

Workers' Compensation Board

Meeting Minutes

October 1, 2010

I. Call to order

Director Monagle called to order the special meeting of the Workers' Compensation Board at 9:05am on Friday, October 1, 2010 in Anchorage, Alaska.

II. Roll call

Director Monagle conducted a roll call. The following persons were present:

| | | | |
|------------------|-----------------|----------------|---------------------|
| Jeffrey Bizzarro | Linda Hutchings | David Kester | Damian Thomas |
| James Fassler | Janet Waldron | Thomas Tibor | Patricia Vollendorf |
| Chuck Collins | Robert Weel | David Robinson | |

III. Introduction of New Board Members

Director Monagle acknowledged new Board members Chuck Collins, industry representative, first judicial district; Brad Austin, labor representative, first judicial district; John Garrett, labor representative, 3rd judicial district; and Jeffrey Bizzarro, labor representative, 4th judicial district.

IV. Introduction of New Workers' Compensation Staff

Director Monagle acknowledged new staff members Alan Ezzell, Administrative Officer II, Anchorage; Marie Marx, Hearing Officer II, Juneau; Michelle Barnes, Workers' Compensation Officer II, Anchorage; Maria Anna Bantigue, Office Assistant I, Juneau; Amanda Beasinger, Office Assistant I, Juneau; and Sid Harris, Office Assistant I, Anchorage.

V. Agenda Approval

The agenda was approved by unanimous vote.

VI. Approval of Meeting Minutes

Meeting minutes from the February 25-26, 2010 regular Board meeting, and the August 26, 2010 special Board meeting were read and unanimously approved.

VII. Approval of 2011 Hearing Calendar

The proposed calendar year 2011 Board hearing calendar was reviewed and unanimously approved.

VIII. Approval of 2011 Board Designee List

The proposed calendar year 2011 Board list of designees was reviewed and unanimously approved.

IX. Director's Report

Director Monagle reported on the following items

1. Progress continues on the workers' compensation system re-write, with vendor selection for the case management system expected by mid-November.
2. The Division is or will be recruiting for the following vacant positions: Program Coordinator (Juneau), Administrative Assistant I (Anchorage); Workers' Compensation Officer II (Anchorage); and Office Assistant II (Fairbanks).
3. The Division has requested 3 new positions for budget year FY12, an Office Assistant I position for Anchorage, a Collections Agent position for Juneau, and an Investigator position for Juneau.

X. Continued Business from Previous Meeting

Regulations for Approval by the Board. Director Monagle advised the Board that the following regulations previously approved by the Board would possibly become stale, because of the amount of time that has passed since first read and adopted by the Board.

- Firefighter Presumption
- Rehabilitation Regulations Part II
- Appeal of Board designee discovery order
- Continuances and cancellations
- Finding of frivolous or unfair controversions
- Unlawful change of physician and definition of a month

By unanimous vote, the Board withdrew all six proposed regulations, then re-adopted all the regulations except Rehabilitation Regulations Part II, which were tabled for later discussion under new business.

Break 10:15am-10:30am

XI. New Business

The Board took action on the following new business items:

- The Board reviewed public comment to the proposed change to regulation 8 AAC 45.082, and upon the advice of the Department of Law, by a 10-1 vote, changed the effective dates from December 31, 2010 to July 1, 2010. The regulation will be sent to Law for final review and forwarding to the Office of the Lt. Governor for final adoption.
- Upon the advice of the Department of Law, the Board, by unanimous vote, withdrew the proposed regulatory change to 8 AAC 45.095, making financial records of self-insured employers confidential. The Department was advised that such a regulatory change exceeds statutory authority and requires a statutory fix.

Lunch 11:22pm-1:00pm

New Business Continued.

- The Board re-opened discussion of proposed changes to rehabilitation regulations, hereafter referred to as RBA Part II.
- It was noted that the version of the regulations in the Board's packet did not include the amendments approved by the Board at its February 25-26, 2010 meeting. After working through proposed amendments to section 8 AAC 45.510, a vote to adopt failed for lack of a statutory majority of 10 votes. The regulation was tabled until the January Board meeting.
- The Board approved a motion for a special meeting for October 22, 2010 for a one-day training session on vocational rehabilitation. [Note: this training date was subsequently cancelled by Director Monagle]
- The Board approved a motion to have three regular meetings a year, January, April or May, and October. The Board also asked the Department to investigate the possibility of participation in Board meetings by teleconference or video conferencing.

XII. Public Comment Period

Nobody appeared for the public comment period.

XIII. Meeting Adjourned

Meeting adjourned at 3:16pm