

Minnesota Workers' Compensation Act

Summary of 2011 Amendments

Effective August 1, 2011

Judges ■ Minn. Stat. §14.48, subd. 2

Only compensation Judges may conduct proceedings at OAH

- All Compensation Judges must be state employees unless all other judges are barred, and then, and only then, the chief judge can appoint a workers' compensation attorney or former Compensation Judge for that case only.

De Novo Hearings ■ Minn. Stat. §176.106, subd. 7

The same judge who issued an interim decision cannot preside at a *de novo* hearing.

Settlement Conferences ■ Minn. Stat. §176.305, subd. 1a

Will now be held within 180 days after a Claim Petition is filed

- Within 45 days after Petition to Discontinue, Objection to Discontinuance, or Request for Formal Hearing is filed.
- If no settlement is reached a hearing must be held within 90 days and the hearing must be before a judge other than the one who held the Settlement Conference.

Pre-Trial Statements ■ Minn. Stat. §176.305, subd. 1a

Parties must serve and file Pre-Trial Statements no fewer than 5 days before the settlement conference.

E-Filing

Money has now been appropriated to institute a case management and electronic filing system at OAH.

Remodeling ■ Minn. Stat. §176.137

These changes went into effect May 28, 2011.

- Dollar limit increased from \$60,000.00 to \$75,000.00 per injury
- The cost of obtaining architectural certification is included in the \$75,000.00
- No longer need architectural certification however if the project is:
 1. Approved by Council on Disability;
 2. Performed by a licensed residential contractor; &
 3. Approved by a certified building official or certified accessibility specialist who states in writing that the remodeling is reasonably required.