

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Tuesday, June 11, 2020**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 10:01 a.m.

The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this a meeting of the Commissioners and not an open forum for questions, comments, etc.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren. Staff members attending were Mary Ahearn, Jerome Reichmister, M.D., Scott Curtis, Amy Lackington, and Stacey L. Roig, Secretary of the Commission.

A list of guests who called in to this Open Meeting is attached to the Minutes.

Approval of Minutes: The Minutes of the June 2, 2020 Commissioners' Meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Martin, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman stated that in-person hearings resumed on June 8, 2020. Hearings are scheduled through the end of July. Postponements have created some gaps in the schedule but, the cases are still moving through the system. Many cases are being heard through video hearings and requests from the video hearings remains strong. The Commission was notified that the sports teams are trying to have all their hearings done through video hearings. Scheduling all hearings is a challenge right now because it is a manual process but, WCC staff is working very hard at filling gaps as they are created and keeping the schedule updated. The backlog reduction is down to 5000 cases that are "over 30 days" and we are under 7000 cases that need to be set in for hearings. The "over 30 days" number is most significant and is down close to 40%. The Chairman thanked the Commissioners and the staff for all their efforts to get the backlog numbers down.

The Chairman announced that there will be no in-person educational conferences for this year. Most of the organizations are going to some form of a virtual program. It is expected that there may be a special session of the general assembly to enact changes for the "new normal". The procedures for our hearings are very different and must continue to be followed. The Chairman thanked the Commissioners for their adjustments and cooperation with the new procedures, including the tracing procedures. It is very important that every person who enters the Commission offices provide their name and address for tracing purposes should there be a determination that someone in the building is or becomes COVID positive. Commissioner Quinn asked if an "auto complete" feature could be added to the form for the parties to the case, especially the attorneys who are entered multiple times in the same day because of multiple hearings. Finally, the Chairman noted that there have been no hearings in LaVale due to the hearing site being inside of a hotel; however, beginning July 6, 2020, in-person hearings will be able to resume in LaVale.

New Business: Commissioner Kittleman reported that a meeting of the Medical Fee Guide Committee was held on June 8, 2020. The Committee reviewed a request for an increase to telephonic service codes in alignment with CMS rates. The Committee agreed to allow the increase to the three (3) codes temporarily, if the call is initiated by the patient or, by the doctor returning a call from a patient. The temporary increase will remain in affect for as long as the State of Emergency declaration remains in place. Once the State of Emergency has terminated, the MFG Committee will revisit the issue. Dr.

Reichmister also noted that the Committee added that clear documentation of the length of the call will be required

Commissioner Forrester discussed procedures when a settlement or postponement occurs the night before the hearing. Several of the Commissioners are using similar procedures to get the information to the WCC for the terms of an Order that may need to be issued. Email is preferable to text or getting the parties on speaker with the court reporter in the room to record the discussion on the phone.

Commissioner Metz asked about video hearings when there is not consent by all parties and if the Commission will be mandating them if one party requests a video hearing. The Chairman responded that there are two choices for hearings and all parties must consent to the video hearing.

Commissioner Evans discussed challenges with uploading exhibits. Mary Ahearn confirmed that the Commission is not accepting paper documents and they must all be uploaded. If there are problems, please direct the person to the IT Web Support team for assistance,

Old Business: Scott Curtis, Principal Counsel, discussed the final adoption of the emergency powers to the Chairman during a State of Emergency. COMAR 14.09.17 – Emergency Powers of the Chairman of the Commission was adopted on March 12, 2020 and was publicized in the MD Register on April 24th. The public comment period ended May 26th and on June 9th, the publication period ended. Mr. Curtis confirmed that there were no public comments and he asked for final approval.

A motion to approve COMAR 14.09.17 was made by Commissioner Quinn and seconded by Commissioner Martin. There was no discussion and by unanimous vote, the motion was approved.

Mary Ahearn updated the Commissioners that the Claimant Consent Form can now be uploaded.

Medical Alerts: Dr. Reichmister reminded everyone to please be safe, be cautious, wear masks, use frequent hand washing, social distance and stay home as much as possible. Dr. Reichmister also presented an informative session on the use of insect repellents and CDC guidelines and best practices for the use of insect repellents.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Martin and upon unanimous vote, the meeting was adjourned at 10:30 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Name	Law Firm, Company or Other Affiliation
Cindy L. Armstrong, Esquire	* Erlandson, Vernon & Daney, LLC
Douglas M. Gross, Esq.	* LAW OFFICES OF DOUGLAS M. GROSS, LLC Employees of a Subsidiary of The Hartford Financial
E. Meredith Wolak, Esq.	* Services Group, Inc.
Gretchen Rogers, Esq.	* Berman, Sobin, Gross, Feldman & Darby
Joan P. Adelman	* IWIF/Chesapeake Employers' Insurance Company Montgomery County Self Insurance Program Division
Lissa H. Bales Claims Manager	* of Risk Management
Michael L. Dailey, Esquire	* Schmidt, Dailey & O'Neill, LLC
Michael LaFontaine, Esq.	* Cohen, Snyder, Eisenberg & Katzenberg P.A.
Natasha C. Richards	* Montgomery County Government
Pearl B. Monroe	* MC Innovations, LLC
Sara El-Shall, Esq.	* Shultz Legal, LLC
Stephan A. Timchula	* Timchula & Smith, P.A.
Suja M. Varghese, Assistant County Attorney	* Baltimore County Office of Law
Tina Lane	* Mitchell
Kelly L. Stesch	* Workers' Compensation Commission
Jacqueline Proctor	* Workers' Compensation Commission