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Transition in workers' comp begins next week

By [Nicole Young](#)
The Herald-Dispatch

HUNTINGTON -- The state of West Virginia is mere hours from being out of the workers' compensation business forever.

As of Jan. 1, the West Virginia Workers' Compensation Commission will cease to exist and all employers who maintained coverage through the Workers' Compensation Fund will become customers of private insurer Brickstreet Mutual Insurance Co.

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"We're here to serve you as the state," senior ombudsman and Brickstreet spokesperson Becky Neal said Wednesday during a workshop in Huntington to answer questions for local employers.

All of the state's estimated 42,000 employers, businesses, nonprofits and agencies, will be doing business with Brickstreet through July 2008, when the West Virginia market will be opened up to other private carriers. The company will also be the 15th largest writer of workers' compensation coverage in the nation.

Attorneys from Jenkins Fenstermaker PLLC led the informational workshop at the Radisson, and about 20 local business people turned out.

Once the Brickstreet plans takes effect, the average statewide insurance rate reduction will drop about 15 percent, said Steven Wellman, an attorney with Jenkins Fenstermaker, one of the nine firms in the state authorized by Brickstreet to handle workers' compensation litigation.

"We are seeing a downward trend in litigation and costs," he said. "The settlements will also be easier and faster."

Marie Lewis, who works for Manpower in Huntington, deals with private insurance companies in Kentucky and says she feel confident about the transition.

"I'm feeling better about Brickstreet," she said. "I expect a more active role in determining the claims in the state."

For the remainder of this month, West Virginia will be among five states where a state-run program is the sole provider of workers' compensation insurance, said Wellman.

Another 21 states have their own programs as well, but they compete with

private insurers.

"I know everyone is concerned about what their rate will be," said Huntington Regional Chamber of Commerce President Mark Bugher. "But I think most business people understand that the rating will more truly reflect the type of business than the system did in the past. Our only concern is that although there has been a tremendous amount of publicity, we fear that it has slipped through the cracks for some small businesses."

The privatization of workers' compensation was addressed during the state's fifth legislative special session in November. During the session, House and Senate each unanimously passed a bill combining Gov. Joe Manchin's changes to the state's workers' compensation commission.

"The business community for a long time has advocated the privatization of workers' comp," Bugher said. "We are just pleased that the governor and the Legislature has acted on it quite quickly."

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