



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

May 11, 2021

A business meeting of the Maine Workers' Compensation Board of Directors was conducted on Tuesday, May 11, 2021 via Zoom.

PRESENT: John Rohde (*Executive Director/Chair*), Ron Green, Glenn Burroughs, Richelle Wallace, Lynne Gaudette, Penny Picard, and Serina DeWolfe (*Directors*), and Richard Hewes (*General Counsel*).

I. CALL TO ORDER

Executive Director Rohde called the meeting to order at 10:02 a.m. with over 50 people participating remotely. Executive Director Rohde reviewed the Zoom meeting platform and procedures. Board members and staff introduced themselves for the recording. Voting is to be conducted by roll call vote instead of a show of hands.

Executive Director Rohde thanked the outgoing Directors Emery Deabay, Gary Koocher and Tom Davis for their service and introduced the new Directors Lynne Gaudette, Serina DeWolfe and Penny Picard.

II. APPROVAL OF MINUTES

1. Draft Minutes of 4/13/2021 Board of Director's Business Meeting

There was a brief discussion to clarify the Personnel Subcommittee report regarding the staff vacancies. Over the past year, the Board has had 10-12% of staff positions vacant. The Board is tracking revenues to make sure rehiring can begin. The most critical vacancies will be filled first as the Advocate and Abuse units are particularly short-staffed.

Director Burroughs MOVED TO ACCEPT THE MINUTES OF THE 4/13/2021 BOARD MEETING AS WRITTEN; Director Green seconded. **MOTION PASSED 7-0.**

III. SUBCOMMITTEE REPORTS

1. Personnel Subcommittee

The Personnel Subcommittee met on May 3, 2021 to review procedures with the new Subcommittee members. The application period for the administrative law judge position in Lewiston closed on May 7, 2021. The subcommittee will meet again on May 12, 2021 to review the 7 applications received and compile a list of interviews to be scheduled. Executive Director Rohde noted that to hire an ALJ after January 1, 2020, we must have 5 votes as opposed to the usual majority vote of 4.

2. Budget Subcommittee

The Budget Subcommittee will meet later this week to work on the annual assessment.

3. IME Subcommittee

The full IME Subcommittee did not meet as Director Burroughs was unavailable. Executive Director Rohde and General Counsel Hewes met with incoming Director Lynne Gaudette to review the Board and Subcommittee functions.

IV. EXECUTIVE DIRECTOR REPORT

1. New Directors

Executive Director Rohde welcomed new Board members Serina DeWolfe, Penny Picard, and Lynne Gaudette.

2. Administrative Law Judges

Executive Director Rohde will meet with ALJ Collier, ALJ Chabot, and Tammy Cook, Regional Operations Administrator, about ALJ Collier's case load to prepare for his retirement. As we have in the past, the Board has the option to enter into a short term contract with an ALJ after retirement to complete open cases.

3. Assessment

The Budget Subcommittee will begin work on the annual assessment. The assessment will need to be voted on at the June meeting.

4. COVID

The number of reported cases has slowed to about 30 per week. The current average is 33 new cases per week.

V. GENERAL COUNSEL REPORT

1. Board Nominations

General Counsel Hewes also thanked the outgoing Directors and welcomed the new Board members.

2. Law Court

There are no new cases to report on at this time.

VI. OLD BUSINESS

1. Legislation Update

As the most recent status sheet shows, most bills have now been voted out of committee. Mandates must either be funded at 90% or pass with a 2/3 majority.

- LD 213 looks like it will have a mandate.
- LD 305 has two amendments and a fiscal impact.
- LD 467 also has a mandate and was voted ought to pass as amended.
- LD 575 has a fiscal note and potential mandate.
- LD 997 was voted ought not to pass as it duplicates LD 467 & 575.
- LD 1024 was voted ought not to pass by the majority and ought to pass as amended by the minority. It will have a fiscal impact if the Board is directed to create a high risk pool. A high risk pool would have to be developed from scratch and is not something generally used in workers' compensation.
- LD 1239 was voted ought not to pass. It is already covered under the Abuse Unit.
- LD 1430 has a pending amendment.

VII. NEW BUSINESS

There is no new business to discuss.

VIII. ADJOURNMENT

Director Burroughs MOVED TO ADJOURN; Director Wallace SECONDED.
MOTION PASSED 7-0.

The meeting formally adjourned at 10:29 a.m.