

State of Arkansas

A. WATSON BELL, CHAIRMAN  
KAREN H. McKINNEY, COMMISSIONER  
PHILIP A. HOOD, COMMISSIONER

D. ALAN McCLAIN  
CHIEF EXECUTIVE OFFICER

DAVID GREENBAUM  
CHIEF ADMINISTRATIVE LAW JUDGE



FORT SMITH DIVISION  
616 GARRISON – ROOM 207  
FORT SMITH, AR 72901  
TELEPHONE 479-783-7970  
TOLL FREE 1-800-354-2711

SPRINGDALE DIVISION  
244 SOUTH 40<sup>TH</sup>  
SPRINGDALE, AR 72762-3845  
TELEPHONE 479-751-2790  
TOLL FREE 1-800-852-5376

MIKE BEEBE, GOVERNOR  
**WORKERS' COMPENSATION COMMISSION**

324 Spring Street  
P.O. Box 950  
Little Rock, Arkansas 72203-0950  
Telephone 501-682-3930 / 1-800-622-4472  
Arkansas Relay System TDD 1-800-285-1131  
[www.awcc.state.ar.us](http://www.awcc.state.ar.us)

July 30, 2011

Mr. Phil Price  
Legislative Analyst  
1 Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, Arkansas 72201

Dear Mr. Price:

Enclosed please find the Quarterly Report for April, May, and June, 2011, as required by Act 1179 of 1999.

If I may provide any further information or assistance, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Alan McClain".  
D. Alan McClain  
Chief Executive Officer

DAM:wd

Enclosure

cc: A. Watson Bell, Chairman  
(W/Enclosure)

# State of Arkansas

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July 31, 2011

### QUARTERLY REPORT

April, May, June, 2011

The following, as required by Act 1179 of 1999, is a report of activity by the Arkansas Workers' Compensation Commission's Health and Safety Division and the Medical Cost Containment Division.

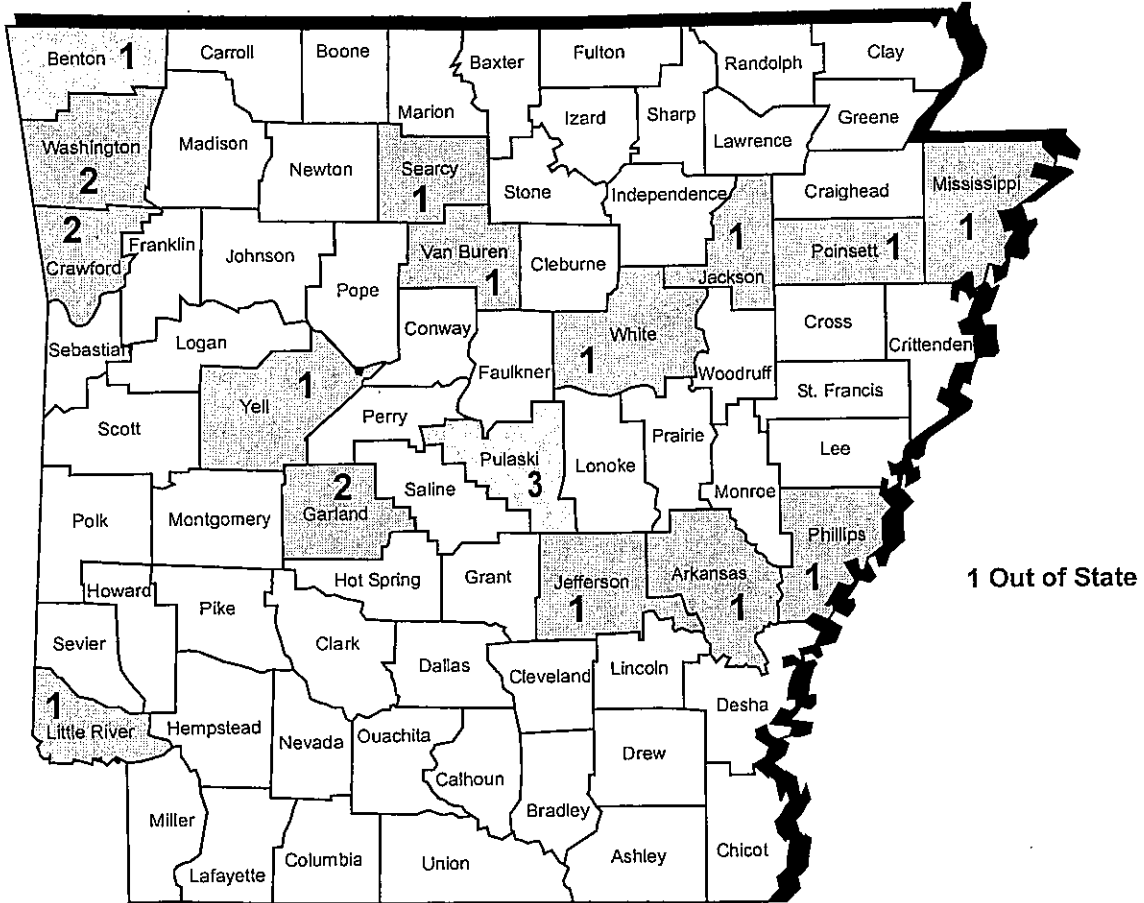
### HEALTH AND SAFETY DIVISION

Ark. Code Ann. §11-9-409, as amended by Act 796 of 1993, established the Workers' Compensation Commission's Health and Safety Division to launch educational programs; collect injury data; identify hazardous employers; monitor their progress with follow-up inspections; and monitor accident prevention programs of insurance carriers.

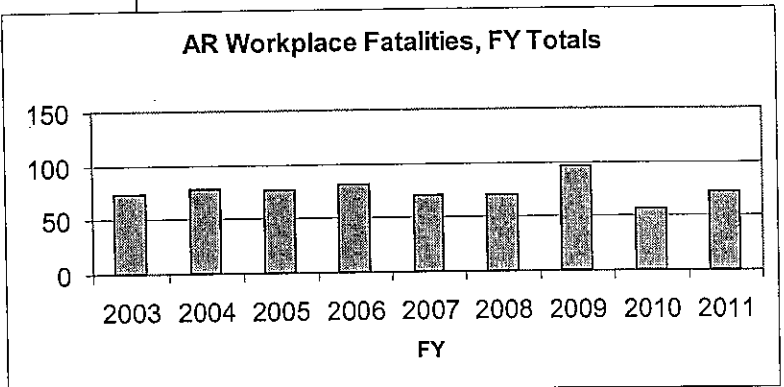
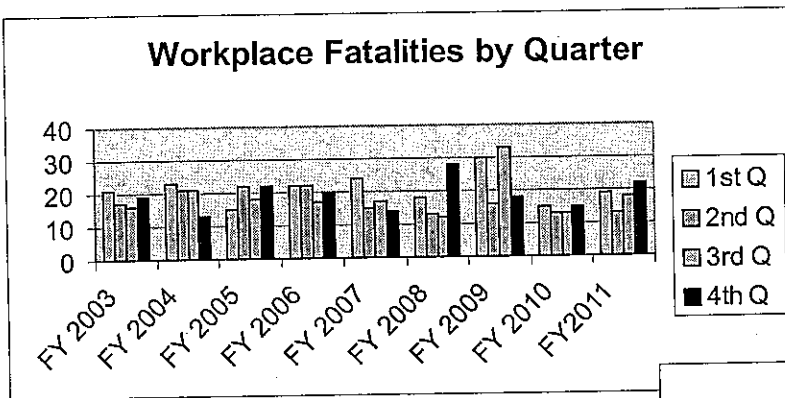
### MEDICAL COST CONTAINMENT DIVISION

The Medical Cost Containment Division (MCCD) was established pursuant to Ark. Code Ann. §11-9-517 (1987) and is responsible for the implementation, revision, and compliance of Commission Rules 30, 33, and 34. Rule 30 consists of an inpatient and outpatient medical fee schedule. Rule 33 is our managed care rule, and Rule 34 refers to the Impairment Rating Guide.

**Arkansas Workers' Compensation Commission  
Health and Safety Division  
Workplace Fatalities Reported to AWCC  
4th Quarter, FY 2011**



During the 4th Quarter, FY 2011, 22 fatalities were reported to the Arkansas Workers' Compensation Commission. The total number of reported fatalities for FY 2011 was 72.



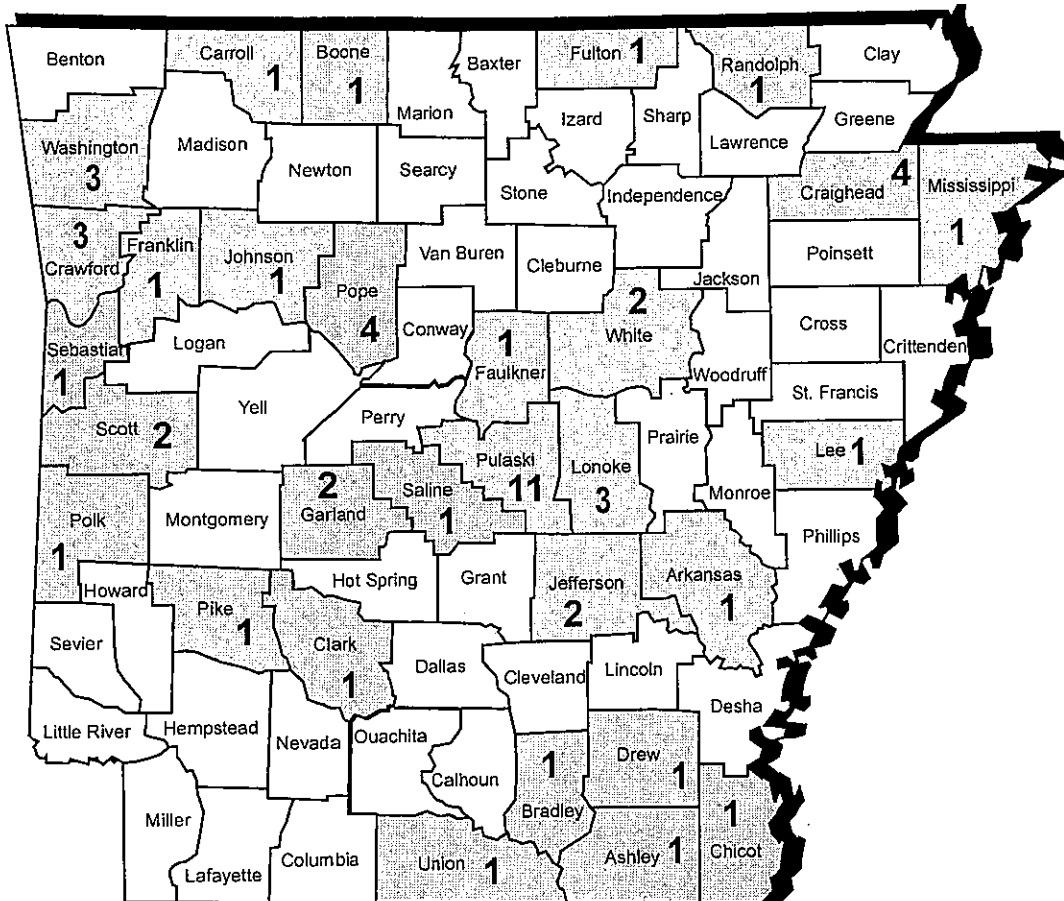
**Arkansas Workers' Compensation Commission  
Health and Safety Division  
Workplace Fatalities Reported to AWCC  
4th Quarter, FY 2011**

Employee	Employer	County of Employer	Length of Service (yrs.)	Type of Work	Type of Injury
James Barlow	Dwight E. Lockhart & Co. Trucking	Arkansas	1.9	Driver	MVA
Mark Pross	Paul C. Parks Engineering, Inc.	Benton	0.5	Not given	MVA
David Marker	USA Truck, Inc.	Crawford	5.3	OTR Driver	Not given
Lonnie Tarvin	Dancor Transit, Inc.	Crawford	0.8	Not given	Heart attack
Ron Smart	Diamondhead Property Owners Assoc.	Garland	0.01	Maintenance	Heart attack
Kandra Miles	First Step	Garland	2.9	Van driver	MVA
Mark B. Reiman	Gary Bennett Lumber Co., LLC	Jackson	not given	Delivery driver	MVA
Anderson Dale Williams	AHTD	Jefferson	15.2	Excavator operator	Struck by
Gary Walker	Harrington Forestry	Little River	8.8	Maintenance Operator	Crushed
Tony Davis	Ellis Transports, LLC	Mississippi	1.6	Truck driver	MVA
Todd R. Ray	Kanza Construction Inc.	Out of State	1.0	Equipment operator	MVA
David Wilkerson	Planters Service & Sales, Inc.	Phillips	22.3	Applicator driver	Unknown
Jonathan Schmidt	City of Trumann	Poinsett	4.0	Patrolman	Workplace Violence
Wiley Thaddus Russell	Maverick Transportation, LLC	Pulaski	16.9	Truck driver	MVA
Joseph V. Pierson	AHTD	Pulaski	12.0	Striper supervisor	MVA
Brian S. Crittenden	Hugg and Hall Equipment	Pulaski	11.7	Road Service Tech.	MVA
Bill Turney	Scott Turney	Searcy	23.0	Partner	Stuck by
Danny F. Thomas	Van Buren Co.	Van Buren	12.4	superintendent	MVA
Tyrone Michael Hilton	P.A.M. Transport, Inc.	Washington	0.05	Student driver	MVA
William Chappell	Element Designs	Washington	0.03	Carpenter	Heart attack
Tshepo Mereko	Conley Transport	White	1.9	Truck driver	Suicide
Larry J. Mitchell	Wayne Farms, LLC	Yell	6.0	OTR Driver	Drowned

**Arkansas Workers' Compensation Commission**  
**Health and Safety Division**  
**Workplace Fatalities Reported to AWCC**  
**4th Quarter, FY 2011**

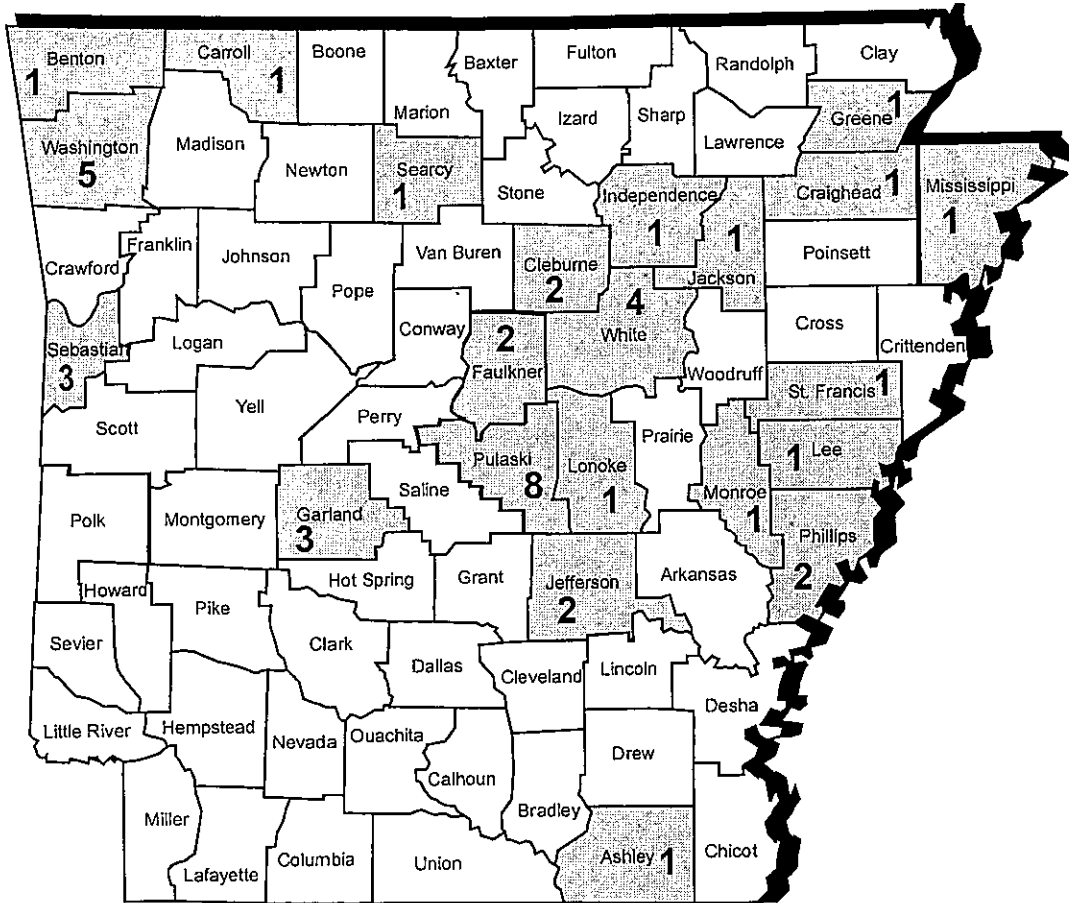
Employer	County of Employer	Length of Service (yrs.)	Type of Work	Type of Injury
Dwight E. Lockhart & Co. Trucking	Arkansas	1.9	Driver	MVA
Paul C. Parks Engineering, Inc.	Benton	0.5	Not given	MVA
USA Truck, Inc.	Crawford	5.3	OTR Driver	Not given
Dancor Transit, Inc.	Crawford	0.8	Not given	Heart attack
Diamondhead Property Owners Assoc.	Garland	0.01	Maintenance	Heart attack
First Step	Garland	2.9	Van driver	MVA
Gary Bennett Lumber Co., LLC	Jackson	not given	Delivery driver	MVA
AHTD	Jefferson	15.2	Excavator operator	Struck by
Harrington Forestry	Little River	8.8	Maintenance Operator	Crushed
Ellis Transports, LLC	Mississippi	1.6	Truck driver	MVA
Kanza Construction Inc.	Out of State	1.0	Equipment operator	MVA
Planters Service & Sales, Inc.	Phillips	22.3	Applicator driver	Unknown
City of Trumann	Poinsett	4.0	Patrolman	Workplace Violence
Maverick Transportation, LLC	Pulaski	16.9	Truck driver	MVA
AHTD	Pulaski	12.0	Striper supervisor	MVA
Hugg and Hall Equipment	Pulaski	11.7	Road Service Tech.	MVA
Scott Turney	Searcy	23.0	Partner	Stuck by
Van Buren Co.	Van Buren	12.4	Road superintendent	MVA
P.A.M. Transport, Inc.	Washington	0.05	Student driver	MVA
Element Designs	Washington	0.03	Carpenter	Heart attack
Conley Transport	White	1.9	Truck driver	Suicide
Wayne Farms, LLC	Yell	6.0	OTR Driver	Drowned

**Arkansas Workers' Compensation Commission  
Health and Safety Division  
Employers Placed in the Rule 32 Program  
4th Quarter, FY 2011**



During the 4th Quarter, FY 2011, 56 places of employment were placed in the Rule 32 Program. Employers are identified for the Rule 32 Program if they have a higher-than expected number of compensable claims for their industry group. Employers placed in this program are encouraged to work with their workers' compensation insurance carrier, in-house staff, or other professional safety sources to develop management tools which will help them run safer workplaces and minimize workers' compensation costs through the use of such tools as return-to-work programs, drug-free workplace programs, claims management, etc.

**Arkansas Workers' Compensation Commission  
 Health and Safety Division  
 Employers Completing the Rule 32 Program  
 4th Quarter, FY 2011**



During the 4th Quarter, FY 2011, 44 employers successfully completed the Rule 32 Program.

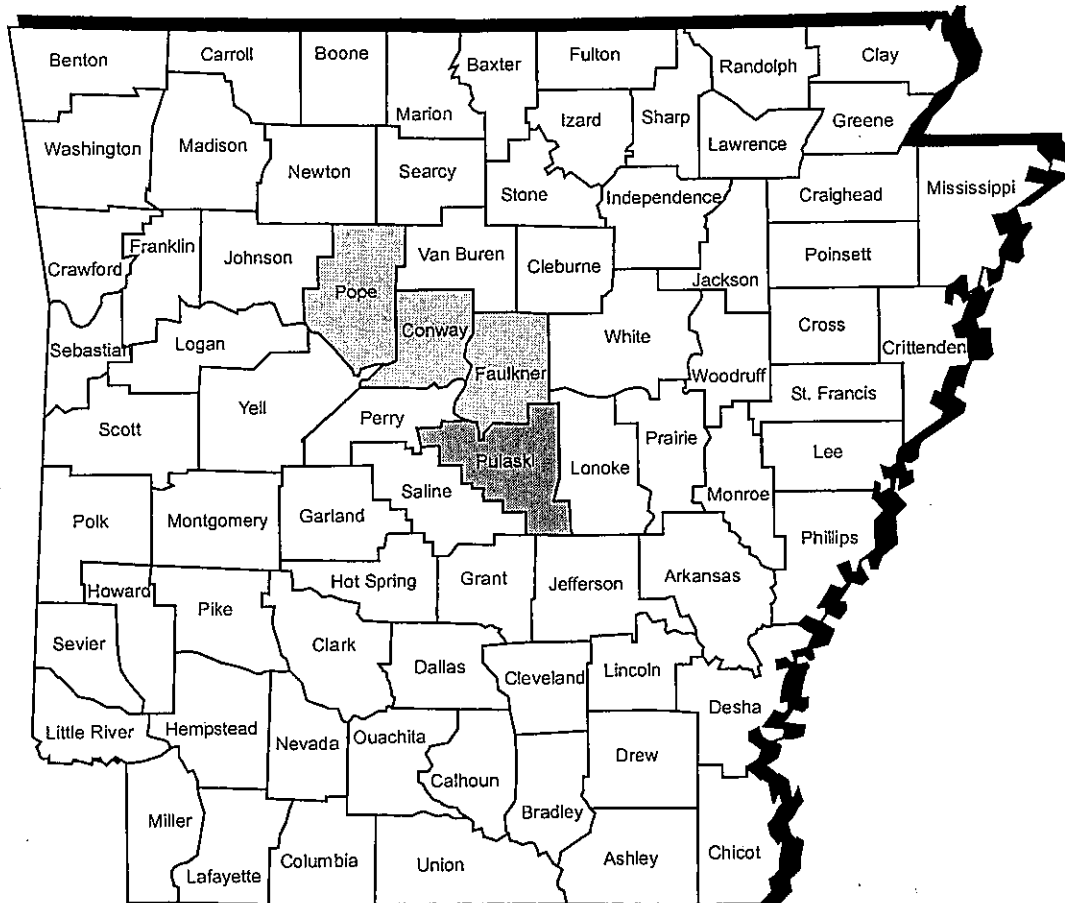
**Arkansas Workers' Compensation Commission  
Health and Safety Division  
4th Quarter, FY 2011  
Rule 31: Accident Prevention Services Program  
Arkansas Workers' Compensation Insurance Companies**

The Accident Prevention Services (APS) group conducts audits of all insurance companies writing workers' compensation insurance policies in Arkansas. During the 4th Quarter, FY 2011, the APS group inspected the following companies:

<b>Company</b>	<b>Account Premiums</b>	<b>No. of Policyholders</b>
Insurance Company of the West	\$47,314.00	1
Farmland Mutual Insurance - Nationwide Agribusiness Insurance Company	\$766,655.00	30
Great West Casualty	\$725,621.00	38
Penn National Insurance	\$2,813.00	5
Tower Insurance Company of New York - CastlePoint National Insurance Co.	\$839,713.00	231
Sentry Insurance Companies - Sentry Insurance a Mutual Company, Sentry Select Insurance Company, Middlesex Insurance Company, Sentry Casualty Company	\$2,357,507.00	27
Bituminous Insurance Companies - Bituminous Casualty Corporation, Bituminous Fire and Marine Insurance Company	\$4,619,190.00	267
Cincinnati Insurance Companies - The Cincinnati Casualty Company, The Cincinnati Insurance Company, The Cincinnati Indemnity Company	\$3,646,869.00	877

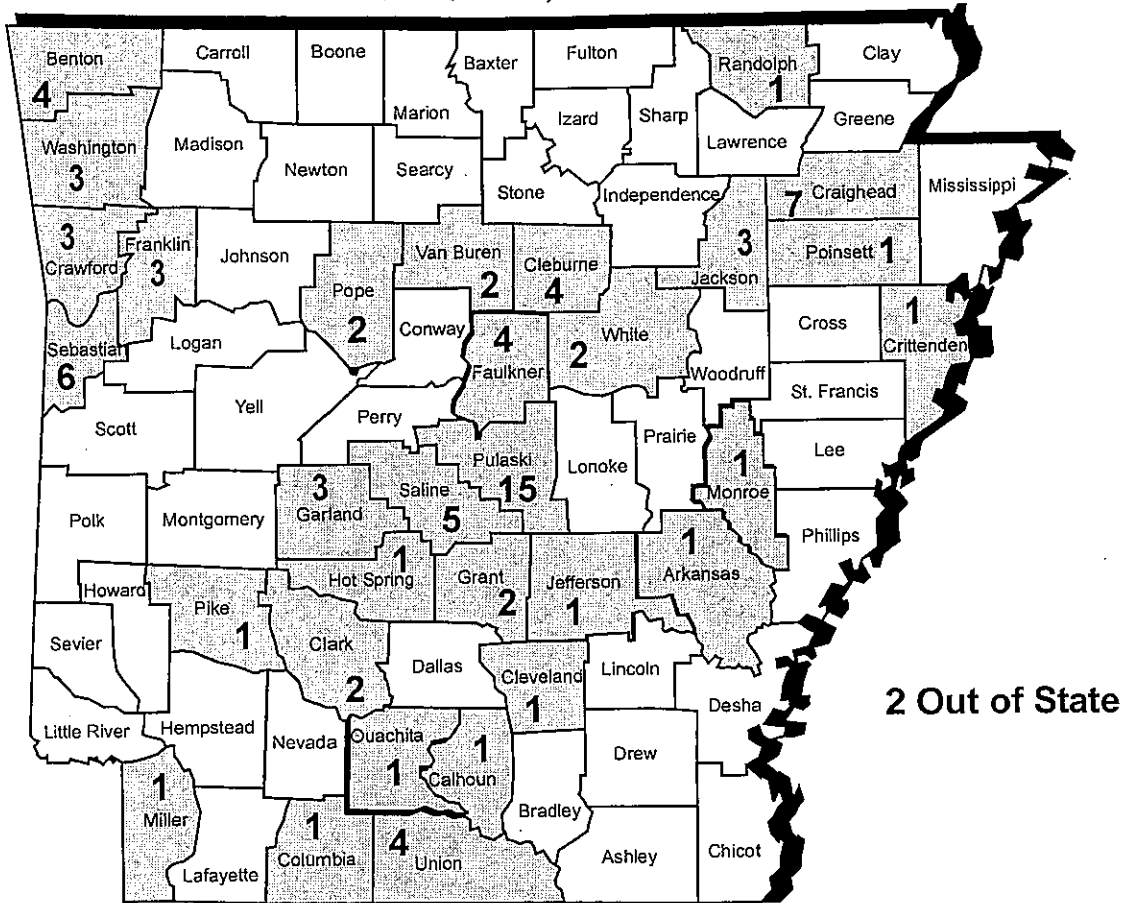


**Arkansas Workers' Compensation Commission  
Health and Safety Division  
Presentations and Speaking Engagements  
4th Quarter, FY 2011**



The AWCC Health and Safety staff receive frequent requests to speak on a variety of topics related to loss control, drug-free workplace programs, and related topics. If your constituents would like to host a program by the Health and Safety staff on these or other subjects, please contact Patricia Burge at 501-682-2063 or [pburge@awcc.state.ar.us](mailto:pburge@awcc.state.ar.us).

**Arkansas Workers' Compensation Commission  
 Health and Safety Division  
 Voluntary Drug Free Workplace Program  
 New Approvals and Renewals  
 4th Quarter, FY 2011**



During the 4th Quarter, FY 2011, the following Arkansas companies received approval of their Voluntary Drug Free Workplace Programs:

**Arkansas Workers' Compensation Commission  
Health and Safety Division  
Voluntary Drug Free Workplace Program  
New Approvals and Renewals  
4th Quarter, FY 2011**

COMPANY	CITY	COUNTY
Riceland Foods Inc.	Stuttgart	ARKANSAS
Shaw Material Handling	Lowell	BENTON
Collier International	Bentonville	BENTON
Freedom Fire Pro, LLC	Rogers	BENTON
Mary's Painting	Rogers	BENTON
A & B Timber, Inc.	Hampton	CALHOUN
Hunter-Wason, Inc.	Arkadelphia	CLARK
J & J Lumber Co.	Amity	CLARK
F.L. Davis Building Center	Greer Ferry	CLEBURNE
F.L. Davis Home Center	Heber Springs	CLEBURNE
BLK Quarries, Inc.	Quitman	CLEBURNE
Bobby Kennedy Construction Co.	Quitman	CLEBURNE
KP Carriers, Inc.	Kingsland	CLEVELAND
Larry Fowler Trucking Inc.	Magnolia	COLUMBIA
Nettleton Concrete Works, Inc.	Jonesboro	CRAIGHEAD
Jonesboro Roofing Co., Inc.	Jonesboro	CRAIGHEAD
Hedger Brothers Inc.	Jonesboro	CRAIGHEAD
Valley View Group, Inc.	Jonesboro	CRAIGHEAD
Dixie Contractors Inc.	Jonesboro	CRAIGHEAD
Star Transportation, LLC	Jonesboro	CRAIGHEAD
Jonesboro Country Club	Jonesboro	CRAIGHEAD
Malone's Mechanical, Inc.	Van Buren	CRAWFORD
Farmers Cooperative	Van Buren	CRAWFORD
Quality Petroleum, Inc.	Van Buren	CRAWFORD
United Auto Delivery & Recovery, Inc.	Memphis	CRITTENDEN
Detco Industries	Conway	FAULKNER
Conway Corporation	Conway	FAULKNER
Tom Lindsey Contractor, Inc.	Conway	FAULKNER
Lindsey Petroleum Transport Inc.	Conway	FAULKNER
Chrisman Ready-Mix Inc.	Ozark	FRANKLIN
McCormick Asphalt Paving and Excavating, Inc.	Ozark	FRANKLIN
Wiederkehr Wine Cellar, Inc.	Wiederkehr Village	FRANKLIN
Three Lakes Distributing	Hot Springs	GARLAND
Baxley Equipment Company	Hot Springs	GARLAND
Sav A Lot #33	Hot Springs	GARLAND
Crouse Trucking Inc.	Sheridan	GRANT
Crouse Logging Co. Inc.	Sheridan	GRANT
Price LogPro, LLC	Malvern	HOT SPRING
Jaco Construction Co.	Newport	JACKSON
White River Beverage	Newport	JACKSON
George's Liquor	Newport	JACKSON
Three Rivers Distributing	Pine Bluff	JEFFERSON
Quality Petroleum, Inc.	Texarkana	MILLER
Sav A Lot #30	Brinkley	MONROE
Woodfield Trucking, Inc.	Camden	OUACHITA
Blackmon Oil, Inc.	Glenwood	PIKE
Tru-Cab Inc.	Trumann	POINSETT
Cross Auto Supply, Inc.	Russellville	POPE
Fletcher Oil Company	Russellville	POPE

**Arkansas Workers' Compensation Commission  
Health and Safety Division  
Voluntary Drug Free Workplace Program  
New Approvals and Renewals  
4th Quarter, FY 2011**

COMPANY	CITY	COUNTY
Arkansas Enterprises for the Developmentally Disabled, Inc.	Little Rock	PULASKI
Fraley Roofing, Inc.	North Little Rock	PULASKI
Shaw Material Handling	Little Rock	PULASKI
Collier International	Little Rock	PULASKI
Tire Curing Bladders, LLC	Little Rock	PULASKI
Staley, Inc	Little Rock	PULASKI
J.W. Heavrin, Inc.	Little Rock	PULASKI
Matson, Inc.	Little Rock	PULASKI
Democrat Printing & Lithographing Co.	Little Rock	PULASKI
S & J Construction Co., Inc.	Jacksonville	PULASKI
Grubbs, Hoskyn, Barton & Wyatt, Inc.	Little Rock	PULASKI
Fleet Safety Equipment	North Little Rock	PULASKI
Warrior of Arkansas Inc.	Mabelvale	PULASKI
Arnold & Blevins Electric Co.	North Little Rock	PULASKI
Quality Petroleum, Inc.	North Little Rock	PULASKI
Hedger Brothers Ready Mix	Pocahontas	RANDOLPH
Fleming Electric, Inc.	Bryant	SALINE
Fleming Network Services, Inc.	Bryant	SALINE
J & S Mfg. Co., Inc.	Bryant	SALINE
Elliott Electrical Inc.	Benton	SALINE
Elliott Electrical, Inc.	Benton	SALINE
Capital Structures	Fort Smith	SEBASTIAN
National Truck Staffing	Fort Smith	SEBASTIAN
Weldon, Williams and Lick	Fort Smith	SEBASTIAN
Leak Not, Inc. (Westark Plumbing)	Fort Smith	SEBASTIAN
C&H Whole Tire Company	Fort Smith	SEBASTIAN
Harris Company of Fort Smith	Fort Smith	SEBASTIAN
K & M Express, Inc.	El Dorado	UNION
AmerCable Incorporated	El Dorado	UNION
Anthony Forest Products Co.	El Dorado	UNION
Apex Redi Mixed Concrete Co.	El Dorado	UNION
Ozark Construction Co.	Dennard	VAN BUREN
Noacon, Inc.	Fairfield Bay	VAN BUREN
ORC Products, Inc.	Springdale	WASHINGTON
Lightning Electric Inc.	Fayetteville	WASHINGTON
FPEC (Food Processing Equipment Co.)	Springdale	WASHINGTON
Sav A Lot #32	Searcy	WHITE
Circle K of Arkansas, Inc.	Rose Bud	WHITE
Cornerstone Detention Products, Inc.	Tanner	OUT OF STATE
Haren Construction Co, Inc.	Etowah	OUT OF STATE

## MEDICAL COST CONTAINMENT DIVISION

In the last quarter the following activities occurred regarding these rules:

### Rule 30

**Rule 30** was revised effective May 15, 2000. The AWCC adopted the Medicare RBRVS Medical Fee Schedule with Arkansas specific reimbursement multipliers. The new Medical Fee Schedule is available electronically from the AWCC Home Page. Since the Medical Fee Schedule is available electronically, we are no longer printing a medical fee schedule.

### Administrative Review

**Rule 30** contains an **Administrative Review Process**. This process allows providers or carriers to request assistance from the Medical Cost Containment Division regarding disputes. Each administrative review requested consists of an investigation, desk audit by department staff, and the issuance of an order, which determines the disputed issue. During this quarter there were 12 review requests processed, four (4) review requests granted, and 26 orders issued. The ongoing issues in dispute consist of nonpayment, untimely payment, penalty request, and reimbursement disputes.

### Balance Billing

**Rule 30** also contains a prohibition against **balance billing** by providers. The balance billing process involves: receipt of an allegation of balance billing by a claimant, carrier, employer, self-insured, etc.; notice being sent to all involved parties; an investigation; an audit; and a determination order being issued. During this quarter, the MCCD received no balance billing allegations.

### Investigations

**Investigations:** There were approximately 156 investigations conducted this quarter.

Quarterly Report  
July 31, 2011

### **Rule 33**

We currently have 11 certified Managed Care Organizations (MCOs).

### **Medical Reports**

This quarter we received four (4) cases involving disputes about obtaining the medical records.

### **Change of Physicians**

This quarter the MCCD received 156 COP requests. MCCD issued 158 orders, and 49 requests were either returned to open general files, withdrawn, controverted, resolved, or returned to the Clerk of the Commission's office for other action.

### **Audits**

Requests are received from the ALJ Division as well as outside entities (i.e., caseworkers, attorneys, etc.) for medical bill audits.

This quarter the MCCD received and processed eight (8) audits.

### **Rule 34**

There have been no changes at this time in Rule 34.

### **Speaking Engagements**

During this quarter the following engagement/activity was attended:

### **JUNE**

- Arthritis/Backache/Bone Disease Seminar - Little Rock Hilton