Workers Compensation Benefit Overview – New Hampshire

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	The applicable TTD rate represents 60% of the injured worker's average weekly wage for the 26 week period prior to the date of loss (though up to 52 weeks may be used if more advantageous to the injured worker), **Eff 7/1/08 Minimum Rate**: $251.10, **Maximum Rate**: $1,255.50, **Waiting Period**: Three days (waived if the injured worker obtains a modified duty release that the insured can accommodate within five days of the date of injury), **Retroactive Period**: 14 days, **Limited or Unlimited Benefits**: There is no cap on TTD wage benefits.
Temporary Partial Benefits	**Minimum Rate**: None, **Maximum Rate**: The injured worker's compensation rate (TPD benefits are calculated by subtracting the injured worker's gross earning from their average weekly wage and multiplying that amount by 60%), **Waiting Period**: Same as TTD, **Retroactive period**: Same as TTD, **Limited or Unlimited benefits**: There is a 262-week cap on TPD wage benefits (TTD wage benefits are included in calculating the 262-week cap).
Permanent Partial Benefits	**Minimum Rate**: One week of wage benefits, **Maximum Rate**: 350 weeks of wage benefits, **Waiting Period**: None, **Retroactive Period**: None, **Scheduled v. Whole Body**: Permanent impairment awards relative to individual body parts are calculated by multiplying the injured worker's compensation rate by the percentage of impairment assessed based upon the weekly figures referenced below. Permanent impairments to multiple body parts as well as injuries to the brain, spine and scars resulting from burns result in a whole person award, which is limited to 350 weeks of wage benefits. PPD assessments are based upon AMA 6th edition guidelines.** 6th ed to be used for MMI post 1/1/08 – much discussion at state level about reverting back to 5th edition. 6th edition used Jan '08 thru Jun '08. July '08 returned to using the 5th edition.

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	Total loss of arm 210 Total loss of hand 189 Total loss of thumb 76 Total loss of index finger 47 Total loss of middle finger 38 Total loss of ring finger 19 Total loss of little finger 9 Total loss of leg 140 Total loss of foot 98 Total loss of great toe 18 Total loss of toe, other 3 Total loss of vision--one eye 84 Total loss of vision--both eyes 300 Total loss of hearing in one ear 30 Total loss of binaural hearing 123
Permanent Total Benefits	PTD status is rarely conferred since there is no cap on TTD wage benefits.
Fatality Benefits	In the event that the deceased injured worker does not have any dependents, a $5,000.00 benefit is provided for to help defer funeral costs. Otherwise, the equivalent of TTD wage benefits are payable to the deceased injured worker's spouse until he or she remarries and/or dependents until self-sufficiency is reached, e.g. graduation from college.
Vocational Rehabilitation	Yes. If an employee is unable to perform work for which he or she has previous training or experience, the employee shall be entitled to such vocational rehabilitation services, including retraining and job placement, as may be reasonably necessary to restore such employee to suitable employment. If such services are not voluntarily offered by the employer or the carrier and accepted by the employee, the commissioner, if necessary through informal hearing may refer the employee to a qualified physician or appropriate facility for evaluation of the practicability of, need for, and kind of service, treatment, or training necessary and appropriate to render the employee fit for a remunerative occupation.
Settlement Allowed	Indemnity benefits may be settled, medical benefits cannot.
Cap on benefits, exceptions	There is a 262 week cap on the payment of temporary partial disability benefits. Also, pursuant to the jurisdiction's "four-year rule", injured workers are not entitled to a continuing wage benefit when no such benefit has been paid in the prior four-year time period.

Medical Issues

Initial Choice of Provider	NH Managed Care program participants: Injured workers must choose a provider within the Travelers/Corvel network. Injured workers employed by non-managed care employers may choose any provider.
Change of Provider	Injured workers may change providers, but generally are limited to no more than two second opinions within medical specialties.
Medical Fee Schedule	None.
Managed Care	Yes, but only if the insured is enrolled in Travelers' New Hampshire Managed Care Program. All NH Residual Market employers are automatically enrolled in the program. Employers from other markets may or may not be enrolled.

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	A complete list of Managed Care program participants is available from Travelers' Bedford, NH office.
Utilization Review	Yes. No person, partnership, or corporation, other than an insured, nonprofit service organization, or a health maintenance organization shall perform utilization review services without obtaining a license from the Department of Insurance. URAC standards are the minimum acceptable standards for licensure (unless the Department adopts stricter rules).
Treatment Guidelines	**Does the state mandate the use of evidence based guidelines? If so, which one?** Within Travelers' New Hampshire Managed Care Program, Travelers' protocols for laminectomy, spinal fusion, carpal tunnel release, and knee arthroscopy, as well as Intracorp's optimal treatment guidelines, have been approved as decision support tools.
Medical Mileage Reimbursement Rate	$0.505 after January 1st.
Ability to Terminate Medical Treatment	No.
Settlement Allowed	No.
Cap on benefits, exceptions	No.

Other Issues

Staff Counsel	None in the Bedford Claim Service Center, which relies upon Panel Counsel.
Hearings require attorney or claim handler participation	A representative from the insured or its carrier is required though generally speaking, attorneys rather than claim professionals typically participate.
Occupational Diseases	Yes.
Second Injury Fund availability	Yes.
Other Offset Opportunities	Claim apportionment is not recognized, however, cost apportionment is, e.g., carrier liability is limited due to holiday created by a third part award.

State workers compensation website link:

http://www.labor.state.nh.us/workers_compensation.asp

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