
Brown & Carlson Insight

Change to First Report of Injury Requirements

By Erica A. Weber

In November 2020, the filing requirements for first reports of injuries or death changed.

Previously, the First Report of Injury form (“FROI”) was required within 2 days of the occurrence of any death or serious work-related injury or where an injury resulted in more than three calendar days of lost time from work.

Effective November 2, 2020, the law requires that, in addition to the above, insurers and self-insured employers are also required to file a FROI, if not already filed, **within 14 days after** any of the following:

- A document is filed initiating a dispute;
- A rehabilitation consultation report or rehabilitation plan is filed;
- or
- When permanent partial disability is ascertainable.

The failure to timely file a report in compliance with the above can result in an assessment of a \$500 penalty, per each failure.

As an example: assume a scenario where an employee is injured at work, transported for medical care, but returns to work the next day. Two months later, the employee quits. A First Report of Injury was never filed because the employee never missed more than three calendar days from work. Later, the insurer receives a Claim Petition seeking payment of TTD and a PPD rating assessed by a treating physician.

Under the above example, if the First Report of Injury is not filed with the Department of Labor and Industry within 14 days of the Claim Petition filing, there could be a *potential* penalty for failure to timely report the injury occurrence.

Please keep in mind the heightened reporting requirements above, which trigger the need to file a FROI to avoid any potential penalty assessment. If there are doubts about whether a FROI is needed, please feel free to call us at 763-591-9950 and we would be happy to discuss your questions.

The law requiring the first report filing, Minn. Stat. 176.231, can be found at: www.revisor.mn.gov/statutes/cite/176.231.

A link to the FROI form is at:

<https://www.dli.mn.gov/sites/default/files/pdf/fr01.pdf>.

If you have any questions, please feel free to call Erica Weber at (763) 252-6373.

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