

**MINUTES OF THE ILLINOIS WORKERS' COMPENSATION COMMISSION
THOMPSON CENTER, 8TH FLOOR, CONFERENCE ROOM
HELD ON JANUARY 28, 2010**

Present at the meeting were:

Acting Chairman Amy Masters
Commissioner Mario Basurto
Commissioner James DeMunno
Commissioner David Gore
Commissioner Kevin Lamborn
Commissioner Molly Mason
Commissioner Paul Rink
Commissioner Barbara Sherman

Participating at meeting via Conference Call:

Commissioner Yolaine Dauphin
Commissioner Nancy Lindsay

IWCC staff present at the meeting was:

Ms. Kathryn Kelley, General Counsel
Ms. Bertha E. Parker, Acting Secretary

Chairman Masters called the meeting to order at 1:08 p.m.

Upon motion duly made, seconded and carried, the minutes of the Commission meeting held on December 23, 2009 were unanimously approved, with a change related to scheduling of regular meetings.

The following documents were distributed to the board: previous meetings minutes; 2009 Illinois Department of Insurance Workers' Compensation Fraud Unit (WCFU) Report to the Workers' Compensation Advisory Board; Convictions resulting from WCFU investigations, Proposed rules changes for Parts 7010, 7020, 7030, 7040, 7050, 7060, 7090, 7100, and 7110; Commissioner training procedures, draft public notice to potential rate adjustment fund payees.

Due to telephonic difficulties on the 9th floor, the meeting was moved to Illinois Workers' Compensation Commission, Room 8-270 on the 8th Floor of the Thompson Center.

Chairman Masters provided a Commission update and noted that the Commission started sponsoring open houses each month, conducted by Susan Piha, to allow employers, providers, and others served by the Commission to see first-hand how the Commission operates. She noted many attendees have provided positive feedback, and also thanked the commissioners for their participation.

Chairman Masters provided an update on workers' compensation reform legislation. She noted the Department of Insurance Fraud Unit recently hired new investigators in Chicago and Springfield office, issued annual report, and also posted convictions on their web site.

Next the Commission discussed and agreed to implement new formal training program procedures for newly-appointed commissioners pursuant to requirements by Section 13 of the Illinois Workers' Compensation Act and a recent audit finding.

Chairman Masters provided an update on the Rate Adjustment Fund (RAF). The Commission discussed a legal notice to be placed in newspapers across the state to finalize efforts in identifying potential Rate Adjustment Fund payees. Commissioners agreed to post the legal notice in the following newspapers for 1 week:

- Chicago Tribune
- Daily Herald
- Rockford Register-Star
- Springfield State Journal-Register
- St. Louis Post-Dispatch
- Southern Illinoisan

Commissioner Dauphin suggested language in the legal notice be revised so it is more easily understood by non-lawyers.

Chairman Masters discussed various measures that have been taken to administer the Rate Adjustment Fund.

In addition to identifying potential RAF payees, Chairman Masters further reported that the Commission needs to continue to identify any current RAF payees whose payments should be terminated due to settlement. She advised that a review of cases currently being paid with settled workers' compensation claims had been conducted and some payees may no longer be eligible for RAF payments. The Commission discussed the process of identifying those individuals, notifying them of their ineligibility, and any rights of appeal. Further discussion will be held.

Next General Counsel Kathryn Kelley explained the rules process upon approval by the Commission. The Commission then discussed proposed rules changes for Parts 7010, 7020, 7030, 7040, 7050, 7060, 7090, 7100, and 7110. Revisions were discussed and agreed upon by the Commission. Ms. Kelley indicated she would incorporate agreed changes and circulate revised rules after the meeting. It was discussed that Part 7010 would be finalized once technology upgrades were made by IWCC, and that changes to Parts 7020 and 7030 would be incorporated with future arbitration updates to be reviewed by the Commission before initiating the rulemaking process. Upon motion duly made, seconded and carried, Parts 7010, 7020, 7030, 7040, 7050, 7060, 7090, 7100, and 7110 with agreed changes at the January 28, 2010 meeting were unanimously approved.

Additionally Commissioner Dauphin noted a contract that included terms limiting petitioner of significant rights under the Act, and the Commission discussed the issue.

With no further business, the meeting adjourned at 3:30 p.m.