



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

July 12, 2016

A business meeting of the Maine Workers' Compensation Board of Directors was held on Tuesday, July 12, 2016, at the Workers' Compensation Board Bangor Regional Office.

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

I. CALL TO ORDER

Chair Sighinolfi called the meeting to order at 10:03 a.m.

II. APPROVAL OF MINUTES

1. Draft Minutes of 5/31/2016.

Director Burroughs requested that his inquiry about ALJ caseloads be added to the minutes.

Director Koocher MOVED TO ACCEPT THE MINUTES OF 5/31/16 WITH AMENDMENT; Director Wallace seconded. **MOTION PASSES 6-0-1** (*Chair abstained*).

III. SUBCOMMITTEE REPORTS

1. IME Subcommittee

The IME Subcommittee met prior to the Board meeting to discuss the §312 application by John Guernelli, MD. Director Koocher requested to postpone voting on the application until the next meeting so Director Sighinolfi can ask the doctor for clarification about a potential issue.

IV. EXECUTIVE DIRECTOR REPORT

1. AIU Meeting

Director Sighinolfi met with Abuse Investigation Unit staff to discuss strategies and approaches to prosecuting cases where employers were misclassifying employees.

2. Meeting with Supervisors of Mediators and Advocates

Director Sighinolfi met with the supervisors of mediators and advocates to discuss scheduling to ensure it meets the needs of our clients.

3. NCCI Meeting about Data Collection for Opioids

NCCI was contacted by Director Sighinolfi in an effort to collect data on opioid use in Maine workers' compensation. Data will be reported to the Legislature in follow up to LD 1646.

4. Meeting with DAFS and Attorney General's Office

A meeting was held with the Department of Administrative and Financial Services (DAFS) and the Attorney General's Office to discuss each agency's roles and responsibilities with respect to human resource matters.

5. IAIABC Conference Calls

Conference calls were held with the IAIABC. The first was to discuss a webinar that will explain how to develop a formulary. The second concerned outreach to states and jurisdictions to get them involved. Peter Federko, executive director of the Saskatchewan Workers' Compensation Board, will be participating in the Comp Summit News Hour.

6. Dr. Eng Meeting

Director Sighinolfi met with Michael Eng, MD, who is in practice with Dr. Sulak, the most frequent prescriber of medical marijuana in Maine. He has found good success with the use of marijuana in many different forms.

7. Elizabeth Ross Holmstrom - BreakTogether

Elizabeth Ross Holmstrom, founder of BreakTogether, met with Director Sighinolfi. She will be presenting at Comp Summit. Her focus is on how taking breaks can reduce work injuries.

8. Policy Briefing for Senator Andre Cushing

Director Sighinolfi addressed workers' compensation issues at a policy briefing for Senator Andre Cushing.

9. Follow-up Telephone Conference with Dallas Summit

A follow up telephone conference was held with those who attended the Dallas Summit in May. Twenty-nine workers' compensation issues were identified nationally. The top 11 will be the work focus: benefit adequacy, regulatory complexity, delays in medical treatment, system failure, incentives different in workers' compensation than in group health, systems nationally are adversarial, staffing and training of workers' compensation professionals going forward, how to compensate injured workers for permanent partial incapacity, the opt-out movement, injured workers' benefits (informing employees), and treatment protocols.

10. IAIABC Board of Directors Meeting

A Board of Directors meeting was held with the IAIABC to address business and financial matters.

11. Visits to New Office

Several visits were made to the new Central Office. The move will occur on Friday, July 15th.

V. GENERAL COUNSEL REPORT

1. Regulatory Agenda

General Counsel John Rohde presented a draft Regulatory Agenda for 2016-2017. A taskforce has been created to review all Rules, so the Regulatory Agenda has been drafted to be flexible.

Director Deabay MOVED TO ADOPT THE REGULATORY AGENDA; Director Burroughs seconded. **MOTION PASSES 6-0-1** (*Chair abstained*).

2. Rulemaking Taskforce

A Rulemaking taskforce has been put together and includes: Glenn Burroughs, Richelle Wallace, Elizabeth Brogan, Nathan Jury, Ben Grant, Matt Harmon, Gregory Smith, and Phil Bartlett. The group will review each chapter and streamline the Rules. A meeting will be held in the coming weeks.

VI. OLD BUSINESS

1. Office Space Update

The Central Office move to 442 Civic Center Drive in Augusta will begin toward the end of the week. Telephone and email contact may be interrupted during the transition.

2. Mediation Policy (Follow-up)

After further research and review, a new policy will not be implemented.

3. Comp Summit Update

A number of staff will participate on panels for Comp Summit this year. In addition, some national figures will be presenting, including Peter Federko, who will present on returning people to work and Elizabeth Ross Holmstrom who will discuss the importance of taking breaks.

VII. NEW BUSINESS

1. 2015 Annual Compliance Report

Overall, compliance was acceptable for the year, however, filing of first time reports did not meet benchmarks. The Board's Open Training sessions have helped to improve compliance with insurance companies. A public service announcement to employers may also be helpful.

Director Green MOVED TO ADOPT THE 2015 ANNUAL COMPLIANCE REPORT; Director Deabay seconded. **MOTION PASSES 6-0-1** (*Chair abstained*).

2. 1st Quarter 2016 Compliance Report

First time injury reports were 1% above benchmark, which is a good start for 2016. Timely wage statement filing continues to be a challenge.

Director Koocher MOVED TO ADOPT THE 1st QUARTER 2016 COMPLIANCE REPORT; Director Green seconded. **MOTION PASSES 6-0-1** (*Chair abstained*).

3. Emery Deabay Reappointment Hearing

Emery Deabay is scheduled for reappointment to the Board of Directors on July 21, 2016.

Director Burroughs MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS; **MOTION PASSES 6-0-1** (*Chair abstained*).

4. Board Meeting Schedule

Board members discussed amending the Board meeting schedule for the August and September meetings.

Director Koocher MOVED TO HAVE A COMBINED AUGUST/SEPTEMBER MEETING ON AUGUST 30TH AT THE SAMOSET RESORT; Director Green seconded. **MOTION PASSES 4-2-1** (*Chair abstained; Directors Burroughs and Charles opposed*).

VIII. ADJOURNMENT

Director Koocher MOVED TO ADJOURN; Director Wallace seconded. **MOTION PASSES 5-1-1** (*Chair abstained; Director Burroughs opposed*).

The meeting formally adjourned at 11:35 a.m.