



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

May 10, 2022

A business meeting of the Maine Workers' Compensation Board of Directors was conducted on Tuesday, May 10, 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, and Serina DeWolfe, (*Directors*); *Remote via Zoom:* Richard Hewes (*General Counsel*), Lynne Gaudette and Penny Picard (*Directors*). Director Richelle Wallace was absent.

I. CALL TO ORDER

Executive Director Rohde called the meeting to order at 10:05 a.m. Executive Director and the Directors attended in person while over 25 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 4/12/2022 Board of Director's Business Meeting

Director Burroughs MOVED TO ACCEPT THE MINUTES OF THE 4/12/2022 BOARD MEETING AS WRITTEN; Director Picard seconded. **MOTION PASSED 6-0.**

III. SUBCOMMITTEE REPORTS

1. Budget Subcommittee

Director Green reported that the Budget subcommittee met to discuss the annual assessment packets prepared by Deputy Director Jan Adams. Through savings and reduced expenses, the recommended assessment is \$11,000,000. The proposed rate is 2.48% for insurers which is down from 2.66% last year.

Deputy Director Jan Adams further explained that savings can be items that were previously budgeted but not spent. She also noted that audit fees are slightly higher, and the market is good right now.

Director Green MOVED TO ACCEPT THE BUDGET SUBCOMMITTEE'S RECOMMENDATION TO REDUCE THE FISCAL YEAR 2023 ASSESSMENT FROM THE STATUTORY CAP OF \$13,000,000 TO AN ACTUAL ASSESSMENT OF \$11,000,000 AND TO AUTHORIZE BOARD STAFF TO RAISE \$4,703,191.41 FROM

SELF-INSURED EMPLOYERS AND TO CHARGE INSURED EMPLOYERS A RATE OF 2.48% BASED ON AN ESTIMATED INSURED MARKET OF \$253,415,066; Director Burroughs seconded. **MOTION PASSED 6-0.**

Assessment letters will be mailed out within the week and the annual assessment materials will be posted to the Board's website.

IV. EXECUTIVE DIRECTOR REPORT

1. Rulemaking

The discussion group for potential changes to the language in Chapter 5 of the Board's rules has been determined. A date will be set this month for the first meeting.

Executive Director Rohde, General Counsel Hewes, and Deputy Directors Lindsay Lizzotte and Kimberlee McCarson will meet with a representative from IAIABC to discuss incorporating their Data Dictionary by reference in our rules.

2. COVID Data

The Board is still seeing 50-75 COVID cases per week. January of this year had the highest COVID rates and that is continuing to keep the running average high. Sprains and strains account for approximately 35% of all first reports of injury (FROI) received.

V. GENERAL COUNSEL REPORT

1. Personnel

The advocate attorney position in the Caribou Regional Office is still not filled. The Board is working with DAFS to revise the posting and advertise the position for non-attorney candidates in an effort to fill the position. The legal secretary position in Portland is now advertised. There are two vacancies in the Abuse Unit for attorneys.

VI. OLD BUSINESS

1. Legislation

Two bills from the First Regular Session were taken off the Appropriations table and enacted. LD 305 adds certain employees from the Bureau of Forestry firefighters to the cancer presumption. LD 575 creates a presumption for certain corrections employees of the State that heart disease and hypertension are work-related. The effective date for non-emergency bills enacted during the Second Regular session will be effective August 8, 2022.

2. Chapter 5 Rulemaking

As discussed in the Executive Director's report, the group will be meeting soon to discuss potential changes to Chapter 5.

VII. NEW BUSINESS

There is no new business.

VIII. ADJOURNMENT

Director Green MOVED TO ADJOURN; Director DeWolfe SECONDED. **MOTION PASSED 5-1.** (*Director Burroughs opposed.*)

The meeting formally adjourned at 10:22 a.m.