

# *Workers' Compensation Board*

## *Meeting Minutes*

Jan 14, 2021

**Thursday, January 14, 2021**

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

Workers' Compensation Director Charles Collins called the Board to order at 9:04 am on Thursday, January 14, 2021. Due to concerns related to the COVID-19 public health disaster, the meeting was held by telephone and video conference.

### **II. Roll call**

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

Bradley Austin	Randy Beltz	Pamela Cline	Bob Doyle
Julie Duquette	Sara Faulkner	Bronson Frye	Christina Gilbert
Anthony Ladd	Sarah Lefebvre	Jason Motyka	Nancy Shaw
Robert Weel	Lake Williams		

Director Collins noted that member Jacob Howdeshell was excused, and member Justin Mack was absent. Member Julie Duquette arrived after lunch. Quorum was established.

Director Collins introduced senior staff present and the Division's new Department of Law attorneys Javier Diaz and Grace Lee.

### **III. Agenda Approval**

A motion to approve the agenda was made by member Austin and seconded by member Beltz. The agenda was approved by unanimous vote.

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

A motion to adopt the minutes from the October 1-2, 2020 regular Board Meeting was made by member Beltz and seconded by member Austin. Member Cline asked that her attendance be updated from absent to excused. The amended minutes were adopted without objection.

### **V. Board Open Forum**

Member Cline requested an update on COVID-19 statistics in the Alaska Workers' Compensation System. This item was deferred and later discussed as part of the Director's report.

Member Shaw proposed that the board take action on getting people back to work. This item was deferred and later discussed under New Business.

Member Faulkner proposed that the board discuss clarifying an employer's ability to waive the right to benefits vs electing to not cover themselves, regarding Limited

Liability Companies and S Corporations with greater than 10% ownership. Discussion of regulation 8 AAC 45.185 impacts upon certain businesses as insurance companies are now including officers automatically on policies and adjusting the premiums accordingly. Matter to be discussed in the fraud workgroup with recommendations to be brought before the full Board.

**VI. Approval of Board Designees**

Director Collins reviewed the list of Board Designees. He noted that Julie Kelley had joined the Division as a Workers' Compensation Officer I in the Anchorage venue. A motion to approve the board designees was made by member Austin and seconded by member Doyle. The board designees were approved without objection.

**VII. Director's Report**

Director Collins discussed active and upcoming legislation.

*Break 9:40am-9:58am*

Director Collins reminded board members to file their APOC reports, and discussed ethics disclosures and conflicts of interest.

Administrative Officer Alexis Hildebrand provided an update on the Division's Electronic Data Interchange program.

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

Charles McKee - representing self

- Provided a document to the Board by fax.
- Commented on a specific case.

Malan Paquette - representing self

- Promoted free resources such as the Federal Trade Co, who give away bulk informationals regarding what to do in a data breach and identity theft.
- Praised the Division for their entry in the Directory of State Officials.
- Praised the Division Website and public notice.
- Made suggestion regarding finding individuals in fraud cases.
- Praised the Division for hosting a professional public meeting.

Allison Leigh - representing self

- Requested that she be allowed to make public comment on January 15<sup>th</sup>, after hearing some of the board discussions. Director Collins denied her request, stating that the public comment period is held on January 14 from 10:15am - 11:15am.

**IX. Director's Report Continued**

Administrative Officer Alexis Hildebrand provided an update on the Division's Electronic Data Interchange program, an overview of Division staffing, and the FY21 budget performance year-to-date.

Director Collins presented Alaska Workers' Compensation COVID-19 statistics and gave an update on 2021 board member appointments.

#### **X. Old Business**

Member Lefebvre provided an update on the Drug Formulary Work Group. The work group has identified stakeholders in each state. The group has struggled with getting a response from stakeholders in 2020 but is diligently working and intends to provide a full report at the May Board meeting.

Member Faulkner provided an update on the Fraud Work Group. The group's goal is to simplify the compliance process for cooperative employers and enhance enforcement capability for employers who willfully ignore the law. The group is working on a board resolution proposal and intends to present it at the May Board meeting. Member Shaw added that the group is working with the Attorney General's office to draft the proposal.

Director Collins explained that the regulations that had been approved for public comment at the October 1-2, 2020 Board Meeting had not been published due to litigation between the Legislature and the Governor's office. Member Doyle proposed that the regulations be moved to public comment without being reopened by the Board. The Board agreed unanimously.

Acting Chief Ron Ringel commented that he will be retiring in May 2021.

#### **XI. New Business**

Director Collins directed the members to review the Board resolution 17-01. Member Williams motioned to begin the lunch period early to review the resolution. Member Beltz seconded. The motion passed unanimously.

*Lunch Break 12:00pm-1:30pm*

The board reviewed the draft Board Resolution 21-01, regarding reemployment benefits. Member Lefebvre motioned to approved Board Resolution 21-01 and member Beltz seconded. Director Collins provided history on the prior version of the resolution, 17-01, and the board discussed. Member Doyle motioned to amend number 2 of the resolution to increase the 90-day mandatory evaluation to 120 days. Member Lefebvre accepted the amendment and Member Austin seconded. The motion passed unanimously.

Repeal 8 AAC 45.184, relating to executive officer waivers. Member Faulkner moved to approve the amendment of 8 AAC 45.184. Member Weel seconded the motion. The motion passed unanimously.

*Break 3:00pm-3:15pm*

Director Collins reminded the Board members the next regular board meeting is May 13-14, 2021.

Motion to adjourn was made by Member Doyle. Member Beltz seconded the motion. The motion passed unanimously.

*Meeting Adjourned 3:25pm*