

STATE BAR OF MICHIGAN
WORKERS' COMPENSATION SECTION
MEETING MINUTES FOR APRIL 4, 2014

MEMBERS PRESENT: Chuck Palmer, Bill Housefield, Ella Parker, Rosa Bava, Jason Chizick, Matt Conklin, Tim Esper, Phil Frame, Dennis Flynn, and Andrea Hamm

Chair Chuck Palmer called the meeting to order at 9:05 a.m. to address the following agenda for 4/4/14 meeting:

1. Meeting called to order
2. Secretary report
3. Treasurer's report
4. Old business
 - a. Summer meeting update
 - b. 2014 Hall of Fame nomination
 - c. Past chairperson golf outing
5. New business

SECRETARY'S REPORT:

Ella Parker, acting on behalf of Secretary Chris Rabideau, prepared and circulated a copy of proposed minutes of the council meeting held March 7, 2014. Ms. Parker, acting on behalf of Mr. Rabideau, indicated that she had not received any request for additions or corrections. Following a motion by Rosa Bava, and seconded by Tim Esper, the minutes were approved.

TREASURER'S REPORT:

Ella Parker provided the treasurer's report. Through February 2014, we had a balance of \$82,335.12. She reported there had been no major expenses during the preceding 30 days. Following a motion by Rosa Bava, and seconded by Tim Esper, the treasurer's report was approved.

OLD BUSINESS:

a) **Summer meeting update.** Chuck Palmer reported that he continues to work on finalizing the arrangements with Crystal Mountain. He stated they are working on finalizing the menu at this time. Once all the final details are completed, a form will be sent out to the Section members from the State Bar. There will also be a form sent out by Crystal Mountain to the Section members. Mr. Palmer then opened for discussion the subject of what speakers and what topics should be put on the agenda for the program. He mentioned that he anticipated evidence based medicine being a hot topic but noted, based on letters and comments, that there may be a delay in passing the proposed rules, which were discussed with Director Elsenheimer at the March 7, 2014 council meeting. Mr. Palmer stated that he had sent an e-mail to the Director requesting any information that he could provide regarding the status of the proposed rules.

Director Elsenheimer replied via e-mail that he was on vacation for two weeks but would communicate with Chairperson Palmer as soon as he returns. Staying with the discussion of EBM, Chairperson Palmer suggested the possibility of an ODG speaker. Member Esper stated that he had a physician in Ann Arbor who was quite familiar with EBM and, he believes, would be willing to come up and speak to the Council or to the Section. Member Hamm suggested Phil LeFevre, who is the Director of Work Loss Data Institute, LLC, as a possible speaker on ODG. A general discussion regarding EBM was held with some members expressing an opinion that it would be premature to discuss proposed rules involving EBM, when there was no certainty that these rules would be adopted in the immediate future. There were other members who expressed strong opinions that EBM would be a part of the future and that we should be as well informed as possible. Member Esper made a motion that a two-member committee (one employee, one employer) be created to keep the Council informed and updated regarding EBM issues. Following discussion, the motion was passed unanimously. Member Esper then made a motion that the sub-committee consist of Rosa Bava and Tim Esper. Following further discussion, and hearing no other requests to be on the committee, the motion passed unanimously.

Chairperson Palmer advised the Council that it is always a challenge for him to figure out what is payable under cost containment rules when faced with a medical bill from a provider, hospital, etc. He felt it would be useful to have someone come and speak about the health care/cost containment rules. He mentioned that he recently had discussed this issue with Chris Kloc, who is an employee of the Workers' Compensation Agency. She is a person that is very knowledgeable and has information on the health care rules. A general discussion was held, and it was agreed that such a discussion would be beneficial to members of the Section. It was decided Council would wait on some direction from Director Elsenheimer before extending a formal invitation to Ms. Kloc.

A discussion of what expenses are reimbursable to a state employee was reviewed.

Chairperson Palmer indicated that he would, on behalf of the Council, extend an invitation to Director Elsenheimer, Chief Magistrate Klaeren, and Chairperson Wheatley to come and speak at the Annual Meeting.

b) **2014 Hall of Fame Nomination.** Chairperson Palmer reported that the nominating committee had unanimously voted for Paul Lazar and John Charters to be nominated for induction into the Hall of Fame. Member Housefield formally moved for the admission of Mr. Lazar and Mr. Charters into the Workers' Compensation Hall of Fame. Following a second of the motion by Ms. Parker, as well as a discussion, the Council voted unanimously for the induction of these two individuals.

Member Housefield suggested that plaques honoring the Hall of Fame members should be ordered, along with a plaque for the incoming chairperson. Member Parker moved that an expenditure of up to \$600.00 be authorized for the three plaques. Member Flynn seconded the motion, and following discussion, the motion was passed unanimously.

c) **Past Chairperson Golf Outing.** Member Housefield reported that the letter of invitation was sent out by Member Flynn and that to date we had received four confirmations of attendance for the golf and dinner and four past chairpersons expressing their regret that they could not attend this year. It was felt that some members would need to be contacted directly for a follow-up response. In addition, none of the 13 current Council members had been surveyed regarding their attendance. Member Housefield stated that he had reserved a room at the U Club for the Council's meeting on the morning of May 9, 2014. The room is free of charge, and lunch could be served if there was sufficient interest. Member Housefield suggested that a beverage service consisting of coffee, tea, and assorted juices/soft drinks should be sufficient. The cost would be \$5.95 per person, and he had indicated that ten people would be attending. Member Housefield confirmed that there was Wi-Fi connection at the University Club which would allow members who could not attend the Council meeting in person to attend via Fuze. It was decided that no pre-authorization for an expenditure of monies needed to be made since the U Club was on the list of approved vendors by the State of Michigan and that their bills could be sent directly to the State Bar following formal approval of the expenditures by Council.

NEW BUSINESS:

Chairperson Palmer reported that Chief Magistrate Klaeren communicated with him that there had been no new issues or developments since the Council meeting of March 7, 2014. Likewise, Chairperson Wheatley expressed there had been no new cases or developments at the MCAC. It was also noted that Director Elsenheimer was on vacation.

APPELLATE PROCEDURE:

Member Frame referenced some appellate procedure practices by the MCAC which seemed to be somewhat at odds with past procedures. He wanted to know if there were any other members who were aware of any policy, decisions, or changes. There were other members who expressed opinions that there seemed to be some differences in application of the MCAC's rules. It was suggested that the Council request Chairperson Wheatley to address these concerns at the upcoming Annual Meeting.

Chairperson Palmer entertained a motion to adjourn, which was made by Ms. Parker, seconded by Ms. Hamm, and voted on unanimously.

Respectfully submitted,

J. William Housefield, Jr.

Acting on behalf of Secretary Chris Rabideau in his absence.