

WORKERS' COMPENSATION
MEDICAL ADVISORY COMMITTEE

August 16, 2019
9 a.m. – 11:30 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)

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

MAC Committee Members Absent: Gary Rischitelli, MD; Ryan Weeks (Employer Representative); Tom Williams, PT

Agenda Item	Discussion
Welcome, Introductions (0:00:00)*	Dr. Bowman called the meeting to order at 9:02 a.m.
Administrative discussion (0:00:10)*	Review and approve minutes for April 19, 2019 MAC Meeting Dr. Lorber moves to approve the minutes and Dr. Bowman seconds. The minutes were approved as drafted.
2020 Schedule (0:00:30)	Summer Tucker reviews the upcoming 2020 MAC meeting schedule. Meetings will continue to be the 3 rd Friday of every other month. MAC will continue to meet at Clackamas Community College Training Center.
Staff Updates (0:01:15)	Summer Tucker informs the committee that former member Joey Blubaugh recently passed away. Summer Tucker states that Dr. Strom has resigned from MAC after her term finished this summer. There are three vacancies for the committee and options are open for filling the position. Summer Tucker and Juerg Kunz update MAC on Senate Bill 507 (2019) and the changes that will come into effect. Senate Bill 507 creates a presumption for certain public safety workers that post-traumatic disorder and acute stress disorder are compensable occupational disease claims under Oregon workers' compensation law. The bill's effective date is September 29, 2019. Lou Savage, Workers' Compensation Division (WCD) Administrator, also provides an update on the bill and states that WCD can provide the committee with a summary of the bill. Juerg Kunz summarizes the Supreme Court decision <i>Garcia-Solis v. Farmers Insurance Co.</i> On May 31, 2019, the Oregon Supreme Court issued an opinion

that affects the compensability of medical services in workers' compensation claims. Prior opinions held that the "injury" referred only to the conditions that had been accepted as part of the worker's claim. The court has now concluded that the "injury," in the context of medical services, means the workplace accident, not the accepted conditions.

**American
Occupation
Health
Conference
Presentation**
(0:17:10)

Dr. Gean gives his presentation on the American Occupational Health Conference. The conference included a variety of presentations on occupational health, including manufacturing job density, gig economics, safety net of federal and state laws, risk of injury amongst temporary workers, and evidence-based nutritional information.

**Technology
Review:
Low Dose
Irradiation**
(0:40:45)*

MAC reviewed low dose irradiation in April 2018 in response to a medical dispute, and did not add it to the excluded treatment list. However, MAC decided to revisit the topic in one year. Juerg Kunz asks if MAC wants to review compensability of low dose irradiation again.

- Juerg Kunz notes there was very little medical literature on this topic. No additional disputes regarding this treatment have been brought to WCD.
- Dr. Craven asks if it is being used in Oregon at all.
- The committee decides that they would look at this topic again if it becomes an issue.

**Cervical
Artificial Disc
Replacement**
(0:45:00)*

Dr. Bowman states Dr. Lawlor from Care Mark Managed Care Organization (MCO) has received requests for second level disc replacements, which seems to be becoming a standard of care.

- Juerg Kunz states that two things have changed in practice, the more than one level replacement and a preexisting fusion.
- Dr. Bowman believes that this is something that we should revisit but believes that it would be very time consuming.
- Dr. Lorber would be willing to look at any available articles on this topic for the committee.
- Dr. Gean thinks it would be helpful to find out why the FDA approved this treatment.
- Dr. Craven would like to find out if this is something that private insurance is covering.
- Dr. Bowman thinks that the committee should contact Dr. Keenen and get his opinion on this topic. Juerg Kunz is going to contact Dr. Keenen and try to find some studies to bring to the next MAC meeting.

Medical Issues – Attending physicians for psychological conditions

roundtable discussion

(0:53:48)

- In regards to the earlier discussion about SB 507, Dr. Lorber thinks that inability to find an attending physician for clients with post-traumatic stress disorder will be an issue because many doctors won't take psychological claims. Another issue is very few psychiatrists will take workers' compensation in Oregon.
- Dr. Bowman asks how workers' compensation handles mental health.
- Dr. Lorber notes it is easier to access care if the mental health condition is a secondary issue in addition to a physical condition.
- Psychologists will see the patient once there is an attending physician.
- Dr. Craven states that maybe MAC could look into whether psychologists should be attending physicians.
- Dr. Lorber states that some specialty physicians can be temporary attending physicians.
- Juerg Kunz states at this point, psychologists cannot be attending physicians; that would require a statute change.
- Juerg Kunz asks if psychologists would want to be attending physicians. Dr. Lorber responds that some would.
- Dr. Bowman would like to know if there is data on mental health claims in the workers' compensation population. Lou Savage states that he will look into it and bring the results back to the committee.
- Jaye Fraser from SAIF stated that they would be willing to look at their data as well.

(1:08:00)

Managed Care Organizations

Lon Holston states that he would like to see Managed Care Organizations (MCO) on the MAC study list to find out more about the MCO process and how they work within the system. Lon Holston believes that eventually the Management-Labor Advisory Committee (MLAC) will have questions about MCOs and he thinks it would be good to be educated about them ahead of time.

- Dr. Craven states MAC should know about MCO issues. Dr. Craven is not sure whether studies or recommendations regarding MCOs are under MAC's purview.
- Dr. Bowman notes that MAC has discussed access to care, and MAC should weigh in on that part.
- Juerg Kunz states that problems accessing psychological treatment are probably more pronounced in workers' compensation, but are also a problem in general health care. Lou Savage responds that WCD has been working on the issue of general access to care and will be coming to MAC in the future to discuss those issues, including the extent access issues impact MCOs (or vice versa)
- Dr. Bowman wants to revisit this topic at the next meeting.

(1:21:22) Dr. Bowman adjourned the meeting at 10:24 a.m.

The next MAC meeting will be held on October 18, 2019.

*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>