



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

November 12, 2024

A business meeting of the Maine Workers' Compensation Board of Directors was conducted remotely via Zoom and in person at the Board's Augusta Central Office at 442 Civic Center Drive, Suite 100, Augusta, on Tuesday, November 12, 2024.

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

CALL TO ORDER

Executive Director Rohde called the meeting to order at 10:14 a.m. with over 45 people participating in person and via Zoom. Executive Director Rohde reviewed the hybrid meeting format, remote participation procedures, and welcomed everyone attending in person. Board members and staff introduced themselves for the recording.

I. APPROVAL OF MINUTES

1. Draft Minutes of the October 8, 2024 Board of Director's Business Meeting

Director Green MOVED TO ACCEPT THE MINUTES OF THE OCTOBER 8, 2024, BOARD MEETING AS WRITTEN; Director Burroughs SECONDED. **MOTION PASSED 7-0.**

II. SUBCOMMITTEE REPORTS

1. Independent Medical Examination Subcommittee

Director Burroughs reported that members of the IME Subcommittee recently met with Doctors Barkin and Branch. Directors Gaudette and Burroughs noted that the doctors provided excellent feedback about their experiences as §312 examiners and offered suggestions about how more doctors might be informed about the benefits of serving as Board approved examiners. Information gathered at these meetings will be helpful when the Board and stakeholders review and modify IME rules. Instead of waiting until next year to finish interviewing the list of IME doctors, the Subcommittee will try to complete interviews this year.

2. Budget Subcommittee

Director Gendreau summarized the November 4th Budget Subcommittee meeting. They discussed the need to enter into a contract with an experienced lawyer to work on cases that have created a backlog within the Advocate Division, and to enter into a short-term

contract with a former employee to purge old files that have accumulated in the central office. Additionally, Jan Adams, Deputy Director of Business Administration, confirmed that she will retire at the end of January. The Board will advertise her job opening and fill the vacancy. Jan has been a vital part of the Board's budgeting process, and her departure will create a void.

Funds need to be transferred from the Administrative Fund to the Reserve Account to bring the balance of the Reserve Account up to ¼ of the Board's annual budget as authorized by §154(6)(A).

Director Green MOVED TO AUTHORIZE THE TRANSFER OF \$800,000 FROM THE BOARD'S ADMINISTRATIVE FUND ACCOUNT (0183 01) TO THE BOARD'S RESERVE ACCOUNT (0183 02) IN ACCORDANCE WITH SECTION 154(6) OF THE WORKERS' COMPENSATION ACT TO REPLENISH THE RESERVE ACCOUNT BALANCE. Director Gendreau SECONDED. **MOTION PASSED 7-0.**

3. Personnel Subcommittee

Director Picard reported that the interviews for the two vacant ALJ positions are ongoing. The Subcommittee should have recommendations for the December Board meeting.

4. Framework Subcommittee

Per Director Gaudette, four of the Board's forms have been redrafted and provided to insurers for feedback. The Subcommittee should have recommendations about revisions to the forms at the December Board meeting. The monthly report has been sent to the Labor and Housing Committee pursuant to the legislative resolve enacted during the last legislative session. These reports are available on the Board's website. In November, the Subcommittee will be studying return to work and vocational rehabilitation issues.

Executive Director Rohde thanked the Board members for the extra work they have been putting in on the subcommittees.

III. EXECUTIVE DIRECTOR REPORT

1. Retirements

Executive Director Rohde presented plaques to Administrative Law Judges Evelyn Knopf and Elizabeth Elwin for their 30-plus years of dedicated State service. ALJs Knopf and Elwin, who were present at the meeting, are the last two remaining from the "original ten" hired as Hearing Officers.

Additionally, Robin Nichols from the Board's Audit Unit has retired and was commended for her excellent work for the Board and her exemplary service over the years in other departments of the State of Maine.

Executive Director Rohde noted that the recent and upcoming retirements represent a huge loss for the agency, and the departing employees will be greatly missed.

IV. GENERAL COUNSEL REPORT

1. Advocate Division

The Advocate Division is working to secure an extern through the law school in Portland to work 20 hours a week for the Advocate Program. The extern will not be paid but will receive law school credit for the experience. The Workers' Compensation Board entered into a contract with Karen Bilodeau, a workers' compensation attorney in Lewiston, to help reduce a backlog of cases in the Advocate Program.

2. Extension of Benefits Petition

A Motion to Compel Additional Discovery has been filed by the employer in the matter of *Clark v. TWC Administration*. In this case, David Clark filed a Petition for Extension of Benefits Due to Extreme Financial Hardship under §213(1)(B) of the Act. A hearing to decide the motion will be held on December 10, 2024, at 11:00 after the Directors' monthly business meeting. General Counsel Hewes will provide the Directors with additional information in advance of the hearing.

V. OLD BUSINESS

1. Assessment/Budget

Executive Director Rohde offered a brief recap of the October 1, 2024, Budget Subcommittee meeting. Director Gendreau said he would like to have the full Board take part in discussions about the budget and about issues concerning assessments.

2. IME Rule Changes

Proposed rule changes remain under consideration. The IME Subcommittee plans to incorporate recent feedback and suggestions from §312 examiners.

VI. NEW BUSINESS

1. 2nd Quarter 2024 Draft Compliance Report

Carrie Pomeroy reviewed the draft Compliance Report for the 2nd Quarter of 2024. She is also working on a Power Point training presentation based on feedback she received during the two-day seminar on Workers' Compensation Law, CompCon, that was held September 4th and 5th. The Power Point presentation will be posted on the Board's website when it is completed.

Director Green MOVED TO ACCEPT THE 2ND QUARTER 2024 DRAFT COMPLIANCE REPORT AS WRITTEN. Director Burroughs SECONDED.
MOTION PASSED 7-0.

VII. ADJOURNMENT

Director Picard MOVED TO ADJOURN; Director DeWolfe SECONDED. **MOTION PASSED 5-2.** (*Directors Green and Burroughs opposed.*)

The meeting formally adjourned at 10:32 a.m.

*Minutes of November 12, 2024 Workers' Compensation Board Meeting
Approved December 10, 2024 VOTE 6-0*