

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, October 13, 2016

Call to Order: Acting Chairman Lauren S. Godwin called the meeting to order at 9:38 a.m.

Present: Acting Chairman Godwin and Commissioners Patricia Adams, Kathleen Evans, Jeffrey Herwig, Cynthia Miraglia, Maureen Quinn, Delia Turano Schadt and Jeffrey Weinberg. Also attending were Mary Ahearn, CEO; Scott Curtis, Counsel, Steven Jones, Director of IC&R, Jerome Reichmister, M.D., Medical Director, Amy Lackington, Administrator and Stacey L. Roig, Secretary

Approval of Minutes: The Minutes of the September 15, 2016 Commission meeting were reviewed. Upon motion of Commissioner Herwig and second of Commissioner Quinn the Minutes were approved with a unanimous vote.

Closed Session: At 9:39 a.m., upon motion of Commissioner Weinberg and second of Commissioner Adams and upon unanimous vote, pursuant to GP §3-305(7), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, and COMAR 14.09.13.12 the Commission entered a closed session for the purpose of a discussion of self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division as follows: LifeBridge Health requires an increase in security. After discussion by the Commissioners and a motion by Commissioner Quinn and seconded by Commissioner Herwig and a unanimous vote, the Commission approved the request from ICR.

Mr. Jones also reported that MGM Resorts International has requested a start date change to November 1, 2016. After discussion by the Commissioners and a motion by Commissioner Quinn and seconded by Commissioner Evans and a unanimous vote, the Commission approved the request.

The meeting was reopened at 9:43 a.m., upon motion of Commissioner Weinberg and second of Commissioner Evans and upon unanimous vote.

Chairman's Report: No Report

Old Business: Mary Ahearn reported that new televisions and DVD players are being installed in all regional hearing sites to upgrade and update technology. All locations will have similar equipment when the installations are complete.

New Business: The Commissioners were reminded that the Kids' Chance Banquet is October 26th at the Baltimore Museum of Industry.

Adjournment: Upon a motion by Commissioner Miraglia and second by Commissioner Herwig and, upon unanimous vote, the meeting was adjourned.

Lauren S. Godwin, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, October 27, 2016

Call to Order: Chairman Aumann called the meeting to order at 9:37 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Jeffrey Herwig, Cynthia Miraglia, Maureen Quinn, and Jeffrey Weinberg. Staff attending included Mary Ahearn, Scott Curtis, Amy Lackington, Dr. Jerome Reichmister and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the October 13, 2016 Commission meeting were reviewed. Upon motion of Commissioner Adams and second of Commissioner Evans the Minutes were approved with a unanimous vote.

IC&R Report: No Report

Chairman's Report: Chairman Aumann reported that the SAWCA Conference takes place in November. It is the All-Committee Conference with plenty of meetings and programs to attend. The Commission is working with the Uninsured Employer Fund as they transition to a new Board and Executive Director. The Chairman reminded the Commissioners that files from Regional Site cases should be returned to Baltimore as quickly as possible. Commissioner Adams suggested increasing the number of deliveries from Beltsville and Abingdon each week. Commissioner Warren is expected to return the week of November 1st. The Chairman attended the Kids' Chance annual event. The Enterprise Modernization process continues to move forward. A Project Manager should be selected and on board in about a month. The Budget Advisory Committee meeting was held in October and the committee took great interest in the documentation for the new system, including SLI's documents and recommendations. The information was provided and reviewed and the budget was approved by the advisory committee.

Closed Session: At 9:57 a.m., upon motion of Commissioner Quinn and second of Commissioner Herwig and upon unanimous vote, pursuant to GP §3-305(7) the Commission entered a closed session for the purpose of obtaining legal advice from legal counsel.

Old Business: Commissioner Weinberg discussed a medical only case with a request for an attorney fee and Scott Curtis, Assistant Attorney General and Principal Counsel, provided legal advice to the Commissioners. After discussion, the Chairman appointed an ad hoc committee to review and make a recommendation.

The meeting was reopened at 10:10 a.m., upon motion of Commissioner Weinberg and second of Commissioner Herwig and upon unanimous vote.

New Business: Commissioner Herwig discussed inconsistencies with the processing procedures in place for Uninsured Employer Fund (UEF) cases. The Chairman suggested working with the UEF to determine if the procedures should change to follow the law or if requesting a change in the law is the better track. Commissioner Herwig will work on the project and develop a committee to address the question.

Commissioner Herwig discussed some of the order spars and templates and recommended changes. After discussion, the Commissioners agreed that the changes were appropriate.

Chairman Aumann reported that he received a request for information on the policy for telephonic hearing requests. He found that they seem to be granted on a case by case basis, which is not really a policy. The Chairman asked Commissioner Weinberg to establish a committee to develop a policy and possible Regulation.

Dr. Reichmister requested topics for discussion in the coming year. The Commissioners requested some refresher courses on past topics as well as new topics. Dr. Reichmister also reminded the Commissioners that Dr. Scott Brown will attend the November 10th Commissioners' Meeting to discuss the SOAR program and other in-patient opioid treatments.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Quinn and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, November 10, 2016**

Call to Order: Chairman Aumann called the meeting to order at 9:37 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, Lauren Godwin, Cynthia Miraglia, Maureen Quinn, Delia Schadt, Tracey Warren, and Jeffrey Weinberg. Also attending were Mary Ahearn, Scott Curtis, Steven Jones, Dr. Jerome Reichmister and Amy Lackington, Acting Secretary

Approval of Minutes: The Minutes of the October 27, 2016 Commission meeting were reviewed. Upon motion of Commissioner Quinn and second of Commissioner Evans the Minutes were approved with a unanimous vote.

Closed Session: At 9:39 a.m., upon motion of Commissioner Miraglia and second of Commissioner Weinberg and upon unanimous vote, pursuant to GP §3-305(7), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, and COMAR 14.09.13.12 the Commission entered a closed session for the purpose of obtaining legal advice from legal counsel and a discussion of self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Sheppard Pratt Foundation, Inc. has requested an increase in security. After discussion by the Commissioners and a motion by Commissioner Quinn and seconded by Commissioner Miraglia and a unanimous vote, the Commission approved the request.

Scott Curtis provided a synopsis and background on the show cause hearing he attended regarding a petition for excess attorney fees filed by Benjamin Boscolo, Esquire. Mr. Boscolo is relying on the *Castellanos* case and raised the issue of constitutionality of the attorney fee statute at the show cause hearing. Scott Curtis advised the Commissioners that Mr. Boscolo may be challenging the constitutionality of attorney fees at future hearings. The Chairman advised that any hearings on the issue of constitutionality will be heard *en banc* by all Commissioners.

The meeting was reopened at 9:55 a.m., upon motion of Commissioner Weinberg and second of Commissioner Evans and upon unanimous vote.

Chairman's Report: Chairman Aumann discussed the upcoming SAWCA conference which the Commissioners will be attending and said he would be participating in a panel discussion while at the conference. He advised that the Commission's prescription drug study on doctor dispensing has been finalized by Steven Jones. In addition, NCCI will be presenting their findings regarding prescription and medical costs data at the SAWCA conference. The Oversight Committee meeting will be held on December 14, 2016. He reminded the Commissioners that dockets would now be picked up twice a week (Tuesday and Friday) from Beltsville to be returned to Baltimore City.

Old Business: Commissioner Miraglia updated the Commission on findings regarding pro bono services for injured workers no longer represented by counsel. The Maryland bar does not require mandatory pro bono services, only pro bono reporting. A study will be done to determine how many cases come before the Commission for hearing where there is no attorney of record and issues are pending for medical treatment. The Chairman suggested trying to work with the various Bar Associations and trial lawyers to raise the awareness of this issue and encourage attorneys, in certain instances, to take cases pro bono

knowing there is no fee to be obtained. Tracey Warren said she would contact that Women's Bar Association and Delia Schadt would contact the MSBA Workers' Compensation Section.

New Business: Commission Godwin advised the Commissioners that the death penalty statute which applies to public safety officers has been amended. A discussion was held regarding the promotion of Kids' Chance by the Commission. Scott Curtis contacted the Ethics Commission which found no potential conflict of interest except in matters where a Commissioner might be a Kids' Chance Board member. The Commission would not be soliciting donations, only alerting the public to the existence of the Kids' Chance foundation.

Guest Speaker: Dr. Scott Brown gave a presentation on the SOAR pilot program.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Quinn and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Amy S. Lackington, Acting Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, December 08, 2016

Call to Order: Chairman Aumann called the meeting to order at 9:40 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Jeffrey Herwig, Lauren Godwin, Cynthia Miraglia, Maureen Quinn, Delia Turano Schadt and Tracey Warren. Also attending were Mary Ahearn, Scott Curtis, Steven Jones, Dr. Jerome Reichmister and Amy Lackington, Acting Secretary

Approval of Minutes: The Minutes of the November 10, 2016 Commission meeting were reviewed. Upon motion of Commissioner Miraglia and second of Commissioner Godwin the Minutes were approved with a unanimous vote.

Closed Session: At 9:42 a.m., upon motion of Commissioner Evans and second of Commissioner Godwin and upon unanimous vote, pursuant to GP §3-305(13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, and COMAR 14.09.13.12 the Commission entered a closed session for the purpose of discussion of self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Baltimore County Public Schools has requested an increase in retention. After discussion by the Commissioners and a motion by Commissioner Adams and seconded by Commissioner Evans and a unanimous vote, with the exception of Commissioner Godwin, who abstained from voting, the Commission approved the request.

The meeting was reopened at 9:46 a.m., upon motion of Commissioner Quinn and second of Commissioner Godwin and upon unanimous vote.

Chairman's Report: Chairman Aumann reported that he had a conversation with Michael Burns, the new Executive Director at the Uninsured Employers' Fund. The Chairman offered assistance from the Commission, if needed. The Chairman reported that the SAWCA conference was interesting and a very positive experience. He is also the incoming Chair of the IAIABC International Committee. The Chairman met with John Rouser, the new Executive Director of the WCRI. The Enterprise Modernization Project is moving forward. A Project Manager, Arthur Hebbler, has been hired and is expected to keep the pace moving forward. The Budget Advisory Committee issued a letter to the Governor's Office in support of the budget and an over-the-target request to fund the Enterprise Modernization Project. The Chairman expressed his concerns with the recent interpreter cancellation issues and assured the Commissioners that staff is working on the situation. Plans are to fill the full-time interpreter position and hire a new contractual interpreter. The Chairman reminded the Commissioners that dockets are not set when Commissioners request leave so cancelling leave is not possible unless appropriate time is allowed to set a docket; more than 30 days. All leave requests should be sent to Amy Lackington before the docket calendar is set.

Old Business: Mary Ahearn reminded the Commissioners that they must log-off of all computers at the end of their usage, including the regional site computers.

Commissioner Miraglia discussed unrepresented claimants and suggestions were discussed as to how best to serve the needs of unrepresented claimants who are re-opening their claims for medical treatment only.

Chairman Aumann asked the Commissioners to be aware of pro se claimants at hearings and to advise Commissioner Miraglia so that the extent of the situation can be determined.

New Business: Scott Curtis, Principal Counsel discussed the Request to Strike Appearance and COMAR 14.09.04.01E that approval may be required to strike the appearance of counsel. After discussion, Chairman Aumann created a group to discuss procedures for striking appearances and report to the Commission at the next Commissioners' meeting. The group members include Scott Curtis and Commissioners Miraglia, Quinn and Warren.

Commissioner Warren discussed expense statements. Chairman Aumann reminded the Commissioners that the Oversight Committee meeting is scheduled for December 14th.

Adjournment: Upon a motion by Commissioner Godwin and second by Commissioner Miraglia and, upon unanimous vote, the meeting was adjourned to the Holiday Event.

R. Karl Aumann, Chairman

Amy S. Lackington, Acting Secretary