

Minutes
Labor-Management Advisory Council
October 3, 2017
West Yellowstone, MT

Advisory Council members present:

Lt. Governor Mike Cooney
Larry Jones, Montana Self-Insureds Association
Al Smith, Montana Trial Lawyers Association
Bill Dahlgren, Sun Mountain Sports – Proxy for Lance Zanto Workers' Compensation Management Bureau
Doug Buman, Laborers' International Union of North America
Don Judge, Injured Workers Resource Council – Proxy for Jim Larson Teamsters Local 190
Marvin Jordan – MCCF
Annette Hoffman – Regional Manager MT Region SCLHS

Project Core Team members present:

Eric Strauss, ERD Administer
Bryan Page, Safety & Health Bureau Chief
Peter Van Nice, Regulations Bureau Chief
Mark Cadwallader, Department Legal Counsel
Bill Wheeler, Deputy Administrator, ERD
Jason Swant, Project Manager

Others Present via electronic meeting:

Debra Blossom, ERD
Daphne Worrall
Judy Udy
Kristine Ediger, ERD
Monica Sanchez
Patricia Murdo, EAIC
Phil Lefevre
Rod Bordelon

Others present:

ERD

Maralyn Lytle, Karen Wiles, Julia Brennan, Adrienne McLean,
Mike Bartow, Bri Lake, Ken Biskupiak, Mark Hurlbut, Mona Hylton, Misty Knight,
Carissa Stahly

MMIA, Ann Komac

MCCF, Vicki Evans

Montana State Fund, Kevin Braun

WCMB

Matt Chaubas

Lisa Brooks

Montana Chamber, Bridger Mahlum

Reed Group, Lucy Shannon

I. Welcome and Introductions

Lt. Governor Mike Cooney chaired the meeting, greeted those present and introductions were made.

II. Approval of Agenda The minutes from the August 23, 2017 meeting and agenda were approved.

III. Work Items – Jason Swant

Jason provided the LMAC Work Plan for 2017 – 2018 and reviewed items with the council. Discussion included the fact the department will continue to monitor and gather data on the 5-year closure of medical benefits and the RTW/SAW program to determine if there is a need to move forward on these issues, or drop them from the work plan. Discussion also included the best times to meet in 2018, and the possibility of electronic attendance.

IV. HB 449 – Jason Swant

Jason provided an update of HB 449. The department has moved from the use of modifiers to the adoption of rent values by county, a discount for agriculture, and the value of temporary or seasonal housing. He provided examples from Beaverhead, Gallatin and Rosebud counties. Discussion included whether the change would be consistent with Montana tax law, and how discounted rent would apply. It will be 3 to 6 weeks to get rules adopted which will be filed in October, put into publication in November and implemented by the end of 2017.

V. Drug Formulary Update – Bill Wheeler

Bill's update included the department's recommendation to implement ODG for the drug formulary. He outlined the reason for the ODG recommendation to include: evidence based medicine and transparency; use with the Montana U & T Guidelines; accessibility and simplicity; ease of maintenance; ODG's consistency and well established track record and; stakeholder input. He further advised the comments from Dr. John Schumpert as a providers' perspective are his support of the ODG's formulary for its ease of use, and providers are not likely to embrace a new formulary if also required to purchase new guidelines. Bill advised Research Analyst Bri Lake is compiling information from other states to assist in the rule making process. A motion was passed for the department to adopt the ODG formulary.

VI. SJ 27 – Eric Strauss

Discussion and questions included whom the assets of the Montana State Fund belong to; what happens to the employees of MSF; if there is any indication of the status of rate reductions; the need of additional information on what MSF puts into the assessment; and what is the advantage of making a change.

VII. Injured Worker Survey – Bri Lake

Bri advised the reason for doing a survey is to measure workers' compensation systems including for employers, employer premiums and, for insurers medical and indemnity benefits paid out. She stated current data reporting requirements do not fully capture the injured worker experience and a survey targeted at them can systematically and quantitatively measure outcomes and impacts of a work related injury. She advised of questions the department wants answered, provided example questions, the outcomes and predictors of interest, population of interest, and; the current status and timeline of the survey. Discussion included the cost of the survey, how many will be sent, and the anticipated response.

VIII. Annual Report – Bill Wheeler

The Annual Report was provided to the council members.

IX. Other Matters

Jason Swant reviewed the Workers' Compensation Governor's Conference schedule.

X. Public Comment

Kevin Braun from the Montana State Fund expressed caution regarding SJ 27 stating there are many variables to look at and a lot of different pieces that are hugely complicated.

XI. Next Steps – Jason Swant

December 13, 2017 Meeting, Helena MT Best Western Great Northern Hotel

The meeting was adjourned