

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

**\*\*MINUTES\*\***

MEETING DATE: October 3, 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: 2:03 p.m. Chair Goodrich asked all present at the meeting to introduce themselves.
2. Approval of agenda: Buffy Jackson made a motion to approve the agenda, seconded by Darrell Deaguero. Agenda approved.
3. Approval of minutes: Buffy Jackson made a motion to approve the minutes from the July 18, 2023, meeting, seconded by Darrell Deaguero. Minutes approved.
4. Status of Agency report:  
Director Robert Doucette reported he met with representatives of the Legislative Finance Committee and has a budget hearing on October 26. After the hearing, he will inform the Advisory Council of the results. He is asking for a 5% budget adjustment request (BAR), for \$640,000. He had talked with the LFC about the annual \$1million sweep of WCA funds, and how that could eventually lead to an agency deficit.  
The agency has a 10% vacancy rate, which is not as dire as the state's overall vacancy rate of 20%. He noted the WCA now holds positions open for 1-2 months to save money. The agency is looking at the WCA's attorney salaries compared to other state agencies.  
The annual report is in progress and will look different this year. The agency is shifting to the use of plain language and is working on changing publications to that end over the next six months.  
Kudos to the agency, as Yellow Freight called its bond, so the WCA ensured they got the company's cash in hand for workers' compensation insurance coverage for old injuries. The agency was the first in the country to get a surety bond.  
Executive Deputy Director Leigh Martinez attended SAWCA, representing the agency. Director Doucette announced he was named the Board President of the IAIABC (International Association of Industrial Accidents Boards and Commissions).  
Judge Reginald Woodard's last day is October 16; he chose not to seek reappointment. There have been four applicants for the position. Interviews will happen soon.  
The new judge position in Las Cruces is going well.  
General Counsel Michael Holt serves as the Director's Designee for the House Memorial 83 task force and gave a progress update. The task force is examining whether to raise the attorney fee caps from its current limit of \$22,500. The task force met on May 16, June 20, and September 19. The next meeting is November 7. Since

the last Advisory Council meeting, the task force put out a data call to the state's 10 largest insurers and collected data from payers on attorney fees. Data was culled from the years 2013-2022. The task force is also looking at discovery fees. There are about 40 cases per year that currently hit the cap. The task force is trying to determine trends of when cases exceed fees, and why fees are exceeded. The task force is trying to come up with criteria for judges. The task force is also working on an attorney survey to send to lawyers who appear before the WCA's court. He hopes to get the survey out and back by the November 1 meeting. There was an IPRA request to the WCA asking for information on the task force, showing there is interest in the topic. Ms. Jackson asked if attorneys were asking for more reimbursement. GC Holt noted the data shows some cases exceeded the cap, but he doesn't know by how much. Director Doucette explained the bill was introduced by a worker attorney (Bob Scott) to raise the fee caps, and then Rep. Herndon put forward a memorial to create the task force.

5. Legislative Subcommittee Update

The subcommittee has not met since the last council meeting. The WCA office of public information created a brochure for council members to hand out to legislators. PIO Sandoval-Tapia needs comments on the brochure from council members by October 17. Director Doucette noted it was unlikely there would be any workers' compensation bills in the upcoming legislative session since it will only be 30 days (a short session). Sara Ranney would like to discuss the sweep with legislators. Director Doucette cautioned that no one has yet seen the Dept. of Workforce Solutions budget. Ranney asked about the Uninsured Employers' Fund cap raises. Director Doucette noted the agency still has a reserve but recommends the council subcommittee remind the legislative committee of how much has been swept from the WCA Fund.

Merilee Danneman noted that the WCA Fund was created to be independent of the state's general fund, to create some autonomy. The fund was meant to be paid by employers and workers who are covered under the Act. They can then benefit from services provided by the WCA.

Courtenay Eichorst suggested setting up a meeting with various legislators. Director Doucette said it would be helpful to remind legislators that the WCA is not a general fund agency.

6. Independent Medical Examiners Committee Terms/Appointments

Ronda Gilliland noted that the IME committee's members have included Dr. Juliana Garcia, whose term expired July 22, and she asked that her term be renewed. Ms. Gilliland and Joey Atencio's terms expired Jul 23, and she asked council members to extend their terms another three years as well. Eichorst moved to extend the terms of Ronda Gilliland another three years. Deaguero seconded. Motion carried. Eichorst moved that Dr. Garcia's term be extended another three years; seconded by Deaguero; motion carried. Eichorst moved that Joey Atencio's term be extended a further three years; seconded by Deaguero; motion carried. The term expires for Cary Carter July 24, 2024 and for Margie Nitteraver on July 24, 2024. There could be potential new members next year.

7. Public Comment

There was no public comment.

8. Next Meeting

The next Advisory Council meeting will take place Thursday, November 16 at 2:30 p.m.

9. Adjourn

Eichorst made a motion to adjourn the meeting, seconded by Deaguero. The meeting adjourned at 2:41 p.m.