

Workers' Compensation Board

Meeting Minutes

May 2-3, 2019

Thursday, May 2, 2019

I. Call to Order

Workers' Compensation Director Grey Mitchell called the Board to order at 9:02 am on Thursday, May 2, 2019 in Anchorage, Alaska.

II. Roll call

Director Mitchell conducted roll call. The following Board members were present:

Brad Austin
Bob Doyle
Sarah Lefebvre
Lake Williams

Pamela Cline
Sara Faulkner
Nancy Shaw
Kimberly Ziegler

Chuck Collins
Bronson Frye
Robert Weel

Director Mitchell noted that Members Duquette, Mack, Phillips and Thompson were excused. Members Beltz, Howdeshell, Traini, were absent. Quorum was established.

Director Mitchell introduced senior staff present and each of the board members introduced themselves.

III. Agenda Approval

A motion to approve the agenda was made by member Weel, and seconded by member Cline. The agenda was approved by unanimous vote.

IV. Approval of Meeting Minutes

A motion to adopt the minutes from the January 24-25, 2019 regular Board Meeting was made by member Weel and seconded by member Cline. Member Williams noted that he was excused rather than absent. The amended minutes were adopted by unanimous vote.

V. Director's Report

Director Mitchell introduced himself and provided a summary of his background experience. Director Mitchell provided an overview of Division staffing.

Administrative Officer Alexis Newman provided an overview of the FY19 budget performance year-to-date.

Director Mitchell discussed active legislation.

Break 10:08am-10:30am

VI. Public Comment Period

Patti Wilson – representing University of Alaska, self-insured

- Commenting in response to the Division’s request for stakeholder input on the proposed amendment to 8 AAC 45.136.
- Written comments echo what she also wanted to express.
- Claim administrators want to report timely and correctly, but the EDI system and process is difficult.
- The University has internally established procedures to notify injured workers of their benefits, rights, and responsibility, as the Division notification letters are difficult to understand.
- Prior to EDI, claim administrators were able to report multiple actions in a single step, but EDI is multi-step process.
- Proposed/suggested stakeholder taskforce to propose regulation amendment.
- Requests that the board does not adopt any amendments without stakeholder input.
- Upon request of the board, Ms. Wilson recommended the taskforce include the Division, the Division’s EDI vendor, and Trading Partners. Would like to participate in taskforce to represent self-insured claim administrators.

Nancy Lamson – representing Alaska National Insurance

- EDI transition required Alaska National to purchase a new claims management system.
- Supports stakeholder meetings.
- Legacy claims are the most difficult. Would like to have a conversation to make legacy reporting easier.
- Does not have any issues with the proposed language.
- Concerned that penalties may be assessed on multiple reports simultaneously because the trading partner must wait for first transaction to be accepted before they are able to enter the next transaction.

VII. Old Business

Director Mitchell provided an update on the regulations that were passed by the Board at the January 24-25, 2019 meeting. Director Mitchell revisited the revision of 8 AAC 45.136, which was not adopted by the board at the January meeting. Division staff provided an explanation and background on the issue. The board elected to not take action on this item at this time.

VIII. New Business

Amend 8 AAC 45.090(b), relating to the payment of Second Independent Medical Evaluations. Member Weel moved to approve the amendment of 8 AAC 45.090(b). Member Frye seconded the motion. Director Mitchell and Workers’ Compensation Officer Sue Reishus-O’Brien explained that this would clarify a statutory requirement that is already in place and would close an existing loophole that some employers are using to avoid paying for interpreter services. Member Austin suggested including a definition of Ancillary Costs. Director Mitchell suggested to table this issue until the

October meeting, to give the division time to define ancillary costs. A motion to table the amendment indefinitely was made by member Doyle and seconded by member Weel. The motion to table the amendment passed unanimously.

Lunch Break 11:56am-1:32pm

Amend 8 AAC 45.114(2), relating to hearing briefs. Member Weel moved to approve the amendment of 8 AAC 45.114(2). Member Frye seconded the motion. The motion did not pass on a 5 to 6 vote, with members, Cline, Collins, Doyle, Faulkner, Lefebvre, and Shaw voting against, and members Austin, Frye, Weel, Williams, and Ziegler voting in favor.

Amend 8 AAC 45.172 and 8 AAC 45.900, relating to resident claims adjusting. Member Weel moved to approve the amendment of 8 AAC 45.172. Member Frye seconded the motion. Program Coordinator Velma Thomas provided a background of the issue regarding this proposed changes. The motion did not pass by unanimous vote.

Amend 8 AAC 45.415(3)(A), relating to the definition of rehabilitation specialist. Member Austin moved to approve the amendment of 8 AAC 45.415(3)(A). Member Weel seconded the motion. Reemployment Benefits Administrator Beth Tusten provided an explanation of this proposed amendment. Member Austin noted that the first word "country" should be in brackets. The motion passed unanimously.

Break 2:50pm-3:10pm

Director Mitchell brought forward two topics for discussion: rising attorney's fees, and treatment guidelines. The board members discussed each topic briefly, but did not make any proposals for action. The Board will revisit these topics at a later meeting.

Meeting Adjourned 4:04pm

Friday, May 3, 2019

I. Call to Order

Director Mitchell resumed the Alaska Workers' Compensation Board meeting at 10:08am on Friday, May 3, 2019, in Anchorage, Alaska. The following Board members were present:

Brad Austin
Bob Doyle
Sarah Lefebvre
Rick Traini
Kimberly Ziegler

Pamela Cline
Sara Faulkner
Nancy Shaw
Robert Weel

Chuck Collins
Bronson Frye
Diane Thompson
Lake Williams

Director Mitchell noted that Member Mack was excused. Members Beltz and Howdeshell were absent. Members Duquette and Phillips arrived after roll call. Quorum was established.

II. Board Training

Chief Law Judge Kathleen Frederick and Deputy Chief Law Judge Cheryl Madala provided ethics training to the board members.

Break 11:15am-11:20 am

Chief Law Judge Kathleen Frederick and Deputy Chief Law Judge Cheryl Madala continued to provide ethics training to the board members.

Acting Chief of Adjudications Ronald Ringel provided training to the board members regarding decorum, reviewing compromise and release agreements, causation deliberations, and recusal deliberations.

Director Mitchell reminded the Board members the next regular board meeting is October 3-4, 2019. The meeting will be in-person and the division will be presenting its annual report to the Board.

The annual joint MSRC/Board meeting is on August 23, 2019. This meeting will also be in-person.

Motion to adjourn was made by Member Shaw and seconded by Member Doyle. The motion passed unanimously.

Meeting Adjourned 12:08pm