



Meeting Notes: May 18, 2007

Members Present: Ronald Bowman, M.D., Chair; Hans Carlson, M.D.; Timothy Keenen, M.D., Vice-chair; Brad Lorber, M.D.; Frank Prideaux, D.C.; Gary Rischitelli, M.D.; Franklin Wong, M.D.; Chloe Oliver, City of Portland

Members Absent: Maria Carraher, Injured Worker Rep.; Pam DeVisser, F.N.P.; Tom Williams, P.T.

WCD committee staff present: Debra Buchanan, Nathan Johnson (IMD), Juerg Kunz, Holly Mercer, Doreen Ratzlaff

Chloe Oliver announced she is leaving Medical Advisory Committee, due to her job transfer with City of Portland. WCD will find a replacement.

1. Approve/Edits of Prior Meeting Notes:

Prior meeting notes dated March 16, 2007 were reviewed and approved.

2. New Medical Section in WCD: *Holly Mercer*

Holly described the Medical Section organizational structure, focus and interests, and introduced Juerg Kunz as the new Medical Policy Analyst.

3. Medical Provider Bill Amendments and Bills of Interest: *Holly Mercer, Juerg Kunz*

Handout: Bill Summary Detail Report dated Thu, May 17, 2007

a. HB 2756A is out of the Senate and on its way to the Governor for signature. Holly and Juerg explained changes regarding Attending Physicians. This is the bill that MAC commented on for the Management-Labor Advisory Committee. This bill changes the time frames that certain providers can provide care as the attending physician, to 60 days from initial visit or 18 visits, whichever comes first. They can authorize time loss for 30 days. They are required to certify to the director they have reviewed the director's educational materials prior to providing care.

b. SB504A had final hearing May 16, 2007 and is going to the House floor. This bill takes the Emergency Room Physician out of Attending Physician status, but she/he can authorize time loss for up to 14 days.

c. HB2943B addresses Independent Medical Examinations and the standards for physicians and reports. This is expected to pass.

d. SB362B was signed by the Governor. It expands the Oregon Prescription Drug Program and will help uninsured/underinsured Oregonians. It is a discount card program.

e. SB563 was signed by the Governor. This is regarding MCOs and the requirement from last session for the director to approve all treatment guidelines. This requirement was removed this session. The director must approve the plans for the MCOs for their certification by the director. But there is no longer the requirement for the director to approve each treatment guideline.

4. Medical Projects: *Holly Mercer, Nathan Johnson*

a. Juerg is project lead on HB 2756 and he is working on the director certification for providers. Creating materials, brochures, etc. This is on a fast track.

b. System cost drivers, WCD will be looking at: the most common/costly ICD9 codes, time loss, PPD, medical costs.

c. Reviewing the cost-to-charge ratio formula in the rules for hospitals payments. Nathan (IMD) explained. Discussion followed. Will look at other formulas in the country and evaluate.

d. Nanci Johnston is working with the Oregon School of pharmacy to compare medications and therapeutic equivalents, as well as costs. May result in rule changes.

5. Rules Updates: *Holly and Debra*

Handout re: revised medical fee schedule - Holly explained some of the issues considered in the director's decision to reduce the conversion factor for evaluation and management codes. WCD worked with the Oregon Medical Association and looked at the conversion factors for general health. The director did consider spreading out the reduction over all categories, but decided not to. Discussion followed.

Debra addressed the 009 Rules Status - Depositions are a hot topic and after much discussion and reviewing testimony the proposed change to the rules was deleted. More work needs to be done with stakeholders. The new rules are effective 7/1/07 and are available online at the division's website, along with the testimony and response document, in which the director responds to testimony.

6. Review and Discuss the Subcommittee Recommendations on the Merits of the Lumbar Artificial Disc: *Timothy Keenen, MD*

Discussion about the merits of the ADR. Comments that it could be compensable with strict selection criteria including FDA criteria, i.e., one level, and then review in five years. Discussion about facets. There were some concerns about: 1) Costs – surgeon fee higher than 360 fusion. (However, there is a CPT code with an RVU, so the costs will have a ceiling.) 2) Maintaining motion at and around the ADR. 3) Specific criteria needed. There was lengthy discussion. Based on medical literature, it is appropriate to compare the artificial disk to a fusion, but it is not proven better than a fusion. However, there is no requirement in the law for proof that a new procedure must be better than the prior. Some felt that the single level lumbar ADR is compensable for metal on polymer unconstrained and semi-constrained at least in the short term, but not for the long term, i.e., 8 years or so from now. That is to say that it is scientific and not experimental, not outmoded, and proven in the short term but not long term. Discussion that if it was found compensable that there be specific criteria, establish registry, and WCD do follow up in three years. However, there were concerns that if we open the door, how do we close it? Medically, some felt that it should be based on efficacy even though the law does not require that.

Dr. Wong made a motion:

Motion that the ADR be compensable with specific criteria to be established, and a follow up study registry and be re-reviewed by MAC/WCD in three years.

Dr. Keenen's motion to revise Dr. Wong's motion:

WCD will draft the specific recommendation, including Dr. Wong's recommendation and FDA guidelines and distribute to MAC for yes/no vote.

All agreed on Dr. Keenen's motion.

Meeting adjourned at 11:07 a.m.

Next Meeting: July 20, 2007, 9:00 - 11:30 a.m., Clackamas Community College Training Center, Wilsonville.