

WORKERS' COMPENSATION  
MEDICAL ADVISORY COMMITTEE

August 21, 2019  
9 a.m. – 11:00 a.m.

**MAC Committee Members Present:** Ronald Bowman, MD; Brad Lorber, MD; Julio Ordonez, MD; Lon Holston (Worker Representative); Timothy Craven, MD (MCO Representative); Constantine Gean, MD (Insurer Representative), Halley Moore, DC; Ryan Weeks (Employer Representative); Tom Williams, PT; Gary Rischitelli, MD;

**DCBS Staff Present:** Summer Tucker, Juerg Kunz, Jeffrey Roddy-Warburton

**MAC Committee Members Absent:**

<b>Agenda Item</b>	<b>Discussion</b>
<b>Welcome, Introductions</b> (0:00:00)*	Dr. Bowman called the meeting to order at 9:00 a.m.
<b>Administrative discussion</b> (0:00:30)*	<b>Review and approve minutes for February 21, 2020 MAC Meeting</b>  Lon Holston motions to approve, Julio Ordonez seconds. The minutes were approved.
<b>Staff Updates</b> (0:01:50)	Dr. Bowman moves to the review of committee bylaws and electing committee chair and vice-chair. Summer Tucker states that it has been about three years since the bylaws were last reviewed but no changes are required if the committee doesn't think any changes are needed. The committee voted and approved Dr. Bowman as committee chair, Dr. Lorber as vice-chair.
(0:06:40)	Summer Tucker discusses the 2021 MAC meeting schedule. She asks that anyone with conflicts or issues with the schedule to please let her know.
(0:14:20)	Juerg Kunz provided an update on administrative rules. Updated rules will go into effect September 21; August 21 is the last day to provide testimony. Juerg Kunz details some of the rule changes on telemedicine, and adoption of additional CPT® codes for COVID-19 testing. Dr. Bowman asks when the rules for telemedicine end now, Juerg Kunz responds that they will be replaced on September 21, 2020 by the permanent rules and will be up for discussion again for the April 1, 2021 rules.
<b>Cervical Artificial Disc Replacement</b> (0:19:35)	Subcommittee members Dr. Craven, Dr. Gean, and Dr. Ordonez report that the subcommittee is in favor of approving two level contiguous cervical artificial disc replacements. Juerg Kunz asks the committee if they want to have treatment guidelines in the rules for this, or treat it like any other treatment in

workers' compensation. Dr. Craven asks what the other guidelines are for other treatments. Juerg Kunz responds that the only other guideline in rule is the maximum number of physical therapy visits recommended during a specified period. Dr. Gean states that sometimes when a technology is new, the worry is that it won't pan out. Now that the literature is very robust, maybe the guideline should be appropriate standard of practice. Dr. Bowman states that 10 years ago when this procedure was new, people were more cautious, but now it is standard practice and that he is in favor of removing the restrictions.

(0:32:55) Dr. Craven brings up hybrid procedures. Dr. Gean states that the subcommittee wanted to bring it back to the full committee for discussion. Juerg Kunz states that the question with the hybrid procedure is whether we want the guidelines to be a rule or more on a case-by-case basis. Juerg Kunz also asks if a hybrid procedure would be appropriate in some cases, but not others. Dr. Craven states he is on the fence about the hybrid procedure and would like to know what insurers think of the procedure. Dr. Bowman states that we are not in a position where we are supposed to look at every variation of the artificial disc procedure, we have to look at the criteria to see if something is compensable. Juerg Kunz states that the committee was just looking at the artificial disc, regardless if it is a hybrid or not.

(0:38:38) Juerg Kunz states that when the committee made these rules 12 years ago they wanted to be cautious because of how new the procedure was and the limited amount of scientific literature available. Dr. Craven states that maybe we don't need to address the hybrid procedure at this time and just focus on the two level artificial disc replacements. Dr. Gean agrees with that.

(0:40:42) Juerg Kunz states that he will put together the MAC's draft recommendation and forward it to WCD Administrator Sally Coen. If she approves the recommendation, it will be posted on the MAC website for the public to provide input. At the next MAC meeting the committee will review the public input and then make a final recommendation. If it is approved, it will go forward as a proposed rule change. **The committee unanimously votes to approve recommendation.**

**COVID-19 and Workers Comp**  
(0:43:47) Summer Tucker opens the discussion on COVID-19, its effects on workers' compensation, and what the MAC members have been experiencing with COVID-19 as medical providers.

(0:47:20) Dr. Craven asks if WCD has any claims for health care workers testing positive for COVID-19 and claiming it as work related. Sally Coen responds yes. Dr. Gean adds that in the western region of the US, Liberty has had thousands of claims.

- (0:48:20) Tom Williams states that from a physical therapy stand point, he saw an uptick in delayed care for his patients. But things are back to normal now.
- (0:50:22) Lon Holston asks about how many claims WCD has received from workers in non-health care occupations. Sally Coen responds that WCD has received claims from workers in all occupations and WCD has put together data in a report for the Management-Labor Advisory Committee on that topic. Lon Holston asks how many claims were accepted, and how many were denied. Sally Coen responds WCD has the data on that, she doesn't know the number off hand, but she does know that the majority are accepted claims.
- (0:52:57) Ryan Weeks asks if these claims being sent in after the employee has tested positive for COVID-19 or is it when the employee starts to show symptoms. Sally Coen responds that WCD does not receive all of the medical records, just the insurer's notice of what they are doing with the claim, but they have heard that the claims are from all different points in the process and workers are entitled to file a claim whenever they feel that they have been exposed in the work place.
- Ashley Willard, Travelers Insurance, asks if any of the doctors are seeing delays from injured workers because they don't want to come into the office to be seen because of the risk of getting COVID-19. Dr. Bowman responds yes, but telemedicine has helped. Dr. Gean adds that in California if both parties agree, virtual IMEs can be the official process. Dr. Lorber adds that he has had four patients opt out of being seen because of COVID-19. Ashley asks if WCD has had any requests for virtual IMEs. Jennifer Flood responds that she is not aware of any virtual IMEs, and Sally Coen responds that she will look into that question. Dr. Gean responds that if COVID-19 is on the rise again in the winter months, virtual IMEs might be a better option.
- (0:59:23)
- (1:00:25) Dr. Craven states that in his opinion people are more relaxed about coming in the doctor's office now and not as concerned about getting COVID-19 from coming in for an appointment.
- (1:02:18) Lon Holston states that now that people know how COVID-19 spreads, people are more confident in having a handle on slowing the spread with disinfecting and other safety protocols.
- Ashley Willard states that they have been told by both injured workers and doctors that they think telemedicine has been a positive because it gives the patient and doctor more time, and the appointment does not feel rushed. Dr. Bowman responds that in his experience it is not an engaging way to practice, and he prefers in person interaction, but it has been a good way to practice during the pandemic.

(1:05:20)

Dr. Bowman adjourned the meeting

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\*The audio files for the meeting minutes and public testimony (both written and audio) can be found here: <http://wcd.oregon.gov/medical/mac/Pages/mac-meetings.aspx>