Occ Med Guidelines Mandated by States – Experience with Rule Making and Regulatory Agencies

GIN 2010

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Workers Compensation in the United States

- Oldest Social Health Care Program in US
- Generally subject to State’s Laws
- Recent WC Reform has included mandated guidelines to both:
  - Limited over utilization
  - Improve under utilization
  - Accelerate RTW
Treatment Varies State by State

Ratio of Total Rates of Spine Surgery to the U.S. Average by Hospital Referral Region (2002-03)


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Legislative Landscape

Green shades indicate individually state developed, **Bold outline** indicates current legislative activity.
States Under Discussion

California (Business Costs) 2005
New York (Costs, IW access) 2010
Montana (Costs) 2011
California

- 2000-2004 many WC Insurers Failed
- 2006-2010 ACOEM 2nd supplemented with Colorado, ODG (Chronic Pain), MEACC
- Gaps can be addressed with other Evidence
- MPNs can be exempted
- Costs now increasing @ pre-reform rates
New York

- 2006 Governor Initiated WC Reform Agenda
- 2007 4 Main Body Parts Proposed
  - LB ACOEM Based
  - Neck, Shoulder, Knee Colorado Based
- 2010 NY Customizations Based on Pilot, Public Comment
Montana

• 2009 Stakeholder Meeting
• 2010 Medical Provider Group Evaluated
  – ACOEM
  – ODG (MPG preferred)
  – Colorado (Identified as least restrictive)
• 2011 Montana Guidelines formed by Colorado, supplemented by ACOEM
ACOEM Occupational Medicine Practice Guidelines, 3rd Edition
Conclusions

• State adoption - hybrid likely to continue
• Hybridization state controlled, stakeholder driven:
  – Providers
  – Labor
  – Business
  – Regulators
• Evidence-base accelerates faster than regs but not a current factor when deciding on a Guideline
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Thank You!