

November 5, 2022

Sara Duckwall, management
Matt Calzia, labor
MLAC
350 Winter Street NE Rm 200
Salem, OR 97309

Re: MLAC Subcommittee on Worker Continuation of Care

Dear Ms. Duckwall and Mr. Calzia,

Please find below a summary of the discussion held between Keith Semple, Jovanna Patrick, Ann Klein, David Barenberg, Dan Schmelling and myself regarding your task that stakeholders explore four possible solutions to the subcommittee's problem statement. The potential solutions are:

1. Requiring a treating provider to include an end date when authorizing time loss,
2. Requiring a treating provider to include an end date when authorizing time loss in order for the compensable medical services to be paid by the insurer,
3. Requesting the Medical Advisory Committee issue a best practices statement, and
4. Reviewing the bug letter process.

Concerns were expressed by Keith and Jovanna regarding solutions 1 and 2. One concern involved the potential for medical providers to exit the workers' compensation system if reimbursement of compensable services is tied to the provider addressing an end date for time loss authorizations. SAIF proposed additional outreach to the Medical Advisory Committee (MAC) could be useful in obtaining the opinions of a representative group of medical professionals who care for injured workers. Keith and Jovanna were not opposed to reaching out to MAC and gathering their feedback. Keith and Jovanna remain concerned that requiring providers to include an end date when authorizing time loss would place a burden on workers when the provider fails to include the end date.

With regard to solution 3, SAIF proposed reaching out to MAC and obtaining their feedback on a best practices statement. Keith and Jovanna were not opposed to this idea.

With regard to solution 4, Keith and Jovanna continue to believe that the bug letter process is the most direct way to address the problem of workers who do not maintain regular contact with their doctor while on wage loss. Keith and Jovanna suggested that additional letters could be used before the bug letter to help mitigate the impacts of an unintended claim closure if that is a concern. SAIF indicated that revising the bug letter was not one of their proposed solutions, and told us that we could submit some proposed revisions if we wanted SAIF to consider them. Neither side recommended solutions to the bug letter process.

Following the meeting, SAIF reviewed the purpose and statutory basis for the bug letter. The bug letter is part of the claim closure process. It does not address the subcommittee's problem statement, which is to address worker continuation of care and open ended time loss authorizations to minimize gaps/delays in treatment when workers are off work or on modified work. For a bug letter solution, SAIF feels that a statutory change would be required to create a mechanism by which the subcommittee's problem could be addressed through rulemaking.

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Moving forward, next steps could involve outreach by the co-chairs to MAC to solicit their position regarding the proposed solutions. Additionally, outreach to the Workers' Compensation Division may be appropriate to address the purpose of the current bug letter and statutory authority.

The parties appreciate the co-chairs time and effort to address the problem statement and remain willing to engage in this process.

Sincerely,

/s/ Elaine Schooler
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