

### ***What is Workers' Compensation?***

The Workers' Compensation Act was established by the Minnesota Legislature to provide benefits for employees who become injured at work.

Workers' Compensation covers injuries or illnesses caused or made worse by work or the workplace. Benefits are paid regardless of any fault of either the employer or employee.

### ***Am I Covered by Workers' Compensation?***

Under the Minnesota Workers' Compensation Act, employers are required to carry insurance for employees. There is no minimum number of employees necessary for the Workers' Compensation Act to be applicable to an employer. In most cases, any employer-employee relationship will cause the employer or his insurance carrier to be responsible for workers' compensation benefits.

### ***How Do I Begin the Process to Collect Workers' Compensation Benefits?***

Report any injury to a supervisor or employer as soon as possible. Benefits may be jeopardized if an injury report or notice is not given to an employer within the time periods prescribed by law. After receiving an injury report, the employer will begin the process necessary for an injured employee to collect benefits.

### ***What Types of Benefits Does Workers' Compensation Pay?***

Generally, workers' compensation will pay:

- Reasonable and necessary medical care related to the injury;
- Wage-loss benefits;
- Permanent partial disability for loss of function related to your injury;
- Vocational services, including, in some cases, retraining.

### ***What Monetary Benefits Are Available?***

For injuries which occur on or after October 1,

1995, an injured employee is entitled to the following:

- Temporary Total Disability (TTD) benefits. This is monetary compensation of 66.66% of an employee's gross weekly wage at the time of injury. This amount is payable to the injured employee for the period of time the employee is unable to return to work at all.
- Temporary Partial Disability (TPD) benefits. If the work injury results in a lower paying position, the employee is entitled to wage loss benefits of 66.66% of the difference between the lower paying position and his or her gross weekly wage at the time of injury.
- Permanent Partial Disability benefits. This is compensation in a lump sum payment (or benefits payable over a period of weeks) as payment for the functional loss of use or impairment of function of a body part. PPD benefits are calculated by multiplying the percentage of disability by a graduated monetary schedule established by the Minnesota Legislature.

### ***What Health Care Benefits Are Available?***

Workers' Compensation will pay the cost of all reasonable and necessary health care treatment related to a work injury or work illness. Medical providers will bill the appropriate workers' compensation insurance company directly.

**Important**  
**Chiropractic and passive treatment is limited to 12 consecutive weeks and an additional 12 non-regularly scheduled treatments over an additional 12 month period.**

Also, prescription costs and travel expenses (including mileage) to and from medical appointments are payable. These bills should be sent directly to the workers' compensation insurance company.

### ***Can I Choose My Own Health Care Providers?***

In most circumstances, an injured employee may choose his or her own health care provider. However, if the employer participates in a certified managed care plan, with certain exceptions, the injured employee must go to a provider in the certified managed care network.

### **Notice**

**If you are covered by a certified managed care plan, your employer must post a notice that shows how to get treatment using the managed care plan and provide the name and phone number of a contact person. If in doubt, ask the employer or insurer for a list of providers in the plan or contact the Minnesota Department of Labor and Industry for confirmation of the employer's certified managed care plan.**

### ***Can I Get Help With Vocational Rehabilitation?***

An injured employee may be eligible for vocational rehabilitation services. Generally, if, because of a work-related injury, the employee needs help returning to work and the employer is unable to offer the employee suitable gainful employment within his or her work restrictions, vocational assistance is made available.

If it becomes known to the injured employee that he or she will be unable to return to work for at least 13 weeks; or, when 90 days have passed since the date of injury and the employee has not

returned to work; or, when the employee has requested rehabilitation services, the employee is automatically eligible to meet with a Qualified Rehabilitation Consultant (QRC). The QRC will determine if the employee is eligible for further rehabilitation services.

**If, after the initial consultation with a QRC, the QRC determines further rehabilitation services are necessary, the injured employee may choose his or her own QRC. With certain exceptions, this must be done within 60 days after the rehabilitation plan is filed.**

#### ***Can I Get Retraining If I'm Not Able To Return To My Job?***

The rehabilitation plan may include retraining. The QRC assigned to the employee is responsible for preparing any retraining plan.

Please note that if the employee's date of injury was between October 1, 1995, and September 30, 2000, the retraining request must be filed before the employee receives 104 weeks of any combination of TTD and TPD benefits.

For injuries on or after October 1, 2000, the retraining request must be filed before the employee receives 156 weeks of any combination of TTD and TPD benefits.

#### ***What Are Independent Medical Examinations And Must I Attend If I Am Scheduled For One?***

The insurance company may ask you to be examined by a health care provider of its choice. Generally, you will receive written notice of this request in the form of a letter notifying you of the location of the medical provider's office and the time and date of the examination. The insurer may suspend your benefits if you refuse to be examined by that doctor. Also, if fail to

attend the examination or do not give adequate notice to reschedule the examination, you may be billed directly for the examination costs.

The insurance company must reimburse you for mileage and other travel expenses related to attending the independent medical examination.

#### ***When Do I Need An Attorney?***

You should consult an attorney if:

- You are unclear or uncertain about your rights and the benefits available to you under the Minnesota Workers' Compensation Act.
- If your work injury was caused while you were driving a motor vehicle. These types of cases must be investigated as soon as possible to determine if you also have a claim other than under the workers' compensation act.
- If your injury occurred because of a malfunction or defect of a motor vehicle, product, or job-related piece of equipment, you should contact an attorney immediately. There are special "notice" requirements that need to be met in these situations to pursue a claim for damages other than workers' compensation.

#### ***How Much Will it Cost to Retain an Attorney?***

Attorneys work on a contingency-fee basis and charge a fee only if a recovery is made.

For more Information call:

Donald W. Kohler  
Attorney at Law  
3500 Willow Lake Blvd. Suite 800  
White Bear Lake, MN 55110  
**Office: (651) 426-1869**

Email: [dkohler@klaw.us](mailto:dkohler@klaw.us)  
Website: [www.kohlerlaw.com](http://www.kohlerlaw.com)



# Your Right to Medical and Other Benefits Under The Minnesota Workers' Compensation Act.

*A Summary of the Minnesota Workers'  
Compensation Act.*