

5222.0600 DISAPPROVAL BY COMMISSIONER.

An agreement for a finding of permanent total disability shall be disapproved if any of the following grounds are present:

A. The agreement is incomplete, is inaccurate, or is not in conformity with any provision of parts 5222.0100 to 5222.1000. For example, the submission of medical reports which fail to show that the employee is permanently totally disabled on and after the proposed date of the permanent total disability renders an agreement incomplete and inaccurate and not in conformity with the rules. Agreements which are disapproved on any of these grounds may be resubmitted under the procedure authorized in part 5222.0400.

B. The employer or insurer has not complied with the provisions of Minnesota Statutes, section 176.102, regarding the provision of rehabilitation services to the employee. This shall apply only if the injury giving rise to total disability occurred on or after October 1, 1979.

C. The commissioner concludes that the medical and rehabilitation reports do not support the assertion that the employee's total disability is permanent within the meaning of Minnesota Statutes, section 176.101, subdivision 5, and applicable case law.

D. The commissioner concludes that the available information does not support the proposed effective date of the employee's permanent total disability.

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

History: *8 SR 1898; 15 SR 1846*

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