

**THE LABOR COMMISSION
WORKERS' COMPENSATION ADVISORY COUNCIL**

**Wednesday, September 16, 2015 – 12:00 P.M.
Room 319A, Utah Labor Commission Offices
Salt Lake City, Utah**

The following Advisory Council members were in attendance:

Dennis Lloyd, Workers Compensation Fund (for Ray Pickup)
Tracy Klausmeier, Utah Dept of Insurance
K. Dawn Atkin, Esq., Atkin & Associates
David Bird, Esq., Parsons Behle and Latimer
Richard Brewster, Operating Engineers Local Union No. 3
Jeff Rowley, Salt Lake County
Brandt Goble, Painters and Tapers Local 77

The following Advisory Council members were excused:

Todd Bingham, President, Utah Manufacturers Association
Rich Thorn, Associated General Contractors
Dave Davis, President, Utah Food Industry Association
Michele Balady, Travelers
Reo Castleton,
Brian Kelm, attorney
Rep. Dunnigan
Sen. Mayne
Ed Holmes, MD

Others Present:

Sherrie Hayashi, Commissioner
Jaceson Maughan, Deputy Commissioner
Ron Dressler, Division Director, Industrial Accidents, Labor Commission
Sara Danielson, Utah Labor Commission, Administrative Assistant
Maggie Karpuc, NCCI
Heather Gunnarson, Adjudication Division, Labor Commission
Rod Morris, Deloitte Consulting
Sarah Nitta
Stan Mead
Clare Tobin Lence
Matt Lund
Elena Bensor PIO Labor Commission
Todd Newman, ALJ Labor Commission
Erin Hanson, Policy Manager, Labor Commission
Brad Morse, Deputy Director, Industrial Accident's Division, Labor Commission
Allen Rollo, Treasurer's Office
David Damschen, Treasurer's Office
Brad Thurman, Claims Manager, Labor Commission
Bryan Hepworth
Dave Lamb, Administration Division Director, Labor Commission

WELCOME

Welcome –Commissioner, Sherrie Hayashi brought the meeting to order at 12:10 p.m. Commissioner Hayashi welcomed everyone and noted that there was not a quorum, so items needing a vote would be postponed until a quorum was present.

Miscellaneous Business:

Commissioner Hayashi asked if there were any changes to the July meeting minutes. No comments were made.

Commissioner Hayashi noted that Richard Brewster, a newly appointment member of the council was presented and asked him to introduce himself. The Council then briefly introduced themselves. Commissioner Hayashi also noted that Michele Balady was a new member of the council, but could not be in attendance today.

Heather Gunnarson, Adjudication Division Director, stated that Administrative Law Judge Debbie Hann, retired as of yesterday. Todd Newman has accepted the position of Administrative Law Judge with the Division. Todd introduced himself.

Elena Bensor, PIO for the Labor Commission, and Workplace Safety Grant Coordinator, stated that the application for workplace safety grants for the 2016 calendar year would be released next week.

Budget/Premium Surcharge Funds:

Dave Lamb, Administrative Services Division Director, presented an overview of the financials for the ERF and the UEF funds. (Handout).

Rod Morris, Deloitte Consulting, presented that actuarial report and recommendations for the premium surcharge funds. (Handout) Some clarifying discussion was held. Deloitte's recommendation was that the current rates remain (3.0% for the ERF and .30% for the UEF). As there was not a quorum present, no vote was taken, however, it was suggested that the recommendation be distributed to those members not present and then if no discussion is needed, an email vote be taken regarding leaving the rates at the current level. If an in-person discussion was warranted before the vote then one could be held.

Ron Dressler, Industrial Accidents Division Director, stated that a multi-disciplinary team will be created to review all options for the ERF. (Handout) The Team would be able to issue an RFP for a broker; that could price out the options for privatization. The Council reviewed the handout and those present approved the overview of the team. Stan Mead asked that the team do a thorough job, but move quickly.

Legislative and Rule-Making Matters:

Ron Dressler shared a proposal put together by the group looking at methods to define reasonable hospital fees for non-contracted rates. (Handout) The reasonableness of the fee would be a rebuttable presumption. He stated that there is still work to be done.

Ron also presented a rule change to lengthen the time for reporting injuries from seven to fourteen days. The rule change also sets forth the method of assessment of penalties for failure to comply with the rule, as well as an appeal process.

Stan Mead asked if the Commission was considering setting a time limit for Insurance Carriers to request reimbursement from the ERF for medical expenses. Jaceson Maughan stated that the Commission is drafting a proposal. Stan requested a copy of the proposal when it is distributed to the Council. Commissioner Hayashi stated that a copy would be sent to him.

Other Business:

Commissioner Hayashi reviewed the dates chosen for Council meetings in 2016. She asked that Council Member place them on their calendars. She asked if anyone was aware of any proposed legislation that might require a special Council meeting in the late fall or January. No proposed legislation was known.

Meeting adjourned at 1:45 pm.