



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

December 12, 2023

A business meeting of the Maine Workers' Compensation Board of Directors was conducted remotely via Zoom and in person at the Board's Regional Office at 56 Northport Drive, Portland on Tuesday, December 12, 2023.

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

I. CALL TO ORDER

Executive Director Rohde called the meeting to order at 10:05 a.m. with over 25 people participating in person and via Zoom. Executive Director Rohde reviewed the hybrid meeting format, remote participation procedures, and welcomed everyone to the new Portland Regional office. Board members and staff introduced themselves for the recording.

II. APPROVAL OF MINUTES

1. Draft Minutes of 11/14/2023 Board of Director's Business Meeting

Director Green MOVED TO ACCEPT THE MINUTES OF THE 11/14/2023 BOARD MEETING AS WRITTEN; Director Burroughs SECONDED. **MOTION PASSED 6-0.**

III. SUBCOMMITTEE REPORTS

1. IME Subcommittee

The IME Subcommittee met to review an application received from a vocational rehabilitation provider.

Director Gaudette MOVED TO APPOINT DOUGLAS PALMER AS A VOCATIONAL REHABILITATION PROVIDER FOR A PERIOD OF TWO YEARS; Director Burroughs SECONDED. **MOTION PASSED 6-0.**

2. Budget Subcommittee

Executive Director Rohde reported that the assessment legislation the Board voted on last month has been submitted to the Revisor's office. The Governor put forth some suggestions for amended language. Labor representatives reported that they approve of the proposed language changes. Management directors said that they still don't support the amendment.

IV. EXECUTIVE DIRECTOR REPORT

1. Board Appointments

The confirmation process for directors will begin when the Legislature returns in January for the next session. Directors Gaudette and DeWolfe are up for reappointment. The AFL-CIO is okay with reappointing Director DeWolfe without providing a list of names. The Chamber of Commerce has prepared a list of three nominations to submit to Governor Mills to fill Richelle Wallace's vacant seat, and we are waiting to hear if they are okay with reappointing Director Gaudette without providing a list of names.

2. Personnel

Christine Hamlen, manager in the Portland Regional Office has been named as the Workers' Compensation Board's Manager of the Year. Paralegal Michael Osterby from the Bangor Advocate Division office has been named Employee of the Year.

Executive Director Rohde welcomed everyone to the new Portland Regional Office and thanked the staff for their hard work during the transition to the new space from the former location on Forest Avenue.

3. Rulemaking

In the coming year, changes to the Board's rules regarding proof of coverage will be needed to bring the rules in line with IAIABC and EDI standards. A stakeholder group will be formed to discuss the rule changes.

Chapter 4 changes are in the final stages of processing with the Secretary of State's office.

4. Forms

Director Burroughs asked if the Board will be removing the requirement of the last 4 digits of the social security number on its forms in light of data security concerns. This will be discussed further.

V. GENERAL COUNSEL REPORT

1. Personnel

Only one applicant put in for the two vacant advocate positions in Portland. Shawn Walsh is still working to fill these positions. A paralegal position in Portland also remains open. The Lewiston Advocate position was recently filled. Lewiston also has a paralegal position vacant. The Directors asked if Shawn or Richard would provide more information about advocate division turnover for the next meeting.

The Board is looking to contract with a private law firm again to assist with the caseload backlog created by these vacancies and the time it takes to train new advocates.

VI. OLD BUSINESS

1. Legislation

The LD 1896 stakeholder group wrapped up its work and the report has been sent to the Labor and Housing Committee. While consensus not reached, a framework for future discussions about workers' compensation issues evolved. LD 1896 will be reconsidered by the Labor and Housing Committee in 2024.

The stakeholder group discussed the difference between total incapacity benefits paid under Section 212 and 100% partial benefits payable under Section 213. This led to questions about how these benefit payments were tracked by insurers. This issue may be worth discussing in the coming year.

VII. NEW BUSINESS

There was no new business.

VIII. ADJOURNMENT

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

The meeting formally adjourned at 10:37 a.m.