

**Rehabilitation Review Panel**  
**April 6, 2017**  
**Meeting minutes**

**RRP members present**

Duane Butorac (chairman)  
Russell Gelfman, M.D. (vice chairman)  
Chris Leifeld  
Steve Hollander  
Steve Patton  
Bobbi Pearson  
Carl Crimmins  
Laura Jerde  
Margaret Kasting  
Richard Hills, DC  
Alissa O'Hara

**Members excused**

Ken Askew

**Visitors/DLI staff members present**

Kate Berger, DLI  
Ralph Hapness, DLI  
Mike Hill, DLI (business liaison)  
Matt Jobe, DLI  
Nancy Kuntz, QRC – Encore Unlimited  
Carol Norris, QRC  
Angelina Nguyen, DLI  
Darci Wing, DLI  
Brian Zaidman, DLI

**Absent**

Lisa Weed  
Scott Parker  
Mary Wells

**Call to order**

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

**Approval of minutes**

Alissa O'Hara moved and Steve Hollander seconded to approve the Jan. 5, 2017, meeting minutes. All voted in favor and the motion carried.

**Approval of agenda**

Margaret Kasting moved and Bobbi Pearson seconded to approve the April 6, 2017, meeting agenda as printed. All voted in favor and the motion carried.

**Assistant commissioner's update – Chris Leifeld**

Chris Leifeld announced Ken Askew as the new appointment to the Rehabilitation Review Panel (RRP) to fill the open alternate position of chiropractic/health care provider/rehabilitation provider. However, due to a prior commitment Askew was not able to attend today's meeting. His appointment will be effective for one year.

Leifeld introduced Angelina Nguyen as DLI's new director of the Research and Statistics unit.

In terms of legislative update, the assistant commissioner distributed a summary of the current legislative proposal submitted by the department and approved by the Workers' Compensation Advisory Council (WCAC). The main focus of the WCAC is to determine what proposals go forward to the Legislature to become law. The bill is currently on the floor of the House of Representatives and the department is confident the bill will be passed this session.

Leifeld also announced that the department will have a Workers' Compensation Summit on Sept. 19 and invited the members and attendees to review the announcement in the agenda packet. It will be a one-day session at the University of Minnesota's St. Paul campus (near the fairgrounds). More details will be sent to members via email notification.

## **Agenda items**

### *I. Proposed rehabilitation rule revisions*

Matthew Jobe, from the Office of General Counsel, presented slides of the proposed rule revisions for Minnesota Rules 5220.1900. He explained the department is working through the rehabilitation rules and posted the draft at the end of December 2016. The department is still receiving comments. The point of the presentation was to give an update of the status. Basically, there are four components to the presentation: 1) current subpart 1f (fee reduction after \$3,500 or 39 weeks); 2) proposed changes to subpart 1f; 3) alternative to consider – eliminate subpart 1f and reduce maximum QRC rate; and 4) subpart 6a – limit on qualified rehabilitation consultant (QRC) hours when job search is being performed.

Based on all the feedback from stakeholders, the rules team has been considering another option. This would be to eliminate subpart 1f, so there is no fee reduction, and then reduce the max QRC rate to make it cost neutral. The main benefit is there would be administrative efficiencies by not having to track changes to hourly rates. In addition, the department received feedback from QRCs about whether it's fair or appropriate to have a fee reduction for longer plans when QRCs have little control over the length of plans. This would treat all injured workers more equally. Overall, the proposed changes may result in a slight increase in fees paid to rehabilitation providers or be cost neutral. The exact numbers cannot be projected as yet, but the goal is to maintain the original structure of the rules. The department encourages comments from all stakeholders about the proposed revisions.

### *II. 2015 Workers' Compensation System Report*

Brian Zaidman, senior research analyst, Research and Statistics, was introduced to give a report about the vocational rehabilitation system. Zaidman explained the slides presented today are in the *2015 Workers' Compensation System Report*, which is available to the public on the DLI website.

Some takeaways from the update included: a decrease in claims rate since 2009, medical benefits are the largest workers' compensation expense; employers' cost of workers' compensation coverage has slightly increased; workers are starting vocational rehabilitation sooner than in 2003 (six weeks earlier); 2011 through 2015 was a stable period for the return to work of injured workers; and workers returning to a different employer are finding much better wages than in previous years. Zaidman indicated these are the highest values seen for workers returning to work with a different employer.

### *III. Collection and assessment of fines, 2016*

Ralph Hapness, supervisor, Compliance, Records and Training (CRT) unit, showed a slide presentation highlighting the main duties of his unit. CRT not only assesses penalties, but also: reviews claim activities by insurers and third-party administrators; audits files; educates insurers, employers and rehabilitation providers; reviews actions of parties; and provides oversight of rehabilitation provider conduct. Hapness explained the main goal is to get voluntary compliance from the insurance companies, with penalties assessed for noncompliance. CRT also regulates registration and provides assistance to rehabilitation providers.

**Other business**

Agenda items for the next meeting: Chairman Butorac asked that agenda items for the next meeting be sent to either him or to DLI Business Liaison Mike Hill.

**RRP meeting dates**

Chairman Butorac announced the next scheduled RRP meeting is July 6, 2017, and asked if this date would be a conflict since it is during a holiday week. Some panel members indicated July 6 would not work for them. DLI Business Liaison Mike Hill offered to look at other dates and contact members for a majority consensus for a new July meeting date.

**Adjournment**

Carl Crimmins moved to adjourn the meeting and Kasting seconded. All voted in favor and the motion to adjourn was passed.

Respectfully submitted,  
Patricia Rutz  
Executive Secretary  
Rehabilitation Review Panel