

AAFEDT, FORDE, GRAY, MONSON & HAGER, P.A.

STATUTORY CHANGES IN WORKERS' COMPENSATION LAW 2008

<u>Statute</u>	<u>PRIOR ACT</u>	<u>NEW ACT</u>	<u>DATE EFFECTIVE</u>
DEFINITION OF EMPLOYEE			
176.011 Subd. 9 (17)	A worker who performs in home attendant care services to a physically disabled person and who is paid by DHS is an employee	A worker performing personal care attendant services where they are paid by government funds and paid through an intermediary is an employee (DHS is employer)	August 1, 2008
DEFINITION OF EMPLOYEE			
176.011 Subd 9 (25)	None	Minnesota Responds Medical Reserve Corps (Minn.Stat. 145A.04) responding to the request of Commissioner of Health are employees	August 1, 2008
		** Daily wage is calculated for these individuals under Minn.Stat. 145A.06	
COMPENSATION SCHEDULE			
176.101 Subd 1 (b) (1)	Max Compensation Rate \$750.00	Max Compensation Rate \$850	October 1, 2008
176.101 Subd 1 (e)	Max weeks of TTD = 104	Max weeks of TTD = 130	October 1, 2008
REHABILITATION			
176.102 Subd 2	None	**New section (b): Max rate for rehabilitation services for QRC \$91/hr and for interns \$81 <i>** This is in lieu of annual increase on October 1. Job placement rates unchanged Fees for QRC are now governed by statute</i>	August 1, 2008
176.102 Subd 11 c	Request for retraining filed must be filed in 156 weeks	Request for retraining must be filed in 208 weeks	October 1, 2008

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MEDICAL FEE REVIEW			
176.136 Subd (1)a	Medical Fee schedule effective adopted October 1, 1991 in effect until permanent rule adopted	Commissioner shall adopt permanent rules Commissioner may adopt by reference relative value fee schedule tables for Medicare program	August 1, 2008
176.136 Subd 1 (g)	None	Conversion factors must be adjusted: Each time fee tables are updated commissioner shall adjust conversion factors so services in both fee schedules so that there is no difference between overall payment for that category under fee schedule in effect	August 1, 2008
176.136 (h) 2	None	Commissioner periodically, at least once every three years update the fee schedule by incorporating by reference the relative value table in the national physician fee schedule relative value file established by the Center for Medicare/Medicaid.	August 1, 2008
176.136 Subd. 1(d)	None	An employer's liability for treatment, articles and supplies under this chapter by a health care provider located outside of Minnesota is limited to the payment that the HCP would receive if, treatment, article, or supplies were paid under worker's compensation law of jurisdiction in which the treatment was provided.	August 1, 2008 for all dates of injury
COLLECTIVE BARGAINING			
176.1812 Subd. 1	Collective Bargaining agreements: must be self insured	Now extends to all employers that are insured for workers compensation	August 1, 2008

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UNINSURED AND SELF--- INSURED EMPLOYERS			
176.183 Subd. 1	None	Commissioner is no longer required to comply with the procedures in 16C before purchasing paying for, or reimbursing the employee for medical treatment there are compensable under this chapter injured with an uninsured employer (No more cost benefit analysis)	August 1, 2008
POLICY OF INSURANCE			
176.185 Subd. 8a	None	Employer can be liable for 300% penalty for failing to pay workers compensation benefits if its insurer is insolvent and the employer is not not insolvent or bankrupt	August 1, 2008
		*Procedurally: If employer refuses to pay, Insurance Guaranty Assoc. starts paying. Possessor of files must send to Association within 5 days or a \$500 penalty payable per day claim files are late. Association can be awarded atty. fees and costs to administer.	
		**If payment are made pursuant to a certificate of default, employer is liable to pay 300% penalty	
REPORT OF DEATH OR INJURY TO COMMISSIONER			
176.231 Subd. 10	Penalties applicable to employer/insurer/physicians	QRC or Rehabilitation Vendor can be liable for penalties for failure to file timely rehabilitation reports	August 1, 2008
	Penalty applicable under this section	Penalty applicable under this chapter	

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RECEIPTS FOR PAYMENT		OF COMPENSATION		
176.245	In each case, DOLI had to check to see if compensation payments were made on time		DOLI has to check periodically	August 1, 2008
176.245	None		The commissioner may determine, using statistical methodology similar to Six Sigma, the most efficient manner of reviewing or auditing records including sampling methodology	August 1, 2008
FILING OF PAPERS/		PROOF OF SERVICE		
176.275 subd. 1	None		Allows DOLI to assign court mandated case no's in lieu of SSN	August 1, 2008
176.285	Where service to division by electronic means, signatures may be used by has to be certified within 5 days		Statute allows pleadings to be filed electronically if allowed by rules. Also provides signatures can be served electronically	
REPEALED	176.1041		176.669	