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WORKERS'
COMPENSATION

SOCIAL SECURITY
DISABILITY

LONG-TERM
DISABILITY



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Medical Providers: Legislative ALERT!

Recently, the Pennsylvania Chamber of Commerce and at least one member of the Pennsylvania legislature submitted proposals for reform to the Department of Labor and Industry to “improve the quality of care and curtail waste and abuse in the current [workers’ compensation] system.” While veiling itself as an attack on systemic waste, in reality, the proposal is clearly aimed at reducing insurance carriers costs related to the medical care provided to injured workers. In essence, the legislation would treat injured workers and the medical providers who treat them as second-class citizens.

The proposed “reforms” are as follows:

- » Extension of the captive care period with panel providers from 90 to 180 days.
- » Creation of mandatory prescription benefits managers. This would require that prescriptions for work injuries be provided solely by pharmacies chosen by the employer/insurance carrier.
- » Mandatory drug testing at set intervals whenever class 2 narcotics are prescribed for a work injury.
- » Removal of workers’ compensation judges from the Utilization Review appeal process.
- » Fee schedules for treatment of work injuries to be altered and modified annually.
- » Medical bills will only be payable if submitted properly within 180 days from the date of treatment.

If enacted into law, the proposal would have a detrimental impact on the quality of care available to injured

workers, because it unjustifiably restrains the ability of medical providers to utilize their skills to treat work injuries. Specifically, the legislative proposal seeks to extend the period from 90 to 180 days during which claimants are required (if all employer obligations are met) to treat only with panel physicians. This unfairly prevents injured workers from receiving quality medical care during the most critical time following an injury-its acute phase. Furthermore, arbitrarily altering fee schedules on an annual basis creates great uncertainty regarding reimbursements for care. Requiring bills to be submitted within 180 days fails to recognize the realities of current medical billing procedures. Clearly, the proposal’s stated goal of improved “quality of care” is false. The opposite is more likely the case.

While these proposals have not yet been drafted into any legislation, we will be monitoring the situation carefully. Martin Banks partners **Alfred Carlson, Esq.** and **Joseph Huttemann, Esq.** are members of the governing boards of the Philadelphia Trial Lawyers Association and Pennsylvania Association of Justice who are closely monitoring any legislative changes. Should a bill be proposed for enactment, we will alert and assist you in making your voice heard regarding these changes. A copy of the Chamber of Commerce’s Proposal can be found at www.paworkinjury.com/chamberproposal.

OUR ATTORNEYS

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A 2011 Best Place to Work

Martin Banks has been ranked number 13 for medium sized companies on the Philadelphia Business Journal's 2011 Best Places to Work. This is Martin Banks first year to be named on the Best Places to Work list, which we could not have done without the help of our amazing and dedicated employees.

Martin Banks was nominated for this honor earlier in the summer and our employees were asked to fill out an anonymous online survey. This survey rated employee satisfaction in numerous categories including team effectiveness, which is an extremely necessary component of our law firm.

Martin Banks partner, Al Carlson attended a private cocktail and networking event that revealed the rankings and awarded to top ranked companies on Thursday, October 13.

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If You See Something, Say Something

In the past year there has been an increase in publicized cases dealing with abuse, neglect and bullying. Recent cases of this nature include the Penn State sexual abuse scandals, an increase in bully related suicides, and the Casey Anthony trial, which dealt with child neglect.

In light of these recent publicized cases of abuse, neglect and bullying, we have compiled a comprehensive list of signs of abuse or neglect to

look for in your patients to help prevent this cycle.

» One of the most common indicators of physical abuse in both adults and children is the occurrence of random bruises, cuts, broken bones and other physical harm that is usually brushed aside as being clumsy, or inappropriate seasonable wardrobe that can hide more areas of abuse.

» Some victims may become more on edge during physical exams or at the beginning of visits due to the constant presence of fear.

» Some people may start to have unexplained anxiety or depression issues, due to their inability to properly deal with the abuse they are facing.

According to Ross Ellis, founder and CEO of LoveOurChildrenUSA.com and STOMP Out Bullying, "When you have one kid who commits suicide, it almost becomes a copycat thing. These teens believe it's an easy way to get rid of the pain they suffer."

Although physical indicators are one of the more apparent and easily noticeable signs of abuse, many people suffer from other types of abuse that are not as easily recognizable, like emotional,



sexual or financial abuse. Therefore, it is important to always listen to your patients and watch for any sudden changes in their behavior.

For more information or to report an incident, please visit these web sites: www.stompoutbullying.org or www.familyjusticecenter.org.



"The best part of my job is the feeling of accomplishment in that I help people everyday."

Above: Partner, Al Carlson with Social Security Disability Paralegal, Denisse Sanchez

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Robbery Found To Be “Normal” Working Condition

In Pennsylvania, in order to obtain workers' compensation benefits for a mental injury, an employee must prove that he or she was exposed to “abnormal working conditions and that his or her psychological problems are not a subjective reaction to normal working conditions.”

A Pennsylvania appellate court recently held that a Bucks County liquor store employee who suffered from post-traumatic stress disorder after an armed robbery had not been subjected to abnormal working conditions, because similar robberies had occurred in Philadelphia for the past eight years.

As quoted in *The Pennsylvania Law Weekly*, Al Carlson noted that many of the incidents cited also did not have as extreme circumstances as his client's incident, in which he was prodded with a gun to the back of his head. Carlson is “very upset that the Commonwealth Court would find that way in this particular fact pattern.”

He added it's “hard to understand why the Commonwealth Court would not allow someone who was a victim of an armed robbery any workers' comp. benefits.” Noting the sharply divided panel, Carlson said “I would hope society has not deteriorated to the point where getting robbed by a gun to the back of the head would be considered a normal working condition.”

“This is how absurd it is: If he had been killed, his widow would have received workers' comp benefits,” Carlson said. “But because he was able to follow protocol and save himself and his co-worker... he doesn't get anything, despite the fact that both medical experts found him to have suffered from post-traumatic stress disorder as a result of the work-related event.”

Attorney Carlson has filed an appeal to the state Supreme Court.



New Litigating Attorney

Martin Banks attorney, **Amit Shah, Esq.** was recently promoted to a litigating attorney

within the firm. Mr. Shah has been with the firm since 2007 as an associate covering hearings and writing briefs. Mr. Shah will now handle his own caseload which is the next step in the transition to partner.

Mr. Shah will be speaking at the CLE course, “Workers' Compensation Issues Involving the Larger Employer” at the Pennsylvania Bar Institute's CLE Conference on Thursday, March 1, 2012 in Philadelphia

Prior to joining the firm, Mr. Shah was an associate with a boutique defense firm handling workers' compensation litigation in Pennsylvania. He also previously served as a legal intern in immigration at the Children's Hospital of Philadelphia. In 2004, Mr. Shah earned his law degree from the Dickinson School of Law of The Pennsylvania State University, where he was a member of the Minority Law Student Association. He earned his Bachelor of Arts degree from The Pennsylvania State University in 2001. Mr. Shah is admitted to practice in Pennsylvania and New Jersey and is a member of the Pennsylvania Bar Association's Workers' Compensation Division. He is fluent in Gujarati.

Elected and appointed

« « **GEORGE MARTIN AND MATT WILSON** have been selected by their peers for inclusion in the 2012 edition of *The Best Lawyers in America*® for Workers' Compensation Law - Claimants. George first appeared on this list in 1995 and Matt was first listed in 2010. (Copyright 2011 by Woodward/White, Inc., of Aiken, S.C.)

MARTIN BANKS has been selected for inclusion in the 2012 edition of U.S. News and World Report *Best Law Firms*® for Workers' Compensation Law - Claimants. (Copyright 2011 by Woodward/White, Inc., of Aiken, S.C.)

MATT WILSON assumed the role of Secretary for the Workers' Compensation Law Section Council of the Pennsylvania Bar Association at the Fall Section Meeting in September.

Speaking engagements

GEORGE MARTIN was a guest lecturer at the 27th Annual Pennsylvania Bar Association's Workers' Compensation Fall Section Meeting held in Hershey, PA.

AMIT SHAH was recently a guest speaker at the Philadelphia Bar Association Workers' Compensation Section CLE Program on the topic “Workers' Compensation Issues Involving the Large Employer.”

JOHN DOGUM recently spoke to a risk management and insurance consulting company about workers' compensation matters from the claimants perspective.

AL CARLSON was a speaker at the Southeastern Pennsylvania Judge's Conference about Structured Settlements in Workers Compensation Matters.

MATT WILSON was a guest speaker at a seminar in Harrisburg sponsored by the Pennsylvania Chiropractic Association focusing on documentation, coding and reimbursement.

MATT WILSON and **GEORGE MARTIN** will be presenters of the Workers' Compensation Practice & Procedure 2012 Manual - commonly referred to as the workers' comp. “bible.” They will present the new materials at various locations throughout the state starting in May.



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Disability Department Changes

Joseph D. Capitan has been promoted to the head of the firm's Social Security Disability department. This promotion comes with the departure of Jodie Taraborrelli, who has moved on to join the Office of the Regional Attorney at the Social Security Administration. We wish Jodie the best of luck in her new position and welcome Joe into his new leadership role at the firm.

Supporting Joe and the SSD Team is our newest

associate, Maria Harris. Maria comes to us from an international defense firm litigating insurance matters in the areas of life, health, disability and ERISA claims. She is NJ State Certified Bilingual Spanish/English. She was recently elected to the Executive Committee of the Young Lawyers Division of Philadelphia Bar.

You can learn more about our attorneys as well as Social Security Disability and Long-Term Disability on the firm's SSD site at www.SSDisabilityFirm.com.



How to determine viable candidates for Social Security Disability (SSD)

1. The person is out of work (preferably for 12 months or with the expectation of 12 months or more)
2. The conditions (both physical or mental) are such that it is reasonable to believe that they will be out of work for 12 months.
3. The person has a work history where he/she paid Social Security taxes.
4. They cannot perform the work they did in the past.
5. They cannot perform any work, 8 hours per day, 5 days per week.

Even if you're not sure, refer it to us anyway.

There is no fee unless we win, and your patient receives a free consultation to discuss their rights.

Find us online to keep up with all the latest news!



www.paworkinjury.com

MARTIN BANKS

WORKERS' COMPENSATION ■ SOCIAL SECURITY DISABILITY

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**Important
Legislative
Information
Enclosed**

