

ADVANCED WORKERS' COMPENSATION

Take your workers' compensation knowledge to the next level!

CINCINNATI, OHIO — SEPTEMBER 23, 2009

Faculty

Samuel M. Duran — *Taft, Stettinius & Hollister LLP*

Cynthia C. Felson — *Taft, Stettinius & Hollister LLP*

Joanne W. Glass — *Frost Brown Todd LLC*

Lisa L. Patterson — *LL Patterson LLC*

Edna Scheuer — *Scheuer Mackin & Breslin LLC*

Continuing Education

CCMC - 6.0 CLE - 6.0 HRCI - 6.0

CDMS - 6.0 CRCC - 6.0 IACET - 0.6

PACE - 7.0 State Bar College - 6.0

Insurance - 7.0 (pending)

Legal Specialization - 6.0 (pending)

See inside for details.

Includes a
Discussion of
the SCHIP Act
of 2007.

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SEMINAR OVERVIEW

ABOUT THIS SEMINAR

Unravel the Issues. Protect Your Clients.

Employment injuries can be devastating for employees and employers alike. Do you know your rights? Can you differentiate between work-related, compensable injuries and noncompensable injuries? Don't get caught unprepared. You need current, definitive information on all aspects of workers' compensation law and procedure. Attend this seminar and you will come away with clear answers to your most challenging workers' compensation questions. **Register today!**

8 BENEFITS OF ATTENDING

- Get a detailed definition and criteria for permanent total and partial disability.
- Examine the details of managed health care provisions and learn how they can help your client.
- Workers' compensation fraud: learn what you can do to prevent it.
- Learn how to handle occupational stress claims and claims for psychiatric injuries.
- Get the latest on claims related to repetitive motion and related injuries.
- Get insider's tips for presenting evidence in a workers' compensation case.
- Understand how the SCHIP Act of 2007 affects self-insured employers.
- Gain knowledge in the area of voluntary termination.

CREDIT INFORMATION

The specific continuing education credit(s) listed are for attending the live seminar. The credits may or may not apply for the audio version of this seminar. Please check with your credit board for details. For additional questions regarding continuing education credits, please contact us at **866-240-1890**.

CCMC - 6.0 - This program has been approved by the Commission for Case Manager Certification for 6.0 hours of continuing education credit.

CDMS - 6.0 - This program has been approved by the Certification of Disability Management Specialists Commission for 6.0 clock hours of continuing education credit.

CLE - 6.0 - This course has been approved by the Ohio Supreme Court Commission on Continuing Legal Education for 6.0 CLE credit hours, including 1.0 hour of ethics.

State Bar College - 6.0 - Attendance of the instructional portions of this program will result in 6.0 credits toward the Ohio State Bar Association College membership.

CRCC - 6.0 - This program has been approved by the Commission on Rehabilitation Counselor Certification for 6.0 clock hours of continuing education credit.



This program has been approved for 6.0 recertification credit hours toward PHR, SPHR and GPHR recertification through the Human Resource Certification Institute (HRCI). For more information about certification or recertification, please visit the HRCI homepage at www.hrci.org.



NBI, Inc. has been approved as an Authorized Provider by the International Association for Continuing Education and Training (IACET), 8405 Greensboro Drive, Suite 800, McLean, VA 22102. NBI, Inc. DBA National Business Institute has awarded 0.6 CEUs to participants who successfully complete this program. (Provider #4558)

Insurance - 7.0 - Pending. Application for CE credit has been submitted to the Ohio Department of Insurance. Approval pending.

Legal Specialization - 6.0 - Pending. This course has been submitted to the Ohio State Bar Association for specialization credit. Approval pending.

PACE - 7.0 - This seminar qualifies for 7.0 PACE (Professional Achievement in Continuing Education) credit hours for RHU and REBC.

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SEMINAR OUTLINE

I. SELECTED ISSUES IN WORKERS' COMPENSATION LAW

9:00 - 10:30, *Joanne W. Glass*

- A. Permanent Total Disability
- B. Permanent Partial Disability
- C. Managed Health Care Provisions
- D. Self-Insurance Update
- E. Computation of Benefits
- F. Workers' Compensation Fraud
- G. Settlement
- H. Reopenings
- I. Average Weekly Wage Considerations

II. THE EVOLUTION OF VOLUNTARY TERMINATION: FROM LOUISIANA-PACIFIC TO REITTER STUCCO

10:45 - 12:00, *Cynthia C. Felson*

III. MEDICAL ISSUES AND THEIR ROLE IN THE COMPLEX WORKERS' COMPENSATION CLAIM

1:00 - 2:15, *Samuel M. Duran*

- A. Psychiatric Injuries
- B. Occupational Stress Claims
 1. Establishing Stress Claims
 2. Proving Compensability
 3. Benefits Available for Stress Claims
 4. Injury Fund Claims
- C. Work-Related Aggravations of Pre-Existing Conditions
- D. Repetitive Motion and Related Injuries
- E. Vocational Rehabilitation
 1. Impact of Injury Upon the Worker and "Suitable Gainful Employment"
 2. Effective Tools for Dealing With Injured Workers
 3. Cost-Effective Rehabilitation
 4. The Role of Physical Therapy

*If needed, the above agenda may be changed to best accommodate all of our attendees.

IV. MEDICARE SET-ASIDES AND THE SCHIP ACT OF 2007

2:15 - 3:15, *Edna Scheuer*

- A. How the SCHIP Act of 2007 affects self-insured employers
- B. Purpose of the Medicare Legislation
- C. Two Types of Workers' Compensation Settlements That Require Medicare Approval
- D. When a Medicare Set-Aside (MSA) is Required Even Though Medicare Approval is Not
- E. What is an MSA?
- F. How do you go About Creating a MSA for a Workers' Compensation Settlement
- G. Types of MSAs
 1. Guaranteed vs. Non-Guaranteed
 2. Self-Administered vs. Custodial
 3. Use of Drug Programs Within an MSA
- H. Using Annuities to Fund MSAs
- I. Settlement Paperwork Required to Secure Medicare Approval
- J. The Medicare Approval Process
- K. New Medicare Legislation and it's Impact on WC

V. ETHICAL OBLIGATIONS

3:30 - 4:30, *Lisa L. Patterson*

- A. Rules of Professional Conduct
- B. Contacts With Parties, Doctors and Rehabilitation Personnel
- C. Attorneys' Fees
- D. Lawyer Liability

WHO SHOULD ATTEND

This **advanced level program** goes beyond the basics of workers' compensation and will be of value to those professionals who want to optimize their knowledge of these issues. Those who should attend include:

- Attorneys
- Vocational Rehabilitation Specialists
- Insurance Claim/Risk Managers
- Human Resource Professionals
- Workers' Compensation Administrators

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| June 24 | Dealing With Troubled Real Estate Loans (51050ER) |
| June 26 | Advanced Expert Witness Deposition Tactics (50454ER) |
| August 25 | The ADA Amendments Act of 2008: New Definitions and Challenges (51064ER) |

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manual — \$99 cd and manual — \$199 Note: Prices may vary by topic when looking online.

WORKERS' COMPENSATION LAW UPDATE

© June 2008 - 63 Pages (FP44982)

By: Timothy E. Cowans, J. Miles Gibson, Janis B. Rosenthal and Christopher C. Russell.

WORKERS' COMPENSATION STRATEGIES

© August 2008 - 203 Pages (FP44576)

By: Jeffrey B. Brannon, Gust Callas, Cathryn R. Ensign, Richard P. Gibbs, J. Miles Gibson, Robert C. Meyer, David L. Meyerson and Melanie V. Miguel-Courtad.

EMPLOYEE DISCHARGE & DOCUMENTATION:

HOW NOT TO BECOME A DEFENDANT

© April 2009 - 127 Pages (FP48464)

By: Tara K. Burke, Corey A. Donovan, Lisa M. Evans, Mark E. Lutz and Scott M. McIntyre.

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SAMUEL M. DURAN is a partner at the Cincinnati and Columbus offices of Taft, Stettinius & Hollister LLP, where he heads the firm's Workers' Compensation Practice Group. He represents management in the areas of workers' compensation, intentional torts and retaliatory discharge, and is recognized by the Ohio State Bar Association as a certified specialist in Ohio Workers' Compensation Law. He earned his A.B. degree from the University of Michigan, his M.A. degree from the University of Denver and his J.D. degree from The Ohio State University. Mr. Duran is a member of the Ohio State, Columbus and Cincinnati (member Ethics Committee, served as chairman of the Workers' Compensation Committee) bar associations. Mr. Duran has recently been listed in *Best Lawyers in America*.

CYNTHIA C. FELSON is a partner in the Cincinnati law firm of Taft, Stettinius & Hollister LLP, where she practices in the area of workers' compensation law. She earned her B.A. degree from the University of Cincinnati and her J.D. degree from Salmon P. Chase College of Law. Ms. Felson frequently lectures to various professional groups on workers' compensation issues. She is chair of the Workers' Compensation Committee of the Cincinnati Bar Association.

JOANNE W. GLASS is a member of Frost Brown Todd LLC. She represents employers in all phases of workers' compensation matters, including administrative hearings and judicial matters before various levels of Ohio state courts. Ms. Glass counsels employers regarding the administration and defense of workers' compensation claims, claims management and cost containment, accident investigation and reporting, violation of specific safety requirement (VSSR) claims, premium and group ratings, attaining and maintaining self-insured status, subrogation, workers' compensation retaliation and other related matters. She also defends employers in post-administrative litigation in common pleas courts throughout Ohio. Ms. Glass also is admitted in Kentucky. She has counseled Kentucky employers in the administration and defense of its workers' compensation claims and has represented employers at various administrative proceedings in Kentucky. Ms. Glass is a member of the Cincinnati Bar Association (Labor & Employment Section and vice chairman, Workers' Compensation Committee), Ohio State Bar Association (Labor & Employment Section and Workers' Compensation Committee), Kentucky Bar Association (Workers' Compensation & Labor sections) and Northern Kentucky Bar Association (Workers' Compensation Committee). She has previously lectured on areas of her practice. Ms. Glass earned her B.A. degree from Xavier University and her J.D. degree from Chase College of Law.

LISA L. PATTERSON is the owner and founding member of LL Patterson LLC. Ms. Patterson has 15 years of experience practicing in all aspects of workers' compensation law at both the administrative and court levels. Her representative clients include state fund and self-insured employers in the logistics, automobile, manufacturing, government entities and retail industries, to name only a few. LL Patterson LLC, as a firm is founded on the principle of providing clients with exceptional and results oriented service. The firm's singular mission is to aggressively and exclusively protect Ohio employers' rights. Ms. Patterson is an annual speaker with the Ohio State Bar Association, National Business Institute and Sterling Education Services, and routinely performs on-site supervisor training in accident prevention and accident investigation. She regularly represents employers who are involved in Violations of Specific Safety Requirements and represents them through the initial answer, BWC investigation, hearing and court appeal process. As the founding member of Women of Workers' Compensation Defense, Ms. Patterson provides training, legislative and case law updates monthly to women lawyers practicing in the area of workers' compensation defense in the State of Ohio. She is committed to mentoring women lawyers practicing in this field. Ms. Patterson graduated from the University of Toronto, St. Michael's College in Toronto, Ontario, Canada, with a B.A. degree in English, and Capital University Law School in Columbus, Ohio, where she received her J.D. degree. She is trained as a collaborative lawyer and participant in the move to bring collaborative law to the employment law arena. She is admitted to practice in State of Ohio and the Southern District of Ohio. Ms. Patterson is a member of the Ohio State Bar Association, the Warren County Bar Association and the Dayton Bar Association.

EDNA SCHEUER is managing partner of Scheuer Mackin & Breslin LLC. Ms. Scheuer has more than 25 years of experience, including recognition as an expert in the field of workers' compensation law and as a strategist with an exceptional understanding of medical issues, including Medicare set-asides. She has represented management in the areas of workers' compensation, intentional torts, safety violations and employment discrimination cases. Ms. Scheuer's practice includes representation before the Industrial Commission, the Bureau of Workers' Compensation, Courts of Common Pleas, Courts of Appeal and the Ohio Supreme Court. She has been retained as an expert witness on Ohio Workers' Compensation Law and is a frequent speaker on workers' compensation, intentional torts and related issues. One of Ms. Scheuer's special interests is occupational disease litigation, including cases involving asbestos, silica, benzene, radiation and chemical exposures. She is a member of the Ohio Self-Insured Association, the Southwest Ohio Self-Insured Association and the Ohio State Bar Association. Ms. Scheuer earned her bachelor's degree from Wright State University and her J.D. degree, summa cum laude, from the University of Dayton School of Law.

CINCINNATI — SEPTEMBER 23

Holiday Inn Eastgate

4501 Eastgate Boulevard, Cincinnati OH 45245
Phone 513-752-4400

SCHEDULE

Registration 8:30 — 9:00 am Seminar 9:00 am — 4:30 pm
Complimentary snacks and refreshments are provided. Lunch is on your own.

TUITION

\$339 for the first registrant
\$329 for each additional registrant

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September 23

Cincinnati, OH (49682ER)

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