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MEETING NOTICE:

The Advisory Council on Workers' Compensation and Occupational Disease Disablement will meet at **9 a.m., Tuesday, February 3**, at the Hotel Santa Fe, 1501 Paseo de Peralta, Santa Fe, NM 87501.

Download agenda at: <http://www.workerscomp.state.nm.us/advisory.php>

WCA Welcomes New Mediation Supervisor in Dispute Resolution Bureau

By Aileen O'Catherine

When attorney Bonnie Stepleton assumed her position as Workers' Compensation Administration (WCA) Attorney Mediator Supervisor in January, 2015, it felt a bit like coming home. That's because she once worked for the bureau.

Stepleton was raised in Albuquerque and graduated from the University of Oregon with a degree in political science. "It was back when their football team was terrible," she said, noting the current state of the school's winning team. She obtained her juris doctor from the University of New Mexico (UNM), then clerked in Santa Fe at the New Mexico Supreme Court. She spent several years practicing insurance law before taking a position as attorney mediator at the WCA. Although she enjoyed the work, she left in 1999 before her daughter was born. After five years as a stay at home mom, she became Assistant Dean for Student Services at the University of New Mexico Law School.

Stepleton was ready for a change after 10-plus years in academia. "I enjoyed my work at UNM, but was ready to get back into the private realm where I could practice law," she said. When the opportunity came along to work for the WCA, she was eager to return. She's working with some of her former WCA colleagues, such as attorney mediator Thomas White and Judge Terry Kramer, with whom she maintained a professional relationship after leaving the WCA.

A framed photo of the UNM Law School sits on her bookshelf, a gift from her going away party from the university. Beside it sits a howling squishy Lobo, waiting to be squeezed. But she finds that she can remember the university in a more concrete way, because some of the students she taught and advised at UNM are now practicing lawyers at WCA mediations. "I'm seeing my students now in private practice," she said. "It's really satisfying to see them come out of UNM Law School and be successful at the practice of law." The young students she remembers wearing flip flops, shorts and ball caps now wear suits. "They're articulate, bright and great advocates for their clients," she said with

pride. She admitted it was a bit like a reunion seeing them again. "I'm doubly blessed to be back with old friends and making new ones," she said.

Stepleton's position was created to add in a layer of supervision and support for the WCA's mediation program. In addition to supervising mediators and two legal secretaries, she will fill in for the Director in hearings on an as-needed basis. She will also do mediation training.

"It's a fantastic place to be doing this job. We have so many people with so much experience, and they're all great to work with," she said. Legal secretaries Jill Keller and Camille Sapienz assist with day to day operations. Her attorney mediators are Thomas White who has 22 years of mediation experience, Sarah Karni who has nine years of experience, and Amme Hogan, who has more than 20 years' experience as a lawyer and many years' experience as a mediator. "That's a real advantage, that we have professional and seasoned people who are excellent at what they do," Stepleton said.

When asked about her vision for the position of mediator supervisor, she said she wants to do her best to fulfill the tasks she was brought on to do, assisting WCA Director Darin Childers and Director of Operations Robert Doucette. "My goal is to fulfill Darin and Robert's vision, and help them with any improvements that can be made," she said. "The attorney mediators are really functioning at a very high level. I'm happy to help make something that's already good even better."

She has only been in the position a few weeks, but looks forward to meeting with adjustors, medical personnel, insurance providers and other key workers' compensation stakeholders to determine where improvements to the WCA system can be made. "I've already been informally asking about our system, and people are pretty pleased with how things function," she said.



*Mediation Supervisor
 Bonnie Stepleton*

WCA Welcomes Several New Employees in Main and Field Offices

The New Mexico Workers' Compensation Administration (WCA) has welcomed new staff members to the agency, and there have been several staff position transfers as well.



Kellee Gaddis

Kellee Gaddis began greeting visitors as the WCA receptionist on Aug. 4, 2014. Prior to joining the agency, she worked in manufacturing and retail.

Tony Bostick is the new safety consultant in the Lovington office, where he started on Jan. 5. Bostick is a Hobbs native who brings many years of safety experience to the job, having previously worked at Indian Fire and Safety and at Cintas Safety.



Tony Bostick



Irene Trujillo



Kelly Bambino

The Clerk of the Court welcomed two new docket clerks. Irene Trujillo began in August, 2014 and Kelly Bambino began in

November. Trujillo was at the Department of Corrections Probation and Parole Department for 12 years prior to coming to the WCA. Bambino worked at Steven Sanders Law while getting her paralegal degree, and interned at the public defender's office.



Felina Rodriguez

The WCA's Dispute Resolution Bureau welcomed legal secretary Vanessa Romero to their staff on Aug. 30, 2014. Romero has been in the legal field for 10 years.



Vanessa Romero



Michelle Alarid

Michelle Alarid began as an ombudsman in the Santa Fe field office on Nov. 24, 2014, bringing with her many years of public service. Before coming to the WCA, she managed the Santa Fe office of the New Mexico Retiree Health Care Authority. Alarid has also been a program coordinator for the YDI Healthy Families program, and a case manager for HSD/ISD.

The WCA hired two new compliance officers. Virginia Gutierrez began at the Roswell field office in November, and Katara Dan began in the Farmington office on January 3, 2015. Gutierrez has worked as a records clerk with the Chaves County Detention Center, and as an executive secretary with the Chaves County



Virginia Gutierrez

Sherrif's Department. Dan came to the WCA from the MVD in Farmington. Prior to that, she was a financial analyst with the New Mexico Department of Human Services, Income Support.



Katara Dan

The Self-Insurance Bureau welcomed Ed Sanchez on Sept. 27, 2014, and Jessica Chavez in November,



Ed Sanchez



Jessica Chavez

2014. Sanchez was self-employed prior to coming to the WCA. Chavez worked for the WCA as a compliance officer several years ago, before moving to the Human Services Department. She's happy to be back in the WCA fold.

Several current WCA staff members have transferred positions within the agency. Camille Sapienz, previously a docket clerk, is now a legal secretary. Christina Hentz was formerly a compliance officer in the Farmington office and is now a safety consultant there. Augustin Nakamoto, Jr., former safety consultant in Las Cruces, is now the field office manager there.

Several new hires elected not to have their photos published.

Richard Bustamante is an attorney with the Uninsured Employers' Fund who began in August, 2014. Technical writer Aileen O'Catherine began on Nov. 24, 2014. Sylvia Duran started as a records clerk on Sept. 13, 2014.

Recent retirees from the agency include Richard McClarken, mediator in the Dispute Resolution Bureau, Janie Smith, statistical analyst in the Economic Research Bureau, and Rose Walker, auditor in the Self-Insurance Bureau.

NM Workers' Comp. Adm. Quarterly Bulletin

Darin A. Childers Director
Diana Sandoval-Tapia, Public Information Officer
Aileen O'Catherine, Technical Writer

The Bulletin is published in January, April, July and October by the Economic Research Bureau of the New Mexico Workers' Compensation Administration. The Bulletin is available free of charge. Send changes of address and requests to receive the Bulletin to Diana Sandoval in the Economic Research Bureau, New Mexico Workers' Compensation Administration, diana.sandoval@state.nm.us.

Suggestions for articles are welcome; call Diana Sandoval-Tapia at (505) 841-6052. Recent issues of the Quarterly Bulletin can be viewed on the Internet at <http://workerscomp.state.nm.us/research/index.php>.

What is the Advisory Council?

The Advisory Council on Workers' Compensation and Occupational Disease Disablement is a task force created by statute, comprised of six members, three representing workers and three representing employers. The primary role of the Council is to advise the governor and legislature on the status of the workers' compensation system in New Mexico. The Advisory Council meets several times a year on an irregular schedule. Scheduled meetings of the Council are announced on the WCA website, <http://www.workerscomp.state.nm.us/advisory.php>

Streamlined Processes Result in Greater Compliance with Workers' Compensation Act

By Aileen O'Catherine

An ongoing mission of the Workers' Compensation Administration (WCA) is to ensure the safety of New Mexico workers and workplaces by enforcing the insurance coverage requirements of the Workers' Compensation Act (The Act). The WCA fulfills this mission through its statewide Employer Compliance Program, comprised of a main office in Albuquerque and six field offices throughout the state. When compliance officers from the WCA's Employer Compliance Bureau discover an employer is not in compliance with the law, they contact the employers to inform them they are not in compliance with The Act, to educate them about coverage requirements, and to monitor them to ensure they obtain coverage. All employer compliance cases are focused on having employers provide proof of insurance coverage as quickly as possible so there is less of a costly risk when an employee is injured. If the employer does not come into compliance with the law by a specified time period (usually 30 days), the compliance officer refers the matter to the WCA's Enforcement Bureau Chief for prosecution.

Upon receiving a compliance officer's referral for prosecution, the Enforcement Bureau confirms the employer has violated the insurance coverage requirements set forth in The Act and initiates administrative charges. A Director's hearing is scheduled and the Director or Director's Designee determines if the employer has violated the insurance coverage requirements. If a violation is found, the employer is assessed a penalty of up to \$1,000 per violation. At the Director's hearing, the employer is warned that if they fail to provide proof of coverage by a certain date (usually not more than two weeks) the agency will file a Temporary Restraining Order (TRO) to shut the employer's business down until they come into compliance with the law.

The WCA's Office of General Counsel oversees the Enforcement Bureau. Their recently revamped and streamlined employer compliance process ensures that non-compliant employers are swiftly and diligently brought into compliance with The Act. In an effort to create a more coordinated system, all compliance officers, including compliance officers in the WCA's six field

offices, were trained at the same time on system and process improvements. "We did a training for our compliance officers in October," explained WCA General Counsel Rachel Bayless. "Some of the process changes included setting target deadlines to bring employers into compliance and having compliance officers become more involved in cases from start to finish. The compliance officers are the ones who know the case best and can distinguish between employers who are making genuine efforts to come into compliance and those who are not."

Improving the process motivates employers to follow the law. "We're focusing on enhancing our efficiencies so that employers can more quickly come into compliance with the law and have the required coverage for their employees," said Bayless. "Setting and enforcing target oriented deadlines for compliance officers is as integral a part of the process as being diligent in seeking TROs for employers that do not comply with the coverage requirements of The Act and place their workers at risk for an uncovered work place injury."

When a deadline happens in a timely manner, businesses move more quickly to follow the law, or deal with the consequences. "When they don't meet their deadlines to provide proof of coverage, the WCA has no choice but to seek a TRO," Bayless said.

Phyllis Bowman, a prosecutor and Chief of the Enforcement Bureau, believes the results will be worth the efforts. "It is critical to make sure all employees are covered as soon as possible, and as a result, we are aggressively pursuing those who aren't because it is not a matter of if a worker is injured, but when," she said.

WCA Employer Compliance Bureau Chief Peggy Tafoya oversees compliance officers in Albuquerque and the six field offices located throughout the state. She likes the improvements and uniformity of the new process. "Our timelines are reinforced," Tafoya said. When letters go out, employers have two weeks to respond. "Now if they don't reach back to the bureau, we visit them," If they do not respond to our letters we conduct a Field Visit to that business. Tafoya said. It lets the business owner know that we are serious about our compliance efforts.

Bayless, Bowman and Tafoya are pleased with how the compliance officers have enthusiastically responded to these

process and system changes. In addition to target deadlines and coordinated efforts, the process changes include more frequent field visits. Field visits give a compliance officer the opportunity to build rapport with non-complaint employers and convey the importance of having their workers covered for the sake of the workers and for the sake of protecting business assets. They can also educate employers on financial costs if an employee becomes hurt on the job and the employer has no workers' compensation coverage in place.

"In addition to developing a rapport, these new changes encourage more field work as a more active approach to gathering information," said Bowman. "Compliance officers on field visits can observe how many employees are present at the business and can assess the risks to the employees. They also educate the employer as to the process. And when a proof of insurance deadline is not met, the Enforcement Bureau and Employer Compliance team goes into immediate action."

General Counsel Bayless sees long term benefits to the process. "Once the community sees we're being more efficient in our compliance initiatives, we won't have to take as many employers to TRO hearings," said Bayless. "They'll move more quickly on their own."

Bayless, Bowman, and Tafoya like the results of the revamped, streamlined processes. "So many businesses have come into compliance, and the fines assessed have been paid (roughly \$2150 through the month of December)," Bowman said. "There is an added bonus to the new, swifter execution of the TROs. The compliance officers are now taken more seriously," Bowman said. Employers will think twice about failing to comply with the Workers' Compensation Act when they quickly face a fine or have their business shut down.

As a result of these recent initiatives, employers are now moving swiftly to obtain workers' compensation coverage. Processing employer compliance cases more efficiently fulfills the WCA's strategic objectives to increase compliance with the Act and to improve agency processes and methods.

General Counsel Rachel Bayless, Enforcement Bureau Chief Phyllis Bowman and Compliance Bureau Chief Peggy Tafoya contributed to this article.

Let's Do Lunch!

Structuring your Workers' Comp Medicare Set-Aside Settlement



The New Mexico Workers' Compensation Administration will host a "lunch & learn" brown bag seminar on Medicare set-asides with attorney Bennett Pugh and claims expert Paul Hathaway at 11:30 a.m., Tuesday, February 24. Bring your lunch, and learn the ins and outs of dealing with Medicare in workers' compensation claims. Session has been submitted for 1.0 General MCLE credit, and is pending approval. Attendance is free, attorneys applying for credit will be responsible for filing fees with MCLE Board.

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