

S.F. No. 389, 1st Engrossment - 87th Legislative Session (2011-2012) [S0389-1]

2.1 (c) No reparation obligor or health plan company as defined in section 62Q.01,
2.2 subdivision 4, may enter into or renew any contract that provides, or has the effect of
2.3 providing, managed care services to no-fault claimants. For the purposes of this section,
2.4 "managed care services" is defined as any program of medical services that uses health care
2.5 providers managed, owned, employed by, or under contract with a health plan company.

2.6 (d) Medical expense loss for diagnosis and treatment of a soft tissue injury is covered
2.7 only if provided in compliance with the codes, treatment standards, and fee schedules
2.8 provided in Minnesota Rules, chapter 5221. The term soft tissue injury specifically
2.9 includes, without limitation, any injury with treatment covered by the procedure codes set
2.10 forth in Minnesota Rules, chapter 5221, other than such treatment delivered by a health
2.11 care provider defined in Minnesota Rules, part 5221.0100, subpart 11a, or by a medical
2.12 facility described in section 176.136, subdivision 1b, paragraphs (a) and (b).

2.13 Sec. 2. Minnesota Statutes 2010, section 65B.44, subdivision 3, is amended to read:

2.14 Subd. 3. **Disability and income loss benefits.** Disability and income loss benefits
2.15 shall provide compensation for 85 percent of the injured person's loss of present and future
2.16 gross income from inability to work proximately caused by the nonfatal injury subject
2.17 to a maximum of ~~\$250~~ \$500 per week. Loss of income includes the costs incurred by a
2.18 self-employed person to hire substitute employees to perform tasks which are necessary to
2.19 maintain the income of the injured person, which are normally performed by the injured
2.20 person, and which cannot be performed because of the injury.

2.21 If the injured person is unemployed at the time of injury and is receiving or is
2.22 eligible to receive unemployment benefits under chapter 268, but the injured person loses
2.23 eligibility for those benefits because of inability to work caused by the injury, disability
2.24 and income loss benefits shall provide compensation for the lost benefits in an amount
2.25 equal to the unemployment benefits which otherwise would have been payable, subject to
2.26 a maximum of ~~\$250~~ \$500 per week.

2.27 Compensation under this subdivision shall be reduced by any income from substitute
2.28 work actually performed by the injured person or by income the injured person would
2.29 have earned in available appropriate substitute work which the injured person was capable
2.30 of performing but unreasonably failed to undertake.

2.31 For the purposes of this section "inability to work" means disability which prevents
2.32 the injured person from engaging in any substantial gainful occupation or employment
2.33 on a regular basis, for wage or profit, for which the injured person is or may by training
2.34 become reasonably qualified. If the injured person returns to employment and is unable by
2.35 reason of the injury to work continuously, compensation for lost income shall be reduced

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3.1 by the income received while the injured person is actually able to work. The weekly
3.2 maximums may not be prorated to arrive at a daily maximum, even if the injured person
3.3 does not incur loss of income for a full week.

3.4 For the purposes of this section, an injured person who is "unable by reason of the
3.5 injury to work continuously" includes, but is not limited to, a person who misses time
3.6 from work, including reasonable travel time, and loses income, vacation, or sick leave
3.7 benefits, to obtain medical treatment for an injury arising out of the maintenance or use
3.8 of a motor vehicle.

3.9 Sec. 3. Minnesota Statutes 2010, section 65B.44, subdivision 4, is amended to read:

3.10 Subd. 4. **Funeral and burial expenses.** Funeral and burial benefits shall be
3.11 reasonable expenses not in excess of ~~\$2,000~~ \$5,000, including expenses for cremation or
3.12 delivery under the Darlene Luther Revised Uniform Anatomical Gift Act, chapter 525A.