

Meeting minutes: Rehabilitation Review Panel

Date: Oct. 1, 2020

Minutes prepared by: Executive secretary of the Rehabilitation Review Panel

Location: Online, via Webex

Attendance

RRP members present

Duane Butorac (chairman)
Russell Gelfman (vice chairman)
Roslyn Robertson
David Dubovich
Richard Hills
Steve Hollander
David Frary
Scott Parker
Alissa O'Hara
Paul Osterbauer
Mary Wells
Carl Crimmins
Ken Askew
Meg Kasting
Steve Patton

Visitors and DLI staff members present

Mike Hill, DLI Compliance, Records and Training
Annie Welch, DLI Projects and Planning
Nancy Zentgraf, DLI Minnesota OSHA Compliance
Pam Carlson, DLI Office of Workers' Compensation Ombudsman
Brad Morse, DLI Workers' Compensation Modernization Program
Ethan Landy, DLI Office of General Counsel
Jessica Stimac, DLI Office of General Counsel
Kate Berger, DLI Office of General Counsel
Anna Donnelly, CorVel

Call to order

Chairman Duane Butorac called the meeting to order at 1:05 p.m. and announced that the roll call and all voting will be verbal because the meeting was via Webex.

Approval of minutes

Butorac asked for a motion to approve the minutes from the July 9, 2020 meeting. A motion was made and seconded to approve the minutes. A verbal vote was taken and the motion carried to approve the minutes.

Approval of agenda

A motion was made and seconded to approve today's agenda. A verbal vote was taken and the motion carried to approve the Oct. 1, 2020 agenda as printed.

Temporary commissioner's update – Roslyn Robertson

Legislation and department updates

DLI Temporary Commissioner Roslyn Robertson reported the following department and legislative updates.

On Aug. 12, the Minnesota Senate took legislative action and voted not to confirm Commissioner Nancy Leppink. Because of that action, Gov. Tim Walz reached out to Deputy Commissioner Robertson and requested that she serve as the temporary commissioner. Since that time, the governor asked Robertson to stay in this position until a permanent commissioner is named. Robertson reaffirmed that the goals of the agency remain the same and Minnesota workers' safety remains one of our main priorities.

The other major update was that the Work Comp Campus go-live date was delayed for 60 days due to stakeholder requests for further training, and confidence in the system and its use. Campus is now committed to go live Nov. 2. In addition, the Department of Labor and Industry (DLI) has developed stakeholder question and answer hour sessions, called Campus Answer Hours. Campus Answer Hours are opportunities for stakeholders to call in to DLI to learn more about how the system will work and to discuss concerns or questions. Robertson said the feedback has been very positive regarding this change.

Workers' Compensation Modernization Program (WCMP) Program Manager Brad Morse will give a detailed update about WCMP progress today. With respect to Campus training for rehabilitation provider stakeholders, Mike Hill will be involved.

Also, the new maximum rehabilitation provider fees as of Oct. 1, 2020, for qualified rehabilitation consultants (QRCs) will be \$112.53 and \$90.13 for job placement and development. And DLI's workers' compensation system report has just been published and is available at www.dli.mn.gov/sites/default/files/pdf/wcfact18.pdf; members may find the section about vocational rehabilitation interesting. Lastly, after the meeting Executive Secretary Patricia Rutz will provide panel members with the downloadable "Board member of legal issues manual," prepared by the attorney general's office, which will be useful.

Safety announcements

There were no safety announcements.

Agenda items

Minnesota OSHA (MNOSHA): Worker protection related to COVID-19 – Nancy Zentgraf, DLI MNOSHA

Nancy Zentgraf, MNOSHA Compliance, spoke about worker protection in the workplace, relative to the COVID-19 pandemic. She discussed resources on DLI's website and said the MNOSHA Workplace Safety Consultation office is available for advice. DLI is hoping to share these resources with employers and employees because there are templates and guidelines available to view and use by the public. The "Worker protections during

COVID-19" video is available at www.youtube.com/watch?v=DkGkXXwvtm0&feature=youtu.be. Zentgraf said anyone who has questions, after watching the video, can call her at 651-284-5571.

Workers' Compensation Division Help Desk – Annie Welch, DLI Projects and Planning

Annie Welch, DLI Projects and Planning, spoke about the new Workers' Compensation Division Help Desk. She gave some examples of what has been done and how the newly created help desk can resolve workers'-compensation-related questions and issues. Since the DLI phone tree has been rearranged, the department's goal is to provide a live person so questions can be answered within 24 hours. Welch explained that by building up the knowledge base of the staff, these goals are reachable. Three individuals were newly hired and two additional team members were added to staff the help desk.

Welch showed a slide presentation that discussed how each type of request is handled, either internally or referred to other divisions or even other agencies. A handout explaining those requirements is attached to these minutes.

Campus rollout review – Brad Morse, DLI WCMP

Brad Morse, DLI WCMP, said there were some technology details that needed more development before Campus would go live. Some key stakeholders needed additional training because of COVID-19 issues causing delays. Survey feedback from rehabilitation providers asked for further training and a slower pace. There were also some instances of difficulty in the filing of forms and signing in to Campus. A general theme of "more training" came through from the rehabilitation provider community.

Training for external stakeholders will be during the last weeks in October. A handout explaining the Campus update is attached.

Agenda items for next meeting – Butorac and panel

Butorac asked that panel members with any topics of discussion for the next meeting contact either him or Hill. Carl Crimmins asked about COVID-19 workers' compensation claims. He requested additional information about how these claims are being handled by the department. Butorac also said he has heard that COVID-19 workers' compensation claims from meatpacking companies have been denied or are still pending. Hill responded that Brian Zaidman, DLI Research and Statistics, is scheduled to speak at the Rehabilitation Review Panel (RRP) meeting in January to address those questions.

Alissa O'Hara asked about vacancies on RRP. Hill addressed the group and said there are several RRP openings that will be available in January 2021. He encouraged panel members or members of the public who are interested to go to the Secretary of State's website to apply:

<https://commissionsandappointments.sos.state.mn.us/Agency/Details/137>.

O'Hara asked that the data privacy rule, specifically Minnesota Rules 5220.1802, subpart 5, regarding communications with health care providers about an employee, be addressed by the panel. She explained there are questions from QRCs indicating they feel the rule is vague. O'Hara asked the department to explain how this rule is applied. Butorac asked that this issue be added to the agenda for the next meeting.

Other

Next meeting date

Chairman Butorac announced the next meeting date will be Jan. 7, 2021.

Adjournment

A motion was made and seconded to adjourn the meeting. A verbal vote was taken, all voted in favor and the meeting was adjourned at 2:20 p.m.

Respectfully submitted,
Executive secretary to the Rehabilitation Review Panel