

# Workers Compensation Claim State Environmental Guide - Wyoming

WYOMING – [HTTP://DOE.STATE.WY.US](http://doe.state.wy.us)

## Indemnity issues

Temporary Total Benefits	TTD rate is based on 2/3 of the gross average monthly wage not to exceed the statewide average monthly wage (SAMW) of \$ \$3761.33 for the first quarter of 2016. The SAMW changes quarterly.
Temporary Partial Benefits	Due at 80% of the difference between light duty wages and actual monthly earnings at the time of the injury as long as the total earnings from employment do not exceed 95% of the actual monthly earnings at the time of the injury. TPD cannot exceed the SAMW from date of injury.
Permanent Partial Benefits	Two different permanent partial awards: <ol style="list-style-type: none"> <li>1. Permanent physical impairment (PPI) benefit is established when medical authority has determined the injured worker is at ascertainable loss. All physical impairments are measured according to the most recent (currently 6<sup>th</sup>) edition of the AMA Guides. The award is calculated at the rate of 2/3 of the SAMW for the 12 month period immediately preceding the quarterly period in which the injury occurred for the number of months determined by multiplying the percentage of impairment by 60 months.</li> <li>2. Permanent partial disability (PPD) is available when the injured worker is unable to work at any occupation at a comparable or higher wage for which they are suited by experience and/or training. Benefits are calculated according to a statutory formula which takes into consideration the worker's remaining work-life, experience in other occupations, education, career plans and age. Impairments are based on a whole person.</li> </ol>
Permanent Total Benefits	Award is calculated on earnings at time of injury multiplied by 80 months less any previous award. Calculations: <ol style="list-style-type: none"> <li>1. if the actual monthly earnings are less than 73% of the SAMW, the award shall be 92% of the injured employee's actual monthly earnings;</li> <li>2. if the actual monthly earnings are equal to or greater than 73% of the SAMW, but less than the SAMW, the award shall be 2/3 of the SAMW; and</li> <li>3. if the monthly earnings are greater than or equal to the SAMW, the award shall be 2/3 of the employee's actual monthly earnings, but the award shall be capped at and shall not exceed the SAMW.</li> </ol>
Fatality Benefits	In the case of death due to work related causes, and if the award computed is less than 80% of the SAMW, the award shall be adjusted to an amount not less than 80% of the SAMW.
Vocational Rehabilitation	Yes, with a \$30,000 maximum in benefits. IW waives right to PPD

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Settlement Allowed	Yes, of all issues (medical and indemnity) as a result of legal action.
Disfigurement	Maximum: not to exceed six months of compensation based on a rate that is equal to 2/3 of the gross average monthly wage. Previous disfigurement is apportionable.
Cap on benefits, exceptions	

### Medical issues

Initial Choice of Provider	Injured worker has choice of medical provider.
Change of Provider	Yes, with written approval of the Division.
Medical Fee Schedule	Yes
Managed Care	Not permitted.
Utilization Review	None.
Treatment Guidelines	Yes, Knee, shoulder, spine, carpal tunnel, IDET, Impairment Rating, Pain Management, Narcotic Management, Joint Revision, CT scan, Chiropractic, Physical Therapy
Generic Drug Substitution	The state mandates generic substitution.
Medical Mileage Reimbursement Rate	.54 cents/mile-must be provided within one year of travel and distance must be greater than 10 miles.
Network Information	Yes
Ability to Terminate Medical Treatment	Yes, with an IME, this is binding. Injured worker can challenge IME findings at hearing.
Settlement Allowed	Yes, see above.
Cap on benefits, exceptions	None.

### Other Issues

WC Hearing Docket Speed	
Staff Counsel	None.
Hearings require attorney or claim handler participation	Yes, attorneys are required. Claim handlers do not have to be present. Disputes are handled in civil court.
Occupational Diseases	Yes.
Second Injury Fund availability	No
Other Offset Opportunities	Apportionment is permitted.
EDI	Not Applicable.
In-State Adjusting Required	No, but if adjusted out-of-state, a license (by exam) is required. Reciprocity granted if adjuster is licensed in another state (other than OH & NV).
License or Certification Required	See above.

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*Note: The following sections and any information contained within these sections, are intended for internal use only and*

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*should not be distributed or shared outside of Travelers.*

### Need for Reform

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### Major Developments

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### Additional Comments

	Wyoming is a monopolistic state and claims are handled under employer's liability (Coverage B) on a voluntary basis.
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