

# Minnesota Department of Labor and Industry

## NOTICE OF HEARING

### **Proposed Amendment to Rules Governing Worker's Compensation Permanent Partial Disability Schedule; Minnesota Rules, Chapter 5223**

**Public Hearing.** The Department of Labor and Industry intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in the Pine Room at the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, starting at 9:30 A.M. on Thursday, March 4, 2010, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge Beverly Jones Heydinger will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7838, and FAX 651-361-7936. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rule amendments are to the workers' compensation permanent partial disability schedule, including: amendments to correct internal inconsistencies, gaps in coverage, omissions, confusing language, and technical errors; amendments to modify, clarify and update ratings in response to changes in medical diagnoses or conditions subject to rating; ratings for thoracic outlet syndrome; and a new manner of rating complex regional pain syndrome and cognate conditions. Some of the proposed amendments apply only to dates of injury on or after the effective date of the rules. All of the proposed amendments, including those that apply only to past or future dates of injury, may be further modified in response to public comment. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 176.105. The proposed rules were published in the *Minnesota State Register* on October 19, 2009, at 34 SR 511, and are available on the *State Register* web site at: [http://www.comm.media.state.mn.us/bookstore/stateregister/34\\_16.pdf](http://www.comm.media.state.mn.us/bookstore/stateregister/34_16.pdf). The proposed rules are also available on the Department's rule docket web site at: [http://www.dli.mn.gov/PDF/docket/5223\\_0310\\_0650PPDsched.pdf](http://www.dli.mn.gov/PDF/docket/5223_0310_0650PPDsched.pdf). A free copy of the rules is available upon request from the agency contact person. **The agency contact person is:** Carrie Rohling, Department of Labor and Industry, 443 Lafayette Rd. N., St. Paul, MN 55155; telephone: (651) 284-5006. TTY users may call the Department of Labor and Industry at (651) 297-4198.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies the cost of reproduction by contacting the agency contact person. The statement of need and reasonableness is also available on the Department's rule docket web site at: [http://www.dli.mn.gov/PDF/docket/5223\\_0310\\_0650PPDsched.pdf](http://www.dli.mn.gov/PDF/docket/5223_0310_0650PPDsched.pdf)

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. *The administrative law judge will accept your views* either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments *to the administrative law judge at the address above or to [rulecomments@state.mn.us](mailto:rulecomments@state.mn.us)*. All evidence that you present should relate to the proposed rules. You may also submit written material *to the administrative law judge* to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, the agency can make this Notice available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

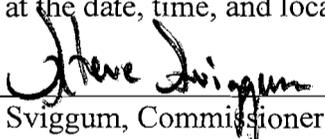
**Modifications.** The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Jan. 19, 2010

  
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Steve Sviggum, Commissioner