

Meeting minutes: Workers' Compensation Advisory Council

Date: March 26, 2025

Minutes prepared by: Alyssa Westergard, executive secretary to the Workers' Compensation Advisory Council

Location: Department of Labor and Industry, Minnesota Room, 443 Lafayette Road N., St. Paul, MN

Attendance

Members attended

Bill Gschwind
Bob Ryan
Bernie Burnham
Burt Johnson
Colin Beere
David Henrich
Gary Thaden
Hannah Alstead
John Thorson
Lauryn Schothorst
Maggie Hobbs
Matthew Schmidt
Rep. Dave Baker
Sen. Paul Utke

DLI staff members attended

Commissioner Nicole Blissenbach
Assistant Commissioner Jessica Stimac
Alyssa Westergard
Alexis Johnson
April Del Castillo
Bretta Hines
Brian Mak
Brian Zaidman
Denise Holmes
Donna Olson
Ender Kavas
Ethan Landy
Hared Mah
Jeanne Vogel
Joe Lolich
Jon Brothen

Josiah Moore
Karen Kask-Meinke
Ken McGurran
Laura Zajac
Lisa Wichterman
Michael Gray
Michelle Doheny
Nichole Sorenson
Sandy Stoddard
Sharon Benkufsky

Visitors attended

Alison Khan, WCRA
Andrew Morrison, SISF
Andrea Everling, MWCIA
Angie Andresen, SFM
Anna Kim, LMC
Auntara De, MWCIA
Brad Lehto, AFL-CIO
Carla Ferrucci, MNAJ
Carrie Jacobson, Brown and Carlson
Celina Vang, LMC
Esther Yang, LMC
Evan Cordes, WCRA
John Kysylczyn, K Solutions LLC
John Wiatros, Meadowbrook
Jon Boesche, NFIB
Kara Huberty, LMC
Kate Moulton, Allina
Katie Storms, Aafedt
Laura Mundt, Mayo
Lauren Reller, Stinson
Lisa Kuriser, Workers' Compensation Court of Appeals

Mark Freeman, Teplinsky Law Group
Michael Tupy, Hennepin County
Nicole Van Heel, Bauer DB
Rebecca Yang, WCRI
Sarah Groskreutz, WNINS
Shikha Srivastava, WNINS

Steven Hollander, Vocational Rehabilitation
Associates
Suzanna Kennedy, Stinson
Tiffany Grzybowski, HealthEast

Call to order and roll call

Commissioner Nicole Blissenbach called the meeting to order at 2:10 p.m. A roll call was taken and a quorum was present.

Approval of the minutes and agenda

Gary Thaden moved to accept today's agenda and the minutes from Feb. 12, 2025. Bernie Burnham seconded the motion. A roll call vote was taken and the motion carried.

Announcements

Commissioner Blissenbach started by welcoming Reps. Dave Baker and Kaela Berg, who were both recently appointed as legislative liaisons to the council. Baker thanked Commissioner Blissenbach and said he looks forward to working with the council.

Commissioner Blissenbach also noted she spent the morning presenting to Baker's committee at the House of Representatives, as well as the Senate judiciary committee, and that both the Department of Labor and Industry (DLI) budget bill and the DLI policy bill are continuing to move forward.

Assistant Commissioner Jessica Stimac updated the council about the progress of the post-traumatic stress disorder (PTSD) study. She noted the study team is officially done with the data-gathering phase and is starting on data analysis and report drafting.

Assistant Commissioner Stimac then gave an update about staffing at DLI. She mentioned Lisa Wichterman was the new ombudsman and Sharon Benkufsky, who previously split her work between medical policy and compliance, was the new full-time medical policy specialist. Assistant Commissioner Stimac also noted that long-time DLI employees Keith Maurer, Alternative Dispute Resolution, and Jerry Allen, Special Compensation Fund, are retiring in April. Her final staffing update was about the hiring of a temporary compliance officer to help with processing DLI's annual claims for reimbursement. The newly hired employee starts April 9.

Agenda items

1. DLI legislative proposals

Bretta Hines reviewed DLI's revised proposals with the council and pointed out the few small changes that had been made since the previous council meeting. The first change was to Minnesota Statutes 176.011, subdivision 9(17), regarding the definition of an employee for direct support services. Based on feedback from the council, DLI reached out to the revisor's office for input about leading language to better define what direct support services are. The phrase "including any of the following" was added before the sections defining the different statutory areas where direct support services are provided.

Hines noted the original changes to the language had come from working with the Department of Human Services to clarify this section of the statute.

The next section Hines reviewed was Minn. Stat. 176.135. The goal of the changes made here was to expand the definition of a family member to include situations that have come up with a close relation who is not a direct familial relationship. The council had requested more research be done to see if there was a better way to expand the definition that does not use the term “household.” The department could not identify a better term or definition and, therefore, DLI kept the draft language the same as previously presented.

Hines noted a change was made to Minn. Stat. 176.175, where previously DLI had proposed to change the cap from \$1 million to \$5 million. After feedback from the council at the previous meeting, DLI worked with its internal research unit and with WCRA to run numbers and do some additional analysis. The result was that \$10 million had the least amount of impact on injured workers and would provide space for future inflation and rising medical costs.

Hines also noted the department had decided to remove the proposed language in Minn. Stat. section 176.361 for intervenors that related to Minnesota Rules part 1415.1100 and notices to intervenors. However, the language allowing an exception for family members or members of the household providing nursing services to maintain a claim for reimbursement, even if they do not avail themselves of the intervention procedure and file a motion to intervene, was left in.

Hines made note of the effective dates for the proposed changes. Since section 5 addresses entitlement to a benefit, that effective date would have to be dates of injury on or after Oct. 1, 2025. All of the other proposed changes would be effective the date following enactment.

Thaden asked whether the Office of Administrative Hearings (OAH) was aware of the changes to the effective dates. Assistant Commissioner Stimac said she had shared the changes with both OAH and the Workers’ Compensation Court of Appeals and neither had voiced any concerns or issues with the substance of the proposals and that she would verify with both bodies there were no concerns with the proposed effective dates. Thaden then made a motion that the advisory council approve these proposals for their bill this year, that the revisor’s office and staff members be able to make technical changes to the draft and, once the bill gets introduced, that the department provide a copy of the bill to all the advisory council members. Burnham seconded the motion. A roll call vote was taken and the motion carried.

Other business

The next Workers’ Compensation Advisory Council meeting is scheduled for April 9, 2025.

Adjournment

Thaden moved to adjourn the meeting and Burnham seconded. A roll call vote was taken and the meeting was adjourned at 2:32 p.m.

Respectfully submitted,
Alyssa Westergard, executive secretary