



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

December 10, 2019

A business meeting of the Maine Workers' Compensation Board of Directors was held on Tuesday, December 10, 2019, at the Augusta Central Office in Augusta, Maine.

PRESENT: John Rohde (*Executive Director/Chair*), Richard Hewes (*General Counsel*), Ron Green, Glenn Burroughs, Richelle Wallace, Tom Davis, Gary Koocher, and Emery Deabay.

I. CALL TO ORDER

Executive Director Rohde called the meeting to order at 10:02 a.m.

II. APPROVAL OF MINUTES

1. Draft Minutes of 10/08/2019

Director Koocher MOVED TO ACCEPT THE MINUTES OF 10/08/19; Director Burroughs seconded. **MOTION PASSED 7-0.** There was not a meeting in November due to inclement weather.

III. SUBCOMMITTEE REPORTS

1. IME Subcommittee

The Independent Medical Examiner Subcommittee met prior to the Board meeting to discuss the current list of IME doctors. Kimberlee McC Carson has sent out surveys to the doctors to find out which ones are still interested in remaining on the list and whether they are still eligible to serve as IMEs.

Director Koocher MOVED TO REMOVE THE FOLLOWING DOCTORS FROM THE 312 LIST: BALLEW, BRETT, BRIDGEMAN, GLASS, GRAFF, G. HALL, J. HALL, MATRANGA; Director Burroughs seconded. **MOTION PASSED 7-0.**

2. Budget Subcommittee

The Budget Subcommittee met prior to the Board meeting. The subcommittee recommends a transfer to fund the Board's reserve account.

Director Green MOVED TO ACCEPT THE BUDGET SUBCOMMITTEE'S RECOMMENDATION TO FULLY FUND THE BOARD'S RESERVE ACCOUNT BY AUTHORIZING THE TRANSFER OF \$1,229,283.00 FROM THE UNENCUMBERED BALANCE IN THE BOARD'S ADMINISTRATIVE FUND (0183 01) TO THE

*Minutes of December 10, 2019 Workers' Compensation Board Meeting
Approved 01-14-2020 Vote 7-0*

IV. EXECUTIVE DIRECTOR REPORT

1. Regional Office Leases

Executive Director Rohde reported that the Caribou Regional Office lease has been extended for a period of 2 years with a small increase. The Lewiston Regional Office lease has been extended with no increase for 5 years. The Bangor Regional Office lease may be cancelled with 60 days' notice as that is a State-owned building. Where the Bangor Regional Office has had some building issues, the Bureau of General Services will be issuing a Request for Information (RFI) for alternate location options.

2. Conferences

Executive Director Rohde reviewed the statute changes from the last legislative session at the Manufactured Housing Association at the request of Representative Bradstreet; at the Maine Council of Self-Insureds; and the Workers' Injury Law Group conference in Philadelphia.

3. Medical Fee Schedule

The updated medical fee schedule for inpatient facility fees was effective September 1, 2019. The ASC, outpatient, and professional services relative values updates will be effective on January 1, 2020. The next comprehensive review of the medical fee schedule is due in 2020.

4. Audit Division

There are currently two vacant Auditor positions (out of a staff of three). As such, the audits are running behind schedule. Gordon Davis is working to fill the vacancies.

5. Employee Recognition Event

The Governor hosted the annual Employees and Managers of the Year Recognition Events on December 11, 2019. Tracy Beaupre and Tammy Cook were recognized from the Board.

V. GENERAL COUNSEL REPORT

General Counsel Richard Hewes reported the hardship petition filed on behalf of Mr. Moulton pursuant to §213 has been dismissed at the request of the Employee's attorney.

VI. OLD BUSINESS

1. LD 756 (PL 2019, C. 344) Working Groups

Executive Director Rohde reported that there have been no major changes to the issues in front of the Work Search/Vocational Rehabilitation group. The work for this report will be completed via email and a draft prepared for dissemination.

The work search discussion revolved around two basic questions: would changing the work search standard impact whether/when an injured employee returns to work; and

whether the current work search standard can be amended to be more consistently applied.

The uninsured employer group has a draft that is being reviewed by the working group and a report should be ready for Board review at the January meeting. There are two key concepts; contractor under and an uninsured employer fund. The contractor under provision will apply to only the construction industry for now and provides a safe harbor clause. The uninsured employer fund will pay claims for injured workers where the employer has not properly secured coverage.

2. Advocate Division Legislative Study

The study of the advocate division was conducted internally. Senior Staff Attorney Thom Watson has drafted a report for the Board to review. The report recommends increasing advocate salaries and resources available to the advocates. Directors Koocher and Wallace asked if these reports are just recommendations as to what the Board would like to do and are not binding. Executive Director Rohde clarified that yes, these are recommendations and the vehicle for implementing changes will be the biennial budget. Legislative language is not in this report, but the Labor and Housing committee has the authority to introduce legislation.

VII. NEW BUSINESS

1. 2020 Board Meeting Schedule

Executive Director Rohde presented a draft of the meeting schedule for 2020.

Director Green MOVED TO ACCEPT THE SCHEDULE AS WRITTEN; Director Burroughs seconded. Discussion was held about the number of meetings needed and when best to have meetings.

Director Wallace MOVED TO AMEND THE MOTION AND APPROVE THE SCHEDULE FOR THE FIRST HALF OF THE YEAR ONLY (JANUARY THROUGH MAY). AMENDMENT seconded by Director Davis. **AMENDMENT FAILED TO PASS 3-3-1** (*Director Koocher abstained.*)

Director Deabay MOVED TO AMEND THE MOTION TO HAVE ALL MEETINGS EXCEPT COMP SUMMIT AT THE AUGUSTA OFFICE. Director Burroughs seconded. **AMENDMENT PASSED 4-3.**

Executive Director Rohde reminded the Board that the MOTION IS NOW TO APPROVE THE ELEVEN MEETINGS PROPOSED WITH ALL MEETINGS IN AUGUSTA EXCEPT FOR COMP SUMMIT. **MOTION PASSED 4-2-1** (*Director Wallace abstained.*)

2. Inclement Weather Policy

Executive Director Rohde reviewed the proposed inclement weather policy for Board meetings. Director Koocher requested that the Board members be notified by text message or phone call.

Director Green MOVED TO ACCEPT THE INCLEMENT WEATHER POLICY AS WRITTEN; Director Burroughs seconded. **MOTION PASSED 7-0.**

VIII. ADJOURNMENT

Director Koocher MOVED TO ADJOURN; Director Deabay seconded. **MOTION PASSED 7-0.**

The meeting formally adjourned at 10:38 a.m.