

1.1 **Senator McEwen from the Committee on Labor, to which was referred**

1.2 **S.F. No. 4745:** A bill for an act relating to labor and industry; making technical and  
1.3 policy changes to certain workers' compensation hearing provisions; amending Minnesota  
1.4 Statutes 2022, sections 176.011, subdivisions 1a, 2; 176.104, subdivision 1; 176.106,  
1.5 subdivision 4; 176.129, subdivision 10; 176.1292, subdivisions 2, 9; 176.155, subdivision  
1.6 2; 176.231, subdivision 9a; 176.238, subdivisions 3, 4, 5, 6; 176.239, subdivisions 2, 3, 4,  
1.7 5, 9, 10; 176.253, subdivision 2; 176.2611, subdivision 7; 176.271, subdivision 1; 176.275,  
1.8 subdivision 1; 176.285, subdivisions 2, 2a, 2b; 176.305, subdivision 1; 176.321, subdivision  
1.9 3; 176.322; 176.341, subdivision 6; 176.361, subdivisions 1, 4; 176.421, subdivision 7;  
1.10 Minnesota Statutes 2023 Supplement, sections 176.081, subdivision 1; 176.101, subdivision  
1.11 2a; 176.155, subdivision 1; 176.239, subdivisions 6, 7.

1.12 Reports the same back with the recommendation that the bill be amended as follows:

1.13 Page 2, after line 2, insert:

1.14 "Sec. 3. Minnesota Statutes 2022, section 176.011, subdivision 18, is amended to read:

1.15 Subd. 18. **Weekly wage.** "Weekly wage" is arrived at by multiplying the daily wage by  
1.16 the number of days and fractional days normally worked in the business of the employer  
1.17 for the employment involved. If the employee normally works less than five days per week  
1.18 or works an irregular number of days per week, the number of days normally worked shall  
1.19 be computed by dividing the total number of days in which the employee actually performed  
1.20 any of the duties of employment in the last 26 weeks by the number of weeks in which the  
1.21 employee actually performed such duties, provided that the weekly wage for part time  
1.22 employment during a period of seasonal or temporary layoff shall be computed on the  
1.23 number of days and fractional days normally worked in the business of the employer for  
1.24 the employment involved. If, at the time of the injury, the employee was regularly employed  
1.25 by two or more employers, the employee's days of work for all such employments shall be  
1.26 included in the computation of weekly wage. An employee injured while engaged in  
1.27 agricultural employment fewer than 30 days in a calendar year, and who is regularly  
1.28 employed by two or more employers, shall have their average weekly wage calculated based  
1.29 on the agricultural wages at five times the employee's daily wage, or based only on the  
1.30 employee's other employment, whichever is higher. Occasional overtime is not to be  
1.31 considered in computing the weekly wage, but if overtime is regular or frequent throughout  
1.32 the year it shall be taken into consideration. The maximum weekly compensation payable  
1.33 to an employee, or to the employee's dependents in the event of death, shall not exceed  
1.34 66-2/3 percent of the product of the daily wage times the number of days normally worked,  
1.35 provided that the compensation payable for permanent partial disability under section  
1.36 176.101, subdivision 2a, and for permanent total disability under section 176.101, subdivision  
1.37 4, or death under section 176.111, shall not be computed on less than the number of hours

2.1 normally worked in the employment or industry in which the injury was sustained, subject  
2.2 also to such maximums as are specifically otherwise provided.

2.3 **EFFECTIVE DATE.** This section is effective for dates of injury on or after October  
2.4 1, 2024."

2.5 Page 2, line 6, strike "\$130,000" and insert "\$275,000"

2.6 Page 2, lines 28 and 33, strike "\$26,000" and insert "\$55,000"

2.7 Page 3, line 6, strike "\$130,000" and insert "\$275,000"

2.8 Page 4, line 13, strike "\$26,000" and insert "\$55,000"

2.9 Page 4, after line 22, insert:

2.10 **"EFFECTIVE DATE.** This section is effective for dates of injury on or after October  
2.11 1, 2024."

2.12 Page 4, before line 23, insert:

2.13 "Sec. 5. Minnesota Statutes 2022, section 176.101, subdivision 1, is amended to read:

2.14 Subdivision 1. **Temporary total disability.** (a) For injury producing temporary total  
2.15 disability, the compensation is 66-2/3 percent of the weekly wage at the time of injury.

2.16 (b)(1) Commencing on October 1, ~~2013~~ 2024, and each October 1 thereafter, the  
2.17 maximum weekly compensation payable is ~~102~~ 108 percent of the statewide average weekly  
2.18 wage for the period ending December 31 of the preceding year.

2.19 (2) The Workers' Compensation Advisory Council may consider adjustment increases  
2.20 and make recommendations to the legislature.

2.21 (c) The minimum weekly compensation payable is \$130 per week or the injured  
2.22 employee's actual weekly wage, whichever is less. Beginning on October 1, 2021, and each  
2.23 October 1 thereafter, the minimum weekly compensation shall be 20 percent of the maximum  
2.24 weekly compensation payable or the employee's actual weekly wage, whichever is less.

2.25 (d) Temporary total compensation shall be paid during the period of disability subject  
2.26 to the cessation and recommencement conditions in paragraphs (e) to (l).

2.27 (e) Temporary total disability compensation shall cease when the employee returns to  
2.28 work. Except as otherwise provided in section 176.102, subdivision 11, temporary total  
2.29 disability compensation may only be recommenced following cessation under this paragraph,  
2.30 paragraph (h), or paragraph (j) prior to payment of 130 weeks of temporary total disability  
2.31 compensation and only as follows:

(1) if temporary total disability compensation ceased because the employee returned to work, it may be recommenced if the employee is laid off or terminated for reasons other than misconduct if the layoff or termination occurs prior to 90 days after the employee has reached maximum medical improvement. Recommenced temporary total disability compensation under this clause ceases when any of the cessation events in paragraphs (e) to (l) occurs; or

(2) if temporary total disability compensation ceased because the employee returned to work or ceased under paragraph (h) or (j), it may be recommenced if the employee is medically unable to continue at a job due to the injury. Where the employee is medically unable to continue working due to the injury, temporary total disability compensation may continue until any of the cessation events in paragraphs (e) to (l) occurs following recommencement. If an employee who has not yet received temporary total disability compensation becomes medically unable to continue working due to the injury after reaching maximum medical improvement, temporary total disability compensation shall commence and shall continue until any of the events in paragraphs (e) to (l) occurs following commencement. For purposes of commencement or recommencement under this clause only, a new period of maximum medical improvement under paragraph (j) begins when the employee becomes medically unable to continue working due to the injury. Temporary total disability compensation may not be recommenced under this clause and a new period of maximum medical improvement does not begin if the employee is not actively employed when the employee becomes medically unable to work. All periods of initial and recommenced temporary total disability compensation are included in the 130-week limitation specified in paragraph (k).

(f) Temporary total disability compensation shall cease if the employee withdraws from the labor market. Temporary total disability compensation may be recommenced following cessation under this paragraph only if the employee reenters the labor market prior to 90 days after the employee reached maximum medical improvement and prior to payment of 130 weeks of temporary total disability compensation. Once recommenced, temporary total disability ceases when any of the cessation events in paragraphs (e) to (l) occurs.

(g) Temporary total disability compensation shall cease if the total disability ends and the employee fails to diligently search for appropriate work within the employee's physical restrictions. Temporary total disability compensation may be recommenced following cessation under this paragraph only if the employee begins diligently searching for appropriate work within the employee's physical restrictions prior to 90 days after maximum medical improvement and prior to payment of 130 weeks of temporary total disability

4.1 compensation. Once recommenced, temporary total disability compensation ceases when  
4.2 any of the cessation events in paragraphs (e) to (l) occurs.

4.3 (h) Temporary total disability compensation shall cease if the employee has been released  
4.4 to work without any physical restrictions caused by the work injury.

4.5 (i) Temporary total disability compensation shall cease if the employee refuses an offer  
4.6 of work that is consistent with a plan of rehabilitation filed with the commissioner which  
4.7 meets the requirements of section 176.102, subdivision 4, or, if no plan has been filed, the  
4.8 employee refuses an offer of gainful employment that the employee can do in the employee's  
4.9 physical condition. Once temporary total disability compensation has ceased under this  
4.10 paragraph, it may not be recommenced.

4.11 (j) Temporary total disability compensation shall cease 90 days after the employee has  
4.12 reached maximum medical improvement, except as provided in section 176.102, subdivision  
4.13 11, paragraph (b). For purposes of this subdivision, the 90-day period after maximum medical  
4.14 improvement commences on the earlier of: (1) the date that the employee receives a written  
4.15 medical report indicating that the employee has reached maximum medical improvement;  
4.16 or (2) the date that the employer or insurer serves the report on the employee and the  
4.17 employee's attorney, if any. Once temporary total disability compensation has ceased under  
4.18 this paragraph, it may not be recommenced except if the employee returns to work and is  
4.19 subsequently medically unable to continue working as provided in paragraph (e), clause  
4.20 (2).

4.21 (k) Temporary total disability compensation shall cease entirely when 130 weeks of  
4.22 temporary total disability compensation have been paid, except as provided in section  
4.23 176.102, subdivision 11, paragraph (b). Notwithstanding anything in this section to the  
4.24 contrary, initial and recommenced temporary total disability compensation combined shall  
4.25 not be paid for more than 130 weeks, regardless of the number of weeks that have elapsed  
4.26 since the injury, except that if the employee is in a retraining plan approved under section  
4.27 176.102, subdivision 11, the 130-week limitation shall not apply during the retraining, but  
4.28 is subject to the limitation before the plan begins and after the plan ends.

4.29 (l) Paragraphs (e) to (k) do not limit other grounds under law to suspend or discontinue  
4.30 temporary total disability compensation provided under this chapter.

4.31 (m) Once an employee has been paid 52 weeks of temporary total compensation, the  
4.32 employer or insurer must notify the employee in writing of the 130-week limitation on  
4.33 payment of temporary total compensation. A copy of this notice must also be filed with the  
4.34 department.

5.1 **EFFECTIVE DATE.** This section is effective for dates of injury on or after October  
5.2 1, 2024."

5.3 Page 5, after line 33, insert:

5.4 "Sec. 7. Minnesota Statutes 2022, section 176.102, subdivision 13, is amended to read:

5.5 Subd. 13. **Discontinuance.** (a) All benefits payable under chapter 176 may, after a  
5.6 determination and order by the commissioner or compensation judge, be discontinued or  
5.7 forfeited for any time during which the employee refuses to submit to any reasonable  
5.8 examinations and evaluative procedures ordered by the commissioner or compensation  
5.9 judge to determine the need for and details of a plan of rehabilitation, or refuses to participate  
5.10 in rehabilitation evaluation as required by this section or does not make a good faith effort  
5.11 to participate in a rehabilitation plan. A discontinuance under this section is governed by  
5.12 sections 176.238 and 176.239.

5.13 (b) Once the employer or insurer has accepted liability for a claim and a rehabilitation  
5.14 plan has been approved, the employer or insurer may not discontinue payment of  
5.15 rehabilitation services until notice has been filed with the commissioner and served on the  
5.16 qualified rehabilitation consultant, the employee, and the attorney representing the employee,  
5.17 if any. The notice shall state the date of intended discontinuance and set forth a statement  
5.18 of facts clearly indicating the reason for the action. Copies of whatever medical reports or  
5.19 other written reports in the employer's or insurer's possession which are relied on for the  
5.20 discontinuance shall be attached to the notice.

5.21 **EFFECTIVE DATE.** This section is effective August 1, 2024."

5.22 Page 9, after line 24, insert:

5.23 "Sec. 13. Minnesota Statutes 2023 Supplement, section 176.135, subdivision 7, is amended  
5.24 to read:

5.25 Subd. 7. **Medical bills and records.** (a) Health care providers shall submit to the insurer  
5.26 an itemized statement of charges in the standard electronic transaction format when required  
5.27 by section 62J.536 or, if there is no prescribed standard electronic transaction format, on a  
5.28 billing form prescribed by the commissioner. Health care providers shall also submit copies  
5.29 of medical records or reports that substantiate the nature of the charge and its relationship  
5.30 to the work injury. Pursuant to Minnesota Rules, part 5219.0300, health care providers may  
5.31 charge for copies of any records or reports that are in existence and directly relate to the  
5.32 items for which payment is sought under this chapter. The commissioner shall adopt, by

6.1 rule, a schedule of reasonable charges that will apply to charges not covered by paragraphs  
6.2 (d) and (e).

6.3 A health care provider shall not collect, attempt to collect, refer a bill for collection, or  
6.4 commence an action for collection against the employee, employer, or any other party until  
6.5 the information required by this section has been furnished.

6.6 A United States government facility rendering health care services to veterans is not  
6.7 subject to the uniform billing form requirements of this subdivision.

6.8 (b) For medical services provided under this section, the codes from the International  
6.9 Classification of Diseases, Tenth Edition, Clinical Modification/Procedure Coding System  
6.10 (ICD-10), must be used to report medical diagnoses and hospital inpatient procedures when  
6.11 required by the United States Department of Health and Human Services for federal  
6.12 programs. The commissioner must replace the codes from the International Classification  
6.13 of Diseases, Ninth Edition, Clinical Modification/Procedure Coding System (ICD-9), with  
6.14 equivalent ICD-10 codes wherever the ICD-9 codes appear in rules adopted under this  
6.15 chapter. The commissioner must use the General Equivalence Mappings established by the  
6.16 Centers for Medicare and Medicaid Services to replace the ICD-9 diagnostic codes with  
6.17 ICD-10 codes in the rules.

6.18 (c) The commissioner shall amend rules adopted under this chapter as necessary to  
6.19 implement the ICD-10 coding system in paragraph (b). The amendments shall be adopted  
6.20 by giving notice in the State Register according to the procedures in section 14.386, paragraph  
6.21 (a). The amended rules are not subject to expiration under section 14.386, paragraph (b).

6.22 (d) The requirements in this paragraph and paragraph (e) apply to each request for copies  
6.23 of existing medical records fulfilled by a health care provider or the health care provider's  
6.24 agent that are required to be maintained in electronic format by state or federal law.

6.25 (1) If an authorized requestor of copies of medical records submits a written request for  
6.26 advance notice of the cost of the copies requested, the health care provider must notify the  
6.27 requestor of the estimated cost before sending the copies. If the requestor approves the cost  
6.28 and copies of the records are provided, the payment is the applicable fee under paragraph  
6.29 (e). If the requestor does not pay for the records, the health care provider may charge a fee,  
6.30 which must not exceed \$10.

6.31 (2) A health care provider shall not require prepayment for the cost of copies of medical  
6.32 records under this paragraph or Minnesota Rules, chapter 5219, unless there is an outstanding  
6.33 past-due invoice for the requestor concerning a previous request for records from the health  
6.34 care provider.

7.1 (3) A health care provider shall provide copies of medical records in electronic format.

7.2 (4) The charges under paragraph (e) include any fee for retrieval, download, or other  
7.3 delivery of records.

7.4 (e) For any copies of electronic records provided under paragraph (d), a health care  
7.5 provider or the health care provider's agent may not charge more than a total of:

7.6 (1) \$10 if there are no records available;

7.7 (2) \$30 for copies of records of up to 25 pages;

7.8 (3) \$50 for copies of records of up to 100 pages;

7.9 (4) \$50, plus an additional 20 cents per page for pages 101 and above; or

7.10 (5) \$500 for any request.

7.11 (f) The commissioner may assess a penalty against a health care provider for each  
7.12 violation of this section by the health care provider or the health care provider's agent of  
7.13 \$500, payable to the assigned risk safety account.

7.14 **EFFECTIVE DATE.** This section is effective August 1, 2024.

7.15 Sec. 14. Minnesota Statutes 2022, section 176.137, subdivision 2, is amended to read:

7.16 Subd. 2. **Cost.** The pecuniary liability of an employer for remodeling or alteration  
7.17 required by this section is limited to prevailing costs in the community for remodeling or  
7.18 alteration of that type. The costs of obtaining the architectural certification and supervision  
7.19 required by this section, or the costs of obtaining approval by a certified building official  
7.20 or certified accessibility specialist under subdivision 4, paragraph (b), clause (3), are included  
7.21 in the ~~\$75,000~~ \$150,000 limit in subdivision 5.

7.22 **EFFECTIVE DATE.** This section is effective for dates of injury on or after October  
7.23 1, 2024.

7.24 Sec. 15. Minnesota Statutes 2022, section 176.137, subdivision 5, is amended to read:

7.25 Subd. 5. **Limitation.** An employee is limited to ~~\$75,000~~ \$150,000 under this section for  
7.26 each personal injury.

7.27 **EFFECTIVE DATE.** This section is effective for dates of injury on or after October  
7.28 1, 2024."

7.29 Page 14, after line 7, insert:

8.1 "Sec. 19. Minnesota Statutes 2022, section 176.238, subdivision 1, is amended to read:

8.2 Subdivision 1. **Necessity for notice and showing; contents.** Except as provided in  
8.3 section 176.221, subdivision 1, once the employer or insurer has commenced payment of  
8.4 benefits, the employer may not discontinue payment of compensation until it provides the  
8.5 employee with notice in writing of intention to do so. A copy of the notice shall be filed  
8.6 with the division by the employer or insurer. The notice to the employee and the copy to  
8.7 the division shall state the date of intended discontinuance and set forth a statement of facts  
8.8 clearly indicating the reason for the action. Copies of whatever medical reports or other  
8.9 written reports in the employer's or insurer's possession which are relied on for the  
8.10 discontinuance shall be attached to the notice.

8.11 **EFFECTIVE DATE.** This section is effective August 1, 2024.

8.12 Sec. 20. Minnesota Statutes 2022, section 176.238, subdivision 2, is amended to read:

8.13 Subd. 2. **Employer's Liability for compensation; discontinuance.** (a) If the reason  
8.14 for discontinuance is that the employee has returned to work, temporary total compensation  
8.15 may be discontinued effective the day the employee returned to work. Written notice shall  
8.16 be served on the employee and filed with the division within 14 days of the date the ~~insurer~~  
8.17 ~~or self-insured~~ employer or insurer has notice that the employee has returned to work.

8.18 (b) If the reason for the discontinuance is for other than that the employee has returned  
8.19 to work, the liability of the employer or insurer to make payments of compensation continues  
8.20 until the copy of the notice and reports have been filed with the division. When the division  
8.21 has received a copy of the notice of discontinuance, the statement of facts and available  
8.22 medical reports, the duty of the employer or insurer to pay compensation is suspended,  
8.23 except as provided in the following subdivisions and in section 176.239.

8.24 **EFFECTIVE DATE.** This section is effective August 1, 2024."

8.25 Page 14, after line 12, insert:

8.26 **"EFFECTIVE DATE.** This section is effective August 1, 2024."

8.27 Page 14, line 14, after "employer" insert "and insurer"

8.28 Page 14, after line 22, insert:

8.29 **"EFFECTIVE DATE.** This section is effective August 1, 2024."

8.30 Page 14, lines 24, 26, and 30, after "employer" insert "or insurer"

8.31 Page 15, lines 2 and 3, after "employer" insert "or insurer"



9.1 Page 15, line 25, after "administrative" insert "law"

9.2 Page 15, line 27, after "circumstances" insert "that are"

9.3 Page 16, line 1, after "employer" insert "or insurer"

9.4 Page 16, after line 14, insert:

9.5 "**EFFECTIVE DATE.** This section is effective August 1, 2024."

9.6 Page 16, before line 15, insert:

9.7 "Sec. 25. Minnesota Statutes 2022, section 176.238, subdivision 7, is amended to read:

9.8 Subd. 7. **Order of compensation judge.** If the order of the compensation judge confirms  
9.9 a discontinuance of compensation, the service and filing of the order relieves the employer  
9.10 and insurer from further liability for compensation subject to the right of review provided  
9.11 by this chapter, and to the right of the compensation judge to set aside the order at any time  
9.12 prior to the review and to grant a new hearing pursuant to this chapter. Once an appeal to  
9.13 the Workers' Compensation Court of Appeals is filed, a compensation judge may not set  
9.14 aside the order. In any appeal from the compensation judge's decision under this section,  
9.15 the court of appeals shall conclude any oral arguments by the parties within 60 days following  
9.16 certification of the record from the office.

9.17 **EFFECTIVE DATE.** This section is effective August 1, 2024.

9.18 Sec. 26. Minnesota Statutes 2022, section 176.238, subdivision 10, is amended to read:

9.19 Subd. 10. **Fines; violation.** An employer or insurer who violates requirements set forth  
9.20 in this section or section 176.239 is subject to a fine of up to ~~\$1,000~~ \$2,500 for each violation  
9.21 payable to the commissioner for deposit in the assigned risk safety account.

9.22 **EFFECTIVE DATE.** This section is effective August 1, 2024."

9.23 Page 20, after line 8, insert:

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

9.25 Page 22, after line 4, insert:

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

9.27 Page 22, after line 32, insert:

10.1 "Sec. 43. Minnesota Statutes 2022, section 176.321, subdivision 1, is amended to read:

10.2 Subdivision 1. **Filing, service.** Within ~~20~~ 30 days after service of the petition, an adverse  
10.3 party shall serve and file an answer to the petition. The party shall serve a copy of the answer  
10.4 on the petitioner or the petitioner's attorney."

10.5 Page 24, line 1, strike "20" and insert "30"

10.6 Page 24, after line 23, insert:

10.7 "**EFFECTIVE DATE.** This section is effective August 1, 2024."

10.8 Page 26, after line 16, insert:

10.9 "Sec. 50. **EFFECTIVE DATE.**

10.10 Unless otherwise specified, this act is effective August 1, 2024."

10.11 Renumber the sections in sequence and correct the internal references

10.12 Amend the title as follows:

10.13 Page 1, line 2, delete everything after "to" and insert "workers' compensation; making  
10.14 policy and technical changes to workers' compensation coverage and hearings; modifying  
10.15 provisions related to the Workers' Compensation Court of Appeals;"

10.16 Page 1, line 3, delete "workers' compensation hearing provisions;"

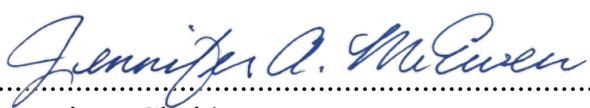
10.17 Amend the title numbers accordingly

10.18 And when so amended the bill do pass and be re-referred to the Committee on Finance.

10.19 Amendments adopted. Report adopted.

10.20

10.21

  
.....  
(Committee Chair)

10.22

10.23

March 19, 2024.....  
(Date of Committee recommendation)