



Meeting Summary
April 26, 2002

Members present: David Silver, MD; Frank Prideaux, DC; Marsha Sorum (Jeld-Wen); Teri Jackson (LNW); Joseph Eusterman, MD; Tom Williams, PT; Walter LaChapelle (Teamsters); Tamara Arthur, DO; Franklin Wong, MD (Caremark). WCD Staff Representatives: Nancy Bieber; Mary Hoskins. WCD Staff Presenters: Debbie Buchanan; Mike Clampitt; Sandra Savage; Kathy Thomas; Cathy Ostrand-Ponsioen.

Observers: Jim Anderson, Oregon Medical Association; Sandra Haynes, AAL; Jerome Larkin, AAL; Colleen Guido, WCD; Jim Van Ness, WCD; Carol Helton, WCD.

Members Absent: Timothy Keenen, MD

I Resignations; New Members: David Silver, MD, resigned as a MAC member and Chair. This was Dr. Silver's last MAC meeting; we are grateful for his service. Walter LaChapelle, of the Teamsters Union, attended his first meeting as a worker representative. Teri Jackson, RN, Medical Disability Services Assistant Vice President at Liberty Northwest, attended her first meeting as an insurer representative. Marsha Sorum of Jeld-Wen has agreed to continue as an employer representative. Dr. Arthur also agreed to a second term on the committee.

ACTION: An additional physician representative, preferably an orthopedist or neurosurgeon, is needed to replace Dr. Silver on MAC; WCD and members will ask for candidates. Standard term of service is three years; we will offer a shorter term if a volunteer will only commit for a shorter time period.

II Disability Standards – Division 035 Rules: These rules are in the initial stages of revision, with proposed rules expected in late summer. MAC was asked to comment on several specific issues; MAC was given a summary of the key issues from a 45-page issues document. As previously recommended by MAC, WCD contacted Danielle Erb, MD, to work on new standards for rating head/brain injury impairments. With Dr. Erb's help, WCD surveyed all 50 states and found three which have rudimentary rating systems. WCD's research and identified alternatives are listed in a WCD memo of April 24, 2002, which was given to MAC members at this meeting.

ACTIONS: MAC members review rule issues listed on issues documents and provide comment to Debbie Buchanan by May 27, 2002. WCD follow up and contact medical experts recommended by MAC on specific subjects.

III IDET: MAC had agreed to review additional scientific studies of the IDET procedure, following its recommendation that a permanent administrative rule be adopted making the procedure not reimbursable for workers' compensation cases. Members received and reviewed packets of information, including additional materials provided at this meeting. Members agreed that, in the absence of a valid controlled double-blind study, no new information has been

presented which would change MAC's recommendation. ORATEC has challenged the administrative rule in a contested case hearing.

ACTION: MAC recommends no change to the current IDET rule and tables further discussion for one year, until April 2003. Nancy Bieber will draft a written statement of MAC's decision, and will ask Dr. Silver to sign it as Chair of the committee.

IV MCO Program Update: There are 8 certified Managed Care Organizations in Oregon; on May 16, this number will be reduced to 7 when Complete Quality Care terminates its last MCO contract. 68% of Oregon employers and workers are covered by MCOs in 14 of 15 Geographical Services Areas (GSAs). Although there were only 33 investigations opened by the MCO program last year, panel composition and worker access to physicians is an ongoing concern. MCOs must demonstrate to WCD that they are making efforts to ensure adequate panels; this year, they have been asked to give WCD names of providers they've attempted to recruit. A 1999 survey of workers regarding MCO care indicated 80% were satisfied with their medical care; WCD is now preparing to conduct a new worker satisfaction survey. One "hot topic" is a recent rule (OAR 436-015-0070(2), which prohibits MCOs from excluding workers' Primary Care Physicians for "past practices." This rule was enacted based on legal advice from the Department of Justice, arguing for the primacy of worker choice of physician. Caremark has alleged that WCD exceeded its statutory authority in creating this rule and has challenged WCD in the Court of Appeals.

V Worker Requested Medical Exams: A feature of SB 485 from July 2001 is the WRME, available to workers when compensability has been denied and the worker's physician disagrees with an IME. 250 physicians statewide have agreed to provide exams. This benefit became available January 1, 2002, and WCD has received 12 requests for WRME. WCD has approved 7 requests and provided each worker with the name of a physician for scheduling of exams.

ACTION: WCD will provide MAC with an update on the WRME program in six months (October 2002 meeting).

VI Election of MAC Chair and Vice Chair: Both positions must be filled

ACTION: MAC members will elect a chair and vice chair at the next MAC meeting.

VII Time and Place of MAC Meetings: Many MAC members travel from Portland to attend Salem meetings. This is especially difficult for physicians and self-employed persons. We may change meetings to Portland, either all the time or on alternating dates. We may revisit the Friday meeting time; some members prefer other days of the week.

ACTION: The next meeting will be held in Salem. WCD will research meeting rooms in Portland and present alternatives to the committee. Once the committee membership has stabilized, MAC will discuss meeting days other than Fridays.

Next MAC Meeting is scheduled for Friday June 28, 2002.