



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

**October 12, 2021**

A business meeting of the Maine Workers' Compensation Board of Directors was conducted on Tuesday, October 12, 2021 via Zoom.

**PRESENT:** John Rohde (*Executive Director/Chair*), Ron Green, Glenn Burroughs, Lynne Gaudette, Penny Picard, Richelle Wallace, and Serina DeWolfe (*Directors*), and Richard Hewes (*General Counsel*).

**I. CALL TO ORDER**

Executive Director Rohde called the meeting to order at 10:03 a.m. with over 50 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 8/10/2021 Board of Director's Business Meeting**

Director Burroughs MOVED TO ACCEPT THE MINUTES OF THE 8/10/2021 BOARD MEETING AS WRITTEN; Director Picard seconded. **MOTION PASSED 6-0-1.** (*Director Wallace abstained.*)

**III. SUBCOMMITTEE REPORTS**

**1. Personnel Subcommittee**

Director Picard reported the Personnel Subcommittee interviewed applicants for the Senior Staff Attorney position on October 5, 2021. All four applicants were interviewed, one withdrew his application after the interview. The subcommittee met again this morning to review the applications.

Director Picard MOVED TO APPOINT SHAWN WALSH TO BE SENIOR STAFF ATTORNEY IN CHARGE OF THE WORKER ADVOCATE DIVISION; Director DeWolfe seconded. **MOTION PASSED 7-0.**

The Personnel Subcommittee met on October 12, 2021 to discuss ALJ Collier's upcoming retirement and ALJ Stovall's reappointment.

Director DeWolfe MOVED TO EXTEND Administrative Law Judge TIMOTHY COLLIER'S TERM BY ONE MONTH, TO END ON JANUARY 31, 2022; Director Picard seconded. **MOTION PASSED 7-0.**

Director DeWolfe MOVED TO REAPPOINT Administrative Law Judge MICHAEL STOVALL TO A SEVEN YEAR TERM BEGINNING ON JANUARY 1, 2022; Director Picard seconded. **MOTION PASSED 7-0.**

## **2. IME Subcommittee**

Director Burroughs reported the IME Subcommittee met on October 7, 2021. The subcommittee reviewed an application from Harry Anderson to be a Board-approved vocational rehabilitation provider under WCB Rule Ch. 6 § 1 in the northern part of the state.

The subcommittee discussed the timeliness of reports submitted by the IME doctors. By rule reports are due 14 days after appointment. The doctors not submitting reports in a timely manner will be sent letters regarding Board expectations. Executive Director Rohde will also call those doctors to discuss the situation and then send them a letter.

Director Burroughs MOVED TO APPOINT HARRY ANDERSON TO THE LIST OF BOARD APPROVED VOCATIONAL REHABILITATION PROVIDERS FOR A TWO YEAR TERM BEGINNING OCTOBER 12, 2021; Director Gaudette seconded. **MOTION PASSED 7-0.**

# **IV. EXECUTIVE DIRECTOR REPORT**

## **1. Comp Summit**

Comp Summit was held on September 22 and 23rd. Executive Director Rohde reported the conference went well given the challenges of the pandemic. There were great presentations and panels from Board staff. During one of the sessions, a question was asked about the length of time Appellate Decisions have been taking. The Board is tracking the status of Appellate Division appeals and working to clear the backlog of cases. It was noted that cases can't always be heard in order.

## **2. Medical Fee Schedule**

Each year in October, Medicare changes the relative weights for inpatient fees. The updated fee schedule will be posted on the Board's website and sent out via ListServe. The professional and outpatient fee changes will be released in January.

## **3. COVID-19**

The Board is again tracking COVID reports weekly as the number of cases reported to the CDC increases. The majority of first reports are still coming from residential and healthcare facilities. Justin Moulton from NCCI reported they are seeing the same trends. Additionally, while NCCI does not collect information from self-insured companies, he noted his understanding that they are experiencing the same trends as well.

#### 4. **Telework Policy**

Executive Director Rohde will meet with Senior staff in the upcoming week to discuss the telework policy. These first meetings will focus on which positions in each department are amenable to telework. Follow-up meetings will focus on individuals and telework schedules.

#### 5. **PTSD Report**

The PTSD presumption report to the Legislature is due on January 1, 2022. A draft of the report will be presented to the Board for approval in December.

### V. **GENERAL COUNSEL REPORT**

#### 1. **Legislation**

LD 213 An Act To Require Coverage for Female Firefighters Facing Reproductive System Cancer and LD 467 An Act To Support E-9-1-1 Dispatchers and Corrections Officers Diagnosed with Post-traumatic Stress Disorder have been enacted.

#### 2. **Abuse Investigation Unit**

Doug Lotane, currently a troubleshooter in the Lewiston office, has been hired for the vacant attorney position in the Abuse Investigation Unit.

### VI. **OLD BUSINESS**

#### 1. **Legislation Update**

The PTSD report is due to the Legislature on 1/1/22.

### VII. **NEW BUSINESS**

#### 1. **2nd Quarter 2021 Draft Compliance Report**

Carrie Pomeroy from the Monitoring Unit presented a draft of the 2<sup>nd</sup> Quarter 2021 Compliance Report. The 2<sup>nd</sup> quarter numbers show that benchmarks continue to be down. The Annual Compliance Report for 2020 was also reviewed and discussed. Overall, the annual numbers declined in 4th quarter more than expected.

Discussion was held about the low compliance. Carrie will be reaching out to the insurers. Director Burroughs asked what will be done if the trend continues, as we are well over a year into pandemic, the insurers should have worked out filing issues by now.

Monitoring has been short a management analyst for some time. The position has been posted and Carrie hopes to hire someone soon.

Director Green MOVED TO ACCEPT THE 2<sup>nd</sup> QUARTER 2021 COMPLIANCE REPORT AS WRITTEN; Director Wallace seconded. **MOTION PASSED 7-0.**

Director Wallace MOVED TO ACCEPT THE 2020 ANNUAL COMPLIANCE REPORT AS WRITTEN; Director Burroughs seconded. **MOTION PASSED 6-1.**

*(Director Burroughs opposed.) Note: vote was amended to read "motion passed 7-0" at the November 9, 2021 meeting.*

## **VIII. ADJOURNMENT**

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

The meeting formally adjourned at 10:32 a.m.