



## 2022 Workers' Compensation Summit a sold-out success

Thank you to everyone who helped make the 2022 Workers' Compensation Summit such a great – and sold out – event. We appreciate all of the attendees, speakers, panelists, exhibitors and sponsors, and hope everyone there learned valuable information and made some new connections.

The Department of Labor and Industry (DLI) hosted the 2022 Workers' Compensation Summit: Embracing and Navigating the New Workplace, on Tuesday, Sept. 13, for nearly 250 attendees.

The one-day, in-person event at Heritage Center of Brooklyn Center featured two general sessions – including keynote speaker Jearlyn Steele – and 12 breakout sessions, plus a chance to visit with 19 exhibitors throughout the day.

New this year at the event was the Work Comp and Campus Service Center, where attendees could get their questions answered by a team of DLI's Workers' Compensation Division subject matter experts.

The DLI Workers' Compensation Summits are geared toward all workers' compensation stakeholders, including attorneys, employers, insurers, medical providers, rehabilitation providers, employee representatives, public officials and others.

- See the Summit program, the exhibitors and sponsors, a photo recap and more at [dli.mn.gov/Summit](http://dli.mn.gov/Summit).
- Note: CLE credit has been approved for 5.25 standard credits, plus 1.0 elimination of bias credit for the session "Workers' Compensation Injuries and Post-traumatic Stress Disorder." To receive credit for this course, attorneys must report their attendance in their OASIS portal at [cle.mn.gov](http://cle.mn.gov).



## Michelle Doheny joins DLI, will run new Business Technology Office

Michelle Doheny recently joined the Department of Labor and Industry's Workers' Compensation Division as director of the newly created Business Technology Office (BTO).

BTO is responsible for managing business needs, policies and priorities related to the use and ongoing support of key technology systems, including Work Comp Campus. This consolidates key business and technology support functions into a single work unit that will be under Doheny's leadership.

Previously, Doheny worked at the Department of Human Services (DHS), where she has had many roles since 2006. Recently, she led information technology modernization efforts and built connections with business units and vendors to transform how services are delivered to stakeholders. In that role, she established a new business architecture for DHS and chaired several groups within the IT governance structure to improve how IT decisions are made. This recent and relevant experience poises her to hit the ground running in this new leadership position.

Doheny is eager to take on this challenging role and bring her knowledge and experience to DLI. She has a strong connection to DLI's mission and looks forward to serving the citizens of Minnesota and workers' compensation stakeholders.



# Workers' Compensation Division Help Desk: How to contact, tips

By Yashica Calderon, supervisor, Workers' Compensation Division Help Desk

## Overview

When Work Comp Campus launched in November 2020, the Workers' Compensation Division Help Desk team also launched to assist stakeholders with questions regarding workers' compensation and Campus. The team offers live support via phone and email to individuals, including injured workers, employers, medical providers, rehabilitation consultants, attorneys and others interested in obtaining information regarding workers' compensation and Campus. Questions not related to workers' compensation get referred to the appropriate resource.

The team can answer questions about many workers' compensation topics, including processes and filings in Campus. It also supports Campus users through troubleshooting technical issues, unlocking passwords and assisting with registration. The team is closely connected to the Workers' Compensation Division work units and will make referrals for complex questions and issues to the Campus experts in the division's units: Alternative Dispute Resolution; Compliance, Records and Training; Special Compensation Fund; and Vocational Rehabilitation. This collaboration ensures inquiries get resolved and the team provides the best customer service to stakeholders.

## Contacting the help desk

To contact the help desk: call 651-284-5005 (press 3) or 800-342-5354 (press 3); or email [helpdesk.dli@state.mn.us](mailto:helpdesk.dli@state.mn.us).

The help desk is available Monday through Friday, 8 a.m. to 4:30 p.m. If calling outside of office hours, leave a voicemail message and a help desk staff member will respond within 24 hours on the next workday.

## Tips for contacting the help desk

When contacting the help desk, be as detailed as possible in your messages – both voicemail or email. It is helpful for the help desk staff to have as much identifying information as possible regarding your inquiry.

If you are having technical issues with Campus, such as you are receiving an error message while filing a claim, take the following steps.

1. Take a screenshot of the error or issue.
2. Make a note of the date and time the problem occurred.
3. Email this information to the help desk at [helpdesk.dli@state.mn.us](mailto:helpdesk.dli@state.mn.us). Include the claim or dispute number on which the issue occurred to help the team to assist you more quickly.

## Training: OSHA recordkeeping basics offered Oct. 14, 21

The Department of Labor and Industry is offering free, online introductory-level training seminars about OSHA recordkeeping requirements Oct. 14 (online) and 21 (in person in St. Paul, Minnesota), from 8:30 to 11 a.m.

Maintaining an accurate OSHA log of recordable work-related injuries and illnesses is an important skill that benefits employers, workers, safety professionals and government agencies.

Topics will include: recordability of injuries and illnesses; differences between OSHA cases and workers' compensation claims; classifying cases; counting time; privacy cases; how many logs to keep; maintaining logs; creating a log summary; reporting log data to OSHA; and recording COVID-19 cases.

Learn more about the sessions and register to attend (required) at [www.dli.mn.gov/business/workplace-safety-and-health/mnoshacompliance-recordkeeping-standard](http://www.dli.mn.gov/business/workplace-safety-and-health/mnoshacompliance-recordkeeping-standard).

# Ask the ADR pro

## DLI's Alternative Dispute Resolution unit answers frequently asked questions

By Rena Cummings and Brian Mak, Alternative Dispute Resolution

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

**Q.** Can I file a dispute in Campus if I cannot locate the claim?

**A.** Yes, a dispute can be filed in Work Comp Campus when you cannot locate the claim; however, because it is best to file on the claim if one exists, it is recommended you contact the Workers' Compensation Division Help Desk to ask if it can help locate the claim. A dispute filed when there is no claim will create a temporary claim shell (SH). The Department of Labor and Industry (DLI) will then reach out to the insurer or third-party administrator (TPA) for them to file a first report of injury (FROI) and create the claim; this claim will be associated to the dispute. Under Minnesota Statutes section 176.231, subdivision 1, paragraph (b), a FROI is required if a document initiating a dispute is filed, even if the injury is medical-only or even record-only.

**Q.** How do I initiate a dispute if there is no claim found?

**A.** A user can easily initiate a dispute (by filing a Request for Certification or Request for Assistance) even if a claim is not in Campus because the FROI was not submitted. The user can enter the information they have for locating the claim and, when Campus says it is not found, the user will be prompted to enter some information about the injury (fields with an asterisk are required) and be able to continue with their filing. Users will be asked to provide the date of injury, the employee's date of birth and the employee's name. If the email address for the employee is populated with the attorney's email address, it should be removed. In addition, the user will need to locate the proper employer and insurer (contact the help desk for assistance). Finally, it is always helpful when filing a Request for Certification or Request for Assistance to provide the claim number and contact information for the claim adjuster in one of the narrative sections. This is especially true of filings where the claim was not located in Campus. This helps DLI staff members process the certification and scheduling for the dispute more quickly.

**Q.** What are some reasons why I might not be able to locate a claim and what can DLI do if I can't find it?

**A.** Claims are created based on data from the FROI. Depending on what is entered into electronic data interchange (EDI), the FROI data might not be exactly the same as what information the employer or the employee is using for a search. For example:

- the name of the employee may be different – a person named "John Allen Smith" might have been submitted as "John Allen" or even "Allen John"; or
- the date of injury submitted might be different than what the employee thought (especially for Gillette injuries).

If a filer cannot locate the claim they want, the help desk can do an internal search using the injured worker's date of birth, first name, etc. If there is no claim, the dispute can still be initiated as described above.



# New benefit, provider fee levels, and fee schedules effective Oct. 1

The statewide average weekly wage (SAWW) effective Oct. 1, 2022, is \$1,287, a 4.46% increase from the current SAWW of \$1,232, which has been in effect since Oct. 1, 2021. The levels for minimum and maximum weekly benefit payments are presented in the table on page 4. The statewide annual average wage will change to \$66,883 on Jan. 1, 2023.

The new SAWW is based on 2021 payroll and employment figures supplied by the Department of Employment and Economic Development and the calculation procedure in Minnesota Statutes § 176.011, subdivision 1b. The change in the SAWW is the basis for the Minn. Stat. § 176.645 annual benefit adjustment. The time and amount of the adjustments are limited by Minn. Stat. § 176.645.

Tables showing the historical value of workers' compensation benefits, reimbursements, medical services conversion factors, maximum hourly vocational rehabilitation rates and independent medical examination (IME) fees are posted on the Department of Labor and Industry (DLI) website at [dli.mn.gov/business/workers-compensation/work-comp-rate-information-statewide-average-weekly-wage-saww](https://dli.mn.gov/business/workers-compensation/work-comp-rate-information-statewide-average-weekly-wage-saww).

## Vocational rehabilitation maximum hourly fee adjustments

Pursuant to Minnesota Rules, part 5220.1900, subpart 1b:

- the maximum qualified rehabilitation consultant (QRC) hourly rate will increase by 3.00% to \$119.39 for rehabilitation services provided on or after Oct. 1, 2022; and
- the maximum hourly rate for rehabilitation job development and placement services, whether provided by rehabilitation vendors or by QRC firms, will increase by 3.00% to \$95.61 on Oct. 1, 2022.

## Relative value medical fee schedule adjustments

The following updates to the workers' compensation medical fee schedule pursuant to Minn. Stat. § 176.136, subd.1a, and Minn. R., parts 5221.4005 to 5221.4061, have been approved by an administrative law judge. The rule amendments, which are effective for services provided on or after Oct. 1, 2022, are available on DLI's website at [dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-5221-2022](https://dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-5221-2022).

1. **Relative value unit (RVU) updates** – As required by law, DLI has incorporated by reference the 2022 Medicare RVU table and the GPCI table (used to geographically adjust the RVUs for Minnesota). The Notice of Incorporation by Reference of these 2022 tables was published in the *State Register* on July 11, 2022 (see 47 SR 23 at [mn.gov/admin/assets/SR47\\_02%20-%20Accessible\\_tcm36-533493.pdf](https://mn.gov/admin/assets/SR47_02%20-%20Accessible_tcm36-533493.pdf)).
2. **Conversion factor adjustments** – There are two conversion factor adjustments. First, as required by law, each time the RVU tables are updated the conversion factors must be adjusted so that, for services in both the new fee schedule and the one most recently in effect, there is no difference in the overall payment under the fee schedules for each of the four categories of service. Second, the conversion factors are also required to be annually adjusted by no more than the percent change in the annual SAWW. As in previous years, the annual adjustment of the conversion factors is based on the percent change in the federal Department of Labor's Producer Price Index for Offices of Physicians (PPI-P) (annual-average basis), which for 2021 was 3.69%.

Based on these two adjustments, the conversion factors effective for services provided on or after Oct. 1, 2022, are:

- for medical/surgical services described in Minn. R. 5221.4030 .....\$66.83;
- for pathology and laboratory services described in Minn. R. 5221.4040 .....\$60.77;
- for physical medicine/rehabilitation services described in Minn. R. 5221.4050 .....\$60.02; and
- for chiropractic services described in Minn. R. 5221.4060.....\$52.00.

3. **RVU fee schedule rule amendments** – Minnesota Rules, parts 5221.4020, 5221.4033, 5221.4035, 5221.4050 and 5221.4060, have been amended, effective for services provided on or after Oct. 1, 2022, to implement the adjusted conversion factors and updated Medicare relative value tables. Specifically, the rules are amended to reflect Medicare changes to recognized service codes and clarify when calculations in the rules are for illustrative purposes. The rule amendments are online at [dli.mn.gov/sites/default/files/pdf/5221\\_draft\\_rule\\_amendments\\_0822.pdf](https://dli.mn.gov/sites/default/files/pdf/5221_draft_rule_amendments_0822.pdf).

## **Independent medical examination fee adjustment**

Minnesota Rules, part 5219.0500, subp. 4, provides for adjustment of the maximum fees for IMEs in the same manner as the adjustment of the conversion factors. Therefore, the maximum fees will increase by 3.69% for IME services provided on or after Oct. 1, 2022.

A table of the maximum IME fee adjustments from Dec. 1, 1993, to present is available on DLI's website at [dli.mn.gov/business/work-comp-ime-fees](https://dli.mn.gov/business/work-comp-ime-fees).

## **Link to inpatient PPS Web Pricer under Minn. Stat. § 176.1362, subd. 1**

Since Oct. 1, 2021, payment for inpatient services, articles and supplies must be calculated using the inpatient PPS Web Pricer available on Medicare's website using the applicable dates of inpatient hospitalization. DLI must publish the link to the inpatient PPS Web Pricer on its website.

The link to the inpatient PPS Web Pricer is available at [dli.mn.gov/business/workers-compensation/work-comp-pc-pricer-tool-inpatient-hospital-bills](https://dli.mn.gov/business/workers-compensation/work-comp-pc-pricer-tool-inpatient-hospital-bills).

## **Hospital catastrophic injury threshold adjustment**

The threshold for payment of inpatient hospital services, articles and supplies provided to patients with catastrophic, high-cost injuries is adjusted pursuant to Minn. Stat. § 176.1362, subd. 2. For hospital discharges on or after Oct. 1, 2022, the threshold amount is adjusted to \$268,774. If a hospital's usual and customary charges exceed this amount, payment is 75% of the hospital's charges instead of the MS-DRG amount calculated using the inpatient PPS Web Pricer.

## **Notice of availability of ambulatory surgical center addenda**

The fee schedule for workers' compensation ambulatory surgical center (ASC) services is based on the Medicare Ambulatory Surgical Center Payment System (ASCPs) addenda AA, BB and DD1, available on the Medicare website as of July 1, 2022, and the corresponding Medicare rules and claims processing manual. Payment for workers' compensation procedures and services is the ASCPS amount on the total bill multiplied by 320%, or the ASC's total usual and customary charges, whichever is less.

The June 30, 2022, addenda AA, BB and DD1 are the most recent ASCPS addenda available on the Medicare website as of July 1, 2022. Links to addenda AA, BB and DD1 are available on the DLI website at [dli.mn.gov/business/workers-compensation/work-comp-medical-fee-schedules-ascps](https://dli.mn.gov/business/workers-compensation/work-comp-medical-fee-schedules-ascps). They are effective for services provided by an ASC on or after Oct. 1, 2022.

## **Notice of availability of hospital outpatient fee schedule**

The workers' compensation hospital outpatient fee schedule (HOFS) establishes payment rates for workers' compensation outpatient hospital services that are listed in the HOFS (see Minn. Stat. § 176.1364). The updated HOFS table, effective for services from Oct. 1, 2022, through Sept. 30, 2023, is available on the DLI website at [dli.mn.gov/business/workers-compensation/work-comp-medical-fee-schedules-hofs](https://dli.mn.gov/business/workers-compensation/work-comp-medical-fee-schedules-hofs).

HOFS provides two separate payment rates, one for hospitals with more than 100 licensed beds and one for non-critical access hospitals with 100 or fewer licensed beds.

## Compensation rates as of Oct. 1, 2022

Statewide average weekly wage (SAWW) = \$1,287

Percentage change in SAWW from previous year = 4.46%

(Apply Minnesota Statutes § 176.645 adjustment as necessary based on date of injury.)

### Maximum under Minn. Stat. § 176.101, subd. 1(b)(1)

*Set by statute*

10-01-00 .....	\$750.00
10-01-08 .....	\$850.00

*102% of SAWW*

10-01-13 .....	\$963.90
10-01-14 .....	\$980.22
10-01-15 .....	\$1,008.78
10-01-16 .....	\$1,046.52
10-01-17 .....	\$1,061.82
10-01-18 .....	\$1,098.54
10-01-19 .....	\$1,134.24
10-01-20 .....	\$1,166.88
10-01-21 .....	\$1,256.64
<b>10-01-22 .....</b>	<b>\$1,312.74</b>

### Minimum under Minn. Stat. § 176.101, subd. 1(c)

*Set by statute, the listed amount or the employee's actual weekly wage, whichever is less*

10-01-00.....\$130.00

*20% of the maximum weekly benefit or the employee's actual weekly wage, whichever is less*

10-01-21.....\$251.33

**10-01-22.....\$262.55**

### Supplementary benefits under Minn. Stat. § 176.132

(Minnesota Statutes 1994)

**and permanent total minimum under  
Minn. Stat. § 176.101, subd. 4  
(for injuries 10-1-95 and later)**

10-01-04 .....	\$481.00	(round)
10-01-05 .....	\$503.10	(rounded to \$504)*
10-01-06 .....	\$508.30	(rounded to \$509)*
10-01-07 .....	\$525.20	(rounded to \$526)*
10-01-08 .....	\$552.50	(rounded to \$553)
10-01-09 .....	\$570.70	(rounded to \$571)*
10-01-10 .....	\$564.20	(rounded to \$565)*
10-01-11 .....	\$582.40	(rounded to \$583)*
10-01-12 .....	\$595.40	(rounded to \$596)*
10-01-13 .....	\$614.25	(rounded to \$615)*
10-01-14 .....	\$624.65	(rounded to \$625)*
10-01-15 .....	\$642.85	(rounded to \$643)*
10-01-16 .....	\$666.90	(rounded to \$667)*
10-01-17 .....	\$676.65	(rounded to \$677)*
10-01-18 .....	\$700.05	(rounded to \$701)*
10-01-19 .....	\$722.80	(rounded to \$723)*
10-01-20 .....	\$743.60	(rounded to \$744)*
10-01-21 .....	\$800.80	(rounded to \$801)
<b>10-01-22.....</b>	<b>\$836.55</b>	<b>(rounded to \$837)*</b>

\*Rounding applies to supplementary benefits.

## Mileage rate increase for remainder of 2022

The Internal Revenue Service (IRS) announced a mid-year increase to the mileage rate for the final six months of 2022.

The standard IRS mileage rate for the business use of an employee's personal vehicle increased July 1 to 62.5 cents a mile. The rate had been raised Jan. 1 to 58.5 cents a mile.



# CompFact: A deeper look at vocational rehabilitation service costs by return-to-work outcomes

By Brian Zaidman, Research and Statistics

Vocational rehabilitation (VR) benefits provided to injured workers are composed of a wide range of services, ranging from medical management to job placement. VR costs associated with the provision of these services include the initial consultation, administrative costs for reporting information to the other parties and the Department of Labor and Industry, legal costs and additional expenses. These costs vary by the sets of services used, based on the VR plan and resulting in different return-to-work outcomes.

This analysis looks at the costs for the three main service expense groups and for some service subgroups. The service expense groups are: plan services; nonservice costs and expenses (administrative costs, legal expenses and other expenses); and consultation. The results are based on 15,068 VR plans that closed between Oct. 1, 2019, and Sept. 30, 2021. Costs have not been adjusted for wage growth or changes in qualified rehabilitation consultant (QRC) hourly rates. This article presents results using the average costs; the pattern of results also holds using the median costs.

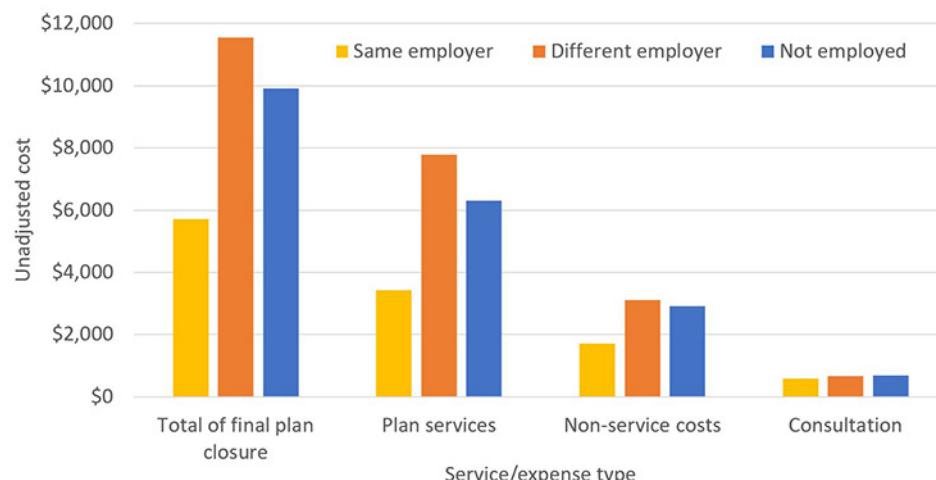
Among the plans closing during these three years, 43% of the workers returned to the same employer, 16% were placed with a different employer and 41% were not employed at plan closure.

Figure 1 shows that average total VR plan costs are lowest for workers who return to the same employer and highest for workers who return to a different employer, with costs for workers not employed at plan closure just below the different employer average. Among these closed plans, the average cost for returning to a different employer is twice the cost of returning to the same employer.

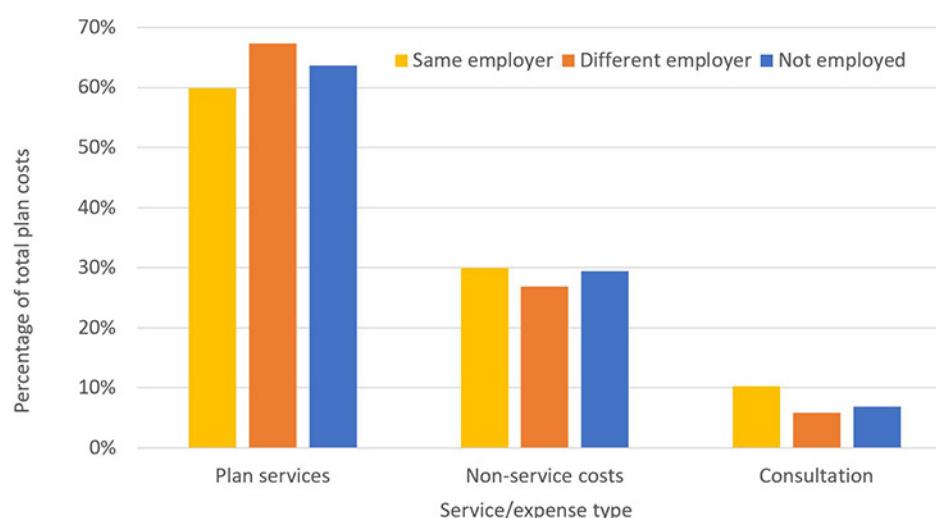
The cost pattern for total costs is also followed by the average costs for plan services and non-service costs. A greater number and duration of services are needed for workers unable to return to their pre-injury employer. Consultation costs are consistent for the three outcome groups.

Figure 2 shows these averages as a percentage of total plan costs. The percentages among the three outcome groups are very similar, demonstrating the relationship between services and expenses. Consultation is a higher percentage of costs for plans resulting in a return to the same employer because of the low total cost for these plans.

**Figure 1. Average costs of vocational rehabilitation services by return-to-work outcome, closure-years 2019-2021**



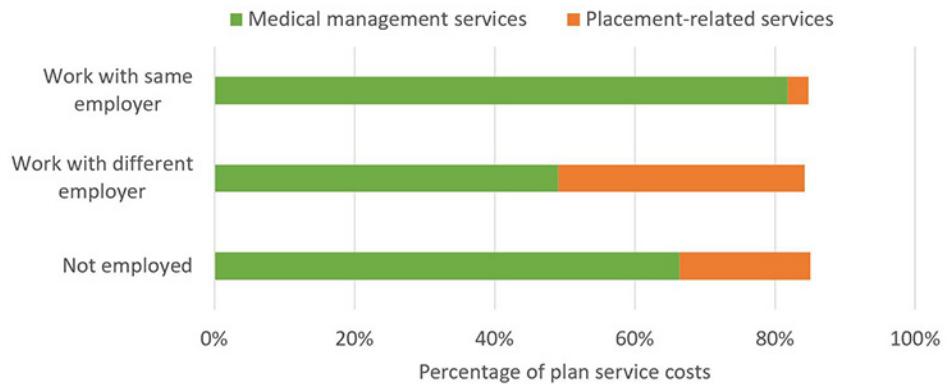
**Figure 2. Distribution of vocational rehabilitation service costs by return-to-work outcome, closure-years 2019-2021**



A deeper look at the VR plan services by subtype shows the relationship of services and outcomes. The two most common service subtypes are medical management and placement-related services. They account for approximately 85% of the plan service costs for all three outcomes. Medical management services include medical management itself, functional capacities evaluation, and work hardening or adjustment. Placement-related services include job-seeking skills training, job development, job placement and placement follow-up services. These services can be delivered by QRCS, by other QRC firm specialists and by placement vendors.

As shown in Figure 3, medical management services accounted for 82% of the plan services for workers who returned to the pre-injury employer. VR was used to provide oversight to the worker's medical treatment and to coordinate communication between the medical providers and the employer to enable the worker to return to work. For workers who found employment with a new employer, 35% of their plan services were related to job-placement-related services. Workers who were not employed at plan closure also received job-placement-related services (19% of plan service cost) and the average cost of their medical management services was higher than for workers who returned to work.

**Figure 3. Medical management and placement-related services as a percentage of plan service costs, closure-years 2019-2021**



## Annual claim reimbursements in process

The Special Compensation Fund is busy processing annual claim reimbursements, which were delayed due to the implementation of Work Comp Campus. Visit [dli.mn.gov/business/workers-compensation/faqs-annual-claim-reimbursement](https://dli.mn.gov/business/workers-compensation/faqs-annual-claim-reimbursement) for answers to frequently asked questions. All reimbursement requests must be submitted through Campus.

## Steven Moe joins Alternative Dispute Resolution in Duluth office

Steven Moe recently joined the Department of Labor and Industry's Alternative Dispute Resolution (ADR) unit office in Duluth, Minnesota, as a mediator. Moe has more than 16 years of experience as a workers' compensation attorney. He obtained his bachelor's degree from the University of Minnesota – Duluth and his juris doctor from the University of North Dakota.

ADR seeks early intervention in workers' compensation disputes through administrative conferences and mediations. It responds to questions from several stakeholder groups, including injured workers, employers, health care providers, attorneys and qualified rehabilitation consultants.

In addition to Moe, ADR mediators and arbitrators include Christie Ahern, Walter Bowser, Rena Cummings, Aaron Frederickson, Steven Gilmore, William Hauck, Debra Heisick, Frances Li, Keith Maurer, Patti Provencher, Steve Sullivan and Nancy Wallrich. ADR supervisors are Christopher Raymond ([christopher.raymond@state.mn.us](mailto:christopher.raymond@state.mn.us), 651-284-5347) and Donna Olson ([donna.p.olson@state.mn.us](mailto:donna.p.olson@state.mn.us), 651-284-5343); the ADR director is Brian Mak ([brian.mak@state.mn.us](mailto:brian.mak@state.mn.us), 651-284-5344).



**Steven Moe**

# Changes to the Minnesota Ratemaking Report, first in 40 years

By Andrea Everling, vice president of actuarial services, Minnesota Workers' Compensation Insurers Association

## What is going on?

The 2023 Minnesota Ratemaking Report will look different because the Minnesota Workers' Compensation Insurers Association (MWCIA) is now able to reflect trend, tail and loss adjustment expenses in the pure premium base rates it provides to the industry. These changes are in response to legislative and regulatory activity in 2021 and 2022.



## Trend

Previously, MWCIA provided guidance insurance carriers could use in determining their trend provision. Now, MWCIA is able to explicitly reflect trend in the pure premium base rates. Trend is necessary because ratemaking uses past data, called the experience period, to project future workers' compensation costs. Trend accounts for the difference in cost between the experience period used and the future period in which the pure premium base rates will be in effect.

## Tail

Tail, which means development to ultimate, reflects the long-tailed nature of workers' compensation claims. Some claims may take years to emerge and many years to treat. In the 2022 Ratemaking Report, MWCIA reflected costs up to a 27th report in the pure premium base rates. That report provided guidance on the amount of development anticipated beyond the 27th report. In the 2023 Ratemaking Report, MWCIA will be accounting for the total developed to ultimate cost of claims arising from the experience period.

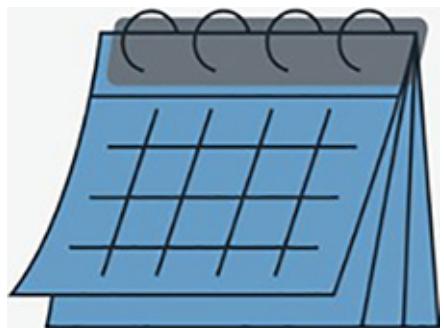


## Loss adjustment expenses

Expenses associated with the recording, adjustment and settlement of claims are considered loss adjustment expenses (LAE). There are two types of LAE: defense and cost containment; and adjusting and other.

- Defense and cost containment LAE (also referred to as ALAE) are expense tied to a specific claim. Examples include attorney fees, court expenses and medical cost containment.
- Adjusting and other LAE (also referred to as ULAE) are expenses not attributed to a specific claim. Examples include claim adjuster salaries, office maintenance costs, and supplies and postage.

The Ratemaking Report and these changes are subject to review by the MWCIA board of directors and approval by the Minnesota Department of Commerce.



## Important dates

- **July 1, 2022** – Unit statistical reporting requires the inclusion of ALAE for policies effective Jan. 1, 2021, and subsequent (Circular 22-1802).
- **August 2022** – The 2023 Ratemaking Report became available.
- **Nov. 1, 2022** – The deadline for carriers submitting rate filings with the Department of Commerce requesting a Jan. 1, 2023, effective date.

# Campus: EDI XML testing, annual claim for reimbursements update

## EDI XML testing

On Feb. 9, 2023, the Department of Labor and Industry (DLI) Work Comp Campus will update the electronic data interchange (EDI) program to adopt the International Association of Industrial Accident Boards and Commissions (IAIABC) Claims Release Standard Version 3.1.5 (R3.1) XML format.

Testing is planned for direct connect trading partners and EDI vendors during November and December 2022. The change will not affect eform senders and trading partners that report through an EDI vendor.

## Annual claim for reimbursement EDI requirement

Starting in October, annual claims for reimbursements will require the Campus claim be up to date with both first report of injury and subsequent report of injury update report (UR) EDI filings. Making the claims current will allow for faster and more accurate payments processing.

## How to prepare for XML and annual claim changes

Stakeholders should prepare for sending EDI in the new XML format by working with their EDI team or contacting DLI directly. Stakeholders should also ensure all annual claim for reimbursement form submissions are up to date with all EDI filings.

## How to reach us

Visit the DLI website for updates about Campus and training resources. EDI-specific questions can be emailed to the EDI team at [dli.edi@state.mn.us](mailto:dli.edi@state.mn.us). Annual claim specific questions can be directed to [dli.specialcomp@state.mn.us](mailto:dli.specialcomp@state.mn.us).

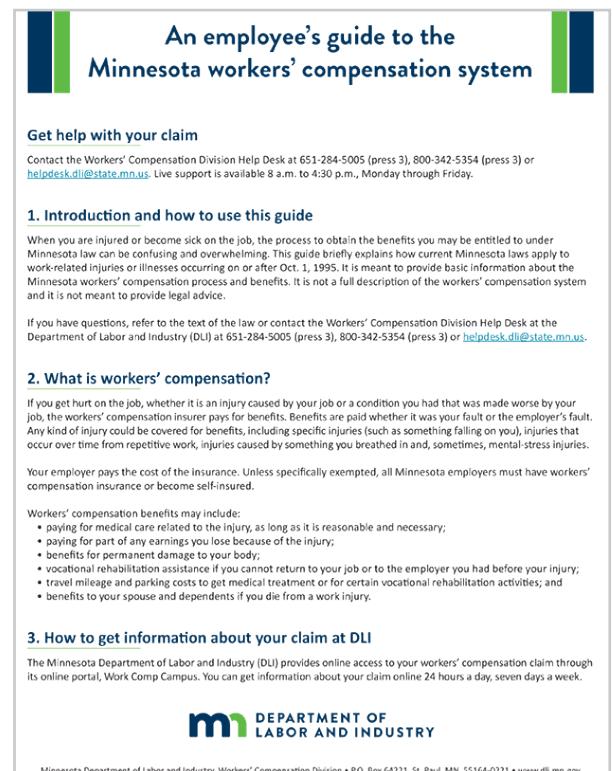
## Employee's guide handout updated, redesigned for easy printing

After a First Report of Injury form is received by the Department of Labor and Industry (DLI), the injured worker is automatically mailed a copy of *An employee's guide to the Minnesota workers' compensation system*.

The guide provides basic information about the Minnesota workers' compensation process, benefits and who to contact with questions. It is not a full description of the workers' compensation system and is not meant to provide legal advice.

The guide was recently updated and redesigned from a text-packed, 14-page booklet to an easier to read, easily printed, eight-page, 8.5" x 11" document.

The guide is available online at [dli.mn.gov/business/workers-compensation/work-comp-reports-publications](http://dli.mn.gov/business/workers-compensation/work-comp-reports-publications). It is currently available in English and is being translated to also be made available in Spanish.



**An employee's guide to the Minnesota workers' compensation system**

**Get help with your claim**  
Contact the Workers' Compensation Division Help Desk at 651-284-5005 (press 3), 800-342-5354 (press 3) or [helpdesk.dli@state.mn.us](mailto:helpdesk.dli@state.mn.us). Live support is available 8 a.m. to 4:30 p.m., Monday through Friday.

**1. Introduction and how to use this guide**  
When you are injured or become sick on the job, the process to obtain the benefits you may be entitled to under Minnesota law can be confusing and overwhelming. This guide briefly explains how current Minnesota laws apply to work-related injuries or illnesses occurring on or after Oct. 1, 1995. It is meant to provide basic information about the Minnesota workers' compensation process and benefits. It is not a full description of the workers' compensation system and it is not meant to provide legal advice.

If you have questions, refer to the text of the law or contact the Workers' Compensation Division Help Desk at the Department of Labor and Industry (DLI) at 651-284-5005 (press 3), 800-342-5354 (press 3) or [helpdesk.dli@state.mn.us](mailto:helpdesk.dli@state.mn.us).

**2. What is workers' compensation?**  
If you get hurt on the job, whether it is an injury caused by your job or a condition you had that was made worse by your job, the workers' compensation insurer pays for benefits. Benefits are paid whether it was your fault or the employer's fault. Any kind of injury could be covered for benefits, including specific injuries (such as something falling on you), injuries that occur over time from repetitive work, injuries caused by something you breathed in and, sometimes, mental-stress injuries.

Your employer pays the cost of the insurance. Unless specifically exempted, all Minnesota employers must have workers' compensation insurance or become self-insured.

Workers' compensation benefits may include:

- paying for medical care related to the injury, as long as it is reasonable and necessary;
- paying for part of any earnings you lose because of the injury;
- benefits for permanent damage to your body;
- vocational rehabilitation assistance if you cannot return to your job or to the employer you had before your injury;
- travel mileage and parking costs to get medical treatment or for certain vocational rehabilitation activities; and
- benefits to your spouse and dependents if you die from a work injury.

**3. How to get information about your claim at DLI**  
The Minnesota Department of Labor and Industry (DLI) provides online access to your workers' compensation claim through its online portal, Work Comp Campus. You can get information about your claim online 24 hours a day, seven days a week.

**DEPARTMENT OF  
LABOR AND INDUSTRY**

Minnesota Department of Labor and Industry, Workers' Compensation Division • P.O. Box 64221, St. Paul, MN 55164-0221 • [www.dli.mn.gov](http://www.dli.mn.gov)

## Rehabilitation Review Panel seeks new members

The Rehabilitation Review Panel (RRP) currently has openings for: one union labor member (four-year term); and one union labor representative alternate member (annual term).

To apply for a position, visit the Secretary of State website at [sos.state.mn.us/boards-commissions](https://sos.state.mn.us/boards-commissions).

RRP is composed of employer, insurer, labor, medical and rehabilitation representatives, and: advises the Department of Labor and Industry (DLI) about workers' compensation vocational rehabilitation issues and rules; is a liaison between DLI and interested people about workers' compensation vocational rehabilitation; and makes final decisions about certification approval or disciplinary matters of qualified rehabilitation consultants and vendors in conjunction with contested hearings.

Learn more about RRP at [dli.mn.gov/about-department/boards-and-councils/rehabilitation-review-panel](https://dli.mn.gov/about-department/boards-and-councils/rehabilitation-review-panel).

## 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](https://dli.mn.gov/about-department/news-and-media/sign-news-department-labor-and-industry).

## Registration now open for October QRC, vendor update

Registration for the Oct. 10 mandatory, all-day training session for qualified rehabilitation consultants (QRCs) and vendors opens Aug 22. Five continuing education credits (CEUs) are available to those who attend and submit required forms by 11:59 p.m., Oct. 31.

- See the WC training for rehabilitation providers webpage for more information at [dli.mn.gov/business/workers-compensation/wc-training-rehabilitation-providers](https://dli.mn.gov/business/workers-compensation/wc-training-rehabilitation-providers).

### In person or online

When registering, participants must choose to attend in person or remotely; registered participants may not switch their attendance option after Oct. 3.

- In-person attendance is limited to the first 70 registrants.
- For those attending remotely, participants may attend on Oct. 10, which allows them to ask the presenters questions, or opt to view the video recordings later, which will be available Oct. 17 through Oct. 31.



## For more information

For more information, contact Mike Hill at 651-284-5153 or [mike.hill@state.mn.us](mailto:mike.hill@state.mn.us).

# Workers' compensation events calendar

**Note: Event dates may change. Always check the online calendar at [www.dli.mn.gov/about-department/about-dli/events-workers-compensation](http://www.dli.mn.gov/about-department/about-dli/events-workers-compensation).**

## October 2022

- |         |  |
|---------|--|
| Oct. 10 | Rehabilitation provider in-person, Webex update conference     |
| Oct. 12 | Medical Services Review Board Traumatic Brain Injury Workgroup |
| Oct. 13 | Medical Services Review Board                                  |
| Oct. 14 | Basics of OSHA recordkeeping                                   |
| Oct. 21 | Basics of OSHA recordkeeping                                   |

## November 2022

- |         |  |
|---------|--|
| Nov. 9  | Workers' Compensation Advisory Council     |
| Nov. 16 | Workers' Compensation Insurers' Task Force |

## December 2022

- |         |  |
|---------|--|
| Dec. 14 | Workers' Compensation Advisory Council |
|---------|--|



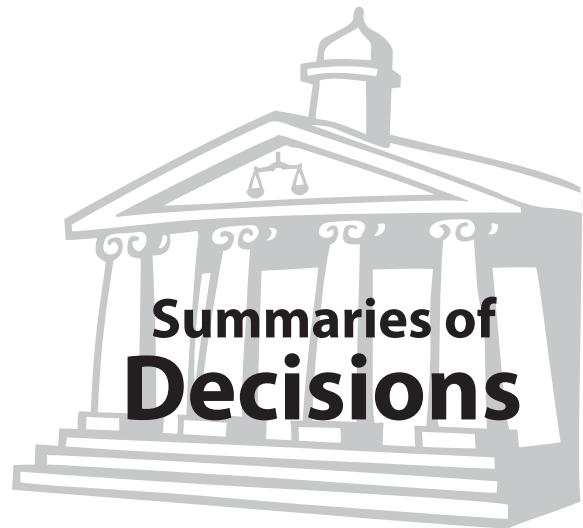
### Are you registered to vote?

The Minnesota Secretary of State website has everything you need to know about voting in Minnesota. Visit [www.sos.state.mn.us/elections-voting](http://www.sos.state.mn.us/elections-voting) to register to vote, find out where and how you can cast your vote, what's on your ballot and more.

# Workers' Compensation Court of Appeals

May through July 2022

Case summaries published are  
those prepared by the WCCA



## *Samuel Hopp v. Advanced Contractors and Remodelers, May 4, 2022*

### **Employment Relationship – Independent Contractor**

Substantial evidence supports the compensation judge's determination that the appellant, an individual whose sole proprietorship contracted with the employer to work on residential siding projects, was an independent contractor, not an employee.

### **Exclusions From Coverage**

Where the injured worker sought and received damages through a negligence action in district court against the general contractor, affirmatively maintaining he was an independent contractor and not an employee, there was an election of remedies under Minnesota Statutes section 176.061, which precludes a subsequent claim for benefits under the Workers' Compensation Act.

Affirmed.

## *Ryan Chrz v. Mower County, May 9, 2022*

### **Statutory Interpretation Statutes Construed – Minnesota Statutes § 176.011, subdivision 15(d)**

An employee whose post-traumatic stress disorder (PTSD) symptoms have improved to the point where the criteria for a diagnosis of PTSD under the DSM-V, as required by Minn. Stat. § 176.011, subd. 15(d), are no longer met, does not have a personal injury under Minnesota workers' compensation law.

Reversed in part and modified in part.

## *Neomi Schmidt v. Walmart, May 16, 2022*

### **Notice of Injury – Gillette Injury**

Substantial evidence supports the compensation judge's finding that the employee did not become aware that her left knee condition was a compensable disability until March 1, 2019, at which point she gave timely and proper notice.

## **Temporary Partial Disability Benefits – Withdrawl From Labor Market**

Where the employee was under work restrictions for a work-related injury and unable to physically continue to work for the employer, the employer did not provide an alternative job offer, and the rehabilitation plan indicated the employee was not expected to return to work with the employer, substantial evidence supports the compensation judge's award of temporary partial disability benefits.

Affirmed.

### ***Jonathan Groetsch v. Superfair Foods, June 6, 2022***

#### **Medical Treatment and Expense – Reasonable and Necessary**

Substantial evidence, including medical records and expert medical opinion, supported the finding that the employee's medical office visit of March 2, 2020, was not reasonable and necessary.

Affirmed.

### ***Juli Todd v. West Wind Village, June 27, 2022***

#### **Evidence – Res Judicata**

Where there was no final judgment on the merits as to the employee's diagnosis of spondylosis with associated facet syndrome from a 2008 injury in previous litigation, res judicata does not affect any findings related to the diagnosis in a subsequent proceeding.

#### **Evidence – Expert Medical Opinion**

Substantial evidence, including expert medical opinion, supports the compensation judge's finding that neither the April 2008 nor September 2008 dates of injury continued to be a substantial contributing factor in the employee's ongoing need for treatment.

Affirmed.

### ***Aaliyah Heikkila v. Allied Staffing, L.L.C., July 18, 2022***

#### **Evidence – Expert Medical Opinion**

Where the medical opinion of the self-insured employer's expert was supported by evidence in the record, the compensation judge did not err in relying upon that opinion over the employee's expert.

#### **Permanent Partial Disability – Schedule**

Where the compensation judge awarded permanent partial disability (PPD) based upon rules applied to dates of injury occurring prior to the date of injury claimed, the PPD ratings are vacated and remanded for ratings consistent with the applicable rules based upon the date of injury.

Affirmed, in part, and vacated and remanded, in part.



***Carmelo Ceceres Aguilar v. Kendell Doors and Hardware, Inc., July 19, 2022***

**Rehabilitation – Rehabilitation Plan**

The compensation judge's denial of payment for interpretive services is appropriate where the qualified rehabilitation consultant (QRC) arranged for those services directly with the interpreter and the rehabilitation plan was silent regarding the need for those services.

**Appeals – Briefs**

Where the service of the appellant's brief was timely on the responding party and no prejudice was shown, error in the electronic filing of the brief does not support dismissal of the appeal or striking of the brief.

Affirmed as modified.

***Dawn Englund v. Presbyterian Homes and Services, July 26, 2022***

**Causation – Substantial Evidence  
Evidence – Expert Medical Opinion**

The compensation judge did not err when he relied upon a credible and well-founded expert medical opinion supported by substantial evidence and credible witness testimony to support his decision that the employee sustained a work-related injury.

Affirmed.

# Minnesota Supreme Court

*May through July 2022*

Case summaries published are  
those prepared by the WCCA



**Dennis Sershen, v. Metropolitan Council, May 11, 2022, A21-0893**

## Occupational Disease – Substantial Evidence

The employee established that workplace exposure to hazardous noise was a significant contributing factor in the development of his hearing loss, and substantial evidence supported the finding of the compensation judge that the employee sustained an occupational disease arising out of his employment.

**Statutes Construed – Minnesota Statutes § 176.66, Subdivision 10**

**Statutes Construed – Minnesota Statutes § 176.135, Subdivision 5**

**Practice And Procedure – Matters At Issue**

Consistent with the plain language of Minnesota Statutes § 176.135, subdivision 5 (2020), it was not error to order the payment of medical benefits by the employer where the injured worker was last exposed to the hazard of the disease. However, the compensation judge erred by concluding that all issues other than medical benefits are moot and not determining whether the last-exposure employer has a right to reimbursement against the last-significant-exposure employer under Minn. Stat. § 176.135, subd. 5, and Minn. Stat. § 176.66, subd. 10 (2020).

Affirmed in part, reversed in part and remanded to the compensation judge.