

1.1 **Department of Labor and Industry**

1.2 **Proposed Permanent Rules Governing Workers' Compensation Rules of Practice**

1.3 **5220.2530 FIRST REPORT OF INJURY.**

1.4 Subpart 1. **Definitions.** For purposes of this part, the following terms have the  
1.5 meanings given:

1.6 A. "Electronic first report of injury" means an original, changed, or corrected  
1.7 first report of injury that is submitted to the division by electronic data interchange (EDI),  
1.8 or the Minnesota eFROI Web portal, and that complies with:

1.9 (1) the requirements in sections 2 to 4 of the Minnesota implementation  
1.10 guide; and

1.11 (2) the IAIABC Claims Release 3.0 standards, implemented according to  
1.12 sections 2 to 4 of the Minnesota implementation guide.

1.13 B. "Minnesota implementation guide" means the Minnesota Department of  
1.14 Labor and Industry Electronic Filing of First Report of Injury Implementation Guide  
1.15 incorporated by reference in subpart 4.

1.16 C. "IAIABC Claims Release 3.0" means the IAIABC EDI Implementation  
1.17 Guide for Claims, First, Subsequent, Header, Trailer & Acknowledgment Detail Records  
1.18 Release 3.0, and the corresponding Supplement of Pending Changes, established by the  
1.19 International Association of Industrial Accident Boards and Commissions, which are  
1.20 incorporated by reference in subpart 4.

1.21 Subp. 2. **Timely reporting.** The first report of injury must be fully completed  
1.22 and submitted to the division as provided in subparts 3 and 5 within the time limits  
1.23 established by Minnesota Statutes, section 176.231. ~~It must be on a form prescribed by~~  
1.24 ~~the commissioner, containing substantially the following:~~

2.1 Subp. 3. **Employer report.** This subpart applies only when Minnesota Statutes,  
2.2 section 176.231, subdivision 2, requires an employer to file a written first report of injury  
2.3 with the commissioner within seven days of death or serious injury. If an insurer, except  
2.4 for a self-insured employer, files the report on behalf of the employer, an electronic first  
2.5 report of injury must be filed according to subpart 5. Except where a self-insured employer  
2.6 elects to file an electronic first report of injury according to subpart 5, an employer  
2.7 must file a written first report of injury on a paper form prescribed by the commissioner  
2.8 containing substantially the information in items A to H:

2.9 A. information identifying the employee, employer, insurer, and any ~~adjusting~~  
2.10 ~~company~~ third-party administrator, including addresses and numbers identifying the  
2.11 employer, insurer, ~~adjusting company~~ third-party administrator, and insurer class code;

2.12 B. ~~the claim numbers and Occupational Safety and Health log number,~~ if one  
2.13 has been assigned;

2.14 C. information regarding all wages paid to the employee ~~from any source;~~

2.15 D. information regarding employment status, work schedule, and occupation,  
2.16 including date of hire;

2.17 E. information regarding the circumstances of the injury, including the date,  
2.18 place, time, persons or objects involved, and the date notice was received by the employer  
2.19 ~~and insurer;~~

2.20 F. a description of the claimed injury and how and where it occurred;

2.21 G. information regarding lost time from work; and

2.22 H. ~~information identifying the treating physician~~ the employee's date of birth,  
2.23 gender, and marital status.

2.24 Subp. 4. **Implementation guides incorporated by reference.** For purposes of this  
2.25 part, the following documents are incorporated by reference:

3.1 A. The Minnesota implementation guide, dated July 1, 2013. It is subject  
3.2 to frequent change, and future changes are also incorporated by reference into  
3.3 this subpart. It can be found at the Minnesota Law Library, Judicial Center, 25  
3.4 Constitution Avenue, St. Paul, Minnesota, 55155, and on the department Web site at  
3.5 <http://www.dli.mn.gov/WC/Edi.asp>, and is available through the Minitex interlibrary  
3.6 loan system.

3.7 B. The IAIABC Claims Release 3.0, dated January 1, 2013, and the  
3.8 corresponding Supplement of Pending Changes, 2013 Edition, both published by the  
3.9 International Association of Industrial Accident Boards and Commissions (IAIABC).  
3.10 They are subject to frequent change, but future changes are not incorporated by reference  
3.11 into this part unless the changes are included in a future publication of the Minnesota  
3.12 implementation guide referenced in item A. They are available for free download by  
3.13 IAIABC EDI members, or for purchase by nonmembers, at <http://www.iaiabc.org>. A paper  
3.14 copy can be viewed at the Minnesota Law Library, Judicial Center, 25 Constitution Avenue,  
3.15 St. Paul, Minnesota, 55155, and is available through the Minitex interlibrary loan system.

3.16 Subp. 5. **Insurer report.** Except as provided in subpart 3, insurers and self-insured  
3.17 employers must file with the division an electronic first report of injury in all cases where  
3.18 a first report of injury is required to be filed under Minnesota Statutes, chapter 176. A first  
3.19 report of injury submitted by the insurer or self-insured employer in any other manner or  
3.20 format is not considered filed with the division. The division must "reject," "accept without  
3.21 errors," or "accept with errors" a first report of injury submitted electronically according to  
3.22 the requirements in sections 2 to 4 of the Minnesota implementation guide as follows:

3.23 A. A first report of injury submitted electronically that is "rejected" is not  
3.24 considered filed with the division.

3.25 B. An electronic first report of injury that is "accepted without errors" is  
3.26 considered filed with the division on the date as provided in item D.

4.1 C. An electronic first report of injury that is "accepted with errors" is considered  
4.2 filed with the division on the date as provided in item D. However, the insurer or  
4.3 self-insured employer must file a changed or corrected electronic first report of injury  
4.4 that corrects all identified errors within 60 days after the division sent the insurer or  
4.5 self-insured employer an electronic acknowledgment transmission describing the errors.

4.6 D. An accepted electronic first report of injury that is transmitted to the division  
4.7 at or before 4:30 p.m. central time on a state business day is considered filed on that day.  
4.8 An accepted electronic first report of injury that is transmitted after 4:30 p.m. central time  
4.9 or on a nonbusiness day is considered filed on the next day the state is open for business.

4.10 Subp. 6. **Penalty for untimely report.** Failure to file the a paper or electronic first  
4.11 report in a timely manner of injury within the time frames required by Minnesota Statutes,  
4.12 chapter 176, and this part may result in the a penalty assessment against the employer or  
4.13 insurer of the penalty set out in part 5220.2820 and against the insurer of the penalty  
4.14 set out in part 5220.2770.

4.15 Subp. 7. **Penalty for untimely corrected report.** Failure to file a changed or  
4.16 corrected electronic first report of injury that corrects all errors within 60 days after the  
4.17 division sends an electronic acknowledgment transmission describing the errors under  
4.18 subpart 5, item C, may result in a penalty assessment against the insurer or self-insured  
4.19 employer under part 5220.2830.

4.20 **5220.2820 FAILURE TO MAKE TIMELY REPORT OF INJURY; PENALTY.**

4.21 Subpart 1. **Basis.** A penalty may be assessed under Minnesota Statutes, section  
4.22 176.231, subdivision 10:

4.23 A. against the employer, if a work-related death or serious injury occurs to  
4.24 an employee and:

4.25 (1) the commissioner is not notified within 48 hours; or

5.1                   (2) the commissioner is initially notified within 48 hours of the occurrence  
5.2 but the report of the injury is not filed with the commissioner within seven days of the  
5.3 occurrence as provided in part 5220.2530, subpart 3;

5.4                   B. against the employer, if any other injury which must be reported to the  
5.5 division occurs and:

5.6                   (1) the employer is self-insured and the electronic first report of injury is  
5.7 filed with the division, as provided in part 5220.2530, more than 14 days after the first day  
5.8 of lost time due to the injury or 14 days after the date when notice of lost time due to the  
5.9 injury was received by the employer, whichever is later; or

5.10                  (2) the employer is not self-insured and the first report of injury is received  
5.11 by the insurer more than ten days after the first day of lost time due to the injury or  
5.12 ten days after the date when notice of lost time due to the injury was received by the  
5.13 employer, whichever is later; or

5.14                  C. against the insurer, if:

5.15                   (1) an injury which must be reported to the division occurs;

5.16                   (2) the first report of injury is received by the insurer from the employer  
5.17 within the ten-day period described in item B, subitem (2); and

5.18                   (3) the electronic first report of injury is received by filed with the division,  
5.19 as provided in part 5220.2530, more than 14 days after the first day of lost time due to the  
5.20 injury, or 14 days after the date when notice of lost time due to the injury was received by  
5.21 the employer, whichever is later.

5.22   [For text of subps 2 to 5, see M.R.]

6.1 **5220.2830 OTHER FAILURE TO FILE REPORT IN MANNER OR WITHIN**  
6.2 **TIME LIMITS PROVIDED; PENALTY.**

6.3 Subpart 1. **Basis.** The division may assess a penalty for failure to file a required  
6.4 report if:

6.5 A. a report other than the first report of injury required to be filed by Minnesota  
6.6 Statutes, section 176.231, is not filed in the manner or within the time limitations  
6.7 prescribed; ~~or~~

6.8 B. a report on a form prescribed by the commissioner is requested by the  
6.9 commissioner but is not provided within 21 days of the commissioner's request; or

6.10 C. a changed or corrected electronic first report of injury that corrects all  
6.11 identified errors, as provided in part 5220.2530, subpart 5, item C, is not filed within  
6.12 60 days after the division sent the insurer or self-insured employer an electronic  
6.13 acknowledgment transmission describing the errors.

6.14 Subp. 2. **Amount.**

6.15 [For text of item A, see M.R.]

6.16 B. If, after a letter request from the commissioner or authorized designee, a  
6.17 report under ~~this part~~ subpart 1, item B, is not received by the division within 21 days,  
6.18 a penalty of \$125 must be assessed. A failure to file a report after a second request will  
6.19 result in an additional penalty assessment of \$375. A subsequent failure will result  
6.20 in penalty assessments of \$500.

6.21 C. If the changed or corrected report under subpart 1, item C, is not  
6.22 electronically filed in the manner or within the time limitations prescribed, a penalty may  
6.23 be assessed under Minnesota Statutes, section 176.231, subdivision 10, as follows:

6.24 (1) if more than 30 days after the date due, \$125;

6.25 (2) if more than 90 days after the date due, \$375; and

7.1 (3) if more than 180 days after the date due, \$500.

7.2 [For text of subp 3, see M.R.]