

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

**Wednesday, July 13, 2011 – 12:00 P.M.
Room 319, Heber M. Wells Bldg.
Salt Lake City, Utah**

The following Advisory Council members were in attendance:

Ralph Astorga, President, USWA Local 392
Thomas Bingham, President, Utah Manufacturers Association – by phone
David Bird, Esq., Parsons Behle and Latimer
Cort Firth and Janet Moffit, Workers Compensation Fund - for Dennis Lloyd
K. Dawn Atkin, Esq., Atkin & Associates
Reo Castleton, President, SL Cnty Fire Dept Local 1696
Edward Holmes, M.D., Summit View Medical
Dave Davis, President, Utah Food Industry Association – by phone
Richard J. Thorn, President/CEO, Associated General Contractors - Utah Chapter
Kathleen Bissell, Liberty Mutual - by phone
Brian Kelm, Esq.
Brandt Goble, Painters and Tapers Local 77
Brad Tibbitts, Utah Department of Insurance

The following Advisory Council members were excused:

Rep. Mike Morley
Sen. Karen Mayne
Jeff Rowley

The following Advisory Council members were absent:

Others Present:

Alan Hennebold, Deputy Commissioner
Ron Dressler, Director, Division of Industrial Accident, Labor Commission
Sara Danielson, Administrative Assistant, Labor Commission
David Lamb, Administration Director, Labor Commission
Dr. Alan Colledge, Medical Director
Nancy Grisel, GOPB
Elena Bensor, Workplace Safety Coordinator
Sherrie Hayashi, Commissioner

WELCOME

Welcome –Commissioner, Sherrie Hayashi brought the meeting to order at 12:05 p.m.

1. Miscellaneous Business:

Commissioner Hayashi called for a motion to approve the minutes of the last Advisory Council meeting. Dawn Atkin moved to approve the minutes; Ralph Astorga seconded the motion. Approval was unanimous.

2. Budget – David Lamb

David Lamb provided a handout of the current status of the ERF, UEF and Workplace Safety accounts. He went through the handouts and explained various specific points and accounting processes.

3. Workplace Safety Account and 2011 Projects – Elena Bensor

Elena Bensor provided a handout and explained that 54 applications for grants were received for the 2011-12 year. Of those 54 applications, 34 were funded for a total of \$681,000. The council requested a spreadsheet that lists all of the applications and which ones were granted. Elena stated that she could provide that spreadsheet.

4. Industrial Accident's Updates – Ron Dressler

Ron Dressler informed the council that the workers compensation waiver program was taken over by the Commission on July 1, 2011 and that during the first week, 81 applications had been filed. The Commission will be watching the program and the fees for the next year to make sure that the fee is covering the program but not excessive. He stated that there is or soon will be a web application to search for specific entities that have been granted waivers. The searcher will have to know the name of the company as filed in order to find it in the search.

5. 2011-2012 Medical Fees – Dr. Alan Colledge

Dawn Atkin stated that after the discussion at last council meeting, a teleconference was held between some of the interested parties. It was determined that a 4% decrease in the current conversion factors for a year was agreeable, if the medical fee committee when convened next year begin its discussions using the July 13, 2011, conversion factors and look specifically at certain billing codes for specific adjusting.

Discussion was had. David Bird made a motion to reduce the conversion factors by 4%. Rich Thorn seconded the motion. A five minute recess was taken.

Upon reconvening: Dawn Atkin made an amended motion: 1. the fee committee start its consideration of the 2012-13 changes at the current (7-13-11) factors; 2. The Commission pursues a legislative change to allow for regulation of hospital and pharmacy costs; and 3. That certain billing codes be reviewed for adjustment – those codes that are currently in the top % of reimbursement, to get the reimbursements in line with the other codes. Dawn will put a letter together that covers this in more detail. She also moved that a 4% reduction be taken for the 2011-12 year. Reo Castleton seconded the motion. Voting was unanimous in the affirmative.

The Commission will contact members of the council to discuss the potential for legislative action with respect to hospital fees.

6. Workers' Compensation Attorney Fee Rule – Alan Hennebold

Alan Hennebold stated that the attorney fee rule needed to be adjusted to reflect the increase in compensation benefits to claimants. He stated that the rule cap had not been adjusted in 4 years, and that benefits had increased by about 12%. The rule change raises the cap on attorney fees to correspond with the rise in benefits. David Bird moved to approve the rule change. Dawn and Brian seconded the motion. Voting was unanimous in the affirmative

7. Other Business

Council Member reappointments: Sherrie Hayashi stated that David Bird, Rich Thorn, Jeff Rowley Ralph Astorga, Reo Castleton and Kathy Bissell, have all accepted reappointment to the council for 2 years.

Home Business Exemption: Sherrie stated that Sen. Urquhart is going to propose a bill regarding home businesses and workers compensation – similar to Rep. Barrus’s bill last session. Rep. Barrus has agreed to sponsor the bill in the House, but not take the lead. Alan Hennebold will meet with Sen. Urquhart and express the concerns the council and commission have with such a bill.

Dawn Atkin moved to adjourn the meeting.

Meeting closed at 1:30 pm.