

**Workers' Compensation Advisory Council
April 4, 2016 – Meeting minutes**

Members attended

Jason Bartlett
Walter Fredrickson
Brad Lehto
Douglas Loon
Robert Lux
Bill McCarthy
Ed Reynoso
Gary Thaden

Visitors attended

Jeremy Estenson – Stinson Leonard Street
James Heer – WCRA
Susanna Kennedy – Stinson Leonard Street
Cody Marks – CorVel
Kim Olson – CorVel
Joe Schindler – MHA
Sophie Thaden
Cam Winton – Minnesota Chamber of Commerce

Nonvoting members attended

Rep. Tim Mahoney
Rep. Tony Albright

DLI staff members attended

Commissioner Ken Peterson
Assistant Commissioner Chris Leifeld
Legislative Liaison John Rajkowski
Jon Brothen
Sonya Herr
Mike Hill
Jessica Stimac
Lisa Wichterman
Laura Zajac

I. Call to order and roll call

Commissioner Ken Peterson called the meeting to order at 9 a.m.

Roll call was taken and a quorum was present.

II. Agenda item

- a. Proposed amendment to HF 2478 and SF 2398

The commissioner introduced and explained the only item on the agenda, a proposed amendment to House File 2478 and Senate File 2398. These are the companion bills for workers' compensation legislation approved by the Workers' Compensation Advisory Council (WCAC) and now respectively on the floor of the Senate and in the House Job Growth and Energy Affordability Policy and Finance Committee. The purpose of the amendment, sent to WCAC members Friday, April 1, is to address an oversight in last year's bill. Last year's bill said hospitals with 26 to 100 beds could no longer charge 100 percent of their usual and customary charges for outpatient care of workers' compensation patients. Instead, they are reimbursed at 85 percent of their usual and customary charges. Reducing outpatient charges was not part of last year's agreement, which was only related to hospital inpatient billing and payment. This amendment changes the language so it addresses only hospital inpatient charges. It would take effect the day following enactment.

Gary Thaden asked if Section 3 could be changed to back-date the proposal. The commissioner explained the legislation cannot be back-dated, but will just go forward from here. Douglas Loon asked if the bill authors are aware this amendment is coming. The commissioner answered yes.

Thaden made a motion to approve this amendment. Bill McCarthy seconded the motion. The council voted to approve the amendment.

(The complete amendment is attached to these minutes as attachment two.)

Update about other business

The commissioner explained the Department of Labor and Industry (DLI) is continuing to work on language with the Ambulatory Surgery Centers (ASCs) and the insurers for the Ambulatory Surgery Centers Payment System (ASCPS). He is hopeful the process can be completed in the next week. However, the final proposal will not be considered for this legislative session, but will be brought before WCAC later for consideration for the 2017 legislative session.

DLI will be rulemaking on hospital outpatient care by the end of May 2016. Staff members have started to put the language together in preparation for this process. At the same time, the commissioner's office will be negotiating with the parties involved to possibly have an agreement. If there is an agreement, rulemaking would not be necessary and the agreement could be addressed by legislation approved by WCAC.

The commissioner announced the April 13, 2016, WCAC meeting will be canceled. The next scheduled meeting is June 8, 2016.

III. Adjournment

Thaden moved to adjourn the meeting and Robert Lux seconded. The motion carried and the meeting was adjourned at 9:10 a.m.

Respectfully submitted,
Patty Rutz
Executive secretary