



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

January 8, 2019

A business meeting of the Maine Workers' Compensation Board of Directors was held on Tuesday, January 8, 2019, at the Workers' Compensation Board, Augusta Central Office.

PRESENT: John Rohde (*Acting Chair*), Ron Green, Glenn Burroughs, Emery Deabay, Richelle Wallace, Tom Davis, and Gary Koocher.

I. CALL TO ORDER

Acting Executive Director Rohde called the meeting to order at 10:01 a.m.

II. APPROVAL OF MINUTES

1. Draft Minutes of 12/11/2018 Meeting

Director Koocher MOVED TO ACCEPT THE MINUTES OF THE 12/11/18 MEETING; Director Burroughs seconded. **MOTION PASSES 6-0-1** (*Chair abstained*).

III. SUBCOMMITTEE REPORTS

1. IME Subcommittee

The IME subcommittee met prior to the Board meeting to consider the application of Vocational Rehabilitation provider John D'Amour.

Director Burroughs MOVED TO APPROVE JOHN D'AMOUR AS A BOARD APPROVED VOCATIONAL REHABILITATION PROVIDER FOR A TWO YEAR TERM, BEGINING TODAY, JANUARY 8, 2019; Director Koocher seconded. **MOTION PASSES 6-0-1** (*Chair abstained*).

IV. EXECUTIVE DIRECTOR AND GENERAL COUNSEL REPORT

Acting Executive Director Rohde gave a combined update on Executive Director and General Counsel topics.

1. Bad Weather Policy

The Board is considering standards to create a policy regarding meeting cancellations when severe weather is predicted. This will allow Board members, staff, and members of

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Approved 02-12-19 Vote 6-0-1 (Chair abstained)*

the public to plan accordingly. Remote participation via Court Call from a regional office for Board members may be an option.

2. Bureau of Budget

A notice was sent out from the Bureau of Budget that departments could make minor adjustments to personal services. The Board is not making any changes at this time.

3. Department of Labor

The negotiations for a Memorandum of Understanding between the Board and the Department of Labor regarding the data sharing are still ongoing. The Board will need to consider how to collect this data if an agreement is not able to be reached due to Federal restrictions on the type of data shared and how it is shared.

4. Medical Fee Schedule Training

Kimberlee Barriere will be conducting training sessions on the revised medical fee schedule that became effective on 1/1/19.

5. 129th Legislature

The 1st Regular Session of the 129th Legislature has begun. To date, there are 24 bill titles submitted that may relate to workers' compensation. The Labor, Commerce, Research and Economic Development Committee has been renamed the Labor and Housing Committee.

V. OLD BUSINESS

1. Rulemaking - Chapter 5 Medical Fee Schedule

The amendments to Chapter 5 Medical Fee Schedule were approved and went into effect on 1/1/19.

2. §213 Petitions

For the first of the two petitions, the employer filed an objection to the petition stating it is premature as there is a pending appeal on the underlying decision. We are waiting for the employee's response to the objection. For the second petition, Acting Executive Director Rohde will send a Scheduling Order to the parties. Director Koocher asked that attorneys, when preparing materials for Board consideration, summarize the medical and financial information provided.

3. Psychiatric/Psychological Release Form

The wording of form WCB-220-A was discussed with regard to injured employees having representation when the form is completed. Members of the public in attendance commented that this form slows down claims handling and recommended that the Board change the wording regarding employee representation. There was also discussion of the reason the rule was adopted, protecting sensitive records. The Board will gather more information and continue the discussion during the next meeting.

VI. NEW BUSINESS

1. 3rd Quarter 2018 Compliance Report Draft

Carrie Ellis presented the 3rd Quarter 2018 Compliance report. She reported there have been no major issues, but there have been more §205(3) penalties this quarter.

Director Koocher MOVED TO ACCEPT THE REPORT AS READ; Director Wallace seconded. **MOTION PASSES 6-0-1** (*Chair abstained*).

VII. ADJOURNMENT

Director Deabay MOVED TO ADJOURN; Director Green seconded. **MOTION PASSES 6-0-1** (*Chair abstained*).

The meeting formally was adjourned at 10:47 a.m.