



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

**April 12, 2022**

A business meeting of the Maine Workers' Compensation Board of Directors was conducted on Tuesday, April 12, 2022 via Zoom with the Board of Directors present at the Central Office.

**PRESENT:** In person: John Rohde (*Executive Director/Chair*), Ron Green, Glenn Burroughs, Serina DeWolfe, Lynne Gaudette, Penny Picard, and Richelle Wallace (*Directors*); *Remote via Zoom:* Richard Hewes (*General Counsel*).

## **I. CALL TO ORDER**

Executive Director Rohde called the meeting to order at 10:02 a.m. Executive Director and the Directors attended in person while over 30 people participated remotely. Executive Director Rohde reviewed the new hybrid meeting format and remote participation 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 3/08/2022 Board of Director's Business Meeting**

Director Burroughs MOVED TO ACCEPT THE MINUTES OF THE 3/8/2022 BOARD MEETING AS WRITTEN; Director Picard seconded. **MOTION PASSED 6-0-1.**  
(*Director Wallace abstained.*)

## **III. SUBCOMMITTEE REPORTS**

### **1. IME Subcommittee**

Director Burroughs reported that the IME subcommittee met to discuss the annual review of the Independent Medical Examiners. Some of the doctors have shown improvements with the timeliness of their reports. Data from the first quarter of 2022 will be ready soon for review by the subcommittee.

### **2. Budget Subcommittee**

Director Wallace gave a brief review of the assessment process. Director Green added that, per statute, the assessment should be out by June 1<sup>st</sup>. Executive Director Rohde agreed, but noted that as we rely on information from other agencies to determine the assessment rate, that timeframe is sometimes flexible. Currently, the Budget is set but the assessment rate needs to be calculated. Typically, three rate scenarios are prepared for the Board's review prior to the actual vote to set the assessment rate.

### **3. Personnel Subcommittee**

Personnel subcommittee items held over to be addressed in the Executive Director and General Counsel reports.

## **IV. EXECUTIVE DIRECTOR REPORT**

### **1. Teleworking**

Currently state employees are still under the emergency telework plans. Between July 1<sup>st</sup> and October 1<sup>st</sup>, the state will transition to formal telework agreements. The Board's senior staff have been working to prepare telework schedules and agreements in preparation for this transition.

### **2. Portland Regional Office**

Portions of the Portland Regional Office will be closed to allow for remediation from water damages and address concerns about mold. This will cause some disruptions to workflow in the office. Staff and clients will be notified as work is scheduled.

### **3. Supplemental Budget**

Though it is still working through Appropriations, the Supplemental Budget has been voted in on a straw vote. As previously discussed, the Board's funding request was for STACAP charges and additional hours for the conversion of a part time secretary legal position to a fulltime position in the Portland Advocate office. The Legislature is due to adjourn on April 20, 2022.

### **4. NCCI**

Justin Moulton from NCCI met with Executive Director Rohde on March 29, 2022. The premium market stayed relatively flat with 45% to lost time and 55% to medical. Effective April 1, 2022, the lost cost filing rate is -10.3% for new and renewal policies in the voluntary market in Maine.

## **V. GENERAL COUNSEL REPORT**

### **1. Personnel**

The job posting for an advocate attorney in the Caribou Regional Office did not attract applicants. The Board will continue to run the job posting until filled. The Board has been working under a contract with two lawyers from McTeague Higbee to provide extra assistance while we work on this and other staffing issues. The staffing issues are not yet resolved, and the needs have not slowed. The contract with McTeague Higbee is set to expire at the end of April. General Counsel Hewes is working to get that extended until at least the end of June.

The Directors discussed the difficulties in attracting personnel to the Caribou office specifically and the Board in general. The location, salary, and caseload in Caribou appear to make the billet unattractive to candidates. The Augusta office and the Abuse Unit are also in need of attorneys. General Counsel Hewes asked meeting participants to please help spread the word to possible applicants.

Director Green asked if reaching out to the law schools would be an option to help attract applicants. Deputy Director Seanna Crasnick is planning to do that when the semester ends.

## **VI. OLD BUSINESS**

### **1. Legislation**

Executive Director Rohde provided an update on Legislation. LD 1879 (PTSD presumption) has been passed and has been forwarded to the Governor for her signature. LD 1881, which deals with medical marijuana use, is dead.

### **2. Chapter 5 Rulemaking**

The IME subcommittee discussed potential changes to Chapter 5 of the Board Rules. A draft of the rule changes is being prepared for further discussion at the May Board meeting. A stakeholder group will be convened for feedback on the proposed changes as well.

The process for rulemaking begins with reviewing the current rules, drafting proposed changes, Board approval, a public comment period and consideration of proposed changes. Proposed rule changes will ultimately require approval by the Attorney General's office and the Secretary of State.

## **VII. NEW BUSINESS**

Carrie Pomeroy presented a draft of the 4th Quarter 2021 Compliance report. Except for NOCs, the numbers are all still below the benchmarks set by the directors. This is the fourth quarter in a row with compliance coming in below the benchmarks. As previously discussed, most insurers are meeting the benchmarks, but the ones that do not are missing by a considerable amount. These benchmarks are an important piece of the Board being able to determine if injured workers are being paid correctly.

Director Gaudette asked if the insurers are providing a reason for not meeting their benchmarks. Carrie said she hears a variety of reasons. General Counsel Hewes noted that he and Gordon Davis, Director of Auditing, recently met with an insurance company representative who said that there is a shortage of adjusters.

Carrie Pomeroy introduced Matt Dunn as the new Management Analyst in Monitoring.

Director Wallace **MOVED TO ACCEPT THE 4th QUARTER COMPLIANCE REPORT AS WRITTEN**; Director Burroughs seconded. **MOTION PASSED 7-0.**

## **VIII. ADJOURNMENT**

Director Green **MOVED TO ADJOURN**; Director Wallace **SECONDED**. **MOTION PASSED 6-1.** (*Director Burroughs opposed.*)

The meeting formally adjourned at 10:24 a.m.