

**Industrial Commission's Advisory Committee  
On Workers' Compensation  
Minutes  
November 8, 2017**

**Members Present**

James Arnold, Chairman  
Ray Anchustegui  
Dave Anderson  
Connie Barnett  
Dr. Paul Collins  
John Greenfield  
Mike McPeek  
Craig Mello  
Gardner Skinner  
Aaron White  
Brian Whitlock  
Ex-Officio: Representative Scott Syme

**Members Absent**

Larry Kenck  
Dane Higdem  
Ex-Officio: Senator Jim Patrick  
R. D. Maynard, Commissioner

**Industrial Commission**

Thomas E. Limbaugh, Chairman  
Thomas P. Baskin, Commissioner  
Mindy Montgomery, Director

**Opening Remarks and Introductions:**

Chairman James Arnold opened the meeting and led with introductions. Mr. Arnold next requested introductions of Committee members and public attendees. Commissioner Limbaugh announced the resignation of Commission Secretary Beth Kilian.

**Minutes:**

The Minutes of August 9, 2017 were presented for review and approval. Mr. Mike McPeek moved to approve the minutes of August 9, 2017 as written, seconded by Mr. Gardner Skinner. The minutes were adopted as written.

**Subcommittee Report(s):**

➤ Healthcare. Benefits Administration Manager Patti Vaughn, presented the report of the Subcommittee on Healthcare in regards to the issue of medical reimbursement for Telehealth services. The legislature had previously passed the Idaho Telehealth Access Act in 2015. In 2016, a bill had been introduced specifically including workers' compensation in the Idaho Telehealth Access Act but had died in Committee. This bill would not necessarily offer cost saving for workers' compensation because workers' compensation does not deal with chronic disease management and prevention.

The Subcommittee was asked to meet in anticipation of this bill being reintroduced. The Subcommittee's concerns were primarily licensure of medical providers, the location of medical providers, access to specialists, billing for the originating and remote sites, over sight of practitioners and fees. The Telehealth Act does not require medical providers to be

licensed in Idaho, but an IDAPA rule does. The Subcommittee agreed that there was no further action required on the issue at this time.

Chairman Arnold called on the Committee members for further comment; there were none.

### **Industrial Commission Report:**

➤ Proposed Statutory Amendments RS25611. Commissioner Baskin provided an update on the proposed rules in response to the Idaho Supreme Court ruling on *Corgatelli*. Handouts were provided in the agenda packets of RS25611. A Subcommittee was formed to discuss the proposed rules. Approval was received from the DFM for the proposal. An RS number was provided (25611).

- Idaho Code § 72-316 – Voluntary Payments of Income Benefits.
- Idaho Code § 72-408 – Income Benefits for Total and Partial Disability. Concern was expressed regarding the credit mentioned in Section 2(3). Commissioner Baskin explained the credit was for past monies paid for disability in excess of impairment. Commissioner Baskin went on further to explain that under *Corgatelli*, Employers and Sureties will end up paying impairment twice. Idaho Code § 72-408 seeks to rectify that overpayment.
- Idaho Code § 72-422 – Permanent Impairment

➤ Status of Submitted Rules RE Prompt Claims Servicing. Benefits Administration Manager Patti Vaughn presented an update on the Prompt Claims Rules IDAPA 17.02.04- *Benefits*; IDAPA 17.02.08- *Miscellaneous Provisions*; IDAPA 17.02.10- *Security for Compensation- Insurance Companies*; IDAPA 17.02.11- *Security for Compensation- Self-Insured Employers*. The proposed rules were published in the Administrative Bulletin on Wednesday, November 1, 2017. Public comment will be received through Wednesday, November 22, 2017 (sic). The deadline for submission to the Legislature is Friday, November 24, 2017. This update reflects the extensive work done by the Prompt Claims Servicing Subcommittee over recent years. Ms. Vaughn acknowledged that there was some opposition over the language used and encouraged anyone who had concerns to submit their written comments by the deadline.

Ms. Vaughn asked the Committee if there were any questions, there were none.

➤ Updates. Benefits Administration Manager Patti Vaughan presented an update on the EDI system implementation and the Draft Audit Guidelines.

- EDI Release 3.0 Implementation. Mandatory implementation of EDI went into effect on November 4, 2017. First Reports of Injury (FROI) submitted after this date will be returned to the claims administrator to be properly submitted to EDI

3.0. Paper FROIs submitted by injured workers or claimant's attorneys will still be accepted and entered manually.

Ms. Vaughn reported that the FROI are coming into the Benefits department and they are continuing to work with ISO to field technical problems as they arise. Frequent updates will be provided on the website.

**Public Comment:** The question of who to contact to get access was posed.

Ms. Vaughn explained that First Reports may be emailed in via the website or mailed in for those who do not have access.

**Public Comment:** Ms. Jeanne James questioned if there would be emails of when there would be updates of releases on the website

Ms. Vaughn deferred the question to Public Information Specialist Nick Stout. Mr. Stout indicated that there would but to check the website and IIC Twitter page as frequently as possible.

Ms. Vaughn indicated that the information is being sent out by ISO to all of the trading partners through their contacts. Ms. Vaughn also stated that emails and tweets were being sent out as well being put out in the EDI's community bulletin board.

- Draft Audit Guidelines November 2017. Copies of the Draft Audit Guidelines were made available during the meeting. The Draft Audit Guidelines are a comprehensive guide to the IIC's audit expectations created by the Subcommittee. The Audit Guidelines outline the events that trigger an audit and the statutory or regulatory authority that support the findings. Written comment would be accepted through Friday, December 22, 2017. Sunday, April 1, 2018, is the proposed implementation date for the Audit Guidelines.

**Public Comment:** Mr. Woody Richards raised the question if the Guidelines would be available on the website.

Ms. Vaughn indicated that they will be available on the IIC's website no later than tomorrow.

Mr. Mike McPeek voiced his appreciation of the efforts put into the creation of the Audit Guidelines. Mr. McPeek also raised concerns about whether there would be division for Summary of Payments (SOP). Ms. Vaughn indicated that comments in that regard were welcomed.

### **Updates and Other Issues/Announcements:**

- Industrial Special Indemnity Fund- FY19 Projected Assessments. Special Indemnity Fund Manager James Kile presented the report on the FY19 Projected Assessments. Mr. Kile made some remarks regarding the *Corgatelli* decision.

Financial: the update included the first three months of the year. The Special Indemnity Fund projects that they will come out even, with the possibility of being a little above the projected assessment of next year. This is due in part to the reduction of Complaints in 2015.

Administrative: the Special Indemnity Fund is about 85% above the previous year. This will result in increased work; it will affect the financial side for about 2 years.

There was a reduction of about 30% for the assessment of the next calendar year. The Notices of Intent are up 30%. The upcoming February report will be a better indication of the finances and claims.

Mr. Kile opened up the issue for questions. There were no questions.

### **Special Ballot Election of Advisory Committee Member:**

- Announcement of Member Vacancy & Introduction and/or Review of Nominee. Chairman Arnold announced the resignation of Mike Haxby, which was accepted. Chairman Arnold announced the introduction of three individuals who expressed interest in filling the vacancy; Aimee Aseendrup, Shellie Martin, and Lene O'Dell. Chairman Arnold asked each individual to summarize their professional background and interest.
- Nominations Subcommittee. Mr. Gardner Skinner presented updates on the Nominations Subcommittee. The Subcommittee was unable to meet. No action has been taken in reference to the nominations to fill the vacancy. Mr. Skinner commended Mr. Haxby on his service to the Advisory Committee. Ballots were cast and collected.

**Preparation and Topics for Discussion at the Next Meeting:** Commissioner Maynard's retirement was announced. Aaron White's appointment by Governor Otter to fill the rest of Commissioner Maynard's term was announced. Chairman Arnold asked for topics to be discussed at the next meeting. There were no comments.

Dr. Paul Collins encouraged people to go to the Idaho Industrial Injury and Opioid panel discussion.

Woody Richards announced the NCCI Idaho Forum at the Grove Hotel in Boise.

Jeanne James thanked the Industrial Commission staff for their assistance in implementing EDI.

Director Montgomery announced the job opening of Commission Secretary and requested any interested individual to contact Human Resources. Contact Public Information Specialist Nick Stout or Director Montgomery if you have a referral for the position.

Next Meeting Date: February 14, 2017 at 9:00 a.m.

There being no further discussion and no further business, Dr. Collins moved to adjourn the meeting seconded by Mr. John Greenfield.

The meeting adjourned at 9:51 a.m.