



# **COVID, COVID, Go Away, Workers' Comp. Is Here to Stay**

## **2021 Workers' Compensation Winter Program**

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**Thursday–Friday, February 4–5, 2021**  
**Live Webcast**

**North Carolina: 9.00 MCLE Hours**

**Includes:**

**1.00 Ethics/Professional Responsibility**

**1.00 Substance Abuse/Mental Health**

**1.00 Technology Training**

**Qualifies for NC State Bar Workers' Compensation Law Specialization**

**Planned by the NCBA Workers' Compensation Section**

This past year has been challenging for many, but unprecedented for all. Plaintiff's attorneys, defense attorneys and third-party neutrals alike have had to figure out the mechanics of working remotely and socially distancing, while also maintaining professional relationships, effectively advocating for clients, and adhering to the long-standing rules and procedures that make up the practice of workers' compensation law. This program looks at the new "normal" of the workers' compensation practice and revisits some of the fundamental concepts that got the practice where it is today. It also explores newly emerging ideas that many come across but may not fully understand. Although the practice may look different in its current state, one thing is for sure, workers' compensation is here to STAY!

# COVID, COVID, Go Away, Workers' Comp. Is Here to Stay

Thursday–Friday  
February 4–5, 2021

Thursday, February 4, 2021 | 1:25–4:50 PM

**1:25 Welcome and Introductions**

**1:30 Looking Back at the Origins and Policy Considerations of the Industrial Commission Mediation Program**

**Laney**

Kick off the program with a discussion of the circumstances and background that led the Industrial Commission to establish a mandatory mediation program, along with policy considerations and decisions that led to its initial structure and design.

**2:30 Break**

**2:40 Social Media Ethics\*\***

**Zacharias**

Social media can be a great way for attorneys to gather and share information, but it also presents many ethical traps. Learn about effectively counseling clients on the legal ramifications of social media, protecting client confidentiality, managing professional networking websites and online client reviews, and ensuring social media posts comply with advertising requirements — while also complying with the Rules of Professional Conduct.

**3:40 Break**

**3:50 Traumatic Brain Injuries**

**Groff**

Receive an overview of traumatic brain injuries and their classifications and symptoms. Then, consider the different stages of recovery, possible long-term issues, life care plans needed and the ethical problems with a post-concussion syndrome diagnosis.

**4:50 Adjourn**

Friday, February 5, 2021 | 8:55 AM–4:30 PM

**8:55 Welcome and Introductions**

**9:00 NuShield Certified Medicare Set-Aside (MSA) Program**

**Fairchild and Sagrillo**

In an examination of options for consideration of Medicare's interests in a workers' compensation settlement, this session reviews the Medicare Secondary Payer statute, regulations and the Workers' Compensation Medicare Set-Aside (WCMSA) Reference Guide published by the Centers for Medicare & Medicaid Services (CMS). It focuses on opting out of the voluntary CMS submission process with the use of evidence-based medicine allocations and introduces NuQuest's NuShield MSA as an evidence-based, comprehensive approach to that consideration pre- and post-settlement.

**10:00 Break**

**10:10 Case Law Update**

**Baker and Hamilton**

Review vital appellate decisions impacting attorneys who handle workers' compensation claims in North Carolina and discuss the practical implications of those decisions on the day-to-day handling of claims.

**11:10 Break**

**11:20 Substance Abuse†**

**Blackburn#**

Jim Blackburn speaks on substance abuse/mental health.

*# In 1993, James Blackburn turned in his license to practice law, and the State Bar subsequently issued a letter of disbarment.*

**12:20 Lunch Break**

**12:50 How To Evaluate Non-Submit Medicare**

**Set-Asides (MSA)**

**Pantazis**

Develop an understanding of what a non-submit or evidence-based MSA is and the vendors behind them. Hear about the views of the Centers for Medicare & Medicaid Services on MSAs, the logistics and cost of submitting an MSA, on-submit risks to both the plaintiff and the plaintiff's attorney of agreeing to non-submit MSA, and what remedy the plaintiff has if Medicare refuses to pay for treatment.

**1:20 Break**

**1:30 Should You Become a Workers' Compensation Specialist?**

**Pope**

Analyze what it means to be a certified workers' compensation specialist and why you may want to become a specialist. Determine if you're eligible to become a certified specialist, what steps to take — including the specialization exam — and the timeline for becoming a specialist in 2021.

**2:00 Break**

**2:10 CBD Products and Pain Management**

**Taylor**

Learn the differences between hemp and marijuana and how your clients can use CBD products to help with pain management. Discuss the Agriculture Improvement Act of 2018 and the future obstacles and opportunities in the CBD pain-management industry.

**3:10 Break**

**3:20 Case Management Challenges During a Pandemic**

**Hewitt-McNeil**

Explore how case managers are meeting with injured workers and physicians while maintaining social distancing. Review maintaining confidentiality of injured workers and case managers' COVID-19 status, the impacts of telehealth on case management, and effective communication with all parties.

**3:50 Break**

**4:00 Non-insured and Fines**

**Linthicum**

Delve into the different dockets — penalty dockets, non-insured dockets and contempt dockets — and their role in workers' compensation claims. Discuss the calculation of the alternate penalty, agricultural exemption and how to determine if the new or former N.C.G.S. § 97-94(b) applies to your case.

**4:30 Adjourn**

**Speakers**

- Heather T. Baker, Teague Campbell Dennis & Gorham LLP, Raleigh
- James L. "Jim" Blackburn, Jim Blackburn Seminars, Raleigh
- Barbara Fairchild, NuQuest, Longwood, FL
- April Groff, Ph.D., Learning Services Raleigh Program, Raleigh
- Bruce A. Hamilton, Teague Campbell Dennis & Gorham LLP, Raleigh
- Vicki Hewitt-McNeil, North Carolina Industrial Commission, Raleigh
- Frank C. Laney, U.S. Court of Appeals for the Fourth Circuit, Cary
- Mary Grace Roberson Linthicum, North Carolina Department of Justice, Raleigh
- Annemarie Pantazis, Wilder Pantazis Law Group, Charlotte
- Daniel C. "Dan" Pope Jr., Wilson Ratledge PLLC, Raleigh
- Robert Sagrillo, NuQuest, Longwood, FL
- Dr. James Taylor, Carolina Medical Investments LLC, Southern Pines
- Uta Marie Zacharias, Lawyers Mutual Liability Company, Cary

**Planner**

- B. Jeanette Byrum, Stiles Byrum & Horne LLP, Charlotte
- Sherman L. Criner, Alternative Dispute Resolution of the Carolinas, Wilmington

\* Indicates portion providing Ethics/Professional Responsibility credit

† Indicates portion providing Substance Abuse/Mental Health credit

‡ Indicates portion providing Technology Training credit