

**Industrial Commission's Advisory Committee  
On Workers' Compensation  
Minutes  
August 4, 2021**

**Members Present**

Dave Anderson  
James Arnold  
Dr. Paul Collins, Chairman  
Joe Maloney  
Shellie Martin  
Andrew Mecham  
Darin Monroe  
Mike Shuey  
Brad Stoddard  
Brian Whitlock

**Members Absent**

Richard Burleigh  
Brad Cederblom  
Dane Higdem  
Craig Mello  
Matt Pappas  
Ex-Officio: Senator Jim Patrick  
Ex-Officio: Representative Scott Syme

**Industrial Commission**

Thomas P. Baskin, Chairman  
Aaron White, Commissioner  
Thomas E. Limbaugh, Commissioner  
Mindy Montgomery, Director  
Kamerron Slay, Secretary

**Opening Remarks and Introductions:**

Dr. Paul Collins led the meeting by opening the meeting at 9:00 a.m. Introductions were not done due to the meeting being held via zoom.

**Minutes of February 10, 2021:**

The minutes of February 10, 2021 were presented for review and approval. Upon motion of Brian Whitlock, seconded by Dr. Paul Collins, the minutes of February 10, 2021 were approved. The minutes were adopted by unanimous vote.

**Industrial Commission Report:**

COVID-19 Data. Commissioner Baskin presented updated COVID-19 data. Commissioner Baskin summarized the current COVID-19 numbers: 1,888 claims, 48% denial rate, 2 death claims, and 6 complaints. The Commission has not yet had the chance to determine the compensability. Commissioner Baskin summarized the areas of workers seeing the highest number of COVID-19 cases. Commissioner Baskin stated it was too early to see the impact claims would have on premiums. The current data shows approximately \$770,000 in indemnity benefits and less than \$1 million in medical payments. Mr. Maloney inquired about the denial of claims. Commissioner Baskin hypothesized that it would be hard to determine where the exposure occurred. Dr. Collins asked if Idaho was an outlier. Commissioner Baskin stated that some states had enacted presumption bills for certain occupation classes, but Idaho has not.

2021 Legislation. Commissioner Limbaugh stated that due to legislative inactivity, executive agencies readopted their rules as temporary. Commissioner Limbaugh states there were no significant changes made.

Consistent with the Zero-Based Regulation Order, the Commission eliminated repeating language through SB1010 regarding burial expenses and consolidated it to one section of the statute. This legislation is different from the work of the Subcommittee on Burial expenses. Dr. Collins asked if the Subcommittee on Burial Expenses was recommending any action on increasing burial expenses. Ms. Vaughn stated the consensus seemed to be to leave it as is for now.

Milliman Benchmarking Report. Ms. Vaughn presented the Benchmarking Report prepared by Milliman for the annual review of medical fee schedule. Ms. Vaughn explained the report results were similar to prior years; the Commission's medical schedule is still above average for medical payments and does not merit an increase at this time. Ms. Vaughn indicated the report is available on the Commission's website.

EDI 3.1 Negotiated Rulemaking. Ms. Vaughn updated the Committee on the EDI 3.1 rulemaking. The Commission is aiming for July 1, 2022, as the implementation date. The EDI tables and guides were published on the Commission's website on June 16<sup>th</sup>. Ms. Vaughn stated with EDI 3.1 all paper claims would be converted. The Commission held negotiated rulemaking over the summer and received positive comments on the transition. Ms. Vaughn indicated this has been a multi-year effort and thanked everyone who has been involved in the process.

Medical Records Negotiated Rulemaking. Commissioner Baskin summarized the background on the medical records issue. Commissioner Baskin stated the Commission conducted a negotiated rulemaking meeting and had received comments on the proposed language. Commissioner Baskin summarized the changes and comments received. Commissioner Baskin stated the Commission would be holding another negotiated rulemaking session later in August and welcomed additional comments. The Commission will post the new date and time on the website for anyone interested in joining. Mr. Whitlock stated the negotiated rulemaking session was very productive and the Commission had been open to comments and concerns which were reflected in the new language. Mr. Whitlock thanked the Commission for taking the comments into consideration.

IRIS Modernization. Shana Barrowclough updated the committee on the IRIS project. Ms. Barrowclough reported that the Commission has partnered with a local technology integrator and is currently working on the first business application for the Employer Compliance Department. Ms. Barrowclough indicated the targeted roll out date for Compliance would be March 2022. IRIS will then move onto the Benefits Administration Department in July 2022. Ms. Barrowclough asked if there were any questions, there were none.

**Other Issues/Announcements:**

Dr. Collins asked if there were any questions or comments from the group.

**Public Comment:** Stephanie Butler clarified a question asked earlier about denial of COVID-19 claims. Ms. Butler explained that some COVID-19 claims were denied because there was

uncertainty as to where exposure occurred. Ms Butler also explained there were claims that come in from exposure at work but did not result in COVID-19.

Nick Stout announced that the Annual Workers' Compensation Seminar will be on November 3<sup>rd</sup> and will hopefully be in person with the possibility of virtual components. Registration is open and refunds will be offered until October. The Commission will post additional information on their website.

Election of Advisory Committee Members. Ms. Slay stated the following members were up for reelection and indicated they would like to continue to serve on the Committee: Richard Burleigh, Brad Cederblom, Mike Shuey, and Brian Whitlock.

Ms. Slay indicated the Committee would need to select a new Chairman for a 1-year term. Upon the motion of Dr. Collins, seconded by Joe Maloney, Brian Whitlock was nominated as Chairman. Ms. Slay will send the Committee members the voting ballot electronically after the meeting.

### **Preparation for Future Meetings**

Topics for Next Meeting. Dr. Collins asked if there were any additional comments or issues.

Andrew Marcham proposed discussing the formation of a subcommittee to review Idaho Code 72-208 regarding intoxication claims. Mr. Marcham explained that recently an employee was driving a company semitruck while intoxicated and caused a collision. Under 72-208, the employer was liable for the accident. Mr. Maloney asked about the company's policy on intoxication. Mr. Marcham stated the company was a drug free workplace and conducted random testing as well as post-accident testing. Mr. Marcham will bring the topic to the next meeting in November.

### **Next Meeting Date: November 4, 2021**

Darin Monroe moved to end the meeting, seconded by Shellie Martin. The motion carried by unanimous vote. There being no further discussion and no further business, the meeting adjourned at 9:47 a.m.