



WORKERS' COMPENSATION
ADVISORY COUNCIL MEETING
September 21, 2017

Members Present:

Sheral Kellar
Charles Davoli
Julie Cherry [*left early*]
Michael Morris
Shannon Lindsey
Edwin Murray
Marc Zimmerman
Ray Peters
Alejandro Perkins [*late*]

Members Absent:

Shannon Dartez
"Bray" Williams
Mark Kruse, D.C.
Pierce Nunley, MD
Jerry Jones
Maria Losavio
Arielle Collins
Dr. Daniel Gallagher

MINUTES

- I. **WELCOME** start at 9:40am (10:02:38)
- II. **MINUTES**
 - a. Deferred until Alejandro Perkins arrived
 - b. Julie Cherry motion to accept (11:18:07)
 - c. Michael Morris second
 - d. All in favor
- III. **WCRI** (10:04:57)
 - a. Dr. Vennela Thumula
 - b. Intro to Workers' Compensation Research Institute
 1. Founded in 1983
 2. Independent non-profit research organization
 3. Members include insurers, service providers, employers, labor organizations and agencies.
 - c. Studies examined:
 1. [Interstate Variations in Use of Opioids, 4th Edition](#)
 2. [Long-term Dispensing of Opioids, 4th Edition](#)
 - d. **Julie Cherry**- Can you determine the percentage that gets on opioids because they didn't get service?
 1. **Dr. Thumula**- No
 - e. **Ava Dejoie** [*OWC, audience*] - What is the methodology of the studies?
 1. **Dr. Thumula**- sample type; sources data makes up 39% of claims in each state; conduct external validations of data
 - f. **Ava Dejoie** [*OWC, audience*] - What are the sources?

- 1.**Dr. Thumula**- administrative claim data from insurers, PBMs, third party vendors.
- g. **Dr. Marc Zimmermann**- Studies available online?
- h. **Sheral Kellar**- What guidelines were evaluated to compare?
 - 1.**Dr. Thumula**- Reviewed general guidelines that are similar across states like requirement of urine drug testing; frequency would be the more varying specific-type factor.
- i. **Sheral Kellar**- Is the 39% an actual representation of the population?
 - 1.**Dr. Thumula**- Sample
- j. **Sheral Kellar**- Only larger insurers?
 - 1.**Dr. Thumula**- make sure numbers not skewed/heavily influenced by one source
- k. **Dr. Marc Zimmermann**- Only WC claims; not including group health?
 - 1.**Dr. Thumula**- yes
- l. **Shannon Lindsey**- discrepancy referred?
 - 1.**Dr. Thumula**- Louisiana not effected
- m. **Sheral Kellar**- When will data be produced based on 2017 reforms? (11:12:00)
 - 1.**Dr. Thumula**- 2019/2020
- n. **Gary Patreau** [*audience*] - FDA black box warning (Aug. 31, 2016) & CDC (March 2017); caution against combining opioids and benzodiazepines.

IV. **BROADSPIRE FOLLOW-UP** (11:18:16)

- a. Charles Davoli
- b. Background of situation
- c. Draft cease & desist letter read
- d. Richard Eason, Lawyer for Broadspire
- e. **Sheral Kellar**- unauthorized practice of medicine?
- f. **Edwin Murray**- What is basis for conducting test?
- g. **Charles Davoli**- Cost containment? Potential for abuse.
- h. **Shannon Lindsey**- 23:1121 & 23:1124 regarding medical examinations
 - 1.Compulsory is an issue
- i. **Dr. Marc Zimmermann**- Efficacy of testing is a concern
- j. **Michael Morris**- Mandatory in some states?
 - 1.**Charles Davoli**- yes
- k. **Sheral Kellar**- prevent blanket requirement
 - 1.**Michael Morris**- allow a doctor or patient to choose to take the test if other states have vetted it as a tool.
- l. Broadspire to respond by Oct. 12th
 - 1.Vote at October WCAC meeting

V. **BURGESS v. SEWERAGE & WATER BOARD OF NEW ORLEANS** (11:38:33)

- a. Trey Mustian, esq.
- b. September 14th *Comp in Focus* meeting
- c. 23:1121 doesn't give employee explicit right to choose pharmacy
 - 1. *Sigler v Rand*, 04-1138 (La. App. 3 Cir. 12/29/04), 896 So. 2d 189.
- d. Can sue for fees and penalties if prescription not given on timely basis
 - 1.Crisis since currently law says they have 6 days for authorization

- e. **Sheral Kellar**- Was clients seeking pharmacy in 1010?
 - 1.**Trey Mustian**- not generally the problem
- f. **Sheral Kellar**- How getting authorization?
 - 1.**Trey Mustian**- think they just call
- g. **Charles Davoli**- Could allow employer to not authorize physician dispensing
 - 1. **Trey Mustian**- [Lafayette Bone & Joint Clinic v. LUBA](#)

VI. PHARMACY REFILL(11:48:03)

- a. Heston Hooten, Automatic Healthcare Solutions
- b. 1010 for medication refill?
 - 1.In office physician dispensing
 - 2.Initial 1010 should be good for 6mths
- c. **Charles Davoli**- why a problem?
 - 1.**Heston Hooten**- mainly billing and administrative; not sure how it affects patient
- d. **Michael Morris**- this is limited issue; concern about 6 month time
- e. **Shannon Lindsey**- 1010 shouldn't be required
 - 1.For streamlining issue
- f. **Charles Davoli**- 1010 for refill?
 - 1.**Michael Morris**- practicable small audience; PBM has contracts & direct contact

VII. OTHER BUSINESS(12:00:32)

- a. FEIS filed for NOI of records request, employee authorization, hearing fees & SIB Form B.
- b. Charles Davoli- Kids Chance (12:01:57)
 - 1. LWCC Golf Tournament on Monday, Sept. 25th
 - 2. Kids Chance Awareness Week

VIII. PUBLIC COMMENT (12:00:12)

- a. None

IX. NEXT MEETING DATE (12:01:27)

- a. October 26th
- b. Council Members bring calendars to set 2018 meeting dates

X. ADJOURNMENT at 11:39am (12:05:10)

- a. Michael Morris- Motioned
- b. Dr. Marc Zimmermann- Second