

Meeting minutes: Rehabilitation Review Panel

Date: Oct. 5, 2023

Minutes prepared by: Mike Hill, acting executive secretary

Location: In-person meeting with option to attend by Teams

Attendance

RRP members present

Carl Crimmins (chair)
Michael Anderson (vice chair)
Kate Daly
Monica Cronin
David Dubovich
Richard Hills
Kate Daly
Paul Osterbauer
Scott Parker
Mary Wells, alternate
Sarah Kacer, alternate
Richard Zeman
Russell Gelfman
David Frary

DLI staff members present

Mike Hill
Ethan Landy
Carey Wagner
Chris Leifeld
Erin Larsen
Annette Schumer
Carrie Rohling
Brian Zaidman
Jeanne Vogel
Tracey Haskin
Leslie Philmon

Attendees present

Sandy Stoddard
Anna Donnelly
Steve Hollander
Stacie Goodrich
Kaylene Kickhafer

RRP members absent

Sarah Hunter
Steve Patton
Megan Schuller

Chair comments

- Chair Carl Crimmins thanked Dr. Russell Gelfman for his past service as chair of the Rehabilitation Review Panel (RRP).

Approval of minutes and agenda

- July 6, 2023, meeting minutes – approval postponed until next meeting.
- Oct. 5, 2023, agenda – approved.
 - Motion to approve both the July 6, 2023, meeting minutes and an amended Oct. 5, 2023, agenda, due to Business Technology Office Director Michelle Doheny being unable to present due to illness, was made by Gelfman and seconded by Michael Anderson. The survey presentation was previously sent to panel members and posted on the Department of Labor and Industry's (DLI's) website for review. Anyone with questions about the survey may contact Doheny directly. Office of General Counsel's Ethan Landy reported the July minutes had not been reviewed by DLI and requested the motion be

revised to vote on the agenda only. The motion was amended by Paul Osterbauer and seconded by Gelfman to vote on the October agenda only, which was then unanimously passed.

Department update – Assistant Commissioner Kate Daly

DLI update

- **Qualified rehabilitation consultant (QRC) fees effective Oct. 1:** Kate Daly reported that as of Oct. 1, 2023, QRCs may bill up to \$122.97 an hour and vendors may bill up to \$98.48 an hour for services rendered on behalf of injured workers.
- **RRP positions open for application before Jan. 1:** The health care provider position (Gelfman) and the alternate positions for employer/insurer (Mary Wells), chiropractor/health care provider/ rehabilitation provider (Sarah Kacer) and labor (open) are now open for reapplication of panel members and application by the public. Appointment letters will be sent before to the January 2024 meeting.
- **DLI medical consultant update:** Applications for the position closed Sept. 27; DLI is now doing interviews with the hope to fill the position soon.
- **Introduction:** Tracey Haskin, rehabilitation registration specialist in Compliance, Records and Training, was introduced. She was recently hired to handle QRC, QRC intern and vendor registration approval.

Education

- **Oct. 13, Minnesota Work Comp Forum** (see mn.workcompforum.com): The conference will be at the Intercontinental Hotel at the Minneapolis-St. Paul airport. Seats are still available.
- **Feb. 9, 2024:** An in-person orientation training session will be conducted for new QRC interns, QRC intern supervisors, vendors and interested stakeholders at DLI, in the Minnesota Room. Information is available at dli.mn.gov/business/workers-compensation/wc-training-rehabilitation-providers.

Agenda

Apprenticeship – Leslie Philmon, senior field representative, Apprenticeship Division

- Leslie Philmon explained registered apprenticeship is statewide, with the goal of expanding outside of construction and in the building trades, and with a focus on advanced manufacturing, IT, agriculture, health care, accounting and finance diversification of the work force. There are more than 11,000 active apprentices in Minnesota.
- The advantages of apprenticeship include higher employee retention for employers and employer-driven training. Also, employee wages increase as they gain more knowledge and occupations retain and replace knowledge. Veterans may use their GI benefits toward required classwork. Additionally, apprentices working 32 hours a week (full time) are eligible for benefits.
- Apprenticeships require a minimum of 2,000 work hours and last an average of one to three years. Related technical instruction includes classwork and online training of 144 hours a year and 50 hours of safety related training during the apprenticeship. The average wage, in the Twin City area, is \$19.40 an hour.

- In response to panel member questions, Philmon confirmed it may be possible for injured workers to participate in an apprenticeship if employers are willing to hire those individuals; QRCs may find employers offering apprenticeship opportunities by contacting DLI's Apprenticeship Division.
- Scott Parker said there is a significant need for workers in the Rochester, Minnesota, area and employees in the trades can earn \$100,00 annually, so it is a good place for apprenticeship.

Rulemaking update – Kate Daly, assistant commissioner, and Ethan Landy, Office of General Counsel

- Daly said she was contacted by several stakeholders after the July meeting and listened to the feedback at the July meeting, from employers who hire and train QRC interns. It was decided to maintain the 12-month minimum internship in the current rehabilitation rules. Landy reported the draft rule changes are a return to a minimum internship of 12 months and maximum of 36 months. The current rules changes are online at dli.mn.gov/sites/default/files/pdf/RRP-1023-Rulemaking-update.pdf.
- Landy indicated today's goal was to answer any questions or concerns and, after that, to obtain a recommendation from RRP that the department adopt the most recent draft rules and move forward with the approval process. Landy further noted that after adoption of the rules, if the panel was interested in discussing other updates, they could be addressed at a later time. Landy also reported the department is open to feedback from the intern supervisors about how to improve the rules.
- Crimmins asked about interns taking an exam for the completion of their internship to demonstrate their competency to practice as a QRC. Landy said, "there are no [exam] requirements and the proposed rules reflect what is currently in place."
- Anderson indicated the department has been working on the proposed rules for a couple of years and asked why an enhanced internship isn't being considered. Daly reported the department has not said no to that option. If the panel wants to pursue something more, it can bring an initiative forward. Gelfman asked how that would occur and would the department have to do something through rulemaking or is it something that employers would request to explore? Would those options need to include specific training requirements that go beyond what is already in the written rules? Landy said it is important to bring in the people who are most impacted, including recent intern supervisors, and to hear from that group. Kacer brought up the importance of addressing vocational rehabilitation and putting together a working committee with the need for transparency in the process. She noted neither the CDMS nor CRC certification prepare individuals to become a QRC. And, that it is direct work under a QRC supervisor that helps you develop the necessary skills to do the job right.
- Landy said the rehabilitation rules would next go to public comment, along with the department providing comments to an administrative law judge, etc., as required by the legal process. Crimmins said a future working committee should include QRCs, MASPPR and MARP representatives, and some RRP members. Landy, replying to Crimmins, indicated RRP could have three representatives as part of that group.
- A motion was made by Gelfman and seconded by David Dubovich that RRP approve the Oct. 5, 2023, department rule changes and be forwarded to the next step in the process. All present voted in favor of the motion.

Discussion about possible MASPPR and MARP presentation on rehabilitation philosophy – Anderson and panel

- Crimmins asked Anderson to discuss his idea of a joint discussion by MARP and MASPPR so RRP members can understand more about the people doing the actual work.
- Crimmins said a three- to five-minute presentation from each group could be beneficial. Kacer said MASPPR was having its fall conference today and this would be a good topic to bring back to the organization. Kaylene Kickhafer, president of Kickhafer Consulting and MARP president-elect, said she is organizing a MARP and MASPPR committee and would be willing to present about this issue. A meeting of the groups is coming up soon, so the panel's discussion is timely.

Future agenda items

- Crimmins recalled that the department did not have data about why low-wage injured workers did not receive temporary partial disability (TPD) benefits and that insurers would have to provide that information; he asked how the department might obtain that information. Anderson responded to the question reporting DLI's Research and Statistics unit showed that low-wage injured workers typically returned to low-paying jobs; therefore, there was no differences in the date of injury wages and that TPD benefits were not due.
- Crimmins next discussed that the department should consider a possible subcommittee, including QRCs, MASPPR and MARP representatives, and RRP members, to further discuss apprenticeship or current internship. He further asked that Mike Hill contact MASPPR and MARP to invite them to present at the next RRP meeting. Hill asked for further clarification of what exactly the panel would want discussed. Anderson responded he would follow up with individuals to collaborate on what to present. Crimmins thought it would be of value to learn their positions about internship versus apprenticeship and to discuss their respective organizations. He acknowledged each might have a different interpretation and what they might consider as possible training courses.
- Crimmins asked that agenda items be forwarded to him or to Hill.

Adjournment

- A motion to adjourn today's meeting was made by Crimmins and seconded by Anderson. Votes were taken and the motion passed. The meeting was adjourned at 2:50 p.m.

Next meeting

Date: Jan. 4, 2024

Time: 1 p.m.

Location: In person at DLI, with remote option