

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, January 10, 2019

Call to Order: Acting Chairwoman Godwin called the meeting to order at 9:32 a.m.

Present: Acting Chairwoman Godwin and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Howard Metz, Cynthia Miraglia, Maureen Quinn, Delia Schadt and Tracey Warren. Staff members attending were Mary Ahearn, Scott Curtis, Steven Jones, Amy Lackington, Jerome Reichmister, MD and Stacey L. Roig, Secretary.

Approval of Minutes: The Minutes of the December 13, 2018 Commission meeting were reviewed and, upon motion of Commissioner Schadt and second of Commissioner Evans, the Minutes were approved with a unanimous vote.

Closed Session: At 9:33 a.m., upon motion of Commissioner Miraglia and second of Commissioner Forrester and upon unanimous vote, pursuant to GP §3-305(13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, and COMAR 14.09.13.12 the Commission entered a closed session for the purpose of discussion of self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Goodwill Industries of the Chesapeake, Inc. has submitted an application for the privilege of becoming a self-insured employer in MD. After discussion and upon a motion from Commissioner Forrester seconded by Commissioner Miraglia and, after unanimous consent, the request was conditionally approved.

Mr. Jones also reported that Albertsons Companies, Inc., which is now owned by Safeway, Inc., has requested a decrease in security. After discussion and upon a motion from Commissioner Miraglia seconded by Commissioner Quinn and, after unanimous consent, the request was approved.

Mr. Jones also reported that Safeway, Inc. has also requested a decrease in security. After discussion a motion was made by Commissioner Kittleman and seconded by Commissioner Evans to set an en banc hearing to obtain additional information from Safeway. The motion was approved with unanimous consent.

The meeting was reopened at 9:50 a.m., upon motion of Commissioner Miraglia and second of Commissioner Evans and upon unanimous vote.

Old Business: Commissioner Miraglia reported that she began her career at the Commission on January 10, 1999 and was celebrating her 20 year anniversary with the Commission.

New Business: Commissioners Quinn and Miraglia discussed an en banc settlement hearing and Commissioner Quinn discussed a recent case for a presumption of hypertension for a Correctional Officer. Discussion was held regarding several cases of interest and, specifically, regarding hearing loss, which led to a discussion regarding the language in Commission Orders

and if a change is needed at this time. Commissioner Evans also discussed a case involving the UEF that she has referred to Employer Compliance for review.

Scott Curtis, Principal Counsel, presented proposed changes to Commission regulations to add regulations for appeals to Employer Compliance orders. After discussion and a motion by Commissioner Miraglia and seconded by Commissioner Evans and, after unanimous vote, the proposed changes were approved.

Stacey Roig, Secretary, reminded the Commissioners of the Ethics Statements due April 30, 2019 and reported that the online filing system has changed and is not working properly at this time. The Ethics Commission is working on some of the problems, but the changes to the program will require that all information be re-entered this year because previously reported information did not carry into the new program.

Medical Alerts: Dr. Jerome Reichmister, Medical Director, discussed several medical alerts including drugs that are not approved by the FDA; benefits of organized sports in children and studies that have shown that the best bone mass levels occur around the age of 20. New York State is now allowing medical marijuana in place of opioids, although they have found that there is no scientific evidence that the medical marijuana is effective. Dr. Reichmister also presented a breakdown of the structure of the human knee and common injuries and degenerative conditions and possible treatments for both.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Warren and upon unanimous vote, the meeting was adjourned at 10:56 a.m.

Lauren S. Godwin, Acting Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, January 24, 2019

Call to Order: Chairman Aumann called the meeting to order at 9:35 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Lauren Godwin, Allan Kittleman, Howard Metz, Cynthia Miraglia, Maureen Quinn, Delia Schadt and Tracey Warren. Staff members attending were Mary Ahearn, Amy Lackington, Scott Curtis, and Stacey L. Roig, Secretary.

Approval of Minutes: The Minutes of the January 10, 2019 Commission meeting were reviewed and, upon motion of Commissioner Miraglia and second of Commissioner Godwin, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that the Executive Nominations Committee meeting is scheduled for Monday, January 28, 2019 and Commissioners Forrester, Kittleman and Metz are on the agenda. The Chairman also reported that the case backlog is much improved since November and December. Legislation has been introduced concerning child support and liens on workers' compensation benefits and a presumption bill. A meeting is scheduled to discuss the bills. The IAIABC Forum is scheduled for April 1-4, 2019 and SAWCA is planning a session with Dr. Scott Brown and Chesapeake Employers' Insurance regarding their collaboration to think outside the box for possible solutions to workers' compensation issues. Enterprise Modernization continues to move forward. Matt Peffer, 2019 MWCEA Program Chair, will be visiting the Commission to discuss ideas for the Convention program. The Commission's annual budget was approved without comments or recommendations. The Budget Committee Hearings are scheduled for January 31st and February 8, 2019. The Chairman will be presenting an information session to members of the Economic Matters Committee to provide information on our unique system on Tuesday, January 29, 2019.

Old Business: Commissioner Miraglia asked about rehearing requests where a Recall Commissioner presided over the original hearing. Mary Ahearn updated the Commissioners on the policy and procedures where interpreters are involved in the case. A discussion was held regarding various cases and how to handle specific situations.

New Business: No Report

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Warren and upon unanimous vote, the meeting was adjourned.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

14.09.11.01

.01 Petition for Judicial Review.

A. A party seeking judicial review of a decision of the Commission shall file a petition for judicial review in the circuit court within 30 days after the date the Commission's order was mailed in accordance with Labor and Employment Article, §9-737, Annotated Code of Maryland, and the Maryland Rules, 7-201, et seq.

B. A party filing a petition for judicial review shall serve a copy of the petition on the Commission in accordance with Labor and Employment Article, §9-737, Annotated Code of Maryland, and Maryland Rule 7-202(d).

C. A party seeking judicial review of a decision granting or denying attorney's fees shall serve a copy of the petition for judicial review on the Assistant Attorney General assigned to represent the Commission at the Commission's principal office in Baltimore City. The judicial review shall be on the record of the Commission in accordance with Maryland Rule 7-206.1(b).

D. An employer seeking judicial review of a decision of the Commission pursuant to Labor and Employment Article, §9-409, Annotated Code of Maryland, shall serve a copy of the petition for judicial review on the Assistant Attorney General assigned to represent the Commission at the Commission's principal office in Baltimore City. The judicial review shall be on the record of the Commission in accordance with Maryland Rule 7-206.1(b).

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, February 7, 2019

Call to Order: Chairman Aumann called the meeting to order at 9:34 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Howard Metz, Cynthia Miraglia, Maureen Quinn, Delia Schadt and Tracey Warren. Staff members attending were Mary Ahearn, Steven Jones, Amy Lackington, Scott Curtis, Jerome Reichmister, M.D. and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the January 24, 2019 Commission meeting were reviewed and, upon motion of Commissioner Forrester and second of Commissioner Schadt, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that the Executive Nominations Committee approved the appointments of Commissioners Forrester, Kittleman and Metz to the Commission. The Chairman also reported that the Budget hearing in the House of Delegates was a positive outcome with approval for our budget. The Senate hearing is Friday, February 8th. Several pieces of legislation have been proposed and hearings are on-going. There is a new presumptions bill, child support liens on settlements and medical marijuana are all topics for legislation this year. The Oversight Committee meeting is scheduled for Monday, February 25th. The Chairman announced that Commissioner Kittleman will be the Chair of the Medical Fee Guide Committee. The Chairman also announced that he is working on a program with the University of Baltimore School of Law that will allow student representation of medical only unrepresented claimants with mentors from the WC community and teaching staff at the UB law school. Commissioner Kathleen Evans will lead the effort for the Commission. The program will be available under very specific circumstances, i.e. the death, disbarment or retirement of the lawyer. Jason Shultz, Dayna Kipnis and Jim MacAlister were instrumental in developing UB's interest in being part of the program. Chesapeake Employers' Insurance and Dr. Scott Brown will be making a joint presentation at the SAWCA Convention in Savannah this summer. Chesapeake will highlight the successful programs that they have in place to try to make workers compensation better.

Closed Session: At 9:57 a.m., upon motion of Commissioner Forrester and second of Commissioner Quinn and upon unanimous vote, pursuant to GP §§3-305(13), 3-305(7), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, and COMAR 14.09.13.12 the Commission entered a closed session for the purpose of discussion of self-insured employers' financial information and to consult with counsel to obtain legal advice.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Barrett Business Services, Inc. requires an increase in security deposit. After discussion and upon a motion from Commissioner Quinn, seconded by Commissioner Forrester and, after unanimous consent, the motion was approved.

Mr. Jones also reported that Perdue Farms, Inc. has requested an additional subsidiary, Niman Ranch, Inc., be included in their self-insurance program. After discussion and upon a motion

from Commissioner Forrester, seconded by Commissioner Miraglia and, after unanimous consent, the request was approved.

Mr. Jones also reported that the University of MD Medical System (UMMS) has requested that Dimension Health Corporation be included as an additional subsidiary under their self-insurance program. After discussion a motion was made by Commissioner Warren and seconded by Commissioner Quinn. The motion was approved with unanimous consent, with the exception of Commissioner Forrester, who abstained from voting.

Mr. Jones also reported that Target Corporation will be leaving the self-insurance program in the near future.

Old Business: Scott Curtis, Principal Counsel, provided additional information and an update on an earlier opinion regarding out of state insurers doing business in MD.

The meeting was reopened at 10:26 a.m., upon motion of Commissioner Quinn and second of Commissioner Warren and upon unanimous vote.

Old Business - continued: Scott Curtis asked for a motion and vote on the adoption of certain changes to COMAR 14.09.11.01. After discussion and a motion by Commissioner Miraglia, seconded by Commissioner Evans, the motion was approved by unanimous vote.

New Business: Scott Curtis reported that he will be providing training to the Security Officers regarding their jurisdiction and authority while securing WCC Hearing Sites.

Mary Ahearn reported that the requested occupational disease template is now available.

Chairman Aumann reported that the open position of Commissioner Assistant has been posted for applications. The Commission is also recruiting for the back-up secretarial position, which will be used for training and back-up support.

Commissioner Schadt discussed a stipulation agreement in a particular case.

The Commissioners discussed consent decrees and overtreatment with respect to certain medical practices in MD.

Commissioner Metz discussed a perm-total case.

Commissioner Kittleman discussed a Hodgkin's case with a firefighter, which is a non-presumption case.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Metz and upon unanimous vote, the meeting was adjourned at 10:50 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, February 21, 2019

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:30 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Lauren Godwin, Allan Kittleman, Howard Metz, Cynthia Miraglia, Maureen Quinn, Delia Schadt and Tracey Warren. Staff members attending were Mary Ahearn, Steven Jones, Amy Lackington, Scott Curtis and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the February 7, 2019 Commission meeting were reviewed and, upon motion of Commissioner Godwin and second of Commissioner Miraglia, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that all of the workers' compensation bills on the Senate side will be discussed in one large hearing in the Finance Committee. The Workers' Compensation Oversight Committee will be meeting on Monday, February 25th to discuss the various bills and other matters of interest to the committee. Senator Klausmeier and Delegate Valderama will remain as Co-Chairs of the Oversight Committee. The Chairman also discussed an article in WorkCompCentral regarding the Uninsured Employers' Fund.

Closed Session: At 9:40 a.m., upon motion of Commissioner Miraglia and second of Commissioner Forrester and upon unanimous vote, pursuant to GP §§3-305(13), 3-305(7), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, the Commission entered a closed session for the purpose of discussion of self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division reported that Johns Hopkins Health System Corporation (JHHS) requires an increase in security deposit. After discussion and upon a motion from Commissioner Warren, seconded by Commissioner Forrester and, after unanimous consent, the motion was approved.

Mr. Jones also reported that Baltimore Washington Medical Center (BWMC) requires an increase in security. BWMC is under the University of MD Medical System (UMMS). After discussion a motion was made by Commissioner Evans and seconded by Commissioner Warren. The motion was approved with unanimous consent.

Mr. Jones also reported that FedEx Ground Systems, Inc. requires an increase in security. After discussion a motion was made by Commissioner Miraglia and seconded by Commissioner Forrester. The motion was approved with unanimous consent.

Mr. Jones also reported that DuPont Corporation left the self-insurance program as of January 1, 2019. There are now less than 100 self-insured employers in the program.

The meeting was reopened at 9:48 a.m., upon motion of Commissioner Quinn and second of Commissioner Forrester and upon unanimous vote.

Old Business: Stacey Roig, Secretary of the Commission discussed a recent fraud case that was referred by Commissioner Evans to the MD Insurance Administration Fraud Investigation Division for review. The referral resulted in a fine to the claimant under the MIA's new civil penalty prosecution. Commissioner Evans suggested that some type of fraud flag on the claimant for future reference would be helpful.

New Business: The Chairman discussed a serious computer system issue that recently occurred due to a vendor error.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Miraglia and upon unanimous vote, the meeting was adjourned at 9:58 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, March 14, 2019

Call to Order: Acting Chairperson Delia Schadt called the meeting to order at 9:31 a.m.

Present: Acting Chairperson Schadt and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Howard Metz, , and Tracey Warren. Staff members attending were Mary Ahearn, Steven Jones, Amy Lackington, Jerome Reichmister, M.D., Scott Curtis and Stacey L. Roig, Secretary of the Commission.

Special Guest attending was Matthew Pepper, Program Chair for the 2019 MWCEA Annual Convention.

Approval of Minutes: The Minutes of the February 21, 2019 Commission meeting were reviewed and, upon motion of Commissioner Forrester and second of Commissioner Evans, the Minutes were approved with a unanimous vote.

Special Report: Matt Pepper discussed the outline of the program for the 2019 MWCEA Annual Convention. The theme of the convention is Mission 35: The Next Frontier and the plan is to discuss inside and outside of the comp world. The Commissioners will be assigned to various panels by Barry Bernstein. The final draft for the program is due by May 1, 2019. More information will follow after the committee has its meeting on Thursday, March 21st.

Chairman's Report: The Chairman Is attending the induction of Commissioner Miraglia as a Fellow in the ABA College of Workers' Compensation Lawyers. Acting Chair, Delia Schadt reported that she had attended an MSBA discussion on current legislation and nothing much seems to be going forward in workers' compensation except for the bladder cancer presumption, which has crossed over. Commissioner Kittleman discussed the medical marijuana bill and the requirement for a "prescription".

Closed Session: At 9:46 a.m., upon motion of Commissioner Evans and second of Commissioner Forrester and upon unanimous vote, pursuant to GP §§3-305(13), 3-305(7), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, the Commission entered a closed session for the purpose of discussion of self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division reported that Sheppard Pratt Foundation requires an increase in security deposit. After discussion and upon a motion from Commissioner Warren, seconded by Commissioner Kittleman and, after Commissioner Forrester abstained, it was determined by Counsel that there was no longer a quorum and the item will have to be added to the next meeting agenda.

The meeting was reopened at 9:50 a.m., upon motion of Commissioner Evans and second of Commissioner Forrester and upon unanimous vote.

Old Business: Scott Curtis presented certain changes to COMAR 14.09.02.04, 14.09.03.02, 14.09.04.03 and 14.09.07 for Final Adoption. Mr. Curtis took questions and after discussion, a motion was presented by Commissioner Forrester to approve the final adoption of the changes, which was seconded by Commissioner Evans and, after a unanimous vote, the final adoption was approved. The changes will be effective on April 8, 2019.

New Business: A discussion began among the Commissioners that required a closed session and legal advice of Counsel.

Closed Session: At 9:53 a.m., upon motion of Commissioner Warren and second of Commissioner Forrester and upon unanimous vote, pursuant to GP §§3-305(7), the Commission entered a closed session for the purpose of consultation with Counsel to obtain legal advice on a legal matter.

Scott Curtis discussed a case with a question of competency of the claimant and the Commission's role and responsibilities and, particularly, where multiple claims are filed.

The meeting was reopened at 10:07 a.m., upon motion of Commissioner Evans and second of Commissioner Forrester and upon unanimous vote.

New Business continued: Commissioner Warren discussed a case in Montgomery County. Commissioner Metz discussed the statute and the language in the Orders regarding payment of attorney fees and when they are paid.

Medical Alerts: Dr. Reichmister discussed several medical alerts with the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 10:17 a.m.

Delia T. Schadt, Acting Chairperson

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, March 28, 2019

Call to Order: Chairman Karl Aumann called the meeting to order at 9:31 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Lauren S. Godwin, Allan Kittleman, Howard Metz, Cynthia Miraglia, Maureen Quinn, Delia Schadt and Tracey Warren. Staff members attending were Mary Ahearn, Steven Jones, Amy Lackington, Jerome Reichmister, M.D., Scott Curtis and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the March 14, 2019 Commission meeting were reviewed and, upon motion of Commissioner Miraglia and second of Commissioner Quinn, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that an En Banc Hearing is scheduled at 11:00am for all Commissioners to attend following the meeting. The Chairman also reported on pending legislation, including a medical cannabis bill that passed the State Senate 46-0 and is expected to follow suit in the House of Delegates. The bill gives the Commissioners the authority to include medical cannabis as "medicine" under certain conditions. The legislature also appears to be leaning toward expanding the presumptions to include two specific cancers for firefighters. A comprehensive review of presumptions has some momentum from several sides. The legislative audit of the Commission is complete with some minor items, that have already been addressed, and no repeat findings. The IAIABC Spring Forum starts March 31st. There are several excellent program and committee meetings on the meeting agenda. The Judicial College is also included in this set of meetings. The Chairman reminded the Commissioners that there is a streamlined process to be used in all vocational rehabilitation disputes. It is important to stay within the process, make the phone calls and keep the process streamlined. It is best for all parties.

Closed Session: At 9:51 a.m., upon motion of Commissioner Quinn and second of Commissioner Godwin and upon unanimous vote, pursuant to GP §§3-305(7), 3-305(13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, the Commission entered a closed session for the purpose of discussion of self-insured employers' financial information and for the purpose of consultation with Counsel to obtain legal advice on a legal matter.

IC & R Report: Commissioner Forrester needed to abstain from this review and vote and left the room during the discussion. Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division reported that Sheppard Pratt Foundation requires an increase in security deposit. After discussion and upon a motion from Commissioner Kittleman, seconded by Commissioner Warren and, after unanimous vote, the motion was approved.

New Business: Commissioner Forrester returned to the meeting and Principal Counsel, Scott Curtis provided advice to the Commissioners regarding electronic signatures and Powers of Attorney granted to attorneys by their clients.

The meeting was reopened at 10:01 a.m., upon motion of Commissioner Forrester and second of Commissioner Evans and upon unanimous vote.

New Business continued: Stacey Roig and Scott Curtis discussed fraud referrals and information that is required and necessary for the referral to the MD Insurance Administration. Mr. Curtis explained that the finding of fraud is necessary and Ms. Roig explained that transcripts must be requested and paid by the Commission and any evidence presented should be forwarded to the Secretary's office for the referral package to MIA.

Stacey Roig and Scott Curtis also reported that a new form of Subpoena for transcript requests has been developed and posted to the website. The new form is to be used when a new claim is pending and the requesting party was not a party to the claim for which the transcript is being requested. Scott Curtis explained that the Regulations may need some adjusting at a future date to accommodate the use of the new form.

Old Business: The Chairman reminded the Commissioners that the 2018 Ethics submission is due by April 30, 2019. It is a new system this year so it is best to complete it sooner rather than later. The Commissioners discussed several cases and ratings for disfigurement. Scott Curtis will further discuss at a future meeting.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 10:42 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, April 11, 2019

Call to Order: Chairman Karl Aumann called the meeting to order at 9:34 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Lauren S. Godwin, Allan Kittleman, Howard Metz, Cynthia Miraglia, Maureen Quinn, Delia Schadt and Tracey Warren. Staff members attending were Mary Ahearn, Steven Jones, Amy Lackington, Jerome Reichmister, M.D., Scott Curtis and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the March 28, 2019 Commission meeting were reviewed and, upon motion of Commissioner Forrester and second of Commissioner Evans, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that the 2019 Legislative Session is complete. The medical cannabis bill passed both houses making medical cannabis eligible for reimbursement in the state of MD. This was a topic of discussion at the IAIABCC Conference because the laws of the states vary. MD is now one of only two states that allow reimbursement for medical cannabis. Some states may order reimbursement but many states do not permit reimbursement even though medical marijuana is legal. Scott Curtis discussed a bill in Congress that, if passed, will allow for a safe harbor for financial institutions that service the medical cannabis industry. The MD bill becomes effective on October 1, 2019. The Chairman also reported that the expanded presumptions for bladder and renal cancer also passed with little objection to the bill. A presumption study may be in our future. The Chairman also discussed the loss of Speaker of the House of Delegates, Michael Busch and the positive impact that he and his staff had on our agency. Funeral arrangements have been made for the next week. The IAIABC Spring Forum was well attended by jurisdictions across the country, as well as several international delegations, including a delegation from Russia. The Chairman will be presenting a program in Russia on behalf of the IAIABC in a couple of weeks. Finally, the Chairman announced that as of July 1, 2019, Commissioner Godwin will be retiring, at which time she will be the longest serving Commissioner in the history of the agency. As a tribute to her service, Commissioner Miraglia will not assign any Duty Commissioner days for her during the month of June.

Closed Session: At 9:50 a.m., upon motion of Commissioner Miraglia and second of Commissioner Forrester and upon unanimous vote, pursuant to GP §, 3-305(13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, the Commission entered a closed session for the purpose of discussion of self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division reported that Safeway, Inc. has requested a reduction in security and, as per the findings at the en banc hearing before the Commissioners and, upon a motion from Commissioner Kittleman, seconded by Commissioner Forrester and, after unanimous vote, the motion was approved.

The meeting was reopened at 9:51 a.m., upon motion of Commissioner Miraglia and second of Commissioner Forrester and upon unanimous vote.

Old Business: Commissioner Miraglia discussed several movements and changes in the workers' compensation community.

New Business: Stacey Roig provided MWCEA updates to the Convention Program and asked the Commissioners to review the panels that they have been asked to moderate. All were acceptable and all open slots were filed with Commissioners who had not previously been assigned to a particular topic. Commissioner Miraglia discussed an update on hearing loss claims by Bethlehem Steel workers that are being administered by the Uninsured Employers' Fund. Commissioner Forrester discussed a Montgomery County case involving a prepayment issue. Commissioner Quinn discussed an attorney fee issue. Commissioner Evans discussed a LE § 9-601 offset that includes medical expenses and attorney fees. Scott Curtis discussed ratings and disfigurement and what tier is to be used to calculate benefits. Disfigurement is only to be used for calculation of weeks; it cannot be used to take the claim to serious disability. After much discussion among the Commissioners, the Chairman asked Mr. Curtis to bring examples for calculations for further discussion at the next April meeting. Commissioner Miraglia discussed a filing to implead an entity and how the document was routed. The Chairman discussed venue change requests and asked the Commissioners to re-route any Montgomery County venue change requests to his queue for decision.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 11:00 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, April 25, 2019

Call to Order: Acting Chairperson, Cynthia Miraglia called the meeting to order at 9:35 a.m.

Present: Acting Chairperson Miraglia and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Howard Metz, Maureen Quinn and Delia Schadt. Staff members attending were Mary Ahearn, Scott Curtis, Amy Lackington, Jerome Reichmister, M.D. and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the April 11, 2019 Commission meeting were reviewed and, upon motion of Commissioner Metz and second of Commissioner Kittleman, the Minutes were approved with a unanimous vote.

Community Notes: Commissioner Miraglia announced news regarding the Al Porth Award recipient for 2019. Several Commissioners discussed the MSBA Spring Outreach and the discussion regarding medical only attorney fees and the emerging Clinic with students handling some of the cases. Commissioner Forrester made it clear that the attorney of record is still responsible for their clients and the student clinic is only for those claimants whose attorney has passed away, been disbarred or retired and sold the business. Dr. Reichmister discussed an all-day conference on April 12th that was sponsored by Chesapeake Employers' Insurance. The conference was excellent and the discussion on causation by Dr. Mark Melhorn was particularly good, Dr. Reichmister reported that he will be purchasing several of Dr. Melhorn's books and will provide "Jerry's Notes" editions for the Commissioners. It was announced that Eric Saavedra, Esq. has opened his own practice.

Old Business: Commissioner Quinn discussed a recent interpreter issue. The Commissioners discussed a co-employment issue with Kelly Services and Giant Food. Scott Curtis, Principal Counsel, presented some clean-up regulation changes to the Commissioners. After a brief discussion and a motion by Commissioner Miraglia and second by Commissioner Forrester, and a unanimous vote, the changes were approved.

New Business: Commissioner Kittleman discussed information obtained at the MSBA Spring Outreach that confirmed that the medical cannabis bill did not pass into law during the most recent General Assembly. Commissioner Schadt started a discussion on what constitutes an emergency and what attachments are to be included in a Request for Emergency Hearing. The Commissioners discussed the number of requests for emergency hearings and the lack of evidence provided by the parties as required under LE §9-552. In addition, the Commissioners discussed what would be considered "exceptional circumstances". Dr. Reichmister suggested that the topic be addressed at the MWCEA Breakfast with the Commissioners and Commissioner Evans volunteered to take this topic.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 10:20 a.m.

Cynthia S. Miraglia, Acting Chairperson

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, May 9, 2019

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:35 a.m.

Present: Chairman Aumann and Commissioners James Forrester, Luran Godwin, Allan Kittleman, Cynthia Miraglia, Maureen Quinn, Delia Schadt and Tracey Warren. Staff members attending were Mary Ahearn, Steven Jones, Scott Curtis, Amy Lackington, Jerome Reichmister, M.D. and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the April 25, 2019 Commission meeting were reviewed and, upon motion of Commissioner Kittleman and second of Commissioner Miraglia, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported that the conference in Russia was very large with many interesting displays on safety and protective gear. Work in Russia is very different from work in the US. The Chairman stated that continuances are becoming more regular than rare and asked the Commissioners to check the requests carefully and stick to policies and procedures for granting a continuance. He also reminded the Commissioners that the same is true for granting waivers on the 90 days required to refile issues. The Chairman discussed policy for requests from attorneys to go first or last on a docket. There are no rules regarding which location is a priority for first or last. The best method is to look at the overall situation and be flexible to make it work for everyone. The Chairman will be attending the NCCI Annual Meeting in Orlando. NCCI's focus has been turning more toward insurance regulation and less toward workers' compensation regulation. The AIS is not nearly as valuable as it was in the past. The NAWCJ and WCI continue to expand. The August meetings will include a Judges College, Regulators College and PEO and medical tracks. The Enterprise Modernization Project continues to move forward. Two Focus Groups have been set up to discuss the thoughts, needs, wants, etc. of community stakeholders. The elevator situation continues to be a challenge but there is some light at the end of the tunnel.

Closed Session: At 10:00 a.m., upon motion of Commissioner Forrester and second of Commissioner Warren and upon unanimous vote, pursuant to GP §, 3-305(13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, the Commission entered a closed session for the purpose of discussion of self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division reported that Sherwin Williams has requested that a new subsidiary, Sherwin Williams Manufacturing Company be added retroactively to Sherwin Williams' self-insurance plan, effective May 1, 2018. After discussion, Chairman Aumann made a motion to table the decision until certain assurances are received from Sherwin Williams. The motion was seconded by Commissioner Forrester and, after unanimous vote, the motion to table the decision until the next meeting was approved.

The meeting was reopened at 10:14 a.m., upon motion of Commissioner Forrester and second of Commissioner Warren and upon unanimous vote.

Old Business: Scott Curtis, Principal Counsel, presented some additional clean-up regulation changes to the Commissioners. After a brief discussion and a motion by Commissioner Miraglia and second by Commissioner Kittleman, and a unanimous vote, the changes were approved.

New Business: Commissioner Miraglia discussed a settlement agreement question where changes were made to the parties to the agreement. Commissioner Godwin discussed determination of Average Weekly Wage in a situation of co-employment. Commissioner Miraglia presented a memorandum from a former Commissioner, Stephen Rosenbaum, which outlines payment of awards for disfigurement and clarifies the calculations of the award. Commissioner Warren discussed a re-open request that she denied. Commissioner Forrester discussed a telephonic hearing that he attempted to have at the request of the claimant, who then did not join the telephone call for the hearing. The Commissioners also discussed a Montgomery County situation where a claimant died without ever getting a hearing due to delays by the Montgomery County Law Office. The Commissioners discussed "security hearings" and the need for all to be notified when there is a case noted as needing additional security for the protection of everyone.

The Chairman announced that Commissioner Lauren S. Godwin will be Acting Chairman from May 23, 2019 until June 28, 2019, while the Chairman is away. Chairman Aumann will return to the office on July 2, 2019.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Quinn and upon unanimous vote, the meeting was adjourned at 10:50 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, May 23, 2019

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:35 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Lauren Godwin, Allan Kittleman, Howard Metz, Cynthia Miraglia and Delia Schadt. Staff members attending were Mary Ahearn, Steven Jones, Scott Curtis, Amy Lackington, Jerome Reichmister, M.D. and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the May 9, 2019 Commission meeting were reviewed and, upon motion of Commissioner Evans and second of Commissioner Godwin, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann discussed the medical marijuana bill that did not pass in the General Assembly in the 2019 session. New Mexico remains the only state with a payment requirement for insurers to cover the cost of medical cannabis. The Chairman discussed a new prescription cost dispute involving the use of formulary contracts. A carrier has filed Motions to Quash in several prescription cases where subpoenas were served on the Commission for a copy of a carrier's contract with a formulary. Those cases have been pulled from regular dockets and have been placed on a "prescription only" docket that will be heard by the Chairman. This special docket only involves payment disputes for prescriptions, no other prescription disputes. The Chairman reported that the NCCI AIS conference was in May. Incidents continue to fall and premium continues to fall. The last year was the most profitable for insurers in 30 years. The Chairman reminded the Commissioners that Commissioner Godwin will be the Acting Chair from May 23rd through the end of June.

Closed Session: At 9:52 a.m., upon motion of Commissioner Forrester and second of Commissioner Miraglia and upon unanimous vote, pursuant to GP §, 3-305(13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, the Commission entered a closed session for the purpose of discussion of self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Sherwin Williams has provided a letter of assurance to the Commission regarding the retroactive date of approval of their new subsidiary, Sherwin Williams Manufacturing Company, into the Sherwin Williams' self-insurance plan. After discussion, Commissioner Kittleman made a motion to approve the request. The motion was seconded by Commissioner Evans and, after unanimous vote, the motion was approved.

The meeting was reopened at 9:55 a.m., upon motion of Commissioner Miraglia and second of Commissioner Godwin and upon unanimous vote.

Old Business: Commissioner Miraglia discussed attorney fees. The Commissioners discussed disfigurement payments and the level of benefits and the appellate decision in the Weiss Markets case. The Chairman asked Amy Lackington to distribute the case to all of the Commissioners to

review for further discussion. Commissioner Miraglia will share a chart that she has for disfigurement cases. Scott Curtis, Principal Counsel, reported that comments to the changes proposed to COMAR 14.09.11.01 were submitted by the Defense Bar. He asked that the Commissioners consider the comments. The Commission will resubmit the regulation change for publishing and final action will be in accordance with MD Register rules.

New Business: Mary Ahearn discussed Employer/Insurer corrections and the need for more specific and accurate information for Claims Services to properly enter the information into the database. Commissioner Metz discussed a new manual that he is working on to help new Commissioners get up to speed quickly and smoothly. Commissioner Metz also discussed a Montgomery County firefighter case. Commissioner Godwin discussed a hearing loss case. Commissioner Evans discussed a co-pay reimbursement case.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Godwin and upon unanimous vote, the meeting was adjourned at 10:41 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, June 13, 2019

Call to Order: Acting Chair Delia T. Schadt called the meeting to order at 9:39 a.m.

Present: Acting Chair Schadt and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Howard Metz, Cynthia Miraglia and Tracey Warren. Commissioner Maureen Quinn also attended the meeting via telephone.

Staff attending: Mary Ahearn, Amy Lackington, Jerome Reichmister, M.D. and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the May 23, 2019 Commission meeting were reviewed and, upon motion of Commissioner Forrester and second of Commissioner Kittleman, the Minutes were approved with a unanimous vote.

Old Business: Commissioner Schadt presented on behalf of Scott Curtis, Principal Counsel, final action on COMAR 14.09.11.01 after comments to the proposed changes were submitted to the Commission. The final action was required in accordance with MD Register rules. After discussion, Commissioner Miraglia made a motion to approve the changes, which was seconded by Commissioner Evans and, after a unanimous vote, COMAR 14.09.11.01 was approved.

Mary Ahearn, CEO, discussed the Enterprise Modernization System and asked the Commissioners about the wording on the new claim form regarding medical treatment received by the claimant and mandating healthcare provider name. Ms. Ahearn also discussed some housekeeping issues at regional sites regarding the computers. In addition, last minute cancellations of interpreters without notice to the Commission are happening more frequently. The Commissioners discussed making this a topic at the MWCEA Conference in September.

New Business: The Commissioners discussed the retirement of Commissioner Lauren Godwin. Commissioner Evans suggested a website posting when a Commissioner retires that announces the retirement and give a brief biography. Commissioner Evans also discussed a request for a rehearing. Commissioner Forrester discussed some trends in hypertension cases. Commissioner Warren discussed settlements with COMAR waivers and the discussion continued regarding the need for medical reports, even when they have been waived in the settlement.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 10:44 a.m.

Delia T. Schadt, Acting Chair

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, June 27, 2019

Call to Order: Acting Chair Lauren Sfekas Godwin called the meeting to order at 9:35 a.m.

Present: Acting Chair Godwin and Commissioners Kathleen Evans, James Forrester, Howard Metz, Cynthia Miraglia, Maureen Quinn, Delia Schadt and Tracey Warren.

Staff attending: Mary Ahearn, Jerome Reichmister, M.D. Amy Lackington, Scott Curtis and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the June 13, 2019 Commission meeting were reviewed and, upon motion of Commissioner Miraglia and second of Commissioner Forrester, the Minutes were approved with a unanimous vote.

Old Business: Mary Ahearn, CEO, updated the Commissioners on the status of one of the security guards. She also asked the Commissioners to complete the review of old orders that was requested by Chesapeake Employers' Insurance.

New Business: Commissioner Metz provided a Commissioner Orientation Guide for review by all of the Commissioners and encouraged them to make comments and provide input and feedback. The Commissioners discussed a Montgomery County case. The Commissioners discussed several upcoming panel discussions for the MWCEA.

Medical Alerts: Dr. Reichmister presented a brief history of workers' compensation and the evolution of medical treatment for workplace injuries. Dr. Reichmister also discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Metz and upon unanimous vote, the meeting was adjourned at 10:02 a.m.

Lauren Sfekas Godwin, Acting Chair

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, July 11, 2019

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:35 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Maureen Quinn, Delia Schadt, Ju Oh and Tracey Parker-Warren.

Staff members attending were Mary Ahearn, Scott Curtis, Amy Lackington, Jerome Reichmister, M.D. and Stacey L. Roig, Secretary of the Commission.

Chairman Aumann opened the meeting with a welcome announcement to Commissioner Ju Oh, who joined the Commission on July 1, 2019.

Approval of Minutes: The Minutes of the June 27, 2019 Commission meeting were reviewed and, upon motion of Commissioner Evans and second of Commissioner Warren, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann discussed the Enterprise Modernization Program and the preparation for a large presentation at the MWCEA Convention in September. The Chairman asked the Commissioners to please encourage the community to attend the presentation because it will provide important information. The Chairman asked the Commissioners to make a brief announcement before the hearings that profound changes are coming to our electronic system and encourage them to attend the meeting and take part in the program. The first changes will be to everything that leads up to the hearings. Amy Lackington will be sending an email with more details. The Chairman reminded the Commissioners that Hearings begin at 9:30 am, unless there is an extreme case and everyone knows in advance of the early start. There are many moving parts in Hearings and our history is a 9:30 am start time and not any earlier. The Chairman discussed the pending caseload and its current level of manageability. New computers and laptops with Windows 10 will be distributed to all hearing sites. The WCI Conference in Orlando is in August and there are several program offerings to attend. Becky Curtis, President of Take Courage Coaching, will be speaking at the WCI Conference after leaving her speaking engagement at the Commission for our Employee Training Day on August 8th. Stacey Roig was able to secure her for us and she is looking forward to being with us.

Old Business: Scott Curtis, Principal Counsel, reminded the Commissioners that the flow chart provided to them supports his advice on SIF/UEF assessments. Any Commissioner who does not have the flow chart, please contact Stacey Roig,

New Business: Scott Curtis, Principal Counsel, discussed records management and public information with regard to Commissioner notes. Past Commissioner notes have been delivered to Scott to review. If a Commissioner is in doubt about notes, please talk to Scott.

Various facility issues were discussed and will be addressed.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 10:22 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, August 8, 2019

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:35 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Howard Metz, Cynthia Miraglia, Ju Oh and Tracey Parker-Warren.

Staff members attending were Mary Ahearn, Jerome Reichmister, M.D. and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the July 11, 2019 Commission meeting were reviewed and, upon motion of Commissioner Parker-Warren and second of Commissioner Evans, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann discussed an issue with the Order NISI when no attorney is entered in the case for the medical provider. Montgomery County is requesting continuances so that an attorney for the medical provider can be entered and the continuances are being denied. The Chairman asked all of the Commissioners to carefully check the reason for the request for continuance before denying it. The SAWCA conference was very good. Chesapeake Employers' Insurance was part of the program and their presentation was excellent. The Annual Workers' Compensation Judicial College and Regulator's College are in Orlando next week. The Enterprise Modernization Project continues to move forward. The Chairman reminded the Commissioners that the Annual Employee Training & Appreciation Event will take place after the meeting and the staff is looking forward to spending time with the Commissioners.

Old Business: No Report

New Business: Commissioner Parker-Warren discussed Claimant Counsel asking the Claimant to sign approval of fees during proceedings. Chairman Aumann suggested that Commissioner Parker-Warren discuss this topic at the Breakfast with the Commissioners at the MWCEA Convention. Commissioner Parker-Warren also discussed side discussions on the record. Chairman Aumann suggested that Commissioner Parker-Warren make a point to the Court Reporter when the discussion goes off the record. Commissioner Forrester discussed a sexual harassment claim and hearing and the Commission's jurisdiction in those types of cases.

The Chairman discussed a recent Circuit Court case on dependency.
Commissioner Metz generally discussed several settlement cases.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Miraglia and upon unanimous vote, the meeting was adjourned at 10:10 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, August 22, 2019

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:44 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Howard Metz, Cynthia Miraglia, Ju Oh, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Mary Ahearn, Jerome Reichmister, M.D. Scott Curtis and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the August 8, 2019 Commission meeting were reviewed and, upon motion of Commissioner Forrester and second of Commissioner Evans, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported that the WCI Conference was very interesting. All of the new Commissioners were able to attend the conference. The Chairman also reported that the Enterprise Modernization System will be called "CompHub" going forward. Posters are being prepared to post at all of the regional sites to get the word out to the community. There will be a presentation at the MWCEA Convention in September. The Chairman gave his thanks to the Events Committee for the hard work that went into the Employee Training & Appreciation Day. He also noted that the same speaker who came to our event, Becky Curtis, also spoke at the WCI event. Kids Chance is proposing a winter bowling event and has asked for the Commissioners' input and participation. Please see the Chairman with any comments or suggestions. The MWCEA Convention is coming up in September. Former Commissioner Lauren Godwin will be presented with the Porth Award at that conference. Please mark your calendars to attend the presentation. The Chairman also announced that this will be the last meeting for Commissioner Cynthia Miraglia, who is retiring at the end of August. There has been no announcement as to who will be appointed to fill her vacancy. The case backlog is low and manageable right now, which is all good. NCCI met with the MD Insurance Administration for rate setting for the upcoming year. NCCI is recommending a 7% decrease in rates, which will mean a 36% decrease overall during the last 4 years. The decrease is as a result of a decrease in claim frequency and claim losses. MD still maintains a level of benefits among the highest in the nation, even with the lower costs.

Old Business: No Report

New Business: The Commissioners discussed some movements within the legal community. Commissioner Parker-Warren questioned some of the templates in the system that do not seem to be working properly. Mary Ahearn suggested that the issue be reported as it happens so that Danyela can work with IT to address the problem. Mary will follow up with the Assistants on the issue. Scott Curtis provided information regarding a meeting at the Office of the Attorney General regarding CBD products. Mr. Curtis will be attending that meeting. Commissioner Miraglia asked about an email that she received from the court system regarding a required filing. Commissioner Evans discussed a particular argument against a hypertension presumption. Commissioner Parker-Warren discussed an argument regarding the determination of Average Weekly Wage for credit purposes.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Miraglia and second by Commissioner Forrester and upon unanimous vote, the meeting was adjourned at 10:10 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, September 12, 2019

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:30 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Howard Metz, Ju Oh, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Mary Ahearn, Jerome Reichmister, M.D, Scott Curtis, Amy Lackington, Art Hebbeler and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the August 22, 2019 Commission meeting were reviewed and, upon motion of Commissioner Forrester and second of Commissioner Metz, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported that the newest member of the Commission has been appointed by the Governor. Morrisann Martin will be joining the Commission effective September 30, 2019. The Chairman praised her knowledge of the law and the workers' compensation community. The Chairman reminded the Commissioners of the MWCEA tribute dinner downtown and to plan for traffic issues with the President in town at about the same time. The Commissioners discussed Breakfast with the Commissioners at the MWCEA Conference in September. Each Commissioner selected a topic for discussion. The Chairman reminded the Commissioners of the "Launch" of CompHub presentation at the MWCEA Conference on Tuesday morning, September 24th. He asked all of the Commissioners to wear the "Ready to Launch" buttons that were provided to them to market the presentation to all attendees. The Chairman discussed upcoming conferences with the IAIABC in Pittsburgh in October and SAWCA at the Greenbrier in November. The programs for both are posted for review. The Chairman discussed some policy topics as reminders for all of the Commissioners. Specifically, the Chairman asked the Commissioners to watch their dockets and allow attorneys in locations outside Baltimore to go earliest on the docket if they have cases on the same day in Baltimore. The policy is go outside the city first and then Baltimore. The Chairman also discussed "Commissioner Shopping" and the increase in issues being withdrawn to put the case back in the hearing queue. Commissioners should not hold on to cases when they are continued. They are to go back into the queue to be set again in normal course.

The Chairman introduced Art Hebbeler, Program Manager for the Enterprise Modernization Project. Art is attending the meeting to provide an update of the EMP and to discuss the announcement to the public at the MWCEA Conference. Art provided some highlights and advised the Commissioners that CompHub will be very different from WFMS.

Old Business: Scott Curtis requested the final approval of COMAR 14.09.04.03 – Legal representation and Fees. After discussion and a motion by Commissioner Schadt with a second from Commissioner Forrester, the motion to approve the changes to 14.09.04.03 was approved unanimously.

New Business: Open Enrollment for benefits is October 15 – November 14, 2019. The enrollment process will be done through Workday so please be sure that you know how to sign-in and access your benefits prior to the open enrollment period. Mary Ahearn reported that no summary statements will be sent this year and there is no grace period after November 14th so don't wait to enroll your benefits. The Personnel office is available for assistance if needed.

The Commissioners discussed overhead fees and charges and the reimbursement of those types of fees.

Various "housekeeping" issues were discussed and Mary Ahearn will see that they are addressed.

Closed Session: At 10:50 a.m., upon motion of Commissioner Forrester and second of Commissioner Parker-Warren and upon unanimous vote, pursuant to GP §§3-305(7) the Commission entered a closed session for the purpose of consultation with Counsel to obtain legal advice on a legal matter.

Scott Curtis, Principal Counsel, provided advice to the Commissioners.

The meeting was reopened at 11:00 a.m., upon motion of Commissioner Forrester and second of Commissioner Parker-Warren and upon unanimous vote.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Parker-Warren and upon unanimous vote, the meeting was adjourned at 11:00 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, October 10, 2019

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:30 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Mary Ahearn, Jerome Reichmister, M.D, Scott Curtis, and Stacey L. Roig, Secretary of the Commission.

Approval of Minutes: The Minutes of the September 12, 2019 Commission meeting were reviewed and, upon motion of Commissioner Evans and second of Commissioner Quinn, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported that a second meeting date has been scheduled for December 19th and asked the Commissioners to please make a note of it. The MWCEA Holiday Luncheon will follow the meeting. The Chairman also asked the Commissioners to make a donation for the holidays for the parking attendant. Commissioner Schadt will collect for that gift. He also asked the Commissioners for their donation to help underwrite the actual cost of the Holiday Event for the staff. This is a nice way to say, "thank you" to the staff during the holiday season. Stacey Roig will collect for the staff event. The Chairman thanked all of the Commissioners for their support of the MWCEA Conference and the preparation for the Breakfast with Commissioners and their respective panels. The launch of CompHub was well attended and the presentation was a success. The recent email issues are being addressed by IT but, everyone should exercise due diligence and caution when opening email and do not open any attachments unless you verify that the sender is legitimate. The Chairman reported that the Budget Advisory Committee meeting took place this past week. The budget approval process is a multi-step process that begins with the preparation of the budget and ends with approval of the budget during the legislative session in February. The IAIABC Conference is in Pittsburgh later this month. There are many jurisdictions registered from around the country and several international delegations attending this year. The SAWCA conference is at the Greenbrier in WV in November and Senators Klausmeier and Feldman, along with Delegate Valderrama and several members of their staff will be attending the conference.

The Chairman asked Scott Curtis, General Counsel, to discuss some proposed legislative changes that will be necessary for the upgrades to CompHub. Mr. Curtis also discussed some regulatory changes to address medical only cases where the claimant's attorney is no longer representing the claimant. The Chairman noted that Commissioner Evans is working on developing a program with law students at the University of Baltimore ("UB") to work on medical only cases with UB supervision.

Old Business: The Commissioners discussed reserving on medical fees until proper documentation is presented. The Commissioners agreed that holding the attorney's fee along with the medical fee would give incentive to provide the required documentation in a timely manner. Spar language was approved.

Closed Session: At 10:00 a.m., upon motion of Commissioner Evans and second of Commissioner Quinn and upon unanimous vote, pursuant to GP §§3-305(7) the Commission entered a closed session for the purpose of consultation with Counsel to obtain legal advice on a legal matter.

New Business: Scott Curtis, Principal Counsel, provided advice to the Commissioners.

The meeting was reopened at 10:02 a.m., upon motion of Commissioner Forrester and second of Commissioner Quinn and upon unanimous vote.

New Business - continued: Mr. Curtis also presented a change to COMAR14.09.13.07. After discussion and a motion by Commissioner Quinn, and a second by Commissioner Evans and, upon unanimous vote, the change was approved.

Commissioner Parker-Warren discussed a request for rehearing on a settlement where the employer is requesting that the SIF and UEF assessments be waived due to a clause in the settlement agreement. Commissioner Metz discussed the changes to the Circuit Court Rules for court interpreters. The Chairman asked that Commissioner Metz share the new language for swearing in interpreters at hearings so that all of the Commissioners are using the same language.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Metz and upon unanimous vote, the meeting was adjourned at 10:38 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, October 24, 2019

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:34 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Jerome Reichmister, M.D, Scott Curtis, Assistant Attorney General, Steven Jones, Director of Insurance, Compliance & Reporting, and Amy Lackington.

Approval of Minutes: The Minutes of the October 10, 2019 Commission meeting were reviewed and, upon motion of Commissioner Forrester and second of Commissioner Metz, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported that he had just returned from attending the IAIABC conference in Pittsburgh. While at the conference, the Chairman met with representatives of NCCI to discuss medical data being compiled on pharmacies. Maryland healthcare costs, as they relate to workers' compensation, and Maryland insurance premiums have seen a significant reduction in recent years when compared to neighboring states. NCCI has prepared an Opioid Utilization Report which shows a slight overall improvement. The Commission was awarded the 2019 Bizagi Transformer of the Year – Public Sector. This award recognizes the outstanding accomplishment in digital transformation in the federal, state/provincial/regional, and local government sectors globally (not just North America or USA). The Chairman announced that Joyce McNemar, Chief Information Officer of the Commission, will be retiring in the near future and the Commission will begin recruiting for the position. Upcoming conferences for 2020 were discussed. Commissioners with less than one year at the Commission are required to attend the NAWCJ New Judges' Boot Camp being held March 5-6, 2020 in Nashville, TN. The Annual Report was distributed to the Commissioners. The Oversight Committee met on October 17, 2019. At that meeting, the Uninsured Employers' Fund gave an update on the funding report mandated by the Legislature. A panel discussion was held on the national use of medical marijuana in workers' compensation cases and how to pay for it. The Budget Advisory Committee signed off on the Commission's proposed budget and it has been sent to the Governor.

Old Business: None.

Closed Session: At 10:00 a.m., upon motion of Commissioner Oh and second of Commissioner Evans and upon unanimous vote, pursuant to GP §§3-305(13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, and COMAR 14.09.13.12, the Commission entered a closed session for the purpose of discussing self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division has determined that an increase in security deposit is required for Barrett Business Services. After discussion and, upon motion of Commissioner Parker-Warren seconded by Commissioner Quinn, the request for increase in security deposit was approved.

Mr. Jones also reported that ICR has determined that an increase in security deposit is required for Costco Wholesale. After discussion and, upon motion of Commissioner Evans seconded by Commissioner Quinn, the request for increase in security deposit was approved.

The meeting was reopened at 10:10 a.m., upon motion of Commissioner Forrester and second of Commissioner Quinn and upon unanimous vote.

New Business: Assistant Attorney General, Scott Curtis, presented changes to COMAR14.09.08.01, 14.09.08.02 and 14.09.12.02. After discussion and a motion by Commissioner Kittleman, and a second by Commissioner Metz and, upon unanimous vote, the changes were approved.

The Chairman asked the Commissioners to advise him if any claims come before them relating to UBER and LYFT.

Commissioner Evans confirmed with the Chairman that change of venue requests relating to county employers are still to be sent to the Chairman for review.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Metz and upon unanimous vote, the meeting was adjourned at 10:42 a.m.

R. Karl Aumann, Chairman

Amy S. Lackington, Acting Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, December 12, 2019

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:36 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Ju Oh, Maureen Quinn, Delia Schadt and Tracey Parker-Warren.

Staff members attending were Jerome Reichmister, M.D, Scott Curtis, Assistant Attorney General, Mary Ahearn, Chief Executive Officer, Steven Jones, Director of Insurance, Compliance & Reporting, and Amy Lackington.

Approval of Minutes: The Minutes of the November 7, 2019 Commission meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Forrester, the Minutes were approved with a unanimous vote.

Chairman's Report: The Chairman reported that the Commission has hired a new contractual IT Director, Kevin Naumann. The Chairman thanked Scott Curtis for his assistance with respect to CEIC's challenge to the delivery of prescriptions. In addition, he advised that the elevators are still experiencing slight problems; the Budget Advisory Committee signed off on the Commission's budget submission; and the first phase of CompHub is scheduled to be released in January 2020.

Closed Session: At 9:50 a.m., upon motion of Commissioner Martin and second of Commissioner Evans and upon unanimous vote, pursuant to GP §§3-305(13), LE §§9-402, 9-403, 9-405, 9-406 and 9-1104, and COMAR 14.09.13.12, the Commission entered a closed session for the purpose of discussing self-insured employers' financial information.

IC & R Report: Steven Jones reported on behalf of the Insurance, Compliance and Reporting Division that Federal Express Corporation requires an increase in security deposit. The matter was discussed, and upon motion of Commissioner Kittleman seconded by Commissioner Oh, the increase in security deposit was approved.

Mr. Jones also reported that FedEx Ground Package Systems, Inc. requires an increase in security deposit. The matter was discussed, and upon motion of Commissioner Parker-Warren seconded by Commissioner Schadt, the increase in security deposit was approved.

MGM Resorts International also requires an increase in security deposit. The matter was discussed, and upon motion of Commissioner Forrester seconded by Commissioner Schadt, the increase in security deposit was approved.

Mr. Jones then reported that Macy's, Inc. has requested an increase in retention. The request was discussed, and upon motion of Commissioner Kittleman seconded by Commissioner Oh, the request for increase in retention was approved.

Coca-Cola Refreshments USA, Inc. has requested a reduction in security deposit. A discussion was held. There are 35 claims with a potential for reopening. The matter was tabled until January to allow the Commissioners to review these claims and report their findings.

The meeting was reopened at 10:20 a.m., upon motion of Commissioner Forrester and second of Commissioner Kittleman and upon unanimous vote.

Old Business: An *en banc* hearing has been set for January 23, 2020 on the Bethlehem Steel hearing loss claims.

Commissioner Forrester discussed the practice of John Hall's office signing documents for claimants under a Power of Attorney.

New Business: State employees will have an additional personal leave day in 2020 due to the leap year.

Commissioner Evans discussed a meeting she and Commissioner Forrester had with the University of Baltimore with respect to an internship. They were advised that only University professors were allowed to supervise internships and that the professors themselves must be involved in any such internship program.

The program at the University of Maryland is broader. MSBA may be a source for referrals as might the Maryland Volunteer Lawyers Association. The Chairman urged the Commissioners to diligently follow-up on these avenues as legislation has been proposed to allow a fee to attorneys in medical only claims.

Medical Alerts: Dr. Reichmister discussed several medical alerts of interest to the Commissioners.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Evans and upon unanimous vote, the meeting was adjourned at 10:50 a.m.

R. Karl Aumann, Chairman

Amy S. Lackington, Acting Secretary

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, November 7, 2019

Call to Order: Chairman R. Karl Aumann called the meeting to order at 9:32 a.m.

Present: Chairman Aumann and Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Maureen Quinn and Delia Schadt.

Staff members attending were Mary Ahearn, CEO; H. Scott Curtis, Principal Counsel and Stacey L. Roig, Secretary.

Approval of Minutes: The Minutes of the October 24, 2019 Commission meeting were reviewed and, upon motion of Commissioner Quinn and second of Commissioner Forrester, the Minutes were approved with a unanimous vote.

Chairman's Report: Chairman Aumann reported that a claim involving a Baltimore City police officer that has been determined to be a suicide and not a homicide has been put in for a hearing and will be on a docket soon. He also reported that the Chief Information Officer of the Commission has decided to retire effective November 30th. The recruitment process will begin soon and it will more than likely be a long process. The SAWCA conference is next week and several legislators will be attending the conference. The IAIABC Conference in Pittsburgh was very good. The Chairman also attended a conference in Lithuania on behalf of the State of MD and the IAIABC. Of note is that Uber & Lyft drivers in both Germany and France are classified as employees. CA has recently passed a bill classifying Gig workers as employees and NY and IL are looking at similar legislation. Commissioner Quinn discussed an Uber driver, who was a pro se claimant, where a "Stipulated Order" was presented that looked more like an Agreement of Settlement. Commissioner Quinn ordered Uber to cease filing the stipulated orders and, if one is filed in a claim, it should be put in for hearing so that it is clear that the driver understands what rights and benefits are being waived for the settlement. Finally, the Chairman reported that the Holiday Extravaganza is December 12th following the Commissioners' meeting. The Commissioners were asked to please stay through the end of the party and mingle with the staff. There will be a new gift exchange game this year.

Closed Session: At 10:10 a.m., upon motion of Commissioner Evans and second of Commissioner Quinn and upon unanimous vote, pursuant to GP §§3-305(07), the Commission entered a closed session for the purpose of receiving advice from Counsel.

Scott Curtis, Assistant Attorney General and Principal Counsel to the Commission, discussed the use of a certain code that was the subject of an unreported circuit court case. Mr. Curtis provided advice to the Commissioners regarding this case.

The meeting was reopened at 10:24 a.m., upon motion of Commissioner Forrester and second of Commissioner Martin and upon unanimous vote.

New Business: The Commissioners discussed a request to "Pass for Stipulation" and how to handle those requests. The Chairman discussed recent complaints about staff and asked the Commissioners to please discuss personnel matters with the Division Directors. Kids' Chance is sponsoring a bowling event in February. Jeff Horowitz is coordinating the event. The Chairman asked all of the Commissioners to participate and attend. Commissioner Forrester discussed a recent Baltimore County

Maryland Workers' Compensation Commission
Meeting Minutes
Thursday, December 19, 2019

Call to Order: Chairman R. Karl Aumann was delayed in his arrival and asked Commissioner Maureen Quinn to call the meeting to order at 9:46 a.m.

Present: Commissioners Kathleen Evans, James Forrester, Allan Kittleman, Morrisann Martin, Howard Metz, Maureen Quinn, Delia Schadt and Tracey Parker-Warren. Chairman R. Karl Aumann arrived moments later.

Staff members attending were Mary Ahearn, Jerome Reichmister, M.D, Scott Curtis, Amy Lackington and Stacey L. Roig, Secretary.

Approval of Minutes: The Minutes of the December 12, 2019 Commission meeting were reviewed and, upon motion of Commissioner Evans and second of Commissioner Quinn, the Minutes were approved with a unanimous vote.

Medical Alerts: Dr. Reichmister presented a summary of a report on the high cost of prescription drugs in the United States, as reported in an August 2016 JAMA article. He also reported that he has prepared a Primer for Non-Commissioners and, particularly, the Interpreters, to help with understanding the medical terms used at hearings. Dr. Reichmister also discussed several medical alerts of interest to the Commissioners.

Chairman's Report: Chairman Aumann thanked the Commissioners for attending and participating in the Holiday Event with Commission staff. Kevin Naumann, CIO for the Commission, has begun his work with the IT Department and the Enterprise Modernization Project team. He is working on completing the Wi-Fi availability project. The Chairman asked the Commissioners to be sensitive to hotel costs and always ask for the government rate when making reservations in the various regions where the Commission holds hearings. The General Assembly convenes on January 8, 2020 and it is expected that there will be some legislation introduced regarding payment of attorney fees in medical only cases. The budget hearing dates should be published before the end of the year.

Old Business: No Report

New Business: No Report

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Quinn and upon unanimous vote, the meeting was adjourned at 10:15 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary

case and apportionment and some possible future challenges with non-presumption occupational diseases. Commissioner Forrester also discussed a medical marijuana reimbursement case. Commissioner Metz discussed a large settlement reimbursement that a local law firm had to pay to CMS because Medicare's interests were not protected. The Commissioners discussed several case situations of interest.

Old Business: Mary Ahearn discussed interpreters and a request for feedback on interpreters. Please be specific in your feedback.

Adjournment: Upon a motion by Commissioner Forrester and second by Commissioner Metz and upon unanimous vote, the meeting was adjourned at 11:12 a.m.

R. Karl Aumann, Chairman

Stacey L. Roig, Secretary