

# Workers Compensation Claim State Environmental Guide - Utah

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## Indemnity issues

<p>Temporary Total Benefits</p>	<p>Minimum: \$45.00 (updated every July 1)            Maximum \$855.00 (updated every July 1)  <b>*Applies to all indemnity benefits*</b>            Add \$5.00 for a dependent spouse and \$5.00 for each dependent child under the age of 18 years, up to a maximum of four dependent children, but not to exceed the injured worker's average weekly wage at the time of the injury or the TTD maximum rate amount (updated every July)            3 day waiting period calendar days            Cap on benefits: 312 weeks at the max rate over a period of twelve (12) years from the date of the injury.</p>
<p>Temporary Partial Benefits</p>	<p>Maximum: \$855.00 (updated every July 1)            Injured worker shall receive 66 2/3% of the difference between the worker's average weekly wage before the accident and the weekly wages the worker is able to earn after the accident.            See temporary total benefits for dependent spouse/child add-on.            Total weekly compensation not to exceed the TTD maximum rate amount (updated every July).            Cap on benefits: 312 weeks of weekly payments over a period of twelve (12) years from the date of injury.</p>
<p>Permanent Partial Benefits</p>	<p>Minimum: \$45.00 per week            Maximum: \$570.00 (updated every July 1)            Cap on benefits: 312 weeks. Scheduled and whole body is applicable.</p>
<p>Permanent Total Benefits</p>	<p>Minimum \$45 (after initial 312 weeks, minimum shall be 36% of the current maximum temporary total benefit)            Maximum \$727.00 (updated every July 1)            Cap on benefits: 312-week entitlement. After July 1, 1994, lifetime benefits apply. No waiting period.</p>
<p>Fatality Benefits</p>	<p>Max rate \$727.00 (updated every July 1)            Min rate: \$45.00 per week            Cap on benefits: 312 weeks. Benefits may be continued after 312 weeks but are subject to reduction of 50% of any Social Security death benefits received and are contingent upon a determination of dependency.            Remarriage of spouse: 52 weeks of compensation paid in a lump sum. The remaining benefits, if any, are placed in interest bearing trust accounts for the use and benefit of surviving minor children. Withdrawals are allowed from the trust account only upon written direction of the Commission.</p>

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Vocational Rehabilitation	Not Mandatory-State controlled-A Form 206 and 215 must be issued when an injured worker is considered “disabled” and is expected to be out of work for more than 90 days. This is reported to the State of UT quarterly. Fines can be imposed for failure to complete this quarterly report.
Settlement Allowed	Yes, of all issues if there is a dispute.
Cap on benefits, exceptions	

### Medical issues

Initial Choice of Provider	Yes
Change of Provider	Yes – 1 time change allowed
Medical Fee Schedule	Yes
Managed Care	Yes, allowed.
Utilization Review	Yes, but limited; see R612-300.11
Treatment Guidelines	AMA Guides (5 <sup>th</sup> Ed.); in conjuncture with Utah Labor Commission’s Supplemental 2006 Impairment Rating Guide.
Generic Drug Substitution	The state allows generic substitution; however, it is not mandatory.
Medical Mileage Reimbursement Rate	\$.53 / mile
Network Information	First Health (primary) and CorVel (secondary).
Ability to Terminate Medical Treatment	Yes, with an IME
Settlement Allowed	Yes – All claims can be settled but are subject to approval by the Labor Commission. All undisputed claims are scrutinized and could be rejected if full exposure is not considered.
Cap on benefits, exceptions	None.

### Other Issues

WC Hearing Docket Speed	Litigation docket is very slow-up to one year for resolution of a hearing issue.
Staff Counsel	None.
Hearings require attorney or claim handler participation	Yes, attorneys are required. Claim handlers do not have to be present.
Occupational Diseases	Yes.
Second Injury Fund availability	No
Other Offset Opportunities	Apportionment is permitted on PPD for specific injuries/Apportionment on OD claims to non-industrial factors allows for apportionment on medical and indemnity/Safety rule violations
EDI	Yes
In-State Adjusting Required	No
License or Certification Required	No