

**Labor-Management Advisory Council**  
**Minutes**  
**March 19, 2010**

**Advisory Council Members present:** Lt. Governor John Bohlinger, Riley Johnson, Bob Worthington, Jacquie Helt, Doug Buman, Connie Welsh, Dan Lee, Jason Miller, Don Judge, Annette Hoffman, Bill Dahlgren, Jerry Keck

**Project Team members present:** Diana Ferriter, Keith Messmer, Judy Bovington, Georgiana Kochman, Anne Wolfinger

**Others present:** Trudy Winslow, MHS; Anni Druce, Karen Wiles, Barb Gullickson, Teresa Graham, Dave Elenbaas, Ryan Morton, ERD; Marvin Jordan, MDDF; Larry Jones, Liberty Northwest; Kris Wilkinson, LFD; Carl Kochman, Peter Strauss, Nancy Butler, MSF; Pat Murdo, Legislative Services; Rick Clark, Plum Creek; Wayne Erhart, Teamsters Local 190; Al Smith, MTLA; Jon Bennion, MT Chamber; Andy Adamek, BKBH; Thom Danenhower; MMIA

**I. Welcome and Opening Remarks – Lt. John Bohlinger**

Lt. Governor John Bohlinger opened the meeting by thanking those in attendance for coming. He had members of the LMAC and the audience introduce themselves.

**II. Approval of Agenda and Minutes**

The agenda and minutes were approved.

**III. LMAC Workplan and Summary – Jerry Keck**

Jerry reviewed the current workplan.

**IV. Cost Drivers: Frequency – Carl Kochman**

Carl discussed the upcoming SafetyFest to be held March 30 – April 1. The Simms video on workplace safety has been well received. There is still no public funding; the businesses seem to think this is a government run program and not a nonprofit organization.

Bill moved, Don seconded, that the LMAC send a letter to the Governor supporting ERD's request to fill the vacant WorkSafeMT position. Motion passed. Later in the meeting, Jerry said he received word the position had been approved to be filled.

Don requested that Jerry report at the next meeting the amount of work comp fund balance.

**V. Cost Drivers: Duration – Georgiana (George) Kochman**

George reported that Jason Swant and the Stay at Work/Return to Work Committee is working to have training materials developed for physicians at about the same time that ERD will be conducting training on the new utilization and treatment guidelines. This presents an opportunity to train physicians on their role in return to work at the same time they receive training on guidelines.

**VI. Cost Drivers: Medical – Keith Messmer**

Keith reported that Frank Neuhauser, ERD consultant, and ERD research analyst, Kristine Shields, have some preliminary numbers on the result of changing the nonfacility fee schedule from a relative value (RVP) to a resource-based relative value basis (RBRVS).

The U&T Medical Providers Group has recommended adoption of the Colorado Treatment Guidelines and recommended the Employment Relations Division (ERD) determine which guideline to use for the codes not covered by Colorado. ERD will be issuing a request for proposals for the development of a web-based software system which integrates these guidelines in a seamless system for users. Staff is still working with some medical providers to identify methodology for measuring U&T outcomes.

VII. Claim Closure/Settlements Subcommittee Report – Bob Worthington  
 Bob summarized the discussion of the subcommittee. He made a motion to move the settlement proposal as a tentative agreement to the LMAC comprehensive package. Jason seconded the motion. Motion passed.

VIII. Benefits Subcommittee Report  
 Diana gave a summary of the benefits discussion from the subcommittee meeting. She also gave a summary of the discussion of IME and impairment rating medical provider fees. Don suggested this information be sent to attorney Tom Murphy who originally raised the IME fees issue to see exactly what he was trying to say and what he is looking for. The topic will be carried forward to the April agenda.

IX. Provider Access Subcommittee  
 The subcommittee members (Connie, Bill, Jason, Don) briefly reported on the previous day’s discussion. The management members have been asked to bring draft proposals to the table for the next meeting.

X. Next steps

<b>General</b>		
Research the current WC fund balance	Staff	April
Develop a model to determine the dollar amounts of savings to-date	Staff	April
Determine with NCCI the full effect on MT rates of since 7/2007, relative to national rates	Staff	April
Get statutory regulations on IMEs from comparator states	Staff	April
Schedule next meetings to start at 9a; subcommittee room set up –circular table	Staff	April
Send Tom Murphy, attorney, a copy of the IME information from today’s meeting for comment	Staff	April
Research setting an impairment rating fee schedule by rule	Staff	April
<b>Benefits Subcommittee</b>		
Find out from insurers and discuss with NCCI the feasibility of not triggering reserves for an indemnity claim until after a seven-day waiting period	Staff	April
Frame a request for NCCI pricing on all elements that can be priced	Staff	April
Get data on pricing and the number of impacted claimants for retroactive waiting periods of 14 days, 21 days, and 28 days	Staff	April
Obtain (and read) when published the upcoming report comparing the 4 <sup>th</sup> , 5 <sup>th</sup> and 6 <sup>th</sup> editions of the AMA guides	Subcommittee, Staff	April
Research TPD rates to address fairness issue but not penalize injured workers	Staff	April

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Research how impairment ratings may affect temporary/seasonal employment (Proposal 1-g)	Staff	April
<b>Provider Access Subcommittee</b>		
Create flowchart to show attorney fee process	Staff	April
Gather all information on attorney fees in one packet	Staff	April
Update the NCCI cost analysis on attorney fees	Staff	April
Project MT attorney fee costs based on the OR model	Staff	April
Add WA Project Help to subcommittee agenda	Staff	April
Frame the issues/determine how big the issues are	Staff	April
Work with LMAC management on new alternative proposal	Staff	April
<b>Claim Closure/Settlements Subcommittee</b>		
Fine tune the draft claim closure and settlements language	Staff	April

Next meetings:

LMAC subcommittees, Thursday, April 15, Best Western Great Northern, Helena

LMAC, Friday, April 16, Best Western Great Northern, Helena

LMAC subcommittees, Thursday, May 20, Best Western Great Northern, Helena

LMAC, Friday, May 21, Best Western Great Northern, Helena