

**Workers' Compensation Advisory Council  
February 8, 2008  
Minutes**

**Voting Members:**

Wayne Ellefson  
Don Gerdesmeier  
Ryan Holmes  
Glen Johnson  
Bob Lux  
David Olson  
James Cavanaugh for Susan Olson  
Elizabeth Shogren  
Gary Thaden  
Ray Waldron

**Voting Members Absent:**

Mike Bredeck  
Marilyn Durenberger

**Non-Voting Members:**

Senator Tom Bakk  
Representative Bob Gunther  
Representative Michael Nelson

**Non-Voting Members Excused:**

**Non-Voting Members Absent:**

Senator Geoff Michel

**Staff:**

Debbie Caswell  
Michael Houliston  
Jayne Jones  
Carol Pankow  
Shawn Peterson  
Steve Sviggum  
Patricia Todd  
Jana Williams

**Visitors:**

Ray Bohn; WCRA  
Dave Dederichs; MN Chamber  
Tom Hesse; MN Chamber  
Steve Hollander; MARP  
Matthew Lemke; Winthrop & Weinstine  
Peter Lewon; MNA  
Brian Martinson; Senate  
Andy Morrison; Koll, Morrison  
Dotti Rottier; Encore  
Matt Schafer; LGN  
Jennifer Schaubach; MN AFL-CIO  
David Sullivan; House DFL  
Bev Turner; Travelers  
Gary Westman; State of MN, Admin

The meeting was called to order by Commissioner Steve Sviggum at 10: 21 a.m.

***Ray Waldron made a motion to approve the minutes from the January 29, 2008, meeting with a change to add the adjournment time as 11:25 a.m. David Olson seconded the motion. All voted in favor of the motion and it passed on a voice vote.***

Sviggum called a caucus for both groups at 10:25 a.m. They returned at 10:38 a.m. and agreed to put the following items in a Workers' Compensation Advisory Council (WCAC) bill to be authored by Senator Bakk, Representative Nelson, and Representative Gunther.

- Incorporate by reference into the workers' compensation fee schedule the annual RVU updates in a cost neutral manner. Utilizing expedited rulemaking at a minimum of every three years.

This information can be provided to you in alternative formats (Braille, large print or audio).

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- Reimburse out-of-state providers at their workers' compensation rate.
- Prohibit reimbursement of unlicensed/unregistered complementary and alternative health care practitioners listed under Minn. Stat. § 146A.01.
- Extend the time frame for requesting retraining from 156 to 208 weeks.
- Increase the maximum rate for QRCs from \$86 to \$91.
- Repeal obsolete sections of the statute. (176.669 and federal tax credit)
- Incorporate language to allow for electronic receipt of data.
- Remove requirement to certify electronic signatures.
- Incorporate language to utilize workers identification (WID) instead of SSN.
- MIGA language.
- Clarify purchasing procedures for medical treatment, equipment or supplies for an injured worker whose employer was uninsured for workers' compensation.
- Define who is responsible for ensuring workers' compensation coverage for personal care assistants.
- Define who is responsible for ensuring workers' compensation coverage for Medical Reserve Corps.
- Include reference to independent contractor language.
- Include the ability to penalize QRCs for not completing forms on time.
- Remove the financial limitation to qualify for "collective bargaining agreements".
- Transfer the financial bonding requirement for self insures into the commerce statute.

The following three items were added to the proposal.

- Allow for Labor and Industry to audit a sampling of the workers' compensation files using Six Sigma.
- The maximum weekly wage would change from \$750 to \$850 on 10-1-08.
- The number of weeks allowed for temporary total disability would change from 104 to 130 on 10-1-08.

All members agreed to add these three items.

David Olson stated that it was his understanding that this was the bill; there cannot be any amendments unless the WCAC members agree and they do not support any other workers' compensation bills. All members agreed.

Sviggum called for a vote to approve the proposal and the three additional items. ***Gary Thaden made a motion to approve the proposal and Olson's statement that no amendments can be made and the WCAC does not approve any other workers' compensation bills. The bill is still subject to language approval. Olson seconded the motion. All voted in favor of the motion and it was approved by a voice vote.***

Sviggum noted he sees the progress made with the WCAC bill today as a hopeful step. Much more could have been done. The system is set up for injured workers and

businesses that pay the premiums. The others in the workers' compensation system such as the hospitals, bill scrubbers, Ambulatory Surgery Centers, pharmaceutical people and attorneys are providing a service to the injured workers. The system is not set up for these parties; it is set up for the employees and employers.

*Thaden made a motion that if technical changes occur with the bill in the process that Waldron and Olson have the authority to agree to those changes on behalf of their caucuses. If the changes are significant, a full meeting of the WCAC may be called for. Olson seconded the motion. All voted in favor of the motion and it passed on a voice vote.*

It was announced that the February 13, 2008, WCAC meeting was canceled. At this time the April 9, 2008, meeting is still on the schedule.

*Thaden made a motion to adjourn at 11:45 a.m. Olson seconded the motion. All voted in favor of the motion and it passed on a voice vote.*

Respectfully submitted,



Debbie Caswell  
Executive Secretary

dc:s