# Workers Compensation Benefit Overview – Rhode Island

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

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| Temporary Total Benefits | No Minimum. Maximum changes every Sept 1. As of 9/1/08 the max is $908.00. TT allows for $15.00 added for each dependent. The comp rate should not exceed 80% of the AWW. Comp rate is based on 75% of the Spendable Base Wages (must use specified tables). Waiting period is 3 days and never retroactive. AWW is based on both 13 weeks of wages, and 52 weeks of overtime and bonus. The first payment should be paid within 21 days from the day the employer has knowledge. Unlimited benefits. COLA applicable effective May 10 each year after one year of TT benefits is received. |
| Temporary Partial Benefits | Definition: Capable of working in some capacity. Most people are placed on TP even when completely out of work.<br>No Minimum. Maximum changes every Sept 1. As of 9/1/08 the max is $908.00. TP does not pay for dependents. The comp rate should not exceed 80% of the AWW. Comp rate is based on 75% of the Spendable Base Wages (must use specified tables). Waiting period is 3 days and never retroactive. AWW is based on both 13 weeks of wages, and 52 weeks of overtime and bonus. The first payment should be paid within 21 days from the day the employer has knowledge. Benefits are limited to 312 weeks. |
| Permanent Partial Benefits | Called "Specific Benefits." Scarring is allowed for any part of the body. The amount is based on weekly amounts – min $45.00 and max $90.00. The benefit amount is subjective and based on experience. We sometimes use a baseline of 10 wks per inch. Never to exceed 500 wks. Impairment is also allowed for all extremities, not the spine. Any impairment to the spine is based on how it affects an extremity. Based on the latest AMA guidelines. Some total losses and amputations are scheduled in the law under section 28-33-19. Paid all at once. Attorney fee separate. Can be by mutual agreement without the court or ordered by the court. There are specific guidelines for hearing loss. |
| Permanent Total Benefits | PT is treated the same as TT therefore there is rarely a need to label PT. |
| Fatality Benefits | Burial expenses allowed $15,000<br>Payable to dependents if they are considered wholly dependent on the employee. The rate is calculated the same as TT rate. $40.00 added for each dependent. Benefits end upon remarriage or death of spouse or dependents reaching 18. |
| Vocational Rehabilitation | The law does have a voc rehab section that is rarely used. It is not required. Evaluations can be requested by the state owned facility, The John E. Donley Center and there is no cost. |

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| Settlement Allowed | Yes. Settlement includes indemnity and medical. Benefits must be paid for 6 months before settlement can take place. |
| Cap on benefits, exceptions | TT no cap, TP 312 weeks<br>When MMI is determined you should seek a reduction to 70% of the comp rate from the court. |

## Medical Issues

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| Managed Care | None |
| Utilization Review | None |
| Treatment Guidelines | The state has established protocols for certain areas of treatment. They can be found on the website for Medical Advisory Board www.courts.ri.gov/workers/medical/medical-advisory.htm Most doctors follow them and then ask for authorization when they are planning to exceed them: Chiro, PT, Inject, etc. |
| Medical Mileage Reimbursement Rate | Yes,$0.45 per mile to and from IME. |
| Ability to Terminate Medical Treatment | No limit on medical treatment reasonably and necessarily required to cure or relieve the injury. Can use IME to help stop excessive treatment. Can use IME to terminate benefits. IME's can be requested within reason after compensation has been paid for 3 months. |
| Settlement Allowed | Yes. Both indemnity and medical settle. |
| Cap on benefits, exceptions | None |

## Other Issues

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| WC Hearing Docket Speed | Initial pre-trials are scheduled within 30 days from filing. Follow up court hearings come up fast. The docket is usually quick. |
| Staff Counsel | Law Office of James Clark, 400 Westminster St., Providence, RI 02903 401-273-4344 |
| Hearings require attorney or claim handler participation | Must have attorney participation at all levels in court. Claim handler does not need to attend. Pre-trial is binding decision. |
| Occupational Diseases | Yes. Section 28-34-1, listed and specific as to what is allowed. |

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| Second Injury Fund availability | None |
| Other Offset Opportunities | Apportionment can be proven in cases of multiple employers for cases of repetitive motion. Apportionment is based on court findings after a medical evaluation. The doctor apportions between jobs. |

State workers compensation website link: www.dlt.ri.gov/wc/

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