

# Medical Advisory Committee

## Meeting Minutes January 21, 2011

### Opening:

Dr. Bowman called to order at 9 am on January 21, 2011 a meeting of the Medical Advisory Committee and the Workers' Compensation Division at Clackamas Community College.

### Present:

Ronald Bowman, MD (Chair); Timothy Keenen, MD (Vice-Chair); Gary Rischitelli, MD; Brad Lorber; Joey Blubaugh (Employer Representative); Marilyn Terhaar (Worker Representative); Tom Williams, PT; Frank Prideaux, DC; Juerg Kunz (WCD); Jacqueline Sewart (WCD).

**Absent:** John Braddock, MD; Franklin Wong, MD; Hans Carlson, MD; Constantine Gean, MD

### A. Welcome and Introductions – Dr. Bowman

Dr. Bowman welcomed attendees.

### B. Review and approve the MAC Meeting minutes of September 10, 2010 – Medical Advisory Committee

The committee unanimously approved the Friday, September 10, 2010 meeting minutes.

### C. Division Updates – Jacqueline Sewart (CD 1.10)

- New acting DCBS Director – Scott Harra
- WCD Deputy Administrator – Kevin Willingham
- Acting WCD Medical Section Manager – Barb Smith
- Changes should not affect MAC
- Acting Note taker (Darren Heath resigned) – Mary Peel
- March and May are furlough months – MAC meetings will be on the second Friday of the month. Current schedules show correct dates.

### D. Legislative Updates – Jacqueline Sewart (CD 5.13)

- The division has put through a bill to look at managing care. We have insurers that may be managing care. (HB 2093)

- MLAC would like opinions on two concepts

Oregon Trial Lawyers Association – DCS medical payments (SB 173)

Would like to get full notice of settlement details before settling.

Agree to accept payment at full fee schedule.

Nurse Practitioners – asking for extension to 180 days (LC 1486) Supports extension to 180 with a second opinion after 90 days either any IME, consult with MD or specialist, chart review sufficient with option to do exam if needed after chart review.

**E. Hassle Factor Report – Jacqueline Sewart**  
(CD 50.31)

- Some changes effective 4/1/11
  - One phone number on EOR to call, must return call within 48 hours
  - Font will be larger
- Issues the division will be looking at in Spring depending on changes and legislative session
  - EDI billing
  - Access (Getting Providers to see Work Comp patients)

**F. Division 009 rules update – Juerg Kunz**  
(CD 59.15)

- Update references to new CPT 2011
- Hospital fees – language change for clarification
- Ambulatory Surgical Center fees – replaced whole section
  - Completely new payment system similar to CMS
  - Will not blindly adopt all CMS system
  - Expect changes – hoping for a lot of feedback
- Explanation of Benefits
- Calculating medical provider fees – any service that does not have a ceiling established by the fees schedule has been paid as billed with the proposed bill it would be at 80% Ex. Any type of surgery code ending in 99. Unlisted codes.
- It was asked by committee member to give what percent of workers' compensation payments are in 99 codes and examples of codes.
- Physical Therapy – ex. 10:15 to 10:45 or 30 minutes
- Two exceptions to 80% rule – IMEs and WRMEs
- Interpreter – added language if they go to required exam that they do get paid 50% for no shows.

- Changes in the 010 rules
  - Physical Therapists have to submit progress report every 30 days or 10 visits. Trying to get the AP involved and increase communication.
  - Removing the three hour training requirements for IME providers.
  - Committee suggested fixing the training not removing training requirements.

**G. Proposed pharmaceutical clinical justification form – Jacqueline Sewart (CD 1.27)**

- OMA testified that perhaps we start with the form but take the punitive damages off. The Division is looking at ways to look at how to get the form filled out timely.
- Committee will provide testimony for proposed rules.
- Have a list for alternative medicine. Make sure there is an alternative off-label.
- Form would be going to Insurer.
- Insurer can waive 60 days justification. How would providers receive notice that it is waived?
- OHS has form for Opioid prescribing.
- What is the example around the country of other Workers' Compensation divisions decreasing utilization of expensive drugs?
- Washington created an approved prescriber or participating prescriber status, where doctors who manage chronic pain sign a certification to be exempted from process – not quite sure on details. OHS does this.
- Get authorization first for OxyContin.
- Skelaxin has gone generic.
- Identified by cost.
- List could grow from the shift of medicines.
- Potentially could decrease access because physicians will drop out of Workers' Compensation and cost will not drop.

**H. Lumbar Fusion Subcommittee discussion – Dr. Keenan / Jacqueline Sewart (CD 2.00)**

- Dr Silver has requested to be on sub committee – Committee voted Dr. Silver in for Lumbar Fusion subcommittee.
- Articles need to be gathered.

**I. Remote exams / telemedicine – Juerg Kunz (CD 2.02)**

- Overall there is really no study that points out major problems. In many instances it has a justified existence any many instances.
- Nothing specifically regarding medical / legal surrounding.
- Nothing to indicate a medical opinion rendered from telemedicine is less persuading then another medical opinion.
- Currently there is nothing in our statutes or rules that would prohibit the provider from using telemedicine.
- Worker may not have to travel as far and Insurers would have a broader field for specialists.
- In future we may have to write rules to distinguish between file reviews and telemedicine.
- There are state laws for telemedicine in commercial use.
- Concerns about worker education regarding telemedicine.

**J. Physical Therapy Study Report – Juerg Kunz**  
(CD 2.10)

- Information Management Division is collecting data.
- Hopefully early March will get some figures.

**K. New Technology – Juerg Kunz**  
(CD 2.11)

- Updated table
- Dr. Braddock will give presentation next committee meeting.
- Prolotherapy is now being referred to as Neural therapy.

**Adjournment:**

Meeting was adjourned at 11:14 am by Dr. Bowman. The next Medical Advisory Committee Meeting will be at 9 am on March 04, 2011 at Clackamas Community College.