

Meeting minutes: Workers' Compensation Advisory Council

Date: Dec. 11, 2024

Minutes prepared by: Alyssa Westergard, executive secretary to the Workers' Compensation Advisory Council

Location: Department of Labor and Industry, Minnesota Room, 443 Lafayette Road N., St. Paul, MN

Attendance

Members attended

Bernie Burnham
Bob Ryan
Burt Johnson
Colin Beere
Doug Loon
Hannah Alstead
John Thorson
Jonathan Boesche
Maggie Hobbs
Matthew Schmidt
Nicole Van Heel
Ryan SanCartier
Rep. Joe McDonald
Sen. Jennifer McEwen
Sen. Paul Utke

DLI staff members attended

Commissioner Nicole Blissenbach
Assistant Commissioner Jessica Stimac
Alyssa Westergard
April Del Castillo
Bretta Hines
Brian Mak
Brian Zaidman
Carey Wagner
Denise Holmes
Donna Olson
Emily Streier
Ethan Landy
Hared Mah
Jeanne Vogel
Jon Brothen

Karen Kask-Meinke
Katherine Drake
Laura Zajac
Lisa Wichterman
Maggie Chen
Melissa Parish
Michael Gray
Michelle Doheny
Nichole Sorenson
Yuri Jelokov

Visitors attended

Adam Wolkoff, Office of Administrative Hearings
Andrew Essling, MCIT
Anna Kim, LMC
Auntara De, Minnesota Workers' Compensation Insurers Association
Brad Lehto, AFL-CIO
Brandon Miller, SISF
Bridget Bender, University of Minnesota
Bruce Alexander, University of Minnesota
Dan Greensweig, LMC
Deb Norsten, Hennepin County
Evan Cordes, WCRA
James Heer, WCRA
Jennifer Wolf, Minnesota Workers' Compensation Insurers Association
Joe Carlson, MAJ
Kara Huberty, LMC
Kate Moulton, Allina
Kathryn H. Carlson, Workers' Compensation Court of Appeals
Kathy Bray, SFM
Kim Drevnik, SISF

Laura Mundt, Mayo
Lauren Reller, Stinson
Lauryn Schothorst, Minnesota Chamber of
Commerce
Liam Bieber, LMC
Peter Lindquist, SFM
Rebecca Yang, WCRI
Robin Ryan, Saunders Therapy
Sandy Stoddard, UCWCP
Sara Curtis, CorVel
Sarah Groskreutz, WNINS

Shep Harris, Fredrickson Byron
Stephanie Balmer, Falsani Balmer
Stephanie Hooker, University of Minnesota
Steve Scharfenberg, SFM
Steven Hollander, Vocational Rehabilitation
Associates
Suzanna Kennedy, Stinson
Tiffany Grzybowski, Healthesystems

Call to order and roll call

Commissioner Nicole Blissenbach called the meeting to order at 9:41 a.m. A roll call was taken and a quorum was present.

Approval of the minutes and agenda

Bernie Burnham moved to accept today's agenda and the minutes from Oct. 9, 2024. Doug Loon seconded the motion. A roll call vote was taken and the motion carried.

Announcements

Commissioner Blissenbach noted we are still awaiting decisions about budget and policy items with which the agency will be proceeding.

Assistant Commissioner Jessica Stimac announced that the Workers' Compensation Summit sold out and went very well. She was part of a panel with MNAJ and MDLA leadership, and part of her presentation included an overview of the important work of the Workers' Compensation Advisory Council (WCAC) and its members. She also noted there were some employees retiring from the agency; and she announced newly hired employees, including the director of the Compliance, Records and Training (CRT) unit and a medical consultant.

Agenda items

1. Rate Oversight Commission

Auntara De, Minnesota Workers' Compensation Insurers Association (MWCIA), presented the 2025 ratemaking report to the council. De said there was a 0.9% decrease in ultimate indemnity costs and ultimate medical costs. She noted legislative reduction from House File 2988 in 2023 had a 3% impact on the hospital outpatient fee schedule this past year. However, the impact will be in three phases, with the second part being a 3% decrease that went into effect Oct. 1, 2024, and a final 4% decrease that will go into effect Oct. 1, 2025, resulting in a combined impact of a 10% decrease. De also noted the statewide average weekly wage increased to \$1,372, which resulted in a .3% increase. She said the weekly maximum compensation benefits for lost time increased from 2% above the state average weekly wage to 8% above, with the quantifiable part resulting in a .6% increase to premium base rates.

Assistant Commissioner Stimac read a written response to MWCIA's ratemaking report submitted by Phil Vigliaturo at the Department of Commerce.

2. Post-traumatic stress disorder study update

Dr. Bruce Alexander, University of Minnesota Midwest Center for Occupational Health and Safety, presented an overview and update about the post-traumatic stress disorder (PTSD) study to the council. Alexander said the purpose of the study is to identify regulatory changes to improve the experience and outcome of employees with work-related PTSD. The study team includes experts in occupational epidemiology, occupational medicine and psychology, as well as data analysts. He also said the data sources include workers' compensation data, self-insured entities' claims data and medical treatment data from MWCIA and other entities. He explained the team is exploring states with rebuttable presumptions and conducting a literature review on evidence-based treatments for PTSD. They are also researching options for delivering mental health training and employee assistance programs related to PTSD. Alexander noted the team is engaging stakeholders through surveys and interviews to gather information about their experiences with PTSD.

Burnham asked if they had a sense of how many respondents there are and if there were certain professions that are coming out. Alexander thought, a couple of weeks ago, the count was about 160, but he didn't have numbers about what areas were represented.

Another question was how far back data collection was going; Alexander noted the database information was from 2014 through 2023.

Maggie Hobbs asked about the presumption and what data sets they would be looking at to help them understand information about denied claims and the impact of presumption categories; for example, what claims might have been approved but for a rebuttable presumption and which approved claims might not have been but for the presumption. Alexander answered that the study probably can't account for the "but for" questions. He also noted the study team has some limited data about existing claim denials, but it hasn't been explored in depth as of yet. Finally, Alexander confirmed the team was reviewing states, including monopolistic states, with rebuttable presumptions and had been in contact with one such state.

3. DLI legislative proposals

Ethan Landy and Bretta Hines, Department of Labor and Industry's (DLI's) Office of General Counsel, presented the department's legislative proposals to the council. Landy noted the department is proposing changes to chapter 176 and that the changes are primarily housekeeping items. He said the first proposed change is to add a cross-reference to the Minnesota business corporation statute, for a more complete definition of executive officers of corporations, and then clarify how the terms apply for election of coverage under the statute. Hobbs had a question about the definition of a manager and how it was cross-referenced. Landy and Hines addressed her question and noted the department would review the proposed change further.

Another proposed change Landy presented is to start the three-year statute of limitations when a first report of injury is filed, regardless of who files it. This would put the Special Compensation Fund on equal footing with other insurers. Landy noted the department was also proposing a change to the appeals process that would eliminate the requirement that the notice of appeal be filed separately with the commissioner and DLI. Because of the technology changes, appeals are being filed into Work Comp Campus, eliminating the need for them to be served on the commissioner. This change would also align with the changes that Workers' Compensation Court of Appeals made with its proposed rules last year for electronic filing. The final proposal is to repeal Minnesota Rules 5220.2840, because it has already been codified in statute last year, making it obsolete.

Other business

The next Workers' Compensation Advisory Council meeting is scheduled for Jan. 22, 2025.

Adjournment

Bob Ryan moved to adjourn the meeting and Loon seconded. A roll call vote was taken and the meeting was adjourned at 10:48 am.

Respectfully submitted,
Alyssa Westergard, executive secretary