Patients, Opioids and the Law

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WORKPLACE SAFETY TASK FORCE OPIATE SUBCOMMITTEE OBJECTIVES:

• Develop and implement practical tactics and strategies to improve clinical and vocational outcomes for injured workers suffering with chronic pain syndromes.

• Provide attorneys representing injured workers and insurance companies with educational resources to improve their ability to help foster an optimal clinical and vocational outcome for injured workers.

  • The MBA Website
  • Referral Resources

• Develop and implement an innovative voluntary mediation protocol to reduce the friction in the dispute resolution process.
INJURED WORKERS’ PERSPECTIVE:

- Need pain relief
- Lack of knowledge of alternatives
- Denial by insurer of alternatives
- Following physician’s advice
- Bio-Psycho-Social risk factors
- Motivation
- Cost shifting to other resources; i.e. health insurance, Medicare

INJURED WORKERS’ ATTORNEYS’ PERSPECTIVE:

- More difficult, demanding client
- Time and effort over prescription denials
- Clients’ overall best interest vs. clients’ desires
- Alternative treatments routinely denied
- Time consuming litigation
INSURERS’ PERSPECTIVE:

- Cost
- Aversion to psychological consult/treatment
- Claims Rep not adequately trained/ equipped to deal with issue

AGENCY (DEPT. OF INDUSTRIAL ACCIDENTS) PERSPECTIVE:

- Conciliators and judges in difficult decision-making role
- System of dispute resolution not ideal for issue
- Statutory definition: Adequate and Reasonable medical services
- Adoption and Implementation of Chronic Pain Treatment Guideline
SOLUTION:

- Consensus of stakeholders to find a solution
- Education of stakeholders
- Injured workers must be committed/invested
- Injured workers’ attorneys’ need to balance best interest of client vs. client’s perception of best interest
- Change dispute resolution process at the DIA

Proposed Mediation Protocol:

- Patient population
  - Post Lump Sum with high Morphine Equivalent Dosage (MED)
- Mutual Agreement by Attorney and Insurer to refer to “approved” multi-disciplinary treatment team
  - Team composed of:
    - Pain Specialist
    - Physiatrist specializing in functional rehabilitation
    - Psychologist specializing in pain management
    - Pharmacologist/Pharmacist specializing in pain treatment
PROPOSED MEDIATION PROTOCOL CONT.:

- Team Responsibilities
  - Review care to date
  - Evaluate patient
    - Is current diagnosis accurate?
    - Is current treatment optimal?
    - What are short/long term risks of current treatment?
    - What therapeutic alternatives are available?
    - What barriers exist to improving treatment plan?
    - Are the resources available?
    - Is the patient amenable to changes in care? If not, what are the barriers?
    - Discuss findings with patient and representing attorney