

Rehabilitation Review Panel July 7, 2016 Meeting minutes

RRP members present

Duane Butorac
Dr. Russell Gelfman
Dr. Richard Hills
Steve Hollander
Dr. Stephen Jobe (by telephone)
Margaret Kasting
Chris Leifeld, assistant commissioner
Carol Norris
Alissa O'Hara
Scott Parker
Bobbi Pearson
Lisa Weed
Mary Wells (by telephone)

Visitors, DLI staff members present

Sandy Barnes
Jon Brothen
Michael Haire
Sonya Herr, executive secretary
Mike Hill, business liaison
Nancy Kuntz
Mark McCrea
David Musielewicz
Donna Olson
Jeanne Vogel
Darci Wing
Brian Zaidman

Members excused

Carl Crimmins
Laura Jerde

Call to order

Chairman Duane Butorac called the meeting to order at 1:04 p.m. A quorum was met.

Approval of minutes

Scott Parker moved and Carol Norris seconded to approve the April 7, 2016, meeting minutes as printed. All voted in favor. The motion carried.

Approval of agenda

Parker moved and Bobbi Pearson seconded to approve the July 7, 2016, meeting agenda as presented. All voted in favor. The motion carried.

Assistant commissioner's update

The May 2016 *COMPACT* story about the Workers' Compensation Advisory Council bill was discussed.

Steve Patton, Travelers Insurance, was welcomed as a new insurance representative to the Rehabilitation Review Panel (RRP).

Rehabilitation topics

- I. *Rate of denial of primary liability higher for low-wage workers*
Brian Zaidman, DLI Research and Statistics, discussed the recent comparison study published in the May 2016 *COMPACT* newsletter. Zaidman presented a repeat of a similar DLI 2002 study. His study covered 2012, 2013 and 2014, and yielded nearly identical results. Zaidman reported further research was needed to better understand the relationship between worker wages and claim denials.

II. *Minnesota Statutes § 176.106, subd. 3 (qualified rehabilitation consultant (QRC) invoice payment, services)*

Alissa O'Hara reported that Minnesota Statutes § 176.106, subd. 3, and a November 2013 *COMPACT* story require insurers to pay rehabilitation provider invoices. O'Hara reported significant delays in payment occur when an injured worker has two conferences combined, such as medical and rehabilitation. She had two files in which the department ruled against paying for QRC services. O'Hara wondered what QRCs should do. Mark McCrea, DLI Alternative Dispute Resolution director, indicated QRC options include: filing a Rehabilitation Request form for payment; or filing a petition to intervene. O'Hara argued that insurers are not penalized for not paying QRC invoices except with a minimal interest charge. Chris Leifeld, DLI assistant commissioner, asked Mike Hill, RRP business liaison, if there were other penalties. Hill referenced a statute (Minnesota Statutes § 176.221, subp. 6a) in which the payment would be made to the department. Richard Hills reported that for his medical practice, the rules require the insurers to pay his invoices. O'Hara indicated QRCs needed the department's assistance. She requested the department look into developing an insurer penalty assessment rule with the assessment being paid to QRCs.

III. *Transitional return-to-work programs*

Carol Norris provided a handout and reported insurers are asking QRCs to make "transitional work" programs part of employee rehabilitation plans. She indicated Minnesota Statutes § 176.108 was created in the 1990s for "light duty work pools," but without a clear definition. Norris reported successful transitional return-to-work (TRTW) plans are governed by specific rules in two other states and are coordinated with treating physicians. Steve Patton, Steve Hollander and Mary Wells reported successful TRTW programs over the years. They further reported that if an injured employee refused to participate in a TRTW program they did not risk losing temporary total disability benefits and if hurt at the new employer site, this was covered under the employee's admitted injury claim. A motion was made and approved by the panel to recommend DLI look into definitions for transitional work and light-duty work pools.

Other business

Agenda items for the next meeting

- DLI response to IR nonpayment of QRC invoice/services Chris Leifeld

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

Adjournment

Norris moved to adjourn the meeting and Hills seconded. All voted in favor. The motion carried.

Next tentative meeting dates: Oct. 14, 2016, 1 to 3 p.m., and Jan. 5, 2017