

**SAVE
THE
DATE**
2018

**UPCOMING
CEU SEMINARS**

August 15, 2018
11:30am - 2:00pm

**“FCE Program” and
“Symptom
Magnification”**
Presented by:
Tara Marchand with
ALIGN Networks and
One Call Care
Management

Location:
EVEN Hotel
Sarasota/LWR
(formerly Holiday Inn)
6231 Lake Osprey Dr.
Lakewood Ranch, FL
34240

September 27, 2018
11:30am - 2:00pm

**“Mild TBI and
Post-Concussion
Syndrome” and “An
Introduction to
Neurophysical
Assessment”**
Presented by:
NeuroRestorative

Location:
EVEN Hotel
Sarasota/LWR

**For more details,
contact:**
Rose Rome at
rrome@
johnseastern.com



JOHNS EASTERN

Claim Adjusters & Third Party Administrators

NEW STANDARDS FOR PTSD CLAIMS IN FL

**PTSD First Responders
Bill: Is This Cause for
Alarm?**

Earlier this year, Florida governor Rick Scott signed into law S.B. 376, which revises the standards for determining compensability of post-traumatic stress disorder (PTSD) for first responders. This bill will go into effect October 1, 2018 and essentially creates an exception by authorizing the payment of medical and indemnity benefits related to PTSD, even in the absence of an accompanying physical injury, if the first responder can meet certain criteria.

Before delving into the specifics of the bill and the challenges involved in its application, it bears mentioning that Chapter 440 already allowed for workers' compensation benefits related to mental or nervous injuries in certain contexts. Section 440.093 was enacted in 2003 and provides that, generally, a mental or nervous injury due to stress, fright, or excitement only is not a compensable event.



However, “[m]ental or nervous injuries occurring as a manifestation of an injury compensable under this chapter [that is, a physical injury] shall be demonstrated by clear and convincing medical evidence.” This subsection also limits an injured worker’s entitlement to indemnity benefits, providing that “in no event shall temporary benefits for a compensable mental or nervous injury be paid for more than 6 months after the date of maximum medical improvement for the injured employee’s physical injury or injuries.”

Moreover, section 440.15(3)(c) limited impairment benefits for a mental or nervous injury to one percent permanent impairment.

In 2007, the Florida Legislature enacted section 112.1815, which is applicable only to first responders and allows for medical benefits for a mental or nervous injury, even when unaccompanied by a physical injury. There was no provision for payment of indemnity benefits in those cases, however. When the first responder could demonstrate an accompanying physical injury, the limitations on temporary and/or impairment income benefits set forth above did not apply.

Enter S.B. 376, a bill years in the making, with its passing likely accelerated by recent, tragic events in the State of Florida. Again, this bill applies to first responders, defined as law enforcement officers, firefighters, EMTs, and paramedics. Again, medical causation must be established by clear and convincing evidence. What is “new” is the allowance for indemnity benefits, even when no accompanying physical injury is shown.

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Compound Med Use

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Operations Manager

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& Heart Disease?



SUCCESS CURBING COMPOUND MEDICATION USAGE

Pharmacies may compound a medication when a medical need exists and a product approved by the U.S. Food and Drug Administration (FDA) cannot be used. The ingredients in a compound must all be acceptable for use according to the standards set by the FDA.

In workers' compensation, however, there are many compounds that contain multiple powders in a cream or gel formulation. Prescribing and dispensing of expensive topical compounded pain cream products is a trend that continues to impact workers' compensation claims across the country, particularly in Florida.

These medications contribute to higher claim costs and pose potential safety risks for patients. There are significant concerns for their use, including:

- Lack of safety and efficacy data
- No support from medical studies
- Many of the ingredients included in the drug do not work topically
- No controls or tests done on the preparations
- FDA does not control compounding processes or approve compounds
- Often associated with excessive costs:
 - ▶ Monthly compound prescriptions can cost \$1,000+
 - ▶ Some compounds are billed for \$10,000+

The Official Disability Guidelines do not support use of compounds for the reasons listed above.¹

Several stories of injuries or deaths from compounded pain creams have appeared in the news. In 2014, contact with a compounded topical pain cream prescribed by a physician for a woman's back and knee pain resulted in the death of her 5-month-old baby, according to a Los Angeles coroner's report.²

Investigations into fraudulent business practices have also surfaced. The U.S. Department of Justice recently cracked down on several compound pharmacies for unnecessary prescriptions and illegal kickbacks.

The prices charged for compounds are often unreasonable and excessive compared to FDA approved alternatives. Employers should be aware that these products are often prescribed to injured workers despite the lack of clinical efficacy and safety data, and the high cost associated with them.

Johns Eastern has been consistently working to educate and inform prescribers and patients of these concerns. In fact, 99.5% of claims in the third quarter of 2017 did not utilize any compounds! Improving patient safety while reducing costs continues to set Johns Eastern apart from the rest.

1 Denniston PL. *ODG Treatment in Workers' Comp 2013, Eleventh Edition*. Work Loss Data Institute, Encinitas, CA.

2 Baby's death linked to alleged massive workers' comp scheme. Southern California Public Radio. June 19, 2015. Accessed December 10, 2017. <http://www.scpr.org/news/2014/06/23/44919/baby-s-death-linked-to-alleged-massive-workers-comp/>

Strategic Partner: Clinical Services Team, Healthesystems



NEW LAWS ADDRESS PUBLIC AND SCHOOL SAFETY



The Florida legislative session is over and in its wake there are several new exemptions under the public records laws. While the majority of these exemptions will have little effect on schools, there are a couple that educational institutions should be aware of:

- Chapter 2018-01, Laws of Florida creates new exemptions related to school safety officers, the Marjory Stoneman Douglas High School Public Safety Commission, and the reporting of unsafe or violent conditions at schools.
- Chapter 2018-146, Laws of Florida exempts plans related to fire safety systems from public disclosure.

Sniffen & Spellman, P.A.

JE ANNOUNCES NEW TPA OPERATIONS MANAGER



Frank Young
TPA Operations
Manager

Johns Eastern is pleased to announce the appointment of Frank Young, AIC to TPA Operations Manager.

Frank began his employment with Johns Eastern in 1988 as an all lines adjuster. He quickly became an important part of our Maryland office handling Auto, General Liability and Workers' Compensation claims and was promoted to supervisor and then to claims manager. In 1999, Frank left Johns Eastern to pursue other career opportunities in the TPA industry handling

mid- to large-size governmental and private/public company accounts.

Now that he has returned to Johns Eastern, Frank's workers' compensation and liability TPA claims management background will add a considerable amount of expertise to our already accomplished team. Frank's extensive experience will strengthen our ability to build our TPA book of business in the mid-Atlantic region and is a major step toward realizing our corporate vision on expansion. He will be working out of our Columbia, Maryland office and will bring a local presence to our TPA operations in Maryland, Virginia and Pennsylvania.

CONFERENCE CONNECTION

Plan now to meet representatives from Johns Eastern at an upcoming conference:

Workers' Compensation Institute (WCI) Educational Conference
August 19 - 22 • Orlando, FL

Georgia State Board of Workers' Compensation Annual (GSBWCA) Educational Conference
August 27 - 29 • Atlanta, GA

North Carolina Public Risk Management Association (PRIMA) Fall Educational Conference
September 9 - 12 • Wrightsville Beach, NC

Maryland Workers' Compensation Educational Association (MWCEA) Annual Conference
September 23 - 26 • Ocean City, MD

Southeastern Risk Management Society (RIMS) Educational Conference
September 26 - 28 • Myrtle Beach, SC

Florida Public Risk Management Association (PRIMA) State Conference
October 14 - 17 • Lido Beach, FL

Georgia Association of School Business Officials (GASBO) Conference
November 6 - 9 • Augusta, GA

GET SOCIAL WITH US!

Join us today on:



JE PLUGGED IN

Have You Visited Our Blog?

The Johns Eastern blog is a great resource for all of your risk management needs. Get helpful tips on everything from hurricane preparedness to fraud prevention to workplace safety. Try it today!

<https://www.johnseastern.com/blog/>

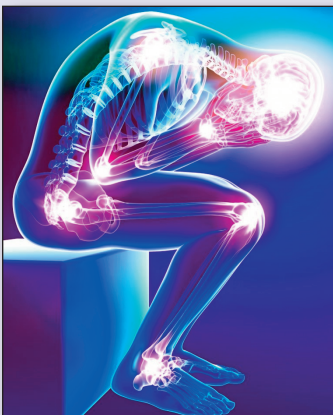
TO SIT OR TO STAND? THAT IS THE QUESTION

The popular trend in work stations is either standing stations or sit-to-stand stations. Sitting and standing are both static positions and can be strenuous on the back. Neither position is good to maintain for extended times. If you insist on standing, the general recommendation is to sit for 45 minutes of every hour and stand for 15 minutes.

We recommend taking micro breaks every 30 minutes. A micro break is a short 30 to 60 second break to move or change positions. Postural muscles fatigue within 20 to 30 minutes, which can cause slouching. Slouching or poor posture is a good indication you need to change positions. If you find yourself leaning forward in your chair, then stand up. If you are standing and leaning on one leg with your hip out, it's time to sit.

Micro breaks can be simple movements and/or changes to a routine. For example, when you are on a phone call

and have a headset, stand up and walk around your chair. When you need something from a colleague, walk over to his/her desk instead of sending an email. Refill your water bottle, take a bathroom break, or do some stretches.



There are many benefits to moving and stretching more during your work day, including:

- Increasing circulation – this helps to flush out waste products in our cells and increase nutritional flow throughout the body
- Relaxing overused muscles, joints, and nerves
- Refreshing the brain and refocusing your thoughts
- Reducing fatigue by the end of the day
- Making fewer mistakes and do-overs

Valerie Hoke, OTR, CHT, COMT, CEAS, Certified Ergonomic Assessment Specialist, WorkStrategies Coordinator (Courtesy of Select Medical)

NEW STANDARDS FOR PTSD CLAIMS

Continued from page 1...

The bill, to be codified in section 112.1815(5)(a), first specifies that an injured worker's PTSD can be compensable, so long as the PTSD is that condition "as described in the Diagnostic and Statistic Manual of Mental Disorders, Fifth Edition" (DSM-V). The DSM itself outlines numerous criteria for a PTSD diagnosis. While we will not go through these in detail, there are at least eight different criteria one must establish to even have a qualified PTSD diagnosis.

Assuming the first responder can establish a diagnosis of the appropriate condition, they must then meet numerous criteria to successfully establish a compensable PTSD condition. That brings us to the causation standard set forth in section 112.1815. Obviously, the employee must show that their PTSD resulted from the first responder "acting within the course of his or her employment..." S. 112.1815(5)(a)1. Section 112.1815(5)(a)2 then lists 11 different "traumatic events," and requires the first responder to link their PTSD (via a licensed psychiatrist who is an authorized treating

physician) to one of them. Some events are well-defined (and therefore simple to interpret and apply), including "seeing for oneself a deceased minor" and "directly witnessing the death of a minor." Others are subject to more debate and, therefore, leave more room for subjectivity among experts, such as "seeing for oneself a decedent whose death involved grievous bodily harm of a nature that shocks the conscience."

What is important to take away from the new law is the allowance of both medical and indemnity benefits for a mental or nervous injury, even in the absence of physical trauma. What must also be noted, however, are the strict criteria a first responder must demonstrate to get to a compensable PTSD condition. This starts with the nature of their condition itself, and extends to linking that condition to a work-related event. As always, we recommend early, and detailed, investigation into compensability of any condition alleged.

Kristen Magana, Esq.
Broussard & Cullen, P.A.

JE SECURITY UPDATE



Jason Ricci
IS Manager

As part of our continued efforts to enhance the security of client data, we will be disabling TLS 1.0 and 1.1 connections to AIM 2.0 and only allowing TLS 1.2.

TLS 1.0 and 1.1 are both vulnerable to attacks when certain conditions are met. While it is important to note that the attacks are not widespread, and no data has ever been compromised, this is a measure that should be taken to ensure the security of our clients' data.

This means that the use of Internet Explorer (IE) versions 8, 9, and 10 will no longer be supported and we will only support IE 11 and higher. If you are already using IE 11, your connection is most likely already a TLS 1.2 connection, but this should be verified in the advance settings by your IT staff.

To the best of our knowledge, other browsers are not affected by this change. These updates should be complete by the end of the summer.

If you have any questions about this issue, please contact our IS staff at support@je.zendesk.com.

NOISE/HEART DISEASE LINK?

High blood pressure and high cholesterol are more common among workers exposed to loud noise at work, according to a Centers for Disease Control and Prevention (CDC) study published in the *American Journal of Industrial Medicine*.

Researchers at the CDC's National Institute for Occupational Safety and Health (NIOSH) recently found that 25% of U.S. workers reported routine noise exposure at work, making it one of the most common workplace hazards.

While analyzing data from the 2014 National Health Interview Survey to estimate the prevalence of occupational noise exposure, researchers also looked at the link between noise exposure and heart disease. The analysis showed that 24% of current workers had high blood pressure and 28% had high cholesterol. Of these cases, 14% and 9%, respectively, can be directly attributed to noise exposure at work.

"Reducing workplace noise levels is critical not just for hearing loss prevention – it may also impact blood pressure and cholesterol," said NIOSH Director John Howard, M.D.

Centers for Disease Control and Prevention

JE STAFF DONATE SUPPLIES AND TIME TO MOTS



Rose Rome
Executive Assistant

For the second quarter our charitable partner was Manasota Operation Troop Support (MOTS). By partnering with MOTS, Johns Eastern's charity efforts raised awareness and encouraged the celebration of those who have accepted the call to serve in the military.

MOTS serves currently deployed military personnel with ties to the Manatee and Sarasota county areas, as well as their families. Throughout June we collected supplies to include in troop care packages and raised funds to help with the cost of shipping the care packages overseas.



On Saturday, June 23rd, our volunteers gathered at MOTS headquarters to assemble the care packages for deployed troops. We also dropped off nearly 700 food &

personal hygiene items and over \$1,800 that our generous employees donated to MOTS!

Thank you to the men and women who have served and continue to serve with bravery, dedication and self-sacrifice.





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4 TIPS TO STAY SUN SAFE THIS SUMMER

Did you know that skin cancer is the most common cancer in the United States? Every year nearly 5 million people are treated for skin cancer. The good news is that most skin cancers can be prevented in a few simple steps:

- ▶ Seek shade, especially late morning through mid-afternoon.
- ▶ Wear a hat, sunglasses and other clothes to protect skin.
- ▶ Use broad spectrum sunscreen with at least SPF 15+ to protect any exposed skin.



- ▶ Sunscreen works best when used with shade or clothes. Don't forget to re-apply every two hours and after swimming, sweating, and toweling off.

Centers for Disease Control and Prevention

IN THE SPOTLIGHT



Meet Christopher Jackson, Johns Eastern's Liability Quality Assurance Manager! Chris is a graduate of St. Cloud State University in Minnesota, where he obtained a Bachelor of Science degree in Business Marketing. He has continued his education by obtaining his All Lines Adjuster License and a Legal Principles Claims Specialist (LPCS) designation through the American Educational Institute. He obtained his Associate in Claims (AIC) designation through The Institutes in 2012.

Chris entered the insurance industry in 1997 and in 2008 he joined Johns Eastern as a Senior Adjuster and Liability Claims Supervisor in our Maitland, FL office. Chris was promoted to Liability Quality Assurance Manager in 2017 and oversees liability subrogation and excess recoveries. He is also responsible for the overall operational production of Medicare Reporting.

When he's not in the office, you can find Chris in a gymnasium somewhere in Florida attending his son's basketball games, traveling with his wife or working on a never-ending list of home improvement projects.