

**Industrial Commission's Advisory Committee
On Workers' Compensation
Minutes
February 10, 2021**

Members Present

Dave Anderson
James Arnold
Richard Burleigh
Brad Cederblom
Dr. Paul Collins, Chairman
Joe Maloney
Shellie Martin
Andrew Mecham
Craig Mello
Darin Monroe
Matt Pappas
Mike Shuey
Brad Stoddard
Brian Whitlock

Members Absent

Dane Higdum
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 via zoom.

Minutes of November 18, 2020:

The minutes of November 18, 2020 were presented for review and approval. Upon motion of Jamie Arnold, seconded by Richard Burleigh, the minutes of November 18, 2020 were approved. The minutes were adopted by unanimous vote.

Subcommittee Reports:

Burial Expenses. Ms. Vaughn reported on the subcommittee on burial expenses. Ms. Vaughn indicated this effort is separate from SB 1010, which aims to consolidate the definition of burial expenses. The subcommittee met on January 12th and reviewed additional data gathered from SIF. Ms. Vaughn indicated the data included claims that showed over 60% of the claims were over the \$6,000 limit. Joe Maloney stated that he had reached out to funeral homes and found the average cost of a cremation to be around \$2,000 and burials to be around \$6,500. The subcommittee had discussed the possibility that families were choosing cremations over burials because cremations cost less. Ms. Vaughn indicated that Montana has recently reviewed their burial expenses and was running legislation to increase the cap from \$4,000 to \$10,000. Ms. Vaughn asked if there were any questions. Dr. Collins inquired about the Montana bill regarding burial expense. Ms. Vaughn stated it was HB198.

Public Comment: Chris Wagner asked if the cremation was an included expense. Ms. Vaughn indicated it was.

Dr. Collins stated there didn't seem to be a sense of urgency. Ms. Vaughn indicated the statute hadn't been looked at since the 1990's, but the subcommittee didn't have a definitive recommendation either way.

Payment for Obtaining Medical Records. Jamie Arnold reported on the subcommittee. The subcommittee concluded that there was a gap between the IDAPA and the statute. Mr. Arnold explained some of the issues including getting medical records without cost, and preexisting records. Ms. Arnold proposed breaking the subcommittee into a smaller subcommittee to work on the language. The new subcommittee included: Jamie Arnold, Brad Eidam, Richard Burleigh, Darin Monroe, Blair Jaynes, Matt Pappas, and Brad Stoddard. Mr. Arnold thanked everyone who participated.

Industrial Commission Report:

Updated JRPs & Amended Emergency Order RE: COVID-19. Commissioner White summarized the change to the JRPs that clarified the expectation of email service. Commissioner White stated the ISB e-service email should be used. Commissioner White summarized the change to the latest amended order. The Commission would be having in-person hearings at the discretion of the Referee. Commissioner White asked if there were any questions. There were none.

COVID-19 Data. Commissioner Baskin summarized the COVID-19 data/charts. Commissioner Baskin asked if there were any question, there were none.

Declaratory Ruling RE: Dismissal of Pro-Se Complaints. Commissioner Baskin reported that during the pandemic the Commission has been reluctant to dismiss pro-see complaints. The Commission is not ruling out dismissals but wants to make sure pro-se claimants aren't laboring under the burden of the pandemic. The Commission will still entertain pro-see dismissals but would like Defendants to work with the Referee on having telephone conferences with Claimants before the Commission would dismiss the complaint.

Memo RE: Notice of Insurance & Claims Filing Procedure to Employees. Commissioner Baskin explained this memo intends to address the many employees who now work from home and posting requirement under I.C. 72-312. Commissioner Baskin asked if there were any questions, there were none.

2021 Legislation. Commissioner Limbaugh stated last year due to the legislature inaction on the omnibus rules regarding IDAPAs, agencies were directed to adopt temporary rules. Commissioner Limbaugh stated our current IDAPAs had passed the Senate Committee and were awaiting the House Committee. Commissioner Limbaugh stated if the Legislature did not concur again this year, we would repeat the temporary rules process this year. Commissioner Limbaugh stated the Commission decided not to move forward with the statute change regarding notice of hearing. The Commission will present SB1010 Workers' Compensation Burial Expenses.

EDI 3.1. Update. Richelle Flores stated the Commission would be moving towards EDI 3.1. Ms. Flores stated the 3.1 tables would be available around May 1, 2021.

Audit Program Analyst Introduction. Kayla Pollard introduced herself as the new Audit Program Analyst. Ms. Pollard summarized her background and education.

IRIS Modernization. Ms. Barrowclough updated the Committee on the IRIS modernization project. The Commission has entered into a contract with a local technology vendor, In-Time Tech. Ms. Barrowclough stated the current estimation for completion is 2 ½ years. The IRIS team will begin working on Benefits and the LSS process. Ryan Linnarz and Amy Henson introduced themselves as the Commission's Business Analysts who will be working on IRIS.

Other Issues/Announcements:

Industrial Special Indemnity Fund Annual Report CY2020. Kim Murphy briefly summarized the annual report for CY2020. Ms. Murphy asked if there were any questions, there were none.

Topics for Future Meeting:

Jamie will have additional information at the next meeting on timeliness of medical payments. The Commission will provide an update on COVID-19 claims data.

The Advisory Committee took a 5-minute break due to technical difficulties on AMA Guides Update.

AMA Guides Update. David Sosnow and Dr. Price with American Medical Association presented on the update to impairment ratings and the current AMA guides being released on July 1st. Dr. Price explains the changes in AMA 6th edition will provide clarification and updated terminology about mental and behavioral health concepts. The 6th edition will change from DSM4 to DSM5 methodology. Dr. Price asked if there were any questions.

Public Comment: Jamie Neill thanked the AMA for the presentation and inquired if the IIC would be using the newest guide when it became available.

Jamie Arnold stated there were some concerns in Idaho about the guide that are useful, but the statute address PPI. There was some discussion on the education process and availability and how those guides can be implemented. Daniel Balney from the AMA stated Mr. Arnold was correct that guides are just guides and the AMA respect state law. The AMA would just like to make the information available to help where appropriate. Brad Stoddard inquired about the price for the new edition. Mr. Sosnow stated around \$279.00. Mr. Arnold thanked them for their presentation.

Preparation for Future Meetings:

Mr. Arnold asked if there were any additional questions. There were none.

Next Meeting Date: May 12, 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 10:41 a.m.