

A bill for an act

relating to labor and industry; making technical and policy changes to certain workers' compensation hearing provisions; amending Minnesota Statutes 2022, sections 176.011, subdivisions 1a, 2; 176.106, subdivision 4; 176.1292, subdivisions 2, 9; 176.155, subdivision 2; 176.238, subdivisions 3, 4, 5, 6; 176.239, subdivisions 2, 3, 4, 5, 9, 10; 176.253, subdivision 2; 176.271, subdivision 1; 176.285, subdivisions 2, 2a, 2b; 176.305, subdivision 1; 176.321, subdivision 3; 176.322; 176.341, subdivision 6; 176.361, subdivisions 1, 4; 176.421, subdivision 7; Minnesota Statutes 2023 Supplement, sections 176.081, subdivision 1; 176.155, subdivision 1; 176.239, subdivisions 6, 7.

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

Section 1. Minnesota Statutes 2022, section 176.011, subdivision 1a, is amended to read:

Subd. 1a. **Administrative conference.** An "administrative conference" is a meeting conducted by a commissioner's designee or a compensation judge where parties can discuss on an expedited basis and in an informal setting their viewpoints concerning disputed issues arising under section 176.102, 176.103, 176.135, 176.136, or 176.239. If the parties are unable to resolve the dispute, the commissioner's designee or a compensation judge shall issue an administrative decision under section 176.106 or 176.239.

Sec. 2. Minnesota Statutes 2022, section 176.011, subdivision 2, is amended to read:

Subd. 2. **Child.** "Child" includes a posthumous child, a child entitled by law to inherit as a child of a deceased person, a child of a person adjudged by a court of competent jurisdiction to be the ~~father~~ parent of the child, and a stepchild, grandchild, or foster child who was a member of the family of a deceased employee at the time of injury and dependent upon the employee for support. A stepchild is a "child" within the meaning of section 176.041.

2.1 Sec. 3. Minnesota Statutes 2023 Supplement, section 176.081, subdivision 1, is amended
2.2 to read:

2.3 Subdivision 1. **Limitation of fees.** (a) A fee for legal services of 20 percent of the first
2.4 \$130,000 of compensation awarded to the employee is the maximum permissible fee and
2.5 does not require approval by the commissioner, compensation judge, or any other party.
2.6 All fees, including fees for obtaining medical or rehabilitation benefits, must be calculated
2.7 according to the formula under this subdivision, except as otherwise provided in clause (1)
2.8 or (2).

2.9 (1) The contingent attorney fee for recovery of monetary benefits according to the
2.10 formula in this section is presumed to be adequate to cover recovery of medical and
2.11 rehabilitation benefit or services concurrently in dispute. Attorney fees for recovery of
2.12 medical or rehabilitation benefits or services shall be assessed against the employer or
2.13 insurer only if the attorney establishes that the contingent fee is inadequate to reasonably
2.14 compensate the attorney for representing the employee in the medical or rehabilitation
2.15 dispute. In cases where the contingent fee is inadequate the employer or insurer is liable for
2.16 attorney fees based on the formula in this subdivision or in clause (2).

2.17 For the purposes of applying the formula where the employer or insurer is liable for
2.18 attorney fees, the amount of compensation awarded for obtaining disputed medical and
2.19 rehabilitation benefits under sections 176.102, 176.135, and 176.136 shall be the dollar
2.20 value of the medical or rehabilitation benefit awarded, where ascertainable.

2.21 (2) The maximum attorney fee for obtaining a change of doctor or qualified rehabilitation
2.22 consultant, or any other disputed medical or rehabilitation benefit for which a dollar value
2.23 is not reasonably ascertainable, is the amount charged in hourly fees for the representation
2.24 or \$500, whichever is less, to be paid by the employer or insurer.

2.25 (3) The fees for obtaining disputed medical or rehabilitation benefits are included in the
2.26 \$26,000 limit in paragraph (b). An attorney must concurrently file all outstanding disputed
2.27 issues. An attorney is not entitled to attorney fees for representation in any issue which
2.28 could reasonably have been addressed during the pendency of other issues for the same
2.29 injury.

2.30 (b) All fees for legal services related to the same injury are cumulative and may not
2.31 exceed \$26,000. If multiple injuries are the subject of a dispute, the commissioner,
2.32 compensation judge, or court of appeals shall specify the attorney fee attributable to each
2.33 injury.

(c) If the employer or the insurer or the defendant is given written notice of claims for legal services or disbursements, the claim shall be a lien against the amount paid or payable as compensation. Subject to the foregoing maximum amount for attorney fees, up to 20 percent of the first \$130,000 of periodic compensation awarded to the employee may be withheld from the periodic payments for attorney fees or disbursements if the payor of the funds clearly indicates on the check or draft issued to the employee for payment the purpose of the withholding, the name of the attorney, the amount withheld, and the gross amount of the compensation payment before withholding. In no case shall fees be calculated on the basis of any undisputed portion of compensation awards. Allowable fees under this chapter shall be available to an attorney who procures a benefit on behalf of the employee and be based solely upon genuinely disputed claims or portions of claims, including disputes related to the payment of rehabilitation benefits or to other aspects of a rehabilitation plan. The existence of a dispute is dependent upon a disagreement after the employer or insurer has had adequate time and information to take a position on liability. Neither the holding of a hearing nor the filing of an application for a hearing alone may determine the existence of a dispute. Except where the employee is represented by an attorney in other litigation pending at the department or at the Office of Administrative Hearings, a fee may not be charged for services with respect to a medical or rehabilitation issue arising under section 176.102, 176.135, or 176.136 performed before the attorney has filed with the commissioner and served on the employer or insurer and the attorney representing the employer or insurer, if any, a request for certification of dispute containing the name of the employer and its insurer, the date of the injury, and a description of the benefits claimed, and the department certifies that there is a dispute and that it has tried to resolve the dispute. If within 30 days of the filing of the request the department has not issued a determination of whether a dispute exists, the dispute shall be certified if all of the following apply:

(1) the insurer has not approved the requested benefit;

(2) the employee, the employee's attorney, or the employee's treating provider has submitted any and all additional information requested by the insurer necessary to determine whether the requested benefit is disputed or approved; and

(3) the insurer has had at least seven calendar days to review any additional information submitted.

In cases of nonemergency surgery, if the employer or insurer has requested a second opinion under section 176.135, subdivision 1a, or an examination under section 176.155, subdivision 1, a dispute shall be certified if 45 days have passed following a written request for an examination or second opinion and the conditions in clauses (1) to (3) have been met.

(d) An attorney who is claiming legal fees for representing an employee in a workers' compensation matter shall file a statement of attorney fees with the ~~commissioner or compensation judge before whom the matter was heard~~ office. A copy of the signed retainer agreement shall also be filed. The employee, employer or insurer, and the attorney representing the employer or insurer, if any, shall receive a copy of the statement of attorney fees. The statement shall be on a form prescribed by the commissioner and shall report the number of hours spent on the case.

(e) Employers and insurers may not pay attorney fees or wages for legal services of more than \$26,000 per case.

(f) An attorney must file a statement of attorney fees within 12 months of the date the attorney has submitted the written notice specified in paragraph (c). If the attorney has not filed a statement of attorney fees within the 12 months, the attorney must send a renewed notice of lien to the insurer. If 12 months have elapsed since the last notice of lien has been received by the insurer and no statement of attorney fees has been filed, the insurer must release the withheld money to the employee, except that before releasing the money to the employee, the insurer must give the attorney 30 days' written notice of the pending release. The insurer must not release the money if the attorney files a statement of attorney fees within the 30 days.

Sec. 4. Minnesota Statutes 2022, section 176.106, subdivision 4, is amended to read:

Subd. 4. **Appearances.** All parties shall appear either personally, by telephone, by electronic means, by representative, or by written submission. The commissioner's designee or compensation judge shall determine the method of appearance and issues in dispute based upon the information available at the conference.

Sec. 5. Minnesota Statutes 2022, section 176.1292, subdivision 2, is amended to read:

Subd. 2. **Payment of permanent total disability benefits to employees, dependents, and legal heirs.** (a) A payer is entitled to the relief described in subdivisions 3 and 4 only if the payer complies with all of the conditions in paragraphs (b) to (d) for all of the payer's permanently totally disabled employees and documents compliance according to the procedures and forms established by the commissioner under subdivision 7.

(b) Except as provided in paragraph (e), the payer must:

(1) recharacterize supplementary benefits paid to all employees as permanent total disability benefits if the supplementary benefits were paid because the permanent total disability benefits were reduced by retirement benefits received by the employee;

(2) pay all permanently totally disabled employees, regardless of the date of injury, past and future permanent total disability benefits calculated without any reduction for retirement benefits received by the employees, from the date the employees' benefits were first reduced; and

(3) for all deceased employees, pay the employees' dependents or, if none, the employees' legal heirs, the permanent total disability benefits the deceased employees would have received if the benefits had been calculated without any reduction for retirement benefits received by the employees.

(c) A payer may take a credit against its obligations under paragraph (b), clauses (2) and (3), for:

(1) supplementary benefits previously paid to an employee that have been recharacterized as permanent total disability benefits under paragraph (b), clause (1); and

(2) permanent total disability benefits previously paid to an employee.

(d) The payer must pay the permanent total disability benefits as provided in paragraphs (b) and (c) within the time frames described in clauses (1) to (4). More than one time frame may apply to a claim.

(1) No later than 150 days following May 30, 2017, the payer must begin paying the recalculated permanent total disability benefit amounts to employees who are entitled to ongoing permanent total disability benefits.

(2) No later than 210 days following May 30, 2017, the payer must pay employees the amounts that past permanent total disability benefits were underpaid.

(3) No later than 270 days following May 30, 2017, the payer must pay the employees' dependents or legal heirs the amounts that permanent total disability benefits were underpaid.

(4) The commissioner may waive payment under paragraphs (b) and (c) or extend these time frames if the payer, after making a good-faith effort, is unable to: locate an employee; identify or locate the dependents or legal heirs of a deceased employee; or locate documentation to determine the amount of an underpayment.

(e) Paragraphs (a) to (d) do not apply if:

(1) the employee died before January 1, 2008;

6.1 (2) the employee's last permanent total disability benefit was paid before January 1,
6.2 2000;

6.3 (3) the employee's last permanent total disability benefit would have been paid before
6.4 January 1, 2000, if it had not been reduced by ~~his or her~~ the employee's retirement benefits;

6.5 (4) a stipulation for settlement, signed by the employee and approved by a compensation
6.6 judge, provided for a full, final, and complete settlement of permanent total disability benefits
6.7 under this chapter in exchange for a lump sum payment amount or a lump sum converted
6.8 to a structured annuity;

6.9 (5) a final court order, or a stipulation for settlement signed by the employee and approved
6.10 by a compensation judge, explicitly states the employee's permanent total disability benefits
6.11 may be reduced by specified retirement benefits. Paragraphs (a) to (d) apply if a court order
6.12 or stipulation for settlement is ambiguous about whether the employee's permanent total
6.13 disability benefits could be reduced by retirement benefits; or

6.14 (6) a final court order or a stipulation for settlement described in clause (4) or (5) was
6.15 vacated after May 31, 2017.

6.16 Sec. 6. Minnesota Statutes 2022, section 176.1292, subdivision 9, is amended to read:

6.17 Subd. 9. **Failure to comply.** (a) If a payer reports to the department that it has complied
6.18 with the requirements of subdivision 2, paragraphs (a) to (d), but the payer has not paid an
6.19 employee, dependent, or legal heir, as required by subdivision 2, the payer is subject to the
6.20 following:

6.21 (1) the payer must issue payment to the employee, dependent, or legal heir within 14
6.22 days of the date the payer discovers the noncompliance or the date the department notifies
6.23 the payer of the noncompliance;

6.24 (2) the payer is not entitled to the relief provided in subdivisions 3 and 4 as applied to
6.25 the claim of the specific employee, dependent, or legal heir who was not paid as required
6.26 by subdivision 2;

6.27 (3) the special compensation fund may immediately begin collection of any assessments
6.28 or over-reimbursement owed for the claim;

6.29 (4) if the commissioner determines that a payer's failure to comply under this subdivision
6.30 was not in good faith, the commissioner may assess a penalty, payable to the employee,
6.31 dependent, or legal heir, of up to 25 percent of the total permanent total disability benefits
6.32 underpaid; and

(5) if the payer is found after a hearing to be liable for increased or additional permanent total disability benefits because the employee's permanent total disability benefits were improperly reduced by ~~his or her~~ the employee's retirement benefits, the compensation judge shall assess a penalty against the payer, payable to the employee or dependent, up to the total amount of the permanent total disability benefits that were not paid pursuant to subdivision 2. The compensation judge may issue a penalty against the payer, up to the total amount of the permanent total disability benefits underpaid, payable to a legal heir.

(b) The penalties assessed under this subdivision are in addition to any other penalty that may be, or is required to be, assessed under this chapter; however, the commissioner shall not assess a penalty against a payer for late payment of permanent total disability benefits if the employee's benefits have been paid and documented in accordance with subdivision 2.

(c) If a payer and the special compensation fund have agreed to a list of employees required to be paid under subdivision 2, this subdivision does not apply to any claim with a date of injury before October 1, 1995, that is not on the agreed-upon list.

Sec. 7. Minnesota Statutes 2023 Supplement, section 176.155, subdivision 1, is amended to read:

Subdivision 1. **Employer's physician.** (a) The injured employee must submit to examination by the employer's physician, if requested by the employer, and at reasonable times thereafter upon the employer's request. Examinations shall not be conducted in hotel or motel facilities. The examination must be scheduled at a location within 150 miles of the employee's residence unless the employer can show cause to the ~~department~~ office to order an examination at a location further from the employee's residence. The employee is entitled upon request to have a personal physician or witness present at any such examination. Each party shall defray the cost of that party's physician.

(b) Any report or written statement made by the employer's physician as a result of an examination of the employee, regardless of whether the examination preceded the injury or was made subsequent to the injury or whether litigation is pending, must be served upon the employee and the attorney representing the employee, if any, no later than 14 calendar days within the issuance of the report or written statement.

(c) The employer shall pay reasonable travel expenses incurred by the employee in attending the examination including mileage, parking, and, if necessary, lodging and meals. The employer shall also pay the employee for any lost wages resulting from attendance at the examination.

(d) A self-insured employer or insurer who is served with a claim petition pursuant to section 176.271, subdivision 1, or 176.291, shall schedule any necessary examinations of the employee, if an examination by the employer's physician or health care provider is necessary to evaluate benefits claimed. The examination shall be completed and the report of the examination shall be served on the employee and filed with the commissioner within 120 days of service of the claim petition. Any request for a good cause extension pursuant to paragraph (e) must be made within 120 days of service of the claim petition, except that a request may be made after 120 days of service of a claim petition in the following circumstances:

(1) a change to the employee's claim regarding the nature and extent of the injury;

(2) a change to the permanency benefits claimed by the employee, including a change in permanent partial disability percentage;

(3) a new claim for indemnity benefits; or

(4) the employment relationship is not admitted by the uninsured employer.

(e) No evidence relating to the examination or report shall be received or considered by the commissioner, a compensation judge, or the court of appeals in determining any issues unless the report has been served and filed as required by this section, unless a written extension has been granted by the commissioner or compensation judge. The commissioner or a compensation judge shall extend the time for completing the adverse examination and filing the report upon good cause shown. The extension must not be for the purpose of delay and the insurer must make a good faith effort to comply with this subdivision. Good cause shall include but is not limited to:

(1) that the extension is necessary because of the limited number of physicians or health care providers available with expertise in the particular injury or disease, or that the extension is necessary due to the complexity of the medical issues, or

(2) that the extension is necessary to gather additional information which was not included on the petition as required by section 176.291.

Sec. 8. Minnesota Statutes 2022, section 176.155, subdivision 2, is amended to read:

Subd. 2. **Neutral physician.** In each case of dispute as to the injury the commissioner of labor and industry, or in case of a hearing the compensation judge conducting the hearing, or the Workers' Compensation Court of Appeals if the matter is before it, may with or without the request of any interested party, designate a neutral physician to make an examination of the injured worker and report the findings to the commissioner of labor and

industry, compensation judge, or the Workers' Compensation Court of Appeals, ~~as the case may be~~; provided that the request of the interested party must comply with the rules of the commissioner of labor and industry ~~and~~, the office, or the Workers' Compensation Court of Appeals, regulating the proper time and forms for the request, and further provided that when an interested party requests, not later than 30 days prior to a scheduled prehearing conference, that a neutral physician be designated, the compensation judge shall make such a designation. When a party has requested the designation of a neutral physician prior to a prehearing conference, that party may withdraw the request at any time prior to the hearing. The commissioner of labor and industry, compensation judge, or the Workers' Compensation Court of Appeals, ~~as the case may be~~, may request the neutral physician to answer any particular question with reference to the medical phases of the case, including questions calling for an opinion as to the cause and occurrence of the injury insofar as medical knowledge is relevant in the answer. A copy of the signed certificate of the neutral physician shall be mailed to the parties in interest and either party, within five days from date of mailing, may demand that the physician be produced for purposes of cross-examination. The signed certificate of a neutral physician is competent evidence of the facts stated therein. The expense of the examination shall be paid as ordered by the commissioner of labor and industry, compensation judge, or the Workers' Compensation Court of Appeals.

Sec. 9. Minnesota Statutes 2022, section 176.238, subdivision 3, is amended to read:

Subd. 3. **Interim administrative decision.** An employee may request the ~~commissioner~~ office to schedule an administrative discontinuance conference to obtain an expedited interim decision concerning the discontinuance of compensation. Procedures relating to discontinuance conferences are set forth in section 176.239.

Sec. 10. Minnesota Statutes 2022, section 176.238, subdivision 4, is amended to read:

Subd. 4. **Objection to discontinuance.** An employee may serve on the employer and file with the ~~commissioner~~ office an objection to discontinuance if:

- (1) the employee elects not to request an administrative conference under section 176.239;
- (2) if the employee fails to timely proceed under that section;
- (3) if the discontinuance is not governed by that section; or
- (4) if the employee disagrees with the interim administrative decision issued under that section. Within ten calendar days after receipt of an objection to discontinuance, the

10.1 ~~commissioner~~ office shall ~~refer~~ schedule the matter ~~to the office~~ for a de novo hearing before
10.2 a compensation judge to determine the right of the employee to further compensation.

10.3 Sec. 11. Minnesota Statutes 2022, section 176.238, subdivision 5, is amended to read:

10.4 Subd. 5. **Petition to discontinue.** Instead of filing a notice of discontinuance, an employer
10.5 may serve on the employee and file with the ~~commissioner~~ office a petition to discontinue
10.6 compensation. A petition to discontinue compensation may also be used when the employer
10.7 disagrees with the interim administrative decision under section 176.239. Within ten calendar
10.8 days after receipt of a petition to discontinue, the ~~commissioner~~ office shall ~~refer~~ schedule
10.9 the matter ~~to the office~~ for a de novo hearing before a compensation judge to determine the
10.10 right of the employer to discontinue compensation.

10.11 The petition shall include copies of medical reports or other written reports or evidence
10.12 in the possession of the employer bearing on the physical condition or other present status
10.13 of the employee which relate to the proposed discontinuance. The employer shall continue
10.14 payment of compensation until the filing of the decision of the compensation judge and
10.15 thereafter as the compensation judge, court of appeals, or the supreme court directs, unless,
10.16 during the interim, occurrences arise justifying the filing of a notice under subdivision 1 or
10.17 2 and the discontinuance is permitted by the commissioner's order or no conference under
10.18 section 176.239 is requested.

10.19 Sec. 12. Minnesota Statutes 2022, section 176.238, subdivision 6, is amended to read:

10.20 Subd. 6. **Expedited hearing before compensation judge.** (a) A hearing before a
10.21 compensation judge shall be held within 60 calendar days after the ~~office receives the file~~
10.22 ~~from the commissioner~~ filing of the objection to discontinuance or petition to discontinue
10.23 if:

10.24 (1) an objection to discontinuance has been filed under subdivision 4 within 60 calendar
10.25 days after the notice of discontinuance was filed and where no administrative conference
10.26 has been held;

10.27 (2) an objection to discontinuance has been filed under subdivision 4 within 60 calendar
10.28 days after an interim administrative decision under this section has been issued;

10.29 (3) a petition to discontinue has been filed by the employer or insurer in lieu of filing a
10.30 notice of discontinuance; or

10.31 (4) a petition to discontinue has been filed within 60 calendar days after the interim
10.32 administrative decision under this section has been issued.

(b) If the petition or objection is filed later than the deadlines listed above, the expedited procedures in this section apply only where the employee is unemployed at the time of filing the objection and shows, to the satisfaction of the chief administrative judge, by sworn affidavit, that the failure to file the objection within the deadlines was due to some infirmity or incapacity of the employee or to circumstances beyond the employee's control. The hearing shall be limited to the issues raised by the notice or petition unless all parties agree to expanding the issues. If the issues are expanded, the time limits for hearing and issuance of a decision by the compensation judge under this subdivision shall not apply.

(c) Once a hearing date has been set, a continuance of the hearing date will be granted only under the following circumstances:

(1) the employer has agreed, in writing, to a continuation of the payment of benefits pending the outcome of the hearing; or

(2) the employee has agreed, in a document signed by the employee, that benefits may be discontinued pending the outcome of the hearing.

(d) Absent a clear showing of surprise at the hearing or the unexpected unavailability of a crucial witness, all evidence must be introduced at the hearing. If it is necessary to accept additional evidence or testimony after the scheduled hearing date, it must be submitted no later than 14 days following the hearing, unless the compensation judge, for good cause, determines otherwise.

(e) When a compensation judge issued the interim administrative decision, the de novo hearing under paragraph (a), clauses (2) and (4), must be held before a compensation judge other than the compensation judge who presided over the administrative conference. The compensation judge shall issue a decision pursuant to this subdivision within 30 days following the close of the hearing record.

Sec. 13. Minnesota Statutes 2022, section 176.239, subdivision 2, is amended to read:

Subd. 2. **Request for administrative conference.** If the employee disagrees with the notice of discontinuance, the employee may request that the ~~commissioner~~ office schedule an administrative conference to be conducted pursuant to this section.

If temporary total, temporary partial, or permanent total compensation has been discontinued because the employee has returned to work, and the employee believes benefits should be reinstated due to occurrences during the initial 14 calendar days of the employee's return to work, the employee's request must be received by the ~~commissioner~~ office within 30 calendar days after the employee has returned to work. If the employer has failed to

12.1 properly serve and file the notice as provided in section 176.238, the employee's time period
12.2 to request an administrative conference is extended up to and including the 40th calendar
12.3 day subsequent to the return to work.

12.4 If temporary total, temporary partial, or permanent total compensation has been
12.5 discontinued for a reason other than a return to work, the employee's request must be received
12.6 by the ~~commissioner~~ office within 12 calendar days after the notice of discontinuance is
12.7 received by the commissioner. If the employer discontinues compensation without giving
12.8 notice as required by section 176.238, the employee's time period for requesting an
12.9 administrative conference is extended up to and including the 40th calendar day after which
12.10 the notice should have been served and filed.

12.11 The ~~commissioner~~ office may determine that an administrative conference is not necessary
12.12 under this section for reasons prescribed by rule and permit the employer to discontinue
12.13 compensation, subject to the employee's right to file an objection to discontinuance under
12.14 section 176.238, subdivision 4.

12.15 In lieu of making a written request for an administrative conference with the
12.16 ~~commissioner~~ office, an employee may make an in-person or telephone request for the
12.17 administrative conference.

12.18 Sec. 14. Minnesota Statutes 2022, section 176.239, subdivision 3, is amended to read:

12.19 Subd. 3. **Payment through date of discontinuance conference.** (a) If a notice of
12.20 discontinuance has been served and filed due to the employee's return to work, and the
12.21 employee requests a conference, the employer is not obligated to reinstate or otherwise pay
12.22 temporary total, temporary partial, or permanent total compensation unless so ordered by
12.23 the ~~commissioner~~ compensation judge.

12.24 (b) When an administrative conference is conducted under circumstances in which the
12.25 employee has not returned to work, compensation shall be paid through the date of the
12.26 administrative conference unless:

12.27 (1) the employee has returned to work since the notice was filed;

12.28 (2) the employee fails to appear at the scheduled administrative conference; or

12.29 (3) due to unusual circumstances or pursuant to the rules of the division, the ~~commissioner~~
12.30 compensation judge orders otherwise.

13.1 Sec. 15. Minnesota Statutes 2022, section 176.239, subdivision 4, is amended to read:

13.2 Subd. 4. **Scheduling of conference.** If the employee timely requests an administrative
13.3 conference under this section, the ~~commissioner~~ office shall schedule a conference within
13.4 ten calendar days after receiving the request.

13.5 Sec. 16. Minnesota Statutes 2022, section 176.239, subdivision 5, is amended to read:

13.6 Subd. 5. **Continuances.** An employee or employer may request a continuance of a
13.7 scheduled administrative conference. If the ~~commissioner~~ compensation judge determines
13.8 there is good cause for a continuance, the ~~commissioner~~ compensation judge may grant the
13.9 continuance for not more than 14 calendar days unless the parties agree to a longer
13.10 continuance. If compensation is payable through the day of the administrative conference
13.11 pursuant to subdivision 3, and the employee is granted a continuance, compensation need
13.12 not be paid during the period of continuance unless the ~~commissioner~~ compensation judge
13.13 orders otherwise. If the employer is granted a continuance and compensation is payable
13.14 through the day of the administrative conference pursuant to subdivision 3, then compensation
13.15 shall continue to be paid during the continuance. The ~~commissioner~~ compensation judge
13.16 may grant an unlimited number of continuances provided that payment of compensation
13.17 during any continuance is subject to this subdivision.

13.18 Sec. 17. Minnesota Statutes 2023 Supplement, section 176.239, subdivision 6, is amended
13.19 to read:

13.20 Subd. 6. **Scope of the administrative decision.** If benefits have been discontinued due
13.21 to the employee's return to work, the ~~commissioner~~ compensation judge shall determine
13.22 whether, as a result of occurrences arising during the initial 14 calendar days after the return
13.23 to work, the employee is entitled to additional payment of temporary total, temporary partial,
13.24 or permanent total compensation.

13.25 If periodic payment of temporary total, temporary partial, or permanent total
13.26 compensation has been discontinued for reasons other than a return to work, the ~~commissioner~~
13.27 compensation judge shall determine whether the employer has reasonable grounds to support
13.28 the discontinuance. Only reasons specified on the notice of discontinuance shall provide a
13.29 basis for a discontinuance, unless the parties agree otherwise.

14.1 Sec. 18. Minnesota Statutes 2023 Supplement, section 176.239, subdivision 7, is amended
14.2 to read:

14.3 Subd. 7. **Interim administrative decision.** After considering the information provided
14.4 by the parties at the administrative conference and exhibits filed by the parties with the
14.5 office, the ~~commissioner~~ compensation judge shall issue to all interested parties a written
14.6 decision on payment of compensation. Administrative decisions under this section shall be
14.7 issued within five working days from the close of the conference. Disputed issues of fact
14.8 shall be determined by a preponderance of the evidence.

14.9 Sec. 19. Minnesota Statutes 2022, section 176.239, subdivision 9, is amended to read:

14.10 Subd. 9. **Administrative decision binding; effect of subsequent determinations.** The
14.11 interim administrative decision under this section is binding upon the parties and the rights
14.12 and obligations of the parties are governed by the decision.

14.13 If an objection or a petition is filed under subdivision 8, the interim administrative
14.14 decision remains in effect and the parties' obligations or rights to pay or receive compensation
14.15 are governed by the interim administrative decision, pending a determination by a
14.16 compensation judge pursuant to section 176.238, subdivision 6.

14.17 If the ~~commissioner has denied a discontinuance or otherwise ordered commencement~~
14.18 ~~of benefits~~ has been denied, the employer shall continue paying compensation until an order
14.19 is issued by a compensation judge, the court of appeals, or the supreme court, allowing
14.20 compensation to be discontinued, or unless, during the interim, occurrences arise justifying
14.21 the filing of a notice under section 176.238, subdivision 1 or 2, and the discontinuance is
14.22 permitted by the ~~commissioner~~ compensation judge or no conference is requested. If a
14.23 compensation judge after a de novo hearing, the court of appeals, or the supreme court later
14.24 rules that the discontinuance was proper or that benefits were otherwise not owing the
14.25 employee, payments made under the interim administrative decision and order shall be
14.26 treated as an overpayment which the insurer may recover from the employee subject to
14.27 section 176.179.

14.28 If the ~~commissioner~~ compensation judge has permitted a discontinuance or otherwise
14.29 not ordered commencement of benefits, the service and filing of the administrative decision
14.30 relieves the employer from further liability for compensation subject to the right of review
14.31 afforded by this chapter.

15.1 Sec. 20. Minnesota Statutes 2022, section 176.239, subdivision 10, is amended to read:

15.2 Subd. 10. **Application of section.** This section is applicable to all cases in which the
15.3 employee's request for an administrative conference is received by the ~~division~~ office after
15.4 July 1, 1987, even if the injury occurred prior to July 1, 1987. This section shall not apply
15.5 to those employees who have been adjudicated permanently totally disabled, or to those
15.6 employees who have been administratively determined pursuant to division rules to be
15.7 permanently totally disabled.

15.8 Sec. 21. Minnesota Statutes 2022, section 176.253, subdivision 2, is amended to read:

15.9 Subd. 2. **General.** Where this chapter requires an employer to perform an act, the insurer
15.10 of the employer may perform that act. Where the insurer acts ~~in~~ on behalf of the employer,
15.11 the employer is responsible for the authorized acts of the insurer and for any delay, failure,
15.12 or refusal of the insurer to perform the act. This section does not relieve the employer from
15.13 any penalty or forfeiture which this chapter imposes on the employer.

15.14 Sec. 22. Minnesota Statutes 2022, section 176.271, subdivision 1, is amended to read:

15.15 Subdivision 1. **Written petition.** Unless otherwise provided by this chapter or by the
15.16 commissioner, all proceedings under this chapter are initiated by the filing of a written
15.17 petition on a prescribed form with the ~~commissioner at the commissioner's principal office~~
15.18 department or office. All claim petitions shall include the information required by section
15.19 176.291.

15.20 Sec. 23. Minnesota Statutes 2022, section 176.285, subdivision 2, is amended to read:

15.21 Subd. 2. **Electronic service and filing on an agency.** (a) Where a statute or rule
15.22 authorizes or requires a document to be filed with or served on the office, the document
15.23 ~~may~~ must be filed electronically ~~if electronic filing is authorized by the office and if the~~
15.24 ~~document is transmitted~~ in the manner and in the format specified by the office. Where a
15.25 statute or rule authorizes or requires a document to be filed with or served on the
15.26 commissioner or the Workers' Compensation Court of Appeals, the document must be filed
15.27 electronically in the manner and format specified by the commissioner. An employee must
15.28 not be required to file a document electronically at any agency unless the document is filed
15.29 by an attorney on behalf of the employee.

15.30 (b) If electronic filing of a document is ~~authorized by the office or~~ required under this
15.31 subdivision and a statute or rule requires a copy of the document to be provided or served
15.32 on another person or party, the document filed electronically with the agency and provided

16.1 or served on the other person or party must contain the same information in the format
16.2 required by the agency.

16.3 (c) For purposes of serving on and filing with an agency under this chapter, "electronic"
16.4 and "electronically" excludes facsimile and email unless authorized by the agency. A
16.5 document is deemed filed with an agency on the business day it is accepted for filing on or
16.6 before 11:59 p.m.

16.7 Sec. 24. Minnesota Statutes 2022, section 176.285, subdivision 2a, is amended to read:

16.8 Subd. 2a. **Electronic signatures.** (a) Where a statute or rule authorizes or requires a
16.9 person's signature on a document to be filed with or served on an agency, the signature may
16.10 be an electronic signature, as defined by section 325L.02, or transmitted electronically, if
16.11 authorized by the agency and if the signature is transmitted in the manner and format
16.12 specified by the agency. The commissioner may require that a document authorized or
16.13 required to be filed with the commissioner, department, or division be filed electronically
16.14 in the manner and format specified by the commissioner, except that an employee must not
16.15 be required to file a document electronically unless the document is filed by an attorney on
16.16 behalf of an employee. The department, Workers Compensation Court of Appeals, or ~~court~~
16.17 office may adopt rules for the certification of signatures.

16.18 (b) If a rehabilitation provider files a rehabilitation plan or other document that requires
16.19 the signature of the employee, employer, or insurer pursuant to section 176.102, or rules
16.20 adopted under section 176.102, the rehabilitation provider shall specify whether each party's
16.21 signature has been obtained. The rehabilitation provider must retain the document with the
16.22 original signature or signatures of the employee and insurer or self-insured employer for
16.23 five years after the rehabilitation plan is closed and must make the signed document available
16.24 to the commissioner or compensation judge upon request.

16.25 Sec. 25. Minnesota Statutes 2022, section 176.285, subdivision 2b, is amended to read:

16.26 Subd. 2b. **Electronic service of documents on party through office case management**
16.27 **system or CAMPUS.** (a) ~~The office may serve a document electronically on a payer,~~
16.28 ~~rehabilitation provider, or attorney. The office may serve a document on any other party if~~
16.29 ~~the recipient agrees to receive it in an electronic format. The date of electronic service of a~~
16.30 ~~document is the date the recipient is sent a document electronically, or the date the recipient~~
16.31 ~~is notified that the document is available on a website, whichever occurs first. The office~~
16.32 and a party may electronically serve through the office's case management system a document

17.1 required to be served on a party or filed with the office on any person with an account in
17.2 the case management system.

17.3 (b) The commissioner, the Workers' Compensation Court of Appeals, and a party may
17.4 electronically serve through CAMPUS a document required to be served on a party or filed
17.5 with the commissioner on any person with an account in CAMPUS under section 176.2612.
17.6 Service through CAMPUS must be either by secure email or by emailing a notice that the
17.7 document may be accessed through a web portal. Service of a document through CAMPUS
17.8 on an attorney for a party is considered to be service on the party, except where service on
17.9 the employee is specifically required by this chapter.

17.10 (c) An employee must not be electronically served unless the employee has created an
17.11 account and has agreed to accept electronic service through the office's case management
17.12 system or CAMPUS.

17.13 (d) The date of electronic service of a document is the date the recipient is sent a
17.14 document electronically, or the date the recipient is notified that the document is available
17.15 on a website, whichever occurs first.

17.16 Sec. 26. Minnesota Statutes 2022, section 176.305, subdivision 1, is amended to read:

17.17 Subdivision 1. **Hearings on petitions.** The petitioner shall serve a copy of the petition
17.18 on each adverse party ~~personally or by first-class mail. A clear~~ and file a copy shall be filed
17.19 with the office, together with an appropriate affidavit of service. Service and filing must be
17.20 made as provided under section 176.285, subdivisions 1 and 2.

17.21 Sec. 27. Minnesota Statutes 2022, section 176.321, subdivision 3, is amended to read:

17.22 Subd. 3. **Extension of time in which to file answer.** Upon showing of cause, the office
17.23 may extend the time in which to file an answer or reply for not more than 30 additional
17.24 days. The time to file an answer or reply may also be extended upon agreement of the
17.25 petitioner, and provided that the office must be notified in writing by the employer no later
17.26 than five days beyond the time required for the filing of the answer of the fact that an
17.27 agreement has been reached, including the length of the extension. Any case received by
17.28 the office that does not include an answer, written extension order, or written notification
17.29 of the extension agreement shall be immediately set for a pretrial conference and hearing
17.30 at the first available date under section 176.331.

18.1 Sec. 28. Minnesota Statutes 2022, section 176.322, is amended to read:

18.2 **176.322 DECISIONS BASED ON STIPULATED FACTS.**

18.3 If the parties agree to a stipulated set of facts and only legal issues remain, the
18.4 ~~commissioner or~~ compensation judge may determine the matter without a hearing based
18.5 upon the stipulated facts and the determination is appealable to the court of appeals pursuant
18.6 to sections 176.421 and 176.442. In any case where a stipulated set of facts has been
18.7 submitted pursuant to this section, upon receipt of the file or the stipulated set of facts the
18.8 chief administrative law judge shall immediately assign the case to a compensation judge
18.9 for a determination. The judge shall issue a determination within 60 days after receipt of
18.10 the stipulated facts.

18.11 Sec. 29. Minnesota Statutes 2022, section 176.341, subdivision 6, is amended to read:

18.12 Subd. 6. **Significant financial hardship; expedited hearings.** An employee may file
18.13 a request for an expedited hearing which must be granted upon a showing of significant
18.14 financial hardship. In determining whether a significant financial hardship exists,
18.15 consideration shall be given to whether the employee is presently employed, the employee's
18.16 income from all sources, the nature and extent of the employee's expenses and debts, whether
18.17 the employee is the sole support of any dependents, whether either foreclosure of homestead
18.18 property or repossession of necessary personal property is imminent, and any other matters
18.19 which have a direct bearing on the employee's ability to provide food, clothing, and shelter
18.20 for the employee and any dependents.

18.21 A request for an expedited hearing must be accompanied by a sworn affidavit of the
18.22 employee providing facts necessary to satisfy the criteria for a significant financial hardship.
18.23 The request may be made at the time a claim petition is filed or any time thereafter. Unless
18.24 the employer objects to the request in the answer to the claim petition or within 20 calendar
18.25 days of the filing of a request made subsequent to the filing of the claim petition, the affidavit
18.26 is a sufficient showing of significant financial hardship.

18.27 If a request for an expedited hearing has been served and filed, the ~~commissioner or~~
18.28 compensation judge shall issue an order granting grant or denying deny the request, provided
18.29 that where the parties agree that significant financial hardship exists or no objection to the
18.30 request is timely filed, the request is automatically granted ~~and the compensation judge or~~
18.31 ~~commissioner need not issue an order~~. If it is denied, the matter will be returned to the
18.32 regular calendar of cases and the request for an expedited hearing may be renewed at a
18.33 settlement conference. ~~If no objection has been timely filed or if the request is granted, the~~

19.1 ~~commissioner shall immediately refer the matter to the office to commence prehearing~~
19.2 ~~procedures.~~

19.3 ~~The calendar judge shall issue a prehearing order and notice of the date, time, and place~~
19.4 ~~for a prehearing conference which shall be set for no later than 45 days following the filing~~
19.5 ~~of the affidavit of significant financial hardship. The prehearing order shall require the~~
19.6 ~~parties to serve and file prehearing statements no later than five working days prior to the~~
19.7 ~~date set for the prehearing conference. The prehearing statements shall include those items~~
19.8 ~~listed in the joint rules of the division and the office which the calendar judge deems~~
19.9 ~~appropriate.~~

19.10 ~~Following any prehearing conference and absent an agreement or stipulation from the~~
19.11 ~~parties, the commissioner or compensation judge shall issue an order establishing deadlines~~
19.12 ~~for the parties to complete their preparation for hearing and, after consultation with the~~
19.13 ~~calendar judge, establishing the date, time, and place for a hearing.~~

19.14 Sec. 30. Minnesota Statutes 2022, section 176.361, subdivision 1, is amended to read:

19.15 Subdivision 1. **Right to intervene.** A person who has an interest in any matter before
19.16 the Workers' Compensation Court of Appeals, or commissioner, or ~~compensation judge~~
19.17 office such that the person may either gain or lose by an order or decision may intervene in
19.18 the proceeding by filing a motion in writing stating the facts which show the interest. The
19.19 commissioner is considered to have an interest and shall be permitted to intervene at the
19.20 appellate level when a party relies in its claim or defense upon any statute or rule administered
19.21 by the commissioner, or upon any rule, order, requirement, or agreement issued or made
19.22 under the statute or rule.

19.23 The commissioner may adopt rules, not inconsistent with this section to govern
19.24 intervention. The Workers' Compensation Court of Appeals shall adopt rules to govern the
19.25 procedure for intervention in matters before it. The office shall adopt rules to govern the
19.26 procedure for intervention in matters before it.

19.27 If the Department of Human Services or the Department of Employment and Economic
19.28 Development seeks to intervene in any matter before the division, a compensation judge or
19.29 the Workers' Compensation Court of Appeals, a nonattorney employee of the department,
19.30 acting at the direction of the staff of the attorney general, may prepare, sign, serve and file
19.31 motions for intervention and related documents, attend prehearing conferences, and
19.32 participate in matters before a compensation judge or the Workers' Compensation Court of
19.33 Appeals. Any other interested party may intervene using a nonattorney and may participate
19.34 in any proceeding to the same extent an attorney could. This activity shall not be considered

20.1 to be the unauthorized practice of law. An intervenor represented by a nonattorney shall be
20.2 deemed to be represented by an attorney for the purposes of the conclusive presumption of
20.3 section 176.521, subdivision 2.

20.4 Subdivisions 3 to 6 do not apply to the following proceedings conducted by the
20.5 Department of Labor and Industry or the office: mediation proceedings; discontinuance
20.6 conferences under section 176.239; or administrative conferences under section 176.106.

20.7 Sec. 31. Minnesota Statutes 2022, section 176.361, subdivision 4, is amended to read:

20.8 Subd. 4. **Attendance by intervenor.** A person who has submitted a timely written motion
20.9 to intervene, as required by subdivision 2, is not required to attend settlement or pretrial
20.10 conferences or the hearing, unless attendance is ordered by the compensation judge assigned
20.11 to the case, pursuant to a motion to require the intervenor's attendance filed by a party or
20.12 as a matter of the judge's discretion. A motion to require attendance must be served and
20.13 filed at least 20 days before a scheduled hearing proceeding, and the compensation judge
20.14 must serve and file an order granting or denying the motion at least ten days before a
20.15 scheduled hearing proceeding. If attendance is ordered, failure of the intervenor to attend
20.16 a proceeding either in person or, if approved by the compensation judge, by telephone or
20.17 some other electronic medium, shall result in the denial of the claim for reimbursement
20.18 except upon a showing of good cause. If attendance has not been ordered, this subdivision
20.19 does not prohibit an intervenor from attending a conference or hearing in person, or from
20.20 requesting permission from the compensation judge to attend a conference or hearing by
20.21 telephone or other electronic medium.

20.22 Sec. 32. Minnesota Statutes 2022, section 176.421, subdivision 7, is amended to read:

20.23 Subd. 7. **Record of proceedings.** At the division's office's own expense, the ~~commissioner~~
20.24 office shall make a complete record of all formal proceedings before the ~~commissioner~~ and
20.25 ~~shall provide a stenographer or an audio-magnetic recording device to make the record of~~
20.26 the proceedings office.

20.27 The ~~commissioner~~ office shall furnish a transcript of these proceedings to any person
20.28 who requests it and who pays a reasonable charge which shall be set by the ~~commissioner~~
20.29 office. Upon a showing of cause, the ~~commissioner~~ chief administrative law judge may
20.30 direct that a transcript be prepared without expense to the person requesting the transcript,
20.31 in which case the cost of the transcript shall be paid by the ~~division~~ office. Transcript fees
20.32 received under this subdivision shall be paid to the Workers' Compensation Division account
20.33 in the state treasury and shall be annually appropriated to the division for the sole purpose

- 21.1 of providing a record and transcripts as provided in this subdivision. This subdivision does
- 21.2 not apply to any administrative conference or other proceeding before the commissioner
- 21.3 which may be heard de novo in another proceeding including but not limited to proceedings
- 21.4 under section 176.106 or 176.239.