



State of New Hampshire

Department of Labor

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Workers' Compensation Advisory Council

Friday, June 1, 2018
Room 307 - LOB – 9:00 a.m.

Present: Ms. Margaret Crouch, Chair; Mr. William McQuillen, Vice Chair; Mr. Ruju Dave; Ms. Eileen Bernard; Representative Brian Seaworth; Ms. Merideth St Germain; Ms. Marian Mitchell; Dr. Douglas Goumas; Senator Donna Soucy; Mr. Edward Sisson; Commissioner Ken Merrifield

Absent: Ms. CJ Stone; Ms. Sally MacFadden

Call to Order – The meeting was called to order by Ms. Crouch at 9:07 a.m.

Review & Action on April 27, 2018 Minutes – The minutes were reviewed by the Council.

Ms. Bernard stated that “over” needed to be “overview” in the first paragraph under Telemedicine Presentation section.

Ms. Bernard motioned to accept the Minutes of the April 27, 2018 meeting as amended and Mr. McQuillen seconded. *The motion was passed unanimously.*

Department Updates

Insurance— Mr. Dave stated that they're in the process of choosing Servicing Carriers for the residual market; the proposals are due June 15, 2018. NCCI will score Carriers and there should be a decision in August. There are currently four bids.

Labor— Mr. Sisson stated under RSA 281-A: 23, medical marijuana, the Department is still waiting for the Supreme Court decision. The Department hasn't had any hearings either.

The Second Injury Fund reimbursement cycle for calendar year 2016 is completed. The Department is taking request for the 2017 calendar year.

Hearings under RSA 281-A: 24 which is the reasonable value of services. There have been 88 requested hearings, 58 have resolved as of May 1, 2018, 1 default decision where the provider didn't appear for the hearing. The decision was issued against them and they put in a good cause letter to why they didn't appear and that was administratively denied; that administrative order is currently on appeal with the CAB. One hearing went forward and the Hearing Officer determined the request was not ripe because they could not demonstrate that they had any good faith efforts to resolve the matter. One hearing is on hold because the services have not yet occurred, the providers requested a RSA 281-A: 24 hearing before the services have happened/performed. The administrative order has denied granting that hearing and it's currently being appealed to the CAB. This leaves 27 hearings currently scheduled to go forward under this RSA.

There is one scheduled for June 14, 2018 at 12:30pm-this is the oral arguments before the Supreme Court.

Legislature— Representative Seaworth and Senator Soucy gave an update on the below bills.

HB407 – is a holdover from last year, this bill's intent is to cover prophylactic treatment under workers' compensation. There were some questions to whether or not it had to be blood born or air born and this bill applies in both cases. This bill has passed

SB84 – This bill is from last year it was relative to the payment of workers' compensation benefits and would allow for the employee after 6 weeks of being on workers' compensation to request direct deposit for their indemnity payment. This bill passed.

SB553 –This bill establishes a commission to study the eligibility to post traumatic stress disorder for Police, Firefighter and EMT's and whether such disorder should be covered under workers' compensation. This bill passed the House and the Senate concurred.

SB541 – This bill is relative to the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer. This bill passed.

There are no workers compensation bills that are currently in interim study.

Old Business –

Telemedicine Presentation – Ms. Crouch sent an email asking some questions to Ms. CJ Stone to see if the Council could get input from the Legal Counsel from the DOL. Based on current rules for managed care plans, could this provider type be included as part of the plan.

Mr. Sisson stated that the DOL's legal counsel Ms. Danielle Albert looked at the questions and reviewed the statute and she determined that telemedicine would fall under LAB 703.01 d that states they may include additional healthcare providers or services other than the 10 required. Telemedicine could not take the place of one of the 10 required healthcare provider types; there are 2 for each for those that are required. If they were to offer additional services other than the 10 required, telemedicine cannot be the only option and be required to use. There are concerns on people who do not have access to internet. Ms. Albert had no concerns about it being a part of the managed care plan only if telemedicine was completely optional and never required.

The Council continued to discuss telemedicine further and concluded that because there is nothing in the rules that preclude telemedicine and from a practical stand point as long as it is an option and the injured employee is not required to only use this method of treatment that telemedicine can be included.

Ms. Bernard mentioned having Coventry report to the Council within a certain timeframe to tell them how it was used in NH, the challenges, success stories, the percentage of injured employees who were offered telemedicine and who actually used it and have it broken up by County and mention the geographical area of where it is being offered because of internet access.

New Business –

~ Next Meeting is scheduled for Friday, September 14, 2018 at 9:00am. ~

Meeting Adjourned-

Mr. McQuillen made a motion to adjourn, seconded by Ms. Bernard at 9:35 a.m.