Workers Compensation Benefit Overview – New Mexico

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: $36.00 Max: $669.21. (updated in January every year) Waiting period 7 days Benefits limited to 500 weeks
Temporary Partial Benefits	Same as Temporary Total Benefits
Permanent Partial Benefits	Min: $36.00 Max: $669.21 Benefits limited to 500 weeks, or 700 weeks if disability exceeds 80% or more ; scheduled number of weeks depend on body part AMA Guides (6th Ed.)
Permanent Total Benefits	Min: $36.00 Max: $669.21 Benefits payable for a lifetime
Fatality Benefits	Min: $36.00 Max: $669.21 Benefits limited to 700 weeks; if spouse remarries, benefits limited to 200 weeks in a lump sum
Vocational Rehabilitation	None
Settlement Allowed	Indemnity lump sum for debts incurred during period of disability or return to work for six months. Can settle complete claim if there is a dispute
Cap on benefits, exceptions	Scheduled injury based on body part injured; schedule can turn into a whole body claim and there is a chance that not all of the benefits payable would count toward the 500 or 700 weeks cap.

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Medical Issues

Initial Choice of Provider	Insured can either choose or they can let worker choose
Change of Provider	The party who did not have initial choice can change after 60 days and that party will then control medical for life of file
Medical Fee Schedule	Yes.
Managed Care	Worker has choice.
Utilization Review	No.
Treatment Guidelines	None.
Medical Mileage Reimbursement Rate	New claims: .32/mile
Ability to Terminate Medical Treatment	No
Settlement Allowed	On disputed claims only
Cap on benefits, exceptions	Lifetime medical

Other Issues

Staff Counsel	None.
Hearings require attorney or claim handler participation	Can be either or both
Occupational Diseases	Based on last known injurious exposure
Second Injury Fund availability	No.
Other Offset Opportunities	In order to obtain apportionment or offsets, insurer would have to go thru a hearing process. Not easily obtained.

State workers compensation website link: http://wca.state.nm.us/
Phone: 505-841-6000

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