

WCAC Meeting- March 26, 2015

Members Present:

Patrick Robinson (Chair)
Chuck Davoli
Troy Prevot
Clark Cossé, III
Michael Morris
Joesph Jolissaint
Greg Hubachek
Joe Shine
Robert Israel
Denis Juge
Julie Cherry
Dr. Hank Eiserloh
Mark Kruse

Members Absent:

Ray Peters
Dr. Jim Quillin
Eddie Crawford
Dr. Dan Gallagher

1. Agency Update (9:29:33am)
 - a. Status of Fee Schedule Update
 - i. Discussion of methodology to use for patient classification for in-patient stays, APR-DRG vs. MS-DRG
 - Per meetings with providers, most are set up on MS DRG system
 - ii. OWC is continuing to meet with interested parties and will address the issue prior to publication of the proposed update in July
 - b. Status of Medical Treatment Schedule Update
 - i. MAC meeting is being scheduled for end of April
 - ii. Once finalized, it will go through administrative rules/public comment process
 - c. National Workers' Memorial Day – April 28, 2015
 - i. Will be held at 1233 Government Street in Labor Union Hall
 - d. Safety Task Force Meeting Dates
 - i. For those interested in attending, the quarterly meeting dates for 2015 are June 17th, September 17th & December 16th, locations to be announced
2. 2015 Proposed Legislation (9:33:50am)
 - a. LWC is only proposing one bill currently, re extension of SIB deductibles
 - b. No comment due to nothing currently filed as of March 26th
3. Pending Administrative Rules (9:34:23am)
 - a. Inpatient Reimbursement for Severe Burns – LAC 40:2519
 - i. Submitted to Oversight Committee
 - ii. May Register publication possible
 - b. Hearing Rules re Preliminary Determination Procedures
 - i. Published in March Register

4. Proposed Administrative Rules (9:34:55am)

a. Amendment to LAC Title 40:2715 (appeal of 1009 decision)

i. How to prepare record

- Discussion of Version 1 vs. Version 2
- Version #2 provides for WCJ's to take judicial notice of records previously scanned into the OWC's data system when the 1009 was filed. They can then compile the record as scanned by the Medical Services section and provide it to the parties electronically, or by hard copy on request and at standard copy charges

ii. Alternatives

- Reduce excessive evidence currently being sent to Medical Director
- Potentially allow new record/evidence to be supplemented with anything since 1009 filed
 - Get rid of delay
 - Cut down on volume of filing at medical director level
- Currently per case law, any new evidence prior or after 1009 filed, can be submitted to judge

iii. Thoughts

- **Greg Hubachek**- Agree not to file everything at Medical Director level
- **Michael Morris**- Medical Director goes through billing statements even though not important to medical
 - Opposed to Medical director being bypassed on submission of evidence

iv. Version #1

- 1008 filed- identified MGD # & date of decision
- Records management prepare record to send to court
 - Email free
 - Hard copy cost
- **Julie Cherry**- Are you set up to do that electronically?
 - Response via **Patrick**- Judge can look on Justware database but we need to make something an official record

v. Thoughts

- **Jennifer Valois, Esq.** (audience)- a firewall is needed
 - Prior injury or accident listed may not be true
 - May move to strike or oppose
 - Suggest judges should not be looking at MGD file unless it goes to them on appeal & after parties had a chance to object to filings
- **Michael Morris**- medical necessity only when submitting
- **Patrick Robinson**- Who should prepare the record?
- **Jennifer Valois, Esq.** (audience)- Wants option to object
- **Dr. Kate Rathbun** (audience) - Judge should check only how medical director reviewed record.

- Response via **Patrick**- current case law says parties can add evidence
 - **Dr. Kate Rathbun** (audience) - Medical decision should stay with Medical Director.
- b. Procedure for investigating WCJ complaints (9:53:10am)
- i. No formal procedure on how to hear complaints
 - ii. **Chuck Davoli**- Does this avoid LA Bar?
 - Response via **Patrick**- Paragraph E states no
 - ii. **Jennifer Valois, Esq.** (audience)- If pending litigation, the opposing party needs to be cc'd to avoid ex-parte communication with judge's supervisor
 - **Mark Riley, Esq.** (audience) - Has received copy of complaint and cc'd on process in district court; but don't know rule.
 - Response via **Patrick**- Can accommodate in new part A.5
 - **Kevin Hayes, Esq.** (audience)- LADB now handles complaints
 - **Clark Cossé, III** – LADB stands for?
 - Response via **Kevin** (audience)- Louisiana Attorney Disciplinary Board
 - iii. **S. Dale Cronin, Esq.** (audience) – Why Judiciary Board not responsible for LWC judges?
 - Response via **Chuck**- Seen as executive administrative hearing officers
 - Not overseen by Supreme Court
 - iv. **Julie Cherry**- How does DOA-Law handle judges?
 - Response via **Patrick**- don't know
 - v. **Julie Cherry**- Should you use the word “frivolous” in paragraph C?
 - Response via **Patrick**- same language in judicial process
5. 1008's filed solely to subpoena medical records (10:01:40am)
- a. Technically this is subject to a no cause exception
 - b. Filed by employer/insurers due to some issue making it difficult to obtain record
 - c. **Greg Hubacheck**- If object, just file responsive pleading?
 - i. Response via **Patrick**- should office preclude?
 - d. **Denis Juge**- Is claimant made aware?
 - i. Has to be served (both 1008 & subpoena)
 - e. **Greg Hubachek**- Have to file responsive pleading
 - i. Response via **Patrick**- Should court raise motion to dismiss?
 - f. **Patrick Robinson**- per discussion, leave as is
6. OWC Court ordered venue transfers (10:06:03am)
- a. Court's own motion is moving cases
 - b. Problem: Waivable Exception & has prescription
 - c. **Greg Hubachek & Denis Juge**- Don't move venue based on court's motion
 - i. Response via **Patrick**- Defendant should file motion if not proper
 - d. OWC will discontinue transfers for venue issues in the absence of an exception/motion

7. Committee update re changes to 1008 and Answer Forms (10:07:26am)
 - a. **Greg Hubachek**- Committee hasn't met yet
 - i. Should meet in Harahan and will give update next meeting

8. Attendance at WCAC meetings via telephone (10:08:02am)
 - a. Members can't vote by telephone
 - b. Allow people to listen in
 - c. **Denis Juge**- Can you mute?
 - i. Response via **Clark Cossé, III**- Will hear mute/hold music
 - d. **Denis Juge**- Pod cast?
 - i. **Larry White** (LWC audience)- Can automatically mute on their end
 - e. **Patrick Robinson**- we will set up a conference call in option for next meeting to see how it works.

9. Other Business (10:10:55am)
 - a. N/A

10. Public Comment (10:11:09am)
 - a. **Chuck Davoli**- Can Members see fee schedule before publication
 - i. Response via **Patrick**- OWC plans to present the proposed draft at June meeting or July
 - b. **Julie Cherry**- Kids' Chance fundraiser?
 - i. Response via **Greg & Patrick**: May 8th at Moore Thompson on Perkins Road. Tickets are \$25/person. Additional fee = Open bar

11. Adjourn