



# Pennsylvania Workers' Compensation and Workplace Safety

Annual Report Fiscal Year 2004/05

**Edward G. Rendell, Governor**  
*Commonwealth of Pennsylvania*

Stephen M. Schmerin, Secretary  
Elizabeth Crum, Deputy Secretary for Compensation & Insurance  
*Department of Labor & Industry*

John T. Kupchinsky, Director, *Bureau of Workers' Compensation*  
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Kathleen M. Dupin, Information Officer, *Bureau of Workers' Compensation*

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## 2004/05 Annual Report Readers' Survey

Please take a few minutes to complete and return this brief survey and help the bureau continue to produce a quality publication that meets the needs of Pennsylvania's workers' compensation community. (Your answers are confidential; we do not require your name or affiliation.)

Comments are always welcome, but to have your responses considered during production of the 2005/06 Annual Report, please return your completed survey by July 1, 2006, to the following address:

**Bureau of Workers' Compensation  
Information Services Section  
1171 S. Cameron St., Room 324  
Harrisburg, PA 17104-2501**

1. How is the Annual Report used in your organization?

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2. What feature(s) do you consider the most useful?

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3. What feature(s) do you consider the least useful?

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4. Is there a current feature in the Annual Report that you believe could be improved? How should it be improved?

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5. Are there certain statistics or a particular area of interest not currently covered that you would like to see reported in the future?

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6. Do you have any other comments about the Annual Report?

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*Thank you for your interest in the Workers' Compensation and Workplace Safety Annual Report!*

## Message from **Stephen M. Schmerin** **Secretary of Labor & Industry**



The Pennsylvania Workers' Compensation Act was enacted in 1915 to safeguard workers and describe responsibilities of stakeholders in the state's workers' compensation system. Today, 90 years later, the Department of Labor & Industry's Bureau of Workers' Compensation and Office of Adjudication proudly carry out the provisions of the Act through a shared tradition of service and excellence. Their accomplishments during fiscal year 2004/05 are outlined in the pages of this Annual Report.

Handling claims and settling disputes related to workplace injuries are just part of the story. Another primary goal of our workers' compensation system is to reduce workplace injuries. That is why Governor Rendell's Work Safe PA initiative takes on the challenge of ensuring safer workplaces for all Pennsylvanians. A separate section of this Annual Report is devoted to the Work Safe PA initiative and the 2004 winners of the Governor's Award for Safety Excellence.

Within a decade, we will mark the centennial of the workers' compensation law in Pennsylvania. L&I will continue to provide excellent service and offer improvements to the workers' compensation system. In addition, workplace safety will continue to be emphasized as we work together to make the commonwealth of Pennsylvania an even safer place to work.

Sincerely,

A handwritten signature in blue ink that reads "Stephen M. Schmerin". The signature is fluid and cursive, with the first letters of the first and last names being capitalized.

Stephen M. Schmerin  
Secretary of Labor & Industry



## Message from **Elizabeth Crum** Deputy Secretary for Compensation and Insurance



The Bureau of Workers' Compensation (BWC) and the Workers' Compensation Office of Adjudication (WCOA) are charged with administering the provisions of the Pennsylvania Workers' Compensation Act. Efficiency and fairness in carrying out these tasks are goals of both the BWC and WCOA. This Annual Report reflects their accomplishments during fiscal year 2004/05 and provides information on future goals to further their mission.

As a result of continuing efforts by the BWC and WCOA, more injured workers are satisfied with the medical care they receive; more employers are saving money on their workers' compensation premiums by establishing certified safety committees and reducing workplace injuries; and more disputes continue to be settled in less time. These and other accomplishments are detailed in the pages of this report.

With a successful year behind them, both the bureau and the Office of Adjudication look forward to continuing the tradition of efficiency and fairness that the citizens of Pennsylvania expect and deserve in their workers' compensation system.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Crum". The signature is fluid and cursive.

Elizabeth Crum  
Deputy Secretary for Compensation & Insurance

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## Message from **John T. Kupchinsky** Director, Bureau of Workers' Compensation



Looking back on the 2004/05 fiscal year, the Bureau of Workers' Compensation can point to several major areas of success in serving the citizens of Pennsylvania. Among our successes are the following:

- Electronic submission of the Employer's Report of Occupational Illness and Disease became mandatory, and the bureau succeeded in helping thousands of Pennsylvania employers get on board with this requirement.
- The annual medical access study reported some of the highest results in years for workers' satisfaction with their medical care. The study indicated that the bureau's education efforts to ensure injured workers have informed choice are definitely paying off.
- We continued to aggressively promote the benefit of employers maintaining a certified workplace safety committee to obtain a 5 percent workers' compensation premium discount. At the end of the fiscal year, total employer savings through this program were nearing the \$200 million mark.

With nearly 200 dedicated professionals at our office in Harrisburg, the bureau stands ready to offer improved services and expert assistance to all workers' compensation stakeholders in the years to come.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Kupchinsky". The signature is fluid and cursive, with the first name "John" being the most prominent.

John T. Kupchinsky, Director  
Bureau of Workers' Compensation



# Overview

## A Brief History of Pennsylvania Workers' Compensation Law

In 1915, the Pennsylvania Legislature enacted the Pennsylvania Workmen's (Workers') Compensation Act (Act). The statute charges the Department of Labor & Industry, Bureau of Workers' Compensation (bureau), with carrying out the administrative and appeal obligations defined in the Act and specifies compensation for employees who are injured as a result of employment without regard to fault. Amendments eventually merged the compensation for injuries and occupational diseases into this Act. The statute defines the benefits available to Pennsylvania workers, the conditions under which benefits are available and the procedures for obtaining them.

The workers' compensation system protects both employees and employers. Employees receive medical treatment and are compensated for wage loss associated to work-related injuries and disease, and employers provide for the cost of such coverage while being protected from direct lawsuits by employees.

Workers' compensation coverage is mandatory for most employers under Pennsylvania law. Employers who do not have workers' compensation coverage may be subject to suits by employees and to criminal prosecution by the commonwealth.

Some employers are exempted from workers' compensation coverage. Exemptions include: people covered under other workers' compensation acts, such as railroad workers, longshoremen and federal employees; domestic servants (coverage is optional); for agricultural workers who work less than 30 days *or* earn less than \$1,200 in a calendar year from one employer; and employees who have requested and been granted exemption due to religious beliefs or their executive status in certain corporations.

In Pennsylvania, employers can obtain workers' compensation insurance through a licensed insurance carrier or the State Workers' Insurance Fund. In addition, employers can apply to the bureau to seek approval to self-insure. Self-insurance is granted by the bureau based on criteria established by the Act and the department.

Employees are covered for the entire period of their employment. Therefore, coverage begins the first day on the job. Injuries or diseases caused or aggravated by employment are covered under workers' compensation, regardless of the employee's previous physical condition.

## Mission Statement

The Pennsylvania workers' compensation program was established to reduce injuries and provide wage-loss and medical benefits to Pennsylvania employees who become ill or injured through the course of their employment so they can heal and return to the workforce.

The bureau is responsible for carrying out the provisions of the Act and related legislation and for fulfilling the overall purpose of Pennsylvania's

workers' compensation system. In carrying out the requirements of the Act, the bureau has several primary roles:

1. Obtain, review and maintain records on certain loss-time work injuries and benefit documents.
2. Certify individual self-insured employers and self-insured employer pools and determine their monetary security requirements.

3. Resolve areas of contention among the participants in the workers' compensation system.
4. Enforce the provisions of the Act.
5. Promote the health and safety of Pennsylvania's employees in accordance with the 1993 and 1996

amendments to the Act.

6. Enforce the occupational disease provisions of the Act.

## Basic Benefits

1. **Replacement of Lost Wages.** A portion of the worker's salary – up to a maximum amount provided by law – is paid for the time lost from work as a result of a work-related disability, if the disability lasts longer than seven calendar days. These payments are tax free. The maximum allowable weekly benefit for calendar year 2005 is \$716. Partial disability benefits consisting of two-thirds of the gross difference in wage loss for up to 500 weeks are paid to employees who suffer a partial disability resulting from a work-related injury or disease. Benefits can possibly be subject to other reductions or offsets.
2. **Payment of Medical Expenses.** Reasonable and necessary work-related medical expenses are paid regardless of the duration of required treatment and apply even though the employee may not have lost time from work.
3. **Specific Loss Benefits.** Benefits are payable if a work-related injury results in loss of vision, hearing and/or the use of limbs (including fingers and toes). Specific loss benefits are paid without regard to the amount of time lost from work. A separate healing period is also defined for each loss.
4. **Disfigurement Benefits.** Benefits are payable if there is a serious, permanent disfigurement of the head, face or neck.
5. **Death Benefits.** The employee's dependents may claim benefits if a work-related injury or disease results in the employee's death. Also, reasonable burial expenses are payable to a maximum amount set by law.
6. **Adjudication.** If facts concerning a claim are contested or liability is questioned, either the employee or the employer/insurer may request a hearing before a workers' compensation judge to resolve issues. If either party is dissatisfied with the decision and has grounds for an appeal, they may request a review by the Workers' Compensation Appeal Board. Further appeals may be taken through the court system.
7. **Subsequent Injuries.** Additional compensation may be available through the Subsequent Injury Fund. This fund is administered by the commonwealth and pays workers who have had a specific loss of use for a hand, arm, foot, leg or eye *and* who incur total disability caused by loss of use of another hand, arm, foot, leg or eye. Then, the commonwealth makes payments for the duration of the worker's total disability.



# The Flow of a Pennsylvania Workers' Compensation Claim



## Funding for Pennsylvania's Workers' Compensation System

The Pennsylvania workers' compensation program is funded by a spending authorization appropriated by the state legislature and approved by the governor. The money for these expenditures comes from four special funds established through assessments:

### **1. The Workers' Compensation Administration Fund**

*Purpose:* Provides funding for the administrative operations of the bureau, the Workers' Compensation Office of Adjudication and the Workers' Compensation Appeal Board.

*Assessment Amount:* For fiscal year 2004/05, the amount assessed totaled \$55,000,232 and represented 2.16 percent of compensation paid in calendar year 2003.

### **2. The Supersedeas Fund**

*Purpose:* To provide relief to employers/insurers for payments made during litigation of claims contesting whether compensation is payable. When an employer/insurer files a petition for termination, modification or suspension of benefits, a supersedeas hearing can also be requested. At this hearing, the workers' compensation judge can deny the request or grant a temporary order of partial or total suspension of benefits. If the request is denied, but the final decision of the judge is that compensation was not payable, the employer/insurer may apply to be reimbursed from the Supersedeas Fund for "overpayments" made following the initial denial.

*Assessment Amount:* For fiscal year 2004/05, the amount assessed was \$18,914,986 and represented 0.74 percent of compensation paid in calendar year 2003.

### **3. The Subsequent Injury Fund**

*Purpose:* To compensate workers who experience certain losses (For example: arm, hand, leg, foot, eye) subsequent to a prior loss.

*Assessment Amount:* The total amount of the fund equals the amount expended from the fund in the preceding year. Law requires the fund to have a minimum funding of \$100,000. For the 2004/05 fiscal year, the amounts assessed totaled \$294,637 and represented 0.01 percent of compensation paid in calendar year 2003.

### **4. The Self-Insurance Guaranty Fund**

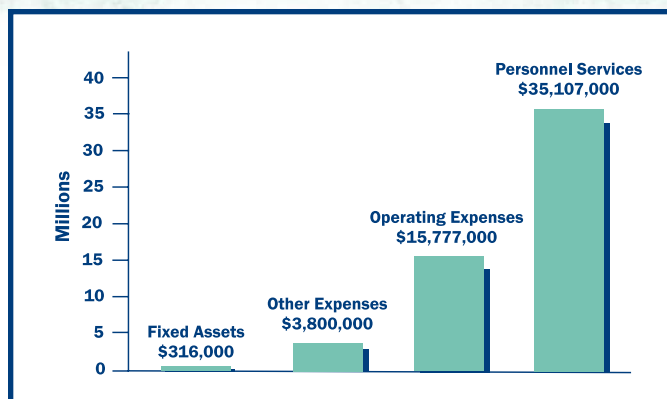
*Purpose:* To make payments to any eligible claimant or dependents upon the default of the self-insurer liable to pay compensation or associated costs due under the Pennsylvania Workers' Compensation Act and the Pennsylvania Occupational Disease Act as amended in 1993. This fund is used when the securities posted by defaulting companies are exhausted, but can only be used for injuries occurring after the 1993 amendments.

With the passage of Act 53 of 2000, the General Assembly created a restricted account within the Guaranty Fund called the Prefund Account. The purpose of the Prefund Account is to provide for the continuation of benefits to workers who were injured prior to 1993 and whose self-insured employers have gone bankrupt. Originally, the Prefund Account was financed through the transfer of interest earned in the Administration Fund. However, in June 2001 the General Assembly enacted Act 49 which makes the financing of the Prefund Account a budget item of the Administration Fund.



*Assessment Determination/Amount:* For a new self-insurer starting self-insurance after Oct. 30, 1993, the assessment is 0.5 percent of its modified annual premium for the 12 months immediately preceding the start of self-insurance. During the 2004/05 fiscal year, all existing and former self-insurers with runoff claims were assessed at the rate of 1 percent of compensation paid in 2003 to fund additional claims that became the responsibility of the Guaranty Fund. The Guaranty Fund assessed \$3,259,056 during 2004/05.

## Bureau of Workers' Compensation Administration Fund Budget Fiscal Year 2004/05



## Bureau of Workers' Compensation Accomplishments Fiscal Year 2004/05

- Processed 549,392 claim forms.
- Promoted electronic data interchange (EDI) submission of the Employer's Report of Occupational Injury or Disease and increased the number of partnerships utilizing this means.
- Promoted and increased electronic submission of various petition forms and Employer's Report of Occupational Injury or Disease through the bureau's Web site.
- Analyzed insurers' and self-insurers' performance regarding compliance with the 21-day rule to determine if compliance continued to improve.
- Processed over 23,200 current workers' compensation judges' decisions.
- Processed 933 claims and disbursed payments of over \$21 million from the Supersedeas Reimbursement Fund.
- Mailed the *Employer Information* pamphlet to 21,448 new or modified businesses to better educate employers about their workers' compensation responsibilities, along with certificates of insurance to secure information assuring their compliance.
- Mailed the *Workers' Compensation and the Injured Worker* pamphlet to 106,664 injured workers.
- Instituted 2,740 new investigations of potential employer failure to insure workers' compensation liability. Thirty-seven of these investigations warranted referral to the bureau's legal division for prosecution.
- Processed 2,212 corporate executive officer exceptions and 991 religious exemptions for exclusion under the Act as well as 2,922 domestic elections for inclusion under the Act.

Source: Pennsylvania Bureau of Workers' Compensation, Department of Labor & Industry

- Received and processed a total of 749 workplace safety committee initial applications and 4,278 workplace safety committee renewal affidavits.
- Completed the framework and design for the PA Safety and Health Training Institute, a web-based compilation and schedule of health and safety-related training and information available from state agencies.
- Issued 18,935 fee review decisions and determinations. This is a 32 percent increase over FY 2003/2004.
- Continued to provide specialized training for health care providers to assist in their understanding of the workers' compensation billing and payment processes, as well as the fee review process.
- Reviewed and monitored 4,949 Utilization Review/Peer Review Determinations and reviewer reports.
- Processed 6,987 Utilization Review Requests.
- Conducted biannual meetings for Utilization Review Organizations/Peer Review Organizations.
- Received and processed 1,970 Independent Review Examination Requests for Designation.
- Received and distributed the 2004 Medical Access Study.
- Established e-mail databases for the various client groups to provide an electronic means of communicating with the workers' compensation safety clients.
- Hosted the annual bureau conference, attended by approximately 1,100 insurers, employers, attorneys, health care providers and members of the workers' compensation community.
- Processed over 760 renewal applications and 50 new applications for individual self-insurance status, 340 claims status reports of runoff self-insurers and 18 group self-insurance fund annual reports and rate requests.
- In conjunction with the bureau's contracted claims service company and legal counsel, reduced the number of claims being paid from the Self-Insurance Guaranty Fund from 438 at the beginning of the fiscal year to 377 at the end of the year. Consequently, the total reserves on open claims declined from \$41 million to \$31 million.



# Updates

## Workers' Compensation Rules Committee

The Workers' Compensation Rules Committee's purpose is to improve the administration of workers' compensation proceedings.

Nineteen members make up the committee, including: the chairman of the Senate Labor & Industry Committee, the chairman of the House Labor Relations Committee, the director of the Office of Adjudication, the bureau's deputy chief counsel, the deputy secretary for compensation and insurance, two Workers' Compensation Appeal Board representatives, four workers' compensation judges (chosen from lawyers and non-lawyers and from metro areas and non-metro areas), four claimant attorneys and four defendant attorneys.

During FY 2003/04, the secretary of Labor & Industry reconstituted the Workers' Compensation Rules Committee. Although no immediate changes to the Rules are planned, the rules committee is functioning in an oversight capacity by soliciting and reviewing comments on the effectiveness of the revised Rules in actual practice. Workers' Compensation Rules Committee Chairman Stanley H. Siegel is the point of contact for receipt of comments from the workers' compensation community on the revised Rules. Comments should be submitted in writing to Mr. Siegel at the following address: Stanley H. Siegel, Esquire; Tucker Arensberg; P.O. Box 867; Lewistown, PA 17044-0867.

## Workers' Compensation Advisory Council

The Workers' Compensation Advisory Council was created under Section 447 of the Workers' Compensation Act. The council is composed of eight members, and the secretary of the department is the ex officio member. Members are appointed as follows: one employee and employer representative by the President Pro Tempore of the Senate, one employee and employer representative by the Speaker of the House of Representatives, one employee and employer representative by the Minority Leader of the Senate and one employee and employer representative by the Minority Leader of the House of Representatives. Members serve a term of two years or until their successors have been appointed.

The council reviews requests for workers' compensation funding by the department and any assessments against

employers or insurers related thereto, makes recommendations regarding certification of utilization review organizations and preferred provider organizations, reviews proposed legislation and regulations, and reviews the annual medical accessibility study. Their findings are reported to the governor, the department secretary and the legislature.

Co-chairs Carlton DeBord (representing labor) and Joseph Scagliotti (representing management) and the rest of the council hold public meetings to discuss various issues of the department, bureau and legislature.

## Kids' Chance of Pennsylvania, Inc.

Kids' Chance of Pennsylvania, Inc. is a nonprofit organization providing college and vocational school scholarships to children of Pennsylvania workers who have been seriously or fatally injured in a work-related accident or illness that has resulted in financial need. Developed and sustained by concerned groups and individuals involved in workers' compensation-related matters since its founding in 1997, Kids' Chance of Pennsylvania has awarded nearly 200 scholarship grants to eligible applicants. In 2004, Governor Edward G. Rendell endorsed Kids' Chance of Pennsylvania and became the organization's honorary chairman.

Support for Kids' Chance of Pennsylvania's operations and scholarships comes directly from tax-deductible charitable contributions made by companies, professional firms and membership organizations, as well as individuals and community groups. The total amount disbursed to eligible students each year is dependent upon charitable donations received and the qualifications of students who apply. Grants are for one academic year and are generally from \$1,000 to \$1,500. Through a two-year ACE Foundation grant, in 2003 and 2004 Kids' Chance also awarded Kids' Chance ACE INA Scholar grants, generally \$5,000, for eligible applicants demonstrating a high level of both academic promise and financial need.

Applicants must be between the ages of 16 and 25 and be accepted by an accredited, post-secondary educational institution (college or vocational school). The parent's injury, illness or death must meet the criteria of the Pennsylvania Workers' Compensation Act. Graduate students are not eligible to apply. Kids' Chance grants are sent directly to the educational institution and can be used for tuition, books, supplies, room and board, transportation and other school-related expenses. The deadline for applications is April 15.

The Kids' Chance mission is now a national effort that was initiated in 1988 by the Workers' Compensation Section of the Georgia Bar. There are currently 25 states in the U.S. that have created independent Kids' Chance organizations.

The bureau provides Kids' Chance of Pennsylvania with meeting room space, administrative assistance and helps to publicize the organization's efforts via the bureau's public newsletter, *News & Notes*.

For more information, contact Kids' Chance of Pennsylvania by phone at: (484) 945-2104, by mail at: P.O. Box 543, Pottstown, PA 19464, or visit the Kids' Chance Web site at: [www.kidschanceofpa.org](http://www.kidschanceofpa.org).

## 21-Day Compliance

The bureau continues to monitor and study compliance with the Workers' Compensation Act's 21-day requirement to make first payment or deny a claim. Our studies have shown that continuous interaction with the insurers and self-insured employers is necessary to

identify reporting problems, establish corrective measures and encourage timely payments to injured workers along with timely reporting. The bureau plans to issue public reports on this requirement and expand our educational outreach to attain full compliance.



## Total Disability Weekly Workers' Compensation Rates

The following table illustrates the weekly workers' compensation rates used to calculate benefits payable to an injured employee.

### 1. Statewide Average Weekly Wage/Maximum Compensation Rate Payable

<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005*</u>
\$588.00	\$611.00	\$644.00	\$662.00	\$675.00	\$690.00	\$716.00

### 2. 50% of Statewide Average Weekly Wage/50% of Maximum Compensation Rate Payable

<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005*</u>
\$294.00	\$305.50	\$322.00	\$331.00	\$337.50	\$345.00	\$358.00

The compensation rate is  $66 \frac{2}{3}$  percent of the employee's average weekly wage. If  $66 \frac{2}{3}$  percent of the employee's average weekly wage is greater than the maximum, the rate of compensation payable is equal to the maximum.

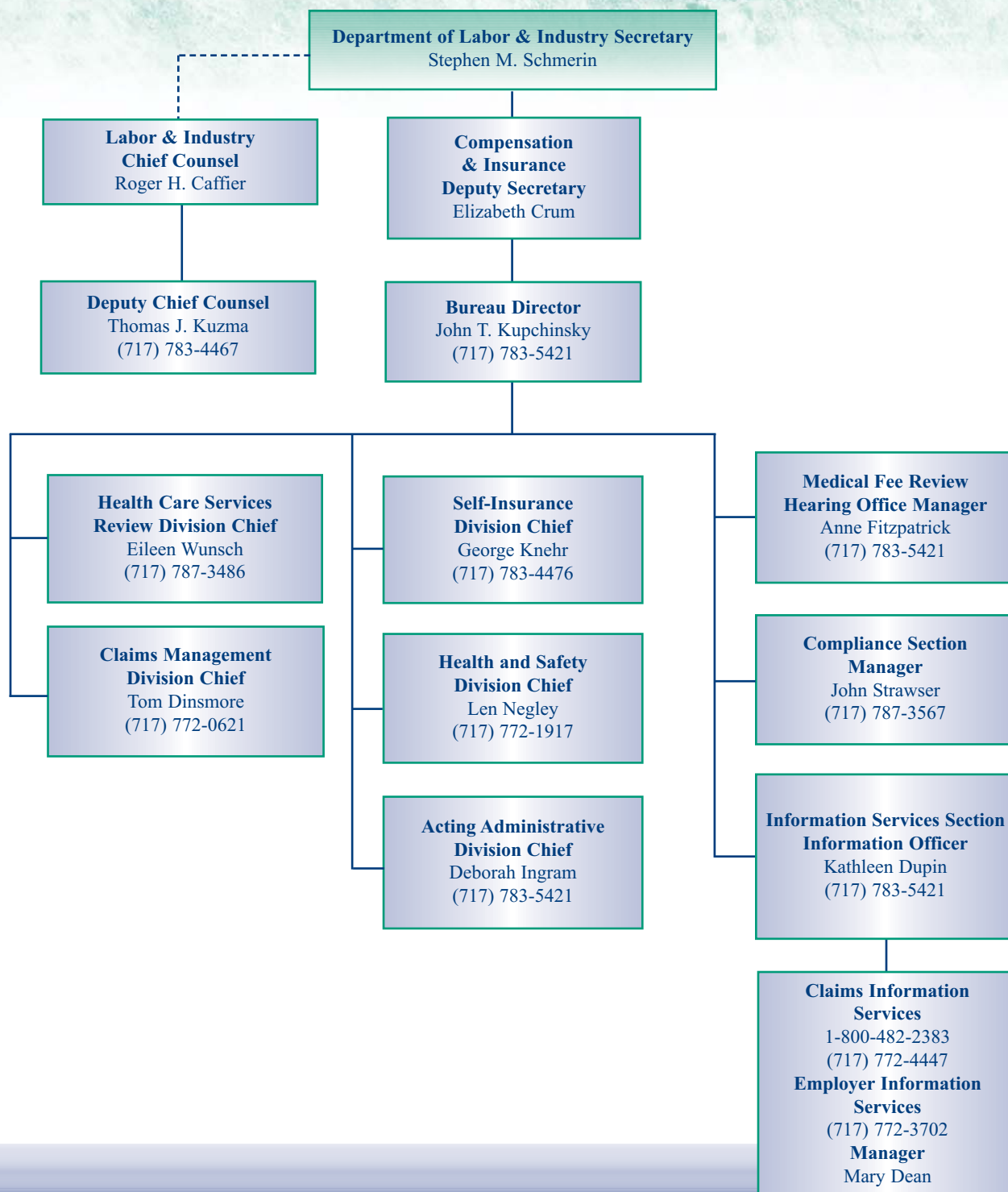
If the benefit calculated is less than 50 percent of the statewide average weekly wage, then the compensation rate shall be the lower of 50 percent of the statewide average weekly wage or 90 percent of the employee's average weekly wage. There is no absolute minimum.

The maximum compensation rate payable is calculated annually and is effective Jan. 1 of each year. The calculation of the average weekly wage is defined by the Act. Corresponding figures for years prior to 1999 are maintained by the bureau. For partial disability, other calculations and definitions apply.

\*For purposes of calculating the update to payments for medical treatment rendered on and after Jan. 1, 2005, the percentage increase in the statewide average weekly wage is 2.2 percent.

# Personnel

## Department/Bureau Organization Chart





# Divisions

## Director's Office - Compliance Section



*"In fiscal year 2004/05, the Compliance Section instituted nearly 1,500 more new investigations of potential failure to insure than it had in the previous year. We are*

*committed to finding ways to reduce investigation and prosecution time to handle this increased activity."*

*John Strawser*

### Primary Functions

Ensure compliance with the Workers' Compensation Act, regulations enacted pursuant to the Act and orders issued by the workers' compensation judges. These functions are accomplished through:

1. Educating employers regarding the requirement to insure their workers' compensation liability.
2. Investigating reports of employers' alleged failure to insure their liability and prosecuting cases of noncompliance in accordance with the criminal provisions provided by the Act.
3. Referring allegations of employee fraud to the appropriate insurance carrier and prosecuting authority and allegations of employer, insurer or medical provider fraud to the proper prosecuting authority.
4. Reviewing all work-related minor injuries to determine if potential child labor law violations

exist referring said violations to the Bureau of Labor Law Compliance for determinations and collecting any additional compensation due to injured minors.

5. Notifying survivors of their potential survivor rights under the Act when fatalities occur.
6. Reviewing and investigating allegations of insurer, self-insurer or third-party administrator violations of the Act to determine if further action is warranted.
7. Processing statutorily-permissible exceptions, exemptions and elections for inclusion under the Workers' Compensation Act.

### Accomplishments: 2004/05 Fiscal Year

1. Mailed the *Employer Information* pamphlet to 21,448 new or modified businesses to better educate employers about their workers' compensation responsibilities, along with certificates of insurance to secure information assuring their compliance; 9,620 businesses failed to respond, so a second mailing was sent.
2. Instituted 2,740 new investigations of potential employer failure to insure workers' compensation liability. Thirty-seven of these investigations warranted referral to the bureau's legal division for prosecution.
3. Referred nine complaints of employee fraud to the proper insurance carrier for investigation.
4. Processed 2,212 corporate executive officer exceptions and 991 religious exemptions for exclusion under the Act as well as 2,922 domestic elections for inclusion under the Act.

5. Investigated 498 potential child labor law violations, which could result in the collection of a 50 percent additional compensation penalty for injured minors while permitted to work in violation(s) of the child labor law.

#### **Future Goals**

1. Continue to increase the effectiveness of the compliance section's employer education program by identifying new ways of notifying new, modified and existing businesses of the employer responsibilities.
2. Reduce the time period it takes to investigate and prosecute employers found to have committed violations of Section 305 of the Workers' Compensation Act.
3. Improve communication with prosecuting authorities on the status and outcome of cases being tried and settled.



## Director's Office - Information Services Section



*"We are dedicated in our effort to assist and educate Pennsylvania's workers' compensation community via our claims and employer helpline, the department's*

*Web site, the annual bureau conference and bureau publications."*

*Kathleen M. Dupin*

developing the conference, the Information Services Section was required to: assist in creating the agenda; establish speakers from within the Department of Labor & Industry and from the public sector; collect and assemble handouts; prepare a contract for securing the conference facility; advertise the event on the department's Web site, in the bureau's *News & Notes* and in other publications; develop and distribute the conference announcement to members of the workers' compensation community; register data records; arrange for the availability of continuing education credits to conference attendees; communicate with 102 vendors and coordinate vendor exhibits; arrange to have bureau representatives available at the conference for registration, handouts and to address the needs of conference attendees.

### Primary Functions

1. Provide employees, employers, the public, workers' compensation professionals, health care providers, government agencies etc. with accurate and comprehensive workers' compensation information.
2. With Department of Labor & Industry Press Office approval, provide the media with accurate and timely workers' compensation information. This includes producing informational publications, coordinating interviews and writing press releases.
3. Support the department secretary, the bureau director, the director of adjudication, and the bureau staff in their missions.
2. Mailed 106,664 *Workers' Compensation and the Injured Worker* pamphlets to workers for whom the bureau received an Employers' Report of Occupational Injury or Disease and who lost more than a day, shift or turn of work as a result of that injury.
3. Responded to over 71,000 workers' compensation inquiries. These included 66,957 Helpline telephone calls; 2,783 calls from businesses on the Employers' Services Helpline; and 1,288 e-mail questions.
4. Researched and responded to 1,618 inquiries regarding the workers' compensation insurance coverage of employers through the Pennsylvania Compensation Rating Bureau database.
5. Assisted 71 walk-in visitors with their workers' compensation questions and issues.

### Accomplishments: 2004/05 Fiscal Year

1. Developed, planned and coordinated the May 2005 bureau conference. Approximately 1,109 employers, insurers, health care providers, attorneys and others from the workers' compensation community attended the two-day event. In

6. Responded to approximately 236 written workers' compensation inquiries received from injured workers.
7. Published the bureau's quarterly newsletter, *News & Notes*. This publication provides an overview of workers' compensation policies, programs and updates. It is distributed to approximately 12,000 employers, insurers, third-party administrators, union representatives, attorneys, health care professionals and the public.
8. Submitted articles for inclusion in the Pennsylvania Self-Insurer's Association newsletter and the *UC Issues Update*, the quarterly newsletter of Pennsylvania's Unemployment Compensation Programs.
9. Created a new pamphlet (LIBC-776) for alternative dispute resolution for the Office of Adjudication. This pamphlet was mailed to 3,000 union representatives and distributed to the 25 Offices of Adjudication.
10. Published form revision notices and changes to rules & regulations on the bureau's Web site and in the public newsletter, *News & Notes*.
11. Assisted the bureau's Claims Management Division with the File Room Implementation Team Project. The goal of this project was to clean up bureau files and convert microfiche documents to compact discs.
12. Updated the bureau's Web site as needed to keep the workers' compensation community apprised of issues pertaining to professional employer organizations, lists of insurance agents, reports of work injuries and illnesses, summaries of the medical access study and Section 305 prosecutions.
13. Published the bureau's *FY 2003/04 Annual Report*. This 78-page document provided a thorough review of bureau accomplishments, goals and a comprehensive analysis of workers' compensation key statistics.
14. Promoted the nonprofit program Kids' Chance of Pennsylvania, Inc. through newsletter articles and the bureau's Web site.
15. Published mediation practice procedures that provided a list of judges participating in the alternative dispute resolution process.

#### **Future Goals**

1. Develop, plan and coordinate the bureau conference scheduled for June 2006 in Hershey, PA.
2. Continue to provide injured workers, employers, the public, workers' compensation professionals, government agencies and the media with accurate and timely workers' compensation information through newsletters, correspondence, the Helpline, press releases, feature articles and the department Web site.
3. Continue to coordinate insurance information from the Pennsylvania Compensation Rating Bureau to the workers' compensation community.
4. Coordinate the Governor's Occupational Safety and Health Conference scheduled for October 2006 in Hershey, PA.
5. Publish a workers' compensation handbook, to be made available to the general public.



## Director's Office - Medical Fee Hearing Office



*“Although staffing changes occurred during this fiscal period, the hearing office continued to function effectively.”*

*Anne Fitzpatrick*

### Primary Functions

1. Manage and administer the bureau's medical fee hearings program, which includes receiving and processing hearing requests of self-insured employers, insurers or health care providers concerning medical payment disputes, responding to pre-hearing and post-hearing inquiries as appropriate, and tracking/reporting Hearing Office activity.
2. Issue notice of the assigned hearing officer and notice of scheduled fee review hearings to parties/counsel.
3. The assigned hearing officer responds to pre-hearing requests and/or motions concerning legal issues in the case and conducts a *de novo* administrative hearing, receiving documentary and/or testimonial evidence from the parties and their counsel, as appropriate.
4. Issue written decision/order of hearing officer subsequent to close of the record.

### Accomplishments: 2004/05 Fiscal Year

1. Reduced the pending case inventory by 19 percent during this fiscal period.
2. Achieved a 38 percent increase in the total number of cases disposed of during this fiscal period over the prior fiscal period.
3. Provided training to new hearing office support staff.
4. Successfully petitioned the Commonwealth Court for the reporting of its opinion in *Temple Univ. Hosp. v. Pa. Dept. of Labor & Indus.*, 873 A.2d 780 (Pa.Comm. Ct., 2005). Therein, the court affirmed the decision of the hearing officer that the health care provider had failed to timely file its application for fee review in accordance with the requirements set forth in Section 306(f.1)(5) of the Act and, in doing so, provided guidance with regard to applicability of the statutorily prescribed 90-day time period for the filing of a fee review application by a health care provider following original billing.

### Future Goals

1. Reduce the time elapsed from receipt of a fee review hearing request to written acknowledgement of the filing.
2. Further reduce the average case processing time from the date of filing to final adjudication.

## Administrative Division



*"The Administrative Division continues to provide timely services to the Bureau of Workers' Compensation, Office of Adjudication, and Workers' Compensation Appeal Board employees, program areas and vendors."*

**Deborah Ingram**

### Primary Functions

1. Prepare yearly budget request for the Administration Fund. Project, analyze and report on the Administration Fund expenditures (which include the bureau, the Office of Adjudication, the Workers' Compensation Appeal Board, the Office of Chief Counsel, the Office of Information Technology and Labor & Industry bureaus that charge the Fund for services).
2. Issue, collect and record assessments to replenish the Administration Fund, Supersedeas Fund, Subsequent Injury Fund, Self-Insurance Guaranty Fund and the Small Business Advocate Fund.
3. Process supply, equipment and furniture requests and procure them for bureau offices, the Office of Adjudication and the Workers' Compensation Appeal Board.
4. Provide administrative support to all divisions and field offices within the Bureau of Workers' Compensation.

5. Provide personnel advice and services to bureau employees and managers.
6. Provide mailroom and optical character recognition (OCR) service to the bureau.
7. Coordinate bureau training.

### Accomplishments: 2004/05 Fiscal Year

1. Budgeted, monitored and adjusted the Administration Fund as necessary.
2. Assisted the Claims Management Division in processing petition assignments within five days (mailroom and OCR).
3. Improved the processing of all paper documents into the electronic system to within five days.
4. Provided timely status information on collection of assessments and bureau conference seminar deposits.

### Future Goals

1. Process personnel actions within seven working days of request.
2. Assist the Claims Management Division in processing petitions within five working days.
3. Continue working with vendors, insurance carriers, employers and attorneys to comply with the form submission.
4. Develop and implement an online new-employee orientation package.



## Claims Management Division



*"During this fiscal year, electronic submission of Employer's Reports became mandatory, and the bureau helped thousands of employers successfully meet the new requirements for submission."*

**Tom Dinsmore**

### Primary Functions

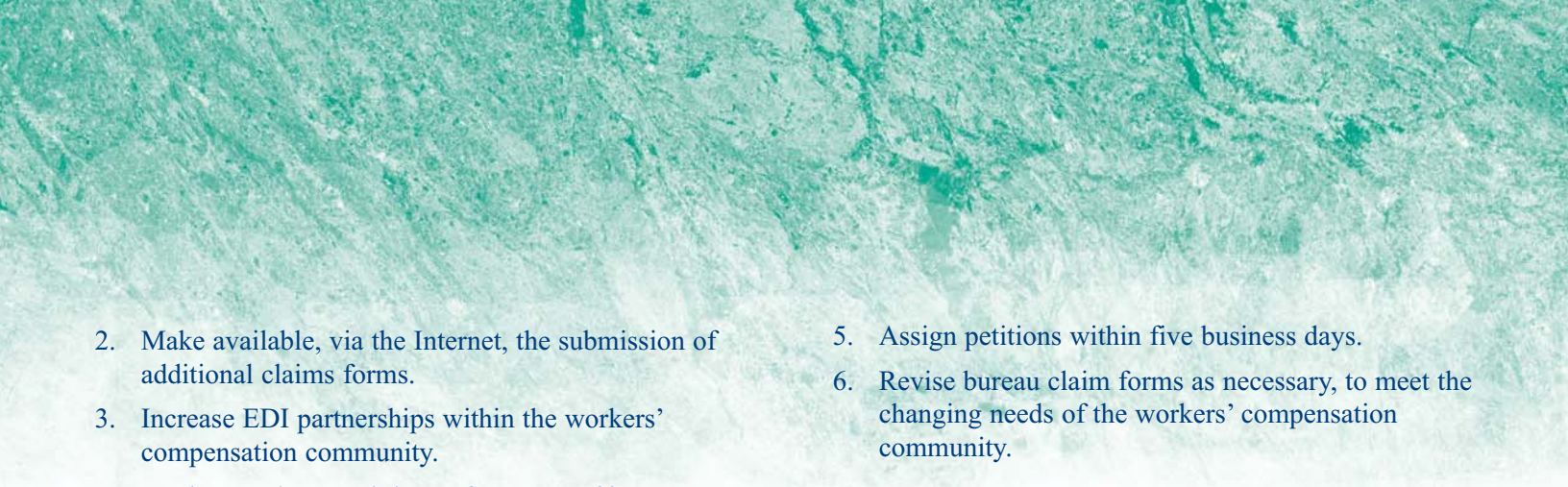
1. Process, record and review documents received on workers' compensation claims.
2. Collect statistics regarding workers' compensation injuries.
3. Assign petitions to workers' compensation judges.
4. Pay claims where the bureau has liability.
5. Evaluate carrier and employer compliance with the reporting requirements of the Workers' Compensation Act.
6. Serve as conservators of the Supersedeas Reimbursement and Second Injury Funds.
7. Act as repository for workers' compensation occupational disease records.
8. Provide workers' compensation records to claimants, attorneys and workers' compensation judges. Comply with subpoenas.

### Accomplishments: 2004/05 Fiscal Year

1. Processed 549,392 claim forms.
2. Promoted electronic data interchange (EDI) submission of the Employer's Report of Occupational Injury or Disease and increased the number of partnerships utilizing this means.
3. Promoted and increased electronic submission of various petition forms and Employer's Report of Occupational Injury or Disease through the bureau's Web site.
4. Maintained the Request for Records processing time at an average 10 days or less from receipt of the request, while processing approximately 26,308 requests.
5. Maintained an average petition assignment of less than five days from receipt of a petition.
6. Analyzed insurers' and self-insurers' performance regarding compliance of the 21-day rule to determine if compliance continued to improve.
7. Conducted external training sessions for forms submission and processing to insurers and third-party administrators (TPAs).
8. Processed over 23,200 current workers' compensation judges' decisions.
9. Processed 933 claims and disbursed payments of over \$21 million from the Supersedeas Reimbursement Fund.

### Future Goals

1. Conduct informative sessions and provide information via the Internet on the proper usage and timely submission of claims management forms.

- 
- 2. Make available, via the Internet, the submission of additional claims forms.
  - 3. Increase EDI partnerships within the workers' compensation community.
  - 4. Analyze and counsel the performance of insurers and self-insurers to improve compliance with the 21-day rule.
  - 5. Assign petitions within five business days.
  - 6. Revise bureau claim forms as necessary, to meet the changing needs of the workers' compensation community.



## Health Care Services Review Division



*“Training and education continue to represent significant accomplishments of our division. From our formal training sessions for repricers and health care providers each spring, to our day-to-day contact with stakeholders, we strive to ensure that all parties understand the medical-related aspects of workers’ compensation.”*

**Eileen Wunsch**

### Primary Functions

1. Administer the fee review process for health care providers who are disputing the timeliness or amount of payment received for medical care provided to injured workers.
2. Manage and monitor chargemaster fee schedule data. Under amendments to the Act in 1993, medical reimbursement was capped based on 1994 Medicare rates that are adjusted annually.
3. Authorize Utilization Review Organizations (UROs) to review the reasonableness and necessity of medical treatment when requested by the employer/insurer or injured worker. The division also trains, audits and monitors UROs in regulatory requirements.
4. Promulgate a list of physicians qualified to perform Impairment Rating Examinations (IREs) and designate IRE physicians when requested by employers/self-insured employers.
5. Provide certification of Coordinated Care Organizations.
6. Act as a liaison to independent consultants performing medical access studies.
7. Provide education and training to employers, insurers and health care providers as requested.
8. Act as a resource for all involved parties.

### Accomplishments: 2004/05 Fiscal Year

1. Issued 18,935 fee review decisions and determinations. This is a 32 percent increase over FY 2003/2004.
2. Continued to update the fee schedule quarterly on the bureau Web site (except for Table I).
3. Monitored and guided work of chargemaster vendor, RES Solutions, to ensure timely and correct quarterly updates for insurers and self-insured employers.
4. Continued to provide specialized training for health care providers to assist in their understanding of the workers’ compensation billing and payment processes, as well as the fee review process. Trained over 300 providers in bureau-held sessions.
5. Continued to provide specialized training on the appropriate and optimal application of the workers’ compensation fee schedule to over 154 repricers and insurers.
6. Processed and approved 21 annual reports for Utilization Review Organizations/Peer Review Organizations (URO/PRO). There are a total of 21 URO/PROs currently authorized.
7. Reviewed and monitored 4,949 Utilization Review/Peer Review Determinations and reviewer reports.

8. Received, reviewed and approved 15 URO/PRO reauthorization applications.
9. Received and reviewed four URO/PRO authorizations. Three were approved, one denied.
10. Maintained a reviewer database to monitor URO/PRO reviewer qualifications and updated this information regularly.
11. Processed 6,987 Utilization Review Requests. This is down 6 percent from FY 2003/2004.
12. Conducted biannual meetings for URO/PROs.
13. Received and processed 1,970 IRE Requests for Designation. This is a 15 percent increase over FY 2003/2004.
14. Maintained the list of 98 IRE physicians in 151 geographic locations under the new 5th edition of *The AMA Guides to the Evaluation of Permanent Impairment*. This list is also maintained on the bureau's Web site.
15. Received and distributed the 2004 Medical Access Study from TLG Research Associates. Study continues to indicate high levels of injured workers satisfied with their medical treatment. Study also indicates that injured workers with Provider Panel Lists have a high satisfaction level, return to work over 30 percent sooner and continue to treat with the panel providers after the initial 90 days. Education of employers and injured workers remains a need. The study also continues to report PPO discounts and late payment as the health care providers' main concerns.
16. Continued improvements of service to customers/stakeholders through increased education for health care providers, employers and insurers. This included providing speakers at 48 educational seminars attended by in excess of 2,600 individuals. These speaking engagements included 10 in-service training sessions for insurers/self-insured employers/TPAs and six in-service training sessions for health care providers. This also included a

presentation at the Governor's Safety Conference.

17. Participated in the annual bureau conference in May 2005, providing sessions of insurer information, employer information on posted provider panels, medical payment issues and medical trends.
18. Sent out over 550 fee review information packets and revised the Fee Review Information Brochure.

### **Future Goals**

#### **Medical Fee Review Section**

1. Continue to provide quarterly fee schedule updates and Web site updates.
2. Provide education and support to health care providers, employers and insurers as needed and requested. This will continue to include yearly educational training for repricers, insurers and health care providers at the bureau.
3. Continue to explore methods of reducing the size and complexity of the chargemaster database and simplifying the update process.
4. Continue to examine and enhance bureau processes in order to meet the standard of 30-day completion for fee reviews.

#### **Medical Treatment Review Section**

1. Authorize and reauthorize URO/PROs as requested and required.
2. Monitor URO/PRO Determination Face Sheet Packages for compliance with the Medical Cost Containment regulations.
3. Conduct random, on-site audits of URO/PRO operations in accordance with Medical Cost Containment regulations.
4. Continue education of insurers, employers, attorneys and injured workers concerning the Utilization Review process and conduct semi-annual meetings for URO/PROs.



## IRE Program

1. Update the Web site IRE list on a quarterly basis.
2. Process Requests for Designation in a timely manner.

## General

1. Conduct quarterly meetings with the Insurer/Provider Medical Cost Containment Committee.
2. Complete regulation revision process and publish proposed regulations in the *Pennsylvania Bulletin*. Hold several open stakeholder meetings across the

state to discuss published proposed regulations.

3. Continue to provide education and training through seminars and insurer/provider in-service on Medical Cost Containment issues and processes. Where appropriate, extend these efforts for workers.
4. Monitor contractor's performance and preparation of 2005 Medical Access Study report in accordance with the Act and distribute these upon completion.
5. Participate in the bureau conference scheduled for June 2006.

## Medical Access Study

The Workers' Compensation Act requires that an annual study be conducted to determine whether the fee schedule for health care services is adequate to ensure that injured workers have sufficient access to quality health care. The 2004 Medical Access Study results were released in June 2005.

After several years of relatively stable outcomes in responses from injured workers, results for each of the past two years showed notable improvement on most outcome measurements. The 2004 results were the highest reported in eight years on the following indicators:

- Seen by a doctor within 48 hours (2004: 89.2 percent; 2003: 86.5 percent)
- Doctor discussed treatment options (2004: 66.5 percent; 2003: 64.5 percent)
- Initial diagnosis proved to be correct (2004: 66.8 percent; 2003: 62.1 percent)
- WC rights/benefits explained at time of injury (2004: 57.4 percent; 2003: 53.3 percent)

- Overall, Very Satisfied with care (2004: 40.8 percent; 2003: 34.6 percent)
- WC care as good as other health care (2004: 82.5 percent; 2003: 81.9 percent)
- Satisfied with timing of return to work (2004: 66.3 percent; 2003: 61.4 percent)

Upward movement in overall outcomes in recent years has been driven by improved outcomes reported by those workers with access to provider panels. On rights/benefits explained at time of injury (57.4 percent overall), the breakout between Panel and No-Panel respondents was 63.8 percent vs. 42.1 percent. Prior to 2001, workers with the benefit—and constraint—of panel access had reported consistently lower satisfaction. Since then, they have become the group that is better informed about rights and benefits, is more likely to be satisfied with care received and also returns to work earlier. The segment with panel access reported significantly higher outcomes on 10 of 12 outcome indicators. The segment reporting the highest outcomes were those who had the benefit of both panel access and choice.

## Health and Safety Division



*"The keys to a successful safety program are the same as for any other important component of a company's business plan - support from the top, adequate funding and resources, qualified staff, solid planning and constant commitment."*

**Len Negley**

### Primary Functions

1. Evaluate employer applications for certification of employer workplace safety committees for eligibility of workers' compensation insurance premium discounts as allowed under Article X of the Act. Provide assistance and guidance to employers in the establishment of safety committees, in the interpretation of requirements for certification and in the correction of application deficiencies prior to resubmission.
2. Provide safety committee certification renewal forms for certified employers and evaluate submitted forms for eligibility for continuing premium discounts.
3. Review annual reports of accident and illness prevention services and programs from Pennsylvania-licensed workers' compensation carriers, self-insured employers and group self-insurance funds. Formulate recommendations of program or service adequacy for consideration in determining whether to recommend continuance of licensure or self-insurance status.
4. Determine the necessity for, and conduct, on-site audits of accident and illness prevention services and programs and certified safety committees. Configure and monitor deficiency correction programs as necessary to resolve program or service inadequacies.
5. Develop and disseminate health and safety-related information to members of the regulated community and the general public concerning: workplace safety committee certification/re-certification procedures and requirements; mandatory accident and illness prevention program and service elements; safety-related training and annual reporting requirements.
6. Administer the process to review credentials in the health and safety field for recognition by the Department of Labor & Industry as acceptable qualification for accident and illness prevention service providers. Assign provider numbers to qualified individuals. Review individual qualification for acceptability as recognized safety committee instructors.
7. Support and participate in the Work Safe PA initiative, which provides direction and coordination for activities and programs aimed at increasing workplace safety throughout the commonwealth. Manage the processes to nominate, select and recommend employers for the Governor's Award for Safety Excellence.

### Accomplishments: 2004/05 Fiscal Year

1. Granted initial certification to a cumulative total of 6,224 workplace safety committees covering over



851,425 employees as of June 30, 2005. The cumulative number of approved workplace safety committee certification renewals totaled 22,212. Approximate employer premium discount savings now total over \$196,542,890.

2. Received and processed a total of 749 workplace safety committee initial applications and 4,278 workplace safety committee renewal affidavits.
3. Conducted surveys to determine the probable participation levels and capability of online filing of health and safety related forms in anticipation of the redesign of data processing systems. Client groups surveyed included workers' compensation insurers, self-insured employers and employers with state-certified workplace safety committees.
4. Established e-mail databases for the various client groups to provide an electronic means of communicating with the workers' compensation safety clients.
5. Released all necessary self-insured, group fund and insurer-required filing reports within required time frames.
6. Evaluated the acceptability of accident and illness prevention programs and services of 1,296 insurers and self-insured employers through annually required reports.
7. Conducted 264 on-site audits of licensed workers' compensation insurer and self-insured employer accident and illness prevention programs and services and certified workplace safety committees.
8. Conducted audits of 15 commonwealth agency accident and illness prevention programs.
9. Conducted an average of 22 on-site audits per month.
10. Participated in the process to select and award the Governor's Award for Safety Excellence to five Pennsylvania companies. Conducted several on-site visits.

11. Completed the framework and design for the Pennsylvania Safety and Health Training Institute, a web-based compilation and schedule of health and safety-related training and information available from both state agencies and other sources. The institute will offer instruction to employers and members of the general public regarding workplace and general safety and health topics including training and informational sessions delivered by numerous commonwealth agencies.
12. Issued a Request for Proposal for the design, development and implementation of an integrated data processing system for health and safety functions. The advantages of the integrated system will include: the ability for clients to file documents online; the formation of a consolidated and integrated database of information; improved ability to communicate with customers; elimination of data redundancy; and ad hoc reporting capabilities. The target date to go live with the system is the first quarter of 2007.

#### **Future Goals**

1. Increase outreach efforts to employers and members of the general public through information seminars, conferences, educational events, written publications and Web site information concerning the certification process, training and accident and illness prevention programs and services requirements.
2. Promote administration's Work Safe PA initiative through participation in seminars, association meetings and written publications.
3. Expand promotional and outreach activities to increase applicants for the Governor's Award for Safety Excellence and for the workplace safety committee certification program.
4. Decrease through educational, communication and procedural improvement efforts the percentage of

employers who fail to achieve certification status efforts.

5. Gain approval and funding to proceed with development and implementation of a revised health and safety data processing system.
6. Conduct a total of 250 audits of the accident and illness prevention programs and services of workers' compensation insurers, self-insured employers, group self-insurance funds and of employers with Certified Workplace Safety Committees.
7. Complete the development and release of an insurers' annual data profile report comparing

individual insurers to overall "averages" developed from cumulative annual report data. Complete development of a similar data profile for self-insured employers.

8. Complete the development and launch of the Pennsylvania Safety and Health Training Institute including commencing with identified stakeholder groups.
9. Reconfigure health and safety-related information on the bureau and department Web sites to be more customer friendly through topical reorganization, revised description and improved data linkage.



## Legal Division



*“Last year we successfully focused on managing our caseloads, thereby improving the productivity of the office and our ability to assist our clients.”*

**Thomas J. Kuzma**

### Primary Functions

1. All legal services provided to the bureau are coordinated through the department's Office of Chief Counsel and the Governor's Office of General Counsel. Attorneys representing the bureau and its support staff are responsible for defending any legal challenges to the bureau's implementation of the workers' compensation system.
2. Responsible for preparing and coordinating criminal prosecutions of employers who fail to maintain workers' compensation coverage for workers.
3. Defend claims brought against certain statutorily created funds. For example, attorneys associated with the bureau represent the commonwealth in claims against the Supersedeas Fund, as well as the Subsequent Injury Fund and claims under the Occupational Disease Act.
4. Review statutes and regulations (federal and state) potentially impacting the workers' compensation community. In addition, draft bills, regulations and statements of policy at the behest of client to either correct deficiencies or make enhancements to the system.
5. Routinely answer inquiries from the public, including written correspondence sent from departmental personnel and telephone calls that are handled by duty week law clerks and attorneys.

### Accomplishments: 2004/05 Fiscal Year

1. *Supersedeas Fund Reimbursement* – Over the course of the 2004/05 fiscal year, the Workers' Compensation Division has labored to limit the costs and exposures of the Supersedeas Fund (Fund). The division has done so by attempting to streamline the Fund reimbursement review and approval processes, and by contesting reimbursement in cases where the applicant's ability to recover from the Fund were the subject of unresolved questions and interpretations.

*State Workers' Insurance Fund v. Workers' Compensation Appeal Bd. (Shaughnessy)*, (No. 161 MAP 2004; Pa.) – On June 8, 2005, the Pennsylvania Supreme Court, in a *per curiam* Order, affirmed the Opinion of the Commonwealth Court and denied Fund reimbursement. In the case, the State Workers' Insurance Fund (SWIF) sought reimbursement from the Fund where, in the underlying case, SWIF only contested the issue of which entity was the responsible payer. In a case of first impression, the Commonwealth Court agreed with the Bureau of Workers' Compensation (BWC) that Fund reimbursement is only available where an insurer makes payments to “a claimant who ultimately is determined not to be entitled thereto.” Reimbursement, therefore, is not available where the claimant remains entitled to payments from any employer.

*City of Wilkes-Barre v. WCAB (Spaide)*, 868 A.2d 620 (Pa. Cmwlth. 2005) – In an Opinion and Order reported on Feb. 18, 2005, the Commonwealth Court held in favor of the BWC in this Fund reimbursement matter. In its Opinion, the Court held that reimbursement is not available where the employer seeks reimbursement of amounts paid as a result of an employer-funded pension. Instead, the employer may be entitled to a credit under section 204 of the Workers' Compensation Act (Act), 77 P.S. § 71. Further, the Court held that in such cases, compensation remains payable to the claimant, thus Fund reimbursement is inappropriate.

*Universal Am-Can, Ltd. v. WCAB (Minteer & Bureau of Workers' Compensation)*, 870 A.2d 961 (Pa. Cmwlth. 2005) – On Feb. 16, 2005, Commonwealth Court issued an Opinion and Order that adopted the BWC's position in this matter. In its Opinion, the Court held that litigation costs and attorney's fees under section 440 of the Act, 77 P.S. § 996, are not "compensation" and therefore are not reimbursable from the Fund. The Court further relied upon the Supreme Court's opinion in *Laundry Owners Mutual Liability Insurance Association v. WCAB (Herpak)*, 537 Pa. 367, 644 A.2d 697 (1994), to hold that the Fund is not required to reimburse insurers for "lost interest" on amounts ultimately reimbursed from the Fund.

2. *Enforcement of Health and Safety Reporting Requirements* – In 2004, the WC Division, in conjunction with the Insurance Department, successfully pursued insurers that failed to comply with the Health and Safety Reporting Requirements under the Act. Specifically, on July 7, 2004, the BWC formally recommended to Insurance Commissioner Diane Koken that the licenses of ten insurers be revoked or suspended because these insurers failed to comply with section 1001 of the Act, 77 P.S. § 1038.1. Under section 1001, insurers are required to file an Insurer's Annual Report of

Accident and Illness Prevention Services (AIPS report) by June 1 of each year. Of the ten insurers whose licenses were recommended for revocation, the WC Division successfully negotiated consent orders from two insurers, which each paid \$2,500 in fines, and the Insurance Department provided formal warnings to a number of other violators.

3. *Defense of WC Health Care Services Operations*  
*Regional Orthopedic Associates, P.C. v. Bureau of Workers' Compensation*, (No. 4:CV-02-0733; M.D. Pa.) – In 2004, the WC Division and the Office of Attorney General successfully defended the BWC against this federal cause of action. In this matter, plaintiffs (Regional Orthopedic Associates and Lance O. Yarus, D.O.) asserted that the BWC's requirement that Utilization Review Organizations (UROs) maintain reviewing staff with certain qualifications (which plaintiffs did not possess) was an impermissible impairment of their contractual and constitutional rights. Plaintiffs further alleged that the Department of Labor & Industry's (department's) officials "defamed" plaintiff by denying applications of UROs where such applications relied upon plaintiff, rather than other qualified reviewing staff, to satisfy the requirement of the Act and regulations. The United States District Court for the Middle District of Pennsylvania denied plaintiffs' claims for damages and injunctive relief from the department and dismissed the complaint.

*Laundry Owners Mutual Liability Ins. Ass'n v. Bureau of Workers' Compensation (UPMC Presbyterian & Smolter)*, 853 A.2d 1130 (Pa. Cmwlth. 2004) – The WC Division joined in the successful defense of a challenge to the validity of the BWC's Medical Cost Containment regulations related to payment for acute care treatment rendered by trauma centers for life-threatening and urgent injuries under section 306(f.1)(10) of the Act, 77



P.S. § 531(10). In this matter, petitioner Laundry Owners Mutual Liability Insurance Association challenged a decision by the BWC Medical Fee Review Hearing Office (FRHO) which granted the treating provider's fee review applications at 100 percent of the usual and customary charge for the entire period of documented treatment rendered at provider's Level I trauma facility. Petitioner argued in part that 34 Pa. Code §§127.3 and 127.128(c) were invalid and "impermissibly expanded" statutory section 306(f.1)(10). Commonwealth Court upheld the validity of the regulations, specifically rejecting the petitioner's arguments. Petitioner's attempt to raise these same issues for a second time on a subsequent appeal in the case, following the Court's remand for a ministerial calculation by the FRHO, was quashed by order of the Court.

#### 4. *Defense of Constitutional Challenges –*

##### a) *Attorney Fee Limitations*

*Lawson v. Workers' Compensation Appeal Bd. (Temple Univ.)*, (No. 2172 C.D. 2003; Pa. Cmwlth.) – On Sept. 7, 2004, the Commonwealth Court of Pennsylvania dismissed the plaintiff's challenges to sections 442 and 449 of the Act, 77 P.S. §§ 998 and 1000.5. In this case, the law firm of Larry Pitt & Associates appealed the decisions of the workers' compensation judge (WCJ) and the Workers' Compensation Appeal Board (WCAB) which limited attorney's fees to 20% of the workers' compensation award. Pitt, through his client (Lawson), alleged that the Act's provisions regarding limitations on attorney's fees and review thereof by WCJs violate the constitutional guaranty of separation of powers, in that it legislatively attempts to regulate the practice of law. The Court rejected this assertion, and noted that it had previously decided the same issue in *Samuel v. Workers' Compensation Appeal Bd. (Container*

*Corp. of America)*, 814 A.2d 274 (Pa. Cmwlth. 2002).

*Pitt v. Commonwealth, Dep't of Labor & Indus.*, (No. 03-4999; E.D. Pa.) – On Aug. 24, 2004, the United States District Court for the Eastern District of Pennsylvania dismissed this challenge to the constitutionality of sections 442 and 449 of the Act. In this case, Larry Pitt, Esquire, sought a declaratory judgment invalidating sections 442 and 449 of the Act, which provide limitations on attorneys' fees under the Act, and further provide for review of such fees by WCJs. Pitt alleged that the provisions violate the separation of powers doctrine, insofar as they impermissibly attempt to regulate the practice of law, despite the fact that he had already litigated and lost identical claims in Pennsylvania courts. In dismissing Pitt's complaint, the District Court held that the *Rooker-Feldman* doctrine prohibited the court from reviewing and reversing claims that had been raised and litigated in state court.

Significantly, it appears that *Pitt v. Commonwealth* may represent the last chapter in the department's long-standing defense of sections 442 and 449.

##### b) *Hearing Loss Provisions*

*McIlany v. Workers' Compensation Appeal Bd. (Standard Steel)*, 870 A.2d 395 (Pa. Cmwlth. 2005) – The WC Division and Office of Attorney General successfully defended a constitutional challenge to the statute of limitations provision found in section 306(c)(8)(viii) of the Act, 77 P.S. § 513(c)(8)(viii). In this matter, claimant McIlany filed a claim petition alleging that he incurred work-related hearing loss during his employment with Standard Steel, whose workers' compensation obligations are currently being administered and paid through the department. The claimant alleged that because the separate statute of limitations provision established for hearing loss cases did not provide for a

“discovery rule,” his equal protection rights guaranteed by the United States and Pennsylvania Constitutions were violated. Commonwealth Court held that the statute of limitations provision found in section 306(c)(8)(viii) of the Act was reasonable.

5. The following is a history of the WC Division’s successful Section 305 prosecutions for fiscal year 2004:

- *Commonwealth v. AAA Solid Gold Ltd. /T/A Solid Gold Travel/Rosalie J. Parkinson & William L. Parkinson* – AAA Solid Gold Ltd. t/a Solid Gold Travel operated and employed at least one employee from Jan. 1, 2000, through Oct. 11, 2001. On Oct. 11, 2001, an employee was injured in the course of his employment and subsequently was awarded workers’ compensation benefits. Rosalie Parkinson entered the Accelerated Rehabilitative Disposition (ARD) program and agreed to pay approximately \$19,000 in restitution. (Northampton County)
- *Commonwealth v. Conquest Construction Services/Ambrose O. Chukwuneye* – Chukwuneye pled guilty to three misdemeanor counts of failing to maintain workers’ compensation insurance. The defendant was ordered to pay \$16,340 in restitution, \$175 in court costs and was placed on probation for four years. (Philadelphia County)
- *Commonwealth v. Country Boyz Cutting City Treez (Kaposy)* – Defendant pled guilty to one consolidated felony count and was sentenced to pay restitution in the amount of \$3,333 to the Pennsylvania Department of Public Welfare. The defendant was further ordered to pay the costs of prosecution, was placed on probation for 48 months and was ordered to resolve the outstanding workers’ compensation claim with the injured employee during the period of probation. Finally, the defendant was also ordered to complete 100 hours of community service. (Washington County)
- *Commonwealth v. Craig Fryberger d/b/a C & C Roofing* – Mr. Fryberger pled guilty to a single misdemeanor count of failing to maintain workers’ compensation insurance, and was sentenced to pay a \$300 fine plus restitution and costs totaling \$60,035.52. (Mifflin County)
- *Commonwealth v. Dewey’s Dry Dock & Deli Co. (Ronald Blystone)* – This Dauphin County business operated and employed workers but did not carry workers’ compensation insurance from Sept. 28, 1997 through the business’ close on June 5, 2000. In lieu of further prosecution, Mr. Blystone was admitted into the ARD program on Jan. 19, 2005, and was ordered to pay \$9,600 in restitution, costs of \$631.50 and was placed on probation for 12 months. (Dauphin County)
- *Commonwealth v. Diane’s Wind Gap Texaco/Diane Zuck* – Diane Zuck (defendant) was admitted into the ARD program in lieu of further prosecution for failure to maintain workers’ compensation insurance. Defendant’s ARD agreement included: twelve months probation, payment of court costs, program costs, and supervision fees totaling \$680.50 and additional restitution. (Northampton County)
- *Commonwealth v. Edward Bertogli d/b/a Penn Green Lawn Service* – Mr. Bertogli pled guilty to one felony count of failing to maintain workers’ compensation insurance, was sentenced to three years probation and a fine of \$2,500 and was ordered to pay restitution of \$23,700. (Chester County)
- *Commonwealth v. Edwin Zeiset, T/A. D/B/A/ New Holland Crane Serv. and EZ General Construction* – On June 22, 2005, Magisterial District Judge Rodney H. Hartman accepted



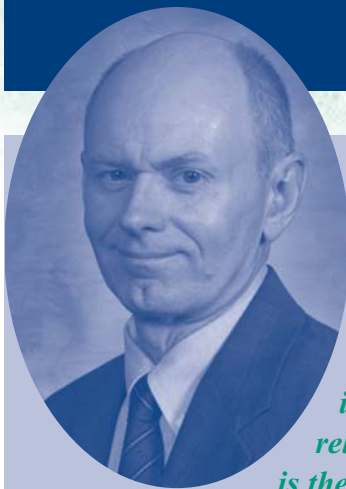
Edwin Zeiset's guilty plea in this matter. Zeiset pled guilty to 456 concurrent misdemeanor counts of failing to maintain workers' compensation insurance in violation of section 305 of the Workers' Compensation Act, 77 P.S. § 501, and was fined \$100. Zeiset was also ordered to pay costs of prosecution and restitution to the injured employee in the amount of \$6,690.57. EZ Construction remains a viable business and is currently in compliance with the Act. (Lancaster County)

- *Commonwealth v. Eric O. Williams d/b/a Kemosabe Enterprises* – On Feb. 16, 2005, Williams pled guilty to three misdemeanor counts of failing to maintain workers' compensation insurance. Under the plea agreement, the defendant was required to pay restitution in the amount of \$5,532, as well as the costs of prosecution and was placed on probation for two years. (Lehigh County)
- *Commonwealth v. Gemmill's Recycled Auto Parts and Dale D. Anstine* – On Dec. 22, 2004, Dale D. Anstine pled guilty to 20 misdemeanor counts of failing to maintain workers' compensation insurance, agreed to pay restitution in the amount of \$68,000 and was placed on 20 years probation. (York County)
- *Commonwealth v. Highlander Enterprises Inc. and Robert M. Williamson* – On May 3, 2005, Robert M. Williamson was admitted into the ARD program and agreed to pay approximately \$1,200 in medical bills that were incurred by an employee injured in the course of his employment with this uninsured defendant. (Montgomery County)
- *Commonwealth v. Michael D. Cost d/b/a Mike Cost Construction* – On Feb. 10, 2005, Michael D. Cost (defendant) pled guilty to two misdemeanor counts of failing to maintain workers' compensation insurance. Defendant was sentenced to 24 months probation, was ordered to pay \$76,476.96 in restitution, serve 200 hours of community service and pay costs and supervisory fees. (Wayne County)
- *Commonwealth v. Richard H. Folger, Jr./Sticker Stop & Lube, Inc.* – Richard H. Folger, Jr. (defendant) was admitted into the ARD program in lieu of further prosecution for failure to maintain workers' compensation insurance. Defendant's ARD agreement included one year probation, payment of restitution in the amount of \$2,153, payment of fines in the amount of \$2,500 and payment of court costs. (Bucks County)
- *Commonwealth v. Twice Loved Appliances, Inc./Thomas & Helen Mavor* – Twice Loved Appliances, Inc. pleaded guilty to two misdemeanor counts for failure to maintain workers' compensation insurance and agreed to the payment of restitution in the amount of \$70,000 and payment of court costs. (Mercer County)

#### **Future Goal**

1. Continue to implement the mission of the Office of Chief Counsel to provide our clients with superior professional legal services by assisting them in achieving their objectives within the bounds of the law.

## Self-Insurance Division



*“While striving to make self-insurance an available option for employers who qualify for it, the bureau is mindful that its chief responsibility relating to self-insurance is the protection of the compensation rights of the injured workers.”*

*George Knehr*

### Primary Functions

1. Process and decide applications of individual employers for self-insurance status under Section 305 of the Workers' Compensation Act and Section 305 of the Pennsylvania Occupational Disease Act; set conditions for self-insurance and monitor self-insured employers' compliance with these conditions. As of July 1, 2005, there were 801 employers authorized to self-insure their liability.
2. Process and decide applications of groups of employers to operate as group self-insurance funds under Article VIII of the Act; regulate and monitor the financial conditions of the group funds, including the setting of rates, the maintenance of surplus and the distribution of dividends to members. Eighteen group self-insurance funds are currently operating covering over 957 employers in the commonwealth.
3. Collect and tabulate information needed to issue assessments against insurers and self-insurers to maintain special funds established under the Act.
4. Administer the Self-Insurance Guaranty Fund and the use of financial security to remedy defaults of self-insurers. The guaranty fund and its special Prefund Account, which applies to claimants injured before 1993, provides benefits to approximately 330 claimants. An additional 47 claimants receive benefits from self-insurance security administered and paid through the division.

### Accomplishments: 2004/05 Fiscal Year

1. Oversaw the transfer of four defaulted self-insurers' liabilities to their appropriate surety company, including one default involving over 150 open claims.
2. Processed over 760 renewal applications and 50 new applications for individual self-insurance status, 340 claims status reports of runoff self-insurers and 18 group self-insurance fund annual reports and rate requests.
3. Updated the ratio-factors measuring the annual percentage of claims development for all self-insurers.
4. Calculated and issued five assessments to finance the operation of special funds under the Act.
5. Contacted all trustees providing services to self-insurers in the area of letters of credit to validate the existence of their services; required self-insurers to obtain new trustee-coverage where prior coverage had lapsed.
6. Working with the bureau's contracted claims service company and legal counsel, reduced the number of claims being paid from the Self-Insurance Guaranty Fund from 438 at the beginning of the fiscal year to 377 at the end of the year.



Consequently, the total reserves on open claims declined from \$41 million to \$31 million.

#### **Future Goals**

1. Continue training self-insurers on the proper completion of forms, the provision of data and the projections of outstanding liabilities.
2. Solicit suggestions for improving objective criteria and standards to qualify for self-insurance and to maintain self-insurance status. Analyze and implement acceptable ideas through policy or regulatory changes as appropriate.
3. Working with the Office of Information Technology, design and implement a component of the bureau's comprehensive information management system to automate the monitoring of claims activity and liabilities of sureties and other parties that have assumed claims payment responsibilities through self-insurance defaults.
4. Study issues relating to the updating and improvement of the division's records retention policies and implement changes identified from the study.

# Statistical Review

## Benefits Paid 2002-2004 Indemnity and Medical Breakdown

2004			
	Indemnity Compensation Paid	Medical Compensation Paid	Total Compensation Paid
Insurance Carriers	\$1,047,242,333	\$758,124,188	\$1,805,366,521 (69.6%)
SWIF**	\$133,295,829	\$92,670,365	\$225,966,194 (8.7%)
Individual Self-Insurers	\$318,717,703	\$198,553,170	\$517,270,873 (19.9%)
Group Self-Insurance Funds	\$21,747,148	\$25,207,825	\$46,954,973 (1.8%)
Total	\$1,521,003,013 (59.4%)	\$1,074,555,548 (40.6%)	\$2,595,558,561 (100%)
2003			
	Indemnity Compensation Paid	Medical Compensation Paid	Total Compensation Paid
Insurance Carriers	\$1,066,606,252	\$752,879,212	\$1,819,485,464 (71.0%)
SWIF**	\$111,467,072	\$69,188,509	\$180,655,581 (7.0%)
Individual Self-Insurers	\$327,897,877	\$194,388,684	\$522,286,561 (20.4%)
Group Self-Insurance Funds	\$18,443,207	\$23,343,444	\$41,786,651 (1.6%)
Total	\$1,524,414,408 (59.4%)	\$1,039,799,849 (40.6%)	\$2,564,214,257 (100%)
2002			
	Indemnity Compensation Paid	Medical Compensation Paid	Total Compensation Paid
Insurance Carriers	\$1,030,275,254	\$730,988,928	\$1,761,264,182 (71.1%)
SWIF**	\$105,029,451	\$52,250,830	\$157,280,281 (6.3%)
Individual Self-Insurers	\$337,811,149	\$190,475,486	\$528,286,635 (21.3%)
Group Self-Insurance Funds	\$14,472,191	\$17,146,018	\$31,618,209 (1.3%)
Total	\$1,487,588,045 (60.02%)	\$990,861,262 (39.98%)	\$2,478,449,307 (100%)

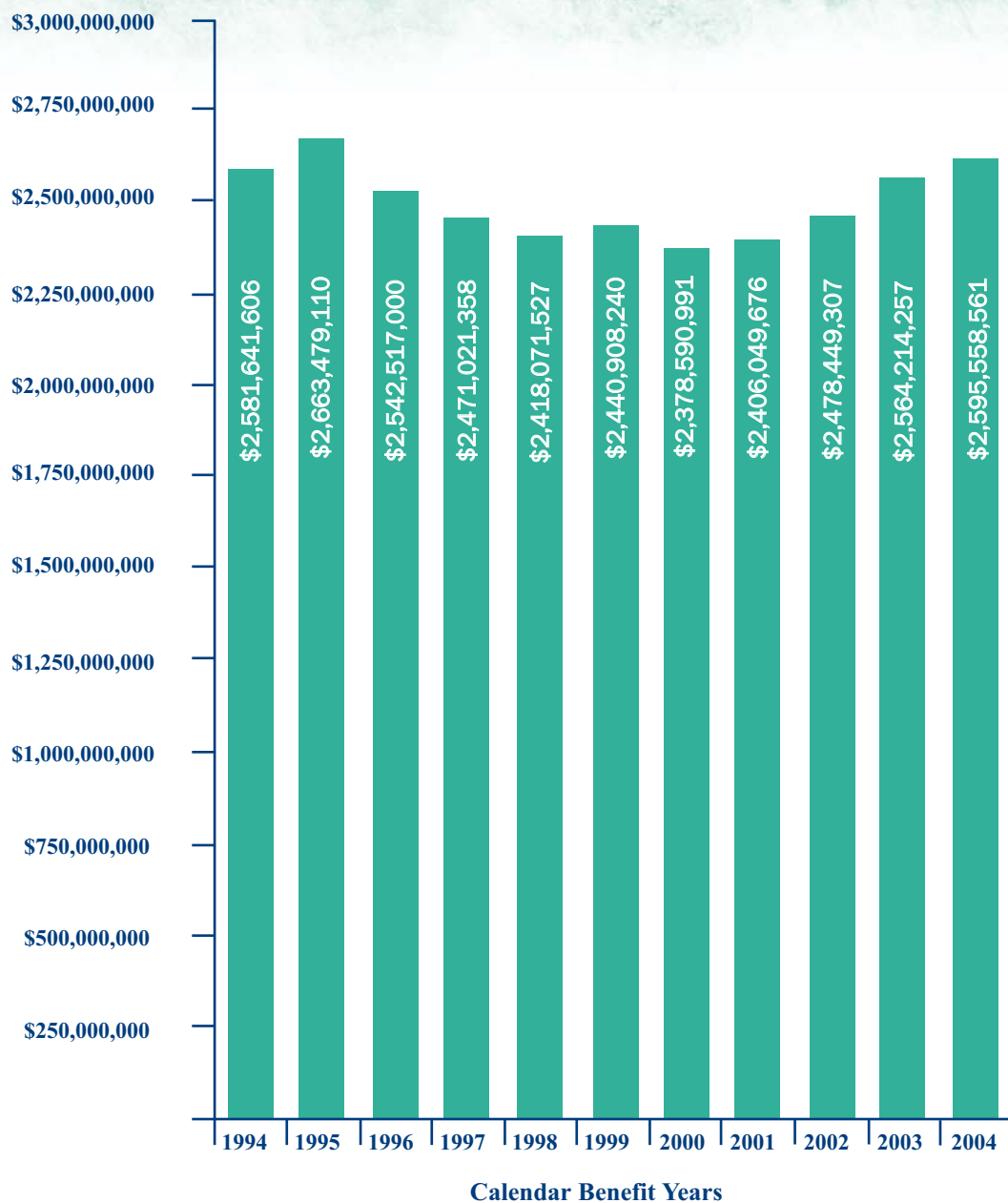
\*Calendar Years

\*\*SWIF: State Workers' Insurance Fund

Source: Pennsylvania Department of Insurance and Bureau of Workers' Compensation, Department of Labor & Industry



## Total Workers' Compensation Paid (Medical and Indemnity) 1994-2004



Source: Pennsylvania Department of Insurance and Bureau of Workers' Compensation, Department of Labor & Industry

## Fiscal Year 2004/05 Injury Statistics

- In Pennsylvania, 92,719 work injury and illness cases were reported to the bureau during FY 2004/05. This year's total was 5.4 percent lower than the 98,041 reported in FY 2003/04.
- Pennsylvania's Work Injuries and Illnesses Rate (the number of lost-time work injuries per 1,000 workers) was 16.1 in FY 2004/05. The 2003/04 FY rate was 17.3. Natural Resources and Mining had the highest injury and illness rate among the major industry divisions in FY 2004/05 at 40.2.
- The divisions of industry with the highest percentage of accidents were Trade, Transportation and Utilities (20%), Education and Health Services (16%), and Manufacturing (14 %).
- Sprain and strain injuries (39,872) accounted for 43 percent of the total cases reported in FY 2004/05. Over 23 percent of the cases were cuts, lacerations and punctures (10.2%) and contusions, crushes and bruises (12.7%).
- The most frequent types of accidents in Pennsylvania in FY 2004/05 were due to overexertion (31.7%), resulting in a sprain or strain in 79.1 percent of the overexertion cases. The second leading cause of injury resulted in a sprain or strain in 56.6 percent of the bodily exertion cases. Cuts, lacerations or punctures were the result in 29.9 percent of all "struck-by" accidents and 51.9 percent of all "struck-against" accidents.
- Injuries to the upper extremities (arms, wrists, hands, fingers, shoulders) accounted for over 30.3 percent (29,660) of the total cases reported in FY 2004/05. Back injuries alone (17,780) represented over 18.1 percent of the cases. Injuries to legs and fingers represented 16.9 percent of the total.
- Industry divisions with the highest number of work-related fatalities were Trade, Transportation and Utilities (29), Construction (25), and Manufacturing (16).
- Almost half (40,135) of the 92,719 cases reported in FY 2004/05 came from eight of the commonwealth's 67 counties. Those counties, which represent 48 percent of Pennsylvania's workforce, were Philadelphia (11,949), Allegheny (7,498), Montgomery (4,284), Lancaster (4,231), Bucks (3,248), Delaware (3,098), Berks (3,187) and York (2,640).
- Injuries by Body Part Affected:
  - Neck: 2,048 (2.1%)
  - Head: 6,674 (6.8%); Eyes: 2,603 (2.7%);  
Face: 675 (0.7%)
  - Upper Extremities: 29,660 (30.3%); Arms: 5,339 (5.4%); Wrists: 3,486 (3.6%); Hands: 4,854 (5.0%); Fingers: 6,256 (6.4%); Shoulder: 5,830 (5.9%)
  - Trunk: 23,164 (23.6%); Chest: 1,704 (1.7%);  
Back: 17,780 (18.1%); Abdomen: 2,442 (2.5%)
  - Lower Extremities: 20,825 (21.2%); Leg: 10,322 (10.5%); Knee: 7,528 (7.7%); Ankle: 4,683 (4.8%); Foot: 3,340 (3.4%); Toes: 803 (0.8%);  
Hips: 927 (0.9%)
  - Multiple Parts: 9,435 (9.6%)
  - Body Systems: 665 (0.7%)
  - Not Stated: 248 (0.3%)



## Pennsylvania Work Injuries, Illnesses and Fatalities

Calendar Year 1916 (10-Year Intervals) through Fiscal Year 2004/05

	YEAR*	TOTAL	FATAL **	NONFATAL
	CY 1916	255,616	2,670	252,946
	CY 1920	174,979	2,528	172,451
	CY 1930	144,669	1,752	142,917
	CY 1940	109,475	1,278	108,197
	CY 1950	96,372	909	95,463
	CY 1960	78,947	701	78,246
	CY 1970	99,182	630	98,552
	CY 1980	147,466	364	147,102
	CY 1990	158,030	235	157,795
	FY 1995/96	111,412	139	111,273
	FY 1996/97	94,081	155	93,926
	FY 1997/98	87,339	114	87,225
	FY 1998/99	83,769	105	83,664
	FY 1999/00	81,338	124	81,214
	FY 2000/01	82,813	118	82,695
	FY 2001/02	94,215	146	94,069
	FY 2002/03	98,042	147	97,895
	FY 2003/04	98,041	111	97,930
	FY 2004/05	92,719	124	92,595

\*CY = Calendar Year; FY = Fiscal Year

\*\* Represents fatalities that occurred immediately or within a few days of the work event that caused death and are reported to the Pennsylvania Bureau of Workers' Compensation.

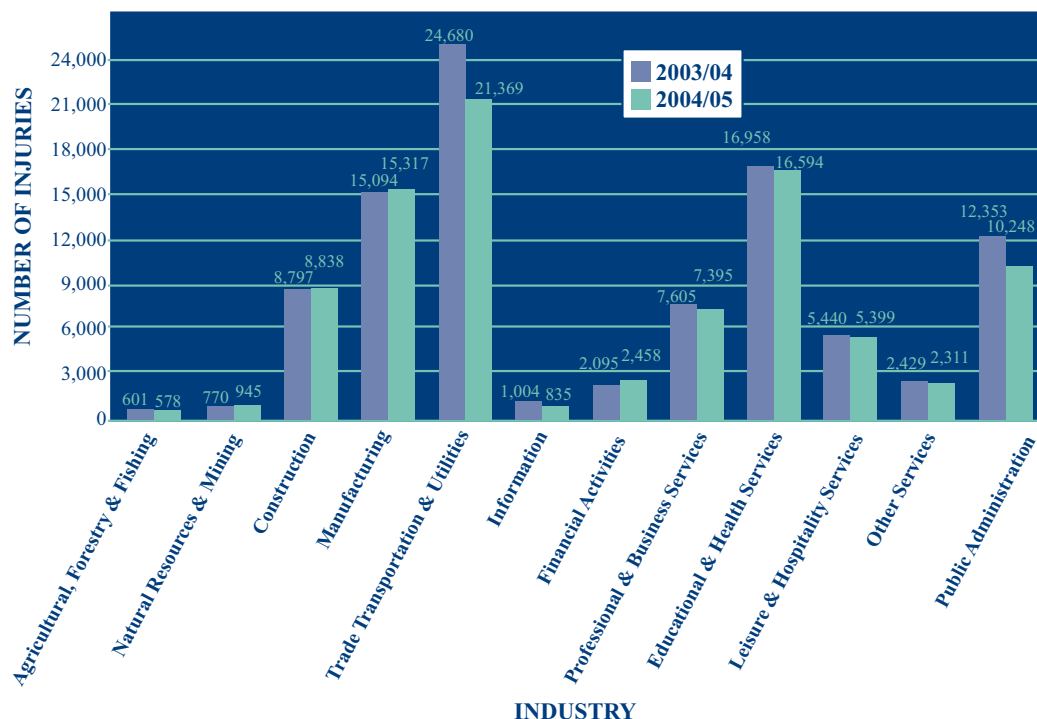
Source: Pennsylvania Bureau of Workers' Compensation, Department of Labor & Industry

## Change in Industrial Coding

The Federal Government has changed the method of defining an employer's industrial classification. Prior to 2002, an employer's industrial classification was defined by using the Standard Industrial Classification (SIC) four-digit coding system. In order to reflect the changing industrial composition of the economy, the Federal Government has moved to a new six-digit coding system called the North American Industry Classification System (NAICS). This allows for an

improved grouping of like industries, while developing a more explicit classification for each individual industry. In order for the Pennsylvania Bureau of Workers' Compensation to be compatible with the Federal Government as well as to produce comparable workers' compensation data with other states, all statistical data as of 2003 will be compiled using the NAICS method of coding.

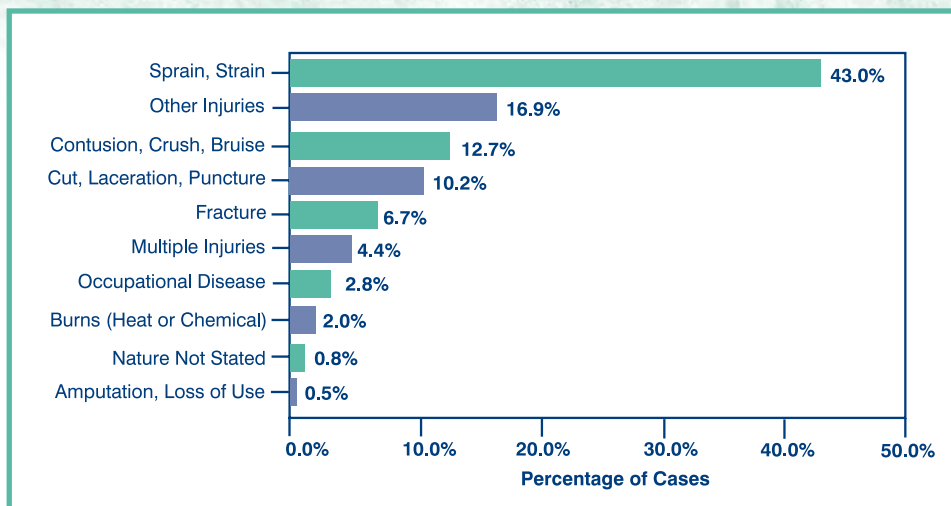
## Reportable Injuries by Industry FY 2003/04 - 2004/05



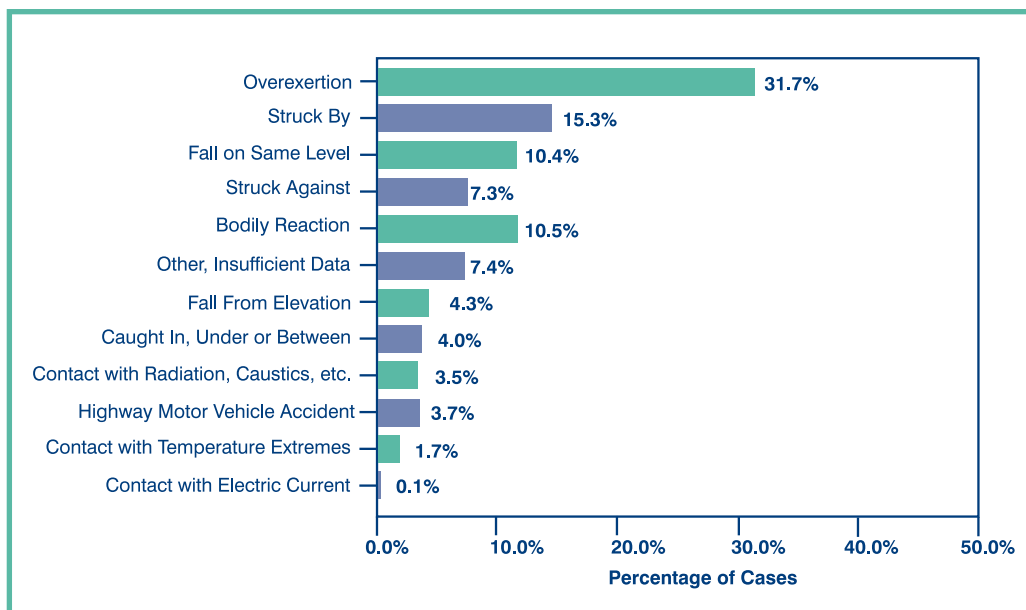
Source: Pennsylvania Center for Workforce Information and Analysis, Department of Labor & Industry



## Percent Distribution by Nature of Injury or Illness Fiscal Year 2004/05



## Percent Distribution by Type of Accident or Exposure Fiscal Year 2004/05



Source: Pennsylvania Bureau of Workers' Compensation, Department of Labor & Industry

## New Claims Breakouts Fiscal Years 2002/03 - 2004/05

	Fiscal Year 02/03	% of Total New Claims	Fiscal Year 03/04	% of Total New Claims	%Change from 02/03 to 03/04	Fiscal Year04/05 w/Med. Only Forms	% of Total New Claims	%Change from 03/04 to 04/05
New Claims	111,023	100.0%	104,903	100.0%	-5.51%	136,517	100.0%	30.14
Accepted Claims	57,564	51.8%	46,342	44.2%	-19.49%	73,614	53.9%	58.85%
By Temporary Notice of Compensation Payable	22,374	20.2%	17,872	17.0%	-20.12%	13,086	9.6%	-26.78%
By Notice of Compensation Payable	31,691	28.5%	25,319	24.1%	-20.11%	67,253	49.3%	165.62%
Other	3,499	3.2%	3,151	3.0%	-9.95%	3,275	2.4%	3.94%
Denied Claims	53,459	48.2%	58,561	55.8%	9.54%	62,903	46.1%	7.41%
By Denial	45,883	41.3%	53,248	50.8%	16.05%	57,061	41.8%	7.16%
Denied after Accepting with Temporary Notice of Compensation Payable	7,576	6.8%	5,313	5.1%	-29.87%	5,842	4.3%	9.96%

\* Includes forms filed for Medical Only purposes.

*Source: Pennsylvania Bureau of Workers' Compensation, Department of Labor & Industry*



## Message from **David A. Cicola** Director, Workers' Compensation Office of Adjudication



The Office of Adjudication maintains an experienced staff consisting of workers' compensation judges and support personnel in 25 field offices throughout Pennsylvania. It is through the dedication and expertise of this team of professionals that we are pleased to report our continued progress in the following areas during 2004/05:

- Once again, we decreased the time it takes for workers' compensation cases to be adjudicated. Cases are now resolved in an average of 8.4 months, which is down from 8.7 months just last year and 9.3 months the year before that.
- We continued to expand our involvement in alternative dispute resolution, with more judges than ever now offering these mediation services. Our successful "Resolution Court" in the busy Southeastern District has been expanded to better serve the greater Philadelphia area.

As litigation time continues to shrink and alternative dispute resolution continues to grow, the Workers' Compensation Office of Adjudication remains committed to quality stakeholder assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "David A. Cicola".

David A. Cicola, Director  
Office of Adjudication

# Overview

## Primary Function

The Office of Adjudication is responsible for the resolution of disputed workers' compensation matters. The Director of Adjudication oversees 97 workers' compensation judges, three judge managers, four administrative officers and 25 field offices. The workers' compensation judges conduct hearings in disputed matters and render reasoned decisions in a timely manner. Many judges provide alternative dispute resolution services in contested matters.

## Accomplishments: 2004/05 Fiscal Year

1. Reduced the statewide average time to hear and decide workers' compensation cases to 8.4 months, down from 8.7 months in 2003, 9.3 months in 2002, 9.8 months in 1999 and 11.5 months in 1998.
2. Judges reduced the number of pending petitions from 35,428 at the end of the 2003/04 fiscal year to 35,036 at the end of the 2004/05 fiscal year.
3. Ended the fiscal year with fewer than 5 percent of closed petitions having been closed for more than 90 days prior to decision.
4. Continued to expand the number of cases processed through alternative dispute resolution.
5. Continued to advertise alternative dispute resolution services through the bureau's newsletter, speaking engagements, the department's Web site and in meetings with Bar associations and other stakeholders.
6. Published and distributed a pamphlet describing alternative dispute resolution services available to adjudication participants.
7. Provided additional alternative dispute resolution training to judges.
8. Continued to provide "Resolution Days" to make the alternative dispute resolution process more efficient for participants.
9. Expanded "Resolution Court" at the Spring Garden office to expedite settlements in the Southeastern District.
10. Developed and conducted the 2004 Workers' Compensation Judges' Conference. This conference provided continuing education hours required by the Act.
11. Opened the Reading field office.
12. Appointed a new judge manager for the Southeastern District.
13. Appointed workers' compensation judges to serve in the Philadelphia-Spring Garden, Malvern and Reading offices.
14. Completed work on a strategic plan identifying goals, strategies and performance measures for the adjudication system.
15. Conducted annual safety meetings in each field office.
16. Restructured the Central District Safety Committee and Johnstown BWC/SWIF Safety Committee into one committee, and added representatives from the East Gate and Williamsport offices to the new committee.
17. Received renewed recognition for the Central and Western District Safety Committees.
18. Developed and provided statewide training program for clerical and secretarial supervisors.
19. Adjudication trainers trained new clerical staff and provided statewide training in CIMS, Microsoft applications, ESS, the Adjudication Sybase Decision Database and other training offered by L&I and the Office of Administration.
20. Worked with OIT to transfer the Defects and Enhancements Database to Access.
21. Provided information needed to participate in the Department's Continuity of Government process.



22. Completed additional filed safety renovations.
23. Updated On-line Judges' Procedural summaries (The "Judge Book") on the department's web site.
24. Obtained several new remote hearing sites.

#### **Future Goals**

1. Continue to decide cases within 90 days of the date cases are concluded and ready for a decision.
2. Further reduce the average length of time to adjudicate cases, with continuing emphasis on reducing petitions in litigation for 18 months or more.
3. Continue to enhance the professionalism of the judge corps through continuing legal education and judges' meetings and conferences.
4. Implement the strategic plan.
5. Afford additional training opportunities to judges who provide alternative dispute resolution services.
6. Continue to use Workers' Compensation Office of Adjudication trainers to train new staff in CIMS (case management), IES (personal information, leave and travel) and Microsoft applications.
7. Obtain continued recognition of the Central and Western District Safety Committees.
8. Obtain recognition of the Eastern and Southeastern District Safety Committees.
9. Complete additional field office safety renovations, including installation of automatic external defibrillators where feasible.
10. Establish safety committees in additional field offices.
11. Complete transfer of the Defects and Enhancements Database to Access.
12. Redesign Adjudication's portion of the department's web site.
13. Relocate field offices as and when necessary.

## Judge Managers

In addition to managing their own caseloads, the three judge managers supervise the judges in the Office of Adjudication field offices in their respective regions and the four administrative officers. Among other duties, judge managers are responsible for balancing workloads among judges; reassigning petitions among judges; assigning judges to handle informal conferences; performing or assigning other judges to perform hearing duties for judges who are absent; training and evaluating new judges; interfacing with stakeholders and evaluating the impact of proposed policy and legislative changes.



*Persifor Oliver, Jr.*



*Susan Caravaggio*



*Karen Wertheimer*

## Administrative Officers

The four administrative officers manage the Office of Adjudication field office facilities and clerical staff supporting the judges in their respective districts. They develop enhancements of the adjudication processes in the field and provide innovative technology, necessary equipment and appropriate training for field office staff. The administrative officers are the Office of

Adjudication's liaisons with the various divisions of the bureau and the department to provide necessities to the field offices that facilitate processing of judges' hearings and decisions on a timely basis.



# Updates

## Compromise and Release Agreements

The parties may settle matters in dispute under the Pennsylvania Workers' Compensation Act by entering into a Compromise and Release Agreement. The agreement must contain detailed information about the settlement. Form LIBC-755 provides a format for these agreements.

A workers' compensation judge must conduct a hearing and circulate a written decision before the agreement

can be effective. The judge may not approve the agreement unless the injured worker understands its full legal significance. During fiscal year 2004/05, workers' compensation judges approved 13,288 Compromise and Release Agreements resulting in payments to injured workers totaling \$706,399,917.86.

## Alternative Dispute Resolution Services

The Office of Adjudication is pleased to offer mediation services, settlement conferences and informal conferences to parties who wish to amicably resolve disputes under the Workers' Compensation Act. Under this system, the decision is placed in the hands of the parties, rather than the judge, through a process of self-determination to reach an amicable agreement. The neutral person's role is to facilitate the parties' discussion, provide guidance through the process in identifying each party's interests and to assist the parties in determining creative solutions for possible settlements.

Parties retain control over the outcome and decide who will serve as the neutral. There is no cost if a workers'

compensation judge or attorney examiner is selected as the neutral. Other potential benefits of this system include:

- Informal sessions
- Open communication between the parties
- Expedition of the claims process
- Limited attorney involvement

Participation in alternative dispute resolution is optional. Adjudication professionals currently offering alternative dispute resolution services are listed on the next two pages.

## Workers' Compensation Judges Who Provide Alternative Dispute Resolution Services

### Western District

#### **Aliquippa**

Susan Cercone

#### **Erie**

Carmen Lugo

Edward Pastewka

Albert Wehan

#### **New Castle**

Alfred Benedict

Perry Jones

Robert Steiner

#### **Pittsburgh**

Pamela Briston

Nathan Cohen

David Henry

Cheryl Ignasiak

Persifor Oliver

Rosalia Parker

Linda Tobin

David Torrey

Kathleen Vallely

#### **Uniontown**

Anne Coholan

William Lowman

#### **Washington**

Eric Jones

Charles Lawton

### Central District

#### **Altoona**

Anna Marie Mullen

Robert Vonada

#### **Brookville**

Geoffrey Seacrist

#### **Clearfield**

Michael Koll

#### **Greensburg**

Irving Bloom

Paul Costelnock

Ada Guyton

#### **Harrisburg**

Wayne Dietrich

Brian Eader

Karl Peckmann

#### **Johnstown**

David Cicola

Francis Desimone

Charles Getty

#### **Williamsport**

Karl Baldys

Kenneth Walsh



## Workers' Compensation Judges Who Provide Alternative Dispute Resolution Services (continued)

### Eastern District

#### **Allentown**

Geoffrey Dlin  
Bruce Doman  
Beverly Doneker  
Audrey Formica

#### **Hazleton**

Wayne Rapkin

#### **Lancaster**

Robert Benischeck  
Kathleen DiLorenzo  
Michael Hetrick  
Christina Tarantelli

#### **Malvern**

Martin Burman  
Joseph Hakun

John Liddy

Seymour Nathanson  
Donald Poorman

#### **Pottsville**

Paul Baker  
James Stapleton

#### **Reading**

Christina J. Barbieri

#### **Scranton**

Joseph Grady  
William Hall

#### **Wilkes-Barre**

Thomas Kutz  
Joseph Sebastianelli

### Southeastern District

#### **Bristol**

Michael Rosen

#### **NE Philadelphia**

Aida Harris  
Denise Krass  
David Slom  
Michael Snyder

#### **Spring Garden**

Debra Lee Bowers  
Joseph Hagan

Marc Harrison

Francine Lincicome

Scott Olin  
Pamela Santoro  
Todd Seelig  
Robert Simmons

#### **Attorney Examiner**

#### **Mediator**

Mary Catherine Baur

## Office of Adjudication District Offices\*



### Western District

#### **ALIQUIPPA**

Sheffield Professional Building  
2020 Main Street  
Aliquippa, PA 15001  
(724) 378-1863

#### **ERIE**

3400 Lovell Place  
13th and Holland Streets  
Erie, PA 16503  
(814) 871-4632

#### **NEW CASTLE**

101 South Mercer Street  
New Castle, PA 16101  
(724) 656-3084

#### **PITTSBURGH**

933 Penn Avenue, Suite 300  
Pittsburgh, PA 15222-3817  
(412) 565-5277

#### **UNIONTOWN**

253 South Mt. Vernon Avenue  
Uniontown, PA 15401  
(724) 439-7420

#### **WASHINGTON**

Millcraft Center  
90 West Chestnut Street  
Washington, PA 15301  
(724) 223-4595

### Central District

#### **BUREAU HEADQUARTERS**

Room 324  
1171 South Cameron Street  
Harrisburg, PA 17104-2501  
(717) 783-5421

#### **ALTOONA**

615 Howard Avenue  
Suite 202  
Altoona, PA 16601  
(814) 946-7355

#### **BROOKVILLE**

395 Main Street  
Brookville, PA 15825  
(814) 849-5382

#### **CLEARFIELD**

306 East Locust Street  
Clearfield, PA 16830-2415  
(814) 765-6398

#### **GREENSBURG**

115 West Otterman Street  
Greensburg, PA 15601  
(724) 832-5310

#### **HARRISBURG**

East Gate Center  
1010 North 7th Street, Room 319  
Harrisburg, PA 17102-1400  
(717) 783-4419

#### **JOHNSTOWN**

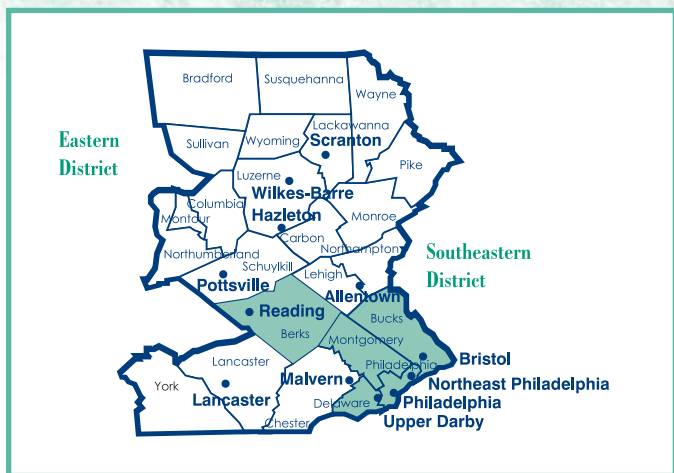
607 Main Street, Suite 100  
Johnstown, PA 15901  
(814) 533-2494

#### **WILLIAMSPORT**

Suite 202  
208 West 3rd Street, Rear  
Williamsport, PA 17701  
(570) 327-3735



## Office of Adjudication District Offices\*



### Eastern District

#### ALLENTOWN

160 Hamilton Street  
Suite 200  
Allentown, PA 18101  
(610) 821-6554 &  
(610) 821-6535

#### HAZLETON

29th Street Office Complex  
Building A, Suite 203  
1201 North Church Street  
Hazleton, PA 18202  
(570) 459-3840

#### LANCASTER

315 West James Street, Suite 206  
Lancaster, PA 17603  
(717) 299-7591

#### MALVERN

72 Lancaster Avenue, 2nd Floor  
Malvern, PA 19355  
(610) 251-2878

#### POTTSVILLE

112 South Claude A. Lord Blvd.  
Pottsville, PA 17901  
(570) 621-3146

#### READING

Reading State Office Building  
625 Cherry Street, Suite 150  
Reading, PA 19602  
(610) 621-2370

#### SCRANTON

400 Spruce Street  
Suite 500  
Scranton, PA 18503  
(570) 963-4580

#### WILKES-BARRE

101-105 N. Main St.  
Wilkes-Barre, PA 18701  
(570) 826-2577

### Southeastern District

#### BRISTOL

1242 New Rodgers Road, Box 802  
Bristol, PA 19007  
(215) 781-3274

#### PHILADELPHIA

State Office Building  
1400 Spring Garden Street  
Philadelphia, PA 19130  
(215) 560-2488

#### NORTHEAST PHILADELPHIA

Grant Plaza Business Park  
2901 Grant Avenue, Suite 900  
Philadelphia, PA 19114  
(215) 560-2125

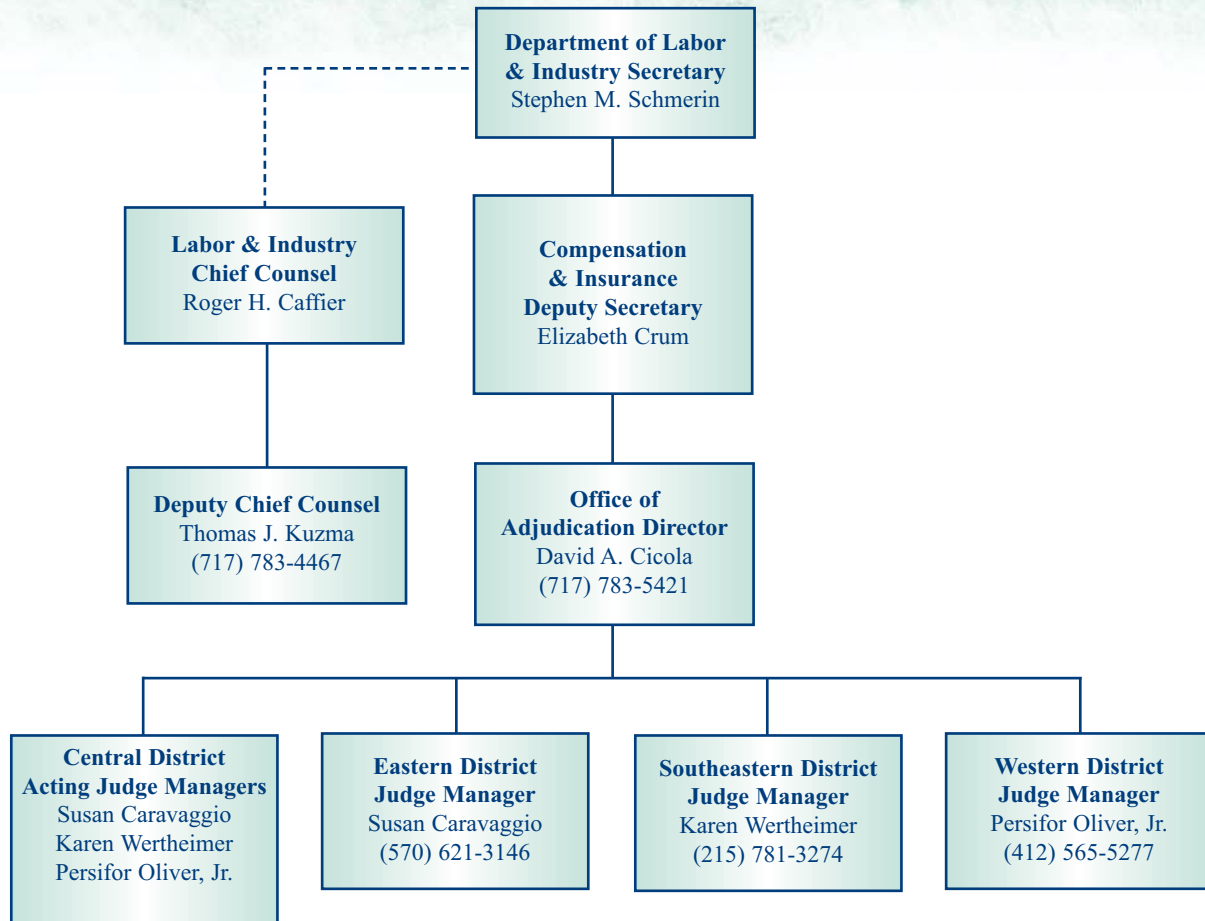
#### UPPER DARBY

Barclay Square Center, 2nd Floor  
1500 Garrett Road  
Upper Darby, PA 19082  
(610) 284-6913

\* See telephone directory on Page 66 for names, telephone numbers and office locations of workers' compensation judges.

# Personnel

## Organization Chart





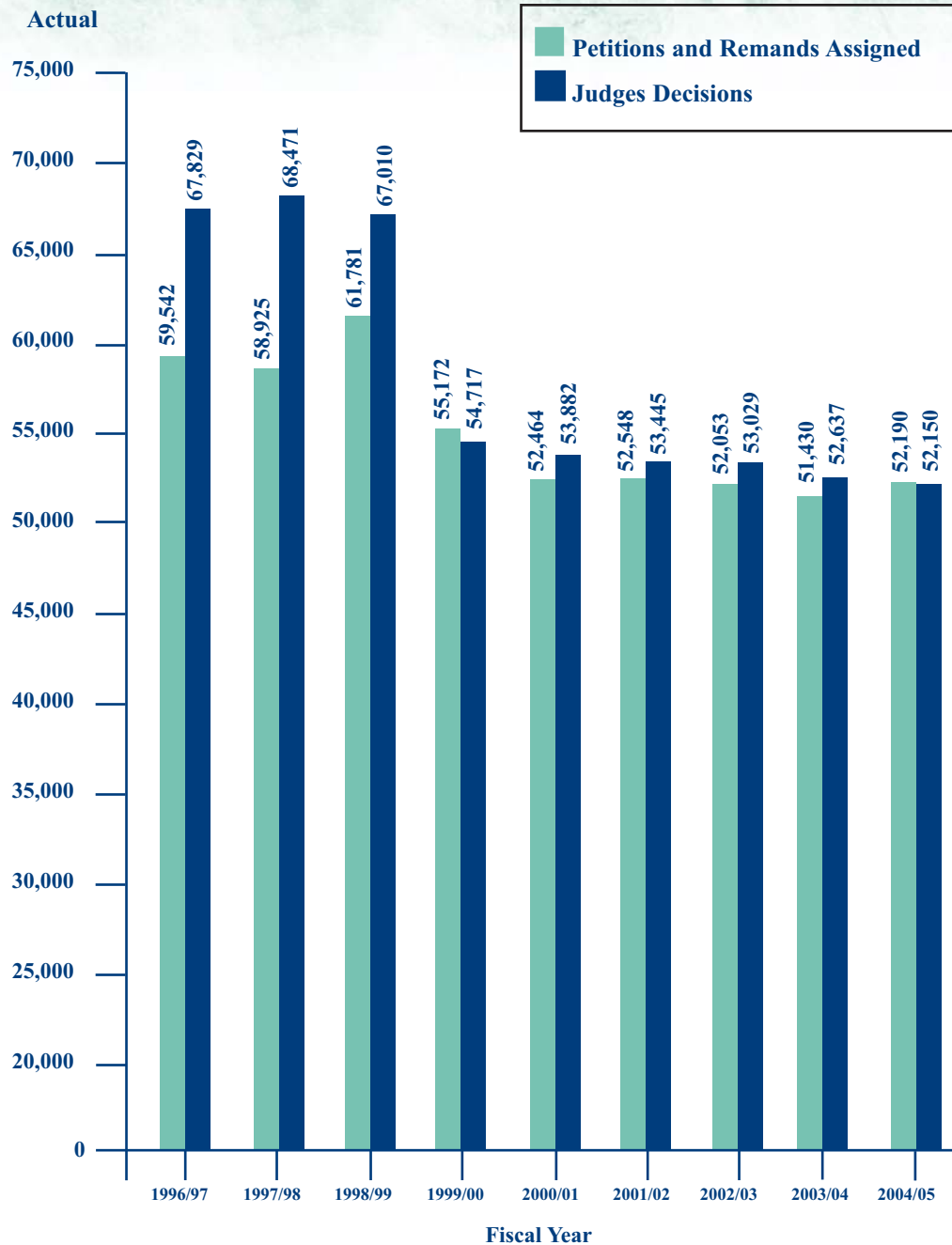
# Statistical Review

## Petitions Assigned to Judges (Not Remands) Fiscal Year 2001/02 through 2004/05

Type of Petition	2001/02	2002/03	2003/04	2004/05	2003/04 to 2004/05	
					+/-	%
Claim	11,314	11,304	11,750	11,399	-351	-2.98%
Supersedeas Fund	85	79	126	105	-21	-16.66%
Reinstatement	2,917	2,762	2,717	2,639	-78	-2.87%
Suspension	5,806	5,138	4,543	4,828	+285	+6.27%
Termination	4,348	4,194	3,906	4,135	+229	+5.86%
Penalty	5,896	6,195	6,630	6,822	+192	+2.89%
Review	3,588	3,575	3,632	3,794	+162	+4.46%
Review Medical	1,073	1,068	1,076	1,109	+33	+3.06%
Fatal	134	151	88	79	-9	-10.22%
Commutation	15	20	12	11	-1	-8.33%
Modification	3,646	3,230	2,846	3,242	+396	+13.91%
Set Aside Final	79	72	45	47	+2	+4.44%
Claim 301(i)	48	59	31	29	-2	-6.45%
OD Fatal	11	8	14	7	-7	-.50%
WC/OD Fatal Spec.	6	8	14	7	-7	-.50%
Utilization Review	1,658	1,817	1,813	1,833	+20	+1.10%
Joinder	644	594	535	513	-22	-4.11%
Physical Exam	1,990	2,163	2,057	2,188	+131	+6.36%
Challenge	1,044	927	878	833	-45	-5.12%
Comp/Release	5,605	5,763	6,018	6,270	+252	+4.18%
Special Term	1,537	1,570	1,397	1,117	-280	-20.04%
Expert Interview	249	597	529	497	-32	-6.04%
<b>Total</b>	<b>51,693</b>	<b>51,294</b>	<b>50,657</b>	<b>51,504</b>	<b>+847</b>	<b>+1.67%</b>

Source: Pennsylvania Bureau of Workers' Compensation, Department of Labor & Industry

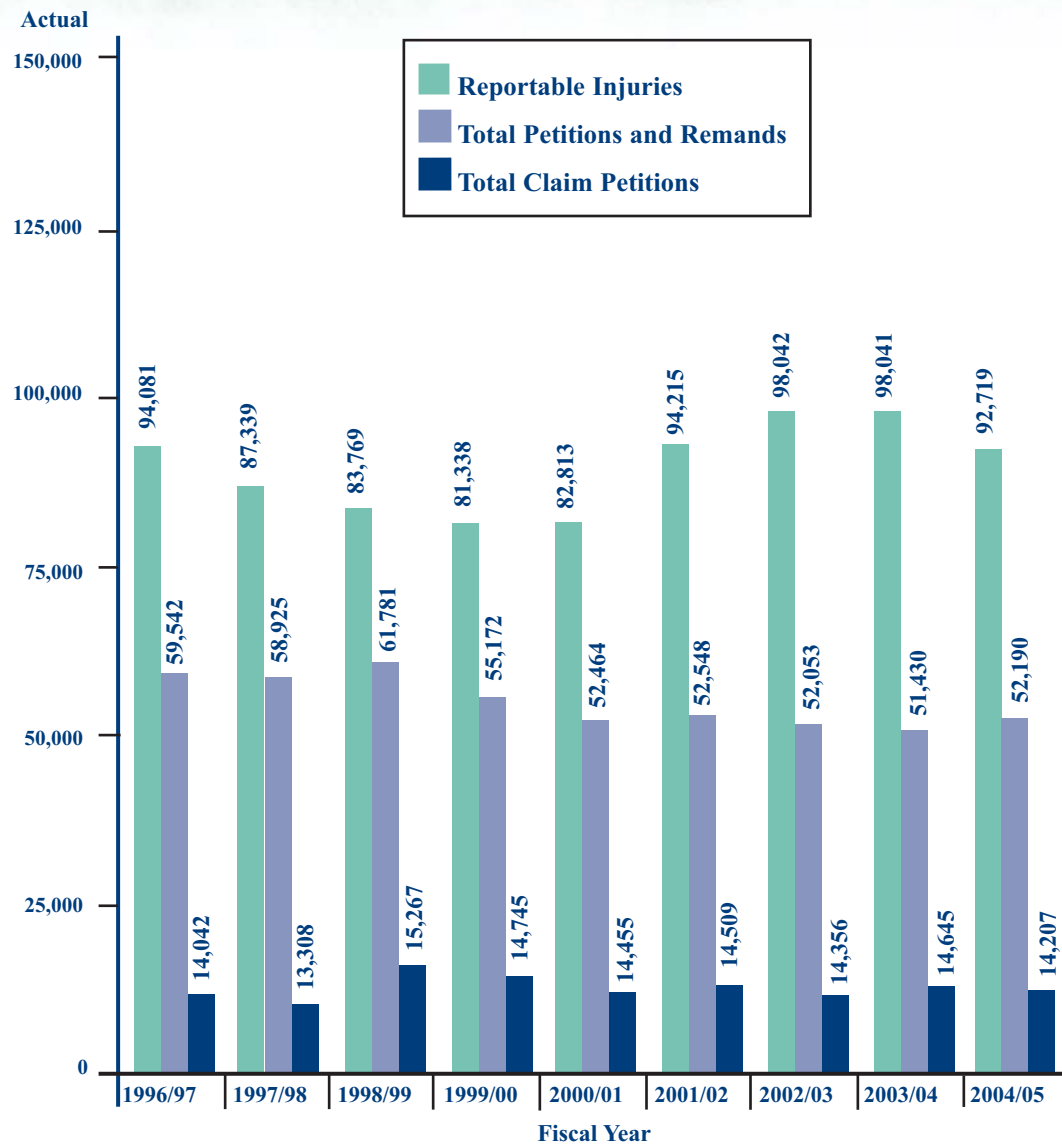
## Petitions and Remands Assigned vs. Judges, Decisions Fiscal Years 1996/97 through 2004/05



*Source: Pennsylvania Bureau of Workers' Compensation, Department of Labor & Industry*



## Reportable Injuries\* vs. Total Petitions and Remands vs. Total Claim Petitions\*\* 1996/97 through 2004/05

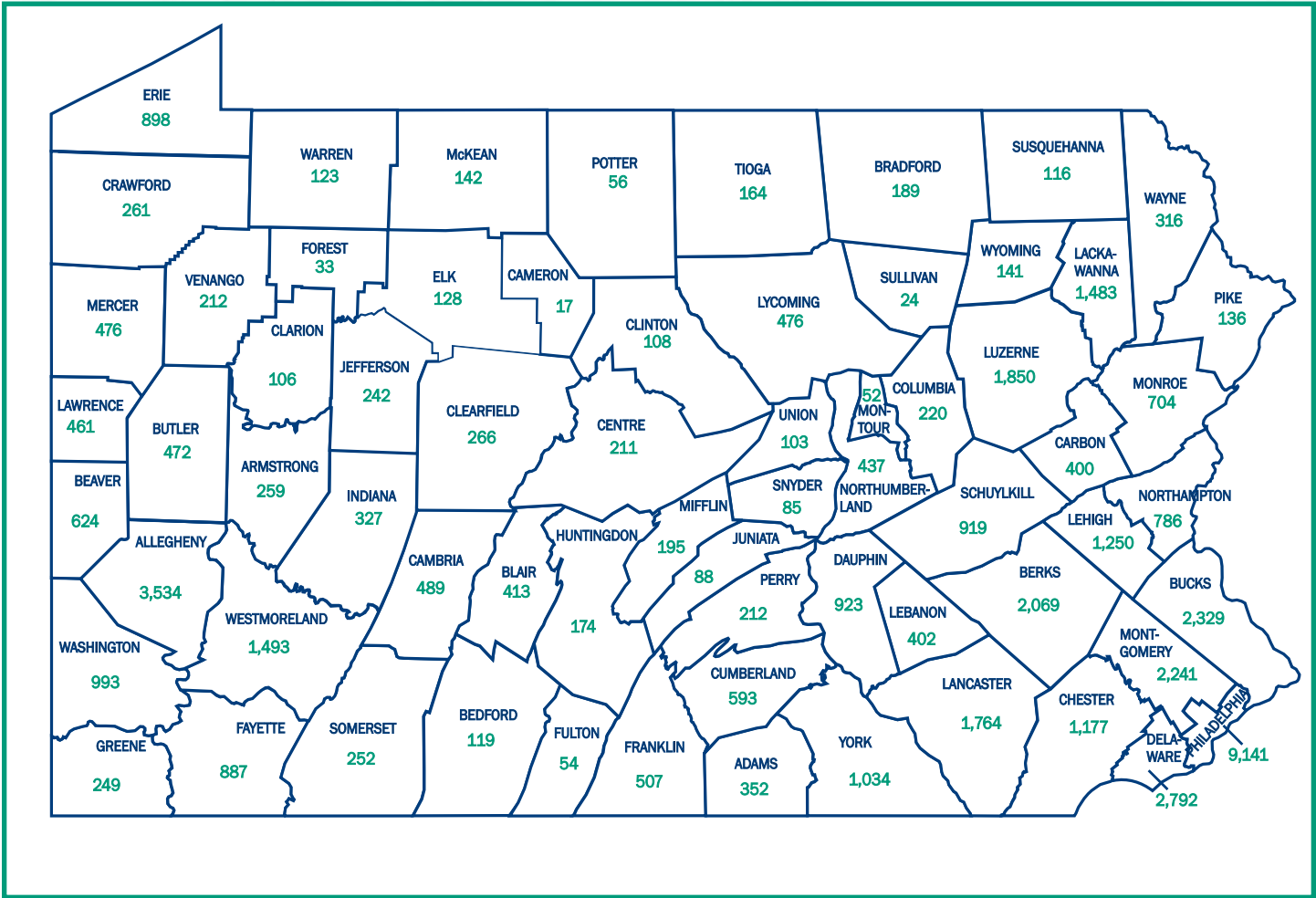


\*Missed more than one day, shift, or turn of work due to injury.

\*\*Claim petitions include claim, reinstatement, fatal, set aside final receipt, 301(i), and od fatal.

Source: Pennsylvania Bureau of Workers' Compensation, Department of Labor & Industry

## Petitions Assigned by County Fiscal Year 2004/05



Source: Pennsylvania Bureau of Workers' Compensation, Department of Labor & Industry



# Workplace Safety



## Governor's Award for Safety Excellence

Providing a safe work environment for Pennsylvania's workers requires complete commitment by employers and employees. For this reason, Governor Rendell's safety initiative will provide Pennsylvania employers and employees with the information and technical assistance needed to develop comprehensive safety practices in the workplace. It will also recognize the successful employer-employee joint safety programs, which result in the achievement of safety excellence.

The Governor's Award for Safety Excellence is a competitive award, as evidenced by 2004's record high number of nominations received. The information gained from these nominations provides valuable best practices that are shared across the state.

Any Pennsylvania employer is eligible for the Governor's Award for Safety Excellence; nominations for the award are voluntary. Information and criteria used to determine finalists include an established joint safety committee; level of labor and management cooperations in prevention efforts; a comprehensive safety plan with a commitment of resources and training; trends experienced in workplace injuries/illnesses over the past five years; number,

frequency and severity of workplace injuries/illnesses vs. industry standards; and innovation and strategic development of safety policy and approaches.

Initial review of all nominations is conducted by the Governor's Award for Safety Excellence Review Committee. Semi-finalists are then contacted for an on-site visit conducted by a member(s) of the department's safety team to review the nominee's comprehensive safety program. Site visit reports are written and distributed to the Governor's Award for Safety Excellence Review Committee for the determination of finalists. Recommendations are then forwarded to the secretary of Labor & Industry who makes the final determination.

A special luncheon at the annual Governor's Occupational Safety and Health Conference in Hershey, PA, is the stage for winner recognition and awards presentations. The six recipients of the award for 2004 appear on pages 58-60.

For a copy of the award application, visit the PA PowerPort: [www.state.pa.us](http://www.state.pa.us), PA Keyword: "Work Safe PA."

**Bruce and Merrilees Electric Co., the International Brotherhood of Electrical Workers  
Locals 5, 56, 126, 573, and 712, New Castle, Lawrence County**



Bruce and Merrilees was established in 1948, and has developed into an electrical contracting company serving residential, commercial, industrial and heavy highway electrical installations.

Bruce and Merrilees Electric Company's safety programs have been in place for more than 30 years. Its program consists of shared responsibility between labor and management, each having an equal say and rights to address safety. Every individual in the company is

considered a key component in the success of their safety program.

In the last five years, Bruce and Merrilees reduced its recordable accidents to five in 2003 from 13 in 1998, while increasing man-hours worked by more than 20 percent. In 2002, Bruce and Merrilees worked the entire year with no lost time accidents and in June of 2003, successfully worked 600 plus days and over 1,000,000 man-hours without a lost-time accident.

**High Steel Structures Inc., Williamsport, Lycoming County**



High Steel provides steel fabrication and erection for more than 4,000 bridges in the eastern U.S.

Due to the high-risk potential, High Steel Structures, Inc., has an extensive history of safety programs. Personal responsibility is the cornerstone of its safety program — and the challenge facing each employee on a daily basis. The motto of High Steel is: "In Safety We are Each Other's Keeper." This reminds employees they

have the responsibility to look out for themselves as well as their co-workers.

In 2002/2003, High Steel reduced its recordable injuries by 42 percent amid a 25 percent reduction in workers. The lost-day rate as of April 2004 was 1.44, and the company experienced only three OSHA recordable incidents as of April 2004.





### Pride Mobility Products, Exeter, Luzerne County

Pride Mobility is a light-assembly operation that builds motorized scooters for people with disabilities.

Pride Mobility Products has adopted a “people-first” approach to safety that is evident throughout the organization. Pride Mobility has taken a proactive approach to workplace safety and has hired a full-time Corporate Safety Director to ensure that Pride Mobility is in compliance with all federal, state and local regulations pertaining to safety and the environment. In

addition, a comprehensive new employee orientation program was developed. All new employees are required to spend two days participating in safety orientations and become familiar with all safety policies and procedures.

Since 2001, the company’s injury rate dropped to 2.83 per 100 workers from 5.61 per 100 workers, with an industry average of 4.1 per 100 workers. Lost-time days were reduced from 82 in 2001 to 10 in 2003.



### Robert Packer Hospital, Sayre, Bradford County

Robert Packer is a 258-bed tertiary care teaching hospital serving a 40-county region in the southern tier of New York and northern tier of Pennsylvania.

Robert Packer’s Voluntary Protection Program is a comprehensive safety and health management program that requires employee involvement, management commitment, worksite analysis, hazard prevention and safety training. An employee-based safety committee, called the Safety Circle, consists of over 50 employees and departments throughout the hospital. The group is responsible for providing first-hand observations and recommendations to the safety manager and hospital

management. Two additional noteworthy safety initiatives were the Safe-T Awareness and Recognition (STAR) and the Emergency Response Team.

Robert Packer’s safety initiatives and comprehensive programs have seen employee injuries decline to 6.7 per 100 workers in 2003 from 10.8 per 100 workers in 2002. The national average injury rate for hospitals is 8.8. Robert Packer was the first hospital in OSHA Region III to accept the VPP Star Worksite designation in May 2002.

## Rohm & Haas Powder Coatings, Reading, Berks County



Rohm & Haas employees do physical research to develop new materials, formulas and end uses for powder coatings.

Rohm & Haas is committed to its safety slogan, "Nothing...Not Production, Not Profits, Not Sales, Not Anything...Comes Before Safety!" Employees share an active role in the responsibility of the facility safety program. Rohm & Haas has 18 safety-related committees that have 100 percent employee

participation. Training sessions addressing 38 safety-related topics are conducted for employees on a yearly basis. New employees undergo an intensive safety orientation, and must pass a safety test before they can begin employment with the company.

Rohm & Haas was designated a Voluntary Protection Program Star Worksite by OSHA in January 2004. The company's 45 employees completed 13 years without a workplace injury or illness.

## United States Postal Service - Processing and Distribution Facility, Customer Service Post Office, National Association of Letter Carriers, National Rural Letter Carriers, National Association of Postal Supervisors, American Postal Workers' Union and National Postal Mail Handlers Union, Scranton, Lackawanna County



Employees at the facility process and transport all classes of mail for post offices in the 184-185 and 188 zip codes. It was the first postal service facility in the United States to receive the VPP Star Worksite designation.

The safety program of the Scranton Processing and Distribution Facility is based upon the Program Evaluation Guide (PEG). The safety program is broken down into seven categories: Management Leadership and Employee Participation, Workplace Analysis, Accident and Record Analysis, Hazard

Prevention and Control, Emergency Response, Safety and Health Training and Motor Vehicles. The seven-category system enables employees to become involved in the daily aspects of safety involving the division in which they work. Employees report safety violations and suggestions for improvements to the safety committees that represent the various divisions.

The Scranton Processing and Distribution Facility's injury/illness rate has been at least 50 percent below the industry standard for the Bureau of Labor Statistics code 478 since calendar year 2000.



## Governor's Occupational Safety and Health Conference

This two-day conference brings together individuals with special interest in the field of workplace health and safety to share ideas and to meet innovators in safety program design and technology.

Each fall, over 1,000 safety and health care professionals, business leaders, workers, educators and government leaders from across Pennsylvania attend the Governor's Occupational Safety and Health Conference.

Using labor-management cooperation, these professionals strive toward a common goal: to create a safer workplace and a healthier workforce, and to increase awareness of safety issues in the workplace, the home and throughout local communities.

Featuring nationally-known speakers, the conference highlights one-on-one interaction during two days of

workshops. Many of the workshops are created based on needs expressed by attendees at the previous year's conference. In addition, workshops with the most interest from attendees are repeated in the second session of the day to ensure that all participants have the opportunity to participate in the workshops of their interest.

The Hershey Lodge and Convention Center, centrally located and near major attractions including historic Lancaster County, the battlefield at Gettysburg and the Hershey Chocolate Factory, has been home to the conference for the past decade. The convention center was recently renovated and enlarged, in part to provide ample space for this annual conference.

## Work Safe PA Advisory Board



**Mission:** The Pennsylvania Work Safe PA Advisory Board serves as a community forum to provide counsel and direction to the secretary of Labor & Industry in the review or formulation of safety-related policies, programs and legislation for the governor's initiative to make Pennsylvania a safer place to live and work.

### Members:

**Stephen M. Schmerin**

Secretary

Department of Labor & Industry

**Len Negley**

Executive Director

Work Safe PA Advisory Board

Department of Labor & Industry

**Elizabeth A. Crum**

Deputy Secretary for Compensation and Insurance

Department of Labor & Industry

**Rocco DiPietro**

Health, Safety & Environmental Professional

Cocciardi and Associates, Inc.

**Donald W. Dunlevy**

Director/Chairman

United Transportation Union

**Dennis Eicker**

Vice President

International Brotherhood of Electrical Workers, Local 5

**Bernadette L. Heckman**

Vice President

Safety and Loss Control

AV International, Inc.

## Work Safe PA Advisory Board (continued)

**Steve D. High**

President  
High Safety Consulting

**Robert L. Holman**

Principal Engineer  
Merck & Co., Inc.

**Jack Kupchinsky**

Director, Bureau of Workers' Compensation  
Department of Labor & Industry

**Jay Lantzy**

Director, Office of Labor-Management Cooperation  
Department of Labor & Industry

**Patrick V. Larkin, Esquire**

President  
Brokerage Professionals, Inc.

**Betsy L. Lovensheimer, CIH**

Executive Team Leader  
Compliance Management International

**Robert McCall**

Director of Safety  
Master Builder's Association of Western PA

**Joyce A. McNash**

Integrated Disability Management Medical Risk Manager  
United States Steel Corporation

**Barb Moody**

Workperfect Coordinator  
Health South

**Michael J. Neptune**

National Sales Manager  
National Traffic Safety Institute (NTSI)

**Robert A. Quigley**

Executive Director and General Counsel  
Drug Free Pennsylvania

**Judith A. Resenic, RN**

Program Manager  
NoviCare Rehabilitation

**Scott P. Schneider, M.S., C.I.H.**

Director, Occupational Safety and Health  
Laborers' Health and Safety Fund of North America

**Jim Susic**

Commonwealth Safety Coordinator  
Office of Administration

**Nick Tour**

Works Chairman  
Health & Safety Committee USS  
US Steel Clairton

**Victor Tucci, MD**

President  
Three Rivers Health & Safety, Inc.

**Joe Virsack, MBA, CSP**

Manager Consulting  
Safety-Health & Environmental

**Thomas Ward**

Director, Bureau of PENNSAFE  
Department of Labor & Industry

**Roger Williams**

Chief, Employee Benefits & Safety Division  
Department of Labor & Industry



## More Information from the Pennsylvania Bureau of Workers' Compensation

To obtain additional copies of the annual report or the publications listed on Pages 63 and 64, contact:  
Pennsylvania Bureau of Workers' Compensation  
1171 South Cameron St. Room 324  
Harrisburg, PA 17104-2501  
Telephone Number: (717) 783-5421

### On the Web

([www.state.pa.us](http://www.state.pa.us), PA Keyword: "workers comp")

Check us out on the web where you'll find more exciting and innovative workers' compensation features, including:

#### Employer's Report Web Submission

Log on at: [www.state.pa.us](http://www.state.pa.us), PA Keyword: "workers comp"  
From here, click on "Online Services" (upper left-hand side of the page), then "Workers' Compensation Employer's Report of Injury."

This application allows users to file an Employer's Report of Occupational Injury or Disease via the Internet. Approximately 8,000 paper reports are received by the bureau monthly. Receiving these reports electronically reduces the amount of paper that has to be processed by bureau staff, the number of data errors via online validation of the data entered by the employer and mailing costs.

#### Workers' Compensation Claim Petition

Log on at: [www.state.pa.us](http://www.state.pa.us), PA Keyword: "workers comp"  
From here, click on "Online Services" (upper left-hand side of the page), then "Workers' Compensation Claim Petition."

This application allows users to file a Claim Petition form via the Internet.

#### Workers' Compensation Petition To:

Log on at: [www.state.pa.us](http://www.state.pa.us), PA Keyword: "workers comp"  
From here, click on "Online Services" (upper left-hand side of the page), then "Workers' Compensation Petition To:"

This application allows users to file a Petition To: form via the Internet.

### Workers' Compensation "Quick Links"

Log on at: [www.state.pa.us](http://www.state.pa.us), PA Keyword: "workers comp"

Here you'll find more information on subjects such as: Workers' Compensation Act, Medical Fee Schedule, Health and Safety, Claim Forms Completion Guide – Tip Sheets, Obtaining WC Hearing Transcripts, Alternative Dispute Resolution, Kids' Chance, Inc. of Pennsylvania, Bureau Publications and more!

#### Workers' Compensation Subpoena

Log on at: [www.state.pa.us](http://www.state.pa.us), PA Keyword: "workers comp"  
From here, click on "Online Services" (upper left-hand side of the page), then "Workers' Compensation Subpoena."

This feature allows users to access the subpoena online, fill in the blanks, print the form and mail it to a workers' compensation judge along with a written request for the judge to issue the subpoena.

#### Publications Available from the Bureau of Workers' Compensation: Employer Information

- Employer's Guide to Workers' Compensation Insurance in Pennsylvania
  - Information on loss cost multipliers, classification codes, insurance fraud, safety committee incentive program, etc.
- Employer's Guide to Self-Insuring Workers' Compensation (LIBC-300)
  - Information on how to self-insure your workers' compensation coverage.

- **Employer Information (LIBC-200)**  
*Includes key aspects of the Workers' Compensation Act which relate specifically to employers.*
- **Self-Insurance Regulations (PA Bulletin, Vol. 25, No. 41, October 14, 1995)**
- **Claim Forms Completion Guide - Tip Sheets (LIBC-770)** *Samples of 30 bureau forms along with instructions on their proper completion.*

#### **Injured Workers' Information**

- **Workers' Compensation & the Injured Worker (LIBC-100)** *General information on the rights and responsibilities of injured workers under the law.*
- **Q & As about Funded Employment**  
*General information on funded employment as it relates to workers' compensation recipients.*

#### **Medical Cost Containment Information**

- **Medical Cost Containment Regulations Reference**  
*Workers' compensation medical cost containment regulations highlights.*

#### **Health and Safety Materials**

- **Health and Safety Regulations PA Bulletin, Vol. 31, No. 28, July 14, 2001**
- **"Application for Certification of Workplace Safety Committee" Completion Guide (LIBC-372)**
- **"Certification Renewal Affidavit of Workplace Safety Committee" Completion Guide (LIBC-372R)**

#### **Miscellaneous**

- **Pennsylvania Work Injuries & Illnesses Report**  
*Calendar year statistics on PA work-related injuries, illnesses and fatalities.*
- **News & Notes**  
*Bureau newsletters on policies, procedures and updates on the law.*
- **Section 305 Prosecutions**  
*A guide to aid PA's district attorneys in prosecuting employers who fail to carry the required workers' compensation insurance coverage as outlined in Section 305 of the PA Workers' Compensation Act.*

**For other information or questions regarding the PA workers' compensation program, e-mail, call or write to the bureau:**

#### **CLAIMS INFORMATION SERVICES**

- E-mail: [ra-li-bwc-helpline@state.pa.us](mailto:ra-li-bwc-helpline@state.pa.us)
- Local calls and calls outside PA: (717) 772-4447
- Toll free inside PA: 1-800-482-2383
- TTY (Only people with hearing loss) Toll Free inside PA: 1-800-362-4228
- TTY local and calls outside PA: (717) 772-4991

#### **EMPLOYER INFORMATION SERVICES (717) 772-3702**

#### **CERTIFIED EMPLOYER NETWORK:**

For referrals to employers who have volunteered to provide assistance in establishing workplace safety committees, call:  
(717) 772-1917



### Join our Mailing List

To receive future issues of the bureau's annual report and the *News & Notes* newsletter, complete the form below, cut on dotted line and mail to:

Bureau of Workers' Compensation  
Attn: Information Services Section  
1171 South Cameron Street, Room 324  
Harrisburg, PA 17104-2501

☐ "Please add me to your mailing list for regular receipt of future annual reports and the *News & Notes*."

Name: \_\_\_\_\_  
(name of company or organization, where applicable)

Mailing Address: \_\_\_\_\_  
(street address)

\_\_\_\_\_  
(city) (state) (zip)

County: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Please check box which best represents your affiliation:

☐ Employer    ☐ Union    ☐ Attorney    ☐ Health Care Industry

☐ Insurance Industry    ☐ Third Party Administrator    ☐ Other: \_\_\_\_\_

**Copies of the PA Workers' Compensation Act are available for purchase from:**

**State Bookstore of PA Commonwealth  
Keystone Building  
Plaza Level  
400 North Street  
Harrisburg, PA 17120  
(717) 787-5109**

**To access the Act online, log on at [www.state.pa.us](http://www.state.pa.us), PA Keyword: "workers comp" From there, click on Bureau of Workers' Compensation/Office of Adjudication, then WC Act under Publications.**

**BWC Web Information: [www.state.pa.us](http://www.state.pa.us), PA Keyword: "workers comp"**

# Telephone Directory

<i>Field Offices</i>	<i>Street Address &amp; Zip Code</i>	<i>Telephone No.</i>
<i>Aliquippa Office</i> . . . . .	<i>Sheffield Prof. Bldg., 2020 Main St., 15001</i> . . . . .	<i>(724) 378-1863</i>
<i>Allentown Office</i> . . . . .	<i>160 Hamilton St., Ste. 200, 18101</i> . . . . .	<i>(610) 821-6535</i>
<i>Altoona Office</i> . . . . .	<i>615 Howard Ave., Ste. 202, 16601</i> . . . . .	<i>(814) 946-7355</i>
<i>Bristol Office</i> . . . . .	<i>1242 New Rodgers Rd., Box 802, 19007</i> . . . . .	<i>(215) 781-3274</i>
<i>Brookville Office</i> . . . . .	<i>395 Main St., 15825</i> . . . . .	<i>(814) 849-5382</i>
<i>Bureau Headquarters</i> . . . . .	<i>1171 S. Cameron St., Room 324, 17104-2501</i> . . . . .	<i>(717) 783-5421</i>
<i>Clearfield Office</i> . . . . .	<i>306 E. Locust St., 16830-2415</i> . . . . .	<i>(814) 765-6398</i>
<i>Erie Office</i> . . . . .	<i>3400 Lovell Place, 13th &amp; Holland Sts., 16503</i> . . . . .	<i>(814) 871-4632</i>
<i>Greensburg Office</i> . . . . .	<i>115 W. Otterman St., 15601</i> . . . . .	<i>(724) 832-5310</i>
<i>Harrisburg Judges Office</i> . . . . .	<i>East Gate Ctr., 1010 N. 7th St., Rm. 319, 17102-1400</i> . . . . .	<i>(717) 783-4419</i>
<i>Hazleton Office</i> . . . . .	<i>1201 N. Church St., Bldg. A, Ste. 203, 18202</i> . . . . .	<i>(570) 459-3840</i>
<i>Johnstown Office</i> . . . . .	<i>607 Main St., Ste. 100, 15901</i> . . . . .	<i>(814) 533-2494</i>
<i>Lancaster Office</i> . . . . .	<i>315 W. James St., Ste. 206, 17603</i> . . . . .	<i>(717) 299-7591</i>
<i>Malvern Office</i> . . . . .	<i>72 Lancaster Ave., 2nd Fl., 19355</i> . . . . .	<i>(610) 251-2878</i>
<i>New Castle Office</i> . . . . .	<i>101 S. Mercer St., 16101</i> . . . . .	<i>(724) 656-3084</i>
<i>Philadelphia Office</i> . . . . .	<i>1400 Spring Garden St., State Office Bldg., 19130</i> . . . . .	<i>(215) 560-2488</i>
<i>NE Philadelphia Office</i> . . . . .	<i>2901 Grant Ave., Ste. 900, 19114</i> . . . . .	<i>(215) 560-2125</i>
<i>Pittsburgh Office</i> . . . . .	<i>933 Penn Ave., Ste. 300, 15222</i> . . . . .	<i>(412) 565-5277</i>
<i>Pottsville Office</i> . . . . .	<i>112 S. Claude A. Lord Blvd., 17901</i> . . . . .	<i>(570) 621-3146</i>
<i>Reading Office</i> . . . . .	<i>625 Cherry St., Ste. 150, 19602</i> . . . . .	<i>(610) 621-2370</i>
<i>Scranton Office</i> . . . . .	<i>400 Spruce St., Ste. 500, 18503</i> . . . . .	<i>(570) 963-4580</i>
<i>Uniontown Office</i> . . . . .	<i>253 S. Mt. Vernon Ave., 15401</i> . . . . .	<i>(724) 439-7420</i>
<i>Upper Darby Office</i> . . . . .	<i>1500 Garrett Rd., Barclay Sq. Ctr., 2nd Fl., 19082</i> . . . . .	<i>(610) 284-6913</i>
<i>Washington Office</i> . . . . .	<i>Millcraft Ctr., 90 W. Chestnut St., 15301</i> . . . . .	<i>(724) 223-4595</i>
<i>Wilkes-Barre Office</i> . . . . .	<i>101-105 N. Main St., 18701</i> . . . . .	<i>(570) 826-2577</i>
<i>Williamsport Office</i> . . . . .	<i>208 W. 3rd St., Rear, Ste. 202, 17701</i> . . . . .	<i>(570) 327-3735</i>

## Information Services

### Claims Information Services:

Inside Pennsylvania (toll free)	(800) 482-2383
Local & Outside Pennsylvania	(717) 772-4447

Employer Information Services: (717) 772-3702

### TTY (for hearing and speech impaired):

Inside Pennsylvania (toll free)	(800) 362-4228
Local & Outside Pennsylvania	(717) 772-4991



**Contact Personnel .....Location .....Title .....Telephone No.**

Adams, Stacey .....	Harrisburg HQ .....	Sec. Sup., H & S .....	(717) 772-1917
Arrington, Ollie.....	Philadelphia DO .....	WCJ .....	(215) 560-2488
Bachman, Patricia .....	NE Philadelphia DO .....	WCJ .....	(215) 560-2125
Baker, Paul.....	Pottsville DO .....	WCJ .....	(570) 621-3146
Baldys, Karl .....	Williamsport DO .....	WCJ .....	(570) 327-3735
Barbieri, Christina.....	Reading DO .....	WCJ .....	(610) 621-2370
Baur, Mary Catherine .....	NE Philadelphia DO .....	Attorney Examiner .....	(215) 560-2125
Bell, Linda .....	Harrisburg HQ .....	Supv., Admin. Div.-OCR. ....	(717) 783-5421
Benedict, Alfred.....	New Castle DO .....	WCJ .....	(724) 656-3084
Benischeck, Robert .....	Lancaster DO .....	WCJ .....	(717) 299-7591
Bivens, Linda.....	Harrisburg HQ .....	Sec.-Adj. Dir. ....	(717) 783-5421
Bloom, Irving.....	Greensburg DO .....	WCJ .....	(724) 832-5310
Bowers, Debra .....	Philadelphia DO .....	WCJ .....	(215) 560-2488
Briston, Pamela.....	Pittsburgh DO .....	WCJ .....	(412) 565-5277
Burman, Martin.....	Malvern DO .....	WCJ .....	(610) 251-2878
Callahan, Bonnie.....	Philadelphia DO .....	WCJ .....	(215) 560-2488
Caravaggio, Susan .....	Pottsville DO .....	WCJM, Eastern Region. ....	(570) 621-3146
Cercone, Susan .....	Aliquippa DO .....	WCJ .....	(724) 378-1863
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Legend

AO..... Administrative Officer

DO..... District Office

HQ..... Headquarters

WCJ..... Workers' Compensation Judge

WCJM..... Workers' Compensation Judge Manager





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