

## Meeting minutes: Workers' Compensation Advisory Council

Date: Nov. 9, 2022

Minutes prepared by: Alyssa Westergard, executive secretary to the Workers' Compensation Advisory Council

Location: Webex meeting

### Attendance

#### Members attended

Bernie Burnham  
Brad Lehto  
Burt Johnson  
Colin Beere  
Doug Loon  
Ed Reynoso  
Gary Thaden  
Maggie Hobbs  
Robert Ryan

#### Legislative liaisons attended

Sen. Paul Utke

#### DLI staff members attended

Temporary Commissioner Nicole Blissenbach  
Assistant Commissioner Kate Daly  
Ann Tart  
Alyssa Westergard  
Brian Mak  
Brian Zaidman  
Donna Olson  
Ethan Landy  
Gretchen Longbehn  
Hared Mah

Jeanne Vogel  
Jon Brothen  
Josiah Moore  
Jessica Stimac  
Karen Kask-Meinke  
Lisa Wichterman  
Laura Zajac  
Michelle Doheny  
Mike Hill  
Nichole Sorenson

#### Visitors attended

Aaron Cocking  
Adam Wolkoff, Office of Administrative Hearings  
Alison Khan, WCRA  
Ames Gascoigne, Wilson McShane  
Amy Kockelman

Andrea Everling, MWCIA  
Andrew Essling, MCIT  
Auntara De, MWCIA  
Carrie Jacobson, Brown and Carlson  
Darin Richardson

David Sullivan  
Evan Cordes, Afedt Forde, et al  
James McLean, HealthPartners  
James Heer, WCRA  
Jenny Starr, Office of Administrative Hearings  
Jerry Sisk, Mottaz Law  
Jessica Stoeckman, SFM  
Joe Schindler  
Karen Ebert, MCIT  
Karen Rudeen, Winthrop and Weinstine  
Laura Mundt, Mayo Clinic  
Lauren Weaver, Stinson LLP  
Lauryn Schothorst  
Mark Rodgers, Minnesota Injury Law  
Matt Massman, Minnesota Inter-County Association  
Michael Tupy  
Paul Nasvik, Minnesota Inter-County Association

Paul Cassidy, Stinson LLP  
Peter Lindquist, SFM  
Rebecca Yang  
Sandy Stoddard, Wilson-McShane  
Sarah Hunter, SFM  
Scott O'Rourke, Mayo Clinic  
Shawna Holewinski  
Sophie Thaden  
Stephanie Balmer, Falsani Balmer  
Suzanna Kennedy, Stinson LLP  
Tiffany Grzybowski, HealthEast  
Tiffany Gustin, Minnesota MSBA  
Tom Hanson, Winthrop and Weinstine  
Tyler Treichel  
Wendy Wulff  
Will Freeman

## Call to order

Department of Labor and Industry (DLI) Temporary Commissioner Nicole Blissenbach called the meeting to order at 9:35 a.m. A roll call was taken and a quorum was not present.

## Meeting minutes and agenda

No vote was taken to approve the Nov. 9 agenda, the April 12 minutes, the June 8 minutes or the Aug. 10 minutes because a quorum was not present.

## Agenda items

### 1. 2023 pure premium base rates

Andrea Everling, vice president of actuarial services, Minnesota Workers' Compensation Insurers Association (MWCIA), presented about 2023 pure premium base rates. A recent legislative change allowed the 2023 tier premium base rates and onward to explicitly include a provision for losses developed to their ultimate level, include indemnity and medical trends, and to include a provision for loss adjustment expenses. The pure premium base rates have been expanded so the pure premium base rates are now able to provide more information to the industry. Everling also noted COVID-19 was contemplated in two ways in the 2023 ratemaking report. The first was an adjustment to the underlying experience period and the second was an exclusion for COVID-19 claims in the class ratemaking.

## **2. Union Construction Workers' Compensation Program – an alternative workers' compensation program for the unionized construction industry**

Sandy Stoddard, program director, Union Construction Workers' Compensation Program (UCWCP), presented about the program. The enabling statute allowed for the creation of a collectively bargained workers' compensation system. It also required the commissioner and the courts recognize the provision for a collective bargaining agreement establishing certain obligations and procedures relating to workers' compensation as valid and binding. The UCWCP was established in 1997 under these statutory requirements and applies to unions, employers and insurers that voluntarily join the program. The reason this system was developed is the board of trustees wanted a workers' compensation system that would benefit both the employees and contractors. To date, the program includes more than 25 trade unions and 380 contractors, employing more than 23,000 union workers. There are 38 insurance providers and third-party administrators that insure and administer claims under the program. Stoddard also explained the main components of the program that differ from the statutory system and their purpose.

## **3. The 2022 Workers' Compensation System Report**

Brian Zaidman and Hared Mah, DLI Research and Statistics, presented an overview of the 2022 system report, which presents workers' compensation data trends from about 2000 to 2020. The primary data sources are the DLI claims database, which is limited to claims with lost time or paid indemnity benefits, and MWCI. Cost amounts are adjusted for growth in the statewide average weekly wage between the respective injury year (or years) and 2020, to provide an inflation adjustment to reflect what is affecting the system cost. The full report is available on the DLI website.

## **Other business**

DLI Assistant Commissioner Kate Daly gave an update about MAJ and MDLA's discussions regarding a proposed legislative package.

Daly also introduced Michelle Doheny, who is the director of the new Business Technology Office, in DLI's Workers' Compensation Division.

Josiah Moore, DLI legislative coordinator, gave an update about the remaining open council appointments.

The next Workers' Compensation Advisory Council meeting is Dec. 14.

## **Adjournment**

The meeting was adjourned at 10:42 a.m.

Respectfully submitted,  
Alyssa Westergard, executive secretary