

31st Annual Training Conference
VIRTUAL
April 14-15, 2021

Wednesday April 14, 2021

8:30 - 9:00 AM Welcome and Opening Remarks
Jay Bobrowsky, President Anti-Fraud Alliance (AFA)

9:00 – 10:00 AM **Workers' Compensation: How the System is Supposed to Work and How Fraud Occurs**

William M. Zachry, Former Chair, California Fraud Assessment Commission

When investigating any complex crime, seasoned investigators must understand how the process is supposed to work in order to appreciate where and how the fraud occurred. One of the top experts in California Workers' Compensation will provide attendees a tutorial on how workers' compensation is supposed to work and how various players have developed means in which to commit fraud and abuse. From opening an initial claim through the various stages leading to claims closure, the attendee will have a solid understanding of compensability determination, benefit provision the economics of the system and the how each of the various players may defraud the system.

10:00 – 11:00 AM **Basic and Advanced Claimant Fraud Investigations**

Jonathan Atkinson, Criminal Investigator, Santa Clara County District Attorney's Office

Knowing and understanding the laws relating to claimant fraud is only the first step in developing a prosecutable case. This course will explore the initial investigation by SIU and Claims and how best to document those findings in order to not only have your fraud referral accepted by a prosecutor, but one that will lead to a successful prosecution.

11:00 – 12:00 Noon **Identifying and Investigating Premium Fraud**

Dominic Dugo, Vice President, Fraud Division, Delta Group
Retired, Chief Deputy District Attorney, San Diego

Class will provide an overview of what is premium fraud and the underground economy; how to uncover and investigate premium fraud; and tips on how to obtain a successful prosecution.

12:00 – 12:45 PM **Virtual Lunch**

12:45-1:00 PM **NICB Presentation on Upcoming Training Programs**

1:00 – 2:00 PM

Pain (Mis)Management: Recognizing, Deterring, and Pursuing Provider Fraud Schemes Across the Pain Management Continuum

Ryan Fawaz, Attorney Katten Muchin Rosenman LLP

Christopher Maciel, Attorney Katten Muchin Rosenman LLP

This presentation will address the widespread and pervasive recent trends in fraudulent claims activity involving pain management, including unnecessary opioids and topical compounds, drug testing, and injections. Special attention will be paid to both the medicine behind these procedures, as well as the billing devices providers use to implement their schemes. We will discuss how to identify improbable patterns in claims activity, as well as effective claims handling and litigation strategies to deal with this activity.

2:00 – 3:00 PM

Ethics for Attorneys and Investigators Handling Fraud Matters

Tom Fraysse, Knox Ricksen LLP

Eric von Geldern, Deputy District Attorney, Alameda County District Attorney's Office

Vic Pence, SIU Supervisor, Mercury Insurance

An ethical violation can ruin investigations, prosecutions, and even reputations and careers. Conforming to ethical requirements, some of which are not well known or intuitive, is essential in fraud investigations and prosecutions. Beyond complying with minimum requirements, the benefits of following the high ethical standards of our professions will be discussed.

Thursday April 15, 2021

9:00 – 10:00 AM

Auto Insurance Essentials

Craig Pusser, Supervisor, SIU, CSAA Insurance Group

James Sandoval, SIU Field Claims Specialist, CSAA Insurance Group

From this class you will take away the crucial information you need for understanding auto policies, coverage and exposures. The processes, practices and procedures for good faith claim handling will be discussed, and we will spotlight the essential things you need to know about Auto Insurance that best support accurate review and analysis. SIU roles, responsibilities and objectives will be explored and considered.

10:00 – 11:00 AM

Application of People v. Suh in Defense of Capped, False and Fraudulent Personal Injury Claims

Scott Shaw, Western General Insurance

Brian Nelson, Special Agent National Insurance Crime Bureau

This course will detail the foundation and methodology for the current defense of capped, false, questionable, and fraudulent claims by the Western General SIU in cooperation with the NICB using the principles and language found in People ex rel. Allstate Ins. Co. v. Suh. By way of background, in 2019 the California Court of Appeal affirmed a verdict in favor of Allstate Insurance Company, finding that the defendants Christine SUH and Christina CHANG violated Penal Code section 550, committing insurance fraud by procuring policyholder benefits through sham law firms. The details of People vs SUH have

been included in the SIU Model for Western General Insurance and shared with other Member Companies by the NICB. Through this process, the SIU has minimized financial losses on suspect claims by applying the principles to Comprehensive Claims, Health Care Claims, and Claims involving the suspected multi-jurisdictional Unlawful Practice of Law and violations of the Corporate Practices of Medicine.

11:00 – 12:00 Noon **Legal Challenges to Insurance Company’s Investigation of Claims**

David McDowell, McDowell Shaw Garcia & Patton

Phaidra Garcia, McDowell Shaw Garcia & Patton

The handling of first party insurance claims continues to be a unique challenge to insurers, particularly given recent trends in insured’s personally suing claim representatives and insurer’s attorneys for breach of contract, bad faith, and other similar causes of action. This course will entail a detailed presentation of first party claim investigations from referral to SIU, to the EUO, post EUO considerations, and recent trends shocking the insurance industry.

12:00 – 12:45 PM **Virtual Lunch**

12:45-1:00 PM **NICB Presentation on Upcoming Training Programs**

1:00 – 2:00 PM **Identifying and combating the inappropriate use of MRI’s, Injections and EMG’s**

Dennis B. Kass, Founding Partner, Manning and Kass, LLP.

Dr. Josh Levin, Clinical Assistant Professor of Orthopedic Surgery and Neurosurgery, Interim Director, Physical Medicine and Rehabilitation Residency, Director, Physical Medicine and Rehabilitation Spine Fellowship – Stanford University Medical Center

The inappropriate use of MRI's, Injections, and EMGs are huge drivers of large settlements and verdicts. Dr. Levin will explain the basics of these areas, including specific case studies, which will help attendees learn to spot inappropriate use of these medical procedures. Dennis Kass will show how these tactics are being used in litigation and provide tools to help defend against them and how to put together an affirmative litigation case based on fraudulent use of these medical procedures.

2:00 – 3:00 PM **Ethics for Attorneys and Investigators Handling Fraud Matters**

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