



WORKERS' COMPENSATION
ADVISORY COUNCIL MEETING
April 24, 2019

Members Present:

Sheral Kellar
Julie Cherry
Edwin Murray
Shannon Lindsey [*Late*]
Charles Davoli [*Late*]

Members Absent:

Shannon Dartez
Marc Zimmermann, Ph.D.
Larry Stokes, Ph.D.
Maria Losavio
Jerry Jones, PT
Philip Hunter
Alejandro Perkins
"Bray" Williams
Mark Kruse, D.C.
Vincent Forte, MD
Michael Morris
Kevin Darr, MD

MINUTES

- I. WELCOME** start at 9:06 am
- II. MINUTES**
 - a. February
 1. No quorum
- III. NEW MEMBER**
 - a. Dr. Kevin Darr
 - i. Is a national leader in orthopedic medicine and is currently studying alternative treatments for orthopedic conditions.
- IV. 2019 LEGISLATIVE BILLS* (no quorum/no action)**
 - a. [SB88](#) (Sen. Luneau invited)
 1. "Trey" Mustian, esq
 - Deadline to appeal MD director decision
 - 30 days
 2. **Chair Sheral Kellar-** any opposition?
 - **Trey Mustian-** yes

➤ **Edwin Murray**- what could they want? Would you drop bill?

➤ **Trey Mustian**- generally safe harbor

3.**Julie Cherry**- they now apply 3 year deadline?

- **Trey Mustian**- without guidance, it falls to that.

4.**Shannon Lindsey**- what additional language was proposed in last year's bill that was voted 8-2?

- **Trey Mustian**- last year had no res judicata provision
- **Shannon Lindsey**- what effect without that provision?
- **Trey Mustian**- would fall to rule
- **Shannon Lindsey**- will appeal notice procedure be done by rule?
- **Trey Mustian**- nothing changes
- **Chair Sheral Kellar**- can address issues in L.A.C. 40:2715

5.No public comment

b. [HB 140](#) (Hodges invited)

1.Bill doesn't cover Workers' Compensation Judges

2.Looking to add words "workers' compensation judges"

3.**Julie Cherry**- may be easier ask to cover "administrative law judges"

4.**Edwin Murray**- Can't you just call cops? Why need bill?

- **Chair Sheral Kellar**- currently call cops & post picture of offender. We have bailiff.
- **Edwin Murray**- if needed, no reason not to cover all.

5.No public comment

c. [HB285](#) (Billiot invited)

1.Police officers [reserved]

- Currently covered by personal policy

2.Probably public policy bill

3.No council member comment

4. **Andy Condrey with Gray insurance** [*audience*]- needs to clarify "commissioned" vs "non-commissioned"

- "commissioned" is when you carry out law enforcement duties
- "Deputy" is assistant Sheriffs
- "Police officer" is local municipalities

5. **Commissioned police officer with EBR sheriff** [*audience*] – took sheriff department 2 years to voluntarily pay for medical expense bill which caused credit score issues. Private insurance won't cover when injury happens in line of duty. Volunteers don't get paid wages anyway.
 6. Set for House Labor 4/25
- d. [HB362](#) (Lyons & Connick invited)
1. Representative Connick (canceled)
 2. Atty. Frank Bruno (invited)
 3. **Julie Cherry**- fire service hearing loss. Very few cannot work due to hearing loss. Add to occupational disease.
 4. **Vice-Chair Charles Davoli**- to make consistent with *Arrant* case.
 5. **Shannon Lindsey**- will there be opposition like last year with HB790?
 - **Julie Cherry**- probably
 6. **Chair Sheral Kellar**- last year it was opposed by LABI. Last year there was a little different language.
 7. No comment from public
- e. [HB383](#) & [SB114](#) (Davis & Appel invited)
1. Senator Appel- canceled
 2. SB114 was deferred yesterday
 3. **Edwin Murray**- HB383 will probably pass the House.
 4. No public comment
- f. [HB571](#) (Seabaugh invited)
1. Who is a “prudent buyer” and how much do they pay?
 2. Cost containment measure
 3. **Vice-Chair Charles Davoli**- could lead to cheaper quality items on the market
 4. **Chair Sheral Kellar**- this would usurp WC Act authority
 5. No public comment
- g. [SB107](#) & [SB139](#) (Gatti invited)
1. SB107- adds PTSD for first responders
 2. **Vice-Chair Charles Davoli**- is covered but this gives rebuttal presumption for this class
 3. **Chair Sheral Kellar**- 31 states already have this presumption. NCCI report.
 4. No public comment

- h. [SB186](#) (Morrell invited)
 - 1. Louisiana FMLA
 - Safety net regulated by Louisiana Workforce Commission
 - Adds monetary amount
 - 2. No council/public comments
- i. [SB53](#) (Johns invited)
 - 1. Attempt to control opioid abuse by stopping people from crossing state lines to get duplicate scripts filled.
 - 2. No council/public comments
- j. [SB118](#) (Milkovich invited)
 - 1. Current law says contradictory hearings may have briefs or oral argument
 - 2. This requires oral argument instead of filing brief
 - 3. Would take more of court's time
 - 4. **Edwin Murray**- filing because Senator thinks he should be allowed to speak if he wants
 - 5. **Chair Sheral Kellar**- following because this would affect how WC court runs
- k. [HB242](#) & [HB433](#) (LeBas invited)
 - 1. HB242- Prohibits certain claims fees assessed by health insurers or pharmacy benefit managers
 - 2. No council/public comment
 - 3. HB 433- pharmacist can decline to dispense a covered prescription drug if the coverage provider reimburses in an amount less than the drug's acquisition cost
 - 4. **Edwin Murray**- chain pharmacy can buy in bulk where an independent cannot
- l. [HB243](#) (Miller invited)
 - 1. **Chair Sheral Kellar**- we would like a certain tracking added regarding how many IW are misusing opioids, if possible
 - 2. **Shannon Lindsey**- injured worker have unfairly become face of opioid abuse. Would like real data to back up allegation to have honest conversation
 - 3. **Edwin Murray**- part of governor package
- m. [HB401](#) (Emerson invited)
 - 1. Louisiana Mediation Act

2. Was voluntary deferred

n. [SB119](#) (Colomb invited)

1. **Vice-Chair Charles Davoli**- deals with palliative care

- Impacts opioid crisis

2. **Julie Cherry**- look at membership of this council if we want maybe medical director or person from MAC to be added

3. No public comment

o. [SB164](#) (Morrish invited)

1. Allows generic before brand name

2. Establish PBM act

3. **Julie Cherry**- wonder who is behind the bill

4. No public comments

V. **BILLS TO WATCH**

b. HB:

1. 257- lien by email

2. 288- high deductibles

3. 319- reduce insurance

4. 432-PBM bill

5. ~~433~~-[typo]

c. SB:

1. 41- PA authority to administer treatment of opioid abuse

2. 160- programs and professional training to fight the opioid crisis

3. 199 fraud extension

VI. **OTHER BUSINESS**

- Vice-Chair Charles Davoli**- legislative committees use to partner with council
 - Chair Sheral Kellar- fast session; look to have meeting on Wednesday
- Introduction of new Fraud attorney, Ariel Dixon.
 - MICS has increased
 - Adding another attorney
- District Attorney with 19th JDC will allow Darrick Lee to prosecute (May 15th)
 - Will have meeting to be sworn in

VII. **PUBLIC COMMENT**

- None

VIII. NEXT MEETING DATE

- a. May 23rd- Thursday
 - i. May move to Wednesday

IX. ADJOURNMENT at 10:32am