in forms (R-1 and AC-2))<br>IC enhanced interactive ICON | June 15, 2010                                   | Ongoing<br>2nd IT Change Medium Effort |
| <b>5) ADS Pass 8</b><br>a) Adding a step to ADS of reshuffling of room schedules   | IC Programming  | August 1, 2010                                  | 3rd IT Change High Effort              |
| <b>6) Rep ID Numbers</b><br>a) 1 rep ID number per business location of existing entities<br>b) Freeze additional Rep ID distribution for existing entities  | BWC/IC Coordination   |   | NO IT Change No Effort                 |

# Revisions to Block Policy

## 2) Hearing Blocks

IC (Permission)

May 1, 2010 Goal

1st IT Change  
Medium Effort

### **A) Full Day Statewide Block**

a) 22 days per year

### **B) Partial City Block**

a) Less than 6 district offices, 10 days per year

b) 6 or more District Offices, it is equivalent of a full day block

### **C) Partial Day block (am/pm)**

a) 10 days per year or equivalent to 20 half days

### **D) Action Items for Hearing Blocks**

a) 20 day notice to blocks

b) Manage blocks on ICON

c) Calendar on ICON showing your Block Bank

# Clarified Continuance Guidelines

|   |  |
|---|--|
| <p><b>IME/File Review Due Diligence</b></p> | <p><b>A) Appealing Party requesting the IME/File Review:</b></p> <ul style="list-style-type: none"> <li>• Indicate intent to schedule IME;</li> <li>• Indicate scheduled date of IME (Mandatory field in ICON);</li> <li>• Notice that absent a waiver, hearing will be scheduled on or about "x" date (based on formula in ICON at time of appeal);</li> <li>• No waiver, no continuance if party does not indicate the need for an examination;</li> <li>• Continuances will only be granted upon determination of due diligence. When determining due diligence, IC will examine several factors, including, but not limited to:             <ul style="list-style-type: none"> <li>• Sophistication of parties (Employer, Representatives, Injured Worker alike)</li> <li>• Familiarity of system</li> <li>• Issue to be heard</li> <li>• Stage of process/claim/age of issue</li> <li>• Prior/multiple requests for continuance.</li> </ul> </li> </ul> |
|   | <p><b>B) Non-appealing party requesting IME:</b></p> <ul style="list-style-type: none"> <li>• Notice via fax that other side has appealed;</li> <li>• Prompt: "Do you intend to schedule an IME?";</li> <li>• Party must respond in ICON within three business days;</li> <li>• If no, claim goes into pool and date given to appealing party;</li> <li>• If yes, non-appealing party notified of approximate date of hearing and notified to have medical by that date;</li> <li>• Continuances based upon due diligence as defined above</li> </ul>  |
|   | <p><b>C) BWC Referrals:</b></p> <ul style="list-style-type: none"> <li>• BWC referral to parties</li> <li>• Same process as IME (B)</li> </ul> <p><b>1) Discretion of Hearing Officer and Hearing Administrator;</b></p> <ul style="list-style-type: none"> <li>• Continuances based upon due diligence as defined above</li> <li>• Current city values;</li> <li>• Will not grant continuance based upon hearing conflicts;</li> </ul>  |

# Issue/Solution Matrix

## ISSUES

- Inconsistency from region to region to get a continuance granted
- Docketing process – no flexibility, no human touch
- Lots of drive time back and forth may be caused by: lack of smooth schedule, weird peaks, not grouped, time gaps between some hearings (i.e. 1 case at 9AM; another case at 3PM)
- Set too quick- not enough time to gather evidence (medical)
- Do not set hearings if an upcoming exam is after hearing date – want to adjust the date
- We want a change in the ‘blocking policy’ - this has increased the number of continuances

## SOLUTIONS

- Clarified Continuance Guidelines
- Enhanced concurrent values
- Customer control
- 3 day pool created
- Waiver
- ICON enhancements
- Changed block policy

# Key Dates . . .

## MONDAY

- Begin work on resolution
- Begin communication with all parties
- Begin IT Project Plan

March – IT build up of 3 day hearing inventory

No hearings scheduled for 3 days (last week)

During 3 day period – IC conducts ½ day seminar of changes.

# IT Implementation Schedule (Estimated)

- May 2010 – Implement Hearing blocks ICON
- May 2010 – Concurrent Values
- July 2010 – Lead Employer Rep match with IW Rep (need BWC cooperation)
- August 2010 – ADS Pass 8
- November 2010 – ICON changes to waiver

# Measures of Success

| Measure  | Current Level   | Target                        | Projected Results                      |
|--|---|-------------------------------|--|
| Identify & reduce self created scheduling conflicts – reason code: 3     | 1416 (20% of total continuances) in 4 <sup>th</sup> qt 2009 | 20% reduction (reason code 3) | At least 33% reduction (reason code 3) |
| Meet the 45 day statute  | 90.6% DHO<br>94.2% SHO                                      | Remain unchanged or increase  | Remain unchanged                       |
| Reduce the variation in the percentage of continuances granted by region | Average by regional office: 21-33% (12% variation)          | 50% reduction                 | 50% to 75% reduction                   |
| Reduce overall continuances  | 6521 (17% of total hearings) in 4 <sup>th</sup> qt 2009     | 50% reduction                 | 20-50% reduction                       |

# Personal Lessons Learned

- Apprehensive at first – but the week was very productive
- As a TPA rep I have learned we can work with the IC and agree to mutual goals
- Surprised that the group wanted to achieve the same goals
- Learning more about the intricacies of the process took some of the frustration out of it
- The IT folks rock
- The IC cares about what the parties think
- If you can survive Tuesday it actually can be worth while
- As an IC employee it has been great to dialog with others to see their perspective
- Cocktails would be nice.....

# Tell your story . . . What the Kaizen Event was like

Ann Shannon

Sara Nichols

An office table is set up with several open pizza boxes, one of which is filled with a large pizza. There are also boxes of Diet Coke, a bowl of snacks, and other items on the table. The background shows an office environment with a window and a desk.

Special Thanks to:  
Gary DiCeglio, Chairman  
Christa Deegan, Executive Director

**“The Pizza\* was GREAT!!!”**

\*less than ethics threshold

# Thank You's Go To...

Governor Strickland

Gary DiCeglio, Chairman

Kevin Abrams, Commissioner

Jodie Taylor, Commissioner

Christa Deegan, Executive Director

Marsha Ryan, James Barnes, and Doug  
Farmer – BWC

# What Questions/Comments do you have?

