Workers Compensation Benefit Overview – Mississippi

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	Current min is $25 Maximum: **$414.29 through January 1, 2010** Wait Period: 5 days Retroactive Period: 14 days AWW calculated using average of 52 full weeks preceding accident. TTD rate is 2/3 AWW, maximum **$186,430.50** (450 weeks x max compensation rate)
Supplemental Earnings Benefits	Only owed if worker unable to earn 100% of pre-injury wage. 450 week cap, including all indemnity benefits paid. Two-thirds of pre-injury wages minus post-injury wages equals benefit rate.
Permanent Partial Benefits	Scheduled loss in Section (71-3-17). Percentage loss of scheduled benefit calculated by taken percentage from total number of weeks for loss of entire body part and corresponding percentage of AWW. Max and min same as TTD. AMA Guidelines in effect.
Permanent Total Benefits	Same min and max and comp. rate calculation as TTD. The current lifetime disability maximum is **$186,430.50**
Fatality Benefits	Min and max same as TTD. Death must be causally related. Benefits are calculated based on # of dependants. Benefits for dependant children expire at age 18 or until 23 if enrolled as a full time student at accredited educational institution. Benefits for dependant spouse expire upon her death, remarriage or 450 weeks, which ever comes first. Funeral benefit is $2000; must pay Second Injury Fund $300 if dependency or $500 with no dependency
Vocational Rehabilitation	Employer can furnish this service to determine value of claim and reduce or eliminate SEB exposure should the employee not be able to resume regular job, and made reasonable effort to find alternative employment.
Settlement Allowed	Yes, upon agreement of parties
Cap on benefits, exceptions	450 weeks at the current compensation rate for TT, PT and death.

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Medical Issues

Initial Choice of Provider	Employee and Employer each get one choice in any field or specialty. Must still show medical necessity.
Change of Provider	Only upon reasonable request by either party.
Medical Fee Schedule	Yes
Managed Care	None
Utilization Review	Following procedures require prior certification or mandatory utilization review: (1) All admissions to inpatient facilities of any type; (2) All surgical procedures, inpatient and outpatient; (3) Repeat MRI more then 1 per injury; (4) repeat CAT more than 1 per injury; (5) Work hardening programs, Pain Management Programs, Back Schools, Massage Therapy, Acupuncture, Biofeedback; (6) External Spinal Stimulators; (7) FCE and Isokinetic testing; (8) Physical Medicine Treatments (9) Home Health (10) psychiatric treatment. Independent Medical Examination can be requested through MWCC, by counsel.
Treatment Guidelines	None
Medical Mileage Reimbursement Rate	Yes. Reimbursement is at **58.5 cents**
Ability to Terminate Medical Treatment	Yes- based on medical opinion of MMI and no need for further treatment.
Settlement Allowed	Yes. 9(i) (settlement of both indemnity and medical)
Cap on benefits, exceptions	None, unless there is a judgment.

Other Issues

Staff Counsel	**Maricle and Associates** **One Sanctuary Boulevard, Suite 202** **Mandeville LA 70471** **985-727-5016** Scott Campbell and Associates 6750 Popular Ave Ste 412 Germantown, TN 38138 901-756-3046

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Hearings require attorney or claim handler participation	Attorney handling is strongly recommended.
Occupational Diseases	Yes, that disease or illness which is due to causes and conditions characteristic of and peculiar to the particular trade, occupation, process or employment.
Second Injury Fund availability	Yes, however application very limited and applies to hands, arms, feet, eyes, legs where the later injury to that area results in PT.
Other Offset Opportunities	none

State workers compensation website link: www.mwcc.state.ms.us.

The Travelers Indemnity Company
and its property casualty affiliates
One Tower Square
Hartford, CT 06183

travelers.com

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