

Compliance, Records and Training: Procedure for reporting permanent total disability benefits under Minn. Stat. § 176.1292 for dates of injury from Oct. 1, 1995, through Aug. 12, 2014

A. Purpose

This describes the procedure for workers' compensation insurers and self-insured employers (payers) to obtain the relief under Minnesota Statutes § 176.1292 from Special Compensation Fund assessments on additional permanent total disability (PTD) benefits paid because of the elimination of the non-Social Security retirement benefit offset.ⁱ

B. Applicability

- This procedure applies only to dates of injury on or after Oct. 1, 1995, through Aug. 12, 2014, and to claims covered by Minn. Stat. § 176.1292.
- Use the Special Compensation Fund procedure for dates of injury before Oct. 1, 1995.

C. Procedure

1. **Due date for *Annual Report of Permanent Total Disability (PTD) Benefits* form:** The *Annual Report of Permanent Total Disability Benefits* form is filed each year that the payer paid PTD benefits to the employee. This form must be submitted to the Minnesota Department of Labor and Industry (DLI) by May 15 every year. Note: If benefits are discontinued, the appropriate form documenting the discontinuance must be filed at the time of discontinuance.
2. **How to submit annual forms:** The annual claims are to be submitted by email to ekdahl.hartwig.submissions.dli@state.mn.us.
3. **Compliance, Records and Training (CRT) approval of annual forms:** CRT staff members will review and submit written notice to the payer regarding the results of the review of the *Annual Report of Permanent Total Disability Benefits* form. This information will also be provided to the DLI Special Compensation Fund (SCF) assessment team for adjustment totals.
4. **Contact information:** For questions about this procedure, contact DLI's Workers' Compensation Division Help Desk at 651-284-5005 (press 3), 800-342-5354 (press 3) or helpdesk.dli@state.mn.us.

ⁱMinnesota Statutes § 176.1292 was enacted, effective May 31, 2017, in response to the Minnesota Supreme Court decisions in *Ekdahl v. Independent School District #213, et al.*, 851 N.W.2d 874, and *Hartwig v. Traverse Care Center, et al.*, 852 N.W.2d 251. See 2017 Minn. Laws, Ch. 94, Art. 4.