

Meeting minutes: Medical Services Review Board

Date: July 15, 2021

Minutes prepared by: Anita Hess, executive secretary

Location: Webex

Attendance

Members present

Beth Baker, chair
Russell Gelfman, vice chair
Elizabeth Alm
Jeffrey Bonsell
Natalie Haefner
Matthew Monsein
Kim Olson
Dan Wolfe
Todd Ginkel

Alternates present

Mark Schulz

Members absent

Erica Kuhlmann
Elizabeth Alm
Lisa Hanselman
Joseph J. Schulte
Bradley Kuzel

Alternates absent

Laura Breeher
Keith Johnson
Kathleen Gomez
Lyna Nyamwaya
Courtney Mitchell
Kevin Scott Wall

Staff members present

Roslyn Robertson
Lisa Wichterman
Anita Hess
Ethan Landy
Chris Leifeld
David Berry
Ann Tart

Interested parties present

Sara Curtis
Norbert Cuellar
Pam Carlson
Tara Erickson
Ceil Jung
Angela Garin
Antonio Tejada
Sandra Stoddard
Kathleen Picard
Ames Gascoigne
Aaron Schenck
Adriene Henderson

Call to order

A Webex meeting of the Medical Services Review Board (MSRB) was called to order at 4 p.m. by Dr. Beth Baker. Baker read the Webex meeting instructions. Roll call was taken by Anita Hess. A quorum was met.

Approval of agenda and minutes

Ethan Landy, Department of Labor and Industry's (DLI's) Office of General Counsel, proposed the following amendment to the agenda in the COVID-19 updates:

Thank you for joining this remote meeting via Webex. I have determined today's meeting is via the Webex platform due to the COVID-19 pandemic. Per Minnesota Statutes, section 13D.021, of the Open Meeting Law, electronic meetings are acceptable when an in-person meeting is "not practical or prudent because of a health pandemic or an emergency declared under Chapter 12."

Mark Schulz made a motion to approve the amended agenda and the January minutes by roll call vote. Kim Olson seconded. Both were approved.

DLI announcements and updates: Commissioner Roslyn Robertson

- DLI is in the process of getting staff members back into the building. Staff members will need to be on-site a minimum of two days a week. Guests will be coming in by appointment and DLI is hopeful that boards will be able to meet in person in October.
- The Legislature has adjourned; the Workers' Compensation Advisory Council bill passed. Major wins are the operating adjustment increases for Apprenticeship, Labor Standards and Minnesota OSHA. Additional legislation DLI would like to highlight includes:
 - paid break time for nursing mothers and pregnant workers; and
 - Construction Code and Licensing Division fee changes.
- DLI continues to work on Work Comp Campus improvements and is sending new releases to internal and external users.
- The department is in the final stages of completing a contract with a new medical consultant. The new consultant will begin working as soon as the contract is signed.

Business

New statute regarding health care providers billing injured workers – Lisa Wichterman of Compliance, Records and Training, and Ethan Landy, Office of General Counsel

- Lisa Wichterman gave a PowerPoint presentation with an overview of the new statutory language that allows penalties to be assessed against a health care provider that bills an injured worker in violation of the workers' compensation law.
- Before a penalty is assessed, a written notice of the law must be provided.
- In addition to the penalty, the provider must reimburse the injured worker for any out-of-pocket expenses incurred.

ASC and HOFs studies – Wichterman, Landy and David Berry, Research and Statistics

- Insurers, self-insurers, non-critical access hospitals and ambulatory surgical centers (ASCs) each responded to DLI's data requests for the study.
- General guidance was released regarding the timeliness and accuracy of payments and common errors by insurers. The tables are now available on the DLI website: ASCPS and HOFs payment errors; the tables show common errors and what the correct payment should be.
- Research and Statistics will provide follow up with insurers and hospitals about payment errors. DLI is in the process of sending error information to the insurers for educational purposes.

- Wichterman will reach out to the payers to make them aware of errors and review correct payment procedures.

Agenda items for the October MSRB meeting – Baker and board

- Review treatment parameters identified by work group for updates
- Review draft of injection parameters
- Dry needling
- Work groups reconvene
- Traumatic brain injuries (TBI) and concussions
 - Veterans Affairs, Courage Kenny, Hennepin County Medical Center and Mayo Clinic have programs and experts that could educate the board about TBI treatments for
 - Create resource list for TBI and concussions
- Contact Compliance, Records and Training about updating permanent partial disability (PPD) rules, ratings, clarification and terminology

Adjournment: Baker and board

Baker thanked everyone for coming. Russell Gelfman moved to adjourn the meeting. It was seconded by Natalie Haefner. All voted in favor and the motion carried. The meeting was adjourned at 5:05 p.m.

Next meeting dates

- Oct. 14, 2021
- Jan. 20, 2022
- April 21, 2022
- July 21, 2022