

SJR 30 Studies – Update

As of 10/23/09

Presented to the Montana LMAC

Ann Clayton
Consultant to ERD
781-402-0012
annclayton@aol.com

LMAC, 10/28/09

1

SJR 30 Review

- Review of frequency of claims
- Medical costs
- Duration, availability and access to medical treatment
- Use of U&T guidelines and their effectiveness in other jurisdictions
- Impact on cost containment and access resulting from implementation of medical fee schedule
- Research and analysis on whether Montana should include occupational disease presumptions for certain occupations

LMAC, 10/28/09

2

SJR 30 Review

- Evaluation and recommendations on exemptions
- Three-tiered structural issues
- Identify additional areas that impact premium cost drivers
- Examine the operation and structure of the Montana State Fund...

Conclude prior to September 15, 2010 and report to the 62nd Legislature

LMAC, 10/28/09

3

Methods To Gather Information With Which To Answer Research Questions:

Research using data from multiple states and multiple sources

- Research from the detailed medical data and claims data submitted to ERD from payers
- OSHA/BLS data
- Interviews with system stakeholders
- Review of current literature and research available
- Research requests to NCCI, WCRI and other organizations
- Review of statutes, available information and discussions with other state agency personnel as necessary
- Survey of other states
- Department of Health data on Montana Physicians
- Survey of injured workers from 2008 done by ERD
- Case studies to determine application of statute and case law in comparator states
- Possible review of course and scope statutory and case law interpretations for all comparator state by WC legal expert

LMAC, 10/28/09

4

Data Collection Status – 10/23/09

	Case Studies	Comparator State Survey	Other State Survey	Subro. Survey	Med. Data
AK					
ID	x				
MT					
ND					
NM	delay	delay			
OR	delay	delay			
SD	x	x		x	
WA	delay	partial			
WY	x	x		x	
Claims					
Other States			23/7		

LMAC, 10/28/09

5

Research Question Results:

What is the % of benefit dollars for medical care in comparator states and how are those states ranked by the OR ranking? How does this change when we look at more mature or developed claims?

See attached handout: All western comparator states except WA and WY have higher percentages of medical paid than the national average according to NASI. Montana is 5th out of 9 in 2007. But after being fully developed by NCCI, Montana ranks 2nd out of 6.

One cannot conclude from this comparison that there is a direct correlation between the % of medical and the Oregon rate ranking results.

LMAC, 10/28/09

6

Research Question Results

Have any states considered the use of Medical Panels in workers' compensation?

- See Attached Briefing Paper: A number of states have experimented with the use of medical panels in the past. Most do not use them at present. Initial investigation reveals problems with bifurcation of issues in dispute and delays in the dispute resolution process.

Questions?

Ann Clayton
WC Consultant to ERD
781-402-0012
annclayton@aol.com