

**Industrial Commission’s Advisory Committee
On Workers’ Compensation
Minutes
February 8, 2023**

Members Present

Dave Anderson
James Arnold
Brad Cederblom
Randie Fisher
Shellie Martin
Joe Maloney
Matt Pappas
Mark Peterson
Mike Shuey
Brian Whitlock

Members Absent

Darin Monroe, Chairman
Dr. Paul Collins
Richard Burleigh
Andrew Marcham
Ex-Officio: Senator Kevin Cook

Industrial Commission

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

Opening Remarks and Introductions:

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

Minutes of November 9, 2022:

The minutes of the November 9, 2022 meeting was presented for review and approval. Upon the motion of Brian Whitlock, seconded by Mike Shuey, the minutes of May 11, 2022 were approved. The motion carried by unanimous vote.

Subcommittee Reports:

Medical Releases. Matt Pappas provided the Committee with an update on the Medical Release Subcommittee. Mr. Pappas discussed the proposed changes to JRP 3.

Public Comment: Barbra Jordan asked about the timeframe for adoption. Commissioner Baskin indicated that a change to the JRP can be done swiftly with consensus of the Commission. Mr. Pappas asked for a motion from the Committee to recommend the approval of the change JRP 3. Mr. Whitlock made the motion to recommend the approval of the change to JRP 3. Mr. Arnold asked for additional time to review the proposed changes.

Public Comment: Brad Eidam asked if ITLA had seen the proposed changes. The Commission indicated it had been sent to ITLA.

Mr. Pappas suggested wanting to recommend the change to give interested parties additional time to review. The motion failed due to lack of support. Mr. Arnold indicated if benefits continued to flow, there seemed to be no issues. Mr. Pappas summarized the defense side's issue with obtaining medical records authorizations in a timely manner.

Public Comment: Mr. Eidam indicated a protective order would help, but a blank authorization is an issue. Mr. Eidam indicated that some clients felt blank authorizations were an invasion of privacy and would like to know where the authorizations were being sent.

Public Comment: Kim Doumani indicated ISIF was having trouble obtaining medical records causing delays. Ms. Doumani indicated ISIF would appreciate anything that would make the process more efficient.

Commissioner Baskin summarized the issues on both sides and the statutory authorization to obtain medical records.

Public Comment: Mr. Eidam indicated providing claimants notice of who receives the authorizations would resolve some concerns.

The Commission indicated another meeting of the subcommittee to address some of the issues raised at the meeting today would be scheduled before the May Advisory Committee meeting.

Evidence Based Medicine, Guidelines, and Independent Medical Review and the Effects on Opioid Use. Mark Peterson summarized the subcommittee meeting for the Committee. Mr. Peterson indicated the subcommittee learned that the Idaho Behavioral Health Council has money earmarked to look into studies related to the opioid crisis. Mr. Peterson indicated some members of the subcommittee would be reaching out to IBHC to obtain additional information and determine next steps. Commissioner Limbaugh summarized the budget process, need for legislative approval, and timeline an agency would have to go through if a successful funding request for an opioid study was made to IBHC.

Industrial Commission Report:

Commissioner Baskin announced his retirement later this year. Commissioner Baskin stated it was an honor to serve and was grateful for the opportunity and for all the people he had the pleasure of working with.

Updated JRPs. Commissioner Baskin summarized the changes to JRP 3 to update changes to electronic signatures. There were no questions or questions.

2023 Legislation. Commissioner Limbaugh updated the Committee on the Commission's rule changes and related legislation.

IRIS Modernization. Shana Barrowclough updated the Committee on IRIS. Ms. Barrowclough indicated that IRIS went live in Employer Compliance in December. IRIS has started on the Benefits module, with an EDI 3.1 implementation date of September 15th.

Public Comment: Ms. Doumani indicated the ISIF Annual report was provided as a handout and if there were any questions to contact her.

Other Issues/Announcements:

Proposed Legislation. As the Senate Committee voted against the in-state adjusting bill the day before, Veritas was not present.

Public Comment: Chris Wagner indicated IDAPA - 17.01.01.305 doesn't align with Idaho Code 72-305 and suggested reconciling them.

Commissioner Baskin indicated the Commission was looking into the change, Commissioner Baskin stated the Commission doesn't require a brick-and-mortar location to fulfill the in-state adjusting requirement; the Commission is aware of 9 sureties that have adjusters work remotely in Idaho. Mr. Shuey inquired if the legislation would be coming back. Commissioner Baskin summarized the Commission's concerns and suggested proposals to address them.

Public Comment: Lene O'Dell asked for a memo stating a brick-and-mortar location was not required.

Joe Maloney informed the Committee that Idaho AFL-CIO was working on printing a bill that would address PTSI for all occupations. Mr. Maloney summarized an NCCI Report on PTSI in Idaho.

Public Comment: Stephanie Butler inquired if the bill will be during this session and if the language would be similar. Mr. Maloney indicated the bill would be this session and have similar language with a sunset.

Mr. Peterson indicated that employers would like to look at the data to see if it was a significant change.

Public Comment: Courtney Butler asked about print hearing and language. Mr. Maloney indicated he would provide her with the information.

Preparation for Future Meetings:

Next Meeting Date: May 10, 2023

Ms. Fisher moved to end the meeting, seconded by Matt Pappas. The motion carried by unanimous vote. The meeting ended at 10:45.