

87.14

ARTICLE 7

87.15

WORKERS' COMPENSATION

87.16 Section 1. Minnesota Statutes 2017 Supplement, section 15A.083, subdivision 7, is
87.17 amended to read:

87.18 Subd. 7. **Workers' Compensation Court of Appeals and compensation judges.**
87.19 Salaries of judges of the Workers' Compensation Court of Appeals are ~~98.52~~ 105 percent
87.20 of the salary for ~~district court~~ workers' compensation judges at the Office of Administrative
87.21 Hearings. The salary of the chief judge of the Workers' Compensation Court of Appeals is
87.22 ~~98.52~~ 107 percent of the salary for a ~~chief district court judge~~ workers' compensation judges
87.23 at the Office of Administrative Hearings. Salaries of compensation judges are 98.52 percent
87.24 of the salary of district court judges.

87.25 Sec. 2. Minnesota Statutes 2016, section 175A.05, is amended to read:

87.26 **175A.05 QUORUM.**

87.27 Subdivision 1. **Judges' quorum.** A majority of the judges of the Workers' Compensation
87.28 Court of Appeals shall constitute a quorum for the exercise of the powers conferred and the
87.29 duties imposed on the Workers' Compensation Court of Appeals except that all appeals
87.30 shall be heard by no more than a panel of three of the five judges unless the case appealed
87.31 is determined to be of exceptional importance by the chief judge prior to assignment of the
87.32 case to a panel, or by a three-fifths vote of the judges prior to assignment of the case to a
88.1 panel or after the case has been considered by the panel but prior to the service and filing
88.2 of the decision.

88.3 Subd. 2. **Vacancy.** A vacancy shall not impair the ability of the remaining judges of the
88.4 Workers' Compensation Court of Appeals to exercise all the powers and perform all of the
88.5 duties of the Workers' Compensation Court of Appeals.

88.6 Subd. 3. **Retired judges.** If the number of Workers' Compensation Court of Appeals
88.7 judges available to hear a case is insufficient to constitute a quorum, the chief judge of the
88.8 Workers' Compensation Court of Appeals may, with the retired judge's consent, assign a
88.9 judge who is retired from the Workers' Compensation Court of Appeals or the Office of
88.10 Administrative Hearings to hear any case properly assigned to a judge of the Workers'
88.11 Compensation Court of Appeals. The retired judge assigned to the case may act on it with
88.12 the full powers of the judge of the Workers' Compensation Court of Appeals. A retired
88.13 judge performing this service shall receive pay and expenses in the amount and manner
88.14 provided by law for judges serving on the court, less the amount of retirement pay the judge
88.15 is receiving under chapter 352 or 490.

88.16 EFFECTIVE DATE. This section is effective June 1, 2018.

216.8 Section 1. Minnesota Statutes 2016, section 176.011, subdivision 15, is amended to read:

216.9 Subd. 15. **Occupational disease.** (a) "Occupational disease" means a mental impairment
 216.10 as defined in paragraph (d) or physical disease arising out of and in the course of employment
 216.11 peculiar to the occupation in which the employee is engaged and due to causes in excess of
 216.12 the hazards ordinary of employment and shall include undulant fever. Physical stimulus
 216.13 resulting in mental injury and mental stimulus resulting in physical injury shall remain
 216.14 compensable. Mental impairment is not considered a disease if it results from a disciplinary
 216.15 action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement,
 216.16 or similar action taken in good faith by the employer. Ordinary diseases of life to which the
 216.17 general public is equally exposed outside of employment are not compensable, except where
 216.18 the diseases follow as an incident of an occupational disease, or where the exposure peculiar
 216.19 to the occupation makes the disease an occupational disease hazard. A disease arises out of
 216.20 the employment only if there be a direct causal connection between the conditions under
 216.21 which the work is performed and if the occupational disease follows as a natural incident
 216.22 of the work as a result of the exposure occasioned by the nature of the employment. An
 216.23 employer is not liable for compensation for any occupational disease which cannot be traced
 216.24 to the employment as a direct and proximate cause and is not recognized as a hazard
 216.25 characteristic of and peculiar to the trade, occupation, process, or employment or which
 216.26 results from a hazard to which the worker would have been equally exposed outside of the
 216.27 employment.

216.28 (b) If immediately preceding the date of disablement or death, an employee was employed
 216.29 on active duty with an organized fire or police department of any municipality, as a member
 216.30 of the Minnesota State Patrol, conservation officer service, state crime bureau, as a forest
 216.31 officer by the Department of Natural Resources, state correctional officer, or sheriff or
 216.32 full-time deputy sheriff of any county, and the disease is that of myocarditis, coronary
 216.33 sclerosis, pneumonia or its sequel, and at the time of employment such employee was given
 217.1 a thorough physical examination by a licensed doctor of medicine, and a written report
 217.2 thereof has been made and filed with such organized fire or police department, with the
 217.3 Minnesota State Patrol, conservation officer service, state crime bureau, Department of
 217.4 Natural Resources, Department of Corrections, or sheriff's department of any county, which
 217.5 examination and report negatived any evidence of myocarditis, coronary sclerosis, pneumonia
 217.6 or its sequel, the disease is presumptively an occupational disease and shall be presumed
 217.7 to have been due to the nature of employment. If immediately preceding the date of
 217.8 disablement or death, any individual who by nature of their position provides emergency
 217.9 medical care, or an employee who was employed as a licensed police officer under section
 217.10 626.84, subdivision 1; firefighter; paramedic; state correctional officer; emergency medical
 217.11 technician; or licensed nurse providing emergency medical care; and who contracts an
 217.12 infectious or communicable disease to which the employee was exposed in the course of

217.13 employment outside of a hospital, then the disease is presumptively an occupational disease
 217.14 and shall be presumed to have been due to the nature of employment and the presumption
 217.15 may be rebutted by substantial factors brought by the employer or insurer. Any substantial
 217.16 factors which shall be used to rebut this presumption and which are known to the employer
 217.17 or insurer at the time of the denial of liability shall be communicated to the employee on
 217.18 the denial of liability.

217.19 (c) A firefighter on active duty with an organized fire department who is unable to
 217.20 perform duties in the department by reason of a disabling cancer of a type caused by exposure
 217.21 to heat, radiation, or a known or suspected carcinogen, as defined by the International
 217.22 Agency for Research on Cancer, and the carcinogen is reasonably linked to the disabling
 217.23 cancer, is presumed to have an occupational disease under paragraph (a). If a firefighter
 217.24 who enters the service after August 1, 1988, is examined by a physician prior to being hired
 217.25 and the examination discloses the existence of a cancer of a type described in this paragraph,
 217.26 the firefighter is not entitled to the presumption unless a subsequent medical determination
 217.27 is made that the firefighter no longer has the cancer.

217.28 (d) For the purposes of this chapter, "mental impairment" means a diagnosis of
 217.29 post-traumatic stress disorder by a licensed psychiatrist or psychologist. For the purposes
 217.30 of this chapter, "post-traumatic stress disorder" means the condition as described in the most
 217.31 recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by
 217.32 the American Psychiatric Association. For purposes of section 79.34, subdivision 2, one or
 217.33 more compensable mental impairment claims arising out of a single event or occurrence
 217.34 shall constitute a single loss occurrence.

218.1 (e) If, preceding the date of disablement or death, an employee who was employed: (1)
 218.2 as a licensed police officer under section 626.84, subdivision 1, firefighter, paramedic,
 218.3 emergency medical technician, or licensed nurse providing emergency medical care; or (2)
 218.4 on active duty as a forest officer by the Department of Natural Resources, state correctional
 218.5 officer, sheriff or full-time deputy sheriff of any county, or a member of the Minnesota State
 218.6 Patrol, conservation officer service, state crime bureau, is diagnosed with a mental
 218.7 impairment as defined in paragraph (d), and had not been diagnosed with the mental
 218.8 impairment previously, then the mental impairment is presumptively an occupational disease
 218.9 and shall be presumed to have been due to the nature of employment. The mental impairment
 218.10 is not considered an occupational disease if it results from a disciplinary action, work
 218.11 evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar
 218.12 action taken in good faith by the employer.

88.17 Sec. 3. Minnesota Statutes 2016, section 176.231, subdivision 9, is amended to read:

88.18 Subd. 9. **Uses ~~which~~ that may be made of reports.** (a) Reports filed with the
 88.19 commissioner under this section may be used in hearings held under this chapter, and for
 88.20 the purpose of state investigations and for statistics. These reports are available to the

- 88.21 Department of Revenue for use in enforcing Minnesota income tax and property tax refund
88.22 laws, and the information shall be protected as provided in chapter 270B.
- 88.23 (b) The division or Office of Administrative Hearings or Workers' Compensation Court
88.24 of Appeals may permit the examination of its file by the employer, insurer, employee, or
88.25 dependent of a deceased employee or any person who furnishes ~~written~~ signed authorization
88.26 to do so from the employer, insurer, employee, or dependent of a deceased employee.
88.27 Reports filed under this section and other information the commissioner has regarding
88.28 injuries or deaths shall be made available to the Workers' Compensation Reinsurance
88.29 Association for use by the association in carrying out its responsibilities under chapter 79.
- 88.30 (c) The division may provide the worker identification number assigned under section
88.31 176.275, subdivision 1, without a written authorization required under paragraph (b) to an:
- 88.32 (1) attorney who represents one of the persons described in paragraph (b);
- 88.33 (2) attorney who represents an intervenor or potential intervenor under section 176.361;
- 89.1 (3) intervenor; or
- 89.2 (4) employee's assigned qualified rehabilitation consultant under section 176.102.
- 89.3 **EFFECTIVE DATE.** This section is effective June 1, 2018.
- 89.4 Sec. 4. **[176.2751] COORDINATION OF THE OFFICE OF ADMINISTRATIVE**
89.5 **HEARINGS' CASE MANAGEMENT SYSTEM AND THE WORKERS'**
89.6 **COMPENSATION IMAGING SYSTEM.**
- 89.7 Subdivision 1. Definitions. (a) For purposes of this section, the definitions in this
89.8 subdivision apply unless otherwise specified.
- 89.9 (b) "Commissioner" means the commissioner of labor and industry.
- 89.10 (c) "Department" means the Department of Labor and Industry.
- 89.11 (d) "Document" includes all data, whether in electronic or paper format, that is filed
89.12 with or issued by the office or department related to a claim-specific dispute resolution
89.13 proceeding under this section.
- 89.14 (e) "Office" means the Office of Administrative Hearings.

89.15 Subd. 2. **Applicability.** This section governs coordination of the office's case management
 89.16 system and the workers' compensation imaging system pending completion of the workers'
 89.17 compensation modernization program. This section prevails over any conflicting provision
 89.18 in this chapter, Laws 1998, chapter 366, or corresponding rules.

89.19 Subd. 3. **Documents that must be filed with the office.** Except as provided in
 89.20 subdivision 4 and section 176.421, all documents that require action by the office under
 89.21 this chapter must be filed, electronically or in paper format, with the office as required by
 89.22 the chief administrative law judge. Filing a document that initiates or is filed in preparation
 89.23 for a proceeding at the office satisfies any requirement under this chapter that the document
 89.24 must be filed with the commissioner.

89.25 Subd. 4. **Documents that must be filed with the commissioner.** (a) The following
 89.26 documents must be filed directly with the commissioner in the format and manner prescribed
 89.27 by the commissioner:

89.28 (1) all requests for an administrative conference under section 176.106, regardless of
 89.29 the amount in dispute;

89.30 (2) a motion to intervene in an administrative conference that is pending at the department;

90.1 (3) any other document related to an administrative conference that is pending at the
 90.2 department;

90.3 (4) an objection to a penalty assessed by the commissioner or department;

90.4 (5) requests for medical and rehabilitation dispute certification under section 176.081,
 90.5 subdivision 1, paragraph (c), including related documents; and

90.6 (6) except as provided in this subdivision or subdivision 3, any other document required
 90.7 to be filed with the commissioner.

90.8 (b) The filing requirement in paragraph (a), clause (1), makes no changes to the
 90.9 jurisdictional provisions in section 176.106. A claim petition that contains only medical or
 90.10 rehabilitation issues, unless primary liability is disputed, is considered to be a request for
 90.11 an administrative conference and must be filed with the commissioner.

90.12 (c) The commissioner must refer a timely, unresolved objection to a penalty under
 90.13 paragraph (a), clause (4), to the office within 60 calendar days.

90.14 Subd. 5. **Form revision.** The commissioner must revise dispute resolution forms, in
90.15 consultation with the chief administrative law judge, to reflect the filing requirements in
90.16 this section.

90.17 Subd. 6. **Data privacy.** (a) All documents filed with or issued by the department or
90.18 office under this chapter are private data on individuals and nonpublic data pursuant to
90.19 chapter 13, except that the documents are available to the following:

90.20 (1) the office;

90.21 (2) the department;

90.22 (3) the employer;

90.23 (4) the insurer;

90.24 (5) the employee;

90.25 (6) the dependent of a deceased employee;

90.26 (7) an intervenor in the dispute;

90.27 (8) the attorney to a party in the dispute;

90.28 (9) a person who furnishes written authorization from the employer, insurer, employee,
90.29 or dependent of a deceased employee; and

91.1 (10) a person, agency, or other entity allowed access to the documents under this chapter
91.2 or other law.

91.3 (b) The office and department may post notice of scheduled proceedings on the agencies'
91.4 Web sites and at their principal places of business in any manner that protects the employee's
91.5 identifying information.

91.6 **EFFECTIVE DATE.** This section is effective June 1, 2018.