

Workers' compensation and mental health claims: PTSD and other mental-health injuries in Minnesota

This document contains general information. It is not legal advice. Every situation is different and other laws might apply to your situation. If you have questions, contact an attorney, visit the Department of Labor and Industry website at dli.mn.gov/business/workers-compensation or call the Workers' Compensation Help Desk at 651-284-5005 (press 3) or 800-342-5354 (press 3).

What mental health injuries can be covered by Minnesota workers' compensation?

In Minnesota, the only mental health condition that can be covered by workers' compensation without a physical injury is post-traumatic stress disorder (PTSD). Any other mental health injury must be linked to a physical injury to qualify for coverage.

What do you need to qualify for a PTSD claim under workers' compensation?

To get workers' compensation for PTSD in Minnesota, you must prove two things: medical causation and legal causation.

To establish causation, there are specific requirements you need to meet:

- the injury must be caused by your job – in other words, the PTSD diagnosis must be related to your job duties or work environment;
- the PTSD must be diagnosed by a licensed psychiatrist or licensed psychologist using the required diagnostic manual under Minnesota law;
- **symptoms must last at least one month** and cause serious problems in your work, social life or other important areas; and
- the PTSD must not be caused by a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by your employer.

PTSD involves reliving the traumatic event, avoiding reminders of it, feeling on edge or overly alert, and having negative changes in mood or thinking.

Who can file a PTSD claim?

Any employee can file a workers' compensation claim for PTSD in Minnesota if they meet the requirements above.

Note: For employees in certain professions (also called presumptive occupations) if an employee has a mental injury that was not diagnosed before, the law assumes the injury is work-related. This means the employee does not have to prove their job caused the injury.

The presumption applies to employees who were actively working as any of the following: a police officer; a firefighter; a paramedic; an emergency medical technician; a licensed nurse providing emergency care outside a medical facility; a public safety dispatcher; a corrections or detention officer; a secure treatment facility officer; a sheriff or full-time deputy sheriff; or a member of the Minnesota State Patrol.

What should I do if my PTSD claim is denied?

If an insurer denies your claim, you should receive from the insurer a Notice of Insurer's Primary Liability Determination form, which clearly explains the facts and reasons your claim is denied. If you work in a presumptive occupation that is included in the noted area above and your claim is denied, the denial must include substantial factors the employer or insurer knew about at the time they made that decision.

If you disagree with the denial, you have options for disputing the denial, including the following:

- talk with the claim adjuster handling your claim and ask if they will reconsider the denial;
- file an Employee's Claim Petition form at the Court of Administrative Hearings;
- contact an attorney who can explain your rights and dispute the denial for you;
- call DLI's Vocational Rehabilitation unit at 651-284-5038 or 888-772-5500 and let them know you need help to return to work, but your claim has been denied; or
- contact the workers' compensation ombudsman at 651-284-5013, 800-342-5353 or dli.ombudsman@state.mn.us for more help with a denied claim.