Judicial Council of California
Judicial Branch Workers' Compensation Program Advisory Committee

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JUDICIAL BRANCH WORKERS' COMPENSATION PROGRAM ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

Friday, February 14, 2025
1:00 P.M.– 3:30 PM
https://jcc.granicus.com/player/event/3961

Advisory Body Members Present:	Shelby Wineinger (Chair), Christine Alburger, Stephanie Bohrer, Sulakshna Chauhan, Stephanie Cvitkovich, Kevin Harrigan, Krista LeVier, Ashley Rico, Jenny Rogers, Nocona Soboleski, Hugh Swift, Jenny Thomas
Advisory Body Members Absent:	Heather Capps, Brandon E. Riley, Brian Taylor N/A
Others Present:	Edward Metro (Program Manager), Patrick Farrales, Jade Vu, Ed Cho, Miki Novitski, Sayuri Okamoto, Monica Serrano, Becky Richard, Alan Turnipseed, Jacquelyn Miller, Candace Maibes, Tracy Baril, Amanda Garcia, Heather Allen

OPEN MEETING

Call to Order and Roll Call

The Chair called the meeting to order at 1:04 P.M., and the Program Manager, Edward Metro was asked to take roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the March 27, 2024, Judicial Branch Workers' Compensation Program Advisory Committee meeting.
(Motion: Harrigan, Second: Bohrer)

DISCUSSION AND ACTION ITEMS (ITEMS 1-4)

Item 1

Presentation of Draft Actuarial Report and Premium Allocation Results for FY2025-2026

Presenter: Becky Richard, Bickmore Actuarial

Becky Richard provided a comprehensive overview of the draft actuarial report, focusing on the determination of premiums through sample allocations, outlining outstanding liabilities as of December 31, 2024, and projecting funding needs for the upcoming year for both the trial courts and the state judiciary. She explained key terminology related to loss calculations, including medical and indemnity costs (loss), expenses and legal fees (ALAE), and the fees for settling claims (ULAE). An analysis of the trial court losses by program year was highlighted first, indicating a reduction in the frequency of claims reported and favorable development in claim settlements, which dropped the ultimate losses by about

$1.6 million. The judiciary is a much smaller program with more volatility. Ultimate losses for the judiciary decreased by just over $200,000 due to fewer than expected claims being reported. The program is funded to cover the outstanding liabilities at a 70% confidence level, which increases the cost estimates. In total, the premium allocation results for FY2025-2026 for both the trial court and judiciary membership indicate a slight increase of about 4.5%, all driven by higher forecasted payroll figures and funding at the 70% confidence level. Overall, this is indicating a positive outlook for the program's financial health.

Additionally, a detailed overview was provided on the actuarial methodology for allocating program costs among members, emphasizing the use of claims and payroll data over a three-year period to develop a weighting formula to ensure equitable distribution across the membership. She concluded with a focus on the programs' financial projections, and strategies for reducing the premiums for the membership.

Action: The advisory committee voted to approve program 2025-26 premium allocation and actuarial report.

(Motion: Harrigan, Second: Swift)

Item 2

Third-party Administrator Annual Audit

Alan Turnipseed presented the 2024 Judicial Branch Workers Compensation Program audit findings, outlining the objectives, methodology, and results of the audit. The audit focused on assessing the performance of the Third-Party Administrator (TPA) and case management services against fifteen core competencies, of which thirteen were related to claims management and two to case management. A total of 111 metrics were audited, focusing on industry best practices, compliance with California workers' compensation laws, and program service guidelines.

The results showed high performance across most categories, with the TPA achieving a composite score of 92.61%, a slight decline from the previous year. Eight of the thirteen TPA categories scored above the 90th percentile, indicating strong performance. However, the investigations category scored lower, at 76.69%, due to processing inconsistencies in indexing practices and the use of ancillary investigation services.

The case management audit revealed an overall score of 88.37%, slightly down from the previous year. Nurse case management performed well, scoring above the 90th percentile, while nurse triage, a unique aspect of the program, scored 67.13%. This lower score indicated processing inconsistencies in claim examiner activities and nurse triage procedures, which were not aligned with the program guidelines.

Key recommendations included reinforcing service guidelines, particularly regarding nurse triage, leveraging the supervisory review process to improve consistency, and considering formal training for staff. Additionally, a review of the nurse triage model was suggested to improve performance and better align with program objectives.

Action: The advisory committee voted to approve the audit report.

(Motion: Cvitkovich, Second: Chauhan)

Item 3

Third Party Administrator Plan of Action

Presenter: Heather Allen, Sedgwick Claims

Heather Allen provided Sedgwick's response to the 2024 Judicial Branch Workers Compensation Program Annual Audit, emphasizing the strong audit scores achieved in both the Managed Care and Third-Party Administrator (TPA) audits. The Managed Care audit resulted in a score of 88.37%, with nurse case management scoring an impressive 93.25%. The TPA audit scored 92.61%, maintaining a high level of performance.

Heather Allen acknowledged areas for improvement, particularly in nurse triage and three-point contact. Action plans include reinforced training for nurses on compliance with treatment documentation and follow-up procedures. Additionally, there will be closer monitoring of communication practices and the timely initiation of case management. Sedgwick also introduced a new leadership layer with Tracy Baril's addition to the claims management team, aimed at improving oversight and ensuring consistent quality across all processes.

Overall, Heather Allen expressed enthusiasm for ongoing collaboration with the Judicial Branch Workers Compensation Program and the continued pursuit of enhancing performance through these action plans.

Information only: No action was required.

Item 4

Nurse Triage Clinical Consultation

Presenter: Edward Metro (Program Manager), Shelby Wineinger (Chair), Amanda Garcia (Sedgwick Claims)

Edward Metro, Shelby Wineinger and Amanda Garcia presented a one-year pilot program that would replace the current Nurse Triage process. This JBWCP will fund the pilot program separate from the members' premium allocation and it will not be an additional cost to the courts. If approved, the program would be reevaluated during the 2026 Advisory Committee meeting. Edward Metro noted that the current process is reactive; a triage nurse will contact claimant and the treating doctor within three business days of the claim assignment. The clinical consultation is based on three steps aimed towards prevention rather than a reaction: the employee notifies the supervisor when the injury occurs, the employee speaks to the nurse, and the nurse provides notes. The proposed triage consultation was presented to the panel as the program is financially stable and it is aimed to lower claim frequency, benefit the injured worker, tied to JBWCP's strategic plan and is a previous recommendation by the program's risk consultant and auditors. Two other options were presented alongside the consultation, one option was to leave the triage process unchanged, and the second option was to revise the nurse triage triggers. Pros and cons were presented for all three options.

Questions and Remarks

Remark: It was requested that introductions of new programs and benefits to the JBWCP membership be reviewed by the Advisory Committee prior to a presentation at meetings such as the Court Executives Advisory Committee (CEAC) meetings.

Question: Is it possible to add verbiage on the notifications and flyers to employees to ensure they are fully aware that whatever they're telling the nurse could be provided to the employer and the adjuster in the future?

Response: Yes, that will be added onto the materials.

Question: Will the current nurse-triage that happens after the claim continue?

Answer: No, it will not.

Question: Is there some benefit to that (current nurse-triage) or no?

Response: There is a very light benefit. A few injured workers feel as if they have a nurse that they can speak to, but that nurse does not provide care. The nurse will review the claim to make sure that the mechanism of injury is in line with what they see in the notes. They review the job description, make a recommendation to the adjuster regarding any additional nursing services needed on that claim, and leave the claim. They do not provide ongoing treatment for the injured worker, or care, or even direction to them. The Clinical Consultation is a more effective way to address employees across the board.

Question: Is there a recommended way or anticipated way where the Clinical Consultation is going to be promoted to be used by employees?

Response: The existing Claims Manual and Service Guidelines will be updated and will be shared with the membership. Communication materials for our membership as well as training will also be provided. The implementation process will take time and will be a phased rollout. This will be a partnership with the membership, the staff, and Sedgwick.

Action: The Advisory Committee voted to approve the nurse triage clinical consultation.

(Motion: Cvitkovich, Second: Bohrer, Abstention: Capps)

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:56pm.

Approved by the advisory body on Wednesday, March 19, 2025.