

**Rehabilitation Review Panel
Meeting minutes
Oct. 4, 2012**

Voting members present

Scott VanBinsbergen *via* phone
Carl Crimmins
Russell Gelfman
Michael Hawthorne
Steven Hollander
Alissa O'Hara
Cally Theisen

Alternate present

Don Ostenson

Visitors/DLI staff members present

Sandy Barnes
Kris Eiden, DLI Deputy Commissioner
Mike Hill, DLI Business Liaison
Chris Leifeld
Pamela McLaughlin
Deb Norsten, SFM
Brian Zaidman
Laura Zajac

Voting members excused

Meg Kasting
Sue Mauren
Joseph Sweere
Dawn Soleta – *resigned eff. 10/1/12*

Nonvoting member excused

William Martin

Alternate absent

Nellie Munn

Call to order

DLI Business Liaison Mike Hill announced that because the Rehabilitation Review Panel (RRP) Chairman Dr. Joseph Sweere and Co-chairperson Sue Mauren were unable to attend, a chair *pro tem* was needed to conduct today's meeting. Don Ostenson volunteered. The meeting was called to order at 1:09 p.m. Announcements were read. A quorum was declared.

Approval of the Agenda

Michael Hawthorne moved to approve the Oct. 4, 2012, meeting agenda, and Dr. Russell Gelfman seconded. All voted in favor. Motion carried.

Approval of the minutes

Steve Hollander moved to approve the July 26, 2012, meeting minutes as presented, and Cally Theisen seconded. All voted in favor. Motion carried.

Deputy commissioner's update

- DLI's website was revised to make it more user-friendly. A list of frequently used email addresses has been included in member packets.

- New benefit and provider fee levels have increased, effective Oct. 1, 2012. The maximum qualified rehabilitation consultant (QRC) hourly fee was raised to \$96.57 and the maximum job development and placement fee was raised to \$73.31. Those increases pursuant to statute, and increase every year on Oct. 1 by the lower of the increase, are made in the statewide average weekly wage or two percent.
- Member/alternate term expirations – Jan. 7, 2013: Vacancies will be posted by the Secretary of State’s office in November. Members who wish to reapply can complete an application (included in each member’s folder) and mail it to the Secretary of State’s office. To apply directly with the Secretary of State, go to www.sos.state.mn.us, click on the “Open Commissions Appointments” icon and then “Open Appointments Application (Word).” Panel members with terms due to expire are:
 - members Scott VanBinsbergen, Alissa O’Hara and Steve Hollander; and
 - alternates Nellie Munn and Don Ostenson.

Rehabilitation related

- Settlement Study – Brian Zaidman: Brian Zaidman presented information to the panel regarding vocational rehabilitation, specifically with respect to the ratio of vocational rehabilitation costs to indemnity costs and characteristics of cases by return-to-work status. A copy of the presentation is attached to these minutes.

Dr. Russell Gelfman asked what the monetary costs of those obtaining a settlement and not returning to work versus those who complete a plan and Vocational Rehabilitation unit (VRU) costs. Brian Zaidman stated that question is beyond the resources of DLI. However, in DLI’s settlement study of those workers who did not return to work, who had vocational rehabilitation with settlements or decisions and orders, 22 percent of them were working at the time of the survey. At least 22 percent of those surveyed and who were working at the close of vocational rehabilitation, about one-quarter to one-third were not working at time of the survey.

- 5217 Joint Rule with the Medical Services Review Board (MSRB) revision update – Laura Zajac: At the most recent meeting, the RRP approved a version of the rules and adopted a resolution for Dr. Joseph Sweere to work with DLI staff members and the MSRB to move the rulemaking forward. The revisor issued a new draft of the rules; the governor’s office reviewed the rules and the statement of need and reasonableness (SONAR) and indicated there were no objections for DLI and the RRP to move forward. Minnesota Management and Budget reviewed the rules and SONAR and indicated they are of the opinion there would be no fiscal impact on local government. The Office of Administrative Hearings reviewed and approved the plan to give notice of the rules to interested parties.

Dr. Joseph Sweere will then sign the Notice of Intent to Adopt Rules Without a Hearing and the SONAR for publication in the *State Register*, which is expected to be Oct. 29 or the following week, Nov. 5, if there are delays. The public will have at least 30 days to comment (a hearing could be requested or revisions suggested). Comments will be shared with the RRP. Besides the publication in the *State Register*, all registered rehabilitation providers, QRCs, vendors, QRC firms, as well as anyone who signed up on the rulemaking list, email lists or receive DLI’S quarterly newsletter *COMPACT*, will receive a booklet in the mail with

the notice and the rules, with instructions about how to comment. The comment period should end the first week of December.

- A discussion was held regarding whether the RRP should design educational materials for stakeholders to better understand the workers' compensation system. Mike Hill stated DLI's website provides a number of areas for the public to access information. Contained in member packets is a listing of all those website addresses that might help any activity the focus group may want. Deputy Commissioner Kris Eiden added that the department will, at the close of the settlement study, look at any weaknesses identified within the system and may modify or alter the materials and brochures available to stakeholders. Drafts could be made available to the RRP, for assistance and input, particularly about issues relating to rehabilitation.
- The 2013 meeting schedule was reviewed. Dr. Russell Gelfman moved that the July 4 date be changed to July 11. Michael Hawthorne seconded. All approved the 2013 RRP meeting schedule of Jan. 3, April 4, July 11 and Oct. 3.

Other business

- Future agenda items: Steve Hollander noted the settlement study statistics indicated that one year after the settlement approximately 50 percent of employees were not working. This is an alarming number. Don Ostenson would like to see that cases are not blanketly closed after a settlement, to assist the worker getting back to work. The Department of Employment and Economic Development rehabilitation system is available as an option. Dr. Cally Theisen would like to make sure any educational booklet clearly outlines those options.

Adjournment

Steve Hollander moved to adjourn; Carl Crimmins seconded. All approved. Motion carried. Meeting adjourned at 1:45 p.m.

Respectfully submitted,
Pamela McLaughlin
Executive Secretary