Workers Compensation Benefit Overview – Minnesota

Major Developments: Last major legislation in 2004 (SB899), affected indemnity rates, disability rating, medical treatment, medical-legal disputes, penalties, and apportionment. 2007 legislation affects caps on TD and post-surgical treatments.

Indemnity Issues

Temporary Total Benefits	$130.00 Min, **$850.00 Max**, 3 calendar day waiting period, Waiting period payable if employee loses time on the 10th day or thereafter. **130 week cap**. Benefits must commence within 14 days of first day of lost time. Payments to be made in accordance with the employee's normal pay schedule. Compensation rate is 2/3 of the Average Weekly Wage (AWW).
Temporary Partial Benefits	No Min., **$850.00 max**, 225 week cap. Payment must be made within 10 days of date wages sent. TPD rate is calculated as follows: (AWW – current earnings) X 2/3.
Permanent Partial Benefits	Based on the PPD schedule under MN 5223.0300.

for injuries from Oct. 1, 1995, through Sept. 30, 2000			
Impairment rating %	**Amount**	**Impairment rating %**	**Amount**
0-25	$75,000	61-65	$160,000
26-30	$80,000	66-70	$180,000
31-35	$85,000	71-75	$200,000
36-40	$90,000	76-80	$240,000
41-45	$95,000	81-85	$280,000
46-50	$100,000	86-90	$320,000
51-55	$120,000	91-95	$360,000
56-60	$140,000	96-100	$400,000

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Permanent Partial Benefits	

for injuries on or after Oct. 1, 2000			
Impairment rating %	**Amount**	**Impairment rating %**	**Amount**
0-5	$75,000	51-55	$165,000
6-10	$80,000	56-60	$190,000
11-15	$85,000	61-65	$215,000
16-20	$90,000	66-70	$240,000
21-25	$95,000	71-75	$265,000
26-30	$100,000	76-80	$315,000
31-35	$110,000	81-85	$365,000
36-40	$120,000	86-90	$415,000
41-45	$130,000	91-95	$465,000
46-50	$140,000	96-100	$515,000

Permanent Total Benefits	Minimum 65% of the SAWW Min, **$850.00 max**, Able to presume retirement at age 67.
Fatality Benefits	Max burial expense $15,000. For deaths after 10/1/1983 and a spouse with no dependents, benefits are payable at 50% of the daily wage at the time of injury for 10 years including adjustments.
Vocational Rehabilitation	If TTD is likely to exceed 13 weeks, then a rehab consultation is required with a Qualified Rehabilitation Consultant (QRC). Employee is allowed to choose their own QRC. Retraining program must be approved by the Department of Labor and Industry.
Settlement Allowed	Yes.
Cap on benefits, exceptions	Retraining benefits are payable up to 156 weeks at the employee's compensation rate.

Medical Issues

Initial Choice of Provider	Employee
Change of Provider	One change allowed within the first 60 days.
Medical Fee Schedule	Yes
Managed Care	Managed care plans are allowed, but must be approved plans.
Treatment Guidelines	MN does have treatment parameters. Refer to MN Rule 5221.6010

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Medical Mileage Reimbursement Rate	1/1/2006 44.5 1/1/2007 48.5 1/1/2008 .505 7/1/2008 58.5 1/1/2009 .55
Ability to Terminate Medical Treatment	Medical remains open for life of claim as long as treatment is reasonable and necessary and related to the injury.
Settlement Allowed	If liability is in question, it is possible to close medical.
Cap on benefits, exceptions	Refer to the MN Treatment Parameters

Other Issues

Staff Counsel	John G. Ness and Associates 380 St. Peter St. #730 St. Paul, MN 55102 (651)221-7705
Hearings require attorney or claim handler participation	Attorney
Occupational Diseases	Same as Occupational
Second Injury Fund availability	Abolished after 6/30/1992 Supplementary benefits abolished 10/1/1995.
Other Offset Opportunities	SSDI or Social Security Retirement offset after $25K paid in PTD benefits

State workers compensation website link:

http://www.doli.state.mn.us/workcomp.html

The Travelers Indemnity Company
and its property casualty affiliates
One Tower Square
Hartford, CT 06183

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