

Meeting minutes: Rehabilitation Review Panel

Date: Jan. 7, 2021

Minutes prepared by: Executive secretary of the Rehabilitation Review Panel

Location: Webex meeting

Attendance

Panel members present

Duane Butorac (chairman)
Russell Gelfman (vice chairman)
Roslyn Robertson
Michael Anderson
Monica Cronin
David Dubovich
Richard Hills
David Frary
Scott Parker
Paul Osterbauer
Mary Wells
Carl Crimmins
Ken Askew
Meg Kasting
Steve Patton

Visitors, DLI staff members present

Mike Hill, DLI Compliance, Records and Training
Pam Carlson, DLI Office of Workers' Compensation Ombudsman
Brad Morse, DLI Work Comp Campus
Ethan Landy, DLI Office of General Counsel
Jessica Stimac, DLI Office of General Counsel
Kate Berger, DLI Office of General Counsel
Anna Donnelly, CorVel QRC
Brian Zaidman, DLI Research and Statistics
Katy Truttman, O'Hara and Hunter Consulting
Jenna Bieber, O'Hara and Hunter Consulting
Angie Hunter, O'Hara and Hunter Consulting
Sarah Kacer, QRC
Rob Otos, QRC
Julie Volk, QRC

Call to order

Chairman Duane Butorac called the meeting to order at 1:05 p.m.

Approval of minutes

Butorac asked for a motion to approve the minutes from the Oct. 1, 2020 meeting. A motion was made by Scott Parker and seconded by Ken Askew. A verbal vote was taken and the motion carried to approve the minutes.

Approval of agenda

A motion was made by Parker and seconded by Askew to approve today's agenda. A verbal vote was taken and the motion carried to approve the Jan. 7, 2021, agenda as presented.

Temporary commissioner's update – Roslyn Robertson

Legislation and department updates

Commissioner Roslyn Robertson reported the following department and legislative updates.

- The Department of Labor and Industry (DLI) continues to focus on its delegated areas of the law and remains available to employees and employers to answer questions and give guidance. At the most recent special session of the Legislature, Dec. 13, 2020, DLI's Workers' Compensation Advisory Council's (WCAC's) proposal was passed with some of the provisions directly related to the rehabilitation community. There are links on the DLI website to get the full legislative package.
- Robertson spoke about the 2021 legislative session, which began Jan. 5. She indicated DLI has a very modest legislative package, including Workers' Compensation Modernization Program and other department initiatives, such as apprenticeship, OSHA and child labor law data privacy, and the Construction Codes and Licensing Division advisory group. The workers' compensation initiative will have to be approved by WCAC and the council is just starting to discuss the potential topics. That group will meet Jan. 13 to begin the discussion.
- Robertson said Work Comp Campus rolled out Nov. 2 and Brad Morse, the WCMP director, would speak about specifics.

Safety announcements

There were no safety announcements.

New Rehabilitation Review Panel member introductions

Robertson introduced Michael Anderson and Monica Cronin as the new Rehabilitation Provider Panel (RRP) members. Anderson and Cronin have been appointed to four-year terms and have replaced Steve Hollander and Alisa O'Hara. Panel member Askew made a note of thanking past members: Hollander for his 24 years of service to RRP; and O'Hara for her 15 years of service to RRP.

Agenda items

1. Work Comp Campus rollout review – Brad Morse, DLI Workers' Compensation Modernization Program (WCMP)

Brad Morse reported the rollout has had both successes and challenges. One challenge was met by working with qualified rehabilitation consultants (QRCs) to re-enter data so rehabilitation files could be uploaded into Work Comp Campus. The Campus staff continues to work with stakeholders who have challenges.

Going forward, Morse suggested those with continuing issues should contact the DLI Workers' Compensation Help Desk, which will create a ticket so the issue gets routed to the correct staff members to be resolved.

Morse said it is yet to be determined whether the system will be a more interactive system or simply enhanced. He indicated that after evaluation of the feedback is completed, more prioritizing will be done.

2. COVID-19 Minnesota workers' compensation claim statistics – Brian Zaidman, DLI Research and Statistics

Brian Zaidman reported that all workers' compensation claims submitted to the department are counted, ignoring lost-time status and acceptance or denial of benefits. He observed that the majority of COVID-19 claims were from hospitals, nursing homes, prisons and meat-processing plants. Furthermore, the majority of types of workers with claims were nursing assistants, registered nurses, correctional officers and food processing workers. Older health care workers have shown a longer disability duration. Zaidman explained that these numbers will likely change as additional information comes in at the end of December and January.

The presentation is attached to these minutes.

3. 2020 WCAC legislation related to rehabilitation – Kate Berger, DLI Office of General Counsel

Kate Berger briefly spoke about amendments to Minnesota Statutes 176, related to implementation of Work Comp Campus in relation to vocational rehabilitation services. The legislation was passed and then signed by Gov. Tim Walz on Dec. 16.

The presentation is attached to these minutes.

4. Professional conduct complaint outcomes – Mike Hill, DLI Compliance, Records and Training

Mike Hill presented the outcome of complaints regarding rehabilitation providers for 2020. He explained the various outcomes possible after a complaint is filed with DLI. For 2020, there were on four complaints – two

of which were unsubstantiated, one that received a letter of instruction and one that received a stipulated agreement. The goal of professional conduct investigations is to correct any errant behaviors and to educate the providers.

The outcomes table is attached to these minutes.

5. Data security and transmittal of injured worker – Mike Hill, DLI Compliance, Records and Training

Hill explained the data security and privacy regulations in relation to the protection of employee records and information under Minnesota Rules 5220.1802, subpart 5. He noted this law applies to rehabilitation providers to see that data security and privacy is maintained, which includes the electronic transmission of private employee information. The rule does not apply to insurers, attorneys or injured workers nor DLI staff members. "Data privacy" protects data while "data security" is the actual practice to ensure private data is kept out of the hands of those not entitled to see it. A workers' compensation claim is considered private data and care must be taken with how registered rehabilitation providers transmit related information to the parties.

Askew reported there had been push back from insurers and attorneys regarding the receipt of encrypted email, including not listing injured workers' names or worker identification (WID) numbers in email subject lines.

Hill reminded the panel about alternative methods of providing the parties private information, including the use of U.S. mail. He encouraged QRCs to have those parties not wanting injured worker information to be secure and private to contact him.

The presentation is attached to these minutes.

Agenda items for the next meeting – Butorac and panel

Askew indicated he would like to further discuss data security and privacy at the April meeting. Butorac asked that panel members with any topics of discussion for the next meeting to contact either him or Hill.

Other

Next meeting date

Butorac announced the next meeting will be April 1, 2021.

Adjournment

A motion was made by Parker and seconded by Meg Kasting to adjourn the meeting. A verbal vote was taken, all voted in favor and the meeting was adjourned at 3:07 p.m.

Respectfully submitted,
Executive secretary to the Rehabilitation Review Panel