

**Industrial Commission's Advisory Committee
On Workers' Compensation
Minutes
May 7, 2025**

Members Present:

Andrew Marcham
Dave Anderson
Jamie Arnold
Joe Maloney
Kelli Segroves
Kelly Paananen
Mark Peterson
Matt Pappas
Shellie Martin
Stephaine Butler
Ex-Officio: Senator Tammy Nichols

Members Absent:

Alex Garcia
Amanda Regnier
Brian Whitlock
Darin Monroe
Dr. Cody Heiner
Ex-Officio: Rep. James Holtzclaw

Industrial Commission:

Chair Claire Sharp
Commissioner Aaron White
Commissioner Tom Limbaugh
Director George Gutierrez
Commission Secretary Kamerron Slay

Opening Remarks and Introductions:

Mr. Marcham led the meeting and opened the meeting at 9:00 a.m. Mr. Marcham reminded attendees to sign in and next requested introductions from Committee members and public attendees.

Minutes of February 12, 2025:

The minutes of the February 12, 2025, meeting were presented for review and approval. Upon the motion of Dave Anderson, seconded by Stephanie Butler, the minutes of February 12, 2025, were approved. The motion was carried by unanimous vote.

Subcommittee Reports:

Subcommittee on Emergency Hearing. Jamie expressed gratitude to the commission for their diligent work on researching emergency hearings. Due to logistical challenges, conducting a true emergency hearing is difficult, but expedited hearings have proven effective. Mr. Arnold shared that in his experience, two hearings did not proceed but were beneficial as they enabled the individuals to receive the necessary medical care before the hearing.

Mr. Arnold indicated there is funding appropriation for an additional Referee, which could be helpful to address emergency hearings. Jamie then opened the floor for questions. Chair Sharp discussed the potential for the new referee position to handle some of the emergency expedited hearings. However, there was a concern that the newest referee might not be the best choice due to their lack of experience. The idea of structuring the Referee to manage caseloads was proposed. Mr. Mark Peterson raised concern about Referee shopping and suggested having a mix of various

referees available to hear cases. Chair Sharp thanked Mr. Peterson for his comment. With no further questions, Mr. Arnold proposed closing the subcommittee. The motion to close was made by Ms. Butler, seconded by Mr. Pappas. The motion passed unanimously.

Industrial Commission Report:

Legislative Update. Chair Sharp provided a summary of the four agency legislations: Notice of Hearing, Burial Expenses, Member of an Employers' Family, and Members of an LLC, along with the Workers' Compensation Zero-Based Regulation chapter review. Chair Sharp thanked the committee and stakeholders for their support. Director Gutierrez mentioned that the updates would be shared on social media. Ms. Amy Berg elaborated on the social media platforms and noted that the updates would be posted starting June 1st.

Chair Sharp also discussed the physical requirement for in-state adjusting. Mr. Pappas inquired about an update to the in-state adjusting memorandum. Commissioner White indicated the Senate Commerce and Human Resources Committee had clarified the need to ensure the statute still requires in-state adjusting, even if there is no physical office building in the state, as long as someone is working remotely in-state.

Public Comment: Chris Wagener added that there have been a few inquiries about this, and it might be worth clarifying. Chair Sharp suggested that if the rule is tested and moves forward, there would be an opportunity for the Commission to clarify.

Idaho Clean Up Act. Chair Sharp summarized the Idaho Clean Up Act, noting the deadline of September 1st. Guidance has been received, and DFM guidance involves interim steps. Christina Nelson is the agency representative, working with code leads and SMEs to compile information. The project includes proposing legislation to remove outdated provisions. Updates will be discussed at the Commission's regular administrative meetings.

The first round of identifying outdated and obsolete items will occur in about a month, with input from other agencies for a cohesive response, followed by legal review. Feedback is encouraged, and questions can be directed to Chair Sharp. Legislative ideas will be developed over the summer.

Director Gutierrez mentioned that before moving forward with legislation, it must be vetted with the Governor's office, with approval expected around September 1st. Chair Sharp emphasized responsiveness to deadlines, and Mr. Arnold noted the timeline aligns with the next legislative session.

IRIS Modernization Update. Mr. Ryan Linnarz announced that all five workers' compensation modules in IRIS have been launched. The team is actively working on the CVCP go-live scheduled for May 27th. Following this, attention will shift to the Adjudication portal, with a soft launch for complaints and mediation. This portal will mirror the functionality of the settlement portal, with both expected to roll out in the next couple of months. The soft launch has been successful, and the team is ready to expand. Mr. Linnarz expressed appreciation for those who helped identify any issues during the soft launch.

The IRIS team is also working on IRIS 2.0, focusing on data import and automation enhancements for each module. Mr. Linnarz indicated that approximately 50% of the work is complete, with 16 milestones expected to be reached by the end of June. The target for total completion is the end of this calendar year.

JRP Update. Ms. Dana Ryden reported on the updates to the JRPs, noting that most changes are straightforward, such as portal filing and cleanup. Ms. Ryden turned the time over to Referee Sonnet Robinson who summarized the changes, including the notice of intent to rule, removal of small claims, handling multiple cases in one email, and adding provisions for admin communication to the ex-parte rule. Referee Robinson indicated Rule 5a now includes a response to calendaring, and a formal mediation request has been added.

Mr. Pappas suggested striking depositions and changing the title for Rule 10d to pre-hearing depositions. Mr. Arnold discussed post-hearing depositions, suggesting they be done by stipulation. Referee Robinson presented two options: keeping Rule 10d as pre-hearing or amending the post-deposition rule. Mr. Pappas preferred keeping it as pre-hearing, while Mr. Peterson highlighted the impact on evidence at hearings.

Amendments to the settlement agreement under JRP Rule 19 were discussed, including changes to the timelines for changing physicians and the addition of Supreme Court Appeals. The post-hearing deposition timeline was debated, with suggestions to keep it realistic. Mr. Arnold and Mr. Pappas emphasized the need for realistic deadlines.

Mr. Pappas proposed eliminating the 3-month status conference and applying it to briefing check-ins. Mr. Arnold suggested extending closing briefs to 20 pages. Mr. Pappas recommended a stipulation of facts to shorten briefs. Feedback was given on these suggestions.

Ms. Vaughn explained the difference between contemporaneous and simultaneous submissions for IDAPA, with a 30-day submission rule for charging liens. Ms. Paananen raised a question about the Peace Officer and Detention Officer form which listed specific dates, Referee Robinson will review the form. Referee Robinson indicated if there were any additional comments after the meeting to send them to Ms. Slay for the Commission's consideration.

Break

Other Issues/Announcements:

Discussion on the Formation of the Subcommittee of the Benefits Department. Ms. Vaughn summarized the proposal to form a subcommittee that would meet after this meeting, allowing participation from industry representatives to address benefit-related issues. Ms. Vaughn expressed support for this endeavor; however, she noted the logistical challenges of organizing a subcommittee meeting immediately following the Advisory Committee meeting. She emphasized that any subcommittee formed as an outgrowth of this meeting requires a posted agenda with a specific date, time, and location. Since the conclusion time of this meeting is unpredictable, the subsequent meeting will need to be scheduled well in advance.

Ms. Vaughn suggested that more flexibility could be achieved by scheduling meetings on a quarterly basis. Ms. Butler mentioned that the aim was to create a venue for discussion and that any suitable format would work.

Public Comment: Mr. Wagener proposed holding the meetings at a different time and location, nominating Stephanie Butler as Chair, seconded by Shellie Martin. The motion was carried by unanimous vote.

Ms. Butler indicated that forming a subcommittee brings additional obligations and suggested hosting the discussions through other means, such as office hours. Ms. Vaughn expressed openness to either option, prioritizing ease of logistics.

Chair Sharp proposed adopting an open meeting format during benefits hours, closely aligned with office hours, and making the information available on our website and in the lobby.

Mr. Peterson moved to dissolve the subcommittee in favor of a meeting aligned with Chair Sharp's suggestion, seconded by Ms. Paananen. The motion was carried by unanimous vote, and the subcommittee was dissolved.

Discussion on the Formation of the Subcommittee on Peace Officer and Detention Officer Temporary Disability Fund. Director Gutierrez summarized the Peace Officer and Detention Officer Temporary Disability Fund (PODO). Director Gutierrez indicated there have been recent inquiries regarding the requirements and conditions for benefits. These inquiries are categorized into four areas: base salary definition, employee's remittance of workers' compensation received to their employer, cause of an injury, and state detention officers excluded.

Director Gutierrez introduces Paul Jagosh from the Fraternal Order of Police, who helped establish the PODO Fund. There have been concerns about whether this process is being followed correctly, though it is not within the Commission's authority to regulate this.

Public Comment: Mr. Wagener recounted a case where conflicting payments caused confusion. Mr. Arnold noted that the process could be frustrating for injured officers and might need simplification. Mr. Peterson mentioned that legislative changes may be necessary to address some of these concerns. Mr. Jagosh highlighted the complexities involved in creating the PODO Fund and the efforts that went into developing a workable formula through various versions of legislation.

Mr. Jagosh addressed injury-related questions, clarifying that the provisions were intended to cover physical training injuries. Ms. Paananen points out differences in interpreting the law's intent concerning training injuries and administrative nature. There is a need for clarification on injuries induced by the actions of others during chargeable offenses. Mr. Jagosh discussed the original intent to cover all claims and acknowledged the complexities involved in implementing the law.

Public Comment: Mr. Wagener raises concerns about the broad definition of injuries caused by others, suggesting that heroic acts should warrant salary continuation.

Mr. Jagosh is open to reviewing claims and participating in a subcommittee to simplify administration. Mr. Arnold inquired about funding, and Mr. Pace states that the fund is close to \$2 million, with a yearly appropriation of \$150k.

The discussion turns to state detention officers, who are currently excluded from coverage. Mr. Jagosh explains that the exclusion may have been intentional but unclear. Ms. Paananen mentions administrative challenges in getting reimbursement for training-related claims.

Ms. Paananen proposed forming a subcommittee on the Peace Officer and Detention Officer Temporary Disability Fund. Ms. Butler requested clarity on the goal of the subcommittee. Mr. Arnold explained that the objective would be to clarify the four areas of concern and, if there is consensus, provide recommendations for changes to the PODO Fund. Ms. Paananen moved to form the subcommittee seconded by Mr. Arnold. The motion was carried by unanimous vote.

Subcommittee Members: Chris Wagener (Chair), Kelly Paananen. Dave Anderson, Mark Peterson, Jamie Arnold, Senator Nichols, Angie Howe, Commissioner Limbaugh, Paul Jagosh, and Rachel Misnick.

Preparation for Future Meetings:

Topics for the Next Meeting. Mr. Arnold indicated that Kim Doumani is retiring as the ISIF Manager. He thanked her for her work and congratulated her on her retirement.

Mr. Marcham announced that the next meeting will include annual elections for several positions: Dave Anderson (Workers), Kelli Segroves (Employers), Darin Monroe (Claimant Attorney), Mark Peterson (Defense Attorney), Dr. Cody Heiner (Physician), and Chair. Interested individuals should inform Ms. Slay.

Next Meeting Date: August 13, 2025

Dave Anderson moved to end the meeting, seconded by Shellie Martin. The motion was carried by unanimous vote. The meeting ended at 11:06 am.