

Meeting minutes: Rehabilitation Review Panel

Date: Oct. 3, 2024

Minutes prepared by: Katrina Namad

Location: Hybrid – Minnesota Room at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN, and via Webex

Members present

- David Dubovich
- David Frary (remotely)
- Jessica Stimac (remotely)
- Matthew Schmidt (remotely)
- Michael Anderson
- Monica Cronin
- Paul Osterbauer (remotely)
- Richard Hills (remotely)
- Richard Zeman
- Rob Otos (remotely)
- Russell Gelfman
- Sarah Hunter (remotely)
- Scott Parker (remotely)
- Steven Patton (remotely)

Members absent

- Carl Crimmins
- Megan Schueller

DLI staff members present

- April DelCastillo
- Annette Schumer (remotely)
- Bretta Hines
- Brian Mak
- Denise Holmes
- Ethan Landy
- Hared Mah (remotely)
- Jeanne Vogel (remotely)
- Jeff Hendrix
- Joe Lolich
- Jordan Trumbo
- Katrina Namad
- Sarah Monson
- Virginia Prax (remotely)
- Maggie Chen (remotely)

Visitors present

- Amy Hunter (remotely)
- John Connell (remotely)
- Kayleen Kickhafer
- Laura Hokeness
- Stacie Goodrich (remotely)
- Steve Hollander (remotely)
- Tyler Trombley (remotely)

Agenda items

1. **Call to order** – Vice Chair Russell Gelfman called the meeting to order at 1:01 p.m. A roll call was taken and a quorum was met.
2. **Approval of Nov. 3 agenda and July 11, 2024 meeting minutes** – a motion to approve both the agenda and meeting minutes was made by Richard Zeman and seconded by Monica Cronin. A roll call vote was taken and the motion carried.

3. Department of Labor and Industry (DLI) updates – Assistant Commissioner Jessica Stimac

- Work continues with the University of Minnesota (UofM) on the post-traumatic stress disorder (PTSD) study. PTSD claims data was gathered over the summer and there will be stakeholder interviews and a survey sent to stakeholders in the fall. The UofM will give an update about the study to the Workers' Compensation Advisory Council at the Dec. 11 meeting.
- DLI Compliance, Records and Training Director Chris Leifeld retired; interviews to fill his position will be conducted in the coming weeks. We welcome Jordan Trumbo as the new rehabilitation policy specialist. A new medical consultant will be on board the week of Oct. 14. Also, DLI is hiring for a copy file review lead, filling behind longtime employee Tony Galvan. Mike Ireland, a retired compliance services officer, has returned part time and will be focusing on permanent partial disability (PPD), training staff members and creating training modules and resources about PPD.
- The Workers' Compensation Advisory Council will be meeting Oct. 9 and Dec. 11. The meeting in October will include presentations from DLI about Work Comp Campus and the DLI Workers' Compensation System Report, and an overview of the services DLI performs as a department. The meeting in December will include some proposed legislation by workers' compensation stakeholders or DLI.
- The Medical Services Review Board meets Oct. 17. Stimac anticipates good work by the board during the next year, including working on treatment parameters regarding injections.

4. Education – Denise Holmes

- DLI concluded two rehabilitation seminars: the rehabilitation provider and intern orientation Aug. 23; and the rehabilitation provider update Sept. 13. Feedback was that both events were successful. Participants of the rehabilitation provider update have until Friday, Oct. 11 to turn in their attestation and quiz to verify attendance. Also, coming up later this month, DLI will have the 2024 Workers' Compensation Summit Oct. 29 in Bloomington, Minnesota.

5. Training regarding unpaid qualified rehabilitation consultant (QRC) bills – Brian Mak and Denise Holmes

- Brian Mak said the Alternative Dispute Resolution (ADR) unit at DLI can help the rehabilitation community understand services and procedures available to get disputes resolved through the DLI's Workers' Compensation Division (WCD). Three ways the rehabilitation community can reach out to DLI for assistance with unpaid bills are through the help desk, through ADR or, for penalties, through contacting the Compliance, Records and Training (CRT) unit.
- The Workers' Compensation Help Desk, available Monday through Friday, 8 a.m. to 5 p.m., has personnel trained in a variety of topics relating to workers' compensation. Questions beyond the scope of the help desk staff members are referred to the Workers' Compensation Division work units for response.
- ADR can also help to look-up information, make calls and try to get people together in an informal way to get things resolved.
- Mak explained ADR has four main functions: early and informal resolution of disputes; dispute certification; administrative conferences; and mediation.
- Mak also mentioned QRCs do not have to start all over again if there has been an agreement or order to pay. QRCs in that position can get assistance by calling the help desk or ADR. However, if it is past 90 days, a new dispute might need to be filed.
- Denise Holmes said CRT maintains the WCD claim file from opening through post-closure, according to the retention schedule. CRT ensures compliance with the benefit provisions, making sure employees and vendors are being paid timely and in the correct amount in accordance with the

statutes and rules. CRT audits incoming files and, if it has been determined there has been noncompliance, a penalty will be issued. CRT also provides educational outreach to stakeholders.

- Minnesota Rules 5220.1900, Rehabilitation service fees and costs, subpart 1G, provides the timeline and the parameters of rehabilitation bill payments. Payment should be made for all accepted charges no later than 30 days following bill receipt. An insurer may deny all or part of the charge, by stating the specific service charge and the reason it is considered excessive or unreasonable, or by specifying the additional data needed with written notification to the rehabilitation provider. Minnesota Statutes section 176.102 explains what rehabilitation providers can bill for; they cannot bill the injured worker for unpaid rehabilitation services.
- Minnesota Statutes section 176.221 gives CRT the authority to penalize for late rehabilitation bill payment.
- Minnesota Statutes section 176.194 covers prohibited practices. These penalties can be issued in addition to other penalties for the same violation. They are payable to the commissioner and are deposited into the Assigned Risk Safety Account.
- There is a two-page penalty request form online that can be filled in and submitted for consideration of a penalty when there is late payment or nonpayment of a rehabilitation bill. It lists what documents need to be provided for consideration of a penalty. An invoice is needed and some correspondence documenting the date the invoice was submitted to the insurer. This can be submitted via mail to the department or via email to the general email address for the penalty team.

6. Workers' Compensation Summit – Michele Doheny, Business Technology Office

- Michelle Doheny said the Workers' Compensation Summit: Strengthening the Workers' Compensation Community Together will be Tuesday, Oct. 29, 8:30 a.m. to 3:45 p.m., at the Doubletree by Hilton Hotel in Bloomington, Minnesota. It is geared toward all workers' compensation stakeholders: attorneys, employers, insurers, medical providers, rehabilitation providers, employee representatives, public officials and others. There will be a Campus Resource Room people can visit.

7. New rehabilitation policy specialist – Jordan Trumbo

- Jordan Trumbo introduced herself as the new CRT rehabilitation policy specialist. She was previously the policy and quality assurance specialist for the Division of Rehabilitation Services with the Department of Human Services in South Dakota. As part of that role, she was primarily responsible for policy review, improvement, development and quality assurance, including supervision of training specialists and a quality assurance and support specialist. Her team worked together to improve performance measures. Trumbo also supervised the deaf services specialists and helped distribute equipment for deaf people in South Dakota, as well as helped with ASL interpreter services and ASL interpreter registration. She is an adjunct professor at South Dakota State University.

8. Rulemaking update – Ethan Landy, Office of General Counsel

- Landy provided a brief update about the status of the registration rules. The department published the dual notices for the rules in the *State Register* Sept. 23. We are now in the official comment period, where anyone who is interested and would like to make a comment about a specific part of the rules can provide that to the department. The comment period closes at the end of the business day Oct. 23. Comments can be directed to Landy at DLI's Office of General Counsel. If DLI receives 25 comments, there would be a hearing Nov. 19. After this, the rules are reviewed by a judge at the Office of Administrative Hearings.
- Landy also noted recently updated rehabilitation fees. The maximum QRC hourly rate increased to \$126.19 for services provided after Oct. 1. The maximum hourly rate for job development and

placement services was increased to \$101.06. This can be found on the website, as well as in the *COMPACT* newsletter.

9. Workers' Compensation System Report – Hared Mah, Research and Data Analytics

- Hared Mah said he would give an overview of the Workers' Compensation System Report with an emphasis on rehabilitation.
- Indemnity claim cost had been trending downward until COVID-19 claims started in 2020. Indemnity includes temporary total, permanent total, temporary partial disability and permanent partial disability. While there was an increase in claims receiving temporary total disability after 2020, due to COVID-19, temporary total disability has been stable during the past 10 years. This is because the duration of temporary total disability for a COVID-19 claim is, on average, 7.9 weeks, while for non-COVID-19 claims it is 12 weeks. That is up from 11 weeks in 2021.
- Average total disability benefits were stable from 2002 to 2019, but, for COVID-19 claims, the average total disability benefits fell from 2019 to 2022. For non-COVID-19 claims, the total disability benefits increased 13% from 2021 to 2022.
- About 22% of injured workers have vocational rehabilitation services for non-COVID-19 claims. There was a drop in vocational rehabilitation participation around the pandemic, but that is coming back to normal. The average cost of vocational rehabilitation adjusted for wage growth peaked in 2006 but has since fallen. The total cost for vocational rehabilitation stood at about \$46.3 million in 2022. Vocational rehabilitation services accounted for about 2.7% of the overall workers' compensation cost. The proportion of plans closed with completion of services remained between 45% to 50% from 2019 to 2023, while the proportion of plans closed with settlements varied between 26% and 34%.
- Workers are getting vocational rehabilitation services sooner with both the average and mean number of months from injury to the start of rehabilitation decreasing between 2004 and 2023. Vocational rehabilitation has also decreased in duration between 2012 and 2023. Denial rates remain about the same, at about 17%, although there are some fluctuations, with denial rates for non-COVID-19 claims being much higher.

10. QRC access management in Campus – Jeff Hendrix, Business Technology Office

- Feedback was sought from internal and external stakeholders and resulted in three areas of concern for users: complexity of use of the system; overall user experience within the system; and data structuring and associated challenges. To address organization, the Business Technology Office (BTO) deployed a reorganization of the documents tab in Campus that impacted all users across the system and improved the process of finding documents and other claim information. BTO also made an adjustment to the default view on the number of items that show up on a list from 10 to 50.
- BTO has moved to a model of more frequent updates. Instead of doing large quarterly updates, it has been doing smaller releases more frequently. This gets enhancements and fixes out to users more quickly when the work is finished.
- Currently BTO is working on: helping QRCs navigate form entry, population and submittal in Campus; enhancements to the handling of QRCs retiring or moving firms; and making Campus more user-friendly for QRCs. Some of this work includes increasing how long a form can stay in draft format, increasing what can be auto populated and cleaning up the document list and document display.
- There was a suggestion to have QRCs sit down with BTO staff members to discuss what works and what does not work for them; Hendrix said BTO is in the beginning stages of that and plans to follow up when implementation is ready, to make sure it is on the right track before being deployed.

11. Future agenda items – Vice-chair Gelfman and panel

- Micheal Anderson requested a presentation from MARP and MASPPR at the January meeting, to discuss training and standardization.
- Another request was for an update about the PTSD study at the January meeting. Assistant Commissioner Stimac said they are scheduled to present at the Dec. 11 Workers' Compensation Advisory Council meeting, so they should have material to present in January.

12. Next in-person meeting – the next in-person meeting is Thursday, Jan. 9, 2025, at 1 p.m.

Adjournment

A motion to adjourn was made by Paul Osterbauer and seconded by Anderson. A roll call vote was taken and the motion carried. The meeting was adjourned at 3 p.m.