



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

**November 9, 2021**

A business meeting of the Maine Workers' Compensation Board of Directors was conducted on Tuesday, November 9, 2021 via Zoom.

**PRESENT:** John Rohde (*Executive Director/Chair*), Ron Green, Glenn Burroughs, Lynne Gaudette, Penny Picard, Richelle Wallace, and Serina DeWolfe (*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 45 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.

**II. APPROVAL OF MINUTES**

**1. Draft Minutes of 10/12/2021 Board of Director's Business Meeting**

Director Green MOVED TO AMEND THE 8/10/2021 MEETING MINUTES TO CORRECT THE VOTE TO ACCEPT THE ANNUAL COMPLIANCE REPORT TO "MOTION PASSED 7-0"; Director Burroughs seconded. **MOTION PASSED 7-0.**

Director Green MOVED TO ACCEPT THE MINUTES OF THE 8/10/2021 BOARD MEETING AS AMENDED; Director Burroughs seconded. **MOTION PASSED 7-0.**

**III. SUBCOMMITTEE REPORTS**

**1. Budget Subcommittee**

Director Wallace reported the Budget Subcommittee met to review the financials as it does each year in the fall. The subcommittee recommends bringing the reserve account up to the maximum of \$3 million dollars.

Director Wallace MOVED TO TRANSFER \$288,363.00 TO THE RESERVE ACCOUNT; Director Green seconded. **MOTION PASSED 7-0.**

## **IV. EXECUTIVE DIRECTOR REPORT**

### **1. PTSD Report**

Executive Director Rohde reported that the group preparing the PTSD report for the Legislature continues to meet. A draft will be prepared and presented to the Board for approval at the December meeting.

### **2. File Audit**

In January, the Board will have an administrative week to do a file audit in all of its offices. The file audit will be scheduled during the Appellate session week.

### **3. Medical Fee Schedule**

The annual update to the inpatient relative weights in Medical Fee Schedule was done in October. The cost analysis done by NCCI shows the 1% increase is consistent with previous years.

### **4. Legislation**

There were three bills submitted to the Legislative Council to be considered for the Second Regular session. Two of the bills, An Act To Support Law Enforcement Officers, Corrections Officers, E-9-1-1 Dispatchers, Firefighters and Emergency Medical Services Persons Diagnosed with Post-traumatic Stress Disorder and An Act To Protect Access to Workers' Compensation Benefits, did not have enough favorable votes and have been appealed. The third bill, An Act To Clarify the Laws Related to the Use of Medical Marijuana and Workers' Compensation, was allowed in by a 10-1 vote. This issue has likely already been addressed by the *Bourgoin v. Twin Rivers Paper Co.* Law Court decision.

### **5. Compliance**

In 2022, a schedule will be developed to conduct audits of the insurers that have consistently not met compliance benchmarks over the past year.

### **6. Long Term COVID Presentation to Maine Self-Insurance Guarantee Association**

Dr. Kenji Saito gave a presentation at the annual MSIGA meeting regarding long term COVID cases and what that might look like in Workers' Compensation. The symptoms associated with COVID are numerous, especially in cases that persist past 6 months.

## **V. GENERAL COUNSEL REPORT**

### **1. Personnel**

The Advocate Division has hired Brian Yeager to fill the attorney advocate vacancy in the Augusta Advocate office. Skylar Duguay has moved from their job as attorney advocate in the Abuse Investigation Unit to become Counsel at the Board's Appellate Division.

### **2. Section 213 Petition**

The Board has received a Section 213 petition for the extension of benefits due to extreme financial hardship. As it has been approximately 8 years since the last Section 213 petition went before the Board. General Counsel Hewes noted that the directors of the Board will sit as judges at this hearing. General Counsel Hewes will address any pre-

hearing motions and request briefs from the parties before scheduling the matter for hearing.

## **VI. OLD BUSINESS**

### **1. Compliance**

As addressed in the Executive Director's report, audits will be conducted in 2022 to address insurers showing consistently poor compliance with Monitoring benchmarks.

## **VII. NEW BUSINESS**

### **1. 2022 Board Meeting Schedule**

Brief discussion was held regarding the plan for Board meetings in 2022. A schedule will be provided for approval at the next Board meeting. At this time, it is unclear if the Board will be able to begin the new year with in-person meetings, but a new camera has been procured to facilitate hybrid meetings when we can return to having the Directors meet in person.

## **VIII. ADJOURNMENT**

Director Wallace MOVED TO ADJOURN; Director Gaudette SECONDED. **MOTION PASSED 6-1.** (*Director Burroughs opposed.*)

The meeting formally adjourned at 10:25 a.m.