

# MINUTES OF THE ILLINOIS WORKERS' COMPENSATION COMMISSION

## BOARD MEETING

HELD ON AUGUST 9, 2022 at 11:00 AM

### **Board Members Present In Person**

Chairman Michael J. Brennan  
Commissioner Kathryn Doerries  
Commissioner Stephen Mathis  
Commissioner Thomas Tyrrell

### **Board Members Present via WebEx**

Commissioner Carolyn Doherty  
Commissioner Christopher Harris  
Commissioner Marc Parker  
Commissioner Maria Portela  
Commissioner Deborah Simpson

### **Not Present**

Commissioner Deborah Baker

### **IWCC staff present at the meeting:**

Ronald Rascia, General Counsel  
Cole D. Garrett, Deputy General Counsel  
Annette Roti, Confidential Assistant to the Chairman  
Michele Kowalski, Secretary of the Commission (via WebEx)  
Whitney Martin, Manager Research and Education

On August 9, 2022 at 11:00 AM, Chairman Michael J. Brennan called the Workers' Compensation Meeting to order. Michele Kowalski took roll and verified a quorum was present.

As to new business, Chairman Brennan summarized the proposed administrative rule changes transmitted to JCAR, as follows:

1. Effectuating the repeal of rules relevant to Insurance Compliance, prompted by the transfer of the IC function to the Department of Insurance (50 Ill. Admin Code 9100.90)
2. Establishing rules for hearings, notices, service, assignments, and release for the Emergency Work-Stop Order process created by P.A. 101-40; and amending confusing, ambiguous language around service of process for Work Stop Orders/Notices and establishing common sense rules for perfecting service (50 Ill. Admin. Code 9100.90)
3. Addressing a topic raised in audit by codifying that, in the event a Self-Insured entity provides the Commission with a security, any interest earned on the deposit of that security will be deposited into the Self-Insurers Security Fund instead of returned to the Self-Insured entity (50 Ill. Admin. Code 9100.60)
4. Establishing a new procedure for the handling, storage, return, and eventual disposition of physical media submitted to the Commission as evidence (necessitated by the adoption of electronic records for all cases through the CompFile system) (50 Ill. Admin. Code 9030.70)
5. Establishing that the Commission may prescribe an electronic format for payment of Insurance Compliance fines and penalties (50 Ill. Admin. Code 9100.90)
6. Adjusting the required voting fraction for the Advisory Board to approve a list of certified arbitrators (from "7 of 9" to "a majority") to prevent the incapacitation of the Board in the event of a vacancy (50 Ill. Admin. Code 9030.100)
7. Miscellanea
  - a. Amending confusing, ambiguous language around Section 19(b-1) petitions to conform with the accepted and intended process employed by the Commission (50 Ill. Admin. Code 9020.80)

- b. Updating the Commission's Chicago address from the JRTC to the Dunne Building (2 Ill. Admin Code 2026.305, 2026.505; 50 Ill. Admin. Code 9100.90; 50 Ill. Admin. Code 9110.80; 50 Ill. Admin. Code 9140.80)
- c. Updating reference to the repealed Electronic Commerce Security Act [5 ILCS 175] with reference to its replacement, the Uniform Electronic Transactions Act [815 ILCS 333] (50 Ill. Admin Code 9015.10-20)
- d. Curing an unintentional issue that, on its face, would prevent practitioners from submitting scanned versions of certain essential records and documents (50 Ill. Admin. Code 9015.20)
- e. Various grammatical and stylistic amendments, mostly proposed by the writing staff of JCAR's Executive Director (throughout)

Chairman Brennan stated that the rules had been sent to the Governor's Office with no changes. Discussion ensued about the proposed rules including clarifications about the Commission's capacity to upload and retain audio/visual content and service of process.

Commissioner Mathis motioned to adopt and submit the rules as written and Commissioner Parker seconded the Motion. The Motion passed without objection. Chairman Brennan noted that Commissioner Baker voiced her support for the proposed rules prior to the meeting.

Mr. Garrett explained that the rules will be submitted to the Secretary of State's office to begin the process of First Notice in which the public will have 45 days for comment.

Mr. Rascia in his capacity as the Ethics Officer noted that Commissioners should refrain from discussion of the rules with outside parties. Any communication needs to be reported to Mr. Rascia and he will keep a log of such communications.

As to other business, Chairman Brennan questioned whether the Commissioners in Chicago would sit for Review calls since Oral Arguments are in person. After discussion, it was determined that for the sake of efficiency the Commission would not make any changes.

Chairman Brennan also mentioned an upcoming move for the Springfield office. More information about it will be forthcoming.

No members of the public were in person in person or remotely so there was no public comment. Upon no further business, Commissioner Portela moved to adjourn, Commissioner Mathis seconded the motion, and the motion was approved unanimously. The meeting adjourned at 11:43 AM.