

## **Board of Directors' Meeting of March 28, 2006 Website Summary**

### **Policy 04-06, Part II, Application 4, Prescribed Opioid Analgesics (Narcotics) (New) and Policy 04-06, Part II, Application 1**

#### **Decision**

The Board of Directors approved a new policy application with regard to prescribed opioid analgesics (narcotics).

#### **Rationale**

Medical Services and Customer Service identified a gap in policy guidance in the area of prescribed opioid analgesics (narcotics). Existing WCB policy provides very broad direction for authorization of payment for prescription medications (Health Care Application 1, Question 12). Authorization of prescribed opioid analgesics (narcotics) operates within a complex medical environment and more specific direction is required to set out the circumstances where the WCB will and will not authorize prescribed narcotics, the conditions that apply when prescribed narcotics are authorized and to make the rules clear and transparent to our stakeholders and in particular the physician community.

The Medical Directors of the Canadian WCBs developed a consensus document for a common approach on narcotic use in chronic, non-cancer pain in early 2003 that was used extensively in the development of the draft policy.

#### **Stakeholder Consultation:**

On October 11, 2005, the WCB hosted an expert consultation on a proposed policy approach, inviting nine medical experts including the Registrar, College of Physicians and Surgeons Alberta as well as pain medication and addiction treatment specialists and community physicians. The expert consultation was seen as a preliminary step before proceeding with final development of a draft policy. In particular, the WCB was looking for a clear indication from a panel of medical experts that the proposed policy was a reasonable approach for the WCB to pursue. The consultation resulted in an endorsement that the draft policy was a reasonable approach. The physicians indicated the need for written policy guidance in the area of WCB authorization of payment for opioid analgesics and made a number of specific suggestions, most of which were incorporated into a revised draft.

Between November 18, 2005 and January 27, 2006, the draft policy was posted on the WCB website for stakeholder feedback and 219 individuals opened the consultation documents. There were seven submissions from a variety of stakeholders including employer associations, labour unions and the College of Physicians and Surgeons Alberta. There were no major concerns and five submissions expressed complete support.

**Cost Implications:**

The draft policy is intended to mitigate risk regarding inappropriate payment for prescribed opioids (narcotics). The impact is cost neutral with no liability impact and no impact on premium rates.

**Employer Appeals Advisors****Decision**

The Board of Directors directed management to convene a meeting with the Industry Task Force on this issue.

**Rationale**

Although there is a perception amongst employers that the provision of appeals advisors to injured workers creates an imbalance in the workers' compensation system, it should be noted that the WCB provides an extensive array of support services to employers that are not extended to injured workers. These include training seminars, online information, and in-person support and advice on matters ranging from the workers' compensation system, disability management and the appeals process. That being said, the WCB wishes to make sure that every employer regardless of their size feels they have the support required to address their issue or concern. The focus of a service should be appeal resolution versus representation. It is believed that this focus results in better outcomes for the workers' compensation system and ultimately the employers who fund it, as well as the injured workers who rely on the system for support in the event of an injury. The WCB has put together a framework that it would like to pilot with employers to determine the viability of the concept and come to a better understanding of the demand for this type of service. The service would use the following steps:

1. In circumstances where the employer disputes a decision, the decision maker (e.g., case manager, adjudicator, etc.) will contact the employer to explain the decision and ensure there is a full understanding of the employer's position.
2. Supervisor review and contact if agreement/resolution isn't reached.
3. The employer will be invited to participate in the case resolution process at the Dispute Resolution and Decision Review Body (DRDRB). If the employer does not choose to participate, the WCB's advisory capacity would be complete. If the employer participates with the DRDRB process and is unsuccessful, it would move to the next step.
4. The employer would attend an expanded training session to assist it in understanding what to expect and how to prepare for an Appeals Commission (AC) hearing and how to use effective disability management to avoid these situations altogether. (Attendance at the session would only be required one time.)

5. After attending the session, the employer will be able to sign up for account manager assistance in reviewing and advising on appeals to the AC.

The key to the success of the service will be employer participation versus policy interpretation. An overturn rate of 25% at the AC shows that the vast majority of cases are decided correctly at the adjudicator or case manager level. Of those decisions overturned, almost 84% are the result of the appeal body placing different weight on evidence or medical opinion, rather than an error in the application of policy. The change in weighting generally comes as a result of the testimony of a worker at the hearing – that testimony must be balanced with the views of the people closest to the facts – the employer.

The proposed strategy ensures that the initial decision makers have pursued all of the facts that are relevant to the claim and taken into consideration. Although the employer may wish to pursue an appeal regardless of the interventions recommended, the strategy does open the opportunity to discuss disability management strategies that might positively contribute to the worker's return to work and reduce the claim costs for the employer or the workers' compensation system as a whole. Resolution rather than adding appeals is a net benefit to Alberta employers as compared with adding resources and costs to the system that employers ultimately fund.

The WCB believes this is a reasonable approach and the effort respects the balance of services to workers and employers. Although the recommended strategy doesn't provide for an appeals advisor, it is consistent with supporting effective disability management practices that the WCB believes has a greater potential to manage claim costs than increasing the number of appeals that are directed to the AC.

## **2005 Online Policy Consultation Report**

In June 2003, following a one-year pilot, the Board of Directors adopted a web-based policy consultation process as its primary means of soliciting stakeholder feedback on policy amendments. The online consultation process complements a variety of face-to-face interactions with stakeholders including the annual general meeting, the annual business update, regular meetings with the Industry Task Force and the Labour Coalition, on-site employer visits, on-site visits by the Labour Liaison Officer and, when appropriate, in-person consultation meetings and/or targeted consultations on complex or significant policy issues.

The Board of Directors receives annual reports on the online policy consultation process.

An annual customer satisfaction questionnaire is posted online for 30 days beginning mid-January. At the time of posting and again ten days before the questionnaire closes, an email notification is sent to approximately 350 people on a self-selected distribution

list. During the 30 days it was available, 227 individuals opened the customer satisfaction questionnaire but only 27 of those people chose to complete it.

The data is drawn from a very small ‘sample’, so caution is required in drawing conclusions. Although satisfaction with the overall online consultation process is lower than last year, satisfaction with the mechanics of the process remains reasonably high. It is safe to assume that many people are not unhappy with the online consultation process since many more people opened the questionnaire than completed it. However, a few people have expressed dissatisfaction with the online process and management is taking steps to address their concerns while retaining the online consultation process as the primary method of inviting stakeholders to provide comments on the policy agenda.

Note: two of the satisfaction measures (with the format and content of the online policy consultation process) are reported annually in the WCB’s Accountability Framework.

### Results

	2005	2004
Satisfaction with process	58%	76%
Satisfaction with format	83%	78%
Satisfaction with content	64%	72%

2005 results based on 27 responses / 2004 results based on 30 responses

A further key to understanding the results is found in the comments submitted by 12 of the 27 stakeholders. From the beginning, a number of the WCB’s primary stakeholders have expressed their preference for continued in-person stakeholder meetings and they have loudly reiterated their preference.

The most frequent stakeholder comments can be clustered into several themes.

- They like the opportunity to hear each other’s perspectives and to exchange ideas and in particular to hear the WCB’s perspective on a given policy issue.
- They do not know if their comments are fully conveyed to the Board of Directors.
- They do not have the opportunity to hear the Board of Directors’ rationale for a policy decision.
- They feel disenfranchised if their perspective is not reflected in a Board of Directors’ decision.

Management has identified a number of interventions to address some of the concerns expressed by stakeholders while acknowledging it is not likely there will be a direct causal link between these actions and 2006 stakeholder satisfaction with online consultation.

- The WCB will communicate to stakeholders that it remains committed to convening in-person consultation meetings when contemplating a policy change that has a

significant impact on employer costs, injured worker benefits or a change that may be complex and not easily articulated through the online consultation process.

- Additionally, the WCB will communicate its continued commitment to convening consultation meetings with targeted groups when appropriate (for example, the 2005 consultations with municipalities and firefighters, as well as with physicians).
- The WCB will complement the posting of Board decisions and rationale under the 'About Us, Corporate Governance' tab of the website, by also posting the decisions and rationale for policy amendments on the 'What's New in Policy' pages. Each time the policy pages of the website are updated, an email notification is sent to individuals who self-select to receive them. The list currently numbers 350 and it includes all major stakeholders.
- The WCB will seek out and take advantage of communications opportunities to explain the Board of Directors' policy decision-making process and to assure key stakeholders that their comments are conveyed in full to the Board of Directors and, further, that the Board of Directors makes decisions considering the interests of stakeholders and the best interests of the system.
- The WCB agrees that an opportunity to hear each other's perspectives on a policy issue is useful but does not think that it is the role of the WCB to facilitate such exchange of views. There is nothing that prevents stakeholder groups from telephoning, meeting or sharing each other's submissions to the WCB.

## **Conclusions**

The WCB's objective is to have an effective and efficient means for stakeholders to participate in the Board of Directors' policy process. A good consultation process requires that people affected by a proposed change have adequate notice of the potential or proposed change, sufficient information about the change, sufficient time in which to consider the proposal and respond to it, the opportunity and means to provide their comments and that their comments receive due consideration.

The WCB's policy consultation approach is democratic and provides all Albertans, not just 'key stakeholders', with an opportunity to give their comments and thoughts on the Board of Directors' policy agenda. Any consultation is posted for a minimum of 60 days and if the consultation period includes some summer months or holiday periods, the consultation period is always extended. Any person may ask to be added to distribution list for an email notification service, alerting the recipient of new content on the Policy and Legislation pages.

The online consultation process complements a variety of face-to-face interactions with stakeholders including the annual general meeting, the annual business update, regular meetings with the Industry Task Force and the Labour Coalition, on-site employer visits, on-site visits by the Labour Liaison Officer and, when appropriate, in-person consultation meetings and/or targeted consultations on complex or significant policy issues.

It is safe to assume that many people are not unhappy with the online consultation process (227 people opened the satisfaction questionnaire but only 27 chose to complete it). However, a few people have expressed dissatisfaction with the online process and management is taking steps to address their concerns while retaining the online consultation process as the primary method of inviting stakeholders to provide comments on the policy agenda.