

Workers' Compensation Advisory Council

Friday, March 18, 2016
Room 307 - LOB – 9:10 to 9:30 a.m.

Minutes

Present: Ms. Margaret Crouch, Chair; Mr. William McQuillen, Vice Chair; Ms. Sally MacFadden; Ms. Eileen Bernard; Ms. Marian Mitchell; Mr. Martin Jenkins; Ms. Merideth Schwab; Ms. CJ Stone; Representative Brian Seaworth

Absent: Mr. Douglas Goumas; Senator Gary Daniels

Call to Order – The meeting was called to order by Ms. Crouch at 9:10 a.m.

Review & Action on January 29, 2016 Minutes – The minutes were reviewed by the Council.

Mr. William McQuillen motioned to accept the minutes of the January 29, 2016 minutes and Ms. Eileen Bernard seconded. *The motion was passed unanimously.*

Managed Care

Injury Management Facilitators- Ms. Schwab stated there are 3 Liberty Mutual applicants, 1 Windham Group applicant and 1 Genex applicant. They all took the quiz and went to training except Nicole Lovett because she's been doing managed care for over a year so she did not have to do the training. Ms. Schwab recommends provisional approval on all of them.

Ms. Crouch asked if any of the applicants are NH residents and Ms. Schwab stated Nicole Lovett is and that as far as Liberty Mutual they are telephonic but they're still within their 20% that has to be resident. Ms. Schwab also stated that Pamela Sheckler is a NH resident and she is from Genex.

Ms. Crouch made a motion to approve the applicants. *The motion was passed unanimously.*

Department Updates

Insurance – Ms. MacFadden stated that there is nothing new to report; business is as usual at the Department.

Labor— Mr. Jenkins stated that at the last meeting he said there was a series of rules for the department that needed to be approved LAB 300, 400 and 500 through JLCAR which deal with workers' compensation coverage and claims handling. In JLCAR right now are LAB 800 which deals with safety rules and the LAB 700 rules are still being worked on.

Ms. Mitchell asked when would the rules go into effect and Mr. Jenkins stated once approved in JLCAR they get sent over to Legislative Services for a final look through they will go into effect immediately. Legislative Services publishes the rules online but it takes some time to publish. Until the rules are publically published the Department doesn't hold any one to them.

Legislature— Mr. Jenkins stated the 6 bills that mentioned at the last meeting are still the primary ones that the council should know about along with a couple more.

HB 1331 is a change to the law about CAB members. It slightly expands the requirements so that there is less difficulty finding labor representatives for the CAB. The law always stated that members needed to have 5 years workers' compensation experience which can be difficult for the labor side. This has passed the House.

HB 1512 was the proposed language from a series of meetings in the summer of 2014 between the Department of Labor and the Department of Employment Security along with interested parties to come up with a common definition of employee. This bill is now in interim study.

HB 1633 has been amended and after the amendment it passed the House and it expresses the House's view that injured workers should receive a warning about the impact of using FMLA time along with their workers' compensation disability time. There was perception that these were being taken advantage of and the same days off would not be able to be used by the worker after his recovery and return to work if the worker then needed to take time off for a sick family member, for example. This bill passed the House.

HB 1697 is the UBER regulation. This passed the House.

SB 409 extended the time limit for first responders to apply for enhanced partial disability benefits. This will be going to the House once it passes the Senate.

SB 449 expresses the policy that workers' compensation disability payments be made by direct deposit rather than a general check.

HB 372 this bill would have allowed small farmers to opt out of workers' compensation. The payroll limit in this bill would be \$10,000.00 per year payroll. The argument was small farmers couldn't afford to pay workers' compensation.

The House Labor felt that this was an inappropriate way to go to start to carve out a section to the workers' compensation law especially for something like agriculture; which historically can be dangerous. The Bill was voted for interim study.

SB 203 deals with the 4 year time limit for reopening workers' compensation claims 4 years after the last payment of benefits. The House and Senate did not agree on the language and sent it to a Committee of Conference.

SB 238 dealt with the size and pay of the CAB. The House Finance Committee voted "ought to pass" and this will come up on the House floor next week.

Representative Seaworth stated they held SB 45 as they didn't want to go down a different track since there was a opioid special committee working on it.

Mr. Jenkins stated in January there was an amendment proposed and the House did vote "ought to pass" with amendment but the Senate did not go along with the amendment. The idea was then passed over for a more comprehensive opioid study/regulation.

Old Business – Ms. Crouch stated the Subcommittee for Managed Care Rules is going to discuss the rules right after the Council meeting was over. She stated that at the last meeting they went through again

everything they've previously discussed. The Subcommittee is going to go from where they left off but going to be discussing the bigger issues.

New Business – Mr. Jenkins stated there still has not been a single hearing or request for hearing for reasonable value of services. Ms. Schwab stated she spoke at the Bar Association recently and stated not one attorney had, had a conflict with it. She said there were about 15 attorneys in attendance.

The Council scheduled the next meeting for Friday, May 6, 2016 at 9:00 am.

Meeting Adjourned-

Mr. McQuillen made a motion to adjourn at 9:30 a.m.