

Minutes
Labor-Management Advisory Council
March 21, 2018
Employment Relations Division, Helena, MT

Advisory Council members present:

Lt. Governor Mike Cooney
Al Smith, Montana Trial Lawyers Association – Proxy for Al Ekblad
Larry Jones, Montana Self-Insureds Association
Lance Zanto Workers' Compensation Management Bureau – Proxy for Bill Dahlgren
Don Judge, Injured Workers Resource Council
Doug Buman, Laborers' International Union of North America – Proxy for Jim Larson

Project Core Team members present:

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

Others present via Go to Meeting:

ERD - Mike Bartow, Maralyn Lytle
Department Co-Medical Director Maggie Cook-Shimanek,
MCCF Vicki Evans
MT Region, SCLHS Annette Hoffman

ERD

Karen Wiles, Ken Biskupiak, Doug Roope, Kristine Ediger, Cindy Zimmerman, Peggy Coggeshall, & Misty Knight

MMIA, Thom Danenhawer, Britani Laughery

Montana Chamber, Bridger Mahlum,

I. Welcome and Introductions

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

II. Approval of Agenda and Minutes The minutes from the March 21, 2018. An addition to the agenda was made to view the Department of Labor & Industry's video "Montana Works".

III. Secretary of State/Office of Tourism & Economic Development – Jason Swant

Jason has made contact with Christi Jacobsen from the Secretary of State's office and supplied her with language from the pamphlet provided by the Safety Bureau to be incorporated on their website.

IV. Safety Committee – Don Judge, Lance Zanto

The Safety Committee met last week and discussed what might need to be done to revitalize a State OSHA program. They looked at the hearing from the last legislative session to see who opposed the bill and felt it was due to lack of educating them leading up to the session. Agriculture felt it would lose exemptions and there was concern the department would fund the Safety Bureau with fines. The committee will obtain a list of the proponents and reach out to them. The committee also discussed the need to update the Safety Culture Act and making some of the sections mandatory. Discussion also included outreach to T. J. Eyer to coordinate efforts in the schools to promote competition with other students. There will be work with DOT and procurement regarding standard contract language and adding language regarding safety records.

V. Lunch

VI. Drug Formulary Update – Bill Wheeler

Bill advised contact has been made with other states with drug formularies to obtain information on issues Montana plans to pursue. There have been 12 working group meetings with the last meeting on March 16, 2018 at which time information regarding legacy claims and dispute resolution from other states was provided. NCCI data shows Montana has a high rate of legacy claims. Draft rules have been written pertaining to first fill and prior authorization. He also discussed incorporating formulary rules with the Utilization and Treatment Guidelines.

He advised of a telephonic conference with the Montana Medical Associations wherein he brought them up to date of the status the drug formulary. A concern expressed was whether, on legacy claims, the provider could keep the claimant on the same treatment plan if they felt it was the most appropriate treatment and if they would need authorization to do that. Another concern is education which the department will be pursuing. Discussion included what role LMAC will play and it was decided there would be involvement particularly with dispute resolution and it was put on the workplan. Bill also advised of the medical conference put on by the department which was held March 15, 2018.

VII. Legislative – Bill Wheeler, Jason Swant & Mark Cadwallader

Jason discussed the claims examiner certification program making it mandatory rather than voluntary for claims examiners. Discussion included the fact that some companies provide in-house training therefore there should be a time frame before the examiner is required to be certified. Lance Zanto described the training program at the State Fund.

Larry Jones will be provided a copy of the questions used as a study guide. The department would like LMAC support for this statutory change rather than have it be only a department bill. It was agreed to add to the workplan.

Bill presented the plan to delete from the definition of treating physician the language; “admitting privileges to practice in one or more hospitals, if any, in the area where the physician is located” as it presents a higher bar for physicians as opposed to others who meet the definition of treating physician, i.e. nurse practitioners, chiropractors, dentists, etc. Discussion included hospitalists, and credential requirements for admitting privileges.

Mark presented the proposed legislative change for occupational diseases and the O.D. panel process for workplace exposures prior to 1985. He outlined the current O.D panel process and suggested it be curtailed to one physician before pursuing mediation and the workers’ compensation court. It was agreed to add this issue to the LMAC workplan

VIII. Interim Economic Affairs Committee – Eric Strauss

Eric advised the next meeting will be April 26 and 27, 2018

IX. Other Matters

There were no other matters presented.

X. Public Comment

There was no public comment

XI. Next Steps -