

**School:** Regulatory / Legislative  
**Course:** Workers' Compensation System Similarities and Differences  
**Faculty:** Paul H. Sighinolfi, Senior Managing Director, Ametros

### **Summary**

"Workers' Compensation System Similarities and Differences," presented by Paul H. Sighinolfi of Ametros, provides an insightful analysis of the core principles and varying procedures within state workers' compensation systems. With his extensive experience as a trial lawyer and former executive director of the Maine Workers' Compensation Board, Sighinolfi draws on his background to explore both the commonalities and distinctions in workers' compensation processes across different states.

The course begins by establishing that while workers' compensation systems share fundamental principles, they operate differently depending on the state. Sighinolfi introduces the concept that reading one state's workers' compensation act only offers a glimpse into that specific system, emphasizing the necessity of understanding each state's unique rules and procedures. He highlights the importance of turning to the specific act, state rules, and guidance documents for an accurate interpretation of workers' compensation regulations.

Sighinolfi delves into the procedural aspects of workers' compensation, starting with claim reporting and the notice requirements. He points out that there is no uniform timing for claim reporting across states. Notice periods can range from 30 to 90 days, with some states allowing notice to be given when an injury manifests, such as in cases of radiation exposure. The course underscores the importance of timely reporting and details the potential consequences of failing to report an injury, which can include the loss of a claim.

The course also explores the complexities of mediation in workers' compensation cases. Sighinolfi explains that mediation can be mandatory in some states and optional in others. The role and background of mediators vary, with some states employing full-time staff mediators and others requiring parties to hire private mediators. The mediation process itself can significantly impact the outcome of a claim, as agreements reached during mediation can have the same legal effect as a judge's order.

Sighinolfi moves on to discuss the discovery process, formal hearings, and evidence presentation. He notes that discovery rules differ widely among jurisdictions, with some allowing full discovery practices, such as depositions and interrogatories, while others impose strict limitations. In formal hearings, the standard of proof varies depending on the case, with most jurisdictions using a "preponderance of the evidence" standard. The

course further highlights the evolving nature of workers' compensation hearings, noting a trend toward unitary hearings where all testimony is taken consecutively rather than in multiple sessions.

The latter part of the course examines the structure of workers' compensation benefits. Sighinolfi outlines different types of benefits, including total loss, partial loss, scheduled benefits, and specific loss benefits. He provides examples of how these benefits are calculated, the importance of the average weekly wage, and the duration limits that may apply. The course also addresses the adequacy of benefits, waiting periods, and other employer-funded disability benefits.

In summary, this course offers a comprehensive overview of the similarities and differences in state workers' compensation systems. Sighinolfi emphasizes that while the core principles of workers' compensation remain consistent, the procedures, benefit structures, and legal processes vary significantly across states, making it essential for professionals to understand the specific regulations in their jurisdiction.

### **Learning Objectives**

1. *Understand Core Principles:* Recognize the fundamental principles that underpin state workers' compensation systems while appreciating the unique differences across jurisdictions.
2. *Identify Key Procedures:* Learn about the key procedural aspects of workers' compensation, including claim reporting, statute of limitations, mediation, discovery, and hearing processes.
3. *Evaluate Benefit Structures:* Gain insight into the different types of benefits available in workers' compensation systems, such as total loss, partial loss, and specific loss benefits.
4. *Examine Case Management:* Understand the importance of proper claim procedure, notice requirements, and the role of mediation in resolving workers' compensation disputes.
5. *Navigate Legal Complexities:* Explore the legal intricacies of workers' compensation claims, including venue determination, discovery rules, and the role of legal counsel in formal hearings.

### **Primary Takeaways**

1. *Varied Systems:* While state workers' compensation systems share core principles, each state has unique procedural and benefit structures, making it crucial to understand the specific rules of each jurisdiction.

2. *Claim Process Complexity*: The workers' compensation claim process is complex, involving various steps such as timely reporting, adherence to statute limitations, and sometimes mandatory mediation.
3. *Significance of Benefits*: Workers' compensation systems provide various benefit structures, including total loss, partial loss, and specific loss benefits, often varying significantly from state to state.
4. *Mediation's Role*: Mediation has become an increasingly common and crucial step in workers' compensation cases, though its requirements and impact differ by jurisdiction.
5. *Legal Nuances*: Workers' compensation involves numerous legal nuances, including venue rules, discovery practices, and the use of medical and non-medical expert testimony, all of which impact case outcomes.

## **Course Outline**

- 1) Introduction to Workers' Compensation Systems
  - a) Instructor Background and Course Overview
  - b) Core Principles and Differences Across States
  - c) Importance of Understanding Jurisdiction-Specific Rules
- 2) Procedural Aspects of Workers' Compensation
  - a) Claim Reporting and Notice Requirements
    - i) Timeliness of Claims
    - ii) Requirements and Consequences of Late Reporting
  - b) Statute of Limitations and Statute of Repose
    - i) Timeframes for Filing Claims
    - ii) Extending or Reviving Claims
  - c) Mediation in Workers' Compensation
    - i) Mandatory and Optional Mediation
    - ii) Legal Effects of Mediation Agreements
  - d) Discovery and Evidence Gathering
    - i) Allowed Discovery Practices
    - ii) Sharing of Medical Records and Evidence
  - e) Formal Hearings and Legal Counsel
    - i) Standard of Proof and Formal Hearing Process
    - ii) The Role and Compensation of Legal Counsel
- 3) Benefits Structures in Workers' Compensation
  - a) Types of Benefits
    - i) Total Loss, Partial Loss, and Specific Loss Benefits

- ii) Scheduled Benefits and Presumption of Total Incapacity
- b) Calculation of Benefits
  - i) Average Weekly Wage and Wage Replacement
  - ii) Adequacy and Duration of Benefits
- c) Medical and Other Benefits
  - i) Medical Providers, Facilities, and Treatments
  - ii) Non-Traditional Treatments and Modifications (Homes, Vehicles)
- d) Challenges in Benefit Determination
  - i) Waiting Periods and Benefit Commencement
  - ii) Impact of Employer-Funded Disability Benefits

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