

From: Clark, Jennifer S.
To: [-Grp-NDLA Interim Workers Compensation Review](#)
Subject: FW: Remaining question from Monday's presentation
Date: Monday, October 20, 2014 4:44:00 PM

Committee Members-

I am forwarding an email I received from Jason Wahl, with information provided by Malcolm Dodge regarding the WSI designated medical provider program. This material is being provided to you as follow up related to the WSI performance evaluation presented at the previous meeting. I will also have this material printed and at the table for tomorrow's committee meeting.

Thank you-

Jenn

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From: Wahl, Jason M.
Sent: Monday, October 20, 2014 4:36 PM
To: Clark, Jennifer S.
Subject: RE: Remaining question from Monday's presentation

Here is the summary I received from Malcolm:

During the 9/8/14 presentation of the 2014 Performance Evaluation of Workforce Safety and Insurance, the committee raised a question wondering if participation in the Designated Provider Program was driven by the 5% discount allowed under the Safety Action Menu.

As you know from our review of the DMP, a small percentage of policyholders participate in the DMP. In data provided by Barry Schumacher, WSI's Director of Employer Services, he indicated that through 12/31/13 there are 1,157 employers who participate in the DMP. Of that number, 199 of them actually participate in the DMP and earn a 5% discount through the Safety Action Menu.

The Safety Action Menu includes several different programs that allow a 5% discount with the understanding that no matter how many programs in which an employer may participate, the maximum discount available is 15%. Of the 199 employers that participate in the Safety Action Menu DMP, eleven of those accounts have achieved a maximum 15% discount.

Due to the low number of employers who participate in the Safety Action Menu DMP, we might conclude that the discount is a driver for some. However, it is obviously a cost reduction driver to a very small percentage of all accounts serviced by WSI.

From: Clark, Jennifer S.
Sent: Wednesday, October 15, 2014 3:11 PM
To: Wahl, Jason M.
Subject: RE: Remaining question from Monday's presentation

Jason-

Thank you for the info string on the DMP issue. I agree, this may be interesting information for the committee to receive; however, this email string is the wrong format to share it. If Malcolm is able to summarize this information, I can have a copy of the information available for the committee members at Tuesday's meeting. Would you check with Malcolm and see if he is willing to do that?

Let me know-

Jenn

Volunteer firefighters of any fire department of any rural or suburban fire protection district, city, village, or nonprofit corporation, which fire department is organized under the laws of the State of Nebraska. Such volunteers shall be deemed employees of such rural or suburban fire protection district, city, village, or nonprofit corporation while in the performance of their duties as members of such department and shall be considered as having entered and as acting in the regular course and scope of their employment from the instant such persons commence responding to a call to active duty, whether to a fire station or other place where firefighting equipment that their company or unit is to use is located or to any activities that the volunteer firefighters may be directed to do by the chief of the fire department or some person authorized to act for such chief. Such volunteers shall be deemed employees of such rural or suburban fire protection district, city, village, or nonprofit corporation until their return to the location from which they were initially called to active duty or until they engage in any activity beyond the scope of the performance of their duties, whichever occurs first.

Members of such volunteer fire department, before they are entitled to benefits under the Nebraska Workers' Compensation Act, shall be recommended by the chief of the fire department or some person authorized to act for such chief for membership therein to the board of directors of the rural or suburban fire protection district or nonprofit corporation, the mayor and city commission, the mayor and council, or the chairperson and board of trustees, as the case may be, and upon confirmation shall be deemed employees of such entity. Members of such fire department after confirmation to membership may be removed by a majority vote of the entity's board of directors or governing body and thereafter shall not be considered employees of such entity. Firefighters of any fire department of any rural or suburban fire protection district, nonprofit corporation, city, or village shall be considered as acting in the performance and within the course and scope of their employment when performing activities outside of the corporate limits of their respective districts, cities, or villages, but only if directed to do so by the chief of the fire department or some person authorized to act for such chief;

Volunteer ambulance drivers and attendants and out-of-hospital emergency care providers who are members of an emergency medical service for any county, city, village, rural or suburban fire protection district, nonprofit corporation, or any combination of such entities under the authority of section [13-303](#). Such volunteers shall be deemed employees of such entity or combination thereof while in the performance of their duties as ambulance drivers or attendants or out-of-hospital emergency care providers and shall be considered as having entered into and as acting in the regular course and scope of their employment from the instant such persons commence responding to a call to active duty, whether to a hospital or other place where the ambulance they are to use is located or to any activities that the volunteer ambulance drivers or attendants or out-of-hospital emergency care providers may be directed to do by the chief or some person authorized to act for such chief of the volunteer ambulance service or out-of-hospital emergency care service. Such volunteers shall be deemed employees of such county, city, village, rural or suburban fire protection district, nonprofit corporation, or combination of such entities until their return to the location from which they were initially called to active duty or until they engage in any activity beyond the scope of the performance of their duties, whichever occurs first. Before such volunteer ambulance drivers or attendants or out-of-hospital emergency care providers are entitled to benefits under the Nebraska Workers' Compensation Act, they shall be recommended by the chief or some person authorized to act for such chief of

the volunteer ambulance service or out-of-hospital emergency care service for membership therein to the board of directors of the rural or suburban fire protection district or nonprofit corporation, the governing body of the county, city, or village, or combination thereof, as the case may be, and upon such confirmation shall be deemed employees of such entity or combination thereof. Members of such volunteer ambulance or out-of-hospital emergency care service after confirmation to membership may be removed by majority vote of the entity's board of directors or governing body and thereafter shall not be considered employees of such entity. Volunteer ambulance drivers and attendants and out-of-hospital emergency care providers for any county, city, village, rural or suburban fire protection district, nonprofit corporation, or any combination thereof shall be considered as acting in the performance and within the course and scope of their employment when performing activities outside of the corporate limits of their respective county, city, village, or district, but only if directed to do so by the chief or some person authorized to act for such chief;

(1)(a) In determining the compensation to be paid any member of the military forces of this state, any member of a law enforcement reserve force, or any member of the Nebraska Emergency Management Agency, any city, village, county, or interjurisdictional emergency management organization, or any state emergency response team, which military forces, law enforcement reserve force, or emergency management agency, organization, or team is organized under the laws of the State of Nebraska, or any person fulfilling conditions of probation, or community service as defined in section [29-2277](#), pursuant to any order of any court of this state who shall be working for a governmental body, or agency as defined in section [29-2277](#), pursuant to any condition of probation, or community service as defined in section [29-2277](#), for injuries resulting in disability or death received in the performance of his or her duties as a member of such military forces, reserve force, agency, organization, or team, or pursuant to an order of any court, the wages of such a member or person shall be taken to be those received by him or her from his or her regular employer, and he or she shall receive such proportion thereof as he or she is entitled to under the provisions of section [48-121](#).

(b) If a member or person under subdivision (1)(a) of this section is not regularly employed by some other person, for the purpose of such determination, it shall be deemed and assumed that he or she is receiving income from his or her business or from other employment equivalent to wages in an amount one and one-half times the maximum weekly income benefit specified in section [48-121.01](#).

(c) If the wages received for the performance of duties as a member of such military forces, reserve force, agency, organization, or team exceed the wages received from a regular employer, such member shall be entitled to a rate of compensation based upon wages received as a member of such military forces, reserve force, agency, organization, or team.

(2) In determining the compensation rate to be paid any member of a volunteer fire department in any rural or suburban fire protection district, city, village, or nonprofit corporation or any member of a volunteer emergency medical service, which fire department or emergency medical service is organized under the laws of the State of Nebraska, for injuries resulting in disability or death received in the performance of his or her duties as a member of such fire department or emergency medical service, it shall be deemed and assumed that his or her wages

are in an amount one and one-half times the maximum weekly income benefit specified in section [48-121.01](#) or the wages received by such member from his or her regular employment, whichever is greater. Any member of such volunteer fire department or volunteer emergency medical service shall not lose his or her volunteer status under the Nebraska Workers' Compensation Act if such volunteer receives reimbursement for expenses, reasonable benefits, or a nominal fee, a nominal per call fee, a nominal per shift fee, or combination thereof. It shall be conclusively presumed that a fee is nominal if the fee does not exceed twenty percent of the amount that otherwise would be required to hire a permanent employee for the same services.