

Workers' Compensation Board

Meeting Minutes

May 7, 2020

Thursday, May 7, 2020

I. Call to Order

Workers' Compensation Director Grey Mitchell called the Board to order at 9:03 am on Thursday, May 7, 2020. Due to concerns related to the COVID-19 public health disaster, the meeting was held telephonically.

II. Roll call

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

Bradley Austin	Randy Beltz	Pamela Cline	Chuck Collins
Bob Doyle	Julie Duquette	Sara Faulkner	Bronson Frye
Jacob Howdeshell	Sarah Lefebvre	Nancy Shaw	Robert Weel
Lake Williams	Kimberly Ziegler		

Director Mitchell noted that Donna Philips was no longer on Board. Member Diane Thompson was excused. Member Justin Mack was absent. Quorum was established. Director Mitchell introduced senior staff present.

III. Agenda Approval

A motion to approve the agenda was made by member Weel, and seconded by member Faulkner. The agenda was approved by unanimous vote.

IV. Approval of Meeting Minutes

A motion to adopt the minutes from the January 7-8, 2020 regular Board Meeting was made by member Ziegler and seconded by member Cline. The minutes were adopted without objection.

V. Director's Report

Director Mitchell provided an overview recently passed and pending legislation, Workers' Compensation COVID-19 data, and of bulletins that had recently been issued by the Division of Workers' Compensation and the Division of Insurance.

Administrative Officer Alexis Newman provided an overview of Division staffing, and the FY20 budget performance year-to-date.

Director Mitchell reviewed the list of board designees. He noted that Dani Byers was no longer in acting status and was promoted to Workers' Compensation Officer II, and that Workers' Compensation Officer Jan Carolyn Hardy was no longer an employee. A motion to approve the board designees was made by member Austin and seconded by member Beltz. The board designees were approved without objection.

Break 9:56am-10:15am

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

- *No public comment*

VII. Old Business

The Drug Formulary Work Group provided an update on their progress. The group had identified states that had adopted or were actively pursuing drug formulary in any form. They reached out to ODG and ACOEM to assist in refining a list of questions to ask of key stake holders in those states. The work group plans to use the data develop a report and make a presentation at the October Board Meeting.

Acting Chief of Adjudications Ronald Ringel reviewed 2019 Case Law from the Alaska Supreme Court and the Alaska Workers' Compensation Appeals Commission.

Lunch Break 11:48pm-1:30pm

VIII. New Business

Reemployment Benefits Administrator Stacy Niwa provided an overview of the Reemployment Benefits Program, program challenges and possible solutions.

Chief Investigator Rhonda Gerharz provided an overview of Workers' Compensation Fraud, program challenges and possible solutions.

Break 3:30pm-3:41pm

Amend 8 AAC 45.185, relating to Corporate Officers and Members of Limited Liability Companies. Member Austin moved to approve the amendment of 8 AAC 45.185. Member Frye seconded the motion. The motion passed unanimously.

Member Lefebvre made a motion to establish a working group to identify areas of potential statute and regulation amendment related to Workers' Compensation fraud prosecution, and Member Frye seconded. Member Lefebvre amended her motion to include that the work group would be composed of one labor and one industry member along with Division staff members, and Member Frye second. The motion passed unanimously. Director Mitchell will solicit volunteers for the group.

A motion to adopt the 2021 hearing calendar was made by member Beltz and seconded by member Weel. Member Cline motioned to move the January Board meeting, and member Austin noted that the board meetings and Juneau hearing dates overlapped. Member Austin motioned to approve the 2021 calendar as amended and the motion was seconded by member Weel. The 2021 calendar was adopted without objection, with full Board meetings on January 14-15, 2021, May 13-14, 2021, and October 14-15, 2021.

Director Mitchell reminded the Board members the next regular board meeting is October 1-2, 2020. The meeting may be in-person and the division will present the Annual Report to the Board.

The annual joint MSRC/Board meeting is on August 28, 2020. This meeting will also be in-person.

Motion to adjourn was made by Member Beltz at 4:34 pm. Member Austin seconded the motion. The motion passed unanimously.

Meeting Adjourned 4:35pm