

**Industrial Commission’s Advisory Committee
On Workers’ Compensation
Minutes
November 9, 2023**

Members Present

Dave Anderson
James Arnold
Richard Burleigh
Dr. Paul Collins
Randie Fisher
Andrew Marcham
Shellie Martin
Joe Maloney
Darin Monroe, Chairman
Matt Pappas
Mark Peterson
Mike Shuey
Brian Whitlock, Chairman

Members Absent

Brad Cederblom
Dane Higdem
Ex-Officio: Representative Scott Syme
Ex-Officio: Senator Jim Patrick

Industrial Commission

Aaron White, Chairman
Thomas Baskin, Commissioner
Thomas E. Limbaugh, Commissioner
George Gutierrez, Director
Kamerron Slay, Commission Secretary

Opening Remarks and Introductions:

Darin Monroe led the meeting and opened the meeting at 9:00 a.m. Mr. Monroe reminded attendees to sign in. Mr. Monroe next requested introductions of Committee members and public attendees.

Minutes of May 11, 2022 and August 24, 2022:

The minutes of the May 11, 2022 and August 24, 2022 meetings were presented for review and approval. Upon the motion of Dave Anderson, seconded by Shellie Martin, the minutes of May 11, 2022 were approved. The motion carried by unanimous vote. Upon the motion of Dave Anderson, seconded by Andrew Marcham, the minutes of August 24, 2022 were approved. The motion carried by unanimous vote.

Industrial Commission Report:

2023 Administrative Rules. Commissioner Limbaugh updated the Committee on the administrative rules for the 2023 session. Commissioner Limbaugh stated the Commission will not be proposing legislation but had three IDAPA rule dockets. Commissioner Limbaugh summarized the changes regarding charging lien, EDI 3.1 implementation, and peace officer and detention officer temporary disability fund. Commissioner Limbaugh asked if there were any questions. There were none.

IRIS Modernization Update. Ms. Barrowclough gave the Committee an update on the IRIS modernization project. Ms. Barrowclough indicated Employer Compliance will be implemented in December.

NCCI Data Report. Ms. Vaughn summarized the 2022 NCCI Medical Data Report and various medical charts within the report. Ms. Vaughn asked if there were any questions. There were none.

Public Comment: Mr. Monroe asked if there were any public comments. There were none.

Other Issues/Announcements:

Addressing Opioids in the Workers' Compensation System: A Key Pathway to Addiction. Kip Daniels and Kristen Baker from Maximus spoke to the Committee about the effect of opioids on the workers' compensation industry. Mr. Daniels summarized the workers' compensation reform in California and the move towards treatment guidelines and evidence-based medicine. Mr. Daniels and Ms. Baker proposed a study to examine the effect of opioids on workers' compensation in Idaho. Mr. Daniels indicated the Idaho Behavioral Health Council is overseeing funding from the opioid settlement. Mr. Daniels suggested working with the IBHC to obtain funding for a study on the effect of treatment guideline on opioids in the Idaho workers' compensation system.

Dr. Collins gave a historical summary of opioids and indicated it was a problem in the workers' compensation system. Ms. Martin asked for a summary on the formulary guidelines. Ms. Baker summarized the process and their experience in California. Commissioner Baskin inquired if the proposal was for a drug formulary or a broader treatment guideline. Ms. Baker indicated that it would potentially incorporate both. Mr. Daniels indicated that IMEs would recommend appropriate care and save costs that could be passed on to the parties. Dr. Collins asked if other states show a reduction in addiction with this mechanism. Ms. Martin, Ms. Fischer, and Mr. Marcham summarized their experience in other states. Mr. Daniels indicated the purpose of the study would determine if the approach is feasible, possible savings, and unforeseen consequences. Mr. Daniels indicated that Idaho data would look different from other states, and this would be an opportunity to work with stakeholders to improve the workers' compensation system here. Mr. Whitlock asked about the opioid settlement funding and discussed provider concerns about physicians' discretion. Mr. Monroe inquired about the selection of physicians performing independent medical reviews. Mr. Daniels indicated Maximus would match physicians to cases as a neutral third party. After a lengthy discussion on the proposed study, Mr. Monroe inquired if the Committee would like to form a subcommittee to explore the proposal and define the scope of the study. Dr. Collins made a motion to form the subcommittee, seconded by Richard Burleigh.

Subcommittee on Evidence Based Medicine, Guidelines, Independent Medical Review and the Effect on Opioid Use: Mark Peterson (Chair), Brian Whitlock, Lene O'Dell, Courtney Butler, Dr. Collins, Richard Burleigh, Darin Monroe, Shellie Martin, Randie Fisher, Dave Anderson, and Patti Vaughn.

Medical Releases. Matt Pappas summarized the current issue obtaining medical releases from parties. Mr. Pappas made a motion to form a subcommittee on obtaining medical releases. ***Subcommittee on Medical Releases:*** Matt Pappas (Chair), Richard Burleigh, Joe Maloney, Brian Whitlock, Darin Monroe, Jamie Arnold, and Patti Vaughn.

Preparation for Future Meetings:

Next Meeting Date: February 8, 2023

Mr. Monroe asked if there were topics of discussion for the next meeting. Dr. Collins would like to discuss opioids through the subcommittee. Mr. Maloney asked if there was any legislation that the Commission was aware of. Commissioner Baskin stated the Commission received an inquiry about an Uninsured Employer Fund.

Mr. Maloney moved to end the meeting, seconded by Andrew Marcham. The motion carried by unanimous vote. There being no further discussion and no further business, the meeting adjourned. The motion carried by unanimous vote.

The meeting ended at 10:31.