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MEETING NOTICE:

The Advisory Council on Workers' Compensation and Occupational Disease Disabling will meet at **1 p.m., Thursday, July 20, at the WCA headquarters, 2410 Centre SE, Albuquerque, NM.** Download agenda at: <http://www.workercomp.state.nm.us/advisory.php> 72 hours prior to the meeting.

New Judge Appointment

Rachel Bayless was appointed by Director Darin Childers and sworn in as the Workers' Compensation Administration's (WCA) newest judge on April 10, 2017. "There is probably no bigger decision committed to the Director than the selection of workers' compensation judges," said Childers.

Bayless previously served as the agency's general counsel, since February, 2014. While in that position, she advised the director on an array of legal issues affecting the WCA and the workers' compensation system. She also served as an expert advisor on workers' compensation law during legislative sessions.

"I appreciate the service Judge Bayless has provided to the administration over the last three years as the general counsel, and I wish her well in this new role," Director Childers said.

While general counsel, Bayless at times faced difficult decisions.

"As general counsel at the WCA, she has addressed and handled complicated legal and administrative issues with tremendous professionalism and acumen—even when the administration's positions were not popular," said Childers.

Bayless worked as an associate attorney at the firm of Madison, Harbour & Mroz, P.A., from 2008 to 2011, and then as a staff attorney for the Law Office of Eva K. Blazejewski. Her experience included insurance defense, personal injury defense, representing employers and insurers in workers' compensation matters, and some plaintiff's work.

Bayless has also worked for the 2nd Judicial District Attorney's Office as an Assistant District Attorney. In the Metropolitan Court Division, she was responsible for prosecuting various misdemeanors ranging from speeding citations to third offense DWIs and domestic violence. As a prosecutor in the Crimes Against Children Division, she was responsible for prosecuting felony offenses involving sexual and physical abuse of children.



WCA Judge Rachel Bayless being sworn in by Director Darin Childers

Bayless earned a Bachelor of Business Administration from Eastern New Mexico University in 2001, *summa cum laude*, and Juris Doctorate Degree from the University of New Mexico School of Law in 2005. When earning her law degree, she graduated in the top 10 percent of her class, graduating *summa cum laude*. The distinction entitled her to be made a member of the New Mexico Chapter of the Order of the Coif.

A native New Mexican from Clovis, Bayless said "I am honored to receive the appointment and look forward to fairly and faithfully serving New Mexico's citizens in my new position as a workers' compensation judge."

There are currently five workers' compensation judges in the WCA's Adjudication Bureau headquartered in Albuquerque. Workers' compensation judges hear and decide disputes over benefits due to injured workers throughout New Mexico.

Bayless is the 21st full-time judge to serve the Administration in the 30-plus years of the agency's existence. She replaces Terry Kramer, who retired in March after nearly 25 years with the agency.

New Mexico Workers' Compensation Administration Announces New General Counsel

Workers' Compensation Administration (WCA) Director Darin Childers has appointed Lisa Liegeot as the agency's general counsel. Liegeot, who assumed her duties on April 10, most recently served as the general counsel for Expo New Mexico.

"After practicing law in private and public sector legal settings, I consider myself to be an independent and fair-minded communicator and problem solver. It is an honor to serve state taxpayers in this exciting new role. I am fortunate to be working with such an excellent and highly experienced team," Liegeot said.

Born and raised in Connecticut, Liegeot graduated from the University of Connecticut with a Bachelor of Arts degree in English, cum laude. She minored in German, and spent her junior year abroad at the University of Salzburg in Austria.

Liegeot received her Juris Doctorate

degree from the University of Connecticut School of Law, where she won the best advocate and best brief divisions in the William H. Hastie moot court competition; the first UConn law student to win both awards in the same competition.

After law school, she worked as a corporate law associate at the Hartford law firm, now known as Halloran & Sage, LLP. She later opened her own law firm where she practiced real estate, foreclosure, and bankruptcy law. In 2006, Liegeot joined Ethan Allen Global, Inc., as its real estate counsel. In 2008, she accepted the general counsel position at Healthtrax International, Inc., a health and wellness company with 19 facilities in eight states on the east coast.

Liegeot moved to New Mexico in 2013. She was soon hired as a cabinet director in the Office of Governor Susana Martinez, where she served as a liaison between the WCA and the governor's office.

In 2015, she was asked to serve as general counsel to the New Mexico State Fair/Expo New Mexico.

"I have enjoyed working with Lisa in the past and look forward to working with her again in her new role as general counsel of the WCA," said Childers.

Liegeot lives in Albuquerque. Her two children are students at the University of New Mexico.



*WCA General Counsel
Lisa Liegeot*

WCA Introduces New Staff, Announces Retirements

Melissa Lucero, hired in November, and Demetria Trujillo, hired in December, will share the position of WCA receptionist as well as other duties in the Facilities Management Office. Before coming to the agency, Lucero worked at Home Depot, and Trujillo worked at GCR Tires and Service.

Melodie Ryan began in February as an investigator in the Enforcement 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 Public Information Office 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-Tapia in the Public Information Office, 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>.

She was most recently a bank examiner at the New Mexico Regulation and Licensing Department.

The WCA hired three new safety consultants to the agency's Albuquerque location. Sarah Duran was promoted to safety consultant within the Albuquerque Safety Bureau in November. Other new safety consultants include Justin Vigil, who was hired in February, and Paul Martinez, who came to the agency in March. Vigil was recently a safety specialist at the Bernalillo County Risk Management/Metropolitan Detention Center. Martinez was recently a risk manager at the San Diego County Department of Public Works.

Priscilla Padilla began in March as the business operations specialist for the agency's Field Programs Division. She recently worked with Bank of America.

Rinda Dewhirst, a paralegal, has been promoted within the General Counsel's office. Megan Aragon began as a paralegal in the General Counsel office in April. She was most recently a legal secretary in the metro division at the Law Office of the Public Defender for the State of New Mexico.

Frances Benavidez began working in March as a legal secretary for the Uninsured Employers' Fund. She was previously a legal assistant at Bernalillo County Metropolitan Court.

Jaime Gutierrez began as a legal secretary for the Adjudication Bureau in April. He was previously a legal secretary at the New Mexico Human Services Department in the Child Support Enforcement Division.

Lastly, Bob Pinon has retired after 15 years of service to the agency. He was an investigator in the Enforcement Bureau.

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>

Meet the WCA's Newest Mediator

By Aileen O’Catherine

The WCA’s newest mediator, Tony Couture, started Jan. 28, 2017, but he’s no stranger to the WCA’s courtrooms and halls. Couture practiced workers’ compensation law while in private practice, starting first as a workers’ attorney, then an employers’ attorney, and finally switching back again to represent workers. His familiarity with workers’ compensation law from the perspective of both the worker and the employer has led him to believe both sides are the same, overall. “It’s really about the process, and making sure it is working,” he said about the workers’ compensation system. “It should be the goal of the WCA and attorneys practicing in the area to help keep the boat as steady as possible.”

Likening workers’ compensation law

to a boat may not be surprising for someone who spent his early career in the U.S. Coast Guard, and who grew up along the shores of Lake Michigan in Sheboygan, Wis., before making New Mexico his home.

Before entering the legal field, Couture was a registered nurse and computer scientist. His nursing experience has helped him have a deep understanding of the complicated medical issues that often accompany workers’ compensation matters. Couture graduated from the University of New Mexico School of Law in 2007. In addition to practicing in workers’ compensation, his private practice included general liability and complex civil litigation.

“We are very fortunate to have Tony join the Mediation Bureau team,” said Bureau Chief Bonnie Stepleton. “He brings a great deal of experience, having represented both

employer/insurers and workers. His knowledge of workers’ compensation law as well as his enthusiasm for this practice area will enrich us all,” she said.

The newest member of the agency’s Mediation Bureau is passionate about working to advance the New Mexico Workers’ Compensation Administration’s mission to assure the timely delivery of benefits to injured workers at a reasonable cost to employers. Couture has two children. He is a member of the State Bar of New Mexico and the American Bar Association.



WCA Mediator
Tony Couture

2017 New Mexico Legislative Session Wrap Up

The 2017 Session of the New Mexico Legislature was a 60-day session. There were several workers’ compensation-related bills introduced this year, but only two reached the Governor’s desk.

SB 155 — Benefit Entitlements Bill, introduced by Sen. Jacob Candelaria (D-Bernalillo Co.), was known as the Workers’ Comp Benefit Clarification bill.

The new law attempts to clarify a workers’ entitlement to disability benefits when an injured worker unreasonably refuses a post-injury return to work offer, or is terminated for misconduct after returning to work post-injury.

The new law also allows for fines of up to \$10,000 against employers who terminate workers for pretextual reasons in order to avoid payment of benefits to the worker, or as retaliation against the worker for simply seeking benefits.

Gov. Susanna Martinez signed Senate Bill 155 on April 3, 2017, in front of business leaders at the Albuquerque Chamber of Commerce headquarters.

Senate Bill 155 was the most recent attempt at clarifying workers’ compensation benefit laws following the New Mexico Court of Appeals’ decisions in *Cordova v. KSL Union* (2012-NMCA-83), and *Hawkins v. McDonald’s* (2014-NMCA-048). The new law takes effect June 16, 2017.

Other legislative activity included:

HB 157 — Firefighter PTSD Presumption, introduced by Rep. Deborah Armstrong (D-Bernalillo Co.) and Sen. Michael Padilla (D-Bernalillo Co.), would have created a new presumption within the Occupational Disease Law for firefighters diagnosed with PTSD. The bill passed both chambers, but was vetoed by Gov. Martinez.



Gov. Martinez signs SB 155

SB 113 — Funds Transfer, introduced by Sens. John Arthur Smith and Carlos Cisneros, swept \$1.25 million from the WCA to the state’s general fund. The funds transfer was one of a package of transfers and reductions in the bill. The bill passed and was signed by the governor January 31.

New Mexico Worker Deaths in 2016

By Aileen O’Catherine

Workers who have died on the job are honored every April 28 during Workers’ Memorial Day. The day provides an opportunity to acknowledge the suffering of families and communities who have lost their loved ones, and reminds of the importance of safety in the workplace. The date was chosen because on April 28, 1971, the Occupational Safety and Health Administration (OSHA) was established. OSHA sets and enforces safety standards for the workplace.

New Mexico had 40 workers die in 2016, up from 35 in 2015, but still down from 55 in 2014. Motor vehicle accidents were the largest cause of death, with 10 fatalities.

There were three first responder deaths. Of those, one was responding to a service call in December, 2016 when his vehicle overturned. Valencia County Deputy Ryan Thomas lost control of his vehicle and sustained fatal injuries when he was ejected from the car. He was not wearing a seat belt. The 30-year old Thomas had been with the department for about a year, having come from the Alamogordo Police Department. Thomas left behind a wife and 2-year old child and an unborn son. Sheriff’s office policy requires staff to use seat belts, but when in a rush, deputies sometimes don’t fully engage safety devices. “They think they’ve got it hooked and it didn’t get

hooked,” said Chief Deputy Gary Hall in a news report.

Officer Jose Chavez, 33, of the Hatch Police Department was shot and killed during a traffic stop. Chavez had served with the department for two years. He left behind a wife and two children.

A few weeks after Chavez was killed, officer Clint Corvius, 33, of the Alamogordo Police Department was fatally shot while pursuing a suspect. Corvius was with the department for more than four years. He left behind a girlfriend and a young daughter.

“I am again so very saddened to see that yet another courageous law enforcement officer has been killed in the line of duty. I ask all New Mexicans to keep this brave officer’s family and friends in their thoughts and prayers. The violence against our police officers has to end, and we must do everything we can to stand up for those who put their lives on the line every single day to protect us,” Governor Martinez said after Corvius’ death.

Two New Mexico Department of Transportation (NMDOT) workers died on the job on March 14, 2016. Anthony Rivera, 49, and his co-worker, David Eggert, 53, were repairing potholes on State Road 120 in northeastern New Mexico on March 14, 2016 when a motorist struck a vehicle near them, which then struck the two workers. Both men had families and children. According to news reports, Rivera was a former marine, avid hunter, and a Dallas

Cowboys fan. “If we needed something, he was always there. If he could teach us something, he made sure he taught us the right way so we could do it later on our own,” son Josh Rivera said in a news report.

Eggert had recently taken up gardening and landscaping. A family man who loved large family gatherings, some of his favorite things to do were cook breakfast for his parents and watch movies with his kids. Eggert left behind a wife and six children.

Luis Almader was a Portales dairy worker who enjoyed working outdoors and building things. In late July, 2016, he was crushed by a 2,000-pound bucket of a malfunctioning loader at a dairy farm. Almader left behind a wife, three children and five grandchildren.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their workers. OSHA’s role is to ensure these conditions for America’s working men and women by setting and enforcing standards, and providing training, education and assistance.

The New Mexico Workers’ Compensation Administration takes safety seriously. Its safety program provides education, assistance, and mandatory safety requirements for businesses. For safety training assistance from the WCA, call (505) 841-6036, or email Timothy.Olivas@state.nm.us.

2017 Workers’ Compensation Association Conference May 17 - 19

The Workers’ Compensation Association’s 36th annual conference will take place at the Hyatt Regency in downtown Albuquerque on May 17 - 19, 2017.

This year’s theme is the “Roaring Age” of workers’ compensation, and its theme slogan is “A Conference for the Ages.”

The New Mexico Workers’ Compensation Administration will participate in the conference with speakers and breakout sessions. All four of the WCA’s mediators will speak at the mediation panel at 4 p.m., Thursday, May 18. On Friday, May 19 at 9 a.m., Director Darin Childers will talk about the state of workers’ compensation

in New Mexico with his “The WCA Year in Review.”

Also on May 19, Judge Shanon Riley will lead a workers’ compensation case law update at 1:30 p.m.

The conference has a wide variety of topics related to workers’ compensation, to include the use and abuse of opioids, PTSD, pain rehabilitation, and returning to work with traumatic brain injuries.

The conference also features Joe Paduda, a nationally recognized expert and author on managed care in group health and workers’ compensation. His keynote address is the conference opener and takes place May 18 at 8:30 a.m.

While the conference brings timely topics to those in the workers’ compensation field, it also provides fundraising opportunities. The Toby Wright Scholarship helps support New Mexico youth whose parent/guardian has been seriously injured or killed because of a workplace injury by providing a scholarship to an in-state college. To date, there have been 57 students with more than \$875,000 in financial support of reaching their goal of higher education.

Toby Wright was a WCA deputy director in the 1990s, and also served as Association president. He died of cancer in November, 1996.

WCA to Launch New Website

By Aileen O’Catherine

The WCA’s website is undergoing a major makeover, one that involves greater functionality and a more modern look. Some of the new components will include improved navigation and more in-depth information.

“The current website is antiquated and has many limitations for posting information, making it a less-than-ideal communication tool for the agency,” said Public Information Officer Diana Sandoval-Tapia.

“The website is the face of the agency,” she said. “We think this facelift is long overdue and we’re eager to complete work and launch.”

Work on the site is being done in-house. Project manager Liz Peralta says the website

will provide users with more information which will not only be more readily accessible, but follow a design that makes navigation more intuitive.

“We are excited about the new site and the new look and feel for the agency,” Peralta said.

The old website was built a number of years ago, so in addition to stylistic changes, the new design will benefit from upgrades to faster, more efficient technologies.

“With the implementation of the redesign of our website, we were looking to make it mobile-friendly and improve functionality,” said Brenda Henderson, Information Systems Management Bureau Chief.

The shift will allow for a more efficient use of staff time. The website buildup has involved moving from a dated website

software structure to one that allows for greater ease of programming and a simpler way to make changes overall. Hardware to store the website information will be moved from a server in Santa Fe to one located at the agency’s main Albuquerque location, allowing for faster response times and greater control.

“Some of the challenges with a project of this magnitude are ensuring that site visitors are offered the information they seek as well as coordinating the overall planning, group collaboration, and problem solving of unforeseen obstacles,” Peralta said.

Aside from a short shutdown of the site as it moves servers, the transition should not cause any interruptions of use.

The project is expected to be completed by July 31.

HOLIDAY CLOSURE

The Workers’ Compensation offices in Albuquerque and all its field offices will be closed on the following upcoming holidays:

Memorial Day, Monday, May 29
Fourth of July, Tuesday, July 4

The IME Provider Selection Committee is revising its list of qualified IME Providers. Applications from providers will be accepted through April 30, 2017. Written public comments on any health care provider being considered for inclusion or continuation in the list of certified IME providers will be accepted from May 1, through the close of business May 31, 2017. A list of all applications received from new and continuing IME providers is available from the Medical Cost Containment Unit, PO Box 27198, Albuquerque, NM 87125-7198, (505) 841-6811.

New Mexico Workers’ Compensation Administration Offices:

MAIN OFFICE

Location & Main Mail Address:

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Fax Clerk of the Court:
(505) 841-6060
Director’s Fax: (505) 841-6009

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1-866-WORKOMP 1-866-967-5667

WCA Website:

www.workerscomp.state.nm.us