

1.1 A bill for an act

1.2 relating to labor and industry; adopting recommendations of the 2022 Workers'

1.3 Compensation Advisory Council; amending Minnesota Statutes 2020, sections

1.4 176.103, subdivision 3; 176.106, subdivision 7; 176.291; 176.295, subdivisions

1.5 1, 2; 176.305, subdivisions 1, 4; 176.321, subdivisions 2, 3; 176.331; 176.341,

1.6 subdivision 1; 176.391; 176.421, subdivision 4; Minnesota Statutes 2021

1.7 Supplement, sections 176.231, subdivision 9a; 176.2612, subdivision 3; Laws 2020,

1.8 chapter 72, section 1; repealing Minnesota Statutes 2020, section 176.305, subdivision

1.9 2

1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11 **ARTICLE 1**

1.12 **CLEANUP PROPOSALS**

1.13 Section 1. Minnesota Statutes 2020, section 176.103, subdivision 3, is amended to read:

1.14 Subd. 3. **Medical Services Review Board; selection; powers.** (a) There is created a

1.15 Medical Services Review Board composed of the commissioner or the commissioner's

1.16 designee as an ex officio member; and the following health care providers: two persons

1.17 ~~representing chiropractic, one person representing hospitals~~ chiropractors, one physical

1.18 therapist, one registered nurse, one occupational therapist, and six physicians representing

1.19 different specialties which the commissioner determines are the most frequently utilized by

1.20 injured employees. All health care provider members must maintain a license in the state

1.21 of Minnesota to furnish medical or health services under their specific designation throughout

1.22 their appointment period. The board shall also have one person representing hospitals, one

1.23 person representing employees, and one person representing employers or insurers. The

1.24 members shall be appointed by the commissioner and shall be governed by section 15.0575.

1.25 Terms of the board's members may be renewed. The board may appoint from its members

1.26 whatever subcommittees it deems appropriate. Notwithstanding section 15.059, this board

2.1 does not expire unless the board no longer fulfills the purpose for which the board was
2.2 established, the board has not met in the last 18 months, or the board does not comply with
2.3 the registration requirements of section 15.0599, subdivision 3.

2.4 The commissioner may appoint alternates for one-year terms to serve as a member when a
2.5 member is unavailable. The number of alternates shall not exceed one chiropractor, one
2.6 physical therapist, one registered nurse, one hospital representative, three physicians, one
2.7 employee representative, one employer or insurer representative, and one occupational
2.8 therapist.

2.9 (b) The board shall review clinical results for adequacy and recommend to the
2.10 commissioner scales for disabilities and apportionment.

2.11 (c) The board shall review and recommend to the commissioner rates for individual
2.12 clinical procedures and aggregate costs. The board shall assist the commissioner in
2.13 accomplishing public education.

2.14 (d) In evaluating the clinical consequences of the services provided to an employee by
2.15 a clinical health care provider, the board shall consider the following factors in the priority
2.16 listed:

2.17 (1) the clinical effectiveness of the treatment;

2.18 (2) the clinical cost of the treatment; and

2.19 (3) the length of time of treatment.

2.20 (e) The board shall advise the commissioner on the adoption of rules regarding all aspects
2.21 of medical care and services provided to injured employees.

2.22 (f) The Medical Services Review Board may upon petition from the commissioner and
2.23 after hearing, issue a warning, a penalty of \$200 per violation, a restriction on providing
2.24 treatment that requires preauthorization by the board, commissioner, or compensation judge
2.25 for a plan of treatment, disqualify, or suspend a provider from receiving payment for services
2.26 rendered under this chapter if a provider has violated any part of this chapter or rule adopted
2.27 under this chapter, or where there has been a pattern of, or an egregious case of, inappropriate,
2.28 unnecessary, or excessive treatment by a provider. Any penalties collected under this
2.29 subdivision shall be payable to the commissioner for deposit in the assigned risk safety
2.30 account. The hearings are initiated by the commissioner under the contested case procedures
2.31 of chapter 14. The board shall make the final decision following receipt of the
2.32 recommendation of the administrative law judge. The board's decision is appealable to the
2.33 Workers' Compensation Court of Appeals in the manner provided by section 176.421.

3.1 (g) The board may adopt rules of procedure. The rules may be joint rules with the
3.2 rehabilitation review panel.

3.3 (h) Except where the board is making a decision in a contested case matter under
3.4 paragraph (b), the board may conduct a meeting of its members by telephone or other
3.5 electronic means so long as the following conditions are met:

3.6 (1) all members of the board participating in the meeting, wherever their physical location,
3.7 can hear one another and can hear all discussion and testimony;

3.8 (2) members of the public present at the regular meeting location of the board can hear
3.9 clearly all discussion and testimony and all votes of members of the board and, if needed,
3.10 receive those services required by sections 15.44 and 15.441;

3.11 (3) at least one member of the board is physically present at the regular meeting location;
3.12 and

3.13 (4) all votes are conducted by roll call, so each member's vote on each issue can be
3.14 identified and recorded.

3.15 (i) Each member of the board participating in a meeting by telephone or other electronic
3.16 means is considered present at the meeting for purposes of determining a quorum and
3.17 participating in all proceedings.

3.18 (j) If telephone or other electronic means are used to conduct a regular, special, or
3.19 emergency meeting, the board, to the extent practical, shall allow a person to monitor the
3.20 meeting electronically from a remote location. The board or the Department of Labor and
3.21 Industry may require the person making such a connection to pay for documented costs that
3.22 the board or the Department of Labor and Industry incurs as a result of the additional
3.23 connection.

3.24 (k) If telephone or other electronic means are used to conduct a regular, special, or
3.25 emergency meeting, the board shall provide notice of the regular meeting location, of the
3.26 fact that some members may participate by telephone or other electronic means, and that a
3.27 person may monitor the meeting electronically from a remote location. The timing and
3.28 method of providing notice is governed by section 13D.04.

3.29 **EFFECTIVE DATE.** This section is effective for appointments made after the date of
3.30 final enactment.

3.31 Sec. 2. Minnesota Statutes 2021 Supplement, section 176.231, subdivision 9a, is amended
3.32 to read:

3.33 Subd. 9a. **Access to division file without an authorization; attorney access.** (a) Access
3.34 to the division file established for a specific claimed date or dates of injury under this chapter
Article 1 Sec. 2.

4.1 is allowed without an authorization from the employee, employer, or insurer, as described
4.2 in clauses (1) to (7):

4.3 (1) an employee, as described in subdivision 9, paragraph (c), has access to the division
4.4 file established for the employee's claimed date or dates of injury;

4.5 (2) an employer and insurer have access to the division file for a workers' compensation
4.6 claim to which the employer and insurer are parties;

4.7 (3) the Department of Administration under section 13.43, subdivision 18, the assigned
4.8 risk plan under chapter 79, the special compensation fund established under section 176.129,
4.9 the self-insurers security fund under chapter 79A, and the Minnesota insurance ~~guarantee~~
4.10 guaranty association under chapter 60C have access to all of the documents in the division
4.11 file for a claim to which they are a party or are otherwise providing, paying, or reimbursing
4.12 workers' compensation benefits under this chapter;

4.13 (4) a person who has filed a motion to intervene in a pending dispute at an agency has
4.14 access to the documents in the division file that are filed in connection with the dispute in
4.15 which the person has filed a motion to intervene;

4.16 (5) a registered rehabilitation provider assigned to provide rehabilitation services to an
4.17 employee has access to the documents in the division file that are filed in connection with
4.18 the employee's vocational rehabilitation or a dispute about vocational rehabilitation under
4.19 section 176.102;

4.20 (6) a third-party administrator licensed under section 60A.23, subdivision 8, has access
4.21 to the division file for a claim it has contracted to administer on behalf of any of the entities
4.22 listed in this subdivision; and

4.23 (7) the program administrator for a collective bargaining agreement approved by the
4.24 commissioner under section 176.1812 has access to the division file for a claim that is
4.25 covered by the agreement.

4.26 (b) An attorney who has filed with the commissioner in CAMPUS a notice of
4.27 representation of a person or entity listed in paragraph (a) has the same access to documents
4.28 in the division file that the represented person or entity has, unless the attorney specifies
4.29 when filing the notice that access should be limited. If the attorney represents an employee
4.30 as described in subdivision 9, paragraph (c), one of the following documents signed by the
4.31 employee must be attached to the notice: a written authorization, a retainer agreement, or
4.32 a document initiating or responding to a workers' compensation dispute filed under this
4.33 chapter.

5.1 (c) If the attorney's access is not limited by an authorization, notice of representation,
5.2 or the represented person or entity's access under paragraph (a), the attorney's access
5.3 continues until one of the following occurs, whichever is later:

5.4 (1) one year after an authorization is filed;

5.5 (2) five years after the date a retainer agreement or notice of representation was filed
5.6 where no dispute has been initiated;

5.7 (3) five years after the date the attorney filed a document initiating, responding to, or
5.8 intervening in a workers' compensation dispute under this chapter;

5.9 (4) five years after the date an award on stipulation was served and filed if the award
5.10 was related to a dispute in which the attorney represented a party in paragraph (a); or

5.11 (5) five years after the date a final order or final penalty assessment was issued as defined
5.12 in subdivision 9c, paragraph (a), clause (3), if the final order or penalty assessment was
5.13 related to a dispute in which the attorney represented a party listed in paragraph (a).

5.14 Notwithstanding the time frames in clauses (1) to (5), an attorney no longer has access to
5.15 the division file as of the date the attorney files a notice of withdrawal from the case, or the
5.16 date the department receives written notice that the authorization is withdrawn or that the
5.17 attorney no longer represents the person. However, if a dispute over an attorney's fees is
5.18 pending at the office, the attorney has continued access to the division file until a final order
5.19 or award on stipulation resolving the attorney fee dispute is received by the commissioner.

5.20 (d) The division may provide the worker identification number assigned under section
5.21 176.275, subdivision 1, without a signed authorization required under paragraph (b) to an:

5.22 (1) attorney who represents one of the persons described in paragraph (b);

5.23 (2) attorney who represents an intervenor or potential intervenor under section 176.361;

5.24 (3) intervenor; or

5.25 (4) employee's assigned qualified rehabilitation consultant under section 176.102.

5.26 (e) If the department receives information that indicates that identifying or contact
5.27 information for an employee, dependent, employer, insurer, or third-party administrator for
5.28 an employer or insurer is erroneous or no longer accurate, the department may update the
5.29 information in all relevant workers' compensation files to reflect:

5.30 (1) the current and accurate name, address, Social Security number or worker
5.31 identification number, and contact information for an employee, unless the employee notifies

6.1 the commissioner in writing that the information in a workers' compensation file for a
6.2 specific date of injury may not be updated; and

6.3 (2) the current and accurate name, address, and contact information for an employer,
6.4 insurer, or third-party administrator for an employer or insurer.

6.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.6 Sec. 3. Minnesota Statutes 2021 Supplement, section 176.2612, subdivision 3, is amended
6.7 to read:

6.8 Subd. 3. **Creating a CAMPUS account.** (a) For purposes of this subdivision, "employer,"
6.9 "insurer," and "third-party administrator" have the meanings given in section 176.253,
6.10 subdivision 1.

6.11 (b) Electronic access to view or file documents in CAMPUS shall be granted according
6.12 to the requirements established by the department and the Department of Information
6.13 Technology Services to authenticate the identity of the person or entity creating the account
6.14 and authorize access to the documents that the person or entity is entitled to under this
6.15 chapter. To create an account in CAMPUS, a person must provide the commissioner of
6.16 labor and industry with information needed to create the account and authenticate the person's
6.17 identity. The person must also agree to terms and conditions that are needed to safeguard
6.18 the security and privacy of data and comply with the requirements of this chapter related
6.19 to CAMPUS.

6.20 (c) The persons or entities in clauses (1) to (12) must create and maintain an account in
6.21 CAMPUS to electronically access or file documents:

6.22 (1) an employee with a workers' compensation claim or other person who has access to
6.23 the division file under section 176.231, subdivision 9, paragraph (c);

6.24 (2) an employer with a workers' compensation claim;

6.25 (3) a licensed workers' compensation insurer acting on behalf of an employer with a
6.26 Minnesota workers' compensation claim;

6.27 (4) an intervenor or potential intervenor in a workers' compensation dispute;

6.28 (5) a registered rehabilitation provider under section 176.102;

6.29 (6) the state or a political subdivision or school district that is not required to be
6.30 self-insured by the commissioner of the Department of Commerce in order to pay its workers'
6.31 compensation claims;

6.32 (7) the assigned risk plan under chapter 79A;

- 7.1 (8) the Workers' Compensation Reinsurance Association under chapter 79;
- 7.2 (9) the Minnesota insurance ~~guarantee~~ guaranty association established under chapter
7.3 60C;
- 7.4 (10) the self-insurers' security fund under chapter 79A;
- 7.5 (11) a third-party administrator that has contracted to act on behalf of any of the entities
7.6 listed in this subdivision; and
- 7.7 (12) an attorney representing a person or entity listed above.
- 7.8 (d) The commissioner may require that any person or entity listed in paragraph (c),
7.9 clauses (2) to (12), create and maintain an account in CAMPUS if the person or entity is a
7.10 party to a workers' compensation claim or associated with an enforcement action of the
7.11 department.
- 7.12 (e) A designated medical contact under section 176.135 and a managed care organization
7.13 certified by the department under section 176.1351 must create and maintain an account to
7.14 file and view documents related to the certified managed care plan or designated medical
7.15 contact. A program administrator for a collective bargaining agreement approved by the
7.16 commissioner under section 176.1812 must create an account to view documents related to
7.17 a claim that is covered by the agreement. A health care provider must create an account to
7.18 file a request for an administrative conference if permitted under section 176.136, subdivision
7.19 2.
- 7.20 (f) If a person or entity is required to create and maintain an account under this
7.21 subdivision and fails to do so:
- 7.22 (1) unless good cause is shown, the commissioner may assess a \$500 penalty against
7.23 the person or entity for each 30-day period that an account is not created or maintained
7.24 following the commissioner's notice that one is required;
- 7.25 (2) failure to create or maintain an account shall not be a defense to untimely filing
7.26 where electronic filing is required under this chapter; and
- 7.27 (3) failure to create or maintain an account results in the appointment of the commissioner
7.28 and successors in office as the person's agent to receive service by the commissioner or the
7.29 Workers' Compensation Court of Appeals where service is required under this chapter,
7.30 provided that the commissioner attempts service by United States mail on the party at the
7.31 last known address.
- 7.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.1 **ARTICLE 2**

8.2 **FILING LOCATION AMENDMENTS**

8.3 Section 1. Minnesota Statutes 2020, section 176.106, subdivision 7, is amended to read:

8.4 Subd. 7. **Request for hearing.** (a) Any party aggrieved by the decision of the
 8.5 commissioner or compensation judge may request a formal de novo hearing by filing the
 8.6 request with the ~~commissioner office~~ and serving the request on all parties no later than 30
 8.7 days after the decision. ~~Requests shall be referred to the Office of Administrative Hearings~~
 8.8 ~~for a de novo hearing before a compensation judge.~~ When a compensation judge ~~issued~~
 8.9 issues the administrative decision under subdivision 5, the formal de novo hearing must be
 8.10 held before a compensation judge other than the compensation judge who presided over the
 8.11 administrative conference.

8.12 (b) Except where the only issues to be determined pursuant to this section involve liability
 8.13 for past treatment or services that will not affect entitlement to ongoing or future proposed
 8.14 treatment or services under section 176.102 or 176.135, ~~the commissioner shall refer a~~
 8.15 ~~timely request to the Office of Administrative Hearings within five working days after filing~~
 8.16 ~~of the request and the hearing at the office of Administrative Hearings must be held on the~~
 8.17 first date that all parties are available, but not later than 60 days after the ~~Office of~~
 8.18 ~~Administrative Hearings receives the matter~~ request for hearing is filed. Following the
 8.19 hearing, the compensation judge must issue the decision within 30 days.

8.20 ~~The~~ (c) A decision of the compensation judge issued under this subdivision is appealable
 8.21 pursuant to section 176.421.

8.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.23 Sec. 2. Minnesota Statutes 2020, section 176.291, is amended to read:

8.24 **176.291 DISPUTES; PETITIONS; PROCEDURE.**

8.25 (a) Where there is a dispute as to a question of law or fact in connection with a claim
 8.26 for compensation, a party may serve on all other parties and file a petition with the
 8.27 ~~commissioner office~~ stating the matter in dispute. The petition shall be on a form prescribed
 8.28 by the commissioner and shall be signed by the petitioner.

8.29 (b) The petition shall also state and include, where applicable:

8.30 (1) names and residence or business address of parties;

8.31 (2) facts relating to the employment at the time of injury, including amount of wages
 8.32 received;

8.33 (3) extent and character of injury;

- 9.1 (4) notice to or knowledge by employer of injury;
- 9.2 (5) copies of written medical reports or other information in support of the claim;
- 9.3 (6) names and addresses of all known witnesses intended to be called in support of the
- 9.4 claim;
- 9.5 (7) the desired location of any hearing and estimated time needed to present evidence
- 9.6 at the hearing;
- 9.7 (8) any requests for a prehearing or settlement conference;
- 9.8 (9) a list of all known third parties, including the Departments of Human Services and
- 9.9 Employment and Economic Development, who may have paid any medical bills or other
- 9.10 benefits to the employee for the injuries or disease alleged in the petition or for the time the
- 9.11 employee was unable to work due to the injuries or disease, together with a listing of the
- 9.12 amounts paid by each;
- 9.13 (10) the nature and extent of the claim; and
- 9.14 (11) a request for an expedited hearing which must include an attached affidavit of
- 9.15 significant financial hardship which complies with the requirements of section 176.341,
- 9.16 subdivision 6.

9.17 (c) Incomplete petitions may be stricken from the calendar as provided by section

9.18 176.305, subdivision 4. Within 30 days of a request by a party, an employee who has filed

9.19 a claim petition pursuant to section 176.271 or this section shall furnish a list of physicians

9.20 and health care providers from whom the employee has received treatment for the same or

9.21 a similar condition as well as authorizations to release relevant information, data, and records

9.22 to the requester. The petition may be stricken from the calendar upon motion of a party for

9.23 failure to timely provide the required list of health care providers or authorizations.

9.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.25 Sec. 3. Minnesota Statutes 2020, section 176.295, subdivision 1, is amended to read:

9.26 Subdivision 1. **Affidavit of inability to obtain effectuate service.** Where ~~an a~~ a petitioner,

9.27 an employee, or an employee's dependent ~~has filed a petition for compensation with the~~

9.28 ~~commissioner of the Department of Labor and Industry, and is unable to make service of~~

9.29 ~~the petition and other notices on the employer because the latter cannot serve a petition for~~

9.30 compensation or other notice on an employer because the employer is a nonresident or a

9.31 foreign corporation, the petitioner may file an affidavit with the ~~commissioner of the~~

9.32 Department of Labor and Industry chief administrative law judge stating that the petitioner

9.33 is ~~so~~ unable to ~~make~~ effectuate service.

9.34 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.1 Sec. 4. Minnesota Statutes 2020, section 176.295, subdivision 2, is amended to read:

10.2 Subd. 2. **Action in district court.** When ~~the~~ a petitioner has filed ~~the~~ an affidavit of
 10.3 inability to effectuate service pursuant to subdivision 1 with the ~~commissioner of the~~
 10.4 ~~Department of Labor and Industry~~ chief administrative law judge, the petitioner may ~~bring~~
 10.5 ~~an action~~ also file a complaint against the employer in ~~the~~ district court ~~located~~. The
 10.6 complaint must be filed in the county in which the employee resided at the time of the injury
 10.7 or death. ~~The action~~ complaint shall be ~~brought and conducted~~ commenced and pursued in
 10.8 the same manner as ~~are~~ other civil actions in district court. The complaint shall state that a
 10.9 petition for compensation has been filed with the ~~commissioner of the Department of Labor~~
 10.10 ~~and Industry~~ office, and shall be accompanied by a verified copy of the affidavit of inability
 10.11 to effectuate service. The complaint shall also state the facts upon which the right to
 10.12 compensation or other relief is based.

10.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.14 Sec. 5. Minnesota Statutes 2020, section 176.305, subdivision 1, is amended to read:

10.15 Subdivision 1. **Hearings on petitions.** The petitioner shall serve a copy of the petition
 10.16 on each adverse party personally or by first class mail. A clear copy ~~suitable for imaging~~
 10.17 shall be filed with the ~~commissioner~~ office, together with an appropriate affidavit of service.
 10.18 ~~The commissioner shall, within ten days, refer all petitions involving issues over which the~~
 10.19 ~~commissioner lacks jurisdiction to the office.~~

10.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.21 Sec. 6. Minnesota Statutes 2020, section 176.305, subdivision 4, is amended to read:

10.22 Subd. 4. **Striking from calendar.** A compensation judge ~~or the commissioner~~, after
 10.23 receiving a properly served motion, may strike a case from the active trial calendar after
 10.24 the employee has been given 30 days to correct the deficiency if it is shown that the
 10.25 information on the petition or included with the petition is incomplete. Once a case is
 10.26 stricken, it may not be reinstated until the missing information is provided to the adverse
 10.27 parties and filed with the ~~commissioner or~~ compensation judge. If a case has been stricken
 10.28 from the calendar for one year or more and no corrective action has been taken, the
 10.29 ~~commissioner or a~~ compensation judge may, upon the ~~commissioner's or~~ judge's own motion
 10.30 or a motion of a party which is properly served on all parties, dismiss the case. The petitioner
 10.31 must be given at least 30 days' advance notice of the proposed dismissal before the dismissal
 10.32 is effective.

10.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.1 Sec. 7. Minnesota Statutes 2020, section 176.321, subdivision 2, is amended to read:

11.2 Subd. 2. **Contents.** The answer shall admit, deny, or affirmatively defend against the
11.3 substantial averments of the petition, and shall state the contention of the adverse party with
11.4 reference to the matter in dispute.

11.5 Each fact alleged by the petition or answer and not specifically denied by the answer or
11.6 reply is deemed admitted, but the failure to deny such a fact does not preclude the
11.7 compensation judge from requiring proof of the fact.

11.8 The answer shall include the names and addresses of all known witnesses; whether or
11.9 not the employer intends to schedule an adverse examination and, if known, the date, time,
11.10 and place of all adverse examinations; the desired location for a hearing; any request for a
11.11 prehearing or settlement conference; the estimated time needed to present evidence at a
11.12 hearing; and, if an affidavit of significant financial hardship and request for an expedited
11.13 hearing are included with the petition, any objection the employer may have to that request.
11.14 If the date, time, and place of all adverse examinations is unknown at the time the answer
11.15 is filed, the employer must notify the ~~commissioner~~ office in writing of the date, time, and
11.16 place of all adverse examinations within 50 days of the filing of the claim petition.

11.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.18 Sec. 8. Minnesota Statutes 2020, section 176.321, subdivision 3, is amended to read:

11.19 Subd. 3. **Extension of time in which to file answer.** Upon showing of cause, the
11.20 ~~commissioner~~ office may extend the time in which to file an answer or reply for not more
11.21 than 30 additional days. The time to file an answer or reply may also be extended upon
11.22 agreement of the petitioner, and provided that the ~~commissioner~~ office must be notified in
11.23 writing by the employer no later than five days beyond the time required for the filing of
11.24 the answer of the fact that an agreement has been reached, including the length of the
11.25 extension. Any case received by the office that does not include an answer, written extension
11.26 order, or written notification of the extension agreement shall be immediately set for a
11.27 hearing at the first available date under section 176.331.

11.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.29 Sec. 9. Minnesota Statutes 2020, section 176.331, is amended to read:

11.30 **176.331 PROCEEDINGS WHEN ANSWER NOT FILED.**

11.31 Except in cases involving multiple employers or multiple insurers, if an adverse party
11.32 fails to file and serve an answer or obtain an extension from the ~~commissioner~~ office or the
11.33 petitioner as required by section 176.321, subdivision 3, the ~~commissioner~~ office shall refer
11.34 set the matter to the chief administrative law judge for an immediate hearing and prompt

12.1 award or other order. The adverse party that failed to file an answer may appear at the
 12.2 hearing, present evidence and question witnesses, but shall not be granted a continuance
 12.3 except upon a showing of good cause.

12.4 If an adverse party who fails to serve and file an answer is neither insured for workers'
 12.5 compensation liability nor a licensed self-insured as required by section 176.181 and the
 12.6 special compensation fund is a party to the proceeding, the ~~commissioner~~ or compensation
 12.7 judge may enter an order awarding benefits to the petitioning party without a hearing if so
 12.8 requested by the special compensation fund.

12.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.10 Sec. 10. Minnesota Statutes 2020, section 176.341, subdivision 1, is amended to read:

12.11 Subdivision 1. **Time.** Upon ~~receipt of a matter from the commissioner~~ the filing of a
 12.12 petition, the chief administrative law judge shall fix a time and place for hearing the petition.
 12.13 The hearing shall be held as soon as practicable and at a time and place determined by the
 12.14 chief administrative law judge to be the most convenient for the parties, keeping in mind
 12.15 the intent of chapter 176 and the requirements of section 176.306. Except where a shorter
 12.16 time period is required under this chapter, all hearings must be held within 26 months after
 12.17 a petition has been filed, unless the chief administrative law judge issues an order for a later
 12.18 date for the hearing explaining why the hearing could not be held within 26 months.

12.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.20 Sec. 11. Minnesota Statutes 2020, section 176.391, is amended to read:

12.21 **176.391 INVESTIGATIONS.**

12.22 Subdivision 1. **Power to make.** Before, during, or after any hearing, ~~the commissioner~~
 12.23 ~~or~~ a compensation judge may make an independent investigation of the facts alleged in the
 12.24 petition or answer.

12.25 Subd. 2. **Appointment of physicians, surgeons, and other experts.** The compensation
 12.26 judge assigned to a matter, ~~or the commissioner~~, may appoint one or more neutral physicians
 12.27 or surgeons to examine the injury of the employee and report thereon except as provided
 12.28 otherwise pursuant to section 176.1361. Where necessary to determine the facts, the services
 12.29 of other experts may also be employed.

12.30 Subd. 3. **Reports.** The report of a physician, surgeon, or other expert requested under
 12.31 this section shall be filed with ~~the commissioner~~ and the compensation judge assigned to
 12.32 the matter if any. The report shall be made a part of the record of the case and be open to
 12.33 inspection as such.

13.1 Subd. 4. **Compensation.** The ~~commissioner or~~ compensation judge shall fix the
 13.2 compensation of a physician, surgeon, or other expert whose services are employed under
 13.3 ~~this chapter section.~~ This compensation shall be paid initially out of the funds appropriated
 13.4 for the maintenance of the Workers' Compensation Division, but shall be taxed as costs to
 13.5 either party, or both, or otherwise, as the ~~commissioner or~~ compensation judge directs.

13.6 Where a sum which has been taxed to a party has not been paid, it may be collected in
 13.7 the same manner as are costs generally.

13.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.9 Sec. 12. Minnesota Statutes 2020, section 176.421, subdivision 4, is amended to read:

13.10 Subd. 4. **Service and filing of notice; cost of transcript.** Within the 30-day period for
 13.11 taking an appeal, the appellant shall:

13.12 (1) serve a copy of the notice of appeal on each adverse party; and

13.13 (2) pursuant to section 176.285, file the original notice of appeal, with proof of service
 13.14 by admission or affidavit, with the chief administrative law judge and file a copy with the
 13.15 commissioner. ~~Alternatively, the original may be retained by the filing party and a copy of~~
 13.16 ~~the original filed by facsimile with the chief administrative law judge and the commissioner.~~
 13.17 ~~Facsimile filings must be 15 pages or less in length. A facsimile appeal received after 4:30~~
 13.18 ~~p.m. on a state business day is considered filed on the next state business day.~~

13.19 In order to defray the cost of the preparation of the record of the proceedings appealed
 13.20 from, each appellant and cross-appellant shall pay to the commissioner of management and
 13.21 budget, Office of Administrative Hearings account the sum of \$25. The filing fee must be
 13.22 received by the Office of Administrative Hearings within ten business days after the end of
 13.23 the appeal period. If the filing fee is not received within ten days after the appeal period,
 13.24 the appeal is not timely filed.

13.25 The first party to file an appeal is liable for the original cost of preparation of the
 13.26 transcript. Cross-appellants or any other persons requesting a copy of the transcript are
 13.27 liable for the cost of the copy. The chief administrative law judge may require payment for
 13.28 transcription costs to be made in advance of the transcript preparation. The cost of a transcript
 13.29 prepared by a nongovernmental source shall be paid directly to that source and shall not
 13.30 exceed the cost that the source would be able to charge the state for the same service.

13.31 Upon a showing of cause, the chief administrative law judge may direct that a transcript
 13.32 be prepared without expense to the party requesting its preparation, in which case the cost
 13.33 of the transcript shall be paid by the Office of Administrative Hearings.

14.1 All fees received by the Office of Administrative Hearings for the preparation of the
 14.2 record for submission to the Workers' Compensation Court of Appeals or for the cost of
 14.3 transcripts prepared by the office shall be deposited in the Office of Administrative Hearings
 14.4 account in the state treasury and shall be used solely for the purpose of keeping the record
 14.5 of hearings conducted under this chapter and the preparation of transcripts of those hearings.
 14.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.7 Sec. 13. **REPEALER.**

14.8 Minnesota Statutes 2020, section 176.305, subdivision 2, is repealed.

14.9 **ARTICLE 3**

14.10 **COVID-19 PRESUMPTION**

14.11 Section 1. Laws 2020, chapter 72, section 1, the effective date, as amended by Laws
 14.12 2021, chapter 12, section 12, is amended to read:

14.13 **Effective date.** This section is effective for employees who contract COVID-19 on or
 14.14 after the day following final enactment. Paragraph (f) sunsets at 11:59 p.m. on ~~December~~
 14.15 ~~31, 2021~~ January 13, 2023. ~~Employees with dates of injury that occur on or after January~~
 14.16 ~~1, 2022, are not entitled to the presumption in section 176.011, subdivision 15,~~
 14.17 ~~paragraph (f), but are not precluded from claiming an occupational disease as provided~~
 14.18 ~~in other paragraphs of section 176.011, subdivision 15, or from claiming a personal~~
 14.19 ~~injury under section 176.011, subdivision 16.~~

14.20 **Effective date.** Minnesota Statutes, section 176.011, subdivision 15, paragraph (f) is
 14.21 revived and reenacted as of the day of enactment of this section. Employees with dates
 14.22 of injury that occur from January 1, 2022, to the day before enactment of this section,
 14.23 and on or after January 14, 2023, are not entitled to the presumption in section 176.011,
 14.24 subdivision 15, paragraph (f), but are not precluded from claiming an occupational
 14.25 disease as provided in other paragraphs of section 176.011, subdivision 15, or from
 14.26 claiming a personal injury under section 176.011, subdivision 16.