

## Meeting minutes: Rehabilitation Review Panel

Date: Jan. 9, 2020

Minutes prepared by: Executive secretary of the Rehabilitation Review Panel

Location: Minnesota Room, Minnesota Department of Labor and Industry

### Attendance

#### RRP members present

Duane Butorac (chairman)  
Russell Gelfman (vice chairman)  
Roslyn Robertson  
Carl Crimmins  
David Dubovich  
Laura Jerde  
Steve Patton  
Mary Wells  
Richard Hills  
Alissa O'Hara  
Paul Osterbauer  
Mary Wells

#### Visitors, DLI staff members

Chris Leifeld, DLI  
Mike Hill, DLI  
Ethan Landy, DLI  
Patty Rutz, DLI  
Brad Morse, DLI  
Valerie Brophy, CapTech  
Anna Donnelly, CorVel  
Jessica Stimac, DLI  
Pam Carlson, DLI

### Call to order

Chairman Duane Butorac called the meeting to order at 1:10 p.m.

### Approval of minutes

Butorac asked for a motion to approve the minutes from the Oct. 3, 2019 meeting. Alissa O'Hara moved to approve the minutes and Steve Patton seconded the motion. A verbal vote was taken and the motion carried to approve the minutes.

### Approval of agenda

Paul Osterbauer made a motion to approve the agenda and Carl Crimmins seconded the motion. A verbal vote was taken and the motion carried to approve the Jan. 9, 2020, agenda as printed.

## **Deputy commissioner's update – Roslyn Robertson**

### **Safety updates**

Deputy Commissioner Roslyn Robertson was not aware of any major safety concerns in the building. However, the Department of Labor and Industry (DLI) is in the very preliminary stages of remodeling of the first floor. One goal is to renovate the area so it is similar to the upper floors. Another is for the safety of employees and visitors in the reception area. There will be a few more control features to make the front desk more secure.

In addition, Robertson reminded the group to be mindful of slippery conditions during the winter months.

### **Legislation and department updates**

The Legislature reconvenes Feb. 11 and DLI will have legislative proposals from every business division. DLI has been directed by federal OSHA to conform its penalty language to match federal OSHA standards.

Additionally, on Jan. 22, 2020, the Workers' Compensation Advisory Council (WCAC) will be voting on several issues regarding workers' compensation. After the vote, any approved proposals will be sent to the legislative chairs for a formal proposal to the Legislature. Robertson indicated this process has been working well thus far and is a bit more timely than last year.

DLI has been directed by the governor's office to develop an agency work plan that takes into consideration his priorities. The commissioner and deputy commissioner have developed a plan that is referred to as "prompts." The plan is designed to have every business unit review its challenges and opportunities and then to develop staff engagement. Each business unit has engaged staff members to talk about the challenges that interfere with doing its best work.

Another area of DLI's goals is sustainability. We are encouraging committee and board members to bring their meeting materials electronically. Printed materials will be made available to the public, but our goal is to move all meetings to zero waste.

Robertson introduced the new director for the Alternate Dispute Resolution unit, Richard Davis. Davis discussed his background, which includes several years of experience as the ombudsman for the Minnesota Department of Transportation. He is looking forward to again serving the citizens of Minnesota in his new role.

### **Reappointment, appointment of panel members**

Robertson announced the reappointment of Dr. Russell Gelfman as a health provider member, Ken Askew as the alternate chiropractor, health care provider, rehabilitation provider member, and Mary Wells as the alternate insurer member. She thanked all the members for their continued commitment and service on the panel.

## Agenda items

### 1. Post-traumatic stress disorder (PTSD) rules – Ethan Landy, DLI Office of General Counsel

Ethan Landy explained the proposed rules are to provide treatment parameters for symptoms of PTSD. In addition, the rules include planning and documenting the prescribed treatment.

DLI has gone through the comment process, but the rules need to be reviewed and adopted by an administrative law judge. DLI expects approval of the rules; after that is done, DLI can return to the Rehabilitation Review Panel to explain the rules more fully. As background to this process, the Minnesota Legislature instructed DLI to adopt criteria from the American Psychological Association Clinical Practice Guidelines for the treatment of PTSD and to consult with the Medical Services Review Board (MSRB) when adopting the rules. The statutes required DLI to use the expedited process. For expedited rules, there is no requirement for a statement of need and reasonableness (SONAR). In addition, to have a hearing about the expedited rules, DLI would need 100 requests. The comment period was 30 days and DLI received a total of six comments during this period and one request for a hearing. The rules will be effective after they are approved by the administrative law judge and we will publish a notice of adoption in the *Minnesota State Register*. The estimated time frame for adoption is sometime this spring.

Meg Kasting asked if expedited rulemaking must be requested by the Legislature. Landy explained that generally there is a statutory provision from the Legislature to expedite rulemaking. But there are emergency exemptions that will allow DLI to expedite rules on its own, but it is not a common practice.

The proposed rules are available at [www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-52216700-2019](http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-52216700-2019).

### 2. Workers' Compensation Modernization Program update (Work Comp Campus) – Brad Morse, DLI WCMP, and Valerie Brophy, CapTech

Brad Morse and Valerie Brophy explained the Workers' Compensation Modernization Program (WCMP) continues to be on time and on budget. Work Comp Campus is scheduled to go live by summer 2020. Some key highlights of their presentation included the following.

- The Stakeholder Showcase in November 2019 was a success, with 74 testers from insurance companies, law firms, employers and vocational rehab providers.
- Feedback from stakeholders continues to be of critical importance to the program.
- Feedback included: the need to stay up to date on claims and notifications; the need to ensure the file size limits are sufficient to handle forms and attachments; for the system to auto-save forms as drafts; and for the parties to have the ability to add documents after certain forms have been submitted.
- Training will occur three months before the system goes live.
- Quick reference guides will be published in addition to video and instructor-led training.

### **3. Retraining plan outcomes – Mike Hill, DLI Compliance, Records and Training**

Mike Hill explained that starting in 2020, DLI will begin tracking on a fiscal-year basis, rather than a calendar-year basis. This will enable the statistics to align with the other data DLI tracks on a fiscal basis.

Hill reviewed the statistical data and mentioned there was a drop in retraining plans for 2019. There is no known reason for the decrease in those plans.

There was discussion about why there was a decrease in training plans submitted, which included O’Hara’s comment that retraining plans from her firm had been settled, so had not been filed with DLI. It was questioned if there should be action on the part of DLI to determine why there are fewer training plans than in past years. Hill noted retraining plan development is posted on DLI’s website (Training for rehabilitation providers) and discussed at orientation training sessions for new rehabilitation providers. Robertson said she will look into the matter further. Askew said he will follow up with the Robertson since he felt it is important to determine why there is a decrease in training plans submitted to DLI.

The Retraining Plans report is attached to these minutes.

### **4. Professional conduct and accountability outcomes – Mike Hill, DLI Compliance, Records and Training**

Hill went through the statistics for outcomes of complaints about registered rehabilitation providers. The majority of the complaints were generated by insurers in the past year. There were only four complaints this year. Hill indicated DLI sees the most complaints occur every other year due to rehabilitation providers not attending mandatory training from the department.

Hill reported the underlying goal for DLI continues to be to change behavior when necessary. This includes completing all the necessary paperwork correctly with DLI, so that is not an issue, and to move the process along.

The Outcomes report is attached to these minutes.

### **5. Agenda items for the next meeting – Butorac and Panel**

Butorac asked that panel members with any other topics for discussion contact either him or Mike Hill.

#### **Next meeting date**

Butorac announced the next meeting date will be April 2, 2020.

#### **Adjournment**

At 2:40 p.m., Crimmins made a motion to adjourn the meeting, it was seconded by Gelfman. A verbal vote was taken, all voted in favor and the meeting was adjourned.