

Lynn Tatum Retires from NCSI Executive Committee after 27 Years



Allyn Tatum, Vice President of Government Affairs for Tyson Foods, has retired from the Executive Committee of National Council of Self-Insurers after serving for more than 27 years. Any of you that have had a long relationship with NCSI and attended our annual programs know Lynn, and the passion that he brings not only to NCSI but to responsible workers' compensation administration. And I'm sure that many of you will not soon forget Lynn and his Bermuda shorts that he always sported during many conferences...a legendary Tatum Trademark. Lynn has long been a driving force of the organization and helped bring it to its national prominence that it has today. Lynn will be greatly missed by all who know him and have worked with him over the years. Here at NCSI, we will miss you Lynn and your undying devotion to the success of NCSI. Thank you for everything.

He will be replaced on the Executive Committee by Melisa Yopp, Managing Director, Workers' Compensation for Tyson Foods. Melissa has been involved on workers' compensation for many years and brings a wealth of experience to the organization. We look forward to her insights and ideas to further improve NCSI.

NAMSAP Highlights Sessions for 2019 Annual Conference

ALL IN, NAMSAP's 16th Annual Educational Conference, To Be Held Sept. 18-20 in Baltimore

The [National Alliance for Medicare Set-Aside Professionals](#) announced that the 16th Annual NAMSAP Educational Conference, **ALL IN**, will be held September 18-20 in Baltimore.

Designed for professionals who are involved in Medicare Secondary Payer compliance and Medicare Set-Aside allocation and preparation as well as insurance carriers, third party administrators, employers,

attorneys, and others who manage settlements, the conference will present a wide spectrum of MSP and MSA topics, including reimagining the MSA Program, MSP policy activity, the current regulatory environment and recent case law.

“Sessions will delve into aligning MSP processes, workers’ compensation and liability MSAs, Section 111 audits, and MSA Myths and Legends,” said Amy Bilton, president of NAMSAP and shareholder at Nyhan, Bambrick, Kinzie & Lowry. “We are very pleased that several sessions will be led by contractors for the Centers for Medicare and Medicaid Services.”

Bilton said that NAMSAP selected Baltimore for the conference to make it easier for leaders from the Centers for Medicare and Medicaid Services and other government policymakers to participate in panel discussions and question and answer sessions. **ALL IN** will be held at the newly opened LIVE Casino and Hotel, September 18-20. A half-day workshop from 9 a.m. to noon on September 18 will focus on resources like Redbook and allocation tools and other resources. For early registration options and other information, go to NAMSAP.org.

WHAT'S NEW

OSHA Responds to APTA by Affirming the PT's Role in First Aid

When it comes to workplace injury, soft tissue massage is considered first aid for recordkeeping purposes, regardless of whether the health professional providing the treatment holds a certification in Active Release Techniques (ART): that's the bottom-line message from the US Department of Labor Occupational Safety and Health Administration (OSHA) in response to APTA’s request for OSHA clarification on the subject. The OSHA response definitively establishes physical therapists (PTs) among the providers able to perform soft tissue interventions that constitute first aid in work settings.

The [OSHA clarification](#) is a response from a February 2019 meeting secured by APTA government affairs staff in partnership with the APTA Academy of Orthopaedic Physical Therapy’s Occupational Health Special Interest Group and the APTA Private Practice Section. It clears up a previously foggy area of agency regulation involving what is and isn't considered "medical treatment beyond first aid" in the workplace—an important distinction for OSHA, as any treatment beyond first aid must be reported as a work-related injury or illness.

MESSAGE FROM PHIL & JILL

How many of you, our employer members, would pass up an opportunity to network with some of the largest and most successful employers in the country and benchmark your workers’ compensation program against theirs? Would you not find it valuable to meet with these employers that have the same corporate ‘issues’ that you are experiencing and learn how they have been able to navigate through that environment and develop a successful workers’ compensation program? This is a question that not only does the leadership team at NCSI ask as we put our programs together, but also every Self-Insurers Association in the country. NCSI and your home state SIA needs your support so that we can all put together educational content that has employer focused relevancy.

If you attended our 2019 Annual Meeting, thank you for your support and I hope that you took away at least one nugget that will improve your workers' compensation program. We received some very positive feedback, but we also know where we can improve. And, as the workers' compensation landscape changes, we know that our next program must adapt to those changes. Feel free to send us your thoughts on how we might better meet your needs. And whether or not you attended our recent Annual Meeting, now is the time to mark your calendar and budget for our 2020 Annual Meeting at the Hyatt Regency Scottsdale at Gainey Ranch, June 7-10, 2020. See you there and I hope you have a great summer. **Phil Millhollon, NCSI President**

The 2019 NCSI Annual Meeting is in the books and by all accounts it was a terrific success. I want to thank the entire Program Committee for their hard work to put together such a stellar program. They sought out nationally recognized speakers and topics that were timely, relevant and cutting edge.

I also want to thank our sponsors and exhibitors for their support at this meeting. Stander Reubens Thomas Kinsey were our first Platinum Sponsor! We also had Tower MSA Partners as our Gold Sponsor this year. Our Silver Sponsors included Tristar, Safety National and the California Self Insurers' Security Fund. Kaiser, once again, sponsored our Hospitality Suite and it was enjoyed by many of our attendees! Definiti Comp Solutions and LTD America were gracious in their sponsorship of the breakfasts and our Bronze Sponsors included Ametros, California Self Insurers' Association, EK Health Services, Midwest Employers Casualty Company, Sedgwick and Wright Rehabilitation Services.

NCSI is also proud to announce that once again the organization made a donation to Kids Chance America in honor of our esteemed speakers. **Jill Dulich, NCSI Executive Director**

ADVOCACY **IN ACTION**

HealthSystems Survey Demonstrates that Multiple Challenges add up to Higher Costs

45% of workers' comp industry stakeholders cited escalating medical costs as their biggest challenge, making it the number one issue cited in our recent industry [survey](#).

Other top challenges indicated are:

- Comorbidities and worker health
- Opioids/substance abuse
- Growth of complex claims
- Mental health exposures

These are all complex challenges with implications for patients and claims outcomes. Together, they contribute significantly to higher medical costs.

Our [2019 Workers' Comp Industry Insights Survey](#), conducted in partnership with Risk & Insurance®, reveals a number of interesting insights about workers' comp industry problems, priorities, and solutions from various perspectives. See the [full survey results](#) here.

IAIABC Reports Formulary Outcomes in ODG States, Texas and Tennessee

Last month the International Association of Industrial Accident Boards and Commissions (IAIABC) published an update to their 2016 report, [A Discussion on the Use of a Formulary in Workers' Compensation](#), adding additional states and snapshots of jurisdictional experiences with implementation of a drug formulary.

Now that two years have passed since Tennessee's implementation, the 2018 update, [State Snapshots: Formularies in Work Comp](#), included a Tennessee outcomes statement reporting "significant improvement has been documented particularly with compounds and topicals."

In addition, the Texas snapshot, which was overwhelmingly positive in the initial report, showed that Texas is not only holding steady with regard to lowered N-drug prescribing and lower costs, but shows even better outcomes for 2018.

Some of the Texas statistics included:

- The number of injured employees receiving N-drugs fell by 67 percent (65 percent in 2016)
- The number of injured employees receiving other drugs fell by 1 percent (same for 2016)
- The share of N-drug claims among all claims fell from 23 percent to 8 percent (11 percent in 2016)
- The average number of N-drug prescriptions per claim fell by 42 percent (31 percent in 2016)
- The number of N-drug prescriptions fell by 70+ percent across all drug groups (65 percent in 2016)
- The number of prescriptions for the 10 most-prescribed N-drugs decreased by 82 percent (same in 2016)
- Source: <https://www.tdi.texas.gov//reports/wcreg/documents/formulary16.pdf>

The IAIABC report also gives insight and lessons learned on the design, implementation, maintenance, and evaluation of a formulary, which makes it a good read for states considering ODG Drug Formulary adoption. The most shared recommendation across all states is to engage stakeholders, encourage communication, and provide plenty of training.

MEMBERSHIP NEWS

NCSI Member NuQuest provides tips on Medicare collections

Medicare's collection process has many small variants that can lead to Medicare believing certain payments require reimbursement under the Medicare Secondary Payer Act (Act). Most predominantly in 2018 and in 2019, we have seen Medicare refer these decisions to the U.S. Treasury, who is responsible for enforcing Medicare's decision (i.e. collection). More often than not, NuQuest has discovered that some, if not all, the charges listed by Medicare do not require reimbursement under the Act. Because a claim may have defenses to reimbursement, it is imperative that every collection initiated by Medicare is comprehensively investigated, even after collection or payment.

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NCSI Member WCRI publishes Flash Report on Trends in Workers' Compensation Drug Payments

The FlashReport presents data on payments for prescription drugs paid in 27 state workers' compensation systems for key therapeutic groups of drugs by quarter. The drug groups, which represent the large majority of all payments for prescription drugs in workers' compensation, include:

- opioids,
- non-steroidal anti-inflammatory drugs (NSAIDs),
- dermatological agents,
- anticonvulsants,
- musculoskeletal therapy agents, and
- compounded drugs.

"This study provides a high-level view of changing costs of prescription drugs in workers' compensation across states," said John Ruser, president and CEO of WCRI. "It breaks prescription drugs into groups (e.g., opioids, compounds, etc.) so you can see where state workers' compensation prescribing dollars are being spent and whether spending for those groups of drugs is going up or down."

The 27 states in the report are Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

For more information click [here](#) for the report.

CALENDAR OF EVENTS

For more information on these and other upcoming evening, please visit www.natcouncil.com.

JULY 11 & 12 | 2019 KSIA Annual Conference, 8:00 a.m. - 5:00 p.m., Hotel at Oldtown Wichita, 830 East First Street North, Wichita, KS 67202

AUGUST 28 - 30 | MASI 2019 Annual Conference, 8:00 a.m. - 5:00 p.m., Beau Rivage Resort, 875 Beach Blvd., Biloxi, MS 39530

SEPTEMBER 5 & 6 | Tennessee Self Insurers Association 2019 Annual Conference - Celebrating 13 Years!, 8:00 a.m. - 5:00 p.m., Embassy Suites at Cool Springs, 820 Crescent Centre Drive, Franklin, TN 37067

OCTOBER 7 | California Self Insurers' Association 2019 Fall Employer Summit, 8:00 a.m. - 5:30 p.m., San Francisco Airport Waterfront Marriott, 1800 Old Bayshore Highway Burlingame, California 94010

OCTOBER 16 | Michigan Self Insurers' Association 2019 Fall Conference, 8:00 a.m. - 5:00 p.m., Laurel Manor Banquet and Conference Center, 39000 Schoolcraft Rd., Livonia, MI 48150