

**MINUTES OF THE ILLINOIS WORKERS' COMPENSATION COMMISSION
THOMPSON CENTER, 16th FLOOR, ROOM 504 CHICAGO
HELD ON DECEMBER 23, 2009 AT 1:00 PM
OPEN SESSION**

Present at the meeting were:

Amy Masters, Acting Chairman
Commissioner Mario Basurto
Commissioner Yolaine Dauphin
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 Nancy Lindsay

IWCC staff present at the meeting were:

Ms. Kathryn Kelley, General Counsel

Chairman Masters called the meeting to order at 1:05 p.m.

Upon motion duly made, seconded and carried, the minutes of the Commission meeting held on November 3, 2009 were unanimously approved with two corrections.

Chairman Masters provided a Commission update, including rules committee status, completion of medical fee schedule seminars, and FY11 budget.

Chairman Masters discussed implementation of reform laws, including update on Medical Fee Schedule Report to the Governor and General Assembly, medical fee advisory board participation, and 2010 agenda; future Commission discussion regarding implementation of 19B rules; and the Injured Workers' Benefit Fund, including retroactive payments and one-time payments for permanent totals and fatal cases.

Commissioner Sherman suggested that regular meetings be scheduled to discuss current issues impacting the Commission, including monthly meetings on an initial basis and then thereafter as frequently than needed, at least on a quarterly basis, and the Commission agreed.

Next the Commission discussed the Rate Adjustment Fund (RAF), including back-payments and outreach efforts. Commissioner Mason provided details about a hearing she conducted regarding RAF back-payment issue where the Attorney General agreed back-payments should be paid in

full. General Counsel Kathryn Kelley provided additional information on the issue pursuant to her discussion with the Attorney General's office. Given the Attorney General's stance on this issue of back-payments, the Commission decided to make payments in full to current RAF claimants owed back-payments.

The Commission also discussed final outreach efforts to further identify any RAF claimants and agreed to post legal notice in 5 regional newspapers across the state for 1 week, post another prominent notice on the IWCC web site and email the IWCC news group consisting of approximately 1,200 people.

Chairman Masters explained the affidavit review process that is conducted each year to ensure claimants remain eligible for RAF payments, and also discussed the RAF payment termination process due to settlement contracts.

The Commission also discussed potential legislation regarding RAF to address application process and allow administrative expenses to be paid from RAF.

Chairman Masters also discussed Injured Workers' Benefit Fund settlements and noted that negotiated settlements have and can be less than \$10,000, though they are often more. Settlement amounts vary based upon the severity of the violation and a number of criteria are considered including but not limited to employee number, time uninsured, and claims filed. Chairman Masters noted while one of the main goals of the Insurance Compliance program is to ensure all Illinois employers are compliant and appropriate fines should always be assessed for noncompliance, it is not the Commission's ultimate goal to put employers out of business.

There being no further business, the meeting adjourned at 2:15 p.m.