

Meeting Minutes
WORKERS' COMPENSATION ADVISORY COUNCIL
via [Microsoft Teams](#) Conference Call
July 1, 10:00 a.m. CDT

The meeting was called to order at 10:02 a.m. CDT by Chairman Scott Stern. Roll call was taken by Patricia Saukel. A quorum was met.

Members Present: Dawn Dovre (appearing for Secretary Hultman), Guy Bender, Brooke Bohnenkamp, Jean Murphy, Kory Rawstern, and Scott Stern. Randy Stainbrook joined the meeting at approximately 10:10 a.m.

Members Absent: Jason Dodson and Russ Hohn.

Others Present: Mackenzie Decker, Amber Mulder, Cash Anderson, Patsy Mehlhaff, Maggie, Dell, Justin Smith, Ryker Tieszen, Dan Nelson, Mary Jo Meyer, Jennifer Anderson-Selzler, Lynn Job, Sara Curtis, Larry Deiter, Bob Mercer, Susan Schulte, Brad Wilson, and Patricia Saukel.

Chairman Stern asked for a motion to approve the minutes of the December 11, 2019, meeting. Guy Bender moved to approve. Jean Murphy seconded. Roll call was taken. **MOTION CARRIED.**

Randy Stainbrook joined the meeting.

Department of Labor and Regulation (DLR) Labor and Management Director Amber Mulder provided the Director's update. Mulder stated that the state's workers' compensation system is functioning well and competes successfully with neighboring states. Effective July 1, 2020, through June 30, 2021, an overall average decrease of 9.8% was approved for the advisory loss costs in the voluntary market. An overall average rate level decrease of 8.4% was approved in the Assigned Risk Market from the previous year. This is the ninth consecutive decrease for loss costs in the voluntary insurance market. Injury frequency continues to decrease, and medical and indemnity severity increased slightly.

Mulder stated that the Department brought no legislation impacting workers' compensation during the 2020 legislation session, however HB 1442 which would include post-traumatic stress disorder as a compensable injury would have impacted the industry but failed to make it out of the House Commerce and Energy Committee.

Mulder reported that the coronavirus disease (COVID-19) had a huge impact on unemployment insurance which raised questions about compensability under workers' compensation. Following most states' approach on compensability, South Dakota said that the worker must establish COVID-19 as an occupational disease and be unable to work for at least seven consecutive days.

Mulder said that since the last Council meeting, two workers' compensation cases harbored South Dakota Supreme Court decisions. Bonebright v. City of Miller was affirmed and LaPlante v. GGNSC Madison was remanded back to the Department.

Chairman Stern turned the meeting over for public comments, of which there were none.

Chairman Stern presented to the council dates for the next meeting. After a brief discussion, the council members agreed to Tuesday, October 27, 2020. It will not be determined if the meeting will be in-person or virtual until a later date. Brooke Bohnenkamp made a motion to approve the next meeting date of October 27, 2020. Randy Stainbrook seconded the motion. Roll call was taken. **MOTION CARRIED.**

Chairman Stern thanked DLR for all of their hard work during the COVID-19 pandemic for the citizens of South Dakota.

Chairman Stern entertained a motion to adjourn. Randy Stainbrook moved to approve and Kory Rawstern seconded. Roll call was taken. **MOTION CARRIED.**

The meeting was adjourned at 10:16 a.m. CDT.

Patricia Saukel, DLR Program Assistant I

Dated: 7/1/2020