



Office of Independent Review

**Cade Jorgenson,
OIR Manager**

Workers' Adviser Program History

- **Established in 1995 by the North Dakota Legislature as the Workers' Adviser Program**
- **Embodied in N.D.C.C. 65-02-27**
- **Enacted to provide injured workers with a no-cost, speedy resolution alternative to litigation**
- **Operated independently from Claims**
- **Adopted with a four-year sunset clause**

Office of Independent Review History (*cont'd*)

- **Sunset provision in N.D.C.C. 65-02-07 repealed in 1999 legislative session**
- **Program renamed Office of Independent Review**
 - **Addressed confusion over “advising”**
 - **Attended to legal advice reservations**

Office of Independent Review History (*cont'd*)

- **Moved off-site in 2000**
- **Administers other agency resolution functions since 2002**
 - **Constituency Services**
 - **Binding Dispute Resolution**
- **Employed dedicated full time outreach since November 2005**

Office of Independent Review Benefits

- **Education**

- **Understanding of the basis of WSI's decision**
- **Understanding of the appeal process**

- **Alternative Resolution**

- **Non adversarial process**
- **About 20% decision modification rate**
- **About half of those requesting assistance go on to request a hearing**
- **Timely verses litigation**

- **Attorney fees: paid by WSI for an injured worker who proceeds through OIR and goes on to ultimately prevail in litigation**

Office of Independent Review Appeal Process

- **Administrative WSI order (“legal order”)**
 - **Vocational Consultant’s Report**
 - **Constructive denial**
- **30 days to request OIR assistance or a hearing**
 - **Mail**
 - **Fax**
 - **E-mail**
 - **In person**

Office of Independent Review Review

- **Claim file review**
- **Additional information gathering**
- **Contacts (*any person the advocate determines appropriate*)**
 - **Injured worker**
 - **Claims adjuster**
 - **Claims unit supervisor**
 - **Treating physician**
 - **WSI legal staff**
 - **Employer of injury**

Office of Independent Review Review Process (*cont'd*)

- **Objectives**

- **Ensure the injured worker has been granted every opportunity to tell their side of the story**
- **Analyze with a fresh set of eyes**
- **Facilitate agreement (no unilateral authority)**
- **Collaborate with WSI departments**

- **Closure**

- **Certificate of completion**
- **Fresh 30 day appeal period**

Office of Independent Review Recent Studies

- **Conolly & Associates**

- **March 2008 review of WSI Management/HR**
- **Quote: “. . . there is presently a well intentioned and independent approach . . .”**
- **Recommendation: a final arbiter for disputed outcomes**

- **Ward Group**

- **1.26 litigation cases per 100 reported claims**
- **Comparison: WC benchmark 7.23 / 100**
High performers 4.23 / 100

Office of Independent Review*

	FY 2001	FY 2002	FY 2003	FY2004	FY 2005	FY 2006	FY 2007	FY 2008
OIR Requests	453	478	401	383	428	384	397	326
Modification Rate	21%	19%	20%	19%	27%	21%	13%	22%
Hearing Requests	173	188	191	166	199	200	223	144
-> Affirmed	54	57	67	62	88	65	72	36
-> Reversed	24	24	30	43	43	59	58	15
-> Stipulation	43	58	50	22	42	38	24	10
-> New Order	22	22	14	14	13	11	24	17
-> Other	30	27	30	25	12	24	35	15
-> Pending	0	0	0	0	1	3	10	51
Constituent Requests	98	67	82	78	90	91	131	102
BDR Requests	41	90	130	92	98	165	216	219

* As of July 3, 2008