

Minnesota Supreme Court affirms out-of-state medical providers treating a work comp claimant are paid based on the fee schedule of the state where the claimant received medical treatment.

In **Schatz v. Interfaith Care Center**, ___ N.W.2d ___ (Minn. 2012), the employee was injured in a work-related accident in Minnesota, and subsequently moved to Wyoming where she received medical treatment. The Wyoming medical providers submitted their bills to the workers' compensation insurer which then made payments under the workers' compensation benefit structure in Wyoming. The employee filed a Medical Request seeking payment of the unpaid balance, asserting the Minnesota statute requiring employers and insurers to pay for reasonable and necessary medical treatment, Minn. Stat. §176.135, mandated that the employer and insurer pay the balances.

The Minnesota Supreme Court stated §176.135, subdivision 1, merely addresses whether an employer shall "furnish" medical treatment to cure and relieve the injured employee from the effects of the injury. In comparison, § 176.136, subdivision 1b(d) limits the amount an out-of-state medical provider may receive, to the amount provided in the workers' compensation fee schedule of the state where the medical treatment is provided. The Court concluded no conflict exists between §176.135, subdivision 1, and § 76.136, subdivision 1b(d). It further held that §176.136, subdivision 1b(d) does not violate the employee's constitutional rights to interstate travel, equal protection, or due process.

In an important footnote in the decision the Court stated, "Neither Wyoming medical provider intervened in this action; both have notified Schatz that they believe it is her responsibility to pay the remaining balances of the bills. We need not, and do not, decide whether Schatz is liable for the remaining balances." Since the Minnesota employer and insurer are not responsible for the remaining balances, it will be interesting to see whether the providers attempt to recover their balances from the claimant or whether they will write them off. In addition, we will monitor this case to determine if the claimant will appeal the constitutional issues to the Eighth Circuit.

The Supreme Court issued its decision in Schatz on April 11, 2012. You can find the full text of the decision here <http://www.lawlibrary.state.mn.us/archive/sct12q2.html>

Please contact any of the attorneys in our firm's Workers' Compensation Practice Group if you have any questions about the Schatz case or other workers' compensation matters.

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