

**MINUTES OF THE ILLINOIS WORKERS' COMPENSATION COMMISSION
THOMPSON CENTER, 8th FLOOR – CHAIRMAN'S CONFERENCE ROOM
HELD ON JANUARY 27, 2011 AT 1:00 PM**

Present at the meeting were:

Chairman Mitch Weisz
Commissioner Yolaine Dauphin
Commissioner David Gore
Commissioner Kevin Lamborn
Commissioner Ruth White
Commissioner Thomas Tyrrell
Commissioner Mario Basurto
Commissioner Michael Latz

Participating via conference call:

Commissioner Daniel Donohoo
Commissioner Charles DeVriendt

IWCC staff present at the meeting were:

Mr. Darrell Widen, Deputy General Counsel
Ms. Kim Janas, Secretary
Ms. Dora Shabazz, Judicial Coordinator
Mr. Ronald Rascia, General Counsel

Chairman Mitch Weisz called the meeting to order at 1:00 pm. Upon motion made by Commissioner Lamborn, seconded by Commissioner Tyrrell, and unanimously carried, the minutes of the Commission meeting held November 17, 2011 were approved.

Chairman Weisz started the meeting by providing a Commission update. The Governor appointed three new Arbitrators, Brandon Zanotti, William Gallagher, and D. Douglas McCarthy. All three Arbitrators will be starting with the Commission in the near future. Chairman Weisz informed the Commissioners that the Commission had hired a new Chief Financial Officer, Mary Wells, and a new Deputy Counsel, Lola Dada-Olley. Chairman Weisz also noted that each Commissioner's office now is completely filled with Staff Attorneys, who have made great efforts to cut down the backlog of cases from previous times of understaffing in those offices.

Chairman Weisz then provided the Commissioners with a general update of current projects at the Commission, including his recent visit to the Herrin and Collinsville Commission hearing sites and also an update on recent business before the Self Insurers Advisory Board. This year, the Injured Worker Benefit Fund will likely pay a pro rata share to beneficiaries, as the number of claims filed against the Fund have steadily increased. The revenue stream to the Fund has remained substantially consistent, as the Fund is supported by fines collected by the Insurance Compliance Unit. Chairman Weisz noted that the Insurance Compliance Unit has started to issue citations to employers without workers' compensation insurance. The citation was one of the new provisions implemented by HB 1698.

Chairman Weisz discussed two other significant issues related to HB 1698, the introduction of the AMA guidelines in the determination of Permanent Partial Disability (PPD) and the requirement that 19(b) hearings be set in the venue of the assigned Arbitrator, even if that Arbitrator is at another site within the zone.

Moving forward, Chairman Weisz plans on looking more closely at the process by which cases are assembled for review to each Commissioner. The Chairman asked for any input from the Commissioners to streamline this process.

Chairman Weisz then opened up the meeting for any discussion or comments by the Commissioners. Commissioner Tyrrell inquired as to whether a Commissioner may make a motion on review to consolidate two cases from the same accident and the same petitioner. Chairman Weisz stated that he was not aware of such a provision, but offered that this was something that could possibly be addressed by a change in the Commission's rules.

The next topic addressed was the draft revision to the Medical Fee Schedule rule. Kim Janas provided a short summary of the changes made to the rule. There was a motion by Commissioner Latz, seconded by Commissioner Gore, and unanimously carried to recommend that this draft rule be forwarded to the Joint Committee on Administrative Rules for approval.

Chairman Weisz then advised the Commissioners of their new obligation under Public Act 97-504, which requires each member of a public body subject to the Open Meetings Act to complete a training program on the Act provided by the Office of the Attorney General's Public Access Counselor. Chairman Weisz noted that Kim Janas would send an email out to the Commissioners with more information about this training requirement.

Finally, Chairman Weisz explained the requirements for the evaluation of Arbitrators now that each Arbitrator has a term that is subject to renewal through a recommendation by the Chairman to the Commission. The Chairman noted that he was working on different ways to evaluate the Arbitrators and inquired if the Commissioners would be interested in observing some of the Arbitrators during trials or review calls. The Commissioners discussed some potential issues which may arise during these observations. Commissioner Lamborn suggested that a uniform report regarding performance be produced for each Arbitrator under consideration for the renewal of their term. The Commissioners will each observe one or two arbitrators per year so that all Arbitrators are observed on a rolling three year schedule.

Upon motion duly made by Commissioner Basurto, seconded by Commissioner White, and unanimously carried, the meeting was adjourned at 2:00 pm.