

Workers Compensation Benefit Overview – Kansas

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

Temporary Total Benefits	As of 07/01/2008 - \$25.00 Min, \$529.00 max. Waiting period 7 calendar days, 21 consecutive days, limited to \$100,000 or 415 weeks
Temporary Partial Benefits	As of 07/01/2008 -No minimum, max rate \$529.00, no waiting period or retro period, limited to 415 weeks, or \$100,000. Temporary partial disability is <u>not owed for scheduled injuries</u> , e.g., one foot, one wrist, etc. Temporary partial disability is owed for body as a whole injuries only; ie., back, neck, head , etc.
Permanent Partial Benefits	No minimum, maximum \$100,000. Scheduled injury, take credit for all weeks of lost time paid. Recent Casco decision limits parallel scheduled injury (bilateral wrists, etc) to scheduled only, and not eligible for work disability. Body as a whole injury, take credit for any temporary total or temporary partial paid in excess of 15 weeks. No waiting or retro periods. Benefits limited for scheduled body parts per 44-510d, benefits limited for body as a whole to 415 weeks per 44-510e. Rating completed by physician based on 4 th Edition AMA Guides. If claimant is unable to return to 90% of his pre-injury wages for a <u>body as a whole injury</u> , work disability exposure is created. Work disability is the average of the percentage of wage loss and percentage of task loss. . (Claimant cannot receive both functional and work disability). For work disability calculations only, include the value of any lost fringe benefits to determine wage loss. For permanent partial disability, where functional impairment only is awarded, maximum payable is \$50,000. The \$50,000 is in addition to the TTD/TPD paid.
Permanent Total Benefits	Minimum and maximum cap \$125,000 less credit for all temporary total, temporary partial and permanent partial previously paid, if any. No waiting or retro period.

Fatality Benefits	<p>No minimum. If employee leaves dependents (whole or partial) 44-510b provides max cap of \$250,000. Fatality benefits may exceed \$250,000, if the child has not yet attained the age of 18, then benefits would continue until the age of 18 is reached.</p> <p>No waiting or retro periods.</p> <p>Initial payment of \$40,000 is immediately due and payable to surviving legal spouse or wholly dependent child under age of 18, or if full time student through age 23 or not physically or mentally capable of earning wages in any substantial and gainful employment.</p> <p>If the employee does not leave any dependents (wholly or partially), a lump sum payment of \$25,000 shall be made to the legal heirs, but NOT if employer has procured a life policy providing coverage less than \$18,500. Funeral benefits limited to \$5,000.</p>
Vocational Rehabilitation	Not required
Settlement Allowed	Full and final settlement is allowed. If a running award is entered, either party may file an application to review and modify the award if the facts change. Claimant counsel fees for post award medical filings are paid by the carrier.
Cap on benefits, exceptions	Indemnity benefits are capped, per the above

Medical Issues Other Issues

Initial Choice of Provider	Carrier/employer
Change of Provider	Carrier/employer
Medical Fee Schedule	Yes
Managed Care	No
Utilization Review	No
Treatment Guidelines	No
Medical Mileage Reimbursement Rate	Effective 07/01/08, 50.5 per mile for all trips for TREATMENT (not picking up prescriptions) over 5 miles round trip

Ability to Terminate Medical Treatment	Determined by physician only
Settlement Allowed	Settlement is allowed. If a running award is entered, either party may file an application to review and modify the award if the facts change.
Cap on benefits, exceptions	None

Other Issues

Staff Counsel	Law Offices of Dan Hanson 7465 West 132 nd St., #100 Overland Park, KS 66213 913-685-7000
Hearings require attorney or claim handler participation	Attorney
Occupational Diseases	Yes
Second Injury Fund availability	None since 1993
Other Offset Opportunities	Apportionment for prior WC ratings only, subrogation applies

State workers compensation website link:
<http://www.workerscompensation.com/kansas.php>