

## Special-meeting minutes: Medical Services Review Board

Date: June 26, 2019

Minutes prepared by: Anita Hess

Location: DLI's Minnesota Room

### Attendance

#### Members present

Beth Baker, chairwoman  
Russell Gelfman (phone)  
Jeffrey Bonsell  
Dan Wolfe  
Erica Kuhlmann (phone)  
Joseph J. Schulte  
Todd Ginkel (phone)  
Lisa Hanselman

#### Members absent

Reed Pollack  
Bradley Kuzel  
Buck McAlpin  
Matthew Monsein  
Elizabeth Alm  
Elisha Harris

#### Alternates present

Kimberly Olson (phone)  
Laura Breeher  
Kathleen Gomez

#### Alternates absent

Robin Peterson  
Natalie Haefner  
Courtney Mitchell

#### Visitors present

Keith Carlson, MICA  
Kathleen Lonergan, Allina Health  
JoAnn White, CorVel  
Ceil Jung, SFM  
Karen Ebert, MCIT  
Dean Salita, MNAJ

#### Staff members present

Brian Zaidman  
Anita Hess  
Ernest Lampe  
Chris Leifeld  
Ann Tart  
Laura Zajac  
Lisa Wichterman  
Ethan Landy

### Call to order

- The special meeting of the Medical Services Review Board (MSRB) was called to order at 4 p.m. by Dr. Beth Baker. We have a quorum. Baker asked for introductions around the table. On the phone are Kim Olson, Dr. Russell Gelfman, Dr. Todd Ginkel and Dr. Erica Kuhlmann.

### Approval of minutes

- A motion to approve the board's April 18, 2019, meeting minutes was made by Dan Wolfe and seconded by Dr. Jeff Bonsell. The board voted all in favor. The motion carried.

### Approval of agenda

- A motion to approve the June 26, 2019, special-meeting agenda was made by Bonsell and seconded by Wolfe. The board voted all in favor. The motion carried.

## Safety announcements

- There were no safety announcements.

## Business – Treatment of post-traumatic stress disorder (PTSD)

- Laura Zajac reviewed the draft rules dated June 17, 2019, concerning treatment of PTSD in workers' compensation and highlighted recent changes to the draft. Baker led the board in discussion of the recent changes to the rule draft.
- Zajac stated there was discussion at the board's most recent meeting about revising subpart 6 of the draft language, in response to comments received that the language could be interpreted to impose a limit on psychotherapy treatment at 16 or 32 weeks. Subpart 6 has been substantially rewritten in this most recent draft and was reviewed with the board.
- Zajac stated the draft has all new language at subpart 7 concerning prior notification, but the concepts were already incorporated by reference in previous drafts. The incorporated provisions were lengthy and were not written with PTSD in mind. Prior notification is required for each additional 16-week period of psychotherapy treatment and for a provider to use a psychotherapy treatment modality other than those listed in subpart 5. Baker highlighted language that was confusing and a drafting change was discussed by the board.
- Zajac noted the draft now includes a provision stating the rules only apply to the outpatient treatment of PTSD.
- Zajac explained the new draft more clearly reflects that psychotherapy treatment using telemedicine requires patient consent.
- Zajac noted the change to the draft rules at subpart 5.a.(1) is to ensure the rules are clear that the provider is not limited to using just one psychotherapy treatment modality at a time. Olson commented the draft parameters were initially written based on evidence-based information and now we are starting to change it based on anecdotal thoughts of treatment patterns PTSD treatment providers have had. Olson is concerned some of the recent changes do not reflect evidence-based treatment. For example, if many modalities are used at once, how do you know which ones are working and which ones are not? Zajac stated the provision in earlier drafts that required only one modality to be used at a time was removed several drafts ago. Olson commented that the literature reflects use of one modality at a time, to see what is working, although the treatment modality might be a combination of modalities. Baker recalled there was expert testimony regarding combining cognitive behavioral and exposure-based therapies. Baker commented that one of the reasons the draft was changed is that if it is clear to the patient and provider that the treatment is not working partway through the 16 weeks, it's good to have the option to try something else. The earlier the patient can get the right treatment, the better it is for the patient. Olson recommended removing the language that the modalities can be used "singularly, concurrently, or simultaneously." Zajac expressed concern that there will be payers that will read the rules too restrictively if the rules are not clear.
- Zajac reviewed the recent draft now includes a reference to emergency treatment. The draft rules now explicitly allow more than two psychotherapy visits a week to provide emergency treatment. An example would be if a patient contacts their provider regarding suicidal thoughts.
- Dr. Laura Breeher commented about the recent change to the draft, stating the use of telemedicine requires patient consent. Breeher was concerned the language could be interpreted as requiring written consent. Substitutions of the term for agreement, approval or support were discussed; the board decided to use "agreement."

- Zajac will make the changes that were discussed. Baker said the hope is to get firm-enough language to move on to a vote at the board's July meeting. The Department of Labor and Industry intends to circulate the updated draft to the stakeholders before the next meeting.
- Bonsell discussed the use of telemedicine. Would that be by phone? Can this be used for evaluations? Lisa Wichterman said the provider and patient would use a secure video call similar to Skype. Baker added questionnaires could be exchanged by email. Breeher noted many of the symptoms are patient-reported for a PTSD diagnosis, which is conducive to the use of telemedicine.

## **Adjournment: Baker and board**

- Baker thanked everyone for coming. Bonsell moved to adjourn the meeting, which was seconded by Wolfe. All voted in favor and the motion carried. The meeting adjourned at 4:45 p.m.

## **Next meeting dates**

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