



One Nashville Place, Suite 2200 • 150 Fourth Avenue North • Nashville, Tennessee 37219
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TERRY HILL
EXECUTIVE DIRECTOR
Manier & Herod

BOARD OF MANAGERS

General Motors Corporation
Susan Azar
Chairperson

McKee Foods Corporation
Micheline W. Parkey
Treasurer

Ajax Turner Company
Todd Williams

Averitt Express, Inc.
David McDowell

City of Knoxville
Gary Eastes

Cracker Barrel Old Country Store, Inc.
Rob Behnke

Goodyear Tire and Rubber Company
Randy Triplett

Ingram Industries Inc.
Don Rickenbaugh

Johnson Controls, Inc.
Ronald Jones

Nissan North America, Inc.
Mike Berger

Parker Hannifin Corporation
Curtis Gross

Tyson Foods, Inc.
Allyn C. (Lynn) Tatum

United Road
Kristin Burman

Wasco, Inc.
Paul Kneedler

MINUTES OF BOARD OF MANAGERS' MEETING
March 5, 2009

Present:

General Motors Corporation
Manier & Herod
Ajax Turner
Averitt Express, Inc.
City of Knoxville
Cracker Barrel Old Country Store
Goodyear
Ingram Industries, Inc.
Johnson Controls, Inc.
McKee Foods Corporation
Nissan
Tyson Foods, Inc.
Tenn. Chamber
United Road
Wasco, Inc.

Susan Azar
Terry L. Hill
Todd Williams
David McDowell
Mary Davis, for Gary Eastes
Rob Behnke
Randy Triplett
Don Rickenbaugh & John Hayes
Ronald Jones
Micheline Parkey
Mike Berger
Lynn Tatum
Bradley Jackson
Kristin Burman
Paul Kneedler

Absent:

Parker Hannifin Corporation Curtis Gross

The Board of Managers of the Tennessee Self-Insurers' Association met via teleconference on Thursday, March 5, 2009, having canceled the February meeting due to lack of activity. The meeting was called to order by Susan Azar at approximately 10:05 a.m. CT.

DISCUSSION:

1. **Minutes** of the January 15, 2009 meeting were approved.
2. **Treasurer's Report** was submitted by Micheline Parkey and was approved, showing a balance of \$54,695.35. Vanderbilt and Sherwin Williams are new members, along with Johnson Controls renewing under hardship status.

TENNESSEE SELF-INSURERS' ASSOCIATION

3. **Membership/Nomination.** The two new members were approved.
4. **Amicus.** Terry reported the oral argument on our amicus issue was set for hearing on February 23rd. On February 19th, a settlement was reached in that case, so it was not argued before the Appeals Panel. One reason the case was settled was because a case came down 2 weeks earlier that had language in it upholding the MIR panel, which gave strength to our proposition. Terry indicated he was pleased with the outcome, even though we did not get to argue our issue. There is no other issue out there of interest at this time.
5. **Technology.** Work is proceeding on getting the web page up for the Conference registrations. Kristin's bio is still needed for the web page.
6. **Conference Committee.**

Meeting was held at 9:30 just prior to the regular Board meeting on March 5th. Susan noted the Conference Agenda had been finalized. One speaker was deleted to shorten the meeting. There was discussion about offering a social event the day before, possibly the General Jackson Riverboat Tour. Susan will check into this and report back to the Committee and the Board. Brentwood Services is lowering that sponsor amount from \$5,000 to \$1,000. Registration fee will remain the same due to the economic situation. Terry will confirm the availability of the State speakers. Conference Committee will meet at 9:30 a.m. prior to the April 2nd, 2009 meeting.
7. **Legislative.**

Terry and Bradley talked about two caption bills filed. The recreation bill is out there and is done. They are still working on the Overstreet bill. Bradley advised there is a Work Comp Advisory Committee meeting Friday, March 6th at 10:00 a.m. The Advisory Committee will be taking up 30 bills. Terry is meeting with Tony Farmer (who represents labor & trial lawyers on the Advisory Committee) on March 13th to iron out the final form of our bills. If he can reach agreement with Tony Farmer, there is a very good chance of getting them passed. Overstreet is still a major issue. Bradley indicated the orthopedic specialists are trying to get to the silent PPO issue. There will be more to report at the next meeting.

 - a. **Guaranty Fund.** Bradley says the State sent out HB 2268 (Rep. Mike Turner)/SB 2299 (Rep. Jim Kyle) administration bill. It is a caption bill that opens up a broad section of the Code. John Morris advised him that it is not a final bill, but they are committed toward working with it and finding common ground. Morris told Bradley If he cannot get a bill on it, the State will be forced to go with Rules previously proposed. Don, Rob and John McCauley (Vanderbilt) met with John Morris. Both Don and John McCauley are not in favor of a guaranty fund. Morris is not happy because he feels we did not proceed in good faith. Lynn also is not in favor of the bill, especially in light of the economic downturn. Bradley noted that we can fight a bill, but it is hard to fight Rules. Bradley stated we need to (1) set up another meeting with John, along with any Board members that want to attend, (2) state that we are opposed to the bill as it is filed, meaning a guaranty fund or the Marsh model; and (3) state that we are committed to working with him on the Rules to

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iron out our differences and work out an agreement for rules that are fair. Don said his in-house counsel is working on a draft of rules that we can live with. Bradley will look at March 26 or 27 for a potential meeting date with John Morris.

Susan and others mentioned the Baca bill, National Review of State Workers' Compensation Laws, and that we need to oppose it, as it would be the beginning of federal oversight state workers' compensation laws.

Susan made note of new Utilization Review rules from the DOL. A hearing date is set for May 5th. Terry will review the Rules and send a synopsis to the members for comment. He will also send the Rules to the Board members. If needed, he will attend the meeting. Terry will also send an email to members giving an update of our position on the Guaranty Fund and other bills.

8. **Old Business.**

a. The suggested social lunch with M. Jaquish & L. Knight has not yet been scheduled. Susan will follow-up with Board Members to organize the event.

9. **New Business.**

a. National Council of Self-Insurers Conference – May 17-20th. The Board approved funding for attendance at the National Conference in Palm Springs for Susan and Terry. Susan will attempt to have the Michigan association pay the majority of her costs. Terry will get assistance from his firm.

10. **Other:**

a. Board Member Profile. None.

11. **Open Discussion.**

There being no further business, the meeting was adjourned at approximately 11:10 a.m.

The next Board of Managers meeting will be held via teleconference on **Thursday, April 2nd** at **10:00 a.m.**

Respectfully submitted,

Susan R. Azar, Chairperson
Terry Hill, Executive Director