



**Workers' Compensation Advisory Council  
January 28, 2009  
Minutes**

**Voting Members:**

Mike Bredeck  
Wayne Ellefson  
Jim Gander  
Don Gerdesmeier  
Ryan Holmes  
Glen Johnson  
Bob Lux  
David Olson  
Susan Olson  
Elizabeth Shogren  
Gary Thaden  
Ray Waldron

**Non-Voting Members:**

Representative Michael Nelson

**Non-Voting Members Excused:**

Senator Tom Bakk  
Senator Joe Gimse  
Representative Bob Gunther

**Staff:**

Ed Adams  
Fred Charlton  
Penny Grev  
Jayne Jones  
Stacy Kerkow-Dohmen  
Julie Klejewski  
Mark McCrea  
Mary Miller  
Steve Paulsrud  
Carol Pankow  
Shawn Peterson  
John Rajkowski  
Steve Sviggum  
Patricia Todd  
Lisa Wichterman  
Jana Williams

**Visitors:**

Brian Allen, Fiserv/TPS  
Tom Atkin  
Beau Berentson, MN Senate  
Kathryn Berg, MNHLRP  
Randy Bradley, Alaris  
Chuck Cochrane, MNAJ  
Judy Cook, Cook Hill Girard  
Mark Fellman, Attorney  
Paul Genereux, PAR  
Kevin Gregerson, UCWCP  
Tom Hesse, MN Chamber  
Steve Hollander, MARP  
Angie Hunter, O'Hara & Assoc.  
Roger Johnson, RGN  
Judge William Johnson, OAH  
Stacy Kohlhofer, Mayo  
David Kunz, MN Chiropractic Assn.  
Nancy Larson, MARP  
Brad Lehto, MN AFL-CIO  
Brian Martinson, MN Senate  
Joyce Mellom, MNAJ  
Doug Mork, UFCW, 789  
Andy Morrison, Koll-Morrison  
Tom Mottaz, MNAJ  
Tara Mulloy, PNHS  
Carol Norris, QRC  
Sara Noznesky, MMA  
Don Ostenson, VRS  
Rob Otos, Alaris  
Ken Peterson, Fairpay Solutions  
Ray Peterson  
Kathleen Picard, MN APTA  
Gregg Redfield, MN Hospital Assn.  
Ed Reynoso, Teamsters  
Kelly Rodieck, Attorney  
Dotti Rottier, Encore  
Greg Schmidt, MNHLRP  
Jerry Sisk, MNAJ  
Bev Turner, Travelers  
Laura Tykeson, VRS  
Elizabeth Wefel, MARP  
Melissa Williams, O'Hara & Assoc.  
Kelly Wolfe, LS&D

The meeting was called to order by Commissioner Steve Sviggum at 9:48 a.m. He pointed out a change in the agenda to include spending time going through some of the language currently being drafted that includes some housekeeping issues brought forth and/or some of the recommendations that were made. Roll was called and a quorum was present.

*Don Gerdesmeier made a motion to approve the minutes from the December 17, 2008, meeting. Gary Thaden seconded the motion. All voted in favor of the motion and it passed on a voice vote.*

**Opening:**

Sviggum gave a quick background to bring the council and committee members up to speed on what has transpired in the last month. The WCAC work groups on Vocational Rehabilitation and Health Care/Benefits made their recommendations to the advisory council at their December 17, 2008 meeting. The commissioner had also made additional recommendations to the council at that time. About a week ago there were some clarifications that became significant to the agreement that was reached by the Provider Billing/Auditing work group, and unfortunately there is no recommendation to bring forth at this time. This work group is made of providers, businesses and insurers.

Shogren commented she was on that work group and is disappointed that the agreement did not come forth. She commends the DLI staff for the tremendous amount of work they have put into this.

Today being January 28, 2009, Sviggum reminded the council that the timeline does get short by the time the drafting of language is done, getting a bill introduced and scheduled in various committees, there needs to be enough time for the legislature to act if a WCAC bill is brought forth.

**Review of Initial Draft of Language for Discussion:**

Todd reviewed the draft legislation dated January 28, 2009 that was handed out at the meeting. She stated this is a very preliminary draft so that at this meeting members could get an idea of what the language is and what staff is thinking about in regards to potential language. There is no level of ownership to the proposed language, but rather a good starting point for discussion.

Sviggum reminded members that this is only an initial start. This draft does not include more of the significant changes such as: death benefit enhancement, medical payment changes, prompt pay language, the WC collaborative and benefit enhancement changes, the commissioner's recommendations on illegal alien workers, intoxicated workers, retraining benefit enhancement.

Todd added it would be helpful if David Olson and Ray Waldron and the rest of the advisory council could give staff other recommendations or other legislation that they would like the department to begin drafting language for.

Sviggum stated he is going to try one more time to pull together the small Provider Billing/Auditing work group for discussions and hopefully they can reach common ground. Significant reform of the Workers' Compensation system would have to include this area.

**Conclusion:**

Sviggum called a caucus at 10:40 so both groups could meet and discuss items. They returned at 11:22 a.m. He reported there were good discussions and positive comments made; he announced his plan to bring the small billing/auditing work group back together early next week with the full WCAC meeting next on February 11, 2009. By that time hopefully common ground will be found and we will be closer to bringing forth a bill to Representative Mike Nelson to present to the legislature.

***Gary Thaden made a motion to adjourn at 11:30 a.m. Bettye Shogren seconded the motion. All voted in favor of the motion and it passed on a voice vote.***

Respectfully submitted,

*Julie Klejewski*

Julie Klejewski  
Executive Secretary