

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, January 12, 2017

Call to Order: Chairman Aumann called the meeting to order at 9:37 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Lauren Godwin, Jeffrey Herwig , Cynthia Miraglia, Maureen Quinn, Delia Turano Schadt, Tracey Warren and Jeffrey Weinberg. Also attending were Mary Ahearn, Scott Curtis, Steven Jones, Dr. Jerome Reichmister and Stacey L. Roig, Secretary

Approval of Minutes: The Minutes of the December 08, 2016 Commission meeting were reviewed. Upon motion of Commissioner Adams and second of Commissioner Schadt the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported that Arthur Hebbler is now on board as Project Manager for the Enterprise Modernization Project. He is a very accomplished professional who is taking charge of the project and moving it forward. The legislative session is underway with changes in the committees. The Commission filed for over the budget target approval and the request was approved by the Governor. This will provide the initial funding for the Enterprise Modernization Project. There are several upcoming conferences with the IAIABC, SAWCA and NAWCJ. Please send Amy Lackington requests and selections for conferences coming this year. The NAWCJ conference is in FL again this year and will be working on a judges' program in conjunction with the IAIABC Convention in October. The Chairman also reported that two Cabinet changes occurred in December. Dennis Schrader, former Appointments Secretary is now the Secretary of the Department of Health and Mental Hygiene and Chris Cavey was appointed Secretary of Appointments.

Closed Session: At 9:47 a.m., upon motion of Commissioner Quinn and second of Commissioner Weinberg and upon unanimous vote, pursuant to GP §3-305(7), (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 obtaining legal advice from Counsel and discussion of self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Kmart has requested a decrease in security. After discussion by the Commissioners and a motion by Commissioner Quinn and seconded by Commissioner Herwig and a unanimous vote, with the exception of Commissioner Godwin, who abstained from voting, the Commission declined the request.

Mr. Jones reported that Marriott International Corporation has requested the addition of a subsidiary, Sheraton Operating Corporation, effective December 31, 2016. After a discussion by the Commissioners and a motion by Commissioner Miraglia and seconded by Commissioner Godwin and a unanimous vote, the request was approved.

Mr. Jones reported that Marriott International Corporation has requested the addition of a subsidiary, Starwood Hotels and Resorts Worldwide, effective December 31, 2016. After a discussion by the Commissioners and a motion by Commissioner Miraglia and seconded by Commissioner Herwig and a unanimous vote, the request was approved.

Mr. Jones also reported that Lowes Home Center LLC has requested the addition of a subsidiary, effective January 15, 2017, Central Wholesalers, LLC. After a discussion by the Commissioners and a motion by Commissioner Miraglia and seconded by Commissioner Godwin and a unanimous vote, the request was approved with no increase in security.

Old Business: Scott Curtis, Principal Counsel, reported on the findings of the workgroup assigned to review the filing of Appearance of Counsel and Request to Strike Appearance. Mr. Curtis advised the Commission on the best course of action. There are over 60,000 of these forms filed with the Commission each year.

Commissioner Miraglia reported that she has been tracking unrepresented claimants and found that there are very few cases. The Chairman suggested working with the MD Bar Association to find assistance for these claimants.

Commissioner Weinberg discussed certain changes to the Regulations regarding Settlement Agreements. Principal Counsel will review.

The meeting was reopened at 10:08 a.m., upon motion of Commissioner Quinn and second of Commissioner Herwig and upon unanimous vote.

New Business: Scott Curtis, Principal Counsel discussed concerns raised by Dr. Thorne regarding the requirement that healthcare providers must be represented by Counsel when coming before the Commission.

Closed Session: At 10:13 a.m., upon motion of Commissioner Miraglia and second of Commissioner Schadt and upon unanimous vote, pursuant to GP §3-305(7) the Commission entered a closed session for the purpose of obtaining legal advice from Counsel.

Principal Counsel, Scott Curtis, provided legal advice to the Commissioners.

The meeting was reopened at 10:19 a.m., upon motion of Commissioner Quinn and second of Commissioner Weinberg and upon unanimous vote.

Commissioner Miraglia discussed insurance companies not paying for implants from hospitals without the actual invoice for the implant. The cost of implants is approved by another state commission, not the Workers' Compensation Commission.

Commissioner Herwig discussed a case that may involve the Sanchez decision and the Commissioners discussed continuances under different circumstances.

Dr. Reichmister provided a handout to the Commissioners regarding addictions. He also discussed possible review sessions in 2017.

The Chairman requested an after-meeting discussion on February 9, 2017 of SIF procedures.

Scott Curtis reported that he has received a letter from Mitch Gordon regarding Kids Chance and he is reviewing it and will have more information and advice at the next Commission meeting.

The Commissioners briefly discussed the interpreter program.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Godwin and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, January 26, 2017

Call to Order: Chairman Aumann called the meeting to order at 9:32 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Jeffrey Herwig, Lauren Godwin, Cynthia Miraglia, Maureen Quinn, Delia Turano Schadt, Tracey Warren and Jeffrey Weinberg. Staff members attending were Mary Ahearn, Scott Curtis, Steven Jones, Dr. Jerome Reichmister and Stacey L. Roig, Secretary.

Special Guest: Dr. Lynn Staggs.

The Chairman opened the meeting with a welcome to Dr. Lynn Staggs, Program Chair for the 2017 MWCEA Convention and invited Dr. Staggs to make her presentation to the Commissioners.

Dr. Staggs presented the theme for the 2017 Convention and discussed program suggestions with the Commissioners. Highlights included catastrophic injuries, Nurse Case managers, Virtual Experiences (Sharing Economy), UEF & SIF Procedures among many more possibilities. The Convention will be held September 17-20, 2017 in Ocean City, MD.

The Chairman thanked Dr. Staggs for her time to come to the meeting to present the program information and asked all of the Commissioners to be prepared at the February 23, 2017 meeting to sign up for topics and panels for the program.

Approval of Minutes: The Minutes of the January 12, 2017 Commission meeting were reviewed. Upon motion of Commissioner Warren and second of Commissioner Adams the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported that dates are set for various committee hearings in Annapolis. The Commission Budget Hearings are set for late February. The Enterprise Modernization Project is moving forward and the Project Manager is keeping it on track. The Chairman met with Legislative Representatives to discuss volunteer firefighters and presumptions. No legislation is expected to be entered as a result of the meetings. The Chairman noted that some counties do not consider volunteer firefighters to be "covered employees". Mary Ahearn reminded the Commissioners that when there is an Emergency Hearing request, an asterisk is placed on the docket next to the claim so that special attention can be given to those Orders. The Commissioners requested a review of policy be given to the typing of Orders for Commission employee claims and it was determined that Amy Lackington will handle those types of Orders going forward. The Chairman discussed forming a workgroup to determine guidelines for determining the proper Employer and/or Insurer at a hearing. Commissioners Evans and Weinberg will join that workgroup with Dorothy Smith, Olethia Bowman and Danyela Vick.

Closed Session: At 10:23 a.m., upon motion of Commissioner Weinberg and second of Commissioner Herwig and upon unanimous vote, pursuant to GP §3-305(7) the Commission entered a closed session for the purpose of obtaining legal advice from Counsel.

Old Business: Scott Curtis, General Counsel, discussed a request from Kids' Chance of Maryland and provided advice to the Commission.

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

New Business: Commissioner Godwin discussed a Voc Rehabilitation case that was moved to her docket and Commissioner Godwin had not mediated the claim. The Commissioners were reminded that if a case needs to be moved, it should not be moved to another Commissioner's docket but referred to the Executive office to be reassigned. The Chairman discussed a recent claimant who is filing Issues without merit and the claim has been marked so that filing of issues will not set it in for a hearing. Commissioner Adams discussed a request for attorney reimbursement of "costs" that are not eligible for reimbursement. The Commissioners discussed settlements with attorney fee language in the settlement agreement, which is not allowed per COMAR. Attorney fees are handled by a separate petition.

The Chairman reminded the Commissioners that they are not to rule or issue an Order on a request for change of venue when the Employer is Montgomery County Government. Please send the Montgomery County Government change of venue requests to the Chairman's office for action.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Quinn and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, February 9, 2017**

Call to Order: Chairman Aumann called the meeting to order at 9:31 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Jeffrey Herwig, Lauren Godwin, Maureen Quinn, Delia Turano Schadt, Tracey Warren and Jeffrey Weinberg. Also attending were Mary Ahearn, Adeyemi Adeyemo, Dr. Jerome Reichmister and Stacey L. Roig, Secretary.

Approval of Minutes: The Minutes of the January 26, 2017 Commission meeting were reviewed. Upon motion of Commissioner Adams and second of Commissioner Godwin the Minutes were approved with a unanimous vote.

Closed Session: At 9:33 a.m., upon motion of Commissioner Weinberg and second of Commissioner Adams and upon unanimous vote, pursuant to GP §3-305 (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 discussion of self-insured employers' financial information.

ICR Report: Adeyemi Adeyemo reported on behalf of the Insurance, Compliance and Reporting Division that Marriott International, Inc. has requested the addition of a new subsidiary effective as of December 31, 2016. After discussion and a motion by Commissioner Quinn and a second by Commissioner Herwig and upon unanimous vote, the Commission approved the request. Mr. Adeyemo also reported that Rollins, Inc. has requested a withdrawal from the self-insurance program.

The meeting was reopened at 9:42 a.m., upon motion of Commissioner Adams and second of Commissioner Weinberg and upon unanimous vote.

Chairman's Report: Chairman Aumann reported that the 2017 legislative session is moving along with hearings on the calendar. Commissioner Warren's hearing before the Executive Nominations Committee is scheduled for Monday, February 13, 2017. The MD Defense Counsel has requested a discussion with the Chairman on a couple of areas of concern for their clients.

Old Business: Mary Ahearn reported that the Claimant Consent to Pay Attorney and Doctor Fees (Form H-44) has been updated and posted to the web with the changes requested by the Commissioners. The Chairman reminded the Commissioners that if attorney fee constitutionality is raised at any hearing, those arguments should be made before the full Commission, not individually.

New Business: Commissioner Herwig brought to the Commission at the request of an attorney, the question of whether an insurance company Adjuster can be removed from a case by the Commission. The situation appeared to be a special circumstance and should be handled internally by the insurance company.

The Chairman thanked Commissioners Adams and Warren for participating in Bar Association's mentoring forum, which was put together to assist and mentor new lawyers.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Godwin and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, February 23, 2017**

Call to Order: Chairman Aumann called the meeting to order at 9:31 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Lauren Godwin, Jeffrey Herwig, Cynthia Miraglia, Maureen Quinn, Delia Turano Schadt, Tracey Warren and Jeffrey Weinberg. Also attending were Mary Ahearn, Steven Jones (ICR), Dr. Jerome Reichmister, Amy Lackington, Scott Curtis and Stacey L. Roig, Secretary.

Approval of Minutes: The Minutes of the February 9, 2017 Commission meeting were reviewed. Upon motion of Commissioner Adams and second of Commissioner Quinn the Minutes were approved with a unanimous vote.

Closed Session: At 9:33 a.m., upon motion of Commissioner Godwin and second of Commissioner Adams and upon unanimous vote, pursuant to GP §3-305 (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 discussion of self-insured employers' financial information.

ICR Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that International Paper has requested to withdraw from the Self Insurance Program. Mr. Jones also reported that the Maryland Association of Boards of Education (MABE) is in compliance with their investment program.

The meeting was reopened at 9:36 a.m., upon motion of Commissioner Adams and second of Commissioner Weinberg and upon unanimous vote.

Chairman's Report: Chairman Aumann expressed his sympathy and condolences for the family of Commissioner Jeffrey Herwig on the sudden death of his brother, Craig Herwig. Information for visitation and funeral services was provided.

The Chairman discussed appointments including his name being included in the green bag for reappointment and the postponement of the Senate Executive Nominations Committee hearing for Commissioner Warren's appointment to February 27, 2017. The Chairman discussed the House Budget Hearing for approval of budget for the Commission and the Senate hearing coming up the following week. He also discussed the various bills that have been introduced and are workers' compensation related. The Joint Oversight Committee meeting agenda includes a discussion on most of the bills. The Chairman asked the Commissioners to attend a presentation on the all electronic claim form to be presented by the IT Division and to attend the Black History Month program.

Old Business: Commissioner Weinberg reported on requested changes to the process when Commissioners determine that the Employer or Insurer in a case is different than the named E/I. Commissioner Weinberg asked the Commissioners to obtain at the hearing the proper name and insurance policy number, coverage dates, name of the Insurer (not TPA) and strike all parties no longer necessary, especially the Uninsured Employers' Fund (UEF) in the Order.

Chairman Aumann requested assistance from the Commissioners to write a policy on telephonic hearings, specifically out of country parties and small benefit claims. Commissioner Godwin will lead this effort and work with Commissioner Quinn to develop the policy.

Commissioner Miraglia requested that the policy of rejecting a settlement because the attorney fees have been miscalculated be re-evaluated and, the determination of what types of expenses are considered costs and are eligible for reimbursement. Mary Ahearn will look at both policies and communicate her findings with the Commissioners.

New Business: Commissioner Weinberg discussed the Court of Special Appeals' decision in Zalwieia v. Baltimore County Board of Education. Commissioner Warren asked about the appointment of Heather Krauss to the Budget Advisory Committee and the Chairman explained that the BAC members are appointed by the Governor and they serve staggered terms.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Godwin and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, March 09, 2017

Call to Order: Chairman Aumann called the meeting to order at 9:31 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Lauren Godwin, Jeffrey Herwig, Cynthia Miraglia, Maureen Quinn, Delia Turano Schadt, Tracey Warren and Jeffrey Weinberg. Also attending were Scott Curtis, AAG and Stacey L. Roig, Secretary.

Approval of Minutes: The Minutes of the February 23, 2017 Commission meeting were reviewed. Upon motion of Commissioner Herwig and second of Commissioner Godwin the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann congratulated Commissioner Warren on the confirmation of her appointment to the Commission. The Chairman's hearing with the Executive Nominations Committee in the Senate will be Monday, March 13, 2017. The Economic Matters Committee voted on several bills since the last Commissioners' meeting. A bill requiring prompt payment on medical bills was passed in the committee. The Commission Budget Hearings are complete and the budget was approved with no changes or reductions. The budget also includes the Enterprise Modernization Project. The Chairman also reported that the candidate selected to be Commissioner Warren's Assistant has accepted the position. The American Bar Association workers' compensation meeting begins March 18th. The Chairman also reminded the Commissioners that it is very important to read and respond to email promptly. Some emails contain information and requests for information that are time sensitive and require an immediate response.

The Chairman asked the Commissioners to review the list of MWCEA topics and select their preferences for the panel discussions. (See attached list) Stacey Roig will respond to the Program Committee Chair with the preferences for each discussion and a request to revisit certain topics.

Old Business: Commissioner Godwin reported on the discussions regarding telephonic hearings. If the parties all agree to a telephonic hearing, the Commissioners will agree as well. If there is disagreement between the parties, the Commissioners will generally not agree to the telephonic hearing, except under limited circumstances at the discretion of the Commissioner.

New Business: Stacey Roig reminded the Commissioners that the annual Ethics Statements are due no later than April 30, 2017. Commissioner Godwin spoke about the Kids' Chance 5K Walk and asked the Commissioners and staff to contribute to becoming a sponsor of the event. In addition, participants may sign up to walk for \$35 per person. Commissioner Warren asked about speaking requests from law firms and other groups. In addition, Commissioner Warren will provide to the Commission additional information about a grant program through the Governor's Office on opioid addiction. Commissioner Schadt announced that the MSBA will be hosting a panel discussion on SIF and UEF cases. The event will be held in the WCC 3rd floor meeting room on March 20th at 4:30pm. The Commissioners then discussed several cases.

Closed Session: At 10:14 a.m., upon motion of Commissioner Weinberg and second of Commissioner Quinn and upon unanimous vote, pursuant to GP §3-305(7) the Commission entered a closed session for the purpose of obtaining legal advice from Counsel.

Principal Counsel, Scott Curtis, discussed a case regarding attorney fees and provided advice to the Commissioners.

The meeting was reopened at 10:21 a.m., upon motion of Commissioner Weinberg and second of Commissioner Adams and upon unanimous vote.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Miraglia and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, March 23, 2017

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

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Lauren Godwin, Cynthia Miraglia, Maureen Quinn, Delia Turano Schadt, Tracey Warren and Jeffrey Weinberg. Also attending were Mary Ahearn, Dr. Jerome Reichmister, Amy Lackington, Scott Curtis, and Stacey L. Roig, Secretary.

Approval of Minutes: The Minutes of the March 9, 2017 Commission meeting were reviewed. Upon motion of Commissioner Miraglia and second of Commissioner Godwin the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that the 2017 legislative session is approaching the end and a few bills are making their way through the system. Economic Matters Committee Chair, Dereck Davis, will be the featured speaker at the Regulator's Forum at the NCCI Annual Issues Symposium in May. Several legislators and their staff will also be attending the conference. The American Bar Association workers' compensation meeting and program included a national case law update about five (5) different cases, including the OK case that found the Opt-Out law to be unconstitutional. It also included a discussion on the Castellanos attorney fee case in FL.

Old Business: Stacey Roig updated the Commissioners on the response from the program committee for the MWCEA convention in September. Commissioner Godwin agreed to participate in the regenerative medicine discussion panel and Commissioner Weinberg agreed to participate in the Subrogation Liens discussion panel.

New Business: Commissioner Miraglia discussed mail order prescription drugs and the price differential between mail order services and pharmacies and what price is considered reasonable and customary.

Dr. Reichmister discussed opioids being prescribed while patients are on Lyrica or Neurontin. Dr. Reichmister also discussed knee injuries and treatments and possible injuries to regions of the back. He will discuss the Spine at the April 13th meeting.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Warren and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, April 13, 2017

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

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Lauren Godwin, Cynthia Miraglia, Maureen Quinn, Delia Turano Schadt, Tracey Warren and Jeffrey Weinberg. Also attending were Mary Ahearn, Scott Curtis, Amy Lackington, and Stacey L. Roig, Secretary.

Approval of Minutes: The Minutes of the March 23, 2017 Commission meeting were reviewed. Upon motion of Commissioner Miraglia and second of Commissioner Adams the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that the 2017 legislative session has ended with a few bills passing and effective in October 2017. The Chairman reminded the Commissioners that a demonstration of the new all electronic Claim form will be held at 1:00pm on the 3rd floor. All of the Commissioners are invited to attend. The Enterprise Modernization project is moving along at a good pace. It has been recommended to the Commission That a Staff Augmentation Procurement Vehicle be utilized to update our system. The Bizagi software is more versatile and can play a major role in this process. The Chairman reported that Fiscal Services is establishing contractual rates at various hotels near the regional hearing sites for consistency in rates and handling sales tax. The Commissioners are asked to book their stays with those hotels. The IAIABC Forum is in Kansas City in April.

Old Business: Commissioner Godwin discussed the SIF/UEF Assessments on Medical Set Asides and when they are to be applied. Scott Curtis will review the statute and COMAR and report back to the Commission.

Commissioner Miraglia provided updated information on prescription drug pricing and the Order NISI. Mary Ahearn confirmed that the Commission is no longer issuing an Order NISI for prescription drug only payment requests.

New Business: Chairman Aumann discussed COMAR Regs and expert witnesses and reminded the Commissioners that expert witnesses are only allowed in extreme circumstances and only with approval from the Chairman in most cases.

Commissioner Warren distributed a chart to address SIF questions.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Godwin and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, April 27, 2017**

Call to Order: Acting Chairman Miraglia called the meeting to order at 9:35 a.m.

Present: **Acting** Chairman Miraglia and Commissioners Patricia Adams, Kathleen Evans, Jeffrey Herwig, Maureen Quinn, Delia Turano Schadt, Tracey Warren and Jeffrey Weinberg. Also attending were Mary Ahearn, Dr. Jerome Reichmister and H. Scott Curtis, Acting Secretary. ***The approved Minutes were amended to include Steven Jones, ICR Director, as having been present at this meeting.***

Approval of Minutes: The Minutes of the April 13, 2017 Commission meeting were reviewed. Upon motion of Commissioner Adams and second of Commissioner Schadt the Minutes were approved with a unanimous vote.

Closed Session: **At 9:35 a.m., upon motion of Commissioner Weinberg and second of Commissioner Warren and upon unanimous vote, pursuant to GP §3-305 (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 discussion of self-insured employers' financial information.**

ICR Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Howard County has requested the addition of four (4) subsidiaries to the Self Insurance Program. After discussion and upon a motion by Commissioner Weinberg and a second by Commissioner Quinn and upon unanimous vote, the request was approved.

The meeting was reopened at 9:38 a.m., upon motion of Commissioner Quinn and second of Commissioner Herwig and upon unanimous vote.

Old Business: None

New Business: The MWCEA announced that the recipient of the 2017 Al Porth Award has been selected and it is Mark Vincent.

Dr. Reichmister discussed several topics, including cognitive testing and devices for brain injuries and testing for opioids for chronic opioid therapy. Dr. Reichmister also discussed the use of medical marijuana and it being seen as a factor in one third of the 40% of all auto accidents where the use of a controlled dangerous substance is a factor. A discussion was held regarding an HSCRC issue and hospital charges being governed under the Medical Fee Guide. Scott Curtis, Principal Counsel, will review and issue an opinion.

Mary Ahearn reported that when a new body part is added to a claim or the date of accident is changed by amended claim form, the new C-30 will have those changes in BOLD.

Commissioner Miraglia reported that housekeeping is lacking at some regional sites and requested that it be addressed.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Quinn and, upon unanimous vote, the meeting was adjourned.

Cynthia S. Miraglia, Acting Chairman

H. Scott Curtis, Acting Secretary

**Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, May 11, 2017**

Call to Order: Chairman Aumann called the meeting to order at 9:34 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Jeffrey Herwig, Cynthia Miraglia, Tracey Warren and Jeffrey Weinberg.
Also attending were Mary Ahearn, Steven Jones, Amy Lackington, Dr. Jerome Reichmister, Scott Curtis and Stacey L. Roig, Secretary.

Approval of Minutes: The Minutes of the April 27, 2017 Commission meeting were reviewed and amended to include Steven Jones, ICR Director, as having been present at the April 27th meeting. Upon motion of Commissioner Herwig and second of Commissioner Adams the Minutes, as amended, were approved with a unanimous vote.

Closed Session: At 9:36 a.m., upon motion of Commissioner Miraglia and second of Commissioner Weinberg and upon unanimous vote, pursuant to GP §3-305 (13), GP §3-305 (7), 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 discussion of self-insured employers' financial information and advice of Counsel.

ICR Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Cecil County has requested an increase in retention. After discussion and upon a motion by Commissioner Herwig and a second by Commissioner Miraglia and upon unanimous vote, the request was approved.

Principal Counsel Report: Scott Curtis provided advice to the Commissioners regarding the medical fee guide and SIF/UEF Assessments and Settlements. Mr. Curtis also advised the Commissioners regarding certain changes required to the Regulations and a new form regarding payment of certain fees.

The meeting was reopened at 10:02 a.m., upon motion of Commissioner Miraglia and second of Commissioner Evans and upon unanimous vote.

Chairman's Report: Chairman Aumann reported on the quality of the programming for the IAIABC Forum in Kansas City, MO. The Chairman also reported on the Bring Your Child to Work Day and Employee Appreciation and Training Day events. The Employee Training Day is scheduled for Thursday, August 24, 2017. Commissioner Lauren Godwin will serve as Acting Chair from May 15, 2017 through June 20, 2017. The NCCI Annual Issues Symposium is coming up and Maryland Delegate, Derrick Davis will be a featured Speaker at the Regulatory Forum. Several Legislators and their Staff will also be attending.

Old Business: Commissioner Warren inquired about Commission presence at the MSBA Annual Meeting in Ocean City.

New Business: No Report

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Miraglia and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, May 25, 2017

Call to Order: After a quorum was established, Acting Chairman Godwin called the meeting to order at 9:48 a.m.

Present: **Acting** Chairman Godwin and Commissioners Patricia Adams, Cynthia Miraglia, Maureen Quinn, Delia Turano Schadt and Jeffrey Weinberg.
Also attending were Mary Ahearn, Amy Lackington, Dr. Jerome Reichmister, Scott Curtis and Stacey L. Roig, Secretary.

Approval of Minutes: The Minutes of the May 11, 2017 Commission meeting were reviewed upon motion of Commissioner Miraglia and second of Commissioner Quinn the Minutes, were approved with a unanimous vote.

Chairman's Report: No Report

Old Business: No Report

Closed Session: At 9:50 a.m., upon motion of Commissioner Miraglia and second of Commissioner Adams and upon unanimous vote, pursuant to GP §3-305 (7) the Commission entered a closed session for the purpose of discussion and advice of Counsel.

New Business: Commissioner Godwin opened a discussion regarding SIF Assessments pending appeal and the status of the requirement to pay those assessments. Scott Curtis, Principal Counsel, provided advice regarding the subject matter of the discussion.

The meeting was reopened at 9:56 a.m., upon motion of Commissioner Miraglia and second of Commissioner Schadt and upon unanimous vote.

Dr. Jerome Reichmister presented a "Medical Minute" discussion of the foot and injuries to the foot.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Schadt and, upon unanimous vote, the meeting was adjourned.

Lauren S. Godwin, Acting Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, June 8, 2017

Call to Order: Chairman Aumann called the meeting to order at 9:35 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Lauren Godwin, Maureen Quinn, Delia Turano Schadt, Tracey Warren and Jeffrey Weinberg. Also attending were Stacey L. Roig, Secretary, Scott Curtis, Amy Lackington and Dr. Jerome Reichmister.

Approval of Minutes: The Minutes of the May 25, 2017 Commission meeting were reviewed upon motion of Commissioner Weinberg and second of Commissioner Evans the Minutes, were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported that the NCCI Annual Issues Symposium was a tremendous success. Delegate Davis was a presenter and three of the four members of the Workers' Compensation Oversight Committee also attended the conference. The Chairman also reported that Database Manager and Assistant Director of IT, Nick Schatz, will be leaving the Commission in July to pursue another opportunity.

Old Business: Chairman Aumann reminded the Commissioners that expense reports are due by the end of the month of June for fiscal year end closing. Commissioner Schadt requested that the MWCEA panel discussion assignments be sent out as a reminder to the Commissioners of their presentations.

New Business: No report although the Commissioners discussed various cases in general. Commissioner Godwin noted that she had a "no show" interpreter issue twice in one week in Cambridge.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Warren and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, June 22, 2017

Call to Order: Chairman Aumann called the meeting to order at 9:35 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Lauren Godwin, Jeffrey Herwig, Cynthia Miraglia, Maureen Quinn, Delia Turano Schadt, Tracey Warren and Jeffrey Weinberg.

Also attending were Stacey L. Roig, Secretary, Scott Curtis, Amy Lackington and Dr. Jerome Reichmister.

Approval of Minutes: The Minutes of the June 8, 2017 Commission meeting were reviewed upon motion of Commissioner Adams and second of Commissioner Godwin the Minutes, were approved with a unanimous vote.

Old Business: No Report

New Business: Principal Counsel, Scott Curtis presented several Regulation updates and changes in anticipation of the Commission going to an all-electronic system. (See attached list). After a motion by Commissioner Quinn and a second by Commissioner Warren, and a unanimous vote, the Regulation updates were approved and are expected to be effective November 6, 2017.

Commissioners Weinberg and Quinn requested adding a Regulation regarding a CMS requirement for an interest bearing account for Medicare set asides. The Commission will discuss and consider at a future date.

Chairman's Report: Chairman Aumann reported that the NCCI Annual Issues Symposium was a tremendous success. Delegate Davis was a presenter and three of the four members of the Workers' Compensation Oversight Committee also attended the conference. The Chairman also reminded the Commissioners that any change of venue requests for any public employers should be routed through the Chairman's office for continued monitoring by the Executive Office. The Chairman also reported that the conference in Stockholm was enlightening and attended by members of the Asian and European workers' compensation communities. The conference produced a new group effort to develop programs to highlight at established conferences. This will not be a new organization, simply a new working group to develop targeted programming.

The Enterprise Modernization Project continues to move forward. The crossover from the old FileNet system to the new technology will take place over the weekend with several departments participating in testing the system before the new system goes live on Monday morning, June 26, 2017.

The Chairman also reported that the Commission will be hiring a new Secretary II position to work with Danyela to help with preparing for possible future retirements coming in the Hearing Division. The Chairman reminded the Commissioners of the SAWCA conference coming up in July.

Dr. Reichmister discussed a recent FDA crackdown on unproven stem cell therapy. Stem cell clinics have been opening all over the country with unproven results to the therapy.

Commissioner Godwin discussed settlements with MSA's that simply advise the claimants to "invest wisely." Discussion was held regarding all states endorsements and, if MD is specifically listed as a 3c

state, pre MIA Regulations, it is not necessary for the carrier to be approved to write workers' compensation insurance in this state. Discussion was also help regarding claimants needing assistance with a medical only claim after all indemnity has been paid. The Chairman reminded the Commissioners that the claimants may follow-up with the Bar Associations in MD to request some pro-bono help.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Evans and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, July 06, 2017

Call to Order: Chairman Aumann called the meeting to order at 9:35 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Lauren Godwin, Cynthia Miraglia, Maureen Quinn, Delia Turano Schadt, Tracey Warren and Jeffrey Weinberg. Also attending were Stacey L. Roig, Secretary, Amy Lackington and Dr. Jerome Reichmister.

Approval of Minutes: The Minutes of the June 22, 2017 Commission meeting were reviewed upon motion of Commissioner Adams and second of Commissioner Godwin the Minutes, were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reminded the Commissioners that the SAWCA conference begins July 10th. The Enterprise Modernization Project continues to move forward. The crossover from the old FileNet system to the new technology is complete and some issues do remain; however, the IT Division is working through them. The Employee Education and Appreciation Day event is scheduled for August 24, 2017 immediately following the Commissioners' meeting. Please plan to attend the event.

Old Business: Chairman Aumann reported that he will be discussing the delicate subject of appropriate behavior in the hearing room at the breakfast with the Commissioners in Ocean City at the MWCEA Convention. Commissioner Warren discussed pro-se claimants with medical claims after the indemnity has been paid. The Commission will continue to refer those claimants to the Bar Associations for assistance.

New Business: Stacey Roig reported that the MSIECA Luncheon with the Commissioners is scheduled for September 14th. Commissioners Weinberg, Schadt, Warren, Quinn and Adams will plan to join Chairman Aumann at this event.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Godwin and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, July 27, 2017

Call to Order: Chairman Aumann called the meeting to order at 9:35 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Cynthia Miraglia, Jeffrey Herwig, Maureen Quinn, Tracey Warren and Jeffrey Weinberg. Also attending were Mary Ahearn, Amy Lackington, Dr. Jerome Reichmister and Stacey L. Roig, Secretary,

Approval of Minutes: The Minutes of the July 6, 2017 Commission meeting were reviewed upon motion of Commissioner Adams and second of Commissioner Warren the Minutes, were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported that the SAWCA Conference was an excellent program, including a mock hearing on how to properly handle the claimant throughout the process. The National Judges' conference begins in August in Orlando. Several Staff members will also be attending the WCI conference this year. The Enterprise Modernization Project is moving along. The Proposal Evaluation Committee is reviewing the proposals that were received. The Chairman also announced that Robert Zarbin passed away and Judge Green has named James McAllister as conservator of his cases. The Compliance dockets that have been generating fines are finally starting to be collected by the Uninsured Employers' Fund.

Old Business: Commissioner Weinberg reported on an attorney settling claims and bringing in the SIF later after the settlement has been approved.

New Business: Scott Curtis reported that the Department of Labor, Licensing & Regulation has clarified their position on subpoenas for Unemployment Insurance records due to their Memorandum of Understanding with USDOL and the IRS. The MOU has strict privacy provisions allowing records to be viewed only with a court order or if the claimant requests the records and provides them to the defense counsel. The Commission will adjust procedures as needed with this change. Stacey Roig reported that the MSIECA Luncheon with the Commissioners scheduled for September 14th has been changed to November 9th. Commissioners Weinberg, Schadt, Warren, Quinn, Miraglia, Herwig and Evans will plan to join Chairman Aumann at this event.

Mary Ahearn reported on the UEF Questionnaires not being completed and hearing was set or an Emergency hearing was granted. Employer Questionnaires not being completed will not hold up a hearing, but the Claimant Questionnaire will. Chairman Aumann discussed a SIF case that was remanded to the Commission questioning the SIF Questionnaire and why it was needed if the threshold hasn't been met. Commissioner Weinberg discussed concerns regarding a settlement agreement with no Medicare set aside but possible future surgeries required.

Mary Ahearn reported on the NFL docket procedures. Ms. Ahearn asked the Commissioners to instruct the parties to withdraw their issues and refile after July 1st In order to prevent the case from being reset. Requests for continuations should be reviewed carefully and be granted only for meritorious reasons.

Scott Curtis, Principal Counsel reported on a minor change to the Death Benefits Regulation (14.09.02.04) and requested approval of the Commissioners. Upon a motion by Commissioner Adams

and a second by Commissioner Miragila and upon a unanimous vote, the Regulation change was approved.

Mary Ahearn also reported that the Interpreter cases are being followed closely for quality.

Medical Alerts: Dr. Reichmister reported on various medical findings and alerts. Heartburn drugs available over the counter have shown a possible linkage to long term increased morbidity. There is no evidence to show that the stem cell treatments being performed for various conditions at specialty clinics are either safe or effective. Studies have shown that topical creams, including Tramadol, are ineffective for pain management because Tramadol must be taken orally to be effective. We are born with approximately 15,000 little hairs in our ears. They do not regenerate, which is what leads to hearing loss. New research has shown that the hearing hairs may be able to be regenerated. MRI findings may or may not be accurate in detecting damage. A recent study found that a patient who complained of pain in his right knee and no pain in his left knee had MRI findings that showed the same damage in both knees although only the right knee was causing pain.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Evans and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, August 10, 2017

Call to Order: Acting Chairman Godwin called the meeting to order at 9:37 a.m.

Present: **Acting** Chairman Godwin and Commissioners Patricia Adams, Kathleen Evans, Maureen Quinn, Delia Turano Schadt, and Jeffrey Weinberg.
Also attending were Mary Ahearn, Scott Curtis, Jerome Reichmister and Stacey L. Roig, Secretary,

Approval of Minutes: The Minutes of the July 27, 2017 Commission meeting were reviewed upon motion of Commissioner Adams and second of Commissioner Evans the Minutes, were approved with a unanimous vote.

Old Business: Mary Ahearn asked the Commissioners for an update on access to the Frederick Regional Site.

New Business: Scott Curtis reported that the appeal of Zakwieia v. Baltimore County Board of Education was denied by the Court of Appeals so the published opinion of the Court of Special Appeals stands. Commissioner Godwin discussed another potential offset case. Commissioner Godwin also discussed LE § 9-803 and a case that she recently heard.

Medical Alerts: Dr. Reichmister reported on an observational study over a 30 year period that looked at heavy, moderate and non-drinkers and found that heavy drinkers have significant issues with memory and spacial boundaries. Dr. Reichmister also reported that it is necessary to take the full dosage and course of antibiotics when fighting an infection; however, there are many infections that we don't know enough about to determine how much of an antibiotic is needed to kill it. A new diet is available to "Keep the Mind Sharp". The diet lists the foods you should eat and those foods to limit to potentially lower the risk of Alzheimer's by 35 – 53%. Dr. Reichmister also provided a handout with information on Plantar Fasciitis. The condition can lead to a heel spur where the inflammation takes place but rarely requires surgery.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Evans and, upon unanimous vote, the meeting was adjourned.

Lauren S. Godwin, Acting Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, August 24, 2017

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

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Lauren Godwin, Jeffrey Herwig, Cynthia Miraglia, Maureen Quinn, Delia Turano Schadt, Tracey Warren and Jeffrey Weinberg.

Also attending were Mary Ahearn, Steven Jones, Amy Lackington, Jerome Reichmister, M.D. and Stacey L. Roig, Secretary,

Approval of Minutes: The Minutes of the August 10, 2017 Commission meeting were reviewed upon motion of Commissioner Quinn and second of Commissioner Schadt the Minutes, were approved with a unanimous vote.

Closed Session: At 9:35 a.m., upon motion of Commissioner Quinn and second of Commissioner Herwig and upon unanimous vote, pursuant to GP §3-305 (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 discussion of self-insured employers' financial information.

ICR Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Goodwill Industries of the Chesapeake has requested the opportunity to join the self-insurance program. After discussion and a motion by Commissioner Aumann and a second by Commissioner Weinberg to table the request pending additional information from Goodwill Industries of the Chesapeake and, upon unanimous vote, the Commission approved the motion to table the request.

The meeting was reopened at 9:44 a.m., upon motion of Commissioner Adams and second of Commissioner Quinn and upon unanimous vote.

Chairman's Report: The Chairman reported that the Loss Cost data came in from NCCI and the data indicates a recommendation of premium decrease of 13.4% total premium decrease over the last three years has been over 28%. The Chairman, accompanied by Commissioner Schadt, presented the information to the Governor, who was pleased with the information. NCCI reported across the board decreases, including experience ratings and medical costs and, of particular note, the clerical worker mods were way down in terms of accident occurrences and that is the largest class of workers in Maryland's economy. The Chairman also reported that Virginia is moving to a Medical Fee Guide for 2018, which will be geographically driven so there will be 48 different guides based on county/geographic location within the state. Chesapeake Employers' Insurance is taking big steps to work on the opioid crisis with positive programs and advertising. Most dockets have a carrier request for a claimant to be weaned off opioids. The Chairman reported that the NAWCJ conference in Orlando, FL was very good. Several Commissioners and staff members were present at the conference. The Commission has reached the end of the process for selecting the firm that will provide the personnel for our Enterprise Modernization Project. The Evaluation Committee worked hard and did an excellent job in working through the evaluation process. The Evaluation Committee's selection has been submitted to DOIT for review and final approval. The Commission has been a test case for DOIT in using the "Agile" process allowing the Commission to run the new system parallel to our current system as we work through the project. This method allows for a flexible system as it is built, as opposed to building the new system and then

unveiling 5 years later and it is outdated before we start using it. We will have about 5 to 7 new people in the Downtown office and they will be housed in the Support Services area on the 7th floor.

Old Business: No Report

New Business: Commissioners Herwig, Quinn and Adams reported problems with the 5th floor printer. There are 19 users and one copier/printer. Mary Ahearn will discuss options with Fiscal Services. Commissioner Adams also requested that a 2nd printer at Beltsville be considered. Mary Ahearn reminded the Commissioners to contact Fiscal Services with issues and requests regarding facilities, including the Regional Sites.

Medical Alerts: Dr. Reichmister provided information regarding medical marijuana and the degree of its effectiveness in relieving pain.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Godwin and, upon unanimous vote, the meeting was adjourned to the 3rd Floor Meeting Space for the Employee Training and Appreciation Event.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, September 14, 2017

Call to Order: Chairman Aumann called the meeting to order at 9:32 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Jeffrey Herwig, Maureen Quinn, Delia Turano Schadt, Tracey Warren and Jeffrey Weinberg.
This is a joint meeting of Commissioners, Commissioner Assistants and Support Services. The complete attendance list is attached to the Minutes in a separate sheet.

Approval of Minutes: The Minutes of the August 24, 2017 Commission meeting were reviewed upon motion of Commissioner Herwig and second of Commissioner Adams the Minutes, were approved with a unanimous vote.

Chairman's Report: The Chairman reported that the MD Insurance Administration has approved the premium decrease as recommended by NCCI, which is the most substantial decrease in premium for MD employers in many years. NCCI's State Advisory Forum was held on September 12th and was very informative about State and Federal issues. The elevators continue to be a problem but DGS is working with building management to fix the issues. In the meantime, watch your step entering and exiting the elevators. The Chairman reported that the Enterprise Modernization Project has suffered a slight setback because the contract that was evaluated and approved by the WCC Evaluation Committee was not approved by DoIT. The WCC will resubmit the contract with changes and through the Board of Public Works, which will provide the opportunity for an open contract bidding system and possibly more bids that will better meet our needs.

The Employee Training and Appreciation Day event was a great event and the survey results showed how much it was enjoyed by all. Scott Curtis, Principal Counsel, is working on an important legislative change for the 2018 session, regarding the MD Public Information Act (MPIA) and the exclusion of certain claim data, similar to the exclusions granted some other state agencies. The Chairman reminded the Commissioners of the MWCEA Conference beginning September 17th, the IAIABC Convention beginning on October 2nd and the SAWCA All Committee Conference beginning on November 14th.

Old Business: No Report

New Business: Discussion was held regarding the implementation of HB1484 – Medical Benefits – Payments of Medical Services & Treatments. The new law sets a time limit that medical providers have to submit bills to an employer or insurer for payment. Providers will have the later of one (1) year from the date of service or one (1) year since the claim was accepted by the employer/insurer or one (1) year after the Commission has accepted/ordered the claim to be compensable. The Commission will continue to use the C-51 process with no changes to the C-51 form. If the insurance carrier raises the issue of timing on the invoice from the Provider, the case will be set-in for a hearing using the C-51 process. The new law becomes effective on October 1, 2017 so, services provided October 1, 2017 or later will be subject to the law changes. Information will be posted to the Commission website.

Scott Curtis, Principal Counsel, discussed COMAR 14.09.08.06, which are the Regulations implementing HB1484. The Regulations were presented to the Commissioners for review and are to be published in December 2017. A motion to accept the Regulations was made by Commissioner Herwig with a second from Commissioner Weinberg and a unanimous vote by the Commissioners.

The Commissioners discussed their topics for the Breakfast with the Commissioners at the MWCEA Convention on September 20th.

Christina White raised a question on behalf of the Commissioner Assistants regarding the calculation of attorney fees and submitting expenses for reimbursement. After a discussion, it was determined that all of the Commissioners handle the issue differently but, if the documents submitted by the attorney for expense reimbursement are not correct, the reimbursement request should be rejected.

Mary Ahearn reported that an additional printer has been placed on the 5th floor temporarily until a better solution can be found. Facsimile technology is not as up to date as other options. Fiscal Services is working on the situation.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Herwig and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Staff Attendees to the September 14, 2017 Commissioners' Meeting

Name	Division
Mary Ahearn	Executive
Amy Lackington	Executive
Stacey L. Roig	Executive
Melody Harrison	Hearing
Danyela Vick	Hearing
Millette Murray-Wright	Hearing
Derick Park, Jr.	Hearing
Christina White	Hearing
Marcie Orzewicz	Hearing
Kathy Birkhead	Hearing
Delecia Pulliam	Hearing
Cindy M. Cauthorne	Hearing
Dr. Jerome Reichmister	Medical Director
H. Scot Curtis	Office of the Attorney General
Theresa Cornish	Operations
Janet Vanderpuije	Support Services
Regina Brown	Support Services
Loretta Hicks	Support Services

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, October 12, 2017

Call to Order: Chairman Aumann called the meeting to order at 9:37 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, Lauren S. Godwin, Jeffrey Herwig, Cynthia S. Miraglia, Maureen Quinn, Delia Turano Schadt, and Jeffrey Weinberg. Also attending were Mary Ahearn, Steven Jones, Scott Curtis, Amy Lackington, Dr. Jerome Reichmister and Stacey L. Roig, Secretary

Approval of Minutes: The Minutes of the September 14, 2017 Commission meeting were reviewed and upon motion of Commissioner Weinberg and second of Commissioner Evans the Minutes, were approved with a unanimous vote.

Closed Session: At 9:38 a.m., upon motion of Commissioner Evans and second of Commissioner Weinberg and upon unanimous vote, pursuant to GP §3-305 (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 discussion of self-insured employers' financial information.

ICR Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting (ICR) Division that Tyson Foods has requested adding two subsidiaries, Advance Foods and AdvancePierre Foods, Inc., into the self-insurance program. After discussion and a motion by Commissioner Quinn and a second by Commissioner Herwig and, upon unanimous vote, the Commission approved the two subsidiaries into the program effective September 30, 2017.

Exelon Corporation has requested adding three subsidiaries, PEPCO, Delmarva Power & Light and PHI Service Co., into the self-insurance program. After discussion and a motion by Commissioner Miraglia and a second by Commissioner Quinn to approve the request with no change in security for PHI Service Co., effective October 23, 2017, and upon unanimous vote, with Commissioner Lauren Godwin abstaining, the Commission approved the motion. Further discussion ensued with regard to PEPCO and Delmarva Power & Light, regarding transferability of the existing self-insurance security deposits, status of existing claims and claims not yet filed, and assumption of claims by Exelon, Chairman Aumann made a motion to table the decision until ICR can obtain additional information regarding the transfer of the current self-insurance status of Delmarva Power & Light into the Exelon self-insurance program. The motion was seconded by Commissioner Quinn. After unanimous vote with Commissioner Lauren Godwin abstaining, the motion was approved. Chairman Aumann then made a motion that the Commission table the decision for PEPCO also pending receipt of additional information regarding the transfer of its existing self-insurance program to Exelon and the motion was seconded by Commissioner Evans. The motion was approved after a unanimous vote with Commissioner Lauren Godwin abstaining.

Mr. Jones presented a request for decrease in security from Western & Southern Life Insurance Co. After discussion, Commissioner Quinn made a motion to fully release all security. The motion was seconded by Commissioner Godwin and, after a unanimous vote, the motion was approved.

The meeting was reopened at 10:00 a.m., upon motion of Commissioner Weinberg and second of Commissioner Miraglia and upon unanimous vote.

Chairman's Report: The Chairman offered his condolences to Commissioner Schadt and her family on the death of her father-in-law. The MWCEA annual convention was a success. Frank Lipshultz is the Program Chair for 2017. The SAWCA All Committee Conference in Hilton head November 13-16. The chairman asked the Commissioners to look at future conference dates for availability. The Budget Advisory Committee and Fee Guide Committee meetings are also today (10/12/17). The Annual Report will be presented at the December meeting of the Oversight Committee in Annapolis. The Enterprise Modernization Project has suffered a setback but the staff continues to move forward while the full RFP process continues. The Chairman reminded the Commissioners that when changes are made to travel plans, especially last minute, there is a cost associated with the changes and please mindful of this cost before making travel plans.

Old Business: Commissioner Miraglia discussed some cases and situations that she has started to observe to be happening more frequently.

New Business: Dr. Jerome Reichmister provided a few medical alerts concerning Fentanyl patches, Opioid use after certain medical procedures, exercise for musculoskeletal pain and Chronic Fatigue Syndrome.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Schadt and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, October 26, 2017

Call to Order: Chairman Aumann called the meeting to order at 9:34 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, Lauren S. Godwin, Jeffrey Herwig, Cynthia S. Miraglia, Delia Turano Schadt, and Jeffrey Weinberg. Also attending were Mary Ahearn, Steven Jones, Scott Curtis, Amy Lackington and Stacey L. Roig, Secretary

Approval of Minutes: The Minutes of the October 12, 2017 Commission meeting were reviewed and upon motion of Commissioner Herwig and second of Commissioner Weinberg the Minutes, were approved with a unanimous vote.

Closed Session: At 9:37 a.m., upon motion of Commissioner Weinberg and second of Commissioner Evans and upon unanimous vote, pursuant to GP §3-305 (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 discussion of self-insured employers' financial information.

ICR Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting (ICR) Division that Barrett Business Services, Inc. requires an increase in the security deposit. After discussion and a motion by Chairman Aumann and a second by Commissioner Herwig and, upon unanimous vote, the Commission approved the increase.

Mr. Jones also reported that Potomac Electric Power Company (PEPCO) requires an increase in security deposit that is unrelated to the Exelon subsidiary request pending before the Commission. After discussion and a motion by Commissioner Miraglia and a second by Commissioner Herwig and, upon unanimous vote, the Commission approved the increase.

Mr. Jones discussed the additional information requested by the Commissioners regarding the additional subsidiaries requested to be added to the Exelon self-insurance program. The additional subsidiaries are existing self-insured entities with the Commission. After discussion and a motion by Commissioner Herwig and a second by Commissioner Evans to table the request to allow for the opportunity to explore all exposures before assessing or approving the request, the Commission approved the motion after a unanimous vote, with Commissioner Lauren Godwin abstaining.

The meeting was reopened at 9:56 a.m., upon motion of Commissioner Weinberg and second of Commissioner Herwig and upon unanimous vote.

Chairman's Report: The Chairman reported that there has been an increase in the backlog of cases, which appears to be due to an increase in requests for continuances and, on some dockets up to 70% of the cases on the docket are being continued. When a case is continued, 90 days later, they are back on the docket and the backlog continues to grow. The Chairman asked the Commissioners to please remember to follow all rules for continuances because the number of continuances being granted is having a negative impact on docketing and setting cases. Issues Withdrawn is different because Issues Withdrawn pulls the case out of line. The Chairman also reminded the Commissioners that hearings begin at 9:30am. The time was specifically chosen to allow for traffic, buildings being open, etc. On very rare occasions, a

Commissioner may start early but, no one is to be chastised for being “late” because the Commission started early.

Old Business: Stacey Roig reminded the Commissioners of the MSIECA Luncheon on November 9th. She will email all Commissioners for their RSVP. Please respond promptly so that MSEICA will have an accurate count.

New Business: Commissioner Miraglia discussed a medical marijuana case and reminded the Commissioners that the MD State bar Association is doing a program on medical marijuana. The Chairman suggested that the discussion be held until the November 9th meeting when Dr. Reichmister, the Commission’s Medical Director, will be present and the discussion can be more in depth. Commissioner Schadt discussed a case with a request for Narcan.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Miraglia and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, November 9, 2017

Call to Order: After a quorum was reached, Chairman Aumann called the meeting to order at 10:46 a.m. Due to a special hearing, Commissioners arrived as they were able to after the hearing completed.

Present: Chairman Aumann and Commissioners Kathleen Evans, Cynthia S. Miraglia, Maureen Quinn and Delia Turano Schadt. Also present were Commissioners Lauren S. Godwin, Jeffrey Herwig and Jeffrey Weinberg. Staff members attending were Mary Ahearn, Steven Jones, Scott Curtis, Amy Lackington, Dr. Jerome Reichmister and Stacey L. Roig, Secretary

Approval of Minutes: The Minutes of the October 26, 2017 Commission meeting were reviewed and upon motion of Commissioner Evans and second of Commissioner Schadt, the Minutes, were approved with a unanimous vote.

The Chairman welcomed Mr. Frank Lipshultz, 2018 Program Chair for the MWCEA Annual Convention, to speak to the Commissioners about the 2018 Program content. The group discussed various topics and made suggestions on format for the consideration of the Program Committee.

New Business: Chairman Aumann asked Dr. Reichmister to open the discussion on medical marijuana. Dr. Reichmister presented a Primer on medical marijuana and various studies done on Cannabis from the June 2015 Journal of the American Medical Association ("JAMA"). Dr. Reichmister also provided several Factoid sheets regarding recent studies on the effects of medical cannabis. The Chairman asked Mr. Curtis to speak to the Assistant Attorney General of the Medical Cannabis Commission and/or the Department of Health on the parameters of the law and the Regulations and report back to the Commissioners.

Commissioner Weinberg announced to the Commissioners that the MWCEA presentation of the Porth Award to Commissioner Mark Vincent has been moved to January 18, 2018 at 2:30pm on the 4th floor. He asked all the Commissioners to try to come to the city from wherever they have hearings for this presentation. The presentation was specifically moved to January due to several Commissioners being at the SAWCA conference on the previously scheduled date.

Closed Session: At 10:47 a.m., upon motion of Commissioner Herwig and second of Commissioner Quinn and upon unanimous vote, pursuant to GP §3-305 (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 discussion of self-insured employers' financial information.

ICR Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting (ICR) Division that Goodwill Industries of the Chesapeake, Inc. has applied to enter the self-insurance program with the Commission. After discussion and a motion by Commissioner Herwig and a second by Commissioner Quinn and, upon unanimous vote, the motion was approved.

Mr. Jones discussed the additional information requested by the Commissioners regarding the subsidiaries requested to be added to the Exelon self-insurance program and the required security deposit. The additional subsidiaries are existing self-insured entities with the Commission. Mr. Jones presented information regarding the security deposits of the individual entities and presented feedback from other states on best practices in this type of situation. After discussion and a motion by Chairman Aumann and

a second by Commissioner Herwig to approve the request to add the subsidiaries with a combined security deposit, the Commission approved the motion after a unanimous vote, with Commissioner Lauren Godwin abstaining.

Mr. Jones also reported that FedEx Ground Package Systems, Inc. requires an increase in security deposit. After discussion and a motion by Commissioner Miraglia and a second by Commissioner Herwig and, upon unanimous vote, the Commission approved the increase.

The meeting was reopened at 10:55 a.m., upon motion of Commissioner Miraglia and second of Commissioner Weinberg and upon unanimous vote.

Chairman's Report: The Chairman reported that the SAWCA Conference is the following week and several Commissioners will be attending. The Chairman also discussed the Staff Holiday Party and requested that donations be made as soon as possible to help underwrite the cost of the event. The chorus from Baltimore City College will be the entertainment at the party and the Chairman also asked for donations to provide an honorarium to the chorus.

Old Business: No Report

Adjournment: Upon a motion by Commissioner Schadt and second by Commissioner Quinn and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, December 14, 2017

Call to Order: Chairman Aumann called the meeting to order at 9:47 a.m.

Present: Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Lauren Godwin, Jeffrey Herwig, Cynthia Miraglia, Maureen Quinn, Delia Schadt, and Jeffrey Weinberg. Staff members attending were Mary Ahearn, Scott Curtis, Steven Jones, Dr. Jerome Reichmister and Amy Lackington, Acting Secretary

Approval of Minutes: The Minutes of the November 9, 2017 Commission meeting were reviewed. Upon motion of Commissioner Herwig and second of Commissioner Quinn the Minutes were approved with a unanimous vote.

Closed Session: At 9:50 a.m., upon motion of Commissioner Adams and second of Commissioner Weinberg and upon unanimous vote, pursuant to GP §3-305(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 discussion of self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division regarding an increase in security for LifeBridge Health, Inc. After discussion by the Commissioners and a motion by Commissioner Herwig and seconded by Commissioner Adams and a unanimous vote, the Commission approved the increase.

Mr. Jones reported that Johns Hopkins Health System Corporation requires an increase in security deposit. After discussion by the Commissioners and a motion by Commissioner Herwig and seconded by Commissioner Miraglia and a unanimous vote, the Commission approved the increase.

Mr. Jones reported that Wegmans Food Markets, Inc. requires an increase in security deposit. After discussion by the Commissioners and a motion by Commissioner Adams and seconded by Commissioner Evans and a unanimous vote, the Commission approved the increase.

Mr. Jones reported that Baltimore Washington Medical Center requires an increase in security deposit. After discussion by the Commissioners and a motion by Commissioner Miraglia and seconded by Commissioner Schadt and a unanimous vote, the Commission approved the increase.

Finally, Mr. Jones reported that Trinity Health Corporation requires an increase in security deposit. After discussion by the Commissioners and a motion by Commissioner Herwig and seconded by Commissioner Miraglia and a unanimous vote, the Commission approved the increase.

The meeting was reopened at 10:01 a.m., upon motion of Commissioner Weinberg and second of Commissioner Adams and upon unanimous vote.

Chairman's Report: Chairman Aumann discussed the Oversight Committee meeting which took place on December 4, 2017. Present at the Oversight Committee meeting were members of the trial lawyer's group who raised the issue of payment of attorney fees in post-permanency hearings on medical treatment. The trial lawyers suggested that regulations be put in place that the fee is to be paid by the insurance carrier. Chairman Aumann countered this argument with a suggestion to implement a pro bono program to assist those in need which in turn would be a good mentoring program for young lawyers.

The Chairman added that this also applies in cases where an attorney dies, is disbarred, retires, etc. A program should be implemented that is tailored to meet all of these needs. Chairman advised that Delegate Sally Jameson is retiring and will not seek re-election. The Chairman reported to the Oversight Committee that the Commission's continuing study of the doctor dispensing and associated costs shows a small decrease in volume and cost over the past 4 years. NCCI gave a presentation on the continuing use of opioids which indicated that older claims/cases show the highest opioid dispensing rates. The Chairman would like to meet with carrier representatives and have them review their older claims.

Old Business: Commissioner Godwin advised the Commissioners that medical marijuana dispensaries are up and running. Discussion was held on the use of Cialis, etc., for people with high blood pressure. Mary Ahearn reported on a new infrastructure in place at the Beltsville hearing location.

New Business: Dr. Reichmister gave a presentation on late complications of disc replacement and "man-flu" syndrome. Commissioner Weinberg discussed inconsistencies in the decision issued by the Court of Special Appeals regarding wage garnishments.

Adjournment: Upon a motion by Commissioner Weinberg and second by Commissioner Quinn and, upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Amy S. Lackington, Acting Secretary