

Minnesota Office of Administrative Hearings

Workers' Compensation Division

REQUEST FOR COMMENTS

Proposed Permanent Rules Governing Workers' Compensation Litigation Procedures: Resolution of Claims with Intervenors, *Minnesota Rules*, 1420.1850; Revisor's ID Number R-4527

Subject of Rules. The Office of Administrative Hearings (OAH) requests comments on its proposed amendments to rules governing workers' compensation intervention practices. OAH is considering rule amendments that align with recent amendments to Minnesota Statutes, chapter 176, the Worker's Compensation Act. Specifically, the statutory amendments make it easier for employees and employers/insurers to settle workers' compensation claims by allowing the filing of partial settlements that did not affect the legal rights of intervenors. Generally, intervenors in workers' compensation matters are medical providers seeking reimbursement for provided medical services. Far too often, intervenors (in)advertently complicate and/or prevent settlements by failing to respond to offers or demands made by the primary parties to the claim. The statutory changes were designed to allow partial settlements to proceed without the signature of intervenors, whose rights were not cut off but instead were reserved for future litigation directed by the intervenors.

Persons Affected. The amendment to the rules would likely affect potential intervenors who are participating in a pending matter before a compensation judge.

Statutory Authority. *Minnesota Statutes*, section 176.83, subd. 12, authorizes the Agency to adopt rules "relating to procedures in matters pending before a compensation judge in the Office of Administrative Hearings." 2017 Minnesota Laws Chapter 94, Article 5, Section 4 also directed the amendment of existing workers' compensation rules, at Minnesota Rule, part 1420.1850, to make the rules conform to statutory changes to Minnesota Statutes, sections 176.361, subd. 3 and 176.521.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until **4:30 p.m.** on **March 23, 2018**. Interested persons may also comment via OAH's Rulemaking eComments Website at <https://minnesotaoah.granicusideas.com>. OAH does not plan to appoint an advisory committee to comment on the possible rules.

Rules Drafts. OAH's draft of the proposed rules amendments is available from the agency contact person listed below and on OAH's Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to:

Katie Lin
Rulemaking Coordinator
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164
Phone: (651) 361-7911
TDD: (651) 361-7878
Fax: (651) 539-0310
Email: Katie.Lin@state.mn.us

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: January 8, 2018



TAMMY L. PUST
Chief Judge