

**Industrial Commission’s Advisory Committee
On Workers’ Compensation
Minutes
May 8, 2024**

Members Present

Dave Anderson
James Arnold
Stephanie Butler
Brad Cederblom
Dr. Paul Collins
Randie Fischer
Andrew Marcham
Joe Maloney
Matt Pappas
Darin Monroe
Mark Peterson, Chairman
Mike Shuey
Brian Whitlock

Members Absent

Shellie Martin
Ex-Officio: Senator Kevin Cook

Industrial Commission

Thomas Limbaugh, Chairman
Claire Sharp, Commissioner
Aaron White, Commissioner
George Gutierrez, Director
Kamerron Slay, Commission Secretary

Opening Remarks and Introductions:

Mark Peterson led the meeting and opened the meeting at 9:03 a.m. Mr. Peterson reminded attendees to sign in. Mr. Peterson next requested introductions of Committee members and public attendees.

Minutes of February 7, 2024:

The minutes of the February 7, 2024, meeting were presented for review and approval. Upon the motion of Darin Monroe, seconded by Stephaine Butler, the minutes of February 7, 2023, were approved. The motion was carried by unanimous vote.

Industrial Commission Report:

IRIS Modernization Update. Mr. Linnarz provided an update to the Committee on the modernization project. Mr. Linnarz indicated 4 of 6 modules had gone live. Mr. Linnarz indicated the Rehab module was up next, followed by the CVCP module. Mr. Linnarz provided an update on the portal development. Mr. Linnarz indicated there would be stakeholder meetings regarding portal development. Mr. Linnarz indicated starting May 20th internal automation of certain settlement agreements would begin. Mr. Linnarz indicated only dismissal and charging liens would be involved in the rollout and orders on dismissals and charging liens would no longer be required to be submitted by the parties. Mr. Linnarz answered questions from the Committee on what settlements would be involved in the automation.

Public Comment: Emma Wilson inquired on the timeline for portal registration. Mr. Linnarz indicated the goal is July but would need to incorporate the feedback from the stakeholders. Director Gutierrez stated the Commission is starting the building phase and indicated how the portal is built will affect costs. Director Gutierrez indicated the more comprehensive the portal is, the more it would cost. Mr. Monroe inquired if the costs would mean filing fees. Mr. Pappas inquired if the filing amounts would be similar to the district court filing fees. Director Gutierrez indicated it depended on the design and encouraged stakeholders to participate in the upcoming meeting. Mr. Linnarz stated he would send out information the meeting at a later date.

Break

9:30 a.m. - 11:00 a.m. - Negotiated Rulemaking – 17.01.01

2024 Legislative Session. Commissioner Limbaugh updated the Committee on the agency's 2024 session.

Notice of Hearing. Commissioner Limbaugh indicated the agency's Notice of Hearing legislation passed the Senate unanimously but failed to be heard in the House.

IDAPA 17.10.01 – Crime Victims Compensation Program. Commissioner Limbaugh stated the agency's CVCP ZBR encountered unexpected hurdles during committee meetings. Commissioner Limbaugh indicated the Legislature had concerns about removing the medical fee schedule from the IDAPA, citing it would place it outside their purview. Commissioner Limbaugh indicated the agency would take lessons learned during this past session into consideration when working on the workers' compensation ZBR.

Agency Budget Update. Commissioner Limbaugh summarized the agency's budget. Commissioner Limbaugh thanked Senator Cook for his assistance with getting the budget through. Commissioner Limbaugh asked if there were any questions. There were none.

2025 Legislation. Ms. Slay explained the timelines and process for an agency to propose legislation. Ms. Slay indicated there was a short time frame for an agency to submit an idea for consideration for the 2025 session. Ms. Slay inquired if there were any legislative idea the Committee could come to a consensus on.

Public Comment: Chris Wagener commented on proposed legislation to address *Neel*. After some discussion, Ms. Slay indicated there wasn't a consensus on the idea.

Notice of Hearing. Ms. Slay indicated the agency would be reviving the legislative idea regarding Notice of Hearing.

Burial Expenses. Ms. Slay summarized the burial expenses legislative idea. Ms. Slay indicated the Committee previously had a Subcommittee on Burial Expenses and inquired if the committee would reconvene to discuss the issue. *Subcommittee on Burial Expenses: Jamie Arnold, Darin Monroe, Shellie Martin, Mark Peterson, Joe Maloney, Commissioner Sharp, Kayla Pollard, Director Gutierrez and Patti Vaughn.*

Audit Penalties. Ms. Vaughn summarized the audit penalties legislative idea. Ms. Vaughn indicated there was concern with the check writing waiver possibly waiving a statutory requirement. Mr. Peterson indicated the check writing waiver would be preferred to an audit penalty process. Mr. Peterson indicated if the check writing waiver process was not a viable option, it would be worth exploring what options other states use to options to regulate sureties. Ms. Vaughn indicated the Commission has been told by sureties that Idaho is put at the bottom of the pile because they focus on states with monetary penalties. Ms. Vaughn summarized what would fall under claims servicing, including check writing.

Public Comment: Ms. Weigel indicated Oregon recently changed their penalty structure and recently a penalty fine that had been \$600 was now a fine of \$3,000 for the surety. Ms. Weigel indicated it would be harmful for Idaho to become like Oregon.

A subcommittee was formed to further discuss the issue. *Subcommittee on Audit Penalties: Mark Peterson, Andrew Marcham, Cindy Wiegel, Lene O'Dell, Emma Wilson, Stephaine Butler, George Gutierrez, Shana Barrowclough, Matt Pappas, Commissioner Sharp, Patti Vaughn, Matt Vook, Darin Monroe, Commissioner Limbaugh, and Commissioner White.*

Employer Compliance. Mr. Seele summarized the two legislative ideas related to Employer Compliance. Mr. Seele indicated the first idea would remove the definition of “members of an employer’s family” under Idaho Code 72-212 to 72-102. Mr. Seele indicated that the other idea would clarify liability for members of an LLC for failure to obtain workers’ compensation under Idaho Code 72-219. Mr. Seele indicated both ideas were clarification of the statute based on recommendation for the agency’s legal counsel. Mr. Seele inquired if there were any questions. There were none.

Milliman Report. Ms. Vaughn summarized the Milliman Report. Ms. Vaughn indicated the report would be important when reviewing the medical fees schedule in the IDAPA. Ms. Vaughn indicated the negotiated rulemaking meetings on the medical fees schedule would be on June 24th and July 11th. Ms. Vaughn asked if there were any questions. There were none.

Audit Guidelines. Ms. Vaughn indicated the Audit Guidelines were being updated to align with EDI 3.1 reporting. Ms. Vaughn indicated the agency would be accepting testimony until May 31st on the proposed changes and would be effective July 1st.

Emergency Hearings Claim Discussion. Commissioner Sharp summarized the Emergency Hearing process in the JRPs. Commissioner Sharp indicated recently there had been discussion that the process was not efficient at hearing matters in a timely fashion.

Public Comment: Jake Stewart inquired if the Commission could hire more Referees to move the process along faster. Commissioner Sharp indicated the Commission was looking into an additional Referee, but it would need legislative approval and wouldn’t be in possible until July 2025.

After some discussion on the emergency hearing process, Commissioner Sharp indicated the Commission would explore the additional Referee position to see if could improve the process.

Other Issues/Announcements:

Mr. Peterson indicated Todd Johnson from NCCI was in attendance and invited him to share a few thoughts. Mr. Johnson summarized the market and indicated the market for Idaho workers' compensation market was healthy. Mr. Johnson indicated last year a 12.6% reduction as proposed and was approved effective January 2024.

August Elections. Mr. Peterson listed the terms that would be up for election in August. Mr. Peterson indicated if anyone had an interest in the positions to notify Ms. Slay.

Preparations for Next Meeting:

Mr. Peterson reminded the Committee of the next meeting date and indicated the meeting would be in the Les Bois room.

Next Meeting Date: August 14, 2024

Dave Anderson moved to end the meeting, seconded by Stephaine Butler. The motion was carried by unanimous vote. The meeting ended at 12:13 p.m.