

## Contents

### Law changes, department updates

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Legislative change specifies payment rates for electronic medical records ..... page 2

Denise Holmes promoted to Compliance, Records and Training supervisor ..... page 3

DLI partners with University of Minnesota for PTSD study ..... page 3

### Tips, reminders

---

Sign up to receive information about various boards, councils ..... page 4

Panel, review board seek members, alternates ..... page 5

Verify workers' compensation insurance coverage via online lookup tool ..... page 5

Administrative conferences, ongoing efforts to settle a dispute ..... page 6

Ask the ADR and Work Comp Campus Pro ..... page 8

Stay in the know: Subscribe for news from DLI ..... page 9

Translated materials, Language Line available via DLI website ..... page 9

### Data, reports

---

CompFact: Increased numbers of assaults to hospital workers; decrease expected in 2023 ..... page 10

Work Comp Campus user experience survey results ..... page 12

2022 injury and illness rates, case characteristics now available ..... page 14

WCRI report compares Minnesota medical payments, utilization with 16 other states ..... page 15

### Events, training

---

Workers' compensation events calendar ..... page 16

Training: OSHA recordkeeping basics offered online in January ..... page 16

### Court decisions

---

Workers' Compensation Court of Appeals decisions ..... page D-1

Minnesota Supreme Court decisions ..... page D-3

## Legislative change specifies payment rates for electronic medical records

A legislative change, effective Aug. 1, updated Minnesota workers' compensation law requirements for reimbursement for copies of electronic medical records.

Minnesota Statutes § 176.135, subdivision 7, was amended to include specific payment rates for electronic medical records. The law applies to any request for copies of medical records that are required to be maintained in an electronic format by state or federal law.

If an authorized requestor submits a written request for advance notice of the cost of the copies requested, the health care provider must notify the requestor of the estimated cost before sending the copies. If the requestor approves the cost and copies of the records are provided, the payment is the applicable fee stated below. If the requestor does not pay for the records, the health care provider may charge a fee, which must not exceed \$10.

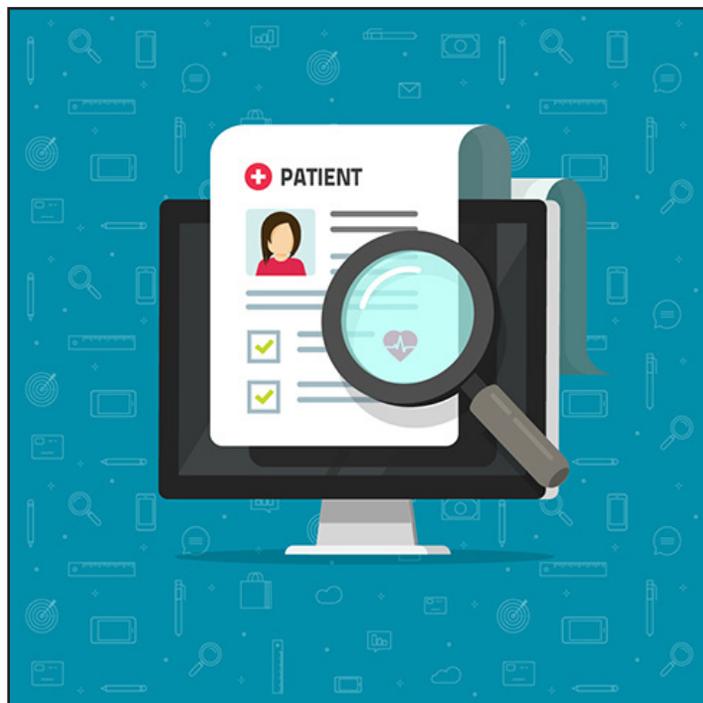
For copies of electronic medical records, a health care provider may not charge more than a total of:

- \$10 if there are no records available;
- \$30 for copies of records of up to 25 pages;
- \$50 for copies of records of up to 100 pages;
- \$50 plus an additional 20 cents a page for pages 101 and above; or
- \$500 for any request.

The health care provider must provide copies of medical records in electronic format and the allowed charges for the electronic medical records include any fee for retrieval, download or other delivery. A health care provider also cannot require prepayment for the costs of the medical records unless there is an outstanding past due notice for the requestor from a previous records request from the provider.

### More information

If you have questions about medical records, contact the Department of Labor and Industry's medical policy staff at 651-284-5052 or [medical.policy.dli@state.mn.us](mailto:medical.policy.dli@state.mn.us).



## Denise Holmes promoted to Compliance, Records and Training supervisor

Denise Holmes has been promoted to supervisor of Compliance Team One in the Compliance, Records and Training (CRT) unit of the Minnesota Department of Labor and Industry's (DLI's) Workers' Compensation Division. In this role she supervises CRT compliance, entity management and electronic data interchange, rehabilitation and medical policy team functions. She is also involved in ongoing work with Work Comp Campus, as the CRT user acceptance testing coordinator, and will be overseeing the CRT Training Team's efforts to update the educational offerings for both internal and external customers.

Previously, Holmes was a senior compliance officer with DLI, auditing Minnesota workers' compensation claim files to ensure appropriate benefits were administered in accordance with applicable statutes and case law. She has also presented at DLI about several equity, inclusion and diversity informational topics through its Equity Change Workgroup.



Before joining DLI in 2019, Holmes had worked in the insurance and reinsurance industry since 2000, with 10 years of that experience specifically in the Minnesota workers' compensation area. She was graduated from the University of Wisconsin – Eau Claire with a bachelor's degree in psychology. She has earned an Associate in Claims (AIC) designation and maintains adjuster licenses for all insurance lines in both Minnesota and Texas.

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## DLI partners with University of Minnesota for PTSD study

The Department of Labor and Industry (DLI) has partnered with the Midwest Center for Occupational Health and Safety at the University of Minnesota to conduct a comprehensive study about work-related post-traumatic stress disorder (PTSD). The goal of the study is to identify systemic or regulatory changes to the workers' compensation system to improve the experience and outcomes of employees with work-related PTSD. The study was recommended by the Workers' Compensation Advisory Council and approved by the Minnesota Legislature during the 2023 legislative session. The study will be completed by Aug. 1, 2025.

### More information, submit feedback

DLI welcomes input about the PTSD study from interested members of the public. Submit feedback by completing the Workers' Compensation PTSD Policy form at <https://forms.office.com/g/vdHVvn9tDT>. Submissions will be reviewed and considered for purposes of the PTSD study.

For additional information about the PTSD study or to subscribe to receive updates as the study progresses, visit DLI's PTSD study webpage at [dli.mn.gov/business/workers-compensation/post-traumatic-stress-disorder-study](https://dli.mn.gov/business/workers-compensation/post-traumatic-stress-disorder-study). Interested members of the public may submit questions or comments about the study to Emily Streier, DLI Office of General Counsel, and Katherine Drake, DLI Research and Data Analytics, by sending an email message to [ptsdstudy.dli@state.mn.us](mailto:ptsdstudy.dli@state.mn.us).

## Sign up to receive information about various boards, councils

The state of Minnesota has more than 200 boards, commissions, councils, work groups and task forces that advise policy makers and regulate professionals. Included in that group are workers' compensation focused Medical Services Review Board (MSRB), Rehabilitation Review Panel (RRP) and the Workers' Compensation Insurers' Task Force (WCITF) that advise the Department of Labor and Industry (DLI). Information is provided below regarding these three groups and how stakeholders can sign up to receive communication about coming meetings, updates and actions taken.

For more information or to be added to the email lists for meeting notices for any of these groups, contact Katrina Namad at [katrina.namad@state.mn.us](mailto:katrina.namad@state.mn.us) or 651-284-5024. Be sure to indicate which group or groups you would like to receive information about. People on these email lists may also receive periodic updates from DLI about workers' compensation activities.

### Medical Services Review Board

The [Medical Services Review Board](#) is composed of two chiropractic representatives, one hospital representative, one registered nurse, one physical therapist, one occupational therapist, six physicians of different specialties, one employee representative and one employer/insurer representative. MSRB:

- advises the Department of Labor and Industry (DLI) about workers' compensation medical issues;
- is the liaison between the department and the medical-provider community;
- supports and engages in the education of the provider community about workers' compensation; and
- makes final decisions about disciplinary violations in conjunction with contested case hearings.

MSRB meets quarterly, from 4 to 6 p.m., via Webex.

### Rehabilitation Review Panel

The [Rehabilitation Review Panel](#) is composed of employer, insurer, labor, medical and rehabilitation representatives. RRP:

- advises DLI about workers' compensation vocational rehabilitation issues and rules;
- is a liaison between DLI and interested people about workers' compensation vocational rehabilitation; and
- makes final decisions about certification approval or disciplinary matters of qualified rehabilitation consultants and vendors in conjunction with contested hearings.

RRP meets quarterly, at 1 p.m., at DLI. Meetings are in person, but panel members may participate via Webex, if needed. Members of the public may monitor the meetings in person and via Webex.

### Workers' Compensation Insurers' Task Force

The [Workers' Compensation Insurers' Task Force](#) is an organized body of representatives of insurance companies that write workers' compensation insurance within the state of Minnesota and employers who self-insure for their workers' compensation coverage.

There is no statutory authority vested in this body; any recommendations that are forwarded to the commissioner are nonbinding. However, DLI values the input from WCITF.

WCITF meets quarterly at 9 a.m., via Webex and in person.



## Panel, review board seek members, alternates

### Rehabilitation Review Panel

The Rehabilitation Review Panel has openings, beginning January 2024, that include:

- one health care provider member (four-year term);
- one chiropractor/health care provider/rehabilitation provider alternate member (annual term);
- one union labor representative alternate member (annual term); and
- one employer/insurer alternate member (annual term).

To apply for a positions, visit [sos.state.mn.us/boards-commissions](https://sos.state.mn.us/boards-commissions) on the Secretary of State website.

Learn more about the Rehabilitation Review Panel on page 4 or by visiting [dli.mn.gov/about-department/boards-and-councils/rehabilitation-review-panel](https://dli.mn.gov/about-department/boards-and-councils/rehabilitation-review-panel).



### Medical Services Review Board

The Medical Services Review Board currently has openings for:

- one employer representative (four-year term);
- one hospital representative (four-year term);
- one chiropractic representative (four-year term);
- one physician representative alternate (annual term);
- one employee representative alternate (annual term); and
- one hospital representative alternate (annual term).

To apply for a position, visit [sos.state.mn.us/boards-commissions](https://sos.state.mn.us/boards-commissions) on the Secretary of State website.

Learn more about the Medical Services Review Board on page 4 or by visiting [dli.mn.gov/about-department/boards-and-councils/medical-services-review-board](https://dli.mn.gov/about-department/boards-and-councils/medical-services-review-board).

## Verify workers' compensation insurance coverage via online lookup tool

The Department of Labor and Industry's (DLI's) online workers' compensation insurance lookup tool, designed to allow users to verify workers' compensation insurance coverage for employers based on proof of coverage data filed with DLI, is always available at [inslookup.doli.state.mn.us](https://inslookup.doli.state.mn.us).

**INSURANCE LOOKUP ►**

Minnesota workers' compensation law requires all employers, with limited exceptions, to purchase workers' compensation insurance or become self-insured. This is often referred to as "mandatory coverage."

If you cannot find an employer using the lookup tool, contact DLI's Special Compensation Fund at 651-284-5324 or [dli.scf.insver@state.mn.us](mailto:dli.scf.insver@state.mn.us) to request insurance coverage verification about any employer in the state.

## Administrative conferences, ongoing efforts to settle a dispute

By Aaron Frederickson, *Alternative Dispute Resolution*

Efforts to resolve a workers' compensation dispute should continue even if an issue is certified (for more about certification, see [page 5, COMPACT, September 2023](#)) and set for an administrative conference. Preparing for and attending an administrative conference conducted in front of a dispute resolution specialist from the Department of Labor and Industry's (DLI's) Alternative Dispute Resolution (ADR) unit is an opportunity to reconsider your position, listen to opposing viewpoints and reflect on settlement options.

### Certified issues – now what?

Pursuant to Minnesota Statutes section 176.106, subdivision 1, DLI has administrative conference jurisdiction concerning the following disputes involving admitted claims.

- Medical disputes when the amount in dispute, when the request is filed, is \$7,500 or less. The \$7,500 limit does not apply if the medical issue relates to whether a charge for a service, article or supply is excessive under Minn. Stat. section 176.136, subd. 1, 1a, 1b or 1c.
- Vocational rehabilitation issues under Minn. Stat. section 176.102.

DLI may also conduct an administrative conference where initial liability has been admitted or established and an issue arises regarding causation between the employee's condition and the work injury.

Efforts to resolve a workers' compensation dispute should not stop once an issue is certified. All parties should be willing to explore the resolution and come to an administrative conference willing to consider settlement.

### Before the administrative conference

Sometimes settlement is impossible and parties have a right to be heard. Conferences at DLI are conducted by dispute resolution specialists with authority on behalf of the commissioner to issue a decision and order, subject to de novo review. Attorneys and representatives attending these conferences take steps to prepare as they see fit. Suggested preparations include the following.

- Use Work Comp Campus to file conference exhibits: The development of Campus enhanced the ability of attorneys and their support staff to file documents directly with DLI. Parties are encouraged to file documents directly to the "Dispute (DS) Details" page, which allows immediate access to exhibits and enhances the ability of the parties to exchange information in a secure environment.
- Do not throw in the kitchen sink: Attorneys can submit whatever documents and other exhibits they wish to present at the administrative conference – there is no limit. However, avoid including documents that have already been filed on a dispute, which can include the request for assistance, response, retainer agreements, affidavits of service and more. These pleadings will be on the Campus "Dispute Details" page and are already considered part of the record.
- Highlight points important to your position: It is helpful to organize medical records chronologically to allow the dispute resolution specialist to understand prior medical care and the progression of an issue. Attorneys can also highlight specific passages in medical records to help emphasize a point being made during the conference.
- Don't forget to submit case law and other documents: Often, attorneys want to draw the arbitrator's attention to case law. It is helpful to submit this case with conference exhibits. It also saves time for the dispute resolution

specialist – even if one thinks it is a case "everyone knows about." Your assigned dispute resolution specialist may also find it helpful if you submit copies of specific treatment parameters at issue.

Decisions and orders are served and filed on all interested parties promptly. Each dispute resolution specialist's goal is to fully state the parties' positions, decide the issues in dispute and provide a rationale for their result.

## Never stop trying to resolve your dispute

Efforts to resolve a workers' compensation dispute should not stop after receiving the decision and order. Thoughtful advocates should use the decision and order to guide a possible future outcome.

- Consult with your client regarding the outcome. This is an excellent opportunity to determine the development of one's case and what steps need to be taken.
- Re-evaluate your position; use of mediation may be more cost effective.
- Take time to review other options for resolving the dispute. This may be a time to be creative and promote your client's best interests via a different approach.

Prevailing at an administrative conference does not guarantee the same result if a formal hearing is requested at the Office of Administrative Hearings.

## Conclusions

There are many opportunities to resolve a workers' compensation dispute. Steps to resolve a dispute should continue even after an issue is certified or the matter is heard at an administrative conference. Attorneys and other interested stakeholders should use this process when preparing for an administrative conference to consider alternatives and avoid unnecessary and sometimes costly litigation.

# Ask the ADR and Work Comp Campus pro

## DLI's Alternative Dispute Resolution unit answers frequently asked questions

By Brian Mak, Donna Olson and Melissa Parish, Alternative Dispute Resolution; with contributions from Jon Brothen, Business Technology Office

*Editor's note: The Alternative Dispute Resolution (ADR) unit at the Minnesota Department of Labor and Industry (DLI) seeks early intervention in workers' compensation disputes through conferences and mediations. It handles calls from the Workers' Compensation Division Help Desk and responds to questions from all stakeholders.*

- Q.** A dispute was filed against my client. Why can't I file my Notice of Appearance or Notice of Representation?
- A.** A party can initiate a dispute in Work Comp Campus whether or not the claim has already been created (by the filing of a first report of injury (FROI)). If a dispute was created without a claim (CL), the dispute will be associated to a temporary claim shell (SH). A Notice of Appearance (NOA) or Notice of Representation (NOR) cannot be filed on the claim shell but, in that case, you can file your NOA or NOR on the dispute itself. When you are starting the process to submit your webform, on the "Locate a Claim" screen, click "Locate a Claim Shell" instead of "Locate a Claim." You will be prompted to enter the name and date of injury for the employee; Campus will then display the available disputes. You then choose which one you wish to file your NOA or NOR on.
- Q.** If I have filed a NOA or NOR on a dispute associated with a claim shell, do I later need to file my NOA or NOR on the claim itself?
- A.** Yes, after the claim is created upon submission of the FROI, if you wish to have your appearance on record for that injury, not just one dispute, you will need to file your NOA or NOR on the claim.
- Q.** I requested certification of a dispute and the dispute was certified. Now I cannot submit my request for assistance. Why?
- A.** When ADR certifies a dispute, the dispute is left open for a period of time for the filer to submit the request for assistance (RFA). If the dispute has been closed at the time the RFA filing is attempted, call ADR to request it be reopened at 651-284-5032.
- Q.** I did a filing via electronic data interchange (EDI). How can I be sure the filing was received at DLI?
- A.** Upon successful submission, the EDI transaction acknowledgement shows as "TA" to indicate "accepted" in the claim administrator system or in the e-filing trading partner's reporting history tab under the status column.
- Q.** How do I know if my webform or uploaded document was received at DLI?
- A.** Webforms and documents successfully submitted in Campus will appear in the claim under the "Documents" tab.
- Q.** I received an emailed request for information from DLI and I am not sure what I need to do. Who do I ask?
- A.** Requests for information are sent by the Compliance, Records and Training unit. Call the compliance officer whose name is listed at the bottom of the email message (the sender of the request). You can also contact the Workers' Compensation Division Help Desk at [helpdesk.dli@state.mn.us](mailto:helpdesk.dli@state.mn.us), 651-284-5005 (option 3) or 800-342-5354 (option 3). To avoid a penalty take these steps before 30 days have passed from the date of the request.

## Stay in the know: Subscribe for news from DLI

Did you know the Department of Labor and Industry offers more than two dozen email lists you can subscribe to receive news targeted to specific groups? (If you are reading this, you are probably on the *COMPACT* email list.)

Lists related to workers' compensation news include the following:

- Adjusters updates
- Employer updates
- Rehabilitation providers updates
- Attorney updates
- Medical providers updates
- Trading partner updates



Other email lists are available for:

- Agency news
- Construction codes, licensing and building trades
- Minnesota OSHA and workplace safety
- Apprenticeship, dual-training and Youth Skills Training
- Labor standards, worker rights, wage and hour
- Rulemaking

To learn more about the available email lists, visit [dli.mn.gov/about-department/news-and-media/sign-news-department-labor-and-industry](https://dli.mn.gov/about-department/news-and-media/sign-news-department-labor-and-industry).

## Translated materials, Language Line available via DLI website

The Department of Labor and Industry (DLI) posts its available translated materials online at [dli.mn.gov/about-department/about-dli/translated-materials](https://dli.mn.gov/about-department/about-dli/translated-materials). It has documents available in Chinese, Hmong, Karen, Somali and Spanish. A few other documents throughout the website are available in additional languages.

Also, the DLI website now provides Google Translate in the upper left corner of each page, allowing visitors to choose the language for the website text.

In addition, DLI has access to Language Line, a free language translation phone service for limited-English speakers. If DLI help is needed, view the contact information at [dli.mn.gov/about-department/about-dli/contact-us](https://dli.mn.gov/about-department/about-dli/contact-us), call and a DLI employee will get in touch with an interpreter in the needed language.

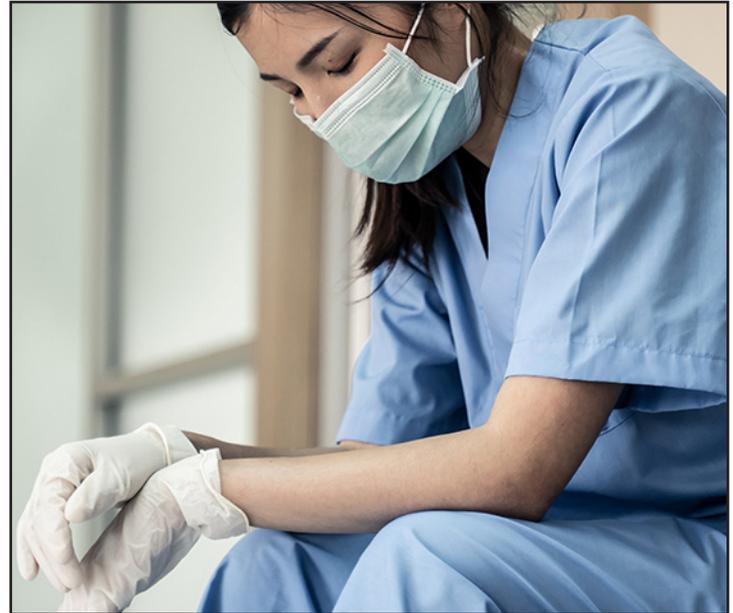


# CompFact: Increased numbers of assaults to hospital workers; decrease expected in 2023

By Brian Zaidman, Research and Data Analytics

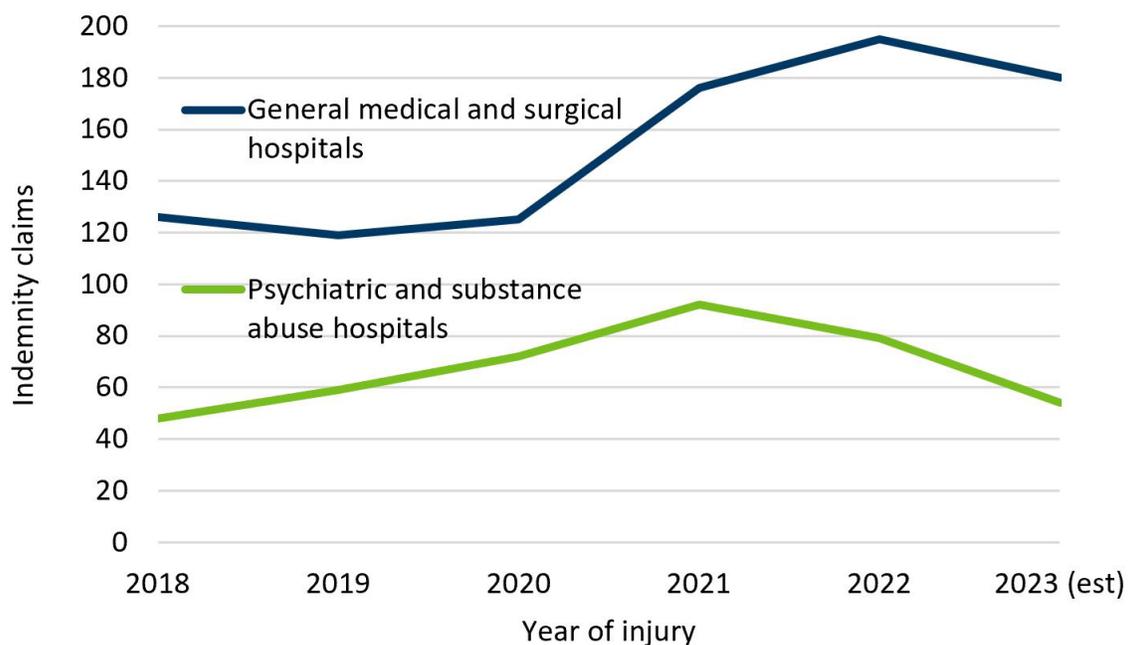
In recent years, staffing shortages and the COVID-19 pandemic have combined to increase stressors on hospital workers, hospital patients and their families. One issue of concern is the safety of hospital workers, who are subject to both intentional and unintentional assaults by agitated or aggressive patients and visitors. Analysis of the Minnesota workers' compensation claims database measures the numbers of assaults that result in accepted (paid) indemnity claims (including payment of a settlement) and the characteristics of the assaulted workers.

Figure 1 shows the number of workers with paid indemnity claims caused by assaults in general medical and surgical hospitals and in psychiatric and substance abuse hospitals. The number of assaults in general medical and surgical hospitals remained level from 2018 through 2020, then increased in 2021 and peaked in 2022 at 195 claims, before decreasing slightly in 2023. There was a 56% increase in paid claims from 2020 to 2022.



Psychiatric and substance abuse hospitals show a different pattern, with assault claims reaching a peak in 2021 and decreasing thereafter.

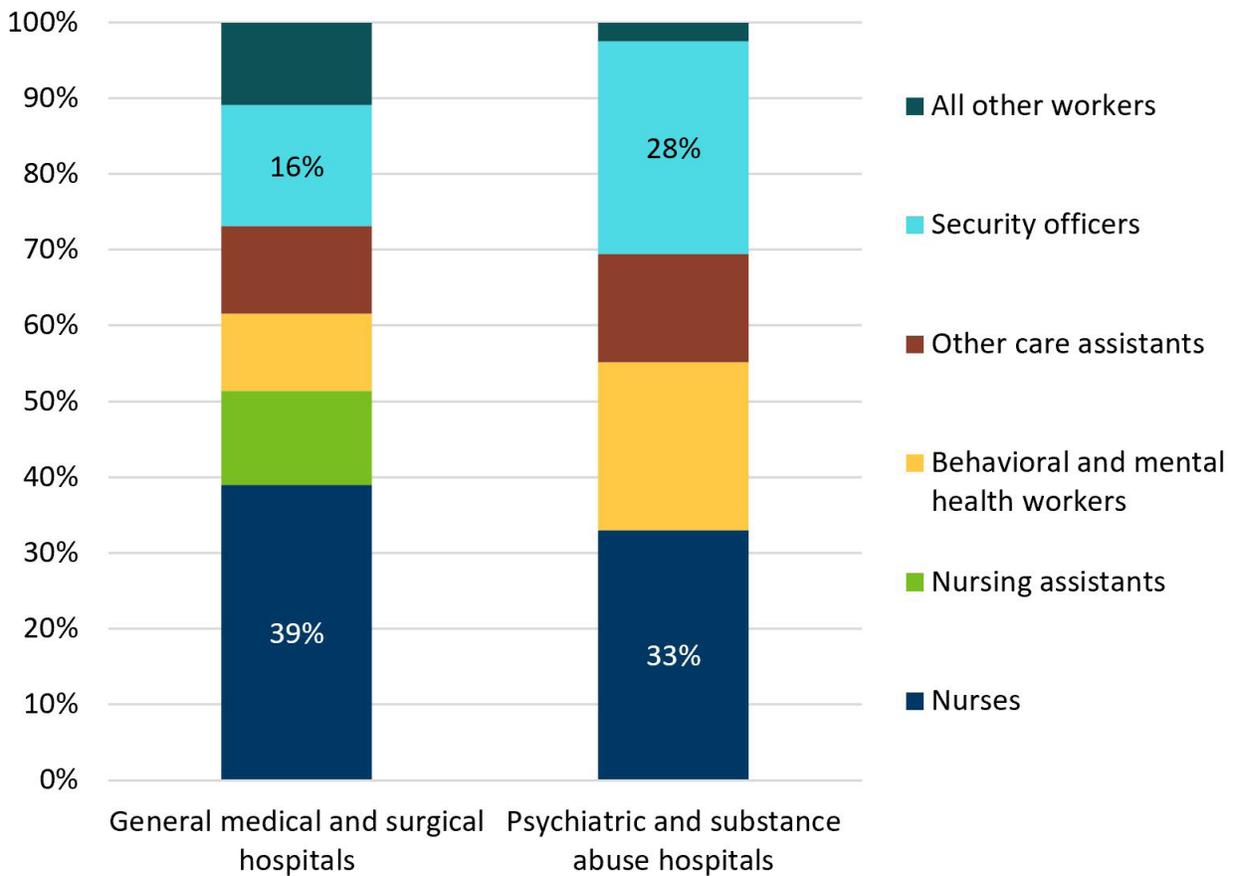
**Figure 1. Number of assault claims accepted for indemnity benefits by hospital type**



Note: 2023 values are estimates based on claims received by Sept. 1, 2023.

Figure 2 shows the distribution of occupation types of the assaulted workers during the 2021 to 2023 period for the two types of hospitals. Nurses, which includes nurse practitioners, registered nurses and licensed practical nurses, constituted the largest group of injured workers in both hospital types, followed by security officers. Behavioral and mental health workers accounted for 22% of the assault claims in psychiatric hospitals and for 10% of the claims in general medical hospitals.

**Figure 2 Occupation distribution of assault indemnity claims from 2021 to 2023**



## Work Comp Campus user experience survey results

Below are summary results of the Minnesota Department of Labor and Industry's (DLI's) March 2023 Work Comp Campus user experience survey.

### Respondents

There were 344 responses to the survey from external stakeholders. Of those respondents, most of the responses received were from attorneys and legal staff members, insurers, trading partners and self-insured communities. Most respondents indicated they had been in their position for more than 10 years. Not all respondents answered every question. Some questions were only provided to types of respondents the question related to.

### System satisfaction results

The following are the results from the statements provided in relation to overall system satisfaction.

Statement	Number total	Number agree	Percent agree	Number disagree	Percent disagree
The system is easy to use.	207	96	46%	111	54%
The system effectively enables me to complete my business processes	206	126	61%	80	39%
The system is reliable (login and relevant functionality are available for use when needed).	205	145	70%	60	30%
The system has accurate and reliable information (data is accurate, in the correct fields and reflected correctly in reports).	203	141	69%	64	31%
System support is readily available (help desk, documentation, manuals and subject matter experts).	203	139	68%	64	32%
System support is effective (help desk, documentation, manuals, subject matter experts).	198	144	73%	54	27%

### Function-specific results

The results below were related to specific functions of Campus. The questions asked how well each of these functionalities addressed business needs.

Function	Number total	Number fully/ mostly meets	Percent fully/ mostly meets	Number partially/ does not meet	Percent partially/ does not meet
Election	4	4	100%	0	0%
Voc rehab transaction	13	10	77%	3	23%
Appeal/petition to vacate	28	29	71%	8	29%
Document/ document upload	171	111	65%	60	35%
Webform submission	143	90	63%	53	37%

Function	Number total	Number fully/ mostly meets	Percent fully/ mostly meets	Number partially/ does not meet	Percent partially/ does not meet
Request for access	128	79	62%	49	38%
WCCA* cases	97	57	59%	40	41%
In-progress polls	26	15	58%	11	42%
Mediation	80	43	54%	37	46%
Dispute	123	66	54%	57	46%
Penalty	28	14	50%	14	50%
Settlement	12	6	50%	6	50%
Event	94	46	49%	48	51%
Electronic forms (EDI** submission)	76	36	47%	40	53%
Claim	143	65	45%	78	55%
EDI	38	17	45%	21	55%
Intervention	54	24	44%	30	56%
Claim shell	91	32	35%	59	65%
Insurers report	11	2	18%	9	82%
Policy	4	0	0%	4	100%
*Workers' Compensation Court of Appeals					
**Electronic data interchange					

## Next steps

The detailed results of the Campus user experience survey include the above statistics as well as detailed comments provided by respondents about system satisfaction and function specific topics. This information will be used by DLI to prioritize development work remaining for Campus.

## Contact

If you have additional feedback about Campus, email Michelle Doheny at [michelle.doheny@state.mn.us](mailto:michelle.doheny@state.mn.us).

If you have questions about how to use Campus or are having issues completing a task, contact the Workers' Compensation Division Help Desk at [helpdesk.dli@state.mn.us](mailto:helpdesk.dli@state.mn.us) or 651-284-5005.

## 2022 injury and illness rates, case characteristics now available

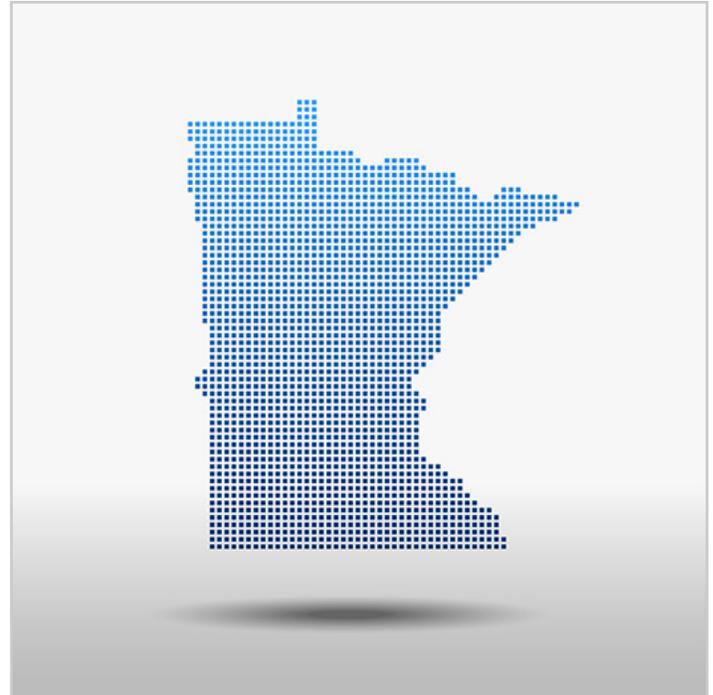
The OSHA-recordable estimated injury and illness incidence rates and case counts for industries were released Nov. 8. The estimates are prepared from the Survey of Occupational Injuries and Illnesses, conducted in Minnesota jointly by the U.S. Bureau of Labor Statistics (BLS) and the Minnesota Department of Labor and Industry (DLI).

Minnesota recorded 3.8 incidents per 100 full-time-equivalent (FTE) workers in 2022, up from 3.4 incidents per 100 FTE workers in 2021. About 85,400 incidents were recorded in 2022 with 37,400 (or 1.7 cases per 100 FTE) of these cases resulting in at least one day away from work. There were an estimated 19,100 illness cases in 2022 and, of these, 16,400 were respiratory conditions, including COVID-19 cases. In 2021, there were 13,500 illness cases.

The industries with the highest total injury and illness rate were: state government hospitals (31.4 cases per 100 FTE workers); private industry performing arts, spectator sports and related industries (22.0); and state government nursing and residential care facilities (15.9).

Combined case and demographic data for 2021 and 2022 has also been released. Additional statistics are available about the characteristics of the cases with days away from work and days of job transfer or restriction. Some highlights are shown below.

- For workers with one or more days away from work, the median duration was eight days. The median for 2020 was six days.
- For workers with days away from work: 39% of cases were COVID-19; 20% were sprains, strains and tears; and 13% were soreness and pain.
- The most commonly injured body parts were: body systems (the category used for COVID-19 cases) with 40%; upper extremities (19%); lower extremities (14%); and the trunk (14%).
- The most common injury events were: exposure to harmful substances or environments (41%); overexertion and bodily reactions (21%); and falls, trips and slips (17%).
- The most common sources of injury and illness were: viruses, including COVID-19 (39%); floors, walkways and ground surfaces (11%); and the injured or ill worker (10%).



2022 industry rates and case and demographic tables have been posted online at [dli.mn.gov/our-areas-service/research-and-statistics/survey-occupational-injuries-and-illnesses](https://dli.mn.gov/our-areas-service/research-and-statistics/survey-occupational-injuries-and-illnesses).

Information about the number and characteristics of fatal work-related injuries in 2022 is expected to be released Dec. 19. Fatality data is online at [dli.mn.gov/our-areas-service/research-and-statistics/census-fatal-occupational-injuries-foi](https://dli.mn.gov/our-areas-service/research-and-statistics/census-fatal-occupational-injuries-foi).

DLI thanks all the participants and respondents who provided the data to enable the success of these programs.

Questions about the Survey of Occupational Injuries and Illnesses or the Census of Fatal Injuries may be emailed to [dli.research@state.mn.us](mailto:dli.research@state.mn.us).

## WCRI report compares Minnesota medical payments, utilization with 16 other states

The Workers Compensation Research Institute's (WCRI's) most recent report for Minnesota, *CompScope Medical Benchmarks for Minnesota 24th Edition*, was released in October. This report uses insurer claim files to compare Minnesota's medical payments and service utilization with those of 16 other states, including Iowa and Wisconsin. The report is available from WCRI at [wcrinet.org](http://wcrinet.org).



The report focuses on claims from 2016 to 2021, excluding COVID-19 claims during the pandemic period (March 2020 through September 2021), with experience through March 2022. Most statistics relate to claims with more than seven days of lost time, measured at an average of one year following the injury.

- For claims with more than seven days of lost time, Minnesota's average adjusted medical payment for 2021 claims measured in 2022 was \$11,193, 22% lower than the median of the 17 study states.
  - Average payments per claim for nonhospital providers were 26% lower than the 17-state median.
  - Average hospital outpatient payments were typical of the median study state.
  - Average payment for hospital inpatient services were 15% lower than the median.
- Medical payments per claim with more than seven days of lost time, showed little change for claims from 2016 through 2018, but decreased by 3% in 2020. During the first two years of the pandemic, medical payment per claim in Minnesota decreased by 4%.
- Average hospital outpatient payments per claim grew rapidly in 2021 compared to 2020 claims at one year's maturity (8.5% increase). This rapid growth was driven by a large increase in average radiology payments per service.
- The substantial surge in radiology payments per service was due to significant portions of these services being paid on charges rather than at the nonhospital fee schedule, as mandated by the rules.
- Minnesota's average adjusted hospital inpatient payments per inpatient episode for 2019 claims (claims from October 2018 to September 2019, evaluated in March 2022) were \$32,266, 15% below the median state value (\$38,103).
- Minnesota's hospital outpatient payment index for common knee and shoulder surgeries were among the highest of the study states before the adoption of the 2018 fee schedule and that remained the case after the new fee schedule was adopted. This is in line with the fee schedule's intention to sustain an overall payment neutrality between the former and new payment systems.
- Minnesota has the lowest utilization index of nonhospital services of the 17 study states. The lower utilization for Minnesota was mainly driven by low utilization of physical medicine.

### About WCRI

Founded in 1983, the Workers Compensation Research Institute (WCRI) is an independent, not-for-profit research organization that strives to help those interested in making improvements to the workers' compensation system by providing highly regarded, objective data and analysis.

WCRI does not take positions on the issues it researches; rather, it provides information obtained through studies and data collection efforts, which conform to recognized scientific methods. Objectivity is further ensured through rigorous, unbiased peer review procedures.

## Workers' compensation events calendar

**Note:** Event dates may change. Always check the online calendar at [www.dli.mn.gov/about-department/about-dli/events-workers-compensation](http://www.dli.mn.gov/about-department/about-dli/events-workers-compensation).

### January 2024

- |         |                                     |
|---------|-------------------------------------|
| Jan. 4  | Rehabilitation Review Panel         |
| Jan. 12 | Training: OSHA recordkeeping basics |
| Jan. 19 | Training: OSHA recordkeeping basics |

### February 2024

- |        |  |
|--------|--|
| Feb. 9 | Training: QRC intern, vendor, supervisor orientation and refresher |
|--------|--|

### Training: OSHA recordkeeping basics offered online in January

The Department of Labor and Industry is offering two free, online introductory-level training seminars about OSHA recordkeeping requirements Fridays, Jan. 12 and 19, 8:30 to 11:30 a.m.

Maintaining an accurate OSHA log of recordable work-related injuries and illnesses is an important skill that benefits employers, workers, safety professionals and government agencies.

#### Topics

- Recordability of injuries and illnesses
- Differences between OSHA cases and workers' compensation claims
- Classifying cases
- Counting time
- Privacy cases
- How many logs to keep
- Maintaining logs
- Creating a log summary
- Reporting log data to OSHA
- Recording COVID-19 cases.



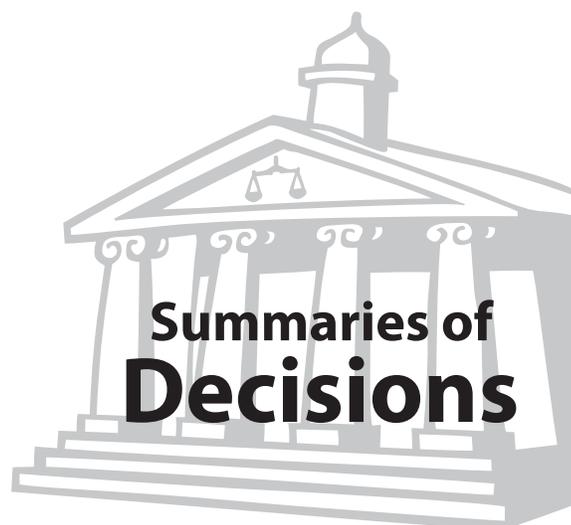
#### More information

- Learn more about the session and register to attend (required) on the [MNOSHA Compliance: Recordkeeping standard webpage](#).

# Workers' Compensation Court of Appeals

August through October 2023

Case summaries published are  
those prepared by the WCCA



## *Rachel Gliske v. Minneapolis Public Schools, Aug. 2, 2023*

### **Causation – Substantial Evidence**

Substantial evidence supports the compensation judge's finding that the employee did not sustain a work-related occupational disease in the nature of post-traumatic stress disorder as defined under Minnesota Statutes § 176.011, subdivisions 15(a) and (d), on the claimed date of injury.

### **Settlements – Scope**

Substantial evidence supports the compensation judge's determination that the employee's claim for workers' compensation benefits is barred by a prior stipulation for settlement.

Affirmed.

## *Barbara J. McKeever v. Cub Foods, Aug. 8, 2023*

### **Medical Treatment and Expense – Rare Case Exception**

Where injections eased the employee's severe, four-extremity chronic regional pain syndrome symptoms to allow her to continue working and reduce her reliance on opioid medications, and where there was medical evidence that other treatment options were exhausted, the compensation judge's determination that the employee's request for continuing injection therapy was a rare case in which a departure from the treatment parameters was necessary to obtain proper treatment is not clearly erroneous and is unsupported by substantial evidence.

Affirmed.

## *Todd M. Sullivan v. Sullivan Painting, Sept. 6, 2023*

### **Vacation of Award – Substantial Change in Condition**

Based upon a change in diagnosis, a change in ability to work, additional permanent partial disability and need for additional medical treatment that was causally related to the employee's work injury, the employee has shown a substantial change in medical condition since the time of settlement that was clearly not anticipated and could not reasonably have been anticipated at the time of the award sufficient to vacate the award on stipulation.

Petition to vacate granted.

***Craig Engblom v. Gateway Foods of Minnesota, Inc., Sept. 20, 2023*****Medical Treatment and Expense – Treatment Parameters  
Rules Construed – Minnesota Rules 5221.6050, Subpart 8.D**

Where substantial evidence in the record including expert opinion supports the compensation judge's conclusion that repeat and regular epidural steroid injections and radiofrequency neurotomies do not satisfy the treatment parameter departure criteria and do not qualify as a rare case exception, the denial of claimed medical benefits is affirmed.

Affirmed, in part, and remanded, in part. Remand stayed for 60 days.

***Joshua A. Repke v. Jacobs Engineering Group, Oct. 3, 2023*****Attorney's Fees – Irwin Fees**

Where a stipulation for settlement, which was approved in an award on stipulation, indicated that payment of attorney's fees for an approved surgery was reserved until after the surgery had been performed, and the employee has not undergone the surgery, the compensation judge's denial of attorney's fees on the basis of the stipulation is affirmed.

Affirmed.

***David Hoodie v. Wells Concrete, Inc., Oct. 6, 2023*****Evidence – Credibility**

The assessment of witness credibility is the unique function of the compensation judge and the compensation judge's conclusion that the employee was permanently totally disabled from work based on the employee's testimony and contemporaneous medical records is upheld.

**Evidence – Expert Medical Opinion**

The compensation judge's reliance on the medical opinions of the employee's treating providers, which were well-founded and consistent with the employee's medical record, is upheld.

**Practice and Procedure – Reopening record**

The compensation judge did not abuse her discretion by denying the employer and insurer's post-hearing motion to amend the findings and order or reopen the record.

Affirmed.

# Minnesota Supreme Court

*August through October 2023*

Case summaries published are  
those prepared by the WCCA



## ***Mark Sullinger v. KIW Construction, Aug. 28, 2023***

### **Order**

Based upon all the files, records and proceedings herein, it is hereby ordered that the motion of relator Mark Sullinger to voluntarily dismiss this appeal is granted. The writ of certiorari issued on May 19, 2023, is discharged and this appeal is dismissed.