

Meeting minutes: Rehabilitation Review Panel

Date: April 1, 2021

Minutes prepared by: Executive secretary of the Rehabilitation Review Panel

Location: Webex meeting

Attendance

RRP members present

Duane Butorac (chair)
Russell Gelfman (vice chair)
Roslyn Robertson
Michael Anderson
Monica Cronin
David Dubovich
Richard Hills
David Frary
Scott Parker
Steve Patton
Paul Osterbauer
Mary Wells
Carl Crimmins
Ken Askew
Meg Kasting
Steve Patton

Visitors, DLI staff members present

Mike Hill, DLI
Peggy Charpentier, DLI
Brad Morse, DLI
Ethan Landy, DLI
Anna Donnelly, QRC, CorVel
Brian Zaidman, DLI
Jeanne Vogel, DLI
Sandra Stoddard
Stacie Goodrich, CompRehab
Pam Carlson, DLI

Call to order

Chair Duane Butorac called the meeting to order at 1:05 p.m. A verbal roll call was taken and a quorum was present.

Approval of minutes

Butorac asked for a motion to approve the minutes from the Jan. 7, 2021 meeting. A motion was made by Butorac and seconded by Meg Kasting. A verbal vote was taken and the motion carried to approve the minutes.

Approval of agenda

A motion was made by Paul Osterbauer and seconded by Carl Crimmins to approve today's agenda. A verbal vote was taken and the motion carried to approve the April 1, 2021, agenda as presented.

Commissioner's update – Roslyn Robertson

The commissioner read the following statement concerning conducting a remote meeting.

Thank you for joining this remote meeting via Webex. As the commissioner of the Department of Labor and Industry, I have determined today's meeting is via the Webex platform due to the current status of the state of Minnesota operating under the peacetime emergency due to the COVID-19 pandemic. Per Minnesota Statutes, section 13D.021, of the Open Meeting Law, electronic meetings are acceptable when an in-person meeting is "not practical or prudent because of a health pandemic or an emergency declared under Chapter 12."

- *Everyone present on this Webex event can hear all discussions.*
- *All votes will be taken by roll call.*
- *All handouts discussed and Webex instructions are posted on the panel's webpage at www.dli.mn.gov/about-department/boards-and-councils/rehabilitation-review-panel.*
- *Journal of votes – per Minn. Stat. 13D.01, subdivision 4, the vote of each member will be recorded in a journal available to the public.*

Legislation and department updates

Commissioner Roslyn Robertson reported the following department and legislative updates.

- DLI's legislative initiatives were fairly streamlined. There were four main policy issues for the department, other than workers' compensation:
 - making apprenticeship law comply with federal law in terms of equal opportunity for women and people of color;
 - making Minnesota OSHA citations public data upon notification the employer has received the citations;
 - making information concerning minors in the workplace private; and
 - adding two members to the Construction Codes Advisory Council to include an energy expert and an accessibility expert.
- Workers' compensation policy: We were successful in getting the workers' compensation bill through the Workers' Compensation Advisory Council. There were a number of provisions that were discussed. WCAC came to a compromise decision based on both business and labor concerns. The legislative bill was heard in the Minnesota House of Representatives and passed. We are now awaiting a hearing and decision from the Minnesota Senate.

Department safety announcements

- A majority of Department of Labor and Industry (DLI) employees will not be returning to the building until on or after July 1, 2021.
- Renovation of the DLI St. Paul office building began today. The remodeling will affect the public areas of the building and will continue for about 12 weeks. This first phase is in the north side of the building, which includes the Minnesota Room. The second phase of the renovation will begin after mid-May and continue through June 30. Some of the benefits of the remodeling will include several security features, soundproofing of conference rooms and updating of the technology.

Additional updates

The department will install more electronic vehicle (EV) stations in the parking lot. DLI will then have 16 EV parking spaces that allow vehicle charging overnight at a discounted rate. This effort is to comply with the executive order to reduce the use of fossil fuels and to use more sustainable energy.

Two individuals that have been a part of the Rehabilitation Review Panel (RRP) are leaving DLI. Kate Berger, attorney, DLI Office of General Counsel, will retire April 13. Patty Rutz, RRP secretary, will retire at the end of May. Ethan Landy, attorney, DLI Office of General Counsel, will replace Berger as the staff attorney for RRP.

The commissioner asked RRP members to bring topics to discuss to either her or the RRP chair. She explained the department currently brings information to the panel and gives the members updates about the department's actions. Going forward, she would like to see RRP become more interactive with feedback. She believes more dialogue from the panel members would be helpful to understand the needs of the rehabilitation community. She asked the panel to bring any topics of concern to the group.

Russell Gelfman asked if there was an update from the department concerning the decline in the number of qualified rehabilitation consultants (QRCs). The commissioner said Jeanne Vogel, DLI, has been active in this area with colleges in the state. The commissioner would like to get more information concerning the activity in this area and said this is an action item for a future meeting.

Crimmins asked if there is information about the rate of injury for independent contractors versus workers who are employed by contractors or companies. The commissioner said she will see if that information is available from DLI's Research and Statistics unit and report to the panel.

Agenda items

Work Comp Campus review, survey feedback results – Brad Morse, DLI Workers' Compensation Modernization Program (WCMP)

Brad Morse presented a Work Comp Campus update and gave RRP members a brief update about recent survey results.

Highlights of the update:

- survey designed to collect feedback about the system;
- a large number of responses from participants;
- fixed error codes to streamline the submission process; and
- answers to stakeholder requests concerning email messages, filings, etc.

Next steps are continuing updates and system releases, in addition to receiving feedback from stakeholders.

The presentation is attached to the minutes.

Filing rehabilitation requests and motions to intervene in Campus – Brian Mak, DLI Alternative Dispute Resolution (ADR)

Brian Mak presented an overview of the resources available for rehabilitation dispute resolution in Campus. The resources are available to QRCs, medical providers, insurers and other stakeholders, and are always available by telephone, the DLI website or at helpdesk.dli@state.mn.us. The Request for Assistance (RFA) is a Campus webform. This initiates the process for an administrative conference with a DLI arbitrator by phone. Mak demonstrated completing a RFA form by presenting a live demonstration to RRP members. He explained how the form is then submitted to the department for action.

The presentation is attached to these minutes.

Claim shell team, requesting first reports of injury – Mike Solheid, DLI Compliance, Records and Training (CRT)

Mike Solheid explained claim shells are placeholders until a real claim is created in Campus via the initial first report of injury (FROI) form filed by the insurer. The claim shell is initiated by either internal or external users of the system. The purpose for the claim shell exists when there is not a claim already in Campus, the date of injury doesn't match in the system or the worker identification (WID) number doesn't match what is in Campus. The CRT staff reviews claim shells and seeks to link existing claims to transactions, then closes the claim shell.

The presentation is attached to these minutes.

2019 workers' compensation system report – Brian Zaidman, DLI Research and Statistics

Brian Zaidman explained that values used in the annual workers' compensation system report are estimates based earlier years; workers' compensation claim rates have been fairly stable since 2015. There appears to be consistency in those rates at the present time. Medical benefits continue to be the highest cost. The 2020 values have yet to be determined.

Michael Anderson asked how long (duration) vocational cases were open before they were settled. Zaidman said he would need to look into the data to provide an answer. Anderson also asked how many injured workers were working at the time they began receiving rehabilitation services. Zaidman indicated that information was not

available as the department as the focus was on how employees being off work to meet the 90-day rule of rehabilitation services being required to be assigned.

The presentation is attached to these minutes.

Update about WCAC proposed legislative changes – Ethan Landy, DLI Office of General Counsel

Landy presented the DLI proposed legislative language that was approved by WCAC. The bill passed the House and is now moving through the Senate. Some highlights include the following.

- Penalties will be assessed to a medical provider that attempts to collect medical payments from an injured worker. A penalty may be assessed only after the provider is notified of the incorrect billing.
- In-patient hospital payments will be based on Medicare rates.
- Rates for ambulatory surgical centers (ASCs) are adjusted as a result of studies conducted and approved for change.
- The sunset date for the current workers' compensation COVID-19 presumption statute is extended to Dec. 31, 2021. The original expiration date was May 1, 2021.

There was a request for the legislative proposal and bill to be sent to RRP members. The commissioner said the information will be forward to the members after the meeting.

The presentation is attached to these minutes.

Agenda items for next meeting – Butorac and panel

Butorac asked that panel members with any topics of discussion for the next meeting contact either him or Mike Hill.

Other

Next meeting date

Butorac announced the next meeting will be July 8, 2021.

Adjournment

A motion was made by Crimmins and seconded by Kasting to adjourn the meeting. A verbal vote was taken and all voted in favor. The meeting was adjourned at 3:07 pm.

Respectfully submitted,
Executive secretary to the Rehabilitation Review Panel