

**Workers' Compensation Advisory Council
February 11, 2009
Minutes**

Voting Members:

Mike Bredeck
Wayne Ellefson
Jim Gander
Edward Reynoso for Don Gerdesmeier
Ryan Holmes
Mike Wilde for Glen Johnson
David Olson
Susan Olson
Elizabeth Shogren
Gary Thaden
Ray Waldron

Non-Voting Members:

Representative Bob Gunther
Representative Michael Nelson

Voting Members Excused:

Bob Lux

Non-Voting Members Excused:

Senator Tom Bakk
Senator Joe Gimse

Staff:

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

Visitors:

Mary Beck, CCMSI
Kathryn Berg, MNHLRP
Ray Bohn, WCRA
Kathleen Brady, Ins. Co.
Randy Bradley, Alaris
Chuck Cochrane, MNAJ
Robert Capecchi, Cook Hill Girard
Jeremy Estenson, MN Chamber
Charlie Feenstra, MDLA
Mark Fellman, Attorney
Carla Ferrucci, MNAJ
Paul Genereux, PAR
Tom Hesse, MN Chamber
Steve Hollander, MARP
Judge William Johnson, OAH
Judge Ray Krause, OAH
Nancy Larson, MARP
Carolyn Laviolette, Messerli & Kramer
Brad Lehto, MN AFL-CIO
Peter Lewon, MNA
Bob Lund, SFM
Andy Morrison, Koll-Morrison
Tom Mottaz, MNAJ
Carol Norris, QRC
Tim Novotny, MCIT
Sara Noznesky, MMA
Don Ostenson, VRS
Ken Peterson, Fairpay Solutions
Alissa O'Hara, QRC
Mary Osborn, Mpls
Dotti Rottier, QRC-Encore
Tom Saby, QRC
Greg Schmidt, MNHLRP
Michael Seifert, Mayo Clinic
Erin Sexton, Medtronic
David Sullivan, House DFL
Dianne Walsh, Attorney
Dawn Marie VanHonse, QRC

The meeting was called to order by Commissioner Steve Sviggum at 9:45 a.m. Roll was called and a quorum was present.

Jim Gander made a motion to approve the minutes from the January 28, 2009, meeting. Gary Thaden seconded the motion. All voted in favor of the motion and it passed on a voice vote.

Opening:

Sviggum began by announcing that the Provider Billing/Auditing work group did not come to a final agreement in relationship to a recommendation on billing and payment. The House and Senate have set March 27th as their first committee deadline.

In addition, Sviggum announced that DLI is planning a Worker's Compensation Policy Conference this summer. The conference would include stakeholders, interested parties, members of the department, expert speakers.

Review of Draft Legislation for Discussion:

Todd reviewed the draft legislation document dated February 11, 2009, which included the changes that were made to the initial language that was submitted at the last meeting, plus the addition of some new language. Two specific sections of particular interest are – Occupational Injury Leave Act (OILA) and Dispute Resolution.

The Occupational Injury Leave Act (OILA) language included in this draft is what was developed based on the concepts of what the work group had discussed; and also the Workers' Compensation Collaborative language. It is understood that these items were not clearly agreed upon, however, draft language is being proposed to show members what it may look like and also to move the process ahead by getting a yes, no or maybe.

The Dispute Resolution language included streamlining the process, appropriation for a claim management system and the funding mechanisms for the Office of Administrative Hearings.

Sviggum brought forth a medical cost containment recommendation.

Conclusion:

Sviggum called a caucus at 10:50 so both groups could meet and discuss items. They returned at 11:23 a.m. Sviggum announced that the next meeting of the WCAC will be on Monday, March 2nd at 9:30 a.m., and will be the final meeting for putting a bill together for this session.

Ray Waldron stated the two groups have reached agreement on some of the changes and for the purposes of moving forward and drafting language, David Olson identified that the following items have been agreed upon by both parties: (page number references are from the February 11, 2009, Workers' Compensation Draft Legislation document)

- Medical Bill Payment Data (page 6)
- IMEs Must Be Performed in a Physician's Office (page 8)
- Electronic Medical Billing and Payment Data (page 10); however they are making sure it is consistent with 72A, so need to figure out the number of years.
- Incorporate Court Decision Regarding PPD Table (page 11)
- Incorporate Court Decision Prohibiting Credit Against Penalty (page 12)
- Same Reporting Period for Fatalities as OSHA (page 13)
- Hearings Scheduled within Two Years (page 14)
- Data Sharing with State Agencies (page 16)
- Meetings of the Medical Services Review and Rehabilitation Review Panel (page 17)
- Remove statutory language concerning continuing education of compensation judges (page 20)
- Permit the SCF to recover Heaton and Roraff attorney fees from uninsured employers (page 21)
- Clarify that DLI staff cannot be subpoenaed concerning dispute certification (page 22)

Mike Bredeck made a motion to adjourn at 11:32 am. Susan Olson 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