



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

August 26, 2019

A business meeting of the Maine Workers' Compensation Board of Directors was held on Monday, August 26, 2019, at the Samoset Resort in Rockport, Maine.

PRESENT: John Rohde (*Executive Director/Chair*), Richard Hewes (*General Counsel*), Ron Green, Glenn Burroughs, Emery Deabay, Richelle Wallace, Tom Davis, and Gary Koocher (*via telephone*).

I. CALL TO ORDER

Executive Director Rohde called the meeting to order at 4:14 p.m.

II. PRESENTATION OF PLAQUE

The Board presented a plaque to former Executive Director Paul Sighinolfi in appreciation of his service and dedication to the Board during his tenure.

III. KIDS' CHANCE OF MAINE

Paul Sighinolfi gave a short presentation on the Kids' Chance program in Maine.

Director Burroughs PROPOSED the following RESOLUTION:

"Whereas, the catastrophic injury or death of a parent or guardian can have a devastating emotional and financial impact on the family unit; and

Whereas, when the injury or death resulted from a work-related accident, workers' compensation benefits are often insufficient to allow the children of the worker to pursue their educational dreams; and

Whereas, Kids' Chance of Maine provides financial scholarships to children of seriously injured workers who are pursuing their educational goals;

Therefore, be it resolved that the Maine Workers' Compensation Board of Directors commends Kids' Chance of Maine for its efforts on behalf of children who aspire to pursue higher education."

Director Deabay MOVED TO ACCEPT THE RESOLUTION AS READ; Director Wallace seconded. **MOTION PASSES 7-0.**

IV. APPROVAL OF MINUTES

1. Draft Minutes of 7/23/2019

Director Deabay MOVED TO ACCEPT THE MINUTES OF 7/23/19; Director Burroughs seconded. **MOTION PASSES 7-0.**

V. SUBCOMMITTEE REPORTS

1. Personnel Subcommittee

The Personnel Subcommittee met prior to the Board meeting to conduct interviews for the Administrative Law Judge position at the Lewiston Regional Office.

Director Deabay MOVED HIRE BRYAN CHABOT AS AN ADMINISTRATIVE LAW JUDGE FOR A THREE-YEAR TERM ENDING DECEMBER 31, 2022; Director Wallace seconded. **MOTION PASSES 7-0.**

VI. EXECUTIVE DIRECTOR REPORT

Executive Director Rohde deferred his report to the Old Business section of the agenda as it primarily deals with LD 756.

VII. GENERAL COUNSEL REPORT

General Counsel Richard Hewes reported that the Annual Regulatory Agenda has been filed as required. The Abuse Unit is closely monitoring a fatal workplace accident and will be scheduling a hearing on this case.

VIII. OLD BUSINESS

1. LD 756 (PL 2019, C. 344)

LD 756 has been enacted as PL 2019, C. 344. General Counsel Hewes reviewed some of the changes such as Average Weekly Wages, Cost of Living Adjustments, and payments to parents in the case of a fatal accidents.

Executive Director Rohde reported that LD 756 directs the Board to study the Advocate Division, including advocate salaries and resources. The Board shall report and make recommendations for any changes to improve the advocate program by January 1, 2020.

The Board shall also convene a working group of stakeholders to evaluate issues related to work search and vocational rehabilitation requirements for injured workers and protections for injured workers whose employers have wrongfully not secured workers' compensation coverage. The Board shall report to the Labor and Housing Committee by January 30, 2020 with recommendations and any draft implementing legislation to address these issues. The first meeting of the working groups will be on August 28, 2019 at the Augusta Central Office. For those who are not able to attend, materials will be distributed via email.

Executive Director Rhode noted that Board staff devotes a lot of time to training, providing best practices information, issuing guidance, and answering questions. A guidance memo is being developed regarding LD 756 and will be distributed via ListServe. The guidance is not designed to be legally enforceable, but it is intended to be helpful. In the future, the Board may adopt new rules which are legally enforceable.

2. NCCI

NCCI has made a law-only filing with the Bureau of Insurance. If it is approved, it will go into effect on January 1, 2020.

IX. NEW BUSINESS

1. Compliance Reports

Carrie Ellis gave a presentation about Monitoring, Audit and Enforcement under PL 486 which looks at the accuracy of claims handling. The 1st Quarter 2019 and 2018 Annual Compliance Reports were presented and reviewed. Compliance reports are also available on the Board's website for review.

Director Deabay MOVED TO ACCEPT THE 2018 ANNUAL COMPLIANCE REPORT; Director Burroughs seconded. **MOTION PASSES 7-0.**

Director Deabay MOVED TO ACCEPT THE 1st QUARTER 2019 COMPLIANCE REPORT; Director Burroughs seconded. **MOTION PASSES 7-0.**

X. ADJOURNMENT

Director Deabay MOVED TO ADJOURN; Director Burroughs seconded. **MOTION PASSES 7-0.**

The meeting formally adjourned at 4:55 p.m.