

1415.3800 MEDICAL DISPUTES.

Subpart 1. **Definition.** For purposes of this part, "medical disputes" means any dispute arising under Minnesota Statutes, sections 176.135, 176.1351, and 176.136, as determined by the division or office under Minnesota Statutes, sections 176.103 and 176.106.

Subp. 2. **Medical claim, request.** To request an administrative conference under Minnesota Statutes, section 176.106, on a medical dispute, an employee, insurer, or health care provider as defined by Minnesota Statutes, section 176.011, subdivision 24, must file a medical request form with the division. A medical request form may be filed by a health care provider only where the insurer has denied payment on the basis that a charge is excessive under Minnesota Statutes, section 176.136, subdivision 2. For purposes of filing by a health care provider, a claim is not considered denied based on excessiveness where the insurer asserts that the injury did not arise out of and in the course of employment or where the disputed treatment is for a condition which the insurer asserts is not wholly or partly casually related to the work injury. The requesting party shall serve the medical request form and attachments pursuant to part 1415.0700 and shall serve potential intervenors. The requesting party shall specify the medical disputes and attach supporting documents. A health care provider filing a medical request form must attach evidence of the insurer's denial of payment based on excessiveness, an itemized statement of charges, and the appropriate record as defined in part 5221.0100, subpart 1a. The requesting party must also specify the name and address of any potential intervenor, and the claim or policy number, if known.

Subp. 3. **Medical claims response.** If the employee or health care provider has filed a medical request form, the insurer must file a medical response form with the division and serve copies on the other parties no later than 20 days after service of the medical request form or within the time period provided by part 5221.6050, subpart 7. Failure to file a required form will be considered in the determination of disputed issues, penalties, and interest charges, and may result in a determination based solely on the written submissions of the requester when an administrative conference is not scheduled.

Subp. 4. **Medical claim; denial of liability.** If a medical request form has been mistakenly filed in a case in which initial issues of liability exist, the matter may be set for a settlement conference before a judge under Minnesota Statutes, section 176.305, or the requester will be instructed to file a claim petition, intervene in another proceeding, or other procedure as the division or office directs.

Subp. 5. **Penalties.** Where payment of medical charges is not made in compliance with part 5221.0600 and Minnesota Statutes, section 176.135, a penalty may be assessed under part 5220.2740.

Statutory Authority: *MS s 14.51; 175.17; 175.171; 176.081; 176.155; 176.231; 176.285; 176.312; 176.361; 176.83*

History: *29 SR 1448*

Published Electronically: *October 11, 2013*