

MINUTES OF 9/11/15 WC COUNCIL MEETING

Chris Rabideau called the meeting to order at 9:00. Present were council members Bava, Brown, Chizick, Conklin, Esper, Flynn, Frame, Kirschner, and Westgate. Also present were Jack Wheatley, Lisa Klaeren and Mark Long.

The minutes of the June meeting and general membership meeting were adopted unanimously. Chris Rabideau confirmed that we voted electronically on 8/6/15 to approve a \$500 deposit for the winter meeting at St. John's in Plymouth.

TREASURER'S REPORT

Dennis Flynn reported that all bills for the summer meeting have been paid and our balance was approximately \$80,300.00 after the \$500 payment to St. John's. His report was adopted unanimously.

DIRECTOR'S REPORT

Mark Long reported that the new system, which will include the Board of Magistrates and Appellate Commission, is now on hold due to various issues. In the meantime, the present system 'Works' works. The biggest goal of the new system is an electronic portal although there have been complications.

Mark reported that both the regulatory and hearing office were moving to Okemos effective 9/21/15. Mark reported that the opioid rules were effective 6/26/15 for injury dates starting that day. As of 12/26/15, all dates of injury will be subject to the rules. He reported that workers comp claim costs continue to decline as do premiums, medical expenditures, etc. Mark advised that he is taking a wait-and-see approach on evidence based medicine. He said that most comp carriers are using some form of EBM already.

CHIEF MAGISTRATE'S REPORT

Lisa Klaeren endorsed Mark Long's reversal of MAHS plan to separate contested cases on the planned computer system. She agreed that having the Agency's regulatory and hearing office together in Okemos has significant advantages.

Much discussion was held regarding scheduling conferences, orders, and status conferences. Lisa said that 18 months remains the goal for completion of contested cases. She noted that scheduling orders are not required by the rules but scheduling conferences are required within 30 days of a pretrial. Efforts to standardize scheduling conference/status conference practice throughout the state have not worked. Having scheduling conferences instead of a pretrial has proved problematic since pretrials are required by law. Members Bava, Kirschner and Chizick reported the difficulties attending mandatory scheduling conferences that were set without input from the parties. Lisa advised that she has no problem with scheduling conferences being held at different times of the day even in the afternoon. Member Chizick inquired whether, by order, she could make a pretrial into a scheduling conference. Mark Long and Lisa Klaeren both thought this might be possible.

We discussed redemptions in non-contested cases. Member Bava suggested that, instead of sending a blank file, the agency should include at least a form 701. Mark and Lisa said this could be done. Lisa said that the requirement of filing a form C for redemption only cases has been working well and will not be changed.

Lisa pointed out that there is a major problem with redemptions when a defense attorney's appearance does not match coverage information in the system. Such discrepancies should be ironed out prior to a redemption date.

Lisa reluctantly raised the issue regarding lack of attorney professionalism in dealing with appearances for scheduling conferences etc. She reported that the trial completions within 30 days are running at 86%. The time from record closing to signed decision is running about 22 days plus 5-7 days review/processing in Dimondale before mailing.

In 2014, she reported there were 6,199 filings and that they may be up a little bit this year. All written decisions will now be posted at the agency website. Mark said there were still some logistical issues in accomplishing that but it will be done.

WCAC REPORT

Jack Wheatley pointed out that we had two commissioners present, himself and Danielle Brown. He reported on several personnel changes. He pointed out that funding for the WCAC is 80% UIA and 20% WC. The 80% is federal money which means the feds call the shots. Federal rules require decisions in UIA cases within 40 days. Jack reported that it took them 18 months to get their average down from 145 days to the 40 day requirement.

Average pending WC cases, is around 100, 75% already assigned for decision. He said that for a time they had 6 of 9 commissioners dealing with WC cases, 3 of whom had no WC experience. He says they now have 8 members who have comp experience and they expect productivity to increase.

KID'S CHANCE

Murray Feldman, the founder and current director of the MI chapter of Kids Chance, reported regarding the charity. His assistant, Sue DeLong, and a scholarship recipient from Michigan State, Alexis Bourque, also attended. Based on their presentation, Chris Rabideau suggested that, instead of the \$2,500 contribution we had previously discussed making after the Sept Council meeting, we increase our current contribution to \$5,000 (in addition to the \$2,500 we contributed in June '15), same to be promptly paid. Dennis Flynn made that motion, which was seconded by Rosa Bava and approved unanimously.

WINTER MEETING

Phil Frame suggested that there being little case law to update, we skip that portion of the meeting. He suggested that we invite Doug Klein as a guest speaker to discuss Medicaare issues. There was unanimous support for Doug Klein as the invited speaker.

SECTION MEMBER SURVEY

Member Chizick promised that the survey would be ready to circulate at our November meeting for approval so it could be sent to the section membership for response prior to the Winter meeting.

LEGISLATIVE UPDATE

Chris Rabideau discussed SB 1514 re MSA's. He requested authorization to send letter to Senators Stabenow and Peters in support. Member Flynn made the motion, seconded by Member Frame, and it was unanimously approved.

2016 SUMMER MEETING

Boyne Mountain Resort is the venue, dates June 16-18. Motion by Member Flynn seconded by Member Bava to allocate \$1,000 to Boyne activities approved unanimously.

FUTURE MEETING DATES

Nov 6; Dec 4 Winter Meeting at St. John's; Feb 5; Apr 15; May 13 meeting/Past Chairperson Golf Outing/Banquet; June 16 at 4pm at Boyne Mountain Resort.

Member Frame moved to adjourn, seconded by Member Flynn, and passed unanimously.