

MONTANA WORKERS' COMPENSATION REPORT 2021

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Montana Department of Labor & Industry
Employment Relations Division
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This report provides an overview of Montana's workers' compensation system, including system updates, claims and benefits characteristics, dispute resolution outcomes, and department programs and their functions.

The data in this report is as accurate as reported in August of 2021 to the Montana Department of Labor & Industry's (DLI) Employment Relations Division (ERD), and does not include reserves. Payment data on individual medical-only claims are not required to be reported to ERD on Subsequent Reports of Injury (SROIs) but are included in Quarterly Expenditure Reports (QERs). Counts and totals may change over time due to updated reports and data clean-up efforts. Federal workers' injuries are 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.

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DECLARATION OF PUBLIC POLICY

An objective of the Montana workers' compensation system is to provide, without regard to fault, wage-loss and medical benefits to a worker suffering from a work-related injury or disease. Wage-loss benefits are not intended to make an injured worker whole but are intended to provide assistance to a worker at a reasonable cost to the employer. Within that limitation, the wage-loss benefit should bear a reasonable relationship to actual wages lost as a result of a work-related injury or disease.

It is the intent of the legislature to assert that a conclusive presumption exists that recognizes that a holder of a current, valid independent contractor exemption certificate issued by the department is an independent contractor if the person is working under the independent contractor exemption certificate. The holder of an independent contractor exemption certificate waives the rights, benefits, and obligations of this chapter unless the person has elected to be bound personally and individually by the provisions of compensation plan No. 1, 2, or 3.

A worker's removal from the workforce because of a work-related injury or disease has a negative impact on the worker, the worker's family, the employer, and the general public. Therefore, an objective of the workers' compensation system is to return a worker to work as soon as possible after the worker has suffered a work-related injury or disease.

Montana's workers' compensation and occupational disease insurance systems are intended to be primarily self-administering. Claimants should be able to speedily obtain benefits, and employers should be able to provide coverage at reasonably constant rates. To meet these objectives, the system must be designed to minimize reliance upon lawyers and the courts to obtain benefits and interpret liabilities.

This chapter must be construed according to its terms and not liberally in favor of any party.

It is the intent of the legislature that a stress claim, often referred to as a "mental-mental claim" or a "mental-physical claim", is not compensable under Montana's workers' compensation and occupational disease laws. The legislature recognizes that these claims are difficult to objectively verify and that the claims have a potential to place an economic burden on the workers' compensation and occupational disease system. The legislature also recognizes that there are other states that do not provide compensation for various categories of stress claims and that stress claims have presented economic problems for certain other jurisdictions. In addition, not all injuries are compensable under the present system, and it is within the legislature's authority to define the limits of the workers' compensation and occupational disease system. However, it is also within the legislature's authority to recognize the public service provided by firefighters and to join with other states that have extended a presumptive occupational disease recognition to firefighters.

For occupational disease or presumptive occupational disease claims, because of the nature of exposure, workers should not be required to provide notice to employers of the disease as required of injuries and that the requirements for filing of claims reflect consideration of when the worker knew or should have known that the worker's condition resulted from an occupational disease or a presumptive occupational disease. The legislature recognizes that occupational diseases in the workplace are caused by events occurring on more than a single day or work shift and that the legislature has the authority to define an occupational disease or a presumptive occupational disease and establish the causal connection to the workplace. (*Void on occurrence of contingency-sec. 7, Ch. 158, L. 2019.*) (39-71-105)

INSURANCE COVERAGE REQUIREMENTS

The Workers' Compensation Act applies to all employers and to all employees. An employer who has any employee shall elect to be bound by the provisions of compensation plan No. 1, 2, or 3 unless the provisions of **39-71-442** apply (**39-71-401**). An "employee" means each person in Montana, including a contractor other than an independent contractor, who is in the service of an employer, as defined by **39-71-117** under any appointment or contract of hire, expressed or implied, oral or written. The terms include aliens and minors, whether lawfully or unlawfully employed, and all of the elected and appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations, except those officers identified in **39-71-401(2)**, while rendering actual service for the corporations for pay. Casual employees, as defined by **39-71-116**, are included as employees if they are not otherwise covered by workers' compensation and if an employer has elected to be bound by the provisions of the compensation law for these casual employments, as provided in **39-71-401(2)**.

The definition is limited to implementing the administrative purposes of workers' compensation and may not be interpreted or construed to create an employment relationship in any other context. The full definition of "employee" is outlined in **39-71-118**.

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

An employee of an employer in Montana 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. (**39-71-442**)

OTHER EXCLUSIONS

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

- voluntary service at a recreational facility and receiving no compensation for those services other than meals, lodging, or the use of the recreational facilities;
- services as a volunteer, except for a person who is otherwise entitled to coverage under the laws of this state. As used in this subsection (2)(b), "volunteer" means a person who performs services on behalf of an employer, as defined in **39-71-117**, but who does not receive wages as defined in **39-71-123**;
- a foster parent, licensed as a foster care provider in accordance with **52-2-621**, and providing care without wage compensation to no more than six foster children in the provider's own residence. The person may receive reimbursement for providing room and board, obtaining training, respite care, leisure and recreational activities, and providing for other needs and activities arising in the provision of in-home foster care;
- or temporary agricultural work for an employer if the person performing the work is otherwise exempt from the requirement to obtain workers' compensation coverage under **39-71-401(2)(r)** with respect to a company that primarily performs agricultural work at a fixed business location or under **39-71-401(2)(d)** and is not required to obtain an independent contractor's exemption certificate under **39-71-417** because the person does not regularly perform agricultural work away from the person's own fixed business location. For the purposes of this subsection, the term "agricultural" has the meaning provided in **15-1-101(1)(a)**. (**39-71-118**)

EMPLOYMENTS EXEMPTED

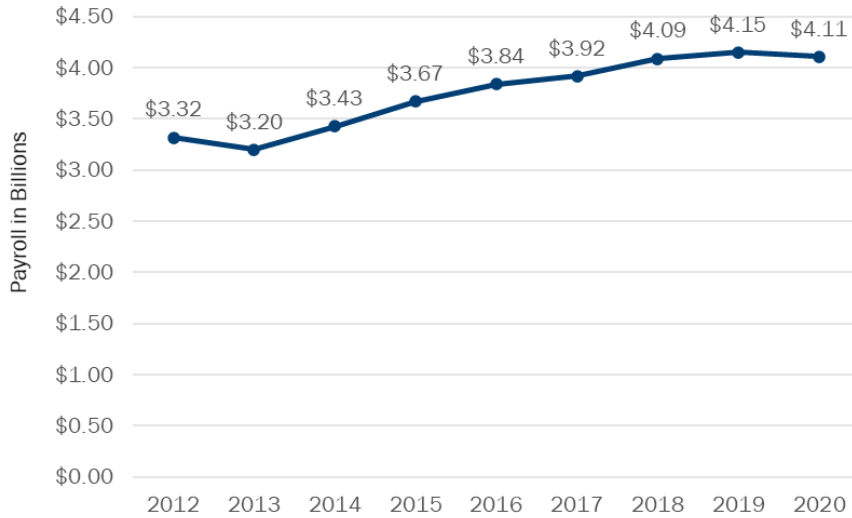
Unless an employer elects coverage for these employments and the insurer allows an election, the Workers' Compensation Act does not apply to any of the following:

- 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 (some exceptions);
- Real estate, securities or insurance salesperson paid solely by a commission without a guarantee of minimum earnings;
- A direct seller as defined by 26 U.S.C. 3508;
- 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; or
- A musician performing under a written contract. **(39-71-401)**

WORKERS' COMPENSATION MARKET

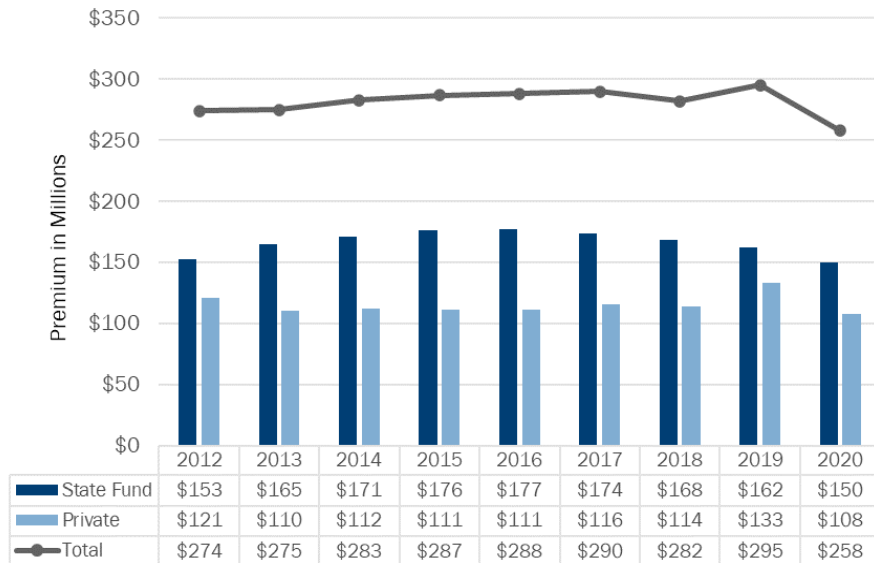
1.1

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



1.2

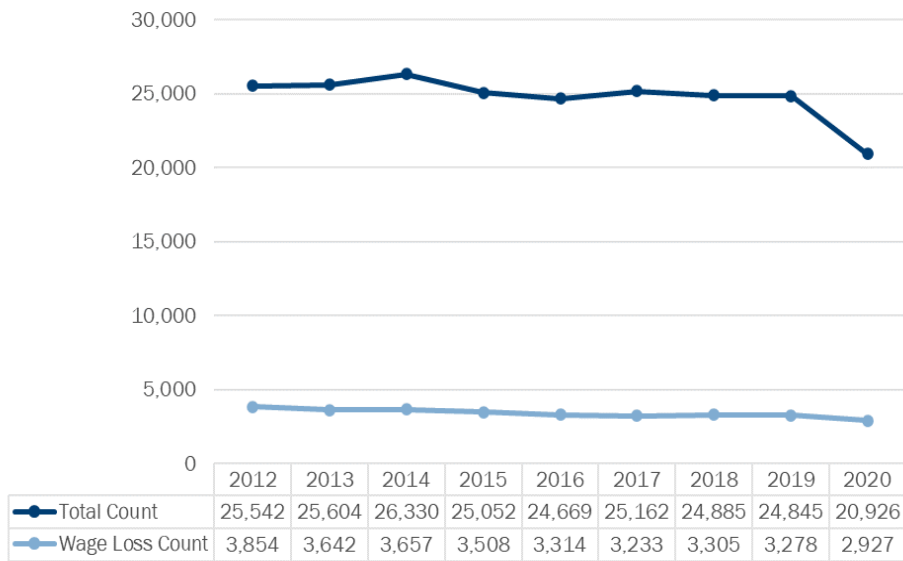
Premium Market Share for Private Insurance Companies and Montana State Fund
By Year in Millions



REPORTED INJURIES

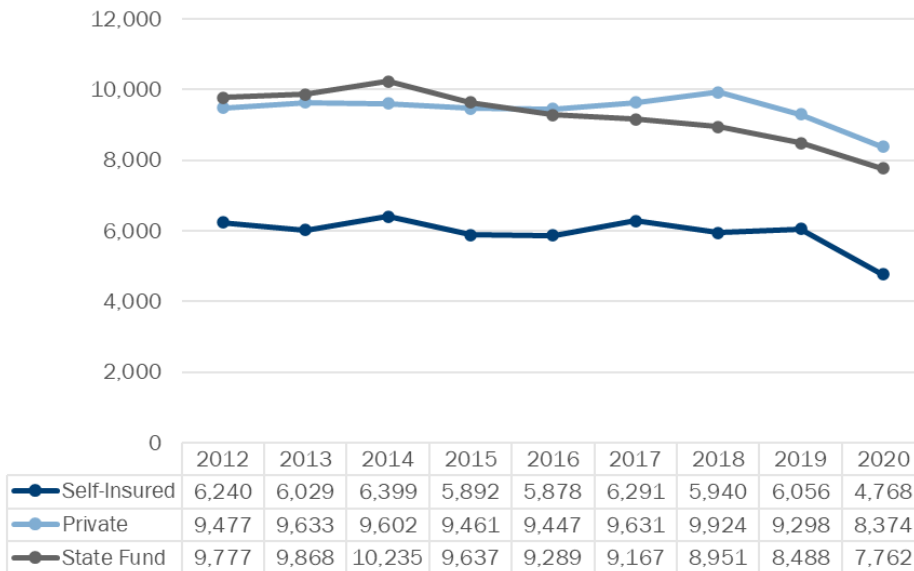
2.1

Reported Injuries
By Year of Injury



2.2

Reported Injuries
By Plan Type and Year of Injury

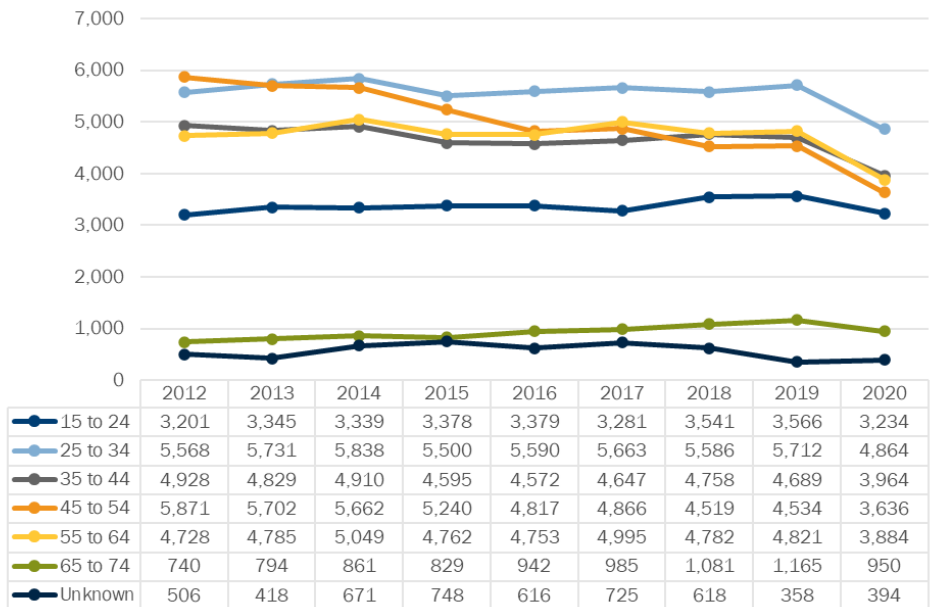


INJURIES BY AGE

2.3

Reported Injuries

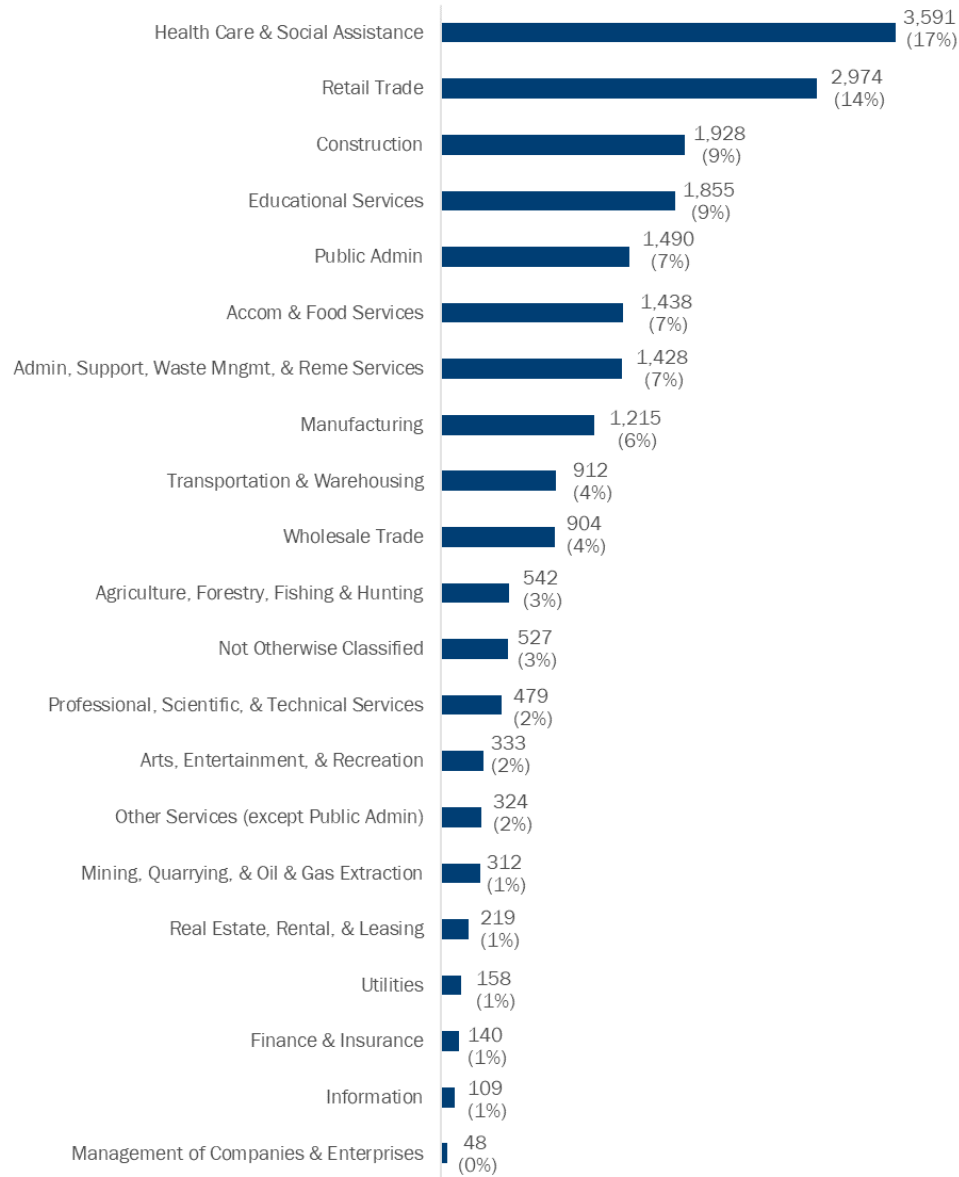
By Age at Time of Injury and Year of Injury



INJURIES BY INDUSTRY

2.4

Reported Injuries
By Industry, 2020



2.5

Reported Injuries By Industry and Year of Injury

	2015	2016	2017	2018	2019	2020
Health Care & Social Assistance	4,381	4,401	4,656	4,263	4,272	3,591
Retail Trade	3,211	3,168	3,223	3,183	3,361	2,974
Construction	2,200	2,083	2,014	2,023	2,031	1,928
Educational Services	2,550	2,642	2,889	2,805	3,081	1,855
Public Admin	1,616	1,559	1,576	1,664	1,598	1,490
Accom & Food Services	1,947	1,915	1,932	1,909	1,805	1,438
Services	1,795	1,708	1,750	1,907	1,746	1,428
Manufacturing	1,703	1,651	1,598	1,648	1,568	1,215
Transportation & Warehousing	867	842	876	889	890	912
Wholesale Trade	991	1037	967	1042	1033	904
Agriculture, Forestry, Fishing & Hunting	684	650	664	605	599	542
Professional, Scientific, & Technical Services	560	564	579	519	563	479
Arts, Entertainment, & Recreation	543	561	520	491	504	333
Other Services (except Public Admin)	414	416	447	438	428	324
Mining, Quarrying, & Oil & Gas Extraction	458	408	355	357	355	312
Real Estate, Rental, & Leasing	297	274	300	312	276	219
Utilities	193	192	208	201	176	158
Finance & Insurance	231	231	246	267	251	140
Information	149	156	134	129	122	109
Management of Companies & Enterprises	74	81	83	73	50	48
Not Otherwise Classified	188	130	145	160	136	527

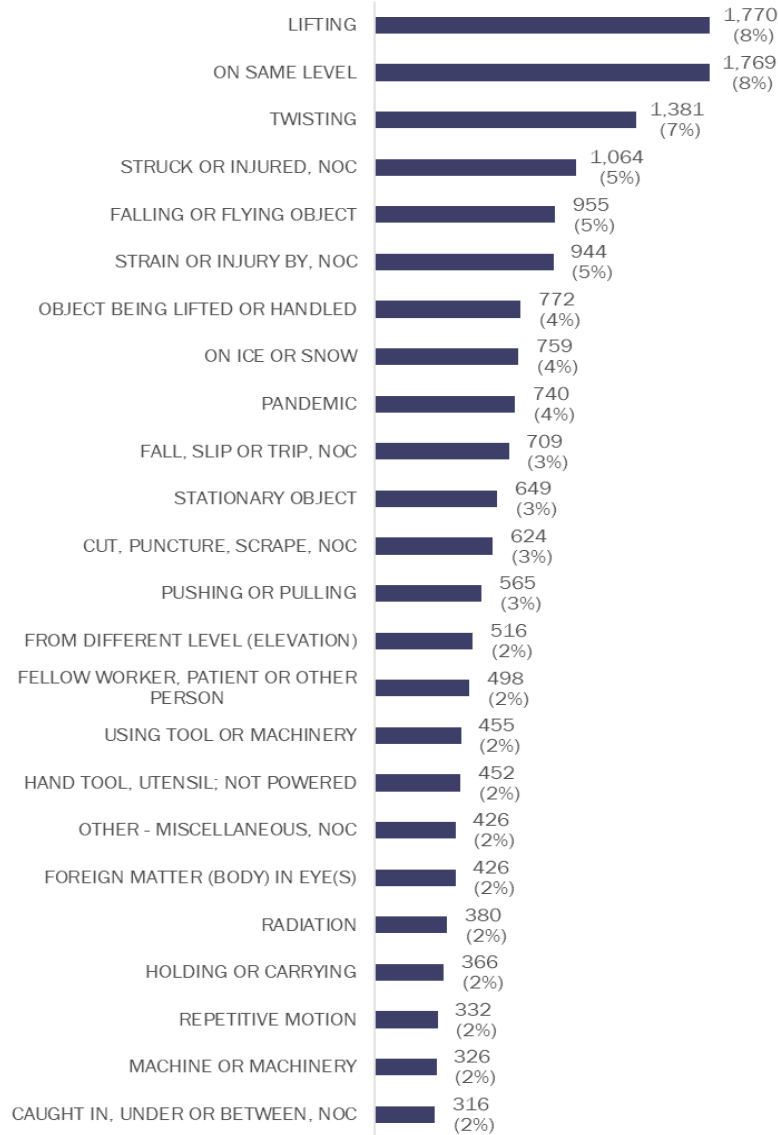
INJURIES BY CAUSE

The cause of injury codes are no longer grouped. Please find the individual codes and their descriptions at https://www.wcio.org/Active%20PNC/WCIO_Cause_Table.pdf.

2.6

Reported Injuries

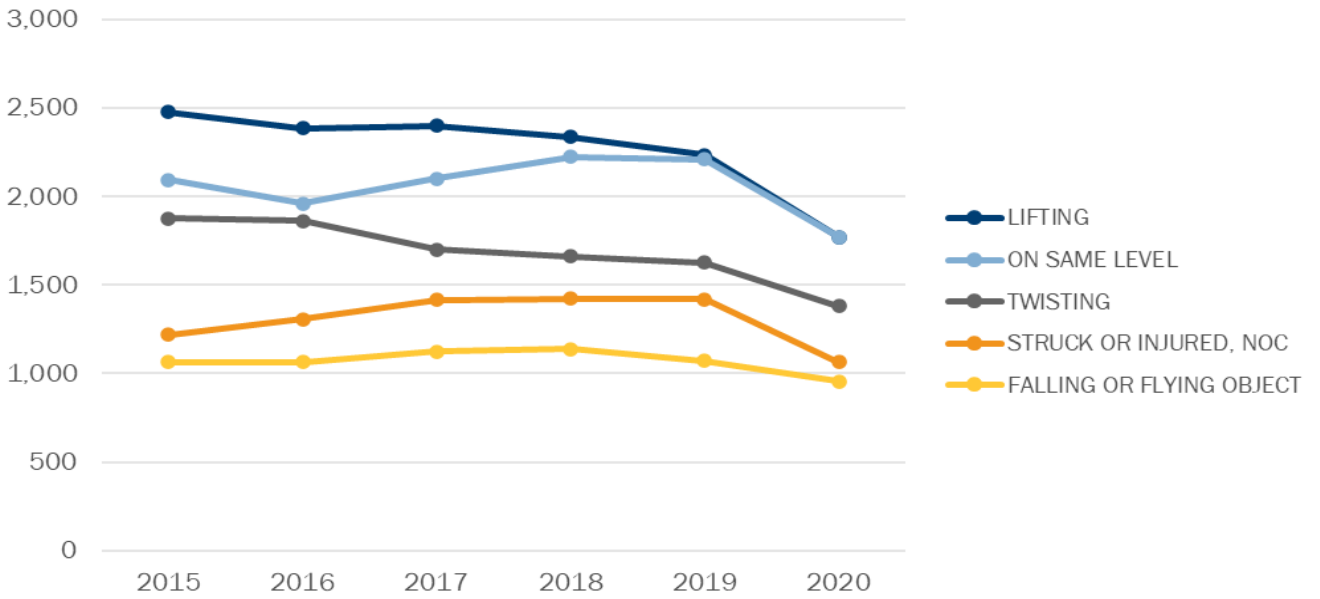
By Cause of Injury, 2020



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

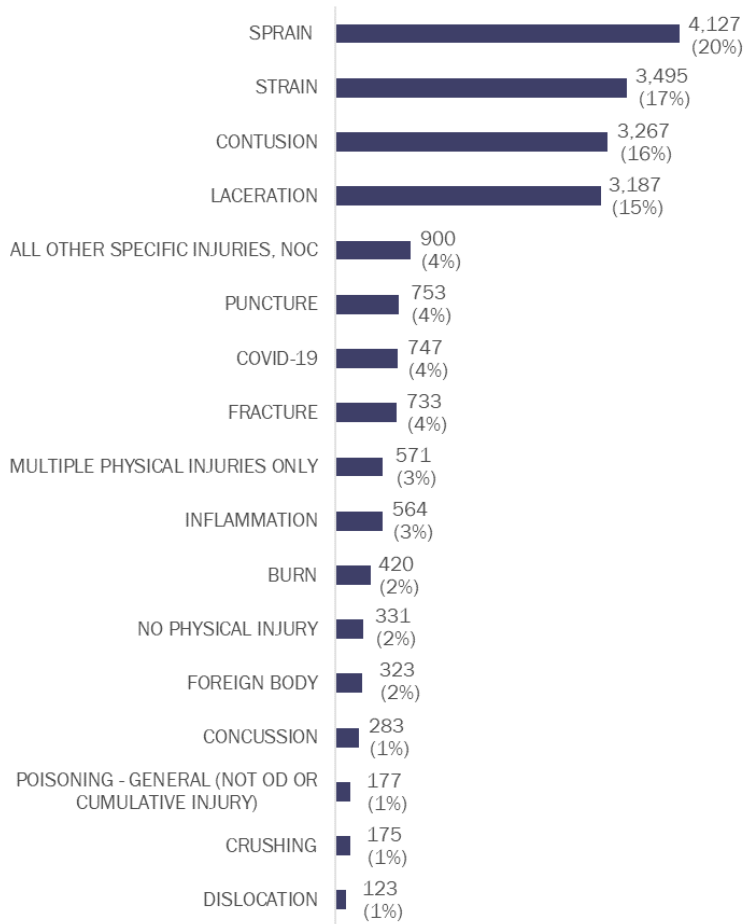
	2015	2016	2017	2018	2019	2020
LIFTING	2,476	2,385	2,398	2,337	2,235	1,770
ON SAME LEVEL	2,094	1,961	2,099	2,224	2,211	1,769
TWISTING	1,876	1,860	1,700	1,663	1,627	1,381
STRUCK OR INJURED, NOC	1,220	1,308	1,415	1,424	1,419	1,064
FALLING OR FLYING OBJECT	1,065	1,066	1,125	1,139	1,070	955
STRAIN OR INJURY BY, NOC	1,147	1,215	1,135	1,050	1,048	944
OBJECT BEING LIFTED OR HANDLED	775	752	728	851	907	772
ON ICE OR SNOW	753	703	1,167	1,172	1,283	759
PANDEMIC	NA	NA	NA	NA	NA	740
FALL, SLIP OR TRIP, NOC	748	794	891	872	838	709
STATIONARY OBJECT	819	885	835	869	761	649
CUT, PUNCTURE, SCRAPE, NOC	665	736	647	668	705	624
PUSHING OR PULLING	824	779	769	704	717	565
FROM DIFFERENT LEVEL (ELEVATION)	742	681	716	688	639	516
FELLOW WORKER, PATIENT OR OTHER PERSON	679	676	733	715	767	498
USING TOOL OR MACHINERY	609	527	483	387	357	455
HAND TOOL, UTENSIL; NOT POWERED	623	587	628	598	616	452
FOREIGN MATTER (BODY) IN EYE(S)	558	557	522	438	493	426
OTHER - MISCELLANEOUS, NOC	453	438	410	440	452	426
RADIATION	482	543	519	505	441	380
HOLDING OR CARRYING	556	502	410	420	464	366
REPETITIVE MOTION	469	429	441	438	408	332
MACHINE OR MACHINERY	354	294	283	335	358	326
CAUGHT IN, UNDER OR BETWEEN, NOC	417	421	409	400	365	316
COLLISION OR SIDESWIPE WITH ANOTHER VEHICLE	247	286	309	280	290	266
ANIMAL OR INSECT	259	203	256	245	251	248
FROM LADDER OR SCAFFOLDING	252	255	252	253	265	235
STRIKING AGAINST OR STEPPING ON, NOC	284	307	307	265	280	233
CONTACT WITH, NOC	286	274	311	265	212	206
ABSORPTION, INGESTION OR INHALATION, NOC	402	390	412	322	356	202
ON STAIRS	201	231	215	202	221	186
HOT OBJECTS OR SUBSTANCES	238	225	211	222	208	185
OBJECT HANDLED	216	186	207	202	242	180
FROM LIQUID OR GREASE SPILLS	214	251	259	232	257	168
MOTOR VEHICLE, NOC	158	136	111	141	150	163
PERSON IN ACT OF A CRIME	107	143	140	167	139	116
SLIP, OR TRIP, DID NOT FALL	169	140	162	150	145	110
REACHING	169	150	135	137	150	109
HAND TOOL OR MACHINE IN USE	96	89	130	128	113	102
POWERED HAND TOOL, APPLIANCE	116	126	131	110	122	93
CUMULATIVE, NOC	97	84	90	99	102	88
OTHER THAN PHYSICAL CAUSE OF INJURY	85	94	94	112	112	83
STEAM OR HOT FLUIDS	97	103	101	120	111	80
CHEMICALS	88	112	113	109	90	72
MOTOR VEHICLE	66	51	46	56	94	65
BROKEN GLASS	124	112	105	124	113	63
MOVING PART OF MACHINE	66	67	73	48	61	61
OBJECT HANDLED BY OTHERS	52	52	53	61	54	46
JUMPING OR LEAPING	40	39	38	39	41	44
STEPPING ON SHARP OBJECT	48	40	36	64	46	43
VEHICLE UPSET	86	89	56	55	57	40
ELECTRICAL CURRENT	32	53	33	35	36	38
DUST, GASES, FUMES OR VAPORS	28	27	26	38	37	28
MOVING PARTS OF MACHINE	35	27	29	29	36	25
CONTINUAL NOISE	40	22	26	25	18	24
INTO OPENINGS	36	24	31	40	39	24
TEMPERATURE EXTREMES	33	29	27	26	38	17
COLLISION WITH A FIXED OBJECT	22	39	32	42	47	15
FIRE OR FLAME	8	16	19	13	16	13
RUBBED OR ABRADED, NOC	23	18	10	8	10	11
EXPLOSION OR FLARE BACK	15	2	7	12	13	9
COLD OBJECTS OR SUBSTANCES	13	9	12	2	9	8
COLLAPSING MATERIALS (SLIDES OF EARTH)	4	6	15	12	13	8
WELDING OR THROWING	15	14	16	15	25	7
WELDING OPERATION	12	7	6	9	7	5
LESS THAN 5 OR UNKNOWN	69	42	57	34	38	13

INJURIES BY NATURE

The nature of injury codes **are no longer grouped**. Please find the individual codes and their descriptions at https://www.wcio.org/Active%20PNC/WCIO_Nature_Table.pdf.

2.9

Reported Injuries
By Nature of Injury, 2020



2.10

Reported Injuries By Nature of Injury and Year of Injury

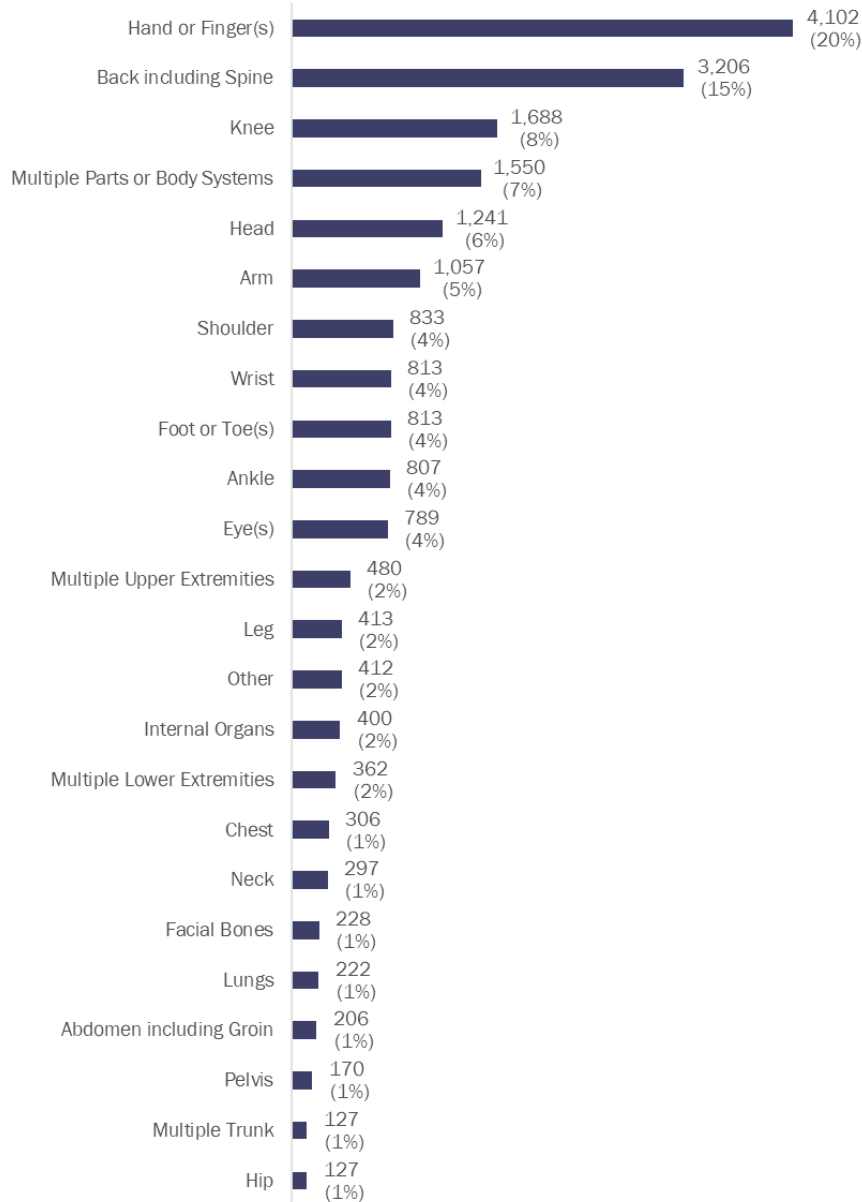
	2015	2016	2017	2018	2019	2020
SPRAIN	5,499	5,125	4,927	4,949	4,703	4,127
STRAIN	4,775	4,640	4,887	4,666	4,541	3,495
CONTUSION	3,741	3,867	4,183	4,058	4,151	3,267
LACERATION	4,038	4,056	4,048	3,953	3,833	3,187
ALL OTHER SPECIFIC INJURIES, NOC	1,230	1,154	1,147	1,100	1,164	900
PUNCTURE	872	833	819	910	878	753
COVID-19	NA	NA	NA	NA	NA	747
FRACTURE	895	941	919	923	941	733
MULTIPLE PHYSICAL INJURIES ONLY	213	356	502	732	862	571
INFLAMMATION	647	524	515	496	651	564
BURN	522	504	515	540	495	420
NO PHYSICAL INJURY	334	346	416	407	448	331
FOREIGN BODY	343	401	487	346	357	323
CONCUSSION	275	312	299	361	306	283
POISONING - GENERAL (NOT OD OR CUMULATIVE INJURY)	213	234	198	167	180	177
CRUSHING	138	154	168	168	177	175
DISLOCATION	120	134	130	121	129	123
HERNIA	138	131	145	143	132	99
ALL OTHER CUMULATIVE INJURY, NOC	114	115	90	70	71	72
DERMATITIS	74	68	67	80	56	59
RESPIRATORY DISORDERS	94	52	68	61	86	51
ALL OTHER OCCUPATIONAL DISEASE INJURY, NOC	87	59	76	67	72	49
CARPAL TUNNEL SYNDROME	96	73	75	75	68	45
AMPUTATION	40	35	26	30	28	43
INFECTION	184	131	66	117	128	42
SYNCOPE	34	38	38	53	40	42
ELECTRIC SHOCK	30	46	28	32	36	36
CONTAGIOUS DISEASE	35	62	44	30	67	28
HEAT PROSTRATION	27	21	29	21	18	25
POISONING - CHEMICAL (OTHER THAN METALS)	19	35	25	13	21	20
HEARING LOSS OR IMPAIRMENT	33	24	31	30	29	18
MYOCARDIAL INFARCTION	6	7	6	17	10	14
MENTAL STRESS	11	8	9	11	17	8
MULTIPLE INJURIES INCLUDING BOTH PHYSICAL AND PSYCHOLOGICAL	8	15	12	9	12	8
RUPTURE	15	22	26	21	18	8
VASCULAR	3	7	3	8	3	8
LOSS OF HEARING	9	9	1	8	6	7
FREEZING	7	19	11	12	30	6
MENTAL DISORDER	15	15	10	10	14	6
SEVERANCE	11	6	8	9	9	6
LESS THAN 5 OR UNKNOWN	107	90	108	61	58	50

INJURIES BY PART OF BODY

The part of body codes are **no longer grouped**. Please find the individual codes and their descriptions at https://www.wcio.org/Active%20PNC/WCIO_Part_Table.pdf.

2.11

Reported Injuries
By Part of Body, 2020



2.12

Reported Injuries

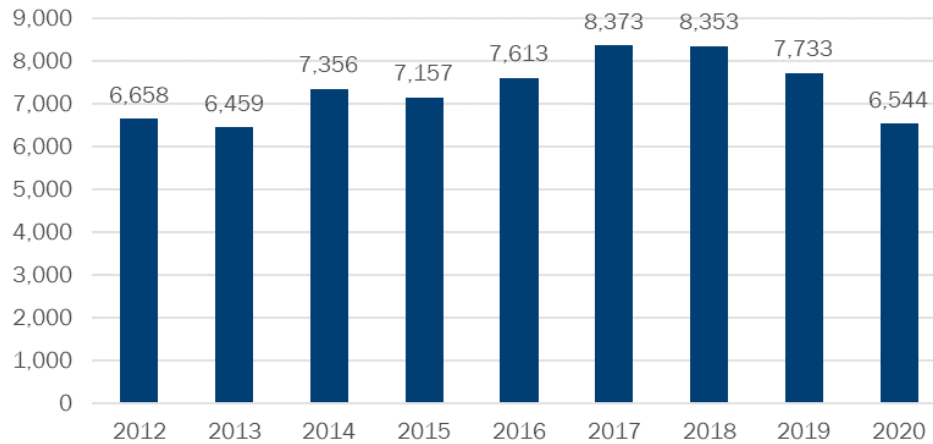
By Part of Body and Year of Injury

	2015	2016	2017	2018	2019	2020
Hand or Finger(s)	4,954	5,013	4,867	4,908	4,817	4,102
Back including Spine	4,278	4,083	4,196	3,871	3,786	3,206
Knee	2,087	2,047	2,178	2,166	2,186	1,688
Multiple Parts or Body Systems	1,425	1,340	1,571	1,480	1,597	1,550
Head	1,271	1,388	1,414	1,476	1,419	1,241
Arm	1,368	1,364	1,442	1,456	1,410	1,057
Shoulder	994	1,011	1,023	1,050	1,063	833
Foot or Toe(s)	950	928	939	982	959	813
Wrist	1,022	1,081	1,030	999	1,017	813
Ankle	889	886	904	953	927	807
Eye(s)	1,019	958	967	890	906	789
Multiple Upper Extremities	645	662	556	585	632	480
Leg	496	492	517	489	506	413
Other	323	296	299	290	315	412
Internal Organs	448	449	455	455	481	400
Multiple Lower Extremities	503	398	407	399	411	362
Chest	416	454	414	439	402	306
Neck	491	413	427	415	378	297
Facial Bones	254	265	308	301	272	228
Lungs	100	66	74	87	143	222
Abdomen including Groin	240	254	282	278	246	206
Pelvis	215	210	204	230	229	170
Hip	159	146	175	164	174	127
Multiple Trunk	129	135	115	188	197	127
Mouth or Teeth	127	113	127	99	133	94
Nose	89	85	98	77	96	69
Ear(s)	102	69	84	74	76	68
Buttocks	47	48	75	67	55	37
Heart	11	15	14	17	12	9

INSURER DENIALS

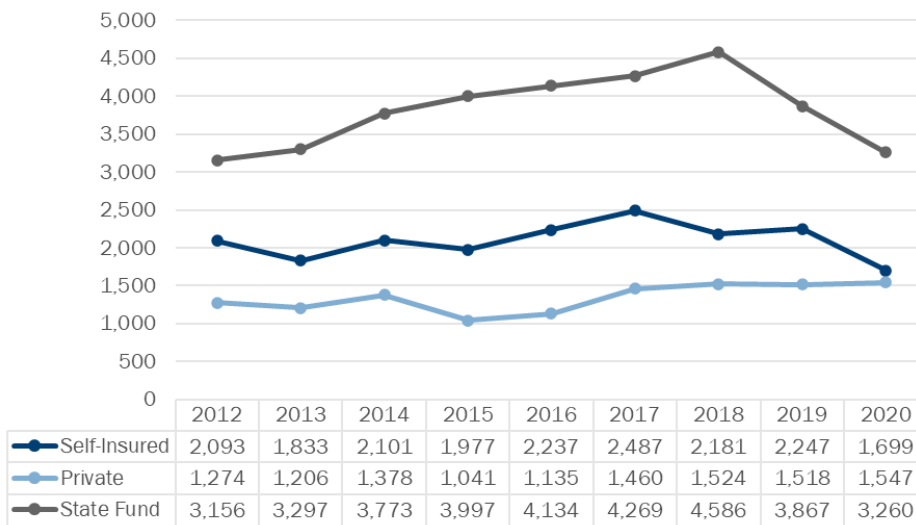
2.13

Insurer Denials
By Year of Injury



2.14

Insurer Denials
By Plan and Year of Injury

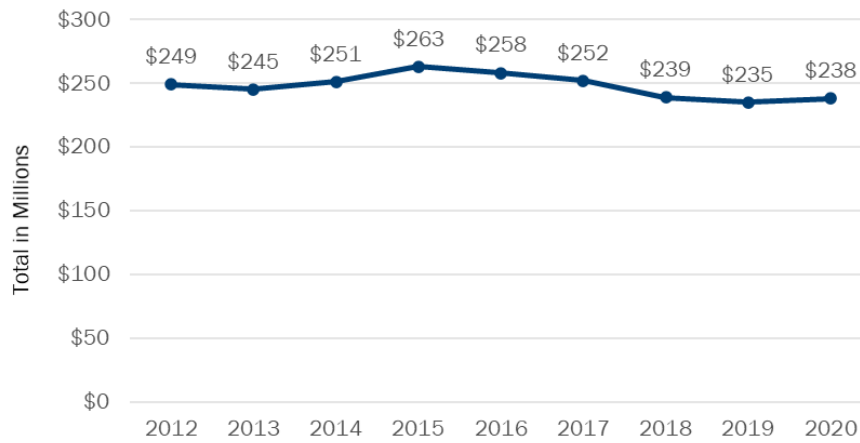


TOTAL BENEFITS

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. (39-71-306, MCA)

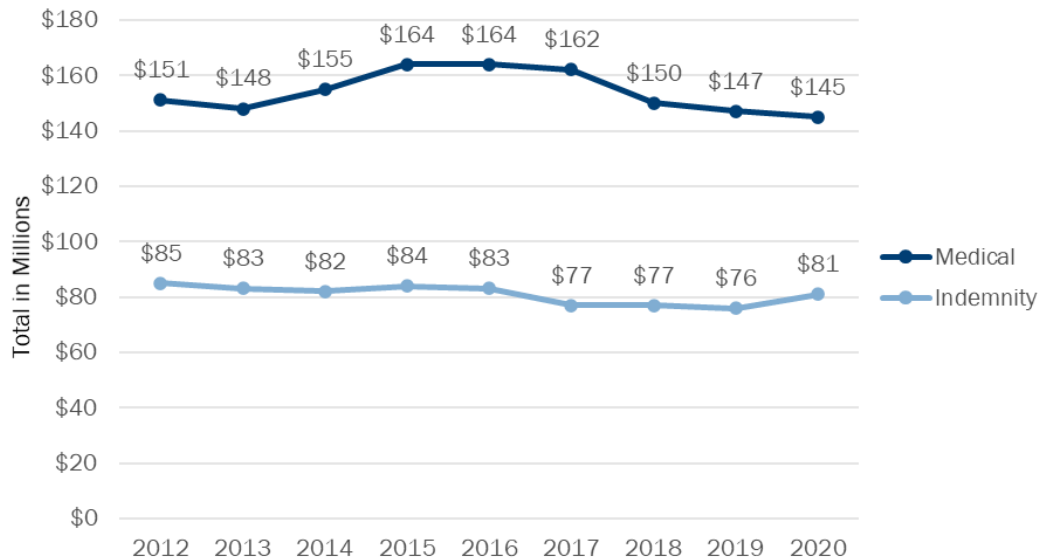
3.1

Total Benefits Paid
By Year of Payment in Millions



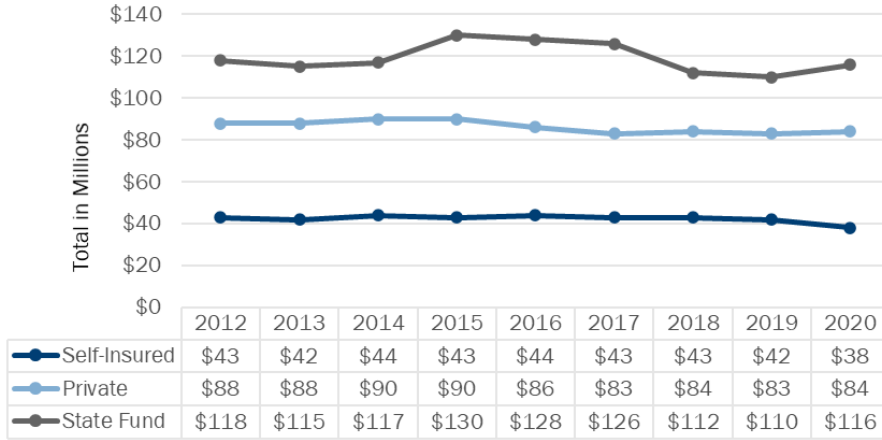
3.2

Total Medical and Indemnity Paid
By Year of Payment in Millions



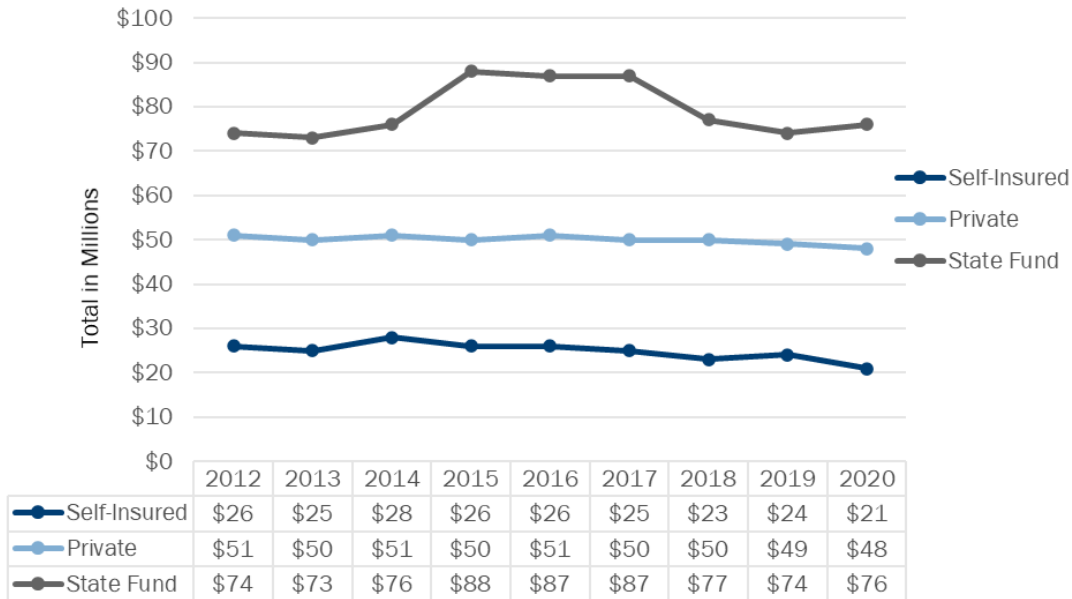
3.3

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



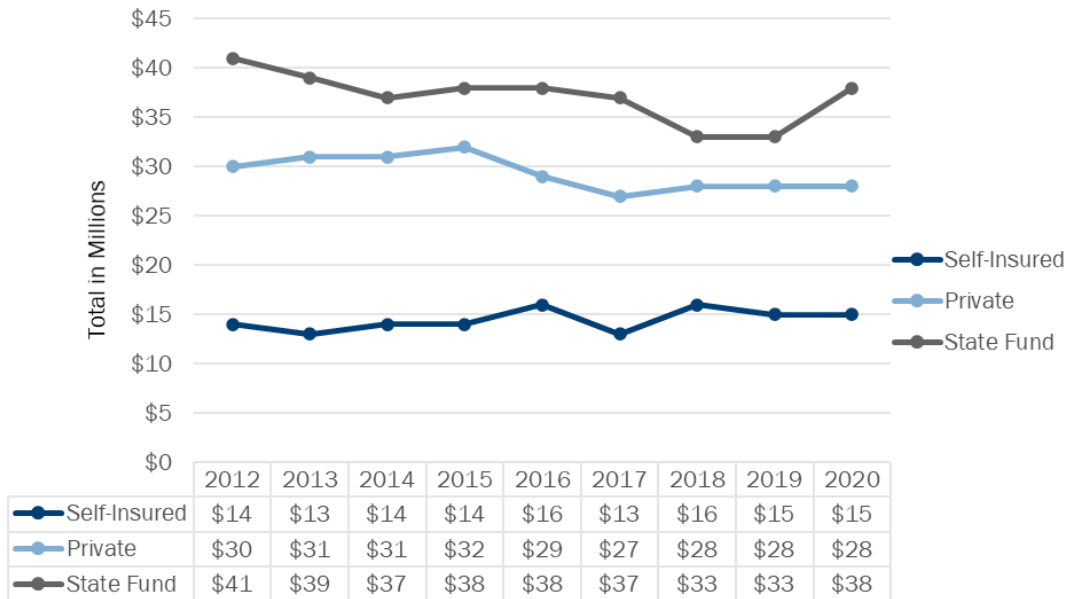
3.4

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



3.5

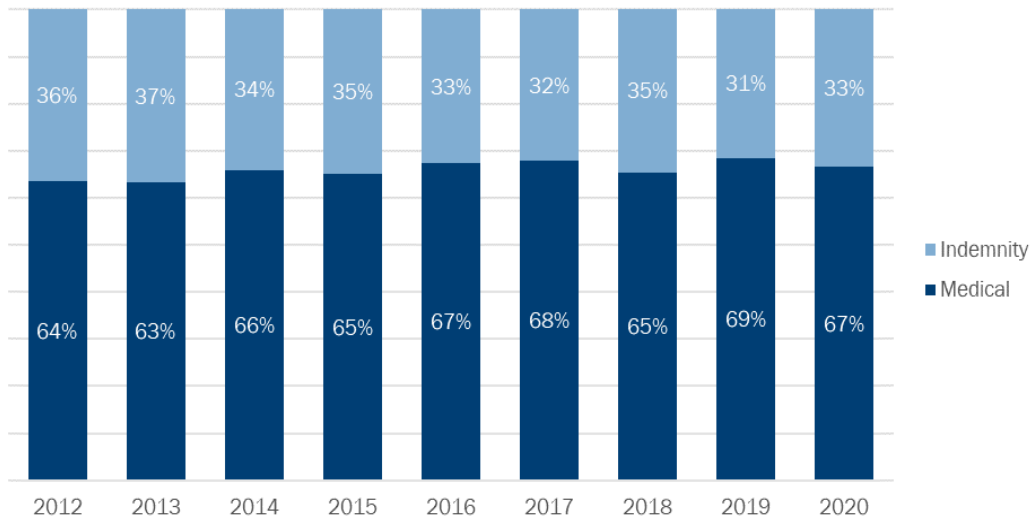
Total Indemnity Paid
By Plan Type and Year of Payment in Millions



BENEFIT DISTRIBUTIONS

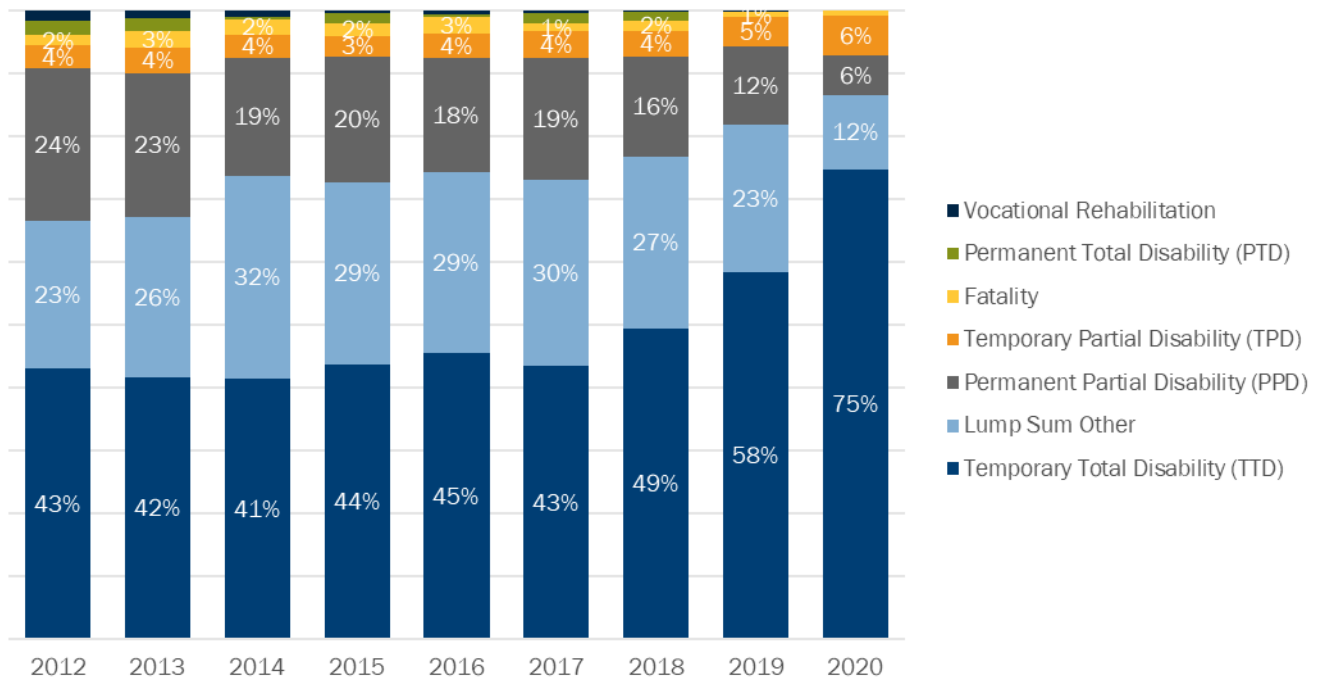
3.6

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.

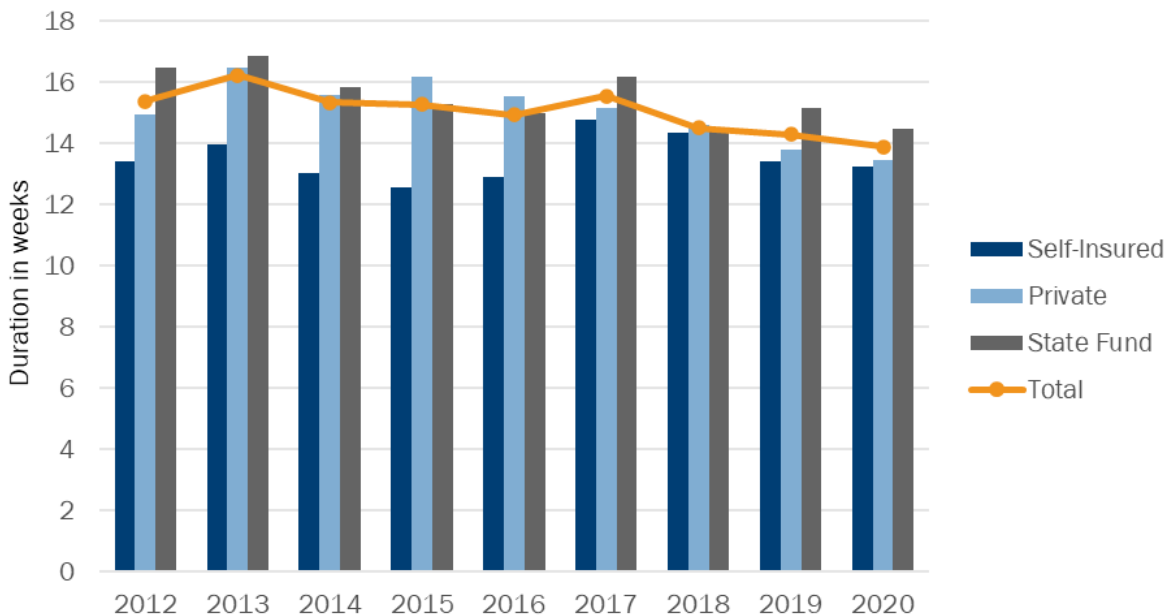
3.8

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

	2012	2013	2014	2015	2016	2017	2018	2019	2020
Self-Insured	13.4	13.9	13.0	12.6	12.9	14.8	14.4	13.4	13.3
Private	14.9	16.5	15.6	16.2	15.5	15.2	14.6	13.8	13.5
State Fund	16.5	16.9	15.9	15.3	15.0	16.2	14.5	15.2	14.5
Total	15.4	16.2	15.3	15.3	14.9	15.5	14.5	14.3	13.9

3.9

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

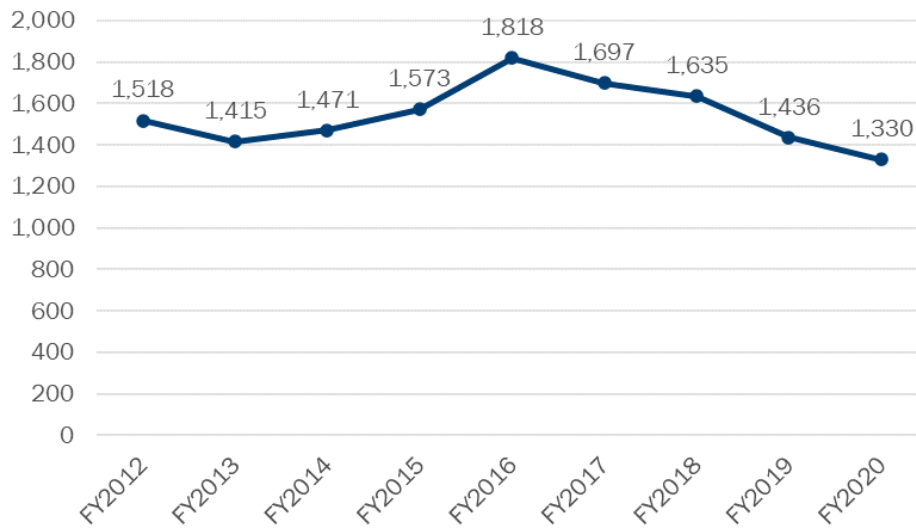


SETTLEMENT DOLLARS

Settlements are lump sum payments of the claimant's workers' compensation indemnity and/or medical benefits. Benefits are usually paid in periodic payments designed to sustain an injured worker over an extended period of time. Settlements can occur when the claimant and the insurer agree that benefits will be converted to a lump sum payment. If the claimant has more than one claim, a settlement may settle more than one of those claims. Included in the dollar amount of the settlements is the money specified for settlement of medical benefits under "best interest". Not included are settlements from the workers' compensation court.

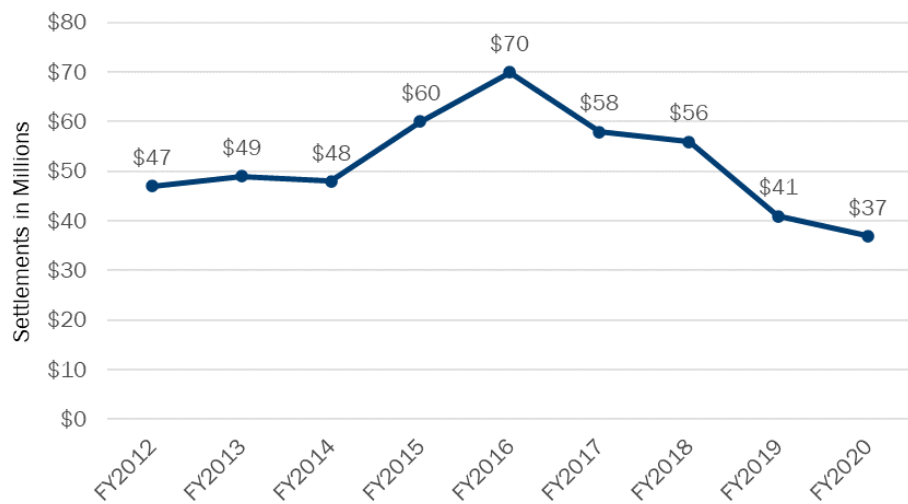
3.10

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 and Amounts Paid
By Plan Type and Fiscal Year of Decision

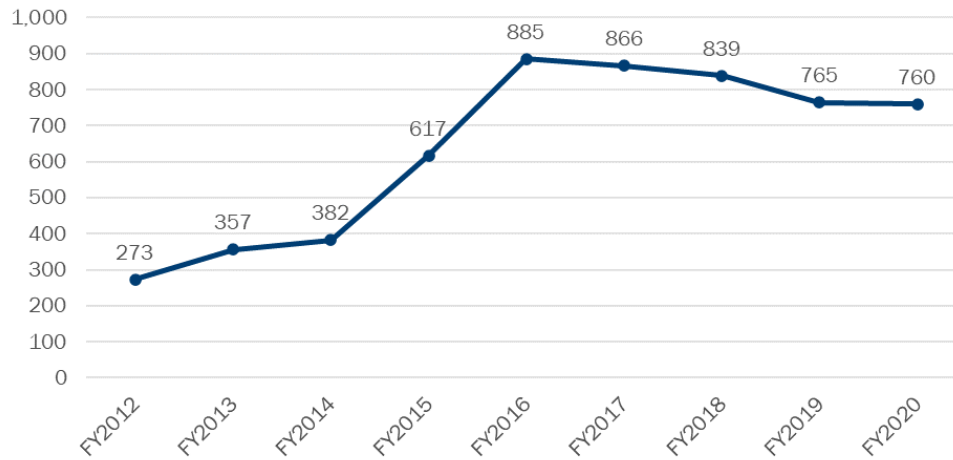
	Self-Insured		Private		State Fund		Grand Total	
	Count	Settled Amount	Count	Settled Amount	Count	Settled Amount	Total Count	Total Settled
FY2012	175	\$5,384,785	659	\$19,188,093	683	\$22,503,249	1,517	\$47,076,127
FY2013	130	\$3,992,477	655	\$23,388,995	626	\$21,519,183	1,411	\$48,900,655
FY2014	155	\$6,398,678	633	\$20,300,207	673	\$20,909,930	1,461	\$47,608,814
FY2015	171	\$7,827,209	560	\$19,279,477	830	\$32,680,577	1,561	\$59,787,263
FY2016	241	\$11,779,569	547	\$19,789,214	1,026	\$38,599,057	1,814	\$70,167,840
FY2017	159	\$4,966,058	512	\$16,125,374	1,022	\$37,134,928	1,693	\$58,226,360
FY2018	160	\$6,858,250	503	\$14,976,305	969	\$34,252,019	1,632	\$56,086,575
FY2019	115	\$3,974,192	391	\$10,700,986	925	\$25,884,911	1,431	\$40,560,088
FY2020	120	\$3,887,748	319	\$9,624,345	888	\$23,709,525	1,327	\$37,221,618
Total	1,426	\$55,068,966	4,779	\$153,372,997	7,642	\$257,193,379	13,847	\$465,635,342

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 had 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.

3.13

Number of Settlements for Best Interest
By Fiscal Year of Decision



3.14

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

	Self-Insured		Private		State Fund		Grand Total	
	Count	Medical Amount	Count	Medical Amount	Count	Medical Amount	Total Count	Total Settled
FY2012	36	\$814,593	172	\$3,412,978	65	\$2,098,052	273	\$6,325,623
FY2013	32	\$525,041	229	\$6,031,680	96	\$4,110,715	357	\$10,667,437
FY2014	41	\$1,120,713	230	\$4,828,140	111	\$2,294,900	382	\$8,243,754
FY2015	68	\$2,806,666	225	\$5,184,093	319	\$9,186,832	612	\$17,177,591
FY2016	76	\$3,606,110	263	\$5,761,551	546	\$15,974,297	885	\$25,341,958
FY2017	71	\$1,553,743	251	\$5,376,339	543	\$16,919,175	865	\$23,849,256
FY2018	55	\$1,592,531	231	\$4,009,588	552	\$13,075,356	838	\$18,677,475
FY2019	51	\$1,330,649	169	\$2,499,169	544	\$12,383,546	764	\$16,213,364
FY2020	54	\$1,211,608	163	\$2,560,961	543	\$11,949,862	760	\$15,722,431
Total	484	\$14,561,655	1,933	\$39,664,499	3,319	\$87,992,735	5,736	\$142,218,889

ATTORNEY FEE SETTLEMENTS

3.15

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
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%
FY2020	602	\$25,125,067	\$4,624,423	18%

INJURED WORKER ATTORNEY FEES

3.16

Total Injured Worker Attorney Fees
By Year of Injury

	Count	Total Fees
2012	755	\$5,731,687
2013	717	\$4,967,575
2014	710	\$5,341,406
2015	648	\$4,846,850
2016	602	\$4,480,058
2017	544	\$4,991,574
2018	456	\$4,041,673
2019	348	\$2,843,516
2020	155	\$1,005,586
Total	4,935	\$38,249,926

3.17

Total Injured Worker Attorney Fees
By Plan Type and Year of Injury

	Self-Insured		Private		State Fund	
	Count	Total Fees	Count	Total Fees	Count	Total Fees
2012	100	\$690,523	335	\$2,296,169	316	\$2,722,911
2013	79	\$491,758	317	\$1,887,145	315	\$2,545,027
2014	87	\$680,291	311	\$2,176,193	302	\$2,447,573
2015	77	\$759,917	288	\$1,844,754	279	\$2,236,631
2016	96	\$794,327	268	\$1,660,989	236	\$2,022,318
2017	69	\$721,825	253	\$1,790,531	217	\$2,460,792
2018	52	\$317,448	221	\$1,863,904	180	\$1,781,708
2019	41	\$330,830	157	\$1,111,449	149	\$1,393,787
2020	14	\$37,681	78	\$395,189	60	\$557,165
Total	615	\$4,824,600	2,228	\$15,026,323	2,054	\$18,167,913

INSURER LEGAL EXPENSES

3.18

Total Insurer Legal Expenses
By Plan Type and Year of Injury

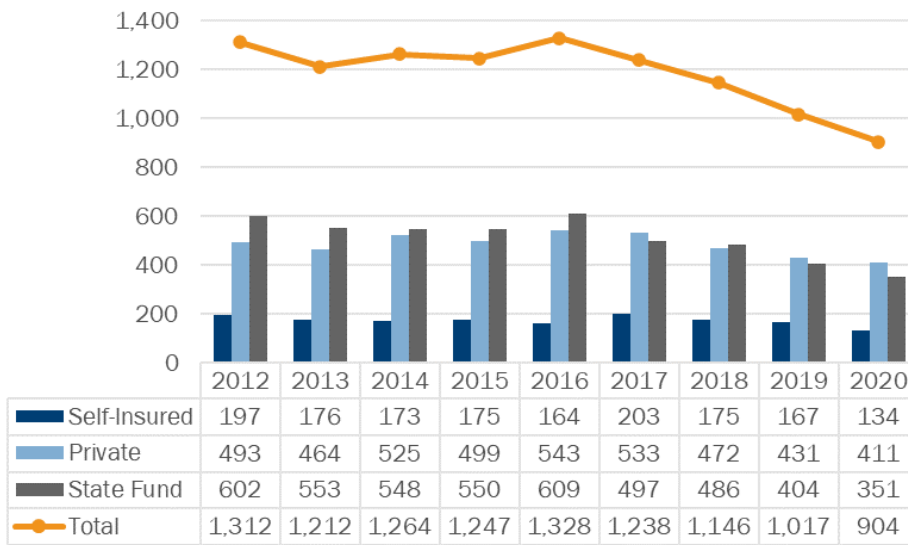
	Self-Insured		Private		State Fund		Grand Total	
	Claim Count	Amount	Claim Count	Amount	Claim Count	Amount	Claim Total	Total Amount
2012	43	\$145,758	98	\$384,404	104	\$202,661	245	\$732,823
2013	35	\$127,890	115	\$376,157	96	\$177,239	246	\$681,286
2014	47	\$179,183	109	\$260,311	93	\$219,535	249	\$659,028
2015	58	\$129,565	74	\$176,233	106	\$263,442	238	\$569,240
2016	59	\$148,140	103	\$538,863	98	\$228,066	260	\$915,069
2017	46	\$125,030	101	\$255,085	93	\$205,253	240	\$585,368
2018	41	\$105,850	102	\$281,332	73	\$145,204	216	\$532,386
2019	50	\$90,602	78	\$254,096	70	\$134,191	198	\$478,890
2020	33	\$86,172	76	\$159,286	42	\$83,201	151	\$328,659
Total	412	\$1,138,190	856	\$2,685,767	775	\$1,658,794	2,043	\$5,482,750

MEDIATION

The Dispute Resolution Section of ERD administers a mandatory process for resolving disputes concerning benefits for both occupational injury and disease claims. The mediation process is confidential, non-binding and informal. The mediator facilitates the exchange of information between the parties and assists with solutions aimed at resolving the dispute. Conferences are usually by telephone, but can be held in person in Helena upon request. Often more than one conference is held in order to resolve the disputes on a claim. If disputes are not resolved at Mediation, the parties may proceed to the Workers' Compensation Court (WCC).

4.1

Mediation Petitions By Plan Type and Year of Receipt



4.2

Mediation Petitions By Year of Receipt

		2012	2013	2014	2015	2016	2017	2018	2019	2020
Pending	Open	0	0	0	0	0	2	3	18	20
	Recommendation Issued	0	0	0	0	0	0	1	16	27
Resolved	Resolved as a Result of Conference	436	401	479	415	451	449	421	420	307
	Resolved during Conference	237	198	180	210	201	139	129	132	126
	Resolved Prior to Conference	308	328	387	388	426	372	348	274	280
	Dismissed	41	38	42	43	33	45	41	22	25
Unresolved	Unresolved	90	81	27	46	52	59	58	50	59
	Work Comp Court	200	166	149	145	165	172	145	85	60
Total		1,312	1,212	1,264	1,247	1,328	1,238	1,146	1,017	904

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

4.3

Mediation Petitions

By Benefit Issue¹ and Year of Receipt

	2012	2013	2014	2015	2016	2017	2018	2019	2020
Medical Benefits	513	443	532	533	714	651	563	469	429
Wage Loss Benefits	490	443	487	471	554	530	461	364	421
Relatedness	221	197	154	231	207	209	181	162	131
Requirement	153	155	174	188	156	130	101	106	92
Access to Records	44	66	67	98	112	113	91	66	65
Course and Scope	63	59	54	61	77	66	63	61	62
Calculation of Wages	38	26	21	24	29	24	16	19	30
Rehab Benefits	23	26	26	30	35	35	27	25	27
Notice/Filing Time	86	58	54	56	74	66	41	50	23
Coverage	31	24	31	36	32	22	19	16	9
Other	151	105	104	94	84	94	152	139	119
Total	1,813	1,602	1,704	1,822	2,074	1,940	1,715	1,477	1,408

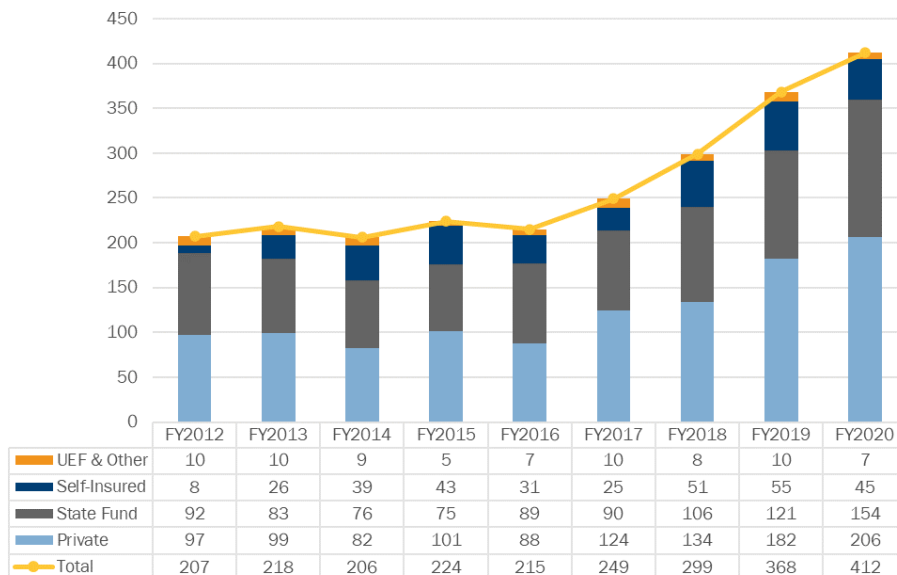
¹ One mediation could have multiple benefit issues.

WORKERS' COMPENSATION COURT (WCC)

The Workers' Compensation Court (WCC) resolves disputes between workers injured as a result of occupational injuries or diseases, and insurers or employers. The court has original jurisdiction over benefit issues arising under the Workers' Compensation Act. For an injury occurring after July 1, 1987, disputes must first be mediated through the ERD Dispute Resolution Section. The court's exclusive jurisdiction also extends to disputes involving independent contractor exemptions under both the Workers' Compensation and Unemployment Insurance Acts, civil penalties for theft of workers' compensation benefits, and the two-year return to work preference specified in section **39-71-317(2), MCA**. The following information was taken from the WCC webpage: <http://www.wcc.dli.mt.gov/>.

4.4

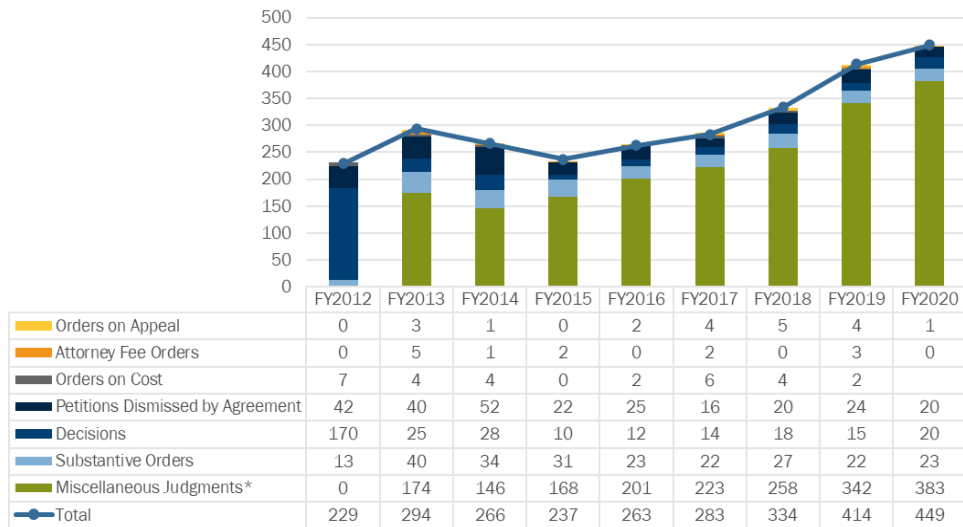
Petitions² Received by the WCC
By Case Type and Fiscal Year of Receipt



² Petitions may involve more than one case type.

4.5

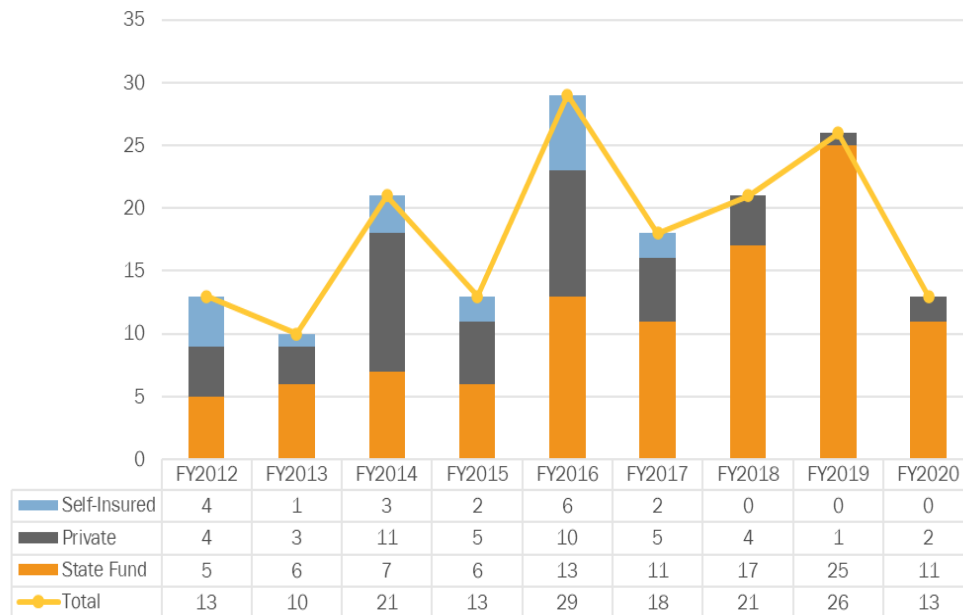
Decisions³ by the WCC By Fiscal Year of Receipt



³ Prior to FY2013 'Miscellaneous Judgements' were included with 'Decisions'.

4.6

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



SECTION 5- EMPLOYMENT RELATIONS DIVISION PROGRAMS

The Employment Relations Division (ERD) provides a wide variety of services and regulations including the following bureaus: Compliance & Investigations, Operations, Workers' Compensation, Human Rights, and Safety & Health. To find out more about ERD please visit the webpage: <https://erd.dli.mt.gov/>.

The administration of the Workers' Compensation Act is funded by an assessment to employers who self-insure and a surcharge paid by employers who are insured by private insurance companies or the Montana State Fund. Section **39-71-201, MCA**, provides the administration assessment may be up to 4% of benefits paid during the preceding calendar year for injuries and occupational diseases covered under the Workers' Compensation Act, without regard to the application of any deductible and whether the employer or the insurer pays the losses. Benefits included in the calculation are: (1) compensation benefits paid and (2) medical benefits paid (except payments in excess of \$200,000 per occurrence, which are exempt from the assessment).

Functions funded by the administrative assessment include:

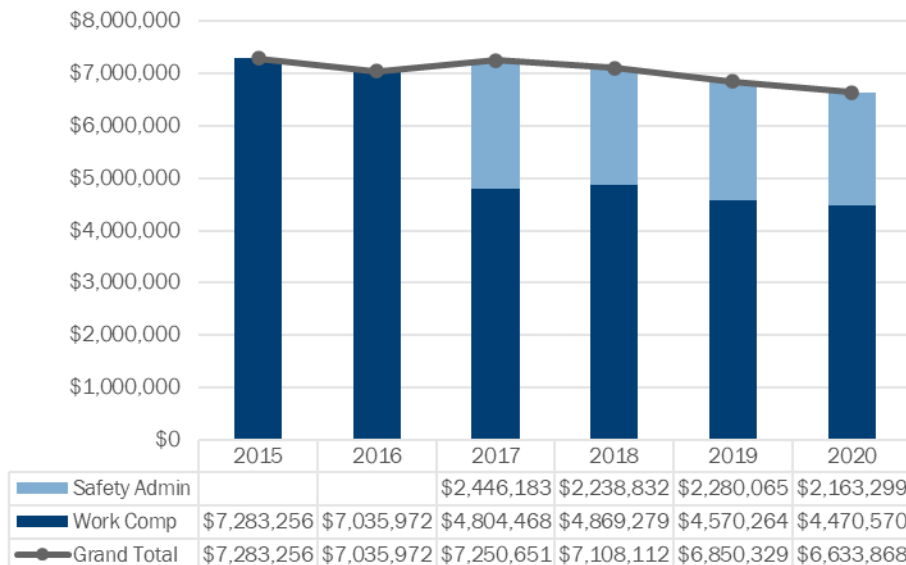
- Legal functions of the Workers' Compensation Court, Office of Administrative Hearings, and Office of Legal Services;
- A portion of the Research & Analysis Bureau in the Workforce Services Division; and
- Administration of the Employment Relations Division and workers' compensation functions, including the workers' compensation database, claims management, data analysis, mediation, medical regulations, self-insurance, carrier compliance, Professional Employer Organizations, and Managed Care Organizations.

Beginning July 1, 2016, a separate assessment for the occupational safety and health administration fund applies to employers who self-insure and a surcharge paid by employers who are insured by private insurance companies or the Montana State Fund. Section **50-71-128, MCA**, provides the safety assessment may be up to 2% of benefits paid during the preceding calendar to fund occupational safety and health administrative and regulatory activities.

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
By Program Year

	Medical Payments	Indemnity Payments	Lump Sum Settlements	Total
2015	\$401,043	\$263,498	\$124,878	\$789,419
2016	\$608,373	\$165,827	\$907,217	\$1,681,417
2017	\$418,561	\$619,782	\$462,643	\$1,500,986
2018	\$477,119	\$324,779	\$336,611	\$1,138,509
2019	\$497,465	\$177,145	\$724,601	\$1,399,211
2020	\$501,205	\$209,294	\$278,370	\$988,869

5.3

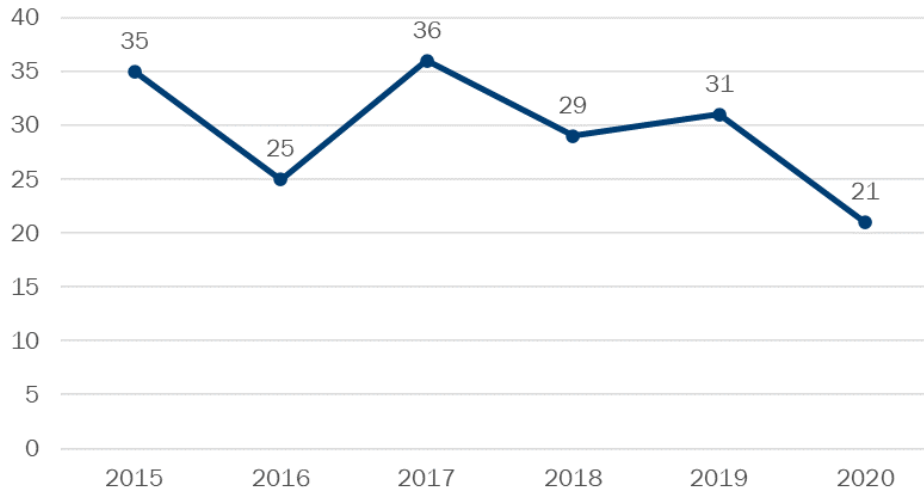
SIF Applications
By Program Year

	2015	2016	2017	2018	2019	2020
Approvals	62	21	11	29	15	14
Denials	47	53	24	33	24	20
Pending	30	1	1	0	2	2
Total	139	75	36	62	41	36

UNINSURED EMPLOYERS' FUND

5.4

Uninsured Employers' Fund Claims
By Year of Injury



5.5

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

	Medical Payments	Indemnity Payments	Total
2015	\$226,360	\$349,815	\$576,175
2016	\$168,956	\$280,639	\$449,595
2017	\$264,429	\$158,025	\$422,454
2018	\$300,200	\$267,983	\$568,183
2019	\$326,476	\$340,716	\$667,192
2020	\$163,270	\$295,503	\$458,773

CONSTRUCTION CONTRACTOR REGISTRATION & INDEPENDENT CONTRACTOR EXEMPTION CERTIFICATES

5.6

Registered Construction Contractor Applications
By Fiscal Year

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
Applications Received	5,070	5,995	5,534	6,135	5,588	6,379

As of 8/16/2021 there were 11,488 active registered construction contractors.

5.7

Independent Contractor Exemption Applications
By Fiscal Year

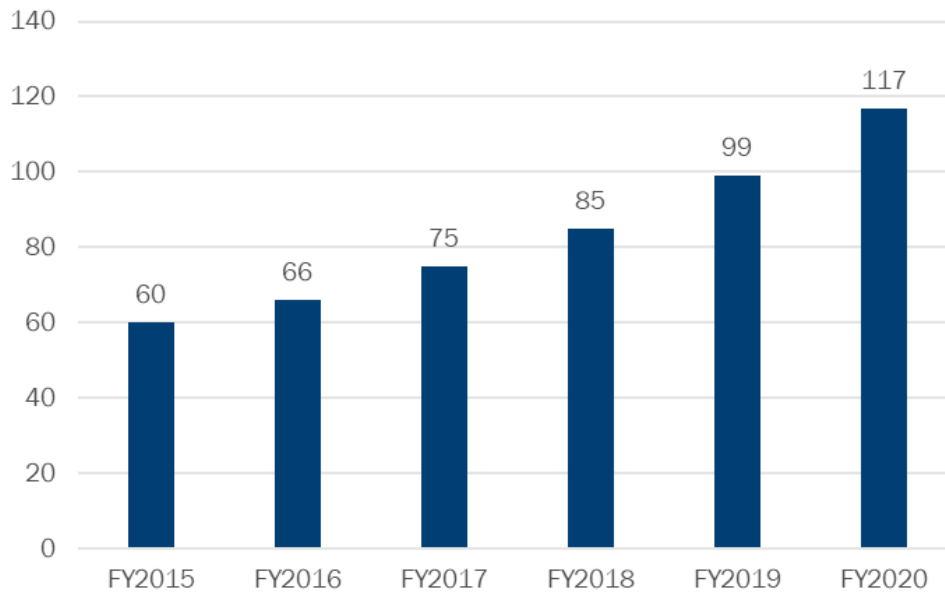
	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
Independent Contractor Apps	20,183	20,387	21,670	21,939	24,039	23,158

As of 8/16/2021 there were 23,651 active independent contractor exemptions.

PROFESSIONAL EMPLOYER ORGANIZATIONS (PEO)

5.8

Professional Employer Organizations (PEOs)
By Fiscal Year



5.9

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

	Active PEO Employers	Number of Leased Employees
FY2015	516	4,824
FY2016	571	5,804
FY2017	616	6,302
FY2018	690	6,630
FY2019	788	7,509
FY2020	918	7,872

SAFETY & HEALTH

CONSULTATION

5.10

Public Employer Consultation Activities
By Fiscal Year

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
State Government	13	45	42	2	3	6
County Government	9	19	32	4	13	6
City Government	12	21	40	13	17	9
College/Public Schools	8	14	12	42	6	7
Tribal Visits	-	-	-	2	1	0
Total Visits	42	99	126	63	40	28
Total Interventions	80	89	93	56	34	42

5.11

Private Employer Consultation Activities
By Federal Fiscal Year

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
Number of Employees covered	12,754	24,899	16,977	23,682	17,555	14,959
Number of Hazards Identified in work place	486	1,154	858	789	638	930
Total Visits	228	294	261	240	188	191
Total Interventions	95	111	113	102	119	113

OUTREACH

5.12

SafetyFestMT – FY20

City	Number of Attendees	Number of Classes
Butte	202	31
Billings	491	58
Missoula (Cancelled)	-	-
Miles City (Virtual)	191	24
Total	884	113

MINE SAFETY

5.13

Mine Safety Activities
By Fiscal Year of Activity

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
Coal Mine Inspections	12	12	14	13	18	12
Sand & Gravel Inspections	120	77	69	49	60	53
Classes Taught (Metal/Nonmetal/Coal)	87	57	76	63	66	52

PUBLIC SECTOR SAFETY

5.14

Public Sector Safety Activities
By Fiscal Year of Activity

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
Inspections	3	205	448	332	318	252
Interventions	34	25	58	21	22	10

CLAIMS EXAMINER CERTIFICATION

5.15

Newly Certified Claims Examiners
By Fiscal Year

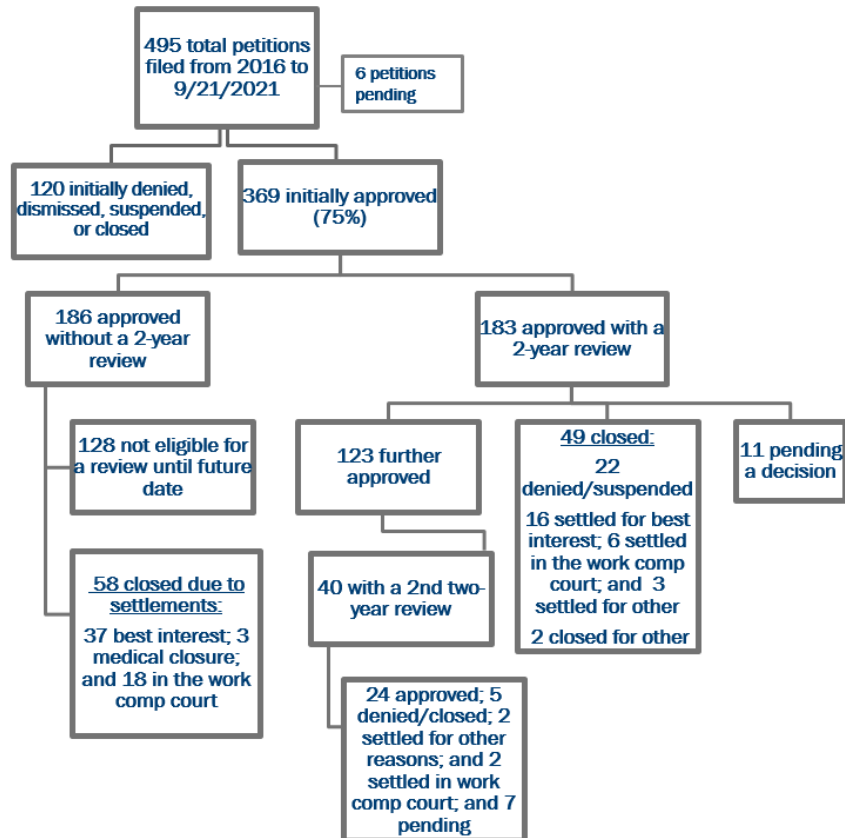
FY2015	14
FY2016	25
FY2017	24
FY2018	24
FY2019	23
FY2020	49

FIVE-YEAR REOPENING PROCESS FOR MEDICAL BENEFITS

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

5.16

Five-Year Reopening Petitions



INDEPENDENT MEDICAL REVIEWS

5.17

Total Independent Medical Reviews
By Resolution and Fiscal Year

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
Recommended	5	2	8	9	7	7
Recommended with Other Guideline Treatments	1	2	0	0	0	0
Recommended with Conditions	0	1	1	1	0	0
Not Recommended	7	9	10	15	3	4
Did Not Qualify for IMR	3	7	0	1	1	0
Other	1	0	0	1	1	1
Totals	17	21	19	27	12	12

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.

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

Cause of Injury descriptions: for this report, the cause of injury codes **are no longer grouped**. Please find the individual codes and their descriptions at https://www.wcio.org/Active%20PNC/WCIO_Cause_Table.pdf.

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 descriptions: for this report, the nature of injury codes **are no longer grouped**. Please find the individual codes and their descriptions at https://www.wcio.org/Active%20PNC/WCIO_Nature_Table.pdf.

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 descriptions: for this report, the part of body codes **are no longer grouped**. Please find the individual codes and their descriptions at https://www.wcio.org/Active%20PNC/WCIO_Part_Table.pdf.

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, PTD, 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.