

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, January 11, 2018**

**Call to Order:** Chairman Aumann called the meeting to order at 9:36 a.m.

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

**Approval of Minutes:** The Minutes of the December 14, 2017 Commission meeting were reviewed. Upon motion of Commissioner Weinberg and second of Commissioner Quinn the Minutes were approved with a unanimous vote.

**Closed Session:** At 9:37 a.m., upon motion of Commissioner Adams 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.

**IC & R Report:** Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division a request from Perdue Farms, Inc. to add a subsidiary to their self- insurance program. After discussion by the Commissioners and a motion by Commissioner Warren and seconded by Commissioner Adams and a unanimous vote, the Commission approved the additional subsidiary with the requirement to add the new subsidiary to the excess policy and no change to the security deposit with the Commission.

**The meeting was reopened at 9:40 a.m., upon motion of Commissioner Quinn and second of Commissioner Herwig and upon unanimous vote.**

**Chairman's Report:** Chairman Aumann offered congratulations to Commissioners Godwin and Miraglia for their upcoming induction as Fellows in The College of Workers' Compensation Lawyers. The induction will take place in March at the joint meeting of the College of WC Lawyers, the NAWCJ and the ABA Workers' Compensation section. The Chairman announced that there will be several retirements taking place across the Commission throughout this upcoming year and reminded the Commissioners that the changes will affect everyone. He asked that the Commissioners make themselves available for interview panels when requested. The Chairman reported that a full Request for Proposal (RFP) is now out on the street for bidders for the Enterprise Modernization Project. The 2018 Legislative session is underway and there is proposed legislation that was presented at the Oversight Committee meeting. Resolution to some of the issues may be possible without legislation. The Budget Committee meetings have been set for early February. The Chairman also reported that 2018 is a legislative audit year and the auditors are expected to arrive sometime in the Spring of 2018. The 2018 conference schedules are out and the Chairman asked the Commissioners to work on coordinating schedules for the SAWCA All Committee Conference in November so that all Commissioners attend this conference. It is expected to be another excellent program that will benefit all Commissioners. The Chairman gave kudos to the Event Committee and its work on the Holiday Party in December. He also thanked the Commissioners for their generosity for not only the cost of the party but also the extra contribution for the City College Concert Choir to come and perform for the staff.

**Old Business:** Commissioner Weinberg reminded the Commissioners that the Porth Award will be given to Recall Commissioner Mark Vincent on January 18<sup>th</sup> on the 4<sup>th</sup> floor. Several Commissioners announced their intention to be in the city to attend.

**New Business:** Commissioner Godwin reported that Mitch Gordon, a Board Member of Kids Chance, will be meeting with her to discuss opportunities for the Commissioners to be involved with Kids Chance.

Commissioner Warren asked about proper protocol on snow days when attorneys or the Interpreters arrive at a hearing with small children.

Dr. Reichmister discussed several medical alerts including stem cells, medical marijuana and recreational marijuana and the “new normal” blood pressure levels.

Commissioner Weinberg discussed LE §503(e) and the calculation of offset retirement benefits.

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

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, January 25, 2018**

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

**Present:** Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Lauren Godwin, Jeffrey Herwig, Maureen Quinn, Delia Schadt, and Tracey Warren. Staff members attending were Mary Ahearn, Scott Curtis, Amy Lackington and Stacey L. Roig, Secretary

**Approval of Minutes:** The Minutes of the January 11, 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:** Chairman Aumann asked Scott Curtis, Principal Counsel to report on the status of Proposed Regulation changes, which will be voted on at the February 8, 2018 meeting. Mr. Curtis reported that most of the changes simply allow the Commission to send notices and other communications through electronic means and not just by mail service. In addition, there are proposed changes to the Strike Appearance process and forms. The Chairman reported that the Enterprise Modernization RFP has been approved and the pre-proposal meeting was held with an excellent turnout of possible bidders. The Commission remains hopeful that several proposals will be submitted for evaluation. Technology upgrades have begun in Abingdon and, if successful, will be done at the other regional sites. The Chairman reminded the Commissioners that the Commission Budget Hearings will be held in mid-February. The Trial Lawyers are sponsoring a program on opioids and marijuana in March and are requesting Commissioner participation with the program.

**Old Business:** Commissioner Herwig reported that he recently served on an interview panel for a new Court Reporter. Commissioner Warren reported that she had some case files that were not listed on her docket. She also discussed a permanency situation where a stipulation should have been filed. Commissioner Godwin discussed the missed IME fee.

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

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, February 8, 2018**

**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, Maureen Quinn, Delia Schadt, and Jeffrey Weinberg. Commissioner Tracey Warren was present but arrived after the opening and closing of the meeting for the IC & R Report. Staff members attending were Mary Ahearn, Scott Curtis, Steven Jones, Amy Lackington and Stacey L. Roig, Secretary

**Approval of Minutes:** The Minutes of the January 25, 2018 Commission meeting were reviewed. Upon motion of Commissioner Weinberg and second of Commissioner Quinn the Minutes were approved with a unanimous vote.

**Closed Session: At 9:35 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 a request from Lowe's Home Center LLC to add a subsidiary to their self- insurance program. After discussion by the Commissioners and a motion by Commissioner Miraglia and seconded by Commissioner Herwig and a unanimous vote, the Commission approved the additional subsidiary with the requirement to add the new subsidiary to the excess policy and no change to the security deposit with the Commission.

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

**Old Business:** No Report

**New Business:** Scott Curtis, Principal Counsel, reported on the insolvency of Guarantee Insurance in FL. There is a permanent stay in place and Mr. Curtis reminded the Commissioners that Property Casualty & Guaranty is only added as an "Other" party to the case, not substituted for the employer or insurer.

Mr. Curtis also requested final adoption of the following proposed regulations:

- 14\_09\_13\_02 04 (5162017) -Individual Employer Self-Insurer
- 14\_09\_01\_01 03 04 (7262017) - General Administrative
- 14\_09\_02\_02 (5152017) - Requirements for Filing Claims
- 14\_09\_02\_04 (6272017) - Death and Funeral Benefits
- 14\_09\_04\_01 02 03 (5152017) - Legal Representations and Fees
- 14\_09\_07\_02 07 (5152017) - Vocational Rehabilitation Practitioners
- 14\_09\_08\_06 (9122017) - Guide of Medical and Surgical Fees
- 14\_09\_10\_02 (5152017) - Settlements and Lump Sum Payments
- 14\_09\_12\_02 03 (5162017) - Responsibilities of Insurers

Only one comment was received from the public, which was from Property Casualty Insurers Association and Mr. Curtis responded to the comment that the Regulation was written based on an opinion from the Office of the Attorney General of MD. After discussion, a motion to adopt the proposed regulations was made by Commissioner Quinn and a second from Commissioner Miraglia. The proposed Regulations were approved with a unanimous vote.

**Chairman's Report:** Chairman Aumann discussed information from the 2018 Judicial Compensation Commission report. The Chairman reminded the Commissioners that the "Green Bag" appointments are due to be presented on February 16, 2018. The first hearings on proposed legislation for the 2018 legislative session are set to begin in the next week. The Budget Hearings for the Commission are scheduled for February 15 & 16, 2018.

Commissioner Herwig reported that he knows a student who would like to intern at the Commission about 10 hours per week. She currently works for CMS and is interested in workers' compensation. Mary Ahearn reported on several facilities issues with updates.

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

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, February 22, 2018**

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

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

**Approval of Minutes:** The Minutes of the February 8, 2018 Commission meeting were reviewed. Upon motion of Commissioner Godwin and second of Commissioner Miraglia the Minutes were approved with a unanimous vote.

**Chairman's Report:** Chairman Aumann announced that Commissioner Delia Turano-Schadt and Commissioner Jeffrey Herwig were included in the nominations from the Governor for reappointment to the Commission. The Oversight Committee meeting is scheduled for February 26, 2018 to review legislation that has been presented this session. Induction ceremonies for the Workers' Compensation College of Fellows will take place March 3, 2018. Commissioners Godwin and Miraglia are to be inducted into the college this year.

**New Business:** Commissioner Miraglia discussed the intricacies of the dependency calculations under the Death & Dependency Benefits. Commissioner Herwig discussed apportionment and a recent case and Dr. Reichmister explained the medical implications.

**Old Business:** No Report

**Medical Alerts:** Dr. Reichmister reported that recent studies have shown that E-cigarettes may be carcinogenic. Fusion surgery may not be successful in cases where e-cigarettes are being used by the patient. Vaping still has nicotine, which promotes lack of oxygen, which is a negative contributor in the success rate of fusion surgery. The use of blood tests for testing for concussion protocol has been approved. The blood test should be done as soon as possible and they can indicate if a CAT scan is needed. A new math musculoskeletal model is being developed and tested by the University of Pennsylvania for various parts of the body to determine indicators when an injury to one part of the body can affect another part of the body.

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

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, March 8, 2018**

**Call to Order:** Chairman Aumann called the meeting to order at 9:36 a.m.

**Present:** Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Lauren Godwin, Jeffrey Herwig, Maureen Quinn, Delia Schadt, Tracey Warren, and Jeffrey Weinberg. Staff members attending were Scott Curtis, Amy Lackington, and Dr. Jerome Reichmister.

**Approval of Minutes:** The Minutes of the February 22, 2018 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 requested the Commissioners keep their cellphones at hand on hearing days in case of emergency. The annual Joint Task Force seminar is taking place on June 12, 2018 and Chairman asked the Commissioners for a volunteer. Chairman and Commissioner Godwin attended the ABA Mid-Winter Conference in conjunction with the College of Workers' Compensation Lawyers Symposium March 1-3 during which Commissioner Godwin was inducted into The College of Workers Compensation Lawyers as a Fellow. Commissioner Miraglia, having been unable to attend, will be inducted into the CWCL in 2019. The trial lawyers testified before the legislature in support of SB0048 (Permanent Partial Disability-Correctional Officers) and indicated they would not ask for the presumption clause in future. The Chairman noted the absence of Mary Ahearn and Stacey Roig who were attending bid proposal meetings (RFP) in connection with the Enterprise Modernization Project. The Chairman said that a number of employees will be retiring in 2018 and the Commissioners may be called on to assist in the hiring process. Budget hearings went well; there are no changes to the Commission's budget. Commissioner Evans voiced her concerns about the lack of enhanced security at the hearing sites such as metal detectors. The Chairman said he would discuss the matter with Mary Ahearn.

**Old Business:** None.

**New Business:** Commissioner Schadt discussed a procedural inquiry she received from Jody Malcolm regarding parties that cannot agree upon a medical case manager assignment. The Commissioners discussed the Court of Special Appeals case circulated by Scott Curtis regarding the calculation of average weekly wage.

**Medical Alerts:** Dr. Reichmister provided a report on the use of vitamin and mineral supplements and gave updates on several other studies now taking place, including projects currently in the research phase.

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

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R. Karl Aumann, Chairman

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Amy S. Lackington, Acting Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, March 22, 2018**

**Call to Order:** Chairman Aumann called the meeting to order at 9:38 a.m.

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

**Chairman's Report:** Discussion was held regarding the upcoming workers' compensation related conferences. Topics were assigned to Commissioners for panel participation at the MWCEA conference. Chairman Aumann confirmed the reappointment of Commissioner Herwig and Commissioner Schadt to the Commission. Legislatively, the budget for the Commission was approved in both the House and the Senate. Maryland's Budget Bill has no federal tax change allowance built in which may increase taxes at the state level. An update was given on the status of the various Bills being monitored by the Commission, including corrections officers, wage stacking, self-insured fraud reporting, SIF third-party claims, and a credit for temporary total disability, regional pain management syndrome and concurrent employment.

**Old Business:** None.

**New Business:**

UEF: Commissioner Weinberg requested that UEF hearing notices be revised to alert all parties they can have an attorney present with them at the hearing to avoid continuances. Mary Ahearn said there was no room on the hearing notice for such language. Commissioner Adams suggested when cases come before the Commission and an attorney is needed by a party, the decision memo be annotated to reflect the party was advised to get an attorney and the case is continued. Commissioners should have their assistants pull prior decision memos on UEF cases to check for the annotation. Commissioner Godwin reminded everyone to also check for the annotation when a request for continuance has been filed. Discussion was held regarding cases which involve potential statutory employers.

Medical Ratings: Commissioner Godwin raised the problem of attorneys filing Issues without medical ratings in hand and then requesting a continuance because ratings were not available. It was suggested that the Issues form be revised for attorneys to check a box that ratings have been obtained. The question of enforcement was raised and Commissioner Miraglia suggested fining the offenders for filing frivolous issues, §9-734 – proceeding brought without any reasonable ground. Commissioner Adams suggested calling the offending attorneys. Mary Ahearn said the Issues form could be amended to indicate the “date of rating.” The Commissioners decided to postpone any changes to the form at this time.

Discussion was held about providing Recall Commissioners with recent case law. Discussion was held about the length of time to retain decision memos. Scott Curtis advised a record retention policy is being put in place to address this.

Duty Commissioner: Chairman Aumann advised the Commissioners to act on all issues brought before them when they are Duty Commissioner until at least 3:00 p.m. They are not to pass anything off to the next day's Duty Commissioner.



Procedural Fairness/Procedural Justice cards were handed out to all Commissioners and a discussion was held on the importance of civility in public service.

**Approval of Minutes:** The Minutes of the March 8, 2018 Commission meeting were reviewed. Upon motion of Commissioner Quinn and second of Commissioner Adams the Minutes were approved with a unanimous vote.

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

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R. Karl Aumann, Chairman

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Amy S. Lackington, Acting Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, April 12, 2018**

**Call to Order:** Acting Chairman Godwin called the meeting to order at 9:40 a.m.

**Present:** Acting Chairman Godwin and Commissioners Patricia Adams, Kathleen Evans, Jeffrey Herwig, Cynthia Miraglia, Maureen Quinn, Delia Schadt, Tracey Warren, and Jeffrey Weinberg. Staff members attending were Mary Ahearn, Amy Lackington, Scott Curtis, Steven Jones, Jerome Reichmister, MD and Stacey Roig, Secretary of the Commission.

**Approval of Minutes:** The Minutes of the March 22, 2018 Commission meeting were reviewed. Upon motion of Commissioner Adams and second of Commissioner Quinn the Minutes were approved with a unanimous vote.

**ICR Report:** Steven Jones, ICR Director, requested that the Commissioners obtain the Federal Employer Identification Number (FEIN) from the employers at Hearings involving the Uninsured Employers' Fund. The federal ID information is important for ICR to make follow-up contact for future compliance efforts.

**Old Business:** None.

**New Business:**

5<sup>th</sup> floor printer: Commissioners Adams and Herwig reported that the 5<sup>th</sup> floor printer/copier is overheating and jamming. Mary Ahearn reminded the Commissioners that the Assistants must report problems and put in service requests so that the maintenance record reflects a pattern of issues with the copier. Mary will discuss options with Fiscal Services.

Medical Alerts: Dr. Reichmister discussed several medical alerts, including driving while under the influence of cannabis; increased risk of developing hypertension; "23 and me" type genetic testing is good for heredity purposes, not medical risks and recent studies on back pain and opioid use vs. non-opioid use.

MSBA – Commissioner Schadt reported that the MSBA will be hosting a panel discussion entitled, "What Commissioners Want" on April 19<sup>th</sup> 4:00pm – 5:30pm in the Commission's 3<sup>rd</sup> floor meeting space. Commissioner Schadt asked all of the Commissioners to submit their suggestions for the discussion to her as soon as possible.

Happy Birthday to Dr. Jerry!

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

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Lauren S. Godwin, Acting Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, April 26, 2018**

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

**Present:** Acting Chairman Godwin and Commissioners Patricia Adams, Kathleen Evans, Cynthia Miraglia, Maureen Quinn, Delia Schadt, Tracey Warren and Jeffrey Weinberg.  
Staff members attending were Mary Ahearn, Amy Lackington, Scott Curtis, Jerome Reichmister, MD and Stacey Roig, Secretary of the Commission.

**Approval of Minutes:** The Minutes of the April 12, 2018 Commission meeting were reviewed. Upon motion of Commissioner Adams and second of Commissioner Miraglia the Minutes were approved with a unanimous vote.

**Old Business:** None.

**New Business:** None

**Medical Alerts:** Dr. Reichmister discussed several medical alerts, including electric cars and drivers with pacemakers or defibrillators; fish oil supplements and effectiveness of Calcium and Vitamin D supplements.

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

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Lauren S. Godwin, Acting Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, May 10, 2018**

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

**Present:** Chairman Aumann and Commissioners Patricia Adams, Kathleen Evans, Jeffrey Herwig, Cynthia Miraglia, Maureen Quinn, Delia Schadt, Tracey Warren and Jeffrey Weinberg. Staff members attending were Mary Ahearn, Amy Lackington, Scott Curtis, Jerome Reichmister, MD and Stacey Roig, Secretary of the Commission.

**Approval of Minutes:** The Minutes of the April 26, 2018 Commission meeting were reviewed. Upon motion of Commissioner Miraglia and second of Commissioner Weinberg the Minutes were approved with a unanimous vote.

**Chairman's Report:** The Chairman reported that he met with the new Baltimore City workers' compensation in-house legal team. Semmes will continue to handle all cases until July 1, 2018, when the new legal team will take over for the City. The Chairman asked the Commissioners to work with both Semmes and the City Law Department to keep the transition smooth for everyone.

As a result of several discussions with community members, the Chairman reminded all of the Commissioners that they are full time public servants and, our colleagues deserve the utmost respect and courtesy. When there are conflicts with places and times of hearings, the Chairman asked that reasonable accommodations, including reasonable time allowance to arrive from another location, be granted. If an attorney is in another hearing room or coming from another location, cases should not be dismissed or continued just because someone is not present at the time their case is called. Colleagues include the people with whom we work and people who appear before us and a lack of courtesy will not be tolerated. Special attention should be paid to how we treat everyone. The Chairman also discussed disfigurement cases when the injury might be to a body part that will require privacy and use of the back room for extra privacy is to be the procedure at all times.

The Chairman updated the Commissioners on the Enterprise Modernization Project. The RFP's are out on the street. The Commission is hoping for a strong response. The Evaluation Committee will make a recommendation for presentation and approval by the Board of Public Works at a future meeting.

**Old Business:** Commissioner Miraglia expressed her gratitude to Commissioner Adams for recently completing the docket of Commissioner Godwin to allow her to attend the burial of the mother of Commissioner Miraglia at Arlington National Cemetery.

**New Business:** Dr. Reichmister reported that Janet Vanderpuije discovered some duplicate billings for services. The invoices appeared to be identical and they have been set in for show cause hearings for the medical providers to show cause why the duplicate invoices should be paid.

The Commissioners discussed several cases.

**Medical Alerts:** Dr. Reichmister discussed several medical alerts, including concussions and the increased risk of dementia. An article in the Journal of Occupational and Environmental Medicine found unionized workers had a 51% higher chance of injury on the job, with no explanation as to why this was the case. Hospitals in the UK were found to be unable to handle the added strain and extra care needed for patients who were hospitalized during the flu epidemic this past winter. The facilities were not prepared for longer stays and additional patients who were suffering with the flu.

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

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, May 24, 2018**

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

**Present:** Chairman Aumann and Commissioners Patricia Adams, Lauren S. Godwin, Jeffrey Herwig, Cynthia Miraglia, Maureen Quinn, Delia Schadt, Tracey Warren and Jeffrey Weinberg. Staff members attending were Mary Ahearn, Amy Lackington, Scott Curtis, Jerome Reichmister, MD and Stacey Roig, Secretary of the Commission.

**Approval of Minutes:** The Minutes of the May 10, 2018 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 Commissioner Evans' husband was recovering well and she will be returning to take her dockets on Friday, May 25, 2018. He expressed his thanks to the Commissioners for their flexibility in re-assigning Commissioner Evans' dockets on short notice. The NCCI Conference was focused more on insurance issues than specific workers' compensation issues. Workers' Compensation insurance is a profitable line from an underwriting standpoint. Premium around the country continues to decline with 80% of the states seeing their premiums decline in the last couple of years. Time Magazine is looking at Post Traumatic Stress Disorder (PTSD) and public safety officers. The upcoming election may bring changes to the legislative committees that deal with workers' compensation and related legislation. It is expected that possibly 9 to 10 new Senators will be elected out of a total of 47. Senator Feldman and Delegate Valderrama will be attending the SAWCA Convention in July to keep them educated on the issues at hand in workers' compensation.

**Old Business:** No Report

**New Business:** Commissioner Godwin noted that the Regulations still reflect an IME no-show fee that is not consistent with the amount in the Medical Fee Guide. Scott Curtis, AAG, will address this with a clean-up Reg. The Commissioners discussed several cases. Commissioner Adams announced that her Assistant, Chris White will be retiring on June 29, 2018. There will be a luncheon for her on June 28<sup>th</sup>. Commissioner Miraglia discussed Yolanda Cheatham's retirement luncheon on June 14<sup>th</sup>.

Scott Curtis discussed Commission action on an Appeals Judge's Order and why the Commission maintains a 30 day waiting period to act. The Commissioners prefer to keep this policy decision so that when the Commission does act on the order, we know that the period to further appeal has passed.

**Medical Alerts:** Dr. Reichmister discussed several medical alerts, including an FDA approved drug used to manage symptoms of opioid withdrawal; certain antihistamines that can contribute to a higher risk of dementia or Alzheimer's and, findings that there is a genetic risk of addiction across all classes of alcohol and drugs.

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

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, June 14, 2018**

**Call to Order:** Chairman Aumann called the meeting to order at 9:36 a.m.

**Present:** Chairman Aumann and Commissioners Patricia Adams, Lauren S. Godwin, Jeffrey Herwig, Cynthia Miraglia, Delia Schadt and Jeffrey Weinberg.  
Staff members attending were Stacey Roig, Secretary, Amy Lackington and Dr. Jerome Reichmister.

**Guests:** Helene Genovese and Shaleen Halim, Interns working at the Commission through a program at the University of Baltimore. Commissioner Herwig explained the program and made introductions.

**Approval of Minutes:** The Minutes of the May 24, 2018 Commission meeting were reviewed. Upon motion of Commissioner Herwig and second of Commissioner Evans the Minutes were approved with a unanimous vote.

**Chairman's Report:** The Chairman reported that Commissioner Warren is out on medical leave and is recuperating. The Annual SAWCA Conference in Virginia will feature Senator Feldman, Delegate Jamieson and Delegate Valderrama on a panel to discuss legislation from the legislator's point of view. Commissioner Miraglia's Fellowship induction to the College of Workers' Compensation has been announced and will take place on March 16, 2019 in Coral Gables, FL. The Enterprise Modernization project is in the proposal evaluation stage. The Chairman reminded the Commissioners that there will be many changes with forms and procedures as the project moves forward. The Chairman discussed upcoming retirements of long-time Commission employees and then gave the floor to Commissioner Weinberg, who announced his retirement on June 30, 2018. Commissioner Weinberg thanked the Commission for the best eleven years of his life. A celebration is to follow.

**Old Business:** No Report

**New Business:** Commissioner Adams reported that while Healthcare Providers may file Issues electronically, they are not receiving hearing notices, nor are their attorneys receiving the notices. In addition, when the Issues are resolved, there is some question as to who is responsible for removing them from the case. Stacey Roig will discuss with Theresa Cornish, COO for resolution and procedures. Chairman Aumann asked the Commissioners to be consistent with the procedure as to hearing the case when attorneys are not present. If the medical provider does not have an attorney present and the carrier objects, the case is to be continued until the medical provider has Counsel. If there are no objections and the medical provider is present without counsel, the hearing may proceed. Commissioner Adams also brought to the attention of the Commissioners some attorney practices with interpreter cases. The Commissioners also discussed several cases.



Stacey Roig reported that the Employee Appreciation & Training Day is August 9<sup>th</sup>. Chairman Aumann asked the Commissioners to be sure to put it on their calendars. Commissioner Godwin reported that the Kids' Chance Golf Outing is also scheduled for August 9<sup>th</sup>. Commissioner Weinberg requested that an en banc hearing be set for a case with a claimant contract with the attorney for a medical only representation fee. Commissioner Weinberg did not want to issue an Order on this issue, given his retirement later this month. Commissioner Weinberg also asked that Recall Commissioners be added to the emails from the General Counsel to the Commission.

**Medical Alerts:** Dr. Reichmister discussed several medical alerts, including a new recommendation for colorectal cancer screenings at age 45, a new blood test to detect cancer in its very early stages, opioid deaths in the US and the largest group is the 25-34 age group, new cancer research and cell replacement and chiropractic treatments.

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

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, June 28, 2018**

**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 S. Godwin, Jeffrey Herwig, Cynthia Miraglia, Maureen Quinn, Delia Schadt, Tracey Warren and Jeffrey Weinberg.

Staff members attending were Mary Ahearn, Steven Jones, Scott Curtis, Dr. Jerome Reichmister and Stacey Roig, Secretary.

**Guest:** Shaleen Halim, Intern

**Approval of Minutes:** The Minutes of the June 14, 2018 Commission meeting were reviewed. Upon motion of Commissioner Herwig and second of Commissioner Evans the Minutes were approved with a unanimous vote.

**Chairman's Report:** The Chairman reported that the SAWCA Conference planning for the July 2018 Convention is complete. In addition to three members of the General Assembly, several Commissioners and staff will be attending the convention in VA. It is anticipated that there will be several new members to the General Assembly this November, which will impact committees, including Economic Matters and Senate Finance Committees. The Chairman plans to begin educating new legislators so that they can develop an understanding of what the Commission does and how we do it. The Chairman expressed his thanks and appreciation to Commissioner Weinberg for his years of service to the Commission and wished him well in his retirement.

**Closed Session:** At 9:48 a.m., upon motion of Commissioner Miraglia 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.

**IC & R Report:** Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division a request from Tyson Foods, Inc. to add a subsidiary to their self-insurance program. After discussion by the Commissioners and a motion by Commissioner Miraglia and seconded by Commissioner Herwig and a unanimous vote, the Commission approved the additional subsidiary.

The Chairman asked Mr. Jones to put together a list of the subsidiaries of Tyson Foods for the Commissioners.

**The meeting was reopened at 9:54 a.m., upon motion of Commissioner Quinn and second of Commissioner Evans and upon unanimous vote.**

**Old Business:** No Report

**New Business:** Commissioner Godwin presented information regarding the Attorney Fee Guide and a proposed change to how settlement fees are calculated.

Commissioner Quinn asked that the Commissioners table her discussion regarding Marinol as a substitute for opioid weaning.

Commissioner Herwig reported on a letter he received regarding independent contractor law in CA.

**Medical Alerts:** Dr. Reichmister reported that he is working on a radiology primer for the Commissioners so they have a quick guide for reference. Dr. Reichmister also discussed several medical alerts, including Vitamin D deficiencies and increased colorectal cancer risk; work related musculoskeletal injuries among surgeons, which include neck, shoulders and low back; Gastric Banding procedures that require revision 50% of the time; a possible connection between oral antibiotics being taken 3-12 months prior to kidney stones; increased stress could lead to increased risk for Crohn's disease and Celiac disease; and, the Herpes simplex virus has been found in the brains of Alzheimer's patients in 3 different studies.

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

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, July 19, 2018**

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

**Present:** Acting Chairman Godwin and Commissioners Patricia Adams, Kathleen Evans, Cynthia Miraglia, Maureen Quinn, Delia Schadt and Tracey Warren. Staff members attending were Mary Ahearn, Scott Curtis, Amy Lackington, Dr. Jerome Reichmister and Stacey Roig, Secretary.

**Approval of Minutes:** The Minutes of the June 28, 2018 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 9:36 a.m., upon motion of Commissioner Adams and second of Commissioner Schadt 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 on the employee counts and other financial information for Tyson Foods, Inc. and its subsidiaries.

**The meeting was reopened at 9:40 a.m., upon motion of Commissioner Miraglia and second of Commissioner Evans and upon unanimous vote.**

**Old Business:** No Report

**New Business:** Commissioner Miraglia discussed recent cases where the insurer did not pay the full hospital bill because they wanted to see the full breakdown of costs and the issue was raised at the hearing. Commissioner Miraglia asked Scott Curtis, Principal Counsel, to review the Regulations to possibly amend them to add language which will clarify that the Commission does not regulate hospital costs. The Commissioners then discussed several cases. Commissioner Quinn discussed some changes in political party leadership in the MD General Assembly. Commissioner Godwin discussed upcoming changes to the hearings calendar. Stacey Roig reported that the MSEICA Luncheon with the Commissioners is scheduled for Thursday, September 13<sup>th</sup> at The Grand on Charles Street. Several Commissioners expressed interest in attending.

**Medical Alerts:** Dr. Reichmister discussed several medical alerts, including Marijuana addiction; Herpes virus found in the brains of Alzheimer's patients; the benefits vs. risks of a partial meniscectomy for partial meniscus tears; risks and effects of 3<sup>rd</sup> hand smoke and 83 studies regarding risk thresholds with alcohol use.

**Adjournment:** Upon a final adjournment co-motion by Commissioners Schadt and Herwig and second by Commissioner Evans and, upon unanimous vote, the meeting was adjourned.

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Lauren S. Godwin, Acting Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, August 9, 2018**

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

**Present:** Chairman R. Karl Aumann and Commissioners Patricia Adams, James Forrester, Cynthia Miraglia, Maureen Quinn, Delia Schadt and Tracey Warren. Staff members attending were Mary Ahearn, Scott Curtis, Amy Lackington, Dr. Jerome Reichmister and Stacey Roig, Secretary.

**Approval of Minutes:** The Minutes of the July 19, 2018 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 Employee Training and Appreciation event will begin after the meeting with a nice program for the day and lunch will be served. He reminded the Commissioners that this is an official function of the Commission and all are expected to attend. The SAWCA convention went well in VA and the Chairman was named to an At-Large position on the Board. He is working on bringing SAWCA to Maryland. The Commissioners offered several suggestions for locations. The WCI Conference in FL in August will have many staff members attending the National Regulators College, a program that is put together by SAWCA with WCI. The Chairman reported that NCCI presented the Loss Cost filing to the MD Insurance Administration (MIA), which recommended a 6.9% reduction in premium. Over the last four years, premium has reduced a total of 31%. The cost of claims is down and the impact of the benefit is up 1%, which indicates that benefits are rising, even with a decrease in premium. On August 22<sup>nd</sup>, the Commission will go before the Board of Public Works for its review of the RFP for the enterprise modernization project. The Chairman is hopeful that the RFP will be approved.

**Old Business:** No Report

**New Business:** A new freelance Interpreter has been hired contractually. The Commissioners who had worked with her commented on her experience and demeanor in the courtroom.

**Medical Alerts:** Dr. Reichmister discussed several medical alerts, including Sterol injections in place of steroids when a patient is diabetic. A few studies have looked at this plant derivative injection and found that Sterol provided no value for injections for musculoskeletal area. Studies have shown Sterol may be helpful in lowering serum cholesterol. Studies have found that there is a risk of using Depo Medrol in cervical spine injections. Studies have shown that use of a sauna 2-3 times per week can be beneficial to our health. A 23 year study has shown that drinking too much or too little alcohol has been linked to dementia.

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

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, August 23, 2018**

**Call to Order:** Chairman Aumann presided over the meeting by telephone and called the meeting to order at 9:31 a.m.

**Present:** Chairman R. Karl Aumann and Commissioners Patricia Adams, Kathleen Evans, James Forrester, Maureen Quinn and Delia Schadt.  
Staff members attending were Amy Lackington, Dr. Jerome Reichmister and Stacey L. Roig, Secretary.

**Approval of Minutes:** The Minutes of the August 9, 2018 Commission meeting were reviewed and Dr. Jerome Reichmister requested a correction to the Medical Alerts section. Upon motion of Commissioner Adams and second of Commissioner Evans, the Minutes, as corrected, were approved with a unanimous vote.

**Chairman's Report:** The Chairman reported that the Board of Public Works approved the Enterprise Modernization RFP on August 22<sup>nd</sup> so work can now begin in earnest. The Chairman thanked all of the RFP Evaluation Committee Members for their hard work. The NAWCJ conference was successful. Commissioner Schadt gave a presentation on ethics and Commissioners Forrester and Warren attended the conference and had the opportunity to learn a lot from the presentations. The Regulator's College was renamed in honor of Roger Williams, one of the founders of the Regulators College. Chairman Aumann will begin a two year term on the Board of the NAWCJ as an at-Large Board Member. The National Council of Insurance Legislators (NCOIL) is working on model legislation on prescription drugs and formularies and the Chairman has been asked to serve on a panel.

**Old Business:** No Report

**New Business:** Amy Lackington reported that international calls for telephonic hearings will be available in Hearing Room 409 only initially and in the other Hearing Rooms soon after 409 is up and running.

Stacey Roig asked the Commissioners about their MWCEA Breakfast with the Commissioners topics. The Chairman reported that he is working with the Program Chair for all topics this year. He asked that if there is a particular topic to be discussed, please let Amy Lackington know so that we can start a list of special requests for topics.

Commissioner Adams discussed suggested changes to the process when an Order NISI is issued by the Commission. Commissioner Quinn discussed rehearing requests. Chairman Aumann and Commissioner Evans discussed settlements and future medicals in certain cases they heard.

**Medical Alerts:** Dr. Reichmister discussed several medical alerts, including an MRI Primer that he has developed for the Commissioners. It will be presented at the September 13<sup>th</sup> meeting. A



recent article in the Journal of the American Medical Association (“JAMA”) looked at the complaints of brain injuries and hearing loss in US Diplomats in Cuba and expressed the opinion that the symptoms are the result of a mass psychogenic illness. The Ruddeman Foundation has completed a study that found that Firefighters, Police Officers and other first responders are more likely to commit suicide than to be killed in the line of duty. A 30 year study out of Denmark has concluded that traumatic brain injuries, including concussions and skull fractures, are tied to the onset of dementia. Opioid deaths have continued to increase since 2017, even surpassing death from diabetes. Late in life hypertension, left untreated, can lead to the development of Alzheimer’s disease. Recent studies have shown that Perinatal marijuana use does affect the developing child and should not be used by pregnant and/or nursing women. Children born from mothers who used marijuana during pregnancy have been found to struggle with anger management issues, disturbed sleep patterns and depression. Multi-vitamins and mineral supplements have been found to have no positive impact on heart disease or prevent death from heart disease.

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

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, September 13, 2018**

**Call to Order:** Chairman Aumann called the meeting to order at 9:27 a.m.

**Present:** Chairman R. Karl Aumann and Commissioners Patricia Adams, Kathleen Evans, James Forrester, Jeffrey Herwig, Cynthia Miraglia and Delia Schadt. 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 August 23, 2018 Commission meeting were reviewed and, upon motion of Commissioner Miraglia and second of Commissioner Adams, the Minutes were approved with a unanimous vote.

**Chairman's Report:** The Chairman asked Mary Ahearn to provide an update on the Enterprise Modernization Project. The official kick-off of the project will follow the Commissioners' Meeting. The Legislative Auditors have been working at the Commission for several weeks and will be wrapping up their work soon. Audits are conducted every four (4) years. The Chairman reminded the Commissioners to sign up for their Breakfast with the Commissioners topics ASAP. The Chairman congratulated Commissioners Adams and Herwig on their upcoming retirements. Commissioner Herwig's last official day will be September 14<sup>th</sup> and Commissioner Adams will retire in October. The Governor's Appointments Office has indicated that they are ready to make an announcement but has not done so yet. The SAWCA Conference is scheduled for November in CO.

**Closed Session: At 9:35 a.m., upon motion of Commissioner Miraglia 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.**

**IC & R Report:** Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Exelon Corporation is requesting an increase in retention. After discussion and a motion to approve the increase by Commissioner Miraglia and seconded by Commissioner Adams, the motion was approved with a unanimous vote.

**The meeting was reopened at 9:39 a.m., upon motion of Commissioner Herwig and second of Commissioner Miraglia and upon unanimous vote.**

**Old Business:** Commissioner Miraglia discussed a situation where exhibit documents could not be located in the claim file and information not subject to public disclosure might have been disclosed in error.

**New Business:** Scott Curtis, Principal Counsel discussed two regulatory changes that will clean-up the Commission Regulations regarding the Medical Fee Guide and incorporating it into the Regs by reference. Upon a motion to approve the regulatory changes by Commissioner Miraglia and second by Commissioner Adams, the motion was approved and the changes will be published as required.

**Medical Alerts:** Dr. Reichmister discussed several medical alerts; including daily aspirin usage not having preventative qualities, although helpful during a heart attack. He also presented an MRI Primer for review by the Commissioners to be presented at the next meeting in more detail.

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

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, October 11, 2018**

**Call to Order:** Chairman Aumann called the meeting to order at 9:30 a.m.

**Present:** Chairman R. Karl Aumann and Commissioners Kathleen Evans, James Forrester, Cynthia Miraglia, Maureen Quinn, Delia Schadt and Tracey Warren. Staff members attending were Mary Ahearn, Scott Curtis, Dr. Jerome Reichmister and Stacey L. Roig, Secretary.

**Approval of Minutes:** The Minutes of the September 13, 2018 Commission meeting were reviewed and, upon motion of Commissioner Evans and second of Commissioner Forrester, the Minutes were approved with a unanimous vote.

**Chairman's Report:** The Chairman reported that no appointments have been announced to fill the recent vacancies on the Commission after the retirements of Commissioners Adams and Herwig. The Chairman also reported that he will be making staffing decisions as far as Assistants and office space planning after the new Commissioner appointments are announced. The Chairman reported on his recent attendance at the European Forum, which was focused on digitalization and employer/employee relationships as well as Independent Contractors. The Chairman also reported that after the election he will be organizing several sessions with the new legislators to help them understand the issues and who to call when they need help. Commissioners Quinn and Forrester shared some ideas that members of the workers' compensation community had shared with them at a recent meeting. Discussion was held regarding settlements where medicals are left open and the attorney abandons the claimant.

**Old Business:** Commissioner Miraglia asked about the status of a case that may be going to the Court of Special Appeals. Discussion was held regarding an agreement presented by Uber that stipulates non-employee status for Uber drivers.

**New Business:** No Report

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

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, October 25, 2018**

**Call to Order:** Chairman Aumann called the meeting to order at 9:30 a.m.

**Present:** Chairman R. Karl Aumann and Commissioners Kathleen Evans, James Forrester, Lauren Godwin, Cynthia Miraglia, Maureen Quinn, Delia Schadt and Tracey Warren. Staff members attending were Mary Ahearn, Scott Curtis, Dr. Jerome Reichmister and Stacey L. Roig, Secretary.

**Approval of Minutes:** The Minutes of the October 11, 2018 Commission meeting were reviewed and, upon motion of Commissioner Godwin and second of Commissioner Forrester, the Minutes were approved with a unanimous vote.

**Chairman's Report:** The Chairman reported that appointments will not be announced to fill the recent vacancies on the Commission until after the election and possibly after Thanksgiving. The Recall Commissioners have been contacted for additional dockets to be added to the calendar for November and December to keep the backlog in check. Beltsville and Abingdon are the largest volume and have the longest backlog right now. Approximately 50 cases per day are not heard when we are down two Commissioners. The SAWCA Conference is in November and several Commissioners and staff will be attending. It is expected to be another informative conference. The Chairman asked the Commissioners to look at the conference list for 2019 to determine what conferences are of interest to them. The Budget Advisory Committee has approved the budget and has forwarded it to the Governor's office.

**Closed Session:** At 9:49 a.m., upon motion of Commissioner Miraglia and second of Commissioner Schadt 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 that Goodwill Industries of the Chesapeake, Inc. has applied for acceptance into the self-insurance program. The Commission gave conditional approval in 2017 and Goodwill did not meet the conditions but they are applying again. Chairman Aumann requested additional information on the open claims and made a motion to table the discussion until the ICR Division has compiled the information. Commissioner Evans seconded the motion and, after unanimous consent, the motion was approved.

Mr. Jones also reported that Ryder System, Inc. is requesting two additional subsidiaries into the self-insurance program. After discussion and a motion to approve by Commissioner Godwin and seconded by Commissioner Quinn, the motion was approved with a unanimous vote to add Ryder Vehicle Sales, LLC.

Mr. Jones then reported on Ryder Last Mile, Inc., the second subsidiary requested to be added to the program. After discussion and a motion to approve by Commissioner Quinn and seconded by Commissioner Godwin, the motion was approved with a unanimous vote.

**The meeting was reopened at 10:03 a.m., upon motion of Commissioner Quinn and second of Commissioner Evans and upon unanimous vote.**

**Old Business:** Commissioner Miraglia discussed a letter received by the Commissioners with a Court of Appeals decision attached to the letter. Commissioner Godwin discussed procedures for prioritizing police officers when they are present at their hearings.

**New Business:** No Report

Medical Alerts: Dr. Reichmister discussed several medical alerts with the Commissioners, including physical therapy after meniscal surgery for tears; night shift work and increases in risk for certain cancers in women; impact of antibiotics in cases of appendicitis and the effectiveness of taking aspirin to prevent a heart attack. Various other recent medical findings were also discussed.

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

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R. Karl Aumann, Chairman

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Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, November 8, 2018**

**Call to Order:** Chairman Aumann called the meeting to order at 9:46 a.m.

**Present:** Chairman R. Karl Aumann and Commissioners Kathleen Evans, James Forrester, Maureen Quinn, Delia Schadt and Tracey Warren. Staff members attending were Mary Ahearn, Scott Curtis, and Amy Lackington, Acting Secretary.

**Approval of Minutes:** The Minutes of the October 25, 2018 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:** The Annual Report for Fiscal Year 2019 was presented to the Commissioners. The Chairman discussed an orthopedic study of data provided by Chesapeake Employers' Insurance Company and published in the October 26, 2018 edition of JAMA Network Open, a specialty journal of the Journal of the American Medical Association. The study was conducted by the University Of Maryland School Of Medicine concerning the use of opioids as it relates to legal adjudication within the workers' compensation arena. The Chairman discussed the annual prescription study analysis done in conjunction with NCCI and the costs related therein. He provided background information which led the study, namely that 18% of all prescriptions in workers' compensation are originating out of physicians' offices. NCOIL is putting forth legislation eliminating doctor dispensing. The Chairman announced that appointments will not be announced to fill the recent vacancies on the Commission until after the election and possibly after Thanksgiving. The backlog of cases continues. The Chairman asked the Commissioners to be careful in continuing cases. The SAWCA Conference was a success. The College of Workers' Compensation Lawyers is now accepting nominations. Please let the Chairman know if you are interested in nominating someone.

**Closed Session: At 10:25 a.m., upon motion of Commissioner Evans and second of Commissioner Forrester 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 that Textron, Inc. has submitted an application requesting the addition of a subsidiary, AVCO Corporation, into the self-insurance program. After discussion and upon motion of Commissioner Evans seconded by Commissioner Schadt, and, after unanimous consent, the request was approved.

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

**Old Business:** No report.

**New Business:** Scott Curtis advised the Commissioners on a number of amendments being made to existing regulations for “housekeeping” purposes. After discussion and upon motion of Commissioner Forrester and second of Commissioner Quinn and unanimous consent, the following regulation amendments were approved: Funeral Expenses – deleting requirement for notary; Issues correction – missing #10, Attorney’s Fees – fixing issue with “almost maximum fee” cases; and vocational rehabilitation – COMAR Chapter Title Change.

Commissioner Schadt discussed hearings being held on Stipulations filed by pro se claimants. Commissioners should now look at them carefully and set in for hearing if necessary.

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

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R. Karl Aumann, Chairman

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Amy S. Lackington, Acting Secretary



**Maryland Workers' Compensation Commission**  
**Meeting Minutes**  
**Thursday, December 13, 2018**

**Call to Order:** Chairman Aumann called the meeting to order at 9:40 a.m.

**Present:** Chairman R. Karl Aumann and Commissioners Kathleen Evans, James Forrester, Lauren Godwin, Allan Kittleman, Howard Metz, Cynthia Miraglia, Maureen Quinn, Delia Schadt and Tracey Warren. Staff members attending were Mary Ahearn, CEO, Scott Curtis, Principal Counsel, Steven Jones, Director of IC&R, Amy Lackington, Acting Secretary, and Jerome Reichmister, Medical Director.

**Approval of Minutes:** The Minutes of the November 8, 2018 Commission meeting were reviewed and, upon motion of Commissioner Godwin and second of Commissioner Quinn, the Minutes were approved with a unanimous vote.

**Chairman's Report:** Introduction of new Commissioners, Allan H. Kittleman and Howard L. Metz. The Commission's holiday party will be held following the meeting and all Commissioners are requested to attend. The Chairman discussed the NCOIL conference he attended in Oklahoma. Legislative leaders were present and the topics included physician dispensing. The Chairman gave a synopsis of how Maryland and the legislature are dealing with this subject. The Chairman would like the new Commissioners to attend the educational conference being held in Orlando this year. Commissioner Miraglia will be inducted into the College of Workers Compensation Lawyers in March. The backlog of cases is being addressed by adding additional dockets.

**Closed Session:** At 9:47 a.m., upon motion of Commissioner Quinn and second of Commissioner Forrester 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 that Goodwill Industries of the Chesapeake, Inc. has submitted an application for self-insurance. After discussion it was decided that more information on medical-only claims was needed before a decision could be made. Upon motion of Chairman Aumann seconded by Commissioner Warren, and, after unanimous consent, the matter was tabled.

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

**Old Business:** No report.

**New Business:** The Commissioners were reminded that the State's mandatory bullying module is to be completed in the HUB.

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

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R. Karl Aumann, Chairman

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Amy S. Lackington, Acting Secretary