



STATE OF MAINE
WORKERS' COMPENSATION BOARD
Board of Directors' Business Meeting

April 12, 2016

A business meeting of the Maine Workers' Compensation Board of Directors was held on Tuesday, April 12, 2016, at the Workers' Compensation Board Augusta Central Office.

PRESENT: Paul H. Sighinolfi (*Chair*), Ron Green, Glenn Burroughs, Emery Deabay, Gary Koocher, Richelle Wallace and Andy Charles.

I. CALL TO ORDER

Chair Sighinolfi called the meeting to order at 10:07 a.m.

II. APPROVAL OF MINUTES

1. Draft Minutes of 3/8/2016.

Director Koocher MOVED TO ACCEPT THE MINUTES OF 3/8/16; Director Burroughs seconded. **MOTION PASSES 6-0-1** (*Chair abstained*).

III. SUBCOMMITTEE REPORTS

No subcommittee meetings were held since the last meeting.

IV. EXECUTIVE DIRECTOR REPORT

1. Legislation

LD 1384 *An Act To Improve Workplace Safety by Simplifying and Improving Employers' Substance Abuse Policy Requirements:* Director Sighinolfi participated in a taskforce for this bill. The changes proposed by the taskforce were ultimately not incorporated, but other amendments were adopted.

LD 1646 *An Act To Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program:* This bill will directly impact workers' compensation. Director Sighinolfi testified in favor of the bill, but raised two issues:

- 1) Legacy cases, and the need to wean those receiving dosages higher than the new restrictions; and

2) The need to provide alternative treatments (physical therapy, cognitive behavior therapy, etc.).

2. NCCI Meeting

Director Sighinolfi attended and spoke to the NCCI Meeting in Maine. The workers' compensation system in Maine is seen as quite stable, however, our loss cost ratio is high. The number of claims is up slightly, but the duration of claims is down.

3. Firefighter and Fire Chiefs' Presentation

The basics of workers' compensation and presumptions applying to firefighters were discussed at a presentation to firefighters and fire chiefs.

4. Confirmation Hearing for Emery Deabay

A confirmation hearing was held for Emery Deabay before the Labor, Commerce, Research, and Economic Development Committee.

5. Central Office Space

A lease is being negotiated on Civic Center Drive for our Central Office. The Augusta Regional Office may move to the same location at a later date.

6. Redrawing Territories for Caseloads

Administrative Law Judges, Advocates, and Mediators are reviewing caseloads to determine how best to redistribute territories for balance. There is a strong likelihood one ALJ will begin working part time in Augusta and part time in Portland.

7. New England Workers' Compensation Seminar

Omar Hernandez, Chief Judge of the Industrial Accident Court in Massachusetts, is organizing a seminar for the New England states to compare workers' compensation systems. Maine has been asked to participate.

8. Portland Office Move

Things are working out well with the new office space in Portland. There have been technical problems with the telephones, which Paul Fortier is working to resolve.

V. GENERAL COUNSEL REPORT

1. Predeterminations

Some predetermination applications were received from individuals going from employee status to independent contractor status. The Abuse Unit will be reviewing these.

2. Clarification of §324(3) Authority

There is some question as to whether the Board can suspend or revoke licenses under §324(3), or if the suspensions must be done in District Court. General Counsel and Deputy General Counsel will work with the Attorney General's office to create clearer statutory language.

VI. OLD BUSINESS

1. Legislation

LD 1553, *An Act to Improve the Workers' Compensation System*: This bill has been approved by the LCRED Committee and Appropriations. It will now go to the House and Senate.

2. Office Space Update

See above.

VII. NEW BUSINESS

1. Introduction of Medical Fee Rule Revisions and Medical Forms

Deputy Director Kimberlee Barriere introduced proposed revisions to the Medical Fee Rule and Medical Forms (M-1 and WCB-220) based on suggestions from the provider community. Drafts of the M-1 form and WCB-220 (Limited Release) were shared with the Board. Changes to the Rules related to those forms, and also to Section 106.3.

2. Discussion of EDI Timetable

Deputy Director Paul Fortier informed the Board that EDI is scheduled to roll out in early fall, however, the IAIABC is releasing a new version (3.1) to take effect in July 2017. For ease of programming, it is recommended that we wait for the new release before implementing the new EDI standard. Providers may, however, voluntarily utilize version 3.0 prior to July 2017.

3. 3rd & 4th Quarter 2015 Compliance Reports

Compliance with First Reports is down, and it appears the employers are at fault. Perhaps a press release would be helpful to remind employers of the importance of timely filings.

Director Koocher MOVED TO APPROVE THE 3rd QUARTER 2015 COMPLIANCE REPORT; Director Deabay seconded. **MOTION PASSES 6-0-1** (*Chair abstained*).

Director Koocher MOVED TO APPROVE THE 4th QUARTER 2015 COMPLIANCE REPORT; Director Green seconded. **MOTION PASSES 6-0-1** (*Chair abstained*).

4. May Meeting

Due to scheduling conflicts for the May meeting, the Board of Directors agreed to combine the May and June meetings into one on May 31, 2016 in the Portland Regional Office. The meeting in September will now be held in the Augusta Central Office.

Director Wallace MOVED TO GO INTO EXECUTIVE SESSION; Director Deabay seconded. **MOTION PASSES 6-0-1** (*Chair abstained*).

VIII. ADJOURNMENT

Director Burroughs MOVED TO ADJOURN; Director Deabay seconded. **MOTION PASSES 6-0-1** (*Chair abstained*).

The meeting formally adjourned at 11:47 a.m.