

Be the Change

Monday, November 1, 2021

General Sessions

All Monday General Sessions are in **Mirabella F-J**

1:00 – 1:30

Presentation of Colors Tennessee State Parks Honor Guard

Pledge of Allegiance Del Grissom

Singing of the National Anthem Angela Tipps

Welcoming Comments Jeff McCord,

Commissioner, Department of Labor & Workforce Development

Bureau Updates

Abbie Hudgens, Administrator, Bureau of Workers' Compensation

Jeff Francis, Assistant Administrator, Bureau of Workers' Compensation

This presentation will cover the accomplishments made by the Bureau over the past twelve months in implementing legislation and programmatic rules. Since the 2020 Education Conference, new rules for the Bureau's Claims Handling Standards and Appeals Board have been adopted. Revisions to the Workers' Compensation Medical Payment Committee, Medical Fee Schedule, Electronic Medical Billing, Telehealth, Workers' Compensation Exemption Registry, Medical Case Management, the Court of Workers' Compensation/Alternative Dispute Resolution, Penalty Assessments and Contested Case Hearings, Utilization Review, vocational Recovery Benefit Program, Certified Physician, Medical Treatment Guidelines, and the Enforcement Procedures for the Court of Workers' Compensation Claims are pending approvals. The Adjuster Certification Program has been delivered three more times, virtually rather than in-person, with additional offerings scheduled. This session will discuss these developments and lay the groundwork for the three-day conference by introducing the issues and outlining the topics to be discussed in the days that follow.

1:30 – 2:45 Flipping the Script—Changing the narrative in workers' compensation—Transitioning from how to why

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

Presenter: Dr. Claire Muselman, PhD, Vice President of Workers' Compensation, North American Risk Services and a founder of The Transitions

This course will help employers, risk managers, attorneys, human resource professionals, and claims professionals to understand the WHY behind the need to be educating the workers' compensation industry in a broadened landscape to effectively adjudicate claims and work with injured workers on their road to recovery to functional contributing members of society. This course takes the wholistic approach through psychology, sociology, organizational development, organizational leadership, and generational differences of employee engagement throughout the insurance industry, specifically, the workers' compensation space. This session will cover various issues significant to workers compensation professionals including the pending talent crisis, generational differences, psychosocial issues, emotional intelligence, social determinants of health, mental health, and collective evolutions in the history of Workers' Compensation.

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

3:15 – 4:30 Ethical Conundrums in Workers' Compensation

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

Facilitator: Paul Sighinolfi, Senior Managing Director, Ametros

Panelists: Adam Cochran, MD, Hughston Clinic

Cate Dugan, Partner, Peterson White LLP

Marsha Wood, Manager, Health & Wellness, Volkswagen Group of America

Steven Fifield, Attorney, Rocky McElhane Law Firm

We often face many ethical and moral problems in our daily lives. Fortunately, most of them come with relatively straightforward solutions. Ethical dilemmas rise to a different level of complicatedness and are usually problems that often have two possible options, neither of which is absolutely acceptable. There are no obvious solutions that comply with ethics and norms to resolve these challenges. Before a solution can be determined, the situation must be thoroughly analyzed, options considered and frequently reconsidered. Ethical dilemmas can, and do, arise in workers' comp claims—a party not disclosing treatment records that are less than favorable to their position, an injured worker failing to disclose prior injuries to the same body parts injured in a work-related accident, an attorney not offering the full value of a claim to a self-represented worker during a mediation. During this roundtable discussion, the Facilitator will pose situations similar to these to the panelists, each of whom represent a different workers' compensation stakeholder group.

4:30 Adjourn

Tuesday, November 2, 2021

General Sessions

8:00 – 9:00 Identifying the Most Promising Safety Technologies for Serious Injury and Fatality Prevention

Introduction by Danny Brandon, Mediation Specialist, Bureau of Workers' Compensation
Presenters: Emily Whitcomb, Director, Work to Zero, National Safety Council

Since 1913, the National Safety Council has used data, expertise, and innovation to solve tough workplace safety problems. With thousands of workers still dying each year, NSC is working to change that through its Work to Zero initiative, designed to eliminate workplace fatalities through the use of technology. This session will present the most common hazardous situations contributing to workplace fatalities, as well as promising safety technologies for fatality prevention. You'll learn about resources available to help make innovation more accessible for employers.

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

9:30 – 10:30 Workplace Diversity: Innovating Inclusive Recovery

Introduction by Marilyn Vaughn, Mediation Specialist, Bureau of Workers' Compensation
Presenters: Jacky Akbari, Managing Principal, Worthington Advisory

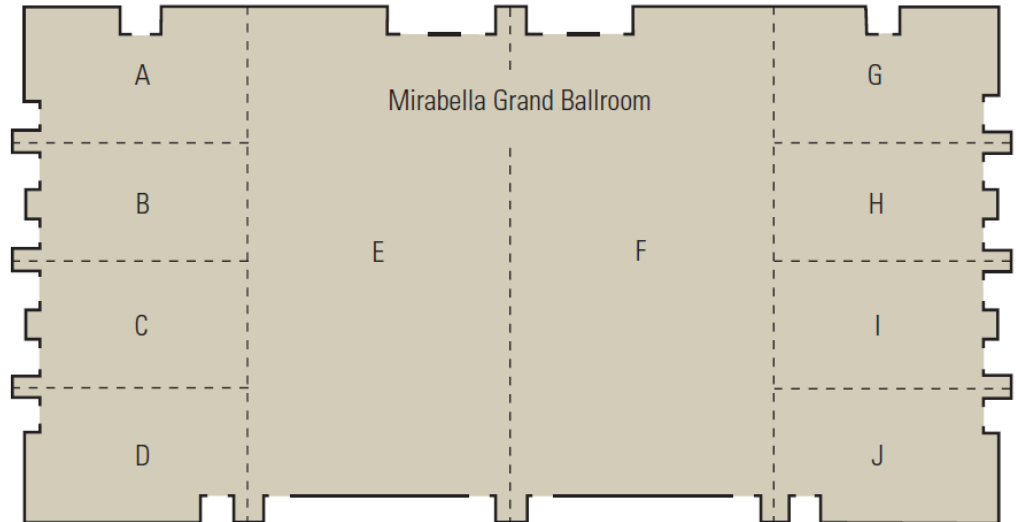
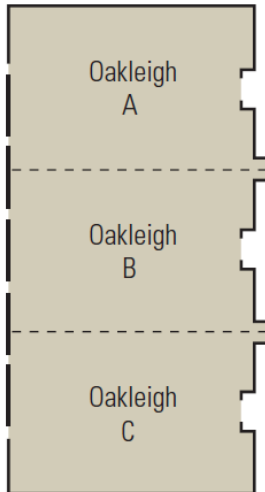
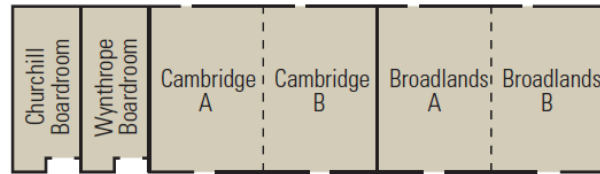
Workforce Diversity is innovating the path to recovery. The mission of workers' compensation insurance is to protect employees and employers from liabilities associated with workplace injury and death. As workforce demographics evolve, emerging trends will impact the need for cultural competency.

Workers' compensation can provide medical care, disability, rehabilitation and survivor benefits to those injured or killed in work-related accidents. Cultural competency can reduce liability risks to your organization. You can meet your compliance requirements, lower your costs and still protect your employees the way they deserve by greater full employee engagement. Nationally recognized workforce inclusion consultant Jacky Akbari will present compelling data on the impact of evolving workforce demographics.

10:30 – 11:00 Networking Break—visit exhibitors

Breakout Sessions

11:00 AM 1:30 PM 3:15 PM



Mirabella F

11:00 – 12:15

Decorum in the Court IV:

The Rise of the Mediator, Ethics for Attorneys—Part 1

Suggested audience—Attorneys, Mediators

Moderated by: Hon. Pamela B. Johnson, Judge, Court of Workers' Compensation Claims

Panelists: Hon. Robert V. Durham, Judge, Court of Workers' Compensation Claims

Hon. Lisa A. Lowe, Judge, Court of Workers' Compensation Claims

Hon. Brian Addington, Judge, Court of Workers' Compensation Claims

If you attended our conference in either of the previous three years, you may remember hearing about the Underwood injury. The Underwood saga continues in this session as our characters encounter the ethical issues that might arise during mediation. This session is built around a skit that raises ethical issues. The skit will be stopped at opportune times to allow for (1) audience participation of the ethical issues presented in the skit, and (2) consideration of the ethical provisions governing the issues. This session will explore the legal and ethical obligations of attorneys and mediators throughout the mediation process.

Mirabella G-J

11:00 – 12:15 Should This Case Settle?

A Candid and Insightful Discussion about Settlements

Suggested audience—Attorneys, Mediators, Adjusters, Employers

Host: Cheryl Ploeger, Mediation Specialist, Bureau of Workers' Compensation

Moderated by Paul Sighinolfi, Senior Managing Director, Ametros

Panelists: Hon. Kenneth Switzer, Chief Judge, Court of Workers' Compensation Claims

Adrienne B. Fazio, Principle, Manier & Herod

Jonathan L. May, Attorney, Morgan & Morgan

Workers' compensation cases are settled with regularity. The national workers compensation literature informs us settlements are a common option for a full in final claim resolution. Tennessee is no exception to this national practice. This panel will address the important elements that should be considered pre-settlement, during the settlement process, and post settlement for both claimant and defense counsel. The session will address FAQ as well as explain industry best settlement practices including those involving a Medicare Set-Aside.

Discussions will include: What should claimant's council do to secure a favorable and just settlement for a client? What should be on defense counsel's radar and how can they best protect their clients' interests and settled fairly? What is the role of the workers compensation judiciary in this process? What are the considerations when an injured worker is or will soon be Medicare eligible and an MSA is involved? What should claimant and defense counsel know about the Medicare Set-Aside obligations and their potential impact on the settlement?

Oakleigh AB

11:00 – 12:15 Optimizing Patient Preparation for surgery & other treatments

Moderated by Suzy Douglas, RN, Medical Services Coordinator, Bureau of Workers' Compensation

Presenter: Brian Allen, Vice President of Government Affairs, Mitchell's Pharmacy Solutions, Co-Founder, Optimized Outcome Solutions

Everyone involved in managing and treating a workplace injury has received specific training on how to do their job – everyone except the injured worker. The injured worker is the wild card in the recovery outcome. Rarely do injured workers understand their critical role in the recovery process. They can make or break a good outcome. The vast majority of injured workers want to get better, they just don't know how.

The Optimized program focuses on the four pillars of recovery – mindset, nutrition, activity and rest. Injured workers participating in the program are encouraged to engage in their own recovery, are educated on the things they can do to improve their outcome and are provided an individualized self-

assessment tool so they can track and celebrate their progress. Participants in the program report a more positive outlook, desires for lifestyle changes and a strong desire and commitment to get well and back to work. The session will address how the program works and will share results from real-life participants in the pilot program helping injured workers get better faster and stay better longer.

Oakleigh C

11:00 – 12:15 Workers' Comp 101

Suggested audience: Employers, Adjusters

Moderated by Marion White, Next Step Program Specialist, Bureau of Workers' Compensation

Presenter: Jeff Francis, Assistant Administrator, Bureau of Workers' Compensation

Want to know how to save money on workers' compensation? Prevent the injury. Want to know how to save money on your workers' compensation claims after an injury occurs? Attend this presentation.

Attendees at this presentation should expect to learn:

- Ways to improve the workplace culture, reduce or eliminate workplace injuries and save money
- Ways to turn a workers' compensation claim into a workers' recovery plan
- Ways that employers may be negatively influencing their workplace culture regarding workplace injuries
- The impact that a workplace culture has on the cost and length of recovery in workplace injuries.
- The major statutory requirements of the current Tennessee workers' compensation laws that are important for all stakeholders to know.
- The latest updates to the Tennessee Workers' Compensation Act, as well as Bureau Rules or Policies and the effective date(s) of those updates. Updates include:
 - How long employees have to report an injury
 - When and how to put together a panel of physicians
 - When should employers report a claim to their insurance carrier

Cambridge AB

11:00 – 12:15 Stress and Anxiety

Drivers of Poor Workers' Compensation Outcomes

Suggested audience: Medical Providers, Nurse Case Managers, Adjusters, Employers

Moderated by Jaime Weatherly, Mediation Specialist, Bureau of Workers' Compensation

Presenter: Chris Scoma, PT, DPT, OCS, COMT, CEAS, CDNT, Clinical Manager of Occupational Health

Learning Objectives:

1. Identify factors that contribute to poor outcomes for patients in the worker's compensation system.

2. Describe how stress and anxiety impact tissue healing and create complications for rehabilitation.
3. Discuss evidence-based strategies on how employers and worker's compensation stakeholders can modify their behavior to reduce stress to their injured workers and thus improve outcomes.
4. Explain how physical therapy, and early access to treatment, can further improve functional outcomes and facilitate return to work.
5. Describe the positive outcomes associated with adapting an empathetic approach to worker's compensation injuries.

12:15 – 1:30 Lunch (Provided)

Mirabella F

1:30 – 2:45 An Overview of the Uninsured Employers Fund (UEF) Benefit Plan

Suggested audience: Attorneys, Employers, Adjusters

Moderated by Amanda Terry, Director, Compliance Program, Bureau of Workers' Compensation

Panelists: Jonathan May, Attorney, Morgan and Morgan

LaShawn Pender, Program Coordinator, Bureau of Workers' Compensation

Del Grissom, Mediation Specialist, Bureau of Workers' Compensation

Many of you are probably familiar with the Bureau's Uninsured Employer's Fund (UEF). If not, it is a unit of our Compliance Program whose main goal is to enforce the insurance coverage requirements of the workers' compensation law. Enforcement is accomplished through penalties that are assessed and collected against employers who fail to secure the required coverage. But did you know that those penalties don't land in the state's General Fund? Rather, they are used to provide limited benefits to employees who are injured while working for one of those non-compliant employers. There are qualifying requirements for acceptance to the program. This session will provide an overview of the UEF Benefit Plan, cover those requirements, as well as discuss best-practices for any party seeking those benefits. There will also be a Q&A session with the panel.

Mirabella G-J

1:30 – 2:45 Workers' Compensation Pitfalls:

How to Avoid a Workers' Compensation Claim Turning into an EEOC charge or Litigation in Today's Work Environment

Moderated by: Nina F. Harris, Mediation Specialist, Bureau of Workers' Compensation

Presenters: Sarah Reisner, Principal, Manier & Herod

Josh Wilson, Partner, Manier & Herod
Fred Statum, Partner, Manier & Herod

This presentation will provide an entertaining and detailed look at the interplay between Workers' Compensation claims and employment Litigation, with a focus on the overlap between employees hurt at work, the ADA, the FMLA, and state employment laws. We also plan to equip the audience on how to handle COVID-19 related claims and issues.

Oakleigh AB

1:30 – 2:45 Ethical Dilemmas in Case Management

Moderated by: Lacy Conner, Case Manager Coordinator, Bureau of Workers' Compensation
Presenter: Shirley Vincent, RN, CCM, Executive Officer, Founder, Guardian Medical Consulting

The CCMC's Code of Professional Conduct includes their principles, values, and adherence to regulations. These components are fundamental for case managers when it comes to making ethical decisions. Many Case Managers are confronted with ethical dilemmas on a daily basis. While there is not always one "right" answer in these delicate situations, knowing how to ethically navigate through the decision-making process will allow the case manager to make "the best choice."

Oakleigh C

1:30 – 2:45 Using the OSHA/TOSHA VPP Safety and Health Management System to Improve Safety and Business Sustainability

Suggested audience: Attorneys, Mediators

Moderated by: Santiago Rodriguez, Ombudsman, Bureau of Workers' Compensation
Presenter: Kelly Dorsey, Field Safety Professional, Marathon Petroleum

This session provides an overview of how to create a successful Safety and Health Management System following the blueprint established by OSHA with the Voluntary Protection Program. This blueprint identifies the four necessary elements of: Management Leadership and Employee Involvement; Worksite Analysis; Hazard Prevention and Control; and Safety and Health Training. The goal of this session is to have an interactive discussion on the intent and objectives of each element, and one potential execution strategy. Real world examples will be used illustrating both the successes and failures of companies through the application of these four elements. This session is designed to assist participants identify changes to their current business model that will reduce the number of incidents leading to injury and the cost associated with those incidents.

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

Mirabella F

3:15 – 4:30 Implementing a Biopsychosocial Model: Decreasing Claim Severity while Increasing Appropriate Medical Care

Suggested audience: Attorneys, Mediators, Employers

Moderated by: Robert Snyder, MD, Medical Director, Bureau of Workers' Compensation

Presenters: Joe Van Winkle, Chief Clinical Officer and CEO, Sababa Health Group

Scott J. Primack, DO, Colorado Rehabilitation & Occupational Medicine

This session is a brief exploration of the biopsychosocial model for managing work-related injuries and how a new approach to implementation can effectively decrease claim severity and increase appropriate medical care, all while limiting the financial risk. Most medical providers understand how important psychological factors are in work-related injury recovery, but one of the biggest barriers to addressing these concerns is how to do so effectively and consistently. These "Psych Claims" often turn into open-ended money pits of perpetual treatments that seem completely disconnected from the rest of the medical care. Real case examples and data will help demonstrate how a simple, new approach can reign in these financial uncertainties, improve the overall care, and realign the entire treatment model without losing any of the benefits for the injured workers.

Mirabella G-J

3:15 – 4:30 Issues in Impairment Ratings under the 6th Edition of the AMA Guides to the Evaluation of Permanent Impairment

Hosted by: Jay Blaisdell, MIR Registry Program Coordinator, Bureau of Workers' Compensation

Moderated by: Kitty Boyte, Partner, Constangy, Brooks, Smith & Prophete, LLC.

Panelists: Paul Abbey, MD, Dube Orthopedics

Jeffrey Hazlewood, MD, Board Certified in Physical Medicine and Rehabilitation,

Christopher Jones, MD, Hughston Clinic Orthopaedics

Gray C. Stahlman, MD, Tennessee Orthopaedic Alliance

Impairment ratings play an integral role in resolving many workers' compensation claims. Yet they are not easily obtained. Many treating physicians are not as familiar with the Guides as we might like. And there can even be disagreement amongst those that are familiar with them. The panelists in this session are highly experienced in applying the Guides and will discuss some of the most common areas of disagreement such as: How do you define "radiculopathy" with respect to assigning PPI to spine injuries? How do you determine whether to use diagnosis-based method v. range of motion method in rating shoulder injuries? What effect does patella-femoral arthritis have on rating knee injuries? What specific criteria is needed to assign impairment ratings for CRPS? How is carpal tunnel syndrome rated under the 6th Edition?

Cambridge AB

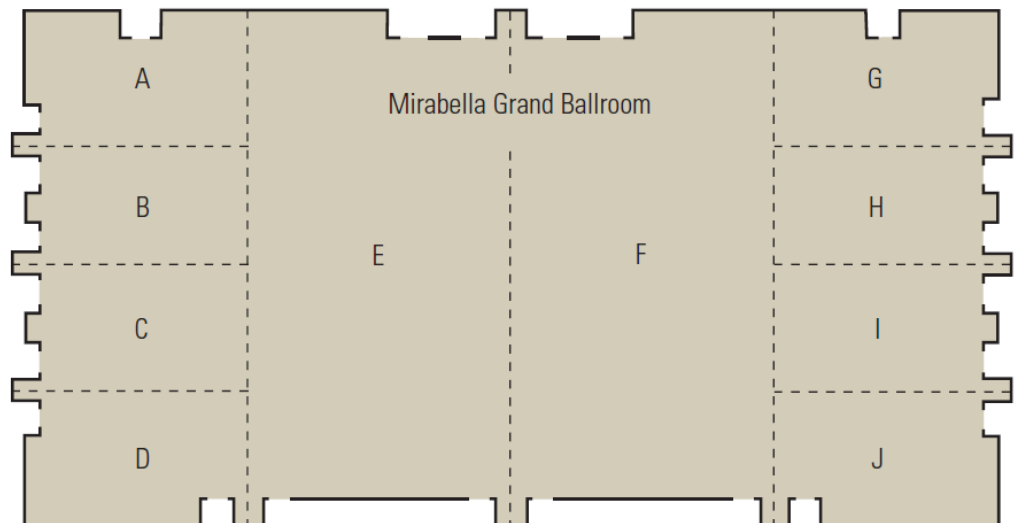
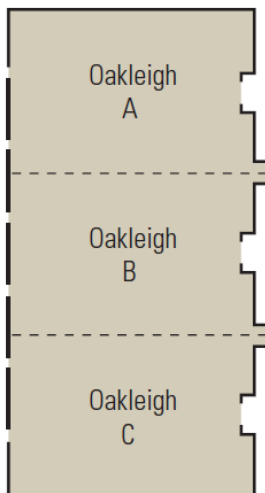
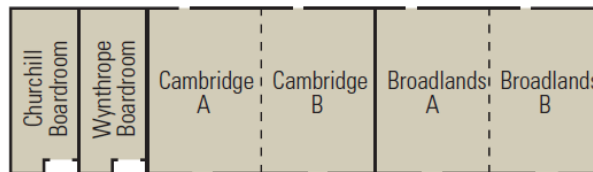
3:15 – 4:30 Language Access and Working with Interpreters

Suggested audience: Adjusters, Mediators, Employers

Moderated by: Brian Holmes, Director, MOST, Bureau of Workers' Compensation

Presenters: Sherley Cruz, Esq., Assistant Professor, University of Tennessee College of Law
Spring Miller, Esq., Assistant Dean and Martha Craig Daughtrey Director for Public Interest, Vanderbilt University

This program will highlight the importance of language access within the workers' compensation system. Presenters will introduce what it means to provide language access and why it is necessary. The session will provide practical tips and best practices for working with interpreters and improving cross-cultural communication throughout the life of a workers' comp claim.



Wednesday, November 3, 2021

General Sessions

All Wednesday General Sessions are in **Mirabella F-J**

8:00 – 9:15 Case Law Update

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

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 in the last twelve months 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.

9:15 – 9:30 Worker Memorial Presentation

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

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, 2019 through April 30, 2021. Other sessions in the conference will highlight the preventable nature of most workplace accidents and ill health.

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

9:45 – 10:15 **Announcement of the Sue Ann Head Award Winner**

Introduction by Abbie Hudgens Administrator, Tennessee Bureau of Workers' Compensation

Sue Ann Head was appointed as the Assistant Director of the Tennessee Workers' Compensation Division in May 1979, and the Director in 1982. She went on to lead the agency for over 30 years. Her service to this industry did not end with state government. Sue Ann served on the Executive Committee of the Southern Association of Workers' Compensation Administrators (SAWCA), including time as the President. She also served on the Board of Trustees for the International Workers' Compensation Foundation (IWCF), oversaw legislative reforms passed in 1992 and 2004 and implemented most of the programs within the Bureau today. She was the guiding force behind the first presentation of this conference. Sue Ann passed away in May 2018.

As part of this conference, the Bureau will award the ***Sue Ann Head Award for Innovation and Excellence in Tennessee Workers' Compensation***. This award honors the legacy of Administrator Sue Ann Head who retired in 2012 after more than 40 years of service to the agency.

The recipient of the Award, an individual or stakeholder who has introduced new strategies to claims management that have resulted in positive measurable outcomes, gone above and beyond the standards expected in administering their workers' compensation program, instilled a workers' compensation culture based on trust, cooperation and mutual interests, understood the concerns of injured workers and their families, and set an example to others in their field will be recognized during this session.

10:15 – 10:30 **Legislative Update**

Presenter: Troy Haley, Administrative Attorney, Legislative Liaison, TN Bureau of WC

In this presentation, the Bureau's Legislative Liaison 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.

10:30 – 11:45 **The REWARD Program**

Introduction by Abbie Hudgens Administrator, Bureau of Workers' Compensation

Presenters: Terry Horn, Director, Executive Health, Corporate Health & Wellness, Corporate Health Workers' Compensation

Dan Headrick, PT, CEAS III, CETS, ASTYM, BS, Physical Therapist, Level III Certified Ergonomic Assessment Specialist, Certified Employment Testing Specialist, ASTYM cert. Industrial Specialist, STAR Physical Therapy

Suzy Douglas, Medical Services Coordinator, Bureau of Workers' Compensation

Brian Holmes, Director, MOST, Bureau of Workers' Compensation

Jeff Francis, Assistant Administrator, Bureau of Workers' Compensation

This may come as a surprise to some people, but working is good for us. It is also good for injured workers. Too often, employers are reluctant to return an injured worker to work if the treating physician has assigned any work restrictions. This reluctance increases costs and worsens outcomes. The **R**eturn **E**mployees to **W**ork **A**nd **R**educe **D**isabilities (REWARD) Program is a way for employers to transform their workers' compensation program by developing return-to-work programs even before workplace injuries occur. Employers can identify transitional (light duty) positions and then assign those duties as needs arise. The panelists in this session will provide insights into practices that improve the outcomes of workers' compensation. Using realistic examples of what can happen when an employee is injured, the audience and panel will consider the strategies that work and do not work and the assistance that is available from the Bureau of Workers' Compensation for employers and employees.

Noon Closing Comments

Abbie Hudgens, Administrator, Tennessee Bureau of Workers' Compensation