

Meeting minutes: Medical Services Review Board

Date: April 18, 2019

Minutes prepared by: Anita Hess

Location: DLI's Minnesota Room

Attendance

Members present

Beth Baker, chairwoman
Russell Gelfman, vice chairman
Matthew Monsein
Jeffrey Bonsell
Dan Wolfe
Erica Kuhlmann (phone)
Elizabeth Alm
Joseph J. Schulte
Todd Ginkel
Elisha Harris

Members absent

Lisa Hanselman
Reed Pollack
Bradley Kuzel
Buck McAlpin

Alternates present

Kimberly Olson
Natalie Haefner
Courtney Mitchell
Kathleen Gomez

Alternates absent

Robin Peterson
Laura Breeher

Staff members present

Nancy Leppink
Anita Hess
Ernest Lampe
Chris Leifeld
Ann Tart
Laura Zajac
Pam Carlson
Lisa Wichterman

Visitors present

Jerry Sisk, MNAJ
Patty Prentice, LMCIT
Gary Thaden, MMCA/MECA
Karen Ebert, MCIT
Ceil Jung, SFM
Mike Dobesh, MSFCA
JoAnn White, CorVel
Lindsey Rowland, Meuser Law Office

Call to order

- The meeting of the Medical Services Review Board (MSRB) was called to order at 4:04 p.m. by Dr. Beth Baker.

Approval of minutes

- A motion to approve the board's Jan. 17, 2019, meeting minutes was made by Dan Wolfe and seconded by Dr. Jeff Bonsell. The board voted all in favor. The motion carried.
- A motion to approve the post-traumatic stress disorder (PTSD) Workgroup's March 11, 2019, meeting minutes was made by Elisha Harris and seconded by Wolfe after a typographical error was noted and corrected on page two. The PTSD Workgroup voted all in favor. The motion carried.

Approval of agenda

- A motion to approve the April 18, 2019, meeting agenda was made by Natalie Haefner and seconded by Wolfe. The board voted all in favor. The motion carried.

Welcome comments from Commissioner Nancy Leppink

- Commissioner Nancy Leppink presented legislative and department updates. She gave a broad overview of the Workers' Compensation Modernization Program, the legislation approved by the Workers' Compensation Advisory Council and additional opportunities for engagement at the Department of Labor and Industry (DLI).
- Leppink introduced herself and noted her prior experience at the Minnesota Attorney General's Office, DLI, U.S. Department of Labor's Wage and Hour Division and the International Labour Organization will give her expertise in her current role and help her to bring innovation from other countries around the world. In terms of workers' compensation, the importance of psycho-social hazards and risks is growing. A healthy and safe workforce is a productive and competitive workforce, and Leppink looks forward to working with the board on these issues.
- Leppink announced DLI's deputy commissioner is now Roslyn Robertson, who has returned from her retirement to serve. Robertson previously had a long career with the department.

Business

- Baker asked for introductions around the table. Three new board members were introduced. Dr. Erica Kuhlmann is on the phone.
- Baker thanked the board's PTSD Workgroup for its help, which met multiple times very diligently and heard a lot of testimony from a variety of groups.
- Dr. Ernest Lampe reviewed the process of developing proposed PTSD treatment parameters during the past year. PTSD legislation was enacted and became effective June 1, 2018. The legislation provided a presumption that first responders with PTSD have the disorder due to their work. The legislation also directed the department to develop PTSD treatment rules after conferring with the board, using the American Psychological Association's guidelines and an expedited rulemaking process. The first board meeting addressing the issue was July 19, 2018, and a workgroup was formed. The workgroup started meeting Aug. 20, 2018. Many experts from various organizations presented material contributing to the draft language, including the League of Minnesota Cities, Dr. Bobbitt (president of the Minnesota Psychological Association), Dr. John Sutherland (Allina), Dr. Gould (Courage Center/Allina), the National Alliance on Mental Illness (NAMI), the Minnesota Counties Intergovernmental Trust (MCIT), CorVel Corporation, Dr. Matthew Kaler (Minneapolis VA), Dr. Dennis Conroy, Dr. Christopher Erbes (VA), Dr. Paul Arbisi and Dr. Abby Morris (International Association of Fire Fighters recovery center in Maryland).
- Laura Zajac reviewed the March 29, 2019, draft rules concerning treatment of PTSD in workers' compensation and highlighted recent changes to the draft. Revised language prepared by the department concerning medication was also reviewed (dated April 17, 2019). Zajac noted a summary was prepared of the comments received in response to the March 29 draft, with the exception of comments just received from the Minnesota Association for Justice (MNAJ). MNAJ comments were provided to the board separately.

- Baker led the board in discussion of the recent changes to the rule draft. She noted most of the recent changes were based on additional testimony and that the workgroup did a great job of culling through comments received.
- Dr. Russell Gelfman suggested rule references to the DSM and MMPI simply refer to the most current version, rather than a specific iteration, such as the DSM-5.
- Courtney Mitchell questioned whether the biweekly assessment schedule required by the draft rules is appropriate. She expressed concern that patients may not be able to get in to see their providers frequently enough given the shortage of mental health care providers. There was board discussion about the expert testimony previously heard about the standard of care for treatment of PTSD and the role of the assessment tool. Kim Olson, Baker and Lampe shared that the specialists have conveyed PTSD patients need to be seen frequently to improve, in accordance with a regimented program that involves homework assignments to address the trauma.
- The board discussed the department's proposed revisions to the medication refill requirements of the draft rules dated April 17, 2019. Wolfe pointed out the medication refill timeframes are much longer than the length of a course of psychotherapy. Zajac shared Dr. Abby Morris had indicated it is important PTSD medications, such as antidepressants, not be stopped too soon, even if the patient is functionally doing well and is back to work. Olson noted there is a number of PTSD patients who will choose not to undergo psychotherapy, so the medication provisions need to accommodate patients in therapy and patients not in therapy. Bonsell and Dr. Matthew Monsein raised the issue of whether the rules should address the duration of medication for PTSD.
- Bonsell questioned how payment for comorbidities is handled under the rules. The board discussed comorbidities that are work-related would be covered by workers' compensation, but treatment for comorbidities not related to a work injury would not be covered. There was recognition by board members that this determination is not easy.
- Olson asked for clarification on the draft language relating to psychotherapy treatment after 16 weeks. Zajac explained the intent of the language is for patients to always have access to additional treatment – there is no ultimate cap on treatment and an additional course of 16-week treatment is always permitted if other requirements are met. There was concern the language was not clear, in light of the comments received. Baker explained the purpose of psychological assessment requirement is to determine if there is a comorbidity that is preventing the psychotherapy from helping the patient – for example alcohol abuse, a personality disorder, etc. If so, the comorbidity needs to be addressed. If there are no comorbidities and the patient is still not better, the patient may receive additional psychotherapy treatment for PTSD. The board requested department staff members work on the language to clarify the intent and ensure readers understand the requirements.
- Kathleen Gomez brought to the board's attention another comment that monthly assessments would be preferable to biweekly assessments. Baker reviewed the department's summary of comments received about the March 29 draft and then the board returned to discuss this issue at the end of the meeting. An informal poll of the board members was taken and the board decided to leave the assessment requirement as biweekly.
- There was board discussion of the use of the phrase "engage the patient" versus "collaborate with the patient" in the context of the creation of a treatment plan by a psychotherapy provider.
- Baker reviewed the comment that the draft language was not clear about whether a patient is required to be seen by a psychiatrist or APRN, or whether the prescribing provider may consult with a psychiatrist or APRN and then prescribe the recommended medication. The board discussed potential changes to the

language that may better capture the intent that a prescribing provider could consult with a psychiatrist or APRN about the medications they recommend for the patient.

Adjournment: Baker and board

- The board decided to have a special meeting to work on the draft PTSD treatment rules before the next regular quarterly meeting in July.
- Baker thanked everyone for coming. Bonsell moved to adjourn the meeting, which was seconded by Gelfman. All voted in favor and the motion carried. The meeting was adjourned at 6:12 p.m.

Next meeting dates

- July 18, 2019
- Oct. 10, 2019
- Jan. 16, 2020