



Claimscene



You are invited to a Zoom Workers' Compensation Webinar

Presented by ACA & Physio
"What's in a name? PT Terminology"



Wednesday,
August 19th, 2020
12:00 p.m.- 1:00 p.m.

One CEU credit for GA WC Adjusters or CRC/CCM will be available for those that attend the entire hour.

For non-members, there will be a nominal charge for attendance that will be credited toward ACA membership.

After registering, you will receive a confirmation email containing information about joining the webinar.

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



Letter from The President Angela M. Patman

It is Atlanta Claims Association (ACA) time to celebrate!

Amidst the present pandemic, record setting heat waves, and several possible hurricanes, our Association continues to push forward in our efforts to ensure that we stay connected within our new normal. ACA will be utilizing ZOOM for future meetings and webinars.

The first ACA Virtual Mixer on Thursday, July 16th was a huge success! Thanks to Tammie Kater, Roberta Mike, Jennifer Herring, and Tracey Reid for their assistance in planning the mixer. There were some interesting trivia questions, and great discussion in regard to how ACA can continue to provide educational resources for the remainder of 2020 and beyond.

ACA is excited to continue with its mission of providing webinars that will include educational credits. **The next webinar: August 19th, 2020** - Physio/Emory Outpatient Rehabilitation-Select Medical - Noon to 1:00PM EST - "What's in a Name? Physical Therapy (PT) Terminology". One (1) Hour of Continuing Education Credits are available for present Atlanta Claims Association (ACA) Members that register for the webinar. For non-members, there will be a nominal charge for attendance that will be credited toward ACA membership.

In addition, ACA will be having another **Workers' Compensation Webinar on September 24th** that will be hosted by Georgia Spine & Ortho. For our liability adjusters, we have not forgotten about you! Please mark **Tuesday, October 6th** from Noon EST to 1:00PM EST on your calendars for a **webinar from Goodman McGuffey LLP**.

I look forward to these upcoming seminars and the knowledge share that will be provided.

In closing, I would be remiss not to take time and ask for a few moments of reflection for two Civil Rights icons, John Lewis and C.T. Vivian.

Regards,
Angela M. Patman, CWCP
President of ACA



Kowalski Brown

ESIS

Regional Vice President, Partnership Services

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ACA Involvement

Date of ACA Membership: 2006

ACA Past President

Work History

ESIS Southeast Region

Title/Occupation: RVP Partnership Services

Since: 2018

Field of Expertise: Claims, Vendor and Account Management

Personal

Marital Status: Married

Children: Tyler (age 27), Lauren (age 25)

Hobbies: Golf & Fishing

College Attended/Degree: Alabama State University, BS Political Science

What would you like to share with ACA Members?

I have been in the insurance industry for more than 25 years. I have worked for TPA's, Carrier's and a Pharmacy benefits management company. The last several years, I have been in leadership roles managing teams of adjusters and account managers.

In my current role, I manage a team of account managers and work closely with our business development team.

The claims business has dramatically changed over the years. In order to maintain a competitive balance, claims adjusters and supervisors must adapt. The use of technology can make all of our jobs easier and more efficient.

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

I would like to have lunch with Martin Luther King, Jr. His demeanor, compassion, insight and passion for social justice is needed during these difficult times.

While attending college in Montgomery, I was able to see some of Dr. King's early work in the Civil Rights Movement. Unfortunately, a lot of the ills of society Dr. King discussed more than 40 years ago are still prevalent today. It is my hope that with open and honest dialogue, we can continue to push for change.



Bryan Janflone, Harry Tear & Sharee Tumbling

"Intentional Attacks: Are we getting too personal??"

By: Attorney Harry Tear

At the end of his shift, an employee is taking the trash out and notices a person in the parking lot watching him. Moments later, the employee has a gun in his face being told to turn over his phone and wallet “or else.” The employee does everything the gunman asks but is still pistol-whipped and beaten. Or worse, the employee is shot during the robbery.

In Georgia, the question of whether a violent act committed against an employee is a compensable work-related accident turns on whether the “accident” was the result of a risk reasonably incident to the employment. Sturgess v. OA Logistics Services, Inc., 336 Ga. App. 134; 784 S.E.2d 432 (2016). A risk is reasonably incident to the employment when there is “a causal connection between the conditions under which the work is required to be performed and the resulting injury.” Id. Using this analysis, the above-stated incident is likely compensable. Georgia courts have specifically stated that a felonious assault by a third party upon an employee is treated as an accident covered by the Act, so long as the “willful act is not directed against the employee for reasons personal to the employee.” Burns Int’l Sec. Servs. Corp. v. Johnson, 284 Ga. App. 289, 643 S.E.2d 800 (2007); Helton v. Interstate Brands Corp., 155 Ga. App. 607; 271 S.E. 2d 739 (1980).

Accordingly, we need to find out the reason for the attack. During the initial investigation of the incident it is critical for the claims professional to conduct a thorough investigation into the facts and circumstances surrounding the violent act. Some questions to consider include: Did the employee know the person who committed the violent act against

them? Did co-workers know about anyone who was looking to do harm to the employee for personal reasons? Was the employee the aggressor/instigator during the violent encounter? Were they arguing over who failed to get a rose the night before on *The Bachelor*?! The compensability of these types of incidents is extremely fact-dependent so it is important to gather as much information as possible so that the claims professional can determine whether the incident is compensable.

For example, if the employee making the claim had an argument with another person earlier during his shift and that person came back and attacked him, the accident may not be compensable. However, the earlier argument would need to be the result of a personal dispute. If it was related to work, the accident may still be compensable. For example, if a customer complained about bad service and the employee asked the customer to leave and then the customer came back and assaulted the employee, the assault would likely be found compensable because the cause of the earlier altercation was related to work. If it is two co-workers arguing about overtime or who has to take out the trash and one attacks the other – probably compensable (over who makes better chili – probably not!).

In sum, the compensability of violent acts in the workplace is extremely fact dependent. Therefore, the initial fact investigation is critical, and the claims professional will need to act quickly to uncover any facts that can be used to develop a defense. It is important to obtain written or recorded statements from the employee and any coworkers as soon as possible after the incident. With the proliferation of video technology, many employers now have video surveillance of their premises and a video is often the best evidence of what truly occurred, as eyewitnesses and victims may have a difficult time recounting the details of these types of incidents. Additionally, remember the work force is filled with millennials so coworkers and witnesses may have recorded the incident with their phone. A claims professional is often tasked with gathering the information needed to determine whether a violent incident is a compensable work accident so approaching these situations with some background of the law in this area should help provide the information needed to make an informed decision.



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FACEMASK; TO WEAR OR NOT TO WEAR? By Valerie Cannady

COVID-19/Coronavirus Disease has placed wearing a mask into the public eye. Most people can recall Michael Jackson wearing a mask and considered him to be weird. Was Michael Jackson ahead of his time? Several questions have risen regarding whether or not to wear a mask, such as:

Should I wear a mask for protection against Coronavirus Disease?

*The CDC recommends that everyone wear some form of cloth face covering in public settings where other social distancing measures are difficult to maintain, as a means of reducing the chance of spreading COVID-19/Coronavirus.

What is the Advantage of wearing a cloth mask?

- *A cloth mask can help individuals cover a cough or sneeze and reduce the spread of germs.
- *A cloth mask prevents you from breathing in respiratory droplets which carry a virus, like Covid19/Coronavirus.
- *Cloth masks could help cut down how far the virus spreads.
- *Cloth masks can prevent you from directly touching your face in public and can be a visual reminder to practice social distancing.

Is wearing a mask effective?

*Wearing a face mask has been proven to reduce the spread of Covid-19/Coronavirus. However, many people instead of believing the evidence provided by certified physicians and following public health guidelines have turned wearing a mask into a political statement and believe politicians over physicians, where other people refuse to wear masks for other various reasons. Wearing a mask should not be a political issue.





2020 SHEPHERD & FRIENDS VIRTUAL CE SEMINAR

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Join our virtual celebration of the annual Shepherd and Friends CE Seminar. You are invited to attend each of the 2- to 3-hour educational webinars offered over a 6-day period. A total of 13 hours of credits will be offered. Please register for each day separately. Registering for one course doesn't include automatic accrual of all 13 hours offered.

Tuesday, August 18, 2020 | REGISTER HERE

12 - 1 p.m. EDT

Restoring Hope at Shepherd Center

Speakers: Michael R. Yochelson, MD, MBA, FACHE - Chief Medical Officer, Shepherd Center
Shari L. McDowell, PT, DPT - SCI Program Director, Shepherd Center
Katheryn Metzger, OTR/L, MBA - ABI Program Director, Shepherd Center
Tamara L. King, RN, MSN, CRRN, CCM - Chief Nurse Executive, Shepherd Center
Jacqueline Jones, RN, BSN, CCM, MM - Director of Admissions & Case Management, Shepherd Center

1 - 2 p.m. EDT

The Assumption of Ethics in the Workers' Comp Arena

Cannon Alsobrook, Esq., Partner with Savell and Williams

Wednesday, August 19, 2020 | REGISTER HERE

12 - 2 p.m. EDT

Transitioning Home with Increased Self-Efficacy through Life Skills Training and Peer Support

Presenters: Angie Pihera, MS, CTRS - Life Skills Therapist, Shepherd Center
Pete Anziano - Peer Support Manager, Shepherd Center
Ashley Mangin - Research Coordinator
Claire Holley, BSN, BA, RN - ABI Family Peer Support Coordinator, Shepherd Center

Panel Members: Mariellen Jacobs - ABI Family Peer Support Liaison, Shepherd Center
Ruth Batchelor - ABI Family Peer Support Volunteer, Shepherd Center
Angie Pihera, MS, CTRS - Life Skills Therapist, Shepherd Center
Pete Anziano - Peer Support Manager, Shepherd Center
Claire Holley, BSN, BA, RN - ABI Family Peer Support Coordinator, Shepherd Center

Thursday, August 20, 2020 | REGISTER HERE

12 - 1 p.m. EDT

Neuropsychology in the Rehabilitation Setting

Laurie Nash, Ph.D., ABPP, Director of Psychology and Neuropsychology at Shepherd Center

1 - 2 p.m. EDT

Understanding Ethical Standards in Investigations

Scott Woodall, President & CEO of Woodall & Broome

**Tuesday, August 25, 2020 | REGISTER HERE**

- 9 – 10 a.m. EDT** **Improving Access to Clinical Practice Through Telemedicine**
Angella Beninga, D.O., Chief Medical Informatics Officer and Staff Psychiatrist,
Shepherd Center
- 10 – 11 a.m. EDT** **Wearable Technologies: Does it Fit your Claimant?**
Zack Craft, ATS, ATP, CRTS, CAPS, CEAC, NRRTS, Vice President & National Product Leader
of Durable Medical Equipment, One Call

Wednesday, August 26, 2020 | REGISTER HERE

- 9 – 11 a.m. EDT** **Benefits of Acupuncture Combined with Physical Therapy**
Speakers: Michelle Despres, PT, CEAS II, CETS, Vice President & National Product Leader
of Physical Therapy, One Call
Una Cho, Acupuncturist, CEO, SS Acu Network
Chang Sook Choi L.Ac.
- 11 a.m. – 12 p.m. EDT** **Handling Ethical and Moral Dilemmas in the Claims
Management Process**
Hayley Tidwell, BSN, RN, CCM, Director of Clinical Education, One Call

Thursday, August 27, 2020 | REGISTER HERE

- 9 – 10 a.m. EDT** **Manage a Multi-Generational Workforce**
Kevin Glennon, RN, BSN, CDMS, CWCP, QRP, Vice President & National Product Leader
of Home Health + Complex Care, One Call
- 10 – 11 a.m. EDT** **Traumatic Brain Injury: Management in the Trauma Setting**
Amy L. Kolarova, D.O., Staff Psychiatrist, ABI Program, Shepherd Center

Credits Offering: 13 hours total (3 hours of Ethics)

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- CCMC nationwide
- Adjuster: AL, DE, FL, GA, NC, MS, OK, OR, TX
- CA Adjuster: Workers' Compensation Post-Designation

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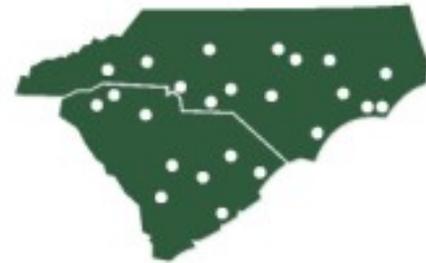
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