

Minutes of WC Section Council Meeting—November 1, 2013

Members Present: Palmer, Housefield, Rabideau, Parker, Combs, Frame, Esper, Flynn, Conklin, Sesi. Also present was Deputy Director Jack Nolish.

1. Chuck Palmer called the meeting at 9:05 a.m.
2. **Secretary's report:** Chris Rabideau submitted the minutes of the October 4, 2013 Section Council Meeting. A minor correction was made to the minutes, and following a motion to accept the minutes as corrected, the motion passed.
3. **Treasurer's Report:** Ella Parker submitted the Treasurer's report. She noted that the Section will close the year with a \$68,502.82 balance. Section dues will begin coming in the month of November. She believes that the Section will be in a better financial position next year because we will not have the additional cost of the 100th Anniversary Celebration. Ella also noted that the newsletter is now less costly. It used to cost us about \$12,000 per year. It only costs the Section between \$2,000 and \$3,000 with the current email version. Ella stated that the Section's balance will be up in the coming months as bar dues continue to come in. She noted that the amount of dues has not changed substantially over the last several years. Following a motion to accept the Treasurer's report, the motion passed.
4. **Director's Report:** Deputy Director Jack Nolish discussed the pure premium rate reduction. Over the last three years this has gone down. This seems to be due to the decrease in the number of work injuries and in contested cases. Jack also noted that there are changes coming with health care service guidelines, an opiate prescription and treatment rule, and custom compounding of pharmaceuticals rule. The FDA is also working on opiate guidelines.
5. **MCAC Report:** Jack Wheatley was not present but did pass along that there was nothing new at the MCAC.
6. **Magistrate's Report:** No Magistrate's report presented.
7. **Old Business:**
 - A) **Subpoena Issue:** Chuck sent out an email blast of a memo that clearly outlines the legal basis for medical providers requirement to comply with attorney signed subpoenas. Marty Critchell informed Chuck that this only applies to cases after the statutory change of 12/19/2011. Chuck believes that Marty may be correct on this issue. So the problem still remains that medical providers can refuse to comply with attorney signed subpoenas for cases prior to the December 2011 amendments. Ella Parker requested medical records from the V.A. Clinic and received a response that she needed a subpoena signed by a magistrate that can enforce a contempt for non-cooperation. Michigan Workers' Compensation

magistrates cannot enforce contempt of court, and therefore, would be unable to sign an enforceable subpoena according to the VA. Chuck noted that since the VA is a federal agency, the Michigan magistrates do not have the power to order federal agencies to do anything. This reinforces the ongoing need for cooperation between plaintiff and defense attorneys to obtain authorizations signed by the claimants to obtain some of these medical records.

B) HR 1982: Chuck Palmer has obtained authority from the SBM for the Section to lobby on behalf of HR 1982. He will be writing a letter to the Michigan representatives on the House Ways and Means Committee.

C) Summer Meeting: Chuck Palmer provided three proposals for the Summer Meeting including Crystal Mountain, Shanty Creek, and Mission Point. Chuck indicated that he would like to try to have the meeting on a Friday and Saturday to try to help increase attendance. The only facility that could do a Friday/Saturday was Shanty Creek on 6/27/14 and 6/28/14. Some Council members expressed their concern that this weekend is too close to the July 4th holiday and this will hurt attendance. Bill Housefield said that we should instead focus on trying to make the content of the meeting and the weekend activities better so that the meeting will be a bigger draw to our members. Based on the discussion, Chuck will look at 6/19 to 6/21 (Thursday/Friday) and will focus on Crystal and Shanty Creek. We will try to vote on this matter by email before the next meeting.

D) Winter Meeting: Chuck Palmer indicated that the facility and speakers are all set. Now we need to publicize the Winter Meeting by email blast, newsletter, and flyers in the Agencies.

8. **New Business:**

A) Kevin Kales resigned: Chuck Palmer stated that the bylaws call for the Council to name a new member to replace Kales. Traditionally, plaintiffs and defendants choose their own members. Kales is an east-side plaintiff. Chuck will solicit names of interested persons and we will vote on it at the next Council meeting.

B) Internet web-based video conferencing: Matt Conklin believes that we can do a better job of holding our meetings by using internet video conferencing. He has explored options and the best one seems to be a video conferencing system called Fuze. This system holds 12 high-definition video feeds and is easy to use. He recommends that the Council appoints a committee to further explore Fuze and other options. The Council appointed Conklin, Parker, and Combs. We will bring our laptops, iPhones, and Ipads to the next Council meeting (lunch meeting after the Winter Meeting), and we will try this out.

C) Phone list: Tim Esper will update the Workers Comp attorney cell phone list.

Once all additions, deletions, and corrections are made, Chuck will send it out to members in an email blast.

The meeting was adjourned at 10:17 a.m.

Respectfully Submitted,

Christopher J. Rabideau
WC Section Council Secretary