
**WORKERS' COMPENSATION ADVISORY COUNCIL
MINUTES ~ ~ JANUARY 28, 2005 MEETING [10:00 A.M.]
110 JAMES ROBERTSON PARKWAY
HEARING ROOM, FIRST FLOOR
ANDREW JOHNSON TOWER
NASHVILLE, TENNESSEE**

The meeting was called to order at 10:00 a.m. by the chair, Mr. Dale Sims, State Treasurer.

It was determined a quorum of the voting members was present. Therefore, it was not necessary to conduct the meeting electronically. The following lists each member of the Advisory Council and indicates whether the member attended the meeting:

***CHAIR:** Dale Sims, State Treasurer - Present

***VOTING MEMBERS:**

Employee Representatives

Jack A. Gatlin - Present

Jerry Lee - Present

Othall Smith, Jr. - Absent

Employer Representatives

Neil Nevins - Present

Bob Pitts - Present

Steven Turner - Absent

***NONVOTING MEMBERS:**

Kitty Boyte [TDLA representative] - Present

Claiborne (Chip) Christian, M.D. [health care providers representative] - Absent
from meeting in person, but participated by phone

Jackie Dixon [TBA representative] - Present

Tony Farmer [TTLA representative] - Present

Bob Kirk [local governments representative] - Absent

Jerry Mayo [insurance companies representative] - Absent

David Stout [health care providers representative] - Present

***EX OFFICIO MEMBERS**

Senator Joe Haynes - Absent

Representative Jere Hargrove - Absent

Commissioner Paula Flowers - Present

Commissioner Jim Neeley - Present

***ALSO PRESENT:**

M. Linda Hughes, Executive Director

David Wilstermann, Statistical Analyst

The following lists the topics discussed by the members and the actions taken:

1. APPROVAL OF MINUTES

Draft minutes of the December 16, 2004 meeting were sent to the members prior to the meeting for review. The Executive Director reported she had received no corrections of comments.

>ACTION: The draft minutes for the December 16, 2004 meeting were unanimously approved.

2. PROPOSED MEDICAL FEE SCHEDULE RULES AND REGULATIONS

Commissioner James G. Neeley, Department of Labor and Workforce Development, advised the members that he and his staff were continuing to work on the proposed rules and regulations to implement the medical fee schedule. Commissioner Neeley explained he was still meeting with interested parties and was, therefore, unable to present a final product to the Advisory Council at this time. Commissioner Neeley indicated he wanted to be able to have the appropriate entities review the finalized rules to determine the impact on the workers' compensation system before sending the rules to the standing committees. He stated if they were unable to finalize the rules by February 15, 2005 to send the rules to the standing committees he was not opposed to requesting an extension of time for filing the rules. He told the members that he would make every effort to send the finalized rules to Advisory Council for comment prior to sending the rules to the standing committees.

>ACTION: The voting members who were present voted unanimously to defer consideration of the "draft" medical fee schedule rules and regulations to allow Commissioner Neeley the time he needed to finalize the rules.

3. UPDATE ON IMPLEMENTATION OF "REFORM ACT OF 2004"

Commissioner James G. Neeley distributed two documents to the members of the Advisory Council related to implementation of the Reform Act of 2004. The first was a list of each regional and satellite office, the contact information for each office, and the names and positions of the employees assigned to each office. He stated the Workers' Compensation Benefit Review Section was approximately 99.9% fully staffed at this point. He explained that 16 attorneys had been hired and at least one attorney is assigned to each office. He also noted the Nashville Benefit Review office has moved to a location in Metro Center where the facility provides ample parking and more convenience to the parties.

The second document distributed to the members was a "Draft" of the rules governing benefit review conferences and discovery. Commissioner Neeley stated that although the Advisory Council was not required by statute to review the proposed rules, he wanted to give the members the opportunity to provide comments prior to the finalization of the rules. The members were requested

to provide comments directly to Mr. Blaine Sprouse or to Linda Hughes, who would forward the comments to Mr. Sprouse.

>**ACTION:** No action was taken by the members regarding this agenda item.

4. CONSIDERATION/APPROVAL OF "COURT DECISIONS" REPORT TO GENERAL ASSEMBLY

Linda Hughes, Executive Director, reviewed the draft copy of the proposed report that had been sent to all members for their review. The members made suggested changes to the report.

>**ACTION:** The voting members of the Advisory Council unanimously approved the report, as amended by the changes suggested by the members and by any additional changes noted by Ms. Hughes during the final preparation of the report.

5. DISCUSSION OF REPORT ON OCCUPATIONAL HEALTH AND SAFETY OF TENNESSEE EMPLOYMENTS

Ms. Hughes explained the "Reform Act of 2004" requires the Advisory Council "to study and report on the occupational health and safety of employments in Tennessee and make recommendations for safe employment education and training and promote the development of employer-sponsored health and safety programs." The members discussed how best to fulfill this requirement. Commissioner Neeley stated the TOSHA Division has a great deal of information and statistics on this issue. He also indicated the department is able to identify those employers who have high "mod rates" for workers' compensation insurance as a result of high incidence of injuries.

>**ACTION:** The Chair requested Commissioner Neeley and Commissioner Flowers to make a presentation to the Advisory Council at a later date regarding the information available to each department concerning the subject. No formal action was taken by the Advisory Council regarding this agenda item.

6. FUTURE MEETINGS

Ms. Hughes reminded the members that the next meeting would be on Friday, February 18, 2005 and the primary agenda item would be the consideration of the NCCI loss costs filing that is to be effective on July 1, 2005.

>**ACTION:** No action was taken by the members regarding this agenda item.

The meeting of the Advisory Council adjourned at 11:00 a.m.