

# *Workers' Compensation Board*

## *Meeting Minutes*

October 12-13, 2023

**Thursday, October 12, 2023**

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

Workers' Compensation Director Charles Collins called the Board to order at 9:02 am on Thursday, October 12, 2023. The meeting was held in Anchorage, Alaska, and by video conference.

### **II. Roll call**

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

Bradley Austin	Randy Beltz	Pamela Cline	John Corbett
Mike Dennis	Sara Faulkner	Bronson Frye	Anthony Ladd
Sarah Lefebvre	Mark Sayampanathan	Marc Stemp	Robert Weel
Debbie White	Lake Williams		

Director Collins noted that member Steven Heidemann was excused. Member Jonathon Dartt was absent, and members Randy Beltz and Bronson Frye arrived after roll call. A quorum was established.

Director Collins introduced the senior staff present.

### **III. Agenda Approval**

A motion to approve the agenda was made by member White and seconded by member Weel. Member Lefebvre requested that the Board discuss a resolution to protect the Benefits Guaranty Fund under New Business. Member White accepted the amendment to the motion and member Weel seconded. A unanimous vote approved the amended agenda.

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

A motion to adopt the minutes from the May 18-19, 2023, Board Meeting was made by member Weel and seconded by member Lefebvre. The minutes were adopted without objection.

### **V. Director's Report**

Director Collins reviewed the list of Board Designees. A motion to accept the board designees was made by member Austin and seconded by member Weel. The motion passed unanimously.

Director Collins presented Division updates.

*Break 10:05 am -10:15 am*

**VI. Public Comment Period 10:15 am- 11:30 am**

Jackie Doerner, Rehabilitation Specialist

- Brought attention to SB 147, which would increase reemployment benefits to \$22,150 plus COLA.
- Encouraged individuals to contact their representatives in support of the bill.

Justin Morigeau – representing self

- Gave testimonial on personal case.
- Emphasized the need for oversight of IME doctors and controversions, and a better compensation rate for high-wage earners.
- Stated the litigation process causes long-term emotional distress.

Andrew Wilson – representing Rehbock & Wilson

- Requested the Board consider re-adding the previously removed regulation that allowed Council to ask SIME questions.
- Requested the Division improve the content of compensation reports and notification letters to make them easier to understand.
- Requested the Division consider a secure e-filing system.
- Responded to Mr. Morigeau’s story and stated that the scenario is common and IME doctors often do not read the medical records.
- Asked the Board to propose or support legislation that would allow claimant attorneys to be paid, and to allow them to attend an IME with the injured worker.

Patty Wilson – representing University of Alaska

- In response to Mr. Morigeau and Mr. Wilson’s public comment, Ms. Wilson reminded the Board that AS 23.30.122 gives the Board the power to determine the credibility of witnesses, including medical witnesses.

Dan LaBrosse, Rehabilitation Specialist – representing DAL Enterprises, LLC

- Stated support for SB 147.

Josetta Cranston, Rehabilitation Specialist – representing Northern Country Services

- Stated support for SB 147.

**VII. Annual Report**

Administrative Officer Alexis Hildebrand provided an overview of Division staffing and the FY23 budget performance.

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

## VIII. Regulations

Adopt 8 AAC 45.083, relating to fees for medical treatment and services. Member Lefebvre moved to adopt the amendment of 8 AAC 45.083, and member Austin seconded the motion. The motion passed unanimously.

Adopt 8 AAC 45.410 – 45.500, relating to reemployment benefits. Member Lefebvre moved to adopt the amendment and member Sayampanathan seconded the motion. The motion passed unanimously.

## IX. Annual Report continued

Velma Thomas, Program Coordinator, reviewed statistics from the Division’s 2022 annual report, a compilation of statistics and benefit data obtained from insurers and self-insured employers pursuant to AS 23.30.155(m).

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

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

Michele Wall-Rood, Chief of the Special Investigations Unit (SIU), gave an overview of the SIU’s performance.

Member Austin motioned to adjourn for the day, and member Cline seconded.

*Meeting Adjourned 4:34 pm*

## Friday, October 13, 2023

### I. Call to Order

Director Collins resumed the Alaska Workers’ Compensation Board meeting at 9:02 am on Friday, October 13, 2023, in Anchorage, Alaska. The following Board members were present.

Bradley Austin	Randy Beltz	Pamela Cline	John Corbett
Micheal Dennis	Sara Faulkner	Bronson Frye	Anthony Ladd
Sarah Lefebvre	Mark Sayampanathan	Marc Stemp	Robert Weel
Debbie White	Lake Williams		

Member Steven Heidemann was excused and member Jonathon Dartt was absent. A quorum was established.

### II. Annual Report Continued

William Soule, Workers’ Compensation Hearing Officer, presented notable Decisions and Orders from the Alaska Workers’ Compensation Board, the Alaska Workers’ Compensation Appeals Commission, and the Alaska Supreme Court.

*Break 10:20 am – 10:29 am*

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

*Break 11:09 am – 11:14 am*

### **III. New Business**

Adopt 8 AAC 45.440(f)(5). Member Sayampanathan moved to approve the amendment of 8 AAC 45.025 through 8 AAC 45.072. Member White seconded the motion. The motion passed unanimously.

Kyle Redding, Workers' Compensation Hearing Officer, provided an overview of Supreme Court Order No. 2012 regarding remote and in-person hearings.

*Lunch 12:00 pm – 1:31 pm*

Stacy Niwa, Reemployment Benefits Administrator, presented the information about Stay at Work/Return to Work.

Member Lefebvre motioned that the Board resolve to stabilize the Benefits Guaranty Fund and member Austion seconded. The Board discussed and made amendments to the drafted proposal. Member Lefebvre amended the motion to accept the discussed changes and member Austin seconded. The motion passed unanimously.

A motion to adjourn was made by member Austin and seconded by member Dennis. The motion passed unanimously.

*Meeting Adjourned 3:05 pm*