

Holiday Inn
900 East Sunset Blvd.
Riverton, Wyoming
307-775-8400
September 12, 2014, 8:30 AM

MEETING MINUTES

ATTENDEES:

Don Dorn	David Hornbeck	Jamie LaValley
Gary Wolfe	Don Stauffenberg	Bill Korhonen

ABSENT:

Grant Christensen	Tanya Allee	Rick Magstadt
Jennifer Zissou-AG Rep		

OTHERS PRESENT:

Mary Ellen Young – Executive Director
Helen L. Jerome – Administrative Assistant

1. Call to Order and Roll Call
 - a. Meeting was called order at 8:30 am and Don Stauffenberg announced a quorum is present.
2. Approval of June 6, 2014 minutes
 - a. Bill made the motion to approve the minutes from the June 6, 2014 meeting. Jamie LaValley seconded. Motion carried.
3. Old Business:
 - a. July & August Exec. Director's Report Mary Ellen
 - i. Miner's medical assistant expenses are down slightly but had been up in June. The registration for new miners has increased 13.9% since June 30, 2013 and if we reach a 15% increase EBMS has the right to renegotiate the Third Party Administrative fees. We are having a lot of new registrations that are for miners reaching their 1 year anniversary.
 - b. Approval of July & August Financials Mary Ellen
 - i. We ended up with \$722,000 left as a total from our 2013/2014 budget. That money was encumbered back to our fund. In the 2011/2012 budget we had to add 2.2 million to the budget to be funded until the end of the biennium, so we have made a great improvement. The Cheyenne office is now paying EBMS electronically rather than with a paper check in order to speed up the process.
 - ii. Gary Wolfe made the motion to approve the Executive Director's Reports and Financials. Donald Dorn seconded the motion. Motion carried.
 - c. Letter of Agreement for Hearing Aid PPO Mary Ellen
 - i. At the June meeting, the board had voted to strike out the statement "per Miner Lifetime maximum" wording in the Letter of Agreement. This statement only pertains to the first hearing aid due to the fact that until about 3 years ago a miner was not granted a second hearing aid. #8 in the Letter of Agreement refers to the second hearing aid. EBMS had taken over the monitoring of the hearing aids for a monthly fee but there seems to be some confusion on how claims are being paid.

- ii. Mary Ellen is going to meet with our EBMS account manager and suggest they do an audit of the current PPOs. Mary Ellen has been working with our EBMS claims processor and they have found that there is no continuity in the way Hearing Aid providers charge Primary insurance and how they bill the miner.
- iii. Mary Ellen and the EBMS account manager will revise the Letter of Agreement once again but until then we will go with the proposed wording.
- d. Message Therapist Criteria/recommendation Mary Ellen
 - i. A DC called and visited with Mary Ellen about the minutes from June 6, 2014. He informed her that a PT cannot prescribe any treatment so the board's motion made in June relating to who can authorize a massage is not valid. Motion was made by Don Dorn to remove the "physical Therapist". Motion will read "to pay for massage when prescribed by a MD or DC with a limit of \$50 per visit for a total of 21 visits including chiropractor visits." Jamie LaValley seconded. If a claim goes to EBMS coded as one treatment even if it includes a massage then it will be one visit. If the claim goes to EBMS coded as two treatments (one chiropractor and one massage) then it will be treated as two separate treatments which will also count as two treatments against the 21 visits. Previous motion withdrawn. Don Dorn made the motion will read to pay for massage that is done in a professional or clinical setting when prescribed by a MD or DC with a limit of \$50 per visit for a total of 21 visits including chiropractor visits. Gary Wolfe seconded. Motion carried.

4. New Business

- a. Supplemental Budget Request Mary Ellen
 - i. In order to become state employees the following criteria
 - 1. Helen will become a BAAS07-Senior Office Support Specialist and the Rock Springs office will be a BAAS06-Office Support Specialist. There will be a substantial increase in wages for them even with the salary set at an entry level. They will also become benefited employees at a part time classification.
 - 2. Mary Ellen will be an EXOF05-Executive Officer 5. Mary Ellen will start at the mid-range which will be a slight increase in pay.
 - ii. The Admin Assistant jobs and skills needed to do the jobs have evolved greatly with the Wyoming offices taking the registrations from EBMS and due to the constant changes being made to more firmly align our benefits with the Statute. We need to have people that have more skills that we needed at the beginning when the positions were formed. Making the positions State employee positions with benefits available will greatly aid in recruiting and retaining these positions.
 - iii. An additional \$107,118 for 13 months is the needed supplemental budget request in order to accomplish funding the state employee rates with benefits. Mary Ellen has requested the positions become state employees as soon as possible. The earliest this can happen is the first of April, 2015 pending legislative approval.
 - iv. Gary made the motion to approve the transfer of the WMHB employees to being state employees with the approval of the legislature. Jamie seconded. Motion carried.
- b. Approve Proposed Rules Don Stauffenberg
 - i. No written comments have been made during the public comment period on the changes to the Rules. The Rules will go now to the LSO for review then on to the Management Audit committee and then to the Governor for his signature.
 - ii. Motion was made by Gary Wolfe to adopt Chapter 1 General Provisions of the rules as proposed. Seconded by Don Dorn. Motion carried.
 - iii. Motion was made by Gary Wolfe to adopt chapter 2 Services for Miners as proposed. Seconded by Jamie LaValley. Motion carried.

- c. Response from AG concerning grandfathering miners Don Stauffenberg
 - i. There was much board discussion concerning setting up criteria to be able to help the miners that have little or no other sources for help. Can we limit the people that receive benefits to 5 years of employment and/or can we add the people that have disabling injuries to keep them from going back to work as a miner? How are we going to be able to distinguish claims that should have been workman's comp in the past but was never turned in? How do we slow our growth? If the new rules are adopted it will help. We have the option of not grandfathering people in, not covering the deductible and possibly limiting benefits to 5 yrs. and more of employment. The biggest savings would be in not grandfathering people in and 5 yrs. employment. We have the right to not grandfather people in per the Attorney General's opinion.
 - ii. Motion was made by Gary Wolfe to eliminate grandfathering miners in effective Jan 1, 2015. Seconded by Bill Korhonen. Motion carried.
 - iii. Mary Ellen will notify all mines, providers, advertising in newspapers, etc. in order to get the word out on the upcoming changes.
- d. Registration of miners injured at work but w/o 5 yrs. service Mary Ellen
 - i. Mary Ellen has two people's registration on her desk that was injured at work without 5 yrs. of service. We would have to treat everyone the same under the same type of conditions and can't base anything on the potential of the new Rules being passed.
 - 1. One is a woman that was injured after working 10 months on the job when she was injured when a shovel operator struck her truck. She did sue and won the case, but minimal dollars and the portion of her injuries that were documented are not covered by workman's comp. She has other skeletal issues due to this injury and has been unable to work. The consensus is that we not go against the wording in our rules. The wording in the current Rules would make her eligible for current benefits.
 - 2. The second registration is a miner that was injured in a cave-in in a gypsum mine in the 60's or 70's. He did not register for workman's comp because he would have lost his job if he had. This person is already registered and has 3 years employment. The board would have to reconsider him if the new Rules were passed. He stays registered for now.
- e. Miner's deductible Mary Ellen
 - i. We are going to see how the other changes affect us and then discuss this at a later date.
- f. Sleep studies and c-pap machines Mary Ellen
 - i. Sleep apnea is not something miners suffer more than the general population. From experience rating, we see that sleep studies are being requested for a multitude of ailments. C-pap machines can be recommended even if the test does not show apnea. The opinion of Dr. Bibi from National Jewish Miner's clinic would be to consider paying for c-pap machines only when the apnea was brought on by medication used to treat chronic respiratory issues. From the article by the Mayo Clinic (see attached) Mary Ellen suggests we consider also assisting financially if the apnea was due to heart failure. Should we pay for sleep studies only when the diagnosis is a c-pap machine is needed due to the two diagnoses above?
 - ii. Mary Ellen will check with Jana on the codes used for the diagnoses used in connection with the sleep apnea and c-pap machines. Nothing will change on the way c-pap, sleep apnea or sleep studies are paid at this time.

- g. Clarification of hearing aid repairs. Mary Ellen
 - i. At the last meeting we voted to approve two HA repairs for \$250. Mary Ellen wanted to clarify that the repairs are twice for the life of the hearing aid not the life of the miner. If a miner has two sets of hearing aids then he would get a total of 4 repairs.
 - h. Time frame for changes to be implemented Mary Ellen/Don
 - i. January 1, 2015 for all changes except for the HA repairs.
5. VIII. Public Sounding-There was no public sounding.
6. VIII. Adjournment & Next Meeting
- a. Donald Dorn made the motion to hold the meeting the day after the WY Mining Legislative Dinner at Cheyenne during the 2015 Legislative session. Seconded by Gary Wolfe. Motion carried.
 - b. Motion to adjourn made by Jamie LaValley. Seconded by Bill Korhonen. Motion carried. Adjourned at 11:39 am

Information added 10/9/2014: The WMA banquet is scheduled for January 20th, 2015 at Little America in Cheyenne. With that in mind our next meeting will be scheduled for January 21, 2015. Time and location to be announced at a later date.