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Ten Things Every Attorney Should Know When Reviewing a Life Care Plan

Jud Woody, Esq. | Valerie Kellner, Esq.
William Toles, Esq. | Heath Vickers, Esq.





Definition of a Life Care Plan

“The Life Care Plan is a dynamic document based upon published standards of practice, comprehensive assessment, data analysis, and research, which provides an organized, concise plan for current and future needs with associated costs for individuals who have experienced catastrophic injury or have chronic health care needs.”

Source: International Association of Rehabilitation Professionals (IARP) & International Academy of Life Care Planners (IALCP); Standards of Practice for Life Care Planners (Fourth Edition 2022)



Purpose of a Life Care Plan

- A Life Care Plan should be individualized, comprehensive and collaborative in nature.
- It serves as a lifelong guide to assist the evaluatee in obtaining optimal outcomes and preventing/reducing complications for that person.
- It is rare that a single Life Care Planner has the necessary expertise across all areas/specialties to independently complete an evidence-based Life Care Plan.

The Ultimate Goals for a Life Care Plan

- ✓ Individualized
- ✓ Transparent
- ✓ Reproducible
- ✓ Implementable
- ✓ Evidence-Based



Standards of Practice

“In the 1970s, the specialty practice of Life Care Planning emerged from the disciplines of economics and rehabilitation as a methodology to determine future medical care needs and associated costs. The first textbook publication of this method appeared by 1982 (Deutsch & Raffa, 1982). Over the next two decades, the specialty practice evolved. By 1996, a Life Care Planning professional association, a nationwide training program, and a Life Care Plan certification program were established (Weed & Berens, 2018).”

Source: Historical and Current Perspective, Journal of Life Care Planning, Standards of Practice for Life Care Planning, 4th edition



Standards of Practice For Life Care Planners Fourth Edition IARP/IALCP, 2022

- Published standards that define the requirements and methodology necessary for development of Life Care Plan.
- Published in combination by the International Association of Rehabilitation Professionals (IARP) and the International Academy of Life Care Planners (IALCP).





Of note, other professional groups that have developed their own standards of practice for Life Care Planning include:

- American Association of Nurse Life Care Planners (AANLCP)
- American Academy of Physician Life Care Planners (AAPLCP)

There are some noted similarities and differences.



What is a CPT Code?

- CPT code = *“The Current Procedural Terminology (CPT®) codes offer doctors and health care professionals a uniform language for coding medical services and procedures to streamline reporting, increase accuracy and efficiency.”*
- As mentioned in the Standards of Practice 15c, the CPT code creates an avenue to uniformly compare the same procedure across different health care practices. It also provides the means to compare costs from one provider to another and from one region to another.
- Utilizing CPT codes in the cost development process of the Life Care Plan enables the Life Care Planner to establish usual, customary and reasonable costs for an evaluatee in a specific zip code/geographical region.

Consensus Statements

The published Consensus Statements, as found in the *Journal of Life Care Planning*, Vol.16, No. 4, are applicable to all Life Care Planners, regardless of their professional background and education.

The current edition of Consensus Statements were published in 2018 following a Delphi study.

The Delphi study is an empirical research method utilized to establish consensus among subject matter experts.

The study included consensus information derived from 17 years of Life Care Planning summits that have received endorsements from multiple professional organizations.



Consensus Statements

- The initial stages of the study included members of the International Commission of Health Care Certification (ICHCC), as well as practicing Life Care Planners from 16 different states. The professional fields represented included Rehabilitation Counseling, Case Management, Nursing, Medicine, Psychology and Social Work.
- The resulting information was then provided to the Life Care Planning community for analysis through rounds of sample surveying.
- Ultimately – the specific Consensus Statement emerged from a study that constitutes peer-reviewed, guiding and conclusive findings from the Life Care Planning community at large which, in turn, outlines the developmental requirements for the Life Care Plan.

Adherence to consensus requirements is necessary to valid and reliable Life Care Plans.



1

Absent Certification/Training for Life Care Planning

Consensus Statement 16: “Life Care Planner certification shall render its holder a qualified Life Care Planner, provided that certification is maintained.”

2

Absent Foundational Support from Clinical Practice Guidelines

Consensus Statement 67: “Life Care Planners shall utilize credible, evidence-based guidelines.”

Consensus Statement 84: “Review of evidence-based research, review of clinical practice guidelines, medical records, medical and multidisciplinary consultation and evaluation/assessment of evaluatee/family are recognized as best practice sources that provide foundation in Life Care Plans.”

3

Absent Foundational Support from Published Literature/Research

Consensus Statement 50: “Life Care Planners shall utilize research (including identifying relevant literature to provide a foundation for recommendations, costing for equipment and services, etc.) in Life Care Plan that is reasonable, relevant, and appropriate.”

Consensus Statement 79: “Life Care Planners shall understand and explain research used in a Life Care Plan.”

4

Absent Necessary Healthcare Collaboration and Foundation

Consensus Statement 60: “Life Care Planners shall utilize adequate medical and other data for opinions.”

Consensus Statement 64: “Life Care Plans shall rely on medical/allied health professional opinions.”

Consensus Statement 81: “Life Care Planners seek recommendations from other qualified professionals and/or relevant sources for inclusion of care items/services outside the individual Life Care Planner’s professional scope(s) of practice.”

Consensus Statement 84: “Review of evidence-based research, review of clinical practice guidelines, medical records, medical and multidisciplinary consultation and evaluation/assessment of evaluatee/family are recognized as best practice sources that provide foundation in Life Care Plans.”

5

Lack of Transparency

Consensus Statement 75: “Life Care Planning products and processes shall be transparent and consistent.”

6

Absent Standardized Coding for Costs

Consensus Statement 59: “Life Care Planners shall utilize a reliable, consistent method for reaching conclusions.”

Consensus Statement 75: “Life Care Planning products and processes shall be transparent and consistent.”

7

Utilizing Exclusively Brand Name Medications

Consensus Statement 58: “Life Care Plans shall include a basis for recommendations.”

Consensus Statement 59: “Life Care Planners shall utilize a reliable, consistent method for reaching conclusions.”

Consensus Statement 69: “Life Care Planners shall utilize protocols for cost research.”

8

Use of Single Cost Resource or Vendor

Consensus Statement 85: “Best practices for identifying costs in life care plans include:

- a. Verifiable data from appropriately referenced sources.
- b. Costs identified are geographically specific when appropriate and available.
- c. Non-discounted/market rate prices.
- d. More than one cost estimate, when appropriate. ”**

9

Life Expectancy not Individualized

Consensus Statement 45: “Life Care Plans shall be individualized.”

10

Total Lifetime Costs not Reflective of Present-Value

Consensus Statement 58: “Life Care Plans shall include a basis for recommendations.”

Consensus Statement 59: “Life Care Planners shall utilize a reliable, consistent method for reaching conclusions.”

Consensus Statement 72: “Life Care Planners shall follow generally accepted methodology.”

Consensus Statement 81: “Life Care Planners seek recommendations from other qualified professionals and/or relevant sources for inclusion of care items/services outside the individual Life Care Planner’s professional scope(s) of practice.”

Resources

Published Standards/Date: Standards of Practice for Life Care Planners (Fourth Edition)/2022
Publisher: International Association of Rehabilitation Professionals (IARP) & International Academy of Life Care Planners (IALCP)

Article Title/Date: "Life Care Planning Consensus and Majority Statements, 2000-2018: Are they Still Relevant and Reliable? A Delphi Study"/2018
Journal Title/Lead Author: Journal of Life Care Planning/Johnson, C.
Publication Info: Volume 16, Issue #4, Pages 5-13

Article Title/Date: "Consensus and Majority Statements Derived from Life Care Planning Summits Held in 2000, 2002, 2004, 2006, 2008, 2010, 2012, 2015 and 2017 and Updated Via Delphi Study in 2018"/2018
Journal Title/Lead Author: Journal of Life Care Planning/Johnson, C.
Publication Info: Volume 16, Issue #4, Pages 15-18

Article Title/Date: "Probability and Uncertainty in Clinical and Forensic Medicine"/2015
Journal Title/Lead Author Publisher: Baylor University Medical Center Proceedings/
Guileyardo, J.
Publication Info: Volume 28, Issue 2, Pages 247-249

Treatise/Date: Life Care Planning and Case Management Handbook (Fourth Edition)/2018
Editors: Roger O. Weed & Debra E. Berens
Publisher: Routledge

Treatise/Date: Life Care Planning and Case Management Handbook (Fifth Edition)/2024
Editors: Tanya Rutherford-Owen, Mary Barrios-Bailey, Roger O. Weed
Publisher: Routledge

Resources

Policy Statement: Definition of Usual Customary and Reasonable (Policy H-385.923)
Publisher: American Medical Association (AMA)

Article Title/Date: "Life Expectancy Issues in Life Care Planning"/2021
Journal Title/Lead Author: Journal of Life Care Planning/Caruso, G.
Publication Info: Volume 19, Issue 1, Pages 19-58

Article Title/ Date: "Estimating Life Expectancy: A Psychiatric Perspective"/2013
Journal Title/Lead Author: Journal of Life Care Planning/Rosen, B.
Publication Info: Volume 12, Issue 1, Pages 3-13

Article Title/Date: "Life Expectancy for Life Care Planners"/2013
Journal Title/Lead Author: Journal of Life Care Planning/Kush, S.
Publication Info: Volume 12, Issue 1, Pages 31-49

Article Title/Date: "Utilizing Research to Determine Life Expectancy: Applications for Life Care Planning"/2013
Journal Title/Lead Author: Journal of Life Care Planning/Krause, J.
Publication Info: Volume 12, Issue 1, Pages 51-59

Article Title: Saving Money on Prescription Drugs
Publisher: United States Food and Drug Administration (FDA)

Jud Woody, Esq.

Founder & General
Counsel of InQuis
Global

Jud Woody, Esq. is the General Counsel of InQuis Global, LLC which he started over 8 years ago with several of his colleagues. InQuis is a forensic expert witness and litigation consulting firm specializing in life care planning and vocational/wage loss analysis. Our experts practice nationally in both Federal and State courts with an emphasis on catastrophic personal injury cases within the scopes of automobile and trucking accidents, medical malpractice, products liability, premises liability, toxic torts, pharmaceutical torts and workers compensation. Mr. Woody is licensed to practice law in South Carolina, Hawaii and the District of Columbia and is a Member of the South Carolina Bar, Hawaii Bar and District of Columbia Bar. Mr. Woody is further a Member of the United States Court of Appeals for the Fourth Circuit and the Federal Circuit, and the United States District Court for South Carolina and Hawaii. Mr. Woody received his BA from the University of North Carolina at Chapel Hill in 1992 and his JD from the University of South Carolina School of Law. Previously, Mr. Woody was in private practice in Charleston, SC for 13 years primarily on the Defense and Corporate side before becoming General Counsel and later Division President of an international manufacturing company where he served for 7 years. Most recently, Mr. Woody served as the Managing Partner of a West Coast based firm's Honolulu, HI office. Mr. Woody is an avid competitive golfer and pilot.

Valerie Kellner, Esq.

Attorney at Wilson
Elser

Valerie Kellner is an experienced litigator who focuses on defense litigation in the areas of product liability, premises liability and construction litigation including catastrophic injury and death claims. Valerie maintains a diverse civil litigation practice representing manufacturers and suppliers, restaurant and retail chains, general contractors, subcontractors and food producers. She has represented clients in state and federal courts in New Jersey and Pennsylvania. Clients turn to Valerie to protect and advance their interests in all phases of litigation. Her ability to anticipate and understand clients' needs, expectations and business interests have made her a valued and trusted resource.

Prior to joining Wilson Elser, Valerie was a partner at a mid-Atlantic regional firm for 10 years. Upon graduating law school, she served as a law clerk with the Honorable Rosemary K. Reavey and the Honorable George Nicola in Superior Court of New Jersey in Middlesex County, Civil Division.

Valerie is an active member and sits on the Board of Directors of the Federation of Defense & Corporate Counsel (FDCC). Valerie is the chair of the Membership Recruitment Committee and past chair of the Communications Committee. She is a vice-chair of the Bylaws & Resolution Committee, the Finance & Budget Committee, and the FedLife Committee. She received the Joseph R. Olshan Award (2024), which is presented to the committee chair whose work has made the most outstanding contribution.

William Toles, Esq.

Attorney at Munsch,
Hardt, Kopf & Harr

As a seasoned and highly regarded trial attorney, William has successfully tried more than 70 civil jury trials to verdict. In addition, his trial experience throughout Texas includes tort litigation, ranging from negligence and transportation matters to more complex premises liability, Deceptive Trade Practices Act (DTPA), commercial and contractual dispute litigation. He has been selected by D Magazine as one of the “Best Lawyers in Dallas” since 2016.

On top of his legal practice, William is a past president of the American Board of Trial Advocates (ABOTA) Dallas Chapter. He is also a member of the International Society of Barristers (ISOB) and the American College of Trial Lawyers (ACTL). Memberships for ABOTA, ISOB and ACTL are by invitation only, and involve a rigorous screening process that takes into consideration each lawyer’s ability, experience, accomplishments and ethical standards as assessed by trial lawyers and judges. Additionally, he has been listed in Texas Super Lawyers continuously since 2012 and Best Lawyers in America for Commercial Litigation, Personal Injury Litigation and Product Liability Litigation.

Having earned both his J.D. and B.A. from Washington & Lee University, William remains active with his alma mater. Currently, he serves as a member of the Washington & Lee University Board of Trustees and a class agent for his law school class. He is a former member of the Washington & Lee Alumni Board, former President of the Law Council and former Chair of the Washington & Lee Law Annual Fund.

Heath Vickers, Esq.

Attorney at Carr
Allison

Heath L. Vickers is a shareholder in Carr Allison’s Jacksonville (FL) and Brunswick (GA) offices. His primary areas of practice include defending matters involving trucking and transportation liability, governmental liability and retail and premises liability. He has tried cases before a jury ranging from commercial litigation to commercial motor vehicle liability.

An AV Preeminent® rated attorney through Martindale-Hubbell®, Heath is admitted to practice in Georgia, Florida, the US District Court for the Southern District of Georgia and before the US District Courts for the Northern and Middle Districts of Florida. He is a member of the Florida Bar, the Georgia Bar, the Bar Association of Jacksonville, the Federation of Defense and Corporate Counsel, Georgia Defense Lawyers Association and the Florida Defense Lawyers Association.

Heath graduated magna cum laude from Georgia Southern University earning his Bachelor of Business Administration degree in accounting. He earned his Juris Doctor, cum laude, from Florida Coastal School of Law.

Prior to joining Carr Allison, Heath practiced with a civil defense firm in Jacksonville (FL). He also interned with the U.S. Attorney’s Office, Middle District of Florida, Jacksonville Division. After graduating from Georgia Southern, Heath worked for the Georgia Department of Audits and Accounts in the Special Investigations Unit auditing governmental agencies and performing fraud investigations.



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Thank You

Any Questions?

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