

*WHY DO YOUR EMPLOYEES
BECOME
REPRESENTED IN THEIR
WORKERS' COMPENSATION
CASES*

Monday, February 28, 2022

2:00 p.m. to 3:15 p.m.

Presented by:

- **Anne Hernandez, Esq.**
Senior Managing Partner Mullen & Filippi

- **Jeanette Mason,**
Claims Director,
Athens Administrators

- **Beverly Jensen,**
Risk Manager
City of Lodi

- **Dialo Allen Sessons, Esq.**
Applicant's Attorney
Sessons Law Firm

I. PURPOSE

1. This session will explore why employees become represented and how employers can proactively control this litigation expense.

2. Top five reasons employees become hired an attorney:
 - a. Unauthorized treatment.
 - b. Return to work when not ready.
 - c. TD not paid.
 - d. Confusion about process.
 - e. Terminated or reprimanded.

3. The relationship with the employer:
 - a. The relationship with the employer with the employer starts before an injury ever occurs.
 - i. Clear and concise information to be communicated in a supportive way.
 - ii. Check in with employee/applicant after significant treatment, i. e. surgery
 - iii. Dynamic relationship with TPA

iv. Workers' compensation training for manager and involved staff

v. Proactive UR protocols to expedite treatment and return to work

4. Third party administrator:

- a. Claims examiner character
- b. Starting the communication
- c. Continued communication through the friction points
- d. Expedited medical treatment, know your clinic
- e. Bilingual adjusters

5. Medical treatment – how to explain a UR non-cert or denial of medical treatment and avoid litigation:

- a. What the employee hears
- b. Contact with the employer
- c. Contact with the TPA

6. The benefits of a nurse case manager in facilitating medical treatment.

- a. Missed appointment
- b. Complex medical conditions (industrial v. non-industrial)
- c. Scheduling diagnostic test requested by QME
- d. Return to work (temporary or modified)

7. Return to work issues:

1. Modified or alternate work
 - a. Communication with employer.
 - b. TPA
 - c. What the employee hears
2. How to handle problem employees that become problem claimants.
3. When can an employer contact a represented employee.
 - a. Appointment dates
 - b. Advice
 - c. Transportation
 - d. Complaints
4. When do you want an employee to become represented?
 - a. Attorney-client privilege protection for witnesses.
 - b. Control over the QME process.