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WORKERS'
COMPENSATION

SOCIAL SECURITY
DISABILITY

LONG-TERM
DISABILITY



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Medical Marketing Department Changes

Please help us welcome Melissa Kiker as the new Medical Marketing Manager at Martin Banks. In this role, she develops and maintains relationships with the firm's various referring doctors in the region. Her department is also responsible for making referrals for our clients to see the most appropriate doctor for their injury. Melissa has an extensive background as a business development manager and in account management in the Philadelphia health care industry.

Prior to joining the firm, Melissa was the Regional Director of Business Development for Automated Healthcare Solutions where she worked with workers' compensation physicians to develop business relationships. She earned her B.A. in Public Relations from The Pennsylvania State University and her M.B.A. from Saint Joseph's University.

Melissa joins Paul Paoletti, Client Care Coordinator, in the firm's Medical Marketing Department. In the past, Paul dealt mostly with scheduling appropriate doctor appointments for our clients, but as our business continues to grow so does his position in the firm. Paul has recently hit the road and started visiting doctor's offices to develop more personal relationships with our referring doctors. With both Melissa and Paul out visiting our referral sources and managing our client appointments we will be able to provide doctors

more information on relevant cases and strengthen our business communications.

Our goal is to provide information to our doctors to best prepare them on how to efficiently handle a workers' compensation patient. As Melissa and Paul make their rounds to your offices please let them know of any situations or materials that may be of use to you. If you have not already received a copy, please make sure you request a copy of our medical guide book "How to Get Your Workers' Compensation Patient Bills Paid." The guidebook provides important information on the rights and reporting requirements associated with treatment and billing in a workers' compensation claim, along with copies of sample forms.

With the new changes in our medical marketing department and the current growth of our referral base, please let Melissa or Paul know if you are interested in scheduling dinners or meetings with our attorneys. These dinners or meetings can help improve your individual relationships with attorneys at Martin Banks. Our attorneys are always willing to meet with referrals and ensure that they are getting the best out of their experience with Martin Banks and to answer any questions they have in regard to the legal process of a workers' compensation claim.

OUR ATTORNEYS

George Martin ■ Halmon L. Banks III ■ Matthew L. Wilson ■ Joseph C. Huttemann
Alfred J. Carlson ■ John P. Dogum ■ Annabelle R. Cedar ■ Jody Joy ■ Leah Cilo
Amit J. Shah ■ Joseph A. Conlan ■ Joseph D. Capitan ■ Lisa Eldridge ■ Maria E. Harris

Five partners on 2013 list

We are proud to announce that the firm has five partners recently selected by their peers for inclusion in *The Best Lawyers in America*® 2013.

Founding Partner George Martin has been selected to the *Best Lawyers in America* since 1995. George was also selected as a *Lawyer of the Year* for 2013. Only a single lawyer in each practice area and designated metropolitan area is honored as such, making this accolade particularly significant.

Partners Halmon “Sonny” Banks III, John Dogum, and Al Carlson have made the list for the first time this year, while partner Matt Wilson has been selected to the *Best Lawyers* list for the third year in a row.

Since it was first published in 1983, *Best Lawyers* is based on an exhaustive peer-review survey in which more than 36,000 leading attorneys cast almost 4.4 million votes on the legal abilities of other lawyers in their practice areas, and because lawyers are not required or allowed to pay a fee to be listed, inclusion in *Best Lawyers* is considered a singular honor.

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The Importance of Preparing for Expert Testimony

Some of you have had many experiences testifying in a workers’ compensation case and are very comfortable with the process. For others, while you are confident in your skills as a medical practitioner, the prospect of being interrogated by lawyers can drive you out of your comfort zone. This article will attempt to help you understand not only the importance of testimony but also tips on how to best prepare yourself.

What’s in it for you? Not only will testifying on behalf of your patient help with their legal matter but is also essential to maintaining the integrity of your medical practice. So it is extremely important to prepare for testimony to best represent your reputation and practice.

Review the medical records. The medical records provide the framework for every workers’ compensation case. Therefore, it is essential that you are fully familiar with every aspect of your documented treatment. Often the events discussed occurred months or even years earlier and resist recall. Thorough review of the records augments your ability to explain what was said and done and the rationale behind the treatment you provided. Being unfamiliar with your own care can irreparably damage the client’s case and your reputation.



Tell the truth. The single most important piece of advice for the expert witness is to tell the truth, simply and directly. This cannot be overemphasized. As an expert witness, you have a legal, moral and ethical obligation to tell the truth. You are testifying under oath. Experts who tell less than the truth run the risk of criminal prosecution for perjury, civil suits for negligence, and revocation or suspension of their professional licenses. Experts who do not tell the truth are discovered and discredited eventually.

If you have any additional questions or want to speak with one of our attorneys please do not hesitate to call us 215.587.8400 or e-mail us at info@paworkinjury.com.

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Dangers of Generic Prescription Drugs

As health care reforms are becoming a large part of the current economic condition and political platform, it is interesting to look at last year's Supreme Court ruling in the case *Pilva, INC v. Mensing*, 131 U.S. 2567 (2011). This case combines two separate lawsuits against generic prescription manufacturers, in which the patients argued that the prescriptions for the generic version of Reglan failed to satisfy state tort laws that require manufacturers who are or should be "aware of its product's danger to label that product in a way that renders it reasonably safe." Both patients were diagnosed with a severe neurological disorder after long-term use of the generic version of Reglan.

After numerous appeals at the state and federal level, the cases made their way to the Supreme Court, which reversed the lower courts' decisions citing the manufacturers responsible for inadequate warnings on the drugs' safety. The Supreme Court decision states that the manufacturer of generic drugs cannot be held liable for inadequate warning labels. This is because the FDA requires that generic drugs maintain the same label as their brand name counterpart, as outlined by the 1984 Drug Price Competition and Patent Term Restoration Act, 98 Stat. 1585, more commonly known as the Hatch-Waxman Amendment. Since generic manufacturers cannot control the label warning without breaking federal law, they cannot be held responsible under state

tort laws.

However, the FDA does allow generic drug manufacturers to petition for label changes to be made. The FDA investigates the accuracy of the proposed changes and works with the brand name manufacturer to implement a new warning. If a new warning label is agreed upon, the generic drugs will then be made to carry it. The problem is that in the United States most states have statutes that allow pharmacist to substitute the brand name for a generic version, including Pennsylvania.

With the generic version being available at a cost-friendly option to both pharmacies and patients, they become the more popular choice. Recent studies have shown that about 80% of the prescriptions filled in the United States are with generic versions.

when the new legislature is sworn in that a bill will be introduced in both the State Senate and House. The Chamber of Commerce bill, if passed, will restrict the rights of both patients and medical providers in workers' compensation cases.

The proposed "reforms" include extending the time treating with panel providers from 90 to 180 days; removing the workers' compensation judge from utilization reviews; annual modification to fee schedules and the addition of a prescription benefits manager.

As soon as those bills are introduced, we will forward them to you with talking points on how this will affect your practice. A copy of the Chamber of Commerce's Proposal can be found at www.paworkinjury.com/chamberproposal.

Red Cross Support



The Martin Banks 2012 Blood Drive participants included (L to R) Meredith Kamp, Shari Rice, Tremil Williams, Lisa Marie Petrilli, April Colby, Ashley Martin, Pat Jenkin, Matt Wilson, Ashley Scarpone and Noreen Ulmer.

Martin Banks continues to be a major supporter of the American Red Cross Philadelphia Legal Initiative, holding regular blood drives and receiving annual awards for their support of the Penn-Jersey Blood Services Region, which serves all of New Jersey and Southeastern Pennsylvania.

Blood drives are held twice annually at the firm and are open to staff members and their families. The drives are typically held in January and August when the demand for blood donations is at its highest.

The most recent blood drive at the firm held in August marked a total of 220 pints of blood donated over the last four years.

Additionally, in 2012 firm Marketing Manager April Colby was given the region's "Top Chairperson" award for coordinating the drives.

The American Red Cross is the country's largest single supplier of blood and blood products for some 3,000 hospitals and transfusion centers nationwide.

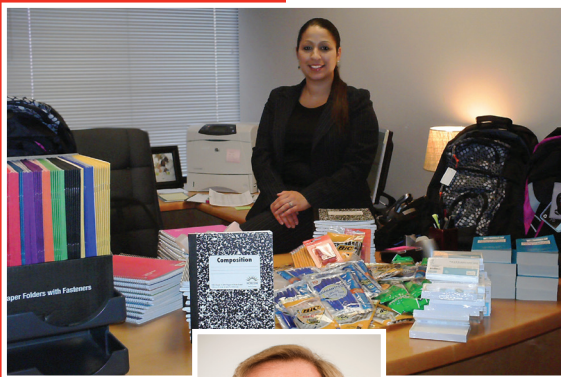
Legislative ALERT!

The PA Chamber of Commerce proposed changes to the workers' compensation system earlier this year. The changes were "designed to get medical costs under control, improve quality of care and curtail waste and abuse in the current WC system." These proposals will not be passed this year but we can expect that in January



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Community events



<< << **MARIA HARRIS** prepares to deliver more than \$500 of school supplies donated by the attorneys and staff of Martin Banks to a “Community Day” event held recently in West Philadelphia organized by the Overbrook Monarchs Youth Organization. More than 350 Philadelphia kids ages 5 - 15 benefit from the organization’s efforts to encourage participation in sports, mentor, tutor and support the community.

MARTIN BANKS is sponsoring a team of nearly 40 employees in the 2012 Making Strides Against Breast Cancer Walk on October 20.



Speaking engagements

<< << **MATT WILSON** and **GEORGE MARTIN** were speakers at the 28th Annual Fall Meeting of the Pennsylvania Bar Association Workers’ Compensation Section hosted by the Pennsylvania Bar Institute in Hersey, PA on September 13 & 14. Topics included Pennsylvania’s new state-of-the-art

online computer system that will streamline business functions and the annual fast-paced debate-style review of the latest cases.

JOHN DOGUM will speak on the topic of “Violence in the Workplace” at the Bench-Bar & Annual Conference in Atlantic City on October 5.

AL CARLSON will be speaking at a Philadelphia Bar Institute seminar on the topic “How to handle a workers’ compensation mediation” on October 18.

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



www.paworkinjury.com

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WORKERS’ COMPENSATION ■ SOCIAL SECURITY DISABILITY

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**Important
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Information
Enclosed**