

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, March 25, 2021**

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 Jerome Reichmister, M.D., Amy Lackington, Scott Curtis and, by telephone, Stacey L. Roig, Secretary of the Commission.

The Chairman welcomed the Commissioners to the in-person meeting and reminded them that after consultation with the Governor's Office and the Department of Health, the Commission will follow all safety rules for this meeting, so wearing masks and social distancing are required for this meeting.

Approval of Minutes: The Minutes of the March 11, 2020 Commissioners' Meeting were reviewed, and with two corrections noted, a motion was made by Commissioner Martin and second by Commissioner Parker-Warren, to accept the Minutes, as amended, which was approved with a unanimous vote.

Chairman's Report: The Chairman reported on the current legislative session and some of the bills under consideration. Various versions of COVID presumption bills have been presented. The Commission has 1250 claims on record that mention "COVID" or "coronavirus" in the text description of the injury. Several of those cases are not actually COVID related and many of the newer cases are related to vaccine reactions. Only a few cases have been denied and Chesapeake Employers' Insurance is reporting a 90% acceptance rate for COVID related cases. A bill that would allow the Commission to order an insurer to reimburse a claimant for medical cannabis received an unfavorable report from the Senate Finance Committee and the House bill was withdrawn. The Chairman reported that a bill to allow an attorney fee in medical only claims does not appear likely to pass this session. Commissioner Quinn discussed a bill that would end daylight savings time in MD.

The Chairman discussed return to the office plans for fully vaccinated staff who cannot telework. Implementation of any changes will come after guidance from DBM is received. The building entry questionnaire will be changed for fully vaccinated Commission staff only.

The Chairman expects that in-person conferences will be held again in 2021. The Governor's Office has given direction that out of state travel is approved without restrictions. The Chairman supports attendance at the conferences because they are so important for our professional education. The SAWCA conference in July is moving forward and may be a hybrid. It will be held at The Homestead in VA. The Chairman asked the Commissioners to mark their calendars to plan to attend. The IAIABC conference was to have been in Toronto and travel to and from Canada is still restricted so the IAIABC will host a virtual convention in the Fall. The MWCEA conference is in Ocean City in September and will be in-person. The WCI and NAWCJ conference in Orlando is moving forward for in-person attendance within the first two weeks in December.

The Chairman discussed conflicts between staff members and reminded the Commissioners to let Supervisors know if conflicts become an issue.

Commissioner Evans asked if the Commission will be returning to the unscheduled hearings process. The Chairman confirmed that the unscheduled hearing process was much more efficient because cases can fall out of the docket but, there are others scheduled and the dockets continued to flow. The current system has worked for its purpose during the pandemic; however, it is very inefficient. There are 6,000

cases waiting for a hearing, so we will return to the unscheduled hearing process as soon as it is safe to do so. Commissioner Parker-Warren discussed receipt of documents electronically vs. the USPS.

Old Business: H. Scott Curtis, General Counsel, requested closure of the meeting to provide legal advice to the Commissioners.

Closed Session: At 10:11 a.m., upon motion of Commissioner Forrester and second of Commissioner Parker-Warren and upon unanimous vote, pursuant to GP §3-305(7) and LE § 9-744 the Commission entered a closed session for the purpose of receiving legal advice from legal counsel.

H. Scott Curtis, Assistant Attorney General and General Counsel provided legal advice to the Commissioners.

The meeting was reopened at 10:30 a.m., upon motion of Commissioner Evans and second of Commissioner Kittleman and upon unanimous vote.

New Business: Commissioner Schadt provided information regarding Hot Topics, an MSBA event, and the program for the event. Commissioner Schadt asked for suggestions for some hot topics from the Commissioners. The program will be pre-recorded, and Commissioner Schadt will be live for questions after the webinar is broadcast. The webinar will be available for viewing on May 13th. Scott Curtis discussed the eight-year regulation review, which will be completed this summer. Commissioner Evans requested the addition of a consent section in the Request for Postponement of Emergency Hearing. Commissioner Evans also requested alternate means of notification of interpreter cases on the docket. The Chairman will have Mary Ahearn investigate what is available.

Medical Alerts: Dr. Reichmister reminded everyone to continue with safety precautions of social distancing, washing hands frequently, wearing masks and avoiding crowds. Dr. Reichmister discussed concerns in the uptick of COVID cases and variants. The next four weeks will be critical as more vaccines are administered. Dr. Reichmister also reported on a study finding hearing loss associated with Orthopedic Surgeons due to the use of special saws used in joint replacement surgery. New devices to block the loud noise of the equipment but allow voices to be heard are now being used in operating rooms. Dr. Reichmister also reported that at this point, there is no definitive study linking medical cannabis to pain relief.

The Chairman announced that going forward, Commissioners' Meetings will be held in-person in the 3rd floor meeting space.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Kittleman and upon unanimous vote, the meeting was adjourned at 10:58 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary