

# *Workers' Compensation Board*

## *Meeting Minutes*

October 13-14, 2022

**Thursday, October 13, 2022**

### **I. Call to Order**

Workers' Compensation Director Charles Collins called the Board to order at 9:08 am on Thursday, October 13, 2022. The meeting was held in Anchorage, Alaska, and by video conference.

### **II. Roll call**

Director Collins conducted a roll call. The following Board members were present:

Bradley Austin	Matthew Barth	Pamela Cline	Micheal Dennis
Sara Faulkner	Bronson Frye	Anthony Ladd	Sarah Lefebvre
Nancy Shaw	Robert Weel	Lake Williams	

Director Collins noted that member Beltz was excused. Members Jason Motyka was absent, and member Sara Faulkner arrived after lunch. A quorum was established.

Director Collins introduced the senior staff present.

### **III. Agenda Approval**

A motion to approve the agenda was made by member Weel and seconded by member Barth. A unanimous vote approved the agenda.

### **IV. Approval of Meeting Minutes**

A motion to adopt the minutes from the May 12, 2022, Board Meeting was made by member Austin and seconded by member Weel. The minutes were adopted without objection.

### **V. Director's Report**

Director Collins discussed legislation passed during the 2022 legislative session and the Division's new involvement in the National Kids Chance program.

Director Collins reviewed the list of Board Designees. A motion to accept the board designees was made by Member Weel and seconded by member Frye. The motion passed unanimously.

*Break 10:05 am -10:15 am*

### **VI. Public Comment Period 10:15 am- 11:15 am**

Gloria Eyon - representing self

- Requested that things be reviewed with a chiropractor.

- Requested that injured workers with head injuries be assisted in retaining a lawyer.

Hannah Laird – representing self

- 2<sup>nd</sup> year Master of Social Work student.
- Studying circumstances where an injured worker’s health insurance lapses due to being off work while receiving workers’ compensation benefits.
- Requested statistics.

Jackie Doerner – Rehabilitation Specialist

- Suggested an increase in the amount allowable for retraining benefits under AS 23.30.041(I).

Mike Hamilton – Med Data

- Commented on the PC Pricer tool examples in the Draft Alaska Medical Fee Schedule to be adopted under 8 AAC 45.083.

Bri Bolton – Marketing Assistant for Empower Physical Therapy

- Notified the public that Empower Physical Therapy has moved and opened an additional location in Wasilla.

## **VII. Annual Report**

Administrative Officer Alexis Hildebrand provided an overview of Division staffing and the FY22 budget performance.

## **VIII. Old Business**

The board discussed public comment received regarding the CMS PPS Pricer tool example in the Fee Schedule. Carla Gee with Optum explained that while the fee schedule was being developed, the CMS PPS Pricer did not automatically include the pass-through amount in the calculation. The Medical Services Review Committee included an example in the Fee Schedule for how to include the Pass-Through. The Board chose not to amend the example and to adopt the Fee Schedule as presented by the Medical Services Review Committee.

## **IX. Regulations**

Adopt 8 AAC 45.083(a), relating to fees for medical treatment and services. Member Barth moved to adopt the amendment of 8 AAC 45.083(a), and member Cline seconded the motion. The motion passed unanimously.

Adopt 8 AAC 45.083(m), relating to fees for medical treatment and services. Member Cline moved to adopt the amendment of 8 AAC 45.083(m), and member Weel seconded the motion. The motion passed unanimously.

*Lunch Break 12:16 pm - 1:38 pm*

**X. Annual Report continued**

Velma Thomas, Program Coordinator, reviewed statistics from the Division’s 2021 annual report, a compilation of statistics and benefit data obtained from insurers and self-insured employers pursuant to AS 23.30.155(m).

*Break 3:00 pm - 3:05 pm*

Rhonda Gerharz, Chief of the Special Investigations Unit (SIU), gave an overview of the SIU’s performance.

Dani Byers, Workers’ Compensation Officer II, reviewed SIME statistics.

Member Frye motioned to adjourn for the day, and member Lefebvre seconded.

*Meeting Adjourned 4:02 pm*

**Friday, October 14, 2022**

**I. Call to Order**

Director Collins resumed the Alaska Workers’ Compensation Board meeting at 9:02 am on Friday, October 14, 2022, in Anchorage, Alaska. The following Board members were present.

Bradley Austin	Matthew Barth	Pamela Cline	Micheal Dennis
Sara Faulkner	Bronson Frye	Anthony Ladd	Sarah Lefebvre
Nancy Shaw	Robert Weel	Lake Williams	

Director Collins noted that Randy Beltz was excused, Jason Motyka was absent, and member Dennis arrived after roll call. A quorum was established.

**II. Annual Report Continued**

Stacy Niwa, Reemployment Benefits Administrator, reviewed the performance of the Reemployment Benefits Program.

*Break 9:56 am – 10:05 am*

William Soule, Acting Chief of Adjudications, presented notable Decisions and Orders from the Alaska Workers’ Compensation Board, the Alaska Workers’ Compensation Appeals Commission, and the Alaska Supreme Court.

**III. New Business**

Amend 8 AAC 45.025 through 8 AAC 45.072 of the regulatory package in the meeting packet. Member Barth moved to approve the amendment of 8 AAC 45.025 through 8 AAC 45.072. Member Weel seconded the motion. The motion passed unanimously.

The Board discussed the proposed amendment to 8 AAC 45.092, relating to removing a physician from the SIME list. The Board did not make a motion.

Director Collins and Stacy Niwa provided an update on the Reemployment Benefits regulation package that had been voted down on May 12, 2022. Member Lefebvre motioned that the Director draft a regulatory package and reach out to the rehabilitation committee for input before presenting it to the Board. Member Shaw second. The Board suggested either establishing a work group to review the body of regulations or holding public stakeholder meetings for input on drafting regulation changes. The motion passed unanimously.

Director Collins reminded the members that the next regular board meeting was scheduled for January 12-13, 2023.

A motion to adjourn was made by member Cline and seconded by Member Frye. The motion passed unanimously.

*Meeting Adjourned 12:05 pm*