

**SAVE
THE
DATE**
2019



JOHNS EASTERN

Claim Adjusters & Third Party Administrators

MEDICARE SECONDARY PAYER UPDATES

Medicare



Information

The Centers for Medicare & Medicaid Services (CMS) recently issued a notice titled *Miscellaneous Medicare Secondary Payer Clarifications and Update* indicating there will soon be rulemaking changes for future medical care expenses for settlements involving automobile and liability insurance, including no fault insurance.

The aim of the proposed rule is to ensure that beneficiaries are making the best health care choices possible by providing them and their representatives with the opportunity to select an option for meeting future medical obligations that fits their individual circumstances, while also protecting the Medicare Trust Fund. Currently, Medicare does not provide its beneficiaries with guidance to help them make choices regarding their future medical care expenses when they receive automobile and liability insurance (including self-insurance), no fault insurance, and workers' compensation settlements, judgments, awards, or payments, and need to

satisfy their Medicare Secondary Payer (MSP) obligations. The final notice is scheduled to be released in September 2019.

CMS will be releasing updates to the Medicare Secondary Payer Recovery Portal (MSPRP) in the first quarter. The enhancements will allow Medicare beneficiaries to self report a case and the insurer or their representative to self report when there is no Ongoing Responsibility for Medicals (ORM). CMS is also replacing their Multi Factor Authentication (MFA) process.

CMS has solicited public comments regarding the replacement of obsolete regulations related to civil money penalties imposed

under the Strengthening Medicare and Repaying Taxpayers (SMART) Act. Under the SMART Act, a Responsible Reporting Entity can incur a financial penalty for failing to report certain data to CMS on claims involving Medicare beneficiaries. Noncompliance with reporting requirements could result in a penalty of up to \$1,000 for each day of noncompliance with respect to each Medicare beneficiary. However, to our knowledge, these articulated penalties have never been imposed. An updated *Notice of Proposed Rule Making for Civil Money Penalties and Medicare Secondary Reporting Requirements* with the public comments included is also scheduled for release in September 2019.

Strategic Partner:
GENEX

UPCOMING CEU SEMINAR

February 25, 2019
9:00am - 11:30am

“Major Contributing Cause & Objective Findings in Defending a WC Claim”

Presenters:
Mary Frances Nelson
and Ya'Sheaka Campbell Williams
of Eraclides,
Gelman, Hall, Indek,
Goodman, Waters &
Traverso P.A.

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

This course will
provide 2 hours
of CEU credit.

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



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RISK MANAGEMENT & THE AGING WORKFORCE

Older workers now represent the fastest-growing portion of the workforce. The U.S. Bureau of Labor Statistics reports that approximately 40% of individuals 55 or older are working or actively looking for work. In the next decade, 25% of workers will be age 55 or older, with workers age 65 or older representing the highest growth rate.¹ In addition, this group of workers is increasingly holding full-time positions, a trend that has continued over the last two decades.

The aging demographic of the workforce naturally brings with it considerations for workplace safety, as well as differences in injury and treatment when compared with younger counterparts. While older employees sustain relatively fewer injuries than younger age groups overall, injuries sustained by older workers tend to be more severe, costlier,² and result in more time away from work.³ Some of the reasons can be attributed to natural biologic aging processes, such as reduced muscle mass and recovery abilities, but there are additional medication related and comorbidity concerns that must also be considered for optimal management.

Common prescription concerns in older patients include:

- **Increased Polypharmacy Risk** - Older patients are more likely to be prescribed multiple prescriptions for longterm durations. A large portion of older adults also use over-the-counter medications and dietary supplements, which aren't visible within a claim. These scenarios increase the risk that polypharmacy (multiple concurrent medications) may occur or go unnoticed.
- **Increased Side Effects** - A number of drugs are contraindicated in the older population due to increased propensity for side effects. Other drugs may require special considerations or dosage adjustments. Medications that are inappropriate for older patients due to increased risk for side effects are included in the *Beers Criteria for Potentially Inappropriate Medication Use in Older Adults* published by the American Geriatrics Society to help discourage the prescribing of



inappropriate medications in older adults.

- **Drug Metabolism Changes** - A medication dosing schedule for a patient who is 30 years old may not be appropriate for a patient who is 60 years old due to changes in drug metabolism that occur as a person ages.
- **Cognitive Decline** - Older patients may experience cognitive decline, which could lead to forgetting to take medications, taking medications too often, or irregular refills.
- **Reducing Health Risks for All Workers** - While there are specific considerations related to the management of older worker populations, a patient cannot be assessed according to age alone, but rather upon the totality of overall health.

And that is good news for employers and insurers because it means that, in addition to reducing the risk of accident and injury, actions can be taken to reduce health risks and their impact on chronic conditions by offering employee health benefits that promote health and wellness.

One way that general health risks can be reduced is with an employee wellness program. Taking many forms, from gym membership discounts to on-site nutritional programs and health screenings, wellness programs have been highly effective in improving employee health. The positive impact on workers is even greater when wellness initiatives are combined with risk management programs that include careful candidate screening, safety management, and employee education. A culture that prioritizes health and safety not only reduces the incidence of accidents, it increases the likelihood that workers who are injured will recover well, reducing recovery times and workers' compensation claim costs.

¹ Bureau of Labor Statistics. <https://www.bls.gov/careeroutlook/2017/article/older-workers.htm>.

² CDC/NIOSH. Productive Aging and Work: Data & Statistics. <https://www.cdc.gov/niosh/topics/productiveaging/dataandstatistics.html>

³ CDC. Morb Mortal Wkly Rep. Nonfatal occupational injuries and illnesses among older workers – United States, 2009. 2011;60(16):503-8.

Strategic Partner:
Clinical Services Team,
HealtheSystems



RECORD-BREAKING JE SUPPORT FOR CHARITIES IN 2018!



Rose Rome
Executive Assistant

At the close of another year, Johns Eastern is grateful to have had the opportunity to give back to many local charitable organizations throughout the year. For the 4th quarter, our efforts for the Alzheimer's Association Florida Gulf Coast Chapter culminated on November 17th with the "Walk to End Alzheimer's." We had our largest turnout this year as we had 31 staff, family and friends participate! Team JECO raised more than \$5,000 for Alzheimer's research and we ranked in the Champion's Club for our fund-raising efforts!

Our employees also took part in Meals on Wheels PLUS's Shoe Box Drive which aims to deliver gift-wrapped shoe boxes filled with small trinkets and necessities to home-bound seniors who may not otherwise receive any holiday gifts. After spearheading our shoe box effort, Rose Rome had the privilege of delivering 22 filled shoe boxes. In addition to the shoe box donations from staff, Johns Eastern was also a corporate sponsor of the reception.



The spirit of generosity was alive and well in JE employees as we donated holiday gifts to children in the School District of Manatee County's ESOL/Migrant program. For over a decade we have partnered with the District on this program that we like to call "Our Little Angels." Thanks to the generosity of the JE Team, this year we donated gifts to over 44 children who otherwise may not have been able to share in the joy of the season.



CONFERENCE CONNECTION

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

**Atlanta Risk Management Society (RIMS)
Educational Conference**
February 21 - 22 • Atlanta, GA

**Georgia Public Schools Workers' Compensation
Administrators (GPSWCA) Annual Conference**
March 7 - 9 • St. Simons Island, GA

**North Carolina Association of Self-Insurers'
Annual Conference**
March 27 - 29 • Wrightsville Beach, NC

**Pennsylvania Self-Insurers' Association
Annual Meeting**
April 7 - 8 • Gettysburg, PA

**Georgia Public Risk Management Association
(PRIMA) Educational Conference**
April 16 - 18 • Savannah, GA

**Virginia Public Risk Management Association
(PRIMA) Annual Conference**
April 24 - 26 • Roanoke, VA

IN THE SPOTLIGHT

Johns Eastern is proud to announce our 2018 Workers' Compensation Adjuster, P&C Adjuster and Nurse Case Manager of The Year. Please join us in congratulating our winners and all of our outstanding team members!

2018 WORKERS' COMPENSATION ADJUSTER OF THE YEAR



NICOLE STEPHENS
CLAIMS ADJUSTER - LAKEWOOD RANCH, FL

Nicole Stephens joined Johns Eastern in 2016. Before joining our team, she previously worked for an orthopedic office setting appointments and obtaining insurance authorizations. Nicole was promoted to Legal Adjuster in 2017 and is currently handling claims for governmental entities. She has consistently been praised by clients for "her high standards, attention to detail and timeliness."

Nicole is a proud mom to a 16-year old girl and 14-year old boy. Her hobbies include attending all of her kids' various sporting activities and social events, reading and spending time with family and friends.

2018 P&C ADJUSTER OF THE YEAR

ROXANNE COVILLO, PPIA
CLAIMS ADJUSTER - LAKEWOOD RANCH, FL



Roxanne Covillo graduated from California State University of East Bay with a Bachelor of Science degree in Criminal Justice Administration and has over 20 years' experience in the insurance industry. Roxanne has extensive experience handling unrepresented, represented and litigated claims. She currently investigates General Liability, Automobile Liability PIP and Professional Liability losses for public and private entities. Roxanne has been described as "consistently meeting and exceeding expectations" and as the "ultimate team player who can always be relied upon to put the team before herself."

Sadly, Roxanne lost her 10-year old son, Ryan, to brain cancer in 1996. Prior to his death, Roxanne and her family were granted a week-long Make a Wish trip to Disney World and a stay with Give Kids the World. Since then she and her family have become devoted supporters of Give Kids the World. In the last five years alone, they have participated in many 5K run/walk events and have raised over \$13,500 to bring happiness to families that need hope. Roxanne is the proud mother of T.J. (24 years old) and Amber (23 years old). She and her husband are now empty nesters who enjoy cheering on all Colorado sports teams.

2018 NURSE CASE MANAGER OF THE YEAR



ROBIN MARTIN, RN, BSN
NURSE CASE MANAGER - LAKEWOOD RANCH, FL

Robin Martin earned a Bachelor of Science Degree from Georgetown University and her experience in nursing spans over 37 years. Prior to joining Johns Eastern, she worked as Human Resources Manager and Medical Director in the employee health department for a large self-insured employer where she was responsible for the development and implementation of medical/human resources policies and programs. Robin has often been described as "always professional, yet kind, to those she talks with and willing to go above and beyond her duties."

A 20+ year resident of New York City, Robin now lives in Sarasota with her husband William and her Airedale Terrier, Callie. Her daughter, Paige, is currently in graduate school pursuing a doctorate in psychology. In her free time, Robin enjoys cooking, reading and home improvement projects.

PTSD COVERAGE EXPANDED FOR FIRST RESPONDERS

Legislation across the country continues to expand workers' compensation coverage for post-traumatic stress disorder (PTSD). This coverage is primarily aimed at first responders who have not been physically injured but have suffered a psychiatric injury, making it important to understand just what PTSD is, who is at risk, and why PTSD warrants special considerations.

PTSD is not new to the industry and a majority of states already cover PTSD when it occurs as a result of a physical injury; what is new is the understanding that mental trauma can occur even when the body is unharmed. For example, the Pulse nightclub tragedy in Orlando exposed the fact that Florida workers' compensation law did not recognize PTSD as an injury for first responders.

In 2018 alone, 16 states considered legislation to address workers' compensation coverage for PTSD in scenarios that do not involve physical injuries.



These "mental-only" injuries are gaining compensable status across the country, primarily for first responder occupations at high risk for experiencing traumatic incidents, such as police officers, firefighters, and emergency medical technicians (EMTs). In 2018, Minnesota, Florida, and Washington began to cover these claims, with Texas, Nebraska, and Colorado doing the same in 2017. Furthermore, Massachusetts, New Jersey, New York and Rhode Island have been covering mental-only PTSD claims for all workers, not just first responders, for several years.

As legislation covering mental-only cases continues to spread, it raises the question: what should workers' compensation professionals know about PTSD and its management

within a claims population? Learn more at: <https://www.johnseastern.com/news-events>

Strategic Partner:
Chartwell Law

LABOR & EMPLOYMENT LAW UPDATE

While many employers with safety-sensitive jobs have a zero-tolerance policy and test for illegal drugs, many commonly prescribed medications can cause drowsiness or disorientation as a side effect as well. As an employer, can you ask your employees if they are taking prescription medications or require your employees to notify you if they are?

The majority of the time the answer is "no," however there are exceptions. The Americans with Disabilities Act ("ADA") provides employees and job applicants the right to keep their medical information private whether they are disabled or not. Inquiring as to what prescriptions an employee or applicant takes is considered a medical inquiry under the ADA. Such



an inquiry may only be made if the inquiry is shown to be both job-related and aligned with business necessity.

In other words, there must be a reasonable belief that the employee's job performance may be compromised by taking certain medications. The Equal Employment Opportunity Commission (EEOC) requests employers analyze whether the use of prescription medications would present a safety risk to the employee or others. Inquiries would likely be permissible for a law enforcement officer but not an office worker.

Strategic Partner:
Sniffen & Spellman, P.A.



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FLORIDA WORKERS' COMP RATE CUT

Florida Office of Insurance Regulation has issued a final order for a 13.8% workers' compensation rate decrease for 2019. This applies to both new and renewing workers' compensation policies effective in the state as of January 1, 2019.

The final rate reduction is slightly larger than the 13.4% decline submitted by the National Council on Compensation Insurance in August. Workers' compensation rates

in the state have been significantly impacted in recent years by two major court decisions: in *Marvin Castellanos v. Next Door Co. et al.*, the Florida

Supreme Court ruled that Florida's mandatory attorney fee schedule was unconstitutional, while in *Bradley Westphal v. City of St. Petersburg*, the Court ruled that the state's 104

week cap on temporary total disability benefits was unconstitutional.

Florida Office of Insurance Regulation



TRIVIA TUESDAY: TEST YOUR KNOWLEDGE

Think you know all there is to know about Johns Eastern and the insurance industry? If so, be on the lookout for Trivia Tuesday. Starting in January 2019, we will be posting a new trivia question on our social media pages every Tuesday.

And the best part? If you have the correct answer, you could win a prize! Each respondent with the correct answer will be entered into a drawing for Johns Eastern promotional materials or other great prizes!

Plus, if you are not already following Johns Eastern on Facebook, Twitter, Instagram or LinkedIn, add us now to receive one extra entry into the drawing.



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