

# GETAWAY C.L.E. PRESENTS - ADVANCED OHIO WORKERS' COMPENSATION SEMINAR

Friday, August 28, 2020 – Live Interactive Webinar

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

**8:30 – 9:15 Beryl Brown Piccolantonio, Esq. – Chief Ombudsperson**  
**Updated Changes Emerging with the Services of the Ombudsperson Office amid the Coronavirus Era.**  
New developments being handled at the Ombudsperson Office as a result of the Coronavirus. These include: Physical therapy availability with many provider offices not physically seeing patients; MedCo-14's; Medical Bills and Medication with providers only rendering telemedicine visits. Addressing the decrease in MCOs performing drug utilization reviews due to decreased medical treatment as a result of telephonic hearings.

**9:15 – 9:25 Break.**

**9:25 – 10:10 Jodie M. Taylor, Esq. – Employer Member, Industrial Commission of Ohio**  
**Karen L. Gillmor, Ph.D. – Public Member, Industrial Commission of Ohio**  
**Industrial Commission Updates in the Coronavirus Era.**  
Recent changes at the Industrial Commission given the constraints of the Coronavirus. Discussion of telephonic hearings at all levels (DHO, SHO and Commission Hearings) and the issues presently being heard. Constraints of the process and proposed solutions will be explored. New Policies, Procedures, Rules, Resolutions, Discretionary Appeals, and I.C.O.N. Updates during and as the result of the changes due to the Coronavirus' impact.

**10:10 – 10:20 Break.**

**10:20 – 11:35 Thomas Sico, Esq. – BWC Assistant Legal Counsel**  
**Legislative Changes to Workers' Compensation under recent House Bill 81; and Pending Proposed Legislation.**  
An examination of the various aspects of House Bill 81 and their impact on workers' compensation. These will include changes affecting V.S.S.R. applications, continuing jurisdiction under R.C. 4123.52, and funeral expenses. In addition, an analysis of the practical changes relating to settlement applications where an injured worker is no longer in the employ of an employer and/or the ability of an employer to deny or withdraw consent to a settlement application if the claim is no longer in the employer's calculated experience with the BWC. A review of the elements of the proposed legislation scheduled for a vote in the fall of 2020.

**11:35 – 11:45 Break.**

**11:45 -- 12:15 Jennifer Brunner, Judge – 10<sup>th</sup> District Court of Appeals**  
**Recent Appellate Decisions Regarding Workers' Compensation Issues.**  
A review of recent cases from the Tenth District Court of Appeals and the Ohio Supreme Court, with an assessment of their implications for workers' compensation practitioners. Guidance and critique of effective briefs and the importance of oral argument from a Judge's perspective. Practical tips for a winning combination of briefs and oral arguments.

**12:15 – 12:45 p.m. Lunch (On your own).**

**12:45 – 2:00 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.

**2:00 – 2:45 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.

**2:45 – 2:55 Break.**

**2:55 – 3:40 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. Recent legislation and its impact on previous court cases dealing with voluntary abandonment from both employer and injured worker perspectives.

**3:40 – 4:40 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 recently decided 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.