

Workers' Compensation Advisory Council

Friday, January 29, 2016
Room 307 - LOB – 9:04 to 9:45 a.m.

Minutes

Present: Ms. Margaret Crouch, Chair; Ms. Sally MacFadden; Ms. Eileen Bernard; Mr. Martin Jenkins; Ms. Merideth Schwab; Ms. CJ Stone; Senator Gary Daniels; Representative Brian Seaworth

Absent: Mr. William McQuillen, Vice Chair; Ms. Marian Mitchell

Call to Order – The meeting was called to order by Ms. Crouch at 9:04 a.m.

Review & Action on December 18, 2015 Minutes – The minutes were reviewed by the Council.

Senator Gary Daniels motioned to accept the minutes of the December 18, 2015 minutes. *The motion was passed unanimously.*

Managed Care

Ms. Crouch stated that LAB 700 Rules are up for renewal, they expire in August 2016 and the subcommittee has met twice to talk about them.

Mr. Jenkins state the committee is cleaning up the lists of medical care providers that specifically have to be included in a managed care network. Currently there are 15 and the committee is trying to clear that up as to what is the minimum that needs to be within a managed care network and how injured workers can get care outside that network if necessary.

Mr. Jenkins stated the committee is also looking into putting something in the rules about opioids and stated that a new meeting should be set up sometime soon.

Ms. Crouch stated that the meetings that the committee is holding are open to the public.

The next meeting is scheduled for February 18, 2016 at 2pm at the Department of Labor.

Department Updates

Insurance – Ms. MacFadden stated she didn't have much for updates as business is usual at the Department. She did say the NCCI filed and the Department approved the new class code 8872. The Department will be posting a press release on that on the Workers' Compensation section of their website and Ms. MacFadden stated this code is NH specific.

Labor— Mr. Jenkins stated that the Department still hasn't had any hearings relating to RSA 281-A: 4; hearing possibility for medical bills in dispute. LAB 500 rules "workers' compensation benefits" is coming up for JLCAR on Friday, February 19, 2016.

Legislature— Mr. Jenkins stated there are 6 bills of interest to the Council.

HB 1331 is a slight adjustment to the requirement of law to serve as a Compensation Appeals Board member. Right now to be a CAB member the requirement is 5 years' experience in workers' compensation. The Commissioner of Labor is having difficulty filling some positions because of the requirement.

The bill came up for a hearing and while the House Labor Committee seemed to understand the situation they didn't like the language.

HB 1512 is proposed language that was developed by the Department of Labor and Department of Employment Security to come up with a definition of employee. Representative Murphy has presented it for a hearing on Tuesday, February 2, 2016 in room 307 at 1pm.

HB 1633 states when employees go out on workers' compensation the employer cannot require or accept the use of FMLA time be applied to the workers absence of disability. Representative Webb sponsored this bill.

HB 1697 is a transportation bill and this bill would regulate UBER in New Hampshire. This bill would make UBER drivers independent contractors.

SB 409 extends the first responders potential benefit from the State not from the employer for certain permanent impairments beyond what workers' compensation law already provides. It is specific to permanent impairment. This was passed by the Senate.

SB 449 relates to workers' compensation payments of disability benefits be by direct deposit. This will not be mandatory.

Senator Daniels stated HB 521 with dealt with increasing the pool of workers' compensation appeals board with increasing per Diems was killed by the Senate.

SB 203 is now in the House and they haven't had a hearing date set on it yet. It's relative to the review of eligibility to workers' compensation indemnity payments; four year rule.

SB 238 is relative to the workers' compensation appeals board members size; this is the counter to HB 521 and SB 238 is currently in House Finance.

SB 45 is relative to establishing a committee to study opioid use in workers' compensation cases is currently in House Labor.

Old Business – None to Report.

New Business – Keep up with and monitor changes with Rules and Legislation.

An email is going to be sent out with some mid-March dates for the next WC Advisory Council meeting.

Meeting Adjourned-

Senator Daniels made a motion to adjourn at 9:45 a.m.