



FIVE-YEAR CLOSURE, The First Year

Bill Wheeler, Deputy Administrator
Employment Relations Division
For LMAC – August 23, 2017



MONTANA STATUTE AND RULES

39-71-704. Payment of medical, hospital, and related services -- fee schedules and hospital rates -- fee limitation

- 60 months medical benefits termination (Does not include PTD, Prosthetics & Repair)
- Worker may request reopening of medical benefits

39-71-717. Reopening of terminated medical benefits -- medical review.

Medical benefits may be reopened if:

- Condition is a direct result of the compensable injury or occupational disease &
- Requires medical treatment in order to allow the worker to continue to work or return to work

Program rules: 24.29.3101 through 24.29.3127

Applies to DOI on or after July 1, 2011



Training For Implementation

- Pre- Implementation Training:
 - Feb/March 2016 training
 - 159 persons trained
- Mid – Year Training
 - December 2016
 - 52 persons trained
- Yearly Training - ERD Stakeholders Training
 - May/June 2017
 - 182 persons trained



Two Petitions Types

1. Petition to Re-open Closed Medical Benefits

Injured worker or representative initiates, completes and submits the petition

- Complete petition form and submit to department, or
- Simply notice the ERD of intent to petition to re-open terminated medical benefits (ERD staff will assist injured worker with petition)
- Elections for Panel or Medical Director only review

2. Joint Petition to Re-open Closed Medical Benefits

Injured worker(representative) or insurer may initiate, complete and submit petition

- **Both** injured worker and insurer sign and date the petition
- Injured worker & insurer can work jointly to complete & submit the petition
- If joint petition is signed by only the injured worker the petition is routed to insurer for signature
- If joint petition is signed by only the insurer ERD will return the petition to the insurer to collaborate with the injured worker



Validating Petitions

The Department validates the petition as eligible for medical review:

- Accepted claim (denied, -608, and -615 are not considered accepted)
- Not prior to 90 days before medical benefits terminate
- Not 5 years past the medical benefits termination
- Medical benefits are not settled or closed by court order
- Not a permanent total disability or prosthesis



PETITION IS FILED

Sun	Mon	Tue	Wed	Thu	Fri
			1	2	3
3	4	5	6	7	8
9	10	11	12	13	14
15	16	17	18	19	20
21	22	23	24	25	26
27	28	29	30	31	

14 Calendar days allowed for medical records



Petition Type and Outcome

(76) Total Petitions Received

55 Regular Petitions

- 22 Reopened
- 26 Left closed
- 7 Determination Pending

16 Joint Petitions

- 15 Benefits Reopened
- 1 Determinations Pending

5 Dismissed

- Did not meet the validation criteria



Outcomes (Continued)

Represented vs. Non-Represented Panel vs. Medical Director Only

55 Regular Petitions

25 Represented - 11 Approved, 10 Denied, 4 Pending

- 11 Panel - 5 Approved, 6 Denied
- 14 Medical Director Only - 6 Approved, 4 Denied, 4 Pending

30 Un-Represented - 11 Approved, 16 Denied, 3 Pending

- 20 Panel - 8 Approved, 12 Denied
- 10 Medical Director Only - 3 Approved, 4 Denied, 3 Pending



Outcomes (continued)

Joint Petitions

16 Joint Petitions, 1 Represented

- 15 Benefits Reopened
- 1 Determinations Pending

5 Dismissed, 1 Represented

- Did not meet the validation criteria



Petitions By Plan Type

Petitions Received by Plan Type

Plan 1 8 Petitions – 2 joint petitions

Plan 2 18 Petitions – 6 joint petitions – 2 dismissed

Plan 3 29 Petitions – 8 joint petitions – 3 dismissed



Other First Year Statistics

Average Record Size: 285 Pages

Largest record 2131 Pages

Smallest record 3 pages

To date 96% of determinations issued within the 60 day required timeframe.

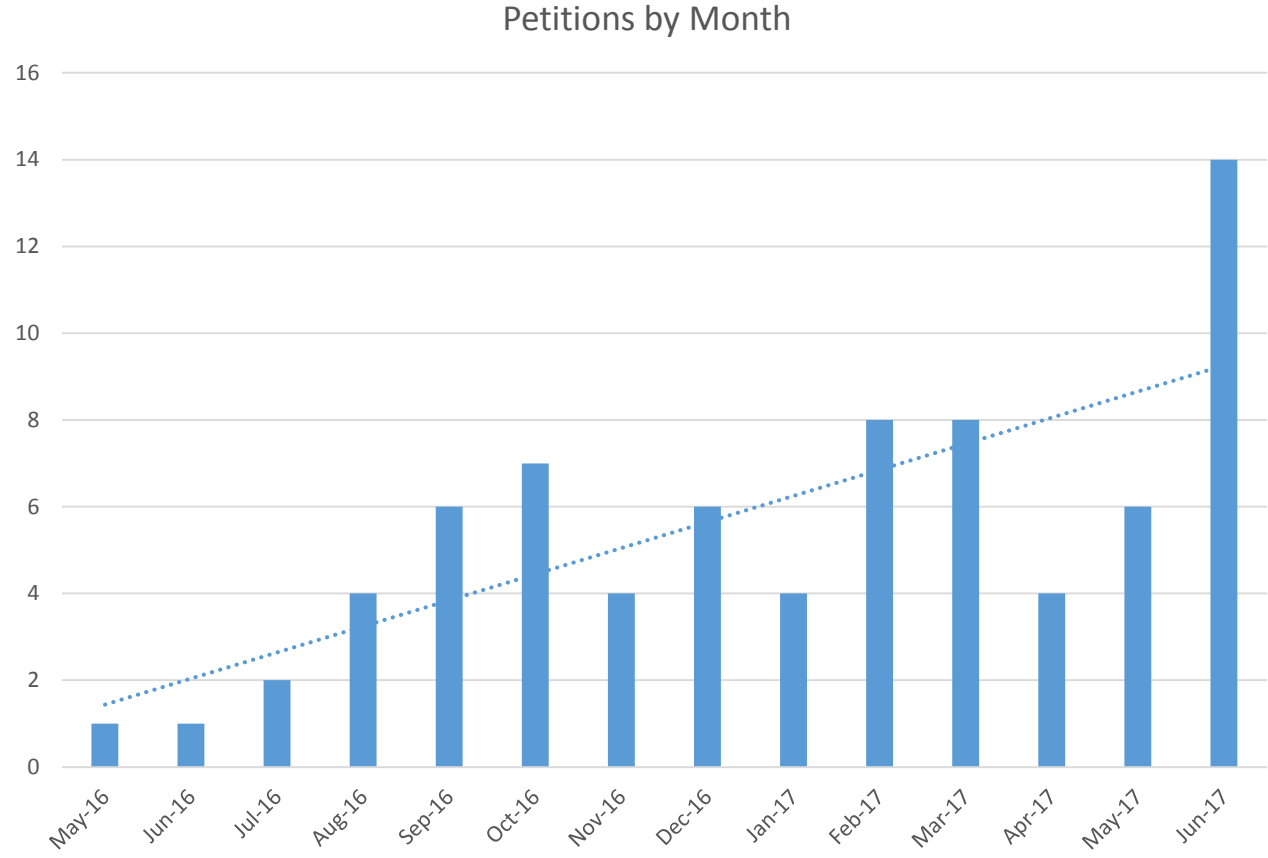
Shortest 15 days

Longest 63 days

Average 49 days



Petitions Received by Month





System Costs

- Fiscal Note / Anticipated Costs
 - 220 cases
 - Four hours per case
 - \$100/hour
 - Two physicians
 - ~\$200K annually
- Cost with Maximus in FY 2017
 - \$28K (note: some costs not billed in FY 2017)
 - ~\$500 / case



Petition Electronic Survey

Responses:

9 Insurer Responses

66% ERD website was helpful

50% Submitting records was easy

75% ERD staff were helpful through process

63% Attended ERD provided training

4 Attorneys Responses

75% ERD staff timely though the process

Satisfied with Panel/Medical Director decision

33% completely

33% mostly unsatisfied

33% not satisfied

0 Petitioner – Very few provided an email to receive the survey
no responses received



QUESTIONS?

General Questions

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