

2020 Workers' Compensation Advisory Council recommendations

HF4206 (Sundin)/SF4130 (Utke)

This legislation adopts the recommendations made by the Workers' Compensation Advisory Council related to: implementation of the Workers' Compensation Modernization Program (known as Work Comp Campus); Department of Commerce proposals related to self-insurers; occupational disease presumptions; payment to the estate of a deceased employee; application of the pharmacy fee schedule to second injury claims reimbursed by the Special Compensation Fund; vocational rehabilitation; and insurance verification data.

- **Department of Commerce proposals.** Adopts Department of Commerce proposed amendments related to financial requirements for self-insured employers and group self-insurers.
- **Occupational disease presumptions.** Adds correctional officers and security counselors employed by cities, counties and the state to the list of occupations for which certain diseases and PTSD are presumed to be occupational diseases if certain conditions are met.
- **Vocational rehabilitation.** Adds supervision requirements for Qualified Rehabilitation Consultant interns.
- **Payment to estate of employee.** Allows insurers to pay the estate of a deceased injured worker following receipt of a compliant affidavit of collection of personal property.
- **Second injury fund reimbursement.** Limits reimbursement to an insurer for medication provided to an injured worker covered by the second-injury fund to the work comp pharmacy fee schedule amount.
- **Employment and insurance data.** Clarifies what insurance policy data reported to the Department of Labor and Industry (DLI) by its contractor is public and how it may be requested for insurance verification purposes.
- **Prompt first action report.** Clarifies the requirements for DLI's annual prompt first action report on the percentage of claims that were timely paid or denied by each payer.
- **Filing electronic reports of injury in Campus.** Specifies the workers' compensation reports that payers must provide to employees and electronically file in Campus. Provides the commissioner with authority to amend or repeal rules that conflict with the service and electronic filing requirements.
- **Access to the division file in Campus.** Clarifies who has access to the Campus division file and under what circumstances. Requires that Campus generate an audit trail when the division file is accessed.
- **Creating a Campus account.** Specifies who must create a Campus account and requires those persons to authenticate their identity and agree to terms safeguarding data security and privacy of data in Campus.
- **Service through an agency's electronic system.** Identifies obligations of senders, recipients and agencies when a party to a claim electronically files a document in the wrong file or sends a document to the wrong person. Provides that the agency whose electronic system is used is not responsible under Minn. Stat. § 3.971 and chapter 13 for the improper release.