

Minnesota Department of Labor and Industry

Division of Workers' Compensation

REQUEST FOR COMMENTS

Possible Amendments to Rules Governing Workers' Compensation Vocational Rehabilitation, Minnesota Rules, Chapter 5220. Revisor ID # _____

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its possible amendments to rules governing workers' compensation vocational rehabilitation. The Department is considering amendments to all the rehabilitation rules in *Minnesota Rules* 5220.0100 to 5220.1900 and is also considering amendments to the rules of practice in *Minnesota Rules* 5220.2510 to 5220.2870 regarding penalties for failure to timely provide or pay for rehabilitation services.

Persons Affected. The amendments to the rules would likely affect rehabilitation providers, workers' compensation payers (employers, self-insured employers, and insurers), agents of payers, and injured workers.

Statutory Authority. *Minnesota Statutes* section 176.102, subd. 2(a), requires the commissioner to, by rule, establish a fee schedule or otherwise limit fees charged by qualified rehabilitation consultants and vendors. *Minnesota Statutes* section 176.83, subd. 2, authorizes the commissioner to adopt rules necessary to implement and administer section 176.102, including the establishment of qualifications necessary to be a qualified rehabilitation consultant and an approved registered vendor of rehabilitation services; rules for penalties to be imposed by the commissioner against insurers or self-insured employers who fail to provide rehabilitation consultation to employees pursuant to section 176.102; and rules to establish criteria for determining "reasonable moving expenses" under section 176.102. *Minnesota Statutes* section 176.83, subd. 1, authorizes the commissioner to adopt, amend, or repeal rules to implement the provisions of chapter 176. *Minnesota Statutes* sections 176.221 and 176.225, authorize the commissioner to assess a penalty when an employer or insurer does not timely make a payment or frivolously denies a claim for a payment.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments.

Rules Drafts. The Department has not yet drafted the possible rule amendments, but when a draft becomes available it will be posted on the Department's workers' compensation rule docket web page at <http://www.dli.mn.gov/RulemakingWC.asp>.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to Matt Jobe, Office of General Counsel, 443 Lafayette Road North, St. Paul, MN 55155; phone: 651-284-5006 or e-mail at dli.rules@state.mn.us.

Alternative Format. Upon request, this information can be made available in an alternative format such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submit comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

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