

Meeting minutes: Medical Services Review Board

Date: Jan. 20, 2022

Minutes prepared by: Anita Hess, executive secretary

Location: Webex

Attendance

Members present

Beth Baker, chair
Elizabeth Alm, vice chair
Russell Gelfman
Jeff Bonsell
Matthew Monsein
Kim Olson
Lisa Hanselman
Erica Kuhlmann
Bradley Kuzel
Mark Schulz
Dan Wolfe
Kate Daly

Members absent

Joseph J. Schulte
Natalie Haefner

Alternates present

Ceil Jung
Courtney Mitchell
Dave Nelson
Tammy Bredahl
Deborah Zurcher

Alternates absent

Kevin Scott Wall
Keith Johnson
Kathleen Gomez
Laura Breeher

Staff members present

Ann Tart
Lisa Wichterman
Anita Hess
Ethan Landy
Chris Leifeld
Emily Bannister
Brian Zaidman

Interested parties

Tammy Hall-Benson
Carla Ferrucci
Mimi Lynn
Kathleen Picard

Call to order

A Webex meeting of the Medical Services Review Board (MSRB) was called to order at 4 p.m. by Dr. Beth Baker. Baker read the Webex meeting instructions. Roll call was taken by Anita Hess. A quorum was not met.

DLI announcements and updates: Assistant Commissioner Kate Daly

Department of Labor and Industry (DLI) Assistant Commissioner Kate Daly introduced herself to the board. She is an attorney with a background in workers' compensation defense in both the private and public sectors.

Safety announcements

DLI is still closed to outside visitors due to COVID-19. Employees coming in must be masked and undergo a health screening.

Legislative and department updates

- Minnesota's minimum-wage rates increased to \$10.33 an hour for large employers and \$8.42 an hour for other state minimum wages.
- As of Jan. 3, 2022, the mileage rate has increased to 58.5 cents a mile.
- New laws went into effect Jan. 1, 2022, that allow nursing mothers to receive paid break time to express milk at work and give more employees the right to request and receive pregnancy accommodations in the workplace.
- New OSHA mandates for vaccination have been left up to employers to have their own policies.
- The new legislative session starts in February. The Workers' Compensation Advisory Council has two proposals:
 - extend the previous COVID-19 presumption for health care workers, first responders, police and fire fighters; and
 - adjust the permanent partial disability rates.
- Ceil Jung is the new registered nurse alternate and Deborah Zurcher is the new chiropractor alternate.

Approval of agenda and minutes

We have a quorum. Mark Schulz made a motion to approve both the amended agenda and the July minutes by roll call vote. Lisa Kuhlman seconded. A roll call vote was taken, and the agenda and minutes were approved.

Business

COVID-19 presumption update: Brian Zaidman, DLI Research and Statistics

- Workers' compensation COVID-19 presumption PowerPoint presentation
 - This has expired, but it can take four to six weeks to get the claims.
 - Through Dec. 25, 2021, 28,319 COVID-19 claims were reported.
 - There was a significant delta variant surge in December 2021.
 - About 73% of claims are from health care workers.
 - Almost all first responder claims in recent months have been paid. This data is preliminary and will change.
- Non-presumption and presumption temporary total disability claims paid were similarly in 2020 and 2021.
- Non-presumption worker denial rates dropped since June 2021.

Lumbar imaging standard review – Dr. Emily Bannister, DLI medical consultant

- American College of Radiology Appropriateness Criteria Low Back Pain guidelines
 - Seven variants as to what is appropriate, broken down by date of onset
- These define what should be covered under workers' compensation.
- Some of these documents are 30 years old and outdated.

- DLI will look at discography, imaging modalities and thermography, and when those might be appropriate.
- Set up organizational framework and simplify injection parameters

Hospital outpatient fee schedule (HOFS) timeliness studies – Lisa Wichterman, DLI Compliance, Records and Training

- Hospital outpatient fee schedule study about outpatient claims – DLI sent requests for information about:
 - accuracy;
 - timeliness of bill payments from hospitals and payers; and
 - discrepancies in payment dates.

Case law overview, medical cannabis decisions – Ethan Landy, DLI Office of General Counsel

- Medical cannabis decisions
 - Two workers' compensation cases were decided in the Minnesota Supreme Court that required the employer to reimburse the injured worker for the cost of medical cannabis.
 - Federal law pre-empts state law on cannabis; pre-empts an order so that it would not require reimbursement. If you are in compliance with your state law on medical cannabis, they won't prosecute.
- Matt Monsein summarized that Minnesota passed a law saying medical marijuana was legal in some instances, so then doctors can send a patient to a dispensary. Insurance companies initially had to pay for that, but now it may not be reimbursed by Minnesota workers' compensation insurance. Landy agreed that is basically correct.
- When is it appropriate use of medical marijuana? Diagnostic criteria can include pain management, autism, post-traumatic stress disorder and many other conditions.
- The Department of Health regulates the medical marijuana law.
- The Office of Medical Cannabis has a good website full of information.

MSRB membership requirements legislation – Ethan Landy, DLI Office of General Counsel

- Proposed cleanup amendment: MSRB and Insurance Guarantee Association draft
 - A health care provider board member must maintain a license in the state of Minnesota.

Agenda items for the April MSRB meeting – Baker and board

- Treatment parameters rules
- Lumbar pain
- Guide to better access information
- COVID-19 presumption update

Adjournment: Baker and board

Baker thanked everyone for coming. Jeff Bonsell moved to adjourn the meeting. It was seconded by Kuhlman. All voted in favor and the motion carried. The meeting was adjourned at 5:37 p.m.

Next meeting dates

- April 21, 2022
- July 21, 2022
- Oct. 20, 2022
- Jan. 19, 2023