

Tennessee Workers' Comp Conference

This conference puts you in contact with judges from the Workers' Compensation Appeals Board and the Court of Workers' Compensation Claims, leading workers' comp attorneys, representatives from the Bureau of Workers' Compensation, and other key players in the workers' comp system.

HIGHLIGHTS

- Insight from judges on the Court of Workers' Compensation Claims and the Workers' Compensation Appeals Board
- Comparison of cases and factual scenarios under the old and new law
- Review of medical panels under the new law, hot topics in workers' comp today, and the interplay between workers' comp, the ADA, and the FMLA
- Insight from the Bureau of Workers' Compensation representatives on the new Drug Formulary, pain management rules, penalty-worthy offenses, and the ombudsman/mediation program
- A doctor's perspective on the new pain guidelines and the use of opioids in pain management
- Attorney track also includes a session on settling future medicals, reporting requirements in Medicare set-asides, "hot topics" from the plaintiff's perspective, ethical issues in workers' comp, and a panel discussion featuring defense and plaintiff's attorneys
- Employer track also covers issues on claims management, accident investigations, supervisor training, filing requirements, and "workers' comp 101" for employers
- Review of the latest cases from the Workers' Compensation Appeals Panels, Workers' Compensation Appeals Board, and Court of Workers' Compensation Claims
- Attendees will be provided with a notebook of materials during the conference and will have the ability to download the materials electronically after the conference.

Call **800-727-5257** to register risk-free
or visit **mleesmith.com/TWCC**



WHEN

Wednesday, Thursday, & Friday
November 9-11

WHERE

Embassy Suites
Nashville—South/Cool Springs



This three-day conference is perfect for employers, insurance adjusters, self-insurers, third party administrators, safety and human resource managers, plaintiff and defense attorneys, health care providers, mediators, and medical and vocational rehabilitation providers.



*15 recertification credit hours through the HR certification Institute and Professional Development Credits through SHRM.



This program has been approved by the Tennessee Commission on Continuing Legal Education for a maximum of 15 hours of CLE (14 hours of GENERAL and 1 hour of DUAL).



WHERE

**Embassy Suites Nashville—
South/Cool Springs (Franklin)**
820 Crescent Centre Drive,
Franklin, TN 37067

FREE PARKING 

FREE WI-FI 

For complete directions, visit
mleesmith.com/TWCC

WHEN

Wednesday, Thursday, & Friday, November 9-11

Discounted room rate at Embassy Suites: \$165

Call (615) 515-5151 and mention Group Code TWC or register online at www.nashvillesouth.embassysuites.com, click on “Add Special Rate Codes,” and under “Group Code,” enter TWC. Group rate is valid for 11/9/16 to 11/11/16.

Full program is 15 hours – Day 1 (Joint Session Wed. afternoon/4 hrs.), Day 2 (Dual Tracks all day Thursday/7.5 hrs.), and Day 3 (Joint Session Fri. morning/3.5 hrs.)

Registration begins at 12:00 p.m. (noon) on Wednesday, November 9. The conference begins at 1:00 p.m. and concludes at 5:15 p.m. on Wednesday

The conference begins at 8:00 a.m. and concludes at 5:00 p.m. on Thursday, November 10

The conference begins at 8:00 a.m. and concludes 11:45 a.m. on Friday, November 11

(There will be an afternoon break on Wednesday, morning and afternoon breaks on Thursday, and a morning break on Friday. Lunch will be provided on Thursday.)

15 hours of CLE (14 hours of general and 1 hour of dual)

*15 recertification credit hours through the HR certification Institute and Professional Development Credits through SHRM.

Conference fees:

\$547 for entire program (includes 15 hours of CLE, including 1 hour of DUAL credit)

\$477 for additional attendees or subscribers to the *Tennessee Workers’ Comp Reporter*

\$347 (Thursday only)

\$247 (materials only)

\$50 early bird discount until October 7

The creation of the Court of Workers’ Compensation Claims was a significant part of the 2013 reforms. Since that time, the number of judges has expanded, statutes and regulations have been tweaked, and cases are now moving steadily through the trial system. This session will provide an update on the court, cover procedures, and highlight some pitfalls to avoid.

- *New* mediation and hearing procedures
- *Updated* practices and procedures
- Submission of evidence
- Evidentiary hearings
- Discovery
- Compliance with court orders and penalties
- Mediation and post-discovery alternative dispute resolution
- Settlements with closure of future medical benefits

2:30 P.M. TO 2:45 P.M. AFTERNOON BREAK

Navigating the Workers’ Compensation Appeals Board

2:45 P.M. TO 4:00 P.M.

Judge Tim Conner, Workers’ Compensation Appeals Board

Let Judge Conner walk you through practice and procedure guidelines in the appeals board and highlight some pitfalls to avoid.

Pain Management is More than Just Pain Pills

4:00 P.M. TO 5:15 P.M.

Dr. Jeffrey Hazlewood, Board Certified in Physical Medicine and Rehabilitation

Dr. Hazlewood will provide an update on pain management in the workers’ comp arena in Tennessee. He will discuss new pain guidelines, especially regarding the appropriate use of opioids for chronic pain and the importance of taking a thorough history while conducting a physical examination to make the appropriate “pain diagnosis.” He will explore how these steps assist in eliminating unnecessary imaging and procedures.

**EMPLOYER TRACK – DAY TWO
(THURSDAY, November 10)**

Conducting an Investigation: Tips, Procedures, and Traps

8:00 A.M. TO 9:00 A.M.

Stacie D. Miller, Arnett, Draper, & Hagood

- Why conduct investigations
- When should an investigation be conducted
- Identifying who should conduct the investigation
- Overview of how to conduct an investigation
- Elements of an investigation
- Witness interviews and “gathering the whole story”
- Maintaining investigatory reports
- Best practices for maintaining investigatory files

Cost-Effective Claims Management: Tips and Traps to Avoid

9:00 A.M. TO 10:00 A.M.

Leslie Bishop, Lewis, King, Krieg & Waldrop

Effective workers’ compensation claims management saves employers time, money and grief. Best practices in cost control strategies, plan design and program development positively impact the bottom line. Ms. Bishop will give an overview of how to manage a workers’ comp claim from start to finish.

10:00 A.M. TO 10:15 A.M. MORNING BREAK

Workers’ Comp Update

10:15 A.M. TO 11:30 A.M.

Fred Baker, Wimberly Lawson Wright Daves & Jones

Mr. Baker will review the latest decisions from the Workers’ Compensation Appeals Panels, the Workers’ Compensation Appeals Board, and the Court of Workers’ Compensation Claims.

Medical Panels Under the New Law

11:30 A.M. TO 12:00 P.M.

Fred Baker, Wimberly Lawson Wright Daves & Jones

Mr. Baker will discuss the adjustments that have been made to the physician panel process.

12:00 P.M. TO 1:00 P.M. LUNCH
*(LUNCH IS INCLUDED WITH REGISTRATION)

Interplay Between Workers’ Comp, the ADA, and the FMLA

1:00 P.M. TO 2:00 P.M.

Greg Grisham, Ford & Harrison

- Overlapping benefits
- Transitioning between benefits
- Keeping good records
- Common pitfalls in eligibility verification
- Return to work issues
- Absolute absenteeism policies
- Best practices/fact scenarios

Workers’ Comp 101 for Employers

2:00 P.M. TO 3:00 P.M.

Dawn Trojan-Randle, Claim Specialist, Brentwood Services Administrators, Inc.

Workers’ compensation can be daunting to anyone newly assigned to this area – or for someone who may have to wear multiple hats and just not be able to focus in on maximizing their workers’ comp processes and programs. Consider, for instance, just a few of the tasks/responsibilities associated with managing your workers’ comp program: accommodations, restrictions, working with doctors, return to work, managing claims, dealing with your workers’ comp insurer, and more! If you have workers’ comp responsibilities at your workplace, but are unsure of how the process works – or are overwhelmed by the sheer number of tasks

**JOINT SESSIONS – DAY ONE
(WEDNESDAY AFTERNOON, November 9)**

Tennessee’s New Court of Workers’ Compensation Claims: Practices & Procedures

1:00 P.M. TO 2:30 P.M.

Chief Judge Ken Switzer, Court of Workers’ Compensation Claims

Judge Pamela Johnson, Court of Workers’ Compensation Claims

associated with it – you may need some help to simplify things and help you get the basic time- and cost-savings processes in place.

3:00 P.M. TO 3:15 P.M. AFTERNOON BREAK

How Other Filing Requirements Come Into Play with Workers' Comp

3:15 P.M. TO 4:15 P.M.

Dawn Trojan-Randle, Claim Specialist, Brentwood Services Administrators, Inc.

Learn from an experienced claim specialist how other filing requirements, set out in the ADA or FMLA or mandated by OSHA, come into play with your workers' comp claim. You'll learn how the employee's work history, his or her disciplinary records, or his or her absenteeism history all play an important role in managing a workers' comp claim.

Supervisor Training on Claims Management: What You Must Know

4:15 P.M. TO 5:00 P.M.

Mary Dee Allen, Wimberly Lawson Wright Daves & Jones

Supervisors have a significant role to play in the workers' compensation process for an injured employee. Ms. Allen will discuss what supervisors need to know about the workers' comp law in order to manage claims, such as the importance of investigating claims and enforcing safety rules.

ATTORNEY TRACK – DAY TWO (THURSDAY, November 10)

Future Medicals: Issues on the Road Beyond Recovery

8:00 A.M. TO 9:00 A.M.

Adrienne Fazio, Manier Herod

An employee receives a settlement, which includes future medical benefits. Problems may arise, for example, when the employer thinks a medical procedure is not related to the employee's injury. Ms. Fazio will discuss the information necessary when seeking to close future medicals and will offer some best practices and practical tips for handling disputes that arise when future medicals remain open.

Ethical Challenges in Workers' Compensation Law

9:00 A.M. TO 10:00 A.M.

Joseph Lynch, Wimberly Lawson Wright Daves & Jones

- Rules of Professional Conduct
- Communication with other parties
- Attorney fees
- Lawyer liability



10:00 A.M. TO 10:15 A.M. MORNING BREAK

Update on Ombudsman and Mediation Services

10:15 A.M. TO 11:00 A.M.

Brian Holmes, Director of Mediation and Ombudsman Services

Mr. Holmes will give an overview of the Ombudsman Program that permits any party that is not represented by legal counsel to request the services of a workers' compensation ombudsman.

Medicare Secondary Payer Compliance: What Attorneys Need to Know

11:00 A.M. TO 12:00 P.M.

Jessica Silinsky, Carr Allison

Ms. Silinsky will provide an update on recent developments related to Medicare Set-asides and conditional payment claim research.

12:00 P.M. TO 1:00 P.M. LUNCH
*(LUNCH IS INCLUDED WITH REGISTRATION)

Treatment Guidelines Update

1:00 P.M. TO 1:45 P.M.

Robert B. Snyder, M.D., Medical Director, Bureau of Workers' Compensation

Dr. Snyder gives an update on the implementation of the Treatment Guidelines, Drug Formulary, Pain Management, and Case Management rules.

Workers' Comp Update

1:45 P.M. TO 3:00 P.M.

Fred Baker, Wimberly Lawson Wright Daves & Jones

Mr. Baker will review the latest decisions from the Workers' Compensation Appeals Panels, the Workers' Compensation Appeals Board, and the Court of Workers' Compensation Claims.

3:00 P.M. TO 3:15 P.M. AFTERNOON BREAK

Hot Topics in Workers' Comp: The Plaintiff's Perspective

3:15 P.M. TO 4:15 P.M.

Marshall McClarnon, Ponce Law

Mr. McClarnon will discuss some "hot" topics which plaintiff's attorneys are dealing with under the new law.

Panel Discussion on New Law and Procedures

4:15 P.M. TO 5:00 P.M.

Fred Baker, Wimberly Lawson Wright Daves & Jones, moderator

Kitty Boyte, Constangy, Brooks, Smith & Prophete

Joseph Lynch, Wimberly Lawson Wright Daves & Jones

Marshall McClarnon, Ponce Law

The panel will discuss and entertain questions regarding the new court system and the changes which became effective in 2014.

JOINT SESSIONS – DAY THREE (FRIDAY MORNING, November 11)

Comparing Scenarios/Workplace Injuries Under the Old and New Law

8:00 A.M. TO 9:00 A.M.

Kenny Veit, Leitner, Williams, Dooley & Napolitan

Mr. Veit will compare and contrast workplace scenarios and injuries occurring under both the old law (pre-July 2014 injuries) and the new law (post-July 2014 injuries).

Penalty Program Update

9:00 A.M. TO 9:30 A.M.

Troy Haley, Director of Administrative Legal Services

Mr. Haley will discuss the newly-adopted penalty rules and give examples of penalty-worthy offenses.

Retaliatory Discharge

9:30 A.M. TO 10:00 A.M.

Mary Dee Allen, Wimberly Lawson Wright Daves & Jones

Ms. Allen will discuss what is required to establish a claim for retaliatory discharge, how such claim can be defended, and what factors an employer should consider before firing an employee who has filed a workers' comp claim.

10:00 A.M. TO 10:15 A.M. MORNING BREAK

Causation: Medical or Legal Determinations, Panel and Case Law Discussions

10:15 A.M. TO 11:45 A.M.

Kitty Boyte, Constangy, Brooks, Smith & Prophete, along with a panel of other attorneys and physicians

Causation is a key concept in Tennessee Workers' Compensation Law that consists of both medical and legal components. Understanding what medical facts need to be expressed by the physician to support the application of the legal standard by attorneys and judges for medical causation will be the focus of a panel discussion. The panel, which will be led by Ms. Boyte and will include other attorneys and physicians, will explore situations such as work injuries that are the primary cause for a need for medical treatment but an underlying pathology already existed. The panel will discuss what findings must be present in an individual's medical record to support a conclusion that factors other than work activity caused an injury or a need for treatment.

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M. Lee Smith Publishers, a division of BLR®, publisher of *Tennessee Attorneys Memo* and *Tennessee Workers' Comp Reporter*

REGISTRATION FORM. FOR ASSISTANCE, CALL 800-727-5257.

Yes! I want to learn about the very latest Tennessee workers' comp management, defense, and compliance developments, all while networking with the state's workers' comp judges, representatives from the Bureau of Workers' Compensation, and leading workers' comp attorneys. Please register me for the **2016 Tennessee Workers' Comp Conference**, the comprehensive immersion in critical issues. My registration fee includes all conference materials, morning and afternoon breaks and lunch (on Thursday). If I am in any way dissatisfied, I am entitled to a complete refund.

- Full Conference: 15-hour program (joint sessions on Wed. afternoon and Fri. morning/dual tracks all day Thursday) (\$547).
Tennessee Workers' Comp Reporter subscribers and additional attendees from same firm/company (\$477)
- Thursday Only: 7.5 hours (\$347)
- Materials Only: \$247

\$50 early bird discount until October 7 (Full program only)

- Bill us VISA MASTERCARD AMEX

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If you are not completely satisfied after attending an M. Lee Smith event, let us know, and we will refund 100% of your registration fee—no questions asked.

CLE INFORMATION

This program has been approved by the Tennessee Commission on Continuing Legal Education for a maximum of 15 hours of credit (14 hours of GENERAL and 1 hour of DUAL).

**15 recertification credit hours through the HR certification Institute and Professional Development Credits through SHRM.*

Cancellation Policy

- A \$50 processing fee applies to ALL conference cancellations.
- Registrants are responsible for the entire program fee for a cancellation made after 5:00 p.m. three weeks prior to the event (whether or not you attend the program or fail to cancel).
- An alternate may attend in place of the original registrant.

WE MAKE REGISTERING EASY!

ON THE WEB:
mleesmith.com/TWCC

BY PHONE:
800-727-5257

BY E-MAIL:
service@blr.com

BY MAIL:
Detach form and mail

BY FAX:
800-785-9212

HOW IS THIS SEMINAR DIFFERENT?

- You'll hear from Chief Judge Ken Switzer and Judge Pamela Johnson, with the Court of Workers' Compensation Claims, as well as Judge Tim Conner of the Workers' Compensation Appeals Board.
- You'll gain insight on causation issues under the new law from a panel of attorneys and physicians, hear about when it is appropriate to terminate an employee who has filed a workers' comp claim, and receive a comparison of how workers' comp injuries are resolved under the "old" (pre-July 1, 2014 injuries) versus the "new" (post-July 1, 2014 injuries) law.
- You'll get an update on the latest rulings from the Workers' Compensation Appeals Panels, the Workers' Compensation Appeals Board, and the Court of Workers' Compensation Claims.
- You'll hear from Bureau of Workers' Compensation representatives on the employer penalty process, Drug Formulary, pain management rules, and the ombudsman/mediation program.
- Employers will get up to date on relevant issues, such as managing claims under the new law, traps to avoid when conducting an accident investigation, the physician panel process, the interplay between workers' comp and other employment laws, how to streamline your workers' comp processes and programs, training your supervisors to manage claims efficiently, and other employment law filing requirements that you need to know.
- Attorneys will get up to date on complex issues, such as Medicare set-asides, handling disputes over an employee's future medical benefits, new pain management rules, "hot topics" from the plaintiff's perspective, and ethical issues arising under the new law.
- On Thursday, attendees may choose to attend a track designed for attorneys or one designed for employers and others – or you may mix the tracks to better serve your needs.
- You get an interactive program, including panel discussions – the speakers welcome your questions and feedback.

YOUR CONFERENCE FACULTY

Workers' Comp Judges

Judge Tim Conner
Judge Pamela Johnson
Chief Judge Ken Switzer

Bureau of Workers' Compensation

Troy Haley
Brian Holmes
Robert B. Snyder, M.D.

Workers' Comp/Employment Law Attorneys

Mary Dee Allen, Wimberly Lawson Wright Daves & Jones PLLC
Fred Baker, Wimberly Lawson Wright Daves & Jones PLLC
Leslie Bishop, Lewis, Thomason, King, Krieg, & Waldrop, P.C.
Kitty Boyte, Constangy, Brooks, Smith & Prophete, LLP

Adrienne B. Fazio, Manier & Herod
T. Joseph Lynch, III, Wimberly Lawson Wright Daves & Jones PLLC
Marshall McClarnon, Ponce Law
Stacie D. Miller, Arnett, Draper & Hagood, LLP
Jessica Housch Silinsky, Carr Allison
Kenneth D. Veit, Leitner, Williams, Dooley & Napolitan PLLC

Employment Law Attorney

Greg Grisham, Ford & Harrison LLP

Others

Dr. Jeffrey Hazlewood, Board Certified in Physical Medicine and Rehabilitation, subspecialty Board Certification in Pain Medicine
Dawn Trojan-Randle, Claim Specialist at Brentwood Services

HERE'S WHAT YOUR COLLEAGUES SAID ABOUT LAST YEAR'S TENNESSEE WORKERS' COMP CONFERENCE:

"This is by far the best workers' compensation update of Tennessee related issues."

"Each session was informative and interesting. One of the best conferences I've attended on workers' comp issues."

"Very knowledgeable group of speakers. Great binder of materials to take back to the office with me."

"The information presented was clear, interesting, and relevant."

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