

**WORKERS' COMPENSATION INDUSTRIAL COUNCIL**  
**JANUARY 11, 2013**

Minutes of the meeting of the Workers' Compensation Industrial Council held on Friday, January 11, 2013, at 2:00 p.m., Offices of the West Virginia Insurance Commissioner, 1124 Smith Street, Room 400, Charleston, West Virginia.

Industrial Council Members Present:

Bill Dean, Chairman  
Kent Hartsog, Vice-Chairman  
James Dissen (via telephone)

**1. Call to Order**

Chairman Bill Dean called the meeting to order at 2:00 p.m.

**2. Approval of Minutes**

Chairman Bill Dean: The minutes of the October 18, 2012 meeting were sent out. Did everybody have a chance to look them over?

Kent Hartsog: Motion to approve.

Chairman Dean: Mr. Dissen, have you seen the minutes?

James Dissen: I did. I'll second the motion.

Chairman Dean: A motion has been made and seconded to approve the October 18, 2012 minutes as stated. Any question on the motion? All in favor, aye. All opposed, nay. The aye's have it. Motion passed.

**3. Office of Judges Report – Alan Drescher, Deputy Chief Administrative  
Law Judge**

Judge Alan Drescher: Thank you, Mr. Chairman. The report is for the month of December, so it also represents a year-end report as well for the year 2012. I have a few things I wanted to bring to your attention, and I'd be happy to discuss anything on

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there that you have questions about. I want to point out that, as anticipated, the Old Fund protests continue to decline. They've dropped from 17.90% in 2011 to 12.60% in 2012. The private carriers are corresponding the increasing from 62.60% to 68.72%. Self-insureds are roughly the same, dropped just slightly. We anticipate that trend will continue in 2013.

On page four of the report, we acknowledged 4,705 protests in 2012. That's a [340] decrease, 6.70% from the previous year. Our protest level. . .it has leveled off. Obviously it dropped a little bit more in 2012, so we'll have to see where that goes in the future. We also resolved 4,773 protests, so we resolved about 70 more than we brought in. That's one of the reasons why the chart shows the pending number continues to drop as compared to twelve months ago. I would note it is up just slightly from a month ago, but that's going to fluctuate from month to month, but there is still a slightly downward trend in pending caseload.

Our timeliness, as far as acknowledging protests, we had 7% that took us more than 30 days. That's, in our view, reflective of two things. One, we had a computer system conversion. If you look at February and March on the chart you can see that those months are down. In terms of compliance – with regard to new carriers – there are sometimes problems in terms of them properly getting the claims processed through the EDI process. What will happen is, we will get a protest to a claim that has not been properly registered through the EDI and we can't acknowledge it. What happens in that case – we will contact the carrier and explain to them that they haven't done this, and sometimes we'll also contact OIC and they will contact the carrier. It generally gets taken care of, but it takes more than 30 days, and that's why we don't meet our goal there.

On the decision timeliness, we did 96.8% of our decisions within 60 days of our submit orders. We are trying very hard to meet the Council's request that we do it in 60 days. And you can see 99.7% of them are done within 90 days. There are very few that take longer than that, and there's usually a technical reason why those don't go through.

That's all I wanted to bring to your attention, and I would be happy to address any questions.

Chairman Dean: Mr. Hartsog, do you have any questions?

Kent Hartsog: No.

Chairman Dean: Mr. Dissen, do you have any questions for Judge Drescher?

James Dissen: No, sir.

Chairman Dean: Thank you, sir.

#### **4. General Public Comments**

Chairman Dean: We'll move onto general public comments. Does anybody from the general public have a comment today? [No comments.]

#### **5. Old Business**

Chairman Dean: Does anybody from the Industrial Council have anything they would like to bring up under old business? Mr. Dissen, would you like to bring up anything under old business?

Mr. Dissen: No.

Chairman Dean: Commissioner Riley, anything for you?

Commissioner Michael Riley (OIC): No, sir.

Chairman Dean: Mr. Pauley?

Andrew Pauley, General Counsel, OIC: No, sir.

Chairman Dean: Ryan?

Ryan Sims, Associate Counsel, OIC: No.

#### **6. New Business**

Chairman Dean: Mr. Hartsog, do you have anything under new business?

Mr. Hartsog: No.

Chairman Dean: Mr. Dissen?

Mr. Dissen: No, sir.

Chairman Dean: Commissioner Riley?

Commissioner Michael Riley (OIC): No, sir.

Chairman Dean: Mr. Pauley?

Mr. Pauley, General Counsel, OIC: No, sir.

Chairman Dean: Ryan?

Mr. Sims, Associate Counsel, OIC: No.

## **7. Next Meeting**

Chairman Dean: Our next meeting will be February 14, 2013. Does that meet everybody's schedule? Could we move that either a day or a week? I'm coming back from Las Vegas on that day.

[There was discussion among the Council members and the OIC staff about changing the next meeting date.]

Chairman Dean: The next meeting will be February 21. . . maybe, or we'll be advised if that date needs to be changed.

## **8. Executive Session**

Chairman Dean: The next order of business is Executive Session. The next item on the agenda is related to self-insured employers. These matters involve discussion as specific confidential information regarding a self-insured employer that would be exempted from disclosure under the West Virginia Freedom of Information Act pursuant to West Virginia Code §23-1-4(b). Therefore it is appropriate that the discussion take place in Executive Session under the provisions of West Virginia Code §6-9A-4. If there is any action taken regarding these specific matters for an employer

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this will be done upon reconvening of the public session. Is there a motion to go into Executive Session?

Mr. Hartsog: So moved.

Chairman Dean: Is there a second?

Mr. Dissen: Second.

Chairman Dean: A motion has been made and seconded to go into Executive Session. Any question on the motion? All in favor, aye. All opposed, nay? The aye's have it. [Motion passed.] We are now in Executive Session.

[The Executive Session began at 2:11 p.m. and ended at 2:33 p.m.]

Chairman Dean: We are back in regular session. Is there any business that needs to be brought up under the regular session of the Industrial Council before adjournment? Seeing none, is there a motion for adjournment?

Mr. Hartsog made the motion to adjourn the meeting. The motion was seconded by Mr. Dissen and passed unanimously.

There being no further business the meeting adjourned at 2:34 p.m.