

Meeting minutes: Workers' Compensation Advisory Council

Date: Aug. 10, 2022

Minutes prepared by: Alyssa Westergard, executive secretary to the Workers' Compensation Advisory Council

Location: Webex meeting

Attendance

Members attended

Bill Gschwind

Maggie Hobbs

Lauryn Schothorst

Gary Thaden

Brad Lehto

Legislative liaisons attended

Sen. Jason Isaacson

DLI staff members attended

Commissioner Roslyn Robertson

Assistant Commissioner Kate Daly

Deputy Commissioner Nicole Blissenbach

Sonya Herr

Ethan Landy

Gretchen Longbehn

Hared Mah

Josiah Moore

Jessica Stimac

Ann Tart

Carey Wagner

Alyssa Westergard

Lisa Wichterterman

Laura Zajac

Brian Zaidman

Visitors attended

Liam Bieber

Kathy Bray, SFM Mutual Insurance Company

Kyle Brown, Messerli and Kramer

Gary Carlson, League of Minnesota Cities

Joel Carlson

Lynn Carroll, WCRA

Paul Cassidy, Stinson LLP

Tom Coccia

Aaron Cocking
Evan Cordes, Aafedt Forde
Sara Curtis, CorVel
Auntara De, MWCI
Denise Dittrich, Minnesota MSBA
Karen Ebert, MCIT
Andrew Essling, MCIT
Andrea Everling, MWCI
Carla Ferrucci, MAJ
Anne Finn, League of Minnesota Cities
Adam Fowler, Optum
Daniel Greensweig, League of Minnesota Cities
Tiffany Grzybowski, HealthEast
Tiffany Gustin, Minnesota MSBA
Shep Harris, Fredrikson and Byron
Kara Huberty, League of Minnesota Cities
Alison Khan, WCRA

Kate Kittenbrock, MNA
Kim Lewis, Minnesota MSBA
Colin Marsh, Almeida P.A.
Matt Massman, Minnesota Inter-County Association
Andrew Morrison, KMCH Law
Laura Mundt, Mayo Clinic
Paul Nasvik, Minnesota Inter-County Association
Ed Reynoso
Deb Rush
Jerry Sisk, Mottaz Law
Jenny Starr, Office of Administrative Hearings
Jessica Stoeckman, SFM
Sophie Thaden
Lauren Weaver, Stinson LLP
Gary Westman
Adam Wolkoff, Office of Administrative Hearings
Bette Zerwas, North Memorial

Call to order

Commissioner Roslyn Robertson called the meeting to order at 9:12 a.m. A roll call was taken and a quorum was not present.

Meeting minutes and agenda

No vote was taken to approve the Aug. 10 agenda, the April 12 minutes or the June 8 minutes because a quorum was not present.

Agenda items

1. Business and labor proposals for the 2023 legislative session

Commissioner Robertson opened this up to discussion and no topics were raised.

2. Overview of intended proposals for 2023: Minnesota Association for Justice – Jerry Sisk

Jerry Sisk presented proposals from the Minnesota Association for Justice (MAJ). The first proposal involves improving certifying disputes and eliminating delays.

The second proposal presented was the cost of medical records. Sisk said it did not make economic sense to pay several thousand dollars for medical records. There are also usually three parties requesting the same medical records on a claim and the insurance company ends up having to pay costs for all three.

The third proposal was the permanent partial disability (PPD) schedule. MAJ believes the PPD schedule needs to be increased.

3. Overview of intended proposals for 2023: Minnesota Defense Lawyers Association – Evan Cordes

Evan Cordes presented on behalf of the Minnesota Defense Lawyers Association (MDLA). The first proposal from MDLA focuses on claim petitions. MDLA would like the statutory language regarding proof of injury to be more specific, especially with multiple dates of injury. The second proposal relates to allowing a motion to dismiss to be brought on both the merits of the claim petition, as well as on procedural grounds.

MDLA also proposed to change the timeframe to answer a claim petition. MDLA has proposed the timeframe be set to the civil standard, which is 30 days.

MDLA would also like the council to address discontinuances and service of attorney fees.

Other business

Commissioner Robertson announced Burt Johnson's appointment to the council, as well as the reappointments of Gary Thaden and Robert Ryan.

Assistant Commissioner Kate Daly informed the council that DLI is hosting a Workers' Compensation Summit on Tuesday, Sept. 13, 2022, from 7:30 a.m. to 3:30 p.m., at the Heritage Center of Brooklyn Center. Registration is now open on the DLI website. If there are any questions regarding the summit, reach out to Daly directly.

Commissioner Robertson gave an update on the Frontline Worker Pay program, noting that just under 1.2 million people had applied as of the application closing date. Denial notifications will be sent via email Aug. 16 and the appeal window will be Aug. 16 through 31. Robertson commended Deputy Commissioner Nicole Blissenbach for doing an outstanding job of administering the program.

Robertson announced her retirement from DLI, effective Friday, Aug. 12. She introduced Blissenbach, who will serve as temporary commissioner for the remainder of Gov. Tim Walz's first term.

The next WCAC meeting is Sept. 14.

Adjournment

The meeting was adjourned at 10:42 a.m.

Respectfully submitted,
Alyssa Westergard, executive secretary