

GETAWAY C.L.E. PRESENTS
ADVANCED OHIO WORKERS' COMPENSATION SEMINAR
Friday, August 19, 2022

Live interactive webinar – online attendance)

8:00 – 8:15 a.m. Log into Zoom

8:15 – 8:25 a.m. Instruction to Obtain Credit for the Live Webcast

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

8:30 – 10:00 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. Specific examples of successful settlement proposals with the various elements which should be used to determine actual values and/or costs that get to a realistic amount from both perspectives.

10:00 – 11:00 Robert M. Trivisonno, Jr., A.R.M., G.B.A.

Coordination of Workers' Compensation Benefits with Social Security / Public Disability Benefits

A discussion of the importance of the coordination of the receipt of various workers' compensation benefits with any receipt of social security and/or other public disability benefits. An analysis of properly allocating the proceeds from the settlement of a workers' compensation claim while simultaneously protecting and preserving social security / public disability benefits. An in-depth examination of the potential interactions of social security / public disability benefits to assess when contemplating the value of settling a workers' compensation permanent total disability (P.T.D.) case. How to correctly allocate and address these to maximize the client's benefits while protecting all parties.

11:00 – 11:15 Break.

**11:15 – 12:30 p.m. Richard E. Blake, Esq. – Director, BWC Law
Jeffrey E. Travis, Esq. – BWC Settlement Attorney
Jay J. Hurlbert, Esq. – BWC Settlement Attorney
*New Settlement Procedures at the BWC.***

An in-depth evaluation of the new developments in settlements at the BWC. What factors constitute a successful demand and resolution from the BWC's perspective at the administrative and court levels. Actual examples will be discussed. Recent changes to the structure of settlement teams. An update of the "intent to settle" provisions in cases. An examination of the impact of settlements to state-funded employers and self-insured employers, including self-insured assessments. The BWC's perspective when dealing with various Medicare Issues. Interaction to simulate actual settlement conferences.

12:30 – 1:30 p.m. Break.

1:30 – 2:45 Daniel M. Hall, Esq.

Medicaid Conditional Payment Issues Relating to BWC Settlements.

The proper steps to follow when dealing with H.M.S. (Health Management Systems) and SOLARIS PLUS (Subrogation On-Line Attorney Referral Information Service) and researching past conditional payments giving rise to Medicaid Liens and / or Set-Aside Concerns while evaluating Ohio Workers' Compensation Claim Settlements. A determination of whether an Injured Worker has received benefits under Medicaid (whether monetary or for medical treatment) and the implications a settlement will have. A discussion of the recent U.S. Supreme Court Decision in *Gallardo v. Marstiller* and what it means going forward

2:45 – 3:00 Break.

**3:00 – 4:30 Shawn R. Deane, Esq. – CIPP/US General Counsel & Senior V. P. of Risk Management, AMETROS
*Implementation and Implications 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. The responsibilities of all the various parties in a workers' compensation case which are required under the Medicare Secondary Payer (MSP) laws to protect Medicare's interests when resolving cases that include future medical expenses. Various criteria established by CMS, including review thresholds which determine whether a workers' compensation settlement sufficiently takes into account Medicare's interests. Specific details which must be adhered to while avoiding the most common pitfalls. Finally, a brief overview of CMS Policy on Treatment Denials for Injured Workers with a Medicare Set Aside.