



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

**March 8, 2022**

A business meeting of the Maine Workers' Compensation Board of Directors was conducted on Tuesday, March 8, 2022 via Zoom.

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

**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 is to be conducted by roll call vote instead of a show of hands.

**II. APPROVAL OF MINUTES**

**1. Draft Minutes of 2/08/2022 Board of Director's Business Meeting**

Director Burroughs MOVED TO ACCEPT THE MINUTES OF THE 2/8/2022 BOARD MEETING AS WRITTEN; Director Picard seconded. **MOTION PASSED 6-0.**

**III. SUBCOMMITTEE REPORTS**

**1. IME Subcommittee**

The IME Subcommittee report was held to be discussed with new business.

**IV. EXECUTIVE DIRECTOR REPORT**

**1. Supplemental Budget**

Executive Director Rohde presented the Board's supplemental budget to the Appropriations Committee on March 3, 2022. The funding request was for STACAP charges and additional hours for the conversion of a part time secretary legal position to a fulltime position in the Portland Advocate office.

**2. Financial Policies Report**

As a quasi-independent agency, is required to submit a report to the Legislature to assess financial its policies regarding waivers of competitive procurement and contributions. Though the Board is quasi-independent, it has adopted policies consistent with Department of Administrative and Financial Affairs (DAFS) policies. The Labor and

Housing Committee reviewed the board's 2022 filing and found no issues or inconsistencies with the Board's report.

**3. Comp Summit**

Strategic HR US will not hold Comp Summit this year. Executive Director Rohde reminded the attorneys present to keep this in mind when planning for CLEs.

**4. NCCI**

NCCI approved voluntary advisory loss costs and rating values for Maine effective April 1, 2022. The rate is -10.3% for new and renewal policies on the voluntary market.

**5. COVID-19**

COVID trends are still being tracked. January of 2022 had the highest number of reported cases to date.

**6. Rulemaking**

The Board is working with NCCI to draft changes to the Proof of Coverage rule in Chapter 3. The changes include dropping the Unemployment Insurance Account Number (UIAN) on filings and requiring non-renewals be filed electronically. Executive Director Rohde thanked Kimberlee McCarson, Lindsay Lizzotte, Lisa Bachelder, and Sarah Mare for their hard work to clean up and streamline the coverage data base.

**7. Compliance Reports**

To address the lagging compliance with benchmarks, the Board will assess penalties for Memoranda of Payment (MOP) that are filed late. Entities will receive one petition that lists all cases for which a fine is being sought instead of a separate petition for each case. This will begin with the 4Q2021 Compliance Report.

Elizabeth Brogan asked for clarification about the trigger for the penalty assessments. Executive Director Rohde noted that penalties will not be assessed against all insurers. Matt Harmon requested that the Board publish guidance. The board will send a clarifying letter to Ms. Brogan and Mr. Harmon.

**V. GENERAL COUNSEL REPORT**

**1. Personnel**

The advocate position in Caribou is currently vacant. No applications were received from qualified applicants during the initial posting, so the closing date was extended by three weeks.

**2. Contract ALJ**

The contract for the contract administrative law judge position is being reviewed by the Bureau of Purchases at this time.

## **VI. OLD BUSINESS**

Executive Director Rohde provided an update on Legislation. The Labor and Housing Committee conducted a language review of LD 1879 (PTSD presumption) last week. A committee amendment was submitted to clarify when reports of claims cost data must be filed with the Labor and Housing Committee. LD 1881, which deals with medical marijuana use, was scheduled for a work session, but the bill's sponsor, Representative Dillingham, was not available to speak. The bill was tabled. There are no proposed amendments to that bill at this time.

As previously discussed, there are still bills from last session at Appropriations. There has been no change at this time.

## **VII. NEW BUSINESS**

The IME Subcommittee met last week to discuss proposed changes to Chapter 5 of the rules which include the mental health records release and other issues such as mileage reimbursement. The process for rulemaking begins with reviewing the current rules, drafting proposed changes, Board approval, a public comment period and consideration of proposed changes. Proposed rule changes will ultimately require approval by the Attorney General's office and the Secretary of State. Rules are generally not retroactive.

As mentioned at the February meeting, General Counsel Hewes will be coordinating with interested parties to review the mental health records release, in particular the requirement that the employee be represented.

## **VIII. ADJOURNMENT**

Director Green **MOVED TO ADJOURN**; Director Gaudette **SECONDED**. **MOTION PASSED 5-1.** (*Director Green opposed.*)

The meeting formally adjourned at 10:23 a.m.