



WORKERS COMPENSATION ADVISORY COUNCIL MEETING

Members Present:

Patrick Robinson (Chair)
Denis Juge
Chuck Davoli
Greg Hubachek
Julie Cherry
Dr. Hank Eiserloh
Michael Morris
Joseph Jolissaint

Members Absent:

Mark Kruse
Clark Cossé, III
Troy Prevot
Dr. Jim Quillen
Dr. Dan Gallagher
Bob Israel
Ray Peters
Joe Shine
Eddie Crawford

AGENDA

- Call to Order at 9:33am
- National Kids' Chance Awareness Week November 2nd-6th (*Michelle Sorrels*)
[timestamp 8:38:32]
 - **Michelle**- gives scholarships to children whose parents were killed or rendered permanently and totally disabled in a work accident. In 2014, there were 120 work accident deaths in Louisiana.

Program started in 1988 by a lawyer, Robert Clyatt, from Georgia. Louisiana's chapter, out of LA Bar Association, started in 2004. Since then Louisiana has given out 235 scholarships for a total of \$459,600.

In 2014, 17 LA scholarships were given out for a total \$52,500. Scholarships range from \$500 to \$3500 depending on financial need.

National program started in 2007 that helps identify children in need and help states fund their program. Currently, 32 states are participating.

Website to visit: www.raisingthebar.org and check out "Kids Chance" section under *Programs & Projects*.

Baton Rouge Bar Association has an annual fundraiser during the spring. Last year, raised \$5500 from that one event. NCCI also raises money.

- **Question by Patrick**- How does application process work?
 - **Michelle**- Applications are online and due in December. Have to apply for all available financial aid as well.

- *Wilson vs. Broadmoor, LLC* (La. App. 4 Cir. 2015)/Utilization Review (*Denis Juge*) [timestamp 8:52:02]
 - Judge, in case, excluded a UR report by non-Louisiana doctor which 4th Circuit affirmed.
 - **Denis Juge**- Originally guidelines allowed even a registered nurse review a 1010 application to determine if in accordance. What is the advantage for reviewer to have a Louisiana license?
 - **Response by Greg Hubachek** – at District Court level, the UR report was allowed but the report itself was not competent evidence. Based on opinion of Board of Medical Examiners, it's the concern about regulation oversight. Not highly burdensome to request physician at least have a LA “tele-medicine” license.
 - **Response by Dr. Hank Eiserloh**- it comes down to non-familiarity of Louisiana guidelines. Need to streamline process.
 - **Denis Juge**- intent was not to have calls needed to physician.
 - **Response by Dr. Hank Eiserloh**- domestic vs foreign is where issue is.
 - **Patrick Robinson**- seems to rely on Title 37 which OWC doesn't really have jurisdiction
 - **Response by Dr. Hank Eiserloh**- if render opinion that directly affects the care then you are practicing medicine.
 - **Patrick Robinson**- is it difficult for carriers to find Louisiana physicians to do reviews?
 - **Response by Michael Morris**- No. Nurse reviews first then doctor, if nurse says no.
 - **Greg Hubachek**- case deals with foreign TPA
- Reimbursement of surgical implants (*Jennifer Brescher, Cypress Pointe Surgical Hospital*) [timestamp 9:06:29]
 - Having difficulty getting the surgically implants paid for. Smaller facility buys from vendor on the day of, so handwritten invoice is submitted for reimbursement.
 - **Jennifer Brescher**- Facility in Hammond for past 5 years. Cost minded. Vendor is in OR and gives requested items directly to physician. Doctor, nurse and vendor all sign off on invoice.

Carriers omitted invoices. We have to appeal which are lengthy. Currently, 2 are in legal status worth thousands of dollars. Title 40, chapter 51 doesn't stipulate if it has to be typed.

At the end of month, there is a bulk invoice but it is not broken down by patient.

Takes 60 days for 1st reimbursement with WC. If short paid, can take anywhere from 60 days to 6 months to recoup additional money.

- **Response by Denis Juge**– there has been concern for ambulatory surgical centers. Middlemen may jack up invoice which is concern for insurers and TPAs since they only want to pay truly 120% of invoice. Lake Charles physician was sending in invoice. When do you pay provider?

- **Jennifer**- most tend to be 30 days. Electronic filing doesn't actually speed up process since we have to turn around and send hard copies by certified mail due to history.
- **Response by Denis Juge**- is there a website to compare prices? Where do you go?
 - **Jennifer**- We shop reps and survey physicians. It is difficult to find market value.
 - **Response by Hank Eiserloh**- problem is PODs (physician owned distributors). Ex: Physician in facility brings patients and owns stock in screw company.

There are vending machines with parts to decrease cost. Trained in Canada where screw cost \$400 vs U.S. which is \$2500.
- **Response by Greg Hubachek**- do you receive confirmation of electronic filing? What about private health?
 - **Jennifer**- sometimes but you have to send medical records by mail and sometimes to different address. Some just don't accept electronic filing.
- **Question by Dan Lastrapes** [*audience*] - Did you need every individual invoice to audit end of month bulk invoice?
 - **Response by Jennifer**- There's a PO system for individual invoice. PO given to manufacture/vendor. PO is on the handwritten invoice.
- Significant issue of fee schedule is implants
- Use of Reed Group MDGuidelines website and renewal of OWCA contract <http://www.mdguidelines.com> [timestamp 9:25:28]
 - On www.laworks.net there is a link to the Reed Group. Should we maintain it?
 - **Greg Hubachek**- Have to be a provider because you have to put license #.
 - **Dr. Hank Eiserloh**- use every now and then
 - **Michael Morris**- has helpful organization and search feature
 - **Larry White** [*audience*] - 200 users registered and last year had 2000 inquiries.
 - **Patrick Robinson**- contract is \$25,000/year
 - **Greg Hubachek**- helpful for variance situations
 - **Larry White** [*audience*] - also has crosswalk for ICD-10 codes.
- Status of OWC Medical Director position [timestamp 9:28:27]
 - Hired Dr. Ian Gardner, occupational medicine physician, who will start in January.
 - Associate Medical Director position remains vacant due to stipulation that there is no active clinical practice.
 - Currently, have three contract doctors to do reviews.
- Public Hearing concerning NOI for proposed MTS update – October 28, 2015, at 9:30 a.m. [timestamp 9:29:47]
 - Started with tracking Colorado update. Current staff cannot support/fund maintaining unique guidelines.

- Please send comments or attend public hearing at the LWC 4th floor.
 - **Joe Jolissaint**- Will comments be available for review?
 - **Patrick**- public record; sent through APA process i.e. Oversight Committee
 - **Michael Morris**- there was a joint meeting when guidelines were enacted.
- LWC Educational Conference scheduled for January 21-22, 2016, at Renaissance Hotel in Baton Rouge[timestamp 9:38:59]
 - Speakers including Joseph Paduda from Health Strategy Association.
- Public Comment [timestamp 9:39:49]
 - **Denis Juge**- Can you see what other states are doing about implants?
 - **Patrick**- a lot of jurisdictions are tying in Medicare base or original manufacture price.
 - **Greg Hubachek**- no definition of what an “implant” is.
- Adjourn at 10:40am
 - **Greg**-motion; **Michael**- second