

MINUTES OF THE ILLINOIS WORKERS' COMPENSATION COMMISSION
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH STREET
ROOM 9-036
HELD ON July 19, 2018 at 9:30 AM

Present at the meeting:

Chairman Joann Fratianni
Michael Brennan
Charles DeVriendt
David Gore
Joshua Luskin
Deborah Simpson
Thomas Tyrrell
Stephen Mathis

Present by telephone:

L. Elizabeth Coppoletti
Kevin Lamborn

IWCC staff present at the meeting were:

Ronald Rascia, General Counsel
Keith Brin, Chief of Staff
Cecelia Kasmierski, Assistant General Counsel
Robert Ruiz, Manager Insurance Compliance

Chairman Joann Fratianni called the meeting to order at 9:30 a.m. and noted that a quorum was present. There was a motion by Commissioner Tyrrell, seconded by Commissioner Mathis, and unanimously carried to approve the minutes from the meeting held on March 29, 2018.

As to old business, Chairman Fratianni addressed insurance compliance issues. Commissioner Brennan commented on the Commission's need to track insurance compliance cases with a WC number. Commissioner Mathis and Commissioner Brennan reviewed the rules and sent a memo to Mr. Rascia. Insurance Compliance cases would be easier to track in mainframe with a WC number and the Commission would be Petitioner. Discussion was held concerning insurance compliance settlements and that the statute is clear that contracts should be approved by Commissioners. Mr. Rascia advised there was no need for a rule change, as this is a process change, that does not alter substantive rights outside of the Commission.

Robert Ruiz advised the tracking system does not use a WC number, but substituted is an IN number. There are about 173 current cases in the system filed for hearing before the Commissioners. There are about 1200 investigation files, of which about 200-225 settle per year.

Keith Brin discussed IT assigning a WC number to the insurance compliance cases. Chairman Fratianni advised that the IWCC will always be the Petitioner in these cases. The computer would generate the assignment to the Commissioner. Discussion was held that the pending cases should get assigned a WC number.

Discussion was held regarding settlements involving Insurance Compliance matters. Settlements need to be signed by the party or Respondent and the Director of Insurance Compliance. Chairman Fratianni advised that the last step would be for the settlement to be submitted for approval and signed off by the Commissioner.

The Board discussed the form of the settlement contract, possibly being adapted to the pink form, to have a record, and transparency. Commissioner Coppoletti advised that case law states that a settlement contract is binding just as a decision. Commissioner Brennan discussed the right to set aside the settlement if the terms are not met. Discussion was held by the Board regarding case number assignment. The Chairman discussed that the primary goal of the Act is compliance.

The Board expressed gratitude to Robert Ruiz and members of the Insurance Compliance staff, including those present, Cathy Kaczanowski, Gloria Jimenez, for outreach and education, and intern, Vanessa Rodriguez.

Mr. Rascia read the following:

DATE: July 19, 2018

SUBJECT: INSURANCE COMPLIANCE POLICY AND PROCEDURES

WHEREAS the Illinois Workers' Compensation Commission desires to increase efficiency and standardize procedures in its Insurance Compliance Division; therefore, be it

RESOLVED, BY THE ILLINOIS WORKERS' COMPENSATION COMMISSION, that, as soon as is practical, the Chairman of the Illinois Workers' Compensation Commission will direct her staff to enact policies and procedures to ensure:

1. All Insurance Compliance matters will be assigned a "WC" number;
2. All Insurance Compliance matters will be assigned to a Commissioner;
3. To be considered valid, any purported settlement involving an Insurance Compliance matter must be signed by the party or parties Respondent *and* the Director of the Insurance Compliance Division of the Workers' Compensation Commission; and
4. To be considered valid, any purported settlement involving an Insurance Compliance matter must be submitted for approval and approved by the assigned Commissioner.

Mr. Rascia advised that the drafted resolutions contained signature lines for the Chairman and each Board member. Chairman Fratianni asked the Board to bring the four resolutions to a motion. Commissioner Tyrrell moved that the Illinois Workers' Compensation Commission adopt the proposed resolutions. Commissioner Brennan seconded the motion, and the motion was passed unanimously with a vote of yes by each Board member.

Chairman Fratianni noted there was no public comment.

There was a motion by Commissioner Brennan, seconded by Commissioner Mathis, and unanimously carried to adjourn the meeting at 10:33 a.m.

