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Information Letter 2014-02
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The RI Workers' Compensation Court announced the adoption of an Interdisciplinary Chronic Pain Management Program:

The Workers' Compensation Court is pleased to announce a new program to assist injured workers to deal with chronic pain problems and the substance issues they often engender. While this is truly a societal problem, it is particularly poignant in workers' compensation cases. In recent years, the number of accidental drug overdoses has increased exponentially and the Court has seen an increasing number of injured workers who have become dependent upon narcotic pain medication. Members of the Court have been active participants in a task force chaired by the Rhode Island Department of Health to investigate these problems and to craft solutions to protect disabled employees from iatrogenic drug addiction. In response to these critical issues, the Medical Advisory Board has recently revised the Pharmaceutical Protocol and adopted a Chronic Noninterventional, Noncancer Pain Protocol. In addition, the Court, in conjunction with the Donley Center has developed an Interdisciplinary Chronic Pain Management Program to help injured employees who are becoming dependent upon prescription pain medications. This program will develop alternate methods to address their pain issues so they can end their reliance upon narcotics and resume a more normal life. This program will be available after February 1, 2014.

Based upon the guidance we have received, a determination was made that entrance into this program would be by order of the Court. The experts who crafted this program expressed concern that the chronic pain problem is so widespread that the Donley Center would soon become overwhelmed if the Court did not serve as a gatekeeper. Thus, a petition for admission into the Donley Pain Program must be filed with the Court. Either the employer or the employee can file this petition. Upon receipt of the petition, the Court will schedule the matter for a preliminary conference to determine whether the material presented in support of the petition warrants an evaluation to decide if the employee is a suitable candidate for treatment. If it is determined that the Donley program might benefit the injured worker, a referral for an initial evaluation will be made and a preliminary order will be entered. The case will be continued for a brief period to allow counsel to compile the medical records for the Donley Center and to complete an information sheet to assist the Donley team in their evaluation.

The staff at the Donley Center, in conjunction with specialists chosen by them for consultation, will evaluate the employee and thereafter prepare a collaborative report addressing the employee's suitability for admission into the chronic pain program. Since each case will be different, a "one size fits all approach" is not appropriate. If the employee is an appropriate candidate for treatment, the recommended treatment modalities will be established. The types of treatment and their frequency will be determined by the interdisciplinary pain management team and the expenses for any outpatient services will be billed as treatment costs pursuant to the medical fee schedule.

In most situations, we anticipate that the pain management program will be a rather intense program and will not last for an extended period. We believe that in the vast majority of cases, the initial treatment phase will be completed within six weeks or less. At the conclusion of that stage, further evaluation may be conducted to determine if the employee requires other rehabilitation services. We do expect that the Donley staff will provide periodic and detailed reports to assist counsel and claims personnel in determining the employee's current status.

One issue which must be emphasized to all sides is that the employee will be at the Donley Center pursuant to a court order and that the failure to comply with this order without just cause could result in sanctions including loss of benefits. When the devastation caused by narcotic dependence is considered, a strong and stern approach seems warranted. We believe that this program will be a model for other treatment regimens and will provide the medical community, injured employees and their employers with a realistic opportunity to break the chronic pain cycle. We would urge you to review your caseload to determine whether any cases warrant this new approach.

It must be noted that this program is the product of a collaborative effort which took more than a year to bring to fruition. Harriet Connor and Matt Carey deserve special thanks for their leadership on this issue. Judge Connor, Judge Ferrieri and Judge Bertness together with John McBurney IV, the Administrator of the Court's Medical Advisory Board, have labored diligently to research the numerous issues involved and to bring all parties together to make this program a success. Their tireless efforts have resulted in one of the most promising efforts yet devised to address this crisis. We hope you share our optimism about this initiative and will assist us in making this program a reality.



State of Rhode Island and Providence Plantations

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