



**ALFA International**  
THE GLOBAL LEGAL NETWORK

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**Don't Let Your Claims Get Pillaged—  
Origins of Workers' Compensation in Piracy**

**2025 Workers' Compensation Practice Group Seminar**

**April 2-4, 2025  
The Omni Amelia Island  
Amelia Island, Florida**

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# HOT TOPICS IN WORKERS' COMPENSATION





# Three Timely Topics to Discuss



- Environmental Claims – Heat & Cold
- AI and Technology Trends in WC
- CMS and MSA Changes As Of 04/01/25



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# Environmental Claims: It's Getting Hot In Here ...



- [https://www.youtube.com/watch?v=GeZZr\\_p6vB8](https://www.youtube.com/watch?v=GeZZr_p6vB8)



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# Heat Stress Statistics



- 70% of the world's workforce is exposed to excessive heat on at least one occasion/year
- CA – 20,000 Worker's Comp claims related to heat stress.
- Between 2000 – 2019 studies show approximately 489,000 heat-related deaths occur each year, with 45% of these in Asia and 36% in Europe.
  - Productivity is reduced by approximately 60% at 90 degrees Fahrenheit Wet Ball Globe Temperature (WBGT).
- Washington, Oregon and Utah broke or tied their all-time records in the summer of 2021.



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# Additional Heat Stress Statistics



- The greatest number of consecutive days with a maximum temperature of 100 F or above was 154 days in the summer of 2001.
- Austin's record-shattering streak of triple-digit temperatures finally came to an end Aug. 22 after 45 days at or above 100 F.
- Based on NOAA records, the year 2023 holds the record for the most 100 F days in El Paso history. There were 70 days with a high temperature of at least 100 degrees that year.



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# Personal Risk Factors



- Age, weight, and personal fitness
- Degree of acclimatization (no recent exposure to hot conditions)
- Past heat-related illness
- Medical Conditions
  - Heart Conditions
  - Diabetes
  - Illness/fever
- Dehydration
- Loss of electrolytes
- Certain medications



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# Heat Related Illnesses



- Exposure to heat can also increase the risk of injuries due to sweaty palms, fogged-up safety glasses, dizziness, or burns from hot surfaces or steam.
- Heat stress may lead to illness and serious medical conditions.
- Heat related disorders include:
  - Heat Exhaustion/Stroke
  - Rhabdomyolysis
  - Heat Syncope (Fainting)
  - Heat Cramps
  - Heat Rash



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# Hierarchy of Controls



- Reduce physical exertion and physical demands of work through use of powered tools and equipment, especially for tasks involving heavy lifting (e.g. conveyors and forklifts)
- Reduce radiant heat loading from the sun or other sources of radiant heat (e.g. furnaces, combustion engines and compressors, hot surfaces, heated transfer lines, windows receiving intense sun, etc.).
  - Place line-of-sight, reflective barriers between the heat source and workers.
  - Insulate hot surfaces, such as furnaces.
  - Utilize ventilation to cool work areas and reduce humidity below 50%.
  - Local exhaust ventilation at points of high heat production or moisture (such as exhaust hoods in laundry rooms)



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# Hierarchy of Controls



- Adjust work schedule to ensure workers are acclimated to work in hot conditions.
- Schedule work or work requiring heavy physical exertion during the coolest parts of the day.
- Modify the work-rest schedule to shorten heat exposure periods by including frequent rest breaks.
- Shorter, more frequent breaks are more effective.
- Encourage adequate water intake at frequent intervals to prevent dehydration. Provide a shaded and/or air-conditioned space nearby for rest and water breaks.



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# Building Tolerance: Acclimization



## Accimilization

- “Acclimatization” means that the body gradually adapts and tolerates higher level of heat stress.
- Workers who are new to working to warm environments may not be acclimatized to heat.



• Their bodies need time to adapt to working in hot conditions.

## Unacclimatized Workers

- Do not sweat efficiently.
- Sweat contains more salt.
- Body temperature and heart rate increase more quickly when working.
- Blood flow not optimized for heat dissipation.

## Acclimatized Workers

- Sweating rate is higher, which helps dissipate heat through evaporative cooling.
- Sweat contains less salt, which prevents development of electrolyte imbalances.
- Maintain lower body temperature and heart rate



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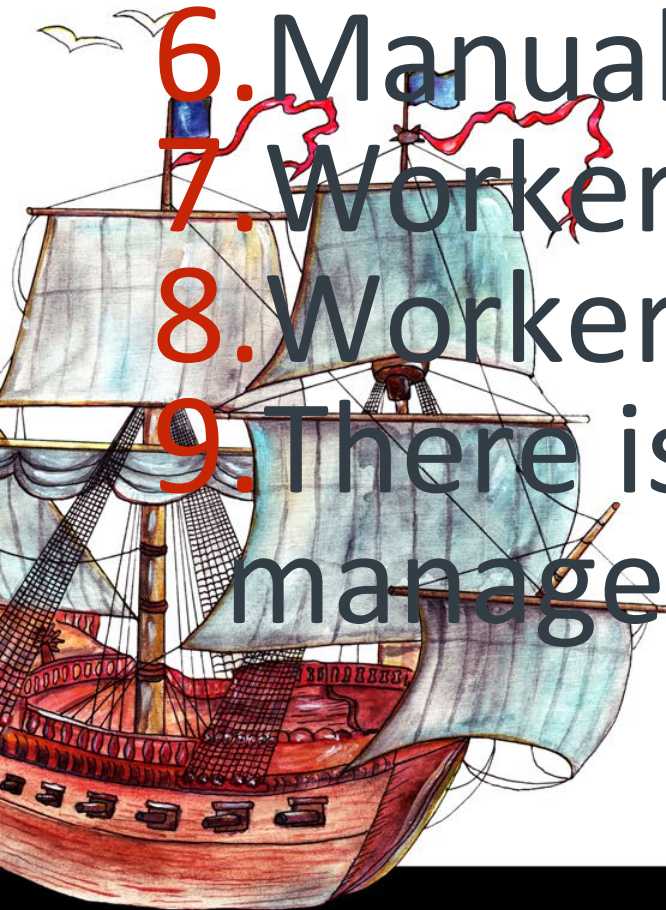
# Heat Stress Evaluation Requirements



SE Managers and Supervisors monitor for heat advisories for their work area and conduct heat hazard evaluations if one or more of the following conditions exist.



1. Outside work with sun exposure and temperatures exceed 70 F (21 C).
2. Work is around hot processes and/or radiant heat sources.
3. Workers will wear vapor barrier chemical protective suits.
4. Work is taking place under high relative humidity conditions (e.g. greater than 50%).
5. Work takes place where there are low wind speeds or lack of air movement.
6. Manual labor and tasks requiring physical exertion.
7. Workers are not acclimated to working in hot environments.
8. Workers wear multiple layers of clothing.
9. There is valid concern regarding heat stress by a Schneider Electric supervisor, manager, employee, contractor, or visitor.



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# Heat Hazard Evaluation



- To determine risk of heat stress, an effective Wet Bulb Globe Temperature (WBGT-Effective) is compared to threshold limits established by the American Conference of Governmental Industrial Hygienists (ACGIH).



- Step 1: Calculate WBGT Using WBGT Monitor

- WBGT meters have three sensors that input data into a calculation that adjusts the temperature to represent the impact humidity, wind and radiant heat strain cooling effectiveness



- Natural (static) wet-bulb thermometer.
- Black globe thermometer.

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# Cold Stress Management



- [https://www.youtube.com/watch?v=pOMwjwt\\_0VZ0](https://www.youtube.com/watch?v=pOMwjwt_0VZ0)



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# Cold Stress Management – Key Terms



- Chilblains
- Cold Stress
- Frostbite
- Hypothermia
- Special Considerations
- Trench Foot
- Windburn
- Wind Chill



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# Cold Stress Management Training



## • Training

- Should include understanding impact from cold stress, how to prevent cold stress, and awareness of the site action plan.
- Schneider Electric will ensure that all supervisors are trained prior to being assigned to supervise other workers. Training will include these written procedures and what steps to follow when employees exhibit symptoms consistent with cold stress/illness.
- Schneider Electric will ensure that all employees and their managers or his/her designee are trained prior to working outside or in cold environments. Training will include our written prevention procedures.
- Schneider Electric Services will train employees on the steps that will be followed for contacting emergency medical services, how clear and precise directions to the site will be provided, as well as stress the need to make visual contact with emergency services personnel at the nearest road or landmark to direct them to the worksite.
- Training for employees and supervisors will include the importance of acclimatization, how it is developed, how these company procedures address it, and emergency response.



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# CMS And Medicare Changes



- State of Medicare:
  - “Protect Medicare’s interests” – no medical bill gets submitted to Medicare that is the responsibility of Employer/Insurer.
  - Traditionally accomplished through WCMSA.
  - CMS review thresholds:
    - Claimant current Medicare beneficiary - \$25,000 or more
    - “Reasonable expectation” of Medicare - \$250,000 or more



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# CMS And Medicare Changes



- EFFECTIVE 04/05/25 **ALL** workers' compensation settlements is, or was, a Medicare beneficiary **MUST** be reported to CMS via the Section 111 Reporting Process.



- Includes claims where medical treatment and costs are being settled.
- The following information must be reported to CMS:
  - MSA total amount
  - MSA period (number of years MSA is expected to cover)
  - Funding choice (lump sum or structured payment)
  - Initial seed money (if structured payment)
  - Annual deposit amount (if structured payment)



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# CMS And Medicare Changes



- Approval thresholds remain the same, and submission remains voluntary.
- Changes involve the Section 111 reporting process.
- Data collection will be done regardless of whether the WC settlement was based on a WCMSA, a non-approved MSA, an evidence-based MSA (Medical Cost Projection), or where medicals remain open.



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# CMS And Medicare Changes: Impact to Employers/Insurers



- Increased enforcement of the requirement that the parties protect the interests of Medicare.
- Fines:
  - Failure to report within one year: \$357 or more per day, maximum of \$365,000.
- Creating new best practices
- Zero MSA or evidence-based MSA issues.



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# What Else Is Coming?



- CMS has also issued guidance about their new zero-dollar policy that will come into effect on 7/17/2025.
- Section 4.2 outlines the circumstances that indicate Medicare's interests are protected. This may be done by having the "treating physician document in the medical records that to a reasonable degree of medical certainty the individual will no longer require any treatments or medications related to the settling WC injury or illness."



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