

**WORKERS' COMPENSATION
MEDICAL ADVISORY COMMITTEE**

January 9, 2015
9 a.m. – 11:30 a.m.

MAC Committee Members Present:

Ronald Bowman, MD (Chair); Timothy Keenen, MD (Vice-Chair); Brad Lorber, MD; Constantine Gean, MD (Insurer Representative); Gary Rischitelli, MD; Dr. Franklin Wong, MD (MCO Representative); Susan Strom, DC; Tom Williams, PT; John Soffer, RN, NP; Joey Blumbaugh (Employer Representative);

DCBS Staff Present:

Juerg Kunz, Cara Filsinger, Ryan Delatorre, John Shilts, Gary Helmer, Donald Gallogly, Jennifer Reed

MAC Committee Members Absent: Lon Holston (Worker Representative)

Agenda Item	Discussion
Welcome, Introductions (0:00:00)*	Dr. Bowman called the meeting to order at 9:00 a.m. He welcomed MAC's newest member, John Soffer, a nurse practitioner from Hood River and The Dalles.
Administrative discussion (00:06:28)*	Review and approve minutes for Friday July 11, 2014, meeting- MAC Upon reviewing the minutes, Dr. Wong acknowledged the spinal cord stimulator discussion was on hold until 2016, but was wondering whether the department was going to track the outcome of patients with spinal cord stimulators over the next two years. Juerg proposed due to difficulty with contacting workers, maybe the department could try to contact the doctors for follow-up information. Dr. Bowman proposed a follow up discussion. Cara proposed bringing some information to the next meeting about what we can and can't do on the subject and what challenges may be present. The committee approved the July 11, 2014 meeting minutes as drafted.
Gary Helmer Don Gallogly (00:6:30)*	Workers Compensation System Overview Gary Helmer and Don Gallogly from the departments from the Information Technology and Research Section gave a presentation on system and medical data. It included data on employment and claims; claims payments; premiums; claim closure and resolution; re-employment and return to work programs; medical disputes and reconsiderations; payments for medical services; medical payments by service category; physician services; non-physician services; revenue codes; pharmaceuticals; MCO enrollment. Cara will email the presentation to the committee.
Return to work form (form 3245) (01:52:43)*	Reviewed and discussed draft return to work form (Form 3245) – Ryan Delatorre Ryan reviewed the second revisions to the return to work form based on the feedback from providers, insurers, TPA's, and other stakeholders on the current form. Ryan informed the committee that permanent restrictions were removed from the form. Activity Frequency in the modified work section was moved from a percentage of the day measure to an hours per day measure. Job description was removed based on employer input. Minor formatting and descriptions changes were made to stream line the form. Ryan noted that the Time loss portion of the form may not be relevant and worth removing from the form. Committee

members suggested further changes verbally.

Cara asked Committee members to submit further changes to the form, she will then send out the final draft via email.

Court Case Updates

(02:05:16)*

Schleiss-Brown Updates – Ryan Delatorre

Schleiss v SAIF –Pre-existing conditions and permanent partial disability.

It was questioned if this now changes the concept of major contributing cause, Ryan noted that it does not affect acceptance, it only comes into play at closure and apportionment of the claim. It determines what we are now allowed to proportion from the PTD award. WCD is now pursuing several rules to make these changes. However, Schleiss is already in effect as it is a Supreme Court decision. WCD and insurers are now applying this court decision and disregarding the now invalid administrative rule. Dr. Wong asked how this is now affecting providers at closing exam regarding accepted conditions vs non accepted conditions. Ryan stated that instead of having a broad category of non accepted conditions, there is now going to be pre existing conditions, statutory pre existing conditions or superimposed conditions. Cost analysis is currently being estimated by WCD.

(02:17:49)*

Brown v SAIF – The “compensable injury” and permanent partial disability.

A final decision has not been made and WCD is not currently applying this decision to claims. Rules are currently being pursued by WCD. An example of adding a condition while the claim is still active (prior to closure) was questioned: If you attempt to add on an originally omitted condition and that condition is denied can it still be compensable? Ryan stated that at claim closure the insurers opportunity to deny it would be somewhat limited. The insurer must rate based on the findings of the physician.

Payment Model

(02:33:46)*

Payment model for closing exams and reports – Juerg Kunz

Currently, we have one Oregon specific code for closing exams and one for reports with no fee schedule amount. Juerg questioned the committee whether we could establish three to four codes for fee schedule amounts to differentiate between a simple closing exam and a larger closing exam. He proposed time as a scale for criteria when establishing the codes. Committee members cautioned to rush to conclusion and will send some feedback to Juerg.

Closing

(2:40:08)

The meeting adjourned at 11:40 am.

The next MAC meeting will be held on March 13, 2015.

*The audio files for the meeting minutes and public testimony (both written and audio) can be found here:

http://www.cbs.state.or.us/wcd/rdrs/mac/mac_mtgmnts.htm