

Workers' Compensation Board

Meeting Minutes

October 10-11, 2024

Thursday, October 10, 2024

I. Call to Order

Workers' Compensation Director Charles Collins called the Board to order at 9:04 am on Thursday, October 10, 2024. The meeting was held in Anchorage, Alaska, and by video conference.

II. Roll call

Roll call was conducted. The following Board members were present:

Bradley Austin	Randy Beltz	Pamela Cline	John Corbett
Mike Dennis	Sara Faulkner	Bronson Frye	Sarah Lefebvre
Marc Stemp	Debbie White	Lake Williams	Brian Zematis

Members Steven Heidemann and Trevor Shaw were excused. Members Jonathon Dartt and Anthony Ladd were absent. A quorum was established.

III. Agenda Approval

A motion to approve the agenda was made by member Austin and seconded by member White. Member Lefebvre noted that the Board did not meet on May 17. Austin amended his motion to correct the agenda and member Lefebvre seconded the amended motion. A unanimous vote approved the amended agenda.

IV. Approval of Meeting Minutes

A motion to adopt the minutes from the May 16, 2024, Board Meeting was made by member Lefebvre and seconded by member Austin. Member Lefebvre noted a spelling error and amended the motion to correct it. Member Austin seconded the amendment. The minutes were adopted without objection.

V. Director's Report

Director Collins presented Division updates.

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

Director Collins proposed an amendment to the 2025 calendar, moving the October meeting to the 23-24. Member Faulker motioned to move the May board meeting to the 15-16, 2025, and the October meeting to the 23-24. Member Lefebvre seconded.

Administrative Officer Alexis Hildebrand provided an overview of Division staffing and the FY24 budget performance.

Break 9:58 am -10:15 am

VI. Regulations

Adopt 8 AAC 45.083, relating to fees for medical treatment and services. Member Lefebvre moved to adopt the amendment of 8 AAC 45.083, and Member White seconded the motion. The motion passed unanimously.

VII. Annual Report

Velma Thomas, Program Coordinator, reviewed statistics from the Division's 2023 annual report, which compiles statistics and benefit data obtained from insurers and self-insured employers pursuant to AS 23.30.155(m).

The Board discussed uninsured sole proprietors.

VIII. Public Comment Period 10:15 am- 11:15 am

Tracy Brand, Fairbanks North Star Borough

- Commented on the issue of uninsured sole proprietors.

Lunch Break 12:10 pm - 1:34 pm

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

Michele Wall-Rood, Chief of the Special Investigations Unit (SIU), gave an overview of the SIU's performance.

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

Break 3:03 pm - 3:18 pm

William Soule, Workers' Compensation Hearing Officer, presented notable Decisions and Orders from the Alaska Workers' Compensation Board, the Alaska Workers' Compensation Appeals Commission, and the Alaska Supreme Court.

Member White motioned to adjourn for the day, and member Austin seconded.

Meeting Adjourned 4:15 pm

Friday, October 11, 2024

I. Call to Order

Director Collins resumed the Alaska Workers' Compensation Board meeting at 9:01 am on Friday, October 11, 2024, in Anchorage, Alaska. The following Board members were present.

Bradley Austin	Randy Beltz	Pamela Cline	John Corbett
Mike Dennis	Sara Faulkner	Bronson Frye	Anthony Ladd
Sarah Lefebvre	Marc Stemp	Debbie White	Lake Williams
Brian Zematis			

Members Steven Heidemann and Trevor Shaw were excused. Member Jonathon Dartt was absent, and Anthony Ladd arrived after the roll call. A quorum was established.

II. New Business

Amend 8 AAC 45.040, relating to reemployment benefits. Member Lefebvre moved to approve the amendment of 8 AAC 45.040. Member Frye seconded the motion. The board discussed a revision to the statutory reference in the proposed regulation. The motion passed unanimously.

Amend 8 AAC 45.070(b)(1)(A), relating to reemployment benefits. Member Lefebvre moved to approve the amendment of 8 AAC 45.070(b)(1)(A). Member Cline seconded the motion. The board again discussed a revision to the statutory reference. Member Lefebvre amended the motion to change the reference to "AS 23.30.041 or AS 23.30.043(b)" in 8 AAC 45.070(b)(1)(A) and 8 AAC 45.040. Member Cline seconded the amended motion. The motion passed unanimously.

Amend 8 AAC 45.074(b)(1)(G), relating to reemployment benefits. Member Lefebvre moved to approve the amendment of 8 AAC 45.074(b)(1)(G). Member Austin seconded the motion. Member Lefebvre amended the motion to include 8 AAC 45.074(b)(1)(g), 8 AAC 45.086(d), and 45.110(a)(1) as presented in the packet but with the word "and" replaced by the word "or" in each statutory reference. Member Austin seconded the amended motion. The motion passed unanimously.

Amend 8 AAC 45 by adding a new subsection .399, relating to electronic service. Member Lefebvre moved to approve the amendment of 8 AAC 45.399. Member Austin seconded the motion. The Board discussed the amendment and added, "if a party does not have a valid electronic mail address, all service required under 8 AAC 45.400 – 45.900 will be by first class mail." Member Lefebvre amended the motion to include the additional language, and Member Austin seconded. The motion passed unanimously.

Break 9:59 am – 10:29 am

Repeal 8 AAC 45.400(b)(1), relating to the assignment of rehabilitation specialists. Member Lefebvre moved to approve the repeal of 8 AAC 45.400(b)(1). Member Zematis

seconded the motion. Member Lefebvre amended the motion also to amend 8 AAC 45.400(b)(2) by removing “city and” in the two places it appears in 45.400(b)(2). Member Zematis seconded the amended motion. The motion passed unanimously, with member Marc Stemp abstaining.

Amend 8 AAC 45.420(a)(1)(C), relating to disqualifying a rehabilitation specialist. Member Lefebvre moved to approve 8 AAC 45.420(a)(1)(C). Member Faulkner seconded the motion. The motion passed unanimously, with member Pamela Cline abstaining.

Amend 8 AAC 45.420(b), relating to disqualifying a rehabilitation specialist. Member Frye moved to approve 8 AAC 45.420(b). Member Austin seconded the motion. The motion passed unanimously, with member Pamela Cline abstaining.

Amend 8 AAC 45.430, relating to the assignment of rehabilitation specialists. Member Austin moved to approve 8 AAC 45.430. Member Frye seconded the motion. The Board discussed removing the remainder of the final sentence of 8 AAC 45.430(c). Member Austin amended the motion to amend 8 AAC 45.430 as discussed. Member Frye seconded the amended motion. The motion passed unanimously.

Amend 8 AAC 45.440, relating to the assignment of rehabilitation specialists. Member Lefebvre moved to approve 8 AAC 45.440. Member Zematis seconded the motion. The motion passed unanimously.

Amend 8 AAC 45.440(d) and (e), relating to disqualifying rehabilitation specialists. Member Lefebvre moved to approve 8 AAC 45.440(d) and (e). Member Zematis seconded the motion. The board discussed adding a requirement for return receipt of electronic mail and removing additional language that is no longer needed due to the amendment of 8 AAC 45.399. Member Lefebvre amended as discussed and member Zematis seconded it. The motion passed unanimously.

Amend 8 AAC 45.507, relating to assignment of rehabilitation specialists. Member Frye moved to approve 8 AAC 45.507. Member Lefebvre seconded the motion. The board discussed the title of the regulation and correcting the last sentence of 8 AAC 45.507(a). Member Frye amended the motion to include the discussed changes and member Lefebvre seconded the amended motion. The motion passed unanimously.

Amend 8 AAC 45.510 and 8 AAC 45.510(c), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.510. Member Zematis seconded the motion. The motion passed unanimously.

Amend 8 AAC 45.522(a), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.522(a). Member Frye seconded the motion. The motion passed unanimously.

Amend 8 AAC 45.525(a), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.525(a). Member Austin seconded the motion. The board discussed technical changes. Member Lefebvre amended the motion to include the discussed changes and member Austin seconded the amended motion. The motion passed unanimously.

Lunch 12:00 pm – 1:30 pm

Amend 8 AAC 45.525(b)(2), relating to reemployment benefits. Member White moved to approve 8 AAC 45.525(b)(2). Member Zematis seconded the motion. The board discussed adding “but before January 1, 2025” to the leading sentence of 8 AAC 45.525(b)(2)(B). Member White amended the motion to include the discussed changes and member Zematis seconded. The motion passed unanimously, with member Dennis abstaining.

Amend 8 AAC 45.525(c)(1), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.525(c)(1). Member Austin seconded the motion. Member Lefebvre amended the motion to include the amendment of 8 AAC 45.900, relating to the definition of job analysis. Member Austin seconded the amended motion. The motion passed unanimously.

Amend 8 AAC 45.525(g), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.525(g). Member Austin seconded the motion. The board discussed technical errors. Member Lefebvre amended the motion to include the changes discussed and member Austin seconded the amended motion. The motion passed unanimously.

Amend 8 AAC 45.530(a), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.530(a). Member Austin seconded the motion. The motion passed unanimously.

Repeal 8 AAC 45.542, relating to reemployment benefits. Member Lefebvre moved to approve the repeal of 8 AAC 45.542. Member Austin seconded the motion. The motion passed unanimously.

Amend 8 AAC 45.550(c) and (d), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.550(c) and (d). Member Austin seconded the motion. The motion passed unanimously, with member Dennis abstaining.

Amend 8 AAC 45.600, relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.600. Member White seconded the motion. The motion passed unanimously.

Repeal 8 AAC 45.900(j), defining “previously rehabilitated.” Member Lefebvre moved to approve the repeal of 8 AAC 45.900(j). Member Zematis seconded the motion. The motion did not pass on a 5 to 8 vote, with members Beltz, Corbett, Faulkner, Frye, Ladd,

Lefebvre, White, and Williams voting against and members Austin, Cline, Dennis, Stemp, and Zematis voting in favor.

Member Frye motioned to take up the repeal of 8 AAC 45.900(j), defining previously rehabilitated, at the next board meeting. Member Cline seconded the motion. The motion passed unanimously.

Amend 8 AAC 45 by adding subsections 601, 602, 603, and 604 relating to the stay-at-work program. Member Lefebvre moved to approve the amendment of 8 AAC 45. Member Austin seconded the motion. The Board discussed several changes to conform with the new statute. Member Lefebvre amended the motion to include: under 8 AAC 45.602(d) adding a section 4 to align with the statute; under 8 AAC 45.602(f) removing “and obtain approval”; under 8 AAC 45.603 changing “coordinate” to “coordinator”; under 8 AAC 45.604(a) replacing the word “functional” with “physical,” and under 8 AAC 45.604(b) removing the duplicate words “and provide.” Member Austin seconded the amended motion. The motion passed unanimously.

Member Lefebvre reaffirmed the request made at the May 16, 2024, Board meeting for a presentation at a future meeting on ombudsmen or similar programs in other states, perhaps on the Tennessee model, in response to Justin Morigeau's public comment.

Member Lefebvre requested that the January meeting packet include the outstanding board resolutions.

A motion to adjourn was made by member Austin and seconded by member Dennis. The motion passed unanimously.

Meeting Adjourned 4:31 pm