



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

May 19, 2020

A business meeting of the Maine Workers' Compensation Board of Directors was conducted remotely on Tuesday, May 19, 2020 via Zoom.

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 10:01 a.m. with over 30 people participating. This was the first Board meeting to be conducted remotely. Executive Director Rohde reviewed the Zoom meeting platform and procedures. Board members and staff introduced themselves for the recording. Voting was conducted by roll call vote instead of a show of hands.

II. APPROVAL OF MINUTES

1. Draft Minutes of 3/10/2020 Director's Meeting

Director Koocher MOVED TO ACCEPT THE MINUTES OF 3/10/2020 AS WRITTEN;
Director Wallace seconded. **MOTION PASSED 7-0.**

III. SUBCOMMITTEE REPORTS

The Budget and IME subcommittees met prior to the board meeting.

1. Budget Subcommittee

Executive Director Rohde and Jan Adams, Deputy Director for Business Services, provided a summary of the assessment process and how the assessment was calculated for FY2021.

Director Green MOVED TO ACCEPT THE BUDGET SUBCOMMITTEE'S RECOMMENDATION TO REDUCE THE FY 2021 ASSESSMENT FROM THE STATUTORY CAP OF \$13,000,000 TO AN ACTUAL ASSESSMENT OF \$9,000,000 AND REQUIRE STAFF TO USE AN ASSESSMENT RATE FOR INSURED OF 2.63% BASED ON AN ESTIMATED INSURED MARKET OF \$215,880,068 AND TO

RAISE \$3,313,319 FROM SELF-INSUREDS; Director Deabay seconded. **MOTION PASSED 7-0.**

2. IME Subcommittee

Executive Director Rohde reported that the IME subcommittee had three applications for consideration. Dr. Tony Cicoria submitted an application to become an Independent Medical Examiner, but then asked to put his application on hold. Two vocational rehabilitation providers also submitted applications. Mary Fitzpatrick, currently a VR provider, is up for renewal and Shannon Sidelinger, currently a VR provider with the Department of Labor, recently applied to be a Board VR provider.

Director Burroughs MOVED TO REAPPOINT MARTY FITZPATRICK FOR A TWO YEAR TERM AS A VOCATIONAL REHABILITATION PROVIDER. HIS TERM TO END ON AUGUST 27, 2022; Director Koocher seconded. **MOTION PASSED 7-0**

Director Koocher MOVED TO APPROVE THE APPLICATION OF SHANNON SIDELINGER AS A VOCATIONAL REHABILITATION PROVIDER FOR A TWO YEAR TERM TO END ON MAY 19, 2022; Director Burroughs seconded. **MOTION PASSED 7-0**

IV. EXECUTIVE DIRECTOR REPORT

1. COVID-19

Executive Director Rohde reported that most employees are working remotely. Staggered schedules are being used for in-office time. Senior staff and managers, as well as employees, have done a fantastic job pulling this change together and adapting to the new remote operations. As June and July approach, senior staff will be working on guidelines for re-entry into the office.

The most challenging aspect of the COVID related operational changes continues to be formal hearings. There is some hesitation to use remote technology for hearings, especially when there are possible credibility concerns. Lump sum settlements are being done more often using remote technology which provides helpful experience for remote formal hearings. There is a fair amount of work to do with respect to social distancing in the hearing rooms and lobbies in order to resume in-person hearings.

FROI's are being tracked for COVID-19 related claims. As of May 11, we had 566 claims that were specifically coded as COVID-19 cases. Other claims such as home office and cleaning related injuries due to COVID-19 are also being tracked.

2. Comp Summit

Bud Bernstein held the Human Resources conference online. A final decision about how to proceed with Comp Summit has not been made yet.

V. GENERAL COUNSEL REPORT

1. Personnel

General Counsel Richard Hewes reported that Maryanne Prince has filled the vacancy in the abuse unit.

2. Law Court

The Law court has granted the employer's petition for appellate review in the *Somers v. S.D. Warren* case.

VI. OLD BUSINESS

1. EDI Filing

With the pandemic changes, the Board is trying to provide as many options as possible for filing on a voluntary basis. There are no issues to report at this time.

VII. NEW BUSINESS

There was no new business on the agenda. Director Koocher asked if the advocates in the Abuse Unit represent the employee or the employer in AIU cases. The AIU advocates represent the Board when an employer does not secure the required coverage.

Executive Director Rohde thanked the Maine State Library for the use of their Zoom license for this meeting. The Board request for a Zoom license is in work with OIT.

VIII. ADJOURNMENT

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

The meeting formally adjourned at 10:31 a.m.