

Work Injury Conference 18: A Conference Wrap-Up



(February 17, 2010 -- Chicago, Illinois) Fireworks sparked the 18th annual **SafeWorks Illinois Work Injury** conference--held for the 1st time ever in Chicago--@ US Cellular Field's Conference Center and Learning Center on Thursday, February 11, 2010.

Some of the heaviest hitters in the Illinois Work comp arena filled the packed conference center that featured an extra-inning debate between various stakeholders vying for the competitive edge and last word. Due to the sell-out crowd, a live circuit feed of the conference was broadcast on 24 TV sets that ringed the White Sox United Airlines Scout Lounge, outside of the conference center.

“Workers’ compensation is a ‘jobs issue’ for Illinois, ranking as one of the hottest issues with Illinois employers,” said Dr. David Fletcher, president, SafeWorks Illinois and moderator of the Conference. “With health care costs rising and Illinois ranking among the highest in workers’ compensation indemnity costs per claim, Illinois does not look as competitive. In 2007, \$2.5 billion was spent in direct written premiums in Illinois. When comparing Illinois workers compensation rates to neighboring states, Illinois employers pay considerably more, averaging more than twice as much as Indiana employers for the same work performed.”

The **Work Injury Conference** is one of the few events designed to get all of the parties involved in the treatment and adjudication of a work injury into the same room for meaningful dialogue and discussion.

The theme "*The Reality of Workers' Compensation*" was played out through a reenactment of two protracted workers' compensation cases that involved all the pitfalls and problems associated with chronic pain regional pain syndrome (CRPS). The talk show format provided interaction with work injury leaders and experts to educate each other on the latest trends affecting our state's care of injured workers. Petitioner's attorneys squared off against IME physicians and nurse case managers (NCM). Business leaders faced off against IWCC leadership, etc. And surprisingly, union representatives battled both petitioners' and respondent attorneys pitching an opt-out work comp system that will reduce the litigation and the life span of a work comp claim for injured Union construction workers.

Buzz Walsh, the public servant who runs the Illinois work comp **Fraud Unit**, was sizzled by petitioners' attorneys who question why the **Fraud Unit** only convicted five cases in 2009.

The conference even featured very personal comments by injured worker **Jeff Edwards**, who shared his story of three failed back surgeries, need for heavy narcotics to control his pain, an employer who did have WC insurance, and a failed trial of a dorsal column stimulator to help deal with his pain.

The conference featured several of the best physicians in the State who treat injured workers day in and day out.

White Sox team physician and Major League Baseball Medical Adviser **Dr. Charles Bush-Joseph**, managing partner, Midwest Orthopaedics at Rush, shared his opinion that the first three weeks after a work injury are "the Golden Period" for successfully resolving a work injury and determine the ultimate outcome of workers' compensation case. **Dr. Bush-Joseph** shared his experience as the White Sox team physician which he said was "workers' comp with a lot more zeros". He emphasized how important that he kept injured and ill Sox players coming to work every day and reporting to the White Sox training room to maintain the workplace connection. He said it was important for these workers to interact with their fellow workers (teammates) while they recovered.

Dr. Kern Singh, an orthopedic spine surgeon at MOR, came to the rescue of several nurse case managers, who were attacked by several of the petitioner's attorneys for being pawns of the work comp insurance industry. **Dr. Singh** said how important the NCM role was helping advocate for injured workers and overcoming obstacles. He said physicians need to tell injured workers that they cannot help if there is no effective treatment available to help them.

After veteran Arbitrator **Steven Mathis** presided over a mock trial, the Conference ended with a barn-burner. It was a panel discussion that featured an all star panel: **John Brining**, executive director for CISCO; **Michael Holt**, attorney, Hennessy and Roach; IWCC Acting Chairman **Amy Masters**; petitioners' attorney **David Menchetti**; union attorney **Marc Poulos**; and **Doug Whitley**, president, Illinois Chamber of Commerce. The panel discussed whether adopting a voluntary collectively bargained workers' compensation would help solve system inefficiencies and costs in taking care of injured workers. CISCO is lobbying hard to support enabling legislation to allow Illinois to follow the path of 13 other states that have created alternatives to the work comp system and featured a closed panel of physicians.

Doug Whitley said the **Illinois Chamber** would support opt-out legislation that would reduce costs and improve jobs creation, "We need to experiment to come up alternatives to the current system. The Chamber has long championed the medical fee schedule, utilization review, and efforts to make the workplace the primary cause of a work related condition."

Acting Chairman Masters said that there was already provisions in the WC act to allow a closed panel of physicians but less than 10 employers have taken advantage of the provision.

David Menchetti was most vocal in his opposition to the opt-out system, which he said would be bad for union workers and strip them of their rights.

According to **John Brining**, whose CISCO organization represents 8,000 union contractors and 140,000 union construction workers in the Chicago-land area, the State **AFL-CIO** has not currently passed a resolution in support of an opt-out system. However, a resolution in support of **CBWC** legislation was passed at the State AFL-CIO convention several years ago.

Brining believes that **Collectively Bargained Workers' Compensation (CBWC)** has the potential to save contractors money and bring injured workers back to the jobsite quickly because workers receive the highest quality of healthcare in a closed medical panel and do not endure the lengthy litigation process.

Brining touted a recently released study from the Department of Labor and Industry in Minnesota (a state that has allowed CBWC since 1997) demonstrated that compared to all construction industry employers, construction employers in the collective bargaining agreement program:

- experienced slightly fewer claims,
- paid significantly lower benefits per claim,
- had claims that require less vocational rehabilitation, and
- received fewer claims disputes

CISCO's web site has a wealth of information about this topic (www.cisco.org).

In summary, the **Work Injury Conference** is the one of the few work comp symposiums that tackles head on the current tough issues facing the Illinois Workers' Compensation System and allows interaction and debate between all the key players who largely contribute to the success of the system.

This year, employers left the Conference with better ways to respond to the injured worker by listening to all various stakeholders discuss the two simulated cases and debate how they were handled or could have been handled differently. Better education on options and resources available now can help the employer and employee in the next work injury or resolve current claims quicker.

ABOUT SAFEWORKS ILLINOIS

SafeWorks Illinois provides comprehensive occupational health services and return to work programs to create safe, drug-free business and industries. SafeWorks' ultimate goal is to promote wellness in the workplace by developing prevention programs, providing injury treatment and industrial rehabilitation services that deliver results to help employees recover, rehabilitate and return to work. SafeWorks Illinois provides 24-hour access to doctors and 'Fast-Track' services with offices in Decatur, Champaign and Chicago. www.safeworksillinois.com