

Meeting minutes: Rehabilitation Review Panel

Date: Jan. 6, 2022

Minutes prepared by: Executive secretary of the Rehabilitation Review Panel

Location: Via Webex

Attendance

RRP members present

Russell Gelfman (chairman)
Michael Anderson (vice chairman)
Duane Butorac
Carl Crimmins
Monica Cronin
Kate Daly
David Dubovich
David Frary
Richard Hills
Meg Kasting
Paul Osterbauer
Scott Parker
Steve Patton
Megan Schueller
Mary Wells

Visitors and DLI staff members present

Mike Hill, DLI
Marybeth Juetten, AFSCME
Ethan Landy, DLI
Anna Donnelly, CorVel
Sara Hunter, SFM
Sandra Stoddard, UCWC
Stacie Goodrich, CompRehab
Anita Hess, DLI
Chris Leifeld, DLI
Angelina Nguyen, DLI
Brittany Wysokinski, DLI

Call to order

Chairman Russell Gelfman called the meeting to order at 1:04 p.m. Gelfman read the remote meeting statement. A verbal roll call was taken and a quorum was present.

Approval of minutes

Gelfman asked for a motion to approve the Oct. 7, 2021, meeting minutes. A motion to approve was made by Meg Kasting and seconded by David Dubovich. A verbal vote was taken and the motion carried to approve the minutes.

Approval of agenda

A motion was made by Scott Parker and seconded by Kasting to approve the Jan. 6, 2022 agenda. A verbal vote was taken and the motion carried.

Agenda items

Revised order of agenda items

Review of outlier rehabilitation cases and attorney involvement – Angelina Nguyen, Department of Labor and Industry (DLI) Research and Statistics

Angelina Nguyen reviewed the "Characteristics of high-cost vocational rehabilitation plans" PowerPoint presentation.

The data looked at plans closed between 2019 and 2020, pre-pandemic. It compared three groups: plans with costs of \$20,000 to \$30,000; \$30,000 to \$40,000; and outliers (more than \$40,000).

The characteristics of claims with high-cost vocational rehabilitation services showed that:

- differences in worker and employment characteristics did not immediately point to reasons for higher cost;
- injury severity is the one feature that stands out for the outlier claims because more claims had permanent disabilities that were not disputed and their claims were complex enough to also involve settlements; and
- the outlier group used job-placement and job-development services to return to work at a higher rate than the lower-cost groups.

COVID-19 claims update through December 2021 – Angelina Nguyen, DLI Research and Statistics

Nguyen presented an update about statistics related to the workers' compensation COVID-19 presumption law for claims through Dec. 25, 2021.

- The delta variant surge affected all worker groups, with by far the largest increase in cases seen in the health care industry.
- Hospitals and nursing homes have 62% of the paid COVID-19 claims.
- There were increased claims from police, but most were medical.
- There have been 120 COVID-19 claims with vocational rehabilitation, based on claims information updated through Nov. 17, 2021.

Commissioner's update – DLI Assistant Commissioner Kate Daly

DLI Assistant Commissioner Kate Daly introduced herself to the panel. She is an attorney with a background in workers' compensation defense in both the private and public sectors.

Safety announcements

- DLI is still closed to outside visitors due to COVID-19. Employees coming in must be masked and undergo a health screening.

Legislative and department updates

- Minnesota's minimum-wage rates increased to \$10.33 an hour for large employers and \$8.42 an hour for other state minimum wages.
- As of Jan. 3, 2022, the mileage rate has increased to \$0.585 a mile.
- New laws went into effect Jan. 1, 2022, that allow nursing mothers to receive paid break time to express milk at work and give more employees the right to request and receive pregnancy accommodations in the workplace.
- Paul Osterbauer, Carl Crimmins and David Frary have been reappointed to the Rehabilitation Review Panel. Megan Schueller has been appointed as an employer member. Reappointed alternates are Mary Wells and Sara Kacer. There is an opening for a labor alternate. Panel members stepping down are Laura Jerde, Dan McConnell, Duane Butorac and Kasting.
- Assistant Commissioner Daly gave an update about the current Workers' Compensation Advisory Council discussions.
- DLI is currently working on filling the Alternative Dispute Resolution director and Human Resources director positions.

Work Comp Division Help Desk overview – Jeanne Vogel, DLI help desk supervisor

- DLI has launched a Workers' Compensation Division Help Desk with four customer service specialists available during business hours.
- The help desk team can be reached by phone or email.
- A ticket is created to track questions coming in and routed to business units and divisions in DLI, and to other state agencies. On average, 47 tickets are created each day.
- Twenty-nine percent of these tickets are from attorneys and 8% are from qualified rehabilitation consultants (QRCs).
- There have been 13,548 tickets created as of Dec. 13, 2021.

Rulemaking – Ethan Landy and Brittany Wysokinski, DLI Office of General Counsel

Ethan Landy and Brittany Wysokinski discussed potential updates to the QRC or registered rehabilitation vendor requirement rules in Minnesota Rules Chapter 5220.

- Under Minnesota Statutes section 176.83, subdivision 2, DLI has authority to adopt rules if necessary. The department proposed and adopted updates to rehabilitation fees in 2018. At that time, DLI and the Rehabilitation Review Panel (RRP) also discussed reorganizing the registration rules so they are easier to follow. DLI shared a draft with RRP and is now revisiting these issues.
- Wysokinski presented a rulemaking progress chart showing an overview of the process from submission to amended rules.
- The department will bring drafts to the boards and panels for their review and input in rulemaking. There will be an update at the April RRP meeting.

Agenda items for next meeting – Gelfman and panel

Mike Anderson said, as a QRC he feels there is a disconnect between the policy side of the House procedurally and legally, compared to the decisionmaking side.

Gelfman suggested a speaker from the department could discuss the arbitration process.

Landy said the DLI Alternative Dispute Resolution team does have the background and training. He agreed a speaker could be invited to present at the next panel meeting.

Next meeting date

Gelfman announced the next meeting will be April 7, 2022. Mike Hill noted there was a possibility COVID-19 restrictions would still be in place. Gelfman decided the next meeting will be virtual rather than in person.

Adjournment

Butorac made a motion to adjourn and it was seconded by Osterbauer. Votes were taken and the motion passed.

The meeting was adjourned at 2:38 p.m.

Respectfully submitted,
Anita Hess
Executive secretary to the Rehabilitation Review Panel