

# Advanced Workers' Compensation

Providence, RI - May 24, 2016

Early Registration

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**Continuing Education Credit:**

- RI CLE 7.5 including 1.0 ethics
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  - HR Certification Institute 6.75
    - ABIH 6.5
    - CSP 0.6
    - PACE 8.0
  - CRCC & CDMS 6.5
- See inside for details.

**PRESENTED BY:**

**The Honorable Janette A. Bertness, RI Workers' Compensation Court**  
**Denise Lombardo Myers, Asquith & Mahoney, PC**  
**William Gardner IV, McKenney, Quigley, Izzo & Clarkin, LLP**  
 (See complete biographies inside)

# SES

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## AGENDA

### I. Employers' Defenses

- A. Use of surveillance and submission of surveillance to court and experts
- B. Employees who fail to report earnings or wages
- C. Alcohol and drug use; post-accident test results
- D. Failure to timely report injury
- E. Statute of limitations: 2 years or 10 years
- F. Jurisdiction: location of hiring or location of injury
- G. Independent contractor or day laborer

### II. Settlement Evaluations and Procedures

- A. Negotiating settlements
- B. Appeals to CMS for Medicare Set Asides
- C. The value of disfigurement

### III. Chronic Pain Issues

- A. Interdisciplinary chronic pain management
- B. New treatments

### IV. Workers' Compensation from a Defense Perspective

- A. Apportionment of occupational diseases
- B. The 312-week gate and odd-lot claims
- C. Maximum Medical Improvement
- D. Return to Work programs and suitable alternative employment
- E. Limiting exposures

### V. Workers' Compensation Updates

- A. Legislative
- B. Case law
- C. Coming attractions: what changes are next in WC

### VI. Ethics and Today's Practitioner

- A. Declining civility in the legal profession
- B. Ethics and attorneys who blog
- C. Current lawyer advertising and marketing ethics
- D. Other challenges in today's workers' compensation law practice
- E. Ethical hypotheticals

### VII. A View from the Bench

Viewpoints from a professional on practicing workers' compensation in the current times

*Sterling Education Services may alter the agenda due to circumstances beyond our control.*

## SUMMARY

According to the U.S. Department of Labor, every year millions of full time private industry employees report nonfatal workplace injuries or illnesses. Each case is a potential minefield to be navigated, and without the most up-to-date information on workers' compensation legislation and practices, the results can be devastating. Our speakers will provide you with insightful analysis of the most significant recent developments in this complex and dynamic area of the law, allowing you to handle incidents and counsel clients with confidence. **Register today!**

## DATE & TIME

**DATE:** Tuesday, May 24, 2016  
**REGISTRATION:** 8:00 a.m.  
**PRESENTATIONS:** 8:30 a.m. - 4:30 p.m.  
**LUNCH:** 12:00 - 1:00 p.m.  
*Lunch is on your own*

## LOCATION

Providence Courtyard  
by Marriott  
32 Exchange Terrace  
Providence, RI 02903  
401-272-1191  
*Map available online*

## WHO SHOULD ATTEND

- Attorneys
- Benefits Professionals
- Disability Specialists
- Rehabilitation Specialists
- Vocational Rehabilitation Counselors
- Expert Witnesses
- Safety Directors
- Business Managers
- Workers' Compensation Administrators
- Human Resource Professionals
- Insurance Claims Processors
- Risk Managers
- Occupational Health Nurses
- Other WC Professionals

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Please bring your license number, ID, or other necessary information to the seminar to ensure proper reporting of continuing education credit.

## CONTINUING EDUCATION CREDIT

### RI CLE

This seminar has been **approved** by the **Rhode Island MCLE Commission** for **7.5 hours** including **1.0 hour of ethics**.

### RI Insurance

This seminar has been **approved** by the **State of Rhode Island DBR Insurance Commission** for **8.0 CE credits**.

### CT CLE

This seminar may be eligible for **6.5 CLE credit hours** including **1.0 hour of ethics** from the Connecticut Bar Association. *Please call for details.*

### ABIH

**ABIH** has previously awarded CM credit for this event. The current event contains **6.5 hours** which can be claimed for **CM credit**.

### CSP Point

This course may qualify for **0.6 points** for **Certified Safety Professionals (CSP)**.

### CRCC & CDMS

This seminar has been **approved** by the **Commission on Rehabilitation Counselor Certification (CRCC)** and the **Certification of Disability Management Specialists Commission (CDMS)** for **6.5 clock hours**.

### PACE

This seminar satisfies requirements for up to **8.0 hours** of **PACE Recertification credit** for **CLU, RHU, REBC, CLF, ChFC, and CCMC**.



This seminar has been **approved** for **6.75 general recertification credit hours** toward the **PHR, SPHR, PHRi, SPHRi, and GPHR** recertification through the **HR Certification Institute**. For more information about Human Resource certification or recertification, please visit [www.hrci.org](http://www.hrci.org).

Other continuing education credit may be available. Please **contact Sterling** to inquire.

## MEET THE FACULTY

**THE HONORABLE JANETTE A. BERTNESS**, an associate judge with the Rhode Island Workers' Compensation Court in Providence, hears trial and appellate level cases and issues written and bench decisions. Judge Bertness is chairperson of the legislative sub-committee for the R.I. Department of Health Prescription Drug Abuse Collaborative. She is a member of the Rhode Island Bar Association and the American Judicature Society and is the presiding judge for the Rhode Island Mock Trial Tournament. Judge Bertness is a fellow of the Rhode Island Bar Foundation and serves on various committees. She served as a reviewer for the American Medical Association's *Guides to the Evaluation of Permanent Impairment, 5th Edition* and *6th Edition*. Judge Bertness is also an adjunct faculty member of Roger Williams University Law School, where she teaches the law of workers' compensation. Judge Bertness received her B.A. from Clark University; her M.S. from Brown University; her J.D., *cum laude*, from Suffolk University Law School; and her M.J.S. from the National Judicial College University of Nevada-Reno, where she is currently a Ph.D. candidate.

**DENISE LOMBARDO MYERS**, a member of Asquith & Mahoney, PC in Providence, currently practices general civil litigation relating to workers' compensation, employment matters, insurance defense, school law, and health care licensing. In her twenty-five years as an attorney, Ms. Myers has represented a variety of litigants in the US District of Rhode Island, the Rhode Island Supreme Court, the Rhode Island Superior Court, and the Rhode Island Workers' Compensation Court, and at hearings before Rhode Island's Department of Labor, Board of Review, and Department of Health. She is a frequent speaker on workers' compensation and employment law at professional education programs for attorneys, employers, human resource professionals, and insurance professionals. Ms. Myers is a member of the Rhode Island Bar Association, the Justinian Law Society, and the Rhode Island Supreme Court's Permanent Advisory Commission of Women and Minorities in the Courts. Ms. Myers received her B.S. from the University of Vermont and her J.D. from Catholic University of America Columbus School of Law.

**WILLIAM GARDNER IV**, of McKenney, Quigley, Izzo & Clarkin, LLP in Providence, has experience in preparing all aspects of litigation, in both Rhode Island and Massachusetts, in the areas of workers' compensation, personal injury claims, and debt collections. Mr. Gardner also has experience with the formation and dissolution of partnerships, corporations, and associations. He is a member of the Massachusetts Bar Association and the Rhode Island Bar Association, where he is also a member of the Workers' Compensation Bench/Bar Committee. Mr. Gardner received his B.A. from the University of Rhode Island and his J.D. from the Roger Williams University School of Law.

## SEMINAR HIGHLIGHTS

- A View from the Bench
- Recent developments and upcoming changes
- Ethical challenges in workers' compensation
- Employers' defenses
- Chronic pain management and treatments
- Procedures for negotiating settlements
- Getting the defense perspective

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## Registration Fee: (includes manual)

- \$349 per person
- \$339 per person for 2 or more
- \$319 per person **if paid by April 12<sup>th</sup>**

## Reference Materials:

- Add audio to your registration for \$167\*
- Manual only \$95\*
- Audio only \$267\*
- Audio/manual package \$357\*

## Payment Information:

- Check Enclosed (payable to Sterling Education Services)

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## Attendee Information:

- 1) Name: \_\_\_\_\_ Job Title/Practice Area: \_\_\_\_\_  
Email: \_\_\_\_\_
- 2) Name: \_\_\_\_\_ Job Title/Practice Area: \_\_\_\_\_  
Email: \_\_\_\_\_
- 3) Name: \_\_\_\_\_ Job Title/Practice Area: \_\_\_\_\_  
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\*Pricing listed includes \$6 shipping and handling. Please allow 2 to 6 weeks after program for delivery.  
†By providing this information you are agreeing to be added to Sterling's in-house contact lists.

## BOOKSTORE

Below is a selection of materials available from previous Sterling seminars. To order, please complete this form and mail with payment or call 715-855-0495. You can also find these and other materials online at <https://store.sterlingeducation.com/bookstore.php>.

### FUNDAMENTALS OF EMPLOYMENT LAW - Seminar # 15RI06136

Hiring and Terminating Employees in the Current Economy; ADA and FMLA Updates and Interplay; Immigration Law; Sexual, Racial, and Other Harassment in the Workplace; The ACA/Obamacare: What Employers Need to Know; FLSA/Wage and Hour Critical Issues; Privacy and Social Media in the Workplace

#### PRESENTED BY:

Christopher J. Campbell with Jackson Lewis P.C.; William T. Murphy with William T. Murphy, Esq., LLC; Jillian S. Folger-Hartwell with Littler Mendelson P.C.; Charles S. Kirwan with Charles S. Kirwan & Associates; Madeline Choi Cronin with landoli Desai & Cronin P.C.; and Brooks R. Magratten with Pierce Atwood LLP

Manual only \$75

### EMPLOYMENT LAW: BEYOND THE BASICS - Seminar # 14RI06161

FLSA/Wage & Hour Crackdown; Advanced FMLA and ADA Issues; Sexual, Racial, and Other Harassment and Discrimination; NLRB's Expanding Agenda; PPACA/Obamacare: What Employers Need to Know; Privacy and Social Media in the Workplace; Termination Best Practices

#### PRESENTED BY:

Charles S. Kirwan with Charles S. Kirwan & Associates; Rachelle R. Green with Duffy & Sweeney, Ltd.; William T. Murphy with William T. Murphy, Esq., LLC; Andrew Kanter with Kanter Law Office, LLC; Richard D. Wayne with Hinckley, Allen & Snyder LLP; Lisa A. Zaccardelli with Hinckley, Allen & Snyder LLP; and Christopher J. Campbell with Jackson Lewis P.C.

Audio & Manual Set \$155  Audio only \$95  Manual only \$75

## 4 Easy Ways to Register:

- **Web:** [www.sterlingeducation.com](http://www.sterlingeducation.com)  
Enter # in "Express Registration"
- **Mail:** Sterling Education Services  
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- **Phone:** 715-855-0498
- **Fax:** 715-835-5132

## WALK-INS

Walk-ins are welcome and payment is required at the door when registering. Materials will be available for walk-ins on a first-come first-served basis. **Please call ahead to confirm the schedule.**

## CANCELLATIONS

Substitutions or transfers to a future Sterling seminar are welcome anytime up to the day of the seminar.

**If you cancel 3 or more business days before the seminar you may:**

- 1) transfer your registration to another seminar,
- 2) receive the audio and manual package, or
- 3) receive a refund minus a \$25 service charge.

**PLEASE NOTE:** If you do not attend and do not cancel as described above you are not entitled to a refund.

## REFERENCE MATERIALS

### SEMINAR MANUAL:

The faculty has prepared a substantial reference work to accompany their presentation. This manual will serve as a valuable tool for future reference. Each attendee will receive a manual upon checking in at the seminar site; the price is included in the registration fee.

### AUDIO RECORDING:

This seminar will be recorded live and the audio recording and/or a reference manual is available for purchase separately or in conjunction with registration. Self-study credit may be available by purchasing the audio and manual package (varies by location). **Please call for details.**

## UPCOMING SEMINARS

- **Commercial  
Landlord-Tenant Law**  
Providence, RI  
May 10, 2016
- **Residential  
Landlord-Tenant Law**  
Providence, RI  
May 10, 2016

Visit our website for details!