

# Workers Compensation Claim State Environmental Guide - Mississippi

MISSISSIPPI – [www.mwcc.state.ms.us](http://www.mwcc.state.ms.us)

## Indemnity issues

Temporary Total Benefits	<p>Effective - 01/01/2018            Minimum: \$25.00            Maximum: \$487.04            Waiting Period: 5 days, paid if disability of 14 days or more. Days do not have to be continuous.            AWW calculated using average of 52 full weeks preceding accident. TTD rate is 2/3 AWW, maximum total compensation is \$219,168. (450 weeks multiplied by the maximum compensation rate)            Daily Rate = Actual compensation rate/5            Temporary Total cap – 450 weeks at max comp rate</p>
Supplemental Earnings Benefits	<p>Only owed if worker is unable to earn 100% of pre-injury wage. 450 week cap, including all indemnity benefits paid. Paid at two-thirds of pre-injury wages minus post-injury wages.</p>
Permanent Partial Benefits	<p>Permanent Partial based on AMA Guidelines and scheduled loss in Section (71-3-17). PPD paid based on AMA-calculated percentage loss to scheduled body part multiplied by total weeks of scheduled body part. Max and min same as TTD.            NOTE: In scheduled member cases, Mississippi case law provides that maximum benefits should be awarded where the injury prevents the worker from performing the “substantial acts of his usual employment.”            NOTE: In whole body cases, the compensation is based upon loss of wage earning capacity.</p>
Permanent Total Benefits	<p>Same min and max and comp. rate calculation as TTD. The current lifetime disability maximum is \$219,168.</p>
Fatality Benefits	<p>Min and max same as TTD. Death must be causally related. Benefits are calculated based on # of dependents. Benefits for dependent spouse expire upon her/his death, remarriage or 450 weeks, whichever comes first. Benefits for dependent children expire at age 18 or until 23 if enrolled as a full time student at accredited educational institution.            Funeral benefit is \$5000; must pay Second Injury Fund \$300 if dependency or \$500 if no dependency. If a claimant dies during the course and scope of their employment, the surviving spouse receives an immediate cash payment of \$1,000.00.</p>
Disfigurement	<p>The commission, in its discretion, is authorized to award proper and equitable compensation for serious facial or head disfigurements not to exceed five thousand dollars (\$5,000.00). No such award shall be made until a lapse of one year from the date of the injury resulting in such disfigurement.</p>

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

This material is for informational purposes only. All statements herein are subject to the provisions, exclusions and conditions of the applicable policy. For an actual description of all coverages, terms and conditions, refer to the insurance policy. Coverages are subject to individual insureds meeting our underwriting qualifications and to state availability.

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**Indemnity issues**

Vocational Rehabilitation	Employer can furnish this service to determine value of claim subject to findings of the Administrative Judge, and reduce or eliminate SEB exposure should the employee not be able to resume regular job and has made reasonable effort to find alternative employment.
Settlement Allowed	Yes, upon agreement of parties under 9(i) settles all issues including medical; 13(j) Indemnity only, settled with open medicals).
Cap on benefits, exceptions	450 weeks at the maximum compensation rate for TT, PT and death.

**Medical issues**

Initial Choice of Provider	<p>Employee has one choice of physician, and that physician may make a single referral within a specialty. Judges can and frequently do order an IME where there is a dispute or question about treatment or diagnosis.</p> <p>A physician to whom the employee is referred by his employer shall not constitute the employee's selection unless the employee, in writing, accepts the employer's referral as his own selection.</p> <p>If the employee is treated for his alleged work-related injury or occupational disease by a physician for six (6) months or longer, or if the employee has surgery for the alleged work-related injury or occupational disease performed by a physician, then that physician shall be deemed the employee's selection.</p>
Change of Provider	Employee may petition state for change of provider. Employer does not have this right, but may obtain EME (Employer Medical Examination).
Medical Fee Schedule	Yes
Managed Care	None For more information, please refer to the WC Managed Care Quick Reference Chart by State Guide.
Utilization Review	<p>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 than 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) Physical Medicine Treatments after 15 visits or 30 days whichever comes first. (8) Home Health (9) psychiatric treatment.</p> <p>Independent Medical Examination can be requested through MWCC, by counsel.</p>
Treatment Guidelines	MS fee schedule includes treatment guidelines for some procedures. If the fee schedule does not address the procedure, any evidence based guideline can be utilized for UR.
Generic Drug Substitution	The state mandates generic substitution unless treating provider provides a statement of medical necessity and notes do not substitute on prescriptions.
Medical Mileage Reimbursement Rate	Yes. Reimbursement is at \$.545 cents per mile
Network Information	First Health (primary) and CorVel (secondary).
Ability to Terminate Medical Treatment	No limit on medical treatment that is reasonable and necessary.
Settlement Allowed	Yes, upon agreement of the parties under 9(i) (settlement of both indemnity and medical).
Cap on benefits, exceptions	None, unless there is a judgment.

**Other Issues**

WC Hearing Docket Speed	Hearing dates are between 9-12 months.
Staff Counsel	Scott Campbell and Associates (901-756-3046) 6750 Poplar Ave Ste. 412 Germantown, TN 38138
Hearings require attorney or claim handler participation	Attorney is required. (Claim Handler must be present or available by phone for duration of hearing.)
Occupational Diseases	Yes, the disease or illness that 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, and legs where the later injury to that area results in Permanent Total Disability.
Other Offset Opportunities	Where a preexisting physical handicap, disease, or lesion is shown by medical findings to be a material contributing factor in the results following injury, the compensation that would be payable shall be reduced by that proportion which such preexisting physical handicap, disease, or lesion contributed to the production of the results following the injury. The preexisting condition does not have to be occupationally disabling for this apportionment to apply. Apportionment is not applied until after employee obtains MMI. (Therefore TTD and Medical treatment are not affected.)
EDI	Claims EDI Release 3: FROI only (1/1/2009)
In-State Adjusting Required	None
License or Certification Required	Not for Insurance Company Employee
Child Support	<p>The applicable law requires the employer (if self-insured) or the carrier to always maintain the responsibility for withholding the proceeds needed to satisfy a support lien, and to ultimately pay these proceeds over directly to the Department of Human Services, or in rare cases, to the support obligee who has their own attorney and is not using the Department to help with collection.</p> <p>Neither attorneys for claimants nor claimants themselves should ever be allowed to receive proceeds from a settlement and be responsible for satisfying an outstanding support lien.</p> <p>There will be instances when the Department has negotiated the amount of the lien with the parties, and in these cases, we must require written confirmation from the Department of Human Services that the amount being withheld to satisfy the lien is correct.</p>