

**Maryland Workers' Compensation  
Special Commissioners' Meeting Minutes  
Tuesday, June 2, 2020**

**Call to Order:** Chairman R. Karl Aumann called the meeting to order at 10:00 a.m.

The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this a meeting of the Commissioners and not an open forum for questions, comments, etc.

**Present:** Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren. Staff members attending were Mary Ahearn, Jerome Reichmister, M.D., Scott Curtis, Amy Lackington, and Stacey L. Roig, Secretary of the Commission.

A list of guests who called in to this Open Meeting is attached to the Minutes.

**Approval of Minutes:** The Minutes of the May 19, 2020 Commissioners' Meeting were reviewed and, upon motion of Commissioner Martin and second of Commissioner Forrester, the Minutes were approved with a unanimous vote.

**Chairman's Report:** The Chairman stated that in-person hearings are, set to go for June 8, 2020. The transition was smooth to the video hearings and they will continue with at least one Commissioner per day conducting remote video hearings. The Claims Division has been extremely busy, along with the IT Division, getting the hearing notices out to the parties. The Chairman reported that at the height of the hiatus from hearings, there were 10,000 cases that had issues pending and needed hearings with about 7,500 pending over 30 days. As of this meeting date, there are 7,400 cases pending, a 26% reduction and cases still being set to August 2020. The number of cases pending over 30 days is down to 5,800, a 23% reduction. A notice to the Commission website will go up today with instructions for attendees of all in-person hearings. The Commissioners were reminded to bring their laptops to Baltimore when they have hearings in the city so that necessary updates can be run on them. A new form that is required at each hearing is the contact tracing form. It will be the new normal, so the Chairman asked the Commissioners to make it part of their opening at each hearing and make it a habit quickly. It is on the computer and easy to complete but it must be completed at each hearing and must include every person who attends, regardless of their role at the hearing.

The Chairman commented on the protests in Baltimore and the expectation that hearings will continue even as the protests are going on, as they are concentrated around City Hall.

The MWCEA Annual Convention is still scheduled for Ocean City in September. Options will be discussed in the coming weeks with final decisions expected later in June. The IAIABC, SAWCA and NWCJA are all being changed to some form of remote conference to keep the workers' compensation community informed and networked.

Commissioner Forrester asked the Chairman to expand on the contact tracing requirements. The Chairman explained that this is the next stage to flattening the curve of the virus. Everyone in the hearing room must be identified with names and addresses so that they can be traced and contacted if someone tests positive or develops symptoms of coronavirus.

**Old Business:** No Report

**New Business:** Commissioner Quinn discussed procedures for reviewing impeachable evidence that is presented at a hearing. She is also reviewing all other exhibits that are submitted 3 days in advance of the hearings, making notes but not printing all the materials. The Commissioners were reminded to keep

their mask on in the hearing room, even while speaking. It will be difficult, but it is meant to protect others as well as themselves. There will be a supply of masks in the hearing rooms, but all parties are encouraged to bring their own. The Security Guards are being trained on sanitizing the rooms between hearings. Gloves are available for staff, but not the public.

Commissioner Evans asked about the Commissioner Assistants and their working status. The Chairman explained that those who can and have been teleworking will continue to do so. The Assistants who were not able to telework will be returning to the office on varied schedules and shorter shifts to keep the number of people on each floor at the approved limits. The Chairman asked all the Commissioners to please be flexible.

**Medical Alerts:** Dr. Reichmister discussed various vaccine trials and certain drugs that have been found to reduce the length of the illness but are not a cure. There are several experimental programs testing different substances to develop new medications. Dr. Reichmister reminded everyone to please be safe, be cautious, wear masks, use frequent hand washing, social distance and stay home as much as possible.

**Adjournment:** Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 10:26 a.m.

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

Public Attendees to Commissioners' Meeting  
Tuesday, June 2, 2020

<b>Name</b>	<b>Law Firm, Company or Other Affiliation</b>
Cindy L. Armstrong, Esquire	Erlandson, Vernon & Daney, LLC
Joan P. Adelman	IWIF/Chesapeake Employers' Insurance Company
John Vernon, Esq	Erlandson, Vernon & Daney, LLC
Lorraine Brooks	Bodie Law
Michael Daney, Esq	Erlandson, Vernon & Daney, LLC
Michael Harrison	Uninsured Employers' Fund
Rob N. Weston	Law Offices of Rob N. Weston
Robert N. Daniels, Esq.	Law Office of Robert N. Daniels
E. Meredith Wolak, Esq.	Employees of a Subsidiary of The Hartford Financial Services Group, Inc.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through May 26, 2020. A public hearing has not been scheduled.

**Subtitle 11 MOTOR VEHICLE  
ADMINISTRATION —  
ADMINISTRATIVE PROCEDURES**

**11.11.05 Motor Vehicle Fees**

Authority: Transportation Article, §12-104(b), Annotated Code of Maryland, and as cited in Regulations .02—.06 of this chapter

**.04 Vehicle Registration Fees.**

Service	Section	Fee
A.—J. (text unchanged)		
K. Temporary In-Transit Registration.	13-405.1	20

**Subtitle 15 MOTOR VEHICLE  
ADMINISTRATION — VEHICLE  
REGISTRATION**

**11.15.37 Temporary In-Transit Registration**

Authority: Transportation Article, §§12-104(b) and 13-405.1, Annotated Code of Maryland

**.01 Purpose.**

This chapter establishes the criteria necessary for a nonresident of the State to apply for, and receive, a temporary in-transit registration for purposes of transporting a vehicle purchased in Maryland to the nonresident purchaser's state of residence for titling and registration.

**.02 Application for Temporary In-Transit Registration.**

A. A nonresident of the State who purchases a vehicle in the State and who wishes to transport the purchased vehicle to a jurisdiction outside the State for titling and registration shall apply for a temporary in-transit registration in a format prescribed by the Administration.

B. An applicant for a temporary in-transit registration shall provide the Administration with a completed application, the required fee as set forth in COMAR 11.11.05, and proof of the following, as described in Regulation .04 of this chapter:

- (1) Identity;
- (2) Residency;
- (3) Vehicle ownership; and
- (4) Insurance.

C. Application for a temporary in-transit registration may be submitted through:

- (1) The Administration; or
- (2) A licensed title service agent.

**.03 Period of Validity.**

A. A temporary in-transit registration shall:

- (1) Be valid for a period of 14 days; and
- (2) Indicate the expiration date.

B. The Administration or a licensed title service agent may not issue more than one temporary in-transit registration for each vehicle sales transaction.

**.04 Required Proofs.**

A. As proof of identity, an applicant for a temporary in-transit registration shall furnish a valid driver's license.

B. As proof of residency, an applicant for a temporary in-transit registration shall complete a Verification of Residency form furnished by the Administration. The address reflected on the Verification of Residency form shall match the address reflected on the applicant's driver's license.

C. As proof of vehicle ownership, an applicant for a temporary in-transit registration shall provide a properly assigned certificate of title or other ownership documentation acceptable to the Administration, as well as a bill of sale. If the vehicle is less than 7 years old, the bill of sale shall be notarized.

D. As proof of insurance, an applicant for a temporary in-transit registration shall provide proof that the vehicle for which the temporary in-transit registration is to be issued is covered by the minimum amount of vehicle liability insurance required by Transportation Article, §17-103, Annotated Code of Maryland.

CHRISTINE NIZER  
Administrator  
Motor Vehicle Administration

**Title 14  
INDEPENDENT AGENCIES**

**Subtitle 09 WORKERS'  
COMPENSATION COMMISSION**

**14.09.17 Emergency Powers of Chairman of the  
Commission**

Authority: Labor and Employment Article, §§9-105(f), 9-206(d), 9-302(f)(7), 9-309(a), 9-311(c), 9-314(b), 9-316(g)(2), 9-402.1(j), 9-404(a), 9-663(a)(1) and (2), 9-6A-04, 9-6A-07, 9-6A-11, 9-6A-16, 9-701, 9-720(a), and 9-721(a), Annotated Code of Maryland

**Notice of Proposed Action**

[20-086-P]

The Workers' Compensation Commission proposes to adopt new Regulations .01—.03 under a new chapter, COMAR 14.09.17 **Emergency Powers of Chairman of the Commission**. This action was considered at a public meeting held on March 12, 2020, notice of which was given by publication in 47:5 Md. R. 326 (February 28, 2020), pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to grant authority to the Chairman of the Workers' Compensation Commission to direct and coordinate the Commission's response in the event of a natural or other event, for which either the Governor has declared a Statewide emergency pursuant to Public Safety Article, Title 14, Annotated Code of Maryland, or a local state of emergency exists that significantly disrupts access to or the operations of one or more Commission

hearing locations or other Commission facilities or the ability of the Commission to operate effectively.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Amy S. Lackington, Administrator, Workers' Compensation Commission, 10 East Baltimore Street, Baltimore, MD 21202, or call 410-864-5300, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through May 26, 2020. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on June 11, 2020, at 10 East Baltimore Street, Baltimore, MD 21202.

**.01 Scope.**

A. Generally. This chapter applies to situations in which the Governor has declared an emergency pursuant to Public Safety Article, Title 14, Annotated Code of Maryland, and the emergency or directives issued by the Governor pursuant to the emergency significantly affect access to or the operations of one or more Commission hearing locations or other Commission facilities or the ability of the Commission to operate effectively.

B. Other Events Affecting the Commission. The authority granted specifically by this chapter generally also may be exercised, to the extent necessary, by the Chairman of the Commission in the event of a natural or other event that significantly disrupts access to or the operations of one or more Commission hearing locations or other Commission facilities or the ability of the Commission to operate effectively, but for which the Governor has not declared an emergency pursuant to Public Safety Article, Title 14, Annotated Code of Maryland.

C. Supplemental; Conflict. The provisions of this chapter are in addition to and supplemental to the authority of the Commission granted elsewhere in this subtitle, but, to the extent of any conflict with other provisions of this subtitle, any authority provided in this chapter shall prevail.

**.02 Coordination with Governor and Chief Judge of the Court of Appeals.**

Upon the declaration of any emergency by the Governor pursuant to Public Safety Article, Title 14, Annotated Code of Maryland, the Chairman of the Commission, directly or through designees, shall, to the extent practicable, consult with the Governor, the Governor's designees, the Maryland Emergency Management Agency, other Executive Branch officials, and, as appropriate, the Chief Judge of the Court of Appeals, in order to coordinate Executive and Judicial Branch responses to the emergency as they relate to operations of the Commission.

**.03 Authority of Chairman.**

A. Generally. Upon a determination by the Chairman of the Commission that an emergency or other event within the scope of Regulation .01 of this chapter significantly affects access to or the

operations of one or more Commission hearing locations or other Commission facilities or the ability of the Commission to operate effectively, the Chairman, by Administrative Order, may, to the extent necessary:

- (1) Amend and superintend existing Continuity of Operations (COOP) plans;
- (2) Suspend the operation of rules or regulations that cannot be implemented as intended because of the emergency;
- (3) Identify and direct the use of alternative locations to conduct Commission business if existing facilities become inaccessible or unusable;
- (4) Transfer cases pending in one hearing location that becomes inaccessible or unusable to any other hearing location;
- (5) Permit claims or documents to be filed in alternate locations or by alternative means if the normal location, that is, Baltimore City, is not reasonably accessible or usable;
- (6) Suspend, toll, or grant relief from time deadlines or filing requirements that otherwise would expire when there is no practical ability of a party to comply with the deadline or seek other relief;
- (7) Triage claims or issues and categories of claims or issues with respect to expedited treatment;
- (8) Suspend any Commission business not deemed essential;
- (9) Designate other Commissioners or recall Commissioners or Commission officials to implement directives entered by the Chairman or the Governor; and
- (10) Take any other appropriate action necessary to assure that essential Commission business is effectively handled by the Commission.

B. Duration; Compatibility with Governor's Directives. The authority granted in §A of this regulation may be implemented only as necessary during the emergency or its immediate aftermath and, if exercised following an emergency declared by the Governor, shall be compatible with directives and orders issued by the Governor. Promptly upon termination of the emergency, the Chairman shall review all directives issued pursuant to §A of this regulation and determine a reasonable schedule for the rescission of those directives.

C. Chairman Unavailable. During any period in which the Chairman is unavailable to exercise the authority granted in §A of this regulation, that authority may be exercised by the Commissioner on the Commission most senior in length of service on the Commission, unless the Chairman has designated another Commissioner on the Commission to exercise that authority or the Governor has designated another Commissioner on the Commission to serve as Acting Chairman during that period.

D. Notice and Posting of Directives. To the extent practicable, a copy of all directives and orders issued under §A of this regulation following a declaration of emergency by the Governor shall be sent to the Governor, the Director of the Maryland Emergency Management Agency, and, in a catastrophic health emergency, the Secretary of Health, and shall be posted on the Commission website. Notices may be sent electronically and may be posted through Commission social media accounts as appropriate.

R. KARL AUMANN  
Chairman  
Workers' Compensation Commission