



47TH ANNUAL STATISTICAL REPORT

Workers Compensation
Division

2021



Table of Contents

Introduction.....	3
Links To More Information	4
Operations.....	5
Business.....	5
Self Insurance.....	6
Coverage and Compliance.....	6
Data, Systems, and Statistics	6
Judicial	6
Administrative Law	6
Board of Appeals.....	7
Fraud and Abuse.....	7
Public Resources	7
Ombudsmen.....	7
Records Management	7
Medical Services	7
Special Programs	8
Workers Compensation Seminar	8
Mediation.....	8
Accident Prevention Program	8
Fiscal Activities	9
Paid Losses and Assessment Collection	9
Collection of Fines and Restitution	10
Basic Claims Information	11
Injuries and Types of Claims	11
Total Injuries Reported	11
Types of Claims	12
Incidence Rate	14
Cost of Claims	16
Insurer Direct Losses	16
Closed Indemnity Claim Benefits.....	17
Judicial Activity	19

Legal Filings	19
Total Filings by Type	19
Monthly Filings by Type	20
Hearings	21
Total Hearings Set and Held by Type	22
Monthly Hearings Set and Held by Type	23
Total Hearings Held by Location Jurisdiction	25
Total Hearings Held by Method.....	27
COVID-19 Reporting.....	27

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 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>.

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/resources/forms-and-publications/employers>

Workers Compensation Laws and Regulations
<https://www.dol.ks.gov/WC/resources/forms-and-publications/statutes-and-regulations>

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>

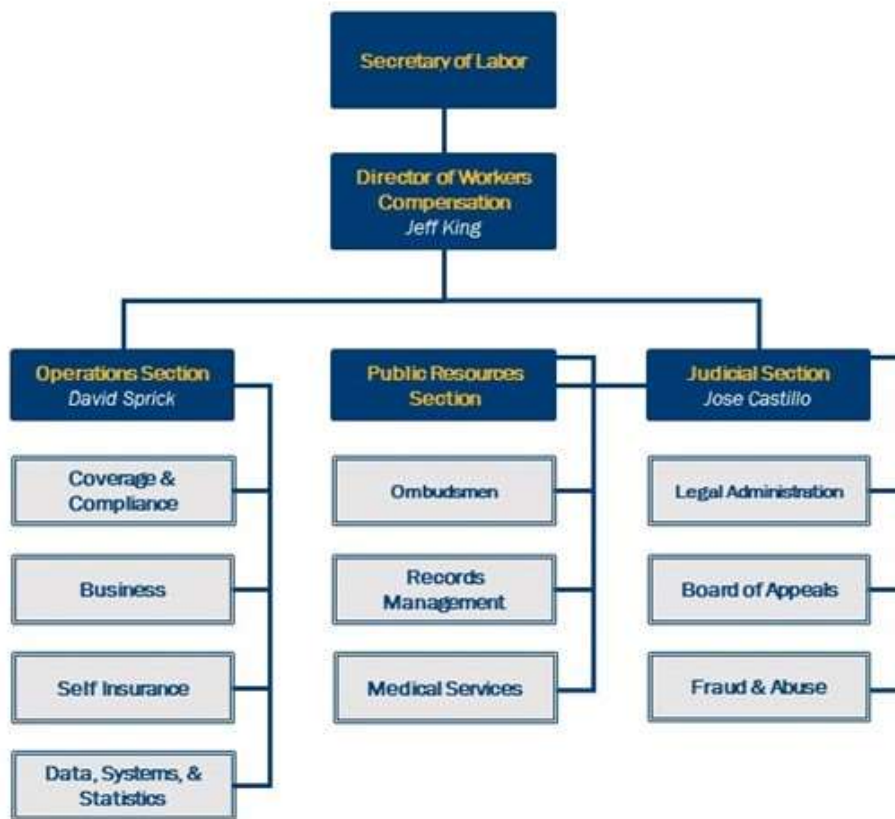
Labor Market Information
<https://klic.dol.ks.gov>

Links to Related Agencies and Insurance Industry Organizations
<https://www.dol.ks.gov/WC/resources/other-resources>

Operations

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.



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.

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 fiscal year 2021.

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 2021, the Coverage and Compliance Unit **approved 1,047 election filings.**

Election Status	Elections
Approved	1047
Rejected	250
Cancelled	1

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 2021, the division accepted more than **180,773 EDI transactions** pertaining to **44,506 new injury claims.**

Judicial

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 the Judicial Activity Section for more information on the activity of the department.

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 **174** appeals in the last year.

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.

Public Resources

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.

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 2021 **56,887** requests for records were fulfilled through OSCAR.

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.

Special Programs

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 47th Annual Workers Compensation Seminar was held virtually on the dates of September 28th, 29th and October 1st of 2021. There were a total of 247 attendees. The seminar is funded by exhibitor and attendee fees.

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.

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 2021, 460 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 \$9,271,115. This is an increase of approximately 41.2 percent from the reported amount spent during fiscal year 2020. The number of qualified field safety staff hired to provide those services was 2130, which is an increase of 19.7 percent from 2020.

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.

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 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.

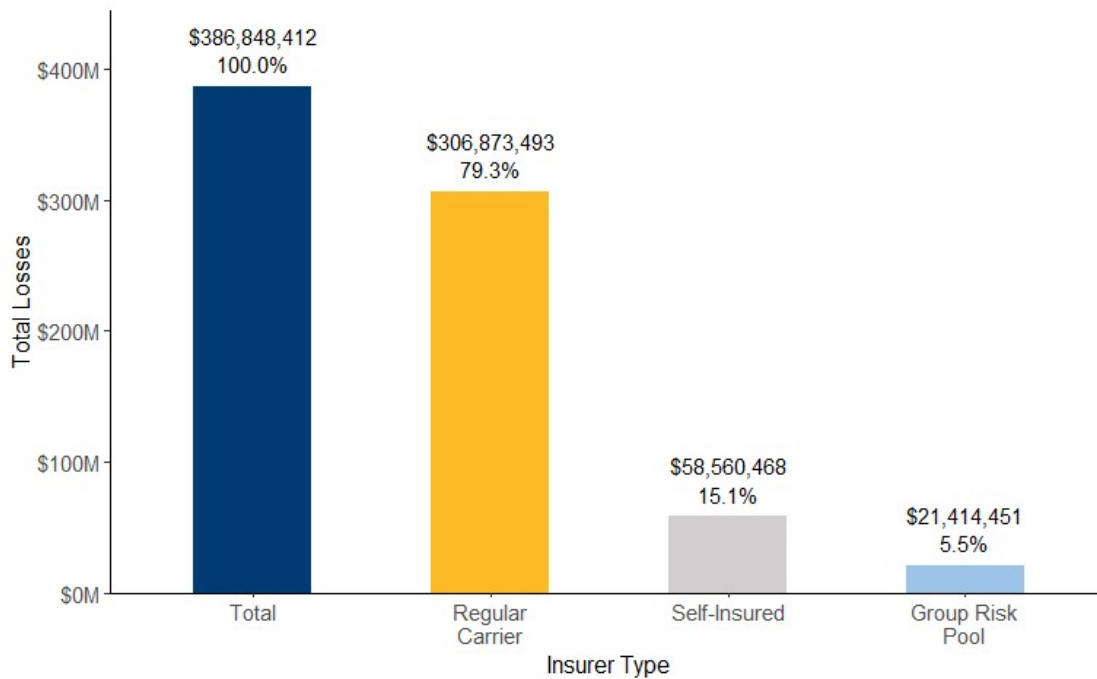


Figure 1: Total Paid Losses Reported for Previous Calendar Year by Insurer Type

Figure 2 displays the revenues generated from those paid losses for the fiscal year 2021. 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.

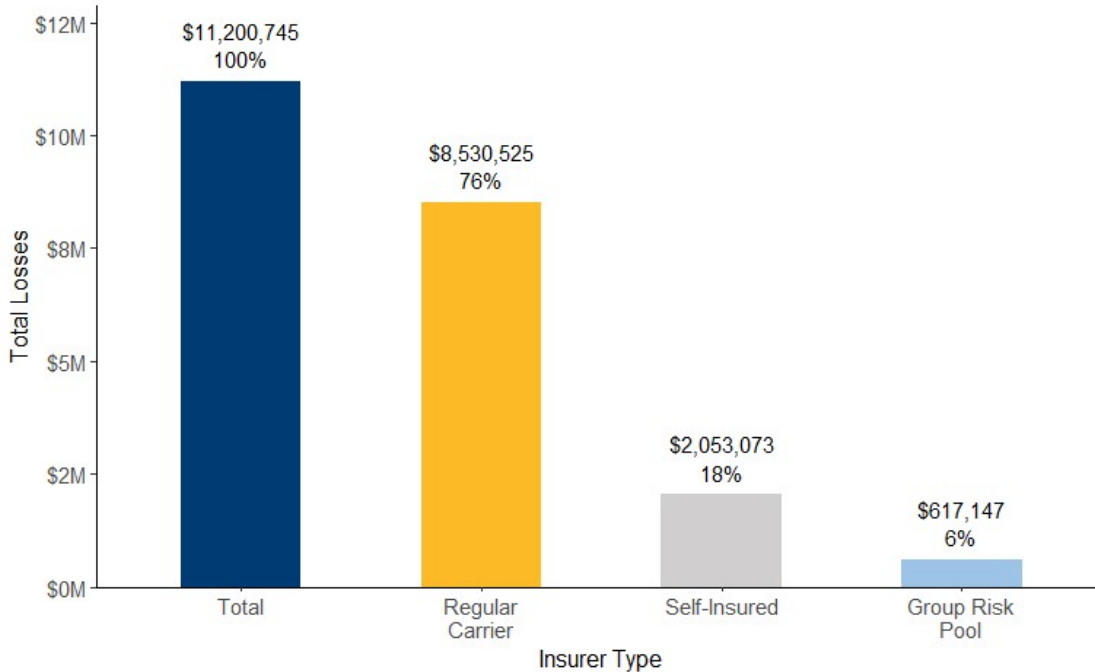


Figure 2: Total Assessment Payments Collected by Insurer Type

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 1 presents information about investigations conducted in 2021. Counts of investigation types and payments are defined and calculated based on the reported Kansas statute that was violated in the assessment.¹

¹ Note that investigations opened in fiscal year 2021 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 before any payments are collected, and the collection of payments for a given investigation may remain ongoing for some time as well.

Investigation Type	Investigations Opened	Payments Collected	Total Paid
Compliance	371	254	\$150,231.38
Fraud	18	54	\$11,480.79
Other	15	6	\$2,750.00
Total	404	314	\$164,462.17

Table 1: Number of Election Requests Processed in Fiscal Year 2021 by Status

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.

Injuries and Types of Claims

Total Injuries Reported

In fiscal year 2021 there were **44506** 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 -1047 reported injuries and illnesses, or a **-2.4%** change from the previous year’s total.²

Of the reported injuries, **43** resulted in fatalities. The number of fatalities in a fiscal year has remained relatively consistent over time, as illustrated by Figure 3.

² 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.

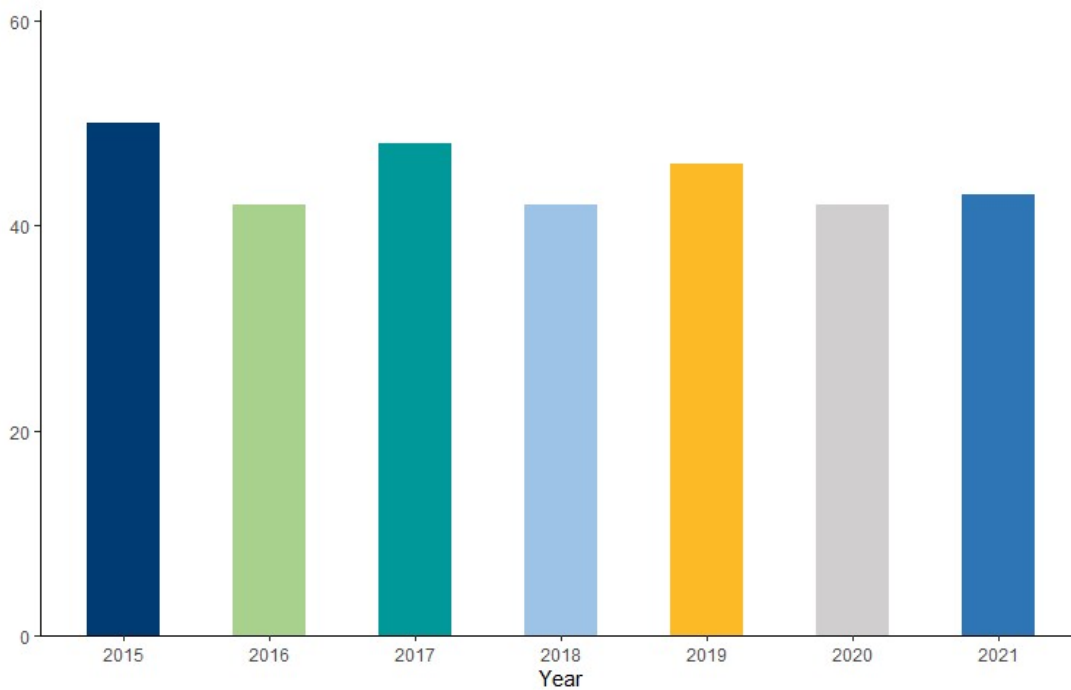


Figure 3: Number of Injuries that Resulted in Fatalities previous 5 years

In terms of the types of injuries associated with claims, traumatic injuries represent an overwhelming majority. There were 41514 traumatic injury claims (93.3 percent), with 800 claims of repetitive trauma (1.8 percent) and 2191 occupational disease claims (4.9 percent). Most injuries do not result in compensation for lost time. In fiscal year 2021 there were 9233 compensated lost-time claims.³

Types of Claims

Figures 4 and 5 show the Number of injuries reported by claim type and the number of compensated lost time claims as a proportion of reported injuries, respectively. The majority of claims in fiscal year 2021 (**67.3 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.⁴

³ Note that claims that resulted in compensation in FY 2021 do not necessarily belong to the set of claims reported in 2021.

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

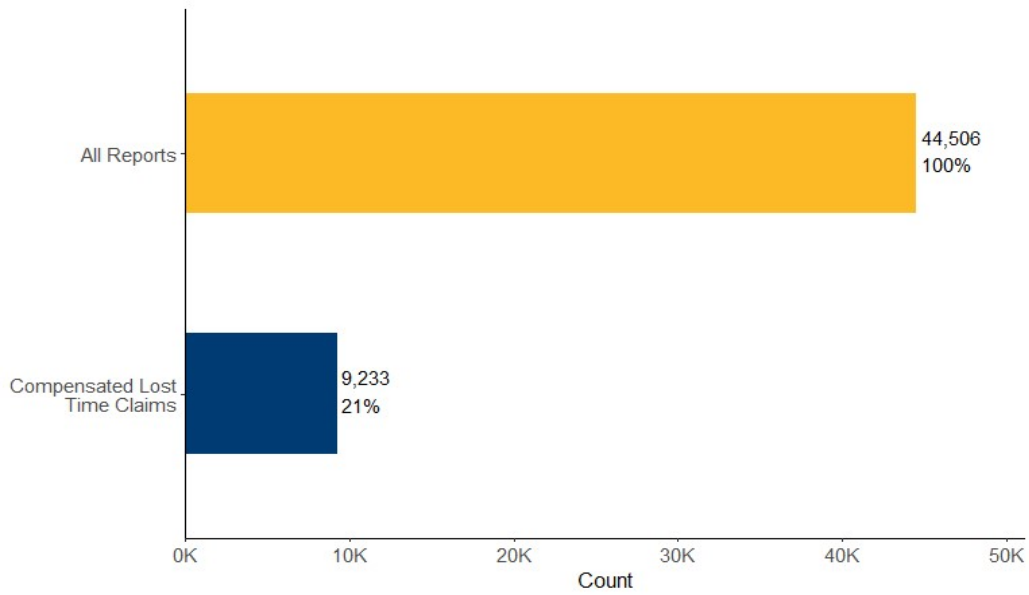


Figure 4: Number of Compensated Lost Time Claims as a Proportion of Reported Injuries

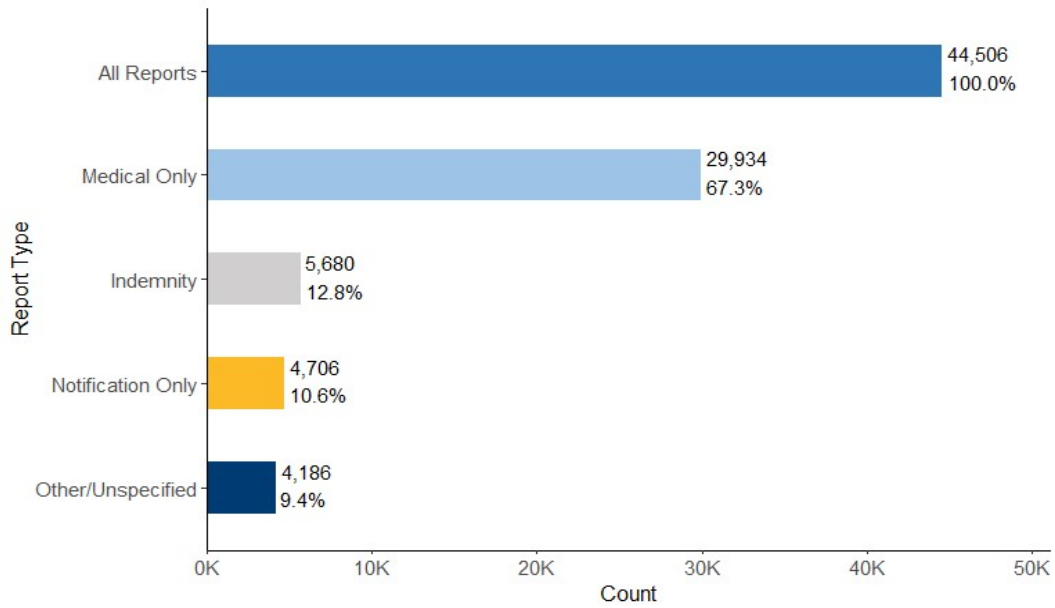


Figure 5: Number of Injuries Reported by Claim Type

Incidence Rate

This section presents the number of claims as a function of segments of the population. The 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,⁵ 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 2021 was 3.33, and is shown in Table 2, along with incidence rates for the preceding fourteen years. The trend of these figures is further represented by Figure 6.

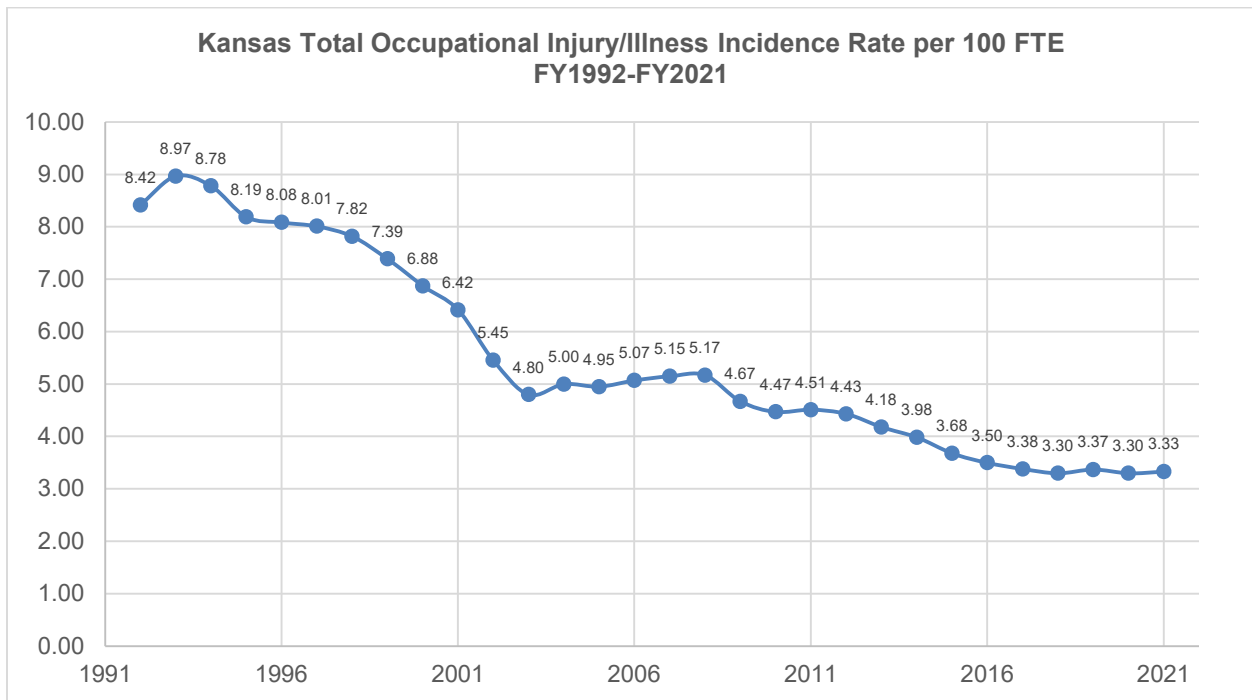


Figure 6: Kansas Total Occupational Injury & Illness Incidence Rate per 100 FTE, FY 1992-2021

⁵ 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. BLS definitions, see <https://www.bls.gov/bls/glossary.htm>.

Fiscal Year	Total Injuries	Incidence Rate
1992	90681	8.42
1993	98129	8.97
1994	98148	8.78
1995	94570	8.19
1996	95663	8.08
1997	97699	8.01
1998	98908	7.82
1999	95730	7.39
2000	90049	6.88
2001	84945	6.42
2002	72825	5.45
2003	68137	4.80
2004	64374	5.00
2005	64761	4.95
2006	66469	5.07
2007	69211	5.15
2008	70263	5.17
2009	63130	4.67
2010	58188	4.47
2011	58296	4.51
2012	58252	4.43
2013	56009	4.18
2014	53997	3.98
2015	50568	3.68
2016	48075	3.50
2017	46751	3.38
2018	45937	3.30
2019	47059	3.37
2020	45253	3.30
2021	44507	3.33

Table 2: Number of Injuries with Overall Incidence Rate, Fiscal Years 1992-2020

Cost of Claims

This section presents a brief look at the cost of claims. In the next section all direct losses reported by insurers to the division in fiscal year 2021 are presented, which comprises the total amount Kansas insurers spent on claims during the preceding calendar year 2020. After that, figures are reported from all claims that were closed by claims administrators in calendar year 2020 that included indemnity payments.

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 2021 totaled \$386,850,644. Of this, 29.2 percent were deductibles paid by policy holders.

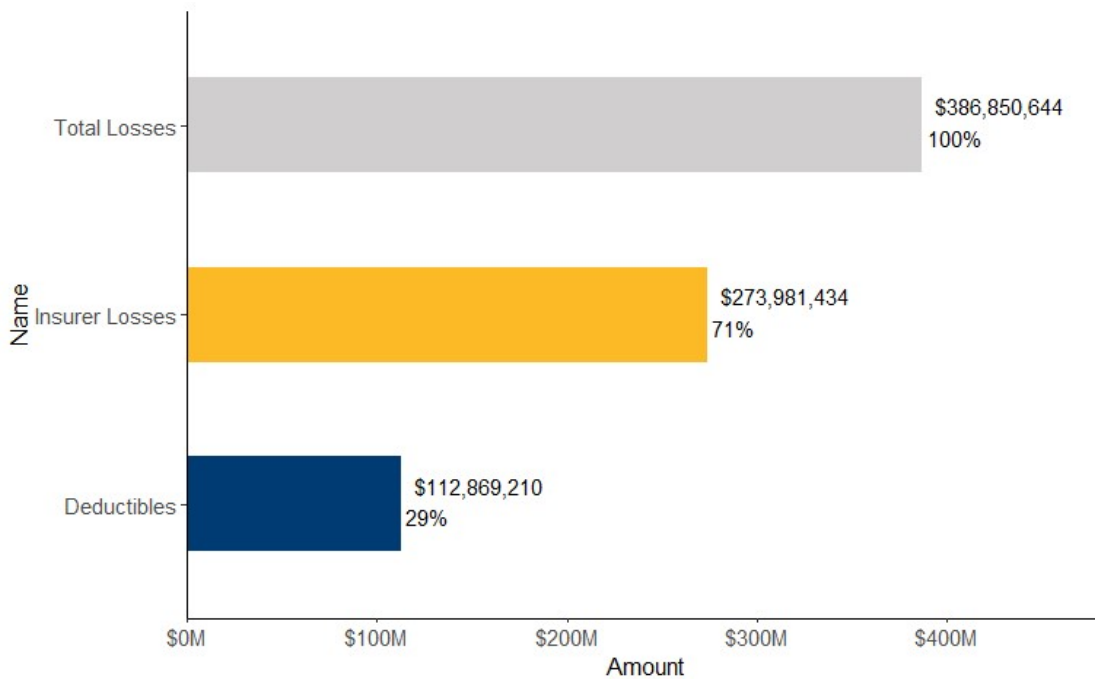


Figure 7: Losses Reported by Type of Loss

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 (2020) that report an indemnity payment.⁶ This allows us to examine claims in terms of the benefits paid on behalf of the insured from start to finish.⁷

total reported cost of benefits associated with indemnity claims that closed in calendar year 2020 was \$219,970,060. Medical benefits comprised the greatest share of this cost at 52.5 percent, followed by Indemnity benefits at 42.8 percent, Legal benefits at 4.5 percent and Other benefits at 0.3 percent.

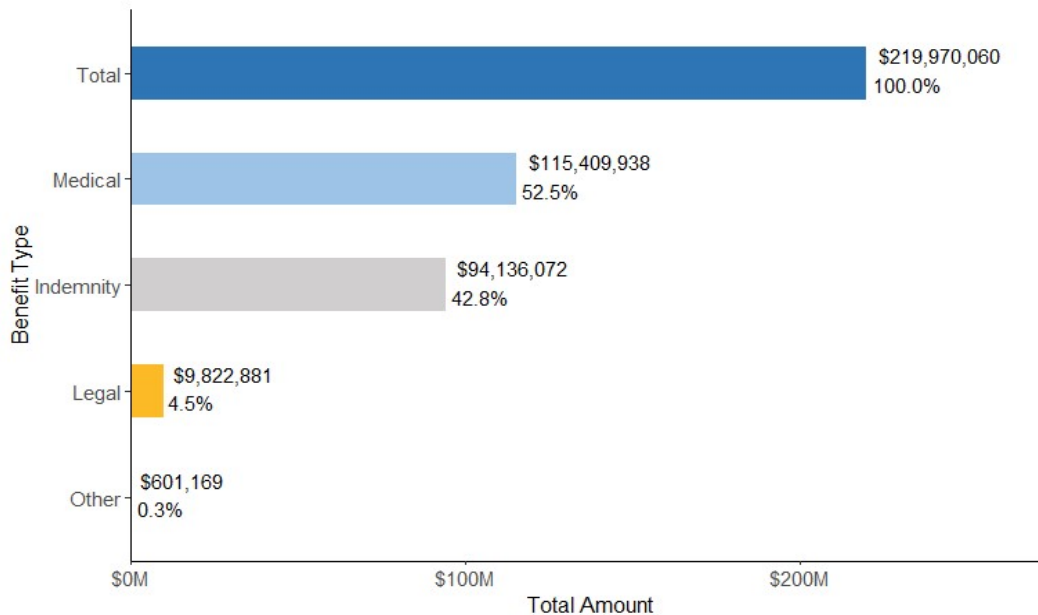


Figure 8: Benefits Paid on Indemnity Claims Closing in Previous Calendar Year by Benefit Type

⁶ 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.

⁷ 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.

Figure 8 illustrates total benefits paid on behalf of insurers for claims with reported indemnity benefits that closed in 2020. The total amount is given as well the percentage that each type of expense represents of the total.

Calendar year 2020 closed claims had a median total benefit amount of \$18,338.76, with a median medical benefit amount of \$8,725.36, and a median indemnity benefit amount of \$6,320.49. 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 2020 did not involve insurer-paid benefits not categorized as indemnity or medical. Figure 9 below illustrates median benefits by benefit type paid for the set of claims closing in calendar year 2020.

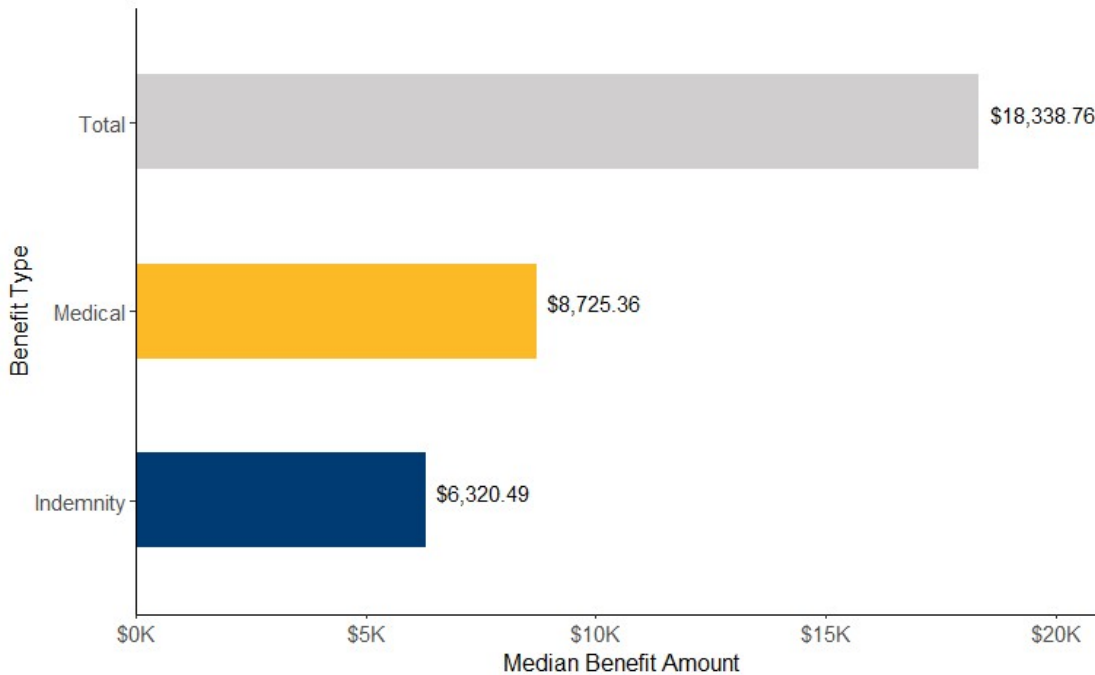


Figure 9: Median Benefit Amount Paid on Indemnity Claims Closing in the Previous Calendar Year, by Benefit Type

Judicial Activity

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 claim⁸

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)⁹

Total Filings by Type

In fiscal year 2021, there were **13,382** official filings. The total number of filings of each major type are shown in Figure 10.

⁸ An E2 is the same as an E1, but for a surviving spouse, dependent, or heir.

⁹ This does not include Entry of Appearances filed on behalf of a claimant's attorney which has a lower incidence rate

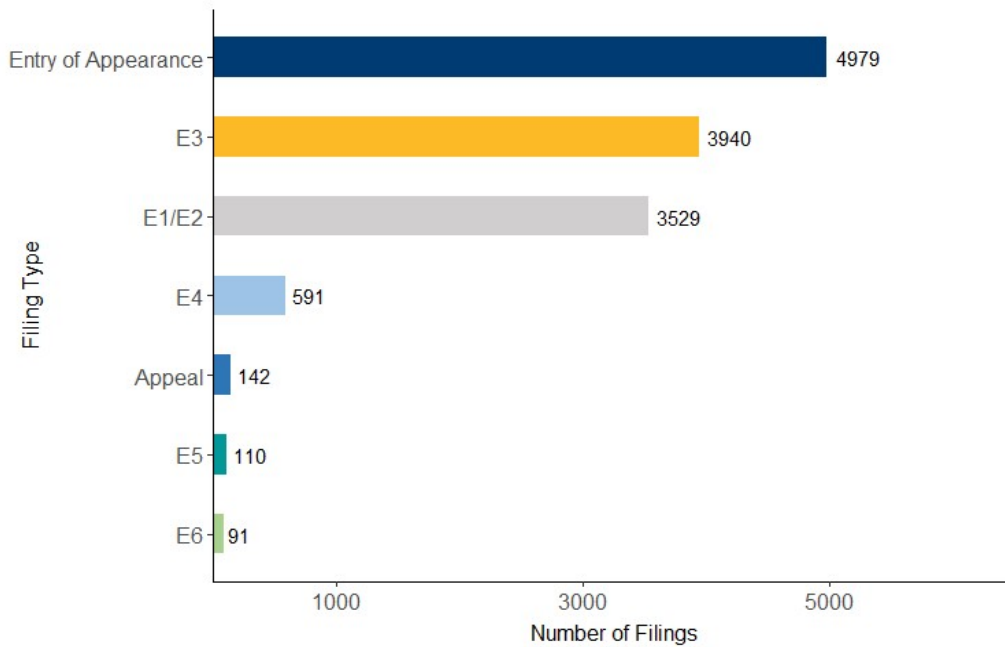


Figure 10: Total Number of Filings by Filing Type

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 11 and Table 3.

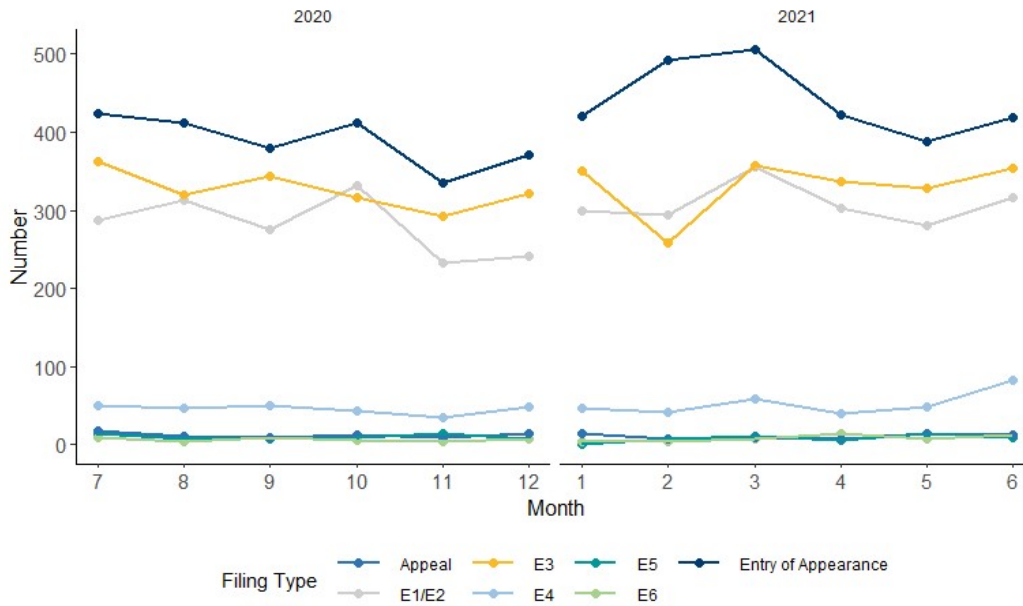


Figure 11: Monthly Filings by Type organized by Calendar Year

Year	Month	E1/E2	E3	E4	E5	E6	Appeal	EOA	Total
2020	Jul	287	362	50	15	9	18	424	1165
2020	Aug	312	319	46	8	4	11	411	1111
2020	Sep	276	343	51	7	9	10	380	1076
2020	Oct	331	317	43	10	6	13	412	1132
2020	Nov	232	292	35	14	5	10	335	923
2020	Dec	241	322	48	7	7	15	371	1011
2021	Jan	300	351	46	1	5	14	420	1137
2021	Feb	294	258	41	8	5	7	492	1105
2021	Mar	356	357	59	11	7	10	505	1305
2021	Apr	303	337	40	6	14	8	422	1130
2021	May	281	329	49	14	7	14	388	1082
2021	Jun	316	353	83	9	13	12	419	1205
Total		3529	3940	591	110	91	142	4979	13382

Table 3: Monthly Filings by Type

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

Total Hearings Set and Held by Type

Hearings are often set, but not held for various reasons. Figure 12 and Table 4 show the number of hearings set and held in fiscal year 2021 for each of the main hearing types. Note that hearings were held in fiscal year 2021 were not necessarily set in fiscal year 2021, nor vice versa.

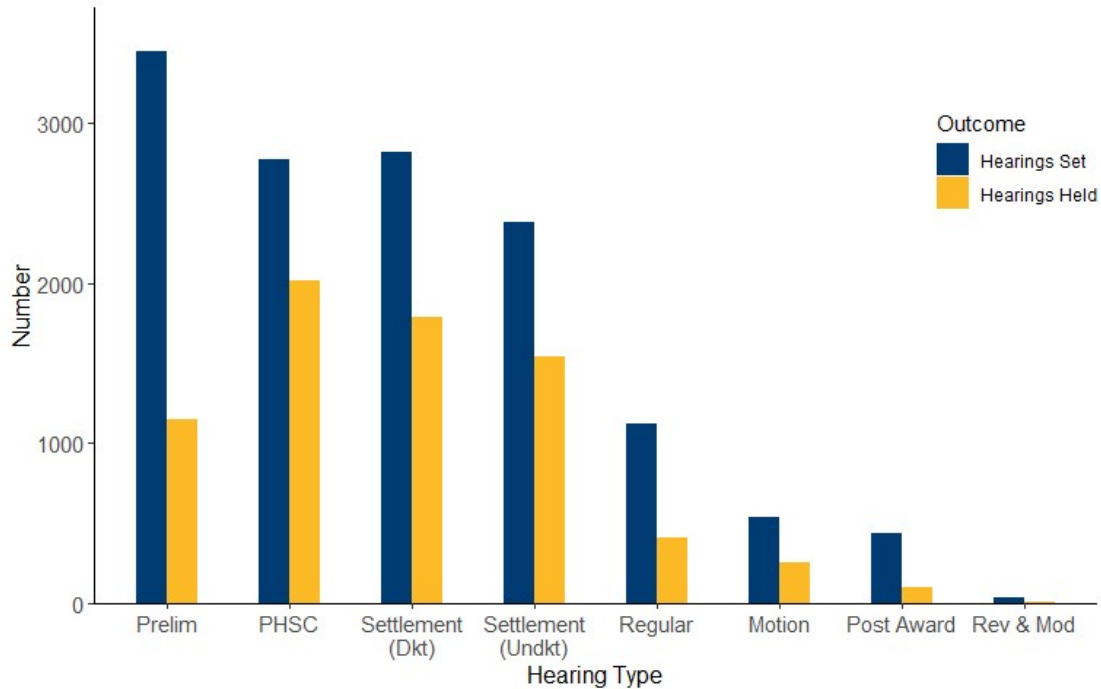


Figure 12: Number of Hearings Set and Held by Hearing Type

Hearing Type	Hearings Set	Hearings Held
Prelim	3447	1152
Settlement (Dkt)	2814	1788
PHSC	2769	2012
Settlement (Undkt)	2382	1545
Regular	1126	411
Motion	539	258
Post Award	435	100
Rev & Mod	37	14
Total	13549	7280

Table 4: 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.

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 2021, on average, there were **1129** hearings set and **606** hearings held per month. Figures 13 and 14 show the monthly trends in hearings set and held, respectively, while Table 5 provides the exact figures of the same.

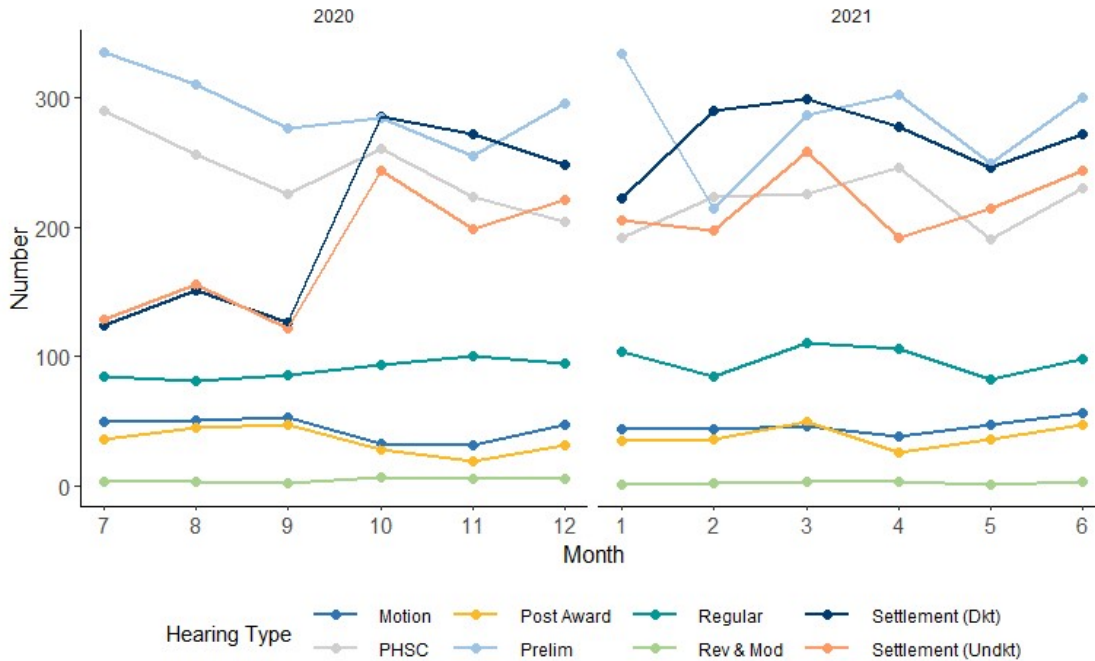


Figure 13: Monthly Hearings Set by Hearing Type Organized by Calendar Year

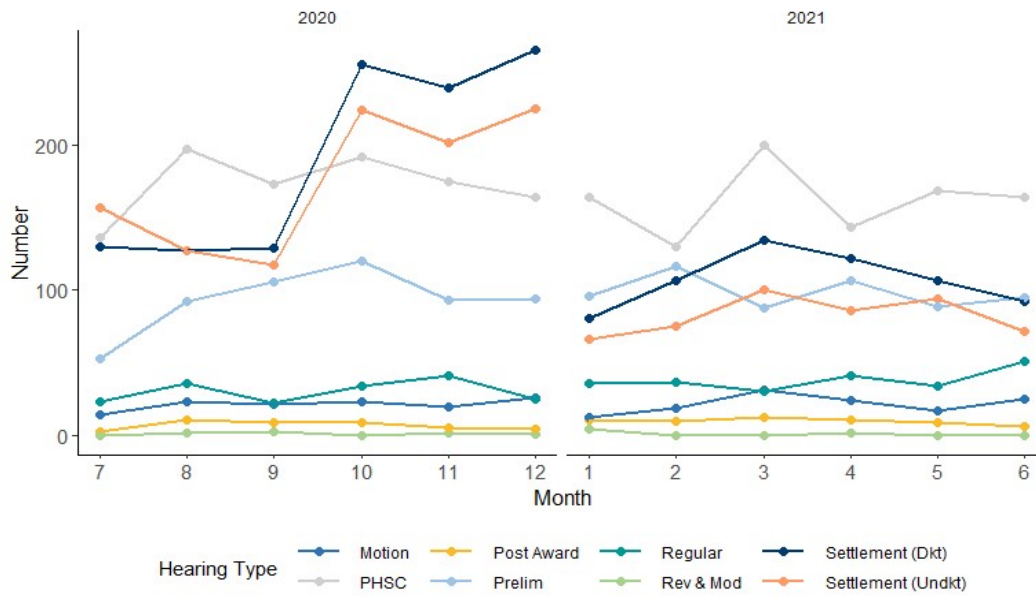


Figure 14: Monthly Hearings Held by Hearing Type Organized by Calendar Year

Year	Month	Outcome	Prelim	Motion	PHSC	Regular	Post Award	Rev & Mod	Settlement (Dkt)	Settlement (Undkt)
2019	Jul	Set	335	50	290	85	36	3	124	128
		Held	53	14	136	23	3	0	130	157
Aug	Set	Set	311	51	256	81	45	3	151	156
		Held	92	23	197	36	11	2	127	127
Sep	Set	Set	277	53	226	86	47	2	126	122
		Held	106	21	173	22	9	3	129	117
Oct	Set	Set	285	32	261	93	28	6	286	244
		Held	120	23	192	34	9	0	255	224
Nov	Set	Set	255	31	223	100	19	5	272	199
		Held	93	20	175	41	5	2	239	202
Dec	Set	Set	296	47	204	95	31	5	248	221
		Held	94	26	164	25	4	1	265	225
2020	Jan	Set	334	44	192	104	35	1	222	205
		Held	96	12	164	36	11	4	81	66
Feb	Set	Set	214	44	224	85	36	2	290	198
		Held	116	19	130	37	10	0	107	75
Mar	Set	Set	287	46	226	111	49	3	299	259
		Held	88	31	200	30	12	0	134	100
Apr	Set	Set	303	38	246	106	26	3	278	192
		Held	107	24	143	41	11	2	122	86
May	Set	Set	250	47	191	82	36	1	246	214
		Held	89	17	168	34	9	0	107	94
Jun	Set	Set	300	56	230	98	47	3	272	244
		Held	95	25	164	51	6	0	92	72

Table 5: Monthly Number of Hearings Set and Held 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 15 shows the number of hearings held by hearing type for fiscal years 2012 – 2021. 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.

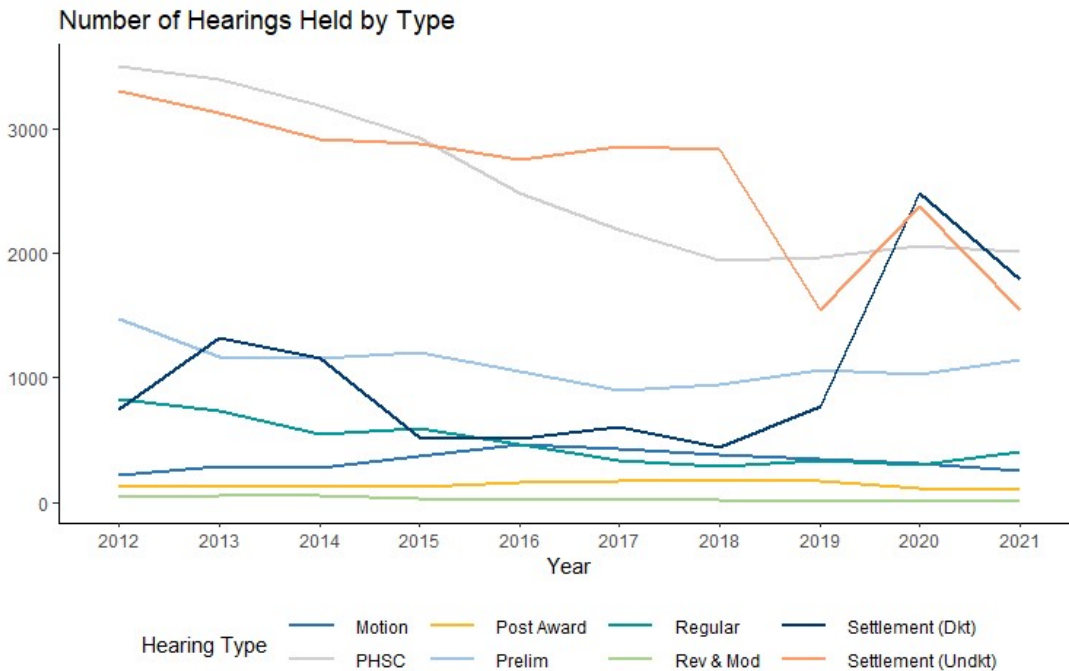


Figure 15: Hearings Held by Hearing Type, Past 10 Years

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 16 with the respective counties that belong to each.

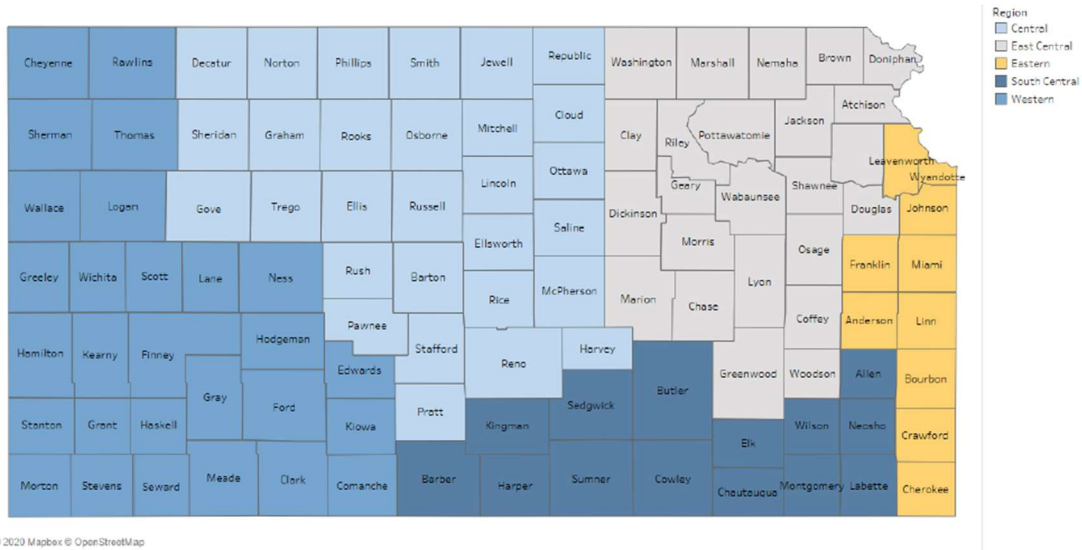
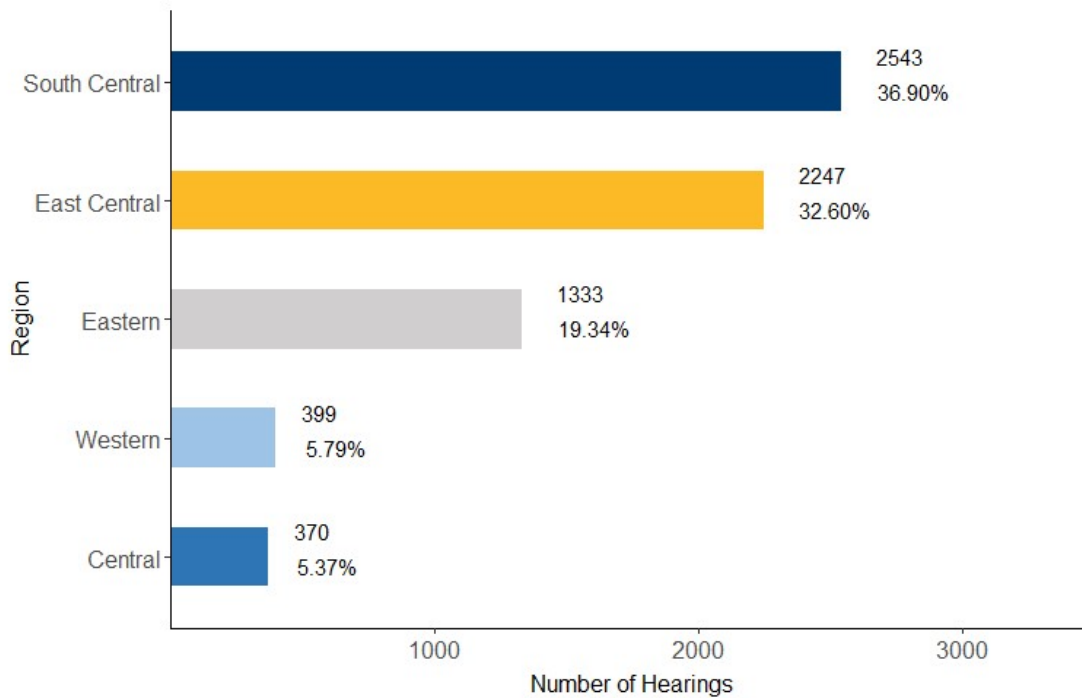


Figure 16: County of Venue by Jurisdictional Region

In terms of volume, the South-Central region had the greatest number of hearings (2543), while the Central region had the fewest (370).¹⁰



¹⁰ In the past, this metric did not include teleconferences as they are not done in person, but they were included for FY 2021 and going forward as all hearings went virtual in April 2020 due to the COVID-19 pandemic. Although Regions may have increases that can be attributed to their region’s routine teleconference load.

Figure 17: Number of Hearings Held by Jurisdictional Region

Total Hearings Held by Method

The Division of Workers' Compensation rescheduled all hearings to be held virtually starting Monday, March 30, 2020. For fiscal year 2021 all hearings were held via teleconferences.

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 6 shows the last COVID-19 report of Fiscal Year 2021.

COVID-19 Claims by Occupation

OccupationType	Active	Denied	Total
First Responder	132	6	138
Healthcare Worker	1,938	517	2,455
K-12	1	1	2
Meatpacker	47	2	49
Other	473	588	1,061
Total	2,591	1,114	3,705

COVID-19 Claims by Occupation and Claim Type

OccupationType	Indemnity	Medical	Notification	Unspecified
First Responder	16	47	57	18
Healthcare Wor..	1,786	338	296	35
K-12	0	2	0	0
Meatpacker	3	5	41	0
Other	172	739	128	22
Total	1,977	1,131	522	75

COVID-19 Claims with Paid Benefits, by Occupation

OccupationType	Claims w/ Benefits	% of Claims w/ Benefits	Reported Indemnity	Other Benefits
First Responder	13	9.42%	\$24,155.21	\$13,557.25
Healthcare Work..	1,126	45.87%	\$1,140,079.27	\$651,085.37
K-12	0	0.00%	\$0.00	\$0.00
Meatpacker	1	2.04%	\$3,201.49	\$1,167.45
Other	36	3.39%	\$29,806.05	\$19,292.10

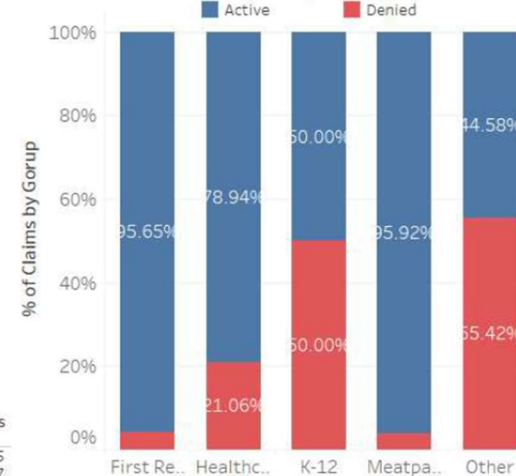
Reported COVID-19 Deaths by Occupation

First Respo..	Healthcare ..	K-12	Meatpacker	Other
0	3	0	2	7

Vaccine Claims with Paid Benefits, by Occupation

Occupati..	Claims w/ Benefits	Indemnity Paid	Other Benefits Paid
Healthca..	3	\$1,668.43	\$0.00
Other	0	\$0.00	\$0.00

Active vs. Denied Claims, by Occupation



Number of Vaccine-related Claims, by Month

	Active	Denied	Grand Total
January 2021	4	0	4
February 2021	7	1	8
March 2021	6	1	7
April 2021	2	2	4
May 2021	1	0	1
June 2021	0	1	1
Grand Total	20	5	25

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

County	Reported Injuries	Confirmed Cases	Claims/Case
Johnson	1,325	59,916	0.022
Sedgwick	563	58,027	0.010
Out of State	386	0	0.000
Wyandotte	203	21,023	0.010
Shawnee	114	17,754	0.006
Finney	111	6,114	0.018
Douglas	110	9,391	0.012
Ford	76	5,789	0.013
Crawford	61	4,885	0.012
Saline	59	6,362	0.009
Riley	53	6,706	0.008
Seward	43	3,879	0.011
Butler	40	7,664	0.005
Reno	36	8,602	0.004
Norton	36	1,210	0.030
Coffey	35	751	0.047
Barton	35	2,615	0.013
Leavenworth	33	7,324	0.005
Nemaha	31	1,531	0.020
Ellis	26	3,764	0.007

Cumulative KS Confirmed Cases vs. Claims over Time

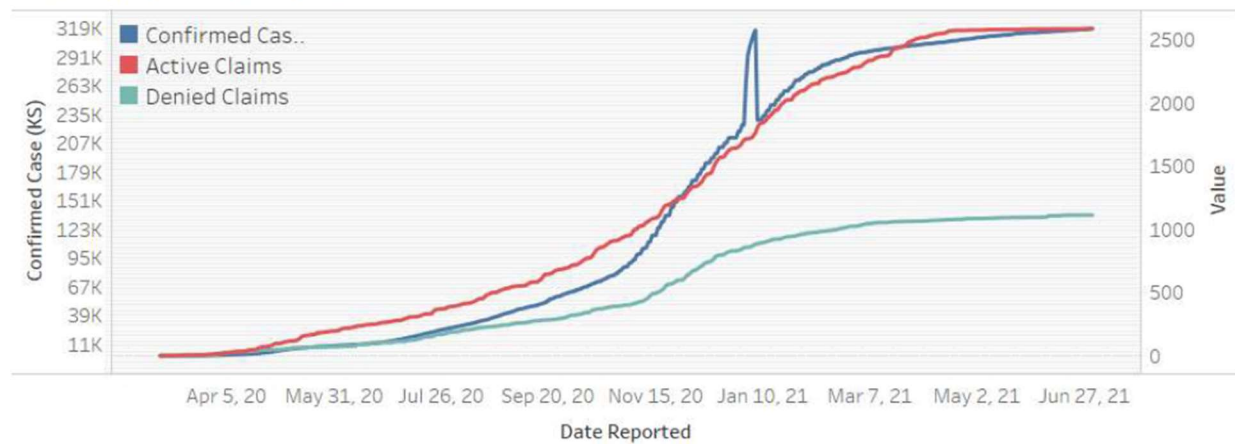


Table 6: COVID-19 Report dated July 2, 2021