

# **Workers' Comp Update**

## ***Tactical Solutions for Conquering Your Workers' Compensation Challenges***

8:30 am – 9:00 am

### **Recent Developments in Case Law, Legislative Updates, and Emerging Trends You Need to Know to Remain in Compliance and Reduce Risks**

- An update on the legislative developments in your state laws to reduce liability
- Recent cases addressing coverage and compensability of claims: Answering the questions on who is covered and when coverage is in effect
- Examining third-party liability suits and allocation of subrogation in your state
- Discover how the latest workers' comp court decisions will impact your case settlements
- Determining the role of illegal drugs and alcohol abuse in an injury, and how they affect the claim

9:00 am – 10:00 am

### **Proactive Strategies to Manage Preexisting Injuries and Repeat Claimants While Avoiding Legal Landmines**

- Managing preexisting injuries with the legal use of functional assessments such as agility tests, job function tests, and postoffer medical exams to make safe placement decisions
- Successfully placing employees with preexisting injuries without opening your organization to discrimination claims
- Determining the acceleration, exacerbation, aggravation, and apportionment levels and how they affect a current claim
- Understanding repeat claimants to minimize risks of further injury and retaliation claims
- Working with your Employee Assistance Program or outside resources to reduce repeat claims from troubled employees
- Lawfully dealing with repeat claimants in settlement agreements to prevent future claims

10:00 am – 10:15 am: **Break**

10:15 am – 11:30 am

### **Malingering, Exaggeration, and Questionable Claims: Preventing, Recognizing, and Investigating Employee Fraud**

- Reducing malingering with an effective return-to-work program: Designing innovative light- and modified-duty plans
- Partnering with nonprofit organizations as an alternative to light duty to encourage employees to return to work quickly
- Taking advantage of independent medical exams and second opinions to reduce malingering
- Implementing legal methods of discipline when dealing with employee malingering and exaggeration
- Training managers and employees on timely injury reporting to catch questionable claims
- Proactively identifying and responding to suspected fraud to minimize costly claims
- Determining which aspects of a fraud investigation can help close a claim
- Conducting successful fraud investigations that will stand up in court

11:30 am – 12:15 pm

### **Getting the Inside Scoop on Workers' Comp Claims from the Other Side: What Claimants' Attorneys Can Tell You About Avoiding Litigation**

- Avoiding the most common mistakes employers make when dealing with injured employees that can result in costly liability
- Understanding what a plaintiffs' attorney looks for in cases to take to court: What your organization can do to avoid litigation

- Minimizing the difficulties in managing a disputed claim: Strategies for dealing with employees and their attorneys
- Determining the key issues when looking for a settlement: How to make it a win-win negotiation

12:15 pm – 1:15 pm: **Lunch on your own**

1:15 pm – 2:15 pm

### **Working with Your Medical Providers to Reduce Lost Time, Prevent Overtreatment, and Contain Medical Costs**

- Minimize the pain of dealing with doctors: How to ensure you are getting the information and responses you need from your medical providers
- Identifying the biggest risk factors in order to reduce orthopedic injuries in your workplace
- Understanding the causation of an orthopedic problem to ensure that it is a work-related injury
- Determining what an employee's diagnosis means to your organization: What constitutes repetitive motion? How much work is too much for a back injury?
- Recognizing the difference between chronic pain disorder, somatoform disorders, and malingering to determine an appropriate response
- Designing an optimum return-to-work program for injured employees by working with doctors to facilitate getting employees back on the job

2:15 pm – 3:15 pm

### **Avoiding the ADA, FMLA, and Workers' Compensation Overlap Trap**

- Determining whether an injury falls under workers' compensation, the ADA, or FMLA to ensure compliance
- Developing modified-duty and light-duty plans which return employees to work without exposing the employer to organizational liability under the ADA
- Identifying when a workers' comp injury can also be a serious health condition under the FMLA
- Creating integrated policies and procedures to ensure employees understand their rights and responsibilities under the ADA, FMLA, and workers' compensation laws
- Minimizing risk without violating the ADA: Determining if safety or reasonable accommodations come first when dealing with issues like intermittent explosive disorder
- Proper processes for terminating an injured employee without violating ADA or FMLA regulations

3:15 pm – 3:30 pm: **Break**

3:30 pm – 4:30 pm

### **Designing Employee Programs That Reduce Injuries and Increase Employee Participation: Health, Wellness, and Safety Programs**

- Identifying the critical proponents of successful safety programs to determine what works for your organization
- Applying a successful safety incentive program that increases accident prevention without incentivizing cheating and adding liability risks
- Implementing targeted safety programs: Auditing claims to make training risk-specific and prevent the most common accidents
- Conducting safety inspections to prevent back injuries and slips and falls that can impact your bottom line
- Reducing workers' comp claims by establishing a proactive wellness program to enhance employee health
- Integrating your wellness program with your health and safety programs to maximize your return on investment
- Successfully working with an aging workforce by using preventive strategies to reduce injury risks

4:30 pm: **Day 1 Concludes**