



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

April 9, 2024

A business meeting of the Maine Workers' Compensation Board of Directors was conducted remotely via Zoom and in person at the Board's Central Office at 442 Civic Center Drive, Augusta on Tuesday, April 9, 2024.

BOARD MEMBERS PRESENT: John Rohde (*Executive Director/Chair*), Penny Picard, Glenn Burroughs, Ron Green, Serina DeWolfe, Paul Gendreau (in person) and Lynne Gaudette via Zoom (*Directors*). Richard Hewes (General Counsel) attended in person.

CALL TO ORDER

Executive Director Rohde called the meeting to order at 10:02 a.m. with 30 people participating in person and via Zoom. Executive Director Rohde reviewed the hybrid meeting format, remote participation procedures, and welcomed everyone attending in person. Board members and staff introduced themselves for the recording.

I. APPROVAL OF MINUTES

1. Draft Minutes of 3/12/2024 Board of Director's Business Meeting

Director Burroughs MOVED TO AMEND THE MINUTES FROM THE MARCH 12, 2024 BOARD MEETING MINUTES TO REFLECT THAT PAUL GENDREAU WAS PRESENT FOR THE MEETING; Director Picard SECONDED. **MOTION PASSED 7-0.**

Director Green MOVED TO ACCEPT THE MINUTES OF THE March 12, 2024 BOARD MEETING AS AMENDED; Director Burroughs SECONDED. **MOTION PASSED 7-0.**

II. SUBCOMMITTEE REPORTS

1. Personnel Subcommittee

The Personnel subcommittee will meet after the Board meeting to review the applications received for the mediator position that will be vacated in Bangor with the retirement of Rita Bean.

2. Budget Subcommittee

Director Gendreau reported that the Budget Subcommittee did not need to meet this month but will be reporting on the FY2025 annual assessment at the May Business meeting.

3. Framework Subcommittee

The Framework Subcommittee met on April 3rd to continue their review of reports and studies. The form and letter that will be sent out to collect Section 212/213 data for calendar year 2018 from insurers/self-insurers is almost completed and a schedule of tasks has been created. The Executive Director has also reached out to Maine Municipal Association and MaineHealth regarding this data call.

4. IME Subcommittee

The IME Subcommittee is looking at ways to attract more doctors to the independent medical examiner program. The comprehensive review of the Medical Fee Schedule, done every three years, has been completed with no changes recommended at this time.

III. EXECUTIVE DIRECTOR REPORT

1. Staff Recognition

Mediator Rita Bean and Clerk IV Kathy Hunt were in attendance. Rita has been with the Board for 39 years and Kathy for 35 years. Both are retiring this month. Executive Director Rohde and the Board thanked them both for their many years of dedicated service.

2. Compliance

The Monitoring Auditing and Enforcement Unit sent letters to insurers regarding wage statement compliance issues. A similar letter is being prepared for insurers relative to compliance problems with the Statement of Compensation Paid forms.

3. Medical Fee Schedule

The comprehensive review of the Medical Fee Schedule (MFS) was due at end of 2023. Information for the review was requested from Maine Health Data Organization (MHDO). Deputy Director Kimberlee McCarson did a lot of research and data comparisons for the review. The fees allowed by the MFS are probably lower than third party fees, but there is not enough evidence at this point to suggest changes to conversion factors and baserates. Also, the medical environment has changed dramatically since the law was enacted in 2011.

The Board should consider if the statutory process is still the best to analyze the MFS. If the Board continues to use data from MHDO, we will need to consider adding a staff a position to deal with only this as there is so much to research and review involved.

IV. GENERAL COUNSEL REPORT

1. Personnel

The advocate vacancy in Augusta has been filled with the hiring of Lynne Williams. A legal secretary in Portland has been promoted to paralegal. The now vacant legal secretary position will be posted. Appellate clerk, Skylar Duguay, has accepted a position with DHHS.

V. OLD BUSINESS

1. Legislation Updates

- LDs 444 came out of committee as “ought to pass as amended.”
- LD 2176 is still at the Appropriations table even though there are no funds needed.
- The Legislature is scheduled for an April 17th adjournment.

VI. NEW BUSINESS

1. 4th Quarter 2023 Draft Compliance Report

Carrie Pomeroy presented the 4th quarter compliance report. Compliance is still stagnant this year. Payments are at 83% over the year. Wage and fringe benefit statements met the benchmark for this quarter but are still low over the year. The Monitoring Unit will be taking a closer look at WCB-11 filings going forward.

Directors discussed the compliance trends and what is contributing to the overall lack of improvement.

Director Picard MOVED TO ACCEPT THE 4TH QUARTER 2023 COMPLIANCE REPORT AS WRITTEN; Director Gendreau SECONDED. **MOTION PASSED 7-0.**

VII. ADJOURNMENT

Director Picard MOVED TO ADJOURN; Director DeWolfe SECONDED. **MOTION PASSED 5-2.** (*Directors Burroughs and Green opposed.*)

The meeting formally adjourned at 10:32 a.m.