

Medical Services Review Board

July 19, 2012

Minutes

Members present

Beth Baker, M.D.
Jeffrey Bonsell, D.C.
Glenda Cartney, R.N.
Russell Gelfman, M.D.
Michael Goertz, M.D.
Lisa Hanselman, OTR/L
Rose Hatmaker
Kimberly Olson
Reed Pollack
James Samuelson
Margaret Spartz, M.D.
Dan Wolfe, P.T., G.D.M.T.

Visitors present

Dawn Carlson, Almeida, P.A.
Susan Giguere, MAPS
Natalie Haefner, WCRA
Heather Keenan, MAPS

Members absent

Aysel Atli, M.D.
Kathi Henrickson, R.N.
Greg Hynan, D.C.
John Kipp, M.D.
Brian Konowalchuk, M.D., M.P.H.
Jody Ruppert, OTR/L
Robin Peterson, P.T.
Andrew Schmidt, M.D.

Staff members present

Kate Berger
Deputy Commissioner, Kris Eiden
William Lohman, M.D.
Pamela McLaughlin
Phil Moosbrugger
Jessica Stimac
Lisa Wichterman
Laura Zajac

Call to order and introductions

The meeting was called to order by Chairperson Dr. Beth Baker. Announcements were made. Introductions were made. A quorum was declared.

Approval of the minutes

Glenda Cartney made a motion to approve the April 14, 2012 meeting minutes and Dr. Jeffrey Bonsell seconded the motion. The board unanimously voted to approve the minutes with corrections.

Approval of the agenda

Dr. Bonsell made a motion to approve the July 19, 2012 meeting agenda as presented. Dan Wolfe seconded the motion and the board unanimously voted to approve the meeting agenda.

Department announcements and updates

Deputy Commissioner Kris Eiden announced DLI is working on a strategic plan for the Workers' Compensation Division. When the draft of the strategic plan is completed, it will be distributed to the board for comment.

Lumbar fusion information sheet

Dr. William Lohman presented and reviewed the request for ideas about a lumbar fusion information sheet handout dated May 8, 2012. Dr. Lohman explained the purpose of the information sheet is to provide helpful information about lumbar fusion surgeries to injured workers, insurers and health care providers. The board was asked what information should be included in the information sheet. The

request for ideas about a lumbar fusion information sheet was distributed at the Workers' Compensation Advisory Council meeting, the Workers' Compensation Summit on June 12 and 13, 2012, and the Workers' Compensation Insurers' Task Force meeting. DLI is looking for input and comment about what should be included on the information sheet.

Dr. Andrew Schmidt has indicated he will get input from the Minnesota Orthopaedic Society for the information sheet. The board would also like to reach out to other medical societies, such as neurosurgeons, orthopedics and pain medicine specialists, for input and comment.

DLI is not intending to draft an informed consent form, but an information sheet to inform injured workers of the facts about lumbar surgery. If an information sheet is drafted, it will be posted on DLI's website. Physicians can distribute it to patients. The sheet would not be mandatory, but highly recommended. The board discussed the possibilities of whether the information sheet could be used as a decisionmaking tool for physicians and patients, and whether it should be based on evidence-based medicine. Board members and the public are encouraged to email comments to Dr. Lohman or Kate Berger at DLI.

Review of explanation of benefits (EOBs)

Phil Moosbrugger, DLI ombudsman, provided a presentation about the issue of payers explanation of benefits (EOB) being noncompliant with Minnesota Rules 5221.0600, subp 4. Moosbrugger stated rising medical costs have led to increased cost containment efforts; therefore, litigation has increased. Moosbrugger explained the following court cases – the Lakewalk Case, the Fadden Case and the Troyer Case – from the courts that have clarified the payment of hospital bills. EOBs must include the legal basis of the denial or reduction of a charge. Two separate examples of noncompliant EOBs were explained. DLI is reaching out to insurers to bring their vendors into compliance with the rule and improve efficiency. DLI published an article in the May 2012 edition of the *COMPACT* newsletter explaining what is required on an EOB for compliance with the Minnesota Rules.

Nominations for chairman and vice-chairman positions

Nominations were sought for the yearly officer election. Reed Pollack nominated Dr. Jeff Bonsell as chairman, which he accepted. The board unanimously voted in favor of Dr. Bonsell for the chairman position. Dr. Bonsell nominated Dr. Michael Goertz for the vice-chairman position and Dr. Goertz accepted the nomination. The board unanimously voted in favor of Dr. Goertz as vice-chairman. Congratulations to new MSRB Chairman Dr. Jeff Bonsell and Vice-Chairman Dr. Michael Goertz.

Proposed amendments to the MSRB/RRP joint rules, Minnesota Rules, Chapter 5217

Laura Zajac presented draft amendments to Minnesota Rules chapter 5217, Proposed Permanent Rules Relating to the Minnesota Rehabilitation Review Panel and Medical Services Review Board, Revisor version, dated May 07, 2012. The proposed changes to the rules reflect how the MSRB actually functions. Dan Wolf made a motion to approve the rule changes and Dr. Bonsell seconded the motion. The board unanimously voted to approve the proposed amendments to the rules. Zajac asked whether the board had any comments about the draft Statement of Need and Reasonableness dated July 17, 2012, and the draft Notice of Intent to Adopt Rules Without a Public Hearing for the Board dated July 17, 2012. The board had no comments or changes to these documents. The board unanimously voted to approve an authorizing resolution that Reed Pollack should continue in the role of the board's rules liaison. The resolution also gave Pollack authority to work with the Rehabilitation Review Panel's rule liaison and DLI staff members to take any additional steps that are needed to publish the Notice of Intent and proceed with the rulemaking.

Agenda items for next meeting

Board members wish to discuss the following topics at the next meeting, Oct. 11, 2012: review an updated draft of the lumbar fusion information sheet based on public comment; other topics for the agenda include discography, epidural steroid injections and medical cost containment measures.

2013 meeting schedule

The board reviewed the 2013 meeting schedule. The board voted and approved the scheduled dates: Jan. 17, April 18, July 18 and Oct. 10, 2013.

Adjournment

A motion to adjourn the MSRB meeting at 6 p.m. was approved.

Respectfully submitted,

Lisa Wichterman

Medical Policy Analyst

Department of Labor and Industry