



Workers Compensation Claim State Environmental Guide – New Mexico

NEW MEXICO – <http://www.workerscomp.state.nm.us/>

Indemnity issues

Temporary Total Benefits	Min: \$36.00 Max: \$796.96 (updated annually in January) Waiting period 7 days Benefits limited to 700 weeks
Temporary Partial Benefits	Same as Temporary Total Benefits.
Permanent Partial Benefits	Min: \$36.00 Max: \$796.96 Benefits limited to 500 weeks, or 700 weeks if disability exceeds 80% or more; scheduled number of weeks depend on body part AMA Guides (6 th Ed.)
Permanent Total Benefits	Min: \$36.00 Max: \$796.96 Benefits payable for a lifetime
Fatality Benefits	Min: \$36.00 Max: \$796.96 Benefits limited to 700 weeks; if spouse remarries, benefits limited to 200 weeks in a lump sum Funeral Expenses: \$7500.00 max
Vocational Rehabilitation	None in Occupational but available in Occupational Disease Claims
Settlement Allowed	Yes, may settle complete claim if both parties agree and Judge approves. May settle future indemnity for lump sum when employee returns to work for six months and earning at least 80% of pre-injury wage. Also entitled to lump sum for debts incurred during period of disability on approval by Judge.
Cap on benefits, exceptions	Scheduled injuries are based on the part of the body injury and the weeks owed are defined by the statute. Whole body injuries are entitled to 500 and or up to 700 weeks. Credit from any TTD, TPD benefits towards PPD entitlement if a whole body claim.

Medical issues

Initial Choice of Provider	Insured can either choose or let worker choose. Selection of choice must be put in writing informing injured worker who is making initial selection.
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The Travelers Indemnity Company and its property casualty affiliates. One Tower Square, Hartford, CT 06183

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Medical issues

Change of Provider	The party who did not have initial choice can change at 60 days from the date treatment began or 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.
Generic Drug Substitution	The state mandates generic substitution.
Medical Mileage Reimbursement Rate	New claims: .40/mile
Network Information	First Health (primary) and CorVel (secondary).
Ability to Terminate Medical Treatment	No
Settlement Allowed	If both parties agree and Judge approves
Cap on benefits, exceptions	Lifetime medical

Other Issues

WC Hearing Docket Speed	Usually set within 30 days of filing
Staff Counsel	Yes
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 through a hearing process.
EDI	Claims EDI Release 1: FROI (3/1/1994) & SROI (1/1/1998)
In-State Adjusting Required	Yes
License or Certification Required	Yes

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