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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4122

02/22/2024 Authored by Acomb The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to labor; allowing licensed marriage and family therapists to recertify a
1.3 continuing disability with respect to mental impairment; amending Minnesota
1.4 Statutes 2023 Supplement, section 353.031, subdivision 8.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 353.031, subdivision 8, is amended
1.7 to read:

1.8 Subd. 8. Proof of eligibility upon reapplication. (a) A person must not be paid a
1.9 disability benefit except upon furnishing adequate proof to the executive director of the
1.10 association that the person is disabled and, upon reapplication, that the disability is the same
1.11 disability for which disability benefits were initially granted.

1.12 (b) At the end of each year of disability payments for the first five years of disability
1.13 payments and at the end of every three years of disability payments thereafter, the person
1.14 receiving the disability payments must reapply and provide proof of disability to the executive
1.15 director of the association. The executive director has the right, between applications, to
1.16 require the person to submit proof of the continuance of the disability claimed.

1.17 (c) Adequate proof of a disability upon reapplication must include a written expert report
1.18 by a licensed physician, an APRN, or a licensed chiropractor, or, with respect to a mental
1.19 impairment, a licensed psychiatrist or, licensed psychologist, or a marriage and family
1.20 therapist licensed under sections 148B.29 to 148B.392.

1.21 (d) The reapplication requirement may be waived by the executive director if the
1.22 executive director receives a written statement from the medical adviser retained by the

2.1 association under subdivision 5 that no improvement can be expected in the person's disability
2.2 condition that was the basis for the payment of the disability benefit.

2.3 (e) If the person's reapplication is denied, the person bears the burden of proving eligibility
2.4 for a disability benefit in an appeal under section 356.96.

2.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.