

Workers' Compensation Board
Meeting Minutes

May 11-12, 2017

Thursday, May 11, 2017

I. Call to order

Workers' Compensation Director Marie Marx called the Board to order at 9:00 am on Thursday, May 11, 2017, in Anchorage, Alaska.

II. Pledge of Allegiance

III. Roll call

Director Marx conducted roll call. The following Board members were present:

Stacy Allen	Brad Austin	Pamela Cline
Chuck Collins	David Ellis	Jacob Howdeshell
Togi Letuligasenoa	Linda Murphy	Donna Phillips
Aaron Plikat	Brett Stubbs	Pat Vollendorf
Lake Williams		

Member Sarah Lefebvre appeared telephonically. Director Marx noted Member Steele, Member Traini, and Member Weel were excused. A quorum was established.

Director Marx welcomed Togi Letuligasenoa, Linda Murphy, Brett Stubbs, and Aaron Plikat to the Board. Members Letuligasenoa, Murphy, and Stubbs were appointed effective January 23, 2017. Member Plikat was appointed effective March 1, 2017.

Director Marx introduced senior staff present.

IV. Agenda Approval

A motion to approve the agenda was made by Member Austin, and seconded by Member Vollendorf. The agenda was approved by unanimous vote.

V. Approval of Meeting Minutes

A motion to adopt the minutes from the January 12-13, 2017 regular Board Meeting was made by Member Collins and seconded by Member Cline. The minutes were adopted without objection.

VI. Director's Report

Director Marx provided an overview of Division staffing, the various budget components within the Division, the FY16 budget performance, and the FY17 budget performance year-to-date.

Chief of Adjudications Eklund reviewed the list of board designees and stated there are no new board designees to add to the list since the last board meeting.

Director Marx briefly discussed the current legislative session and the current proposed legislation related to workers' compensation. The Division intends to tackle additional issues next session, such as improving the reemployment benefits program.

Break 10:00 am - 10:15 am

VII. Public Comment Period 10:15am- 11:15am

Barbara Williams – representing the Alaska Injured Workers Alliance

- Ms. Williams commented on the proposed legislation related to non-attorney representatives in workers' compensation cases and stated it would be detrimental to injured workers. She stated there are too few attorneys representing injured workers in Alaska and non-attorney representatives are essential. Ms. Williams commented that the new fee schedule has resulted in some medical providers refusing to take injured workers as patients because they do not understand the fee schedule. Finally, she commented that the Workers' Compensation Division needs to provide better accommodations for injured workers, particularly those with mental disabilities.

Anonymous

- The commenter elected not to provide her name. She commented that insurers and adjusters have not been providing necessary information to the board or to employees and that board staff do not understand the new regulations. She believes the new fee schedule discriminates against certain medical providers. Finally, she commented that there are members of the public who require accommodations and interpreters from the Division.

VIII. 2016 Annual Report

Director Marx reviewed statistics from the Division's 2016 annual report, a compilation of statistics and benefit data obtained from insurers and self-insured employers pursuant to AS 23.30.155(m).

Velma Thomas, Program Coordinator, reviewed the funds and programs administered by the Division: the Benefits Guaranty Fund, the Fishermen's Fund, the Second Injury Fund, the Self-Insurance Program, and the Proof of Coverage Program.

Rhonda Gerharz, Chief of the Special Investigations Unit (SIU), gave an overview of the SIU's 2016 performance.

Lunch Break 11:45 am - 1:15 pm

Beth Tusten, Reemployment Benefits Administrator, reviewed the 2016 performance of the Reemployment Benefits Program.

Sue Reishus-O'Brien, Workers' Compensation Officer II, reviewed SIME statistics for 2016.

Break 2:45 pm - 3:00 pm

Amanda Eklund, Chief of Adjudications, reviewed the 2016 performance of the Adjudications Section.

IX. Old Business

Amend 8 AAC 45.092(b)(5), relating to second independent medical evaluation procedures. Member Collins moved to adopt the amendment of 8 AAC 45.092(b)(5). Member Austin seconded the motion. The motion passed unanimously.

Amend 8 AAC 45.900(j), relating to the definition of "previously rehabilitated." Member Austin moved to adopt the amendment of 8 AAC 45.900(j). Member Murphy seconded the motion. The Board had a lengthy discussion related to the language and agreed to table the issue until the next day.

X. New Business

The Board adopted a hearing calendar for 2018, with full Board meetings on January 11-12, 2018, May 3-4, 2018, and October 4-5, 2018.

Meeting Adjourned 4:50 pm

Friday, May 12, 2017

I. Call to order

Director Marx resumed the Alaska Workers' Compensation Board meeting at 9:00 am on Friday, May 12, 2017, in Anchorage, Alaska. The following Board members were present:

Stacy Allen	Brad Austin	Pamela Cline
Chuck Collins	David Ellis	Jacob Howdeshell
Togi Letuligasenoa	Linda Murphy	Donna Phillips
Aaron Plikat	Brett Stubbs	Pat Vollendorf
Lake Williams		

Member Sarah Lefebvre appeared telephonically. Director Marx noted that Member Steele, Member Traini, and Member Weel are excused. A quorum was established.

II. Resumed Old Business

Amend 8 AAC 45.900(j), relating to the definition of previously rehabilitated. Member Murphy moved to amend the original amendment to substitute new language suggested by the Reemployment Benefits Administrator. Member Williams seconded the motion. There was no objection.

The Director called for the question on the original motion, as amended. The motion to adopt the amendment of 8 AAC 45.900(j) passed unanimously.

III. New Business

Director Marx provided an update on the Alaska Medical Fee Schedule and Medical Services Review Committee (MSRC). This was followed by a general discussion of MSRC action items.

Member Phillips raised the issue of whether chiropractors can be reimbursed for radiology services.

The Board expressed interest in having a medical billing expert provide a primer training session to the Board at its next meeting.

Break 9:50 am - 10:10 am

IV. Training Session: Amanda Eklund, Chief of Adjudications

Amanda Eklund, Chief of Adjudications, conducted a hearing officer and board member training workshop.

Director Marx reminded the Board members the next regular board meeting is October 5-6, 2017. The meeting will be by teleconference.

There will also be a joint special MSRC/Board meeting August 4, 2017. The meeting will be an in-person meeting.

A motion to adjourn was made by Member Austin at 12:05 pm. Member Phillips seconded the motion. The motion passed unanimously.

Meeting Adjourned 12:05 pm