

Workers Compensation Claim State Environmental Guide - Washington

WASHINGTON – <http://www.lni.wa.gov/ClaimsIns/Insurance/SelfInsure/default.asp>

Indemnity issues

<p>Temporary Total Benefits</p>	<p>Max Daily = \$182.76 (7/1/15)</p> <p>The minimum time loss rate for dates of injury or occupational disease on or after July 2, 2008 is 15% of the state's average monthly wage. If the worker's gross monthly wage is less than 15% of the state's average monthly wage then the worker is entitled to a time loss rate equal to 100% of their gross monthly wage or the minimum rate in effect prior to July 2, 2008 whichever is greater. Min Daily is 15% of State Average Monthly wage (\$22.84/day) or the minimum in effect prior to 7/2/08 (\$6.17 to \$22.84)—whichever is higher.</p> <p>Rates are based on marital and dependent status and will adjust with the discontinuation of healthcare and dental benefits.</p> <p>Waiting period is 3 days from the date of injury, regardless if time is missed from work. After 14 days of disability, waiting period is owed.</p> <p><i>Cost of Living adjustment:</i></p> <ul style="list-style-type: none"> • No Cost of Living Adjustment was paid 7/1/11 • Reinstated 7/1/12 and thereafter • For claims with date of injury on or after 7/1/11, no COLA paid until the second July 1 after date of injury (RCW 51.32.075). <p>TTD is payable when certified by attending physician or until IW is declared capable of being gainfully employed via preponderance of medical and vocational findings.</p>
<p>Temporary Partial Benefits</p>	<p>80% of difference from wages at injury and current wages earned, but cannot be more than the TTD rate owed for the period.</p>
<p>Permanent Partial Benefits</p>	<p>Based on AMA guidelines for % of disability per body part, not whole person. Schedule of benefits owe for applicable percentage is based on date of injury. The State updates the PPD schedule every July 1.</p>
<p>Permanent Total Benefits</p>	<p>TTD rate with offsets for Social Security (if applicable) with benefits paid for life. Second Injury Fund Relief is available for certain cases.</p>
<p>Fatality Benefits</p>	<p>Where death results from the injury the expenses of burial not to exceed two hundred percent of the average monthly wage in the state.</p> <p>Surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage.</p>
<p>Vocational Rehabilitation</p>	<p>Evaluation required if not released to job of injury, or return to permanent modified position. If worker possesses transferable skills for another occupation, then retraining services are not owed.</p>

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Settlement Allowed	<p><i>Structured Settlements:</i> Available to workers 53 years of age or older. Does not affect entitlement to medical benefits.</p> <p>Injured worker must be at least 53 years old, and have an accepted workers comp claim and have submitted his/her claim 180 days ago.</p> <p>Age limits will change in 2016 (50).</p>
Cap on benefits, exceptions	None

Medical issues

Initial Choice of Provider	Employee. Employer/TPA cannot direct care
Change of Provider	<p>Employer/TPA cannot direct medical care. All changes in treating provider must be approved by the Department of Labor and Industry (DLI) or self insured employer.</p> <p>Effective 1/1/13, all attending physicians must be part of the State's Provider Network. These initial rules govern attending physicians only, and include a definition for "risk of harm" to help assist the Department in weeding out problematic providers.</p>
Medical Fee Schedule	<p>Washington implemented its first medical fee schedule in 1971. The DLI adopted the Medicare Resource Based Relative Value Scale (RBRVS) in 1993. Brand name and generic prescription drugs reimbursed at average wholesale price less 10% plus a dispensing fee.</p> <p>Medical Fee Schedule percent over Medicare: Unknown</p>
Managed Care	None. Washington is an employee choice State for medical care.
Utilization Review	Not a URAC State.
Treatment Guidelines	The Office of the Medical Director works closely with the provider community to develop medical treatment guidelines on a wide range of topics relevant to injured workers. Guidelines cover areas such as lumbar fusion, indications for lumbar MRI, and the prescribing of controlled substances. The process of developing guidelines includes review of medical literature, as well as consideration of the community standard of practice
Generic Drug Substitution	The state mandates generic substitution.
Medical Mileage Reimbursement Rate	\$0.54 per mile as of 10/01/2015
Network Information	First Health is primary and Corvel is secondary.
Ability to Terminate Medical Treatment	Medical benefits cease when an attending physician agrees the worker is fixed and stable (MMI) or when the Department issues a closing order. Benefits cannot be terminated unilaterally by the claim administrator.
Settlement Allowed	Medical cannot be settled Full & Final.
Cap on benefits, exceptions	None.

Other Issues

WC Hearing Docket Speed	5 months average. Outcome of hearings: depends on geographic location and assigned judge.
Staff Counsel	No staff counsel option exists.
Hearings require attorney or claim handler participation	A self-insured employer must be represented by an attorney at hearing.
Occupational Diseases	No unique issues.
Second Injury Fund availability	Yes.
Other Offset Opportunities	Apportionment is applied to pre-existing conditions that combine with a work related injury/occupational disease to create permanent impairment.
EDI	State reporting using SIEDRS moving to Claims EDI Release 3.1 in 2017.
In-State Adjusting Required	No.
License or Certification Required	A certified Washington WC adjuster must be physically present in each location that manages Washington WC claims.