

**Industrial Commission’s Advisory Committee
On Workers’ Compensation
Minutes
November 8, 2023**

Members Present

Dave Anderson
James Arnold
Brad Cederblom
Richard Burleigh
Andrew Marcham
Shellie Martin
Joe Maloney
Matt Pappas
Mark Peterson, Chairman
Shellie Martin

Members Absent

Randie Fischer
Dr. Paul Collins
Darin Monroe
Mike Shuey
Brian Whitlock
Ex-Officio: Senator Kevin Cook

Industrial Commission

Aaron White, Commissioner
George Gutierrez, Director
Kamerron Slay, Commission Secretary

Opening Remarks and Introductions:

Mark Peterson led the meeting and opened the meeting at 9:00 a.m. Richard Burleigh reminded attendees to sign in. Mr. Peterson next requested introductions of Committee members and public attendees.

Minutes of November 8, 2023:

The minutes of the November 8, 2023 meeting were presented for review and approval. Upon the motion of Dave Anderson, seconded by Andrew Marcham, the minutes of November 8, 2023 were approved. The motion carried by unanimous vote.

Industrial Commission Report:

IRIS Modernization Update. Ryan Linnarz provided an update to the Committee on the IRIS modernization project. Mr. Linnarz indicated the Benefits module had gone live and the team was working on the portal development.

2024 Proposed Legislation. Commissioner White summarized the agency’s legislation for the upcoming session regarding Notice of Hearing notifications.

2024 Workers’ Compensation ZBR Discussion. Kamerron Slay indicated the Commission would begin its Zero-Based Regulation review of IDAPA 17.01.01 - Administrative Rules Under the Worker’s Compensation Law. Ms. Slay indicated the first negotiated rulemaking meeting would begin after this meeting at 10:30 a.m. Ms. Slay indicated the Commission would take a break during the 2024 legislative session and resume negotiated rulemaking after the session ended. Ms. Slay indicated that dates would be posted on the website when finalized.

JRP Update RE: Notice on IMEs. Patti Vaughn, from the Commission, summarized the new JRP rule related to IMEs. Ms. Vaughn indicated the Subcommittee on IMEs met and provided input on the rule.

NCCI Medical and Indemnity Data Report. Ms. Vaughn presented the NCCI Medical and Indemnity Data Report. Ms. Vaughn indicated NCCI puts out this data report for the Commission annually. Ms. Vaughn summarized the report and indicated it was evening out over the past several years. Ms. Vaughn indicated the Commission was looking at standardizing an Order of Dismissal template for settlement agreements. Ms. Vaughn inquired if anyone was interested in having a meeting on the proposed pleading. Jamie Arnold and Matt Vook each expressed interest and will join the meeting.

EDI 3.1 Update. Richelle Flores, from the Commission, provided the Committee with an update on the EDI 3.1 migrations. Ms. Flores indicated that the September 14th migration was a success and summarized some of the issues the Commission is seeing with incoming records.

Mr. Peterson asked if there were any comments on the items covered. There were none.

Subcommittee Report:

Statutory Co-Employee Subcommittee Update. Mr. Peterson summarized the subcommittee's last meeting. Mr. Peterson indicated that a new ISC decision *Smith v. Excel* could have some impact on the issue. Mr. Peterson indicated the subcommittee was going to digest the new case and try to meet again before the end of the year to revisit statutory language.

Preparation for Future Meetings:

Topics for Discussion at Next Meeting. Barbra Jordan inquired if Commissioner Baskin's would be retiring on January 5th and whether his position had been posted. The Commission indicated that was the correct retirement date and a job posting was on DHR's website open to applicants.

Next Meeting Date: February 7, 2024

Shellie Martin moved to end the meeting, seconded by Matt Pappas. The motion carried by unanimous vote. The meeting ended at 9:30 a.m.