

5220.2630 DISCONTINUANCE OF COMPENSATION.

Subpart 1. **Generally.** When an insurer proposes or intends to reduce, suspend, or discontinue an employee's benefits, it shall file one of the following documents described in this part. A form need not be filed when an insurer increases or decreases an employee's periodic temporary partial benefit due to changes in the employee's earnings while employed, provided that a payment continues to be made based on the employee's actual earnings.

Subp. 2. **Petition.** The filing of a petition to discontinue compensation with the division under part 1415.1000 and Minnesota Statutes, section 176.238, subdivision 5, commences a formal action to reduce, suspend, or discontinue compensation. A petition is required to reduce, suspend, or discontinue permanent total benefits if a judicial or administrative order finding permanent total status was previously issued. The division shall refer the matter to the office under Minnesota Statutes, section 176.238.

Subp. 3. Notice of benefit payment.

A. The employer or insurer may make a lump sum or final payment of the benefit indicated by the filing of a notice of benefit payment with the division and service of the notice on the other parties at the time that the payment occurs when the payment represents:

- (1) a lump sum payment of full permanent partial disability compensation;
- (2) a final periodic payment of permanent partial disability compensation, impairment compensation, or economic recovery compensation;
- (3) a final payment under an award, order, or stipulation;
- (4) for injuries occurring before August 1, 1975, where the employee is not permanently totally disabled, a final payment of temporary total disability or for injuries occurring before May 28, 1977, a final payment of temporary partial disability based on a statutory maximum number of weekly payments; or
- (5) a final payment of monitoring period compensation.

B. A notice of benefit payment must be fully completed and on the form prescribed by the commissioner, containing substantially the relevant information described in part 5220.2550, subpart 2.

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.

B. A notice of intention to discontinue benefits must be fully completed and on the form prescribed by the commissioner, containing substantially the following:

- (1) information identifying the employee, employer, insurer, and any adjusting company;
- (2) the date of the injury or disease;
- (3) claim numbers or codes;
- (4) the type of benefits being reduced or discontinued;
- (5) the legal reason or reasons for the proposed discontinuance or reduction, stated in language which may easily be read and understood by a person of average intelligence and education, and in sufficient detail to inform the employee of the factual basis for the discontinuance or reduction;
- (6) the effective date of the discontinuance;
- (7) information regarding benefits previously paid;
- (8) information regarding attorney fees;
- (9) the date the notice was served on the employee and the employee's attorney;
- (10) verification and information identifying the person making the proposal to discontinue benefits;
- (11) instructions to the employee, including who to contact for more information and how to request a conference or hearing;
- (12) copies of relevant medical reports; and
- (13) copies of any other relevant documents.

Supporting documents must be attached to all copies of the discontinuance notice when served.

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.

Subp. 5. [Repealed, 18 SR 2546]

Subp. 6. **Penalties.** Where compensation is discontinued, reduced, or suspended in violation of this part, a penalty may be assessed under parts 5220.2720, 5220.2760, and 5220.2790.

Statutory Authority: *MS s 14.388; 175.17; 175.171; 176.129; 176.138; 176.221; 176.225; 176.231; 176.238; 176.83; 176.84*

History: *11 SR 1530; 18 SR 2546; 23 SR 1484; 35 SR 2015*

Published Electronically: *July 6, 2011*