

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS**

**STANDING ORDER REGARDING MEDICAL BILL-ONLY AND/OR
DIAGNOSIS-ONLY OCCUPATIONAL DISEASE CASES**

Based upon a review of relevant information as identified below, the Chief Administrative Law Judge makes the following:

FINDINGS OF FACT

1. The Special Compensation Fund has agreed to pay medical bill expenses in connection with multiple party occupational disease cases which do not involve current claims for monetary benefits subject to reimbursement, as an intervenor, until such time as the employee/petitioner presents claims for monetary benefits in the nature of wage loss, permanent partial disability, dependency and/or death benefits.

2. Claim petitions involving medical bill-only and/or diagnosis-only occupational disease cases are filed in order to toll the possible running of the statute of limitations and/or for other legal and/or practical reasons.

3. It is the intent of this plan to minimize unnecessary activity on such files, to reduce costs, and to conserve judicial and administrative resources.

4. The Court has consulted with the Department of Labor and Industry, and with petitioner and defense counsel bar members regarding the fairness and efficacy of staying certain proceedings and actions.

Based upon these Findings of Fact, the Chief Administrative Law Judge issues the following:

ORDER

1. All legal proceedings regarding medical bill-only and/or diagnosis-only occupational disease claims, including but not limited to the requirements for filing answers, independent medical examinations and reports, discovery, petitions for joinder, and motions to intervene are hereby stayed pending dismissal of the action by agreement of the parties or until such time as a pleading or amendment is filed seeking payment of benefits other than medical expenses only.

2. Formal answers to medical-bill only and/or diagnosis-only occupational disease claim petitions are permitted but are not required. If an Answer is filed, the answer need only be served on the attorney for the employee/petitioner and filed with the Department of Labor and Industry. If an Answer is not filed, a letter acknowledging receipt of the Claim Petition and indicating representation, if any, shall be served on the attorney for the employee/petitioner and filed with the Department of Labor and Industry.

3. Motions, with the exception of those for dismissal of insurers for reason of coverage and/or dismissal of the claim petition with written consent of counsel for the employee/petitioner, shall be held in abeyance until the occurrence of a settlement or pretrial conference, which, in turn, shall be scheduled only if claims for monetary benefits other than medical expenses only are subsequently amended or added into the claim.

4. The following documents continue to be in full force and effect and are not superseded by this Order: the Stipulation to Share Payment of Expenses for Medical-Only Asbestos Cases signed by Brandon Miller, Director of the Special Compensation Fund, on September 26, 1995; the Order on Stipulation and supporting Memorandum of Judge Richard Lund dated January 5, 1996; and the Workers' Compensation Insurers' Task Force Recommendation signed by Gary Bastian, Commissioner of the Department of Labor and Industry, on September 19, 1995.

Dated: January 16, 2018



TAMMY L. PUST

Chief Judge

(651) 361-7900

TDD: (651) 361-7878