



WORKERS' COMPENSATION  
ADVISORY COUNCIL MEETING  
January 23, 2020

**Members Present:**

Sheral Kellar  
Charles Davoli  
Shannon Dartez  
Larry Stokes, Ph.D.  
Julie Cherry [Late]  
Shannon Lindsey [Late]  
Michael Morris [Late]

**Members Absent:**

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

**MINUTES**

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

**II. MINUTES**

a. Passed due to no quorum

**III. FAIRHEALTH CONTRACT**

a. Donne Smith, (executive director) Fairhealth

1. Powerpoint

- Covers 50 states, 60+ contributors, includes private insurance claims, has quality testing and control procedures.
  - 40 contributors in LA
  - 265.9 million claims since 2002
  - 7 geozips in LA vs Medicare's 2
- Charge vs allowed benchmarks
- Slide 23- Christine O'Donnell (executive director) spoke
  - Support for fee schedule
- Slide 27- Joel Brill, MD (from clinical team) spoke
  - Compare group health vs CMS vs WC/states comparison
- Slide 30- Christine O'Donnell spoke again
  - Year 1- facility, Year 2- professional, Year 3- HCPCS & other services

b. Questions from council

1. **Shannon Lindsey**- timeframe?

- **Donna Smith**- figure out in implementation meeting in next 3 weeks. Will be in phases.
- **Chairman Sheral Kellar**- need updates quicker than every 26 years. Need to swap inpatient vs outpatient

#### IV. NOI

- Proposed Rate Change
  - Section 5701 matched to Chapter 66
  - FEIS to be filed February 10<sup>th</sup>

#### II. REYES INDICTMENT AND NEW FRAUD NUMBERS

- Darrick Lee, OWCA Fraud manager
  - Chairman Sheral Kellar**- How do numbers compare to prior administration?
    - Darrick Lee**- it use to be based on judgment & collection was less than \$10k. These numbers almost exceeding efficacy of Texas.
  - Michael Morris**- is “active” inclusion of closed?
    - Darrick Lee**- exclusive of each other. Closed may include cases waiting for final judgment or payment.
  - Chairman Sheral Kellar**- Speak on interest in case
    - Darrick Lee**- Federal immigration looking at it for workplace compliance & E-Verify as well as New Orleans eastern district.
  - Chairman Sheral Kellar**- when is motion hearing?
    - Darrick Lee**- February
  - Chairman Sheral Kellar**- this is governor’s focus. Many years the face was injured workers but it is really employers.

#### V. OTHER BUSINESS

- None

#### VI. PUBLIC COMMENT

- Alan Daigrepont, HSLI adjuster [*audience*]
  - How many adjuster, defense council in public?
  - Review MGD 19-XXXX
    - R.S. 23:1293 regarding confidentiality
    - Physician sent 1010 for cervical medial branch block & physical therapy
      - UR approved with modifications (only allowed medial branch blocks)
      - 1009 was submitted
        - #12 mentioned “lumbar” but not cervical
        - Notice of receipt of filing was received via mail
        - Requested status update for weeks but no decision

- Newest 1010 was for physical therapy for carpal tunnel and referenced a decision from previously mentioned 1009 that “hadn’t been issued”
3. What can be done to investigate lack of communication?
- **Chairman Sheral Kellar-** L.A.C. 40:2715 needs to be revised due to issues like this. We were waiting for Barber case to be final first. Now getting core group together.
4. **Alan Daigrepont** - need responses
- **Vice- Chairman Charles Davoli-** issues felt even in claimant bar as well. Was 1008 filed?
  - **Alan Daigrepont** - not yet
    - a. **Vice-Chairman Charles Davoli-** don’t forget you have 45 days
  - **Alan Daigrepont** - biggest issue is 1009 not being read
    - a. **Chairman Sheral Kellar-** let’s discuss together
6. **Alan Daigrepont** - is office only investigating employer fraud?
- **Darrick Lee-** No. Court usually handles employee fraud. Insurance companies can report employee fraud. It has to be stronger threshold to bring employee to court then prosecute. If fraud referral isn’t appropriate for WC, unit still refers to proper unit (i.e. UI, U.S. Department of Labor, etc).
  - **Vice-Chairman Charles Davoli-** this administration has attacked the problem because there’s been issues like even getting prosecution agreement with D.A.

## **VII. NEXT MEETING DATE**

- a. February 27, 2020
  - i. Mardi Gras is February 25th
- b. Legislative session is March 9<sup>th</sup> to June 1<sup>st</sup>.
- c. BRCC course is in February
- d. WC Educational Conference may be June in Baton Rouge

## **VIII. ADJOURNMENT at 10:55am**