

5220.2530 FIRST REPORT OF INJURY.

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meanings given:

A. "Electronic first report of injury" means an original, changed, or corrected first report of injury that is submitted to the division by electronic data interchange (EDI), or the Minnesota eFROI Web portal, and that complies with:

(1) the requirements in sections 2 to 4 of the Minnesota implementation guide; and

(2) the IAIABC Claims Release 3.0 standards, implemented according to sections 2 to 4 of the Minnesota implementation guide.

B. "Minnesota implementation guide" means the Minnesota Department of Labor and Industry Electronic Filing of First Report of Injury Implementation Guide incorporated by reference in subpart 4.

C. "IAIABC Claims Release 3.0" means the IAIABC EDI Implementation Guide for Claims, First, Subsequent, Header, Trailer & Acknowledgment Detail Records Release 3.0, and the corresponding Supplement of Pending Changes, established by the International Association of Industrial Accident Boards and Commissions, which are incorporated by reference in subpart 4.

Subp. 2. **Timely reporting.** The first report of injury must be fully completed and submitted to the division as provided in subparts 3 and 5 within the time limits established by Minnesota Statutes, section 176.231.

Subp. 3. **Employer report.** This subpart applies only when Minnesota Statutes, section 176.231, subdivision 2, requires an employer to file a written first report of injury with the commissioner within seven days of death or serious injury. If an insurer, except for a self-insured employer, files the report on behalf of the employer, an electronic first report of injury must be filed according to subpart 5. Except where a self-insured employer elects to file an electronic first report of injury according to subpart 5, an employer must file a written first report of injury on a paper form prescribed by the commissioner containing substantially the information in items A to H:

A. information identifying the employee, employer, insurer, and any third-party administrator, including addresses and numbers identifying the employer, insurer, third-party administrator, and insurer class code;

B. the claim number, if one has been assigned;

C. information regarding all wages paid to the employee;

D. information regarding employment status, work schedule, and occupation, including date of hire;

E. information regarding the circumstances of the injury, including the date, place, time, persons or objects involved, and the date notice was received by the employer;

F. a description of the claimed injury and how and where it occurred;

G. information regarding lost time from work; and

H. the employee's date of birth, gender, and marital status.

Subp. 4. **Implementation guides incorporated by reference.** For purposes of this part, the following documents are incorporated by reference:

A. The Minnesota implementation guide, dated July 1, 2013. It is subject to frequent change, and future changes are also incorporated by reference into this subpart. It can be found at the Minnesota Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota, 55155, and on the department Web site at <http://www.dli.mn.gov/WC/Edi.asp>, and is available through the Minitex interlibrary loan system.

B. The IAIABC Claims Release 3.0, dated January 1, 2013, and the corresponding Supplement of Pending Changes, 2013 Edition, both published by the International Association of Industrial Accident Boards and Commissions (IAIABC). They are subject to frequent change, but future changes are not incorporated by reference into this part unless the changes are included in a future publication of the Minnesota implementation guide referenced in item A. They are available for free download by IAIABC EDI members, or for purchase by nonmembers, at <http://www.iaiabc.org>. A paper copy can be viewed at the Minnesota Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota, 55155, and is available through the Minitex interlibrary loan system.

Subp. 5. **Insurer report.** Except as provided in subpart 3, insurers and self-insured employers must file with the division an electronic first report of injury in all cases where a first report of injury is required to be filed under Minnesota Statutes, chapter 176. A first report of injury submitted by the insurer or self-insured employer in any other manner or format is not considered filed with the division. The division must "reject," "accept without errors," or "accept with errors" a first report of injury submitted electronically according to the requirements in sections 2 to 4 of the Minnesota implementation guide as follows:

A. A first report of injury submitted electronically that is "rejected" is not considered filed with the division.

B. An electronic first report of injury that is "accepted without errors" is considered filed with the division on the date as provided in item D.

C. An electronic first report of injury that is "accepted with errors" is considered filed with the division on the date as provided in item D. However, the insurer or self-insured employer must file a changed or corrected electronic first report of injury that corrects all identified errors within 60 days after the division sent the insurer or self-insured employer an electronic acknowledgment transmission describing the errors.

D. An accepted electronic first report of injury that is transmitted to the division at or before 4:30 p.m. central time on a state business day is considered filed on that day. An accepted electronic first report of injury that is transmitted after 4:30 p.m. central time or on a nonbusiness day is considered filed on the next day the state is open for business.

Subp. 6. **Penalty for untimely report.** Failure to file a paper or electronic first report of injury within the time frames required by Minnesota Statutes, chapter 176, and this part may result in a penalty assessment against the employer or insurer of the penalty set out in part 5220.2820 and against the insurer of the penalty set out in part 5220.2770.

Subp. 7. **Penalty for untimely corrected report.** Failure to file a changed or corrected electronic first report of injury that corrects all errors within 60 days after the division sends an electronic acknowledgment transmission describing the errors under subpart 5, item C, may result in a penalty assessment against the insurer or self-insured employer under part 5220.2830.

Statutory Authority: *MS s 175.17; 175.171; 176.83*

History: *11 SR 1530; 18 SR 2546; 38 SR 726*

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