

Minutes
Labor-Management Advisory Council
April 11, 2016
Best Western Great Northern Hotel, Helena

Advisory Council and Subcommittee members present: Lt. Governor Mike Cooney, Bob Worthington, Don Judge, Bill Dahlgren, Jim Larson, Doug Buman, Al Smith, Lance Zanto, Kevin Braun, Jacqueline Lenmark, Bonnie Lyytinen-Hale, Chris Cavazos, and Marvin Jordan.

Project Core Team members present: Eric Strauss ERD Administrator, Bryan Page Safety & Health Bureau Chief, Peter Van Nice Regulations Bureau Chief, Bill Wheeler Claims Assistance Bureau Chief, and Department Legal Counsel Mark Cadwallader

Others present: Jason Swant, Barb Gullickson, Karen Wiles, Dave Elenbaas, Kristine Ediger, Ken Buskupiak, ERD; Peter Strauss, Montana State Fund; Richard Martin, FairClaim; Michael Marsh, Midland Claims; Ann Komac, MMIA; Tim Fitzpatrick, MTSBA; Glenn Wright, Conventry; Pat Murdo, Legislative Services; Scott Conrady.

I. Welcome and Introductions

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

II. Governor Steve Bullock gave opening remarks with a focus on reducing rates and safety and thanking LMAC for their service.

III. Approval of Agenda and Previous Minutes

The agenda and minutes from the November 18, 2015 were approved.

IV. Decision Making Process – Lt. Governor Mike Cooney

The Proposed Decision Making Process was reviewed. Discussion included amendments, passing amendments and motions and the changes agreed to in the September 2015 meeting were reaffirmed by the Council. Mark Cadwallader also the discussed the Roberts Rule of Order and that LMAC was more relaxed. A motion to reaffirm the decision making process was passed.

V. Subcommittee Member Selection – Lt. Governor Mike Cooney. Chris Cavazos advised of 5 new subcommittee members to focus on Safety. Four of the 5 members are Jason Baker for Firefighters; Vicky Byrd of the MT Nurses Association; Seth Bergen with Iron Workers and; Scott McGinuss with Steel Workers. The selection of the final member will be next week. There was a question as to how they will interact with the Safety Committee and Chris advised direction will be taken from Lt. Governor Mike Cooney on how they will interact.

VI. Council Update and Charter Discussion – Eric Strauss, ERD Administrator

Eric provided the Council with his background as a Management Consultant, his 6 years with St. Peter's Hospital with a focus on quality improvement and his primary interest is a focus on the Safety Culture Act. Discussion involved the Project Charter has been updated; involvement of the Safety Subcommittee's intent to participate as non-voting members the same as the 5 management members in the past. Commissioner Pam Bucy commented the Governor brought in labor for advisory because he is interested in getting feedback from those closest to the issues and wants to ensure the worker's voice is heard.

VII. Claims Assistance Update – Bill Wheeler, Claims Assistance Bureau Chief

There was a move in the Department's in house Medical Director in February. The Department has contracted with Dr. John Schumpert through July of 2016 and are moving to extend the contract. Dr. Schumpert will provide Independent Medical Reviews, and oversee the re-opening of medical benefits. In the event of a conflict with Dr. Schumpert having treated the injured worker in the past, he will find a replacement. Dr. Schumpert will tentatively provide Utilization and Treatment Guideline training at the upcoming Governor's Conference. The U & T Guidelines update has been completed as it pertains to the shoulder, thoracic outlet syndrome and cumulative trauma. Feedback from the U & T Guideline medical panel is expected by April 28, 2016. Training across the State has been provided for the re-opening of medical benefits along with a webinar. The annual update of the fee schedule has been completed internally. A rules hearing is scheduled for May 13, 2016 at 10:00 a.m. at the Employment Relations Division. Priced by NCCI shows a 0.7% impact on the workers' compensation system. Bill also advised the Employment Relations Division has no plans to introduce legislation for the upcoming session and the Governor's Conference is scheduled for August 24 through 26, 2016 at Big Sky Montana.

VIII. Work Comp Regulations update – Peter Van Nice, Workers' Compensation Regulations Bureau Chief - Peter provided the Administrative Assessment and Surcharge Estimated rates for 2017. He broke out the assessments rates for Administrative, Safety and the Subsequent Injury Fund.

IX. Safety Presentation – Bryan Page, Safety & Health Bureau Chief.

Bryan advised the training of students has over 1200 students in a year for the 10 hour cards; 1400 signed up for SafetyFest last year of which most are from the private sector and 50% are new. He requested LMAC members contact school districts for more involvement with student training. The SafetyFest is doing well with volunteers teaching the classes. Approximately half of those attending have attended in the past. He stated he is fully staffed for consultations and have been getting more requests. They have just started tracking private and public consultations.

X. Review of Survey Findings – Lt. Governor Mike Cooney

Eric Strauss reviewed the survey results. Discussion included prioritizing of issues and what will be perceived to be hard to implement. Further discussion involved putting teeth into the Safety Culture Act; separation of Safety and a MT State OSHA into different work plans; funds to educate school districts to provide teachers; working to get credits for teaching. Other issues to be explored are a drug formulary, continue to review PPD benefits, choice of treating physician, volunteer firefighters. The Economic Affairs Interim Committee is looking at “mental mental” claims which should be looked at in the event the EAIC requests input from LMAC and; to continue to monitor the progress of SB 344

XI. Work Plan, Establishment of Priorities, Upcoming Meetings – Lt. Governor Mike Cooney.

After discussion, it was agreed LMAC would meet monthly at this point in time and schedule additional meetings if necessary as the legislative session nears. Meeting are scheduled for May 11, June 15, July 13, August 23 (at the Governor’s Conference), September 14, October 12, November 16 and December 14, 2016.

XII. Public Comment - Attorney Dick Martin from FairClaim thanked the Council for its public service stating LMAC is beneficial and productive. He commented that a storm is brewing for benefits which will always need a fix. He further commented how the Affordable Care Act will impact workers’ compensation and questioned if medical will be shifted to the Affordable Care Act.

Mike Marsh with Midland Claims/Industrial Injury Claims Service commented on the work of WorkSafe MT for which he is a strong proponent and would like a funding bill considered to refund this project.

The meeting was adjourned.