

Minutes
Labor-Management Advisory Council
June 13, 2018
Employment Relations Division, Helena, MT

Advisory Council members present:

Lt. Governor Mike Cooney
Al Smith, Montana Trial Lawyers Association
Adam Haight – MT AFL-CIO
Vicki Evans – Montana Contractors Compensation Fund
Larry Jones, Montana Self-Insureds Association
Lance Zanto Workers' Compensation Management Bureau
Don Judge, Injured Workers Resource Council – Proxy for Jim Larson
Doug Buman, Laborers' International Union of North America
Bill Dahlgren – Sun Mountain Sports

Project Core Team members present:

Eric Strauss, ERD Administer
Bill Wheeler, ERD Deputy Administrator
Bryan Page, Safety & Health Bureau Chief
Mark Cadwallader, Department Legal Counsel
Jason Swant, Project Manager

Others present via Go to Meeting:

Mike Bartow
Bridger Mahlum
Jackie Laverliere
Pat Murdo

ERD

Karen Wiles, Bri Lake, Kristine Ediger, Cindy Zimmerman, Peggy Coggeshall, & Stephanie Champagne

Montana State Fund

Kevin Braun

I. Welcome and Introductions

Lt. Governor Mike Cooney chaired the meeting, and greeted those present. He also introduced the two new LMAC members, Vicki Evans and Adam Haight

II. Approval of Agenda and Minutes The agenda and the minnutes from the June 13, 2018 were approved.

III. Opioid Utilization in Montana Workers' Compensation – Bri Lake

Bri's presentation included definitions of service year, medical claim, drug claim and opioid claim. She also presented the distribution of drug payments and scripts; share of drug claims with at least one opioid script; average number of opioid scripts per opioid claim; average total opioid payment per opioid claim; average payment per opioid script; opioid claim distribution by claim maturity; opioid claim distribution by claim for Montana, the region and country wide; total number of opioid scripts by opioid claim maturity for Montana, the region and country wide; average yearly MME per opioid claim; distribution of MME by claim decile; average yearly MME per opioid claim, top 10%; average yearly MME per opioid claim bottom 90% and; why might Montana utilize more opioids in workers' compensation or why it may appear that way.

IV. Drug Formulary Update – Bill Wheeler

Bill provided an update on the status of the drug formulary advising the core team has looked at other states who have drug formularies in developing the one for Montana and what we can borrow from them in developing a dispute resolution process. Currently, administrative rules are being drafted for first fill, prior authorization and dispute resolution. The group is also looking at means to educate stakeholders and Bill will present at the Governor's Conference in August. The next working group meeting is June 19, 2018 at ERD. He also advised of a possible grant to Work Force Services that may assist in the education process. Discussion included the definition of first fill and the authority of ERD to implement this, who pays for additional treatment on legacy claims

V. Safety Committee – Don Judge and Lance Zanto

The safety committee met in March 2018 and discussion included a state-run safety program, and changes to the existing Safety Culture Act to improve it. Those in attendance were encouraged to go back to their individual groups and get feedback on a state-run program. The committee may meet again in July or wait until the Governor's Conference in August. Concerns heard by the committee came from grain growers and agriculture and included inspections of small mom and pop operations and will fines be used to pay for the state program. Another concern was whether a state program would exceed OSHA standards

VI. Lunch

VII. Legislative Update CEC Voluntary – Jason Swant

Jason reviewed the voluntary certification program for claims examiners; the certification process; student course letters showing the CE total and renewal date; the renewal process; and the grace period & expirations date. Currently there are 170 people certified and 91 claims examiners have either let their certification expire or have withdrawn from the program. The certification program is voluntary and the Employment Relations Division is proposing legislation to make it mandatory.

VII. Legislative Update Treating Physician in Montana – Bill Wheeler

Bill provided the definition of a Treating Physician, 39-71-116, MCA focusing on the language “and has admitting privileges to practice in one or more hospitals, if any, in the area where the physician is located”. Discussion included leaving language regarding licensed in Montana and not necessary to reside in Montana.

VII. Legislative –Mark Cadwallader

Mark is still working on language regarding the old occupational disease law and latency. He will present language at the next meeting.

LMAC requested ERD continue with language on the 3 pieces of legislation and will vote at the next meeting.

VIII. Interim Economic Affairs Committee – Eric Strauss

Eric advised IEAC met on April 27, 2018 on SJR 27. Attendees included State Auditor Matt Rosendale, Montana State Fund, Fair Montana and NCCI. Three concepts were presented and a conclusion is expected at the next meeting on July 9, 2018.

LMAC will continue to monitor

IX. Other Matters

There were no other matters presented.

X. Public Comment

There was no public comment

XI. Next Steps -