

Adjudication Committee Minutes
All-Committee Conference
November 10, 2010
The Greenbrier
White Sulfur Springs, West Virginia

Several jurisdictions were represented at the Adjudication Committee Meeting at the All-Committee Conference held at the Greenbrier, including Georgia, Virginia, Mississippi, West Virginia, Louisiana, and Maryland. Members represented a diverse array of professionals, from industry leaders and agency heads to judges and lawyers. The topic was the proliferation of litigation over medical expenses and associated costs. Because health care costs continue to rise exponentially and at a much faster rate than indemnity costs, payment of medical benefits now exceeds payment of indemnity benefits. Unfortunately, the money trail for these costs leads straight to the courtroom.

The various jurisdictions discussed their practices and procedures when resolving these types of claims. Georgia often resolves medical issues by conducting an evidentiary hearing that includes the claimant's testimony, as its case law requires that the claimant's testimony regarding the effects of a work-connected impairment and the resulting need for treatment be considered when determining whether a request for medical treatment should be granted. Virginia generally follows suit. Mississippi handles requests for second medical opinions or for surgery or for other medical treatment by motion; counsel attach the relevant medical evidence to the motion. Motion hearings generally are conducted by telephone, with counsel arguing the merits of the motion and no record is made. Unlike Georgia law, neither Mississippi statutory nor case law requires consideration of the claimant's testimony when resolving most disputes over medical benefits. Maryland is more streamlined than Mississippi, as it resolves all disputes over medical and indemnity benefits by conducting hearings using medical records only, without expert witness depositions or discovery. All jurisdictions attempt a type of "triage" system to identify claims that are less complex or novel so they can be fast tracked for adjudication.

The discussion was rousing! No one was in danger of falling asleep and we did not formally break for refreshments until, as promised, the meeting was adjourned in time for everyone to take tea and scones in the grand lobby of the Greenbrier.