

New York Workers' Compensation Centennial Conference

*Celebrating 100 Years of the New York Workers' Compensation Board and
Leading the way forward for the next century*

Tuesday, July 15, 2014
Empire State Plaza Convention Center
Albany, NY

Presented by:
International Workers' Compensation Foundation,
a non-profit corporation dedicated to
workers' compensation research and education





SPECIAL THANKS TO OUR SPONSORS



505 East Fayette Street, Suite 214

Syracuse, New York 13202

Phone: 315-472-7965 / Fax: 315-472-2616

*"Medicare Set Aside Services,
Knowledge is our Strength"*



Member Old Republic Companies

**PMA Management Corp.
TPA & Risk Services**

5789 Widewaters Parkway

DeWitt, NY 13214

800.329.6185

www.pmacompanies.com



**STEWART, GREENBLATT,
MANNING & BAEZ**

ATTORNEYS AT LAW

6800 JERICHO TURNPIKE
SUITE 100W
SYOSSET, NEW YORK 11791
516-433-6677

FAX: 516-433-4342

EMAIL: MAIL@SGMBLAW.COM



**New York Workers' Compensation
Centennial Conference**
July 15, 2014 • Empire State Plaza Convention Center - Albany, NY

AGENDA & PROGRAM

TUESDAY – JULY 15, 2014

8:00 am - 9:00 am	Registration Continental Breakfast	<i>Room 5 Foyer Base of the Egg</i>
9:00 am - 9:50 am	CENTENNIAL COMMENCEMENT <i>Alphonso David, Deputy Secretary for Civil Rights, New York State Jamilia Wignot, Producer and Director of Triangle Fire, Keynote Mary Beth Woods, Acting Executive Director, Workers Compensation Board</i>	<i>Room 6</i>
9:50 am - 10:05 am	BREAK Refreshment & Visit with the Vendors	<i>Room 5 Foyer and Base of the Egg</i>
10:05 am - 10:55 am	BREAKOUT SESSIONS (choose 1 of 4)	
CLE Eligible	LEGAL - Ten Most Significant Cases in Workers' Compensation History <i>David Wertheim, Deputy General Counsel, NYS Workers' Compensation Board</i>	<i>Rooms 3-4</i>
	EMPLOYEE CLAIMS – Findings About New York According to WCRI Studies <i>Ramona Tanabe, Deputy Director, WCRI</i>	<i>Room 1</i>
	EMPLOYER - The Best Accident (The One That Never Happens) <i>Edwin Ruff, Advocate for Injured Workers, NYS Workers' Compensation Board</i>	<i>Room 2</i>
CME Eligible	MEDICAL - A New Direction in Workers' Compensation Health Care <i>Patricia Furdyna, Supervising Medical Care Representative, NYS Workers' Compensation Board Crystal Ricciuti, Policy Analyst, Office of Policy and Planning, NYS Workers' Compensation Board</i>	<i>Room 5</i>
10:55 am - 11:10 am	BREAK Refreshment & Visit with the Vendors	<i>Room 5 Foyer and Base of the Egg</i>
11:10 am - 12:00 pm	BREAKOUT SESSIONS (choose 1 of 4)	
CLE Eligible	LEGAL - The Issue Resolution Spectrum <i>Madeline Pantzer, Chief of Adjudication, NYS Workers' Compensation Board Eric London, Conciliator, NYS Workers' Compensation Board Marjorie Leff, Assistant NYS Attorney General D. Jeffrey Romeo, Workers' Compensation Law Judge, NYS Workers' Compensation Board Cheryl M. Wood, Director-Administrative Review Division, NYS Workers' Compensation Board</i>	<i>Rooms 3-4</i>
	EMPLOYEE CLAIMS - State of the System Today: Perspectives from Participants <i>Hashim Bello, Director-Policy and Research Bureau, NYS Workers' Compensation Board Lev Ginsburg, Director-Government Affairs, Business Council of New York State Steven Minkowsky, Deputy Director-Monitoring, Audit and Enforcement, Maine Workers' Compensation Board (retired) Jeff Stark, President, Greater Capital Region Building and Construction Trades</i>	<i>Room 1</i>



EMPLOYER - Best Practices for Employers

Room 2

Russell A. Kratoville, *Town of Southampton Management Services Administrator*

Paul Rubano, *Town of Southampton Risk Manager*

CME Eligible

MEDICAL - Medical Treatment Guidelines: Past, Present and Future

Room 5

Dr. Elain Sobol Berger, *Medical Director and Senior Policy Advisor; NYS Workers' Compensation Board*

Charles Scott Smith, *Office of the Medical Director; NYS Workers' Compensation Board*

Dr. Jaime Szeinuk, *Medical Co-Director; NYS Workers' Compensation Board*

12:00 pm - 1:00 pm

LUNCH & AWARDS PRESENTATION

Room 6

Frances Perkins Award

Presented to an individual who has done significant work toward advocating for injured workers to ensure they are treated with dignity and get the benefits they deserve.

Presented by: Robert Beloten, Chair; NYS Workers' Compensation Board

Awardee: Jamila Wignot

Dr. Stephen Levin Award

Presented to an individual from the health care field who has demonstrated significant achievements in the care and treatment of injured workers.

Presented by: Robin Dintiman Levin & Dr. Elain Sobol Berger,

Medical Director and Senior Policy Advisor; NYS Workers' Compensation Board

Awardee: Dr. Robert B. Goldberg

1:00 pm - 1:50 pm

BREAKOUT SESSIONS (choose 1 of 4)

CLE Eligible

LEGAL - Ten Most Significant Cases in Workers' Compensation History *Room 5*
(Encore Presentation)

EMPLOYEE CLAIMS - Getting Back to Work: Successful Strategies

Room 1

Mary Beth Woods, *Acting Executive Director; NYS Workers' Compensation Board*

Catherin Carillo, *NYSIF Insurance Fund Business Manager*

Russell A. Kratoville, *Town of Southampton Management Services Administrator*

Paul Rubano, *Town of Southampton Risk Manager*

Brian Trick, *Claims Manager; Wegmans*

EMPLOYER - Doing Business in NYS: Employer Resources for Workers' Compensation and Beyond

Room 2

Neil Gilberg, *Advocate for Business; NYS Workers' Compensation Board*

Rafael Salaberrios, *Senior Director for Economic Revitalization of the Empire State Development Corp.*

Mwisa Chisunka, *NYS Business Ombudswoman & Director of Business Tax Services and*

Education for Empire State Development and the New York State Department of Taxation and Finance

Marcos Vigil, *NYS Deputy Secretary of State*

James Rogers, *Deputy Commissioner for the Division of Business and Labor Affairs*

and the Division of Worker Protection

CLE Eligible
CME Eligible

MEDICAL - Tackling An Epidemic-Narcotic Use and Abuse in Workers' Compensation

Rooms 3-4

Ramona Tanabe, *Deputy Director; WCRI*

Dr. Elain Sobol Berger, *Medical Director and Senior Policy Advisor; NYS Workers' Compensation Board*

1:50 pm - 2:05 pm

BREAK Refreshment & Visit with the Vendors *Room 5 Foyer and Base of the Egg*



2:05 pm - 2:55 pm	BREAKOUT SESSIONS (choose 1 of 4)	
CLE Eligible	LEGAL - Combating Health Care Fraud in the Workers' Compensation System <i>Paul D'Emilia, Fraud Inspector General, NYS Workers' Compensation Board</i>	<i>Rooms 3-4</i>
	EMPLOYEE CLAIMS - eClaims: Recent Changes to Claims Handling <i>MaryBeth Goodsell, eClaims Program Manager, NYS Workers' Compensation Board</i> <i>Michael Hunter, Senior Workers' Compensation Examiner, NYS Workers' Compensation Board</i>	<i>Room 1</i>
	EMPLOYER - The Best Accident (The One That Never Happens) (Encore Presentation)	<i>Room 2</i>
CME Eligible	MEDICAL - Clearer Processes and Procedures for Providers <i>Dr. Elaine Sobol Berger, Medical Director and Senior Policy Advisor, NYS Workers' Compensation Board</i> <i>Dr. Jaime Szeinuk, Medical Co-Director, NYS Workers' Compensation Board</i>	<i>Room 5</i>
2:55 pm - 3:10 pm	BREAK Refreshment & Visit with the Vendors	<i>Room 5 Foyer and Base of the Egg</i>
3:10 pm - 4:00 pm	BREAKOUT SESSIONS (choose 1 of 4)	
CLE Eligible	LEGAL - The Issue Resolution Spectrum (Encore Presentation)	<i>Room 1</i>
CLE Eligible	EMPLOYEE CLAIMS - 9/11: How the Workers' Compensation Board Responded And Where We Stand Today <i>Elizabeth Lott, Deputy Executive Director of Operations, NYS Workers' Compensation Board</i> <i>B. Casey Small, ARD Associate Attorney, NYS Workers' Compensation Board</i> <i>David Donohue, Director of Claims, NYS Workers' Compensation Board</i> <i>Dr. Jacqueline Moline, Chair and Vice President of Population Health, North Shore LIJ Health System</i>	<i>Rooms 3-4</i>
	EMPLOYER - Getting Back to Work: Successful Strategies (Encore Presentation)	<i>Room 2</i>
CME Eligible	MEDICAL - A New Direction in Workers' Compensation Health Care (Encore Presentation)	<i>Room 5</i>



BIOGRAPHIES OF PRESENTERS

Alphonso David, Esq., was appointed Deputy Secretary for Civil Rights, the first position of its kind in the state, in January 2011. In this role, he is responsible for a full range of legal, policy, legislative and operational matters affecting civil rights and labor statewide. Prior to joining the Governor's Office, Mr. David served as Special Deputy Attorney General for Civil Rights for the Office of the New York State Attorney General, where he supervised assistant attorneys general and managed strategic planning, case development, and policy analysis. He also served previously as Deputy Commissioner and Special Counselor at the New York State Division of Human Rights, litigation associate at the law firm Blank Rome LLP, and staff attorney at the Lambda Legal Defense and Educational Fund. At Lambda, Mr. David prosecuted and defended precedent-setting civil rights cases across the country affecting lesbian, gay, bisexual and transgender individuals and those living with HIV, including marriage, parenting rights, discrimination in schools and access to health care. He is also an Adjunct Professor of Law at Cardozo Law School and Fordham University Law School, where he teaches "Constitutional Law: Sexuality and the Law." Mr. David is a graduate of the University of Maryland and Temple University School of Law and served as a judicial clerk to the Honorable Clifford Scott Green in the U.S. District Court for the Eastern District of Pennsylvania.

Robert E. Beloten, Esq., is Chair of the New York State Workers' Compensation Board. He has been a law judge at the Board from 1988-1996 and 2000-2009. From 1996-2000, he was a Senior Law Associate at the law firm of Keating and Klein of Syosset, New York, a firm specializing in health care law. Between 1996-2000 Mr. Beloten served as a part-time hearing officer in the New York Supreme Court in Mineola, New York, conducting hearings on property assessments on residential properties in Nassau County, and he was an arbitrator and mediator for the Workers' Compensation Alternative Resolution Panel for the Construction Trade in Albany, New York. From 1985-1988 he was an assistant counsel for the New York State Racing and Wagering Board. He instituted administrative proceedings to ascertain violations of statutes, rules and regulations governing racing and pari-mutuel wagering, which include the administering of controlled and/or prohibited substances to horses, as well as the failure of employers to provide their employees with required workers' compensation insurance. Mr. Beloten clerked for New York Civil Court Judges Herbert A. Posner and Pearle Appelman from 1981-1984, in Kew Gardens. He has lectured extensively throughout New York on medical law and workers' compensation. He earned his law degree from the Hofstra University School of Law and a Bachelor of Arts degree from the University of Maryland, College Park, with concentrations in History, Government and Politics and Zoology.

KEYNOTE

Awardee of the Frances Perkins Award

Jamila Wignot is an award-winning, Brooklyn-based filmmaker. Her body of work includes *Town Hall*, a feature-length co-production with ITVS, about the Tea Party movement (Seattle International Film Festival '13); and for PBS the Peabody Award-winning films, *The African Americans: Many Rivers to Cross* and *Triangle Fire*; and the Emmy-nominated *Walt Whitman*. Ms. Wignot also produced *The Rebnquist Revolution*, the fourth episode of WNET's series *The Supreme Court*, which was an IDA Best Limited Series winner. She is currently directing one hour of the six-part women's series *Makers* and is a producer/director on a documentary film about the playwright Lorraine Hansberry. Her other producing credits include *Jesse James* and *Massie Affair*, which aired on WGBH's American Experience. Prior to her work as a producer and director, she worked on other PBS programs, including *Reconstruction: The Second Civil War* and the series *Race: The Power of an Illusion*.

Awardee of the Dr. Stephen Levin Award

Robert Bruce Goldberg, DO, is President of the Organization of State Medical Association Presidents (OSMAP) of the American Medical Association (AMA) and has served as past president of the Medical Society of the State of New York. He also is Dean and Professor at the Touro College of Osteopathic Medicine, New York City, New York. As OSMAP President, Dr. Goldberg looks to advance the work of this non-profit organization to further the aims and ideals of organized medicine by advocating for patients and striving to enhance medical education and clinical opportunities at the undergraduate and graduate levels. He previously served as the first Associate Dean for Community Medical Affairs and Advocacy for Touro College of Osteopathic. The mission of Touro College of Osteopathic Medicine places special emphasis on teaching and learning in the areas of primary care and the holistic approach to the patient. The College is committed to identifying and recruiting students who have specific interest in practicing underserved communities and addressing health care disparities. A graduate of Rutgers College, Dr. Goldberg earned his DO degree at the Philadelphia College of Osteopathic Medicine, Philadelphia, PA, where he served his internship. He trained in Physical Medicine and Rehabilitation Medicine at St. Vincent's Hospital and Medical Center of New York City, and he serves as attending physician in the Department of Physical Medicine and Rehabilitation at Beth Israel Medical Center, New York City. He is certified by the following boards: American Osteopathic Board of Rehabilitation Medicine, American Board of Physical Medicine & Rehabilitation, and the American Board of Neuromuscular and Electrodiagnostic Medicine. Dr. Goldberg has been a medical educator for more than twenty years, training medical students, interns and residents. In April 2008 he was honored by the Medical Students Section of the Medical Society of the State of New York and received the Charles D. Sherman, M.D., award for extraordinary assistance, availability and support provided to medical students. He received the National Hispanic Health Foundation Leadership Award on December 1, 2011. Dr. Goldberg received a citation on April 12, 2008, from Governor David Paterson, acknowledging his dedication to the advancement of medicine and the improvement of Healthcare for all peoples. He has received many awards and honors, including the Clara Lemlich Public Service Award by the Triangle Shirtwaist Factory Fire



Memorial for work and efforts in calling attention to and participation in the reform of workers' compensation and improvement of occupational safety in New York State March 25, 2008; the New York Society of Physical Medicine & Rehabilitation Outstanding Service Award, presented September 5, 2007; the Webber Memorial Award presented by the American Osteopathic College of Physical Medicine & Rehabilitation, for contributions to the field of Physical Medicine & Rehabilitation, September 2007; Physician of the Year Award from the New York State Osteopathic Medical Society, April 21, 2007, for Service & Dedication to Patients, Colleagues and the Progress of Osteopathic Medicine in the State of New York; and a Certificate of Appreciation from the Bronx County Medical Society for Distinguished Service, April 14, 2007. He received a citation from Governor Pataki on June 16, 2000, for presidential efforts for alliances forged with consumer groups, legal organizations, and other medical associations on behalf of medical coverage for the underserved and advocacy for reform of workers' compensation laws. Dr. Goldberg received a citation from C. Virginia Fields, President, Borough of Manhattan, for outstanding achievements in the fields of physical medicine and rehabilitation; in recognition of professional leadership in improving communication among consumer groups, legal organizations, third-party payers and others to advance the goals of expanded medical coverage for the uninsured and high-quality patient care; and in appreciation for service as the 161st president of the New York County Medical Society. He was selected as one of the Best Doctors in New York by *New York Magazine* (1998, 1999, 2000) for Physical Medicine and Rehabilitation, Sports Medicine and Manipulation. He also has been listed in *How to Find the Best Doctors in New York Metro Area* by Castle, Connolly Medical LTD 1997-2013. Most recently he was chosen as one of the New York Super Doctors as published by the *New York Times* (2011-2013). He was elected President of the Medical Society of the State of New York in 2007. He served as the Co-Chairman of the Carrier Advisory Committee for the Centers for Medicare and Medicaid Services, having served on the committee 1993-2010, since its inception. He is an advisor to the Governor's Task Force for Workers' Compensation Reform, and he served on the Governor's Task Force for the Office of Medicaid Inspector general. He is a Member of the American Academy of PM&R (AAPM&R) and was Chairman of the Medical Practice Committee for that organization. Dr. Goldberg served as the AAPM&R Representative to the RUC Committee for the AMA and serves as an advisor to the CPT Committee of the AMA for the AOA. He serves as Chair of the New York delegation to the AMA House of Delegates and is a Delegate to the AOA House of Delegates. He has served on governor's task forces for workers' compensation reform for the administration of Governors Paterson, Spitzer and Pataki. He is Past-President of the American Osteopathic College of Rehabilitation Medicine. He served as Chairman of the Managed Care Task Force for the New York County Medical Society, which was responsible for the first of a series of successful litigation to ensure access for patients throughout the New York and the Nation.

LEGAL TRACK

Ten Most Significant Cases in Workers' Compensation History

David Wertheim, Deputy General Counsel

David F. Wertheim, Esq., is the Deputy General Counsel for the Workers' Compensation Board. He received his J.D. from Cardozo Law School in 1991 and thereafter was admitted to practice in New York. Prior to joining the Board, he worked in private practice, and as an attorney for State Insurance Fund. He has been with the Board since 1997 in various capacities, including staff attorney for the Uninsured Employer's Fund, Deputy Director of the Administrative Review Division, Senior Law Judge for the Albany district, and, since 2011, Deputy General Counsel. Mr. Wertheim has presented many Continuing Legal Education Classes for the Board, the New York State Bar Association, the Appellate Division, Third Department, and the New York State Attorney General's Office.

The Issue Resolution Spectrum

Panel led by Madeline Pantzer, Chief of Adjudication

Madeline H. Pantzer, Esq., is currently the Board's Chief of Adjudication. She is a graduate of the University of Wisconsin, Madison, where she majored in History, and New York Law School. She worked in private practice and as an Administrative Law Judge with the City of New York prior to joining the WCB in 1998. She has served as a Workers' Compensation Law Judge in Brooklyn and Manhattan, the Senior Workers' Compensation Law Judge for the Albany District and the Chief of the Administrative Review Division.

Eric London, Esq., is a conciliator in the Adjudication Bureau of the Board. He has been with the Board since 1998. He is a graduate of Thomas Cooley Law School and Ithaca College. He is admitted to the New York State Bar, New Jersey Bar, and all four New York State Federal Districts.

Marjorie Leff, Esq., is a graduate of Binghamton University and New York University School of Law and admitted to practice in New York State. She worked in private practice at a labor law firm and as an administrative law judge at the New York State Department of Labor/Unemployment Insurance Appeals Board. Since 1997, she has been an assistant attorney general at the NYS Office of the Attorney General in the Labor Bureau. In this capacity, she represents the Commissioner of Labor in various matters, including representing the Workers' Compensation Board in litigation before the courts relating to decisions made, or actions taken by the Board, in its quasi-judicial capacity.

D. Jeffrey Romeo, Esq., has been employed by the Workers' Compensation Board in the Albany district since November 1992, presently as a workers' compensation law judge. Originally hired as a Conciliator, Judge Romeo has served as an associate attorney, team leader in appeals, albanysenior law judge, principal draftsman in the 1998 Plain English and decisional reformatting project, participated as a CLE presenter on numerous occasions (including several annual Judge's Conferences) and most recently served as an adjudication representative on the medical team for the Business Processes Reengineering (BPR) project. He is a 1982 graduate of the University of Buffalo and a 1985 graduate of The South Texas



College of Law. He has been licensed to practice law in New York since January 1986. Judge Romeo was previously employed as an associate attorney at the law firm of Walsh and Hacker, followed by a two year volunteer service in the United States Peace Corps as a legal advisor to the Malaita Provincial Government in the Solomon Islands. Upon return to the United States he worked as an associate attorney at the law firm of Sullivan, Reh fuss, Cunningham and Brennan before coming to the Board.

Cheryl M. Wood, Esq., is the director of the Administrative Review Division in the Office of General Counsel of the Workers' Compensation Board. Prior to assuming this position in 2011, she served in several different management positions. Before joining the Board, she served as Assistant Counsel with the Governor's Office of Regulatory Reform, dealing with a variety of issues and agencies. During this period she also served as Attorney for the Town of Durham. Before joining state service, Ms. Wood worked for Kingsley and Towne, P.C. Ms. Wood graduated from N.Y.U. School of Law and Vassar College. She is admitted to practice in New York and the Northern District of New York. She is a member of the New York State Bar Association and the American Bar Association.

Combating Health Care Fraud in the Workers' Compensation System

Paul D'Emilia, Fraud Inspector General

Paul D'Emilia, Esq., is the Fraud Inspector General for the Workers' Compensation Board, and has been with the Board for two years. Prior to his current position, Mr. D'Emilia was in private practice, and before that, a prosecutor with the Kings County District Attorney's Office for fourteen years, where he conducted more than 40 felony trials and 10 homicide trials. For two years, Mr. D'Emilia served as the resident legal advisor at the United States Embassy in Albania on behalf of the U.S. Department of Justice, Office of Overseas Prosecutorial Development Assistance and Training.

EMPLOYEE CLAIMS TRACK

Timely First Payment of Indemnity Benefits

Ramona Tanabe, Deputy Director WCRI

Ramona Tanabe, Esq., is the Deputy Director and Counsel at the Workers Compensation Research Institute (WCRI) in Cambridge, Massachusetts. She has been with WCRI since 1996 and has served in her current role since 1999. As Deputy Director and Counsel, Ms. Tanabe oversees the data collection and analysis efforts for numerous research projects, including the CompScope™ Multistate Benchmarks, which measure and benchmark the performance of a growing number of state workers' compensation systems.

State of the System Today: Perspectives from Participants

Panel of System Stakeholders led by Hashim Bello, Director of Policy and Research

Hashim Bello, Esq., is the Director of the Policy and Research Bureau of the Workers' Compensation Board, where he oversees quantitative and qualitative research into policy and process issues in the New York workers' compensation system. The Policy & Research Bureau delivers information to improve workplace safety and health, enhance workers' compensation system performance and inform public policy and program administration. The Bureau actively monitors and researches issues related to injured worker health care and benefits, analyzes stakeholder impact of procedural and legislative reform, and monitors and surveys other American and international jurisdictions for cutting edge improvements in workers' compensation administration and their applicability to New York. Mr. Bello has degrees in Mathematics and Law.

Lev Ginsburg, Esq., Director of Government Affairs for the Business Council of New York State, is a graduate of the University of Buffalo and the Benjamin N. Cardozo School of Law. Prior to his legal education, Mr. Ginsburg served as a staff member for U.S. Senator Arlen Specter, a political campaign coordinator and marketing director. He was a staff attorney with T-Mobile Communications, handling real estate leasing and title issues for mobile communication antennae sites. Most recently, he served for seven years as attorney and staff supervisor with the former Governor's Office of Regulatory Reform (GORR). At GORR, Mr. Ginsburg handled stakeholder outreach and regulatory oversight over many state agencies. Although his regulatory oversight work covered a broad range of issue areas, his main focus is health and labor regulations.

Steven Minkowsky was appointed as Deputy Director of Monitoring, Audit and Enforcement, Maine Workers' Compensation Board and the Maine State Executive Branch on March 3, 1993. The focus of this newly created position was to implement the Monitoring, Audit and Enforcement (MAE) Program pursuant to the Maine Workers' Compensation Act of 1992. The success of this program contributed to reduced litigation, enhanced performance measurements, and a reduction in employer premiums. The MAE Program has received national recognition. Mr. Minkowsky also served as the agency legislative liaison and the human resources representative at the workers' compensation board. After serving in a variety of Maine state government positions for more than 33 years, he retired on February 28, 2011.

Jeff Stark has been an active member of the Labor Movement in Albany over the last 18 years. Born in Amsterdam, NY, his parents taught him at an early age the value of hard work and caring for your community. In 1998 he was appointed an organizer for District Council 9 Painters and Allied Trades, then was elected business representative for 11 counties in upstate NY. He currently serves as president of the Greater Capital Region Building Trades Council and has negotiated project labor agreements worth more than \$14 billion. Mr. Stark has held many union offices for the Painters and is past Vice President and Treasurer of the Capital District Area Labor Federation. He is a member of the Capital Region Economic Development Council since 2012. He is an active member of his community and former Second Ward Supervisor in Montgomery County. Mr. Stark also serves as Labor Representative for Fulton-Montgomery-Schoharie Workforce Investment Board and as a Board Member for American Labor Studies Center.



Getting Back to Work: Successful Strategies -

Panel led by Acting Executive Director Mary Beth Woods, with Catherin Carillo, NYSIF Insurance Fund Business Manager; Paul Rubano, Town of Southampton Risk Manager; Russell A. Kratoville, Town of Southampton Town Management Services Administrator; and Brian Trick, Claim Manager; Wegmans

Mary Beth Woods is the Acting Executive Director for the Workers' Compensation Board. From July 1998 she served as the Director of Financial Administration and the Director of Licensing. She is Chair of the Governor's Task Force on Group Self Insurance, serves as a board member of the Compensation Insurance Rating Board, and is a committee member of the Underwriting Committee of the Department of Financial Services. Prior to joining the Board, Ms. Woods was an associate/senior budget analyst with the NYS Division of the Budget from 1990 - 1998. Her duties led to analysis/oversight of agency budgets for the State Insurance Fund and the Workers' Compensation Board, involving budgeting issues ranging from privatization to computer modernization. Ms. Woods began her career as a Certified Public Accountant with KPMG Peat Marwick, where she planned and supervised numerous audits, with a primary focus on state and local governments. She is a graduate of Siena College, *Magna Cum Laude*, and holds a Bachelor's in Business Administration.

Catherin Carillo began her career at NYSIF as a claims examiner in July 1982, and held positions as Sr. Claims Examiner, Associate Examiner, and Principal Claims Manager. Since 2009, she's served as the Business Manager of the Suffolk District office, which consists of 166 employees. She's worked on several training projects and programs involving return to work and customer service initiatives. Ms. Carillo holds a BA in psychology from Stony Brook University and has served on the Board of Directors of the Amity Harbor Civic Association since 1999.

Russell A. Kratoville is the Town Management Services Administrator for the Town of Southampton since January 2011. His responsibilities include directly overseeing 12 divisions, including Human Resources, Risk Management and Employee Safety. He has been involved in the operation of town government in New York since 1991, when he served as Vice Chairman for the Zoning Board of Appeals for the Town of Riverhead, Suffolk County. He subsequently served as Deputy Town Supervisor, Special Projects Coordinator and Department Head over the Town Recreation and Senior Services Departments for the Town of Riverhead. Additionally he served as Treasurer/ Director of Finance for the Suffolk Regional Off-Track Betting Corporation for 11 years. Mr. Kratoville is currently a member of the NYS Government Finance Officers Association and a Certified Public Finance Officer. He has served in many volunteer organizations and service organizations and is a graduate of University of Rhode Island.

Paul Rubano began his service with the Town of Southampton in 2009 as a budget analyst and Capital Program Project Manager. In this role he was responsible the development, administration and financing of the Town's Capital Program. Since 2011, Mr. Rubano has been the Director of Risk Management. He is charged with developing and implementing the Town's Risk Management strategies and program, which include insurance procurement, risk financing, loss control and employee safety. Under his leadership the Town has reduced its workers' compensation claims by 30% resulting in a 22% decrease in workers compensation premium costs. Before joining the Town, Mr. Rubano served as Director of Development at the YWCA of Queens and was a financial analyst at New York Municipal Advisory Corp (NYMAC), a fiscal advisory firm specializing in municipal debt issuance. Mr. Rubano earned a Masters degree in Public Administration from Long Island University and is a member of the NYS Government Finance Officers Association.

Brian Trick has worked for Wegmans for more than 18 years in a variety of roles. Since 2004 he has been claims manager. He oversees the self-administration of all workers' compensation, general liability and short-term disability claims. Mr. Trick is co-chairman of the Rochester Business Alliance and chairman of the NY Self-Insurers Association, which serves more than 350 self-insured employers throughout New York. He also participates on the NY Business Council Workers' Compensation committee and volunteers with Junior Achievement and the Ronald McDonald House of Rochester. Mr. Trick holds a Bachelor's degree in Organizational Management and a Master's degree in Strategic Leadership from Roberts Wesleyan College. He also served in the United States Army Reserves for eight years as a Nuclear Biological and Chemical Defense Specialist. During Desert Storm he was attached to the 1st Armored Division.

eClaims; Recent Changes to Claim Handling

MaryBeth Goodsell, eClaims Program Manager; and Michael Hunter, Senior Claims Examiner

MaryBeth Goodsell has been with the Board for 29 years. She was formerly the Rochester District Manager. In July 2010, she was appointed the eClaims Program Manager.

Michael Hunter entered New York state service as an investigator with the Workers' Compensation Board's Bureau of Compliance. He later served as a workers' compensation examiner with the Board. He currently serves as a Senior Workers' Compensation Examiner within the eClaims Workgroup and specializes in Claims EDI Transactions. Mr. Hunter holds an MPA from Marist College, Poughkeepsie, NY, and a BA in Crime and Justice Policy from Sage Colleges of Albany.

9/11: How the Workers' Compensation Board Responded and Where We Stand Today

Panel led by Elizabeth Lott, Deputy Executive Director of Operations

Elizabeth A. Lott, Esq., is the Deputy Executive Director of Operations for the Workers' Compensation Board, overseeing the Adjudication Division, Claims Operations, Contact Management Office, Disability Benefits, Archives, and the Disputed Medical Bills Unit. Ms. Lott attended the Benjamin N. Cardozo School of Law, where she earned her Juris Doctor degree. Prior to her current position, she served as the chief of adjudication, supervising law judge, in the former Office of Appeals; the Senior Law Judge in the Hauppauge District Office; a workers' compensation law judge in the Queens District Office; an associate attorney and ethics officer in the Office of General Counsel. Ms. Lott is a member of the Capital District Women's Bar Association and President of The Legal Project, Inc., a not-for-profit organization providing *pro bono* and low



cost legal assistance to those in need of civil legal services.

B. Casey Small, Esq., has worked for the Workers' Compensation Board for 16 years, first as a senior attorney in the ARD, and at present as an ARD associate attorney. In late 2001, she was assigned as the sole appellate writer of World Trade Center Memoranda of Board Panel Decisions. She has written decisions on all aspects of World Trade Center cases, from the constitutionality of domestic partnership to the proper application of Article 8-A and its amendments. Ms. Small is a graduate of Siena College and Albany Law School and is a member of Phi Sigma Tau, the National Honor Society of Philosophy.

David Donohue entered New York state service as a public management intern with the NYS Department of Transportation. He later served in the Governor's Office of Employee Relations and the NYS Dept. of Taxation and Finance in both labor relations and as director of health and safety. He joined the Workers' Compensation Board in 1995 as the administrator of the Albany District, and then served as director of operations for ten years, prior to serving as director of claims. Mr. Donohue holds an MPA from the Rockefeller School of Public Affairs and Policy at SUNY Albany and a BA from Siena College.

Jacqueline Moline, MD, MSc, FACP, FACOEM, is chair of Population Health and Vice President, Population Health, North Shore LIJ Health System, where she is responsible for the leadership and executive administration of the Department of Population Health. Dr. Moline received her BA from the University of Chicago and her MD from the University of Chicago - Pritzker School of Medicine, where she was elected to the Alpha Omega Alpha Honor Society. She completed an internal medicine residency at Yale University/Yale New Haven Hospital and an occupational medicine residency at the Mount Sinai School of Medicine. She is Board-Certified in both Occupational and Internal Medicine. Dr. Moline has 20-years experience in the delivery and management of occupational health services and has worked with employee groups, unions and employers for years, advising them on occupational medicine topics. She has played an instrumental role in the World Trade Center (WTC) Medical Monitoring & Treatment Programs, both at Mount Sinai and the North Shore LIJ Health System. Dr. Moline conducts occupational health research, specializing in medical surveillance of workers exposed to asbestos and lead, among other hazardous chemicals and materials. Dr. Moline has treated patients with occupational diseases for twenty years. She is an internationally recognized expert in occupational medicine, and has published dozens of peer-reviewed papers on occupational medicine topics. She currently oversees the wellness initiatives for the 45,000 employees at North Shore LIJ Health System.

EMPLOYER TRACK

The Best Accident (The One that Never Happens)

Edwin Ruff, Advocate for Injured Workers

Edwin Ruff has been the advocate for injured workers at the Workers' Compensation Board since October 1998. He created a unique service to assist workers who were injured or made ill on their job and helps workers' compensation claimants achieve proper and fair resolution to their cases. He also provides training and educational outreach programs on workers' compensation issues across the state to injured workers organizations, organized labor, business groups, attorneys, licensed representatives and physicians. Mr. Ruff was recognized by the New York State Assembly for his work with the victims of the World Trade Center 9-11-01 attack and still represents the Workers' Compensation Board on the WTC Medical Monitoring and Treatment Program Advisory Board. Prior to his work at the Board, he was a full time Union Representative for 34 years, serving as Safety and Health Director, as well as Assistant Director of Community Services for the New York State AFL-CIO. Mr. Ruff was Vice Chairman of the National Safety Council Labor Division Committee on Safety and Health Training and Education. In 1991, he was appointed by Governor Mario M. Cuomo as a member of the New York State Occupational Health Clinic Oversight Committee and sent to Thailand to conduct training for the Asia-American Free Labor Institute. While there he helped coordinate an investigation of the Kader Toy Factory Fire, the worst industrial fire since the Triangle Shirtwaist fire. Mr. Ruff also worked on the OSHA Committee that developed workplace violence guidelines and served on the Governor's Task force on Violence in the Workplace for Public Employees. He served on numerous state and national committees on safety and health and was appointed under the Clinton Administration to the Labor Research Advisory Council for the US Bureau of Labor Statistics. He has received numerous awards for his work, including an Outstanding Service to Safety Award from the National Safety Council, the 1994 Health Educator of the Year Award from the State of New York and the United Way Award for Outstanding Volunteer Commitment.

Best Practices for Employers

Russell A. Kratoville and Paul Rubano, Town of Southampton

Russell A. Kratoville is the Town Management Services Administrator for the Town of Southampton since January 2011. His responsibilities include directly overseeing 12 divisions including Human Resources, Risk Management and Employee Safety. He has been involved in the operation of town government in New York since 1991 when he served as Vice Chairman for the Zoning Board of Appeals for the Town of Riverhead, Suffolk County. He subsequently served as Deputy Town Supervisor, Special Projects Coordinator and Department Head over the Town Recreation and Senior Services Departments for the Town of Riverhead. Additionally he served as Treasurer/ Director of Finance for the Suffolk Regional Off-Track Betting Corporation for 11 years. Mr. Kratoville is currently a member of the NYS Government Finance Officers Association and a Certified Public Finance Officer. Mr. Kratoville has served in many volunteer organizations and service organizations and is a graduate of University of Rhode Island.

Paul Rubano began his service with the Town of Southampton in 2009 as a budget analyst and Capital Program Project Manager. In this role he was responsible the development, administration and financing of the Town's Capital Program. Since



2011, Mr. Rubano has been the Director of Risk Management. He is charged with developing and implementing the Town's Risk Management strategies and program, which include insurance procurement, risk financing, loss control and employee safety. Under his leadership the Town has reduced its workers' compensation claims by 30%, resulting in a 22% decrease in workers' compensation premium costs. Before joining the Town, Mr. Rubano served as Director of Development at the YWCA of Queens and was a financial analyst at New York Municipal Advisory Corp (NYMAC), a fiscal advisory firm specializing in municipal debt issuance. Mr. Rubano earned a Masters degree in Public Administration from Long Island University and is a member of the NYS Government Finance Officers Association.

Doing Business in NYS: Employer Resources for Workers' Compensation and Beyond

Panel led by Neil Gilberg, Advocate for Business; Rafael Salaberrios, Senior Director for Economic Revitalization of the Empire State Development Corp.; Steve Cohen, Deputy Commissioner of the Empire State Development Corp.; Mwisa Chisunka, NYS Business Ombudswoman and Director of Business Tax Services and Education; Marco Vigil, Deputy Secretary of State for Business & Licensing; and James Rogers, Deputy Commissioner for the Division of Business and Labor Affairs and the Division of Worker Protection

Neil Gilberg was appointed to the Workers' Compensation Board as the Advocate for Business in 2008. In this capacity he has assisted individual businesses with problems with their coverage, classification and compliance with the Workers' Compensation Law. Mr. Gilberg has traveled extensively throughout the state to educate business owners and government personnel on the way the workers' compensation system works and the role that each participant plays. He has met with business leaders and employer groups to listen to their concerns, report those concerns to the Chair of the Workers' Compensation Board, and offer possible solutions to address issues that have been raised. Mr. Gilberg has significant experience in the private sector. He comes from the hospitality industry, where he spent 20 years running a major Catskill resort, managing 300 employees and a multi-million dollar budget. He also has a background in government service as the former Sullivan County Clerk, a member of the Fallsburg Town Council, and a trustee of the Fallsburg Central School Board.

Rafael "Ray" Salaberrios joined the Empire State Development Corp. in 2010 as Senior Director for Economic Revitalization in ESD's Community Economic Development Department. Mr. Salaberrios oversees the development and implementation of the Distressed Neighborhood Initiative, aimed at generating economic activities in distressed communities throughout New York. He also manages ESD's Metropolitan Economic Revitalization Fund (MERF), a \$15 million revolving loan fund designed to attract large scale, employment generating economic development projects; the New York Healthy Food & Healthy Communities Fund (HFHC), an innovative \$30 million new financing program designed to increase food markets in underserved communities across New York State; and the Job Development Authority (JDA), which provides direct loans for the growth of manufacturing and other eligible businesses within New York. With the goal of economic growth for New York businesses, JDA is authorized to issue a total of \$750 million in special purpose bonds. Prior to joining ESD, Mr. Salaberrios served as president of the Bronx Overall Economic Development Corporation (BOEDC). Under contract to the Office of the Bronx Borough President, BOEDC spearheads major revitalization projects in the Bronx and is the key resource organization for the Bronx business community, providing free technical assistance and an array of services to attract businesses to the borough; encourage entrepreneurship; and help businesses of all types thrive in the Bronx. He has a Bachelor's Degree in economics from Herbert Lehman College.

Mwisa Chisunka is the New York State Business Ombudswoman - Director of Business Tax Services and Education for Empire State Development and the New York State Department of Taxation and Finance. Ms. Chisunka has a diverse background in the public sector, having worked as a Senior Tax Analyst for the New York State Department of Taxation and Finance, a Policy Operations Coordinator/Senior Analyst for the New York State Senate, an Auditor for the New York State Comptroller's Office and a Project Coordinator for the Progressive Adolescent Vocational Exploration Center. She has also worked in the private sector for Project Navigator, Ltd. Ms. Chisunka has received various awards for her contributions to New York State government, including: the New York State Center for Women in Government and Civil Society Fellowship for 2005, an Internal Revenue Service Outstanding Public Service Award for 2009, and a Certificate of Recognition from the New York City Department of Consumer Affairs for 2009. In 2010, she received the Internal Revenue Service Partnership Award and the Latino Association of Tax Preparers Certificate of Recognition Award. Ms. Chisunka received a Certificate of Recognition from the Metropolitan Black Bar Association in 2011. Her academic background includes a Bachelor's degree from Colgate University and a Master's degree from the Nelson A. Rockefeller School of Public Affairs and Policy.

Marcos Vigil was appointed in 2011 to serve as New York State Deputy Secretary of State. Under the guidance of Secretary of State Cesar Perales, Mr. Vigil is responsible for overseeing the Division of Consumer Protection, the Division of Administrative Rules, Division of Cemeteries, Division of Corporations, State Records and UCC and the Division of Licensing Services. Prior to his appointment he was associated with the international law firms of Thelen Reid & Priest LLP and Orrick, Herrington & Sutcliffe LLP in New York City, before joining Brody & Browne LLP, also in New York, as Counsel. Throughout his professional career, Mr. Vigil handled complex commercial litigation and employment law matters for domestic and international clients and provided general business advice to clients. He has served as Deputy General Counsel for the Hispanic National Bar Association and as a board member to the Puerto Rican Bar Association of New York. In 2011, he was selected to the Super Lawyers Magazine New York Rising Stars - Metro Edition. Mr. Vigil is a graduate of Princeton University and Fordham University School of Law.

James Rogers, Esq., is the NYS Dept. of Labor Deputy Commissioner for the Division of Business and Labor Affairs and the Division of Worker Protection, where he's responsible for creating and implementing policies and programs that serve the cause of business expansion and retention. The Division of Worker Protection also ensures safe working environments and tackles the issue of wage theft. Before joining the Dept. of Labor, Mr. Rogers was Senior Advisor and Special Counsel to New York State Attorney General Eric T. Schneiderman. Prior to serving in that role, he was Deputy Attorney General for



Social Justice under former Attorney General Andrew M. Cuomo, where he oversaw the Labor Bureau, Environmental Protection Bureau, Health Care Bureau, Civil Rights Bureau, Charities Bureau and Tobacco Compliance Bureau. Prior to joining government service Mr. Rogers was President of UAW Local 2325, the Association of Legal Aid Attorneys - a professional union made up of 850 attorneys serving working families in New York City. He was a member of the Executive Board of the UAW's statewide Community Action Program and a founding member of the coalition that overhauled New York's laws governing the representation of children in family court. For nearly 10 years, Mr. Rogers was a public defender for the Legal Aid Society's Criminal Defense Division in Bronx County, and he served as counsel to the National Coalition for Haitian Refugees. He began his career as an associate at the law firm of Fried, Frank, Harris, Shriver and Jacobsen.

MEDICAL TRACK

A New Direction in Workers' Compensation Health Care

Patricia Furdyna, RN, Supervising Medical Care Representative, and Crystal Ricciuti, Policy Analyst, Office of Policy and Planning

Patricia Furdyna, RN, is the Supervising Medical Care Representative for the WCB's Medical Director's Office (MDO) located in Menands. As a registered nurse with more than 20 years of nursing experience in the operating room and interventional pain management procedures, she supervises the Board's nursing staff in Brooklyn and Menands, who have a wide range of professional nursing backgrounds that include, rehab, ER, trauma, OR, pain management and case management.

Crystal Ricciuti is a Policy Analyst for the Workers' Compensation Board in the Policy & Research Bureau, where she oversees socio-medical policy issues, including the Board's medical fee schedule revisions project. The Policy & Research Bureau delivers information to improve workplace safety and health, enhance workers' compensation system performance and inform public policy and program administration. Other socio-medical policy issues currently being addressed by the Board include: the impacts of opioid prescriptions on injured workers and the influence of medical treatment guidelines on patient improvements and providers' practices. Ms. Ricciuti has a Master's degree in Public Administration.

Medical Treatment Guidelines: Past, Present and Future

*Elain Sobol Berger, MD/JD, Medical Director and Senior Policy Advisor, Workers' Compensation Board,
and Jaime Szeinuk, MD, Medical Co-Director*

Elain Sobol Berger, MD/JD, Esq., a physician and attorney, is the Medical Director and Senior Policy Advisor for the Workers' Compensation Board. She supervises the Medical Director's Office, which is responsible for the oversight of all medical issues at the Board. She is co-chair of the Board's Medical Advisory Committee (MAC) which developed the proposed Non-Acute Pain Medical Treatment Guidelines. From 2007 until 2010, Dr. Sobol Berger was Project Manager of Medical Guidelines for the New York State Insurance Department's Workers' Compensation Reform Task Force, which was responsible for developing the initial Workers' Compensation Medical Treatment Guidelines. Dr. Sobol Berger has more than 20 years of healthcare experience as a clinician and medical administrator. She was admitted to the New York State Bar in 2007.

Jaime Szeinuk, MD, graduated from medical school at the National University of Colombia in 1978. He specialized in pulmonary medicine and was an attending physician at the Central Military Hospital in Bogotá. In 1996 he completed training in occupational medicine at the Mount Sinai School of Medicine, and he served as Medical Co-Director of the IJ Selikoff Center for Occupational and Environmental Medicine until 2012. He has been the Medical Co-Director of the Workers' Compensation Board since 2010. He is a certified B-reader. Currently he is co-investigator in the Libby Epidemiology Research Program and Assistant Professor in the Department of Thoracic Surgery at Mount Sinai.

Charles Scott Smith, RN, has been a Registered Professional Nurse since 1996. He holds a Bachelor's Degree from the State University of New York at Albany and Associate's Degree in Allied Health Sciences, Nursing, from Maria College in Albany. He worked as a Staff Nurse in the Infectious Diseases/AIDS Treatment Center unit at Albany Medical Center Hospital before joining IPRO in Lake Success, working in various utilization review, quality improvement and dispute resolution capacities. In 2007, Mr. Smith joined the Workers' Compensation Reform Task Force, helping to develop the 2010 Medical Treatment Guidelines. In 2010, he joined the Workers' Compensation Board Medical Director's Office in Brooklyn.

Tackling An Epidemic-Narcotic Use and Abuse

Ramona Tanabe, Dep. Exec. Dir., WCRI, and Elain Sobol Berger MD/JD, Medical Director and Senior Policy Advisor

Elain Sobol Berger MD/JD and Ramona Tanabe - see above for biographies.

Clearer Processes and Procedures for Providers

Elain Sobol Berger MD/JD, Medical Director and Senior Policy Advisor, and Jaime Szeinuk MD, Medical Director

Elain Sobol Berger MD/JD and Jaime Szeinuk MD - see above for biographies.