

Contents

Law changes, department updates

Save the date: 2024 Workers' Compensation Summit slated for Oct. 29 page 2

2024 WCAC legislation enacted page 3

Tips, reminders

Work Comp Campus training, resources available page 9

Stay in the know: Subscribe for news from DLI page 9

Workers' compensation, Campus assistance available by phone, email page 9

Ask the ADR and Work Comp Campus pro page 10

From the State Register: Provider participation list available page 11

Translated webpages, materials, Language Line available via DLI website page 11

Data, reports

CompFact: PTSD claims among non-presumption workers page 12

FAQs from PTSD study informational meetings; focus groups, interviews page 13

Workers' compensation system report preliminary findings page 14

Events, training

Workers' compensation events calendar page 15

Court decisions

Workers' Compensation Court of Appeals decisions page D-1

Minnesota Supreme Court decisions page D-4



Save the date: 2024 Workers' Compensation Summit slated for Oct. 29

The Minnesota Department of Labor and Industry's (DLI's) eighth Workers' Compensation Summit will be Tuesday, Oct. 29, at the DoubleTree by Hilton Hotel in Bloomington, Minnesota. The one-day event is geared toward all workers' compensation stakeholders, including employers, insurers, providers, employee representatives, public officials and others.

Sponsors, exhibitors wanted

DLI is again excited to offer organizations two ways to showcase their company and support this important event, either as an exhibitor at the Summit or as a sponsor behind the scenes. Watch for more information and access to the application on dli.mn.gov/Summit.

More details soon

Topics, speakers, schedules and registration information are being determined and planned now. Watch dli.mn.gov/Summit for complete information. Updates will also be sent to our workers'-compensation-related email lists (such as for *COMPACT*) – see the available lists at dli.mn.gov/about-department/news-and-media/sign-news-department-labor-and-industry.



2024 WCAC legislation enacted

Governor Tim Walz signed legislation May 8, enacting statutory amendments recommended by the [Workers' Compensation Advisory Council](#) (WCAC) during the 2024 legislative session. WCAC is a statutory council made up of representatives from business and organized labor charged with recommending to the Legislature amendments to Minnesota Chapter 176, the chapter governing workers' compensation in Minnesota. See Minnesota Statutes § 175.007.

Overview summary

The 2024 workers' compensation legislation, [2024 Minnesota Session Laws, Chapter 97 – H.F. 4661](#), contains 50 sections and adopts recommendations unanimously approved by WCAC related to:

- statutory clarifications and updated references as recommended by the Office of Administrative Hearings (OAH) (sections 1-2, 4, 9, 11-12, 16-17, 21-24, 27-35, 37, 39, 41-42 and 44-49);
- technical changes to certain provisions in Chapter 176 (sections 6, 10, 19-20 and 22-26);
- clarifying rulemaking authority for OAH and the Workers' Compensation Court of Appeals (WCCA) related to electronic filing, certification of electronic signatures and interventions (sections 36, 40 and 47);
- describing when employees can be referred to the Department of Labor and Industry's (DLI) Vocational Rehabilitation unit for certain disputes (section 8);
- updating language regarding attorney access to workers' compensation claims documents and DLI's technology system (section 18);
- revising the calculation of average weekly wage for short-term agricultural workers (section 3);
- adjusting the maximum dollar limit on workers' compensation attorney fees (section 4);
- amending the calculation of maximum weekly compensation for temporary total disability benefits (section 5);
- describing notice requirements for discontinuing vocational rehabilitation services (section 7);
- specifying a penalty for charging in excess of statutory allowances for copies of electronic medical records (section 13);
- raising the allowable costs for remodeling awards for permanently and totally disabled employees (sections 14 and 15);
- updating the penalty amount for violations regarding required notice and payment timelines surrounding the benefit discontinuance process (section 26);

- allowing the commissioner to request additional proof of an injured workers' identity before assigning a worker identification number (section 38); and
- changing the time allowed for filing an answer to a claim petition (sections 43 and 46).

A detailed summary of this bill, including effective dates, follows.

Detailed summary

This provides only a summary of the 2024 workers' compensation legislation. The actual language of Chapter 97 is available at revisor.mn.gov/laws/2024/0/Session+Law/Chapter/97.

Section 1

Minnesota Statutes § 176.011, subdivision 1a – Administrative conference

- Clarifies administrative conferences take place before either DLI or a compensation judge at OAH.

Effective date: This section is effective Aug. 1, 2024.

Section 2

Minnesota Statutes § 176.011, subd. 2 – Child

- Amends the definition of the term “child” so the description of any person adjudged by a court as the “father” of the child is updated to apply to any parent.

Effective date: This section is effective Aug. 1, 2024.

Section 3

Minnesota Statutes § 176.011, subd. 18 – Weekly wage

- Provides the average weekly wage of an employee in agricultural employment fewer than 30 days in a calendar year, and who is regularly employed by two or more employers, is either the agricultural wages at five times the employee's daily wage, or based only on the employee's other employment, whichever is higher.

Effective date: This section is effective for dates of injury on or after Oct. 1, 2024.

Section 4

Minnesota Statutes § 176.081, subd. 1 – Limitation of fees

- Clarifies attorneys who are claiming legal fees for representing an employee file their statement of attorney fees with OAH.
- Updates the maximum dollar limit for contingent attorney fees from 20% of the first \$130,000 of compensation awarded to the employee to 20% of the first \$275,000, which increases the limit from \$26,000 to \$55,000.

Effective date: This section is effective for dates of injury on or after Oct. 1, 2024.

Section 5

Minnesota Statutes § 176.101, subd. 1 – Temporary total disability

- Updates the percentage calculation for maximum weekly compensation for temporary total disability benefits from 102% of the statewide average weekly wage the preceding year to 108%.

Effective date: This section is effective for dates of injury on or after Oct. 1, 2024.

Section 6

Minnesota Statutes § 176.101, subd. 2a – Permanent partial disability

- Clarifies language related to calculation of permanent partial disability benefits by removing timing language.

Effective date: This section is effective the day following final enactment.

Section 7

Minnesota Statutes § 176.102, subd. 13 – Discontinuance

- Adds a requirement to notify the commissioner, employee, employee’s attorney, if any, and the assigned qualified rehabilitation consultant when an employer or insurer discontinues rehabilitation services under a rehabilitation plan. The notice must: state the date of intended discontinuance; include a statement of facts clearly indicating the reason for discontinuance; and attach copies of medical reports or other written reports in the employer’s or insurer’s possession that are relied on for the discontinuance.

Effective date: This section is effective Aug. 1, 2024.

Section 8

Minnesota Statutes § 176.104, subd. 1 – Dispute

- Provides that if the sole dispute at issue relates to a discontinuance of compensation, the employee or employer must file an objection to the administrative decision on discontinuance before the employee may be referred to the DLI’s Vocational Rehabilitation unit.

Effective date: This section is effective Aug. 1, 2024.

Section 9

Minnesota Statutes § 176.106, subd. 4 – Appearances

- Adds an option for parties to appear by electronic means before either DLI or OAH for an administrative conference.
- Clarifies that the commissioner’s designee or compensation judge determines the method of appearance.

Effective date: This section is effective Aug. 1, 2024.

Section 10

Minnesota Statutes § 176.129, subd. 10 – Penalty

- Adds continued nonpayment penalty language related to the workers’ compensation assessment process, which is currently in Minnesota Rules part 5220.2840, to the statute so that the entire assessment process is now described in this statute. The department plans to repeal the rule provision.

Effective date: This section is effective for (assessment payment) due dates on or after the day following final enactment.

Sections 11 and 12

Minnesota Statutes § 176.1292, subd. 2 – Payment of permanent total disability benefits to employees, dependents and their legal heirs

Minnesota Statutes § 176.1292, subd. 9 – Failure to comply

- Amends the statutory language from “his or her” to “the employee.”

Effective date: These sections are effective Aug. 1, 2024.

Section 13***Minnesota Statutes § 176.135, subd. 7 – Medical bills and records***

- Gives the commissioner authority to assess a \$500 penalty against a health care provider for the actions of the provider or their agent for each violation of the statutory requirements for electronic medical records copy charges. The penalty is payable to the Assigned Risk Safety Account.

Effective date: This section is effective Aug. 1, 2024.

Sections 14 and 15***Minnesota Statutes § 176.137, subd. 2 – Cost******Minnesota Statutes § 176.137, subd. 5 – Limitation***

- Raises the limit for costs for residential remodeling awards for permanently disabled employees from \$75,000 to \$150,000.
- Provides that the costs of obtaining approval by a certified building official or certified accessibility specialist as allowed in current statute, and not just architectural certification and supervision, are included in the cost limitation.

Effective date: These sections are effective for dates of injury on or after Oct. 1, 2024.

Section 16***Minnesota Statutes § 176.155, subd. 1 – Employer’s physician***

- Clarifies that contests to the location and provider of an independent medical examination are heard by a workers’ compensation judge at OAH, which reflects current established practice.

Effective date: This section is effective Aug. 1, 2024.

Section 17***Minnesota Statutes § 176.155, subd. 2 – Neutral physician***

- Amends this section to clarify DLI, OAH or WCCA may designate a neutral physician to conduct an independent medical examination.

Effective date: This section is effective Aug. 1, 2024.

Section 18***Minnesota Statutes § 176.231, subd. 9a – Access to division file without an authorization; attorney access***

- Updates attorney access requirements to workers’ compensation claims in Work Comp Campus, DLI’s electronic workers’ compensation claims portal. When attorney access is not limited by an authorization, notice of representation, or the represented person or entity’s access, attorney access continues until whichever is later: one year after an authorization, if filed; three years after the date a retainer agreement or notice of representation was filed where no dispute has been initiated; or five years after the date a retainer agreement or notice of representation was filed where a dispute has been initiated.

Effective date: This section is effective Aug. 1, 2024.

Sections 19-26***Minnesota Statutes § 176.238, subd. 1 – Necessity for notice and showing; contents******Minnesota Statutes § 176.238, subd. 2 – Liability for compensation; discontinuance******Minnesota Statutes § 176.238, subd. 3 – Interim administrative decision******Minnesota Statutes § 176.238, subd. 4 – Objection of discontinuance***

Minnesota Statutes § 176.238, subd. 5 – Petition to discontinue**Minnesota Statutes § 176.238, subd. 6 – Expedited hearing before compensation judge****Minnesota Statutes § 176.238, subd. 7 – Order of compensation judge****Minnesota Statutes § 176.238, subd. 10 – Fines; violation**

- Amends section 176.238 so certain provisions related to a discontinuance of compensation apply to an employer and/or an insurer.
- Clarifies requests for discontinuance of compensation are heard by a compensation judge at OAH, which reflects current established practice.
- Updates the maximum penalty for violations of section 176.238 or section 176.239, which primarily relate to timely payment of benefits after an order, from \$1,000 to \$2,500 for each violation.

Effective date: These sections are effective Aug. 1, 2024.

Sections 27-34**Minnesota Statutes § 176.239, subd. 2 – Request for administrative conference****Minnesota Statutes § 176.239, subd. 3 – Payment through date of discontinuance conference****Minnesota Statutes § 176.239, subd. 4 – Scheduling of conference****Minnesota Statutes § 176.239, subd. 5 – Continuances****Minnesota Statutes § 176.239, subd. 6 – Scope of the administrative decision****Minnesota Statutes § 176.239, subd. 7 – Interim administrative decision****Minnesota Statutes § 176.239, subd. 9 – Administrative decision binding; effect of subsequent determinations****Minnesota Statutes § 176.239, subd. 10 – Application of section**

- Clarifies requests for discontinuance of compensation are heard by a compensation judge at OAH, which reflects current established practice.

Effective date: These sections are effective Aug. 1, 2024.

Section 35**Minnesota Statutes § 176.253, subd. 2 – General**

- Corrects a typographical error, changing “in” to “on.”

Effective date: This section is effective Aug. 1, 2024.

Section 36**Minnesota Statutes § 176.2611, subd. 7 – Workers’ Compensation Court of Appeals**

- Modifies WCCA’s rulemaking authority to amend rules of procedure for electronic filing requirements.
- Removes the section 14.389 expedited rulemaking process authorization.
- Specifies section 14.125, which sets an 18-month time limit on an agency’s rulemaking authority to adopt rules pursuant to a specific grant of authority, does not apply to the rulemaking authority under this section and sections 176.281, paragraph (d), and 176.285, subd. 2a.

Effective date: This section is effective the day following final enactment.

Section 37**Minnesota Statutes § 176.271, subd. 1 – Written petition**

- Clarifies proceedings under Chapter 176 may be filed with DLI or OAH.

Effective date: This section is effective Aug. 1, 2024.

Section 38

Minnesota Statutes § 176.275, subd. 1 – Filing

- Allows the commissioner to request additional proof of an injured workers' identity before assigning them a worker identification number.

Effective date: This section is effective the day following final enactment.

Section 39

Minnesota Statutes § 176.285, subd. 2 – Electronic service and filing on an agency

- Requires electronic filing with OAH except by pro se litigants, consistent with the same requirements at DLI.

Effective date: This section is effective Aug. 1, 2024.

Section 40

Minnesota Statutes § 176.285, subd. 2a – Electronic signatures

- Permits WCCA and OAH to adopt rules for certification of electronic signatures.
- Specifies section 14.125, which sets an 18-month time limit on an agency's rulemaking authority to adopt rules pursuant to a specific grant of authority, does not apply to the rulemaking authority under this section.

Effective date: This section is effective the day following final enactment.

Section 41

Minnesota Statutes § 176.285, subd. 2b – Electronic service of documents on party through office case management system or CAMPUS

- Permits electronic service by OAH on any person with an account in OAH's case management system.

Effective date: This section is effective Aug. 1, 2024.

Section 42

Minnesota Statutes § 176.305, subd. 1 – Hearings on petitions

- Clarifies filings at OAH must be consistent with section 176.285, subds. 1 and 2.

Effective date: This section is effective Aug. 1, 2024.

Section 43

Minnesota Statutes § 176.321, subd. 1 – Filing, service

- Updates the timing for filing of an answer to a claim petition from 20 days to 30 days.

Effective date: This section is effective Aug. 1, 2024.

Section 44

Minnesota Statutes § 176.321, subd. 3 – Extension of time in which to file answer

- Requires scheduling a pretrial conference in addition to a hearing in cases where there is no timely filed answer or an agreement to an extension of time to file an answer in line with section 176.331.

Effective date: This section is effective Aug. 1, 2024.

Section 45

Minnesota Statutes § 176.322 – Decisions based on stipulated facts

- Clarifies decisions based on stipulated facts are made by a compensation judge, which reflects current established practice.

Effective date: This section is effective Aug. 1, 2024.

Section 46

Minnesota Statutes § 176.341, subd. 6 – Significant financial hardship; expedited hearings

- Clarifies requests for expedited hearings are heard by a compensation judge.
- Updates the timing for filing of an answer to a claim petition from 20 days to 30 days.
- Removes extraneous language to reflect established practice.

Effective date: This section is effective Aug. 1, 2024.

Section 47

Minnesota Statutes § 176.361, subd. 1 – Right to intervene

- Updates “compensation judge” to “office” to more clearly reflect the authority before which matters are heard.
- Provides that OAH may adopt rules to govern procedures for intervention before it in accordance with its statutory authority.

Effective date: This section is effective Aug. 1, 2024.

Section 48

Minnesota Statutes § 176.361, subd. 4 – Attendance by intervenor

- Clarifies requirements for intervenors in this section apply to all proceedings, as opposed to only hearings.

Effective date: This section is effective Aug. 1, 2024.

Section 49

Minnesota Statutes § 176.421, subd. 7 – Record of proceedings

- Clarifies OAH is responsible for the preparation of the record of all formal proceedings for appeal.

Effective date: This section is effective Aug. 1, 2024.

Section 50

- Provides that the effective date for each section is Aug. 1, 2024, unless otherwise specified.

Work Comp Campus training, resources available

The Department of Labor and Industry's (DLI's) Business Technology Office has been working closely with staff members across the Workers' Compensation Division to create and update existing training and documentation for Work Comp Campus users.



All new Campus training videos will be posted on the [Work Comp Campus instructional videos](#) playlist on [DLI's YouTube channel](#). These videos and documents can also be accessed through the [Work Comp Campus training](#) webpage on DLI's website – while not all of the resources linked from this page have been updated recently, they can still be useful for Campus users. The Campus-related webpages are being updated to help users find the most current content. Existing bookmarks may no longer work; consider bookmarking the updated training webpage to be able to quickly access training resources.

If you have specific topics where you think new or updated training materials would be useful, email Business Technology Office Director Michelle Doheny at michelle.doheny@state.mn.us.

Stay in the know: Subscribe for news from DLI

Did you know the Department of Labor and Industry offers more than two dozen email lists you can subscribe to receive news targeted to specific groups? (If you are reading this, you are probably on the *COMPACT* email list.)

Lists related to workers' compensation news include the following:

- Adjusters updates
- Employer updates
- Rehabilitation providers updates
- Attorney updates
- Medical providers updates
- Trading partner updates



Other email lists are available for:

- Agency news
- Construction codes, licensing and building trades
- Minnesota OSHA and workplace safety
- Apprenticeship, dual-training and Youth Skills Training
- Labor standards, worker rights, wage and hour
- Rulemaking

To learn more about the available email lists, visit dli.mn.gov/about-department/news-and-media/sign-news-department-labor-and-industry.

Workers' compensation, Campus assistance available by phone, email

The Department of Labor and Industry's (DLI) Workers' Compensation Division Help Desk is available to answer basic questions related to Work Comp Campus and will route more complex questions to subject matter experts within the Workers' Compensation Division. Staff members can also provide information about future Campus events and helpful resources on DLI's website.

Live support is available from 8 a.m. to 4:30 p.m., Monday through Friday (except holidays). Voicemail messages left outside of office hours will be responded to within 24 hours of the next business day.

Contact the help desk

- 651-284-5005 (press 3)
- 800-342-5354 (press 3)
- helpdesk.dli@state.mn.us

Ask the ADR and Work Comp Campus pro

DLI's Alternative Dispute Resolution unit answers frequently asked questions

By Christie Ahern, Lori Herzog and Brian Mak, Alternative Dispute Resolution

Editor's note: The Alternative Dispute Resolution (ADR) unit at the Minnesota Department of Labor and Industry (DLI) seeks early intervention in workers' compensation disputes through conferences and mediations. It handles calls from the Workers' Compensation Division Help Desk and responds to questions from all stakeholders.

Mediations with the ADR unit

Q. *I would like to request a mediation with the ADR unit. How should I proceed?*

A. To request a mediation with Alternative Dispute Resolution (ADR), submit a request for mediation in Work Comp Campus through the “initiate dispute” function on the appropriate claim. If the injury does not have a claim in Campus, the request for mediation can still be submitted by entering injury information manually to create a temporary claim shell. ADR is not currently using the “poll” function in Campus (when you get to the polling option, simply “X” out of it).

The mediation coordinator will then reach out to the parties to identify and establish the choice of a mediator, a mutually available date and time, and the format. If any guidance or assistance is needed, contact the ADR mediation scheduler at mediation.dli@state.mn.us and you will be helped promptly.

Instructions for initiating a dispute to request a meditation, or to request certification or a conference, are contained in the [Work Comp Campus External technical manual](#), pages 73 through 77, on the Department of Labor and Industry (DLI) website.

Q. **Can I choose my own mediator?**

A. Yes, parties may select any mediator they wish. The ADR mediation staff will also help parties determine which mediators are available on specific dates.

Q. **What formats does ADR offer for mediations?**

A. ADR mediators can conduct mediations in any format needed by the parties: at the DLI mediation suite; by phone; in person at a law office; and via hybrid arrangements.

Q. **What mediators are available in the ADR unit?**

A. All of the ADR dispute resolution and prevention specialists can conduct both arbitrations and mediations. [See a list of the current ADR roster, with professional backgrounds.](#)

Q. **Where do I submit my confidential mediation statement?**

A. Confidential mediation statements can be emailed directly to the chosen mediator.

Campus functions

- Q.** When I am searching for a claim in my Campus dashboard, why can I sometimes not find a claim I know I have access to?
- A.** To ensure all claims are displayed, always have the “Include Inactive” button clicked, regardless of the internal DLI status. If you still have concerns, contact the help desk.
- Q.** When I am filing a Notice of Appearance, either as the initial attorney or as a substitution, do I need to indicate all the parties I am representing?
- A.** While a Notice of Appearance can be submitted simply for indicating a defense attorney is representing the employer or the insurer, the attorney should indicate all the parties they are representing (employer, insurer, third-party administrator, etc.).

From the *State Register*: Provider participation list available

Health care providers that provide medical services to an injured worker under the workers' compensation law are required to participate in the Medical Assistance Program and MinnesotaCare as a condition of receiving payment for treatment of the workers' compensation injury. (See Minnesota Statutes § 256B.0644 and Minnesota Rules, parts 5221.0500, subpart 1, and 9505.5200 to 9505.5240.)



The Department of Human Services (DHS) list of providers that participate in the Medical Assistance Program and MinnesotaCare is now available online. To see if a provider is on the list, check the Minnesota Health Care Programs (MHCP) provider directory at mhcpproviderdirectory.dhs.state.mn.us.

To obtain a full list of participating providers, call the DHS Provider Call Center at 651-431-2700 or 800-366-5411 and request a work order to have the list sent to you. You may also fax the request to 651-431-7462 or mail it to the Department of Human Services, Provider Eligibility and Compliance, P.O. Box 64987, St. Paul, MN 55164-0987.

Translated webpages, materials, Language Line available via DLI website

The Department of Labor and Industry (DLI) posts its available translated materials online at dli.mn.gov/about-department/about-dli/translated-materials. It has documents available in Chinese, Hmong, Karen, Somali and Spanish. A few other documents throughout the website are available in additional languages.



The DLI website now also provides Google Translate in the upper left corner of each page, allowing visitors to choose the language for the website text.

In addition, DLI has access to Language Line, a free language translation phone service for limited-English speakers. If DLI help is needed, view the contact information at dli.mn.gov/about-department/about-dli/contact-us, call and a DLI employee will get in touch with an interpreter in the needed language.

CompFact: PTSD claims among non-presumption workers

By Kathleen Drake and Brian Zaidman, Research and Data Analytics

The statutes relating to the compensability of post-traumatic stress disorder (PTSD) injuries changed in 2013 and in 2019. Prior to Oct. 1, 2013, PTSD was compensable only if it resulted from a physical injury. From Oct. 1, 2013, through Dec. 31, 2018, all workers needed medical evidence to prove their claims were work-related. A change to Minnesota Statutes chapter 176.011, subdivision 15(e), effective Jan. 1, 2019, provides first responders (police officers, fire fighters, paramedics and emergency medical technicians), public safety dispatchers and corrections officers with a rebuttable presumption of work-relatedness for PTSD claims without any accompanying physical injury when diagnosed by a licensed psychologist or psychiatrist according to the Diagnostic and Statistical Manual of Mental Disorders.

This article examines the number of claims for indemnity benefits filed for mental disorders, such as anxiety, stress and PTSD, on the basis of their description filed on the first report of injury (FROI) and coded into the Department of Labor and Industry's workers' compensation claims database from Jan. 1, 2014, through Sept. 30, 2023. It is possible additional claims for PTSD injuries have been filed using claim petitions, which sometimes result in injury characteristics not being coded. Although the statute only applies to PTSD, claims filed describing other mental illnesses, primarily anxiety and stress disorders, are included because the FROI descriptions are often not based on a diagnosis; many claims initially described as anxiety and stress disorders are evaluated for compensability as PTSD claims.

While first responders have a rebuttable presumption of work-relatedness, they are not the only employees who file PTSD and mental injury claims. Table 1 shows the industry subsectors with 20 or more filed claims from workers not included in the presumption list with injury dates between January 2014 and September 2023. Hospital workers had the highest number of claims of workers outside of the presumption, with 282 claims, 16% of which had been paid to date. Educational services workers filed a total of 157 claims that were paid at a rate similar to that of hospital workers. Workers in nursing and residential care facilities had the third-highest rate of claims.

Table 1. Mental injury claims for indemnity benefits by industry subsector for non-presumption workers, injuries January 2014 to September 2023

Industry name	Total claims filed	Accepted claims	Pctg. accepted
Hospitals	282	44	16%
Educational services	157	27	17%
Nursing and residential care facilities	111	24	22%
Ambulatory health care services	76	11	14%
Transit and ground passenger transportation	68	21	31%
Administrative and support services	66	5	8%
Credit intermediation and related activities	62	11	18%
Social assistance	57	8	14%
Executive, legislative and other general government support ¹	54	7	13%
Insurance carriers and related activities	51	0	0%
Food services and drinking places	48	9	19%
General merchandise stores	41	6	15%
Professional, scientific and technical services	38	4	11%
Justice, public order and safety activities ¹	37	9	24%
Food and beverage stores	33	3	9%
Food manufacturing	32	4	13%
Religious, grantmaking, civic, professional and similar organizations	30	10	33%
Accommodation	24	8	33%
Real estate	22	6	27%
Specialty trade contractors	21	7	33%
Fabricated metal product manufacturing	21	4	19%
Merchant wholesalers, durable goods	20	0	0%

¹Counts only include workers not covered by the rebuttable presumption.

Table 2 displays claim counts at the detailed industry level for workers not covered by the rebuttable presumption. General medical and surgical hospital workers filed 225 mental injury claims, 17% of which were accepted. Elementary and secondary school employees had the second-highest number of claims, followed by commercial banking employees and those working in psychiatric and substance abuse settings. Five of the top 10 industries with mental injury claims were health-care-related; these combined claims accounted for 57% of mental injury claims submitted with the top 10 most frequent North American Industry Classification System (NAICS) codes among non-presumption workers.

Table 2 Mental injury claims for indemnity benefits by detailed industry name for non-presumption workers, injuries Jan. 2014 to Sept. 2023

NAICS code	Detailed industry name	Total claims filed	Accepted claims	Pctg. accepted
622110	General medical and surgical hospitals	225	39	17%
611110	Elementary and secondary schools	113	23	20%
522110	Commercial banking	53	10	19%
622210	Psychiatric and substance abuse hospitals	51	5	10%
921190	Other general government support ¹	45	4	9%
485113	Bus and other motor vehicle transit systems	44	11	25%
623210	Residential intellectual and developmental disability facilities	41	8	20%
624190	Other individual and family services	32	4	13%
623110	Nursing care facilities (skilled nursing facilities)	31	4	13%
452210	Department stores	30	3	10%

¹Counts only include workers not covered by the rebuttable presumption.

FAQs from PTSD study informational meetings; focus groups, interviews

In April, DLI hosted two virtual meetings to update stakeholders about the scope and status of the ongoing post-traumatic stress disorder (PTSD) study in the workers’ compensation system. Researchers from the Midwest Center for Occupational Health and Safety at the University of Minnesota gave an overview of the study’s objectives and answered attendees’ questions about the study.

An FAQs document, answering questions from the meetings and those received from stakeholders about the study, is available on the [PTSD study webpage](#).

In the coming months, researchers will be conducting focus groups or key-informant interviews with workers, employers, providers, insurers and others. If you are interested in participating, submit the [Workers’ Compensation PTSD Policy feedback form](#). (Note: Submitting the form does not guarantee you will be contacted for a focus group or interview.)



Workers' compensation system report preliminary findings

The annual *Minnesota Workers' Compensation System Report* will present statistics about 2022 workers' compensation claims and the trend for the preceding 20 years. The report uses the most recently available data from various sources, which leads to different data years being presented for different measures.

The report's preliminary findings include the following.

- The workers' compensation total paid claim rate fell 45%, from 6.8 claims per 100 full-time-equivalent (FTE) employees in 2002 to 3.7 in 2022.
- Estimated claim rates for 2020 through 2022 were strongly affected by the COVID-19 pandemic. From 2019 through 2022, there was a 44% increase in the indemnity claim rate, which can be attributed to the influx of COVID-19 claims. There was also a 24% decrease in the medical-only claim rate, resulting in a 7% decrease in the total claim rate during this period. While 96% of COVID-19 claims in 2022 were for indemnity benefits, most claims for all other injuries and illnesses were medical-only claims.
- Adjusted for average wage growth, indemnity benefits per claim were about the same and medical benefits per claim were 5% lower in 2021 than in 2002. These changes were more modest compared to the increases in indemnity and medical benefits per claim from 2002 through 2019. This could be partly because COVID-19 claims had smaller indemnity and medical costs.
- The falling claim rate contributes to lower costs relative to payroll. Indemnity benefits per \$100 of payroll were 41% lower and medical benefits were 52% lower in 2022 than in 2002.
- The cost of the Minnesota workers' compensation system for 2022 was an estimated \$1.67 billion, or \$0.89 per \$100 of payroll. System cost follows a national multi-year pricing cycle. Comparable points in the cycle for Minnesota indicate a long-term downward trend averaging 3% a year.
- In 2022, on a current-payment basis, the three largest components of total workers' compensation system cost were medical benefits (33.5%), insurer expenses (31.5%) and indemnity benefits other than vocational rehabilitation (30.3%). Vocational rehabilitation benefits accounted for an estimated 2.7% of total workers' compensation system cost.
- With COVID-19 claims included, an estimated 88% of all paid indemnity claims received total disability benefits (temporary total and permanent total combined) in 2022. The proportion receiving the other benefit types was 16% for temporary partial disability benefits and 10% for permanent partial disability benefits.
- Average duration of total disability benefits was 7.9 weeks for 2022 claims, 30% below 2019. Much of this decrease can be attributed to the significantly shorter duration of COVID-19 claims.
- Participation in vocational rehabilitation rose from 21% of paid indemnity claims for workers injured in 2002 to 24% for 2019 claims, then decreased to 22% among non-COVID-19 indemnity claims in 2022. The 2022 vocational rehabilitation participation rate was 15% when COVID-19 indemnity claims were included.
- After adjusting for average wage growth, the \$9,710 average cost of vocational rehabilitation services for injury-year 2022 was 27% below the 2006 peak of \$13,240.
- The dispute filing rate was 15.0% for non-COVID-19 claims and only 0.2% for COVID-19 claims in 2023. There were very few disputes associated with COVID-19 claims for injury-years 2020 through 2022.



Workers' compensation events calendar

Note: Event dates may change. Always check the online calendar at dli.mn.gov/about-department/about-dli/events-workers-compensation.

July 2024

- July 11 **Rehabilitation Review Panel**
- July 18 **Medical Services Review Board**

August 2024

- Aug. 23 **QRC intern, vendor supervisor orientation**

September 2024

- Sept. 11 **Workers' Compensation Advisory Council**
- Sept. 13 **Rehabilitation provider update conference**
- Sept. 18 **Workers' Compensation Insurers' Task Force**

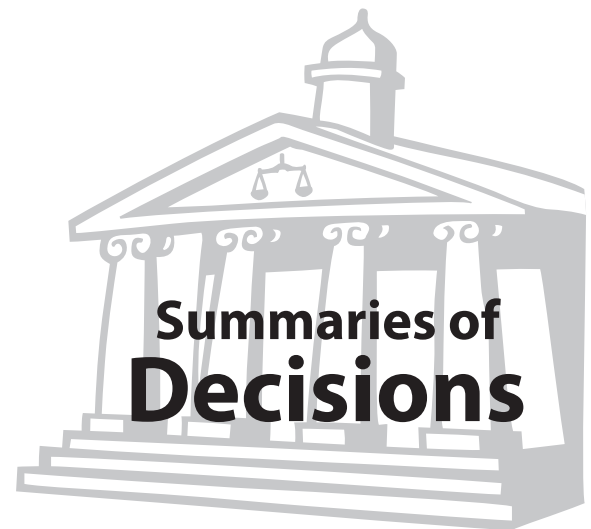
October 2024

- Oct. 3 **Rehabilitation Review Panel**
- Oct. 17 **Medical Services Review Board**
- Oct. 29 **Workers' Compensation Summit**

Workers' Compensation Court of Appeals

February through April 2024

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Gonzalo Rivera Cienfuegos v. Lucky's 13 Pub, Feb. 1, 2024

Causation – Temporary Injury

Substantial evidence in the record, including medical records and expert medical opinion, supports the compensation judge's determination that the employee's work injury was temporary, had resolved and was not a substantial contributing factor to any ongoing or alleged consequential conditions.

Affirmed.

Allen McKissic v. Bor-Son Construction, Feb. 14, 2024

Medical Treatment and Expense – Nursing Services

The employer and insurer's failure to directly pay the family member who provided the employee's nursing services pursuant to Minnesota Statutes § 176.135, subdivision 1(b), under the circumstances of this case rendered the funds paid to the employee an overpayment that can be offset against the employee's future benefits under Minn. Stat. § 176.179.

Reversed.

James Jurgensen v. Dave Perkins Contracting, Inc., March 5, 2024

Attorney Fees – Excess Fees

The compensation judge did not abuse her discretion in denying an agreed-to amount of additional attorney fees where application of the Irwin factors indicated that the contingent fee adequately compensated the attorney for the services provided on behalf of the employee.

Affirmed.

Bobby Lykins by George Duranske v. Anderson Contracting, Inc., March 8, 2024

Vacation of Award – Referral

Where the employee is petitioning to vacate two awards on stipulation and there is conflicting evidence regarding the employee's alleged incapacity at the time of the stipulations, the matter is referred to a compensation judge at the Office

of Administrative Hearings for findings on whether the evidence shows that the employee appeared to be incapacitated at the time of the stipulations, and if so, the compensation judge shall refer the matter to district court for a determination of whether the employee was incapacitated at that time, then return all findings to this court.

Referred to the Office of Administrative Hearings.

Rodney Dean Bjornson v. McNeilus Companies, March 11, 2024

**Attorney Fees – Roraff Fees
Statutes Construed – Minnesota Statutes § 176.081, Subdivision 1(a)(1)**

Where the dollar value of the medical benefits awarded is not reasonably ascertainable based upon the evidence, the maximum Roraff fee is statutorily limited to no more than \$500.

Affirmed, in part, reversed, in part, and remanded in part.

Esther Briones Parral v. The Cleaning Authority, March 21, 2024

**Vacation of Award – Mutual Mistake
Practice and Procedure**

When a party necessary to a claim is misapprehended during legal proceedings, is not represented during the process of the claim, and has no chance to be heard, the findings and order resulting from that claim must be vacated.

Petition granted.

Daniel Peterson v. NSP/Xcel Energy, March 27, 2024

Permanent Total Disability – Effective Date

When the parties stipulate to the fact that the employee was permanently and totally disabled on the date of injury, the date of injury is the effective date in determining benefits owed.

Medical Treatment and Expense – Nursing Services

Substantial evidence, including the opinion of a life-care planning expert, supports the compensation judge's evaluation of the employee's need for family-provided nursing services.

Affirmed.

Lori Zabel v. Gustavus Adolphus College, March 27, 2024

Causation – Substantial Evidence

Substantial evidence, including eyewitness testimony of the circumstances surrounding the claimed injuries, supports the compensation judge's finding that the employee did not suffer a work injury on the dates claimed.

Affirmed.

Marjorie Helander v. The Evangelical Lutheran Good Samaritan Society, March 28, 2024**Temporary Partial Disability – Substantial Evidence**

Substantial evidence, including witness testimony and records of the rehabilitation consultant, supports the compensation judge's determination that the employee is entitled to temporary partial disability benefits.

Affirmed.

Terri Beste v. CentraCare Health Long Prairie, April 15, 2024**Evidence – Expert Medical Opinion**

When the opinions of the employer and insurer's medical experts are supported by adequate foundation and objective medical evidence in the record, the compensation judge did not err in relying upon and adopting those opinions.

Affirmed.

Jeffrey Hall v. Medina Golf and Country Club, April 23, 2024**Medical Treatment and Expense – Substantial Evidence**

Substantial evidence, including expert medical opinion, supports the compensation judge's finding that the medical care provided to the employee after Feb. 1, 2023, was reasonable and necessary.

Minnesota Supreme Court

February through April 2024

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Janine Tea v. Ramsey County, April 17, 2024

Appeals – Standard of Review Causation – Mental Injury

The Workers' Compensation Court of Appeals' affirmance of the compensation judge's finding that the employee has compensable post-traumatic stress disorder is not manifestly contrary to the evidence because the compensation judge based his conclusion on the employee's credibility and the persuasiveness of an expert diagnosis of post-traumatic stress disorder.

Evidence – Expert Medical Opinion

In accord with our decision in Smith v. Carver County, 931 N.W.2d 390, 396-97 (Minn. 2019), compensation judges may review the Diagnostic and Statistical Manual of Mental Disorders criteria when considering the persuasiveness of expert reports, but judges may not use those criteria to make their own diagnosis of a claimant's condition.

Affirmed.