

PUBLIC SAFETY INJURY WORKERS' COMPENSATION CLAIMS

AGENDA

1. Municipal Pooling: Claims Handling Philosophy
2. Workers' Compensation overview
3. Inherent challenges with PTSD claims

THE POOLING DIFFERENCE



WHY WERE POOLS CREATED?

- **HARD MARKET CYCLES**

-

-

1972-1974

-

1976-1979

-

1984-1988

-

2000-2003

How This Works

RISK POOLING

- Members pool funds to pay claims and cover operations
- Tax-payer funds
- No profit motive
- Return a dividend when financially prudent
- Loss control
- Risk management



LMCIT VALUES



Best value; lowest long-term cost



Responsiveness to member needs



Fairness among members

Stability: costs, financial strength, coverage



Knowledge and expertise



Member trust and confidence



Leadership on risk issues



Innovation and experimentation

LMCIT OVERVIEW

Established 1980

Joint powers entity

Board of Trustees

- 7 members appointed by League Board
 - At least 2 must be elected officials
 - At least 1 must be an LMC Board member
- LMC Executive Director serves ex-officio

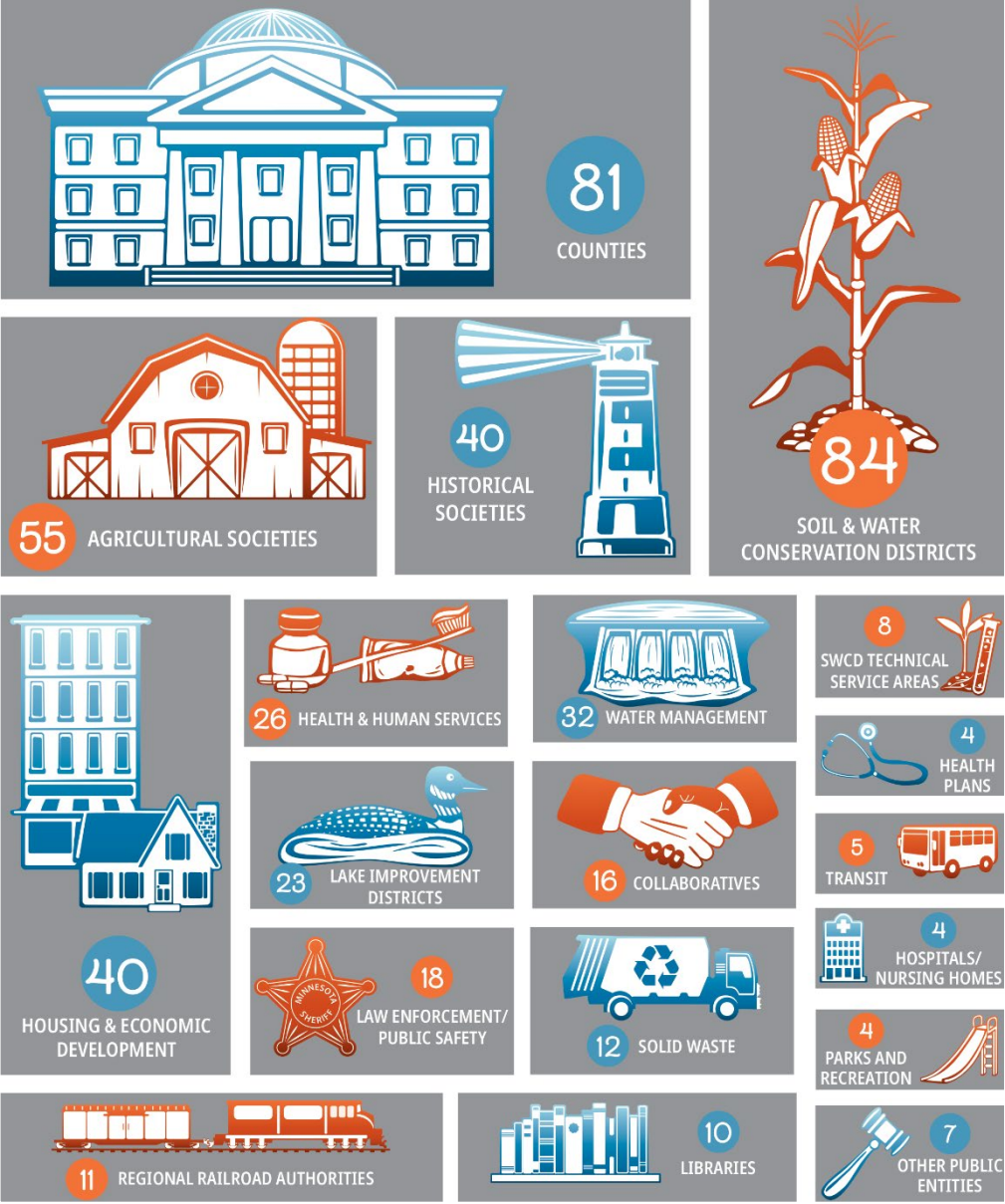


MCIT Mission

Providing Minnesota counties and associated members cost-effective coverage with comprehensive and quality risk management services

Restricted Participation

MEMBER TYPES



Purpose, Process and Challenges

WORKERS' COMPENSATION SYSTEM

WORKERS' COMPENSATION SYSTEM

OVERVIEW

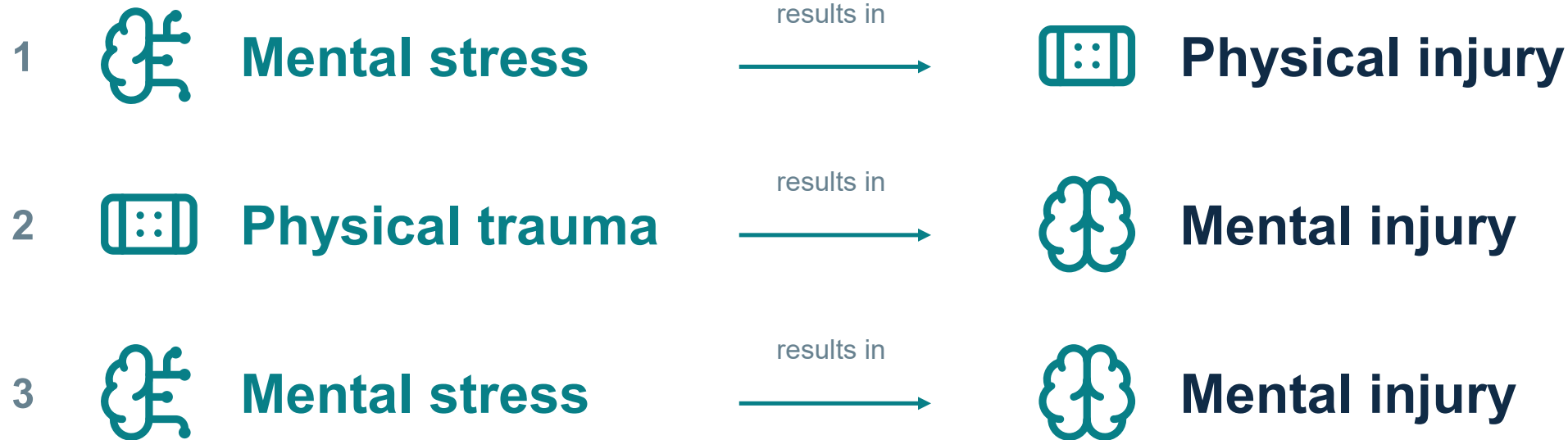
- Minnesota's workers' compensation system represents a compromise between the interests of the employer and the employee. The law:
 - Provides the exclusive remedy for work-related injuries.
 - Establishes Compensation.
 - Liability is assumed regardless of fault, assumption of the risk or if the injury was the responsibility of fellow employees.

REHABILITATION/RETRAINING

- Primary Goals
 - Restore the injured worker to a job related to his or her former employment; or
 - Return the injured worker to a job in another work area that produces an economic status as close as possible to what he or she would have enjoyed without a disability.

Psychological injury claims: three categories

Workers' compensation claims involving mental or psychological problems



Minnesota recognizes the first two categories.

Claims where mental stress results in mental injury are not compensable, with a limited exception for certain post-traumatic stress disorder (PTSD) claims occurring on or after October 1, 2013.

What mental health injuries can be covered?



Post Traumatic Stress Disorder

Is the only Mental Health Condition that can be covered without a physical injury (effective 10/1/2013)



Other mental health injuries

Must link to a physical injury to qualify for coverage

A PTSD claim requires medical and legal causation



Professional diagnosis

Licensed psychiatrist or psychologist using the required diagnostic manual under Minnesota law



Connection to work

The diagnosis must relate to job duties or the work environment



At least one month

Symptoms last one month or longer and cause serious problems that affect work, social life or other important areas

PTSD must not be caused by a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by the employer.

Who qualifies for the PTSD presumption

The presumption applies to employees actively working in these roles:
(injuries occurring on or after January 1, 2019)



Law enforcement

Police officer; sheriff or full-time deputy sheriff;
Minnesota State Patrol member



Fire and emergency care

Firefighter, paramedic or EMT; licensed nurse
providing emergency care outside a medical
facility



Emergency communications

Public safety dispatcher



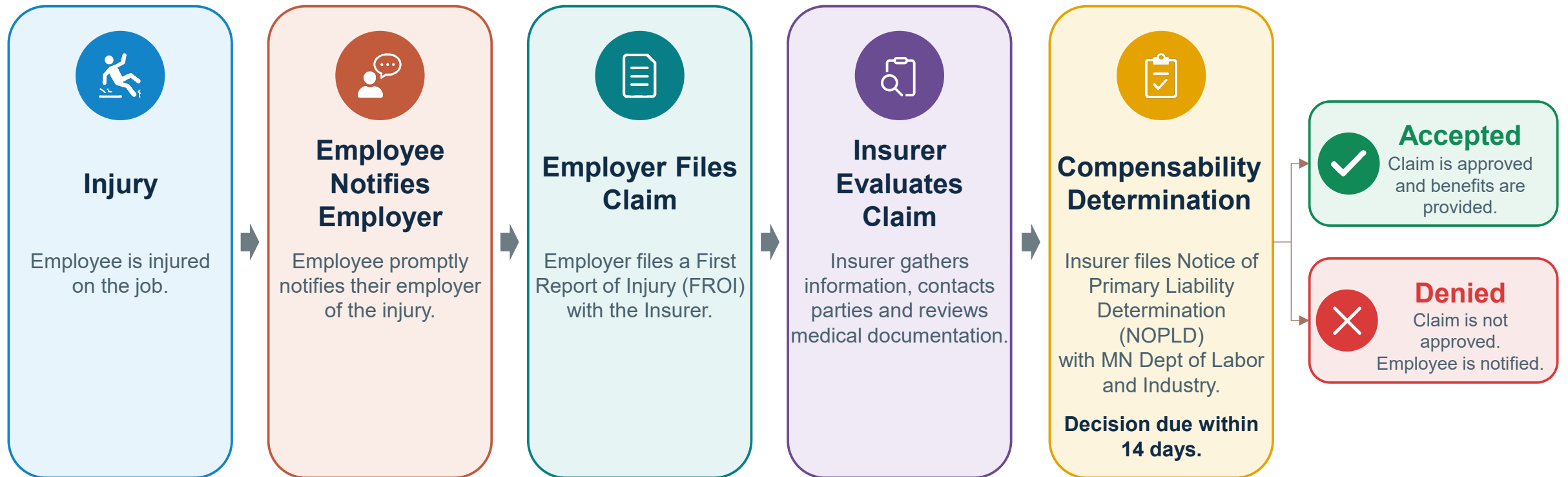
Corrections/ detention/ secure treatment facility

Correctional officer or security counselor

For employees in presumptive occupations, if an employee has a mental injury which was not diagnosed before, the law assumes the injury is work related.

Workers' Compensation Claims Process

(Lost-Time Claims)



Evaluation to determine compensability

Physical claims vs. PTSD claims

Typical physical injury

Fractured ankle after a work accident:
often assessable within days

What happened: A specific accident on a specific date.

Arose out of / course of employment: The accident occurred while performing work duties.

Evidence of injury: X-ray/MRI, examination or other objective findings.

Medical causation: A provider can often connect the condition to the event.

PTSD claim

May require more clinical and factual information

What happened: Details of the claimed work event or exposure.

Clinical diagnosis: Records and findings supporting the PTSD diagnosis.

Causation and history: Work relationship, other factors and prior conditions.

Timing: Onset of symptoms/disability and reporting dates.

Clinical evidence may still be pending when the initial liability determination is due.

The date of injury for a physical injury claim is usually clear. The date of injury for PTSD can be less straightforward.

PTSD claims: information to evaluate

Review the work event, clinical evidence and statutory requirements

Event, timing and work status

Qualifying work event and details

Report date and employer awareness of recent incidents

Onset of symptoms or disability

Lost or anticipated lost time, restrictions and workability report

Diagnosis and documentation

Treatment sought and PTSD diagnosis by a qualifying professional*

Records submitted or obtained, with specific clinical findings for each applicable DSM-5-TR criterion

PTSD rather than another psychological diagnosis

Causation and prior history

Relationship to employment and significant non-work factors

New condition, recurrence or aggravation of a preexisting condition

Any previous PTSD diagnosis

Presumption and employer input

Does the statutory presumption apply?

Employer information about the claim and recent disciplinary action, work evaluation, job transfer or similar action

*Licensed psychiatrist or psychologist. For dates of injury on or after October 1, 2026, a psychiatric mental health nurse practitioner also qualifies.

PTSD claim considerations

Presumption, diagnosis and supporting medical evidence



Presumption

Does the occupation qualify?
The employee must not have been previously diagnosed with PTSD.



Professional diagnosis

PTSD diagnosis by a licensed psychologist or psychiatrist.*



DSM requirements

Diagnosis meets the description of PTSD in the most recent DSM edition (currently DSM-5-TR).



Medical documentation

Does the medical documentation establish, with specific clinical findings, how the employee meets each applicable DSM-5-TR criterion for PTSD?

Good-faith employment actions

Mental impairment is not an occupational disease 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.

*For dates of injury on or after October 1, 2026, a psychiatric mental health nurse practitioner also qualifies.

[Minn. Stat. § 176.011, subd. 15\(d\)–\(e\); 2026 Minn. Laws ch. 103, § 8.](#) DSM-5-TR: American Psychiatric Association

Presumption may be rebutted by substantial factors

- PTSD diagnosis is the result of disciplinary action, work evaluation, termination, job transfer, demotion, promotion, termination, or other good faith action on the part of the employer.
- Credibility evidence-inaccurate reporting by injured worker to provider/employee's expert relies on faulty information.
- The employee's expert did not give a diagnosis using DSM-5 or misapplied the proper DSM-5 criteria.
- Evidence of non-work-related psychological conditions or stressors/prior non-work related PTSD diagnosis.

The presumption does not apply if the employee has been diagnosed with PTSD in the past. This come up frequently given the overlap between military service and careers in law enforcement.

Notable Statute Changes 2026

Changes effective for dates of injury on or after October 1, 2026

Occupational Disease

Minn. Stat. § 176.011, subd. 15

An additional PTSD diagnosing professional

A licensed psychiatrist, psychologist or psychiatric mental health nurse practitioner may diagnose work-related PTSD.

Commencement of Payment

Minn. Stat. § 176.221, subd. 1

90 days (previously 60)

An employer and insurer now have 90 days to file an Amended Notice of Primary Liability Determination (NOPLD). This is an increase from 60 days.

The initial 14-day liability determination deadline remains unchanged.

Denied? Next Steps...



The insurer's notice should explain the facts and reasons for denial.

For a presumptive occupation, it must include substantial factors the employer or insurer knew when making the decision.

Options to dispute the denial



Ask the claim adjuster

Request reconsideration of the denial.



File an Employee's Claim Petition

At the Court of Administrative Hearings.



Contact an attorney

Understand your rights and dispute the denial.

Support and contacts

Help returning to work

DLI Vocational Rehabilitation

651-284-5038 / 888-772-5500

Help with a denied claim

Workers' compensation ombudsman

651-284-5013 / 800-342-5353

dli.ombudsman@state.mn.us

Common reasons for claim denial

Minnesota workers' compensation

Reason for denial	Description	Statutory or source reference
Injury not reported on time	Injury not reported within 14 days; late reports may bar compensation unless exceptions apply	Minn. Stat. § 176.141
Injury not work-related	Insurer disputes the injury arose out of and in the course of employment	Minn. Stat. § 176.011, subd. 16
Insufficient medical evidence	Claim lacks documentation or a valid medical diagnosis connecting injury to work	Minn. Stat. § 176.135, subd. 1; Minn. Stat. § 176.011, subd. 15 (d); Minnesota CLE Workers' Compensation Deskbook, Ch. 5 ("Medical Causation")
Pre-existing condition	Insurer attributes symptoms to a prior or unrelated medical issue	Minn. Stat. § 176.101; Minnesota CLE Deskbook, Ch. 6 ("Defenses to Compensability")
No lost time or medical treatment needed	Injury deemed too minor for wage-loss or medical benefits	Minn. Stat. § 176.231, subd. 1
Injury during non-work activity	Employee was not performing job duties at time of incident	Minn. Stat. § 176.011, subd. 16; Minnesota CLE Deskbook, Ch. 3 ("Arising Out of and In the Course of")
PTSD exclusion applies	PTSD caused by statutorily excluded employer actions (for example, discipline, layoff) is not compensable	Minn. Stat. § 176.011, subd. 15(d)–(e)

PTSD claim denials - challenges

- FROI filing at date of traumatic event or unclear date of injury
 - 30 days of symptoms required for diagnosis may not have elapsed
- Insufficient Medical Documentation
 - Decision must be made within 14 days
 - Timeliness in receiving mental health records
 - Medical and diagnostic records incomplete

QUESTIONS?