

## LEARNING OBJECTIVES

### 2011 Legislative Changes and Extended Compensation Claims Pursuant to N.C. Gen. Stat. § 97-29(c) (2019)

- Reviewing the language in N.C. Gen. Stat. § 97-29(c) (2019) that establishes the 500-week cap on temporary total disability benefits.
- After 425 weeks, overview what parties will be look at to determine whether the 500-week cap should be lifted.
- Provide employee/employer perspective of why/when the cap should be lifted or remain in place. Suitable Employment and Return to Work in 2020
- Overview applicable statutory law and significant legal history concerning suitable employment.
- Review pre-maximum medical improvement (MMI) and post-MMI employment.
- Review proffered employment and refusal of proffered employment.
- Provide practical tips for stakeholders concerning suitable employment and return to work.

### COVID-19 and Tele-Health in Workers' Compensation

- Understand how telemedicine was primed for use pre-COVID-19.
- Identify how COVID-19 initiated rapid supply and demand in general healthcare and workers' compensation sectors.
- Provide a prediction of what stakeholders will expect for the future.
- Itemize the pros and cons of Tele-Health.

### Executive Secretary's Office Update

- Overview and update regarding personnel and procedures in the Deputy Commissioner Section and Executive Secretary's Office.
- Review of pre-trial orders and motions procedure in the Deputy Commissioner Section.
- Update regarding changes to insurance compliance penalties.
- Review of motions procedure in the Executive Secretary's Office.
- Discussion regarding filing medical and other motions with the Commission.

### Hot Topics and Best Practices for Adjusters

- To provide practical information that will ensure claims are adjusted ethically and efficiently.
- To identify potential ethical pitfalls during the day to day handling of the claims and to provide solutions and tips for avoiding those pitfalls.
- To provide a brief overview of how these issues may intersect with COVID-19 claims.

### The Commission's New Case Management System and Electronic Filings: An Interactive Demonstration

- Provide an overview of the Industrial Commission's new Case Management System and a status update.
- Review current electronic filing procedures and electronic filing procedures in the new Case Management System.
- Provide an interactive Case Management System demonstration.

### Work Related Injuries and Telecommuting

- Discuss the compensability of work from home incidents in the age of telecommuting.
- The concept of accident, arising out of and in the course of employment.
- Exploring the significance of "Benefit to the Employer" in determining compensability in the context of telecommuting.
- Explaining the difficulties in proving increased risk in occupational disease cases in the telecommuting environment.

### Update from the Clerk's Office and Claims Administration

- Update from the Clerk's Office and review of filing procedures and important changes.

- Update from the Claims Administration Section including a review of Form 26 procedures and compliance with G.S. 97-18(j).

#### Confidentiality and Attorney-Client Privilege in Workers' Compensation Claims

- Reviewing Attorney-Client Privilege and Work Product Doctrine under North Carolina law.
- Discuss case studies involving scenarios dealing with Attorney-Client Privilege in the context of teleconferencing mediums such as Zoom.

#### Maintaining Professionalism: Essential Practice Tips for Attorneys

- Provides a review of the North Carolina Rules of Professional Conduct.
- Discusses personality types, generational differences, and the importance of civility.
- Understanding when and how to communicate with the media regarding cases.

#### Nurse Case Manager Ethics

- Ethics Overview for Nurse Case Managers
- Understand the impact of scheduling/delaying medical and vocational appointments/meetings.
- Identify strategies to address COVID-19 testing status of the injured worker and the case manager.
- Identify how the effects of acute and chronic medical conditions impact case management services provided.
- Identify strategies to promote justice and equality of services provided.
- Knowledge and understanding the importance of confidentiality during a pandemic.

#### Hot Topics, COVID-19, and Recent Developments in Mediation

- Discuss the effect of the COVID-19 pandemic on the mediation of workers' compensation cases
- Review the current status of rules, procedures, and standards concerning attendance and other matters.
- Analyze ethical issues that may be raised when participating in mediation during the COVID-19 pandemic.
- Explain how to effectively participate in successful mediation conferences with remote attendance.
- Provide guidance on how to make enforceable agreements at mediation conferences with remote attendance.

#### Approaches to Industrial Hand Injuries & Wide Awake Surgery

- Provide overview of the anatomy of the hand
- Discuss of the most common work-related hand injuries, including repetitive motion injuries
- Discuss the technique of wide awake hand surgery as a surgical alternative to avoid the use of sedation or general anesthesia.

#### A View from the Chair

- Discuss new developments in the operation of the Commission.
- Review new legislation and initiatives impacting the Commission.

#### Update of Recent Commission Rulemaking

- Discuss rule changes made over the last year, including technical amendments and emergency mediation rule.
- Discuss current rulemaking, including temporary rulemaking (for mediation rule) and permanent rulemaking (for "Group 3" rules, Secure Leave rule, Form 26A, New Tort Claims rule, Changes to Electronic Filing Requirements for Certain Documents and Filers rules, Changes to How Contact Information is Transmitted to the Commission rules, and changes to Forms 21, 26, 26A, and T-42 regarding filing and other instructions and notices).
- Discuss rules to watch in the future for future rulemaking.
- Explain how to be added to NCIC Rules Listserv and how to contact Rulemaking Coordinator and discuss helpful and important links and resources for NCIC Rules.

#### COVID-19 Compensability

- Explore variations of claim compensability under the North Carolina Workers' Compensation Act.
- Reviewing the elements of a workers' compensation claim in North Carolina.
- Discuss COVID-19 as Injury by Accident by reviewing definition of an accident and specific workplace exposure.

- Discuss COVID-19 as an Occupational Disease by reviewing the Increased Risk Standard and the Rutledge Test.

#### Case Law Update

- Provide a summary of every reported decision from the North Carolina Court of Appeals in North Carolina Supreme Court dealing with workers compensation cases over the last year since the last conference.
- Provide an analysis of all of those decisions and highlighting any decisions that significantly impact handling workers compensation claims on behalf of rehabilitation professionals, attorneys, adjusters and employers.