

***Workers' Compensation
Medical Services Review Committee
Meeting Minutes***

July 15, 2016

I. Call to order

Director Marx, acting as Chair of the Medical Services Review Committee, called the Committee to order at 9:00 am on Friday, July 15, 2016, in Anchorage, Alaska.

II. Roll call

Director Marx conducted a roll call. The following Committee members were present, constituting a quorum:

Dr. Mary Ann Foland

Dr. Robert Hall

Tammi Lindsey

Dr. William Pfeifer

Ross Newcombe

Pam Scott

Vince Beltrami

Member Kevin Smith was excused.

III. Introduction of New Members and Guests

Director Marx introduced new Committee member Ross Newcombe. She also introduced Workers' Compensation Division Administrative Officer Alexis Hildebrand and Chief of Adjudications Amanda Eklund. Director Marx covered some housekeeping items regarding Committee member travel, reimbursements, and per diem.

IV. Approval of Agenda

A motion to adopt the agenda was made by member Foland and seconded by member Pfeifer. The agenda was adopted unanimously.

V. Approval of Minutes

A motion to adopt the minutes from the September 3, 2015 meeting was made by member Beltrami and seconded by member Hall.

- Member Pfeifer stated there was discussion at the September 2015 meeting of his concern that when they made the change to the hospital fee structures, the change was solely weighted on Providence Hospital's data being provided to the Committee and there would need to be future access to that data for comparison.
- The September 3, 2015 minutes, as amended, were unanimously adopted by the committee.

VI. Chair's Report

New fee schedule regulations became effective December 1, 2015. Changes made to the emergency fee schedule regulations when made permanent became effective March 11, 2016. Since that time, there has been a significant increase in medical provider claims filed with the Alaska Workers' Compensation Board, and as a result of the increased number of claims filed, the Division published an interpretive bulletin in an effort to provide guidance on practical applications and interpretations of the Alaska Workers' Compensation Act and the

newly effective regulations. This bulletin is not binding on the Department or the Board, and is not comprehensive, but is offered only as a navigational tool and stop-gap measure until the MSRC and Board are able to make recommendations and guidelines. The MSRC's recommendations will be forwarded to the Alaska Workers' Compensation Board for adoption by regulation. The goal is to have these recommendations submitted to the Board by its October 6-7, 2016 regular board meeting, so that the Board can finish its regulatory work in early 2017.

Director Marx also noted there is a question of the MSRC's intent re: automatic updating of new versions of the incorporated reference materials. The MSRC needs to clarify this issue.

Member Pfeifer indicated he had sent Director Marx a letter outlining his current concerns. Director Marx will forward the letter to the other members of the Committee for review. Member Pfeifer noted clarification is needed on the multiple procedure rules for physical therapy.

Member Foland stated there had been no blanket opinion stated at the prior MSRC meetings adopting all CMS rules. She further stated she wishes the Committee to address utilization issues.

Member Beltrami expressed concerns about injured workers' access to care given the new fee regulations.

Member Hall noted a 15% decrease in reimbursement for surgical services and a 20% decrease in reimbursement for ambulatory surgery services since the regulations became effective.

Member Lindsey reminded the Committee that cost containment has always been a goal. She expressed concerns about how critical access hospitals are keeping their billing data and urged the Committee to seek out that data.

Member Scott agreed data is needed from critical care access hospitals.

Director Marx indicated the Division will research the legislative intent and history of HB 316 re: critical care hospitals.

VII. Public Comment

Kevin Barry, Alaska Surgery Center

- Mr. Barry expressed concerns about the loss of reimbursement and potential loss of access to care caused by the new fee regulations. He urged the committee to keep looking at the data and make changes accordingly to ensure there is not a loss to access to care.

Sheila Hansen, Corvel

- Ms. Hansen noted there has been a 37% increase of the average cost of massage therapy since the new fee regulations became effective. She noted any retroactive application of changes in pay rules is a hardship on payers.

Misty Steed, PACBLU

- Ms. Steed noted physical therapists have started marking up their billings since the fee regulations became effective. She stated Modifiers 50 & 51 need clarification.

Shawna Bailey, Anchorage Fracture & Orthopedic Clinic

- Ms. Bailey stated not all providers are being paid consistently and urged the MSRC to establish a full fee schedule. In response, Director Marx stated the Division will not produce a fee schedule but the MSRC will provide substantial guidelines. She affirmed it was the intent of the MSRC to apply the geographic adjustment.

Lisa Ann Forsythe, Coventry Work Comp. Services, Aetna

- Ms. Forsythe stated clarification is needed on how home health services are addressed under the new fee regulations. She also requested clarification on codes 98943 and 98953, and issues dealing with frequency of spinal manipulation. Finally, she urged the Division to provide educational outreach to providers on use of the new fee system.

Keishanna Carter, Anchorage Neurological Assoc.

- Ms. Carter seeks clarification of Modifier 50 and its proper application.

VIII. Planning Discussion

- Goals
 - Optum will help draft guideline recommendations. Once the guidelines have been drafted, it will be circulated to the committee members for review.
 - After review and input from the committee, the recommendations will be presented to the Workers' Compensation Board at its October meeting.
- General discussion re: new fee regulations
 1. The Committee clarified its intent that the GPCI calculation be included in the RVU amount.
 2. An issue has arisen re: certain codes being assigned an RVU of zero. One example is code 99456 (PPI ratings). It was clearly not the intent of the Committee to value PPI ratings at zero. However, at this point, the Committee needs additional information before commenting on other specific codes. Optum will compile a list of specific codes that have zero value and will present the list to the Committee for review.
 3. The Committee clarified its intent that the CMS billing and coding rules will be used and the MSRC can then carve out specific exceptions to those rules by regulation.
 4. The Committee clarified its intent that the purpose of the CCI edits is to provide proper coding and billing application. The Committee intended to adopt both CCI edits and CPT codes, to use both, and where they conflict, the CPT controls.
 5. The Committee requested a data comparison of what was allowed under the prior fee schedule and what is allowed now given the new fee system. Optum will provide this data to the Committee.
 6. The Committee discussed the "catch-all" regulation (8 AAC 45.083(l)) dealing with medical services provided by other providers and its potential conflict with 8 AAC 45.083(j). Member Scott stated she believed it had been the intent of the Committee to pay PAs and NPs a percentage

of what was allowed for physicians (i.e., a percentage of the value after the RBRVS application). The Committee clarified that was its intent.

7. The Committee discussed ground ambulance reimbursement, indicating it falls in the default under 8 AAC 45.083(g).
8. The Committee discussed confusion over .083(j)(1)-(2), modifiers 50 & 51, and clarified its intent that if the code was billed on two lines, the second line would be reduced by 50%. Optum will provide clarifying language for this regulation for consideration by the Committee.

The Committee agreed it needs additional information from Optum before it can take action and make recommendations to the Board.

In closing, Director Marx stated that the material from this meeting will be posted online on the Division's website, and that future meetings will include opportunities for public comment from stakeholders.

The Committee added the following upcoming meeting dates:

July 29, 2016
August 5, 2016
August 12, 2016
August 19, 2016
August 26, 2016.

Meeting Adjourned 12:15 pm