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Department of Labor

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Workers' Compensation Advisory Council

Friday, October 20, 2017
Room 307 - LOB – 9:00 a.m.

Present: Ms. Margaret Crouch, Chair; Ms. Sally MacFadden; Ms. Eileen Bernard; Ms. Marion Mitchell; Representative Brian Seaworth; Ms. C.J. Stone; Ms. Merideth St Germain; Ms. Danielle Albert; Mr. Edward Sisson; Commissioner Ken Merrifield

Absent: Mr. William McQuillen, Vice Chair; Dr. Douglas Goumas; Senator Donna Soucy;

Call to Order – The meeting was called to order by Ms. Crouch at 9:00 a.m.

Review & Action on June 2, 2017 Minutes – The minutes were reviewed by the Council.

Ms. Mitchell motioned to accept the Minutes of the June 2, 2017 meeting and Ms. Bernard seconded. *The motion was passed unanimously.*

Introductions: Ms. Crouch introduced Mr. Edward Sisson who the Assistant Director of Workers' Compensation at the Department of Labor.

Managed Care

MCO Recertification – Ms. Tamara Puccia of Coventry introduced herself and talked about the plan. Ms. St Germain stated that the plan is fine and is like every other MCO. She did let Ms. Puccia know that one of her VR Counselors expires in December so that counselor would need to recertify.

Ms. Crouch asked how the process went with contracting with providers when hospitals are not required in the plan. Ms. Puccia stated it was a little difficult but their networking developing team did a great job and have been able to bring in additional providers.

Ms. Bernard motioned to approve Coventry Health Care and Ms. Mitchell seconded. *The motion was passed unanimously.*

Injury Management Facilitator – Ms. St Germain stated there are five facilitators for Coventry Health Care they completed and met all the necessary requirements and recommends them for final approval.

Ms. Crouch motioned to approve and Ms. Mitchell seconded. *The motion was passed unanimously.*

Ms. St Germain stated there is one facilitator for Windham Injury Management Group and she completed and met all the necessary requirements and recommends her for final approval.

Ms. Mitchell motioned to approve and Ms. Bernard seconded. *The motion was passed unanimously.*

Department Updates

Insurance— Ms. MacFadden stated they approved the new loss costs and that will go into effect January 1, 2018. The rates are available on NCCI and the Department of Insurances website. The loss costs were worth -13.3% in the voluntary market and -10.3% in the assigned risk market.

Ms. Crouch asked about the residual market and Ms. MacFadden stated it's decreasing and it's expected to continue to decrease this year. They're expecting single digits.

Ms. Bernard asked about loss costs as it compared to last year. Ms. MacFadden stated that NCCI uses three years of loss and claim experience to figure out what kind of adjustment should be made. The -13.3% is all based on experience.

Labor— Ms. Albert stated that our Deputy Commissioner Kathryn Barger retired effective October 1, 2017.

Ms. Albert stated the Department is still seeing requests for hearings under RSA 281-A: 24 which is the reasonable value of services. None have gone to a hearing.

Under RSA 281-A: 23, medical marijuana, only one case came through since the last meeting. The medical marijuana case that was discussed at the last meeting has been appealed to the Supreme Court.

Ms. Albert stated the Department is looking into exploring an opioid mediation pilot program. This would be similar to the Massachusetts plan. The Department has had meetings with Judge Hernandez a couple of times. This is still in the exploratory phase.

Legislature—Representative Seaworth stated there are a handful of workers' compensation bills/LSR's but no language yet for the new year.

Representative Seaworth stated he put in an LSR that would repeal the Workers' Compensation Appeals Advisory Board in RSA 281-A. This Board reviews applicants for the Workers' Compensation Appeals Board but they are just an Advisory Board. The applicants of the Workers' Compensation Appeals Board are reviewed and submitted by the Commissioner of Labor and are then reviewed and approved by the Governor and Council.

HB407 would cover prophylactic treatment under workers' compensation. The sub-committee met and is recommending an amendment to the Labor Committee who will meet at the end of October. When the sub-committee met they realized 141G requires the employer to do a lot of things for reporting but also requires them to provide testing and prophylactic treatment. The amendment adds that anything under 141G is covered under workers' compensation.

Old Business –

Ms. Mitchell stated the Department of Labor's website is outdated when it comes to the Workers' Compensation Advisory Council. The Department will look into that.

New Business –

The Council stated that they would like to continue to be involved in the opioid discussion.

The Council mentioned looking at any changes in the AMA 5th and 6th edition guides.

Ms. St Germain stated that Genex will need to present their plan in December

The Council scheduled the next Workers' Compensation Advisory Council meeting for Friday, December 1, 2017 at 9:00 am.

Ms. Puccia of Coventry asked the Council about Telemedicine in an MCO program. She stated that Coventry is partnering with Kura MD and that this is completely voluntary.

Ms. Crouch stated they'll have to have further discussion on it and that she still wants the employee to have a choice.

Meeting Adjourned-

Ms. Crouch made a motion to adjourn, seconded by Ms. Mitchell at 9:42 a.m.