



Ken Merrifield
Commissioner of Labor

State of New Hampshire

Department of Labor

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Workers' Compensation Advisory Council

Friday, June 2, 2017
Room 307 - LOB – 9:00 a.m.

Present: Ms. Margaret Crouch, Chair; Mr. William McQuillen, Vice Chair; Mr. Christian Sitorella; Ms. Eileen Bernard; Representative Brian Seaworth; Ms. C.J. Stone; Ms. Merideth St Germain; Ms. Danielle Albert; Commissioner Ken Merrifield

Absent: Dr. Douglas Goumas; Senator Donna Soucy; Ms. Sally MacFadden

Call to Order – The meeting was called to order by Ms. Crouch at 9:00 a.m.

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

Ms. Bernard motioned to accept the Minutes of the November 18, 2016 meeting and Ms. Crouch seconded. *The motion was passed unanimously.*

Introductions: The Commissioner of Labor Ken Merrifield and Ms. Danielle Albert an Attorney for the Department of Labor who replaced Mr. Martin Jenkins introduced themselves. Mr. Christian Sitorella is the Assistant Property and Casualty Actuary with the Department of Insurance also introduced himself.

Managed Care

Ms. St Germain informed the Council that when they updated the 700 Rules and had discussions about removing some components from the component list the Department has had only one MCO contact them to update their network per the Rules according to the updated list and that was CorVel. She stated the holes that were there previously with CorVel are still there. She stated the concerns that were addressed at the public hearing were removing the hospitals from the component list as the public thought that was going to create a downside but it has not.

MCO Recertification – Kathleen McCabe and D'Andrea presented their Liberty Mutual renewal packet.

Ms. Crouch stated with the change in the Rules she just wanted to make clear that just because Acute Care Hospitals are no longer required components it does not mean that they're not within the network or that treatment at the Acute Care Hospitals would not be paid for through the managed care plan.

Ms. Crouch asked about the listed towns associated hospitals. D'Andrea said that they've always wanted to list the closest associated hospitals in the county but they're not necessarily affiliated hospitals. Ms. Crouch asked if there have been any changes. D'Andrea mentioned they updated the life codes but nothing else has changed.

Ms. St Germain asked if Stephanie has done her renewal because she will expire on 6/27/17. D'Andrea and Kathleen were not sure but will be following up.

Representative Seaworth motioned to approve Liberty Mutual and Ms. Bernard seconded. *The motion was passed unanimously.*

Injury Management Facilitator – Ms. St Germain stated there are two facilitators and they both have extensive experience in the Workers’ Compensation field. They did the quizzes and there are no concerns with the two facilitators and Ms. St Germain recommends for final approval and one is a New Hampshire resident.

Mr. McQuillen motioned to approve and Ms. Bernard seconded. *The motion was passed unanimously.*

Department Updates

Insurance— Mr. Sitorella stated there’s no new business to report. The rate process from NCCI will be back this summer and the process usually starts at the end of June.

Labor— Ms. Albert stated the Department has had a couple of requests for hearings under RSA 281-A: 24 which is the reasonable value of services. None have gone to a hearing.

Under RSA 281-A: 23 medical marijuana, only one case went forward at the Department Level in 2016 and she believed it was appealed but was not approved at the CAB level. Two other cases recently went to the CAB; one has a decision currently pending and the other had a hearing this week. Ms. Albert stated it’s a request for medical marijuana as a treatment for a work injury and seeing whether or not it’s compensable for the insurance carriers to pay for.

Legislature—Representative Seaworth stated there are 3 bills that are workers’ compensation related.

SB190 deals with the first responder’s injury fund. The language in the bill ends the sunset of that fund, which means it will continue. The bill passed both the House and the Senate but is not sure if it’s been the Governor’s Office yet.

SB59 allows a first responder that may have been exposed to a communicable disease to require testing of the person that infected them. The language changed a little in the House Committee; it now states if workers’ compensation covers the testing then workers’ compensation “shall” pay for it and it references the rules for it. It also states that if workers’ compensation doesn’t pay for it then the health insurance “shall” pay for it. The current law states that it “may” be covered by workers’ compensation. This passed the House with the amendments and now will go back to the Senate.

HB407 makes 3 changes to current law. The purpose is, if right now testing is covered under workers’ compensation then it will be only the testing. If someone is actually sick then treatment would be covered under workers’ compensation. In many cases, it’s recommended that if you’re exposed, within the first 24 to 48 hours you may need to get a prophylactic treatment as a preventative measure before the testing comes back. This bill adds the prophylactic treatment; it changes the “may” provide testing to “shall” provide testing; and it also changed the words blood born to communicable. This bill was retained in the House Committee. The House Committee is trying to figure out if workers’ compensation is the right way to go and over the summer the House Committee will be looking deeper into this and looking at the information they’ve received from other States. This is directed towards the first responders.

Old Business –

AMA Guides 5th vs 6th –

There was a little discussion on the 5th and 6th edition. Ms. Albert stated she's not seeing many complications between the two at the Department of Labor.

New Business –

Ms. Mitchell mentioned that she sits on a board called Kids Chance and they're looking to get a New Hampshire Chapter started. Kids Chance is a program that helps children of injured workers get scholarships for college.

The Council scheduled the next Workers' Compensation Advisory Council meeting for Friday, September 22, 2017 at 9:00 am.

~The Board re-scheduled the meeting through email to be held on Friday, October 20, 2017 at 9:00am~

Meeting Adjourned-

Mr. McQuillen made a motion to adjourn, seconded by Ms. Crouch at 9:37 a.m.