



WORKERS' COMPENSATION
ADVISORY COUNCIL MEETING
January 24, 2019

Members Present:

Sheral Kellar
Charles Davoli
Marc Zimmermann, Ph.D.
Philip Hunter
Julie Cherry
Shannon Lindsey
Larry Stokes, Ph.D.
Michael Morris [*Late*]
Maria Losavio [*Late*]

Members Absent:

Jerry Jones, PT
"Bray" Williams
Shannon Dartez
Mark Kruse, D.C.
Alejandro Perkins
Edwin Murray

MINUTES

- I. WELCOME** start at 9:37am
Introduced/re-introduced council members
- New Member: Philip Hunter, esq.

II. MINUTES

- a. October (moved to later in agenda)
1. **Julie Cherry**- motion
- **Marc Zimmermann**- second
 - All in favor

Announcements: Vacant seats are Orthopedic Association and LSMS

III. CLOSED PHARMACY FORMULARY

- a. LPCIC Meeting held to introduce bill
1.No sponsor
- b. Bean, Mackenzie (2019, January 17) "50 states ranked by opioid overdose death rates" Retrieved from <https://www.beckershospitalreview.com/opioids/50-states-ranked-by-opioid-overdose-death-rates.html>
- 1.Ranked #35
2.Possible causes:
- PMP
 - 7 day limit
 - Naloxone OTC for individual/family member
 - Slows down effects to get to ER

IV. LWC SUMMIT

- a. March 20th-22nd
- b. To be held at New Orleans Marriott in New Orleans

V. LWCEC Conference

- a. 9th year
- b. Good success

VI. ACT 257

- a. HB 257 introduced by Rep. Gaines in 2018
- b. Cause was lack of prescriptive period of 1009 appeal
 - 1.15 days or 30 days has been suggested
- c. **Charles Davoli**- problem is not guidelines but the process. Lack of prescription shuts system down and creates adversarial environment. Get treated and get back to work.
 1. **Sheral Kellar**: WCRI Study of TTD
 2. **Julie Cherry**: length adds to opioid addiction
- d. **Michael Morris**- language proposed was the holding point
 1. **Sheral Kellar**: stake holder meeting on 2/4 @ 10am and open to the public
- e. **Shannon Lindsey**- There's outliers causing ancillary issues like causation being brought up years later
- f. **Sheral Kellar**- *Arrant* decision says prescriptive period needs to be by statute. *Barber* writ has been applied for.
 1. Once final then 2715 issues will be addressed

VII. LA. R.S. 23:1123/1124.1

- a. **Charles Davoli**- looking at consolidating IME
 1. Causation & disability is legal conclusion
 2. Independent Medical Examination
 - Headquarters doesn't know the districts
 3. Provided handout
- b. 1123 Question: Medical condition vs medical diagnosis
 1. **Micheal Morris**: think medical was struck
 2. **Shannon Lindsey**: "condition" needs to be better defined
- c. Question: "any party" is vague
- d. **Sheral Kellar**- 1314 has a spot added for judge ordered
 1. IME attached to 1008?
- e. **Shannon Lindsey**- procedure fix but allows employer to sue employee
 1. **Sheral Kellar**: propose compromise
 2. **Maria Losavio**: agree with Shannon's concerns
- f. 1124.1
- g. LA. R.S. 23:1317.1- authorize IME statutes
- h. **Sheral Kellar**- add 1 or 2 WC judges to help Davoli's IME taskforce as well as someone from Medical Services
 1. **Philip Hunter**: think parties should agree or add strike list

VIII. CHRONIC PAIN GUIDELINES

- a. **Dr. Jason Picard** (OWCA)- process of edits
 - 1. **Maria Losavio**- are there pain doctors?
 - **Jason Picard**- yes, 2
- b. Approvals have gone up because providers are more savvy
- c. **Shannon Lindsey**- is an NOI filed?
 - 1. **Sheral Kellar**- No
- d. **Charles Davoli**- agree with guidelines and transparency
 - 1. **Maria Losavio**- alternate treatment to opioids

IX. CRPS GUIDELINES

- a. **Dr. Jason Picard** (OWCA)- ready
- b. **Sheral Kellar**- next one?
 - 1. **Jason Picard**- need to review if we want low back

X. VOCATIONAL REHABILITATION COMMITTEE

- a. Shannon Dartez (absent)
- b. Moved to February agenda (R.S. 23:1226)
 - 1. Larry Stokes working with Shannon

XI. OTHER BUSINESS

- a. **Charles Davoli**- Constitutional issue brewing RE medical marijuana
 - 1. Equal protection issue
 - 2. **Sheral Kellar**- wait for opinion of full council
 - **Michael Morris**: limited conditions
 - **Shannon Lindsey**: Intractable pain was added (in Act 708 of 2018 Regular Session)

XII. PUBLIC COMMENT

- a. None

XIII. NEXT MEETING DATE

- a. February 28th

XIV. ADJOURNMENT at 10:54am