

Rehabilitation Review Panel
Oct. 3, 2013
Meeting minutes

RRP members present

Duane Butorac
Carl Crimmins
Dr. Russell Gelfman
Laura Jerde
Meg Kasting – via teleconference
Alissa O’Hara
Bobbi Pearson
Dr. Joseph Sweere
May Vang
Lisa Weed

Alternates excused

Don Ostenson
Anthony Sikich
Mary Wells

Voting members excused

Michael Hawthorne
Steven Hollander
Dr. Calandra Theisen

Nonvoting members excused

William Martin

Visitors, DLI staff members present

Kris Eiden, deputy commissioner
Sonya Herr, executive secretary
Mike Hill, business liaison
Sandy Barnes
Phil Moosbrugger
Francisco Gonzalez
Chris Leifeld

Call to order

Chairman Dr. Joseph Sweere called the meeting to order at 1:05 p.m. Introductions were made. A quorum was met.

Approval of minutes

Alissa O’Hara moved to approve the April 4, 2013, meeting minutes with a revision recommended by Dr. Russell Gelfman regarding the panel’s decision not to make specific recommendations to the department regarding the expansion or clarification of rules about disability case management; Carl Crimmins seconded. All voted in favor. Motion carried.

Approval of agenda

A unanimous decision was made by the panel to approve the agenda as presented.

Deputy commissioner’s update

- Deputy Commissioner Kris Eiden introduced Lisa Weed, as a new panel member representing labor.
- Eiden reported the Settlement Study Advisory Panel met Sept. 4, 2013, to discuss possible improvements to the system and address concerns that showed up in the study. There was extensive discussion and debate regarding the dispute process including: 1) should more targeted information be developed and available to injured workers when the litigation process has begun; 2) should settlements be prohibited, which the group decided was not a good approach to take; and 3) prohibiting the closing of both medical and vocational rehabilitation. An additional proposal that was discussed related to making vocational rehabilitation services available to injured

workers in a manner similar to the Dislocated Worker's Program. Although there was quite a bit of interest in such a program, the main issue is how such a program would be funded.

The initial panel consensus was that targeted information for injured workers about the litigation process would be drafted and shared with the advisory panel for feedback.

Rehabilitation related

Nominations for chair and vice-chair positions

Nominations were sought for the yearly officer positions. Crimmins nominated Sweere as chairman. The panel unanimously voted in favor of Sweere to continue as chairman. Sweere accepted, noting this will be the last year he will accept the position. Duane Butorac volunteered to serve as the vice-chairman. The board unanimously voted in favor of Butorac as vice-chairman.

DLI expansion of ombudsman program to include a new Patient Advocate Pilot Program

DLI Ombudsman Phil Moosbrugger stated that this past session the Minnesota Legislature passed a law requiring the establishment of a patient advocate program. Therefore, a two-year pilot program has been set up to provide information and assistance to injured workers with serious low back injuries so they understand treatment options within the workers' compensation system.

The Patient Advocate Program will not advise injured workers toward a course of treatment, but rather be a source of information enabling them to make informed decisions regarding their medical care.

The program initially will have two primary components, which are outreach and service. The department is in the process of developing a mailing intended for injured workers with serious low back injuries who are considered candidates for surgery. Eiden encouraged everyone to contact qualified rehabilitation consultants (QRCs), insurers, labor representatives, etc. about the patient advocate services to make them aware of the program and ask that they inform the department of known candidates. Moosbrugger reported DLI's website, at www.dli.mn.gov/WC/OmbudsmanPatientAdvocate.asp, offers resources for injured workers, to answer many frequently asked questions and provide links to reputable sources such as the Mayo Clinic. The workers' compensation hotline is listed – 1-800-342-5354 – as well as the direct phone number to DLI's Patient Advocate Francisco Gonzalez – (651) 284-5202.

The pilot program will later be assessed for its benefit.

Revision of rehabilitation forms

Workers' Compensation Supervisor Sandy Barnes stated the most recent legislative session amended Minnesota Statutes 176.102, subd. 5, which limits the number of weeks, as well as the number of hours, a month that "job development services" can be provided, for dates of injury on or after Oct. 1, 2013. Due to that change, the R-2, R-3 and R-8 workers' compensation forms are being modified to differentiate between job placement and job development. A draft R-2 form was provided to the panel for review.

Crimmins inquired about whether the R-2 form was completed by both QRCs and DCMs. He suggested the forms may be a good tool to identify which role was being played. There was a discussion that, while there is a need to distinguish those roles, R-2s and other rehabilitation forms are only used by QRCs and not DCMs.

Other business

- Sweere welcomed Weed to the panel. She informed the panel about her background history, education and career.
- Sweere asked the panel if they would like to keep the next meeting date of Jan. 2, 2014. Butorac moved to reschedule the Jan. 2 meeting for Jan. 23. Several panel members seconded the motion. All voted in favor and the motion was carried.

Agenda items for next meeting

O'Hara indicated Minnesota Statutes 176.106, subd. 3, requires QRCs to provide rehabilitation services through administrative conferences. It is not unusual for medical and rehabilitation conferences to be combined, which extends conference dates two to three months and/or is then referred to the Office of Administrative Hearings. There is no provision for QRC payment for reasonable and necessary services provided during this period. It was requested that the panel review this matter for a possible rule change so QRCs are paid for this mandatory service period.

Adjournment

Sweere moved to adjourn, which was seconded and approved by all members.

Tentative 2014 meeting dates

- Jan. 23 (1 to 3 p.m.)
- April 4
- July 3
- Oct. 2