



TNSIA Annual Conference

September 2022 | Franklin, Tennessee

Agenda

8:30 - 9:00	Registration Breakfast Visit Vendor Booths Kids' Chance Silent Auction
 9:00 – 9:15	Welcome & General Membership Meeting
9:15 – 10:15	Keynote Speaker: Samantha Lane, Productivity Coach & Creator of Origami Day
10:15 – 10:45	Break Visit Vendor Booths Kids' Chance Silent Auction
10:45 – 11:15	Session 1: Tennessee Department of Commerce & Insurance
11:15 – 12:00	Session 2: Bureau of Workers' Compensation
12:00 – 1:00	Networking Lunch Sponsored by BARRICAID ®
1:00 – 1:30	Session 3: TN State Government Advocacy Panel
1:30 – 2:30	Session 4: OSHA 101
2:30 – 3:00	Break Visit Vendor Booths Kids' Chance Silent Auction Closes
3:00 – 4:00	Employer Panel: The Great Employee Resignation
4:00 – 4:15	Closing Remarks Vendor Bingo Drawing Kids' Chance Silent Winner Pick Up



WORKERS' COMPENSATION
ADVOCACY AND INFORMATION RESOURCE

Welcome & Thank You!

The Board of Managers of the Tennessee Self-Insurer's Association would like to welcome you to the 16th Annual Education Conference. We appreciate your support throughout the year and your participation in this conference.

We welcome any comments and/or suggestions you may have to make this a better conference.

Thank You Sponsors!



**Keynote Speaker
Sponsor**

BARRICAID®

**Networking Lunch
Sponsor**



**Conference Bag
Sponsor**



**Hotel Guest Bag
Sponsor**



Making A Difference™
**Board Dinner
Sponsor**

Thank You,



Gold Sponsors!

Thank You,



Silver Sponsors!

Thank You,

Traditional Sponsors



Classic Sponsors



Classic & Traditional Sponsors!

Thank You,



In-kind Sponsor!

TNSIA Welcome & Update



**Bailey Pipkin,
TNSIA Chair**



**John Hayes,
TNSIA Treasurer**





WORKERS' COMPENSATION
ASSOCIATION

Tennessee Self-Insured Association
Statement of Income and Expense
2022

	August	From 1/1/2022
Cash Beginning of Year		\$ 44,272.04
<u>Membership Due</u>		
2022 Memberships	\$ -	\$ 8,500.00
2023 Memberships	-	-
<u>Conference</u>		
Attendees	3,825.00	5,625.00
Sponsors	9,500.00	45,000.00
Total Revenue	\$ 13,325.00	\$ 59,125.00
<u>Expenses</u>		
Web Hosting Monthly Charges (Horton)	\$ 155.00	\$ 1,240.00
Web Sites Fees and Work (Horton)	-	159.00
E.D; Talbert Govt Relations (\$2,500/Month)	2,500.00	20,000.00
Lobbyist Registration	-	300.00
Association Manager Position	499.50	3,439.84
National Council of Self Insurers	-	-
Misc Expenses (committee lunches, etc., checks)	-	281.21
Tennessee Chamber of Commerce	-	750.00
Conference	-	5,000.00
Paypal	460.57	1,303.81
Tax Preparation	-	3,264.57
NCSI National Conference	-	-
Kid's Chance	-	-
P.O. Box Annual Rental	-	166.00
Emma Email Marketing Charge	-	-
Insurance	-	-
PAC Donations	-	2,000.00
PAC Expenses	-	(100.00)
Bank Charges	23.10	398.44
Total Expenses	\$ 3,638.17	\$ 38,202.87
Total Income		\$ 20,922.13
End of Month Cash		\$ 65,194.17
Trust Balance as of August 31, 2022		27,787.47
PayPal		37,406.70
Total		65,194.17
		-

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REMEMBER
THE PAST
PLAN FOR
THE FUTURE

ANNUAL CONFERENCE



WORKERS' COMPENSATION
ADVOCACY AND INFORMATION RESOURCE





Plan your Time for the Future you Want

origami day

The Plan

- **Prioritizing**
- **Planning**
- **Protecting Plans**
- **Ask Questions!**
- **Take notes. – One of you will win a coaching session!**

Samantha Lane

a little bit about me...

and why I know
time management

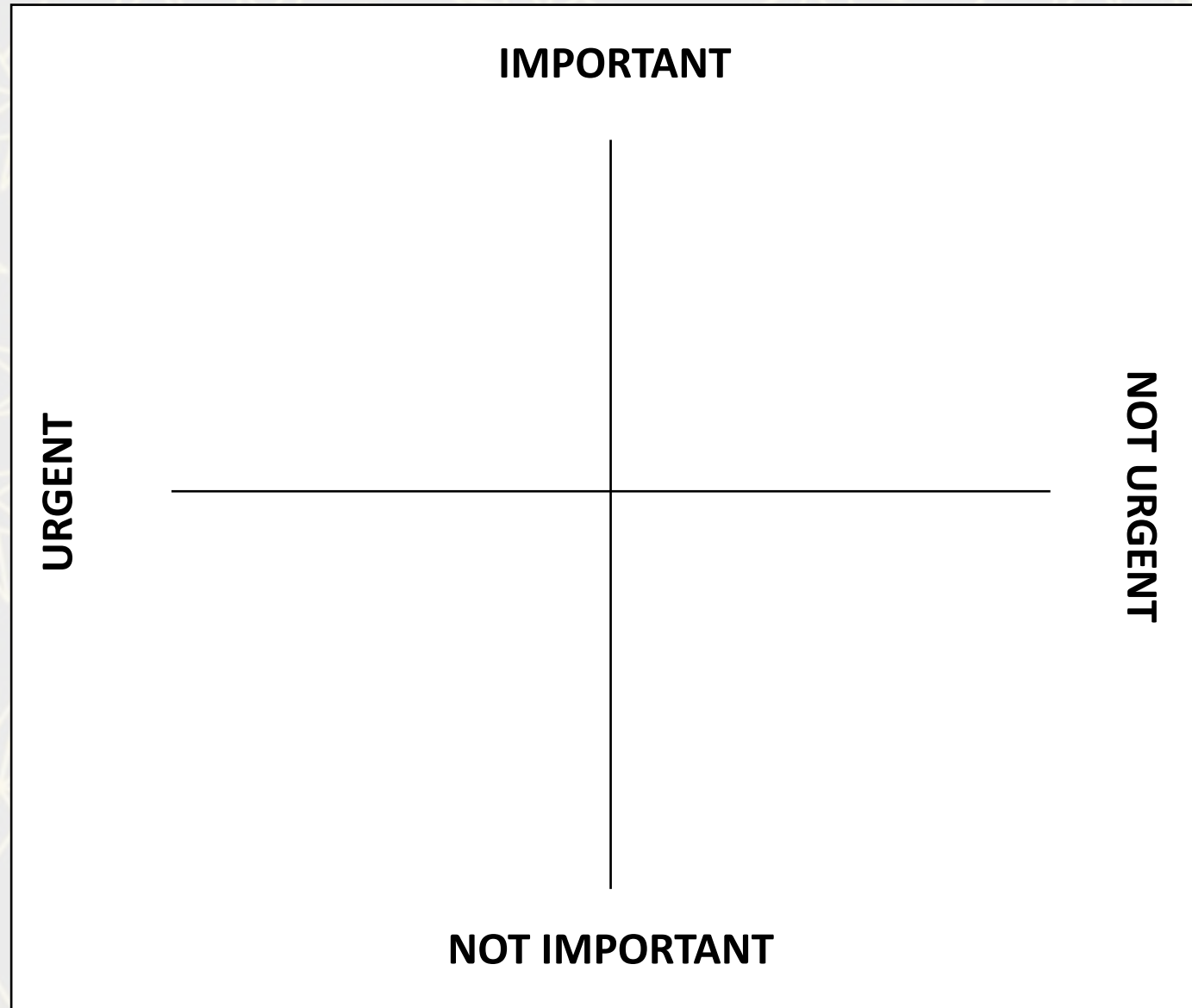


Prioritizing

**“If everything is important,
then nothing is.”**

- Patrick M. Lencioni

Eisenhower Urgency Matrix



Prioritizing

- **Goals – Personal & Professional**
- **Performance Metrics**
- **Job Description**
- **Expectations**

Planning

“By failing to prepare, we are preparing to fail.”

- Benjamin Franklin

Planning

- **Why Plan**
- **When to Plan**
- **How to Plan**
 1. **What you know**
 2. **What you hope**
 3. **Digital Reinforcement**

Protecting

“It’s only by saying ‘no’ that you can concentrate on the things that are really important.”

- Steve Jobs

Protecting

- Protect by default.
- It's always a trade-off.
- If it isn't a HECK YES, it's a no.
- Say not now.
- Let them say no for you.
- Think Upstream

Wrap Up

- **Prioritizing**
- **Planning**
- **Protecting**
- **Questions**
- **Giveaways**

Thank You

Stop by for a chance to win a Coaching Session or bid on a Time Management Bundle in the auction.

Use the code 'TNSIA' for 20% off online orders.



origamiday.com
sam@origamiday.com
@myorigamiday

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Carter Lawrence
Commissioner

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REWARD Program

Return Employees to Work And Reduce Disabilities

1

Toolkit



Employers

2

Trainings



RTW Coordinators | Physicians

3

Support Network



Employers

**Improved workers'
comp programs**

Sample letters,
RTW policies, etc.

Bi-monthly
newsletter for employers

**Public recognition of
excellence**

Quarterly
employer meetings

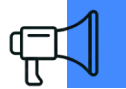
**Economic
advantages**

Annual
Honor Roll

**Shared
best-practices**

1

What's in the toolkit?



Action Guides

Actions to take before and after an injury occurs.



RTW Coordinator Roles

Recommended functions of the Return-to-Work Coordinator.



Financial Impact

Do the math to predict savings with a REWARD program.



Case Managers

The role of the case manager



Selecting the Right Physician

How to select the best panel physicians & build effective working relationships



bit.ly/reward-toolkit

Return-To-Work Coordinator

2 Training Content



What's Included

- Workers' Compensation 101
- The Value of Effective Communication with Injured Workers
- Difference between job demand analysis and job description
- Working with Physicians Pre-injury and Post-injury,
- Duties of the RTW Coordinator
- Legal issues and return to work issues

Online Training for RTW Coordinators

To receive notification of the next training session email:

marion.white@tn.gov



Registration

3

Support Network



Employer Support from the Bureau

- **Sample letters**, RTW policies, etc.
- Bi-monthly newsletter for employers
- Quarterly employer meetings
- **LinkedIn Group** for Employers
- REWARD Advisory Committee
- Annual **Honor Roll**
- Email: Suzy.Douglas@tn.gov



REWARD Program

- **Final Thoughts**
 - **Minimize Impact**
 - On the job injuries cannot always be prevented, but employers can minimize their impact by implementing a solid return-to-work program.
 - Studies have shown that RTW programs result in significant savings and a multiple ROI.
 - **Improve Outcomes**
 - The Bureau of Workers' Compensation wants to help employers improve the outcome when your employees are injured.
- **Join the Employers' Group and Register for the Return-To-Work Coordinator Training.**

THANK YOU!



Medical Update

TNSIA September 29, 2022



Certified Physician Program
Utilization Review
Medical Fee Schedule

Robert B. Snyder, M.D.



Certified Physician Program (CPP)

- Part of the REWARD Program
- Qualifications
 - MD, DO, DC
 - Willing to take injured workers
- On-line training
 - Education Courses
 - AMA Guides® training
 - Licensing and board certification
- Expertise
 - tests
- Payments
 - Additional



CPP Courses

- System Overview and understanding
- Causation
- Work Ability Assessment
- Treatment Guidelines
- Utilization Review
- Maximum Medical Improvement
- Permanent Impairment ratings
- Courts
- Communications-patients, adjusters, attorneys
- Reports
- Return-to-work
- Case managers and Return-to-Work Coordinators

Utilization Review

- Amended Rules



Utilization Review Protections

- The patient:
 - Medical necessity, appropriate
 - Dangerous, unproven, investigational
- The insurer/employer:
 - Not associated with the injury
 - Payments:
 - Unnecessary
 - Investigational
 - Not in accord with the treatment guidelines

UR Rules

- Public hearing was October 21, 2021
- Comments and changes after the Attorney General signature were posted July 1, 2022
- Joint Government Operations Committee on September 27, 2022
- Pending effective date: September 29, 2022.

Changes

- Peer-to-peer communications
 - Requests within 10 days
 - Dates for conferences: 2-7 days
 - Designation of particular times for calls
 - Alternative web/e-mail process
 - Penalties for failure to “appear”
 - Good faith efforts
- Utilization Review Organization Annual Reports
 - Totals: denials, modifications, approvals
 - Physician names, numbers and results
 - Peer-to-peer conference results



Changes (2)

- Penalties for excessive or punitive use
 - A pattern of unjustified, repetitive or poorly supported
 - Close or alter a claim status
 - Investigation by the Bureau, determination by the Administrator
- Same of similar specialty
 - One who normally treats
- Attestation statement
 - Physician personally review records
 - All record reviewed

Changes (3)

- Time for UR referrals
 - Lengthen to 4 business days
- Medical records requirements for UR Appeals
 - Difficulty in getting coherent records
 - Penalties
 - Adjuster more responsible
 - Complete medical records for one year
 - Removal of non-medical materials
 - Removal of duplicates
 - Order by chronological or reverse-chronological order

Medical Fee Schedule

- Public Hearing November 8, 2022
- Priced by NCCI for impact
- Fair to all parties
- Try to provide adequate access to quality care
- Currently:
 - Confusing calculations
 - Disputes
 - Waivers



Proposed Changes

- Fee Tables to be published **free** to users
 - Fair Heath publication and data
 - Kentucky, South Carolina, Georgia
- Updated definitions
 - Anesthesia
 - others
- Addition of modifiers and codes
 - Removal of confusing CPT® codes
 - Modifiers for certain sub-specialties and services
 - State specific codes
 - Missed appointments
 - Reports
 - Psychological and drug abuse assessments



Proposed Changes (2)

- Effective dates:
 - April 1 to March 31
- Hospitals:
 - Removal of “inpatient only” designation from Medicare
- Increased outpatient reimbursement:
 - Occupational Medicine and Physical Medicine were increased to 180% last year. A modifier was added for clarity as who is eligible.
 - Psychiatry, Neurology, Cardiology, Pulmonology
 - Psychologists



COURT OF WORKERS' COMPENSATION CLAIMS

Hon. Kenneth Switzer, Chief Judge

September 29, 2022

CY 2021 and 2022 (thru August)

- **Settlement Approvals**
- 2021 – 7,656
- 2022 – 5,556 (to date)
- **Total Hearings**
- 2021 – 2,756
- 2022 – 1,721(to date)
- **Status Conferences**
- 2021 – 1,458
- 2022 - 949 (to date)

SIGNIFICANT HEARINGS

- Expedited, Compensation, and Motions for Summary Judgment – **185** (2021)
89 (2022 thru August)
 - In 2021 we had **53** expedited hearings involving self represented litigants (SRLs).
They won **20** (37%) and lost **33** (63%).
 - Same year **50** expedited hearings with employee representation.
They won **32** (64%) and lost **18** (36%).

Compensation Hearings - 2021

- In 2021, we had **34** Compensation Hearings.
 - **13** of those hearings involved SRLs.
They won 4 (31%) and lost 9 (69%).
 - **21** of the 34 had representation.
They won 17 (81%) and lost 4 (19%)

2021 Appeals Board Statistics

- Total notices of appeal: **66***
- Affirmed and Certified as Final: **11**
- Affirmed and Remanded: **31**
- Affirmed in Part, Reversed in Part, and Certified as Final: **1**
- Affirmed in Part, Reversed in Part, and Remanded: **1**
- Affirmed in Part, Vacated in Part, and Remanded: **2**
- Dismissed and other Dispositions: **14**
- Reversed and Remanded: **4**
- Vacated and Remanded: **1**
- Percentage of Pro Se Litigants: **45%**
- Appeals to the Supreme Court: **8**



Troy Haley

Administrator

September 29, 2022

Questions





Networking Lunch Sponsored by

BARRICAID®

BARRICAID[®]

Reoperation Prevention

Cary Hagan

CEO, Intrinsic Therapeutics



Start-up medical device company, single product

Focused on preventing reoperations resulting from the most frequently performed spine procedure

- Nearly ½ Million lumbar discectomy procedures performed annually
- Generally a successful procedure, however a defined subset of employees do poorly
- Within this easily-defined subset, repeat surgery impacts ~1/4 of patients
- Barricaid reduces repeat surgery by 81%

Lumbar Disc Herniation is the Most Expensive Injury¹

BARRICAID®

- One of the highest indemnity severities² with 54% requiring discectomies³

~\$44K



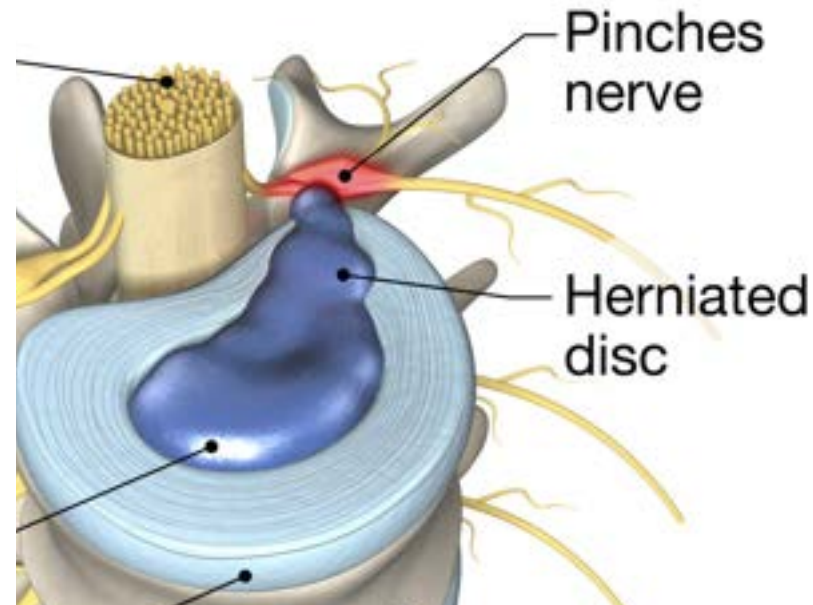
In direct medical costs⁴



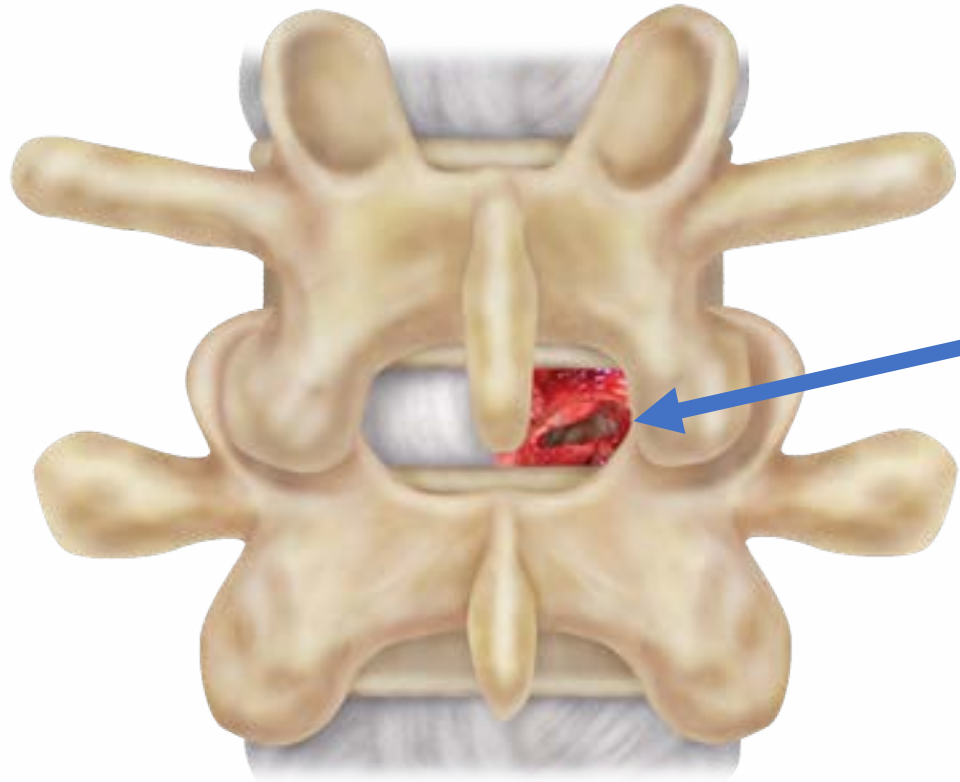
1. Restrepo NCCI Research Brief 2019
2. Shuford NCCI Research Brief 2019
3. Buttermann J Bone Joint Surg Am 2004
4. Heindel, Spine 2017

What Happens when a Disc Herniates?

BARRICAID®



Holes Allow Extrusion
Extruded Material Pinches Nerve

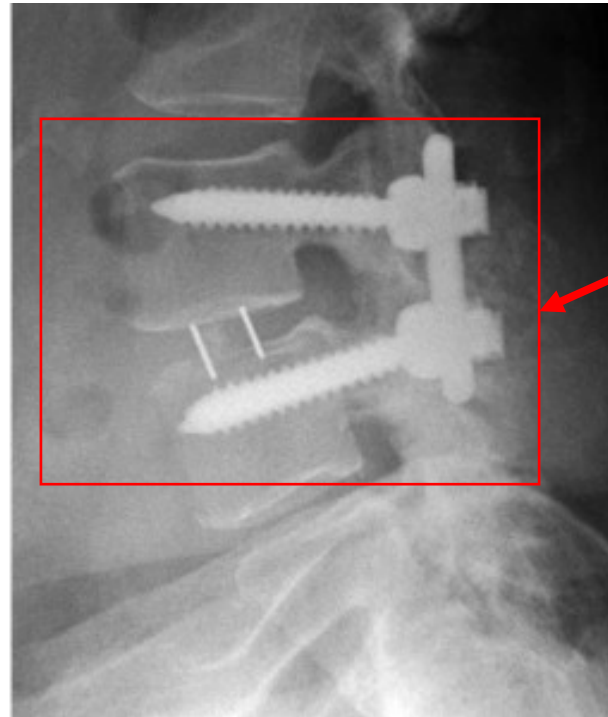


Big Holes like this regularly re-herniate:

- Defect size is #1 predictor of re-operation
- ~45-55% of reoperations are fusions
- Average Age 41yrs

Avoid Fusion In Young Patients

BARRICAID®



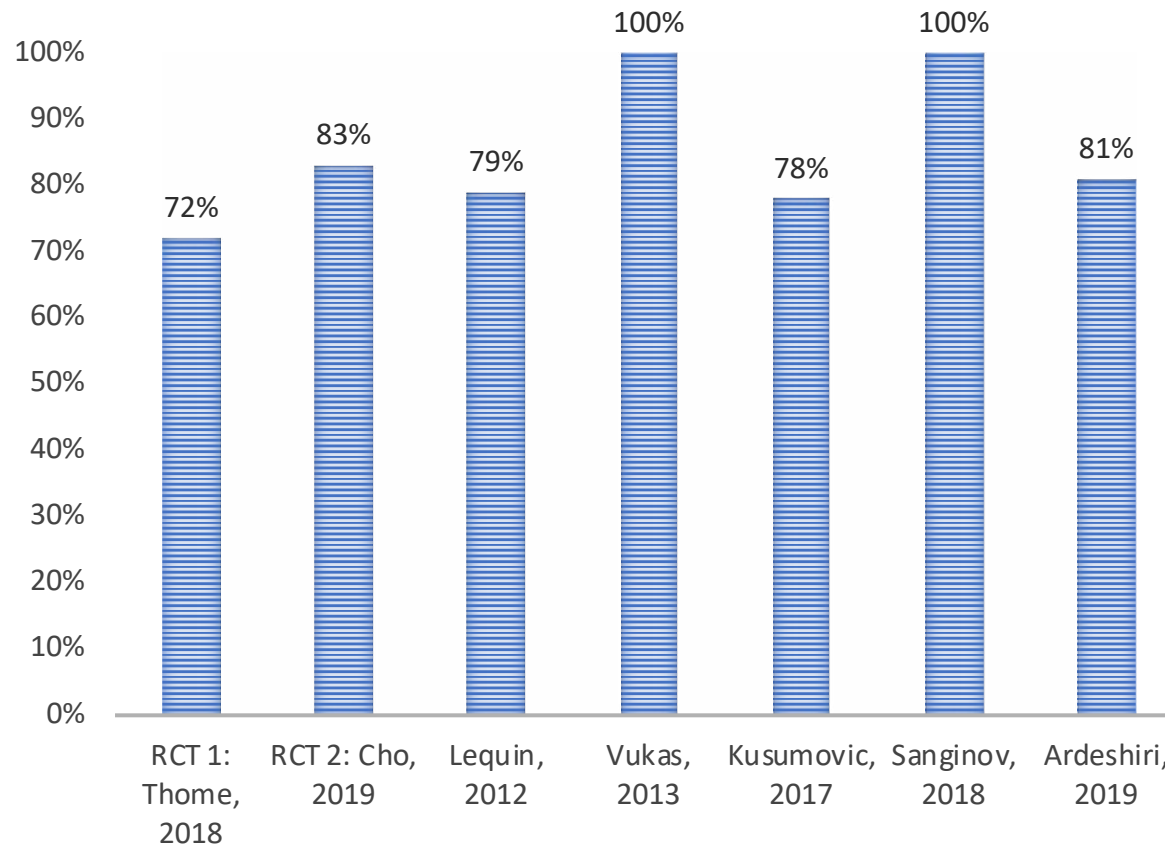
Solution

close the hole:

- No activity restriction
- Faster return to work
- 81% reduction in reoperation for reherniation

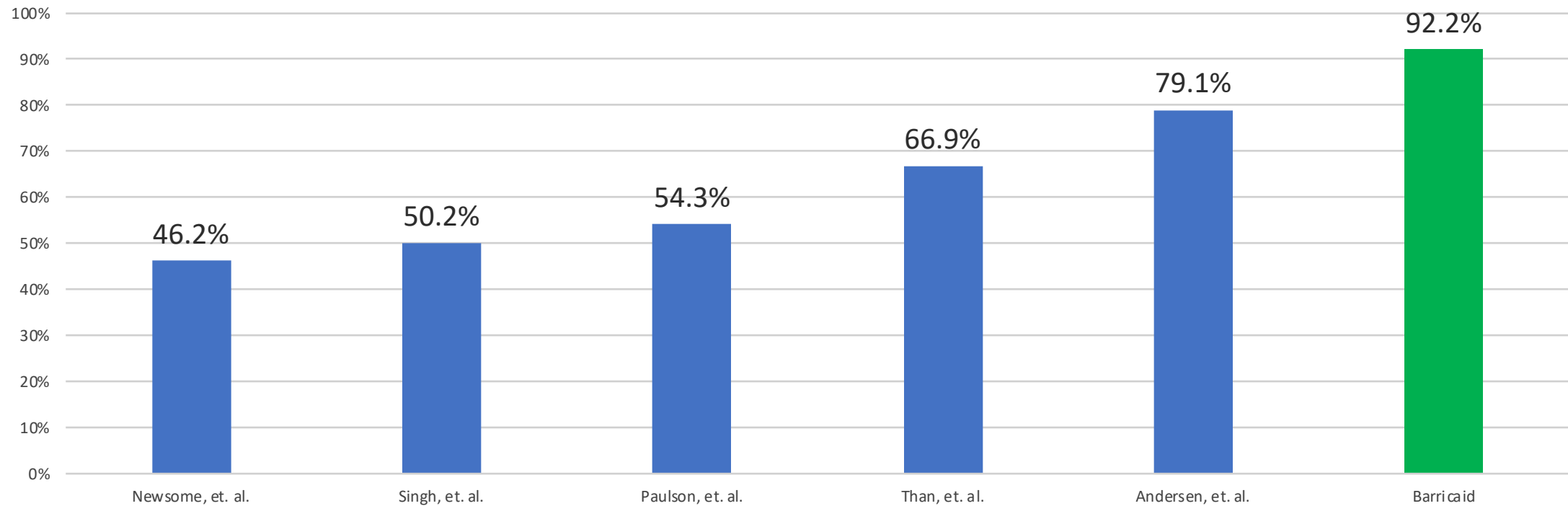


% REDUCTION IN REOPERATIONS TO TREAT REHERNIATIONS



Weighted Average:
81% Reduction in
reoperations to treat
reherniation

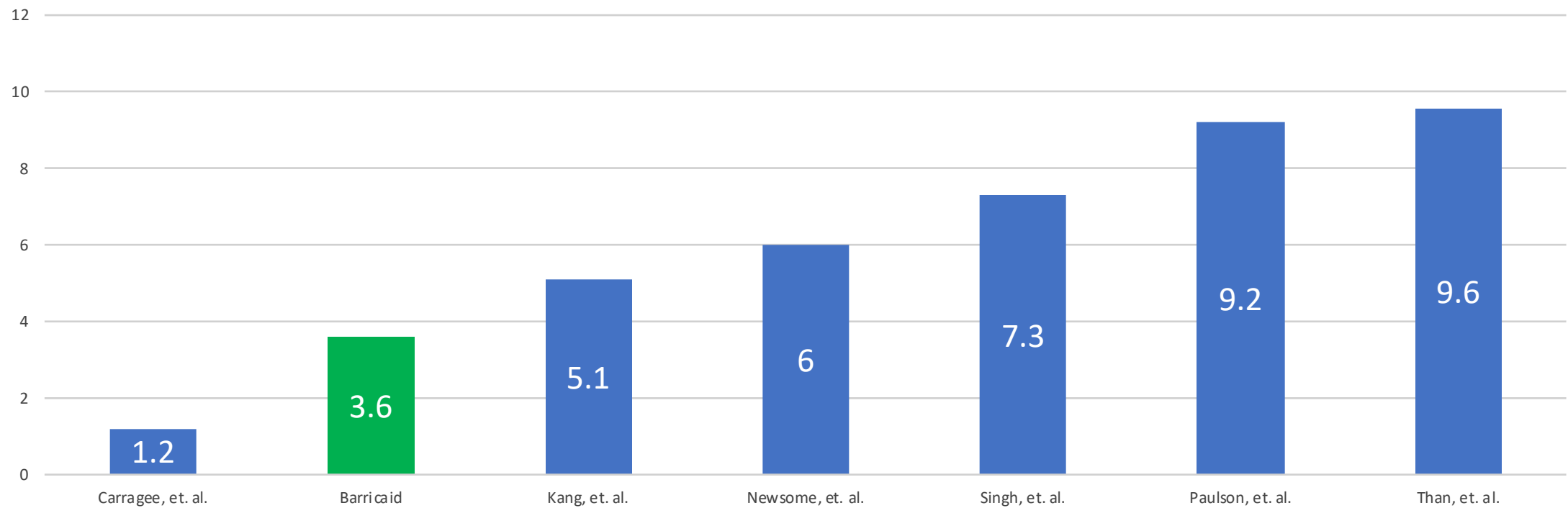
3 Month Return To Work Success



Return to Work: 3.6 weeks

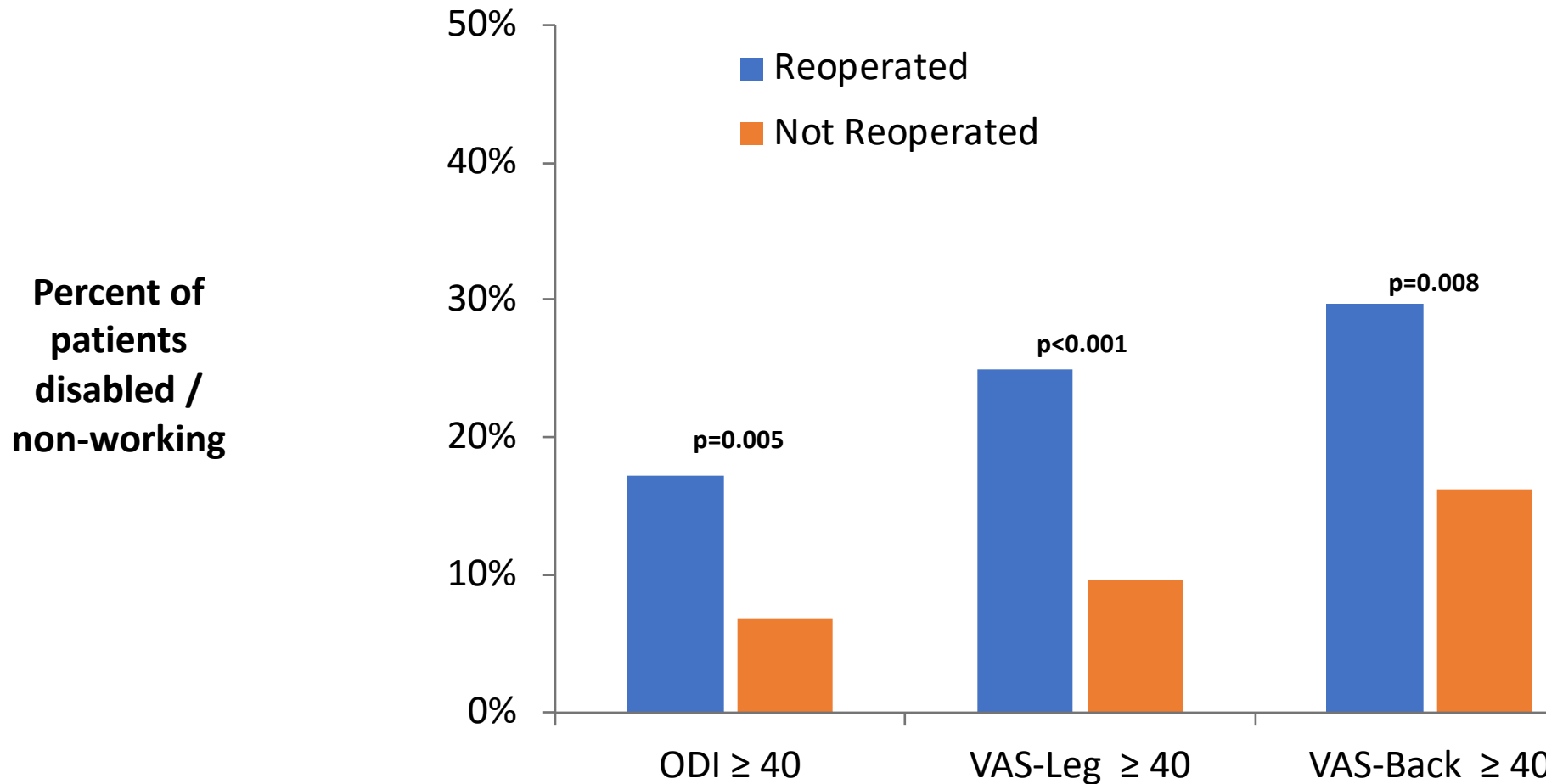
BARRICAID®

Mean Return To Work (Weeks)



Significant Disability After Reoperation

BARRICAID®



88% using opioids and at higher doses*

* Spine 2017 – O'Donnell J et al.
Spine 2015 – Ajn J et al.

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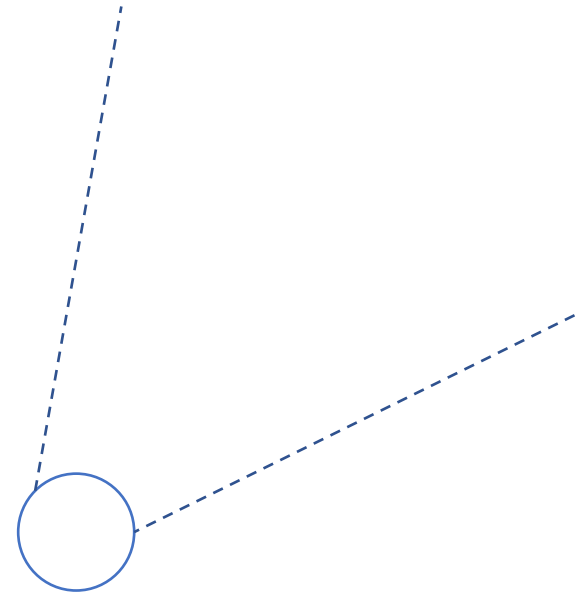
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BARRICAID®

Reoperation Prevention

THANK YOU

Booth G1

chagan@in-thera.com

www.barricaid.com



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Tennessee State Government Advocacy Panel

Jill Talbert / Bradley Jackson

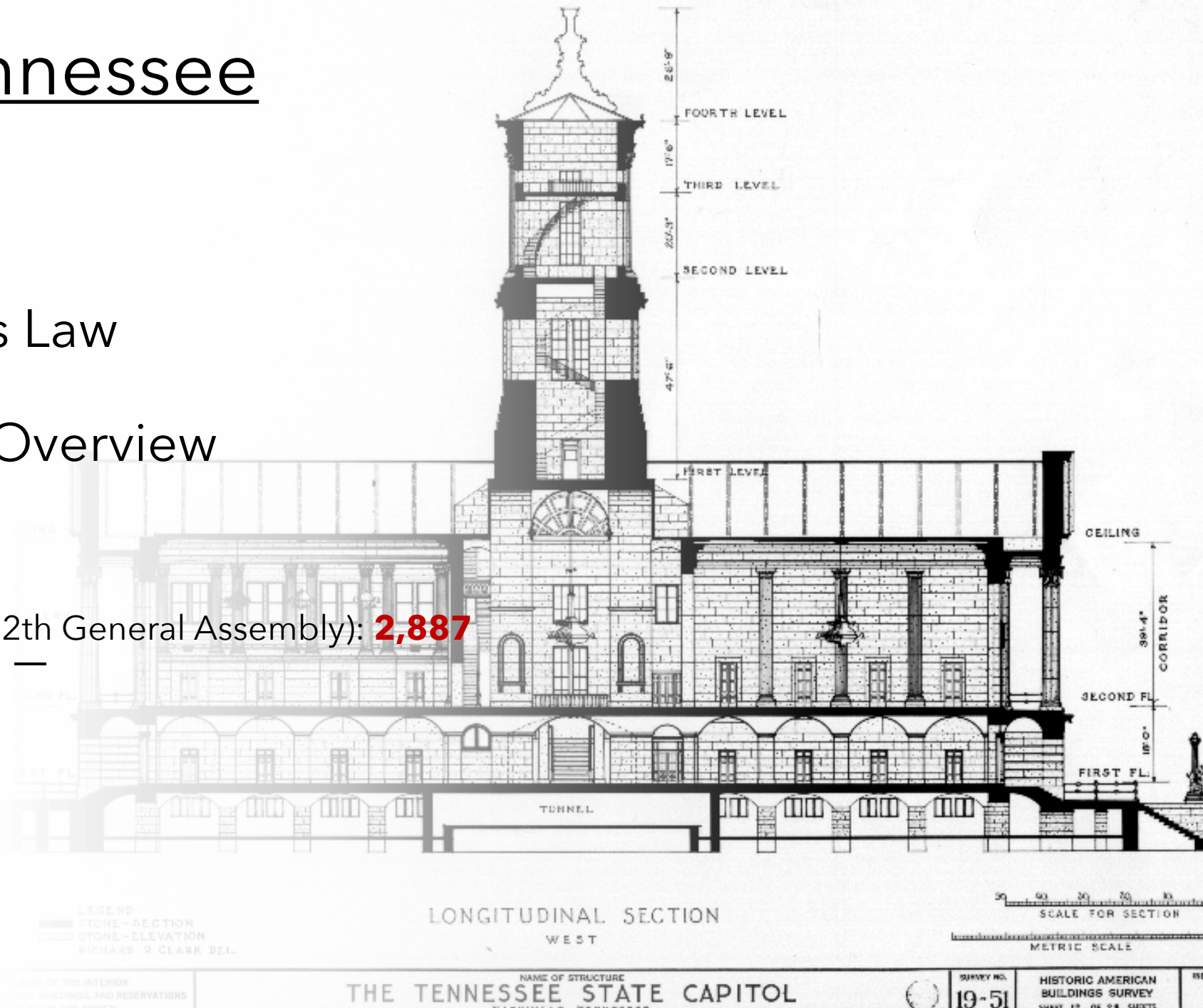


Lobbying in Tennessee

- Types of Lobbyist
- How a Bill Becomes Law
- State Government Overview

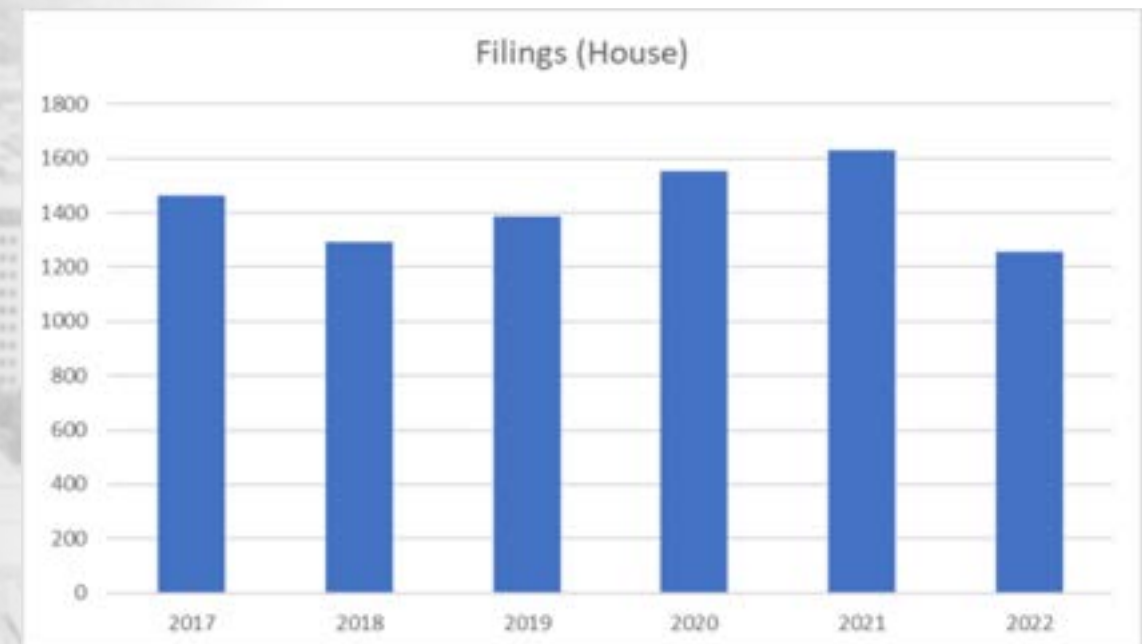
By the Numbers....

- Total number of bills 2021-2022 (112th General Assembly): **2,887**
- Total bills in 2022 session: **1,258**
- Administration bills 2022: **51**
- Budget amount: **\$52.6 Billion**



Bill Filings by Year

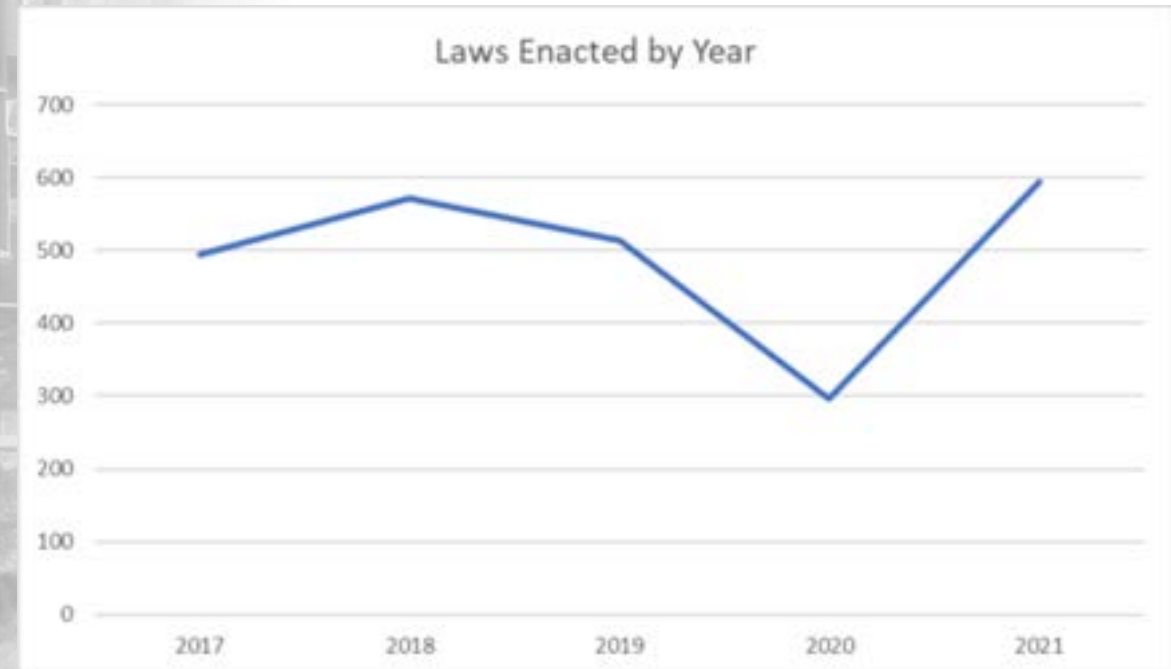
Year	Filings (House)
2017	1,464
2018	1,294
2019	1,388
2020	1,554
2021	1,629
2022	1,258



These materials were produced by the
Tennessee Chamber of Commerce & Industry.

Laws Enacted by Year

Year	Laws Enacted
2017	494
2018	571
2019	513
2020	297
2021	595
2022	<500>



These materials were produced by the Tennessee Chamber of Commerce & Industry.

Workers Compensation / Legislature

- Tennessee Bureau Established 2017
- Treasury (Advisory Council)
- Legislators Role / Makeup of the General Assembly

Tennessee House Elections

Total guaranteed new lawmakers: **17/99**

Of the guaranteed new lawmakers:

- **Five** will be from **East** Tennessee
- **nine** will be from **Middle** Tennessee
- **Three** will be from **West** Tennessee

Total lawmakers running unopposed: **49/99**

- **Republican members: 33 67%**
- **Democratic members: 16 33%**



Tennessee House Elections

By the numbers... Primary Election

- Total House members who have a primary opponent: **30%**
29/99
- Of those, how many republicans with a primary opponent: **80%**
24/29
- Of those, how many democrats with a primary opponent: **20%**
5/29



Tennessee House of Representatives election results: 1992-2020

Year	'92	'94	'96	'98	'00	'02	'04	'06	'08	'10	'12	'14	'16	'18	'20
Democrats	63	59	61	59	57	54	53	53	49	34	27	26	25	26	26
Republicans	36	40	38	40	42	45	46	46	50	64	71	73	74	73	73

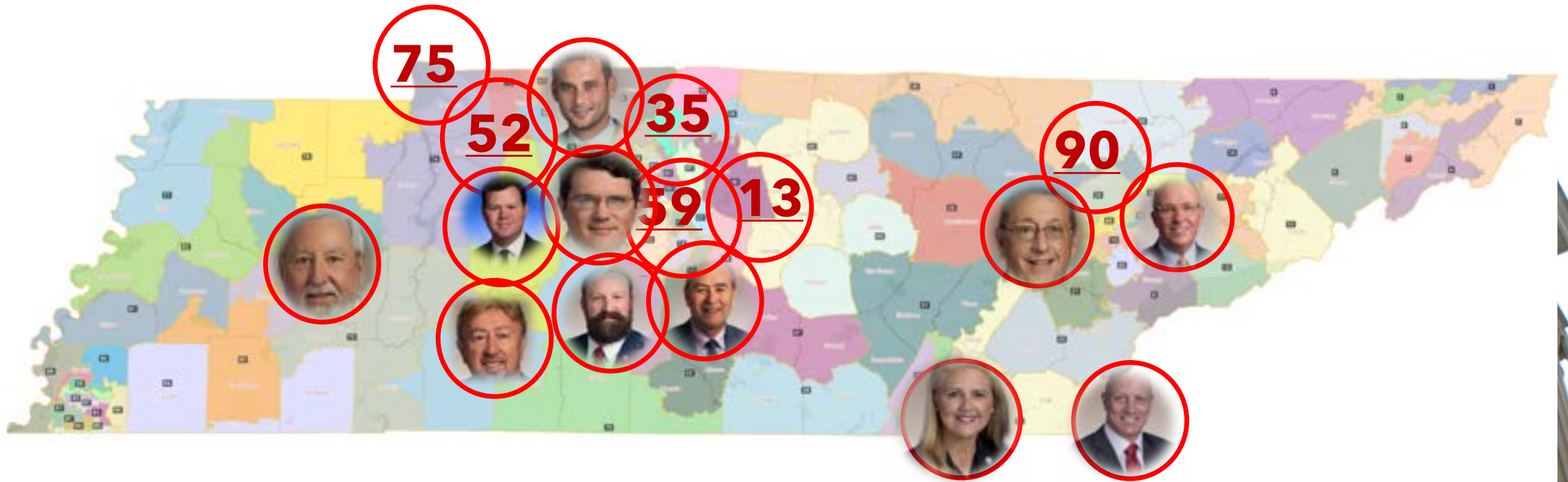
Tennessee House Elections

By the numbers... General Election

- Total House members who have a general opponent: **45% 34/99**
- Of those, how many republicans with a general opponent: **62% 28/45**
- Of those, how many democrats with a general opponent: **11% 5/45**
- **17 new seats**



House Races- Open Seats



Conclusions

- Second Gen R's
- 5 in 2020

Tennessee Senate Elections

- Total open seats: **9% 3/33**
- Total guaranteed new lawmakers: **3/33**
- Of the guaranteed new lawmakers:
 - **One** will be from **East** Tennessee
 - **One** will be from **Middle** Tennessee
 - **One** will be from **West** Tennessee
- Total lawmakers running unopposed: **15% 5/33**
 - **Republicans: 4**
 - **Democrats: 1**



Tennessee Senate Elections

By the numbers... Primary Election

- Total Senate members who have a primary opponent: **21% 7/33**
- Of those, how many republicans with a primary opponent: **71% 5/7**
- Of those, how many democrats with a primary opponent: **29% 2/7**



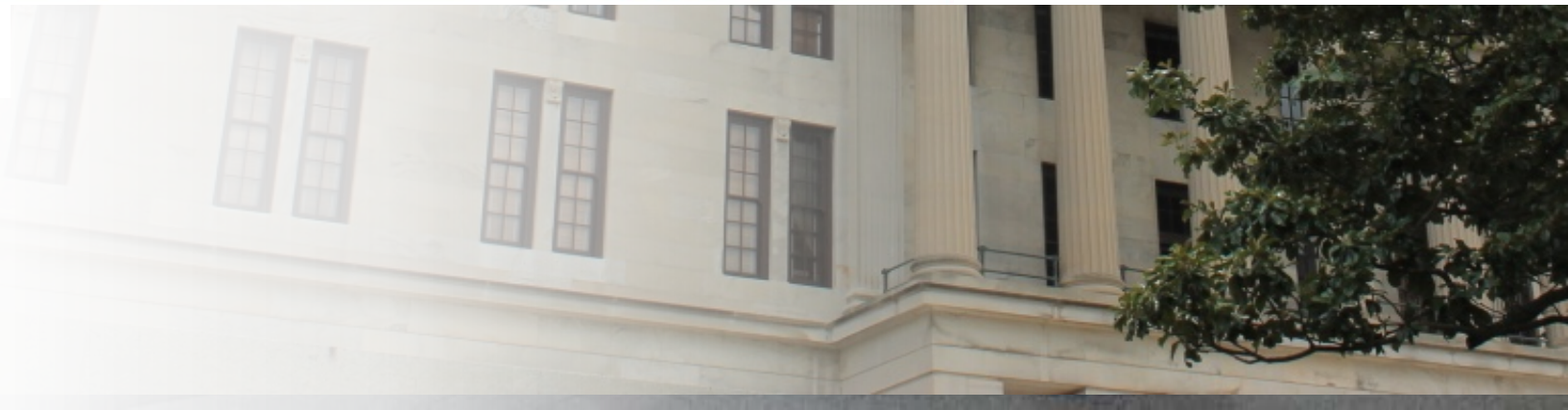
Tennessee Senate Elections

By the numbers... General Election

- Total sitting Senate members who have a general opponent: **21% 9/33**
- Of those, how many republicans with a general opponent: **70% 7/10**
- Of those, how many democrats with a general opponent: **20% 2/10**



Senate Races- Open Seat



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10:15 – 10:45	Break Visit Vendor Booths Kids' Chance Silent Auction
10:45 – 11:15	Session 1: Tennessee Department of Commerce & Insurance
11:15 – 12:00	Session 2: Bureau of Workers' Compensation
12:00 – 1:00	Networking Lunch Sponsored by BARRICAID ®
1:00 – 1:30	Session 3: TN State Government Advocacy Panel
 1:30 – 2:30	Session 4: OSHA 101
2:30 – 3:00	Break Visit Vendor Booths Kids' Chance Silent Auction Closes
3:00 – 4:00	Employer Panel: The Great Employee Resignation
4:00 – 4:15	Closing Remarks Vendor Bingo Drawing Kids' Chance Silent Winner Pick Up

OSHA 101

Moderator



Rob Behnke

CPCU, Director of
Risk Management
at Cracker Barrel
Old Country Store,
Inc.

Panelists



Howard A.

Mavity

Attorney at Law,
Fisher & Phillips LLP



Darrel Urban

Manager, Employee
Safety & Workers'
Compensation with
HCA Healthcare

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Employer Panel



RJ Tompkins

Area Vice President
of CorVel
Corporation



Robin S. Roeder

ARM-E, CRM, RF,
Senior Vice President
of Risk Management
at Sedgwick



Greg Lorenzi

Senior Vice
President at SMS
Holdings
Corporation



Rob Behnke

CPCU, Director of
Risk Management
at Cracker Barrel
Old Country Store,
Inc.

Employer Panel

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or text TNSIACONFERENCE075 to 22333



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