

**WORKERS' COMPENSATION
MEDICAL ADVISORY COMMITTEE**

March 13 2015
9 a.m. – 11:30 a.m.

MAC Committee Members Present:

Lon Holston (Worker Representative); 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 Blubaugh (Employer Representative)

DCBS Staff Present:

Juerg Kunz, Cara Filsinger, Ryan Delatorre, Jennifer Reed, Jennifer Millemann, Jamie O'Brien, Cathy Ostrand-Ponsioen

MAC Committee Members Absent:

Agenda Item	Discussion
Welcome, Introductions (0:00:00)*	Dr. Bowman called the meeting to order at 9:00 a.m.
Administrative discussion (00:00:09)*	Review and approve minutes for Friday January 9, 2015, meeting- MAC The committee approved the January 9, 2015 meeting minutes as drafted.
Ryan Delatorre (00:00:35)*	Court Case Updates – Ryan Delatorre (handout here) Spurger v SAIF – This case applies a determination of whether a worker should receive an award for impairment due to a chronic condition. That determination is provided in administrative rule and awards for impairment due to a chronic condition when the worker is “significantly limited in the repetitive use of a body part”. Spurger v SAIF decided that “significantly limited” is not a determination that should be left up to medical providers. The physician determines only whether the worker is unable to repetitively use the body part for more than 2/3 period of time. The WCD Appellate review unit finally determines if it is significantly limited or not, based on the medical findings.
Payment model for closing exams and reports (00:16:43)*	Payment model for closing exams and reports – Discussion – Juerg Kunz Currently we have two codes, one to describe the closing exam and one to describe the closing report, but no fee schedule amounts associated with it. WCD would like to create a fee schedule amount for closing exams and closing reports. Juerg proposes we create three or four different codes based on time, and is currently asking input on criteria. Dr. Lorber suggests body parts instead of time as a criteria. Juerg suggests to put together a model based on the coding the arbiter uses and will bring back that information to next meeting.
Impairment Rating Methods (00:19:52)*	Impairment rating methods: loss of strength – Jennifer Milleman and James O'Brien (handout here) WCD is seeking advice for a better way to determine and measure strength. Strength is

currently measured on the 5/5 scale, which is subjective and can be misleading. The workers strength is measured and reported by the physician and each grade is assigned a percentage value according to the standards. Dr. Lorber believes there are variations of the scale due to education and training, however, currently he believes it is the best method. Tom Williams concurs and believes the scale is subjective. Dr. Gean suggested a video demonstration on each level of the scale as a potential learning tool.

Technology Reviews
(00:29:11)*

Technology Reviews – Juerg Kunz (handout [here](#))

Review technology list and timelines: Dr. Gean was wondering about examples of nanotechnology from the compensability list handout. Juerg explains that he doesn't have any; nanotechnology was placed on the list based on a suggestion from MAC to keep an eye on it for possible issues in the future. Juerg is not aware of any Oregon workers' comp claim where the worker received nanotechnology treatment. Dr. Keenan asks about compensability of discography. Juerg states that with discography we currently don't have anything in the rules. The Division has not currently made any policy decisions. Dr. Wong states that the MCO's have various criteria for approval on discograms. Juerg states that it is up to the insurer outside of the MCO to bring it to WCD and say it is inappropriate or excessive. Currently, if the MAC recommended anything that they considered should be non-compensable it would have to go through the public hearing process and to John Shilts who would make the ultimate decision.

Prolotherapy/Platelet Rich Plasma Injections: Platelet Rich Plasma injections are currently considered to be a form of prolotherapy. A sub-committee will be formed today to discuss the topic further.

Dr. Wong states that there are tremendous advances in orthotics. The technology is moving very fast and dramatically.

Juerg states that the spinal cord stimulators are something we can look at again in a couple years from now and in the meantime we can study the workers comp population that have had the spinal cord stimulators implanted. Currently the question is how we can conduct that study effectively. Contacting the patients directly can be difficult to get good results and contacting the doctor directly can be problematic due to patients changing providers. Potentially contacting the insurers who have all the existing information may be the best approach. Juerg explains that through the payment data reported to us we can identify the patients and the insurers. Several questions need to be addressed going forward: How many patients get spinal stimulators in a year? What is the cost in perspective to narcotics prescriptions and surgeries? Are the patients turning it on and using it? In that way, contacting the patient and asking if they are turning it on and using it could potentially be a way to measure data. Dr. Gean cautioned that insurers may not have up-to-date employment data as workers may change employers and fall off the map from insurer's point of view. Dr. Wong explained that medication use before and after implantation would be useful to know. Dr. Keenen would like to have data on the number of implants per year and the costs of implanting a spinal cord stimulator. Currently, there is also an issue that the technology has changed so much you can't compare the old stimulators to the newer ones. Dr. Wong states that in Washington if something is deemed noncompensable they must review it under a certain amount of time and in this case they held their position that

the new research did not show any significant changes. Juerg proposes putting together a questionnaire for insurers and will email it to the MAC members before the next meeting for review. Joey Blumbaugh questions if the spinal cord stimulators are successful outside of occupational injury? Dr. Keenan states that in general injured workers don't necessarily report the same success as non-injured workers.

Prolotherapy/Platelet Rich Plasma injections: Clarification on scope of review and appointment of subcommittee. Volunteered: Dr. Lorber, Dr. Bowman, Dr. Strom, Tom Williams, and non-member John Braddock, medical director of Majoris MCO. The subcommittee will determine if platelet rich plasma injections are currently compensable or not. Questions the committee will cover: Are platelet rich plasma injections considered part of prolotherapy? Are some applications effective or non effective? Brad Lorber stated that in a conference he just attended the articles are 50/50 and not yet proven, it is still experimental and concentration is unknown. There is no current proof and more research is needed. Dr. Braddock gives a definition "Prolotherapy is a non surgical treatment that stimulates healing." The subcommittee will continue the discussion.

Closing
(1:09:01)

Dr. Bowman announcement: John Shilts wants communication between MLAC and MAC; MAC members are invited to next MLAC meeting. Dr. Keenan discusses a bill announced to the house regarding diagnosis of a situational depression or anxiety related to them being of work; this will potentially be a subcommittee for MLAC. The intention is to try and design something of value to injured worker without large cash strain on insurer.

Cara Filsinger introduces a handout regarding follow-up information from the last meeting's presentation.

The meeting adjourned at 10:25 am for subcommittee on lumber and cervical artificial disc.

The next MAC meeting will be held on May 8, 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.html