

National Workers' Compensation Review – Twelfth Annual (Day 1)

1:15 – 4:30 pm Grand Ballroom 8A
Convention Level

(Day 2 of this program is on Tuesday, August 13, 2019 beginning at 9:00 am in Grand Ballroom 8A. See page ____.)

1:15 pm Welcome and Introductions

Co-Chairs and Moderators, National Workers' Compensation Review (NWCR):
William E. Pipkin, Jr., *Attorney*
Austill, Lewis, Pipkin & Maddox
Mobile, AL

James M. Anderson, *Attorney*
Anderson Crawley & Burke
Jackson, MS

H. George Kagan, *Attorney*
H. George Kagan, PA
Gulf Stream, FL

In a New Partnership with the Prestigious College of Workers' Compensation Lawyers, the NWCR proudly presents:

1:15 – 2:15 pm The Grand Consensus: New Ways Forward

Panel:
David Langham
Deputy Chief Judge of Compensation
Claims, Florida Office of Judges of
Compensation Claims
Pensacola, FL

Kip A. Kuban, *Attorney*
Martin, Pringle, Oliver, Wallace &
Bauer, LLP
Overland Park, KS

Alan S. Pierce, *Attorney*
Pierce, Pierce and Napolitano
Salem, MA

Julie Fortune, *Attorney*
Chief Claim Officer
Arrowpoint Capitol
Charlotte, NC

Representing a variety of stakeholders, our highly informed panelists first present a super-survey culled from other prominent national "summits." Adding their considerable insight, they point out the contours of an emerging consensus on how tomorrow's workers' compensation programs are likely to look as we move deeper into the 21st century. With distinct and varied viewpoints, the presentation is steeped in historical perspective: "Those who do not read history are doomed to repeat it." The 1972 National Commission on State Workmen's Compensation Laws Report, now almost 50 years old, was both praised and scorned: was it a missed opportunity that might have saved a lot of trouble? Or does it offer little

that is useful today? Our presentation is a virtual report card on workers' compensation, with the "needs improvement" comment section detailed. Change is inevitable. Attendees will come away from this powerful feature presentation with a better handle on what's next.

2:15 – 3:15 pm Wrong Diagnosis – and its Evil Twin – Iatrogenesis

Moderator and Speaker:

Christopher R. Brigham, MD
Brigham and Associates
Sr. Contributing Editor for the AMA Guides
to the Evaluation of Permanent Impairment
Hilton Head, SC

Speaker:

Michael M. Best, MD
Clinical Decision Solutions
Louisville, KY

Physicians are advised: "first, do no harm." But let's be frank, care providers make incorrect diagnoses, and not just once in a blue moon. The Mayo Clinic found up to 26% of medical diagnosis by primary care providers were wrong! Such "barking up the wrong tree" sabotages worker recoveries while burdening the WC system in all possible ways.

Iatrogenesis refers to harm resulting from actions of health care providers, starting with inducing patients to believe something untrue about themselves early on: that they may suffer from serious or disabling conditions when they do not. This "elephant in the room," too long ignored in polite circles, is a prolific cost driver – and more importantly – often results in harm including, in these overly medicated times - death. Without accurate diagnoses, neither appropriate treatment nor positive outcomes can be achieved. Education may be part of the solution, but it has also been shown most doctors spend less than 5 hours a month reading medical journals. With authentic, organic intelligence demonstrably lacking, is artificial intelligence guiding physician assessments a solution, or telemedicine?

Join our world-class experts in a provocative discussion of these underdiscussed issues and what you/we can do about them, starting with informed challenges to initial diagnoses, while avoiding the peril of seeming to steer physicians/treatment toward claims directed preferences.

3:15 – 3:30 pm Break

**National Workers' Compensation Review (Day 1)
(Continued)**

Grand Ballroom 8A, Convention Level

**3:30 – 4:30 pm Putting The Horse Back In Front
Of The Medical Cart:
New Outcomes-Based Analysis,
Treatment, And Guidelines**

Panel:

Jeffrey A. White
*Sr. Vice-President of Work Comp Programs
Gallagher Bassett
Rolling Meadows, IL*

Dan L. Hunt, DO
*Corporate Medical Director
AF Group
Lansing, MI*

Diagnosis creep, sub-optimal clinical treatment plans and proliferation of potent drugs have greatly increased complexity within the claim population; easily manipulated metrics and most current methods of medical cost containment are no match. By implementing new metrics and treatment guidelines, we can establish comprehensive measures of quality care that better enable fine tuning exactly where it's indicated.

There is currently, quite literally, too much information. For claims professionals, it borders on the impossible to stay current on new practice patterns, coding strategies, pharmaceuticals, and scientific research (5,000 medical journal articles published monthly; 68,000 diagnoses codes; 8,000 procedural codes and 1,500 FDA approved medications). The good news is that there are new tools enabling claims professionals to make sense of this information overload. The process of developing and fine tuning better medical practices has advanced the state of the art in what we know as evidence-based medicine (EBM), but most advances have yet to be widely adopted.

In this session, our professionally-informed presenters reveal new systems which now work for them to map EBM guidelines directly onto the medical billing data to derive an index based on the percentage of care, out of a fixed total, that complies with the workers' compensation treatment guidelines. If you work in this field, you will want to be present.

National Workers' Compensation Review – Twelfth Annual (Day 2)

9:00 – 5:00 pm Grand Ballroom 8A
Convention Level

9:00 am NWCR Welcome and Introductions

Co-Chairs and Moderators, National Workers' Compensation Review (NWCR):

H. George Kagan, *Attorney*
H. George Kagan, *PA*
Gulf Stream, FL

James M. Anderson, *Attorney*
Anderson Crawley & Burke
Jackson, MS

William E. Pipkin, Jr., *Attorney*
Austill, Lewis, Pipkin & Maddox
Mobile, AL

9:00 – 10:00 am Catastrophic Claims Management: From the 911 Call Through -- and Even After – Settlement

Moderator:

H. George Kagan, *Attorney*
H. George Kagan, *PA*
Gulf Stream, FL

Panel:

Jodi Loud, CCM, CLCP, MSSC
The Hartford
Brain and Spinal Cord Injury Home Office
Consultant
Hartford, CT

Lauren Underhill, OTR, ATP
CEO
CorLife
Green Bay, WI

Steve Kerschke, PT
Director of Marketing
QLI
Omaha, NE

Ted Cranas
Structured Settlement Consultant
Brant Hickey
Orlando, FL

Christi L. Fried, NCG, MSSC
President
Continental Trust Services, LLC
Boston, MA

Jodi Loud, national winner, 2018 Medical Professional Comp Laude® award, leads a team discussion on how to handle “that” call and everything that follows. What medical documentation to look for (or demand) immediately, which then informs whether the injured worker is right for

a center of excellence, and if so, which? Then, the process of transfer -- along with the worker’s personal support system -- triggering need for, and highlighting the importance of, a DME company. This also builds lead-time and thus better-informed choices on the gamut of what follows: mobility devices, home mods, etc., vis-à-vis biomedical psychosocial impacts, and how that leads to successful discharge home.

How then to handle that “other” call: incorporating the worker’s attorney in the plan, often including tactful discussions of what is and isn’t covered in WC.

Finally: when to engage a broker capable of generating positive interest in settlement discussions via creative options which address not only needs and concerns but also “wants.” The process of then obtaining appropriate authority, and presentation of same in a way that appeals to the worker AND family.

In short: a master course conducted by a stellar team. “How to, by those that do.”

10:00 – 11:00 am Workers' Compensation Technology Revolution: How Artificial Intelligence is Reshaping Claims Management

Moderator:

Matthew B. Covington, *Attorney*
Cranfill, Sumner & Hartzog
Charlotte, NC

Panel:

Jayant Lakshmikanthan
CEO of CLARA
Santa Clara, CA

Deborah Watkins
Founder & Chief Disruption Officer
CareBridge
Lakewood Ranch, FL

Greg Moore
CEO
Akeso Holdings
Irvine, CA

Our professional panelists address how artificial intelligence (AI) is driving more informed allocation of resources and how AI leverages “big data” systems to develop estimated outcomes for claims, large and small.

Panelists will also discuss how AI can support “smart” growth of talent while reducing traditional costs and expenses. There will be an analysis of potential obstacles between stakeholders in the workers’ compensation system.

Until recently, many supposed reforms simply translate into cutting benefits. With new emphasis on the original goals of the workers’ compensation social experiment, the goals of this presentation are to prepare system participants for what’s next; how AI is bringing unprecedented efficiencies while providing the highest levels of care and recovery benefits, which ultimately reduce costs for employers.

**National Workers' Compensation Review (Day 2)
(Continued)**

Grand Ballroom 8A, Convention Level

11:00 – 12:00 pm Interests Of Injured Workers vs. Everything Else – Worker as The Primary Focus

Moderator:

James Anderson, *Attorney*
Anderson Crawley & Burke
Jackson, MS

Panel:

Caty Culver
*Global Claims Analyst/Legal Risk
Management Team*
Whole Foods
Austin, TX

Tara Acton, *Attorney*
Claims Manager & Corporate Counsel
CenturyLink
Denver, CO

Chris Marston
Midwest Claims Manager
Reyes Holdings LLC
Rosemont, IL

This panel of professionals will deal with:

- Incentivizing positive claims outcomes while “rooting out” practices that, through the law of unintended consequences, prolong claims and incentivize poor outcomes -- usually via false economies in the guise of “aggressive defense.”
- Addressing how ingrained incentives of injured workers’ counsel can be at cross purposes with those of claims handlers, and how best to reconcile the two.
- The short-term gain spoiled by long-term perils: high case/claim volume loads among adjusters.
- Greater emphasis needed on comprehensive health/wellness programs.
- Realistic grappling with comorbidities and pre-existing conditions.
- Programs for effective communications with the injured worker helping in many cases obviate need for legal representation.

12:00 – 1:00 pm Lunch (on your own)

Purchase lunch in the Exhibit Hall. Visit the “Comp Time” Diner... grab & go, or sit and network with clients and exhibitors!

1:00 pm NWCR Welcome and Introductions

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Mobile, AL

1:00 – 2:00 pm The Seven Deadly Syndromes: Complex Regional Pain; RSD; Fibromyalgia; Chronic Pain; Post-concussion; Carpal tunnel; Failed Back Syndrome

Moderator:

Steve Tipton, *Attorney*
Flahive Ogden
Austin, TX

Panel:

David Randolph, MD, PhD, MPH
Midwest Occupation Health
Cincinnati, OH

Trang Nguyen, MD PhD
Center for Evidence Based Medicine
Cincinnati, OH

Continuing controversy -- sometimes in heated rhetoric -- continues to surround the above “syndromes.” Why? As to the first five; if they’re invalid -- either per se or as applied -- why in 2019 are they so seemingly difficult to discredit/disprove, given current state-of-the-art knowledge bases?

The goal of our panelists is to enlighten and equip attendees with tools for evaluating and containing rogue diagnoses in the claim setting, and how best to set up a perimeter to defend such claims.

National Workers' Compensation Review (Day 2) (Continued)

Grand Ballroom 8A, Convention Level

2:00 – 3:00 pm Evidence Based Claims Criteria: Methods for Objectively Addressing Causation Issues and Promote Objective Decision-Making

Moderator:

Jeff Napolitano, *Attorney*
Juge Napolitano
Metairie, LA

Panel:

Barry Bloom
Managing Principal
The bdb Group
San Carlos, CA

Teresa Bartlett, MD
Sr. VP, Medical Quality
Sedgwick CMS
Memphis, TN

We know where “Evidence Based Medicine” (EBM) has been: but where is it going? In many jurisdictions EBM has now become an integral part of the law, with some states having specific references and some a more elastic standard. In others, the standard is alluded to generically, if at all. As a result, often based on myths and other disinformation, adjusters, judges, attorneys and even patients can, deliberately or unknowingly, negate the benefits of research and science that establish evidence-based causation beyond a reasonable doubt. There is now a wide body of well validated information and anecdotal evidence on how and why science and law don't always coexist peacefully in courtrooms, and how to combat these tendencies in concrete terms, often toward the goal of avoiding courtrooms altogether.

Our panelists provide that concrete yet practical insight into what is “EBM” and how current system pitfalls tend to undermine it in “real-world medicine.” You have a role in bolstering use and application of EBM in the face of opportunistic flanking movements. Learn the very latest on how to help foster EBM toward more prompt and efficacious recoveries; proper benefit expenditures, and reduced frictional waste.

3:00 – 4:00 pm Women Trailblazers and Ceiling Breakers in Workers' Compensation

Moderator:

Jennifer Morris Jones, *Attorney*
Cranfill Sumner & Hartzog LLP
Raleigh, NC

Panel:

Becky Hillhouse
Regional Claims Manager
Eastern Alliance Insurance Group
Madison, MS

Audrey Allsop
Work Comp Practice Leader
Conner Strong & Buckelew
Philadelphia, PA

Michelle James
Assistant Vice-President of Claims
The PMA Group
Irving, TX

Women populate the insurance industry workforce at approximately 60% -- but only some 19% occupy board seats and 11% of named officer positions. Is this, as some suggest, consistent with historically comparatively recent arrival of women in senior levels following earlier, similar processes in institutions of higher learning -- or is the response: that might have been true a generation (or two) ago but not now. In short, are there consciously retrogressive forces still at work here, or just old habits not yet meaningfully reexamined (or confronted)?

Our panelists are leaders in our field. They happen to be women. Here, they take time off from talking pure “comp” so they might share with attendees of all stripes their insights on accomplishments of women in insurance, medical, and legal industries -- and in industry per se -- in terms of the challenges met and overcome as well as challenges that remain and how to deal with them; challenges that make themselves known in plain sight, and those that are hidden, working insidiously. Insight will be shared for the benefit of those seeking genuine introspection on how to recognize issues and improve performance within their companies. The presentation is also designed for participants who are in need of inspiration toward charting their own personal courses for leadership within the workers' compensation space.

**National Workers' Compensation Review (Day 2)
(Continued)**

Grand Ballroom 8A, Convention Level

4:00 – 5:00 pm **NWCR's Exclusive *Faith Based Ethics Presentation: Biblical and Religious Perspectives***

For 2019; What Unites Us Makes Us Stronger: Shared Religious Values Improve Outcomes And Lives – Of Injured Workers – And Claims Workers!

Panel:

Sabrina Taylor-Mitchell, CWC, CWCL
Claims Manager-Southern Region
PMA Companies
Janesville, WI

Kristin Chavez
WorkCompCentral
Camarillo, CA

William E. Pipkin, Jr., *Attorney*
Austill, Lewis, Pipkin & Maddox
Mobile, AL

What started a few short years ago as a gleam in the eye of -- and "What if..." conversation among members of the Faith Based Claims Association has, especially in the last year, become a national movement. Tied to the increasingly popular prayer breakfast encouraged by WCI General Chair Jim McConaughay, this past year saw the early possibilities germinate tangible ideas and programs, including similar events at other national conferences, and a brainstorming session at the WorkCompCentral CompLaude Awards Gala ® regarding ideas which will lead to the creation of resources for injured workers, including call centers affording "right now" spiritual counseling for injured workers AND claims folk in particularly trying moments.

It started here; with our Faith Based Claims presentation which this year addresses the division in our great country coupled with urgent reminders of the things we can all agree on – shared values, goals and mandates of the great faiths and belief systems: Christianity, the most widely practiced religion in the US, followed by Judaism, Islam, the Dharmic religions of Buddhism; Hinduism -- and there is room at the table for all.

But this is a CLAIMS based-faith based panel, and together our worthy panelists bring notable "claims encounters of the inspiring kind" to the fore for benefit of all.