

Meeting minutes: Rehabilitation Review Panel

Date: April 6, 2023

Minutes prepared by: Acting executive secretary of the Rehabilitation Review Panel

Hybrid meeting: In person and via Webex

Attendance

RRP members present

Russell Gelfman (chair)
Michael Anderson (vice chair)
Carl Crimmins
Monica Cronin
David Dubovich
David Frary
Richard Hills
Sarah Hunter
Paul Osterbauer
Steve Patton
Sarah Kacer, alternate
Mary Wells, alternate
Paul Osterbauer
Megan Schueller
Richard Zeman

DLI staff members present

Mike Hill
Ethan Landy
Carey Wagner
Chris Leifeld
Jeffrey Hendrix
Michelle Doheny
Brittany Wysokinski
Brian Zaidman
Jeanne Vogel
Melissa Parish
Annette Schumer
Nicole Sorenson

Attendees present

Sandy Stoddard
Anna Donnelly
Dannette Hunter
Stacie Goodrich
Deb Rush
Steve Hollander

RRP member absent

Scott Parker

Call to order

Chair Russell Gelfman called the meeting to order at 1:05 p.m. Gelfman read the remote meeting statement and welcomed those attending in person. A verbal roll call was taken by Mike Hill. A quorum was met.

Approval of minutes and agenda

- Approval of Jan. 5, 2023, meeting minutes
- Approval of April 6, 2023, meeting agenda
 - Motion to approve both the Jan. 5, 2023, meeting minutes and April agenda was made by Mary Wells, seconded by Scott Parker. The motion was approved and passed.

Department update – Compliance, Records and Training Director Chris Leifeld

- **Safety announcements – none.**
- **Department of Labor and Industry (DLI) updates**
 - Chris Leifeld told the panel he was filling in for Assistant Commissioner Kate Daly, who had another commitment today.
 - The Workers' Compensation Advisory Council (WCAC) has been actively meeting to listen to proposed changes to workers' compensation laws. The last day of the legislative session is May 22.
 - Jeff Hendrix, product manager and user liaison for DLI's Business Technology Office (BTO), was introduced. Hendrix described his position as bridging Work Comp Campus with Minnesota IT Services (MNIT) and stakeholder end-product users. His focus with respect to Campus will be to make it operational, functional, usable and enjoyable.
 - BTO is in the process of hiring additional staff members, including: a business resource user; a training and documentation specialist; and an additional data staff member. Hendrix reported a Campus survey was sent to all stakeholders regarding their use of Campus. The results of the survey are expected before the end of April.

Agenda items

- 1. Workers' compensation system report: Vocational rehabilitation – Brian Zaidman, DLI Research and Statistics**
 - Brian Zaidman reported workers' compensation costs have dropped 15% since 2017 and continue to decline, including medical costs, which dropped by a couple of percentage points. With respect to COVID-19 claims, most claims were indemnity only, with the highest number of cases centered around hospitals, nursing homes and correctional facilities. Of the 28,617 paid COVID-19 claims in 2020 through 2021, only 65 individuals required statutory rehabilitation services.
 - The number of months, post injury, to receive vocational rehabilitation services dropped from 5.4 months to a mean of 5.0 months in 2021. This lower mean has not been seen since 2017.
 - Successful completion of rehabilitation plans continues to decline. Settlements increased in 2022 to 34% and, for all settled rehabilitation, 75% of the plans reflected injured workers without employment. Medical management service costs account for 69% of all rehabilitation plan costs. However, overall rehabilitation plan costs continue to decline as noted by job search costs, which dropped by 50% from 2020 to 2022.
 - Michael Anderson asked if there was a breakdown on the groups of injured workers returning to work with respect to whether they were high- or low-wage earners. Zaidman said a breakdown had not been done and he would have to research to provide an answer.
- 2. Rulemaking update – Ethan Landy, DLI Office of General Counsel**
 - Ethan Landy reminded the panel members the initial July 2022 and revised January 2023 drafts of the proposed rehabilitation registration rules were provided to the member and posted on the department's website. A GovDelivery bulletin was also sent to interested stakeholders and an article

was placed in DLI's March 2023 *COMPACT* newsletter, DLI's quarterly newsletter for workers' compensation professionals.

- Landy reminded the panel that because of the open meeting law, any direct comments received from the public about proposed rehabilitation rules should only be discussed among members at Rehabilitation Review Panel (RRP) meetings.
- He indicated recent public comments expressed concern about the minimum six-month internship period. Landy said the internship period goes up to 24 months, should the intern supervisor feel extra training is necessary or time is required to obtain a certification. And, as in the past, the responsibility lies with the intern supervisor who attests when the intern is competent to work as a full qualified rehabilitation consultant (QRC).
- Concerns were also expressed about non-trained individuals administering vocational tests with injured workers. Landy said it has always been a QRC's responsibility to determine who does testing with injured workers, so the concern is moot. And, with respect to QRC firm storage of vendor files when cases have been closed, Landy reported vendor firms going out of business have had no place for their files to be stored. The rule allows for injured workers' files to be kept in one place and should not be a burden to QRC firms.
- Landy reported RRP does not usually offer public feedback. However, DLI continues to accept feedback about the proposed rules by comments sent to the rulemaking email address, to him or to Hill. The proposed registration rules will be reviewed again at the July RRP meeting.
- There were several questions and answers which are summarized below.
 - Landy reported a notice of intent to adopt the rehabilitation registration rules will not happen before the July RRP meeting. He indicated DLI had lowered the intern training period to six months to eliminate several barriers for experienced interns entering the field. It was confirmed QRC intern supervisors still needed to attest interns were ready to become full QRCs. Landy also confirmed stakeholders, including attorneys and larger QRC firms, had commented about the proposed rules. With respect to fees earned, QRC firms would be able to charge insurers higher fees sooner due to the shortened internship period.
 - In response to the questions about the breakdown of vocational rehabilitation versus medical backgrounds of interns entering the field, and the current number of full QRCs versus QRC interns, Hill will follow-up with DLI Rehabilitation Registration Specialist JoAnn Jacobson for an answer. Some panel members stated a six-month internship period does not provide enough essential skills-training and asked if an apprenticeship program, such as unions do, should be instituted to confirm they have the necessary skills. And, there was no reason to change the minimum intern training period to six months if the skill requirements to be a QRC are not changed. Another stated the period to be an intern should only be changed if an intern competency exam is required.
 - Landy confirmed there is no DLI intern examination. The chair reminded the panel the head of DLI's apprenticeship program had presented to RRP some years ago. He thought there would be value inviting the apprenticeship program to the next RRP meeting to discuss apprenticeship requirements. Leifeld stated he will follow-up on the chair's suggestion.

Future agenda items for discussion - Gelfman

- A. Zaidman to determine which groups of people are returning to work at a lesser average weekly wage (high earner versus low earner).
- B. Leifeld to report to the panel about apprenticeship.
- C. Discussion about whether the number of QRCs is still declining and, if so, would apprenticeships address the problem?
- D. Landy to follow-up on the proposed rehabilitation registration rules.

Gelfman indicated additional topics should be forwarded to he and Hill.

Adjournment – Gelfman and panel

A motion to adjourn today's meeting was made by Carl Crimmins and seconded by Sarah Hunter. Votes were taken and the motion passed. The meeting was adjourned at 2:45 p.m.

Next meeting dates

The next meeting dates are **July 6** and Oct. 6, 2023; and Jan. 4, 2024.

If you have questions, contact Mike Hill at 651-284-5153 or mike.hill@state.mn.us.

Respectfully submitted,

Mike Hill

RRP acting executive secretary