



## SMART ACT UPDATE:

### ANALYSIS OF SMART ACT AND IMPLICATIONS ON ILLINOIS WORKERS' COMPENSATION PRACTICE

By: Dan Simones

The Medicare Secondary Payer (MSP) Act mandates that Medicare's future interests be taken into consideration at the time of a workers' compensation settlement that closes the petitioner's right to future medical treatment. Additionally, it requires the resolution of conditional payments made by Medicare in relation to the alleged work accident. Section 111 of the Medicaid, Medicare, and SCHIPP Extension Act (MMSEA) imposes reporting requirements on insurance companies and self-insured corporations for certain claims involving Medicare beneficiaries.

Navigating the waters of Medicare compliance has proven troublesome for insurance companies, self-insured carriers, and both sides of the bar. The Strengthening Medicare and Repaying Taxpayers (SMART) Act purports to make common sense changes to these statutes to make compliance easier for all parties. The SMART Act was signed by President Obama on January 10, 2013. Although the SMART Act is largely intended to help employers comply with the provisions of the MSP Act and the reporting requirements of MMSEA Section 111, it does have implications for both petitioners' and respondents' attorneys in Illinois.

Although the SMART Act contains many provisions, the following will have the most effect on the Illinois Workers' Compensation practice:

#### 1. Web Portal:

CMS must maintain a web portal that contains Conditional Payment information. The portal must reveal Conditional Payments within 15 days of the date of payment. Furthermore, it must provide provider names, diagnosis codes, dates of service and conditional payment amounts. The portal must provide a method for receipt of secure electronic communications.

All practitioners have gone through the process of reaching a tentative settlement and having to wait for MSPRC to generate Conditional Payment letters. MSPRC has self-imposed guidelines for the time in which these letters must be generated. Unfortunately, the guidelines are not always followed. The web portal should allow practitioners to access Conditional Payments in a timely fashion without writing or calling MSPRC or waiting for Conditional Payment letters. All parties should be able to ascertain a fairly accurate assessment of the Conditional Payments at any time during the claim. Although the numbers will not be concrete, it will give the parties an estimate of whether or not Conditional Payments could ruin a potential settlement.

*Continued on page 2*

## Fall 2013

Inside this issue:

### Smart Act Update

Page 1

### Upcoming Events

Page 2

### Decorum at the Commission

Page 7

### Photos

Page 9

### In Memoriam

Page 13

#### **OFFICERS**

Frank A. Sommario

*President*

Andrew L. Rane

*Vice President*

Cameron B. Clark

*Treasurer*

Francis J. O'Byrne Jr.

*Secretary*

#### **BOARD OF DIRECTORS**

Kevin S. Botha

Jack Cannon

Gerald F. Cooper, Jr.

L. Elizabeth Coppoletti

Michael F. Doerries

Jack Gilhooly

James B. Hardy

Laura D. Hrubec

Guy N. Maras

David B. Menchetti

Vitas J. Mockaitis

Peter J. Stavropoulos

Nina Albano Vidmer

*Executive Director*

#### **Newsletter Committee**

John J. Castaneda – Chair

Kevin S. Botha

Cameron B. Clark

L. Elizabeth Coppoletti

Laura D. Hrubec

Jacqueline Kinnaman

Dan Simones

*Interested in submitting an article?*

Contact John Castaneda at [jcastaneda@cac-law.com](mailto:jcastaneda@cac-law.com)

## 2. Final Demand Letter Prior to Settlement:

The SMART Act allows practitioners to obtain a Final Conditional Payment Demand Letter prior to the settlement of a claim. In order to obtain a Final Demand Letter, the parties must notify CMS of when they reasonably anticipate settling a claim. The parties may notify MSPRC of the impending settlement any time beginning 120 days before the proposed date of contract approval. CMS then has 65 days to ensure the portal discussed above contains accurate Conditional Payment information. CMS may have an additional 30 days beyond the 65 day time frame, if necessary. At the expiration of the 65 (or potential 95) day period, the parties may download a final conditional payment letter from the portal. The Final Conditional Payment Letter is reliable as long as the claim settles within 3 days of the download. If the Final Demand Letter contains payments that are unrelated to the work injury, the parties may provide MSPRC with documentation that the web portal contains inaccurate information. Thereafter, MSPRC has 11 days to respond to the documentation and make a determination. If it does not respond within 11 days, the reimbursement amount as calculated by the beneficiary in the submitted documentation becomes the Final Conditional Payment amount. The Secretary has until September 10, 2013 to implement this process.

In the past, a Final Conditional Payment letter was only available once MSPRC received copies of the approved settlement contracts. This forced both parties to settle with outstanding exposure. Although the parties may have had a good idea of the amount of Conditional Payments, Final Demand Letters often came back with amounts that were not included on initial Conditional Payment letters. This process made it difficult for carriers to maintain accurate reserves and for petitioners to know the exact amount they would receive from the settlement. The SMART Act proposed to resolve these problems by allowing the parties to determine the final amount prior to settlement. Unfortunately, the Final Demand Letter is only accurate for 3 days from the date of download. Therefore, everyone, including attorneys, their clients and Arbitrators, must act swiftly to execute and review contracts in order for the new process to work. If the contracts are mailed to the Arbitrator in the traditional fashion, the Final Demand Letter may not be reliable by the time the contracts are approved. One alternative possibility would be for the parties to obtain a trial date and wait to download the final letter until 3 days prior to that date. The parties then may determine whether or not the claim can be settled, execute the contracts and present them to the Arbitrator on the date of trial.

### Conditional Payment Appeals Process

CMS must promulgate regulations that allow insurance plans limited appeal rights to challenge final conditional payment

## UPCOMING EVENTS

### Appellate Court Luncheon

Wednesday, Oct. 30 (Noon)

### Annual Holiday Party

Friday, December 6

## MEMBERSHIP NEWS

**Membership:** The WCLA has reached a new membership high of 700! This achievement can certainly be attributed to the many benefits of the membership but especially the MCLE monthly presentations. A special thank you to Mr. Dave Menchetti and Mr. Guy Maras and all the persons involved with the MCLE presentations.

**Arbitrator Evaluation Survey:** The results of the Arbitrator Evaluation Survey have been received and forwarded to Chairman Latz. The WCLA thanks all those members who made the effort to provide important and necessary input in the process.

**Charitable Events:** Several events were supported by the WCLA over the past few months including:

- **WCLA/YLS Drive for Kids' School Supplies**
- **Race Judicata**
- **Lake County CASA – monetary contribution**

**Golf Outing:** The golf outing was a huge success and we will be returning next year to the Oak Brook Marriott for the event in 2014. Please mark your calendars for August 1, 2014.

**Holiday Party 2013:** We will also be returning to the W Hotel for our annual Holiday Party on December 6, 2013. Your ticket will once again include a full food buffet and open bar. Entertainment will once again be provided by the ICB band. Please check your email for the invitation forthcoming.



**Why do more plaintiff attorneys refer their clients to PCF than any other lawsuit loan company?**

### **Simplest Forms**

Our one page info sheet only takes minutes to complete.

### **Fastest Approval**

Your client will usually receive Approval within an hour of receipt of the requested information.

We were the first and are the largest licensed finance company in the country providing loans to injury victims. Call today to speak with a Preferred Capital Funding representative.



**Preferred Capital Funding**

CASH ADVANCES TO PLAINTIFFS

**Chicago • Las Vegas • St. Louis • Cleveland • Utah**

**1-800-992-9615**

**[www.PCFCash.com](http://www.PCFCash.com)**

Licensed Finance and Funding Company

amounts. These appeal rights are only applicable in the event CMS attempts to collect reimbursement from the plan. Beneficiaries must be given notice of any appeal undertaken by an insurance plan. Existing appeal rights for beneficiaries remain the same.

Insurance carriers and the Respondent's bar have long-suffered the frustration of not being able to appeal a Final Conditional Payment Letter amount. MSPRC is quick to remove charges dealing with unrelated diagnoses. However, it has traditionally refused to remove Conditional Payments for any other reason. Petitioners have been able to petition MSPRC for Conditional Payment waivers secondary to economic hardship and other reasons. However, settlements in which the Respondent agrees to resolve Conditional Payments have been non-negotiable. The SMART Act will allow the Respondent to formally appeal the final Conditional Payment amount after a final demand is issued.

### 3. Statute of Limitations

The Statute of Limitations for Medicare to recover Conditional Payments has been somewhat vague. CMS has argued for a 6-year Statute of Limitations, while various courts across the country have interpreted the statute to impose different limitations periods. The SMART Act mandates that beginning July 10, 2013, CMS has 3 years to seek recovery of Conditional Payment made in relation to an alleged work accident. The 3-year Statute of Limitations begins once CMS is informed of a settlement, judgment, or award.

### 4. Elimination of Social Security Number/Health Insurance Claim Number

The SMART Act mandates that CMS has 18 months (subject to a 12 month extension with Congressional approval) to formulate a process whereby the Social Security Number or Health Insurance Claim Number is not required to report claims or investigate Conditional Payments.

Previously, in order to report a Workers' Compensation claim and obtain Conditional Payment information, the parties had to notify CMS or MSPRC of the beneficiary's Social Security Number or Health Insurance Claim Number (which is usually the Social Security Number followed by a letter). This caused problems in liability claims where plaintiffs did not wish to provide their SSNs. When the Commission recently eliminated the need for a SSN from the Application for Adjustment of Claim, there may have been problems in reporting and obtaining Conditional Payments for Workers'

Compensation claims. CMS now has up to 30 months to implement a process so this private information will no longer be required.

Although the SMART Act's provisions will not likely lead to dramatic changes in how Illinois attorneys handle Medicare Secondary Payer Act compliance, it will allow practitioners to investigate Conditional Payments online in a timely fashion, obtain a final Conditional Payment letter prior to settlement and appeal Final Conditional Payment amounts. Additionally, it imposes a 3-year Statute of Limitations for Conditional Payment recovery and protects petitioners' private information. The changes are certainly a step in the right direction for all parties involved. However, only time will tell whether or not the provisions are successfully implemented.



Suisse Bancorp is going paperless! We will extract case details from your client and follow up with attorney via email or phone to verify information is correct. No more faxing back and forth and no more time consuming sheets need to be filled out. Suisse Bancorp has simplified the loan process to **ACCOMMODATE YOUR SCHEDULE.**

Suisse Bancorp has over ten years of experience in the lawsuit loan industry and the level of customer service you deserve. We will make sure your first client referral...won't be your last.



www.suissebancorp.com  
630.571.4101

# ACCELERATE YOUR RETURN TO WORK

## LEADING PROVIDER IN PHYSICAL THERAPY AND INDUSTRIAL REHABILITATION

Our physical and occupational therapists, who have many years of experience in the rehabilitation of work-related injuries, are dedicated to our patients' rapid and safe return-to-work.

Accelerated offers services to all industries and shares their commitment to controlling workers' compensation costs.

## ACCELERATED OFFERS A VARIETY OF PHYSICAL THERAPY SERVICES

ORTHOPEDIC REHABILITATION

JOB ANALYSIS

OCCUPATIONAL THERAPY

ERGONOMICS

FUNCTIONAL CAPACITY  
EVALUATIONS

WORK CONDITIONING



**PUTTING PATIENTS FIRST**

877.97.REHAB (877.977.4322) | [acceleratedrehab.com](http://acceleratedrehab.com)



**Providing Quality Support Services to the  
Legal Community for Over 30 Years.**

PHILADELPHIA  
MT. LAUREL  
PITTSBURGH  
NEW YORK  
MIAMI  
CHICAGO  
LOS ANGELES

### Records Retrieval

- Authorization Requests
- Subpoena Requests
- Process Service
- Online Repository
- On-site Copying
- X-Ray Duplication

### Court Reporting

- Video Depositions
- Video Conferencing
- Video Text Synchronizations
- Trial Presentation & Playback
- Realtime Reporting
- National Network

# THE FIRST 48 HOURS ARE THE MOST IMPORTANT.

That's why we're fully committed to providing initial evaluations within 48 hours.

We have more than 70 convenient locations.

We'll open early. We'll stay late.

We'll do whatever it takes.

Because for over 20 years, we've been

dedicated to providing top quality

Work Rehabilitation care when you need us most.



# ATHLETICO

PHYSICAL THERAPY

*Better for every body.®*

877-284-5384 [athletico.com](http://athletico.com)

## INTEGRATED BEHAVIORAL MEDICINE



### Psychological Services for Workers' Compensation and Disability Management



Treatment Services for Psychological Injuries

Physical assaults  
Motor vehicle accidents  
Electrical injuries  
Head trauma  
Disabling/disfiguring conditions  
PTSD, Depression, Anxiety



Behavioral Medicine Pain Management Program



Psychological and Neuropsychological Examinations



Attorney Case Consultations

**312-565-4422**

151 N. Michigan Ave., Suite 1013  
Chicago, IL 60601

Phone: 312-565-4422  
Fax: 312-565-4908

[www.ibmclinic.com](http://www.ibmclinic.com)

*Specialists in the psychological treatment of injured workers.*

# DECORUM AT THE WORKERS' COMPENSATION COMMISSION

**By: Jacqueline A. Kinnaman**

The most important and frequent advice arbitrators and commissioners give practitioners is to be prepared. Of course preparation is a proven way to successfully represent a client. But it is no coincidence that lawyers (and law clerks) who come to the Commission prepared to represent their clients are also models of decorum.

And yet there are reports of clerks who are rude to their colleagues at status calls; attorneys who show disrespect for their opponents or attempt to create disorder in hearing rooms; or who appear before arbitrators dressed for a bar or golf course.

The question of decorum, always a concern in high volume venues, has recently been addressed by Commission Chairman Latz in a memo posted on the Commission website. The Chairman's memo is a reminder of two of the applicable ethical injunctions that are part of the Rules of Professional Conduct for Illinois lawyers and quotes those Rules in their entirety. Supreme Court of Illinois Rules of Professional Conduct of 2010, Rules 3.5 and 5.3 (IRPC). Rule 3.5 makes lawyers accountable for the conduct of their clerks.

Chairman Latz also highlighted the following sentence from the Preamble, para. 5, of the Rules of Professional Conduct: "A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials." Effective lawyers acknowledge the authority of Commission arbitrators and commissioners, even when they lose. They realize they are part

of an adversarial system that depends on an impartial adjudicator who resolves disputes that cannot be amicably settled. At a more practical level, they also recognize that Commission staff can make their own jobs easier and that arbitrators and commissioners must ultimately dispose of their clients' claims and defenses by decision or settlement.

The best way for a lawyer to meet their ethical obligation is to come to any Commission venue ready to conduct business even if no trial is scheduled. This means a lawyer should be familiar with his or her clients and files and be able to respond to questions from opposing counsel or an arbitrator. A lawyer who has taken the time to do this is not going to squander that investment by delaying or disrupting the proceedings, personally challenging either the adjudicator or opposing counsel or behaving in any way that risks the clients' chances of success.

Conversely, attorneys who are not prepared are those most likely to try to avoid appearing when a case is up, make misleading representations about the status of a case or take a belligerent attitude toward opposing counsel or the arbitrator. Unprepared lawyers may be tempted to distract from their own lack of preparation by creating diversions. They may personally attack their opponents, raise their voices, pound the table, toss documents. They may even bully their own clients. They may be so informal as to address an arbitrator by first name, rather than title, attempting to reduce the process to a personal exchange. Or they may act as if the Commission processes were a joke.

Take the seemingly superficial matter of personal appearance. The Illinois Workers' Compensation Commission is a relatively informal place. But on any given day, hundreds of claimants, employers and insurance company representatives may be present at a hearing site. They should be able to identify lawyers by their dress, a suit or sport coat for men and a dress, skirt or pant suit for women. As agents of their clients, lawyers should also be ready to appear before an Arbitrator on the request of an opponent or the adjudicator, dressed in a way that is appropriate to their status as an officer of the court. Party regalia does not belong at any Commission venue. And a Friday afternoon golf game will not be delayed by throwing a sport jacket or blazer over a polo shirt or dress tee and slacks when appearing at the Commission on a Friday morning.

"While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process." This observation from para. 5 of the Preamble to the IRPC should always be in the mind of a lawyer in appearing before a Commission arbitrator or commissioner. Many exchanges between lawyers and arbitrators or commissioners are off the record. But objections to official actions should be made on the record, not in a personal challenge to the hearing officer's authority. Arbitrators and commissioners understand a record is made to protect all participants. It is also a useful way to defuse tension in the hearing room because the brief delay necessary for the court reporter to get ready gives everyone

# IWP

The Patient Advocate Pharmacy®



## THE MOST DIRECT WAY TO GET WORKERS' COMPENSATION PRESCRIPTIONS TO THE INJURED WORKER.

- IWP is a national patient advocate pharmacy that provides medication to the injured worker
- We ensure your clients' medications are shipped right to their door regardless of the claim status
- With IWP, there's no out-of-pocket expense for the patient, physician or attorney.
- IWP will allow you to spend less time and energy on paperwork and more time on your case

888-321-7945

[www.IWPharmacy.com](http://www.IWPharmacy.com)

*Watch our video at [IWPharmacy.com](http://IWPharmacy.com) to learn more about how IWP assists injured workers and all those who support them.*

a chance to take a deep breath. Once the arbitrator or commissioner has ruled, everyone should move on.

Attorneys who refuse to move on or who are rude, disruptive, profane or otherwise resist a hearing officer's orders to behave civilly are ignoring the prescriptions of the IRPC. They should not be surprised to find themselves reprimanded and where warranted, even ordered to take a time out to cool down. After all, arbitrators and commissioners are subject to IRPC or the Code of Judicial Conduct prescribed by the Illinois Supreme Court, or both. Sec. 820 ILCS305/1.1(b) of the Act. The Code of Judicial Conduct requires they "...maintain order and decorum in proceedings ...". Code of Judicial Conduct, Rule63, Canon3A(2).

Most workers' compensation attorneys are guided by the basic principles of the IRCP including "...the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system." IRPC, Preamble (9). These lawyers come to the Commission prepared to represent their clients and respectful of their opponents and Commission personnel. But recognizing the concern of Chairman Latz evident in his memo, the WCLA Board requested this article be written. As members of a self-regulating profession, we are all responsible for reminding each other of the standard of conduct and practice expected at the Workers' Compensation Commission and at any judicial or quasi-judicial venue.

# Chicago's Ortho Experts

773-564-ORTHO (6784)



[ChicagoOrtho.com](http://ChicagoOrtho.com)





Injured Workers  
with a  
Guaranteed  
Structured  
Settlement are  
Financially Secure



Nationally Known Expert  
in Workers' Compensation  
Nearly 900 Cases in 5 Years

**CALL JOHN MUIR, CCLA, CPCU**

309-662-0569 (Bloomington)

314-238-1353 (St. Louis)

309-826-7318 (Mobile)

[jmuir@ringlerassociates.com](mailto:jmuir@ringlerassociates.com)



COMPOUNDING



PHARMACY



TOXICOLOGY

Medication Delivery for  
Workers' Compensation  
&  
Auto Accident Claimants

We also offer  
Billing & Practice Management

877.678.5400 • [www.summitrx.com](http://www.summitrx.com)

[www.facebook.com/summitrx](http://www.facebook.com/summitrx)



You have a **CHOICE** in Physical Therapy

There is a **DIFFERENCE**

Choose the place that is taking Physical Therapy to a **HIGHER LEVEL**

Ask your doctor to send you to **ATI**

**ATI Physical Therapy...GET THERE**

**ATipt.com**



**Work Conditioning  
Functional Capacity Evaluations (FCEs)  
Physical Therapy**



**GLOBAL FUNDING  
SOLUTIONS, LLC**

## FAST SIMPLE FUNDING

The loan rate at Global Funding Solutions, LLC is **36% A.P.R.**

The rate is always a fixed, flat rate.

No application fees, closing costs or prepayment penalties.

The only company to place a cap on all interest and principal payments.

Once the cap is reached, the interest stops no matter how long it takes to settle the case.

134 North LaSalle St., Suite 1960

Chicago, IL 60602

Phone: 312-782-0900

Fax: 312-782-0901

Globalfundingsolutionsllc.com



Hinsdale Orthopaedics is Pleased to Support the

## Workers' Compensation Lawyers Association

*"Keeping Workers Productive for Over 60 Years  
Through Orthopaedic Excellence"*

- |                          |                           |                           |                           |
|--------------------------|---------------------------|---------------------------|---------------------------|
| Ken J. Allen, M.D.       | Michael C. Darlin, M.D.   | Joey M. Lofgren, M.D.     | Cory R. Tengler, M.D.     |
| Steven G. Bradford, M.D. | Bradley D. Durnley, M.D.  | Mark A. Lorenz, M.D.      | Paul M. Tishak, M.D.      |
| Cristian Bara, M.D.      | Nathan J. Foster, M.D.    | Simon S. Lauen, M.D.      | Leah R. Usharenko, M.D.   |
| Steven C. Craick, M.D.   | Bernard J. Feldman, M.D.  | Steven W. Miller, M.D.    | Kelvin A. Yorga, D.O.     |
| Michael J. Collins, M.D. | William J. Gilligan, M.D. | Araj S. Pappal, M.D.      | Michael R. Zindrick, M.D. |
| Robert L. Daley, M.D.    | Jason G. Hurlbut, M.D.    | Viktor M. Roman, M.D.     |                           |
| Benjamin G. Doshi, M.D.  | Marie Klincic, M.D.       | Kenneth L. Schifano, M.D. |                           |

<b>Elmhurst</b> 2210 South York Rd. Suite 4110 Elmhurst, IL 60120 630.502.0606	<b>Plainfield</b> 332 West Upper Ave. Plainfield, IL 60151 632.323.6638	<b>Elgin</b> 591 Eastgate Rd. Elgin, IL 60120 815.744.4931	<b>Naperville</b> 2900 Hollingdale Rd. Suite 102 Naperville, IL 60564 630.515.6500	<b>New Lenox</b> 2870 Silver Creek Blvd. Suite 110 New Lenox, IL 60451 815.462.2414	<b>Oak Brook</b> 7 First Ct. Suite 1122 Oak Brook, IL 60132 708.619.4602	<b>Rivermont</b> 1000 Foxwood Ct. Suite 250 Rivermont, IL 60159 630.933.2370
--	--	---	--	---	--	--



**WORKFINDERS USA**

- MAKE-SENSE RETURN TO WORK SERVICES •
- LABOR MARKET SURVEYS •
- EXPERT TESTIMONY •

### THE WORKFINDERS USA DIFFERENCE

*We go above and beyond to provide Illinois workers with the best chance to succeed.*

*A few of our strengths include:*



**DIRECT CLAIMANT  
ADVOCACY TO  
EMPLOYERS VIA  
COLD CALLING**



**SCHEDULING JOB  
INTERVIEWS WITH  
HIRING MANAGERS**



**CONSTANT  
UPDATES AND  
CLAIMANT-  
FOCUSED RESULTS**

Fully licensed CRCs (Certified Rehabilitation Counselors) on staff. We service all of Illinois!

877-387-9139

[WWW.WORKFINDERSUSA.COM](http://WWW.WORKFINDERSUSA.COM) — VISIT OUR NEW WEBSITE!

[BILLT@WORKFINDERSUSA.COM](mailto:BILLT@WORKFINDERSUSA.COM)

[WWW.LINKEDIN.COM/IN/WORKFINDERSUSA](http://WWW.LINKEDIN.COM/IN/WORKFINDERSUSA)



# IN MEMORIAM

## **Barbara Kalobratsos** (1964-2013)



*By: Chris Nelson*

Words are inadequate to express the sadness we felt with the passing of our colleague and friend, Barbara Kalobratsos. However, we take comfort in knowing that she is now at peace.

Barbara was a unique and ever vibrant woman. Her energy surrounded everyone; her sincerity was boundless. She was always cheerful, and addressed each issue or problem she encountered in her work or personal life with zest and vigor. Incredibly competent, she brought a creative edge to many of the mundane issues presented in the cases she managed.

Ms. Kalobratsos was born in Pontiac, Michigan. She received her Bachelor of Arts Degree in Political Science, with a concentration in Philosophy from Albion College in Albion, Michigan. She received her Juris Doctor degree from The John Marshall Law School in Chicago, Illinois. While in law school,

Ms. Kalobratsos participated in an internship program with the Honorable Alexander White, Cook County Circuit Court Judge, Workers' Compensation Division. Upon graduation, Ms. Kalobratsos concentrated her practice in the defense of workers' compensation matters and subrogation claims. She also had vast experience in cases involving automobile negligence and product liability.

Ms. Kalobratsos was admitted to practice law in the State of Illinois and before the United States District Court in the Northern District of Illinois. Her professional affiliations included the American Bar Association, the Chicago Bar Association, the Workers' Compensation Lawyers Association and the Hellenic Bar Association. Preceded in death by her mother, Barbara leaves behind her loving husband, Peter Wachowski, three beautiful children, Philip, Christina and William, as well as her father, John Kalobratsos. Barb's family was paramount to her being; she always gave all that she had to insure their happiness. Barb was an amazing mother, wife, friend, colleague, and attorney. Respected by her peers and Judges alike, Barb will be missed in our hearts and in our profession. May her memory be eternal.

## **Sandra K. Usselmann:** (1958-2013)



Sandi Usselmann, Francis O'Byrne and Ed Steffen

*By: Edward P. Steffen:*

Sandra K. Usselmann was informed in November of 2011 that her body contained small cell cancer cells which were again metastasizing and given 3 to 5 years to live. Due to her strength and indomitable personality, Sandi endured this wretched disease process with almost no one, including her family, knowing. Sandi did not want anyone to be concerned for her or change the way they interacted with her because she was dying. She spent the last day of her life caring for others' needs and feelings. By Mid-March of 2013, the bone cancer in her hips and back caused her to need crutches for ambulation. Sandi was tormented by misleading people regarding being on crutches but remained steadfast that others should not be pained by her demise, until the end.

After receiving her R. N., Sandi worked at Veteran's Hospitals in Florida and Missouri, which in-

stilled great respect for those who served in the military. This led Sandi to facilitate the founding of Veteran's Placement Services, to assist Veterans to secure employment.

Sandi's exceptional skills as a Rehabilitation Nurse led her to incorporate Paragon Health Services in 1991. Her devotion to helping others led to thousands of people receiving quality medical care which maximized their recovery. Sandi and her staff assisted thousands of injured workers to maximize their recovery through positive, proactive referrals for quality services. Along with owning Paragon Health Services, Sandi was very active in "causes to help others" in her community.

Sandra K. Usselman had a magic personality. Her enlightened, endearing and invigorating spirit was always uplifting. Many of the approximately 1,200 people who attended her visitation on May 26, 2013 described how her presence and smile would light up the room and lift the spirits of those present. At the visitation, I spoke with an injured worker who said Sandi was the happiest person he ever met, a claims adjuster who said Sandi was everybody's "healing angel", not about her case work, about how all people Sandi knew could talk to her about personal concerns and feel better from the interaction. Most telling about Sandi's love and effectiveness being a rehab nurse were the comments by Mr. Jon Brough and his wife Wendy. Jon was a SWAT team member whose protective shield failed from a shotgun blast to his face. Jon's horren-

dous and life-threatening injuries included being blinded and he was totally helpless and hopeless. He felt no reason to burden his wife with his suffering and lost his desire to live. Jon described how he felt the "light and presence of Sandi when she came in the room". He literally could feel her joy and essence. In her customary self-effacing style of humor, within an hour of being with Jon, after he realized he had seen her before at a fundraising event, "Sandi says well I'm glad you can't see me now because I'm having a really bad hair day". Jon's face lit up as he laughed telling this story saying "there I am almost dying and Sandi has us laughing". Sandi's joyfulness transcended even the most difficult encounters.

Sandi was born on February 27, 1958 and went to the light on June 21, 2013. Sandi was very close to her father, Louie, sister and 3 brothers, their spouses and her nieces

and nephews. Sandi's brightness affected thousands of people. Although 55 years could seem to be a life too short, Sandi golfed frequently (many of you know her from her participation in the WCLA golf and Holiday parties), traveled extensively, enjoyed all types of professional sports, and was at all the Cardinal World Series Games in St. Louis. Sandi enjoyed the love and respect of so many, it can truly be said Sandi's was a life very well lived.

Rather than mourn the loss of her pure and beautiful soul, we should remember the ultimate tribute to Sandi's life will be all of us who will love and remember her essence and attempt to emulate the wonderful qualities and spirit Sandi exhibited so beautifully.

Gifts and honorariums in Sandi's name can be sent to First Community Bank, c/o Diane Neuwicky, 13901 S. Bell Road, Homer Glen, IL 60491.



**IPN makes it easy to manage workers' compensation and PI claims by providing your clients one source and one call in order to manage the full scope of services needed throughout treatment.**

**We are a valuable resource at anytime during the course of your case. Whether your case is simple or complex, they will receive full medical access and excellence in care through our vast multidisciplinary provider network and hospital systems.**

**IPN bridges the gap between MEDICAL, LEGAL and PATIENT to make your job easier and your clients better.**



[www.ipnadmin.net](http://www.ipnadmin.net)

847.303.0701

**Professional Liability  
Insurance**

**Surety Bonds**

**Newly Licensed  
Attorney Program**

**Risk Management**

- ▶ Rated "A" Excellent by A.M. Best Company
- ▶ Endorsed by Illinois State Bar Association
- ▶ Exclusive Program Designed for the Newly-Admitted Lawyer
- ▶ Exclusively Serving Lawyers and Law Firms Since 1988
- ▶ Over \$9.7M in Policyholder Dividends Since 2000
- ▶ Free CLE and Premium Savings

**STRONG, COMMITTED & DEDICATED**

**800-473-4722**

**[www.isbamutual.com](http://www.isbamutual.com)**

# Oasis Legal Finance<sup>®</sup>

The largest and most respected name in Legal Funding



There is an escalating demand for presettlement loans in Chicago and Oasis is excited to recognize our Chicago director!

Led by Paige Winkels, Oasis continues to provide faster and more personal service to your clients. We look forward to strengthening current relationships and establishing new ones with attorneys around the Chicagoland area.

Oasis thanks the Workers Compensation Lawyers Association for our continuous sponsorship and affiliation with such an excellent organization.

Contact the Illinois Funding Team at the number listed below.

**Offices**

- Chicago
- 
- Philadelphia
- 
- Dallas
- 
- Orlando

**Paige Winkels**

Illinois Director, Legal Funding  
847.521.4446 Local Office  
[pwinkels@oasislegal.com](mailto:pwinkels@oasislegal.com)  
[www.oasislegal.com](http://www.oasislegal.com)

**Offices**

- Atlanta
- 
- New York City
- 
- Miami