

**Minutes**  
**Labor-Management Advisory Council**  
**June 17, 2014**  
**Best Western Great Northern Hotel, Helena**

**Advisory Council and Subcommittee members present:** Bob Worthington, Annette Hoffman, Don Judge, Bill Dahlgren, Jim Larson, Doug Buman, Al Smith, Lance Zanto, , Kevin Braun, Jacqueline Lenmark, Bonnie Lyytinen-Hale, Bob Olson, and Riley Johnson

**Project Core Team members present:** Diana Ferriter, Bryan Page, Peter Van Nice, Anne Wolfinger, Bill Wheeler, Mark Cadwallader

**Others present:** Marv Jordan, Tammy Lynn, Montana State Fund; Alan Hulse and Thom Dauenhauer, MMIA; Anni Druce, Barb Gullickson, Maralyn Lytle, Teresa Graham, Karen Wiles, Erin Weisgerber, Christopher Bradley, Carla Huitt, and Jason Swant, ERD; Pat Murdo, Legislative Services; Robyn Morrison WorkSafe MT; Deb Matus, MMA; Don Agan, Agan Consulting Inc.; Bryant Higgs, RMC; Joe Hamilton, Dept. of Administration Casey Kyler West, Mike Taylor, NCCI and Glenn Wright, Coventry Work Comp Services

**I. Welcome and Introductions**

Lt. Governor Angela McLean chaired the meeting and greeted those present.

**II. Approval of Agenda and Previous Minutes**

The agenda was approved. The minutes of the May 22, 2014 minutes were amended and approved.

**III. Economic Affairs Interim Committee Report – Pat Murdo. Legislative Services**

Pat advised of tag teaming with LMAC on OSHA for the July 14 and 15, 2014 meeting at which time the Committee will hear the recommendation of a State operated OSHA plan. There will also be discussion on subrogation including a bill draft from the self-insurers and a bill draft to put the Montana State Fund under the State Auditor's office

**IV. Vocational Rehabilitation Proposal – Don Agan of Don Agan Consulting, Inc.**

provided a proposal to require vocational rehabilitation to injured workers prior to reaching maximum medical improvement. He stated there is a gap in services between the initial and final assessments of injured workers and the proposal will fill that gap.

**V. Funding Task Force – Erin Weisgerber**

Erin provided a presentation of the Workers' Compensation Assessment Funding which included a subcommittee discussion overview and recommendation; amounts available for the assessment; Montana workers compensation premium volume; a comparison of CPI to assessment as expended; State by State funding mechanisms; market share by plan; assessment on paid benefits; claim distribution by plan type with and without plan 3 old claims; the average medical for wage loss claims with medical payment greater than \$200,000 by fiscal year of injury excluding outliers; estimated expenditures; FY 2014

and FY 2015 administration and safety assessments; FY 2014 and FY 2015 administration and safety assessments without the old fund claims; assessment on budget FY 2014 and FY 2015 effect on Self- Insurers; assessment on budget FY 2014 and FY 2015 on plan 2 and 3.

#### **VI. Responses to LMAC Notification Letter**

Bryant Higgs with the Restaurant Management Corp. spoke on behalf of the multi-state organization commenting on the inability to obtain information from insurers and medical providers allowing the employer to be in on the claim process. Two injured workers, Jack Deucker and Keith Gaffaney spoke of their experience with their claims and the frustration they felt throughout the process.

#### **VII. LMAC Safety Committee Report – Lance Zanto**

Lance advised of the University System's effort to offer training and that T.J. Eyer is working with OPI on training in secondary schools with the priority of getting it into the fall curriculum.

#### **VIII. Designated Treating Physician Task Force – Diana Ferriter and Al Smith**

Diana and Al each provided draft legislative proposals that were discussed by the subcommittee. After discussion of NCCI pricing and setting of parameters, it was agreed to go with Diana's proposal with some language incorporated from Al's proposal. Mike Taylor will attempt to get pricing on the proposal.

#### **IX. Workers' Compensation Statute Review – Christopher Bradley**

Christopher provided information on the AMA Guideline changes and the impact of impairment ratings from the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> editions of the Guide.

#### **X. State Based OSHA Program – Diana Ferriter – Bryan Page**

Jerry Laughery, Diana and Bryan held a phone conference with OSHA staff from the US Department of Labor on this issue and advised the process will need to be done in increments. The first step is getting state enabling legislation. Discussion involved what legislation will be needed, what the Federal role is, enforcement, discrimination, funding and a possible time line of 3 to 5 years to be implemented.

#### **XI. Ready to Work Pilot Project – Casey Kyler West**

Casey advised of the Ready to Work Pilot project at the Safety and Career Fair in Billings. They partnered with the Billings Job Service and Career Center. She provided statistics of registration, course completions, no shows, employer attendance. She also provided figures of the event costs and donations. She stated a future goal is to focus on parent involvement to help register the youth and get them to the training.

#### **XII. Medical Regulations Update – Bill Wheeler**

Bill advised the medical fee schedule and U & T rule hearing was held and they received 8 written comments to which they are working on responses. He also advised of the second annual U & T Guidelines update and they are looking at Colorado's update of the back and cervical spine. He advised Colorado is working on an opioid guideline that will

Labor-Management Advisory Council  
June 17, 2014

be considered by Montana. He further advised the Subsequent Injury Fund has been billed and they will start reimbursements for past requests from insurers in July.

**XIII. WorkSafe MT Update – Robyn Morrison**

Robyn advised WSMT has formed a Governor’s Safety Award task force and they will select a recipient for the August Safety Fest in Havre.

The meeting was adjourned.