

Minutes
Labor-Management Advisory Council Telephone Conference
January 27, 2017

Advisory Council and Subcommittee members present:

Lt. Governor Mike Cooney
Eric Strauss, ERD Administer
Jason Swant, Project Manager
Mark Cadwallader, Legal Counsel Department of Labor and Industry
Al Smith, Montana Trial Lawyers Association
Don Judge, Injured Workers Resource Council
Larry Jones, Montana Self-Insureds Association
Lance Zanto, Workers' Compensation Management Bureau
Chris Cavazos, Montana AFL-CIO
Bill Wheeler, Claims Assistance Bureau Chief, ERD
Kevin Braun, Montana State Fund
Jim Larson, Teamsters Local 190

Advisory Council and Subcommittee members via telephone

Nicole Thuotte, Montana Public Employee Association
Doug Buman, Laborers' International Union of North America
Bill Dahlgren was proxy for Annette Hoffman

Others Present:

Eric Anderson, Teamsters Local No. 190

Welcome and Introductions

II. Approval of Agenda and Previous Minutes

The minutes from the January 20, 2017 meeting and agenda were approved. A correction to the minutes is that Senator Dan Salomon is heading the workers' compensation work study, rather than Dan Harris.

III. Draft Formulary Bill – Bill Wheeler

Mark Cadwallader, Al Smith and Leslae Dalpiaz worked on additional wording regarding legacy claims in the bill and the draft was sent to LMAC members
Discussion included use of the words "may" and "shall" in paragraph (3) in the bill regarding evidence based and, the use of a commercial or proprietary formulary
A motion to support the draft bill passed and efforts will focus on finding a sponsor.

IV. 2017 Workers' Compensation Legislation – Eric Straus

Bills being monitored:

HB 229: Allowing worker to choose treating physician in workers' compensation cases.
A hearing was held January 27, 2017.

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HB 239: Provide income tax benefits to employers and students for higher education costs. A hearing was held January 25, 2017.

HB 268: Create offense related to assault on healthcare and emergency providers. A hearing was held January 23, 2017. Amendments are being drafted for NAMI & Disability Rights clarifying mental health patients.

SB 72: Create presumptive illness for firefighters. A hearing was held and the bill passed committee with an amendment regarding how the bill will be funded. An accurate fiscal note is needed along with the number anticipated claims and costs.

SB 142: Revise laws related to volunteer emergency personnel and worker's comp insurance. A hearing will be held Monday January 30, 2017. A motion for LMAC support the bill, as written, was passed.

SB 116: Disallowing workers' compensation benefits for certain false statements. A hearing was held January 25, 2017. LMAC is not taking a position on this bill.

Unintroduced Bills LMAC will monitor:

LC2101: Designate fiscal agent as employer for workers' compensation insurance
This would amend Section 39-71-117, Definition of Employer.

Other Matters:

Eric advised of an update on the Division Budget that would cut compliance out of the Safety Bureau as a non-statutory requirement. A hearing will be held next week and he requested public support to retain the compliance.

Public Comment

No Public Comment

Next Steps

The meeting was adjourned