



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

November 10, 2020

A business meeting of the Maine Workers' Compensation Board of Directors was conducted on Tuesday, November 10, 2020 via Zoom.

PRESENT: John Rohde (*Executive Director/Chair*), Ron Green, Glenn Burroughs, Richelle Wallace, Tom Davis, Gary Koocher, and Emery Deabay (*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 30 people participating remotely. Executive Director Rohde reviewed the Zoom meeting platform and procedures. Board members and staff introduced themselves for the recording. Voting to be conducted by roll call vote instead of a show of hands.

II. APPROVAL OF MINUTES

1. Draft Minutes of 10/13/2020 Board of Director's Business Meeting

Director Koocher MOVED TO ACCEPT THE MINUTES OF 10/13/2020 AS WRITTEN; Director Burroughs seconded. **MOTION PASSED 7-0.**

III. SUBCOMMITTEE REPORTS

The Personnel subcommittee met on November 3, 2020 via Zoom. The IME and Budget subcommittees did not need to meet in November.

1. Personnel Subcommittee

Deputy General Counsel Seanna Crasnick has assumed internal Human Resources responsibilities during the pandemic. She is our contact for DAFS and has been the point of contact for staff for COVID-19 questions and concerns. Board staff continues to work remotely as much as possible.

Tony Peverada retired from his job as mediator on October 31, 2020 with over 30 years of State service. Tony was the original Senior Staff Attorney for the Advocates. Diane

Lennon Danforth (Caribou) and Rita Bean (Bangor) will take over Tony's mediation caseload for now.

IV. EXECUTIVE DIRECTOR REPORT

1. Presentation to Employers

Executive Director Rohde participated in a virtual presentation to Maine employers last week. For insured employers in Maine, the Bureau of Insurance has adopted a proposed rule change out of NCCI which says that COVID claims will not be counted against employers in their experience modification for their next premium year. These rulings are available on the BOI website.

2. Wentworth-Douglass Hospital

The Board received inquiries about Wentworth-Douglass Hospital in Portsmouth, NH regarding the cost of treatment for work related injuries under Maine's Workers' Compensation Act. The hospital was being paid the medical fee schedule amount and then billing insurance for the balance due above our medical fee schedule. As New Hampshire does not have a medical fee schedule, the hospital believed they were entitled to 100% of the charges incurred. Executive Director Rohde and Deputy Director Kimberlee McCarson met with a representative for the hospital. Going forward the hospital will agree to accept the rates paid under Maine's Medical Fee Schedule for injured workers. For non-emergency cases, the employee will be notified in advance that there may be a balance if they elect to proceed with treatment for a work related injury at the hospital.

2. COVID Reports

As of last week, the Board had received 1,235 lost time first reports of injuries related to COVID-19. Healthcare occupations, particularly nurses, have the highest number of claims. Of the claims for compensation, 46% were denied, 25% were paid by the insurer, and 26% were paid by salary continuation.

V. GENERAL COUNSEL REPORT

1. Waiver Request

General Counsel Richard Hewes reported that MEMIC filed an extension request to their EDI waiver due to continuing technical issues encountered during the transition to a new vendor for EDI filings. The waiver request was discussed. Executive Director Rohde and Deputy Director Lindsay Lizzotte noted that board employees have communicated with MEMIC staff about this issue. Matt Harmon from MEMIC expressed his belief that issues will be corrected within this waiver period.

Director Deabay MOVED TO GRANT A BOARD WAIVER PERMITTING MAINE EMPLOYERS' MUTUAL INSURANCE COMPANY TO BE EXEMPTED UNDER ME. WORKERS' COMPENSATION BOARD RULE CHAPTER 3 §4 (1) (C) (1) FROM THE REQUIREMENT THAT IT FILE FORMS ELECTRONICALLY FROM NOVEMBER 2, 2020 THROUGH NOVEMBER 30, 2020. Director Wallace seconded.
MOTION PASSED 7-0.

VI. OLD BUSINESS

There was no old business.

VII. NEW BUSINESS

1. Medical Fee Schedule

The Board discussed the comprehensive review of the medical fee schedule. The review recommends the conversion factors and base rates remain the same. Completion of this review puts the Board back on schedule with the three-year review cycle. The next comprehensive review will be due in 2023. Executive Director Rohde will reach out to stakeholders to make sure they received the report and determine if there are any questions/comments.

2. NCCI Reports

Copies of the annual reports from NCCI regarding medical data and opioid prescriptions have been received by the Board and distributed to the Directors. These reports show how Maine is doing compared to the region and the country.

3. 2021 Board of Directors Meeting Schedule

A draft schedule for 2021 was presented with one meeting per month. Executive Director Rohde noted at this time all meetings are scheduled to be held remotely due to ongoing COVID precautions. The meeting schedule can be updated, if needed, given Board business needs or a change in pandemic conditions.

Director Burroughs **MOVED TO APPROVE THE SCHEDULE AS DRAFTED.**

Director Green seconded. **MOTION PASSED 5-0-2.** (*Directors Deabay and Koocher abstained.*)

VIII. ADJOURNMENT

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

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