


Workers Compensation Claim State Environmental Guide - Nebraska

NEBRASKA – <http://www.wcc.ne.gov/index.htm>

Indemnity issues

<p>Temporary Total Benefits</p>	<p>The compensation shall be sixty-six and two-thirds percent of the wages received at the time of injury, but such compensation shall not be more than the maximum weekly income benefit specified in section 48-121.01 nor less than the minimum weekly income benefit specified in section 48-121.01</p> <p>The current maximum is \$785</p> <p>The minimum weekly income benefit is \$49.00.</p> <p>Waiting Period: No compensation shall be allowed for the first seven calendar days of disability, except as provided in section 48-120, but if disability extends beyond the period of seven calendar days, compensation shall begin on the eighth calendar day of disability, except that if such disability continues for six weeks or longer, compensation shall be computed from the date disability began.</p>
<p>Temporary Partial Benefits</p>	<p>The compensation shall be sixty-six and two-thirds percent of the difference between the wages received at the time of the injury and the earning power of the employee thereafter, but such compensation shall not be more than the maximum weekly income benefit.</p>
<p>Permanent Partial Benefits</p>	<p>For scheduled members, benefits are paid based upon the statutory value of the body part. Benefits are paid at the rate of two-thirds of the employee's average weekly wage up to \$785.00 max.</p> <p>An LOE is needed for <i>body as a whole</i> ratings to determine percentage. The percentage is multiplied by 2/3 of the employee's AWW (which is not limited to the max rate of compensation), and paid out for 300 weeks. (the max rate is applicable to the benefit rate in BAW ratings) TTD payments are counted toward the 300 weeks, so if you paid 50 weeks in TTD, you would pay 250 weeks of PPD.</p> <p>If someone works less than 40 hours a week, their TTD rate is paid as such, but for PPD, you would refigure their rate based on a 40 hour work week.</p> <p>Permanent Partial is based on AMA Guidelines – Nebraska has not adopted a particular Edition of the AMA Guidelines.</p>
<p>Permanent Total Benefits</p>	<p>The PTD benefits are payable as long as the employee remains permanently totally disabled. Maximum is \$785.00 and the minimum is \$49.</p>
<p>Fatality Benefits </p>	<p>The maximum weekly income benefits payable for all beneficiaries in case of death shall not exceed seventy-five percent of the average weekly wage of the deceased, subject to the maximum limits of \$785.00 a week.</p>

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Indemnity issues

Vocational Rehabilitation	When, as a result of an injury covered under the Nebraska Workers Compensation Act, an employee is unable to perform suitable work for which he or she has previous training or experience, the employee is entitled to such vocational rehabilitation services, including job placement and retraining, as may be reasonably necessary to restore him or her to suitable employment. We provide TTD benefits while the employee is enrolled in the VR program.
Settlement Allowed	Yes. We are allowed to settle files on a lump sum basis, closing out future rights to indemnity and medical benefits.
Cap on benefits, exceptions	No caps on TTD or PTD. Whole body injuries capped at 300 weeks for all indemnity paid; TTD, TPD. PPD

Medical issues

Initial Choice of Provider	Employee has choice of medical treatment. The employer/insurance carrier can ask the injured worker to attend an IME from time to time during the continuance of his or her disability.
Change of Provider	Once the employee makes his choice of physician, he/she generally stays with that physician. If they wish to change, it must be approved by us or ordered by the Court.
Medical Fee Schedule	Yes Medical Fee Schedule percent over Medicare
Managed Care	For more information, please refer to the WC Managed Care Quick Reference Chart by State Guide
Utilization Review	None.
Treatment Guidelines	None
Generic Drug Substitution	The state mandates generic substitution.
Medical Mileage Reimbursement Rate	.54 per mile.
Network Information	Corvel
Ability to Terminate Medical Treatment	Must show medical treatment is not related to work injury. Otherwise, lifetime medical is applicable if related care continues. If no payment of any benefits for two years, can cite statute of limitations.
Settlement Allowed	Yes, if both parties agree to a lump sum of future benefits. Medical can be settled full and final.
Cap on benefits, exceptions	No cap.

Other Issues

WC Hearing Docket Speed	4 to 6 months
Staff Counsel	None
Hearings require attorney or claim handler participation	Attorney
Occupational Diseases	Handled same as occupational injury.
Second Injury Fund availability	Effective July 1, 2000, the Second Injury Fund was merged with the Vocational Rehabilitation Fund and shall be referred to as the Workers' Compensation Trust Fund. Second Injury Fund payments are limited to injuries that occurred before December 1, 1997. The Workers' Compensation Trust Fund is financed by assessments against insurance companies and self-insured employers and is administered by the court. To qualify for indemnity benefits from the fund, an employee must have a prior serious disability documented by the employer through written records when the employee is hired or retained in the employment. If a subsequent injury produces a greater disability than that which would have resulted from the last injury alone, the fund will pay for the increased disability and the employer will pay only for the last injury
Other Offset Opportunities	None
EDI	Claims EDI Release 1: FROI only (4/1/2001)
In-State Adjusting Required	No
License or Certification Required	No

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Need for Reform

	Would like to see Employer/Insurer Choice of Physician

Major Developments

	<p>In 2015, there was a statutory adoption of the misrepresentation defense the Nebraska Supreme Court eliminated a couple of years ago.</p> <p>No compensation shall be allowed if, at the time of hire:</p> <p>(1) the employee knowingly and willfully made a false representation as to his/her physical or medical condition by acknowledging in writing that he/she is able to perform the essential functions of the job with or without reasonable accommodations based upon the <u>employer's written job descriptions</u>;</p> <p>(2) the employer relied upon the false representation and the reliance was a substantial factor in the hiring; and</p> <p>(3) a causal connection existed between the false representation and the injury.</p>
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Need for Reform

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Additional Comments

	Obtaining documentation from the physicians on apportionment, state required forms and other related claim questions.