

**Industrial Commission’s Advisory Committee  
On Workers’ Compensation  
Minutes  
August 9, 2023**

**Members Present**

Dave Anderson  
James Arnold  
Richard Burleigh  
Dr. Paul Collins  
Brad Cederblom  
Randie Fisher  
Shellie Martin  
Joe Maloney  
Darin Monroe, Chairman  
Matt Pappas  
Brian Whitlock  
Mike Shuey  
Ex-Officio: Senator Kevin Cook

**Members Absent**

Andrew Marcham  
Mark Peterson

**Industrial Commission**

Thomas E. Limbaugh, Chairman  
Thomas Baskin, Commissioner  
Aaron White, Commissioner  
George Gutierrez, Director  
Kamerron Slay, Commission Secretary

**Opening Remarks and Introductions:**

Darin Monroe led the meeting and opened the meeting at 9:01 a.m. Darin Monroe reminded attendees to sign in. Darin Monroe next requested introductions of Committee members and public attendees.

**Minutes of May 10, 2023:**

The minutes of the May 10, 2023 meeting were presented for review and approval. Upon the motion of Dave Anderson, seconded by Jamie Arnold, the minutes of May 10, 2023 were approved. The motion carried by unanimous vote.

**Industrial Commission Report:**

IRIS Modernization. Ryan Linnarz provided an update on the IRIS modernization project. Mr. Linnarz indicated that the Benefits module has gone live, and that EDI 3.1 will be going live in September.

2024 Proposed Legislation. Commissioner Limbaugh indicated the Commission has proposed a legislative change regarding Notice of Hearing I.C. § 72-713 to eliminate the requirement for certified mailing. Commissioner Limbaugh inquired if there were any questions. There were none.

Arreola v. Scentsy Inc. Decision Discussion. Commissioner Baskin summarized the recent decision and suggested a proposed rule addition to the JRP to address the issue of IME disputes.

**Public Comment:** Chris Wagner expressed concern about the rule and suggested changes. Chris Wagner suggested preemptively filing and clarifying the timelines for the process.

Darin Monroe proposed a subcommittee on the IME issue. Upon the motion by Jamie Arnold, seconded by Dave Anderson, the Subcommittee on IME disputes was formed.

**Subcommittee:** Mike Shuey, Jamie Arnold, Darin Monroe (Chair), Shellie Martin, Richard Burleigh, Matt Pappas, Mark Peterson, Lene O'Dell, Joe Maloney, and Chris Wagener,

Workers' Compensation IDAPA ZBR. Kamerron Slay informed the Committee that the Commission would be starting the ZBR review of IDAPA 17.01.01 later this year. Kamerron Slay indicated the dates would be published on the website.

Milliman Report. Patti Vaughn summarized the latest Milliman report. Patti Vaughn inquired if there were any questions. There were none.

#### **Other Issues/Announcements:**

Update on MOU with Division of Occupational and Professional Licenses. Commissioner Limbaugh updated the Committee on the ongoing work regarding the MOU with DOPL.

Notices on IMEs. Darin Monroe indicated the topic had been discussed earlier in the meeting and opened the floor to discuss the issue of notice of IMEs from third party vendors.

**Public Comment:** Matt Andrew indicated similar experience with receiving IME notices from other vendors and indicated it would be better communicated through the in-state adjuster.

**Public Comment:** Chris Wagner agreed IME notices should be from sureties but indicated there are additional forms that need to be filled out and sent in.

Jamie Arnold suggested the issue of notice of IME be discussed within the Subcommittee on IME disputes.

Statutory Co-Employee. Matt Andrew presented information on the issue with the expansion of Idaho's of exclusive remedy rule regarding *Richardson, Kelly, and Carillo*. Matt Andrew suggested a legislative change would be necessary to resolve the issue. Upon the motion of Jamie Arnold, seconded by Matt Pappas, the Subcommittee on Statutory Co-Employee/Co-Employers was formed. The motion carried by unanimous vote.

**Subcommittee:** Randie Fisher, Joe Maloney, Darin Monroe, Matt Pappas (Chair), Jamie Arnold, Richard Burleigh, Lene O'Dell, Matt Andrew, Mark Peterson, and Brad Eidam,

**Public Comment:** Barbara Jordan inquired about the legislative proposal to narrow it down. Darin Monroe indicated the proposal would be to get back to pre-*Richardson*.

Advisory Committee Election: Jamie Arnold nominated Mark Peterson to be Chair of the Advisory Committee. The motion was seconded by Matt Pappas. The motion carried by unanimous vote.

***Public Comment:*** Barbara Jordan inquired about the nomination process. Kamerron Slay explained the current process.

**Preparation for Future Meetings:**

Topics for Next Meeting. Darin Monroe asked if there were any additional topics for discussion at the next meeting. There were none.

**Next Meeting Date: November 8, 2023**

Dave Anderson moved to end the meeting, seconded by Richard Burleigh. The motion carried by unanimous vote.