

1 Department of Labor and Industry  
2 Workers' Compensation Rehabilitation Review Panel; and  
3 Workers' Compensation Medical Services Review Board  
4  
5 Adopted Rules Governing Workers' Compensation Rules of Practice  
6 for the Medical Services Review Board and Rehabilitation Review  
7 Panel  
8  
9 Rules as Adopted

10 5217.0010 DEFINITIONS.

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

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

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

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

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

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

30 Subp. 7. Party. "Party" means each person named as a  
31 party by the panel or board in the notice of hearing or later  
32 intervening as a party by order of the panel or board.  
33 Interested party, as used in Minnesota Statutes, section  
34 176.102, subdivision 3a, has the same meaning as party.

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

APPROVED IN THE  
REVISOR OF STATUTES  
OFFICE BY:

*John Fuller*

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

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

8 5217.0020 SCOPE AND PURPOSE.

9 Parts 5217.0010 to 5217.0270 govern all proceedings before  
10 the panel and the board. The panel's rulemaking authority  
11 arises from Minnesota Statutes, section 176.102, subdivision  
12 3a. The board's rulemaking authority arises from Minnesota  
13 Statutes, section 176.103, subdivision 3.

14 5217.0030 COMMENCEMENT OF APPEAL.

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

19 A. the name of the appellate body, either the panel  
20 or the board;

21 B. the employee's name, social security number, and  
22 date of injury;

23 C. the insurer's name and claim number;

24 D. the name of the employer;

25 E. the name of the person who issued the  
26 rehabilitation and medical services decision;

27 F. the date the decision was served and filed;

28 G. the specific findings and determinations appealed  
29 from and the grounds for the appeal;

30 H. an affidavit of service; and

31 I. the name, address, and telephone number of the  
32 appellant.

33 Subp. 2. Time for appeal. A party wishing to appeal a  
34 rehabilitation and medical services decision must file the  
35 notice of appeal within 30 days of service of the decision. The

1 date of service is established by the date stamped on the  
2 decision by the Department of Labor and Industry.

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

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

10 5217.0040 NOTICE OF HEARING.

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

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

30 5217.0050 REPRESENTATION.

31 A party may appear in person or through a representative.  
32 A representative of a party need not be an attorney. A  
33 nonattorney representative must not engage in the unauthorized  
34 practice of law under Minnesota Statutes, section 481.02. If a  
35 party notifies the panel or board that the party will be

APPROVED IN THE  
REVISOR OF STATUTES  
OFFICE BY:

1 represented, all documents required to be served on the party  
2 will also be served on the party's representative.

3 5217.0060 FILING.

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

11 5217.0070 SERVICE.

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

17 5217.0080 TIME.

18 In computing any period of time in parts 5217.0010 to  
19 5217.0270, the first day of the time period will not be  
20 included. The last day of the period will be included unless it  
21 is a Saturday, Sunday, or a state or federal holiday. If the  
22 last day is a Saturday, Sunday, or holiday, the next day which  
23 is not a Saturday, Sunday, or holiday will be the last day of  
24 the period. All references to days are to calendar days unless  
25 otherwise specified in parts 5217.0010 to 5217.0270.

26 5217.0090 EXAMINATION OF PANEL OR BOARD FILES.

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

29 5217.0100 PREHEARING PROCEDURES.

30 Subpart 1. Time for filing statement of position and  
31 witness list. An appellant shall file a statement of position  
32 and a witness list within 30 15 days after ~~filing-the-notice-of~~  
33 the date of service of the executive secretary's acknowledgment  
34 of the appeal. The executive secretary is not required to

APPROVED IN THE  
REVISOR OF STATUTES  
OFFICE BY:

1 schedule a hearing before the appellant files a statement of  
 2 position and witness list. The respondent must file a statement  
 3 of position and witness list within ten days after filing of the  
 4 appellant's statement of position and witness list.

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

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

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

22 5217.0110 SUBPOENAS.

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

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

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

APPROVED IN THE  
 REVISOR OF STATUTES  
 OFFICE BY:

1 subpoena.

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

5 5217.0120 PETITIONS.

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

18 5217.0130 INTERVENTION.

19 The presiding officer shall grant a petition to intervene  
20 if:

21 A. the petition shows how the moving petitioning  
22 party's interests may be determined or affected by the case as  
23 prescribed by Minnesota Statutes, section 176.361, states the  
24 reasons for which intervention is sought, and indicates

25 the moving petitioning party's statutory right to intervene; and  
26 B. the presiding officer determines that the rights  
27 of the existing parties will not be materially prejudiced and  
28 that the existing parties are not likely to adequately protect  
29 the rights of the moving petitioning party.

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

34 5217.0140 DISMISSAL.

35 The panel or board shall dismiss an appeal with prejudice

APPROVED IN THE  
RECORDS OF STATUTES  
OFFICE BY:

1 when:

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

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

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

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

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

17 5217.0150 DEFAULT.

18 If a respondent fails to attend a hearing and the appellant  
19 has established a right to the relief requested, the presiding  
20 officer shall serve upon the parties written notice of a  
21 proposed default order, including the reasons for the order,  
22 unless a continuance is granted under part 5217.0220. Within  
23 eight days after service of a proposed default order, the party  
24 against whom the default is sought may file a written response  
25 detailing the reasons a default order should not be granted.  
26 The presiding officer shall either issue a default order  
27 promptly after expiration of the response period or continue the  
28 matter to a future hearing date if the requirements of part  
29 5217.0220, subpart 2 are met. The future hearing date shall be  
30 scheduled as provided in part 5217.0220, subpart 4.

31 5217.0160 CONSOLIDATION.

32 The chairperson shall grant a petition for consolidation of  
33 two or more related cases if the cases present substantially the  
34 same issues, the consolidation would not prejudice the rights of  
35 any party and consolidation is administratively practical.

APPROVED BY THE  
REVISOR OF STATUTES  
OFFICE BY:

1 Separate findings and decisions will be made in each case  
 2 consolidated for hearing. In addition, the chairpersons of the  
 3 panel and board may, upon agreement of the parties, consolidate  
 4 matters before the panel and board into one hearing where the  
 5 appeals involve the same parties. In those cases, evidence will  
 6 be presented to the panel and board simultaneously and the panel  
 7 and board will issue their respective decisions.

8 5217.0170 SETTLEMENT.

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

16 Written notice must be served on the parties at least ten  
 17 working days before the conference. The notice shall indicate  
 18 whether attendance of an intervenor is required. All parties,  
 19 including intervenors, shall attend unless otherwise excused.  
 20 If a party fails to attend a settlement conference, the matter  
 21 may be stricken from the active hearing calendar, a penalty for  
 22 delay may be imposed under Minnesota Statutes, section 176.225,  
 23 or the failure to attend may be considered as an additional  
 24 factor in awarding attorney fees.

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

- 30 A. Parties shall state the issues.
- 31 B. Parties shall identify witnesses not listed on the  
 32 witness list.
- 33 C. Parties shall file copies of all medical reports  
 34 not already on file. If a party plans to introduce medical or  
 35 hospital records into evidence, the party shall provide written  
 36 authorizations allowing the opposing party to examine those

APPROVED BY THE  
 FEDERAL JUDGE OF STATUTES  
 OFFICE BY:



1 records if the authorizations have not previously been provided.

2 D. Each party shall state what exhibits are intended  
3 to be used at the hearing.

4 E. If a party is claiming medical or other treatment  
5 expenses, the party shall state those expenses at the conference  
6 and shall furnish the opposing party with copies of itemized  
7 bills for the expenses.

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

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

23 5217.0180 PRESIDING OFFICERS.

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

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

34 Subp. 3. Disqualification. A panel or board member who is  
35 in any way prejudiced or biased with respect to a party, or who  
36 has an interest in the matter pending before the panel or board,

APPROVED IN THE  
REVISION OF STATUTES  
OFFICE BY:

1 shall disqualify himself or herself from any involvement in the  
2 case. A party may file a request for disqualification which  
3 states the reason for the request. The request must be in  
4 writing and filed no later than 15 days before the hearing.

5 HEARING

6 5217.0190 RIGHTS OF PARTIES.

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

10 5217.0200 WITNESSES.

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

17 5217.0210 RULES OF EVIDENCE.

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

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

34 Subp. 3. Documentary evidence. Documentary evidence may  
35 be submitted at the hearing or after the hearing as provided in

APPROVED IN THE  
REVISOR OF STATUTES  
OFFICE BY:

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

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

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

23 Subp. 6. Notice of facts. The presiding officer may take  
24 notice of general, technical, or scientific facts within the  
25 special knowledge of the panel or board. A noticed fact must be  
26 one not subject to reasonable dispute in that it is either  
27 generally known within the profession, or is capable of accurate  
28 and ready determination by resort to sources whose accuracy  
29 cannot be reasonably questioned. Notice shall be taken on the  
30 record after any party has had the opportunity to contest the  
31 facts to be noticed.

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

APPROVED IN THE  
RECORD OF STATUTES  
OFFICE BY:

1 subdivision 1a.

2 5217.0220 CONTINUANCES.

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

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

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

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

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

32 E. Good cause does not include:

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

APPROVED BY THE  
REVISOR OF STATUTES  
OFFICE BY:

1 elsewhere;

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

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

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

15 5217.0230 HEARING PROCEDURE.

16 The hearing will be conducted substantially in the  
17 following manner:

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

21 (1) The scope of issues under the jurisdiction of  
22 the panel or board.

23 (2) The parties may present oral and written  
24 evidence and cross-examine witnesses. The presiding officer  
25 shall make rulings necessary to ensure that only relevant,  
26 competent evidence is admitted.

27 (3) The parties have a right to be represented by  
28 an attorney or other representative at the hearing.

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

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

APPROVED IN THE  
REVISOR OF STATUTES  
OFFICE BY:

1 allowed equivalent additional time.

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

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

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

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

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

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

26 5217.0240 RECORD.

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

31 A. correspondence received by the panel or board in  
32 connection with the case;

33 B. orders issued by the presiding officer or  
34 chairperson;

35 C. evidence received;

36 D. the panel or board's findings of fact, decision,

1 and order;

2 E. depositions, briefs, proposed findings, or other  
3 data submitted by a party in connection with the case;

4 F. a verbatim record of the hearing; and

5 G. a transcript of the hearing, if one was prepared.

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

11 5217.0250 DECISION.

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

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

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

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

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

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

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

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

34 E. findings, made pursuant to part 5217.0210, subpart  
35 7, describing all facts relied upon in the decision, including  
36 those made under part 5217.0210, subpart 6;

APPROVED IN THE  
CLERK OF STATUTES  
OFFICE BY:

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

3 G. a memorandum explaining the reasons for the  
4 decision.

5 5217.0260 SUSPENSION OF RULES.

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

14 5217.0270 SEVERABILITY.

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

24  
25 EFFECTIVE DATE. Parts 5217.0010 to 5217.0270 are effective on  
26 the date specified in Minnesota Statutes, chapter 14, and govern  
27 all proceedings pending or commenced on or after that date.

APPROVED IN THE  
REVISOR OF STATUTES  
OFFICE BY: