



49th Annual

2023

STATISTICAL REPORT

Workers Compensation Division



Contributors: Chris Lewis, Rebecca Vrbas, Garrett Hamman, Allie Sanford



Table of Contents

Introduction	6
1 Administrative Profile of the Division of Workers Compensation	7
1.1 Operations	7
1.1.1 Business	8
1.1.2 Self Insurance	8
1.1.3 Coverage and Compliance	8
1.1.4 Data, Systems and Statistics	8
1.1.5 Workers Compensation Seminar	9
1.1.6 Accident Prevention Program	9
1.2 Judicial	10
1.2.1 Administrative Law	10
1.2.2 Board of Appeals	10
1.2.3 Mediation	10
1.3 Fraud and Abuse	11
1.4 Public Resources	12
1.4.1 Ombudsmen	12
1.4.2 Records Management	12
1.4.3 Medical Services	12
2 Fiscal Activities	13
2.1 Paid Losses and Assessment Collection	13
2.2 Collection of Fines and Restitution	14
3 Basic Claims Information	15
3.1 Injuries and Types of Claims	15
3.1.1 Total Injuries Reported	15
3.1.2 Types of Claims	16
3.2 Incidence	18



3.2.1	Overall Incidence	18
3.2.2	Incidence by County	20
3.3	Cost of Claims	22
3.3.1	Insurer Direct Losses	22
3.3.2	Closed Indemnity Claim Benefits	23
4	Judicial Activity	26
4.1	Legal Filings	26
4.1.1	Monthly Filings by Type	27
4.2	Hearings	29
4.2.1	Total Hearings Set and Held by Type	29
4.2.2	Monthly Hearings Set and Held by Type	31
4.2.3	Total Hearings Held by Location Jurisdiction	33
4.2.4	Total Hearings by Method	35
	Links To More Information	36
	Appendix A: Data Set Variables	37
	Appendix B: Closed Claim Data Methodology	38

List of Figures

1.1	Organizational Structure of the Division of Workers Compensation	7
2.1	Total Paid Losses Reported for Previous Calendar Year by Insurer Type	13
2.2	Total Assessment Payments Collected by Insurer Type	14
3.1	Number of Injuries that Resulted in Fatalities, last 10 years	15
3.2	Number of Compensated Lost Time Claims as a Proportion of Reported Injuries .	16
3.3	Number of Injuries Reported by Claim Type	17
3.4	Number of Injuries Reported by Claim Type, Past 10 Fiscal years	18
3.5	Kansas Total Occupational Injury and Illness Incidence Rate per 100 FTE since 1992	19
3.6	Number of Injury Reports by County	21
3.7	Injuries Reported per Thousand Residents by County	22
3.8	Losses Reported by Type of Loss	23
3.9	Benefits Paid on Indemnity Claims Closing in Previous Calendar Year by Benefit Type	24
3.10	Median Benefit Amount Paid on Indemnity Claims Closing in the Previous Calen- dar Year, by Benefit Type	24
4.1	Total Number of Filings by Filing Type	27
4.2	Monthly Filings by Type organized by Calendar Year	28
4.3	Number of Hearings Set and Held by Hearing Type	30
4.4	Monthly Hearings Set by Hearing Type Organized by Calendar Year	31
4.5	Monthly Hearings Held by Hearing Type Organized by Calendar Year	32
4.6	Hearings Held by Hearing Type, Past 10 Years	33
4.7	County of Venue by Jurisdictional Region	34
4.8	Number of Hearings Held by Jurisdictional Region	35

List of Tables

1.1	Number of Election Requests Processed by Status	8
1.2	Number of Records Requests Processed on OSCAR by Request Type	12
2.1	Investigations and Investigation Payments Collected by Investigation Type	14
3.1	Number of Injuries with Overall Incidence Rate since 1992	20
3.2	Top Ten Counties by Number of Reported Injuries with Population	21
4.1	Monthly Filings by Type	28
4.2	Number of Hearings Set and Held by Hearing Type	29
4.3	Monthly Number of Hearings Set and Held by Hearing Type	32

Introduction

The Kansas Worker Compensation Program

The Kansas Legislature enacted the state's first law governing Workers Compensation in 1911. Although many significant changes to its provisions have been made since then, the basic purpose of the law remains the same. The law protects employees affected by workplace accidents or occupational illness by providing medical treatment and partial compensation for lost income. As a no-fault system, the law ensures that entitled employees receive fair compensation, while also protecting employers from civil litigation. The law also provides more general employee protections through increased employer safety efforts.

Until 1939, the Workers Compensation Law was administered under the authority of various public commissions, including the Public Safety Commission in the 1920's and the Commission of Labor and Industry in the 1930's. In 1939, the Kansas Legislature transferred jurisdiction over Workers Compensation through the creation of a stand-alone agency named the Office of the Workmen's Compensation Commissioner, which was reorganized as the Office of the Director of Workers Compensation in 1961. This office subsequently became a division of the Department of Labor.

The current Workers Compensation Law covers all employers in Kansas, with a few exceptions including employers engaged in agricultural pursuits or employers with an estimated gross annual payroll of less than \$20,000, along with a few others. Private employers pay all benefits owed to their injured workers, either directly from the employer's own resources or indirectly through another party. While most covered employers obtain insurance from private carriers, provisions in the law establish criteria for qualified employers to become self-insured or to participate in the formation of group-funded self-insurance pools.

Additional Workers Compensation information for employees, employers, and insurers can be found at <https://www.dol.ks.gov/WC>.

1 Administrative Profile of the Division of Workers Compensation

1.1 Operations

The Division of Workers Compensation is a division of the Kansas Department of Labor (KDOL). The division is headed by a director, who oversees the various organizational units that carry out the division’s key functions. These units fall into three administrative sections, which include Operations, Judicial and Public Resources. The structure of the division is shown below in Figure 1.1 followed by an introduction to the function and responsibilities of each of the division’s units.

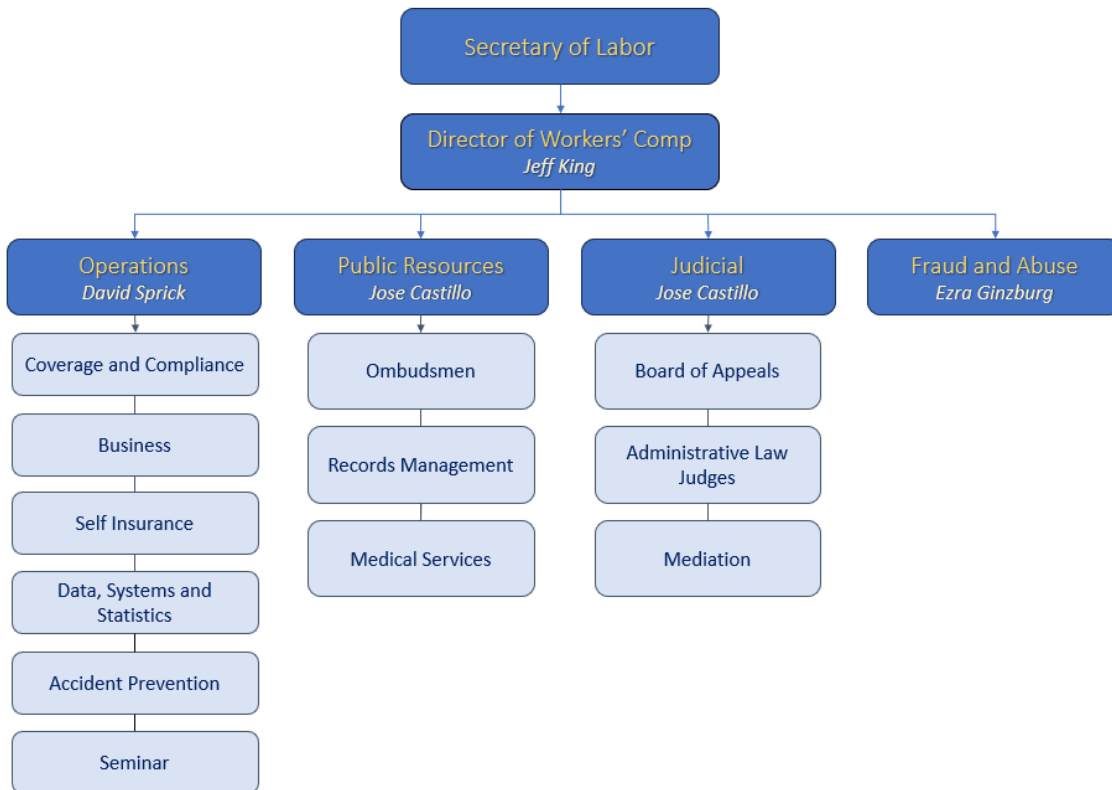


Figure 1.1: Organizational Structure of the Division of Workers Compensation

Table 1.1: Number of Election Requests Processed by Status

Election Status	Elections
Approved	967
Rejected	269

1.1.1 Business

The Business Unit manages the business operations of the division. This includes the collection of all financial resources required to run the division by assessing a tax on paid losses from all workers compensation insurers. In addition, the Business Unit assists the KDOL Fiscal Unit with budgeting and revenue projections, planning, financing, managing requests for all division projects, managing division contracts and trust accounts and ensuring needs are met for all regional locations. See Section 2.1: Paid Losses and Assessment Collection for details on assessments collected in fiscal year (FY) 2023.

1.1.2 Self Insurance

The Self-Insurance Unit administers the state self-insurance program. The main task of the unit is to review applications and approve permits for self-insurance. The Self-insurance Unit aided **134** employers in obtaining or maintaining their status as self-insured during FY **2023**.

1.1.3 Coverage and Compliance

The Coverage and Compliance Unit ensures that Kansas businesses are aware of their responsibilities and are in compliance with Workers Compensation Law. The primary tasks of the unit are to enforce mandated proof of coverage compliance, ensure the completeness and timely filing of accident reports, maintain accurate employer and insurance carrier information and verify Social Security numbers with the Social Security Administration. In FY **2023**, the Coverage and Compliance Unit approved **967** election filings.

1.1.4 Data, Systems and Statistics

The Data, Systems and Statistics Unit is tasked with the development and implementation of technical processes, management of data and the retrieval and reporting of various kinds of information. The primary functions of the unit are to administer and provide support for the division's Electronic Data Interchange (EDI) program, coordinate with KDOL Information Technology in the ongoing development, maintenance and enhancement of the database and the web application, the Kansas Online System for Claims Administration Research/Regulation (OSCAR), generate reports for departmental sections and units, respond to ad hoc research requests from internal and external customers and publish the department's annual statistical report. In FY **2023**, the division accepted more than **144,741** EDI transactions pertaining to **47,646** new injury claims.

1.1.5 Workers Compensation Seminar

The division is responsible for the planning, promotion, and implementation of an Annual Workers Compensation Seminar. It is an educational event for sharing information about legislative and procedural changes, updates to forms and publications, requirements in electronic reporting, advancements made in the field of medicine and other workers compensation-based information. It also provides opportunities to earn continuing education credits for attorneys, case managers and health professionals including doctors, nurses, physician's assistants, physical therapists and occupational therapists. The **2023** Annual Workers Compensation Seminar was held virtually on the dates of **September 25th through September 27th**. There was a total of **311** attendees, with **250** receiving continuing education credits. The seminar is funded by exhibitor and attendee fees.

1.1.6 Accident Prevention Program

The Accident Prevention Program K.S.A. 44-5,104 of the Kansas Workers Compensation Act mandates that as a prerequisite for authority to provide workers compensation insurance coverage to Kansas employers, each insurance company or group-funded self-insurance plan is required to provide Accident Prevention (AP) programs upon request of the covered employer. The purpose of the program is to ensure all employers being provided workers compensation insurance have access to safety and health services from their insurer, should they desire such services. An AP service can include surveys, recommendations, training programs, consultations, analyses of accident causes or industrial hygiene and industrial health.

Each year, insurers and group-funded self-insurance plans provide responses to a survey about AP services. In FY **2023**, there were **158** insurers that provided details on the AP services they provide. The total of reported AP service expenditures in the state of Kansas during the FY was **\$5,806,349**. This is a decrease of approximately **5%** from the reported amount spent during FY 2022. The number of qualified field safety staff hired to provide those services was **2644**, which is an increase of **11%** from 2022.

1.2 Judicial

1.2.1 Administrative Law

The Administrative Law Unit consists of administrative law judges (ALJs) who hold hearings and issue decisions and special administrative law judges (SALJs) who are authorized to hold settlement hearings and approve settlements. Various personnel who provide administrative support for these activities are also included in this unit. See Section 4: Judicial Activity for more information on the activity of the department.

1.2.2 Board of Appeals

The Workers Compensation Board of Appeals has jurisdiction to review appeals from all final orders and certain preliminary hearing orders entered by the state's administrative law judges, as well as to review appeals from orders entered in utilization review proceedings. The board issued decisions for **137** appeals in the last year.

1.2.3 Mediation

The division also administers mediation services, which provides a means of resolving disputes in an informal, non-adversarial setting by a neutral third party. Mediation conferences are offered free of charge. Mediation is a cost-effective way of resolving disputes within the workers compensation system. Mediators are qualified pursuant to the Dispute Resolution Act, and must be approved by the director. There are currently **three** mediators at the division who provide services for workers compensation claims in the state of Kansas.

1.3 Fraud and Abuse

The Fraud and Abuse Unit has a mandate to protect employees, employers and insurance carriers from fraudulent and/or abusive acts and practices. The unit ensures that businesses in Kansas abide by the statutory requirements of Workers Compensation Law by investigating allegations of fraud and abuse, and as necessary, initiating criminal or administrative action against individuals, including the collection of fines or restitution as requested by judges or hearing officers. See Section 2.2: Collection of Fines and Restitution for FY **2023** collections details.

1.4 Public Resources

1.4.1 Ombudsmen

The Ombudsmen Unit acts as a liaison between the division and the general public in assisting employees, employers and other concerned parties to protect their rights under the Workers Compensation Act. The Ombudsmen provide technical assistance on workers compensation issues, assist unrepresented claimants in obtaining a hearing, mediation, or appeal and conduct presentations and provide training opportunities to interested parties.

1.4.2 Records Management

The Records Management Unit maintains enduring records of workers compensation cases, and is responsible for the ongoing migration of physical legacy case contents to digital format, a process which is largely complete at this time. The unit fulfills requests for records, and provides support for the online exchange of records relating to workers compensation claims and legal proceedings. The inception of the OSCAR system in November 2018 streamlined the records request process. For FY **2023**, the number of requests for records fulfilled totaled **22,156**.

Table 1.2: Number of Records Requests Processed on OSCAR by Request Type

Request Type	Requests
Request related to an offer of employment	17,783
Request on worker seeking benefits	4,351
Request of personal records	22
Total	22,156

1.4.3 Medical Services

The Medical Services Unit develops a fee schedule that is sufficient to ensure availability of treatment for workers compensation clients. The unit monitors medical issues relating to workers compensation and acts as a liaison for all parties involved in health care related workers compensation issues. They also work closely with the National Council on Compensation Insurance (NCCI) and provider communities to assure that payments to health care providers remain current, reasonable and fair.

2 Fiscal Activities

The Kansas Workers Compensation Division of KDOL is classified as a revenue agency within state government, and does not receive any funding through general tax revenue. Therefore, the Workers Compensation Division itself must fully recover all the costs it incurs in the delivery of its services through its own revenue sources.

2.1 Paid Losses and Assessment Collection

By law, the recovery of the division’s administrative costs, which includes the cost of personnel, building, supplies, travel, etc. is done through administrative assessments that are paid by insurance carriers and self-insured employers on their paid losses for the previous calendar year.

Figure 2.1 below displays the total amount of paid losses reported for the calendar year 2022. Paid losses are the sum of losses assumed by insurers, deductibles paid by covered employers, and any deductions pertaining to losses that fall under the purview of certain federal programs.

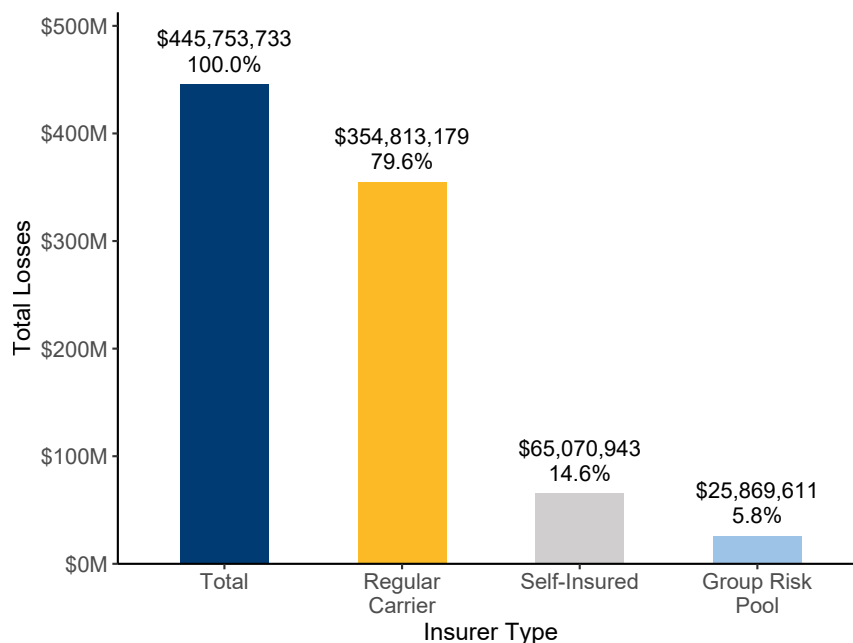


Figure 2.1: Total Paid Losses Reported for Previous Calendar Year by Insurer Type

Figure 2.2 displays the revenues generated from those paid losses for the FY 2023. In FY 2023, paid losses were assessed at a rate of 2.75% Note that payments are waived for assessments of \$10 or less.

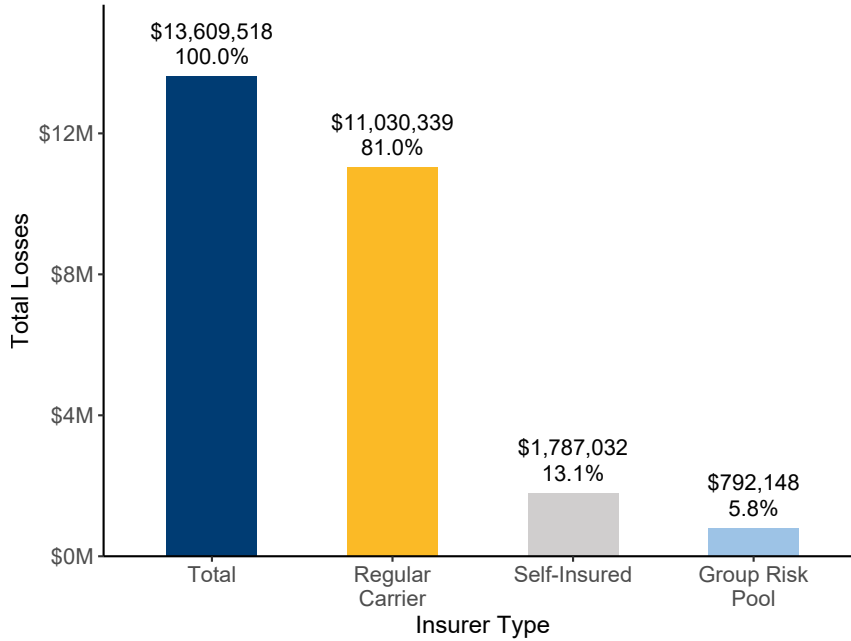


Figure 2.2: Total Assessment Payments Collected by Insurer Type

2.2 Collection of Fines and Restitution

In addition to paid loss assessments, the division may assess fines and restitution when entities are investigated and found to have committed fraudulent and/or abusive practices (as set forth K.S.A.44-532 and K.S.A. 44-557), or have failed to comply with workers compensation laws (K.S.A. 44-5, 120). Revenues generated as a result of paid loss assessments, as well as those generated by investigations, are deposited in the state treasury and credited to the Workers Compensation Fund per KS 44-566(b).

Table 2.1 presents information about investigations conducted in **2023**. Counts of investigation types and payments are defined and calculated based on the reported Kansas statute that was violated in the assessment.¹

Table 2.1: Investigations and Investigation Payments Collected by Investigation Type

Investigation Type	Investigations Opened	Payments Collected	Total Paid
Compliance	332	378	\$404,000.44
Fraud	21	40	\$5,175.00
Other	29	7	\$2,900.00
Total	382	425	\$412,075.44

¹Note that investigations opened in FY 2023 aren't necessarily the same investigations for which payments were made in the same fiscal year. Investigations that result in fines or restitution may remain open for an indeterminate period of time before any payments are collected, and the collection of payments for a given investigation may remain ongoing for some time as well.

3 Basic Claims Information

The Workers Compensation Division obtains information about workplace injuries and illnesses in the state of Kansas via claims submitted through EDI submissions from claim administrators and insurers. EDI is the computer-to-computer exchange of data in a standard electronic format between business partners. The division's EDI program allows trading partners to submit injury reports electronically.

3.1 Injuries and Types of Claims

3.1.1 Total Injuries Reported

In FY **2023** there were **47,646** total occupational injuries and illnesses reported to the Division of Workers Compensation. This total reflects all accidents occurring during the year, including fatalities, and represents a net change of **-1,152** reported injuries and illnesses, or a **-2.4%** change from the previous year's total.¹

Of the reported injuries, **39** resulted in fatalities. The number of fatalities in a FY has remained relatively consistent over time, as illustrated by Figure 3.1.

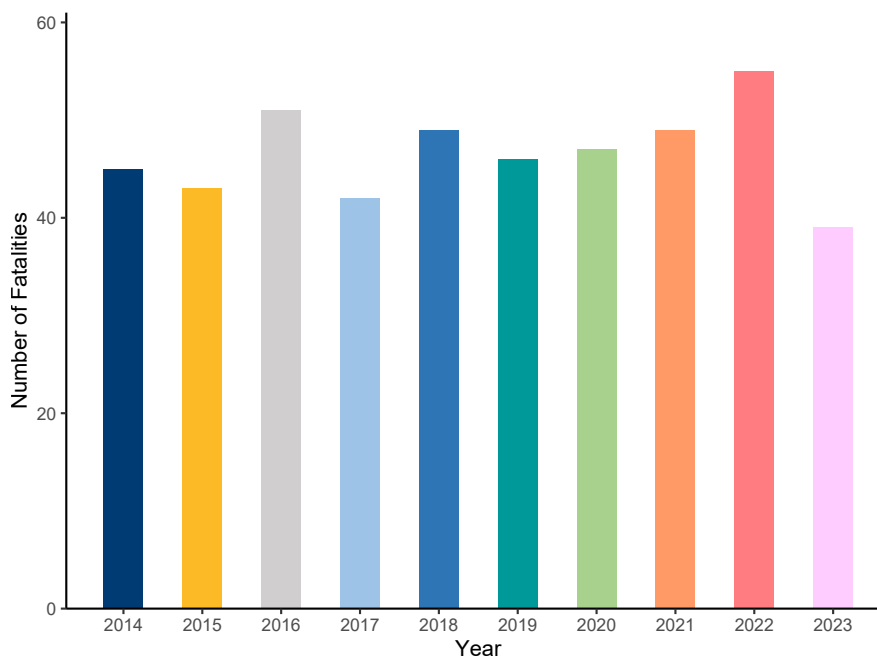


Figure 3.1: Number of Injuries that Resulted in Fatalities, last 10 years

¹Not included in the total reported injuries are reports that are canceled following their initial submission. Sometimes injuries are reported in error, or reported with errors sufficient to warrant the retraction of the report.

In terms of the types of injuries associated with claims, traumatic injuries represent an overwhelming majority. There were **46,540** traumatic injury claims (**97.7%**), with **674** claims of repetitive trauma (**1.4%**) and **428** occupational disease claims (**0.9%**). Most injuries do not result in compensation for lost time. In FY **2023** there were **9,412** compensated lost-time claims.²

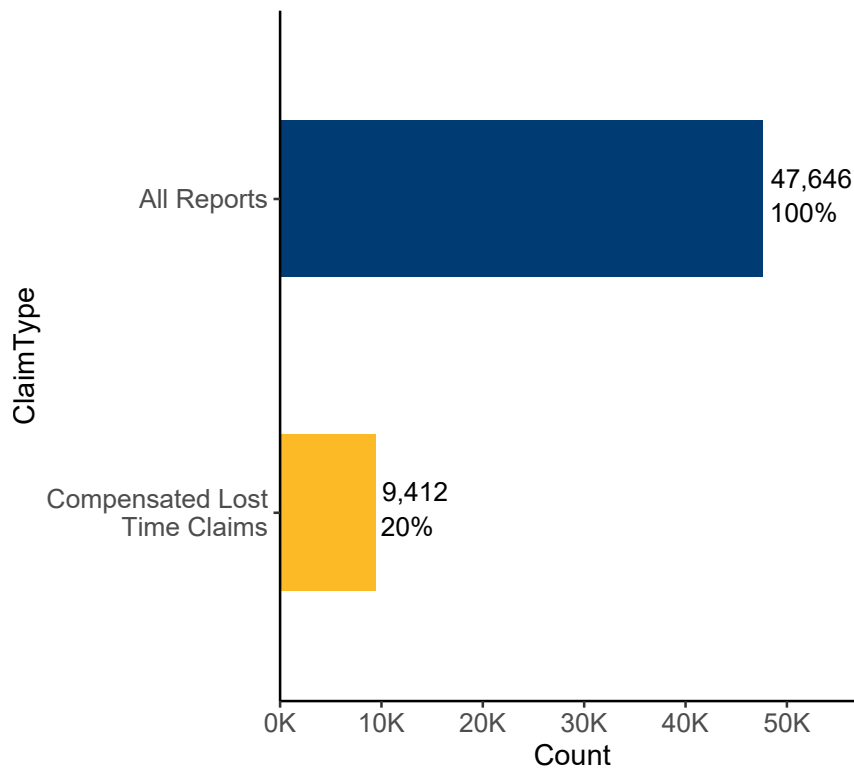


Figure 3.2: Number of Compensated Lost Time Claims as a Proportion of Reported Injuries

3.1.2 Types of Claims

The majority of claims in FY **2023** were **Medical Only** claims at **68.8%**, which consist of injuries that may require some medical intervention but do not result in lost time beyond the seven-day waiting period.³ Figures 3.2 and 3.3 show the number of injuries reported by claim type and the number of compensated lost time claims as a proportion of reported injuries, respectively.

²Note that claims that resulted in compensation in FY 2023 do not necessarily belong to the set of claims reported in 2023.

³Kansas law only allows lost time compensation for seven or more consecutive days of lost time.

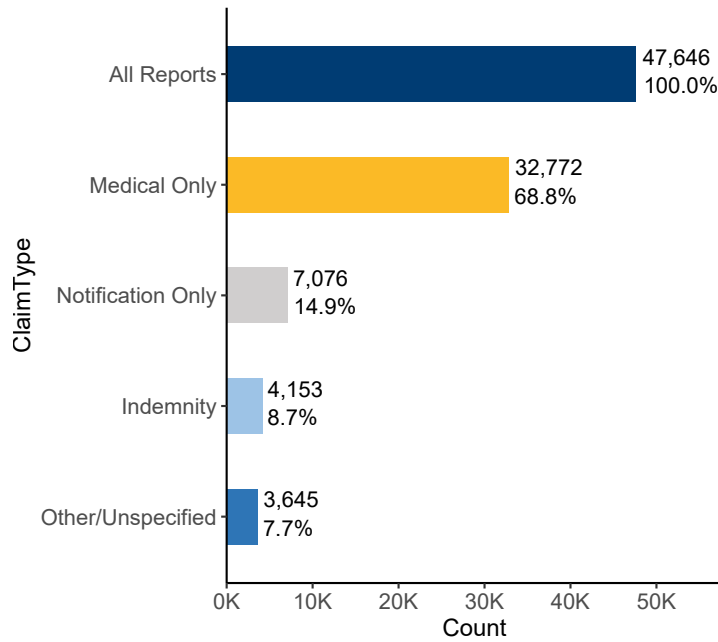


Figure 3.3: Number of Injuries Reported by Claim Type

This pattern is generally true in any given fiscal year since 2014. Claims that are explicitly coded as indemnity claims are relatively rare, although claims of other types may ultimately result in an indemnity claim, even if not specified as such. Figure 3.4 shows the total number of claims reported, as well as the total number of claims disaggregated by report type for the years **2014 – 2023**. Medical only claims consistently represent the majority of claims each year. The number of indemnity and notification claims has changed very little over the 10 year period as well.

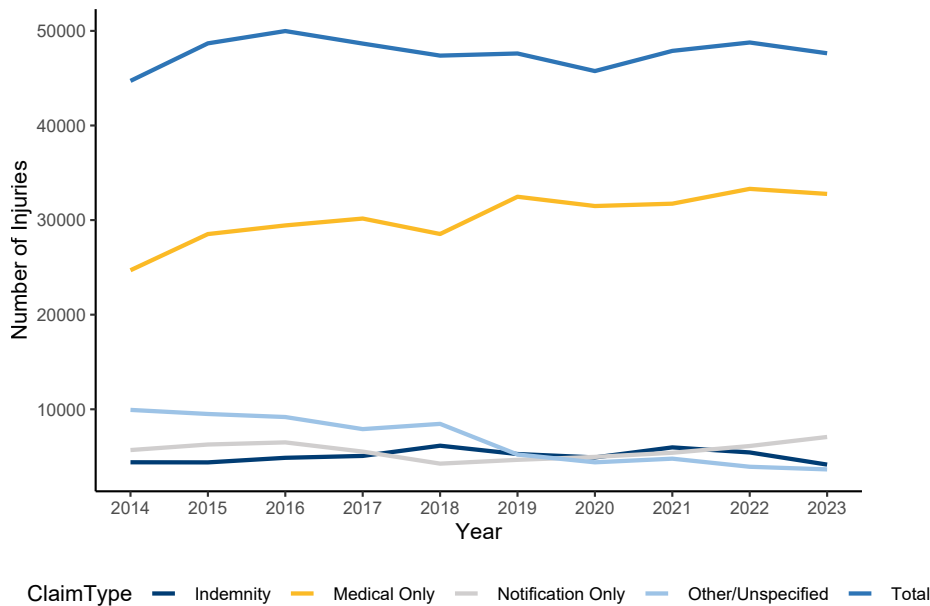


Figure 3.4: Number of Injuries Reported by Claim Type, Past 10 Fiscal years

3.2 Incidence

This section presents the number of claims as a function of segments of the population. The number of reported injuries in relation to the number of labor hours in Kansas during the year can be found in 3.2.1, while 3.2.2 presents the number of injuries occurring in each county in relation to the county population size.

3.2.1 Overall Incidence

The Overall Incidence Rate for the state of Kansas is defined as the number of reported injuries per 100 full-time workers during the year. The Kansas Overall Incidence Rate is modeled after the U.S. Bureau of Labor Statistics (BLS) Incidence Rate, and is formally defined as the total number of reported injuries divided by total hours worked by private industry employees during the fiscal year, multiplied by the number of hours worked by 100 full-time employees (200,000 hours, or 40 hours per week for 50 weeks).

Injury and illness data was obtained from the Division of Workers Compensation and includes all EDI submissions for first reports of injury for the year, and the employment hour data used in the division's calculation of incidence rates was obtained from the Kansas Labor Market Information Services (LMIS) Division.

The Kansas Overall Incidence Rate for FY **2023** was **3.34**, and is shown in Table 3.1, along with incidence rates for the preceding years going back to 1992. The trend of these figures is further represented by Figure 3.5.

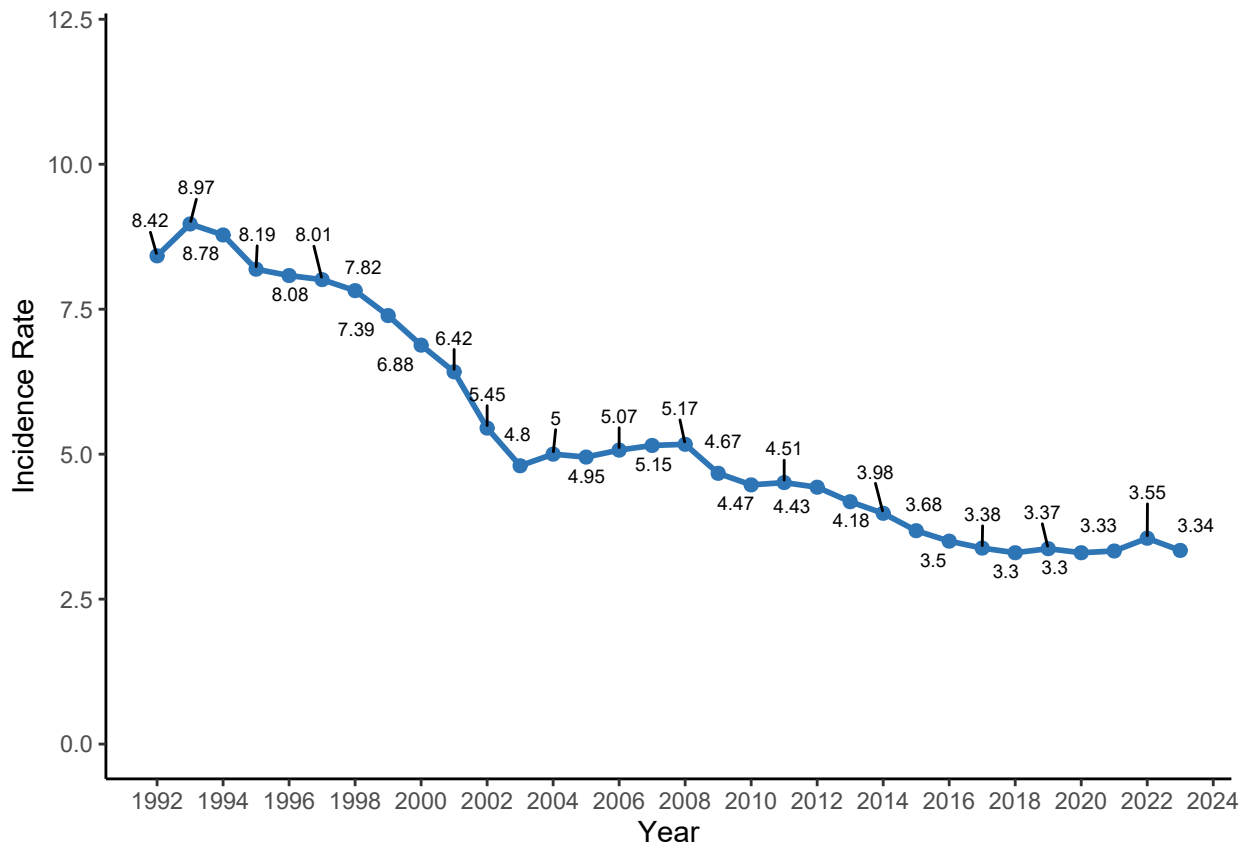


Figure 3.5: Kansas Total Occupational Injury and Illness Incidence Rate per 100 FTE since 1992

Table 3.1: Number of Injuries with Overall Incidence Rate since 1992

Fiscal Year	Total Injuries	Incidence Rate
1992	90,681	8.42
1993	98,129	8.97
1994	98,148	8.78
1995	94,570	8.19
1996	95,663	8.08
1997	97,699	8.01
1998	98,908	7.82
1999	95,730	7.39
2000	90,049	6.88
2001	84,945	6.42
2002	72,825	5.45
2003	68,137	4.80
2004	64,374	5.00
2005	64,761	4.95
2006	66,469	5.07
2007	69,211	5.15
2008	70,263	5.17
2009	63,130	4.67
2010	58,188	4.47
2011	58,296	4.51
2012	58,252	4.43
2013	56,009	4.18
2014	53,997	3.98
2015	50,568	3.68
2016	48,075	3.50
2017	46,751	3.38
2018	45,937	3.30
2019	47,059	3.37
2020	45,253	3.30
2021	44,507	3.33
2022	48,342	3.55
2023	47,619	3.34

3.2.2 Incidence by County

Unsurprisingly, the number of injuries reported in a given county is related to population size. Generally, the counties with the most reported injuries are also the largest counties in Kansas by population ⁴. The 10 largest counties by population are shown in Table 3.2, along with the

⁴Population data from Kansas Certified Population Data, Division of the Budget (<https://budget.kansas.gov/population/>)

number of reported injuries for FY 2023.

Table 3.2: Top Ten Counties by Number of Reported Injuries with Population

County	Total Injuries	Population
Sedgwick	7,674	523,828
Johnson	6,012	613,219
Wyandotte	2,648	167,046
Shawnee	2,305	178,264
Saline	970	53,888
Finney	950	38,107
Reno	923	61,414
Douglas	897	119,363
Riley	882	72,208
Ford	555	34,159

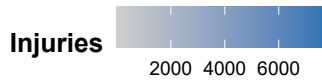
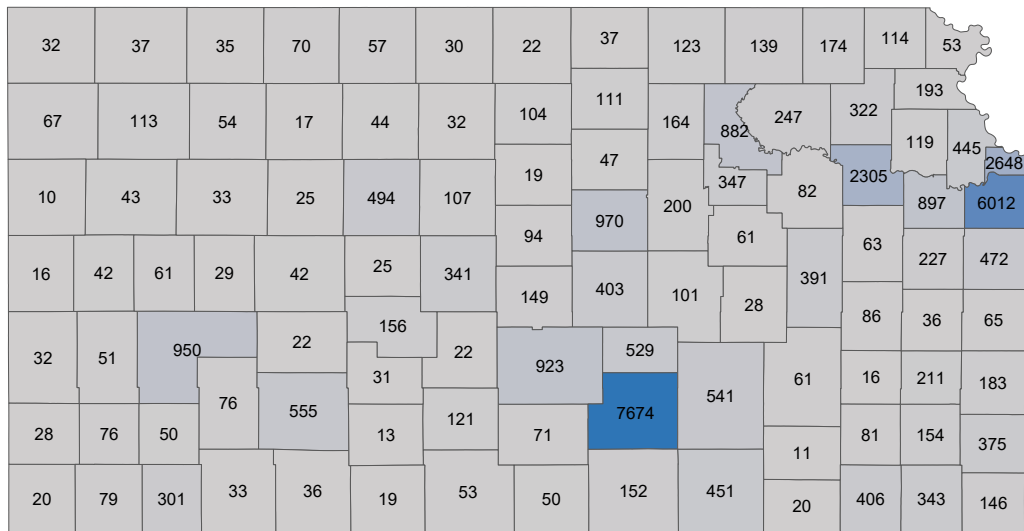


Figure 3.6: Number of Injury Reports by County

When the number of injuries is controlled for population size, the relative number of claims in a given county varies widely. Such differences are likely due to differences in the makeup of economic sectors, presence of influential employers or outsized number of workers commuting from other counties.

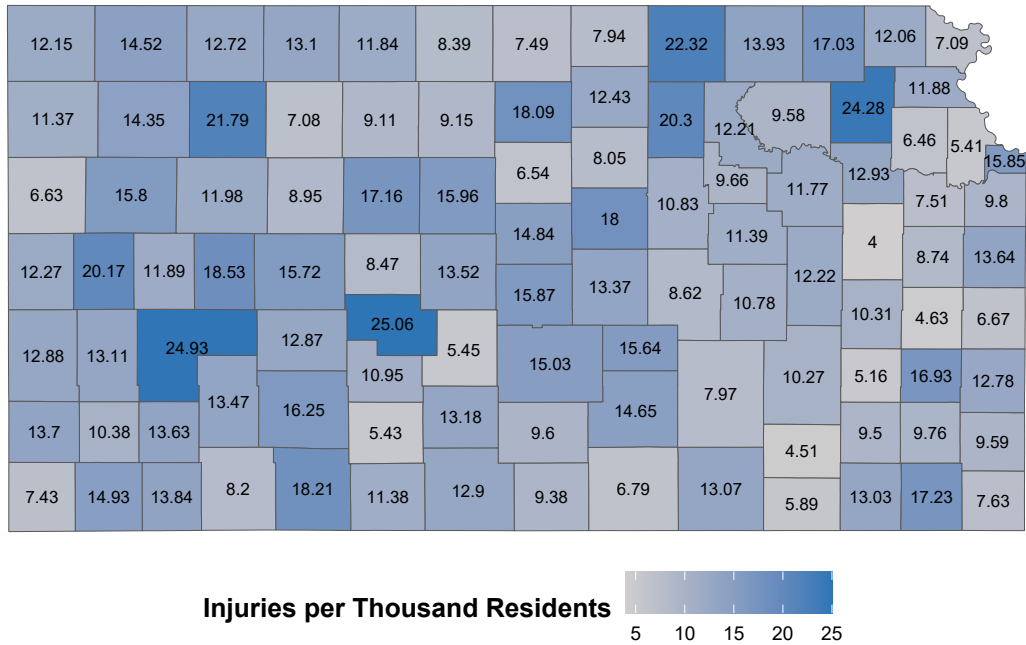


Figure 3.7: Injuries Reported per Thousand Residents by County

3.3 Cost of Claims

This section presents a brief look at the cost of claims. In Section 3.3.1: Insurer Direct Losses, all direct losses reported by insurers to the division in FY 2023 are presented, which comprises the total amount Kansas insurers spent on claims during the preceding calendar year 2022. In Section 3.3.2: Closed Indemnity Claim Benefits, figures are reported from all claims that were closed by claims administrators in calendar year 2022 that included indemnity payments.

3.3.1 Insurer Direct Losses

Direct losses are any losses resulting from an occupational injury or illness of an employee working for a covered employer. Direct losses are the sum total of amounts covered by insurers, as well as any deductibles paid by the policy holders. Losses reported to the division in FY 2023 totaled **\$445,754,161** Of this, **32.1%** were deductibles paid by policy holders.

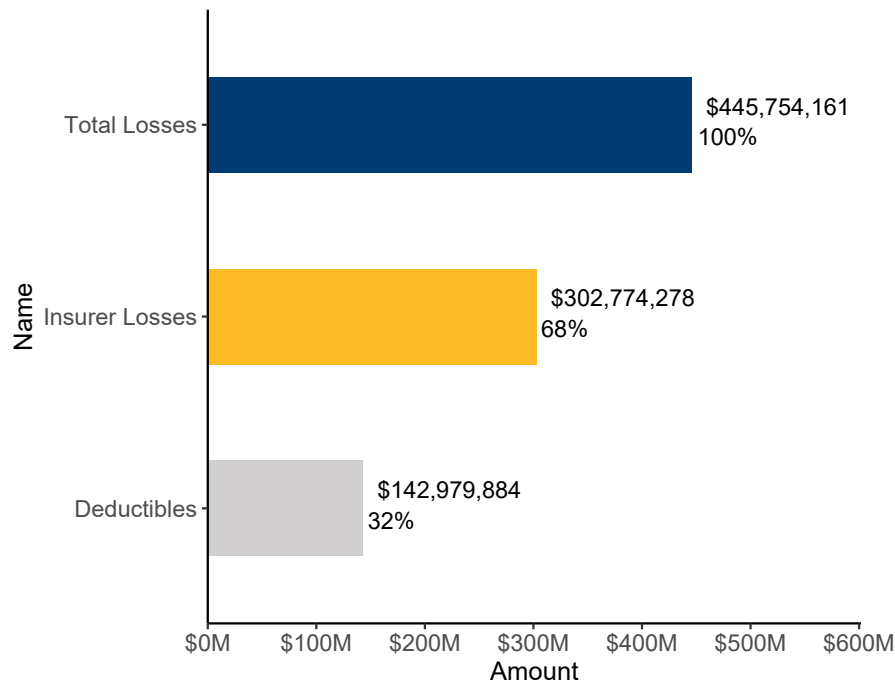


Figure 3.8: Losses Reported by Type of Loss

3.3.2 Closed Indemnity Claim Benefits

Not every injury results in a claim for indemnity benefits, but those that do, allow our division to collect information about the costs of those claims. When no further payments are expected on a claim, a final report (FN) is submitted that details the total of all benefits and expenses paid to date. We utilize as our primary source of data for this section all FNs filed during CY 2022 that report an indemnity payment.⁵ This allows us to examine claims in terms of the benefits paid on behalf of the insured from start to finish.⁶

The total reported cost of benefits associated with indemnity claims that closed in calendar year 2022 was **\$242,107,247**. **Medical benefits** comprised the greatest share of this cost at **51.5%**, followed by **Indemnity benefits** at **43.6%**, **Legal benefits** at **4.6%** and **Other benefits** at **0.3%**

Figure 3.9 illustrates total benefits paid on behalf of insurers for claims with reported indemnity benefits that closed in CY 2022. The total amount is given as well the percentage that each type of expense represents of the total.

⁵Because a lag can exist between when an FN report was created and when it is received by our division, we define the FN as pertaining to our data set by the date it was generated in the EDI system, which is not necessarily the date it was created.

⁶Certain assumptions and limitations are worth noting. Because the state of Kansas legislates the actions that employers and employees must take when a workplace injury takes place, we assume that injuries are reported honestly by both employees and their employers. EDI industry implementation standards, together with Kansas legislation, determine the sequencing of EDI files as well as which information is mandatory on a claim file. We, therefore, assume that claim administrators have received the training needed to submit correct claim and payments information to our division. We assume that when an FN is filed, no further payments are anticipated. It should be noted that this is not always the case, as claims may be reopened for various reasons, but we assume that this is true at the time of reporting.

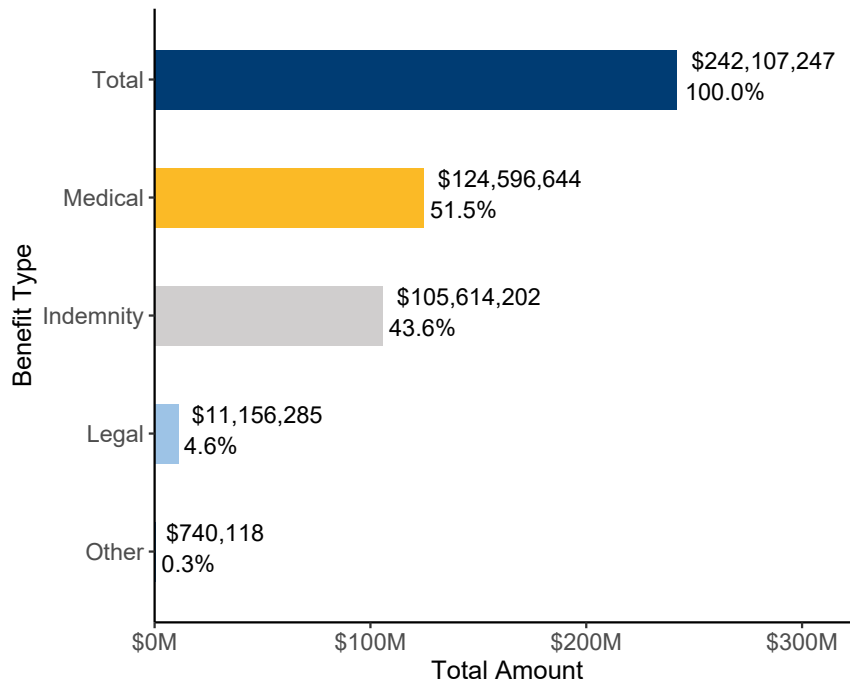


Figure 3.9: Benefits Paid on Indemnity Claims Closing in Previous Calendar Year by Benefit Type

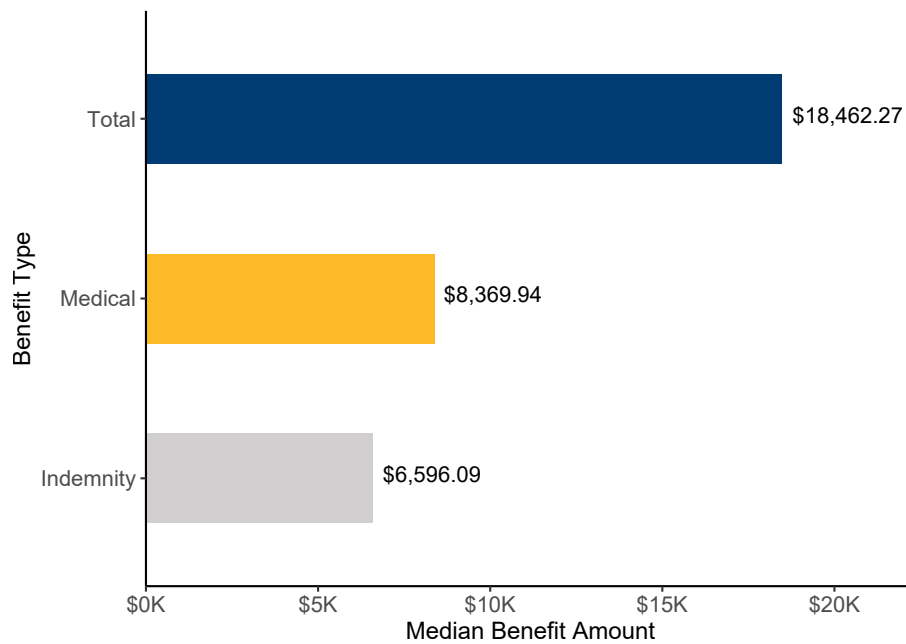


Figure 3.10: Median Benefit Amount Paid on Indemnity Claims Closing in the Previous Calendar Year, by Benefit Type

Calendar year 2022 closed claims had a median total benefit amount of **\$18,462.27**, with a median medical benefit amount of **\$8,369.94**, and a median indemnity benefit amount of **\$6,596.09**. Note that legal and other (non-medical, indemnity, or legal) benefit types on a claim had median values of \$0. This means that, while a few claims did incur legal and other expenses, the typical claim that closed in CY 2022 did not involve insurer-paid benefits not categorized as indemnity or medical. Figure 3.10 illustrates median benefits by benefit type paid for claims closing in CY 2022.

4 Judicial Activity

4.1 Legal Filings

Judicial filings give a broad picture of the volume of cases moving through the system, as well as an informal indicator of the number of cases reaching various stages of litigation. Major filing types under consideration are listed with their definitions below:

- **E1/E2:** Application for benefits; initiates judicial review of a claim¹
- **E3:** Request for preliminary hearing
- **E4:** Application for post-award medical benefits, or termination or modification of medical benefits
- **E5:** Application for review and modification of a decision on a case
- **E6:** Application to dismiss a case for lack of resolution within three years of filing of an E1/E2
- **Appeals:** Request for an independent review of an award or order on a case by the Board of Appeals
- **Entry of Appearance:** Formal notice of representation of a respondent (i.e. employer)²

In FY 2023, there were **16,087** official filings. The total number of filings of each major type are shown in Figure 4.1

¹An E2 is the same as an E1, but for a surviving spouse, dependent, or heir.

²This does not include Entry of Appearances filed on behalf of a claimant's attorney which has a lower incidence rate.

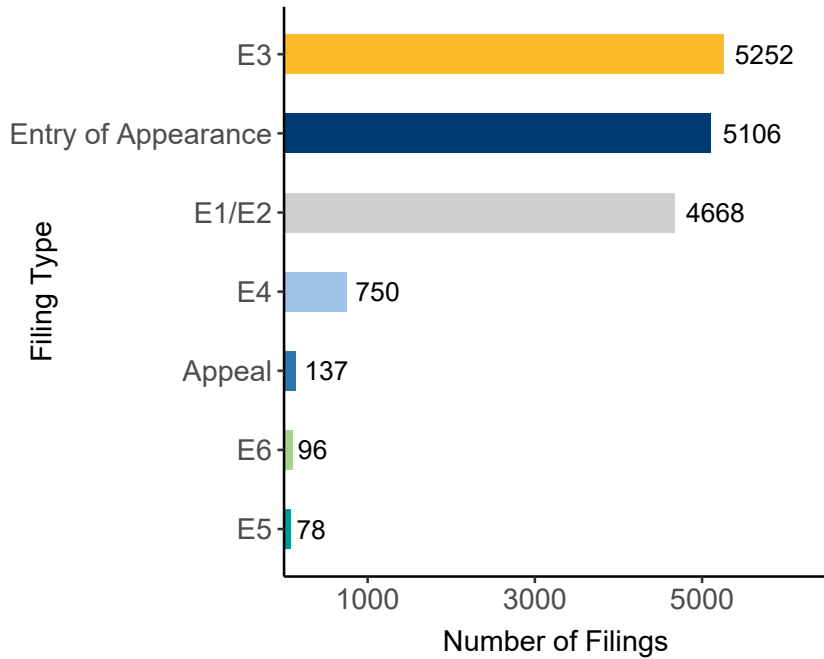


Figure 4.1: Total Number of Filings by Filing Type

4.1.1 Monthly Filings by Type

Generally, the number of filings from month to month varies but remains relatively stable throughout the year. The monthly number of filings of each type are given in Figure 4.2 and Table 4.1.

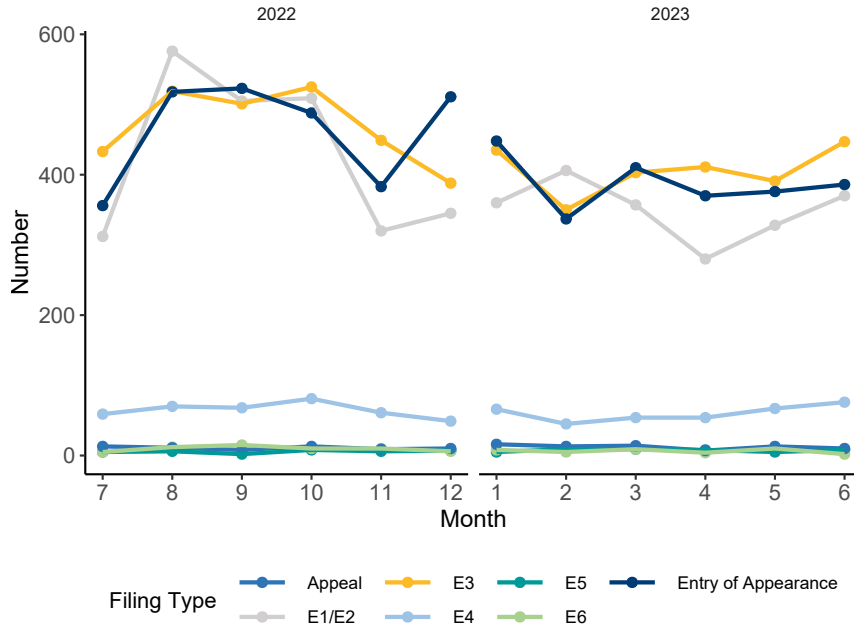


Figure 4.2: Monthly Filings by Type organized by Calendar Year

Table 4.1: Monthly Filings by Type

Year	Month	E1/E2	E3	E4	E5	E6	Appeal	EOA	Total
2022	Jul	312	433	59	5	5	13	356	1,183
2022	Aug	576	519	70	6	12	11	518	1,712
2022	Sep	505	501	68	2	15	8	523	1,622
2022	Oct	509	525	81	8	10	13	488	1,634
2022	Nov	320	449	61	6	10	9	383	1,238
2022	Dec	345	388	49	7	6	10	511	1,316
2023	Jan	360	435	66	5	8	16	448	1,338
2023	Feb	406	350	45	9	5	13	337	1,165
2023	Mar	357	403	54	9	9	14	410	1,256
2023	Apr	280	411	54	8	4	7	370	1,134
2023	May	328	391	67	5	10	13	376	1,190
2023	Jun	370	447	76	8	2	10	386	1,299
Total		4,668	5,252	750	78	96	137	5,106	16,087

4.2 Hearings

The volume of hearings can also help to provide an indication of the number of cases reaching various stages of litigation, as well as an idea of where judicial resources are being allocated. The major hearing types under consideration here are listed with their definitions below:

- **Prelim:** a hearing to establish facts or conditions on which a regular hearing may depend.
- **Motion:** a hearing to request a judicial ruling on some legal matter.
- **Pre-hearing Settlement Conference (PHSC):** a preliminary meeting with the parties intended to provide a path to settlement, if possible.
- **Regular:** a hearing to decide whether benefits will be awarded to a claimant and the benefits to be awarded.
- **Post-Award Medical:** a hearing of whether additional medical benefits will be awarded, modified, or terminated.
- **Review and Modification:** a hearing to review and possibly modify an award.
- **Settlement (Undocketed):** a hearing for administrative approval of a settlement which never went through the process of judicial review.
- **Settlement (Docketed):** a hearing for approval of a settlement that occurs after the process of judicial review.

4.2.1 Total Hearings Set and Held by Type

Hearings are often set, but not held for various reasons. Table 4.2 and Figure 4.3 show the number of hearings set and held in FY 2023 for each of the main hearing types. Note that hearings were held in FY 2023 were not necessarily set in FY 2023, nor vice versa.

Table 4.2: Number of Hearings Set and Held by Hearing Type

Hearing Type	Hearings Set	Hearings Held
Prelim	3,819	1,124
Settlement (Dkt)	3,169	2,813
Settlement (Undkt)	2,654	2,299
PHSC	2,597	1,805
Regular	975	382
Motion	567	294
Post Award	385	90
Rev & Mod	24	8
Total	14,190	8,815

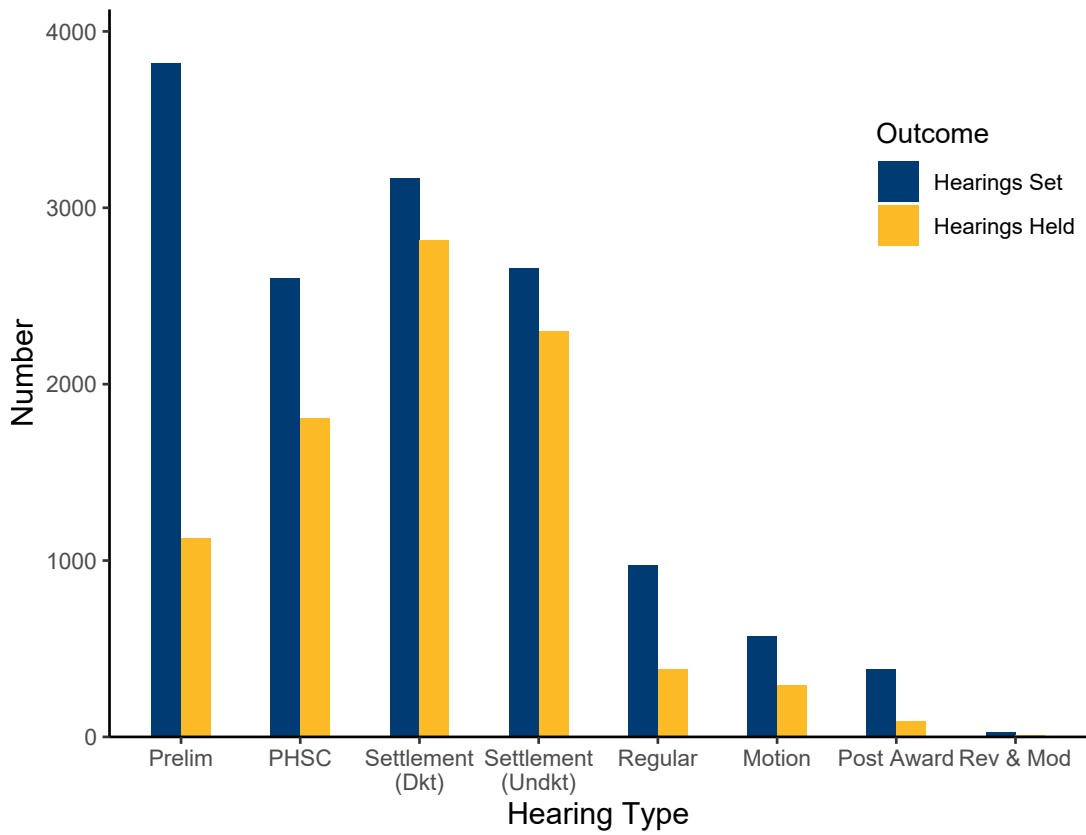


Figure 4.3: Number of Hearings Set and Held by Hearing Type

As a general rule, more hearings are set than held. That said, settlement hearings have a higher likelihood of being held than other hearing types. By far, preliminary hearings are most likely to be set but not held. This is likely an indicator that a move toward litigation frequently leads to non-administrative resolutions.

4.2.2 Monthly Hearings Set and Held by Type

As with legal filings, the numbers of hearings set and held remain relatively stable from month to month with the caveat that settlement hearings typically increase towards the end of the calendar year. For FY 2023, on average, there were **1,182** hearings set and **734** hearings held per month. Figures 4.4 and 4.5 show the monthly trends in hearings set and held, respectively, while Table 4.3 provides the exact figures of the same.

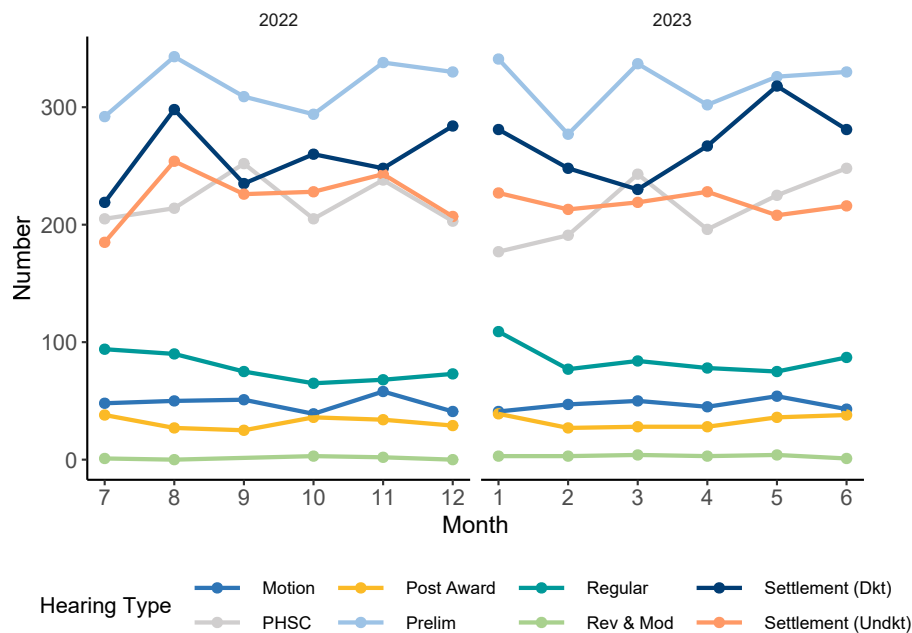


Figure 4.4: Monthly Hearings Set by Hearing Type Organized by Calendar Year

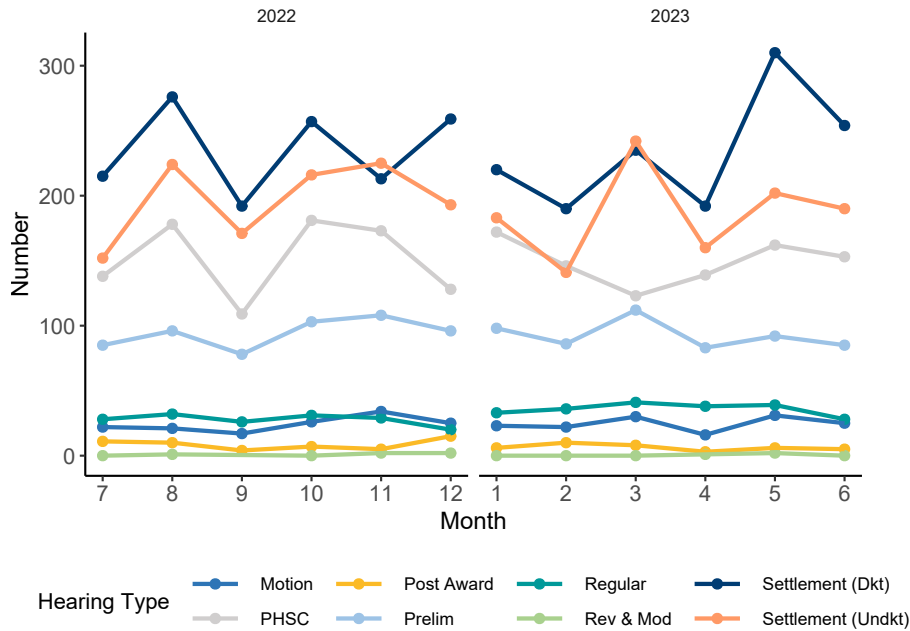


Figure 4.5: Monthly Hearings Held by Hearing Type Organized by Calendar Year

Table 4.3: Monthly Number of Hearings Set and Held by Hearing Type

Year	Month	Outcome	Prelim	Motion	PHSC	Regular	Post Award	Rev & Mod	Settlement (Dkt)	Settlement (Undkt)
2022	Jul	Set	292	48	205	94	38	1	219	185
		Held	85	22	138	28	11	0	215	152
	Aug	Set	343	50	214	90	27	0	298	254
		Held	96	21	178	32	10	1	276	224
	Sep	Set	309	51	252	75	25	0	235	226
		Held	78	17	109	26	4	0	192	171
	Oct	Set	294	39	205	65	36	3	260	228
		Held	103	26	181	31	7	0	257	216
	Nov	Set	338	58	238	68	34	2	248	243
		Held	108	34	173	29	5	2	213	225
	Dec	Set	330	41	203	73	29	0	284	207
		Held	96	25	128	20	15	2	259	193
2023	Jan	Set	341	41	177	109	39	3	281	227
		Held	98	23	172	33	6	0	220	183
	Feb	Set	277	47	191	77	27	3	248	213
		Held	86	22	146	36	10	0	190	141
	Mar	Set	337	50	243	84	28	4	230	219
		Held	112	30	123	41	8	0	235	242
	Apr	Set	302	45	196	78	28	3	267	228
		Held	83	16	139	38	3	1	192	160
	May	Set	326	54	225	75	36	4	318	208
		Held	92	31	162	39	6	2	310	202
	Jun	Set	330	43	248	87	38	1	281	216
		Held	85	25	153	28	5	0	254	190

Although the number of hearings held remains fairly constant from month to month, the total number of hearings held has seen some changes over a ten year period. Figure 4.6 shows the number of hearings held by hearing type for fiscal years 2014 – 2023. Although the number of PHSC have declined over the years, leading to a general decline in the total number of hearings,

since 2020 there has been a sharp increase in the number of settlements, both docketed and undocketed. There was an initial increase due to a backlog of hearings being manually added to the system in 2019 due to the digitization of the legal process, however as it has remained high this increase may be attributed to the launch of the OSCAR system, with hearings and scheduling being streamlined, as well as users acclimating to its use. Additionally the COVID-19 pandemic may have encouraged certain hearing patterns. These settlement hearings are responsible for the total number of hearings increasing to 2013 levels.

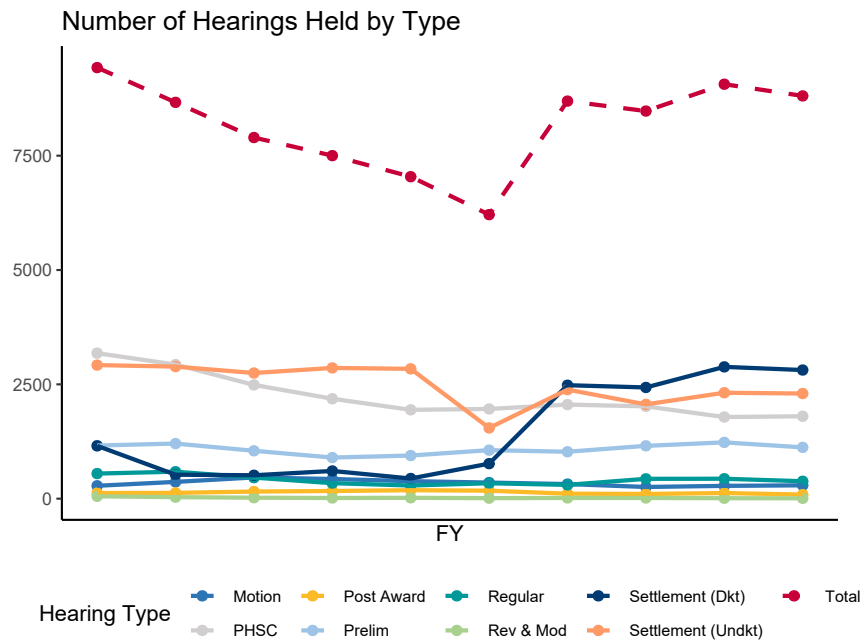


Figure 4.6: Hearings Held by Hearing Type, Past 10 Years

4.2.3 Total Hearings Held by Location Jurisdiction

Workers Compensation divides the state into five jurisdictional regions, which are Eastern, East Central, Central, South Central, and Western. Respectively, these include counties roughly centered around Lenexa, Topeka, Wichita, Salina, and Garden City, in which the main offices of the Division are located. Each region can be seen in the map in Figure 4.7 with the respective counties that belong to each.

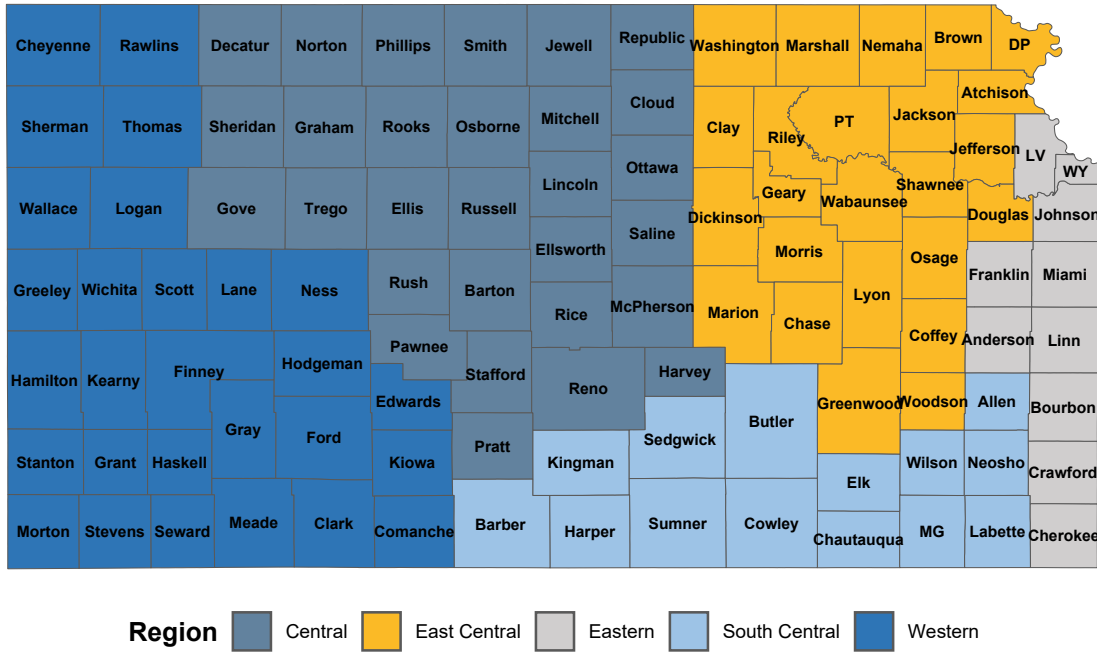


Figure 4.7: County of Venue by Jurisdictional Region

In terms of volume, the East Central region had the greatest number of hearings (4505), while the Western region had the fewest (79).³

³In the past, this metric did not include teleconferences as they are not done in person, but they were included for FY 2023 and going forward. Even though some regions have returned to in person hearings, virtual hearings are still offered and for some types of hearings conducted exclusively virtually.

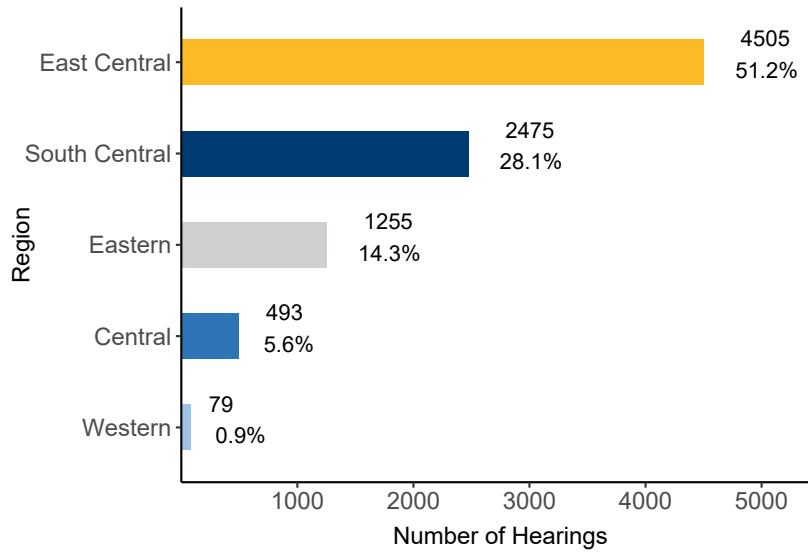


Figure 4.8: Number of Hearings Held by Jurisdictional Region

4.2.4 Total Hearings by Method

Due to the COVID-19 Pandemic, for FY 2021 all hearings were conducted virtually. For FY 2022, some regions began to open offices for onsite hearings. Some offices can hold an in-person or virtual hearing by request depending on the current default hearing type.

Links To More Information

- Kansas Department of Labor <https://www.dol.ks.gov>
- Kansas Division of Workers Compensation <https://www.dol.ks.gov/WC/>
- Resources for Employers and Employees <https://www.dol.ks.gov/wc/injuries-at-work>
- Workers Compensation Laws and Regulations <https://www.dol.ks.gov/laws>
- Kansas Online System for Claims Administration Research/Regulation (OSCAR) <https://www.oscar.dol.ks.gov>
- OSCAR Help <https://www.oscar.dol.ks.gov/help>
- Additional Resources <https://www.dol.ks.gov/WC/resources>
- Labor Market Information <https://klic.dol.ks.gov/vosnet/Default.aspx>
- Links to Related Agencies and Insurance Industry Organizations <https://www.dol.ks.gov/WC/resources/other-resources>

Appendix A: Data Set Variables

Closed Claim related variables

Qualitative

- Claimant characteristics
 - Industry Classification (NAICS code)
- Injury characteristics
 - Type of Loss (Traumatic Injury, Occupational Disease, Cumulative/Repetitive Trauma)
 - Cause of Injury; how the injury occurred
 - Nature of Injury; how body part(s) and/or systems were affected
 - Body Part: which body part(s) and/or systems were affected

Quantitative

- Cost of individual benefit types
- Aggregated benefit costs (Total Benefits Paid, Indemnity Benefits Paid, Medical Benefits Paid, etc.)

Temporal

- Claim Time: the number of days between the submission date of the earliest First Report of Injury and the submission date of the final (SROI FN) report

Appendix B: Closed Claim Data Methodology

Beginning with the initial data set, claims were removed if they did not meet a basic threshold for inclusion. Claims that did not have regular benefits reported on their Final (FN) summary EDI (Electronic Data Interchange) reports were excluded⁴, as were all claims from a particular EDI trading partner who failed to report any medical payment information. We also excluded claims with certain types of claimant information. These included claims whose claim time was erroneously greater than 40 years, and claims with claimants having an annual wage less than \$1500 or greater than \$250,000. Finally, claims were excluded if they were later denied by judicial determination, rendering reported payment information inaccurate.

⁴In the past, this metric did not include teleconferences as they are not done in person, but they were included for FY 2023 and going forward. Even though some regions have returned to in person hearings, virtual hearings are still offered and for some types of hearings conducted exclusively virtually.