



WORKERS' COMPENSATION  
ADVISORY COUNCIL MEETING  
August 22, 2019

**Members Present:**

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

**Members Absent:**

Edwin Murray  
Maria Losavio  
Philip Hunter  
Alejandro Perkins  
"Bray" Williams  
Mark Kruse, D.C.  
Vincent Forte, MD  
Kevin Darr, MD

**MINUTES**

**I. WELCOME** start at 9:38 am

- Mediators' meeting in Baton Rouge tomorrow. Lillian Williams introduced.
- Silent prayer for former governor Kathleen Blanco
  - Read services program

**II. MINUTES**

- a. February
- b. April
- c. No quorum

**III. ANNOUNCEMENT RE: VACANCY ON COUNCIL**

- a. Business representative
- b. Formerly held by Jerry Jones, PT.

**IV. LEGISLATIVE UPDATES**

- a. Charles Davoli, Vice- Chair, presented
- b. 9 page handout given
  - 1. 36 bills listed
- c. Senate bill 240- **Sheral Kellar**: physician assistant (PA) can give opioid treatments. May not be supervised by physicians. Problem for carriers since Pas cannot give diagnosis.
- d. HB285- at option of municipality
- e. HB362- failed again but was responding to *Arrant* case.
- f. HB 372- Kerry Simmons v Cornerstone Investments, LLC, et al. 2018-CC-0735

- g. HB433- was a problem for pharmacists
- h. HB571- need to remember this one when reviewing fee schedules
- i. SB41- PBMs; contains definitions
- j. SB345- resolves 45 day filing appeal deadline
- k. SB107- PTSD is rebuttable presumption; contingent on coverage
- l. SB119- Council for Palliative Care
- m. SB160/240 by Boudreaux- training for health care providers
- n. SB199- extends fraud investigation sunset provisions
- o. No council comments

## V. FRAUD UNIT UPDATES

- a. Darrick Lee, OWCA Fraud manager, presented PPT
  - 1. **Charles Davoli**- What percentage includes undocumented workers?
    - **Darrick Lee**- Haven't seen a case yet
    - **Charles Davoli**- Interested since I've seen those working off the books or paid cash
    - **Sheral Kellar**- we do have cases of employees not on books but haven't investigated on undocumented workers
  - 2. **Charles Davoli**- What provisions do Homebuilders have to curb this issue?
    - **Michael Morris**- Big push on members who don't document. Issue with unreliable certificates. Verification coverage tool on [www.laworks.net](http://www.laworks.net) is great.
    - **Darrick Lee**- We perform better job than TX on being proactive on leads.
- b. **Sheral Kellar**- we partner with 19<sup>th</sup> JDC since located in Baton Rouge; original partnership with Attorney General allowed for lag in information and movement on cases.
- c. **Charles Davoli**- investigate employee fraud, too?

## VI. STATUS OF CHRONIC PAIN AND CRPS UPDATES TO MTG

- a. filed FEIS with legislative fiscal office
- b. NOI will be filed September 10<sup>th</sup> and published Sept. 20<sup>th</sup>.
- c. Minimum 4 month APA process

## VII. MTG- MOVING FORWARD

- a. Jason Picard, OWCA Medical Director
  - 1. Starting on Low Back
  - 2. Need MAC meetings
  - 3. New treatments needed to be added
  - 4. Cervical to follow

## VIII. STATE OF LOUISIANA WORKERS' COMPENSATION

- a. Laura Hart Bryant, NCCI, presented
  - 1. Clarissa Preston will be replacing her going forward
  - 2. Based on HB 285, NCCI added new class code 7732

- Filing 01-LA-2019
  - Effective Oct. 1, 2019
  - \$146 per capita basis loss cost
3. Lag in Experience [May 2022]
  4. Countrywide: Net written premium increase in the most recent year
  5. Louisiana: Lost time claim frequency declined again
  6. Distribution of medical payments
    - States differ in: MTG, update frequencies, geographic differences, formularies, etc.
      - No complete outlier
  7. NCCI state advisory is November 19<sup>th</sup> at Crowne Plaza in Baton Rouge
  8. **Sheral Kellar**- What is the “state” of Louisiana WC?
    - **Laura Bryant**- stable

#### **IX. LATEST WCRI REPORT RE: OPIOIDS**

- a. *Interstate Variations in Dispensing of Opioids, 5<sup>th</sup> Edition*
  1. **Michael Morris**- Review page 11 graph
- b. **Shannon Lindsey**- Medical marijuana seems practical alternative. Any push to include WC in expansion bill? Is it really a practical solution?
  1. **Sheral Kellar**- 14<sup>th</sup> Amendment challenge
    - **Charles Davoli**- amendment drafted to remove exclusion. There will be a challenge of equal protection.
  2. **Michael Morris**- another state is being told by a judge to violate law to pay for it.
  3. **Shannon Lindsey**- how private carriers handling it? Non-WC carriers?
  4. **Julie Cherry**- article in newspaper. Reporter says 5,000 scripts. Doesn't seem to be handled through insurance
  5. **Sheral Kellar**- may revisit issue at educational conference

#### **X. OTHER BUSINESS**

- a. Civil law training classes being offered again
- b. Email regarding e-signatures on choice of physician form & certificate
  1. **Michael Morris**- seems something to think about
  2. **Charles Davoli**- expeditious delivery is good on reinstating benefits
  3. **Sheral Kellar**- update at next meeting

#### **XI. PUBLIC COMMENT**

- a. None

#### **XII. NEXT MEETING DATE**

- a. September 26<sup>th</sup>
  1. 9:30am to Noon

#### **XIII. ADJOURNMENT at 11:05am**