

# 19<sup>th</sup> ANNUAL Conference

LEGISLATIVE & EDUCATIONAL FORUM



June 7-9, 2023

Disney's Grand Californian Hotel & Spa

PRESENTED BY  sedgwick

## AGENDA AT-A-GLANCE

*Preliminary agenda and subject to change*

### WEDNESDAY, JUNE 7

8:00 am - 6:00 pm Registration Desk Open

11:30 am - 12:15 pm **Expo Open**

12:30 pm - 2:00 pm **Opening General Session**

#### **Legislative and Political Update**

Governor Newsom and the state's democratic legislative majority had a strong showing in the 2022 elections. The state legislature welcomed a large freshman class thanks to term limits, and that new class was welcomed by a cooling economy and the return of budget deficits. California is open for business and Governor Newsom has announced an end to the COVID-19 State of Emergency. The state's workers' compensation presumption for COVID-19 is scheduled to sunset at the end of the year. Join CCWC's Legislative Advocate Jason Schmelzer and Managing Director Paul Yoder as they discuss the real state of the state, workers' compensation legislation worth watching in 2022, and what lies ahead in the next several years.

#### **SPEAKERS**

Jason Schmelzer, *California Coalition on Workers' Compensation*

Paul Yoder, *California Coalition on Workers' Compensation*

2:15 pm - 3:15 pm

#### **CONCURRENT SESSIONS I**

#### **Identifying and Managing High-Exposure Claims**

Properly identifying and defending high-exposure and catastrophic injury claims is critical, since they constitute a high percentage of the actual losses incurred by an organization. Some large-loss claims are obvious as soon as the injury occurs, while others take time to develop. This session explains how to identify potential large losses as early as possible to reduce the ultimate exposure, and also discusses strategic defenses of such claims.

#### **SPEAKERS**

Bryan Conner, *American Airlines*

James A. Rossi, Esq, *Rossi Law Group, APC*

Danny Thorn, *Benchmark Administrators*

#### **Best Practices for Controlling Prescription Costs: Keeping Your PBN Honest**

California's drug formulary has been in place since 2018, yet pharmacy costs still comprise 20% or more of medical costs. This session discusses the fact that pharmacy expenses can – and should – be managed more effectively. Topics addressed include what a pharmacy benefits network (PBN) manager should provide and how to determine if the best deal is on the table. A panel of industry-leading risk managers and PBN managers provide key insights to shed light on where pharmacy dollars are going during and after settlement of a workers' compensation claim.

#### **SPEAKERS**

DeAnna Soria, *City of Huntington Beach*

Beverly Umholtz, *Orange County*

Karen Cofield, *KRS MSA LLC*

#### **Collaborating with the Med-Legal Doctor for Better Outcomes**

This session provides an update on the efforts of the DWC, various legal and medical organizations, and others involved in improving the quality of QME reports. It also outlines a hands-on, how-to approach for the claims examiner to make sure quality reports are obtained.

#### **SPEAKERS**

Julian Robinson, *City and County of San Francisco*

Nicole Richardson, *California Department of Industrial Relations, Division of Workers' Compensation*

Randy Pollak, *Wintersteen | Casarez, A Professional Law Corporation*

Steven Feinberg, MD, *Feinberg Medical Group*

3:15 pm - 4:00 pm

**Networking Break and Expo**

## WEDNESDAY, JUNE 7 CONTINUED

4:15 pm – 5:15 pm

### CONCURRENT SESSIONS II

#### Understanding the Employer's Role in an OSHA Investigation

If a serious injury occurs in the workplace, it's inevitable that OSHA will find out about it and conduct a thorough inquiry. In this session, a knowledgeable panel discusses the appropriate ways to handle an OSHA investigation: what to expect, how to avoid significant fines, and what to know about legal rights before, during, and after the closing conference.

##### SPEAKERS

Kurt Leisure, *The Cheesecake Factory*  
Sean Paisan, *Jackson Lewis*

#### Defending Compensable Consequence Injuries

According to Labor Code 4660.1(c), sleep dysfunction, sexual dysfunction, or psychiatric disorder as the result of injury do not bring higher levels of permanent disability. However, the need for medical treatment or temporary disability for these claims still exists. What's more, the code does not address internal or neurological add-on claims. Applicants' attorneys and doctors are exploiting this law to raise the value of compensable consequence injuries, increasing the cost to resolve claims. To help present a better defense, this session discusses how recent case law interprets these exceptions.

##### SPEAKERS

Scynthia McNabb Syfrett, *Sharp Healthcare*  
Patrick Hawthorne, *Orange County*

#### Expediting Appropriate Medical Care

Designed to dispel some of the myths about utilization review, this session offers input from industry leaders on how the process should be used to expedite care and facilitate a successful return to work. Included are examples of how actionable data from a utilization review has helped employers strengthen their relationships with treating providers and expedite medical care. In addition, an interactive discussion will address challenges, examine common scenarios, and review possible approaches and potential outcomes.

##### SPEAKERS

Martin Brady, *Schools Insurance Authority*  
John Riggs, *Disneyland Resort*

5:15 pm – 6:30 pm

### Welcome Reception and Expo

## THURSDAY, JUNE 8

7:30 am – 6:00 pm

Registration Desk Open

7:30 am – 9:00 am

### Networking Breakfast and Expo

9:00 am – 10:15 am

### General Session

#### Mock Trial: It's Not as Civil as You Think

This presentation reveals the true nature of a WCAB trial and explains what the procedure can accomplish. Topics covered include how evidence is submitted, how arguments are handled compared to evidence, how testimony is presented as the WCAB applies the Code of Civil Procedure, and how a trial is used to build a record.

##### SPEAKERS

Chad Coleman, *Coleman, Chavez & Associates, LLP*  
Jason Marcus, *Marcus, Regalado, Marcus & Pulley, LLP*  
Paige Levy, *Division of Workers' Compensation*

10:30 am – 11:30 am

### CONCURRENT SESSIONS III

#### Fraud – And What Can Be Done About It

In this session, two experienced prosecutors discuss the challenges of investigating and prosecuting WC insurance fraud in the digital age. The presentation focuses on the possibility of inadvertently undermining criminal fraud investigations and prosecutions by using an app-based claims-submissions system or accepting claims submissions online. Also addressed is the documentary evidence needed to prove WC insurance fraud cases.

##### SPEAKERS

Shaddi Kamiabipour, *Orange County District Attorney's Office*  
Michael Chiriatti, *San Bernardino County District Attorney's Office*

## THURSDAY, JUNE 8 CONTINUED

10:30 am – 11:30 am

### CONCURRENT SESSIONS III CONTINUED

#### Case Law Update

The litigation landscape for workers' compensation seems to change daily. This informative session analyzes and breaks down recent board and court decisions affecting the industry in California. Both the applicant and defense bar perspectives on the court's interpretation of the law will be presented – from the decision in *See's Candies, Inc. v. Superior Court* to changes in apportionment from *Hikida* to *Justice*.

#### SPEAKERS

Medy Beauchane, *Law Offices of Mullen & Filippi, LLP*  
Craig Johnsen, *Mastagni Holstedt, APC*

#### Crossover Claims: Workers' Comp and EPLI/ADA/FEHA

This presentation covers the crossover patterns that exist between a California workers' compensation claim and an employment practices liability insurance (EPLI) claim. Such claims are often overlooked, since attorneys tend to focus within a specific area of practice. The result: increased overall costs to the employer. This session presents strategies that can be utilized to help reduce overall litigation expenditures.

#### SPEAKERS

Steven Bondy, *Bondy Law Group*  
Steven G. Gatley, *Lewis Brisbois Bisgaard & Smith LLP*

11:30 am – 12:45 pm

### Networking Lunch and Expo

1:00 pm – 2:00 pm

### CONCURRENT SESSIONS IV

#### Effective Investigations: Before and During a Claim and the Impact of SB 1127

This presentation explores the implications and impact of SB 1127 on legal presumptions for various public safety employees in workers' compensation cases. Public entities and risk managers will learn to navigate these complex cases now that the timeframes for assessing liability have been shortened, benefits have been expanded, and severe potential penalties for unreasonable denial of claims have been created.

#### SPEAKERS

Dave Thomas, *Hanna, Brophy, MacLean, McAleer & Jensen, LLP*  
Jonathan Liff, *Laughlin, Falbo, Levy & Moresi LLP*

#### Getting to "Yes:" Resolution of Problematic and Costly Claims

Presented by a panel of experts, this session addresses how to facilitate settlement of cases that just won't go away and drive metrics through the roof. Strategies on how to bring even the most hardened opposing counsel to the table to achieve closure will be discussed and explained.

#### SPEAKERS

Erika Vargas, *Gordon, Edelstein, Krepack, Grant, Felton & Goldstein, LLP*  
Demetra Johal, *Laughlin, Falbo, Levy & Moresi LLP*  
Diana Toste, *Sedgwick*  
Dawn Watkins, *Los Angeles Unified School District*  
Saul Allweiss, Esq., *Law Offices of Allweiss, McMurtry & Mitchell*  
John Pinto, *Arcadia Settlements Group*

#### Well-Being Matters: Addressing Mental Health throughout the Life of a Claim

Although the workers' compensation industry is increasingly focused on understanding the impact of mental health in the workplace, providing support for the issue remains problematic. This session poses a real-life example that begins with the worker's perspective and the first responder's experience. From there it explores the roles of the various touchpoints: HR, primary care, EAP, and workers' compensation departments. Strategies will be presented to keep mental health issues from becoming claims, and an EAP expert will explain how EAP can assist to achieve workers' compensation resolution.

#### SPEAKERS

Roman Kownacki, MD, *Agile Occupational Medicine*  
Stephen Odom, PhD, *Shift Wellness*

2:15 pm – 3:00 pm

### Networking Break and Expo

## THURSDAY, JUNE 8 CONTINUED

3:15 pm – 4:15 pm

### CONCURRENT SESSIONS V

#### CT Claims: Shaken, Not Stirred

Cumulative trauma claims – difficult to determine and costly to defend – are the not-so-new villain in the California workers' compensation arena. In this presentation, an enlightened panel of risk managers and attorneys provide strategic insights for identifying and defending CT claims with an emphasis on creative avoidance and cost mitigation.

##### SPEAKERS

Serena Neves, *Michael Sullivan & Associates*  
Jesse Salazar, Esq, *Gilson Daub*

#### Assessing the Effectiveness of Your Pain-Management Program

Pain management has long been a complex and costly treatment in workers' compensation. While various programs have emerged, the results often fall short of the desired outcome. Chronic pain remains a challenge for injured workers, adjusters, and medical providers who all want solutions. This session approaches the topic from the viewpoint of both payer and provider, focusing on the outcomes of traditional approaches vs. recent innovations. It also provides a deeper understanding of pain management, with the mutual goal of improving quality of life for the injured workers and moving toward claim resolution for the carrier.

##### SPEAKERS

Rupali Das, MD, *Zenith Insurance Company*  
Rajiv Das, MD, *Safeway Inc., Vons and Albertsons Stores*

#### The Impact of Wearables on a Workers' Compensation Claim

The Apple Watch, Fitbit, and other wearable devices have increased in popularity over the years. This technology is becoming more acceptable in the injury-prevention programs of many companies, and smart devices are now serving as significant tools in post-injury recovery. In this presentation, a panel discusses the fast-growing technology that has proven to predict an injury and dramatically reduce recovery times.

##### SPEAKERS

Sherry Burrell, *Briotix Health, LP*  
Kelson Wann, *Briotix Health, LP*

4:30 pm – 5:30 pm

### General Session

#### The California Workers' Compensation Quiz Show

A seasoned panel offers a detailed primer on current issues that dominate the California system. Topics include medical care delivery, dispute resolution, med-legal reports, presumptions, outcome comparisons to other states, and more. The presentation will be followed by the group's popular "JeoParody" quiz show, a special answers-and-questions audience participation round.

##### SPEAKERS

Alex Swedlow, *California Workers' Compensation Institute*  
Mark Priven, *Bickmore Actuarial*  
Rose Barrett, *Barrett Actuarial Consulting, LLC*

6:00 pm – 8:00 pm

### Thursday Evening Reception

## FRIDAY, JUNE 9

8:00 am – 11:30 am

Registration Desk Open

8:00 am – 9:00 am

### Networking Breakfast

9:00 am – 10:00 am

### Band of Bloggers: Bloggers' Panel

This ever-popular event affords the opportunity to be educated and entertained by an esteemed group as they ponder the state of workers' compensation in California and nationally. Questions are welcomed and encouraged, and it's always a treat to hear the panel's insightful – and often humorous – perspectives.

##### SPEAKERS

Ann Stephenson, *Gallagher Bassett*  
Hon. Robert Wilson, *WorkCompCollege.com, bobscluttereddesk.com*  
Robert Rassp, *WCAB Los Angeles District Office*  
Julius Young, *Boxer & Gerson, LLP*  
Mark Pew, *WorkCompCollege.com, theRXprofessor.com*

**FRIDAY, JUNE 9** CONTINUED

10:00 am - 11:00 am **Closing General Session**

**Putting It All Together and Taking It Home: A Discussion with Industry Experts**

Join top risk managers and other industry experts in this moderated session, as they consider key take-aways from this year's conference.

**SPEAKERS**

Eddy Canavan, *Alta Claims Services*

Mark Field, *Sutter Health*

Sheri Lawrence, Esq, *SoCal Gas*

Sarah Cato, *Rubio's Restaurants, Inc.*

Minh Nguyen, DO, MPH, FACOEM, *Agile Occupational Medicine*

11:00 am - 11:30 am **Closing Remarks and Prize Drawing**