

Workers' Compensation Advisory Council
Dec. 17, 2008
minutes

Voting members

Mike Bredeck
Jim Gander
Don Gerdesmeier
Tom Hesse for David Olson
Brad Lehto for Ray Waldron
Bob Lux
Susan Olson
Elizabeth Shogren
Gary Thaden
Mike Wilde for Glen Johnson

Voting members absent

Wayne Ellefson
Ryan Holmes

Nonvoting members

Senator Joe Gimse
Representative Bob Gunther
Representative Michael Nelson

Nonvoting members excused

Senator Tom Bakk

Staff members present

Penny Grev
Jayne Jones
Julie Klejewski
Mark McCrea
Carol Pankow
Shawn Peterson
John Rajkowski
Steve Sviggum
Patricia Todd
Jana Williams
Ariel Mio

Visitors present

Dennis Atchison, MNAJ
Bob Babbit, MNAJ
Mary Beck, CCMSI
Beau Berentson, MN Senate
Kathryn Berg, MNHLRP
Randy Bradley, Alaris
Chuck Cochran, MNAJ
Mike Donnelly, MARP
Mark Fellman, Attorney
Kevin Gregerson, UCWCP
Tom Hesse, MN Chamber
Steve Hollander, MARP
Judge William Johnson, OAH
Judge Ray Krause, OAH
David Kunz, MN Chiropractic Assn.
Nancy Larson, MARP
Carolyn Laviolette, Messerli & Kramer
Peter Lewon, MNA
Brian Martinson, MN Senate
Andy Morrison, Koll-Morrison
Tom Mottaz, MNAJ
Alissa O'Hara, QRC
Ken Peterson, Fairpay Solutions
Ed Reynoso, Teamsters
Dotti Rottier, QRC
Dean Salita, Attorney
Michael Seifert, Mayo Clinic
Scott Sexton, CorVel
Janet Silversmith, MMA
Jerry Sisk, MNAJ
Dave Stofferahn, WCCA
Sarah Strong, Cook Hill Girard
Jerry Walthour, St. Paul
Elizabeth Wefel, MARP
Dan Wolfe, MN APTA
Kelly Wolfe, LS&D
David Wulff, MNAJ

The meeting was called to order by Commissioner Steve Sviggum at 9:48 a.m.

Don Gerdesmeier made a motion to approve the minutes from the Feb. 8, 2008 meeting. Gary Thaden seconded the motion. All voted in favor of the motion and it passed on a voice vote.

Opening

Sviggum opened the meeting with general discussion about the progress of the WCAC work groups and their current status. Sviggum stated they have been meeting over this past summer and fall and are now ready to give their recommendations to the WCAC. He reminded everyone that the WCAC is the final decisionmaker. The two most important stakeholders are the injured worker and the businesses that pay the premiums. Others in the workers' compensation system are there to serve the stakeholders. He asked members to take a comprehensive balanced look to see if we can make Minnesota's workers' compensation system better.

Sviggum introduced DLI staff members Penny Grev, Carol Pankow and Mark McCrea, the chairpersons of the three main work groups. The repricing industry sub-group, chaired by Devin Hildebrand, reported its recommendation to Pankow's billing/auditing group. The chairpersons thanked the members of the work groups for all their time, hard work and commitment in bringing workers' compensation reform to Minnesota.

WCAC work group recommendations and updates

You can view the work group recommendations online at www.doli.state.mn.us/pdf/wcac_recommend.pdf.

- Vocational rehabilitation: Grev reported that this work group completed its work and the official recommendation is included in the commissioner's report as handed out today. Grev discussed highlights of the recommendation, including increased monitoring, changing rehabilitation conferences and some modifications to job placement services.
- Billing/auditing work group: Pankow reported that this work group is continuing to work toward common ground and she is very confident they will reach an agreement on inpatient billing and reimbursement at their next meeting, to bring forth a recommendation to the WCAC at its meeting in January. Their recommendation will include a 15-15-30 billing process and code of conduct for the repricing industry as recommended by the sub-group.
- Exclusive provider of physician/benefits: McCrea reported that this work group completed its work and the official recommendation is included as an addendum to the commissioner's report. McCrea explained the work group's progress and monthly meetings, and its ability to find an alternative proposal to offer. They worked in a three-phase process and examined key features of the work comp system, including trends, current law and what are the best factors of our current system. McCrea reported that at the Nov. 5, 2008 meeting, members of the work group did agree to the conceptual agreement of a pilot program as outlined in an addendum to the commissioner's report.

After McCrea's presentation, a few questions were asked regarding the fundamentals of the pilot program, including the number of employers, the elimination of the work period, general administration and neutrality of the medical providers chosen. Lehto indicated that Waldron does not recall officially voting for passage of the pilot program recommendation.

Commissioner's recommendations and updates

- General recommendations: Assistant Commissioner Patricia Todd reported additional recommendations brought forth by Commissioner Sviggum. Todd and Sviggum, jointly discussed these recommendations, with highlights of the recommendations including: retraining, independent medical examinations, arbitration streamlining, illegal aliens, intoxication, increased death benefits and creation of an informational DVD.

Conclusion

It was announced that the billing/auditing work group will have its final meeting on Jan. 7, 2009. Sviggum asked members to look at the big picture in their negotiations and said his staff will begin drafting legislative language now for their next meeting. Sviggum projected a month of negotiations would next take place and, at their next WCAC meeting, a proposal would be brought forth for vote.

The next meeting of the WCAC is scheduled for Jan. 28, 2009.

Gander made a motion to adjourn at 11:15 a.m. Thaden seconded the motion. All voted in favor of the motion and it passed on a voice vote.

Respectfully submitted,

Julie Klejewski

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Executive Secretary