

5222.0300 SCOPE.

Parts 5222.0100 to 5222.1000 apply only if all of the following prerequisites are met:

A. The employee is and has been receiving disability benefits under Minnesota Statutes, section 176.101, subdivision 1, 3a, or 4, without substantial interruption by suitable gainful employment after the proposed effective date of permanent total disability.

B. The employee is receiving government disability benefits.

C. The employee will be eligible for supplementary benefits after a finding of permanent total disability is made and the waiting period requirements of Minnesota Statutes, section 176.132, subdivision 1, are met.

D. The issue of whether the employee's total disability is permanent for the period on or after the proposed effective date of permanent total disability is not pending and has not been decided in any judicial or quasi-judicial administrative proceeding, including administrative conferences under Minnesota Statutes, section 176.239.

E. The employer or insurer and employee agree that the employee's total disability is permanent within the meaning of Minnesota Statutes, section 176.101, subdivision 5, and applicable case law.

F. The employer or insurer and employee agree to the date on which the employee's permanent total disability began.

Statutory Authority: *MS s 175.17; 176.132; 176.83*

History: *8 SR 1898; 15 SR 1846*

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