

JANE LIPSCOMB STONE

P.O. Box 30111
Austin, Texas 78755



Education:

Central Oklahoma University, 1976, B. S. in Biology, Magna Cum Laude.
University of Texas, 1990, J.D.
Episcopal Theological Seminary of the Southwest, Master of Arts, May, 2008

Professional Positions:

Shapiro Edens & Cook, L.L.P., Austin, Texas, Associate Attorney, 1990-1991
Jenkins & Gilchrist, Austin, Texas, Associate Attorney, 1991-1993
Wilson Grosenheider & Jacobs, L.L.P., Associate Attorney, 1994-2000,
Partner, 2000-2003
Stone Loughlin & Swanson, L.L.P., Senior Partner, 2003 - present

Professional Affiliations and Certifications:

Fellow of the National College of Workers' Compensation Lawyers, inducted March, 2012
Board Certified in Workers' Compensation by the Texas Board of Legal Specialization
AV- Preeminent Peer Rated by Martindale-Hubbell
Texas Bar Foundation Life Fellow
State Bar of Texas, Workers' Compensation Section, Advisory Council, former member
Past-Vice Chair of the Texas Board of Legal Specialization in Workers' Compensation
National Workers' Compensation Defense Network, Texas Representative Member
Council on Litigation Management, Member
Travis County Bar Association, Administrative Law Section
Phi Delta Phi Legal Fraternity
Kids' Chance of Texas, Inc., Founding Director

Professional Experience:

Comprehensive experience in all aspects of workers' compensation and related laws including regulatory matters affecting the delivery of income and medical benefits to injured workers. Special expertise in medical care utilization, medical billing and regulatory issues affecting delivery of health care in the workers' compensation system impacting the quality of health care delivery in the system.

Consultant to individual and group health care providers, hospitals, insurance carriers, certified self-insureds, third party administrators, health care networks, utilization review companies, audit companies and employers involving matters of overutilization of health care and billing issues impacting health care services. Expert consultant in forensic review of claim file handling for preventing and defending bad faith actions. Extensive training

for adjusters and other system participants in complying with the law and its constraints in regard to assuring that claims are properly and fairly handled. Includes analysis of reasonable investigation and handling of all types of workers' compensation benefits claims within the constraints of the statutory scheme. Consultation work includes the interplay of statutory workers' compensation with 3rd party and employer liability lawsuits.

Extensive administrative law practice before the State Office of Administrative Hearings, the Texas Department of Insurance, and its predecessor, the Texas Workers' Compensation Commission, handling hundreds of contested cases and other administrative proceedings since 1993.

Handle district court and appellate level litigation resulting from appeals from decisions of the Division of Workers' Compensation Appeals Panel, as well as declaratory judgment actions against the Texas Department of Insurance, Division of Workers' Compensation challenging the validity and applicability of rules to request a declaration from the courts regarding the correct interpretation of the Labor Code.

Frequent seminar speaker and trainer at the request of insurance carriers, employers, the Insurance Council of Texas, the American Bar Association, and the National Workers' Compensation Defense Network.

Significant Cases Impacting Workers' Compensation in Texas:*

Continental Cas. Co. v. Functional Restoration Associates, 19 S.W.3d 393 (Tex. 2000)

The Texas Supreme Court held that the workers' compensation statute then in effect did not provide for judicial review of medical benefit disputes. As a result of this case, the Texas Legislature amended the statute to provide for judicial review.

Hospitals v. Continental Cas. Co., 109 S.W.3d 96 (Tex.App.–Austin 2003, pet. denied)

The Austin Court of Appeals held that the Texas Workers' Compensation Commission could not forgive the hospitals their failure to request medical dispute resolution in a timely manner. As a result, over 18,000 claims against insurance carriers valued at \$500 million dollars were dismissed because they were not timely filed.

All Saints Health System v. Texas Workers' Compensation Com'n, 125 S.W.3d 96 (Tex.App.–Austin 2003, pet. denied)

This case was a companion case to *Hospitals v. Hospital Systems*. The Court held that the standards governing payment to hospitals in workers' compensation matters are those set forth in Labor Code sec. 413.011 and that the hospitals had the burden of proof to show that their exorbitant billing met the payment standards.

Howell v. Texas Workers' Compensation Com'n, 143 S.W.3d 416 (Tex.App.–Austin 2004, pet. denied)

A renegade doctor in the Rio Grande Valley attempted to invalidate a new rule of the Commission giving Independent Review Organizations authority to decide medical disputes where the issue was the medical necessity of treatment. The doctor also attempted to flood the courts with cases by filing individual medical disputes for multiple claimants for single dates of service, and for attempting to circumvent the statutory process for deciding medical disputes at the agency level. The IRO rule was upheld and the doctor was permanently enjoined from circumventing the agency.

Texas Workers' Compensation Com'n, et al v. East Side Surgical Center, 142 S.W.3d 541 (Tex.App.–Austin 2004, no pet. h.)

Several ambulatory surgical centers attempted to obtain their full billed charges from workers' compensation carriers by taking advantage of a loophole in the Commission's rules. The Court held that the centers could not be allowed any more money than they can prove would be owed under the application of the statutory payment standards of Labor Code sec. 413.011.

Skilled Craftsmen of Texas, Inc. v. Texas Workers' Compensation Com'n, 158 S.W.3d 89 (Tex.App.–Austin, 2005, pet. dism'd)

Skilled Craftsmen successfully challenged the Commission's "Extra-hazardous Employer" rule on the basis that the rule was punitive in nature and exceeded the rule-making authority of the agency.

Mid-Century Ins. Co. v. Texas Workers' Compensation Com'n, 187 S.W.3d 754 (Tex.App–Austin 2006, no pet. h.)

Mid-Century successfully challenged the validity of a Commission rule requiring insurance carriers to pay lifetime income benefits from the first date of disability, rather than from the first date the claimant met the criteria for entitlement to lifetime income benefits. This was a significant change in the law.

Texas Dept. of Ins., Div. of Workers' Compensation v. Lumbermens Mut. Cas. Co., et al, No. 03-05-00785-CV, 2006 WL 3040764 (Tex. 2007, pet. den.)

Lumbermens and other carriers successfully challenged the legality of certain advisories published by the Executive Director of the Commission. The advisories caused impairment ratings to increase, and SIBS entitlement to increase systemwide. The Third Court of Appeals held that the advisories were illegal and that the practice of the Commission in applying them in contested case hearings was outside of its authority.

*Listings do not include judicial review of individual workers' compensation claim cases.