

Medical Services Review Board

April 19, 2012
Minutes

Members present

Aysel Atli, M.D.
Beth Baker, M.D.
Jeffrey Bonsell, D.C.
Russell Gelfman, M.D.
Michael Goertz, M.D.
John Kipp, M.D., J.D.
Rose Hatmaker
Kimberly Olson
Reed Pollack
James Samuelson
Cally Theisen, M.D., D.P.M.
Dan Wolfe, P.T., G.D.M.T.

Members absent

Glenda Cartney, R.N.
Lisa Hanselman, OTR/L
Kathi Henrickson, R.N.
Greg Hynan, D.C.
Brian Konowalchuk, M.D., M.P.H.
Jody Ruppert, OTR/L
Robin Peterson, P.T.
Andrew Schmidt, M.D.
Margaret Spartz, M.D.

Staff members present

Kate Berger
Deputy Commissioner Kris Eiden
Wendy Legge
William Lohman, M.D.
Pamela McLaughlin
Jessica Stimac
Lisa Wichterman
Laura Zajac

Visitors present

Cristine Almeida, Almeida, P.A.
Dawn Carlson, Almeida, P.A.
Sherri Giorgio, Medtronic - *via phone*
Susan Giguere, MAPS
Liesl Hargens, Medtronic
Heather Keenan, MAPS
Anne Thompson, Medtronic
Daniel Wulff, MNAJ

Call to order and introductions

The meeting was called to order by Chairwoman Dr. Beth Baker. Announcements were made. Introductions were made. A quorum was met.

Approval of the minutes and agenda

Minutes from the Jan. 19, 2012, meeting were approved with the addition of Rose Hatmaker to the list of attendees. The April 19, 2012, agenda was approved.

Announcements and updates

Deputy Commissioner Kris Eiden made announcements about the EOB compliance issue. A story will be published in the *COMPACT* newsletter about what is required for compliance of the rule for EOBs. The biggest offenders of noncompliant EOBs will be contacted to meet with department staff members. Board members were invited to attend the 2012 Workers' Compensation Summit in Brainerd, Minn., June 12 and 13.

Data practices

Wendy Legge gave a presentation about data practices. The presentation reviewed the different types of public, nonpublic and private data. Also presented were the responsibilities that go along with the different types of data.

Spinal stimulators and implantable pumps

Dr. William Lohman reviewed the draft rules for spinal cord stimulators and implantable pain pumps. Changes to the draft are adding a psychological examination to the requirement and a second opinion by a provider outside of the treating physician's practice. This provider could be of any type of specialty. The board discussed whether the rule should state that a physician experienced with pain management should do the second opinion. A majority of the board members expressed they wanted to leave the rule language as presented. The board voted and approved the rule as presented.

Spinal fusion and implants

Lohman presented information about spinal fusion. The presentation included different studies of patients, comparing the results of surgical versus nonsurgical treatments. Guideline comparisons between workers' compensation states Minnesota and Washington, and three general health carriers, were reviewed.

Kim Olson presented a study of lumbar fusion in Minnesota from 2009 to 2011. The study included the number and costs of fusions, broken down by inpatient hospital costs and implant costs. The study included single, multiple and revised lumbar fusion surgery.

The board discussed what the next steps should be, given the data and information presented: Can the manufacturer of the hardware present to the board what types of costs go into the final cost of the hardware? What are the costs to the employee or system if the employee is now PTD due to a failed fusion? Should risk assessments be done and/or what type of conservative care can be done for degenerative disk disease? How is the psychological exam used to determine if surgery should be approved or denied? Cost containment for the hardware is a topic the Workers' Compensation Advisory Council decides for possible legislation. The board would also like to have the medical necessity of discograms.

Draft of 5217 rule revision with the Rehabilitation Review Panel

Laura Zajac reviewed the rule 5217 draft changes for medical and rehabilitation meetings. The board will vote on the rule changes at the next meeting.

Agenda for the July meeting

The agenda for the next meeting should include the 5217 rule changes.

Adjournment

A motion to adjourn the meeting at 6 p.m. was approved.

Respectfully submitted,

Lisa Wichterman

Medical Policy Analyst

Department of Labor and Industry