

## Meeting minutes: Medical Services Review Board

Date: Nov. 8, 2018

Minutes prepared by: Anita Hess

Location: DLI Minnesota Room

### Attendance

**Members present**

Beth Baker, chairwoman  
Russell Gelfman, vice chairman  
Matthew Monsein  
Reed Pollack  
Dan Wolfe  
Jeffrey Bonsell (via phone)  
Buck McAlpin (via phone)

**Members absent**

Darla Coss  
Margaret Spartz  
Hans Thurmer  
Joseph J. Schulte  
Erica Kuhlmann  
Elisha Harris  
Bradley Kuzel

**Alternates present**

Kimberly Olson  
Natalie Haefner  
Lisa Hanselman (via phone)

**Alternates absent**

Robin Peterson  
Elizabeth Alm  
Daniel Piper  
Laura Breeher

**Visitors present**

Gary Thaden  
Karen Ebert  
Rob Boe  
Dan Greensweig  
Mimi Lynn

**Staff members present**

Alexis Russell  
Ernest Lampe  
Chris Leifeld  
Ann Tart  
Lisa Wichterman  
Laura Zajac

### Call to order

- The special meeting of the Medical Services Review Board (MSRB) was called to order at 4 p.m. by Dr. Beth Baker. Introductions were made. Jeff Bonsell, Buck McAlpin and Lisa Hanselman are on the phone.

### DLI announcements and update: Deputy Commissioner Chris Leifeld

- Department of Labor and Industry (DLI) Deputy Commissioner Chris Leifeld reminded board members to identify themselves for those who are on the phone, before speaking to the group.
- Safety announcements: Leifeld requested that everyone please be careful, because it is getting slippery outside.

## Approval of minutes

- At this time, we have a quorum. A motion to approve the Oct. 4, 2018, minutes was made by Kim Olson and seconded by Dan Wolfe. The board voted all in favor. The motion carried.

## Approval of agenda

- A motion to approve the Nov. 8, 2018, agenda was made by Matthew Monsein and seconded by Olson. The board voted all in favor. The motion carried.

## Business

### Overview of work group rule drafting process – Alexis Russell, DLI director of legislative affairs

- DLI Director of Legislative Affairs Alexis Russell's update began from where things left off at the most recent MSRB meeting, Oct. 4, 2018. The department met with and/or has received comments from the following professionals or organizations: Minnesota Department of Administration, Dr. Sutherland, city of St. Paul, city of Minneapolis, Dr. Leesa Scott-Morrow, Minnesota American Psychological Association, Minnesota Police and Peace Officers Association (MPPOA), Minnesota Professional Firefighters Association (MPFF), Dr. Michael Keller, the National Alliance on Mental Illness, Minnesota Counties Association and League of Minnesota Cities. Russell stated the department has collected and responded to these comments, point by point.
- Russell reviewed concerns with the post-traumatic stress disorder (PTSD) treatment parameters that were recently presented by MPPOA, MPFF, Rep. Nick Zerwas, Dr. Michael Keller and an attorney who litigates PTSD claims. The concerns generally were that the draft rules are too prescriptive, create too many barriers for first responders and were not specialized enough to the needs of first responders. Additionally, there was concern that the experts who weighed in on the rules through the work group process did not have adequate experience treating first responders. Russell would like to collect more information and insight from the mental health professionals who provide PTSD treatment to the first responder community.
- Leifeld noted the department and MSRB have made every effort to draft the parameters timely, but now that we have received this feedback, it is important to continue to reach out and get direct and specific input that may influence the rule language. Ultimately, we need buy-in from the different interest groups to ensure the language is approved. If there are key parties who strongly oppose the language, the language might not be enacted.
- Laura Zajac stated if there are 100 objections to the draft parameters, the rulemaking will lose expedited status and be required to go through the full rulemaking process.

## Review draft of PTSD treatment parameter rules – Laura Zajac, DLI staff attorney

- Zajac noted the American Psychological Association (Minnesota chapter – MPA) has very recently provided comment about the draft rules and has committed to identifying someone to work with the department and MSRB by attending meetings and answering follow-up questions. She reviewed the substantive changes to the PTSD draft treatment parameters as indicated in the handout. There was discussion of the changes and suggestions offered for refining the language.
- There was board discussion of whether it was appropriate for advanced nurse practitioners to prescribe medications for PTSD and whether more (or fewer) limitations are needed to identify which types of providers may prescribe the medications.
- Board members pointed out MPA might not be familiar with workers' compensation treatment parameters generally. Some of their criticisms would be applicable to any of the treatment parameters already in existence. The board members discussed that they are trying to find a middle ground in terms of how prescriptive to be, to help injured workers get better. There is a balance between flexibility and effective guidelines.
- Ernest Lampe asked if the MSRB would approve the rules as they are, knowing it's not the final draft, so that stakeholders would step up and bring concrete opinions to the department. Monsein made a motion to approve the parameters as tentative rule language, with modifications if necessary. Reed Pollack seconded the motion. Baker noted she had some concerns, because police and fire representatives are saying the rules are not workable. Russell recommended their representatives be given an opportunity to offer specific proposals for their desired edits to the rule language. Leifeld suggested having another meeting next month, so that labor, generally, and the first responder community, specifically, can weigh in with more specificity. After further discussion, Monsein withdrew the motion with the understanding that a December meeting of the PTSD workgroup be scheduled to continue working on the language with additional input from the interested stakeholders.
- Bonsell requested the stakeholders be identified on the comment-and-response document the department prepared. Russell responded, saying yes, this is something that can be done. She noted the comment-and-response document does not include all of the comments received.

## Adjournment: Dr. Baker and board

- Olson made a motion to have the PTSD Work Group meet in December. This was seconded by Monsein. The motion carried and was approved unanimously. Olson suggested the presenters who are invited to the December meeting be informed the board would like to vote in January. Anita Hess will circulate potential dates and schedule the meeting. There was discussion that presenters and interested groups should be encouraged to offer very specific comments and suggested edits to the draft rules.
- Baker thanked everyone for coming. Wolfe moved to adjourn the meeting, which was seconded by Olson. All voted in favor and the motion carried. The meeting adjourned at 5:45 p.m.

**Next meeting dates:** PTSD Workgroup – December date to be determined; MSRB – Jan. 17, April 18, July 18 and Oct. 10, 2019.

Special-meeting minutes: Medical Services Review Board, Nov. 8, 2018