



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

March 9, 2021

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

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

I. CALL TO ORDER

Executive Director Rohde called the meeting to order at 10:04 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 is to be conducted by roll call vote instead of a show of hands.

II. APPROVAL OF MINUTES

1. Draft Minutes of 2/9/2021 Board of Director's Business Meeting

Director Koocher MOVED TO ACCEPT THE MINUTES OF THE 2/9/2021 BOARD MEETING AS WRITTEN; Director Wallace seconded. **MOTION PASSED 7-0.**

III. SUBCOMMITTEE REPORTS

The Budget, Personnel, and IME subcommittees met on March 4, 2021 via Zoom.

1. Personnel Subcommittee

Director Wallace reported the Personnel Subcommittee met to discuss staffing levels at the Board. As reported previously, another Administrative Law Judge will be retiring in 2021 with ALJ Jerome's retirement at the end of last year, this will leave the Board with two ALJ vacancies. The Personnel Subcommittee would like to have someone hired for this position in June.

2. Budget Subcommittee

The Budget Subcommittee met to continue discussions on revenues and expenditures. Executive Director Rohde and Director Green reported that Deputy

Director Jan Adams has done a great job managing the Board's budget and recently saved \$100,000 through a series of small savings.

3. IME Subcommittee

Director Koocher reported the IME Subcommittee met to discuss the application of Gregory Taggart, M. D., which was submitted for appointment to the Board's section 312 examiners' list. Dr. Taggart is an orthopaedic surgeon who practices in York County.

Director Koocher MOVED TO APPOINT GREGORY TAGGART, M. D., TO THE LIST OF EXAMINING PHYSICIANS APPROVED BY THE BOARD TO CONDUCT INDEPENDENT MEDICAL EXAMINATIONS PURSUANT TO 39-A MRSA § 312 IN THE SPECIALTY OF ORTHOPAEDICS. Director Davis seconded.

Director Deabay MOVED TO TABLE THE MOTION TO APPOINT DR. TAGGART. Director Burroughs seconded. **MOTION PASSED 4-3.** (*Directors Koocher, Davis, and Wallace opposed.*)

Director Deabay would like to opportunity to have the IME subcommittee interview Dr. Taggart. Executive Director Rohde will coordinate an interview.

IV. EXECUTIVE DIRECTOR REPORT

1. Annual Report

Executive Director Rohde reported the Tri-Agency Annual Report is completed and has been distributed. Copies are available on the Board website or by contacting Debi Hutchins.

2. Personnel

Anna Ryerson has retired from DAFS. Beatrice Turner, an advocate in the Portland Regional Office, has been selected to replace Anna. Beatrice has been a tremendous asset to the agency over the years and the Board congratulates her on the promotion. Beatrice's advocate position will be posted.

V. GENERAL COUNSEL REPORT

1. Law Court

General Counsel Richard Hewes reported the Law Court has agreed to review *Desgrossiellers v. Auburn Sheet Metal* on briefs during the week of February 22, 2021. The minutes should reflect, however, that the Law Court reviewed the case to decide whether the petition for appellate review should be granted. On March 3, 2021 the Law Court decided to grant appellate review of the case.

2. Legislation

General Counsel Hewes testified neither for nor against LDs 305, 467, and 575 in front of the Labor and Housing Committee. LBHS committee members had numerous questions about presumptions that would be created by these bills.

VI. OLD BUSINESS

There was no old business.

VII. NEW BUSINESS

1. Legislation

Executive Director Rohde reported that work sessions on LD 213, An Act To Require Coverage for Female Firefighters Facing Reproductive System Cancer, and LD 305, An Act To Include Forest Rangers and Forest Fire Prevention Specialists in the Bureau of Forestry's Forest Protection Unit in the Laws Concerning Cancer Suffered by Firefighters, were held on March 8, 2021. LD 213 received a 9-4 majority "ought to pass" vote. LD 305 received an 8-5 "ought to pass as amended" vote. The amendment to LD 305 allows for the inclusion of any job description that fights fires, such as pilots.

Work sessions for LDs 467, An Act To Support E-9-1-1 Dispatchers and Corrections Officers Diagnosed with Post-traumatic Stress Disorder, and LD 575, An Act To Establish a Conditional Presumption of Compensability for Certain Employees in Cases of Impairment from Hypertension or Heart Disease, have not yet been scheduled.

LD 668, An Act To Ensure Public Accountability While Implementing a Practical Approach to Remote Participation, may impact the Board eventually. Our statute, which, under this bill, would expire in 2027, currently allows for remote participation.

LD 997, An Act To Support Maine's Corrections Officers and E-9-1-1 Dispatchers, adds E-9-1-1 dispatchers and corrections officers to the PTSD presumption and is essentially the same as LD 467. Section 3 of the bill adds a new section to create a presumption about infectious diseases. Section 4 creates a heart disease and hypertension presumption.

LD 1024, Resolve Directing the Workers' Compensation Board To Study the Impact of Workers' Compensation Laws on Certain Public Sector Employees, directs the Board to study the fiscal impact of Section 328 among firefighters for past 20 years and devise a high risk pool if appropriate.

LD 992, An Act To Prevent the Denial or Revocation of a Professional or Business License for a Violation Not Related to That Profession or Business, may have an impact on the Board as it would prohibit occupational license revocations and denials for violations of statutes and rules that are unrelated to the practice of the licensed occupation. The bill would also require the Department of Professional and Financial Regulation to identify statutes that provide for denial or revocation of business licenses for transgressions unrelated to the conduct of the business or occupation and to submit a report to the legislature no later than December 1, 2021. The Board currently has revocation ability under Monitoring, Abuse, and Enforcement.

LD 221 is the budget bill. The public hearing was held on February 25th. After the work session is held, the bill will go back to Appropriations.

VIII. ADJOURNMENT

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

The meeting formally adjourned at 10:24 a.m.