

Workers' Compensation Board Meeting Minutes

January 9-10, 2025

Thursday, January 9, 2025

I. Call to Order

Workers' Compensation Director Charles Collins called the Board to order at 9:05 am on Thursday, January 9, 2025. The meeting was held in Anchorage, Alaska, and by video conference.

II. Roll call

The following Board members were present:

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

Members John Corbett, Jonathon Dartt, and Steven Heidemann were excused. Member Trevor Shaw was absent. Members Beltz and Frye arrived after roll call. A quorum was established.

III. Agenda Approval

A motion to approve the amended agenda was made by Member Lefebvre, seconded by Member Stemp, and approved unanimously.

IV. Approval of October 10-11, 2024 Meeting Minutes

Member Austin moved to approve the minutes, seconded by Member Zematis. Member Lefebvre noted a correction regarding the May 2025 meeting dates. Member Austin amended the motion to include the correction, seconded by Member Zematis. The minutes were adopted without objection.

V. Director's Report

Director Collins provided division updates and reviewed upcoming Board Member term expirations and the list of Board Designees.

A motion to approve the designees was made by Member Austin, seconded by Member White, and passed unanimously.

Break 10:05 am -10:20 am

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

Brain Haugstad – Haugstad Advocacy & Litigation Office, LLC

- Commented on regulation 8 AAC 45.070(b)(1)(F), regarding SIME petitions.

- The regulation states that when a petition for SIME is filed, the parties have 20 days to stipulate. If the parties do not stipulate, the board is required to schedule a hearing. However, the board is not adhering to this timeline. Instead, it schedules hearings immediately upon receiving a petition without allowing the parties 20 days to respond. This practice is creating challenges for both employee and employer representatives.
- Asks that the Board follow the timeline as written in the regulation.
- After Mr. Holloway spoke, Mr. Haugstad expressed his agreement.

Adam Sadoski – Meshke, Paddock & Budzinski, P.C.

- Reiterated previous comments made regarding 8 AAC 45.070(b)(1)(F).
- Added that extending the timeline from 20 to 30 days would help.
- Commented on difficulty when a claim and petition for SIME are submitted simultaneously, as the parties may not know whether an SIME is necessary at that stage.

Aaron Sandone – Meshke, Paddock & Budzinski, P.C.

- Reiterated previous comments made regarding 8 AAC 45.070(b)(1)(F).
- Additionally, suggested that the regulation be amended to clarify when the Board's 60-day timeline for issuing a D&O begins.

Jeffrey Holloway – Babcock, Holloway, Caldwell & Stires

- Reiterated comments made regarding 8 AAC 45.070(b)(1)(F).
- Agreed that extending the timeline from 20 days to 30 days would be beneficial.
- Additionally, the regulation requires that a petition for SIME is filed with a completed SIME form and medical records reflecting the medical disputes. This requirement is not consistently being met, particularly by unrepresented claimants. Requested that the board reject petitions that are not compliant with this regulation.
- Asked the board to adopt electronic service, especially for prehearing notices. Expressed support for modifying the statute to permit electronic service, particularly concerning settlements and D&Os.

Josetta Cranston – Northern Country Services

- Commented that the new job analysis process for an employee's 10-year work history will be costly and cumbersome.

Janice Shipman, Employment Solutions, LLC

- Provided written public comment.
- Clarified points made in the letter.

VII. O*Net Presentation

Stacy Niwa, Reemployment Benefits Administrator, provided a presentation on O*NET usage.

Lunch Break 12:10 pm - 1:35 pm

VIII. Regulations

Adopt 8 AAC 45.040(a) and (b), relating to reemployment benefits. Member Lefebvre moved to adopt the amendment of 8 AAC 45.040. Member Beltz seconded the motion. The motion passed unanimously.

Adopt 8 AAC 45.070(b), relating to reemployment benefits. Member Lefebvre moved to adopt the amendment of 8 AAC 45.070(b). Member Austin seconded the motion. The motion passed unanimously.

Adopt 8 AAC 45.072, relating to reemployment benefits. Member Lefebvre moved to adopt the amendment of 8 AAC 45.072. Member Austin seconded the motion. Member Lefebvre noted that this regulation change was not included in the version that was approved by the Board at the October 2024 meeting. The board discussed whether it was acceptable to adopt this non-substantive, conforming change without prior board approval. Director Collins confirmed that the Department of Law stated this was permissible. The motion passed unanimously.

Adopt 8 AAC 45.074(b)(1)(G), 8 AAC 45.086(d) and 8 AAC 45.110(a)(1), relating to reemployment benefits. Member Lefebvre moved to adopt the amendment of 8 AAC 45.074(b)(1)(G), 45.086(d) and 45.110(a)(1). Member White seconded the motion. Member Lefebvre noted that the "or" before 23.30.043 should be bolded and underlined in 8 AAC 45.086(d) and 45.110(a)(1). The motion passed unanimously.

Adopt 8 AAC 45.400(b) and 8 AAC 45.420(a)(1)(C), relating to the assignment of rehabilitation specialists. Member Lefebvre moved to adopt 8 AAC 45.400(b) and 8 AAC 45.420(a)(1)(C). Member Austin seconded the motion. The motion passed unanimously.

Repeal 8 AAC 45.420(a)(2), relating to the assignment of rehabilitation specialists. Member Lefebvre moved to repeal 8 AAC 45.420(a)(2). Member Beltz seconded the motion. Member Lefebvre noted that this repeal was not included in the version that the Board approved at the October 2024 meeting. Member Lefebvre withdrew the motion and member Beltz seconded.

Adopt 8 AAC 45.420(b) and 8 AAC 45.430, relating to the assignment of rehabilitation specialists. Member Lefebvre moved to adopt 8 AAC 45.420(b) and 45.430. Member white seconded the motion. Member Lefebvre amended the motion to include the repeal of 8 AAC 45.542 on bates stamp 45 in the packet. Member White accepted the amendment. The motion passed unanimously.

Repeal 8 AAC 45.420(a)(2), relating to the assignment of rehabilitation specialists. Member Lefebvre moved to repeal 8 AAC 45.420(a)(2). Member Austin seconded the motion. The motion passed unanimously.

Adopt 8 AAC 45.440(a), (d) and (e), relating to the disqualification process for rehabilitation specialists. Member Lefebvre moved to adopt 8 AAC 45.440(a), (d) and (e). Member Austin seconded the motion. The motion passed unanimously.

Adopt 8 AAC 45.507, relating to the stay-at-work program. Member Lefebvre moved to adopt 8 AAC 45.507. Member Austin seconded the motion. The motion passed unanimously.

Adopt 8 AAC 45.510(a), (b), and (c), relating to reemployment benefits. Member Lefebvre moved to adopt 8 AAC 45.510(a), (b), and (c). Member Austin seconded the motion. Member Lefebvre amended the motion to re-insert the deleted language “no later than five working days.” Member Austin seconded. The motion passed unanimously.

Adopt 8 AAC 45.522(a), relating to reemployment benefits. Member Lefebvre motioned to adopt 8 AAC 45.522(a). Member Austin seconded the motion. The motion passed unanimously.

Break 2:50 pm - 3:07 pm

Adopt 8 AAC 45.525(a)(2), (a)(3), and (b)(2), relating to reemployment benefits. Member Lefebvre motioned to adopt 8 AAC 45.525(a)(2), (a)(3), and (b)(2). Member Austin seconded the motion. In response to public comment, Member Lefebvre proposed an amendment to add, “(O*NET) and may determine the employee’s job’s physical demands by using the Dictionary of Occupational Titles cross-references provided in the O*NET Crosswalk link;” to 8 AAC 45.525(a)(2)(C), and add “(O*NET) and may determine the physical demands of jobs the employee has held or received training for within 10 years before the injury or that the employee has held following the injury for a period long enough to obtain the skills to compete in the labor market, compiled by using the Dictionary of Occupational Titles cross-references provided in the O*NET Crosswalk link” to 8 AAC 45.525(b)(2)(C). Member Lefebvre amended the motion to include the proposed amendments. Member Austin seconded the amended motion. The motion passed unanimously.

Adopt 8 AAC 45.525(g), relating to reemployment benefits. Member Lefebvre motioned to adopt 8 AAC 45.525(g). Member White seconded the motion. Member Lefebvre amended the motion to remove the word “all” before physicians in 8 AAC 45.525(g)(2). Member White seconded the amendment. The motion passed unanimously.

Adopt 8 AAC 45.530(a) and 45.530(c)(2)(B), relating to reemployment benefits. Member Lefebvre motioned to adopt. Member White seconded the motion. Member

Lefebvre noted that the change to 8 AAC 45.530(c)(2)(B) was not included in the regulation package that was approved by the Board at the October 2024 meeting. Member Williams further noted that the language had been amended from “the state” to “this state.” The Board discussed the changes. The motion passed with a vote of 11 out of 12, with member Ladd abstaining.

Adopt 8 AAC 45.600, relating to reemployment benefits. Member Lefebvre motioned to adopt 8 AAC 45.600, and Member White seconded. Member Lefebvre amended the motion to move the phrase “must include” from sections (1) through (5) back to the end of the introductory paragraph. Member White seconded the amendment. The motion passed unanimously.

Adopt 8 AAC 45.605, relating to the stay-at-work program. Member Lefebvre motioned to adopt 8 AAC 45.605. Member Austin seconded the motion. Member Lefebvre amended the motion to drop the third sentence, and Member Austin seconded. Member Lefebvre retracted the amendment and returned to the original motion. Member Austin seconded. The motion passed unanimously.

Adopt 8 AAC 45.610, relating to the stay-at-work program. Member Lefebvre motioned to adopt 8 AAC 45.610. Member Beltz seconded the motion. The motion passed unanimously.

Adopt 8 AAC 45.615 and 45.620, relating to the stay-at-work program. Member Lefebvre motioned to adopt 8 AAC 45.615 and 620. Austin seconded the motion. The motion passed unanimously.

Adopt 8 AAC 45.625, relating to the stay-at-work program. Member Lefebvre motioned to adopt 8 AAC 45.625. Austin seconded the motion. Member Lefebvre modified the motion to adopt the language of the proposed 8 AAC 45.625, but under 45.900(l), and amend the through reference from 8 AAC 45.625 to 45.620. Member Austin seconded. The motion passed unanimously.

Adopt 8 AAC 45.399, relating to electronic service. Member Lefebvre motioned, and Member Austin seconded the motion. Member Lefebvre revised the motion to update the referenced definitions to “8 AAC 45.400 – 45.900.” Member Austin seconded the amended motion. The motion passed unanimously.

Adopt 8 AAC 45.525(c)(1), relating to job analysis. Member Lefebvre motioned to adopt 8 AAC 45.525(c)(1) and member Austin seconded. The motion passed unanimously.

Adopt 8 AAC 45.550(c) and (d), relating to electronic service. Member Lefebvre motioned to adopt 8 AAC 45.550(c) and (d), and Member Austin seconded. The motion passed unanimously.

Member Austin moved to adjourn for the day; seconded by Member White.

Meeting Adjourned 4:45 pm

Friday, January 10, 2025

I. Call to Order

Director Collins resumed the Alaska Workers' Compensation Board meeting at 9:08 am on Friday, January 10, 2025, in Anchorage, Alaska. The following Board members were present.

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

Members Corbett, Dartt, and Heidemann were excused. Member Shaw was absent. A quorum was established.

II. New Business

Director Collins presented an overview of Tennessee's Ombudsman Program. Member Lefebvre moved for the Division to draft a resolution for the May meeting regarding an ombudsman program in Alaska and WSCAA funding. Member Dennis seconded. Motion passed unanimously.

Janel Wright, Chief of WC Adjudications, proposed changes to the regulations concerning the timeline for selecting Second Independent Medical Evaluation physicians and the electronic service of SIME medical records.

Break 10:08 am – 10:20 am

Member Austin motioned that the board provide a draft regulation change to 8 AAC 45.092 relating to the SIME timeline and electronic records. Member Lefebvre seconded the motion, which passed unanimously.

Janel Wright, Chief of Workers' Compensation Adjudications, presented a history of the definition of "previously rehabilitated." Member Austin motioned for the division to provide recommendations at the May board meeting aimed at resolving the conflicting statute and regulation. Member Williams seconded the motion, which passed unanimously.

Director Collins reminded the Board that the next meeting is scheduled for May 15-16, 2025.

Motion to adjourn by Member Williams; seconded by Member Austin. Motion passed unanimously.

Meeting Adjourned 11:10 am