



Workforce Safety & Insurance

WSI *Office of Independent Review*

Interim Workers' Compensation Review Committee

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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- Sunset provision in N.D.C.C. 65-02-07 repealed in 1999 legislative session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 Mission

- OIR Mission: to provide personal and timely independent dispute resolution services and education to North Dakota workers.

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
 - Fewer than half of those requesting assistance go on to request a hearing (historically)
 - 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 Process

- 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: WSI Board consider CEO as final arbiter of WSI Claims - OIR disagreements

➤ Ward Group

- 1.26 litigation cases per 100 reported claims
- Comparison: WC benchmark 7.23/100
High performers 4.32/100

Office of Independent Review

	FY 2000	FY 2001	FY 2002	FY 2003	FY2004	FY 2005	FY 2006	FY 2007
OIR Requests	531	453	478	401	383	428	384	397
Modification Rate	21%	21%	19%	20%	19%	27%	21%	13%
Hearing Requests	223	173	188	191	166	199	200	223
-> Affirmed	54	54	57	67	62	88	64	69
-> Reversed	37	24	24	30	43	43	59	53
-> Stipulation	56	43	58	50	22	42	38	25
-> New Order	35	22	22	14	14	13	11	23
-> Other	41	30	27	30	25	12	24	35
-> Pending	0	0	0	0	0	1	4	18
Constituent Requests	107	98	67	82	78	90	91	131
BDR Requests	37	41	90	130	92	98	165	216



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