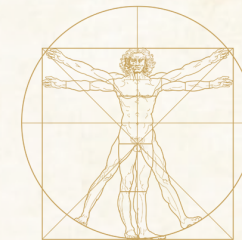


# Ethical Choices on Inputs Can Precipitate Improved Results

Montana Governor's Conference

September 12, 2024

Brian Allen



**OPTIMIZED  
OUTCOME  
SOLUTIONS**



## Meet the Presenter

Brian Allen, Co-Founder - Optimized Outcome Solutions

Vice President Government Affairs - Mitchell Pharmacy Solutions

- › 20 years of advocacy experience across all 50 states
- › Former member – Utah House of Representatives
- › Nationally recognized speaker on workers' compensation issues
- › Author of numerous articles in workers' compensation trade journals
- › Passionate about injured worker outcomes



# Learning Objectives

- What is Ethics?
- Ethics in Health Care
- Ethics in Workers' Compensation
- How Do Early/Ethical Decisions Impact Outcomes?
- Checking Your Ethical Performance
- Weighing Your Decisions

# What Is Ethics?

## Merriam-Webster definition:

- A set of moral principles : A theory or system of moral values
- The principles of conduct governing an individual or group
- A consciousness of moral importance
- A guiding philosophy

(Plural) A set of moral issues or aspects (such as rightness)

The discipline dealing with what is good and bad and with moral duty and obligation



# Ethical vs Legal



**Legal** is behavior within the construct of statutes or rules



**Ethical** is behavior within a moral construct



These two concepts can be at odds with one another:

- An action could be legal but considered unethical
- An action could be illegal but considered ethical

ETHICS

**What You See From Where  
You Stand**

Is it a 6 or a 9?





# Legal but Unethical?

> Slavery

> Over-priced goods

> Under-paying for goods or services

> Same job, different pay

> CEO pay

> Ghost/AI writers for college papers

> Free speech issues

> Unkind behavior

> Other examples?

# Illegal but Ethical?

➤ Running a red light to save a life

➤ Store clerk giving groceries to a homeless person

➤ Failing to file a police report

➤ Neighborhood lemonade stands

➤ Sharing prescription medications

➤ Withholding life-prolonging care from a terminally ill person

➤ Sleeping off a drinking binge in your car

➤ Other examples?



ILLEGAL AND UNETHICAL?

# Acting as a Lay Person Surgery Assistant

What do you think?



# Ethics in Health Care



## Four Pillars of Medical Ethics

- › Beneficence
- › Nonmaleficence
- › Autonomy
- › Justice



## Added Principles

- › Accountability
- › Fidelity
- › Veracity



# Ethics in Workers' Compensation



- **Medical Practitioners**
- **Lawyers**
- **Employers**
- **Insurance Carriers**
- **Claims Administrators**
- **Employees**
- **Other Service Providers**
  - Ancillary Services
  - PBMs
  - Bill Review
  - Utilization Review, etc

# Typical Ethical Pitfalls in Workers' Comp



## Money

- Cost cutting
- Over-charging
- Under-paying
- Kickbacks
- Mishandling of client money
- Unjust enrichment



## Conflicts of Interest

- Self Dealing
- Contractual Relationship
- Filling Potentially Conflicting Roles





# Real-Life Examples



## Boutique Drugs

- Generic available in 5mg or 10mg strength at a cost of less than \$50 for a 30-day supply
- Boutique strength of same drug at 7.5mg through a single dispenser at a cost of over \$1500 for a 30-day supply



## Back Injury Claim

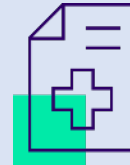
- Police officer injured back on duty
- Unable to work
- Spine specialist had data to support surgery to relieve pain and allow a return to work
- Police officer accepted a settlement that was less than the cost of surgery and remains disabled

# Real-Life Examples



## Compounded Topical Creams

- Marketing
- Cost misaligned with outcome
  - Bills for 30-day supply exceeding \$10,000
- In some cases, fraud prosecutions have occurred



## Medical Fraud

- California Case – excess of \$500 million over 15 years
- Spinal surgeries
- Kickbacks (\$10-15k per referral) to other medical professionals for surgery referrals
- Involved bribes to at least one lawmaker to preserve a loophole in the law



# Early Decisions Can Impact Outcomes



## Impacting Outcomes

- Investment in safety prevention/training
- Delayed injury reporting
- Faster access to care
- Injured employee education
- Establishing outcome goals
  - Settle fast?
  - Minimal cost?
  - Best recovery outcome for injured employee?

# Early Decisions Can Impact Outcomes

## Can Enhanced Care Reduce Costs – Ohio Study

- Ohio Bureau of Workers' Compensation and IntegerHealth Technologies
- Published in the Journal of Total Rewards – First Quarter 2023
- Enhanced Care Program for knee injuries
  - Faster treatment
  - Higher reimbursement for faster care
  - More treatment flexibility/easier authorization
  - Treatment within ODG guidelines
  - Measured injuries occurring between July 2015 through June 2018 and treated through March 2022
  - 1198 treated in pilot program / 1909 not in pilot and were control group
  - Medical only and medical with disability claims



# Early Decisions Can Impact Outcomes

## Can Enhanced Care Reduce Costs – Ohio Study

### ➤ Outcome of Ohio Study

- Enhanced care average cost per claim was 18.8 better than control group
- Enhanced care program had a 15% higher fee schedule
- Enhanced care program used physical therapy more frequently
- Enhanced care program return to work was 30% better than control group
- Enhance care program saw injured workers faster
- Enhanced care program got to first treatment sooner
- Enhance care program yielded \$2.1 million of savings over control group

# Focus on Injured Worker Can Impact Outcomes

## **OccMD and Texas Non-Subscriber Employers**

- OccMD piloted a patient-education program for injured workers
  - Contracted with an outside provider
  - Education focused on mindset, nutrition, physical activity and proper rest
  - Education content was delivered 2-3 times per week along with a weekly meal planner for 16 weeks
  - Program included a weekly call from a recovery guide or coach
  - Participants completed an injury-specific self-assessment survey every two weeks
  - Cost of program was between \$1000 and \$1500 per participant
  - OccMD reported 10-30% better outcomes for participants completing program
  - Program participants did not retain attorneys



# Checking Your Ethical Performance



**Familiarize yourself with your company's ethics policy**



**Review industry/profession ethical standards**



**Seek feedback from customers /clients, coworkers, managers on your ethical performance**



**Self-assess your ethical performance**

- Company or professional questionnaires

# Examples of Ethics Self-Assessment Questions



You're on a wonderful date with your significant other. At the end of dinner, your server presents the check. After reviewing the bill, you realize the dessert you ordered wasn't included on your bill.

**What would you do?**



In a team meeting at work your manager is seeking ideas to improve a billing process. You present an idea that was given to you by a co-worker over lunch last week. Your manager compliments you for the great idea.

**What would you do?**



# Examples of Ethics Self-Assessment Questions



**I place patient benefit over personal gain**

- Almost Never
- Occasionally
- Usually
- Always



**In my personal and corporate policies and actions I demonstrate that overtreatment or undertreatment of patients are unacceptable.**

- Almost Never
- Occasionally
- Usually
- Always

# Examples of Ethics Self-Assessment Questions



**When faced with an ethical challenge, I consult with colleagues or our ethics committee for guidance.**

- Almost Never
- Occasionally
- Usually
- Always



**When I witness an ethical concern, I am willing to engage in discussions with colleagues about the concern.**

- Almost Never
- Occasionally
- Usually
- Always



# Examples of Ethics Self-Assessment Questions



**I regularly review my company's ethical standards.**

- Almost Never
- Occasionally
- Usually
- Always



**I regularly review my professional ethical standards.**

- Almost Never
- Occasionally
- Usually
- Always

# Weighing Your Decisions



Is what I am doing legal?



Is what I am doing the morally right thing to do?



Who does my action help the most?



Does my action align with company and professional standards?

How will my decision impact the outcome for the injured employee and their employer?







# National Comp Conference Las Vegas

To learn more about how better inputs can improve outcomes, Brian will be moderating a panel at the National Comp Conference in Las Vegas in October.

The Real Cost of Cutting Corners: A Deeper Dive  
Into Service Value

October 17<sup>th</sup> at 10:00am PDT  
South Pacific E  
Mandalay Bay Conference Center

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