

*Southern Association
of Workers' Compensation Administrators*

Compus Juris Sawcundum

SAWCA
Newsletter
August 2011

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Greetings & Welcome to the Southern Association of Workers' Compensation Administrators



*2011 SAWCA President
Honorable Dwight T. Lovan
Commissioner of the Kentucky
Department of Workers' Claims*

Who Are We?

The SAWCA membership includes 19 jurisdictions; 17 states, District of Colombia & the Virgin Islands. States are: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia.

SAWCA Also includes industry professionals throughout the workers' compensation community including: Insurance Executives, TPAs, Self-Insured & Insured Employers, IT & EDI Professionals, Attorneys, Pharmacy Management Companies, Health & Safety Professionals, Medicare Compliance Firms, Occupational Health Nurses, State Guaranty Associations, Self-Insured Group Funds and many more.

Not a Member Yet?

Membership Information

Available at www.sawca.com

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Inside This Issue

Welcome & Road Trips.....	2-3
Reflections From Biloxi.....	4-5
SAWCA Honors Sue Ann Head.....	6-7
Committee Updates.....	8-9
SAWCA News.....	10-11
Coming Events.....	12

convention updates



August 23, 2011: Karl Aumann, SAWCA Immediate Past President and Chair of the Maryland Workers' Compensation Commission, will lead a distinguished panel of SAWCA Workers' Compensation Administrators in a National Regulators Roundtable at the Florida Workers' Compensation Educational Conference in Orlando, Florida. A new addition to the Florida conference, the roundtable is sponsored by SAWCA and is intended to bring together regulators from throughout the country to discuss challenges, concerns, and issues facing individual jurisdictions in the oversight of the ever changing workers' compensation industry. So, don't let Karl and the panel of SAWCA regulators have all the fun...Join them in Florida. Info: www.fwciweb.org



How are you celebrating the 100th Anniversary of the first workers' compensation law in the US? Not Sure? Join Administrators from across the South...and those who wish they were... as SAWCA welcomes you for an early morning of hospitality... "Southern Style"

Annual SAWCA "Grits" Breakfast August 25th at the IAIABC 97th Annual Convention and Centennial Celebration in Madison, WI

Live, From Biloxi, it's SAWCA!

A city that is a contrast of old world charm and modern civility, Biloxi, Mississippi hosted the Southern Association of Workers' Compensation Administrators 63rd Annual Convention the last week of July. The event was hosted in the Beau Rivage convention center and hotel, a towering, modern, presence on the Biloxi beach front. Biloxi is a community that was deeply traumatized by the landfall of Hurricane Katrina in August 2005. Some damage from this historic storm remains apparent six years later, but the tourist industry is very apparently recovered and thriving in what used to be a quiet little beach community. The casinos and hotels swell with people; walking back into the hotel from dinner on Thursday evening, the hotel's valet parking facility had filled to capacity and vehicles stretched one hundred yards down the driveway to the street, three abreast. In contrast to the modernity, the SAWCA events also included dining at Mary Mahoney's, a true Mississippi tradition for almost 50 years. Mahoney's, just across the beachfront highway is situated in a building dating to 1737. Despite Katrina's attempts to devastate all that was the Mississippi Gulf Coast, Mahoney's remains just as it ever was, a tribute to old world construction techniques and to the perseverance of the owners. The heart of this community is clear from the resilience of tried and true businesses like this one and from the amazing investment in infrastructure and industry obvious upon the trip into town.

SAWCA, formed in 1949, is an intriguing organization which has members from 19 jurisdictions, the District of Columbia, the Virgin Islands, Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia.

Intriguing as much for what it is not as much as for what it is. SAWCA is not a continuing education seminar, with "classes" or "breakouts." The absence of the CLE mentality is refreshing; the tenor of the conference was simultaneously refined, genteel and relaxed. The dress code was casual. What the SAWCA Annual Convention is represents a value that cannot be quantified, or perhaps effectively verbalized, but in the end best experienced for one's self.

The SAWCA Annual Convention was a unique opportunity to meet Administrators, Commissioners, Deputies, Judges and leaders from a great variety of States. The programs were about inspiration and perspiration, common problems and possible solutions, commiserating and

brainstorming. Distinct from many programs, this was an environment of interactive presentations and discussions, driven in many instances by audience input and questions as much as any outline or syllabus of the speaker or speakers. The mood was inspiring, the interaction was invaluable, and the overall resulting experience unique.

The Annual Convention began Monday and early in the week included business meetings of the Association, and a Regulator Roundtable. On Wednesday the Convention began in earnest with a keynote speech by Gulfport, Mississippi Mayor George Schloegel. Gulfport is a “stone’s throw” from Biloxi and similarly hugs the gulf-front. Mr. Schloegel is the former President and CEO of Hancock Bank, and possesses a distinct perspective on the challenges of running a business or government in our times. He brings to the table also the perspective of self-improvement and perseverance of a self-made success story.

On Thursday, the President of Makers Mark, Bill Samuels, Jr., provided insight on his company’s journey of innovation from the perspective of a storied and venerable American industry. This distillery is the world’s oldest, a National Historic Landmark, and produces an iconic brand. Despite this substantial foundation and history, however, Mr. Samuels recognizes the demands of the modern economy and exhibits a drive for innovation that is inspiring to anyone charged with managing a large organization, public or private.

The program included multiple committee meetings, which were facilitated by presenters, but which were more often driven by the audience interaction, questions, and comments. These programs were informative and motivating, both because of the subjects discussed and more so because of the opportunity to understand the issues faced by various state’s workers’ compensation systems and leaders, and the inspiring solutions and ideas that State’s have conceived or implemented to address these concerns. SAWCA President-Elect, the Hon. Deneise Lott, perhaps best expressed the soul of this organization and event when she described this Convention. She said “it is about the people; that is what really matters.”

In July 2012 the 64th Annual Convention will be held at the Homestead in Virginia’s Allegheny Mountains. If you missed Biloxi, condolences; if you miss the Homestead, shame on you!

Reprinted with permission from the Hon. David Langham, Pensacola, FL / Florida Office of Judges of Compensation Claims and the Lex and Verum NAWCJ Volume XXIV, August, 2011

SAWCA Honors Sue Ann Head

*Workers' Compensation Administrator for the
Tennessee Department of Labor and
Workforce Development Retires in 2011*



It was a snowy day in 1968 when Sue Ann came to interview for a clerk position. She was asked if she could type. Because she could, she was hired to type claim information on index cards. Her intelligence, work ethic, and personality got her noticed, and she became the Assistant to the Director of the

Workers' Comp. Division. Upon the Director's retirement, Sue Ann was named Director. At that time, there were approximately 20 employees in the Division. Over the years of her tenure, she has overseen 3 major reforms, all of which have expanded the role of the Division. Under her tenure, records maintenance and processes have become computerized. The Division now has 155 employees, and participation in and exhaustion of the administrative dispute resolution process is a pre-requisite to litigation. Her greatest legacy is the culture of integrity, hard work, and always "taking the high road."

*(Printed with permission and appreciation to Teresa Bullington,
Deputy Administrator, TN)*



SAWCA President Karl Aumann (MD) presents Sue Ann Head with a gift of appreciation for her years of service to SAWCA & the workers' comp industry during the 2011 SAWCA All Committee Conference held at The Greenbrier in West Virginia.

Dear Members of the Executive Committee,

Thank you so much for the wonderful retirement gift. I truly appreciate your thoughtfulness. It has been both a privilege and an honor to be a member of SAWCA and to serve with you on the Executive Committee.

I was elected to the Executive Committee in 1982 and SAWCA quickly became the resource I needed to understand the ever changing world of workers' compensation. I relied on the expertise I found through SAWCA and it served me well. My association with members of SAWCA has been a blessing in my professional life as well as my personal life and I thank you for your friendship.

I wish each of you good health, great happiness and much success.

Sincerely,

Sue Ann

Sue Ann Head

Workers' Compensation Administrator

Tennessee Department of Labor and Workforce Development



SAWCA Focuses On Committees

The lifeblood of SAWCA can be found in the work of its committees & the dedication of its members. SAWCA committees are open to all attendees and we invite you to spend a moment with one of our committees as they share highlights from the 2011 Annual Convention...And Then...Make plans to attend a committee or two, or three, or more during the next year when they reconvene in the historic city of Annapolis and again at America's Home...The Homestead.

Adjudication Committee Meeting

SAWCA's 63rd Annual Conference

Beau Rivage; Biloxi, MS / July 27, 2011

Meeting Summary Submitted by the Hon. Deneise Lott

The Adjudication Committee met with an overflow crowd of nearly forty participants to discuss the states' innovations in people, technology and processes. Every state represented shared its efforts to tweak or re-engineer an existing process or to create a new one in order to do more with less. Innovation was present at every phase of litigation, from diverting less complex claims to a fast track for resolution (as Kentucky is doing for medical-only claims) to curbing the appeals process by scrutinizing interlocutory appeals (as West Virginia has begun to do).

Many states also have procedures that discourage extending the litigation process. Virginia issues a kind of 20-day "show cause" order to defendants early in the life of a claim. Maryland has long had an abbreviated and much less complex litigation process than many of its sister states.

In Texas, the independent review process that ensures enforcement of its medical treatment guidelines can require the losing Employer/Carrier/Provider to pay attorneys' fees. All of these measures create disincentives to delay the resolution of claims and thereby benefit both parties.

The length and complexity of the states' judicial opinions were also discussed. Predictably, the length and complexity of judicial opinions mirrors the length and complexity of the litigation. So it comes as no surprise that Maryland issues two or three-page orders while Mississippi averages ten to twelve-page opinions. Just as predictably, Maryland issues orders much more quickly than Mississippi, although it may be that Mississippi's Commission decides many of the more complex or novel cases that ultimately are heard by a court of law in Maryland. The desire to achieve a more uniform format for judicial opinions was also discussed, as the use of a template could make opinions easier to read and ultimately more accurate.

Participants also discussed the need for more qualified and cross-trained personnel who are better equipped to do more with less. Virginia has recently hired an executive director who handles the administrative duties of the Commission (like Arkansas), so that the Commissioners can devote more of their time and resources to the legal and judicial functions of the Commission. More qualified support staff who can perform multiple functions also help us do more with less.

Although the meeting ended after its slotted two-hour time period, several in attendance expressed a desire to continue the conversation.

***And we will – at the ACC in
Annapolis this November!***



Lance “Wes” Hataway Appointed Director for Louisiana Workers’ Compensation



Wes Hataway was named to the Director’s position in February 2011 succeeding Chris Broadwater who recently left to resume a private law practice.

Wes, who a year ago came from the Attorney General’s Office to the LWC to help prosecute workers’ compensation fraud and offer legislative assistance, is familiar with his new responsibilities having worked with previous Director Chris Broadwater at the OWC.

Wes holds a bachelor’s degree from Louisiana College and a law degree from the Paul M. Hebert Law Center at LSU. His professional experience includes serving as an assistant district attorney in East Baton Rouge Parish, and he worked from 2004 to 2010 in private practice with two Baton Rouge-area law firms focusing primarily on workers’ compensation and insurance defense. SAWCA wishes Wes much success in his new position.

New Mexico Names Ned Fuller Director of State Workers’ Compensation Administration



Ned S. Fuller was appointed by Governor Susana Martinez as Director of the New Mexico Workers' Compensation Administration and assumed his position on January 24, 2011. Earning his Bachelor of Arts degree in English from Arizona State University in 1989, he graduated Cum Laude in 1993, from the Brigham Young University Law School.

Director Fuller and his wife Julie, a native of Las Alamos, moved to New Mexico following graduation. He worked primarily at two Albuquerque law firms prior to being appointed to the position of Assistant Director of the Workers' Compensation Administration serving from March 2000 to April 2001. Fuller was then appointed and served as a Workers' Compensation Judge from 2001 to December 2003. Prior to his recent appointment he was staff counsel for The Hartford Insurance Company handling workers' compensation claims.

Director Fuller feels his previous workers’ compensation experience "gives him an advantage of seeing workers' comp from a variety of perspectives." SAWCA welcomes Ned and looks forward to his participation & leadership.

sawca workers' comp news throughout the south

Michael Clingman appointed as the Oklahoma Workers' Compensation Court Administrators



The Oklahoma Workers' Compensation Court is pleased to announce former Governor Brad Henry's appointment of Michael Clingman as the Court Administrator, effective January 12, 2011. Before this appointment Mr. Clingman served as the Director of the Oklahoma Office of State Finance. Prior to that he held the position of Secretary of the Oklahoma Senate, CEO of the Arkansas Workers' Compensation Commission, Commissioner of the State Insurance Fund and, from 1985-1991, served in the Court Administrator position. He succeeded Marcia Davis who retired July 2010.

SAWCA

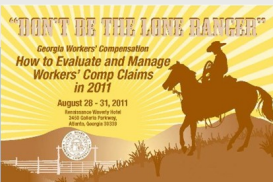
Coming To A Conference Near You...Fall 2011!



August 23rd - National Regulators Roundtable
Join us at the FWCI Annual Convention As SAWCA Regulators "Cuss & Discuss" today's hottest topics.



August 25th - SAWCA Annual "Grits" Breakfast
Join us for some early morning "Southern" hospitality



August 28-31, 2011
Renaissance Waverly Hotel
2450 Galleria Parkway
Atlanta, GA 30339



27th Annual Maryland
Workers' Compensation
Association Conference
Sept 18-21, Ocean City, MD



14th Annual Fall Conference
Beau Rivage Resort
Biloxi, MS Sept 28-30, 2011

SAWCA Events... Make Your Plans Today!



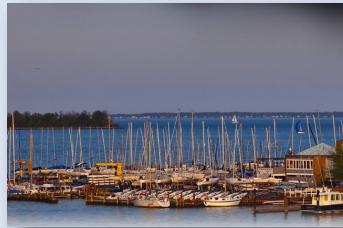
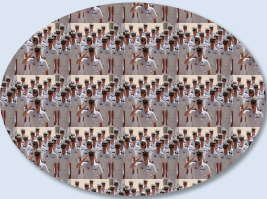
SAWCA

All Committee Conference 2011

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November 1-4, 2011
Annapolis, MD



SAWCA

Convention 2012
July 9-13

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