

JUNE 8-9, 2015 • TAN-TAR-A RESORT • OSAGE BEACH, MO

21<sup>st</sup> Annual  Missouri  
**WORKERS' COMPENSATION**  
**C·O·N·F·E·R·E·N·C·E**

**MONDAY • JUNE 8, 2015**

**7:30 a.m. – 1 p.m. Golf Tournament to Benefit Kids' Chance**

7:30 a.m. Registration and Breakfast

8 a.m. Four-Person Scramble

1 p.m. Winners Announced and Prizes Awarded



The Oaks at Tan-Tar-A

**9 a.m. – 1 p.m. Check-In and Registration**

Tan-Tar-A Resort

**10 – 11:15 a.m. Early Bird Sessions**

**ATTENDEE'S CHOICE**

**Work Comp 101: The Basics for Those New to the Missouri Workers' Compensation System**

Ken Cain, *ALJ, Division of Workers' Compensation*

Rooms 62/63/64

The legal rights and responsibilities of both Employees and Employers will be discussed, along with explanations of the terms and abbreviations most often used: TTD, MMI, PPD rating, etc.

**Platelet Rich Plasma and Other Biologic Treatments: What Are They and What is the Evidence for Their Use in Orthopedic and Occupational Injuries?**

Parasol II

Dr. Nathan A. Mall, *St. Louis Center for Cartilage Restoration and Repair, Regeneration Orthopedics*

Attendees will learn what these biologic treatments are; discuss what data we have currently and where these treatments may have a use in the future.

**Being Prepared for the Active Shooter**

Redbud

Sergeant Randall Sims, *Kansas City Police Department*

Sergeant Sims will provide training regarding options that are available should there be an active shooter event as well as training regarding what to expect from the police response to the event.

**Practice and Procedures Before the Labor and Industrial Relations Commission**

Salon A

John Larsen, *LIRC Chairman*, Curtis Chick, *LIRC Commissioner*, and James Avery, *LIRC Commissioner*

The members of the LIRC will provide information and advice regarding the submission of applications for review, preparation of briefs and presentation of oral arguments. Motion practice and post-award issues will also be discussed. The Commissioners will also be available to answer questions and address issues of concern.

**11:15 a.m. – 12:15 p.m. Lunch**

**For Early Bird Attendees**

Salon C

**For Exhibitors**

Windgate Hall

**Noon Exhibit Hall Opens**

Windgate Hall

**1 – 1:15 p.m. Welcome**

Salon A

## 1:15 – 2:15 p.m. Keynote Speaker

### “CHATTER - HOW PEER TO PEER ACCOUNTABILITY CAN GET RESULTS... AND CHANGE YOUR CULTURE FOREVER!”

Matt Forck, *SafeStrat, LLC*, an organization dedicated to “Building LIFE (Living Injury Free Everyday) through writing, speaking and giving”

A recent Bloomberg Businessweek study entitled ‘The Peer Principle’ reported that, “In the area of safety, 93% of employees say they see urgent risks to life and limb and yet less than one fourth of those who see concerns speak up about them. Rather, they wait for bosses or others to take action. The differences between good companies and the best weren’t that apparent when it came to bosses holding direct reports accountable. The differences become stark, however, when you examine how likely it is that a peer will deal with a concern.”

**Take your safety program to a new level!**

## 2:15 – 2:45 p.m. Refreshment Break/Visit Exhibitors

Windgate Hall

## 2:45 – 4 p.m. Sessions

**ATTENDEE’S CHOICE**

### **Surgeries with Retained Hardware: The Hand, Wrist and Spine**

Rooms 62/63/64

Dr Anne R. Rosenthal, *Rosenthal Consulting, LLC* and Dr. Harold Hess, *MD, Johnson County Spine*

Case presentations of injuries of the hand and wrist that require hardware fixation will be discussed. The possible retained and non-retained fixation solutions will be covered along with indications for retained hardware removal. Dr. Hess will discuss spinal instrumentation, the spinal pathologies for which the instrumentation is used, and the complications that can arise with use of the instrumentation.

### **When Claims Go Bad**

Salon A

Mark Woodward and Terri Sweeten, *Missouri Employers Mutual Insurance*

Why do some work comp claims turn into disasters? What can my organization do to avoid claim catastrophes? Learn the common factors of serious claims that resulted in a lose-lose situation for everyone involved. Learn simple and effective methods that your organization can adopt to improve safety, reduce workers’ compensation costs and avoid injury nightmares.

### **Stand Up for Your Health**

Redbud

Laurie Knauf, *RD, LD*, and Kim Radmacher, *RN, Missouri Consolidated Health Care Plan*

Do you have back pain, an aching neck, or low energy when you spend your day sitting at your desk? A lack of physical activity may be the reason. Luckily, you can dramatically improve your health and well-being by exercising regularly.

### **Updates to OSHA’s Recordkeeping Rule**

Salon B

Todd Sieleman, *Compliance Assistance Specialist, U.S. Department of Labor-OSHA*

This session will describe when a single hospitalization may, or may not, need to be reported to OSHA, how OSHA defines amputations and loss of an eye, and will highlight which industries are newly included in recordkeeping requirements - and which industries (previously included) are now exempt.

## 4 – 5:15 p.m. Sessions

**ATTENDEE’S CHOICE**

### **Workers’ Compensation Case Law Update**

Salon A

Mike Korte, *Attorney, The Korte Law Firm, LLC* and Chris Archer, *Attorney, Archer, Lassa, McHugh LLC*

Experts in workers compensation law bring you up to date on court decisions that affect workers compensation and ultimately the employee and employer.

### **Small Steps to Big Change: Strategies to Address Workplace Health Issues of Aging, Obesity and Diabetes**

Rooms 62/63/64

Suzanne Wagar, *PT, MHS, CEAS, Work Performance Center*

Employees are considered to be the greatest asset and the greatest challenge. This presentation explores strategies to effectively manage aging workers and workers with critical health issues like obesity and diabetes, with emphasis on a healthy workforce and a healthy bottom line.

## **Potential Civil Liability of Denied Workers' Compensation Claims-Things to Think About Before You Hit the Denial Button!**

Salon B

Beth Shocklee, *Attorney* and David Berwin, *Attorney, Evans & Dixon, St. Louis*

This presentation addresses the potential risks of an outright denial of a questionable workplace injury, particularly the possibility of incurring additional liability exposure beyond the workers' compensation realm, including: the potential for retaliatory discharge suits; the potential liability of co-employees; the implications of litigating in a forum other than workers' compensation; and how actions taken in investigating and handling these claims can trigger liability under state and federal anti-discrimination laws.

## **Fraud Update**

Redbud

Dwight Miller, *Division of Workers' Compensation, Fraud Unit*

Update on fraud and upcoming changes. Detecting fraud and what you should know as an employer will be discussed in depth.

# **TUESDAY • JUNE 9, 2015**

## **7:30 – 8:45 a.m. Breakfast/Exhibit Hall Opens**

Windgate Hall

## **8:45 – 10 a.m. Sessions**

**ATTENDEE'S CHOICE**

### **Supervisors: What You Should Know About Drug and Alcohol Abuse!**

Salon A

Rita Lebo, *Director, WORKNET Drug and Alcohol Services*

Reasonable Suspicion Training for supervisors will assist supervisors in order to recognize the signs, symptoms and characteristics of drug and/or alcohol abuse/misuse. Additionally, the presentation will address observation, documentation, confrontation and collection process.

### **The Desk is the Enemy: How Facility Walk-Around Inspections Improve Safety**

Rooms 62/63/64

Paul Krewson, *OTR/L CEAS III, Peak Ergonomics* and Mark Woodward, *Missouri Employers Mutual*

Why is your desk the enemy? Sedentary work. Bad posture. Stress and poor health. Need more reasons? Your body needs oxygenation, hydration and movement. Learn how increasing awareness, responsiveness and better incident management can result in reduced incident rates and associated costs.

### **Resolving the Cases That Keep You Awake at Night: Claims Complicated By Liens, Third Party Settlements, Subrogation and Medicare**

Salon B

Julie Petraborg, *Attorney, The Petraborg Law Firm*

What keeps you awake at night? The fear of cyber-warfare? Release of the next Will Ferrell movie? Perhaps, it is your worst workers' compensation case. This discussion will contemplate potentially upsetting and nerve-racking complications to otherwise basic workers' compensation cases. We will consider strategies to settle your ugliest claims.

### **A Scoring System to Determine Causation in Rotator Cuff Tears: Updated to Include Occupational Exposure and Repetitive Use**

Redbud

Dr. Anthony Frisella, *MD, Advanced Bone & Joint*

Attendees will learn the possible causes of rotator cuff tears. Are tears often seen as a normal part of age? How often can occupational exposure or repetitive use cause a rotator cuff tear? How can a scoring system simplify the questions of causation in rotator cuff tears?

## **10 – 10:30 a.m. Last Visit With Exhibitors**

Windgate Hall

## **10:30 – 11:45 a.m. Sessions**

**ATTENDEE'S CHOICE**

### **Dirty Drugs: Done Dirt Cheap**

Rooms 62/63/64

Dr. Kaylea Boutwell, *MD, Pain and Rehabilitation Specialists of St. Louis*

Ever wonder why "Pain Management" became the last specialty you ever wanted your patient to go to, instead of your best asset in getting your injured workers back on the job? Historically, dependence on narcotic pain medications and a failure to focus on functional recovery led to this unfortunate trend. Times are changing and so is analgesic science.

## 10:30 – 11:45 a.m. Sessions (continued)

ATTENDEE'S CHOICE

### Workers' Compensation Start to Finish: First Report of Injury to Settlement

Salon A

Dr. Michael Nogalski, MD, and Cynthia Byler, DO, MPH, *Orthopedic Associates, LLC*; Cheryl Kane, BJC, *Workers' Compensation*; Mike Banahan, *Attorney, Evans & Dixon*; David Jerome, *Attorney, Brown & Brown*  
Honorable Judge John Ottenad, *ALJ, Division of Workers' Compensation*; Chris Archer, *Attorney, Archer, Lassa & McHugh*

This session will take attendees through the process of gathering information on the initial injury and how each subsequent injury plays a part in determining causation, treatment and compensability. The session will also drive into the legal process from plaintiff and defense side and include how the ALJ determines responsibility and settlement distribution.

### Work Comp's Double Down on The Affordable Healthcare Act!

Salon B

Jeff Hogland, *CTO, Bardavon Health Innovations* and Dorothy Riviere, *PT, OCS, CSCS, FAFS, CERT, MDT, Executive Director, bNotes*

The Affordable Healthcare Act impact is a doubling of Worker's Compensation claims. Higher deductibles among several other factors are manifesting injuries in workers compensation. That combined with the impact of intermediary networks will continue to drive down quality of care. Are there any tools available to project and manage this coming wave of work comp claims?

### Ergonomic Risk Assessments and Advancements in Healthcare

Redbud

Dr. Tammy Allen, *Ed.D. Assistant Professor, University of Central Missouri*

This updated discussion on the Ergonomic Assessment in the nursing home setting within the healthcare industry, features visual aids and some new state-of-the-art equipment to reduce the ergonomic stressors on the RNs, LPNs and CNAs.

## 11:45 a.m. – 1 p.m. Lunch

Salon C

## 1 – 2:15 p.m. Sessions

ATTENDEE'S CHOICE

### Symptom Validity Testing

Rooms 62/63/64

Dr. Terrie Price, *PhD, ABPP, Director, Neuropsychology*

Dr. Price will discuss assessment strategies evaluating effort and biasing in neuropsychological assessment. She will discuss diagnostic criteria related to assessing feigned and exaggerated presentation and test performance. Common diagnostic tools to assess symptom biasing will be discussed along with limitations in their use and interpretation. Additional factors contributing to test performance will be reviewed.

### Turning a Bad Claim into a Good Case: Utilizing Your WC Claim to Mitigate Damages or Win Cases Including ADA and FMLA, Wrongful Separation, Wrongful Termination and Drug Testing Issues

Steve McManus and Gregory T. Cook, *Attornies, McAnany, Van Cleave & Phillips, P.C.*

Salon A

A workers' compensation defense attorney and an employment attorney will discuss how to handle multiple employment scenarios including drug testing, discipline on employment issues, wrongful termination, retaliatory discharge, termination/separation, ADA and FMLA issues when a workers' compensation claim is also pending. The attorneys will focus on how to utilize various claims to mitigate and deny other claims. Strategies will also be discussed on how to settle cases and obtain termination/separation agreements with problem employees.

### Workplace Safety and Violence Reduction

Redbud

Officer Kevin Kempker, *Crime Prevention Officer, Jefferson City Police Department*

No organization, regardless of size or type of business is immune to workplace violence. This session will help you identify "Behaviors of Concern". Learn the Workplace Violence Formula: Awareness + Action = Prevention.

### State Regulatory and Legislative Trends - A Snapshot of Top Workers Compensation Issues

Salon B

Lori Lovgren, *JD, CPCU, NCCI, Division Executive-State Relations*

What are the top drivers of workers compensation rates? What types of bills are being filed in legislatures? What types of court decisions are receiving the most attention? These and other topics will be addressed in this countrywide overview of state regulatory and legislative trends in workers compensation.

THANK YOU FOR ATTENDING THIS YEAR'S WORKERS' COMPENSATION CONFERENCE