



WORKERS' COMPENSATION  
ADVISORY COUNCIL MEETING  
February 28, 2019

**Members Present:**

Sheral Kellar  
Charles Davoli  
Shannon Dartez  
Marc Zimmermann, Ph.D.  
Julie Cherry  
Michael Morris  
Larry Stokes, Ph.D.  
Maria Losavio  
Jerry Jones, PT  
Philip Hunter  
Alejandro Perkins  
Shannon Lindsey [*Late*]  
"Bray" Williams [*Late*]

**Members Absent:**

Mark Kruse, D.C.  
Edwin Murray  
Vincent Forte, MD

**MINUTES**

**I. WELCOME** start at 9:41am

**II. MINUTES**

a. January

1. **Julie Cherry**- motion

- **Maria Losavio**- second
- All in favor

**IV. LWC SUMMIT**

a. Dr. Shanta Proctor

1. Moved from Governor's Office to LWC
2. Doctorate in Workforce Education
3. Conference will be on March 20<sup>th</sup>-22<sup>nd</sup>

**VIII. KIDS Chance**

a. Judge Pamela M. Laramore

1. Review handout (9<sup>th</sup> annual)

- Scheduled for 5pm Friday, May 10th at Moore Hunter Law Office
- Open to all ages
- Fundraiser for the Kids' Chance foundation

### III. REPORT FROM VRC TASKFORCE

#### a. Shannon Dartez

1. Larry Stokes and Julie Cherry have been working on it
2. Task: Is there a conflict in §1226
  - Enough resources to shift VC Rehab in house?
    - No
  - Problem if someone says close file before work actually is complete.
  - Possibly evaluate opinion of counselor
    - If agreement up front
  - Allow for retraining in medical treatment
3. Start voc rehab early. Not necessarily to go back to work prematurely
4. Timing in getting accurately reported information from employer
  - Watch out for “sham” jobs
5. Need standard levels of testing needs approval
6. Adjuster can't terminate or stay voc rehab without certain standards
7. Potential for abuse on both sides
8. Lack of trust since counselor are seen as representative of employer who wants to cut benefits
9. Not allow adequate follow-up for injured worker once back to work
10. Standard level of proving participation of claimant
11. Choice of voc rehab counselor
  - Possible employer approved list for employee to select

#### b. Larry Stokes- Rehabilitation Counseling Services is different than Voc Rehab Services

1. i.e. state licensing requirement
2. 18 issues looked at
3. Major issue is inherent conflict
  - Various methods of training
    - University
    - 2 yr program
    - Technical/Junior college
    - On job

#### c. Marc Zimmerman, Ph.D.- agree rehab counselors need to be brought in sooner

1. Larry Stokes- no restructuring, just more training
2. Shannon Dartez- voc rehab counseling stopped too soon?
  - Larry Stokes- yes

#### d. Maria Losavio- “job is available” example. Like Burger King flipper but 500 people applied.

1. 50% reduction needs a hearing; maybe expedite
2. I don't see enough retraining
3. Alejandro Perkins- job available/on market vs making offer may not be in control of employer
4. Michael Morris- need info from doctor that's a description like guidelines say
5. Charles Davoli- address split in Circuit 2<sup>nd</sup> vs 3<sup>rd</sup>

6. **Larry Stokes**- control on benefits but “suitability” should be defined better

- e. **Shannon Lindsey**- Protect Rehab & claimant relationship
- f. **Shannon Dartez**- Education component needed
  - 1. Taskforce meeting after Mardi Gras & create legislation
- g. **Sheral Kellar**- should court being included like Court rehab order after certain point?
  - 1. Used to have a list
- h. **Alejandro Perkins**- Need to be safe for employer; sometimes words of human courtesy/concern are used as testimony against employer
- i. **Sheral Kellar**- Who signs off on job?
  - 1. **Philip Hunter**- No checklist completely extensive

## V. STATUS UPDATE

- a. **Pauline Williams**, OWCA [audience]- electronic submission for records request 80-85% done
  - 1. Roll out in 30-45 days
    - Convenience fee like all electronic payments
    - Response via email
      - Once found, can be paid via online or by check
- b. **Meridith Trahant**, OWCA [audience]
  - Public records request vs WC Records request

## VI. PROPOSED ADMINISTRATIVE RULES

- a. Chronic Pain
  - 1. **Cynthia Uhrbach**, OWCA [audience]- The requested reference version of the chronic pain draft will be done shortly. Every edit is noted line by line with endnotes. It will include a bibliography as well.

## VII. INAUGURAL CWCP CLASS

- a. **Charles Davoli**
  - 1. Update workforce skills
  - 2. Includes law and case law
  - 3. Next class in April
  - 4. **Maria Losavio**- What about expanding throughout the state?
    - **Sheral Kellar**- starting in BR with BRCC but eventually
  - 5. **Philip Hunter**- online?
    - No
  - 6. **“Bray” Williams**- archive webinars for people to see specific days or for continuing education

## VI. PROPOSED ADMINISTRATIVE RULES (revisited)

- a. LAC 40:2715
  - 1. Call Cynthia about attending meeting
    - Can submit comments in writing

**IX. OTHER BUSINESS**

- a. Caroline Minor new statewide mediator
- b. Patrick Fremin is the management analyst for Justware.
  - i. He will be traveling statewide to give Justware system training
- c. **Alejandro Perkins**- Congratulations Caroline

**X. PUBLIC COMMENT**

- a. **Troy Prevot**, VP for LCTA [audience]-
  - i. Return to Work
    - 1. Voc Rehab could use a form
    - 2. Doctor who doesn't know should not sign off on job
  - ii. General Principles: more towards consensus base
    - 1. **Cynthia Uhrbach**, OWCA [audience]- look for endnotes and citations for each line. Looking to complete project by Friday, March 8<sup>th</sup>.
  - iii. CWCP for practicing Occ Med involved in WC

**XI. NEXT MEETING DATE**

- a. Correction: March 28th

**XII. ADJOURNMENT**

- a. **Philip Hunter**- Motion
  - i. **Shannon Dartez**- second
  - ii. All in favor