



## Meeting Summary of September 28, 2001

Members Present: T. Keenen, M.D., C. Olson (Safeco), F. Prideaux, D.C., D. Silver, M.D., M. Sorum (Jeld-Wen), T. Williams, P.T., and F. Wong, M.D. (CareMark)

Workers' Compensation Division staff present: Janis Checchia,

Others present: Jim Anderson (OMA), Carol Helton, Debra K. Buchanan, Monica Love, and Pat Yancey.

Absent: Nancy Bieber, T. Arthur, D.O., J. Eusterman, M.D., Randy Sanne.

**I PPP Presentation:** Mike Manley of the DCBS Information Management Division (Research and Analysis Unit) attended the September meeting of the Medical Advisory Committee (MAC) and presented his research that grew out of the Management Labor Advisory Committee's interest in studying the differences of Oregon's PPD structure as compared to other states. Mike's presentation covered what is unusual about Oregon's benefit structure; the difference between benefit structures, i.e., whether or not it is based on wage at injury or is wage-independent; and the distribution of PPD awards in Oregon. Mike concluded, "Oregon's benefits are not something that you would have designed from a clean sheet of paper. If you understand the political trade offs and the history of this system, then they are seen as a kind of cumulative set of choices based on the political needs at the time."

**II Outmoded, Experimental, Unscientific, Unproven Defined:** The members of MAC present at the September 28, 2001, meeting unanimously adopted the following definitions:

Outmoded—A treatment outside the current standard of practice of medical care.

Experimental—A treatment to which the scientific method<sup>1</sup> is being applied but has not

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<sup>1</sup> Scientific Method: Formulation and testing of hypotheses, controlled observations or experiments, analysis, and interpretation of data, and oral and written presentation of all of these components to scientific colleagues for discussion and further conclusions, and accepted for publication in peer reviewed journals.

been completed.

Unscientific—A treatment to which the scientific method has not been applied.

Unproven—A treatment to which the scientific method has not been applied or the completed scientific method has not shown efficacy.

**Decision:** Create a document that describes the process the Medical Advisory Committee follows when a party requests review to determine whether or not the Director of the Department of Consumer and Business Services (DCBS) should exclude from compensability a medical treatment procedure. Included will be the definitions adopted by MAC.

**III Proposed Medical Fee Schedule Study:** A three-part study. First is a survey to identify fees generally received and determine what reimbursement doctors are receiving. The Information Management Division intends to develop a statistically valid sampling of HMO, PPO, and insurer.

Second, the unique activities associated with treating a workers' compensation patient. The goal is to quantify what the Workers' Compensation Division (WCD) has heard from the medical community. The division and MAC will work to identify what the medical community is able to be compensated for and doesn't know it or Oregon Specific Codes that should be created to compensate them for regular activities. What education needs to occur to insure the medical providers are aware of what additional fees they may charge and for one reason or another are not doing so now.

ORS 656.248 states that the fee schedules for medical services shall represent the reimbursement generally received for the services provided and shall be adequate to insure at all times the injured workers have equal access to medical services and care.

Third, adequacy of the conversion factors. This phase relies on what is found in the first two studies. The method for gathering information will be done through focus groups.

We expect to complete the study by November 2002.

#### **IV WCD Update:**

- ◆ Division 009 Rules: Proposed rules for Div 009 to be filed October 15, 2001, cover only those issues legislatively mandated. Specifically, the interim medical process for a denied claim with an injury date after January 1, 2002, where there is health care plans in place. There are certain benefits that will be paid by the workers' compensation insurer after the health care plan pays once the claim is denied.

These proposed rules are not part from the annual review process for Division 009 rules. The annual review process will begin in November 2001.

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- ◆ Form 827: A cover page that specifies the revisions will accompany Revised form. The multiple uses of this form increase the probability for confusion. Consequently, there is a certain level of knowledge necessary to use the form correctly. For example, knowing that the worker only touches the form for First Report, Aggravation Claim, or Change of Attending Physician. Suggestions to improve the cover letter for readability and comprehension:
  - Inform the physicians that the use of the form **has not** changed. We revised the form to try and make the instructions and its use clearer.
  - Keep the remainder of the cover sheet really simple, just the critical information.

Question: When do you do a closing examination. Division 30 rules describe when a closing examination is required or appropriate. Pat Yancey will research the issue and bring back clarification.

- ◆ MLAC: What they will be working on for the next twelve months.
  - PPD Review: a) How Oregon compares to other states. b) Issues of equity and fairness.
  - Statutory change to delete requirement MLAC review Temporary Rules issues by the Standards Review Committee.
  - Smothers: To create a process or option in the workers' compensation arena to reduce indemnity exposure under the construct laid out in Smothers case.
  - CROET<sup>2</sup>: Examine what the workers' compensation industry is receiving for the dollars paid.

**V MAC Meeting for October 26, 2001, is cancelled.**

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<sup>2</sup> Center for Research on Occupational & Environmental Toxicology