

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, January 9, 2020

Call to Order: Acting Chairperson Maureen Quinn called the meeting to order at 9:33 a.m.

Present: Acting Chairperson Quinn and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Jerome Reichmister, M.D, Scott Curtis, Assistant Attorney General, Mary Ahearn, Chief Executive Officer, Steven Jones, Director of Insurance, Compliance & Reporting, Amy Lackington and Stacey L. Roig, Secretary.

Approval of Minutes: The Minutes of the December 19, 2019 Commission meeting were reviewed and, upon motion of Commissioner Metz and second of Commissioner Forrester, the Minutes were approved with a unanimous vote.

Chairman's Report: Acting Chairperson Quinn reported that the Chairman is attending a SAWCA meeting. She also reported that the 2020 General Assembly is now in session in Annapolis.

Closed Session: At 9:34 a.m., upon motion of Commissioner Parker-Warren and second of Commissioner Metz and upon unanimous vote, pursuant to GP §§3-305(13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, and COMAR 14.09.13.12, the Commission entered a closed session for the purpose of discussing self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Montgomery General Hospital requires an increase in security deposit. The matter was discussed, and upon motion of Commissioner Parker-Warren seconded by Commissioner Evans, the increase in security deposit was approved.

At a previous meeting, Mr. Jones reported that Coca Cola Refreshments USA, Inc. requested a decrease in security deposit. The matter was further discussed along with the status of claims filed with the Commission and, upon motion of Commissioner Forrester seconded by Commissioner Parker-Warren, the decrease in security deposit was denied.

The meeting was reopened at 9:47 a.m., upon motion of Commissioner Evans and second of Commissioner Martin and upon unanimous vote.

Old Business: Assistant Attorney General, H. Scott Curtis presented COMAR 14.09.13.07 – Individual Employer Self-Insurer – Excess Insurance for final approval. After a brief discussion and a motion by Commissioner Forrester and a second by Commissioner Martin, COMAR 14.09.13.07 was approved.

New Business: Commissioner Kittleman discussed a Circuit Court decision regarding an attorney fee for a lump sum advance. Scott Curtis will look into the matter

The Commissioners discussed attorneys refusing to represent claimants where the claim has become a medical only claim.

Mary Ahearn discussed programming for the new system regarding the latest date that Issues can be filed before a hearing. The Commissioners agreed that it is not a problem if the issues are filed right up to the hearing date. The Commissioners preferred the discretion to decide on all the issues at the hearing.

The Commissioners also discussed disfigurement cases where the disfigurement is below the shoulders on a woman or below the waist on a man.

Commissioner Parker-Warren requested that the Commissioners be watchful of their language because some of the Assistants have expressed their discomfort with foul language.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners and led a detailed discussion of the knee and common knee injuries.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 10:47 a.m.

Maureen Quinn, Acting Chairperson

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, January 23, 2020

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:34 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Scott Curtis, Mary Ahearn, Amy Lackington, Steven Jones and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the January 9, 2019 Commission meeting were reviewed and, upon motion of Commissioner Evans and second of Commissioner Martin, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported to the Commissioners that the House budget meeting is complete and went very well. There were questions about some audit items and how the Commission had addressed them. The Senate budget hearing is January 24, 2020. The legislative session includes several Public Information Act bills this year, which we are monitoring. One of the bills in particular has created stir among most state agencies because it severely cuts the response time from 30 days to 7 days. The Uninsured Employers Fund (UEF) has entered a bill to allow it to increase its own rates. The Commission is also monitoring that bill. The Chairman also reported that SAWCA is changing its Summer 2020 Conference location due to a large construction project at the prior location.

Closed Session: At 9:49 a.m., upon motion of Commissioner Quinn and second of Commissioner Evans and upon unanimous vote, pursuant to GP §§3-305(13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, and COMAR 14.09.13.12, the Commission entered a closed session for the purpose of discussing self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Hebrew Home of Greater Washington requires an increase in security deposit. The matter was discussed, and upon motion of Commissioner Quinn seconded by Commissioner Forrester, the increase in security deposit was approved.

At a previous meeting, Mr. Jones reported that Coca Cola Refreshments USA, Inc. requested a decrease in security deposit. The matter was further discussed along with the status of claims filed with the Commission and, upon motion of Commissioner Forrester seconded by Commissioner Parker-Warren, the decrease in security deposit was denied.

The meeting was reopened at 9:54 a.m., upon motion of Commissioner Parker-Warren and second of Commissioner Martin and upon unanimous vote.

Old Business: Assistant Attorney General, H. Scott Curtis presented the following changes to Regulations for final approval:

COMAR 14.09.08.01 – Guide of Medical and Surgical Fees – Definitions

COMAR 14.09.08.02 – Guide of Medical and Surgical Fees – Incorporation by Reference

COMAR 14.09.12.02 – Responsibilities of Insurers – Notices of Cancellations

After a brief discussion and a motion by Commissioner Evans and a second by Commissioner Parker-Warren, the changes were approved.

New Business: Commissioner Parker-Warren reported that she received an angry voice mail message from a claimant.

Medical Alerts: On behalf of Dr. Reichmister, Stacey Roig presented an article from JAMA on medical cannabis.

The Chairman reminded the Commissioners that a bowling event for the benefit of Kids' Chance Maryland will take place on Wednesday evening, February 26, 2020 at Bowlero in Timonium. He asked that all Commissioners please plan to attend.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Quinn and upon unanimous vote, the meeting was adjourned at 10:42 a.m.

Maureen Quinn, Acting Chairperson

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, February 13, 2020

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:33 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Scott Curtis, Amy Lackington, Steven Jones and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the January 23, 2019 Commission meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Evans, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported to the Commissioners that SAWCA's Annual Convention, originally scheduled for St. Petersburg, has been moved to Amelia Island due to excessive construction at the St. Petersburg hotel. The dates will remain the same. The proposed legislation giving the Uninsured Employers' Fund ("UEF") authority to raise the assessment rate, had a hearing with a lot of testimony. The Workers' Compensation Oversight Committee will meet to discuss the options. The Chairman also reminded the Commissioners that the Executive Nominations Committee hearings for Commissioner Oh and Commissioner Martin will be February 17th and February 24th, respectively. The Hearings are held at 5:00pm on the 4th floor of the Miller Office Building. The Senate hearing is the finalization of their appointments to the Commission. The Chairman announced that the backlog numbers are excellent, specifically 30 days is at an all-time low.

Closed Session: At 9:56 a.m., upon motion of Commissioner Quinn and second of Commissioner Forrester and upon unanimous vote, pursuant to GP §§3-305(7) and (13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, and COMAR 14.09.13.12, the Commission entered a closed session for the purpose of discussing self-insured employers' financial information and advice of Counsel.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Reconserv of Maryland, Inc. has requested a release of their security deposit. The matter was discussed with advice of Counsel and, upon motion of Commissioner Quinn seconded by Commissioner Evans, the motion was approved.

The meeting was reopened at 10:04 a.m., upon motion of Commissioner Quinn and second of Commissioner Forrester and upon unanimous vote.

Old Business: Scott Curtis discussed a Settlement Agreement that was approved by the Commission containing language that exempted the uninsured employer from any additional fines or penalties after the date of the settlement. Mr. Curtis reminded the Commissioners that we allow attorneys to structure their settlement agreements uniquely to their cases; however, Commissioners must consider how individualized agreements may impact future actions by the Commission because once the agreement has been approved by a Commissioner, the Commission is also bound by the terms that were approved. In this case, no further employer compliance action could be taken against the uninsured employer. Commissioner Parker-Warren provided an update on the angry claimant phone call that she reported in January. A police report was filed and a Peace Order was requested.

Commissioner Forrester presented a special Order to be issued with regard to the Bethlehem Steel hearing aid questions. Commissioner Forrester also requested that all claims under this special Order be specially labeled as "S" claims, i.e. "S123456" so that they are a group and easily identified. Commissioner Forrester will be assigned all of the special "S" claims.

New Business: Scott Curtis presented proposed Regulation changes to prepare for the expected changes with CompHub and other Enterprise Modernization changes. The proposed changes would impact COMAR 14.09.01.01, 14.09.01.02, 14.09.01.04, 14.09.01.09, 14.09.02.02, 14.09.04.01

Amy Lackington presented information on hearing status codes for Pass for Settlement and Pass for Stipulation. The consensus of the Chairman and all of the Commissioners is to continue to use code "PSTL" when it is a Pass for Settlement or Stipulation situation at the hearing.

Commissioner Parker-Warren mentioned that some of the date stamps used by the Court Reporters are still 2019.

Commissioner Schadt discussed appeals and the process of taking action without receiving the Coversheet for Action on Claims on Appeal from the attorneys. Commissioner Schadt will present this at the Breakfast with the Commissioners in September.

Commissioner Kittleman discussed an appeal of a denial of a fee on an advance. The Circuit Court has remanded it to the Commission to issue an order to pay the advance and the fee.

Medical Alerts: On behalf of Dr. Reichmister, Stacey Roig presented an article from JAMA on Ketogenetic "Keto" Diets.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 11:00 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, February 27, 2020

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:30 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Scott Curtis, Jerome Reichmister, M.D., Amy Lackington, Mary Ahearn and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the February 13, 2019 Commission meeting were reviewed and, upon motion of Commissioner Forrester and second of Commissioner Quinn, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann thanked the Commissioners for participating in the Kids' Chance Bowling Event on February 26, 2020. The event was very successful. The Executive Nominations Committee Hearings are complete for all new Commissioners and Commissioners Oh and Martin have been approved. The Legislative session is very busy right now with a few bills of some concern, including several bills that propose unpopular changes to the Public Information Act. Discussions continue with the Uninsured Employers' Fund assessment bill. There is also some "medical only" attorney fee legislation that is raising some interesting questions. The Chairman reminded the Commissioners to review the SAWCA program, which was recently released to the SAWCA website. The program appears to be very productive.

Old Business: No Report

New Business: Discussion was held regarding the Bethlehem Steel hearing loss cases and how to identify them so that they are all heard before the same Commissioner. It was determined that all Bethlehem Steel settlements will be routed to Commissioner Forrester. Attorneys are to use the Extraordinary Fee form to explain their fee.

Commissioner Quinn discussed a settlement with a Medicare Set Aside ("MSA") that seemed to be an incorrect amount.

Commissioner Parker-Warren discussed the perpetual late arrival of an attorney that, in her opinion, has reached the point of abusiveness. Chairman Aumann suggested discussing tardiness, continuances at the last minute and other similar behavior at the Breakfast with the Commissioners at the MWCEA Convention in September.

Commissioner Forrester discussed the filing of C51s prematurely by billing companies causing a hearing to be set and the process regarding the withdrawal of medical claims.

Commissioner Schadt discussed "25 Things Judges Should Remember", a handout provided by the Court Reporters as a reminder of their role in the hearing room and some of the challenges that they face during hearings.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 10:35 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

LARRY HOGAN
Governor

BOYD K. RUTHERFORD
Lt. Governor

MARY K. AHEARN
Chief Executive Officer



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R. KARL AUMANN
Chairman

KATHLEEN A. EVANS
JAMES R. FORRESTER
ALLAN H. KITTLEMAN
MORRISANN MARTIN
HOWARD L. METZ
JU Y. OH
MAUREEN QUINN
DELIA TURANO SCHATZ
TRACEY PARKER WARREN
Commissioners

Commission Meeting held telephonically on
March 17th was a special meeting
due to COVID-19 State of Emergency
announced by Governor Hogan.

Chairman Aumann called the special meeting
and notice was posted but, no formal
Agenda a meeting package was produced.

Shrey L Raj, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, March 12, 2020

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:30 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Scott Curtis, Jerome Reichmister, M.D., Amy Lackington, Mary Ahearn and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the February 27, 2020 Commission meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Martin, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported that all out of state travel has been suspended for all state employees until further notice. The American Bar Association meetings have been cancelled and the IAIABC may also cancel their meetings in April. The Governor has instituted a Level II Emergency, which will mean teleworking for those who can and relaxed leave policies for those who are sick or must care for someone who is sick. Scott Curtis, Counsel to the Commission is talking to the MD Judiciary to find out their plans regarding hearings and trials. The Commission may follow their decision with guidance from the Governor's office. The Chairman asked the Commissioners to grant continuances whenever requested due to illness or concerns about coronavirus. In addition, rearrange the hearing rooms to allow for social distancing and request that anyone with a cough leave the room. Hand washing is very important, especially with hand sanitizer in short supply. The situation is fluid, please be flexible and tailor your opening remarks to the current situation as it is at that time.

The Chairman also discussed a possible compromise bill for medical only attorney fees, which would leave the award of a fee at the discretion of the Commission, up to \$2,000. There are no specifics on who pays the fee or other guidelines for determining the amount of the fee. It appears that one of the PIA bills will not be moving forward in this session.

The Chairman gave an update on the two Assistant positions in the Hearing Division.

The Chairman asked all of the Commissioners to please keep their phones with them and turned on at all times because most communications will be coming in the form of text messaging because it is typically seen and responded to faster than email.

Old Business: Commissioner Forrester opened a discussion on LE § 10-314(5) Hearing Loss Claims for Retirees, which specifically addresses the Bethlehem Steel hearing loss cases.

Closed Session: At 10:11 a.m., upon motion of Commissioner Forrester and second of Commissioner Evans and upon unanimous vote, pursuant to GP §3-305(7), the Commission entered a closed session for the purpose of advice of Counsel.

Old Business, continued: Scott Curtis, Counsel to the Commission provided advice to the Commissioners regarding the hearing loss cases.

New Business: The meeting remained closed for additional advice of Counsel regarding emergency procedures given the current situation with coronavirus.

The meeting was reopened at 10:26 a.m., upon motion of Commissioner Forrester and second of Commissioner Evans and upon unanimous vote.

Commissioner Parker-Warren made a motion to adopt the emergency regulations and permanent regulations as presented by Scott Curtis, Counsel to the Commission. The motion was seconded by Commissioner Forrester and, after a unanimous vote, the motion was approved. The emergency regulations will be posted to the MD Register.

New Business, continued: Mary Ahearn reported that no Settlement template was being considered in the new system; however, a new Settlement Worksheet was being developed and now is the time to make any changes. Commissioner Kittleman agreed to collect the suggestions of the Commissioners and when he has consensus, send them to Mary for development with the Enterprise Modernization team. Stacey Roig will also make any updates to the online Adobe form for use immediately. Mary Ahearn also asked all of the Commissioners to please remember to sign-off on every computer they use, including the Regional Sites. The Commission will begin a policy to push off those who remain logged in, very Monday at 4:00 am, which could impact the log-in the next time they are trying to log-in to the system. Logging off is important to allow IT to run necessary updates at night or early morning.

The Chairman discussed attorney fees and making changes to the current structure, perhaps a flat fee structure. He asked Commissioner Metz to work with Scott Curtis to develop ideas for structuring attorney fees. He asked all of the Commissioners to share their thoughts and ideas with either Commissioner Metz or Mr. Curtis.

Commissioner Quinn discussed a settlement where the claimant had a loan against the expected proceeds of the settlement and the lender wanted the order to include payoff of the loan. The Commissioners agreed that the settlement proceeds go to the Claimant and it is up to them to pay their loan amount due.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Kittleman and upon unanimous vote, the meeting was adjourned at 11:20 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Special Meeting Minutes
Tuesday April 7, 2020

Call to Order: Chairman R. Karl Aumann called the meeting to order at 11:02 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren

Staff members attending were Stacey L. Roig, Secretary, Scott Curtis, Amy Lackington, and Mary Ahearn

Public Guests: Please see attached list of public guests attending the meeting via telephone.

Chairman Aumann opened the meeting with a reminder to all guests that this is a special meeting of the Commissioners and, as with all Commissioners' meetings going forward for the near future, guests are permitted only to listen unless asked to speak by the Chairman. Please send any questions or comments to the Secretary of the Commission and they will be forwarded to the appropriate party. The Chairman reported that Beth Richard, a member of the Personnel Office, has taken a position with another state agency and is leaving the Commission. It is a great opportunity for her. The Chairman also reported that retired Commissioner Mirglia's father passed away last week and will be buried at Arlington National Cemetery. Finally, the Chairman reported that a retired employee of the Commission, Yolanda Cheatham, has been ill and we are pleased to report a miraculous recovery is underway.

Approval of Minutes: The Minutes of the March 12, 2020 Commission meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Evans, the Minutes were approved with a unanimous vote.

The Minutes of the March 17, 2020 Special COVID-19 Commission meeting were reviewed and, upon motion of Commissioner Forrester and second of Commissioner Martin, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that all Hearings are postponed under the guidance of the Judiciary and the Office of the Governor until May 6, 2020. There are now approximately 15 staff members in the office, practicing social distancing. There is a new process for entering the building, which is required be followed by all who enter the building. Given these new procedures, the double time payment to onsite staff members has ceased. The work of the Commission is getting done and, although growing, the list of cases to be set is still manageable. There are now 8,000 cases to be set, of which 1,300 are over 30 days. While we would prefer that the number be lower, we have seen worse over the years and managed the backlog. No cases are set beyond May 18th so we should be able to address the backlog quickly. The Commission is considering morning and afternoon dockets, depending on the backlog at the time that we go back to a full schedule of hearings. Our success depends on the full contingent of ten Commissioners taking full dockets. The Commission is also considering telephonic hearings for special cases, if all parties agree to a telephonic hearing. The Chairman also reported that the IAIABC has decided to host a Committees Week in lieu of the Spring Forum, which was canceled due to COVID-19. The Dispute Resolution Committee will meet on Monday, April 27th from 12-2pm; Medical Issues will meet on Tuesday, March 28th and the Regulation Committee will meet on Wednesday, March 29th from 3:00-4:30pm. The Chairman asked the Commissioners to put this on their calendars and plan to participate. The Chairman also reported that the Ethics filings due April 30th have not been extended. He

reminded the Commissioners that this is required every year and the deadline remains at April 30th. Finally, the Chairman reported that Megan McLaughlin, a second year law student, will be interning at the Commission this summer.

The Chairman asked Mary Ahearn to provide an update on the CompHub progress. Ms. Ahearn announced a Lunch & Learn at the MWCEA Convention in September. It will be held on Tuesday, September 22, 2020.

The Chairman asked Scott Curtis to update the Commissioners on a recent Court of Appeals decision regarding workers compensation and retirement in the case of *Harford Co. v Gary*.

Old Business: No Report

New Business: Commissioner Forrester discussed hearing dates and subpoenas being issued without dates and locations available. Commissioner Kittleman discussed telephonic IME's and IME's by video and how to handle disagreements between the parties. Commissioner Forrester expressed some concerns with validity when the doctor does not actually see and touch the patient. There is also some concern with Employers and Insurers having to pay for IME's that may or may not be admitted as evidence. Commissioner Metz discussed the number of settlements that are coming through for the same claimant and are being assigned to different Commissioners. Mary Ahearn will address the situation with the Commissioner Assistants.

Adjournment: There being no further questions or comments, and upon a motion by Commissioner Forrester and a second of Commissioner Quinn and a unanimous vote, the meeting was adjourned at 11:04 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, April 23, 2020

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:30 a.m. The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this a meeting of the Commissioners and not an open forum for questions, comments, etc.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren. Staff members attending were Scott Curtis, Jerome Reichmister, M.D., Amy Lackington, Mary Ahearn, and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the April 7, 2020 Special COVID-19 Commission meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Martin, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman explained the upcoming process of video hearings beginning at around the first week of May. Instructions and details will be posted to the website. The Commission will be using Microsoft Teams for the hearings, which will allow for secure attendance without necessarily requiring a download of the software to participate in the hearing. The Chairman reported that the backlog of cases is now at 10,000 cases with issues pending and almost 3,000 over 30 days. In 2018, the Commission had a similar backlog during the crossover of retiring Commissioners and newly appointed Commissioners and once we had all ten Commissioners, we were able to attack the backlog, we did get it down to under 1,000 in less than two months. We know that it can be done, and the video hearings will help with achieving that goal. The Chairman informed the Commissioners that staff members are still on duty keeping the work moving along. The Department of Budget and Management has issued a directive that no additional purchases of any kind may be made, even if previously budgeted; however, due to the Commission being a specially funded agency, the Chairman has requested a waiver of this directive. We are waiting on a response.

Old Business: No Report

New Business: No Report

Medical Alerts: Dr. Reichmister discussed the schedule of training when the COVID-19 restrictions are lifted. He reminded the Commissioners and all in attendance that there are very specific guidelines established for safety during the COVID-19 pandemic. He urged everyone to heed the advice of the professionals and wear masks, clean surfaces, practice social distancing and do not touch your face. The Chairman thanked Dr. Reichmister for his COVID-19 triage service to the community through his work with LifeBridge Health.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 9:44 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Special Commissioners' Meeting Minutes
Tuesday, May 19, 2020**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 10:00 a.m. The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this a meeting of the Commissioners and not an open forum for questions, comments, etc.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren. Staff members attending were Mary Ahearn, Jerome Reichmister, M.D., Scott Curtis, Amy Lackington, and Stacey L. Roig, Secretary of the Commission.

A list of guests who called in to this Open Meeting is attached to the Minutes.

Approval of Minutes: The Minutes of the April 23, 2020 Commissioners' Meeting were reviewed and, upon motion of Commissioner Martin and second of Commissioner Quinn, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman stated that in-person hearings are expected to resume on June 8, 2020. 1700 cases were entered manually and scheduled for June. The July docket will be set soon. Video hearings will continue for those who request them, with at least one Commissioner per day scheduled to conduct these hearings. There have been about 100 requests for video hearings in May and most are scheduled within 10 days of the request. Emergency hearings are also being handled through video hearings. The workers' compensation community, in general, has done a great job of working together to keep things moving and getting things done. The Chairman also discussed the importance of attending conferences even if they become virtual for the near future. Most of the organizations have cancelled the in-person conferences through 2020 because of the coronavirus threat and travel bans and budget constrains for all jurisdictional and associate member companies and sponsors. The MWCEA Convention in September is still going forward for now. Finally, the Chairman asked that all Commissioners please sign-on and check for the Security Awareness training that is due May 22nd. This training is mandatory for all state agencies and everyone must complete it.

Old Business: No Report

New Business: Commissioner Evans asked about evidence exhibits and some difficulty with uploading into the system. Mary Ahearn explained that the website has information on how to split evidence files into smaller files for uploading. Commissioner Quinn asked about the expected daily schedule for cases and the Chairman explained that the earliest case is set for 9:00 am and the latest is set for 2:40pm with a one-hour break scheduled for 12:00 noon until 1:00 pm. Docket sheets will be available soon. Commissioner Quinn also asked about requests for continuances because IME's were previously scheduled for after the hearing date. The Chairman explained that if the continuance is granted, another case is being set in for that hearing date and time. The Commission is trying to get the oldest cases set and done as soon as possible. The Commissioners should use their best judgement if they think that they can proceed with the hearing. Commissioner Quinn also addressed the guests on the call and asked them not to hold a settlement until the last minute, if the plan is to settle, please do so and allow that hearing space to be used by another case, Commissioner Parker-Warren commented that settlements have become somewhat sloppy with worksheets not matching what is in the document and it appears that there is no review process before submission. The Chairman asked that the community please pay attention to quality to help the Commissioners move the settlements along.

Medical Alerts: Dr. Reichmister reminded everyone to please be safe, be cautious, wear masks, use frequent hand washing and stay home as much as possible.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 10:20 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Special Commissioners' Meeting Minutes
Tuesday, June 2, 2020**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 10:00 a.m.

The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this a meeting of the Commissioners and not an open forum for questions, comments, etc.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren. Staff members attending were Mary Ahearn, Jerome Reichmister, M.D., Scott Curtis, Amy Lackington, and Stacey L. Roig, Secretary of the Commission.

A list of guests who called in to this Open Meeting is attached to the Minutes.

Approval of Minutes: The Minutes of the May 19, 2020 Commissioners' Meeting were reviewed and, upon motion of Commissioner Martin and second of Commissioner Forrester, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman stated that in-person hearings are, set to go for June 8, 2020. The transition was smooth to the video hearings and they will continue with at least one Commissioner per day conducting remote video hearings. The Claims Division has been extremely busy, along with the IT Division, getting the hearing notices out to the parties. The Chairman reported that at the height of the hiatus from hearings, there were 10,000 cases that had issues pending and needed hearings with about 7,500 pending over 30 days. As of this meeting date, there are 7,400 cases pending, a 26% reduction and cases still being set to August 2020. The number of cases pending over 30 days is down to 5,800, a 23% reduction. A notice to the Commission website will go up today with instructions for attendees of all in-person hearings. The Commissioners were reminded to bring their laptops to Baltimore when they have hearings in the city so that necessary updates can be run on them. A new form that is required at each hearing is the contact tracing form. It will be the new normal, so the Chairman asked the Commissioners to make it part of their opening at each hearing and make it a habit quickly. It is on the computer and easy to complete but it must be completed at each hearing and must include every person who attends, regardless of their role at the hearing.

The Chairman commented on the protests in Baltimore and the expectation that hearings will continue even as the protests are going on, as they are concentrated around City Hall.

The MWCEA Annual Convention is still scheduled for Ocean City in September. Options will be discussed in the coming weeks with final decisions expected later in June. The IAIABC, SAWCA and NWCJA are all being changed to some form of remote conference to keep the workers' compensation community informed and networked.

Commissioner Forrester asked the Chairman to expand on the contact tracing requirements. The Chairman explained that this is the next stage to flattening the curve of the virus. Everyone in the hearing room must be identified with names and addresses so that they can be traced and contacted if someone tests positive or develops symptoms of coronavirus.

Old Business: No Report

New Business: Commissioner Quinn discussed procedures for reviewing impeachable evidence that is presented at a hearing. She is also reviewing all other exhibits that are submitted 3 days in advance of the hearings, making notes but not printing all the materials. The Commissioners were reminded to keep

their mask on in the hearing room, even while speaking. It will be difficult, but it is meant to protect others as well as themselves. There will be a supply of masks in the hearing rooms, but all parties are encouraged to bring their own. The Security Guards are being trained on sanitizing the rooms between hearings. Gloves are available for staff, but not the public.

Commissioner Evans asked about the Commissioner Assistants and their working status. The Chairman explained that those who can and have been teleworking will continue to do so. The Assistants who were not able to telework will be returning to the office on varied schedules and shorter shifts to keep the number of people on each floor at the approved limits. The Chairman asked all the Commissioners to please be flexible.

Medical Alerts: Dr. Reichmister discussed various vaccine trials and certain drugs that have been found to reduce the length of the illness but are not a cure. There are several experimental programs testing different substances to develop new medications. Dr. Reichmister reminded everyone to please be safe, be cautious, wear masks, use frequent hand washing, social distance and stay home as much as possible.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 10:26 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Tuesday, June 11, 2020**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 10:01 a.m.

The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this a meeting of the Commissioners and not an open forum for questions, comments, etc.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren. Staff members attending were Mary Ahearn, Jerome Reichmister, M.D., Scott Curtis, Amy Lackington, and Stacey L. Roig, Secretary of the Commission.

A list of guests who called in to this Open Meeting is attached to the Minutes.

Approval of Minutes: The Minutes of the June 2, 2020 Commissioners' Meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Martin, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman stated that in-person hearings resumed on June 8, 2020. Hearings are scheduled through the end of July. Postponements have created some gaps in the schedule but, the cases are still moving through the system. Many cases are being heard through video hearings and requests from the video hearings remains strong. The Commission was notified that the sports teams are trying to have all their hearings done through video hearings. Scheduling all hearings is a challenge right now because it is a manual process but, WCC staff is working very hard at filling gaps as they are created and keeping the schedule updated. The backlog reduction is down to 5000 cases that are "over 30 days" and we are under 7000 cases that need to be set in for hearings. The "over 30 days" number is most significant and is down close to 40%. The Chairman thanked the Commissioners and the staff for all their efforts to get the backlog numbers down.

The Chairman announced that there will be no in-person educational conferences for this year. Most of the organizations are going to some form of a virtual program. It is expected that there may be a special session of the general assembly to enact changes for the "new normal". The procedures for our hearings are very different and must continue to be followed. The Chairman thanked the Commissioners for their adjustments and cooperation with the new procedures, including the tracing procedures. It is very important that every person who enters the Commission offices provide their name and address for tracing purposes should there be a determination that someone in the building is or becomes COVID positive. Commissioner Quinn asked if an "auto complete" feature could be added to the form for the parties to the case, especially the attorneys who are entered multiple times in the same day because of multiple hearings. Finally, the Chairman noted that there have been no hearings in LaVale due to the hearing site being inside of a hotel; however, beginning July 6, 2020, in-person hearings will be able to resume in LaVale.

New Business: Commissioner Kittleman reported that a meeting of the Medical Fee Guide Committee was held on June 8, 2020. The Committee reviewed a request for an increase to telephonic service codes in alignment with CMS rates. The Committee agreed to allow the increase to the three (3) codes temporarily, if the call is initiated by the patient or, by the doctor returning a call from a patient. The temporary increase will remain in affect for as long as the State of Emergency declaration remains in place. Once the State of Emergency has terminated, the MFG Committee will revisit the issue. Dr.

Reichmister also noted that the Committee added that clear documentation of the length of the call will be required

Commissioner Forrester discussed procedures when a settlement or postponement occurs the night before the hearing. Several of the Commissioners are using similar procedures to get the information to the WCC for the terms of an Order that may need to be issued. Email is preferable to text or getting the parties on speaker with the court reporter in the room to record the discussion on the phone.

Commissioner Metz asked about video hearings when there is not consent by all parties and if the Commission will be mandating them if one party requests a video hearing. The Chairman responded that there are two choices for hearings and all parties must consent to the video hearing.

Commissioner Evans discussed challenges with uploading exhibits. Mary Ahearn confirmed that the Commission is not accepting paper documents and they must all be uploaded. If there are problems, please direct the person to the IT Web Support team for assistance,

Old Business: Scott Curtis, Principal Counsel, discussed the final adoption of the emergency powers to the Chairman during a State of Emergency. COMAR 14.09.17 – Emergency Powers of the Chairman of the Commission was adopted on March 12, 2020 and was publicized in the MD Register on April 24th. The public comment period ended May 26th and on June 9th, the publication period ended. Mr. Curtis confirmed that there were no public comments and he asked for final approval.

A motion to approve COMAR 14.09.17 was made by Commissioner Quinn and seconded by Commissioner Martin. There was no discussion and by unanimous vote, the motion was approved.

Mary Ahearn updated the Commissioners that the Claimant Consent Form can now be uploaded.

Medical Alerts: Dr. Reichmister reminded everyone to please be safe, be cautious, wear masks, use frequent hand washing, social distance and stay home as much as possible. Dr. Reichmister also presented an informative session on the use of insect repellents and CDC guidelines and best practices for the use of insect repellents.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Martin and upon unanimous vote, the meeting was adjourned at 10:30 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Tuesday, June 25, 2020**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:30 a.m.

The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this is a meeting of the Commissioners and not an open forum for questions, comments, etc.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren. Staff members attending were Mary Ahearn, Jerome Reichmister, M.D., Scott Curtis, Amy Lackington, and Stacey L. Roig, Secretary of the Commission.

A list of guests who called in to this Open Meeting is attached to the Minutes.

Approval of Minutes: The Minutes of the June 11, 2020 Commissioners' Meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Parker-Warren, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman discussed the cancellation of the MWCEA Conference in September for 2020. The decision was not easy but prudent, given the COVID-19 pandemic situation. There will be other programs that will be held virtually this year, including SAWCA, NWCJA and IAIABC in July, August, and September, respectively. The in-person hearings are proceeding well. The processes and procedures are very different and that does leave gaps in the day, but the transition has been smooth. The Chairman thanked the Commissioners and the WC Community for their patience and flexibility. The Chairman also commented that contract tracing online has been a welcome addition to keeping the process smooth. The Chairman also specifically praised the Court Reporters and Security personnel for all their extra work to maintain all levels of safety in the hearing rooms for all participating in the in-person hearings. The Chairman was very pleased to announce that all the hard work has paid off with the reduction of the backlog by 41% overall and a 56% reduction in the cases over 30 days. Cases have been set through August. The Chairman thanked the claims processing staff and, specifically Debbie Thomas, Angie Eberhardt and Dorothy Smith for all their hard work with manually setting the calendar. In addition, the reduction in cases awaiting a hearing is also a result of both sides in the cases working together to resolve issues. The Chairman also announced that the Enterprise Modernization team, while working almost 100% remotely, is on track to open CompHub on September 1, 2020. In addition to the EMP team working remotely, at least half of the WCC staff is also teleworking with others in the office and some in a hybrid of some telework and some days in the office. Please encourage the use of the touchless thermometers for staff as well as outsiders, who are required to have their temperature taken before entering the sites.

New Business: Commissioner Evans asked for clarification on the timeline for when people who have already had coronavirus can return to the office after their recovery. The Commission has requested additional information and guidance from the MD Department of Health and is awaiting the response. Dr. Reichmister advised that the SDC Guidelines suggest that employers allow flexibility with a self-quarantine for two weeks after diagnosis. If after seven (7) days the person is asymptomatic, they may return to work.

Commissioner Quinn suggested an alternative to attorneys and others uploading 200-page exhibits by providing a summary of the physical therapy sessions and work hardening sessions, which will provide

all the important information without all the extra paper. Commissioner Martin added that all parties should be encouraged not to duplicate pages and documents that are already in the system.

Commissioner Parker-Warren discussed a call-in interpreter service that is available for immediate service in the hearing if needed. Dorothy Smith sent out the telephone number to all the Commissioners. Please check email and make note of the number for this service.

Old Business: No Report

Medical Alerts: Dr. Reichmister reminded everyone to please be safe, be cautious, wear masks, use frequent hand washing, social distance and stay home as much as possible. Dr. Reichmister also presented information on a hand sanitizer from Mexico that has a warning from the USFDA because the product contains wood alcohol, which can be absorbed into the skin and is poisonous. Dr. Reichmister also reported on a study that found certain blood groups to be a more or less risk for COVID-19. The A blood type group is at the highest risk compared to the B group. The O blood type group has little to no risk as compared to the others. Dr. Reichmister also reported on a live vaccine testing to reduce the symptoms of coronavirus. This is not a vaccine to prevent contracting the virus, but it is another front on which the researchers are working on attacking the virus.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 9:55 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Tuesday, July 09, 2020**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:30 a.m.

The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this is a meeting of the Commissioners and not an open forum for questions, comments, etc.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren. Staff members attending were Mary Ahearn, Jerome Reichmister, M.D., Scott Curtis, Amy Lackington, and Stacey L. Roig, Secretary of the Commission.

A list of guests who called in to this Open Meeting is attached to the Minutes.

Approval of Minutes: The Minutes of the June 25, 2020 Commissioners' Meeting were reviewed and, upon motion of Commissioner Martin and second of Commissioner Quinn, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman discussed the excellent progress that is being made on attacking the backlog of cases and commented on how smooth the hearing process has been since restarting in-person hearings. All parties are doing a great job of working together through the "new normal". The Chairman gave more specific numbers regarding the backlog, commenting on the 68% reduction in cases "over 30 days" since the height of the backlog in mid-May. The Commission has also seen a 40% overall reduction in backlog, taking a backlog of 10,000 cases down to 6,000 cases and putting the backlog not far off from 2019 numbers. The Chairman also mentioned that more specific information regarding the cancellation of the MWCEA 2020 convention will be available in the coming weeks. The Chairman reported the Enterprise Modernization Project is still on target for an online presentation of CompHub in September. Mary Ahearn reported that online training in a testing environment will be available soon. Users are setting up passwords now. The Commission will still be operating under two systems for a while but, overall, the team is running a little ahead of schedule. Finally, the Chairman reported that a third Hearing Room in Beltsville will be available for use in September. Beltsville has the largest volume of cases. The Chairman asked the Commissioners to continue to be diligent with social distancing and wearing face masks, especially as a third hearing room is added.

New Business: Commissioner Quinn discussed a process that she has been using successfully of texting the Court Reporter and Security Guard the night before a docket to let them know the time of the first case and the time of the last case, so that they can plan their day. Commissioner Quinn also stated that she posted a comment on the workers' compensation community Facebook page as a reminder not to come to the hearing site unless a case is being tried. There is no reason to come to the site just to pass an Order or a Stipulation.

Mary Ahearn reminded the Chairman to discuss Interpreters, specifically those who are not Commission employees. The Chairman discussed the necessity to get word to outside interpreters when a hearing is cancelled so that they do not have to come to the hearing and the Commission does not have to pay for their unused services. He stressed the importance of communication with everyone involved in the cases. There was then some discussion regarding placement of interpreter cases at the front of the docket. Mary Ahearn stated that the system cannot put all of them in the morning, but please contact Dorothy Smith if a cancellation of the interpreter is needed.

Commissioner Parker-Warren asked about a Commission employed Interpreter who needed to leave the hearing site by 1:00pm. Mary Ahearn will discuss with Dorothy Smith.

Commissioner Forrester reminded the Commissioners that moving cases on the docket is not always possible for all parties, even the larger law firms, and to please be flexible with all parties when moving cases.

Commissioner Metz discussed cases scheduled in the middle of the day that have multiple witnesses and take longer than 20 minutes to complete. He suggested a web notice to ask attorneys to advise the Commissioner's Office in advance so that the case can be moved to the afternoon to keep the docket running smoothly and on time.

Old Business: No Report

Medical Alerts: Dr. Reichmister reminded everyone to please be safe, be cautious, wear masks, use frequent hand washing, social distance and stay home as much as possible. Dr. Reichmister also presented information on a new publication on non-operative approaches to treatment of low back pain. Dr. Reichmister also discussed future anatomy review sessions, possibly in a virtual meeting environment on MS Teams. Dr. Reichmister also warned the Commissioners to remain diligent with the health and safety protocols because, as time goes by, the medical community is learning more and more about the long-term effects of the coronavirus.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Martin and upon unanimous vote, the meeting was adjourned at 9:52a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, August 13, 2020**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:15 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh and Maureen Quinn established a quorum. Staff members attending were Mary Ahearn, Steven Jones, Scott Curtis, Amy Lackington, and Stacey L. Roig, Secretary of the Commission.

Closed Session: At 9:49 a.m., upon motion of Commissioner Forrester and second of Commissioner Evans and upon unanimous vote, pursuant to GP §§3-305(13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, and COMAR 14.09.13.12, the Commission entered a closed session for the purpose of discussing self-insured employers' financial information.

Steven Jones, Director of the Insurance, Compliance & Regulation Division reported that Greater Baltimore Medical Center has requested an increase in retention effective August 1, 2020. After discussion and a motion from Commissioner Quinn with a second from Commissioner Metz, and unanimous consent, the motion was approved.

The meeting was reopened at 9:20 a.m., upon motion of Commissioner Quinn and second of Commissioner Forrester and upon unanimous vote.

The meeting reconvened at 9:32 am on an open meeting line allowing the public to attend the remainder of the meeting.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren. Staff members attending were Mary Ahearn, Jerome Reichmister, M.D., Scott Curtis, Amy Lackington, and Stacey L. Roig, Secretary of the Commission.

The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this is a meeting of the Commissioners and not an open forum for questions, comments, etc.

A list of guests who called in to this Open Meeting is attached to the Minutes.

Approval of Minutes: The Minutes of the July 23, 2020 Commissioners' Meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Metz, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman discussed the excellent progress of the reduction of the backlog of cases, in particular, the over 30 days cases. The Chairman stated that the Commissioners will see a scheduling change beginning in November 2020 with appointments beginning at 9:00am and ending at 1:00 p.m. with no break, except to sanitize. This will reduce the number of hearings by three per docket per day. However, the backlog is under control enough at this time that the loss of hearings will not impact the backlog to the negative. Virtual hearing dockets will continue and are here to stay. The Chairman discussed the SAWCA Conference in July and the success of the structure of the conference and the sessions. The IAIABC will also host a virtual conference in September. The Commission's

participation will be limited due to cost. Committee Chairs for the IA from the Commission will be permitted to attend. The budget situation for the State is still critical and cuts in budgets are going to be necessary. The Chairman is working with the Governor's Office and DBM because the Commission is independently funded and any cuts to our budget have no impact on the general fund. He is hoping that the Commission can be excused from furlough days and other cuts. The enterprise modernization continues to move forward at an excellent pace.

Old Business: No Report

New Business: Commissioner Forrester asked for input from the Commissioners for a claims litigation meeting on August 20th in which Commissioner Forrester will be participating. If there are any suggestions for topics to be discussed or information to be shared, please pass it along to Commissioner Forrester before August 20th. Commissioner Quinn asked that Commissioner Forrester share the gratitude of the Commission for all of the work that has been done during the pandemic and the spirit of cooperation shown by all.

Medical Alerts: Dr. Reichmister will be presenting a limited anatomy training session on the knee to the Commissioners and staff immediately following this meeting on MS Teams.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 9:48 a.m.:

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, August 27, 2020**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:27 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren. Staff members attending were Mary Ahearn, Scott Curtis, Amy Lackington and Stacey L. Roig, Secretary of the Commission,

The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this is a meeting of the Commissioners and not an open forum for questions, comments, etc.

A list of guests who called in to this Open Meeting is attached to the Minutes.

Approval of Minutes: The Minutes of the August 13, 2020 Commissioners' Meeting were reviewed and, upon motion of Commissioner Parker-Warren and second of Commissioner Evans, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman discussed the announcement that NCCI is recommending a 9.8% reduction in average premium, which is excellent news for insurers and policy holders. The Chairman also announced that the backlog is now approaching normal volume levels. Beltsville has always maintained the highest volume and the pandemic did not change that situation. All dockets have been reviewed for any opportunity to add dockets to Beltsville and adjustments have been made by Amy Lackington. Several new dockets were added to Beltsville over the next two (2) months. November will be a new schedule format to streamline the dockets. The Annual Report is being prepared and is on schedule to be issued timely. The Chairman had no new information regarding the MWCEA and any plans for the 2020 conference. Decisions will be made and finalized soon. The Chairman reported that remote working has been successful and continues to be effective. He expressed thanks to all of the staff for their hard work from all locations to keep the work flowing smoothly. Commissioner Quinn commented that Jim MacDonald has been especially helpful with all parties in the virtual hearing and the uploading of documents. Commissioner Quinn also commented that many times the parties to the case have not been prepared properly for a virtual environment and Jim has been very helpful getting people online, even with extremely short notice.

Old Business: Commissioner Evans asked about the expected date for the exclusive use of the new Settlement Worksheet. Mary Ahearn responded that the new worksheet has been posted but, the Commission allows approximately 30 days for the parties to begin using it exclusively. Commissioner Martin reported that the contact tracing program does not have a dropdown box for LaVale (Allegheny County). Mary Ahearn will report the issue to IT to correct.

New Business: No Report

Medical Alerts: Chairman Aumann thanked Dr. Reichmister for all his hard work on the training session that he provided on August 13, 2020. Dr. Reichmister reminded everyone to please be safe, be cautious, wear masks, use frequent hand washing, social distance and stay home as much as possible. Dr. Reichmister also provided several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 9:50 a.m.:

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, September 10, 2020**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:30 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren. Staff members attending were Mary Ahearn, Scott Curtis, Amy Lackington and Stacey L. Roig, Secretary of the Commission,

The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this is a meeting of the Commissioners and not an open forum for questions, comments, etc.

A list of guests who called in to this Open Meeting is attached to the Minutes.

Approval of Minutes: The Minutes of the August 27, 2020 Commissioners' Meeting were reviewed and, upon motion of Commissioner Metz and second of Commissioner Quinn, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman Reported that the Commission is moving ahead with the change for dockets beginning in November 2020. Dockets will run from 9:00 am until 1:00 pm with no mid-day break. The Chairman thanked all those in the Commission who worked on the adjustments to the dockets. The Chairman announced that Retired Commissioner Jeffrey Weinberg will be joining the Warnken law firm, removing him as an eligible Recall Commissioner. The Chairman asked the Commissioners to try to keep last minute requests to take leave to a minimum, given the shrinking pool of Recall Commissioners. The Chairman had no updates on the budget. The Chairman also reported that there is discussion around a possible presumption bill due to COVID-19. Commissioner Forrester commented that a draft copy of a possible presumption bill was posted on the MD Association for Justice website. The Chairman asked, Scott Curtis, Principal Counsel, to discuss a recent opinion published by the MD Court of Special Appeals in *Ashley N. Downer v. Baltimore County, Maryland*. The Chairman reported that the 106th IAIABC Convention opened this week as a virtual event and will extend through the end of the month. Stacey Roig will attend as Chair of the Regulation Committee along with Mary Ahearn, a former President of the IAIABC and the Chairman as Chair of the International Committee. The SAWCA 2020 All Committee Conference will also be a virtual event taking place in November.

Old Business: No Report

New Business: Commissioner Evans raised some questions regarding the scheduling of vocational rehab special hearings. The Commissioners discussed their thoughts. The Chairman asked that the staff look at some possible procedures and report back at a future date. The Commissioners all agreed that the QR scan for contact tracing is great and thanked Kevin Nauman (CIO) for putting it together so quickly

Medical Alerts: No Report

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, October 22, 2020**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:15 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren established a quorum.

Staff members attending were Mary Ahearn, Steven Jones, Scott Curtis, Jerome Reichmister, M.D. and Stacey L. Roig, Secretary of the Commission.

Closed Session: At 9:18 a.m., upon motion of Commissioner Martin and second of Commissioner Evans and upon unanimous vote, pursuant to GP §§3-305(13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, and COMAR 14.09.13.12, the Commission entered a closed session for the purpose of discussing self-insured employers' financial information.

Steven Jones, Director of the Insurance, Compliance & Regulation Division reported that Yellow Transportation has requested a decrease in security deposit. After discussion and a motion from Commissioner Quinn with a second from Commissioner Martin, and unanimous consent, the motion was approved.

Mr. Jones also reported that Peninsula Regional Medical Center has requested that McCready Foundation, Inc. be added as a subsidiary to their self-insurance program. After discussion and a motion by Commissioner Forrester and a second by Commissioner Metz, and unanimous consent, the motion was approved.

The meeting was reopened at 9:29 a.m., upon motion of Commissioner Parker-Warren and second of Commissioner Evans and upon unanimous vote.

The meeting reconvened at 9:30 am on an open meeting line allowing the public to attend the remainder of the meeting.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Mary Ahearn, Jerome Reichmister, M.D., Scott Curtis, and Stacey L. Roig, Secretary of the Commission.

The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this is a meeting of the Commissioners and not an open forum for questions, comments, etc.

A list of guests who called in to this Open Meeting is attached to the Minutes.

Approval of Minutes: The Minutes of the October 8, 2020 Commissioners' Meeting were reviewed and, upon motion of Commissioner Metz and second of Commissioner Forrester, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that a waiver for the current hiring freeze has been approved for two Commissioner Assistant positions. The hiring process has begun with the positions listed on the Department of Budget & Management website, which closes on November 3, 2020, and remote interviews will take place after the initial application review process is completed. The Chairman urged the Commissioners to put the word out if they know of someone who would be a good candidate.

The Budget Advisory Committee has signed off on the proposed budget for FY 2022. The budget will be sent to the Governor on December 1, 2020. The Chairman also reported that the

Over 30-day cases are starting to back-up again. He asked the Commissioners' to review requests for continuances carefully before automatically approving the request.

The Chairman reminded the Commissioners that the IT Security trainings are required for all and monthly completion is mandated by the Office of the Governor. Please complete the online trainings in a timely manner.

Old Business: No Report

New Business: Commissioner Metz discussed the calculation of attorney's fees. The Chairman suggested that Commissioner Metz and Principal Counsel, Scott Curtis determine and present recommendations to be discussed by the Commissioners at a later date.

Medical Alerts: Dr. Reichmister provided several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Parker-Warren and upon unanimous vote, the meeting was adjourned at 10:02a.m.:

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, November 12, 2020**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:30 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren

Staff members attending were Mary Ahearn, Amy Lackington, Scott Curtis, Jerome Reichmister, M.D. and Stacey L. Roig, Secretary of the Commission.

The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this is a meeting of the Commissioners and not an open forum for questions, comments, etc.

A list of guests who called in to this Open Meeting is attached to the Minutes.

Approval of Minutes: The Minutes of the October 22, 2020 Commissioners' Meeting were reviewed and, upon motion of Commissioner Parker-Warren and second of Commissioner Quinn, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that it has been eight months since the last in-person meeting of the Commissioners and the decision to return to a virtual meeting was made last minute in accordance with the Governor's recent comments. The Chairman reminded the Commissioners of the importance of social distancing, frequent handwashing and always wearing masks. He asked that the Commissioners not allow furniture to be moved in the hearing rooms as the furniture has been placed for precise social distancing. The Chairman also thanked the Security Officers for the extra steps that they are taking on to keep the hearing sites cleaned and sanitized. If we are not diligent, we may have to eliminate in-person hearings, which is not something that we want to do if it can be avoided. The one-hour lunch break has been eliminated from the schedule for the next few months. The Chairman asked the Commissioners to provide feedback to him on how that is working out and if it should be continued. The Chairman announced that Budget hearings will be virtual for the 2021 legislative session and no dates have been set at this point. The Chairman also reported that the virtual conferences have worked better than expected, although not to the level of in-person conferences. Several members of the Commission have been involved with the conferences to continue to network with our colleagues. The Chairman also reported that the backlog is not too bad but asked the Commissioners to continue to be diligent in carefully reviewing requests for postponements and continuances. He asked that the Commissioners encourage the parties to advise the Commission as soon as possible when issues are resolved so that another case can be set in that space on the docket. Video hearings are continuing and are being scheduled as quickly as possible. COVID case reviews have been submitted by most of the Commissioners and the Chairman asked that any case reviews that have not been submitted be sent to him as soon as possible.

Old Business: Mary Ahearn reported that the last of the changes to the uploading of documents have been completed. It is now possible to designate the party to whom the documents or exhibits belong, which should eliminate much of the confusion. Commissioner Martin commented that uploading exhibits the day of the hearing is still a problem. She asked that a Notice be added to the Commission webpage to

remind everyone to timely file their exhibits and not wait until the last minute to upload and provide them to the other parties in the claim.

New Business: Commissioner Forrester reported that Multi-Specialty now has a neurologist on staff. He also reported that Premium Orthopedics is performing functional capacity evaluations without approval by the insurers and refusing to share results until paid for the evaluation. Commissioner Forrester also suggested that when the parties to an Order Nisi hearing come to an arrangement on the issues, emails be sent to advise everyone that the hearing will not go forward. Currently, there is no way to remove the issue from the docket in the system.

Medical Alerts: Dr. Reichmister provided several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Martin and upon unanimous vote, the meeting was adjourned at 10:07a.m.:

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, December 17, 2020**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:15 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren established a quorum.

Staff members attending were Mary Ahearn, Steven Jones, Amy Lackington and Stacey L. Roig, Secretary of the Commission.

Closed Session: At 9:17 a.m., upon motion of Commissioner Martin and second of Commissioner Quinn and upon unanimous vote, pursuant to GP §§3-305(13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, and COMAR 14.09.13.12, the Commission entered a closed session for the purpose of discussing self-insured employers' financial information.

Steven Jones, Director of the Insurance, Compliance & Regulation Division reported that Diakon Lutheran Social Ministries has requested an increase in retention. After discussion and a motion from Commissioner Quinn with a second from Commissioner Forrester, and unanimous consent, the motion was approved.

Mr. Jones also reported that The Archdiocese of Baltimore requires an increase to the security deposit. After discussion and a motion by Commissioner Metz and a second by Commissioner Evans, and unanimous consent, the motion was approved.

Finally, Mr. Jones also reported that Sheehy Auto Stores will be leaving the self-insurance program effective July 1, 2021.

The meeting was reopened at 9:25 a.m., upon motion of Commissioner Parker-Warren and second of Commissioner Martin and upon unanimous vote.

The meeting reconvened at 9:30 am on an open meeting line allowing the public to attend the remainder of the meeting.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Mary Ahearn, Jerome Reichmister, M.D., Amy Lackington, Scott Curtis, Kevin Naumann, Theresa Cornish, David Jones and Stacey L. Roig, Secretary of the Commission.

The Chairman reminded all outside guests who were attending via telephone to please mute their phones and reminded them that this is a meeting of the Commissioners and not an open forum for questions, comments, etc.

A list of guests who called in to this Open Meeting is attached to the Minutes.

Approval of Minutes: The Minutes of the December 10, 2020 Commissioners' Meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Evans, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman announced that all WCC employees were invited to attend the meeting to give everyone a chance to briefly meet together virtually, in lieu of the usual holiday celebration at the Commission. The Chairman offered his thanks for the work that everyone has been doing under the very difficult circumstances of the past nine months. He expressed his pride in the work product of the team in keeping the Commission, the only adjudicating agency in the state, operating efficiently. The Chairman then turned the meeting over to Mary Ahearn, CEO; David Jones, CFO; Theresa Cornish, COO and Kevin Naumann, CIO to say a few words to the attendees.

Mary Ahearn reminded everyone that Governor Hogan designated Christmas Eve as a holiday for all state employees. Ms. Ahearn also announced a 2% COLA increase for all employees effective January 1, 2021. Ms. Ahearn also presented and congratulated those employees celebrating a milestone anniversary in service to the State of MD. (Please see attached list for details.)

Theresa Cornish thanked everyone for their work and expressed her appreciation for every employee's part in facing a year of challenges and opportunities. Ms. Cornish is looking forward to being together again soon.

David Jones expressed his gratitude to all employees, with special kudos to those employees who have carried out their duties in the office. There are many workers at the Commission who are working on the COVID front lines and do not receive special discounts or see their stories on the news. Mr. Jones expressed special thanks to those workers.

Kevin Naumann expressed his thanks to the Information Technology team, which was asked to make very fast changes to applications last March, so that the agency could stay on track in a remote working world. They were tasked with learning new software and applications and then training others when they had just learned the software themselves. Mr. Naumann thanked everyone on the team for their continued hard work.

The Chairman wrapped up his report with a reminder that the coronavirus pandemic is not over, and everyone must remain vigilant, wear masks and practice social distancing. The amount of work has been tremendous, and everyone has been an asset to the Commission and is doing a great job.

Old Business: No Report

New Business: Commissioner Forrester announced two workers' compensation community retirements.

Medical Alerts: Dr. Reichmister reminded everyone to continue with safety precautions of social distancing, washing hands frequently, wearing masks and avoiding crowds.

Happy Holidays to Everyone!

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Martin and upon unanimous vote, the meeting was adjourned at 10:02a.m.:

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary