

# Medical Advisory Committee

Meeting Minutes  
Friday, July 17, 2009

## Opening:

Dr. Bowman called the regular meeting of the Medical Advisory Committee to order at 9 am on July 18, 2009 at Clackamas Community College.

## Present:

Ronald Bowman, MD (Chair), John Braddock, MD, Franklin Wong, MD, Hans Carlson, MD, Gary Rischitelli, MD, Frank Prideaux, DC, Brad Lorber, MD, Tom Williams, PT, Constantine Gean, MD, Kevin Willingham (WCD), Jacqueline Sewart (WCD) Juerg Kunz (WCD),

## Absent:

Timothy Keenen, MD (Vice-Chair), Joey Blubaugh, Employer Representative, and Maria Carraher, Worker Representative.

### A. Welcome to New Committee Member Dr. Bowman

Dr. Bowman started the meeting by welcoming Dr. Gean from Liberty Mutual Insurance as the new insurer representative on the committee.

### B. Approval of Minutes Dr. Bowman

The committee reviewed the May 15, 2009 meeting minutes. Dr. Bowman made a motion to adopt the minutes. Dr. Prideaux seconded the motion. The committee accepted the motion.

### C. Registry for Cervical Disc & Lumbar Disc Jacqueline Sewart

The division said they are working with the Department of Justice to learn if they can legally require injured workers to provide mandatory registry feedback after their surgeries, or if the injured workers will have the option to provide voluntarily feedback. In addition, the division is asking the Department of Justice if they can contact injured workers without a special release. The division informed the committee that they should know the legal answer to this privacy concern issue by the next meeting.

### D. Overview of Current Impairment Rating & Bulletin 239 Debra Hughes

The division gave a presentation explaining what events occur between the closing exam and the issuing of the impairment check. Afterwards, Debra Hughes asked the committee to email her with their thoughts on the revised Bulletin 239.

One of the questions asked by the committee was, when does the clock start ticking for own motion status? The division said there is a five-year appeal period from the initial claim closure when the worker can reopen the claim, after which it goes into own motion status. The committee asked when the period starts. The division said the period starts the date of the initial closure, which is when the insurer closed the claim.

#### **E. AMA 6<sup>th</sup> Edition Project Dr. Rischitelli**

Dr. Rischitelli said the AMA Sixth Edition is a significant change to prior editions of the guides. He said the sixth edition moves away from relying on range of motion indicator of pathology and disease burden, and takes on a new approach, introducing a system of impairment based on diagnosis, with modifiers for objective clinical studies, and patient functional status, unique for each diagnosis. The Sixth Edition also reflects advancements in medical treatments.

Dr. Rischitelli explained the options available in using the AMA Sixth Edition are:

- **Wholesale adoption of guides, a change of statute**  
One drawback with this option is that medical providers would rather not have the burden of providing rating impairment, and having to learn the lengthy document. Training might also prove expensive. On the positive side, there would be a shift from generic findings to diagnosis. However, this would bring a new problem in that the system would have to emphasize that the diagnoses is appropriate and correct, and that insurer has accepted the correct diagnosis.
- **Adopt methods and update schedule/Oregon specific rules for rating impairment to move to a more diagnosis based impairment approach**  
This option would reduce reliance on range of motion, but one would have to create system that would work for physicians.
- **Create Oregon specific modification of the guides**  
This option would use a condensed version of the guide. The state of Utah has taken this approach, with claimed reduced litigation.
- **Keep the Status Quo**  
This option would look at the current system, and consider the possible implementation of changes to statutory & administrative rules. Once this is done consider future guides.

Dr. Rischitelli asked the committee and the division to share their thoughts, ideas, and comments at [https://wcdmac.pbworks.com/session/login?return\\_to\\_page=FrontPage](https://wcdmac.pbworks.com/session/login?return_to_page=FrontPage)

#### **F. Joint Meeting with MLAC Jacqueline Sewart**

The division informed the committee that there might be a scheduling conflict with the September 18 joint meeting with MLAC. The division asked the committee to consider

September 11 or September 25 as alternative dates for the meeting, and then let Jacqueline Sewart know their preferences. Among other topics, the agenda for the joint meeting will include a discussion of the AMA 6<sup>th</sup> edition, drug utilization, and possibly the cervical disc registry. The meeting will also allow MLAC to get a better understanding of how MAC works, and how MAC and MLAC can work together. There will most likely be a modified agenda. The meeting may start 30 minutes earlier to give more time for the likely extended discussions.

**G. Drug Utilization and Drug Formulary      Kevin Willingham**

After a brief discussion of the opioid management memo handout, the division asked the committee these questions:

1. Does the committee recommend changing the law so a drug formulary can be developed, or at least start a project to look at that?
2. Do the members of the committee agree that opioids are scientific, proven, current and non-experimental, and as such should be compensable workers' compensation treatment?
3. Can the committee develop inclusion or exclusion criteria in the same manner you did for artificial disc replacements?

The committee agreed to form a sub-committee to look at these questions. Dr. Gean volunteered to be part of the sub-committee. The committee said the sub-committee would concentrate on defining what opioid guidelines are appropriate, and introduce some sort of education for physicians.

Jennifer Wagner said that it would be beneficial if the committee spoke to Kathryn Hahn, Pharm. D., who is Chairwoman of the Oregon Pain Management Commission, on these issues.

The committee said they would invite Dr. Roger Chou to the next meeting to give his input on formularies, protocols, and treatment guidelines for the use of opioids.

The division added that some insurers already use formularies, and it might be a good idea to consider their experiences with them, and the differences that exist between those formularies.

**H. Screen New Technology Subcommittee      Dr. Bowman**

As companies introduce certain new or reintroduced medical technology onto the market, the committee will ask the division if they can research the validity and usefulness of the technology. After the research, the division will present their findings at future meetings.

Then, the committee will decide if they want to investigate the new technology further. Dr. Gean volunteered to be on the sub-committee.

**I. Best Way to Deliver Resources/Information** Jacqueline Sewart

The committee asked for:

- An email before the meeting with links to documents
- Links in published agenda and minutes
- At each meeting, two table copies of documents for discussion or reference
- Abbreviated, concise minutes
- Whole copies of documents that are added late to the agenda

**J. Other Business - Max Payment Calculator** Juerg Kunz

The division informed the committee that they have posted the Max Payment Calculator to the WCD website at,

<http://www4.cbs.state.or.us/ex/wcd/maxpaycalc/index.cfm>

**K. Adjournment** Dr. Bowman

Dr. Bowman adjourned the meeting at 11:25 am. The next general meeting is on September 19, 2009 at Clackamas Community College.

Minutes submitted by: Darren Heath

Approved by: