

Workers' Compensation Board
Meeting Minutes
January 8, 2026

I. CALL TO ORDER

Director Charles Collins called the meeting to order at 9:03 am in Anchorage, Alaska. Participation was available both in person and via video conference.

II. ROLL CALL

The following Board members were present, constituting a quorum:

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

Member Randall McLellan was excused.

III. AGENDA APPROVAL

Member Zematis moved to approve the agenda; Member Austin seconded. The motion passed unanimously.

IV. APPROVAL OF OCTOBER 23-24, 2025 MEETING MINUTES

Member Austin moved to approve the minutes; Member Beltz seconded. The minutes were adopted without objection.

V. DIRECTOR'S REPORT

Director Collins presented the updated list of Board designees. Member Austin moved to approve the list; Member White seconded. The designees were approved without objection.

Director Collins also provided updates on Board terms and vacancies, pending legislation, emerging issues, and revenue trends. He presented the Division's progress with Administrative Order 360 and reviewed statistics from the first year of the stay-at-work program.

Alexis Hildebrand, Administrative Operations Manager, provided staffing and budget updates.

Break 10:01–10:15 a.m.

VI. PUBLIC COMMENT PERIOD 10:15 AM - 11:15 AM

No public comment was received.

VII. OLD BUSINESS

8 AAC 45.083 – Medical Treatment and Service Fees

Member Lefebvre moved to approve the amendment of 8 AAC 45.083; Member Frye seconded. The Board discussed and confirmed that all proposed repealed sub-paragraphs (b–l) are now incorporated into the Medical Fee Schedule and are therefore obsolete. The motion passed unanimously.

8 AAC 45.092(b) – Creating the List of SIME Physicians

This amendment was approved by the Board at the May 15, 2025 Board Meeting.

8 AAC 45.092(h) – Preparing Medical Records for SIME

This amendment was approved by the Board at the May 15, 2025 Board Meeting.

8 AAC 45.176(d)(3) – “Aggravating Factors” for Assessment of Civil Penalties

This amendment was approved by the Board at the May 15, 2025 Board Meeting.

8 AAC 45.180(b) and (d) – Attorney Fees

Member Lefebvre moved to approve the amendment of 8 AAC 45.180 as provided in the addendum to the packet; Member Austin seconded. The Board modified subparagraph (b) to reorganize the types of itemizations. Member Lefebvre amended the motion to include the changes discussed; Member Austin seconded. The motion passed unanimously with Member Corbett absent for the vote.

8 AAC 45.900(j) – Definition of “Previously Rehabilitated”

Member Zematis moved to approve the amendment of 8 AAC 45.900(j); Member White seconded. Hearing Officer William Soule explained that 8 AAC 45.900(j) is not aligned with the legislative intent of AS 23.30.041. Amendments adopted in 2005 were intended to disqualify employees from future reemployment benefits only when an employee had completed a reemployment or retraining plan and later returned to the same or similarly demanding occupation before being injured again. He stated that the regulation’s current definition of “previously rehabilitated” extends beyond the statute by treating employees as rehabilitated based on actions such as undergoing an eligibility evaluation or waiving reemployment benefits in a settlement, even when no retraining occurred. The motion passed unanimously with Member Corbett absent for the vote.

Lunch break 12:12–1:32 p.m.

VIII. NEW BUSINESS

8 AAC 45.170 – Listing of Injuries

Member White moved to approve the repeal of 8 AAC 45.170; Member Austin seconded. The motion passed unanimously.

8 AAC 45.188 – Third Party Claim

Member Lefebvre moved to approve the repeal of 8 AAC 45.188; Member Austin seconded. The motion passed unanimously.

8 AAC 45.020 – Transaction of Business

Member Lefebvre moved to approve the repeal and readoption of 8 AAC 45.020; Member Austin seconded. Chief Wright explained that the regulation was being repealed and readopted to modernize filing requirements and align the regulation with current Division practices. The Board revised subsection (a) to remove reference to transacting business “at its offices,” consolidated and renumbered subsection (c), removed specific electronic file size limits, revised the final sentence in subsection (c)(6) to state that electronic mail identified as potentially harmful to the State of Alaska’s email system will not be considered filed, and corrected paragraph (11) by inserting the missing word “to.” Member Lefebvre amended the motion to incorporate the discussed changes; Member Austin seconded the amended motion. The motion passed unanimously.

8 AAC 45.025 – Forms

Member Lefebvre moved to approve the repeal and readoption of 8 AAC 45.025; Member Austin seconded. Director Collins explained that the amendment was intended to align the regulation with current Division practices. Member Zematis raised concern regarding access for claimants who may lack reliable access to computers or printers. The Board discussed language to clarify that forms may also be obtained by making a request directly to the Division. Member Lefebvre amended the motion to include the updated language; Member Austin seconded the amended motion. The motion passed unanimously.

8 AAC 45.030 – Fees

Member Lefebvre moved to approve the repeal and readoption of 8 AAC 45.030; Member Austin seconded. Director Collins explained that the amendment would remove outdated provisions related to in-office file copying and reflecting current electronic practices, and that transcript costs are paid by the requesting party. During discussion, the Board further consolidated and renumbered the regulation. Member Lefebvre amended the motion to incorporate the discussed revisions; Member Austin seconded the amended motion. The motion passed unanimously.

8 AAC 45.032 – Files

Member Lefebvre moved to approve the repeal and readoption of 8 AAC 45.032, with the removal of the subsection designation “(a)”; Member Beltz seconded. The Board simplified the regulation by removing the subsection designation and replacing “employee or beneficiary, the employer, and the insurer” with “the parties” in the notification provision. Member Lefebvre amended the motion to incorporate the discussed changes; Member Beltz accepted and seconded the amended motion. The motion passed unanimously.

8 AAC 45.040 – Parties

Member Lefebvre moved to approve the repeal and readoption of 8 AAC 45.040; Member Zematis seconded. The motion passed unanimously.

8 AAC 45.050 – Pleadings

Member Lefebvre moved to approve the repeal and readoption of 8 AAC 45.050; Member Austin seconded. Chief Wright described a substantive procedural change: the revised regulation requires parties to file an answer to a petition, not only an answer to a claim, so the opposing party’s position is known earlier and prehearing conferences and Board review are better supported. The Board discussed the practical effect of requiring petition answers, including that unanswered factual allegations may be deemed admitted, while preserving the Board’s discretion to require proof, and noted that screening orders remain available to address serial or abusive filings. The motion failed by a vote of 9-3. Members Austin, Beltz, Faulkner, Frye, Ladd, Lefebvre, White, Williams, and Zematis voted in favor; Members Cline, Corbett, and Dennis voted against.

Break 3:15–3:29 p.m.

Following the failed vote, the Chair noted that the Board’s earlier approval of amendments to 8 AAC 45.040 created inconsistencies with the existing language of 8 AAC 45.050, prompting further discussion. Member Dennis moved for reconsideration of the failed motion to approve the repeal and readoption of 8 AAC 45.050; Member Frye seconded. Upon reconsideration, the Board approved the motion unanimously.

8 AAC 45.052 and 45.055 – Medical Summary / Cross-examination

Member Lefebvre moved to approve the repeal and readoption of 8 AAC 45.052 and to approve the adoption of new section 8 AAC 45.055; Member Austin seconded. Chief Wright explained that the proposed rewrite significantly shortens 8 AAC 45.052 by removing cross-examination and related affidavit-of-readiness provisions and consolidating cross-examination procedures into a new section, proposed as 8 AAC 45.055, in response to a recent Alaska Supreme Court decision and stakeholder feedback. Following discussion, Member Lefebvre amended the motion to make three technical edits to clarify that the referenced Smallwood objection/request is on Form 07-6174 (or its equivalent) by removing a comma and inserting “on” in each instance; Member Austin seconded. The motion passed unanimously, with member Beltz absent for the vote.

8 AAC 45.054 – Discovery

Member Zematis moved to approve the repeal and readoption of 8 AAC 45.054; Member Lefebvre seconded. Chief Wright explained that the revisions update discovery practices to reflect current technology, such as remote depositions, remove outdated and redundant language, and eliminate the separate SIU-specific subsection, clarifying that standard discovery rules apply uniformly to all parties, including the Special Investigations Unit. The Board discussed the impact of removing subsection (e), including timing and enforcement of discovery responses, and confirmed that existing statutory authority and Board discretion adequately address compliance and sanctions. The motion passed unanimously.

8 AAC 45.060 – Service

Member Lefebvre moved to approve the repeal and readoption of 8 AAC 45.060; Member Frye seconded. Chief Wright explained that the revisions remove redundant language already addressed in statute, clarify service responsibilities for claims versus petitions, and eliminate prescriptive service methods (such as certified mail) to allow flexibility if statutory service requirements are amended in the future. The Board discussed due-diligence service, including circumstances where a party cannot be located, and confirmed that existing Board discretion and remedies adequately protect due process without requiring service by publication. The motion passed on a vote of ten to one, with members Austin, Cline, Dennis, Faulkner, Frye, Ladd, Lefebvre, White, Williams and Zematis voting in favor, and Member Corbett voting against.

8 AAC 45.065 – Prehearings

Member Lefebvre moved to approve the repeal and readoption of 8 AAC 45.065; Member Zematis seconded. The amendments revise pre-hearing procedures to clarify the authority of Board designees, establish timelines for amending pre-hearing conference summaries, and require responses to amendment requests. The motion passed unanimously.

8 AAC 45.070 – Hearings

Member Lefebvre moved to approve the repeal and readoption of 8 AAC 45.070; Member Austin seconded. Chief Wright summarized substantive revisions to the regulation, including clarifying responsibilities between the Board and its designees, adding a process and timelines for requesting modification or amendment of pre-hearing conference summaries, eliminating redundant or statutorily grounded provisions, streamlining affidavit-of-readiness procedures, and codifying existing practices related to scheduling, attendance, and conduct of hearings. Member Faulkner noted a cross-reference error in subsection (k). Member Lefebvre amended

the motion incorporate the correction; Member Austin seconded. The motion passed unanimously.

8 AAC 45.072 – Venue

Member Lefebvre moved to approve the repeal and readoption of 8 AAC 45.072 with a technical amendment to subsection (3) to correct a grammatical error by replacing “may” with “changes,” so the provision reads that the board or its designee changes venue for the board’s convenience or to assure a speedy remedy; Member White seconded. The motion passed unanimously.

8 AAC 45.120 – Evidence

Member Lefebvre moved to approve the repeal and readoption of 8 AAC 45.120; Member Cline seconded. Chief Wright explained that this change is to conform with a recent Alaska Supreme Court decision requiring the Board to apply AS 44.62.460(a)–(d) in workers’ compensation proceedings, rather than relying on a standalone evidentiary regulation. The revision removes provisions addressing hearsay and other evidentiary standards already governed by statute, while retaining the remainder of the regulation with minor housekeeping edits. The motion passed unanimously.

Director Collins informed the Board that he was invited to participate in an upcoming Alaska Bar Association Workers’ Compensation Section meeting to discuss ongoing regulatory work and receive stakeholder feedback.

IX. ADJOURNMENT

Member Cline moved to adjourn, Member Frye seconded. The motion passed unanimously.

Adjourn 5:06 pm