

GETAWAY C.L.E. PRESENTS
ADVANCED OHIO WORKERS' COMPENSATION SEMINAR
Thursday, August 5, 2021
Nationwide Conference Center and Hotel
(IN-PERSON ATTENDANCE)

7:30 – 8:25 a.m. Registration / Continental Breakfast (Provided).

8:25 – 8:30 a.m. Moderator -- Opening Remarks (Overview of the Seminar).

8:30 – 9:15 a.m. Carley R. Kranstuber, Esq.
Katherine E. Ivan, Esq.

Use of Technology in the Workers' Compensation Practice.

The various uses and benefits of technology in the workers' compensation practice specifically. Benefits to using technology versus a total "paper office". Use of technology from the inception of a claim through the attendance at hearings and follow-up. New trends including E-signatures, statute of limitations reminders, BWC/IC Forms, and various correspondence via technology will be explored. Also, a discussion of Social Media and its impact on workers' compensation issues.

9:15 – 10:00 Thomas S. Connor, Esq.

Issues Impacting Hearing Officers' Decisions.

Practical insights regarding issues that affect hearing officers' decisions. Recommendations for arguments and evidence production and presentation at hearings. An examination of differences between in-person and telephonic hearings and the advantages / disadvantages of both. Dealing with difficult opposing counsel and hearing officers – constructive methods of resolving problematic personal conflicts; and the reason it is so difficult to enforce control over them.

10:00 – 10:45 Shaun Omen, Esq. – Staff Attorney, BWC

Medicaid Conditional Payment Issues relating to BWC Settlements.

The proper steps to follow when an injured worker is on Medicare and is seeking to settle his/her claim, including all forms required. A review of the BWC's position after C.M.S. notifies the injured worker of conditional payments made in a claim.

10:45 – 11:00 Break.

11:00 – 12:00 Paul H. Sighinolfi, Esq.

(Noon)

Actual Implementation of Medicare Set-Aside-Trusts (M.S.A.).

The actual nuts and bolts of setting up a Medicare Set-Aside Trust Account for Injured Workers as part of a settlement of their workers' compensation claim. Specific details which must be adhered to, while avoiding potential pitfalls.

12:00 – 1:00 p.m. Lunch (Provided).

1:00 – 2:15 p.m. Richard E. Blake, Esq. – BWC Director of Employer Services Support and Settlements

Shaun Omen, Esq. – Staff Attorney, BWC

Statutory Changes (R.C. 4123.512 & 4123.65) Affecting Settlements at the BWC.

Recent statutory changes affecting lump sum settlements along with a discussion of a settlement's effect and interaction on the Medicare Secondary Payers Section of the U.S. Code. A review of the newly instituted "intent to settle" aspect of cases in Court. An examination of employer issues relating to lump sum settlements regarding administrative and Court cases. The impact of S.I. Assessments in settlement valuations. The BWC's perspective on Medicare issues.

2:15 – 3:00 David B. Barnhart, Esq.

Recent Developments regarding Voluntary Abandonment Concerns related to Ohio Workers' Compensation Claims.

An extensive review of the history of voluntary abandonment issues in workers' compensation claims. Legislative changes and the impact on previous court cases dealing with voluntary abandonment from both employer and injured worker perspectives

3:00 – 3:15 Break.

3:15 – 4:00 Brant K. Rhoad, Esq.

Evaluation of Settlements from Employers' and Claimant's Perspectives.

Actual evaluation and preparation of settlement proposals from claimants' and employers' viewpoints. Practical methods for determining reasonable values for a workers' compensation case. Elements which should be used to determine actual values and/or costs that get to a realistic amount from both perspectives.

4:00 – 5:00 p.m. David B. Barnhart, Esq.

Professional Conduct for the Workers' Compensation Practitioner.

A discussion of ethical issues facing workers' compensation practitioners based on the Ohio Rules of Professional Conduct, with specific reference to the application, if any, of charging liens as a method of workers' compensation fee resolution in light of the case of *Kisling, Nestico & Redick, LLC v. Progressive Ins. Co.*, 158 O.S.3d 376 (2020). In light of this case, an analysis of the applicability of it while reviewing the Supreme Court's Aspirational Ideals