

Meeting Minutes

May 19, 2014
10:30 A.M.

TYPE OF MEETING Commission Meeting

ATTENDEES Chairman Thomas H. Bainbridge
Commissioner Jodie M. Taylor
Commissioner Karen L. Gillmor
Tom Connor, Executive Director
Rachael Rentas-Black, Chief Legal Counsel
Kerry Mackin, Hearing Officer Trainer
Debbie Fodey, Administrative Assistant
Kimberly Ferkany, Administrative Assistant
Genevieve Hoffman, Administrative Assistant
Greg Hickman, Administrative Assistant
Keith Carpenter, Administrative Assistant

CALL TO ORDER

The meeting was called to order by Chairman Bainbridge.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Commissioner Gillmor	Present
Commissioner Taylor	Present
Chairman Bainbridge	Present

DISCUSSION2014 Statewide Hearing Officer Meeting Agenda*Substance Abuse:*

Ms. Mackin presented a draft version of the agenda for the 2014 Statewide Hearing Officer Meeting. Ms. Mackin discussed whether to have a representative from the Ohio Bureau of Workers' Compensation as a speaker. Commissioner Taylor noted that someone from the Bureau usually speaks. An invitation will be sent to the Bureau to speak at this year's annual hearing officer training.

Ms. Mackin noted that this year we have some flexibility regarding the substance abuse, ethics, and professional conduct portion of the training. Commissioner Taylor asked if the agency could get one person to cover the entire 1.5 hour slot. Ms. Mackin noted that Dave Howard can also do mental health and opiate addiction. Chairman Bainbridge asked if that was for one hour. Tom Connor answered that is for the 1.5 hours. Chairman Bainbridge noted that it may be difficult to get one person to go that long. Mr. Connor also noted that it would be difficult to have one person do the whole thing. Ms. Mackin noted Eric Cameron as an option. Chairman Bainbridge advised that we will study it—see if we can get someone to cover 1.5 hours. Commissioner Taylor noted Dave Howard as a good option. Ms. Mackin noted that we have to pay Dave Howard. Commissioner Gillmor suggested Ms. Mackin contact individuals who have attended training sessions provided by Mr. Howard before determining whether the Commission should request Mr. Howard speak for 1.5 hours.

Case Law Update:

Ms. Mackin noted that we alternate between injured worker (IW) and employer reps every year for case law updates and that this year we must use an IW rep. Chairman Bainbridge noted that Mr. Barnhart is a good option. Commissioner Taylor indicated that Pete Gibson is a good option. Chairman Bainbridge also noted that Chris Yeager is knowledgeable, and that Pete Gibson is also a good option. Chairman Bainbridge noted that we don't have to limit the search to Columbus. Ms. Mackin asked if it was okay to use Pete Gibson. Chairman Bainbridge and Commissioner Taylor responded with a "yes."

Ms. Mackin noted that there is a rehab specialist—a Ph.D.—we had on the back-burner from last year. Ms. Mackin will also ask Dr. Welsh for suggestions. Ms. Mackin noted that this rehab specialist was a presenter at OAJ. Chairman Bainbridge asked if it was Mr. Finch. Mr. Connor indicated that it was not. Ms. Mackin noted that we can retain Dr. Hart. Chairman Bainbridge inquired as to Dr. Hart's specialty. Mr. Connor noted it is micro surgery, and that maybe we can mix it up with someone to take up the whole time. Commissioner Taylor asked Commissioner Gillmor about focusing on a particular body part. Commissioner Gillmor responded with pain management. Commissioner

John R. Kasich, Governor
Thomas H. Bainbridge, *Chairman*
Jodie M. Taylor, *Member*
Karen L. Gillmor, Ph.D., *Member*

Taylor indicated that Dr. Welsh can find someone in pain management. Mr. Connor agreed that this is good, and to find someone neutral. Commissioner Taylor indicated that it would be nice to talk about the new pill regulation. Mr. Connor indicated that if Dr. Welsh is willing to do part of it, then John Hanna could also be part of it. Commissioner Taylor indicated that it would be a good segue into Mr. Hanna's update. Chairman Bainbridge wants to ask Dr. Welsh if he can find someone to talk for an hour, or maybe two, to break it up.

Voluntary Abandonment:

Ms. Mackin noted that she threw the issue of voluntary abandonment on the agenda because the supreme court has been looking at it a lot. Commissioner Taylor indicated that she likes that it is on the agenda. Chairman Bainbridge noted that two of every three cases before the Industrial Commission are voluntary abandonment and that it is a good issue to have on the agenda. Ms. Rentas-Black offered that we could do Tenth District Court of Appeals to supplement the topic, and that Mr. Gibson could do the updates that have been issued by the courts since the last hearing officer training was held. Commissioner Taylor asked if it would be a panel or individual speaker—panel is good. Mr. Connor indicated that there was not much counter-point when we did it last. Commissioner Taylor asked if we really want to do what we did two years ago. Chairman Bainbridge indicated that this is a hot issue right now. Ms. Rentas-Black also indicated that we could focus on IC orders from a couple years ago and that it would be better to go with one speaker. Chairman Bainbridge indicated that this would be okay. Commissioner Taylor offered that Ms. Rentas-Black would do well here as a speaker. Commissioner Gillmor also thought of that, but Ms. Rentas-Black is speaking on the next subject in the agenda. Commissioner Taylor noted that Mr. Connor and Ms. Mackin could speak on the policy updates, and that Ms. Rentas-Black could talk about how the law has changed.

Additional Topics

Commissioner Taylor would like to discuss present votes and whether deputies and regional managers are to see present votes. Commissioner Gillmor noted that this topic was not on the agenda. Chairman Bainbridge advised that this topic will be placed on a future agenda.

MOTION

Commissioner Taylor moved for a temporary recess from discussions. Commissioner Gillmor seconded.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

MOTION

Chairman Bainbridge moved to resume discussions. Commissioner Gillmor seconded.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

DISCUSSION

Memo I-5

Mr. Connor noted an issue in the way .512 appeals are handled—used to be *de novo*. Under certain conditions, the court could overturn an administrative appeal and reverse the Industrial Commission’s decision even when only one condition was appealed. The court on 4123.512 appeals used to act on the entire claim, but have been less willing to do so in the last couple of years. Chairman Bainbridge asked about the corrections. Mr. Connor noted that they came from Rules Advisory Group and that the changes were unanimous within the group. Commissioner Taylor indicated that she did not see the changes until this morning and would need more time to review before voting on the changes. Commissioner Gillmor noted that there is a typographical error within one of the draft Memo I-5s—C-92 should say “request.”

MOTION

Chairman Bainbridge moved to table. Commissioner Gillmor seconded.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

John R. Kasich, Governor
Thomas H. Bainbridge, *Chairman*
Jodie M. Taylor, *Member*
Karen L. Gillmor, Ph.D., *Member*

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

ADJOURNMENT

Chairman Bainbridge moved to adjourn. Commissioner Taylor seconded the motion.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Commissioner Gillmor	Yes
Chairman Bainbridge	Yes
Commissioner Taylor	Yes

Respectfully submitted,



Tom Connor
Executive Director