

IME Business and Labor Advisory Team Meeting
August 10, 2021
9:30 AM – 11:30 AM (Zoom)

Present: Chantelle Yeager, Lloyd Brooks, Kathy Potvin, Donna Egeland, Lisa Vivian, Dianne Whitten, Richard Clyne, Kelli Fussell, Kristen Baldwin-Boe, Melissa Dunbar, Tanya Weber, LaNae Lien, Karen Jost, Dane Henager, Knowrasa Patrick, Kelli Zimmerman, Joel McCullough, Stuart Bammert, Nancy Adams

Guests: Kristin McCoy, Suzy Campbell, Bob Mayer, Debra Hatzialexiou

Absent: Ann Silvernale, Cheri Ward, Gary Kolonja

Brief Summary of Activities:

- Announcements & Safety Message
- IMEs – Appeals Draft Rule Language
- IME Program Updates
- Measure Quality
- December 2020 IME Legislative Report
- Steering Committee Report
- Updates
- Open Discussion: Concerns, Future Topics, Round the Table, Public Comments

Announcements & Safety Message:

Kristen reviewed zoom meeting etiquette.

Kristen introduced Knowrasa who has replaced Jim Nylander after he retired. Debra Hatzialexiou is the Program Manager for Legal Services, and Suzy Campbell is working on rule writing with Debra. Bob Mayer is part of the payment policy team and is working on the IME fee updates.

The agenda was reviewed.

Kristen shared the safety topic of summer pet safety tips. Make sure to provide shade and water for pets left outside. Exercise pets in the morning or evening to avoid the hottest part of the day. Hot pavement and paths can burn pets' feet. Do not leave your pet in a hot car even with the window cracked. The temperature in a car can increase 20 degrees in 10 minutes. Watch for signs of heatstroke in pets. This can include heavy panting, excessive thirst, and drooling.

IMEs – Appeals Draft Rule Language: Debra Hatzialexiou

Debra shared the draft rule language regarding scheduling an IME after an appeal has been received. As of right now they are looking for feedback on this language.

The process for a Self-Insured (SI) employer to request an IME after an appeal has been filed is to request approval from the department. The Claims Consultant would review the request and let them know if it is approved. If the SI does not request approval from the department for an exam in the 30 days, they can still request approval from the BIIA to schedule a CR35 exam.

Send any comments or suggestions to Suzy Campbell. Suzy will be unavailable after August 11. Comments at that time can be sent to Jordan Ely, Jordan.ely@lni.wa.gov.

This is just pre-stakeholdering to get comments and suggestions. There will still be a hearing and comment period during rule writing.

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IME Program Updates:

Interpreters – Kelli Fussell

Kelli gave an update on the interpreting program and new scheduling system. It has been about four months since the rollout of the new scheduling system and the group is now transitioning into an operational phase.

On June 30 Karen Ahrens retired. The new manager will be starting on August 23. She has been working as an auditor in the logging industry program and has a lot of knowledge of systems and processes within L&I

The interpreter options available for scheduling were shared. In person interpretation for scheduled appointment should be scheduled through interpretingWorks. For on demand appointment such as filing out the Report of Accident (ROA) or a reopening, emergency and urgent appointments, there is CTS language link that can provide over-the-phone interpretation, and video remote interpretation.

When scheduling in the new system, if the requested language is not available, interpretingWorks will notify the firm immediately so the firm can work on finding another interpreter. If the interpreter request is unfulfilled two weeks before the appointment is scheduled then interpretingWorks will send an email to the firm letting them know so the firm can look into other options. When the interpreter is a late cancel or no show the firm can use the process for on demand appointments and can reach out to any interpreter that may accept that appointment.

There is a process to request the same interpreter for an appointment. This process is used for Crime Victims (CV) claims, accepted mental health conditions, and pain management program or brain injury rehab programs. These providers can request the same interpreter however, they should not delay care. If the same interpreter is not available they are encouraged to use another.

The contact information was provided for CTS Language Link and interpretingWorks. If anyone has any information about issues or feedback, they can contact either.

If there are any comments or complaints, they can be directed to the vendor. They are responsible for complaints regarding the functionality of the system and the interpreter. Other complaints can go to Kelli. The new manager should be included as well.

Vocational providers should update the system if the interpreter is a no show. The department is looking at this data and will be getting regular reports with information like no show and late cancel rates.

The firms have noted that the information they can fill in the system does not match their data. They want to make sure the data matches up correctly. They can reach out Marissa G. with interpretingWorks with this feedback.

Examiner Exit and Retention Surveys – Kelli Fussell

The IME Examiner Exit and Retention Survey processes came out of the 6440 workgroup to help with process improvement. These processes started April 1. The plan is to report out on a quarterly basis. If there are any comments related to specifics teams, such as billing, scheduling, claims, etc., they are sent directly to the point of contact for that team.

There were 19 Retention Surveys sent out in the first quarter with six responses received. The

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responses for the Retention survey questions were reviewed. Some comments on what would need to happen to increase satisfaction were around reimbursement, file size, age of claim, and simpler cover letters.

Some reasons given that examiners continue doing IMEs are that the IME firms are efficient and well organized, they enjoy the camaraderie of the panel exams, keep learning new skills, and enjoy the patient interactions.

Reasons given that would potentially stop them from doing IMEs are around reimbursement not keeping up with inflation, increased reporting requirements, and allowing workers to cancel appointments too close to the date of the exam.

There were two examiners that said they preferred doing State Fund exams, one examiner said they preferred doing Self-Insurance (SI), and three said they prefer both. The examiner that preferred SI exams noted that TPAs will actually pay for their time to do an excellent job.

The department will continue gathering this data to see what the trends are over time and use this for process improvements. A quarterly summary will be shared with internal and external stakeholders. The group agreed this is helpful information. It has been a while since there has been actual examiner comments and feedback on the process. The data was not broken out by specialty type but this may be possible in the future.

The exit surveys are sent out when an examiner does not renew or notifies the department that they will no longer be doing IMEs. There were three examiners that did not renew and were sent the exit survey. None of them responded to the exit survey.

The retention surveys go to examiners once they have completed their renewals and are approved.

Kristin McCoy said that the coalition may be able to let examiners know to respond to these surveys.

Going forward, the next quarter data will be collected and the department will look at any trends. The fees have been noted as an issue for a while and a group was formed to look at the IME fees. Other concerns are shared with the steering committee to help make decisions about prioritizing and resourcing ideas and concerns to improve the program.

If any thoughts or ideas on this, they can be sent to Kristen or Kelli Fussell.

Review Medical Examiner Handbook (MEH) Updates – Kristen

Kristen shared the recent updates to the Medical Examiners' Handbook (MEH). The MEH updates page was sent out this morning to the group. There were several clarifications to existing language. The 6440 legislation changes were added which include the reasons an IME can be requested, the definition of reasonably convenient, telemedicine. Information regarding the new interpreter scheduling system was added, the insurer must provide a copy of the report to the attending provider and the worker. The RCW language was update in Appendix C, the WHODAS language was updated reflecting that it is not required, the Vocational chapter had some language updates to the required forms.

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Telemed/Worker Accommodation Rule-Writing - Kristen

The 6440 legislation required the department to create rules around how to accommodate the worker when no examiner is within a reasonably convenient location and to include telemedicine as an option. The UW study was completed at the end of June. There have been mixed reactions around telemedicine. Most feel it is best for mental health exams but not as good for exams that require a hands on exam. The IME ONC has reviewed telemedicine reports for quality and will share her findings in a few minutes.

The first draft of rule language is in the process of internal stakeholdering. The temporary payment policy for IME telemed will be extended. The department is also creating a payment policy for all telemedicine services that should be ready this winter. The next steps are meet with external stakeholders for suggestions and comments, then file the CR102. Kathy and Chantelle are the representatives for this group.

WHODAS Update – Dr. Joel McCullough

Dr. Joel McCullough gave a brief update regarding the changes to the WHODAS requirements. This was previously required for mental health IMEs and treating providers. The change this year is that this is no longer required for IMEs. Treating providers will continue to use WHODAS or other instruments they deem helpful. Examiners are expected to use the instruments the treating providers use however, they are not required to use the WHODAS specifically.

Measure Quality:

Telemedicine IMEs - Tanya

Tanya shared the stats from her quality reviews broken out by calendar year, and SI versus State Fund reports. She is working on a process to gather more SI IME reports. The process is not in place right now, so there is only one in place to pick up some of the reports. The process should be updated in the next 12 months. The goal is to review a comparable amount of SI reports as State Fund reports.

The stats show how many reports have been reviewed, 10% sample, complaint reviews, focused reviews, new examiner reviews 1st, new examiner reviews 2nd, re-credentialing reviews. The new examiner reviews are reviews of some of their reports from their first three months and second three months. This is fluid as it may be a bit before their exams are scheduled.

There were 135 unique claim numbers were reviewed for telemedicine IMEs. All of these reviews were for mental health exams except one.

The comparison of addendum requests was asked for at last meeting. The stats compare non-telemedicine versus telemedicine addendum requests. The time period looked at was March 2020 to December 2020. Out of the non-telemedicine reports 14% had billable addendum requests. The telemedicine reviews had 18% billable addendum requests. In the reviews, she had not been tracking non-billable addendums. This was looked at but the types of addendums were not differentiated between. They will be separated going forward. It's believed the telemedicine reports are a bit higher due to the logistics of new a processes.

The process for complaint related reviews was discussed. There is a complaint process set up, an email box is set up for complaints to be sent to. If there is something clinical in the complaint then it is sent to Tanya to review. If anyone that gets 6-8 complaints in 12 months or less, then Tanya will take a look at the complaints and the reports. Also, if there are more complaints coming in of a

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certain type, such as painful exams, brief exams, etc. All reviews are tracked on a spreadsheet.

December 2020 IME Legislative Report:

Status of Recommendations - Karen

Karen briefly recapped the legislative report recommendations. There were 27 items discussed, the department recommended 18 in report to the legislature.

The exit surveys have been completed as Kelli discussed. There is already criteria to expedite exams in certain circumstances. That process is not expected to change. There has been talk regarding increased payment for these exams and that is being looked at by HPPM. The IME letters and materials have been updated with how to file a complaint.

The department has taken steps to implement several of the other recommendations. Teams are working with the IME roundtable group. Some of the recommendations will be discussed as part of the steering committee and some with this group. The department is working to include the necessary stakeholders for these recommendations.

The future work includes ways to reduce the numbers of IMEs per claim. There is some work underway on this with the case progress work. There is interest in looking at the influence of the Attending Provider chart notes. This will be looked at in the future. All these will be looked at in the future when resources are more available.

IME Fee Schedule Review – Bob Mayer

Bob Mayer is leading the payment policy workgroup looking at IME fees. They are waiting on the results from external stakeholders. He received a draft report that was done this morning. Carole interviewed representatives from firms, examiners, and SI only examiners. The next step is to consolidate the internal and external stakeholder feedback. They will be potentially looking at reimbursement levels, quality issues, and the structure of fee schedule.

IME Steering Committee

Status - Karen

Karen shared the department programs represented on committee. There are four recommendations from 6440 that were recommended to the committee. Three items are in process, one is pending on completion of other work. The three topics in process are when and how consultations may be more appropriate than an IME, focus on subset of claims that have too many IMEs, and improve the availability and quality of attending provider documentation.

Other topics discussed since the last update in April include the MEH test, IME payment policy updates, prisoner transport to IMEs and ensuring safety and security for all, aligning the IME complaint data that comes in from multiple sources, organization and structure of claim files in Orion, and an IME quality dashboard pending other work are being discussed.

Updates

Claims - Nancy

There are not a whole lot of updates at this time. They did a refresher reminder training with Claim Managers regarding some of the 6440 related items. If there are any questions or future topics, let Nancy know.

Scheduling - Stuart

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Stuart gave an update on the scheduling data. The amount of new claims filed is up 36% compared to 2nd quarter of 2020. This is still below the 2nd quarter of 2019. The referrals usually lag behind incoming claims. The numbers dropped when Covid started, by about 20% compared to the prior year. As of January '21, the numbers of referrals dropped from the first quarter of 2019 by about 35%. Efforts to request consultants and training on the claim floor may have had an impact. There are currently 420 available examiners, 121 are out of state. Out of State examiners schedule about 31% of exam. Scheduling requests are commonly psychiatrists, orthopedics, neurologists, and chiropractors, are available statewide. The specialists that are more difficult to schedule are Physical Medicine & Rehabilitation, Cardiology, and Dentists are located mostly in the Seattle area. There are a few specialists that are not available at this time; Allergy, Dermatology, and Oral Maxillofacial.

Self-Insurance – Kelli Z

There are no updates from SI.

Open Discussion:

LaNae is on the fee workgroup representing self-insurance. There was a request for LaNae to present something on fees at the next liaison meeting.

Seeing the data is helpful. The breakdown of complaints, report reviews, and if there is anything that can be improved based on the data.

It would be nice to see more information on how many IMEs are too many, and data on that topic.

The group is interested in what will be done regarding expanding consultations versus IMEs. It would also be great showing the increased data regarding SI report reviews.

The next meeting is scheduled for December 7. If there are any future topic suggestions, let Kristen or Kelli F know.

Attendees noted it would be helpful if they could get the handouts several days in advance. The slide show will be sent out to everyone.

Future Meetings:

Tuesday	December 07, 2021	9:30am – 11:30	Room S216
Tuesday	April 05, 2022	9:30am – 11:30	Room S130