

# ICA Mailing list

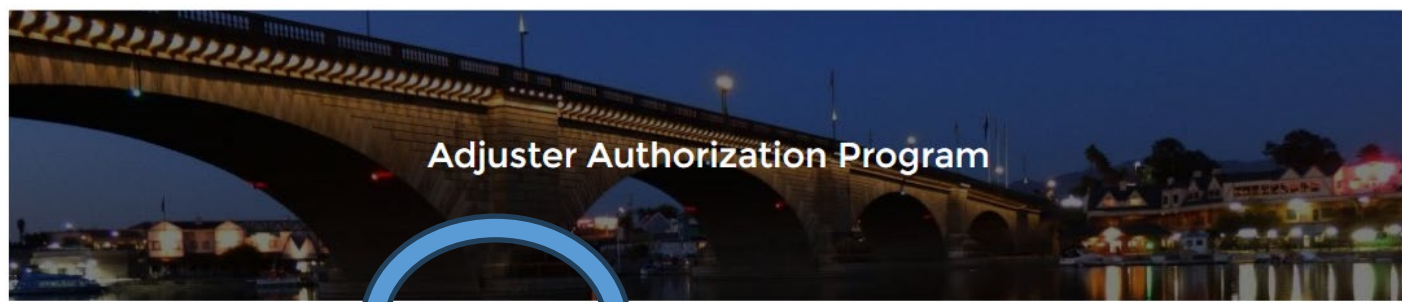


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# Current 2025 Claims Seminar Manual



- Scan and Download the current
- 2025 ICA Claims Seminar Manual



# Adjuster Authorization Program

Program Information   Internet Based Training   **Class Registration**

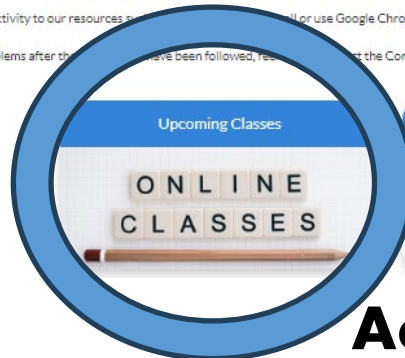
To enroll in upcoming class webinar, click Upcoming Classes below.

### Technical Requirements

The ICA uses the Google Suite, and webinars are conducted with Google Meets. The transition to G Suite may require participants to have a Google Account. Before the registering for a class, please confirm with your IT department that you are able to:

- Achieve connectivity to our resources through the internet or use Google Chrome as it is the preferred browser.

If you experience problems after the above steps have been followed, feel free to contact the Commission at the number and/or email toward the bottom of this page.



**Adjuster Authorization?  
Log into Community Account &  
Register in 'Class Registration**

# **2025 Industrial Commission of Arizona Claims Seminar**

## **What's New With Ombudsman?**

Presented by Harriet Turney, Ombudsman

# Ombudsman-Origins

Ombudsman' is a Swedish term meaning 'representative of the people.'

The Swedish parliamentary Ombudsman was instituted in 1809 and served as "an ear to the people."

Since then, the Ombudsman function has taken many different forms and different purposes.

# Ombudsman–Range of Functions

A public official who investigates complaints from citizens against government agencies or officials, acting as an impartial intermediary to resolve disputes. They are not advocates for either the complainant or the government, but rather neutral investigators focused on fairness and administrative improvements.

Example: Ombudsman Citizens Aide

<https://www.azoca.gov/>

# Ombudsman-Range of Functions

- An ombudsman's function is to provide informal assistance in surfacing and resolving issues.
- While they can recommend that an organization consider establishing or revising policy, the ombudsman plays no formal role in enforcing or deciding to implement policy.
- The ombudsman does not conduct formal investigations.

# Industrial Commission of Arizona

## OMBUDSMAN

The authority of the ICA Ombudsman is prescribed by statute, ARS §23-110. The statute places the function of the ICA Ombudsman squarely into the second category of ombudsman described above.

A. The director of the industrial commission shall employ an ombudsman **to assist** recipients of workers' compensation benefits.

B. The ombudsman **shall not provide legal advice** but may **provide information** about the workers' compensation system and rules governing commission proceedings and may **assist** in clarifying the methods used to determine a person's worker's compensation benefits.

# ICA Ombudsman's Office

The ICA Ombudsman's Office has seen extraordinary growth since November of 2022, with the incredible support of the Commission Chairman Kavanaugh, Director Testini, and Deputy Director Lisa Padgett.

What, for decades, was one-person within the Claims Division, the Ombudsman's Office is now a free-standing Division of the agency. In addition to me, when fully staffed, the office is comprised of a Senior Ombudsman, a deputy Ombudsman and two administrative assistants in Phoenix and one Deputy Ombudsman in Tucson.

# Mission of the ICA Ombudsman

The primary mission of the ICA Ombudsman is to provide timely responses to telephonic, electronic, in-person and written inquiries from injured workers and other interested parties regarding potential or pending workers' compensation claims.

# ICA OMBUDSMAN

To better support the mission of the Ombudsman, the ICA Main Reception in Phoenix underwent extensive renovation with the addition of two adjacent offices that are used to conduct private meetings with walk-in visitors. The first floor of the Tucson ICA has also been reconfigured to enable the Tucson Ombudsman to serve our Southern Arizona customers.

# ICA OMBUDSMAN

## GOAL

Respond to all inquiries (telephone calls, emails, walk-ins, letters) the same day they are received.

Current cycle time: 1 day 97% of the time

# ICA OMBUDSMAN

## Who We Serve

- Per statute, our customers are **recipients of workers' compensation benefits**.
- We act as guides to help **injured workers** navigate through an unfamiliar and often intimidating worker' compensation process to ensure that all sides follow the rules in the workers' compensation system.
- We also serve as first contact for the Labor Department walk-ins.
- We provide general information and referral as appropriate to Insurance Compliance and ADOSH.
- We endeavor to assist everyone who contacts us even if their inquiry has nothing to do with the ICA. We maintain an extensive list of resources for non-ICA related questions.

# ICA Ombudsman Additional Customers

- Carrier/TPA/Adjusters
- Comp Employers
- Medical Providers
- Attorneys
- Labor Employees
- Labor Employers
- ADOSH Employees
- ADOSH Employers
- Non-Comp Employers

# ICA OMBUDSMAN

## What we don't do

- Per the statute - The Ombudsman shall not provide legal advice...

What is legal advice v. legal Information

# Legal Information v. Legal Advice

(State Bar of Arizona)

- **Legal information** includes facts about the law or court procedures, which is generic and applies to everyone or a class of people in a particular situation. Legal information communicates facts about court procedures, legal resources, court records and due dates. Legal information may be found in informational pamphlets and copies of statutes or other law.

# Legal Information v. Legal Advice

(State Bar of Arizona)

- **Legal advice** includes any written or oral statement that (a) **interprets** some facet of the law, court rules or court procedures, or **recommends** a specific course of conduct a person should take in an actual or potential legal proceeding; (b) **applies** the law to an individual's specific factual situation; or (c) **requires** the person giving the advice to have knowledge of the law and legal principles beyond familiarity with legal requirements and procedures.

# Legal Advice

Legal advice includes:

1. Recommending a specific action in a legal proceeding vs identifying options. We will tell callers what they “can” do. For example, file a Request for Hearing to protest the denial of a claim, file a Petition to Reopen a closed claim, file Motion for Protective Order.
2. Filling out forms: We will look to see that all required fields are filled in and that the form is signed and dated. We do not tell the injured worker what they should say as their reason for requesting a hearing, reviewing of an ALJ’s award, or challenging an order or award from Claims etc.

# Legal Advice

3. Specifying what actual documents should be filed into evidence.

We do not tell injured workers they should or should not file certain medical documents or request subpoenas for specific medical providers. We tell them they should submit whatever they believe will support their claim/case.

# Legal Advice

We do not answer “What should I do” questions.

We do not give a specific opinion on merits of an action or claim.

When the dispute is a medical issue, we may tell claimants that if they do not have medical evidence to support their position they may not be successful at hearing. We stop short of telling them what they need to submit or who they need to subpoena.

# ICA OMBUDSMAN

## What we don't do

- 1. We do not investigate complaints.
- 1. We do not act as an intermediary to resolve disputes.
- 1. We do not advocate on behalf of a party.
- 1. We do not take sides.

# ICA OMBUDSMAN

## What else we don't do

We do not advise carriers / TPAs on:

- How to respond to communications sent by ICA Claims Division to injured workers or carrier / TPA
- Provide legal interpretations of provisions of Arizona law.

# ICA OMBUDSMAN

## FY25 Statistics

- For FY 2025, the ICA Ombudsman handled a total of 12,197 contacts (telephone, walk-ins, email and other written correspondence), including referrals from the Governor's Office of Constituent Services and from legislators' offices.
- 5379 were initial contacts.
- 6818 were repeat contacts already in the OMB system.

# Perspective

- Those numbers may seem high. When Ombudsman is jammed with calls, these numbers seem crushingly high. However, they really aren't when put in context with other numbers.

In FY25, the Claims Division processed 62,921 new claims. That's over 5200 claims per month.

In FY25, 6373 claims were referred to the Administrative Law Judge Division. Of those, 1368 were "J"s.

# What conclusions can you draw from these numbers?

- The vast majority of claims filed at the Industrial Commission move through the system from start to finish without conflict or controversy. The system works as intended.
- Only a very small percentage of claims end up in the ALJ Division.
- A relatively small number of injured workers find their way to the ICA Ombudsman

# ICA OMBUDSMAN

## Uncommon inquiries

- DES has denied my unemployment. I want to appeal.
- Can you get me a grant for my charity?
- My employer didn't give me a W2. Can you help me?
- The Department of Child Safety stole my child and I need help getting her back.
- The claims adjuster broke into my house and is listening in on my telephone calls, what should I do?
- I was forced to sign a stipulation in 2000. Can you help me get it thrown out so I can recover my medical bills from May of 1999.

# ICA OMBUDSMAN

## Common inquiries

1. I got hurt at work. What do I need to do?
2. I got hurt at work. I notified my supervisor that I was hurt. Do I need to do anything else?
3. I got hurt at work. My HR Manager told me not to file anything with the ICA –He promised that the company would “take care of me.”
4. I got hurt at work. I filled out a report but I haven’t heard anything from “you guys.” When are “you guys” going to start paying me?
5. My employer filed a report with the ICA –Why hasn’t anyone contacted me?

# ICA OMBUDSMAN

## Common inquiries

6. Why did the carrier deny my claim?

7. How come they are only paying me 66 2/3 of my average monthly wage?  
How can they say my average monthly wage is \$5906.55. I make way more than that?

8. The IME doctor lied in his report. How do I object?

9. What do I need to do to get ready for my hearing?

10. Do I need a lawyer?

# **#1 Complaint of Injured Workers with New Claims**

The carrier's failure to issue a Notice of Claim Status Accepting or Denying within 21 days of Notification of Claim.

# Failure to timely respond to Notification of Claim

- Claimants can lawfully be in limbo during the 21 day notification period. Depending on the injury, they may need immediate medical attention but cannot get a doctor to accept their care while compensability is up in the air. If their injuries are serious enough, they are off work and not receiving temporary comp during this period.
- Claimants in these circumstances call the Ombudsman's office on the 22<sup>nd</sup> day wanting to know if the carrier has responded. If not, why not, and what are their options.

# OPTIONS

- When a carrier/TPA fails to issue a Notice of Claim Status within 21 days from the date of notification, the injured worker has the option to file a Bad Faith/Unfair Claims Processing Complaint.

Among the listed acts of unfair claims processing:

- Unreasonably fails to acknowledge communication from the Commission
- Fails to act reasonably and promptly upon communications from the commission

If the Industrial Commission of Arizona (ICA) finds bad faith or unfair claim processing, the claimant is entitled to a benefit penalty of 25% of the benefits ordered to be paid, or \$500, whichever is greater.

# Options

Another option if the carrier/TPA delays response.

## **Arizona Revised Statutes § 23-1061 M.**

If the insurance carrier or self-insurer does not issue a notice of claim status denying the claim within twenty-one days after the date the carrier is notified by the commission of a claim or of a petition to reopen, the carrier **shall pay immediately compensation as if the claim were accepted, from the date the carrier is notified by the commission of a claim or petition to reopen until the date on which the carrier issues a notice of claim status denying such claim.** Compensation includes medical, surgical and hospital benefits. This section shall not apply to cases involving seven days or less of time lost from work.

# ICA OMBUDSMAN

## 23-1061(M) cont'd:

- The obligation to pay benefits remains in effect until a 104 denying is issued and for the period of time between date of notification and the tardy NCS.
- 1061(M) PENALTY – if the 21-day deadline is missed, the penalty is owed! It arises by operation of law. No further action is required by the ICA or an ALJ to confirm the penalty.

# ICA OMBUDSMAN

## 23-1061(M) Penalty

- Obligation to comply rests with the carrier.
- If carrier intends to deny the claim or reopening, the obligation is to issue a NCS (104) within 21 days of notification.
- If no 104 issued, “the carrier shall pay immediately compensation as if the claim were accepted,” retroactive to the date of notification.

# Observations

- **Outcome of Requests for M Penalty Benefits.**
- Ombudsman does not track the outcome of the “M” cases, but we know from experience that the injured worker is often the victim of the wording of the statute. The requirement that the injured worker be off work for more than seven days may have been met if the time started on the date of injury when the injury was fresh but tends to be less likely from the date of notification.
- If the injured worker tell us they were on no work status for more than seven days from the date of the notification, we will explain the “M” option.

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# **#1 Complaint of Injured Workers with Accepted Claims**

Lack of communication

My adjuster doesn't return my calls or emails.

# Most Common Action Arising Out of Lack of Communication

Request for investigation pursuant to A.R.S. sec. 1061(J):

The commission shall investigate and review any claim in which it appears to the commission that the claimant has not been granted the benefits to which such claimant is entitled. If the commission determines that payment or denial of compensation is improper in any way, it shall hold a hearing pursuant to section 23-941 within sixty days after receiving notice of such impropriety.

# Suggestions

- 1. Provide accurate contact information--a phone number or email that will be answered, if not in real time, within a reasonable amount of time.
- 2. If there is a change of adjuster or an adjuster is going to be away (on vacation, medical leave, alien abduction), provide a back up contact who can assist. While you may only be on vacation for a week, an injured worker might need authorization for a procedure that can't wait until you return and find their request in the middle of 25 or 30 (or a hundred) emails.
- 3. Do not leave injured workers without someone with whom they can communicate.
- 4. Timely respond to phone calls or emails.

# Suggestions

5. Follow through: Do what you say you are going to do when you say you are going to do it.
6. Manage expectations. Be clear (but polite and professional) about your role. Define respective responsibilities.
7. Be kind.
6. Refer them to the ICA Ombudsman's Office for information.

# ICA OMBUDSMAN

Let us know how we are doing.

If you have comments, observations or suggestions for improvement of the ICA Ombudsman, call me at 542-4977, or email at [harriet.turney@azica.gov](mailto:harriet.turney@azica.gov).

Our main number is 602-542-4538.

Email: [help@azica.gov](mailto:help@azica.gov) or [ayuda@azica.gov](mailto:ayuda@azica.gov) (Spanish)