

Maryland Workers' Compensation Commission
Meeting Minutes
As amended
Thursday March 28, 2024

Call to Order: Chairwoman Maureen Quinn called the meeting to order at 9:30 a.m.

Present: Chairwoman Maureen Quinn and Commissioners Kathleen Evans, James Forrester, Asha Joseph Jefferson, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Delia Schadt, and Tracey Parker Warren.

Staff Members Present: Mary Ahearn, Chief Executive Officer, Theresa Cornish, Chief Operating Officer, H. Scott Curtis, Principal Counsel, Amy Lackington, Administrator, Stacey Roig, Director of IC&R, Dr. Jerome Reichmister, Medical Director, and Elizabeth Fletcher, Secretary of the Commission.

Approval of Minutes: The Minutes of the Commission meeting on March 14, 2024, were reviewed by the Commissioners. Upon motion of Commissioner Martin and seconded by Commissioner Forrester, the Minutes, as amended, were approved with a unanimous vote.

Closed Session: At 10:16 a.m., upon motion of Commissioner Martin and seconded by Commissioner Parker Warren and upon unanimous vote, pursuant to GP §§3-305(13), LE §§9-402, 9-403, 9-406, and 9-1104, and COMAR 14.09.13.12, the Commission entered into a closed session for the purpose of discussing self-insured employers' financial information.

ICR Report: Stacey Roig, Director of the Insurance, Compliance and Reporting Division, discussed the recommendation of an increase of retention for Sheppard Pratt. Upon motion of Commissioner Martin and seconded by Commissioner Parker Warren, the motion to increase Sheppard Pratt's retention was approved with a unanimous vote. She then discussed K-Mart's request for a decrease in their security deposit. Upon motion of Commissioner Forrester and seconded by Commissioner Evans, the motion to table any decision of the Commission for sixty days was approved with a unanimous vote.

Open Session: At 10:45 a.m., upon a motion from Commissioner Parker Warren and second from Commissioner Forrester and upon a unanimous vote, the Commission re-opened the meeting.

Old Business: Commissioner Schadt asked Scott Curtis about the status of the case regarding the reimbursement of special medical reports when no CPT codes are provided. He stated that he has been served and is waiting for the case to move forward. Commissioner Forrester discussed the issue of doctors who charge claimants for medical fees when the charges have not been authorized and then will reimburse the claimant when paid.

Chair's Report: Chairwoman Quinn thanked Barry Bernstein, Program Director of Maryland Worker's Compensation Education Association (MWCEA), for attending today's meeting to discuss plans for the upcoming Conference. He reviewed last year's conference attendance and advised that most of the attendees were attorneys. The goal for this year's conference is to have a more diverse group of attendees. MWCEA is encouraging law firms, insurance companies, and medical providers to allow their workers' compensation professionals such as paralegals, medical providers, and insurance adjusters to attend the conference. Chairwoman Quinn and the Commissioners discussed the different programs and each of the Commissioners volunteered to participate in various panels. Chairwoman Quinn requested that when inviting medical providers, guidance about the structure of the conference and the panels be offered to

them. Commissioner Forrester discussed the need for young attorneys to learn how to prepare for trying cases before the Commission. Chairwoman Quinn discussed the conference lunch and learn program for young attorneys who attend the conference. She thanked Barry Bernstein for attending the meeting. Chairwoman Quinn advised the board that the most recent Human Resources Dashboard has been released and the agency's percentage of vacancies is still at 11.2% and the Commission is actively recruiting to fill those positions. The Commissioners discussed the process of correcting errors in orders Theresa Cornish discussed the process of reviewing and correcting internal errors. Mary Ahearn stated that with CompHub we may be able to electronically flag errors but that it will take some time in development.

New Business: Stacey Roig provided the Commissioners with a handout and a shortened version of the program that she presented at the Southern Association of Workers' Compensation Administrators Conference. She discussed the security options of deposits in cash or cash equivalents, letters of credit, trusts, and surety bonds. She advised the Commissioners that there is no universally recognized surety bond form for Workers' Compensation and reviewed several key points for the Commissioners to consider including the ability of the Commission to issue a show cause order if the surety does not respond timely. Mary Ahearn asked if there are regulations to enforce self-insured employers into compliance. Scott Curtis advised that there are regulations but any penalties the Commission wants to assess would require Legislative approval. Mary Ahearn advised the Commissioners that the EM team made changes to the round robin of settlements so that the settlements would not go into a Commissioner's inbox when the Commissioner was on leave. Once the testing is completed the fix will be deployed. Theresa Cornish discussed the undeliverables that are being scanned and processed into case files. She also informed the Commissioners that reports on SharePoint are available for supervisors and managers which should help with productivity. Commissioner Parker Warren asked about expense reimbursements and Chairwoman Quinn advised that this will be addressed when a new Finance Deputy Director is hired. Commissioner Oh stated that for the Commissioners that hear the UEF docket, it is very important to know before the hearing which employers had insurance. Stacey Roig advised the Commissioners that she and Kristy Dubose are putting processes in place so the award will show the status of insurance.

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

Maureen Quinn, Chairwoman

Elizabeth Fletcher, Secretary