Claimscene

A Publication of the Atlanta Claims Association



Upcoming Event

ACA Members Join Us At Our ACA Virtual Happy Hour Thursday, July 16th at 5:30 Let's Celebrate ACA and Our New Members! Registration is required. You will receive your Zoom meeting instructions upon registration. Registration is limited so register soon.

REGISTER

Thank You Nurse Case Workers!

A special thank you to all of our ACA Nurse Case Worker members! We appreciate all that you do, especially in these unpresidented times!



INTEGRIT



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For submissions to the Claimscene, please contact Valerie Cannady at: vfcannady@aol.com



Letter from The President Angela M. Patman

Greetings Fellow ACA Members, Vendors, and Friends:

With the season change from Spring to Summer and the temperature starting to rise, the current situation with COVID-19 and social injustice are forefront in all of our minds. Many of us never thought that 'social distancing' and 'new normal' would have been part of our everyday lives or vocabulary three months ago.

Within the insurance industry, it has been a trying time in dealing with the present pandemic from Workers' Compensation, Property, and Business Interruption. Each and every claim must be reviewed and investigated per industry and state guidelines which seem to change daily. Take a moment to think about your insurance brethren and the challenges each of them must face as those they are providing services for.

As Atlanta Claims Association (ACA) moves into the last half of 2020, we are excited to announce our first Networking Event on Thursday, July 16th at 5:30PM EST via Zoom! We want to encourage all of new members to attend and have a forum during these unprecedented times. Additional information can be found on the ACA website, <u>www.atlantaclaimsassociation.com</u>.

In addition, ACA will be working with additional sponsors in August and September to provide Workers' Compensation Educational Seminars that will provide Continuing Education credits.

ACA will continue to look to provide a place to network and foster a strong sense of camaraderie within the present ever-changing industry.

Respectfully, Angela M. Patman



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ACA Involvement

Date of ACA Membership: 2003

Have served as Educational Director

Spotlight

Work History

Swift, Currie, McGhee & Hiers, LLP

Title/Occupation: Partner

Since: 2001

State Licensed: Georgia & Pennsylvania Bars

Field of Expertise: Workers' Compensation

<u>Personal</u>

Marital Status: Married

Children: Kaleigh (6 years), Alivia (4 years) & Grayson (4 years) – Yes Twins!

Hobbies: Reading, cross-stitching, art, gardening & playing all sorts of games with my children

College Attended/Degree: Penn State University: BS degree in Criminal Justice and Dickinson School of Law: Juris Doctorate

What would you like to share with ACA Members?

I believe that education is very important, no matter what your age. We can learn things at any age and continually learning is so beneficial, not only for knowledge, but for your health.

If you could have lunch with a famous person, who would it be and why?

It is so hard to choose just one famous person. There are so many important people in history that would be so good to speak with including authors, artists, and famous women in history.

If I could choose ANYONE to have lunch with who is no longer here, it would be my Dad. While he was diagnosed with cancer, his death came too quickly and very unexpectedly. We were so focused on being positive and helping him get better, I feel like I missed the opportunity to tell him things he would like to know.

Having lunch with him now would give me the opportunity to say all those unsaid things and introduce him to his wonderful grandchildren, whom he never got to hold and meet. I would also tell him everything he has missed with the kids for the last 7 years and get to learn about Heaven too!



LEGAL CORNER



Common Mistakes in Suspending Benefits Based on Full-Duty Work Release

> By: Bonnie Timms Drew Eckl & Farnham

When an employee endures an injury in the workplace, it leads to an expensive and time-consuming battle. In the state of Georgia, in addition to paying for medical expenses for a work-related injury, employers are also obligated to pay for a portion of lost wages if the employee is unable to work for more than seven days.

For employers, there's no greater relief than an injured worker being released by the treating physician to return to full-duty work without benefits.

However, as much of a relief as that provides, adjusters need to meticulously ensure they are suspending benefits properly to avoid mistakes. In any workers' compensation case, adjusters must always realize that the suspension of benefits is highly likely to be subject to intense scrutiny by a claimant's attorney; therefore, they must take every precaution necessary to ensure that the process is done correctly.

The Form WC-2 serves to both commence and suspend benefits in workers' compensation cases. If the form is filed incorrectly, it creates a loophole for claimants to challenge the suspension of benefits, resulting in hearing requests, costly litigation and attorney fees.

When suspending benefits, adjusters often check the first box on the Form WC-2, which indicates that benefits have been suspended because the claimant has returned to work without restrictions, which is, in fact, not the case. In many cases when the doctor has released the claimant to full-duty work without restrictions, the claimant has not actually returned to work yet - they've simply been released to do so.

In this instance, the correct box to check on the WC-2 is the fourth box, which states that the claimant has been released by the authorized treating physician. This differentiator gives the claimant a 10-day notice to return to work from the time the WC-2 was filed, still allowing them to receive benefits during

that brief window. When the first box is checked, benefits are immediately suspended from the time the form is received, even if the claimant has not officially returned to work.

If the claimant believes that benefits were suspended incorrectly, they are encouraged to request a hearing by sending Form WC-14 to the State Board of Workers' Compensation.

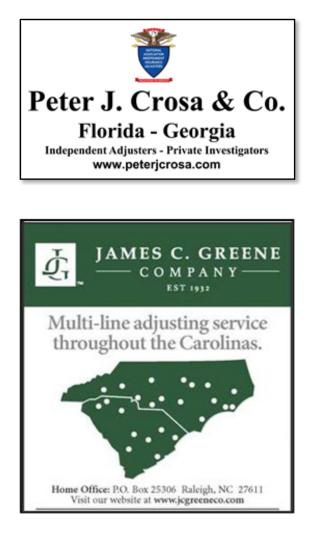
Another step in the suspension of benefits that is often neglected or overlooked is attaching the physician's release report. According to the Board Rule 221, the authorized treating physician's report must be included with the WC-2. Failure to do so will result in intense scrutiny and prevent the suspension of benefits from being filed.

Along with the report from the treating physician, the work status must be included, declaring whether or not the claimant is released to light-duty or full-duty work.

In order to avoid the unnecessary costs of a hearing and expensive attorneys' fees on the back end of exhaustive workers' compensation cases, adjusters are implored to pay close attention to the requirements and specifics of the WC-2 and suspension of benefits altogether.

Bonnie S. Timms, an attorney with Atlanta-based Drew Eckl & Farnham, has dedicated more than a decade to practicing workers' compensation law throughout the State of Georgia. In addition to representing parties in workers' compensation claims, Bonnie is also a certified mediator specializing in workers' compensation claims.





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