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MEETING NOTICE:

The Advisory Council on Workers' Compensation and Occupational Disease Disablement will meet at **1:30 p.m., Wednesday, April 17 at 2410 Centre Ave. SE, Albuquerque, NM.** Download the agenda at: <https://www.workerscomp.nm.gov/advisory-council> 72 hours prior to the meeting.

WCA E-Filing System Celebrates One-Year Anniversary

By Aileen O'Catherine

The WCA's Electronic Case Filing (ECF) system has been operational for just one year, but in that period of time, it has made a large impact. Launched January 1, 2018, the transition to electronic filing occurred largely without incident, due in part to the assistance of attorneys and adjusters who worked with the WCA to iron out pre-launch concerns.

The new system allows for documents to be filed online for workers' compensation cases, combining what was once multiple steps into a more streamlined process and provides the opportunity for multiple layers of auditing and quality assurance. Service of process is now accomplished electronically for attorneys and adjusters, but *pro se* (not legally represented) individuals receive documents through the mail. Electronic filing has enabled the agency to save on paper and postage costs (see story, p. 2).

The Clerk of the Court Heather Jordan transitioned the bureau from maintaining paper files to a paperless records management

system. Without the daily task of filing paper, Jordan was able to consolidate some positions, saving the agency money. Also, in addition to filing and auditing pleadings, docket clerks now take a more active role in maintaining court records.

Mediation exhibits can now be uploaded electronically in PDF format and go straight to the Mediation Bureau. There is still the option to drop off paper or a CD to the Clerk of the Court, but there is less need for paper storage overall.

"There were some technical challenges at the start, but nothing too concerning," Jordan said. When an issue arose, the problem was quickly addressed by Jordan and Management Information Systems. Sometimes it was a matter of explaining the process to users, and walking them through the registration process.

The WCA thanks everyone for their participation and support in making the ECF system a success.

"As we expand our electronic processes, we look forward to having that same support from the community," said Jordan.



Clerk of the Court Bureau, front: Kyley Hernandez, Back l to r: Clerk of the Court Heather Jordan, Tara Venturino, Deena Tanberg, Michelle Chavez

E-Filing Results in Postal Savings for Agency

By Aileen O’Catherine

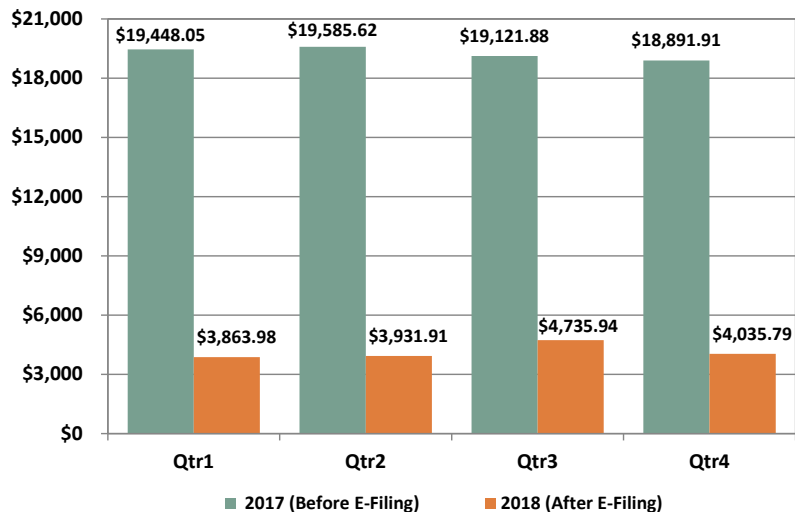
In addition to providing the WCA with significant savings in time, resources and energy, the agency’s new e-filing system has reduced overall postal costs. Prior to e-filing, legal proceedings were sent by certified mail.

Since being launched January 1, 2018, e-filing has enabled legal correspondence and filings to take place electronically. The Clerk of the Court now sends stamped mail only for *pro se* (not legally represented) workers.

The postal savings have been significant. When comparing annual postage costs from prior to the e-filing system in 2017 to those after the system

began in 2018, costs were reduced 78.49%, with a reduction in costs of \$60,479.84 in the first year of implementation.

WCA Postage Costs Before vs. After E-Filing



Changes Made to Expedited Lump Sum Process Streamline the System

The WCA provides an on-call pro tempore judge to hear stipulated 52-5-12 (D) hearings each Tuesday morning. The process is voluntary. Recent changes to the process provide a more streamlined system and make the best use of time for all involved.

Requirements are as follows:

- Petitions for expedited lump sum settlements must continue to be filed by 5 p.m. on the Monday

immediately preceding the next scheduled lump sum docket, along with the Joint Request for Expedited Hearing. The petition must be signed by all parties or party representatives.

- A Joint Petition for Lump Sum Settlement filed with a regular Request for Setting will result in a judge assignment and/or will be referred to the final judge to schedule the hearing in lieu of appearing for an expedited lump sum docket.
- Hearings will be on a first-come, first-served basis; however, check-in is not allowed until all parties and interpreters are present. This is to ensure all pertinent participants are present when called upon to be heard. Telephonic lump sum hearings are still an option as long as one

party is present to check in and those appearing telephonically can be reached at the time the case is called.

- To be heard that day, parties must check in between 8:30 a.m. and 9:30 a.m. This helps to ensure hearings conclude by noon.
- Petitions will be heard on the immediate Tuesday following the filing of a joint petition. If not heard, the case will be administratively closed for lack of adjudication, and the petition needs to be re-filed in advance of another expedited lump sum docket.

For more information on the overall process of the expedited lump sum docket, go to <https://workerscomp.nm.gov/Attorneys> or contact WCA Clerk of Court Heather Jordan, heather.jordan@state.nm.us.

NM Workers' Comp. Adm. Quarterly Bulletin

Verily Jones, Acting Director
Diana Sandoval-Tapia, Public Information Officer
Aileen O’Catherine, Public Relations Specialist

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 <https://workerscomp.nm.gov/NMWCA-Publications>.

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, <https://www.workerscomp.nm.gov/Advisory-Council>.

High School Students Practice Trial Skills at WCA Courtroom

By Aileen O’Catherine

Students from Valley High School’s Mock Trial team practiced their courtroom skills at the WCA on January 18, in preparation for the annual statewide Gene Franchini Mock Trial Competition. Run by the Center for Civic Values, the competition teaches New Mexico high school students about the judicial system and the mechanics of litigation. In addition to learning about law and justice, students in the program increase skills such as speaking, reading, writing and critical thinking.

School teams participate in rounds of competitions where they assume the roles of attorney and witness in a fictional court case. Attorney coaches help teams prepare the case. WCA mediator Kenneth Owens served as attorney instructor for the students. Arlene Anglada is the students’ teacher and coach sponsor.

While in the WCA courtroom, students presented their case before

WCA attorney Richard Bustamante, who acted as judge and provided practical legal pointers and encouragement.

Students work in teams of three witnesses and three attorneys, with up to six competing in any given round on each side. Working with their mentors, students use a problem case provided by the Center for Civic Values, which includes a statement of facts, witness depositions, legal authorities and rules. Students must prepare opening statements, cross-examinations and closing arguments. Students then present before a judge and panel



WCA attorney Richard Bustamante acts as judge and talks to Valley High School students about courtroom law.

of “jurors.” Teams are judged on their demonstrated knowledge and presentation skills rather than the legal merits of the case.

The 2019 qualifier rounds take place February 8 and 9 at Albuquerque Metropolitan Court. State competition takes place March 8 and 9. For more information, go to <http://www.civicvalues.org/>.

National Safety Council Notes Rise in Accidental Workplace Deaths

By Aileen O’Catherine

The National Council on Compensation Insurance (NCCI) has released research that examines the increase in the frequency and severity of workers’ compensation claims for motor vehicle accidents (MVAs). Despite advances in car safety devices that monitor safe following distances and issue warnings about approaching objects, MVAs are on the rise in the United States. The trend can also be found in workers’ compensation claims. Despite a decrease in overall claims for workplace injuries from 2011 to 2016,

the frequency for claims resulting from work-related MVAs increased for the same time period. The rising popularity of cell phones, and particularly smart phones over the same time period, may point to distracted driving as a factor. Smartphone ownership has expanded rapidly since 2011.

The increase in MVA frequency from 2011 to 2016 occurred in work industry categories where MVAs are ordinarily most common, to include taxis, trucks, and salespeople. NCCI notes that over the last five years, more than 40 percent of fatal workers’

compensation claims have involved an MVA. Typically, workers’ compensation MVAs result in severe injuries, resulting in claims that cost 80 to 100 percent more than the average claim. Over a five-year period, MVA claims made up 28 percent of claims above \$500,000, even though they made up only 5 percent of claims overall.

WCA Staff Tour Medical Cannabis Facilities

By Aileen O’Catherine

Several WCA staff members visited Ultra Health, a New Mexico cannabis Licensed Non-Profit Producer (LNPP), at its Bernalillo processing and dispensing facility. The then Deputy Director Verily Jones, along with Economic Research and Policy Bureau members Dr. Richard Adu Asamoah, Dr. Thomas Dauphinee, and Economist Leigh Martinez, toured Ultra Health on November 26, 2018. The WCA requested the meeting to gain insight into production costs and factors to consider for pricing medical cannabis. Ultra Health President and CEO Duke Rodriguez answered questions and provided an overview of the company.

Medical cannabis has been part of the New Mexico workers’ compensation system since rules

were adopted in 2015 to govern reimbursement for its use in workers’ compensation cases (11.4.7 NMAC). The WCA 2016 Fee Schedule set reimbursement amounts based on the New Mexico Department of Health standard of 1 unit = 1 gram dry weight equivalent, at a maximum reimbursable amount of \$12.02 per unit, or 200 mg. THC. This reflects what was available at the time, with smoking as the delivery method. WCA staff were particularly interested in Ultra Health’s information and pricing for the various delivery methods of cannabis concentrates and infusions, available in dose-specific products in the form of tablets, sub-lingual tablets, pre-loaded syringes and droppers, and hard candies.

In addition to seeing the production

and growing facilities, staff learned of the company’s plans for expansion as a result of recent legal rulings that allow a larger number of plants to be grown at one time.

Staff also toured the dispensary, where patients go to make purchases. Ultra Health was open to discussing their point of sale system and the data collected with each purchase, to include the product purchased, the amount, and the total price. Both the WCA and Ultra Health extended offers to speak further.

Ultra Health has 16 dispensaries located around the state. According to the New Mexico Department of Health, there are 35 LNPPs in New Mexico’s Medical Cannabis Program, along with 68 dispensaries operating in 19 counties.

Special thanks to WCA Economist Leigh Martinez, who helped develop this report.

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