



# JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH WORKERS' COMPENSATION PROGRAM ADVISORY COMMITTEE

[www.courts.ca.gov/jbwcp.htm](http://www.courts.ca.gov/jbwcp.htm)  
[jbwcp@jud.ca.gov](mailto:jbwcp@jud.ca.gov)

## JUDICIAL BRANCH WORKERS' COMPENSATION PROGRAM ADVISORY COMMITTEE

### OPEN MEETING WITH CLOSED SESSION MINUTES

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.75(c) and (d))

THIS MEETING WAS CONDUCTED BY ELECTRONIC MEANS

THIS MEETING HAD BEEN RECORDED

**Date:** February 23, 2021  
**Time:** 9:00 a.m. - 12:00 p.m.  
**Public Call-In Number:** [jcc.granicus.com/player/event/1112](http://jcc.granicus.com/player/event/1112)

<b>Advisory Body Members Present:</b>	Ms. Kim Bartleson, Hon. Matthew Brower, Ms. Colette M. Bruggman, Ms. Heather Capps, Ms. Stephanie Cvitkovich, Ms. Krista LeVier, Ms. Michelle Martinez, Mr. James Owen, Ms. Bryna Smith, Mr. Hugh Swift, Mr. Brian Taylor, Ms. Kimberlie Turner, Ms. Shelby Wineinger, Mr. T. Michael Yuen
<b>Advisory Body Members Absent:</b>	Ms. Tania Ugrin-Capobianco
<b>Others Present:</b>	Mr. Patrick Farrales, Ms. Maria Kato, Mr. Edward Metro, Ms. Jade Vu, Ms. Miki Katsuyama Novitski, Gabriel Mercado, Jason Haas, Donna Newman

#### I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

##### Call to Order and Roll Call

Ms. Shelby Wineinger, Acting Chair, called the meeting to order at 9:00 a.m. and Mr. Patrick Farrales was asked to take roll call.

##### Approval of Minutes

The advisory body reviewed and was asked to approve the Judicial Branch Worker's Compensation Program Advisory Committee minutes of the August 24, 2020 Judicial Branch Workers' Compensation Program (JBWCP) Advisory Committee meeting.

**Motion:** Mr. T. Michael Yuen motioned to approve, Ms. Stephanie Cvitkovich seconded, and Ms. Kim Bartleson abstained.

#### II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

##### Written Comment

Patrick Farrales reported that there were no written comments received.

---

**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-3)**

---

**Item 1**

**JBWCP and COVID-19 Updates (No Action Required)**

Ms. Jacquelyn Miller Senior Advisor, Workers' Compensation, Sedgwick, presented the Workers' Compensation Legislative Updates specifically pertaining to COVID-19 Legislation. An overview of AB 55, AB 108 and SB 46 were given, as well as more details on additional bills: AB 399 (Medical Provider Network), AB 404 (Medical Fee Schedule), and as of last Friday, February 19, 2021 – AB 1400 (Healthcare for Everyone).

Question: Which Bill will most likely pass?

Answer: AB 1400 will most likely not be forwarded to the Governor's desk due to the cost. AB 404 may make it to the Governor, however not as it is currently written. AB 399 will most likely not get further.

Question: Of the three additional items on pending legislation, is there anything notable on these items?

Answer: The AB 55 -Telecommute Bill may make it onto the Governor's desk because telecommuting has become the way business is conducted now and will want to make sure that the employees are protecting employees while employees are working at home. This will build structure and requirements for an employee working at home.

Ms. Beth Harville, Program Manager, Acclamation Insurance Management Services (AIMS), reported on COVID-19 updates beginning with a re-cap of the Governor's Executive Order on March 19, 2020, and SB 1159, which ends on December 31, 2022. Ms. Harville gave an overview of the number of claims and cost specific to COVID and provided a comparison to pre-COVID years and the non-COVID claims processed within the past year.

**Item 2**

**Third Party Administrator Annual Audit (Action Required)**

Patrick Farrales had introduced the new program auditors Ms. Maria Walsh, Senior Vice President, Mr. Alan Turnipseed, Senior Vice President, and Ms. Kelly Brykit, Senior Vice President, Consulting Solutions, Marsh Advisory, who presented the annual audit results and next steps. The areas of audit were completed in categories of technical performance, regulatory compliance, contractual compliance, customer service, and member involvement. Within each audit [category](#), complaints, improvements, and recommendations were identified.

Question: Will the Advisory Committee vote on the category findings with the recommendations or without the recommendations?

Answer: The Advisory Committee will be voting on the recommendations.

- Question: Will the staff, Committee, and all vendors remain in the closed session for further discussion?
- Answer: The Advisory Committee, staff, Marsh representatives, and Jacquelyn Miller will attend the closed session. All other attendees will be excused.
- Question: What is the definition of “classifications” referred to in the audit?
- Answer: The classifications refer to the indemnity or non-indemnity categories of the claim.

With no further discussion or comments, Ms. Shelby Wineinger called for a motion on the options for implementation.

- Motion: Ms. Kimberly Turner moved to implement without change, and Ms. Bartleson seconded the motion. There were no opposition nor abstentions.

### **Item 3**

#### **Presentation of Draft Actuarial Report and Premium Allocation Results for FY2021-22 and Confidence Levels (Action Required)**

Ms. Becky Richard, Senior Manager, and Michael Harrington, President and Principal, Actuarial Consulting, Bickmore, reported on the fiscal year 2021-22 workers’ compensation premium allocation and continuation of the confidence level discussion. It was reported that the current JBWCP funds each program at the “expected” confidence level, but is recommended that programs be funded between 75% and 85% confidence levels.

There was further discussion about the individual court fee levels if the confidence levels percentage is increased. It was determined that without the specific fees per court, it is difficult to vote using the aggregate numbers producing the 66% level.

Ms. Wineinger asked for a motion to either vote on the confidence level as recommended or move to discuss during the closed session. Mr. Hugh Swift suggested that the staff speak to Bickmore and reconvene the Advisory Committee meeting in early March to discuss and vote.

- Motion: Mr. Hugh Swift moved to defer action to establish the confidence level until the Committee receives more information pertaining to the financial impact to the courts for the fiscal year 2021 – 2022. Ms. Bartleson seconded with no opposing and one abstention.

---

## **IV. ADJOURNMENT**

---

**The open meeting was adjourned to closed session at 11:44 a.m.**

**The closed session was adjourned at 12:00 PM.**