Meet the 2018 Leisure and Learn Presenters
Workshop Overview and Time Frames

THURSDAY APRIL 26, 2018

8:00 AM - 9:30 AM. Evidentiary Rules and Standards That Govern Testimony: Two Attorney Perspectives: Craig Logsden, Esq. and Kelly Wilkins, Esq., **The Snell and Wilmer Law Firm, Phoenix, Arizona.**

This workshop will provide participants with an understanding of the evidentiary rules and standards that apply to testifying experts, independent of their discipline and credentials. The workshop will offer testifying life care planners an overview of aspects of their testimony that can be subject to exclusion for violating these evidentiary guidelines. Craig and Kelly will explain the law that governs various economic damage issues about which life care planners offer opinions: whether juries can consider the plaintiff's insurance coverage; whether the plaintiff can recover for the actual medical charges versus what is actually paid; and how the Affordable Care Act may change the landscape of what juries can award. These laws are vary from state to state, and are in a state of flux. Craig and Kelly will also explain some of the evidentiary rules that govern the testimony of life care planning experts, such as the Daubert standard for qualifications and reliability, relevancy, unfairly prejudicial evidence, and foundational requirements. These are terms standards that expert witnesses have to live by, but may not fully understand.

9:30 - 9:45 AM. *"Desayuno," Traditional Mexican Breakfast:, Chilequiles, Enchiladas, Huevos Rancheros con Salsa Rojo y Verde, Frijoles, and Papa Fritas.*

9:45 - 11:00 AM. A Common Framework for Analysis of Life Care Plans: An Evidence-Based Systems Model to Analyze Life Care Plans by: Non-Certified Life Care Planners, Life Care Planners Certified by the American Association of Nurse Life Care Planners (AANLCP), Life Care Planners Certified by the International Commission of Health Care Certification (CLCP), and Physicians Holding the Physicians Life Care Planning Certification (PLCP). Penelope Caragonne, Ph.D., CLCP and Keith Sofka, Assistive Technology Provider (Retired), **Caragonne and Associates, LLC, Ajijic, Jalisco, Mexico.**

This workshop provides a systems model for life care plan evaluation that can be applied to plans developed by expert with diverse qualifications. A model has been developed which establishes what is common to all life care plans across all professional certifications. The model can demonstrate the extent of plan reliability, relevance, and validity. The objective for this

workshop is to provide attendees with an easy-to-use framework that supports documentation of omissions or deviations from professional standards, and, identifies the implications of these omissions for plan rebuttal. There is a commonality between and among all professional standards relative to comprehensive plan development. Key stages of plan development may be minimally performed by a planner, or in some cases, ignored altogether. Omissions at any stage of work have implications for future plan validity, relevance, and reliability.
A six step cross-walk will be presented that identifies 1) common stages of plan development, independent of the certification, 2) confirms planning steps omitted, ignored or poorly completed, 3) professional standards violated, 4) significance of the standards violations for plan reliability, relevance, and validity, 5) court requirements for expert reports, and 6) which specific aspects of a Daubert or Frye challenge are relevant to the life care plan being evaluated.

Through actual case studies, participants will learn how to identify and describe deviations from accepted standards for life care planning, and, the implications of these deviations for plan reliability, relevance, and validity. Participants will learn how to quickly identify the commonalities between and among standards for different certifications, identify deviations from professional standards for work, establish the significance of these deviations; determine which requirements have been violated due to methods used, and last, translate analytic findings into a summative analysis of plan deficiencies and describe the implications for potential plan exclusion. Participants will be provided with “quality assurance checklists” to support “scoring” of a life care plan using a descriptive 100 point scale.

11:00 AM - 12:00 PM. The 2017 Ethics Survey: Barros-Bailey, PhD, CRC, NCC, **InterMountain Vocational Services, Boise, Idaho**, and Sherry A. Latham, BSN, RN, CLNC, CLCP, MSCC, CNLCP, **Oklahoma Medical-Legal Consulting, Norman, Oklahoma.**

This presentation will not only provide the audience with the results of the 2017 Ethics Survey, but also provide resolutions to identified multi cultural ethical dilemmas as well as resources and group discussion through case studies. A range of ethical dilemmas will be explored and means to resolve these dilemmas reviewed. At completion, participants will be able to identify multicultural ethical issues in life care planning; describe the most common areas of multicultural ethical issues and paths to their resolutions; and, consult with peers to determine areas and resources for resolving ethical issues identified

12:00 - 12:45PM. An Overview of Evidence-Based Services to Support Life Care Planners and Certified Rehabilitation Counselors. Jackson Metekingi, **Vox Medicus, Salt Lake City, Utah.**

Are you good at what you do professionally, but struggle to run s solo practice? Are you overwhelmed by maintaining control of your office, cases, clients and invoices? Can't afford to hire staff? Frustrated or intimidated by software? Then this presentation is for you.

For years, Jackson Metekingi watched his mother, Judy Metekingi, a case manager and life care planner, struggle with balancing the demands of a growing and lucrative practice, while simultaneously becoming more and more bogged down by administrative requirements to review thousands of pages of medical records, organizing files and cases, analyzing Life Care Plan Cost Charts for errors and omissions, to preparing for testimony. For life care planners, work must be successfully completed against multiple time and content constraints: Revised Rule 26 requirements, court-ordered deadlines, and, needs to ensure evidence-based analyses of Life Care Plans and Vocational Reports can constrain a life care planner. In real-time demonstrations, Jackson will teach solo expert practitioners the benefits of outsourcing aspects of the life care planning process, how outsourcing technology can save you time and money in every part of your practice from medical record organization and review, CPT coding and costs, to back office support and invoicing. This presentation will offer concrete information regarding how and why outsourcing is applicable for life care planners, how outsourcing will assist life care planners and vocational experts in learning about software options to streamline life care planning and case management businesses, and last, explore how a combination of outsourcing and software combinations can save time and money to a solo practitioner expert consultant. This workshop will explore and provide samples of services at Vox Medicus to demonstrate how each can be used to support a busy life care planning expert.

12:45 - 1:45PM. Evidence-Based Life Care Planning. Judy Metekingi, DNP, RN, CRRN, CCM, LNCC, CLCP, **Vox Medicus, Salt Lake City, Utah.**

Judy Metekingi, DNP, RN, CRRN, CCM, LNCC, CLCP, is a case manager and life care planner with over 30 years' experience in both fields. She has written life care plans nationally and internationally for clientele with diverse catastrophic illnesses and injuries. She is the sole proprietor of Metekingi and Associates, and together with Jackson, her son, owns Vox Medicus, a provider of medical-legal services to the legal and insurance industry.

Considerable mystery and confusion surrounds the concept of "evidence-based planning." Judy's workshop will define evidence-based planning, clarify how it is used in litigation, and how it can provide empirical support throughout the life care planning process. Critiques of non-evidence-based life care plans will be provided.

1:45 - 2:15PM ***Day One Debriefing and Program Evaluation. Botanas and Bebidas ("Libations and Hors d'oeuvre").***

FRIDAY, APRIL 27, 2018

8:00 - 9:30 AM. Part One: Evidence: Essential Components. (4.5 CEUs) Mary Barros-Bailey, PhD, CRC, NCC, **InterMountain Vocational Services, Boise, Idaho**.

We are often asked about what it is and may not know what distinguishes it from all the data we were provided or have obtained. The distinction will be made clear in this workshop. The Federal Rules of Evidence calls for evidence-based practice, and other professional guidelines and standards assume the professional knows the answers to these questions: What is evidence? Why do we consider one time of evidence and perhaps not another? Where do we locate the evidence we need, and other such questions. This presentation seeks to provide the life care planner with a solid foundation of understanding upon which s/he can provide some straightforward definitions for "evidence." It will also presents methods for sorting through all the information s/he considers in arriving at his/her opinions and conclusions. Most importantly, the participants will be provided with an all-inclusive empirically-derived (but, most importantly, simple) model of evidence they or others collect on the case and how to describe the various pieces of evidence relied upon in forming an opinion. Workshop participants will be able to: 1) Describe the difference between primary and secondary data and evidence; 2) Identify an all-inclusive evidence model to be applied to a life care planning case; 3) Through case study, describe how the different forms of data become relevant or irrelevant evidence in arriving at findings and opinions.

9:30 - 10:00AM. *"Desayuno: Una Vez Mas" Traditional Mexican Breakfast: Chilequiles, Enchiladas, Huevos Rancheros con Salsa Rojo y Verde, Frijoles, and Papa Fritas.*

10:00 - 11:00AM. Recent Trends in Challenging Expert Testimony by Life Care Planners: How Should Expert Reports be Presented (and Validated) to Keep Your Testimony From Being Excluded? Victoria Powell, RN, CCM, LNCC, CNLCP, CLCP, MSCC, CBIS, CEAS, **VPMedical, Benton, Arkansas.**

A new trend is developing in which defense counsel try to dispute a life care planner's cost projections citing Medicare or health insurance benefits as the maximum costs which should be considered. In this presentation, the speaker will share a Daubert Challenge on the financial aspects of a plan presented in Federal Court. Participants will learn the common objections presented that seek to limit financial aspects of the plan as being "less than usual and customary," and, strategies to use to successfully refute this ploy. Participants will learn to analyze the most common objectives offered by opposing attorneys, rebuttal arguments to use to express the fallacies in logic employed by opposing attorneys, and a basis for refutation of motions to dismiss life care plan costs on the grounds of established norms in life care planning, limitations and under-estimation of lifetime costs, and under-valuation of lifetime costs. The lack of applicability of this argument will also be established.

11:00 - 12:30PM. Evidence-Based Life Care Planning in the Face of Significant Pre-Existing Conditions. Michele Nielsen, RN, MA, CCM, CRC, CLCP, ABVE, **Medical-Vocational Planning, LLC, West Linn, Oregon.**

Life care planners are seldom presented with a 'clean slate' in regard to our evaluees. A catastrophic injury may have occurred when a person is 50 years old but has already been suffering from a progressive disease which the life care planner must take into account. Michele will discuss the use of evidence in determining Susan's needs after a brain injury in light of her progressive multiple sclerosis diagnosed a few years earlier. This discussion will shed light on, and further dialogue, our need to testify as experts in an evidence-based world. Her life care plan must include clarifying, isolating and determining, prior to the subject accident, the scope, range and cost of services Susan required as a function of multiple sclerosis. This workshop will focus on how to isolate, through evidence collected, the effect–and cost--of prior injuries on individual functional capabilities, and, what evidence now requires collection to identify, quantify, and cost out only those services required as a result of the second disabling accident. Considerations such as the effect of the first accident on subsequent injuries in the second accident will require analysis, separating of causal effects attributable only to the second accident, in order to form conclusions on total damages suffered. Participants will learn strategies to use to identify the side-effects of prior diagnoses on future function.

12:30 - 2:00PM. Clear Evidence For The Epidemic of Opioid Abuse: Ethics, Policy Dilemmas and Decisions. Alisa Cornetto. BASN, RN, CLCP, **Concierge Medical Services. Burlington, North Carolina.**

This session will explore ethical considerations in life care planning for the client prescribed long-term opioids for non-cancer pain in light of evidence based guidelines, and clinical best practices. The presentation will include the history and current state of the opioid crises, current evidence-based treatment guidelines, safeguards to curtail inadvertent life-time dependence in life care plans, and novel evolving treatments to reduce opioid dependence. At the completion of this session participants will be able to identify implications to the development of a life care plan for a client on opioid medication therapy.

2:00 - 2:30 Day Two Debriefing and Program Evaluation. Refreshments.

SATURDAY, APRIL 28, 2018

8:00 - 9:30AM. Recovery from Severe Burn Injury: Evidence for the Necessary Medical/ Psychological and Rehabilitative Care of This Life-Long Journey. Ruth Rimmer, Ph.D., CLCP, **Care Plans for Life, LLC. Phoenix, Arizona.**

A well-documented and thorough life care plan plays an important role in the long-term recovery of a burn-injured individual. Serious burns cause a significant interruption of the patient's life, including physical, social, emotional, and financial stability. Therefore, it is vitally important that the life care plan for the burn patient is holistic and addresses concerns regarding the client's medical, emotional, social, and financial needs and well-being. This course will acquaint the participant with the multi-faceted needs of an adult burn victim with a total body surface area (TBSA) exceeding 50%. The workshop, 1.5 hours in length, is designed for seasoned life care planners who want to better understand the evidence based needs of the seriously burn-injured individual. After attending the course participants will be familiar with evidence relating to:

· Burn Depth and Causation
· Importance of Reconstructive Surgery
· Psychological Needs
· Sleep Disruption Issues
· Itching as a Long-term problems
· Importance of Exercise for the Burn Survivor
· Community Reintegration Needs

9:30 - 10:00AM. *Chile en Nogadas*, *Enchiladas.*

10:00 - 11:30AM. Part Two: Evidence: What Is It (4.5 CEUs) Mary Barros-Bailey, PhD, CRC, NCC, **InterMountain Vocational Services, Boise, Idaho**.

11:30 - 1:00PM. Motions to Suppress: Peer-Reviewed Expert Resources to Defeat Motions to Suppress Life Care Planning Testimony, Joan Schofield, RN, BSN, MBA, CNLCP, **MedView Med-Legal & Case Management Specialists, Alberquerque, New Mexico**; Sherry A. Latham, BSN, RN, CLNC, CLCP, MSCC, CNLCP, **Oklahoma Medical-Legal Consulting, Norman, Oklahoma;** Victoria Powell, RN, CCM, LNCC, CNLCP, CLCP, MSCC, CBIS, CEAS, **VPMedical, Benton, Arkansas;** Shelene Giles, BA, BSN, RN, MS, CRC, CNLCP, MSCC, CLCP, **Fig Services, Hendersonville, North Carolina;** Liz Holakiewicz RN, BSN, CCM, CNLCP; **Liz Holakiewicz & Associates, San Diego, California.** Jacquelyn Morris, BSN, RN, CRRN, CNLCP, **Godlove-Morris & Associates, LLC, Olathe, Kansas.**

This panel focuses on motions in limine, Daubert challenges, and how to combat them. It is designed to provide valid, relevant and reliable resources to use to defeat a challenge. It will demonstrate and clarify what life care planners can expect when using these resources to defend their life care plan. The workshop will provide testifying experts with practical tips and widely accepted methods that can be used to support/refute motions to dismiss their life care plans. Resources relied upon by life care planners will cover not only how to defend required foundations for testimony by life care planners, but also life care planning methodologies, licensures, credentialing and certification, processes of self-regulation, professional and legal regulation, professional standards for report development, and appropriate foundations to use to validate how the life care planning credential reflects achievement of specialized knowledge, experience, skills, clinical judgement, and proficiency more advanced than basic licensure. As a result of this presentation, participants will be able to define the types of motions or challenges used to dismiss expert testimony, and, determine effective strategies for refuting or defending a motion to dismiss expert testimony. Participants will be able to list three well-known and widely disseminated references that support the expert life care planner's specific scope of practice. Vignettes of actual motions to dismiss received by life care planners will be presented as will twenty-five (25) strategies, based on the expert's scope of practice, that were or can be used to defend a motion. An array of defensible and effective strategies to use when defending established life care planning costing methodologies against an opposing accounting expert, will also be clarified. The attendees will also participate to review how experts can have, or have previously used, other practice strategies.

1:00 - 2:00PM Pelvic Floor Injuries: Side-Effects and Medical Consequences for the Life Care Planner. Liz Holakiewicz RN, BSN, CCM, CNLCP; **Liz Holakiewicz & Associates, San Diego, California.**

Female pelvic floor dysfunction impacts sexuality, bowel function, bladder function and parturition. In extreme situations, prolapse of bladder, bowel and uterus can occur, as well as incontinence of bowel and bladder and chronic pain with urination, defecation and intercourse. The cause and effect of pelvic floor dysfunction and treatments for inclusion in the life care plan will be reviewed using three case examples and care plans.

Participants will be able, through this workshop, to identify three potential functional outcomes of pelvic floor dysfunction, identify which therapeutic discipline is essential in the treatment of pelvic floor dysfunction; outline one to two interventions for bowel incontinence or bladder incontinence in pelvic floor dysfunction, and last, detail one to two considerations for pregnancy in pelvic floor dysfunction.

2:00 - 2:30 Day Three Program Evaluation and Debriefing. Refreshments.

GRANDE FIESTA: BAILE, BEBIDAS, Y BOTANAS. MYSTERY BAND TO BE ANNOUNCED. CATERING BY ISMET JIVANI OF GOSSIPS CATERING, AJIJIC, JALISCO, MEXICO.

6:30PM - 12:00AM

SUNDAY, APRIL 29, 2018

9:30 - 11:00AM The Collateral Source Rule and Write-Offs. Julia A. Finn, BSN, RN, CCM, CLCP, **Comprehensive Life Care Planning, Beavercreek, Ohio.**

The Collateral Source Rule precludes the admission of evidence that a source external to the injured plaintiff paid for some or all of the damages the plaintiff seeks to recover. The issue when applying this rule to medical services paid by insurance companies or governmental health plans, is whether the amount “written-off” by healthcare providers is considered a collateral payment to which the Collateral Source Rule applies. The collateral source doctrine has come under attack by tort reform advocates. They argue that if the plaintiff's injuries and damages have already been compensated, it is unfair and duplicative to allow an award of damages against the tortfeasor. As a result numerous states have altered or partially abrogated the rule by statute. Collateral Source Rules and all liability reforms are on the radar of the AMA and The Advocacy Resource Center. The State by State Chart of Liability Reforms published in 2017 will be examined to illustrate changes in application of the Rule across the United States.

Redacted LCP tables of current and projected care, expected coverages, the referenced health plan , along with a State by State summary table, will be used to show how these tables may be interpreted to determine collateral source rights of recovery in two or more States. Participants will learn the definition of a collateral source, and, what constitutes a collateral source. Basic differences in how the law is applied in more than one jurisdiction/state, and all current state by state litigation reform issues will be taught. Life care planning considerations for plaintiff or defense witnesses will be reviewed, as well as how to identify exclusions and limitations when analyzing care coverage.

11:00 - 11:30AM. *Brunch Omelettes Cooked to Order.*

11:30 - 1:00PM Part Three: Evidence: What Is It (4.5 CEUs) Mary Barros-Bailey, PhD, CRC, NCC, **InterMountain Vocational Services, Boise, Idaho**.

1:00 - 2:00PM ***Day Four Program Evaluation, Debriefing, and Award of CEUs.***