

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Telephonic Meeting
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, January 27, 2022 – 1:00 p.m.

Present: Dale L. Schultz	Chairman (Telephonic)
Joseph M. Hennelly, Jr.	Vice Chair (Telephonic)
Scott P. LeMarr	Commissioner (Telephonic)
D. Alan Everett	Commissioner (Telephonic)
James Ashley	Director (Telephonic)
Gaetano Testini	Chief Legal Counsel (Telephonic)
Trevor Laky	Legislative Affairs Chief/Public Information Officer (Telephonic)
Charles Carpenter	MRO Manager (Telephonic)
Renee Pastor	Self Insurance (Telephonic)
Jessie Atencio	ADOSH Director (Telephonic)
Anna Maria Stonerock	ADOSH Admin (Telephonic)
Kara Dimas	Commission Secretary (Telephonic)

Chairman Schultz convened the meeting at 1:00 p.m. Also in attendance on the telephone, confirmed by roll call were Leticia Saenz (Mesa Unified School District No. 4); David Matthews; Ashley Lee; Jeff Schripsema (City of Phoenix, Fire Department Station 25); Savannah Scharnhorst (Snell & Wilmer); Brett Barratt (NCCI); and Bonnie Holly (Corvel).

Approval of Minutes of January 20, 2022 Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of the January 20, 2022 regular session meeting and Commissioner LeMarr seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Everett voted in favor of the motion. The motion passed.

Consent Agenda:

All items following under this agenda item are consent matters and will be considered by a single motion with no discussion unless a Commissioner asks to remove an item on the consent agenda to be discussed and voted on separately. The Commission may move into Executive Session under A.R.S. § 38-431.03(A)(2) to discuss records exempt by law from public inspection. Legal action involving a final vote or decision shall not be taken in Executive Session. If such action is required, then it will be taken in General Session.

a. Approval of Requests for Renewal of Self-Insurance Authority.

1. Mesa Unified School District No. 4

Commissioner LeMarr moved to approve the items on the Consent Agenda as presented and Commissioner Everett seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Everett voted in favor of the motion. The motion passed.

Discussion and Action of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties.

Chairman Schultz discussed the purpose of and process for the Commission's consideration of ADOSH citations and proposed penalties.

City of Phoenix, Fire Department Station 25	Fatality/Accident	
150 S 12 th St	Years in Business:	135
Phoenix, AZ 85034	Empl. Covered by Inspection:	15
Site Location:	4010 N 63 rd Ave	
	Phoenix, AZ 85033	
Inspection No:	FC-2022-A7717-0008	
Inspection Date:	09/10/2021	

Mr. Atencio summarized ADOSH's investigation and reviewed the file. ADOSH was not recommending a citation for City of Phoenix, Fire Department Station 25.

Chairman Schultz asked Mr. Atencio to share the ADOSH letter of recommendation with Securis Insurance Pool members to benefit the rural fire districts which may not have the same expertise. Chairman Schultz highlighted the exemplary program that the Fire Department has put together.

Chairman Schultz also asked the City of Phoenix to ask the Fire Department to share their extensive program with their counterparts in other cities and towns in addition to Securis for the rural fire districts.

Mr. Matthews agreed to share the programs they have developed throughout the pandemic.

Mr. Atencio noted that on July 14, 2021 the city had their program in place that would be in line with the OSHA ETS for healthcare. It is a document explaining all of their policies and procedures.

Chairman Schultz asked Mr. Matthews to also share the information at the next Risk Management Committee meeting for the rest of the Committee to understand the extent that the Fire Department and the City has gone through to address this.

Since there were no citations or penalties presented, the Commission took no action.

Discussion and Action regarding Proposed Rulemaking (Title 20, Chapter 5, Article 14 of the Arizona Administrative Code, including R20-5-1401, R20-5-1405; R20-5-1406; and R20-5-1407) pertaining to Firefighter and Fire Investigator Cancer Claim Reporting.

Mr. Testini requested an expansion of the recently created Article 14. The new rules would amend previous rule 1401 to expand the application of Article 14 to include Firefighter and Fire Investigator Cancer Claim Reporting which is mandated by A.R.S. §23-971 as well as to include some new definitions. Additionally, three new rules, R20-5-1405, R20-5-1406 and R20-5-1407, would be created to established who reports the applicable cancer claims, how the applicable cancer claims are reported to the ICA and what specific data points are required in the reporting of the

applicable cancer claims. The Notice of Proposed Rulemaking was provided before the meeting with proposed language and a Resolution to sign electronically.

The Legal Division requested permission to proceed with proposed rulemaking by seeking an exemption from Executive Order 2022-01 from the Arizona Governor's Office and upon receiving such exemption filing the proper notices with the Arizona Secretary of State.

Chairman Schultz commented that he appreciated all of the work for the revisions.

Vice Chair Hennelly moved to approve proposed rulemaking for the Municipal Firefighter and Fire Investigator Cancer Claim Reporting and to authorize the Legal Division to proceed with rulemaking with electronic signatures. Commissioner Everett seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Everett voted in favor of the motion. The motion passed.

Mr. Ashley asked Mr. Testini to provide timelines and accessibility for the folks that are on the call that may be interested in more details of the rulemaking. Mr. Testini noted that the Notice of Proposed Rulemaking would be filed today with the Secretary of State, public comment will be available for 30 days after publication in the Administrative Register, and a public meeting that will be scheduled for March 21, 2022 to accept in-person comments and written comments.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Ashley asked Mr. Carpenter to update the Commissioners with the AMS scorecard metrics for the Medical Resource Office for Stakeholder Education and Training, Billing Disputes Submitted and Billing Disputes Resolved.

Mr. Carpenter reviewed the metric for Stakeholder Education which shows the Medical Resource Office has trained 675 individuals in the last six months and continues to offer ongoing training. The independent payment dispute resolution program engages stakeholders to resolve issues, contacting all of the parties involved and engaging the stakeholders.

Chairman Schultz thanked MRO for establishing the program, a major focus by the Commission is to reduce litigation and the entire concept of workers' compensation is to be able to resolve problems administratively and to avoid the cost and time involved in litigation and this is exactly the kind of program the Commission wants to see to reduce litigation and disputes and reduce the animosity that develops in these claims and improve the efficiency of the system to get benefits to the injured workers in a timely manner, get providers paid on a timely basis, and to minimize the expense to Arizona's employers.

Ms. Dimas confirmed Commission meeting dates through April 2022. Commissioner LeMarr noted that he was not available for March 3.

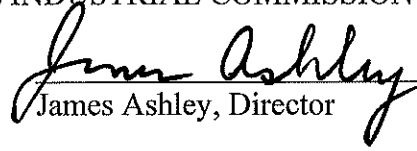
Public Comment.

There was no other public comment.

Commissioner Everett moved to adjourn and Commissioner LeMarr seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Everett voted in favor of the motion and the meeting was adjourned at 1:38 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By


James Ashley, Director

ATTEST:


Kara Dimas, Commission Secretary