Workers Compensation Claim
State Environmental Guide - Idaho

IDAHO – www.iic.idaho.gov

Indemnity issues

Temporary Total Benefits	2016: Min $324.45, Max $648.90, waiting period- 5 days, retro period- waived on 15th day of time loss or inpatient hospitalization, unlimited benefits
Temporary Partial Benefits	2016: no Min, max $648.90, waiting period- 5 days, retro period-waived on 15th day, unlimited benefits
Permanent Partial Benefits	PPI payable at 55% of average weekly wage for the year of the injury. 2016 - $396.55. Limited benefits based on whole body of 500 weeks. Both scheduled and whole body, AMA- 6th Edition. Industrial Commission tends to use the most current AMA guideline but no statutory requirement to do this.
Permanent Total Benefits	Payable at 67% ASW and increased yearly. 2016- $483.07. Eligible for lifetime.
Fatality Benefits	Aggregate weekly income cannot exceed maximum benefits that would have been payable for TTD to the deceased. Idaho Code 42-413 (1) To a dependent widow or widower, if there be no dependent children, forty-five per cent (45%) ASW. (2) To a dependent widow or widower, if there are dependent children, an additional five per cent (5%) of the average weekly state wage for each dependent child to and including a total of three. (3) If there be no dependent widow or widower, but a dependent child or children, thirty per cent (30%) of the average weekly state wage for one child and ten per cent (10%) for each additional child to and including a total of three, to a maximum not to exceed sixty per cent (60%) of the average weekly state wage, to be divided equally among such children. 72-413A. LUMP SUM PAYMENT UPON REMARRIAGE. In the event of remarriage of the widow or widower prior to the expiration of five hundred (500) weeks as provided in section]72-412] 42-412, Idaho Code, a lump sum shall be paid to the widow or widower in an amount equal to the lesser of one hundred (100) weeks or the total of income benefits for the remainder of the five-hundred (500) week period computed on the basis of a weekly rate of forty-five per cent (45%) of the average weekly state wage in effect at the time of remarriage.
Vocational Rehabilitation	Not required. Retraining can be awarded by the Commission for a period of up to 2 years. The rehabilitation services of the Industrial Commission are provided to injured workers at no charge. Rehabilitation services are funded by a tax collected from workers' compensation premiums and therefore are not costs allocated to the claim.
Settlement Allowed	Yes- full and final settlement of all benefits

The Travelers Indemnity Company and its property casualty affiliates. One Tower Square, Hartford, CT 06183

This material is for informational purposes only. All statements herein are subject to the provisions, exclusions and conditions of the applicable policy. For an actual description of all coverages, terms and conditions, refer to the insurance policy. Coverages are subject to individual insureds meeting our underwriting qualifications and to state availability.

© 2016 The Travelers Indemnity Company. All rights reserved. Travelers and the Travelers Umbrella logo are registered trademarks of The Travelers Indemnity Company in the U.S. and other countries. Rev. 7/16

Indemnity issues

Cap on benefits, exceptions	5 year statute of limitations from date of injury for initiating efforts to obtain further indemnity benefits after indemnity benefits have been terminated.

Medical issues

Initial Choice of Provider	The employer shall provide for an injured employee such reasonable medical, surgical or other attendance or treatment, nurse and hospital services, medicines, crutches and apparatus, as may be reasonably required by the employee's physician or needed immediately after an injury or manifestation of an occupational disease, and for a reasonable time thereafter. If the employer fails to provide the same, the injured employee may do so at the expense of the employer. (Sec. 72-432 (1))
Change of Provider	The employee upon reasonable grounds, may petition the Commission for a change of physician to be provided by the employer, however, the employee must give written notice to the employer or surety of the employee's request for a change of physicians to afford the employer the opportunity to fulfill its obligations under this section. (Sec. 72-432 (4) (a))
Medical Fee Schedule	Resource-Based Relative Value Scale (RBRVS) and the Relative Value Unit (RVU) for all medical services with a Physicians' Current Procedural Terminology (CPT) code. The schedule is effective for services and procedures performed on or after April 1, 2006. The Idaho Industrial Commission has adopted a permanent fee schedule (http://www.iic.idaho.gov/medical/medical.html) governing payments for medical services under the Idaho Workers' Compensation Law. This rule is effective March 29, 2010, and is applicable to all workers' compensation medical services provided on or after March 29, 2010.
Managed Care	No explicit managed care program in effect.
Utilization Review	No specific provisions regarding utilization review
Treatment Guidelines	There are no specific statutes or regulations requiring the development of treatment guidelines.
Generic Drug Substitution	The state allows generic substitution; however, it is not mandatory.
Medical Mileage Reimbursement Rate	Mileage available beyond the first 15 miles of each trip. 01/01/16: rate - $0.54.
Network Information	First Health is the primary network with Corvel as the secondary network.
Ability to Terminate Medical Treatment	Yes- based on medical opinion of MMI and no need for further treatment.
Settlement Allowed	Yes – full and final
Cap on benefits, exceptions	none

Other Issues

WC Hearing Docket Speed	Once request for calendaring is made matter is usually set for hearing with 6 months and following hearing a decision is usually forthcoming within another 6 months.
Staff Counsel	None
Hearings require attorney or claim handler participation	Requires attorney. Claim handler participation not required.
Occupational Diseases	(a) "Occupational disease" means a disease due to the nature of an employment in which the hazards of such disease actually exist, are characteristic of, and peculiar to the trade, occupation, process, or employment, but shall not include psychological injuries, disorders or conditions unless the conditions set forth in section 72-451, Idaho Code, are met. (b) "Contracted" and "incurred," when referring to an occupational disease, shall be deemed the equivalent of the term "arising out of and in the course of" employment. (c) "Disablement," except in the case of silicosis, means the event of an employee's becoming actually and totally incapacitated because of an occupational disease from per-forming his work in the last occupation in which injuriously exposed to the hazards of such disease, and "disability" Means the state of being so incapacitated. (d) "Disablement," in the case of silicosis, means the event of first becoming actually incapacitated, because of such disease, from performing any work in any remunerative employment; and "disability" means the state of being so incapacitated. (e) "Silicosis" means the characteristic fibrotic condition of the lungs caused by the inhalation of silicon dioxide dust.
Second Injury Fund availability	Only in claims alleging total and permanent disability. **If the claim meets these four essential elements** If a pre-existing condition has permanent physical impairment. If the pre-existing condition was manifest. If there was a hindrance and obstacle to employment If the pre-existing condition "combines with" the last injury (second injury) to cause total and permanent disability. **B - Benefits** Statutory benefits are monthly lifetime payments based on minimum/maximum or date of accident
Other Offset Opportunities	None
EDI	Claims EDI Release 1: FROI only (7/1/1996)
In-State Adjusting Required	Yes
License or Certification Required	Idaho Adjuster License required for claim adjusters working on Constitution State Services (TPA) business.