

**Proposed Agenda**  
**WORKERS' COMPENSATION ADVISORY COUNCIL**  
Thursday, July 9, 2026, 1:30 p.m. CDT

Missouri River Place, Sharpe Conference Room, 123 W. Missouri, Pierre, SD 57501

Option: **Microsoft Teams**  
Meeting ID: 244 157 313 57469 Passcode p5Zs2D8Q

**Dial in by phone:**  
Conference Call Number: +1 605-679-7263,974388477  
ID: 495 843 196#

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|--|-----------------------------|
| A. Call to Order   | Chair Mulder                |
| B. Roll Call   | Darcy Sorenson              |
| C. Approval of October 28, 2025, Meeting Minutes         | ACTION                      |
| D. Public Comment  |                             |
| E. SBSU Workers' Compensation Committee Proposed Changes | Jami Bishop<br>Justin Smith |
| F. SDSU OSHA Program Report                              | Gregory DeRynck             |
| G. Director's Update                                     | Jerry McCabe                |
| H. Next meeting date                                     |                             |
| I. Adjourn   |                             |

**Meeting Minutes**  
**WORKERS' COMPENSATION ADVISORY COUNCIL**  
Microsoft Teams and Conference Call  
October 28, 2025 1:30 p.m. CDT

**Members Present:** Marcia Hultman, Amber Mulder, Jeff Kjensted, Kate Lukkes, Susan Peterson, Michael Plank, and Taya Runyan

**Member Absent:** Jason Dodson and Kory Rawstern

**Others Present:** Doug Abraham, Riley Bennett, Dawn Dovre, Larry Deiter, Isabel Hernandez, Frank Marnell, Patsy Mehlhaff, Jerry McCabe, Robert Moss, Dan Nelson, Jon Sinclair, Justin Smith, Susan Schulte, Darcy Sorenson, and Mark Willadsen

Prior to the meeting starting Secretary Hultman announced Amber Mulder would be serving as the new chair of the advisory council. Chair Mulder called the meeting to order at 1:30 CDT.

Darcy Sorenson called the roll. A quorum was present.

Kate Lukkes made a motion to approve the meeting minutes of the August 14, 2025, meeting. Jeff Kjensted seconded the motion. **MOTION PASSED.**

Chair Mulder opened the floor for public comment. No comment was offered.

Susan Schulte, National Council on Compensation Insurance Department of Labor Relations Executive, presented the Medical Data Report for the service year 2024. Schulte reviewed payments made for various items and compared South Dakota with the rest of the United States.

Chair Mulder reopened the floor for public comment due to the late arrival of some participants. No comment was offered.

Jerry McCabe presented the draft annual report.

Michael Plank made a motion to approve the annual report. The motion was not seconded, and action was delayed until the end of the meeting to complete the contents of the report before adoption.

McCabe updated the advisory council on the current administrative rulemaking process. He noted the medical fee schedule had been updated consistent with the prior request from Avera last year, including moving from the 2020 Relative Values for Physicians to the 2025 version, and that the rules had been filed with the Secretary of State and would be provisionally effective 20 days following filing.

McCabe stated that in the most recent legislative session, a bill was passed that required all boards and commissions to review the South Dakota Attorney General's Office open

meetings law guidance annually. McCabe outlined the open meetings law and shared the direct link to the South Dakota Attorney General's Office open meetings law guidance, which was in the packet for the meeting. There was a pause to allow time for the advisory council to review and ask any questions.

Susan Peterson made a motion to acknowledge the South Dakota Attorney General's Office's open meetings law guidance. Taya Runyan seconded the motion. **MOTION PASSED.**

Plank made a motion to approve the annual report. Runyan seconded the motion. **MOTION PASSED.**

The next meeting is tentatively set to be held in July 2026, with the final date to be determined.

Chair Mulder declared the meeting adjourned. The advisory council adjourned the meeting at 2:06 p.m. CDT.

DRAFT



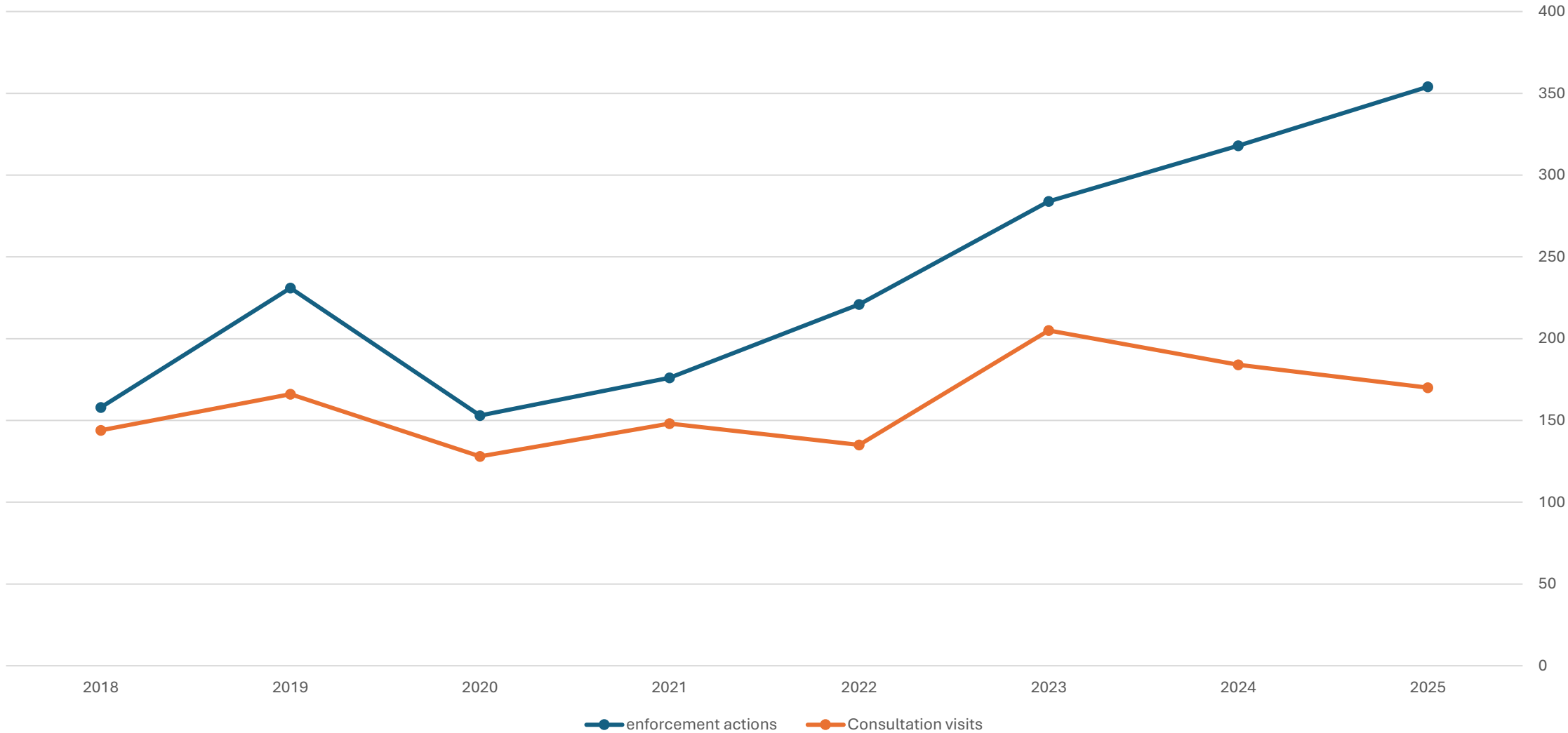
**SOUTH DAKOTA  
STATE UNIVERSITY**

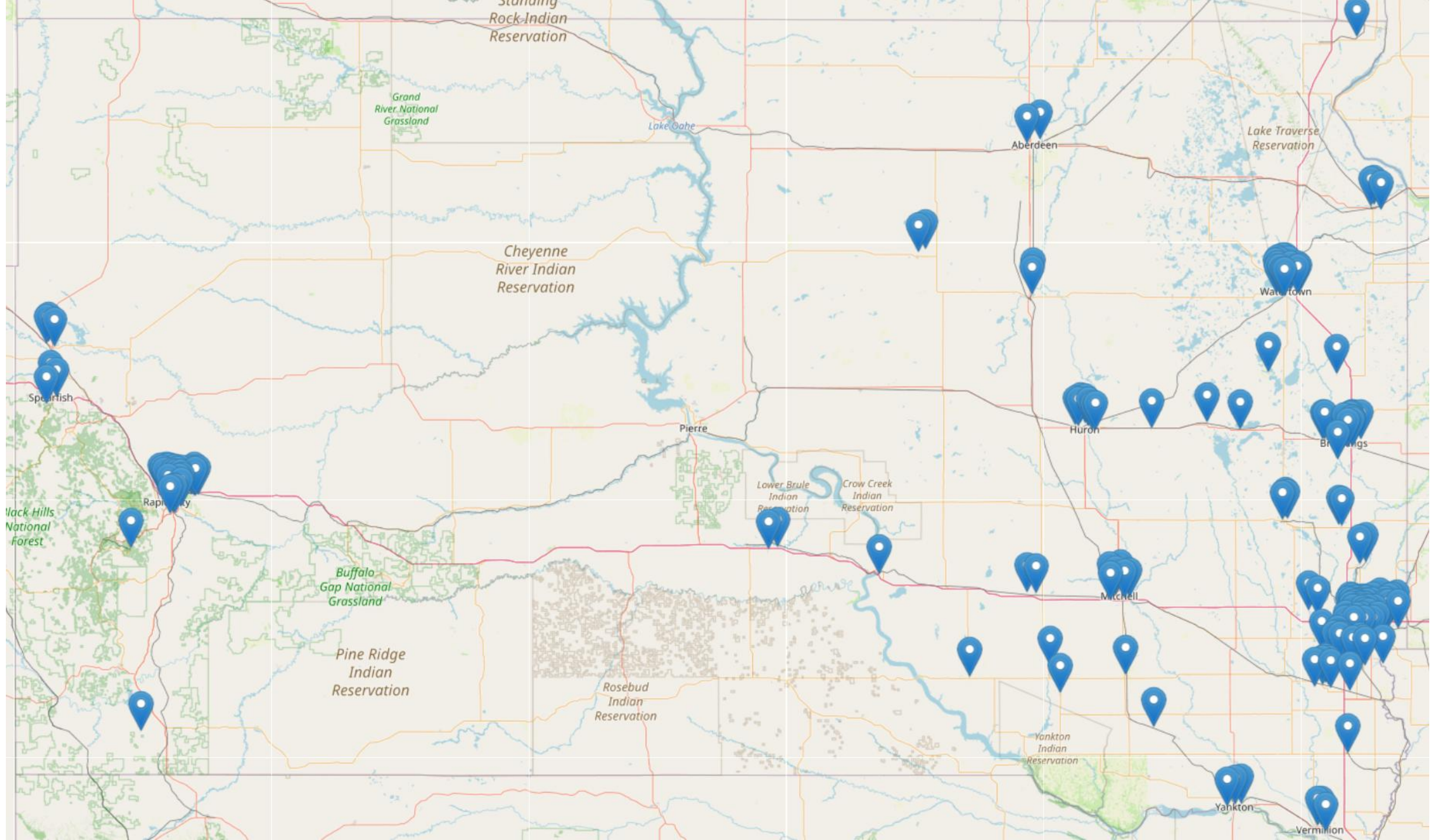
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***Engineering Safety  
and Health Services***

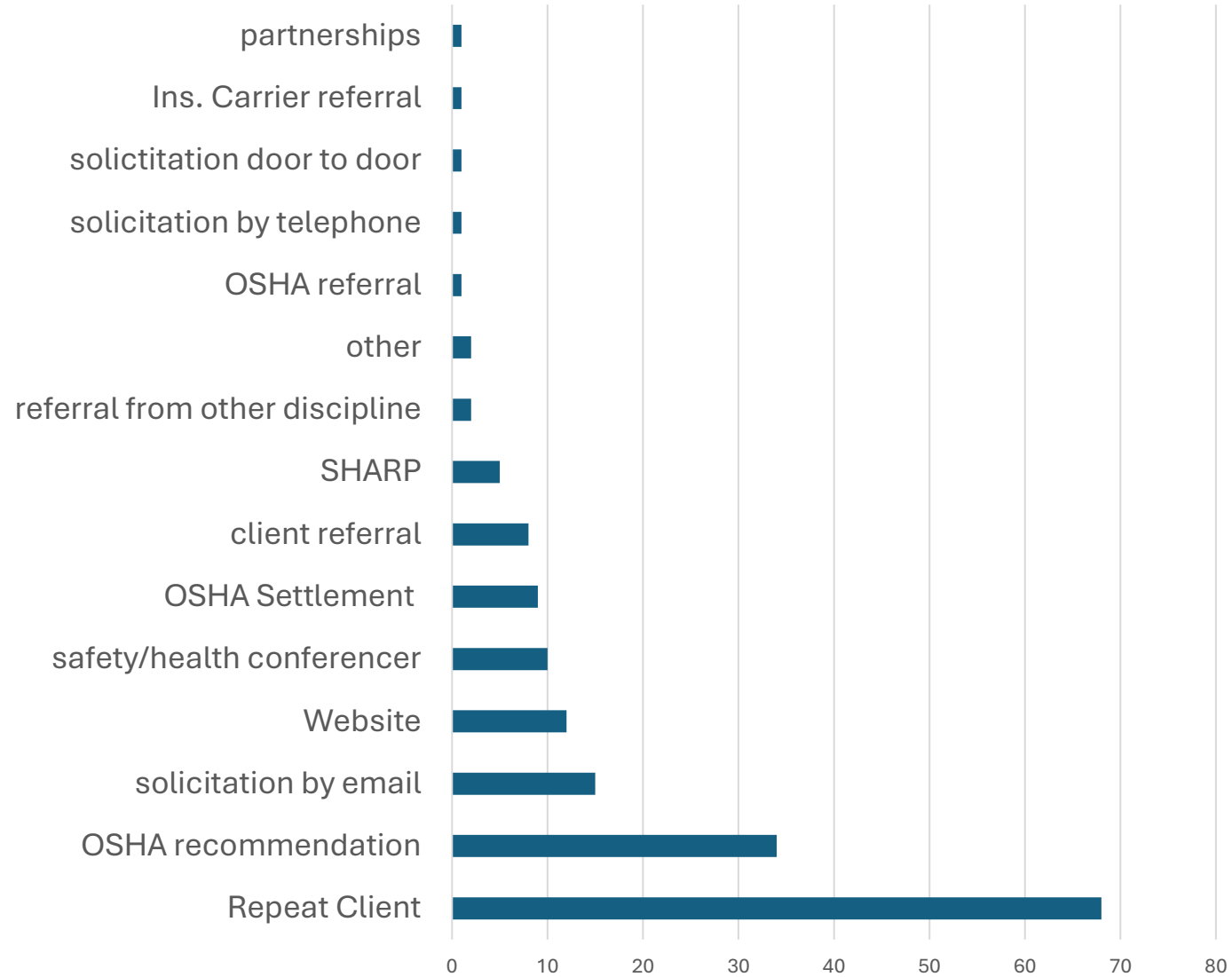
***OSHA Consultation***

# Area Office Actions vs. Consultation Visits





# Number of Visits by Source of Request



**To:** Workers' Compensation Advisory Council  
**From:** Jerry McCabe, Director of Labor and Management  
**Date:** July 9, 2026  
**Subject:** 2026 Division Report on the State Workers' Compensation System

This report is prepared for submission at the July 9, 2026 meeting of the Workers' Compensation Advisory Council.

Overall, our state's workers' compensation system is functioning well, and competes successfully with neighboring states.

Effective July 1, 2026, through June 30, 2027, an overall average decrease of 5.1% was approved for the advisory loss costs in the voluntary market. This is the 15th consecutive decrease for loss costs in the voluntary insurance market. An overall average rate level decrease of 4.9% was approved in the Assigned Risk Market.

Indemnity and medical costs per case exhibit year-to-year variability. Lost time-claim frequency values continue to show a long-term pattern of decline.

The Department brought no legislation impacting workers' compensation during the 2026 legislative session. Similarly, the legislature passed no changes to SDCL Chapter 62 during the 2026 legislative session.

Although it would not have directly impacted this program, a proposal was introduced "authorize [public] purchasing agency verification and monitoring of workers' compensation insurance coverage obtained by public improvement contractors", SB 86 2026. Senate Commerce and Energy Committee deferred the bill to the 41<sup>st</sup> legislative day on a 5-4 vote. This was a similar proposal to a bill introduced in the prior session which also did not pass.

In *Wetch v. Midcontinent Media, Inc.*, 2026 S.D. 34, the Supreme Court found the Department's order in the matter was not a final order because the Department only found a change in condition without deciding whether benefits should be ended diminished, increased, or otherwise modified and thus the order was not appealable. Accordingly, the appeal in this matter was dismissed.

Thank you to the Council for this forum.

Jerry McCabe