

Meeting Minutes: Rehabilitation Review Panel (RRP)

Date: Jan. 4, 2024

Minutes prepared by: Katrina Namad

Location: Hybrid – Minnesota Room at DLI, 443 Lafayette Road N., St. Paul, MN 55155

Members Present

- Carl Crimmins
- David Dubovich (remote)
- Frank Samlaska
- Matthew Schmidt
- Megan Schueller (remote)
- Mike Anderson
- Monica Cronin
- Richard Hills (remote)
- Rob Otos
- Russell Gelfman
- Sarah Hunter (remote)
- Steven Patton (remote)

Members Absent

- David Frary
- Kate Daly
- Paul Osterbauer
- Richard Zeman

DLI Staff

- April DelCastillo
- Bretta Hines
- Brian Zaidman (remote)
- Carey Wagner
- Chris Leifeld
- Ethan Landy
- Felicia Lee
- Jeanne Vogel (remote)
- Katrina Namad
- Mike Hill
- Nichole Sorenson (remote)

Visitors

- Adam TeBrake (remote)
- Aerika Tori (remote)
- Ames Gascoigne (remote)
- Amy Hunter (remote)
- Ashley Scully
- Danny Gillis (remote)
- Kaylene Kickhafer
- Laura Hokeness
- Michele Sward (remote)
- Mike Otos (remote)
- Sandy Stoddard
- Sarah Kacer (remote)
- Stacie Goodrich (remote)

Agenda items

1. **Call to Order** – Chair Carl Crimmins called the meeting to order at 1:03 p.m. A roll call was taken, and a quorum was met.
2. **Approval of Agenda** – A motion to approve the agenda was made by Schmidt and seconded by Otos. A roll call vote was taken, and the motion carried.

3. Approval previous meeting minutes

- July 6, 2023, draft minutes – A motion to approve the minutes was made by Hunter and seconded by Anderson. A roll call vote was taken, and the motion carried.
- October 5, 2023, draft minutes – A motion to approve the minutes was made by Gelfman and seconded by Anderson. A roll call vote was taken, and the motion carried.

4. DLI Updates – Chris Leifeld on behalf of Assistant Commissioner Kate Daly

- DLI Staff: New agency staff members were introduced including Katrina Namad, Office Administrative Service, Sr., who will be supporting the Workers' Compensation Insurers' Task Force (WCITF), Medical Services Review Board (MSRB) and the Rehabilitation Review Panel (RRP); April DelCastillo, CRT front end supervisor, and CRT compliance supervisor Denise Holmes. Carey Wagner was thanked for her WebEx support of the RRP during the administration transition.
- Legislation updates: Ethan Landy advised the panel of changes to statute 176.135, subd. 7, effective August 1, 2023, regarding charges for copies of electronic medical records. Providers cannot require prepayment of electronic medical records. They can charge a fee of up to \$10 for looking up records and determining they are not available. The new fee schedule was reviewed in detail with discussion. Landy clarified that the revised statute applies to electronic records and that charges for paper copies were not impacted by the legislative change.
- IRS mileage reimbursement: Leifeld advised that the mileage reimbursement rate increased to 67 cents per mile as of January 1, 2024.
- Member appointments and reappointments – Leifeld stated Gelfman had been reappointed as the health care provider representative and described the new alternate appointments of Otos, chiropractor/health care provider/ rehabilitation provider. and Schmidt, employer/insurer representative. Otos and Schmidt introduced themselves and summarized their respective backgrounds.

5. Education – Chris Leifeld

- Leifeld reminded everyone that orientation training for QRC interns, QRC intern supervisors, vendors and QRCs is scheduled on February 9th, at DLI in the Minnesota Room.

6. Rulemaking Update – Ethan Landy

- Landy provided a brief update on the status of the rehabilitation registration update. He noted that Minn. Rule part 5220.0105 needed to be tweaked due to non-substantive changes. The next step in the process will be sending a notice of intent to adopt the rules, which is required for the rules to be published in the State Register. Afterwards it will go to the Office of Administrative Hearings for review. All interested parties, including the Panel members, will receive a GovDelivery email that includes a link to the State Register and other pertinent information for rule changes. Landy expects the notice to go out soon.

7. MASPPR and MARP informational presentation – Laura Hokeness and Kaylene Kickhafer

- **Introductions:**

Laura Hokeness, MASPPR, introduced herself and provided some background on the Minnesota Association of Service Providers in Private Rehabilitation (MASPPR). Hokeness stated MASPPR is a chapter of the National Association of Service Providers in Private Rehab, and a division of the

National Rehabilitation Association. They focus on vocational training to allow for higher quality QRC services. MASPPR's rules do not permit the hiring of a lobbyist but members are involved through their chapter in providing feedback on rehab issues.

Kaylene Kickhafer, Minnesota Association of Rehabilitation Providers (MARP) reported she is the President-elect of MARP. It is a professional organization of QRCs and others who provide services to injured workers in Minnesota. They have about 100 members, mostly QRCs and placement vendors. MARP sponsors one to two conferences a year to update people on what is happening legislatively, help enhance their skills in different aspects, and to encourage camaraderie because they are an isolated industry. MARP's rules permit the hiring of a lobbyist. Hokeness and Kickhafer stated that both groups are working together to make things better for injured workers in Minnesota through the vocational rehabilitation process.

- **Discussion items:**

- Hokeness reported that many QRCs believe injured workers are not returning to suitable employment due to an increase in the number of settlements. After settlements occur it has been observed that the employees are no longer working and/or return to jobs at a lesser wage. Dubovich wondered if there was any feedback from attorneys regarding the cases they are settling; Kickhafer said it does happen occasionally, but it is still hard to know why an employee settles a case, beyond economics. Anderson indicated that after settlement employees are left to apply for social security services, work force services with risk transferred from the insurer to the public sector. The panel discussed different mechanisms to obtain information from employees (i.e., whether efforts should be led by DLI, MARP & MASPPR and/or QRCs) regarding the employee's post-settlement employment, wages, and observations about the process.
- Hokeness requested that DLI look into developing modular training in the areas of transferable skills analysis (TSA), vocational testing, and labor market surveys (LMS) for rehabilitation providers; St. Cloud State and UW Stout, the two local universities that have Masters' programs in Voc Rehab, are willing to work with DLI on the trainings.
- Dubovich asked about the Minnesota RETAIN program and whether participants are former work comp clients who settled their case or never had a QRC.
- Questions arose regarding the goals of the current rulemaking. Landy clarified that the goals of the rulemaking are to make it easier for the vocational rehabilitation community, at large, to understand the rule requirements and to standardize the process regarding registration.

- **Interpreter Service Payments:**

- Kickhafer stated that there was also a recent decision from the Work Comp Court of Appeals regarding payments for interpreter services. QRCs have been instructed to include those costs on their rehabilitation plan. Kickhafer asked if the rehabilitation plan forms could be updated to list interpreter costs separately and mentioned that the R-2 has a checkbox if the client needs an interpreter, but the R-3 does not. MARP/MASPPR would be willing to work with DLI to update R-forms related to interpreter costs.
- The panel discussed interpreting services at a medical appointment versus those used during placement meetings. Hokeness described that if a QRC is at a medical appointment with a client, the interpreter is provided by the medical provider for only the appointment.

Otos said listing interpreter expenses appears to artificially inflate the cost of the rehabilitation plan.

Hokeness said QRCs use interpreter services for vocational counseling meetings; for the rehab consult, job placement meeting, vocational testing, any other service you provide to a client. The panel discussed where on the R-form to list interpreter services. Kickhafer said she puts it under whatever category she needs interpreter services for. But she says they don't even get the bills for the interpreters; those bills generally go to insurers. QRCs arrange the interpreters and use whomever the insurers want them to use or will find someone with their approval. QRCs give billing information to interpreter companies, the same as for physical therapy, so they can bill the insurer directly.

8. Future Agenda items –

- Crimmins wondered if the R-8 form needs to be updated, generally. He also wants to see a study done by the Department to see how the settlements are going, and how the employees are doing, if possible.
 - Dubovich requested an update on the Minnesota RETAIN Program. Schueller will reach out to Dr. Laura Breeher and Samantha Westphal, to see if they will present on RETAIN.
 - Anderson asked about standardization of QRC training going forward and going from a QRC internship program to an apprenticeship program.
- Cronin suggested having a mediator talk with the RRP about case resolutions and settlements. She didn't know who might present; someone private or with DLI.

9. Next meeting – Thursday, April 4, 2024, at 1:00 p.m.

Adjournment

A motion was made by Otos to adjourn, seconded by Anderson. A roll call vote was taken, motion carried. Adjourned at 2:35 p.m.