



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

**December 8, 2020**

A business meeting of the Maine Workers' Compensation Board of Directors was conducted on Tuesday, December 8, 2020 via Zoom.

**PRESENT:** John Rohde (*Executive Director/Chair*), Ron Green, Glenn Burroughs, Richelle Wallace, Tom Davis, Gary Koocher, and Emery Deabay (*Directors*), and Richard Hewes (*General Counsel*)

**I. CALL TO ORDER**

Executive Director Rohde called the meeting to order at 10:12 a.m. with 27 people participating remotely. Executive Director Rohde reviewed the Zoom meeting platform and procedures. Board members and staff introduced themselves for the recording. Voting is to be conducted by roll call vote instead of a show of hands.

**II. APPROVAL OF MINUTES**

**1. Draft Minutes of 11/10/2020 Board of Director's Business Meeting**

Director Burroughs MOVED TO ACCEPT THE MINUTES OF 11/10/2020 AS WRITTEN; Director Deabay seconded. **MOTION PASSED 7-0.**

**III. SUBCOMMITTEE REPORTS**

The IME and Personnel subcommittees met on December 7, 2020 via Zoom. The Budget subcommittee did not meet in December.

**1. IME Subcommittee**

The Independent Medical Examiner Subcommittee met to discuss the vocational rehabilitation provider application for Eileen Kalikow. Eileen has previously been a VR provider on our approved list.

Director Burroughs MOVED TO APPOINT EILEEN KALIKOW FOR ANOTHER TWO YEAR TERM AS A VOCATIONAL REHABILITATION SPECIALIST TO EXPIRE ON 12/7/2022. Director Koocher seconded. **MOTION PASSED 7-0.**

## 2. Personnel Subcommittee

The Personnel Subcommittee met to discuss the retirement of Administrative Law Judge (ALJ) Sue Jerome at the end of the month. The board may need to enter into a contract with ALJ Jerome to pay her for the additional time needed to hear evidence and write decisions that have not been finished. Executive Director Rohde noted that ALJ Jerome has worked hard to wrap up cases prior to retirement, but there is still some work to be done. Director Koocher said this is consistent with past practice when ALJ's retire. This contract will give Jan Adams flexibility to work with ALJ Jerome after her 12/31/2020 retirement.

Director Wallace MOVED TO AUTHORIZE THE BOARD TO ENTER INTO A CONTRACT WITH SUE JEROME IN AN AMOUNT NOT TO EXCEED \$5,000 AFTER 12/31/2020 TO WORK AS A CONTRACT ADMINISTRATIVE LAW JUDGE ON CASES AS NEEDED. Director Deabay seconded. **MOTION PASSED 7-0.**

Director Koocher MADE A SPECIAL MOTION TO THANK ALJ JEROME FOR HER MANY, MANY YEARS OF EXCELLENCE IN STATE SERVICE AND TO CONGRATULATE ON HER ON BEHALF OF THE BOARD ON WELL-DESERVED RETIREMENT. Director Burroughs seconded. **MOTION PASSED 7-0.**

## IV. EXECUTIVE DIRECTOR REPORT

### 1. IAIABC Northeast

Executive Director Rohde and General Counsel Richard Hewes participated in a virtual meeting of IAIABC Northeast. All northeastern states have been working under similar circumstances as Maine in terms of COVID-19 precautions and working remotely. Looking ahead, there will be more discussion about finding a way to do hearings outdoors when weather changes if we cannot hold them inside.

### 2. Medical Fee Schedule

Executive Director Rohde said that the three-year review of the medical fee schedule has been completed and changes will be effective January 1, 2021. The base rates and conversion factors for professional and outpatient fees will not change. Executive Director Rohde has spoken with Maine Medical Association and Maine Hospital Association and their input was considered. There will be no need for a motion or rulemaking with regard to the base rates or conversion factors for 2021.

### 2. COVID Reports

As of November 28, the Board had received 1,707 lost time first reports of injuries related to COVID-19. November shows the highest number lost time first reports of injury to date. Healthcare occupations, particularly nurses and CNAs, continue to account for the highest number of first reports filed. Board staff are tracking the disposition of those cases, as well. Executive Director Rohde noted that is the last meeting of 2020 and it has been at difficult year at best. He thanked the Board staff and commended them for doing a fantastic job rising to the challenges the pandemic has placed on us.

## **V. GENERAL COUNSEL REPORT**

### **1. Law Court**

General Counsel Richard Hewes reported that the Law Court has granted the employee's petition for appellate review in the case of *Charest v. Hydraulic Hose and Assemblies*. The insurer took an offset for social security retirement benefits although it would have had to make payments if the retirement benefit had not been paid. More than six years passed without a benefit payment being made, so the appellate division ruled that the statute of limitations expired. The case has not been scheduled for oral arguments in front of the Law Court yet.

## **VI. OLD BUSINESS**

As addressed in the Executive Director's report, the Medical Fee Schedule will be updated with no changes to the base rates and conversion factors.

## **VII. NEW BUSINESS**

There was no new business.

## **VIII. ADJOURNMENT**

Director Deabay MOVED TO ADJOURN; Director Burroughs seconded. **MOTION PASSED 7-0**

The meeting formally adjourned at 10:28 a.m.