

Meeting minutes: Rehabilitation Review Panel

Date: July 7, 2022

Minutes prepared by: Executive secretary of the Rehabilitation Review Panel (RRP)

Location: Webex meeting

Attendance

RRP members present

Russell Gelfman (chairman)
Michael Anderson (vice chairman)
David Dubovich
Richard Hills
Sarah Hunter
Paul Osterbauer
Steve Patton
Megan Schueller
Sarah Kacer
Mary Wells

Visitors and DLI staff members present

Roslyn Robertson, DLI
Ethan Landy, DLI
Brittany Wysokinski, DLI
Anita Hess, DLI
Chris Leifeld, DLI
Mike Hill, DLI
Brian Mak, DLI
Brian Zaidman, DLI
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Call to order

Chairman Russell Gelfman called the meeting to order at 1:08 p.m. Gelfman read the remote meeting statement. A verbal roll call was taken and a quorum was met after resolving some technical difficulties.

Approval of minutes and agenda

Gelfman asked for a motion to approve both the April 7, 2022, meeting minutes and the July 7, 2022, agenda with the addition of adding Brian Zaidman. A motion was made by Sara Hunter and seconded by Paul Osterbauer. A verbal vote was taken and the motion was approved.

Commissioner's update – Commissioner Roslyn Robertson

Frontline Worker Pay Program

- The Department of Labor and Industry (DLI) is the lead agency to administer this program to eligible workers who worked during the COVID-19 peacetime emergency.
- Five hundred million dollars were allocated as bonus pay to workers in sectors such as health care, retail, food service and schools.
- Applications are open until July 22, with all receiving equal consideration. There will be an appeal process as DLI either confirms or denies applications.
- Distribution of payments may start in the fall. Each worker will receive the same amount of money.
- Frontline Worker Pay information is available at frontlinepay.mn.gov.

Commissioner's update, continued – Assistant Commissioner Kate Daly

DLI updates

- DLI will begin hybrid meetings in October.

Legislative updates

- The Workers' Compensation Advisory Council (WCAC) will meet Aug. 10, 2022. Thereafter, meetings will be monthly.
- Dual-training grants of \$3.3 million were awarded, with \$1.9 million to employers in Greater Minnesota.
- Translated documents and LanguageLine information is available at dli.mn.gov/about-department/about-dli/translated-materials.
- Mileage rate adjustment: Increased to 62.5 cents a mile beginning July 1, 2022.

Education

- The qualified rehabilitation consultant (QRC) intern, vendor and supervisor orientation session is Aug. 25, 2022.
- The DLI Workers' Compensation Summit is Sept. 13, 2022; it is an in-person gathering at the Heritage Center of Brooklyn Center (see dli.mn.gov/summit for more information).
- The rehabilitation provider update conference is Oct. 10, 2022.

Introduction and discussion about ADR – Brian Mak, Director of Alternative Dispute and Resolution

- Sara Hunter will be on the insurer panel with Brian Mak at the Workers' Compensation Summit.

- DLI Alternative Dispute Resolution (ADR) provides education, resolution, dispute certification, arbitration and mediation.
- Information is distributed by phone calls, presentations, the DLI website, links, the help line and by DLI Ombudsman Pam Carlson.
- ADR resources and contacts:
 - dli.mn.gov;
 - dli.mn.gov/business/workers-compensation/work-comp-contacts-hotline-resources;
 - help desk at 651-284-5005 (press 3), 800-342-5354 (press 3) or helpdesk.dli@state.mn.us;
 - ADR hotline at 651-478-5032;
 - DLI's [Office of Workers' Compensation Ombudsman](http://dli.mn.gov/business/workers-compensation/work-comp-contacts-hotline-resources) at 651-284-5013 or dli.ombudsman@state.mn.us; and
 - www.dli.mn.gov/business/workers-compensation/work-comp-meet-our-mediators-arbitrators.
- Sara Kacer asked how mediators are evaluated. Mak explained mediators get annual performance reviews and ongoing evaluations and receive feedback or concerns from callers. There is no formal complaint process, but if a person has concerns or complaints, they can contact supervisors Chris Raymond or Donna Olson or contact Mak.

Rehabilitation rulemaking update – Ethan Landy and Brittany Wysokinski, DLI Office of General Counsel

- See dli.mn.gov/about-department/rulemaking/workers-compensation-rulemaking

Ethan Landy talked about the rehabilitation registration rules process. It is still in the request for comments stage. A draft of the proposed Minnesota Rules 5220 rule registration rule revisions are posted at dli.mn.gov/about-department/boards-and-councils/rehabilitation-review-panel.

Hunter asked about the 1410 QRC intern supervisor position, “Are you looking at the supervisor being in good standing within their own QRC registration?” She noted that has not always been the case. Landy said he would look at that section of the rule and the situation that may have occurred.

Sara Kacer asked about the addition of a master’s level qualification without CRC or CDMS certification for QRCs in lines 237-245. Landy explained it gives more opportunities for more people with a vocational or rehabilitation counseling educational background the opportunity to enter the QRC field, which has been declining due to retirements, etc. Mike Hill added that these individuals would still need to obtain continuing education units (CEUs) approved by CRC or CDMS to enhance their skill levels.

Vocational rehabilitation statistical update – Brian Zaidman, DLI Research and Statistics

Brian Zaidman’s presentation was an overview of the workers’ compensation system.

- There have been decreasing claim rates in the past 20 years.

- System costs have also been declining relative to payroll in 2017.
- Medical benefits, at 35%, are the largest expense within the workers' compensation system.
- Consistent numbers of indemnity claims from 2009 to 2019, vocational rehabilitation numbers between 4,900 and 5,500 since 2004.
- Percentage of indemnity claims receiving vocational rehabilitation peaked at 25% in 2017.
- The average start of vocational rehabilitation services is 84 days sooner in 2020, than it was in 2000.
- The average duration of services decreased by one month since 2013; COVID-19 likely affected the 2021 results.
- Average costs for vocational rehabilitation services, adjusted for wage levels, decreased by \$300 since 2016.
- There was a decrease in employed worker outcomes in 2020, which rebounded in 2021.
- Half the workers have return-to-work wages at or near their pre-injury wage.
- Completions decrease and settlements increase with duration from injury to vocational rehabilitation start.
- There were only slight increases in cost and duration for vocational rehabilitation starting within one year of injury.
- Workers who start vocational rehabilitation services sooner, end those services sooner.

Scheduling of 2023 Rehabilitation Review Panel meeting dates – Gelfman and panel

The next scheduled meetings are Oct. 6, 2022, and Jan. 5, 2023. Following this, the approved 2023 dates are April 6, July 6, Oct. 5, 2023, and Jan. 4, 2024.

Gelfman asked if July 6 was too close to the Fourth of July holiday. An alternative date, July 20, was noted as being available for the Minnesota Room. The panel determined it would go with the dates they had approved.

Annual chair and vice chair election

Steve Patton nominated Gelfman to continue as chair and this was seconded by Michael Anderson. A vote was taken and the motion passed. Gelfman nominated Anderson to continue as vice chair and this was seconded by Patton. A vote was taken and the motion passed.

Future agenda items for discussion – Gelfman and panel

Send any ideas or suggestions to Gelfman or Hill.

Adjournment

Hunter made a motion to adjourn, which was seconded by David Dubovich. Voice votes were taken and the motion passed. The meeting was adjourned at 2:54 p.m.

Respectfully submitted,
Anita Hess, RRP executive secretary