

Maryland Workers' Compensation Commission
Special Meeting Minutes
Tuesday April 7, 2020

Call to Order: Chairman R. Karl Aumann called the meeting to order at 11:02 a.m.

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 Stacey L. Roig, Secretary, Scott Curtis, Amy Lackington, and Mary Ahearn

Public Guests: Please see attached list of public guests attending the meeting via telephone.

Chairman Aumann opened the meeting with a reminder to all guests that this is a special meeting of the Commissioners and, as with all Commissioners' meetings going forward for the near future, guests are permitted only to listen unless asked to speak by the Chairman. Please send any questions or comments to the Secretary of the Commission and they will be forwarded to the appropriate party. The Chairman reported that Beth Richard, a member of the Personnel Office, has taken a position with another state agency and is leaving the Commission. It is a great opportunity for her. The Chairman also reported that retired Commissioner Mirglia's father passed away last week and will be buried at Arlington National Cemetery. Finally, the Chairman reported that a retired employee of the Commission, Yolanda Cheatham, has been ill and we are pleased to report a miraculous recovery is underway.

Approval of Minutes: The Minutes of the March 12, 2020 Commission meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Evans, the Minutes were approved with a unanimous vote.

The Minutes of the March 17, 2020 Special COVID-19 Commission meeting were reviewed and, upon motion of Commissioner Forrester and second of Commissioner Martin, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that all Hearings are postponed under the guidance of the Judiciary and the Office of the Governor until May 6, 2020. There are now approximately 15 staff members in the office, practicing social distancing. There is a new process for entering the building, which is required be followed by all who enter the building. Given these new procedures, the double time payment to onsite staff members has ceased. The work of the Commission is getting done and, although growing, the list of cases to be set is still manageable. There are now 8,000 cases to be set, of which 1,300 are over 30 days. While we would prefer that the number be lower, we have seen worse over the years and managed the backlog. No cases are set beyond May 18th so we should be able to address the backlog quickly. The Commission is considering morning and afternoon dockets, depending on the backlog at the time that we go back to a full schedule of hearings. Our success depends on the full contingent of ten Commissioners taking full dockets. The Commission is also considering telephonic hearings for special cases, if all parties agree to a telephonic hearing. The Chairman also reported that the IAIABC has decided to host a Committees Week in lieu of the Spring Forum, which was canceled due to COVID-19. The Dispute Resolution Committee will meet on Monday, April 27th from 12-2pm; Medical Issues will meet on Tuesday, March 28th and the Regulation Committee will meet on Wednesday, March 29th from 3:00-4:30pm. The Chairman asked the Commissioners to put this on their calendars and plan to participate. The Chairman also reported that the Ethics filings due April 30th have not been extended. He

reminded the Commissioners that this is required every year and the deadline remains at April 30th. Finally, the Chairman reported that Megan McLaughlin, a second year law student, will be interning at the Commission this summer.

The Chairman asked Mary Ahearn to provide an update on the CompHub progress. Ms. Ahearn announced a Lunch & Learn at the MWCEA Convention in September. It will be held on Tuesday, September 22, 2020.

The Chairman asked Scott Curtis to update the Commissioners on a recent Court of Appeals decision regarding workers compensation and retirement in the case of *Harford Co. v Gary*.

Old Business: No Report

New Business: Commissioner Forrester discussed hearing dates and subpoenas being issued without dates and locations available. Commissioner Kittleman discussed telephonic IME's and IME's by video and how to handle disagreements between the parties. Commissioner Forrester expressed some concerns with validity when the doctor does not actually see and touch the patient. There is also some concern with Employers and Insurers having to pay for IME's that may or may not be admitted as evidence. Commissioner Metz discussed the number of settlements that are coming through for the same claimant and are being assigned to different Commissioners. Mary Ahearn will address the situation with the Commissioner Assistants.

Adjournment: There being no further questions or comments, and upon a motion by Commissioner Forrester and a second of Commissioner Quinn and a unanimous vote, the meeting was adjourned at 11:04 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Public Attendees to the Special COVID-19 Commissioners' Meeting
Wednesday, April 7, 2020

Name	Law Firm, Company or Other Affiliation
Sean E. Smith, Associate	Ashcraft & Gerel, LLP
Robert N. Daniels, Esq.	Law Office of Robert N. Daniels
Carrie Reiber	MES Solutions
Jim Lanier	Warnken, LLC
Blaine M. Kolker, Esq.	Silver Kolker LLP
Jessica Baumgartner	University of Maryland, Faculty Physicians Inc.
Marc J. Hassan, Esq.	Hassan, Hassan & Tuchman, P.A.
Ashley Bond, Esquire	Rollins, Smalkin, Richards & Mackie, L.L.C.
Paul G. Donoghue	Rollins, Smalkin, Richards & Mackie, L.L.C.
April LeVan Claims Manager	CorVel Corporation Baltimore
Christopher F. Murphy, Attorney	Albert, Schreyer, Poe, LLC
Erinn F. Grzech, Principal	Semmes
Cindy L. Armstrong, Esquire	Erlandson, Vernon & Daney, LLC
Michael LaFontaine, Esq.	Cohen, Snyder, Eisenberg & Katzenberg P.A.
Andrew T. Nichols, Esquire	Horman Nichols, LLC
Joyce Pineda	Aurora Case Management
Tom Falcinelli	ILF
Michelle D. Mtimet	Zauner & Mtimet, P.A.
Jeff Horowitz, Esquire	Belsky, Weinberg & Horowitz. LLC
Sheryl A. Tirocchi, Esquire	GodwinTirocchi, LLC

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Name	Law Firm, Company or Other Affiliation
Suzanne T. Berger	Baltimore County Office of Law
Gretchen Rogers, Esq.	Berman, Sobin, Gross, Feldman & Darby
Alicyn C. Campbell, Esq.	Rollins, Smalkin, Richards & Mackie, L.L.C.
Danny Tanner	Aurora Case Management
Brooke Thompson, Paralegal	Albert, Schreyer, Poe, LLC
Jodi L. Taylor, Esq., CMSP, WCP®	IWIF/Chesapeake Employers' Insurance Company
John Proctor	Proctor Law
Amy Ritz Claims Supervisor	CorVel Corporation Baltimore
Theresa M Brennan	CorVel Corporation Baltimore
Suja M. Varghese, Assistant County Attorney	Baltimore County Office of Law Montgomery County Self Insurance Program, Division of Risk Management
Angela Wiley-Jones	
Jonathan Beiser	Beiser Law Firm
Steven J. Sturm, Esq.	Anne Hoke Attorneys
Wendy B. Karpel	Office of the Montgomery County Attorney
Pearl B. Monroe	MC Innovations, LLC Montgomery County Self Insurance Program Division of Risk Management
Lissa H. Bales Claims Manager	
Ben M. Brooks, Esq.	Brooks Law Firm
Matt Trollinger, Esq.	Trollinger Law
Neydyn S. Gomez, Esq.	Antezana & Antezana, LLC
Benjamin H. Seider, Esq.	Goldberg Segalla

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Name	Law Firm, Company or Other Affiliation
Robert G. Samet, Esq.	Ashcraft & Gerel, LLP
Mark E. Rollison, Esquire	Engel Law Group, PC
Mark T. Krause	Schenker, Krause & Lopez (employees of Zurich American Insurance)
Antonio R. Lopez	Schenker, Krause & Lopez (employees of Zurich American Insurance)
Byron B. Warnken, Esq.	Warnken, LLC
Andrew Mazan	Warnken, LLC
Rebecca Smith	Warnken, LLC
Allyson Bloom, Esq	Berman, Sobin, Gross, Feldman & Darby
Bob Erlandson, Esq	Erlandson, Vernon & Daney, LLC
John Vernon, Esq	Erlandson, Vernon & Daney, LLC
Michael Daney, Esq	Erlandson, Vernon & Daney, LLC
Kelley Blaisdell	MES Solutions
Lee Tuchman, Esq	Hassan, Hassan & Tuchman, P.A.
Heather Bonney	CorVel Corporation Baltimore
James Smiley, Esq	Law Offices of Joseph M. Jagielski
Matthew W. Grogan	Warnken, LLC
Matthew S. Tidball, Esq.	GodwinTirocchi, LLC
Honorable ShaRon M. Grayson Kelsey	Prince George's County Circuit Court
Natasha C. Richards	Montgomery County Government
John S. Hashim, Jr.	Benefits Litigation Unit - Baltimore County Government

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Name	Law Firm, Company or Other Affiliation
Lorraine Brooks	Bodie Law
Tom Dolina	Bodie Law
Jeffrey S. Stavisky, Esquire	Ezrine, Castro & Stavisky, P.A.
Erin H. Snyder, Esquire	Law Offices of Cohen, Snyder, Eisenberg, and Katzenberg P.A.
Michael Berman, Esq.	Albert, Schreyer, Poe, LLC
Shawna Stevenson	Albert, Schreyer, Poe, LLC
Sara El-Shall, Esq.	Shultz Legal, LLC
Kenneth Gaudreau	The Gaudreau Law Firm
Janice H. Malan	
Matthew J. Peffer	Chasen Boscolo
Charles Schultz, Esq.	Berman, Sobin, Gross, Feldman & Darby
David A. Muncy	Plaxen & Adler, P.A.
Matthew D. Gordon, Esq.	Law Office of Mitchel M. Gordon
Ryan J. Foran	Foran & Foran, P.A.
Michael L. Dailey, Esquire	Schmidt, Dailey & O'Neill, LLC
Matthew S. Farr	Matthew Farr Law
Dan Udoff, Esq.	Kahn, Smith & Collins, P.A.
William P. Konstas, Esq.	Law Office of William P. Konstas
Lisa A. Zelenak	Bonner Kiernan Trebach and Crociata
David Schoenfeld	Bonner Kiernan Trebach and Crociata