

Medical Advisory Committee

January 30, 2018

Tennessee Room
220 French Landing Drive
Nashville, TN 37243

Members:

John Benitez, MD, Department of Health
Rob Behnke, Cracker Barrel
Ginny Howard, Zurich
David Tutor, MD, Occupational Medicine (Chair)
John Brophy, MD, Neurosurgery
James G. Kyser, MD, Psychiatry
James Talmage, MD, Assistant Medical Director
Jeff Hazlewood, MD, PM&R, Pain Management
Lisa Bellner, MD, PM&R Pain Management
Cerisia Cummings, DO, Bridgestone
Robert Snyder, MD, Medical Director
Mark Finks, JD, BWC
Chris Acuff, PhD, BWC
Suzy Douglas, RN, BWC
Jennifer Schneider, BWC
Jasmine Martin, BWC
Suzanne Gaines, BWC
Keith Graves, DC, Chiropractor

Guests:

Yarnell Beatty, Tennessee Medical Association
Lou Alsobrooks, Smith Harris Carr
Adam Jaynes, MNA GR
Desiree Anderson, Schmidt Government Solutions
Everett Sinor, Brentwood Services
David Dipietro, Purdue
David Price, Prium
Judy Bobbitt, Tennessee Orthopedic Alliance
Alan Meade, TN Physical Therapy Association
Toni McCaslin, HealthTrac
Faith Parrish, Vanderbilt
Judy Bobbitt, TN Orthopaedic Alliance
Treva Overstreet, Corvel
Robin Smith, NeuroSpine
Nancy Kelly, Averitt Express

Via telephone:

Misty D. Williams, RN, Travelers
Becky Troope, Health eSystems
Randy Holcomb, MD, Orthopaedics

Call to Order

The meeting was called to order at 1:00 PM by the Chair, Dr. Tutor.

Quorum

A quorum was confirmed as present (1/3 of the members needed, 10/15 members present in person or telephone).

Approval of Minutes

Minutes of November 8, 2017 meeting were approved as circulated.

Old Business

Treatment Guidelines Rules:

Dr. Snyder distributed the redline version of the rules changes that were approved yesterday by the Gov/Ops committee and to be effective February 5, 2018. ODG is a private company that can make changes in the guidelines.

Review by the Committee:

When the ODG makes changes, the BWC will bring those changes before the Medical Advisory Committee. The Drug Formulary post changes monthly when made for public comment and review. MAC members can go online to evaluate changes. Dr. Snyder will create a synopsis of the changes for review at every MAC meeting. Access for the committee was given by ODG. They have been quite responsive.

SFSG:

The Supplemental Formulary Study Group Advisory draft that was presented at the last meeting was posted on the Bureau website. The discussion of the problems patients with chronic pain had with the 30 day law when they ran out of their medication on a holiday or weekend was communicated to Optum and Prium. Their responses were given to the committee members. Ms. Howard reviewed the process Zurich uses. Dr. Bellner is going to send a problem that just occurred last weekend to Dr. Snyder to review.

Lumbar Fusions:

Mr. Behnke had sent a news release concerning lumbar fusions in Ohio and the use of opioids. This and further material from Ohio, Washington State, ODG and a summary by Dr. Talmage were all distributed for discussion. Dr. Brophy observed that #2 in the comments that we have posted covers all of the circumstance that have been communicated, "if only people would read it." No further action was forwarded to the Bureau by the committee.

Access to Medical Care:

As part of the Bureau's audit, an observation was that the Bureau should identify important statistics that have to do with injured employees' access to medical care including timeliness, specialties and distance. Dr. Snyder distributed a list of what the Bureau is going to research and asked the committee members to help with some of them: panel issues by specialty and location, timeliness and quality.

New Business

UR Announcements:

Change in notification form for Utilization Review appeals: UR denials involving medications need a list of all medications paid under the claim and a list of all covered diagnoses. The BWC can only rule on the medical necessity of UR denials that are covered by the insurer. This is an effort to get more accurate information.

Dr. Snyder distributed statistics concerning the number UR Appeal decisions issued by the medical unit in each of three years:

2015: 1496

2016: 1389

2017: 1560

Grouping of the appeals by quarter were distributed but there does not seem to be any consistent trending.

First Fill Changes:

Only one company has come forward with an issue about payment for first fills. The particular complaint was that the payer would only cover 7 days irrespective of the type medication. The example of a 14 course of antibiotics only paying for 7 was presented. Changes made to the FAQ and a cover letter were distributed.

Telemedicine, Telehealth:

Two recent questions have been sent to the Bureau. Dr. Snyder reviewed the responses. It is not appropriate for the initial face-to-face Case Management requirement be "telemedicine." Other than that, the Bureau subscribes to the Department of Health rules. These were distributed to the committee. This included HIPAA, licensing, record keeping, consents, etc.

Injection Advisory:

After a complaint from two orthopaedic practices that insurer were denying injections that were normally a routine part of their practices as requiring pre-authorization, the Bureau has posted an advisory they may use to appeal. Dr. Hazlewood noted that this should include PM&R physicians. If he starts to get denials, the Bureau may revise it.

Medical Cannabis/Marijuana:

With the meeting agenda was attached the Bureau's Research Report and a copy of the bill that has been filed. Dr. Snyder offered to forward other material provided to the Bureau yesterday by the TN Medical Cannabis Trade Association either directly or by Mr. Alsobrooks, who was present at the meeting and represents them.

Among the BWC considerations are: restrictions on types of patients who would receive this treatment, prescriber qualifications and education, assessment of effect, reimbursement, conflicts with federal law, how the treatment would be delivered to patient, and in what form the patient would take the treatment. There was also discussion of "under the influence" of marijuana. How does one determine this? How can it be determined if job performance is affected? Or if an injury is caused because of marijuana? Comments and opinions may be sent to the representatives, or to the Bureau.

E-billing:

Dr. Snyder announced the anticipated date for e-billing to be in effect (July 1, 2018), the link to the rules, and the presentation of a webinar in February by the TN Medical Association.

Website:

Dr. Snyder encouraged everyone to look at the new re-organization of the medical programs. He also announced the Physician Education Conference for March 24 at the Sheraton Music City Hotel.

TNTogether, Opioids, and Data Call:

This item was moved up when the access to medical care was discussed. Dr. Snyder distributed Governor Haslam's announcement and discussed its implications for workers' compensation. Any help the

committee members can provide as far as data would be helpful. The Bureau would like to know whether the treatment guidelines and the drug formulary have had any effect that is any different than the other changes such as CSMD and prescriber education. A list of those parameters was distributed.

Next Meeting:

The date was agreed: April 10, 2018, 1:00 PM

Adjournment:

The meeting was adjourned at 3:10 PM.