

# State of California Division of Workers' Compensation

## The 15<sup>th</sup> Annual Educational Conference

Los Angeles Sheraton Gateway  
Oakland Marriott City Center

February 28-29, 2008  
March 3-4, 2008



*In association with the International Workers' Compensation Foundation,  
a non-profit corporation dedicated to workers' compensation research and education*

*Serving the people of California since 1911.*

# DWC 15<sup>th</sup> Annual Educational Conference

<b>Day 1</b>	<b>February 28, 2008</b>	<b>Los Angeles</b>
	<b>March 3, 2008</b>	<b>Oakland</b>
<b>9:30 a.m. to 12:30 p.m.</b>	<b>Registration</b>	
<b>12:30 p.m. to 1:00 p.m.</b>	<b>Welcome/General Session</b>	
<b>1:00 p.m. to 4:30 p.m.</b>	<b>Breakout Sessions (See Day 1 Grid)</b>	
<b>4:30 p.m. to 6:00 p.m.</b>	<b>Reception – No Host Bar</b>	

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International Workers' Compensation Foundation, Inc.  
(A non-profit organization)*



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Los Angeles Sheraton February 28-29, 2008

Oakland Marriot March 3-4, 2008

Day 1	Breakout I	Breakout II	Breakout III	Breakout IV
12:30 to 1:00PM	Welcoming/opening presentation <i>Carrie Nevans</i>			
1:00 to 2:00PM	Utilization Review Investigations <i>King &amp; Searcy</i>	E-Billing and Medical Billing Standards <i>Honor-Vangerov</i>	Case Law Update I <i>Kutz, Kahn, Foust</i>	PD Rating I <i>Megowan, Snaer, Faina, &amp; Knight</i>
2:15 to 3:15PM	Benefit Notice Regulations & Penalty Issues <i>King, Lee, Faragasso, Paley, Robbins</i>	Treatment Guidelines and MPNs <i>Searcy &amp; Wu</i>	Case Law Update II <i>Kutz, Kahn, Foust</i>	PD Rating II <i>Megowan, Snaer, Faina, &amp; Knight</i>
3:30 to 4:30PM	Return to Work <i>Byrd &amp; Cortes</i>	Fee Schedules <i>Searcy &amp; Honor-Vangerov</i>	AMA Guides & Substantial Evidence <i>Casey &amp; Rassp</i>	Commutations <i>Megowan</i>

Day 2	Breakout I	Breakout II	Breakout III	Breakout IV
8:30 to 9:30AM	Utilization Review Investigations <i>King &amp; Searcy</i>	QME Update I <i>Honor-Vangerov</i>	Case Law Update I <i>Kutz, Kahn, Foust</i>	PD Rating I <i>Megowan, Snaer, Faina, &amp; Knight</i>
9:45 to 10:45AM	New Benefit Notices <i>King, Lee, Faragasso, Paley</i>	QME Update II <i>Honor-Vangerov</i>	Case Law Update II <i>Kutz, Kahn, Foust</i>	PD Rating II <i>Megowan, Snaer, Faina, &amp; Knight</i>
11:00 to 12:00AM	EAMS Regulations <i>Fisher, Kahn, Harter</i>	Treatment Guidelines and MPNs <i>Searcy &amp; Wu</i>	WCAB En Banc and Significant Decisions <i>Miller, Caplane</i>	Commutations <i>Megowan</i>
12:00 to 1:30PM	<b>LUNCH – Keynote Speaker: Mary Farrell</b>			
1:45 to 2:45PM	EAMS Regulations <i>Fisher, Kahn, Harter</i>	Fee Schedules <i>Searcy &amp; Honor-Vangerov</i>	Employer Classification and Coverage Conundrums <i>Shor, Zachry, Donna Chen, Henry Huerta</i>	Research Issues <i>Jones &amp; Henderson</i>
3:00 to 4:00PM	Return to Work <i>Byrd &amp; Cortes</i>	E-Billing and Medical Billing Standards <i>Honor-Vangerov</i>	The State of the Insurance Market <i>Shor, Bellusci, Neary, Hauge</i>	AMA Guides & Substantial Evidence <i>Casey &amp; Rassp</i>

## *Meet Keynote Luncheon Speaker*

### *Mary E. Farrell, Esq.*



Mary E. Farrell received her J.D., with Great Distinction from McGeorge School of Law, University of the Pacific in 1994 and her B.A. in 1990 from California State Polytechnic University, San Luis Obispo. She is a partner with the Labor and Employment Law practice team and has extensive experience in defending wrongful termination cases, handling employment discrimination and harassment matters, and providing preventative advice to both private and public employers.

Mary counsels employers on all aspects of employer-employee relations including privacy issues, proprietary rights/trade secret conflicts, wage and hour laws, personnel policies, and employee leave issues.

She is frequently called upon as a speaker at various employment law seminars and has crafted presentations for local professional organizations, national associations, and firm clients. Mary serves on the Executive Committee of the Labor and Employment Section of the Sacramento County Bar Association and is active in the Sacramento Metro Chamber of Commerce.

# Breakout Sessions

<p><b>AMA Guides and Substantial Evidence</b></p>	<p>This session will look at the AMA Guides from the perspective of a Workers' Compensation Judge and an attorney who is the author of <i>The Lawyer's Guide to the AMA Guides and California Workers' Compensation</i>.</p>
<p><b>Audit Unit: Benefit Notice Regulations and Penalty Issues</b></p>	<p>This session provides an inside look at recent changes in the benefits notices for claims administrators that are sent on or after April 9, 2008. The Audit Unit will also provide information on Labor Code 5814.6 administrative penalties and civil penalty issues.</p>
<p><b>Audit Unit: Utilization Review Investigations</b></p>	<p>This session will highlight best practices in utilization review, including delegation of approval to the lowest level; what should always go to UR (and what shouldn't), and how to conduct UR expeditiously. A DWC attorney will give the Division's perspective on this topic.</p>
<p><b>Case Law Update</b></p>	<p>This two-hour session will review precedent setting case decisions issued in 2007. Many of the cases that will be discussed involve the continuing interpretation and implementation of the workers' compensation reforms of 2003 and 2004. These cases include decisions that appear to resolve uncertainties about the new legislation and situations in which the appellate proceedings are not final or do not clearly resolve the issues.</p>
<p><b>Commutations</b></p>	<p>Assembly Bill 749 linked life pension and permanent total disability payments to the "State Average Weekly Wage" (SAWW) for injuries occurring on or after January 1, 2003. This session will discuss key issues when applying SAWW such as assumptions about the future rate increases and when the first SAWW increase is applied (after life pension commences, after P&amp;S date, or after DOI).</p>
<p><b>E-Billing and Medical Billing Standards</b></p>	<p>This session will discuss the status of the Standardized Billing and Electronic Billing regulations currently being developed by the Division of Workers' Compensation to fulfill the requirements of Labor Code 4603.4. Topics will include what constitutes a "clean claim" for the submission of a medical bill, required forms, types of coding to be used, time frames for bill submission/payment, new reporting formats and other related items.</p>
<p><b>Electronic Adjudication Management System (EAMS) Regulations</b></p>	<p>This general session will discuss DWC's electronic adjudication management system (EAMS) project which will upgrade and replace current court technology and support infrastructure and integrate various DWC computer systems. The new system will streamline case filing, reduce paperwork, make case documents available to parties online, improve management reporting, and make other system improvements. EAMS will roll out later in 2008. This one-hour session is repeated on the same day.</p>
<p><b>Fee Schedules</b></p>	<p>This session will discuss those schedules that have undergone significant revision in 2007 including the Pharmacy Fee Schedule for drugs, the Physician's Evaluation and Management section, and the Medical-Legal fee schedule.</p>

# Breakout Sessions

<p><b>Employer Classification and Coverage Conundrums</b></p>	<p>Employee coverage and classification is an often debated question among employers. Employers have used professional employer organizations to cover their employees, structured their employees to be “corporate officers”, deemed employees to be “independent contractors,” and had employees sign waivers for workers’ compensation among other things. Discussing this topic will be a representative from Division of Labor Standards Enforcement and an attorney representing employers in dividend and premium disputes.</p>
<p><b>QME Update</b></p>	<p>This two-hour session will cover the Qualified Medical Evaluator panel process for both represented and unrepresented injured workers. Learn more about the DWC Medical Unit’s experiences and changes in the system. This session will discuss proposed changes to the qualified medical evaluator regulations.</p>
<p><b>Permanent Disability Ratings</b></p>	<p>This two-hour DEU session will discuss permanent disability rating changes in the law for 2008, the roles of physician and rater, unscheduled impairments, problematic rating protocols, and less common impairments. It will also focus on specific rating issues dealing with the lower extremities.</p>
<p><b>Research Issues</b></p>	<p>This session will provide an overview of Workers’ Compensation Information System FROI/SROI and medical data collection. In addition, DWC research reports released in 2007 on return-to-work patterns, average PD ratings, and wage loss due to injury for permanently disabled workers will be summarized. The role of these data in the PDRS will be discussed.</p>
<p><b>Return to Work</b></p>	<p>This session will discuss the Supplemental Job Displacement Benefit, PD adjustments for return to work, and reimbursement for small employers. This session will also discuss the tail-end of the vocational rehabilitation benefit which sunsets in January 1, 2009.</p>
<p><b>The State of the Insurance Market</b></p>	<p>Workers’ compensation rates dropped significantly with the reforms of 2003 and 2004. Will increased costs (new PD schedule, higher PTD and life pension rates based on the State Average Weekly Wage, and longer liability period for the payment of 104 weeks of TD) trigger a rate increase? Listen to the perspectives of the WCIRB, an insurance underwriter, and a broker.</p>
<p><b>Treatment Guidelines and Medical Provider Network</b></p>	<p>This session will discuss practical implementation issues such as what do when an employer terminates or changes a MPN, meeting rural access standards, employee notification requirements, among other things.</p>
<p><b>WCAB En Banc and Significant Decisions</b></p>	<p>This session will provide an update and summary of en banc and significant panel decisions, current cases and issues pending before the appellate courts, and issues pending before the WCAB. The commissioners will also discuss areas of recurrent problems and issues.</p>

# Presenters

**David Bellusci** graduated from San Francisco State University with a B.A. and M.A. degrees. He began with the Workers' Compensation Insurance Rating Bureau in 1989 where he is a Senior Vice-President and Chief Actuary. He is a Fellow of the Casualty Actuarial Society and a Member of the American Academy of Actuaries.

**Otis Byrd** graduated from San Francisco State University with a B.A. and M.S. He began his workers' compensation career in 1977 as a rehabilitation counselor. He joined the Rehabilitation Unit in 1983, was promoted to Rehabilitation Unit Area Supervisor in 1993, and Unit Manager in 1995.

**Ronnie Caplane** graduated with Honors from the University of Wisconsin and received her J.D. from Hastings College of Law. Besides her law career, she has taught, is a published journalist and columnist, and is the current President of the Piedmont USD Board of Education. She is a WCAB Commissioner in San Francisco.

**Colleen Casey** has a B.A. degree from University California Berkeley and J.D. from Golden Gate University. Her career in workers' compensation began in 1995 as a Workers' Compensation Appeals Bard Commissioner. In 2002 she entered private practice and in returned to the state in 2004 as a Workers' Compensation Judge in San Francisco. Colleen is widely published contributor to workers' compensation articles and is current chair of the Workers' Compensation Executive Committee for the California State Bar Association. She was named Barrister of the year in 1989 by the San Francisco Bar Association.

**Donna Chen** is a graduate of San Francisco State University with a B.S. degree in accounting. She has been a Field Investigator, Senior Deputy Labor Commissioner for the Division of Labor Standards Enforcement for the last 7 years issuing civil penalties for various employer violations. She has worked for the state for 14 years.

**Sandra Cortes** received her B.A. from Loyola Marymount in Political Science. Her state career began in 1981 as a State Fund examiner. She transferred to the Rehabilitation Unit in 1985 and in 1993 was promoted to Area Supervisor.

**Annalisa Faina** has been a Permanent Disability Rating Specialist with the Division of Workers' Compensation Disability Evaluation Unit in San Francisco for 20 years. She was appointed as a Northern Area Supervisor in 2004.

**Judy Faragasso** has a B.A. degree from California State University at Hayward. Her state career began in 1976 with the Rehabilitation Unit. She subsequently worked as a workers' compensation consultant with the Subsequent Injuries Fund (1982) and the Audit Unit (1990). She is currently a Senior Compliance Officer. Judy was awarded a DWC Outstanding Employee plaque at the 1998 Educational Conference.

**James Fisher** has a B.A. degree from George Washington University (Honors) and J.D. from Golden Gate University School of Law (Honors). His workers' compensation career began in 1984 as a staff counsel for the Department of Industrial Relations. He was a private practice attorney from 1996 to 2000 when he returned to the DIR. He has represented the state on many appellate cases.

# Presenters

**Pamela Foust** graduated from UCLA with a Bachelor of Arts degree in psychology and earned her law degree from the University of West Los Angeles School of Law where she graduated cum laude in 1978 and admitted to the Bar the same year. Judge Foust is the author California Lien Claims in Workers' Compensation Cases, 4<sup>th</sup> Edition and a contributing author of California Workers' Compensation Practice, 4th Edition. She is also an adjunct professor at the University of West Los Angeles School of Law.

**Scott Hague** is the president of CAL Insurance Associates Inc. in San Francisco, California. He is the Founder of Small Business California. He is a past and present member of many insurance related groups including Agents and Brokers of the West and 2004 Lifetime Achievement Award issued by the San Francisco Small Business Network.

**Joel Harter** is the Acting Associate Chief Judge, North and Presiding Workers' Compensation Judge at the Sacramento District Office. He received his B.A. from UC Berkeley and J.D. from Santa Clara University. He started in workers' compensation as an applicant's attorney in 1987. He was a staff counsel for DIR in 1990, a Workers' Compensation Referee in 1991, a Workers' Compensation Judge in 1993, Presiding Judge in 1994, and Acting Associate Chief Judge, Northern California in 2004.

**David Henderson** received a double B.S. from the University of Oregon, a M.S. from Emporia State University and a Ph.D. from Oklahoma State University. He is currently a research specialist with the DWC. He taught at Ohio State University and was a professor at Ohio University.

**Sue Honor-Vangerov** received her B.A. from California State University at Hayward. Her insurance career began with State Fund where she was a claims adjuster and vocational rehabilitation coordinator. Suzanne was an I&A officer in Van Nuys before transferring to I&A Headquarters. Sue supervised the Walnut Creek Call Center from 1999 to 2001. She was appointed Manager of the DWC Medical Unit in 2003.

**Henry Huerta** is a Senior Deputy Labor Commissioner for the Division of Labor Standards Enforcement assigned to supervise its operations in Los Angeles and Orange County. He has over 30 years of work experience with the division. He is a graduate of the University of Oregon with a B.S. degree.

**Martha Jones** received two undergraduate degrees from the University of Delaware, an M.P.A. from Princeton University, and a Ph.D. in Economics from the University of California Berkeley. She has taught at the university level and has worked for the State of California since 1999. She is currently a Research Program Specialist in DWC's Research Unit and is involved in a variety of projects using data from the Workers' Compensation Information System.

**Mark Kahn** graduated from Cal State Northridge (B.A.) and Southwestern Law School (J.D.). He began his workers' compensation career as a State Fund attorney in 1978. He later became a Workers' Compensation Judge (1981) and the Presiding Judge (1988) at the Van Nuys board. He was the Assistant Chief of DWC from 1992 to 1995. He is currently a Regional Manager at DWC.

**Christine King** is the Northern California Supervising Workers' Compensation Compliance Officer for the Audit Unit. A graduate of the University of Santa Clara, her state career began in 1966 as a State Fund adjuster. She was a private sector claims adjuster from 1984 to 1990. She has worked with the Audit Unit since its inception. Christine was awarded a DWC Outstanding Employee plaque at the 1998 Educational Conference.

# Presenters

**Barry Knight** Prior to joining DWC, Barry was a claims adjuster for State Compensation Insurance Fund for 5 years. He has been a Permanent Disability Rating Specialist since 1991 and was recently appointed as a Central Area Supervisor.

**Robert Kutz** received his B.A. from UC Berkeley and J.D. from University of Pacific, McGeorge School of Law. His state service began in 1978 with State Fund as legal counsel. He was the Presiding Workers' Compensation Judge of Eureka WCAB from 1992 to 1995 and was the Acting Assistant Chief of DWC from 1990 to 1992. He was a DWC Regional Manager. He is currently the Presiding Judge at Eureka.

**Cora Lee** graduated from Cal Poly with a B.A. She has 24 years of workers' compensation experience. Cora has worked for the Audit Unit since its inception and was appointed Area Supervisor in 1996. Cora was awarded a DWC Outstanding Employee plaque at the 1996 Educational Conference.

**Blair Megowan** graduated from UCLA with a degree in Physical Sciences and Mathematics. He entered the workers' compensation field as a claims examiner for State Fund. At DWC he has worked as a Rehabilitation Unit Consultant and Supervisor and in 1993 was appointed manager of the Disability Evaluation Unit.

**Joseph M. Miller** received his B.A. (with honors) from Harvard University, J.D. from UC Berkeley's Boalt Law School, and LL.M. from New York University. Mr. Miller is currently the chair man of the Workers' Compensation Appeals Board in San Francisco. He has over 35 years of legal experience specializing in labor law, workers' compensation, and employment issues. A certified specialist in workers' compensation since 1973, he is co-author of California Workers' Compensation Practice, published by Continuing Education of the State Bar.

**James Neary** is an Executive Vice President with the State Compensation Insurance Fund. He is a member of State Fund's Executive Committee and is responsible for developing the Fund's reserve position, rate filings, and dividend policy as well as management oversight of Legal, Fraud, and Actuarial Programs. He has worked for State Fund for 31 years, serving in positions as Vice President, Actuarial Services Officer, Planning and Research Officer, Assistant Manager Insurance Services, Supervising Personnel Analyst, Assistant Claims Manager, and Claims Adjuster. Mr. Neary holds an M.B.A. in Finance from UC Berkeley, an MDiv from St. Patrick's Secondary, and a B.A. from St. Patrick's College. He is also a Chartered Property Casualty Underwriter (CPCU) and a member of the CPCU Society.

**Carrie Nevans** is the Administrative Director for Division of Workers' Compensation. Ms. Nevans started her career as a claims adjuster for State Fund in 1982. She is a certified self insurance administrator and is fully versed in all specifics of workers' compensation, as well as the ethics of claims administration. She joined the Department of Industrial Relations in 1999 and has managed DWC administrative functions since 2003.

**Norm Paley** started with the Audit Unit in 1990 as a Workers' Compensation Compliance Officer, was promoted to Senior WCCO, and became a Supervising WCCO in 2006. He has an accounting degree from Orange Coast College and a degree in Para Legal Studies from Fullerton College.

**Robert Rassp** graduated from UC Irvine with two undergraduate degrees and from Loyola Law School. He has practiced workers' compensation and social security disability law since 1981 and is the principal of his own law firm. Mr. Rassp is also the chair of the Friends Research Institute's Institutional Review Board. He has been on the executive committee of the State Bar's Workers' Compensation Law Section (1998) and was the committee chair in 2000-2001.

# Presenters

**James Robbins** received his B.A. in 1978 from UC Santa Barbara, M.P.A. from Golden Gate University, and J.D. from the University of Pacific's McGeorge School of Law. He began his DIR career in 1984 as an attorney in the Office of the Director's Legal unit. In 1990 he transferred to DWC's Legal unit.

**Anne Searcy, MD** received her B.A. from UC San Diego and M.D. from UC Davis. She is board certified in family practice and conducts FAA examinations. In 1993 she transferred to the Industrial Medical Council as an Assistant Medical Director. She is the Executive Medical Director of the DWC Medical Unit.

**Glenn Shor** graduated from the University of Pennsylvania (B.A.) and UC Berkeley (M.P.P. and Ph.D.). His professional experience includes teaching at the university level and research work for federal, county, and research organizations. He is a Project Manager for DWC where he is involved in a variety of policy initiatives and research oriented projects.

**Tess Snear** has agriculture degrees from the University of the Philippines (B.S.) and Texas A&M University (M.S.). Her state career began in 1991 as an office assistant and then as a claims adjuster for UEF. She later became an I&A Officer at the San Diego board. In 1994 she transferred to DEU as a Disability Evaluator and was promoted to Supervisor for the Southern Region in 2000.

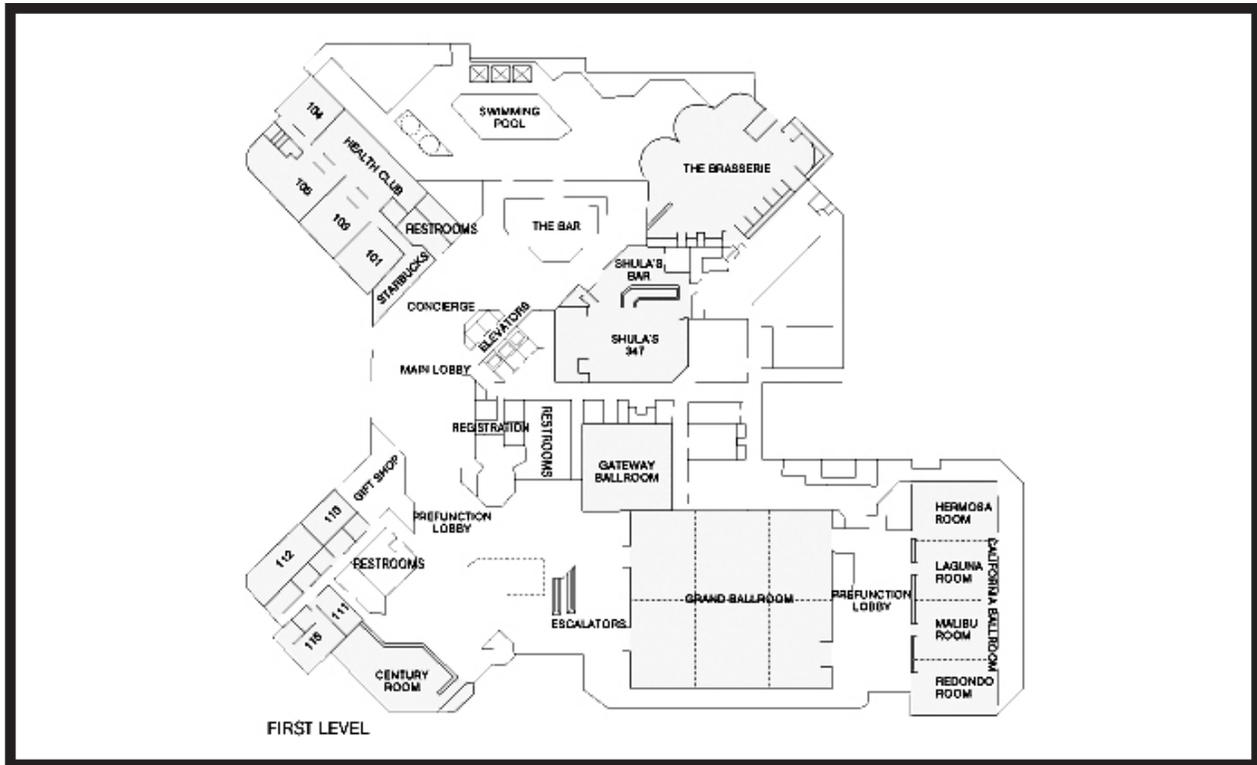
**Keven Star** was appointed by Gov. Arnold Schwarzenegger to the position of Court Administrator for the DWC. Since 2001 Star has served as deputy district attorney with the Sacramento District Attorney's Office where he worked directly with workers' compensation litigation and insurance fraud. Previously he was deputy district attorney for the Santa Clara County District Attorney's Office and senior trial counsel in the Judge Advocate General's Corps of the U.S. Army.

**Yu-Yee Wu** is an Industrial Relations Counsel in the DWC Legal Unit. She works closely on Medical Provider Network regulatory compliance issues and oversight. A graduate of the University of Virginia School of Law, Ms. Wu was previously an employment litigator at Minami, Lew & Tamaki and a litigator at Loeff, Cabraser, Heimann & Bernstein in San Francisco, California.

**William Zachry** received his B.S. from San Francisco State and has taken course work from Stanford University and Pepperdine University. He has 22 years of insurance background serving in a variety of senior and executive level positions. He is currently Vice-President of Workers' Compensation for Safeway, Inc. His professional appointments include the Fraud Assessment Commission, Self-Insurance Security Fund, California Grocers, California Chamber of Commerce, among others.

*Please mark these dates for the  
DWC 16<sup>th</sup> Annual Educational Conference  
Los Angeles Sheraton February 26 – 27, 2009  
Oakland Marriott March 9 – 10, 2009*

## Los Angeles Airport Sheraton



## Oakland Marriott City Center

