



# Workers Compensation Claim State Environmental Guide – Rhode Island

RHODE ISLAND – [www.dlt.ri.gov/wc/](http://www.dlt.ri.gov/wc/)

## Indemnity issues

Temporary Total Benefits	No Minimum. Maximum changes every October 1. As of 10/1/2017 the max is \$1221.00. TT allows for \$15.00 added for each dependent. The comp rate should not exceed 80% of the AWW. Comp rate is based on 75% of the Spendable Base Wages (must use specified tables). Waiting period is three days and never retroactive. AWW is based on both 13 weeks of wages, and 52 weeks of overtime and bonus. The first payment should be paid within 21 days from the day the employer has knowledge. Unlimited benefits. COLA applicable effective May 10th each year after one year of TT benefits is received.
Temporary Partial Benefits	Definition: Capable of working in some capacity. Most people are placed on TP even when completely out of work. No Minimum. Maximum changes every October 1. As of 10/1/2017 the max is \$1221.00. TP does not pay for dependents. The comp rate should not exceed 80% of the AWW. Comp rate is based on 75% of the Spendable Base Wages (must use specified tables). Waiting period is three days and never retroactive. AWW is based on both 13 weeks of wages, and 52 weeks of overtime and bonus. The first payment should be paid within 21 days from the day the employer has knowledge. Benefits are limited to 312 weeks.
	Called “Specific Benefits.” Scarring is allowed for any part of the body. The amount is based on weekly amounts – min \$45.00 and max \$90.00. The benefit amount is subjective and based on experience. We sometimes use a baseline of 10 wks per inch. Never to exceed 500 wks. Impairment is also allowed for all extremities, not the spine. Any impairment to the spine is based on how it affects an extremity. Based on the latest AMA guidelines. Some total losses and amputations are scheduled in the law under section 28-33-19. Paid all at once. Attorney fee separate. Can be by mutual agreement without the court or ordered by the court. There are specific guidelines for hearing loss.
Permanent Partial/Total Benefits	PT is treated the same as TT therefore there is rarely a need to label PT.
Fatality Benefits	Burial expenses allowed \$15,000 Payable to dependents if they are considered wholly dependent on the employee. The rate is calculated the same as TT rate. \$40.00 added for each dependent. Benefits end upon remarriage or death of spouse or dependents reaching 18.
Vocational Rehab	The law does have a voc rehab section that is rarely used. It is not required. Evaluations can be requested by the state owned facility, The John E. Donley Center and there is no cost.



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Settlement Allowed	Yes. Settlement includes indemnity and medical. Benefits must be paid for 6 months before settlement can take place.
Cap on benefits, exceptions	TT no cap, TP 312 weeks When MMI is determined you can seek a reduction to 70% of the comp rate from the court.

**Medical issues**

Initial Choice of Provider	Employee choice. Treatment at an emergency room or with a doctor under contract with the employer does not count as the initial choice of a doctor.
Change of Provider	Initial provider may refer without permission. Provider changes within the same specialty can be done within reason. If the insurer or self-insured employer has a preferred provider network approved and kept on record by the medical advisory board, and change by the employee from the initial health care provider of records shall only be to a health care provider listed in the approved preferred provider network.
Medical Fee Schedule	There is a fee schedule.
Managed Care	None
Utilization Review	None
Treatment Guidelines	The state has established protocols for certain areas of treatment. They can be found on the website for Medical Advisory Board <a href="https://www.courts.ri.gov/Courts/workerscompensationcourt/MedicalAdvisoryBoard/Pages/Protocols.aspx">https://www.courts.ri.gov/Courts/workerscompensationcourt/MedicalAdvisoryBoard/Pages/Protocols.aspx</a> Most doctors follow them and then ask for authorization when they are planning to exceed them: Chiro, PT, Inject, etc.
Generic Drug Substitution	The state mandates generic substitution.
Medical Mileage Reimbursement Rate	Yes, \$0.54 per mile to and from IME.
Network Information	Focus (primary) and CorVel (secondary).
Ability to Terminate Medical Treatment	No limit on medical treatment reasonably and necessarily required to cure or relieve the injury. Can use IME to help stop excessive treatment. Can use IME to terminate benefits. IMEs can be requested within reason after compensation has been paid for 3 months.
Settlement Allowed	Yes. Both indemnity and medical settle.
Cap on benefits, exceptions	None

**Other Issues**

WC Hearing Docket Speed	Initial pre-trials are scheduled within 30 days from filing. Follow up court hearings come up fast. The docket is usually quick.
Staff Counsel	Law Office Steven Stein (401-273-4344) 400 Westminster St., Suite 300 Providence, RI 02903
Hearings require attorney or claim handler participation	Must have attorney participation at all levels in court. Claim handler does not need to attend. Pre-trial is binding decision.

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**Other Issues**

Occupational Diseases	Yes. Section 28-34-1, listed and specific as to what is allowed.
Second Injury Fund availability	None
Other Offset Opportunities	Apportionment can be proven in cases of multiple employers for cases of repetitive motion. Apportionment is based on court findings after a medical evaluation. The doctor apportions between jobs.
EDI	Claims EDI Release 3: FROI & SROI (3/1/2015)
In-State Adjusting Required	No
License or Certification Required	Yes. Must be licensed.