



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

January 14, 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, January 14, 2025.

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 10:01 a.m. with over 30 people participating in person and via Teams. 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 December 10, 2024 Board of Director's Business Meeting

Director Burroughs MOVED TO ACCEPT THE MINUTES OF THE DECEMBER 10, 2024 BOARD MEETING AS WRITTEN; Director Gaudette SECONDED. **MOTION PASSED 6-0-1.** (*Director Picard abstained.*)

II. RETIREMENT

Executive Director Rohde presented a plaque to Jan Adams who will retire from her job as Deputy Director of Business Services. The Board of Directors thanked Jan for her many years of service and dedication to the Workers' Compensation Board.

III. SUBCOMMITTEE REPORTS

1. Independent Medical Examination Subcommittee

Director Gaudette reported that the IME Subcommittee recently conducted an informational meeting with Kendra L. Bryant, Ph.D., a neuropsychologist in Rockport who is a section 312 examiner. The subcommittee plans future informational meetings with §312 doctors to gather impressions and suggestions about the section 312 process.

Additionally, the subcommittee received applications from two doctors. The subcommittee will interview them soon.

2. Personnel Subcommittee

Director Picard reported that the subcommittee has interviewed candidates for the post of Deputy Director of Business Services, which will soon become vacant with the retirement of Jan Adams. Director DeWolfe said that a lot of good candidates applied.

The subcommittee recommends that Bryan Ouellette be hired by the Board. He is a colonel in the national guard and has extensive management and budgeting experience. His educational background includes a bachelor's degree in business administration and a master's degree in computers in education.

Director Picard MOVED TO APPOINT BRYAN OUELLETTE TO THE POSITION OF DEPUTY DIRECTOR OF BUSINESS ADMINISTRATION BEGINNING MARCH 3, 2025. Director Dewolfe SECONDED. **MOTION PASSED 7-0.**

The Subcommittee also discussed the reappointment of Administrative Law Judge Lindsey Sands. Her preliminary three-year term will end March 1, 2025. The subcommittee recommends that she be reappointed to a second term of seven years, which will expire March 1, 2032.

Director Picard MOVED TO REAPPOINT ADMINISTRATIVE LAW JUDGE LINDSEY SANDS TO A SECOND TERM FOR SEVEN YEARS THAT WILL EXPIRE MARCH 1, 2032. Director DeWolfe SECONDED. **MOTION PASSED 7-0.**

The Personnel Subcommittee will also conduct interviews for the Caribou mediator position soon.

3. Framework Subcommittee

Per Director Gaudette, the subcommittee is working on the monthly legislative report and ongoing form review. Cost shifting is a major focus of this month's report.

IV. EXECUTIVE DIRECTOR REPORT

1. Personnel

The annual Employee of the Year and Manager of the Year awards were held by the Governor's office. Stephanie Bean from the Lewiston Regional Office is the Board's Employee of the Year and Lynn McLean from the Advocate Division is the Manager of the Year. Executive Director Rohde congratulated both Lynn and Stephanie.

2. Labor Committee

Executive Director Rohde will give an introductory presentation to the Labor Committee this afternoon. About half of the members of the Labor Committee are new to the 132nd Legislature. The presentation will provide general information about the Board, which should be helpful for new committee members.

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.

V. 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 will work 20 hours for this semester beginning January 22nd. She will receive academic credit for her work. Shawn Walsh and Seanna Crasnick and have coordinated this endeavor with the law school.

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*. By way of background, David Clark, an injured worker, filed a Petition for Extension of Benefits Due to Extreme Financial Hardship under §213(1)(B) of the Act. The employer and employee disagree about whether certain tax information should be produced. The employer filed a motion to compel production. A hearing to decide the motion will be held following this Board meeting.

VI. OLD BUSINESS

1. Form Revisions

Executive Director Rohde reviewed suggested changes for WCB Form WCB-8. This form is a Certificate of Discontinuance or Reduction of Compensation Pursuant to 39-A M.R.S.A. §205(9)(B)(1). The changes are designed to clarify some of the terms contained in the notice and to make formatting consistent with other Board forms.

Attorney Nathan Jury asked if the form is set up for insurers to differentiate between partial and total incapacity when filling out the form. He noted there may be a discrepancy between the types of payments that are reported and the level of incapacity for which the reported benefits are actually paid. He expressed concern that if benefits are incorrectly reported as partial, rather than total, then that reporting error might later impact whether benefits are adjusted properly. Insurers should have information about the benefits that are paid. The Board's Forms Manual is currently being updated but is also an available resource. The Board has not previously audited for this issue and the Framework Subcommittee may conclude that this needs further investigation. A new draft of the WCB-8 form will be sent to the Directors before the February meeting.

VII. NEW BUSINESS

1. Legislation

The 132nd Legislature is in session. Currently there are two bills that fall under Title 39-A. 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) will be handled by the Bureau of Insurance. The Board does not plan to work on this bill.

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) has also been filed. This bill would remove the sunset provision for the first responder PTSD presumption in §201 (3-A) of the Act.

Subsection 3-A obligates the Board to submit a report to the Legislature this year that analyzes claims histories for E-911 dispatchers and corrections officers who are covered by the PTSD presumption. The initial report, filed in 2021, showed that while the number of claims increased, the cost of the claims went down. The goal of the presumption was to reduce the stigma around PTSD, provide easier access to treatment, and bring about earlier treatment after a traumatic event. Director Green noted that the original presumption bill had support from both the Board and Governor LePage and has made a positive impact overall.

Executive Director Rohde noted that the sunset provision (which is currently set for October of 2025) and the PTSD report due date (April 2025) don't work in conjunction with each other. Both will need to be addressed by the Board. A temporary subcommittee will be needed to draft the report. After further discussion about the bill, the improvements noted over the past few years, and what is available at this time for data, Director Gaudette suggested that the Board take time to review information before voting on the bill.

Director Gaudette MOVED TO TABLE A VOTE ON LD 82. Director Green SECONDED. **MOTION PASSED 7-0.**

VIII. ADJOURNMENT

Director Gaudette MOVED TO ADJOURN. Director Picard SECONDED. **MOTION PASSED 6-1.** (*Director Burroughs opposed.*)

The meeting formally adjourned at 10:42 a.m.