

Case Law Links for the Treatment Parameters

Helpful links to The Minnesota Workers' Compensation Court of Appeals and Supreme Court Decisions referencing the Workers' Compensation Treatment Parameters.



Disclaimer: This information is not an exhaustive list of Workers' Compensation Court of Appeals (WCCA) or Supreme Court cases involving the Minnesota Workers' Compensation treatment parameters, nor is it a complete description of the cases. This list of cases and the summaries are not a substitute for legal advice. Click on the link for the details of the entire case and the court's decision.

Note: The cases in this document have not been updated since 2008. There may be later cases discussing the referenced treatment parameters.

1. <http://www.workerscomp.state.mn.us/2007/Irvin-05-01-07.htm>

Irvin v. Red Wing Shoe Co.

WORKERS' COMPENSATION COURT OF APPEALS
MAY 1, 2007

No. WC06-218

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - MINN.. R. 5221.6020, SUBP. 2. The permanent medical treatment parameters do not apply to treatment for an injury after an employer and insurer have denied liability for the injury and have denied that the employee's current condition, for which the employee sought disputed medical treatment, is causally related to her work injury. A denial of liability includes both a denial of primary liability and a denial of medical causation for subsequent symptoms or conditions.

2. <http://www.workerscomp.state.mn.us/2007/Duggan-02-01-07.htm>

Duggan v. United Properties

WORKERS' COMPENSATION COURT OF APPEALS
FEBRUARY 1, 2007

No. WC06-242

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - MINN. R. 5221.6100, SUBP.2.G(1). Where the chart notes of the employee's treating and consulting physicians, along with the employee's testimony, provided sufficient evidence that the employee's condition had not improved with initial nonsurgical management, and where the consulting physician recommended that the employee undergo a discogram, following an MRI scan, so that he could review the diagnostic testing to determine the level and extent of pathology and the appropriate treatment options, the compensation judge's conclusion that the employee had satisfied the criteria in Minn. R. 5221.6100, subp. 2.G.(1), for authorizing discography was not clearly erroneous and unsupported by substantial evidence.

3. <http://www.workerscomp.state.mn.us/2007/Larsen-08-29-07.htm>

Larsen v. Kraft Foods, Inc.

WORKERS' COMPENSATION COURT OF APPEALS
AUGUST 29, 2007

No. WC06-305

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - MINN. R. 5221.6200, SUBP. 3B(2). Where the medical records reflected that the employee's subjective complaints remained at a high level, that her pain continued, that her function had not increased significantly, and that her objective findings were unchanged in the medical records, the compensation judge's conclusion that the employee's physical therapy was not sufficiently effective in maintaining functional status to entitle the employee to treatment beyond an additional twelve visits under Minn. R. 5221.6200, subp. 3B(2), was not clearly erroneous and unsupported by substantial evidence.

4. <http://www.workerscomp.state.mn.us/2006/Doering-06-28-06.htm>

Doering v. Casey's Gen. Store

WORKERS' COMPENSATION COURT OF APPEALS
JUNE 28, 2006

No. WC06-113

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; MEDICAL TREATMENT & EXPENSE - CHRONIC MANAGEMENT. The compensation judge properly concluded that the employee's treatment for chronic pain and depression was governed by the treatment parameters covering chronic management, where the treatment at issue was rendered after the employee had received all appropriate nonsurgical and surgical care.

5. <http://www.workerscomp.state.mn.us/2006/Jaynes-12-13-06.htm>

Jaynes v. Golden Crest Nursing Home

WORKERS' COMPENSATION COURT OF APPEALS
DECEMBER 13, 2006

No. WC06-190

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - MINN. R. 5221.6300, SUBP. 6.B. Where subpart 11.B. of Minn. R. 5221.6300, as incorporated under subpart 6.B. of that rule, was inapplicable to the employee's shoulder surgery because subpart 11.B. pertains specifically to epicondylitis, and where there was no basis for concluding that the treating doctors examination finding of impingement did not qualify as an objective physical finding for purposes of subpart 15.B. of the rule, also incorporated under subpart 6.B., the compensation judge's conclusion that the employee's surgery was in compliance with Minn. R. 5221.6300 of the treatment parameters was not clearly erroneous and unsupported by substantial evidence.

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - MINN. R. 5221.6500, SUBP. 3.B. Where the repeated pre-surgery examination finding of impingement was sufficient to satisfy the required diagnosis of Aacromial impingement syndrome in Minn. R. 5221.6500, subp. 3.B., where the shoulder surgery eventually performed did involve a paring of the acromion, and where the judge reasonably found that the employee satisfied the other physical requirements at issue under the rule, the compensation judge's conclusion that the employee's surgery was in compliance with the requirements of Minn. R. 5221.6500, subp. 3.B., was not clearly erroneous and unsupported by substantial evidence.

MEDICAL TREATMENT & EXPENSE - SURGERY. Where the employer and insurer had conceded at hearing that the surgery was causally related to the work injury, and where that surgery was in compliance with the medical treatment parameters, the shoulder surgery at issue was presumptively reasonable and necessary absent a showing that the employee's circumstances constituted the sort of rare case referenced in Pelowski v. K-Mart Corporation, 627 N.W.2d 89, 93, 61 W.C.D. 276, 281 (Minn. 2001), and the employer and insurer's argument as to its reasonableness and necessity was not addressed.

6. <http://www.workerscomp.state.mn.us/2006/Paoli-07-28-06.htm>

Paoli v. Rainbow Foods

WORKERS' COMPENSATION COURT OF APPEALS
JULY 28, 2006

No. WC05-304

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS. Where the employer and insurer had denied liability for the cervical and lumbar spine injuries and denied medical causation for treatment of the thoracic spine beyond the compression fracture, the medical treatment parameters are not applicable.

7. <http://www.workerscomp.state.mn.us/2005/Thorsten-08-01-05.htm>

Thorsten v. Construction & General Laborers

WORKERS' COMPENSATION COURT OF APPEALS
AUGUST 1, 2005

No. WC04-291

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - MINN. R. 5221.6500, SUBP. 2.C.(1)(d); MEDICAL TREATMENT & EXPENSE - SUBSTANTIAL EVIDENCE. Where the compensation judge found that the employee had a valid discogram showing positive results at one or two levels, and had experienced incapacitating pain for at least three months, which are two of the conditions in the applicable permanent medical treatment parameter that must be satisfied to indicate that surgery is reasonably required, and where those findings are supported by substantial evidence of record, we affirm the compensation judge's award of the employee's claim for the proposed fusion surgery.

8. <http://www.workerscomp.state.mn.us/1999/Jacka-04-13-99.htm>

Jacka v. Coca-Cola Bottling Co.

WORKERS' COMPENSATION COURT OF APPEALS
APRIL 13, 1999

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS. Substantial evidence supports the compensation judge's finding that the employee's treatment after April 3, 1995, was a valid departure from the permanent treatment parameters.

9. <http://www.workerscomp.state.mn.us/2005/Schulenburg-02-08-05.htm>

Schulenburg v. Corn Plus

WORKERS' COMPENSATION COURT OF APPEALS
FEBRUARY 8, 2005

No. WC04-227

MEDICAL TREATMENT AND EXPENSE - TREATMENT PARAMETERS. Minn. R. 5221.6020, subp. 2, provides that the medical treatment parameters do not apply to treatment related to an injury after an insurer has denied liability for the injury. For the purposes of application of the permanent medical treatment parameters, a denial of liability includes both a denial of primary liability and a denial of medical causation for subsequent symptoms or conditions.

10. <http://www.workerscomp.state.mn.us/2005/Stange-10-31-05.htm>

Stange v. State, Dep't of Transportation

WORKERS' COMPENSATION COURT OF APPEALS
OCTOBER 31, 2005

No. WC05-101

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS. Substantial evidence supports the compensation judge's finding the employee failed to establish grounds for departure from the treatment parameters which provide a hot tub is not indicated for home use for low back conditions.

11. <http://www.workerscomp.state.mn.us/2004/Amunrud-02-02-04.htm>

Amunrud v. Advance United Expressway

WORKERS' COMPENSATION COURT OF APPEALS
FEBRUARY 2, 2004

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - Minn. R. 5221.6050. Where the employer and insurer's notice to the employee's physical therapist cited specific treatment parameters and suggested that the provider's treatments were excessive, the compensation judge's conclusion that the employer and insurer's compliance with the notice provisions of Minn. R. 5221.6050 was sufficient was neither legally erroneous nor unsupported by substantial evidence.

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - Minn. R. 5221.6200, subp. 3.B.(2). Where there was no clear evidence in the medical or physical therapy records that the therapy was effective, and where the

employee himself testified that his relief by the therapy was very minimal and of only very brief duration, the compensation judge's conclusion that the employee's physical therapy was not sufficiently effective in maintaining functional status to entitle the employee to treatment beyond an additional twelve visits under Minn. R. 5221.6200, subp. 3.B.(2), was not clearly erroneous and unsupported by substantial evidence.

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - Minn. R. 5221.6050, subp. 8.A. Where it was not unreasonable in light of all of the evidence of record, the compensation judge's conclusion that the employee was not subject to a documented medical complication@ for purposes of satisfying the departure provision of Minn. R. 5221.6050, subp. 8.A., was not clearly erroneous and unsupported by substantial evidence.

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS. Where there was little medical support for the position that the physical therapy at issue was materially effective in improving or maintaining the employee's functional status, and where that therapy was not effective in keeping the employee at work, the compensation judge's conclusion that the employee's circumstances did not qualify as a rare case exception to the treatment parameters under the Jacka and Asti cases was not clearly erroneous and unsupported by substantial evidence.

12.<http://www.workerscomp.state.mn.us/2004/Kozlak-09-17-04.htm>

Kozlak v. Minnegasco

WORKERS' COMPENSATION COURT OF APPEALS
SEPTEMBER 17, 2004

No. WC04-171

MEDICAL TREATMENT & EXPENSE - RARE CASE EXCEPTION. Substantial evidence in the record did not support the judge's decision to approve the employee's request for physical therapy and a lumbar epidural injection under the rare case exception to the treatment parameters, where there was simply nothing in the record to differentiate the case from any other case in which the recommend treatment exceeded the limits established by the rules.

13.<http://www.workerscomp.state.mn.us/2003/Bryant-04-25-03.htm>

Bryant v. Honeywell, Inc.

WORKERS' COMPENSATION COURT OF APPEALS
APRIL 25, 2003

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS. The treatment parameters may not be applied to deny payment for treatment rendered after the employer denied liability asserting the injury had resolved.

14. <http://www.workerscomp.state.mn.us/2002/Hernandez-12-02-02.htm>

Hernandez v. Bergerson Caswell, Inc.

WORKERS' COMPENSATION COURT OF APPEALS
DECEMBER 2, 2002

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; MEDICAL TREATMENT & EXPENSE - SECOND OPINION. Although Minn. R. 5221.6050, subp. 9.C.(5), provides an insurer may require a second opinion from a physician of the employee's choice, prior to non-emergency surgery, and that the health care provider may not perform the surgery until the employee provides a second opinion to the insurer, Minn. Stat. 176.135, subd. 1a, explicitly states that failure to obtain a second surgical opinion shall not be reason for nonpayment of charges for the surgery. The compensation judge properly held that the employer and insurer were not relieved from their obligation to pay for the surgery where the employee proceeded with the surgery before a second opinion, requested by the employer and insurer, was obtained.

MEDICAL TREATMENT & EXPENSES - TREATMENT PARAMETERS; MEDICAL TREATMENT & EXPENSE - INDEPENDENT MEDICAL EXAMINATION. If prior notification of surgery is required, Minn. R. 5221.6050, subp. 9.C.(6), provides the employer and insurer may elect to obtain an independent medical examination (IME). The proposed surgery may not be provided pending the IME if the insurer notifies the employee within seven working days of the prior notification. Moreover, the employee may elect to proceed with the surgery after 45 days following a timely request for an IME. Minn. R. 5221.6050, subp. 9.C.(6), restricting the provider from performing surgery while an IME is pending is not applicable in this case as the employer and insurer did not notify the employee of the IME within seven working days of the employee's December 3, 2001 medical request, and the surgery was not performed until February 6, 2002, more than 45 days after the employer and insurer's response to the employee's medical request.

15. <http://www.workerscomp.state.mn.us/2002/Fox-10-01-02.htm>

Fox v. Yellow Freight Sys.

WORKERS' COMPENSATION COURT OF APPEALS
OCTOBER 1, 2002

MEDICAL TREATMENT & EXPENSE - CHIROPRACTIC TREATMENT. The record as a whole did not support the judge's award of chiropractic expenses after the initial 12 weeks of treatment, either under case law standards or the applicable treatment parameters.

16.<http://www.workerscomp.state.mn.us/2001/Feist-01-29-01.htm>

Feist v. Packaging of America/Tenneco

WORKERS' COMPENSATION COURT OF APPEALS
JANUARY 29, 2001

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - MINN. R. 5221.6210, subp. 6.C. Substantial evidence supports the compensation judge's determination that a morphine pump is a reasonable treatment option which should be explored, since it was clear that the appropriateness of this form of treatment could not be fully evaluated until after completion of a trial screening under Minn. R. 5221.6210, subp. 6.C.

17.<http://www.workerscomp.state.mn.us/2001/Riendeau-11-30-01.htm>

Riendeau v. Wal-Mart

WORKERS' COMPENSATION COURT OF APPEALS
NOVEMBER 30, 2001

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS. Where the treatment parameters were prominent in the multi-proceeding litigation of the case, and where technically flawed notices of denial based on the treatment parameters included an attachment of those parameters and invitations to call with any questions, the employee had sufficient notice of the employer and insurer's denial of continuing chiropractic care based on the treatment parameters so as to render the compensation judge's application of those parameters not clearly erroneous.

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - MINN. R. 5221.6205, SUBP. 3.B.(2). Where the findings and order of the compensation judge made no mention of the employee's argument under Minnesota Rules 5221.6205, subpart 3B(2), despite the fact that that argument was raised by counsel for the employee in closing argument, the matter was remanded to the compensation

judge for findings as to whether the chiropractic care at issue was effective in maintaining employability within the meaning of Minnesota Rules 5221.6205, subpart 3B(2).

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - MINN. R. 5221.6050, SUBP. 8.E. Where it was evident from his previous decision in the case that the judge was well versed in the employee's work-injury-related condition and her medical and chiropractic history in treatment of it, it was neither unreasonable nor improper for the compensation judge to find that the exacerbations at issue were not sufficiently incapacitating to justify departure from the treatment parameters.

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - MINN. R. 5221.6050, SUBP. 9.A. Where the treatment at issue on appeal had already been affirmed as not reasonably necessitated by an incapacitating exacerbation so as to justify a departure from those parameters, the court would not address the issue of whether or not the judge's collateral finding of insufficient notice of such a departure by the employee was supported by substantial evidence.

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS. Where the compensation judge offered no explanation for rejecting application of the Jacka/Asti rare case exception to the treatment parameters, the WCCA remanded the issue for findings indicating the basis for that decision, noting that such findings would have relevance, however, only in the event that the judge has first found the disputed treatment to be not only reasonable and necessary treatment of the employee's work injury under case law criteria but also outside the medical treatment parameters provided in the Minnesota Rules.

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; MEDICAL TREATMENT & EXPENSE - REASONABLE & NECESSARY. Where issues relevant to the argument had been remanded to the compensation judge, the employee's contention that, in applying the treatment parameters, judges still may not ignore or disregard uncontroverted medical opinion that treatment is reasonably required to cure or relieve the effects of an employee's work-related condition was effectively premature. The court noted, however, that, notwithstanding expert medical opinion, it would be entirely appropriate for a compensation judge to deny medical expense benefits where the treatment at issue is inconsistent with the treatment parameters, fails to qualify for a departure from the parameters, and fails to meet the requirements for a rare case exception under Asti.

18.<http://www.workerscomp.state.mn.us/2001/May-06-04-01.htm>

May v. City of Richfield

WORKERS' COMPENSATION COURT OF APPEALS
JUNE 4, 2001

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS. Where the employee's treating chiropractor acknowledged that he was aware of the prior notification requirements of the treatment parameters, that he did not provide notification, and that he made no attempt to do so, and where the employee's other treating physician's records clearly documented the employer's past efforts to accommodate the employee's work injury, the compensation judge did not err in denying payment of the chiropractic expenses at issue on grounds that the provider had not complied with notice provisions of the treatment parameters. A good faith effort to comply with the parameters is essential to their effectiveness, and parties affected by them must be able to rely upon consistent application of their requirements.

19. <http://www.workerscomp.state.mn.us/2001/Lentz-02-09-01.htm>

Lentz v. Corporate Express

WORKERS' COMPENSATION COURT OF APPEALS
FEBRUARY 9, 2001

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - MINN. R. 5221.6050. Provisions of Minn. R. 5221.6050, subp. 9.C., of the Treatment Parameters become applicable to entitle an employee to continuing medical benefits only to the extent that the treatment at issue is otherwise reasonable and necessary and causally related to the work injury, pursuant to Minn. Stat. 176.135.

MEDICAL TREATMENT & EXPENSE - CHIROPRACTIC TREATMENT; MEDICAL TREATMENT & EXPENSE - REASONABLE & NECESSARY. Where it was not unreasonable in light of medical examination records, the employee's own testimony, and the opinions of medical experts, the judge's denial of all treatment expenses after August 11, 1999, was not clearly erroneous and unsupported by substantial evidence.

20. <http://www.workerscomp.state.mn.us/2000/Stillson-08-11-00.htm>

Stillson v. Holiday Co.

WORKERS= COMPENSATION COURT OF APPEALS
AUGUST 11, 2000

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - MINN. R. 5221.6050, SUBP. 9.C.(3);. An insurer that fails to comply with Minn. R. 5221.6050, subp. 9.C.(3), requiring a review, on request, of a denial of

treatment authorization, may not use the limits set by the treatment parameters as a defense against a claim for treatment.

21. <http://www.workerscomp.state.mn.us/2000/Smith-01-31-00.htm>

Smith v. Country Manor Health Care

WORKERS' COMPENSATION COURT OF APPEALS
JANUARY 31, 2000

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; RULES CONSTRUED - MINN. R. 5221.6050, SUBP. 8A. A "medical complication" permitting departure from durational treatment limits under Minn. R. 5221.6050, subp. 8A, is not limited to situations where the work injury has brought about a wholly new, secondary medical condition, but includes situations where a pre-existing condition is affected by the work injury, in combination with which a more complicated course of symptoms, disability and treatment results. Substantial evidence, including medical records, expert medical opinion and the employee's lay testimony, here supported both a finding of a documented medical complication and the judge's determination that a departure from the medical treatment parameters was reasonable during the period of chiropractic treatment in dispute.

22. <http://www.workerscomp.state.mn.us/2000/Pelowski-08-23-00.htm>

Pelowski v. K-Mart Corp.

WORKERS' COMPENSATION COURT OF APPEALS
AUGUST 23, 2000

MEDICAL TREATMENT & EXPENSE - REASONABLE & NECESSARY. Although the judge's decision as to satisfaction of the pertinent treatment parameters might be questionable, substantial evidence, including expert opinion, nevertheless supported the judge's finding that fusion surgery was not reasonable or necessary to treat the employee's work-related back injury.

23. <http://www.workerscomp.state.mn.us/sup/Asti-sup-99.htm>

Asti v. Northwest Airlines

NO. C7-98-1939

SUPREME COURT - FEBRUARY 11, 1999

MEDICAL TREATMENT & EXPENSE - TREATMENT PARAMETERS; MEDICAL TREATMENT & EXPENSE - REASONABLE & NECESSARY. Under the specific facts of this case, where a health club membership was both reasonable and necessary to the employee's continued employment, yet was not covered under the applicable treatment parameter rules, there exists the rare circumstances where a departure from the treatment parameter rules is appropriate and necessary to provide proper treatment of the employee's injury.

Reversed and reinstated as modified.
WCCA decision February 10, 1998