

STATE OF NEW MEXICO
ADVISORY COUNCIL ON WORKERS' COMPENSATION
AND OCCUPATIONAL DISEASE DISABLEMENT
MINUTES

MEETING DATE: July 18, 2023
Main office, 2410 Centre SE, Albuquerque, NM 87106

Members Present: Darrell Deaguero, Courtenay Eichorst, Sara Ranney, Marni Goodrich,
Buffy Jackson and Director Robert Doucette, as ex-officio.

1. Call to Order and Introductions: 2:02 p.m. All council members present. Chair Deaguero asked all present at the meeting to introduce themselves.
2. Appointment to Council Chair/Vice Chair. Council member Eichorst nominated Marni Goodrich as chair, seconded by Sara Ranney; nomination approved. Eichorst nominated Sara Ranney as vice chair, seconded by Jackson; nomination approved.
3. Approval of agenda: Courtenay Eichorst made a motion to approve the agenda, seconded by Darrell Deaguero. Agenda approved.
4. Approval of minutes: Buffy Jackson made a motion to approve the minutes from the May 2, 2023, meeting, seconded by Darrell Deaguero. Minutes approved.
5. Status of Agency report:
Director Robert Doucette reported the agency's sixth judge, Sonya Carrasco-Trujillo, has been sworn in and she was now hearing cases. She has seven cases, with no recusals. Judge David Skinner is now the full-time judge in Las Cruces, hearing cases for that location four days a week. This is the first time in the history of the New Mexico Workers' Compensation Administration (WCA) that the agency has had six judges. Judges serve five-year terms once they have passed their one-year probationary period. The agency has a 14.75% vacancy rate, with two mediation positions open. Judge Reginald Woodard's reappointment happens in August, followed by Leonard Padilla next year. Three judges will be on probation over the next year. The agency has been lucky with its vacancy rate in comparison to other state agencies. There are 122 full-time positions, with 14 current vacancies. The field office positions remain largely filled, with 27 of 29 positions staffed.
For the agency's budget, the director plans to request more money from the Legislature for the 200 category (staff salaries), and the 300 category (contracts). Costs have risen, so the agency will ask for an increase through a budget appropriation request (BAR). A request will also be made for a full-time employee position in the Santa Fe office, for an ombudsman. By statute, there should be an ombudsman in each agency office, and currently the Santa Fe field office manager serves as the ombudsman, and has done so for years. The agency has asked the Legislative Finance Committee (LFC) not to remove the \$1 million it traditionally takes from the WCA's funds. The director asked the council members to contact the LFC and ask that the funds not be removed. The Uninsured Employers' Fund, for which .30 of the workers' compensation fee is slated, has had its medical and indemnity benefit caps raised via statute, which will strain the budget. If the LFC

continues to sweep the WCA's fund, the agency may have to raise the workers' compensation fee to make up for lost funds.

The director was able to meet with the new Superintendent of Insurance, Alice Kane. She will allow the director to stay on the committee that oversees insurance rates, something he has been involved with for the past three years.

The WCA is young, but not so young. The director initiated a mural project to honor long-serving staff. An artist was hired from the UNM Art Dept. The director wanted to recognize staff such as Gregory Griego, a long-serving WCA judge. The council was invited to visit the completed mural after the meeting; it is located in the building's south stairwell.

Council member Jackson asked the director when he expected to transition out as director of the WCA. He said he is here to serve as long as the governor needs him.

Council member Deaguero asked how many ombudsmen were with the agency. There are nine ombudsmen, with several located in the Albuquerque office.

Director's designee and WCA General Counsel Michael Holt provided an update on the HM 83 task force. Holt will provide the council with periodic updates on the task force's work, which is slated to last one year, through April 30, 2024. He provided a brief overview of the task force's mission to study the attorney fee cap, and whether it should be changed, raised, etc. The first task force meeting was May 16, the second was June 20 and the next will be September 19. The objective at this point is to gather claims data, so a data call was made on various carriers, to include Builders' Trust, New Mexico Mutual, AIG, New Mexico Counties, City of Albuquerque and self-insurers. The carriers have been asked to provide data on how much they pay to worker and employer attorneys for workers' compensation cases. The task force agreed economic data will be included in the data call as well. The data call went out July 10. The idea of conducting a survey has also been discussed. The memorial had specifics on who would be included on the task force, and the member mix seems to be working. Council members expressed interest in continuing to learn more about the task force's work.

6. Legislative Subcommittee Update

Council member Goodrich said she had talked with Council liaison Diana Sandoval-Tapia about creating a one-page handout about what the council does, which could be given to legislators. The director said they could do that, come up with some points. Council member Ranney asked that a QR code be added to the document.

7. Public Comment

Merilee Dannemann said she had worked at the WCA for 18 years, and has been coming to Council meetings for the past 15 years, and yet she will not be named on the mural. She acknowledged the need for a task force to study attorney fees but cautioned that there are many more things that can be done for the workers' compensation system to improve it. The only legislation that has been passed since she left the agency was the Firefighters Bill. The Advisory Council has the power to do something mutually beneficial for employers and workers. Council member Jackson asked for suggestions. Eichorst said he forwarded her Dannemann's prior suggestions to review. Dannemann suggested making it easier for injured workers to visit doctors, possibly by simplifying the HCP selection process, having it state the employer decides the provider first. She had interviewed workers in the past and

found the selection process burdensome. She suggested a task force be set up on the HCP selection process, or on why doctors do not want to undertake workers' compensation cases.

8. Next Meeting

The next Advisory Council meeting will take place Tuesday, October 3 at 2 p.m.

9. Adjourn

Eichorst made a motion to adjourn the meeting, seconded by Jackson. Meeting adjourned at 2:51 p.m.

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