


Iowa Workers' Compensation Advisory Committee, Inc.
60th Annual Workers' Compensation Symposium
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Agency Update
From The Iowa Division of Workers' Compensation

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New Deputy Workers' Compensation Commissioner

Amanda Rutherford was hired in March 2022 to replace Former Deputy Work Comp Commissioner Stephanie Copley.

Amanda grew up in Grinnell, Iowa. She graduated cum laude from Luther College in Decorah, Iowa, in 2003 with a B.A. degree in Political Science and a minor in Spanish. In 2008, she received her Doctor of Jurisprudence With Honors degree from the University of Iowa Law School.

After law school, Amanda clerked for former Iowa Supreme Court Justice David Baker from 2008 until 2010.

From 2010 to 2014, Amanda worked as a trial attorney at the Cutler Law Firm in West Des Moines, with an emphasis on civil and administrative proceedings, including workers' compensation.

From 2014 to 2022, Amanda worked at the Office of the Iowa Attorney General representing the State of Iowa and the Second Injury Fund in workers' compensation and employment matters.

Away from the office, Amanda spends time with her husband and her two children and they are avid boaters.

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Division Statistics—New Petitions

- The number of Petitions filed with the Division over the past several years has been consistent.
- Our projections for the current fiscal year, which is FY 2022, which runs from July 1, 2021, through June 30, 2022, are that approximately 3,250 new Petitions -- excluding alternate care -- will be filed during FY 2022 by the time the fiscal year ends.
- 3,213 new petitions -- excluding alternate care -- were filed during FY 2021.
- 3,399 new petitions -- excluding alternate care -- were filed during FY 2020.
- 3,534 new petitions -- excluding alternate care -- were filed during FY 2019.
- 3,339 new petitions -- excluding alternate care -- were filed during FY 2018

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Alternate Medical Care Petitions and Decisions

The number of Alternate Medical Care Petitions and decisions has declined somewhat over the past few years.

Alternate Care Petitions:

FY18---578

FY19---559

FY20---451

FY21---452

FY22---384 – As of May 31, 2022

Many Alternate Medical Care Petitions are filed due to lack of authorization for treatment recommended by an authorized physician and are dismissed when authorization is given.

Alternate Care Decisions:

FY18---137

FY19---131

FY20---107

FY21---108

FY22---58 – As of May 31, 2022

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Appeals to the Commissioner

- The backlog of appeals to the Commissioner, which plagued the agency for many years, was eliminated last year, and we have continued to keep the number of pending appeals to the Commissioner as low as possible
- A file on appeal is not fully submitted until the briefing is completed. A file cannot be placed in line for an appeal decision until it is fully submitted.
- Prior to 2019, the agency typically had between 200 and 300 total cases on appeal and, of that total, between 100 and 150 cases fully submitted in line waiting for an appeal decision.
- As of May 31, 2022, there are a total of 55 cases on appeal to the Commissioner. Of that number, only eight cases are fully submitted on appeal and in line for an appeal decision.
- At this time, appeal decisions are being issued within six weeks after the appeals become fully submitted, whereas before two years ago, it took between 9 and 12 months after full submission for an appeal decision to be issued.
- A significant number of cases on appeal to the Commissioner are settled or are dismissed before they are fully submitted and never become fully submitted.
- As of May 31, 2022, 1,235 appeal decisions have been issued since I took over as Commissioner in February 2015, which is an average of 15 appeal decisions issued each month.
- I spend approximately 50 percent of my time as commissioner working on appeals and approximately 50 percent of my time working on administrative matters.

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PETITIONS FOR JUDICIAL REVIEW

When a case is appealed from the Commissioner to the Iowa District Court, the party filing the appeal must make sure to send a copy of the Petition for Judicial Review to the Division. The Division has 30 days from the date it receives the Petition for Judicial Review to certify the record of the case and deliver the certified record to the District Court.

Failure to provide the Petition for Judicial Review to the Division means the certified record of the case does not get sent to the District Court, which makes it impossible for the court to perform judicial review.

Last minute requests from the District Court cause a burden on the Division's staff and delay cases pending before the District Court.

Also, once the Iowa District Court has filed its ruling, a copy of the decision must be sent to the Division. If the case is remanded by the District Court to the Workers' Compensation Commissioner, the parties are required to make sure the certified record of the case is returned to the Division. A remand decision cannot be written until the certified record is returned to the Division.

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Hearings Using
Zoom and CourtCall
Video Conferencing Systems

Pursuant to an Order filed in March of 2020, due to the COVID-19 pandemic, in-person hearings in all regular procedure workers' compensation cases in Iowa were suspended and all hearings were to be held using CourtCall videoconferencing system. Pursuant to an Order filed two years later in March of 2022, all regular proceeding hearings are now being held by Zoom, but the parties can have an in-person hearing if all of the parties to a case file a Joint Motion for In-Person Hearing, or the parties can have the hearing by CourtCall if they all agree to pay CourtCall's charges. Pursuant to the Order filed in March of 2022, this arrangement will remain in effect until October 28, 2022.

As of now, no decision has been made as to how we will proceed after October 28, 2022. However, regardless of how we decide to proceed after October 28, we will still have Zoom and CourtCall available for hearings if the parties wish to use them rather than having an in-person hearing.

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**Deputy Commissioners
and Support Staff**

At the Division of Workers' Compensation, we have 12 Deputy Work Comp Commissioners who hear the cases, who write the arbitration decisions, who rule on all the motions, and who perform other important time-consuming and difficult duties.

We also have an Assistant Commissioner, two compliance analysts, a hearing administrator, two docket clerks, three word processors, an appeals support clerk, and our administrative secretary.

All of these people are very talented and hardworking. They do a great job of making the Division run as smoothly as possible with extremely limited resources which continue to become more and more limited as budget constraints continue to increase.

I want to pay tribute to every one of these people for their tremendous service to the workers' compensation community and to the people of the State of Iowa, and I thank them for their hard work and for their dedication. Whenever you have the opportunity, please thank them for everything they do.

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Closing

For me, personally, it is a very distinct pleasure and a great honor to serve the people of the State of Iowa and the workers' compensation community as the Workers' Compensation Commissioner.

As you may know, my first six-year term as Commissioner ended more than a year ago on April 30, 2021. Shortly before my term expired, I was appointed by Governor Reynolds to serve a second six-year term. In May of 2021, my reappointment was confirmed by a vote of the Iowa Senate. My current six-year term will expire on April 30, 2027.

Please feel free to contact me with your questions and concerns. I am here to serve all of you and I will listen when you contact me.

Thank you to everyone at the Division of Workers' Compensation, and to everyone else, for the generous support and the kind consideration I have received in the seven years since I took over as Commissioner. I look forward to the next five years. Thank you!

