

## Meeting Minutes: Rehabilitation Review Panel

Date: 07/12/2018  
Minutes prepared by: Patty Rutz  
Location: Minnesota Department of Labor and Industry

### Attendance

#### **RRP Members Present**

Duane Butorac (Chair)  
Russell Gelfman, M.D. (V. Chair)  
Ken Askew  
Steve Hollander  
Carl Crimmins  
Richard Hills, DC  
Margaret Kasting  
Alissa O'Hara  
Scott Parker  
Steve Patton (via phone)  
Paul Osterbauer, DC (via phone)  
Chris Leifeld  
Patricia Rutz  
Mike Hill

#### **Excused:**

Dan McConnell  
Mary Wells  
Laura Jerde

#### **Visitors/DLI Staff**

Kate Berger, DLI  
Jon Brothen, DLI  
James Honorman, DLI  
Amy Kockelman, MN State  
Sarah Krans, AGO  
Nancy Kuntz, Encore  
David Roetman, IOC  
Jeanne Vogel, DLI

### Call to Order

Chair Duane Butorac called the meeting to order at 1:05 p.m. The Chair told the group that two members, Steve Patton and Paul Osterbauer, are attending via teleconference and reminded the panel to please state their name before addressing the panel during the meeting. Because there are members on the phone, the Chair also asked that presenters state when they moved on to the next page or slide so callers knew where to look at on the handouts.

A verbal roll call was done and a quorum was met.

## Approval of Minutes

Chair Butorac asked for a motion to approve the minutes from the April 5, 2018 meeting. Scott Parker moved and Carl Crimmins seconded to approve the April 5, 2018 meeting minutes. A verbal vote was taken and the motion carried.

## Approval of Agenda

Parker moved and Crimmins seconded to approve the July 12, 2018 meeting agenda as printed. A verbal vote was taken and the motion carried.

## Deputy Commissioner's Update – Chris Leifeld

Chris Leifeld announced that two new members have been appointed to the RRP and asked the RRP Liaison, Mike Hill, to give a brief introduction. Mr. Hill explained that one of the new members, Dr. Paul Osterbauer, was attending the meeting via telephone conference. Mr. Osterbauer will be the RRP's new Chiropractic representative. Mr. David Dubovich, from Allina Health, is the newly appointed Employer member. Mr. Hill also indicated that the RRP has an opening for the Labor Alternate position which he hoped to be filled soon.

Safety Announcements: Deputy Leifeld addressed the remodeling of the building with the restrooms on the first floor temporarily changed. The first floor restroom is for men. Women will be escorted by a staff member to a secured area to use the ADR employees' restroom.

Leifeld said a flyer has been distributed regarding the Workers' Compensation Forum in September. This event is sponsored by the WCRA and MWCA. This is a free, all day event and he encouraged all interested parties to attend. Mr. Leifeld also announced that DLI's ombudsman, David Musielewicz, retired last month and the department is in the process of filling that position.

Legislation. A summary document of the 2018 legislation was distributed and Leifeld explained the highlights of the bill passed by the legislature and signed by the Governor:

- Establishes a workers' compensation hospital outpatient fee schedule using Medicare's system as a framework;
- Establishes billing and payment standards hospital outpatient fee schedule and ambulatory surgical center (ASC) payments;
- Establishes payment provisions for workers' compensation treatment provided by ASCs based on the Medicare ASC system; and
- Creates a presumption for a defined class of occupations diagnosed with PTSD.

Leifeld went on to explain the work of the Workers' Compensation Advisory Council (WCAC) during this legislative session. The WCAC's responsibility is to discuss, review and approve proposed legislation moving to the legislature concerning workers' compensation matters. The council is made up of half labor and half business participants. He went on to say that this year was a very active year for the WCAC which included

approving a reformed payment system for hospital outpatient and ambulatory services. The department is hopeful the reforms will create a more efficient and cost-savings-system for all parties.

Another focus of the recent WCAC meetings was Post Traumatic Stress Disorder (PTSD) and the presumption language for first responders. PTSD has been covered for injured workers since 2013, but the recent issue was to include the presumption clause in the legislation. Business and labor did not agree on this added language but ultimately, there was an agreement which included having DLI create treatment parameters for PTSD. The department has begun the process by asking the Medical Services Review Board to begin this discussion. The department anticipates work on the treatment parameters will be ongoing for the next couple of years.

Crimmins asked if the department will contact the Veterans' administration for counsel on PTSD treatment parameters since they have been dealing with the PTSD issue for several years. Leifeld responded that yes the VA has been contacted for advice, along with the American Psychology Association and the American Psychiatry Association.

## Agenda Items

CLOSED MEETING: for registration matter.

### 1. Registration Matter

Chair Butorac made a motion to close the meeting for the purpose of a registration matter. Scott Parker seconded the motion, a verbal vote was taken and the motion passed to close the meeting. All members of the public and staff were asked to leave the meeting. Only RRP members and their legal counsel, Sarah Krans of the Attorney General's Office, were in attendance for this portion of the meeting.

Crimmins made a motion to re-open the meeting, Parker seconded the motion, a verbal vote was taken and the motion passed to re-open the meeting to the public.

OPEN MEETING

### 2. DLI Website Redesign

James Honorman, Communications Director for DLI, addressed the RRP with a slide presentation of the redesigned DLI website. The new website will be launched in the next couple of weeks. The goal of the modified website is to be more citizen-focused and more user friendly, meet the needs of the worker and the needs of the business community. Mr. Honorman discussed a little background on how the new and improved website came together. The department looked at the types of people and the types of transactions that were most likely to be visited on the website. The communications staff held workshops with key stakeholders providing feedback and suggestions.

Feedback included the website having too many links, was cluttered and had too many PDF files that resulted in frustration for the users. The department's goal was to make the site less complicated and simplify the information that is available online. In addition, the printable forms and applications will also be updated and written in plain language as much as possible.

### 3. Proposed Rehab Rule Revisions

Jon Brothen was introduced and discussed the handouts concerning the proposed rehab rule revisions. A draft of the rules are attached to these minutes. Brothen explained that section 5220.1900 of the rules has been signed off by the Governor and is now before the Administrative Law Judge for approval. The department is hopeful there will be final approval by September.

Brothen explained that the department's changes to 5220.0100, and 5220.1410 to 5220.1710 are intended to make the rules clearer and simpler to read for the public. In addition, the department has outlined who the rules affect and what the goal is to be accomplished by the changes. Also, by cross referencing the former rules, staff was able to keep useful content back into the sections.

Butorac asked how an intern applicant could have outstanding fines and penalties with the department if this individual is new in the system. Brothen explained that while drafting these rules the RRP has to take into account any type of possibilities that the situation may occur. Hill stated there are scenarios where a QRC intern or licensed QRC is required to file required rehab forms with the rehab plans. Periodically the department will contact those providers if the plan has expired and the QRC or intern has a time limit to comply. If they do not comply, they will face a penalty.

### 4. RRP Meeting Dates

Chair Butorac announced proposed meeting dates for upcoming meetings: **October 11, 2018, January 10, 2019, April 4, 2019, July 11, 2019, October 10 and January 9, 2020.** He asked for discussion on these dates to see if anyone foresaw issues with any of those dates. Russell Gelfman questioned the October date for the meeting since there seems to be an annual conference going on in October for rehab consultants and providers. Hill stated there usually is a conflict for the first week of October so staff started planning for the second Thursday of the month rather than the first Thursday of the month. It was agreed that the above dates will be the official meeting dates of the RRP.

### 5. Annual RRP Chair and Vice Chair Elections

Chair Butorac asked for nominations for election of the RRP Chair. Crimmins made a motion to nominate the Duane Butorac for RRP Chair. There were no other nominations.

Crimmins made a motion to cast a white ballot for the nomination of Duane Butorac. A verbal vote was taken and the motion carried to approve Butorac as the Chair of the RRP for 2019.

Butorac asked for nominations for the Vice Chair position. Parker nominated Dr. Gelfman as Vice Chair of the RRP and Crimmins seconded the nomination. There were no other nominations. A verbal vote was taken and the motion passed. Gelfman was elected as the Vice Chair for 2019.

### Other Business

Chair Butorac asked the panel if there were any agenda items for the next meeting. None were offered so panel members were reminded to contact Mr. Butorac and/or Mike Hill if they wanted items placed on the October agenda.

## **Adjournment**

Parker made a motion to adjourn the meeting at 2:35 p.m., it was seconded by Crimmins. All voted in favor to adjourn and the meeting was closed.

Respectfully submitted,

Patricia Rutz, Executive Secretary

Rehabilitation Review Panel