

1.1 moves to amend H.F. No. 2478 as follows:

1.2 Page 6, after line 26, insert:

1.3 "Sec. 2. Minnesota Statutes 2015 Supplement, section 176.136, subdivision 1b,
1.4 is amended to read:

1.5 Subd. 1b. **Limitation of liability.** (a) The liability of the employer for treatment,
1.6 articles, and supplies provided to an employee while an inpatient or outpatient at a Critical
1.7 Access Hospital certified by the Centers for Medicare and Medicaid Services, or while an
1.8 outpatient at a hospital with 100 or fewer licensed beds, shall be the hospital's usual and
1.9 customary charge, unless the charge is determined by the commissioner or a compensation
1.10 judge to be unreasonably excessive.

1.11 (b) The liability of the employer for the treatment, articles, and supplies that are not
1.12 limited by paragraph (a), subdivision 1a, 1c, or section 176.1362 shall be limited to 85
1.13 percent of the provider's usual and customary charge, or 85 percent of the prevailing
1.14 charges for similar treatment, articles, and supplies furnished to an injured person when
1.15 paid for by the injured person, whichever is lower. On this basis, the commissioner or
1.16 compensation judge may determine the reasonable value of all treatment, services, and
1.17 supplies, and the liability of the employer is limited to that amount. The commissioner
1.18 may by rule establish the reasonable value of a service, article, or supply in lieu of the
1.19 85 percent limitation in this paragraph. A prevailing charge established under Minnesota
1.20 Rules, part 5221.0500, subpart 2, must be based on no more than two years of billing data
1.21 immediately preceding the date of the service.

1.22 (c) The limitation of liability for charges provided by paragraph (b) does not apply
1.23 to a nursing home that participates in the medical assistance program and whose rates are
1.24 established by the commissioner of human services.

1.25 (d) An employer's liability for treatment, articles, and supplies provided under this
1.26 chapter by a health care provider located outside of Minnesota is limited to the payment that

2.1 the health care provider would receive if the treatment, article, or supply were paid under
 2.2 the workers' compensation law of the jurisdiction in which the treatment was provided."

2.3 Page 7, line 4, delete "and 2" and insert "to 3"

2.4 Page 7, after line 4, insert:

2.5 **"ARTICLE 3**

2.6 **WORKERS' COMPENSATION LITIGATION-RELATED PROPOSALS**

2.7 Section 1. Minnesota Statutes 2014, section 176.011, subdivision 7a, is amended to read:

2.8 Subd. 7a. ~~(1)~~ **Compensation judge.** "Compensation judge" means a workers'
 2.9 compensation judge at the Office of Administrative Hearings.

2.10 ~~(2) **Calendar judge.** "Calendar judge" means a workers' compensation judge at the~~
 2.11 ~~Office of Administrative Hearings.~~

2.12 ~~(3) **Compensation judge.** "Compensation judge" means a compensation judge at~~
 2.13 ~~the Department of Labor and Industry.~~ Compensation judges may conduct settlement
 2.14 conferences, issue summary decisions, approve settlements and issue awards thereon,
 2.15 determine petitions for attorney fees and costs, and make other determinations,
 2.16 decisions, orders, and awards as may be delegated to them by law or the commissioner.
 2.17 Compensation judges must be learned in the law.

2.18 Sec. 2. Minnesota Statutes 2014, section 176.137, subdivision 1, is amended to read:

2.19 Subdivision 1. **Requirement; determination.** The employer shall furnish to an
 2.20 employee who is permanently disabled because of a personal injury suffered in the course
 2.21 of employment with that employer such alteration or remodeling of the employee's
 2.22 principal residence as is reasonably required to enable the employee to move freely into
 2.23 and throughout the residence and to otherwise adequately accommodate the disability.
 2.24 Any remodeling or alteration shall be furnished only when the division ~~or Workers'~~
 2.25 ~~Compensation Court of Appeals~~ determines that the injury is to such a degree that the
 2.26 employee is substantially prevented from functioning within the principal residence.

2.27 Sec. 3. Minnesota Statutes 2014, section 176.137, subdivision 4, is amended to read:

2.28 Subd. 4. **Certification required; exceptions.** (a) Except as provided in paragraph
 2.29 (b), no award may be made except upon the certification of a licensed architect to the
 2.30 division ~~or Workers' Compensation Court of Appeals~~ that the proposed alteration or
 2.31 remodeling of an existing residence or the building or purchase of a new or different
 2.32 residence is reasonably required for the purposes specified in subdivision 1. The Council on
 2.33 Disability shall advise the division ~~or Workers' Compensation Court of Appeals~~ as provided

3.1 in section 256.482, subdivision 5, clause (7). The alteration or remodeling of an existing
3.2 residence, or the building or purchase of a new home must be done under the supervision
3.3 of a licensed architect relative to the specific needs to accommodate the disability.

3.4 (b) Remodeling or alteration projects do not require an architect's certification and
3.5 supervision if the project is:

3.6 (1) approved by the Council on Disability;

3.7 (2) performed by a residential building contractor or residential remodeler licensed
3.8 under section 326B.805, subdivision 1; and

3.9 (3) approved by a certified building official or certified accessibility specialist under
3.10 section 326B.133, subdivision 3a, paragraphs (b) and (d), who states in writing that the
3.11 proposed remodeling or alterations are reasonably required to enable the employee to move
3.12 freely into and throughout the residence and to otherwise accommodate the disability.

3.13 Sec. 4. Minnesota Statutes 2014, section 176.137, is amended by adding a subdivision
3.14 to read:

3.15 Subd. 6. **Disputes.** A proceeding to resolve a dispute under this section shall be
3.16 initiated by petition under sections 176.271 and 176.291 and decided by a compensation
3.17 judge at the office under section 176.305, 176.322, or 176.341. The decision of the
3.18 compensation judge is appealable to the Workers' Compensation Court of Appeals under
3.19 section 176.421.

3.20 Sec. 5. Minnesota Statutes 2014, section 176.331, is amended to read:

3.21 **176.331 PROCEEDINGS WHEN ANSWER NOT FILED.**

3.22 Except in cases involving multiple employers or multiple insurers, if an adverse
3.23 party fails to file and serve an answer or obtain an extension from the commissioner or the
3.24 petitioner as required by section 176.321, subdivision 3, the commissioner shall refer the
3.25 matter to the chief administrative law judge for an immediate hearing and prompt award
3.26 or other order. The adverse party that failed to file an answer may appear at the hearing,
3.27 present evidence and question witnesses, but shall not be granted a continuance ~~for any~~
3.28 ~~reason~~ except upon a showing of good cause.

3.29 If an adverse party who fails to serve and file an answer is neither insured for
3.30 workers' compensation liability nor a licensed self-insured as required by section 176.181
3.31 and the special compensation fund is a party to the proceeding, the commissioner or
3.32 compensation judge may enter an order awarding benefits to the petitioning party without
3.33 a hearing if so requested by the special compensation fund.

4.1 Sec. 6. Minnesota Statutes 2014, section 176.361, subdivision 1, is amended to read:

4.2 Subdivision 1. **Right to intervene.** A person who has an interest in any matter
 4.3 before the Workers' Compensation Court of Appeals, or commissioner, or compensation
 4.4 judge such that the person may either gain or lose by an order or decision may intervene in
 4.5 the proceeding by filing ~~an application or~~ a motion in writing stating the facts which show
 4.6 the interest. The commissioner is considered to have an interest and shall be permitted
 4.7 to intervene at the appellate level when a party relies in its claim or defense upon any
 4.8 statute or rule administered by the commissioner, or upon any rule, order, requirement, or
 4.9 agreement issued or made under the statute or rule.

4.10 The commissioner may adopt rules, not inconsistent with this section to govern
 4.11 intervention. The Workers' Compensation Court of Appeals shall adopt rules to govern the
 4.12 procedure for intervention in matters before it.

4.13 If the Department of Human Services or the Department of Employment and
 4.14 Economic Development seeks to intervene in any matter before the division, a
 4.15 compensation judge or the Workers' Compensation Court of Appeals, a nonattorney
 4.16 employee of the department, acting at the direction of the staff of the attorney general,
 4.17 may prepare, sign, serve and file motions for intervention and related documents, ~~appear~~
 4.18 at attend prehearing conferences, and participate in matters before a compensation judge
 4.19 or the Workers' Compensation Court of Appeals. Any other interested party may intervene
 4.20 using a nonattorney and may participate in any proceeding to the same extent an attorney
 4.21 could. This activity shall not be considered to be the unauthorized practice of law. An
 4.22 intervenor represented by a nonattorney shall be deemed to be represented by an attorney
 4.23 for the purposes of the conclusive presumption of section 176.521, subdivision 2.

4.24 Subdivisions 3 to 6 do not apply to ~~matters pending in the mediation or rehabilitation~~
 4.25 ~~and medical services sections~~ the following proceedings conducted by the Department
 4.26 of Labor and Industry or the office: mediation proceedings; discontinuance conferences
 4.27 under section 176.239; or administrative conferences under section 176.106.

4.28 Sec. 7. Minnesota Statutes 2014, section 176.361, subdivision 2, is amended to read:

4.29 Subd. 2. **Written ~~application or~~ motion.** A person desiring to intervene in a
 4.30 workers' compensation case as a party, including but not limited to a health care provider
 4.31 who has rendered services to an employee or an insurer who has paid benefits under
 4.32 section 176.191, shall submit a timely written ~~application or~~ motion to intervene to the
 4.33 commissioner, the office, or to the court of appeals, whichever is applicable.

4.34 (a) The ~~application or~~ motion must be served on all parties, except for other
 4.35 intervenors, either personally, by first class mail, or by registered mail, return receipt

5.1 requested. ~~An application or~~ A motion to intervene must be served and filed within 60
5.2 days after a potential intervenor has been served with notice of a right to intervene or
5.3 within 30 days of notice of an administrative conference. Upon the filing of a timely
5.4 ~~application or~~ motion to intervene, the potential intervenor shall be granted intervenor
5.5 status without the need for an order. Objections to the intervention may be subsequently
5.6 addressed by a compensation judge. Where a motion to intervene is not timely filed
5.7 under this section, the potential intervenor interest shall be extinguished and the potential
5.8 intervenor may not collect, or attempt to collect, the extinguished interest from the
5.9 employee, employer, insurer, or any government program.

5.10 (b) The ~~application or~~ motion must show how the applicant's legal rights, duties, or
5.11 privileges may be determined or affected by the case; state the grounds and purposes for
5.12 which intervention is sought; and indicate the statutory right to intervene. The ~~application~~
5.13 ~~or~~ motion must be accompanied by the following:

5.14 (1) an itemization of disability payments showing the period during which the
5.15 payments were or are being made; the weekly or monthly rate of the payments; and the
5.16 amount of reimbursement claimed;

5.17 (2) a summary of the medical or treatment payments, or rehabilitation services
5.18 provided by the Vocational Rehabilitation Unit, broken down by creditor, showing the
5.19 total bill submitted, the period of treatment or rehabilitation covered by that bill, the
5.20 amount of payment on that bill, and to whom the payment was made;

5.21 (3) copies of all medical or treatment bills ~~on which some~~ for which payment was
5.22 made is sought;

5.23 (4) copies of the work sheets or other information stating how the payments on
5.24 medical or treatment bills were calculated;

5.25 (5) a copy of the relevant policy or contract provisions upon which the claim for
5.26 reimbursement is based;

5.27 (6) the name and telephone number of the person representing the intervenor who
5.28 has authority to represent the intervenor, including but not limited to the authority to
5.29 reach a settlement of the issues in dispute;

5.30 (7) proof of service or copy of the registered mail receipt evidencing service on all
5.31 parties except for other intervenors;

5.32 (8) at the option of the intervenor, a proposed stipulation which states that all of the
5.33 payments for which reimbursement is claimed are related to the injury or condition in
5.34 dispute in the case and that, if the petitioner is successful in proving the compensability of
5.35 the claim, it is agreed that the sum be reimbursed to the intervenor; and

6.1 (9) if represented by an attorney, the name, address, telephone number, and
6.2 Minnesota Supreme Court license number of the attorney.

6.3 Sec. 8. Minnesota Statutes 2014, section 176.361, subdivision 3, is amended to read:

6.4 Subd. 3. **Stipulation.** If the person submitting the ~~application or motion for~~
6.5 ~~intervention~~ to intervene has included a proposed stipulation, all parties shall either
6.6 execute and return the signed stipulation to the intervenor who must file it with the
6.7 division or judge or serve upon the intervenor and all other parties and file with the
6.8 division specific and detailed objections to any payments made by the intervenor which
6.9 are not conceded to be correct and related to the injury or condition the petitioner has
6.10 asserted is compensable. If a party has not returned the signed stipulation or filed specific
6.11 and detailed objections within 30 days of service of the ~~application or motion to intervene~~,
6.12 the intervenor's right to reimbursement for the amount sought is deemed established
6.13 provided that the petitioner's claim is determined to be compensable. The office may
6.14 establish procedures for filing objections if a timely motion to intervene is filed less than
6.15 30 days before a scheduled hearing.

6.16 Sec. 9. Minnesota Statutes 2014, section 176.361, subdivision 4, is amended to read:

6.17 Subd. 4. **Attendance by intervenor.** ~~Unless a stipulation has been signed and filed or~~
6.18 ~~the intervenor's right to reimbursement has otherwise been established, the intervenor shall~~
6.19 ~~attend all settlement or pretrial conferences, administrative conferences, and the hearing.~~
6.20 ~~Failure~~ A person who has submitted a timely written motion to intervene, as required by
6.21 subdivision 2, is not required to attend settlement or pretrial conferences or the hearing,
6.22 unless attendance is ordered by the compensation judge assigned to the case, pursuant to a
6.23 motion to require the intervenor's attendance filed by a party or as a matter of the judge's
6.24 discretion. A motion to require attendance must be served and filed at least 20 days before
6.25 a scheduled hearing, and the compensation judge must serve and file an order granting or
6.26 denying the motion at least ten days before a scheduled hearing. If attendance is ordered,
6.27 failure of the intervenor to appear attend a proceeding either in person or, if approved by
6.28 the compensation judge, by telephone or some other electronic medium, shall result in the
6.29 denial of the claim for reimbursement: except upon a showing of good cause. If attendance
6.30 has not been ordered, this subdivision does not prohibit an intervenor from attending a
6.31 conference or hearing in person, or from requesting permission from the compensation
6.32 judge to attend a conference or hearing by telephone or other electronic medium.

6.33 Sec. 10. Minnesota Statutes 2014, section 176.361, subdivision 5, is amended to read:

7.1 Subd. 5. **Order Objections.** If an a specific and detailed objection to intervention
 7.2 remains following settlement or pretrial conferences, the issue shall be addressed at the
 7.3 hearing. If the intervenor has not been ordered to attend the hearing pursuant to subdivision
 7.4 4, or has received permission to attend the hearing by telephone or other electronic
 7.5 medium, the intervenor may provide a written response to the objection before the hearing
 7.6 according to subdivision 6 for consideration as a matter of discretion by the judge.

7.7 Sec. 11. Minnesota Statutes 2014, section 176.361, subdivision 6, is amended to read:

7.8 Subd. 6. **Presentation of evidence by intervenor.** Unless a stipulation has been
 7.9 signed and filed or the intervenor's right to reimbursement has otherwise been established,
 7.10 the intervenor shall present evidence in support of the claim at or before the hearing unless
 7.11 otherwise ordered by the compensation judge. When the intervenor has not been ordered
 7.12 to attend the hearing pursuant to subdivision 4, or has received permission to attend the
 7.13 hearing by telephone or other electronic medium, the office may establish a procedure
 7.14 for submission of the intervenor's evidence and response to outstanding objections to
 7.15 intervention. If the intervenor does not submit a written response to the objection before
 7.16 the hearing, the compensation judge's determination on the objection must be based on
 7.17 the information and evidence submitted prior to or at the hearing, as a matter of judicial
 7.18 discretion.

7.19 Sec. 12. Minnesota Statutes 2014, section 176.361, is amended by adding a subdivision
 7.20 to read:

7.21 Subd. 8. **Chief administrative law judge orders.** The chief administrative law
 7.22 judge may issue standing orders to implement this section. The chief administrative law
 7.23 judge has the authority to issue standing orders instead of, or in addition to, the authority
 7.24 granted to the office or compensation judges under this section, provided that any standing
 7.25 order issued by the chief administrative law judge must be consistent with this section.

7.26 Sec. 13. **EFFECTIVE DATE.**

7.27 This article is effective August 1, 2016."

7.28 Renumber the sections in sequence and correct the internal references

7.29 Amend the title accordingly