

# MONTANA WORKERS' COMPENSATION REPORT 2020

---

Published February 2020 by

Montana Department of Labor &  
Industry  
Employment Relations Division  
P.O. Box 8011, Helena, MT  
59604

The data in this report is as accurate as reported to the Montana Department of Labor & Industry's (DLI) Employment Relations Division (ERD) and does not include reserves. Payment data on individual medical-only injuries are not reported to ERD. Counts and totals may change over time due to updated reports and data clean-up efforts. Federal workers' injuries are also not represented in this report.

If the format of any information within this document interferes with your ability to access the information, due to an issue with accessibility caused by a disability as defined in the Rehabilitation Act, please contact Kristine Ediger at the Employment Relations Division (ERD) for assistance at (406)444-1675 or [kediger@mt.gov](mailto:kediger@mt.gov).

# TABLE OF CONTENTS

<b>SECTION 1 - WORKERS' COMPENSATION COVERAGE .....</b>	<b>4</b>
INSURANCE COVERAGE REQUIREMENTS .....	4
WORKERS' COMPENSATION MARKET.....	6
<b>SECTION 2 - INJURY CHARACTERISTICS .....</b>	<b>7</b>
REPORTED INJURIES .....	7
INJURIES BY AGE .....	8
INJURIES BY INDUSTRY .....	9
INJURIES BY CAUSE .....	11
INJURIES BY NATURE.....	14
INJURIES BY PART OF BODY .....	16
<b>SECTION 3 - BENEFITS .....</b>	<b>19</b>
TOTAL BENEFITS.....	19
BENEFIT DISTRIBUTIONS .....	22
TEMPORARY DISABILITY PAID DURATION .....	23
SETTLEMENT DOLLARS.....	24
SETTLEMENT OF MEDICAL BENEFITS FOR BEST INTEREST .....	26
INJURED WORKER ATTORNEY FEES.....	28
INSURER LEGAL EXPENSES .....	29
<b>SECTION 4 - DISPUTE RESOLUTION.....</b>	<b>30</b>
MEDIATION .....	30
WORKERS' COMPENSATION COURT (WCC) .....	32
<b>SECTION 5 - EMPLOYMENT RELATIONS DIVISION PROGRAMS .....</b>	<b>33</b>
WORKERS' COMPENSATION ASSESSMENTS AS EXPENDED .....	33
SUBSEQUENT INJURY FUND (SIF) .....	34
UNINSURED EMPLOYERS' FUND .....	35
CONSTRUCTION CONTRACTOR REGISTRATION .....	36
INDEPENDENT CONTRACTOR EXEMPTION CERTIFICATES .....	36
PROFESSIONAL EMPLOYER ORGANIZATIONS (PEO).....	37
SAFETY & HEALTH.....	38
CLAIMS EXAMINER CERTIFICATION .....	40
FIVE-YEAR CLOSURE OF MEDICAL BENEFITS.....	40
<b>SECTION 6 - APPENDICES .....</b>	<b>41</b>
DEFINITIONS .....	41
DATA SOURCES.....	50

## SECTION 1- WORKERS' COMPENSATION COVERAGE

### INSURANCE COVERAGE REQUIREMENTS

If you are an employer or an employee, the Workers' Compensation and Occupational Disease Acts apply. An employer who has an employee in service under any appointment or contract of hire, expressed or implied, oral or written, must elect to be bound by the provisions of compensation Plan 1 (self-insured employers), Plan 2 (private insurance companies), or Plan 3 (Montana State Fund).

**This information is intended to be descriptive. It is not all-inclusive, nor is it intended to be used for legal determination of the mandatory coverage requirements.** Please contact the Employment Relations Division at (406) 444-6543, or your workers' compensation insurer, concerning coverage requirements and/or excluded or exempted employments.

### EXTRATERRITORIAL EXCLUSION

- Employer option for extraterritorial coverage §39-71-442, MCA: (1) Notwithstanding §39-71-118(8)(a) an employee of an employer in this state who is employed by the employer to work solely in North Dakota, and who is required by the laws of that state to be covered for workers' compensation purposes while working in that state, is not considered to be an employee in this state covered under Title 39, chapter 71, during any time that the employer maintains workers' compensation coverage for the employee in North Dakota. For purposes of this section, "work solely in North Dakota" means the employee does not perform job duties in Montana and coverage is required by the state of North Dakota. Travel that is commuting to and from a job site in North Dakota from a location in Montana does not constitute performing job duties in Montana even if the employer pays for all or a portion of the costs of travel or if the worker is paid for the travel time.

### OTHER EXCLUSIONS

The Workers' Compensation Act may exclude from the definition of employee the services listed below:

- Volunteers
- Volunteers at recreational facilities receiving no compensation other than meals, lodging, or the use of the recreational facilities
- Licensed foster parents providing care for no more than 6 foster children without wage compensation
- Farm-owner occasionally assisting his or her neighboring farmers

(§39-71-118, MCA)

### EMPLOYMENTS EXEMPTED

The Workers' Compensation Act may not apply to the employments listed below:

- Household or domestic employment;
- Casual employment;
- Dependent member of an employer's family for whom an exemption may be Injured by the employer under the Federal Internal Revenue Code;
- Sole proprietors, working members of a partnership, working members of a limited liability partnership, or working members of a member-managed limited liability company;
- Real estate, securities or insurance salesperson paid solely by a commission without a guarantee of minimum earnings;
- A direct seller;
- Employment for which a rule of liability for injury, occupational disease, or death is provided under the laws of the United States;
- A person performing services in return for aid or sustenance only, except employment of search and rescue volunteers;
- Employment with a railroad engaged in interstate commerce, except railroad construction work;

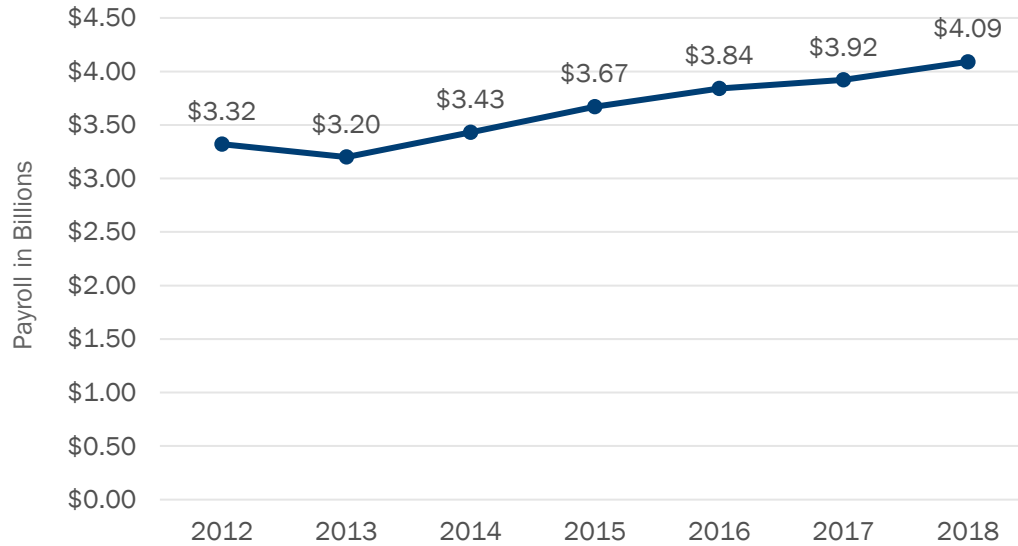
- An official, including a timer, referee, umpire or judge, at a school amateur athletic event;
- A person performing services as a newspaper carrier or freelance correspondent if acknowledged in writing that the services are not covered;
- Cosmetologist's services and barber's services;
- A person who is employed by an enrolled tribal member or an association, business, corporation, or other entity that is at least 51% owned by an enrolled tribal member or members, whose business is conducted solely within the reservation;
- A jockey who is performing under a license issued by the Board of Horse Racing, from the time the jockey reports to the scale room prior to a race, through the time weighed out, and has acknowledged in writing that the jockey is not covered while performing services as a jockey;
- Trainer, assistant trainer, exercise person or pony person who is providing services under the Board of Horse Racing while on the grounds of a licensed race meet;
- An employer's spouse;
- A petroleum land professional;
- An officer of a quasi-public or a private corporation or manager of a manager-managed limited liability company;
- A person who is an officer or a manager of a ditch company;
- Service performed by an ordained, commissioned or licensed minister of a church;
- Providers of companionship services or respite care, if a family member or legal guardian employs the person providing care;
- A person performing services of an intrastate or interstate common or contract motor carrier when hired by an individual or entity who meet the definition of a broker or freight forwarder;
- A person who is not an employee or worker in Montana;
- Independent contractors who are working under a current, valid, independent contractor exemption certificate from the Department;
- An athlete employed by or on a team or sports club engaged in a contact sport; and
- A musician performing under a written contract.

(§39-71-401, MCA)

# WORKERS' COMPENSATION MARKET

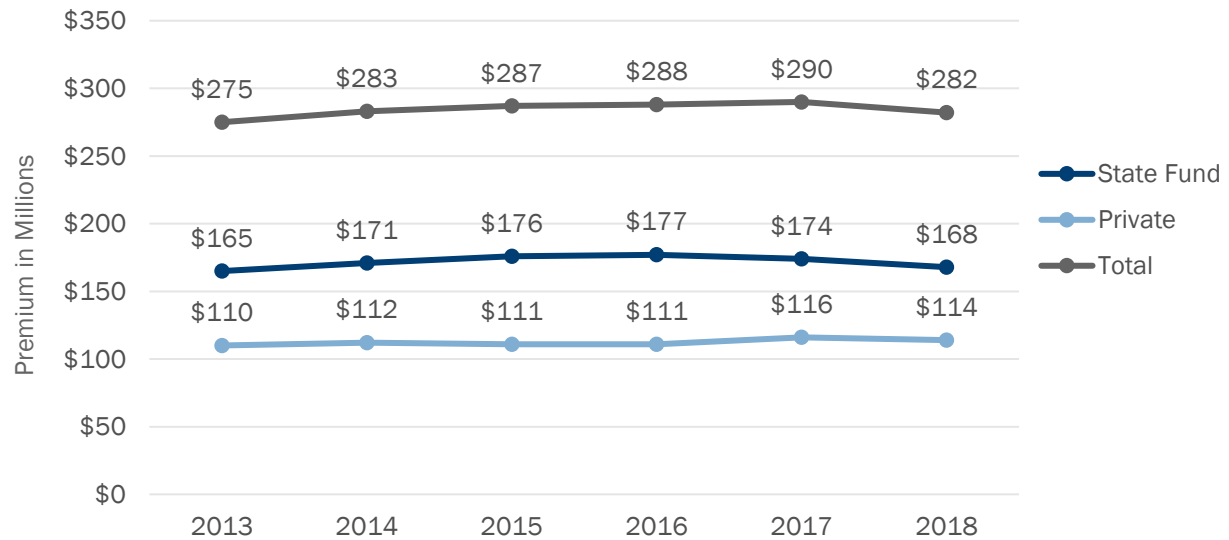
## 1.1

Gross Annual Payroll for Self-Insured Employers  
By Year in Billions



## 1.2

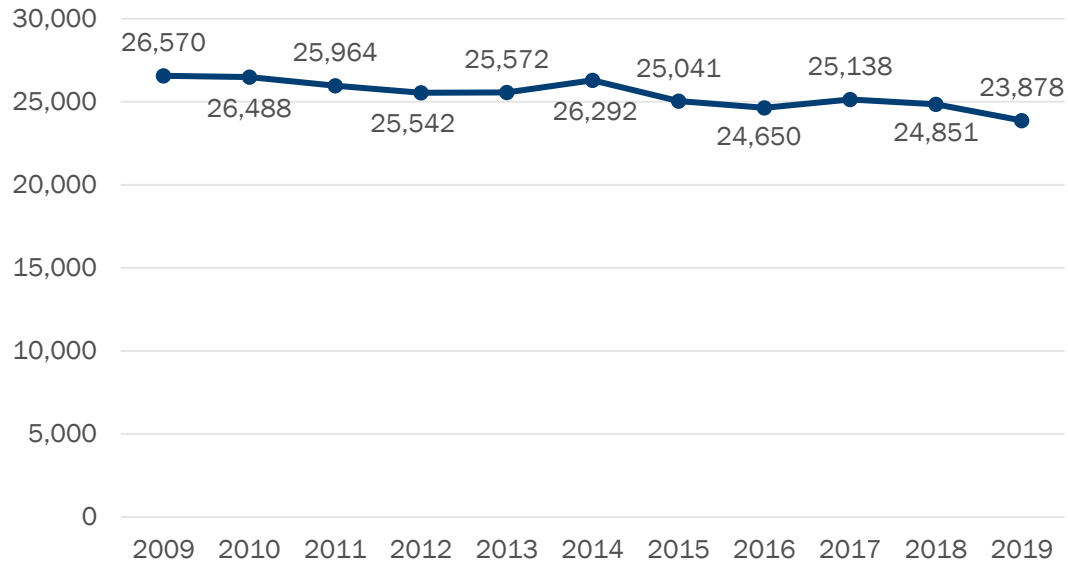
Premium Market Share for Private Insurance Companies and Montana State Fund  
By Year in Millions



## REPORTED INJURIES

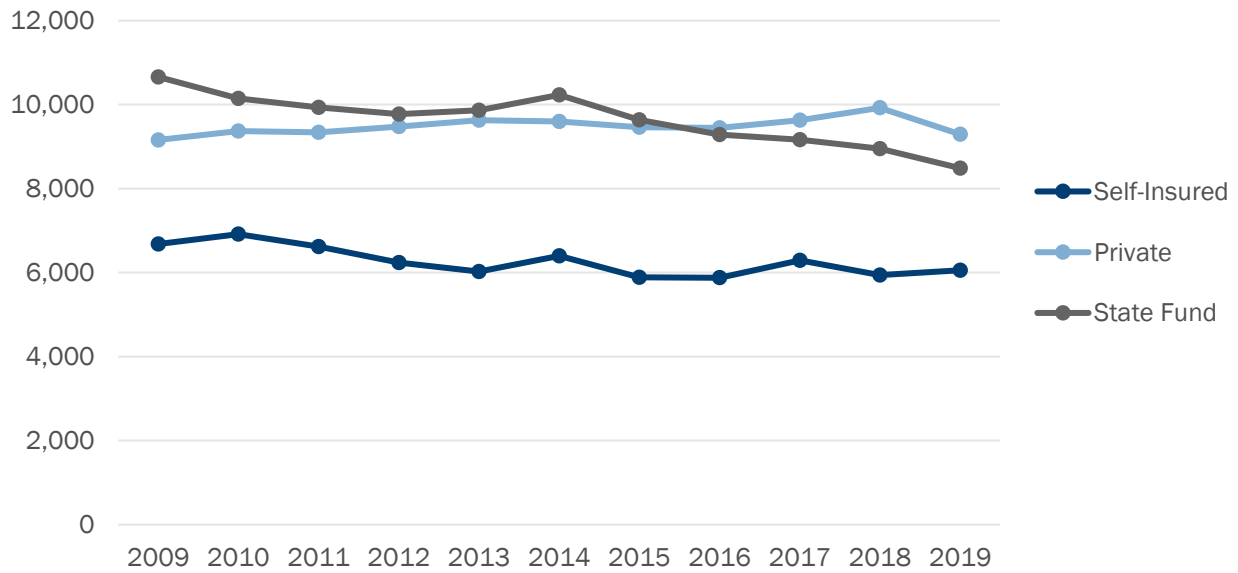
### 2.1

Reported Injuries  
By Year of Injury



### 2.2

Reported Injuries  
By Plan Type and Year of Injury

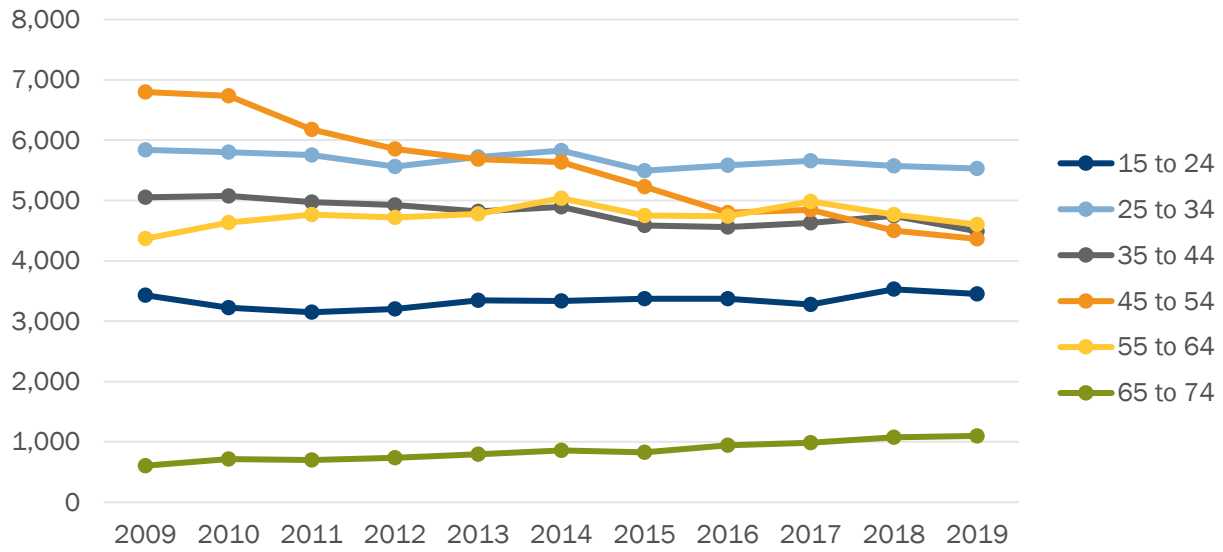


## INJURIES BY AGE

### 2.3

Reported Injuries

By Age at Time of Injury and Year of Injury

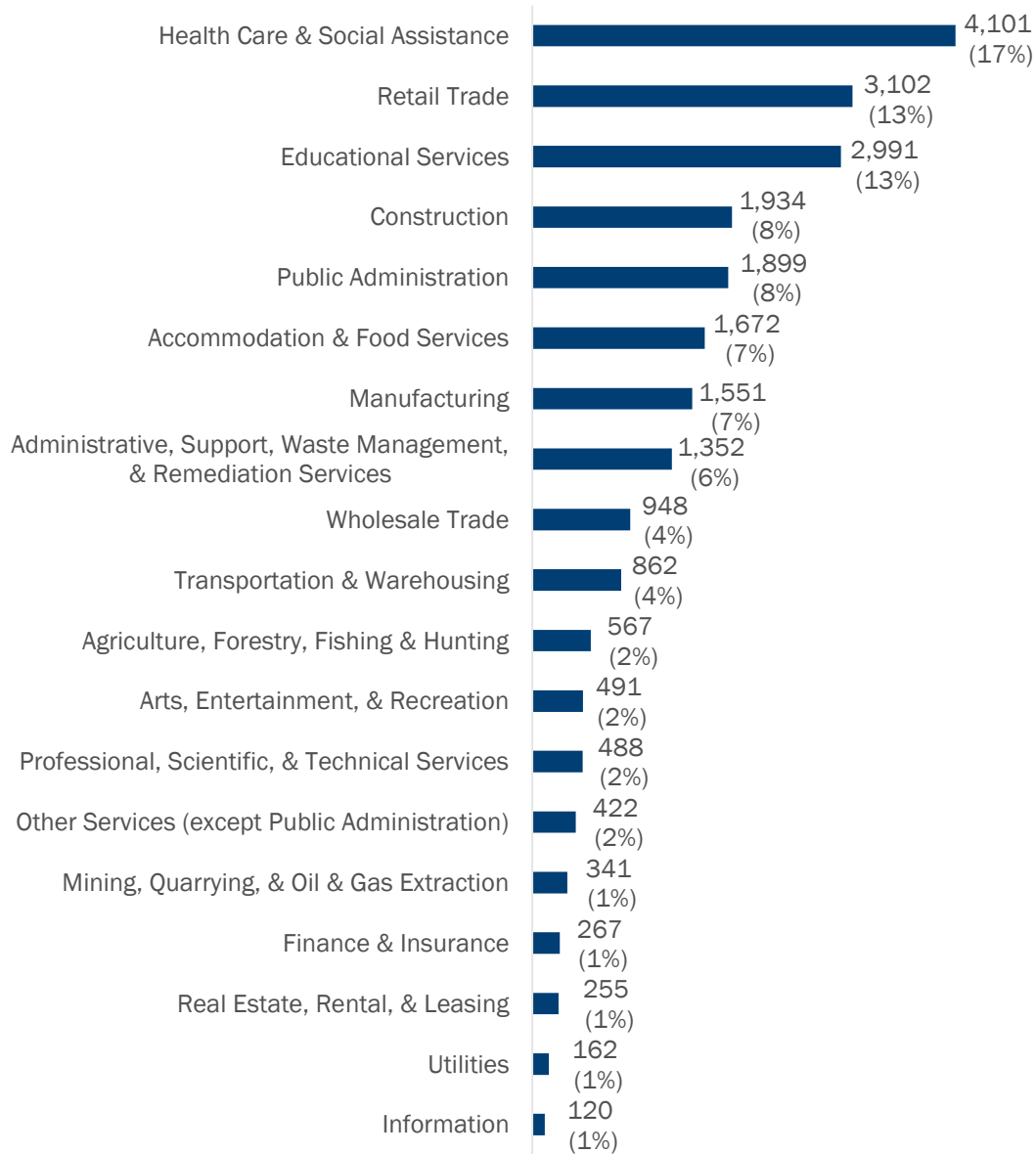




## INJURIES BY INDUSTRY

### 2.4

Reported Injuries  
By Industry, 2019



## 2.5

### Reported Injuries By Industry and Year of Injury

	2015	2016	2017	2018	2019
Health Care & Social Assistance	4,403	4,423	4,639	4,226	4,101
Retail Trade	3,101	3,055	3,088	3,041	3,102
Educational Services	2,587	2,669	2,878	2,794	2,991
Construction	2,157	2,054	2,004	2,006	1,934
Public Administration	1,937	1,869	1,879	2,007	1,899
Accommodation & Food Services	1,958	1,939	1,939	1,895	1,672
Manufacturing	1,753	1,727	1,665	1,689	1,551
Administrative, Support, Waste Management, & Remediation Services	1,501	1,424	1,491	1,618	1,352
Wholesale Trade	1,014	1,033	964	973	948
Transportation & Warehousing	842	843	883	891	862
Agriculture, Forestry, Fishing & Hunting	693	640	654	607	567
Arts, Entertainment, & Recreation	559	577	528	508	491
Professional, Scientific, & Technical Services	527	504	482	458	488
Other Services (except Public Administration)	431	404	426	460	422
Mining, Quarrying, & Oil & Gas Extraction	450	406	354	356	341
Finance & Insurance	260	264	282	310	267
Real Estate, Rental, & Leasing	287	282	303	305	255
Utilities	193	192	201	200	162
Information	146	156	130	134	120
Not Otherwise Classified	150	95	98	122	66
Management of Companies & Enterprises	40	40	38	24	16

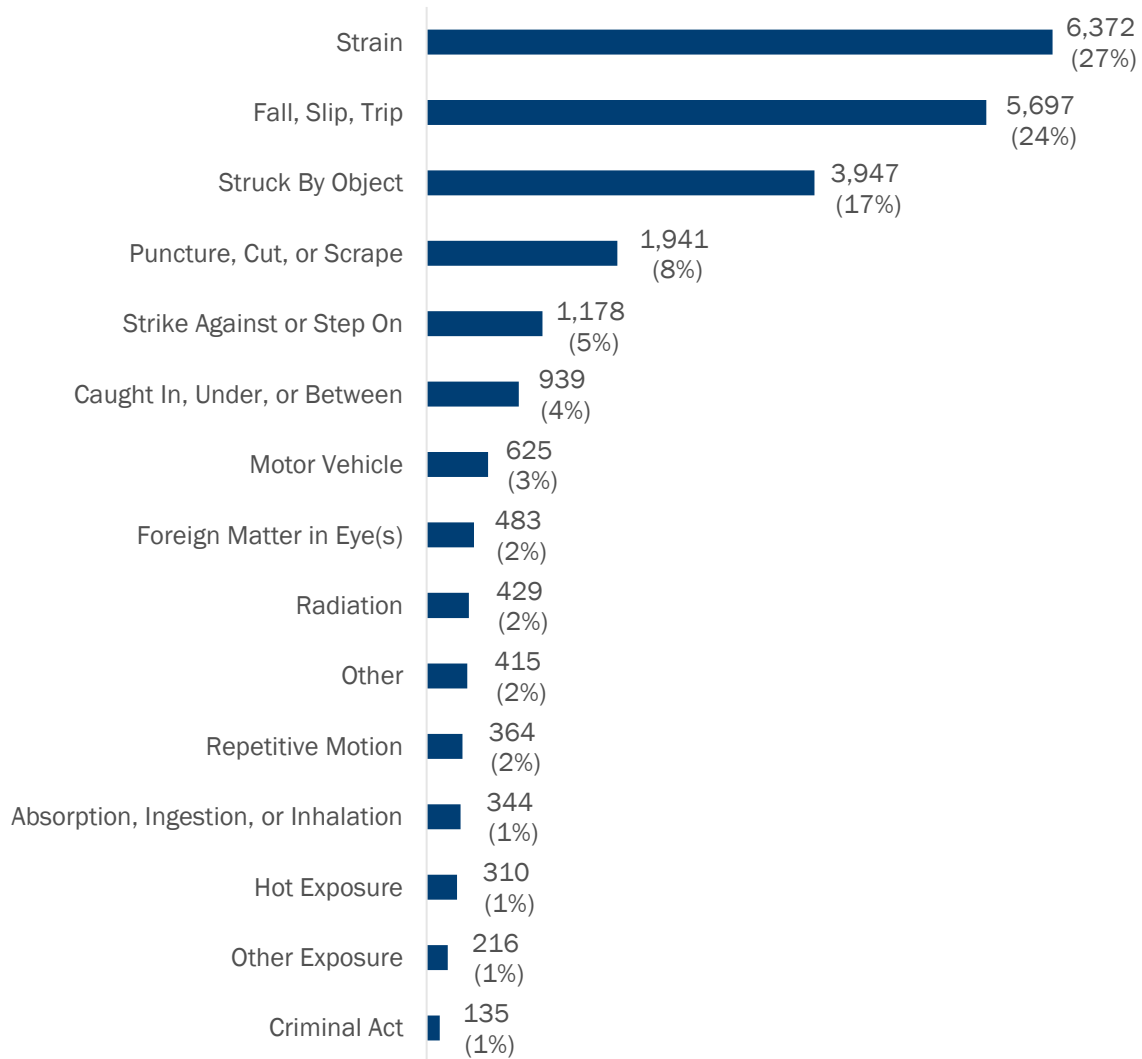
## INJURIES BY CAUSE

See Section 6 for cause definitions.

### 2.6

Reported Injuries

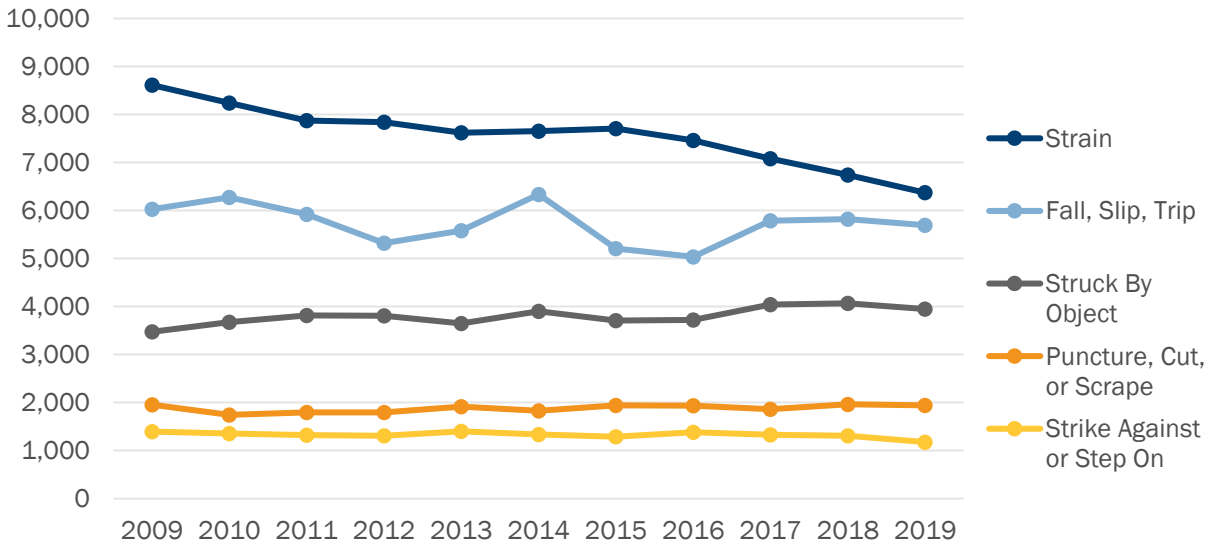
By Cause of Injury, 2019



## 2.7

### Reported Injuries

By Top Five Causes of Injury and Year of Injury



## 2.8

### Reported Injuries

#### By Cause of Injury and Year of Injury

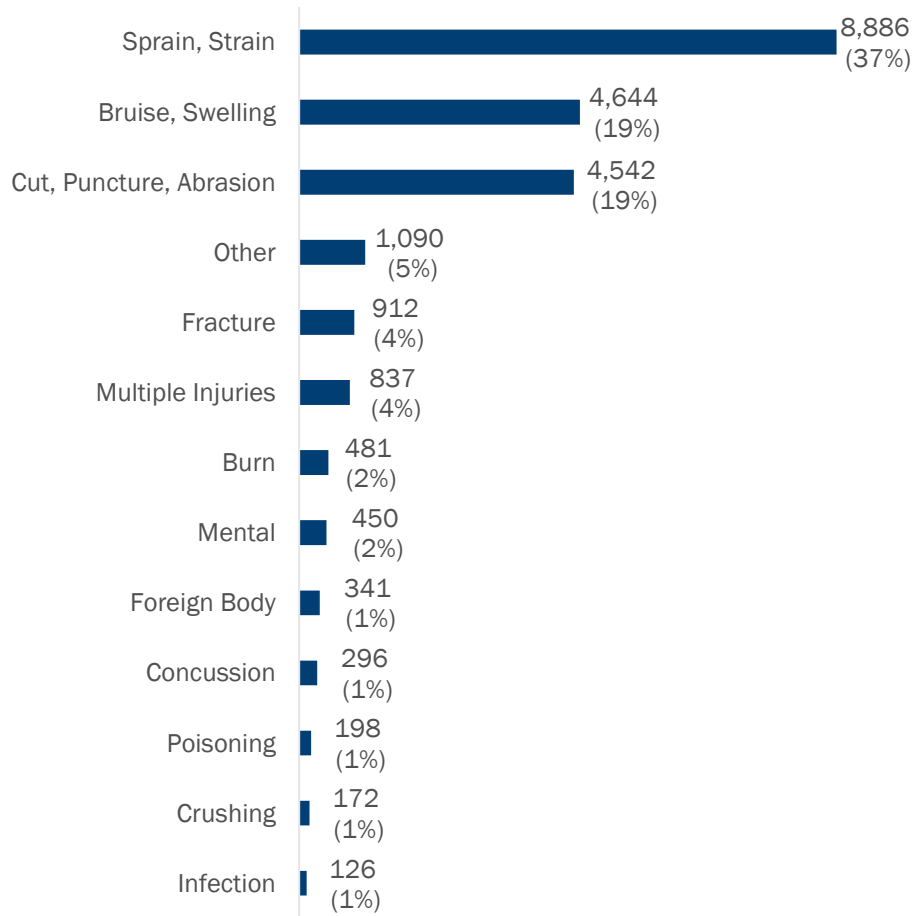
	2015	2016	2017	2018	2019
Strain	7,709	7,463	7,079	6,743	6,372
Fall, Slip, Trip	5,209	5,037	5,789	5,824	5,697
Struck By Object	3,711	3,719	4,041	4,068	3,947
Puncture, Cut, or Scrape	1,944	1,935	1,862	1,965	1,941
Strike Against or Step On	1,287	1,380	1,332	1,310	1,178
Caught In, Under, or Between	991	907	914	950	939
Motor Vehicle	587	602	554	573	625
Foreign Matter in Eye(s)	558	557	520	438	483
Radiation	481	542	518	504	429
Other	455	437	406	440	415
Repetitive Motion	468	429	439	437	364
Absorption, Ingestion, or Inhalation	401	389	412	321	344
Hot Exposure	335	328	312	342	310
Other Exposure	287	275	316	271	216
Criminal Act	108	144	141	167	135
Mental	85	94	94	112	106
Other Cumulative	97	84	89	97	93
Chemical Exposure	88	112	113	109	87
Extreme Temperatures	32	28	27	25	38
Dust, Gas, or Fumes	27	27	26	38	37
Electrocution	32	53	33	35	35
Burn	20	23	25	22	21
Continual Noise	40	22	26	25	16
Abrasion	23	18	10	8	10
Cold Exposure	13	9	12	2	9

## INJURIES BY NATURE

See Section 6 for nature definitions.

### 2.9

Reported Injuries  
By Nature of Injury, 2019



## 2.10

### Reported Injuries

#### By Nature of Injury and Year of Injury

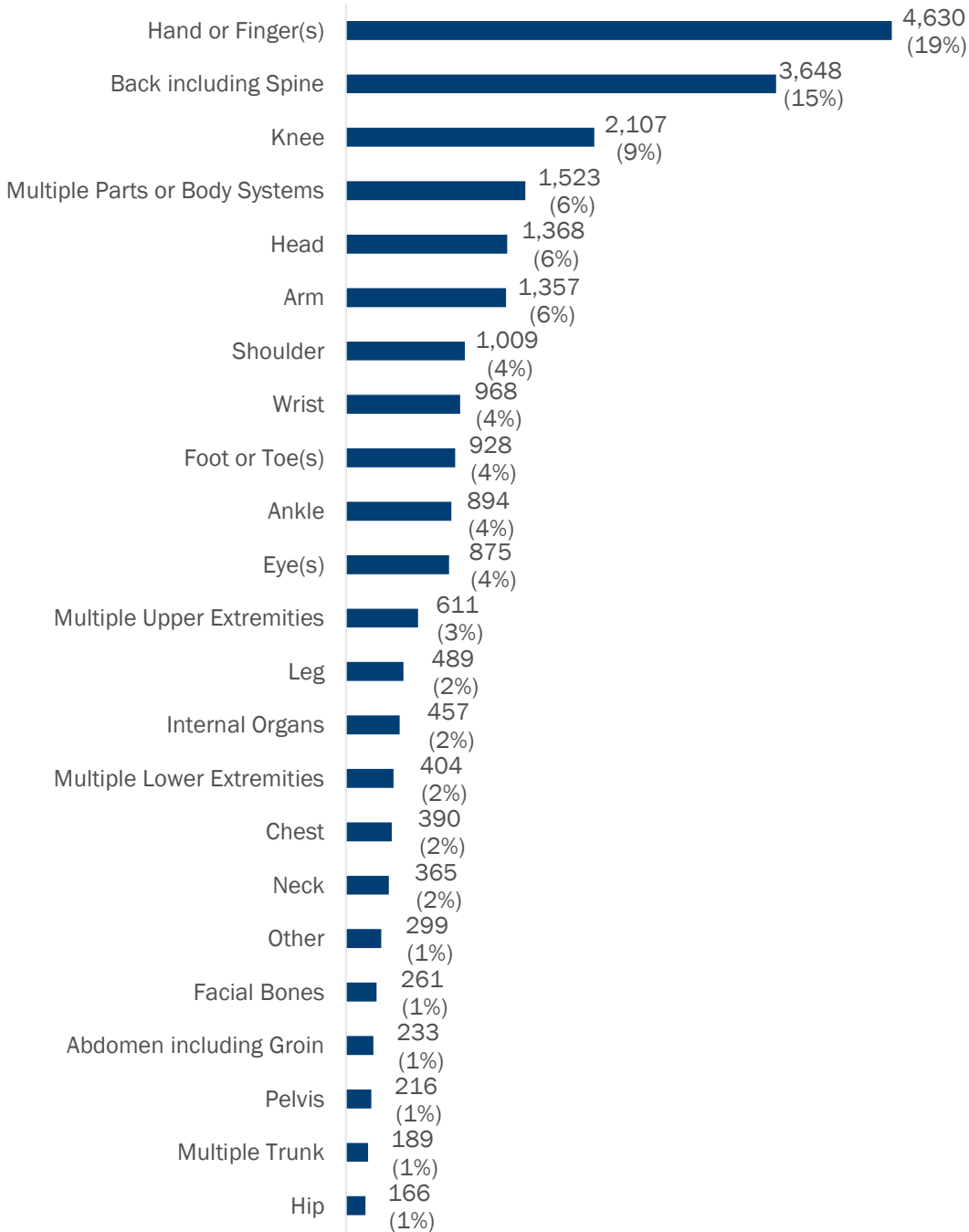
	2015	2016	2017	2018	2019
Sprain, Strain	10,269	9,755	9,805	9,603	8,886
Bruise, Swelling	4,387	4,385	4,695	4,550	4,644
Cut, Puncture, Abrasion	4,909	4,888	4,866	4,856	4,542
Other	1,230	1,154	1,142	1,100	1,090
Fracture	895	941	919	920	912
Multiple Injuries	221	371	511	740	837
Burn	522	504	515	540	481
Mental	359	369	435	427	450
Foreign Body	343	401	487	346	341
Concussion	275	312	299	361	296
Poisoning	232	269	225	180	198
Crushing	138	154	168	168	172
Infection	184	131	66	117	126
Dislocation	120	134	130	119	125
Hernia	138	131	144	143	117
Occupational Lung Disease	117	71	82	76	86
Other Occupational Disease	88	60	81	70	69
Contagious Disease	35	62	44	30	67
Other Cumulative Injury	114	115	89	70	62
Carpal Tunnel Syndrome	96	74	75	74	58
Rash, Skin, or Tissue Inflammation	74	68	67	80	53
Fainting	34	38	38	53	40
Electric Shock	30	46	28	32	34
Hearing Loss	42	33	32	38	30
Freezing	7	19	11	12	28
Amputation	40	35	26	30	27
Overheating	27	21	29	21	18
Rupture	15	22	26	21	17
Heart Attack or Related	14	17	15	30	14
Severance	11	6	8	9	9
Radiation	9	7	5	3	5
Asphyxiation	6	5	13	2	4
Vision Loss	2	10	4	3	2

## INJURIES BY PART OF BODY

See Section 6 for part of body definitions.

### 2.11

Reported Injuries  
By Part of Body, 2019





## 2.12

### Reported Injuries

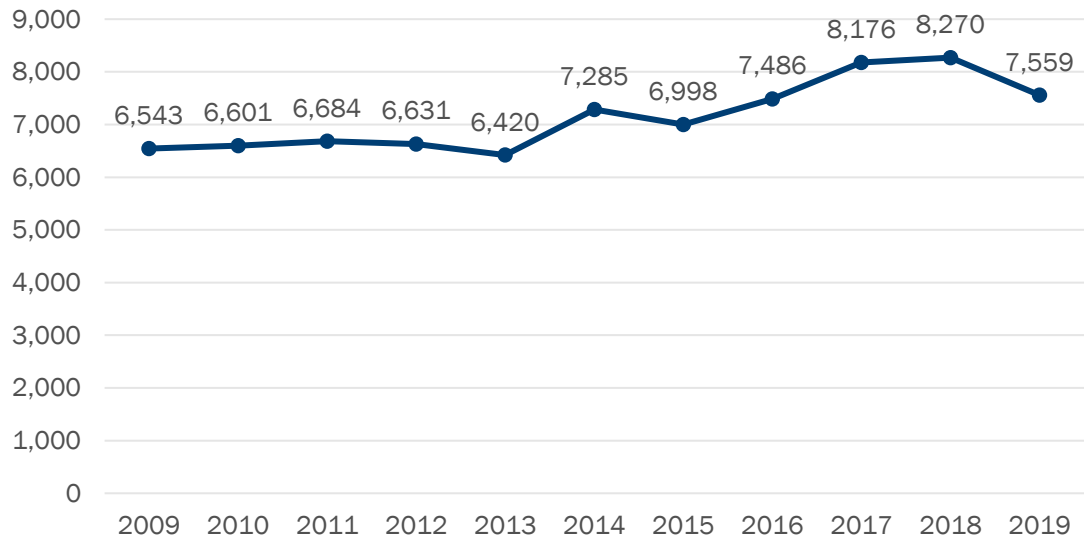
#### By Part of Body and Year of Injury

	2015	2016	2017	2018	2019
Hand or Finger(s)	4,952	5,011	4,863	4,902	4,630
Back including Spine	4,278	4,078	4,195	3,868	3,648
Knee	2,085	2,045	2,177	2,165	2,107
Multiple Parts or Body Systems	1,425	1,336	1,566	1,477	1,523
Head	1,271	1,387	1,414	1,475	1,368
Arm	1,367	1,363	1,441	1,454	1,357
Shoulder	992	1,011	1,021	1,045	1,009
Wrist	1,022	1,082	1,030	996	968
Foot or Toe(s)	950	928	938	981	928
Ankle	889	885	903	952	894
Eye(s)	1,019	958	966	890	875
Multiple Upper Extremities	645	662	556	583	611
Leg	496	492	517	489	489
Internal Organs	448	448	455	455	457
Multiple Lower Extremities	503	398	407	399	404
Chest	415	453	413	439	390
Neck	490	413	426	415	365
Other	323	296	299	289	299
Facial Bones	254	265	308	300	261
Abdomen including Groin	240	254	281	277	233
Pelvis	215	210	203	230	216
Multiple Trunk	129	135	115	186	189
Hip	159	145	173	163	166
Lungs	99	65	74	87	140
Mouth or Teeth	127	113	127	99	127
Nose	89	85	98	77	90
Ear(s)	101	69	83	74	67
Buttocks	47	48	75	67	54
Heart	11	15	14	17	13

## INSURER DENIALS

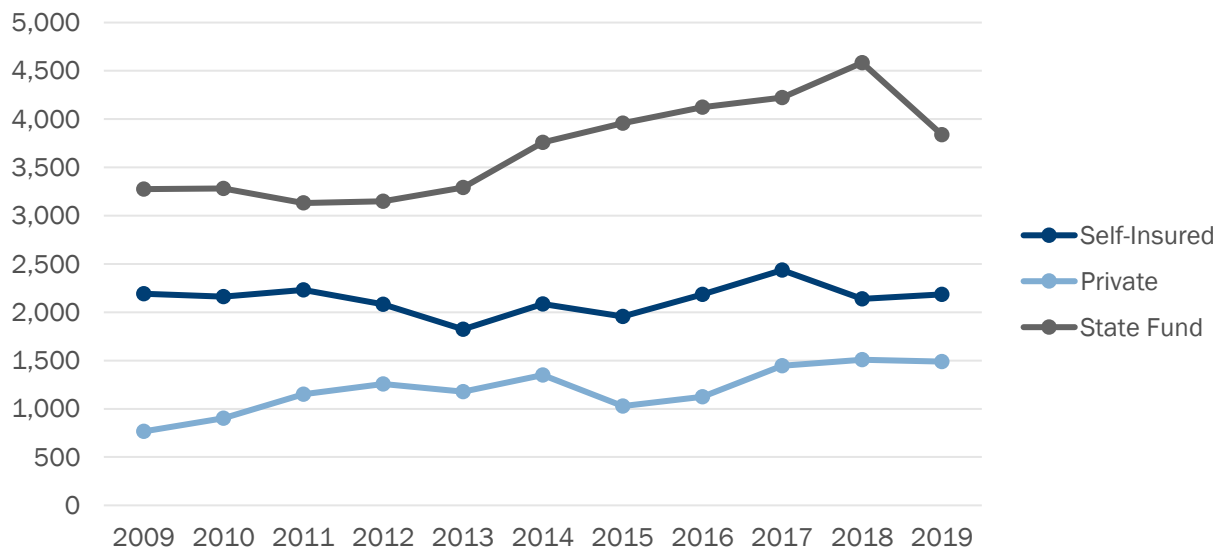
### 2.13

Insurer Denials  
By Year of Injury



### 2.14

Insurer Denials  
By Plan and Year of Injury

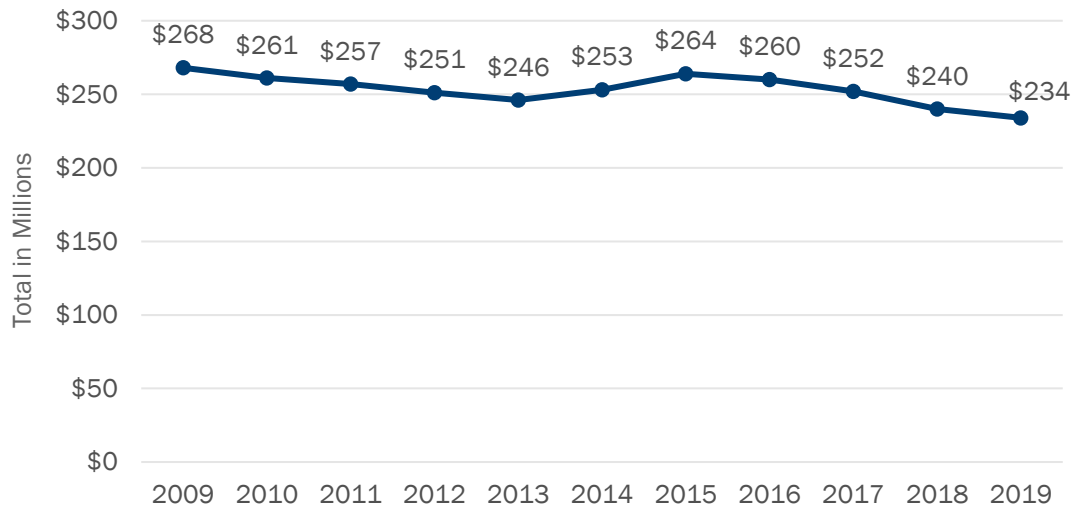


## TOTAL BENEFITS

The total benefits paid for each fiscal year are compiled from the total dollars that insurers report paid in that year for medical (including medical in excess of \$200,000), indemnity, and miscellaneous expenses, regardless of the original date of injury. This data is compiled from quarterly expenditure reports submitted to the Department by workers' compensation insurers or by administrators on the insurers' behalf.

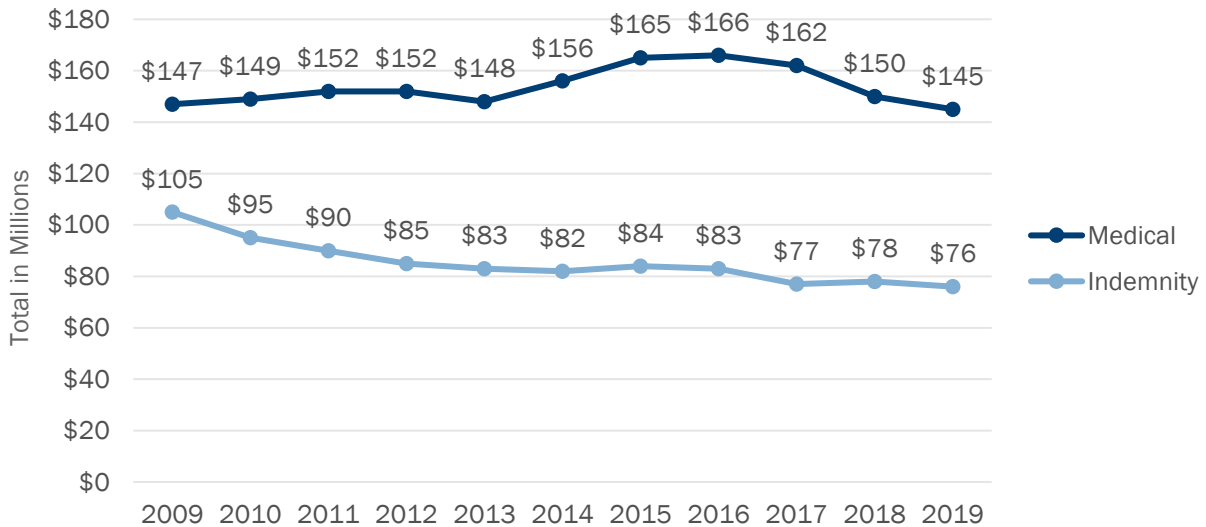
### 3.1

Total Benefits Paid  
By Year of Payment in Millions



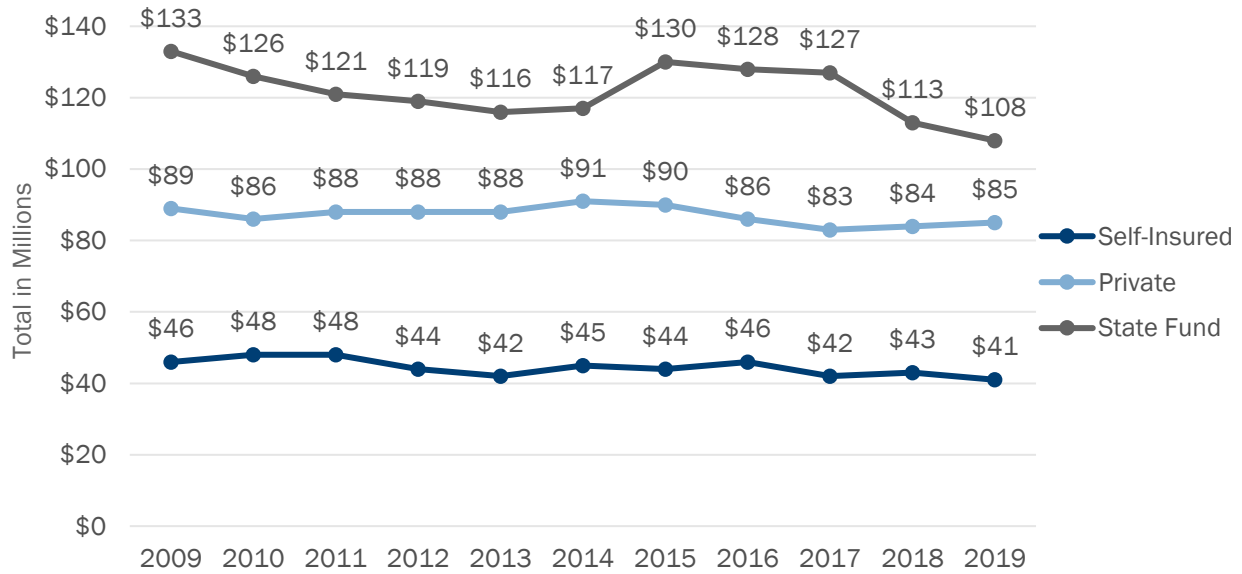
### 3.2

Total Medical and Indemnity Paid  
By Year of Payment in Millions



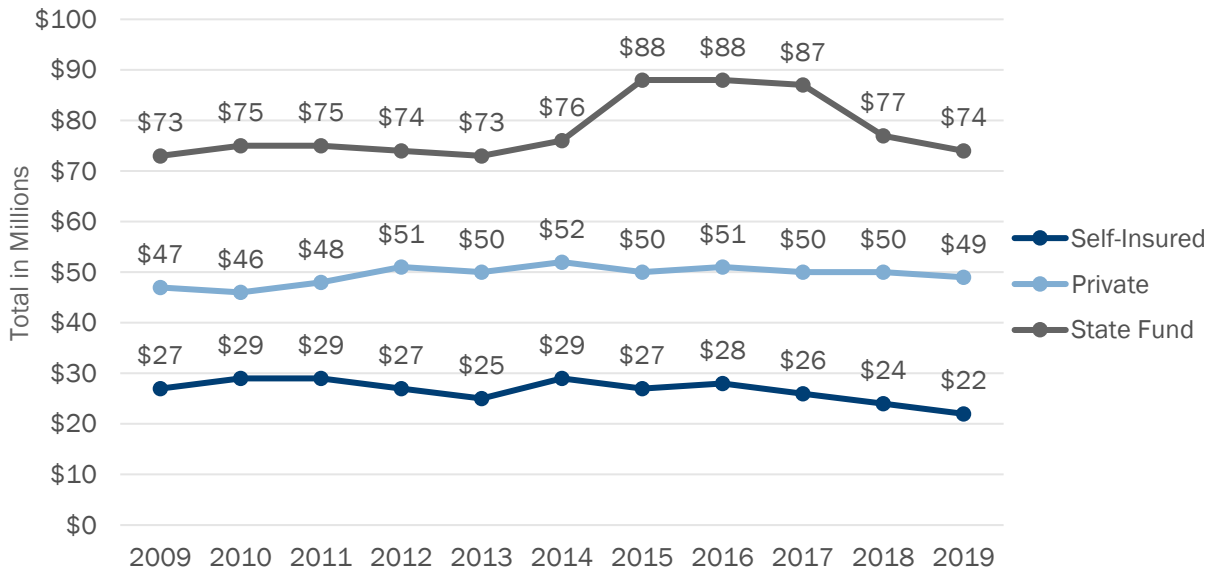
### 3.3

Total Benefits Paid  
By Plan Type and Year of Payment in Millions



### 3.4

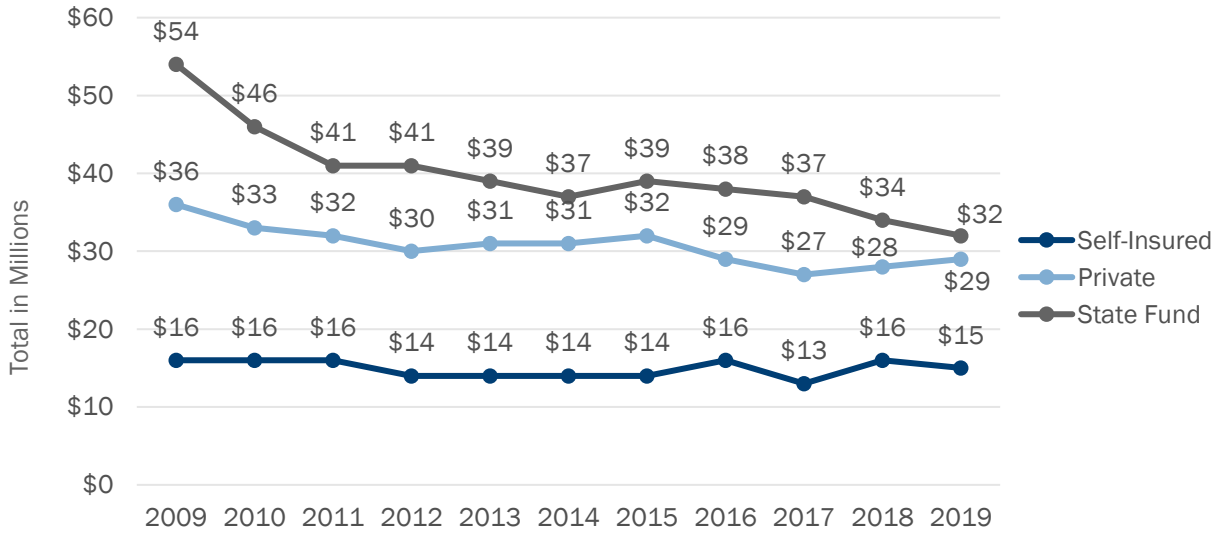
Total Medical Paid  
By Plan Type and Year of Payment in Millions



### 3.5

#### Total Indemnity Paid

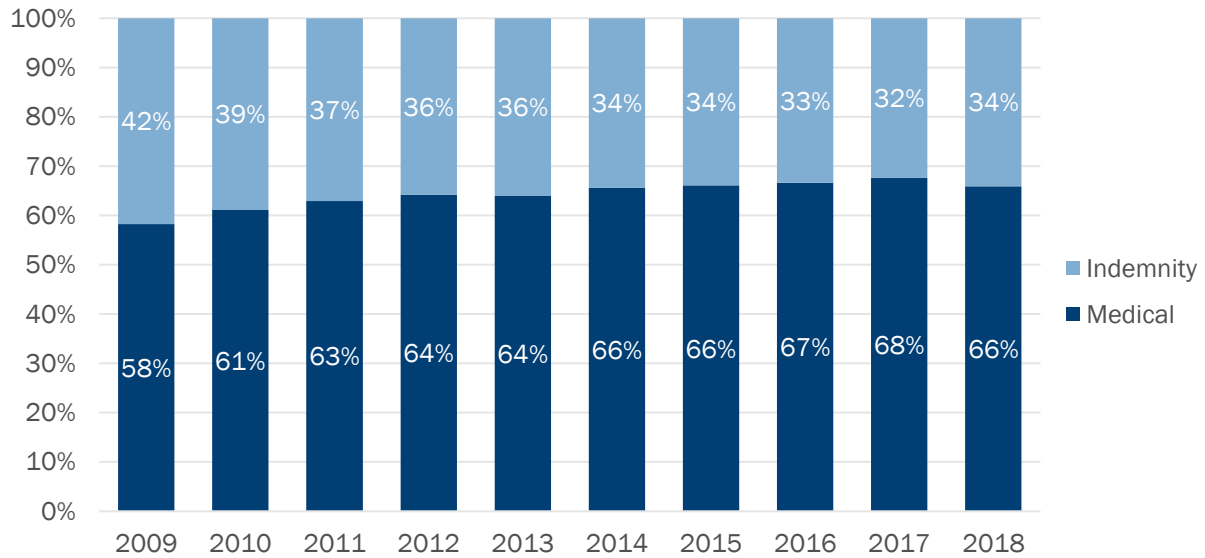
By Plan Type and Year of Payment in Millions



## BENEFIT DISTRIBUTIONS

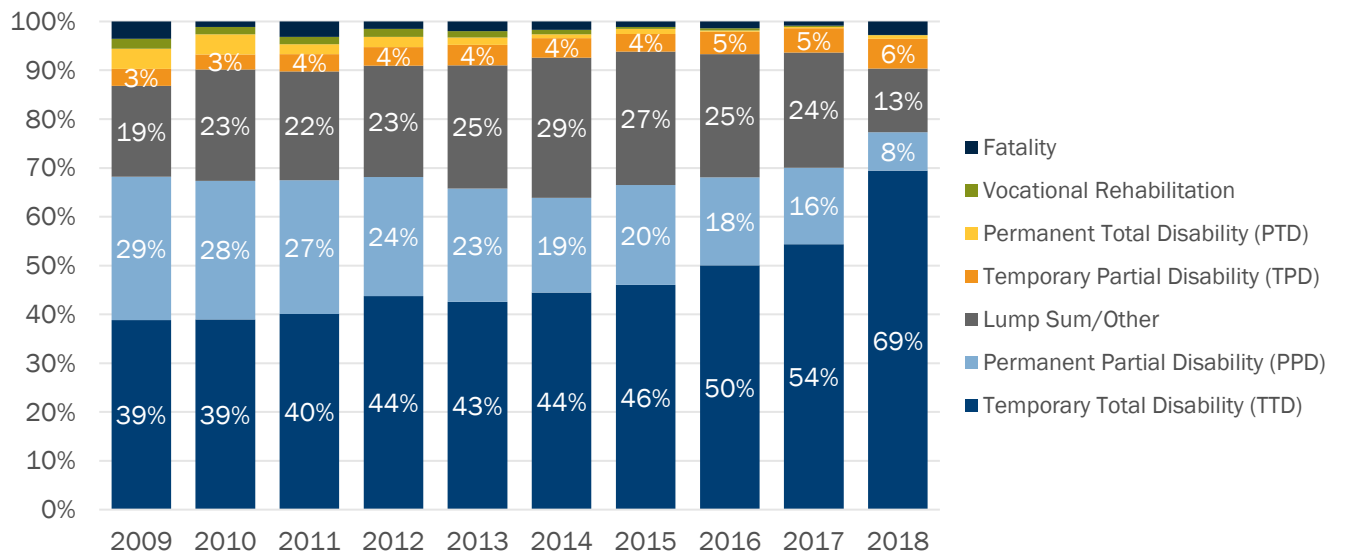
### 3.6

Percentage of Medical and Indemnity Benefits Paid  
By Year of Injury



### 3.7

Percentage of Indemnity Benefits Paid  
By Benefit Type and Year of Injury



## TEMPORARY DISABILITY PAID DURATION

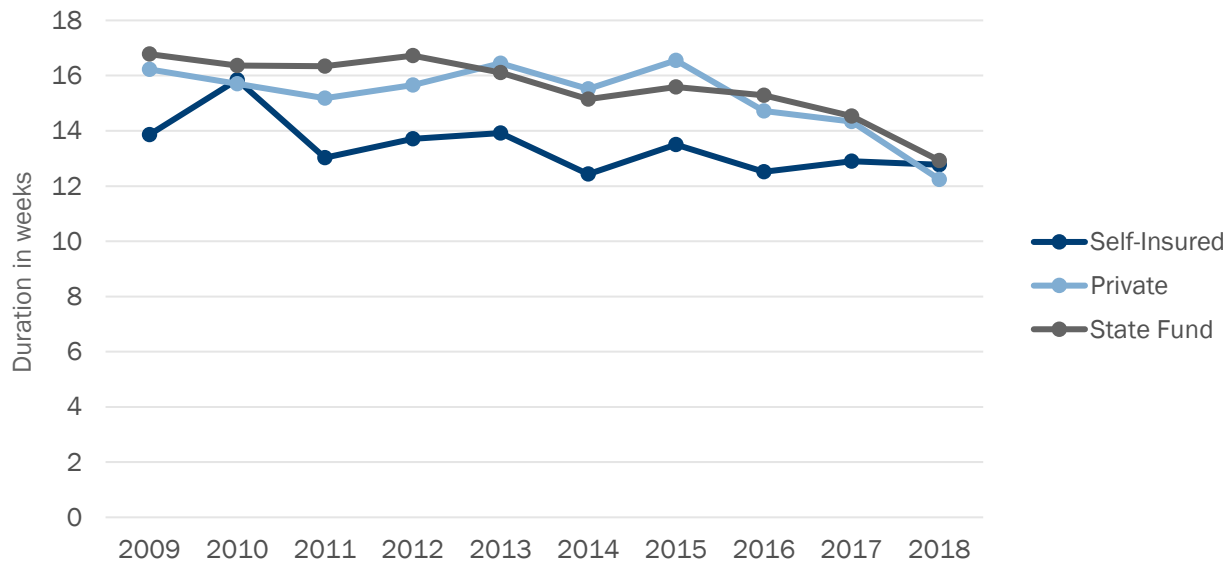
Paid disability duration is calculated as the total Temporary Total Disability (TTD) payments plus Temporary Partial Disability (TPD) payments on each injury divided by the reported weekly benefit rate for each injury. The weekly benefit rate value was chosen through the following rules:

- If TTD Weekly Benefit Rate (WBR) was available; TTD WBR was used for both TTD and TPD;
- If TTD WBR was not available, TPD WBR was used for both TTD and TPD;
- If neither TTD WBR nor TPD WBR was available, cases were excluded.

High (more than \$819 for One Year Maturity) or extremely low weekly benefit rate (less than \$60) values were excluded from the analysis due to data quality concerns. For one-year maturity, the longest maturity cannot be beyond 52 weeks.

### 3.8

Temporary Disability Paid Duration (weeks) – One Year Maturity  
By Plan Type and Year of Injury



### 3.9

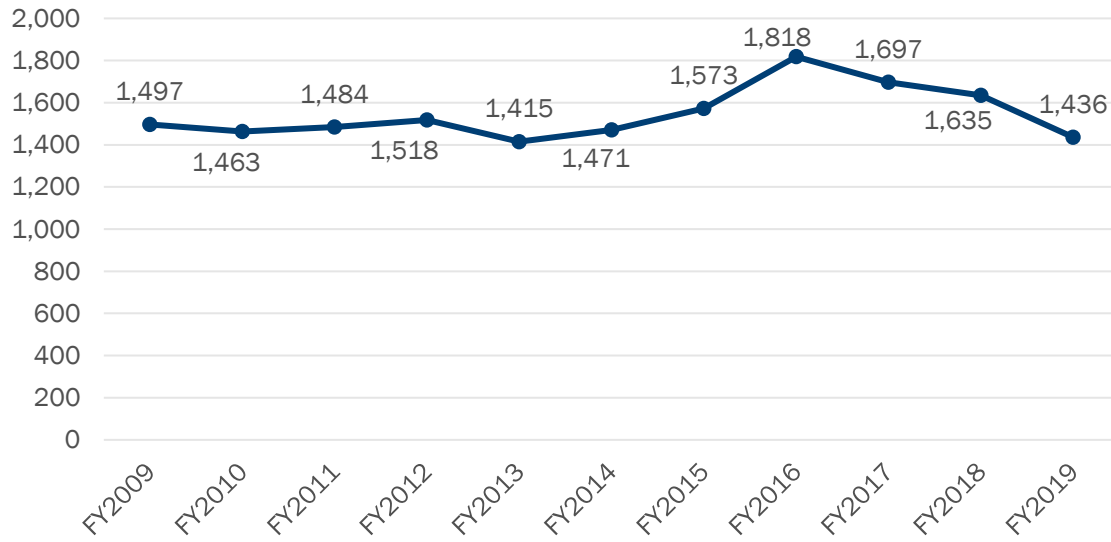
Temporary Disability Paid Duration (weeks) – One Year Maturity  
By Plan Type and Year of Injury

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<b>Self-Insured</b>	13.9	15.8	13.0	13.7	13.9	12.4	13.5	12.5	12.9	12.8
<b>Private</b>	16.2	15.7	15.2	15.7	16.4	15.5	16.6	14.7	14.3	12.2
<b>State Fund</b>	16.8	16.4	16.3	16.7	16.1	15.1	15.6	15.3	14.5	12.9
<b>Total</b>	15.6	16.0	14.8	15.4	15.5	14.4	15.2	14.2	13.9	12.6

## SETTLEMENT DOLLARS

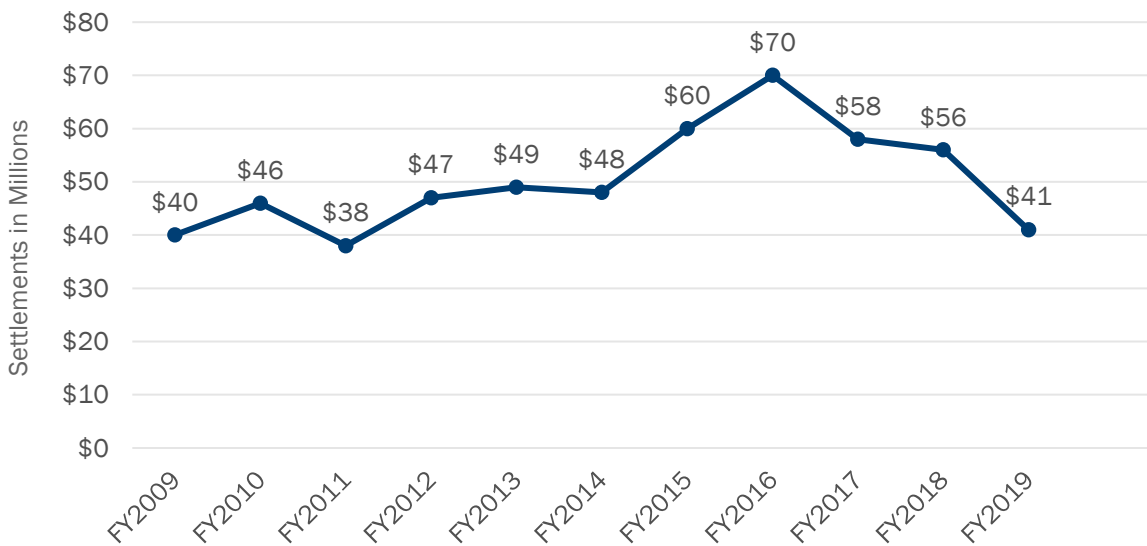
### 3.10

Total Number of Settlements  
By Fiscal Year of Decision



### 3.11

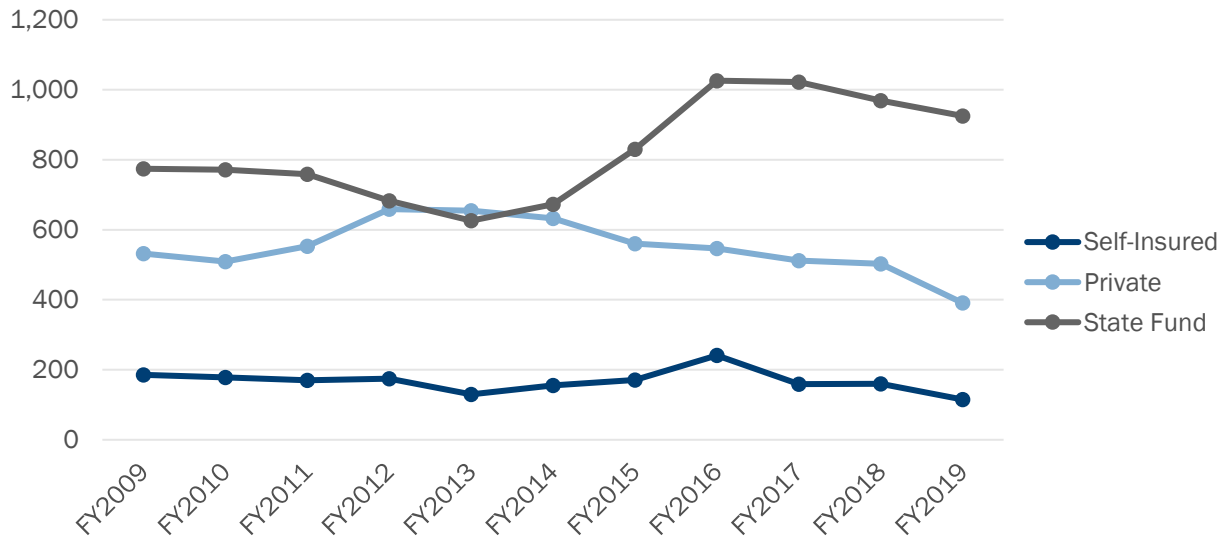
Total Settlement Paid in Millions  
By Fiscal Year of Decision





### 3.12

Total Number of Settlements  
By Plan Type and Fiscal Year of Decision



### 3.13

Total Number of Settlement and Amounts Paid  
By Plan Type and Fiscal Year of Decision

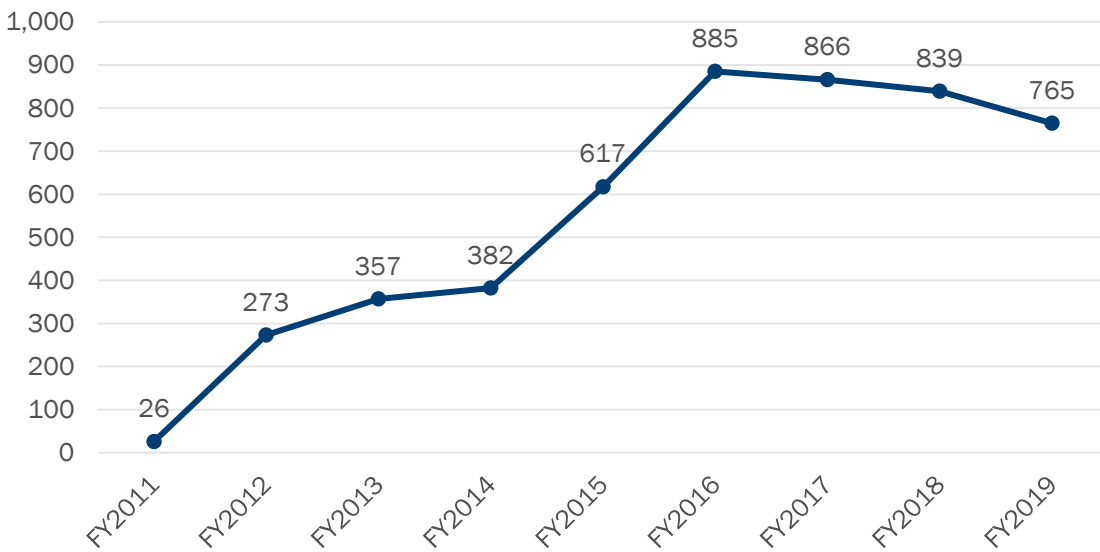
	Self-Insured		Private		State Fund	
	Count	Settled Amount	Count	Settled Amount	Count	Settled Amount
FY2009	186	\$4,562,585	532	\$12,566,076	774	\$22,825,372
FY2010	178	\$4,403,525	509	\$13,321,131	772	\$27,937,920
FY2011	170	\$4,570,260	553	\$14,514,602	759	\$19,227,524
FY2012	175	\$5,384,785	659	\$19,188,093	683	\$22,503,249
FY2013	130	\$3,992,477	655	\$23,388,995	626	\$21,519,183
FY2014	155	\$6,398,678	633	\$20,300,207	673	\$20,909,930
FY2015	171	\$7,827,209	560	\$19,279,477	830	\$32,680,577
FY2016	241	\$11,779,569	547	\$19,789,214	1,026	\$38,599,057
FY2017	159	\$4,966,058	512	\$16,125,374	1,022	\$37,134,928
FY2018	160	\$6,858,250	503	\$14,976,305	969	\$34,252,019
FY2019	115	\$3,974,192	391	\$10,700,986	925	\$25,884,911
<b>Total</b>	<b>1,840</b>	<b>\$64,717,588</b>	<b>6,054</b>	<b>\$184,150,460</b>	<b>9,059</b>	<b>\$303,474,670</b>

## SETTLEMENT OF MEDICAL BENEFITS FOR BEST INTEREST

Effective April 2011, the Montana Legislature passed legislation that allowed for undisputed future medical benefits to be settled on an accepted injury if the injured worker has reached maximum medical improvement, regardless of the date of injury. Petitions for settlement of medical benefits for “best interest” require a rationale for the settlement, a statement of why it’s in the best interest of the parties to settle the medical benefits, and a signed acknowledgment from the injured worker.

### 3.14

Number of Settlements for Best Interest  
By Fiscal Year of Decision



### 3.15

Number of Settlements for Best Interest and Total Medical Paid  
By Plan Type and Fiscal Year of Decision

	Self-Insured		Private		State Fund	
	Count	Medical Amount	Count	Medical Amount	Count	Medical Amount
FY2011	2	\$53,893	24	\$529,237	0	\$0
FY2012	36	\$814,593	172	\$3,412,978	65	\$2,098,052
FY2013	32	\$525,041	229	\$6,031,680	96	\$4,110,715
FY2014	41	\$1,120,713	230	\$4,828,140	111	\$2,294,900
FY2015	68	\$2,806,666	225	\$5,184,093	319	\$9,186,832
FY2016	76	\$3,606,110	263	\$5,761,551	546	\$15,974,297
FY2017	71	\$1,553,743	251	\$5,376,339	543	\$16,919,175
FY2018	55	\$1,592,531	231	\$4,009,588	552	\$13,075,356
FY2019	51	\$1,330,649	169	\$2,499,169	544	\$12,383,546
<b>Total</b>	<b>432</b>	<b>\$13,403,940</b>	<b>1,794</b>	<b>\$37,632,775</b>	<b>2,776</b>	<b>\$76,042,873</b>

**3.16**

Attorney Fees from Settlements (not including Work Comp Court Settlements)  
By Fiscal Year of Settlement

Fiscal Year	# of Settlements	Total Settled	Total Attorney Fees	Fee/Settlement Percentage
FY2009	837	\$28,626,766	\$5,322,827	19%
FY2010	837	\$33,600,048	\$6,111,770	18%
FY2011	818	\$27,848,212	\$4,991,247	18%
FY2012	888	\$34,266,684	\$6,174,723	18%
FY2013	813	\$36,048,446	\$6,079,253	17%
FY2014	877	\$36,166,687	\$6,537,740	18%
FY2015	900	\$44,443,172	\$7,855,899	18%
FY2016	1,055	\$52,514,437	\$9,327,262	18%
FY2017	940	\$40,268,919	\$7,158,340	18%
FY2018	864	\$35,710,711	\$6,444,191	18%
FY2019	662	\$29,338,255	\$5,343,858	18%

## INJURED WORKER ATTORNEY FEES

### 3.17

Total Attorney Legal Fees  
By Year of Injury

	Claim Count	Total Legal Fees
2009	654	\$5,539,917
2010	655	\$4,684,815
2011	728	\$5,162,014
2012	743	\$5,635,862
2013	729	\$4,869,870
2014	713	\$4,944,138
2015	637	\$4,370,662
2016	586	\$4,198,431
2017	494	\$3,487,363
2018	359	\$2,133,550
<b>Total</b>	<b>6,298</b>	<b>\$45,026,621</b>

### 3.18

Total Attorney Legal Fees  
By Plan Type and Year of Injury

	Self-Insured		Private		State Fund	
	Claim Count	Total Legal Fees	Claim Count	Total Legal Fees	Claim Count	Total Legal Fees
2009	99	\$849,132	251	\$1,596,404	303	\$3,090,005
2010	101	\$886,422	278	\$1,928,050	273	\$1,866,930
2011	91	\$752,083	314	\$2,174,666	316	\$2,186,294
2012	100	\$566,438	307	\$1,918,615	331	\$3,130,124
2013	87	\$553,738	349	\$2,257,113	289	\$2,045,835
2014	81	\$543,204	276	\$1,606,949	347	\$2,743,127
2015	66	\$387,324	311	\$1,947,018	253	\$2,005,433
2016	89	\$702,093	255	\$1,610,385	237	\$1,880,028
2017	63	\$760,343	236	\$1,230,956	194	\$1,496,064
2018	44	\$288,050	168	\$904,228	144	\$932,732
<b>Total</b>	<b>821</b>	<b>\$6,288,829</b>	<b>2,745</b>	<b>\$17,174,384</b>	<b>2,687</b>	<b>\$21,376,573</b>

## INSURER LEGAL EXPENSES

### 3.19

Total Insurer Legal Expenses  
By Plan Type and Year of Injury

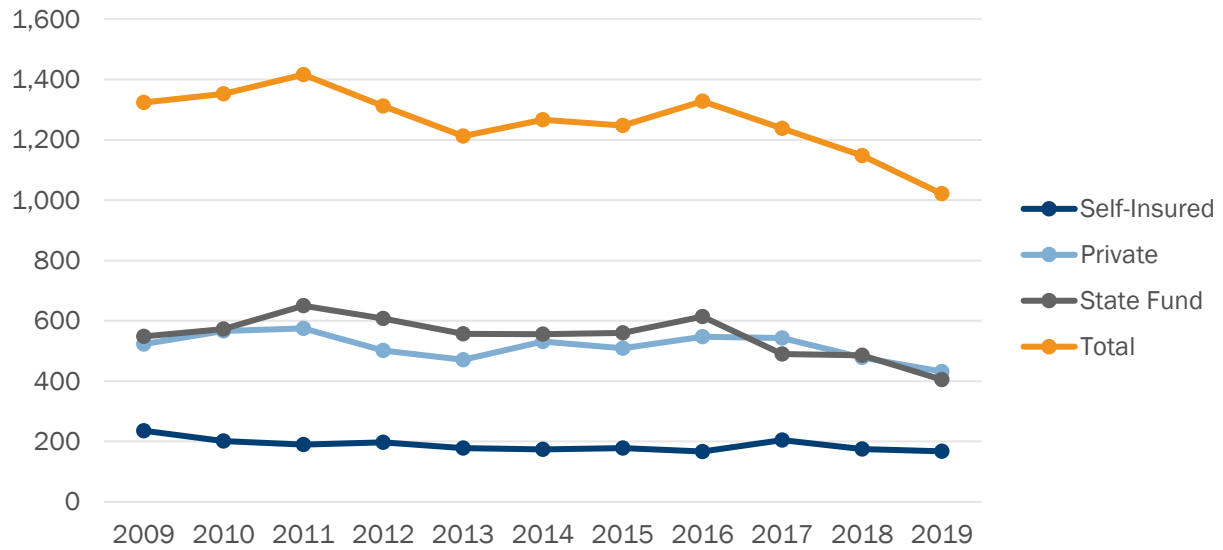
	Self-Insured		Private		State Fund	
	Claim Count	Fee Amount	Claim Count	Fee Amount	Claim Count	Fee Amount
<b>2009</b>	128	\$413,697	348	\$1,088,891	331	\$858,538
<b>2010</b>	144	\$750,462	371	\$1,197,379	283	\$639,785
<b>2011</b>	118	\$670,539	335	\$1,227,204	303	\$709,179
<b>2012</b>	117	\$542,441	309	\$1,380,617	229	\$588,647
<b>2013</b>	123	\$705,505	327	\$1,156,094	220	\$533,399
<b>2014</b>	110	\$402,790	238	\$1,083,531	259	\$684,760
<b>2015</b>	108	\$433,688	252	\$1,335,224	221	\$677,181
<b>2016</b>	107	\$375,200	171	\$831,578	231	\$668,356
<b>2017</b>	88	\$291,629	230	\$916,380	214	\$564,405
<b>2018</b>	86	\$304,586	155	\$595,815	173	\$389,643
<b>Total</b>	<b>1,129</b>	<b>\$4,890,539</b>	<b>2,736</b>	<b>\$10,812,713</b>	<b>2,464</b>	<b>\$6,313,893</b>

## MEDIATION

### 4.1

Claims in Mediation

By Plan Type and Year of Receipt



### 4.2

Mediation Petitions

By Year of Receipt

	2015	2016	2017	2018	2019
<b>Resolved</b>	1,055	1,108	997	882	678
<b>Unresolved</b>	191	219	234	219	136
<b>Pending</b>	1	1	7	47	207
<b>Total</b>	<b>1,247</b>	<b>1,328</b>	<b>1,238</b>	<b>1,148</b>	<b>1,021</b>

See **Section 6** for “Mediation Benefit Issues” definitions.

### 4.3

#### Mediation Petitions

By Benefit Issue and Year of Receipt

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Medical Benefits</b>	533	714	650	561	397
<b>Wage Loss Benefits</b>	471	554	529	461	315
<b>Relatedness</b>	231	207	209	181	130
<b>Injury/Occupational Requirement</b>	188	156	130	101	90
<b>Course and Scope</b>	61	77	66	63	54
<b>Access to Records</b>	98	112	113	90	53
<b>Notice/Filing Time</b>	56	74	66	41	42
<b>Rehab Benefits</b>	30	35	35	27	20
<b>Employment/Insurance Coverage</b>	36	32	22	19	16
<b>Calculation of Wages</b>	24	29	24	15	12
<b>Other</b>	94	82	88	141	105
<b>Total</b>	<b>1,822</b>	<b>2,072</b>	<b>1,932</b>	<b>1,700</b>	<b>1,234</b>

(One mediation could have multiple benefit issues)

## WORKERS' COMPENSATION COURT (WCC)

### 4.4

Petitions Received by the WCC  
By Case Type and Fiscal Year of Receipt

	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Self-Insured	26	39	43	31	25	51	55
Private	99	82	101	88	124	134	182
State Fund	83	76	75	89	90	106	121
UEF & Other	10	9	5	7	10	8	10
<b>Total</b>	<b>218</b>	<b>206</b>	<b>224</b>	<b>215</b>	<b>249</b>	<b>299</b>	<b>368</b>

(Petitions may involve more than one case type)

### 4.5

Decisions by the WCC  
By Fiscal Year of Receipt

	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Decisions	199	174	178	213	237	276	357
Substantive Orders	40	34	31	23	22	27	22
Orders on Cost	7	4	4	0	2	6	4
Attorney Fee Orders	5	1	2	0	2	0	3
Orders on Appeal	3	1	0	2	4	5	4
Subtotal	254	214	215	238	267	314	390
Petitions Dismissed by Agreement	40	52	22	25	16	20	24
<b>Total</b>	<b>294</b>	<b>266</b>	<b>237</b>	<b>263</b>	<b>283</b>	<b>334</b>	<b>414</b>

### 4.6

Full and Final Compromise Settlements by the WCC  
By Case Type and Fiscal Year of Receipt

	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Self-Insured	1	3	2	6	2	0	0
Private	3	11	5	10	5	4	1
State Fund	6	7	6	13	11	17	25
<b>Total</b>	<b>10</b>	<b>21</b>	<b>13</b>	<b>29</b>	<b>18</b>	<b>21</b>	<b>26</b>

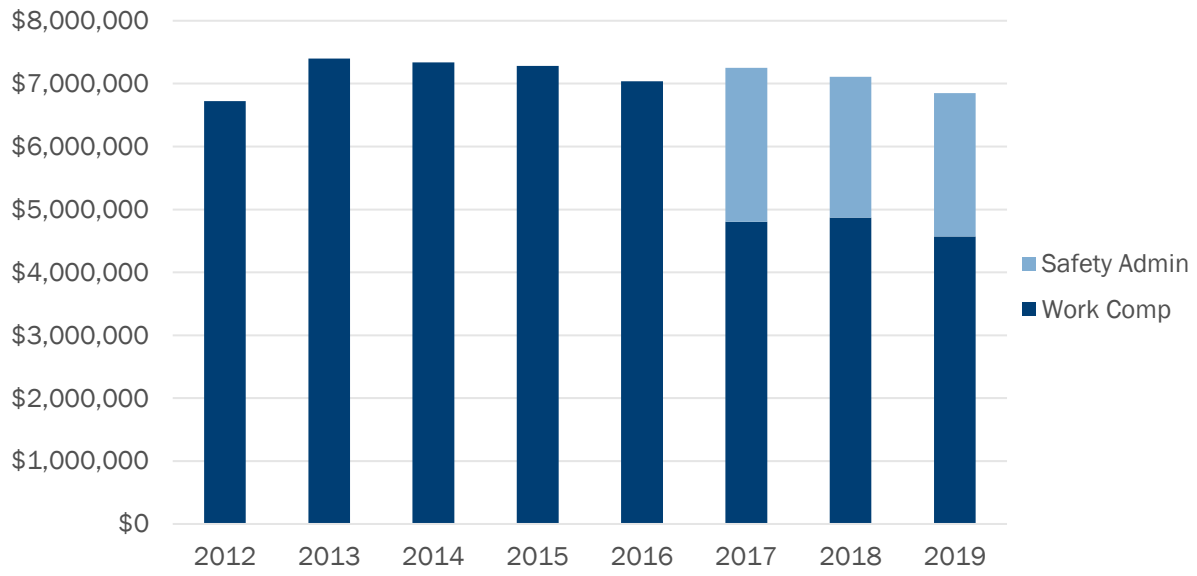


SECTION 5- EMPLOYMENT RELATIONS DIVISION PROGRAMS

WORKERS' COMPENSATION ASSESSMENTS AS EXPENDED

5.1

Workers' Compensation and Safety Administration Assessments as Expended by Program Year



## SUBSEQUENT INJURY FUND (SIF)

### 5.2

SIF Payments and Dollars Assessed  
By Plan Type and Fiscal Year

	Self-Insured		Private		State Fund	
	Payment	Assessment	Payment	Assessment	Payment	Assessment
<b>FY2008</b>	\$405,627	\$89,001	\$103,636	\$149,929	\$118,420	\$213,388
<b>FY2009</b>	\$244,428	\$107,095	\$137,534	\$156,197	\$435,160	\$269,964
<b>FY2010</b>	\$73,584	\$121,149	\$175,272	\$200,713	\$99,173	\$313,037
<b>FY2011</b>	\$110,219	\$172,394	\$115,125	\$357,840	\$190,009	\$464,691
<b>FY2012</b>	\$110,196	\$59,781	\$153,050	\$147,592	\$456,430	\$283,554
<b>FY2013</b>	\$375,991	\$82,383	\$278,648	\$65,624	\$562,552	\$131,510
<b>FY2014</b>	\$31,989	\$127,827	\$219,437	\$365,669	\$455,896	\$448,232
<b>FY2015</b>	\$44,671	\$216,790	\$287,916	\$514,133	\$532,231	\$759,991
<b>FY2016</b>	\$147,774	\$126,804	\$230,368	\$268,053	\$1,086,556	\$514,657
<b>FY2017</b>	\$271,404	\$344,965	\$93,448	\$672,984	\$746,478	\$898,505
<b>FY2018</b>	\$326,347	\$215,070	\$367,138	\$341,150	\$645,240	\$677,411
<b>FY2019</b>	\$69,659	\$231,904	\$99,589	\$460,974	\$170,498	\$581,291
<b>FY2020</b>	\$0	\$193,644	\$118,435	\$121,639	\$256,061	\$150,282
<b>Total</b>	<b>\$2,211,890</b>	<b>\$2,088,806</b>	<b>\$2,379,596</b>	<b>\$3,822,497</b>	<b>\$5,754,703</b>	<b>\$5,706,513</b>

### 5.3

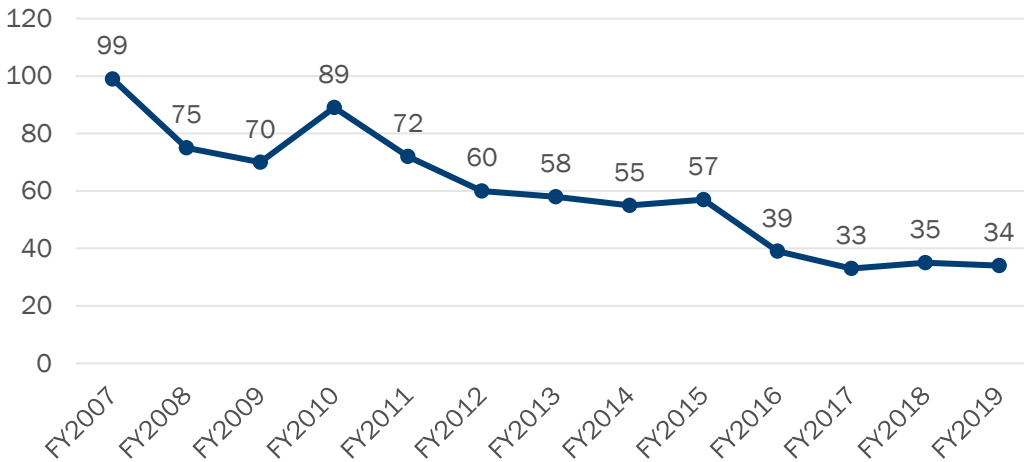
SIF Applications  
By Fiscal Year

	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
<b>Approvals</b>	208	118	82	73	53	36	21	34	26	15
<b>Denials</b>	101	85	38	48	15	44	40	27	30	28
<b>Pending</b>	0	0	0	0	16	24	1	1	0	8
<b>Total</b>	<b>309</b>	<b>203</b>	<b>120</b>	<b>121</b>	<b>84</b>	<b>104</b>	<b>62</b>	<b>62</b>	<b>56</b>	<b>51</b>

## UNINSURED EMPLOYERS' FUND

### 5.4

Uninsured Employers' Fund Claims  
By Fiscal Year Received



### 5.5

Uninsured Employers' Fund - Financial Activity  
By Fiscal Year of Payment

	Collections	Expenses
FY2013	\$1,787,554	\$1,958,522
FY2014	\$1,430,236	\$2,400,458
FY2015	\$1,659,289	\$2,148,756
FY2016	\$1,927,259	\$1,786,972
FY2017	\$1,366,865	\$1,756,351
FY2018	\$1,318,551	\$1,143,534
FY2019	\$1,341,315	\$1,527,425

### 5.6

Uninsured Employers' Fund - Medical and Indemnity Payments  
By Fiscal Year of Payment

	Medical	Indemnity	Total
FY2013	\$284,351	\$293,216	\$577,567
FY2014	\$416,033	\$373,937	\$789,971
FY2015	\$487,717	\$540,858	\$1,028,575
FY2016	\$168,025	\$289,354	\$457,380
FY2017	\$235,870	\$144,905	\$380,774
FY2018	\$200,174	\$192,141	\$392,315
FY2019	\$514,431	\$373,051	\$887,483

## CONSTRUCTION CONTRACTOR REGISTRATION & INDEPENDENT CONTRACTOR EXEMPTION CERTIFICATES

### 5.7

Registered Construction Contractor Applications  
By Fiscal Year

	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018
<b>Applications Received</b>	5,463	5,168	5,774	5,555	6,022	5,780
<b>Bid-Only Contractors</b>	281	265	300	265	287	243

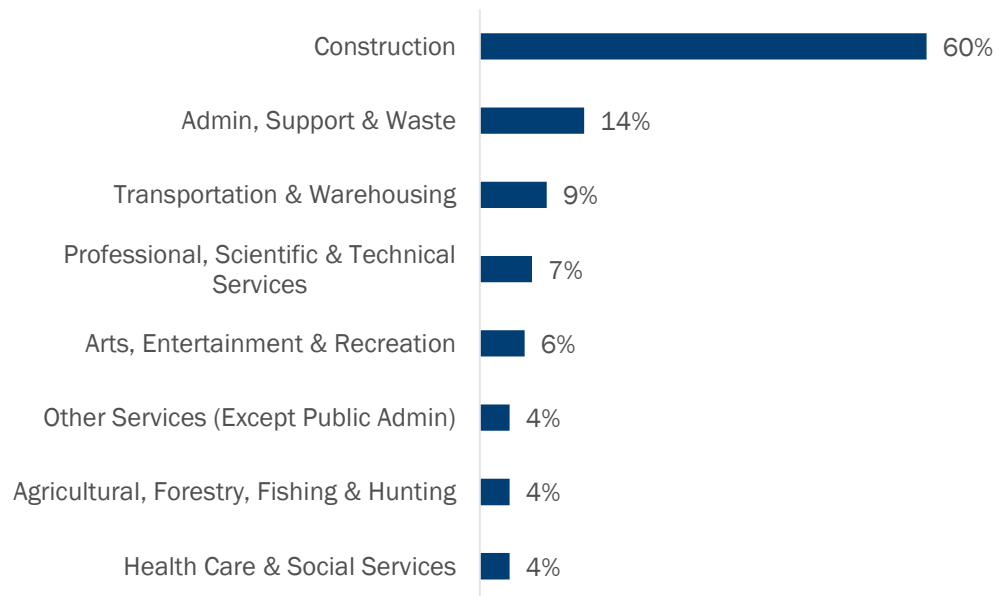
### 5.8

Independent Contractor Exemptions  
By Fiscal Year

	2014	2015	2016	2017	2018
<b>Active Independent Contractors</b>	21,170	23,466	24,267	25,039	25,889

### 5.9

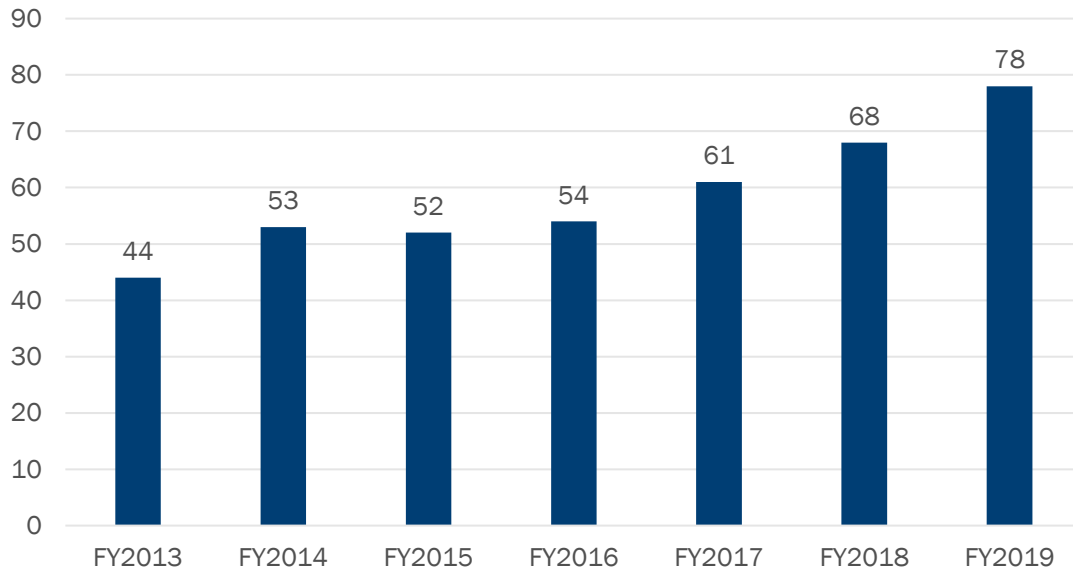
Independent Contractor Exemptions Applications – 2018  
By Industry



## PROFESSIONAL EMPLOYER ORGANIZATIONS (PEO)

### 5.10

Licensed Professional Employer Organizations  
By Fiscal Year



### 5.11

Number of Active PEO Employers and Number of Leased Employees (Average Quarterly Count)  
By Fiscal Year

	Active PEO Employers	Number of Leased Employees
FY2013	451	3,399
FY2014	505	3,678
FY2015	573	3,876
FY2016	624	4,611
FY2017	701	4,982
FY2018	763	6,544
FY2019	874	7,449

## SAFETY & HEALTH

### CONSULTATION

#### 5.12

Public Employer Consultation Activities  
By Fiscal Year

	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
State Government	19	13	45	42	2	3
County Government	9	9	19	32	4	13
City Government	6	12	21	40	13	17
College/Public Schools	6	8	14	12	42	6
Tribal Visits	-	-	-	-	2	1
<b>Total Visits</b>	<b>40</b>	<b>42</b>	<b>99</b>	<b>126</b>	<b>63</b>	<b>40</b>
<b>Total Interventions</b>	<b>89</b>	<b>80</b>	<b>89</b>	<b>93</b>	<b>56</b>	<b>34</b>

#### 5.13

Private Employer Consultation Activities  
By Federal Fiscal Year

	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Number of Employees covered	21,928	12,754	24,899	16,977	23,682	17,555
Number of Hazards Identified in work place	767	486	1,154	858	789	638
Total Visits	218	228	294	261	240	188
Total Interventions	145	95	111	113	102	119

### OUTREACH AND EDUCATION

#### 5.14

SafetyFestMT - FY19

	Number of Attendees	Number of Classes
Lewistown	149	47
Bozeman	363	42
Missoula	546	51
Sidney	199	38
<b>Total</b>	<b>1,257</b>	<b>178</b>

## MINE SAFETY

### 5.15

Mine Safety Activities  
By Fiscal Year of Activity

	FY2015	FY2016	FY2017	FY2018	FY2019
Coal Mine Inspections	12	12	14	13	18
Sand & Gravel Inspections	120	77	69	49	60
Classes Taught (Metal/Nonmetal/Coal)	87	57	76	63	66

## PUBLIC SECTOR SAFETY

### 5.16

Public Sector Safety Activities  
By Fiscal Year of Activity

	FY2015	FY2016	FY2017	FY2018	FY2019
Inspections	3	205	448	332	318
Interventions	34	25	58	21	22

## CLAIMS EXAMINER CERTIFICATION

### 5.17

Claims Examiner Certification Activities  
By Fiscal Year

	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Total Examiners Certified as of FY End	124	136	159	157	154	-	154
New Examiners Certified	7	21	14	25	24	25	23
Department Approved Courses	5	18	14	24	17	17	12

## FIVE-YEAR REOPENING PROCESS FOR MEDICAL BENEFITS

For injuries with dates of injury or occupational diseases on or after July 1, 2011.

### 5.18

Five-Year Reopening Petitions  
By Year Filed

Calendar Year	Total Petitions	Number of Petitions Approved	Approved Petitions with 2-Year Reviews
2016	35	19	-
2017	89	53	-
2018	107	73	19
2019	102	81	47
2020	3	3	28
Total	336	229	94

## INDEPENDENT MEDICAL REVIEWS

### 5.19

Total Independent Medical Reviews  
By Resolution and Fiscal Year

	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Not Recommended	16	2	7	10	9	11	3
Did Not Qualify for IMR	4	3	2	7	0	2	0
Recommended	2	7	5	2	9	5	4
Recommended Other Guideline Treatments	19	9	2	1	0	0	0
Recommended with Conditions	1	3	0	1	1	1	1
Totals	42	24	16	21	19	19	8



## DEFINITIONS

Depending on the type of injury and benefit reporting issues, an injury may not be reported or receive benefits until two or more years after the date of injury or illness. These charts should not be construed to represent the duration of Injuries.

**Bid-Only Contractors:** Out of state construction contractors bidding on a job in Montana without having Montana specific workers' compensation coverage, but after obtaining the job must secure Montana coverage

**Calendar Year:** The year beginning January 1 and ending December 31.

**Cause of Injury (Code(s)):** for this report, the cause of injury major groupings are:

**Abrasion (95)** – rubbed or abraded

**Absorption, Ingestion, Inhalation (82)** – applies to non-impact cases in which the injury resulted from inhalation, absorption or skin contact, or ingestion of harmful substances

**Burn (04 and 07)** – from fire or flame, or flash burn to skin or eyes

**Caught In, Under or Between (10, 12, 13, and 20)** – from machine or machinery, or an object being handled, or collapsing materials including slides of earth

**Chemical Exposure (01)** - includes hydrochloric acid, sulfuric acid, battery acid, methanol, or antifreeze

**Cold Exposure (11)** – cold objects or substances

**Continual Noise (52)** – injury to ears or hearing due to the cumulative effects of constant or repetitive noise

**Criminal Act (89, 93, and 96)** – injury caused as a result of contact between another person in the event of a robbery or crime or an injury resulting from a gunshot or an act committed out of terrorism

**Dust, Gases, Fumes (06)** - includes inhalation of carbon dioxide, carbon monoxide, propane, methane, silica (quartz), asbestos dust and smoke

**Electrocution (84)** - includes electric shock, electrocution and lightning

**Extreme Temperatures (03)** – non-impact injuries resulting in a burn due to hot or cold temperatures extremes and includes freezing or frostbite

**Fall, Slip, Trip (25, 26, 27, 28, 29, 30, 31, 32, and 33)** – includes collapsing chairs, falling from piled materials, off wall, catwalk, or bridge, from ladder or scaffolding, from liquid or grease spill, into openings, on same level, on ice or snow, or on stairs

**Foreign Matter in Eye(s) (87)** – injury to eyes resulting from foreign matter

**Hot Exposure (02 and 05)** – hot objects or substances or steam or hot fluids

**Mental (90)** – stress, shock, or psychological trauma

**Motor Vehicle (40, 41, 45, 46, 47, 48, 50, and 77)** – crash of water vehicle or rail vehicle, collision or sideswipe of another vehicle, collision with a fixed object, crash of airplane, vehicle upset, or injuries due to a sudden stop or start, being thrown against interior parts of a vehicle or vehicle contents being thrown against occupants

**Other (88 and 99)** – including not classified and natural disasters

**Other Cumulative (98)** – involves cases in which the cause of injury occurred over a period of time or any condition increasing in severity over time

**Other Exposure (09, 14, and 91)** – contact with cleaning agents or fertilizers, abnormal air pressure, or exposure to mold

**Puncture, Cut, Scrape (15, 16, 17, 18, and 19)** – including broken glass, hand or power tools, objects being lifted or handled

**Radiation (08)** - includes effects of ionizing radiation found in x-rays, microwaves, nuclear reactor waste, and radiating substances and equipment or non-ionizing radiation such as sunburn

**Repetitive Motion (94 and 97)** – caused by repeated rubbing or abrading, and applies to non-impact cases in which the injury was produced by pressure, vibration or friction and could include callous or blister or cumulative injury or condition caused by continual repeated motion or strain from excessive use such as carpal tunnel

**Strain (53, 54, 55, 56, 57, 58, 59, 60, and 61)** – twisting, jumping or leaping, holding or carrying, lifting, pushing or pulling, reaching, using tool or machinery, or wielding or throwing

**Strike Against or Step On (65, 66, 67, 68, 69, and 70)** – moving part of a machine, objects being lifted or handled, sanding, scraping, or cleaning, a stationary object, or stepping on a sharp object

**Struck by Object (74, 75, 76, 78, 79, 80, 81, 85, and 86)** – by fellow worker, patient, or other person either intentional or accidental but not in the act of a crime, falling or flying object, hand tool or machine in use, moving parts of a machine, objects being lifted or handled, object handled by others, kicked, stabbed or bitten, animal or insect bite or sting, or explosion or flare back

Cause of injury code descriptions can be found at [https://wcio.org/Active%20PNC/WCIO\\_Cause\\_Table.pdf](https://wcio.org/Active%20PNC/WCIO_Cause_Table.pdf), maintained by the Workers' Compensation Insurance Organizations (WCIO)

**Employment Relations Division (ERD):** ERD is part of the Montana Department of Labor & Industry. The Division provides a wide variety of services and regulations related to the employer-employee relationship. This includes issues involving workers' compensation coverage and Injuries, human rights Injuries, workplace safety and health, wage and hour Injuries, prevailing wage Injuries, and public sector collective bargaining.

**Extra-Territorial Reciprocal Agreement:** A formal agreement between two states which allows employers temporarily doing business away from their home state to utilize their workers' compensation coverage in the other state, without needing to purchase additional coverage. When an agreement is in effect with another state, it allows for employers with workers from that state to work in Montana temporarily without purchasing Montana coverage. It, in turn, allows Montana employers with workers to temporarily do business in the other state without purchasing that state's required coverage. The ERD Workers' Compensation Regulations Bureau oversees extra-territorial reciprocal agreements with Washington, Oregon, Idaho, Wyoming, Utah, and North and South Dakota.

**Fiscal Year:** The State of Montana's fiscal year begins July 1 and ends June 30 of the following year. (Example: 07/01/15 - 06/30/16 = FY16)

**First Report of Injury and Occupational Disease (FROI):** The initial report designed to notify parties of the occurrence of an injury or occupational disease. The FROI contains basic injury information about the worker, accident, employer and insurer. It is completed and submitted to ERD by employees, employers, or insurers. The Annual Report includes information on all injuries and occupational diseases reported to ERD; however, all injuries and occupational diseases that occurred in Montana may not have been reported.

**Indemnity Benefits:** Any payment made directly to the worker (or the worker's beneficiaries), other than a medical benefit. The term includes payments made pursuant to a reservation of rights, or in settlement of a dispute over initial compensability of the Injury. The term does not include expense reimbursements for items such as meals, travel, or lodging. ARM 24.29.4303 (4)

**Independent Medical Review (IMR):** A physician, injured worker, insurer, or injured worker representative may request an IMR by the Department's medical director for medical treatment denied by the insurer, prior to mediation under 39-71-2401, MCA. The medical director will review the medical records of the injured worker and other information relevant to the denial and issue a recommendation. The medical director is the specific individual designated by the Department to serve as the medical director with respect to a given set of disputed treatments or procedures. The medical director's review and recommendation is an informal alternative dispute resolution process without administrative or judicial authority and is not binding on the parties.

**Industry:** The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. NAICS codes are grouped into different industrial divisions. The following is a list of examples of each division:

**Accommodation and Food Services** - lodging and/or preparing meals, snacks, and beverages

**Administrative and Support and Waste Management and Remediation Services** - support activities for the day-to-day operations of other organizations including office administration, hiring and placing of personnel, document preparation and similar clerical services, solicitation, collection, security and surveillance services, cleaning, and waste disposal services

**Agriculture, Forestry, Fishing, and Hunting** - growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitats

**Arts, Entertainment, and Recreation** - services that meet varied cultural, entertainment, and recreational interests of their patrons including (1) producing, promoting, or participating in live performances, events, or exhibits intended for public viewing; (2) exhibiting objects and sites of historical, cultural, or educational interest; and (3) services that enable patrons to participate in recreational activities or pursue amusement, hobby, and leisure-time interests

**Construction** - construction of buildings or engineering projects (e.g., highways and utility systems) including the preparation of sites for new construction and establishments primarily engaged in subdividing and for sale of building sites

**Educational Services** - provide instruction and training in a wide variety of subjects including schools, colleges, universities, and training centers, either privately owned and operated for profit or not for profit, or publicly owned and operated

**Finance and Insurance** - engaged in financial transactions (transactions involving the creation, liquidation, or change in ownership of financial assets) and/or in facilitating financial transactions

**Health Care and Social Assistance** - health care and social assistance for individuals including both health care and social assistance because it is sometimes difficult to distinguish between the boundaries of these two activities

**Information** - produce and distribute information and cultural products, provide the means to transmit or distribute these products as well as data or communications, and process data

**Management of Companies and Enterprises** - hold the securities of, or other equity interests in, companies and enterprises for the purpose of owning or controlling interest or influencing management decisions, or administer, oversee, and manage establishments of the company or enterprise

**Manufacturing** - engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products and the assembling of component parts of manufactured products is considered manufacturing, except in cases where the activity is appropriately classified Construction

**Mining, Quarrying, and Oil and Gas Extraction** - extraction of naturally occurring mineral solids, such as coal and ores; liquid minerals, such as crude petroleum; and gases, such as natural gas

**Other Services (except Public Administration)** - services not specifically provided for elsewhere in the classification system and engaged in activities such as equipment and machinery repairing, promoting or administering religious activities, grantmaking, advocacy, and providing dry-cleaning and laundry services, personal care services, death care services, pet care services, photofinishing services, temporary parking services, and dating services

**Professional, Scientific, and Technical Services** - professional, scientific, and technical activities for others and require a high degree of expertise and training, including legal advice and representation; accounting, bookkeeping, and payroll services; architectural, engineering, and specialized design services; computer services; consulting services; research services; advertising services; photographic services; translation and interpretation services; veterinary services; and other professional, scientific, and technical services

**Public Administration** - federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, or judicial authority over other institutions within a given area

**Real Estate and Rental and Leasing** - primarily engaged in renting, leasing, or otherwise allowing the use of tangible or intangible assets, and establishments providing related services including the major portion of this sector that rent, lease, or otherwise allow the use of their assets by others

**Retail Trade** - engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise

**Transportation and Warehousing** - transportation of passengers and cargo, warehousing and storage for goods, scenic and sightseeing transportation, and support activities related to modes of transportation including air, rail, water, road, and pipeline

**Utilities** - engaged in the provision of the following utility services: electric power, natural gas, steam supply, water supply, and sewage removal

**Wholesale Trade** - selling of wholesale merchandise, generally without transformation, or rendering including goods related to agriculture, mining, manufacturing, and certain information industries, such as publishing

**International Association of Industrial Accident Boards and Commissions (IAIABC):** The IAIABC is a not-for-profit trade association representing government agencies charged with the administration of workers' compensation systems throughout the United States, Canada, and other nations and territories. The IAIABC represents workers' compensation professionals, medical providers, insurers, and corporate agencies with 60 jurisdictions and over 150 associate corporate members. Working groups standardize reporting of workers' compensation data. Standards have been developed for communicating data electronically through Electronic Data Interchange (EDI).

**Mediation Benefit Issues:** Disputes are identified by detailed subjects or issues. Multiple issues may be identified for a single dispute. The issues are categorized as follows:

**Medical Benefits:** Includes medical treatment, domiciliary care entitlement, travel expenses, choice of treating physician, re-authorization of medical services, chiropractic treatment, co-payments, medical benefit rates, and miscellaneous medical issues.

**Wage Loss Benefits:** Includes Temporary Total Disability (TTD), Temporary Partial Disability (TPD), Permanent Partial Disability (PPD), and Permanent Total Disability (PTD) benefits.

**Relatedness:** Includes issues of aggravation, subsequent injury, heart attack, psychological conditions, and others.

**Injury/Occupational Requirement:** Disputes concerning whether a medical condition meets the legal definition of injury and occupational disease and/or disputes over whether a medical condition arises within the course and scope of employment.

**Access to Records:** Disputes or delays in obtaining Injury file records and/or related medical records.

**Notice/Filing Time:** Includes disputes over statutory notice to employer and timely filing of the Injury.

**Course & Scope:** Center on whether or not the injured worker was within the performance of his/her employment at the time of the event and if the injury or OD arose out of that employment. There are many varied scenarios within this category.

**Employment/Insurance Coverage:** Consists of disputes over employment, coverage, and responsible insurer.

**Rehabilitation Benefits:** Disputes over retraining benefits and assistance with job placement, for all dates of injury.

**Calculation of Wages:** Disputes involving non-monetary compensation, concurrent wages, and appropriate wage periods. (Wages are used for calculation of compensation rates.)

**Other:** Includes a variety of less frequently disputed issues, the most common of which are other refusal or delay, lump-sum payment disputes, death benefits, and reopening settlements.

**Medical Benefits:** Payments for hospitals, physicians, health care providers, prescriptions, and other medical care costs associated with an injury for benefits.

**Montana Code Annotated (MCA):** The definitive guide to Montana laws, consisting of the Constitution, codes, and statutes. The MCA is normally published each odd-numbered year, incorporating changes made by the Legislative session of that year.

**Nature of Injury (Code):** for this report, the nature of injury major groupings are:

**Amputation (02)** – cut off extremity, digit, protruding part of the body, usually by surgery

**Asphyxiation (54)** – strangulation or drowning

**Bruise, Swelling (10 and 37)** – contusion or inflammation

**Burn (04)** – heat or chemical burn or scald

**Cancer (74)** - a malignant growth or tumor resulting from the division of abnormal cells

**Carpal Tunnel Syndrome (78)** – soreness, tenderness or weakness of the muscles of the thumb caused by pressure on the median nerve at the point at which it goes through the carpal tunnel of the wrist

**Concussion (07)** – a heavy blow to the head

**Contagious Disease (73)** – a disease that can be transmitted to other persons

**Crushing (13)** – grind, pound, or break into small bits

**Cut, Puncture, Abrasion (40 and 43)** – laceration including cut, scratch, abrasion, superficial wound, or callus, or puncture

**Dislocation (16)** – normal position of a joint or another part of the body is disturbed or out of place

**Electric Shock (19)** - electrocution

**Enucleation (22)** – surgical removal of an organ or tumor ex. Eye

**Fainting (53)** – swooning, losing consciousness or passing out

**Foreign Body (25)** – an object or piece of matter that entered the body by accident

**Fracture (28)** – breaking of a bone or cartilage

**Freezing (30)** – frostbite and other effects of exposure to low temperature

**Hearing Loss (31 and 72)** – traumatic injury or loss of hearing

**Heart Attack or Related (03, 41, and 55)** – chest pain, heart attack, heart conditions, hypertension, or stroke

**Hernia (34)** – abnormal protrusion of an organ

**Infection (36)** – an invasion of bacteria, fungi, viruses, mold, or insects

**Mental (01, 69, and 77)** – mental disorder, or mental stress, with no physical injury

**Multiple Injuries (90 and 91)** – multiple physical injuries including both physical and psychological

**Occupational Lung Disease (60, 61, 62, 63, 64, 65)** – dust disease, asbestosis, black lung, pneumoconiosis, silicosis, or respiratory-related

**Other (59)** – all other specific injuries

**Other Cumulative Injury (80)** – all other cumulative injuries

**Other Occupational Disease (71, 75, 76, and 79)** – all other occupational diseases including AIDs, video display terminal disease, or hepatitis C

**Overheating (32)** – heat prostration

**Poisoning (42, 66, and 67)** – poisoning including chemical or metal

**Radiation (70)** – all forms of damage to tissue, bones or body fluids produced by exposure to radiation

**Rash, Skin, or Tissue Inflammation (68)** – dermatitis from contact with irritants or chemicals such as drugs, oils, plants, woods or metals in the form of solids, pastes, liquids or vapors

**Rupture (46)** – breaking or bursting suddenly

**Severance (47)** – separate divide or take off

**Sprain, Strain (49 and 52)** – sprain, strain, or tear

**Vision Loss (58)** – blindness or loss of vision

The nature of injury code descriptions can be found at [https://www.wcio.org/Active%20PNC/WCIO\\_Nature\\_Table.pdf](https://www.wcio.org/Active%20PNC/WCIO_Nature_Table.pdf), maintained by the Workers' Compensation Insurance Organizations (WCIO)

**Other Benefit Codes:** Codes that identify the type of other benefits paid to date or recovered for an injury or occupational disease. The following are IAIABC definitions for the codes used in this report:

**Hospital Costs Paid to Date:** Sum of costs of both inpatient and outpatient services.

**Other Medical Paid to Date:** Sum of medical costs to other providers not included in payments to physicians or hospital costs, i.e. laboratory tests, prescriptions.

**Pharmaceutical Paid to Date:** Sum of medication payments.

**Total Payments to Physicians Paid to Date:** Sum of services paid to physicians.

**Part of Body (Code):** The code which corresponds to the part of the body to which the employee sustained an injury or occupational disease. Maintained by WCIO, the code definitions for part of body major groups are:

**Abdomen including Groin (61)**

**Ankle (55)**

**Arm (31, 32, and 33)** – including the upper arm, elbow, or wrist

**Back including Spine (21, 22, 23, 41, 42, 43, 45, 47, and 63)** – vertebrae, disc, spinal cord, upper back, lower back, sacrum and coccyx, or lumbar and sacral vertebrae

**Buttocks (62)**

**Chest (44)**

**Ear(s) (13)**

**Eye(s) (14)**

**Facial Bones (19)**

**Foot, Toe(s) (56, 57, and 58)**

**Hand, Finger(s) (35, 36, and 37)**

**Head (10, 11, 12, and 18)**

**Heart (49)**

Hip (51)

Internal Organs (48) – other than the heart or lungs

Knee (53)

Leg (52 and 54)

Lungs (60)

Mouth, or Teeth (16 or 17)

Multiple Lower Extremities (50)

Multiple Parts, or Body Systems (90 and 91)

Multiple Trunk (40)

Multiple Upper Extremities (30)

Neck (20, 24, 25, and 26)

Nose (15)

Other (64, 65, 66, and 99)

Pelvis (46)

Shoulder (38)

Wrist (34 and 39)

Part of body code descriptions can be found at [https://wcio.org/Active%20PNC/WCIO\\_Part\\_Table.pdf](https://wcio.org/Active%20PNC/WCIO_Part_Table.pdf), maintained by the Workers' Compensation Insurance Organizations (WCIO)

**Occupational Disease (OD):** Harm or damage caused by work-related events that occur on more than a single day or work shift. It includes acute chronic illnesses or diseases caused by inhalation, absorption, ingestion or overuse syndrome.

**Occupational Injury:** Internal or external physical harm to the body that is established by objective medical findings, caused by a specific work accident on a single day or during a single work shift.

**Permanent Partial Disability (PPD):** Permanent impairment resulting from an injury or occupational disease, after achieving maximum medical improvement, that impairs the worker's ability to work and causes an actual wage loss. PPD benefits are calculated using 66 2/3% of the wages received at the time of injury, not to exceed one-half the state's average weekly wage at the time of injury. The maximum length for PPD benefits is determined by the date of injury.

**Permanent Total Disability (PTD):** A physical condition resulting from an injury or occupational disease after achieving maximum medical improvement, in which the worker has no reasonable prospect of physically performing regular employment. PTD benefits are calculated using 66 2/3% of the wages received at the time of injury, not to exceed the state's average weekly wage at the time of injury. The injured worker may receive cost of living increases.

**Plan Type:** The type of workers' compensation insurance coverage chosen by an employer. There are three different types of insurance plans:



**Plan 1:** Self-insurance provided by employers who have sufficient financial strength to cover potential workers' compensation Injuries. If an injury occurs, a self-insured employer will pay the expenses and benefits.

**Plan 2:** Insurance coverage provided by a private insurance company.

**Plan 3:** Insurance coverage provided by Montana State Fund.

**Professional Employer Organizations (PEO):** Professional Employer Organizations provide human resource services for small to medium-size businesses. Examples of services provided by PEO's are staffing, securing unemployment and workers' compensation insurance, and handling payroll taxes and medical benefits. PEO's must be authorized by ERD prior to contracting with any client employers.

**Subsequent Report of Injury (SROI):** The SROI is completed for each individual injury with indemnity benefits and is submitted to ERD by adjusters or insurers on every six-month anniversary of the date of injury until the Injury is closed or additional compensation or medical payments are not anticipated. The form includes Injury and identification information, the status of the injury, type of benefits paid and benefits payment amounts. The Annual Report includes data reported to ERD on injury and occupational disease indemnity Injuries. SROIs may not have been submitted to ERD for all indemnity Injuries.

**Temporary Partial Disability (TPD):** A physical condition resulting from an injury or occupational disease, prior to achieving maximum medical improvement, that causes a partial loss of wages. TPD benefits are the difference between the injured worker's actual weekly wage and the actual weekly wage earned during the injured worker's temporary partial disability. They are subject to a maximum of 40 hours per week and capped at the injured worker's Temporary Total Disability rate.

**Temporary Total Disability (TTD):** A physical condition resulting from an injury or occupational disease, prior to achieving maximum medical improvement that causes a total loss of wages. TTD benefits are calculated using 66 2/3% of the wages received at the time of injury, not to exceed the state's average weekly wage at the time of injury.

**Uninsured Employers' Fund (UEF):** Enforces workers' compensation coverage requirements for all employers, and pays benefits to injured workers whose employers do not have coverage.

**Utilization and Treatment Guidelines (Montana Guidelines):** MTDLI is required by statute to implement guidelines for workers' compensation medical treatments. The Montana Guidelines are based on the existing Colorado Workers' Compensation Medical Treatment Guidelines, supplemented with the ACOEM Guidelines, for use in Montana. The purpose of the Montana Guidelines is to assist injured workers in receiving prompt and appropriate care, assist injured workers in stay-at-work/return-to-work options, assist clinicians in making decisions for specific conditions, and help insurers make reimbursement determinations. Montana Guidelines are enforceable for payment purposes. MTDLI recognizes that acceptable medical practice may include deviations from the guidelines and that the Montana Guidelines are not relevant as evidence of a provider's legal standard of professional care.

The Montana Guidelines are applicable to all medical services provided on or after July 1, 2011, and establish a presumption of compensability for injuries and occupational diseases occurring on or after July 1, 2007. For those injuries or occupational diseases occurring on or before June 30, 2007, treatment in accordance with the Montana Guidelines constitutes reasonable primary or secondary medical treatment.

**Vocational Rehabilitation Benefits:** Benefits paid to the injured worker at the worker's TTD rate. The benefits are paid for the period specified in the job placement or retraining plan, not to exceed 104 weeks. The plan is prepared by the rehabilitation provider and agreed to by the insurer and injured worker.

**Wage Loss Benefits:** TTD, TPD, PT, and PPD benefits paid to the injured worker.

**Workers' Compensation Insurance Organizations (WCIO):** A voluntary association of statutorily authorized or licensed rating, advisory or data service organizations that collect workers' compensation insurance information in one or more states. The WCIO is composed of the managers of the various boards and jurisdictions. The purpose of the WCIO is to provide a forum for the exchange of information about workers' compensation insurance.

## **DATA SOURCES**

### **Montana Department of Labor & Industry**

Workers' Compensation Injuries Assistance Bureau;  
Workers' Compensation Regulations Bureau;  
Safety & Health Bureau; and  
Hearings Bureau

### **Quarterly Expenditure Reports**

Totals of compensation, medical, and miscellaneous expenses reported to the DLI by carriers.

### **Quarterly Census of Employment and Wages, Bureau of Labor Statistics, U.S. Department of Labor**

### **Regulatory Costs and Industrial Accident Rehabilitation Trust Fund Expenses**

Costs obtained from the State's Accounting, Budgeting, and Human Resource System (SABHRS).

### **Unemployment Insurance Tax System for Leased Employees**

### **Workers' Compensation Court**

### **Workers' Compensation Database (WCAN)**

Employers, insurers, injured workers, attorneys, medical providers, and other parties of the workers' compensation community in Montana provide data for the system. ERD maintains the database.