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Welcome to the WOEMA WINDOW. This e-newsletter is sent to members by email on a monthly basis. The e-newsletter provides links to this page. Below are the items that appeared in the July 2020 issue.

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Latest News

Upcoming Events

No events

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WOEMA Registration and Launch

We have upgraded and re-designed the WOEMA website with new features. You will now have a members-only profile. Please set up a username and passcode for your personal profile.

To log in, you will first need to create your password. [Click here to create your Password](#). Once created, you can [log in here](#) using your Username and new Password. While you are logged in, please complete your profile setup by clicking on the Profile tab on the gray menu bar to the upper right. Then click on “My Profile” below. Profiles serve as a directory for members and can act as a member to member contact function.

New features of the website include:

- Members-only profile.
- Search feature making it easier to locate content.
- WOHC page to get all pertinent information about the 2020 WOHC Virtual Conference in one place.
- Menu with drop-down boxes to easily navigate to education opportunities, podcasts, legislative content, other resources and position papers, Board of Directors, Committee Chairs, and staff.
- Rotating banners to feature trending news and events.
- At-a-glance events calendar.

Check back over the coming weeks as we populate the site with additional content! Questions? Contact woema@woema.org.



Legislative Update

WOEMA Legislative Committee turns to pandemic issues

As with much else, the pandemic has required WOEMA's Legislative Committee to adapt quickly to new circumstances— in this case, a much-abbreviated Legislative session that looks much different than when it began three months ago. At the time, WOEMA was aiming to sponsor a bill to align California requirements for TB testing of healthcare workers with last year's revised CDC guidelines. The Legislature broke in March and returned in May, where it was greeted with a new \$54-billion budget hole, a short session timeline, and a near-singular

Three bills were amended to add a presumption for Covid-19: [AB 664 \(Cooper\)](#) , [SB 893 \(Cabellero\)](#), and [SB 1159 \(Hill\)](#). In the meantime, Governor Newsom issued his own [Executive Order N-62-20](#) adding a presumption for anyone required to report to work during the state's pandemic orders, for up to 14 days following one of those work days. Ultimately, a codified policy is likely to be developed via SB 1159, which was authored by the chairs of the Senate Labor and Assembly Insurance committees and drafted largely by the Senate Labor chief consultant, Gideon Baum.

In April, Baum joined WOEMA's Legislative Committee to discuss the various challenges in crafting an appropriate – and appropriately limited – policy, given the unique aspects of the pandemic, including testing challenges, the likelihood of vaccine, asymptomatic carriers, and levels of community transmission. WOEMA is currently developing a list of considerations for the authors to take into account, even as we maintain our historical opposition to presumptions as being non-scientific and distortions

of the system. Among our main points: the need for a positive test or diagnosis, the need for flexibility based on new knowledge, treatments, etc., and the desirability of creating a Covid-19 registry that tracks cases by occupation.

Meanwhile, the committee continues to track DWC's efforts to recast the billing rules and fee schedule for Qualified Medical Evaluators in the Workers Compensation system. WOEMA has been fortunate to have two Leg Committee members – Drs. Steve Feinberg and Rupa Das – serving (in their non-WOEMA roles) as participants in DWC's QME workgroup. Final regulations are pending, but indications are that basic report fees will see a healthy increase. That would be welcome in a system where both quality and participation have been suffering for years.

Importantly, in late March, WOEMA recommended that DWC respond to the pandemic by relaxing the deadlines for QME evaluations and also allow evaluations to occur via video or telephone. DWC has indeed issued [emergency regulations](#) to that effect.



Surviving a Deposition - A Physician's Point of View

by Scott A. Krasner, MD, MPH, FACOEM

As an occupational medicine physician, you may be asked to provide a deposition as an expert witness. This can be quite nerve-racking, so here are some tips for you:

First keep in mind that you are not the subject of the case; you have nothing to prove or defend. Rather, you are only part of a process by which the legal system arrives at a conflict resolution. You are to provide, as Jack Webb said, "just the facts." This is between the opposing attorneys, not you, and let them "hash it out."

Second, understand that the two main purposes of a deposition are: a) to establish facts of the case, and b) to evaluate you as a potential witness. The legal system is adversarial and each side can either impeach the facts or impeach the credibility of the witness. So again, do not take the questions, or their implications, personally; we may not understand or agree with this system but just accept it as, "it is what it is."

With that in mind, here are some pointers on conduct during the deposition:

1. Be pleasant, CALM, and respectful. Your credibility may hinge on how you behave. They are trying to rile you up to see how you react. I actually write the name "Kevin Bacon" on my notes as a mnemonic to remind me how he reacted to stress in Animal House ("Thank you sir, may I have another").
2. If you find yourself getting too emotional, it's okay to take a break (I'll ask for a restroom break). Re-compose yourself and then continue.
3. Do not argue. If you do not agree with a question, say so, but let, and trust the other attorney to pick up on that with follow up questions.
4. LISTEN to the entire question first, then wait for a second in case the other attorney objects, then THINK before you respond. Sometimes I'll jot down notes as the question is being offered.

5. Answer honestly. If you do not know, say so. I've seen a board-certified orthopedist use a table in the AMA Guides for a foot impairment to justify his impairment rating... for a HAND!
6. Answer ONLY the question. Do not try to second-guess the attorney. Trust the other side to do so.
7. At the conclusion, I always like to review my deposition for accuracy. They will provide a written copy, along with an errata sheet to notate changes.
8. And finally, don't forget your manners. Always end with a smile and a THANK YOU (handshakes prior to CIVID-19). Leave with the confidence that your self-worth is defined as who you are as a person, with the honesty and respect you give to your patients, and all who are involved.

Best of luck.



Member Spotlight - Dr. Khan and Dr. Caretto

Many thanks to Dr. Khan and Dr. Caretto for developing the new WOEMA podcast series! Podcasts had been in discussion at the WOEMA Education Committee level for some time and with so many activities focused on webinars and WOHC, they had not yet come to fruition until COVID-19. With the pandemic came a need to develop up-to-date and often urgent information. The Co-Chairs of the Education Committee, Drs. Khan and Caretto took it upon themselves to find prominent speakers in a short time. Since early April, eight podcasts have been created and at least six are under consideration. Visit the WOEMA website to listen to these free podcasts: <https://www.woema.org/podcasts>

Working with staff at Group Concepts, WOEMA's management company, they were able to select a workable platform to record, with staff assisting in the marketing and posting on the WOEMA website. Podcasts range in time from 20-35 minutes and have had a favorable response from WOEMA members. Listeners are sharing the links with colleagues giving WOEMA additional visibility.

The Education Committee is also focused on presenting CME webinars and will continue to do so as well. You may watch these here: <https://www.woema.org/webinars>

Dr. Alya Khan is the Occupational Medicine Residency Director and Assistant Clinical Professor at University of California, Irvine. She is board certified in both Internal Medicine and Occupational Medicine. Dr. Khan completed her residency training in Internal Medicine from Mountainside Hospital in Montclair, NJ and a fellowship in Occupational and Environmental Medicine from UC Irvine and holds dual board certifications from ABIM and ABPM. She also received a master's degree in Environmental Toxicology from UC Irvine. Dr. Khan's clinical work is at the Center for Occupational and Environmental Health that provides clinical and preventive services to local and regional employers, conduct worksite surveillance programs, as well as provide toxicology consultations. She is the chair of the UCI-COEH annual symposium and a member of M-POWER committee (Medical Professionalism and Optimal Wellness Education and Resource) at UC Irvine. Dr. Khan has been the co-chair for the education committee at WOEMA where her passion and focus is providing up to date, valuable educational offerings for the OEM community. Dr. Khan has been a member since 2010.

Dr. Caretto received his medical degree from the University of California San Francisco. He completed his Master of Public Health at the University of North Carolina and his occupational medicine fellowship training at Duke University. He is board certified in Occupational and Environmental Medicine. He currently practices in Sacramento,

California with Mercy Medical Group - Dignity Health, providing care for workers' compensation injuries, performing employer health services, and conducting site visits with various regional employers on matters of workplace health and safety. Additionally, Dr. Caretto contributes to his medical group as a member of the Quality Evaluation and Improvement Committee and as an Associate Medical Director of Utilization Management. Dr. Caretto is an active member in the Western Occupational and Environmental Medicine Association (WOEMA) and the American College of Occupational and Environmental Medicine (ACOEM). He is the co-chair of the WOEMA Education Committee and is active on the WOEMA Legislative Committee. In ACOEM, he is the secretary/treasurer for the Finance and Practice Management Section. Dr. Caretto has been a WOEMA member since 2015.



The Western Occupational & Environmental Medical Association (WOEMA) is greatly saddened by the tragic and senseless deaths of George Floyd, Dion Johnson, Ahmaud Arbery, Breonna Taylor, Oscar Grant, and many others. We stand in solidarity with all the voices denouncing racism and inequality. Our hearts are with the victims' families as well as with all who routinely face pervasive racial discrimination, which is a public health crisis.

As a diverse group of physicians and leaders, we have a responsibility to stand up and speak out for those who don't have a voice – and to stand up and speak out for those who may not feel it is safe to do so. To look the other way is to fail our duty as health care providers, and those we are entrusted to protect – many of those impacted by these injustices are workers from underserved communities and may be our patients.

WOEMA has always proudly embraced diversity and the intrinsic value placed on human life. Our profession has a long-standing commitment to public health advocacy and addressing health disparities, including support for programs aimed at reducing violence of all kinds. Racism is a threat to the health and well-being of our communities, and eliminating racial bias in the practice of medicine is a foundational part of our efforts, enacted through research, public health policy, continuing medical education, and cultural competencies.

WOEMA condemns racism and discrimination. As current events underscore, there remains much more to do as a country and also as an organization. We are hopeful that through this tragedy, meaningful and necessary social reform can and will occur. We are uplifted by the peaceful protests uniting all people in support of equality and justice. While our hearts are heavy, we are committed to working within our own organization, as well as with local leaders, public health officials, and employers to create positive change in our various communities. All of us are called to do more, WOEMA will continue working on the front lines to help reduce disparities and look to a brighter future.



[The CDC and states are reporting inaccurate COVID-19 numbers](#)

The Centers for Disease Control and Prevention is conflating the results of two different types of coronavirus tests, distorting several important metrics and providing the country with an inaccurate picture of the state of the pandemic.

[Read more here](#)

Will COVID-19 end Workers' Comp exclusive remedy provisions?

A Pennsylvania meatpacking plant employee passed away from COVID-19 related complications on April 3, 2020, and his family filed a wrongful death suit in Philadelphia County on May 7, 2020.

[Read more here](#)

Where are the Bioethicists in this pandemic?

In this time of pandemic, public health law is being used like never before. Do you understand its proper use and limitations?

[Watch the video here](#)

SARS-CoV-2 infection protects against rechallenge

Following initial viral clearance, animals were rechallenged with SARS-CoV-2. Anamnestic immune responses following rechallenge suggested that protection was mediated by immunologic control. These data show that SARS-CoV-2 infection induced protective immunity against re-exposure in nonhuman primates.

[Read more here](#)

WOEMA is a regional component of the American College of Occupational and Environmental Medicine (ACOEM) and is dedicated to high-quality medical care and ethical principles governing the practice of occupational medicine.

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