

Meeting minutes: Workers' Compensation Advisory Council

Date: April 10, 2019

Minutes prepared by: Executive secretary to the Workers' Compensation Advisory Council

Location: Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155

Attendance

Members attended

Jason Bartlett (via phone)
Walter Frederickson
Douglas Loon
Bill McCarthy
Ed Reynoso
Robert Ryan
Gary Thaden
Kevin Yakes

Legislative liaisons attended

Representative Mike Sundin
Senator Paul Utke

Visitors attended

Sara Curtis, CorVel
Seamus Dolan – Health Partners
Andrew Essling – MCIT
Patricia Milun – WCCA
Brad Lehto – AFL-CIO
Michael Lewis – WCCA
Gary Westman – Department of Administration
Brandon Miller – MWCA
Dan Wolfe – MN APTA

DLI staff members attended

Sandy Barnes
Kate Berger
David Berry
Pam Carlson
Lorelei Hoyer
Chris Leifeld
Nancy Leppink – commissioner
Brad Morse
Roslyn Robertson – deputy commissioner
Tyrone Spratt
Jessica Stimac
Jeanne Vogel
Brian Zaidman
Laura Zajac

Laura Mundt – Mayo Clinic
Deb Norsten – SFM
Kristen Ohlson – MDCA
Patty Prentice – LMCIT
Tammy Pust – OAH
Lauryn Schothorst – Minnesota Chamber of
Commerce
Jerry Sisk – Mottaz Law
Julie Soderveld – Minnesota IT Services
John Wiatros – Mackinaw

Call to order and roll call

- Commissioner Nancy Leppink called the meeting to order at 10:10 a.m.
- A verbal roll call was taken and a quorum was present.

Approval of the minutes

Leppink asked for approval of the minutes from the most recent Workers' Compensation Advisory Council (WCAC) meeting. Bill McCarthy moved to approve the minutes from the March 6, 2019 meeting, Douglas Loon seconded the motion and all voted in favor to approve the minutes.

Approval of the agenda

Leppink asked for approval of today's agenda. McCarthy made a motion to approve the agenda and it was seconded by Loon. All voted in favor and the agenda was approved.

Announcements

Leppink introduced Roslyn Robertson, the newly appointed deputy commissioner for the Department of Labor and Industry (DLI). Robertson gave a brief introduction and explained she previously worked for DLI for several years and was pleased to be back. She thanked the WCAC members for their time and efforts in providing valuable work to the department and the citizens of the state.

The commissioner announced there is another proposal brought forth by Judge Tammy Pust from the Office of Administrative Hearings (OAH). The commissioner asked Pust to come forward to speak to the WCAC. Pust addressed the WCAC and indicated she provided a memo and summary of the OAH bill. She indicated that since the members have not had time to review the materials, this proposal can wait for the next WCAC meeting.

Loon commented they have the OAH proposals but have not had time to review and discuss. He would like to consider the proposal at a future meeting. He asked Pust that if there are legislative proposals within the bill, the proposal be heard and considered by the WCAC before being considered at the Legislature. Pust said OAH will not seek legislation for the proposal until the WCAC has considered it.

Leppink then withdrew the request of OAH to put its proposal on the agenda for today's meeting. She will ask OAH's proposal be scheduled for the next meeting. She said any critical issues related to OAH in DLI's bill have been resolved based on informal discussions.

Gary Thaden moved to approve the agenda without the proposal submitted by OAH. The motion was seconded and approved by the members.

Agenda items

a. Update about the Workers' Compensation Modernization Program – Brad Morse, program director

Leppink explained the first item on the agenda is a presentation giving an update about the Workers' Compensation Modernization Program (WCMP). This will put a context on the discussion that will follow related to the legislative language that the department is proposing in agenda item b.

The commissioner introduced Brad Morse, WCMP program director, to explain the update and provide the members an opportunity to ask questions. Morse announced the new name of the program is CAMPUS and presented several key benefits to workers and the stakeholders:

- online access;
- a secure method of sending documents;
- a method of sharing data securely; and
- prevention and minimization of claim errors.

Morse explained that the system is being built with user experience at the forefront and implementation is taking a phase-by-phase approach. This method engages stakeholders throughout the process. The system is on track to go "live" by summer 2020, with continuing efforts to make necessary changes and modifications if needed. Morse showed examples of what some of the screens would look like to the users: a registration form; a referral form; and open claim forms.

Morse reviewed the WCMP implementation schedule and explained building-cycles will begin in November. At the end of each 10-week cycle, there will be testing from a business perspective. The system going live is intended for July 2020.

Some questions were posed by WCAC members and discussion followed.

- When completing forms in the system, will the system time-out if left inactive?
 - Morse said each time a form is completed, the form will continue to save unless changes are made. The forms will be saved for 21 days in the system.
- Can there be a notification for users indicating when a form is nearing the deletion stage?
 - The commissioner noted this can be put on the list of user questions.
- Because there are two different systems, CAMPUS and C-Track (the OAH system), will the two be able to work seamlessly for the user experience?
 - Morse answered that in terms of document sharing and data sharing, the two systems will be connected and able to send and receive documents and data.
- Will there be problems with both systems if one of the systems goes down and could this effect someone's benefits?
 - Morse said a problem with one of the systems will not shut down both systems. The risk is that DLI's files or OAH's files will not be complete if something happens to either system. But this risk is always present and the department or OAH would assume that responsibility, as it does currently.

- Does the cost of maintaining two systems outweigh any potential benefits?
 - Each agency has to maintain and cover the costs for their respective system, but no analysis has been done to determine costs of one system versus two.

b. Legislative Proposal – Office of General Counsel

The department's proposed legislative language is for the purpose of changing some terms and some processes; the language is focused on designing the new modernization system. This language was shared in late January with the Workers' Compensation Court of Appeals (WCCA) and OAH to get feedback concerning any language that would be crucial to their agency. DLI received feedback from WCCA and took those suggestions into consideration. OAH responded last evening. The commissioner explained Pust indicated she did not want her comments to preclude the WCAC from considering this proposal today. This legislation was shared with 75 stakeholders last week and DLI has met with several stakeholders, asking for feedback. Based on that input, the draft was distributed to WCAC members last week.

The commissioner introduced Chief General Counsel Jessica Stimac and Kate Berger and Laura Zajac, DLI's Office of General Counsel. The attorneys spoke about the proposed legislative changes to the WCMP. The commissioner noted for the record that this advisory body is being asked to consider the proposal that will amend Minnesota Statutes 176. Because the department's legislative bill has been introduced at the Legislature, this language will amend the already introduced bill.

Two amendments were added to the proposed language distributed on April 4, 2019. They were: Section 7 of 176.2611, subd. 2. Applicability; and Section 8 of 176.2612, subd. 2. Plan and proposal for improvement. (The complete language of the amendments is attached to these minutes.)

The DLI attorneys presented the entire legislative proposal to the WCAC members. This language will be an amendment to the language already introduced at the Legislature. It was added that this amendment would include the department's ability to make the technical changes needed at a later date. This new language would then be distributed to WCAC for review and consideration.

The commissioner asked for a motion to approve the language along with the two amendments. Loon made a motion to approve and McCarthy seconded. The motion was made to approve the proposal from the department. A verbal roll call vote was taken and the motion passed.

A copy of the legislative language and the two related amendments are attached to these minutes.

Other business

The next meeting may address the proposal by OAH. The next proposed dates for the meeting are: April 24, May 1 or May 8. There was discussion about the next date and April 24 was the placeholder. The decision was made to take the discussion off line and further discussion will be made regarding the next meeting.

Adjournment

The meeting adjourned at 12:20 p.m.

Respectfully submitted,
Executive Secretary