



STATE OF MAINE
WORKERS' COMPENSATION BOARD
Board of Director's Business Meeting

SEPTEMBER 8, 2009

A Business meeting of the Maine Workers' Compensation Board of Directors was held on Tuesday, September 8, 2009, at the Workers' Compensation Board Central Office in Augusta, located on 90 Blossom Lane.

Chairman Dionne called the meeting to order at 10:23 a.m.

ROLL CALL

PRESENT: Paul Dionne (*Chairman*), James Mingo, Sophia Leotsakos-Wilson, Mitchell Sammons, Anthony Monfiletto, Daniel Lawson and Ginette Rivard.

MINUTES

- 1) **Draft Minutes (Board Business Meeting Held on August 25, 2009):**
Chairman Dionne apprised directors that he is deferring the draft minutes of the August 25, 2009 Board business meeting to the next meeting in order to provide staff with sufficient time to prepare a draft of the lengthy proceedings for Board action on September 22, 2009.

EXECUTIVE DIRECTOR REPORT

- 2) **State of Maine Budget Shortfall:** Executive Director Dionne informed the Board the Appropriations Committee will be meeting on the 23rd and 24th of September and that the projections in regard to revenues are bleak and that the State's revenue shortfall is expected to be between \$45 million and \$60 million. Mr. Dionne advised directors the Governor has informed Members of his Cabinet that they should also be focusing on program cuts, together with cuts in personnel and other areas.

EXECUTIVE DIRECTOR REPORT
CONTINUED

STATE OF MAINE BUDGET SHORTFALL CONT'D

Mr. Dionne advised directors that so far, for the most part, the Board has been excluded from budget restrictions placed on General Fund agencies. Mr. Dionne also noted he has not spoken to the Board regarding specific reductions in its various programs but that he has apprised them of the discussion that took place at the Senior Staff Retreat with regard to programs that can possibly be eliminated, if necessary. Mr. Dionne stated the two programs staff would recommend for consideration are the Employment Rehabilitation Fund program and the Predetermination of Independent Contractor Status program.

- 3) **Independent Medical Examinations.** *Following up on this morning's IME Subcommittee meeting at which time Deputy Director Inman provided Members Mingo and Rivard with two applications submitted by physicians interested in being approved as a Section 312 Board-Certified Independent Medical Examiner,* Mr. Dionne stated the group will be providing the Board with a recommendation on how best to proceed with the IME applications. Mr. Dionne also advised directors of an upcoming Maine Medical Association meeting which Deputy Director Inman will be attending to disseminate various Board materials at the event.

Discussion:

Directors discussed the upcoming Annual Meeting of the Maine Medical Association and of Deputy Director Inman's plans to disseminate various material at the event since it has been given a complimentary exhibit table (Ms. Inman informed the Board of her plans to attend this weekend's Maine Medical Association Annual Meeting in Bar Harbor, on Friday and Saturday, and noted the Board has been given a complimentary exhibit table and that she is in the process of gathering materials to distribute at the event, such as the Board's rules and regulations. Ms. Inman stated she will also be recruiting more specialists to increase the list of Board-certified Independent Medical Examiners during the annual event); Deputy Director Inman distributing a chart

EXECUTIVE DIRECTOR REPORT
CONTINUED

SECTION 312
INDEPENDENT MEDICAL EXAMINATIONS CONT'D

Discussion Continued:

at this morning's IME Subcommittee meeting from 2001, a peak year, to last year, in 2008 (Executive Director Dionne informed Members of the Board that in 200 there were 645 Independent Medical Examinations and in 2008 there were 481. Mr. Dionne noted there has been a reduction in the number of examinations and the largest change was in 2004 when it went down to 317, which coincides with the Law Court's decision in the Lydon case. Mr. Dionne noted that since then the numbers have gone from 317 to 435 and 454, and then last year to 481. Mr. Dionne noted there is some good use being made of the Independent Medical Examiner program but certainly not as much as during the pre-Lydon period. Mr. Dionne stated the Board is in hopes that it can get the list back up to approximately 30 IME's and remarked that with the right specialties there will be a greater demand for examiners which is well divided between employers and employees. Ms. Inman noted the largest problem facing the Board right now are the orthopedic specialists and commented there is only one that does back and neck and one that does hip injuries and commented it is rare the Board needs a specialist in the area of hips. Ms. Inman explained it is causing delay in the system by not having the appropriate specialists and stated it is something she continues to work on).

GENERAL COUNSEL REPORT

- 1) **Regulatory Agenda:** General Counsel Rohde informed the Board its Regulatory Agenda is due on September 22, 2009 and that he will be providing the Board with a final copy of the agenda at the next meeting.

Discussion:

Directors and Staff discussed the Agenda listing the rule(s) the Board may want to engage in, over the next 52 weeks (General Counsel Rohde noted if an item is on the list that it does not need to take any

GENERAL COUNSEL REPORT
CONTINUED

REGULATORY AGENDA CONT'D

Discussion Continued:

action on that item and simply advises the Legislature of possible areas the Board may address. Mr. Rohde explained, also, that if there is not something on the list and a rule was enacted anyways then it has to notify the Legislative offices that the submission has effectively been amended. Mr. Rohde further noted that before the next Board meeting staff will send the Board members a copy of the proposed regulatory agenda and asked directors to contact him if there are any items the Board would like to see added. Mr. Rohde noted Regulatory Agendas are due 100 days after the adjournment of the prior Legislative session.

- 2) **Superior Court Decision (Maine State Chamber of Commerce v. Workers' Compensation Board):** General Counsel Rohde informed the Board of Superior Court Justice Jabar's ruling in the case of the Maine State Chamber of Commerce v. Workers' Compensation Board case on August 31, 2009, a copy of which has been provided to the Board members. Mr. Rohde noted that following today's meeting he would like to meet with the Board in an executive session to discuss where it would like to go from here on the case. Mr. Rohde noted in the past the Board has waited until it concluded its regular business items before proceeding in executive sessions because the public cannot attend those. Directors agreed to meet in executive session at the end of today's meeting to discuss the matter.

- 3) **L.D. 946 (An Act to Reverse the Effects of Grant v. C.M.P.):** General Counsel Rohde reported during the last legislative session L.D. 946 was enacted which reversed the Law Court's decision in the Grant v. CMP case which essentially states if you are injured and you return to work for someone other than the employer for whom you were injured and who is responsible for the weekly compensation there is no offset for earnings for the new employer. Mr. Rohde noted the law says that there is now an offset for those wages, in

GENERAL COUNSEL REPORT
CONTINUED

L.D. 946 CONT'D

those situations. Mr. Rohde noted that essentially if an employee is being paid without prejudice during the 21 day period when an entity is giving notice once can reduce or suspend benefits and can take an offset for actual documented earnings paid to the employee during that period. Mr. Rohde noted the statute also requires that the employer file with the Board the documentation or evidence that it is relying on. Mr. Rohde noted the same is true under Section 205(9)(B)(2) if you are paying with prejudice, due to an award or compensation payment scheme, that once you have filed a Petition for Review seeking to reduce or discontinue the employee's benefits you can take a similar offset, again based on actual documented earnings and the employer must also file with the Board the documentation and evidence substantiating the reduction or discontinuance. Mr. Rohde advised directors he has spoken with the individuals who work in the Claims Management and Monitoring, Audit and Enforcement departments about what to do with this in terms of implementing it and remarked that it is probably best for the Board to proceed with clarifying the issues through rules so that everyone will know what is expected of them and on page 2 of the memorandum he outlines the results of the conversation with the two departments. Mr. Rohde stated he was trying to get at two things – 1) that entities are complying with the law and 2) not unnecessarily inundating the Board with paperwork which most likely will not get reviewed on a weekly basis if it were submitted. Mr. Rohde stated that there were three areas that need to be addressed and the phrases that need to be addressed is "actual documented earnings" with respect to what that means and what must be filed with the Board to "substantiate that there should be a reduction." Mr. Rohde noted that with respect to the actual documented earnings the suggestion was that it be received by the employer, in writing each week, with an attached paystub (if available) or something from the employee each week documenting what those earnings are. Mr. Rohde noted that

GENERAL COUNSEL REPORT
CONTINUED

L.D. 946 (An Act to Reverse the Effects of *Grant v. CMP*)
CONT'D

eventually the employer would still have an obligation to obtain a paystub to make sure that they could take the accurate reduction or discontinuance. Mr. Rohde remarked that with regard to filing with the Board staff did not believe it was necessary, especially with a 21-Day Discontinuance to get that information each week. Mr. Rohde noted are only three weeks in that timeframe and suggested it may be better to wait for some period after the filing of the 21-Day Certificate of Discontinuance and its effective date. Mr. Rohde noted the discussion began with seven calendar days, to start the discussion at which point the documentation would be filed with the Board so that it has evidence of what the insurance company or employer had received during those three weeks. And, at the same time, they would have gone back and received the actual pay stubs and paid the correct amount. Mr. Rohde noted that with a Petition for Review that is a much longer process and can take anywhere from a month to a year, or more and stated the suggestion has been made that the employer has to receive that information in writing every week but under this proposal they would file it with the initial modification form indicating what the discontinuance is based on and file the document annually with form WCB-11, Statement of Compensation Paid. Mr. Rohde noted the timeframes can be amended to whatever the Board deems is appropriate but that the employees in the MAE Program believe that it would be very helpful to require the information to be attached to a Board form, primarily because if it is not they will come in with numbers and it will be much more difficult for people here to figure out which file the information belongs in, if it's coming in with one of these two forms the Board will have the documentation on hand to put it with the file later.

GENERAL COUNSEL REPORT
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L.D. 946 (An Act to Reverse the Effects of Grant v. CMP)
CONT'D

Discussion:

Directors and Staff discussed the employer paying compensation submitting documentation to discontinue benefits (In response to Director Mingo's inquiry as to what mechanism is in place to compel the submission of that information from one employer to the other and how does an employer who is paying compensation actually receive that information, stated it comes from the employee in writing in the form of a paystub. Mr. Mingo asked what happens if employees do not provide that information); how the Board can ensure that employers are provided the proper documentation of an employee's earnings and all parties communicating in a manner they should be; an employee being out on workers' compensation and not reporting new earnings, when they do go back to work, assuming an employer is not aware of his or her return to work which would be fraudulent; an employee being obligated to report income which would prompt the employer to send the employee a form to complete; Section 308 addressing the issue of return to work with respect to the employee having an obligation to notify the employer paying workers' compensation benefits; a form being sent out quarterly which an employee is obligated to send out quarterly and the employee is obligated to fill it out and send it back, within a certain timeframe (General Counsel Rohde, in response to Director Monfiletto's inquiry as to why wouldn't the employee provide an employer with the earnings, if asked by the employer, stated an employee probably would and commented the reason "other suitable evidence" was included in the statutory language is because sometimes employers will talk to other employers who will give them that information and it saves them from obtaining a paystub from the employee. Mr. Rohde noted the statute specifically requires an employee to notify his or her employer when they return to work and have earnings) and staff drafting the memorandum in the form of a rule and including language regarding Section 308 and sending it out to the Board members for their review and discussion before the next board meeting; if an insurer is voluntarily paying and has learned the individual

GENERAL COUNSEL REPORT
CONTINUED

L.D. 946 (An Act to Reverse the Effects of Grant v. CMP)
CONT'D

has returned to work for someone else and then files a 21 Day Discontinuance based on the earnings (Mr. Rohde noted that in order to do that according to the statute they have to have actual documented earnings from the employee. Mr. Rohde stated they will attempt to get those every week in order to take an equivalent offset for the earnings which will be required under this proposal to send that documentation to the Board each week. Mr. Rohde noted the law says they need to file with the Board a documentation of evidence substantiating those earnings. Mr. Rohde noted they would rather collect it each week from the employee or another source and then, seven calendar days after the 21-day period expires, assuming there is no action on it, they send to the Board the documentation they had received and if the documentation was a note in writing from the employee and can then file all documentation with the Board, all at once. In response, Director Monfiletto noted the parties will only need to file with the Board once, under paragraph A, as opposed to three times. Mr. Rohde noted that presumably following the 21 days that what the 21-day certificate is saying is we want to reduce their benefits by 50% at the end of the 21 days, unless the employee contests it and there is a Provisional Order put in place which governs the matter after that point); *whether an employer or insurer has to notify an employee, on a weekly basis, the reduction in his compensation benefits* (Mr. Rohde stated implicitly they are getting that information every week but that it does not say what the purpose is for. And, Mr. Case noted it is also not necessary that they get the information from the employee so the employee is not, all of a sudden, getting reduced checks. In response, General Counsel Rohde noted the information has to come from the employee or employee representative. Mr. Case noted the Board also needs to take into account that the employee receives notification so that they can evaluate the accuracy and appropriateness of the reduced workers' compensation benefits. Mr. Rohde noted the employee could simply receive a note from the employee which would be sufficient to take the offset under the statute. Mr. Rohde noted the second piece of it does

GENERAL COUNSEL REPORT
CONTINUED

L.D. 946 (An Act to Reverse the Effects of *Grant v. CMP*)
CONT'D

not relieve entities of the obligating in making sure an employee did in fact earn a specific amount that week. Mr. Rohde noted it is best to obtain a paystub when they are available); *Form WCB 4A* (Director Monfiletto inquired if an employee could complete and sign a Form WCB-4A as opposed to sending in a paystub on a weekly basis. In response, Mr. Rohde noted the rule, as written, suggests that it can be used to discontinue benefits and remarked he knows some entities have interpreted the rule in that manner which exceeds the Board's statutory authority because an entity can only discontinue benefits by either a 21-day letter of a Petition for Review and an Order granting that petition. Mr. Monfiletto noted the employer does not need to file a 21-day letter if the employee signs Discontinuance. Mr. Rohde stated it would be absent Form WCB-4 and stated the rule, as written, suggests it can be used to discontinue benefits so if an employee signs it they will discontinue an employee's benefits. Mr. Monfiletto noted the statute says a 21-day letter, not Form WCB-4A); *the Board's rule possibly being in violation of the statute* (Mr. Rohde noted it could be but there have also been decrees rendered saying an entity can do that. Mr. Rohde noted the Board has the ability to rewrite the rule to say an entity cannot use a discontinuance form in that situation and remarked the law does not necessarily have any impact on the matter before the Board, unless the board wants it to. Mr. Rohde noted there has been a good argument raised with respect to there being two ways in which to suspend or reduce an employee's benefits under the statute and it is either by filing a 21-Day Certificate of Discontinuance or a Petition for Review. Mr. Rohde noted the danger of proceeding via Form WCB-4A is that if someone wins that case at the Law Court and the Court says the rule went too far or because what is supposed to be done when looking at a rule and interpreting it you are supposed to read the rule in the statute in harmony so that one does not contradict the other, if there is any way to do so and that if that were the result then an employee would be left with a lot of cases out there that were improperly terminated and there may be a significant fallout from that, with the rule as it is written now) *and staff working on additional documents for the Board's review.*

OLD BUSINESS

- 1) **Correspondence from the Maine Chamber of Commerce:** Executive Director Dionne stated Monitoring, Audit and Enforcement Program staff met with Leadership Committee Members Mingo and Monfiletto met with staff in the Monitoring, Audit and Enforcement Program for approximately three hours discussing the issues raised by the Chamber of Commerce in their letter of July 1, 2009 as well as other issues. Mr. Dionne noted the General Counsel was asked to draft some rules dealing with those particular issues and commented he is in the process of drafting those rules and will be sending to the Board in preparation of their first meeting in October which is scheduled to take place on October 13, 2009.

Discussion:

Directors briefly conversed with respect to scheduling another meeting of the Leadership Committee to go over the draft rules because of their complexity and the substantial differences of opinion on some of the issues; staff contacting Directors Mingo and Monfiletto, when the rules are in draft form, to inquire as to their availability to meet and the meeting being scheduled for the 1st of October, at 9 o'clock.

- 2) **Motion to Compel Discovery and Petition for Reconsideration:** General Counsel Rohde noted the Board decided the matter back in 2005 and remarked the employer has filed a Petition for Reconsideration, which is mentioned in the Board's rules which states an entity must wait 120 days and must show a material change in circumstances which is a higher standard than simply a change of circumstances which normally applies to a Petition for Review. Mr. Rohde noted the employer also filed a Motion to Compel Discovery in the case seeking essentially various tax returns of the individual and any other individuals who may be involved in the employee's household earnings and monthly expenses, paystubs from 2009 and any other cash income. Mr. Rohde noted the Worker Advocate who represents the employee had filed an Objection to the Motion to Compel Discovery on the basis that it is nothing more than an attempt on behalf of the employer to prove their case and remarked it did turn out that they did, in fact, provide some wage information for the year 2007 and a paystub in 2008.

Discussion:

Directors and Staff discussed whatever the process the Board uses being the process used (Mr. Rohde noted that what happens with any petition, such as this, that is before the Board the first step is to decide if you want

OLD BUSINESS CONTINUED**MOTION TO COMPEL DISCOVERY AND PETITION FOR RECONSIDERATION CONT'D**

to have a Petition and decide it yourselves. Mr. Rohde noted the Board has the option of hearing the case and decide it as a Board or, by statute; the Board can refer such cases to a single hearing officer or a group of panel of three hearing officers. Mr. Rohde noted whoever will be deciding the petition will then want to add a Motion to Compel Discovery first because the parties will obviously want to know the answer to that question before they are ready to move forward with their case); *the Board, in the past, being particular about making sure the parties are ready to move forward on the date the matter is heard since there have been cases in the past in which the parties have asked for a continuance, after the Board has set aside several hours of its time to hear the case(s)); whether Section 308 would apply to this situation such that the employee would be compelled to provide information about his current earnings from another employer to the employer paying workers' compensation* (Mr. Rohde stated yes and that the first page of the response which Worker Advocate, Glen Robinson, filed on behalf of the employee wherein the second to the last paragraph on the page notes that the employee did provide an employment status report in April of 2008 which would have been sent back. Mr. Rohde noted the document is requested by the employer); *there being nothing in the package from the employer indicating earnings reported in 2007 and 2008 were substantiantively different then the earnings that were reported at the time of the original decree, in 2005* (Director Mingo stated lacking any evidence to indicate a change in circumstances he is not inclined to deal with the case and inquired of staff if the Board can simply not deal with the matter since it is incomplete with respect to provide evidence as to a change in the employee's circumstances. Mr. Rohde stated to deny the Motion to Compel the next step would be to set the Petition for Reconsideration for a hearing and remarked he suspects the employer will simply dismiss it); the Board being unable to proceed without all of the evidence available to substantiate a change in earnings; the Board not having any basis to allow the Motion to Compel Discovery because there is nothing to show that the is any indication to show a change in the person's situation).

James Mingo MOVED TO DENY THE MOTION TO COMPEEL DISCOVERY; Anthony Monfiletto seconded.

OLD BUSINESS CONTINUED

MOTION TO COMPEL DISCOVERY AND PETITION FOR RECONSIDERATION CONT'D

Discussion:

Directors discussed the Board having authority to hear Petitions for Reconsideration or assigning it to one, or a group of three hearing officers (General Counsel Rohde noted the statute initially said the Board had to hear such cases and could not refer them to a hearing officer and the Board suggested a change three-to-five years ago to allow you to refer these cases if you wanted to, on a case-by-case basis); *the Board voting in favor or against the proposed Motion to Deny the Motion to Compel* (Mr. Rohde noted a "yes" vote means the Board is denying the Petition for Reconsideration and staff deciding what date all of the Board members are going to be at a meeting and notifying the parties to be here that date, and of the need to be prepared to move forward with the case); *Staff drafting a letter to the parties, on behalf of the board, and drafting a decision denying the Motion to Compel and hearing the case after a Board meeting, which is when subsequent petitions were heard by the Board.*

MOTION PASSES 6-1 (Director Wilson opposed).

- 3) **Facility Fee Schedule Update:** General Counsel Rohde apprised directors the Board has held a public hearing on the proposed Facility Fee Schedule. Mr. Rohde stated that over the next week or so staff will work on summarizing the numerous public comments the Board has received on the proposed fee schedule and commented staff will also be sending the Board copies of all of the written comments and the Summary of Public Comments.

Discussion:

Directors and Staff discussed the Board receiving a number of comments on the proposed fee schedule; some of the public comments being submitted electronically; providing the Board members with a copy of all public comments; staff adding the Fee schedule back on the Board's agenda for further discussion and action on the rule before the Board, as

OLD BUSINESS CONTINUED**PROPOSED FACILITY FEE SCHEDULE CONT'D****Discussion Continued:**

amended, if at all and reviewing staff's Summary of Public Comments; Ingenix representative, Eric Anderson, attending the meeting to sit in on the discussion and to address any technical issues that may arise during the Board's deliberations and the Board having the option that day to vote, or not (Mr. Rohde noted the 120 day timeframe began to tick on August 28, 2009. Mr. Rohde noted the Board has a fair amount of time to review the volume of material on the proposed fee schedule) and providing Board members with electronic copies of the public comments and transcript, if possible.

4) 39-A M.R.S.A. & 312 (Independent Medical Examiner Applications):

Executive Director Dionne informed directors the IME Subcommittee has reviewed the Section 312 applications the Board has received from Drs. Sullivan and Parody and informed the Board IME Subcommittee Member Rivard or Mingo will be presenting the Subcommittee's recommendation on the appointment of Dr. Sullivan and has asked Deputy Director Inman to conduct a further review of Dr. Parody's application.

James Mingo MOVED TO ADD DR. CHARLES W. SULLIVAN TO THE LIST OF SECTION 312 BOARD-CERTIFIED INDEPENDENT MEDICAL EXAMINERS; Ginette Rivard seconded.

Discussion:

Directors and Staff discussed the Board reviewing the references and materials provided by Dr. Parody who has also expressed an interest in being appointed as a Section 312 IME (Executive Director Dionne apprised directors that Dr. Parody is a toxicologist) and the Board currently having 24 examiners on its IME list.

MOTION PASSES 7-0.

NEW BUSINESS

- 1) **Personnel Priorities:** Executive Director Dionne provided Board members with a copy of the job description for the Office Specialist II / Supervisor position, formerly held by Ms. Porter, and remarked that most of the employee's responsibilities relate to the Medical Fee Schedule and Facility Fee Schedule.

Discussion:

Directors briefly discussed Former Office Specialist II Porter having a lot of experience with medical billing and coding; the Board seeking candidates with background in medical billing and coding and education on fee schedules; the Department of Administrative and Financial Services assisting Board staff with recruitment that would look at the applications received for the vacancy and focus on those individuals who actually have the type of experience the Board is looking for

(Ms. Inman noted unfortunately there was no one on the register and noted the Board had to do a special recruitment which will be published listing some specific questions that will be used in helping Ms. Inman score the applicants so that those individuals with experience with Facility fee schedules and/or Medicare will surface. Ms. Inman noted she is hoping to interview the top six or so candidate); whether such issues go before the Board's Personnel Subcommittee (Executive Director Dionne noted he has been trying to keep the full Board apprised of the various personnel changes and priorities that have been given to those positions that should be filled); the Board only having authority over Hearing Officers and Worker Advocates (Director Monfiletto advised directors that the positions being discussed at this time fall under the authority of the Executive Director and that normally the Personnel Subcommittee only deals with Board appointments); the Clerk IV vacancy at the Augusta Regional Office, formerly held by Ms. Boucher and the Clerk-IV Supervisor position at the Central Office that was held by Ms. Larrabee who is currently assisting the Board with the position caseload pending under a three-month contract which will give the Board sufficient time to hire someone to perform those duties; both Ms. Larrabee and Ms. Boucher retiring from State Government, after accepting a \$10,000 bonus incentive the State of Maine offered to individuals of retirement age and the State ruling departments cannot fill such positions for two years; the

NEW BUSINESS

PERSONNEL PRIORITIES CONT'D

positions being critical and at the top of Senior staff's priority list; the Deputy Director of Benefits Administration, the individual in the Department handling personnel matters, dealing with the Department of Administrative and Financial Services with whom he filed a Request for a Waiver; the Department granting the waiver from the hiring freeze (Mr. Minkowsky noted the Board made its case with respect to the emergency of filling the two positions and stated the Board would have been going from 109 positions to 107 positions at a time when Requests for Predetermination of Independent Contractor Status, required under L.D. 1456, are at a heightened state of concern. Mr. Minkowsky stated the Board was successful in getting its waiver approved and is one of the few agencies receiving approval for such positions); the Board also filing and receiving a waiver to fill the Secretary Legal position in the Abuse Investigation Unit that was formerly held by Brenda Barden's whose last day of employment is 9/25/2009 and the Board's gratitude to the Department of Administrative and Financial Services for their support in the Board obtaining waivers to fill the positions.

GENERAL COUNSEL REPORT CONTINUED

- 2) Superior Court Decision Continued (Maine Chamber of Commerce v. Workers' Compensation Board): Directors agreed to gather in executive session to discuss the case of the Maine Chamber of Commerce v. Workers' Compensation Board.

Mitchell Sammons MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS THE CASE OF MAINE CHAMBER OF COMMERCE V. WORKERS' COMPENSATION BOARD; Sophia Leotsakos-Wilson seconded. MOTION PASSES 7-0.

Directors gathered in executive session at 11:13 a.m.; returned to the meeting at 11:53 a.m.

GENERAL COUNSEL REPORT
CONTINUED

SUPERIOR COURT DECISION CONT'D

Anthony Monfiletto MOVED THAT THE GENERAL COUNSEL FILE FOR AN EXTENSION FOR NOTICE OF APPEAL AND IF THE EXTENSION IS NOT GRANTED THEN HE FILE AN INTENT TO APPEAL; Daniel Lawson seconded. MOTION PASSES 4-3 (Directors Mingo, Sammons and Wilson opposed).

ADJOURNMENT

James Mingo MOVED TO ADJOURN TODAY'S MEETING; Anthony Monfiletto seconded. MOTION PASSES 7-0.

Chairman Dionne formally adjourned the meeting at 11:57 a.m.