

Meeting minutes: Rehabilitation Review Panel

Date: Oct. 11, 2018

Minutes prepared by: Patty Rutz

Location: Minnesota Department of Labor and Industry

Attendance

RRP members present

Duane Butorac (chairman)
David Dubovich
Russell Gelfman
Laura Jerde
Alissa O'Hara
Steve Patton
Paul Osterbauer, (via phone)
Mary Wells

RRP members excused

Dan McConnell
Ken Askew
Steve Hollander
Carl Crimmins
Richard Hills
Margaret Kasting
Scott Parker

Visitors, DLI staff members present

Jon Brothen, DLI
Pam Carlson, DLI
Stacie Goodrich, Comp Rehab
Ethan Landy, DLI
Chris Leifeld, DLI
Mike Hill, DLI
Rob Otos, Alaris-Encore MN
Donna Olson, DLI

Call to order

Chairman Duane Butorac called the meeting to order at 1:05 p.m. The chairman told the group that member Paul Osterbauer was attending via teleconference and reminded the panel to please state their name before addressing the panel during the meeting. A verbal roll call was done and a quorum was met.

Approval of minutes

Butorac asked for a motion to approve the minutes from the July 12, 2018 meeting. Russell Gelfman moved and Alissa O'Hara seconded to approve the July 12, 2018 meeting minutes. A verbal vote was taken and the motion carried.

Approval of agenda

Laura Jerde moved and Mary Wells seconded to approve the Oct. 11, 2018, meeting agenda as printed. A verbal vote was taken and the motion carried.

The chairman introduced a new member of the Rehabilitation Review Panel (RRP), David Dubovich, as an employer representative. Dubovich has worked for Allina Health Systems for 23 years and, before that, worked as a qualified rehabilitation consultant (QRC) and placement specialist.

Deputy commissioner's update – Chris Leifeld

Safety announcements

Deputy Commissioner Chris Leifeld cautioned that with the start of cold weather, the group should remain aware of slippery areas in the parking lots.

Legislation

There are a couple of things going on with the Department of Labor and Industry (DLI) regarding legislation. At the July RRP meeting, Leifeld summarized the legislation that passed. The department continues to work on implementation of that legislation, which is mainly focused on the payment systems for outpatient and ambulatory surgery centers. Looking ahead to next year, principally the focus will be on the modernization efforts the department has started.

Other issues will be determined, most likely, after the state election in November. Because there will be a new governor and administration, there will also be a new DLI commissioner and, likely, a new assistant commissioner for the department. The new commissioner and that administration will determine initiatives for the department.

Worker identification (WID) number lookup for attorneys and QRCs

New legislation allows attorneys, intervenors and QRCs to obtain worker identification (WID) numbers from the department. Online WID number access is available to attorneys and QRCs only. Additional information regarding WID number lookup was distributed in a handout to the members and public, and is available on the department's website.

Ombudsman introduction – Pam Carlson

Deputy Leifeld introduced the department's new ombudsman, Pam Carlson, who replaced David Musielewicz. She was most recently employed at the Office of Administrative Hearings. Carlson's role at the department will be to inform and assist injured workers, QRCs and employers who have difficulty within the workers' compensation system. She also provides resources to those injured workers who sometimes cannot find the appropriate assistance for resolving insurance questions.

Agenda items

1. Open meeting law review – Ethan Landy

Ethan Landy, an attorney in DLI's Office of General Counsel, was introduced and provided a slide presentation about Minnesota laws concerning open meetings of public bodies. He cited Minnesota Statutes, Chapter 13D, as the basis for public meetings in Minnesota.

Landy: The open meeting law applies to limited exceptions to all public bodies and they have to be open to the public. Basically, this law states that the public has a right to attend meetings of public bodies and a right to inspect meeting materials. What is the purpose of the open meeting law? It is to prohibit secret meetings and to ensure the activity that these public bodies in government is transparent. We want the public to be informed of what is going on, as the RRP and other public bodies having business, and ensure this is transparent. The public needs to receive the same materials and participate, in certain cases. He also summarized the other meeting types to include special meetings (not on the regular schedule) and emergency meetings (circumstances do not allow for a three-day notice). Closed meetings are allowed in rare circumstances if the discussion of the group involves criminal activity, private medical data of an individual or an attorney-client privilege matter. A full description of each meeting type is attached to these minutes as a reference.

2. Rehabilitation rulemaking update – Jon Brothen

Jon Brothen, director of DLI's Compliance, Records and Training, was introduced and discussed the handouts concerning the proposed rehabilitation rule revisions. Brothen indicated that with completion of 5220.1900, the next steps for the rules will be drafting the rehabilitation provider registration sections 5220.1400 through 5220.1700. The department continues to ask for stakeholder comments about these rules.

Plans for 2019 and beyond include working with DLI's modernization program. The rules will be amended to reflect the new electronic system, because much of the interaction between the department and stakeholders will be done online.

A draft of the most recent rule modifications are attached to these minutes.

3. Workers' Compensation Modernization Program update – Brad Morse

Brad Morse, program director of DLI's Workers' Compensation Modernization Program, was introduced and gave an update about the program. DLI is partnering with CapTech, the chosen vendor for this project, which has extensive experience in building the type of system necessary in Minnesota. The goals of the project are to provide a user-friendly online system to support injured workers and other stakeholders. One of the main reasons for updating the systems was because injured workers have a hard time accessing information on the DLI website.

A goal of the system is to provide better security within the system. When stakeholders and injured workers are entering personal, identifiable information – such as Social Security numbers, a secure web portal is of the utmost importance.

Morse explained the implementation schedule for the next several months, with the goal to go live by July 2020. The department has started the stakeholder engagement process and will continue to ask for feedback throughout the process. A slide presentation detailing the update is attached to these minutes.

Other business

Chairman Butorac asked the panel members if there were any agenda items for the January meeting. One panel member requested a review of the new workers' compensation system report, which should be out at that time. Panel members were reminded to contact Butorac or Mike Hill if they wanted additional items placed on the agenda.

Next meeting dates

Chairman Butorac announced the following meeting dates: Jan. 10, April 4, July 11 and Oct. 10, 2019, and Jan. 9, 2020.

Adjournment

O'Hara made a motion to adjourn the meeting at 2:05 p.m.; it was seconded by Jerde. All voted in favor of the motion and the meeting was adjourned.

Respectfully submitted,
Patricia Rutz, executive secretary
Rehabilitation Review Panel