

WORKERS' COMPENSATION INDUSTRIAL COUNCIL

PUBLIC HEARING

In the matter of:
MINUTES OF THE
INDUSTRIAL COUNCIL
PUBLIC HEARING

ORIGINAL

BEFORE:

KENT HARTSOG, CHAIRMAN

TRANSCRIPT OF PROCEEDINGS had in the
above-entitled matter were held as therein appears on
Thursday, September 19, 2019, before Kent Hartsog,
Chairman, commencing at 1:00 p.m., at the offices of the
West Virginia Insurance Commissioner, West Virginia
Lottery Building, located at 900 Pennsylvania Avenue, Room
912, Charleston, West Virginia, pursuant to notice.

BILLANTI AND ASSOCIATES
CERTIFIED COURT REPORTERS
17 BURNSIDE DRIVE
ELKVIEW, WV 25071
304-965-7444

APPEARANCES

WORKERS' COMPENSATION INDUSTRIAL COUNCIL:

Kent Hartsog, Chairman

Kim Shin

Michael Keener

Bengy Swanson

Anna Dailey, Esquire

OFFICE OF THE INSURANCE COMMISSION:

James A. Dodrill, Insurance Commissioner

Erin Hunter, General Counsel

Melinda Kiss, Assistant Commissioner of Finance

Delegate Mick Bates

Victor Mullins, Associate Counsel

Timothy E. Huffman, Esquire

ALSO PRESENT:

Crisha D. Deyton, Paralegal II

I N D E X

	<u>Page</u>
PUBLIC HEARING (MS. HUNTER)	4
Reporter's Certificate.....	9

P R O C E E D I N G S

PUBLIC HEARING

CHAIRMAN HARTSOG: We'll move right on with the public hearing, and I'll turn that over to Erin.

MS. HUNTER: Good afternoon. As Chairman Hartsog said, we're here today to have the public hearing on the proposed amendments to Rule 85, Series 12, regarding Workers' Compensation compromise and settlement issues. This was the rule that we have obtained approval at the last Industrial Council meeting to post with the Secretary of State for public comment period and culminating with the public hearing here today.

We did, in fact, post that rule with the Secretary of State on August 19th and the public comment period on this rule ends actually at 5:00 today. To date, as far as I know, at least as of 10 or 15 minutes ago, we have not received any public comments on the changes to this rule. They were to go to Victor Mullins there, one of our associate counsel here, and he's been monitoring

1 and he has not received any written comments on
2 the rule.

3 If there is anyone here who wishes to
4 address the Industrial Council during the public
5 hearing section on any verbal comments they want
6 to make to the rule, please identify yourself, I
7 guess now is the time. Mr. Huffman?

8 MR. HUFFMAN: I mean, Henry's not here so
9 you got to get somebody.

10 MS. HUNTER: We thought maybe you wanted
11 to say something about the rule.

12 MR. HUFFMAN: Nothing specific about the
13 rule, no. I have no comments on the rule. And
14 for the benefit of everyone here, I am the new
15 Executive Secretary of what used to be the West
16 Virginia Self-Insured Association, West Virginia
17 Compensation's Commission, so I guess I'm the new
18 Henry.

19 MS. HUNTER: Does anyone else have any
20 comments they want to make about the ruling?
21 Anyone? Any of our guests or any of our council
22 members?

1 CHAIRMAN HARTSOG: Anna, Bengy, Kim,
2 Michael?

3 MS. HUNTER: As we discussed with the
4 council before, it is a pretty simple rule change.
5 It's just being done in response to Senate Bill
6 531, which was passed during the last Legislative
7 session to update our rule so that our rule
8 conforms to the statute regarding the settlement
9 of hearing loss occupational disease claims.

10 So if there's no comments, then I guess I
11 will turn it back over to the Council. We have
12 six months from the date now after the public
13 hearing to file the final rule with the Secretary
14 of State. If you want to wait and entertain a
15 motion to do that at the next Industrial Council
16 meeting, we can do that. If you want to do it
17 today pending no comments between now and 5 p.m.,
18 we can do that. I will turn it back to you.

19 MEMBER DAILEY: I will make a motion that
20 we approve of the rule as written, assuming there
21 are no comments, and then if there are no comments
22 by the deadline that this be submitted.

1 CHAIRMAN HARTSOG: There is a motion on
2 the floor.

3 MEMBER KEENER: Second.

4 CHAIRMAN HARTSOG: It's been moved and
5 seconded. Any discussion? All those in favor?

6 ALL MEMBERS: Aye.

7 CHAIRMAN HARTSOG: Any opposed.

8 ALL MEMBERS: (No response.)

9 CHAIRMAN HARTSOG: So, as long as there's
10 nothing at 5 p.m. today you're good to go.

11 MS. HUNTER: I'll let you know. If we do
12 get something, I'll be sure to submit that to you
13 via email.

14 CHAIRMAN HARTSOG: Perfect. Thank you.
15 All those in favor?

16 ALL MEMBERS: Aye.

17 CHAIRMAN HARTSOG: Any opposed?

18 ALL MEMBERS: (No response.)

19 CHAIRMAN HARTSOG: It's been moved. So
20 our next meeting is Wednesday, December 4th, at
21 1:00, right where we're sitting right now.

22 CHAIRMAN HARTSOG: It's been moved. Is

1 there a second?

2 MEMBER KEENER: Second.

3 CHAIRMAN HARTSOG: It's moved and
4 seconded. All those in favor?

5 ALL MEMBERS: Aye.

6 CHAIRMAN HARTSOG: We're adjourned.

7 (WHEREUPON, the Hearing
8 concluded at 1:06 p.m.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

**I, David T. Bolin, Certified Court
Reporter and Notary Public in and for the State of
West Virginia, hereby certify that the foregoing
is a true and correct transcript of all
proceedings had as stated in the caption hereto,
of the Workers' Compensation Industrial Council.**

**Given under my hand and official seal
this 25th day of September, 2019.**



David T. Bolin

Certified Court Reporter

and Notary Public

My commission expires August 13, 2024.

