

# *Workers' Compensation Board*

## *Meeting Minutes*

February 25 & 26, 2010

### **I. Call to order**

**Director Heikes** called to order the regular meeting of the **Workers' Compensation Board** at **9:02 AM** on **February 25, 2010** in **Anchorage, Alaska**.

### **II. Roll call**

Director Heikes conducted a roll call. The following persons were present on February 25, 2010:

Don Gray	Linda Hutchings	David Kester	Damian Thomas
James Fassler	Mike Notar	Janet Waldron	Sarah Lefebvre
Thomas Tibor	Patricia Vollendorf		

Also in attendance were the following persons whose appointment to the Board will be official as of March 1, 2010:

Jeffrey Bizzarro      John Garrett

In addition to the persons present on February 25, 2010, on February 26, 2010, the following person was present:

Dave Robinson

### **III. Issue of Protest**

Mike Notar noted two new board members were appointed to fill two vacant labor Board seats. He believes it is unfair these members are not permitted to vote because their appointment is not official until March 1, 2010. Director Heikes shares his concern.

### **IV. Agenda Approval**

Agenda was amended to include discussion of a work group to address protection of Medicare's interest and approved unanimously.

**V. Approval of July 21 – 22, 2009 Meeting Minutes**

Meeting minutes from July 21-22, 2009 meeting were approved with an amendment to include Mike Notar, Tom Tibor and James Fassler, as members in attendance at the meeting and to reflect the Board's resolution to support SB 159 providing for an increase in the death funeral benefit.

**VI. Approval of October 2, 2009 Meeting Minutes**

Meeting minutes from October 2, 2009 meeting were approved with no changes.

**VII. Reports**

The following reports were provided:

- Annual Report
- Self Insured Employer Report
- Second Injury Fund Report
- Workers' Compensation Benefits Guaranty Fund Report
- Special Investigations Unit Report
- Reemployment Benefits Administrator Report
- Adjudications Report
- Director's Report

**VIII. New Items**

The Division shall assemble a working group to develop a regulation to address Medicare's interest when considering approval of compromise and release agreements.

Board discussed and approved.

**IX. Continued business from previous meeting**

- a) Regulations for Approval by the Board
  - Generic Drugs
    - 8 AAC 45.081 - .086 Dispensing of generic drug products
      - Board discussed and approved with changes
  - Rehabilitation Regulations - Packet Number Two
    - 8 AAC 45.510 Request for reemployment benefits eligibility evaluation
      - Subsection (a) - Board discussed and approved with changes.

- Subsection (b) – Board discussed and approved with changes.
- 8 AAC 45.520 Determination of unusual and extenuating circumstances
  - Board discussed and approved repeal.
- 8 AAC 45.522 Ordering an eligibility evaluation without a request
  - Board discussed and approved with changes.

b) Proposed Regulations

- 8 AAC 45.065(e) Prehearings
  - Board discussed and approved.
- 8 AAC 45.074 Continuances and cancellations.
  - Board discussed and approved subsections (b)(1) and (2) with changes.
- 8 AAC 45.082 Medical treatment
  - Board discussed and approved subsections (d) and (g) with changes.
- 8 AAC 45.182 Controversion
  - Board discussed and approved.
- 8 AAC 46.095 Confidentiality of financial records
  - Board discussed and approved.

c) Public Comment taken from the following individual:

Janice Shipman – Rehabilitation Specialist. RBA Mark Kemberling’s report did not reflect vocational rehabilitation in a positive light. Her section in the report reflects four or five errors. She agrees rehabilitation specialists should be held to high standards, but encourages the Division to maintain accurate records. If the workers’ compensation system’s database is not accurate, the information coming out of it should not be reported. Vocational rehabilitation reports should not be used against vocational rehabilitation. If the intent of the law is to get employees retrained, \$13,300.00 is not sufficient. Tuition almost doubled in the last two years and pleas to legislators have fallen upon deaf ears. She suggests \$17,700.00 would be a good starting point for a plan. If an employee has to travel out of state, \$13,300.00 is not sufficient and does not do justice to the employee or the vocational rehabilitation system. \$13,000.00 ties the hands of rehabilitation specialists and inhibits their ability to get injured workers back to work sufficiently trained with employable skills. She requested the Board adopt a resolution supporting an increase in the statutory plan cost amount of \$13,300.00.

X. Adjournment

Director Trena Heikes adjourned the meeting on **February 26, 2010**, at **4:30 pm**.

Minutes submitted by: Alan Ezzell, Administrative Officer II

Minutes approved by:

DRAFT