

State of California Division of Workers' Compensation

The 16th Annual Educational Conference

Los Angeles Sheraton Gateway
Oakland Marriott City Center

February 26-27, 2009
March 9-10, 2009



*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 16th Annual Educational Conference

Day 1	February 26, 2009	Los Angeles
	March 9, 2009	Oakland
9:30 a.m. to 12:30 p.m.	Registration	
12:30 p.m. to 1:00 p.m.	Welcome/General Session	
1:00 p.m. to 4:30 p.m.	Breakout Sessions (See Day 1 Grid)	
4:30 p.m. to 6:00 p.m.	Reception – No Host Bar	

*This conference is held in cooperation with the
International Workers' Compensation Foundation, Inc.
(A non-profit organization)*



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DWC 16th Annual Educational Conference

Day 2	February 27, 2009	Los Angeles
	March 10, 2009	Oakland

7:30 a.m. to 8:30 a.m.	Continental Breakfast
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8:30 a.m. to 12:00 p.m.	Breakout Sessions (See Day 2 Grid)
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12:00 p.m. to 1:30 p.m.	Lunch and Keynote Presentation
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1:45 p.m. to 4:00 p.m.	Breakout Sessions (See Day 2 Grid)
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*Continuing Education Unit (CEU) Credits are
available at the registration counter*



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Los Angeles Sheraton February 26-27, 2009

Oakland Marriott March 9-10, 2009

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	Apportionment <i>Correio & Kahn</i>	UR, UR Investigation, and Treatment Guidelines I <i>King, Gratch, Overpeck, Wong & Marria</i>	AMA Guides & Substantial Evidence <i>Casey & Rassp</i>	PD Rating I <i>Megowan, Snaer, Faina, Patterson & Knight</i>
2:15 to 3:15PM	RTW <i>Byrd, Wilson, Torres & Cortes</i>	UR, UR Investigation, and Treatment Guidelines II <i>King, Gratch, Overpeck, Wong & Marria</i>	Case Law Update I <i>Foust, Kutz, Kahn</i>	PD Rating II <i>Megowan, Snaer, Faina, Patterson & Knight</i>
3:30 to 4:30PM	Audit Unit Regulations and Enforcement Issues <i>King, Lee, & Faragasso</i>	Fee Schedules <i>Honor-Vangerov</i>	Case Law Update II <i>Foust, Kutz, & Kahn</i>	Medicare Set-Asides <i>Rassp</i>

Day 2	Breakout I	Breakout II	Breakout III	Breakout IV
8:30 to 9:30AM	Audit Unit Regulations and Enforcement Issues <i>King, Lee, & Faragasso</i>	EAMS: Regulations and Filing eForms and OCR Forms I <i>Gard, Sherman, Fisher, Ellison & Lang</i>	Case Law Update I <i>Foust, Kutz, Kahn</i>	PD Rating I <i>Megowan, Snaer, Faina, Patterson & Knight</i>
9:45 to 10:45AM	QME Update I <i>Honor-Vangerov & Marria</i>	EAMS: Regulations and Filing eForms and OCR Forms II <i>Gard, Sherman, Fisher, Ellison & Lang</i>	Case Law Update II <i>Foust, Kutz, Kahn</i>	PD Rating II <i>Megowan, Snaer, Faina, Patterson & Knight</i>
11:00 to 12:00AM	QME Update II <i>Honor-Vangerov & Marria</i>	EAMS: Regulations and Filing eForms and OCR Forms III <i>Gard, Sherman, Fisher, Ellison & Lang</i>	WCAB En Banc & Significant Decisions <i>Miller & Caplane</i>	Medicare Set-Asides <i>Rassp</i>
12:00 to 1:30PM	LUNCH – Keynote Speaker: <i>J. Michael Nolan President of California Workers' Compensation Institute</i>			
1:45 to 2:45PM	UR, UR Investigation, and Treatment Guidelines I <i>King, Gratch, Overpeck, Wong, Gordon, & Marria</i>	Apportionment <i>Correio & Kahn</i>	AMA Guides & Substantial Evidence <i>Casey & Rassp</i>	WCIS Issues & Medical Data <i>Jones, Henderson & Dasinger</i>
3:00 to 4:00PM	UR, UR Investigation, and Treatment Guidelines II <i>King, Gratch, Overpeck, Wong, Gordon, & Marria</i>	Fee Schedules <i>Honor-Vangerov</i>	RTW <i>Byrd, Wilson, Torres & Cortes</i>	Workers' Comp Market Trends <i>Shor, Bellusci, Neary, Valdivia & Hauge</i>

Meet Keynote Luncheon Speaker

*J. Michael Nolan, President of
California Workers' Compensation
Institute*



J. Michael Nolan is the president of the Oakland-based California Workers' Compensation Institute. The Institute, established in 1964, is a private, nonprofit corporation that serves as a research and information arm for the California workers' compensation industry. Institute members include insurers that write approximately 90 percent of the workers' compensation business in the state, as well as more than two dozen public and private self-insured employers.

Mr. Nolan is a member of RAND's Insurance Advisory Committee and is or has been a member of various advisory committees for the California Division of Workers' Compensation, the Department of Insurance, and the Commission on Health and Safety and Workers' Compensation. In 2003, Mr. Nolan served as a member of Commissioner John Garamendi's workers' compensation insurance task force. In 2007, Mr. Nolan served as a member of the WC Fraud Focus Group, which reported to Commissioner Poizner's Advisory Task Force on Insurance Fraud. Periodically, Mr. Nolan is invited to testify on workers' compensation issues at public hearings of the California Legislature and administrative agencies and to speak at industry meetings on workers' compensation.

A graduate of St. Bonaventure University in New York and Georgetown University Law Center, Mr. Nolan joined the Institute on June 15, 2001 bringing with him 30 years of experience in the insurance industry, having held legal and management positions with several large insurers – the last as senior vice president, general counsel and secretary of Argonaut Insurance Company, where he managed the varied legal activities of Argonaut's insurance group. He has served on the board of governors of the California Insurance Guarantee Association, the laws committee of the National Association of Independent Insurers (now known as the Property Casualty Insurers Association of America), and is a past member of the board of directors of the National Council on Compensation Insurance (now known as NCCI Holdings, Inc.).

Breakout Sessions

AMA Guides and Substantial Evidence	This session will offer a look at the AMA Guides and substantial evidence from the perspective of a Workers' Compensation Judge and the author of <i>The Lawyer's Guide to the AMA Guides and California Workers' Compensation</i> .
Apportionment	A comprehensive case law update focusing on apportionment problem areas including: overlap, range of medical evidence, <u>Benson</u> , and petitions to reopen.
Audit Unit: Regulations and Enforcement Issues	Hear the latest information on the Audit Unit's regulations on the mitigation process for utilization review including any cited UR violations and the issuance of stipulations as part of the final report of UR investigations findings.
Case Law Update	This two-hour session will review precedent setting case decisions issued in 2008. 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.
Electronic Adjudication Management System (EAMS) Regulations and Filing eForm & OCR Forms	This three-hour session will discuss the new EAMS regulations adopted on November 17, 2008 that set forth rules for district office procedures, how adjudication files are stored and maintained, scanning issues, among other things. The new regulations allow parties to file forms electronically (eForm) or in hard copy (Optical Character Recognition). This session will discuss do's and don'ts when filing forms with DWC.
Fee Schedules	This session will discuss those schedules that have undergone significant revision for 2008 including the ambulance fee schedule update, adjustments to the DMEPOS section of the OMFS, and adjustment of the OMFS to conform to changes in the Medicare payment system.
Medicare Set-Asides	Medicare's involvement in case settlements have not changed, however new 2009 regulations make it incumbent that information regarding the claimant and claim be reported to Medicare to coordinate benefits and to apply applicable recoveries. There are fines for any non-compliance.
Permanent Disability Ratings	The Disability Evaluation Unit will give a comprehensive two-hour session on a single body part.

Breakout Sessions

QME Update	This 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.
Return to Work	This session will discuss the Supplemental Job Displacement Benefit, PD adjustments for return to work, lingering vocational rehabilitation issues, and reimbursement for small employers from the Workers' Compensation Return-to-Work fund.
UR, UR Investigation, and Treatment Guidelines	This two-hour session will include speakers from DWC's audit, medical, and legal units and will discuss the related issues of medical treatment of industrially injured workers, the utilization review process, and finally investigations of UR.
WCAB En Banc and Significant Decisions	The WCAB commissioners 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.
WCIS Issues & Medical Data	This session will highlight some of the ways the DWC's Workers' Compensation Information System is using data and the information we have available, including interesting information collected from WCIS medical data.
Workers' Compensation Market Trends	This session will include an overview of the California workers' compensation insurance rate recommendation process; recent trends on costs, employer premium, and a discussion of recent increases in rates.

*Please mark these dates for the
DWC 17th Annual Educational Conference
Los Angeles Sheraton February 25-26, 2010
Oakland Marriott March 1-2, 2010*

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.

Raymond F. Correio is presently a Workers' Compensation Judge at the Marina Del Rey District Office. Before becoming a WCJ he spent many years in private practice as a workers' compensation defense attorney. He was a partner with the firm of Correio, Wai & Connor (now, Wai & Connor) and most recently a senior associate at the law firm of Pearlman, Borska & Wax until he returned to the bench in December of 2007. He is a graduate of McGeorge School of Law in Sacramento. He has been an invited speaker on a variety of topics by CAAA, the California Defense Attorneys' Association, the DWC Educational Conference, the Workers' Compensation Section of the State Bar, and many other organizations.

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.

Lisa Dasinger has 10 years of experience conducting occupational and public health research in academic, non-profit, and government settings. She has published articles on duration of disability and factors associated with return to work after an occupational low back injury. In addition to studying injured workers, she has conducted research on other vulnerable populations, including welfare recipients, adolescent substance abusers, and people with HIV or AIDS. She is currently the lead research in the Medical Unit at DWC and is the Project Director for the Medical Access Study. She received her doctorate from the University of California at Berkeley.

Charles W. Ellison II received his B.A. in 1977 from Indiana University; his J. D. in 1981 from Whittier College School of Law and was admitted to the State Bar of California in 1982. He began practicing as a workers' compensation defense attorney with Parker & Irwin, Inc. until 1995 when he began his career as a sole practitioner. From 2000 to 2005 he represented injured workers. He began his state service as a workers' compensation judge in April 1995 at the San Diego District Office. He is a member of the San Diego County Bar Association and the North County Bar Association of San Diego. Charles is an avid marathon runner.

Annalisa Faina has been a Permanent Disability Rating Specialist with the Division of Workers' Compensation Disability Evaluation Unit in San Francisco for 15 years. She was appointed to 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.

Presenters

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.

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, 4th 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.

Avram Gratch, MD joined the DWC Medical Unit in July 2006. He completed his orthopedic residency at Stanford Medical Center and practiced in the East Bay for a number of years.

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 and is in her final year of law school. Her insurance career began with State Fund where she was a claims adjuster and vocational rehabilitation coordinator. Sue 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 and was appointed Manager of the Medical Unit in 2003.

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 the DWC Research Program Manager 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 Audit Unit Manager. A graduate of 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.

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

Presenters

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.

Suzanne Marria currently an attorney in DWC Legal, has practiced in the area of workers' compensation and occupational safety and health law since 1986. She is a graduate of UC San Diego and Golden Gate University SOL, and is the author of "Occupational Safety and Health Regulation" in the California Employment Law, Matthew Bender, and co-authored, "California Passes Workers' Compensation Reform: Implementation is the Next Challenge", Workers' Compensation Policy Review, July/August 2002. During her tenure with the Department of Industrial Relations, she has served in a variety of attorney positions: Workers' Compensation Judge, Undersecretary/Assistant Director, and Acting Chief Deputy Director of the department.

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 chairman 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.

Carrie Nevans is the Deputy Administrative Director for DWC. 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.

Destie Overpeck was appointed Chief Counsel for the Division of Workers' Compensation in 2005. She has worked as an attorney for the Division of Workers' Compensation since April 2000. Destie graduated from U.C.L.A. cum laude in 1980 and from Hastings College of Law in 1983. She was admitted to the California state bar in 1983. Prior to the working at the Division of Workers' Compensation, Destie was a partner in a civil practice law firm in San Francisco.

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.

Renee Sherman has a legal background that spans three decades as a paralegal and legal assistant with both civil litigation and workers' compensation firms. In 1991 she joined Floyd, Skeren & Kelly and was subsequently promoted to Staff Manager overseeing the Human Resources Department where she supervises over 100 employees for their 13 office locations in California and Nevada. Since 2008 she has participated in DWC-sponsored EAMS training.

Presenters

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 Research Program Specialist 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.

Sandra Torrez started in the Department of Industrial Relations' Directors Office in April of 2005. She moved to the DWC in Feb. 2007 in the RRTW (Retraining and Return to Work Unit). Sandra is the primary focal point of all incoming calls to the RRTW. Sandra also is the coordinator for the Requests for Expense Accommodations. She also handles all the incoming Modification/Alternative & Return to Work forms.

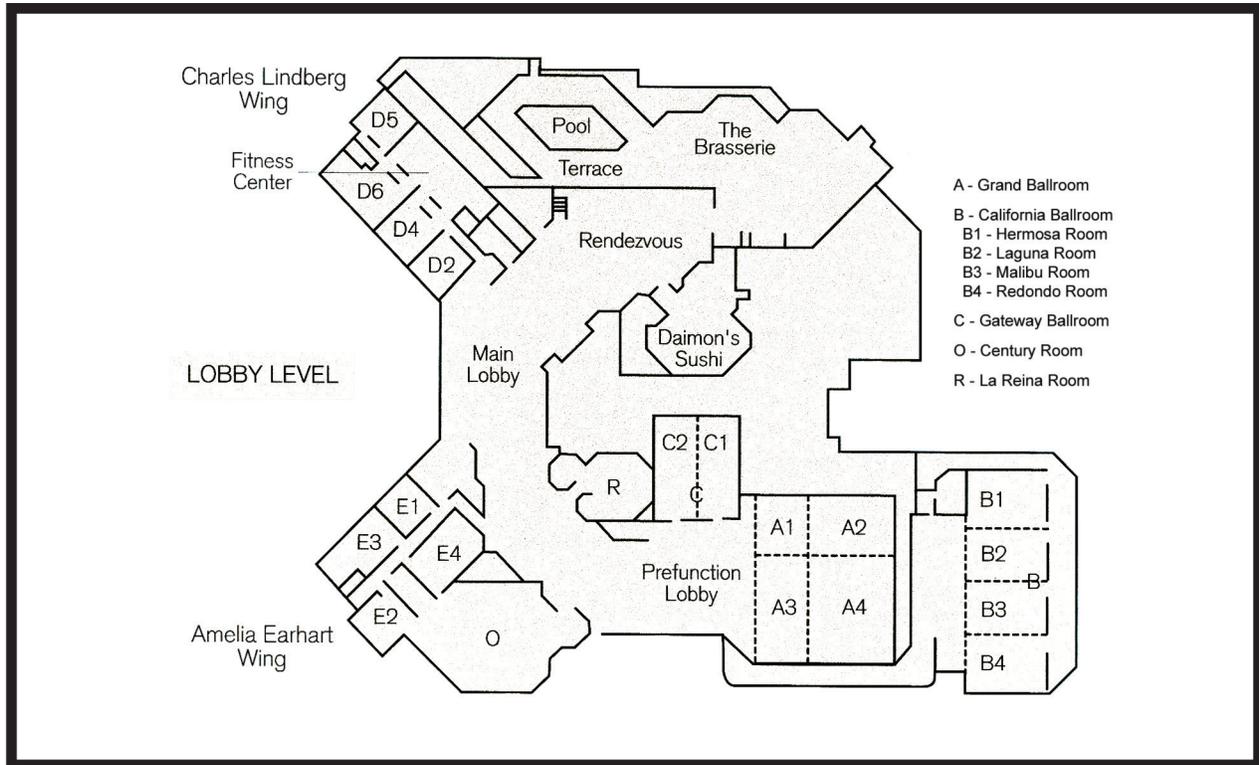
Anthony Valdivia is the president of White & Company Insurance Brokerage in Santa Monica where he has spent his entire 25-year career. He has the Chartered Property Casualty Underwriters (CPCU) professional designation as well as the Associate in Risk Management (ARM) designation. He has been past president of the Independent Insurance Agents & Brokers of America and is currently an officer of the Insurance Brokers & Agents of the West where he previously served as past president.

Raine C. Wilson is a native of Los Angeles with a BA degree from UCLA in African-American Studies. Ms. Wilson has over 20 years experience in California Workers' Compensation. She has been employed with the Department of Workers' Compensation as a Rehabilitation Unit Consultant from 1994 to present. Prior to coming to the DWC, Ms. Wilson worked for SCIF as a rehab coordinator, claims adjuster and assistant claims manager from 1987 to 1994. As a Retraining and Return to Work Consultant, Ms. Wilson looks forward to handling those issues surrounding the Supplemental Job Displacement Benefit and promoting the Return-To-Work Program.

Bowen Wong, MD has been an Associate Medical Director in the Medical Unit, Division of Workers' Compensation since 2006.

Yu-Yee Wu joined the Industrial Relations Counsel in the DWC Legal Unit. She works closely with the DWC Managed Care program on Medical Provider Network regulatory compliance issues and oversight of medical provider networks. 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 Lieff, Cabraser, Heimann & Bernstein in San Francisco, California.

Los Angeles Airport Sheraton



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