

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, January 28, 2021**

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, Jerome Reichmister, M.D., Amy Lackington, 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 January 14, 2021 Commissioners' Meeting were reviewed and, upon motion of Commissioner Evans and second of Commissioner Parker-Warren, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that the Budget Committee Hearings are scheduled for this afternoon (January 28, 2021) and will be a joint virtual meeting. The Department of Legislative Services (DLS) concurs with the Governors' allowances for the Commission's budget for the coming year. DBM reported to the Commission that COVID vaccines will be given to all persons in "mission critical" positions. The MD Emergency Management Administration (MEMA) is coordinating the effort and will be contacting those employees on the list who want to receive the vaccine. No scheduling information is currently available. The Chairman reported that while dockets are moving forward, there is still a significant backlog and the Commission is addressing the situation. The Chairman reported that there is a possible return to in-person conferences in 2021, with both SAWCA and the NAWCJ working on possible November or December 2021 in-person conferences.

Old Business: Commissioner Quinn reminded the Commissioners that their Ethics Statement links have been sent by the MD Ethics Commission and the 2020 Ethics Statement is due by April 30, 2021.

New Business: No Report

Medical Alerts: Dr. Reichmister reminded everyone to continue with safety precautions of social distancing, washing hands frequently, wearing masks, stay home whenever possible and avoid crowds. Dr. Reichmister also 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 9:49 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, February 11, 2021**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:10 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, Allan Kittleman, Howard Metz, Maureen Quinn, Delia Schadt and Morrisann Martin established a quorum.

A roll call of staff members attending was not taken; however, Steven Jones, Director of the Insurance, Compliance and Reporting Division, presented his report and Stacey L. Roig, Secretary of the Commission, recorded the Minutes of the closed session.

Closed Session: At 9:14 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 the following self-Insured entities require an increase in security deposit.

Barrett Business Services, Inc. - After discussion and a motion from Commissioner Quinn with a second from Commissioner Martin, and unanimous consent, the motion was approved.

Costco Wholesalers - After discussion and a motion by Commissioner Metz and a second by Commissioner Martin, and unanimous consent, the motion was approved.

FedEx Ground Package Systems, Inc. - After discussion and a motion by Commissioner Metz and a second by Commissioner Quinn, and unanimous consent, the motion was approved.

Montgomery General Hospital - After discussion and a motion to table this decision was made by Commissioner Quinn and a second by Commissioner Evans, and unanimous consent, the motion was approved with Chairman Aumann abstaining.

Southern MD Electric Cooperative - After discussion and a motion to table the decision was made by Chairman Aumann and a second by Commissioner Quinn, and unanimous consent, the motion to table was approved.

The meeting was reopened at 9:26 a.m., upon motion of Commissioner Evans and second of Commissioner Quinn 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 and Delia Schadt.

Staff members attending were Mary Ahearn, Jerome Reichmister, M.D., Amy Lackington, 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 January 28, 2021 Commissioners' Meeting were reviewed and, upon motion of Commissioner Martin and second of Commissioner Metz, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that joint Budget meeting went very well. The Committee members were very interested in our Operations in the pandemic and the response was positive. The Department of Legislative Services (DLS) has determined that the Commission, together with the Department of Budget and Management (DBM) and the Subsequent Injury Fund (SIF) make recommendations, working with the Uninsured Employers' Fund (UEF), to help the UEF resolve some financial and operational issues. A \$100,000 hold-back from each budget will continue to be held until a report is completed and presented by September 1, 2021. The Chairman stated that he wants the process and the report to be as transparent as possible to make sure that the safeguards that keep the walls up between the Commission and the UEF and SIF remain in place because both appear before the Commission in contested claims.

The Chairman reported that several bills are being followed by the Commission, including changes to the Public Information Act and a few presumption bills. Kids' Chance 25-year anniversary is 2021 and a possible event of celebration may be planned for November 2021. The Chairman will keep all advised as plans develop. COVID vaccines are underway and a list has been sent to the Governor's Office of interested Commission staff for future scheduling of a COVID vaccine. Commissioner Quinn expressed a concern about a question on the vaccine application form regarding insurance.

Old Business: No Report

New Business: Commissioner Martin asked about last-minute settlements and the preferred way to code them.

Medical Alerts: Dr. Reichmister reminded everyone to continue with safety precautions of social distancing, washing hands frequently, wearing masks and avoiding crowds. Dr. Reichmister also advised that the latest CDC guidelines suggest double masking, along with avoiding crowds as much as possible. Finally, Dr. Reichmister urged all to take the vaccine when it is available because we can never eradicate these types of virus' but, we can suppress them if everyone takes the vaccine.

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

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, February 25, 2021**

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, 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 February 11, 2021 Commissioners' Meeting were reviewed and, upon motion of Commissioner Metz and second of Commissioner Evans, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported the weather cancellations have been challenging without the school system closure decisions as the basis for docket cancellations. In addition, the backlog of cases continues to grow and cancellations for the weather do not help the situation. The Chairman asked the Commissioners to encourage the community to file continuances as soon as they know that a continuance will be needed so that we can fill that docket slot with another case in line for a hearing. If there is no improvement in the number of late filings for continuances, the Commission will have to return to the method for filling dockets that was used pre-pandemic. While scheduled hearings are preferred by all, the Commission cannot afford the backlog that builds when last minute continuances prevent the maximum number of cases to be heard in a docket. The Commission has remained efficient but, the goal is to get cases heard as quickly as possible. The Workers' Compensation Oversight Committee may convene for a short virtual meeting to discuss the legislation moving through the committees. The Chairman does not have a solid date for that meeting yet, but most of the legislation is focused on COVID-19 presumptions, although there is other legislation being discussed that could affect Commission operations, as a whole. The Chairman is still waiting on final approval of the budget. The Chairman also reported that there is no change to the telework mandate and many Commission employees are receiving vaccines.

Old Business: Commissioner Forrester discussed a recent trend of cases coming to a hearing without medical records or completed IME's. Several Commissioners agreed. Commissioner Metz discussed case coding when continuances are requested.

New Business: Commissioner Evans discussed exhibits being emailed and requested that the instructions for Virtual Hearings be changed to remove the email option. She also requested that a Notice be added to the web page regarding the elimination of the email option for VHR exhibits. Commissioner Kittleman requested that the Commission require that the name of the person handling the case and their direct contact information be added to the documents so that the correct person can be contacted quickly. All the Commissioners agreed, and Mary Ahearn will have a notice posted.

Medical Alerts: Dr. Reichmister reminded everyone to continue with safety precautions of social distancing, washing hands frequently, wearing masks and avoiding crowds. Dr. Reichmister also reported that Dr. Fauci is starting a Focus Group to look at possible long-term problems for COVID patients. A European study is underway looking at COVID patients who were hospitalized, which may be insightful into other lung diseases. Dr. Reichmister discussed “COVID Arm”, a new phenomenon that occurs about one week after the COVID vaccine injection is received. Patients have reported a 3 to 4-inch red, itchy rash that lasts about one week.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Martin and upon unanimous vote, the meeting was adjourned at 9:56 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, March 11, 2021**

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, Maureen Quinn, Oh, Delia Schadt, Morrisann Martin and Tracey Parker-Warren established a quorum.

A roll call of staff members attending was not taken; however, Steven Jones, Director of the Insurance, Compliance and Reporting Division, presented his report and Stacey L. Roig, Secretary of the Commission, recorded the Minutes of the closed session.

Closed Session: At 9:17 a.m., upon motion of Commissioner Martin and second of Commissioner Forrester 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 Southern MD Electric Cooperative requires an increase in security deposit and provided the additional information requested by the Commissioners to complete the evaluation. After discussion and a motion by Commissioner Quinn and a second by Commissioner Evans, and unanimous consent, the motion was approved.

The meeting was reopened at 9:19 a.m., upon motion of Commissioner Quinn and second of Commissioner Forrester 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 Commissioner Parker-Warren.

Staff members attending were Mary Ahearn, Jerome Reichmister, M.D., Amy Lackington, 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 February 25, 2021 Commissioners' 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: The Chairman reported that a special workgroup meeting of the Workers' Compensation Oversight Committee was held to discuss proposed workers' compensation legislation, including the COVID-19 presumption bills. The Commission has been asked to provide information for a

follow-up meeting to be held today (3/11/21). The Commission will be serving on a team to study stress presumptions. Legislation has been introduced to allow the Commission to award a fee to Claimant's Counsel, to be paid by the Claimant or Insurer on "medical only" issues that come before the Commission. There is significant opposition to the bill. The MWCEA is planning to move ahead with a September 2021 meeting in person in Ocean City, MD. The NAWCJ and WCI are also planning in person meetings in Orlando, FL in December 2021. All are subject to change depending on COVID. The IAIABC has decided to proceed with a virtual only Forum in April and the convention in September. Members of the WCC who are IAIABC Committee Chairs will be participating in both events.

Old Business: No Report

New Business: Commissioner Martin reported on three (3) Kids' Chance Events and asked the Commissioners to participate. Golf Outing on Monday, July 19, 2021. The Annual Fun Run in Ocean City is September 21, 2021 and the 25th Anniversary Gala will be held on Saturday, November 13, 2021.

Medical Alerts: Dr. Reichmister was asked by the Chairman to provide information regarding COVID-19 and what to expect after vaccination. Dr. Reichmister reported that all must remain vigilant after receiving the vaccine because susceptibility and long-term effects of the virus after vaccination are still not fully known. The two shot regimes are showing about 50% immunity after the first shot and 95% immunity two weeks after receiving the second shot. Symptom severability and length of illness is improved; however, receiving the vaccine does not mean that you cannot get COVID and transmit it to others, even if you remain asymptomatic. Various mutations of the virus may continue to be a problem, even after vaccination. Nine studies have now been completed on susceptibility and blood types and eight of the nine studies showed a relationship of COVID susceptibility by blood type. Blood Type O is least susceptible, and Blood Type A is the most susceptible to COVID. Dr. Reichmister warned that with the warming weather and more people vaccinated there may be a decrease in cases; however, that is no cause to lessen recommendations of avoiding crowds, no gatherings, including family, social distancing, masks worn over the nose and mouth, avoid poorly ventilated spaces and wash hands frequently. COVID variants are still uncertain and double masking is recommended. Some long-term effects reported by 1/3 of the COVID patients studied are lingering symptoms of "brain fog" (like a mini stroke), shortness of breath, fatigue and hair loss. It is expected that booster shots will be necessary. Dr. Reichmister also cautioned that even after vaccination you can still get and spread the virus, so continue with precautions and quarantine for 10-14 days after the onset of symptoms of COVID. Finally, Dr. Reichmister reported that per the US Food and Drug Administration (FDA), the temperature monitors are not being used properly and they measure only skin temperature, which can vary based on the air temperature; or if the person is wearing eyeglasses, or the amount of light in the room where the temperature is being taken. These temperature monitors should not be counted on to provide accurate information.

Commissioner Forrester discussed COVID claims with "brain fog" as a symptom and testing for ability to continue in the job, especially in public safety.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Parker-Warren and upon unanimous vote, the meeting was adjourned at 10:03 a.m.:

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Public Attendees to Commissioners' Meeting
Thursday, March 11, 2021

<u>Name</u>	<u>Law Firm, Company or Other Affiliation</u>
Ashley Bond, Esquire	Rollins, Smalkin, Richards & Mackie, L.L.C.
Jeffrey Scholnick, Of Counsel	Silverman Thompson Slutkin White

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, March 25, 2021**

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 Jerome Reichmister, M.D., Amy Lackington, Scott Curtis and, by telephone, Stacey L. Roig, Secretary of the Commission.

The Chairman welcomed the Commissioners to the in-person meeting and reminded them that after consultation with the Governor's Office and the Department of Health, the Commission will follow all safety rules for this meeting, so wearing masks and social distancing are required for this meeting.

Approval of Minutes: The Minutes of the March 11, 2020 Commissioners' Meeting were reviewed, and with two corrections noted, a motion was made by Commissioner Martin and second by Commissioner Parker-Warren, to accept the Minutes, as amended, which was approved with a unanimous vote.

Chairman's Report: The Chairman reported on the current legislative session and some of the bills under consideration. Various versions of COVID presumption bills have been presented. The Commission has 1250 claims on record that mention "COVID" or "coronavirus" in the text description of the injury. Several of those cases are not actually COVID related and many of the newer cases are related to vaccine reactions. Only a few cases have been denied and Chesapeake Employers' Insurance is reporting a 90% acceptance rate for COVID related cases. A bill that would allow the Commission to order an insurer to reimburse a claimant for medical cannabis received an unfavorable report from the Senate Finance Committee and the House bill was withdrawn. The Chairman reported that a bill to allow an attorney fee in medical only claims does not appear likely to pass this session. Commissioner Quinn discussed a bill that would end daylight savings time in MD.

The Chairman discussed return to the office plans for fully vaccinated staff who cannot telework. Implementation of any changes will come after guidance from DBM is received. The building entry questionnaire will be changed for fully vaccinated Commission staff only.

The Chairman expects that in-person conferences will be held again in 2021. The Governor's Office has given direction that out of state travel is approved without restrictions. The Chairman supports attendance at the conferences because they are so important for our professional education. The SAWCA conference in July is moving forward and may be a hybrid. It will be held at The Homestead in VA. The Chairman asked the Commissioners to mark their calendars to plan to attend. The IAIABC conference was to have been in Toronto and travel to and from Canada is still restricted so the IAIABC will host a virtual convention in the Fall. The MWCEA conference is in Ocean City in September and will be in-person. The WCI and NAWCJ conference in Orlando is moving forward for in-person attendance within the first two weeks in December.

The Chairman discussed conflicts between staff members and reminded the Commissioners to let Supervisors know if conflicts become an issue.

Commissioner Evans asked if the Commission will be returning to the unscheduled hearings process. The Chairman confirmed that the unscheduled hearing process was much more efficient because cases can fall out of the docket but, there are others scheduled and the dockets continued to flow. The current system has worked for its purpose during the pandemic; however, it is very inefficient. There are 6,000

cases waiting for a hearing, so we will return to the unscheduled hearing process as soon as it is safe to do so. Commissioner Parker-Warren discussed receipt of documents electronically vs. the USPS.

Old Business: H. Scott Curtis, General Counsel, requested closure of the meeting to provide legal advice to the Commissioners.

Closed Session: At 10:11 a.m., upon motion of Commissioner Forrester and second of Commissioner Parker-Warren and upon unanimous vote, pursuant to GP §3-305(7) and LE § 9-744 the Commission entered a closed session for the purpose of receiving legal advice from legal counsel.

H. Scott Curtis, Assistant Attorney General and General Counsel provided legal advice to the Commissioners.

The meeting was reopened at 10:30 a.m., upon motion of Commissioner Evans and second of Commissioner Kittleman and upon unanimous vote.

New Business: Commissioner Schadt provided information regarding Hot Topics, an MSBA event, and the program for the event. Commissioner Schadt asked for suggestions for some hot topics from the Commissioners. The program will be pre-recorded, and Commissioner Schadt will be live for questions after the webinar is broadcast. The webinar will be available for viewing on May 13th. Scott Curtis discussed the eight-year regulation review, which will be completed this summer. Commissioner Evans requested the addition of a consent section in the Request for Postponement of Emergency Hearing. Commissioner Evans also requested alternate means of notification of interpreter cases on the docket. The Chairman will have Mary Ahearn investigate what is available.

Medical Alerts: Dr. Reichmister reminded everyone to continue with safety precautions of social distancing, washing hands frequently, wearing masks and avoiding crowds. Dr. Reichmister discussed concerns in the uptick of COVID cases and variants. The next four weeks will be critical as more vaccines are administered. Dr. Reichmister also reported on a study finding hearing loss associated with Orthopedic Surgeons due to the use of special saws used in joint replacement surgery. New devices to block the loud noise of the equipment but allow voices to be heard are now being used in operating rooms. Dr. Reichmister also reported that at this point, there is no definitive study linking medical cannabis to pain relief.

The Chairman announced that going forward, Commissioners' Meetings will be held in-person in the 3rd floor meeting space.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Kittleman and upon unanimous vote, the meeting was adjourned at 10:58 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, April 4, 2021**

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 Jerome Reichmister, M.D., Amy Lackington, Scott Curtis and, by telephone, Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the March 25, 2020 Commissioners' Meeting were reviewed, and with a motion made by Commissioner Parker-Warren and second by Commissioner Evans, to accept the Minutes, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported on the status of pending legislation in the last few days of the 2021 legislative session. The COVID presumption bills do not appear to be moving forward because of many questions as to whether COVID is an occupational disease or accidental injury and the structure of a presumption. The Commission is finding few cases are being denied, and those that come before the Commission get an individual view by the Commission of the facts and circumstances for each case. The Chairman reported that the Commission will likely be required to participate in a study of the Uninsured Employers' Fund; however, the bill that passed is much broader than the study of the UEF and it deals with the workers' compensation system. The Commission, SIF UEF and DBM are all included and responsible for completing the study and report. The General Assembly has some concerns about the UEF, including budget and administrative questions. The report is due by September 2021 and a substantial amount of the budgets of all the agencies involved will be withheld to keep the study on track. DBM is aware of the conflict of interest issues with the Commission's involvement and the Commissioners and Scott Curtis, AAG and General Counsel, will not be directly involved in the study and report team. Finally, the attorney fee bill has not moved forward.

The Chairman reported that the WCI Symposium will be moving forward in-person in Orlando, FL in mid-December 2021. The National Association of Workers' Compensation Judges, along with the American Bar Association Workers' Compensation Section, will join WCI at their conference. SAWCA and the Regulator's Roundtable will also attend. The SAWCA Conference is proceeding with a hybrid event at The Homestead in mid-July. The Chairman asked that requests to attend any of these conferences be sent to Amy Lackington soon because out of state travel must be approved by DBM in advance. Locally, there will be other in-person conferences, including Kids' Chance and MWCEA. The Chairman asked Commissioner Martin to report on Kids' Chance events. Commissioner Martin reported that the Golf Outing is still scheduled for July 19th and is moving forward.

The Chairman reported that Joyce Campbell, a long time Commission employee who retired in 2015, passed away in March. The Chairman also reported that several retirements are expected this year.

Old Business: No Report

New Business: No Report

Medical Alerts: Dr. Reichmister reminded everyone to continue with safety precautions of social distancing, washing hands frequently, wearing masks and avoiding crowds. Dr. Reichmister discussed concerns with COVID variants because they are more difficult to control. We should see less trouble with variants as more people are vaccinated. Dr. Reichmister discussed Q-Collars and their use to help protect the brain from sports-related impacts.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Kittleman and upon unanimous vote, the meeting was adjourned at 10:11 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, April 22, 2021**

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, Morrisann Martin, Howard Metz, Ju Oh, Delia Schadt and Tracey Parker-Warren.

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

Public Guests: Please see attached list of members of the public who attended the meeting.

Approval of Minutes: The Minutes of the April 8, 2020 Commission Meeting were reviewed, and with certain changes and corrections, a motion made by Commissioner Forrester and second by Commissioner Parker-Warren, to accept the Minutes, as amended, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman requested an update on Kids' Chance activities from Commissioner Morrisann Martin. Commissioner Martin reported that Kids' Chance is moving forward with a 25th Anniversary Gala and the July 19th Golf Outing at Rocky Point Golf Course. The Chairman reported that the MWCEA Convention is also proceeding with an in-person convention in September 2021. The Chairman reported that return to office guidance was provided by DBM and a meeting was scheduled with senior managers to discuss how the Commission will move forward with returning staff to the office as it is still a work in progress.

Old Business: No Report

New Business: No Report

Medical Alerts: Dr. Reichmister reminded everyone to continue with safety precautions of social distancing, washing hands frequently, wearing masks and avoiding crowds. Dr. Reichmister discussed concerns with COVID Vaccines from AstraZeneca and Johnson & Johnson causing blood clotting problems, which are appearing in a very few, mostly younger people. Dr. Reichmister also discussed a Primer that he is putting together for the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 9:45 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, May 13, 2021**

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

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Howard Metz, Maureen Quinn 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. No members of the public attended this meeting.

Approval of Minutes: The Minutes of the April 22, 2020 Commissioners' Meeting were reviewed, and with a motion made by Commissioner Parker-Warren and second by Commissioner Evans, to accept the Minutes, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman Reported on a change of process for approval to attend out of state conferences. A request to attend must be submitted to DBM for approval. The July 2021 SAWCA conference will be in-person only, as will the MWCEA Convention in Ocean City in September. The WCI Conference in Orlando, FL in December will be in-person and will include several other organizations meeting in conjunction with WCI. The Chairman provided an update on the UEF report due in September. Mary Ahearn will be representing the Commission on the committee, along with Edgar Dodd for SEF, a DBM Budget Analyst and Michael Burns for the UEF. The committee has completed its first meeting. Governor Larry Hogan announced a \$100 incentive payment to state employees who receive their vaccination for COVID-19. More information will come shortly. The Chairman announced that Steve Griffin, Director of Court Reporting, will be retiring in June 2021. Cherry Tate, Supervisor of Public Service and a 31-year employee of the State of MD, will also be retiring June 1st. The Commission has submitted a comprehensive list of telework schedules to DBM for review. The list is due by June 1st. The list submitted by the Commission is a hybrid of telework and in office work. DBM will be reviewing all plans in June for approval. The Chairman reminded the Commissioners that the Virtual Remote Hearings (VRH) are set by hand and difficult to track because there are so many moving parts. The moment that a Commissioner or Assistant becomes aware of a canceled or postponed VRH, please contact Amy Lackington so that she can work on filling that time slot with another case. Scott Curtis discussed the eight-year Regulation Review and will be sending out updates to the Regs for review by the Commissioners. Finally, the Chairman announced that a pipe on the third floor burst about a week prior to the meeting. The pipe has been repaired but, bathrooms and other parts of the building are still in disrepair.

Old Business: Commissioner Kittleman asked about backlog numbers and the Chairman stated that the numbers are manageable and will diminish quickly once we are able to go back to full dockets. The Commission is looking at the oldest cases and modifying dockets to keep the backlog under control. Commissioner Evans asked about wearing masks and cleaning between hearings. The Chairman reminded the Commissioners that the Commission is an Executive Agency and will follow the Governor's Orders as they are issued.

New Business: Commissioner Evans requested a form change to incorporate the attorney's email address and cell phone number into the entry of appearance forms for quick access to contact information of the attorney, not just the attorney's office. Mary Ahearn and Stacey Roig will work on getting those updates incorporated into the forms. Commissioner Parker-Warren discussed withdrawal of appearance and an attorney who withdrew his appearance one day prior to a hearing. Scott Curtis will review the regulations for withdrawal of appearance and Mary Ahearn will investigate the requests for withdrawal to the Commissioners' queues. Commissioner Parker-Warren also asked about a return to the non-scheduled hearing times and the Chairman reminded everyone that the Commission will follow the Governor's guidance and orders. Commissioner Metz suggested not placing unrepresented claimants on the dockets after 12:00 noon to make it easier to fill gaps in the schedule as they happen. Unrepresented claimants are very difficult to reach and there are no alternatives to calling them directly. The Chairman understood the situation; however, there are 6000 cases waiting to be heard and there is no mechanism to add "unrepresented" as a criterion for setting cases.

Medical Alerts: Dr. Reichmister reminded everyone to continue with safety precautions of social distancing, washing hands frequently, wearing masks and avoiding crowds. Dr. Reichmister discussed a handout he provided to the Commissioners in their meeting packets, "6 Lifestyle Changes Patients Should Make to Prevent Heat Disease." Dr. Reichmister provided several medical alerts and information of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Quinn and upon unanimous vote, the meeting was adjourned at 10:16 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, May 27, 2021**

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, Steven Jones, Scott Curtis, Amy Lackington, Jerome Reichmister, M.D. and Stacey L. Roig, Secretary of the Commission.

Closed Session: At 9:31 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 Cecil County, Maryland has requested an increase in retention. After discussion and a motion from Commissioner Parker-Warren with a second from Commissioner Evans, and unanimous consent, the motion was approved.

The meeting was reopened at 9:33 a.m., upon motion of Commissioner Quinn and second of Commissioner Martin and upon unanimous vote.

Approval of Minutes: The Minutes of the May 13, 2021 Commission Meeting were reviewed and two corrections were noted. Upon motion of Commissioner Quinn and second of Commissioner Kittleman, the Minutes as amended were approved with a unanimous vote.

Chairman's Report: The Chairman reported that the August calendar will include 20 cases per Commissioner without specific scheduled times per case. The first hearing will start at 9:30am. The ability to schedule more cases each day should significantly help with the backlog of cases. The schedule will be flexible, and changes can be made as needed. The Chairman discussed two legislative mandates that involve the Commission; one is a UEF study and the second is a study of PTSD related stress claims for 911 Emergency Personnel. The Chairman also reported that the Commission will have several people attending the SAWCA and WCI conferences this year with approval from DBM. The MWCEA program is developing, including Breakfast with the Commissioners. The Chairman asked the Commissioners to let him know the topics they would like to cover at the Breakfast. The Enterprise Modernization Project is progressing, and changes are coming soon.

New Business: Scott Curtis, AAG and General Counsel, discussed the Regulation Review that is required to be completed by all state agencies every eight years. This review is an opportunity to make changes to regulations at one time. Scott Curtis discussed an Executive Summary of the proposed changes that was provided to the Commissioners in their meeting packages. All details were sent by email to the Commissioners for their individual review. Mr. Curtis asked the Commissioners to be prepared to vote on the changes at the meeting on June 10, 2021.

Old Business: Mary Ahearn reported that the Strike Appearance form has been updated on the website and that the IT Department is currently reviewing the online form. CompHub has already been programmed in accordance with the Regulations.

Medical Alerts: Dr. Reichmister provided a primer to assist the Commissioners with some common medical questions. Dr. Reichmister also discussed the structures of the knee and common injuries.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 10:29 a.m.:

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, June 10, 2021**

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, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Scott Curtis, Jerome Reichmister, M.D. and Stacey L. Roig, Secretary of the Commission. No members of the public attended this meeting.

Approval of Minutes: The Minutes of the May 27, 2020 Commission Meeting were reviewed, and with a motion made by Commissioner Martin and second by Commissioner Evans, to accept the Minutes, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman expressed his condolences to the family of Commissioner Allan Kittleman on the death of his mother. The Chairman also announced that the MWCEA Conference agenda is tentatively set with tentative assignments. The Chairman reminded the Commissioners that all conference attendance requires advance approval by the Department of Budget and Management. Recruitments for two positions of retiring staff have been advertised, with a third position opening this week with the departure of Derry Pemberton in Fiscal Services. Derry has been with the Commission for 20 years and is leaving to take a position with the MD Transportation Authority.

Old Business: Scott Curtis, Principal Counsel, presented the proposed changes and updates to the regulations under the required 8-year Regulation Review process. Discussion was held regarding consent to Video Remote Hearings (VHR). An adjustment to the regulation was proposed by Mr. Curtis to leave the decision to approve or reject the request for a VHR at the discretion of the Commission. Mr. Curtis explained that most of the changes were stylistic changes and to bring the regulations in line with the changes we will see with CompHub.

The Chairman called for a motion to approve the proposed changes to the regulations. Commissioner Parker-Warren motioned to approve the proposed changes to the regulations and Commissioner Evans seconded the motion. After discussion, the motion was approved with a unanimous vote.

The Chairman asked Commissioner Metz to discuss proposed adjustments to attorney fees and how they are calculated. Discussion was held on the calculation methods and a complete proposal will be presented at the Commission meeting on July 8, 2021. Scott Curtis and Commissioner Metz will work on that full proposal.

New Business: Commissioner Martin discussed the Kids' Chance Gala, which is now scheduled for Saturday, April 30, 2022, from 6:30-10:00pm at the B&O Museum. Commissioner Martin asked the Commissioners to put the date on their calendars and plan to attend. Kids' Chance Maryland will be honoring the Chairman at the event. Commissioner Quinn noted that the Court Reporters are requesting full-time telework. The Chairman stated that the new Director will be tasked with making telework

decisions for the Court Reporting Division. The Chairman announced that the hearing rooms will be modified to meet updated policies for in-person hearings. The rooms will be adjusted on a hearing room by hearing room basis. Tables for each Counsel will be separate, and the Court Reporters' tables will remain where they are currently located.

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

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Quinn and upon unanimous vote, the meeting was adjourned at 11:05 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, July 08, 2021**

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:32 a.m.

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

Staff members attending were Mary Ahearn, Scott Curtis, Jerome Reichmister, M.D., and Stacey L. Roig, Secretary of the Commission. No members of the public attended this meeting.

Approval of Minutes: The Minutes of the June 24, 2021 Commission Meeting were reviewed, and with a motion made by Commissioner Quinn and second by Commissioner Schadt, to accept the Minutes, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman Reported that the over-30 days backlog is down to 3,000 cases, which is a great improvement. There is still work to be done to put the over-30-day case number below 1,000 but, we will continue making progress to that goal as we begin setting more cases daily. The August dockets have been set with 20 cases per docket. The Chairman also reported that Scott Curtis, Principal Counsel to the Commission, will be leading a panel of legal advisors to various state workers' compensation Boards and Commissions at the SAWCA conference. The discussion will include questions about COVID cases and how they are being handled by the various states, including whether employers and insurers are accepting or contesting COVID cases. Commissioner Martin asked about the number of COVID cases filed and if there had been a change without the presumption legislation. The consensus was that there had not been much change in the numbers without the presumption legislation. The Chairman reported that the IAIABC will host a hybrid conference in Louisville in October and, the WCI will be hosting an in-person conference in Orlando in December. The Chairman reported that internal interviews are beginning for the Director's position in the Court Reporting Division, and we are working on filling other positions that are open. The 9-1-1 Commission continues to request data and Stacey Roig is working on locating and providing the information they request.

Old Business: No Report

New Business: The Commissioners discussed various personnel movements within the workers' compensation community. The Chairman discussed empowering the security officers to handle the entry and dismissal of people at the hearings given concerns with calling dockets and new attorneys who may not know how the process works with larger dockets returning. The transition will be a work in progress, and everyone should try to be patient. Commissioner Evans asked about stipulations and the pandemic process vs. the formal process. After some discussion, the Commissioners decided to table the question and further discuss it at the July 22nd meeting. Scott Curtis discussed a call that he received regarding the C-51 process for medical providers.

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

Chairman Aumann announced that Commissioner Maureen Quinn will be designated Acting Chairperson while Chairman Aumann is away in August.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Quinn and upon unanimous vote, the meeting was adjourned at 10:27 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, July 22, 2021**

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, Ju Oh and Tracey Parker-Warren.

Staff members attending were Mary Ahearn, Steven Jones, Scott Curtis, Amy Lackington, Jerome Reichmister, M.D., and Stacey L. Roig, Secretary of the Commission. No members of the public attended this meeting.

Closed Session: At 9:31 a.m., upon motion of Commissioner Parker-Warren and second of Commissioner Kittleman 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 (ICR) Division reported that Carroll County, MD. has requested an increase in retention. After discussion, a motion was made by Commissioner Kittleman with a second from Commissioner Evans, and unanimous consent, the motion was approved.

Steven Jones also reported that Sheehy Automotive left the self-insurance program.

The meeting was reopened at 9:34 a.m., upon motion of Commissioner Forrester and second of Commissioner Evans and upon unanimous vote.

Approval of Minutes: The Minutes of the Commission Meeting on July 8, 2021 were reviewed, and with a motion made by Commissioner Parker-Warren and second by Commissioner Forrester, to accept the Minutes, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that the hearing rooms are being returned to a similar layout as they were pre-pandemic to transition back to larger dockets. Twenty cases per docket will resume on August 1, 2021. The Security guards are empowered to handle the movement of people to and from the hearing sites. The Chairman asked the Commissioners to please work with Security personnel to keep the process smooth for everyone. The SAWCA conference was held in-person at The Homestead and was very informative of what other states are doing to transition back to pre-pandemic operations. Many states have not returned to the office, and many have been operating at pre-pandemic levels for some time. Most states are taking the hybrid work approach with some in office, and some telework for staff. The MWCEA convention is in Ocean City in-person in September. The Commissioners have been assigned various panels for discussion. The topics for Breakfast with the Commissioners will be assigned at the September 16th meeting. The Chairman reported that the final vote for the Regulation changes for the Regulation Review will also take place at the meeting on September 16, 2021. The Chairman reminded the Commissioners that he will be out of the country for the month of August and the availability of Recall Commissioners is limited. He asked the Commissioners to please notify Commissioner Quinn immediately if they have an

emergency and have to be out on leave. Finally, the Chairman reported that the over 30 cases backlog is about 3400 cases, which is a little more than half of the total number of cases needing a hearing, which is approximately 6000 cases. The backlog should begin to shrink significantly after the larger dockets begin in August.

New Business: Commissioner Kittleman discussed finding treating neurologists in workers' compensation cases. Mary Ahearn discussed the Decision Memo under development in CompHub. Commissioner Evans requested that the Stipulation discussion from the July 8th meeting remain on hold until the September 16th meeting. Commissioner Kittleman asked about the automation of Settlements in CompHub, and Mary Ahearn reported that the October roll-out of CompHub will be in stages.

Old Business: No Report

Medical Alerts: Dr. Reichmister provided several medical alerts and information 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 10:14 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, August 12, 2021

Call to Order: Acting Chair, Commissioner Maureen Quinn called the meeting to order at 9:31 a.m.

Present: Acting Chair Commissioner Quinn and Commissioners Kathleen Evans, James Forrester, 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, and Amy Lackington, Acting Secretary.

Approval of Minutes: The Minutes of the July 22, 2021 Commission meeting were reviewed and, upon motion of Commissioner Forrester and second of Commissioner Oh, the Minutes were approved with a unanimous vote.

Chair's Report: Commissioner Quinn advised the Commissioners that the EZ Pass system is approximately one year behind in processing invoices due to new management. Commissioner Quinn spoke with Frank Lipshultz about the upcoming MWCEA conference and was told that the Board is holding a meeting this upcoming Monday, August 16, to discuss if the Ocean City Convention will be held, along with other available options, due to COVID uptake. She also advised that when a Request for Emergency Hearing document is annotated as "Duplicate" that the annotation should be ignored because it may not be a duplicate filing. The "Duplicate" annotation is computer generated and the form must actually be reviewed by a commissioner. The pending hearing cases report was discussed.

Old Business: Commissioner Metz advised he is continuing work on the attorney fee schedule.

New Business: Commissioner Evans asked how many cases were to be set on the hearing dockets, noting that she was getting 25-30 cases on her general dockets and the other Commissioners agreed. Amy Lackington advised 20 cases are to be set for general dockets and 9 cases for SIF/UEF dockets and that she will look into this matter.

Commissioner Martin advised that the Kids Chance golf outing was a success and passed out flyers for a bowling fundraiser.

Discussion was held regarding masking requirements at the hearing locations. The Commissioners agreed to follow county guidelines when attending hearings.

Commissioner Schadt advised that two Bethlehem Steel cases did not settle; discussion was held regarding possible further appeals by the parties.

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 10:25 a.m.

Maureen Quinn, Acting Chair

Amy S. Lackington, Acting Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, August 26, 2021**

Call to Order: Acting Chairman Maureen Quinn called the meeting to order at 9:27 a.m.

Present: Acting Chairman 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 Mary Ahearn, Steven Jones, Scott Curtis, Amy Lackington, and Stacey L. Roig, Secretary of the Commission. Jeanne M. Metz attended the open meeting and stepped out during the closed session.

Approval of Minutes: The Minutes of the Commission Meeting on August 12, 2021 were reviewed, and with a motion made by Commissioner Martin and second by Commissioner Evans, to accept the Minutes, the Minutes were approved with a unanimous vote.

Closed Session: At 9:29 a.m., upon motion of Commissioner Kittleman and second of Commissioner Parker-Warren 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 (ICR) Division reported that Glatfelter Pulp & Wood has requested a decrease in security. After discussion, a motion was made by Commissioner Quinn with a second from Commissioner Kittleman to table the request until the September 9th meeting for additional claim information from ICR. After unanimous consent, the motion to table was approved.

The meeting was reopened at 9:39 a.m., upon motion of Commissioner Kittleman and second of Commissioner Parker-Warren and after unanimous vote.

Chairman's Report: Acting Chairman Quinn reported that September will have two meetings, one on September 9, 2021, which will be a full Commissioners' meeting. The second meeting, to be held on September 16, 2021, will be an open meeting by telephone to vote on the updates to the Regulations in accordance with the required eight-year review process which was completed in 2021 for the Commission. The special call-in meeting will be for final approval of the regulation review changes. The call will take place at 9:30 am prior to the start of the dockets. Commissioner Quinn also reported that the MWCEA decided to cancel the in-person conference this year and they are planning a semi-virtual program on some of the days of the conference. The virtual programs will take place in the afternoon after the dockets. Commissioner Quinn also reported that she has been working on the calendar with Amy, and they will try to accommodate overnight preferences in the more remote locations whenever possible. Mary Ahearn clarified that only twenty cases are being set but the docket sheets may show more because cases do fall off the docket and those slots are being filled. The backlog of over-30 days has improved with the fuller dockets. Commissioner Quinn discussed the EZ-Pass situation with the delay in posting tolls to EZ-Pass accounts and she has reached out to MDOT through the office of Delegate Kumar Barve.

Commissioner Quinn asked Principal Counsel, Scott Curtis to discuss the opinion of the Office of the Attorney General regarding the wearing of masks. The opinion states that State Employees who are fully vaccinated are not required to wear masks in state offices; however, those who are not vaccinated are strongly encouraged to wear masks. State employees cannot be disciplined for not wearing a mask.

Old Business: No Report

New Business: Commissioner Martin announced that a Kids' Chance Bowling Event is scheduled for October 20, 2021 and encouraged all Commissioners to attend. The 25-year celebration Gala is scheduled for April of 2022 with more details to come later. The Commissioners discussed several fee petitions that have been filed and recent requests for K-Laser Therapy.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Kittleman and upon unanimous vote, the meeting was adjourned at 10:04 a.m.

Maureen Quinn, Acting Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Commissioners' Meeting Minutes
Thursday, September 9, 2021**

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, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren.

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

Approval of Minutes: The Minutes of the Commission Meeting on August 26, 2021 were reviewed, and with a motion made by Commissioner Quinn and second by Commissioner Forrester, to accept the Minutes, the Minutes were approved with a unanimous vote.

Closed Session: At 9:34 a.m., upon motion of Commissioner Parker-Warren 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 (ICR) Division provided an update on the claims filed for Glatfelter Pulp & Wood, which showed no cancer related claims filed. After discussion, a motion was made by Commissioner Quinn with a second from Commissioner Evans and, with a unanimous vote, the motion to approve carried.

The meeting was reopened at 9:37 a.m., upon motion of Commissioner Quinn and second of Commissioner Martin and after unanimous vote.

Closed Session: At 9:37 a.m., upon motion of Commissioner Forrester and second of Commissioner Metz and upon unanimous vote, pursuant to GP §§3-305(07), the Commission entered a closed session for the purpose of receiving advice of Counsel.

Advice of Counsel: Scott Curtis, Principal Counsel, discussed proposed changes to Regulations with advice to the Commissioners.

The meeting was reopened at 10:14 a.m., upon motion of Commissioner Martin and second of Commissioner Quinn and after unanimous vote.

Chairman's Report: Chairman Aumann reported that the MWCEA has decided not to host an in-person convention for 2021. There will be some remote programs, including a CompHub presentation by the Commission. More information will be available soon. In addition, the MWCEA Holiday Luncheon has also been cancelled for 2021. The Chairman also reported that Kids' Chance will continue with the Bowling Night on October 20th and the WCI conference is proceeding in Orlando, FL in December. The Chairman announced that several retirements are expected for this year and the Commission is preparing in advance for some of these positions to make the transition smooth. A new Public Service Manager has

been hired but, there are fourteen (14) open positions at the Commission at this time. Commissioner Kittleman has decided to run for public office, and he has received information from the Ethics Commission on how to run for office and remain a Commissioner hearing cases for us. The backlog is now under 2000 cases, the lowest it has been since March 2020. The Chairman discussed COVID breakthroughs and asked the Commissioners to continue those cases without violating anyone's privacy.

Old Business: No Report

New Business: Commissioner Martin discussed rehearing requests not being set before the original Commissioner. Commissioner Parker-Warren asked about inserting cases into a docket on their own and the Chairman discouraged this practice because the system is set up to be fair in general. Special circumstances may require inserting a case but please keep those situations to a minimum. Commissioner Forrester reported that Chesapeake Employers Insurance has requested that Orders for permanency, where the medical bills need to be submitted, use the 30-day language that provides the opportunity for the insurers to release all of the funds to the parties if the bills are not submitted within 30 days of the date of the Order. Commissioner Quinn will ask her Assistant, Cindy Cauthorne, to send the language to all Assistants. Commissioner Metz announced that he will be discussing attorney fees at the October 14th meeting.

Medical Alerts: Dr. Reichmister provided several medical alerts of interest to the Commissioners, including a new Primer on the aging of the musculoskeletal system.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Parker-Warren and upon unanimous vote, the meeting was adjourned at 10:50 a.m.

R. Karl Aumann Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation
Special Commissioners' Meeting Minutes
Thursday, September 16, 2021**

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, 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.

Guests attending were Anne Hoke, Esq., Carmine D'alessandro, Esq., Lyndsey Meninger, Esq. and Tina Lane.

The Chairman asked for a Motion to accept the Regulations as amended and posted to the Commission website. Commissioner Forrester made the motion and Commissioner Evans seconded the motion. Commissioner Kittleman asked a question regarding attorney fees. The Chairman confirmed that attorney fees were not the subject of the vote at this meeting. After a unanimous vote with no one opposed or abstaining, the motion was approved.

The Chairman asked for a motion for final approval and submission of the proposed Regulations as amended and Commissioner Forrester made the motion and Commissioner Parker-Warren seconded the motion. The motion was approved with a unanimous vote, with no one opposing or abstaining.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Parker-Warren and upon unanimous vote, the meeting was adjourned at 9:33 a.m.

R. Karl Aumann Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, October 14, 2021

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

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

Staff members attending were Mary Ahearn, Chief Executive Officer, Scott Curtis, Assistant Attorney General, and Amy Lackington, Acting Secretary.

There were no members of the public present at this meeting.

Approval of Minutes: The Minutes of the September 9, 2021 and September 16, 2021 Commission meetings were reviewed and, upon motion of Commissioner Forrester and second of Commissioner Oh, the Minutes were approved with a unanimous vote.

Chair's Report: The Chairman reminded the Commissioners about the Commission's virtual celebration of the employees who have retired this year in lieu of an in-person celebration. The Chairman advised that the caseload backlog is improving. The Chairman met in Annapolis with the Chairs of the Legislative Oversight Committee to discuss recent issues in the workers' compensation community. There will be an in-person Oversight Committee meeting in December pending Speaker approval. The three Committee Chairs are also planning to attend the SAWCA All Committee Conference in November. The Commission is working hard to hire new court reporters. There are limited court reporting programs available. Those universities and colleges who do offer it, now offer only virtual classes.

Old Business: None.

New Business: Commissioner Metz gave an in-depth overview of the proposed changes to 14.09.04.03 Schedule of Attorney's Fees. The changes are being considered in an effort to update and consolidate the regulation as well as to make it easier to administer. Discussion was held and the regulation will be voted on at the next Commission meeting. Discussion was also held regarding the withdrawal of an attorney's appearance without good cause. The Commission follows the same procedure as that of the District Court. The Commission will be removing the Notice to Withdraw Appearance form from its website and from electronic submission since it is being used improperly and practitioners are not following the requirements of COMAR 14.09.04.01E.

Medical Alerts: None.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Martin and upon unanimous vote, the meeting was adjourned at 10:16 a.m.

R. Karl Aumann, Chairman

Amy S. Lackington, Acting Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, October 28, 2021

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

Present: Chairman Karl Aumann and Commissioners James Forrester, Howard Metz, Ju Oh, Maureen Quinn, Delia Turano Schadt and Tracey Parker-Warren.

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

There were no members of the public present at this meeting.

Approval of Minutes: The Minutes of the October 14, 2021, Commission meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Metz, the Minutes were approved with a unanimous vote.

Chair's Report: The Chairman discussed the SAWCA conference in November and the WCI conference in Orlando in December. Both conferences are moving ahead in person. The Chairman had a discussion with the MD Medical Cannabis Commission Legislative Officer regarding possible legislation for workers' compensation payment for medical cannabis. Discussion was held regarding recruiting for Court Reporters and the challenges that the Commission has discovered in this recruitment. Management is looking at all options. The Commissioners discussed methods used by other courts to record proceedings. The Commission has received the informal approval of the 2023 budget by the Budget Committee. The Commission is expecting more retirements to be announced in the coming months. At present, there are sixteen (16) open positions at the Commission. The Chairman asked the Commissioners to mark their calendars for a virtual Employee Recognition Day on December 9, 2021. The program will recognize employees who had milestone anniversaries in 2021. The event will be similar to the retirement event in October and will be on MS Teams so all employees may participate.

Old Business: Commissioner Howard Metz and Scott Curtis, Principal Counsel discussed additional proposed changes to 14.09.04.03 Schedule of Attorney's Fees. Scott Curtis presented a straight percentage option with increases to all rate caps. The Commissioners discussed the challenges and benefits to the options presented. The discussion will continue.

New Business: Commissioner Metz discussed Average Weekly Wage in the Death & Dependency statute where there is a part-time job held by the deceased worker at the time of death. Commissioner Quinn discussed docket management and access to the AS/400 system. Commissioner Assistants have access to updates on the Commission website and can send emails to Court Reporters and Commissioners when dockets change. Mary Ahearn will discuss with the Director of Court Reporting. Discussion was held regarding Ad Astra interpreters and continuing issues. The Executive Office is working with Ad Astra to correct the problems.

Medical Alerts: None.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Parker-Warren and upon unanimous vote, the meeting was adjourned at 10:11 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

**Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, November 18, 2021**

Call to Order: Acting Chairman, Maureen Quinn called the meeting to order at 9:32 a.m. after establishing a quorum.

Present: Acting Chairman Quinn and Commissioners Kathleen Evans, James Forrester, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn and Tracey Parker-Warren.

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

There were no members of the public present at this meeting.

Approval of Minutes: The Minutes of the October 28, 2021 Commission meeting were reviewed and, upon motion of Commissioner Metz and second of Commissioner Parker-Warren, the Minutes were approved with a unanimous vote.

Closed Session: At 9:33 a.m., upon motion of Commissioner Evans and second of Commissioner Parker-Warren 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 (ICR) Division discussed with the Commissioners the following increases to security deposits. After discussion of each entity, votes were held for each entity and the motions and results are reflected in the following chart:

SELF-INSURED	Motion	Motion by:	Second	Action
MD General Hospital	inc sec	Evans	Forrester	motion approved
Costco Wholesalers	inc sec	Forrester	Martin	motion approved
Dollar General Corporation	inc sec	Parker-Warren	Martin	motion approved
FedEx Ground Package Systems, Inc.	inc sec	Metz	Parker-Warren	motion approved
Trinity Health Corporation	inc sec	Martin	Forrester	motion approved

The meeting was reopened at 9:44 a.m., upon motion of Commissioner Parker-Warren and second of Commissioner Martin and after unanimous vote.

Acting Chair's Report: Acting Chairman Quinn discussed changing the procedure at the beginning of the docket of calling in the attorneys to the courtroom to include attorneys and pro se claimants. Commissioner Quinn had a situation where the Employer/Insurer attorney just requested an Order and left to get to another hearing site, and the pro se claimant was left sitting in the waiting area and was never called to the hearing room. Commissioner Quinn also discussed a situation with an uncertified interpreter who did not interpret a five-minute conversation that was supposed to be on the record. Mary Ahearn advised that the Department of Budget and Management is investigating the ability of Ad-Astra to fulfill the contract with the State. Commissioner Quinn also discussed non-compliance with Commission orders and if an Emergency Hearing is requested to enforce an Order of the Commission, it should be granted, as non-compliance with an order is an emergency.

Old Business: Commissioner Quinn asked Commissioner Metz to discuss the status of attorney fee changes. Commissioner Metz reported that he is still looking at increases and caps and may have something to report at a future meeting. Scott Curtis reminded the Commissioners of the regulation moratorium as the new legislative session opens.

New Business: Commissioner Martin reported that Kids' Chance has scheduled another Bowlarama night for February 9, 2022 from 6:00pm until 10:00pm. The Gala is scheduled for April 30th at the B&O Museum, from 6:00 until 10:00pm. Tickets will be \$200 and include dinner and open bar. Chairman Aumann is the honoree for the evening

Commissioner Evans discussed questions about the statute of limitations post-COVID. Scott Curtis explained the suspension of the statute of limitations, which was under the authority of the Governor, and the effective date of the lifting of the limitations.

Medical Alerts: None.

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

Maureen Quinn, Acting Chairman

Stacey L. Roig, Secretary

LARRY HOGAN
Governor

BOYD K. RUTHERFORD
Lt. Governor

MARY K. AHEARN
Chief Executive Officer

STACEY L. ROIG
Secretary



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JU Y. OH
MAUREEN QUINN
DELI A TURANO SCHATZ
TRACEY PARKER WARREN
Commissioners

COMMISSIONERS' MEETING

Thursday, November 18, 2021

1. Approval of Minutes - October 28, 2021
2. ICR Report - Steven Jones
 - a. Increase in Security Deposit
 - i. MD General Hospital
 - ii. Costco Wholesale
 - iii. Dollar General Corporation & Subsidiaries
 - iv. FedEx Ground Package Systems, Inc.
 - v. Trinity Health Corporation
3. Report of the Acting Chairman - Commissioner Maureen Quinn
4. Old Business
5. New Business
6. Medical Alerts - Happy Thanksgiving from Dr. Jerry!
7. Adjournment