

Meeting minutes: Workers' Compensation Advisory Council

Date: March 13, 2024

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
Brad Lehto
Burt Johnson
David Henrich
Gary Thaden
John Thorson
Laurn Schothorst
Maggie Hobbs
Matthew Schmidt
Robert Ryan
Rep. Joe McDonald
Sen. Jennifer McEwen

DLI staff members attended

Commissioner Nicole Blissenbach
Assistant Commissioner Jessica Stimac
Alyssa Westergard
Bretta Hines
Brian Zaidman
Carey Wagner
Chris Leifeld
Daniel Becker
Emily Streier
Ethan Landy
Jeanne Vogel
Jennifer Bucholz
Jerrica Walker
Josiah Moore
Karen Kask-Meinke
Keith Rear
Laura Zajac
Lisa Wichterman

Michael Gray
Michelle Doheny
Nicole Kue
Pam Carlson
Sharon Benkufsky
Sonya Herr
Virginia Prax
Yuri Jelokov

Visitors attended

Adam Wolkoff, Office of Administrative Hearings
Alison Khan, Workers' Compensation Reinsurance
Association
Amy Kockelman
Andrea Everling, MWCIA
Andrew Essling, MCIT
Andrew Morrison, SISF
Auntara De, MWCIA
Carla Ferrucci, MAJ
Daniel Dwight, Stinson LLP
Daniel Gillis, Minnesota Senate
Deb Norsten
Jennifer Wolf, MWCIA
Jenny Starr, Office of Administrative Hearings
John Hollick, SFM
John Kysylyczyn, K Solutions LLC
John Wiatros, Mackinaw Administrators
Kara Huberty, LMC
Kate Daly, SFM
Kate Moulton, Allina
Katie Storms, MDLA/Lind Jensen
Laura Mundt, Mayo
Mark Arrington, SFM

Mark Freeman, Teplinsky Law Group
Michael Tupy
Nadya Armolich, Meuser Law
Peter Lindquist, SFM

Ryan Jirak, SFM
Steven Hollander, Vocational Rehabilitation
Associates

Call to order and roll call

Commissioner Nicole Blissenbach called the meeting to order at 9:41 a.m. A roll call was taken and a quorum was present.

Approval of the minutes and agenda

Lauryn Schothorst moved to accept today's agenda and the minutes from Feb. 21, 2024. Gary Thaden seconded the motion. A vote was taken and the motion carried.

Announcements

Commissioner Blissenbach introduced Assistant Commissioner Jessica Stimac to the council and gave a brief overview of her previous experience at the Department of Labor and Industry (DLI).

Assistant Commissioner Stimac gave a brief history of her background in workers' compensation and expressed her excitement for her new role and working with the council.

Agenda items

1. Presentation and vote on proposal – Commissioner Blissenbach and DLI Office of General Council

Ethan Landy gave an overview of the proposals already voted on and approved by the council. He then went on to present the proposal being brought before the council for a vote today.

- Section 1 contains a change to Minnesota Statutes 176.011, subdivision 18, related to average weekly wage (AWW) and how it is calculated for agricultural workers.
- Section 2 relates to Minn. Stat. 176.081, subd. 1, about attorney's fees, changing the language for maximum permissible fee for legal services from the first 20% of \$130,000 of compensation awarded to the employee to the first 20% of \$275,000. Also, there are then changes to make the amounts congruent throughout the section.
- Section 3 relates to Minn. Stat. 176.101, subd. 1, and increases the maximum weekly compensation payable to 108% of the statewide average weekly wage for dates of injury on or after Oct. 1, 2024.
- Section 4 relates to Minn. Stat. 176.102, subd. 13, about discontinuance of vocational rehabilitation payments. Language has been added stating the employer or insurer may not discontinue payment of rehabilitation services after acceptance of an approved rehabilitation plan until notice has been properly filed and served; the language also specifies the information that must be included on said notice.
- Section 5 relates to Minn. Stat. 176.135, subd. 7. Language has been added to clarify that the electronic medical record requirements apply to a medical provider or their agent and allowing penalties to be assessed for not complying with this section of the statute.

- Section 6 relates to remodeling awards under Minn. Stat. 176.137. Language has been added to include in the dollar limit the cost of obtaining approval by a certified building official or certified accessibility specialist, and the limit has been increased from \$75,000 to \$150,000.
- Section 7 amends various subdivisions in Minn. Stat. 176.238, primarily to add language to clarify when the statute applies to the employer or insurer throughout the statute. Subdivision 10 also includes an increase in the amount of the penalty from \$1,000 to \$2,500.
- Section 8 relates to Minn. Stat. 176.321, subd. 1, and Minn. Stat. 176.341, subd. 6. The deadline to file an answer to a claim petition is increased to 30 days in both parts.

Members of the council asked clarifying questions regarding the proposed changes. After the discussion, one additional clarifying change was made to section 7 of the proposal, adding an additional reference to employer or insurer. Commissioner Blissenbach asked for a motion to approve the proposal as amended, with the ability for DLI to account for technical changes that are made in the drafting process by the revisor's office, and a copy then being distributed to the members of the council. Brad Lehto made a motion to approve and Schothorst seconded. A vote was taken and the motion carried.

Commissioner Blissenbach thanked the council and stakeholders for their work and contributions to the proposals.

Other business

The next Workers' Compensation Advisory Council meeting is tentatively scheduled for April 10, 2024.

Adjournment

Bob Ryan moved to adjourn the meeting and Thaden seconded the motion. A roll call vote was taken and the meeting adjourned at 10:52 a.m.

Respectfully submitted,
Alyssa Westergard, executive secretary