

*Workers' Compensation
Medical Services Review Committee
Meeting Minutes*

June 19, 2020

I. Call to order

Acting Director Joseph Knowles, Chair of the Medical Services Review Committee, called the Committee to order at 9:04 am on Friday, June 19, 2020. Due to concerns related to the COVID-19 public health disaster, the meeting was held by telephone and video conference.

II. Roll call

Acting Director Knowles conducted a roll call. The following Committee members were present, constituting a quorum:

Vince Beltrami	Dr. Mary Ann Foland	Dr. Robert Hall	Jennifer House
Susan Kosinski	Pam Scott	Misty Steed	

Member Timothy Kanady was absent. Members Susan Kosinski and Vince Beltrami joined after roll call. Acting Director Knowles introduced senior staff present, and Carla Gee with Optum.

III. Approval of Agenda

A motion to adopt the agenda was made by member Hall and seconded by member Steed. The agenda was adopted unanimously.

IV. Review of Minutes

Member Steed requested that the discussion of transcutaneous electrical nerve stimulation (TENS) units be added to the minutes. This agenda item was tabled until after the lunch break.

V. Old Business

Acting Director Knowles provided an update of the Alaska Workers' Compensation COVID-19 data. He also noted that the Workers' Compensation Research Institute had published a report entitled Workers' Compensation Prescription Drug Regulations: A National Inventory, 2020. This report was not included in the meeting packet due to copyright, however it was shared with the Committee.

Member Foland provided an update of the Drug Formulary Working group established by the Workers' Compensation Board. The group is in the process of drafting a survey that will be sent to stakeholders in each state.

VI. Fee Schedule Guidelines Development Discussion

Carla Gee provided a history of Inpatient Hospital conversion factors. She explained that the Committee had decided not adopt a single factor for all inpatient hospitals, because it would affect access to care by increasing rates at some hospitals and decreasing rates at others, depending upon physician specialties or services provided at those hospitals. The committee discussed whether or not to adjust the rates, and requested additional data to be provided at a future meeting to aid in this decision.

Break 9:58 am – 10:15 am

VII. Public Comment

Sandy Travis - representing self

- Opposed to telephonic meeting format.
- Stated there is a conflict of interest between the State of Alaska and many hospitals within the state, including OPA Primary Care Associates, Bartlett, etc., due to an “agreement”.
- Believes the Committee doesn’t have any idea what the Medical Fee Schedule is.
- Feels that injured workers are unable to get medical care.
- Feels that doctors are being targeted by the off-label language in the Fee Schedule.

VIII. Fee Schedule Guidelines Development Discussion Continued.

Carla Gee, joined by Nannette Orme with Optum, stepped through proposed changes for the 2021 Medical Fee Schedule.

The committee expressed concern that the suggested language regarding prolonged clinical staff under the Evaluation and Management section would conflict with the existing definition of provider. After discussion, the paragraph was removed from the draft document.

The committee discussed the proposed language to the TENS Unit section, and expressed concern that physicians are providing a default lifetime prescription of TENS unit supplies. The committee considered options to mitigate this such as an annual assessment, restricting “auto shipped” supplies, or adopting verbiage similar to Colorado. They also discussed establishing a billable charge of invoice plus 20%.

Member Steed brought up a new issue in which claimants are being required to pay up front out of pocket for hearing aids, often being pressured into a loan application by the audiologist’s office. Member Scott also had an example of a claimant who paid \$22,000 out of pocket over a one-year period before receiving reimbursement. Optum will add language that states a patient cannot be balance-billed, nor asked for a deposit. Member Steed also voiced concern with utilization, and suggested a 1-year global billing period with language such as, ‘unless defective or under warranty, hearing aid adjustments will be covered under the initial cost of the hearing aid.’ Member Foland suggested a requirement for physician referral.

Lunch break 12:06 pm – 1:00 pm

IX. Review of Minutes Continued

Administrative Officer Alexis Newman presented an amended version of the May 20, 2020 meeting minutes to the Committee. A motion to adopt the amended May 20, 2020 minutes was made by member Foland and seconded by member Beltrami. The May 20, 2020 minutes were unanimously adopted by the committee.

X. Fee Schedule Guidelines Development Discussion Continued.

The Committee discussed a question that had been raised by the Division regarding fees for out-of-state providers. The issue revolved around AS 23.30.097(a)(2) which says the fee for services “rendered in another state may not exceed the fee or charge for a treatment set by the workers’ compensation statutes of the state where the services are rendered.” The fee schedule states that fees are subject to AS 23.30.097(a), but it does not specifically mention out of state fees.

Member Steed brought forth a loophole in the Fee Schedule, where pharmacists are able to “mix” or package together two over-the-counter drugs, then call it a prescription and charge a higher rate. The committee discussed solutions such as:

- Must be FDA approved.
- Comparable to prepaid or private healthcare plans within the community.
- Must be paid at the lowest National Drug Code (NDC) for that drug.

In response to public comment, the Committee discussed access to care. Anecdotally none of the members were aware of access being a problem in the Alaska workers’ compensation system.

The Committee revisited the discussion of limiting TENS unit supply auto-shipments and associated costs. To address the excessive supplies being provided, Member Foland will gather information from physical therapists regarding the appropriate quantity of supplies a patient might need.

Acting Director Knowles reminded the Committee that the next MSRC meetings were scheduled for July 10, 2020 and August 11, 2020, and the joint meeting of the MSRC and the Workers’ Compensation Board was scheduled for August 28, 2020. These meetings would be held by teleconference and video conference.

Motion to adjourn was made by Member Scott, and seconded by Member Kosinski. The motion passed unanimously.

Meeting Adjourned 2:13 pm