

Workers' Compensation

Management-Labor Advisory Committee

Care Provider Subcommittee

Monday, December 4, 2006

1:30-3:30 p.m.

Local 290, 20210 SW Teton Avenue, Tualatin, Oregon

Subcommittee Members Present:

Lisa Trussell, Associated Oregon Industries, Salem, OR

Lon Holston, Grants Pass, OR

John Kirkpatrick, IUPAT District Council, Portland, OR

Gregory Miller, Gunderson LLC, Portland, OR

Mike O'Rourke, Plumbing and Steamfitters UA 290, Tualatin, OR

Sheri Sundstrom, Hoffman Construction Company, Portland, OR

Ellen Cutler, Harry and David, Medford, OR

Lisa Trussell called the meeting to order at 1:00 p.m.

John Shilts, Workers' Compensation Division (WCD)

Mr. Shilts was asked by the chair to review a memo identifying options related to care providers in the workers' compensation system which was provided to the full MLAC committee on November 3, 2006. The written memo is included as part of the record. The options were provided not as recommendations, but as ideas with which to start a discussion.

Subcommittee Discussion: Clarification was provided regarding which providers have authority from date of injury and which from date of first visit. Chiropractors have treatment authority from date of first visit, naturopaths, physician assistants, and podiatrists have treatment authority from the date of injury. There are exceptions in rural type A and B hospitals where there is broader authority.

Karen McNamee, Providence Health Plans

Ms. McNamee provided written testimony regarding definition of primary care provider, the concept of allowing any physician who chooses to participate to be on the MCO panel, and expanding the length of treatment for Chiropractic, Naturopathic or Acupuncture. The written testimony is included as part of the meeting record.

Subcommittee Discussion: At Providence if a person starts treatment with a chiropractor before enrollment in the MCO, the clock does not start until the date of enrollment. Industry standard is that only an MD or a DO can function as a primary care provider in family health care.

Dan Beeson, Chiropractic Physician and past president of Chiropractic Association of Oregon.

Dr. Beeson provided written testimony from the Chiropractic Association of Oregon regarding three concepts for legislative changes. The written testimony is included as part of the record. The concepts included the following three ideas: expanding chiropractic treatment to 24 or 30 visits and 90 days, a provision in which a person who has an ongoing patient/physician relationship with a chiropractor could treat with that chiropractor in the MCO if the chiropractor agrees to the MCO guidelines, and a return of full attending physician status for the life of the claim to chiropractic physicians but only within the MCOs.

Subcommittee Discussion: none

Marshall Coba, Oregon Society of Physician Assistants

Mr. Coba discussed the role of physician assistants (PAs) in the workers' compensation system. PAs work under a supervising physician within a scope of practice prescribed by the Board of Medical Examiners. SB1001 from 2005 session has been redrafted and the Oregon Society of Physician Assistants will present it as a bill for the 2007 session. Expanding the role of PAs in the workers' compensation system will improve timely access to quality care, cost control, and reduced time to claim closure.

Ben Johnson, president of Oregon Society of Physician Assistants

Mr. Johnson provided information on the training and background of Physician Assistants as compared to the training and background of Nurse Practitioners. The scope of practice of the physician assistant is defined and approved by the Board of Medical Examiners. Physician Assistants are trained to recognize when the needed care is beyond their scope of practice and refer to the supervising physician.

Subcommittee Discussion: Some PAs specialize, but the basic program is a generalist program. PAs have to repeat the generalist test every 6 years. Some PAs work with specialists and are trained by the specialist. In addition, some PAs have their own medical malpractice coverage; others are covered under the policy of the supervising physician.

Bob Olsen, Oregon Doctor's of Chiropractic (ODOC)

Bob Olsen, ODOC introduced HB2790 in 2005 that would increase both the days and the numbers of visit for chiropractors. He expressed a desire to work with the committee on changes to the restrictions for chiropractors in the workers' compensation system.

John Schmidt, ODOC

Dr. Schmidt communicated a desire to expand treatment for chiropractors in the workers' compensation system. In addition Dr. Schmidt provided a letter from Dr. Freeman, a colleague who reviewed the Care Provider Study. The letter is included as part of the meeting record. Dr. Schmidt read from the letter from Dr. Freeman.

Subcommittee Discussion: None

Phil Donovan, NW Public Affairs

Mr. Donovan introduced himself to the committee. He has recently been retained to represent Oregon Association of Naturopathic Physicians

Laura Farr, Executive Director of Oregon Naturopathic Physicians Association

Ms. Farr testified that there are a small number of workers using naturopathic physicians (NDs) in the workers comp system. There are an increasing number of people who are seeing NDs as their primary care physician. Naturopaths are trained to diagnose in the same manner as MDs and DOs and in addition they are trained in physical manipulation. Many are also license acupuncturists. NDs can prescribe and are trained in psychology to address mental and emotional effects of injury. The ND treats the whole person, and provides continuity of care and timely treatment. The Naturopathic Physicians Association will be proposing the following legislative concepts:

1. Allow patients with existing relationship with ND to bring the ND into the MCO for 90 days of treatment
2. For new patients increase the time of care from 30 days to 60 days from date of first visit to ND
3. Clarify definitions in ORS 656.245 to specifically list naturopathic physicians.

Subcommittee Discussion: Interest expressed regarding the concept of treating the whole person and how that works out for compensation for treatment of the injury. A typical ND visit averages 40 minutes. The price tends not to be much different. WA has parity for all providers. There was a recent study that showed that cost did not significantly change for comparable alternative care provider.

Todd Stallman, Claims manager, LNW

Mr. Stallman presented written testimony to the committee. The written testimony is included as part of the record. Mr. Stallman recommended not making changes to the current system.

Mark Davison, Oregon Self-Insurers Association

Mr. Davison presented written testimony to the committee. The written testimony is included as part of the record. Mr. Davison recommended not making changes to the current system.

Subcommittee Discussion: The committee discussed the various recommendations. The provider groups were asked to send specifics on their proposals to DCBS. The department will prepare a matrix showing all of the proposals and the subcommittee will meet again to review all of the recommendations together. In addition, the subcommittee agreed that input should be solicited from the Workers' Compensation Medical Advisory committee.