

CHAPTER 5220
DEPARTMENT OF LABOR AND INDUSTRY
REHABILITATION AND COMPENSATION

5220.2525	ELECTRONIC FILING.	5220.2780	FAILURE TO PAY UNDER ORDER; PENALTY.
5220.2570	DENIALS OF LIABILITY.	5220.2810	FAILURE TO RELEASE MEDICAL DATA; PENALTY.
5220.2630	DISCONTINUANCE OF COMPENSATION.	5220.2820	FAILURE TO MAKE TIMELY REPORT OF INJURY; PENALTY.
5220.2720	IMPROPER DISCONTINUANCES; PENALTY.	5220.2830	OTHER FAILURE TO FILE REPORT IN MANNER OR WITHIN TIME LIMITS PROVIDED; PENALTY.
5220.2740	FAILURE TO PAY OR DENY MEDICAL CHARGES; PENALTY.	5220.2840	FAILURE TO MAKE PAYMENT OR REPORT TO SPECIAL FUND; PENALTY.
5220.2750	FAILURE TO MAKE TIMELY PAYMENT OF PERMANENT PARTIAL DISABILITY, ECONOMIC RECOVERY COMPENSATION, OR IMPAIRMENT COMPENSATION; PENALTY.	5220.2850	FAILURE OF UNINSURED OR SELF-INSURED TO PAY; PENALTY.
5220.2760	ADDITIONAL AWARD AS PENALTY.	5220.2930	DEPENDENT'S BENEFITS.
5220.2770	FAILURE TO PAY OR DENY; PENALTY.		

5220.2525 ELECTRONIC FILING.

Where parts 5220.2510 to 5220.2960 authorize or require a document to be filed with the commissioner, department, or division, the commissioner is authorized to allow or require the document to be filed electronically in the manner and format specified by the commissioner under Minnesota Statutes, section 176.285.

Statutory Authority: *MS s 14.388*

History: *35 SR 2015*

5220.2570 DENIALS OF LIABILITY.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Time for filing.** Denials of liability must be filed with the division within the following time limits:

A. Where appropriate, a denial under subpart 2 must be filed with the commissioner and served on the employee within 14 days of notice to or knowledge by the employer of an injury which is required to be reported to the commissioner under Minnesota Statutes, section 176.231, subdivision 1. Where appropriate, a denial under subpart 2 must be filed with the commissioner and served on the employee within 30 days after notice or knowledge where an extension has been requested in the event of a new period of temporary total or if payment has commenced. When payment of compensation has commenced, a denial more than 60 days after notice or knowledge must be filed under subpart 3.

B. A denial of liability under subpart 3 must be filed with the commissioner and served on the employee in accordance with part 5220.2630, subpart 4.

C. A denial of liability under subpart 4 must be filed with the commissioner and served on the employee within 14 days of notice or knowledge of a new period of lost time due to a previous work-related injury unless an extension is requested under Minnesota Statutes, section 176.221, subdivision 1.

D. A denial under subpart 5 must be filed with the commissioner and served on the employee within the time frame required by statute for the type of benefit being denied.

[For text of subps 8 to 10, see M.R.]

Subp. 11. **Penalty; nonspecific denial.** A nonspecific denial as defined in subpart 2, item E; 4, item E; or 5, item E, may result in the assessment of a penalty in the amount of \$500 under Minnesota Statutes, section 176.84, subdivision 2. A penalty for a nonspecific denial may be assessed without regard to the substantive validity of the denial of benefits. A

penalty under this subpart may be assessed in addition to the penalties described in subparts 9 and 10 and is payable to the commissioner for deposit in the assigned risk safety account.

Statutory Authority: *MS s 14.388*

History: *35 SR 2015*

5220.2630 DISCONTINUANCE OF COMPENSATION.

[For text of subps 1 to 3, see M.R.]

Subp. 4. Notice of intention to discontinue benefits.

A. To discontinue temporary total, temporary partial, or permanent total benefits in situations not specified in subpart 3, the employer or insurer must serve upon the employee and file with the division a notice of intention to discontinue benefits or a petition under subpart 2. The insurer may serve and file a notice of intention to discontinue permanent total benefits under this subpart only where no judicial or administrative decision finding permanent total status was previously issued. The notice of intention to discontinue benefits must be accompanied by a form prescribed by the commissioner with which to request an administrative conference on the proposed discontinuance. The form must contain the employer's name, the date of the injury or disease, and the name, Social Security number or workers' compensation identification number assigned by the department, and address of the employee and a space for the employee to indicate the reason the employee objects to the proposed discontinuance.

[For text of item B, see M.R.]

C. The liability of the insurer to make compensation payments continues at least until the notice of intention to discontinue benefits is received by the division and served on the employee and the employee's attorney, except that benefits may be discontinued on the date the employee returned to work and temporary partial benefits may be discontinued as of the date the employee ceased employment. Continuation of benefits following service and filing of a notice of intention to discontinue benefits where the employee has requested an administrative conference is set out in part 1415.3900, subpart 3.

[For text of subps 5 and 6, see M.R.]

Statutory Authority: *MS s 14.388*

History: *35 SR 2015*

5220.2720 IMPROPER DISCONTINUANCES; PENALTY.

[For text of subp 1, see M.R.]

Subp. 2. **Amount.** When the division makes a determination under subpart 1, notice will be given and fines assessed as follows:

[For text of items A and B, see M.R.]

C. Alternatively, a penalty may be assessed as provided in Minnesota Statutes, section 176.221, subdivision 3, payable to the commissioner for deposit in the assigned risk safety account.

D. In addition to a penalty payable to the commissioner for deposit in the assigned risk safety account under this part, a penalty may be assessed under part 5220.2760.

Subp. 3. **Payable to.** Penalties under this part are payable to the commissioner for deposit in the assigned risk safety account.

Statutory Authority: *MS s 14.388*

History: *35 SR 2015*

5220.2740 FAILURE TO PAY OR DENY MEDICAL CHARGES; PENALTY.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Payable to.** Penalties assessed under this part are payable to the commissioner for deposit in the assigned risk safety account.

5220.2740 REHABILITATION AND COMPENSATION

264

*[For text of subp 5, see M.R.]***Statutory Authority:** *MS s 14.388***History:** *35 SR 2015***5220.2750 FAILURE TO MAKE TIMELY PAYMENT OF PERMANENT PARTIAL DISABILITY, ECONOMIC RECOVERY COMPENSATION, OR IMPAIRMENT COMPENSATION; PENALTY.***[For text of subp 1, see M.R.]*

Subp. 2. **Amount.** A penalty may be assessed under Minnesota Statutes, section 176.221, subdivisions 3 and 6a, in the amounts provided by Minnesota Statutes, section 176.221, subdivision 3.

Subp. 3. **Payable to.** The penalty is payable to the commissioner for deposit in the assigned risk safety account.

Statutory Authority: *MS s 14.388***History:** *35 SR 2015***5220.2760 ADDITIONAL AWARD AS PENALTY.**

Subpart 1. **Basis.** Penalties under Minnesota Statutes, section 176.225, subdivision 1, in an amount up to 30 percent of the total amount of the compensation award shall be assessed by the division on the grounds listed in that section, including:

[For text of items A and B, see M.R.]

C. other violations under Minnesota Statutes, section 176.225, subdivision 1, clause (1), (2), (3), (4), (5), or (6).

This part does not affect the employee's independent right to seek penalties by filing a claim petition under Minnesota Statutes, section 176.271.

*[For text of subps 2 and 3, see M.R.]***Statutory Authority:** *MS s 14.388***History:** *35 SR 2015***5220.2770 FAILURE TO PAY OR DENY; PENALTY.**

Subpart 1. **Basis.** Where payment is not made in a timely manner and no denial of primary liability is filed with the commissioner and served on the employee as provided by Minnesota Statutes, section 176.221, subdivision 1, the division may assess the penalties provided in Minnesota Statutes, section 176.221, subdivisions 3 and 3a.

Subp. 2. **Amount.** The commissioner's designee must use the following procedure to determine the amount of the penalty.

[For text of items A to C, see M.R.]

D. Where no compensation has been paid but the insurer has failed to file and serve on the employee a denial of liability within the statutory 14- or 30-day limit on a claim required to be reported to the division, a penalty of up to \$2,000 may be assessed under Minnesota Statutes, section 176.221, subdivision 3a, as follows:

*[For text of subitems (1) to (4), see M.R.]**[For text of item E, see M.R.]*

Subp. 3. **Payable to.** This penalty is payable to the commissioner for deposit in the assigned risk safety account.

*[For text of subp 4, see M.R.]***Statutory Authority:** *MS s 14.388***History:** *35 SR 2015*

MINNESOTA RULES 2012

265

REHABILITATION AND COMPENSATION 5220.2840

5220.2780 FAILURE TO PAY UNDER ORDER; PENALTY.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Payable to.** The penalty is payable to the commissioner for deposit in the assigned risk safety account.

Statutory Authority: *MS s 14.388*

History: *35 SR 2015*

5220.2810 FAILURE TO RELEASE MEDICAL DATA; PENALTY.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Payable to.** The amount of any penalty assessed under this part is payable to the commissioner for deposit in the assigned risk safety account.

Statutory Authority: *MS s 14.388*

History: *35 SR 2015*

5220.2820 FAILURE TO MAKE TIMELY REPORT OF INJURY; PENALTY.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Assessment.** The penalty must be assessed by written notice of penalty assessment informing the employer or insurer of the number of violations in the past 12 months on record and the amount of the penalty. The notice must contain instructions for payment.

Subp. 4. **Payable to.** The penalty is payable to the commissioner for deposit in the assigned risk safety account.

Subp. 5. [Repealed, 18 SR 2546]

Statutory Authority: *MS s 14.388*

History: *35 SR 2015*

5220.2830 OTHER FAILURE TO FILE REPORT IN MANNER OR WITHIN TIME LIMITS PROVIDED; PENALTY.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Payable to.** The penalty is payable to the commissioner for deposit in the assigned risk safety account.

Statutory Authority: *MS s 14.388*

History: *35 SR 2015*

5220.2840 FAILURE TO MAKE PAYMENT OR REPORT TO SPECIAL FUND; PENALTY.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Payable to.** The penalty is payable to the commissioner for deposit in the assigned risk safety account.

[For text of subp 5, see M.R.]

Statutory Authority: *MS s 14.388*

History: *35 SR 2015*

5220.2850 FAILURE OF UNINSURED OR SELF-INSURED TO PAY; PENALTY.

The commissioner, through an authorized designee or representative, will seek reimbursement of benefits paid from the special fund and the penalties provided under Minnesota Statutes, sections 176.181, subdivision 3, and 176.183, subdivision 2, by filing petitions for contribution and reimbursement or recovery, and through other collection mechanisms or remedies available in the civil courts.

Statutory Authority: *MS s 14.388*

History: *35 SR 2015*

5220.2920 Subpart 1. [Repealed, 29 SR 1448]

Subp. 2. [Repealed, 29 SR 1448]

Subp. 3. [Repealed, 29 SR 1448]

Subp. 4. [Repealed, 29 SR 1448]

Subp. 5. [Repealed, 29 SR 1448]

Subp. 6. [Repealed, 35 SR 2015]

Subp. 7. [Repealed, 29 SR 1448]

Subp. 8. [Repealed, 29 SR 1448]

5220.2930 DEPENDENT'S BENEFITS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Offset for government survivor benefits.** An offset for government survivor benefits is allowed under Minnesota Statutes, section 176.111, subdivision 21, only to the extent that the government survivor benefits, when combined with the weekly workers' compensation benefits, exceed the weekly wage of the deceased employee at the time of death or exceeds the dependents allocated portion of the weekly wage for deaths occurring prior to July 1, 1981. For purposes of this offset, the weekly wage must be increased by the adjustments provided by Minnesota Statutes, section 176.645.

A. Deaths prior to July 1, 1981. If there is a surviving spouse and one or more dependent children in a single household, the offset must be computed twice, once separately for the spouse and once separately for the children, the children being taken as a group. For purposes of this computation, the weekly wage, as adjusted pursuant to Minnesota Statutes, section 176.645, is allocated between the spouse and children in the same proportion as benefits are allocated pursuant to this rule. Mother's and father's insurance benefits under United States Code, title 42, section 402(g), must be allocated to the children.

B. Deaths after June 30, 1981.

(1) Surviving spouse responsible for support of all dependents. If the support of all dependent children is the responsibility of the surviving spouse, the offset shall be computed only once, taking the spouse and dependent children together as one group. All government survivor benefits, including mother's and father's insurance benefits, received by any member of the group shall be lumped together for purposes of computing the offset.

(2) Surviving spouse not responsible for support of all dependents. If support of one or more of the dependent children is not the responsibility of the surviving spouse, the offset shall be computed twice, once for the surviving spouse and the children dependent on the surviving spouse, all taken as a group, and once for the children whose support is not the responsibility of the surviving spouse. For purposes of the offset, the weekly wage, as adjusted under Minnesota Statutes, section 176.645, must be allocated between the spouse and children in the same proportion as benefits are allocated pursuant to this part. Mother's

MINNESOTA RULES 2012

267

REHABILITATION AND COMPENSATION 5220.2930

and father's insurance benefits must be allocated to the group comprised of the dependent children for whose benefit the mother's and father's insurance benefits are being paid.

Statutory Authority: *MS s 14.388*

History: *35 SR 2015*