

# Medical Advisory Committee

October 5, 2021

Tennessee Room, 220 French Landing Drive, Nashville TN, 37243

And Via TEAMS

## Members:

Rob Behnke, Cracker Barrel  
Misty D. Williams, Travelers  
Lisa Hartman, RN, AFL-CIO (tele)  
David Tutor, MD, Occupational Medicine, Chair  
Dan Headrick, PT, CEASIII, ASTYM, BS (tele)  
Abbie Hudgens, Administrator  
James Talmage, MD, Assistant Medical Director

## Guests:

Yarnell Beatty, Tennessee Medical Association  
Alex O'Neal, Arbitech Health  
Peggy Hohertz, Mitchell  
Carla Townsend, NCCI  
Carter Phillips, MNA GR  
Victoria Riordan, AMA  
Faith Parrish, VUMC  
Terry Horn, VUMC  
Chris Scoma (tele)

## Staff:

Mark Finks, Attorney, BWC  
Troy Haley, Attorney, BWC  
Suzy Douglas, RN, BWC  
Suzanne Gaines, BWC

## Proxys to Dr. Tutor:

John, Brophy, MD  
Greg Kyser, MD  
Jeffrey Hazlewood, MD  
Cerisia Cummings, DO  
Lisa Bellner, MD

**Via telephone:** Dan Headrick, Lisa Hartman, Chris Scoma

## Call to Order

Dr. Tutor called the meeting to order 1:05 PM CDT

## Introductions

No introductions, Suzy Douglas has a list of the attendees.

## Quorum

A quorum was confirmed. Five members were present, and Dr. Tutor has a proxy for 5 Members (10/15 present or by proxy, 1/3 needed).

## Approval of Minutes

Minutes were not reviewed during this meeting.

## New Business

Dr. Talmage led a discussion of issues with the AMA Guides, Sixth Edition, 2021. MAC members had two-week access to digital chapters on mental health. Dr. Talmage went through the history of AMA guidelines.

Dr. Talmage made the following observations.

There are a number of scientific criticisms for the Mental Disorders chapter in the 2008 AMA Guides, Sixth Edition [book]. The digital Guides, Sixth Edition, 2021 Mental Chapter revision changed the impairment assigned to BPRS scores to keep examples calculations neutral. The GAF was discontinued as part of the impairment assessment process, as it has been shown to be only marginally reliable, and its use has been eliminated from the DSM-5 (published in 2013). Personality disorders may be rated for impairment. Substance abuse disorders can be rated, but how addition of these diagnoses to the list of ratable impairments will affect ratings in Tennessee is unknown.

There are few mental claims in Tennessee.

Ms. Hartman inquired further about how few people in Tennessee were filing worker's comp for mental issues. Dr. Talmage said that mental disorders can arise with or without a physical cause, but are uncommon in TN Workers' Compensation claims.

Ms. Hartman also asked about stress related worker's comp from bad supervisors in Tennessee.

Mr. Haley answered that generally, in the past, such injuries are not compensable in TN WC.

Ms. Hartman asked, why is that? Dr. Talmage answered that there is possibly more money available suing outside of workers' comp (EEOC Suits).

Ms. Williams asked for Dr. Kyser's opinion. He was not present, so Dr. Tutor read from Dr. Kyser's email, which stated that Dr. Kyser recommends against adoption of new digital edition and outlined the reasons:

*"I recommend against adoption of the new edition as I feel that it will be an extra burden on physicians that already have limited participation with WC.*

*Additionally, I believe that the elimination of the GAF will work in favor of the employer and not the injured worker.*

*Greg Kyser MD"*

Ms. Williams asked if it would make it harder to find psychiatrists to treat workers' comp mental cases? Changes should not be made if they will cause workers' comp to lose qualified doctors. Dr. Talmage observed that the Mental Disorders chapter will probably be rewritten in 2023, and that these guidelines will not come before the legislature until at least January of 2023, so there will be time to look at other states already using these new digital guidelines. It was noted that all psychologists and psychiatrists are ALREADY using DSM 5, so the switch to the Guides, Sixth Edition, 2021 digital would not affect how mental health professionals actually make diagnoses currently.

Abbie Hudgens remarked that this will not be periodic; the AMA will come out with something new every year, probably on each January 1<sup>st</sup>.

Mr. Headrick asked if any states use counselors for PTSD?

Dr. Talmage answered that Tennessee's statutes say that only a licensed physician can do the assessments for causation, for MMI, and for PPI. Psychologists and other mental health professionals can be consulting treatment providers in TN Workers' Compensation, just as Physical Therapists and Occupational Therapists routinely are.

Ms. Hartman asked if the psychiatrists are not using the DSM-IV, even though guidelines say to, how are they diagnosing appropriately? Dr. Talmage replied that the guidelines of the new 6<sup>th</sup> Edition 2021 say use DSM-5 and has actually been in common usage since 2013. The 2008 book form of the impairment guidelines is "out of date".

Mr. Behnke asked if attorneys are challenging this. No one was aware of legal challenges.

Ms. Hudgens asked if it is an option to postpone decisions and re-examine the mental disorder chapter with the spine chapter that is due to formally accepted by the AMA on January 1, 2022, so the MAC could opine on changes to both Guides, Sixth Edition 2021 and Guides, Sixth Edition, 2022.

Procedural note: proxy votes will only come into play if there is a motion on the floor. A motion was made that "The MAC shall, in the Spring of 2022 review BOTH the Guides, Sixth Edition 2021 AND the Guides, Sixth Edition, 2022, and shall then report to the administrator their evaluation and recommendation on both editions."

Ms. Hartman made the motion and Mr. Behnke seconded.

In a roll call vote, all members present and 4 proxy voted yes to the motion made by Ms. Hartman.

## **Adjournment:**

The meeting was adjourned at 1:57 PM.