

## Meeting minutes: Workers' Compensation Advisory Council

Date: Jan. 22, 2020

Minutes prepared by: Executive secretary to the Workers' Compensation Advisory Council

Location: Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155

### Attendance

#### Members attended

Colin Beere  
Walter Frederickson  
Dennis Galligan  
Russell Hess  
Maggie Hobbs  
Jeff Horner  
Doug Loon  
Bill McCarthy  
Robert Ryan  
Gary Thaden  
Kevin Yakes – via telephone

#### Legislative liaisons attended

Sen. Paul Utke

#### DLI staff members attended

Kate Berger  
Jon Brothen  
Richard Davis  
Lorelei Hoyer  
Karen Kask-Meinke  
Chris Leifeld  
Brad Morse  
Jessica Stimac  
Jeanne Vogel

Lisa Wichterman

Laura Zajac

#### Visitors attended

Joel Carlson, MAJ  
Lynn Carroll, WCRA  
Aaron Cocking, IFM  
Sara Curtis, Corvel  
Eric Dick, MMA  
Karen Ebert, MCIT  
Andrew Essling, MCIT  
Carla Ferrucci, MAJ  
James Heer, WCRA  
John Hollick, SFM  
Suzanna Kennedy, Stinson  
Jon Kysylyczyn, DeLaforest Consulting  
Brad Lehto, AFL-CIO  
Patty Milun, chief judge, WCCA  
Branden Miller, MWCA  
Phil Moosbrugger, Department of Commerce  
Andrew Morrison, MN SISF  
Laura Mundt  
Deb Norsten, SFM  
Patty Prentice, LMCIT  
Lauren Schothorst, Minnesota Chamber  
Pete Thrane, Stinson  
Lauren Weaver, Stinson

### Call to order and roll call

Commissioner Nancy Leppink called the meeting to order at 9:45 a.m. A verbal roll call was taken and a quorum was present.

## Approval of the minutes and agenda

Commissioner Leppink asked for approval of the minutes from the Dec. 18, 2019 meeting. Bill McCarthy moved and Gary Thaden seconded the motion to approve the minutes. A vote was taken and all voted in favor of the motion.

Leppink asked for approval of today's agenda. Doug Loon moved and McCarthy seconded the motion to approve today's agenda. A vote was taken and all voted in favor of the motion.

## Announcements

The commissioner said the next meeting, scheduled for Feb. 12, will need to be rescheduled. The Department of Labor and Industry (DLI) will reach out to the business and labor leaders to find an alternative date for the next meeting. She also indicated the possibility of having a teleconference, if necessary, for that meeting.

The commissioner also said that at the most recent meeting, the Workers' Compensation Advisory Council (WCAC) voted on one of the provisions that will become part of the proposal to the Minnesota Legislature for the coming session. The provision related to occupational disease presumptions to amend Minnesota Statutes § 176.011 (to include correctional officers, both at the state and county level, are included in coverage) was passed by the WCAC on Dec. 18, 2019.

## Agenda items

- a. Legislative proposals discussed at the October, November and December 2019 WCAC meetings and associated revisions were presented by staff members from the DLI Office of General Counsel: Kate Berger, Jessica Stimac and Laura Zajac.

Berger explained the legislative proposals have been discussed with the WCAC at the October, November and December meetings. There were recommendations for language clarification and the changes are included in the proposal. All modifications from the most recent meeting are highlighted in red in the proposal. The legal staff members reviewed the changes from the last draft:

- page 7, line 204, states the effective date is now Aug. 1, 2020;
- page 8, line 234 and 235, the last sentence is deleted because it conflicted with the three-year period in Minn. Stat. § 16A.23;
- page 11, line 358, adds the effective date of Aug. 31, 2020;
- page 13, line 417, adds the effective date of Aug. 31, 2020 – in addition, on line 415, the word “the” was added for clarification;
- page 17, line 543, adds the effective date of Aug. 31, 2020; and
- page 21, line 687, adds the effective date of Aug. 31, 2020.

Thaden wanted the record to note he is a member of the Board of the Minnesota Workers' Compensation Insurance Association (MWCIA) and the Union Construction Workers' Compensation

Program (UCWCP), because both organizations are impacted by these proposals. He noted he does not receive any compensation or have a financial interest in either organization.

McCarthy made a motion to approve the proposals as presented and Loon seconded the motion. A vote was taken and the proposals were approved by a unanimous vote.

The proposals are attached to these minutes.

b. Discussion: Penalties for billing injured workers.

Loon said his preference is to discuss this issue at a future meeting. He does not believe WCAC should take action now until the matter is considered further.

Loon made a motion to table this item and McCarthy seconded the motion. A vote was taken and all voted in favor of the motion.

DLI staff members will continue work on this issue and will bring it back to a future meeting.

Loon asked if there were other issues that will be brought forward for discussion. The commissioner did not believe there are other matters that need consideration at this time.

## **Other business**

There was no other business discussed.

## **Adjournment**

Respectfully submitted,  
Executive secretary