



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

March 10, 2020

A business meeting of the Maine Workers' Compensation Board of Directors was held on Tuesday, March 10, 2020, at the Augusta Central Office in Augusta, Maine.

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

I. CALL TO ORDER

Executive Director Rohde called the meeting to order at 10:08 a.m.

II. APPROVAL OF MINUTES

1. Draft Minutes of 2/11/2020

Director Deabay raised a point of order regarding the statement made by Director Koocher in the February minutes. He felt as the statement was made after the motion, it should not be included in the minutes.

Director Deabay MOVED TO EXCLUDE THE STATEMENT FROM THE MINUTES. DIRECTOR GREEN SECONDED. **MOTION FAILED 3-4.** (*Executive Director Rohde, Directors Wallace, Koocher, and Davis opposed.*)

Director Deabay MOVED TO ACCEPT THE MINUTES OF 2/11/2020 AS WRITTEN; Director Wallace seconded. **MOTION PASSED 4-3.** (*Directors Burroughs, Deabay, and Green opposed.*)

III. SUBCOMMITTEE REPORTS

The Personnel and Budget subcommittees met this morning. The IME subcommittee will meet later today.

1. Personnel Subcommittee

Director Deabay reported the focus going forward for the Personnel subcommittee will be how to proceed with incorporating recommendations from the Advocate Study.

2. Budget Subcommittee

Director Green reported that the Information Technology portion of the budget will be significant. Deputy Director Lindsay Lizzotte reported that she has already reached out to the Office of Information Technology (OIT) regarding the initial estimate of \$4-8 million as that was higher than expected. The costs are largely associated with transitioning to the new platform, not licensing costs, so our costs to OIT should go back to expected amounts once the transition is complete. Discussion was held about the conversion of Progress files once we are ready to migrate files.

IV. EXECUTIVE DIRECTOR REPORT

1. Supplemental Budget

There was only one item for the supplemental budget. The amount was \$1200 to reclassify a legal secretary position. The overall budget process is ongoing.

2. Kids' Chance of Maine

Kids' Chance of Maine would like the workers' comp community to know that they have scholarships available. Potential applicants are encouraged to apply or contact Dick Tucker for more information.

3. Comp Summit

Comp Summit will have a different format this year. The dates have changed to September 23-25 and there will be more of a Human Resources component to the overall summit. The Wednesday and Thursday agendas will be more of the traditional comp training as we have had in the past. There will be a Board meeting at Comp Summit again this year.

4. Corona Virus

At this time, there are no reported cases in Maine. Executive Director Rohde asked that everyone use common sense precautions, stay informed, and plan for what might happen if an office needs to close.

5. PTSD Report

Board staff has met with representatives from Maine Municipal Association and the Office of Maine Workers' Compensation to review information that is being collected for the PTSD Report, which is due to the legislature in 2022. The bill, passed in 2017, creates a presumption for first responders. A report will be submitted to the legislature on January 1, 2022 to track the cost and claims impact of the bill.

6. Bangor Regional Office

Board staff and Bureau of General Services (BGS) staff are working to secure a new location for BRO. There are two possible locations identified at this time. Both locations will see an increase in rental costs as these are not state-owned buildings

V. GENERAL COUNSEL REPORT

1. Personnel

General Counsel Richard Hewes reported a new attorney vacancy in the abuse unit. The two open auditor positions have been filled with internal candidates.

VI. OLD BUSINESS

1. MOP and DISC Forms

The recent feedback regarding proposed changes to the WCB-3 Memorandum of Payment (MOP) form, and the WCB-4M Modification (MOD) and WCB-4D Discontinuance (DISC) forms were reviewed and discussed. Executive Director Rhode identified September 1, 2020 as the implementation date if the changes were approved.

Director Koocher MOVED TO APPROVE THE NEW FORMS; Director Deabay seconded. **MOTION PASSED 7-0.**

VII. NEW BUSINESS

There was no new business on the agenda. Executive Director Rohde was asked to give an update on pending legislation. The 39-A portion of LD 1639 regarding responsible contracting practices may be removed by an amendment to the proposed bill. A work session on LD 1639 is scheduled for March 11, 2020. LD 1529 An Act Concerning Nondisclosure Agreements in Employment may have an impact on workers' compensation settlements if it is enacted.

General Counsel Richard Hewes has been following the Indian Claims legislation as this would have an impact on how these claims are handled within the workers' compensation system.

VIII. ADJOURNMENT

Director Koocher MOVED TO ADJOURN; Director Green seconded. **MOTION PASSED 6-1.** (*Director Burroughs opposed.*)

The meeting formally adjourned at 10:41 a.m.