

CHAPTER 5217
DEPARTMENT OF LABOR AND INDUSTRY
MEDICAL AND REHABILITATION: REVIEWS

5217.0010	DEFINITIONS.	5217.0150	DEFAULT.
5217.0020	SCOPE AND PURPOSE.	5217.0160	CONSOLIDATION.
5217.0030	COMMENCEMENT OF APPEAL.	5217.0170	SETTLEMENT.
5217.0040	NOTICE OF HEARING.	5217.0180	PRESIDING OFFICERS.
5217.0050	REPRESENTATION.		HEARING
5217.0060	FILING.	5217.0190	RIGHTS OF PARTIES.
5217.0070	SERVICE.	5217.0200	WITNESSES.
5217.0080	TIME.	5217.0210	RULES OF EVIDENCE.
5217.0090	EXAMINATION OF PANEL OR BOARD FILES.	5217.0220	CONTINUANCES.
5217.0100	PREHEARING PROCEDURES.	5217.0230	HEARING PROCEDURE.
5217.0110	SUBPOENAS.	5217.0240	RECORD.
5217.0120	PETITIONS.	5217.0250	DECISION.
5217.0130	INTERVENTION.	5217.0260	SUSPENSION OF RULES.
5217.0140	DISMISSAL.	5217.0270	SEVERABILITY.
		5217.0280	EFFECTIVE DATE.

5217.0010 DEFINITIONS.

Subpart 1. **Scope.** The following terms have the meanings given when used in parts 5217.0010 to 5217.0270 unless the context clearly indicates a different meaning.

Subp. 2. **Board.** "Board" means the Medical Services Review Board created by Minnesota Statutes, section 176.103, subdivision 3.

Subp. 3. **Chairperson.** "Chairperson" means the member selected by the panel or board to accomplish or delegate the administrative tasks of the panel or board and to take action as directed by parts 5217.0010 to 5217.0270.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Department of Labor and Industry.

Subp. 5. **Executive secretary.** "Executive secretary" means the person assigned to the panel or board to communicate with the parties concerning the procedural aspects of cases and to receive documents filed by the parties.

Subp. 6. **Panel.** "Panel" means the Rehabilitation Review Panel created by Minnesota Statutes, section 176.102, subdivision 3.

Subp. 7. **Party.** "Party" means each person named as a party by the panel or board in the notice of hearing or later intervening as a party by order of the panel or board. Interested party, as used in Minnesota Statutes, section 176.102, subdivision 3a, has the same meaning as party.

Subp. 8. **Person.** "Person" means an individual, business entity, or governmental unit.

Subp. 9. **Presiding officer.** "Presiding officer" means the panel or board member assigned on a rotating basis to preside at the hearing.

Subp. 10. **Rehabilitation and medical services.** "Rehabilitation and medical services" means the Rehabilitation and Medical Services Section of the Workers' Compensation Division of the Department of Labor and Industry.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0020 SCOPE AND PURPOSE.

Parts 5217.0010 to 5217.0270 govern all proceedings before the panel and the board. The panel's rulemaking authority arises from Minnesota Statutes, section 176.102, subdivision 3a. The board's rulemaking authority arises from Minnesota Statutes, section 176.103, subdivision 3.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

MINNESOTA RULES 1989

4763

MEDICAL AND REHABILITATION: REVIEWS 5217.0050

5217.0030 COMMENCEMENT OF APPEAL.

Subpart 1. **Notice of appeal.** An appeal to the panel or the board is commenced by the filing of a notice of appeal of the rehabilitation and medical services decision. The notice must include:

- A. the name of the appellate body, either the panel or the board;
- B. the employee's name, social security number, and date of injury;
- C. the insurer's name and claim number;
- D. the name of the employer;
- E. the name of the person who issued the rehabilitation and medical services decision;
- F. the date the decision was served and filed;
- G. the specific findings and determinations appealed from and the grounds for the appeal;
- H. an affidavit of service; and
- I. the name, address, and telephone number of the appellant.

Subp. 2. **Time for appeal.** A party wishing to appeal a rehabilitation and medical services decision must file the notice of appeal within 30 days of service of the decision. The date of service is established by the date stamped on the decision by the Department of Labor and Industry.

Subp. 3. **Notice to potential intervenors.** Within 15 days after filing its notice of appeal, the appellant shall serve notice of the right to intervene on any persons whose interests may be determined or affected by the case, including the special compensation fund.

Subp. 4. **Acknowledgment of appeal.** The executive secretary shall acknowledge the filing of the appeal in writing.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0040 NOTICE OF HEARING.

The notice of hearing must be served by the executive secretary on the parties at least 30 days before the hearing, unless the parties consent to a shorter time period or a continuance has been granted, and must contain:

- A. the names of the parties to the appeal;
- B. the social security number of the employee;
- C. the date of injury;
- D. the date, time, and place of the hearing;
- E. the name, address, and telephone number of the executive secretary;
- F. notification of the right of the party to be represented by an attorney or another person of the party's choosing;
- G. notification that failure of the appellant to attend the hearing may result in the dismissal of the appeal under part 5217.0140 and failure of a respondent to attend may result in an award by default under part 5217.0150; and
- H. Notification that a petition for continuance must conform to part 5217.0220.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0050 REPRESENTATION.

A party may appear in person or through a representative. A representative of a party need not be an attorney. A nonattorney representative must not engage in the unauthorized practice of law under Minnesota Statutes, section 481.02. If

a party notifies the panel or board that the party will be represented, all documents required to be served on the party will also be served on the party's representative.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0060 FILING.

All documents required under parts 5217.0010 to 5217.0270 shall be filed with the executive secretary. Filing is complete when received by the executive secretary. The date received is established by the date stamped on the document by the Department of Labor and Industry. An affidavit of service stating that the document has been served on all other parties must be attached to the document filed.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0070 SERVICE.

All documents filed with the board or panel must be served on all other parties and their representatives, if any. Service may be made by personal delivery or by postage prepaid, first class mail to the party's last known address. Service is complete at the time of mailing or personal delivery.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0080 TIME.

In computing any period of time in parts 5217.0010 to 5217.0270, the first day of the time period will not be included. The last day of the period will be included unless it is a Saturday, Sunday, or a state or federal holiday. If the last day is a Saturday, Sunday, or holiday, the next day which is not a Saturday, Sunday, or holiday will be the last day of the period. All references to days are to calendar days unless otherwise specified in parts 5217.0010 to 5217.0270.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0090 EXAMINATION OF PANEL OR BOARD FILES.

Access to files maintained by the panel or board is allowed under the same conditions set forth in part 1415.0600.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0100 PREHEARING PROCEDURES.

Subpart 1. Time for filing statement of position and witness list. An appellant shall file a statement of position and a witness list within 15 days after the date of service of the executive secretary's acknowledgment of the appeal. The executive secretary is not required to schedule a hearing before the appellant files a statement of position and witness list. The respondent must file a statement of position and witness list within ten days after filing of the appellant's statement of position and witness list.

Subp. 2. Witness list. The witness list shall contain the names and addresses of all potential witnesses and a summary of the substance of the testimony of each witness. All witnesses unknown at the time of filing of the witness list must be disclosed as they become known. Witnesses not included on the witness list or disclosed to opposing parties at least ten days before the hearing date may testify at the hearing only upon agreement of the parties.

MINNESOTA RULES 1989

4765

MEDICAL AND REHABILITATION: REVIEWS 5217.0130

Subp. 3. Statement of position. A party filing a statement of position with the panel must file the original and five copies; a party filing a statement of position with the board must file the original and three copies. The statement of position must contain:

- A. a concise statement of the issues;
- B. a brief statement of the party's position on each issue; and
- C. legal authority in support of the party's position.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0110 SUBPOENAS.

Subpart 1. Form; service; and fees. Subpoenas for the attendance of witnesses or the production of documents must be in writing. The subpoena shall contain a brief statement demonstrating the materiality of the testimony or documents sought. The subpoena must specifically identify any documents or witnesses sought.

A subpoena shall be personally served. The person serving the subpoena shall prove service by filing the subpoena with the executive secretary, together with an affidavit of service. Notwithstanding part 5217.0060, the filing party is not required to serve copies of the subpoena and affidavit on other parties.

The cost of service, fees pursuant to Minnesota Statutes, section 357.22, and expenses of any witnesses subpoenaed and any documents produced, shall be paid by the party requesting the subpoena.

Subp. 2. Petition to quash. Upon the petition of a party, the presiding officer shall quash or modify the subpoena if it is unreasonable or oppressive.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0120 PETITIONS.

All petitions filed under parts 5217.0010 to 5217.0270 must conform to the requirements of this part. The petition must state with particularity its grounds and the order sought. If the petition is supported by briefs, affidavits, or other papers, they must be filed with the petition. Any party may file a response within ten days after filing of the petition. Any reply must be filed within five days after filing of a response. Petitions must be filed at least five days before the hearing. If the petition is to the board, an original and three copies of all documents filed under this part must be filed. If the petition is to the panel, an original and five copies of all documents filed under this rule must be filed.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0130 INTERVENTION.

The presiding officer shall grant a petition to intervene if:

A. the petition shows how the petitioning party's interests may be determined or affected by the case as prescribed by Minnesota Statutes, section 176.361, states the reasons for which intervention is sought, and indicates the petitioning party's statutory right to intervene; and

B. the presiding officer determines that the rights of the existing parties will not be materially prejudiced and that the existing parties are not likely to adequately protect the rights of the petitioning party.

Notwithstanding the requirements of items A and B, the commissioner may intervene by showing an interest in administering, enforcing, or defending the rule or law which is being challenged in the proceeding.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0140 DISMISSAL.

The panel or board shall dismiss an appeal with prejudice when:

A. a stipulation for settlement has been approved by a settlement or compensation judge;

B. a written withdrawal of the appeal signed by the appellant or a representative has been filed;

C. an appeal is filed after the expiration of the appeal period;

D. the appellant has not within one year of the time deadlines of these rules filed the documents required by these rules, and the appellant has failed to respond to requests for information or documents by the panel or board within the time period specified in the requests for information or documents; or

E. the appellant or a representative fails to appear at the hearing and a continuance under part 5217.0220 has not been granted.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0150 DEFAULT.

If a respondent fails to attend a hearing and the appellant has established a right to the relief requested, the presiding officer shall serve upon the parties written notice of a proposed default order, including the reasons for the order, unless a continuance is granted under part 5217.0220. Within eight days after service of a proposed default order, the party against whom the default is sought may file a written response detailing the reasons a default order should not be granted. The presiding officer shall either issue a default order promptly after expiration of the response period or continue the matter to a future hearing date if the requirements of part 5217.0220, subpart 2 are met. The future hearing date shall be scheduled as provided in part 5217.0220, subpart 4.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0160 CONSOLIDATION.

The chairperson shall grant a petition for consolidation of two or more related cases if the cases present substantially the same issues, the consolidation would not prejudice the rights of any party and consolidation is administratively practical. Separate findings and decisions will be made in each case consolidated for hearing. In addition, the chairpersons of the panel and board may, upon agreement of the parties, consolidate matters before the panel and board into one hearing where the appeals involve the same parties. In those cases, evidence will be presented to the panel and board simultaneously and the panel and board will issue their respective decisions.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0170 SETTLEMENT.

Subpart 1. **Settlement conferences.** The board and panel shall refer matters on appeal to a settlement judge after the parties have filed their statements of position. If a settlement conference is appropriate, it shall be scheduled within 30 days of referral of the matter by the board or panel. Otherwise the matter shall be immediately referred back to the panel or board.

Written notice must be served on the parties at least ten working days before the conference. The notice shall indicate whether attendance of an intervenor is

MINNESOTA RULES 1989

4767

MEDICAL AND REHABILITATION: REVIEWS 5217.0180

required. All parties, including intervenors, shall attend unless otherwise excused. If a party fails to attend a settlement conference, the matter may be stricken from the active hearing calendar, a penalty for delay may be imposed under Minnesota Statutes, section 176.225, or the failure to attend may be considered as an additional factor in awarding attorney fees.

All parties shall be prepared to engage in meaningful settlement negotiations and must have authority to reach a full settlement on the issues in dispute or have immediate access by telephone to a person having authority to reach a full settlement. At the settlement conference:

- A. Parties shall state the issues.
- B. Parties shall identify witnesses not listed on the witness list.
- C. Parties shall file copies of all medical reports not already on file. If a party plans to introduce medical or hospital records into evidence, the party shall provide written authorizations allowing the opposing party to examine those records if the authorizations have not previously been provided.
- D. Each party shall state what exhibits are intended to be used at the hearing.
- E. If a party is claiming medical or other treatment expenses, the party shall state those expenses at the conference and shall furnish the opposing party with copies of itemized bills for the expenses.

F. The parties shall state whether payment of disability benefits, medical treatment, or funeral expenses has been made by a party other than the workers' compensation disability carrier, and whether the Division of Vocational Rehabilitation has provided rehabilitation services. If payment has been made, the name and address of the party making payment must be furnished, together with any identifying claim or policy numbers.

Subp. 2. **Approval of settlements.** Parties may enter into stipulations for settlement of all or some of the issues in dispute. Stipulations for settlement must be in writing and signed by the parties. They are subject to approval under Minnesota Statutes, section 176.521. If the stipulation is approved, an order shall be issued which confirms those matters agreed upon.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0180 PRESIDING OFFICERS.

Subpart 1. **Assignment and duties.** The panel or board members shall serve as presiding officers on a rotating basis as assigned by the chairperson. The presiding officer shall administer oaths or direct another member to do so, rule on the admissibility of evidence according to part 5217.0210, and ensure the orderly process of the hearing.

Subp. 2. **Communication with panel or board.** Parties and their representatives shall not communicate with members of the panel or board concerning a pending case except during the hearing.

Subp. 3. **Disqualification.** A panel or board member who is in any way prejudiced or biased with respect to a party, or who has an interest in the matter pending before the panel or board, shall disqualify himself or herself from any involvement in the case. A party may file a request for disqualification which states the reason for the request. The request must be in writing and filed no later than 15 days before the hearing.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

HEARING

5217.0190 RIGHTS OF PARTIES.

All parties shall have the right to present evidence, rebuttal testimony, and argument with respect only to the issues listed on the notice of appeal and to cross-examine witnesses.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0200 WITNESSES.

Any party may be a witness or may present witnesses on the party's behalf at the hearing. All oral testimony at the hearing must be under oath or affirmation. At the request of a party, the presiding officer may exclude witnesses, except for parties testifying as witnesses, from the hearing room so that they cannot hear the testimony of other witnesses.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0210 RULES OF EVIDENCE.

Subpart 1. General rules. The presiding officer shall admit all relevant, competent evidence that is not unduly repetitious, including hearsay, if it is the type of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their serious affairs. Evidence relating to issues not included in the notice of appeal may be admitted only if the parties and the presiding officer agree to its admission. The presiding officer shall apply the rules of privilege recognized by law.

Subp. 2. Evidence must be offered to be considered. All evidence to be considered in the case, including all records and documents in the possession of the commissioner, or a true and accurate photocopy, must be offered and made a part of the record in the case. Only factual information or evidence entered into the record shall be considered in the determination of the case.

Subp. 3. Documentary evidence. Documentary evidence may be submitted at the hearing or after the hearing as provided in part 5217.0230, item I. To be received into evidence it must be marked as an exhibit and identified by a witness who has personal knowledge of it. The parties may agree to waive personal identification of a document. A party must provide an original and six copies of documents to be offered into evidence before the panel and an original and four copies of documents to be offered into evidence before the board. Documentary evidence in the form of copies or excerpts may be received or incorporated by reference in the discretion of the presiding officer or upon agreement of the parties.

Subp. 4. Deposition of unavailable witness. A party wishing to present a deposition of an unavailable witness shall depose the witness before the hearing except where the presiding officer orders otherwise.

Subp. 5. Deposition prior to close of record. Where a party has not submitted all of its testimony during the time allotted for the hearing, the presiding officer, at the request of a party, may order the taking of a deposition for inclusion in the record. The deposition may include questions asked by the panel or board. The questions of the panel or board shall be set forth on the record at the hearing or by written interrogatory.

Subp. 6. Notice of facts. The presiding officer may take notice of general, technical, or scientific facts within the special knowledge of the panel or board. A noticed fact must be one not subject to reasonable dispute in that it is either generally known within the profession, or is capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably ques-

MINNESOTA RULES 1989

4769

MEDICAL AND REHABILITATION: REVIEWS 5217.0220

tioned. Notice shall be taken on the record after any party has had the opportunity to contest the facts to be noticed.

Subp. 7. **Burden and standard of proof.** Issues of fact shall be proven by a preponderance of the evidence as defined in Minnesota Statutes, section 176.021, subdivision 1a. Questions of law shall be determined on an even-handed basis in accordance with the principles of Minnesota Statutes, section 176.021, subdivision 1a.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0220 CONTINUANCES.

A petition for continuance must be in writing, and must fully set forth all facts tending to establish good cause.

A. A petition for continuance filed 15 or more days before the hearing shall be granted upon a showing of good cause. The presiding officer shall consider the ability of the party requesting a continuance to effectively proceed without a continuance.

B. A petition for continuance filed less than 15 days before the hearing shall be granted by the presiding officer only if good cause for a continuance is shown, no prejudice will result from the continuance, and the petition could not have been made at an earlier time.

C. During a hearing, if it appears in the interest of justice that further testimony should be received, the presiding officer shall continue the hearing to a future date. If continued, it shall be either continued to a certain time and day, announced at the hearing and made a part of the record; or continued to a date to be determined after the hearing. If a time is not set at the hearing, written notice must be served on the parties at least eight days before the hearing is reconvened.

D. Where a continuance has been granted under item A or B, the executive secretary shall schedule the case for hearing on the backup calendar when calendar openings occur due to the cancellation or continuation of other scheduled hearings. Written notice of the backup hearing dates shall be served on the parties at least ten working days prior to the dates available for hearing on the backup calendar. The executive secretary shall provide at least one-day telephone notice to the parties of the date selected.

E. Good cause does not include:

(1) the unavailability of counsel assigned to the case where an insurer retains more than one counsel on its own payroll who practices workers' compensation law, unless all other workers' compensation counsel of the insurer are committed elsewhere;

(2) the unavailability of counsel assigned to the case where a law firm consists of more than one member who practices workers' compensation law, unless all other workers' compensation counsel in the firm are committed elsewhere;

(3) the unavailability of an individual law practitioner because of engagement in another court, if counsel has failed to notify the judge in charge of the trial court calendar of that court that counsel has been assigned to a date and time certain in a workers' compensation case; or

(4) the unavailability of a medical or other witness if the deposition of the witness could have been taken after receipt of the notice of hearing date and before the hearing.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0230 HEARING PROCEDURE.

The hearing will be conducted substantially in the following manner:

A. After opening the hearing, the presiding officer shall inquire whether the parties have any questions regarding the rules governing the hearing and shall state the following:

- (1) The scope of issues under the jurisdiction of the panel or board.
- (2) The parties may present oral and written evidence and cross-examine witnesses. The presiding officer shall make rulings necessary to ensure that only relevant, competent evidence is admitted.
- (3) The parties have a right to be represented by an attorney or other representative at the hearing.

B. Any stipulations or settlement agreements entered into by the parties before the hearing concerning the issues before the panel or board will be entered into the record.

C. The appellant may make an opening statement. All other parties may follow with their statements in a sequence determined by the presiding officer. Opening statements are limited to five minutes, unless additional time is allowed by the presiding officer, in which case all other parties are allowed equivalent additional time.

D. After opening statements, the appellant shall present evidence, followed by the other parties in a sequence determined by the presiding officer.

E. Cross-examination of witnesses will be conducted in a sequence determined by the presiding officer.

F. When all parties and witnesses have been heard, the parties may present final argument. The appellant shall present final argument last. Arguments are limited to five minutes, unless additional time is allowed by the presiding officer, in which case all parties are allowed equivalent additional time.

G. A party may submit a brief, or proposed findings of fact with proposed decision and order, subsequent to the hearing if a request to do so is made before the hearing is concluded. The presiding officer shall fix a reasonable period of time for such filing.

H. After final argument, the hearing will be concluded.

I. The record will be closed upon conclusion of the hearing or upon receipt of the final briefs, findings, transcript, post hearing depositions, or late filed exhibits, if any, which the parties and the presiding officer have agreed or the presiding officer has ordered should be received into the record, whichever occurs later.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0240 RECORD.

Subpart 1. Contents. The panel or board shall establish the official record in each case. After the conclusion of the case, the record shall be returned to the commissioner. The record consists of:

- A. correspondence received by the panel or board in connection with the case;
- B. orders issued by the presiding officer or chairperson;
- C. evidence received;
- D. the panel or board's findings of fact, decision, and order;
- E. depositions, briefs, proposed findings, or other data submitted by a party in connection with the case;
- F. a verbatim record of the hearing; and
- G. a transcript of the hearing, if one was prepared.

MINNESOTA RULES 1989

4771

MEDICAL AND REHABILITATION: REVIEWS 5217.0270

Subp. 2. Transcript. The verbatim record shall be transcribed if requested by a party or other person. The requesting party and other persons who request copies of the transcript shall pay a reasonable fee to cover the cost of the transcript.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0250 DECISION.

Subpart 1. Basis for decision. Only factual information or evidence which is contained in the record may be considered by the panel or board in the determination of a case.

The panel or board may take notice of general, technical, or scientific facts within their specialized knowledge as described in part 5217.0210, subpart 6.

Subp. 2. Findings of fact, decision, and order. Following the close of the record, the panel or board shall promptly issue its written findings of fact, decision, and order. The presiding officer or the officer's designee shall write the decision of the panel or board. A copy of the findings, decision, and order must be served on the parties and their representatives.

Subp. 3. Contents. The panel or board's decision must include:

A. the date and location of the hearing and the names of the panel or board members who heard the case;

B. appearances by parties or their representatives, with the full name and mailing address of each;

C. the date the record of the hearing was closed;

D. a notice of the right of parties to appeal and how the appeal can be perfected;

E. findings, made pursuant to part 5217.0210, subpart 7, describing all facts relied upon in the decision, including those made under part 5217.0210, subpart 6;

F. an order containing a determination of each contested issue of fact or law; and

G. a memorandum explaining the reasons for the decision.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0260 SUSPENSION OF RULES.

Upon a clear showing of extraordinary circumstances not contemplated by parts 5217.0010 to 5217.0270, the panel or board may, upon petition of a party, or upon its own petition five days after serving notice on the parties, suspend any requirements of parts 5217.0010 to 5217.0270. Parts 5217.0030, subpart 2; and 5217.0220, subpart 4, and other rules implementing requirements imposed by law, shall not be suspended even upon a clear showing of extraordinary circumstances.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0270 SEVERABILITY.

If any provision of parts 5217.0010 to 5217.0270 is held to conflict with a governing statute, applicable provisions of the Minnesota Administrative Procedure Act, or other relevant law; to exceed the statutory authority conferred; to lack a reasonable relationship to statutory purposes or to be unconstitutional, arbitrary, or unreasonable; or to be invalid or unenforceable for any other reason; the validity and enforceability of the remaining provisions of the part shall in no manner be affected.

MINNESOTA RULES 1989

5217.0270 MEDICAL AND REHABILITATION: REVIEWS

4772

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*

5217.0280 EFFECTIVE DATE.

Parts 5217.0010 to 5217.0270 are effective November 26, 1984, and govern all proceedings pending or commenced on or after that date.

Statutory Authority: *MS s 176.102 subd 3 para (a); 176.103 subd 3*

History: *9 SR 1110*