



WORKERS' COMPENSATION
ADVISORY COUNCIL MEETING

October 26, 2017

Members Present:

Sheral Kellar
Charles Davoli
Julie Cherry
Michael Morris
Ray Peters
Shannon Dartez
"Bray" Williams
Mark Kruse, D.C.
Jerry Jones, PT
Marc Zimmermann, Ph.D. [*late*]
Shannon Lindsey [*late*]
Maria Losavio [*late*]

Members Absent:

Arielle Collins, Pharm.D. (sat in audience)
Edwin Murray
Alejandro Perkins
Pierce Nunley, MD
Jennifer Marusak

MINUTES

- I. **WELCOME** start at 9:35am
- II. **MINUTES (10:03:31)**
 - a. Chuck Davoli motion to accept
 - b. Julie Cherry second
 - c. All in favor
- III. **NEW COUNCIL MEMBER (10:03:55)**
 - a. Jennifer Marusak was unable to attend
- IV. **Action: BROADSPIRE FOLLOW-UP (10:04:14)**
 - a. Rich Eason
 1. Overview
 2. Exhibit binder given to members
 - b. Dr. Lucio Miele
 1. Chair of genetics at LSU
 - Now a requirement for medical students
 2. 3 fields of genetics
 3. Wants test to remain available
 - c. **Sheral Kellar**- Opposition was to blanket requirement, not the prescription of test by physician
 - d. **Mark Kruse**- How many companies do this test? How many studies?

- 1.**Dr. Miele**- over a dozen companies; mainly pain management. Roughly 384 publications
- e. **Ray Peters**- no argument of medical validity. What's the problem if not mandated?
 - 1.**Bray Williams**- how can illiterate client know to deny cheek swab or what's it for?
 - 2.**Ray Peters**- shouldn't the doctor be able to explain?
- f. **Bray Williams**- where does the data go?
 - 1.**Dr. Miele**- highly regulated and confidential. Have to have explicit consent if includes personal information. Doctor should discuss test with patient.
 - 2.**Bray Williams**- what happens to sample?
 - **Dr. Miele**- Case from Washington State shows heavy penalties to improper use
- g. **Mark Kruse**- similar to MRI results when it comes to safeguards; rely on physician
- h. **Maria Losavio**- Just WC patients?
 - 1.**Dr. Miele**- not on all pain mgmt. patients; Physician decides
- i. **Chuck Davoli**- issue remains about SMO uses & cost containment
 - 1.**Dr. Miele**- would be interesting to see if there's a case where test shows opioid shouldn't be used but doc prescribes anyway and patient overdoses
- j. Mark Waldman
 - 1.CV- Compliance manager for Broadspire
 2. Two scenarios
 - Adjuster/nurse case manager recommending testing based on urine drug screen
 - Pre-surgical
- k. **Sheral Kellar**- Insight labs has monopoly on test?
- l. **Mark Kruse**- How get to test?
 - 1.**Dr. James Silliman**- do genetic testing but not for insight labs. Options- If you don't see the drugs then either you are not metabolizing or you are not taking it. If you see too high of a drug then either your body is metabolizing it weird of you are getting it from multiple prescribers.
- m. **Shannon Lindsey**- not satisfied with reasoning; treating physician didn't suggest test
 - 1.Person recommending test is practicing in unauthorized medical care
 - 2.Confidentiality issues
- n. **Michael Morris**- physician does the final order
 - 1.Shannon Lindsey- it's the referring process
- o. **Bray Williams**- {read letter} Broadspire orders the test and very limited consent paragraph
 - 1.Insight Labs contracts with other labs to do actual testing
- p. **Mr. Copeland, Insight Labs**- Want to work with council and test should be proactive. We are contracted with Broadspire to facilitate this optional tool
 1. Dr. Silliman- only hold sample for 1 month and there's two types of testing.

- q. **Shannon Dartez**- How long have you been contracted? # of test done? How is information used and in what manner? Cost containment regards to asking physician to change based on test?
 - 1.**Mark Waldman**- two years; not sure of number of test; only thing that comes back to us is if physicians changes prescription; nurse case managers are employed by Broadspire
- r. **Mark Kruse**- Not liking letter; ok with test
- s. **Maria Losavio**- motion to write Cease & Desist
- t. **Marc Zimmermann**- Dr. Silliman is not contracted with Insight Labs so how does Insight Labs handle samples
- u. **Shannon Dartez**- Why go through TPA instead of providers?
- v. **Rich Eason**- submit alternative letter?
- w. **Sheral Kellar**- letter is at issue
- x. **Maria Losavio**- letter is at issue and how do we trust it stops?
- y. **Shannon Dartez**- Second Motion to write Cease and Desist letter
- z. **Rich Eason**- will withdraw letter and submit revised letter since there are other TPAs doing genetic testing like Gallagher Bassett
- aa. **Michael Morris**- substitute motion: Insight Labs voluntarily withdraw and redraft letter
 - 1.**Ray Peters**- Second motion
 - 2.Motion fails- 2 to 10
- bb. Original Motion passes 11 to 1 (Morris)
- cc. **Rich Eason**- Will submit revised letter in 10 days & Insight Labs already stopped sending out letter 30 days ago

V. **PHARMACY REFILL (11:26:29)**

- a. Bulletin on website
 - 1.**Michael Morris**- supposed to talk about it; disagree due to jurisprudence
 - 2.Administration decided doesn't affect split in circuit

VI. **CO GUIDELINES (11:28:24)**

- a. Dr. Picard
 - 1.Meeting with CO
 - They have 5 full time staff for guidelines in addition to Medical Director
 - WE would assist with clinical resources
 - 2.New process for updating- one section per year
 - 3. 1203.1H statute
 - 4.**Mark Kruse, D.C.** - involve with data collection or review?
 - Dr. Picard- review

VII. **Action: SIB QUESTIONNAIRE (11:36:28)**

- a. Meredith Trahant
- b. **Maria Losavio**- Contradicting fraud warning
 - 1.**Meredith Trahant**- language from statute

- 2. **Sheral Kellar**- One is for reimbursement and one is for properly filling out form
- 3. At end of last sentence in paragraph 1 "...23:1021-1361; however, failure to answer..."
- c. **Shannon Lindsey**- Don't like "conditional" in paragraph 4
 - 1. **Pauline Williams** (OWC)- change goes outside purpose of form
 - 2. **Maria Losavio**- is it federally mandated to use "conditional"?
 - 3. **Shannon Lindsey**- just say "Post-Hire/Conditional Job Offer"
- d. Motion to promulgate by Maria Losavio and Second by Chuck Davoli
 - 1. All in favor
- e. **Meridith Trahant**- has to be approved by SIB Board next

VIII. **2018 WCAC MEETING DATES (12:01:11)**

- a. November and December dates cancelled
- b. 2018 dates agreed to stay on 4th Thursday unless holidays
- c. All but two meetings to be held at LaSalle building and no December meeting

IX. **OTHER BUSINESS**

- a. NOI hearing is November 29th at 2pm

X. **PUBLIC COMMENT (12:04:25)**

- a. None

XI. **NEXT MEETING DATE**

- a. January 25, 2018

XII. **ADJOURNMENT** at 11:37am

- a. Julie Cherry- Motioned
- b. Mark Kruse, D.C.- Second