



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

**February 11, 2025**

A business meeting of the Maine Workers' Compensation Board of Directors was conducted remotely via Teams and in person at the Board's Augusta Central Office at 442 Civic Center Drive, Suite 100, Augusta, on Tuesday, February 11, 2025.

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

## **CALL TO ORDER**

Executive Director Rohde called the meeting to order at 10:03 a.m. with over 40 people participating in person and via Teams. Executive Director Rohde reviewed the hybrid meeting format, remote participation procedures, and welcomed participants. Board members and staff introduced themselves for the recording.

## **I. APPROVAL OF MINUTES**

### **1. Draft Minutes of the January 14, 2025 Board of Director's Business Meeting**

Director Green MOVED TO ACCEPT THE MINUTES OF THE JANUARY 14, 2025 BOARD MEETING AS WRITTEN; Director Burroughs SECONDED. **MOTION PASSED 7-0.**

## **II. SUBCOMMITTEE REPORTS**

### **1. Budget Subcommittee**

Director Gendreau noted the annual §12023 report has been filed. Two reportable expenses that fall under this report (waived procurements of over \$10,000 and memberships dues). Negotiations have begun for new office space in Caribou. As previously discussed, changes to the Board's budget include rent increases, increased technology costs, and relocation expenses. Director Green added that a new tenant may be interested in space in the Augusta Central Office that is currently occupied by the Board's Office of Audit. The audit unit can be moved into the main office space if need be.

### **2. Personnel Subcommittee**

Director DeWolfe reported that the subcommittee interviewed candidates on January 23<sup>rd</sup> and 24<sup>th</sup> for the troubleshooter/mediator position in Caribou and recommends the Board

hire Charlotte Carrier for the position. Ms. Carrier lives in Chapman and currently works as a paralegal in the Attorney General's Office.

Director DeWolfe MOVED TO HIRE CHARLOTTE CARRIER TO THE POSITION OF MEDIATOR IN THE CARIBOU REGIONAL OFFICE. Director Picard SECONDED. **MOTION PASSED 7-0.**

### 3. IME Subcommittee

Director Gaudette offered an update about interviews for two new independent medical examiners and noted that a vocational rehabilitation provider is up for reappointment.

The subcommittee interviewed Peter Kirbach, D. O., on January 22, 2025. Dr. Kirbach is a family medicine doctor and has been licensed to practice medicine by the State of Maine since 2008. He is a Board Certified Osteopathic Family Physician and has treated various conditions including low back, shoulder, and knee pain. The subcommittee recommends that Dr. Kirbach be appointed as a section 312 examiner.

Director Gaudette MOVED TO APPOINT PETER D. KIRBACH, D.O., AS OF FEBRUARY 11, 2025, TO THE LIST OF EXAMINING PHYSICIANS APPROVED BY THE BOARD TO CONDUCT INDEPENDENT MEDICAL EXAMINATIONS PURSUANT TO 39-A MRSA § 312 IN THE SPECIALTY OF FAMILY MEDICINE. Director Burroughs SECONDED. **MOTION PASSED 7-0.**

The subcommittee interviewed Jonathan Torres, M. D., on January 22, 2025. Over the past 30 years Dr. Torres has worked as a staff physician and medical director at WorkMed Occupational Health Services, which is part of St. Mary's Hospital in Lewiston. WorkMed provides treatment for injured workers as a 10-day provider pursuant to §206 of the Act. Dr. Torres now works per diem at WorkMed. He is licensed to practice medicine by the State of Maine and is Board Certified in Occupational Medicine.

Director Gaudette MOVED TO APPOINT JONATHAN TORRES, M. D., AS OF FEBRUARY 11, 2025, TO BE AN EXAMINING PHYSICIAN APPROVED BY THE BOARD TO CONDUCT MEDICAL EXAMINATIONS UNDER §312 OF THE WORKERS' COMPENSATION ACT IN THE SPECIALTY OF OCCUPATIONAL MEDICINE. Director Burroughs SECONDED. **MOTION PASSED 7-0.**

The Workers' Compensation Board recently received an application from Martin Fitzpatrick for reappointment as a Board-approved vocational rehabilitation provider under WCB Rule Ch. 6 § 1. Mr. Fitzpatrick works for Fitzpatrick Disability Solutions, Inc., in Windham, Maine and serves as a Board-approved vocational rehabilitation provider. His current term as a vocational rehabilitation provider is scheduled to end March 14, 2025.

Director Gaudette MOVED TO APPOINT MARTIN FITZPATRICK TO THE LIST OF BOARD-APPROVED VOCATIONAL REHABILITATION PROVIDERS FOR A

TWO-YEAR TERM BEGINNING MARCH 14, 2025. Director Burroughs  
SECONDED. **MOTION PASSED 7-0.**

**4. Framework Subcommittee**

Per Director Gaudette, the Framework Subcommittee met on February 5<sup>th</sup> and provided employers with an open forum to provide feedback. Smaller employers reported that the system is confusing. They have benefited from training such as the Comp Summit and CompCon. Insurance adjusters find in-person training with the Workers' Compensation Board helpful. Larger employers reported that they primarily provide in-house vocational rehabilitation (VR) instead of using the Board's VR provider system. None of the employers raised the issue of cost.

Form revisions are ongoing and will be addressed later in this meeting.

**III. EXECUTIVE DIRECTOR REPORT**

**1. Personnel**

The new Deputy Director of Business Services, Bryan Ouellette, will start work on March 3<sup>rd</sup>. Jan Adams will be back on a contract when Brian begins to provide training. The claims and coverage units have been transferred out of the Business Services Office. The claims unit will now work under the Deputy Director of Information Management and the coverage unit will work under the Deputy General Counsel. With personnel changes and vacancies in the claims units, Debbie Morton has postponed her retirement date.

Directors Green and Gendreau are up for reappointment this year. Both are willing to continue as Directors. Information about their reappointment hearings will be shared when available.

**2. Rulemaking**

A committee of directors, stakeholders and Board staff will be set up to discuss possible revisions to the Board's rules. Deputy General Counsel Seanna Crasnick and Deputy Director Katie Trost will lead this rulemaking effort. Stakeholders will be invited to offer suggestions and revisions. The Board of Directors will vote on final changes.

**3. Forms**

Deputy Directors Lindsay Lizzotte and Kimberlee McCarson will be meeting later this month with InforME (through OIT). They will discuss the feasibility of converting the Board's form-filing system to a portal so that forms can be filed electronically (instead of sending in forms via email, fax, or paper).

**IV. GENERAL COUNSEL REPORT**

**1. Advocate Division**

The Advocate Division worked with the law school in Portland to bring on an extern to work in the Portland Advocate office. Sophia Paslaski is working 20 hours this semester,

which began January 22<sup>nd</sup>. She will receive academic credit for her work. Attorney Karen Bilodeau is still working with the Advocate Division on cases that are in the Advocate Division's backlog.

## 2. Board Clerk

An interim Clerk of the Board needs to be appointed to cover the gap between Jan Adams' retirement and Bryan Ouellette's start date.

Director Green MOVED TO APPOINT DEBORAH HUTCHINS AS INTERIM CLERK OF THE BOARD. Director Burroughs SECONDED. **MOTION PASSED 7-0.**

# V. OLD BUSINESS

## 1. Form Revisions

Executive Director Rohde raised the possibility of revising the Board's WCB-8 form. This is the Certificate of Discontinuance or Reduction of Compensation Pursuant to 39-A M.R.S.A. §205(9)(B)(1). Changes are designed to clarify some of the terms and to make formatting consistent with other Board forms.

The Board deferred a vote on form changes and decided to table this discussion and the discussion on WCB-4A in order to get a separate group together to discuss the proposed changes in more detail. A Teams meeting will be set up and Peter Gore will share the link with his constituents who desire to participate.

## 2. Legislation

LD 82 (An Act to Amend the Workers' Compensation Laws by Extending Indefinitely the Presumption Applying to Law Enforcement Officers, Corrections Officers, E-9-1-1 Dispatchers, Firefighters and Emergency Medical Services Persons Diagnosed with Post-traumatic Stress Disorder) would remove the sunset provision for the first responder PTSD presumption in §201 (3-A) of the Act. This bill is scheduled for public hearing today at 1:00 PM.

Director Green MOVED TO SUPPORT LD 82. Director Burroughs SECONDED. **MOTION PASSED 7-0.**

Executive Director Rohde will testify in support of this bill on behalf of the Board this afternoon.

LD 131 An Act to Eliminate the Provision of the Maine Workers' Compensation Act of 1992 That Allows an Employer Member of a Group Self-insurer to Insure Its Employees Through a Fronting Arrangement is being handled by the Bureau of Insurance. The Labor Committee recently voted "ought to pass" on this measure.

LD 490 An Act to Provide for a 5-year Automatic Repeal of Agency Rules does not directly fall under Title 39-A but would affect the Board's rulemaking process and complicate the Board's ability to issue a predictable medical fee schedule.

LD 210 An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2025, June 30, 2026 and June 30, 2027 was heard on February 10<sup>th</sup>. It is part YYY of the budget. There was testimony that some Directors did not know that the assessment cap language (taken from LD 2176 that did not ultimately make it out of last year's legislative session) would be in this year's budget. Executive Director Rohde clarified that this language has been discussed several times over the past few years. It is part of an ongoing discussion among the Board of Directors.

## **VI. NEW BUSINESS**

### **1. 3<sup>RD</sup> QUARTER 2024 COMPLIANCE REPORT**

Carrie Pomeroy presented the 3<sup>rd</sup> Quarter 2024 Compliance Report. There were no significant changes to report. The reconciliation for 4<sup>th</sup> Quarter is underway.

Director Green MOVED TO ACCEPT THE 2<sup>ND</sup> QUARTER 2024 DRAFT COMPLIANCE REPORT AS WRITTEN. Director Picard SECONDED. **MOTION PASSED 7-0.**

## **VII. ADJOURNMENT**

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

The meeting formally adjourned at 11:23 a.m.