

House Research Act Summary

CHAPTER: 110

SESSION: 2016 Regular Session

TOPIC: Workers' compensation

Analyst: Ben Weeks

Date: May 13, 2016

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Article 1: Workers' Compensation Court of Appeals Proposals

Section

- 1** **Limitation of fees [176.081, subd. 1].** Clarifies the process for attorneys claiming legal fees in workers' compensation cases.
- 2** **Review [176.081, subd. 3].** Clarifies the procedure in the Workers' Compensation Court of Appeals for attorneys appealing their fee awards.
- 3** **Service of writ and bond; filing fee [176.471, subd. 3].** Eliminates the requirement of paying a bond for parties appealing a decision of Workers' Compensation Court of Appeals to the Minnesota Supreme Court. Makes changes to conform to appellate court rules.
- 4** **Bond [176.471, subd. 5].** Deletes language related to the bonds at issue in Section 3. Provides that the Workers' Compensation Court of Appeals may require a bond in extraordinary circumstances.
- 5** **Disbursements; taxation [176.511, subd. 2].** Extends the time limit, from five to ten days, for seeking costs from the losing party in a workers' compensation case.
- 6** **Attorney fee allowance [176.511, subd. 3].** Makes stylistic changes and conforming changes based on other provisions in the act.
- 7** **Effective date.** Sets effective date for all sections in Article 1.

Article 2: Workers' Compensation Department Proposals

- 1 **Electronic transactions [176.135, subd. 7a].** Extends the deadline for compliance to January 1, 2017, the requirement that health care providers and insurers submit and receive certain medical records and reports along with a medical bill. Lack of a consistent standard for attaching the documents has caused problems with submitting such documents to insurers. In addition to extending the time limit for compliance by six months, the act provides more specificity about the attachment standard to be followed.
- 2 **Limitation of liability [176.136, subd. 1b].** Extends limitation of liability for employers under this subdivision to include liability for outpatients treated at hospitals with 100 or fewer beds.
- 3 **Preliminary investigation [176.571, subd. 1].** Replaces “management and budget” with “administration” to accurately reflect the state agency workers’ compensation claims of injured state employees.
- 4 **Effective date.** Provides effective date for all sections in Article 2.

Article 3: Workers' Compensation Litigation-Related Proposals

- 1 **Compensation judge [176.011, subd. 7a].** Deletes out-of-date language.
- 2 to 4 **Remodeling of residence; disabled employees [176.137].** Clarify the process by which a disabled employee may apply for money for home remodeling to accommodate the disability.
- 5 **Proceedings when answer not filed [176.331].** Allows a compensation judge to consider whether good cause exists to grant a continuance of a hearing when a party has failed to timely file an answer to a petition.
- 6 to 12 **Intervention in workers' compensation disputes [176.361].** Make changes to the section governing intervention in workers’ compensation disputes in response to *Sumner v. Jim Lupient Infiniti*, a 2015 Minnesota Supreme Court decision. In *Sumner* the court held that intervenors must attend all prehearing conferences and hearings. A variety of intervenors, have found this burdensome. The changes in these sections eliminate the requirement that intervenors attend all prehearing conferences and modify various other intervention requirements and procedures.
- 13 **Effective date.** Provides effective date for all sections in Article 3.