

WORKERS' COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE

Full MLAC Meeting

June 14, 2019

9:30 a.m. – 12:30 p.m.

Committee Members Present:

Alan Hartley

Kathy Nishimoto, Duckwall Fruit {via teleconference}

Kimberly Wood, Perlo Construction

Aida Aranda, Oregon and Southern Idaho Labor Employers Training Trust {via teleconference}

Ateusa Salemi, Oregon Nurses Association {via teleconference}

Diana Winther, IBEW Local 48 {via teleconference}

Tammy Bowers, May Trucking

Jill Fullerton, Clackamas County Fire Department

Lynn McNamara, City County Insurance

Committee Members Excused:

Kevin Billman, United Food and Commercial Workers

Cameron Smith, *Ex officio*

Staff:

Theresa Van Winkle, MLAC Committee Administrator

Cara Filsinger, MLAC Assistant

Jeffrey Roddy-Warburton, MLAC Assistant

Agenda Item	Discussion
Opening (0:00:00)	Kimberly Wood opened the meeting at 9:34 am. Theresa Van Winkle takes roll call.
Meeting Minutes (0:01:10)	Kimberly Wood reviews the minutes from the April 26, 2019 MLAC meeting. Alan Hartley moves and Lynn McNamara seconds to approve the minutes. Committee unanimously approved April 26, 2019 minutes (Kevin Billman, excused).
(0:01:50)	Kimberly Wood reviews the minutes from the May 3, 2019 MLAC meeting. Tammy Bowers moves and Lynn McNamara seconds to approve the minutes. Committee unanimously approved May 3, 2019 minutes (Kevin Billman, excused).
2019 Legislation Review (0:02:38) (0:05:28)	Theresa Van Winkle provides an update on the current legislative session and detail the MLAC Bill Review 2019 that is posted on the MLAC website. - Theresa Van Winkle moves on to updates on HB 3022. Theresa states that it is currently in the Senate Rules Committee and as of June 14, 2019 the bill is not scheduled for a public hearing or a work session. The bill proponent stakeholders have indicated that

(0:07:20)	<p>the bill will not move forward. Theresa gives a brief overview of the history of the bill and why it is not moving forward due to the ruling on <i>Garcia-Solis v. Farmers Ins. Co.</i> and Section 1 of HB 3022. Stakeholders indicated that MLAC should take a look at this and determine the next steps. Subcommittee for HB3022 met and decided to continue to work on the contents of the bill.</p> <ul style="list-style-type: none"> - Kimberly Wood moves that MLAC revoke their recommendation of HB 3022 and send a letter to the legislature with details of their desire to look into this further and revisit it at a later date. Alan Hartley moved and Tammy Bowers seconded the motion.
(0:09:22)	<p>Committee unanimously approved revoking MLAC’s HB 3022 recommendation (Kevin Billman excused).</p> <ul style="list-style-type: none"> - Theresa Van Winkle already has letter for the legislature ready to sign .
(0:09:35)	<ul style="list-style-type: none"> - Theresa Van Winkle gave an update on the forward looking administrative rulemaking calendar
(0:10:20)	<ul style="list-style-type: none"> - Theresa Van Winkle discusses the SB 533 (2013) Managed Care Organization come-along report and the MCO background material.
Educational Session (0:12:24)	<p>Kimberly Wood begins the educational session, the topic of the session is Managed Care Organizations (MCOs). Kimberly Wood thanks everyone that participated in presenting and taking part in the educational session. Theresa Van Winkle gives a brief background of MCOs before the first panel comes up to present.</p>
(0:15:10)	<p>Anne Klien and Ramona St. George from Majoris Health Systems give their presentation on the history of MCOs.</p>
(0:27:00)	<ul style="list-style-type: none"> - Lynn McNamara asks why do some groups choose to use MCOs less often. Ramona St. George responds for the national carriers she thinks that they are writing national accounts which might have a location in Oregon and the level of business in Oregon is a small piece of what that client brings to the business. National carriers try to keep all of the programs in all of the states looking the same. Oregon is unique in that it requires more procedures then the national process. Another barrier on a national basis is that the programs are in-house and they charge customers for the services. Lynn McNamara also asks about the self-insureds. Ramona St. George responds the self-insurers to a certain degree are the same because they are typically managed with third party administrators who are also national companies.
(0:28:50)	<ul style="list-style-type: none"> - Alan Hartley asks what percentage of Oregon workers work for companies that would consider coverage by MCOs. Ramona St. George responds that she believes that it is somewhere around 40% of accepted disabling claims.

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- (0:29:40) Ramona St. George continues her presentation detailing some of their concerns with MCOs.
- (0:31:40) - Kimberly Wood asks, in regards to medical disputes, is it true that not all MCOs have the same criteria as Majoris. Ramona St. George said all MCOs are required to have a review process for resolving internal disputes and they all have medical professionals making the first level decisions and she would be surprised if everyone didn't have a similar process. Ramona also states that everyone is required to have treatment guidelines. Kimberly Wood asks if all the treatment guidelines are the same. Ramona St. George responds that she believes most people use some of the same national guidelines and that guidelines are pretty similar because they are based on medical evidence. Kimberly Wood asked if it would be a better fit for reviews to be done by the medical review unit. Ramona St. George responds the bigger issue is the standard that is used to make the decision.
- (0:35:19) - Alan Hartley asks if a medical provider wants to become part of the MCO network, is it an open enrollment, can they just apply, and is there geographic limits on how many providers are needed. Ramona St. George responds they can apply, and the first thing Majoris looks at is if they have a need for those providers. The next step after that would be credentialing.
- (0:36:57) Dolores Russell, President of Managed Healthcare NW that operates Caremark Comp MCO, gives her presentation on MCOs.
- (0:51:41) - Kimberly Wood asks if you have an injured worker with multiple conditions, some are accepted some are not and some have never been claimed, are the MCOs still able to treat for that. Dolores Russell responds our physicians say to the attending physician that you need to be advocating for the worker to obtain approval for their medical treatment that you believe they need for claimed and accepted conditions. Kimberly Wood asks hypothetically if a worker were to have five conditions going on at once, the MCO would only treat the work related conditions? Dolores Russell responds it absolutely has to be work related.
- (1:00:00) James Washburn, gives his presentation on Kaiser On-the-Job MCO. Jenny Walsh and Jeannette Decker give their presentation on Providence MCO.
- (1:14:40) Bridgette Matthews, SAIF Corporation and Sheri Sundstrom, Hoffman Construction give their presentation on MCOs.
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- (1:22:15) - Kimberly Wood asks if the opioid issue is greater in the non-MCO population now or is the rest of the medical community catching up, and is there still a disparity. Bridgette Matthews responds yes there is still a small disparity but they are catching up.
- (1:27:12) - Kimberly Wood asks if SAIF has numbers of how many accepted claims are in the MCO vs. not being treated through an MCO. Bridgette Matthews responds typically in a medical only claim they are not going to enroll in a MCO, claims that get resolved in a short amount of time don't typically get sent to an MCO, but many of the disabling claims are enrolled. SAIF doesn't usually enroll until acceptance. Kimberly Wood also asks if SAIF is looking at the accepted claims that are in MCOs vs. accepted claims that are not in MCOs and if they are getting resolved equally. Bridgette Matthews responds that they try to find out that data but it comes with challenges that she then details. Kimberly Wood asked if the claim goes into a disabling claim do they always go to an MCO. Bridgette Matthews responds they typically enroll the ones that they feel need that extra level of medical service.
- (1:32:03) Sheri Sundstrom begins her presentation on MCOs.
- (1:40:55) - Kimberly Wood asks if Hoffman Construction's insurer puts injured workers into the MCO. Sheri Sundstrom responds that is correct.
- (1:42:05) - Kimberly Wood wants to clarify that employers don't have the right to direct care for their employees.
- (1:42:36) - Lynn McNamara asks if MCOs are protected under the statute for being enrolled. Kimberly Wood responds yes that is correct and that what she is saying is as an employer she can't tell her worker they have to go to that MCO but the insurer (like SAIF) can tell the worker they have to go. Sheri Sundstrom and Bridgette Matthews elaborate on that.
- (1:44:50) The worker attorney panel, Keith Semple, Oregon Trial Lawyers Association (OTLA), Jennifer Flood, Ombudsman for Injured Workers, and Lon Holston give their presentation. Lon Holston begins with his [MCO testimony](#).
- (1:55:45) Keith Semple gives his MCO presentation.
- (2:07:45) - Kimberly Wood disagrees with some aspects of Keith Semple's testimony on medical insurance and Workers' Compensation. Keith Semple agrees that some of his statements were just speculation.
- (2:08:31) Jennifer Flood begins her presentation on MCOs.
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- (2:11:04) - Kimberly Wood states she was unaware that the MCOs provided help to the worker to find a provider, she asks how that works. Jennifer Flood responds that she is the facilitator and then she works together with the MCO to find the worker a provider.
- (2:12:25) - Alan Hartley asks since the MCO has to provide treatment for these people, isn't it their responsibility to find a provider that will take them. Jennifer Flood responds yes.
- (2:17:00) - Kimberly Wood states that providers not communicating is more than just an MCO issue it is a universal issue. Jennifer Flood agrees.
- (2:20:38) - Alan Hartley asks if these are just MCO issues. Jennifer Flood responds no they are universal issues.
- (2:21:49) - Tammy Bowers states that in her experience without MCOs she has had workers be told they need surgery but then insurers will not approve that until they have 8 weeks of physical therapy. She also states she believes that is a complete waste of time and money to go through the PT when they really need the surgery. Jennifer Flood agrees and also states that happens in the regular world as well.
- (2:24:20) Rachel Wiggins, Oregon Society of Physician Assistants, and Trevor Beltz, Oregon Medical Association give their presentation on MCOs.
- (2:32:50) - Alan Hartley asks if it is desirable to go through tiers of treatment starting with the less extreme treatments and working your way up. Trevor Beltz responds yes he agrees.
- (2:33:50) - Kimberly Wood asks when Trevor Beltz uses the term precertification is he referring to providers becoming part of the MCO or precertification for medical treatment. Trevor Beltz responds for medical treatment.
- (2:35:00) - Kimberly Wood asks in regards to not allowing same day precertification's or preauthorization's on services, does that happen with all MCOs. Trevor Beltz responds he was just giving an example of one or two MCOs that he has heard of doing that. Kimberly Wood wonders if there are parts of the MCO process that are actually worse then the non-MCO process.
- (2:40:09) - Tammy Bowers asks if there is a law for MCOs to get preauthorization, they are supposed to proceed. Dan Schmelling, SAIF Corp. responds. . Kimberly Wood asked if the same is true for MCOs. Ramona St. George responds.
- (2:42:09) - Ateusa Salemi asks about clients that live in rural areas close to the border and are closer to doctors in bigger cites in a different state, can those clients get care across the border. Anne Klein responds yes the MCO can contract across the border up to 100 miles. Kimberly Wood asks if workers know that information because she does recall seeing out of state providers on the MCO list. Anne Klien responds yes they are on the list.
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- (2:43:43) - Ateusa Salemi asks in terms of the provider mix that is available, is there a guideline for numbers of MCOs available based on services needed so that there is a good mix of options. Anne Klein responds yes there are high level parameters in the OARs that talk about ratio. Majoris specifically is looking at utilization. Dolores Russell gives more details on the OARs requirement.
- (2:46:08) - Alan Hartley asks how does the injured worker know that they are entitled to look outside the network. Dolores Russell suggests that any worker that is enrolled in a MCO, whenever they need assistance in finding a participating MCO provider they should call the MCO. Kimberly Wood asks if the workers know that. Anne Klein responds that if a worker needs to change providers the MCO can provide them with lists of options and they have the option to treat outside the MCO. Dolores Russell adds that the workers are provided with contact information when they enroll.
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**Meeting
Adjourned**

Kimberly Wood adjourns the meeting at 12:24 p.m.

*These minutes include time stamps from the meeting audio found here:
<https://www.oregon.gov/dcbs/mlac/Pages/2019.aspx>

**Referenced documents can be found on the MLAC Meeting Information page here:
<https://www.oregon.gov/dcbs/mlac/Pages/2019.aspx>