

## Meeting minutes: Workers' Compensation Advisory Council

Date: Feb. 21, 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  
Bill Gschwind  
Colin Beere  
David Henrich  
Ed Reynoso  
Gary Thaden  
John Thorson  
Lauryn Schothorst  
Maggie Hobbs  
Matthew Schmidt  
Robert Ryan  
Rep. Joe McDonald  
Sen. Jennifer McEwen

#### DLI staff members attended

Commissioner Nicole Blissenbach  
Alyssa Westergard  
Ann Gilles  
Bretta Hines  
Brian Mak  
Brian Zaidman  
Carey Wagner  
Denise Holmes  
Emily Streier  
Ender Kavas  
Jeanne Vogel  
Jennifer Bucholz  
Jerrica Walker  
Jon Brothen  
Josiah Moore  
Julie Klejewski

Karen Kask-Meinke  
Laura Zajac  
Lisa Wichterman  
Michelle Doheny  
Mike Hill  
Mona Kirchner  
Nichole Sorenson  
Nicole Kue  
Pam Carlson  
Sharon Benkufsky  
Sonya Herr  
Yuri Jelokov

#### Visitors attended

Abigail Rankin, Office of Administrative Hearings  
Adam Wolkoff, Office of Administrative Hearings  
Alison Khan, Workers' Compensation Reinsurance Association  
Andrea Everling, MWCIA  
Andrew Essling, Minnesota Counties Intergovernmental Trust  
Andrew Morrison, Self-Insurers' Security Fund  
Auntara De, MWCIA  
Ben Baglio, Minnesota Nurses Association  
Brad Lehto, Minnesota AFL-CIO  
Carla Ferrucci, Minnesota Association for Justice  
Dana Gerber, Atkinson Gerber  
Daniel Gillis, Minnesota Senate  
Darin Richardson, League of Minnesota Cities  
Evan Cordes, Workers' Compensation Reinsurance Association

James Heer, Workers' Compensation Reinsurance Association

James McClean, HealthPartners

Jenny Starr, Office of Administrative Hearings

Joe Schindler, Minnesota Hospital Association

John Hollick, SFM

John Kysylyczyn, K Solutions LLC

John Reynolds, NFIB

John Wiatros, Mackinaw Administrators

Kara Huberty, League of Minnesota Cities

Kate Daly, SFM

Kate Moulton, Allina

Katie Storms, MDLA/Lind Jensen

Kristen McHenry, Allina

Mark Freeman, Teplinsky Law Group

Melissa Hysing, Minnesota AFLO-CIO

Michael Lewis, Workers' Compensation Court of Appeals

Nadya Armolich, Meuser Law

Nichole Van Heel

Peter Lindquist, SFM

Sandy Stoddard, Union Construction Workers' Compensation Program

Steven Hollander, Vocational Rehabilitation Associates

Teri Burthay, Allina

Tiffany Gustin, Minnesota School Boards Association

## 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 minutes from the Feb. 7, 2024 meeting, with the caveat that the agenda be updated to correctly reflect the date of the minutes as Feb. 7, 2024. Gary Thaden seconded the motion. A roll call vote was taken and the motion carried.

## Announcements

Commissioner Blissenbach said she hopes to have some news regarding the assistant commissioner position soon.

## Agenda items

### 1. OAH legislation – Chief Administrative Law Judge Jenny Starr, Deputy Chief Judge Adam Wolkoff and General Counsel Abigail Rankin, Office of Administrative Hearings

Chief Administrative Law Judge Jenny Starr began by thanking the council for the opportunity to address it once again and then turned to General Counsel Abigail Rankin to review the changes made to the proposals since the most recent meeting.

Rankin began by addressing the definition of "child" in section two of the legislative proposal. She noted they had reached out to some stakeholders and determined the concern here was more substantive than the technical bill was intended to address. This bill was intended to update a relatively minor piece

of outdated language in line with the technical status. Rankin stated the Office of Administrative Hearing's (OAH's) intent is to move forward with updating the outdated language and would further review the language that generated concern for a more substantive bill in the future.

The other question that had been raised at the previous meeting was regarding section 30 of the proposal involving rulemaking and whether the language should be mandatory or permissive. Rankin noted OAH had some insightful conversation with DLI staff members regarding this issue, and ended up changing the language to "may" instead of "shall."

## **2. DLI legislation – Bretta Hines, Office of General Counsel, Department of Labor and Industry**

Commissioner Blissenbach noted two provisions had been removed from the proposals since the most recent meeting. The two provisions removed had to do with penalties. She also noted the Department of Labor and Industry (DLI) does still strongly feel the penalties are important to the workers' compensation system, but that they will be tabled for further discussion.

Bretta Hines presented the other change to the council, which was in section 3 and related to the effective date of the new proposed legislation. To make the language clearer in the statute, the language "for due dates on or after" was added. Hines noted that with this change, what DLI is looking to do is make it clear the due date refers to the assessment, not to the penalty or to the referral to the Department of Commerce.

Burnham asked to hear more about the opposition to the penalties. Lauryn Schothorst and David Henrich provided more information regarding business's concerns surrounding the language in the penalty sections.

## **3. Vote on agency proposals submitted for consideration by DLI, OAH and the Workers' Compensation Court of Appeals**

Thaden made a motion to approve the three legislative packages, provided the final language is sent to the council for approval and, if there are any technical conforming changes, there is an approval process from the leaders of both caucuses. Burnham seconded the motion and the motion carried.

## **4. Work Comp Campus presentation – Michelle Doheny, director, Business Technology Office, DLI**

Michelle Doheny began by giving an overview of the timeline of Work Comp Campus since its launch in November 2022. She noted development and improvement to the system had continued to be done after the launch of Campus. She also said that as the end of the vendor contract approached, former Assistant Commissioner Kate Daly identified the need for ongoing oversight and management of the system to ensure efforts were made to continue to improve it. This is what led to Doheny's hiring in 2022 and to her building her team to continue to oversee and own Campus.

In 2023, the Business Technology Office worked with a vendor to administer a user-experience survey to better gauge the current state of Campus. The goal of this was to understand the effectiveness of Campus and gather data that would help guide the department's work and priorities. From there, Jeff

Hendrix, project manager, Business Technology Office, developed a strategic roadmap to define the priorities they will be focusing on in the coming year.

Doheny noted the primary focus for the first quarter is working on document organization and streamlining access to claim information. The secondary focus is working toward improving the Campus data structure. The third focus of the roadmap for this quarter relates to user experience and addressing baseline functionality of the system.

Doheny ended her presentation with an overview of Campus progress since 2022. There were additional questions and discussion with the council and a request to have a regularly scheduled Campus update for the council. Commissioner Blissenbach agreed it would be possible to have more regular Campus update presentations for the council in the future.

## **Other business**

The next Workers' Compensation Advisory Council meeting is scheduled for March 13, 2024.

## **Adjournment**

Bob Ryan moved to adjourn the meeting and Schothorst seconded. A roll call vote was taken and the meeting was adjourned at 10:52 a.m.

Respectfully submitted,  
Alyssa Westergard, executive secretary