

Minutes of January 12, 2018 Council Meeting

Called to Order by Chairperson Tim Esper at 9:05 am.

The meeting was held via teleconference organized by Ella Parker. The telephone number was (888) 808-6929 with access code 4333758.

Present by telephone: Tim Esper, Sean Shearer, Dennis Flynn, Rick Lovernick, Dan Zolkowski, Chief Magistrate Lisa Klaeren, Phil Frame, Rosa Bava, Chris Westgate, Jayson Chizick, Jeffrey Kirschner, John Combs, Director Mark Long, Chairperson George Wyatt (MCAC), and Ella Parker.

Chairperson Esper opened by noting Winter Meeting was a success considering the amount of members participating and thanked the organizers, Phil Frame and Andrea Hamm. It was noted that we even had an UP participant, Moher.

1. Secretary's Report – Andrea Hamm

It was determined later in the meeting that due to Ms. Hamm's tardiness in providing the minutes and due to their length and need for Chairperson Esper to review prior to adoption that they would be circulate in one week's time for a motion and adoption.

2. Treasurer Report – Rosa Bava

Ms. Bava noted that the financial documentation circulated recently was complete as to membership dues and payment of Winter.

Question Phil Frame to Andrea Hamm. Winter Meeting more than in previous years? Yes, due to hot breakfast but she noted that the participation was higher than the previous 3 years.

Chairperson Esper noted that the only payment missing was reimbursement to him in the amount of \$40.00. The \$40.00 was for a tip to the waitresses presiding over our lunch on December 8th.

Chairperson Esper called for discussion. When there was none, he called for a Motion to adopt the Treasurer Report. Jayson Chizick moved Jayson, Sean Shearer seconded, and the motion carried without opposition.

3. Director Report – Mark Long

Director Long noted the Medicare/Medicaid/FOC form is out live and is being used and hopefully, it is having positive impact.

Director Long was questioned as to why the addendum does not address "Medical Left Open"? He advised that he wanted to prevent inconsistencies between the Addendum and the Order, which already addresses whether medical is being left open.

Director Long indicated that the benefit calculator went live 1/4/18 and is web based so you can just click on a link to put app on devices. Although the program does take into coordination with Social Security benefits, it still cannot process post-2011 interest. However, he does expect this enhancement soon.

4. Chief Magistrate Report - Lisa Klaeren

Chief Magistrate advised that not a lot has happened since our December meeting but the Governor did issue a press release Appointing John Sims. He will be rotating between Okemos and the UP with 3 weeks in Okemos and 1 week in the UP. Chief Magistrate also advised that Magistrate Woons will be taking over the vacated Tjapkes docket

Chief Magistrate advised that she has been seeing the Medicare/Medicaid/FOC form is being used already and will be required on 3/1/18. She is hopeful that the Medicare/Medicaid/FOC form will probably require a more in depth discussion with clients concerning Medicare's Interests. She also noted that Medicare's interests needs to be addressed in every case.

Jeffrey Kirschner questioned if Medicare's interest could be addressed in the Affidavit rather than the Medicare/Medicaid/FOC form. Chief Magistrate answered no and the Addendum is required in all cases. She indicated that we should still address Medicare in the Affidavit but the form is specifically addressing the guidelines and can be used in Federal Court as evidence Medicare's interests were considered if challenged by Medicare.

5. MCAC Report – George Wyatt

Chairperson Wyatt noted that they ended 2017 with 43 opinions issued. Currently, they have 90 active workers' compensation appeals with 72 ready for review. He noted they have already issued one opinion so far this year and several more will be issued at months end. He noted he expects to have higher productivity this year than in past years due to the full complement of 9 members and with most members having experience with workers' compensation.

Chairperson Wyatt advised that the acting Director of MAHS set up a meeting with Unemployment Director in order for him to address the delays in making workers' compensation decisions and how this is being directly impacted by receiving very old appeals with no notice. He noted that at the December Meeting Mark Greenman asked for average case length for workers' compensation appeals and he used the information he compiled to Mark Greenman's question to press upon the Unemployment Agency that they are causing a lot of problems for the workers' compensation community. As of this morning, the acting Director of MAHS was made the permanent director.

6. Legislative/Rules Update – John Combs/Jayson Chizick

Nothing going on.

7. Newsletter – Jayson Chizick

Please, please, please provide information for newsletter. He pondered perhaps writing article “Blast From The Past” about Sims’ appointment. He is hoping the newsletter to be out mid-February and is hoping to have two newsletters prior to the Summer Section Meeting. He again asked for articles and noted they do not have to be work compensation related.

8. Hall of Fame – Establish Committee to make nominations

Chairperson Esper questioned Past Chairperson Ella Parker concerning the composition. She noted that the Committee is comprised of the Current Chairperson, the current Vice Chairperson and the past two Chairpersons. He noted that the nominations have to be voted on one month prior to the Summer Section Meeting.

Phil Frame asked if the qualifications could be circulated. Past Chairperson Ella Parker noted that the qualifications were published in the past two years in the newsletter.

9. Past President’s Tiger Ballgame – Wed May 16 – Chris Westgate

Mr. Westgate noted that the tickets don’t go on sale until the 22nd. He noted the game will take place May 16th at 1:00 pm and lunch at 11:00 am at The Tiger Club. The price of the game is \$45 per ticket and \$42.00 for lunch; however, this depends on how many attend. He speculated 15 to 20 based on last year’s numbers. He is planning on sending an email for people to sign up and will request funds once he sees how many people plan on attending.

Chairperson Esper addressed whether we wanted to have our normal meeting the date of the event in the morning and then lunch, and ball game. He noted the 30 day requirement for nominations to Hall of Fame prior to the Summer Meeting as to why the May meeting is so important and having it tied to the event might not be a good idea. Chairperson Esper stated an alternative is to have a meeting the Friday before the Tiger game. The previous Friday is May 11th.

Chairperson Esper called for a Motion to Change the Date of the May Council Meeting to May 11th. Jayson Chizick so moved, Chris Westgate seconded, and the motion passed without opposition.

10. Summer Meeting – approve deposit

Chairperson Esper noted that although the Hotel Indigo does not require a deposit, he felt it prudent to divide the payments. He then asked for a Motion to approve a deposit of no less than \$1,000.00 and no greater than \$1,500.00. Andrea Hamm so moved, Chris Westgate seconded, and motion passed with no opposition.

11. Remote meeting procedure – Jayson Chizick

Jayson was asked to come up with an appropriate forum because google hangouts not working out. Mr. Chizick agreed to work on it. Later in the meeting, Chairperson Esper again questioned Mr. Chizick how the March 2nd meeting would be held. Mr. Chizick noted he is going to keep looking into it including Uber Conference which would cost \$100.00 a year.

During this topic, Mr. Chizick questioned Chief Magistrate Klaeren and Director Mark Long whether one or two hearing office staff could take part in the Summer Meeting. The overall consensus was that MAHS may not agree to this and the staff people would have to be part of the program to justify their attendance. Anne Williams was overwhelmingly recommended as the staff person to take part.

Chairperson Esper questioned Past President Ella Long about reimbursement for past attendees. She advised that those who spoke, their accommodations were paid for on the master bill to the Section. She specifically advised that the attendees have to speak in order for their bills to be paid under the rules.

Chairperson Esper indicated that a speaker has not been selected and he is accepting suggestions for speakers. Jayson Chizick recommended a panel of Magistrates and Doug Klein to clarify conditional payments not clear from Winter Meeting.

Jayson Chizick moved for the Council to approve payment of up to three Magistrates who serve on discussion panel for the Summer Meeting, Andrea Hamm seconded, and the motion passed with no opposition.

After a brief discussion, it was determined that Phillip Frame could get Doug Klein, who is one of his Medicare vendors to write a summary as to what is going on with Medicare particularly the delay in receiving conditional payment final letters and to provide a handout. It was requested by Jeffrey Kirschner that Mr. Klein be given at least 15 to 20 minutes to explain the handout at the Summer Meeting.

12. New Business

Chairperson Esper noted he had no new business and asked if there was any new business from all of the members. No one answered.

13. Meeting Adjourned

Chairperson Esper noted the next meeting will be March 2nd and the format is TBD by Jayson Chizick.

Chairperson Esper called for a Motion to Adjourn. Jeffrey Kirschner so moved, Phil Frame seconded, and the motion passed with no opposition.

The meeting adjourned at 10:03 am.