

**Preconferences
Monday, July 17, 2006**

**Workers' Compensation Legal
Issues and Defense Strategies:
Connecting the Dots**

Seminar Leaders:
Steven Babitsky, Esq.
James A. Reiter, Esq.
see page 18

**ADA, FMLA, and Workers'
Compensation: In Depth**

Seminar Leaders:
Adam Forman, Esq.
Michael Manes, Esq.
see page 20

**Injured and Aging Workers:
Maximizing the Fit Between
Worker and Work**

Seminar Leaders:
Susan Insernhagen, PT
Dennis Insernhagen, PT
see page 22

**Comprehensive Assessment and
Treatment of Chronic Pain:
Incomes and Outcomes**

Seminar Leader:
Dennis C. Turk, PhD
see page 24

**Practical Ergonomics
for Employers**

Seminar Leader:
Ronald W. Porter, PT, CEAS
see page 26

**OSHA For Occupational Health
Professionals**

Seminar Leader:
William K. Principe, Esq.
see page 28

**Return to Work:
Creating Momentum in the Work
Restoration Process**

Seminar Leaders:
Steven Leclair, Ph.D., CRC
Norma Leclair, Ph.D, RN, LCPC
see page 30

SEAK
EXCELLENCE IN EDUCATION SINCE 1980

26th Annual
**NATIONAL
WORKERS' COMPENSATION
AND
OCCUPATIONAL MEDICINE
CONFERENCE**

**CAPE COD, MASSACHUSETTS
JULY 17, 18 - 20, 2006**



www.seak.com

Conference Leader:

Steven Babitsky, Esquire

Medical Director:

Stephen Freifeld, MD, FACS

Nursing Director:

Terri Arthur, RN, BS, MS

Executive Summary

In this widely acclaimed program, the nation's leading workers' compensation professionals, occupational physicians, occupational nurses, and attorneys will join together to discuss cutting edge issues. Frank discussions and lively question and answer sessions will complement each presentation. Conference registrants will be able to meet their colleagues and leaders in their fields from across the United States and Canada, at the reception, luncheon, and breakfasts, in the exhibit hall and at Wednesday night's social event to network and discuss areas of mutual concern. This conference is currently the largest and longest-running national workers' compensation and occupational medicine conference of its kind in the United States.

Continuing Education

Attorneys: Please request CLE credits when mailing in your registration form. Credit hours vary by state, usually in the range of 16.5 - 20.5 credit hours.

Case Managers: 18 contact hours of continuing education for Case Managers have been applied for from the Commission for Case Manager Certification, Rolling Meadows, Illinois.

Disability Specialists: 18 contact hours of continuing education for Disability Specialists have been applied for from the Commission for Disability Management Specialists, Rolling Meadows, Illinois.

Occupational Health Nurses: 23 contact hours for continuing education in nursing have been applied for through the American Association of Occupational Health Nurses, Inc. (AAOHN). AAOHN is an accredited approver of continuing education by the American Nurses Credentialing Center's Commission on Accreditation.

Physicians: SEAK is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education (CME) for physicians. SEAK, Inc. designates this continuing medical education activity for a maximum of 18 category 1 credits toward the AMA Physician's Recognition Award. Each physician should claim only those credits that he/she actually spent in the educational activity.

Rehabilitation Counselors: 18 contact hours of continuing education hours for Rehabilitation Counselors have been applied for from the Commission on Rehabilitation Counselor Certification, Rolling Meadows, Illinois.

Rehabilitation Nurses: This program will be accepted for 23 hours of continuing education for ARN Certification. Submit certificate.

Nurses: To successfully complete a program and receive contact hours you must: 1) register in, 2) be present for the period of time you are awarded contact hours, 3) complete and hand in the evaluation.

Note: Any and all commercial products or services displayed or advertised at the 2006 SEAK Conference are neither endorsed by the American Nurses Credentialing Center's Commission on Accreditation or SEAK, Inc.

Hotel and Travel Information**Site Hotel - Four Points by Sheraton Hyannis Resort**

The Four Points by Sheraton Hyannis Resort is surrounded by 52 totally private acres of beautifully landscaped grounds and offers an 18-hole par 54 golf course, a private patio or balcony for the 224 deluxe guest rooms, a complete fitness center, indoor and outdoor pools, tennis, a whirlpool, a complete spa, and free parking. The Four Points by Sheraton Hyannis Resort is conveniently located within walking distance of Main Street with its many shops and restaurants. Public beaches and the ferries to Martha's Vineyard and Nantucket are minutes from the hotel. Driving directions are available on the Sheraton website at www.sheraton.com.

Overflow Accommodations

SEAK has reserved a block of rooms at two overflow hotels, the Cape Codder Resort and the Radisson Inn Hyannis. Each is approximately five miles from the Four Points by Sheraton. SEAK will run scheduled shuttle buses between these overflow hotels and the Sheraton. The discounted room rate at the Cape Codder is \$175/single or double. To make your reservations at the Cape Codder Resort, please call 888-297-2200 and identify yourself as being with SEAK, Inc. The discounted room rate at the Radisson is \$169/single/double. To make your reservations at the Radisson, please call 800-333-3333 and mention the SEAK group. SEAK will mail information on additional accommodations and things to do on Cape Cod with all registration confirmations.

Getting to Hyannis

The two major airports closest to Cape Cod are Logan International Airport in Boston, MA (70 miles) and T.F. Green Airport in Warwick, Rhode Island (80 miles). Barnstable Airport is a five minute drive from the Sheraton, but this is a commuter airport that has smaller planes and fewer flights. T.F. Green is preferred over Logan as it is usually less congested. Rental cars, taxis and car service are available at all three airports.

Cape Cod

Cape Cod is a true destination spot that features beautiful beaches, warm water, great restaurants, historic towns, sightseeing, kayaking, whale watching, museums, numerous bike trails, shopping, nightlife, championship golf, and world famous boating. Cape Cod is also a gateway to the islands of Martha's Vineyard and Nantucket. For more information on what to do on Cape Cod, please visit www.capecod.com.

2006 SEAK Workers' Compensation and Occupational Medicine Conference

Tuesday, July 18th

- 8:00 - 8:50 **Registration, Continental Breakfast and Exhibits**
- 8:50 - 9:00 **Introductory Remarks, Announcements**
- 9:00 - 10:00 **Begin to Work, Stay at Work, Return to Work: Understanding the Link Between the Individual and Job for the Risk of Musculoskeletal Pain**
By J. Mark Melhorn, MD (*Wichita, KS*)
- 10:00 - 11:00 **Using FCE to Minimize your Exposure to Symptom Magnification Syndrome**
By Leonard N. Matheson, PhD (*St. Louis, MO*)
- 11:00 - 11:10 **Break and Networking Opportunity**
- 11:10 - 12:00 **Getting Employees to Adopt and Maintain a Healthy Lifestyle: The Culprit and the Curse**
By Steven Aldana, PhD (*Provo, UT*)
- 12:00 - 1:30 **Lunch (On Your Own) & Exhibits**
- 1:30 - 2:25 **Breakout Sessions, Choose one:**
The Medicare Secondary Payer Act: Impact on Workers' Compensation Claims and Settlements
By Robert T. Lewis, Esq. (*Mount Laurel, NJ*)
-OR-
Reducing Length of Disability and Lost Time from Work: Cost-Effective Techniques and Programs That Work
By Edwin W. Quick (*Atlanta, GA*)
-OR-
Standards, Goals and Strategies: Achieving Optimum Return to Work
By J. Mark Melhorn, MD (*Wichita, KS*)
- 2:25 - 2:35 **Break and Networking Opportunity**
- 2:35 - 3:30 **Breakout Sessions, Choose one:**
Liability of Workers' Compensation Case Managers: A Passing or Emerging Trend?
By Sandra Lowery, RN, CRRN, CCM, CNLCP (*Francestown, NH*), and Jacqueline M. Carolan, Esq. (*Philadelphia, PA*)
-OR-
Psychological Injury Claims: Investigation, Development, Evaluation and Trial
By Stephen Hessert, Esq. (*Cumberland, ME*)
-OR-
Occupational Hearing Loss: An Overview and Current Concepts
By Robert Sataloff, MD (*Philadelphia, PA*)
- 3:30 - 3:40 **Break and Networking Opportunity**
- 3:40 - 4:40 **Breakout Sessions, Choose One:**
Proving Your Worth: The Value of the OHN in Today's Workplace
By Barb Maxwell, RN, MHA, COHN-S, CCM, CWCP (*St. Petersburg, FL*)
-OR-
Assessing Fitness for Duty: Depression in the Workplace Latest Developments
By Russell G. Vasile, MD (*Boston, MA*)
-OR-
Workers' Compensation Achieving Closure: Resolving Difficult Claims
By John W. Valente, Esq. (*Rutland, VT*)
- 4:45 - 6:00 **Reception**

Wednesday, July 19th

- 8:00 - 9:00 **Continental Breakfast & Exhibits**
- 9:00 - 10:00 **A Model Light Duty Program: Best Practices**
By Douglas M. Feldman, Esq. (*Milwaukee, WI*)
- 10:00 - 11:00 **Disability Management: What the Future Holds for Occupational Health Professionals**
By Dianne Dyck, BN, MSc, COHN(C), COHN-S-CRSP (*Calgary, AB*)
- 11:00 - 11:10 **Break and Networking Opportunity**
- 11:10 - 12:00 **The Role of Occupational Health Professionals in Disaster Preparedness: The Latest Developments**
By Robert K. McLellan, MD, MPH (*Lebanon, NH*)
- 12:00 - 1:30 **Conference Luncheon (Provided)**
- 1:30 - 2:55 **Breakout Sessions, Choose One:**
The Biggest Employment Law Mistakes Employers Make and How to Avoid Them
By Martha L. Lester, Esq. (*Roseland, NJ*)
-OR-
AMA Guides 6th Edition: How Will It Impact Occupational Health and Workers' Compensation?
By Robert D. Rondinelli, MD, PhD (*Des Moines, IA*)
-OR-
Advanced Case Management for Occupational Health and Rehabilitation Professionals
By Bonnie L. Zickgraf, BSN, RN, CRRN, QRP (*Duluth, GA*)
- 2:55 - 3:05 **Break and Networking Opportunity**
- 3:05 - 4:30 **Breakout Sessions, Choose One:**
DOT: Latest Developments 2006
By Ellison H. Wittels, MD (*Houston, TX*)
-OR-
ADA, FMLA and Workers' Compensation: Slaying the Three-Headed Monster
By Glenn G. Patton, Esq. (*Atlanta, GA*)
-OR-
Building Health & Productivity Programs: What Works
By Jeannie K. Hanna, RN, MSN, COHN-S, FAAOHN (*Hershey, PA*)
- 4:30 - 4:40 **Break and Networking Opportunity**
- 4:40 - 5:30 **Breakout Sessions, Choose One:**
What Employers Really Want from Occupational Health Care Providers: Outcomes Not Discounts
By Joseph Padua, (*Madison, CT*)
-OR-
Workplace Drug Testing and Alternative Specimens: Latest Developments
By Robert Swotinsky, MD (*Worcester, MA*)
-OR-
Chronic Pain Claims: Injury-Relatedness
By Robert J. Barth, PhD (*Chattanooga, TN*)
- Wednesday Night Social Event TBA**

Thursday, July 20th

- 8:00 - 9:00 **Continental Breakfast & Exhibits**
- 9:00 - 10:00 **Older Workers, Work Injuries and Return to Work: Promise or Pitfall**
By Glenn Pransky, MD (*Hopkinton, MA*)
- 10:00 - 11:00 **Selecting the Correct Workers' Compensation Claims to Defend: From Investigation to Defense**
By Donald "Bo" Kirkpatrick, II, Esq. (*Birmingham, AL*)
- 11:00 - 11:10 **Break and Networking Opportunity**
- 11:10 - 12:00 **Dealing with Injured Workers with Unexplained Medical Symptoms**
By William Gaines, MD, MPH (*Houston, TX*)
- 12:00 - 1:30 **Lunch (On Your Own) & Exhibits**
- 1:30 - 2:25 **Breakout Sessions, Choose One:**
Workers' Compensation Fraud: Recognize, Investigate, Detect and Deter Fraudulent Claims
By Dale W. Webb, Esq. (*Roanoke, VA*)
-OR-
Carpal Tunnel Syndrome: How Flawed Causation Analysis and Overdiagnosis Lead to Poor Treatment Results in Workers' Compensation Patients
By James B. Talmage, MD (*Cookeville, TN*)
-OR-
Safety in a Seasoned Workforce: An Interactive Workshop
By Diane DeGaetano, RN, BSN, OHC-COHN-S (*Atlanta, GA*)
- 2:25 - 2:35 **Break and Networking Opportunity**
- 2:35 - 3:30 **Breakout Sessions, Choose One:**
Dealing with Difficult Employees: What all Employers Need to Know
By Benton J. Mathis, Jr., Esq. (*Atlanta, GA*)
-OR-
Tips and Best Practices in Emergency Planning: The Role of the Occupational Health Professional
By COL (Ret) Catherine M. Hundley, RN, MSN, COHN-S/CM (*Richmond, VA*)
-OR-
Extreme Claim Makeover: Best Practices for Occupational Health Professionals in Workers' Compensation Claims
By Kevin M. Quinley, CPCU, ARM, AIC, AIM, ARE, (*Fairfax, VA*)
- 3:30 - 3:40 **Break and Networking Opportunity**
- 3:40 - 4:40 **Breakout Sessions, Choose One**
Surgical Fads in Back Pain: IDET, Fusion, & Disc Replacement
By James B. Talmage, MD (*Cookeville, TN*)
-OR-
Defending Cardiovascular Industrial Claims: Heart Attacks, Strokes, Heart Disease and High Blood Pressure
By Clifford A. Goldstein, Esq. (*Philadelphia, PA*)
-OR-
Ethics in Occupational Medicine: The Realities of the Workplace
By William B. Patterson, MD, MPH, FACOEM (*Hingham, MA*)

Conference Program: Tuesday, July 18, 2006

8:00 - 8:50

Registration, Continental Breakfast, & Exhibits

8:50 - 9:00

Introductory Remarks, Announcements

9:00 - 10:00

Begin to Work, Stay at Work, Return to Work: Understanding the Link Between the Individual and Job for the Risk of Musculoskeletal Pain

By **J. Mark Melhorn, MD**

Dr. Melhorn will review the options for risk assessment for better management of OSHA 300 events and will discuss successful methods to reduce the direct and indirect burdens of workers' compensation costs. Dr. Melhorn will provide an understanding of the three elements that determine who will stay at work or who will return to work after a workplace injury or illness. Specific unnecessary time away from work (work disability) will be analyzed.



J. Mark Melhorn, MD, FAAOS, FAADep, FACS is an occupational orthopaedic physician that specializes in the hands and upper extremities in Wichita, Kansas. He received his BS from McPherson College and his MD from the University of Kansas. Dr. Melhorn is board certified in orthopedic surgery with added qualifications in surgery of the hand. In addition to his practice of orthopaedics at The Hand Center in Wichita, Kansas, Dr. Melhorn is a Clinical Assistant Professor, Section of Orthopaedics, Department of Surgery University of Kansas School of Medicine-Wichita. He has authored over 270 articles, chapters, and publications about his research of workplace injuries and illnesses; return to work options; impairment and disability; and prevention of musculoskeletal pain in the workplace. He has lectured extensively to physicians, employers, insurers, administrators, and legislators on industrial musculoskeletal, upper extremity disorders, and prevention of musculoskeletal pain (MSDs) in the workplace. Dr. Melhorn is the co-author of the text *"A Physicians' Guide to Return to Work"* AMA (2005).

10:00 - 11:00

Using FCE to Minimize your Exposure to Symptom Magnification Syndrome

By **Leonard N. Matheson, PhD**

Dr. Matheson will review the latest research and practice in functional capacity evaluation (FCE) and explain how FCEs can be effective to control costs and minimize the employer's exposure after a painful work injury. Dr. Matheson will describe symptom magnification syndrome (SMS), its causes and differential diagnoses. He will demonstrate the use of FCE tests to identify and intervene with SMS to lower long-term costs, avoid litigation, and improve return to work rates.



Dr. Leonard Matheson is an Associate Professor of Occupational Therapy and an Associate Professor of Neurology at the Washington University School of Medicine in St. Louis, Missouri. He received his BA, MA and PhD from the University of Southern California. He has more than 100 publications, including 40 published in peer reviewed scientific journals and numerous chapters in medical textbooks, including the chapter on Functional Capacity Evaluation in the American Medical Association's *Disability Evaluation*. He has been a consultant to several Fortune 500 employers, the United States Congress, and hundreds of rehabilitation centers and governmental agencies in the United States, Canada, and other countries. He has testified before the United States House of Representatives in Washington, DC. Dr. Matheson has been a professional in rehabilitation for 35 years, as a licensed psychologist, certified vocational evaluator, and rehabilitation counselor. He originated work hardening, work tolerance screening, and work capacity evaluation. He has designed many of the tests that are in use in Occupational Rehabilitation throughout the world. His tests have been translated into more than two dozen languages. He serves as an associate editor of the Journal of Occupational Rehabilitation and is on the editorial board of both *Work* and *Spine*.

11:00 - 11:10

Break and Networking Opportunity

11:10 - 12:00

Getting Employees to Adopt and Maintain A Healthy Lifestyle: The Culprit and the Cure

By **Steven Aldana, PhD**

Dr. Aldana will review how a healthy lifestyle will extend life, prevent chronic diseases and control body weight. He will present the evidence that says a healthy lifestyle can add 10-20 years of additional life. Dr. Aldana will offer practical cost-effective tips, strategies and a concrete plan on how to help employees adapt and maintain a healthy lifestyle for life.



Steven Aldana, PhD is a Professor and the Director of Graduate Studies in the College of Health and Human Performance at Brigham Young University and is an Adjunct Member of the University of Illinois School of Medicine. He received his BS and MS from Brigham Young University and his PhD in Exercise Science and Wellness Education from Arizona State University. Dr. Aldana has researched, educated, lectured and written extensively on the connection between healthy living, disease prevention and wellness. He has published over 50 articles and 5 books about his passion including *"The Culprit and the Cure"*. In the past 4 years he has received over \$5 million in state, private, and federal funding to research how the adopting of healthy behaviors can even reverse many common chronic diseases such

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as cardiovascular disease, diabetes, and cancer. Dr. Aldana is passionate about educating people about the impact lifestyle has on disease and is devoted to helping individuals adopt and maintain healthy lifestyles.

12:00 - 1:30

Lunch (On Your Own) & Exhibits

1:30 - 2:25

Breakout Sessions: Choose One

The Medicare Secondary Payer Act: Impact on Workers' Compensation Claims and Settlements

By Robert T. Lewis, Esq.

Attorney Lewis will review the impact of the Medicare Secondary Payer Statute on Workers' Compensation Claims and Occupational Health Professionals. He will explain Medicare Regulations and the thresholds for review. Attorney Lewis will discuss case law interpreting the Medicare Secondary Payer Statute. He will demonstrate how workers' compensation cases can still be successfully resolved. Attorney Lewis will offer practical advice on how to ensure compliance and avoid future exposure when evaluating and settling workers' compensation cases.



Robert T. Lewis, Esq. is a partner in the law firm of Capehart & Scatchard, P.A. in Mount Laurel, New Jersey. He has a national practice focusing on Medicare compliance and claims impacted by the Medicare Secondary Payer Statute. He also represents employers, self-insured companies, and insurance carriers in workers' compensation defense matters in New Jersey. Prior to moving to New Jersey, he handled workers' compensation and liability defense matters in North Carolina.

In 2004, he was selected by the New Jersey Law Journal as one of the Top 40 Lawyers under the age of 40. He is a frequent lecturer and has written extensively on the implications of the Medicare Secondary Payer Statute in both workers' compensation and liability claims. Mr. Lewis is also a founding member and vice-president of the National Alliance of Medicare Set-Aside Professionals.

-OR-

Reducing Length of Disability and Lost Time from Work: Cost-Effective Techniques and Programs That Work

By Edwin W. Quick

Mr. Quick will discuss integrated disability and healthcare benefits from an employer's perspective: successes and opportunities. Mr. Quick will review the practical approaches and applications of programs and resources to provide an integrated program to the employee population. Mr. Quick will demonstrate program designs and platforms. Mr. Quick will provide the financial picture to provide the business case to support an integrated approach.



Edwin W. Quick is Global Disability Leader for General Electric Energy in Atlanta, Georgia. He is a Graduate of American University with an MBA in Human Resource Management and Finance. He also holds a Masters in Vocational Rehabilitation Counseling from the University of Cincinnati. Mr. Quick started his early career in the Washington Metropolitan Area working as a counselor and consultant in Case Management for Crawford & Company, UAC Adjusting Company and GAB Business Services. After 6 years of consulting, Mr. Quick joined the Washington Metropolitan Area Transit Authority as an in house rehabilitation specialist. At the end of his tenure with the Authority, he was the Manager of the Workers' Compensation Unit. Mr. Quick relocated to Tucson, Arizona to work for Continental Medical Systems as the Director of In Patient Case Management Services for the Southern Arizona Rehabilitation Hospital. Mr. Quick later joined Maine Employers Mutual Insurance Company as the Director of Medical and Disability Management Claims. After 5 years at Maine Employers, Mr. Quick joined Union Pacific Railroad as the National Director of Disability Management where he stayed until joining General Electric Energy as Global Disability Leader in 2000. In his role as Global Disability Lead, Mr. Quick oversees a \$25MM disability program budget and assures that employees, their families and the business maximize integrated benefits programs while adhering to all state and federal guidelines such as the ADA and FMLA. GE Energy employs over 35,000 employees worldwide. Mr. Quick is a Commissioner for the Certified Disability Management Specialist Commission and President Elect for the Georgia State Chapter of the International Association for Rehabilitation Professionals. Mr. Quick is CCM, CRC, and CDMS certified.

- OR -

Standards, Goals and Strategies: Achieving Optimum Return to Work

By J. Mark Melhorn, MD

Dr. Melhorn will discuss the necessary and national standards for reasonable time off from work and will provide strategies to effectively deal with resistance, and lack of participation among employees, supervisors and clinicians. Dr. Melhorn will review the key role of motivation of employees to return



to work. He will discuss approaches for improving the current workers' compensation system and will provide a new approach to return to work.

2:25 - 2:35

Break and Networking Opportunity

2:35 - 3:30

Breakout Sessions: Choose One

Liability of Workers' Compensation Case Managers: A Passing or Emerging Trend?

By **Sandra Lowery, RN, CRRN, CCM, CNLCP** and **Jacqueline M. Carolan, Esq.**

Attorney Carolan and Ms. Lowery will discuss the more recent allegations related to case management malpractice and how there appears to be an uptick of cases filed lately. Ms. Lowery and Attorney Carolan will review key areas of legal exposure for case managers working within the workers' compensation field. They will provide the lessons learned from an actual case study. Attorney Carolan and Ms. Lowery will offer practical suggestions on how best to minimize legal risk for case managers.



Jacqueline M. Carolan, Esq. is a trial attorney and partner in the Philadelphia Law Office of Fox Rothschild. She is a partner in the firm's Professional Liability and Health Care Law Groups, and chairs the firm's Pro Bono Committee. She concentrates her practice in the malpractice defense of health care professionals and providers. Attorney Carolan represents both hospitals and health care providers, from major entities to smaller agencies, in all aspects of health care litigation.

She frequently writes and lectures on issues concerning professional liability and litigation to various health care organizations around the country, including such topics as legal risks in health care. Attorney Carolan graduated from Philadelphia General Hospital with a Diploma in Nursing, and then received a BS in Nursing from the University of Pennsylvania. As a nurse, she worked with intensive care and trauma patients. Attorney Carolan received her JD from Temple University School of Law.



Sandra Lowery RN, CRRN, CCM, CNLCP is President of CCMI Associates, an independent case management company based in Franconstown, New Hampshire. Ms. Lowery has written and lectured extensively on case management issues and serves on the advisory boards for *Lippincott's Case Management & the Case Management Advisor*. She is on the adjunct faculty for the University Systems of NH and is a consultant and trainer for case management programs across the U.S. In 1995, Ms. Lowery was the recipient of the "Case Manager of the Year Award" by the Case Management Society of America, 1995. Ms. Lowery received her AS in Nursing from Saddleback College and her BS in Nursing from the University of the State of New York. She is a certified rehabilitation registered nurse, case manager and nurse life care planner. Ms. Lowery is a former President of the Case Management Society of America.

- OR -

Psychological Injury Claims: Investigation, Development, Evaluation and Trial

By **Stephen Hessert, Esq.**

Attorney Hessert will review the history of developing law in the area of psychological disability claims, and will group various jurisdictions by the similarity of current case law. He will provide an overview of the types of psychiatric claims, ranging from the physical injury with psychiatric complications to the purely mental case. Attorney Hessert will offer practical suggestions for investigating and defending the psychological components of disability claims.



Attorney Stephen Hessert graduated *magna cum laude* from Bowdoin College and earned his JD from the University of Maine School of Law, where he served as an editor of the Maine Law Review. An expert in workers' compensation and civil litigation, he frequently lectures to employers and attorneys on labor law and topics related to state and federal workers' compensation statutes. Attorney Hessert has a special interest and experience in the trial of psychological injury and occupational disease workers' compensation claims. He is the chairperson of the Workers' Compensation Section of the Maine State Bar Association. Attorney Hessert is a member of the steering committee of the Workers' Compensation Section of the American Law Firm Association; the Cumberland County, Maine State and American Bar Associations; and the Defense Research and Trial Lawyers Association. Steve is active in community affairs in Cumberland, Maine.

-OR-

Occupational Hearing Loss: An Overview and Current Concepts

By **Robert Sataloff, MD, DMA, FACS**

Dr. Sataloff will review current concepts in the development of an occupational hearing loss program, and current concepts in understanding occupational hearing loss. He will explain the evolution of occupational hearing loss, fundamentals of an occupational hearing loss program and new issues regarding occupational hearing impairment. Dr. Sataloff will discuss basic issues regarding most practical aspects of hearing conservation. Dr. Sataloff will offer practical suggestions on how to implement and maintain

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a hearing conservation program, and how to assess related issues that may contribute to occupational hearing impairment.



Robert T. Sataloff, MD, DMA, FACS is Professor of Otolaryngology at Jefferson Medical College, Thomas Jefferson University in Philadelphia; Chairman of the Department of Otolaryngology-Head and Neck Surgery at Graduate Hospital; Adjunct Professor of Otorhinolaryngology-Head and Neck Surgery, The University of Pennsylvania; on the faculty of the Academy of Vocal Arts; and Conductor of the Thomas Jefferson University Choir and Orchestra; and Director of the Voice Foundation's Annual Symposium on Care of the Professional Voice. Dr. Sataloff is also a professional singer and singing teacher. He holds an undergraduate degree from Haverford College in Music Theory and Composition, graduated from Jefferson Medical College, Thomas Jefferson University, received a Doctor of Musical Arts in Voice Performance from Combs College of Music; and he completed his Residency in Otolaryngology - Head and Neck Surgery and a Fellowship in Otolaryngology, Neurotology and Skull Base Surgery at the University of Michigan. Dr. Sataloff is Chairman of the Boards of Directors of the Voice Foundation and of the American Institute for Voice and Ear Research. He is also Chairman of the Board of Governors of Graduate Hospital, President of the International Association of Phonosurgery, President of the American Laryngological Association, and President of the Pennsylvania Academy of Otolaryngology-Head and Neck Surgery. He is Editor-in-Chief of the Journal of Voice, Editor-in-Chief of Ear, Nose and Throat Journal, and on the Editorial Boards of the Journal of Singing, Medical Problems of Performing Artists, and numerous otolaryngology journals in the United States. Dr. Sataloff has written over 600 publications, including 36 books, one of which is Occupational Hearing Loss, third edition (2006). He is the otolaryngology chapter editor for the sixth edition of the American Medical Association's Guides to the Evaluation of Impairment and Disability, and he represents the American Academy of Otolaryngology - Head and Neck Surgery on the governing body of the Council for Accreditation in Occupational Hearing Conservation (CAOHC). He was Vice-President of Hearing Conservation Noise Control, Inc. from 1981 until 2003. Dr. Sataloff's medical practice is limited to otology/neurotology/skull base surgery and to care of the professional voice.

3:30 - 3:40 Break and Networking Opportunity

3:40 - 4:40

Breakout Sessions: Choose One

Proving Your Worth: The Value of the OHN in Today's Workplace

By Barb Maxwell, RN, MHA, COHN-S, CCM, CWCP

Ms. Maxwell will discuss the impact that rightsizing, downsizing, outsourcing and reduction in workforce has on the role and position of the OHN. She will review the evolution of the OHN's role and how OHNs have by necessity becoming more business savvy. Ms. Maxwell will explain how understanding the business operations and gaining knowledge in financials will help prove the OHN's value to our employers.



Barb Maxwell RN, MHA, COHN-S, CCM, CWCP is the West Florida Division Director Company Care Occupational Health Services for HCA. Ms. Maxwell received her BS from the College of St. Francis and her MS from the University of St. Francis. Ms. Maxwell has lectured extensively on occupational health issues. She currently manages 15 occupational health programs for HCA and 9 company care entry sites. Ms. Maxwell is a Certified Case Manager, Certified Occupational Health Nurse-Specialist and a Certified Workers' Compensation Professional.

-OR-

Assessing Fitness For Duty: Depression in the Workplace Latest Developments

By Russell G. Vasile, MD

Dr. Vasile will review the impact of depression in the workplace and will provide suggestions on how to recognize its manifestations. He will explain how to assess the severity of depression and its major risks including suicide and violence. Dr. Vasile will discuss when to refer for treatment, the currently available treatments and how to assess the ability to return to work. Dr. Vasile will discuss the importance of subcategories of depression, including manic-depressive illness, depression complicated by psychosis, and mixed depression and anxiety disorders. Dr. Vasile will offer practical suggestions on monitoring and follow up care and risk prevention.



Russell George Vasile, MD is an Associate Professor of Psychiatry at Harvard Medical School and staff Psychiatrist at Beth Israel Deaconess Medical Center. He received his BA from Princeton University and his MD from Harvard Medical School. He completed his medical internship at Boston City Hospital and psychiatric residency at Massachusetts Mental Health Center. Dr. Vasile is a graduate of the Boston Psychoanalytic Institute. Dr. Vasile has written and lectured extensively on the clinical assessment and management of depressive disorders. Dr. Vasile is certified by the American Board of Psychiatry and Neurology with an added qualification in Forensic Psychiatry. He is also the Director of the Affective Consultation Disorders program at Beth Israel Deaconess Medical Center.

-OR-

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Workers' Compensation Achieving Closure: Resolving Difficult Claims

By **John W. Valente, Esq.**

Attorney Valente will explain how to identify injuries, claimants and cases that have the potential to become protracted and high exposure claims. He will discuss how the workers' compensation system negatively impacts injured workers and in some cases discourages return to work and what can be done to overcome this result. Attorney Valente will offer practical cost-effective solutions on how to achieve closure on difficult and long-standing claims before they become impossible to resolve.



John W. Valente, Esq. is a trial lawyer with the Rutland, Vermont law firm of Ryan Smith & Carbine, LTD. He received his BA from Boston College and his JD from Suffolk University School of Law. Attorney Valente has written and lectured extensively on all aspects of workers' compensation defense. Attorney Valente is a member of the Defense Research Institute, Society for Human Resource Management and Vermont Bar Association Workers' Compensation Committee. Attorney Valente is the author of *Avoiding Workers' Compensation Aggravation* and *Workers' Compensation Practice and Procedure* and *Workers' Compensation Fraud*.

4:45 - 6:00

Reception

Wednesday, July 19, 2006

8:00 - 9:00

Continental Breakfast & Exhibits

9:00 - 10:00

A Model Light Duty Program: Best Practices

By **Douglas M. Feldman, Esq.**

Attorney Feldman will describe how to develop and effectively utilize a model light duty program that is ADA, FMLA, and Workers' Compensation compliant. He will discuss dealing with employees fairly and effectively, why employees become plaintiffs, and how to reduce the potential animosity which is prevalent in many workers' compensation systems. Attorney Feldman will explain the obligations of employers to accommodate employees with permanent restrictions and the rights of employers to terminate non-compliant employees. Attorney Feldman will offer practiced suggestions and tried and tested forms, and checklists for model light duty programs.



Douglas M. Feldman, Esq. is a shareholder and a member of the Board of Directors, with the Law Firm of Lindner & Marsack, S.C. His current practice is primarily focused upon representing insurance companies and self-insured employers in workers' compensation matters in both Wisconsin and Michigan as well as representing management in employment litigation issues such as termination issues, ADA claims and handicap discrimination. Attorney Feldman is a frequent lecturer and speaker on topics such as workers' compensation, family and medical leave, The Americans With Disabilities Act, and other related issues. He is one of the founding members and an active participant in the National Worker's Compensation Defense Network, an association of worker's compensation defense firms throughout the country dedicated to the pursuit of worker's compensation reform on a national basis. Attorney Feldman received his undergraduate degree in Business Administration from the University of Wisconsin and his law degree from Marquette University. He is a member of both the Wisconsin and Michigan Bar as well as both ABA-Labor and Employment Law and Worker's Compensation sections.

10:00 - 11:00

Disability Management: What the Future Holds for Occupational Health Professionals

By **Dianne Dyck BN, MSc, COHN(C), COHN-S-CRSP**

Ms. Dyck will explain the current state of disability-related absence rates and costs, the factors that are driving the noted increases in absence rates and costs, and the impact of the changing demographics in the workplace (an increased number of women and the presence of four generations in the workplace). She will review the impact of management practices and the aging workforce on disability practices and outcomes, and provide predictions for the future - ten years out. Ms. Dyck will offer practical advice on what OH&S professionals can do to best manage these future challenges.



Dianne E.G. Dyck, BN, MSc, COHN-C, COHN(S), COHN-S-CRSP, is the Director of Occupational Health and Safety for ENMAX Corporation in Calgary, Alberta, Canada. Her mandate includes corporate governance and stewardship of occupational health and safety and disability management. She received her RN from Montreal General Hospital, her DPHN from the University of Windsor, her BN and MSc from the University of Calgary and her OHNC from Grant McEwan Community College. Ms. Dyck has written and lectured extensively on occupational health issues in the United States, Canada and Internationally. Ms. Dyck has recently published the third edition of her book, *Disability Management: Theory Strategy and Industry Practice* (2006).

11:00 - 11:10

Break and Networking Opportunity

Conference Program: Wednesday, July 19, 2006

11:10 - 12:00

The Role of Occupational Health Professionals in Disaster Preparedness: The Latest Developments

By Robert K. McLellan, MD, MPH

Dr. McLellan will review the role of occupational health professionals in disaster preparedness and response. He will explain how the Occupational Health Sub Council (OH SC), mandated by a presidential directive (HSPD -7), has brought together industrial hygienists, occupational health nurses and occupational medicine physicians to form a network of disaster experts. In particular, he will demonstrate a new tool of the OH SC called the Occupational Health Disaster Expert Network (OHDEN), a secure website that provides vetted information on threats, vulnerabilities, opportunities, and steps to improve the protection of workers and their environments, through a network linking occupational health professionals together with federal agencies. Dr. McLellan will propose that occupational health professionals form a crucial, public health infrastructure that must be well-integrated with the community based system with the goal of protecting the health of the nation's workforce as the critical infrastructure necessary to assure survival and continuity of all economic sectors in the context of disaster response and recovery.

Dr. McLellan will offer practical cost-effective suggestions for how to you can obtain:

- * Occupational health specific information on emergency preparedness, response and consequence management
- * Tools to facilitate timely, secure communications to/from government authorities and with peers
- * Management tools for terrorist threats or emergency
- * Secure, vetted, electronic forum for peer-to-peer discussions and collaboration
- * Best practices library
- * Better integration with public health and medical infrastructure



Dr. McLellan is a board certified occupational medicine physician with additional board certification in family medicine. He is currently responsible for the care and prevention of occupational illnesses and injuries for 6000 health care workers in an academic medical center. He is also responsible for the clinical oversight and program development of a community centered occupational and environmental health program. Dr. McLellan has had extensive experience as an occupational medical consultant to business in a wide range of economic sectors, including health care, manufacturing, nuclear energy, and public safety. He has also maintained a clinical practice in occupational and environmental medicine for over 20 years, with a particular interest in clinical toxicology, environmental medicine and indoor air quality. Dr. McLellan also has contributed to or leads several regional and national organizations. He founded and chairs The Jordan Institute whose mission is to improve New England's environmental quality of life. He is a past President of the New England College of Occupational and Environmental Medicine. He has served as a board member of the American College of Occupational and Environmental Medicine and is the current Vice-President of this organization. He has served on the ANSI Z88.6 Standard Committee for Respiratory Protection. He is on the editorial board of the OEM Report and The Journal of Emergency Management. Special areas of expertise relevant to disaster medicine include medical center occupational health and disaster planning and response, medical qualification for respirator use, clinical toxicology, training physicians about disasters, building science as it relates to indoor air quality, risk communication and interacting with mass media. He is founding Chair of the Occupational Health Advisory Committee, which is a multidisciplinary team of occupational health professionals sponsored by the Department of Health and Human Services to organize the occupational health sector's preparedness and response to public health emergencies.

12:00 - 1:30

Lunch (Provided)

1:30 - 2:55

Breakout Sessions: Choose One

The Biggest Employment Law Mistakes Employers Make and How to Avoid Them

By Martha L. Lester, Esq.

Attorney Lester will review why employers need an understanding of these issues and the financial and social impact on employees and employers when mistakes are made. She will explain the latest developments in employment law for employers. Attorney Lester will discuss anti-discrimination and wage and hour regulations. She will demonstrate with examples the importance of employment documentation. Attorney Lester will offer practical suggestions on how to anticipate, diagnose and adopt preventive strategies.



Martha L. Lester, Esq. is Chair of the Employment Law Practice Group and a Director of the Corporate Department of the law firm of Lowenstein Sandler PC. Ms. Lester serves on the firm's Executive, Management and Strategic Planning Committees and chairs the firm's Associate Life and Training Committee and the Women Lawyers of Lowenstein Sandler. Ms. Lester is the Executive Editor of *A Practical Guide to Federal and New Jersey Employment Law: The Employer's Resource*. She provides general counsel and special projects advice in connection with complex employment-related matters to professional, business, and banking clients.

-OR-

AMA Guides 6th Edition: How Will It Impact Occupational Health and Workers' Compensation?

By **Robert D. Rondinelli, MD, PhD**

Dr. Rondinelli will review the major changes coming in the AMA Guides 6th Edition, including emphasis on functional outcomes, assessment of impact on activities of daily living (ADL), consistent impairment and the grid approach. He will review how the 6th Edition will incorporate the ICF model and will be more evidenced based and will explain the likely impact on the clinicians and the practice of occupational health and workers' compensation.



Robert D. Rondinelli, MD, PhD is a staff physician at Iowa Health Physicians, Physical Medicine and Rehabilitation Clinic and Medical Director of Yonker Rehabilitation Center, Des Moines, Iowa. He received his MA and PhD from the University of Illinois at Urbana-Champaign and his MD from the University of Illinois Medical Center in Chicago, IL. He is a former full professor and chairman of the Department of Rehabilitation Medicine at the University of Kansas Medical Center.

Dr. Rondinelli has published numerous peer reviewed research papers on disability measurement, functional outcomes assessment, and the relationship of impairment to disability. He has edited, authored and co-authored several books and multiple book chapters including a major textbook on Impairment Rating and Disability Evaluation, as well as a Study Guide for Industrial Rehabilitation Medicine and work disability management. Currently, he is Medical Editor for the *American Medical Association Guides to the Evaluation of Permanent Impairment, 6th Edition*.

-OR-

Advanced Case Management for Occupational Health and Rehabilitation Professionals

By **Bonnie L. Zickgraf BSN, RN, CRRN, QRP**

Ms. Zickgraf will review case management practice standards and protocols as applicable to occupational health and rehabilitation. She will identify common barriers that can delay case resolutions or prevent successful return-to-work. Ms. Zickgraf will contrast recent statistics and empirical evidence completed by the National Institute for Occupational Safety & Health (NIOSH) and the Centers for Disease Control, among others. Ms. Zickgraf will offer practical cost-effective suggestions for advanced case management assessments and implementations by offering specific advocating techniques every case manager can easily use to achieve the best possible case outcomes. She will wrap up her discussion in a review of a practitioner's self-assessment and differentiate how our own professional barriers can impact our professional case management styles.



Bonnie L. Zickgraf BSN, RN, CRRN, QRP is Director of Corporate Initiatives at Ability Services Network Inc., Duluth, GA. She is a Certified Rehabilitation Registered Nurse (CRRN) and has received her BSN from Ball State University, *cum laude*, with a fellowship for her cancer research efforts. Ms. Zickgraf has extensive executive leadership and medical case management experience in multi-state workers' compensation and short and long term disability claims, including coordination of quality compliance & URAC accreditations, utilization review, medical dispute resolutions and return to work programs for workers with injuries and disabilities. She has lectured extensively on claims and case management protocols and is a past recipient of the Klauser Award for most professional and ethical nurse graduate. Ms. Zickgraf currently collaborates with a team of over 100 workers' compensation field case managers in thirteen different states toward achieving successful medical recoveries and return-to-work outcomes for thousands of clients.

2:55 - 3:05

Break and Networking Opportunity

3:05 - 4:30

Breakout Sessions: Choose One

DOT: Latest Developments 2006

By **Ellison H. Wittels, MD**

Dr. Wittels will review the latest initiatives and regulations of the Federal Motor Carrier Safety Administration, the agency within the DOT that regulates commercial carriers and drivers. He will discuss the differences between FMCSA medical regulations and medical guidelines, the rights of the carrier to set physical requirements for drivers, and indicators for disqualification, restriction, and



limited certification for commercial drivers. Dr. Wittels will provide updates on the Medical Review Board, National Medical Registry Program, Insulin Exemption Program, and The Vision Exemption Program. He will explain required drug and alcohol testing for commercial drivers, the effects of an aging workforce on medical certification of commercial drivers, SAP requirements and employers, hypertension and certification, and sleep apnea and safe driving. Dr. Wittels will offer practical suggestions on what employers need to do to remain in good standing with the DOT.

Ellison H. Wittels, MD, FACP is a Senior physician for Concentra Medical Centers. He received his BA from the University of Oklahoma and his MD from the University of Oklahoma School of Medicine. Dr. Wittels has written and lectured extensively on the DOT. He is the senior medical consultant, Federal Motor Carrier Safety Administration and the Federal Motor Carrier Safety Administration representative to the American Association of Motor Vehicle Administrators. Dr. Wittels is the author of "Concentra Guide to Medical Certification of Commercial Drivers", is board certified in occupational medicine and internal medicine, and is a Fellow of the American College of Physicians.

-OR-

ADA, FMLA and Workers' Compensation: Slaying the Three-Headed Monster

By **Glenn G. Patton, Esq.**

Attorney Patton will review the complex interplay between the Americans With Disabilities Act of 1990 (ADA), the Family and Medical Leave Act of 1993 (FMLA) and state workers' compensation statutes. He will provide an overview of these federal and state statutes and then identify the primary areas of overlap and potential conflict, including leaves of absence, reasonable accommodation, medical certifications, return-to-work examinations, light duty and drug/alcohol testing. Attorney Patton will discuss the latest developments and how they impact occupational health professionals. Finally, Attorney Patton will offer practical tips and advice for ensuring that employers remain in compliance with their legal obligations under this patchwork of state and federal regulation.



Glenn G. Patton, Esq. is a Partner in the Labor & Employment Group of the Law Firm of Alston & Bird in Atlanta, Georgia. He received his BA from Duke University and his JD from the University of Virginia. Attorney Patton represents Management in all areas of employment-related litigation. He is a nationally-recognized speaker on employment matters, having lectured at numerous continuing legal education seminars and management training courses. His recent speaking engagements include five national audio conferences and webcasts on the DOL's final overtime regulations for the Bureau of National Affairs (BNA), the Georgia Hospital Association, the American Health Lawyers Association and other HR-related organizations. In addition, Glenn is the Editor of Alston & Bird's Labor & Employment Advisories, he has authored articles appearing in the National Law Journal and other nationally recognized legal publications, and he is a frequent legal commentator on developing labor and employment issues for Lawyer's Weekly, BNA, HR Executive and the Charlotte Observer.

-OR-

Building Health & Productivity Programs: What Works

By **Jeannie K. Hanna, RN, MSN, COHN-S, FAAOHN**

Ms. Hanna will review how employers are moving from the traditional approach of cost-shifting and cost-sharing to more holistic and long term strategies for managing health and productivity in the workplace. She will discuss current employer strategies for addressing rising healthcare costs. Ms Hanna will explain what long term strategies are needed to change the focus from health care management to health management. She will demonstrate how integrating the elements of an effective health and productivity program is a key business strategy. Ms. Hanna will offer cost-effective suggestions on how to address the heavy burden that ill health and increasing health care costs are placing on industries in the U.S.



Jeannie Hanna is Director, Integrated Health and Productivity, at The Hershey Company in Hershey, PA. Her responsibilities include helping to drive business results by furthering the company's strategic approach to employee health and wellness with the goal of improving productivity and efficiency across the business. She will be working to integrate Hershey's Short-Term Disability, Long-Term Disability, Workers' Compensation and FMLA programs, with an emphasis on cost controls and case management. She will also help lead the company's continuing efforts at driving Hershey's fitness and wellness activities throughout the organization including leading the Wellness Everyday Team and will have responsibility for Hershey's fitness centers. She has had in-depth experience with global occupational health programs at Visteon, Monsanto and Baxter Healthcare along with various health care organizations.

4:30 - 4:40

Break and Networking Opportunity

4:40 - 5:30

Breakout Sessions: Choose One**What Employers Really Want From Occupational Health Care Providers: Outcomes Not Discounts****By Joseph Paduda**

Mr. Paduda will discuss why the managed care model used in workers' compensation encourages over-utilization, excessive administrative expense and higher indemnity costs. He will explain how and why occupational health providers can and should assume responsibility for managing the care of injured workers referred to their clinics. Mr. Paduda will offer practical cost-effective suggestions for how occupational health providers can avoid offering discounts by providing high quality care which result in positive outcomes.



Joseph Paduda is Principal and Founder of Health Strategy Associates, a Madison, Connecticut Company that specializes in managed health care marketing. He has a masters of science degree from American University. Mr. Paduda has written and lectured extensively on lowering health care expenses, workers' compensation and managed care. Previous positions include Vice President, Product Development at the Travelers Health Company, where Mr. Paduda led the company's efforts to develop new managed care products for both the Workers' Compensation and group health industries; Managed Care product development at Liberty Mutual, sales at Liberty Mutual, and Marketing Director for American International Healthcare, the managed care subsidiary of American International Group.

-OR-

Workplace Drug Testing and Alternative Specimens: Latest Developments**By Robert Swotinsky, MD**

Dr. Swotinsky will review the use of specimens other than urine for workplace drug testing, and the use of point of collection tests. He will discuss policy and program issues, collection procedures, laboratory analysis, and review of results for these alternative specimens and technologies. Dr. Swotinsky will explain their strengths and weaknesses and, with the help of case studies, describe their integration into a comprehensive drug testing program. He will update the audience on the development of federal rules for use of these specimens and technologies.



Robert Swotinsky, MD, is Chair of Occupational Medicine at Fallon Clinic and presides over the largest occupational health program in Massachusetts. Dr. Swotinsky received his bachelors degree in chemical engineering from the Massachusetts Institute of Technology, his MD from Vanderbilt University, and his MPH from UCLA. Dr. Swotinsky has lectured and written extensively on workplace drug testing, and is lead author of *The Medical Review Officer's Guide to Drug Testing*, now in its third edition. He is also founding Editor of *MRO Update*, a newsletter. Dr. Swotinsky sees patients and serves as medical review officer for well over 10,000 tests per year.

-OR-

Chronic Pain Claims: Injury-Relatedness**By Robert J. Barth, PhD**

Dr. Barth will discuss the scientifically established risk factors for chronic pain that do not include physical injury, which are almost exclusively of a psychosocial nature, and which do not include any general medical factors. He will review the scientific literature that has repeatedly concluded that psychosocial factors are more important than general medical factors in regard to claims of disability from chronic pain. He will provide an evaluation protocol for identifying the probable causes of chronic pain complaints for an individual case. Dr. Barth will explain the ramifications for evaluation, impairment rating, and treatment planning, and will provide suggestions for cost-effective management of chronic pain claims.



Dr. Barth is a neuropsychologist. The National Academy of Neuropsychology has named him a Fellow of the Academy, subsequent to his "significant contribution to the science and profession of neuropsychology". Dr. Barth serves on the American Medical Association's Advisory Committee for the 6th Edition of the Guides to the Evaluation of Permanent Impairment. He has also served on the editorial boards of The Official Disability Guidelines Treatment in Workers' Compensation, and Occupational and Environmental Medicine Report. He has served as faculty for the American Academy of Disability Evaluating Physicians, the American Academy of Orthopedic Surgeons, the European Union of Medicine in Assurance and Social Security, and numerous other professional associations and medical schools. His publications and lectures have addressed issues such as complex regional pain syndrome (reflex sympathetic dystrophy), mental health claims, brain injury claims, impairment evaluation, medical-legal testimony, the health benefits of returning to work, and hypertension as an occupational illness claim.

Thursday, July 20, 2006**8:00 - 9:00****Continental Breakfast & Exhibits****9:00 - 10:00****Older Workers, Work Injuries and Return to Work: Promise or Pitfall****By Glenn Pransky, MD**

As the number of workers over age 55 will be growing at a rate that is at least twice that of the general workforce, understanding how to prevent injuries and disability in older workers will become essential. Dr. Pransky will review the evidence for differences between younger and older workers in work performance, occupational health risks, and recovery after work-related injuries. He will explain how a variety of factors can lead to both positive and negative consequences for older workers, and how knowledge of those factors can be used to design programs to specifically address health issues and other factors in this important segment of the workforce, in order to prevent injuries and optimize safe and sustained return to work. Dr. Pransky will offer practical suggestions on how clinicians and employers can use the latest research to implement cost-effective solutions to deal with these challenges.

Dr. Glenn Pransky is Director of the Center for Disability Research at the Liberty Mutual Research Institute in Hopkinton, MA. The Center is dedicated to scientific research on safe and sustained return to work, has over a dozen active studies, and has produced over 50 scientific publications in the past 5 years. He also directs a large NIOSH - funded prospective cohort study of outcomes in work-related injuries and illnesses in older workers, several other studies of disability prevention and rehabilitation effectiveness in work-related musculoskeletal disorders, and an investigation to measure the work performance effects of work-related and other conditions that do not result in full disability. He is the author of over 60 scientific articles on disability, measures of work-related outcomes in occupational injuries and illnesses, treatment interventions, and screening for occupational disease. He is board-certified in both occupational medicine and internal medicine, and holds faculty appointments as an Associate Professor in the Department of Family Medicine and Community Health at the University of Massachusetts Medical School, in Worcester, Mass, and at the Harvard School of Public Health in Boston. Dr. Pransky received his M.D. from the Tufts University School of Medicine, a master's degree in occupational health from the Harvard School of Public Health, and completed a research fellowship at the Agency for Health Care Policy and Research.

**10:00 - 11:00****Selecting the Correct Workers' Compensation Claims to Defend: From Investigation to Defense****By Donald "Bo" Kirkpatrick, II, Esq.**

Attorney Kirkpatrick will discuss the key role that the employer/self-insureds can and should play in the selection of which workers' compensation claims to defend. He will review the available issues including causation, liability, disability as well as the defenses to the contested claim. Attorney Kirkpatrick will explain how the proper selection of cases to defend can reduce liability, indemnity and the marginal or fraudulent claim. He will demonstrate with the benefit of past cases he has defended how and why case selection is crucial. Attorney Kirkpatrick will offer practical cost-effective advice on selecting the correct workers' compensation cases to defend.



Donald "Bo" Kirkpatrick, II, Esq. is a trial attorney with the Birmingham, Alabama law firm of Carr, Allison, Pugh, Howard, Oliver & Sission, PC. He received his BA from Auburn University and his JD from Cumberland School of Law of Samford University. Attorney Kirkpatrick is a member of the American Bar Association, Alabama State Bar, Alabama Defense Lawyers Association, and Defense Research Institute. He has lectured extensively on workers' compensation issues to business, health, and insurance groups, and represents a number of insurance companies, self-insureds, and corporations.

11:00 - 11:10**Break and Networking Opportunity****11:10 - 12:00****Dealing with Injured Workers with Unexplained Medical Symptoms****By William Gaines, Jr., MD, MPH**

Dr. Gaines will review the concept of and literature about medically unexplained symptoms and its impact on the workers' compensation system. He will discuss a practical strategy for organizing a medical management approach to an injured worker with medically unexplained symptoms. Dr. Gaines will explain management strategies for getting an injured worker with medically unexplained symptoms back to work and approaches to case closure. He will demonstrate with the use of outcome data applying this approach. Dr. Gaines will offer practical cost-effective suggestions on how to effectively and timely restore injured workers to pre injury function.



William Gaines, Jr., MD, MPH is the Southwest Region Medical Director for Liberty Mutual Insurance Group. In his role he works directly with Liberty Mutual's Claims Service Teams to evaluate work injury/personal and auto claim's causality and extent of injury, assist in provision of medical care for claimant injuries, and train on evidence based medical management. Dr. Gaines has extensive experience in Occupational Medicine as the former Chairman of the Scott&White Clinics/Texas A&M Health Science

Center Dept of Occupational Medicine, former Associate Director of the National Science Foundation Ergonomics Research Center, former Associate Medical Director for Procter&Gamble and the former North Slope Medical Director for Conoco-Phillips at Prudhoe Bay, Alaska. Dr. Gaines is board certified in Occupational Medicine and Internal Medicine. He is active in workers' compensation committees on a state and national level and is currently an appointed member of the Texas Department of Workers' Compensation Medical Quality Review Panel Executive Committee.

12:00 - 1:30

Lunch (On Your Own) & Exhibits

1:30 - 2:25

Breakout Sessions: Choose One

Workers' Compensation Fraud: Recognize, Investigate, Detect and Deter Fraudulent Claims

By Dale W. Webb, Esq.

Attorney Webb will discuss the numerous indicators that can and should place employers, self-insurers, and workers' compensation carriers on alert to the fact that workers' compensation fraud may be occurring. He will explain how to use surveillance, public records, medical bill review companies, multiple claims, the Internet and the withholding of historical claims and medical information to identify fraudulent claims. Attorney Webb will offer cost-effective suggestions for identifying, uncovering, reducing and defending exaggerated, abusive, or fraudulent workers' compensation claims.



Dale W. Webb, Esq. is a partner and trial attorney with the Roanoke Virginia Law Firm of Frankl, Miller & Webb. Attorney Webb has extensive experience in workers' compensation defense cases for insurance companies and self-insureds, as well as experience representing employers across a broad range of employment law issues. He received his BA from Roanoke College and his JD from the University of Richmond. Attorney Webb is past chairman of the Virginia Association of Defense Attorneys Workers' Compensation Section. He has lectured and written extensively in the area of Workers' Compensation with a particular interest in Workers' Compensation Fraud. Attorney Webb is the author of the RIDD system for combating workers' compensation fraud.

- OR -

Carpal Tunnel Syndrome: How Flawed Causation Analysis and Overdiagnosis Lead to Poor Treatment Results in Workers' Compensation Patients

By James B. Talmage, MD

Dr. Talmage will review the diagnosis and treatment of carpal tunnel syndrome. He will explain why most of the medical literature associating carpal tunnel syndrome with specific jobs is flawed. Dr. Talmage will demonstrate how carpal tunnel syndrome is diagnosed by nerve conduction testing, and how errors in the testing process can lead to the overdiagnosis of carpal tunnel syndrome. He will discuss how the worker with non-specific hand pain and numbness frequently gets misdiagnosed as carpal tunnel syndrome, gets surgery for a disease he/she does not have, and then gets blamed for the poor result of surgery. Dr. Talmage will offer practical advice on how to choose a physician to interpret nerve conduction testing results in workers.



James B. Talmage, MD, is a treating physician at the Occupational Health Center in Cookeville, Tennessee. He received his BS and MD from Ohio State University. Dr. Talmage is certified by the American Board of Orthopedic Surgery, the American Board of Emergency Medicine. He is certified as a disability examiner by both the American Academy of Disability Evaluating Physicians and the American Board of Independent Medical Examiners. He has written and lectured extensively on the treatment of occupational back pain, carpal tunnel syndrome, disability, and impairment. Dr. Talmage was the Chair of the "Musculoskeletal Medical Advisory Board" for the *Medical Disability Advisor (3rd, 4th, and 5th Editions)* He was a reviewer of the *Guides to the Evaluation of Permanent Impairment, 5th Edition* and is an author for the *6th Edition* (in progress) He is co-editor of the 2005 text "A Physician's Guide to Return to Work" (AMA Press).

- OR -

Safety in a Seasoned Workforce: An Interactive Workshop

By Diane DeGaetano, RN, BSN, OHC, COHN-S

Ms. DeGaetano will discuss, in an interactive format, the benefits and challenges of the aging worker, aging workforce demographics, issues specific to safety/health, and review solutions options. She will review the characteristics of the aging workforce and chronic illness effects on employers. Ms. DeGaetano will demonstrate the changes as we age in our hearing, vision, mobility, balance, and reaction time. She will explain how these changes can affect you and your workers with increased lost work days and increase in severity of illness/injuries. Ms. DeGaetano will, with the use of attendee's participation offer practical advice on how to customize training for the aging worker and to desensitize management using this interactive technique.



Diane DeGaetano, RN, BSN, OHC, COHN-S is Occupational Health Manager for Merial Limited, a multi-site health and research organization employing 6,500 employees worldwide. She received her BS in Nursing from Georgia State University and her certification as an Occupational Health Nurse Specialist in 1997. Ms. DeGaetano has had 18 years experience in occupational health and safety services management and has lectured extensively on occupational health. Ms. DeGaetano is a former “nurse hero” and “nurse of the year” awarded by the Atlanta Georgia Association of Occupational Health Nurses.

2:25 - 2:35

Break and Networking Opportunity

2:35 - 3:30

Breakout Sessions: Choose One

Dealing with Difficult Employees: What all Employers Need to Know

By Benton J. Mathis, Jr., Esq.

Attorney Mathis will review practical workplace and legal issues involved with managing borderline and poorly performing employees. He will discuss setting standards to improve performance, evaluation programs and the practical and key components of a lawful disciplinary program. Attorney Mathis will explain preventive strategies to reduce the risk of lawsuits in making employee decisions. He will demonstrate, with the use of examples successful evaluation, discipline and discharge strategies. Attorney Mathis will offer practical suggestions on causations, goal setting, discipline, discharge, severance and other workplace programs that are lawful and successful.



Benton J. Mathis, Jr. is a trial lawyer and partner in charge of the Labor and Employment Law Practice Group of the Atlanta Law Firm of Freeman, Mathis & Gary. He received his BS from the Georgia Institute of Technology and his JD from Washington and Lee University School of Law. Attorney Mathis has served in a variety of leadership positions in legal and business groups. He was selected as a defense representative to the EEOC's first Rulemaking Advisory Committee. He is Editor-In-Chief of the *Personnel Law Desk Manual* (Georgia Chamber of Commerce). He has published over 20 legal treatises, Law Review Notes and scholarly articles on employment issues. Attorney Mathis has lectured and written extensively on employment law and has represented employers in personnel matters in over 45 states.

- OR -

Tips and Best Practices in Emergency Planning: The Role of the Occupational Health Professional

By: COL (Ret) Catherine M. Hundley, RN, MSN, COHN-S/CM

COL (Ret) Hundley will discuss practical approaches and best practices for potential emergencies in the workplace. COL (Ret) Hundley will review best practices and guidelines for appropriately responding to catastrophic incidents in the work setting. COL (Ret) Hundley will discuss the essential elements and preplanning steps required for effective Emergency Action Planning. COL (Ret) Hundley will offer practical easy-to-implement strategies for disaster response as well as emergency management and response resources.



Colonel (Retired) Catherine Hundley is a Certified Occupational Health Nurse Specialist and is currently President of ProCare-Professional Healthcare Management Solutions, Inc. COL(Ret) Hundley retired from the Army with 32 years of service. She is beginning a new career in the area of occupational health and safety consulting as well as comprehensive case management services. Katie retired from the Army in 2004 at the rank of Colonel and served as the State Occupational Health Manager for the Virginia Army National Guard. In this capacity, she served as the principal staff advisor and technical consultant to the Adjutant General, Virginia Army National Guard on all matters pertaining to occupational health and safety. In addition to her past employment with the Department of the Army, Katie also worked in the private sector as the Director of OccuMed, a hospital-based occupational medicine service providing services to Fortune 500 companies in the Richmond metropolitan area. During the interval 1999-2003, Katie served as a member of the Board of Directors, American Board for Occupational Health Nurses, Inc. Katie was elected National Chair, ABOHN during 2002-2003.

- OR -

Extreme Claim Makeover: Best Practices for Occupational Health Professionals in Workers' Compensation Claims

By Kevin M. Quinley, CPCU, ARM, AIC, AIM, ARc

Mr. Quinley will review innovations in “first contact” that can stem hemorrhaging costs. He will discuss best and worst practices in managing workers' compensation claims. Mr. Quinley will demonstrate why it's important to get out from behind the desk and out of the office to assess job duties. He will explain the role of Medical Directors in shaping workers' compensation outcomes. Mr. Quinley will offer practical cost-effective suggestions on how to use leading cutting edge techniques to tune up the management of workers' compensation claims, streamline the process, and trim costs.



Kevin M. Quinley CPCU, ARM, AIC, AIM, ARE has over 28 years of claims experience and has been with Medmarc Insurance Group since 1986. He has written over 500 published articles and ten books on various aspects of insurance, claims-and risk-management. These include Time Management for Claim Professionals, Claims Management and Litigation Management. His articles have appeared in Business Insurance, Risk & Insurance and Claims Magazine, for which he writes a monthly risk management column. Mr. Quinley received his Bachelors degree in Political Science from Wake Forest University and a Masters degree in Government from The College of William & Mary. He holds five specialty insurance designations, including the Associate in Claims (AIC), Associate in Management (AIM) and Associate in Reinsurance (ARE). He has been named a national "Standard Setter" by the Society of Chartered Property & Casualty Underwriters. He is a frequent speaker and trainer on topics relating to healthcare liability and risk and claims management.

3:30 - 3:40

Break and Networking Opportunity

3:40 - 4:40

Breakout Sessions: Choose One

Surgical Fads in Back Pain: IDET, Fusion, & Disk Replacement

By James B. Talmage MD

Dr. Talmage will discuss the science showing that these surgical treatments are not particularly helpful for patients with back ache that is classified as work related injury. He will provide the references to the latest and most rigorous scientific studies and consensus guidelines. Dr. Talmage will demonstrate that, for most patients in the workers' compensation system, these surgical treatments are likely to be disappointing. He will offer insight into the mindset of the well meaning surgeons who continue to perform these surgeries.

- OR -

Defending Cardiovascular Industrial Claims: Heart Attacks, Strokes, Heart Disease and High Blood Pressure

By Clifford A. Goldstein, Esq.

Attorney Goldstein will review the most frequently encountered types of cardiovascular disease claims, including sudden death, coronary heart disease and myocardial infarctions, and will untangle the web of medical-legal-factual questions that these cases typically present. He will explain the usual theories of causation, typical and not-so-typical defenses, and the obstacles businesses face in persuading the fact finder. Attorney Goldstein will discuss selection of appropriate experts and the use of *Fyre* and *Daubert* Motions to challenge speculative theories of causation. He will demonstrate with examples ranging from use of autopsy specimens to accident reconstruction programs; highlighting the strategies that tend to work and those that don't. Attorney Goldstein will offer practical advice to employers and self-insureds on how to respond to cardiovascular disease claims, segregate those to pay from those to fight, and how to enhance your chances of prevailing even in the face of statutory presumptions.

Clifford Goldstein, Esq. is a Workers' Compensation Trial Attorney with the Philadelphia, Pennsylvania Chartwell Law Offices. He received his BA from Temple University and his JD from the Temple University School of Law. Attorney Goldstein has written and lectured extensively on Workers' Compensation issues. He has a particular expertise in the defense of workers' compensation cardiovascular claims. Attorney Goldstein is a former Assistant District Attorney in Philadelphia.

- OR -

Ethics in Occupational Medicine: The Realities of the Workplace

By William B. Patterson, MD, MPH, FACOEM

Dr. Patterson will discuss common ethical dilemmas in the practice of occupational medicine. He will review the definition of ethics and basic ethical principles. Dr. Patterson will explain how to perform an ethical analysis when confronted with an ethical dilemma. Dr. Patterson will offer practical suggestions on how to best approach ethical problems in the clinical practice of occupational medicine.

Dr. Patterson has practiced occupational medicine for over 20 years in hospital based programs, his own practice, and as executive of occupational medicine for multi-site networks. His current position is Assistant Vice President, Northeast zone, Concentra Health Services. Dr. Patterson is a graduate of Harvard College and the University of Vermont College of Medicine. He earned a masters degree in public health from Boston University, where he is a faculty member. Dr. Patterson is board certified in both Internal Medicine and Occupational and Environmental Medicine and a member of the American College of Occupational and Environmental Medicine (Fellow), the American Public Health Association, and the Massachusetts Medical Society. He has served as President of the New England College of Occupational and Environmental Medicine and on its Board of Directors. He has consulted to many large employers and government organizations, such as Hewlett-Packard, Agilent, Philips, OSHA and the Massachusetts Department of Public Health. He serves as Chair of the Millennium Series, ACOEM, and of the Committee on Environmental and Occupational Health of the Massachusetts Medical Society.



Workers' Compensation Legal Issues and Defense Strategies: Connecting the Dots

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod, Massachusetts Monday, July 17, 2006

Executive Summary

This is a course for non-lawyers. At this unique preconference, workers' compensation and occupational health professionals will, for the first time, be provided with an in-depth learning experience covering the most critical aspects of workers' compensation law, practice, and strategy. They will understand the key legal issues commonly encountered in workers' compensation and how and why these issues affect best practices in defending workers' compensation claims. The learning methodology is interactive and the attendees will be provided with checklists and participate in hands-on exercises.

Learning Objectives

At the completion of this workshop you will learn:

- Who is and is not covered under a workers' compensation act.
- The distinguishing nature of independent contractors and other non-covered workers.
- How to determine compensability and how to utilize this information in the defense of a claim.
- The compensability of numerous common occupational injuries, diseases, and claims.
- How causation is determined and how it should be used to defend and win cases.
- The criteria utilized to determine the nature and extent of disability.
- How to prove symptom magnification, malingering, and fraud.
- How to defend and win workers' compensation cases.

Registration Information: The \$395 tuition includes a continental breakfast, breaks, lunch with faculty, a workshop manual not available elsewhere, and a dynamic learning experience.

Faculty



Steven Babitsky, Esquire, is the President of SEAK, Inc. and was a workers' compensation trial attorney for 20 years. He received his BA from the City University of New York and his JD from Boston College Law School. Attorney Babitsky is the Founder and Past President of the National Organization of Social Security Claimant's Representatives (NOSSCR), and is co-founder of the American Board of Independent Medical Examiners (ABIME). Attorney Babitsky was the long time Editor of *Workers' Compensation Monthly* and *The Occupational Medical Digest*. Attorney Babitsky has lectured extensively on workers' compensation issues. He is the author/co-author of the following texts: *Social Security Practice Guide*, Matthew Bender 3 Vol (Contributing Author), *Understanding the AMA Guides in Workers' Compensation Cases* (Co-Author) Wiley Law Publications, *Litigating Stress Cases in Workers' Compensation*, (Co-Author)

Wiley Law Publications, *Understanding the AMA Guides: A Comparison of the Fourth Edition to the Third Edition Revised* (Co-Author) Wiley, *The Independent Medical Evaluation Report: A Step-By-Step Guide With Models* (Co-Author) SEAK, Inc., *Understanding the AMA Guides in Workers' Compensation* (Second Edition) (Co-Author), *Understanding the AMA Guides in Workers' Compensation* (Third Edition) (Co-Author), and Book Chapter - Rating Psychological and Psychiatric Impairment Under the Fourth Edition of the AMA Guidelines in *The Insurer's Handbook of Psychological Injury Claims* (Claims Books, 1995).



James A. Reiter, Esq. is a partner in the Michigan Workers' Compensation law firm of Charfoos, Reiter, Peterson, Jones, Dorland & Hebert. He received his BS from Western Michigan University and his JD from the Detroit College of Law at Michigan State University. Attorney Reiter has written and lectured extensively on workers' compensation for employers, insurers, self-insureds and clients. He is the author of the *Workers' Compensation Update* and is the chairperson of the *National Workers' Compensation Defense Network*.

Continuing Education Credits: Case Managers: 7.0 contact hours of continuing education for Case Managers have been applied for from the Commission for Case Manager Certification, Rolling Meadows, Illinois. **Disability Specialists:** 7.0 contact hours of continuing education for Disability Specialists have been applied for from the Commission for Disability Management Specialists Commission, Rolling Meadows, Illinois. **Physicians:** SEAK is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education (CME) for physicians. SEAK, Inc. designates this continuing medical education activity for a maximum of 7.5 category 1 credits toward the AMA Physician's Recognition Award. Each physician should claim only those credits that he/she actually spent in the educational activity. **Occupational Health Nurses:** 9.0 contact hours for continuing education in nursing have been approved by the American Association of Occupational Health Nurses, Inc. (AAOHN). AAOHN is an accredited approver of continuing education by the American Nurses Credentialing Center's Commission on Accreditation. **Rehabilitation Counselors:** 7.0 contact hours of continuing education hours for Rehabilitation Counselors have been applied for from the Commission on Rehabilitation Counselor Certification, Rolling Meadows, Illinois. **Rehabilitation Nurses:** This program will be accepted for 9.0 contact hours of credit for ARN certification. Submit certificate. **Nurses:** To successfully complete a program and receive contact hours you must: 1) register in, 2) be present for the period of time you are awarded contact hours, 3) complete the evaluation.

Registration is limited. Register Today! To register, please see page 2.

Workers' Compensation Legal Issues and Defense Strategies: Connecting the Dots

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod, Massachusetts

Monday, July 17, 2006

- 7:00 - 8:00** *Registration & Continental Breakfast*
- 8:00 - 8:15** **Introduction:** A brief introduction covering how and why state and federal workers' compensation laws developed, what they were intended to do, the "bargain" made with employees, the mandatory nature of workers' compensation, and the simple and summary procedure that was intended. **Questions and Answers**
- 8:15 - 9:00** **Coverage:** Attendees will learn how to determine which workers' compensation act applies in a case, who exactly is covered under that act, the differences between covered and excluded employees, the distinguishing nature of independent contractors, domestic workers, partners, corporate officers, directors, applicants, trainees, volunteers, casual employees, and illegal aliens. The latest developments in coverage, (e.g., telecommuting employees) will be discussed. Attendees will be provided with case exercises and checklists which demonstrate how coverage provisions in a workers' compensation act can be used to successfully defend cases. **Questions and Answers**
- 9:00 - 10:00** **Compensability:** Faculty will explain the "arising out of and in the course of employment" test and how this is applied in real cases. Attendees will learn about key issues in determining compensability such as deviations from employment, assaults, personal risk rule, recreational activities, intoxication, unexplained falls and deaths, and the importance of the location where the accident/injury occurs. Attendees will be provided with case exercises and checklists which demonstrate how the issue of compensability can be used to successfully defend cases. **Questions and Answers**
- 10:00 - 10:15** *Break & Networking Opportunity*
- 10:15 - 11:00** **Compensability of Controversial Injuries, Diseases, and Claims:** Faculty will review numerous specific controversial occupational injuries, diseases, and claims including repetitive stress, back, diseases, RSD, fibromyalgia, chronic pain and stress claims. Particular emphasis will be placed on how and when such injuries are deemed compensable and how to successfully defend such claims. **Questions and Answers**
- 11:00 - 12:00** **Causal Relationship:** Attendees will learn how attorneys and judges assess the standard of causation in workers' compensation cases. Faculty will discuss and explain the differing standards: "cause," "proximate cause," "major contributing cause," and "significant cause." Terms of art including "reasonable degree of medical certainty," "aggravation," "exacerbation," "pre-existing condition," and other workers' compensation "magic words" will be explained. Attendees will learn the significance of the aging process on determinations of causal relationship. Attendees will be provided with case exercises and checklists which demonstrate how the issue of causal relationship can be used to successfully defend cases. **Questions and Answers**
- 12:00 - 1:00** *Lunch Provided with Faculty*
- 1:00 - 2:00** **Extent of Disability:** Attendees will learn the criteria used to determine if the claimant is partially disabled, totally disabled, has a scheduled or non-scheduled permanent disability and how to determine if the claimant has a loss of earning capacity. Faculty will review the role of pain, work capacity, motivation, and secondary benefits. Attendees will learn how the extent and nature of disability effects how the claim is best defended. **Questions and Answers**
- 2:00 - 3:00** **Proving Symptom Magnification, Malingering, and Fraud:** Attendees will learn how the courts have dealt with employers' allegations of symptom magnification, malingering, and fraud. Faculty will provide checklists for best practices for the detection of fraud and review the best distraction tests used to detect symptom magnification, malingering, and fraud during independent medical evaluations. **Questions and Answers**
- 3:00 - 3:15** *Break & Networking Opportunity*
- 3:15 - 4:30** **Connecting the Dots:** The practical realities of defending and winning workers' compensation cases: Attendees will be provided with an insider's view of why their workers' compensation cases are being lost or settled for excessive amounts. Attendees will learn about selection of defense counsel, training, and experience of counsel, preparation, negotiation, volume of work, dealing with workers' compensation judges, indicia of disaster, defense techniques that upset the judge, selection of physicians and other experts, a post hearing plan, and how employers and insurers should best monitor counsel. **Questions and Answers**
- 4:30 - 5:00** *Concluding Remarks*

ADA, FMLA, and Workers' Compensation: In Depth

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod, Massachusetts

Executive Summary

Monday, July 17, 2006

At this unique preconference, you will be provided with an in-depth learning experience covering the legal topics that all occupational health professionals must deal with on a daily basis. Attendees will participate in frank discussions and problem solving exercises. They will take away practical, valuable advice which they can use immediately. The learning methodology features interactive lectures and hands-on case studies and exercises.

Learning Objectives

At the completion of this seminar you will be able to:

- Understand when and how an employee's situation is covered by the ADA, the FMLA, and state workers' compensation statutes,
- Understand the employer's obligations under the ADA, the FMLA and state workers' compensation statutes,
- Develop and use an understanding of how those laws interact and impact an employer's decision-making process when dealing with employees,
- Identify and diagnose ADA, FMLA, and WC issues,
- Work through complex cases including multiple employment-related legal issues, and
- Develop cost-effective, defensive best practices.

Registration Information

The \$395 tuition includes a continental breakfast, lunch with faculty, a workshop manual not available elsewhere, and a dynamic learning experience.

Distinguished Faculty:

Adam P. Forman, Esquire, is a shareholder in the Boston office of Littler Mendelson. He represents management in discrimination and wrongful discharge litigation, non-competition agreements litigation, traditional labor work and the development of employee relations system. Mr. Forman speaks on matters relating to labor and employment law and has written for a variety of publications, including CCM: The American Lawyer's Corporate Counsel Magazine, Outside Counsel and the Boston Business Journal. He is a member of the American Bar Association, the Boston Bar Association and the Massachusetts Bar Association. Mr. Forman received his law degree, *cum laude*, from Georgetown University Law Center in 1987 and his bachelor's degree, with high distinction, from Pennsylvania State University in 1984 as a member of Phi Beta Kappa. Mr. Forman was admitted to the Pennsylvania Bar (1987); the Massachusetts Bar (1992); the U.S. District Court, Eastern District of Pennsylvania (1987); the U.S. District Court, District of Massachusetts (1992); the U.S. Court of Appeals, Third Circuit (1990) and the U.S. Court of Appeals, First Circuit (1994).



Michael Mankes, Esq. is a shareholder in the Boston office of Littler Mendelson. He advises and defends employers in a broad array of employment and labor law. Mr. Mankes also works closely with employers on litigation prevention measures and legal compliance, including compliance with state and federal leave and disability law, and wage and hour matters. Mr. Mankes is the co-author of the United States chapter of the book *EU & International Employment Law*. He has also authored publications on a variety of labor and employment subjects, including diversity, employee handbooks, and the legality of employee participation committees. Mr. Mankes received his B.S. degree with honors in Industrial and Labor Relations from Cornell University in 1992 and his J.D. degree from the University of Pennsylvania Law School in 1995. While at the University of Pennsylvania, Mr. Mankes served as comment editor on the University of Pennsylvania Comparative Labor Law Journal, and interned with the National Labor Relations Board.



Continuing Education Credits:

Case Managers: 7.0 contact hours of continuing education for Case Managers have been applied for from the Commission for Case Manager Certification, Rolling Meadows, Illinois. **Disability Specialists:** 7.0 contact hours of continuing education for Disability Specialists have been applied for from the Commission for Disability Management Specialists Commission, Rolling Meadows, Illinois. **Occupational Health Nurses:** 8.0 contact hours for continuing education in nursing have been applied for through the American Association of Occupational Health Nurses, Inc. (AAOHN). AAOHN is an accredited approver of continuing education by the American Nurses Credentialing Center's Commission on Accreditation. **Physicians:** SEAK is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education (CME) for physicians. SEAK, Inc. designates this continuing medical education activity for a maximum of 7.0 category 1 credits toward the AMA Physician's Recognition Award. Each physician should claim only those credits that he/she actually spent in the educational activity. **Rehabilitation Counselors:** 7.0 contact hours of continuing education hours for Rehabilitation Counselors have been applied for from the Commission on Rehabilitation Counselor Certification, Rolling Meadows, Illinois. **Rehabilitation Nurses:** This program will be accepted for 8.0 contact hours of credit for ARN certification. Submit certificate. **Nurses:** To successfully complete a program and receive contact hours you must: 1) register in, 2) be present for the period of time you are awarded contact hours, 3) complete the evaluation.

ADA, FMLA, and Workers' Compensation: In Depth

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod, Massachusetts

Monday, July 17, 2006

- 7:00 - 8:00** *Registration and Continental Breakfast*
- 8:00 - 8:15** **Introduction:** Why we need an in depth understanding of these issues: Workplace morale, employee retention, defensive employee relations, management, cost control, and other important considerations. **Questions and Answers**
- 8:15 - 9:30** **The FMLA: *An overview and hot topics*** Attendees will learn about the following issues: eligibility, intermittent leave, designation of leave as FMLA covered, denial of leave, medical certification of leave, and employee notice of health care condition. In addition, FMLA leave will be distinguished from Workers' Compensation leave, and the relationship between the two will be discussed. **Questions and Answers**
- 9:30 - 10:45** **The ADA: *An overview of the law*** Attendees will learn how to determine if an employee has a disability (Does the employee have an impairment? Does it affect a major life activity? Is the major life activity substantially limited?) and what conditions have been determined not to be disabilities. This session will also include an explanation of the issue of employees being "regarded as" or having a "record of being" disabled. This session will also consist of an explanation of whether an employee with a disability is qualified for the job in question, and how to determine what functions (attendance, mental stability, walking, travel, lifting, staying awake, etc.) of a job are essential. **Questions and Answers**
- 10:45 - 11:00** *Break and Networking Opportunity*
- 11:00 - 12:00** **The ADA Continued: *Making reasonable accommodations*** What is reasonable? How much can a "reasonable" accommodation cost? Is an employer required to place employees on leave or on part-time schedules as part of a reasonable accommodation? Finally, ADA concerns will be distinguished from Workers' Compensation issues, and the relationship between the two will be discussed. **Questions and Answers**
- 12:00 - 1:00** *Lunch (Provided With Faculty)*
- 1:00 - 2:00** **The Interrelationship between the ADA, FMLA, and Workers' Compensation: How do you know which law(s) you are dealing with?** Can an employee's request for a leave be covered by more than one law? When can you request additional information or a second opinion? **Questions and Answers**
- 2:00 - 3:00** **Part One of Interactive group activity:** Review of hypothetical scenarios involving the ADA, FMLA, and Workers' Compensation. Topics include: Injury or disability? What is the proper response to an employee's request for leave? Can this disabled/injured/ill employee's employment be terminated? How much does the employer need to spend on an accommodation? **Questions and Answers**
- 3:00 - 3:15** *Break and Networking Opportunity*
- 3:15 - 4:15** **Part Two of Interactive group activity:** Responding to the complex challenges of the workplace: analysis of tough hypotheticals to navigate treacherous ADA, FMLA, and Workers' Compensation waters. **Questions and Answers**
- 4:15 - 4:30** **Wrap-up:** Concluding remarks and final question and answer session.

Registration is limited. Register Today! To register, please see page 2.

Injured and Aging Workers: Maximizing the Fit Between Worker and Work

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod, Massachusetts
Monday, July 17, 2006

Executive Summary Better management of injured workers is always a goal of medical, vocational and employer professionals. A new challenge adding urgency to the overall system is the rising age of workers. Fears of injury, disability and loss of productivity are held by the employees themselves as well as employers, medical professionals and vocational experts. Newly designed systems and concepts that are working well with injured workers hold the same answers for the aging workforce. This program analyzes opportunities for managing both injured workers and the aging worker. The commonality is a system that can reduce costs and lost workdays for the injured and also be used to implement preventive measures for workers undergoing normal aging changes. A healthier and more productive workforce is possible whether injury or aging is the focus. This conference provides specific knowledge and new methods for proactive injury management and productivity enhancement.

Objectives The participant will be able to:

- Define roadblocks in establishing productive work for both injured and aging workers,
- Understand the constraints of the current medical "restriction" system and forms,
- Understand the impact of medical and employer communication gaps on the injured, ill or aging worker,
- Determine cost segments between the date of injury, return to light duty, return to modified duty and full duty,
- Describe the changes in physical functioning with normal aging,
- Understand the distinction between normal aging and cumulative trauma,
- Discuss American and European research and ideas in managing aging workers,
- Identify multiple solutions to keep the aging workforce healthy and productive, and
- Delineate components of a single job function matching system that works for employers, medical/vocational providers and employees and understand its use in work return and in proactive programs for the aging population.

Registration Information

To register, please use the form on page 2. Tuition is \$395. Tuition includes a continental breakfast, lunch with faculty and a detailed workshop manual.

Faculty



Susan Isernhagen, PT, of DSI Work Solutions, Duluth, MN, is a developer and practitioner in the fields of work injury management and prevention. She specializes in occupational health and created many of its fundamental programs: the first functional capacity assessment, functional job description and functional prework screen process. Her published peer-reviewed research includes reliability of assessing functional capacity performance and identifying predictors for return to work. Susan is editor/author of two textbooks used worldwide: *Work Injury Management and Prevention*, and *The Comprehensive Guide to Work Injury Management*.



Dennis D. Isernhagen, PT, of DSI Work Solutions, Duluth, MN, is a consultant and practitioner in the field of work injury prevention and management. He specializes in the design, development and implementation of work injury prevention and return to work systems for employers. He also consults with healthcare professionals on the development/enhancement of occupational health and rehabilitation services provided to employers. He has authored numerous book chapters and articles for professional and trade journals on subjects relating to work injury prevention and management, including *A Model System: Integrated Work Injury Prevention and Disability Management*, *Threats and Opportunities in Work Injury Management*, and *Building Occupational Health and Rehabilitation Programs on the Consumer's Actual Needs*.

Continuing Education Credits:

Case Managers: 7.0 contact hours of continuing education for Case Managers have been applied for from the Commission for Case Manager Certification, Rolling Meadows, Illinois. **Disability Specialists:** 7.0 contact hours of continuing education for Disability Specialists have been applied for from the Commission for Disability Management Specialists Commission, Rolling Meadows, Illinois. **Occupational Health Nurses:** 8.8 contact hours for continuing education in nursing have been approved for through the American Association of Occupational Health Nurses, Inc. (AAOHN). AAOHN is an accredited approver of continuing education by the American Nurses Credentialing Center's Commission on Accreditation. **Physicians:** SEAK is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education (CME) for physicians. SEAK, Inc. designates this continuing medical education activity for a maximum of 7.3 category 1 credits toward the AMA Physician's Recognition Award. Each physician should claim only those credits that he/she actually spent in the educational activity. **Rehabilitation Counselors:** 7.0 contact hours of continuing education hours for Rehabilitation Counselors have been applied for from the Commission on Rehabilitation Counselor Certification, Rolling Meadows, Illinois. **Rehabilitation Nurses:** This program will be accepted for 8.8 contact hours of credit for ARN certification. Submit certificate. **Nurses:** To successfully complete a program and receive contact hours you must: 1) register in, 2) be present for the period of time you are awarded contact hours, 3) complete the evaluation.

Injured and Aging Workers: Maximizing the Fit Between Worker and Work

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod, Massachusetts
Monday, July 17, 2006

- 7:30 - 8:00** *Registration and Continental Breakfast*
- 8:00 - 9:30** **Analysis of delayed return to productive work after injury: survey results**
- Employers' difficulty with "restrictions"
 - Doctor's problems with job descriptions
 - Employees' confusion on their role
 - Lack of emphasis on specific work ability: The *ACOEM Guideline* dilemma
- 9:30 - 10:00** **Implementing a faster and more effective method of modified work**
- Light duty vs. transitional work
 - Modified work: Three options for modifying the original job
 - Sequential upgrading—avoiding lost productivity and reducing costs
- 10:00 - 10:20** *Break and Networking Opportunity*
- 10:20 - 12:00** **Instituting a model of job function matching that meets needs of employers, medical providers and employees**
- Objective vs. subjective methods
 - A common form and a common language
 - Job relatedness keeps workers as workers not patients
 - The dynamic system that is progressive and defensible
- 12:00 - 1:00** *Lunch provided with faculty*
- 1:00 - 2:30** **Aging changes we can expect throughout the work lifespan: what's normal**
- Normal changes in strength, endurance, motion, balance and coordination
 - Normal changes in vision, hearing, temperature adjustment and learning
 - The employer's view of the "normal" changes: positive and negative
 - Work capacity research: three age groups divided into genders: surprising data
- 2:30 - 2:50** **How "wear-out" and aging interact. Can we determine relative causation?**
- 2:50 - 3:10** *Break and Networking Opportunity*
- 3:10 - 3:45** **American and European prevention models: proactive systems**
- Work Ability Index
 - Lifespan Functional Fitness
- 3:45 - 4:30** **5 core solutions, customized to the worker and employer needs**
- TARG analysis: Trends of Age Related Groups
 - Job and age related specific exercise design
 - Ergonomics and task rotations
 - Education and problem solving: the buy-in for worker involvement
 - Job function matching: the core answer over the work lifespan
- 4:30 - 5:00** *Open Discussion*

Registration is limited. Register Today! To register, please see page 2.

Comprehensive Assessment and Treatment of Chronic Pain: Incomes and Outcomes

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod, Massachusetts

Monday, July 17, 2006

Executive Summary

Patients with chronic pain cannot be successfully treated and returned to routine functioning, including work, unless and until their condition is accurately assessed. In this course, attendees will learn the components of a comprehensive assessment and effective treatment strategies for chronic pain patients. Outcomes based healthcare will be stressed throughout the workshop with consideration given to clinical effectiveness and cost-effectiveness of treatment options currently available and in use. Significant cost savings associated with comprehensive assessment and multidisciplinary treatment compared to available alternatives such as surgery, pharmacological treatment, regional anesthesia, implantable devices, and passive physical modalities will be described.

Workshop Objectives

In this intensive one-day seminar attendees will learn:

- The magnitude and costs of chronic pain to pain sufferers and society.
- The limitations of current models in conceptualizing and treating chronic pain.
- The contributions of psychosocial factors and health care providers to the maintenance of disability.
- The components of a comprehensive assessment that targets biomedical, psychosocial, and behavioral components that contribute to symptoms and related disability.
- Currently available options for treating and managing patients with chronic pain.
- The components and emphases of a multidisciplinary approach to pain and disability management.
- The clinical effectiveness and cost-effectiveness of currently available treatment options.

Registration Information

The \$395 tuition includes a continental breakfast, breaks, lunch with faculty, a workshop manual with reference material, and a unique, interactive learning experience from an international speaker and recipient of the distinguished Janet Travell Award for Excellence in the field of Chronic Pain. Janet Travell was a leading pioneer in the field and personal physician to two presidents of the USA.

Faculty

Dr. Dennis C. Turk is currently John and Emma Bonica Professor of Anesthesiology & Pain Research at the University of Washington. He was formerly on the faculty of Yale University and the University of Pittsburgh. At the University of Pittsburgh School of Medicine he was Professor of Psychiatry and Anesthesiology and Director of the Pain Evaluation and Treatment Institute.



He is currently a special government employee of the Food and Drug Administration. Dr. Turk was the recipient of the American Psychological Association, Division of Health Psychology, Outstanding Scientific Contribution Award in 1993 and the American Academy of Pain Medicine, Janet Travell Pain Management Award for Clinical Excellence in 1998 and the John C. Liebeskind Award for Career Contributions to the Field of Pain Management in 2005. In an international survey conducted in 1999, Dr. Turk was identified as one of the "top 10 leaders in pain research and treatment development in the world." He is currently President of the American Pain Society. Dr. Turk has published over 400 journal articles, invited papers, and chapters in edited books have been published. He has written and edited 14 volumes, most recently, *The Pain Survival Guide: How to Reclaim Your Life* (2006). He is currently Editor-in-Chief of the *Clinical Journal of Pain*. Dr. Turk's research has been supported by the National Institute of Arthritis, Musculoskeletal and Skin Disease, the National Institute of Dental Research, the National Center for Medical Rehabilitation Research, the National Center for Health Statistics, and numerous foundations and pharmaceutical companies.

Continuing Education Credits

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Comprehensive Assessment and Treatment of Chronic Pain: Incomes and Outcomes

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod, Massachusetts

Monday, July 17, 2006

7:30 - 8:30 **Registration and Continental Breakfast**

8:30 - 9:00 **Magnitude and Impact of Chronic Pain:** Dr. Turk will discuss the magnitude of chronic pain and the social and emotional impact of symptoms on the pain sufferer and his or her family and the financial impact to employers, the workers' compensation system, and society. **Questions and Answers**

9:00 - 10:30 **Understanding Chronic Pain:** Attendees will learn the advantages of multidisciplinary versus monomodal diagnosis and treatment. **Questions and Answers**

10:30 - 10:45 **Break & Networking Opportunity**

10:45 - 12:00 **Comprehensive Assessment (and Reassessment) Strategy:** Attendees will learn the components of a comprehensive assessment that includes medical, psychosocial, and behavioral assessment. Specific measures and procedures will be described and case examples presented to illustrate an approach designed to assess the patient and not just the disease. **Questions and Answers**

12:00 - 1:00 **Lunch Provided with Faculty**

1:00 - 1:30 **Pain and the *AMA Guides to the Evaluation of Permanent Impairment*:** Attendees will learn about the ways in which pain is addressed and procedures to assess pain as described in the 5th edition of the *AMA Guides*. **Questions and Answers**

1:30 - 2:30 **Multidisciplinary treatment and rehabilitation, what is it?:** Attendees will learn about the characteristics, components, and objectives of interdisciplinary pain rehabilitation. Emphasis will be given to the difference between cure and rehabilitation and the implications of viewing chronic pain as a chronic disease. **Questions and Answers**

2:30 - 3:00 **Evidence-based medicine and Chronic Pain:** Attendees will learn the application and importance of evidence-based medicine as it relates to treatment of chronic pain patients, the potential cost savings and cost containment with which it is associated, and as the basis for "pay for performance." **Questions and Answers**

3:00 - 3:15 **Break & Networking Opportunity**

3:15 - 4:00 **Clinical Effectiveness and Cost-Effectiveness of Treatment Options:** Dr. Turk will review and compare outcomes related to symptom reduction, emotional and physical functioning, health care utilization, return to work, and closure of disability claims. **Questions and Answers**

4:00 - 4:30 **Steps to Help Patients with Chronic Pain:** Attendees will learn key features of successful pain and disease management and a strategic approach to helping patients with chronic pain return to optimal functioning when pain cannot be eliminated. **Questions and Answers**

4:30 - 5:00 **The Future of Pain Management:** Dr. Turk will peer into his crystal ball and make predictions about the future of pain management. **Questions and Answers**

Registration is limited. Register Today! To register, please see page 2.

Practical Ergonomics for Employers

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod, Massachusetts

Monday, July 17, 2006

Executive Summary: In this one-day workshop, participants will learn how to perform practical ergonomics evaluations and develop simple, cost effective solutions to reduce or control risk factors. Skills developed will focus on material handling, repetitive hand, intensive, and computer workstations tasks. Medical management including early reporting and rapid response techniques will also be covered.

Objectives:

At the completion of this seminar, you will be able to:

- Identify goals, objectives and successes of ergonomics programs.
- Explain OSHA standards and NIOSH research pertaining to ergonomics and injury prevention.
- Explain the correct elements and sequence of jobsite/task (ergonomics) analysis for identifying risk factors for musculoskeletal disorders.
- Identify participants knowledge and understanding of jobsite (ergonomics) analysis and determine their ability to generate a written program.
- Explain skills in jobsite (ergonomics) analysis, risk factor management/control and development of written programs for risk reduction.
- Explain an appropriate medical management program for musculoskeletal disorders.
- Explain selection, development and implementation of educational programs.
- Identify and practice good and bad body mechanics and posture.
- Demonstrate, practice and review fitness and exercise programs.

Registration

Information: The \$395 tuition includes a continental breakfast, lunch with faculty, a workshop manual not available elsewhere, and a dynamic learning experience.

Faculty: **Ronald W. Porter, PT, CEAS**, is a recognized expert in the field of Occupational Safety and Health, and Ergonomics. In the past 20 years, since becoming Director of the Back School of Atlanta, in Atlanta, Georgia, he has instructed over 500 workshops and seminars on Musculoskeletal Disorder Prevention and Ergonomics Awareness to physical and occupational therapists, medical doctors, occupational health nurses, and industrial health and safety professionals. Mr. Porter has worked with over 200 industries, including, E.I. Du Pont, Shell Oil, International Paper, Cingular Wireless, and the United States Navy, on development and implementation of ergonomics programs for individual plant sites and corporate-wide. He frequently speaks at various safety and health association conferences. Mr. Porter received his Bachelor of Science degree from the University of Tennessee-Knoxville and his Graduate Degree in Physical Therapy from Emory University in Atlanta, Georgia. He is a member of the American Physical Therapy Association and the American Society of Safety Engineers.



Continuing Education Credits:

Case Managers: 6.0 contact hours of continuing education for Case Managers have been applied for from the Commission for Case Manager Certification, Rolling Meadows, Illinois. **Disability Specialists:** 6.0 contact hours of continuing education for Disability Specialists have been applied for from the Commission for Disability Management Specialists Commission, Rolling Meadows, Illinois. **Physicians:** SEAK is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education (CME) for physicians. SEAK, Inc. designates this continuing medical education activity for a maximum of 7.5 category 1 credits toward the AMA Physician's Recognition Award. Each physician should claim only those hours of credit that he/she actually spent in the educational activity. **Occupational Health Nurses:** 7.5 contact hours for continuing education in nursing has been applied for through the American Association of Occupational Health Nurses, Inc. (AAOHN). AAOHN is an accredited approver of continuing education by the American Nurses Credentialing Center's Commission on Accreditation. **Rehabilitation Counselors:** 6.0 contact hours of continuing education hours for Rehabilitation Counselors have been applied for from the Commission on Rehabilitation Counselor Certification, Rolling Meadows, Illinois. **Rehabilitation Nurses:** This program will be accepted for 7.5 contact hours of credit for ARN certification. Submit certificate. Nurses: To successfully complete a program and receive contact hours you must: 1) register in, 2) be present for the period of time you are awarded contact hours, 3) complete the evaluation.

Practical Ergonomics for Employers

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod, Massachusetts

Monday, July 17, 2006

- 7:30 - 8:00** *Registration and Continental Breakfast*
- 8:00 - 9:00** **Introduction: Why Do We Need Ergonomics?**
- What ergonomics programs can accomplish
 - Goals and objectives of ergonomic programs
- 9:00 - 10:00** **OSHA Standards/ Guidelines for Ergonomics and Musculoskeletal Disorders**
- OSHA standards pertaining to ergonomics and injury prevention
 - NIOSH research on ergonomics and injury prevention
- 10:00 - 10:15** *Break and Networking Opportunity*
- 10:15 - 11:15** **Job Hazard Analysis**
- The correct elements and sequence of a jobsite ergonomics analysis
 - Identifying risk factors for musculoskeletal disorders
- 11:15 - 12:00** **Jobsite (Ergonomics) Analysis: Practical Application**
- Industrial assessments
 - Office assessments
 - Generating a written program
- 12:00 - 1:00** *Lunch (Provided with faculty)*
- 1:00 - 2:30** **Hazard Reduction and Control**
- Approaches to reduce or prevent musculoskeletal disorders
 - Written reports
 - Risk factor management
 - Developing a written program for risk reduction
- 2:30 - 2:45** *Break and Networking Opportunity*
- 2:45 - 3:30** **Musculoskeletal Disorder Medical Management**
- Appropriate and inappropriate medical management programs for musculoskeletal disorders
- 3:30 - 5:00** **Training Your Employees**
- Education programs
 - Body mechanics and lifting
 - Posture-sitting, standing & sleeping
 - Fitness & exercise programs
 - Demonstrations

Registration is limited. Register Today! To register, please see page 2.

OSHA For Occupational Health Professionals: Training on How OSHA Works and on OSHA Injury and Illness Recordkeeping

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod, Massachusetts
Monday, July 17, 2006

Executive Summary

This workshop is intended to teach occupational health professionals, clinicians, health care professionals, human resource managers, and employers how OSHA works. Attendees will learn how OSHA is organized, why inspections occur, what happens during an inspection, and how to proceed if an OSHA citation is issued. This session will also address the most frequently cited OSHA Standards, how to use the OSHA website as a resource, and tips for achieving an effective safety and health program. Attendees will also be trained in OSHA injury and illness recordkeeping. Accurate OSHA recordkeeping is the foundation of any effective safety and health program and is typically reviewed as part of every OSHA inspection. This training session will teach attendees the recordkeeping analysis, including all OSHA interpretations and a discussion of OSHA's frequently asked questions on recordkeeping.

Registration

The \$395 tuition includes a continental breakfast, lunch with faculty, a workshop manual not available elsewhere, and a dynamic learning experience.

Faculty



William K. Principe, Esq. Attorney Principe is a member of the law firm Constagny, Brooks & Smith, LLC in Atlanta, Georgia. Bill focuses his practice on occupational safety and health regulatory issues. He works with companies on compliance with both federal Occupational Safety and Health Administration and state safety and health regulations. Before joining Constagny, Bill was an attorney with the Occupational Safety and Health Review Commission in Washington, D.C. Bill is the author of "OSHA Injury and Illness Recordkeeping: Best Practices," "Key Changes to the New OSHA Recordkeeping Rules," and "Preparing for an OSHA Inspection" in the "ACCA Docket," The magazine of the American Corporate Counsel Association. Bill received his B.A Degree, *magna cum laude*, from Notre Dame and his J.D. from Georgetown.

Workshop Objectives

- Describe how OSHA works.
- Explain how OSHA is organized, why inspections occur, what happens during an inspection, and how to proceed if an OSHA citation is issued.
- Describe optimal injury and illness recordkeeping.
- Understand how to use the OSHA website as a resource.
- Evaluate how to proceed if an OSHA citation is issued.
- List the most frequently cited OSHA standards.
- Explain how to achieve an effective health and safety program.

Continuing Education Credits

Case Managers: 7.0 contact hours of continuing education for Case Managers have been applied for from the Commission for Case Manager Certification, Rolling Meadows, Illinois. **Disability Specialists:** 7.0 contact hours of continuing education for Disability Specialists have been applied for from the Commission for Disability Management Specialists Commission, Rolling Meadows, Illinois.

Physicians: SEAK is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education (CME) for physicians. SEAK, Inc. designates this continuing medical education activity for a maximum of 7.0 category 1 credits toward the AMA Physician's Recognition Award. Each physician should claim only those hours of credit that he/she actually spent in the educational activity. **Occupational Health Nurses:** 8.0 contact hours for continuing education in nursing has been applied for through the American Association of Occupational Health Nurses, Inc. (AAOHN). AAOHN is an accredited approver of continuing education by the American Nurses Credentialing Center's Commission on Accreditation. **Rehabilitation Counselors:** 7.0 contact hours of continuing education hours for Rehabilitation Counselors have been applied for from the Commission on Rehabilitation Counselor Certification, Rolling Meadows, Illinois. **Rehabilitation Nurses:** This program will be accepted for 8.0 contact hours of credit for ARN certification. Submit certificate. **Nurses:** To successfully complete a program and receive contact hours you must: 1) register in, 2) be present for the period of time you are awarded contact hours, 3) complete the evaluation.

OSHA For Occupational Health Professionals: Training on How OSHA Works and on OSHA Injury and Illness Recordkeeping

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod, Massachusetts
Monday, July 17, 2006

- 8:00 - 8:30** ***Registration and Continental Breakfast***
- 8:30 - 10:00** **Introduction to OSHA, OSHA Inspections and Issuance of Citations**
- How OSHA is organized
 - How inspections are triggered
 - Site specific targeting
 - Complaints
 - Referrals
 - Fatalities
 - Follow Up
 - What happens during an inspection, what they are looking for, and
 - Credentials
 - Warrant requirements
 - Opening Conference
 - Conduct of inspection
 - Interviews
 - Video- and audio-taping
 - Trade secrets
 - Closing Conference
 - Issuance of Citations
 - OTS
 - Serious
 - Repeat
 - Willful
 - Failure to abate
 - Contest process
- 10:00 - 10:15** ***Break and Networking Opportunity***
- 10:15 - 12:00** **Defending Citations**
- Most frequently cited OSHA Standards
 - General Duty Clause
 - OSHA defenses
 - Employee misconduct
 - Greater hazard
 - Infeasibility
 - Preemption
 - Multi-Employer Citation Policy
- 12:00 - 1:00** ***Lunch (Provided with Faculty)***
- 1:00 - 1:30** **How to Use the OSHA Website and other OSHA Resources**
- 1:30 - 2:00** **10 Tips for an Effective Safety Program**
- Select or train a safety manager
 - Develop Safety Program in compliance with OSHA's 1989 Voluntary Program Management Guidelines
 - Develop and implement required written programs
 - Train an Injury and Illness recordkeeper
 - Monitor compliance with OSHA Standards
 - Develop a Reporting or Employee Complaint mechanism
 - Enforce safety compliance through appropriate discipline
 - Manage audits and ensure closure
 - Be careful with Incentive Programs
 - Focus on OSHA's Most Frequently Cited List
- 2:00 - 2:15** ***Break and Networking Opportunity***
- 2:15 - 5:00** **OSHA Recordkeeping Training**
- The recordkeeping analysis
 - What constitutes an incident?
 - What does OSHA mean by "work-related"?
 - What are the rules for defining restricted work and days away from work?
 - The Conflicting Doctor's Rule
 - The Hearing Loss Rules
 - OSHA'S Interpretation Letters
 - OSHA'S Frequently Asked Questions

Return to Work: Creating Momentum in the Work Restoration Process

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod Massachusetts

Monday, July 17, 2006

Executive Summary

This workshop is designed for occupational and employee health professionals, disability management specialists, work return coordinators, corporate benefit managers, state workers' compensation officials, insurance industry professionals and others who wish to broaden their understanding of work restoration programs and advance their skills. Attendees should be familiar with the basic design of a work return program and want to refine its use in challenging situations.

How do you create momentum in the work restoration process when you are faced with challenges and barriers? What challenges to work restoration do you deal with on a regular basis? How do competing self-interests influence the work restoration process? What is the best work restoration approach for a company – or for a specific site? What strategies can be used to address resistance and lack of participation among employees, supervisors and community physicians? How do you respond to a psychiatric diagnosis? Are there special considerations for a company that has several sites and divisions, crossing multiple workers' comp jurisdictions? What benchmarks and metrics are most useful in determining whether your company's work restoration efforts are effective? How can a company's approach be applied with people who experience a work disruption due to non-occupational illness or injury?

This is your opportunity to address these questions and increase your depth of understanding about what works (and what doesn't!) when work restoration is the goal for the employee. The leaders' expertise in both the occupational and non-occupational disability arenas provides the learner with a broad resource.

Registration Information

The \$395 tuition includes a continental breakfast, lunch with faculty, a workshop manual not available elsewhere, and a dynamic learning experience.

Learning Objectives

At the conclusion of seminar you will be able to:

- Describe employee factors that challenge successful work restoration;
- Describe employer and health care provider factors that challenge successful work restoration;
- Identify strategic information about the company, worksite and the system that is critical to a successful work restoration program;
- Discuss methods for resolving perennial work return challenges such as resistance, lack of motivation and disruption among employees, supervisors and community physicians;
- Design accommodation pathways that strengthen work restoration, and
- Apply successful work restoration principles and practices to non-occupational illness and injury by engaging the worker, insurance company personnel, physicians and other health care providers.

Distinguished Faculty

Drs. Steven and Norma Leclair, have been leaders in the design, implementation, evaluation and refinement of work return and industrial rehabilitation programs. They have more than 20 years experience providing clear, step-by-step leadership to employers and health care providers in the assessment of current practices, work flows and benefit structures and in the development and implementation of worksite systems to prevent and manage both occupational and non-occupational disability and promote effective work return. Selected clients have included: Mars, Inc., Honda of America, Delta Airlines, Merck, the Cleveland Clinic, the Canadian Institute, The US Army Health Services Command, UNUM/Provident, CIGNA, Aetna Life and CNA.



Steven W. Leclair, Ph.D., CRC has worked with hundreds of industrial firms, service organizations, retail outlets, health care facilities and public employers both nationally and internationally to develop strategies that support persons with disabilities in their efforts to maintain or restore the ability to work. He is a licensed psychologist and certified rehabilitation counselor with more than 25 years of professional experience as a consultant, clinician, educator, researcher and administrator. He is the author of more than 40 publications including books, articles and monographs related to disability and work restoration. Steve is the Executive Director and CEO of Community Partners, Inc.; a large non-profit organization in Maine that provides community-based supports to persons with disabilities.



Norma J. Leclair RN, Ph.D., LCPC has worked as a consultant to business and industry, insurance carriers, health care systems, public schools and government agencies. She is a leading expert on the relationship between complex medical issues, psychiatric impairment and work restoration for both occupational and non-occupational disability. She has spoken and published on a variety of health care topics including psychiatric impairment, delayed recovery, fibromyalgia, multiple sclerosis, HIV, and Hepatitis C. Norma was the consulting editor for psychiatric disorders for the 2001 edition of the *Medical Disability Advisor* by Presley Reed. Currently, she is the Director of Community Partners Education and Research Alliance, a non-profit research and professional development organization in Maine.

Continuing Education Credits:

Case Managers: 7.0 contact hours of continuing education for Case Managers have been applied for from the Commission for Case Manager Certification, Rolling Meadows, Illinois. **Disability Specialists:** 7.0 contact hours of continuing education for Disability Specialists have been applied for from the Commission for Disability Management Specialists Commission, Rolling Meadows, Illinois. **Physicians:** SEAK is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education (CME) for physicians. SEAK, Inc. designates this continuing medical education activity for a maximum of 6.5 category 1 credits toward the AMA Physician's Recognition Award. Each physician should claim only those hours of credit that he/she actually spent in the educational activity. **Occupational Health Nurses:** 8.4 contact hours for continuing education in nursing has been approved by the American Association of Occupational Health Nurses, Inc. (AAOHN). AAOHN is an accredited approver of continuing education by the American Nurses Credentialing Center's Commission on Accreditation. **Rehabilitation Counselors:** 7.0 contact hours of continuing education hours for Rehabilitation Counselors have been applied for from the Commission on Rehabilitation Counselor Certification, Rolling Meadows, Illinois. **Rehabilitation Nurses:** This program will be accepted for 8.4 contact hours of credit for ARN certification. Submit certificate. **Nurses:** To successfully complete a program and receive contact hours you must: 1) register in, 2) be present for the period of time you are awarded contact hours, 3) complete the evaluation.

Return to Work: Creating Momentum in the Work Restoration Process

Four Points by Sheraton Hyannis Resort, Hyannis, Cape Cod Massachusetts

Monday, July 17, 2006

- 7:30 - 8:00** *Registration & Continental Breakfast*
- 8:00 - 8:15** **Workshop introductions: Overview of activities**
- 8:15 - 9:15** **Work Restoration Challenges – “You name it!”**
 - Employer, provider, insurance adjuster and employee perspectives
- 9:15 - 10:30** **Work Restoration: Employee Challenges**
 - Employee factors influencing work capacity and restoration
 - Resistance and lack of motivation
 - Impaired psychological integrity
- 10:30 - 10:45** *Break and Networking Opportunity*
- 10:45 - 11:15** **Work Restoration: Employer and Health Care Provider Challenges**
 - Employer factors influencing work restoration
 - High stress work environments
 - Health care providers role in work restoration efforts
- 11:15 - 12:00** **Work Restoration: Creating Momentum for Success**
Critical factors about the employee, the job and the impairment that influence success:
 - Work history, skills and worksite relations
 - Physical and psychosocial demands of the job
 - Relevant aspects of treatment and functional renewal
 - Functional capabilities and impairments
- 12:00 - 1:00** *Lunch Provided with Faculty*
- 1:00 - 2:30** **Work Restoration: Creating Momentum for Success**
Factors about the company, worksite and the insurance system that influence success:
 - Corporate policies, procedures and practices
 - Benefit systems and regulations
 - Strategic job information
 - Building accommodation pathways
 - Worksite and community culture information
 - Empirically derived program benchmarks
 - Role of insurance adjuster and case management
- 2:30 - 3:00** **Work Restoration: Building a Successful Relationship with the Health Care Provider**
- 3:00 - 3:15** *Break & Networking Opportunity*
- 3:15 - 3:45** **Work Restoration Success with Non-occupational Illness and Injury**
 - Expand and refine the process to achieve parallel results
 - Establish working relationships with insurers and community providers (outside the workers' compensation arena)
- 3:45 - 4:00** **Summary, questions and evaluation**

This Year's Cutting Edge Topics:

A Model Light Duty Program: Best Practices
ADA, FMLA and Workers' Compensation: Slaying the Three-Headed Monster
Advanced Case Management for Occupational Health and Rehabilitation Professionals
AMA Guides 6th Edition: How Will It Impact Occupational Health and Workers' Compensation?
Assessing Fitness for Duty: Depression in the Workplace Latest Developments
Begin to Work, Stay at Work, Return to Work: Understanding the Link Between the Individual and Job for the Risk of Musculoskeletal Pain
Building Health & Productivity Programs: What Works
Carpal Tunnel Syndrome: How Flawed Causation Analysis and Overdiagnosis Lead to Poor Treatment Results in Workers' Compensation Patients
Chronic Pain Claims: Injury-Relatedness
Dealing with Difficult Employees: What all Employers Need to Know
Dealing with Injured Workers with Unexplained Medical Symptoms
Defending Cardiovascular Industrial Claims: Heart Attacks, Strokes, Heart Disease and High Blood Pressure
Disability Management: What the Future Holds for Occupational Health Professionals
DOT: Latest Developments 2006
Ethics in Occupational Medicine: The Realities of the Workplace
Extreme Claim Makeover: Best Practices for Occupational Health Professionals in Workers' Compensation Claims
Getting Employees to Adopt and Maintain a Healthy Lifestyle: The Culprit and the Curse
Liability of Workers' Compensation Case Managers: A Passing or Emerging Trend?
Occupational Hearing Loss: An Overview and Current Concepts
Older Workers, Work Injuries and Return to Work: Promise or Pitfall
Proving Your Worth: The Value of the OHN in Today's Workplace
Psychological Injury Claims: Investigation, Development, Evaluation and Trial
Reducing Length of Disability and Lost Time from Work: Cost-Effective Techniques and Programs That Work
Safety in a Seasoned Workforce: An Interactive Workshop
Selecting the Correct Workers' Compensation Claims to Defend: From Investigation to Defense
Standards, Goals and Strategies: Achieving Optimum Return to Work
Surgical Fads in Back Pain: IDET, Fusion, & Disc Replacement
The Biggest Employment Law Mistakes Employers Make and How to Avoid Them
The Medicare Secondary Payer Act: Impact on Workers' Compensation Claims and Settlements
The Role of Occupational Health Professionals in Disaster Preparedness: The Latest Developments
Tips and Best Practices in Emergency Planning: The Role of the Occupational Health Professional
Using FCE to Minimize your Exposure to Symptom Magnification Syndrome
What Employers Really Want from Occupational Health Care Providers: Outcomes Not Discounts
Workers' Compensation Achieving Closure: Resolving Difficult Claims
Workers' Compensation Fraud: Recognize, Investigate, Detect and Deter Fraudulent Claims
Workplace Drug Testing and Alternative Specimens: Latest Developments

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