

Medical Services Review Board

Oct. 11, 2012

Minutes

Members present

Aysel Atli, M.D.
Jeffrey Bonsell, D.C., Chairman
Greg Hynan, D.C.
Russell Gelfman, M.D.
Michael Goertz, M.D.
Rose Hatmaker, R.N.
Kathi Henrickson, R.N. *via telephone*
Kimberly Olson, R.N.
Reed Pollack
Jody Ruppert, OTR/L
James Samuelson
Cally Theisen, D.P.M., CpEd, D.F.W.
Dan Wolfe, P.T., G.D.M.T.

Visitors present

Dawn Carlson, Almeida, P.A.
Sherri Giorgio, Medtronic *via telephone*
Heather Keenan, MAPS

Members absent

Beth Baker, M.D.
Glenda Cartney, R.N.
Lisa Hanselman, OTR/L
John Kipp, M.D.
Brian Konowalchuk, M.D., M.P.H.
Robin Peterson, P.T.
Andrew Schmidt, M.D.
Margaret Spartz, M.D.

Staff members present

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

Call to order and introductions

The meeting of the Medical Services Review Board (MSRB) was called to order at 4:07 p.m. by Chairman Dr. Jeffrey Bonsell. Two participants attended via telephone: member Kathi Henrickson and visitor Sherri Giorgio. Members introduced themselves. A quorum was met.

Approval of the minutes

Dan Wolfe moved to approve the July 19, 2012 meeting minutes. Jim Samuelson seconded the motion. The board unanimously approved the minutes and the motion passed.

Approval of the agenda

Dr. Greg Hynan moved to approve the agenda as presented. Dr. Cally Theisen seconded the motion. The board unanimously approved the minutes and the motion passed.

Department announcements and updates

Deputy Commissioner Kris Eiden announced the electronic data interchange (EDI) project is moving forward. An EDI mandate of first reports of injury submitted to the Department of Labor and Industry (DLI) becomes effective Jan. 1, 2014. DLI is putting together a couple of housekeeping items to be presented to the Legislature in the coming session. They will go through the Workers' Compensation Advisory Council (WCAC) for approval before going to the Legislature. Commissioner Ken Peterson is anticipating the council will have substantive issues that will be moving forward to the Legislature.

Specifics on the housekeeping issues and any WCAC proposals being initiated will be presented to the board at the next meeting.

Business

MSRB and Rehabilitation Review Panel (RRP) Joint Rules of Procedure, Minnesota Rules, Chapter 5217, update – Laura Zajac, general counsel

- The final version of the Joint Rules of Procedure was approved by the board at the July 19, 2012 meeting. Reed Pollack was appointed as the MSRB signatory on rulemaking documents.
- The governor's office reviewed the proposed rules and the statement of need and reasonableness (SONAR) and had no objection to the panel/board proceeding.
- Minnesota Management and Budget reviewed the rules and determined there would be no financial impact on stakeholders.
- The Office of Administrative Hearings was informed how rules will be communicated and an administrative law judge approved that plan.
- RRP Chairman Dr. Joseph Sweere has signed off on the Notice of Intent to Adopt Rules Without a Public Hearing and the SONAR. Reed Pollack will be asked to do the same.
- The public has a 30-day comment period. Publication is expected at the end of October or early November and the comment period should end at the end of December.
- Any comments received will be forwarded to Dr. Joseph Sweere and Reed Pollack to bring them to the panel/board for consideration.
- It is expected the rules will be very close to being finalized by mid-January 2013.

Lumbar fusion information sheet – Dr. Bill Lohman

- The lumbar fusion information sheet was distributed and discussed at several meetings: 2012 Workers' Compensation Summit, WCAC, Workers' Compensation Insurers' Task Force (WCITF) and prior MSRB meetings.
- Five comments were received: four of general approval; and one lengthy comment, which warranted updates to the draft.
- The intention of the information sheet is that the treating physician will review the information sheet with the injured worker, prior to surgery, and to allow a shared decisionmaking process when surgery is being considered.
- Dr. William Lohman reviewed the lumbar information sheet, dated Oct. 11, 2012, line by line and answered questions brought forward by the board. Overall, the board's comments were positive.
- The board provided suggestions to improve the wording of the document and wants to be sure the information sheet is worded in a way injured workers will understand.
- The board commented that the sheet could be clearer about what diagnosis the information in the sheet is intended for – someone in chronic pain and/or has degenerative disc disease – and there could be more information about possible outcomes and complications.
- Questions presented included the following.
 - Should the sheet be signed by the injured worker/patient, primary care physician, surgeon, qualified rehabilitation consultant (QRC)?
 - Should the information sheet be mandated by the Legislature?
 - Who would distribute it? (It could be accessed and distributed by QRCs, case managers, primary care physicians, surgeons and insurers, and be published on DLI's website.)
 - What about using a shared decisionmaking, Web-based template?
 - Is there a need to have a small work group convene to discuss delivery of the information sheet before March 2013? (Deputy Commissioner Eiden stated legislation would not be necessary if the sheet is not mandated.)
 - What about developing a fact or provider sheet? (Dr. William Lohman said one could be easily created, which could include references, charts and graphs of data.)
 - Should the injured worker be directed to seek a second opinion and provide the information sheet to a nonsurgical provider?

- The department will continue to work on refining the language of the information sheet. The board requested an electronic Word version of the information sheet and Pam will send it.
- Dr. Aysel Atli will draft 10 questions a patient could ask their provider that could possibly be added to the sheet and forward that to Dr. William Lohman.
- An effort will be made to disseminate the information sheet to injured workers.
- Board members will disseminate the draft to colleagues for comment.
- Board comments and suggestions can be forwarded to Dr. William Lohman at bill.lohman@state.mn.us.
- The goal is to have a final draft of the information sheet ready for the Dec. 12, 2012 WCAC meeting.

Spinal cord stimulator (SCS)/intrathecal drug delivery system (IDDS) draft rules amendment – and Dr. Bill Lohman

The draft rule, dated Oct. 11, 2012, was updated since the most recent MSRB meeting. Bold text on the draft rule is new language. A comment was received by someone in the legal profession that provided real insight about how the language used might be misinterpreted. Changes made to lines 40 through 47 were: “untreated” to “untreatable”; and “contraindication” to “comorbidity.” The board reviewed the new language to ensure it clarifies the intent. The board discussed second opinions and psychiatric evaluations mentioned in the draft rule. *Dr. Michael Goertz moved to accept the draft as presented and Dan Wolfe seconded. The board unanimously approved the draft rule as written.*

Reappointments – Dr. Jeffrey Bonsell

Dr. Jeffrey Bonsell reminded board members to complete the appointment application (included in member folders) if they wish to continue membership on the MSRB. Those members are: Reed Pollack, John Kipp, Kathi Henrickson and all of the alternates. The board also is seeking two member positions representing a hospital administrator. Pam McLaughlin will send a reminder to members whose terms are expiring Jan. 1, 2013, with a link to the Secretary of State website, an application and with instructions about how to apply.

Future agenda items

Board members wish to discuss the following topics at the next meeting, scheduled Jan. 17, 2013: lumber fusion – update treatment parameter rules; epidural injections – update treatment parameter rules; compound drugs; lower extremity treatments for treatment parameters; prolotherapy; H-wave – combination of electrical stimulators; and medical data.

2013 meeting schedule

In 2013, the MSRB is scheduled to meet: Jan. 17, April 18, July 18 and Oct. 10.

Adjournment

Rose Hatmaker moved to adjourn the MSRB meeting and Dan Wolfe seconded. All approved and the motion passed.

Respectfully submitted,

Lisa Wichterman

Medical Policy Analyst

Department of Labor and Industry

Pamela McLaughlin

Executive Secretary

Department of Labor and Industry