



State of New Hampshire

Department of Labor

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Workers' Compensation Advisory Council

Friday, February 9, 2018
Room 303 - LOB – 9:00 a.m.

Present: Ms. Margaret Crouch, Chair; Ms. Sally MacFadden; Ms. Eileen Bernard; Representative Brian Seaworth; Mr. Edward Sisson; Ms. Merideth St Germain; Ms. Danielle Albert; Mr. Edward Sisson; Senator Donna Soucy; Dr. Douglas Goumas; Commissioner Ken Merrifield

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

Call to Order – The meeting was called to order by Ms. Crouch at 9:03 a.m.

Review & Action on December 1, 2017 Minutes – The minutes were reviewed by the Council.

Senator Soucy stated in the second paragraph under Managed Care that “does” should be changed to “do”.

Mr. Sisson stated that under New Business that Ms. Puccia’s name needed to be corrected.

Ms. MacFadden stated that under Department Updates-Insurance should be changed from “big” to “bid”.

Ms. Crouch motioned to accept the Minutes of the December 1, 2017 meeting as amended and Ms. Bernard seconded. ***The motion was passed unanimously.***

Managed Care

MCO Recertification – Mr. Scott Parulski of Travelers introduced himself and talked about the plan. Ms. St Germain stated that the only update she has is Rehab. Specialist Sharon Sterling expired in November but she has been renewed. The plan is fine and she recommends for final approval.

Ms. Bernard motioned to approve Travelers and Ms. MacFadden seconded; Ms. Crouch abstained from the motion. ***The motion passed.***

Ms. St Germain went over some procedures for when MCO’s recertify their managed care plan. You email Ms. St Germain the whole plan and she’ll review it and give a provisional approval or denial. Then when you receive a letter from Ms. St Germain stating that you’ll need to come and present your plan to the Workers’ Compensation Advisory Council you need to send in a hard copy of the plan to Ms. St Germain that’s label by the sections of the LAB Rules. If she receives them in any other way she will send them back for you to fix accordingly.

A question was raised asking if any part of the plan is made public. Can the public request a copy of the plan. Ms. St Germain stated that the plans are not made public because of the financials that are in the plan.

Ms. St Germain stated that the next plan needed for approval is Tandem in May of 2020.

Injury Management Facilitators – Ms. St Germain stated there are nine facilitators for Travelers and they have completed and met all the necessary requirements and recommends them for final approval.

Ms. St Germain did state that some are due to expire in 2018 but will keep in contact with Travelers and stated that everyone but three IMF's are residents of New Hampshire.

Ms. Bernard motioned to approve and Representative Seaworth seconded; Ms. Crouch abstained from the motion. *The motion passed.*

Department Updates

Insurance— Ms. MacFadden stated that there are no new updates and business is as usual.

Labor— Mr. Sisson stated under RSA 281-A: 23, medical marijuana, the Department is still waiting for the Supreme Court decision.

Hearings under RSA 281-A: 24 which is the reasonable value of services. At the December meeting there had been 28 requested hearings, 17 have resolved, 11 pending hearings and 9 of the 11 hearings that were scheduled for December 4, 2017 through December 8, 2017 did not go forward. As of today the Department has received 37 requests for hearings, 30 have resolved and 7 hearings are pending. There are hearings scheduled for February 26, 2018, March 1, 6, and 20, 2018 and April 2, 2018; there is also one that is pending scheduling. The provider is the one that is bringing all of these hearing requests forward.

Legislature—Representative Seaworth stated that bills have started to go through hearings.

HB407 – is a holdover from last year, this bill's intent is to cover prophylactic treatment under workers' compensation. The Labor Committee passed it by tying it to RSA 141-G which is a public health law that sets up requirements when a first responder is exposed to some infectious disease. This bill is now in Finance.

HB1326 – This bill would've repealed the Workers' Compensation Appeals Advisory Board. This bill was **I.T.L.**

HB1397 – This was bill focused on the rights of temporary workers. It impacted workers' compensation as they wanted to redefine how classifying temporary workers with the location they're deployed to and not the company they work for.

HB1417 – Addressing an issue where a workers' compensation carrier, self-insurer, or claims adjustment company that fails to make a timely payment to an employee under the workers' compensation law shall be liable to the employee for certain damages. It wants to access a penalty payable to the worker who may have been harmed by the late payment. This would be in addition to everything that is already in place.

All of these bills have gone through public hearing except HB407 which went to a vote.

HB1462 – This bill wants to require that any company that provides health or dental insurance benefits to full-time employees to continue to provide it to anyone who is out of work on workers' compensation. This only affects companies that provide this benefit.

HB1508 – This bill would return the weekly compensation from the 60% to 66.6% for temporary total disability, permanent total disability, and temporary partial and permanent partial disability.

HB1711 – This bill authorizes addiction rehabilitation treatment in certain circumstances under the workers' compensation law.

Senator Soucy stated that there are a few Senate Bills.

SB84 – This bill is from last year and it has passed the Senate and is going to the House. It was relative to the payment of workers' compensation benefits and would allow for the employee after 6 weeks of being on workers' compensation to request direct deposit for their indemnity payment; it was amended with language authorizing payments of electronic payment by payroll card.

SB351 – This bill is relative to Managed Care and is going to be heard on Tuesday, February 13, 2018. It amends RSA 281-A:23-c; it inserts a new section that states any person who is employed as an injury management facilitator by managed care program, third party administrators, insurance carrier, self-insured, employer/employee group shall be approved by the Commissioner with ratification by the Workers' Compensation Advisory Council

SB352 – Just passed the Committee, this is relative to examinations of injured employees under workers' compensation. This bill would amend RSA 281-A: 38-a in the exam by managed care. They took out the managed care portion so it would apply to all employees not just those under managed care. This will be on the Senate floor Thursday, February 15, 2018. This would allow the injured employee covered under workers' compensation who is dissatisfied with a determination by the employer or employer's insurance carrier to obtain an independent examination. Ms. Bernard is curious if this is surrounded by denials.

SB553 – This bill is in the Commerce Committee still. This is relative to post traumatic stress disorder for Police, Firefighter and EMT's and whether such disorder should be covered under workers' compensation.

Old Business – None to report.

New Business –

The Annual Report is going to be worked on.

There is now a section on the NH DOL website for the meeting minutes.

~ Next Meeting is scheduled for Friday, March 23, 2018 at 9:00am. ~

Meeting Adjourned-

Ms. Crouch made a motion to adjourn, seconded by Ms. Bernard at 9:42 a.m.