

**Rehabilitation Review Panel**  
**Meeting minutes**  
**Jan. 24, 2013**

**Voting members present**

Duane Butorac  
Carl Crimmins  
Russell Gelfman  
Michael Hawthorne  
Steven Hollander  
Meg Kasting  
Alissa O'Hara  
Joseph Sweere  
Cally Theisen

**Voting members excused**

Sue Mauren  
Bobbi Pearson  
May Vang

**Nonvoting member excused**

William Martin

**Alternate present**

Laura Jerde  
Don Ostenson  
Anthony Sikich

**Visitors, DLI staff members present**

Sandy Barnes  
Kate Berger  
Kris Eiden, Deputy Commissioner  
Mike Hill  
Chris Leifeld  
Mark McCrea  
Phil Moosbrugger  
Donna Olson  
Ken Peterson, Commissioner  
Carrie Rohling  
Jessica Stimac  
Laura Zajac

**Call to order**

Dr. Joseph Sweere called the meeting to order at 1 p.m. Announcements were read. A quorum was declared.

**Approval of the agenda**

Michael Hawthorne moved to approve the Jan. 24, 2013, meeting agenda and Don Ostenson seconded. All voted in favor. Motion carried.

## **Approval of the minutes**

Alissa O'Hara moved to approve the Oct. 4, 2012, meeting minutes as presented and Carl Crimmins seconded. All voted in favor. Motion carried.

## **Deputy commissioner's update**

- Member/alternate appointments and reappointments – vacancies have been filled, new members/alternates include the following:
  - employer representative, Bobbi Pearson;
  - insurer representative, May Vang;
  - labor representative, Duane Butorac;
  - labor alternate, Anthony Sikich; and
  - employer/insurer alternate, Laura Jerde.
- New members had the opportunity to introduce themselves and give a brief summary of their background information. Deputy Commissioner Kris Eiden congratulated those on their new appointments and all other members on their reappointments.
- 2013 Workers' Compensation Summit: the date has been set for Sept. 12, 2013, at the Crown Plaza Hotel in St. Paul, Minn. It will be a one-day seminar. There will be more details to follow.
- Workers' compensation housekeeping bill: the department will likely have a housekeeping bill. We have not yet presented any proposals to WCAC. Any bill that is approved by WCAC will be brought to the next meeting.

## **Rehabilitation related**

- Settlement study – Commissioner Ken Peterson: Commissioner Peterson announced the most recent study about the settlement process has not been completed but will be brought before the group at the next meeting. There are some concerns that injured workers may feel they are rushed into judgments and settlements. Preliminary results found that more people who settled were dissatisfied with the process than those who went to trial. These are a few things to think about before the next meeting when the commissioner returns to provide a more detailed discussion of DLI's response to the settlement study.
- Workers' Compensation Court of Appeals/PAR decision – Kate Berger and Phil Moosbrugger: a copy of the PAR case was provided to the panel for review. Kate Berger gave an overview of the case, including the allegations and the resulting decision.
  - Specifically, the Workers' Compensation Court of Appeals (WCCA) decided the owner of the firm of PAR was not acting on behalf of the firm such that his activities could be attributed to the firm. Further, WCCA found there was insufficient evidence to determine the owner of the firm (John Richardson) was acting on behalf of PAR and, therefore, the court said the department did not have jurisdiction over his conduct. Berger indicated this was a threshold and deciding issue in the case. She went on to review with the panel the findings and discussion of the court.
  - DLI is currently looking at the rules that apply to rehabilitation providers in light of this decision to see whether there are any areas of confusion or unclear language that could be refined.
  - Panel members discussed the case and its potential implications.
  - A copy of the PAR case is online at [www.workerscomp.state.mn.us/2012/PARInc-09-24-12.html](http://www.workerscomp.state.mn.us/2012/PARInc-09-24-12.html).

- 5217 joint rule with the Medical Services Review Board (MSRB) revision update – Laura Zajac: the Notice of Intent to Adopt Rules Without a Public Hearing and the SONAR were published in the Oct. 29, 2012, *State Register*. The comment period ended Dec. 5, 2012 and, because it is a noncontroversial rule, Zajac received no comments or requests for hearing. The next step will be submitting the rule to the governor’s office for review and Zajac did not anticipate any problems. DLI will coordinate with Dr. Sweere, rules liaison, to sign the Order Adopting Rules. Finally, DLI will submit the rules to the administrative law judge for review and, hopefully, approval. If complete, a copy of the final rules will be provided at the April meeting.
- There was a statute recently passed requiring state agencies, including the board, to report their rulemaking activity to the Legislature. With Dr. Sweere’s permission, this report was submitted by DLI, on behalf of the Rehabilitation Review Panel, by the due date of Jan. 15, 2013.

**Other business**

- Future agenda items: Dr. Sweere reminded the panel members that a summary overview regarding the settlement study statistics will be presented.

**Adjournment**

Crimmins moved to adjourn and Duane Butorac seconded. All approved. Motion carried. Meeting adjourned at 1:51 p.m.

Respectfully submitted,

*Carrie Rohling*

Executive Secretary