

5228.0130 DETERMINATIONS BY FRAUD UNIT.

Subpart 1. **Investigation; scope.** The fraud unit shall determine:

A. whether violations of statutes or rules relating to workers' compensation, including Minnesota Statutes, section 176.178, 176.179, or 609.52, exist and can be documented by evidence sufficient to warrant a request for action or to support proceeding with civil, criminal, or administrative legal action;

B. whether there is probable cause for a request for action to the appropriate prosecuting authority; and

C. whether other referrals should be made for civil, criminal, or administrative action.

Subp. 2. **Post-investigative action.** Following the completion of an investigation, the fraud unit shall take one or more of the following actions:

A. determine that no further action is necessary;

B. refer to the paying party entitled to seek an order for reimbursement of overpayment of benefits not received in good faith under Minnesota Statutes, section 176.179;

C. refer by request for action to the appropriate prosecuting authority for criminal review and legal action;

D. refer for civil legal action or review;

E. refer to the appropriate state licensing authorities having disciplinary jurisdiction over licensees or registrants including, but not limited to, the commissioners of commerce, health, and labor and industry;

F. refer to the Lawyers Professional Responsibility Board for review or investigation of attorneys;

G. refer to the Department of Commerce for review or action concerning insurers, third-party administrators, or other business entities;

H. refer to the commissioner for review of whether administrative sanctions for licensees, registrants, or rehabilitation and health care providers under Minnesota Statutes, chapter 176, are appropriate;

I. refer to the boards, commissions, or departments having regulatory oversight of rehabilitation or health care providers including, but not limited to, the health-related licensing boards enumerated and defined in Minnesota Statutes, section 214.01, subdivision 2, the medical services review board, and the rehabilitation review panel;

J. refer to the Department of Human Rights, the Equal Employment Opportunity Commission, or the United States Department of Justice, Civil Rights Division, Office of the Americans with Disabilities Act, for review and action concerning disability discrimination; or

K. refer to the commissioner for further investigation, review, or action regarding safety or labor standards violations.

Statutory Authority: *MS s 176.87*

History: *17 SR 3380*

Published Electronically: *June 11, 2008*