Mental illness Comorbidity in Workers’ Compensation Claims

WSIA Spring Seminar
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Presentation topics

- Defining mental illness
- Mental illness impacts on claims
- Taking notice
- Taking action
Mental illnesses are health conditions involving changes in emotion, thinking and/or behavior associated with distress and/or problems functioning in social, work, or family activities.

Source: American Psychiatric Association
The Mental Health Continuum

Continuum sources: United States Marine Corps Department of Psychiatry and the Canadian Forces Primary Leadership Curriculum
Mental health data
What is the most common type of mental illness in the world?

Anxiety Disorders
What is the mental illness that causes the most disability in the world? Depression
is the increased likelihood of depression if receiving workers’ compensation pay

BMC Public Health study
https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3635882/
Up to 85% of patients with chronic pain are affected by severe depression.
Mental illness on a claim can have the snowball effect
Depression
“Depression…whether derived from the workplace injury or preexisting, can contribute to chronic pain, which slows or masks recovery.”

Physical/psychological cycle of chronic pain

Depression can lead to higher perception of pain
The more pain you feel, the less active you're likely to be
Weaker muscles and joints are more prone to pain
Lack of activity makes your body weaker
Physical pain (or fear of pain) makes you want to avoid activity
Negative emotions deprive you of contentment
Pain evokes feelings of anger, anxiety, distress, fear
Lack of contentment can lead to depression

https://medicine.uiowa.edu/anesthesia/content/making-it-easier-chronic-pain-patients-get-help
People with depression have a 40% higher risk of developing cardio-vascular & metabolic diseases.
32% of U.S. adults with a mental illness also experienced a substance use disorder in 2020.
Claim duration increased by 67% percent for claims involving addiction
Litigation rates are increased by 258% on mental health related claims

Depression

Recovery time without treatment averages **8 months**

for some, the condition becomes chronic

Recovery time with treatment is typically **6-12 weeks**

Source: Remedy Health Media
“Early mental health intervention can be key to minimizing the time a worker needs to recover.”
Mental illness usually takes awhile to develop, with early warning signs.
Warning signs to keep a lookout for
Warning signs detectable over the phone

- Delayed or no responses
- Decreasing comprehension
- Uncontrollable anger
- Uncontrollable crying
- Hanging up abruptly
Warning signs detectable in person

Disheveled appearance

Decreasing comprehension

Appearing exhausted

Uncontrollable anger

Uncontrollable crying
Resource for **warning signs**

**Healthy**
- Normal mood fluctuations
- Calm, taking things in stride
- Good sense of humor
- Performing well
- In control mentally
- Normal sleep patterns
- Few sleep difficulties
- Physically well
- Good energy level
- Physically & socially active
- No or limited alcohol, use/gambling

**Reacting**
- Irritable/impatient
- Nervous
- Sad/overwhelmed
- Displaced sarcasm
- Procrastinating
- Forgetful
- Trouble sleeping
- Intrusive thoughts
- Nightmares
- Muscle tension/headaches
- Low energy
- Decreased activity/socializing
- Regular but controlled alcohol use/gambling

**Injured**
- Angry
- Anxious
- Pervasively sad/hopeless
- Negative attitude
- Poor performance/workaholic
- Poor concentration/decisions
- Restless disturbed sleep
- Recurrent images/nightmares
- Increased aches & pains

**Ill**
- Angry outbursts/aggression
- Excessive anxiety/panic attacks
- Depressed/suicidal thoughts
- Overly insubordinate
- Can't perform duties, control behavior, or concentrate
- Can't fall asleep or stay asleep
- Sleeping too much or too little
- Physical illnesses
- Constantly fatigued
- Not going out or answering phone
- Alcohol or gambling or other addictions
For medical practitioners:

The Washington State Department of Labor and Industries Guidelines recommend screening for mental health risk factors at two to six weeks of time lost after an injury.
An assessment is recommended during follow-up care if expected progress is not observed within six weeks of injury and if symptom validity cannot be established with objective data.”
If it appears there may be a mental health issue
A determination about whether or not it is covered under the claim will be needed.
When is mental illness covered under Workers’ Compensation?

WAC 296-27-01103
Determination of work-relatedness

(2) (i) Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.
What is covered?

WAC 296-21-270
Mental health services

2) Treatment of mental conditions to workers is to be goal directed, time limited, intensive, targeted on specific symptoms and functional status and limited to conditions caused or aggravated by the industrial condition....

3) Mental health services to workers are limited to those provided by psychiatrists, doctoral level psychologists and psychiatric advanced registered nurse practitioners and according to department policy.

Exception:
The Masters’ Level Pilot Project
If diagnosis is accepted under the claim & the AP refers
Behavioral health & mental health differ

Behavioral Health

Involves normal reactions to factors such as the injury, barriers to return to work, and psychosocial issues

Mental Health

Refers to diagnosed psychiatric conditions

Stay tuned for part two of this presentation for what can be covered under the claim when there is no diagnosis
When mental illness is **not** covered under the claim

We still want the worker to recover as quickly as possible
When an injured worker is doing poorly

we have choices

be frustrated with lack of progress

do nothing

offer resources
Notice

Learn about resources

Suggest care
Take Notice

when signs are present for weeks with decline or no improvement
Learn about resources

If mental health care will not be covered under the claim, there may be coverage elsewhere
If the worker is still employed, the employer may be able to help them access resources.

Ask the employer about:
- Medical plans
- Employee Assistance Program
- Other MH benefits
Is the worker a veteran?

The VA may be able to provide mental health care

https://www.mentalhealth.va.gov/
Do they have Medicare or Medicaid?

Medicaid is the single largest payer for mental health services in the United States

The conversation starters

- Express concern
- State objectively what you have observed
- Ask the person if they want support
The approach to listening
Non judgmental
The response

Acknowledge feelings
Show support by offering resources
Warm transfers
Employer Engagement

"By offering support from the employer, we can reduce the duration and severity of mental health issues and enhance recovery.”
If still employed, management can help

Remind them they are needed and valued

Keep them up-to-date on what is happening at work

Offer support services
Return to work support

A buddy
Catch-up training

Welcoming back
Accommodations
With a mental illness, there may be restrictions
Cognitive & Behavioral Capacities Evaluation Form
Accommodation resource

Accommodation Ideas:

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<th>By Limitation</th>
<th>By Work-Related Function</th>
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<td>Attentiveness/Concentration</td>
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JAN@AskJAN.org

https://askjan.org
Accommodations—gradual return
Accommodations—modifying communications

Hi Sean,

To recap our meeting today, we discussed how you’ve surpassed the productivity requirement which made it possible for 10 customers to receive quicker service this week. Thank you again for your hard work.

We also discussed the complaints received about your driving. Keeping within the speed limit and parking that does not obstruct other drivers and parkers is necessary. Please focus on these two areas.

David Jones, Regional Manager
ABC Company
Accommodations—stimulus mitigation
Accommodations—interruption management
Accommodations—work week break

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Accommodations—emotional support animal
Accommodations—light boxes
Resources

lni.wa.gov/MLT
lni.wa.gov/mental health
Mental Health Continuum
Veterans Administration Mental Health
Medicare & Your Mental Health Benefits
WACs 296-27-01103 & 296-21-270

Cognitive & Behavioral Capacities Evaluation Form
Job Accommodation Network
QUESTIONS

ANSWERS
Thank You
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