



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

September 12, 2023

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, September 12, 2023.

PRESENT: Glenn Burroughs, Ron Green (*Directors*), and Richard Hewes (*General Counsel*)

PRESENT VIA ZOOM: John Rohde (*Executive Director/Chair*), Penny Picard, Lynne Gaudette, and Serina DeWolfe (*Directors*)

I. CALL TO ORDER

Executive Director Rohde called the meeting to order at 10:02 a.m. with over 30 people participating. Executive Director Rohde reviewed the hybrid meeting format and remote participation procedures. Board members and staff introduced themselves for the recording.

II. APPROVAL OF MINUTES

1. Draft Minutes of 7/11/2023 Board of Director's Business Meeting

Director Green MOVED TO ACCEPT THE MINUTES OF THE 7/11/2023 BOARD MEETING AS WRITTEN; Director Burroughs SECONDED. **MOTION PASSED 6-0.**

III. SUBCOMMITTEE REPORTS

1. IME Subcommittee

The IME Subcommittee has reviewed the questionnaires sent to the independent medical examiners.

Director Burroughs MOVED TO REMOVE SEVEN DOCTORS FROM THE APPROVED INDEPENDENT MEDICAL EXAMINER LIST. THOSE DOCTORS ARE:

Jean Antonucci, MD
James F. Findlay, DO
Gianelia F. Guernelli, MD
Richard J. Mazzei, MD
Meryl J. Nass, MD
W. Kevin Olehnick, MD
Gregory Taggart, MD

Director Gaudette SECONDED the motion to remove.

Director Picard asked why those doctors were being removed.

Executive Director Rohde clarified that one doctor resigned, one has retired and is no longer eligible, and the remaining doctors did not respond to the annual review. If a provider being removed from the 312 list is currently scheduled to see an employee for a 312 examination, the doctor's examinations will be rescheduled unless the parties agree that the doctor should conduct the evaluation.

Having reviewed replies to the annual questionnaires, the IME subcommittee will schedule meetings with doctors who are randomly selected for a follow up meeting. The subcommittee would like to meet with 3 or 4 doctors this year and then continue the process next year with different doctors. The goal is to eventually meet with all examiners to better understand their perspectives about the process.

MOTION PASSED 6-0.

Harry Anderson, a vocational rehabilitation provider, has submitted an application for reappointment.

Director Burroughs MOVED TO REAPPOINT HARRY ANDERSON FOR A TWO-YEAR PERIOD BEGINNING OCTOBER 12, 2023. Director Gaudette SECONDED.
MOTION PASSED 6-0.

IV. EXECUTIVE DIRECTOR REPORT

1. Chapter 4 Proposed Rule Change

A public hearing for the proposed change to Chapter 4 of the Board's Rules will be held on October 5th at 10:00 a.m. via Zoom and at the Board's Central Office. Oral comments on the proposed change will be due that day and written comments will be due by October 15th.

2. Medical Fee Schedule

The comprehensive review of the medical fee schedule will be completed soon and the inpatient fee schedule will be updated as of October 1st.

V. GENERAL COUNSEL REPORT

1. Personnel

An attorney position with the Abuse Unit is now vacant and the advocate position in Lewiston remains vacant. There are 2 vacant paralegal positions in Portland Advocate office for which interviews are being conducted.

VI. OLD BUSINESS

1. Legislation

The adjournment of the Legislature was July 26th and the effective date for workers' compensation laws that will be Wednesday, October 25, 2023.

LD 1123 is enacted as Chapter 445 of Maine's Public Law.

LD 1302 did not pass as it was not funded.

LD 1803 (submitted by the Board) has been enacted as Chapter 205 in Maine's Public Law. Board staff continues to work on implementation of the independent contractor predetermination piece of the bill. Notification letters will be sent out to those who have previously filed as independent contractors to advise them of the new self-declaration process.

LD 1896 has been carried over to the upcoming legislative session. Executive Director Rohde said that the Board is assembling stakeholders to review cost of living issues. Stakeholder meetings will begin soon.

2. Rulemaking

Director Picard asked about the changes to WCB Rule Chapters 5 and 17. Executive Director Rohde said that final processing by the Secretary of State's office is progressing. Debi Hutchins will follow up on the effective date of the new rules.

VII. NEW BUSINESS

There is no new business this month.

VIII. ADJOURNMENT

Director Green MOVED TO ADJOURN; Director Picard SECONDED.

MOTION PASSED 5-1. (*Director Burroughs opposed.*)

The meeting formally adjourned at 10:27 a.m.