

## Meeting minutes: Medical Services Review Board

Date: Oct. 4, 2018

Minutes prepared by: Anita Hess

Location: Department of Labor and Industry, Minnesota Room

### Attendance

#### Members present

Beth Baker, chairwoman  
Darla Coss  
Matthew Monsein  
Reed Pollack  
Hans Thurmer  
Dan Wolfe  
Bradley Kuzel (phone)

#### Alternates present

Kimberly Olson  
Daniel Piper

#### Visitors present

Gary Thaden  
Patty Prentice  
Karen Ebert  
Sara Curtis  
JoAnn White  
Tyrone Spratt

#### Alternates absent

Robin Peterson

#### Members absent:

Margaret Spartz  
Russell Gelfman, vice chairman  
Jeffrey Bonsell  
Joseph J. Schulte  
Buck McAlpin  
Erica Kuhlmann  
Elisha Harris

Elizabeth Alm  
Natalie Haefner  
Laura Breeher  
Lisa Hanselman  
Robert Long

#### Staff members present

Laura Zajac  
Alexis Russell  
Ernest Lampe  
Chris Leifeld  
Ann Tart  
Ethan Landy

### Call to order

- The meeting of the Medical Services Review Board (MSRB) was called to order at 4:05 p.m. by Dr. Beth Baker. Introductions were made. Bradley Kuzel is on the phone. There is a quorum.

### Approval of minutes

- A motion to approve the April 19, 2018, minutes was made by Kim Olson and seconded by Kuzel. The board voted all in favor. The motion carried.

### Approval of agenda

- A motion to approve the Oct. 4, 2018, agenda was made by Kuzel and seconded by Dan Wolfe. The board voted all in favor. The motion carried.

## Election of officers

- Baker expressed her interest in running for chairwoman again. Russell Gelfman is not present but is interested in running for vice chairman. A motion to approve the chairwoman and vice chairman as nominated was made by Kuzel and was seconded by Hans Thurmer. The board voted all in favor. The motion carried.

## DLI announcements and update: Deputy Commissioner Chris Leifeld

- Safety announcements: Deputy Commissioner Chris Leifeld asked whether there were any safety concerns. The women's restroom is being remodeled and will be available again soon.
- Legislative and department updates: Leifeld said the Department of Labor and Industry (DLI) is implementing the 2018 legislation. DLI has training materials going out and is scheduling an in-person training for November.
- Looking ahead to 2019 legislation, Leifeld stated the Workers' Compensation Advisory Council (WCAC) meeting scheduled for October was canceled. WCAC considers and recommends workers' compensation legislation. There is another WCAC meeting scheduled for December.
- Leifeld said DLI will be undergoing a transition in 2019, because Commissioner Ken Peterson will be retiring and a new commissioner will be appointed by the incoming administration.
- Leifeld introduced Pam Carlson, DLI's new ombudsman. Carlson is an attorney and previously worked for DLI's Office of General Counsel in 1989, then with the settlement judges and later with the hearing judges at the Office of Administrative Hearings. As ombudsman, Carlson assists injured workers and small-business owners. Attendees were encouraged to refer callers to Carlson.

## Business

### Workers' Compensation Modernization Program update: Julie Soderlund, WCMP IT program director

- Julie Soderlund is the IT program director for the Workers' Compensation Modernization Program (WCMP). Brad Morse, who couldn't attend today's meeting, is the WCMP program director.
- Soderlund reviewed that the WCMP intention is to build a state-of-the-art workers' compensation system. The goals are for external stakeholders to access information, and to resolve disputes and take care of claims faster so injured workers get the benefits they are due. Some of the objectives are to improve service and support for injured workers through electronic interfaces, reduce time to complete transactions, improve workflow, expand case management functions, improve customer service, and ensure the system and its data are secure.
- Soderlund noted DLI's current system is 20 years old. The new system will be updated as needed to improve service and access to information in response to stakeholder feedback.

- Soderlund reviewed the WCMP implementation schedule. There have been many years of planning and determining system requirements. In November, building cycles will begin. At the end of each 10-week cycle, there will be testing from a business perspective. System go-live is intended for July 2020. The vendor chosen for WCMP is CapTech.
- More WCMP information will be forthcoming. Attendees were encouraged to contact Soderlund and Morse with questions.

### **Treatment of post-traumatic stress disorder**

- Baker stated the post-traumatic stress disorder (PTSD) workgroup – consisting of Baker, Elisha Harris, Buck McAlpin, Olson, Joe Schulte and Wolfe – has been very active in working to draft PTSD treatment parameter rules. The workgroup has heard testimony from interested parties, including psychologists and psychiatrists, and have a draft of the rules to present today. Baker expressed that the workgroup has been useful and interactive. The workgroup has been working on the rule drafting with DLI staff members Alexis Russell and Laura Zajac.

### **Overview of workgroup rule-drafting process: Alexis Russell, DLI director of legislative affairs**

- Alexis Russell, DLI director of legislative affairs, reviewed that 2018 legislation directed the commissioner of DLI to adopt expedited rules governing criteria for treatment of PTSD. The legislation also directed the commissioner and MSRB to consider the guidance set forth in the American Psychological Association's (APA's) Clinical Practice Guideline for Treatment of PTSD in Adults.
- Russell gave an overview of the workgroup and the experts who have participated in the process of revising the PTSD draft rules. The workgroup met four times; experts presenting were Dr. John Sutherland, psychologist at Allina; Dr. Brian Gould, psychiatrist at Courage Kenny Rehabilitation Institute; Dr. Kaler, psychologist at the Veterans Administration (VA) hospital; Sue Abderholden, executive director with the National Alliance of Mental Illness (NAMI); and Dr. Denis Conroy, psychologist for police officers and consultant. The League of Minnesota Cities, Minnesota Counties Intergovernmental Trust (MCIT) and Corvel also presented their data related to PTSD claims. Comments from the workgroup and experts have been incorporated into the draft.
- Russell stated the language was also sent to stakeholders on Monday, who were encouraged to provide written comments and/or provide comments at the October or November MSRB meetings. At the next meeting, this feedback will be reviewed.

### **Review draft of PTSD treatment parameter rules: Laura Zajac, attorney, DLI Office of General Counsel**

- Dr. Ernest Lampe explained the instances where the PTSD treatment parameters incorporated provisions of the general treatment parameters. Because of these incorporations, the rules are more complete than they seem. The definitions are also consistent with other portions of the general

treatment parameters. Lampe noted that although specific medications are listed in the rules, there is also a provision where other medications may be recommended by a psychiatrist.

- Zajac reviewed the draft of treatment parameters for the board, summarizing the language created with the workgroup and some of the workgroup's rationale and feedback from experts.
- Baker asked Russell to share the comments that come to the department with the board so that members may prepare for the Nov. 8th meeting.
- Thurmer asked how the 16-week parameter was determined to be an appropriate timeline for therapy treatment. Zajac and Lampe explained the VA and APA guidelines reported that timeline would be successful, because treatment is usually completed in 12 weeks. Also, feedback from consultants is that the therapy is most successful when completed at a certain consistent pace. The intent is to treat at the outset, rather than allow it to become chronic.
- Reed Pollack had a series of questions: 1) what are the characteristics of the PTSD event, by statute; 2) who refers the individual for treatment; 3) who releases the individual to return to work; 4) at what point does the judge become better equipped to make a determination than the medical practitioner; and 5) who approves the therapist. Pollack will send his questions to the department in writing. Baker and Olson responded to the first question by saying the DSM-5 requires a significant life-threatening trauma. The language in the DSM-5 is specific in terms of what is required. Zajac added that a physical injury is not required for PTSD to be compensable. In answer to the second question, Zajac said the rules don't specify or require a referral for treatment. However, the law requires diagnosis by a licensed psychologist or psychiatrist before PTSD can be a compensable workers' compensation injury. Zajac responded to the third question, explaining the rules require return-to-work to be addressed in the therapist's treatment plan. Addressing question four, Zajac stated there is a provision for the judge to approve a departure, but the goal of the rules is to clear so that there are fewer disputes. In answer to question five, the rule draft provides that one change in therapist is allowed within the first 60 days; additional changes in therapist require approval by the payer or may be approved using the medical request process.
- There was discussion about how many patients get better within 16 weeks of treatment and whether the workers' compensation population will be as successful in treatment for PTSD as the patient population quoted by Dr. Sutherland (with a success rate of 80 percent or more).
- Baker encouraged the board members to propose changes to the draft rules today or send them to Russell. Olson offered her suggestions for improvement of the language on a line-by-line basis, covering training of providers, return to work, re-ordering the psychotherapy treatment modalities, and assessment tools.
- There was discussion about how many PTSD claims are made. The workgroup reviewed that Brian Zaidman, DLI Research and Statistics, presented about this issue. At the board's invitation, Karen Ebert, MCIT, discussed the counties' experience with PTSD claims.

## **Adjournment: Baker and board**

Leifeld said the public will be invited to comment on the draft rules at the upcoming meeting in November.

Baker thanked everyone for coming. Wolfe moved to adjourn the meeting, which was seconded by Olson. All voted in favor and the motion carried. The meeting adjourned.

### **The next meeting dates are:**

- Nov. 8, 2018 (special meeting for PTSD treatment parameter rules)
- Jan. 17, 2019
- April 18, 2019
- July 18, 2019
- Oct. 10, 2019