

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, February 13, 2020

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:33 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Scott Curtis, Amy Lackington, Steven Jones and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the January 23, 2019 Commission meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Evans, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported to the Commissioners that SAWCA's Annual Convention, originally scheduled for St. Petersburg, has been moved to Amelia Island due to excessive construction at the St. Petersburg hotel. The dates will remain the same. The proposed legislation giving the Uninsured Employers' Fund ("UEF") authority to raise the assessment rate, had a hearing with a lot of testimony. The Workers' Compensation Oversight Committee will meet to discuss the options. The Chairman also reminded the Commissioners that the Executive Nominations Committee hearings for Commissioner Oh and Commissioner Martin will be February 17th and February 24th, respectively. The Hearings are held at 5:00pm on the 4th floor of the Miller Office Building. The Senate hearing is the finalization of their appointments to the Commission. The Chairman announced that the backlog numbers are excellent, specifically 30 days is at an all-time low.

Closed Session: At 9:56 a.m., upon motion of Commissioner Quinn and second of Commissioner Forrester and upon unanimous vote, pursuant to GP §§3-305(7) and (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 discussing self-insured employers' financial information and advice of Counsel.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Reconserve of Maryland, Inc. has requested a release of their security deposit. The matter was discussed with advice of Counsel and, upon motion of Commissioner Quinn seconded by Commissioner Evans, the motion was approved.

The meeting was reopened at 10:04 a.m., upon motion of Commissioner Quinn and second of Commissioner Forrester and upon unanimous vote.

Old Business: Scott Curtis discussed a Settlement Agreement that was approved by the Commission containing language that exempted the uninsured employer from any additional fines or penalties after the date of the settlement. Mr. Curtis reminded the Commissioners that we allow attorneys to structure their settlement agreements uniquely to their cases; however, Commissioners must consider how individualized agreements may impact future actions by the Commission because once the agreement has been approved by a Commissioner, the Commission is also bound by the terms that were approved. In this case, no further employer compliance action could be taken against the uninsured employer. Commissioner Parker-Warren provided an update on the angry claimant phone call that she reported in January. A police report was filed and a Peace Order was requested.

Commissioner Forrester presented a special Order to be issued with regard to the Bethlehem Steel hearing aid questions. Commissioner Forrester also requested that all claims under this special Order be specially labeled as “S” claims, i.e. “S123456” so that they are a group and easily identified. Commissioner Forrester will be assigned all of the special “S” claims.

New Business: Scott Curtis presented proposed Regulation changes to prepare for the expected changes with CompHub and other Enterprise Modernization changes. The proposed changes would impact COMAR 14.09.01.01, 14.09.01.02, 14.09.01.04, 14.09.01.09, 14.09.02.02, 14.09.04.01

Amy Lackington presented information on hearing status codes for Pass for Settlement and Pass for Stipulation. The consensus of the Chairman and all of the Commissioners is to continue to use code “PSTL” when it is a Pass for Settlement or Stipulation situation at the hearing.

Commissioner Parker-Warren mentioned that some of the date stamps used by the Court Reporters are still 2019.

Commissioner Schadt discussed appeals and the process of taking action without receiving the Coversheet for Action on Claims on Appeal from the attorneys. Commissioner Schadt will present this at the Breakfast with the Commissioners in September.

Commissioner Kittleman discussed an appeal of a denial of a fee on an advance. The Circuit Court has remanded it to the Commission to issue an order to pay the advance and the fee.

Medical Alerts: On behalf of Dr. Reichmister, Stacey Roig presented an article from JAMA on Ketogenetic “Keto” Diets.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 11:00 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary