

Improving Our Measures for Dispute Resolution

BRI LAKE, ERD RESEARCH ANALYST

GOVERNOR'S CONFERENCE ON WORKERS' COMPENSATION

09/30/2021



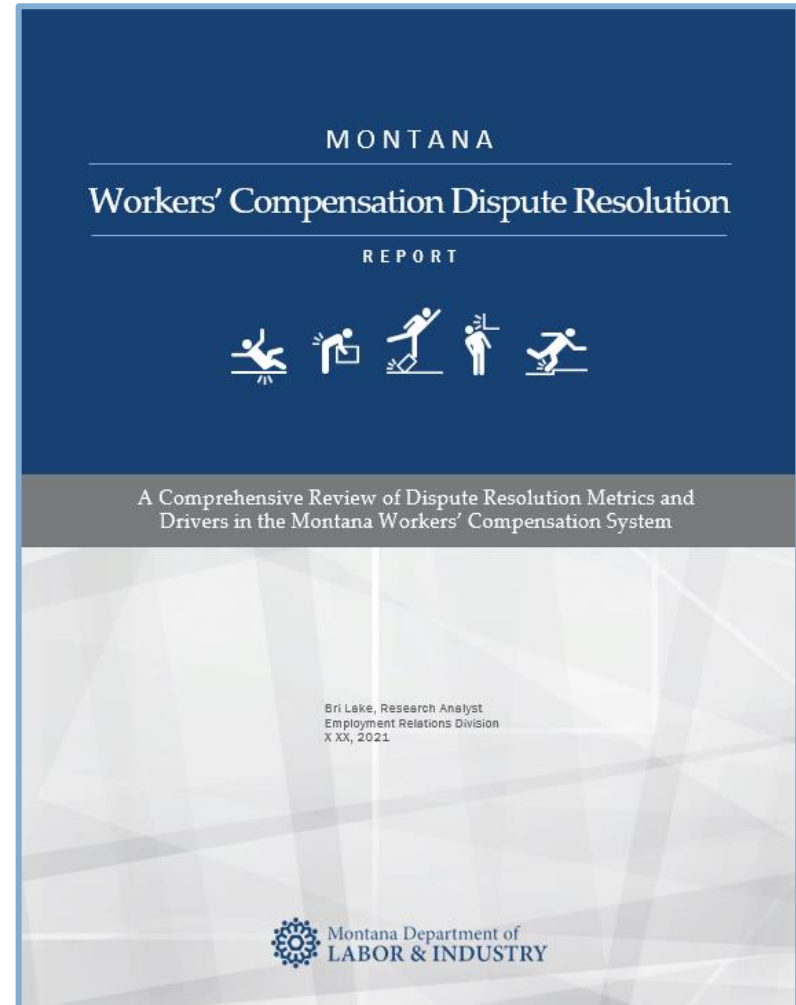
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Why do we care about dispute resolution metrics?

“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.” (§39-71-105(4) MCA)

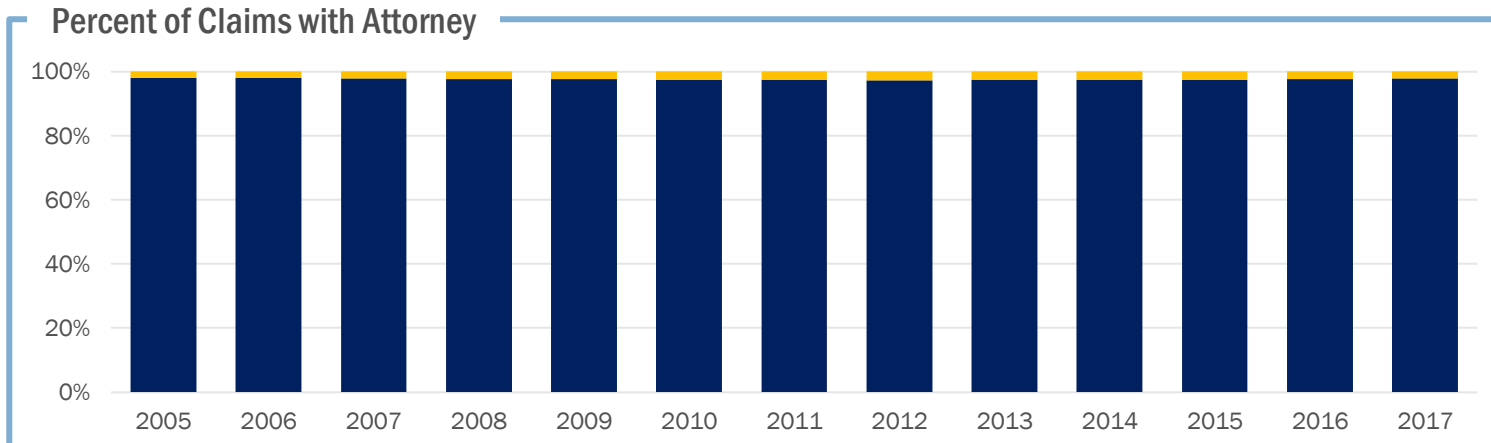
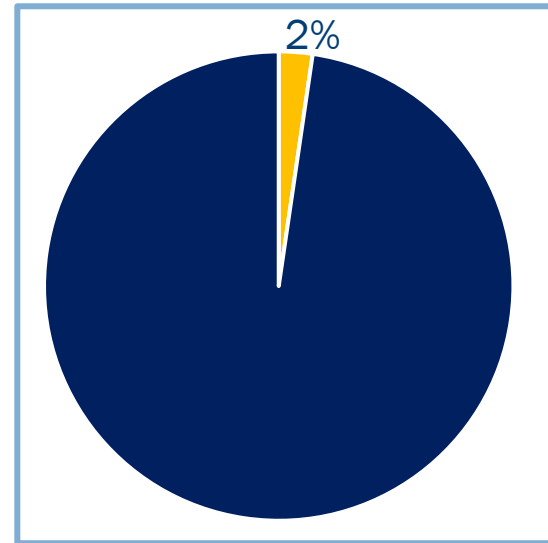
Metrics historically found in the MT Annual Report:

- Mediation Counts
 - by Plan Type
 - by Benefit Issue
 - by Resolution Status
- Work Comp Court [Statistics](#) as reported by the WCC
- Dollar amounts for attorney fees, settlements, and insurer legal expenses



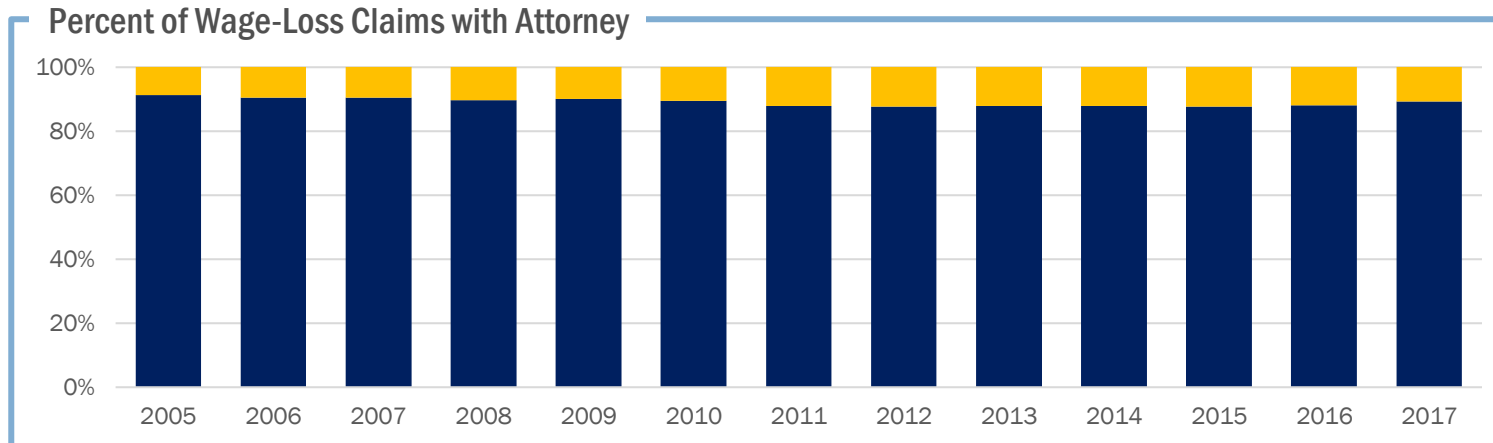
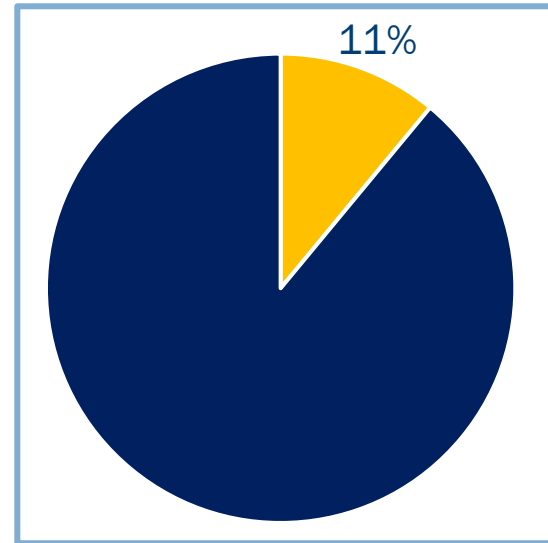
Claimant Attorney Involvement – Distribution of Claims, IY 2005-2017

All Claims Filed	Wage-Loss Claims	Attorney Claims	Wage-Loss-Attorney Claims
360,800	53,400	8,400	5,800



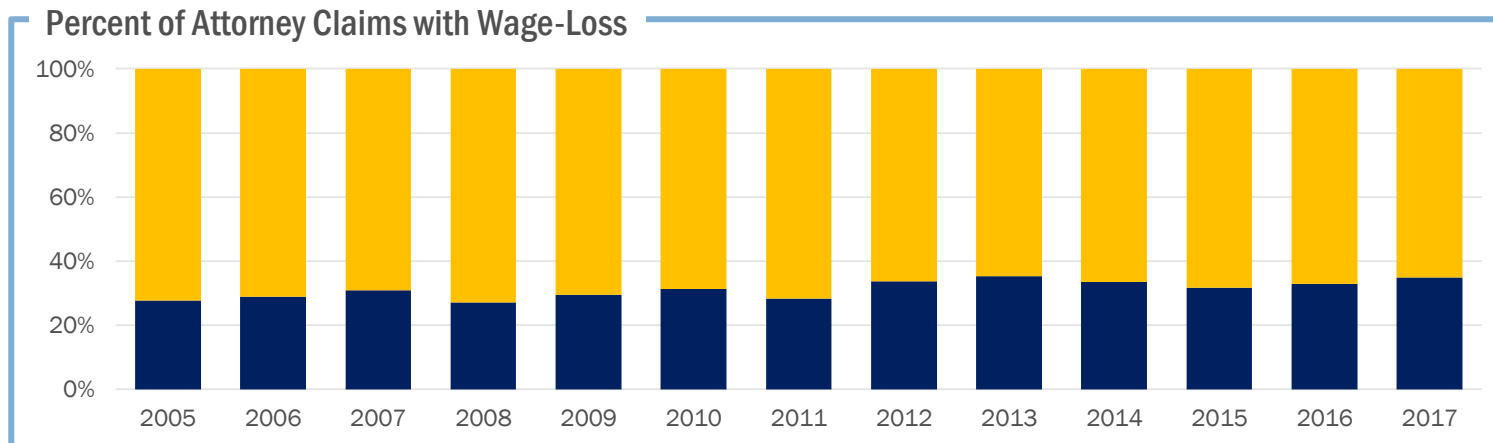
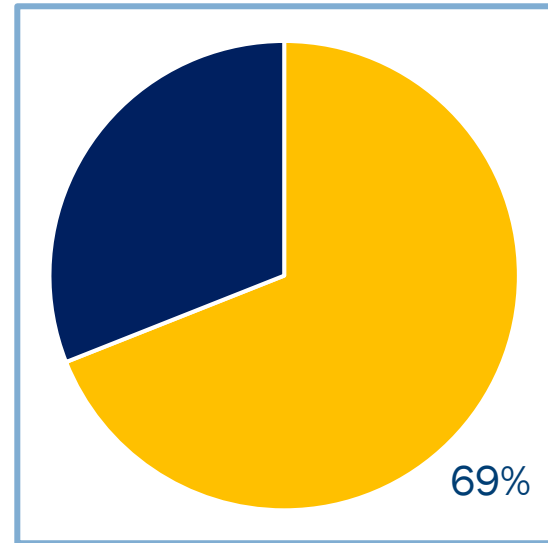
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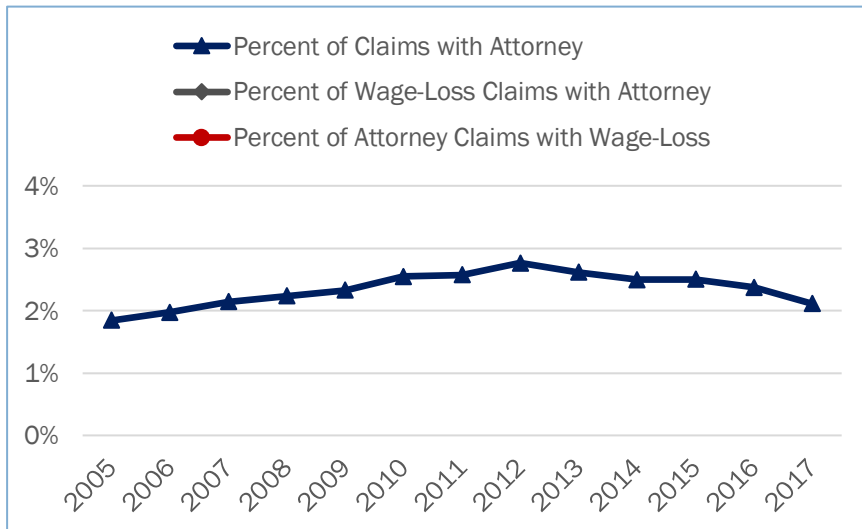
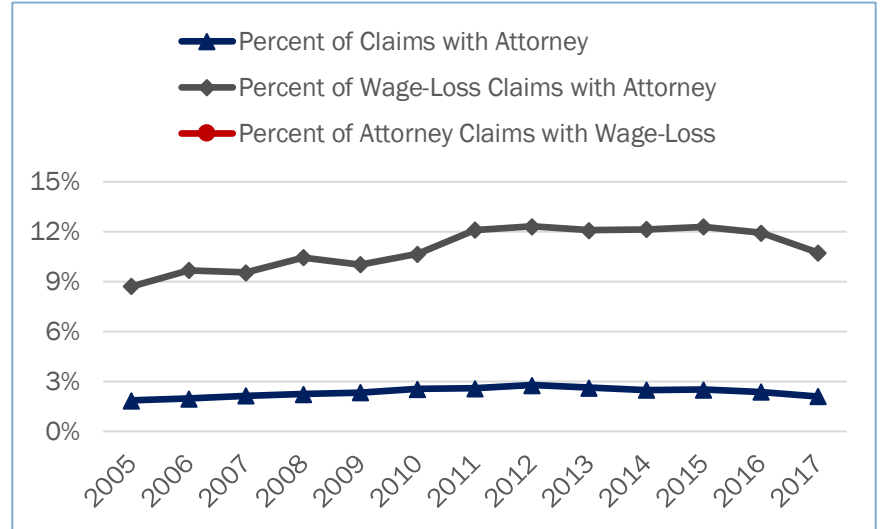
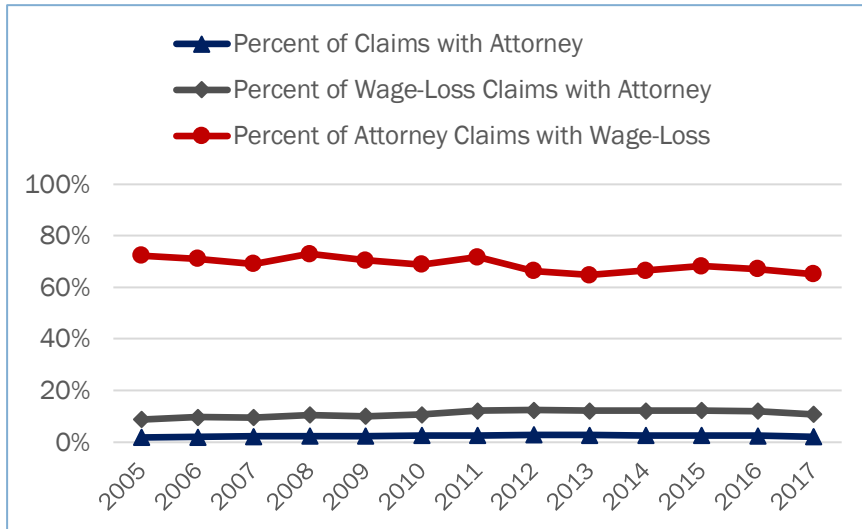


Claimant Attorney Involvement – Distribution of Claims, IY 2005-2017

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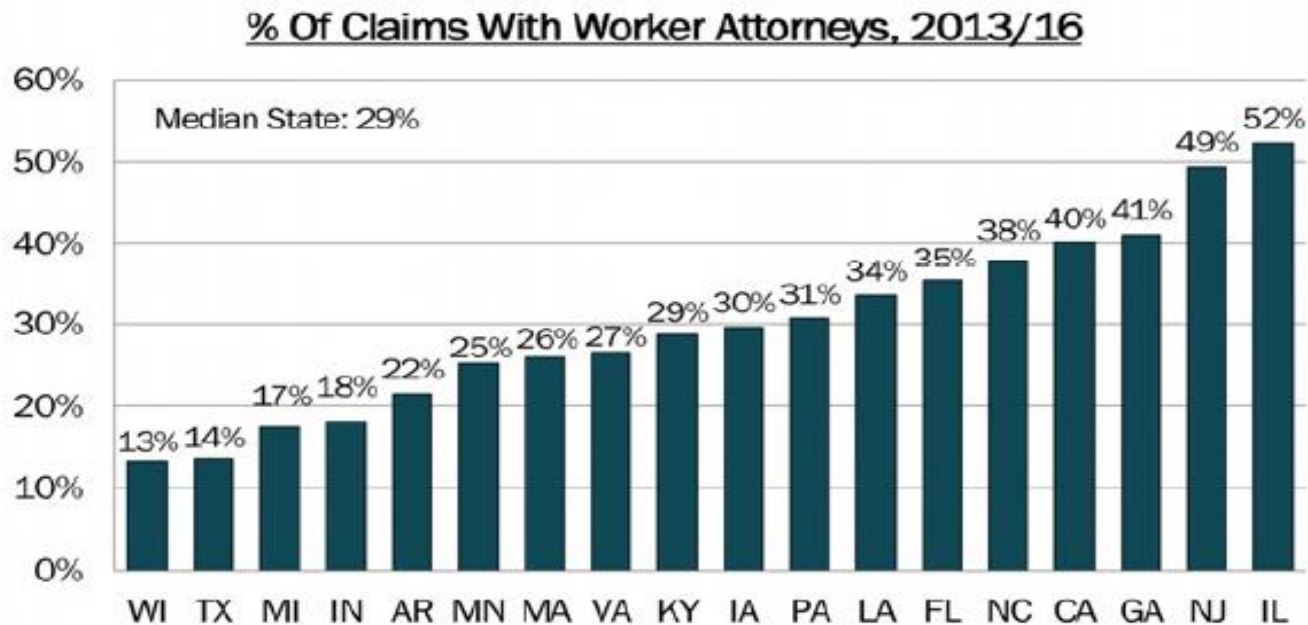
Claimant Attorney Involvement – Distribution of Claims (IY 2005-2017)



Source: Workers' Compensation Administrative Network (WCAN), MT DLI ERD

Worker Attorney Involvement: A New Measure (WCRI, 2017)

Wide Variation In Worker Attorney Involvement Across Study States



2013/16 Claims With > 7 Days Of Lost Time, Adjusted For Injury/Industry Mix

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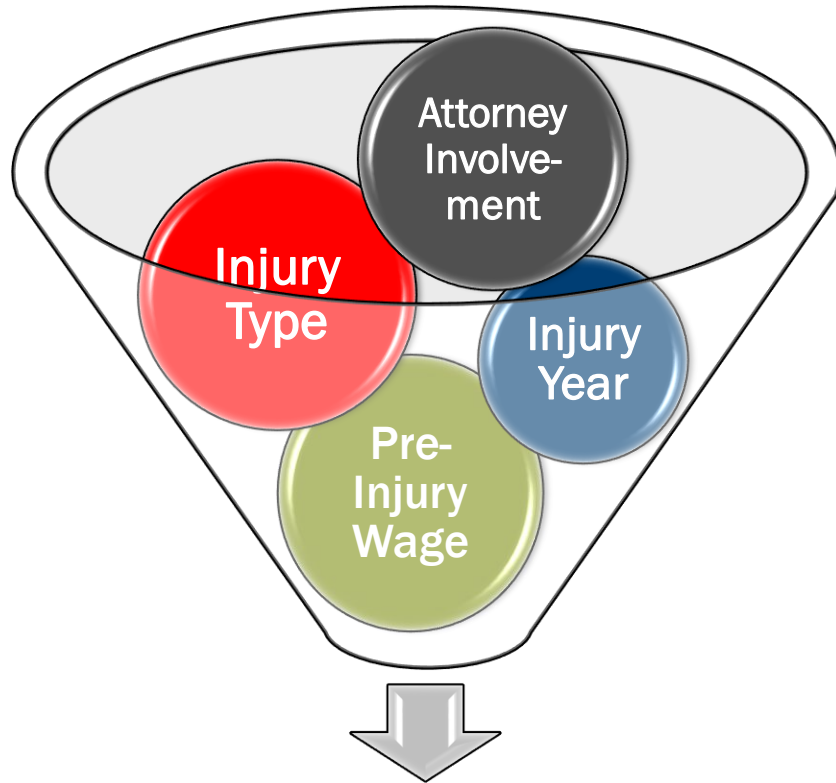
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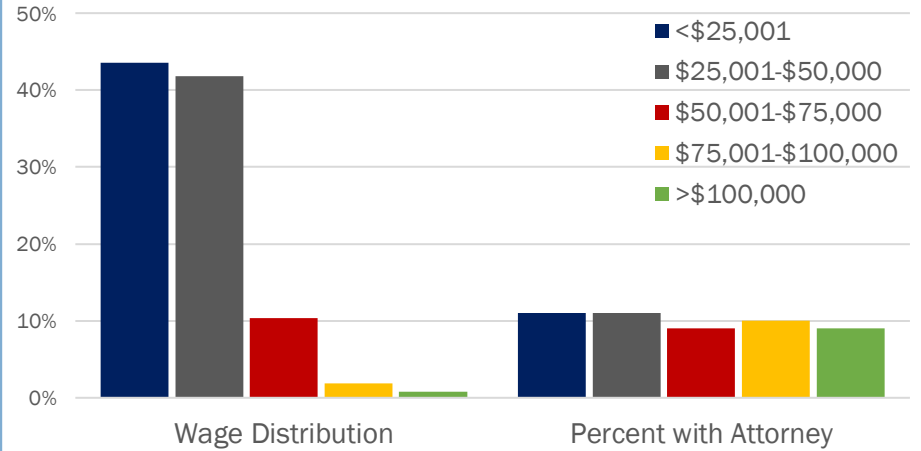
Claimant Attorney Cost & Correlates – Wage-Loss Claims, IY 2005-2017

Claim Cost vs. Attorney Involvement



Average Temporary Benefits Increase by \$11,900 when a Claimant Attorney is Involved

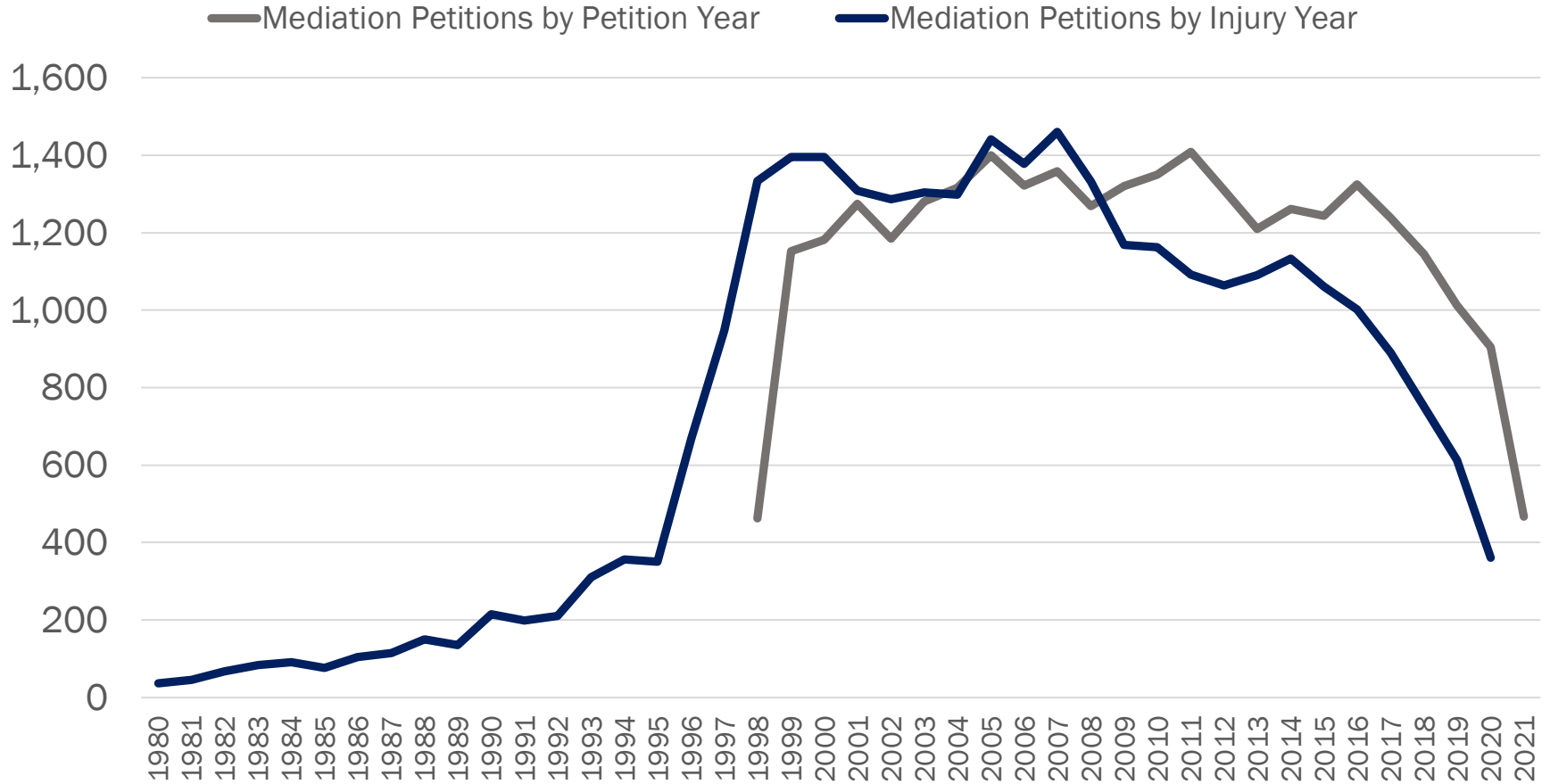
Injured Worker Wage vs. Attorney Involvement



Injury Type vs. Attorney Involvement

	Injury Distribution	Percent with Attorney
Sprain or Strain of the Back or Neck	23%	15%
Fracture, Laceration	15%	7%
Asbestosis, Respiratory Disorder, Dust Disease	<1%	20%

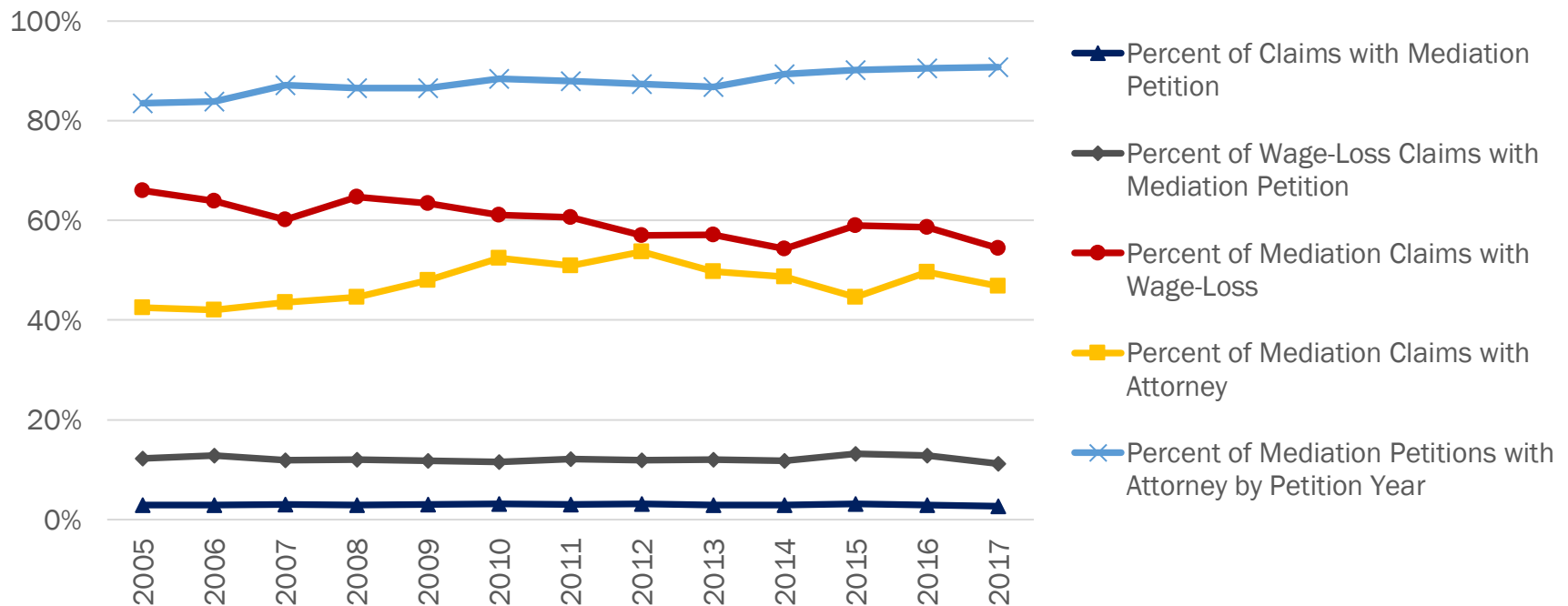
Mediation – Petition Year vs. Injury Year



Source: Workers' Compensation Administrative Network (WCAN), MT DLI ERD

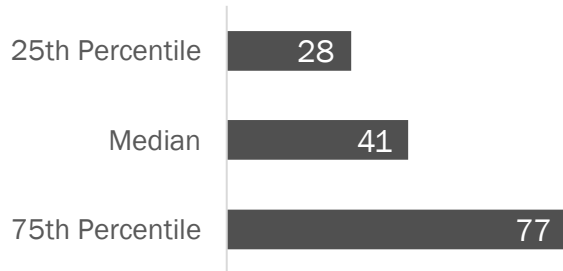
Mediation – Distribution of Claims, (IY 2005-2017)

All Claims Filed	Wage-Loss Claims	Mediation Claims	Wage-Loss-Mediation Claims	Mediations Claims with Attorneys
360,800	53,400	10,700	6,500	5,100



Mediation – Timeframes

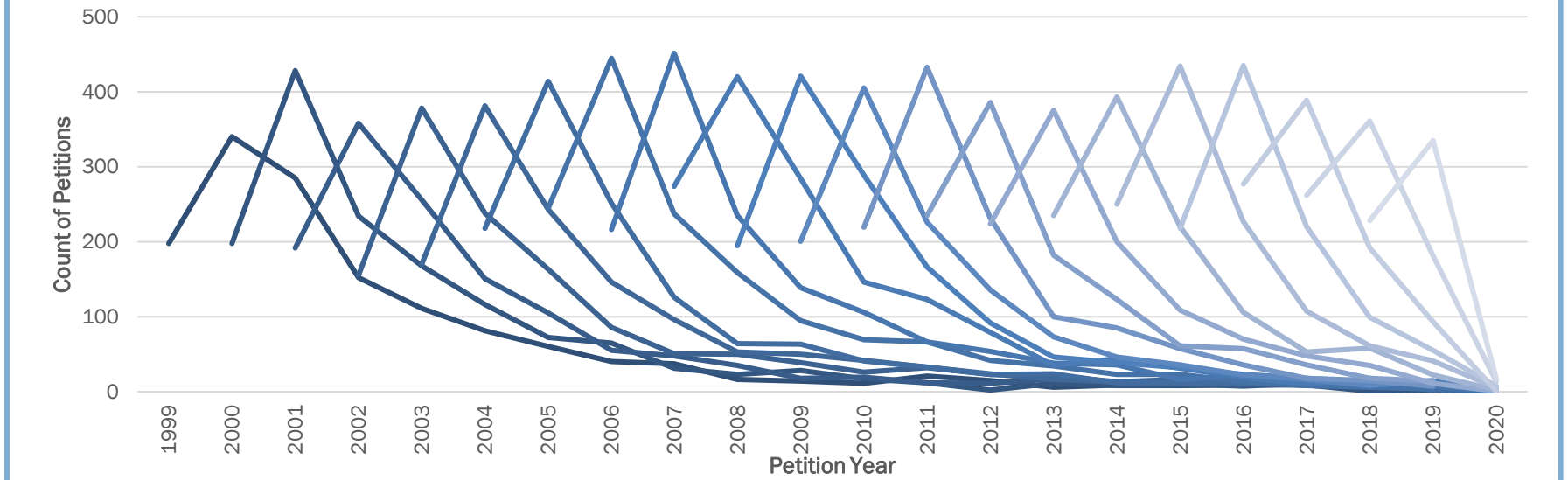
Number of Days from Petition for Mediation to Mediation Closure



Distribution of Time from Petition for Mediation to Mediation Closed

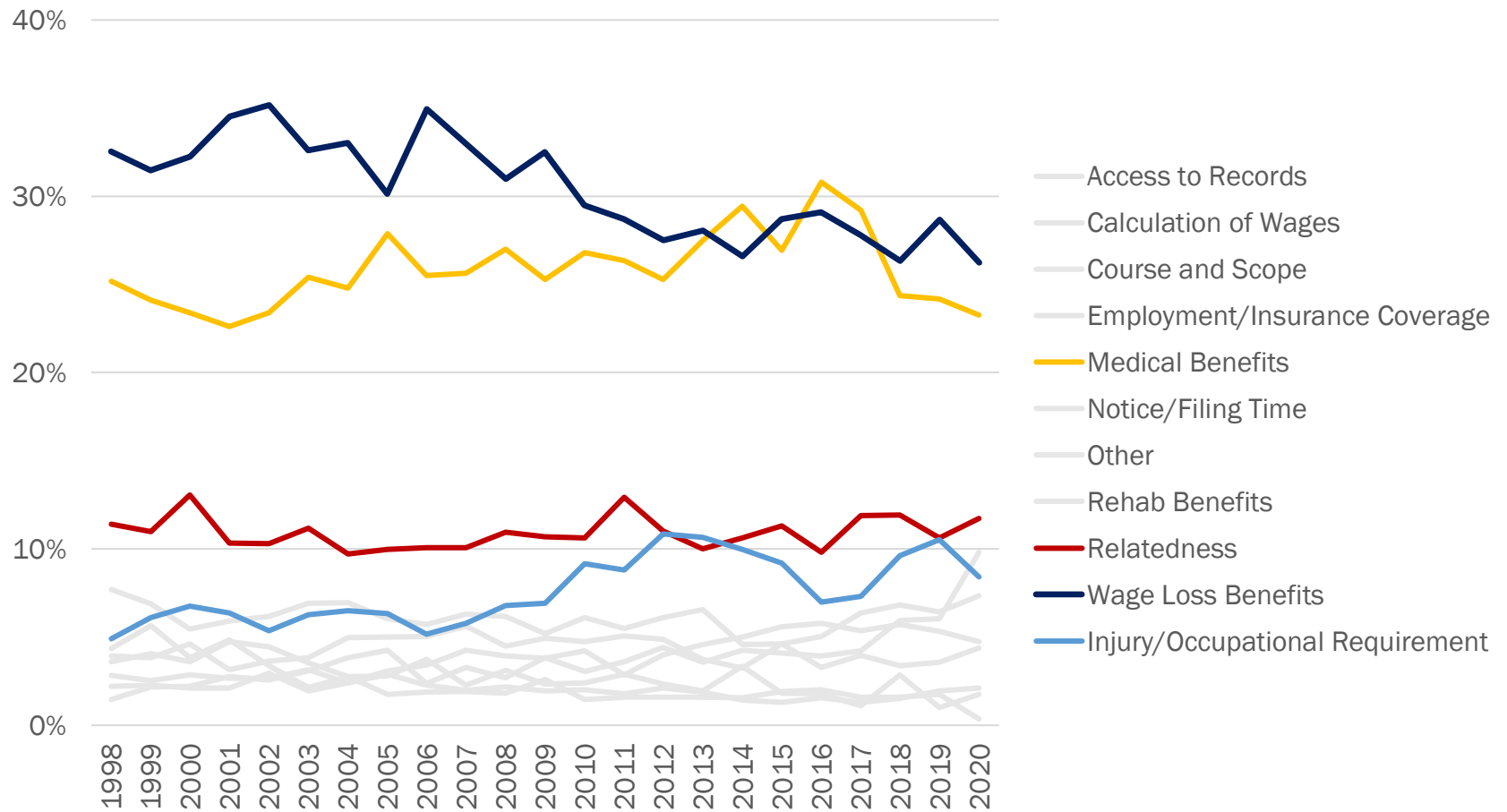


Time from Date of Injury to Petition for Mediation by Injury Year



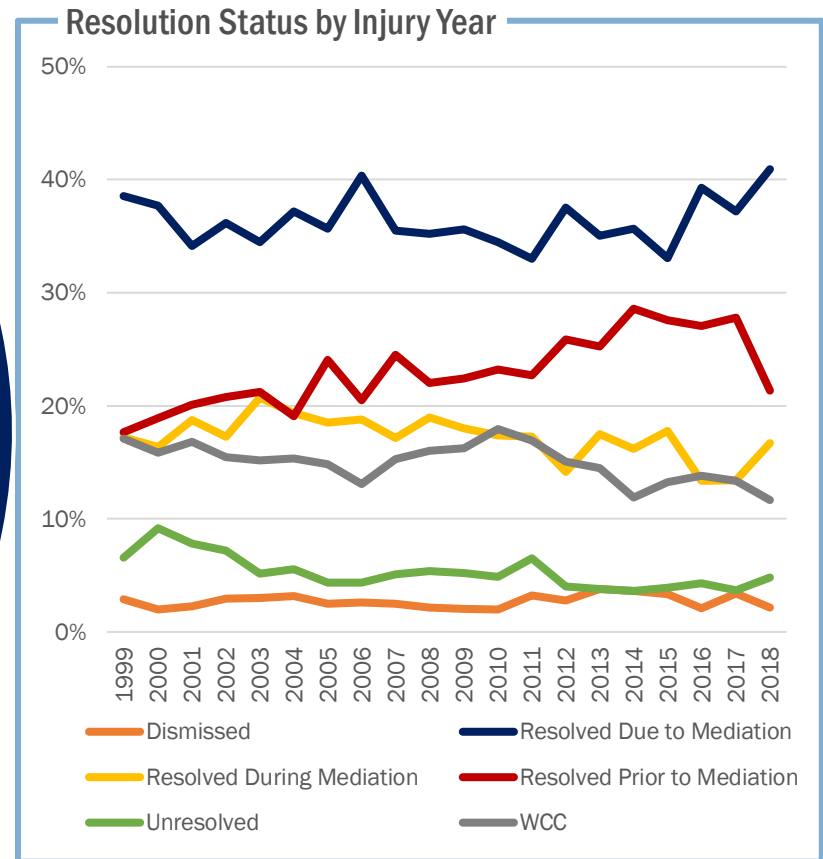
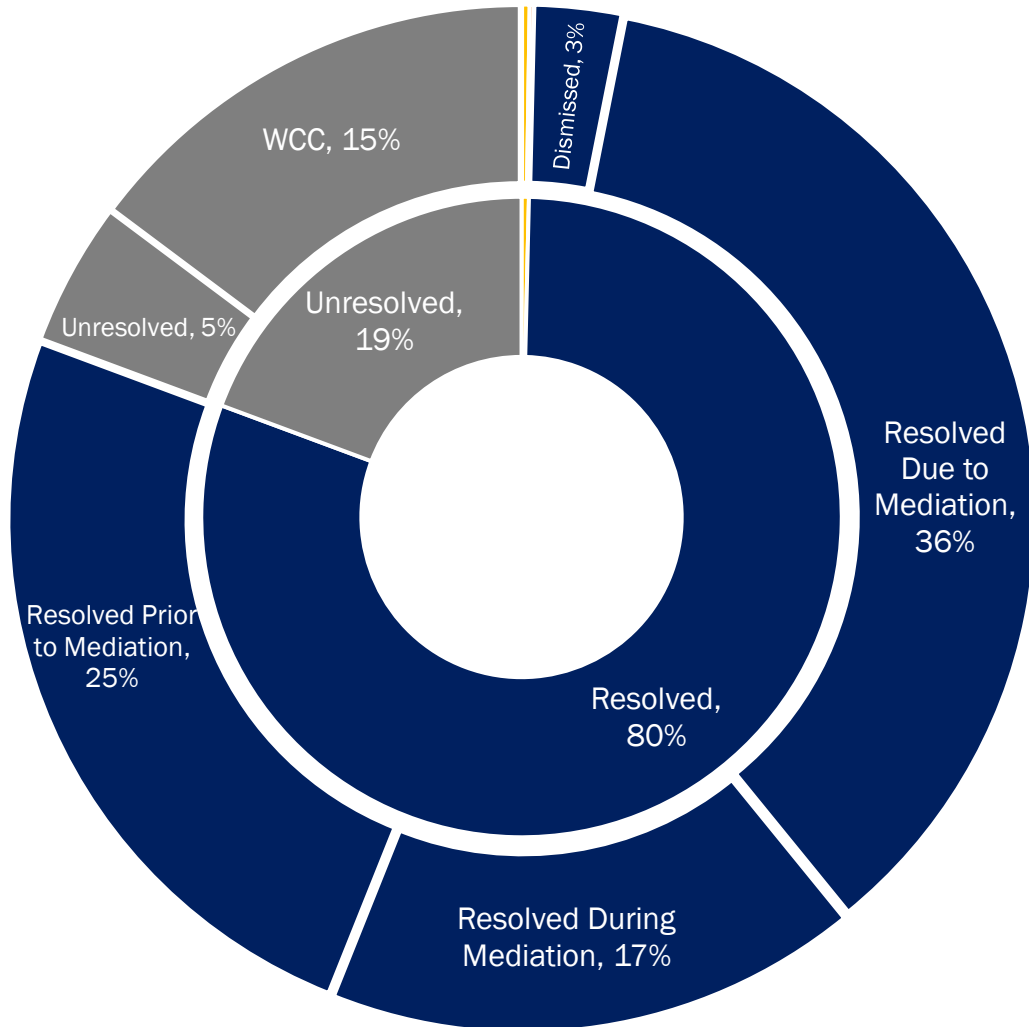
Mediation – Issues

Mediation Benefit Issues by Injury Year



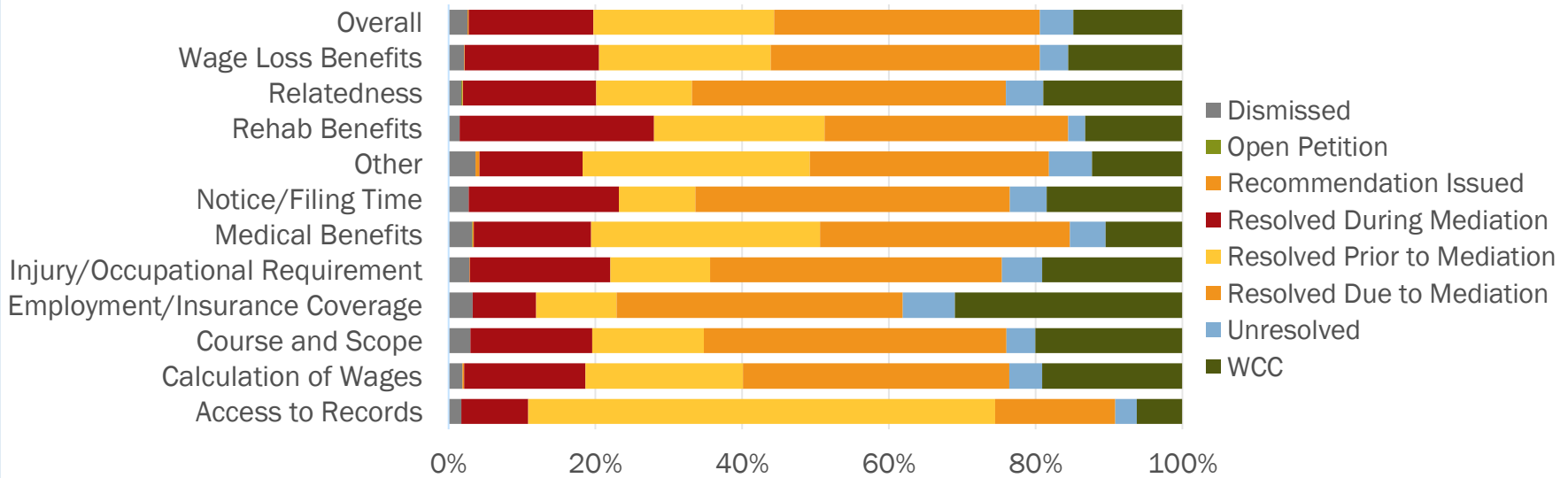
Source: Workers' Compensation Administrative Network (WCAN), MT DLI ERD

Mediation – Resolution

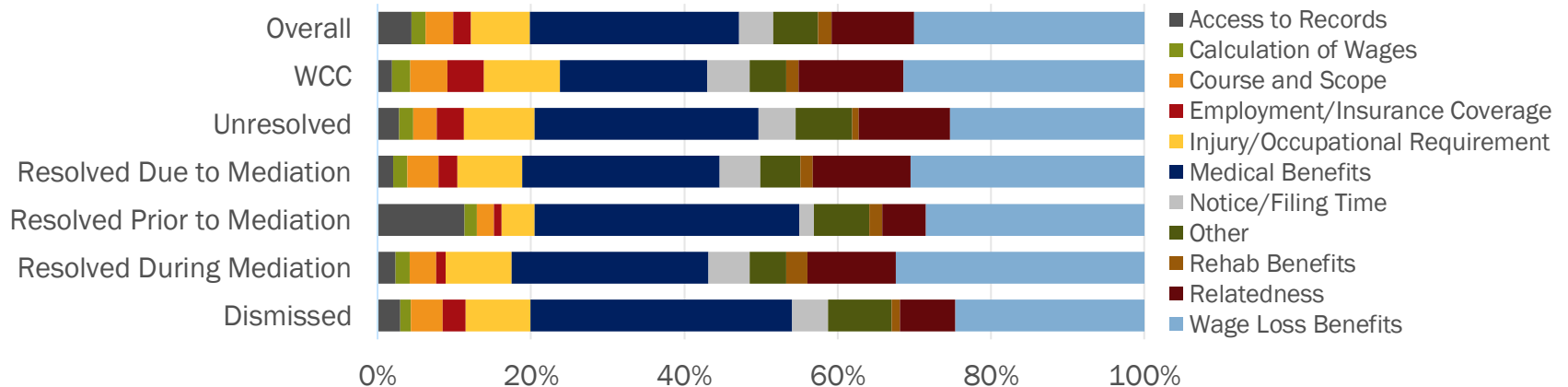


Mediation – Issues & Resolution

Benefit Issue by Resolution



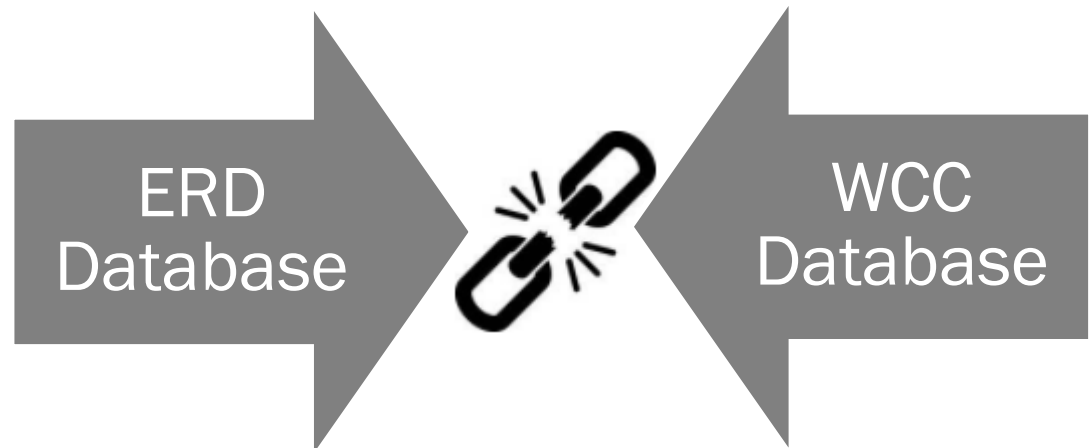
Resolution by Benefit Issue



Workers' Compensation Court

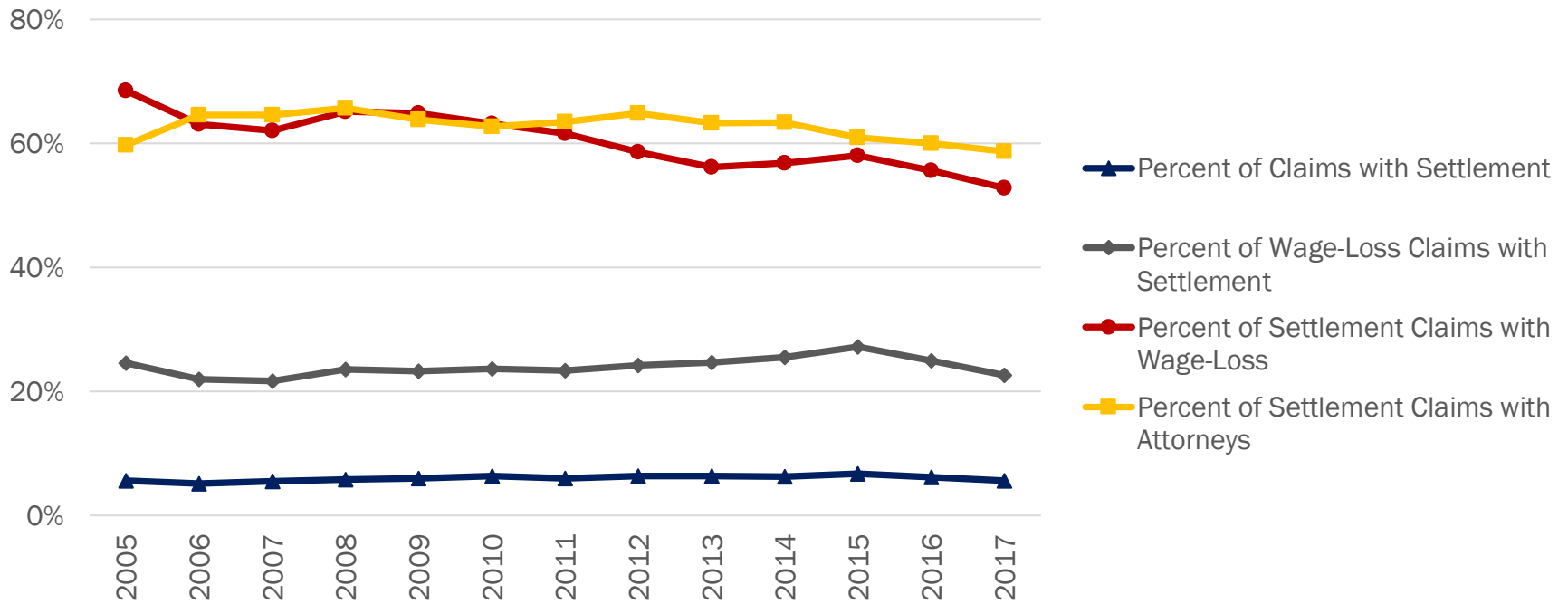


- Workers' Compensation Court [Statistics](#)
 - Includes counts of petitions, trials, decisions, appeals, settlement conferences, and more (1993-Current)
 - ERD Dashboard for WCC [Statistics](#)



Settlements – Distribution of Claims, IY 2005-2017

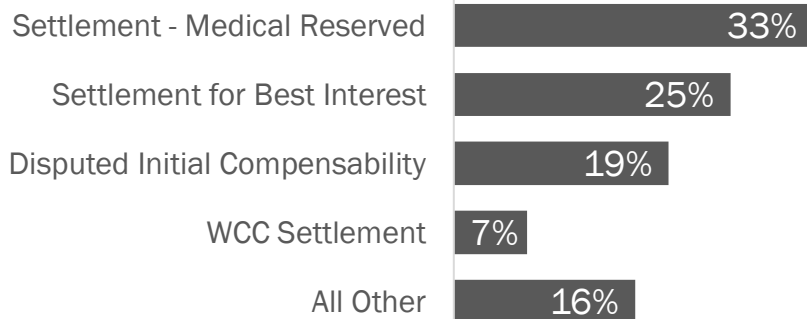
All Claims Filed	Wage-Loss Claims	Settlement Claims	Wage-Loss-Settlement Claims	Settlement Claims with Attorneys
360,800	53,400	20,900	12,700	13,100



Source: Workers' Compensation Administrative Network (WCAN), MT DLI ERD

Settlement Types & Times, IY 2005-2017

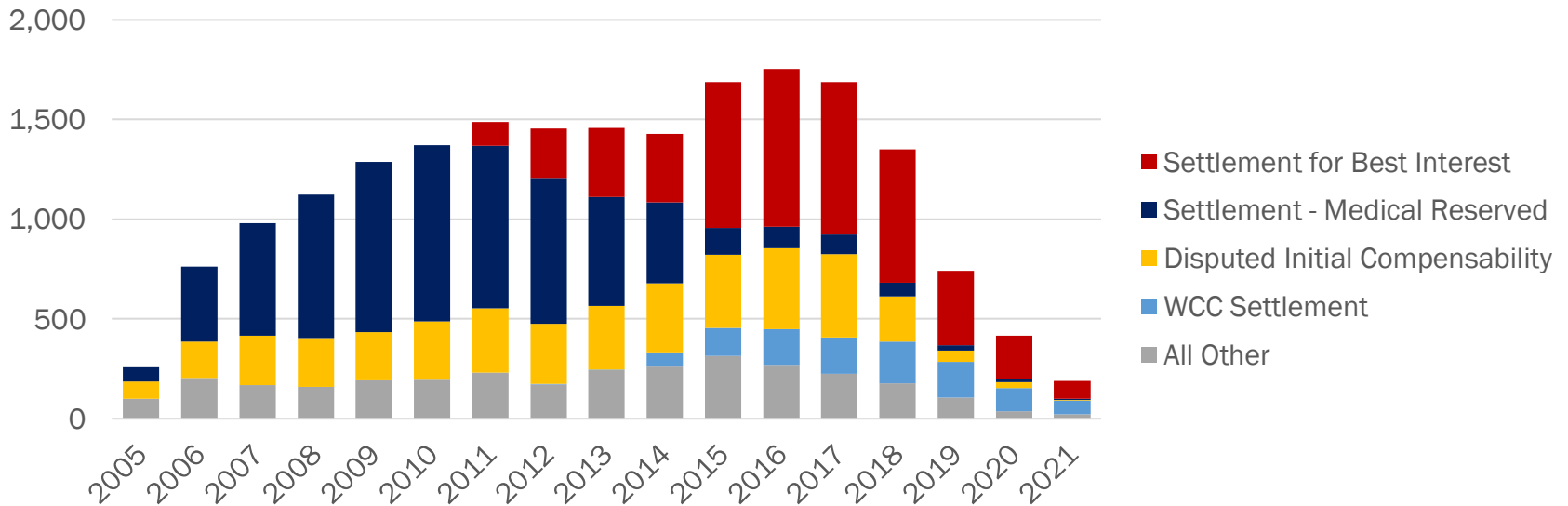
Settlement Type Distribution



Median Settlement Amount

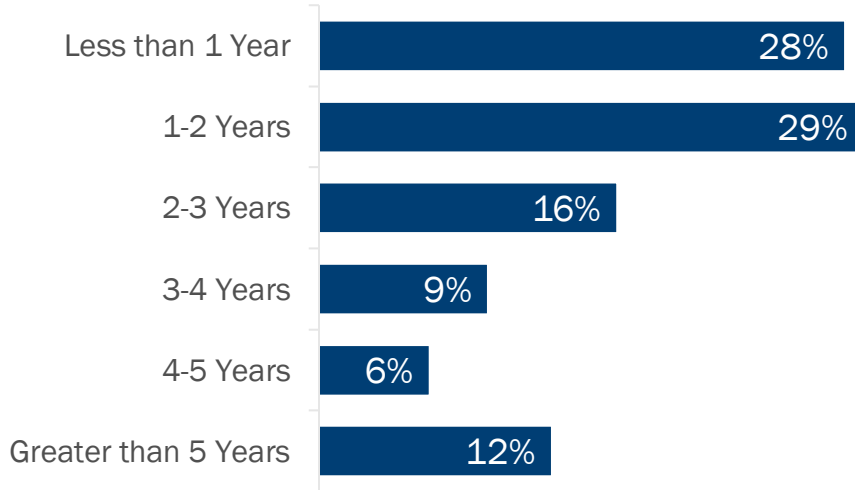


Settlement Type Count by Decision Date

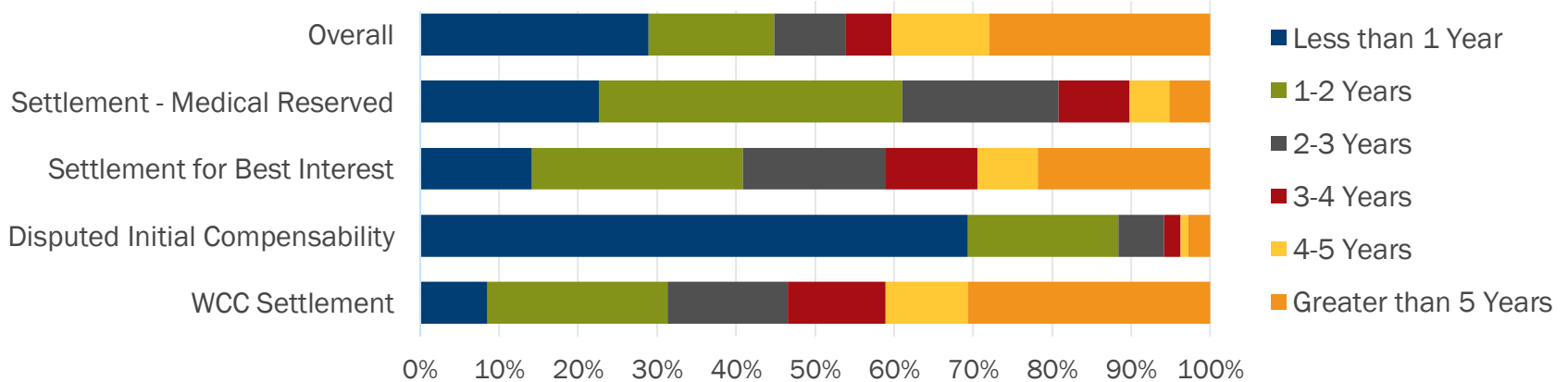


Settlement Types & Times, IY 2005-2017

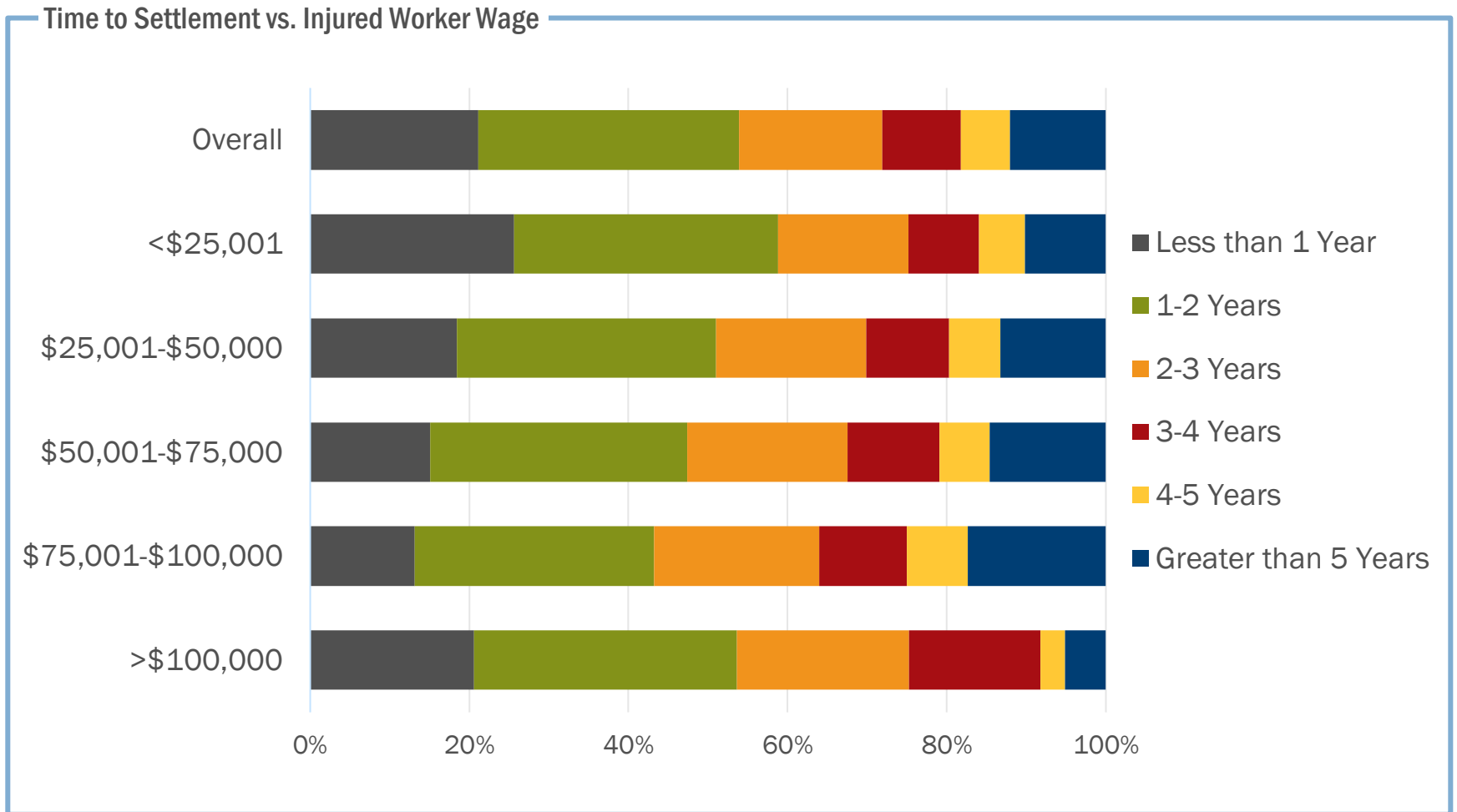
Time from Injury Date to Decision Date



Settlement Type by Time from Injury Date to Decision Date



Wage-Loss Settlement Claims, IY 2005-2017



Thank you!

BRI.LAKE@MT.GOV



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