

ALASKA WORKERS' COMPENSATION BOARD MEETING



May 18-19, 2023

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TAB 1

ALASKA WORKERS' COMPENSATION BOARD MEETING AGENDA

MAY 18-19, 2023

**ALASKA DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKERS' COMPENSATION**

Zoom Video Conference: <https://us02web.zoom.us/j/89599828841>

To participate telephonically: 888-788-0099, Webinar ID: 895 9982 8841

Thursday, May 18, 2023

- 9:00am** Call to order
Roll call establishment of quorum
Introduction of Senior Staff
- 9:20am** Approval of Agenda
- 9:30am** Reading and approval of minutes from February 23, 2023, Board meeting
- 9:45am** Director's Report
- Division Update
 - Legislative Update
 - Approval of Board Designees
 - 2024 Board Hearing Calendar
- 10:00am** Break
- 10:15am** Public Comment Period
- 11:15am** Budget & Staffing Update, IAIABC Forum – Alexis Hildebrand, Admin Officer
- 11:30am** AWCB questions and answer with Rhonda Gerharz
- 12:00pm** Lunch Break
- 1:30am** Presentation
- Reemployment in Alaska
 - Loretta
 - Stacy
- 2:30pm** Annual Report from RBA
- Reemployment Benefits Update – Stacy Niwa, Reemployment Benefits Administrator
- 3:15pm** Break
- 3:30pm** Old Business
- 4:00pm** Adjourn for the day

Friday, May 19, 2023

- 9:00am** Call to order
Roll call establishment of quorum
- 9:10am** New Business
- Consideration of Regulations
 - 8 AAC 45.410 Eligibility of rehabilitation specialist
 - 8 AAC 45.420 Rehabilitation specialist application
 - 8 AAC 45.435 Review of rehabilitation specialists
 - 8 AAC 45.440 Removal of rehabilitation specialists
 - 8 AAC 45.500 Reporting requirements
 - 8 AAC 45.900 Definitions
- 10:00am** Break
- 10:15am** New Business continued
- 12:00pm** Adjournment

TAB 2

Workers' Compensation Board

Meeting Minutes

February 23, 2023

Thursday, February 23, 2023

I. Call to Order

Workers' Compensation Director Charles Collins called the Board to order at 9:03 am on Thursday, February 23, 2023. The meeting was held in Anchorage, Alaska, and by video conference.

II. Roll call

Director Collins conducted a roll call. The following Board members were present:

Matthew Barth	Randy Beltz	Pamela Cline	Michael Dennis
Bronson Frye	Anthony Ladd	Sarah Lefebvre	Nancy Shaw
Marc Stemp	Robert Weel	Lake Williams	

Director Collins noted that Members Bradley Austin and Sara Faulkner were excused. A quorum was established. Director Collins introduced the senior staff present.

III. Agenda Approval

A motion to approve the agenda was made by member Stemp and seconded by member Weel. A unanimous vote approved the agenda.

IV. Approval of Meeting Minutes

A motion to adopt the minutes from the October 13-14, 2022 Board Meeting was made by member Beltz and seconded by member Frye. The minutes were adopted without objection.

V. Director's Report

Director Collins discussed active legislation, new board members and upcoming board member term expirations, provided an update of Division staffing and presented the 2022 Oregon Workers' Compensation Premium Rate Ranking.

Director Collins reviewed the list of Board Designees and noted a mistake in the meeting packet that Grace Morfield was listed as a Board Designee although she had left State employment. A motion to accept the board designees as amended was made by member Frye seconded by member Beltz. The motion passed unanimously.

Break 10:00am-10:15am

VI. Public Comment Period 10:15 am- 11:15 am

Jackie Doerner – representing rehabilitation specialists

- Commented on rehabilitation regulation proposals.

Barbara Williams – Barb Williams Consulting

- Commended the Board and Director Collins on recent staffing, form and regulation updates, and improved ADA responses.

VII. WCRI Presentation

Vennela Thumula and Sebastian Negrusa with the Workers’ Compensation Research Institute gave a presentation on behavioral health care.

Lunch Break 12:16 pm - 1:30 pm

VIII. Old Business

Amend 8 AAC 45.025, 040(j)(4), 050(b)(4), and 072, relating to forms, parties, pleadings and venue. Member Stemp moved to adopt the amendments and member Frye seconded the motion. The motion passed unanimously.

IX. Reemployment Benefits Update

Reemployment Benefits Administrator Stacy Niwa provided an update of the Rehabilitation Specialist Stakeholder Meetings.

X. New Business

No new business was discussed.

Director Collins reminded the Board members that the next regular board meeting is May 18-19, 2023.

Motion to adjourn was made by member Cline and seconded by member Stemp. The motion passed unanimously.

Meeting Adjourned 2:09 pm

TAB 3

ALASKA WORKERS' COMPENSATION BOARD

Chair, Commissioner Catherine Muñoz
Alaska Department of Labor and Workforce Development

Name	Seat	District	Affiliation
Charles Collins	Commissioner's Designee		
Brad Austin	Labor	1 st Judicial District	Plumbers and Pipe Fitters Local 262
Vacant	Industry	1 st Judicial District	
Randy Beltz	Industry	3 rd Judicial District	
Pamela Cline	Labor	3 rd Judicial District	Intl. Brotherhood of Electrical Workers LU 1547
Mike Dennis	Industry	3 rd Judicial District	
Sara Faulkner	Industry	3 rd Judicial District	
Bronson Frye	Labor	3 rd Judicial District	Painters and Allied Trades Local 1959
Steven Heidemann	Labor	3 rd Judicial District	
Anthony Ladd	Labor	3 rd Judicial District	
Nancy Shaw	Labor	3 rd Judicial District	
Marc Stemp	Industry	3 rd Judicial District	
Vacant	Industry	3 rd Judicial District	
Vacant	Industry	3 rd Judicial District	
Sarah Lefebvre	Industry	4 th Judicial District	Colaska dba Exclusive Paving / University Redi-Mix
Lake Williams	Labor	4 th Judicial District	Operating Engineers Local 302
Jonathon Dartt	Industry	4 th Judicial District	
John Corbett	Labor	4 th Judicial District	Laborers Local 942
Bob Weel	Industry	At Large	
Vacant	Labor	At Large	

TAB 4



BOARD DESIGNEES – May 2023

The following staff members are appointed as Board designees to act on the Board's behalf in accordance with the Alaska Workers' Compensation Act and Regulations. (For example, the Board designee may conduct prehearing conferences, take action in connection with Board-ordered second independent medical examinations, and decide whether to continue or cancel scheduled Board hearings.)

<u>NAME</u>	<u>LOCATION</u>	<u>POSITION TITLE</u>
Charles Collins	Juneau	Director
Kent Sullivan	Anchorage	Chief of Adjudications
William Soule	Anchorage	WC Hearing Officer II
Janel Wright	Anchorage	WC Hearing Officer II
Vacant	Anchorage	WC Hearing Officer I/II
Vacant	Anchorage	WC Hearing Officer I/II
Kyle Reding	Anchorage	WC Hearing Officer I
Kathryn Setzer	Juneau	WC Hearing Officer II
Robert Vollmer	Fairbanks	WC Hearing Officer II
Vacant	Fairbanks	WC Hearing Officer I/II
Elizabeth Pleitez	Anchorage	WC Officer II
Harvey Pullen	Anchorage	WC Officer II
Shannon Sanderson	Anchorage	WC Officer II
Amanda Johnson	Anchorage	WC Officer I
Rosanna Mallari	Anchorage	WC Officer I
Dani Byers	Juneau	WC Officer II
Melody Kokrine	Fairbanks	WC Officer II

TAB 5

Workers Compensation Division

The Division of Workers' Compensation is the agency charged with the administration of the Alaska Workers' Compensation Act (Act).

Sec. 23.30.001. Legislative intent.

It is the intent of the legislature that

(1) this chapter be interpreted so as to ensure the quick, efficient, fair, and predictable delivery of indemnity and medical benefits to injured workers at a reasonable cost to the employers who are subject to the provisions of this chapter;

(2) workers' compensation cases shall be decided on their merits except where otherwise provided by statute;

(3) this chapter may not be construed by the courts in favor of a party;

(4) hearings in workers' compensation cases shall be impartial and fair to all parties and that all parties shall be afforded due process and an opportunity to be heard and for their arguments and evidence to be fairly considered.

The mission of the Division of Workers' Compensation, (WCD), under the authority of the Alaska Workers' Compensation Board, is to provide "quick, efficient, fair, and predictable benefits to injured workers and at a reasonable cost to the employer.

To address the mission goal the Division uses the sandbox approach, thus allowing all members to know how to interact and what the goal is.

WCD "Guiding Principles" for the team are:

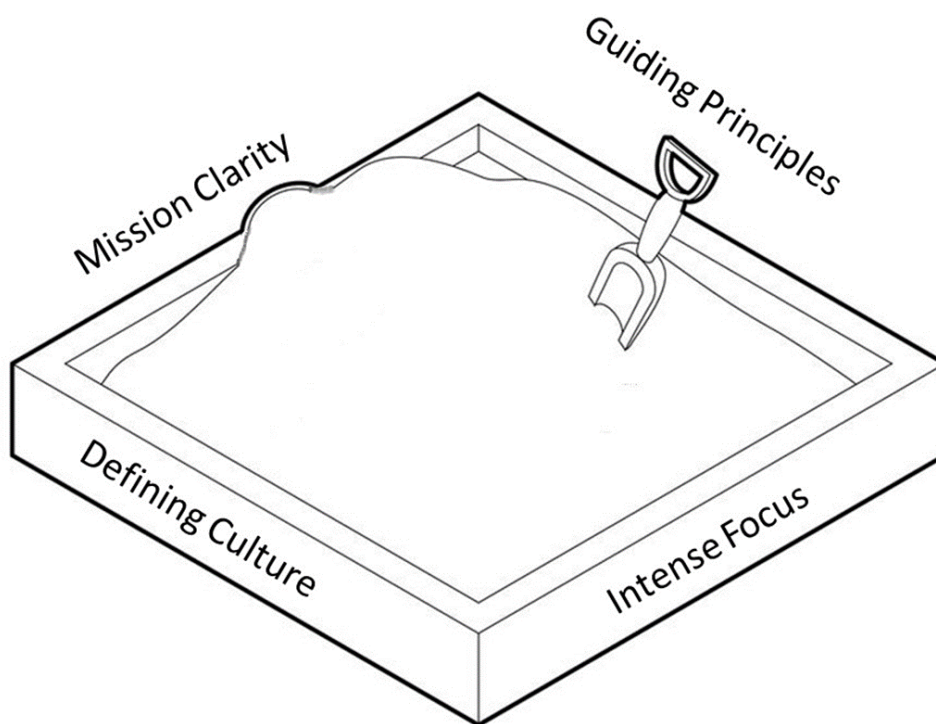
- Pursuit of Excellence
- Teamwork
- Participate and Contribute
- Dependability
- Exceed customer expectations

WCD “Defining Culture” includes:

- Respect
- Task oriented
- Solid and continuous communication
- Empowered, Trusted, and Appreciated
- Understand your role

This assists the team in maintain “Intense Focus” on the mission.

- Concentrate on the Mission
- Stay within our bounds
- Be conscious of our culture
- No mission creep
- Know your limits



In plain speech, “Stay in the sandbox”.

Board News

AWCB has two new members since our last meeting, Jonathan Dartt representing Industry/Management and Jon Corbett from Labor, both are in District 2 Fairbanks. Vacancies are Industry in District 1, Juneau; an industry seat in the 3rd District, Southcentral and an at large seat representing Labor.

Appointed Board members, including Jonathon Dartt and John Corbett, were confirmed by the Legislature. This includes Steven Heidemann, Anthony Ladd, Marc Stemp, and Lake Williams.

Legislative News

House Bill 63 and its companion Senate Bill 60, "An Act repealing the Workers' Compensation Appeals Commission."

Introduced into both chambers, this bill repeals the AWCAC set up in 2005. The bill would change the appeal process from AWCAC back to the Superior Court to be heard as other cases under Alaska law. Prior to 2005 the average length of time an appeal took under the Alaska Court System was 14 months. Currently the process is averaging less than six months with AWCAC.

The House version has sat in the Judiciary committee since March 20. The Senate version had a hearing in the Senate Labor & Commerce committee and has been moved out. The next committee of record is the Senate Judiciary committee.

Senate Bill XXX, "An Act relating to reemployment rights and benefits."

Division News

We have a new Chief of Adjudications; Kent Sullivan has joined our team and has brought energy and ideas with him. Kent resides in Juneau but will travel to Anchorage as needed.

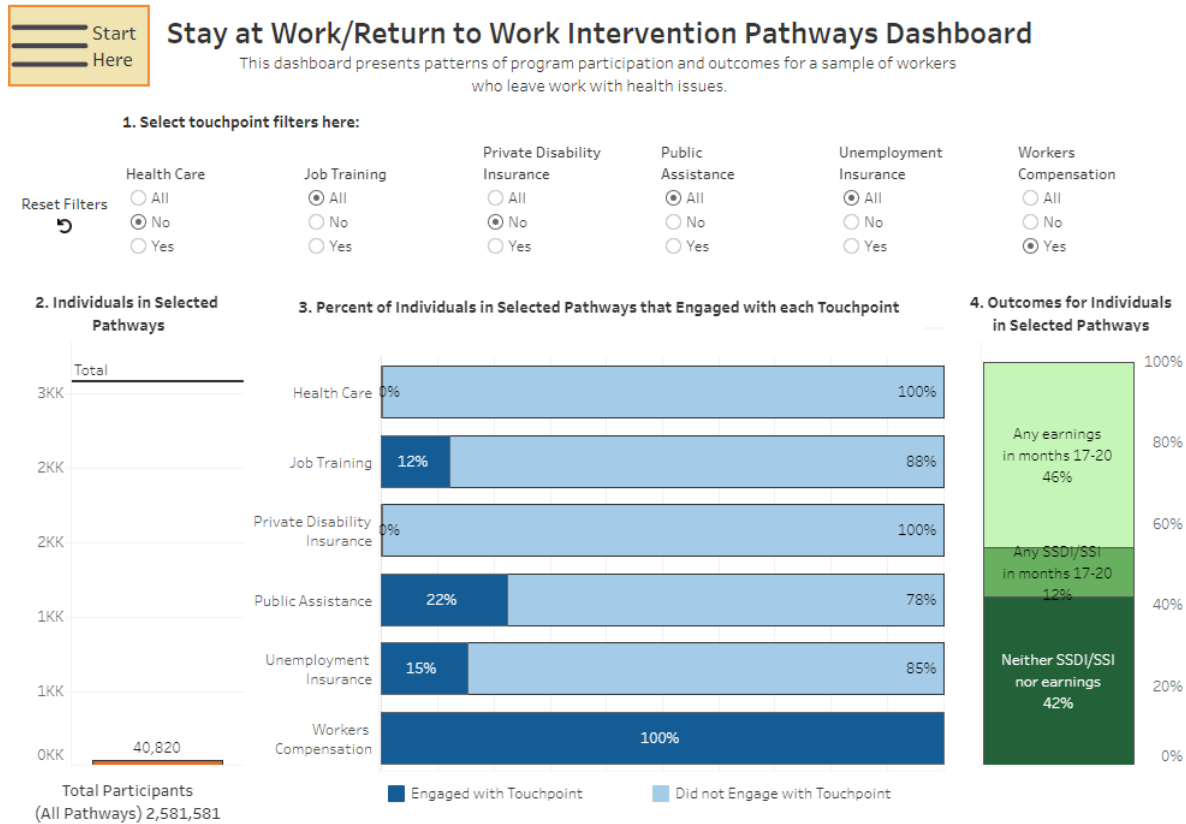
The Division is also concurrently advertising for Hearing Officer positions to fill the openings in Anchorage and Fairbanks. Currently we are down three positions.

Upgrades to the Anchorage hearing room are installed and now in use. This will be our first meeting with the set up and I look forward to improved operations.

Alaska has just been invited to participate in a multi-state forum on stay-at-work/return-to-work programs. This meeting, hosted by the Council for State Governments, includes reports from states involved in a USDOL program known as RETAIN, (Retaining

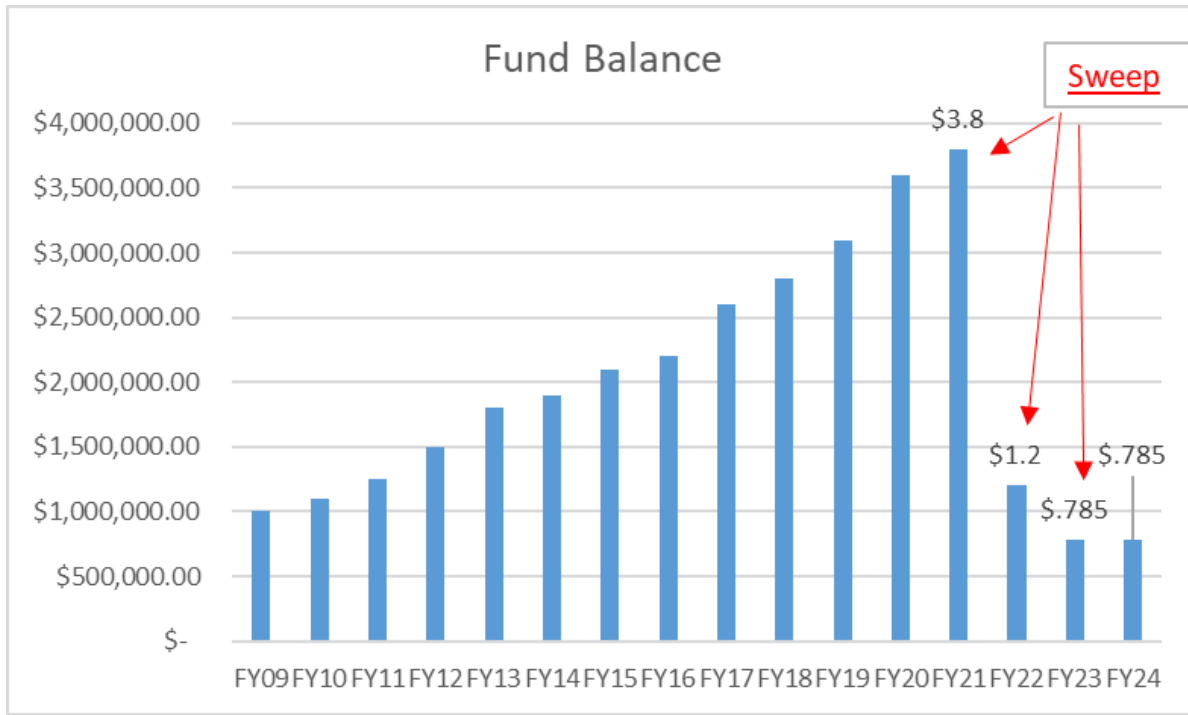
Employment and Talent after Injury/Illness Network). This program active in five states over a four-year time span were to implement and operate a network of employers providing alternate workplace opportunities for injured employees. This operation continues in buildout stage in those five states through 2024 and has shown successful progress.

A study of the participants before the program was initiated showed some interesting details on the effects of injured workers on programs if unable to return to the workforce.



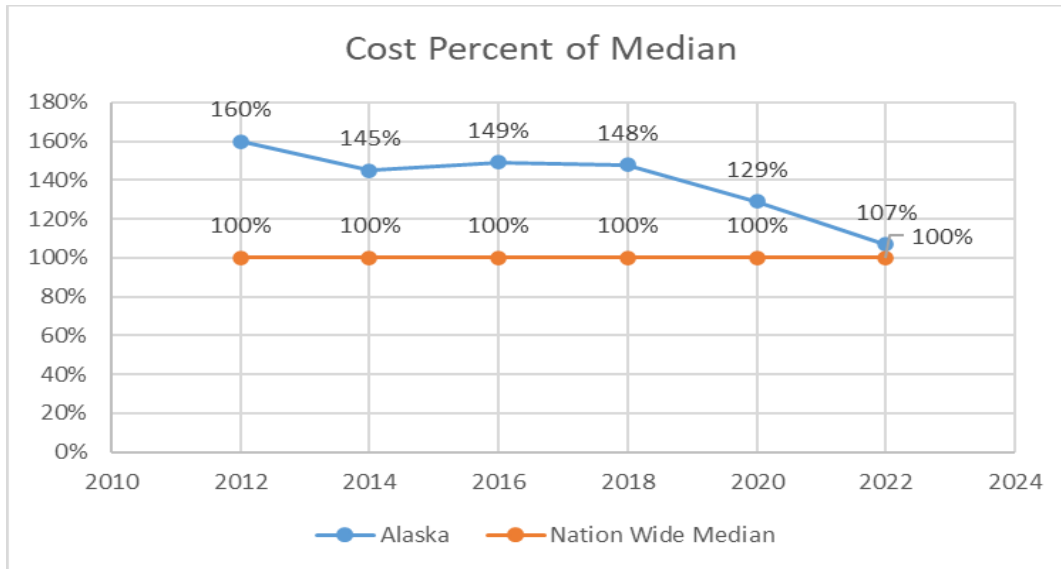
Only 12% of the over 40,800 participants that had workplace injuries received assistance with job training for returning to work. However, 15% received unemployment insurance as a result of not returning to work and another 22% received public assistance. Without a program for improving or enhancing the skill of many injured workers, we run the risk of impacting other assistance programs without the benefit of work production from those injured on the job.

We have experienced an issue with the Benefit Guarantee Fund. As reported earlier in the year, the impact of certain events has now manifested into real problems that may continue for some time.



For FY23, the allocation to BGF was \$785,100 and the FY24 budget allocates a like amount. As no reverse sweep was authorized in past Legislative sessions, all excess money was swept. Board members may hear public comment concerning payment of benefits being impacted by the lack of funds due to BGF insufficiency. Alaska statute 23.30.082(e) allows for the suspension of payments when BGF balance is insufficient, however the benefit recipients may be due penalties and interest which would be a further impact upon the fund. To adjust this for the future, the Division is submitting language to the Legislature to amend the BGF and from future Legislative sweep actions.

As a Board you are to be commended for the guidance and oversight that has allowed Alaska to lower costs to the workers' compensation system and close the gap to the median cost when compared nationwide.



Future Events

The Medical Services Review Committee, (MSRC), is scheduled to meet on May 31, to begin the process of working on next year's Medical Fee Schedule.

A team from Alaska, including Stacy Niwa and myself, will be participating in a Council of State Governments work session on Stay-at-Work/Return-to-Work programs in early June. This opportunity allows a sharing of concepts and practices among various states with an emphasis on those states currently piloting plans supported by the USDOL for continued employment of disabled and dislocated workers.

The SIME Panel is set to meet this summer to work through the list of providers authorized by the AWCB. Dani Byers has arranged a set of meetings and will be tracking the progress for the Board. Chief Sullivan will participate in the process to offer assistance in working toward a well-rounded slate of providers.

APOC Reporting

As a Board member all newly appointed members must file within 30 days of appointment. Conversely, within 90 days of leaving office a statement must be filed covering any service period not covered by another report. There is a **FINE** for not reporting.

WCD Goals

Improvement of Rehabilitation and Reemployment of injured workers is my foremost focus. A change in the process to a return to work/stay at work program that holistically assists injured workers in retention and return to the workforce. At the same time shortening the turnaround in claims and reducing the financial burden on employers.

Protection of the Benefit Guarantee Fund, this fund made up of civil penalty payments by employers who failed to insure is dedicated to cover those employees injured and not covered. Removing this fund from the sweep able actions of the Legislature and allowing the BGF to grow to an amount to cover claims and ongoing benefit payments.

Upgrades to the database to enhance data availability. This includes a new “Proof of Coverage” module for use by the division to insure all employees are covered by an active workers’ compensation policy.

Enhance the reporting that the WCD produces from claims to better analyze trends in the system. Annual reports are very complex, and the database is built to follow claims but does a poor job of producing reports.

Continue the scanning of historical files that are stored in physical format. A concerted effort to scan and catalog files for safe keeping and ease of search by digital means.

Internally WCD continues to research and test policies and procedures to reduce the time to perform all duties in connection to claims while providing the best service possible. Under current budget concerns the WCD has carefully and will in the future carefully implement technological and procedural changes to provide quick, efficient, fair, and predictable delivery of indemnity and medical benefits to injured workers at a reasonable cost to all parties.

Charles Collins
Director
PCN 07-3001
JNU XE

Alexis Hildebrand
Admin Officer II
Rg 19 PCN 07-3026
JNU SU

Stacy Niwa
RBA
Rg 22 PCN 07-3047
ANC XE

Rhonda Gerharz
Investigator IV
Rg 20 PCN 07-4557
ANC SU

Kent Sullivan
Chief of Adjudications
Rg 25 PCN 07-3005
ANC XE

Velma Thomas
Program Coordinator
Rg 18 PCN 07-1026
JNU SU

Michael Christenson
Project Assistant
Rg 16 PCN 07-5527
JNU GG

Tom Benkert
WC Officer II
Rg 18 PCN 07-3007
ANC GG

Julie Milazzo
Investigator II
Rg 16 PCN 07-3064
ANC GG

Shannon Sanderson
WC Officer II
Rg 18 PCN 07-3058
ANC SU

Kathryn Setzer
WC Hearing Off II
Rg 22 PCN 07-3061
JNU GG

William Soule
WC Hearing Off II
Rg 22 PCN 07-3060
ANC GG

Nanette Ferrer
WC Tech - FF
Rg 12 PCN 07-3028
JNU GG

Brittani Scanlon
Admin Assistant II
Rg 14 PCN 07-3055
JNU SU

VACANT
WC Officer II
Rg 18 PCN 07-3012
ANC GG

Christine Christensen
Investigator III
Rg 18 PCN 07-3070
ANC GG

Kim Weaver
Office Asst II
Rg 10 PCN 07-3037
ANC GG

VACANT
WC Hearing Off I/II
Rg 22 PCN 07-3042
FBKS GG

Janel Wright
WC Hearing Off II
Rg 22 PCN 07-3059
ANC GG

VACANT
WC Tech - FF
Rg 12 PCN 07-1027
JNU GG

Rowan Strother
Office Asst I
Rg 8 PCN 07-3003
JNU GG

Darlene Charles
WC Tech
Rg 12 PCN 07-3030
ANC GG

Michelle Wall-Rood
Investigator III
Rg 18 PCN 07-3072
ANC GG

Rachel Story
Office Asst I
Rg 8 PCN 07-3052
ANC GG

Robert Vollmer
WC Hearing Off II
Rg 22 PCN 07-3044
FBKS GG

VACANT
WC Hearing Off I/II
Rg 22 PCN 07-3043
ANC GG

020

Ted Burkhart
WC Officer I
Rg 16 PCN 07-3046
JNU GG

Marcus Schaufele
Office Asst II
Rg 10 PCN 07-3014
JNU GG

Mary Corpuz
Office Asst I
Rg 8 PCN 07-3071
ANC GG

Wayne Harger
Investigator III
Rg 18 PCN 07-3069
FBKS GG

Kyla Songco
Office Asst I
Rg 8 PCN 07-3011
ANC GG

Kyle Reding
WC Hearing Off I
Rg 21 PCN 07-3013
ANC GG

VACANT
WC Hearing Off I/II
Rg 22 PCN 07-3051
JNU GG

Dawn Wilson
Collections Officer
Rg 16 PCN 21-3047
JNU GG

Danielle Kalmakoff
Office Asst I
Rg 8 PCN 07-3010
JNU GG

Deirdre Ford
Chair, WC Appeals
Commission
Rg 27 PCN 07-X001
ANC XE

David Price
Investigator III
Rg 18 PCN 07-3068
JNU GG

Pamela Hardy
WC Tech
Rg 12 PCN 07-3025
ANC GG

Dani Byers
WC Officer II
Rg 18 PCN 07-3009
JNU SU

Elizabeth Pleitez
WC Officer II
Rg 18 PCN 07-3040
ANC GG

Aldwyn McCuiston
Office Asst I
Rg 8 PCN 07-3062
JNU GG

Kathleen Morrison
Law Office Assistant III
Rg 14 PCN 07-3067
ANC GG

Hannah Seutter
Office Asst I
Rg 8 PCN 07-7005
ANC GG

Lorvin Uddipa
WC Tech
Rg 12 PCN 07-3004
JNU GG

Harvey Pullen
WC Officer II
Rg 18 PCN 07-3027
ANC GG

Ariella Cristobal
Student Intern I
Rg 6 PCN 07IN1901
JNU GG

VACANT
Office Asst I
Rg 8 PCN 07-1720
JNU GG

Amanda Johnson
WC Officer I
Rg 16 PCN 07-3031
ANC GG

Melody Kokrine
WC Officer II
Rg 18 PCN 07-3024
FBKS SU

Rosanna Mallari
WC Officer I
Rg 16 PCN 07-3056
ANC GG

Suzanne Schmidt
WC Technician
Rg 12 PCN 07-3063
FBKS GG

VACANT
Office Asst II
Rg 10 PCN 07-3036
FBKS GG

Zach Norman
Student Intern I
Rg 6 PCN 07IN1902
ANC GG



ANALYSIS OF ALASKA MEDICAL FEE SCHEDULE CHANGES EFFECTIVE JANUARY 29, 2023

NCCI estimates that the changes to the medical fee schedule in Alaska, effective January 29, 2023¹, will result in an impact of +0.5% on overall workers compensation system costs.

SUMMARY OF CHANGES

The Alaska medical fee schedule (MFS), effective January 29, 2023, is based on 2023 Medicare values with state-specific conversion factors (CFs) established by the Department of Labor and Workforce Development (DLWD).

The changes to the Alaska MFS, effective January 29, 2023, include the following:

Provider Schedule

- Update the maximum allowable reimbursements (MARs) to be based on 2023 Medicare Resource-Based Relative Value Units (RBRVUs) established for each CPT² code and published by the Centers for Medicare and Medicaid Services (CMS). The prior MARs were based on the 2022 Medicare RBRVUs.
- All physician services' CFs remain unchanged.

Hospital Outpatient and Ambulatory Surgical Center (ASC)

- Update the MARs to be based on 2023 Medicare Outpatient Prospective Payment System (OPPS) relative weights. The prior MARs were based on 2022 OPPS relative weights.
- The CFs for Hospital Outpatient and ASC services remain unchanged.

Hospital Inpatient

- Update the MARs to be based on 2023 Medicare Severity Diagnosis Related Group (MS-DRG) weights. The prior MARs were based on 2022 MS-DRG weights. The DLWD establishes multipliers for each hospital to be applied to the Medicare MAR. There is no change to the multipliers.

¹ Per Alaska DLWD Bulletin 23-01: "Due to unanticipated delays, the Alaska Workers' Compensation Medical Fee Schedule published January 1, 2023, will not take effect until January 29, 2023."

² Current Procedural Terminology maintained by the American Medical Association.



ANALYSIS OF ALASKA MEDICAL FEE SCHEDULE CHANGES EFFECTIVE JANUARY 29, 2023

Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS)

- Update the MARs to be based on the 2023 Medicare DMEPOS Fee Schedule. The prior MARs were based on the 2022 DMEPOS Fee Schedule.
- There is no change to the multiplier established by the DLWD.

ACTUARIAL ANALYSIS

NCCI's methodology to evaluate the impact of medical fee schedule changes includes three major steps:

1. Calculate the percentage change in maximum reimbursements
 - Compare the prior and revised maximum reimbursements by procedure code to determine the percentage change by procedure code. For hospital inpatient services, the prior and revised maximum reimbursements are compared by episode.
 - Calculate the weighted-average percentage change in maximum reimbursements for the fee schedule using observed payments by procedure code as weights. For hospital inpatient services, the observed payments by episode are used as weights. For hospital outpatient and ASC services, observed payments are aggregated according to packaging rules, where applicable.
2. Determine the share of costs that are subject to the fee schedule
 - The share is based on a combination of fields, such as procedure code, provider type, and place of service, as reported on the NCCI Medical Data Call, to categorize payments that are subject to the fee schedule.
 - Any potential impact from the share of costs not subject to the fee schedule will be realized in future claim experience and reflected in subsequent NCCI loss cost filings, as appropriate.
3. Estimate the price level change as a result of the revised fee schedule
 - NCCI research by David Colón and Paul Hendrick, "The Impact of Fee Schedule Updates on Physician Payments" (2018), suggests that approximately 80% of the change in maximum reimbursements for physician fee schedules is realized on payments impacted by the change.
 - For facility and durable medical equipment, prosthetics, orthotics, and supplies fee schedule changes, a price realization factor of 80% is assumed.



**ANALYSIS OF ALASKA MEDICAL FEE SCHEDULE CHANGES
EFFECTIVE JANUARY 29, 2023**

In this analysis, NCCI relies primarily on two data sources:

- Detailed medical data underlying the calculations in this analysis are based on NCCI’s Medical Data Call for Alaska for Service Year 2021. Due to low data volume, the hospital inpatient impact analysis is based on NCCI’s Medical Data Call for Alaska for Service Years 2020 and 2021. Reported medical experience for COVID-19 claims as reported in NCCI Call 31 for Large Loss and Catastrophe have been excluded from the data on which this analysis is based.
- The share of benefit costs attributed to medical benefits is based on NCCI’s Financial Call data for Alaska from Policy Years 2017, 2018, 2019, and 2020 projected to the effective date of the benefit changes.

SUMMARY OF IMPACTS

The impacts from the fee schedule changes in Alaska, effective January 29, 2023, are summarized below.

Type of Service	(A) Impact on Type of Service	(B) Share of Medical Costs	(C) = (A) x (B) Impact on Medical Costs
Physician	+0.2%	46.1%	+0.1%
Hospital Inpatient	+1.7%	10.7%	+0.2%
Hospital Outpatient	+0.5%	15.1%	+0.1%
ASC	+2.6%	10.7%	+0.3%
DMEPOS	+1.8%	6.4%	+0.1%
Combined Impact on Medical Costs (D) = Total of (C)			+0.8%
Medical Costs as a Share of Overall Costs (E)			66%
Combined Impact on Overall Costs (F) = (D) x (E)			+0.5%

Refer to the appendix for the weighted-average changes in MARs by physician practice category, the share of costs subject to the fee schedule by type of service, and the weighted-average change in MAR by type of service.

NON-QUANTIFIED CHANGES

- Maximum reimbursement for dental services and ambulance services are also governed by the fee schedule in Alaska. The share of these payments with a MAR makes up a small portion of medical costs. Therefore, the impact on overall costs due to updating the fee schedule for these services is not anticipated to be material. As such, any potential impact from this change will be realized in future claim experience and reflected in subsequent NCCI loss cost filings in Alaska, as appropriate.



**ANALYSIS OF ALASKA MEDICAL FEE SCHEDULE CHANGES
EFFECTIVE JANUARY 29, 2023**

APPENDIX

Weighted-Average Percentage Change in MARs Prior to Price Realization by Physician Practice Category

Physician Practice Category	Share of Physician Costs	Percentage Change in MARs
Anesthesia	3.5%	0.0%
Surgery	25.1%	+0.4%
Radiology	9.4%	-1.3%
Pathology & Laboratory	0.8%	0.0%
Evaluation & Management	21.1%	+0.3%
Medicine	36.3%	+0.5%
Other HCPCS*	0.0%	0.0%
Payments with no MAR	3.8%	—
Total	100.0%	+0.2%

*Healthcare Common Procedure Coding System

Share of Costs Subject to the Fee Schedule and Weighted-Average Percentage Change in MARs by Type of Service

Type of Service	Share of Costs Subject to the Fee Schedule	Percentage Change in MARs	Impact after 80% Price Realization
Physician	96.2%	+0.2%	+0.2%
Hospital Inpatient	79.2%	+2.1%	+1.7%
Hospital Outpatient	91.0%	+0.6%	+0.5%
ASC	92.9%	+3.3%	+2.6%
DMEPOS	27.6%	+2.3%	+1.8%

THIS DOCUMENT AND ANY ANALYSIS, ASSUMPTIONS, AND PROJECTIONS CONTAINED HEREIN PROVIDE AN ESTIMATE OF THE POTENTIAL PROSPECTIVE SYSTEM COST IMPACT(S) OF PROPOSED/ENACTED SYSTEM CHANGE(S) AND IS PROVIDED SOLELY AS A REFERENCE TOOL TO BE USED FOR INFORMATIONAL PURPOSES ONLY. THIS DOCUMENT SHALL NOT BE CONSTRUED OR INTERPRETED AS PERTAINING TO THE NECESSITY FOR OR A REQUEST FOR A LOSS COST/RATE INCREASE OR DECREASE, THE DETERMINATION OF LOSS COSTS/RATES, OR LOSS COSTS/RATES TO BE REQUESTED. THE ANALYSIS CONTAINED HEREIN EVALUATES THE DESCRIBED CHANGES IN ISOLATION UNLESS OTHERWISE INDICATED; ANY OTHER CHANGES NOT INCLUDED IN THIS ANALYSIS THAT ARE ULTIMATELY ENACTED MAY RESULT IN A DIFFERENT ESTIMATED IMPACT. I, JON SINCLAIR, FCAS, MAAA, AM A DIRECTOR AND ACTUARY FOR THE NATIONAL COUNCIL ON COMPENSATION INSURANCE, INC. AND THE ACTUARY RESPONSIBLE FOR THE PREPARATION OF THIS DOCUMENT. THIS DOCUMENT IS PROVIDED "AS IS" ON THE DATE SET FORTH HEREIN AND INCLUDES INFORMATION AND EVENTS AVAILABLE AT THE TIME OF PUBLICATION ONLY.

TAB 6



ALASKA DEPARTMENT OF LABOR
& WORKFORCE DEVELOPMENT

2024 Anchorage Hearing Calendar

JANUARY

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FEBRUARY

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JULY

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Holiday
 Payday
 Hearing Day

State Holidays

Date	Holiday
01/01/24	New Year's Day
01/15/24	MLK Jr.'s Birthday
02/19/24	Presidents' Day
03/25/24	Seward's Day
05/27/24	Memorial Day
07/04/24	Independence Day

AWCB
 MSRC

State Holidays

Date	Holiday
09/02/24	Labor Day
10/18/24	Alaska Day
11/11/24	Veterans' Day
11/28/24	Thanksgiving Day
12/25/24	Christmas Day



ALASKA DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

2024 Fairbanks Hearing Calendar

JANUARY

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11/28/24	Thanksgiving Day
12/25/24	Christmas Day



ALASKA DEPARTMENT OF LABOR
& WORKFORCE DEVELOPMENT

2024 Juneau Hearing Calendar

JANUARY

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TAB 7



Department of Labor and
Workforce Development
DIVISION OF WORKERS'
COMPENSATION
Web: <http://labor.state.ak.us/wc>

STATE OF ALASKA DIVISION OF WORKERS' COMPENSATION

REEMPLOYMENT BENEFITS ANNUAL REPORT Calendar Year 2022

**Stacy Niwa
Reemployment Benefits Administrator**



Reemployment Benefits Section

Department of Labor and
Workforce Development
DIVISION OF WORKERS'
COMPENSATION
Web: <http://labor.state.ak.us/wc>

- Provides information about reemployment benefits
- Notifies employees of their reemployment benefits rights
- Processes requests for, and stipulations to, eligibility evaluations
- Makes eligibility determinations after review of rehabilitation specialist recommendations
- Processes and serves employee elections of reemployment benefits or job dislocation benefits
- Processes assignment of eligible employees to rehabilitation specialists for plan development
- Reviews reemployment benefits plans upon request



2022 By the Numbers

- 498 injured workers were referred for evaluations for eligibility for reemployment benefits.
- 1020 eligibility evaluation reports were reviewed.
- 146 suspension letters were issued.
- 489 eligibility determinations were made.
- 67 injured workers were found eligible for reemployment benefits.
- 23 injured workers elected to receive a job dislocation benefit.

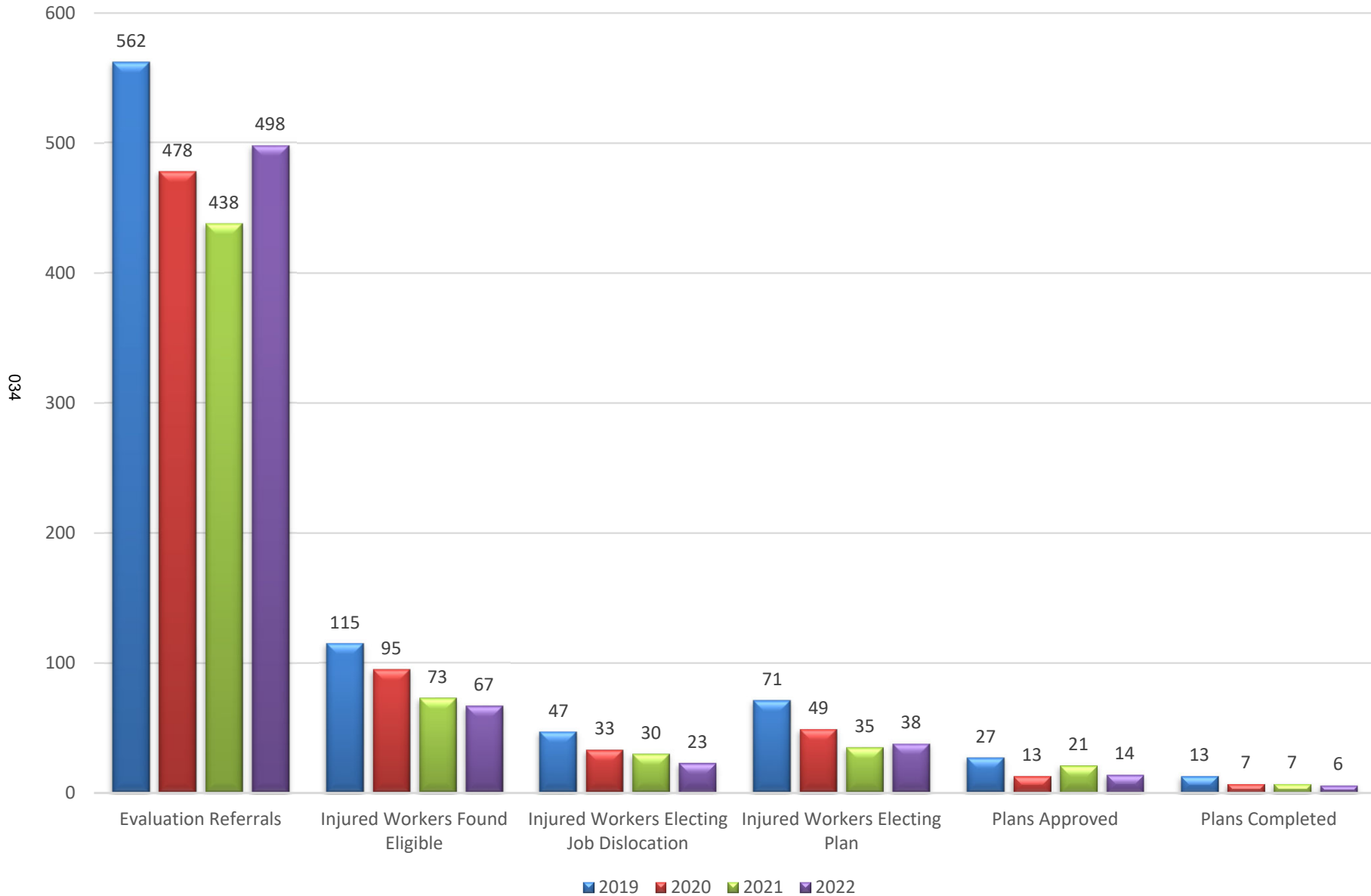


2022 By the Numbers, Cont.

- 38 elected to pursue reemployment benefits.
- 35 reemployment plans were submitted.
- 14 plans were signed by all parties and moved forward as agreed upon plans.
- 4 plan reviews were completed.
- 6 informal rehabilitation conferences were held to assist the parties in moving forward with reemployment benefits.
- 6 injured workers completed reemployment plans.
 - start dates of completed plans range from 1/6/2020 – 1/6/2022



2022 By the Numbers, Cont.





Reemployment Benefit Plans

- 109 injured workers were in the plan process at some point during 2022.
- 39 injured workers were referred for plan development in 2022.
- 22 injured workers exited the process through a Compromise and Release after plan referral and before plan completion.
- 14 injured workers were in an approved plan at year end.
- 12 injured workers were in plan development and 20 plans were pending approval at year end.
- 6 injured workers successfully completed plans with an average plan length of 18 months from plan approval to plan completion.



Reemployment Benefit Plans, Cont.

- 48 plans were stalled or exited for various reasons.
 - 5 injured workers' plan process was medically suspended.
 - 23 injured workers exited through a Compromise and Release agreement.
 - 12 plans were controverted or a petition to terminate reemployment benefits was filed.
 - 2 plan was unable to be developed to meet statutory requirements.
 - 5 plan processes were halted because the injured worker was non-participatory.
 - 1 plan was unsuccessful because the time had expired.



Outcomes for Workers Completing Plans

- The Reemployment Benefits Section attempted to contact 20 injured workers that had completed plans between 2020 and 2022.
- 5 injured workers responded.
- 0 injured workers had returned to the workforce.
- 5 injured workers reported they had not returned to work.
 - 2 reported they were medically disabled
 - 1 reported they needed additional medical treatment
 - 1 reported the training did not prepare them for the occupational goal
 - 1 reported they are continuing their education



Reemployment Benefit Costs

Department of Labor and
Workforce Development
DIVISION OF WORKERS'
COMPENSATION
Web: <http://labor.state.ak.us/wc>

	2020	2021	2022
Evaluation Costs	\$1,472,596	\$1,573,099	\$1,268,766
Reemployment Specialist Plan Fees	\$626,545	\$551,153	\$585,333
Plan Costs	\$503,629	\$263,607	\$327,406
Wage Benefits (AS 23.30.041(k))	\$2,135,149	\$2,053,267	\$2,437,847
Job Dislocation Benefits (AS 23.30.041(g))	\$2,961,687	\$917,890	\$1,619,726
TOTALS	\$7,699,606	\$5,359,016	\$6,239,076
% Change	-3.10%	-30.40%	16.42%

038



Reemployment Benefits in Settlements

Impact of settlements on reemployment benefits in 2022

- 47 injured workers exited the reemployment benefits process through Compromise and Release agreements during the reemployment benefits process.
- 62 injured workers had funds designated for reemployment benefits included in settlements approved in 2022, increasing reemployment benefit costs.
 - 45 of these injured workers had never been determined eligible for reemployment benefits, many had never entered the reemployment process or had been found not eligible for reemployment benefits.
- 22 injured workers exited the reemployment process through a settlement after a determination of eligibility, significantly reducing the number of injured workers available for plan completion.



Rehabilitation Specialists

- 15 Alaska Rehabilitation Specialists accepted 372 referrals for eligibility evaluations; 126 evaluations were referred to 43 specialists out of state.
- 1 Alaska specialist retired
- For Alaska Based Specialists:
 - 306 or 82% of the first reports were submitted within 60 days of the referral.
 - 141 or 38% of the evaluations were completed on the first report submission.
 - 223 or 60% of the evaluations were completed prior to a suspension letter from a Reemployment Benefits Administrator Designee.
 - 159 reports did not meet statutory/regulatory requirements.
- Continued improvements in our process are being made to ensure work is in compliance with statutory and regulatory requirements through suspension letters, discussions, plans of correction and disqualification from providing services under AS 23.30.041.



Alaska Rehabilitation Specialist Performance

Department of Labor and
Workforce Development
DIVISION OF WORKERS'
COMPENSATION
Web: <http://labor.state.ak.us/wc>

2022 Reemployment Benefit Eligibility Evaluations

Rehabilitation Specialist	# of Referrals recv'd	Average # days to 1 st report	% complete on 1 st report or w/o suspension letter	% of late 1 st reports	# 90 day gaps in reporting	# reports not meeting stat/reg	Median # days to determ
L. Cortis	22	57	62%	30%	6	3	57
J. Cranston	20	28	42%	10%	5	25	56
K. Davis	22	38	57%	9%	1	6	58
J. Doerner	35	33	75%	0%	0	3	32
R. Hoover	40	29	58%	5%	5	1	30
T. Hutto	18	32	69%	33%	1	2	34
N. Kates	13	30	64%	0%	0	4	41
S. Krier	20	27	72%	0%	0	9	43

041



Alaska Rehabilitation Specialist Performance

Department of Labor and
Workforce Development
DIVISION OF WORKERS'
COMPENSATION
Web: <http://labor.state.ak.us/wc>

2022 Reemployment Benefit Eligibility Evaluations

Rehabilitation Specialist	# of Referrals recv'd	Average # days to 1 st report	% complete on 1 st report or w/o suspension letter	% of late 1 st reports	# 90 day gaps in reporting	# reports not meeting stat/reg	Median # days to determ
D. LaBrosse	19	31	53%	16%	0	24	50
C. Robbins	35	34	78%	17%	1	2	28
B. Roberts	18	43	38%	69%	0	28	131
F. Sakata	35	56	46%	41%	6	38	51
J. Shipman	21	25	90%	0%	0	1	26
N. Silta	19	27	53%	0%	0	13	90
P. Vargas	35	37	81%	16%	0	0	33

042



**Department of Labor and
Workforce Development**
DIVISION OF WORKERS'
COMPENSATION
Web: <http://labor.state.ak.us/wc>

QUESTIONS?

TAB 8

DAL Enterprises, LLC

P.O. Box 10273

Fairbanks, AK 99710

(907) 750-3656 P

(907) 782-4222 F



Dec 15, 2022

Re: Proposed changes to the management of the Rehabilitation Specialist referral list.

The proposed changes to the regulations on rehabilitation benefits have not been provided, including any proposed definition of “suitable rehabilitation skills.” With this level of generality specific comments also cannot be provided. Given the lack of specifics it is necessary for additional input to be allowed as any proposed regulations are developed.

In general, clarity is helpful to the rehabilitation process and those who facilitate that process. But clarity should not be used to facilitate the RBA having discretion to disqualify rehabilitation specialists from providing needed services based on subjective criteria that are subject to abuse. Maintaining the independence of rehabilitation specialists is critical for the rehabilitation process to function as designed. Great care must be used, however, to ensure that the definition of “suitable rehabilitation skills” are objectively measurable and thus capable of being proven or disproven. In addition, maintaining Board review before any disqualification of a rehabilitation specialist can occur is imperative to curbing potential abuse of the process generated by the adversarial nature of worker compensation cases.

With the above in mind “suitable rehabilitation skills” include the following:

Ability to understand complex medical and regulatory processes and procedures.

Ability to maintain time lines in a reasonable fashion so as not to delay the process.

Ability to get work done in this time of tight regulatory parameters in such a way that brings success to all parties involved.

Thanks for the opportunity to participate in this process.

Signed :

A handwritten signature in blue ink that reads "Dan LaBrosse". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Dan LaBrosse, M.A., C.R.C.
Rehabilitation Counselor

DAL Enterprises, LLC

P.O. Box 10273

Fairbanks, AK 99710

(907) 750-3656 P

(907) 782-4222 F



From: [Niwa, Stacy L \(DOL\)](#)
To: [Janice Shipman](#); [Collins, Charles M \(DOL\)](#); [Brasington, Charles E \(LAW\)](#)
Subject: FW: 8AAC 45.440 (a) (3)
Date: Tuesday, April 11, 2023 3:05:00 PM

Hi Janice,
My apologies for not forwarding the response from Mr. Brasington sooner. As you can see below, he concurred with my interpretation.

Stacy Niwa MS, CRC
Reemployment Benefits Administrator
State of Alaska
Department of Labor & Workforce Development
Workers Compensation Division
3301 Eagle Street, Suite 301
Anchorage, AK 99503

From: Brasington, Charles E (LAW) <charles.brasington@alaska.gov>
Sent: Monday, April 3, 2023 3:50 PM
To: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>
Subject: RE: 8AAC 45.440 (a) (3)

Stacy,

I fully agree with your interpretation.

Charles E. Brasington
Senior Assistant Attorney General
Labor and State Affairs Section
Alaska Department of Law
1031 W. 4th Avenue #200
Anchorage, AK 99501
907-269-6612

From: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>
Sent: Monday, April 3, 2023 3:48 PM
To: Brasington, Charles E (LAW) <charles.brasington@alaska.gov>
Subject: FW: 8AAC 45.440 (a) (3)

From: jshipman@mtaonline.net <jshipman@mtaonline.net>
Sent: Wednesday, March 15, 2023 11:32 AM

To: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>
Cc: Collins, Charles M (DOL) <charles.collins@alaska.gov>
Subject: RE: 8AAC 45.440 (a) (3)

Thank You!

Sincerely,

Janice Shipman, M.ED., GCDF, CRC
Rehabilitation Specialist
PO BOX 670085
Chugiak, AK 99567
Main: (907) 229-5544
Fax: (888) 360-8452

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From: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>
Sent: Wednesday, March 15, 2023 11:04 AM
To: jshipman@mtaonline.net
Cc: Collins, Charles M (DOL) <charles.collins@alaska.gov>
Subject: RE: 8AAC 45.440 (a) (3)

Good morning Janice,
Thank you for your question. Here are my thoughts:

When a specialist temporarily comes off the list they are expected to continue performing the work currently assigned to them. We only stop new assignments when they come off the list. If the specialist comes off the list temporarily and specifically states they will not be able to complete the work assigned to them we take the steps to reassign the work to another specialist. I would interpret the current language in regulation to mean that the specialist has not communicated with our office, the employee, or the employer. I hope that helps to bring clarification to our process.

I will bring this question forward at our next meeting with Mr. Brasington to get his thoughts.

Stacy Niwa MS, CRC
Reemployment Benefits Administrator
State of Alaska
Department of Labor & Workforce Development

Workers Compensation Division
3301 Eagle Street, Suite 301
Anchorage, AK 99503

From: jshipman@mtaonline.net <jshipman@mtaonline.net>

Sent: Wednesday, March 15, 2023 8:46 AM

To: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>

Cc: Collins, Charles M (DOL) <charles.collins@alaska.gov>

Subject: 8AAC 45.440 (a) (3)

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Wondering if ...failure by the rehabilitation specialist to provide rehabilitation services includes when we are temporarily off the list?

Thinking this may need more clarification unless your intent is to find a path to remove us all.

Sincerely,

Janice Shipman, M.ED., GCDF, CRC
Rehabilitation Specialist
PO BOX 670085
Chugiak, AK 99567
Main: (907) 229-5544
Fax: (888) 360-8452

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From: [Niwa, Stacy L \(DOL\)](#)
To: [Collins, Charles M \(DOL\)](#); [Brasington, Charles E \(LAW\)](#)
Subject: FW: Proposed Changes to AAC 45.400-45.500
Date: Monday, February 13, 2023 4:37:00 PM

Below is an email I received from Serra Fairbanks of Sedgwick this morning. She is a supervisor over there and I thought her comments would be good to see.

From: Fairbanks, Serra <Serra.Fairbanks@sedgwick.com>
Sent: Monday, February 13, 2023 12:12 PM
To: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>
Subject: RE: Proposed Changes to AAC 45.400-45.500

Of course Stacy, you're welcome to share it. I am for sure not a voc counselor and don't have all the answers, I just see a system that doesn't seem to be doing what it is intended to do and I think we could do better for our injured workers.

Have a lovely week.

Serra E. Fairbanks | Claims Manager

Sedgwick Inc. Anchorage Alaska

DIRECT 907-339-4612

FAX 503-412-3990

MAILING/BILLING ADDRESS: PO Box 14514 LEXINGTON KY 40512

EMAIL Serra.Fairbanks@sedgwick.com

www.sedgwick.com | **Caring countsSM**

■ Empathy ■ Accountability ■ Collaboration ■ Growth ■ Inclusion

From: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>
Sent: Monday, February 13, 2023 12:07 PM
To: Fairbanks, Serra <Serra.Fairbanks@sedgwick.com>
Subject: RE: Proposed Changes to AAC 45.400-45.500

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Serra,
Thank you for your thoughtful comments. Are you comfortable with me sharing this with our Director, the board, and our attorney?

Stacy

From: Fairbanks, Serra <Serra.Fairbanks@sedgwick.com>
Sent: Monday, February 13, 2023 12:02 PM

To: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>
Subject: RE: Proposed Changes to AAC 45.400-45.500

Good morning Stacy,

Of course, I'm sorry I wasn't more prepared to provide some commentary. I was expecting to listen to a bunch of voc counselors. I want to do what I can to support you and the rehab office, so if there are changes you feel would be helpful for your management of this process I am here to support you. I'd be happy to chat about concerns you have with the regulations and review the previously proposed changes. It's my understanding there are concerns regarding who can be on the list and how to get counselors removed from the list.

From a claims handling perspective the 90 day mandatory evaluation time and the actual available rehab benefits are the biggest problems, but that's statutory not regulation. I do not think the voc process works and the stats that the director provides us annually support that the AK Voc process is not working. I would be very interested in knowing what other states are doing. What was that program that the director was talking about, where multiple states are involved in discussions about vocational retraining? It would be very interesting to me to see what is working in other states.

When it comes to the voc process, these would be my recommendations

At 90 days we send notice to the state and a letter goes out explaining what qualifies an employee for eligibility of voc rehab benefits and opens up the door for either the employee or adjuster making a referral for an eligibility evaluation if they anticipate permanent restrictions that will preclude the employee from returning to work at the job at the time of injury. I do not believe there should be a mandatory process. I think that the state should hire vocational counselors and we should pay the state to complete eligibility evaluations by statute, under the direction of the RBA. I think there needs to be a way to find them ineligible without fully completing the statutory process, like with a full duty release to work, if the treating physician releases them to work without restrictions the process should stop and the state should find them ineligible. If the employee refuses to participate in the voc process I think there should be a timeframe for noncompliance in the eligibility process where they are found ineligible. In either case they would still have the year to petition to modify if they decide to participate or if they weren't able to return to work successfully. If not finding them ineligible then at least a cancellation of the eligibility process, which could be requested in the future if circumstances change. We have so many files that just sit open while the employees refuse to participate, or they disappear and they don't go back to their doctor so their doctor won't address the job descriptions. The eligibility process is costly and extends resolution of our claims by months, and we really have no tools or means to wrap up that process. Sometimes we are scheduling an IME, which is not cheap, to get the job descriptions/PPI questions answered.

In regards to the benefit itself no one is really getting retrained with this process in place. I know the job dislocation benefit was created in an attempt to give them an out for actually getting retrained but the job dislocation benefit amounts vs the amount of a retraining plan with stipend are drastically different and it makes the job dislocation benefits unattractive to most. I would propose a job dislocation based on remunerative wage, with removal of the vocational retraining plan

development/monitoring that is currently in place. If they are found eligible the state voc counselor calculates remunerative wage, and there are ranges, and we get these ranges based on plan costs/length of plans for those remunerative wages. To set the remunerative wage based lump sums we'd take into consideration, what is an average stipend rate for someone at \$X remunerative wage, how long is the average plan for someone with \$X remunerative wage and on average how much does that plan cost? It could look like remunerative from \$15-\$25 an hour receives a lump sum of \$20,000 that covers plan costs and stipend, then for remunerative from \$26-\$40 an hour get \$50,000, and perhaps we have 3 or 4 levels of lump sum payments with of course a maximum lump sum. So that may leave you asking, well what would we do about the fact that many employees wouldn't even know where to start to retrain themselves with that lump sum of money, that is where the list of vocational counselors comes in. Using the remunerative wage calculated by the SOA voc counselor, the employee selected counselor works with them to come up with a voc plan using the remunerative wage driven lump sum allocation. We pay the vocational counselor to help them come up with the plan but there is no monitoring of the plan because we have already paid the lump sum allocation and they are responsible for using that money to retrain themselves. Giving the option of us paying for the voc counselor to come up with a plan within the lump sum amount gives the employees an additional resource that we pay for, to help them come up with how best to use their lump sum. It's kind of like when we settle medical benefits with an MSA but we offer to pay a third party service to help them manage the money.

I know we're just talking regulations for these commentary meetings but this is where my head is at with the overall voc rehab process.

I'm happy to review anything you send prior to the next commentary meeting.

Thank you for all that you do.

Serra E. Fairbanks | Claims Manager

Sedgwick Inc. Anchorage Alaska

DIRECT 907-339-4612

FAX 503-412-3990

MAILING/BILLING ADDRESS: PO Box 14514 LEXINGTON KY 40512

EMAIL Serra.Fairbanks@sedgwick.com

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From: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>

Sent: Monday, February 13, 2023 9:47 AM

To: Fairbanks, Serra <Serra.Fairbanks@sedgwick.com>

Subject: RE: Proposed Changes to AAC 45.400-45.500

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Thank you for making time to attend this morning Serra. I look forward to hearing your thoughts/suggestions at future meetings.

From: Fairbanks, Serra <Serra.Fairbanks@sedgwick.com>

Sent: Tuesday, February 7, 2023 10:53 AM

To: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>

Subject: Proposed Changes to AAC 45.400-45.500

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Good morning Stacy,

I wanted to touch base and see if proposed changes have been distributed for these regulations. I plan to attend the public comment meetings but I didn't see that proposed changes were published. Or are you just taking recommendations/input on the regulations?

Serra E. Fairbanks | Claims Manager

Sedgwick Inc. Anchorage Alaska

DIRECT 907-339-4612

FAX 503-412-3990

MAILING/BILLING ADDRESS: PO Box 14514 LEXINGTON KY 40512

EMAIL Serra.Fairbanks@sedgwick.com

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Northern Country Services

PO Box 231682 - Anchorage, Alaska 99523
Josetta A. Cranston, M.Ed., CDMS, CWIC, CES
Tel: 907-244-2027 ~ Fax: 907-202-9986
Josetta.cranston@northerncountryservices.com

12/16/22

State of Alaska Workers' Compensation
Department of Labor & Workforce Development –
Reemployment Benefits Division
3301 Eagle Street, Suite 301
Anchorage, AK 99503-4749

Attention: Charles Collins, Director – Charles.collins@alaska.gov
Stacy Niwa, RBA – Stacy.niwa@alaska.gov

This letter is in regard to the public stakeholders meeting scheduled for 12/19/22 at 9am and its purpose:

The purpose of this meeting is to discuss potential changes to the Alaska Workers' Compensation regulations related to reemployment benefits, beginning with a focus on 8 AAC 45.440(a)(1) and developing a definition for suitable rehabilitation skills.

Dear Mr. Collins and Mrs. Niwa,

Firstly, I have not found this list of proposed changes and criteria for “*developing a definition for suitable rehabilitation skills.*” I do not see that it is available for review; did I miss it? If I missed it, please direct me to where it is. And if I did not miss it, I would recommend that it is available **prior** to posting what is designated as a public meeting announcement.

Whilst I have your attention, I would like to share a couple of comments, as a follow up to the annual meeting last spring. Two plans that were to be put in place to resolve some program concerns are of particular interest:

- I. Continued Education for the Rehab Specialists (RS): A survey type form was sent to us requesting what related topics of training we would like to attend. **There were no results shared with the list of RSs as to what happened to that training.** Apparently, it was reported to only one person that no one responded and that is why the training plan was dropped. Interesting, because what I heard was that there were some of us that did respond.

Dear folks, I can't help but to put on my “educator hat” as I will strive to convince you how important professional development training is. Let it be known that I have been on this soapbox with the various RBAs for years.

My Recommendations:

- a. Our distant ed technology in Alaska is highly developed across several industrial career subjects and other education programs. Why then, could not a webinar type training program be developed to not only accommodate those of us that requested information, but would also be available for all RSs to attend? Any highly competent leader understands the historical concept of “build it and they will come.”
 - b. Of course, Mrs. Niwa would not be the instructor. I propose that a panel of experts could offer information on a variety of subjects.
 - c. Granted, all of us with credentials are required to maintain these credentials with CEUs on a regular basis. Therefore, in my humble opinion, the review of Alaska state specific information would address information that we do not otherwise receive in the CEUs that are required by our various certifications. Therefore: why not set up CEU options with the AK Commission of Post Secondary Education so that we have that motivational carrot to obtain a CEU or two through receiving the Alaska WC specific training?
- II. Last spring, Mr. Collins reported plans to develop an advisory group from select RSs to offer our expert feedback when addressing RB Division program issues. I believe this plan was going to begin once Mr. Collins returned from a work-related engagement that required travel out of state. I never heard more about this suggestion of an advisory group.

It would seem to me that we, who are currently working as an RS, are the best resource for developing “a definition of suitable rehabilitation skills”, not an administrator. And, I do have concern over using the term “suitable”; which, to my understanding, sounds rather subjective.

The work that we all do, whether it is the Director or the office assistant, or those of us that provide vocational counseling services, none of these jobs in this program can be described with a straight forward singular definition. We all have complicated jobs in a complicated program in what seems to be a complicated world. If you disagree, then why has it been so difficult to fill –and keep—the RBAD position? Often times our jobs appear to be thankless. However, with wise leadership, our jobs can be accomplished.

In my opinion, the RSs who do the evaluations and RBPs also take on the job of being the front lines to the injured workers. We may be neutral parties to the claim, but in actuality, we are the ones that are most available to answer their questions during a period of time when their future is unknown. That part of our job alone is not to be underestimated. When I describe the RB evaluation process to new injured workers, I include that our state’s workers’ compensation program is administered by the State of Alaska which has processes in place to protect the injured workers. Am I wrong? If our work as an RS becomes further complicated with subjective edicts, that will eventually have an opposite impact, that is, to reduce the quality of what we can provide, then how beneficial will we be to the parties, as well as the injured workers?

Thank you for taking the time to consider my opinions. And as always, thank you for the jobs that you do.

Respectfully,



Josetta Cranston, M.Ed., CDMS, CWIC, CES
Rehabilitation Specialist

May 11, 2023

Charles Collins
Commissioner/Labor & Workforce Development
Sent via email: Charles.collins@alaska.gov

Re: Proposed Changes to Reemployment Benefit 8 AAC 45.410, etc.

Greetings Director Collins:

First and foremost I would like to offer my appreciation for the initiative, time and effort the Reemployment Benefits Administrator (RBA), Ms. Stacy Niwa, has put towards the proposed clarification to the Administrative Code. In my experience, government generally doesn't change/clarify or make up new regulations unless there has been an occurrence that reveals a need to do so.

When reviewing the changes Ms. Niwa has proposed, I believe she has done an excellent job with providing clarification to the applicable AAC's and I 100% support them. I believe the State of Alaska has a duty to ensure the work we do meets a minimum standard of quality and is performed in a professional manner. The proposed change to AAC 45.440 provides the RBA and Rehabilitation Specialist's very clear expectations, and quite frankly, are essentially the definition of what it is to be unprofessional. I would expect the RBA to disqualify a Rehabilitation Specialist immediately if they behaved in a manner outlined in this AAC. I think it is important to note that the proposed changes also provide a pathway for the Rehabilitation Specialist to correct their unprofessional behavior, which is unclear in the AAC as it is currently written, and if they choose not to, the consequences are clearly laid out for all parties.

In regard to the change to AAC 45.500(b) requiring an itemized statement to be submitted to the Administrator, I only have one concern: if the intent of this change is to gather information to develop a fee schedule for Rehabilitation Specialists, I warn you that will have negative consequences. A fee schedule would guarantee the quality of work would decline as instead of focusing on the task at hand, I would be forced to focus on how much time the task is taking. For example, if the fee schedule only allows for 1 hour to write a report, if I'm not done writing the report in that amount of time I will stop – resulting in an incomplete, unedited report.

Again, I appreciate the efforts Ms. Niwa has taken to ensure that our work as Rehabilitation Specialists is held to a professional standard and I fully support her efforts and the proposed changes.

In closing, I would like you to know that in my experience the RBA and her staff have been extremely approachable, helpful and professional. I appreciate that I can call any one of them to ask a question, discuss a case, or even brainstorm ideas. I don't think it is too much for them to expect the same from me and/or any other Rehabilitation Specialist.

Respectfully,



Jackie Doerner, M.Ed., CRC
Rehabilitation Specialist

Director Collins
RBA Niwa

April 9, 2023

I have been a private rehabilitation specialist and state vocational rehabilitation counselor for 30+ years. I don't admit to have all the answers for improving a rehabilitation specialist's performance but I do have some thoughts and opinions I'd like to share with the work group. Some of the Alaska Statues we work under are difficult for all parties, but we all try to make it work. I am delighted the Director, RBA and Board are willing to address some statues as related to RS performance.

I am concerned about vague statues that note a RS can be removed for failure to demonstrate suitable rehabilitation skills. What standard does the administrator follow to consider what is unsuitable behavior? Is it what is defined by the CRC, and if so it needs to be stated. I understand RS's are not state employees but the State system has a well-defined, written process for removal of an employee for unacceptable because performance. Could removal of an RS be similarly utilized?

Why are some statues followed and others not followed? For example, a RS is required to submit a report of findings and recommendation no later than 30 days AAC 45.525 (g)(1) and no later than 14 days after receiving a rehabilitation report the administrator is required to make a determination or declare that insufficient information exists to make a determination 8 AAC 45.530. Often the administrator's responses are months after the RS report. I am not criticizing, as I understand staffing and workloads are the issue, but my point is how are some statues disregarded yet others related to RS performance not overlooke?

45.500b: Billing. How can the RBA monitor the billing of all RS billing? If the insurer is the payer, the insurer is in the best position to monitor fraudulent billing and then can report to the RBA.

Issues that relate to RS performance:

30 days goes by very quickly when we are waiting for an adjuster to provide employment and medical records. I frequently must contact and request records be sent.

Some injured workers will not respond in a timely manner.

Injured worker contact information is wrong.

Medical providers will not respond to our prediction letters.

Thank you for taking time to review this statement. I look forward to learning how we can make the reemployment benefits process better for our injured workers and those that support them

Sincerely



Norman Silta, MRC, CRC
Rehabilitation Specialist



21`
Davis Vocational Services
P.O. Box 2047
Kenai, AK 99611-2047
kdavisvoc@gmail.com
Phone: 907-398-0714
Fax: 907-260-5988

April 09, 2023

TO: Director Charles Collins, charles.collins@alaska.gov
Mr. Charles Brasington, charles.brasington@alaska.gov
Ms. Stacy Niwa, stacy.niwa@alaska.gov

RE: Challenges to completion of Reemployment Benefits Eligibility Evaluations

Dear Director Collins, Mr. Brasington, and Ms. Niwa,

Thank you for the opportunity to provide my concerns and experiences regarding the challenges that present themselves in completing eligibility evaluations in a timely manner. These create barriers that result in having to request deadline extensions, or in writing preliminary reports within the first 30 days and having to submit (sometimes multiple) status reports in the interim before having all of the required information to make an eligibility recommendation. I find that I can sum up the challenges that I experience with the following:

1. Delays in receiving predictions from treating physicians on SCODRDOT job descriptions and Permanent Partial Impairment (PPI).
2. Physicians often misread the question on each SCODRDOT job description that requires their response of “Will” or “Will Not”, and the question regarding whether the injured worker will incur a PPI. The questions are as follows:

“Do you anticipate that when Mr. (injured work) reaches medical stability, he will incur a permanent impairment from his 1/01/2022 injury, ratable, (greater than 0) under the AMA Guides to the Evaluation of Permanent Impairment, Sixth Edition?”

AND

“Do you predict that Mr. (injured worker) will have the permanent physical capacities to perform the physical demands of the job as described in this job description, considering his 1/01/2022 work injury?”

3. Difficulty reaching injured workers to schedule initial interviews and in subsequent contacts necessary to complete evaluations.
4. Delays or non-response from claims adjusters to phone calls, emails, requests for records, updates, employer contact information, etc. I also hear complaints from injured workers regarding the same and similar concerns.

I am happy to say that, in recent months, I have experienced improvement in the timeliness in which I am receiving medical records/file copies from claims adjusters, at the beginning and throughout an evaluation (until the eligibility decision is made).

Thank you again for the opportunity to communicate the barriers that I experience that are outside of my control, and which make it a challenge to complete evaluations and reports to meet the current deadlines.

Sincerely,

Karen W. Davis

Karen W. Davis, CRC, M.Ed.
Rehabilitation Specialist

From: [Niwa, Stacy L \(DOL\)](#)
To: [Sandy Krier](#)
Cc: [Collins, Charles M \(DOL\)](#); [Brasington, Charles E \(LAW\)](#)
Subject: RE: Comments for Stakeholders/Board Meeting
Date: Sunday, April 9, 2023 9:36:00 AM

Hi Sandy,

Thank you for taking the time to respond Sandy. I'm including Director Collins and Mr. Brasington in my response so they can see your questions/suggestions.

Stacy

Stacy Niwa MS, CRC
Reemployment Benefits Administrator
State of Alaska
Department of Labor & Workforce Development
Workers Compensation Division
3301 Eagle Street, Suite 301
Anchorage, AK 99503

From: Sandy Krier <skrier.svs@gmail.com>
Sent: Friday, April 7, 2023 3:29 PM
To: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>
Subject: Comments for Stakeholders/Board Meeting

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Stacy,

I reviewed the draft regulations that you sent in your email. I am adding my comments in red. I will not be able to attend the meeting due to a prior appt.,

As we discussed in our last performance review meeting, I do realize the need to have some measures to make sure specialists are meeting the statutory and regulatory requirements, though I find several of the items subjective and needing more clarification.

Thanks for sending the information and notification of meeting. I appreciate your time.
Sandy Krier

AAC 45.500(b) is amended to read:

(b) An itemized billing statement must reflect, for each activity, the date of service, the activity performed, the name of the individual who performed the activity, and the fee charged for the activity. The original billing statement shall be submitted to the employer for payment and

copied to the employee and the administrator. Billing statements not in compliance with this subsection will not be processed for payment. (Eff. 7/20/97, Register 143; am 4/16/2010, Register 194; Eff. ___/___/___, Register _____)

Not sure why this is necessary. If an employer/adjuster has a problem/question with a bill they can forward to administrator if they wish. How does this work? Will the administrator notify each employer that they received the billing statement? And does the employer hold off payment until they hear from the administrator? This seems like an extra step in an already backlogged system that will further delay payments.

8 AAC 45.900(a) is amended to add a new paragraph to read:

(17) "unsuitable behavior" includes, but is not limited to:

(A) failure to promptly and professionally respond to the administrator or

Reemployment Benefits staff; **Need to define promptly....Hours, days, a week?**

(B) refusal to engage with the administrator or Reemployment Benefits staff; **What exactly does "engage" encompass?**

(D) repeated failure to adhere to the administrator's directives with respect to the rehabilitative specialist's performance under the Act or its implementing regulations;

ie: I was repeatedly told not to use a shared office phone number, though there was nothing in the regulations to prevent that, would that be a repeated failure to adhere to the administrators directive?

(E) a pattern of abusive behavior toward injured workers, employers, medical professionals, attorneys, the administrator, Department personnel, or other persons

Abusive behavior: this term can be very subjective, needs more definition.

Sandra Krier, MA, CRC
Shanon's Vocational Services
PO Box 70616
Fairbanks, AK 99707
Phone: 701-425-7102
Fax: 907-374-0601

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From: [Susan Daniels](#)
To: [Niwa, Stacy L \(DOL\)](#)
Subject: RE: Reemployment roundtable
Date: Wednesday, February 22, 2023 8:54:25 AM
Attachments: [image001.png](#)

Goodmorning Stacy,

I have no concern with you sharing how troubling it is to see so much wasted expense on the counselor fees, records preparation and confusion for workers and employers with a **90day referral**.

In weighing the ethics/moral paradigm with clashing values, can we prove 90days is a reasonable timeframe to avoid an ethical dilemma?

As we weigh the competing moral paradigms, the ethics of individual vs. community (employers, job market pressure) and short vs. long term elements, seems the need for an ethical review seems to surface.

Do we have a dilemma in the waste of rehab expenses, confusion and motivation of workers, added pressure on EE retention for employer's?

Do we have a dilemma in this job market and for employers when we give a worker 'other ideas' rather than an effort at returning to the employer of injury so early in the claim?

I believe we have an ethical dilemma in thinking this short term.

Seems an ethical dilemma in thinking of the small group it benefits, rather than the larger group affected.

As I don't have any context of other solutions being proposed currently, before sharing any targeted solutions, I'd be more comfortable hearing other specific solutions before ideas are shared with the board.

Thanks

From: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>
Sent: Wednesday, February 22, 2023 8:11 AM
To: Susan Daniels <sdaniels@NADJ.com>
Subject: RE: Reemployment roundtable

Thanks Susan. Would you like me to share this with the board tomorrow on your behalf?

From: Susan Daniels <sdaniels@NADJ.com>
Sent: Tuesday, February 21, 2023 4:18 PM
To: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>
Subject: RE: Reemployment roundtable

Thanks for the invite. This week has 3 extra CE hour commitments for our team, two of which fall on Thursday.

I support a change that eliminates a 90day mandatory referral.

I'd support a change whereby the worker is sent a notice (perhaps at 120 consecutive days off work) of their right to request an eligibility eval.

It would be nice if the Board can issue 'rights letter', triggered at 120days of consecutive TL from the EDI status already being reported by carriers/administrators, or an EDI submission requirement within 28days(same deadline of T EDI types) of 120days consecutive TL.

In turn, I recognize it may be time to adjust the max rehab costs upward (by about the cost of a computer with initial virus protection package).

We continue to find workers' can be rehab'd within 2 years.

Good luck

From: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>

Sent: Tuesday, February 21, 2023 2:48 PM

To: Susan Daniels <sdaniels@NADJ.com>

Subject: RE: Reemployment roundtable

Hi there Susan,

It's nice to hear from you. We haven't been taking minutes at these meetings so I don't have anything official that I can offer. I'd be happy to have a conversation with you and try to fill you in on what has occurred so far.

We are having a board meeting on Thursday and I plan to inform the board of our meetings and generally what has been discussed if you would like to listen in on that. Right now the agenda has me scheduled at 2:30 on Thursday. I'm not really sure if we will stay on schedule or if things will be moved up as we find pockets of time. Our Director tends to shift things around if the board so desires. Also, we have public comment period from 10:15am – 11:15am if there is anything you would like to say to the board and have on the record.

Stacy Niwa MS, CRC
Reemployment Benefits Administrator
State of Alaska
Department of Labor & Workforce Development
Workers Compensation Division
3301 Eagle Street, Suite 301
Anchorage, AK 99503

From: Susan Daniels <sdaniels@NADJ.com>

Sent: Tuesday, February 21, 2023 2:33 PM

To: Niwa, Stacy L (DOL) <stacy.niwa@alaska.gov>

Subject: Reemployment roundtable

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Stacy,

Thank you for including me on the calendared invite for the REHAB Roundtable/Stakeholders meeting.

I regret I was not able to attend last week and will out of state during the next two (3/13, 4/10/23).

If any minutes are generated from the dialogue, please include me.

Thank you and good luck with changes that will be quick and efficient!

Sincerely,

Susan Daniels

Northern Adjusters Inc

1401 Rudakof Circle

Anchorage, AK 99508

Direct: 907-929-9104 **Office:** 907-868-3999

Fax: 907-868-3866

www.nadj.com



TAB 9

8 AAC 45.410 is amended by adding a new subsection to read:

(d) A person who is added to the rehabilitation specialists' list after July 1, 2023 shall be placed on probationary rotation as outlined in 8 AAC 45.420(d). During this probationary rotation, the probationary rehabilitation specialist shall undergo training with the administrator and their staff on the requirements of AS 23.30.041 and other related statutes and regulations. At any time during the probationary rotation, the administrator may decline to permanently add the rehabilitation specialist to the rehabilitation specialist list, for reasons under 8 AAC 45.440(a). The administrator may release a rehabilitation specialist from probationary rotation if, after considering to totality of the circumstances and the factors enumerated in 8 AAC 45.420(d), she is satisfied that the rehabilitation specialist understands and can comply with the Act and its implementing regulations. (Eff. 7/1/88, Register 107; am 10/28/88, Register 108; am 7/20/97, Register 143; am 7/2/98, Register 146; am ___/___/___, Register ___)

Authority: AS 23.30.005 AS 23.30.041

8 AAC 45.420(b) is amended to read:

(b) Names will be added to the geographical listing in order of the receipt date of the completed application. If more than one completed application is received in a day, the names for that day will be placed on the list in alphabetical order. If a person's name is not added to the list, the administrator will notify the person and state in writing the reason for exclusion. Reasons for exclusion include an incomplete or illegible application or accompanying documents, misrepresentation, [OR] not meeting the requirements of AS 23.30.041(r)(6)[.], **or failure to demonstrate suitable behavior under 8 AAC 45.440(a)(1).** (Eff. 7/1/88, Register 107; am

7/20/97, Register 143; am 7/2/98, Register 146; am 4/16/2010, Register 194; am ___ / ___ / ____, Register _____)

Authority: AS 23.30.005 AS 23.30.041

8 AAC 45.420 is amended by adding a new subsection to read:

(d) A rehabilitation specialist on probationary rotation shall receive no more than two cases at a time for a six-month period, provided that the administrator may increase the number of referrals if the administrator determines that the circumstances, taken as a whole, so warrant. In determining whether to increase the number of referrals, the administrator shall consider the following:

- (1) the specific facts of the individual case,
- (2) whether the probationary rehabilitation specialist has demonstrated “suitable behavior” as defined by 8 AAC 45.900(a)(17) during the applicable period,
- (3) the probationary rehabilitation specialist’s prior experience in other jurisdictions,
- (4) the quality of the probationary rehabilitation specialist’s work product,
- (5) any complaints or positive feedback from employees, employers, insurers, adjusters, attorneys, Division staff, or other relevant stakeholders regarding the probationary rehabilitation specialist’s performance,
- (6) any other relevant considerations specific to the probationary rehabilitation specialist or their performance of their duties under the Act and its implementing regulations. (Eff. 7/1/88, Register 107; am 7/20/97, Register 143; am 7/2/98, Register 146; am 4/16/2010, Register 194; am ___ / ___ / ____, Register _____)

Authority: AS 23.30.005 AS 23.30.041

8 AAC 45 is amended by adding a new section to read:

8 AAC 45.435 Review of rehabilitation specialists.

(a) An administrator shall review the work of a rehabilitation specialist a minimum of once a year.

(b) If during the review, the administrator determines that the work completed by the rehabilitation specialist does not meet the standards of 8 AAC 45.440(a)(1)–(3), the administrator shall send the rehabilitation specialist a written letter identifying the deficiencies in their work and a set a meeting to discuss the concerns in the letter.

(c) After the meeting, the administrator may

(1) put the rehabilitation specialist on a probationary rotation as described in 8 AAC 45.420(d);

(2) put the rehabilitation specialist on a plan of correction as described in 8 AAC 440(c), or;

(3) take no further action.

(d) If the work of the rehabilitation specialist placed on probationary rotation has not improved after two cases or after ninety days, whichever comes first, the administrator shall propose disqualification under 8 AAC 45.440. (Eff. ___/___/___, Register _____)

Authority: AS 23.30.005 AS 23.30.041

8 AAC 45.440 is repealed and readopted to read:

(a) The administrator may disqualify a rehabilitation specialist from providing services under AS 23.30.041 for

(1) failure by the rehabilitation specialist to demonstrate suitable behavior as defined in 8 AAC 45.900(17);

(2) failure by the rehabilitation specialist to timely file two or more eligibility evaluations, eligibility evaluation reports, or plan reports during a three-month period;

(3) failure by the rehabilitation specialist to provide rehabilitation services;

(4) failure by the rehabilitation specialist to adhere to statutory or regulatory requirements;

(5) unethical conduct by the rehabilitation specialist as defined by the ethics committee of an appropriate professional rehabilitation organization;

(6) the rehabilitation specialist's knowingly falsifying information provided in connection with the rehabilitation specialist's application;

(7) disciplinary action against or decertification of the rehabilitation specialist by an appropriate certifying agency or professional organization;

(8) failure by the rehabilitation specialist to maintain workers' compensation insurance if the rehabilitation specialist has employees;

(9) fraudulent billing or reporting by the rehabilitation specialists;

(10) conviction of the rehabilitation specialist in a state or federal court of any offense involving moral turpitude; or

(11) declaration of the rehabilitation specialist's mental incompetency by a court of competent jurisdiction.

(b) If the administrator is considering disqualifying a rehabilitation specialist under (a)(1) – (a)(4) of this section, the administrator may meet with the rehabilitation specialist and develop a plan of corrective action.

(c) If the administrator believes that a rehabilitation specialist has engaged in unethical practices or activity, after written notification to the rehabilitation specialist, the administrator may refer the issue to the ethics committee of an appropriate professional rehabilitation organization for recommendations.

(d) Before disqualifying a rehabilitation specialist, the administrator shall notify the rehabilitation specialist in writing, served by personal service, certified mail, or email if the rehabilitation specialist has explicitly requested email service on a form prescribed

by the administrator, of the proposed disqualification. A rehabilitation specialist who has been notified of a proposed disqualification may, no more than 30 days after receipt of the notice, file a written request with the administrator to meet and to discuss the proposed disqualification. Once requested, the meeting shall be set within 30 days of the written request unless otherwise agreed to by both the administrator and the rehabilitation specialist.

(e) The administrator shall issue a written decision within 30 days after a meeting requested under (d) of this section. If no meeting is requested, the administrator shall issue a written decision within 45 days after the written notice of proposed disqualification was served under (d) of this section.

(f) The administrator's written decision under (e) of this section must

(1) require the rehabilitation specialist to change unsuitable behavior or upgrade skills by putting the rehabilitation specialist on a probationary rotation as described in 8 AAC 45.420(d);

(2) for acts arising under (a)(1) – (5) or (11) of this section, disqualify the rehabilitation specialist for at least one year for the first disqualification and at least five years for the second disqualification and explain the reasons for the action and the conditions, if any, under which the rehabilitation specialist may reapply;

(3) permanently remove the rehabilitation specialist from the list for acts arising under (a)(6) – (10) of this section; or

(4) state that no grounds for disqualification or disciplinary action were found.

(g) The administrator's decision must be served upon the rehabilitation specialist or the rehabilitation specialist's representative, either personally, by certified mail, or email if the rehabilitation specialist or the rehabilitation specialist's representative has explicitly requested email service on a form prescribed by the administrator. A copy must be sent to the employee or employer, if any, who requested that the administrator consider disqualifying or removing the rehabilitation specialist. A disqualification or removal decision is effective 10 days after the date of the decision. If a written request for board review is filed with the board and is served in accordance with (h) of this section no more than 10 days after service of the administrator's decision, the disqualified or removed rehabilitation specialist will keep any assigned cases but not be assigned new cases.

(h) A disqualified rehabilitation specialist, an employee, or an employer, may request board review of the administrator's decision. If the

(1) disqualified rehabilitation specialist requests review, the rehabilitation specialist must serve a copy on any other person whom the administrator served with a copy of the decision;

(2) employee or employer requests board review, the employee or employer must serve a copy of the review request upon the disqualified rehabilitation specialist.

(i) Upon a request under (h) of this section, the board will schedule and hold a hearing in accordance with AS 23.30.110 and 8 AAC 45.070. The board's decision is final upon filing in accordance with AS 23.30.110. (Eff. 7/1/88, Register 107; am 10/28/88, Register 108; am 4/16/2010, Register 194; am ___/___/___, Register ___).

Authority: AS 23.30.005, AS 23.30.041

8 AAC 45.500(b) is amended to read:

(b) An itemized billing statement must reflect, for each activity, the date of service, the activity performed, the name of the individual who performed the activity, and the fee charged for the activity. The original billing statement shall be submitted to the employer for payment and copied to the employee **and the administrator**. Billing statements not in compliance with this subsection will not be processed for payment. (Eff. 7/20/97, Register 143; am 4/16/2010, Register 194; Eff. ___/___/___, Register ___)

Authority: AS 23.30.005 AS 23.30.041

8 AAC 45.900(a) is amended to add a new paragraph to read:

(17) “unsuitable behavior” includes, but is not limited to:

(A) failure to promptly and professionally respond to the administrator or Reemployment Benefits staff;

(B) refusal to engage with the administrator or Reemployment Benefits staff;

(C) failure to file complete and accurate reports required under the Act or its implementing regulations;

(D) repeated failure to adhere to the administrator's directives with respect to the rehabilitative specialist's performance under the Act or its implementing regulations;

(E) a pattern of abusive behavior toward injured workers, employers, medical professionals, attorneys, the administrator, Department personnel, or other persons involved in the reemployment process. (Eff. 5/28/83, Register 86; am 12/14/86, Register 100; am 7/1/88, Register 107; am 3/16/90, Register 113; am 7/20/97, Register 143; am 7/2/98, Register 146; am 4/16/2010, Register 194; am 12/22/2011, Register 200; am 12/1/2015, Register 216; am 7/27/2017, Register 223; am 12/23/2021, Register 240; am ___ / ___ / ___, Register ___)

Authority: AS 23.30.005, AS 23.30.030, AS 23.30.041, AS 23.30.090, AS 23.30.097, AS 23.30.175, AS 23.30.220, AS 23.30.230, AS 23.30.240, AS 23.30.395