

# Stay at Work/Return to Work Assistance Program

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Montana Department of  
**LABOR & INDUSTRY**

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# Stay at Work/Return to Work Assistance

To minimize avoidable disruption caused by work-related injury or occupational disease

To assist the injured worker return as soon as possible

- To the same position with same employer
- To modified position with same employer

# SAW/RTW Assistance Notice

*The Montana Department of Labor and Industry helps injured workers stay at work or return to work quickly to reduce the impact of injury on workers, their families, communities and businesses. To find out more, contact your worker's compensation insurer or the Department of Labor and Industry by phone or email at 406-444-1752 and [sawrtwrquest@mt.gov](mailto:sawrtwrquest@mt.gov)*

# SAW/RTW Assistance Request

The injured worker, employer or health care provider may ask the Department to provide SAW/RTW assistance

# SAW/RTW Assistance Availability

SAW/RTW assistance is available anytime unless:

The worker has been determined to be a disabled worker

The worker has refused a job that the worker is:

- Physically capable of
- Qualified to do, and
- Wages are at least equal to time of injury job

The worker has actually returned to work

The worker's claim has been closed or settled

# SAW/RTW Assistance Delivery

Who provides the SAW/RTW assistance?

The insurer is responsible to provide SAW/RTW assistance

The Department provides the assistance when:

- The insurer chooses not to provide the assistance
- The insurer does not respond to the Department's notice within three days
- The Department cannot determine who the insurer is after three days

# Insurer Responsibilities

- 1) Adopt a SAW/RTW policy and submit a current, complete copy of the policy to the Department
- 2) Designate a single point of contact to coordinate all Department requests for SAW/RTW assistance
- 3) Elect to provide SAW/RTW assistance or refer to the Department if a request for SAW/RTW assistance is made prior to the insurer's acceptance of liability for a claim
- 4) Decline to provide SAW/RTW assistance or deny liability for an injured worker's claim notify the injured worker and the Department in writing within three business days

# Insurer Responsibilities

- 5) Notify the Department in writing within three business days of the insurer's acceptance of liability for an injured worker's claim
- 6) The insurer shall report the outcome of SAW/RTW assistance to the Department, using the Department outcome reporting form, within 30 business days of the earliest of:
  - a) The return to work start date
  - b) The termination of SAW/RTW services, or
  - c) The injured worker's attainment of maximum medical improvement



# Department Responsibilities

- 1) Provide SAW/RTW assistance when unable to identify the insurer within three business days
- 2) Transfer the SAW/RTW assistance to the insurer when the Department identifies the at-risk insurer
- 3) Provide SAW/RTW assistance when the insurer declines or fails to respond to Department notice
- 4) The Department shall provide services until it:
  - a) Terminates SAW/RTW services to the injured worker upon notice of insurer denial of liability for the claim
  - b) Terminates SAW/RTW services to the injured worker upon exhaustion of the maximum allowed provider fees, or
  - c) Transfers responsibility for the delivery of SAW/RTW assistance to the insurer upon notice of the insurer's acceptance of liability for the claim

# Department Responsibilities

- 5) When the Department provides SAW/RTW assistance, the Department shall assign a vocational rehabilitation counselor to provide services.

Services include, but are not limited to, the following:

## Injured Worker Contact

- Assess commitment to stay at or return to work
- Identification and resolution of barriers to stay at or return to work

## Medical Status Form Review

- Ensure understanding of work abilities and work restrictions

# Department Responsibilities

## Employer Contact

- Establish ability to provide transitional employment
- Ensure that transitional employment available meets work restrictions outlined within the medical status form

## Facilitate communication for transitional employment

- Assist the employer with transitional employment position offer
- Ensure the injured worker understanding and acceptance of transitional employment offer
- Obtain medical provider input or approval for transitional employment if not provided through the medical status form

## Follow-up

- Ensure duties assigned meet work abilities
- Identify injured worker/employer concerns or issues
- Provide recommendations to resolve issues or concerns
- Monitor readiness to return to time of injury job

# Department Responsibilities

- 6) Provide written notice to the injured worker, employer and insurer, if identified, when a vocational rehabilitation counselor is assigned by the Department to provide SAW/RTW services to an injured worker within three business days.
- 7) Provide written notice to the injured worker, employer and insurer of the completion of Department-provided SAW/RTW assistance within three business days of the completion of services.

# Results To Date

Insurer point of contact and SAW/RTW policy submission:

Plan 1 insurers 100% of have submitted policies and contact

Plan 2 insurers 30% of have submitted policies and contact

57 of 193 Plan 2 insurers collecting premium

89% of Plan 2 premium goes to insurers that have submitted policies and contact

Plan 3 MSF policy and point of contact submitted

# Results To Date

108,147 post cards mailed to workers who reported a work place injury:

- If 15% of FROIs become indemnity claims 16,222 injured workers could have benefited from the program
- Between 3 & 4 percent of post cards are returned for incorrect address

Post Cards by Year	
2012	11,456
2013	25,545
2014	26,482
2015	25,587
2016	19,077

# Results To Date

## SAW/RTW Assistance:

- Injured Workers Respond
- 688 Requests for SAW/RTW assistance
  - » 275 RTW
  - » 85 employers determined they could not provide transitional employment
  - » 57 injured worker could not get released to RTW
  - » 27 injured workers quit their job
  - » 16 assistance ended for other reasons
- 229 Requests with no reported outcome

# Areas for Improvement

## Insurer:

- Program participation

  - No Plan 1 or 2 request to the insurer reported to the program

- SAW/RTW outcome reporting

  - 80% of requests without a reported outcome are more than 90 days old

## Department:

- Effectiveness of post card

- Provider release to return to work



# QUESTIONS

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