

**MINUTES OF THE ILLINOIS WORKERS' COMPENSATION COMMISSION
MEDICAL FEE ADVISORY BOARD MEETING
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH STREET
ROOM 9-031
HELD ON SEPTEMBER 12, 2016 at 2:00 PM**

Present at the meeting:

Chairman Joann Fratianni
Barb Malloy
Diana Alvarez
David Menchetti
Dr. Preston Wolin
Dr. David Fletcher

Present by Phone:

Dianne McGuire
Jason Keller

Also Participating by Phone:

Glen Boyle
Jay Shattuck

IWCC staff present at the meeting were:

Ronald Rascia, General Counsel
Cecelia Kasmierski, Associate General Counsel
Darlene Senger, CFO
Brendan O'Rourke, Manager of R&E

Members of the public present at the meeting:

Bill McAndrew
Megan Karlic
Lisa Ann Forsythe
David Porter
Lauren Meachum
Liz Kerr
Daniella Watson
Matt Hillison
Pete Duvendack
Adam Haight

Paula R. Dillon
Tim O'Connell
Pat Gallagher
Kim Janas

Chairman Fratianni called the meeting to order at 1:39 p.m. and noted that a quorum was present. Dr. Wolin moved to approve the minutes of the June 13, 2016, meeting, Ms. Malloy seconded the motion, and the motion was approved unanimously.

As to old business, Chairman Fratianni was presented with a Memorandum to the Medical Fee Advisory Board from Lauren Meachum, which was drafted after meeting with Mr. Menchetti, and Mr. Ugaste. The Memorandum dated September 12, 2016, proposed that the Board has jurisdiction with regard to certain payments for prescription medications. Chairman Fratianni recommended that members of the Commission's legal team review whether or not the Board would have jurisdiction to act on the proposal. Mr. Menchetti moved to determine whether the Board has jurisdiction to make the proposal, and Dr. Wolin seconded the motion. The motion was approved unanimously. Ronald Rascia clarified that the specific language in the memo was not being adopted, but just whether the memo contains appropriate topics that the Medical Fee Advisory Board can undertake recommendations.

As to new business, Dr. Fletcher brought up the topic of E&M code reimbursement and access to care issues. Even with modest increases in 2014, Dr. Fletcher advised that Illinois ranked seventh lowest in E&M fee reimbursements and opined that access to care is very threatened and is losing money and can't remain this way. Also, getting referrals is very difficult. Ms. Alvarez stated that before any increases, employers would need some relief on the other end for surgeries and out of control services. Ms. Malloy added that the reimbursements were similar to those on the group health side. Dr. Fletcher disagreed that commercial payer reimbursement was the equivalent of workers' compensation and believed he could only address the E&M codes and that the other aspect is beyond the Board's ability to make changes because it is not an access to care problem. Dr. Wolin stated that the Board can make recommendations. Chairman Fratianni advised that the Commission makes the final decision.

Dr. Fletcher recommended a price point of 30% above current levels for the E&M codes. Ms. Malloy advised that some codes would get overvalued and an across the board increase would not be equitable. Dr. Wolin stated any recommendation for any part of the fee schedule not related to access to care was not in the purview of the Board. Ronald Rascia advised that they are constrained by the Act. Chairman Fratianni advised that the Board has to follow the legislation. Dr. Fletcher indicated three fee codes, 99213, 99214, 99215 should be raised 30% and Ms. Malloy followed that those are currently at 103% of medicare. Chairman Fratianni asked Glen Boyle to do a code analysis. Dr. Wolin believed the real issue was whether the State of Illinois' access to care was being affected by the current rate schedule. He believed it was and that any remaining issues were legislative.

Ms. McGuire advised that if there are longer waiting periods for the injured worker to get treatment, that would be a serious concern. Jay Shattuck, on behalf of the Illinois Chamber of Commerce, spoke to clarify the Chamber's position on E&M codes and other fee schedule codes. While generally supportive of a possible increase in the E&M codes, the Chamber hopes to discuss more extensive code revisions, such as reduction of surgical codes. These discussions necessarily involve the legislative process. The Chamber also supports a move to an RBRVS based system. Dr. Fletcher advised that increasing the three fees mentioned in the E&M

codes would be a good start. Ms. Malloy advised that the Board should research the underlying issues regarding access to care.

Chairman Fratianni recommended that Dr. Fletcher and the Board further study this and see if the Board has authority. Chairman Fratianni acknowledged and thanked Bill Andrews, regarding his retiring from the Board.

Upon no further business, Ms. Malloy moved to adjourn, Ms. Alvarez seconded the motion, and the motion was approved unanimously.