

**CHAPTER 5220**  
**DEPARTMENT OF LABOR AND INDUSTRY**  
**COMPENSATION AND REHABILITATION**

5220 1500 PROCEDURE FOR QUALIFYING AS  
 REHABILITATION CONSULTANT  
 5220 1600 PROCEDURE FOR APPROVAL AS A  
 FIRM  
 5220 1700 PROCEDURE FOR APPROVAL AS  
 REGISTERED REHABILITATION  
 VENDOR

5220 2690 SUBROGATION INTEREST IN  
 THIRD-PARTY RECOVERY  
 5220 2840 FAILURE TO MAKE PAYMENT TO  
 SPECIAL FUND, PENALTY

**5220.1500 PROCEDURE FOR QUALIFYING AS REHABILITATION CONSULTANT.**

Subpart 1. **Application.** An individual desiring to receive approval and registration as a qualified rehabilitation consultant shall submit to the commissioner, a complete application consisting of the following:

*[For text of subpart 1, items A to F, see M.R.]*

G. the annual registration fee of \$100 for each qualified rehabilitation consultant or qualified rehabilitation consultant intern.

The commissioner shall issue a notice of acceptance or rejection to the applicant within 60 days of receipt of the completed application. Acceptance will be provisional until the completion of an introductory training session.

*[For text of subps 2 to 5, see M.R.]*

**Statutory Authority:** *MS s 16A.128; 176.102*

**History:** *14 SR 375*

**5220.1600 PROCEDURE FOR APPROVAL AS A FIRM.**

*[For text of subpart 1, see M.R.]*

Subp. 2. **Application.** A private or public entity desiring to be approved as a firm shall submit to the commissioner a complete application consisting of the following:

*[For text of subp 2, items A to C, see M.R.]*

D. the annual registration fee of \$200 per firm.

*[For text of subps 3 to 5, see M.R.]*

**Statutory Authority:** *MS s 16A.128; 176.102*

**History:** *14 SR 375*

**5220.1700 PROCEDURE FOR APPROVAL AS REGISTERED REHABILITATION VENDOR.**

Subpart 1. **Application.** A private or public entity desiring to be approved as a registered rehabilitation vendor shall submit to the commissioner a complete application consisting of all of the following:

*[For text of subpart 1, items A to C, see M.R.]*

D. The annual registration fee of \$200 for each registered vendor.

*[For text of subps 2 to 4, see M.R.]*

**Statutory Authority:** *MS s 16A.128; 176.102*

**History:** *14 SR 375*

**5220.2690 SUBROGATION INTEREST IN THIRD-PARTY RECOVERY.**

*[For text of subpart 1, see M.R.]*

**Subp. 2. Stipulated agreement.** Where all of the parties have reached agreement with respect to the subrogation interest, a stipulated agreement concerning that interest may be submitted as provided in Minnesota Statutes, section 176.521.

**Subp. 3. Determination of subrogation interest.** The insurer or employee must comply with the procedures in this part in submitting a petition to the workers' compensation division for an order determining subrogation interest and credit.

A. The petition must be on the form prescribed by the commissioner and contain substantially the following:

(1) information identifying both the district court action if any and the workers' compensation claim involved;

(2) the total proceeds of the third-party settlement or award;

(3) the amount of legal fees and costs of the third-party claim;

(4) the subrogation interest of the employer itemized by type of benefits paid such as but not limited to:

(a) temporary total disability;

(b) temporary partial disability;

(c) permanent total disability;

(d) permanent partial disability;

(e) medical expenses where Minnesota Statutes, section 176.061, subdivision 7, claim was not made; and

(f) other;

(5) the name, address, and telephone number of the attorney for each party if any.

B. The petitioner shall serve a copy of the petition and attachments on all parties to both the third-party action and the workers' compensation proceeding. Notice to the special compensation fund shall be given where a subrogation interest based on payments made pursuant to Minnesota Statutes, section 176.183 or potential interest under Minnesota Statutes, section 176.131 is known.

C. The original petition, together with a copy of the district court order or stipulation for settlement and corresponding order for dismissal or other documentary evidence reflecting the nature and extent of the resolution in district court must be filed with the division with proof of service as required in item B.

D. Upon receipt of the petition, the division will issue an order containing the following:

(1) information identifying both the district court action if any and the workers' compensation claim involved;

(2) the information upon which the subrogation order is based;

(3) the calculation of the subrogation interest, including the future credit amount and the sum payable to the employee; and

(4) an explanation of the effect of the credit upon future benefit entitlement.

The order will be served on all parties and will contain notice of the parties' right to appeal the order within 30 days of its service.

E. If an appeal of the order is not received by the division within 30 days, the order will become the final order.

**Subp. 4. Appeal of order.** A party may appeal the order by filing a written appeal with the division and serving it on all parties within 30 days of the service

of the order. The appeal must contain a detailed statement explaining the factual or legal basis for the appeal and include any documentation supporting the appeal.

Upon receipt of a timely appeal, the matter will be referred to a settlement judge for a settlement conference to resolve the issues by agreement.

If agreement is not reached at the settlement conference but the parties agree to a stipulated set of facts, the settlement judge will rule on the subrogation interest under Minnesota Statutes, section 176.322. The determination is appealable as provided in Minnesota Statutes, section 176.322.

If agreement is not reached at the settlement conference and facts remain in dispute, the matter will be certified to the office for hearing.

**Statutory Authority:** *MS s 175.17 cl (2); 176.129 subd 10; 176.83 subds 1,15*

**History:** *13 SR 2686*

### **5220.2840 FAILURE TO MAKE PAYMENT TO SPECIAL FUND; PENALTY.**

**Subpart 1. Due date.** For workers' compensation benefits paid from January 1 through June 30, the due date of the completed assessment form and corresponding assessment amount is August 15 of the same calendar year.

For workers' compensation benefits paid from July 1 through December 31, the due date of the corresponding assessment amount is March 1 of the following calendar year.

Notice of the assessment rate and instructions for payment will be issued by the fund 45 or more days before the due date.

**Subp. 2. Basis.** A penalty will be assessed under Minnesota Statutes, section 176.129, subdivision 10, where either:

A. the completed assessment form and payment of the special compensation fund assessment; or

B. written certification that the assessment report and assessment payment will not be made by the due date because of reasons beyond the control of the insurer, is not received by the special compensation fund on or before the due date.

**Subp. 3. Amount.** Within 30 days of the due date, the special compensation fund will give notice of penalty to those who have neither filed the completed assessment form and paid the assessment amount, nor submitted a certified reason for nonpayment by the due date as follows:

A. Either:

(1) 2.5 percent of the assessment amount due if the assessment payment is received at the fund within five days after the due date; or

(2) five percent of the assessment amount due if the assessment payment is received at the fund within six to 30 days after the due date; or

(3) ten percent of the assessment amount due if the assessment payment is received at the fund within 31 to 60 days after the due date; or

(4) 15 percent of the assessment amount due if the assessment payment is received at the fund 61 or more days after the due date; or

B. \$500, whichever is greater.

**Subp. 4. Payable to.** Both the assessment amount and any penalty due under this part are payable to the special compensation fund.

**Subp. 5. Continued nonpayment.** If the insurer penalized does not make payment within six months of the due date, the fund director shall refer the file to the Department of Commerce for consideration of license or permit revocation.

**Statutory Authority:** *MS s 175.17 cl (2); 176.129 subd 10; 176.83 subds 1,15*

**History:** *13 SR 2686*