



WORKERS' COMPENSATION
ADVISORY COUNCIL MEETING
February 23, 2017

Members Present:

Charles Davoli
Julie Cherry
Shannon Dartez
Shannon Lindsey
Dr. Daniel Gallagher
Michael Morris
Pierce Nunley, MD
"Bray" Williams
Maria Losavio
Dr. James Quillin
Mark Kruse

Members Absent:

Alejandro Perkins
Sheral Kellar
Edwin Murray

MINUTES

- I. WELCOME AT 9:41AM
- II. MINUTES
 - Motion to accept: Julie Cherry
 - Second: Dr. Gallagher
- III. SUBMITTED NOIs-
Chuck Davoli- preamble about transparency, response to town hall meetings and expects suggestions since not the finished product
 - Gregory Hubachek: historical timeline of taskforce since 2014 bill introduced by Rep. Gaines.
 - a. Chapter 23 & 27
 1. Action needs to be taken in 5 business days on the request.
 2. Requesting update of contact information from insurers and self-insured employers
 3. Added penalty for failure to respond to discourage tacit denials.
 - **Chuck Davoli**- 5 day turnaround since 1990
 4. New evidence section
 - **Michael Morris**- allows employee attorney to file
 5. **Shannon Lindsey**- concerned about possible abuse, inclusion of SMOs, 2715Fc may allow non-related 1009s/1008s to be stayed

- Michael Morris- can be clarified; insurers cannot file new evidence
 - Greg Hubachek- doesn't stop SMO being filed as defense to 1010
6. **Shannon Lindsey**- parties should consent to mode of communication
7. **Maria Losavio**- why do we need a new evidence section?
- **Dr. Nunley**- this allows something to be put in if forgotten
 - **Shannon Dartez**- you should do a new 1010; doesn't like the remand/new evidence section
 - **Dr. Nunley**- in favor, if allows new evidence at 1008 level
8. **Shannon Lindsey**- Does the remand have to be on this sheet? Section E, Subsection 2
- Greg Hubachek- Example: Doctor files a 1010 but it's denied since it doesn't have evidence of conservative treatment. However, attorney knows there's evidence so they can gather it and amend the 1010 without bothering doctor. Also, follow through with 1009 process if necessary.
9. **Shannon Lindsey**- Section E2b seems redundant since you have Civil Code of Evidence
10. **Greg Hubachek**- this process acts as a vehicle for delivering new evidence.
11. **Bray Williams**- any treatment that had a previous 1010 should be in the parties reports already; would you have unauthorized treatment evidence?
12. **Will Green (audience/taskforce member)**- don't want adjuster choosing applicable evidence when deciding
13. **Dr. Nunley**- doesn't like usage of "preponderance of medical evidence"; doesn't like variances; wants exceptions to not be so tight
- **Greg Hubachek**- MAC needs to address some exceptions like multilevel fusion
 - **Dr. Gallagher**- need options for new technology to apply
 - **Michael Morris**- R.S. 23:1203.1 gives the language
14. **Greg Hubchek**- peer-to-peer review not contemplated
15. **Shannon Lindsey**- tacit denial penalties = payor gets three strikes but there's an immediate notice penalty for the other parties.
- **Maria Losavio**- add language from 1201F
 - **Dr. Nunley**- doesn't want to worry about sending stuff to all possible parties
16. Doctors can file a 1008 to get paid
17. **Shannon Lindsey**- include employee's attorney when speaking about filing a 1008
18. **Maria Losavio**- where did the additional 15 days for provider to approve medical treatment after OWC Medical Director approves?

b. Chapter 55

c. <http://www.doa.la.gov/Pages/osr/reg/regs2017.aspx>

- Public Comments

a. Jill Leonard with LWCC

- b. Mary Lou Sally from Shreveport
- c. Trey Mustian, esq.

IV. OPIOID COMMISSION'S RECOMMENDATIONS

- a. Cindy Bishop presented
 - 1. Thirty eight appointments; 7 teams
 - 2. Dr. Quillin- the PMP is option on part of physicians
 - Dr. Gallagher- its recommended by the Medical Association
 - 3. Bill to make narcotic prescription 7 days vs CDC guidelines of 7 weeks.
 - 4. **Shannon Lindsey**- questions regarding closed drug formulary (Provision 3-6)

**III. SUBMITTED NOIs- (revisited)

- a. Shannon Dartez motioned to have NOI withdrawn; Shannon Lindsey seconded
- b. Julie Cherry motioned to proceed to public hearing, then allow council to review edits prior to submitting new NOI. Dr. Kruse seconded. All were in favor.

V. OTHER BUSINESS

- a. Next meeting on March 23rd.

VI. PUBLIC COMMENT

VII. ADJOURNMENT at 12:32pm