WORKERS’ COMPENSATION
EXECUTIVE COMMITTEE MEETING
Thursday, August 10, 2017

MINUTES

In attendance: Judge Denise Krass  
Judge Tina Maria Rago  
Judge Todd Seelig  
Jon Paul DeMarco  
Danielle DeRosa  
Caroline Diehl  
Diane Fenner  
Andrea Graf  
Jeffrey Gross  
Alexis Handrich  
Kelly Hemple  
Ian Landman  
Mark Mazzanti  
Eric Pearson  
Christian Petrucci  
Deborah Richman  
Andrea Rock  
Amit Shah
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CONDENSED MINUTES

1. Meeting is called to order. Motion for approval of June 2017 meeting minutes is seconded and all are in favor.

2. Section Chair Meeting was rescheduled to August 23, 2017 and update will be provided thereafter.

3. Committee Updates.
   a. CLE Committee: Andrea Graf advised that presenter is needed for September 8, 2017 CLE entitled “Immigration Status and the Injured Worker”. Christian Petrucci ultimately volunteered to speak at the aforementioned CLE. Amit Shah advised that the Bench Bar CLE is scheduled for October 14, 2017 on the topic of concussion injuries and workers’ compensation.
   b. Legislative Committee: Alexis Handrich provided an update. SB 774, a re-introduction of SB 413 from 2015 which we opposed via a Resolution requesting an exclusion of the Pennsylvania workers’ compensation adjudication process. This Bill seeks to create a central panel of judges for all “administrative law” functions, including workers’ compensation, who would not necessarily have the qualifications outlined by the WCJ Rules regarding knowledge, experience, and testing to qualify as a WCJ, and who may also not have an understanding of the complexities of our practice. SB 774 was referred to the State Government on June 16, 2017, had first consideration on June 19, 2017 and second consideration on June 21, 2017 and was referred back to Appropriations as of June 21, 2017 where it still remains.

   SB 676 a re-introduction of SB 876, which sought to amend the Act relative to procedures and burdens of proof on claims involving the UEGF. The stated intention is to ensure continued solvency of the fund. This version of the bill requires a claimant to file a claim within 180 days of the currently required notice to the Fund. It prevents the claimant from relying upon his own testimony regarding his wages and holds that they must provide proof of wages via pay stubs, tax returns, bank statements or written documentation of employment. The bill also creates a different system for medical treatment, with a list of designated health providers.

   HB 18 purports to be “drug formulary bill,” essentially allowing a list of approved medications to work-related injuries, and any medication not include would be deemed automatically unreasonable and unnecessary. The wording of the bill has raised concern that it would allow a much more
extensive restriction on medical care beyond medication usage, and would also interfere with the doctor-patient relationship and have negative consequences relative to loss of individualized treatment; reduction of physicians willing to treat injured workers; regulatory interference with medical decisions which may generate malpractice concerns; and the uncertainty surrounding the variability and effectiveness of generic drugs which the formularies may dictate. Also, this process may result in increased prescription costs and also cost shifting to private insurance and government agencies. A Motion was passed on June 20, 2017 to re-refer the bill and all amendments to the House Human Services Committee, which then voted to re-refer to Rule on June 21, 2017, where it has stayed since then.

c. Treasurer: See Treasurer’s Report. Judge Tina Maria Rago will reach out to Susan Knight to discuss modification of categories on Treasurer’s Report.

d. Fundraising: Jeffrey Gross advised that fundraising efforts are on track.

e. Charitable Events and Community Service: Deborah Richman provided update about recent events, including the Turning Points for Children backpack drive and happy hour of August 10, 2017 as well as the St. John’s Hospice lunch of today and upcoming holiday lunch scheduled for November. St John’s Hospice Fall Fling Gala is 9/15. Motion for approval of $300 sponsorship for Fall Fling Gala is seconded and all are in favor.

f. Events: Jon Paul DeMarco advised he is working on providing suggested speakers for 2018 Martha Hampton event. Committee discussed potential themes for event. Discussion will continue at next meeting.

g. Board of Governors: Recent meeting cancelled.

h. Marketing and Communications Committee: Committee will write an article on recent Protz decision to be submitted by August 15, 2017 deadline.

i. Diversity and Inclusion Committee: Caroline Diehl advised Education Works provided refund of $1,400.00 of the stipend money that was approved to pay student judicial clerks who had been participants in youth court programs in the city last year. Two students participated in the program last summer and were paid a total of $900.00. The returned funds will go toward four additional students. Motion for funding of another $700.00 to compensate another two students, all six of whom are participating in the program this year, seconded and all are in favor. Committee requested approval for the monies to be paid directly to the students, rather than through an intermediary, and were advised that this will be discussed with Susan Knight who can advise if feasible. Judge Todd Seelig suggested we incorporate this program into the workers’ compensation courts in the future.
j. Arts in the Courts: Deferred.

k. YLD Liaison: Ian Landman advised back to school drive and happy hour is scheduled for today. The expungement clinic was extended such that two more dates will be provided for same.

l. Of counsel: Deferred

m. New Business: Motion for approval of Bench Bar Sponsorship in the amount of $2500 is seconded and all are in favor.

There being no further business, the meeting was adjourned.