

Medical Services Review Board

April 18, 2013

Minutes

Members present

Beth Baker, M.D.
Jeffrey Bonsell, Chair
Russell Gelfman, M.D.
Ernest Lampe, M.D.
Brennan McAlpin
Matthew Monsein, M.D.
Reed Pollack
Dan Wolfe, P.T., G.D.M.T.

Member alternates present

Rose Hatmaker
Kimberly Olson, R.N. (via telephone)
James Samuelson
Margaret Spartz, M.D.
Cally Theisen, MN.D., M.P.H. (via telephone)

Visitors present

Sandi Thomas, Medtronic
Natalie Haefner, WCRA
Tara Mulloy, HP
Susan Giguere, MAPS

Call to order and introductions

The meeting of the Medical Services Review Board (MSRB) was called to order at 4:10 p.m. by Chairman Dr. Jeffrey Bonsell. Two participants attended via telephone: members Kim Olson and Dr. Cally Theisen. Members introduced themselves. A quorum was met.

Approval of the minutes

Dr. Beth Baker moved to approve the Jan. 17, 2013 meeting minutes. Buck McAlpin seconded the motion. The board voted in favor to approve the Jan. 17, 2013 meeting minutes as presented.

Meeting agenda

Dr. Bill Lohman proposed to table the discussion about possible changes to spinal fusion treatment parameters to allow time for the opioid rules discussion. Dr. Bonsell moved to approve the agenda with this amendment; Reed Pollack second the motion. The board unanimously approved.

Announcements and update – Deputy Commissioner Kris Eiden, Commissioner Ken Peterson
Commissioner Peterson stated the Workers' Compensation Advisory Council (WCAC) had approved a bill to be submitted to the Legislature. The commissioner noted that the Minnesota workers' compensation system belongs to labor and management. The Department of Labor and Industry's

Members absent

Glenda Cartney
Michael Goertz, M.D.
Kathi Henrickson, R.N.
Gregory J. Hynan, D.C.
Brian Konowalchuk, M.D.
Jody Ruppert, OTR/L
Andrew Schmidt, M.D.

Staff members present

Lisa Wichterman, DLI
Sandy Barnes, DLI
Jessica Stimac, DLI
Donna Olson, DLI
Chris Leifeld, DLI
Carrie Rohling, DLI

(DLI's) job is to enforce the law. Deputy Commissioner Eiden reviewed the proposed legislation, H.F. 1359, dated April 16, 2013, section by section.

- Reed Pollack supports the process between labor and management, but expresses concerns with the mental/mental PTSD section as an employer.
- Buck McAlpin expressed concern with the Spaeth repeal as a representative of the hospitals and questioned where the savings was for the injured worker.
- Health care providers need to monitor their practice management systems to ensure the correct payer is billed. Sixty-five percent of the claim cost is medical costs; WCAC is looking for a way to reduce medical costs.
- Dr. Bonsell expressed concerns about insurance companies denying claims if Spaeth is repealed. Commissioner Peterson stated DLI would closely monitor the conduct of insurers.

Business

Rulemaking update – DLI staff members and Dr. Lohman

SCS/IDDS – In the process of drafting the SONAR, Dr. Lohman reviewed an email message dated March 8, 2012, regarding these rules. DLI is looking to the board to provide information about the costs to implement the rules for the SONAR.

Joint rules of the Rehabilitation Review Panel (RRP) and MSRB – An order adopting rules is signed and is at the governor's office. It then goes to the administrative law judge and the attorney general's office. After that, the rules are published.

Draft rules for chronic pain management – Dr. Bill Lohman

Draft rules dated Feb. 7, 2008, were presented for review. Dr. Lohman reviewed the proposal section by section, with discussion and approval by roll call vote on each section.

- Should a contract start at three or six months after opioids are prescribed? A majority of members want the contract to begin at three months. Lines three through eight approved.
- Lines 10 through 15 discussed and approved.
- Item A, patient selection criteria, discussed and approved.
- Item B, potential contraindications, subitems (1) through (5), discussed and approved.
- Item B, potential contraindications, subitems (6) and (7).
- Change recommended and approved: Board recommends the phrase "a bipolar disorder" be changed to "an Axis I or Axis II disorder" in lines one through six on page two, and that subitem seven be deleted. Subitems discussed and approved as amended.
- Item B, potential contraindications: Dr. Lohman distributed Opioid Risk Tool, dated April 30, 2010, and SOAPP Tool, dated April 30, 2010, for the board to review. The question is whether the use of one of these tools or a similar tool be added to the rules. Natalie Haefner discussed a tool to use for risk assessments. Board discussed several ways to implement a tool for risk assessment. Board recommends an assessment tool be added, with examples of tools to use, and the treating physician can choose the appropriate tool to use.
- Item B, potential contraindications, lines nine and 10, page two, discussed and approved.
- Item B, potential contraindications, lines 12 through 14, page two, board is split to remove or leave in; board will return to this issue at a future meeting.
- Item C, program of treatment, subitems (1) though (3), discussed and approved.
- Item C, program of treatment, subitem (4), board recommends the word "breakthrough" be removed on line 27, page two.

- Item C, program of treatment, subitems (5) through (10), discussed and approved.
- Item D, written treatment agreement, subitems (1) through (4), board recommends the word “all” be deleted on page three, line 10. Subitems discussed and approved as amended.
- Item D, written treatment agreement, subitems (5) through (7), discussed and approved.
- Item D, written treatment agreement, subitem (8), discussed and approved.
- Item D, written treatment agreement, subitem (9), board recommends the words “breakthrough or” be deleted on page three, line 30. Subitem discussed and approved as amended.
- Item D, written treatment agreement, subitem (10), board recommends the word “commitment” be changed to “statement” and the word “to” changed to “may” on page three, line 31. Subitem discussed and approved as amended.
- Board ended the review at line 34 on page three of draft rule.
- To prepare for the next meeting, board members are asked to review the rules.
- Dr. Lohman will email additional questions for members, with respect to the draft rules.
- A sample of a written opioid agreement given to the board to review.

Agenda items for next meeting – Dr. Bonsell and board members
Complete review of opioid draft rules.

Adjournment – Dr. Bonsell and board members

Motion to adjourn: Dr. Russell Gelfman made a motion to adjourn the meeting. Dr. Margaret Spartz second the motion. The meeting was adjourned at 6 p.m.

The next meeting date is: July 18, 2013.