

Meeting minutes: Rehabilitation Review Panel

Date: July 6, 2023

Minutes prepared by: Mike Hill, acting executive secretary

Location: Hybrid – in person and via Teams

Attendance

RRP members present

Russell Gelfman (chair)

Michael Anderson (vice chair)

Carl Crimmins

Monica Cronin

David Dubovich

Richard Hills

Sarah Hunter

Paul Osterbauer

Steve Patton

Sarah Kacer, alternate

Richard Zeman

Kate Daly

DLI staff members present

Mike Hill

Ethan Landy

Carey Wagner

Chris Leifeld

Nicole Sorenson

Annette Schumer

Brittany Wysokinski

Brian Zaidman

Jeanne Vogel

RRP members absent

Scott Parker

David Frary

Mary Wells

Attendees present

Sandy Stoddard

Anna Donnelly

Terry Henricksen

Stacie Goodrich

Elizabeth Wefel

Steve Hollander

Kaylene Kickhafer

Dave Mickelson

Rob Otos

Ken Moberg

Dawn Voehl

Amy Kockelman

Brittany Polasek-Hovde

Laura Hokeness

Lori Rowe

John Wedl

Deb Rush

Approval of minutes and agenda

- April 6, 2023, meeting minutes approved.
- July 6, 2023, agenda approved.
 - A motion to approve both the April 6, 2023, meeting minutes and the July agenda was made by Carl Crimmins and seconded by Michael Anderson. The motion passed.

Department update – Assistant Commissioner Kate Daly

Legislative session summary – see the [2023 legislative session summary](#)

- The Workers' Compensation Advisory Council (WCAC) proposed a comprehensive bill during the 2023 legislative session. The bill passed the Legislature with unanimous, bipartisan support. It increased permanent partial disability ratings by 40%, made improvements in system efficiency – including in filing claim petitions, the dispute certification process and limiting charges for medical records – and determined a post-traumatic stress disorder (PTSD) study will be conducted on workplace injuries. DLI will administer

the study through contracted services with the University of Minnesota. The study will conclude Aug. 1, 2025.

- Crimmins asked if other states have conducted PTSD studies and wondered how they compared to Minnesota. Brian Zaidman responded that New Hampshire has started a study and the Rand Corporation conducted a recent study about first responder PTSD for the state of California.
- David Dubovich asked what points the Minnesota PTSD study will cover. The Office of General Counsel's Ethan Landy said there are five points covered in the legislation that RRP members are welcome to review and ask him questions afterward.

Education

- **Aug. 25** – an in-person orientation training session will be conducted for new qualified rehabilitation consultant (QRC) interns, QRC intern supervisors, vendors and interested stakeholders. Information is available at dli.mn.gov/business/workers-compensation/wc-training-rehabilitation-providers.
- **Oct. 13** – at the Minnesota Work Comp Forum (see mnworkcompforum.com), Assistant Commissioner Kate Daly will be part of panel discussion, “Present and future work comp legislation.”

Agenda

Vocational rehabilitation return-to-work wage analysis – Brian Zaidman, Research and Statistics

- Zaidman said the analysis is based on injured workers with wage ratios of 80% or less and what was happening with employees returning to work at lower wages. He reviewed the years 2020 to 2022, which revealed 8,100 closed plans with 14% having returned to work at a lesser wage and 64% at the same wage. [Remote participant audio was interrupted for 24 minutes.]
- Crimmins asked if there was a way to tell if the employee returned to the same job with their date of injury (DOI) employer or at the DOI employer at a different job, which might affect their wages. Zaidman reported jobs are not coded in Work Comp Campus; therefore, the information is not available. In a follow-up question, Crimmins noted slide five stated, “The lowest wage earners were least likely to receive temporary partial benefits.” He asked why that was. Zaidman replied that was a good question and could be a topic for a future study.
- Russell Gelfman asked if there was any medical information related to low-wage workers not getting temporary partial disability benefits. Zaidman indicated DLI doesn't collect medical information. However, insurance companies could be contacted because they would have the data.

Schedule 2024 RRP meeting dates – Gelfman and panel

- The next scheduled meetings are Oct. 5, 2023, and Jan. 4, 2024. Crimmins made a motion, seconded by Monica Cronin, for the 2024-2025 meetings to be on April 4, July 11 and Oct. 3, 2024, and then Jan. 9, 2025. The motion passed.

Annual chair and vice chair elections – Gelfman and panel

- Gelfman nominated Crimmins to be elected as chair. This was seconded by Anderson, followed by a vote and passage of the motion.
- Gelfman nominated Anderson to continue as vice chair. This was seconded by Crimmins, followed by a vote and passage of the motion.

Rulemaking update and open forum – Kate Daly, assistant commissioner

- Daly said members of the public, who had previously signed up to speak, would be given three minutes each to discuss their thoughts about the proposed registration rules. Mike Hill was asked to call upon the public speaking list in alphabetical order, with Daly moderating.
- Anna Donnelly, CorVel manager, said she oversees her company's QRC internship program and that CorVel is neutral regarding lowering the internship period to six months or keeping it at one year. She said interns still needed to meet certification requirements of one year of work experience, plus sit for the national certification examination. She reported it may be easier to recruit individuals who are mid-career, telling them they only must do a six-month internship.
- MARP representatives Stacie Goodrich, Steve Hollander and Rob Otos spoke as a group. Hollander said MARP has long commented about proposed rehabilitation rules and would like to see: 1) the internship period be shortened to six months; 2) the prior proposed billable hour service requirement for interns be eliminated; and 3) maintenance of the requirement that interns be CRCC or CDMS nationally certified. MARP believes this will help with the recruitment of individuals to become QRCs. Otherwise, MARP believes the overall proposed rules will benefit the profession. Hollander said he has no experience training interns, but Otos and Goodrich have experience. Otos, Omni vice president, reported being a QRC for 25 years and said that between he and his brother, they have trained 20 interns. He supports the six-month minimum and agrees with Donnelly that most interns will have to work a year to meet the CDMS requirement of working 2,080 hours. Otos said someone in public rehabilitation might be able work through the internship period faster due to their previous experiences. He would like to see the maximum, two-year internship period returned to three years to allow additional time and for interns to pass the CDMS test that is offered two times a year. Goodrich, CompRehab president and current MARP president, agreed it is difficult to find and hire new interns. Goodrich said the title "intern" is not inviting for many people and she would prefer the name "provisional licensure."
- Kaylene Kickhafer, Kickhafer Consulting president and MARP president-elect, reported being a QRC since 1986, which has included training QRC interns and having a firm for 20 years. She agreed there is an intern recruitment problem MARP is looking into. Kickhafer reported having previously submitted her comments and concerns about the proposed rule changes. Both she and her colleagues have concerns about shortening the internship period for the purpose of hiring interns with medical backgrounds. Kickhafer indicated that if the purpose is to attract individuals with no vocational rehabilitation skills to assist injured workers, then beyond medical management, there is a problem. It takes time for medical people to learn the vocational side, just as it takes time for vocational people to learn the medical management side. Kickhafer said everyone has heard or reviewed Zaidman's January and April reports regarding changing outcomes during the past 10 years. She asked if stakeholders are truly satisfied by the trend of moving away from vocational rehabilitation training, which is counter to meeting the goal of Minnesota Statutes 176.102, to restore employees to employment and wages they would have enjoyed without disability? Kickhafer indicated the focus should be on making the intern the best qualified person to provide services to injured workers. It is her opinion the current proposed rules might not accomplish that purpose.

- Dave Mickelson, Mickelson Rehab owner, reported being a QRC since 1988 and said he has trained several QRCs during that time. He said his thoughts mirrored Kickhafer's statement about the goal of Minn. Stat. 176.102, which is vocational and not medical, to get people back to work. Mickelson indicated being a QRC is a very complex job and reducing the internship period, for interns who come from varying backgrounds, isn't going to provide them the necessary skills they need to do their work. Mickelson said interns need to learn how to vocationally do on-site job analysis, transferable-skills analysis, retraining plan writing, job development, job-seeking-skills training, resume development and skills training. His concern is that underqualified QRCs are going to be sent in the field to take care of injured workers.
- Ken Moberg, Moberg Career and Vocational Services owner, said the one-year internship should remain and that loosening the requirements is questionable considering complicated files may be involved. Moberg reported the direction of rehabilitation right now is to operate in a silo. There are both a medical silo and a vocational silo, which need to be merged. Services for injured workers should not just be doing medical management without vocational rehabilitation. New QRCs should be knowledgeable about all rehabilitation services. Having a vendor take over rehabilitation services and the QRC monitoring them, isn't acceptable. Moberg recommend interns have exposure to all the service categories and be able to perform them. He noted PTSD was mentioned earlier in the meeting and that it is not just a medical component. "You can't just have the doctor release the employee and put them into a return-to-work situation where there are stimuli [that] may trigger the PTSD again," Moberg said.
- Dawn Voehl, Voehl Rehabilitation Services owner, reported being a QRC since 1991 and being a strong proponent of the one-year internship because individuals both learn and practice theory. "It's not something that you can learn by reading a textbook. There are so many interns coming in from various backgrounds and educational achievements and there needs to be some type of criteria to show that interns are qualified and able to perform the job in this field," Voehl said. She strongly encouraged continuance of the one-year internship period.
- Gelfman then asked if the panel members had comments. One member said, "Here in Minnesota, we have a comprehensive and well-functioning system with part of that system being vocational rehabilitation services. The vocational piece is more important than medical management." He said QRCs come to the profession with various educational degrees: some having vocational rehabilitation backgrounds; others have nursing backgrounds; and others have occupational therapy backgrounds. He reported being married to a nurse who is also a QRC and said nurses don't receive vocational rehabilitation training so they don't have the skills to provide vocational rehabilitation services. He said there is a need to ensure new interns entering the business know how to function as vocational rehabilitation providers and reducing the internship period isn't going to accomplish that.

Another member reported being a QRC since 1986 and having never worked as a supervisor nor supervised QRC interns. Thinking about the PTSD study, she wondered if there should be a working committee of QRC intern supervisors to make something positive and workable that is satisfactory for everybody in the community and stakeholders.

Another member asked the following questions: Does Minnesota have reciprocity with other states when it comes to QRC rules and regulations? If not, why not? And, if we are going to insist on a competency exam, would interns take classes to fill the void, either in medical or vocational to become the full package?

Another member indicated QRCs are legislatively defined and he didn't believe there were QRCs in other states defined the same as in Minnesota.

Another member asked why there has not been more education provided to make skills uniform? He wondered if it is too costly or something else?

Another member said there are 236 QRCs and 22 QRC interns currently and that recruitment of interns didn't appear to be an issue. She indicated that while new to the QRC field, having become a QRC in 2008, there is a lot to learn because you are required to wear many hats and not just do medical management. She reported it is important to have someone to check your reports and interactions to maintain a high standard and to get people back to work.

This was followed by another member asking if there really were problems recruiting QRC interns with so many interns in the pipeline.

A MARP representative indicated it is hard to recruit and his firm had to use word-of-mouth advertising. He said a title other than "intern" should be used, which makes candidates think the job is no pay or low pay. He further reported there is vocational rehabilitation in other states, but those counselors don't have the same name or duties due to different laws and statutes. The representative gave accolades to Hill and the department because they provide very good training for QRC interns, plus provide training for QRCs every other year. He indicated interns also must study for the national examination and then rely on experienced supervisors to take them to the next level.

Another RRP member said he heard today that half of the speakers want to shorten the intern period and the other half want to keep it at one year. His thought was the term "intern" could be eliminated at six months with the proviso the individual be required to stay with that same employer and not be able to go out on their own after six months. He did not want an ill-prepared person to be moving around to other companies after six months of training.

Finally, another member said the professional rehabilitation groups need to work closer together to develop uniformity and to set a standard to make sure people coming out of their internships are proficient.

- Zaidman said the next workers' compensation system report will be out shortly, indicating the average duration of a rehabilitation plan is 13.8 months and the median was 10.1 months during the period of 2020 to 2022, so a possible consideration when looking at internship length.
- Gelfman asked if there were any other questions before moving on. Kickhafer asked what the next step was with the proposed registration rules. Landy said the rules are still in the drafting and planning stage and that feedback from today's meeting will be reviewed. Pending that action, the next step is to do a formal notice to adopt the rules, with formal comments invited, after which the rules and comments are reviewed by a judge who will provide technical comments. Prior to that, the Department of Labor and Industry (DLI) will then send notice to interested parties through its rehabilitation email notices (visit dli.mn.gov/about-department/news-and-media/sign-news-department-labor-and-industry). That will trigger a 30-day comment period before the department can bring the rules forward to the Office of Administrative Hearings (OAH) for review to determine they are reasonable and necessary. Landy said there have been some

questions about what a dual notice is. He explained this occurs when there are 25 stakeholder requests for a hearing and then a hearing is scheduled with an administrative law judge. Landy also said there has been a lot of feedback the past couple of months and the department is listening. Kacer asked for clarification if there is going to be another draft of the rules developed considering the feedback. Landy said there might be, after the department takes another look at them. Landy said RRP will be notified if there is a change in the proposed rules.

Future agenda Items

- There was a suggestion from the April meeting that Chris Leifeld report to the panel about apprenticeship. Gelfman asked that agenda items be forwarded to new Chair Carl Crimmins or to Hill.

Adjournment

- A motion to adjourn today's meeting was made by Crimmins and seconded by Anderson. Votes were taken and the motion passed. The meeting was adjourned at 2:50 p.m.

Next meeting

Date: Oct. 5, 2023

Time: 1 p.m.

Location: In person at DLI with a remote option