

# *Workers' Compensation Board*

## *Meeting Minutes*

October 14, 2021

**Thursday, October 14, 2021**

### **I. Call to Order**

Workers' Compensation Director Charles Collins called the Board to order at 9:03 am on Thursday, October 14, 2021. Due to concerns related to the COVID-19 public health disaster, the meeting was held by telephone and video conference.

### **II. Roll call**

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

Bradley Austin	Randy Beltz	Pamela Cline	Mike Dennis
Bob Doyle	Sara Faulkner	Bronson Frye	Anthony Ladd
Sarah Lefebvre	Nancy Shaw	Robert Weel	Lake Williams

Director Collins noted that Members Christina Gilbert and Jason Motyka were excused. Quorum was established. Director Collins introduced senior staff present.

### **III. Agenda Approval**

A motion to approve the agenda was made by member Weel and seconded by member Beltz. Member Frye suggested that the meeting be split into two half days, rather than one full day. Other board members stated their agreement or opposition. The Board voted on the agenda as written. The agenda was approved on a 10 to 2 vote, with members Austin, Beltz, Cline, Dennis, Doyle, Faulkner, Ladd, Lefebvre, Weel and Williams voting in favor, and members Frye and Shaw voting against.

### **IV. Approval of Meeting Minutes**

A motion to adopt the minutes from the May 13, 2021 regular Board Meeting was made by member Austin and seconded by member Weel. The minutes were adopted without objection.

### **V. Director's Report and Board Open Forum**

Director Collins provided an update on Division staffing, active legislation, and the Division's COVID mitigation strategies including telework.

Director Collins reviewed the list of Board Designees. Member Weel motioned to accept the board designees and member Austin seconded. The motion passed unanimously.

Board members asked for an update on the Governor's effort to fill vacancies on the board. The Fairbanks members in particular spoke about the difficulties that the number of vacancies was causing. Member Lefebvre expressed frustration that Jacob Howdeshell was removed from the Board and was being given the run around on

reappointment. She proposed that the board send a letter to the Office of Boards and Commissions stating the Board's support for Howdeshell's reappointment. Other members echoed their support, and this was added as an item for New Business.

Member Shaw requested an update on the Division's effort in legislative change that would allow the Division to impose failure-to-insure penalties upon members of limited liability corporations and others who escape penalties even though they have ownership interest. Director Collins stated that there is no current legislation pending, and stated that Chief Investigator Gerharz would be addressing this topic in her report later in the meeting.

Member Cline asked that the board move to more Zoom or in-person hearings. She stated that fully telephonic hearings are very difficult, especially when interpreters and other parties are involved.

Chief William Soule proposed to change the 2022 hearing calendar by adding two days in Fairbanks. He explained that this would help the hearing officers issue their D&Os timelier, by spreading out the hearings over 4 days a month rather than two. Due to the number of current vacancies on the board, especially in Fairbanks, the board declined to put the revised calendar to vote. The calendar that was approved at the May 2021 board meeting remains the approved version.

Director Collins presented the Division's COVID-19 statistics.

*Break 10:00am-10:15am*

## **VI. Public Comment Period 10:15am- 11:15am**

Heather Johnson – representing self

- Commented that injured workers do not get an attorney immediately after being injured, and often they don't realize that they are in litigation.
- Stated that comments made by the Director, Chief of Adjudications, and Chief of Investigations were offensive to injured workers.
- Stated that the Board is not fast, fair and efficient as it should be.
- Requested that the Division be audited.

Eric McDonald – representing self

- Stated that comments made by the Director, Chief of Adjudications, and Chief of Investigations were offensive to injured workers.
- Made comments about a specific case.

Sandy Travis – representing self

- Commented that she had difficulty connecting to the public meeting.
- Made comments about COVID-19 and the vaccine.

Alison Leigh – representing self

- Stated that comments made by the Director, Chief of Adjudications, and Chief of Investigations were offensive to injured workers.
- Made comments about a specific case.

## **VII. Director's Report Continued**

Administrative Officer Alexis Hildebrand provided an update of the Division's EDI program and the FY21 budget performance.

Grace Lee provided an overview of the Alaska regulations process.

## **VIII. Old Business**

Amend 8 AAC 45.083(a), relating to fees for medical treatment and services. Member Beltz moved to approve the amendment of 8 AAC 45.083(a) and member Weel seconded the motion. The motion passed unanimously.

Amend 8 AAC 45.083(m), relating to fees for medical treatment and services. Member Austin moved to approve the amendment of 8 AAC 45.083(m) and member Weel seconded the motion. The motion passed unanimously.

Amend 8 AAC 45.185, relating to corporate officers and members of limited liability companies. Member Shaw moved to approve the amendment of 8 AAC 45.185 and member Weel seconded. The motion passed unanimously.

*Break 3:07pm-3:18pm*

## **IX. New Business**

Velma Thomas, Program Coordinator, reviewed statistics from the Division's 2020 annual report, a compilation of statistics and benefit data obtained from insurers and self-insured employers pursuant to AS 23.30.155(m).

*Lunch Break 12:10pm-1:30pm*

Stacy Niwa, Reemployment Benefits Administrator, reviewed the performance of the Reemployment Benefits Program.

Rhonda Gerharz, Chief of the Special Investigations Unit (SIU), gave an overview of the SIU's performance.

William Soule, Acting Chief of Adjudications, reviewed the performance of the Adjudications Section.

Dani Byers, Workers' Compensation Officer II, reviewed SIME statistics.

*Break 3:00pm-3:15pm*

Grace Lee provided options to the board regarding the earlier conversation on prior board member Jacob Howdeshell's reappointment and the general short-staffed status of the Board as a whole. Member Lefebvre motioned to send a letter to Boards and Commissions regarding this issue. Member Williams seconded. Member Cline suggested that the letter be written generically to request that Boards and Commissions fill seats in a more timely manner, with specific focus on the Fairbanks venue, and that applicants with prior board service be highly considered. Member Lefebvre expressed frustration that filling board member seats has become a politicized process. Member Lefebvre amended her motion as member Cline suggested, and member Williams seconded. The motion passed unanimously.

Grace Lee presented an overview of known issues in regulations related to reemployment benefits, under 8 AAC 45.440, 45.500 and 45.420. Member Weel motioned to review the regulations, and member Cline seconded. After some discussion, Member Weel motioned to table this until the January 2022 meeting, and member Doyle seconded. The board members agreed to review the statutes and regulations related to this issue and be prepared for discussion at the January 2022 meeting.

Member Cline requested a Do's & Don'ts of social media at a future meeting

Director Collins reminded the Board members the next regular board meeting will be held on January 13-14, 2022.

Motion to adjourn was made by Member Doyle at 4:30pm. Member Austin seconded the motion. The motion passed unanimously.

*Meeting Adjourned 4:30 pm*