

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday April 11, 2024

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

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

Staff Members Present: Mary Ahearn, Chief Executive Officer, Theresa Cornish, Chief Operating Officer, H. Scott Curtis, Principal Counsel, Stacey Roig (via Telephone), 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. After discussion and upon the motion of Commissioner Martin and seconded by Commissioner Forrester, the Minutes, as amended, were approved with a unanimous vote.

Closed Session: At 9:45 a.m., upon motion of Commissioner Kittleman seconded by Commissioner Martin 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, advised the Commission of K-Mart's request to have their security deposit decision removed from a hold status and heard at today's meeting. Upon motion of Commissioner Jefferson and seconded by Commissioner Forrester, the request to hear Kmart's request today was approved with a unanimous vote. K-Mart's request was discussed by the Commissioners. Thereafter, upon motion by Commissioner Forrester and seconded by Commissioner Jefferson, K-Mart's request to have its security deposit reduced was denied. The Commission will have legal counsel draft the denial letter to K-Mart.

Open Session: At 10:15 a.m., upon a motion from Commissioner Kettleman and second from Commissioner Martin, and upon a unanimous vote, the Commission re-opened the meeting.

Chair's Report: Chairwoman Quinn provided the Commissioners with copies of Senate Bill 216 – Failure to Insure – Penalties, effective July 1st, and House Bill 669 – Benefits – Hearing Loss, effective October 1st. The Commissioner confirmed that House Bill 669 will be effective for claims filed on or after October 1, 2024. Chairwoman Quinn reminded the Commissioners that the Ethics Financial Disclosure forms are due to the Ethics Commission on April 30, 2024, and that the forms are available on the State Ethics Commissions website. Chairwoman Quinn advised that pending issues are so low that Commissioners may not be able to rescind a vacation day because there may not be enough cases to create a docket. She asked the Commissioners to be aware of this when choosing their leave days. Chairwoman Quinn announced to the Commissioners that she will be attending the MSBA meeting and assured Commissioner Martin that she will advise the attorneys of the importance of having medical ratings filed before the hearing day. Mary Ahearn reminded the Commissioners that orders must be issued within thirty days and when the orders are held for too long, the statistics are affected.

Mary Ahearn reminded the Commissioners about the requirement that Orders be issued within thirty days of the hearing when deciding how long to allow the record to be left open for additional evidence.

Old Business: Mary Ahearn advised the Commissioners that the issue with settlements being placed in the Commissioner's queues when on leave has been resolved. If any Commissioners experience this issue, please send an email to Mary Ahearn. The Commissioners discussed their concerns on how hearings are conducted by both parties. Chairwoman Quinn assured the Commissioners that when she speaks at MAJ, she will request that the attorneys send their staff to the trainings.

New Business: Commissioner Martin shared that she had received an email from an attorney asking for their appearance to be stricken from an order because the coverage was found to be with another employer. When checking CompHub, the attorney was not listed in the claim and not on hearing notices. Chairwoman Quinn stated that the Insurance Division does not remove parties until the claim is closed.

Medical Report: Dr. Reichmister reported on a new study done on patients with Lyme's disease and its effects on the body and brain. Doctors are hopeful that the study findings will help patients with long-term COVID and SARS. Dr. Reichmister also reviewed with the Commissioners the latest information on hypertension in order to assist them when deciding claims. He reviewed the process of proper testing procedures and the different ranges of hypertension readings. Commissioner Forrester described the poor medical records he was receiving from medical providers. Dr. Reichmister stated that when he was active on MedChi, he was on a medical-legal group that dealt with problems between doctors and lawyers. He suggested that the Commission speak with them about these problems.

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

Maureen Quinn, Chairwoman

Elizabeth Fletcher, Secretary