



STATE OF NEW YORK
INSURANCE DEPARTMENT
25 BEAVER STREET
NEW YORK, NEW YORK 10004

ANDREW M. CUOMO
Governor

JAMES J. WRYNN
Superintendent

September 7, 2011

Honorable Robert E. Beloten
Chair
Workers' Compensation Board
20 Park Street
Albany, New York 12207

Dear Mr. Beloten:

In accordance with the Workers' Compensation Reform Legislation of 2007 and the former Governor's letter of March 13, 2007 (March 13th letter), the Department had previously transmitted to the Workers' Compensation Board (Board) for its consideration proposed Medical Treatment Guidelines (Guidelines) that contained quality standards for medical care of injured workers and that should encourage accelerated delivery of that care with an accompanying reduction in disputes and costs. The Guidelines were developed in cooperation with an Advisory Committee designated in the March 13th letter. The labor and business designees selected as advisors highly-qualified medical professionals to participate in the development process. The resulting Guidelines reflected a consensus of all such participants.¹

After providing extensive opportunity for public review and comment, the Board, in December 2010, promulgated regulations adopting the Guidelines with certain modifications.

When the Department forwarded the Guidelines to the Board, it noted that the Department expected to develop additional proposed medical treatment guidelines for subjects not covered by those Guidelines, including carpal tunnel syndrome. After extensive meetings with participating Advisory Committee members and their medical and other professional advisors, the Department has developed a set of medical treatment guidelines for Carpal Tunnel Syndrome (CTS) that reflect a consensus of the participating Advisory Committee members and their medical and other professional advisors. These NYS CTS Medical Treatment Guidelines are grounded in evidence-based medicine and the sound clinical judgment of highly-credentialed medical professionals.

¹ The Guidelines covered the parts of the body that were high medical cost drivers: low back, cervical spine, knee and shoulder.

Enclosed for the Board's consideration are the proposed NYS CTS Medical Treatment Guidelines for treatment of carpal tunnel syndrome.

Development of NYS CTS Medical Treatment Guidelines

Participating Professionals

The process for developing medical treatment guidelines for CTS was similar to that employed for the earlier Guidelines. The highly-qualified medical and other professionals that participated earlier on behalf of labor and business graciously agreed to continue their contribution of expertise and experience to the development of the CTS Guidelines:

Pamela Caggianelli RN, C.C.M, C.D.M.S, COHN-S, LNCC, CIPP
Manager, Corporate Health and Global Privacy
Bausch & Lomb

David Deitz, M.D., Ph.D
Vice President, National Medical Director
Liberty Mutual Insurance Company

Robert Goldberg, D.O.
Past-President, Medical Society of the State of New York
Dean, Touro College of Osteopathic Medicine
Associate Dean of Community Medical Affairs and Advocacy and
Professor of Physical Medicine & Rehabilitation
Clinical Associate Professor of Rehabilitation Medicine, New York Medical College

Stephen Levin, M.D.
Co-Medical Director
Mount Sinai - IJ Selikoff Center for
Occupational & Environmental Medicine and
Former Interim Medical Director of the Workers' Compensation Board

James McCarthy, Esq.
Injured Workers' Bar Association

Jaime Szeinuk, M.D.
Assistant Professor, Community and Preventative Medicine
Co-Medical Director
Mount Sinai - IJ Selikoff Center for
Occupational & Environmental Medicine
Medical Director of the Workers'
Compensation Board

James Tacci, M.D., J.D., M.P.H.
Corporate Medical Director, and
Manager of Medical, Health & Wellness Services
Xerox Corporation
Assistant Professor and Residency Program Director
Department of Community & Preventive Medicine
University of Rochester Medical Center

These credentialed professionals met on a regular basis to provide advice and expertise to the Department respecting development of the CTS Guidelines. Participating in the meetings and part of the “working group” were these Advisory Committee members:

Mark Humowiecki
Deputy Executive Director, Policy and Program Development
Workers’ Compensation Board

Margaret Moree
Director of Federal Affairs
The Business Council of New York

Arthur N. Wilcox, Jr.
Former Director, Public Employees Division
Consultant
NYS AFL-CIO

Completing the working group were members of the Workers’ Compensation Reform Task Force (Task Force) that was created as a result of the March 13th letter.

Guideline Development Process

The working group limited its consideration to guidelines for work-related injuries. It considered three state developed guidelines, a guideline developed in the private sector and used by other states, and a guideline from the American College of Occupational and Environmental Medicine (ACOEM). The state guidelines of Colorado and Washington, which are nationally recognized, were selected for development of the NYS guidelines. These states have prominent medical directors who hold faculty positions at their respective state medical universities. Both guidelines are evidence-based, supplemented by consensus of medical professionals and have an ease and friendliness of use for the participants in the workers’ compensation system.

Various parts of the two guidelines were selected and combined into a single NYS guideline. In an effort to further enhance the chosen guidelines, the working group, including the group’s medical professionals, reviewed the guideline on a line-by-line basis.² The guideline was then modified in light of the suggestions primarily by the

² The working group did not review the specific medical literature that the guidelines cited as their bases.

medical professionals based on various factors, including the medical professionals' clinical judgment, experience and knowledge of the medical literature. The working group also considered comments from Dr. Roy G. Kulick, Chief of Hand Surgery at Montefiore Medical Center who graciously agreed to review the final draft of the proposed NYS CTS guidelines.³ The medical professionals recognize that medical science and practice may change over time and that medical opinions may differ on various subjects. The guidelines should keep pace with these changes.

The result of this extensive process is the NYS CTS Medical Treatment Guidelines that reflect a consensus among the participating Advisory Committee members, all their medical and other professional advisors and the Task Force.

In accordance with the directive of the March 13th letter, enclosed is a draft of proposed NYS CTS Medical Treatment Guidelines for review and consideration by the Board, the body in whose discretion promulgation of regulations is vested, including determining the applicability of the Guidelines to claimants injured before and/or after the Board's regulatory effective date for CTS Guidelines.⁴

The working group also recommends that all medical care consistent with the NYS CTS Medical Treatment Guidelines costing more than one thousand dollars be included on the pre-authorized procedures list, except for the three instances in these CTS Guidelines that specifically provide otherwise, namely surgery in cases of a clinical impression of moderate to severe CTS with normal EDS studies as specified in Section VII, C, tenosynovectomy as specified in Section VIII, B, and repeat surgeries as specified in Section IX, C. Because such medical care (other than these three instances) would be included on the pre-authorized procedures list, treating medical providers would not be required to request prior authorization from the carrier.

Future Considerations

Updating Guidelines

Newly published medical literature reflects developments in the field of medicine; moreover, medical best practices change over time. The Department recommends that the Board review and update the CTS Medical Treatment Guidelines as the Board deems appropriate, taking into consideration such literature, best practices, outcomes data as available, as well as the Guidelines' ease of use for practitioners.

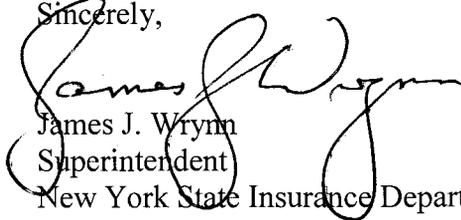
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³ Dr. Kulick is Board Certified in Hand Surgery and Orthopaedic Surgery, authorized to treat workers' compensation patients and a member of the NYS Society of Orthopaedic Surgeons and of the Medical Society of the State of New York.

⁴ There is no agreement between the Advisory Committee members from Labor and Business about whether the CTS Guidelines would apply to claimants with injuries occurring before the Board's regulatory effective date for such Guidelines.

All of the Advisory Committee members, and particularly the medical professionals, have generously and diligently given their time and expertise to this effort and the Department is most appreciative.

Sincerely,



James J. Wrym
Superintendent
New York State Insurance Department

cc: Honorable Andrew M. Cuomo
Honorable Dean G. Skelos
Honorable Sheldon Silver
Honorable Joseph E. Robach
Honorable Keith L. T. Wright
Labor Commissioner Colleen Gardner
Heather Briccetti
Denis M. Hughes
Mark Humowiecki
Margaret Moree
Kenneth J. Pokalsky
Arthur N. Wilcox, Jr.
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