

## Rehabilitation Review Panel meeting minutes

Oct. 12, 2017

### RRP members present

Duane Butorac (chairman)  
Russell Gelfman, M.D. (vice chairman)  
Ken Askew  
Steve Hollander  
Carl Crimmins  
Richard Hills, DC  
Meg Kasting (via phone)  
Alissa O'Hara  
Steve Patton  
Nicole Kilgo, DC  
Mary Wells  
Chris Leifeld  
Patricia Rutz  
Mike Hill

### RRP members absent

Lisa Weed  
Bobbi Pearson  
Dan McConnell  
Scott Parker

### Visitors/DLI staff members present

Lea Anderson, Corvel  
Kate Berger, DLI  
Jon Brothen, DLI  
Matt Jobe, DLI  
Nancy Kuntz, Encore  
Mark McCrea, DLI  
David Musielewicz, DLI  
Mike Otos, Alaris  
Commissioner Ken Peterson, DLI  
Aaron Scherk, Corvel  
Jeanne Vogel, DLI  
Darci Wing, DLI  
Brian Zaidman

### Call to order

Chairman Duane Butorac called the meeting to order at 1:05 p.m. A quorum was met. The chairman reminded the group there was one member (Meg Kasting) in attendance via telephone, so asked members to identify themselves before commenting.

### Approval of minutes

Carl Crimmins moved and Alissa O'Hara seconded to approve the July 13, 2017, meeting minutes as printed. All voted in favor and the motion carried.

### Approval of agenda

Crimmins moved and Steve Patton seconded to approve the Oct. 12, 2017, meeting agenda as printed. All voted in favor and the motion carried.

## **Assistant commissioner's update – Chris Leifeld**

Assistant Commissioner Chris Leifeld addressed the panel and provided safety information regarding the three exit doors for the Minnesota Room. He then provided an update about the rehabilitation provider rates that increased to a maximum rate of \$108.78 for qualified rehabilitation consultants (QRCs) and said the maximum rate for job development and placement is \$82.58.

**Legislative update** – Leifeld pointed out the Workers' Compensation Advisory Council (WCAC) is the body that approves legislative statutory change in the workers' compensation arena. By statute, all workers' compensation legislation goes through the advisory council. The WCAC met Oct. 11 and Chief Judge Patricia Milun presented a bill regarding the Workers' Compensation Court of Appeals (WCCA) being able to add a retired judge to its three-member panel when needed. The legislation will allow WCCA to hire retired judges on a temporary basis. This will become a part of the Department of Labor and Industry's (DLI's) proposed workers' compensation legislation. The WCAC will meet again Nov. 8 and Dec. 13 and, at that time, the department will determine other matters for the legislative session that begins in February 2018.

**Update about the 2018 Workers' Compensation Summit** – Leifeld commented that this year's Summit was very well attended and has received positive feedback from the attendees. The next Workers' Compensation Summit will be in 2019.

Crimmins asked if anyone had been appointed to take the place of John Rajkowski, director of government relations, who recently died. Leifeld announced Alexis Russell, who worked with Rajkowski for the past couple of years, is now the director and will attend to legislative matters on behalf of the department.

Commissioner Ken Peterson acknowledged Rajkowski's outstanding service to the department. He will be missed both professionally and personally. The commissioner also addressed members of the Rehabilitation Review Panel (RRP) and thanked them for their service to the state and its citizens. It is very appreciated by the department.

## **Agenda items**

- 1. Growing number of workers' compensation claims at temporary agencies** – Brian Zaidman, DLI Research and Statistics, provided a slide presentation about the growing number of workers' compensation claims arising out of temporary job placement services.

These are employees of the temporary agency, not employees of their clients. The agencies do not provide direct supervision of their employees at the clients' worksites.

Some of the takeaways from the presentation:

- the workers' compensation system as a whole in Minnesota saw a falling rate of claims, but for temporary workers, the overall the indemnity claims increased 21 percent;
- there was a 25 percent drop in indemnity claims in all other industries;

- temporary help injuries have doubled the claims rate;
- temporary help workers are less likely to have their claim accepted;
- temporary workers are concentrated in two main occupations, transportation/material moving and production;
- the majority of temporary workers injured are in the production industries; and
- likely outcomes include a larger percentage of vocational rehabilitation claims most likely will be from temporary workers, employed by agencies.

## 2. Proposed rehabilitation rule revisions

Jon Brothen and Matt Jobe discussed the handouts concerning the proposed rehab rule revisions.

**Minnesota Rules 5220.1410** – Brothen explained this handout is a working outline for the rehabilitation registration section. Minnesota Rules 5220.1410 is intended to be a step-by-step process how to apply, become and conduct yourself as a QRC intern. The department’s staff believes a step-by-step process for interns and their supervisors will be easy to understand, interpret and follow.

The first section is essentially a working guideline for what the requirements should be for becoming a QRC intern. While the language is different, it does track the way QRC interns are regulated today with one major change. Right now, QRC interns or regular QRCs need to have a certification as either a CRC or CDMS. The first possible change is allowing a prospective QRC intern, who has either a bachelor’s or master’s degree in vocational rehabilitation, to become a QRC and eliminate the certification requirement. The thought is the specific training behind the degree, along with continuing education credits, should qualify a QRC in Minnesota. This would not take the place of certification, but merely be another means to qualify as a QRC. One of the reasons behind this change is because the certifications are from third parties and the state has no control over the content. In addition, with the modernization project in the future, the department anticipates most, if not all, communication will be done electronically.

Jobe stressed this particular outline is far from complete and there will still be a comment and appeal processe. He encouraged panel members to contact either him or Brothen with suggestions.

Ken Askew commented that the national certification was a requirement to demonstrate competency in the field. He believes that if one cannot pass the examination for certification, perhaps they have not yet mastered the material. He is concerned that getting a degree and going through a process does not create competency of the subject material.

O’Hara asked if the definition of 37 hours a week required by an intern includes only active work on a QRC file or includes other work involved. She felt the training period about other aspects of the QRC industry is just as important and should count toward those 37 hours.

Brothen and Jobe said these matters will be taken into consideration for the next draft of the proposed rules. They hope to have more draft language available when the panel meets again in January.

**Minnesota Rules 5220.1900** – The language is essentially the same as the most recent draft (in August) and it was sent to interested parties in an email message. The email message went to more than 1,800 recipients for their review and comment.

Jobe explained the next steps for the department include a Statement of Need and Reasonableness (SONAR), which then goes to the commissioner for approval and signing, and then goes to the governor's office for approval. The department then publishes a Notice of Intent to Adopt, which triggers a comment period; those comments go to the administrative law judge, who makes a determination.

The chairman asked if the panel was prepared to recommend the proposed revisions to Minnesota Rules 5220.1900 to the commissioner. Crimmins made a motion to recommend the rule revisions to the commissioner and Steve Hollander seconded the motion. A vote was taken and unanimously approved.

## **RRP meeting dates**

Chairman Butorac asked the panel to review the next several proposed RRP meeting dates and determine whether any changes need to be made for the 2018 schedule. O'Hara made a motion to approve the meeting dates as follows: **Jan. 4, April 5, July 12 and Oct. 11, 2018, and Jan. 10, 2019**. Mary Wells seconded the motion. A vote was taken and the motion was approved.

## **Annual RRP chairman and vice chairman elections**

Russell Gelfman nominated Butorac as chairman of the RRP. There were no other nominations. A vote was taken and Butorac was unanimously elected again as chairman of the RRP.

Butorac nominated Gelfman as vice chairman of the RRP. There were no other nominations. A vote was taken and Gelfman was unanimously elected again as vice chairman of the RRP.

## **Other business**

Chairman Butorac asked the panel if there were any agenda items for the next meeting. There were no new agenda items. Panel members were reminded to contact Butorac or Mike Hill if they wanted items added to the agenda before the January meeting.

## **Adjournment**

O'Hara made a motion to adjourn the meeting at 2:10 p.m. and Crimmins seconded the motion. All voted in favor to adjourn and the meeting was closed.

Respectfully submitted,  
Patricia Rutz, executive secretary  
Rehabilitation Review Panel