



Workers Compensation Claim State Environmental Guide - Kansas

KANSAS - [HTTP://WWW.WORKERSCOMPENSATION.COM/KANSAS.PHP](http://www.workerscompensation.com/kansas.php)

Indemnity issues

Temporary Total Benefits	<p>As of 07/01/2017 - \$630 max, \$25.00/ min, waiting period 7 calendar days, 21 consecutive days, limited to \$130,000 or 415 weeks. Volunteer firefighters paid at State Maximum compensation rate.</p> <p>After the injury, if claimant voluntarily resigns, or terminated for cause, rebuttable presumption that no TTD is owed.</p> <p>No TTD while receiving unemployment benefits.</p>
Temporary Partial Benefits	<p>As of 07/01/2017, no minimum, max rate \$630, no waiting period or retro period, limited to 415 weeks, or \$130,000.</p> <p>As of 5/15/2011 DOL – temp partial is owed on scheduled injuries.</p> <p>Injuries prior to 5/15/11 -Temporary partial disability is <u>not owed for scheduled injuries</u>, e.g., one foot, one wrist. Temporary partial disability is owed for body-as-a-whole injuries only; e.g., back, neck, head.</p>
Permanent Partial Benefits	<p>No minimum, maximum \$130,000.</p> <p>Scheduled injury, take credit for all weeks of lost time paid.</p> <p>Bilateral scheduled injuries in opposing extremities are compensated based on BAW.</p> <p>Multiple injuries to single extremity are combined and rated at the highest scheduled member actually impaired.</p> <p>Body as a whole injury, take credit for any temporary total or temporary partial paid in excess of 15 weeks. No waiting or retro periods. Benefits limited for scheduled body parts per 44-510d, benefits limited for body as a whole to 415 weeks per 44-510e. Rating completed by physician based on 4th Edition AMA Guides. Effective 01/01/2015, use 6th Edition AMA Guides</p> <p>If claimant has a body as a whole injury, and does not return to 90% of the pre-injury wages (including value of lost fringe benefits on last date of employment), work disability is created. Dates of loss after 05/15/2011 allow wages to be imputed claimant to make good faith effort to locate subsequent employment to qualify for wage loss.</p> <p>For permanent partial disability, where functional impairment only is awarded, maximum payable is \$75,000. The \$75,000 is owed <u>in addition</u> to the TTD/TPD paid.</p>
Permanent Total Benefits	<p>Minimum and maximum cap \$155,000 less credit for all temporary total, temporary partial and permanent partial previously paid, if any. No waiting or retro period. Can only be PTD once in their lifetime.</p>



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Indemnity issues

Fatality Benefits	<p>No minimum. If employee leaves dependents (whole or partial) 44-510b provides max cap of \$300,000. Fatality benefits may exceed \$300,000, if the child has not yet attained the age of 18, then benefits would continue until the age of 18 is reached.</p> <p>No waiting or retro periods.</p> <p>Initial payment of \$40,000 is immediately due and payable to surviving legal spouse or wholly dependent child under age of 18, or if full time student through age 23 or not physically or mentally capable of earning wages in any substantial and gainful employment. Hearing should be held before payment of any benefits, including initial \$40,000, to obtain judicial determination of recipients of death benefits.</p> <p>If the employee does not leave any dependents (wholly or partially), a lump sum payment of \$25,000 shall be made to the legal heirs, but NOT if employer has procured a life policy providing coverage less than \$18,500.</p> <p>Funeral benefits limited to \$5,000.</p>
Vocational Rehabilitation	Not required
Settlement Allowed	Full and final settlement is allowed. If a running award is entered, either party may file an application to review and modify the award if the facts change. Claimant counsel fees for post award filings are paid by the carrier.
Cap on benefits, exceptions	Indemnity benefits are capped, per the above
Temp Total Cap	Limited to state caps - \$130,000. Perm partial/\$155,000. Perm total
Permanent Partial based on AMA Guidelines	Yes – 4th edition until 01/01/2015 – then use 6th Edition AMA Guides

Medical issues

Initial Choice of Provider	Employer
Change of Provider	Employer
Medical Fee Schedule	Yes
Medical Fee Schedule percent over Medicare	Unavailable
Managed Care	No For more information, please refer to the WC Managed Care Quick Reference Chart by State Guide .
Utilization Review	Procedure exists for utilization review under K.S.A. 44-510j.
Treatment Guidelines	No
Generic Drug Substitution	The state mandates generic substitution.
Medical Mileage Reimbursement Rate	Effective 7/1/17, \$.535 per mile
Network Information	First Health (primary) and CorVel (secondary).
Ability to Terminate Medical Treatment	Determined by physician only
Settlement Allowed	Settlement is allowed. If a running award is entered, either party may file an application to review and modify the award if the facts change.
Cap on benefits, exceptions	No cap on medical, indemnity capped per above

Other Issues

Staff Counsel	Andersen & Associates 7465 West 132 nd St., #100 Overland Park, KS 66213 913-685-7000 855-229-9702 Fax
Hearings require attorney or claim handler participation	Attorney
Occupational Diseases	Yes
Second Injury Fund availability	Additional payments to injured workers for combination of injuries stopped as of 1993. Currently, if carrier is insolvent, the Fund will cover new benefits owed.
Other Offset Opportunities	Apportionment for prior WC ratings only, subrogation applies
EDI	Claims EDI Release 3: FROI & SROI (7/1/2013)
In-State Adjusting Required	No
License or Certification Required	No
WC Hearing Docket Speed	Hearings scheduled within 7 days of application for hearing.