

Meeting minutes: Rehabilitation Review Panel (RRP)

Date: July 11, 2024

Minutes prepared by: Katrina Namad

Location: Hybrid – Minnesota Room at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN, and online via Webex

Members present

- Carl Crimmins
- David Dubovich (remotely)
- David Frary (remotely)
- Jessica Stimac
- Matthew Schmidt (remotely)
- Megan Schueller (remotely)
- Mike Anderson
- Monica Cronin (remotely)
- Richard Hills
- Rob Otos
- Russell Gelfman
- Sarah Hunter
- Steven Patton (remotely)

DLI staff members present

- Bretta Hines
- Chris Leifeld
- Ethan Landy
- Katrina Namad
- Pam Carlson (remotely)

Visitors present

- Amy Hunter (remotely)
- John Connell (remotely)
- Kayleen Kickhafer
- Laura Breeher (remotely)
- Samantha Westphal (remotely)
- Steve Hollander (remotely)

Members absent

- Paul Osterbauer
- Richard Zeman
- Scott Parker

Agenda items

1. **Call to order** – chair Carl Crimmins called the meeting to order at 1:01 p.m. A roll call was taken and a quorum was met.
2. **Approval of July 11, 2024 agenda and April 4, 2024 meeting minutes** – a motion to approve both the agenda and meeting minutes was made by Mike Anderson and seconded by Russell Gelfman. A roll call vote was taken and the motion carried.
3. **DLI updates – Assistant Commissioner Jessica Stimac**
 - The Workers' Compensation Advisory Council (WCAC) will reconvene in the fall to start discussions about what a 2025 legislative package will look like. Anyone interested in the process can attend the WCAC meetings, notice of which is on the WCAC webpage on the DLI website.

- Regarding the post-traumatic stress disorder (PTSD) study, the University of Minnesota is working on collecting more data to flesh out the regulatory data maintained by DLI. The university is also preparing for stakeholder interviews, which should occur this fall. Visit the PTSD study webpage on the DLI website for further information if interested.
- Stimac mentioned the difficulties the department has had in filling the role of medical consultant. The DLI medical consultant primarily works with the Medical Services Review Board and DLI in the development of treatment parameters. DLI has a potential candidate and hopes to have a contract and consultant in place by Sept. 1 to help with the treatment parameters.
- Mike Hill retired after many years of service with DLI, which is currently seeking a new rehabilitation policy specialist. If anyone knows someone who might be interested in the position or if they have any questions, please direct them to Compliance, Records and Training (CRT) Director Chris Leifeld or to Stimac.
- There were questions about the challenges with filling Hill's position. Assistant Commissioner Stimac confirmed general difficulties filling vacant positions at DLI over the past few years and barriers to this particular position, including a lack of interest from the qualified rehabilitation consultant (QRC) community.

4. Education – CRT Director Chris Leifeld

- The 2024 Workers' Compensation Summit will be Tuesday, Oct. 29. The theme is "Strengthening the Workers' Compensation Community Together." It will be at the Doubletree by Hilton Hotel in Bloomington, Minnesota. It is a one-day event geared toward all workers' compensation stakeholders.
- There will be an orientation training session focused on QRC interns and their supervisors Friday, Aug. 23, from 7:30 a.m. to 4:15 p.m., in DLI's Minnesota Room. Cost of the training is \$75 and is on a first-come, first-served basis.
- The rehabilitation provider update, a training that happens every other year, will be Sept. 13. Attendance at the training is required by all QRCs, QRC interns and placement vendors. It will likely be in the DLI Minnesota Room, from 8 a.m. to 4 p.m., with a remote option. There is no fee posted yet; registration opens Aug. 1.

5. Retaining Employment and Talent After Injury/Illness Network (RETAIN) update – Samantha

Westphal, Mayo Clinic; Laura Breeher, Mayo Clinic; John Connell, Department of Employment and Economic Development (DEED); Pam Carlson, Office of Workers' Compensation Ombudsman, DLI

- John Connell, DEED, explained RETAIN is a federally funded grant that is working with the Office of Disability Employment Policy through the U.S. Department of Labor. Phase one was a demonstration project to see if scalability across the entire state was possible. Phase two is limited to the five states operating the RETAIN program: Kansas, Kentucky, Minnesota, Ohio and Vermont.
- RETAIN is focused on helping people retain their workforce through return-to-work or stay-at-work interventions. RETAIN is very focused on early intervention, within one or two months of the injury or illness causing work disruption. Research shows if you are able to intervene quickly and early in returning to work, that you have much better outcomes for the individual, their likelihood to stay in the workforce and even their health.
- RETAIN has been proactive in trying to build employer connections and provide education to health care practitioners about what the best practices in return-of-work and stay-at-work recommendations for restrictions and accommodations look like.
- To date, RETAIN has helped 739 people return to work; 25% of their participants have come from Black, Indigenous and people of color (BIPOC) communities.

- RETAIN has assisted at least one person from nearly every county in the state. The largest employer industry was health care; this is notable because employees from Mayo Clinic were not eligible to participate in this study.
- The majority of participants in phase two had either an illness or exacerbation of a chronic condition that led to their impact on work and enrollment in the study, rather than an accident or an injury.
- People can reach RETAIN through its website at mnretain.com.
- The 739 employees who returned to work, includes people who returned to their previous employer, people who returned to their previous employer but in a new role and people who started a new role with a new employer.

6. Legislative update – Bretta Hines, Office of General Counsel, DLI

- Bretta Hines introduced herself and said DLI has been working to implement all of the legislative changes from the WCAC bill. There are 50 sections in the bill. Hines went into a high-level overview of the changes, including a new notice provision requiring payers who are cutting off payment of rehabilitation services by sending a QRC a letter, to also send that letter to the employee and their attorney, as well as file a copy with DLI's Workers' Compensation Division. This allows the employee and their attorney to pursue filing a dispute if there is one.
- The new legislation also states that if the only dispute relates to discontinuance of indemnity benefits, a QRC cannot withdraw and refer to DLI's Vocational Rehabilitation unit until the timeframe to appeal the discontinuance decision has passed.
- Several people asked similar questions regarding the notice provision. Hines explained the notice is only to make sure the employee and their attorney get the notice, as well as the QRC, when a letter is written by the insurance provider indicating it will stop paying for rehabilitation services. This is so the time the employee is in limbo is limited. It would be preferable if the insurance provider used the rehabilitation request form, but if they don't, at least everyone will now have notice.

7. Rulemaking update – Ethan Landy, Office of General Counsel, DLI

- Ethan Landy provided a brief update about the status of the registration rules. Since the most recent meeting, DLI received approval from the governor's office to move forward. DLI has been working to finalize all the documents to submit the rules to the *State Register* for the notice and the comment portion of the rules and, after that, submit the rules to the Office of Administrative Hearings to review. The agency intends to move forward without a hearing on the rules unless there are enough requests for a hearing. Given that the rule is 17 pages, DLI will not publish the rule in its entirety because every half page in the *State Register* costs money.
- There was a question about this rulemaking information being available at a future training session. Assistant Commissioner Stimac mentioned the Office of General Counsel's presentation at the September training should reach everyone.

8. Schedule 2025 RRP meeting dates – Chair Crimmins and panel

- Chair Crimmins mentioned the coming meeting dates for 2025: Jan. 9, April 3, July 3 and Oct. 2. A motion was made to change the July date from the July 3 to July 10 due to the Independence Day holiday. Anderson made a motion to approve the dates and Gelfman seconded the motion. A roll call vote was taken and the motion carried.

9. Annual chair and vice chair elections – Chair Crimmins and panel

- Anderson, who is the current vice chair, asked about filling his position with someone else because his term ends in January and he is not sure if he will be on the panel next year due to changing roles within his organization. Crimmins nominated Gelfman for vice chair and Anderson seconded the

nomination. Gelfman made the motion for Crimmins to remain chair for another year and Monica Cronin seconded the motion. A roll call vote was taken and the motion carried.

10. Future agenda items – Chair Crimmins and panel

- Gelfman requested a presentation from Research and Data Analytics about the *2024 Workers' Compensation System Report*.
- The board was interested in hearing about the QRC training sessions in August and September, including turnout and any feedback from or needs expressed by the attendees.
- There was a discussion about QRC interns and training. Part of the discussion included the possibility of standardizing the training or using an educational program with a knowledge test at the end. Apprenticeship versus internship was also discussed.
- Kayleen Kickhafer, president, Minnesota Association of Rehabilitation Providers, said her organization has been working with the Minnesota Association of Service Providers in Private Rehabilitation to come up with some ideas regarding training. They are meeting with the assistant commissioner later this month to discuss ideas. Kickhafer was then asked to potentially present those ideas and discuss them with the panel at the meeting in October.

11. Next in-person meeting – the next in-person meeting is Thursday, Oct. 3, at 1 p.m.

Adjournment

A motion to adjourn the meeting was made by Sarah Hunter and seconded by Anderson. A roll call vote was taken and the motion carried. The meeting was adjourned at 2:47 p.m.