



46TH ANNUAL  
**STATISTICAL  
REPORT**

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WORKERS COMPENSATION DIVISION  
KANSAS DEPARTMENT OF LABOR

**Fiscal Year 2020**

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## TABLE OF CONTENTS

- Message from the Acting Secretary of Labor ..... 3
- Introduction ..... 4
- The Kansas Workers Compensation Program ..... 4
- Links to More Information..... 5
- 1. Administrative Profile of the Division of Workers Compensation ..... 6
  - 1.1 Operations..... 7
    - 1.1.1 Business..... 7
    - 1.1.2 Self-Insurance..... 7
    - 1.1.3 Coverage and Compliance..... 7
    - 1.1.4 Data, Systems, and Statistics ..... 7
  - 1.2 Judicial..... 8
    - 1.2.1 Administrative Law ..... 8
    - 1.2.2 Board of Appeals ..... 8
    - 1.2.3 Fraud and Abuse..... 8
  - 1.3 Public Resources..... 8
    - 1.3.1 Ombudsmen..... 8
    - 1.3.2 Records Management ..... 8
    - 1.3.3 Medical Services ..... 9
  - 1.4 Special Programs ..... 9
    - 1.4.1 Workers Compensation Seminar..... 9
    - 1.4.2 Mediation ..... 9
    - 1.4.3 Accident Prevention Program..... 9
- 2. Fiscal Activities ..... 11
  - 2.1 Paid Losses and Assessment Collection ..... 11
  - 2.2 Collection of Fines and Restitution ..... 12
- 3. Basic Claims Information ..... 13
  - 3.1 Injuries and Types of Claims ..... 13
    - 3.1.1 Total Injuries Reported..... 13
    - 3.1.2 Types of Claims..... 14
  - 3.2 Incidence ..... 15
    - 3.2.1 Overall Incidence..... 15
    - 3.2.2 Incidence by County ..... 17



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3.3 Cost of Claims .....	19
3.3.1 Insurer Direct Losses .....	19
3.3.2 Closed Indemnity Claim Benefits .....	19
4. Judicial Activity .....	21
4.1 Legal Filings .....	21
4.1.1 Total Filings by Type .....	21
4.1.2 Monthly Filings by Type.....	22
4.2 Hearings .....	23
4.2.1 Total Hearings Set and Held by Type .....	24
4.2.2 Monthly Hearings Set and Held by Type.....	25
4.2.3 Total Hearings Held by Location Jurisdiction .....	27
4.2.4 Total Hearings Held by Method.....	29
Appendix A: Kansas Non-Farm, Non-Federal Employment .....	30
Appendix B: Injuries by County.....	31
Appendix C: COVID-19 Reporting .....	32

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## MESSAGE FROM THE ACTING SECRETARY OF LABOR

We are pleased to present an annual review of data from the previous fiscal and calendar year for the Worker Compensation Division.

The year 2020 was unlike any in recent memory. The Covid-19 pandemic disrupted operations in the Work Comp Division starting in mid-March. KDOL offices were forced to close to the public and many employees worked remotely due to the safety restrictions. The Division had to quickly adapt in order to continue to provide the best possible customer service in these trying conditions.

One notable adaptation was that the 2020 Annual Workers Compensation Seminar was completely virtual and remote due to the Covid-19 restrictions on large gatherings and was attended by more than 250 participants. The seminar provided attorneys the opportunity to earn continuing legal education credits in a variety of topics including legislative and case law analysis, updates on information security and ethics training.

The Division's Online System for Claims Administration Research/Regulation (OSCAR) was launched in late 2018 and now nearly all division operations are processed through this digital system. In 2020, all workers compensation settlements were mandated to be processed in OSCAR beginning in January. The number of users has risen with currently over 4,000 registered external OSCAR users.

While Unemployment Insurance fraud has been widely reported in Kansas and across the nation, the KDOL Work Comp Fraud & Abuse unit received and investigated 283 referrals. A total of 27 fraud and abuse administrative cases, including settlements, were prosecuted resulting in more than \$293,000 in fines, penalties and restitution in calendar year 2020.

If you have any questions or suggestions on how we can serve you better, please feel free to contact the Workers Compensation Division at [KDOL.wc@ks.gov](mailto:KDOL.wc@ks.gov).

Sincerely,

Amber Shultz  
Acting Secretary of Labor

## INTRODUCTION

### The Kansas Workers 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 unreasonable legal action. 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/home>, and see the additional links on the following page.

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## 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/workers-compensation/overview>

Workers Compensation Laws and Regulations

<https://www.dol.ks.gov/workers-compensation/overview>

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/workers-compensation/overview>

Labor Market Information

<https://klic.dol.ks.gov>

Links to Related Agencies and Insurance Industry Organizations

<https://www.dol.ks.gov/workers-compensation/overview>

## 1. ADMINISTRATIVE PROFILE OF THE DIVISION OF WORKERS COMPENSATION

The Division of Workers Compensation is a division of the Kansas Department of Labor. 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 followed by an introduction to the function and responsibilities of each of the division’s units.

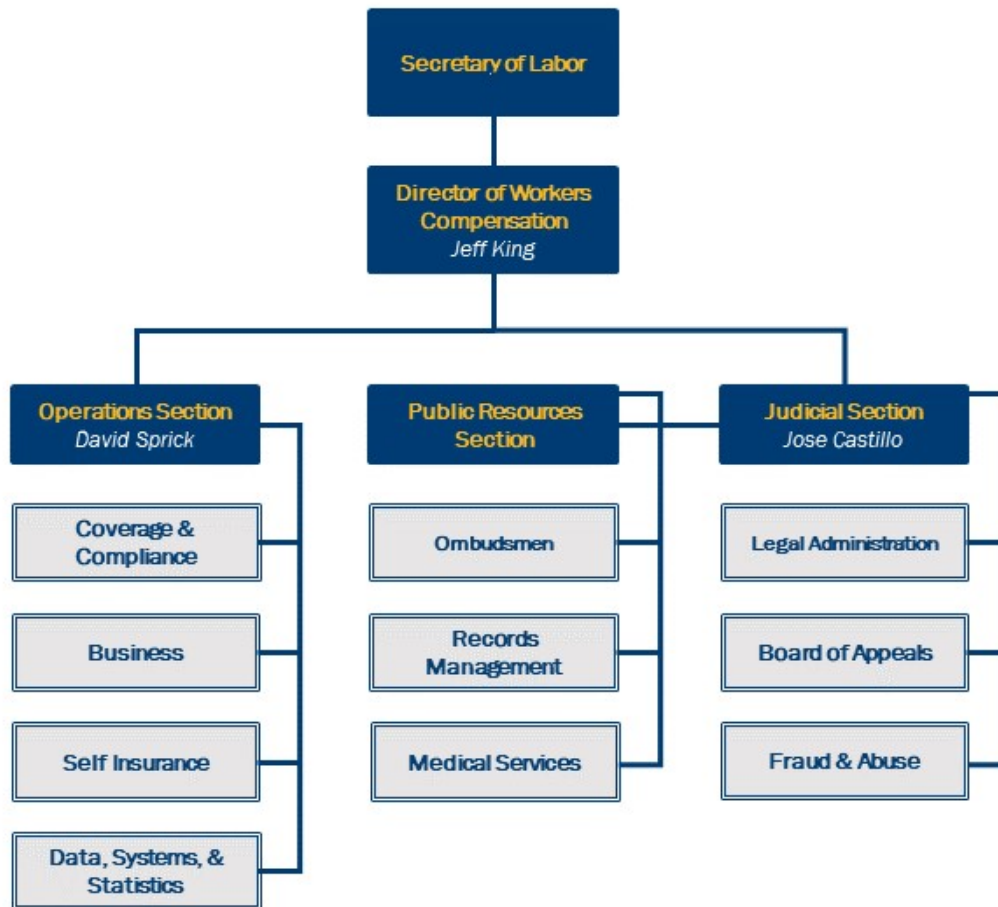


Figure 1.1 Organizational Structure of the Division of Workers Compensation

## 1.1 OPERATIONS

### 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 §2.1 for details on assessments collected in fiscal year 2020.

### 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 131 employers in obtaining or maintaining their status as self-insured during fiscal year 2020.

### 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 fiscal year 2020, the Coverage and Compliance Unit reviewed over 1,600 election filings.

Election Status	Elections
Approved	1541
Rejected	185
Total	1726

**Table 1.1** Number of Election Requests Processed in Fiscal Year 2020 by Status

### 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 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 fiscal year 2020, the division processed more than 130,000 EDI transactions pertaining to more than 45,000 claims.



## 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 §4 for more information on the judicial 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 169 appeals in the last year.

### 1.2.3 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 individuals, including the collection of fines or restitution as requested by judges or hearing officers. See §2.2 for fiscal year 2020 collections details.

## 1.3 PUBLIC RESOURCES

### 1.3.1 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.

### 1.3.2 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 Fiscal Year 2020, over 23,000 requests for records were fulfilled through OSCAR.

Request Type	Requests
Request related to an offer of employment	19571
Request on worker seeking benefits	3730
Request of personal records	20
<b>Total</b>	<b>23321</b>

**Table 1.2** Number of Records Requests Processed on OSCAR in Fiscal Year 2020 by Request Type

### 1.3.3 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.

## 1.4 SPECIAL PROGRAMS

### 1.4.1 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 45th Annual Workers Compensation Seminar was held virtually from September 29-30, 2020. There were a total of 475 attendees and 86 exhibitors. The seminar is funded by exhibitor and attendee fees.

### 1.4.2 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 (3) mediators at the division who provide services for workers compensation claims in the state of Kansas.

### 1.4.3 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 fiscal year 2020, 269 insurers provided details on the AP services they provide. The total of reported AP service expenditures in the state of Kansas during the fiscal year was \$6,557,078. This is an increase of approximately 14 percent from the reported amount spent during fiscal year 2019. The number of qualified field safety staff hired to provide those services was 1779, which is an increase of 21 percent from 2019.

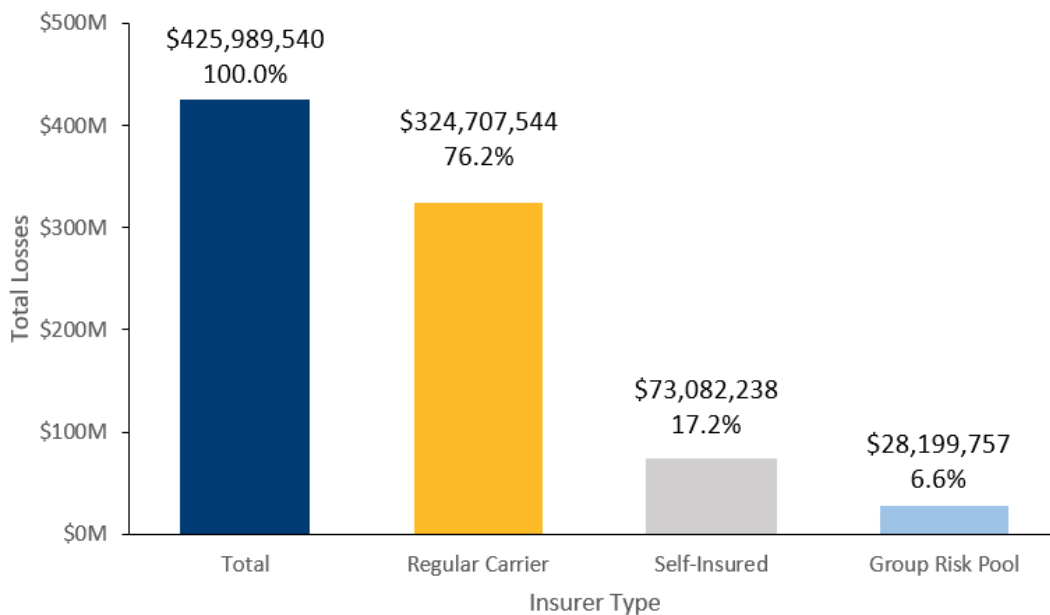
## 2. FISCAL ACTIVITIES

The Kansas Workers Compensation Division of the Kansas Department of Labor (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

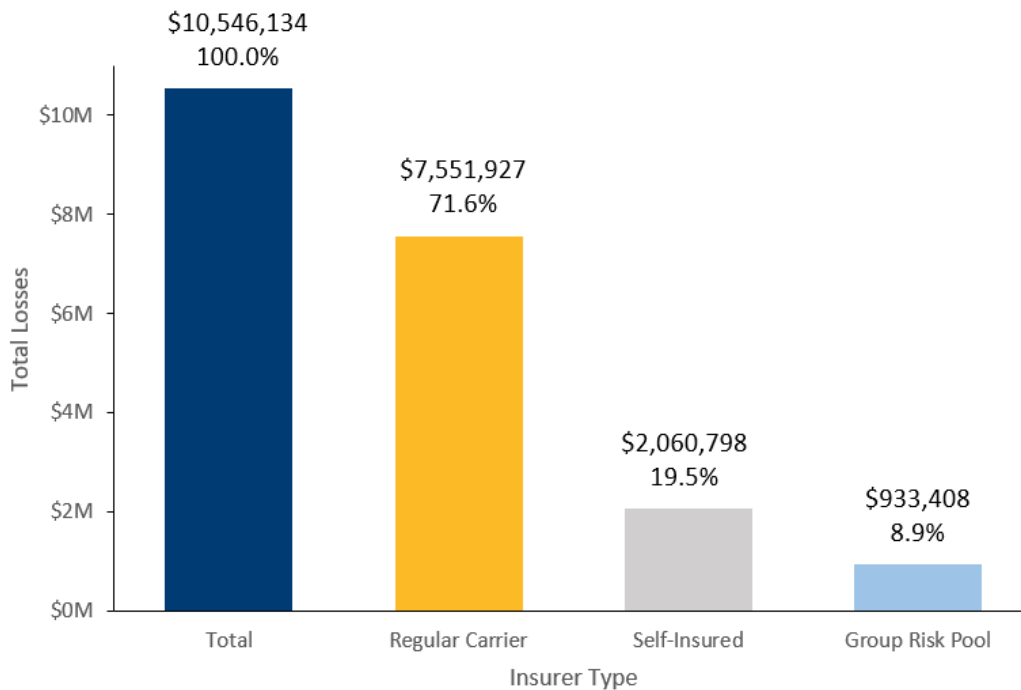
By law, the recovery of the division’s administrative costs, which includes the cost of personnel, building, supplies, travel, etc. is done through administrative assessments that are paid by insurance carriers and self-insured employers on their paid losses for the previous calendar year.

Figure 2.1 below displays the total amount of paid losses reported for the calendar year 2020. 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 Calendar Year 2020 by Insurer Type

Figure 2.2 displays the revenues generated from those paid losses for the fiscal year 2020. In fiscal year 2020, paid losses were assessed at a rate of 2.75 percent. Note that payments are waived for assessments of \$10 or less.



**Figure 2.2** Total Assessment Payments Collected in Fiscal Year 2020 by Insurer Type

## 2.2 COLLECTION OF FINES AND RESTITUTION

In addition to paid loss assessments, the division may assess fines and restitutions 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 3 presents information about investigations conducted in 2020. Counts of investigation types and payments are defined and calculated based on the reported Kansas statute that was violated in the assessment.<sup>1</sup>

Investigation Type	Investigations Opened	Payments Collected	Total Paid
Compliance	124	259	\$189,250.69
Fraud	20	40	\$4,614.42
Other	8	13	\$650.00
Total	152	312	\$194,515.11

**Table 2.1** Investigations and Investigation Payments Collected in Fiscal Year 2020 by Investigation Type

<sup>1</sup> Note that investigations opened in fiscal year 2020 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

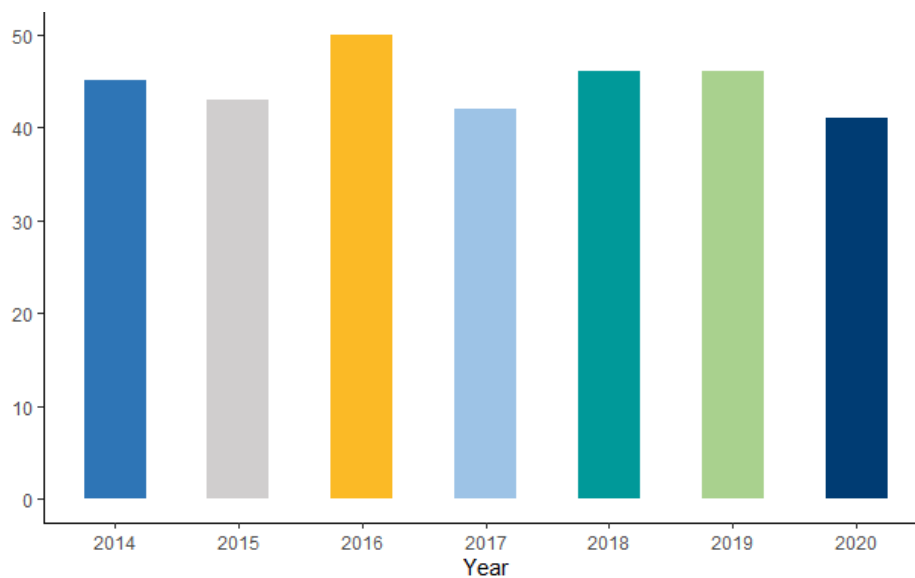
The Workers Compensation Division obtains information about workplace injuries and illnesses in the state of Kansas via claims submitted through EDI submissions from claim administrators and insurers. EDI is the computer-to-computer exchange of data in a standard electronic format between business partners. 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 fiscal year 2020 there were 45,281 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 decrease of 1,806 reported injuries and illnesses, or a 3.8 percent decrease from the previous year’s total.<sup>2</sup>

Of the reported injuries, 41 resulted in fatalities. The number of fatalities in a fiscal year has remained relatively consistent over time, as illustrated by Figure 3.1.

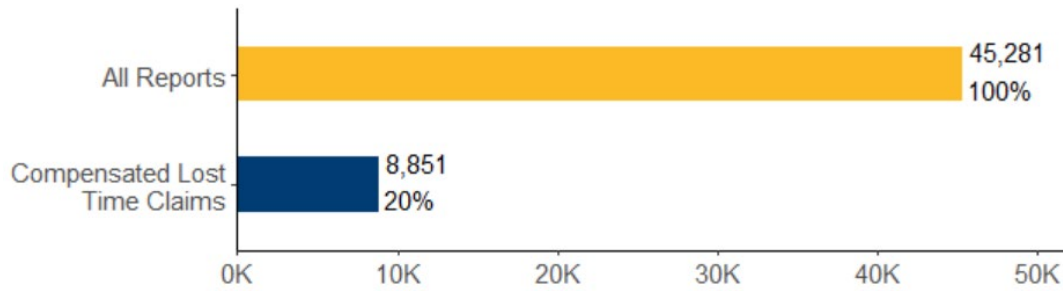


**Figure 3.1** Number of Injuries that Resulted in Fatalities, Fiscal Years 2014 - 2020

In terms of the types of injuries associated with claims, traumatic injuries represent an overwhelming majority. There were 43,615 traumatic injury claims (96.4 percent), with 1,017 claims of repetitive trauma (2.2 percent) and 607 occupational disease claims (1.3 percent). Most injuries do not result in compensation for lost time. In fiscal year 2020 there were 8,851 compensated lost-time claims, which represent about one fifth of all claims.<sup>3</sup>

<sup>2</sup> Not included in the total reported injuries are reports that are cancelled following their initial submission. Sometimes injuries are reported in error, or reported with errors sufficient to warrant the retraction of the report.

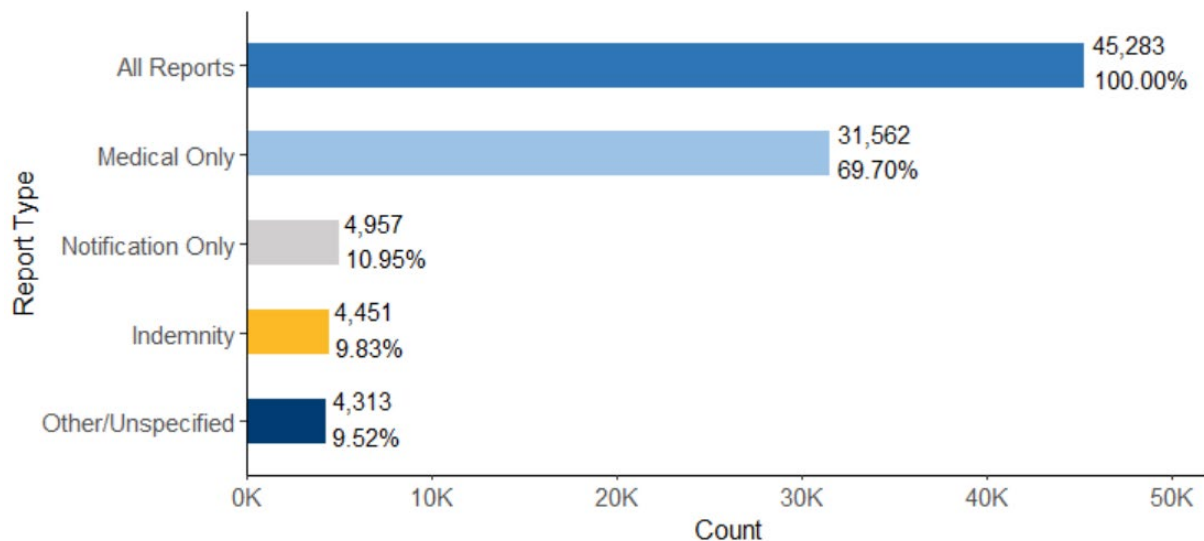
<sup>3</sup> Note that claims that resulted in compensation in FY 2020 do not necessarily belong to the set of claims reported in 2020.



**Figure 3.2** Number of Compensated Lost Time Claims in Fiscal Year 2020 as a Proportion of Reported Injuries

### 3.1.2 Types of Claims

The majority of claims in fiscal year 2020 (69.8 percent) were medical only claims, which consist of injuries that may require some medical intervention but do not result in lost time beyond the seven-day waiting period.<sup>4</sup>



**Figure 3.3** Number of Injuries Reported in Fiscal Year 2020 by Claim Type

This pattern is generally true in any given fiscal year. 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 3.3 shows the total number of claims reported, as well as the total number of claims disaggregated by report type for the years 2014 – 2020. Medical only claims consistently represent the majority of claims each year. The number of indemnity and notification claims has changed very little over the six year period as well.

<sup>4</sup> Kansas law only allows lost time compensation for seven or more consecutive days of lost time.

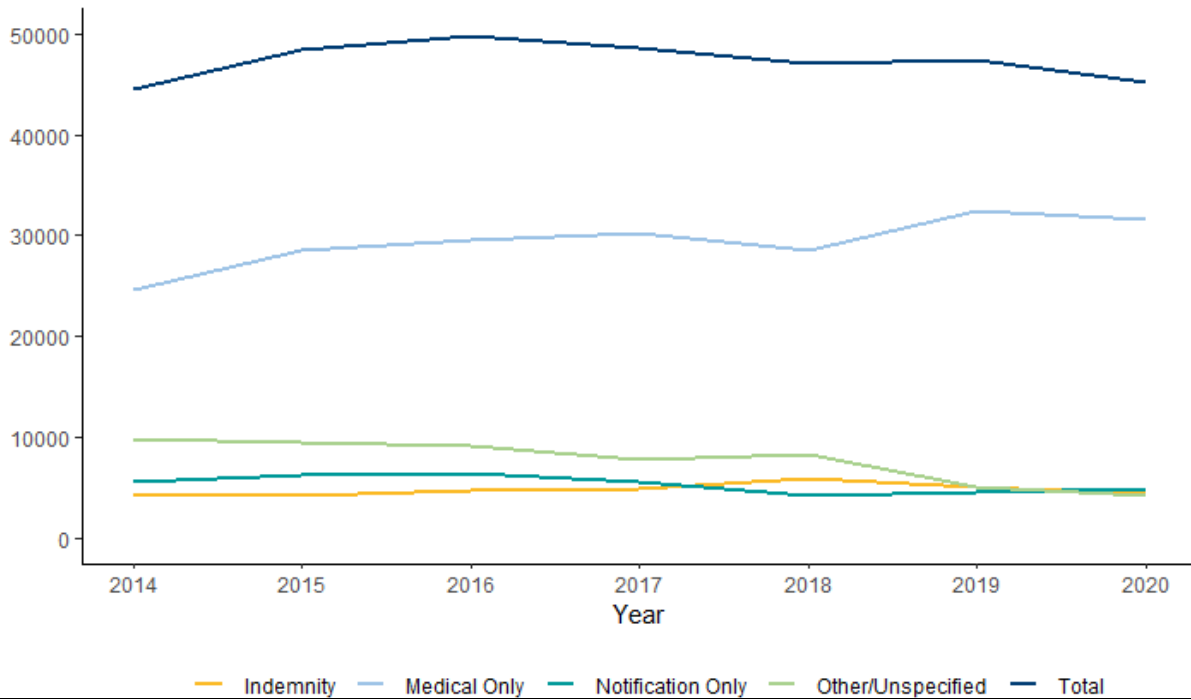


Figure 3.4 Number of Injuries Reported by Claim Type, Fiscal Years 2014 - 2020

### 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,<sup>5</sup> 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 Division.

The Kansas Overall Incidence Rate for fiscal year 2020 was 3.30, and is shown in Table 3.1, along with incidence rates for the preceding fourteen years. The trend of these figures is further represented by Figure 3.5.

<sup>5</sup> Total Kansas labor hours estimated based on the number of full-time non-farm, non-federal employees, at 40 hours per week for 50 weeks. For full Kansas employee data, see Appendix C. For BLS definitions, see <https://www.bls.gov/bls/glossary.htm>.



Fiscal Year	Total Injuries/Illnesses	Incidence Rate per 100 FTE
2020	45,253	3.30
2019	47,059	3.37
2018	45,937	3.30
2017	46,751	3.38
2016	48,075	3.50
2015	50,568	3.68
2014	53,997	3.98
2013	56,009	4.18
2012	58,252	4.43
2011	58,296	4.51
2010	58,188	4.47
2009	63,130	4.67
2008	70,263	5.17
2007	69,211	5.15
2006	66,469	5.07
2005	64,761	4.95
2004	64,374	5.00
2003	68,137	4.80
2002	72,825	5.45
2001	84,945	6.42
2000	90,049	6.88
1999	95,730	7.39
1998	98,908	7.82
1997	97,699	8.01
1996	95,663	8.08
1995	94,570	8.19
1994	98,148	8.78
1993	98,129	8.97
1992	90,681	8.42

**Table 3.1** Number of Injuries with Overall Incidence Rate, Fiscal Years 1992-2020

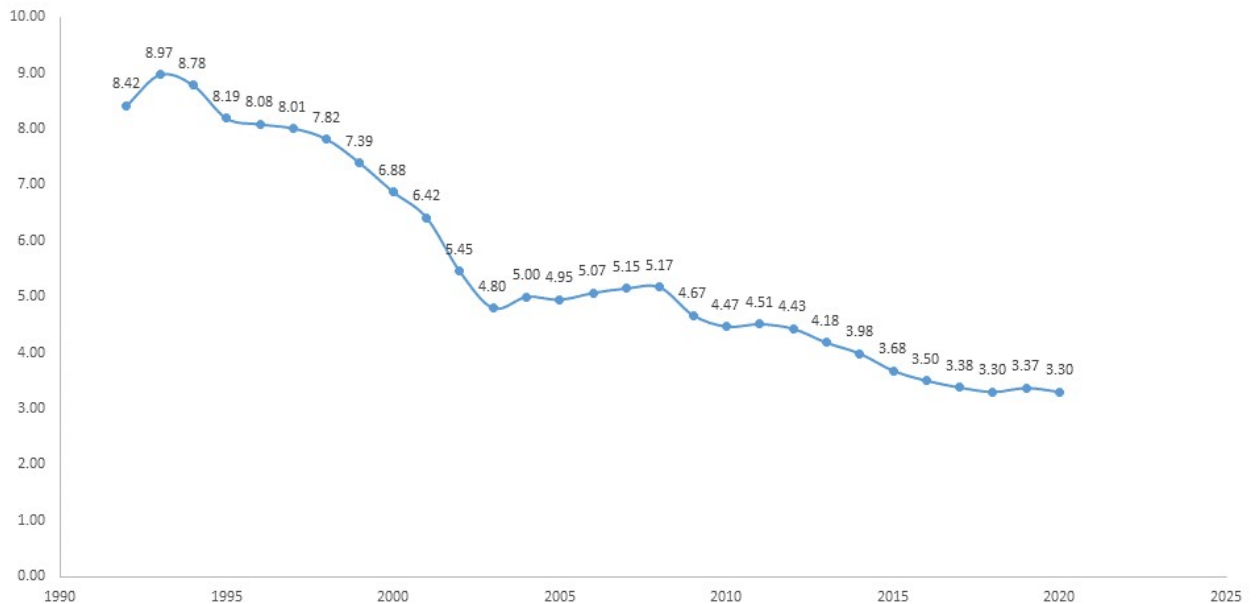


Figure 3.5 Kansas Total Occupational Injury & Illness Incidence Rate per 100 FTE, Fiscal Years 1992-2020

### 3.2.2 Incidence by County

Perhaps unsurprisingly, the number of injuries reported in a given county is related to population size. The five counties with the most reported injuries are Johnson (8,600), Sedgwick (7,838), Wyandotte (3,787), Shawnee (3,164), and Douglas (1,199). These are also the five largest counties in Kansas by population.<sup>6</sup> The 10 largest counties by population are shown in Table 5, along with the number of reported injuries.

County	Number of Injuries	Population
Johnson	8600	597555
Sedgwick	7838	513607
Wyandotte	3787	165324
Shawnee	3164	177499
Douglas	1199	121436
Reno	1146	62342
Riley	1082	73703
Saline	1075	54401
Finney	924	36611
Butler	805	66765

Table 3.2 Top Ten Counties by Number of Reported Injuries in Fiscal Year 2020 with Population

<sup>6</sup> Population data from *Kansas Certified Population Data*, Division of the Budget (<https://budget.kansas.gov/population/>)

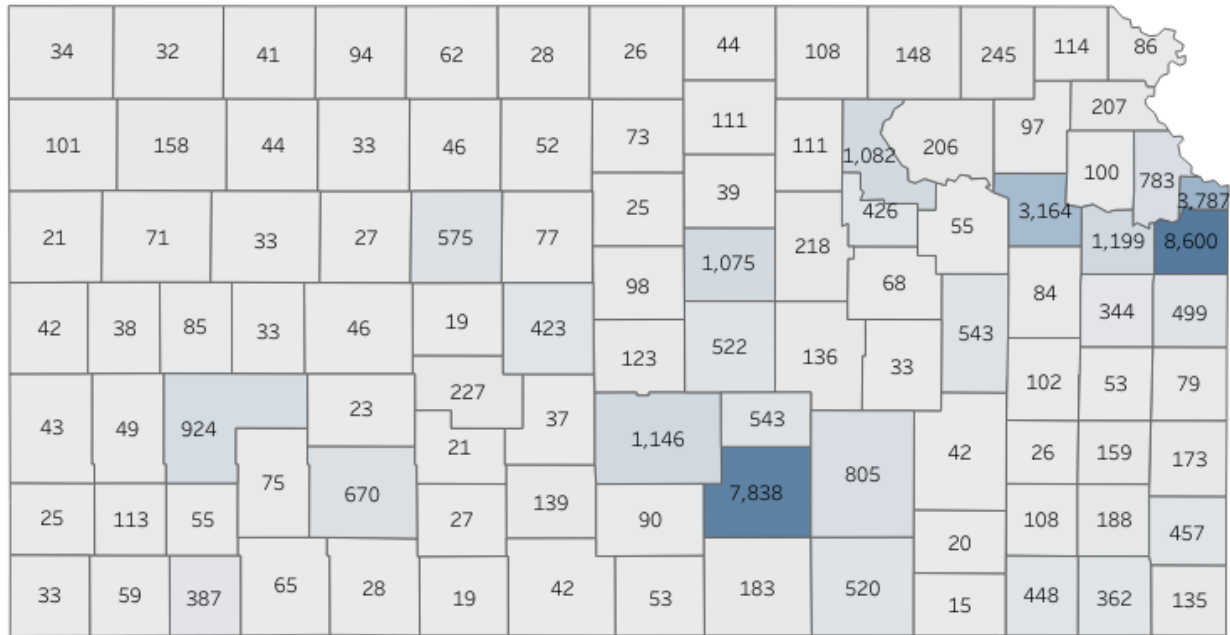


Figure 3.6 Number of Injury Reports in Fiscal Year 2020 by County

When population size is controlled for 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.

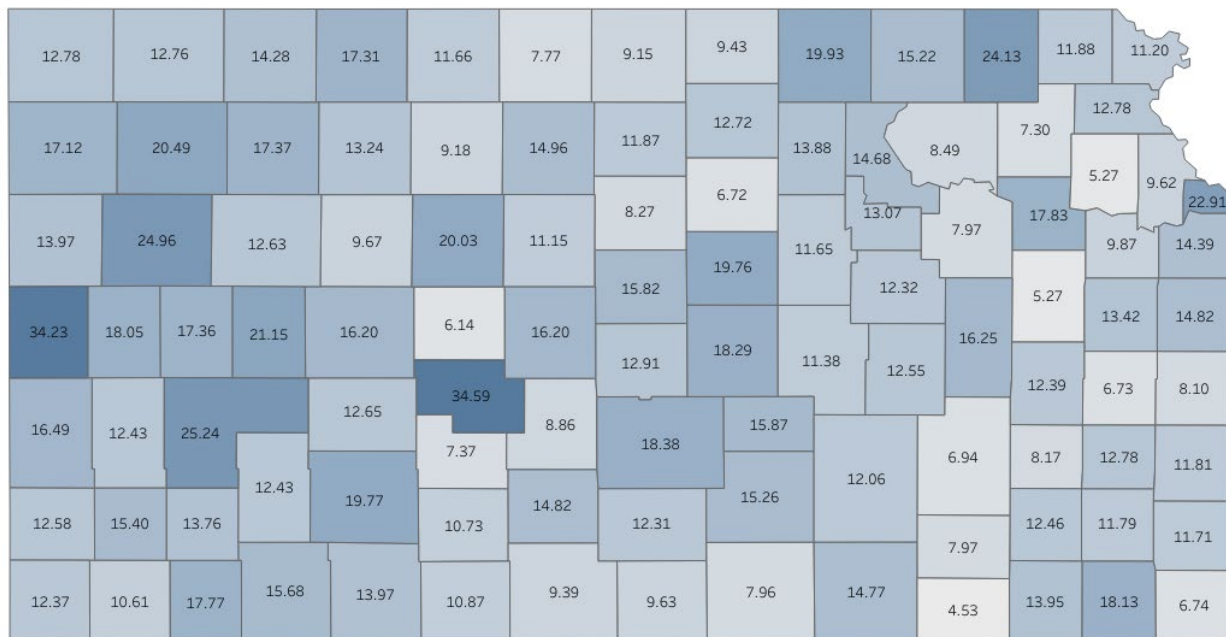


Figure 3.7 Injuries Reported per Thousand Residents in Fiscal Year 2020 by County

### 3.3 COST OF CLAIMS

This section presents a brief look at the cost of claims. In §3.3.1, all direct losses reported by insurers to the division in fiscal year 2020 are presented, which comprises the total amount Kansas insurers spent on claims during the preceding calendar year (2019). In §3.3.2, figures are reported from all claims that were closed by claims administrators in calendar year 2019 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 fiscal year 2020 totaled \$425,993,019.<sup>7</sup> Of this, 27 percent were deductibles paid by policy holders.

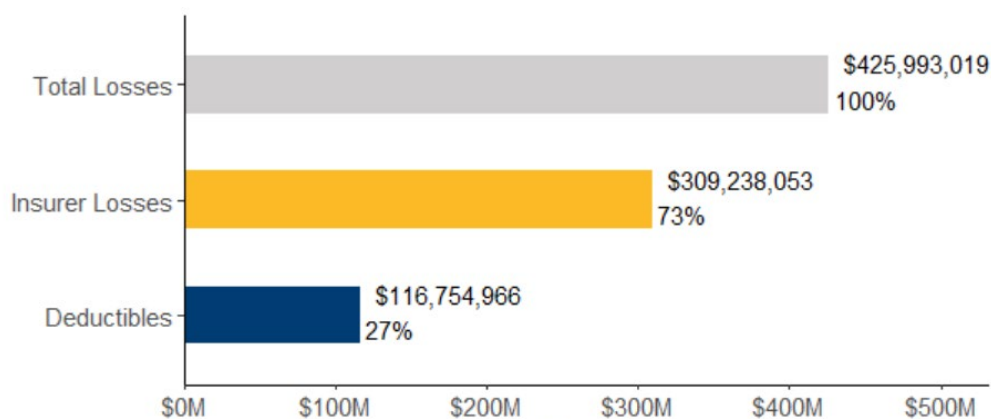


Figure 3.8 Losses Reported in Fiscal Year 2020 by Type of Loss

#### 3.3.2 Closed Indemnity Claim Benefits

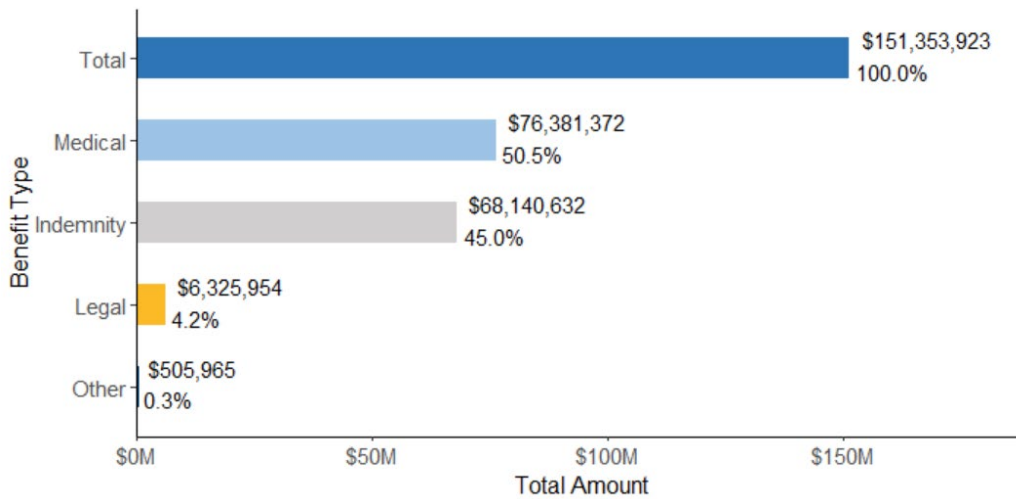
Not every injury results in a claim for indemnity benefits, but those that do allow our division to collect information about the costs of those claims. When no further payments are expected on a claim, a final report (FN) is submitted that details the total of all benefits and expenses paid to date. We utilize as our primary source of data for this section all FNs filed during the study year (2019) that report an indemnity payment.<sup>8</sup> This allows us to examine claims in terms of the benefits paid on behalf of the insured from start to finish.<sup>9</sup>

<sup>7</sup> Losses reported to the division in fiscal year 2020 reflect expenditures occurring during calendar year 2019.

<sup>8</sup> Because 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 dataset by the date it was generated in the EDI system, which is not necessarily the date it was created.

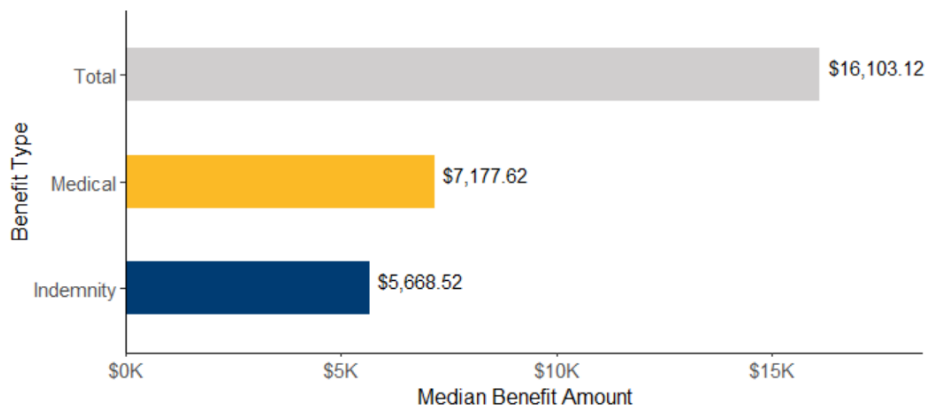
<sup>9</sup> Certain assumptions and limitations are worth noting. Because the state of Kansas legislates the actions that employers and employees must take when a workplace injury takes place, we assume that injuries are reported honestly by both employees and their employers. EDI industry implementation 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.

The total reported cost of benefits associated with indemnity claims that closed in calendar year 2019 was \$151,353,923. Medical benefits comprised the greatest share of this cost at 50.5 percent, followed by indemnity benefits at 45 percent, legal benefits at 4.2 percent and other benefits at 0.3 percent. Figure 10 illustrates total benefits paid on behalf of insurers for claims with reported indemnity benefits that closed in 2019. The total amount is given as well the percentage that each type of expense represents of the total.



**Figure 3.9** Benefits Paid on Indemnity Claims Closing in Calendar Year 2019 by Benefit Type

Calendar year 2019 closed claims had a median total benefit amount of \$16,103.12, with a median medical benefit amount of \$7,177.62, and a median indemnity benefit amount of \$5,668.52. 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 2019 did not involve insurer-paid benefits not categorized as indemnity or medical. Figure 11 below illustrates median benefits by benefit type paid for the set of claims closing in calendar year 2019.



**Figure 4.0** Median Benefit Amount Paid on Indemnity Claims Closing in Calendar Year 2019, by Benefit Type

## 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 claim<sup>10</sup>

**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

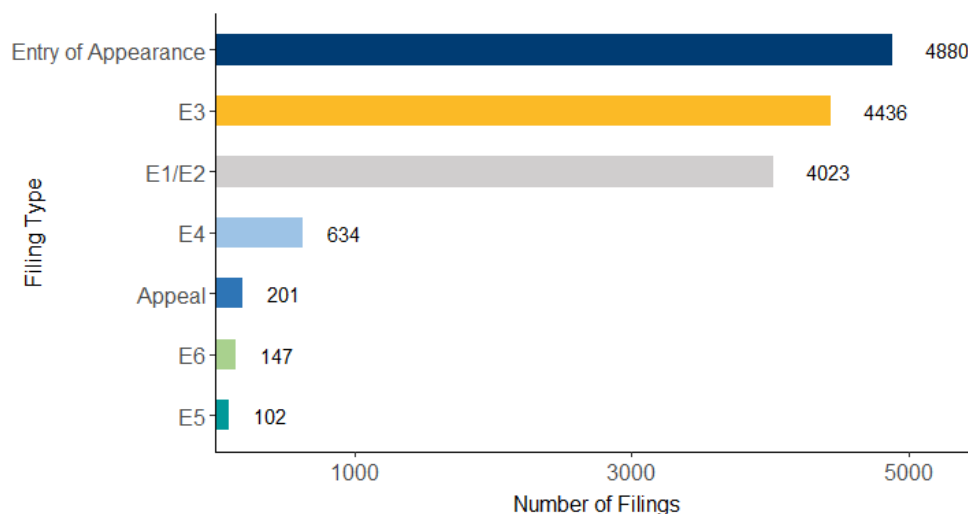
**E6:** Application to dismiss a case for lack of resolution within three years of filing of an E1/E2

**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)<sup>11</sup>

#### 4.1.1 Total Filings by Type

In fiscal year 2020, there were over 15,000 official filings. The total number of filings of each major type are shown in Figure 12.



**Figure 4.1** Total Number of Filings in Fiscal Year 2020 by Filing Type

<sup>10</sup> An E2 is the same as an E1, but for a surviving spouse, dependent, or heir.

<sup>11</sup> This does not include Entry of Appearances filed on behalf of a claimant’s attorney which has a lower incidence rate (711 filings) for FY 2020

### 4.1.2 Monthly Filings by Type

Generally, the number of filings from month to month varies but remains relatively stable throughout the year. A downward trend in higher volume filings in the spring of 2020 coincides with KDOL offices temporarily shutting down and transitioning hearings online in response to Covid-19. The monthly number of filings of each type are given in Figure 13 and Table 6.

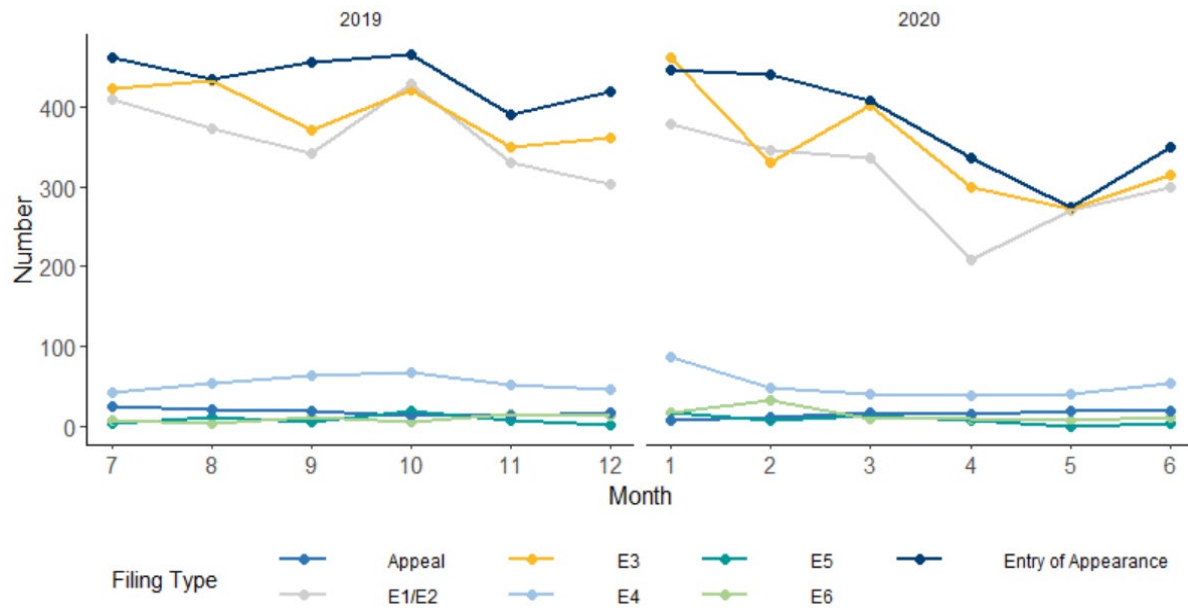


Figure 4.2 Monthly Filings by Type for Fiscal Year 2020 Organized by Calendar Year

Year	Month	E1/E2	E3	E4	E5	E6	Appeal	EOA	Total
2019	Jul	410	422	42	5	8	26	462	1375
2019	Aug	372	433	54	12	5	21	435	1332
2019	Sep	342	370	63	6	11	20	455	1267
2019	Oct	428	420	68	19	6	13	466	1420
2019	Nov	330	350	53	7	16	13	390	1159
2019	Dec	303	360	46	2	13	18	419	1161
2020	Jan	379	462	87	17	17	8	446	1416
2020	Feb	345	331	48	7	33	12	441	1217
2020	Mar	335	401	41	14	10	17	408	1226
2020	Apr	209	299	38	7	10	15	335	913
2020	May	271	273	40	1	7	19	274	885
2020	Jun	299	315	54	5	11	19	349	1052
Total		4023	4436	634	102	147	201	4880	14423

**Table 4.1** Monthly Filings by Type for Fiscal Year 2020

## 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

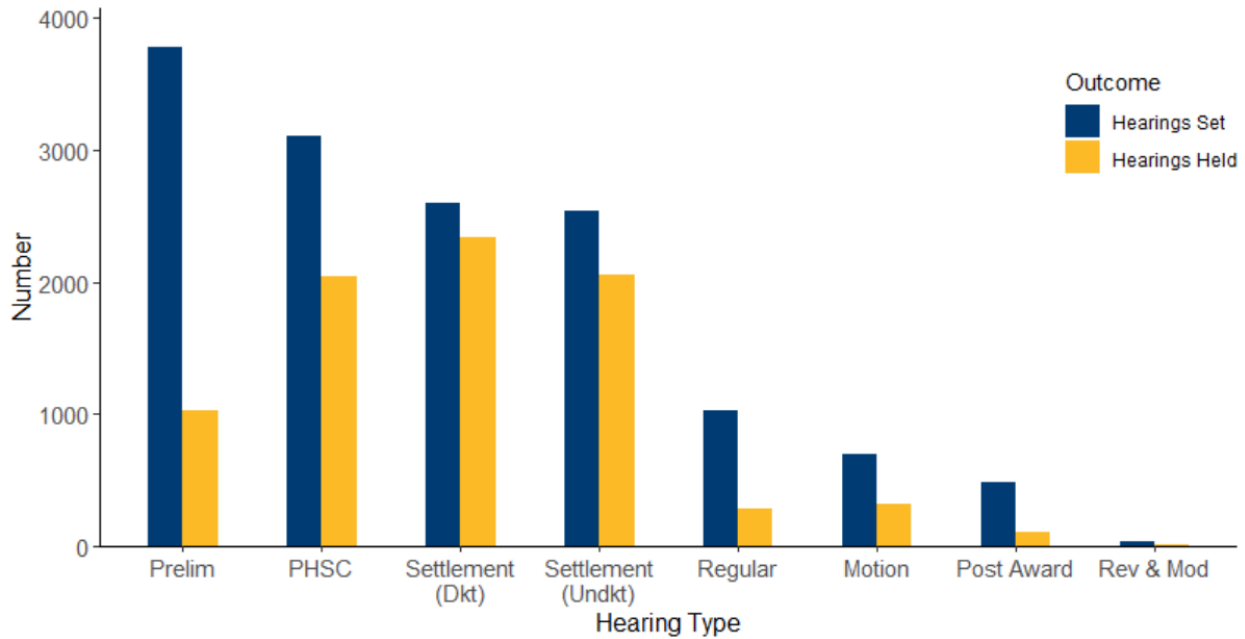
**Settlement (Undocketed):** a hearing for administrative approval of a settlement which never went through the process of judicial review

**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. Figure 14 and Table 7 show the number of hearings set and held in fiscal year 2020 for each of the main hearing types. Note that hearings were held in fiscal year 2020 were not necessarily set in fiscal year 2020, nor vice versa.



**Figure 4.3** Number of Hearings Set and Held in Fiscal Year 2020 by Hearing Type

Hearing Type	Hearings Set	Hearings Held
Prelim	3772	1025
PHSC	3099	2046
Settlement (Dkt)	2601	2343
Settlement (Undkt)	2535	2053
Regular	1025	285
Motion	694	318
Post Award	481	111
Rev & Mod	34	15
<b>Total</b>	<b>14241</b>	<b>8196</b>

**Table 4.2** Number of Hearings Set and Held in Fiscal Year 2020 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 fiscal year 2020, on average, there were 1186.8 hearings set and 681.4 hearings held per month which is an increase of over 200 hearings from last year’s monthly averages. This may be attributed to Fiscal Year 2020 being the first full report year after the launch of OSCAR which could have resulted in users scheduling hearings with more ease as the online system became more familiar. Figures 15 and 16 show the monthly trends in hearings set and held, respectively, while Table 8 provides the exact figures of the same.

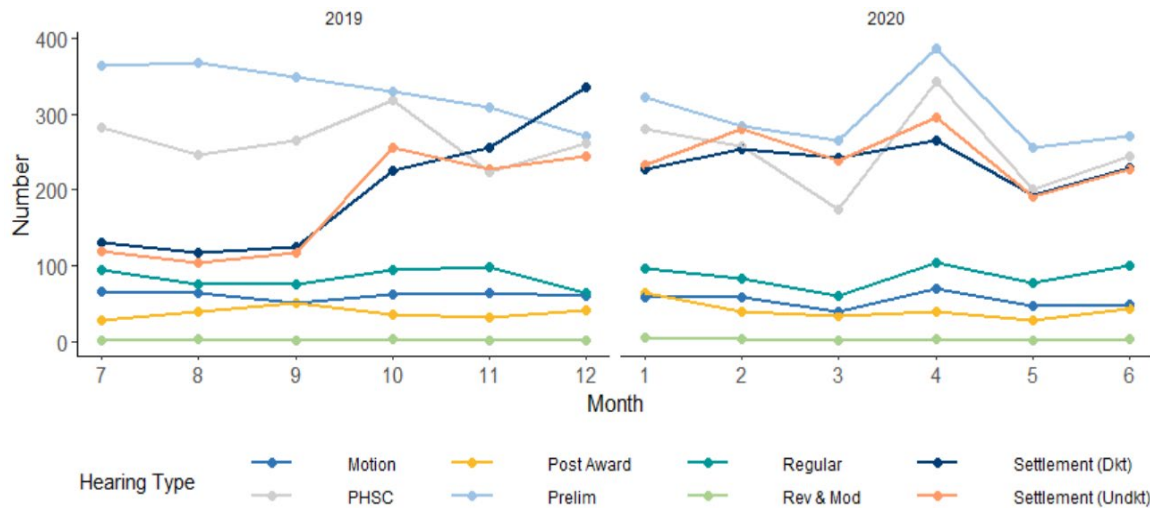


Figure 4.4 Monthly Hearings Set in Fiscal Year 2020 by Hearing Type Organized by Calendar Year

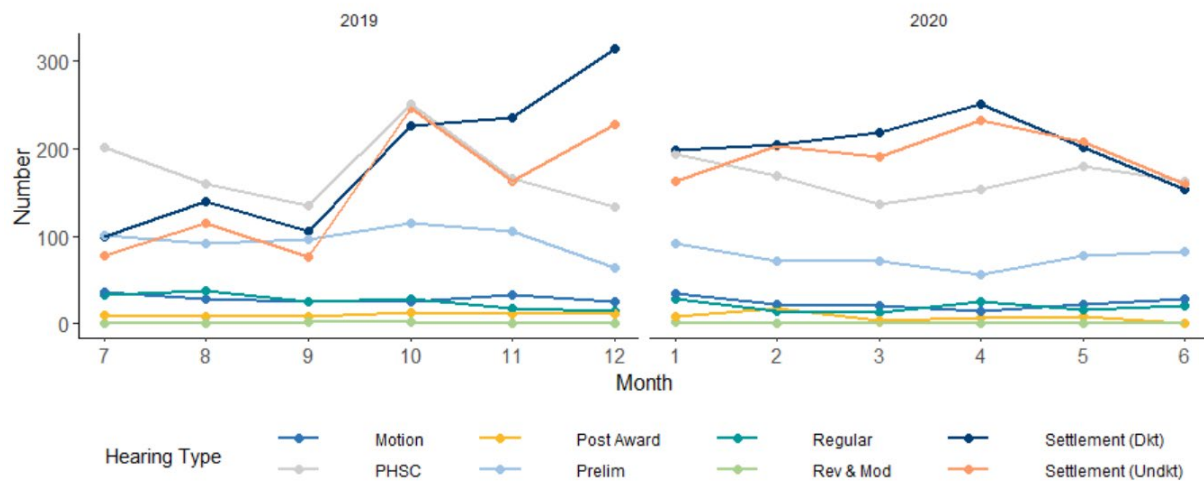


Figure 4.5 Monthly Hearings Held in Fiscal Year 2020 by Hearing Type Organized by Calendar Year

As mentioned previously, COVID-19 did impact some operational figures for this year. Mid-way through March, KDOL offices closed at the direction of the Governor and many employees began working remotely a month later. As a result, in Figure 15, there is an observable bump in hearings being set that occurred in April. Additionally, Figure 16 shows a slight bump in hearings held in April which can be attributed to making up cancelled hearings via teleconferences.

Year	Month	Outcome	Prelim	Motion	PHSC	Regular	Post Award	Rev & Mod	Settlement (Dkt)	Settlement (Undkt)
2019	Jul	Set	363	67	282	94	28	2	130	120
		Held	101	36	201	33	10	1	99	77
	Aug	Set	368	65	247	75	40	4	118	104
		Held	91	28	160	37	9	0	140	114
	Sep	Set	348	52	266	76	52	2	125	118
		Held	96	25	135	26	8	3	105	76
	Oct	Set	329	62	318	94	36	4	226	256
		Held	114	26	251	29	13	3	225	245
	Nov	Set	309	64	223	99	33	2	255	227
		Held	105	33	165	18	11	1	235	163
	Dec	Set	270	61	262	64	42	1	335	245
		Held	64	26	134	15	11	0	314	227
2020	Jan	Set	322	58	281	96	65	5	228	233
		Held	91	35	194	29	8	3	198	162
	Feb	Set	285	59	258	84	40	4	254	280
		Held	71	22	169	14	17	0	204	203
	Mar	Set	265	39	174	60	34	1	242	239
		Held	72	20	137	13	4	2	218	190
	Apr	Set	387	71	343	104	39	4	265	295
		Held	56	15	153	25	7	1	251	232
	May	Set	255	47	200	78	29	2	193	191
		Held	77	23	180	16	9	0	201	207
	Jun	Set	271	49	245	101	43	3	230	227
		Held	82	29	163	21	1	1	153	159

**Table 4.3** Monthly Number of Hearings Set and Held in Fiscal Year 2020 by Hearing Type

Although the number of hearings held remains fairly constant from month to month, the number of hearings held has declined over a ten year period. Figure 4.6 shows the number of hearings held by hearing type for fiscal years 2011 – 2020. The sharp increase in the number of both undocketed and docketed settlements from 2019 to 2020 are the result of a backlog of settlements that were manually added into the division’s OSCAR system after digitizing the legal process. Motion, post award, preliminary, regular and review and modification hearings have remained at mostly constant levels, but the number of pre-hearing settlement conferences and undocketed settlement hearings have steadily declined, accounting for the decrease in the number of hearings held each year.

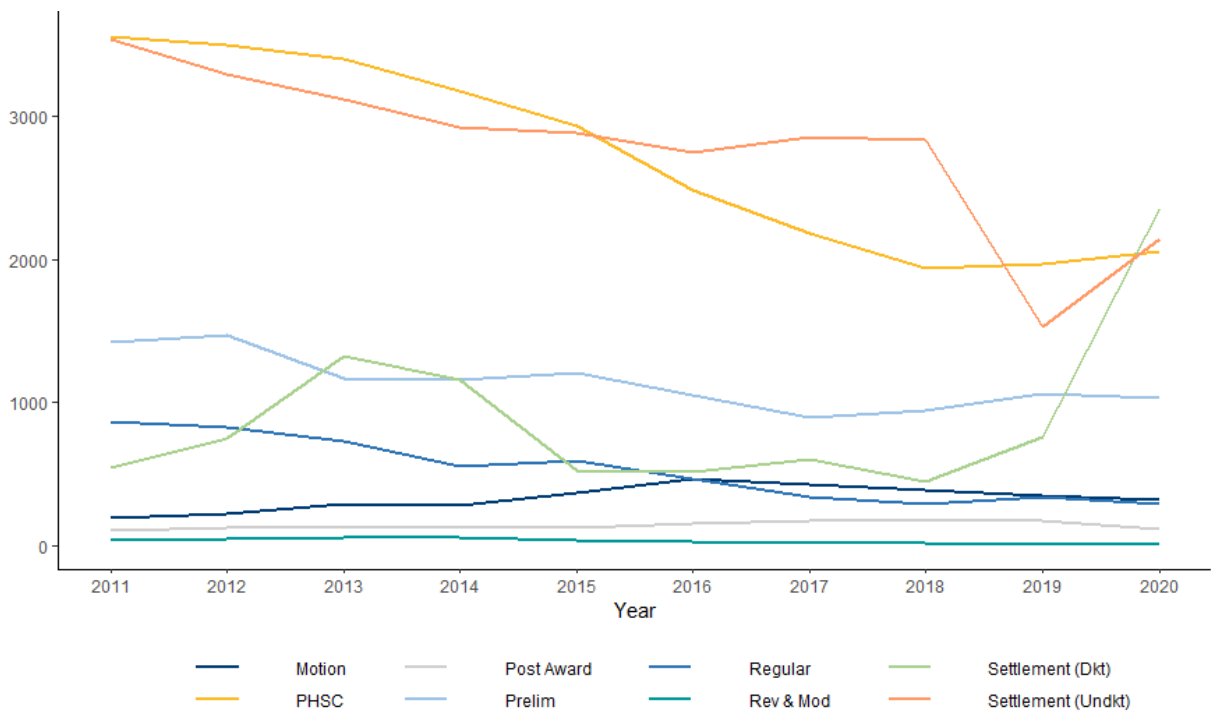
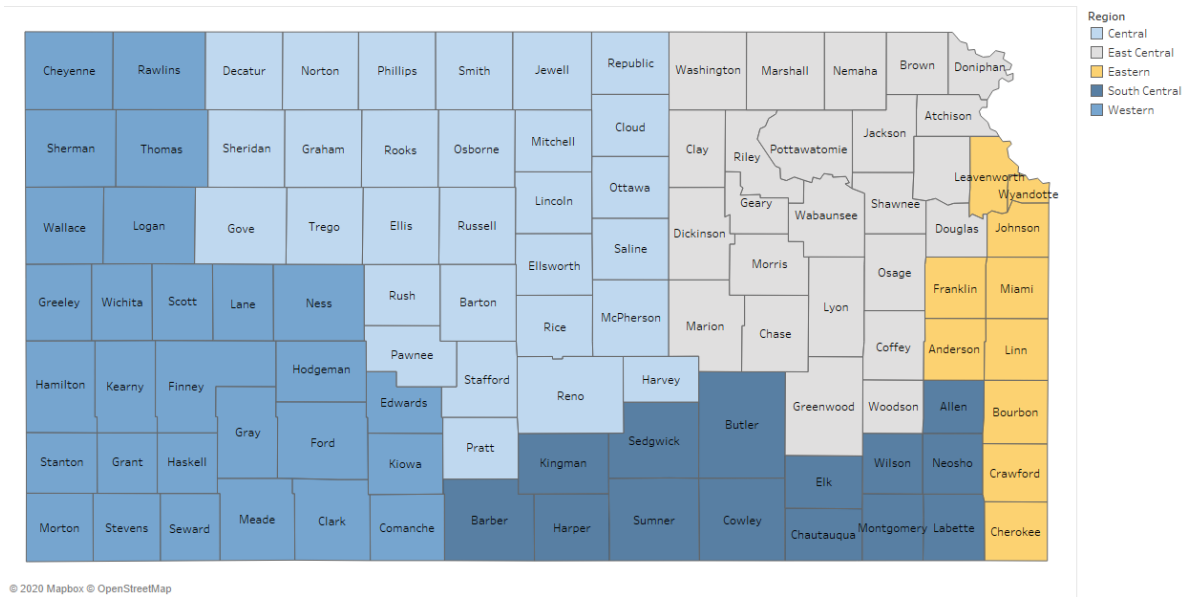


Figure 4.6 Hearings Held by Hearing Type, Fiscal Years 2011 - 2020

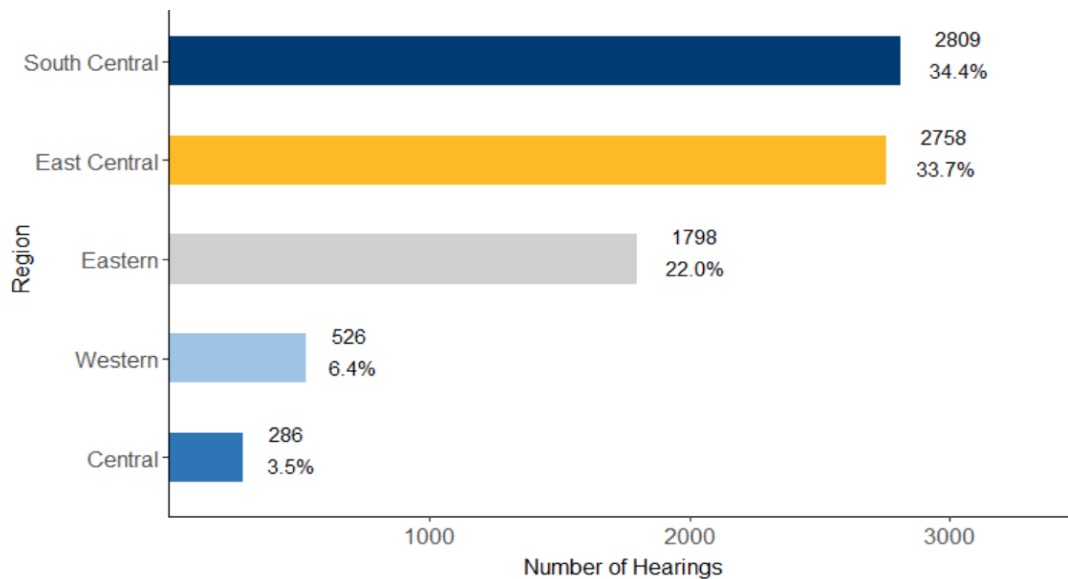
#### 4.2.3 Total Hearings Held by Location Jurisdiction

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 17 with the respective counties that belong to each.



**Figure 4.7** County of Venue by Jurisdictional Region

In terms of volume, the South Central region (Wichita) had the greatest number of hearings (2809), while the Central region had the fewest (286).<sup>12</sup>



**Figure 4.8** Number of Hearings Held in Fiscal Year 2020 by Jurisdictional Region

<sup>12</sup> In the past, this metric did not include teleconferences as they are not done in person, but they were included this year as all hearings went virtual in April due to the pandemic. For this reason, East Central and Western *appear* to have had bumps of about 700 and 200 hearings respectively that can actually be attributed to their region’s routine teleconference load. The inclusion of these hearings does not change the rankings for this Fiscal Year.

#### 4.2.4 Total Hearings Held by Method

While it has been common in the past for undocketed settlements to be held via teleconference, hearings on docketed cases have almost exclusively been held in person. As previously mentioned, the Division of Workers' Compensation rescheduled all hearings to be held virtually starting Monday, March 30. This necessary shift to follow proper safety procedures during the pandemic resulted in 29 percent of all hearings during Fiscal Year 2020 taking place remotely. Through this process, the division has continued to become more effective at operating remote hearings which it may continue to pursue (in addition to in-person hearings) after the pandemic is over due to the convenience for participants. Figure 19, below, shows the distribution of remote hearings held vs hearings held in person.

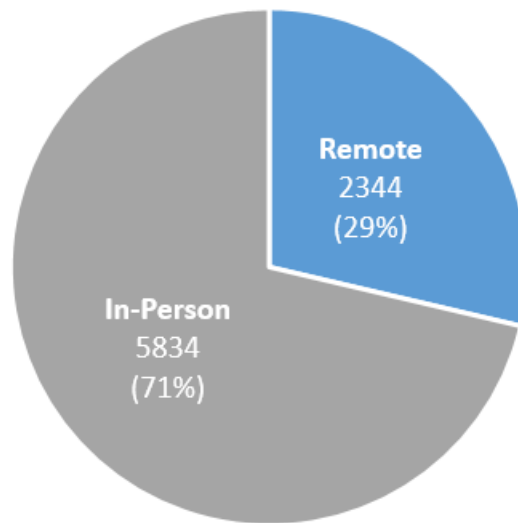


Figure 4.9 Number of Hearings Held in Fiscal Year 2020 by Method



APPENDIX A: KANSAS NON-FARM, NON-FEDERAL EMPLOYMENT

Month	Non-Farm	Federal	Total	Month	Non-Farm	Federal	Total
2015-07	1385200	24900	1380300	2018-01	1388800	25100	1383500
2015-08	1387800	25100	1382500	2018-02	1403500	24900	1378800
2015-09	1405300	25100	1380200	2018-03	1408000	25100	1380900
2015-10	1417500	24900	1392800	2018-04	1418800	25000	1391800
2015-11	1419400	24900	1394500	2018-05	1421800	25100	1396500
2015-12	1418800	25200	1393400	2018-08	1415000	25200	1389800
2016-01	1382300	24900	1357400	2018-07	1399200	25200	1374000
2016-02	1393000	24900	1388100	2018-08	1409200	25200	1384000
2016-03	1398300	25000	1373300	2018-09	1422900	25400	1397500
2016-04	1414000	25000	1389000	2018-10	1432300	25300	1407000
2016-05	1413800	25000	1388800	2018-11	1438100	25300	1412800
2016-06	1404000	25000	1379000	2018-12	1434900	25400	1409500
2016-07	1387800	25000	1382800	2019-01	1399300	25100	1374200
2016-08	1389100	25100	1384000	2019-02	1410000	25500	1384500
2016-09	1411400	25100	1386300	2019-03	1411800	25300	1386500
2016-10	1420400	25000	1395400	2019-04	1431300	25500	1405800
2016-11	1422400	25000	1397400	2019-05	1433700	25400	1408300
2016-12	1418300	25400	1392900	2019-08	1424100	25400	1398700
2017-01	1380200	25100	1355100	2019-07	1404800	25500	1379100
2017-02	1395800	25100	1370700	2019-08	1418500	25700	1392800
2017-03	1401300	25100	1378200	2019-09	1427200	25800	1401800
2017-04	1403800	25000	1378800	2019-10	1435800	25700	1410100
2017-05	1407500	25000	1382500	2019-11	1439200	25800	1413400
2017-06	1401300	25000	1376300	2019-12	1440400	25800	1414800
2017-07	1385900	25100	1380800	2020-01	1412200	25800	1388400
2017-08	1389300	25100	1384200	2020-02	1422200	25700	1398500
2017-09	1410700	25100	1385800	2020-03	1418000	26000	1390000
2017-10	1420800	25000	1395800	2020-04	1294700	25900	1268800
2017-11	1427300	25000	1402300	2020-05	1322400	26000	1298400
2017-12	1425500	25100	1400400	2020-06	1347800	25900	1321900

Table A1 Total Kansas Non-Farm, Non-Federal Employment

Source: Current Employment Statistics, KS Labor Information (<https://klic.dol.ks.gov/altentry.asp?action=Imiguest&wheretoc=CES>)

## APPENDIX B: INJURIES BY COUNTY

Johnson	8529	Pawnee	226	Kingman	89	Rooks	41
Sedgwick	7762	Dickinson	215	Doniphan	85	Ottawa	39
Wyandotte	3762	Atchison	206	Scott	83	Decatur	38
Shawnee	3133	Pottawatomie	202	Osage	82	Wichita	36
Douglas	1184	Neosho	189	Linn	79	Stafford	37
Reno	1142	Sumner	181	Gray	75	Cheyenne	34
Riley	1068	Bourbon	172	Russell	74	Chase	33
Saline	1064	Allen	158	Mitchell	72	Morton	33
Finney	919	Thomas	155	Logan	71	Gove	32
Butler	801	Marshall	147	Morris	67	Lane	32
Leavenworth	773	Pratt	136	Meade	65	Graham	29
Ford	662	Cherokee	134	Phillips	59	Clark	28
Ellis	569	Marion	132	Stevens	59	Rawlins	28
Harvey	541	Rice	123	Wabaunsee	55	Smith	28
Lyon	534	Brown	113	Anderson	53	Kiowa	27
Mcpherson	520	Clay	111	Harper	52	Trego	27
Cowley	517	Cloud	111	Haskell	52	Jewell	26
Miami	496	Grant	111	Osborne	50	Woodson	26
Crawford	453	Washington	106	Kearny	49	Stanton	24
Montgomery	443	Wilson	106	Ness	46	Lincoln	23
Geary	423	Coffey	102	Republic	44	Hodgeman	22
Barton	418	Sherman	101	Hamilton	43	Edwards	21
Seward	386	Ellsworth	97	Sheridan	43	Wallace	21
Labette	360	Jefferson	95	Barber	42	Elk	20
Franklin	342	Norton	93	Greeley	42	Comanche	19
Nemaha	245	Jackson	90	Greenwood	42	Rush	18
						Chautauqua	15

Table B1 Injuries by County, Fiscal Year 2020



### APPENDIX C: COVID-19 REPORTING

In April 2020 the Kansas Department of Labor created new Nature of Injury and Cause of Injury codes in order to specify compensation claims that are related to COVID-19. That same month, the Workers Compensation Division began tracking these claims along with specific claim information about occupations, claim statuses and benefit amounts. COVID-19 reports have run weekly since April 2020 and allow the division to examine the impact of the pandemic on Kansas industries. Table C1 shows the last COVID-19 report of Fiscal Year 2020.

COVID-19 Claims by Occupation

OccupationType	Active	Denied	Total
First Responder	59	0	59
Healthcare Worker	180	20	200
Other	51	66	117
<b>Total</b>	<b>290</b>	<b>86</b>	<b>376</b>

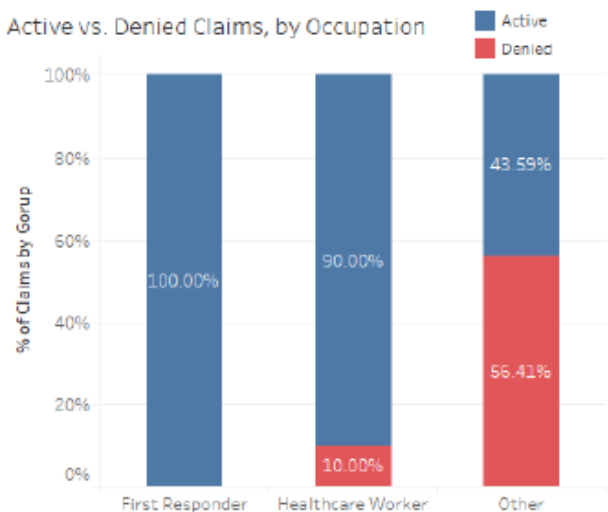
COVID-19 Claims by Occupation and Claim Type

OccupationType	Indemnity	Medical	Notification	Unspecified
First Responder	1	19	31	8
Healthcare Worker	113	50	31	6
Other	29	53	29	6
<b>Total</b>	<b>143</b>	<b>122</b>	<b>91</b>	<b>20</b>

COVID-19 Claims with Paid Benefits, by Occupation

OccupationType	Claims w/ Benefits	% of Claims w/ Benefits	Reported Indemnity	Other Benefits
First Responder	0	0.00%	\$0.00	\$0.00
Healthcare Worker	48	24.00%	\$162,582.73	\$4,885.31
Other	2	1.71%	\$586.66	\$0.00

Active vs. Denied Claims, by Occupation



Reported COVID-19 Deaths by Occupation

Occupation	Deaths
First Responder	0
Healthcare Worker	0
Other	0

COVID-19 Claims vs. Confirmed Cases By County (top 20 counties shown)

County	Reported Injuries	Confirmed Cases	Claims/Case
Johnson	62	1,798	0.034
Out of State	44	0	0.000
Sedgwick	41	1,278	0.032
Wyandotte	29	2,335	0.012
Finney	29	1,574	0.018
Coffey	22	53	0.415
Barton	21	57	0.368
Shawnee	18	670	0.027
Pottawatomie	16	69	0.232
Riley	13	242	0.054
Leavenworth	10	1,171	0.009
Sumner	10	13	0.769
Montgomery	8	44	0.182
Ford	7	1,947	0.004
Lyon	7	499	0.014
Pawnee	6	3	2.000
Seward	4	1,019	0.004
Reno	3	66	0.045
Saline	3	123	0.024

Cumulative KS Confirmed Cases vs. Claims over Time

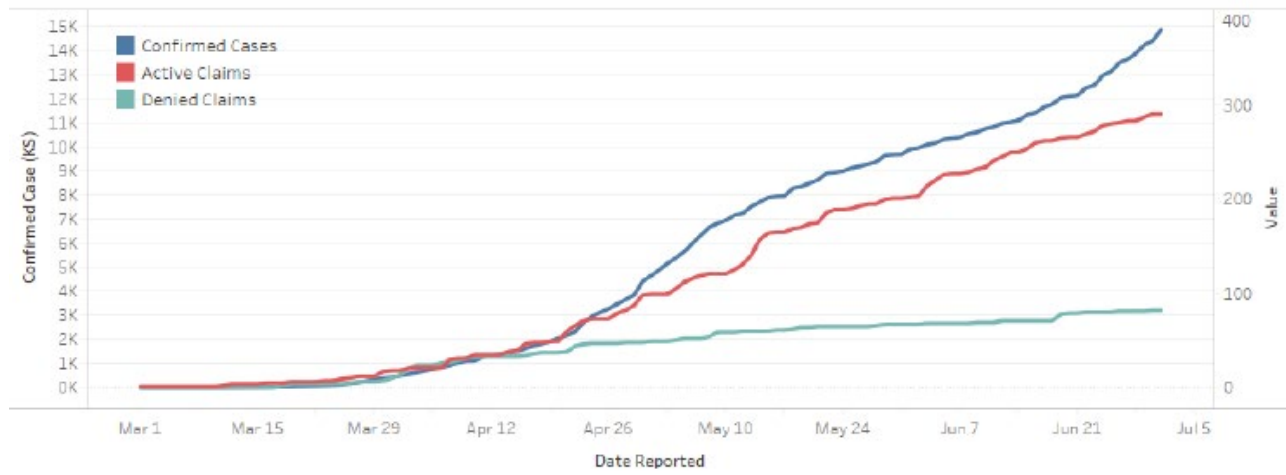


Table C1 COVID-19 Report dated July 2, 2020