

Workers Compensation Benefit Overview – Iowa

Major Developments: Last major legislation in 2004 (SB899), affected indemnity rates, disability rating, medical treatment, medical-legal disputes, penalties, and apportionment. 2007 legislation affects caps on TD and post-surgical treatments.

Indemnity Issues

<p>Temporary Total Benefits</p>	<p>Temporary Total Disability (TTD) [85.32, 85.33(1)]</p> <p>When an injury results in more than three calendar days of disability, the employee may be entitled to TTD benefits beginning on the fourth day and continuing until the employee has returned to work or is medically capable of returning to substantially similar employment, whichever occurs first. The three-day waiting period becomes payable if the disability period exceeds fourteen calendar days.</p> <p>Total weekly compensation for any employee is not to exceed 80% of the employee's weekly spendable earnings. The law defines "spendable earnings" as that amount remaining after payroll taxes are deducted from gross weekly earnings.</p> <p>The weekly amount of the disability benefit is determined by the employee's average gross weekly earnings, the number of exemptions, and the marital status.</p> <p>The minimum weekly benefit amount for TTD or HP is equal to either the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent (35%) of the statewide average weekly wage OR the spendable weekly earnings of the employee, WHICHEVER IS LESS. The minimum weekly benefit amount for PPD, PTD or death benefits is equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent (35%) of the statewide average weekly wage.</p>
<p>Temporary Partial Benefits</p>	<p>Temporary Partial Disability (TPD) [85.32(2-5)]</p> <p>TPD benefits may be payable if the employee returns to work at a lesser paying job, because of the injury. The TPD benefit amount is to be 66 2/3 percent of the difference between the employee's average gross weekly earnings at the time of the injury and the employee's actual earnings while temporarily working at the lesser paying job. The three-day waiting period (explained above) also applies to TPD.</p>
<p>Permanent Partial Benefits</p>	<p>Permanent Total Disability (PTD) [85.34(3)]</p> <p>When a job-related injury leaves an employee incapable of returning to gainful employment, the employee may be entitled to PTD benefits. The PTD benefits are payable as long as the employee remains permanently totally disabled.</p> <p>The maximum weekly disability benefit rate for PPD is 1311.00.</p> <p>The PPD benefits are payable in addition to the HP benefits and are to begin at the termination of the healing period. There are two types of PPD benefits: (1) Scheduled Member Disabilities and (2) Body As A Whole disabilities.</p>

Permanent Total Benefits	<p>Permanent Total Disability (PTD) [85.34(3)]</p> <p>When a job-related injury leaves an employee incapable of returning to gainful employment, the employee may be entitled to PTD benefits. The PTD benefits are payable as long as the employee remains permanently totally disabled.</p> <p>The maximum weekly disability benefit rate for PTD and death benefits is \$1311.00. These rates are effective July 1, 2007 to June 30, 2008. The rates are adjusted annually.</p>
Fatality Benefits	<p>Death Benefits (DEA) [85.28, 85.31, 85.42, 85.43, 85.44]</p> <p>Death benefits are payable to the dependents of the employee. Benefits are first payable to the surviving spouse for life or until remarriage. Dependent children are entitled to the benefit until they reach age 18, or age 25 if they are actually dependent. Others may qualify, if there is a showing of actual dependency. Upon remarriage, if there are no dependent children, the surviving spouse is entitled to a two-year lump sum settlement. Burial expenses up to \$7,500.00 are paid in addition to the weekly death benefits.</p> <p>The maximum weekly disability benefit rate for death benefits is \$1311.00. These rates are effective July 1, 2007 to June 30, 2008. The rates are adjusted annually.</p>
Vocational Rehabilitation	<p>VOCATIONAL REHABILITATION BENEFITS [85.70]</p> <p>An employee who has a permanent partial or permanent total disability which makes return to gainful employment impossible may be entitled to a payment of \$100.00 per week (up to thirteen weeks) if the employee is actively participating in a vocational rehabilitation program. An additional thirteen weeks may be paid if approved by the workers' compensation commissioner.</p>
Settlement Allowed	Yes. Can lump sum settle in Iowa.
Cap on benefits, exceptions	None

Medical Issues

Initial Choice of Provider	Employer choice. One IME allowed for the employee for a PPD rating. Follow up IMEs allowed every 6 months as long as with same physician.
Change of Provider	Injured worker can petition the court for alternate care hearing to change the treating physician. .
Medical Fee Schedule	None
Managed Care	None
Utilization Review	None

Treatment Guidelines	None
Medical Mileage Reimbursement Rate	\$.58.5 per mile effective 7/01/08
Ability to Terminate Medical Treatment	Must show medical treatment is not related to work injury. Otherwise, lifetime medical is applicable.
Settlement Allowed	Yes
Cap on benefits, exceptions	No cap.

Other Issues

Staff Counsel	Law Offices of Daniel Hansen 7131 Vista Drive West Des Moines Iowa 50266 Phone Direct Dial: (515) 221-9657
Hearings require attorney or claim handler participation	Attorney
Occupational Diseases	Handled same as occupational injury.
Second Injury Fund availability	No Second Injury Fund Surcharge for Insurers and Self-Insured Iowa Employers: It has been determined and reported by the State of Iowa that there are sufficient funds currently available to meet the liabilities of the Second Injury Fund. Therefore, there will be no surcharge imposed upon insurers and self-insured employers in the State of Iowa. (11-20-06)
Other Offset Opportunities	None

State workers compensation website link:

<http://www.iowaworkforce.org/wc/>

<http://www.workerscompensation.com/iowa.php>

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