

MINUTES OF THE ILLINOIS WORKERS' COMPENSATION COMMISSION
BOARD MEETING HELD ON SEPTEMBER 18, 2024 at 10AM
69 W WASHINGTON, 9th FLOOR, CHICAGO, IL 60602

Board Members Present In Person

Chairman Michael J. Brennan
Commissioner Kathryn Doerries
Commissioner Carolyn Doherty
Commissioner Christopher Harris
Commissioner Stephen Mathis (via WebEx)
Commissioner Maria Portela
Commissioner Amylee Simonovich (via WebEx)
Commissioner Raychel Wesley (via WebEx)

Board Members Not Present

Commissioner Marc Parker
Commissioner Deborah Simpson

IWCC Staff Present In Person

Ron Rascia, General Counsel
Michele Kowalski, Secretary of the Commission
Cole Garrett, Deputy General Counsel (via WebEx)

On September 18, 2024 at 10:00 AM, Chairman Michael J. Brennan called the Workers' Compensation Commission Meeting to order. An in-person quorum was not present. Pursuant to Section 2.02 of the Open Meetings Act (5 ILCS 120/2.02), this meeting reconvened on Friday, September 20, 2024 at 12:00 PM with no changes to the Agenda.

Although no official business was conducted, discussion ensued among the Board Members present regarding the Shirley Ryan Ability Lab proposal to raise the fee schedule for certain procedures. Chairman Brennan explained that after multiple conversations with Shirley Ryan Ability Lab, their current billing rate is below the 2011 rates and without an increase, SRAL may be unable to treat injured workers. The SRAL is already billing on a case-by-case basis.

Further, there was general discussion regarding ASC billing rates and changes to the FAQ on the website. Commissioner Doherty relayed that she managed a subcommittee within the Medical Fee Advisory Board to study the astronomical bills from the ASC's. The Subcommittee recommended changes to the FAQ's on the IWCC website as a solution.

Finally, there was a comment that arbitrators should continue to rule on Section 19 (f) Motions.

Since there was not a quorum, the Chairman announced the meeting would reconvene on Friday, September 20, 2024 at 12:00 PM.

On September 20, 2024, at 12:05 PM, the Workers' Compensation Commission Board Meeting reconvened at 69 W Washington, Suite 900, Chicago, IL 60602. Michele Kowalski took roll and verified a quorum was present.

The Agenda remained the same.

**Board Members Present In Person on
September 20, 2024**

Chairman Michael J. Brennan
Commissioner Kathryn Doerries
Commissioner Carolyn Doherty
Commissioner Christopher Harris
Commissioner Stephen Mathis
Commissioner Marc Parker
Commissioner Maria Portela
Commissioner Amylee Simonovich
Commissioner Raychel Wesley (via WebEx)

Board Members Not Present

Commissioner Deborah Simpson

IWCC Staff Present In Person

Michael J. Brennan, Chairman
Ron Rascia, General Counsel
Annette Roti, Chief of Staff
Michele Kowalski, Secretary of the Commission
Cole Garrett, Deputy General Counsel

Upon Motion by Commissioner Mathis and seconded by Commissioner Parker, the Minutes of the Board Meeting held on June 3, 2024 were unanimously approved as presented.

As to Old Business, Chairman Brennan presented the Order based on the recommendation of the Medical Fee Advisory Board to increase the fee schedule. This Order is attached and made part of these minutes. Commissioner Harris made a Motion to Accept the Order as presented. The Motion was seconded by Commissioner Parker and unanimously approved as presented. Commissioner Wesley acknowledged her approval and General Counsel Rascia stated that Commissioner Simpson also agreed to the Motion to accept the Order.

As to Old and New Business, Chairman Brennan relayed again that the FAQ's were changed upon suggestion by the Subcommittee headed by Commissioner Doherty. Commissioner Mathis commended Commissioner Doherty for her hard work.

Chairman Brennan reminded the Commissioners to complete and submit their 2025 calendars.

There being no members of the public on the call who wished to comment, Commissioner Parker Motioned to Adjourn, Commissioner Portela seconded the motion, and the motion was approved unanimously. The meeting adjourned at 12:13PM.



Illinois Workers' Compensation Commission

69 W Washington Suite 900
Chicago, IL 60602
312-814-6500

JB Pritzker, Governor

Michael J. Brennan, Chairman

ORDER

WHEREAS, Section 8.2 of the Workers' Compensation Act ("Act") requires that the Illinois Workers' Compensation Commission ("Commission") shall establish and maintain a Medical Fee Schedule of maximum reimbursements for medical care covered under the Act;

WHEREAS, Section 8.2(b) of the Act provides that "if the Commission finds that there is a significant limitation on access to quality health care in either a specific field of healthcare services or a specific geographic limitation on access to health care, it may change the Consumer Price Index-U increase or decrease for that specific field or specific geographic limitation on access to health care to address that limitation.";

WHEREAS, the Consumer Price Index increase or decrease is set forth in Section 8.2(a) of the Act, which requires that the Commission automatically increase or decrease the maximum allowable payment under the Medical Fee Schedule by the percentage change in the Consumer Price Index-U or CPI-U for the 12 month period ending August 31 of that year;

WHEREAS, in Illinois, certain advanced standalone rehabilitation hospitals that are not defined as operating as an independent acute care rehabilitation hospital (those subject to the standard DRG fee schedule under DRGs 945 & 946) and that bill on a per diem basis or other basis that aggregates charges over a period ("Advanced Standalone Rehabilitation Centers") provide treatment for the most severe work-related injuries which require complex care that other rehabilitation hospitals or facilities in Illinois cannot provide;

WHEREAS, because of their unique ability to treat catastrophic injuries, such as burns, paralysis from spinal cord injuries, amputations, and brain injuries, many inpatient rehabilitation facilities in Illinois have referred patients to an Advanced Standalone Rehabilitation Center;

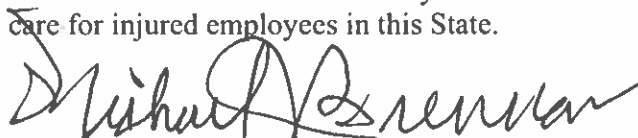
WHEREAS, the Advanced Standalone Rehabilitation Centers reimbursement rates on the Commission's Medical Fee Schedule have been reduced to a level where the reimbursement rates no longer cover their costs of treating those injured in work-related accidents and the Advanced Standalone Rehabilitation Centers have indicated that the relief sought is necessary to ensure access to care;

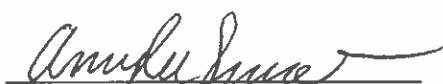
WHEREAS, on September 9, 2024, after taking comment from Advanced Standalone Rehabilitation Centers and with advisory from the Medical Fee Advisory Board's subject matter experts, the Medical Fee Advisory Board discussed and opined on the need for an adjustment to the Advanced Standalone Rehabilitation Centers' reimbursement levels and unanimously recommended that the Commission take under consideration the below adjustments of the CPI-U based on the concerns related to access-to-care;

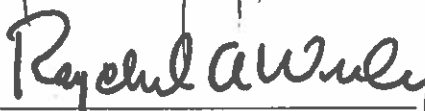
WHEREAS, the Advanced Standalone Rehabilitation Centers have requested that the Commission adjust the CPI-U adjustment for the following seven billing codes for Advanced Standalone Rehabilitation Centers:

ICD-9 Code / Inpatient Conditions	Reimbursement Beginning October 1, 2024
Brain Injury	\$4,100
Burns	\$3,900
Major Multiple Trauma	\$3,900
Spinal Cord Injury	\$4,100
Stroke	\$3,800
Amputation	POC 53.2%
Other	POC 53.2%

THEREFORE, BE IT RESOLVED, BY THE ILLINOIS WORKERS' COMPENSATION COMMISSION, that the seven reimbursements for the following inpatient conditions, Brain Injury, Burns, Major Multiple Trauma, Spinal Cord Injury, Stroke, Amputation, and Other for Advanced Standalone Rehabilitation Centers be modified as set forth by above to address this geographic limitation on access to health care for injured employees in this State.


Michael J. Brennan, Chairman


Amylee Simonovich, Commissioner

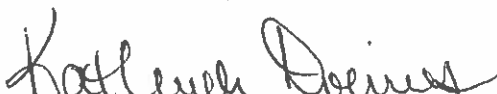

Raychel Wesley, Commissioner


Marc Parker, Commissioner


Maria Portela, Commissioner


Stephen Mathis, Commissioner


Carolyn Doherty, Commissioner


Kathryn Doernies, Commissioner


Deborah Simpson, Commissioner


Christopher Harris, Commissioner

9/20/2024
Date