



ADMINISTRATIVE RULES OF MONTANA



24.29.1202 DOCUMENTATION REQUIREMENTS

- (1) A petition to the department for lump-sum conversion of biweekly permanent total disability benefits for all dates of injury must include a description of the lump-sum proposal, including but not limited to:
 - (a) analysis of the worker's current financial conditions as described in (3);
 - (b) analysis of the worker's financial condition under the proposed lump-sum conversion, that includes a description of the use of the lump-sum and how this use will contribute to financially sustaining the worker over the same period biweekly payments would have been paid;
 - (c) analysis of financial condition that would be reasonably expected had the worker not been injured; and
 - (d) an affidavit signed by the worker attesting to the validity of information provided in the written petition.
- (2) A petition to the department for conversion of biweekly permanent partial disability benefits to a lump-sum payment must include an analysis of current financial conditions as described in (3) only for a claim with a date of injury prior to July 1, 1991.
- (3) "Analysis of current financial condition" for purposes of (1) shall include a detailed list of all the worker's assets, liabilities, sources of income, and monthly obligations.
- (4) A petition for lump-sum conversion of permanent total benefits that involves the partial or total elimination of existing delinquent or outstanding debts must include a plan for debt consolidation.
- (5) If a permanent total benefit lump-sum proposal involves a business venture, the proposal must include a business plan that shows the net income available to the worker after business expenses are paid.
- (6) A request for lump-sum settlement of medical benefits must include the following completed forms:
 - (a) "Petition for Settlement Injury/Occupational Disease Medical Benefits Closed On An Accepted Claim" form signed by the claimant, a witness, and the insurer or the insurer's authorized representative;
 - (b) "Recap Sheet" form signed by the claimant and the insurer or the insurer's authorized representative; and
 - (c) "Summary of Settlement of Medical Benefits" form signed by the claimant and the insurer or the insurer's authorized representative.

- (7) The total value of the workers' compensation benefits may be discounted at the current rate established by the department when an insurer calculates a conversion to a lump-sum payment. For claims with dates of injury between April 15, 1985 and June 30, 1987, the lump-sum payment may be discounted by 7%, compounded annually.

Authorizing statute(s): 39-71-203, MCA

Implementing statute(s): 39-71-741, MCA

History: NEW, 1985 MAR p. 1564, Eff. 10/18/85; AMD, 2013 MAR p. 841, Eff. 5/24/13; AMD, 2024 MAR p. 1066, Eff. 5/11/24.