

Workers' Compensation Advisory Council

Friday, May 6, 2016
Room 307 - LOB – 9:05 to 9:54 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 9:05 a.m.

Review & Action on March 18, 2016 Minutes – The minutes were reviewed by the Council.

Ms. Eileen Bernard motioned to accept the minutes of the March 18, 2016 minutes and Ms. Marian Mitchell seconded. *The motion was passed unanimously.*

While going over Legislative Updates, Ms. MacFadden mentioned that HB 1697 was cited wrong in the minutes as it was written as HB 1617 and should have been HB 1697.

Department Updates

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

Labor— Ms. Stone handed out 2015 Workers' Compensation Law Books to the Council.

Mr. Jenkins stated that LAB 300, 400 and 500 were approved through JLCAR, they are just not all published yet. Officially the new rules are effective April 1, 2016 but the Department is not going to officially enforce these until they are published on the Legislative Services website.

Mr. Jenkins referred to RSA 281-A: 56 which is a “warning” if you lie in the workers' compensation process to try and get benefits, etc. then there could be a penalty for false representation including and up to purgery. In the last few days the Department has received 2 requests for hearings on this RSA.

Other than that business is as usual at the Department

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 372 this bill would have allowed small farmers to opt out of workers' compensation. In March the House moved this to interim study.

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 and Senate and it is waiting to be signed by the Governor.

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 but the Senate sent it to interim study.

HB 1697 is the UBER regulation. A version has passed the House and the Senate but not certain on if they language is the same.

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 the bill passed the House.

SB 409 extended the time limit for first responders to apply for enhanced partial disability benefits. The House voted a small change and passed both the Labor Committee and Finance Committee but there hasn't been a floor action on it yet but once it does it will go to Committee of Conference.

SB 449 expresses the policy that workers' compensation disability payments are made by direct deposit rather than a general check. This passed the Senate with an amendment. The House Labor Committee passed an amendment and needs to be heard on the House floor.

Mr. Jenkins stated that the updated LAB 500 rules refer to this but they are only rules and they don't carry the weight of statute.

Mr. Jenkins stated the House Labor Committee took out the requirement for direct deposit.

Old Business – Ms. Crouch stated the Subcommittee for Managed Care Rules met and went through the remainder of the rules that they didn't previously discuss and they're in the position now where they have the recommended updates for the Rules.

Mr. Jenkins handed out a copy of the Managed Care Rules to the Council which has the old and new wording within it.

Mr. Jenkins suggested that the full Council should approve the amended rules and then schedule a public hearing on the rules.

The Council scheduled a Public hearing for Friday, June 3, 2016 at 10:00 am at the Department of Labor.

New Business – Ms. Crouch stated that the Council should still keep an eye on opioid information and medical marijuana information when it concerns workers' compensation.

Ms. Stone stated there still haven't been any hearings or hearing request on reasonable value at the Department of Labor yet.

The Council scheduled the next meeting for Friday, June 10, 2016 at 9:00 am.

Meeting Adjourned-

Ms. Crouch made a motion to adjourn at 9:54 a.m.