



# Workers Compensation Claim State Environmental Guide – District of Columbia

District of Columbia – <http://does.dc.gov/page/workers-compensation-does>

## Indemnity issues

Temporary Total Benefits	2016 - New maximum rate of \$1466.29, new minimum rate of \$366.57 and 1.69% COLA. 66 2/3% of AWW not to exceed the maximum comp rate of \$1,466.29; there is no minimum rate in DC; the waiting period is 3 days; if disability is more than 14 days you go back and pick up the initial 3 days; temporary disability benefits are limited pursuant to D.C. Code 32-1505(b) to 500 weeks unless the claimant can demonstrate within 60 days of the expiration of 500 weeks a whole body disability of 20% or greater. In that case, the injured worker would be entitled up to an additional 167 weeks.
Temporary Partial Benefits	No minimum on temporary partial benefits. The maximum would be the maximum comp rate for 2016 which again is \$1,466.29.80. The same waiting period applies and the same limits apply to temporary total. Temporary partial is limited to 5 years.
Permanent Partial Benefits	Permanent partial is dependent upon the compensation rate, therefore, the payment is dependent upon the minimum and maximum rates indicated above; there is no waiting period for permanent partial and no retro period; permanent partial is limited by the 500 weeks outlined above and subject to the exception as outlined above. This is for wage loss. Wage loss involves injuries to nonscheduled members. There is a schedule such as back, neck, shoulders, and hips. There is a schedule for all other injuries from arm to toes. As to the schedule the original number of weeks has been reduced by 25% for injuries occurring on or after April 16, 1999. Doctors are required to use the most recent AMA Guide for evaluating permanent impairment. Additionally, the 5 factors of pain, weakness, atrophy, loss of endurance and loss of function may also be considered. As to permanent wage loss the statute was amended on April 16, 1999 to include two possible methods. The 1 <sup>st</sup> method is to compare the wage rate for the current job versus what injured worker is currently making. The other method is to take the post injury job and look back in time to the wage rate on the date of the injury.
Permanent Total Benefits	The minimum and maximum are the same for the permanent total and there is no waiting period. The benefits go on for the life of the individual. Note that as part of the April 16, 1999 amendment the section dealing with the 80% maximum benefit when combined with social security benefits was eliminated. Therefore, currently an individual can receive 100% of their workers compensation benefit with cost of living increases and full social security benefits. Note: Cost of living increases are allowed only on permanent and total benefits and not on death benefits.



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**Indemnity issues**

Fatality Benefits	The minimum and maximum compensation rates remain the same; waiting period is not applicable; funeral expenses are limited to \$5,000. If there is a widow/widower they are entitled to 50% of the AWW (not the compensation rate). If there are dependent children they are entitled to an additional 16 2/3 % to be divided among any dependent children. Dependent children is defined as any child under the age of 18 or over the age of 18 up to age 21 who is engaged in full time (more than 12 hours) of higher education.
Vocational Rehabilitation	Vocational rehabilitation is required and it shall be designed within reason to return an employee to employment at a wage as close as possible to the wage that the employee earned at the time of the injury. During the period of vocational rehabilitation the claimant would be entitled to his compensation rate.
Settlement Allowed	Settlements are subject to review if the injured worker is without counsel. Settlements are to be automatically approved if the claimant is represented by counsel.
Cap on benefits, exceptions	Other than the 500 week limit and the maximum compensation rate there are no other caps on benefits. No longer can you receive permanent and total disability and simultaneously receive a permanent partial disability for a scheduled member. 5 year limit for temporary partial.

**Medical issues**

Initial Choice of Provider	The claimant can make his or her own first free choice.
Change of Provider	Once a treatment pattern has been established by a claimant with a treating physician, he can change physicians only by petitioning the agency and the criteria is whether the change is in the best interests of the claimant.
Medical Fee Schedule	113% of Medicare benefits.
Managed Care	No.
Utilization Review	Yes.
Treatment Guidelines	No.
Generic Drug Substitution	The state does not mandate generic substitution.
Medical Mileage Reimbursement Rate	.51¢ per mile.
Network Information	First Health (primary) and CorVel (secondary).
Ability to Terminate Medical Treatment	Failure to follow medical recommendations can form the basis for termination of medical treatment.
Settlement Allowed	Settlement of medical benefits is allowed.
Cap on benefits, exceptions	No cap on medical benefits.

**Other Issues**

WC Hearing Docket Speed	N/A
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**Other Issues**

Staff Counsel	Law Offices of Mark J. Beachy 9954 Mayland Drive, Suite 5100 Richmond, VA 232363 (804-934-4200) And: 14200 Park Meadow Drive, Suite 310 North Chantilly VA 20151-2219 (571-287-6556)
Hearings require attorney or claim handler participation	Hearings must be attended by counsel.
Occupational Diseases	According to D.C. Code 32-1510 occupational diseases of silicosis, asbestosis, radiation diseases and any other generally recognized occupational disease are compensable and become the liability of the employer of the last known exposure.
Second Injury Fund availability	As of April 16, 1999, there is no longer a Second Injury Fund. For injuries existing prior to April 16, 1999, the Second Injury Fund exists.
Other Offset Opportunities	There is no apportionment in the District of Columbia.
EDI	N/A
In-State Adjusting Required	N/A
License or Certification Required	N/A