



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 is great.
 - **Darrick Lee**- We perform better job than TX on being proactive on leads.
- b. **Sheral Kellar**- we partner with 19th 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 10th and published Sept. 20th.
- 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 19th 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, 5th 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**- 14th 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 seemed being 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 26th
 1. 9:30am to Noon

XIII. ADJOURNMENT at 11:05am