



# The Brown & Carlson Insight

## 2013 LEGISLATIVE CHANGES

---

### Quick Links

[Our Website](#)

[Attorneys](#)

---

**Douglas J. Brown**  
[dbrown@brownandcarlson.com](mailto:dbrown@brownandcarlson.com)  
5411 Circle Down Avenue  
Suite 100  
Minneapolis, MN 55416-1311  
763.591.9950



*Striving to exceed our  
clients' expectations.*

### Summary of 2013 Legislative Changes

#### I. Medical Conferences

The \$7,500 statutory jurisdictional limit for medical conferences no longer applies if the issue is related to charges in excess of the fee schedule.

Effective May 17, 2013.

#### II. Stipulations for Settlement

If a matter pending before the Workers' Compensation Court of Appeals is settled, the Stipulation for Settlement must be submitted to a compensation judge at OAH. There are certain procedural guidelines outlined by the statute.

This change is effective for settlement agreements submitted for approval on or after July 1, 2013.

#### III. Mental/Mental Injuries

A. The definitions of both an occupational disease and a personal injury have been changed to include "mental impairment."

B. "Mental Impairment" is defined as "a diagnosis of post-traumatic stress disorder by a licensed psychiatrist or psychologist." Further, PTSD means the condition as described in the most recent edition of the DSM. (It is my understanding the proposed DSM V will significantly expand the definition of PTSD.)

C. A "mental impairment" is not compensable if it

"results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action taken in good faith by the employer."

D. Effective for dates of injury on or after October 1, 2013.

#### **IV. Attorney Fees**

A. The maximum attorney fee has been increased to \$26,000.

B. The formula is changed so that the attorney is entitled to a straight 20% of the first \$130,000 of compensation.

C. The statute eliminates subdivision 7 fees on *Roraff* and *Heaton* fees.

D. Effective for dates of injury on or after October 1, 2013.

#### **V. Maximum Compensation Rate**

The maximum compensation rate is now set at 102% of the statewide average weekly wage for the period ending December 31 of the preceding year.

Effective for dates of injury on or after October 1, 2013.

#### **VI. Job Placement**

A. Job placement must not exceed 20 hours per month or 26 consecutive or intermittent weeks.

B. After 13 weeks of job development, the QRC must meet with the parties to agree to continue job placement or file for a conference to discuss rehabilitation.

C. Effective for dates of injury on or after October 1, 2013.

## **VII. Rehabilitation Conferences**

Rehabilitation Conferences must be held within 21 days after receipt of the request for conference.

Effective October 1, 2013.

## **VIII. Adjustment of Benefits**

A. The annual adjustment now cannot exceed 3% instead of 2%.

B. The first adjustment will occur on the 3rd anniversary of the DOI instead of the 4th anniversary.

C. Effective for dates of injury on or after October 1, 2013.

## **IX. Narcotics**

The statute requires the commission to establish rules that set up criteria for the long-term use of narcotics, including the use of written narcotic contracts.

Effective October 1, 2013, but will apply to all dates of injury.

## **X. Fusion Surgeries**

The statute sets up a two-year "patient advocate program" for employees with back injuries who are considering a fusion surgery. The program needs to advise employees of their treatment options and is to ensure that employees receive treatment "according to the accepted medical standards."

Effective October 1, 2013.

If you have any questions regarding this or on other matters, please contact us.

---