



WORKERS' COMPENSATION
ADVISORY COUNCIL MEETING
February 22, 2018

Members Present:

Sheral Kellar
Charles Davoli
Julie Cherry
Marc Zimmermann, Ph.D.
Shannon Lindsey
Michael Morris
Shannon Dartez

Members Absent:

Jennifer Marusak
"Bray" Williams
Maria Losavio
Arielle Collins, Pharm.D.
Mark Kruse, D.C.
Edwin Murray
Pierce Nunley, MD
Jerry Jones, PT
Alejandro Perkins

MINUTES

- I. WELCOME**
- II. MINUTES (time stamp 11:16:15)**
 - a. No quorum
- III. BROADSPIRE RESPONSE (time stamp 11:16:50)**
 - a. Passed due to Bray Williams and Maria Losavio being absent
 - b. No "cease & desist" letter has been submitted
- IV. VOCATIONAL REHABILITATION (time stamp 11:17:35)**
 - a. Shannon Dartez
 - 1.No meeting held due to legislative special session
- V. STRATEGIES FOR ADOPTING A LOUISIANA FEE SCHEDULE (time stamp 11:18:03)**
 - a. Donna Smith, FairHealth
 - b. **Sheral Kellar**- want council members to be informed of many options when it's time to amend fees.
 - c. **Donna Smith**- independent data organization started in 2009; robust uncompensated board
 - 1.**Christine O'Donnell**- you use the data to set the rules you want. Data can be broken down to various forms of regions. Have worked with group health.
 2. **Joel V. Brill, MD**- certified in internal medicine and gastroenterology; spoke on reviewing procedures

3. **Christine O'Donnell**- provider charges is what they originally want, allowed amount is the amount the insurance will allow to be paid, CMS is what medicare pays
4. **Donna Smith**- looking to bundling conditions
- d. **Sheral Kellar**- What percent of claims data do you receive?
 1. **Donna Smith**- 54 contributors, 19.5 millions claims a year; data is not medicare or workers compensation- it's mainly group health. MS is using 50th percentile. May want to create a mandate like those NCCI has. Most don't use CMS amount since it is so low compared open market
- e. **Sheral Kellar**- How many states use services?
 1. **Donna & Christine**- 12 states using data; another 8 uses data themselves; 3 currently in talks.
- f. **Kim Bush**, Physical Therapy Provider Network {audience}- How do you get stakeholder to provide data?
 1. **Donna**- Contributors get percentage of license costs; data call as well.
- g. **Shannon Lindsey**- how does bundle conditions work with medical treatment guidelines?
 1. **Donna**- Colorado will only have certain conditions in their guidelines. Bundles
 2. **Christine**- bundles can also take into consideration risk factors
- h. **Michael Morris**- explain fee comparison graph
 1. **Dr. Brill**- compare 80th of charge vs allowed then compare average of charge vs allowed, 5th bar is just a CMS comparison
- i. **Julie Cherry**- Has is "allowable charges" defined?
 1. **Donna**- insurance community defines it
- j. **Julie Cherry**- how do you combine the data?
 1. **Christine**- most states aggregate but Wisconsin has 8 "community" geozips

VI. LEGISLATION (time stamp 12:16:31)

- a. HB 53
 1. Rep. Talbot couldn't make it so pass
- b. Proposed Draft- 1203.1 and 1209
 1. Trey Mustian, esq.
 - *Arrant v. Wayne Acre PLS, Inc.* case struck down the 15 day deadline
 - Bill gives 30 day deadline which applies to all parties
 - If approved, rule in L.A.C. 40:5507 will be repealed
 2. **Michael Morris**- the rule also spoke about the expedited hearing; there should be a restriction on how often to revisit without updated medical
 3. **Sheral Kellar**- there's only a small percentage that actually get appealed. OWC Medical Director tries to specify what is missing if it is denied.
 4. Res judicata is to address Judge Noles' opinion in Arrant case
 5. **Michael Morris**- on issues raised I would disagree with bill

VII. OTHER BUSINESS (time stamp 12:26:15)

- a. LWC Labor Summit

1. March 21st-23rd
 2. Marriott in New Orleans
 3. Governor is closing speaker on Friday
- b. Members will vote on moving WCAC location and/or date due to LWC Summit
 - c. LSU Women's Center is honoring Ava Dejoie next month at the L' Auberge Casino on March 16th

VIII. PUBLIC COMMENT (time stamp 12:30:03)

- a. **Julie Cherry**- LSU Women's Center is honoring Ava Dejoie next month at the L' Auberge Casino on March 16th
- b. **Shana Veade, House Labor Atty** {audience}- bill request deadline is Wednesday at 5pm; Pre-file deadline is Friday at 5pm
- c. **Will Green, esq.** {audience}- 1209 C #2 still subject to #1? Do they conflict?; don't allow back and forth
 1. When is Kids Chance?
 - **Julie Cherry**- May?
- d. **Trey Mustian** {audience}- C2 is limited to appeal of MD; everything still prescribed if let 3 years pass

IX. NEXT MEETING DATE

- a. ~~March 22nd~~
~~LaSalle Building~~

X. ADJOURNMENT at 11:07am

- a. Charles Davoli- Motioned
- b. Marc Zimmermann/Shannon Dartez- Second