

# *CCM e-News Brief*

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**[Compliments of Charlotte Bishop, President, Creative Case Management, Inc.]**

**OSHA Upheld.** In a two-to-one opinion, the D.C. Circuit denied SeaWorld's appeal of the decision of the Occupational Safety and Health Review Commission that SeaWorld violated the OSH Act's general duty clause by permitting close contact between killer whales and trainers during shows at the company's Orlando, Florida theme park. OSHA cited SeaWorld for two violations of the general duty clause following an investigation into the death of trainer Dawn Brancheau, who was pulled into a pool by a killer whale named Tilikum in February of 2010. One of the violations concerned close contact between trainers and Tilikum; the other violation concerned close contact between trainers and all other killer whales in SeaWorld's inventory. The courts have consistently upheld OSHA's position that killer whales pose a danger to employees who are not adequately protected, and further upheld the rights of workers to return home safe and healthy each day. The D.C. Circuit Court found that SeaWorld knew about the hazards associated with killer whale performances, and that the company did not adequately address those hazards. Specifically, the court held that, "the nature of SeaWorld's workplace and the unusual nature of the hazard to its employees performing in close physical contact with killer whales do not remove SeaWorld from its obligation under the General Duty Clause to protect its employees from recognized hazards." Please visit:

<http://www.workerscompensation.com/compnewsnetwork/news/18728-court-upholds-osha-s-position-in-seaworld-case.html>

**The High Cost of Comp.** It's easy to identify some claims – like spinal injuries -- that are going to carry high costs. What's hard is proactively identifying far more subtle clues that a claim will incur high costs or have a long duration. What is harder still is operationalizing that information to consistently drive smarter medical and claim management decisions that significantly reduce claims costs. New research from York Risk Services Group uncovers both the predictive analytics and the best process to automatically incorporate analytic findings into the claims management process. The overall approach has yielded impressive results. The Average Medical Paid for lost time claims dropped from \$17,234 to \$8,250, a reduction of more than 52 percent. Likewise, the Average Medical Paid for medical-only claims dropped from \$786 to \$727, a decrease of 7.53 percent. When the average medical paid and average total paid were tracked for specific categories of injuries, similar improvements were found. The results of the year-long pilot of York's new approach, called TeamComp, are published in the whitepaper "TeamComp: Managing Claims Costs Before They Occur." Source:

<http://www.workerscompensation.com/compnewsnetwork/news/18761-using-sophisticated-analytics-and-imbedded-intelligence-to-reduce-claims-costs.html>

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