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## PRESIDENT'S MESSAGE



Hello to you, wherever this email finds you these days. For me, that's my home office in Denver. Quite a lot has changed since I wrote you last, and I hope that everyone in your respective state fund is able to stay safe and healthy, and you've been able to meet all the challenges the COVID-19 pandemic has thrown at you.

We at Pinnacle and our partners at MSP have had to quickly pivot from planning an unforgettable Colorado experience for all of you to managing the impacts the pandemic is having on our upcoming Annual Conference. As you've probably already learned, we've made the difficult decision to cancel due to ongoing concerns about large gatherings and travel. We're very disappointed that we won't be able to host you in person but are nonetheless confident

that this is the right decision.

We're considering a number of alternatives, including some virtual options, and we'll update you as those decisions are made.

A reassurance in these confusing times is that funds like ours are swiftly reacting to meet the needs of businesses and workers across North America during this crisis. Many of these stories can be found in this edition of the newsletter, and I'd love to hear from you directly about what you're doing in your sphere of influence. Carriers are built to withstand crises of this magnitude, and while I know it's not easy, we will be integral to putting businesses and workers back on their feet.

During these times, don't forget that the [AASCIF Online Community Platform](#) is a great way for you to create connections with your peers as we all navigate these uncharted waters together. Please reach out if there is anything I can do to help you.

Sincerely,

Phil Kalin



# FEATURES From AASCIF

## FIRST RESPONDER PTSD—GETTING READY FOR CLAIMS

By Stephanie Butler, Idaho SIF

For many states, first responder PTSD laws are creating a new type of claim to handle. Unique difficulties in these mental/mental claims, along with the media and public interest surrounding first responders in general, create a dynamic situation requiring careful attention.

This article discusses some observations after beginning to handle first responder PTSD claims. A corresponding article will appear in the fall newsletter addressing first responder PTSD claims from the view of a physician, focusing on diagnostic criteria of PTSD and writing letters to address causality.

Here in Idaho, the legislature passed a statute allowing a first responder presumption for PTSD in 2019. Waiting for the first claim after new legislation goes into effect is an odd sensation. But some simple preparation to recognize the differences in first responder PTSD claims will help you along the way. First, you may want to limit the number of claims representatives handling first responder PTSD claims. These claims tend to have greater complexity and may be high profile. Additionally, placing claims representatives handling PTSD claims on the same team allows them to share common concerns or insight as this area of law develops in your state. It may be helpful for each new PTSD claim to be staffed with a group of team members and supervisors for discussion and to develop a generally understood best practice.

### First Contact

Making the first contact with an injured worker is essential, and PTSD claims are no exception. However, PTSD claims add a layer of emotion that generally does not exist on a standard physical injury claim. It may take two or more calls to gather the information required to complete a contact form. Some first responders may need to vent, cry, or just have someone listen before they are ready to face questions about the details surrounding the incident from a claims representative or investigator. Focus on the first responder's needs and be willing to allow some additional time or space before completing the first contact. It may be necessary to make a future appoint-

ment for a time when the first responder is more emotionally prepared to answer the necessary questions.

### Laws

Laws in each state differ, so it is important to have an outline or a checklist for your claims representative. It should give as much information as is ascertainable from the laws and regulations in your state. Guidelines may define who qualifies as a first responder; list exclusions from coverage, required terms of service, and designations of those qualified to diagnose and treat PTSD; indicate when a new law goes into effect; and list required providers or provider designations.

### Treatment

As with other injured workers, first responders have a strong desire for treatment. Many first responders will have already received treatment. Some employers will require the injured worker to seek treatment or have a discussion with a mental health professional before the employee can return to work.

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Mental health providers with knowledge of the workers' compensation system may be difficult to find in your area, particularly if your state is new to mental/mental claims. For a state where first responder PTSD is the first allowable mental/mental claim, provider outreach will be a must. Mental health providers may not know how to bill workers' compensation using what carriers often consider to be standard billing practices. A greater level of carrier outreach and communication to mental health providers may be necessary to educate and resolve billing and reporting concerns.

Therapists and counselors often submit short and summary notes that may not be considered useful by all claims professionals. A claim representative may need to contact the provider and ask for a specific diagnosis with DSM criteria outlined. Providers may also need to be prompted to provide

a treatment plan. PTSD treatment will have a varied approach and timeline compared to the treatment and recovery of many commonly seen physical injuries. If the provider cannot clarify the situation, an independent medical examination may be needed.

## Denials

As a general rule, first responder claims are high profile, and denials of these claims may cause negative media views and public perception. The focus should be on taking appropriate care in making claim decisions. This may require further review by management or your legal department. Utilizing your developed best practices for handling PTSD claim management, along with extra emphasis on timely decision-making, will help put you in the best position to stand behind your decisions.

When it comes to communicating with media after the denial of a first responder PTSD claim, the general rule is to follow your company's procedure with high-profile claims. The response should come from your communications team. The best response may be a simple "no comment" or a summary explanation of the process and the state law. Reminding the public that workers' compensation laws give specific direction for qualifying claims, and that state funds are making consistent decisions based on that law, provides context regarding the process. The response to a media inquiry may be a stock response because, while PTSD may be a new area of workers' compensation, the overall process remains the same. Of course, directing media or concerned parties to the state regulatory or adjudicatory body may also be appropriate.

## Claims Representatives

Finally, as claims managers, we have to remember the emotional toll these claims take on our claims representatives. A huge amount of empathy is required to hear tragic stories and develop a relationship with the first responder dealing with the stress of the situation. Checking in with the claims representative frequently and letting them express their emotions may help alleviate the stress and create an opportunity for reflection

about the impact the claim is having on them. It may be best to balance their work with some less stressful claims or with a lighter claim load. It is also important to remind claims representatives of employee programs available to them, including time off and employee assistance programs.

First responder PTSD claims are one more development in the ever-changing landscape of workers' compensation. However, with a solid focus on the law and the delicacies of the situation, your claims representatives will skillfully drive great outcomes for the vital first responders in our communities.



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*A huge amount of empathy is required to hear tragic stories and develop a relationship with the first responder dealing with the stress of the situation.*

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## WASHINGTON IN THE AGE OF CORONAVIRUS—REDISCOVERING LOGROLLING AND STIMULATING THE ECONOMY

By Jim Gould, Jim Gould Strategies, LLC

In the last six weeks, the federal government has enacted economic stimulus measures of breathtaking scope. The total price tag and likely additional measures will exceed \$3 trillion—an amount that makes the government’s response to the Great Recession a decade ago appear paltry.

Many longtime observers of Washington had their doubts that Congress could deliver stimulus measures of this magnitude since compromise has gone out of style in Washington. The doubters were wrong in one respect: Congress and the Trump administration, led by Treasury Secretary Mnuchin, were able to “work together” to get three COVID-19 relief packages passed. But it wasn’t “compromise” that ushered the stimulus measures through the legislative process to enactment. There were no serious compromises in the stimulus measures, in the sense of each side giving up part of what it wanted.

On the contrary, what got the stimulus measures through the legislative process was a real sense of desperation about a dramatic collapse of the economy, combined with old-fashioned “logrolling,” or “mutual back-scratching,” as some describe it. In an era of political discord and divided government, logrolling has become almost a forgotten concept in Washington, but the term dates back to before the Civil War. Major bills, such as the Smoot-Hawley tariff of 1930, were the product of logrolling. The term simply describes the process under which lawmakers vote for new government benefits sought by other lawmakers in exchange for new government benefits for their own voters.

In recent decades, outside political forces like super PAC-funded TV ad campaigns, organized “protest” rallies, partisan talk show hosts on cable TV, talk radio, and targeted social media campaigns have dampened the willingness of lawmakers to engage in obvious logrolling. The president’s infrastructure initiative is a clear example. The president has asked Congress to put up \$1 trillion or more to upgrade the country’s physical plant. In times past, there might have been something in such a bill for every member of Congress—an upgraded port here, new water systems there, a new highway here, new broadband facilities there. Lawmakers would have been willing to approve

increases in the gas tax, user fees, or federal borrowing to make it all possible. But in today’s political environment, the president has gotten nowhere with the initiative.

Enter the novel coronavirus. How quickly things can change. We all remember TARP—the Troubled Asset Relief Program of the Great Recession. Under TARP, the federal government bailed out major financial institutions and some other major corporations (and possibly saved the economy from collapse), but the politics of the program turned out to be toxic. The public broadly came to revile the program, and politicians disowned it. Key architects of TARP in Congress, such as former Senate Banking Committee chair Chris Dodd, boldly declared in recent years that such a bailout would never happen again.

So, what has Congress just enacted in the name of COVID-19 relief? Among other programs, a new \$500 billion program of payouts to airlines, Boeing, hotel chains, and other corporations! By itself, the program could not have won a majority in Congress. It might not have even survived in the GOP-led Senate. But logrolling paved the way for its enactment as a tradeoff for other new program—primarily federal unemployment benefits of unprecedented magnitude.

Under the new unemployment program, the federal government is providing funding for the states to pay the unemployed an additional \$600 per week over and above the usual state-level benefit, for a period of four months. At around \$1,000 per week, the total unemployment benefit in most states will exceed regular pay for many workers—an outcome that caused a number of GOP senators to sound an alarm on the Senate floor: Won’t the unemployed prefer to stay on unemployment rather than go back to work? Republican Senators may have been concerned about excessive unemployment benefits, but not one voted against the massive package.

Like the corporate payouts, the expanded unemployment program would not have survived in Congress by itself. But tied to the corporate payouts—and other new benefits—opposition to the program melted away. Besides the corporate payouts and the unemployment benefits, Congress created another unprecedented program: a \$350 billion “Paycheck Protection” fund to keep small businesses alive during the crisis. Members of Congress of all political stripes found this program irresistible to support. Some Democrats may have expressed concern about the “corporate bailouts” for airlines and other businesses, but not one of them voted against the package.

The package of stimulus measures cleared Congress without dissent—a logrolling triumph.

Of course, there is no free lunch. Logrolling means higher taxes, now or later, and more debt, now and later. For the current crisis, Congress has pushed the cost of the recovery programs to future generations by increasing federal borrowing to unimaginable peacetime levels—likely nearing \$4 trillion this year. The national debt will soon exceed 100 percent of GDP for the first time since World War II, and could surpass the record of 104 percent of GDP set during that war.

And the government is not at all done yet. The funds in the Paycheck Protection Program have run out, and Congress is considering a major increase in the size of the fund, most lawmakers calling it a “replenishment.” Some lawmakers are insisting on expanding the payouts to include hospitals and state and local governments, among other recipients. Other members will be pushing for an extension of the unemployment benefits for more months. Logrolling is the binder that can make it all come together.

With the return of logrolling, the president could well prevail in his request for a major infrastructure program. In coming months, lawmakers may find themselves unable to resist the allure of job-creating infrastructure projects as the country tries to find work for millions of unemployed after the crisis. As long as individual lawmakers can point to projects in their state or district, they may be willing to vote for projects in the rest of the country.

All these new programs may be just the right prescription for lessening the economic pain of the coronavirus. They may get the economy back on track. But logrolling always has a price, and in this case, the price is higher taxes for future generations. The taxes of our kids and grandkids will go to fund domestic government services and national defense—but first their taxes will go to fund debt service to the country’s bondholders for the unprecedented spending on the coronavirus.

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## IS PHARMACY A CHOICE?

*By Lyndsey Beidle Meninger, Chesapeake Employers’ Insurance Company*

There is an opportunity in some AASCIF-affiliated states<sup>1</sup> on the issue of injured workers’ selection of pharmacy as a choice for Employers/Insurers. It is the Employer/Insurer’s responsibility to provide an injured worker with the medicines required due to their compensable injury or disease, but the question remains unanswered in several states on the issue of whether selection of pharmacy can be an Employer/Insurer choice, even if selection of doctor and surgeon is the choice of the injured worker.

The argument for selection of pharmacy may come from case law, statute, regulation, or general practice and is state-to-state specific. The overarching reasoning for Employer/Insurer selection of pharmacy is that, as several AASCIF-affiliated states are also the insurer of last resort or insure their state employees, there is often a duty to a) assure access to affordable workers’ compensation insurance; b) maintain stability and affordability of the workers’ compensation system; c) ensure a competitive playing field for all workers’ compensation insurers in their state; d) provide for the financial success of their organization inuring to the economic benefit of policyholders; and/or e) optimally meet the interests of both employer and employees

in their state. These duties can be upheld by providing cost-effective medical care. This is especially compelling when dealing with pharmaceuticals. Certain intangibles that apply to the physician-patient relationship, such as bedside manner, personality, and experience that lends itself to physician/surgeon choice do not apply to the provision of a medication. There is a monumental difference between one who treats the injured worker and who provides the prescribed medication. Further, in most states, the price of the medication is not a factor to the injured worker, as regardless of pharmacy, the prescription is provided without charge to the injured worker. Therefore, in order to effectuate cost-effective medical care, Employer/Insurer pharmaceutical choice would certainly assist in that goal.

Selection of pharmacy can certainly result in cost-effective medical care, but it also has several other desirable benefits. This includes the ability to provide significant controls relative to dosages, prescription fulfillment, pharmaceutical contraindications, and other necessary metrics consistent with an injured workers’ reasonable and necessary pharmaceutical needs. To be medically responsible, the Employer/Insurer often has the means to ensure that an injured worker is not filling prescriptions that are contraindicated across multiple claims. For instance, take an injured worker being prescribed propranolol as part of their occupational heart disease claim as well as being prescribed clonidine as part of the opioid weaning process from their orthopedic accidental injury; when those two drugs

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<sup>1</sup>Several AASCIF affiliated states already addressed the issue via statute (e.g., California, Minnesota, Montana, Texas, Maine), while others already have a fee guide for pharmaceuticals (e.g., Rhode Island, Colorado, Idaho).

are taken concurrently, it can cause hypertension. Additionally, a sudden discontinuation of clonidine may cause fatal rebound hypertension. Therefore, giving the Employer/Insurer the ability to monitor prescriptions from various physicians in all of an injured worker's claims, the Employer/Insurer has the additional ability to ensure injured worker safety. This is especially noteworthy, as many injured workers (and people generally!) are often poor historians when notifying their treating doctors of their current medication lists.

The question becomes, if you do not have a statute, case, or regulation directing choice of pharmacy, how is it that you move toward Employer/Insurer choice? Here are a couple of options for your organization to consider: a) find a case with a specific incident of a pharmacy that overprescribed or incor-

rectly filled prescriptions for an injured worker to bring in front of your judicial body; b) refuse or limit a pharmaceutical bill that your organization recognizes as overpriced, and use a current statute or regulation you may have that discusses reasonable and customary rates; c) file issues for pharmaceutical choice or claims in all of your open cases to push the issue in front of your judicial body; and/or d) propose a new law or regulation to create Employer/Insurer choice of pharmacy in your state.

The option to address Employer/Insurer choice of pharmacy is certainly available in several ways and should be considered if your state does not have choice of pharmacy previously specified or in a fee schedule.

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## STATE FUNDS COMMUNICATE DURING COVID-19

*By Michelle Pelletier, The Beacon Mutual Insurance Company*

No matter which state you're doing business in, we are all seeing the impact OF COVID-19. Entire industries that are focused on bringing people together like hospitality, childcare, and small retail have closed their doors due to statewide regulations. Corporate offices have sent thousands of employees to work from home. Many of the businesses that are allowed to remain open are struggling to keep their employees safe while serving the needs of our communities.

### **In this environment, how can workers' compensation state funds stay connected to our policyholders, agents, and each other? How can we support our communities and the customers that are vital to our mutual success?**

Nationwide, public relations and communications professionals are dealing with a lot of the same issues. To address these challenges, the Public Relations Society of America has been hosting COVID-19 virtual chats. Members are asking ... How do you communicate accurate information? How do you plan for your organization's future when each day presents brand new challenges? How do you keep stakeholders and the public informed and engaged?

This article outlines strategies employed by state funds to communicate with three stakeholder groups: agent partners,

policyholders, and internal employees. The state funds that have contributed to this summary include The Beacon Mutual Insurance Company, Missouri Employers Mutual (MEM), New Mexico Mutual, the Ohio Bureau of Workers' Compensation, SAIF, and Texas Mutual.

### **Partnering With Agents and Touting Flexibility**

For those state funds that deliver workers' compensation through independent insurance agents, the relationship built with agent partners is vital. To help support policyholders, especially those in the most heavily affected industries, many state funds are working with agents by taking steps to be more flexible. State funds are communicating frequently with agents to provide details about suspending cancellations, adjusting payment plans and adjusting payroll for affected policyholders.

For example, to better communicate with agents, MEM has been sending timely emails to producers to provide guidance on how to address cancellations and share payment term flexibility with agents. In addition, the organization has been working with agents and policyholders to negotiate new payment terms so that policies don't lapse.

This flexible approach has been implemented by many other state funds. At Texas Mutual, the decision has been made that there will be no cancellations or late fees during this period. They are also allowing renewals even without payment and are not requiring payroll for furloughed employees to be reported.

Beacon Mutual has been communicating with agent partners on a weekly basis about suspending cancellations, adjusting payroll, and modifying payment plans during this difficult time in Rhode Island. The state's hospitality industry has been

severely impacted by the pandemic, so Beacon has partnered with the Rhode Island Hospitality Association to provide crucial information to members about Beacon's flexible programs and safety resources for restaurants and other related businesses.

New Mexico Mutual has also been relaying COVID-19 information to both agents and policyholders, including prevention and national guides and resources from OSHA and CDC as well as billing modifications and class code adjustments.

SAIF also [outlined a series of steps](#) that it is taking to ease the financial burden on businesses, and to assist workers who may be facing barriers in accessing care. SAIF has communicated about those steps and other coronavirus topics frequently and proactively to agent partners and associations to ensure that they understood what SAIF is doing and where they can get additional information.

## Providing Safety and Mental Health Resources

As workplaces across the country took action to help keep their employees safe, many have transitioned their staff to working from home. Now, thousands of employees are now working remotely for the first time, and state funds have taken steps to provide resources to help them work ergonomically in home workspaces.

Another growing concern as a result of the coronavirus pandemic is the mental health of Americans. Not only have people been dealing with fear, uncertainty, and anxiety about the virus and our economic challenges, but people are also feeling isolation and loneliness. According to a [study by Holt-Lunstad in 2010](#), loneliness, living alone, and poor social connections are as bad for your health as smoking 15 cigarettes a day.

To deal with these concerns, state funds are offering resources to address mental health, workplace safety, and COVID-19 prevention. Many have adopted a strategy to provide content directly on state fund websites to address questions that policyholders and agents have.

For example, MEM is taking a strategic approach to providing safety resources for targeted industries, including trucking, healthcare, and first responders. SAIF has covered topics on its website, including [home office safety](#), [disease prevention](#), and [mental health](#), and its [coronavirus and workers' compensation](#) landing page has had more than 11,000 views since it was launched in March. New Mexico Mutual also created a [COVID-19 Update page](#), which features a message from the CEO.

## Changing the Way We Deliver Services

Loss prevention and risk management services have changed a lot in a short amount of time to help state funds continue to deliver services.

New Mexico's risk and safety visits are now being conducted via phone visits. Each consultant will call or email the respective policyholder and perform the risk and safety management survey over the telephone. Unfortunately, due to technology disadvantages, not all policyholders have the availability to participate in a virtual meeting, but all reports are completed and documented, respectively, that due to the COVID-19 pandemic, a physical site visit was not conducted, but a promise to visit when it is safe to do so will be scheduled at a later date.

At Beacon Mutual, loss prevention representatives have transitioned onsite and open safety seminars to webinar format. The team developed [Working Remotely During COVID-19](#) with detailed information and a webinar to provide tips and techniques for people unfamiliar with working from home. In addition, LP and ergonomic specialists have prerecorded custom training presentation videos for nursing homes and other workplaces that they are not able to visit. According to Beacon's loss prevention manager, Mike Whittaker, "It is important for state funds to show flexibility, creativity, and a willingness to try new things to serve policyholders and continue providing vital safety services."

## Supporting Businesses in Our Communities

It is clear that state funds understand the financial burden on policyholders and the economy. Many have been developing and communicating new programs designed to assist financially during these challenging times.

In response to the financial hardship many of our policyholders are facing, SAIF created the coronavirus [Worker Safety Fund](#). This \$25-million fund helps businesses pay for expenses tied to making workplaces safer against the virus and dealing with the impact of the pandemic on workers.

Texas Mutual's efforts are highlighted on their [How We're Helping Texas](#) page. To give back to the community, Texas Mutual donated \$2 million to nonprofits that are supporting communities that have been hit hard, including Meals on Wheels, food banks, and health care nonprofits. In addition, Texas Mutual's board voted to pay \$330 million in dividends to policyholders two months early, and checks were mailed to 57,000 businesses in April. The organization also wrote and provided an article about CARES Act loans to provide detailed information for policyholders.



The Ohio Bureau of Workers' Compensation has been using Gov Delivery emails to send updates to customers and stakeholders. This has been an effective way to communicate with Ohioans as well as state employees. The BWC also provides frequent [news updates](#) related to workers' compensation on the state's website.

Beacon Mutual took a bold step in partnership with the Rhode Island governor's office by releasing guidelines to address [how Beacon Mutual would handle workers' comp benefits for healthcare workers](#) of policyholders exposed to COVID-19 while treating and caring for patients with the virus. The announcement was made during Governor Raimondo's daily press conference to thousands of viewers. Beacon hopes that this approach to workers' compensation benefits during the COVID-19 pandemic will enable frontline healthcare workers to continue to provide the necessary critical care, knowing that their needs will be swiftly addressed in the event of a work-related illness.

### Delivering Internal Communications

Internal communications has been extremely important for state funds to maintain a healthy, productive, and well-informed workforce.

SAIF has provided frequent updates for employees on its internal intranet and several messages from the CEO. It has also presented two webcasts to answer employee questions and to maintain company culture, despite about 1,100 employees, or roughly 96 percent of staff, working from home.

To keep employees connected, Texas Mutual sends weekly messages from the CEO with a challenge and prizes to make sure managers are engaging with workers remotely and providing social opportunities. Examples have included hosting a virtual lunch, coffee break, or happy hour and a weekly photo challenge for employees to post on the chat channel each week. Photo themes have included kids and pets (aka new co-workers) and ideas for wellness breaks.

MEM, Beacon Mutual, and New Mexico Mutual use a combination of weekly updates from the senior management team or CEO and scheduled virtual "Town Hall" meetings.

### Helping Americans Go Back to Work

Eventually, Americans will go back to work, and state funds are starting to get ready for that transition. It is important to understand that this will take time, but we all need to be prepared.

MEM is in the process of developing a back-to-work campaign that will launch once shelter-in-place orders are lifted in Missouri. According to MEM's director of marketing and communication, Reeve White, "About 1 in 3 claims are new hire claims at MEM, so we want to make sure we get ahead of this with training and resources to address this as people move back to the office and positions are refilled."

### Key Learnings for Communicating During the Pandemic

State funds across the country have been successful in communicating with agents, policyholders, and internal employees during this public health crisis. There have been a few key elements to the success that we should all keep in mind as we navigate through these uncharted waters.

**Be clear.** There is a tremendous amount of information and messaging related to coronavirus and COVID-19 so communicating clearly and briefly is the key to getting your message to your audience.

**Be honest.** We are all trying to connect with each other while dealing with social distancing, fear, distrust, and many other challenges. People are craving authenticity and connection, so finding ways to communicate honestly and openly will go a long way.

**Be direct.** State funds are making important decisions to change the way we do business for the benefit of our stakeholders, and for the benefit of our companies and our employees. It is a good practice to address business operations, business flexibility, and any changes in a direct way.

No matter what part of the country you are in, the struggles that we are all facing during this unprecedented time are very real. But as members of AASCIF, we have the benefit of connecting with other colleagues who are going through the same things. We invite you to take advantage of the AASCIF community to share what's working where you live and work and to less know when you need help. Let's all stay connected and healthy!

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*Be clear. Be honest. Be direct.*

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## COMBATTING FATIGUE TO PREVENT OCCUPATIONAL INJURIES

*By Mike Rienrth, Ohio Bureau of Workers' Compensation, and Kristin Klein, Chesapeake Employers' Insurance Company*

We have all had experiences that have helped us realize the harmful effects that fatigue can have on our performance, health, and safety. We may not want to admit it, but most of us have probably nodded off at our desks or at the wheel on more than one occasion. Studies also show that lack of adequate sleep can contribute to a whole range of health consequences, including high blood pressure, heart disease, diabetes, and even cancer.

Employers also realize the impact that fatigue can have on their operations. In one survey, 90 percent of employers reported that fatigue has a negative impact on their operations in terms of lower productivity, lower quality, absenteeism, and accidents. However, the same survey also found that only about 25% of employers communicate to their employees about the negative effects of fatigue and the importance of getting the proper amount of rest.

Although experts recommend sleeping 7 to 9 hours per night for optimal performance during the day, one survey showed that 35 percent of the participants get less than 5 hours of sleep per weekday. What is particularly alarming is that people who get an average of less than 5 hours of sleep per night have an injury rate that is more than three times higher than those who get an average of 8 to 9 hours of sleep per night. Add to this the fact that most people can't reliably recognize the extent to which they are impaired by fatigue, and you have a recipe for disaster.

Some of the industries most associated with long and nonstandard shifts include health care, transportation, construction, public utilities, and emergency services, which make up a large sector of the working population. In these and other industries, it is not unusual for people to work 10-hour or 12-hour shifts for several days in a row, which greatly increases their risk of injury. In fact, a meta-analysis conducted by Folkard and Lombardi (2006) found that there is a 13 percent increase in risk on a 10-hour shift and a 30 percent increase in risk on a 12-hour shift. Increased work hours are even more prevalent now in many of these industries, as they are on the front lines battling the COVID-19 pandemic.

Workers in the long-haul trucking industry (and the motor-ing public) are particularly susceptible to serious injuries and fatalities as a result of fatigue. To combat driver fatigue, a large national trucking company implemented several control measures, including a program to screen and treat drivers for obstructive sleep apnea. The result was a 73 percent reduction in crashes and a 48 percent reduction in per member per month healthcare costs.

Growing concern related to employee fatigue has prompted some companies to develop technology that helps people recognize the extent of their impairment. For example, various types of video and physiological monitoring systems have been developed to help detect and warn drivers that they are in danger of nodding off at the wheel. Other systems require workers to use an electronic touchscreen and pass alertness tests prior to and during their shifts.

Although technology can help to detect when workers are at an elevated risk for injury due to fatigue, experts agree that effective fatigue risk management requires a multi-faceted approach. The National Safety Council recommends that employers, particularly those in high risk industries, implement a fatigue risk management system that includes:

- Education and training to make employees aware of fatigue risks, the importance of exercise and adequate rest, and the availability of screening and treatment for sleep disorders.
- Policies and practices that establish appropriate shift scheduling, limit extended shifts and overtime, provide at least 12 hours off between shifts, reduce boredom, and promote alertness.
- Shared responsibility that emphasizes teamwork and communication to mitigate factors that cause fatigue, personal responsibility for getting adequate rest and nutrition and arriving at work fit-for-duty.
- Fatigue mitigation measures, including environmental controls (proper lighting, moderate temperature, fresh air) and provision of caffeinated drinks, nutritional food, breaks for active workers, activity reminders for sedentary workers, games, music, etc.
- A data-driven, continuous improvement process that utilizes surveys to determine the extent to which fatigue is impacting employees and operations, gets employees involved in developing ways to combat fatigue in the workplace, and considers fatigue as a possible factor in incident and accident investigations.

As safety and health professionals, it is our responsibility to encourage policyholders (particularly in high-risk industries) to develop a fatigue risk management system. Therefore, consultations and training should include recommendations, tools, and resources for improving the work environment, shift schedules, policies, procedures, work practices, communications, and other approaches that reduce the risk of employee fatigue. By advocating these strategies, we can help policyholders succeed in reducing injuries and other operational costs due to this commonly overlooked risk factor.

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## PARADIGM: CLINICAL MANAGEMENT FOR INJURED WORKERS AFFECTED BY COVID-19

**Paradigm** | Catastrophic Care Management

*Paradigm is the sponsor of AASCIF's Claims Track*

Since emerging in late 2019, the novel coronavirus and resulting COVID-19 pandemic have escalated rapidly and brought unprecedented changes to every facet of daily life. Even conservative estimates from epidemiology experts and public health institutions have the disease affecting 20% of the population. As of March 2020, the Centers for Disease Control and Prevention (CDC) is projecting that 166 million<sup>1</sup> or more Americans could contract the virus. Physicians and medical researchers across the world are trying to learn as much as possible in an extremely short period of time about how to manage this healthcare crisis and lessen its impact on society.

As COVID-19 has spread, there has already been a rapid influx of work-related cases, including both primary diagnoses and complications related to existing cases. Employers of all kinds, particularly those in the healthcare and emergency response fields, are understandably concerned about how to manage these cases, particularly those belonging to the more serious critical care groups.

Having a better understanding of how the coronavirus affects the body's individual systems and why critical and intensive care needs to be taken are important first steps in the process of managing work-related cases. We hope the following information can lead to more informed clinical management decisions for affected workers.

### **Respiratory, Cardiovascular, Neurological, and Behavioral Perspectives on COVID-19**

In the most serious cases, COVID-19 creates a hyper-inflammatory response that wreaks havoc on the basic functioning of the body. This is what makes recovery extremely challenging in these situations. While COVID-19 is primarily a respiratory disease, it can also have serious effects on the cardiovascular system and the brain and nervous system as well as on behavioral health.

When the coronavirus is initially inhaled into the lungs, it can set off a cascade of events that results in significant impairment of oxygen absorption. In these cases, intensive mechanical ventilatory and respiratory treatments are required. Unlike other

serious respiratory diseases, however, COVID-19-related cases require a much longer period of ventilation, with median days being 14 days and at times lasting on average 23.5 days.<sup>2</sup> These patients require heavy sedation and other special needs, including placement in the prone position to improve oxygenation of the lungs. While it is an essential step in treatment, proning requires extensive hands-on care and can result in complications that require close monitoring.

COVID-19 also bears significant cardiovascular risks. So far, the estimate is that 20% of hospitalized patients will ultimately develop cardiovascular complications. Patients with a history of cardiovascular disease are also a particularly at-risk group, suffering a 10% mortality rate compared to 0.4% to 1% mortality among the non-cardiovascular population admitted to the hospital.<sup>3</sup> The coronavirus can cause both direct and indirect myocardial injury due to the exaggerated immune response from the body. Medications and mechanical supports are some of the primary measures being used to keep the heart functioning while patients recover from COVID-19.

There are also significant neurological consequences that should not be ignored. With COVID-19, it is now clear that the novel virus has direct neurovirulence leading to neuropathies and encephalitis, as well as indirect brain injuries from strokes resulting from thrombosis of both large and small blood vessels. In addition, patients who spend long periods of time on a ventilator and require heavy sedation very often have to deal with a residual complication known as "post-ICU" syndrome. This condition is associated with significant cognitive impairment, psychological dysfunction, and physical limitations that can last for many years. An effective measure of prevention for post-ICU syndrome and associated psychological dysfunction is social contact from friends or family members, which is extremely difficult for COVID-19 cases. Social isolation combined with other issues like malnutrition can then create a downward spiral with negative consequences for recovery.

Finally, COVID-19 is creating a number of unique behavioral health concerns. There is growing data<sup>4</sup> that supports the idea that survivors of this illness, as well as their caregivers and family members, are dealing with increased anxiety, depression, and even symptoms of post-traumatic stress disorder (PTSD). For example, it is well-known that experiencing respiratory illnesses can produce anxiety due to the inability to properly breathe. Once again, the socially isolating nature of COVID-19 only compounds behavioral health issues, as recovering patients have lost access to basic social supports.





## A Measured Catastrophic Care Response for Affected Workers

At Paradigm, we are actively managing COVID-19 cases with either a stand-alone diagnosis or an existing catastrophic case with a compounding COVID-19 diagnosis.

Our approach to caring for the most critical COVID-19 cases is similar to the way we have been caring for catastrophically injured workers for almost 30 years. Paradigm medical directors have credentials and expertise that are specific to the areas most associated with COVID-19, including pulmonary, cardiovascular, neurological, and behavioral health. This team of deeply skilled physicians, nurse case managers, and medical facility partnerships is key to ensuring the proper care and best outcomes.

Proactive medical management should also include nurse case managers staying up to date on pandemic and COVID-19-specific response guidelines. For frontline responders, the standard is to use HIPAA-compliant telepresence if they are unable to go on site in addition to following all guidelines established by the CDC and other health organizations. As part of our broader approach, we believe telemedicine networks will be essential to helping all of our clinical teams keep therapies and treatment moving forward and ensuring that workers and their families have access to care.

We can also offer deep connectivity with a variety of medical suppliers and centers of excellence, particularly during the period of medical scarcity we are currently facing. Finally, we have a network of behavioral health providers and social workers



to manage the psychosocial issues that can emerge from both the severe cases dealing with PTSD and post-ICU syndrome as well as injured workers dealing with delays in non-COVID surgeries and other essential care.

Fighting this unprecedented pandemic requires resources and expertise to be employed as carefully and rapidly as possible. Paradigm is confident that we're properly equipped and staffed to manage any COVID-19 case, regardless of severity, across the care continuum. We also recognize the need to assist a wide array of workers, which is why our clinical solution is flexible and dependent on the specific needs of each case.

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# AROUND AASCIF



## CALIFORNIA

### State Fund Assists Businesses and Workers Affected by COVID-19

State Fund announced the creation of two grant funds to assist with the health and recovery of California workers and to improve workplace safety for businesses.

The Essential Business Support Fund is a \$50-million fund for policyholders who are essential businesses as defined by the Governor’s Order. The fund provides grants to qualified policyholders to help defray the cost of safety-related expenses, whether planned or already incurred, related to protecting their workforces from COVID-19.

The Returning California to Work COVID-19 Safety Protocol Fund is another \$50-million program to help businesses that were not deemed essential by Governor Newsom’s Executive Order after the statewide stay-at-home restrictions are lifted.

State Fund has set aside \$115 million to provide full workers’ compensation benefits to any essential worker covered under a State Fund policy who contracts COVID-19. We will also provide temporary disability benefits to any covered essential worker who must self-quarantine if they are not covered by another source.

State Fund has placed a moratorium on policy cancellations and late payment penalties. We will also extend credit to any business negatively impacted by COVID-19 events and offer businesses the ability to adjust their payroll reporting.

More information can be found at [StateFundCA.com](http://StateFundCA.com).

### State Fund Declares \$160 Million Dividend for the 2019 Policy Year

State Fund’s Board of Directors declared an approximate \$160-million dividend to qualifying policyholders for the 2019 policy year.

“Our mission is to provide fairly priced workers’ compensation coverage to any California entrepreneur who needs it,” said Vern Steiner, State Fund’s president and CEO. “Our current operating performance and financial condition allow us to continue to fulfill that purpose and return money to our policyholders at the same time.”

Since its creation in 1914, State Fund has paid out more than \$5 billion in dividends to policyholders.

### State Fund Work@Home

Beginning in mid-March, State Fund has enabled more than 4,000 of our 4,300 employees to work from home. Only those employees whose jobs require them to be in the office remain.

State Fund has made maintaining our culture during the stay-at-home orders a number one priority, and it is an all hands on deck effort to stay connected. From Zoom meetings, virtual lunches, retooled employee events, leader webinars, and weekly updates from our CEO, we’ve been very successful in maintaining our work quality and sense of community.

Our latest way to stay connected is a Work@Home space on our employee intranet. We’re sharing photos of our home workspaces and co-workers (mostly kids and pets) and offering wellness tips, ways to work remotely, and tips for leaders. We’re also encouraging and highlighting peer recognitions for actions related to the Work@Home transition.



Work@Home intranet home page

### Chief Claims Officer Steve Hunckler Receives Lifetime Achievement Award

Steve Hunckler, State Fund’s chief claims operations officer, has received the 2020 Lifetime Achievement Award by the Claims Litigation Management Alliance (CLM). The CLM, one of the largest professional organizations in the insurance industry, is honoring Steve for his career accomplishments and commitment to the claims and litigation management industry.

Since joining State Fund in 2015, Steve has worked to increase State Fund's efficiency in managing claims and to increase quality. He redesigned the claims function, allowing staff to specialize in a specific aspect of the claims handling process. He is also overseeing a technology solution to allow medical providers and injured workers to receive treatment authorizations quicker. Steve's work and dedication played a big part in allowing State Fund to declare policyholder dividends for 2019, totaling nearly \$160 million.

An insurance industry veteran, Steve has held executive positions at many major firms, including State Auto Insurance Companies, where he focused on business transformation and claims performance improvement. Other firms include AIG, Zurich, Travelers, CNA, and Balboa Insurance Group.



Steve Hunckler,  
Chief Claims  
Operations  
Officer



## COLORADO

### COVID-19 Measures for Pinnacol Policyholders

Along with all of our AASCIF peers, we're looking for new ways to support our customers, our employees, and our community through these unprecedented circumstances. At Pinnacol, here are a few of the things underway:

- A new class code that charges zero premium on wages to employees who are being paid but not working—the class code has been approved by the Colorado Division of Insurance and is currently under consideration by the National Council on Compensation Insurance (which advises on rates in most states, including Colorado) for their manual of insurance rating codes.
- Cancellation forgiveness through May 31 and increased payment flexibility.
- Proactive customer outreach to update business payrolls—potentially lowering policy costs.
- Wage replacement for quarantined first responders and healthcare employees.
- COVID-19 test cost coverage for employees exposed on the job.
- Extensive online safety and risk management [resources](#).
- Virtual safety visits.
- Online portal access for 24/7 digital account access and management.

- Continued seamless remote service for customers and partners.
- Expanded e-invoice and electronic document access.

To support our employees, we've made the following adjustments:

- Work-from-home capability for 99% of employees.
- Closed front desk and lobby to protect both employees and customers.
- Office building closure one workday weekly.
- Physical distancing and alternating days for essential office employees.
- Extensive mental and physical health resources.
- Weekly video update and chats with the CEO.
- Flexibility and resources for parents balancing remote work and learning.
- Continued support through the Pinnacol loan and grant program for employees who are adversely affected during this crisis.

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*We're looking for new ways to support our customers, our employees, and our community through these unprecedented circumstances.*

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To support our community, we considered a variety of approaches to provide meaningful and timely support before deciding to contribute to existing statewide and regional initiatives. We're focusing on business- and industry-specific relief, especially those in critically impacted sectors with significant closures and layoffs. As a result, Pinnacol has made the following donations, and we're prepared to provide additional assistance if we identify other appropriate funds based upon the criteria above:

- Help Colorado Now – \$1 million
- Denver Small Business Relief Fund – \$250,000
- Colorado Springs Business Relief Fund – \$250,000
- Greeley Recovery Fund – \$125,000
- Colorado Restaurant Association Angel Relief Fund – \$125,000

## Pinnacol Assurance Distributes \$70 Million in General Dividends to More Than 50,000 Colorado Companies

For the fifth consecutive year, Pinnacol Assurance distributed general dividend checks to its customers. More than 50,000 employers, representing 95% of Pinnacol's policyholders, were eligible to receive a dividend.

“At this time when Colorado businesses and their employees are facing significant financial hardships, we're glad to be in a position to return some money to our policyholders,” said Pinnacol president and CEO Phil Kalin. “We are also pleased that we have been able to reduce our customers' rates by an average of 7% this year.”

With this year's declaration, Pinnacol has now returned more than \$746 million in total dividends to Colorado's business community since 2005.



## HAWAI'I

### HEMIC Responds to COVID-19 With Support for Policyholders, Employees

As a mutual company with a mission to take care of Hawaii's businesses and workers, HEMIC has been focused on the sudden and significant impact that COVID-19 has had on our islands. On March 19, HEMIC announced a “Temporary Suspension of Premium Payment” program to offer financial relief to policyholders whose businesses have closed or been significantly curtailed as a result of the state of Hawaii's directives. To date, the program has been utilized by nearly 10 percent of our policyholders, and more continue to file requests.

For the safety of our employees, HEMIC transitioned to remote work beginning March 15. Our technology systems and business continuity planning enabled a relatively smooth transition to working from home, providing the flexibility to conduct business via web-based systems, collaborative software, video, and teleconferencing. HEMIC has maintained a very limited staff in the office to handle essential work such as IT support, digitizing mail, and preparing checks, while practicing social distancing and disinfecting protocols to minimize risk.

## HEMIC Says “Mahalo” to Hawai'i's Heroes

On April 8, HEMIC released an updated version of our TV commercial, “[Work](#),” to give tribute to those who are working to keep Hawai'i safe during the era of COVID-19. Our new commercial, “[Unsung Heroes](#),” keeps to the theme of honoring work and gives thanks to all our essential workers. We were able to produce the updated commercial economically and in a short period of time by using previously shot footage and working with our voiceover actor from his home studio.

*Our technology systems and business continuity planning enabled a relatively smooth transition to working from home, providing the flexibility to conduct business via web-based systems, collaborative software, video, and teleconferencing.*



## LOUISIANA

### LWCC Launches a New Position: Louisiana Loyal

LWCC's business is Louisiana. It always has been, since it was founded in 1991 with the task of saving Louisiana's then failing workers' comp market. State legislation may have created LWCC, but the drafters were clear that it was not then, and would never be, a state agency.

As a private company, LWCC faced the daunting and real possibility of failure. Instead, they succeeded beyond all expectations. Through this experience, they learned to become a model workers' comp provider. They learned what it meant to serve Louisiana, their home. Now, Louisiana has the lowest workplace injury rate of any state. LWCC's work stabilized Louisiana workers' comp insurance and created a competitive market, causing the cost of coverage to decline steadily while enabling more entrepreneurs to start Louisiana businesses. They made their success Louisiana's success, returning almost \$900 million in dividends to the heart of the Louisiana economy: their policyholders.

Their focus has been and will always be excellence in execution, from underwriting to life-long care of an injured worker. The results inspire their partners and policyholders to trust them and be proud to work with them. They know that LWCC will be there. Always.

LWCC has never stopped providing safety, security, stability: stewardship. That is their promise and they take it to a new era. Their new vision is to be a catalyst, elevating Louisiana's position in America. To do this, their everyday mission is to better Louisiana one business and worker at a time. LWCC is committed to engaging other like-minded corporate partners, the other champions of our state, in this pursuit.

The company officially launched the new position, Louisiana Loyal, in February at a companywide event at LSU's Tiger Stadium, home to the current national college football champions. Kristin Wall, LWCC's president and CEO, along with Seth Irby, LWCC's chief marketing and customer experience officer, and Andy Cunningham, marketing and communication strategist, outlined why LWCC was in a position to make a difference in the state and what that means for the company and employees.

The day was celebrated with classic Louisiana food, live music, interactive experiences, and new swag for all employees to embrace the company's new position.

### LWCC Expedites Dividend Distribution to Help Alleviate Economic Stress Caused by COVID-19

On March 24, LWCC announced it was expediting the distribution of the company's annual dividend in response to the COVID-19 crisis. LWCC's purpose is to help Louisiana thrive, and in this time of adversity, the workers' comp insurance company is staying true to this mission by putting \$86 million back into the state's economy.

Approximately 20,000 businesses across Louisiana received a dividend check. These businesses employ over 165,000 Louisiana workers. Over the last 17 years, LWCC has returned \$934 million to Louisiana businesses through the company's dividend program.

"LWCC's vision is to be a catalyst for elevating Louisiana's position in America, and we will continue to explore ways in which we can help Louisiana thrive in this time of need," said LWCC Board Chairman Angele Davis. "LWCC is proud to be Louisiana Loyal and hopes to see Louisiana-based businesses continue to do what they can to support this great state now and always."

Greg Graves has been appointed to the role of director of Actuarial Services. Graves has more than 30 years of experience as a property and casualty actuary. MEMIC also has appointed Kayla Kelley to the role of production underwriter.



## MAINE

### MEMIC Hires Greg Graves as Director of Actuarial Services and Kayla Kelley as Production Underwriter





## MINNESOTA

### SFM Receives Financial Strength Rating of A- (Excellent) From AM Best

SFM Mutual Insurance Co. has received a Financial Strength Rating of “A- (Excellent)” and a Long-Term Issuer Credit Rating of “A-” from A.M. Best Rating Services, Inc. The rating was announced in a [press release](#) issued by A.M. Best on March 2, 2020.

The ratings reflect AM Best’s assessment of SFM’s balance sheet strength, as well as its operating performance, business profile, and enterprise risk management.

“We are very pleased to receive this rating from AM Best,” said SFM president and CEO Terry Miller. “We view their assessment of our financial stability as an important indicator of our operation’s outstanding performance and practices.”

#### *About SFM*

SFM, headquartered in Bloomington, Minnesota, is a customer-owned mutual insurance company providing Minnesota, Wisconsin, Iowa, Nebraska, and South Dakota employers with workers’ compensation coverage. Beyond its core territory, SFM is licensed and operating in 25 additional states. SFM offers workers’ compensation insurance solutions for employers of all sizes, including claims and disability management, cost containment, legal assistance, and third-party administration. For more information, visit [www.sfmic.com](http://www.sfmic.com).

#### *About AM Best*

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## OREGON

### Coronavirus Worker Safety Fund

In response to the coronavirus and the impact the pandemic has had on workers and businesses, [SAIF established a \\$25 million coronavirus worker safety fund](#). The fund will help businesses pay for expenses tied to making workplaces safer against the virus and dealing with the impact of the pandemic on workers.

#### Mental Well-Being

SAIF began a mental well-being push in early February, with a [video aimed at decreasing the stigma around mental health](#) by encouraging workers and supervisors to talk about it more. We continued the campaign after Oregon workplaces shifted to telecommuting, encouraging co-workers to [check in with each other](#) during this time.

### Safety Innovation Gathering

In early March, SAIF hosted its inaugural internal innovation gathering. The event included employees from nearly every division, and featured presentations from other AASCIF funds, policyholders, and safety leaders. The goal was to help employees expand their skills and knowledge around innovation.

### Annual Report

Every year, SAIF is required by statute to create an annual report for legislators. Traditionally, this has become a great opportunity for us to share some of our achievements from the previous year. While we still did that this year, we also shared some of the steps SAIF is taking in response to the coronavirus pandemic. The report can be found at [saif.com/annualreport](http://saif.com/annualreport).

### Chief Internal Auditor

SAIF has hired a new chief internal auditor. Jamie Ralls will assume the position at the end of May. Jamie is the audit manager with the Oregon Secretary of State Audits Division, where she has spent her entire 20-year career.