

2018—21st Education Conference Agenda

“Building a Better Tomorrow”

Wednesday

General Sessions

12:30 – 1:00 **Bureau Updates**

Mirabella F-J

Abbie Hudgens, Administrator, Tennessee Bureau of Workers’ Compensation

Jeff Francis, Assistant Administrator, Tennessee Bureau of Workers’ Compensation

This presentation will cover the accomplishments made by the Bureau over the past twelve months in implementing legislation. Since the 2017 Education Conference, new rules regarding the Drug Free Workplace, Claims Handling Standards, and medical e-billing have gone into effect. Changes were made to the Medical Fee Schedule. The new Adjuster Certification Program has been introduced. And, revisions to the Bureau’s General Rules will go into effect this summer. The legislature has funded TN Together to tackle the opioid crisis in the state. This session will discuss these new rules and lay the groundwork for the three-day conference by outlining the topics to be discussed in the days that follow.

1:00 – 2:15 **The Generational Advantage: From Conflict to Competitive Edge**

Mirabella F-J

Presenter: Jessica Stollings, President, ReGenerations

In the midst of one of the most significant demographic shifts in history, of globalism, technology disruption, and the fast-moving complexity of modern society, 60% of organizations report conflict across age and experience and only 20% have a plan to manage, much less optimize these dynamics. Buried in this frustration lies untapped potential to differentiate your business. The real question is: how do you do it? How do you combine different perspectives to build something better and stronger? And where on earth do you start?

In this eye-opening and fun keynote, national speaker and author Jessica Stollings will guide you through steps to transform generational- and all- differences into opportunity. Using research, best practices and real-life examples, you’ll learn basic generational insights and then move into deeper learning and action, harnessing the collective strengths of all generations to build a stronger organization today and into the future.

2:15 – 2:45

Networking Break—visit exhibitors

2:45 – 3:45

Managing the Needs of the Aging Injured Worker

Mirabella F-J

Presenter: Kevin Glennon, Vice President of Clinical Programs, OneCall

Given current demographic trends, the number of workers age 55 and older is set to increase significantly over the next few decades. According to the Department of Labor, this segment accounted for 40 percent of the workforce in 2013, and it will increase as baby boomers reach 65 at a rate of 10,000 a day until 2030. This session will outline the impact this trend will have on claims severity, costs and outcomes. It will also address common types of injuries among aging workers as well as complexities regarding treatment, recover and return to work, particularly due to pre-existing medical conditions.

3:45 - 4:45

Are we making progress against the opioid epidemic?

Mirabella F-J

**Panelists: Mark Pew, Sr. Vice President of Product Development, PRIUM
Dr. Jeffrey Hazlewood, Board Certified in Physical Medicine and Rehabilitation,
subspecialty Board Certification in Pain Medicine**

The opioid epidemic has evolved since its genesis in the mid-1990's. From clinically inappropriate / non-medical use of prescription opioids to illicit opioids like heroin and fentanyl, these drugs have destroyed individuals and decimated families and communities. Because of its pervasiveness, manifold participants with varying motivations, and constant evolution as supply meets demand, there is no single solution to resolving the epidemic. Given the sobering statistics (over 40,000 people died from opioid overdoses in 2016 and that will likely increase when the 2017 statistics are released) it may be difficult to sense progress. But there is progress being made.

Given Tennessee's proximity to the epicenter of the epidemic, progress includes the Governor's \$30 million proposal in January entitled "TN Together" that focuses on prevention, treatment and law enforcement, House Bill 1831 that includes "changes to the requirements for prescribing, dispensing, and reporting of opioids," and the workers' compensation drug formulary and treatment guidelines that is changing treatment choices. Progress can also be measured by legislative and regulatory changes enacted in other states (including workers' compensation) and in federal agencies, coverage by mainstream media and more education for physicians on when prescription opioids should be used and appropriate treatment alternatives, and reports from workers' compensation PBMs that total opioid pills, cost and dosage continue to annually decrease. Other measures of progress include more use of less risky alternative methods for managing pain, the use and payment of evidence-based recovery programs for those that need to change their lives, and ultimately a reduction in the number of overdoses and deaths. This session will briefly discuss the epidemic but spend more time on efforts to #CleanUpTheMess, their positive progress to-date and the long road forward.

****Spoiler alert – the answer to the title's question is "yes" but we are nowhere close to being done.**

4:45

Adjourn to Conference Reception

5:00 – 6:00

Conference Reception—visit exhibitors

Mirabella A-E

Thursday

Breakout Sessions—8:00 - 11:30 am

8:00 – 9:30 **Attorney Track—Outlaws and Angels: Tips for Success in your Workers’ Compensation Case (A View from Beside the Bench)**

Oakleigh A-C

Presenters: **Jane F. Salem, Staff Attorney, Court of Workers’ Compensation Claims**
Elizabeth Vine, Staff Attorney, Workers’ Compensation Appeals Board

Have you ever wondered how a case gets decided in the Court of Workers’ Compensation Claims or how the Appeals Board conducts its review of those decisions? Or what you did right (or what you didn’t do right) that might have contributed to your case’s outcome? Two staff attorneys (both of whom are Americana/”outlaw country” music fans, and both of whom work closely with the decision-makers) will share their insider views on “angelic” advocacy and that which should be “outlawed.”

8:00 – 9:30 **Employer Track— Injury Prevention/TOSHA**

Mirabella F

Presenters: **Rob Pearse, Tennessee and Georgia Director of WC Services, ATI Physical Therapy**
Steve Hawkins, Assistant Commissioner, Tennessee OSHA

Want to know the best way to save money on your workers’ compensation claims? It is simple—prevent the injury from occurring in the first place. This session will deal with Injury Prevention, focusing on the employee selection process to hire people physically able to perform the jobs they are hired for as the first step towards injury prevention, then the value of having industrial athletic trainers hired to watch and educate workers on body mechanics, work habits, stretching and strengthening for injury prevention. Also included in this session will be a presentation from TOSHA on occupational safety in Tennessee.

8:00 – 9:30 **Adjuster Track— The basics of Medical Panels and the Hallmark Standard—Caring enough to do their very best!**

Cambridge AB

Panelists: **Jared Renfroe, Associate Attorney, Spicer Rudstrom PLLC**
Chad Niec, VP of Risk Management, Paramount Staffing
Emily Bragg, Attorney, Morgan and Morgan

Mediators and the Hallmark Standard—Caring enough to do their very best!

Panelists: **Lisa Armstrong, Mediation Specialist, TN Bureau of Workers’ Compensation**
Candice Bellin, Adjuster, Accident Fund
Traci Haynes, Staff Attorney, Court of Workers’ Compensation Claims

This session will feature two discussions.

- “The 5 Questions About Panels You Should Know the Answers To - Who, What, When, Where, Why” will answer your burning questions about medical panels under the new Bureau rules. When are they required? What if simple first-aid is provided; is a panel still required? Can walk-in urgent care clinics be named on a panel? Jared Refroe will discuss issues such as timeliness and appropriateness of panels, the presumption of correctness and the penalties and other pitfalls for failing to provide a timely, valid medical panel. Chad Niec will discuss his company’s risk management policies and how they work with their employees by timely providing panels of physicians.

- “Mediators and the Hallmark Standard of Customer Service—Caring enough to do their very best!” will present “best practices” for in-person and telephonic mediations. Bureau Mediating Specialists Kourtney Jones and Lisa Armstrong will discuss the ways in which mediators and adjuster/employers can work together to insure the best outcome for all of the involved parties. The addressed topics will be:
 - The current mediation process
 - Issues that mediators & adjusters face at in-person mediation and on telephonic mediations
 - Concerns that mediators have regarding mediation process
 - Concerns that adjusters have during the mediation process

8:00 – 9:30 **Medical Provider Track—Opioids and Pain Management: Where do we go now?**

Mirabella G-J

Presenters: **Tim Hassett-Salley, Regional Director, Workers’ Compensation Research Institute**
Mark Pew, Sr. Vice President of Product Development, PRIUM
Dr. Jeffrey Hazlewood, Board Certified in Physical Medicine and Rehabilitation,
subspecialty Board Certification in Pain Medicine

Long term treatment for pain accounts for most of the premium dollars spent in legacy claims. Recent medical evidence questions the efficacy for the standard treatments that have been recommended over the last two decades. Three experts will discuss the national and local trends, the results and the future in treating pain in workers’ compensation claims.

9:30 – 10:00 **Networking Break—visit exhibitors**

Oakleigh A-C

10:00 – 11:30 **Attorney Track—Ethics Part I---“Disorder in the Court--violations of the Rules of Professional Conduct and the Code of Judicial Conduct”**

Presenters: **Hon. Brian Addington, Judge, Court of Workers’ Compensation Claims**
Hon. Joshua Baker, Judge, Court of Workers’ Compensation Claims
Hon. Robert Durham, Judge, Court of Workers’ Compensation Claims
Hon. Pamela Johnson, Judge, Court of Workers’ Compensation Claims
Hon. Lisa Lowe, Judge, Court of Workers’ Compensation Claims
Hon. Thomas Wyatt, Judge, Court of Workers’ Compensation Claims

The Workers’ Compensation Judges will present a filmed courtroom scene implicating ethical violations involving conflicts of interest, obligations regarding unrepresented parties, obligations to clients and the court, and proper courtroom decorum. The film will stop several times so the audience can identify and discuss ethical violations and address how to avoid them.

10:00 – 11:30 **Employer Track— Making Transitional Duty Work When You Don't Have Transitional Duty Jobs**

Mirabella F

Presenters: **Nancy Kelly, RN, MSN, COHNS/CM, Nurse Case Manager/Medical Management,**
Averitt Express
Kimberly Wickert, MRC, CRC, VocWorks’ Director of Rehabilitation Services

It is not always possible for employers to arrange transitional-duty roles that adequately align with an injured worker's medical restrictions. Yet the benefits of light-duty, return-to-work programs are well known. But did you know that alternative work at an off-site, nonprofit organization can similarly help return workers to productivity?

How to partner with such nonprofits is not well known. Nancy Kelly and Kimberly Wickert will walk you through the process of establishing programs for engaging recovering workers in light-duty roles at off-site, nonprofit organizations. You'll also learn about communication protocols for keeping injured workers connected to the employer during their temporary assignment off site. Strategies for approaching and vetting local nonprofit organizations, summarizing legal considerations when partnering with nonprofit organizations and composing and communicating functional job descriptions fitting nonprofit opportunities will be discussed.

10:00 – 11:30 **Adjuster Track— The ABCs of MSAs and FCEs**

Cambridge AB

Presenters: **Rob Pearse, Tennessee and Georgia Director of WC Services, ATI Physical Therapy**
Robert Sagrillo, JD, LLM, President & Chief Legal Officer, NuQuest

To Submit or Not (CMS): Submission of an MSA proposal to CMS for review is voluntary. Join Mr. Sagrillo as he explains several alternate ways of preventing a cost shift of injury-related treatment to Medicare.

FCE'S: The Good, The Bad, and The Ugly!: It can be difficult to differentiate the quality of physical therapy services amongst all the providers in our market. However, there is a large variance in the quality of Functional Capacity Evaluations. Learn how do identify the Good, the Bad, and the Ugly FCE reports produced in the TN provider market. Mr. Pearse will address the variance of quality in FCE's offered by many different physical therapy companies in Tennessee to help ensure you get the best quality FCE for your injured workers.

10:00 – 11:30 **Medical Provider Track—Old Problems + New Technology = BIG IDEAS!**

Mirabella G-J

Presenters: **Lisa Ann Bickford, Director, Workers' Compensation Government Relations, Coventry**
Dr. David Tutor, President, Tap to Treat, Medical Director, Executive Vice President,
Industrial Medicine Solutions, LLC
Ken Eichler
Dr. Jeffrey Hazlewood, Board Certified in Physical Medicine and Rehabilitation,
subspecialty Board Certification in Pain Medicine
Scott Hefner, Vice President of Business Development, WorkCompEDI
Jay Blaisdell, TN Bureau of WC, E-Billing Liaison

Workers' Compensation has been around for nearly a century, and so have some of the problems. What is being done to address them? Artificial Intelligence has nothing on these presentations of newer technologies in Worker's Compensation. Smart phone technologies continue to expand. Will they offer opportunities? Might they revolutionize how and when we interact with health care professionals? The present applications and significant potential of **Telemedicine** will be explored.

MCG/ODG has rolled out a new platform that details evidence-based support to improve outcomes, reduce disability durations and produce medical cost savings. A demonstration will be presented.

The next generations of **Spinal Cord Stimulators** have been approved. Find out the improvements they promise and their potential in pain management.

Medical E-Billing should be easy but its introduction into worker's compensation has been challenging. The final portion of the program will explain some of the problems encountered and the steps stakeholders can take towards solutions.

11:30 – 1:00 **Lunch (Provided)**

General Sessions

1:00 – 2:30 **A Biopsychosocial Approach to Preventing Delayed Recovery**

Mirabella F-J

Presenters: Dr. Marcos Iglesias, Chief Medical Officer, Sr. Vice President, Broadspire

Delayed recovery presents a challenge to employers and is harmful to the employee. Over the past five years there has been growing interest in understanding and applying the biopsychosocial model to medical and disability management. A biopsychosocial approach addresses disability holistically and effectively. But what is it? Why is it important? And what techniques and tools can be used to apply it in order to reduce disability?

In this session, attendees will learn:

- How to describe the biopsychosocial model
- How the biopsychosocial model compares to the traditional biomedical model
- Non-medical risk factors that can delay an individual's recovery after an injury or illness
- How to evaluate these factors and know the tools for making appropriate referrals for intervention

2:30 – 2:45 **Worker Memorial Presentation**

Introduction by Jeff Francis, Assistant Administrator, Tennessee Bureau of Workers' Compensation

Mirabella F-J

On April 28, 1970 Congress passed the Occupational Safety and Health Act which established OSHA. It was signed into law by President Richard Nixon on December 29, 1970, promising workers the right to a safe and healthful workplace. In the 47 years since, workplaces have evolved and more jobs fall outside the traditional nine to five timeslot. And, fatality rates have fallen. It is estimated by the USDOL that some 14,000 workers were killed on the job in 1970. That number fell to 4,340 in 2009 even though the nation's workforce doubled. However, workplace hazards remain and fatalities still occur.

This session will raise awareness about the need to strengthen our commitment to make jobs safer and will honor those Tennessee workers killed at work from May 1, 2017 through April 30, 2018. Sessions that follow will highlight the preventable nature of most workplace accidents and ill health.

2:45 – 3:15 **Networking Break—visit exhibitors**

3:15 – 4:45

Triumph over Tragedy - A Personal Journey

Mirabella F-J

Presenter: Curtis Weber, Trainer, Consultant and Safety Speaker

Curtis begins this presentation by leading his audience through the early years of his life, through to his teenager years, where the young teen from small town Saskatchewan had his life heading exactly where he had always dreamed it would take him, with an opportunity to play Jr Hockey. Instead, on his third day of a new job at the age of just 17, Curtis found himself in a battle of life or death as over 40,000 volts of electricity surged through the young teen's body. Outlining the events and grueling details of the incident, Curtis discusses the impacts of decisions made both organizationally and individually and the affects they have on co-workers, family and friends. Curtis creates an emotional connection, as he takes his audience through a personal journey from the early days in hospital where doctors gave him "no hope" for survival, to a six week coma, followed by a 6 year complete recovery of hospital trips to Chicago and Toronto. Bringing this horrific incident full circle, Curtis closes with a very inspirational message, his amazing attitude and road to a very successful recovery. Let Curtis take you on his emotional journey that you will never forget and that Curtis will forever remember.

4:45 – 7:00 Kids' Chance Reception and Silent Auction

Oakleigh A-C

Friday

Breakout Sessions

Oakleigh A-C

8:00 – 9:30

Attorney Track— Ethics Part II – Ethics Bowl, How Well Do You Know the Rules of Professional Conduct?

**Presenters: Hon. Joshua Baker, Judge, Court of Workers' Compensation Claims
Hon. Pamela Johnson, Judge, Court of Workers' Compensation Claims**

Judges Baker and Johnson will present challenging ethical scenarios addressing attorney fees, conflicts of interest, lawyer obligations, contact with parties and witnesses, social media and other ethical considerations in an interactive game format.

8:00 – 9:30

Employer Track— WC 101: Employer Do's and Don'ts

Mirabella F

**Presenters: Michael Haynie, Principal, Manier & Herod
Brian Holmes, Director, Mediation and Ombudsman Services of Tennessee (MOST), TN Bureau of Workers' Compensation
Jay Hicks, Ombudsman Attorney, TN Bureau of Workers' Compensation
Madeline Shelly, Workers' Compensation Penalty Program Specialist, TN Bureau of WC**

This session will be a dynamic breakout session for employers which will be featuring Bureau staff and a Defense attorney. It will lead discussions regarding dispute avoidance techniques, the “Do's and Don'ts” for employers that will include a discussion of the Bureau's new vocational recovery assistance program, the Bureau's penalty program, the Bureau's ombudsman attorney program, and a follow-up discussion of best practices, with opportunities for questions from the audience.

On May 9, 2017, Governor Bill Haslam signed Public Chapter 344 into law creating the vocational recovery assistance program. This program connects permanently disabled injured workers with public institutions and monetary resources to acquire the knowledge, skills and abilities they need to return to meaningful employment. This session will detail the program development, outline eligibility, funding, the Bureau's role with the program, proposed rules and ways employers and insurance companies will benefit from this program.

8:00 – 9:30 Adjuster Track—Improving Outcomes: Living Abled and Caring Counts, the Adjuster Certification Program and an introduction to the Vocational Rehabilitation Program

Cambridge AB

**Presenter: Jeff Francis, Assistant Administrator, Tennessee Bureau of Workers' Compensation
Brian Holmes, Director, Mediation and Ombudsman Services of Tennessee (MOST), TN Bureau of Workers' Compensation
Chris Mandel, RIMS-CRMP, RF, SVP Strategic Solutions, Sedgwick, Director, Sedgwick Institute**

Legislation was passed in Tennessee in 2016 to “assure that injured employees are treated fairly and to assure that claims are handled in an appropriate and uniform manner.” The legislation charged the Bureau with establishing standards to govern carriers, self-insured employers and any entity acting on their behalf regarding

how they contact injured workers, process claims and offer a settlement. What will the new rules look like? What are proper and improper behaviors for adjusters? What should carriers consider in determining whether to participate in this voluntary program? What are the benefits for employers in having a certified adjuster/adjusting entity? These, and other questions, will be answered in this session. The vocational recovery assistance program will also be discussed. This program connects permanently disabled injured workers with public institutions and monetary resources to acquire the knowledge, skills and abilities they need to return to meaningful employment. This session will detail the program development, outline eligibility, funding, the Bureau's role with the program, proposed rules and ways employers and insurance companies will benefit from this program.

In this engaging dialogue you will learn how to improve outcomes by using proactive strategies which engage, empower and educate those who are injured or ill. You will gain the insights. You will learn why "caring counts" and the need for "living abled"; including how this results in better outcomes for both the injured worker and the employer. You will understand the specific action steps you can take to enhance the success of your claims handling and disability management program.

8:00 – 9:30 **Medical Provider Track—The Opioid Tragedy: Working on solutions**

Mirabella G-J

Presenters: **Caty Davis, Official Spokesperson, Governor Haslam's Character Education Program, Miss Tennessee 2017**
Lance Wheaton, Program Coordinator, TN Bureau of Workers' Compensation
Dr. James Talmage, Assistant Medical Director, TN Bureau of WC

TN Together is the state's multi-faceted plan to attack the state's opioid epidemic through three major components—prevention, treatment and law enforcement. Come hear how it will help from Miss Tennessee, Caty Davis.

New rules for the **Drug Free Workplace Program** make it easier for employers to participate. Point of Collection testing is now allowed. Required training has been reduced. But there are nuances in urine drug testing and other policies for the employers. Mr. Wheaton and Dr. Talmage will outline some of these.

9:30 – 9:45 **Networking Break—visit exhibitors**

General Sessions

9:45 – 10:30 **Case Law Update**

Mirabella F-J

Presenter: **Fred Baker, Attorney, Wimberly, Lawson, Wright, Daves, & Jones**

In 2013, Tennessee's workers' compensation law underwent fundamental reforms. As a result of those reforms, workers' compensation cases are now initially decided by the Court of Workers' Compensation Claims, and those decisions are appealed to the Workers' Compensation Appeals Board. In this session, attendees will learn about significant cases that have been decided pursuant to the 2013 reforms, including how those cases may have changed the interpretation and application of the law, and will gain insight into what the participants in the workers' compensation system may expect as we move into the future.

10:30-11:00

Legislative Update

Mirabella F-J

**Troy Haley, Administrative Attorney, Legislative Liaison, TN Bureau of WC
Chairman Pat Marsh, Tennessee House District 62**

In this presentation, the Bureau's Legislative Liaison, joined by the Chairman of the House Business and Utilities Committee, will present all legislative changes related to workers' compensation that were made during the most recent session, provide the dates of implementation, and explain their impact on the current system.

11:00-11:45

Robotics at Work: The good, the bad, and the conundrums

Presenter: Terri Bryson, Vice President, Motlow State Community College

This session will review recent literature on advances in robotics in the context of implications on workforce and consumer issues. The topic will be examined both on a regional, national, and international level. Material reviewed will include insights from subject matter experts, business and industry strategists, scientists, developers, policy makers, and educators.

The use of humor, industry comparisons, and technology contrasts is designed to evoke reflective engagement among participants. The topic is addressed through a review of striking juxtapositions of contradictory expert opinions regarding the impact of robotics on the workplace.

The presentation is intended to foster a posture of intentionality in employment practices and technology deployment planning as robotics integration deepens across the work-life spectrum. Participants should close the session with a better understanding why their own voices should be added to the dialog that both welcomes and established boundaries for robotics. Likewise, they should better understand why the successful integration of robotics technology directly correlates with business practices that highly prize human assets.

11:45-12:00

Closing Comments

Mirabella F-J

Abbie Hudgens, Administrator, Tennessee Bureau of Workers' Compensation