

FISCAL NOTE
Requested by Legislative Council
01/07/2019

Amendment to: HB 1240

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

see attached

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

see attached

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Name: John Halvorson

Agency: WSI

Telephone: 328-6016

Date Prepared: 01/11/2019

WORKFORCE SAFETY & INSURANCE
2019 LEGISLATION
SUMMARY OF ACTUARIAL INFORMATION

BILL NO: HB 1240

BILL DESCRIPTION: Reporting of WSI Pilot Programs

SUMMARY OF ACTUARIAL INFORMATION: Workforce Safety & Insurance, together with its consulting actuaries, The Burkhalter Group, has reviewed the legislation proposed in this bill in conformance with Section 54-03-25 of the North Dakota Century Code.

The proposed legislation requires WSI to report annually to Legislative Management the status of any current pilot programs.

FISCAL IMPACT: No fiscal impact.

DATE: January 11, 2019

FISCAL NOTE
Requested by Legislative Council
01/07/2019

Bill/Resolution No.: HB 1240

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

see attached

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

see attached

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Name: John Halvorson

Agency: WSI

Telephone: 328-6016

Date Prepared: 01/11/2019

WORKFORCE SAFETY & INSURANCE
2019 LEGISLATION
SUMMARY OF ACTUARIAL INFORMATION

BILL NO: HB 1240

BILL DESCRIPTION: Reporting of WSI Pilot Programs

SUMMARY OF ACTUARIAL INFORMATION: Workforce Safety & Insurance, together with its consulting actuaries, The Burkhalter Group, has reviewed the legislation proposed in this bill in conformance with Section 54-03-25 of the North Dakota Century Code.

The proposed legislation requires WSI to report annually to Legislative Management the status of any current pilot programs.

FISCAL IMPACT: No fiscal impact.

DATE: January 11, 2019

2019 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1240

2019 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1240
1/16/2019
30883

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Rehabilitation services pilot programs & provide a report to legislative management.

Minutes:

Attachment 1, 2

Chairman Keiser: Opens the hearing on HB 1240.

Rep Alisa Mitskog~District 25, Wahpeton: Attachment 1.

3:30

Rep Bosch: Why would we limit it to only WSI, why not every pilot program?

Rep Mitskog: I agree.

Rep Schauer: Can you give me a timeline & metrics, is it open ended.

Rep Mitskog: He had concerns about the metrics of the pilot program. There was some frustration of the shortcomings. It seems to be a work in progress. My understanding is the cost saving service.

Rep Schauer: Do you think the process wasn't spelt out, incompetence or lack of something?

Rep Mitskog: I'm uncomfortable to answer that question.

Chairman Keiser: Why would we not want it to be reported to WSI for public record.

Rep Mitskog: I apologize for that. What we are looking for is a report at the end of a pilot for improvement & learn from.

Chairman Keiser: Who pays for the cost of a pilot program?

Rep Mitskog: The employers pay.

Chairman Keiser: Why do we have to have a report?

Rep Mitskog: At the end of this pilot, we want to learn & bring efficiencies. We want to rein that in.

Tim Wahlin~WSI: I do have board position supports the general notion. Section 2, was changed from annual to a biannual basis. Because we were meeting on a biannual basis, was in the position of making duplicate reports to the same committee.

Rep Richter: Wouldn't you want a report when the pilot project is done in?

Tim Wahlin: Yes. There are a couple different pilot projects that WSI that has authority to do. One of that is under our rehabilitated services that is reported to Worker's Compensation Review Committee. The one that we are talking about in this case is in administrative rule, special programs, that allows WSI to do pilot programs to determine how & best ways to deploy those monies into medical services sector. This will entail all different services & is constantly being addressed because it changes to medical care. Our mandate provides managed care. We are experiment in this area.

15:15

Chairman Keiser: You try a pilot & it doesn't necessarily last for the 2 years. At the completion if it deems that it benefits the injured worker & the employers of our state, that pilot program is completed, then submit a rule change. You don't wait 2 years to implement that. Anything that is positive, you don't want to wait, but to give the report to legislative management, you have to wait until the interim committee meets. Correct?

Tim Wahlin: Correct.

Rep Ruby: This information the chiropractors were looking for, was to be reported to the Worker's Committee Review Committee?

Tim Wahlin: It would have been unlikely it would have been reported. Talks about the particular pilot program.

Rep Ruby: Would you acknowledge that there is some valuable information for however the pilot program geared towards.

Tim Wahlin: Our failed programs are where we learn the most from.

Chairman Keiser: Prior to the pilot, they were allowed 20 days of treatment but if you went beyond 20, you had to prior approval.

Tim Wahlin: That is the summary of some of the data we finding & we were yielding result that we couldn't explain.

Chairman Keiser: I support transparency in reporting. I don't want it any more than biannually. I'm not sure what the problem is but we can benefit.

Tim Wahlin: I don't disagree.

Chairman Keiser: There might be some unintended consequences of this.

Rep Adams: If you did any pilot, why are the results ready immediately instead of waiting annually for the legislative management? The chiropractors need to read the results. Shouldn't the report say upon completion of the pilot, the information should be given?

Tim Wahlin: I don't disagree with that.

Chairman Keiser: Are you saying that this report was available?

Tim Wahlin: There was never a comprehensive report done. There were numbers derived & explanation why those numbers, but there was no written report.

Chairman Keiser: That data was available through open records?

Tim Wahlin: Yes.

Rep Richter: So did you continue with the project & kept going?

Tim Wahlin: We moved the window chiropractic period similar to the physical therapist to avoid the confusion between the two entities.

Chairman Keiser: The board supporting the concept. We might want to amendment to report to the interim committee but we also can put in the amendment, the findings are available upon of the pilot.

Tim Wahlin: We don't actually write a report. We make available the results.

Chairman Keiser: I think that the frustration, there was no summary. There may have been some data to make the decision, but no summary of the data & the agency. Is that correct?

Tim Wahlin: That's correct.

Carson Muth DC~President of the ND Chiropractic Association: Attachment 2, could not attend but submitted testimony.

Rep Mitskog: This was not about studying; the frustration was the information not given to the chiropractors when they asked repeatedly throughout the pilot program. The chiropractor board felt that all could benefit. They embraced the study but it was the end it was for the request of the information.

Chairman Keiser: Anyone else here to testify in support, opposition, neutral position?

2019 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1240
2/4/2019
32060

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Rehabilitation services pilot programs & provide a report to legislative management.

Minutes:

--

Chairman Keiser: Opens the hearing on HB 1240. This was a bill relating to pilot programs, when they are done, WSI has to have a report to legislative management. We have a new fiscal note on the bill. Rep P Anderson did you get any type of amendment?

Rep P Anderson: No, I would like to move an amendment after talking to the bill sponsor. Talks about the conversation with the bill sponsor.

Chairman Keiser: I think we have to define the summary of what. A summary of finding or recommendations.

Rep P Anderson: Fine, good point.

Rep D Ruby: Do we want them to be required to put together legislation or should that be the decision of the interim committee to ask?

Chairman Keiser: This would be WSI making a recommendation or legislation based on their findings.

Rep Kasper: What is the definition of a pilot program?

Chairman Keiser: We gave them in another statute the authority in a different section to do pilot programs. I'm not sure it's defined in statute. It's a program outside their normal side of businesses to try something.

Rep P Anderson: Moves to adopt the amendment.

Rep Adams: Second.

Chairman Keiser: Further discussion?

Voice vote ~ motion carried.

Rep P Anderson: Moves a Do Pass as Amended.

Rep Adams: Second.

Chairman Keiser: WSI has no problems with the amendment.

**Roll call was taken for a Do Pass as Amended on HB 1240 with 14 yes, 0 no, 0 absent
& Rep P Anderson is the carrier.**

DP 2/4/19

19.0597.01001
Title.02000

Adopted by the Industry, Business and Labor
Committee

February 4, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1240

Page 1, line 11, replace "an overview and status update." with "a summary of"

Page 1, line 11, remove the second underscored comma

Renumber accordingly

Date: Feb 4, 2019

Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1240

House _____ Industry, Business and Labor _____ Committee

☐ Subcommittee

Amendment LC# or
Description:

19.0597.01001 title .02000

Recommendation

- ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions

☐ Reconsider

☐

Motion Made by Rep Anderson Seconded By Rep Adams

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Rep O'Brien		
Vice Chairman Lefor			Rep Richter		
Rep Bosch			Rep D Ruby		
Rep C Johnson			Rep Schauer		
Rep Kasper			Rep Adams		
Rep Laning			Rep P Anderson		
Rep Louser			Rep M Nelson		

Total (Yes) _____ No _____

Absent _____

Floor
Assignment

voice vote - motion carried

Date: Feb 4, 2019Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1240

House _____ Industry, Business and Labor _____ Committee

☐ SubcommitteeAmendment LC# or
Description: _____

Recommendation

- ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions ☐ Reconsider ☐ _____Motion Made by Rep Anderson Seconded By Rep Adams

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	x		Rep O'Brien	x	
Vice Chairman Lefor	x		Rep Richter	x	
Rep Bosch	x		Rep Ruby	x	
Rep C Johnson	x		Rep Schauer	x	
Rep Kasper	x		Rep Adams	x	
Rep Laning	x		Rep P Anderson	x	
Rep Louser	x		Rep M Nelson	x	

Total (Yes) 14 No 0Absent 0Floor
Assignment Anderson

REPORT OF STANDING COMMITTEE

HB 1240: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1240 was placed
on the Sixth order on the calendar.

Page 1, line 11, replace "an overview and status update." with "a summary of"

Page 1, line 11, remove the second underscored comma

Renumber accordingly

2019 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1240

2019 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Roosevelt Park Room, State Capitol

HB 1240
3/5/2019
Job #33241

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Amy Crane

Explanation or reason for introduction of bill/resolution:

Relating to workforce safety and insurance pilot program; relating to rehabilitation services pilot programs; and to provide for a report to the legislative management.

Minutes:

Att. #1

Chairman Klein: Opened the hearing on HB 1240. All members were present.

Representative Alisa Mitskog, District 25: see attachment #1 for testimony in support of the bill.

Senator Piepkorn: Was it just a case of WSI withholding information or they weren't able to acquire it?

Representative Mitskog: I don't want to speak for the Chiropractor's association, and maybe WSI can comment more on it. From what I was led to believe, at the end, maybe the systems in place couldn't give us good information. The chiropractor's association was not opposed to the pilot program they saw value. Anytime you study ways to bring efficiencies its good, so they weren't opposed to that. But at the end for us to move forward and make productive changes in the association and practicing chiropractors across the state, a summary or report would have been beneficial so we could learn from it.

Senator Kreun: What was the intended outcome, what were they studying? It just says we simply require the yearly report, legislative management to complete the pilot programs perform report included the summary. We're talking about the report but what were we studying so that we know if there is to be an outcome?

Representative Mitskog: Specifically, the chiropractor's association, maybe there were some efficiencies or cost saving measures. I would maybe refer to WSI, but across all occupations and professions is that if a pilot study is going to be done within WSI then something should come of that.

Senator Kreun: I wholeheartedly agree, but if we're going to make a decision on this then I would like to know the details. Does it need to have a specific issue that to show that what we're studying. If we're gonna make a study then hopefully, is there gonna be a guideline to say what the outcome should be, what we're gonna be studying, how we're gonna study it,

what are we gonna study it for, are we gonna study it for all chiropractic pieces? Just for payment scenarios? Something if we're gonna do that then we need to have a guideline in there and an outcome that we are looking for.

Representative Mitskog: This bill is just requesting that WSI, if they do a pilot program on any profession that they deal with, it could be chiropractors, rehabilitative services, physical therapists, anesthesiology services, if they are going to study a service, then at the conclusion of that pilot, then we have a summary made available. It's not specifically regarding the chiropractic profession but this came to my attention because of.....

Senator Piepkorn: I think it's already in law at the bottom of page 1 section 2, when it describes the pilot programs and some goals and why they are in place.

Chairman Klein: Legislators like a study and a report, so hoping that this is a report that can be used for organizations and groups.

Tim Wahlin, Chief of Injury Services, WSI: testified in support. Our board took a position to support this bill.

Chairman Klein: Why did you withhold information from the chiropractors?

Tim: Ultimately, the reason that we did not have better information was we got to the point in the pilot program when our lack of specific columns in our data got us to the point where we could not make a conclusion. Things were not going as expected and because of how the data was kept, the area that I think may have been affecting it, wasn't available and we couldn't get it out. We did not anticipate that it would go the way it did.

Chairman Klein: So the information that you took in, you couldn't create a conclusion with. And do we do a lot of pilot projects?

Tim: We have authority to do pilot projects in a couple of different areas. A couple of them by statute, others by administrative rules. This happened to arise under the statute that allowed us to do a pilot program to determine the effectiveness of payments. This one specifically looked at window payments, for which we would specifically review payment. a window period is, we would set x amount of days and we would allow so many treatments in those days but not review them for medical necessity. Assuming that they're close in time to an injury. If we were reviewing them, all of them would likely be payable anyways. We would start reviewing outside of that window period to determine whether or not its medically necessary to continue treatments. We shortened the window period to determine whether or not that would have effect. When we shortened the window period it had the opposite effect of which we had anticipated. And digging back through it may have been that there are certain types of treatments in that window period that we had not understood were taking place and that's why we couldn't drive the data.

Senator Roers: Do you plan on redoing the pilot program?

Tim: No we don't, ultimately where we ended up being in that particular pilot, was that we reviewed two types of treatments, chiropractic care and physical therapy care, differently and in many instances they are similar. So what we ended up doing, is we ended up giving the same window period to each of those types of treatments because they were similar, and they were not the same before that. So basically, we got to the end admitted defeat and tried to find the best solution for the parties involved. The fault is here, we admit that. We got to a point, but that is the point of pilot programs, it allows you to fail before you implement a rule

so you can know that it doesn't work. We don't intend to go back in until we keep data differently.

Senator Burckhard: You said that WSI supports the bill? So what does that mean?

Tim: It means that at the conclusion of a pilot program, we will close that loop by issuing a report about what it is we found or failed to find and we will report that to the legislative body, assuming it will go to the worker's comp review committee.

Chairman Klein: How are you operated? What sort of board do you have? Do you want to tell us briefly who the board is?

Tim: There is a statute that establishes a board for WSI, it assigns all of the different parties to the board mostly by employer and employer size, injured worker, at large. It brings the board together; they are a board that is going to be giving recommendations to WSI. We have board meetings numerous times throughout the year. We will look to them specifically for recommendations on pending changes to the legislative agendas, with respect to discount rates, recommendations with respect to changes to our fees that we charge our employers.

Senator Piepkorn: This bill simply calls for a report at the end of the study and if it's we have nothing to support then that's what it is. Off the bill, but these pilot programs, are they self-generated? How often do you do pilot programs? Do they come from the outside?

Tim: There are limited areas that we are going to study, or use a pilot program for. One specific area where we have the authority to do it is the medical payments, medical treatments. Another one is vocational rehabilitation, we have the ability to start pilots. We have the ability to run pilots in the last bill we just mentioned for dispute resolution but there are not that many areas where we have this ability. They will be generated by WSI, if somebody has a suggestion we will certainly hear them out on that. But they are within the agency's purview to do.

Chairman Klein: Was this last one kick started by the chiropractors?

Tim: No this came from our own.

Chairman Klein: Right, you were just trying to see if physical therapy versus chiropractic care, which one had the better outcomes was the idea?

Tim: Not even that, ultimately it was about whether or not our window period was the correct length.

Bill Kalanek, North Dakota Chiropractor's Association: testified in support of the bill. Had conversations with my board as well as Representative Mitskog and felt that there be a report generated at the end of one of these pilots.

Chairman Klein: closed the hearing on HB 1240.

2019 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Roosevelt Park Room, State Capitol

HB 1240
3/5/2019
Job #33251

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Amy Crane

Explanation or reason for introduction of bill/resolution:

Relating to workforce safety and insurance pilot program; relating to rehabilitation services pilot programs; and to provide for a report to the legislative management.

Minutes:

None.

Chairman Klein: Opened the committee work session on HB 1240.

Senator Burckhard: Moved a Do Pass.

Senator Roers: Seconded.

Senator Piepkorn: I think its simpler than it has been explained.

Chairman Klein: You do a pilot; you report the findings.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Burckhard will carry the bill.

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1240

Senate Industry, Business and Labor Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Burckhard Seconded By Roers

Senators	Yes	No	Senators	Yes	No
Chairman Klein	<input checked="" type="checkbox"/>		Senator Piepkorn	<input checked="" type="checkbox"/>	
Vice Chairman Vedaa	<input checked="" type="checkbox"/>				
Senator Burckhard	<input checked="" type="checkbox"/>				
Senator Kreun	<input checked="" type="checkbox"/>				
Senator Roers	<input checked="" type="checkbox"/>				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Burckhard

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1240, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1240 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1240

Testimony on HB 1240
Industry, Business and Labor Committee
Rep. George Keiser, Chairman
January 16, 2018

Good Morning Chairman Keiser and Committee Members,

My name is Alisa Mitskog, I represent District 25-Wahpeton.

HB 1240 is a bill pertaining to pilot programs performed by North Dakota WSI.

The bill would simply require that a report be made to Legislative Management for pilot programs performed by WSI.

By definition a pilot program provides a platform for an organization to test logistics, prove value and reveal deficiencies before spending a significant amount of time, energy or money on a large-scale project. The documentation should also provide a time-line for the pilot and metrics for how success will be determined.

This bill is a result of a pilot program performed on chiropractic services in North Dakota that began in 2016, tentatively ending in 2018 and whereas data was not readily available.

The North Dakota Chiropractic Association contacted me in June 2018, regarding concerns about not receiving any data or outcomes of the pilot. The NDCA was denied access to information and told certain data were not accessible due to limitations in their system. Eventually, the NDCA was able to sit down with WSI to discuss some limited data that was derived from the pilot but it was not provided a complete report. It was shortly after that time that WSI changed the perimeters regarding chiropractic services. While the NDCA was able to procure some basic data from the pilot, there was no report provided to practicing chiropractors in North Dakota. A final report would have been beneficial to demonstrate what information was gained and derived from the pilot. This is imperative for improving patient care and outcomes, efficiency as well as cost saving.

The purpose and intention of this bill is to bring transparency to WSI pilot programs. If a pilot is going to be performed, a final report should be made available. Without information or data how can productive changes occur. We expect transparency in other areas such as Medicaid and PERs.

We owe it to injured workers, healthcare providers and employers who are paying the premiums.

Thank you for your time and consideration of a Do Pass on HB 1240.

House Bill 1240

Industry, Business and Labor Committee

Rep. George Keiser, Chairman

January 16, 2018

Chairman Keiser and Members of the IBL Committee:

As the President of the North Dakota Chiropractic Association, we stand in support of HB 1240.

The chiropractic profession in North Dakota was subject to a rules change in early 2016, which later was re-introduced as a pilot. The proposed change included moving all cases presenting for chiropractic care to pre-authorization. We are grateful to WSI for working with us to hear our concerns, but ultimately the questions we raised prior to the July 2016 start were not answered.

The challenges of providing quality injury care that meets the needs of workers, employers, healthcare providers and the interests of the state require that WSI have an active pilot program that, when a need is identified, short term changes can be implemented with well-controlled parameters to determine if there is a better course forward that might require actual changes in policy. The expectation of a well designed and implemented pilot program is that an obstacle or deficit is identified and then the most relevant stakeholders should be informed how best to implement short term changes to test the ideas for improving the system. A successful pilot should provide data in support for or against the suggested changes and offer a pathway forward, either by adopting the changes or informing the next idea to be tested.

The pilot and the process did not meet our expectations. Multiple times during the two-year course of this pilot, the North Dakota Chiropractic Association requested data from the project and we were repeatedly told that there was no useful data to report or that the data being requested was not accessible from the WSI systems. In July 2018, we received a limited data set through the assistance of a legislator. It focused primarily on cost per episode. Data was not available to answer the primary question posed by WSI, which was whether duplicate services performed by physical therapists and chiropractors on the same day could be eliminated.

The proposed bill would create transparency and reporting for future pilot programs. It would also lead to improved treatment for injured workers with better outcomes, fewer lost days from work, and fewer barriers to receiving the right treatment from the right provider at the right time. The current reporting does not establish an expectation for how pilots should be administered in the future. My hope is that the proposed bill improves future WSI pilot programs without creating onerous and unnecessary interference for the WSI administrators.

Future pilots should establish key points that were missing for the chiropractic pilot including, an identified need, steps to meet the need that are informed by stakeholder input, and goals that serve to determine if the need was met by changes made during the pilot. There should also be an expected timeline provided that can be shared with the providers and lawmakers to better treat injured workers in North Dakota.

Our workforce needs access to treatment when they are injured at work and WSI needs well-designed pilot programs to determine how to best deliver treatment. More consistent and timely reporting can help improve both.

The opioid epidemic is something we are all keenly aware of; and, as the recent Fargo Forum article pointed out, WSI faces complex challenges trying to figure out how to best help injured workers with chronic pain. Data is needed to make informed decisions and determine if changes are necessary. Understanding a complex problem like helping workers with chronic pain remain productive is a glaring example of what we should expect from WSI pilot programs and help us all in the future.

Sincerely,

Carson C. Muth D.C.
President
North Dakota Chiropractic Association
701-740-6833
ndca.pres@gmail.com

HB 1240 3/5/19 Att #1

Testimony on HB 1240
Senate Industry, Business and Labor Committee
Senator Klein, Chairman
March 5, 2019

Good Afternoon Chairman Klein and Committee Members,

My name is Alisa Mitskog, I represent District 25-Wahpeton.

HB 1240 is a bill pertaining to pilot programs performed by North Dakota WSI.

The bill would simply require that a yearly report be made to Legislative Management for current and completed pilot programs performed by WSI. The report would include a summary of the findings and recommendations on each pilot program.

By definition, a pilot program provides a platform for an organization to test logistics, prove value and reveal deficiencies before spending a significant amount of time, energy or money on a large-scale project. The documentation should also provide a time-line for the pilot and metrics for how success will be determined.

This bill is a result of a pilot program performed on chiropractic services in North Dakota that began in 2016, tentatively ending in 2018 and whereas data was not readily available.

The North Dakota Chiropractic Association contacted me in June 2018, regarding concerns about not receiving any data or outcomes of the pilot. The NDCA was denied access to information and told certain data were not accessible due to limitations in their system. Eventually, the NDCA was able to sit down with WSI to discuss some limited data that was derived from the pilot but it was not provided a complete report. It was shortly after that time that WSI changed the perimeters regarding chiropractic services. While the NDCA was able to procure some basic data from the pilot, there was no report provided to practicing chiropractors in North Dakota. A final report would have been beneficial to demonstrate what information was gained and derived from the pilot. This is imperative for improving patient care and outcomes, efficiency as well as cost savings.

The purpose and intention of this bill is to bring transparency to WSI pilot programs.

Simply, if a pilot is going to be performed, a final report should be made available. Without information or data how can productive changes occur. We expect transparency in other areas such as Medicaid and PERs. This information is important for North Dakota injured workers, healthcare providers and employers who are paying the premiums.

I ask the committee for favorable consideration of this bill.

Thank you.