DEPARTMENT OF CORRECTIONS

Policy Number:	**205.100**
Title:	**Accident Prevention and Injury Claims in Community Work Service Programs**
Effective Date:	**1/2/18**

PURPOSE: To provide procedures for effective safety and accident prevention practices in community work service programs and administrative procedures for handling claims from offenders who are injured while performing work in the community as part of a program operated by the Department of Corrections or any regional or local corrections or law enforcement agency.

APPLICABILITY: Department of Corrections (DOC) staff; staff of regional or local corrections or law enforcement agencies that operate community work service programs for offenders; and offenders injured while performing work in the community as a part of any community work service program and not housed in a DOC facility

DEFINITIONS:

Community work service (CWS) programs – programs operated by the DOC, a regional or local corrections agency, or a regional or local jail that provide offenders opportunities to perform compensated or uncompensated work in the community either as part of a crew or in individual placements.

Crew leader – DOC, Community Corrections Act (CCA), county, or worksite staff person responsible for supervising one or more offenders performing work in the community.

Institution Community Work Crew (ICWC) – a community work service program operated by the DOC for eligible offenders still serving their terms of imprisonment who work on supervised crews in a community setting to learn residential construction, park and trail maintenance, and land management skills; work habits; and job skills that will help them transition back to the community when they are released.

Sentence to Service (STS – community work service programs operated and jointly financed by the DOC and local correctional agencies to provide offenders with opportunities to reduce their jail sentences or work off court-ordered and statutorily-authorized fees related to their sentences by working on supervised crews to perform work in the community including park and trail maintenance, timber management, and other types of land management.

PROCEDURES:

A. Accident Prevention in Community Work Service Programs

To ensure the safety of staff and offenders participating in all community work service (CWS) programs, the Department of Corrections (DOC) has adopted the following safety practices and training requirements and recommends them to regional and local community work service programs.

1. Safety practices

Crew leaders must:

a) Supervise no more than ten offenders on a crew;

b) Be experienced carpenters if supervising affordable housing or other construction crews;

c) Maintain certification in cardio-pulmonary resuscitation (CPR) and first aid.

d) Not use or possess any firearm or other enforcement tools such as handcuffs, batons, or mace while supervising crews;
e) Not allow volunteers to work with DOC crews or to use any DOC tools or equipment; and
f) Refer anyone who wishes to volunteer to the project site manager.

2. Training
Crew leaders are required to complete extensive training to ensure they can safely supervise community work crews. Crew leaders must complete and document completion of the following required training in the DOC's electronic training management system.
a) Pre-Service Training
(1) Orientation training conducted by the DOC's employee development unit, which includes training on bloodborne pathogens, employee right to know, and personal protective equipment; and
(2) A minimum of two days with an experienced crew leader/carpenter observing and assisting with supervising the crew.

b) Annual training
A minimum of 40 hours of training each year provided at conferences or meetings, including program- and site-specific training, such as defensive driving, chainsaw/brush saw safety, and tool use and maintenance.

B. Claims for Injury or Death of Offenders in CWS Programs
The DOC is the agency responsible for processing claims that arise from the injury or death of an offender while performing work in the community that is not covered by insurance. Claims must be submitted using currently-approved forms, links to which are below for DOC staff and which are available for non-DOC programs from the DOC district supervisor who is the liaison for the program.
1. Pre-service
Before crew members are assigned to a crew or worksite, crew leaders or other program staff must:
a) Obtain from each crew member information about pre-existing medical conditions, current medical treatment, medications, work restrictions, and health insurance or medical assistance coverage using the Crew Member Medical Information Sheet (link below); and
b) Give to each crew member a copy of the Information Sheet on Community Work Service Injury Claims with contact information for the program supervisor or manager to contact if the crew member has any questions (link below).

2. When an accident occurs
If a crew member is injured, the crew leader must:
a) Administer first aid and call 911 or transport the crew member to a medical facility if medical treatment is necessary;
b) Give to the medical provider where the crew member is treated, or give to the crew member to give to the medical provider the Medical Provider Packet (link below), which includes an Information Letter for Medical Providers, the claims statute, and an Injury Status Report form;
c) Assist the injured crew member with completing the Crew Member Injury Claim and Authorization to Release Medical Information forms (links below), and make sure the crew member signs both forms;

d) Ask the crew member to complete and sign the Crew Member Release for Medical Expenses Only (link below), if it appears likely that the injury will not require extensive treatment;
e) Complete the Accident/Incident Investigation Report (link below); and
f) Deliver or send all forms, and any bills for emergency treatment received from the medical provider, to the local program supervisor or manager or the DOC district supervisor as soon as possible.

3. Local program investigation
The local program supervisor or manager or, in DOC programs, the district supervisor must:
a) Review all forms submitted by the crew leader;
b) Contact the crew member to learn whether any additional medical treatment was required; if so, obtain contact information for any medical providers that provided treatment; and ask the crew member to send any missing forms, bills, or other information;
c) Contact any medical provider that has provided treatment and:
(1) If the provider has not received it, send the Medical Provider Packet (link below), which includes an Information Letter for Medical Providers, the claims statute, and an Injury Status Report; and a copy of the Authorization for Release of Medical Information;
(2) Ask the medical provider to send any bills for services provided in coded billing format (HICF or UB-04); and
d) Send all forms, reports, and bills, and other information to the DOC district supervisor.

4. Review of claims for payment or referral to the Joint House-Senate Subcommittee on Claims
a) The DOC district supervisor sends the claim and all required forms to DOC central office claims staff at Claims.DOC@state.mn.us
b) Claims for medical expenses under $7,000
Central office claims staff:
(1) Contact medical providers to obtain any missing or incomplete billing forms for services provided and information about any insurance coverage;
(2) Obtain information from the Department of Human Services about the amounts payable under the medical assistance program;
(3) Obtain releases from medical providers that provided treatment and notify providers about how to register as vendors in the state's electronic payment system;
(4) Prepare a memo authorizing payment to all providers for approval by the Field Services budget manager and send the approved memo to the DOC Financial Services unit, which sets up the payments to providers;
(5) Retains all documentation about the claim according to the retention schedule; and
(6) At the end of the calendar year, prepares a memo to the Joint House-Senate Subcommittee on Claims (Subcommittee) requesting reimbursement for all amounts paid under this procedure.

c) Claims for medical expenses over $7,000 or claims that include a permanent disability award
Central office claims staff:

(1) Contact medical providers to obtain any missing or incomplete billing forms for services provided and information about any insurance coverage;
(2) If the claim involves a permanent disability, obtain a written evaluation based on the workers' compensation schedules and all supporting medical records from the medical provider who provided treatment, or obtain an independent medical examination (IME) of the crew member who filed the claim;
(3) Review disability evaluation and determine the amount of award;
(4) Obtain information from the Department of Human Services about the amounts payable under the medical assistance program; and
(5) Send a letter to the Subcommittee summarizing amounts to be paid to medical providers, and, if there is a permanent disability, recommending the amount of a permanent disability award.

5. Distribution of funds awarded by the Subcommittee for claims
If the Subcommittee authorizes a permanent disability award or payment of medical providers in an appropriations bill, when the funds become available at the beginning of the fiscal year (July) central office claims staff:
a) Obtain any additional releases necessary;
b) Notify providers and crew member about how to register as vendors in the state's electronic payment system;
c) Prepare a memo to the DOC Financial Services unit authorizing payments as provided in the claims appropriation bill; and
d) Retain all documentation about claims according to the retention schedule.

INTERNAL CONTROLS:

A. All staff training for DOC employees is documented and retained in the DOC electronic training management system.

B. All injury claim investigation documentation is retained by central office claims staff.

ACA STANDARDS: None

REFERENCES: Minn. Stat. §§ 3.739; 176.101; Minn. R. Ch. 5223; Rules of the Joint House-Senate Subcommittee on Claims.

REPLACES: Division Directive 205.100, "Sentencing to Service Program," 2/7/06.
Policy 205.110, "Institution Community Work Crew (ICWC) Program," Proc. B; 8/19/14.
Policy 205.115, "Institution Community Work Crew Program (ICWC) Affordable Housebuilding Program," Proc. C & D, 8/19/14
Division Directive 205.116, "Sentencing to Service (STS) and Institution Community Work Crew (ICWC) Staff Selection, Training, and Activity," Proc. A & B, 8/19/14.
Division Directive 205.117, "Sentencing to Service (STS) and Institution Community Work Crew (ICWC) Staff Selection, Training, and Activity," Proc. E & G, 12/6/16.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Available to staff only on the DOC intranet:
Crew Leader Checklist for Handling Injury Claims

Crew Member Medical Information Sheet
Information Sheet on Community Work Service Injury Claims
Medical Provider Packet
Crew Member Injury Claim form
Authorization to Release Medical Information form
Crew Member Release for Medical Expenses Only
Accident/Incident Investigation Report

APPROVED BY:
Deputy Commissioner, Facility Services
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