

**MINUTES OF WORKERS' COMPENSATION SECTION  
EXECUTIVE COMMITTEE  
February 11, 2022**

**I. CALL TO ORDER**

Chair Lesh called the meeting to order at 12:01 pm. Attendance was as follows:

<b>Name</b>	<b>By Remote Conference</b>	<b>Absent</b>
Allison B Lesh (Chair)	X	
Christine Coffelt Frost (Chair-Elect)	X	
Jovanna Patrick (Past Chair)	X	
Andrea K Knight (Treasurer)	X	
Martin M Fisher (Secretary)	X	
Spencer Aldrich		X
Ian Brown	X	
Katherine Caldwell	X	
Trish Fleischman	X	
Philip Harry Garrow	X	
Heather L Holt		X
Halah Ilias	X	
Martie McQuain		X
Karli L Olson	X	
Jenny Ogawa	X	
Christo de Villiers	X	
John Young		X
Joseph Piucci (BOG)		X
Christine Ford (Bar Liaison)	X	

**II. MINUTES**

Minutes of the January 14, 2022 meeting were approved.

**III. CHAIR REPORT**

- Section website was updated

Added link for past/current professionalism award winners. Updated links to reference materials. 2021 minutes and annual report are on website.

**IV. TREASURER REPORT**

Reviewed report. Andrea noted that membership has remained consistent.

## **V. COMMITTEE REPORTS**

### **A. Access to Justice**

- Jovanna reported the committee is meeting on 2/28/2022 and she expects to have a further report at our next meeting.

### **B. Salishan/Annual Meeting**

- Karli reported that the conference is completely organized in terms of speakers. Going to have a presentation on litigating COVID cases. Justice Walters is keynote. Looking for presentation on interviewing claimants for credibility and lying. Will be in person but will include a virtual option.

### **C. Bench Bar Forum**

- No report.

### **D. Going Forward**

- No report.

### **E. Legislative and Rules**

Chris Frost reported the committee met. Discussed mail issues. Notice for IMEs are problematic if it's just a 10-day notice and it's mailed at 10-day mark, creates problems if mail is slow. Suggestions might include text or emails in addition to mailing, or increasing the requirement for notice to more than 10 days.

Second issue was concerns re ARU and recon process. Would EC be interested in creating a workgroup to look at recon issues?

Current legislation being considered includes firefighter presumption changes. OTLA has a time loss and overpayment bill, which passed through MLAC today. AFL/CIO working to modify death beneficiary statute. Also discussing issues regarding claimant attorney fees on reconsideration

Jovanna discussed MLAC. Firefighters wanted additional cancer presumptions that were covered for men but not women. MLAC moved that forward.

HB 4138 was approved by MLAC after negotiations. Will expand retroactive time loss authorization to 45 days, creates exception when denials or disputes over who's AP, creates notice provision and exception to that notice. Insurers must give notice when time loss is not due so workers can get updated authorization. There will be another 30 days to fix. APs can't back-date more than 60 days. Insurer must provide 7-day notice of being declared med stat. Only 50% of overpayment can be deducted from PPD. Workers have 2-year SOL to complain about processing mistake, insurers will now also have only two years to find

mistakes. Effective date would be 1/1/2024, apply to all claims that exist or arise after that date. Expect to get to legislature by next week.

Allison asked if mailing focus limited to IME notices. Chris said those seemed to be the most problematic. Christine Ford reminded EC to ensure work on IME mailing issue be w/in EC scope.

Karli asked about modifying 801 for unrepresented workers to provide info for them to obtain information.

Allison asked for motion to have leg & rules explore IME mailing issue further. Karli moved they go forward with investigating IME mailing issue. Christo seconded. Motion passed unanimously.

#### **F. Nominations**

- No report.

#### **G. Professionalism Award**

- Jovanna reported that the survey sent out this week. Survey closes on 3/9/2022. Cmte meets on 3/10 and will have suggestions at our next meeting.

### **VI. OLD BUSINESS**

- Jovanna noted in 11/2020, Access to Justice had submitted model denial language to Bar. Have not heard back since. Allison will follow up with OSB.

### **VII. NEW BUSINESS**

None.

### **VIII. ADJOURNMENT AND NEXT MEETING**

Motion to adjourn approved unanimously.

The next meeting will be at noon on March 11, 2022, via Zoom.