Workers Compensation Benefit Overview – North Carolina

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	Min: $30.00 Max: $816.00 – changes annually in January Waiting period: 7 days Retro period: 21 days Limited or unlimited benefits: Unlimited. Benefits due for lifetime if injured worker cannot return to work or claim cannot be resolved.
Temporary Partial Benefits	Min: No minimum Max: $816.00 – changes annually in January Waiting period: 7 days Retro period: 21 days Limited or unlimited benefits: 300 weeks from date of loss
Permanent Partial Benefits	Min: No minimum Max: No maximum Waiting period: None, but if any portion of waiting period was satisfied, injured worker is issued TT for those days if rating entitles them to more than 3 weeks of PP benefits. Retro period: None Limited or unlimited benefits: Limited to schedule Scheduled v. whole body: Scheduled AMA or state specific: State specific May also be awarded Scarring or Disfigurement. Max is up to $20,000.00 as awarded by NC Industrial Commission.
Fatality Benefits	Min: $30.00 Max: $816.00 Waiting period: N/A Retro period: N/A Limited or unlimited benefits: Limited to 400 weeks split evenly between spouse and/or qualified dependents. Qualified dependents will be covered to age 18 if exceeds 400 weeks.
Vocational Rehabilitation	Is it required? Yes, if injured worker is given permanent restrictions that insured cannot accommodate and claim cannot be settled. What are the benefits? May include educational and vocational assessment, job placement or retraining.
Settlement Allowed	Yes. Indemnity and Medical

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Medical Issues

Initial Choice of Provider	The employer shall provide for an injured employee such reasonable medical, surgical or other attendance or treatment, nurse and hospital services, medicines, crutches and apparatus, as may be reasonably required by the employee's physician or needed immediately after an injury or manifestation of an occupational disease, and for a reasonable time thereafter. If the employer fails to provide the same, the injured employee may do so at the expense of the employer. (Sec. 72-432 (1))
Change of Provider	Carrier/Employer. Injured worker may file for change of provider that might be allowed by Industrial Commission.
Medical Fee Schedule	Yes
Managed Care	No
Utilization Review	Not mandatory
Treatment Guidelines	Does the state mandate the use of evidence based guidelines? If so, which one?
Medical Mileage Reimbursement Rate	55 cents per mile. Must travel more than 20 miles round trip.
Ability to Terminate Medical Treatment	Injured worker must be at maximum medical improvement. Can deny treatment for causality. Generally involves litigation.
Settlement Allowed	Yes – full and final

Other Issues

Staff Counsel	N/A. Panel firms used.
Hearings require attorney or claim handler participation	Attorney. State has mandatory mediation that requires claim handler participation by phone or in person.
Occupational Diseases	Yes
Second Injury Fund availability	No
Other Offset Opportunities	N/A

State workers compensation website link: HTTP://WWW.IC.NC.GOV/

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