

Meeting minutes: Rehabilitation Review Panel

Date: Oct. 7, 2021

Minutes prepared by: Executive secretary of the Rehabilitation Review Panel

Location: Via Webex

Attendance

RRP members present

Russell Gelfman (chairman)
Michael Anderson (vice chairman)
Carl Crimmins
Monica Cronin
Roslyn Robertson
David Dubovich
Laura Jerde
David Frary, alternate
Richard Hills
Meg Kasting
Paul Osterbauer
Scott Parker
Steve Patton
Sarah Kacer, alternate

Visitors and DLI staff members present

Mike Hill, DLI
Peggy Charpentier, DLI
Pam Carlson, DLI
Ethan Landy, DLI
Anna Donnelly, CorVel
Brian Zaidman, DLI
Dave Skovholt, DLI
Jeanne Vogel, DLI
Sandra Stoddard, UCWC
Stacie Goodrich, CompRehab
Anita Hess, DLI
Chris Leifeld, DLI
Roslyn Robertson, DLI

Call to order

Chairman Russell Gelfman called the meeting to order at 1 p.m. Gelfman read the remote meeting statement. A verbal roll call was taken and a quorum was present.

Approval of minutes

Gelfman asked for a motion to approve the July 8, 2021, meeting minutes. A motion was made by Carl Crimmins and seconded by Richard Hills. A verbal vote was taken and the motion to approve the minutes carried.

Approval of agenda

A motion was made by Paul Osterbauer and seconded by Crimmins to approve the July 8, 2021 agenda. A verbal vote was taken and the motion carried.

Commissioner's update – Commissioner Roslyn Robertson

Commissioner Roslyn Robertson thanked Gelfman for stepping up as chairman.

Department safety announcements

- Minnesota Management and Budget suggests that because of COVID-19, the Department of Labor and Industry (DLI) will not have visitors or stakeholder in the building.
- Remodeling at DLI is about 90% complete.
- A new security guard desk and turnstiles have been installed at DLI.
- DLI employees have returned to teleworking until after Jan. 1, 2022. There will be no public in-person meetings until after that time.

Legislation and department updates

Commissioner Robertson reported the following department and legislative updates.

- Legislative initiatives are currently being discussed in the Workers' Compensation Advisory Council.
- Minnesota OSHA Compliance penalties are significantly lower and not in compliance with federal OSHA penalties.
- President Joe Biden's administration has required vaccinations or testing in the workplace.
- Dr. Emily Bannister has been appointed the new DLI medical consultant. DLI looks forward to her working with DLI staff members, the Rehabilitation Review Panel, and other boards and workgroups.
- Robertson also welcomed Sarah Kacer, the new chiropractor/health care provider/rehabilitation provider alternate.

Robertson invited everyone on the panel to contribute ideas and suggestions for future agenda items (email them to Anita Hess at anita.hess@state.mn.us). DLI will prioritize these ideas and suggestions and bring them back at the next meeting.

For those panel members with expiring positions in January, we welcome your continued participation. Let Hess know whether you wish to continue to serve and complete a new Secretary of State application.

October rehabilitation provider rates changed Oct. 2, 2021. The new qualified rehabilitation consultant (QRC) rate is \$115.91; the placement vendor rate is \$92.83.

Agenda items

Wage theft law review – Dave Skovholt, DLI Labor Standards

DLI's Labor Standards unit uses a layered approach to investigate wage-theft violations, including working with the U.S. Department of Labor's Wage and Hour Division and the Minnesota Attorney General's Office.

The wage theft Law passed in the 2019 session. The law requires employers to provide new employees, since July 2019, an employee notice that shows the basic terms of employment.

- The notice must show the rate of pay and basis of pay, any allowances for meals and lodging, paid time off (PTO), vacation or sick time.
- The notice is required to be available in 13 languages.
- The employer must keep a copy, signed by the employee, and must inform employees of any changes in writing before the changes become effective.
- This information is available at www.dli.mn.gov/laborlaw.

Job placement – Brian Zaidman, DLI Research and Statistics

DLI Research and Statistics's presentation looked at job-placement trends, the effects of pre-injury wage differences and vocational rehabilitation measurement. Only rehabilitation plans with at least \$100 of job-placement or job-development services were counted.

- The plan-closure year was October 2019 through September 2020.
- The COVID-19 pandemic has changed everything; it does not follow the trends. The number of closures has been consistent, but placement has dropped by half. Job placement decreased, but the number of workers has remained steady.
- Plans with placement were more likely to have a settlement.
- Settlements increased the likelihood of no employment at the close of vocational rehabilitation.
- DLI Vocational Rehabilitation and denials accounted for fewer placement plans than a decade earlier.
- Low-wage workers took settlements more often than permanent partial disability (PPD) benefits.
- The more money you make, the less likely you are to get a settlement.
- Half of low-wage workers were not employed at their plan closure.
- Benefit amounts increased with wage, most noticeable for claims and with settlements.
- Higher-wage workers with PPD benefits or settlements took longer to start vocational rehabilitation.

Ombudsman year in review – Pam Carlson, DLI Office of Workers' Compensation Ombudsman

Pam Carlson began working as the DLI ombudsman in 2018. Most of her calls are from injured workers. The number of calls has been increasing.

As ombudsman, Carlson:

- explains claims, benefits and other income an injured worker may have, or options such as retirement, using mediators who are available to the injured workers or suggesting when an attorney may be needed;
- discusses why COVID-19 claims are denied and what options employees may have;
- works as a go-between with the workers' compensation insurers and attorneys to help the worker get the medical care they need.

- works with QRCs to help them get their bills paid and explains in more depth to injured workers what QRCs are doing to help; and
- may speak to legislators and the Office of Administrative Hearings – for example, judges sometimes ask for help with non-English-speaking workers who need guidance.

Agenda items for next meeting – Gelfman and panel

Meg Kasting asked about outlier rehabilitation plans and their cost, wondering if there was a story of those cases that could be shared? Timing of attorney involvement after statutory rehabilitation has been assigned? For severe injuries, such as traumatic head injuries and paraplegics, do the QRCs have medical training?

Michael Anderson asked if there has been a continuation of the study done between five and 12 years ago, when DLI did a survey to followup with injured workers after a year to see how they were doing.

Zaidman said there has been no thought to revisit that. It took a significant amount of staff time to do that and it is not possible right now, due to other department commitments.

Anderson: Do people with lesser skills get back to work or are they more dependent on social services? He further stated agreement with Kasting that rehabilitation and the overall system needs to be periodically looked at. What are we doing well and not doing well?

Monica Cronin suggested rehabilitation providers could help get followup information from patients about outcomes one-to five-years down the road.

Gelfman expressed concern about independent medical examinations (IMEs) being canceled or rescheduled for employees. There seems to be longer time delays in the system. Is that because of the pandemic?

Bannister agreed IMEs have been a significant problem when medical treatment is pending; it was common even before COVID-19. The 30-day limit is being abused and dragged out.

Robertson said these ideas and suggestions can be shared in other forums and this was a very good start. DLI will prioritize the suggestions and bring relevant information back to the panel.

Next meeting date

Gelfman announced the next meeting will be Jan. 6, 2022. Mike Hill said it will be done via Webex.

Adjournment

Crimmins made a motion to adjourn, which was seconded by Anderson. Votes were taken and the motion passed.

The meeting was adjourned at 3:06 p.m.

Respectfully submitted,
Anita Hess
Executive secretary to the Rehabilitation Review Panel