

WORKERS' COMPENSATION
MEDICAL ADVISORY COMMITTEE

February 21, 2020
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);

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

MAC Committee Members Absent: Gary Rischitelli, MD; Tom Williams, PT

Agenda Item	Discussion
Welcome, Introductions (0:00:00)*	Dr. Bowman called the meeting to order at 9:01 a.m.
Administrative discussion (0:00:00)*	Review and approve minutes for August 16, 2019 MAC Meeting The minutes were approved with the correction requested by Dr. Lorber.
NCCI presentation (0:00:00) (0:32:16)	Susan Schulte, National Council on Compensation Insurance (NCCI), presents on Oregon workers' compensation opioid utilization . <ul style="list-style-type: none">- Dr. Bowman asks what the indication is for adding benzodiazepines to opioids that's not anxiety related. Dr. Lorber responds that a lot of surgeons use it for spasms. Susan Schulte adds that opioids can cause depression and anxiety and benzodiazepines can be used to treat that.- Lon Holston asked if NCCI had any data on workers no longer in the workers' compensation system. Susan Schulte responds no.- Dr. Gean asks if the drop in opioid usage on Chart 22 is encouraging. Susan Schulte responds yes.- Dr. Craven asks if California and Washington were not included in the report. Susan Schulte responds that is correct, those two states are independent bureaus. Dr. Craven asks if they may have their own data published on opioid usage. Susan Schulte responds yes. <p>Dr. Bowman asks if MAC is going to be creating a policy on the topic. Summer Tucker responds no, that it was just a relevant topic to discuss and learn more about.</p> <p>Dr. Craven asks if the committee endorses the Oregon Health Authority opioid guidelines. Juerg Kunz responds that the committee endorsed the acute pain guideline, but not the chronic pain guideline. Dr. Craven notes that the issue is</p>

with chronic pain. Juerg Kunz responds that WCD does have practice tips, which are guidelines developed by MAC and they are posted on the website.

(0:36:37)

Please note: Due to technical difficulties, the audio recording was interrupted for approximately 5 minutes.

Dr. Craven noted there are many guidelines and that he was in favor of using the Oregon Health Plan's guidelines. Dr. Lorber responds that the Oregon Health Plan's guidelines stated that they will not cover chronic opioids, and that MAC had some concerns about the Oregon Health Plan's chronic guideline. Dr. Craven states that is something MAC could revisit.

Staff Updates
(0:41:00)

Summer Tucker introduces the newest member of MAC, Dr. Halley Moore. Dr. Moore runs Moore Chiropractic Clinic, is a board member of the Oregon Chiropractor Association, and teaches part-time at University of Western States.

(0:41:30)

Juerg Kunz provides an update on MAC's previous discussion about psychological claims in the workers compensation system and provides data on the topic. The Workers' Compensation Division (WCD) compiled data for claims set up 2013 – 2018. For claims with only a psychological component, 190 claims were accepted and 1,392 claims were denied. Juerg noted it seems it is very difficult for a worker to prove they suffered a psychological condition resulting from a work incident or exposure. Juerg is curious about the future impact of Senate Bill 507 (2019) which created 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.

- Dr. Lorber asks if it is possible to break the diagnoses down by code. Juerg Kunz responds that might be possible.
- Dr. Bowman states that he has a number of patients that he will send to a consultation on situational depression and the evaluations are very thorough.
- Dr. Craven noted that sometimes mental health treatment will be accepted on a claim where the primary claim is a physical condition. In his experience, it's not easy to get the insurer to accept mental health treatment. Dr. Craven adds that Washington does not recognize mental health claims as work related.
- Dr. Craven asks when the first responders law went into effect. Juerg Kunz responds it was passed last legislative session. Jennifer Flood, Ombudsman for Injured Workers, adds that it is in effect now.

Juerg Kunz provides an update on viscosupplemental injections. Providence Managed Care Organization (MCO) does not approve them, and Dr. Craven wanted to know what other MCOs do. Two of the MCOs look at it on a case-

by-case basis. The third MCO does not have a policy that denies it, but doctors do not ask for it. MAC does not have a stance on viscosupplemental injections.

- Dr. Gean asks Dr. Lorber if he uses viscosupplemental injections. Dr. Lorber responds he sends about two patients a year to get the injections. Dr. Bowman responds that he doesn't use it much either.

**Post Closure
Medical Care**
(0:56:19)*

Kevin Anderson and Steve Schoenfeld, members of the Oregon State Bar's workers' compensation access to justice subcommittee, requested MAC's input regarding access to medical care after an injured worker is declared medically stationary.

- Dr. Lorber notes that not all patients and doctors know what post closure medical care means. Dr. Lorber states one of the barriers he has seen is if you are considered non-employable, you don't get unrestricted care for the condition. Steve Schoenfeld noted that the palliative care statute favors people that are currently working; if you are not employed, the care you're allowed is limited. Dr. Lorber thinks that doctors don't necessarily understand that aspect.
 - Kevin Anderson asks if it would be helpful for them to meet with doctors one-on-one. Dr. Bowman responds that more simplified claim closure communications to the doctor and patient would be helpful.
 - Dr. Gean asks how doctors are currently being communicated with now. Steve Schoenfeld responds they get form letters, but the letter regarding palliative care doesn't explain it in simple language. WCD's website does have information for providers regarding palliative care.
 - Lon Holston notes a need for clear communications to both patients and doctors.
 - Dr. Bowman asks if the Ombudsmen for Injured Worker's office is a reference if the claim is closed. Jennifer Flood responds yes.
 - Dr. Lorber states that the ombudsman office is a great tool, and suggested making the ombudsman office contact information clearer in the letter to the worker. Jennifer Flood responds part of the issue with palliative care and after closure entitlement is communication issues between the insurer, provider, and patient.
 - Dr. Gean asks if insurance companies have authorization for post closure treatment. Kevin Anderson responds that is something that he does with his clients. If a client reaches out, he can explain palliative care to them. If they don't reach out, it comes down to the client's internal process to determine whether the treatment relates to the original incident.
 - Dr. Craven notes that sometimes the providers don't understand what constitutes palliative care, and the nuances of it.
 - Dr. Gean suggests simplified communications regarding palliative care.
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- Steve Schoenfeld asks what information doctors currently receive on palliative care. Steve suggests maybe there should be a short video to send out to doctors, or even a continuing medical education credit.
- Dr. Craven states when a claim is denied or reopened is a good time to tell the attending physician about palliative care.
- Dr. Gean suggests developing a video or checklist.

Cervical Artificial Disc Replacement
(01:28:21)*

MAC previously discussed two level cervical artificial disc replacements at the August 16, 2019 MAC meeting.

- Juerg Kunz states that one level disc replacements are allowed. Currently, two level disc replacements are excluded, and the question is whether this exclusion should continue.
- Dr. Craven thinks there is evidence that supports two level disc replacement, and he believes the rules should change.
- Dr. Gean, Dr. Craven and Dr. Ordonez will serve on the subcommittee to review the medical literature on this topic.
- Juerg Kunz asks the subcommittee to review the current guidelines. Dr. Craven asks when the guidelines were created. Dr. Lorber states it was about 10 years ago.

Staff Updates
(01:36:50)

Juerg Kunz provides an update regarding the new fee schedule that will be effective April 1, 2020.

- The fee schedule will stay about the same overall.
- There have not been many changes to the administrative rules, but the division has introduced a rule regarding billing for telemedicine.

Medical Issues – roundtable discussion
(01:42:10)

Dr. Bowman asks the committee if they have any issues for round table discussion.

- Dr. Craven asks if there is an Oregon handbook for attending physicians that outlines rules and regulations. Jennifer Flood responds there is one available on WCD’s website.
- Dr. Lorber recommends that the MAC meetings go back to once a quarter and not every other month. MAC agrees to a quarterly meeting schedule.

(1:21:22)

Dr. Bowman adjourned the meeting at 10:55am

*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>