

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, March 12, 2020

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:30 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 Scott Curtis, Jerome Reichmister, M.D., Amy Lackington, Mary Ahearn and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the February 27, 2020 Commission meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Martin, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported that all out of state travel has been suspended for all state employees until further notice. The American Bar Association meetings have been cancelled and the IAIABC may also cancel their meetings in April. The Governor has instituted a Level II Emergency, which will mean teleworking for those who can and relaxed leave policies for those who are sick or must care for someone who is sick. Scott Curtis, Counsel to the Commission is talking to the MD Judiciary to find out their plans regarding hearings and trials. The Commission may follow their decision with guidance from the Governor's office. The Chairman asked the Commissioners to grant continuances whenever requested due to illness or concerns about coronavirus. In addition, rearrange the hearing rooms to allow for social distancing and request that anyone with a cough leave the room. Hand washing is very important, especially with hand sanitizer in short supply. The situation is fluid, please be flexible and tailor your opening remarks to the current situation as it is at that time.

The Chairman also discussed a possible compromise bill for medical only attorney fees, which would leave the award of a fee at the discretion of the Commission, up to \$2,000. There are no specifics on who pays the fee or other guidelines for determining the amount of the fee. It appears that one of the PIA bills will not be moving forward in this session.

The Chairman gave an update on the two Assistant positions in the Hearing Division.

The Chairman asked all of the Commissioners to please keep their phones with them and turned on at all times because most communications will be coming in the form of text messaging because it is typically seen and responded to faster than email.

Old Business: Commissioner Forrester opened a discussion on LE § 10-314(5) Hearing Loss Claims for Retirees, which specifically addresses the Bethlehem Steel hearing loss cases.

Closed Session: At 10:11 a.m., upon motion of Commissioner Forrester and second of Commissioner Evans and upon unanimous vote, pursuant to GP §3-305(7), the Commission entered a closed session for the purpose of advice of Counsel.

Old Business, continued: Scott Curtis, Counsel to the Commission provided advice to the Commissioners regarding the hearing loss cases.

New Business: The meeting remained closed for additional advice of Counsel regarding emergency procedures given the current situation with coronavirus.

The meeting was reopened at 10:26 a.m., upon motion of Commissioner Forrester and second of Commissioner Evans and upon unanimous vote.

Commissioner Parker-Warren made a motion to adopt the emergency regulations and permanent regulations as presented by Scott Curtis, Counsel to the Commission. The motion was seconded by Commissioner Forrester and, after a unanimous vote, the motion was approved. The emergency regulations will be posted to the MD Register.

New Business, continued: Mary Ahearn reported that no Settlement template was being considered in the new system; however, a new Settlement Worksheet was being developed and now is the time to make any changes. Commissioner Kittleman agreed to collect the suggestions of the Commissioners and when he has consensus, send them to Mary for development with the Enterprise Modernization team. Stacey Roig will also make any updates to the online Adobe form for use immediately.

Mary Ahearn also asked all of the Commissioners to please remember to sign-off on every computer they use, including the Regional Sites. The Commission will begin a policy to push off those who remain logged in, very Monday at 4:00 am, which could impact the log-in the next time they are trying to log-in to the system. Logging off is important to allow IT to run necessary updates at night or early morning.

The Chairman discussed attorney fees and making changes to the current structure, perhaps a flat fee structure. He asked Commissioner Metz to work with Scott Curtis to develop ideas for structuring attorney fees. He asked all of the Commissioners to share their thoughts and ideas with either Commissioner Metz or Mr. Curtis.

Commissioner Quinn discussed a settlement where the claimant had a loan against the expected proceeds of the settlement and the lender wanted the order to include payoff of the loan. The Commissioners agreed that the settlement proceeds go to the Claimant and it is up to them to pay their loan amount due.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Kittleman and upon unanimous vote, the meeting was adjourned at 11:20 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary