

**Rehabilitation Review Panel
Jan. 7, 2016
Meeting minutes**

RRP members present

Duane Butorac
Carl Crimmins
Dr. Russell Gelfman
Dr. Richard Hills
Steve Hollander
Laura Jerde
Dr. Stephen Jobe
Margaret Kasting
Chris Leifeld, assistant commissioner
Carol Norris
Alissa O'Hara
Scott Parker
Bobbi Pearson
Lisa Weed

Nonvoting members excused

Mary Wells

Visitors/DLI staff members present

Ken Peterson, DLI commissioner
Jon Brothen
Sonya Herr, executive secretary
Mike Hill, business liaison
Mark McCrea
David Musielewicz
Jessica Stimac
Darci Wing
Brian Zaidman

Call to order

Chairman Duane Butorac called the meeting to order at 1:02 p.m. A quorum was met. DLI Commissioner Ken Peterson thanked the panel for their service.

Approval of minutes

Scott Parker moved to approve the July 23, 2015, meeting minutes as printed. Richard Hills seconded. All voted in favor. The motion carried.

Approval of agenda

Stephen Jobe moved to approve the Jan. 7, 2016, meeting agenda as printed. Hills seconded. All voted in favor. The motion carried.

Assistant commissioner's update

- The commissioner re-appointed panel members Dr. Russell Gelfman, Mary Wells and Carol Norris. Assistant Commissioner Chris Leifeld has been appointed to the panel as the commissioner's designee.
- The department continues to actively seek qualified applicants for the labor and the insurer panel openings.
- Dr. Ernest Lampe has been named the Minnesota Department of Labor and Industry's (DLI) new medical consultant.
- The mileage reimbursement rate has been adjusted to .54 cents as of Jan. 1, 2016.

Rehabilitation related

Online R-form video

Jon Brothen, a supervisor in DLI's Compliance, Records and Training (CRT) unit, shared a training video on DLI's website about how qualified rehabilitation consultants (QRCs) may submit R-forms online. The department's website has several instructional videos about a variety of subjects.

Panel meeting dates

The regular quarterly meeting dates for 2016 were agreed upon with the exception of Oct 6. The panel agreed to change the date to Oct. 14, 2016.

Research and Statistics

Brian Zaidman, DLI Research and Statistics, gave a PowerPoint presentation about the \$3,500 cap using adjusted 2014 figures. Zaidman indicated 70 percent of the rehabilitation plans reached \$3,500 in costs rather than the 39-week threshold for fees to be reduced. He then discussed worker and injury characteristics by rehabilitation plan costs.

MARP – Minnesota Rules 5220 rule revision request

Steve Hollander, acting as a MARP representative, provided the panel with a handout of proposed changes of rehabilitation rules, including the elimination or adjustment of the QRC fee reduction cap for cases reaching \$3,500 or 39 weeks and an increase to the two-hour time limit on QRC services, when job placement is being provided by someone other than the QRC, to eight to 10 hours a month. Hollander also discussed the possible grouping of QRC hours in a three-month period. MARP has reached out to the Workers' Compensation Insurers' Task Force (WCITF) regarding the rule changes and will meet with them in March.

MRA – vocational preparedness post settlement

Norris, acting as a Minnesota Rehabilitation Association (MRA) representative, addressed the panel regarding the department's data about an ever-increasing number of cases closed due to a settlement agreement and the employee has not yet found employment. MRA is concerned about the decreasing rate of vocational rehabilitation plans closed due to plan completion and the increased rate of plans closed due to settlement. Norris asked the panel to request the department, using data collected on the R-8 closure forms for settled rehabilitation files, to investigate whether the injured workers were working, their current wages compared to the date of injury wage, how many were unemployed, their ages, where they lived and what vocational services were provided to prepare them to conduct their own job search. Carl Crimmins asked about the settlement process and if settlement information was sent to employees. Alternative Dispute Resolution (ADR) Director Mark McCrea and CRT Director Jessica Stimac reported about the process and their settlement experiences. They indicated injured workers' attorneys fully explained to their clients what they were giving up in exchange for settling their case. Leifeld requested a copy of settlement information, sent to employees by the department, be sent to panel members.

Jobe moved to ask the department to obtain the R-8 information requested by MRA. Lisa Weed seconded. All voted in favor. The motion carried.

Professional conduct complaint outcomes

Mike Hill gave an overview of the outcomes of complaints filed in 2015 against rehabilitation providers. He provided a handout with data compiled from 2008 to 2015 with tables showing

the source of complaints, professional conduct and accountability outcomes, and the rules violated. A review of the data showed a drop in the number of complaints since last year.

Other business

The trial period for the Patient Advocate Program has expired.

Agenda items for next meeting

- DLI report about R-8 findings post settlement
- Outcome of MARP/WCITF discussion regarding proposed rule changes.

Contact Chairman Butorac and Business Liaison Hill with agenda items for the meeting.

Adjournment

Crimmins moved to adjourn the meeting and Jobe seconded. All voted in favor. The motion carried.

Next tentative meeting dates: April 7, 2016, from 1 to 3 p.m.; July 7 and Oct. 14, 2016; and Jan. 5, 2017