

Workers' Compensation Laws as of January 1, 2019

Karen Rothkin



Workers Compensation
Research Institute

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WORKERS' COMPENSATION LAWS

AS OF JANUARY 1, 2019

Produced through a joint effort by the International Association of Industrial Accident Boards and Commissions (IAIABC) and the Workers Compensation Research Institute (WCRI)

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The data are the foundation for this report and could not have been collected without the workers' compensation experts in 59 jurisdictions who contributed to this project. We extend our deep appreciation to the staff at all of the public agencies who provided comments and a detailed review of these tables.

The International Association of Industrial Accident Boards & Commissions and members of WCRI staff also contributed. Jennifer Wolf Horejsh facilitated completion of the process. Dr. John Ruser's and Ramona Tanabe's support allowed this valuable public information project to continue. Lastly, I very much appreciate the support and assistance of Elizabeth Hopkins, who attended to all of the details from start to finish as the project assistant.

Of course, any errors or omissions that remain in the report are the responsibility of the author.

Karen Rothkin, Ph.D.
Cambridge, Massachusetts
April 2019

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INTRODUCTION

The following tables are intended to represent workers' compensation regulations and benefit levels in effect as of **January 1, 2019** (unless a footnote indicates otherwise) in the United States and in the Canadian jurisdictions that chose to participate in this project.

This survey builds on many years of valuable work by the U.S. Department of Labor (USDOL). The USDOL pioneered the use of a standard set of tables to promote uniformity in responses across states and consistency in reports from year to year. For budgetary reasons, the USDOL suspended production of their tables after regulations that went into effect as of January 1, 2009. Based on popular demand for the continuation of these tables, the Workers Compensation Research Institute (WCRI) and the International Association of Industrial Accident Boards and Commissions (IAIABC), for a seventh edition, have agreed to work as partners in the continuation of this important resource. WCRI funded the principal effort of survey administration and the publication of responses into useful tables.

CAUTION TO USERS

We recognize that both the jurisdictions responding to this survey and users of the results want the characterizations of laws to be accurate and fairly stated. Yet, it is inherently difficult to summarize complex laws with complete accuracy for all applications of that law. We have tried to strike a balance between the utility of summary data and the complexity of application of the law.

Several caveats are important for users regarding weaknesses in the survey data. Many of our disclaimers are well known to seasoned workers' compensation researchers but are worth emphasizing here for those less familiar with workers' compensation, the survey, and the current survey methodology.

In Canada and the United States, workers' compensation is entirely under the control of subnational legislative bodies and administrative agencies. For this reason, jurisdictions tend to have individualistic approaches to administering workers' compensation and often use the same legal constructs but apply different terms to describe them. For example, permanent partial disability seeks to provide a benefit to an injured worker for future wage losses resulting from an occupational occurrence. States use a variety of structures to attempt to accomplish this but sometimes do not use the term *permanent partial disability* to describe them.

Workers' compensation is inherently complex, both in terms of coverage and of benefits. It is easy to misunderstand subtle differences between jurisdictional laws and regulations. The differences in law are expanded by agency interpretive bulletins and traditional practices. Additionally, case law is continually redefining interpretations and application, and the laws are riddled with exceptions to the general rules. For example, the law may nominally call for universal coverage of all businesses with three or more employees, yet there could be a dozen exemptions from the universal coverage. The exemptions for on-farm employment, domestic workers, and sole proprietors are notoriously inconsistent from jurisdiction to jurisdiction.

The wording of the survey and table headings was also open to misinterpretation and inconsistency of responses. Even within the same agency, different people might respond to the survey with different answers. Given all the complexities cited above, some inconsistency is inevitable. So an additional level of quality assurance was added to this project to attempt to gain as much accuracy and consistency as possible.

Notwithstanding these limitations, the 2019 tables provide a valuable tool for researching and understanding workers' compensation system differences. It is best used to understand macro-level differences and general tendencies across jurisdictions. Examples of questions well suited for this survey data include the following:

- How many states/provinces allow individual or group self-insurance?
- How do the maximum and minimum payments for temporary total and permanent total disability benefits vary?
- How many states cover mental stress claims, hearing loss, and cumulative trauma?
- How many jurisdictions allow the worker to choose the treating physician, and how many allow the employer to do so?

Employer coverage responsibilities, coverage and benefit determinations, and other compliance issues must be based on a careful review of the laws in each jurisdiction. To illustrate, assume two jurisdictions each had three-day waiting periods and paid 66 and 2/3 percent of lost wages for temporary total disability benefits. The actual indemnity benefit payable may be complicated by exceptions and qualifications:

- When the first day of disability begins
- How intermittent periods of disability are treated
- Compensation that is included in determining the wage
- Period(s) over which the average wage is calculated
- Caps on wages earned by the injured worker
- Differences in the calculation of the compensation rate
- Reductions due to safety violations or additions due to the worker's age or the fact he or she may be an apprentice
- Allowable attorney fees
- Government and/or pension offsets

This same need to consider the facts surrounding particular applications of the law is true of most areas of workers' compensation. This is why we have encouraged jurisdictions to footnote their responses. In many cases the footnotes provide valuable insights and should be closely examined by the serious user of these tables. None of the information should be considered legal advice, and anyone wanting to understand specific details about any particular jurisdiction should consult the actual statute and rules or seek legal counsel.

NEW TO THIS EDITION

The current edition of the report includes a new table (1A) showing the names of respondents who completed the survey for each jurisdiction, the name of their agency or department, and a contact email address.

Table 4, which describes total temporary disability benefits, (eligibility, calculation, and conditions for benefit termination) has been split into three parts (4A, 4B, and 4C). This serves two functions: readability is enhanced when a table has fewer columns (especially in PDF format), and it enabled us to add some columns, now in Table 4B, about workers with more than one employer at the time of injury.

THE DATA COLLECTION AND QUALITY ASSURANCE PROCESS

The tables were populated with information requested of jurisdictions in November of 2018. The fields asked were similar to those for the 2016 edition and allowed jurisdictions to see their earlier response so that they could either update the response for 2016 or approve it as still valid.

The information gathered from the participating jurisdictions was input into the resulting tables. Every attempt was made to enter the actual information given by the jurisdiction into the tables accurately. However, in some cases, the information given was a statutory cite. In those instances, the information was summarized in the table or notation rather than citing the entire statute. This could result in an interpretation other than what was intended by a thorough reading of the statutory language.

These resulting tables were returned to each jurisdiction for final sign-off to ensure the data contained were accurate and current as displayed.

Finally, we ask that each user also become part of the continuous improvement process. If you find any information within these tables that is incorrect, please send the correct information to us with the statutory cites, rule number, or case law cite that will allow us to correct the information in subsequent publications. We would also appreciate your suggestions about extensions or modifications to the survey scope. Questions and suggestions for future reports should be sent to krothkin@wcrinet.org.

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GLOSSARY OF ACRONYMS AND ABBREVIATIONS

ABP = Additional benefits payable
 ADA = Americans with Disabilities Act
 AFL-CIO = American Federation of Labor and Congress of Industrial Organizations
 ALJ = Administrative law judge
 AMA = American Medical Association
 ANSI = American National Standards Institute
 ASW = Average state wage
 ASWW = Average state weekly wage
 AWW = Average weekly wage
 BWC = Bureau of Workers' Compensation
 CEO = Chief executive officer
 CFO = Chief financial officer
 COLA = Cost of living adjustment
 Comp = Compensation
 CPA = Certified public accountant
 CPI = Consumer price index
 CPP = Canada Pension Plan
 CPPD = Canada Pension Plan disability
 DCBS = Department of Consumer and Business Services
 DCRB = Delaware Compensation Rating Bureau
 DIA = Department of Industrial Accidents
 DLR = Department of Labor and Regulation
 DOI = Date of injury
 DOL = Department of Labor
 DOM = Date of manifestation
 DSM-V = Diagnostic and Statistical Manual of Mental Disorders, 5th Edition
 EI = Employment insurance
 ER = Emergency room
 FECA = Federal Employees' Compensation Act
 FERS = Federal Employees Retirement System
 FWW = Full weekly wage
 FY = Fiscal year
 GS = General Schedule
 HCS = Health care services
 IAB = Industrial Accident Board
 IC = Industrial Commission
 IME = Independent medical examination
 IRE = Impairment rating examination
 IWCC = Illinois Workers' Compensation Commission
 JCC = Judge of compensation claims
 LLC = Limited liability corporation
 LOE = Loss of earnings
 Max. = Maximum
 MCO = Managed care organization
 MEMIC = Maine Employers' Mutual Insurance Company

MHCP= Managed health care plan
 Min. = Minimum
 MMI = Maximum medical improvement
 MPN = Medical provider network
 MQRP = Medical Quality Review Panel
 N/A = Not applicable
 NAWW = National average weekly wage
 NBIAE = New Brunswick industrial aggregate earnings
 NCCI = National Council on Compensation Insurance
 NEL = Non-economic loss
 OD = Occupational disease
 ODG = Official Disability Guidelines
 OT = Occupational therapy
 OWC = Office of Workers' Compensation
 OWCP = Office of Workers' Compensation Programs
 PD = Permanent disability
 PI = Permanent impairment
 PPD = Permanent partial disability
 PPI = Permanent partial impairment
 PPO = Preferred provider organization
 PPP = Preferred provider program
 PT = Physical therapy
 PTD = Permanent total disability
 PTSD = Post-traumatic stress disorder
 PWOP = Payment without prejudice
 QME = Qualified medical examiner
 Rehab. = Rehabilitation
 RSCM = Rehabilitation services and claims manual
 RTW = Return to work
 SAMW = Statewide average monthly wage
 SAWW = Statewide average weekly wage
 SIB = Supplemental income benefits
 SIEF = Secondary Injury and Enhancement Fund
 SIF = Second Injury Fund
 SS = Social Security
 SSDI = Social Security disability insurance
 SWAMW = Statewide average monthly wage
 TB = Temporary benefits
 TDB = Total disability benefit
 TERB = Temporary earnings-replacement benefits
 THA = Tennessee Hospital Association
 TMA = Tennessee Medical Association
 TPD = Temporary partial disability
 TTD = Temporary total disability
 TWL = Temporary wage loss
 VR = Vocational rehabilitation
 WC = Workers' compensation
 WCA = Workers' Compensation Agency
 WCAT = Workers' Compensation Appeal Tribunal

WCB = Workers' Compensation Board
WCLJ = Workers' compensation law judge
WISBF = Workplace Injury Supplemental Benefit Fund
WPI = Whole person impairment
WSIB = Workplace Safety and Insurance Board
%PP = Percentage of permanent partial award

Table 1A List of Jurisdictional Contacts on Workers' Compensation Laws as of January 1, 2019

Jurisdiction	Name of Jurisdictional Contact	Name of Agency	Telephone	Email
Alabama	Craig White	Alabama Department of Labor, Workers' Compensation Division	334-956-4047	craig.white@labor.alabama.gov
Alaska	Grey Mitchell	Director, Alaska Division of Workers' Compensation	907-465-6060	grey.mitchell@alaska.gov
Arizona	Ruby Tate	Industrial Commission of Arizona	602-542-4317	Ruby.Tate@azica.gov
	Gaetano Testini, Esq.		602-542-5905	Gaetano.Testini@azica.gov
Arkansas	Catherine Richart	Arkansas Workers' Compensation Commission	501-682-2606	crichart@awcc.state.ar.us
California	Yvonne Hauscarriague	California Department of Industrial Relations Division of Workers' Compensation Legal Unit	510-286-7100	yhauscarriague@dir.ca.gov
Colorado	Christy Culkin	Colorado Division of Workers' Compensation	303-318-8668	christy.culkin@state.co.us
Connecticut	Terri Miro	Connecticut Workers' Compensation Commission	860-493-1558	terri.miro@ct.gov
District of Columbia	Ann E. Jelani	D.C. Office of Workers' Compensation	202-671-1050	ann.jelani@dc.gov
Delaware	Stephanie Parker	Delaware Department of Labor, Office of Workers' Compensation	302-761-8194	Stephanie.Parker@delaware.gov
Florida	Brittany O'Neil	Florida Department of Financial Services, Division of Workers' Compensation	850-413-1927	brittany.oneil@myfloridacfo.com
Georgia	Delece Brooks	Georgia State Board of Workers' Compensation	404-656-2048	camposp@sbwc.ga.gov
Hawaii	Shelli Gomes	Hawaii Department of Labor and Industrial Relations - Disability Compensation Division	808-586-9154	shelli.c.gomes@hawaii.gov
Idaho	Nick Stout	Idaho Industrial Commission	208-334-6013	nick.stout@iic.idaho.gov
	Kameron Monroe		208-334-6063	Kameron.Monroe@iic.idaho.gov
Illinois	Brendan O'Rourke	Illinois Workers' Compensation Commission	312-814-5464	brendan.orourke@illinois.gov
Indiana	Darren Dye	Indiana Workers' Compensation Board	317-233-3384	ddye@wcb.in.gov
Iowa	Janna Martin	Iowa Division of Workers' Compensation, Workforce Development	515-725-3824	janna.martin@iwd.iowa.gov
Kansas	Jassina Washington	Kansas Division of Workers' Compensation	785-296-4000 ext. 02140	jassina.washington@ks.gov
Kentucky	Robert Swisher	Kentucky Department of Workers' Claims	502-782-4535	robert.swisher@ky.gov
Louisiana	Pauline Williams	Louisiana Workforce Commission, Office of Workers' Compensation	225-342-7868	pauline.williams@la.gov
Maine	John Rohde	Maine Workers' Compensation Board	207-287-7091	john.rohde@maine.gov
Maryland	Stacey Roig	Maryland Workers' Compensation Commission	410-864-5315	sroig@wcc.state.md.us
Massachusetts	Bill Taupier	Department of Industrial Accidents	617-727-4900 ext. 7560	bill.taupier@state.ma.us
Michigan	David Campbell	LARA-Workers' Compensation Agency	517-284-8891	campbelld5@michigan.gov
Minnesota	David Berry	Minnesota Department of Labor and Industry	651-284-5208	david.berry@state.mn.us
	Kate Berger		651-284-5295	kate.berger@state.mn.us
Mississippi	Megan Garrott	Mississippi Workers' Compensation Commission	601-987-4218	mgarrott@mwcc.ms.gov
Missouri	Nasreen Esmail	Missouri Division of Workers' Compensation	573-526-4941	nasreen.esmail@labor.mo.gov
Montana	Kristine Ediger	Montana Department of Labor & Industry, Workers' Compensating Claims Assistance Bureau	406-444-1675	kediger@mt.gov
	Bill Wheeler		406-444-6541	bwheeler@mt.gov
Nebraska	Lorra O'Banion	Nebraska Workers' Compensation Court	402-471-6468	lobanion@wcc.ne.gov
Nevada as of January 1, 2016	Did not participate in the study this year			
New Hampshire	Edward Sisson	Workers' Compensation Division, New Hampshire Department of Labor	603-271-3176	Edward.Sisson@dol.nh.gov
New Jersey	Russell Wojtenko, Jr. Director & Chief Judge of Compensation	N.J. Department of Labor & Workforce Development	609-292-2414	Russell.Wojtenko@dol.nj.gov
New Mexico	Craig Kling	Workers' Compensation Administration	505-841-6071	craig.kling@state.nm.us
New York	Cheryl Wood	New York Workers' Compensation Board	518-402-6757	cheryl.wood@wcb.ny.gov
North Carolina	Meredith Henderson	North Carolina Industrial Commission	919-807-2575	meredith.henderson@ic.nc.gov
North Dakota	Michele Blumhagen	North Dakota Workforce Safety and Insurance	701-238-3781	mblumhagen@nd.gov

Table 1A List of Jurisdictional Contacts on Workers' Compensation Laws as of January 1, 2019

Jurisdiction	Name of Jurisdictional Contact	Name of Agency	Telephone	Email
Ohio	Sarah Huffman	Ohio Bureau of Workers' Compensation	614-728-4728	Sarah.h.1@bwc.state.oh.us
Oklahoma	Eric Russell	Oklahoma Workers' Compensation Court	405-522-8762	Eric.Russell@wcc.ok.gov
Oregon	Cathy Ostrand-Ponsioen	Oregon Workers' Compensation Division	503-947-7505	cathy.ostrand-ponsioen@oregon.gov
Pennsylvania	Scott G. Weiant	Pennsylvania Department of Labor and Industry	717-783-5421, ext. 9000	sweiant@pa.gov
Rhode Island	Matthew Carey	Rhode Island Department of Labor and Training	401-462-8127	matt.carey@dlt.ri.gov
South Carolina	Gary Cannon	South Carolina Workers' Compensation Commission	803-737-5744	gcannon@wcc.sc.gov
South Dakota	Thomas Hart	South Dakota Department of Labor and Regulation, Division of Labor and Management	605-773-6969	tom.hart@state.sd.us
Tennessee	Troy Haley	Tennessee Bureau of Workers' Compensation	615-532-0179	Troy.Haley@tn.gov
Texas	Amy Lee	Division of Workers' Compensation, Texas Department of Insurance	512-804-4410	amy.lee@tdi.texas.gov
US Federal Programs - FECA	Adam P Calendrillo	Office of Workers' Compensation Programs - Federal Employees Compensation Act	212-693-0040	Calendrillo.Adam@dol.gov
	Tirzah C Leiman-Carbia			Leiman-Carbia.Tirzah.C@dol.gov
	Jennifer Valdivieso			valdivieso.jennifer@dol.gov
US Federal Programs - Longshore	Kristina K. Hall	Office of Workers' Compensation Programs - Division of Longshore and Harbor Workers' Compensation	904-366-0286	hall.kristina@dol.gov
Utah	Ron Dressler	Labor Commission, Industrial Accidents Division	801-530-6841	rdressler@utah.gov
	Anita Watson		801-530-6271	anitawatson@utah.gov
Vermont	J. Stephen Monahan	Department of Labor	802-828-2138	stephen.monahan@vermont.gov
Virginia	Charles Steepleton	Virginia Workers' Compensation Commission	804-205-3578	charles.steepleton@workcomp.virginia.gov
Washington	Jordan Ely	Department of Labor and Industries	360-902-4616	jordan.ely@lni.wa.gov
	Debra Hatzialexiou		360-902-6695	debra.hatzialexiou@lni.wa.gov
	Suzu Campbell		360-902-5003	suzanne.campbell@lni.wa.gov
West Virginia	Richard M. Crynock	West Virginia Offices of the Insurance Commissioner	304-558-6279 ext. 1201	Richard.M.Crynock@wv.gov
	Shannon M. Lester		304-558-6279 ext. 1263	Shannon.M.Lester@wv.gov
	Erin K. Hunter		304-558-6279 ext. 1167	Erin.K.Hunter@wv.gov
Wisconsin	Kelly M. McCormick	Wisconsin Department of Workforce Development, Division of Worker's Compensation	608-266-1340	kellym.mccormick@dwd.wisconsin.gov
Wyoming	Jodi Bower	Wyoming Department of Workforce Services' Workers' Compensation	307-777-3614	jodi.bower@wyo.gov
	Jason Wolfe		307-777-6402	jason.wolfe@wyo.gov
Canadian Jurisdictions Participating				
British Columbia as of January 1, 2016	Did not participate in the study this year			
Ontario	Lauren Turner	Workplace Safety and Insurance Board	416-344-3133	Lauren_Turner@wsib.on.ca
New Brunswick	Carol Veysey	WorkSafeNB	506-738-4025	carol.veysey@ws-ts.nb.ca
Nova Scotia	Kevin Foster	Workers' Compensation Board of Nova Scotia	902-491-8365	kevin.foster@wcb.ns.ca
Prince Edward Island	Jody Jackson	Workers' Compensation Board of Prince Edward Island	902-368-5688	jsjackson@wcb.pe.ca
Saskatchewan	Julia Lacell	SK Workers' Compensation Board	306-787-9557	jlacell@wcbask.com

Table 1 Type of Law and Insurance Requirements as of January 1, 2019												
This chart displays information on whether a law is compulsory or elective by statute, if waivers are permitted, the market choices for purchasing coverage within each jurisdiction, and how the residual market is handled.												
Jurisdiction	Type Of Law: Compulsory Or Elective	Waivers Permitted				Employer To Insure Through			Self Insurance Allowed			Residual Market Administered By
		Yes/No	For Corporate Officers	For Sole Proprietors	For Children On Family Farms	Exclusive State Fund	Private Carriers	Competitive State Fund	Individual Employer	Groups Of Employers	Political Subdivisions	
Alabama	Compulsory	Yes	Yes	May elect to be covered	No	No	Yes	No	Yes	Yes	Yes	NCCI
Alaska	Compulsory	Yes	Yes (1)	Excluded, but may elect to be covered	No	No	Yes	No	Yes	No	Yes	NCCI
Arizona	Compulsory	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	None
Arkansas	Compulsory	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	NCCI
California (2)	Compulsory	Yes	Yes (3)	No	No	No	Yes	Yes	Yes	Yes	Yes	Non-exclusive state fund
Colorado	Compulsory	Yes (4)	Yes	May elect to be covered	No	No	Yes	Yes (5)	Yes	Yes	Yes	Pinnacol Assurance
Connecticut	Compulsory	Yes (6)	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	NCCI
Delaware	Compulsory	Yes (7)	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	An independent rating bureau through DCRB
District of Columbia	Compulsory	No	No	No	No	No	Yes	No	Yes	No	No	NCCI
Florida	Compulsory	Yes	Yes (8)	No	No	No	Yes	No	Yes	Yes	Yes	Florida Workers Compensation Joint Underwriting Association, Inc.
Georgia	Compulsory	Yes	Yes	No	No	No	Yes	No	Yes	Yes	Yes	NCCI
Hawaii	Compulsory	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	None
Idaho	Compulsory	No (9)	No	May elect to be covered	No	No	Yes	Yes	Yes	No	Yes	NCCI
Illinois	Compulsory	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	NCCI
Indiana	Compulsory	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	An independent rating bureau
Iowa	Compulsory	Yes	Yes	Yes	May elect to cover	No	Yes	No	Yes	Yes	N/A	NCCI
Kansas	Compulsory	Yes	Yes (10)	May elect to be covered	May elect to cover	No	Yes	No	Yes	Yes	Yes	NCCI
Kentucky	Compulsory	Yes	No	No	No	No	Yes	Yes	Yes	Yes	Yes	N/A
Louisiana	Compulsory	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	Louisiana Workers' Compensation Corporation
Maine	Compulsory	Yes	Yes (11)	N/A	Yes	No	Yes	No	Yes	Yes	Yes	MEMIC
Maryland	Compulsory	Yes	Yes (12)	May elect to be covered	No	No	Yes	Yes	Yes	Yes	Yes	Non-exclusive state fund
Massachusetts	Compulsory	Yes	Yes, if they own at least 25% of corporation	Yes, MA law states that WC is optional	No	No	Yes	No	Yes	Yes	Yes	An independent rating bureau
Michigan	Compulsory	Yes	Yes	No (13)	Yes	No	Yes	No	Yes	Yes	Yes	An independent rating bureau
Minnesota	Compulsory	Yes (14)	Yes	No (15)	Yes	No	Yes	No	Yes	Yes	Yes	Minnesota Workers' Compensation Insurers Association, Inc.
Mississippi	Compulsory	Yes	Yes (16)	Yes	No	No	Yes	No	Yes	Yes	Yes	NCCI
Missouri	Compulsory	Yes	Yes (17)	Excluded unless they opt in	Farm labor is excluded but employer may elect to be covered	No	Yes	No	Yes	Yes	Political subdivisions can self-insure but cannot provide coverage for other entities	Commercial carrier contracted through Missouri Department of Insurance
Montana	Compulsory	No (18)	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Non-exclusive state fund
Nebraska	Compulsory	No	(19)	(19)	No	No	Yes	No	Yes	No	Yes	Assigned risk plan contracted to a licensed carrier
Nevada as of January 1, 2016 (20)	Compulsory	Yes	Yes	May elect to be covered	No	No	Yes	No	Yes	Yes	Yes	NCCI
New Hampshire	Compulsory	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes (21)	NCCI
New Jersey	Compulsory (22, 23)	Yes	No	Yes	No	No	Yes	No	Yes	Yes (24)	Yes	An independent rating bureau
New Mexico	Compulsory	Yes	Yes	Yes	N/A	No	Yes	Yes	Yes	Yes	Yes	NCCI
New York	Compulsory	No	No (25)	No (26)	(27)	No	Yes	Yes	Yes	(28)	Yes	Non-exclusive state fund

Table 1 Type of Law and Insurance Requirements as of January 1, 2019												
This chart displays information on whether a law is compulsory or elective by statute, if waivers are permitted, the market choices for purchasing coverage within each jurisdiction, and how the residual market is handled.												
Jurisdiction	Type Of Law: Compulsory Or Elective	Waivers Permitted				Employer To Insure Through			Self Insurance Allowed			Residual Market Administered By
		Yes/No	For Corporate Officers	For Sole Proprietors	For Children On Family Farms	Exclusive State Fund	Private Carriers	Competitive State Fund	Individual Employer	Groups Of Employers	Political Subdivisions	
North Carolina	Compulsory	Yes	Yes (29)	Yes (30)	No	No	Yes	No	Yes	Yes	Yes	Assigned risk plan
North Dakota	Compulsory	Yes (31)	Yes	Yes	Yes	Yes	No	No	No	No	No	Exclusive fund
Ohio	Compulsory	Yes	No/yes for non-profit	Yes	No	Yes	No	No	Yes	No	Yes	Exclusive fund
Oklahoma	Compulsory	No	No	No	No	No	Yes	No	Yes	Yes	Yes	N/A
Oregon	Compulsory	Yes	Yes (32)	Yes	No	No	Yes	Yes (33)	Yes	Yes	Yes	NCCI
Pennsylvania	Compulsory	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	Non-exclusive state fund
Rhode Island	Compulsory	Yes (34)	Yes	No	No	No	Yes	Yes	Yes	Yes	No	Non-exclusive state fund
South Carolina	Compulsory	Yes	Yes (35)	No (36)	N/A (37)	No	Yes	No	Yes	Yes	Yes	NCCI
South Dakota	Compulsory	Yes	Yes	Yes	No	No	Yes	No	Yes	No (38)	Yes	NCCI
Tennessee	Compulsory	Yes	Corporate officers engaged in the construction services industry may obtain an exemption through the Secretary of State's office	Non-construction sole proprietors are automatically exempt but can elect to be covered. Sole proprietors engaged in the construction services industry may obtain an exemption through the Secretary of State	Agricultural workers are exempt in general (39)	No	Yes	No	Yes	Yes	Yes	Tennessee Workers' Compensation Insurance Plan (assigned risk plan) administered by NCCI
Texas	Elective	Yes (40)	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Competitive state fund
US Federal Programs - FECA	Compulsory	No	No	No	No	N/A (41)					There is no market of last resort	
US Federal Programs - Longshore (42)	Compulsory	No	No	No	No	No	Yes	Yes	Yes	Yes	N/A	Follows state-specific method in which the Longshore exposure arises
Utah	Compulsory	Yes	Yes	No	Yes	No	Yes	Yes	Yes (43)	No (43)	Yes (43)	Insurer of last resort—Workers Compensation Fund of Utah
Vermont	Compulsory	Yes	Yes (44)	No, except under limited exceptions provided by statute. See 21 V.S.A. sec. 601(14)(F)	Yes (44)	No	Yes	No	Yes	Yes	Yes	NCCI
Virginia	Compulsory	Yes	Yes	No	No	No	Yes	No	Yes	Yes	Yes	NCCI (45)
Washington	Compulsory	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Exclusive fund
West Virginia	Compulsory	Yes	Yes	May elect to be covered	No	No	Yes (46)	No	Yes	Yes	Yes	NCCI
Wisconsin	Compulsory (47)	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	Wisconsin Compensation Rating Bureau (WCRB)—an independent rating bureau
Wyoming	Compulsory (48)	Yes	Yes	May elect to be covered	May elect to cover	Yes	No	No	Yes (49)	Yes (49)	No	Exclusive fund
Canadian Jurisdictions Participating (stated in Canadian currency)												
British Columbia as of January 1, 2016 (50)	Compulsory (51)	Yes	Yes (52)	May apply for coverage	No	Yes	No	No	No	No	No	Exclusive fund
New Brunswick	Compulsory	No	No	No	No	Yes	No	No	No	Yes (53)	No	Exclusive fund
Nova Scotia	Compulsory	Yes	Yes	Yes	No	Yes	No	No	No	Yes (54)	No	Exclusive fund
Ontario	Compulsory	Generally no (55)	(55)	N/A	N/A	Yes	No	No	No (not instead of WSIB coverage)	No	No	N/A
Prince Edward Island	Compulsory	No	No	No	No	Yes	No	No	No	No	No	WCB is responsible to administer the Accident Fund

Table 1 Type of Law and Insurance Requirements as of January 1, 2019												
This chart displays information on whether a law is compulsory or elective by statute, if waivers are permitted, the market choices for purchasing coverage within each jurisdiction, and how the residual market is handled.												
Jurisdiction	Type Of Law: Compulsory Or Elective	Waivers Permitted				Employer To Insure Through			Self Insurance Allowed			Residual Market Administered By
		Yes/No	For Corporate Officers	For Sole Proprietors	For Children On Family Farms	Exclusive State Fund	Private Carriers	Competitive State Fund	Individual Employer	Groups Of Employers	Political Subdivisions	
Saskatchewan	Compulsory	No	No	May apply for coverage	No	Yes	No	No	No	No	Yes (56)	Exclusive fund
Notes:	Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.											
1	Alaska - Effective 8/1/19, AS 23.30.240 (regarding waivers for corporate officers) will be repealed and enacted to state that an executive officer is not an employee if they own at least 10 percent of the business entity. A corporation or limited liability company may bring an officer within the coverage of the business entity's insurance by specifically including the officer in the contract of insurance. No waivers will be granted after 7/31/19.											
2	California - Collective bargaining agreements establishing alternative dispute resolution programs (a.k.a. "carve-outs") permitted pursuant to CA Labor Code sections 3201.5 and 3201.7.											
3	California - Officers of a quasi-public or private corporation may waive coverage if they meet certain criteria pursuant to CA Labor Code section 3352.											
4	Colorado - Coverage cannot be waived, only rejected. Corporate officers and members of a limited liability company, who are at least 10 percent shareholders, may reject coverage. Coverage is elective for working general partners or sole proprietors. Coverage is required for construction workers unless specifically rejected.											
5	Colorado - Pinnacle Assurance only in the state of Colorado.											
6	Connecticut - Family members dwelling in residence under certain conditions and service workers for a household employed less than 26 hours per week.											
7	Delaware - Waivers are permitted for farm labor, sole proprietors, partners not in the construction industry, and eight corporate and four members of an LLC not in the construction industry (if in the construction industry that reduces to four and four).											
8	Florida - No more than three corporate officers within the construction industry allowed for exemption.											
9	Idaho - An employer's family (first degree of consanguinity), not dwelling in his household, can file an exemption from coverage. Unless the employee is exempted from coverage by law, there is no option to waive coverage.											
10	Kansas - Corporate owners with 10 percent of stock can elect out.											
11	Maine - Owners of a business are also excluded; sole proprietors are excluded.											
12	Maryland - A corporate officer is exempt if he or she is: (1) an officer of a close corporation; (2) an officer of a corporation that earns at least 75 percent of income from farming and owns at least 20 percent of outstanding capital stock; (3) an officer of a professional corporation, owns at least 20 percent, and performs a professional service for the corporation; or (4) a member of an LLC and owns at least 20 percent of the outstanding interests in profits of the LLC.											
13	Michigan - In a sole proprietorship, if it has one or more employees and all employees are the spouse, child or parent of the sole proprietor, then exclusion can be granted.											
14	Minnesota - Excluded from coverage are executive officers holding at least 25 percent of stock in a closely-held corporation with less than 22,880 hours of payroll in preceding calendar year, and the officer's spouse, parent or child, regardless of age, and executive officers of family farm corporations, and the officer's spouse, parent, or child, regardless of age. Although coverage is excluded, it can be elected.											
15	Minnesota - A sole proprietor, and the sole proprietor's spouse, parent or child, regardless of age. Although coverage is excluded, it can be elected.											
16	Mississippi - And employees who own 15 percent or more of stock in a corporation are exempt altogether.											
17	Missouri - Corporations with no more than two officers, who are also the only employees of the corporation, may withdraw from the workers' compensation provisions by filing a notice of election to be withdrawn with the Division. Written waivers may also be filed with the Division by employees and employers who are members of a recognized religious sect or division, as defined in 26 USC Section 1402 (g).											
18	Montana - Waivers do not exist for these three categories. However, the following entity types are exempted from WC coverage requirements: sole proprietors, working members of a partnership, working members of a limited liability partnership, or working members of a member-managed limited liability company; an officer of a quasi-public or a private corporation or manager of a manager-managed limited liability company.											
19	Nebraska - Self-employed individuals, sole proprietors, partners, and limited liability company members who are actually engaged in the business on a substantially full-time basis may elect to be covered. Executive officers who own 25 percent or more of the corporation's common stock are not considered employees unless they elect to be covered. Executive officers of a non-profit corporation who receive annual compensation of one thousand dollars or less from such corporation shall not be construed to be an employee unless they elect to be covered.											
20	Nevada - 2016 responses. No 2019 data were provided.											
21	New Hampshire - Any employer can be self-insured in New Hampshire with NH DOL permission.											
22	New Jersey - If employers do not choose to purchase workers' compensation coverage, they must notify their employees and obtain an employer-liability policy, which carriers do not currently offer. Employees can opt out in advance.											
23	New Jersey - Sole proprietors and members of an LLC can opt out of coverage for themselves only.											
24	New Jersey - Only for hospitals.											
25	New York - Except if there is only one corporate officer who holds all offices and owns all stock; such an officer can elect to be excluded from coverage.											
26	New York - Except a sole proprietor can elect whether or not to be covered by the policy for employees.											
27	New York - Children on family farms are covered if the farm had \$1,200 or more in payroll in the preceding calendar year, except children of an employer who is a farmer. They are not employees unless they are engaged by the farmer under an express contract for hire.											
28	New York - As of January 1, 2012, this option is only allowed for groups of employers that were in existence prior to March 31, 2011, and meet certain financial criteria.											
29	North Carolina - Corporate officers are counted in determining whether the corporation has three or more employees. However, corporate officers may specifically exclude themselves from coverage under a workers' compensation policy.											
30	North Carolina - Sole proprietors, partners, and members of limited liability companies are not automatically counted as employees, but they may elect to include coverage for themselves under the workers' compensation policy.											
31	North Dakota - Farm laborers, domestic servants, members of boards of directors of business corporations, casual workers, illegal enterprises or occupations, clergy, and real estate brokers or salespersons and newspaper delivery personnel with written agreements defining them as independent contractors are all exempt from coverage.											
32	Oregon - Waivers for corporate offices are limited - see ORS 656.027.											
33	Oregon - SAIF Corporation is a not-for-profit, state-chartered workers' compensation company.											
34	Rhode Island - Employees can claim common law rights and opt out.											
35	South Carolina - Corporate officers are covered unless coverage is rejected.											
36	South Carolina - By definition, a sole proprietor is an employer.											
37	South Carolina - Agriculture is excluded.											
38	South Dakota - Only utilities and political subdivisions can group self-insure.											
39	Tennessee - Employers of agricultural workers are exempt but have option to purchase coverage on and after 5/2/18 per TCA 50-6-106(4).											
40	Texas - Employees can claim common law rights and opt out.											
41	US Federal Programs - FECA - Administers benefits for U.S. government employees through the Office of WC Programs. They can be considered self-insured and self-administered.											
42	US Federal Programs - Longshore - Longshore pays for benefits to workers injured while working in areas and in occupations that traditionally are adjacent to waterways, like those who load and unload ships or build and repair ships.											

Table 1 Type of Law and Insurance Requirements as of January 1, 2019												
This chart displays information on whether a law is compulsory or elective by statute, if waivers are permitted, the market choices for purchasing coverage within each jurisdiction, and how the residual market is handled.												
Jurisdiction	Type Of Law: Compulsory Or Elective	Waivers Permitted				Employer To Insure Through			Self Insurance Allowed			Residual Market Administered By
		Yes/No	For Corporate Officers	For Sole Proprietors	For Children On Family Farms	Exclusive State Fund	Private Carriers	Competitive State Fund	Individual Employer	Groups Of Employers	Political Subdivisions	
43	Utah - Employers, both public and private, may become self-insured by satisfying statutory requirements. Public entities may form public agency insurance mutual associations to establish group self-insurance status.											
44	Vermont - Waivers are permitted for up to four corporate officers or LLC members, members of an employer's family residing with the employer, and all employees on farms with <\$10,000 aggregate annual payroll. See for further detail and exceptions, 21 V.S.A. sec. 601(14)(C)(D) and (H).											
45	Virginia - Only for uninsured employers who are subject to the Act.											
46	West Virginia - On July 1, 2008, West Virginia opened its workers' compensation market to private insurers. Prior to July 1, 2008, there was a single private insurer.											
47	Wisconsin - The exceptions are exclusive by type of employment, organizational structure, and amount of payroll. Sole proprietors, partners, and members of limited liability companies are exempt from coverage, but may elect to cover themselves. Two officers of a closely-held corporation (a corporation with not more than 10 stockholders) may exclude themselves from coverage. The only employee exceptions are: (1) domestic servants; (2) any person whose employment is not in the trade or business profession or occupation of the employer; (3) some farm employees; (4) volunteers, including volunteers of non-profit organizations that receive money or other things of value totaling not more than \$10.00 per week; (5) religious sect members that qualify and are certified for an exemption; (6) employees of Native American tribal enterprises (including casinos), unless the tribe elects to waive its sovereign immunity and voluntarily become subject to the law; and (7) real estate brokers, agents, and salespersons that satisfy the two elements pursuant to s. 452.38, Wis. Stats.											
48	Wyoming - Compulsory for extra-hazardous industries; all others may elect coverage.											
49	Wyoming - Self insurance is an option only for non-hazardous industries.											
50	British Columbia - 2016 responses. No 2019 data were provided.											
51	British Columbia - Coverage is universally mandatory (for all entities considered to be employers) unless excluded by the Board of Directors. Section 2(1) of the Act allows for exclusion; this part applies to all employers, as employers, and all workers. There are several self-insured (but no self-administered) employers termed "deposit class" employers. However, current policy prohibits the formation of any new "deposit accounts."											
52	British Columbia - Generally covered under the Act. However, there is a policy exception: principals are not entitled to compensation if the injured principal was personally responsible for the failure to register for coverage.											
53	New Brunswick - There is group self insurance for the government of New Brunswick. It continues to pay loss of earnings benefits, and WorkSafeNB administers the claim. It pays full costs of the claim.											
54	Nova Scotia - Self insurance is only available for provincial and federal government departments and agencies.											
55	Ontario - There is a waiver permitted in the construction industry—one partner in a partnership and one executive officer in a corporation may choose to be exempt from coverage if he/she does not perform construction work.											
56	Saskatchewan - The Saskatchewan Workers' Compensation Board has an agreement with the Federal Government of Canada to administer work-related injury claims for federal employees. According to this agreement, the Federal Government is required to pay to the WCB the cost of all compensation benefits distributed to their workers plus a share of the administration costs rather than an assessment rated on payroll.											

Table 2 Coverage Exemptions from Workers' Compensation as of January 1, 2019											
This table displays information on which jurisdictions have exceptions to coverage for small employers, agricultural employers, and domestic employers, as well as other employees who may be excluded from workers' compensation laws.											
Jurisdiction	Specific Exclusions For Small Employers		Specific Exclusions For Agricultural Employers		Specific Exclusions For Domestic Employers		Other Employees Excluded From Coverage				
	Yes/No	Employers Are Exempt Who Employ Fewer Than	Yes/No	Conditions For Exclusion	Yes/No	Conditions For Exclusion	Independent Contractors	Casual Employees	Volunteers	Prof. Athletes	Other (See Notes)
Alabama	Yes	5	Yes	None	Yes	None	No	Yes	No	No	Yes
Alaska	No	N/A	No (1)	Harvest help excluded from coverage	No (2)	Part-time baby-sitters and cleaning persons excluded from coverage	Yes	No	Yes	Yes (3)	Yes (3)
Arizona	No	N/A	No	N/A	Yes	ARS 23-902 has an exception for domestic servants	Yes	Yes	No	No	Yes (4)
Arkansas	Yes	3 (5)	Yes		Yes		Yes	Yes (6)	(7)	No	Yes
California	No	N/A	No	N/A	Yes	During 90 days preceding date of injury, (a) employment was, or was contracted to be, for less than 52 hours, or (b) employment was, or was contracted to be, for wages of less than \$100	Yes	No	Yes (8)	No (9)	N/A
Colorado	No	N/A	Yes	Exclusion applies if the employer does not pay persons engaged in casual agricultural activities more than \$2,000 in wages for any calendar year	Yes	Exclusion applies if the employer does not employ persons engaged in domestic work for more than 40 hours/week or on 5 days or more/week	Yes	Yes	No (10)	No	Yes (10)
Connecticut	No	N/A	No	N/A	Yes	If employee works 26 hours or less per week (11)	Yes	No (12)	No	No	
Delaware	No	N/A	Yes	Agribusiness must provide coverage to workers	Yes	If a worker earns less than a certain amount of money (13)	Yes (14)	No	No	No	N/A
District of Columbia	No	N/A	No		Yes	If a worker works 240 hours or less per quarter	Yes	No	Yes	No	
Florida	Yes	4, in non-construction businesses	Yes	If a worker works less than a certain time period; if an employer has fewer than a certain number of employees	Yes		Yes (15)	Yes	Yes	Yes	Yes (15)
Georgia	Yes	3	Yes	Exclusions include laborers employed in or about the business of farming, defined as the cultivation of land for the production of agricultural crops with incidental enterprises. Also specifically excluded is any person employed in connection with the raising and caring for wildlife	Yes		Yes	No	Yes (16)	No	Yes (17)
Hawaii	Yes (18)	N/A	No	N/A	Yes	If the cash remuneration is less than \$225 during the current calendar quarter	Yes	No	No	No	N/A
Idaho	No	N/A	No	N/A	Yes		Yes (19)	Yes (19)	Volunteer ski patrol (19)	Yes (20)	Yes (19)
Illinois	No	N/A	Yes	If employer employed less than 400 working days of labor per quarter during the preceding calendar year (Sec. 3(19))	Yes	If not employed more than 40 hours per week for 13+ weeks during a calendar year (Sec. 3(18))	Yes	No	Yes	No	N/A
Indiana	No	N/A	Yes		Yes		Yes	Yes	Yes	No	(21)
Iowa	No	N/A	Yes	If the employer's total cash payroll is less than \$2,500 during the preceding calendar year	Yes	If a worker earns less than \$1,500 during the twelve consecutive months prior to the injury	Yes	Yes	No	No	(22)
Kansas	Yes	No numerical exemption, but employers who pay \$20,000 or less in payroll per year are exempt	Yes	For agricultural pursuits	No	N/A	Yes	No	Yes	No	(23)
Kentucky	No	N/A	Yes	None	Yes	Excluded if 2 or fewer employees working less than 40 hours/week	Yes	No	Yes	Yes	Yes
Louisiana	No	N/A	Yes	If employee makes less than \$2,500, he or she is excluded	Yes	Any employee of a private residential householder or any employee of a private unincorporated farm	No	No	Yes	No	N/A
Maine	No	N/A	Yes	If a worker works less than a certain time period; if an employer has fewer than a certain number of employees	Yes		Yes	No	Yes (24)	No	N/A
Maryland	No	N/A	Yes	If an employer has fewer than 3 employees; if an employer pays less than a certain amount in wages (\$15,000/year); if the individual receives compensation from a farmer for only office work	Yes	If a worker earns less than a certain amount of money (\$1,000/quarter)	Yes, if true independent contractors	Yes	Yes (25)	No	Yes (26)
Massachusetts	No	N/A	No	N/A	Yes	If a domestic employee works less than 16 hours per week	No	No	Yes	Yes	Yes (27)
Michigan	Yes	3 part-time employees, but all full-time employees must be covered	Yes	Depending on hours worked, some employees may only have medical coverage	Yes	If a worker works 35 hours or less per week	Yes	No	Yes	No	(28)

This table displays information on which jurisdictions have exceptions to coverage for small employers, agricultural employers, and domestic employers, as well as other employees who may be excluded from workers' compensation laws.											
Jurisdiction	Specific Exclusions For Small Employers		Specific Exclusions For Agricultural Employers		Specific Exclusions For Domestic Employers		Other Employees Excluded From Coverage				
	Yes/No	Employers Are Exempt Who Employ Fewer Than	Yes/No	Conditions For Exclusion	Yes/No	Conditions For Exclusion	Independent Contractors	Casual Employees	Volunteers	Prof. Athletes	Other (See Notes)
Minnesota	No	N/A	Yes	An executive officer of a family farm; a partner engaged in a farm operation; spouse, parent, or child of an executive officer of a family farm corporation; farm families exchanging work; a person employed by a family farm as defined in Minn. Stat. § 176.011, subdivision 11a (obligated to pay cash wages to farm laborers less than \$8,000 or less than the SAWW with liability and medical coverage equal to \$300,000 and \$5,000)	Yes	If a household worker in a private home earns less than \$1,000 in cash in a 3-month period or in the previous year	Yes	Yes	No (volunteers are not employees except as specified in 176.011, subd. 1)	No	Other exemptions and details are specified in Minn. Stat. 176.041
Mississippi	Yes	5	Yes	Farmers and farm labor are excluded	Yes	Domestic servants are excluded	Yes	Yes	Yes	No	No
Missouri	Yes	5 (29)	Yes (30)	Performing "farm labor" only (30)	Yes	The Missouri Workers' Compensation Law does not apply to work done in private homes to care for the members of private households	No (31)	No	Yes	No	Yes (32)
Montana	No	N/A	Yes	Agricultural employers are not required to cover employees who are performing temporary agricultural work for an employer (if the person performing the work is otherwise exempt from the coverage requirement)	Yes	N/A	Yes	Yes	Yes	Yes	Yes (33)
Nebraska	No	N/A	Yes	Employers engaged in an agricultural operation are exempt from providing workers' compensation insurance coverage if they employ only related employees; agricultural employers who employ unrelated employees are also exempt unless in a calendar year they employ 10 or more unrelated, full-time employees, on each working day for 13 calendar weeks (consecutive or not); the act applies to an employer 30 days after the 13th week	Yes	Service performed by a worker who is a household domestic servant in a private residence	Yes	Yes	Yes	No	N/A
Nevada as of January 1, 2016 (34)	No	N/A	Yes		Yes		Yes	Yes	No	Yes	(35)
New Hampshire	No	N/A	No	N/A	No	N/A	Yes	No	Yes	No	N/A
New Jersey	No	N/A	No	N/A	No	Can be covered by homeowner's insurance rider	Yes	Yes	Yes	No	N/A
New Mexico	Yes	3	No	N/A	Yes	N/A	Yes	Yes	No	No	Yes (36)
New York	No	N/A	Yes	If an employer pays less than \$1,200 in wages (37)	Yes	If a worker works less than 40 hours per week	Yes	Yes (38)	Yes (39)	No	(40)
North Carolina	Yes	3 (41)	Yes	Farm laborers are excluded when fewer than 10 full-time, non-seasonal farm laborers are regularly employed by the same employer	Yes	(42)	Yes	Yes	Yes (43)	No	Yes (44)
North Dakota	No	N/A	Yes	NDCC65-01-17	Yes	NDCC65-01-02.16(b)	Yes	Yes	Yes	No	Yes (45)
Ohio	No	N/A	Yes	Officers of family farm corporation not covered unless coverage is elected	Yes	Household workers who earn less than \$160 in cash in any calendar quarter from a single household and casual workers who earn less than \$160 in cash in any calendar quarter from a single employer	Yes	No	Yes	No	N/A
Oklahoma	Yes	Those employed by employers with 5 or fewer total employees, all related by blood or marriage to the employer, where the employer is a natural person, general or limited partnership, or incorporator of a corporation, do not meet the definition of "employee" and thus are exempt	Yes	Agricultural or horticultural workers who are employed by an employer with less than \$100,000 in payroll for such workers in the preceding calendar year	N/A	N/A	Yes (46)	No	Yes	No	N/A
Oregon	No	N/A	No	N/A	Yes	Workers employed in a private home as a domestic servant, or home gardener or repair person employed by the homeowner	Yes	Yes	Yes	No	Yes (47)
Pennsylvania	No	N/A	Yes	Not covered unless the worker works more than a certain time period; when an employer pays more than a certain amount in wages	Yes	Persons engaged in domestic service at that time of injury are excluded from coverage under the Act	Yes	Yes	No	No	Yes (48)
Rhode Island	No	N/A	Yes	Coverage is required with 25 or more farm laborers or agricultural workers employed for 13 consecutive weeks producing and raising specified crops and livestock	No	N/A	Yes	Yes	Yes	Yes	Yes (49)

Table 2 Coverage Exemptions from Workers' Compensation as of January 1, 2019											
This table displays information on which jurisdictions have exceptions to coverage for small employers, agricultural employers, and domestic employers, as well as other employees who may be excluded from workers' compensation laws.											
Jurisdiction	Specific Exclusions For Small Employers		Specific Exclusions For Agricultural Employers		Specific Exclusions For Domestic Employers		Other Employees Excluded From Coverage				
	Yes/No	Employers Are Exempt Who Employ Fewer Than	Yes/No	Conditions For Exclusion	Yes/No	Conditions For Exclusion	Independent Contractors	Casual Employees	Volunteers	Prof. Athletes	Other (See Notes)
South Carolina	Yes	4	Yes		No	N/A	Yes	Yes	Yes	No	N/A
South Dakota	No	N/A	Yes	Based on the predominant nature of the employee's work, and the employer's business. No exclusion if primarily in the business of operating threshing machines, grain combines, corn shellers, cornhuskers, shredders, silage cutters, and seed hullers for profit	Yes	The employee works less than 6 weeks in a 13-week period or less than 20 hours a week	Yes	Yes	Yes	No	Elected officials
Tennessee	Yes	5 (50)	Yes	(51)	Yes		Yes	Yes	Yes	No	N/A
Texas	No	N/A	Yes (52)		Yes		Yes	Yes	Yes	Yes	N/A
US Federal Programs - FECA	No	N/A	No	N/A	No	N/A	Yes	No	No	Yes	N/A
US Federal Programs - Longshore	No	N/A	No	N/A	No	N/A	No	No	No	No	Yes (53)
Utah	No	N/A	Yes (54)	(54)	Yes	Work week totals less than 40 hours	Yes (55)	No	Yes (56)	No	Yes (57)
Vermont	No	N/A	Yes	If total aggregate payroll is less than \$10K (58)	Yes	A homeowner is not required to provide WC for work performed in or about the homeowner-employer dwelling	No	Yes	Yes	No	Yes (59)
Virginia	Yes	3	Yes	Employees of farm and horticultural laborers are excluded from coverage unless the employer regularly has in service more than three full-time employees	Yes	Domestic servants are excluded from coverage when employed by the homeowner or household	Yes	Yes	No	No	Yes (60)
Washington	No	N/A	Yes	Coverage is not required if child under 18 years is employed by parents on a family farm, and an 18 to 21 year old on a family farm may be excluded	Yes	Coverage is not required if the employer has fewer than 2 full time employees	Yes (61)	Yes	Yes (61)	No	Yes (61)
West Virginia	No	Casual employees (62)	Yes	5 or fewer full-time employees	Yes	Domestic servant performing work in or about a private home of the person by whom they are employed	Yes	Yes	Yes	Yes	N/A
Wisconsin	Yes	3 (63)	Yes	Farms do not need coverage unless they have 6 or more employees on any 20 days in a calendar year; certain relatives are not counted when determining the number of employees	Yes	Persons hired in a private home to perform general household services such as nannying, baby-sitting, cooking, cleaning, laundering, gardening, yard and maintenance work, and other duties commonly associated with the meaning of domestic servant	Yes (64)	No	Yes	No	(65)
Wyoming	No	N/A	No	N/A	Yes		Yes	Yes (66)	Yes (66)	No	Yes (66)
Canadian Jurisdictions Participating (stated in Canadian currency)											
British Columbia as of January 1, 2016 (67)	No	N/A	No	N/A	No	N/A	(68)	(68)	(68)	Yes	(68)
New Brunswick	Yes	3 (69)	No	N/A	Yes (70)	N/A	No	Yes (71)	No	Yes	Yes (69)
Nova Scotia	Yes	3	Yes	If an employer has 3 or fewer employees	Yes	If an employer has 3 or fewer employees	No	No	Yes (72)	Yes	N/A
Ontario	No	N/A	No	N/A	Yes	Some exclusions apply for part-time workers	Yes, except in construction industry where most are compulsorily covered	Yes	Yes, except volunteers with certain emergency services	Yes	Yes
Prince Edward Island	No	N/A	No	N/A	Yes	N/A	Yes	No	Yes	Yes	Yes, as outlined in Section 2 of the General Regulations
Saskatchewan	No	N/A	Yes		Yes		Yes (73)	No	No	No	N/A
Notes:											
Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.											
1 Alaska - Agricultural and farm workers are covered generally, subject to the exception that "harvest help" and similar part-time or transient help are not covered.											
2 Alaska - Domestic workers are generally not covered. An employer is defined under the statute as a person employing someone in connection with a business or industry.											
3 Alaska - Individuals excluded from the definition of employee include part-time babysitters, part-time cleaning persons, harvest help/similar part-time or transient help, contract sports officials working amateur sports events, contract entertainers, commercial fishermen, taxicab drivers (conditional), Temporary Assistance Program participants, professional hockey team players/coaches covered by team-supplied health insurance covering both work-related and non-work-related injuries, licensed real estate professionals (conditional), sole proprietors, partnership members, limited liability company members, and executive officers of municipal and not-for-profit corporations.											

Table 2 Coverage Exemptions from Workers' Compensation as of January 1, 2019											
This table displays information on which jurisdictions have exceptions to coverage for small employers, agricultural employers, and domestic employers, as well as other employees who may be excluded from workers' compensation laws.											
Jurisdiction	Specific Exclusions For Small Employers		Specific Exclusions For Agricultural Employers		Specific Exclusions For Domestic Employers		Other Employees Excluded From Coverage				
	Yes/No	Employers Are Exempt Who Employ Fewer Than	Yes/No	Conditions For Exclusion	Yes/No	Conditions For Exclusion	Independent Contractors	Casual Employees	Volunteers	Prof. Athletes	Other (See Notes)
4	Arizona	All sole proprietors, and a working member of an LLC, or working shareholder of a corporation who owns more than 50 percent membership interest, can opt into coverage; otherwise they are excluded.									
5	Arkansas	The stated number of employees triggering requirement to have workers' compensation insurance may be as low as one.									
6	Arkansas	Casual employees are excluded from coverage under A.C.A. 11-9-102 (9)(A), where <i>casual employee</i> is defined as follows: "Employee" means any person, including a minor, whether lawfully or unlawfully employed in the service of an employer under any contract of hire or apprenticeship, written or oral, expressed or implied, but excluding one whose employment is casual and not in the course of the trade, business, profession, or occupation of his or her employer and excluding one who is required to perform work for a municipality or county or the state or federal government upon having been convicted of a criminal offense or while incarcerated."									
7	Arkansas	Volunteers are generally excluded since they are not employees. Our statute doesn't specifically exclude them but since they are not employees they don't meet the definition of who is covered. Some employers arrange their policy to cover them but they aren't required to do this.									
8	California	Volunteer firefighters are covered by CA Labor Code section 4458. Only limited volunteers are excluded, for example, ski patrol or camp volunteers.									
9	California	See CA Labor Code section 3600.5 for statutory criteria governing which professional athletes are excluded from coverage.									
10	Colorado	Employees of eleemosynary, charitable, fraternal, religious, or social employers who are elected or appointed to serve in an advisory capacity and receive an annual salary or an amount not in excess of \$750 and who are not otherwise subject to the Workers' Compensation Act of Colorado are not covered.									
11	Connecticut	31-275(9)(B) "Employee" shall not be construed to include: (iv) Any person engaged in any type of service in or about a private dwelling provided he is not regularly employed by the owner or occupier over twenty-six hours per week.									
12	Connecticut	Police, fire, and ambulance workers are covered.									
13	Delaware	Does not apply to any person employed as a household worker in a private home or household who earns less than \$750 in cash in any 3-month period from a single private home or household or to any person employed as a casual worker in a private home or household who earns less than \$750 in cash in any 3-month period from a single private home or household.									
14	Delaware	Independent contractors working in the construction industry are not exempt from coverage unless they are one of four members of an LLC.									
15	Florida	Also excluded from the definition of <i>employee</i> are independent contractors engaged in the non-construction industry, state prisoners, county inmates, or individuals performing labor under a sentence of court to perform community services, and volunteers (except a volunteer worker for the state, county, municipality, or other governmental entity).									
16	Georgia	There have been some legislative exceptions.									
17	Georgia	Employees not in the usual course of business.									
18	Hawaii	Effective 7/8/2011, excludes services performed by an individual who is a member of a limited liability company or a partner of a limited liability partnership who has a distributional interest in the company or partnership of at least 50 percent, a partner of a partnership, and a sole proprietor from the definition of employment.									
19	Idaho	Unless coverage is elected.									
20	Idaho	Officials of athletic contests involving secondary schools.									
21	Indiana	No exclusions.									
22	Iowa	Owner-operators and directors of a corporation (who are not at the same time employees of the corporation), proprietors, limited liability partners, and partners.									
23	Kansas	\$20,000 in payroll (less payment to family members) is the employer threshold for coverage; members of limited liability companies, real estate sales paid strictly on commission, partnerships, and self-employed individuals are also specifically exempt.									
24	Maine	Volunteer firefighters and emergency medical persons are not excluded.									
25	Maryland	See LE §§ 9-231-9-234.									
26	Maryland	Also excluded are workers working for aid or sustenance only, sole proprietors, residents in a facility, real estate salespersons and associate real estate brokers, a partner, an owner/operator of a class E vehicle, a maintenance worker, or a remodeler.									
27	Massachusetts	Real estate brokers or agents, taxi drivers (operating independently or under a cab leasing agreement), police (covered by a separate compensation system via collective bargaining), firefighters (covered by a separate compensation system via collective bargaining), and employees covered under other federal programs.									
28	Michigan	See Sec. 418.119 regarding exclusions of real estate salespeople; see Sec. 418.161 for exclusion language on family members of an employer.									
29	Missouri	In construction all employees must be covered.									
30	Missouri	The Missouri Workers' Compensation Law does not apply to employment of farm labor. Missouri courts have interpreted the term "farm labor" according to its ordinary and customary usage. This interpretation does not exclude workers from the jurisdiction of the law who would otherwise be included in the definition of the term "agriculture." Agriculture is broader than farming.									
31	Missouri	Independent contractors may be ruled to be "statutory employees" under Mo. Rev. Stat. § 287.040, depending upon the particular facts shown.									
32	Missouri	Also excluded are qualified real estate agents, certain inmates, volunteers of a 501(c)(3) organization, and sports officials of interscholastic sports programs.									
33	Montana	Exemptions are listed in 39-71-401, MCA.									
34	Nevada	2016 responses. No 2019 data were provided.									
35	Nevada	Excluded employees also include volunteer ski patrol persons; amateur sports officials; sales people who work on commission; persons who perform services under a written agreement, which provides they are not an employee for purposes of the workers' compensation act; some musicians and theatrical or stage performers; and real estate brokers, broker-sales people, or sales people licensed pursuant to chapter 645 of NRS.									
36	New Mexico	Also excluded are qualified real estate sales persons.									
37	New York	The spouse and minor children (under 18 years old) of a farmer are not counted as employees as long as they are not under an express contract of hire.									
38	New York	Casual employees excluded from coverage include minors fourteen years of age or over engaged in casual employment consisting of yard work and household chores in and about a one-family owner-occupied residence or the premises of a nonprofit, noncommercial organization, not involving the use of power-driven machinery. Persons engaged by the owner in casual employment consisting of yard work, household chores and making repairs to or painting in and about a one-family owner-occupied residence are also excluded from coverage. Casual means occasionally, without regularity, without foresight, plan or method.									
39	New York	Volunteers for non-profit organizations who receive no compensation are excluded from coverage. Compensation includes stipends, room, board, and other perks that have monetary value.									
40	New York	Other employees excluded from coverage include: 1) New York City policy officers, firefighters, and sanitation workers; 2) duly ordained, commissioned or licensed ministers, priests and rabbis, sextons, Christian Science readers, and members of religious orders; 3) people engaged in a teaching capacity in or for a nonprofit religious, charitable or educational institution; 4) certain real estate salespersons who sign a contract with a broker stating that they are an independent contractor; 5) certain media sales representatives who sign a contract stating that they are independent contractors; and 6) certain insurance agents or brokers who sign a contract stating that they are independent contractors.									
41	North Carolina	Excludes employees exposed to radiation.									
42	North Carolina	Excludes domestic servants and employees of such persons.									
43	North Carolina	Officers and volunteers of non-profit corporations may be excluded, provided that they receive no compensation (other than reasonable expense reimbursement) for their service to the non-profit corporation.									
44	North Carolina	Federal government employees and other statutory exceptions are excluded.									
45	North Dakota	Excluded employees also include farm laborers, domestic servants, members of boards of directors of business corporations, casual workers, illegal enterprises or corporations, clergy, and real estate brokers or sales persons and newspaper delivery personnel with written agreements defining them as independent contractors. NDCC65-01-02.16(b).									

Table 2 Coverage Exemptions from Workers' Compensation as of January 1, 2019										
This table displays information on which jurisdictions have exceptions to coverage for small employers, agricultural employers, and domestic employers, as well as other employees who may be excluded from workers' compensation laws.										
Jurisdiction	Specific Exclusions For Small Employers		Specific Exclusions For Agricultural Employers		Specific Exclusions For Domestic Employers		Other Employees Excluded From Coverage			
	Yes/No	Employers Are Exempt Who Employ Fewer Than	Yes/No	Conditions For Exclusion	Yes/No	Conditions For Exclusion	Independent Contractors	Casual Employees	Volunteers	Prof. Athletes
46	Oklahoma - Independent contractors are by definition not employees, and thus excluded.									
47	Oregon - Every worker in Oregon is a subject worker unless the worker falls under an exemption. In Oregon, there are about 30 exemptions with most of them found in Oregon law ORS 656.027. If you pay someone to furnish services, even if the pay is in exchange for something of value, the person being paid may be a worker. The state of Oregon requires almost all employers that have subject workers to carry workers' compensation insurance. If you pay someone to work for you and you are in charge or have the right to direct and control how the work is done, that worker is probably your employee.									
48	Pennsylvania - Licensed real estate salesperson or an associate real estate broker affiliated with a licensed real estate broker, or a licensed insurance agent affiliated with a licensed insurance agency, under a written agreement, remunerated on a commission-only basis and who qualifies as an independent contractor for state tax purposes or for federal tax purposes are excluded from coverage under the Act.									
49	Rhode Island - Also excluded are sole proprietors, regular organized police, and fire departments. Partners are also excluded.									
50	Tennessee - In the construction industry, employers are required to cover their employees, even if they have only one. Effective March 1, 2011, owners and officers in the construction industry may apply for an exemption through the Secretary of State's office from the requirement to cover themselves with workers' compensation coverage. Also, there is an available exemption if applied for through the Secretary of State's office for certain members of recognized religious sects.									
51	Tennessee - Employers of agricultural workers are exempt but have option to purchase coverage on and after 5/2/18 per TCA 50-6-106(4).									
52	Texas - Certain migrant and seasonal workers are subject to the Workers' Compensation Act.									
53	US Federal Programs - Longshore - Excluded from the definition of <i>employee</i> under the Longshore Act are the following individuals if covered by a state workers' compensation law: individuals employed exclusively to perform office clerical, secretarial, security, or data processing work; individuals employed by a club, camp, recreational operation, restaurant, museum, or retail outlet; individuals employed by a marina and who are not engaged in construction, replacement, or expansion of such marina (except for routine maintenance); individuals who (a) are employed by suppliers, transporters, or vendors, (b) are temporarily doing business on the premises of a maritime employer, and (c) are not engaged in work normally performed by employees of that employer covered under this Act; aquaculture workers; individuals employed to build any recreational vessel under 65 feet in length, or individuals employed to repair any recreational vessel, or dismantle any part of a recreational vessel in connection with the repair of such vessel. Excluded are also a master or member of a crew of any vessel; any person engaged by a master to load or unload or repair any small vessel under 18 tons net; and employees of the United States government or of any state or foreign government.									
54	Utah - Sole proprietors, partners, and agricultural employers and immediate family (i.e., spouse, grandparent, parent, sibling, child, grandchild, nephew, or niece) are exempt. Non-immediate family employees are exempt if non-immediate family payroll is less than \$8,000 (or payroll is \$8,000 but less than \$50,000, and the employer has general liability insurance of \$300,000 with health benefits of \$5,000).									
55	Utah - In order for an independent contractor not to be considered an employee, the independent contractor must have either a workers' compensation policy or a workers' compensation coverage waiver.									
56	Utah - Any state or local government volunteer receives workers' compensation medical benefits as the exclusive remedy for any work-related injuries or occupational diseases. The same exclusive remedy is provided to interns at public and private schools, and institutions of higher learning.									
57	Utah - Other exempt employment includes an offender performing labor and individual contracted agents (realtors, insurance sales, and other persons receiving compensation from only commissions).									
58	Vermont - If the agricultural employer's total aggregate payroll is \$10,000 or more, the agricultural employer must cover all employees. Aggregate payroll includes the fair market value of housing and other amenities provided to the worker. If the total aggregate payroll is less than \$10,000, the agricultural employer may choose to not provide workers' compensation insurance.									
59	Vermont - Also excluded are amateur sports, agricultural employees of an employer with less than \$10,000 in annual payroll, real estate brokers and salespeople under certain conditions, employees engaged in service in or about a private dwelling, sole proprietor or partner/owner of unincorporated business, and employer's family members residing in the employer's household. Coverage may be required for an independent contractor when an independent contractor performs work that is "a part of, or process in, the trade, business, or occupation of the owner" (e.g., nature of the business test).									
60	Virginia - Also excluded are certain public officials and employees, certain real estate salespersons and brokers, taxi drivers, employees of certain common carriers and railroads, certain volunteers, certain sports officials, certain non-compensated employees, and officers of non-profit corporations.									
61	Washington - Independent contractors are excluded from coverage when the independent contractor has control or direction over the performance of service and service is outside the usual course of business. Volunteers can be covered for medical aid only and employers may elect coverage for student volunteers. Also excluded are jockeys, musicians and entertainers under contract, persons performing services for aid or sustenance received from religious or charitable organizations, newspaper carriers selling or distributing to houses and businesses, booth renters, insurance producers, persons employed to do gardening, maintenance or repair in or about the private home, for hire vehicle operators or drivers providing commercial transportation, or members of a limited liability company.									
62	West Virginia - An employer is a casual employer when the number of his or her employees does not exceed 3, and the period of employment is temporary, intermittent and sporadic in nature, and does not exceed 10 calendar days in any calendar quarter.									
63	Wisconsin - Employers, other than farmers, who usually have less than three employees, but who have paid wages of \$500 or more in any calendar quarter for work performed within the state, must have insurance by the tenth day of the first month of the next calendar quarter.									
64	Wisconsin - Must meet and maintain all nine requirements specified in s. 102.07(8), Wis. Stats.									
65	Wisconsin - Religious sect members that qualify and are certified for an exemption; employees of Native American tribal enterprises, unless the tribe waives sovereign immunity and voluntarily becomes subject to law; real estate brokers, agents and salespersons that satisfy two elements pursuant to s. 452.38, Wis. Stats.									
66	Wyoming - Casual employees are only covered if they work full-time for the same employer for over two consecutive weeks, and only volunteers for emergency response government organizations (police, fire, etc.) are required to have coverage; other volunteers are not covered.									
67	British Columbia - 2016 responses. No 2019 data were provided.									
68	British Columbia - Typically anyone who employs a worker is considered an employer under the ACT and is required to register. Consequently, anyone that works for an employer (for remuneration) is considered a worker. However, Assessment Policy (AP1-2-1) also provides guidance to homeowners (and others) that hire individuals that provide occasional work for them. If certain requirements are met (such as, less than x hours of work are performed for them in a given time), then the homeowner can decide to not register. In such cases, granting that the labour being provided by a person for a homeowner is less than the level stipulated in the policy, then that person would not be considered a worker under the ACT. All of the following are excluded from mandatory coverage: independent operators, volunteers, certain order-in-council appointments, professional athletes, spouses of sole proprietors, and others noted in Assessment Manual Item: AP1-2-1.									
69	New Brunswick - The exception is the fishing industry, where it is fewer than 25 for exemption. Regulation 82-79.									
70	New Brunswick - Also excluded from coverage are outworkers, employer's family members under 16 residing with the employer, and persons employed as domestic servants. WC ACT s. 2(3).									
71	New Brunswick - Casual employee is defined as not working for the purpose of the industry (work that is done for personal use, such as picking fruit at a U-pick).									
72	Nova Scotia - Volunteer firefighters can voluntarily register.									
73	Saskatchewan - Contractors covered if working for one principal; on application if work for multiple employers.									

Table 3 Workers' Compensation Medical Benefits and Method of Physician Selection as of January 1, 2019

Most jurisdictions pay for reasonable and necessary medical treatment to cure and relieve the effects of the injury without co-insurance or a deductible. This section identifies whether there are fee schedules in place and covers any exceptions to that general rule for types of care, specific providers, or limits on care that will be paid for under each statute. It also itemizes who has the initial choice of treating physician, when a change of physician is allowed, and if there are any limits on second medical opinions.

Jurisdiction	Fee Schedule In Place	Limitations On Medical Treatment	Initial Choice Of Treating Physician Lies With	Circumstances Under Which Employee Can Change Treating Physician	Limits On Requesting Second Medical Opinions
Alabama	Yes	None	Employer	With the approval by the employer/insurer and if dissatisfied with care, they can select from a panel of 4 (once)	Must be reasonable and necessary; if requested by the employee, the employer is not obligated to pay
Alaska	Yes	Chiropractic, physical therapy, occupational therapy, and palliative care are limited (1)	Employee (2)	One change allowed without restriction; subsequent changes require written approval of the employer/insurer	One allowed without restriction; subsequent exams require written approval of the employee; (timing, place, and scope of examinations limited in certain regards) (3)
Arizona	Yes	None	Employee, unless the employer is self-insured and directs care	(1) With the approval of the treating doctor, (2) with the approval of the carrier, or (3) with the approval of the Commission	None (4)
Arkansas	Yes	(5)	Employer	The employee has the right to petition the Commission for a one-time-only change of physician within the managed care organization or to his or her regular treating physician, demonstrated by history of treatment prior to injury (6)	None
California	Yes	Chiropractic, physical therapy, and occupational therapy are limited (7)	Employee, from a list provided by the employer (8); employee, from within the employer's managed care plan	May change after 30 days from injury (9)	The employee can have one exam by a qualified medical examiner (QME) to resolve an issue, and the employer can have one exam by a QME (10)
Colorado	Yes	Treatment must be reasonable and necessary; prior authorization is needed if treatment goes beyond the established medical treatment guidelines	Employee, from a list of four physicians, corporate medical providers, or a combination of both, where available (11)	With the approval of the employer/insurer; if ordered by WC agency; by referral from a treating physician; for insurer's failure to respond to a written request for change within 20 days (12)	None
Connecticut	Yes	Subject to a fee schedule, and palliative care is limited to that necessary to maintain employment	Employee, but if managed care plan exists, initial choice must be with plan	If ordered by the WC agency; upon approval by the insurer or self insurer; employee can request a hearing	Must be reasonable
Delaware	Yes	None	Employee, from a list provided by the Workers' Compensation Agency (13)	Employee has right to choose at any time	None
District of Columbia	Yes (113% of Medicare)	None	Employee	The mayor may order a change of physicians	None
Florida	Yes	Statute requires a co-pay of \$10 for each visit once the employee reaches maximum medical improvement, and chiropractic care is limited to 24 treatments within 12 weeks of the initial treatment	Employer/carrier; employee, from within the employer's managed care plan (primary care provider)	Upon written request, the employee is entitled to a one-time change in physician	Each party is entitled to one IME per accident; additionally, the parties may agree to "consensus" IMEs
Georgia	Yes	Reasonable and necessary care, not to exceed 400 weeks from date of injury unless catastrophic	Employee, from a panel of six provided by the employer; employee, from within the employer's managed care plan	One free change from one panel provider to another	Employer—no limit; employee—one, which is paid for by the employer/insurer if it is requested within 120 days of the last payment of income benefits
Hawaii	Yes	Subject to the Hawaii workers' compensation medical fee schedule	Employee	Employee can file a request for additional changes	One per case unless good and valid reasons exist with regard to the medical progress of the employee's treatment

Table 3 Workers' Compensation Medical Benefits and Method of Physician Selection as of January 1, 2019

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Jurisdiction	Fee Schedule In Place	Limitations On Medical Treatment	Initial Choice Of Treating Physician Lies With	Circumstances Under Which Employee Can Change Treating Physician	Limits On Requesting Second Medical Opinions
Idaho	Yes	None	Employers may direct initial care, but, if they do not, employee may seek reasonable care on his or her own at the employer's expense	With the approval of the employer/insurer; by referral from the treating physician; by petitioning the Commission in writing for a change	None
Illinois	Yes	Utilization review may limit treatment	Employee	Any (2 free choices)	None
Indiana	No	None	Employer	With the approval of the employer/insurer	Only when benefits are terminated
Iowa	No	None	Employer	If ordered by the WC agency or with the approval of the employer/insurer or self insurer	None
Kansas	Yes	Physical therapy must be authorized beyond 21 visits	Employer	Agreements of parties; order by the administrative law judge	Employee has \$500 unauthorized medical allowance; examination upon request of employer not more than twice a month
Kentucky	Yes	Reasonable and necessary (14)	Employee (15)	Employee can change one time for any reason; thereafter, he or she must show reasonable cause in order to change	None
Louisiana	Yes	Subject to medical treatment guidelines	Employee	With approval of the employer/insurer	None
Maine	Yes	None	Employer, for first 10 days postinjury; after that, the employee can seek his or her own provider	Employee may change once with notice to employer, which the employer/insurer may contest	The employer may not request that the employee be examined more than once by the same specialty; a binding IME may be requested pursuant to Section 312
Maryland	Yes	Reasonable and necessary	Employee	At any time	None
Massachusetts	Yes	Fee schedule for treatment set by the Division of Health Care Finance and Policy; only a statute of limitations of 4 years from the date the injured worker becomes aware that the injury is work related	Employee	Upon approval by the insurer/self insurer only for second change; unless the employee is subject to a preferred provider agreement, he or she may change treating physicians once without the consent of the employer/insurer	None
Michigan	Yes	None (16)	Employer may direct for the first 28 days of care, then the injured worker may choose his or her own treating physician	Employee can notify employer/carrier in writing of desire to change treating physicians after initial 28-day period	No limits as long as deemed reasonable and necessary
Minnesota	Yes—RBRVS, DRG, Hospital outpatient, and ambulatory surgical center	Some limitations on care specified in the workers' compensation treatment parameters in M.R. 5221.6040 et. seq.; treatment by certain complementary and alternative health care providers is not compensable; M.S. 176.135, subd. 2	Employee (17)	May change within 60 days of initial injury without approval; upon approval of the insurer or self insurer after 60 days; employee can file a request for additional changes	None
Mississippi	Yes	Chiropractic care, physical therapy, and occupational therapy are limited to 15 visits or 30 days without additional authorization, among other limitations	Employee	If ordered by the WC agency; upon approval by the insurer or self insurer; employee can file a request for additional changes; with the approval of the employer/insurer	None
Missouri	No	None	Employer	If ordered by an administrative law judge or upon approval of the employer/insurer	None
Montana	Yes	After initial visit to hospital ER, there is a \$25 co-payment for each subsequent visit to an ER unless requested by the insurer; palliative care is also limited (18)	Employee (19)	With the approval of the employer/insurer (19)	N/A

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Nebraska	Yes	None; cosmetic surgery is not covered	Employee	With the agreement of both the employee and employer/insurer, or if ordered by the Court	None
Nevada as of January 1, 2016 (20)	Yes	None	Employee, from a list provided by the employer or from within the employer's managed care plan	Within the first 90 days of a claim and thereafter upon the employee's written request and the insurer's approval	None
New Hampshire	No	None	Employee; from within the employer's managed care plan	No statutory provision	The employers/insurers are limited to no more than 2 within a year unless a waiver is received by the Commissioner
New Jersey	No	None	Employer	With the approval of the employer/insurer, or if ordered by the WC Court	None
New Mexico	Yes	None (21)	Employer may direct care for the first 60 days or allow the worker to select and then the other party may choose to direct it for the next 60 days	If employer directed care for the first 60 days, the employee can change after that	None
New York	Yes	Prior authorization must be requested for surgery, physical and occupational therapy, and certain tests that cost more than \$1,000, unless pre-authorized as part of the medical treatment guidelines for the mid and low back, neck, shoulder, knee, carpal tunnel, or non-acute pain	Employee, who can choose from a list of providers authorized by the Workers' Compensation Board (22)	Employee can change provider at any time except where employer is part of a PPO, the employee may choose any provider authorized by the Workers' Compensation Board after 30 days	None
North Carolina	Yes	Medical treatment must be reasonably related to compensable injury; medical utilization review is authorized by statute; certain inpatient services can invoke pre-authorization requirements	Employer (23)	Employee may change physicians subject to approval of the Commission; employee may consult such additional physicians as employee deems reasonably necessary without imposing liability on the employer/carrier	Plaintiff may request a second opinion regarding treatment pursuant to G.S. 97-25, which may be done by agreement with employer or by order of the Commission, if granted. Plaintiff may request a second opinion as to the PPD rating only pursuant to G.S. 97-27. The employer may request an IME at reasonable times and places pursuant to G.S. 97-27(a)
North Dakota	Yes	There are some limits to remodeling expenses	Employee (24)	Employee may request a change, but it must be approved by the WCA	None
Ohio	Yes	Medical provider must be BWC-certified	Employee	Employee can change physician at any time	No limits on employee requesting second medical opinion—subject to a reasonable test; employer may only get one independent examination per issue
Oklahoma	Yes	Reasonable and necessary; medical treatment guidelines and utilization controls; managed care organizations	Employer; unless emergency or employer fails or refuses to provide within statutory timeframe	Employee allowed one change of treating physician upon petitioning the WC Commission	IME may be ordered within discretion of administrative law judge

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Jurisdiction	Fee Schedule In Place	Limitations On Medical Treatment	Initial Choice Of Treating Physician Lies With	Circumstances Under Which Employee Can Change Treating Physician	Limits On Requesting Second Medical Opinions
Oregon	Yes (25)	Provided treatment must be directed to the compensable injury, medically necessary, not excessive or inappropriate, and not in violation of rules regarding the performance of medical services	Employee (26); employee, from within the managed care plan (27)	Employee is allowed two changes by choice and may petition for more	Up to 3 IMEs may be required by the employer/insurer; may petition (state agency) Director for more; worker can request a worker's IME if insurer denies claim based on its IME, the worker appeals, and the worker's physician does not concur with the findings of the IME
Pennsylvania	Yes	The treatment must be related to the compensable injury and must be reasonable and necessary	Employee, from a list provided by the employer; if no list, employee can treat with physician of his or her choice	Employee must treat with a provider on the list for 90 days; after 90 days, employee can treat with provider of choice but must notify employer within 5 days of first visit	None
Rhode Island	Yes	After reaching MMI, palliative care is limited to 12 visits; additional care must be authorized by the employer/insurer	Employee	If the employer or insurer maintains an approved preferred provider network, then a change of physician must be from within the network	None
South Carolina	Yes	None	Employer	If ordered by the WC agency; employee can file a request for additional changes; with the approval of the employer/insurer	None
South Dakota	Yes	No	Employee	With the approval of the employer/insurer	No more than one a month
Tennessee	Yes	Services are subject to the medical fee schedule and services must be deemed a necessary, appropriate, efficient, and accepted standard (28)	Employee must choose from a list of 3 or more provided by employer	If ordered by the WC Bureau (pre-7/1/2014 dates of injury); upon approval by the insurer or self insurer; if ordered by the Court of WC Claims (post-7/1/2014 dates of injury) (29)	Only if approved by employer/insurance carrier, ordered by a court, or employee may request on the issue of surgery, impairment, and diagnosis under certain limited circumstances
Texas	Yes	Injured employee may choose to pay for upgrade to name-brand pharmaceuticals (30)	Employee; for non-network claims, any willing provider; for network claims, a list provided by the network	For non-network claims, if approved by the Texas Department of Insurance, Division of Workers' Compensation (DWC); for network claims, if approved by the network (31)	Yes (32)
US Federal Programs - FECA	Yes	Chiropractic care is limited to manual manipulation of a subluxation as demonstrated on X ray; physical therapy is limited to 120 days after an orthopedic injury or surgery but can be extended on a case-by-case basis	Employee	With the approval of OWCP	The employee cannot choose to have a second opinion without authorization; the program can send the employee to unlimited second opinion examinations
US Federal Programs - Longshore	Yes	Must be reasonable and necessary	Employee	If ordered by the WC agency; upon approval by the insurer/self insured or WC agency; employee can file a request for additional changes	None
Utah	Yes	Physical therapy and chiropractic care are limited to 8 visits; additional visits beyond the initial 8 visits must be approved by employer/insurer	Employee must visit employer's declared preferred provider; if provider is not declared, employee is authorized one choice of provider	Employee can make one change without the approval of the employer/insurer; after that, the employee needs pre-authorization by employer/insurer; Industrial Accident Division Director resolves disputes	None (33)

Table 3 Workers' Compensation Medical Benefits and Method of Physician Selection as of January 1, 2019

Most jurisdictions pay for reasonable and necessary medical treatment to cure and relieve the effects of the injury without co-insurance or a deductible. This section identifies whether there are fee schedules in place and covers any exceptions to that general rule for types of care, specific providers, or limits on care that will be paid for under each statute. It also itemizes who has the initial choice of treating physician, when a change of physician is allowed, and if there are any limits on second medical opinions.

Jurisdiction	Fee Schedule In Place	Limitations On Medical Treatment	Initial Choice Of Treating Physician Lies With	Circumstances Under Which Employee Can Change Treating Physician	Limits On Requesting Second Medical Opinions
Vermont	Yes	Reasonable and necessary	Employer	Employee may elect to change the employer's choice of provider at any time by filing written notice	Employer can request examination at "reasonable times and places"; employer/carrier not required to pay for an employee's second opinion, but employees can obtain it. Examination must be within a 2-hour drive unless otherwise approved
Virginia	Yes	Reasonable, necessary, and causally related to the work injury	Employee from a panel of physicians provided by the employer; if either party wants to change treating physicians and there is no agreement, the Commission can decide	If ordered by the WC agency; upon approval by the insurer or self insurer; employee can file a request for additional changes	Employees can obtain as many IMEs as they wish at their own expense; employer generally can require the employee to attend one IME per medical specialty per year
Washington	Yes	Limit of 6 trigger point injections; No more than 3 Epidural Steroid Injections (ESI) within 6 months with at least 6 weeks between each ESI are allowed; Physical Therapy (PT) and Occupational Therapy (OT) requires utilization review after 24 visits	Employee; must be with a provider from network established by workers' compensation agency (except an initial office or emergency room visit)	Employee can change a treating physician as long as treating physician is from network established by Workers' Compensation agency	None
West Virginia	Maximum medical reimbursement for those not participating in an approved WC MHCP	Causally related to the work injury	Employee, unless the employer has a managed health care plan (approved by the insurance commissioner); in those cases, the employee must choose from physicians in the plan or approved by the plan	Upon approval by the insurer or self insurer	None
Wisconsin	No (34)	None	Employee	Upon notice to the employer or insurer; with the approval of the employer/insurer (35)	None
Wyoming	Yes	None	Employee (the employer may have an on-site medical provider that employees must see first, but then employee can select his or her own treating provider)	With the approval of the employer/insurer	None
Canadian Jurisdictions Participating (stated in Canadian currency)					
British Columbia as of January 1, 2016 (36)	Yes	Chiropractic and physical therapy treatment is generally limited to 8 weeks but may be extended on a case-by-case basis (37)	Employee	Worker may change treating physicians, but only one physician at a time should be the primary treating physician (38)	No independent medical examiners in the system
New Brunswick	Yes (39)	Yes, only treatment necessary as a result of the accident, with the necessity, character, and sufficiency of treatment determined by WorkSafeNB ss. 41(1) & 41(3) of WC Act	Employee, provided the employee chooses a licensed and WorkSafeNB-approved provider	In the event that recovery is not progressing, or WorkSafeNB staff have concerns about a proposed treatment plan	Limited to when recovery is not progressing, or WorkSafeNB staff have concerns about a proposed treatment plan
Nova Scotia	Yes	None	Employee, from a list provided by the WC agency	None	None
Ontario	Yes	None (40)	Employee	Upon approval by the WSIB	None
Prince Edward Island	Yes	None	Worker	With WCB approval	Must be pre-approved by the WCB
Saskatchewan	Yes	None	Worker, provided the worker chooses a licensed and WCB-accredited care provider (when a specialist is required)	Upon WCB approval	None

Table 3 Workers' Compensation Medical Benefits and Method of Physician Selection as of January 1, 2019

Most jurisdictions pay for reasonable and necessary medical treatment to cure and relieve the effects of the injury without co-insurance or a deductible. This section identifies whether there are fee schedules in place and covers any exceptions to that general rule for types of care, specific providers, or limits on care that will be paid for under each statute. It also itemizes who has the initial choice of treating physician, when a change of physician is allowed, and if there are any limits on second medical opinions.					
Jurisdiction	Fee Schedule In Place	Limitations On Medical Treatment	Initial Choice Of Treating Physician Lies With	Circumstances Under Which Employee Can Change Treating Physician	Limits On Requesting Second Medical Opinions
Notes: Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.					
1					Alaska - The limits for chiropractic, physical, and occupational care are up to three treatments a week for the first month, two treatments a week for the second and third months, one treatment per week in the fourth and fifth months, and one treatment per month in the sixth through twelfth months in the year following injury. If a sufficient treatment plan is submitted timely and approved by the Board, more frequent treatments may be covered. For palliative care after medical stability, care is payable if necessary to enable continued employment, continued participation in an approved reemployment plan, or to relieve chronic, debilitating pain.
2					Alaska - If the employee is unable or does not desire to choose, then the employer may choose; employer may establish a list of preferred physicians, but must inform the employee he or she is not required to choose one of them.
3					Alaska - A referral to a specialist by the primary treating physician is not considered a change of physician.
4					Arizona - An employee can file a Motion for Protective Order with the Presiding ALJ, but must show the examination is unnecessary, cumulative or could be scheduled in a place closer to the employee's residence.
5					Arkansas - The amounts payable or time periods allowable for authorized medical, hospital, and other services and treatment furnished unless waived by the employer-respondent or approved by the Workers' Compensation Commission are (1) six months if the claimant lost no compensable time from work as a result of his or her injury, (2) six months following the return to work by an injured employee who has been receiving authorized medical or hospital or other services or treatment, and (3) \$10,000 aggregate for all authorized medical, hospital, and other services and treatment.
6					Arkansas - However, a worker's personal physician must agree to refer to the employer's chosen MCO for specialty care and to abide by the MCO rules and regulations. If the employer does not have a contract with an MCO, the employee may choose a physician who must either be associated with any MCO certified by the Commission or be the regular treating physician of the employee.
7					California - Labor Code section 4604.5 Chiropractic care, physical therapy, and occupational therapy are limited to 24 visits for the life of the claim. Some employers will authorize more, but it is not required. All medical treatment of any type is subject to utilization review based on treatment guidelines. Post-surgical patients can exceed the 24-visit cap pursuant to treatment guidelines. CA Labor Code section 4604.5.
8					California - Employees have the ability to predesignate a physician if employee has group health care, and the physician agreed to treat the employee for work injuries prior to the injury.
9					California - If there is no medical provider network (MPN), the employer loses medical control after 30 days. Within the MPN, typically employees can change physicians as many times as they wish, but the choice of physicians is limited to the MPN list.
10					California - It is conceivable that other issues may arise and they would go back to the same QME. If there are multiple body parts that need to be evaluated, there could be more than one QME.
11					Colorado - There are exemptions for rural areas of the state.
12					Colorado - Employee may change once to a provider on the employer's list where 1) maximum medical improvement has not yet been attained, and 2) the claimant requests the change within 90 days of the date of injury (this is in addition to the statute which allows an employee to change physicians with the permission of the insurer or if the insurer fails to respond in writing within 20 days of such a request).
13					Delaware - Injured workers may choose a health care provider not on the list if the employer pre-authorizes.
14					Kentucky - For injuries and occupational diseases occurring on and after July 14, 2018, medical benefits are limited to 780 weeks from the date of injury or last exposure in most permanent partial disability claims. Lifetime medicals remain for permanent total disability and a limited class of permanent partial disability claims. The employee has the right to apply for an extension of medical benefits and have the application adjudicated by an ALJ.
15					Kentucky - Managed care is optional. If the employer has a managed care plan, an employee must choose from doctors within that plan.
16					Michigan - 418.315(1): The employer shall furnish, or cause to be furnished to an employee who receives a personal injury arising out of and in the course of employment, reasonable medical, surgical, and hospital services and medicines, or other attendance or treatment recognized by the laws of this state as legal, when they are needed.
17					Minnesota - If an employee is covered by a certified managed care plan, the employee must seek treatment from a participating provider in the certified plan unless the employee chooses to receive treatment from a provider with whom the employee has a documented history of treatment.
18					Montana - Palliative care may not be payable after medical stability unless the worker is PTD, it is necessary to monitor a prosthetic device, or it enables the worker to continue employment or is necessary to return the worker to work. Medical benefits terminate if not used for a period of 60 consecutive months.
19					Montana - Any time after the insurer accepts liability for the claim, the insurer may designate the treating physician and transfer care to the designated treating physician.
20					Nevada - 2016 responses. No 2019 data were provided.
21					New Mexico - In 2013, the WCA adopted the Official Disability Guidelines, which provide a rebuttable presumption that the limitations for treatment set forth by the guidelines are reasonable and necessary.
22					New York - However, if the employer is a part of a PPO, the employee must choose from physicians within the PPO.
23					North Carolina - The employer has the right to direct medical treatment subject to the Commission's right to order treatment. In emergencies, the employee may select a medical care provider, subject to subsequent approval of the Commission. The employee may seek a change in health care provider subject to the Commission approval.
24					North Dakota - In the event an employer has elected a designated medical provider, employee may still choose their own provider but only if they designate a provider prior to injury. Employee may request a change in physicians after 30 days. NDCC 65-05-28.1 & 2.
25					Oregon - Fee schedules: Physician; Ambulatory Surgery Center; Hospital; Durable Medical Equipment, Prosthetics, Orthotics, and Supplies; and Pharmacy.

Table 3 Workers' Compensation Medical Benefits and Method of Physician Selection as of January 1, 2019

Most jurisdictions pay for reasonable and necessary medical treatment to cure and relieve the effects of the injury without co-insurance or a deductible. This section identifies whether there are fee schedules in place and covers any exceptions to that general rule for types of care, specific providers, or limits on care that will be paid for under each statute. It also itemizes who has the initial choice of treating physician, when a change of physician is allowed, and if there are any limits on second medical opinions.

Jurisdiction	Fee Schedule In Place	Limitations On Medical Treatment	Initial Choice Of Treating Physician Lies With	Circumstances Under Which Employee Can Change Treating Physician	Limits On Requesting Second Medical Opinions
26	Oregon	Medical doctors, doctors of osteopathic medicine, oral and maxillofacial surgeons, and podiatric physicians can act as attending physicians without limitations. Unless authorized by an attending physician, Oregon-authorized nurse practitioners are allowed to treat for 180 days from initial visit on initial claim. Certified chiropractic physicians, naturopathic physicians, and physician assistants are allowed to act as attending physician for 60 days from initial visit, or 18 visits, whichever occurs first, on initial claim. After this period, these three provider types must have a referral from an attending physician to continue treatment. If governed by a managed care organization (MCO), treatment and choice are specified by the MCO contract.			
27	Oregon			If the employee is enrolled in an MCO, the employee chooses from physicians on the MCO's panel.	
28	Tennessee			Chiropractic visits may be authorized for up to 12 visits per back injury. More than 12 visits to such a doctor of chiropractic must be specifically approved by the employer or insurance carrier.	
29	Tennessee				There is a limitation on second opinions.
30	Texas			For claims treated outside of certified health care networks, treatment provided in accordance with agency-adopted, evidence-based medical treatment guidelines is presumed reasonable and necessary. Medical treatment provided in excess of, not recommended, or not addressed by the agency-adopted treatment guidelines requires pre-authorization from the insurance carrier. For claims treated in certified health care networks, treatment is provided in accordance with evidence-based treatment guidelines selected by the network. Certified networks can develop their own pre-authorization requirements.	
31	Texas			For certified workers' compensation health care network claims, the injured employee may change treating doctors one time without network approval. Network approval must occur for all subsequent changes. For non-network claims, injured employees may request subsequent changes with approval from the agency unless certain exceptions apply (e.g., treating doctor dies or retires, treating doctor moves, etc.).	
32	Texas			The insurance carrier is limited to one required medical exam on the issue of the employee's ability to return to work per year after the second anniversary of entitlement to supplemental income benefits. Insurance carriers are prohibited from requesting required medical exams to review the appropriateness of medical care for certified workers' compensation network claims and are limited to one required medical exam every 180 business days to review the appropriateness of medical care for non-network claims.	
33	Utah				However, in permanent total disability awards, employers/carriers may have medical evaluations once every three years, unless good cause is shown for more frequent evaluations.
34	Wisconsin				Certified databases used to resolve reasonableness of fee disputes.
35	Wisconsin				The employee has a right to two choices of treating physicians licensed and practicing in the state. Any third choice or out-of-state physician must be by mutual agreement. (Also, a referral is not considered a new choice and does not require approval of the carrier/self-insurer.)
36	British Columbia				2016 responses. No 2019 data were provided.
37	British Columbia				Other qualified practitioners or recognized health care professionals may also have restrictions. See Policy Item C10-76.00 for more information.
38	British Columbia				In some cases, the Board may consider concurrent treatment to be reasonable. See Policy Item C10-73.00 for more information.
39	New Brunswick				Fees are established by negotiating with individuals or health care provider groups or by adopting health care provider fee schedules.
40	Ontario				The worker is covered for such health care as may be necessary, appropriate, and sufficient as a result of the injury.

Information on the basis for calculating an injured worker's temporary total disability (TTD) benefit, the maximum and minimum to be paid, and for how long those payments are allowed.							
Jurisdiction	Basis Of TTD Calculation	Temporary Total Disability		Basis Of Weekly Maximum Calculation	Maximum Benefit Changes	Maximum Length Of TTD Benefits	Subject To The Following Offsets
		Weekly Minimum	Weekly Maximum				
Alabama	66 2/3% of the worker's preinjury weekly wage	\$238.00	\$865.00	100% of the SAWW	July 1st each year	For the duration of temporary disability	None
Alaska	80% of the worker's spendable, after-tax, or net weekly wages	\$266.00	\$1,211.00	120% of the SAWW	January 1st each year	Continue until employee is medically stable or released to work	See footnote (1)
Arizona	66 2/3% of the worker's average monthly wage plus an additional \$25 per month if dependents	N/A	\$729.56	66 2/3% of maximum average monthly wage of \$4,741.57	The Commission, not later than August 1st of each calendar year, adjusts the amount based upon criteria set forth in statute that is effective for the following calendar year	None	Unemployment benefits received
Arkansas	66 2/3% of the worker's preinjury weekly wage	\$20.00	\$695.00	85% of the SAWW	January 1st each year	450 weeks maximum for disability benefits	Unemployment compensation; group disability or loss of income policies unless the injured worker has paid for the policy
California	2/3 of the worker's preinjury weekly wage	\$187.71	\$1,251.38	Amount equal to percentage increase in SAWW (2)	January 1 of each year	104 weeks (3)	None
Colorado	66 2/3% of the worker's preinjury weekly wage	None	\$875.42	91% of the SAWW	July 1st each year	For the duration of temporary disability	Social Security, unemployment, and other (4)
Connecticut	75% of worker's spendable, after-tax, or net weekly wages	\$259.60	\$1,298.00	100% of the SAWW	October 1st each year	For the duration of temporary disability	None
Delaware	66 2/3% of the worker's preinjury weekly wage	\$237.88	\$713.65	66 2/3% of the SAWW	July 1 of each year	Unlimited	None
District of Columbia	66 2/3% of the worker's preinjury weekly wage	\$380.44	\$1,521.74	100% of the D.C. average employed wage	January 1st each year	500 weeks for all disability benefits, with ability to petition for an additional 167 weeks	None
Florida	66 2/3% of the worker's preinjury weekly wage	\$20, unless wages are less than \$20, then full wages	\$939.00	100% of the SAWW	January 1st of each year	260 weeks	Social Security and unemployment benefits
Georgia	66 2/3% of the worker's preinjury weekly wage	\$50.00	\$575.00	Legislative decision	Legislative decision	400 weeks unless catastrophic injury	Unemployment, disability plans funded by the employer
Hawaii	66 2/3% of the worker's preinjury weekly wage	\$225.00	\$899.00	100% of the SAWW	January 1st each year	For the duration of temporary disability	None
Idaho	67% of the worker's preinjury average weekly wage	\$117.90	\$707.40	90% of 2019 average state wage of \$786.00	January 1st, and after the first 52 weeks of TTD	None (5)	None
Illinois	Calculate 66 2/3% of the worker's preinjury gross average weekly wage, subject to max. and min. levels	\$220.00	\$1,506.81	133 1/3% of the SAWW	January 15th and July 15th each year	For the duration of temporary disability	None
Indiana	66 2/3% of average weekly wage	\$50.00	\$780.00	Legislative decision	July 1st	500 weeks	None
Iowa	80% of the worker's spendable, after-tax, or net weekly wages	None	\$1,765.00	200% of the SAWW	July 1st each year	Benefits are for length of disability and may be paid for life	None
Kansas	66 2/3% of the worker's preinjury weekly wage	\$25.00	\$645.00	75% of the SAWW	July 1st each year	225 to 415 weeks (6)	None

Table 4A Benefits for Temporary Total Disability Provided by Workers' Compensation Systems as of January 1, 2019

Information on the basis for calculating an injured worker's temporary total disability (TTD) benefit, the maximum and minimum to be paid, and for how long those payments are allowed.							
Jurisdiction	Basis Of TTD Calculation	Temporary Total Disability		Basis Of Weekly Maximum Calculation	Maximum Benefit Changes	Maximum Length Of TTD Benefits	Subject To The Following Offsets
		Weekly Minimum	Weekly Maximum				
Kentucky	66 2/3% of employee's average	20% of SAWW: \$173.69	SAWW: \$955.32	110% of the SAWW	January 1st each year	For the duration of temporary total disability or until age 70 or a minimum of four years	Employer-funded disability plans and unemployment insurance
Louisiana	66 2/3% of the worker's preinjury weekly wage	\$177 or actual wage, whichever is less	\$665.00	75% of the SAWW	September 1st each year	No maximum	Social Security, private disability, and/or retirement funded by the employer
Maine	1/1/1993–12/31/2012: 80% of the worker's spendable, after-tax, or net wage; 1/1/2013 and after: 2/3 of average gross weekly wages	None	DOI 1/1/1993–12/31/2012 : \$746.37; DOI on/after 1/1/2013: \$829.30	DOI 1/1/1993–12/31/2012: 90% of the SAWW; DOI on/after 1/1/2013: 100% SAWW	July 1st each year	520 weeks	Social Security, wage continuation and disability plans, and pension or retirement plan established or maintained by the employer
Maryland	66 2/3% of the worker's preinjury wage	\$50 or the employee's AWW	\$1,116.00	100% of the SAWW	January 1st each year	For the duration of temporary total disability	Disability retirement paid to employees of governmental units or quasi-public corporations
Massachusetts	60% of the worker's preinjury weekly wage	\$276.68	\$1,383.41	100% of the SAWW	October 1st each year	156 weeks	Unemployment benefits and child support liens
Michigan	80% of the worker's spendable, after-tax, or net weekly wages	None	\$900.00	90% of the SAWW	January 1st each year	For the duration of temporary total disability	(7)
Minnesota	66 2/3% of the worker's weekly wage at the time of injury	\$130 or the worker's actual weekly wage, whichever is less	102% of the SAWW for the preceding calendar year	102% of the SAWW for the preceding calendar year	Annually, on October 1	130 weeks	None
Mississippi	66 2/3% x AWW	\$25.00	\$494.48	66 2/3% x SAWW	January 1st each year	450 weeks	Disability benefits paid 100% by the employer; wages paid in lieu of compensation
Missouri	66 2/3% of the injured employee's preinjury average weekly wage, not to exceed 105% of the state average weekly wage (SAWW)	\$40.00	\$974.64	105% of the SAWW	July 1st of each year	400 weeks	None, but an injured employee is disqualified from receiving TTD during any period of time in which he or she applies for and receives unemployment compensation
Montana	66 2/3% of the worker's preinjury wage	None	\$793.00	100% of SAWW	July 1st each year	For the duration of temporary total disability	Social Security disability
Nebraska	66 2/3% of the worker's preinjury wage	\$49 or actual wages if less	\$855.00	100% of the SAWW	January 1st of each year	For the duration of temporary total disability	None
Nevada as of January 1, 2016 (8)	66 2/3% of the worker's average monthly wage	No minimum	\$831.88	150% of the SAWW	July 1st each year	For the duration of temporary total disability	Federal disability insurance benefits received
New Hampshire	60% of the worker's preinjury wage	\$316.50	\$1,582.50	150% of the SAWW	July 1st each year	For the duration of the total disability	No
New Jersey	70% of the worker's preinjury weekly wage	\$246.00	\$921.00	75% of the SAWW	January 1st each year	400 weeks	None
New Mexico	66 2/3% of the worker's preinjury wage	\$36.00	\$814.64	100% of the SAWW	January 1st each year	700 weeks	Unemployment compensation and private disability insurance if premiums paid by the employer

Information on the basis for calculating an injured worker's temporary total disability (TTD) benefit, the maximum and minimum to be paid, and for how long those payments are allowed.							
Jurisdiction	Basis Of TTD Calculation	Temporary Total Disability		Basis Of Weekly Maximum Calculation	Maximum Benefit Changes	Maximum Length Of TTD Benefits	Subject To The Following Offsets
		Weekly Minimum	Weekly Maximum				
New York	66 2/3% of the workers' preinjury wage	\$150, unless employee's wages are less than \$150.00, then claimant receives full wages	\$904.74	2/3 of the New York State average weekly wage (9)	July 1st of each year	For the duration of temporary total disability	None
North Carolina	66 2/3% of the worker's AWW	\$30.00	\$1,028.00	(10)	Each July 1st to be effective the next January 1st	500 weeks unless an extension is granted by the Commission	Unemployment compensation, full retirement benefits under section 202(a) of the Social Security Act
North Dakota	66 2/3% of the worker's preinjury wage	\$576 (11)	\$1,200.00	125% of the SAWW	July 1st each year	104 weeks (12)	Social Security Disability
Ohio	72% of preinjury wage (13)	\$316.67 (14)	\$950.00 (15)	100% of the SAWW	January 1st each year	As long as disability lasts	(16)
Oklahoma	70% of the worker's preinjury wage	None	\$589.33	Benefit capped at 70% of the SAWW	Changes annually effective November 1	104 weeks, with an additional 52 weeks if consequential injury found	None, except TTD is not payable for same time period during which unemployment was collected
Oregon	66 2/3% of the worker's pre-injury weekly wage (17)	\$50 or 90% of the worker's pre-injury weekly wage; whichever is less	\$1,339.38	Not more than 133% of the state AWW	July 1 of each year (limited to increase in state AWW)	N/A	Offsets permitted to recover an overpayment or a penalty imposed for failure to attend independent medical examination, but not to exceed 25% of each TTD payment. Payable TTD is also subject to an order to enforce child support obligations, up to 25% of moneys paid for continuing support and up to 50% of a lump-sum award
Pennsylvania	66 2/3% of the worker's preinjury weekly wage	50% of statewide average weekly wage or 90% worker's average weekly wage, whichever is lower	\$1,049.00	100% of the SAWW	January 1st each year	For duration of disability, subject to conversion to partial benefits at 104 weeks (18)	Unemployment, pension, old age Social Security, and severance
Rhode Island	75% of the worker's spendable, after-tax, or net weekly earnings	None	\$1,253.00	120% of the SAWW	September 1st each year	For the duration of temporary total disability	Retirement benefits
South Carolina	66 2/3% of the worker's preinjury wage	\$75 if wages are > \$75; otherwise, comp rate is equal to wages	\$845.74	100% of the SAWW	January 1st each year	For the duration of temporary total disability with a maximum of 500 weeks	Salary in lieu of benefits
South Dakota	66 2/3% of the worker's preinjury wage (19)	\$403.00	\$805.00	100% of the SAWW	July 1st each year	For the duration of temporary total disability	None
Tennessee	66 2/3% of the worker's preinjury average weekly wage	\$139.35	\$1,021.90	110% of SAWW	July 1 each year	Duration of TTD for physical injuries; 104 weeks for psychological injuries; 104 weeks after the commencement of pain management	Employer-funded disability plans
Texas	70% of the injured employee's preinjury weekly wage, but, if the employee earns less than \$10 per hour, the first 26 weeks are paid at 75% of the state average weekly wage (AWW) and then 70% thereafter	\$141.00	\$938.00	100% of the state AWW	October 1st of each year	105 weeks (20)	None

Table 4A Benefits for Temporary Total Disability Provided by Workers' Compensation Systems as of January 1, 2019							
Information on the basis for calculating an injured worker's temporary total disability (TTD) benefit, the maximum and minimum to be paid, and for how long those payments are allowed.							
Jurisdiction	Basis Of TTD Calculation	Temporary Total Disability		Basis Of Weekly Maximum Calculation	Maximum Benefit Changes	Maximum Length Of TTD Benefits	Subject To The Following Offsets
		Weekly Minimum	Weekly Maximum				
US Federal Programs - FECA	75% of the worker's preinjury wage if worker has dependents; 66 2/3% of preinjury wage if not	GS-2 - step 1	GS-15 - step 10	Maximum and minimum are based on federal GS pay schedules	When pay schedule changes	For the duration of temporary disability	Social Security retirement on federal earnings
US Federal Programs - Longshore	66 2/3% of the worker's preinjury wage	\$377.69	\$1,510.76	200% of the national average weekly wage	October 1st each year	For the duration of temporary disability	Benefits being paid under any other workers' compensation system
Utah	66 2/3% of the worker's AWW at the time of injury not to exceed the SAWW	\$45.00	\$879.00	100% of the SAWW	July 1st each year	312 weeks	None
Vermont	66 2/3% of the worker's preinjury wage plus \$10 per week per dependent	\$437.00	\$1,311.00	150% of the SAWW	July 1st each year	For the duration of temporary total disability; insurer must review after 2 years	None
Virginia	66 2/3% of the worker's preinjury wage	\$270.50	\$1,082.00	100% of the SAWW	July 1st each year	500 weeks	None
Washington	60% of the worker's preinjury monthly wage (plus 5% if married or in a state registered domestic partnership on DOI; 2% per dependent for up to 5 - max. is 75%)	(21)	\$1,433.15	120% of the SAMW	July 1st each year	For the duration of temporary total disability	Social Security and third party recoveries
West Virginia	66 2/3% of the worker's preinjury weekly wage, not to exceed 100% of the average weekly wage in West Virginia	Federal minimum wage	\$823.14	100% of the SAWW	Rate changes with the state's AWW	104 weeks	Wage replacement plan benefits funded by employer
Wisconsin	66 2/3% of the worker's preinjury wage (22)	\$20.00 (23)	\$1,016.00	110% of the SAWW	The maximum TTD rate changes on January 1 of each year	For the length of temporary total disability	Social Security Disability
Wyoming	30% of statewide average wage or 2/3 of actual earnings but can not exceed the lesser of 100% of the actual earnings or SWAMW	30% of the statewide average monthly wage or 2/3 of the actual monthly earnings at the time of injury, whichever is greater, but shall not exceed the lesser of 100% of the actual monthly earnings	2/3 of the actual monthly earnings at time of injury, not to exceed the statewide average monthly wage	100% of the statewide average monthly wage calculated quarterly	With each quarterly reporting of the statewide average monthly wage (ws. 27-14-404)	24 months (ws. 27-14-404) or in extraordinary circumstances, may extend beyond to provide a reasonable recuperation period	Not paid while unemployment compensation is paid or when injuries occur during incarceration (ws. 27-14-404)
Canadian Jurisdictions Participating (stated in Canadian currency)							
British Columbia as of January 1, 2016 (24)	90% of the worker's average net earnings	\$394.41, unless the worker's average earnings are less than this amount; if this is the case, the worker will receive an amount equal to his or her average earnings	\$1,037.86 (25)	90% of net for a gross of \$80,600 (26)	January 1st each year	For the duration of disability	(27)

Table 4A Benefits for Temporary Total Disability Provided by Workers' Compensation Systems as of January 1, 2019

Information on the basis for calculating an injured worker's temporary total disability (TTD) benefit, the maximum and minimum to be paid, and for how long those payments are allowed.							
Jurisdiction	Basis Of TTD Calculation	Temporary Total Disability		Basis Of Weekly Maximum Calculation	Maximum Benefit Changes	Maximum Length Of TTD Benefits	Subject To The Following Offsets
		Weekly Minimum	Weekly Maximum				
New Brunswick	85% of loss of earning (average net earnings minus net estimated capable earnings) (28)	N/A	\$812.55 for single worker and \$855.93 for claiming spouse	Based on 1.5 multiplied by the New Brunswick industrial aggregate earnings	Benefits are indexed annually by the change in the consumer price index (CPI)	Until loss of earnings resulting from injury by accident ceases, the worker turns 65, or the occurrence of a personal intervening condition or any circumstance not related to the injury by accident has become the dominant cause for the worker's inability to return to work or participate in rehabilitation (29)	Canada Pension Plan disability benefits (CPPD) (30); supplements to compensation (31)
Nova Scotia	75% of preinjury net income for first 26 weeks, 85% of preinjury net income after 26 weeks	\$1.00	\$1,171.15	135.7% of the average industrial wage for Nova Scotia	January 1st each year	For the duration of total temporary disability	None
Ontario	85% of net average earnings	For full loss of earnings the minimum is the lesser of \$447.08/week and the worker's net average earnings before the injury	\$1,736.54	Based on 175% of the average industrial wage for Ontario	January 1st each year	For the duration of the disability or until age 65 (or 2 years from date of injury if worker 63 or older at time of injury)	Probable CPP and EI premiums payable as well as probable income tax payable
Prince Edward Island	Temporary wage loss benefits (TWL) 85% of the worker's net average earnings	N/A	\$640.33	Based on preinjury earnings: 85% of a worker's pre-accident net earnings, up to a maximum of \$640.33 (see Workers Compensation Board of PEI, POL-86)	January of each year	For the duration of temporary total disability	Any periodic benefit the worker is entitled to receive as a result of the same accident that is paid for in whole or in part by the employer
Saskatchewan	90% of the worker's spendable, after-tax, or net weekly earnings	\$514.65	\$1,528.51	Based on a covered annual wage of \$88,314	January 1st of each year	For the duration of temporary total disability	50% of any federal government disability payment related to the same injury (after 12 months)
Notes:	Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.						
1	Alaska - TTD benefits are reduced to the lesser of 100 percent of spendable weekly wage minus the offsets from the following benefits being received or the maximum weekly compensation rate minus the benefits from the Alaska Teachers' retirement system, Alaska Public Employees' Retirement System, or any employer-funded union and group retirement systems. In addition, TTD rate reduction is one-half for any Social Security retirement or survivor's benefits received and reduced to no more than 80 percent of spendable weekly wages for any Social Security disability benefits being received. Lastly, any employer contributions included in the calculations of weekly TTD rate, plan payments may be offset up to total increase due to inclusion in the compensation rate.						
2	California - In the 12-month period ending March 31, 2018, the SAWW increased 2.971 percent.						
3	California - There are some limited exceptions where benefits can be paid for 240 weeks.						
4	Colorado - An insurer may modify TTD to offset Social Security disability, pension, or similar benefits pursuant to statute by filing an admission of liability form with the Division, with documentation which substantiates the offset and figures showing how the amount of the offset was calculated.						
5	Idaho - No maximum period—TTD continues while in the period of recovery.						
6	Kansas - Depending on the type of injury; also there may be a limitation of \$130,000 or \$155,000 for all indemnity benefits depending on types of benefits paid.						
7	Michigan - Weekly WC benefits are offset according to 418.354: 50 percent of the amount of old-age insurance benefits received under Social Security; the after-tax amount of the payments received under a self-insurance plan, a wage continuation plan, or under a disability insurance policy provided by the same employer from whom benefits are being paid under section 351, 361, or 835 if the employee did not contribute to the plan or to the payment of premiums regarding the disability insurance policy; and a number of other provisions related to after-tax pension, retirement benefits, and after-tax profit sharing plans (see 418.354 for details).						
8	Nevada - 2016 responses. No 2019 data were provided.						

Table 4A Benefits for Temporary Total Disability Provided by Workers' Compensation Systems as of January 1, 2019

Information on the basis for calculating an injured worker's temporary total disability (TTD) benefit, the maximum and minimum to be paid, and for how long those payments are allowed.

Jurisdiction	Basis Of TTD Calculation	Temporary Total Disability		Basis Of Weekly Maximum Calculation	Maximum Benefit Changes	Maximum Length Of TTD Benefits	Subject To The Following Offsets
		Weekly Minimum	Weekly Maximum				
9	New York - New York SAWW is the average weekly wage of the state of New York for the previous calendar year, as reported by the Commissioner of Labor to the Superintendent of Financial Services on March 31st of each year.						
10	North Carolina - AWW for the calendar year 2017, as determined by the Employment Security Commission, multiplied by 1.10 and rounded to its nearest multiple of two dollars (\$2.00).						
11	North Dakota - The minimum benefit is equal to 60 percent of the SAWW unless the amount exceeds the employee's net wages, in which case the employee receives net wages as a weekly compensation rate.						
12	North Dakota - An additional 20 weeks of benefits may be added if the employee is enrolled in a vocational rehabilitation program.						
13	Ohio - 72% of the employee's preinjury wage for the first 12 weeks and then 66 2/3% of preinjury wage thereafter.						
14	Ohio - However, if the FWW or AWW is below the minimum, the TTD is 100 percent of the FWW or AWW.						
15	Ohio - If 72 percent of the FWW or 66 2/3 percent of the AWW is above the maximum, TTD is paid at the maximum amount.						
16	Ohio - Periods for which temporary nonoccupational accident and sickness insurance is or has been paid pursuant to an insurance policy or program to which the employer has made the entire contribution or payment for providing insurance or under a nonoccupational accident and sickness program fully funded by the employer. When an injured worker is receiving Social Security retirement benefits and TTD is being paid at a rate greater than 66 2/3 percent of the SAWW for the date of injury. When an injured worker is receiving unemployment compensation that was paid and funded by the Ohio Department of Job and Family Services. When the employer has paid sick leave, and the injured worker is also entitled to TTD.						
17	Oregon - For a worker employed in more than one job at the time of injury, the worker's preinjury weekly wage is ascertained by adding all earnings the worker was receiving from all subject employment.						
18	Pennsylvania - Disability under PA law means loss of earning power. PA law allows the employer/insurer to request an impairment rating examination after the employee has received 104 weeks of full benefit payments. If the IRE shows less than 35 percent impairment based on the AMA 6th Edition Guide (2nd printing April 2009), then benefits are reclassified as partial disability compensation and are subject to a 500-week cap.						
19	South Dakota - If the weekly wage is below 50 percent of the SAWW, the calculation is wages, less income tax and Social Security.						
20	Texas - 104 weeks from the 8th day of disability. An exception to this amount could be made when an extension of maximum medical improvement based on spinal surgery is approved by DWC.						
21	Washington - The Washington State legislature has increased the minimum workers' compensation benefits for claims with dates of injury (DOI) or dates of manifestation (DOM) on or after July 2, 2008. This change results in three different possible minimum rates: -15 percent of the state average monthly wage (SAMW) + \$10.00 for spouse + \$10.00 for each dependent child up to five dependent children; -100 percent of the worker's gross monthly wage; and -Minimum time-loss rate in effect prior to July 2, 2008.						
22	Wisconsin - TTD rate may be set at 100 percent of actual earnings if part-time employee and self-restricts.						
23	Wisconsin - The minimum AWW is \$30 so the minimum TTD rate would be \$20. However, this is obsolete and would only come up in circumstances in which the employer was licensed to pay subminimum wages (e.g., sheltered workers).						
24	British Columbia - 2016 responses. No 2019 data were provided.						
25	British Columbia - Weekly maximum is \$1,037.86 based on the maximum annual wage rate of \$80,600 [90% x (\$80,600 - federal tax - provincial tax - Canada Pension Plan contributions - employment insurance premium)].						
26	British Columbia - 90% of net earnings [90% x (gross - federal tax - provincial tax - Canada Pension Plan contributions - employment insurance premiums)].						
27	British Columbia - Canada Pension Plan disability payments (which are payable only where a worker's condition is "severe and prolonged") will be offset by 50 percent of the amount payable by CPP-Disability. Since CPP-Disability is only payable after four months and only for severe and prolonged cases, application of the offset in TTD cases is rare.						
28	New Brunswick - Earnings are adjusted accordingly by CPP, EI, and income tax rates for the current taxation year. There is a lump-sum permanent physical impairment award provided as per Workers' Compensation Regulation 82-165.						
29	New Brunswick - Also ceases when injured worker has received benefits for a period not exceeding two years following the commencement of benefits when the injured worker is 63 years of age or more at the time of injury or recurrence.						
30	New Brunswick - CPPD: worker's benefits reduced by CPPD amount attributable to the compensable injury.						
31	New Brunswick - Remuneration received during the worker's compensation period but earned prior to the compensation period shall not be deducted from loss of earning benefits. Examples include but are not limited to vacation pay, bonuses, sick leave benefits.						

Table 4B Calculation of Preinjury Wage for Temporary Total Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019						
Information on the basis for calculating an injured worker's temporary total disability (TTD) benefit in cases where, at the time of injury, the injured worker was concurrently employed elsewhere.						
Jurisdiction	Workers with Concurrent Employment at Time of Injury					
	AWW Calculation Includes Income from	AWW Includes Income from Jobs Not Covered by Workers' Compensation	Exceptions/Additions	TTD Benefit Payments Apportioned Among All Covered Employers	Job Protections for Injured Worker at Other Jobs	Worker Injured at One Job May Be Terminated from Another Job for Reasons Related to Injury
Alabama	Only the job where injury occurred	No	N/A	No	No	Yes (1)
Alaska	All jobs	Yes	No	No	No	Yes, Alaska is an at-will state regarding terminations
Arizona	All jobs covered by workers' compensation	No		No	No	Yes
Arkansas	Only the job where injured	No	None	N/A	No	Yes, but subject to ADA
California	All jobs	Yes	None	No	No (2)	Yes, if unable to perform the duties of the job (3)
Colorado	All jobs	Yes	AWW wages must be taxable income; any financial assistance that is not taxable (like reimbursement for mileage) is not considered as part of a claimant's AWW	N/A	No	Workers remain at-will employees, as applicable. Employees may be terminated for any non-illegal reason, such as inability to accommodate restrictions. State law protects against termination for filing a workers' compensation claim and retaliation
Connecticut	All jobs (4)	No (4)		No (5)	Yes (6)	(7)
Delaware	Jurisdiction did not provide answers in this table					
District of Columbia	Job where injury occurred	No	N/A	No	This depends on individual employer	Injured worker may only be terminated for just cause
Florida	All jobs	Yes	Wages are included if the secondary employment is missed due to the compensable work injury	No	No	N/A
Georgia	All jobs that are "concurrent and similar"	No	"Concurrent but dissimilar" employment is not included in the AWW	No	No	Yes
Hawaii	All jobs	No	No	No	N/A (8)	N/A (8)
Idaho	All concurrent employment at time of injury; TOI employer must have knowledge of concurrent employment prior to the injury	Yes	N/A	Only the time of injury employer	No	Yes
Illinois	All jobs	Yes	N/A	N/A	Yes	No
Indiana	Only job where injured	No	Like employment	No	No	Not addressed by workers' compensation law
Iowa	Only the job where the injury occurred	Yes	If injured on a part-time job, income from the full-time job is included in the AWW calculation	No	No	An employee can be terminated at any time for any reason
Kansas	Job where injury occurred	No		Yes	No	Yes, if they are unable to work
Kentucky	All jobs	No		No	No	Yes; at-will state
Louisiana	Only the job of injury (9)	No	See note (9)	No	No (10)	(10)
Maine	All jobs	Yes	None	No	Yes, provided termination is not discriminatory	Yes, provided termination is not discriminatory
Maryland	Only job where injured					
Massachusetts	All jobs	No		Benefits are paid by the insurer for the job where the injury took place	Yes	No
Michigan	Wages should be included from all employments	MCL 418.371(2) states "average weekly wage means the weekly wage earned by the employee at the time of the employee's injury in all employment..."	N/A	No (11)	No	While Michigan is an "at-will" employment state, MCL 418.301(13) prohibits retaliation for pursuing an action related to a work injury

Table 4B Calculation of Preinjury Wage for Temporary Total Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019						
Information on the basis for calculating an injured worker's temporary total disability (TTD) benefit in cases where, at the time of injury, the injured worker was concurrently employed elsewhere.						
Jurisdiction	Workers with Concurrent Employment at Time of Injury					
	AWW Calculation Includes Income from	AWW Includes Income from Jobs Not Covered by Workers' Compensation	Exceptions/Additions	TTD Benefit Payments Apportioned Among All Covered Employers	Job Protections for Injured Worker at Other Jobs	Worker Injured at One Job May Be Terminated from Another Job for Reasons Related to Injury
Minnesota	All jobs (12)	Yes		No	This depends on the job	If unable to perform the other job due to restrictions from the first injury
Mississippi	Only the job where injury occurred	Yes	N/A	No	No	Yes, at-will employment
Missouri	Only the job wherein injury occurred (13)	No (13)	Mo. Rev. Stat. § 287.220.11 (13)	Yes	Missouri law provides, "No employer or agent shall discharge or discriminate against any employee for exercising any of his or her rights under this chapter when the exercising of such rights is the motivating factor in the discharge or discrimination." Mo. Rev. Stat. § 287.780	Missouri law provides, "No employer or agent shall discharge or discriminate against any employee for exercising any of his or her rights under this chapter when the exercising of such rights is the motivating factor in the discharge or discrimination." Mo. Rev. Stat. § 287.780
Montana	Wages received at time of injury	Yes	(14)	No	No	Yes (15)
Nebraska	Only wages under the contract for hiring in force at the time of contracting	N/A	N/A	N/A	N/A	It is a public policy exception to the at will employment doctrine that an employer cannot terminate an employee for filing a workers' compensation claim
Nevada as of January 1, 2016 (16)	Jurisdiction did not provide answers in this table					
New Hampshire	All jobs subject to 281-A	No	None	No	No	Yes
New Jersey	Only the job where injury occurred	No	N/A	No	No	Yes, if worker is unable to perform job
New Mexico	All concurrent employment	Yes	N/A	No	Employment and other laws may apply	Employment and other laws may apply
New York	All jobs (17)	No (18)	N/A	No (19)	(20)	Yes (21)
North Carolina	Only the job where the injury occurred	No	Volunteer firefighters and other volunteer emergency responders receive 66 2/3% of the maximum weekly benefit (22)	No	The NC Workers' Compensation Act does not address this	The NC Workers' Compensation Act does not address this
North Dakota	The AWW calculation only includes income from jobs that have worker's compensation insurance in North Dakota. NDCC 65-01-02	No (NDCC 65-01-02 [5])	N/A	Normally no. However there may be a time in which two employers are assigned and held responsible for the injury. Most of the time that occurs in repetitive use claims. In those cases, both employers are responsible for a percentage of all costs (medical and indemnity). This is not a normal occurrence but it has happened	No	North Dakota Workforce Safety and Insurance does not have jurisdiction or get involved in employer personnel issues or terminations. However if an injured worker is terminated from any job for reasons related to the work injury, that injured worker may be eligible for wage loss benefits and/or vocational rehabilitation benefits from Workforce Safety and Insurance
Ohio	All jobs	Yes	None	No	See R.C. 4123.90	See R.C. 4123.90
Oklahoma	If, because of exceptional circumstances, the AWW cannot be fairly and justly determined by the formulas listed in 85A O.S. §59(A) and (B), the Commission may determine the AWW by a method that is just and fair to all parties concerned	If, because of exceptional circumstances, the AWW cannot be fairly and justly determined by the formulas listed in 85A O.S. §59(A) and (B), the Commission may determine the AWW by a method that is just and fair to all parties concerned	N/A	N/A	85A O.S. Section 7 prohibits discrimination or retaliation against an employee under certain circumstances enumerated in that provision	85A O.S. Section 7 prohibits discrimination or retaliation against an employee under certain circumstances enumerated in that provision
Oregon	All jobs (23)	No	Yes (24)	No (25)	No	(26)
Pennsylvania	AWW includes concurrent employment	Wages from all concurrent separate employments are used to determine the AWW	Wages from self-employment are not included	Yes	There is no protection of the job under workers' compensation. PA is an at-will state. However, there is case law which states that if you are terminated solely due to a workers' compensation injury, the employee can sue them civilly	There is no protection of the job under Workers' Compensation. PA is an at-will state. However, there is case law which states that if you are terminated solely due to a Workers' Compensation injury, the employee can sue them civilly
Rhode Island	All jobs	Yes	None	Yes	No	Yes

Table 4B Calculation of Preinjury Wage for Temporary Total Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019						
Information on the basis for calculating an injured worker's temporary total disability (TTD) benefit in cases where, at the time of injury, the injured worker was concurrently employed elsewhere.						
Jurisdiction	Workers with Concurrent Employment at Time of Injury					
	AWW Calculation Includes Income from	AWW Includes Income from Jobs Not Covered by Workers' Compensation	Exceptions/Additions	TTD Benefit Payments Apportioned Among All Covered Employers	Job Protections for Injured Worker at Other Jobs	Worker Injured at One Job May Be Terminated from Another Job for Reasons Related to Injury
South Carolina	All jobs	Yes		Yes	No	No
South Dakota	All jobs	No	See note (27)	No	No	N/A
Tennessee	Only the job where the injury occurred	No	N/A	N/A	N/A	N/A
Texas	All jobs (28)	Yes	Only wages that are reportable for federal income tax purposes may be considered in AWW calculation	No	Some	Injured employee may not be terminated or discriminated against because the employee has filed a workers' compensation claim in good faith; hired an attorney; requested dispute resolution for a workers' compensation claim; or testified in a dispute resolution proceeding regarding a workers' compensation claim
US Federal Programs - FECA	Only the federal job where the injury occurred	No	If a part-time employee has similar non-federal employment, earnings from the non-federal employment are combined with the earnings from federal employment to obtain average earnings	N/A	N/A	N/A
US Federal Programs - Longshore	From job where injury occurred, unless disabled from other jobs. In that case, all income is included	Possible in some circumstances	No	Credit is taken if payments are made concurrently for same injury	Wage loss protection, but not job protection	Yes, if the injured worker is disabled from performing the job
Utah	All jobs	Yes	Proof of wages must be provided to employer/insurer		No	Yes (29)
Vermont	All jobs in covered employment	No		No	Yes (30)	No (unless false claim) (30)
Virginia	Only job where injury occurred	If other job is similar in nature (31)	N/A	No	No	N/A
Washington	All jobs	Yes	N/A	Yes	No	Yes
West Virginia	All jobs (32)	Yes (32)	N/A	N/A	Yes (33)	Yes (34)
Wisconsin	Only job where injury occurred	No			Not under WC laws	
Wyoming	Calculation includes income from all jobs at time of injury	Yes		No	Not applicable (35)	Not applicable (35)
Canadian Jurisdictions Participating (stated in Canadian currency)						
British Columbia as of January 1, 2016 (36)	Jurisdiction did not provide answers in this table					
New Brunswick	All jobs, provided earnings from the accident employer are covered under the WC Act	Yes, provided earnings from accident employer are covered under the WC Act	N/A	LOE benefits in excess of the earnings from the accident employer are allocated to the all assessed employers account	N/A	N/A
Nova Scotia	All jobs	Yes	Injury must be preventing worker from earning income from concurrent job	No (37)	No	There are no protections under the Act for concurrent employment
Ontario	If the worker is injured with an employer covered by the WSIA, then earnings from all employment are generally considered (38)	It may, if the income is from employment that meets the WSIB's conditions for being considered concurrently employed	See note (39)	No, generally only the accident employer	No, under the WSIA only the accident employer	All of the return-to-work obligations under the WSIA pertain to the accident employer
Prince Edward Island	All jobs	We may consider it			No	This is not covered by our Act
Saskatchewan	All employment in industries covered under WCB Act	No	None	No; injury employer	Yes (40)	No (40)
Notes:	Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.					
1	Alabama - Alabama is a right-to-work state.					

Table 4B Calculation of Preinjury Wage for Temporary Total Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019						
Information on the basis for calculating an injured worker's temporary total disability (TTD) benefit in cases where, at the time of injury, the injured worker was concurrently employed elsewhere.						
Jurisdiction	Workers with Concurrent Employment at Time of Injury					
	AWW Calculation Includes Income from	AWW Includes Income from Jobs Not Covered by Workers' Compensation	Exceptions/Additions	TTD Benefit Payments Apportioned Among All Covered Employers	Job Protections for Injured Worker at Other Jobs	Worker Injured at One Job May Be Terminated from Another Job for Reasons Related to Injury
2	California - The nondiscrimination policy in CA Labor Code section 132a relates to the employer with whom the employee has filed a workers' compensation claim.					
3	California - Other applicable state laws may prohibit discrimination in the workplace based on physical or mental disability.					
4	Connecticut - See Sec 31-310 regarding concurrent employment—the concurrent employment must be an employer under the Act's definition.					
5	Connecticut - Please refer to C.G.S. Sec 31-293 re: subrogation rights of the employer.					
6	Connecticut - Sec 31-290a bars discrimination against one for exercising workers' compensation rights.					
7	Connecticut - An injured worker who cannot perform a job may be terminated but discharge cannot be in violation of the protections under Sec 31-290a.					
8	Hawaii - Chapter 386-142 titled "Employment rights of injured workers" states in part that it is unlawful for any employer to suspend or discharge any employee solely because the employee suffers any work injury which is compensable under this chapter.					
9	Louisiana - Except when injured worker is in a "moonlighting" position, which may subject the "moonlighting" employer to pay indemnity benefits based on a 40-hour week at the "moonlighting" hourly rate, if the employee is disabled from their full-time occupation.					
10	Louisiana - Louisiana is an "at-will" employment state.					
11	Michigan - 418.372 explains that if a worker is employed by more than one employer at the time of injury, the earnings from both employers are added together to calculate the average weekly wage. If the job in which the worker was injured accounts for more than 80 percent of the worker's wages, that employer is responsible for all the benefits owing. If, however, that employer was responsible for less than 80 percent of the worker's wages, it pays the entire benefits but is reimbursed a proportional amount by the Second Injury Fund.					
12	Minnesota - If, at the time of the injury, the employee was regularly employed by two or more employers, the employee's days of work for all such employments shall be included in the computation of weekly wage.					
13	Missouri - Employees injured on or after August 28, 1993, but not later than August 27, 1996, or on or after August 28, 1998, but not later than December 31, 2013, may apply for Second Job Wage Loss Benefits from the Second Injury Fund. Mo. Rev. Stat. § 287.220.11 (formerly § 287.220.9). The Fund will pay the sum of the total of the average weekly wage computed separately for each employment, up to the maximum weekly benefit allowable by law on the date of injury, less those benefits paid by the employer in whose employment the employee sustained the injury. Id.; Mo. Rev. Stat. § 287.250.8.					
14	Montana - Does not include wages earned while under the Independent Contractor Exemption (waiver of coverage). See 39-71-123 (4) (c), MCA.					
15	Montana - However, an employer may not terminate worker for filing a workers' compensation claim. See 39-71-317, MCA.					
16	Nevada - No 2019 data were provided.					
17	New York - If the injured employee is concurrently employed in more than one employment at the time of injury, the employee's average weekly wages are calculated upon the basis of wages earned from all concurrent employments covered under the New York Workers' Compensation Law.					
18	New York - Only employment covered by the New York Workers' Compensation Law is included in determining an injured worker's average weekly wage. Wages from non-covered employments, such as those from the federal government, are not included in determining the average weekly wage of an injured worker.					
19	New York - The employer in whose employment the worker was injured is liable for all benefits, indemnity and medical, paid to the worker. The employer that employed the claimant at the time of the injury cannot seek reimbursement or recover any of the benefits paid from the concurrent employer(s).					
20	New York - The Workers' Compensation Law prohibits employers from discharging or discriminating against an employee as to his/her employment because the employee has claimed or attempted to claim compensation from such employer, or claimed or attempted to claim any workers' compensation benefits. The injured worker is protected from termination or discrimination because he/she claimed or attempted to claim workers' compensation benefits.					
21	New York - Yes, if the worker is not able to return to work or perform the job due to the work-related injuries or disability, then the employer may terminate the injured worker.					
22	North Carolina - See N.C. Gen Stat. § 97-2(5).					
23	Oregon - All jobs subject to coverage by workers' compensation, and subject to the exceptions—see next footnote.					
24	Oregon - The claims processor must be notified of other subject employment within 30 days of receipt of the initial claim. The claims processor must receive verifiable documentation of wages from other employment within 60 days of mailing a request for verification.					
25	Oregon - Supplemental disability benefits are either paid by the State of Oregon from the Workers' Benefit Fund, or, if the insurer or self-insured employer elects to pay, claims costs plus administrative fees are paid from that Fund.					
26	Oregon - Under ORS chapter 659A, discrimination with respect to employment due to a job injury or illness is an unlawful employment practice, regardless of where the worker is employed.					
27	South Dakota - The claimant's earnings from concurrent employment are aggregate only if the injury occurred when the employee was actively working in the concurrent employment and when the injury prevents the employee from performing the employee's duties at the employee's concurrent employment.					
28	Texas - Insurance carriers may request reimbursement for any income benefits paid as a result of an injured employee's multiple employments from the Texas Workers' Compensation Subsequent Injury Fund.					
29	Utah - If an injured worker is no longer able to perform duties previous to their injury they may be terminated.					
30	Vermont - Vermont statute contains anti-retaliation/discrimination provision, enforced by Attorney General's office, civil rights unit.					
31	Virginia - AWW calculation can include earnings from other job only if both jobs are considered similar employment; job functions of both must be similar in nature.					
32	West Virginia - Pursuant to W. Va. Code § 23-4-14(b)(2), average weekly wage earnings are based on wages from the injured person, wherever earned, at the date of injury.					
33	West Virginia - W. Va. Code § 23-5A-1 directs that no employer shall discriminate in any manner against any of his present or former employees, because such employee is receiving or attempting to receive workers' compensation benefits.					
34	West Virginia - W. Va. Code § 23-5A-3(a) states that it is a discriminatory practice within the meaning of W. Va. Code § 23-5A-1, to terminate an injured employee while the injured employee is off work due to a compensable injury, and the employee is receiving or is eligible to receive temporary total disability benefits, unless the injured employee has committed a separate dischargeable offense.					
35	Wyoming - Wyoming workers' compensation statutes do not address this specific issue.					
36	British Columbia - No 2019 data were provided.					
37	Nova Scotia - The workplace injury employer is only charged for the portion of earnings loss associated with their workplace. However, if the worker has income from other employers that is impacted by the workplace injury, that income is factored into the worker's earnings loss and is charged to the accident fund; the non-injury employer is not charged any costs.					
38	Ontario - Exceptions: self-employment for which optional insurance has not been sought; earnings from employment for which the individual has an executive officer/partner exemption from WSIB coverage.					

Table 4B Calculation of Preinjury Wage for Temporary Total Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019						
Information on the basis for calculating an injured worker's temporary total disability (TTD) benefit in cases where, at the time of injury, the injured worker was concurrently employed elsewhere.						
Jurisdiction	Workers with Concurrent Employment at Time of Injury					
	AWW Calculation Includes Income from	AWW Includes Income from Jobs Not Covered by Workers' Compensation	Exceptions/Additions	TTD Benefit Payments Apportioned Among All Covered Employers	Job Protections for Injured Worker at Other Jobs	Worker Injured at One Job May Be Terminated from Another Job for Reasons Related to Injury
39	Ontario - For income from "concurrent employment" to be considered, the accident employer must have WSIB coverage, there must be contracts of employment with the other employer(s), evidence of more than one continuing contract of employment in the four-week period leading to the injury (or some lesser period), and earnings must have been received from all concurrent employers in any of the four weeks prior to the injury.					
40	Saskatchewan - Sections 2-40 and 2-41 of The Saskatchewan Employment Act states that no employer shall take discriminatory action against an employee because of absence due to the illness or injury of the employee if the employee has been in the employer's service for more than 13 consecutive weeks before the absence and the absence does not exceed a total of 12 days in a calendar year, in the case of illness or injury that is not serious or 12 weeks in a period of 52 weeks, in the case of serious illness or injury.					

Table 4C Conditions under Which Temporary Total Disability Benefits May Be Terminated for Benefits Provided by Workers' Compensation Systems as of January 1, 2019

Information on conditions under which an injured worker's temporary total disability (TTD) benefit payments can be discontinued.									
Jurisdiction	Circumstances Under Which TTD Can Be Discontinued (Y=Yes; N=No)								
	When A Worker Returns To Work	When A Worker Is Released By A Medical Provider To Return To Work	When The Worker Is Released By The Treating Provider To Return To Work	When A Medical Provider Determines That The Worker Has Reached MMI (Or Medical And Stationary, Maximum Healing, Etc.)	When The Treating Medical Provider Determines That The Worker Has Reached MMI (Or Medical And Stationary, Maximum Healing, Etc.)	Upon Written Notice To The Employee	Upon Written Notice To The Employee And The Employee Does Not Object Within A Specified Time Frame	After An Award Or Discontinuation Notice By The WC Agency (WC Judge, WC Commissioner, Magistrate, Hearing Officer, Etc.)	Other (See Notes)
Alabama	Y	Y	Y	Y	Y	N	N	Y	N
Alaska	Y	Y	Y	Y	Y	N	N	N	(1)
Arizona	Y	Y	Y	Y	Y	N	N	Y	(2)
Arkansas	Y	Y	Y	Y	Y	N	N	Y	(3)
California	Y	Y	Y	Y	Y	Y	Y	Y	N
Colorado	Y	N	Y (4)	N	Y	N	Y	Y	(5)
Connecticut	Y	Y	Y	Y	Y	Y	Y	Y	N/A
Delaware	Y	Y	Y	N	N	N	N	Y	(6)
District of Columbia	Y	N	N	N	N	N	N	Y	
Florida	Y	Y (7)	Y (7)	Y (7)	Y (7)	N	N	Y	N
Georgia	Y	Y (8)	Y (9)	N	N	N	N	Y	Y (10)
Hawaii	Y	N	Y	N	Y	N	N	Y	N
Idaho	Y	Y	Y	Y	Y	N	N	Y	N
Illinois	Y	N	Y	N	Y	Y	N	Y	N
Indiana	Y	N	Y	N	Y	Y	N	Y	N
Iowa	Y	N	Y	Y	Y	N	N	Y	N
Kansas	Y	N	Y	N	Y	N	N	N	N
Kentucky	Y	Y	Y	Y	Y	N	N	Y	N/A
Louisiana	Y	Y	Y	N	N	N	N	Y	(11)
Maine	Y	Y	Y	N	N	Y	N	Y	N
Maryland	Y	Y	Y	Y	Y	Y	N	Y	N
Massachusetts	Y	N	N	(12)	N	(13)	N	Y	(14)
Michigan	Y	Y	Y	N	N	Y	N	N	(15)
Minnesota	Y	Y (16)	Y (but not limited to the treating provider)	Y (17)	Y (but not limited to the treating provider)	N	Y	Y (18)	(19)
Mississippi	Y	Y	Y	Y	Y	N	N	Y	N
Missouri	Y	Y (20)	Y (20)	Y	Y	N (21)	N	Y	N/A
Montana	Y (22)	Y (22)	Y (22)	Y (23)	Y (22)	Y (24)	N	Y	Y (23)
Nebraska	Y	Y	Y	Y	Y	N	N	Y	N
Nevada as of January 1, 2016 (25)	Y	N	Y	Y	Y	N	N	N	N
New Hampshire	Y	N	N	N	N	N	N	Y	(26)
New Jersey	Y	Y	N	Y	N	N	N	N	
New Mexico	Y	Y	Y	Y	Y	N	N	Y	(27)
New York	Y	N	Y	N	(28)	N	N	Y	N
North Carolina	Y	Y	Y	Y	Y	Y	Y	Y	Y
North Dakota	Y	Y	Y	Y	Y	Y	Y	Y	N
Ohio	Y	Y	Y	Y	Y	N	N	Y	N
Oklahoma (29)	Y	Y	Y	Y	Y	Y	N/A	N	(29)
Oregon	Y	N	Y	N	Y (30)	N	N	Y	(31)
Pennsylvania	Y (subject to Section 413 of the Act)	N	N	N	N	N	N	Y	N
Rhode Island	Y	N	N	N	N	N	N	Y	N
South Carolina	Y	N	Y	N	Y	N	Y	Y	N
South Dakota	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tennessee	Y	N	Y	N	Y	N	N	Y	(32) (33)
Texas	Y	(34)	(34)	Y	Y	N	N	Y	N

Table 4C Conditions under Which Temporary Total Disability Benefits May Be Terminated for Benefits Provided by Workers' Compensation Systems as of January 1, 2019

Information on conditions under which an injured worker's temporary total disability (TTD) benefit payments can be discontinued.									
Jurisdiction	Circumstances Under Which TTD Can Be Discontinued (Y=Yes; N=No)								
	When A Worker Returns To Work	When A Worker Is Released By A Medical Provider To Return To Work	When The Worker Is Released By The Treating Provider To Return To Work	When A Medical Provider Determines That The Worker Has Reached MMI (Or Medical And Stationary, Maximum Healing, Etc.)	When The Treating Medical Provider Determines That The Worker Has Reached MMI (Or Medical And Stationary, Maximum Healing, Etc.)	Upon Written Notice To The Employee	Upon Written Notice To The Employee And The Employee Does Not Object Within A Specified Time Frame	After An Award Or Discontinuation Notice By The WC Agency (WC Judge, WC Commissioner, Magistrate, Hearing Officer, Etc.)	Other (See Notes)
US Federal Programs - FECA	Y	N	N	N	N	N	Y	Y	(35)
US Federal Programs - Longshore	Y	Y	Y	Y	Y	Y	Y	Y	
Utah	Y	Y	Y	Y	Y	N	N	Y	N
Vermont	Y	Y (36)	Y (36)	Y (37)	Y (37)	N	Y (37)	Y	(38)
Virginia	Y	Y	Y	N	N	N	N	Y	(39)
Washington	Y	Y	Y	N	N	N	N	Y	N
West Virginia	Y	Y	Y	Y	Y	N	(40)	N/A	N
Wisconsin	Y	Y	Y	Y	Y	N	N	Y	(41)
Wyoming	Y	Y	Y	Y	Y	Y	Y	Y	(42)
Canadian Jurisdictions Participating (stated in Canadian currency)									
British Columbia as of January 1, 2016 (43)	Y	Y	Y	Y	Y	N/A	N/A	Y	(44)
New Brunswick	Y	N (45)	N (45)	N (45)	N (45)	N	N	N	(46)
Nova Scotia	Y	N	N	Y (47)	Y (47)	N	N	Y (48)	(49)
Ontario	Y	Y	Y	N	N	Y	Y	N	N
Prince Edward Island	Y	Y	Y	Y	Y	Y	Y	N/A	N/A
Saskatchewan	Y	Y	Y	Y	Y	N	N	Y	N
Notes:	Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.								
1	Alaska - When a physician declares an employee to be medically stable.								
2	Arizona - TTD can be terminated upon return to work if the employee is making an amount equal to his average monthly wage—if he is earning less money, and is not underemployed, then he continues to receive 66 2/3 percent of the difference between his average monthly wage and his current earnings.								
3	Arkansas - Maximum medical improvement.								
4	Colorado - Release must be full duty without any restrictions.								
5	Colorado - TTD benefits can also be discontinued when a letter to the worker or copy of a written offer is delivered to the worker by the employer/insurer with a signed certificate indicating service, containing both the offer of modified employment (setting forth duties, wages, and hours) and a statement from an authorized treating physician that the employment offered is within the worker's physical restrictions. The worker then has three business days to return to work in response to an offer of modified duty. TTD benefits can also be suspended for failure to appear at a rescheduled medical appointment with an authorized medical provider (provided certain criteria are met), failure to attend an independent medical examination (provided certain criteria are met), death, for documented incarceration of the worker for a criminal conviction, and also if the worker receives a third party settlement that offsets the benefits owed pursuant to Statute 8-41-203, CRS and case law.								
6	Delaware - Once disability ceases (Title 19 Del.C. §2324), pursuant to an award of the IAB or agreement/receipt signed by the injured worker.								
7	Florida - If authorized.								
8	Georgia - If the authorized treating physician approves suitable light-duty work, such work is offered to the employee, and the employee unjustifiably refuses such employment, benefits may be suspended under O.C.G.A. 34-9-240.								
9	Georgia - If release is without restrictions.								
10	Georgia - By order of the Board when employees fail to cooperate with medical.								
11	Louisiana - In addition, benefits can be suspended during incarceration and during a period of lack of cooperation with rehabilitation and can be discontinued if a judge finds the employee violated 23-1208.								
12	Massachusetts - The insurer may discontinue or terminate benefits during that time by notifying the claimant in writing. Discontinuance must be filed with the DIA and is adjudicated by the Industrial Accident Board in the same manner an employee's claim for benefits would. See M.G.L. c. 152 Sec. 8.								
13	Massachusetts - Yes (for PWOP). The insurer may pay compensation for 180 weeks "without prejudice" or accepting liability. The insurer may discontinue or terminate benefits during that time by notifying the claimant in writing.								
14	Massachusetts - Must file request to discontinue with DIA.								
15	Michigan - Additionally, Michigan is a voluntary pay state. TTD benefits may be discontinued/disputed for failure to cooperate with vocational rehabilitation after an order by the Agency, and failure to perform work within restrictions.								
16	Minnesota - If there are no physical restrictions.								
17	Minnesota - TTD benefits cease 90 days after MMI notice; or 90 days after an approved retraining plan ends.								
18	Minnesota - If discontinuance of TTD is part of the award or judge's decision.								
19	Minnesota - (1) If the worker withdraws from labor market; (2) disability ends and the worker fails to search for appropriate work; (3) the worker refuses an offer of appropriate work.								
20	Missouri - Injured worker still may be entitled to temporary partial disability benefits.								
21	Missouri - Employer shall notify the employee of the termination of compensation and the reason for such termination.								
22	Montana - Notice must be provided to the injured worker.								
23	Montana - TTD may be terminated at MMI if a medical provider determines that the worker has no permanent impairment. If at MMI the worker has a permanent impairment, TTD may be terminated following three additional criteria: 1) a medical provider's determination of physical restrictions, 2) a medical provider's determination that the worker can return to work in jobs identified by a vocational rehabilitation provider, and 3) written notice to the worker.								

Table 4C Conditions under Which Temporary Total Disability Benefits May Be Terminated for Benefits Provided by Workers' Compensation Systems as of January 1, 2019

Information on conditions under which an injured worker's temporary total disability (TTD) benefit payments can be discontinued.									
Jurisdiction	Circumstances Under Which TTD Can Be Discontinued (Y=Yes; N=No)								
	When A Worker Returns To Work	When A Worker Is Released By A Medical Provider To Return To Work	When The Worker Is Released By The Treating Provider To Return To Work	When A Medical Provider Determines That The Worker Has Reached MMI (Or Medical And Stationary, Maximum Healing, Etc.)	When The Treating Medical Provider Determines That The Worker Has Reached MMI (Or Medical And Stationary, Maximum Healing, Etc.)	Upon Written Notice To The Employee	Upon Written Notice To The Employee And The Employee Does Not Object Within A Specified Time Frame	After An Award Or Discontinuation Notice By The WC Agency (WC Judge, WC Commissioner, Magistrate, Hearing Officer, Etc.)	Other (See Notes)
24	Montana - Subject to RTW, release to RTW, and/or MMI.								
25	Nevada - 2016 responses. No 2019 data were provided.								
26	New Hampshire - Upon permission of DOL.								
27	New Mexico - Treating providers or IME providers may place worker at MMI. TTD benefits can also be discontinued when the employer offers work to the worker at the preinjury wage and the offered work is within any work restrictions imposed by the medical providers.								
28	New York - Only if the treating provider releases the worker to return to work when he or she has reached MMI.								
29	Oklahoma - Temporary compensation may be terminated according to statute if there is no CC-Form-3 on file. If there is a CC-Form-3 on file, temporary compensation may only be terminated by Commission order, except under circumstances enumerated in OAC 810:10-1-6.								
30	Oregon - Payments may need to continue until claim closure, and may later be determined to be an overpayment subject to recovery by the claims processor.								
31	Oregon - TTD benefits may be ended when the worker receives a written job offer from the employer specifying the duties, wages, and hours, along with a release from the attending physician that the employment offered is within the worker's physical restrictions. TTD benefits can also be suspended because the worker has missed a regularly scheduled appointment with the attending physician or authorized nurse practitioner (provided certain criteria are met). TTD benefits are not payable for periods of time during which the worker is incarcerated for commission of a crime or with some settlements. Additionally, TTD benefits can be suspended, under certain conditions, when approved by the Director.								
32	Tennessee - Noncompliance with medical care.								
33	Tennessee - TTD can be terminated for refusal to accept light duty assignments that accommodate restrictions.								
34	Texas - An insurance carrier may suspend or reduce TTD benefit payments based on a release to return to work by a DWC-assigned designated doctor. An insurance carrier may also suspend or reduce TTD benefit payments based on an employer's bona fide offer of employment that is consistent with a doctor's (treating doctor, referral doctor, consulting doctor, or required medical examination doctor) certification of the employee's work abilities.								
35	US Federal Programs - FECA - Due process is provided prior to termination of benefits, except when the claimant returns to work with no wage loss or is convicted of fraud in connection with the receipt of OWCP benefits.								
36	Vermont - Under some circumstances.								
37	Vermont - After giving seven days' notice to employee and administrator.								
38	Vermont - Reaches end medical result and written notice.								
39	Virginia - Employer/insurer must file an application with the Commission and comply with Commission Rule 1.4 in order to suspend benefits.								
40	West Virginia - 30 days if the employee fails to provide evidence of ongoing disability.								
41	Wisconsin - No indemnity benefits payable if employee violated employer's drug or alcohol policy and violation was causal to injury.								
42	Wyoming - Failure to comply with medical treatments or failure to attend appointment.								
43	British Columbia - 2016 responses. No 2019 data were provided.								
44	British Columbia - TTD benefits may be terminated when the worker is no longer temporarily totally disabled. Typically, the worker is temporarily partially disabled and may be paid on the basis of what he or she did or could earn in suitable alternate employment.								
45	New Brunswick - TTD may be reduced as estimated capable earnings increase as the injured worker recovers.								
46	New Brunswick - Injured workers' wage loss benefits continue until the loss of earnings ceases, the end of the month in which the injured worker reaches age 65, the injured worker has received benefits for a period not exceeding two years following the commencement of benefits when the injured worker is 63 years of age or more at the time of injury or recurrence, or the disability no longer exists, whichever comes first. When loss of earnings benefits are discontinued, the worker may continue to be eligible for medical aid for the compensable injury.								
47	Nova Scotia - TTD can be discontinued if the worker has the functional ability to return to work and work is suitable and reasonably available.								
48	Nova Scotia - TTD can be discontinued although the worker can appeal the decision to a higher court within a certain time frame.								
49	Nova Scotia - TTD can be discontinued if the employee does not cooperate in medical aid or treatment, or if the worker is released to return to work but refuses.								

Table 5 Benefits for Permanent Total Disability Provided by Workers' Compensation Systems as of January 1, 2019

Information on how permanent total disability (PTD) benefits are calculated, the maximum and minimum paid, whether there is a cost of living escalator paid, the length of entitlement, and which offsets are allowed.								
Jurisdiction	Basis Of PTD Calculation	Permanent Total Disability		Basis Of Weekly Maximum Calculation	PTD Benefits Subject To Cost Of Living Escalator	Maximum Length Of PTD Benefits	Subject To The Following Offsets	Limit To Total Monetary PTD Benefit
		Weekly Minimum	Weekly Maximum					
Alabama	66 2/3% of the worker's preinjury weekly wage	\$238.00	\$865.00	100% of the SAWW	No	No	Disability plan paid for by the employer	None
Alaska	80% of the worker's spendable, after-tax, or net weekly wages	\$266.00	\$1,211.00	120% of the SAWW	No	If found to no longer be permanently and totally disabled	(1)	Up to the maximum TTD weekly rate; benefits continue until no longer PTD or death
Arizona	66 2/3% of the worker's average monthly wage	None	\$729.56	66 2/3% of the average monthly wage	No	None	None	None
Arkansas	66 2/3% of the worker's preinjury weekly wage	\$20.00	\$695.00	85% of the SAWW	No	Benefits are for length of disability and may be paid for life	Unemployment compensation; group disability or loss of income policies unless the injured worker has paid for the policy	There is a limitation of the weekly amount but not on the total amount
California	2/3 of AWW, subject to minimum/maximum rates	\$187.71	\$1,251.38	2/3 of AWW, not to exceed maximum rate	Yes, rate increase subject to yearly increase in state average weekly wage	Lifetime	None	None
Colorado	66 2/3% of the worker's preinjury weekly wage	None	\$987.84	91% of the SAWW	No	Benefits are for the length of the disability and may be paid for life	Social Security, unemployment, and other	None
Connecticut	75% of spendable earnings	\$259.60 or 75% of gross wage whichever is less	\$1,298.00	Based on SAWW	Yes	None	None	None
Delaware	66 2/3% of the difference between the wages received by the injured employee before the injury and the earning power of the employee thereafter (2)	\$237.88	\$713.65	66 2/3% of the SAWW	No	None	None	None
District of Columbia	66 2/3% of the worker's preinjury weekly wage	\$380.44	\$1,521.74	100% of the D.C. employed average weekly wage	Yes, shall not exceed 5%	500 weeks for all disability benefits with ability to petition for an additional 167 weeks	None	The first \$75,000 in benefits for death or PTD shall be paid by the employer/insurer; amounts over \$75,000 are paid from the Death and PTD Trust Fund
Florida	66 2/3% of the worker's preinjury weekly wage	\$20, unless wages are less than \$20, then full wages	\$939.00	100% of the SAWW for the year the benefits are paid	3% of the compensation rate multiplied by the number of years postinjury and calculated each January 1st	Benefits are payable to age 75; if the injury occurred after age 70, benefits are payable during the continuance of PTD, not to exceed 5 years following determination of PTD	Social Security and unemployment benefits	None
Georgia	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Hawaii	66 2/3% of the worker's preinjury weekly wage	\$225.00	\$899.00	100% of the SAWW	Adjusted to the maximum benefit rate on January 1st every tenth year after January 1, 1992	None	None	None
Idaho	67% of the worker's AWW	\$117.90	\$707.40	90% of 2019 average state wage of \$786.00; the average state wage is established every January 1st	Weekly rate may change on January 1st, and after the first 52 weeks of TTD; then each year thereafter on January 1st, based on the increase in the ASWW	None	None	Weekly rate may change after the first 52 weeks of TTD and each year thereafter on January 1st, based on the increase in the ASWW
Illinois	Calculate 66 2/3% of the worker's AWW, subject to max. and min. levels	\$565.06	\$1,506.81	133 1/3% of the SAWW	Yes; increases start in the July after the second July following the date the award was entered	None	None	None
Indiana	66 2/3% of average weekly wage	\$50.00	\$780.00	Legislative decision	No	500 weeks	None	500 weeks
Iowa	80% of the worker's spendable, after-tax, or net weekly wages	Based on AWW of \$309.00 and the employee's marital status and number of entitled exemptions	\$1,765.00	200% of the SAWW	No	No maximum	None	None
Kansas	66 2/3% of the worker's AWW	\$25.00	\$645.00	75% of the SAWW	No	Benefits are for length of disability and may be paid for life or until maximum of \$155,000.00 is reached	Social Security retirement	\$155,000.00
Kentucky	66 2/3% of injured worker's AWW subject to 110% of the SAWW	\$173.69	\$955.32	110% of the SAWW	No	Age 70 or a minimum of four years	Unemployment and employer-funded disability plan	None
Louisiana	66 2/3% of the worker's preinjury weekly wage	\$177 or actual wage, whichever is less	\$665.00	75% of the SAWW	No	Benefits are for length of disability and may be paid for life	Social Security, private disability, and/or retirement funded by the employer	None

Information on how permanent total disability (PTD) benefits are calculated, the maximum and minimum paid, whether there is a cost of living escalator paid, the length of entitlement, and which offsets are allowed.								
Jurisdiction	Basis Of PTD Calculation	Permanent Total Disability		Basis Of Weekly Maximum Calculation	PTD Benefits Subject To Cost Of Living Escalator	Maximum Length Of PTD Benefits	Subject To The Following Offsets	Limit To Total Monetary PTD Benefit
		Weekly Minimum	Weekly Maximum					
Maine	1/1/1993–12/31/2012: 80% of the worker's spendable, after-tax, or net wage; 1/1/2013 and after: 2/3 of average gross weekly wages	None	DOI 1/1/1993–12/31/2012: \$746.37; DOI on/after 1/1/2013: \$829.30	DOI 1/1/1993–12/31/2012: 90% of the SAWW; DOI on/after 1/1/2013: 100% SAWW	No, maximum amount tied to changes in SAWW	Benefits are for length of disability and may be paid for life	Social Security, wage continuation and disability plans, and pension or retirement plans established or maintained by the employer	None
Maryland	66 2/3% of the worker's preinjury weekly wage	\$25 or the worker's average weekly wage	\$1,116.00	100% of the SAWW	Yes	None	Social Security: WC benefits reduced to avoid diminution of Social Security disability insurance benefits; disability retirement paid to an employee of a governmental unit or a quasi-public corporation	\$45,000, except that benefit shall be paid for the period that the covered employee is permanently totally disabled
Massachusetts	66 2/3% of the worker's preinjury weekly wage	\$276.68	\$1,383.41	100% of the SAWW	Increases annually based on the CPI for the Northeast Urban region	None	Social Security	None
Michigan	80% of the worker's spendable, after-tax, or net weekly wages	\$255.73	\$921.00	90% of the SAWW	Recalculated yearly based on new yearly maximum effective January 1st	800 weeks post-DOI conclusive presumption with a factual determination thereafter	TTD benefits paid counts toward the 800 weeks conclusive presumption and offsets are similar to TTD	Payments cease upon death of claimant
Minnesota	66 2/3% of the worker's preinjury wage	65% of the SAWW	102% of the SAWW for the preceding calendar year	102% of the SAWW for the preceding calendar year	Yes	PTD benefits cease at age 72, but if the injury occurred after age 67 PTD benefits are paid for five years	After a total of \$25,000 of weekly compensation has been paid, the weekly benefit can be reduced by any disability benefits being paid by any government disability benefit program if the disability is occasioned by the same injury as the workers' compensation injury; this also applies to Social Security old age and survivor's benefits	None
Mississippi	66 2/3% of worker's AWW	\$25.00	\$494.48	66.23% x SAWW	No	450 weeks or until total compensation paid equals \$222,516.00	Disability benefits paid 100% by the employer; wages paid in lieu of compensation; advance payments made or excess TTD paid, which is considered an advance toward PD	\$222,516.00
Missouri	66 2/3% of the worker's preinjury average weekly wage, not to exceed 105% of the state average weekly wage (SAWW), but see (3)	\$40.00	\$974.64 but see (3)	105% of the SAWW, but see (3)	No	None	None	None
Montana	66 2/3% of the worker's preinjury wage	None	May not exceed the state's average weekly wage at time of injury	100% of the SAWW	Yes, after 104 weeks paid benefits; increases each year the same % as the increase in the SAWW	Payable until retirement	SSDI can reduce PTD by up to 1/2 of the federal weekly benefit	None
Nebraska	66 2/3% of the worker's preinjury wage	\$49.00	\$855.00	100% of the SAWW	No	Payable for the length of disability and may be for life	None	None
Nevada as of January 1, 2016 (4)	66 2/3% of the worker's preinjury average monthly wage	No minimum	\$831.88	66 2/3% of the average monthly wage	Yes	None	Social Security	Per maximum compensation limit and formula
New Hampshire	60% of the worker's preinjury weekly wage	\$316.50	\$1,582.50	150% of the SAWW	After 3 years from DOI and if denial of Social Security benefits, benefits are increased each July 1st (5)	Payable for the length of disability and may be for life	None	None
New Jersey	70% of worker's actual wage at time of injury	\$246.00	\$921.00	75% of the SAWW	No	Payable for the length of disability and may be for life	Social Security disability and public disability pension	None
New Mexico	66 2/3% of the worker's preinjury weekly wage	\$36.00	\$814.64	100% of the SAWW	No	Payable for the length of disability and may be for life	Private disability insurance paid by the employer and unemployment benefits	None
New York	66 2/3% of the worker's preinjury wage	\$150.00, unless the worker's wages are less than \$150.00, then the worker receives the amount of the actual wages	\$904.74	Maximum weekly benefit is calculated as 2/3 of the New York SAWW; there is no maximum PTD benefit as it is payable for the length of the disability and may be for life	No	Benefits are payable for the length of the disability, which is usually for the life of the claimant	None	None
North Carolina	66 2/3% of the workers' preinjury average weekly wage	\$30.00	\$1,028.00	(6)	No	Benefits, including medical compensation, shall be paid during the lifetime of the injured employee	Unemployment compensation, full retirement benefits under section 202(a) of the Social Security Act	No

Information on how permanent total disability (PTD) benefits are calculated, the maximum and minimum paid, whether there is a cost of living escalator paid, the length of entitlement, and which offsets are allowed.								
Jurisdiction	Basis Of PTD Calculation	Permanent Total Disability		Basis Of Weekly Maximum Calculation	PTD Benefits Subject To Cost Of Living Escalator	Maximum Length Of PTD Benefits	Subject To The Following Offsets	Limit To Total Monetary PTD Benefit
		Weekly Minimum	Weekly Maximum					
North Dakota	66 2/3% of the worker's preinjury wage	\$576 (7)	\$1,200.00	125% of the SAWW	Increases each July 1st based on percentage change of SAWW	Payable until retirement at which time benefits switch to ABP (8)	Social Security Disability (65-05-09.1)	None
Ohio	66 2/3% of preinjury wage (9)	\$475.00 (10)	\$950.00 (10)	The maximum benefit is equal to the statewide average weekly wage for the date of injury or date of disability in an occupational disease claim	(11)	None	(12)	None
Oklahoma	70% of worker's AWW	None	\$867.71	70% of worker's AWW, not to exceed 100% of the SAWW	No	15 years or upon reaching Social Security retirement age, whichever is longer	None	None
Oregon	66 2/3% of the worker's pre-injury weekly wage	33% of the state average weekly wage (SAWW), \$332.33	133% of the SAWW, \$1,339.38	ORS 656.206(2)	Yes (13)	Lifetime plus benefits to surviving spouse and children	PTD benefits may be reduced by the amount of any Social Security disability benefits received. Offsets are also permitted to recover an overpayment or a penalty imposed for failure to attend an independent medical examination, but not to exceed 25 percent of each PTD payment. Finally, payable PTD is subject to an order to enforce child support obligations, up to 50% of moneys paid	N/A
Pennsylvania	N/A (14)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rhode Island	75% of the worker's spendable, after-tax, or net weekly earnings	None	\$1,253.00	120% of the SAWW	Increases by % increase of the CPI (U.S. city average for urban wage earners and clerical workers) each May 10 after 52 weeks of disability	Payable for the length of disability and may be for life	Retirement benefits	None
South Carolina	66 2/3% of the worker's preinjury wage	\$75.00	\$845.74	100% of the SAWW	No	500 weeks	None	500 weeks
South Dakota	66 2/3% of the worker's preinjury wage (15)	\$403.00	\$805.00	100% of the SAWW	Increases annually based on the CPI for urban wage earners and clerical workers, not to exceed 3%	For length of disability and can be for life	Social Security retirement (PTD benefits are then 150% of TTD less SS retirement)	None
Tennessee	66 2/3% of the worker's preinjury wage	\$139.35	\$929.00	100% of SAWW	No	Until "Old Age" Social Security-eligible age (or 260 weeks, where the date of injury is on or after age 60)	50% due to employer's contribution to "Old Age" Social Security (if employee is receiving Old Age SS benefits)	None
Texas	75% of the employee's AWW	\$141.00	\$938.00	100% of the state AWW; entitlement is based on specific loss of body parts/injuries; entitled for life	Yes, 3% increase annually based on date of eligibility	None	None	None
US Federal Programs - FECA	75% of the worker's preinjury wage if worker has dependents; 66 2/3% of preinjury wage if not	GS-2, step 1	GS-15, step 10	Benefits are based on salary levels and are paid for length of disability and may be paid for life	Each March 1st, after 1 full year of disability and is based on the price index	None	Social Security retirement on federal earnings	None
US Federal Programs - Longshore	66 2/3% of employee's AWW	\$377.69	\$1,510.76		Increases each October 1st as the national average weekly wage of production workers increases	During disability or life of the claimant	Credits for amounts paid under workers' compensation systems or recoveries from third parties	Maximum per week limit
Utah	66 2/3% of the worker's AWW at the time of the injury not to exceed 85% of the SAWW	\$45.00 for the first 312 weeks; 36% of SAWW after 312 weeks	\$747.00	The maximum PTD benefit is reset every July 1st at 85% of the SAWW; the maximum PTD benefit payable is 66 2/3% of the worker's AWW, up to the maximum PTD benefit	No; the minimum benefit, however, is adjusted annually at 36% of the SAWW	PTD benefits are awarded for life, but PTD status may be reexamined by submitting employee to reasonable medical evaluations, rehabilitation and retraining efforts, disclosure of federal income tax returns	No	None
Vermont	66 2/3% of the worker's preinjury wage	\$437.00	\$1,311.00	150% of the SAWW	Increases each July 1st based on SAWW increase	For duration of total disability and can be for life	Credit for recoveries from third parties	None
Virginia	66 2/3% of the worker's preinjury wage	\$270.50	\$1,082.00	Maximum compensation rate is based on 100% SAWW at the time of the work accident	Changes each October 1st based on average CPI for all items	Can be lifetime	None	Applicable compensation rate
Washington	Depends on the option chosen by employee	(16)	\$1,433.15	120% of the SAWW	July 1st each year	For the length of disability and can be for life	Social Security and third party recoveries	There is a maximum payment for lump sums only, up to \$8,500

Table 5 Benefits for Permanent Total Disability Provided by Workers' Compensation Systems as of January 1, 2019

Information on how permanent total disability (PTD) benefits are calculated, the maximum and minimum paid, whether there is a cost of living escalator paid, the length of entitlement, and which offsets are allowed.

Jurisdiction	Basis Of PTD Calculation	Permanent Total Disability		Basis Of Weekly Maximum Calculation	PTD Benefits Subject To Cost Of Living Escalator	Maximum Length Of PTD Benefits	Subject To The Following Offsets	Limit To Total Monetary PTD Benefit
		Weekly Minimum	Weekly Maximum					
West Virginia	66 2/3% of the worker's preinjury weekly wage, not to exceed 100% of the average weekly wage in West Virginia	Federal minimum wage	\$823.14	The SAWW	No	Payable until age 70, for all PTD awards granted on or after 07/1/2003	(17)	None
Wisconsin	66 2/3% of the worker's preinjury wage	\$20.00 (18)	\$1,016.00	110% of the SAWW	No (19)	For length of disability and can be for life	Social Security disability	None
Wyoming	66 2/3% of the worker's actual monthly wage, unless he or she earns less than 73% of the SWAMW—then it is 92% of the worker's actual monthly wages	None	Wages cannot exceed the SWAW for the quarter in which PTD is determined	66 2/3% of the SAWW	Yes	Paid for 80 months, less the number of months previously paid PPI and/or PPD. Eligible for extended PTD following PTD, must apply annually	None	None
Canadian Jurisdictions Participating (stated in Canadian currency)								
British Columbia as of January 1, 2016 (20)	90% of the worker's average net earnings	\$394.40, unless the worker's average earnings are less than this amount; if this is the case, the worker will receive an amount equal to his or her average earnings (21)	For the first 10 weeks, the weekly maximum is \$1056.86. After 10 weeks, it is \$1,037.86	Based in part on the maximum wage rate, which is used in calculating a worker's average earnings	Based on CPI minus 1% (0%-4%)	Payable to age 65 or later date of retirement, if so determined	50% of Canada Pension Plan disability if payable	None
New Brunswick	85% of loss of earnings (average net earnings minus net estimated capable earnings) (22)	N/A	\$812.55 for single worker and \$855.93 for claiming spouse	Based on 1.5 multiplied by the New Brunswick industrial aggregate earnings	New Brunswick industrial aggregate earnings indexed annually by the change in the consumer price index (CPI)	Until loss of earnings ceases or disability no longer exists, or when injured worker reaches 65 (23)	Canada Pension Plan disability benefits (CPPD) (24); supplements to compensation (25)	85% of loss of earnings (average net earnings minus net estimated capable earnings) (22)
Nova Scotia	75% of the worker's earnings loss for first 26 weeks, 85% of earnings loss after 26 weeks	\$1.00	\$1,171.15	Based on yearly maximum benefit (75% of your net earnings loss for up to 26 weeks after your injury occurs; after 26 weeks the TERB increases to 85% of your net earnings loss)	Adjusted each January 1st based on increase in the CPI	Payable until age 65	50% of CPP disability benefits	75% of the worker's earnings loss for first 26 weeks, 85% of earnings loss after 26 weeks
Ontario	Non-economic loss (NEL) awards are calculated using a base amount that is adjusted for the worker's age and multiplied by % of impairment (26)	N/A	N/A	Depending on the worker's age, the worker may be entitled to the maximum NEL base amount, which is multiplied by % of impairment	Adjusted each January 1st	NEL benefits may be paid as a lump sum or as a periodic payment, depending upon the amount	None	Limit would be in accordance with the annually indexed maximum base amount
Prince Edward Island	Wages are average wage indexed to current year, and then the worker's loss of earning capacity is calculated at 85% of net	N/A	Based on maximum annual earning for the year of accident	Maximum annual earnings	Adjusted each July 1st	Payable to age 65	Collateral benefits received by the worker	Maximum annual earnings
Saskatchewan	90% of the worker's net income	\$514.65	\$1,528.51	Based on a covered annual wage of \$88,314	Increases on the anniversary of date of claim by the provincial CPI	For length of disability or until age 65	50% of any federal government disability payment related to the same injury	None
Notes: <i>Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.</i>								
1	Alaska - PTD benefits may be offset by disability benefits received under the Alaska Teachers' Retirement System, the Alaska Public Employees' Retirement System, or other employer-funded union or group retirement system. In addition, PTD benefits may be offset by retirement, survivor's, or disability benefits being received from the Social Security Administration.							
2	Delaware - Such compensation shall not be more than 66 2/3 percent of AWW.							
3	Missouri - Mo. Rev. Stat. § 287.010.11, effective 01/01/2014, defines "occupational diseases due to toxic exposure" as the following: mesothelioma, asbestosis, berylliosis, coal worker's pneumoconiosis, bronchiolitis obliterans, silicosis, silicotuberculosis, manganism, acute myelogenous leukemia, and myelodysplastic syndrome. Mo. Rev. Stat. § 287.200.4, effective 01/01/2014, provides enhanced benefits to employees with "occupational diseases due to toxic exposure" which result in a Permanent Total Disability or Death as follows: (a) For occupational diseases due to toxic exposure, but not including mesothelioma, an amount equal to 200% of the State's Average Weekly Wage (as of the date of diagnosis) shall be paid to the employee for 100 weeks. (b) If the employee is diagnosed with mesothelioma (and if the employer has accepted mesothelioma liability) an amount equal to 300% of the State's Average Weekly Wage shall be paid to the employee for 212 weeks—provided that any employee who obtains benefits for asbestosis and who later obtains an award for mesothelioma shall not receive more benefits than such employee would receive having only obtained benefits for mesothelioma. (c) The amounts due to the employee during his or her lifetime for an award of Permanent Total Disability due to any other compensable cause shall be paid to the employee after the enhanced benefits for "occupational diseases due to toxic exposure" have been exhausted. (d) Should the employee die before all of the enhanced benefits for "occupational diseases due to toxic exposure" have been paid, the remainder of the enhanced benefits are payable to the employee's spouse or children, natural or adopted, legitimate or illegitimate, in addition to the benefits provided for a death due to any other compensable cause. If there is no surviving spouse or children and the employee, in his or her lifetime, has not received all of the enhanced benefits for "occupational diseases due to toxic exposure," the remainder of such enhanced benefits shall be paid as a single payment to the estate of the employee.							
4	Nevada - 2016 responses. No 2019 data were provided.							
5	New Hampshire - The increase is calculated by finding the percentage of the employee's AWW in the SAWW at the time of injury and applying the same percentage to the SAWW at the time of the increase and then taking 60 percent of the resulting increased AWW.							
6	North Carolina - AWW for the calendar year 2017, as determined by the Employment Security Commission, multiplied by 1.10 and rounded to its nearest multiple of two dollars (\$2.00).							
7	North Dakota - The minimum benefit is equal to 60 percent of the SAWW unless the amount exceeds the employee's net wages, in which case the employee receives net wages as a weekly compensation rate.							
8	North Dakota - ABP benefits are additional benefits payable. Benefit and amount are based on the duration of the disability prior to retirement (NDCC 65-05-9.4).							
9	Ohio - The basis of PTD calculation is 66 2/3 percent of the worker's preinjury weekly wage not to exceed the maximum for the date of injury or date of disability in occupational disease claims.							
10	Ohio - Weekly minimum and maximum for claims with dates of injury in 2014. Minimum and maximum are determined based on date of injury or date of disability in occupational disease claims.							
11	Ohio - There is a separate Disabled Worker Relief Fund benefit that provides a cost of living escalator.							
12	Ohio - Social Security: in the event the weekly workers' compensation amount when combined with disability benefits received pursuant to the Social Security Act is less than the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code, then the maximum amount of weekly compensation shall be the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code. At any time that Social Security disability benefits terminate or are reduced, the workers' compensation award shall be recomputed to pay the maximum amount permitted under this division.							

Information on how permanent total disability (PTD) benefits are calculated, the maximum and minimum paid, whether there is a cost of living escalator paid, the length of entitlement, and which offsets are allowed.								
Jurisdiction	Basis Of PTD Calculation	Permanent Total Disability		Basis Of Weekly Maximum Calculation	PTD Benefits Subject To Cost Of Living Escalator	Maximum Length Of PTD Benefits	Subject To The Following Offsets	Limit To Total Monetary PTD Benefit
		Weekly Minimum	Weekly Maximum					
13	Oregon - The Retroactive Program of the Workers' Benefit Fund provides increased benefits when the benefits paid under the laws in effect on the date of injury are lower than are currently being paid for like injuries.							
14	Pennsylvania - However, wage-loss benefits may continue for life.							
15	South Dakota - If the weekly wage is below 50 percent of the SAWW, the calculation is wages, less income tax and Social Security.							
16	Washington - The Washington State Legislature has increased the minimum workers' compensation benefits for claims with dates of injury (DOI) or date of manifestation (DOM) on or after July 2, 2008. This change results in three different possible minimum rates: -15 percent of the state average monthly wage (SAMW) + \$10.00 for spouse + \$10.00 for each dependent child up to five dependent children -100 percent of the worker's gross monthly wage -Minimum time-loss rate in effect prior to July 2, 2008.							
17	West Virginia - PTD benefits may be partially offset by current wages if the employee is working.							
18	Wisconsin - PTD rate based on two-thirds of wage up to maximum TTD rate for year of injury. Minimum wage per s. 102.11 is \$30. Therefore, minimum PTD rate would be \$20. However, this is obsolete and would only come up in circumstances in which the employer was licensed to pay subminimum wage (e.g., sheltered workers).							
19	Wisconsin - Supplemental benefit payments may be due. Currently only paid on dates of injury prior to January 1, 2003.							
20	British Columbia - 2016 responses. No 2019 data were provided.							
21	British Columbia - If the worker is permanently and totally disabled, they will receive the full weekly minimum of \$394.40 even if their earnings are less than this amount.							
22	New Brunswick - Earnings are adjusted accordingly by CPP, EI, and income tax rates for the current taxation year. There is a lump-sum permanent physical impairment award provided as per Workers' Compensation Regulation 82-165.							
23	New Brunswick - Also ceases when injured worker has received benefits for a period not exceeding two years following the commencement of benefits when the injured worker is 63 years of age or more at the time of injury or recurrence.							
24	New Brunswick - CPPD: worker's benefits reduced by CPPD amount attributable to the compensable injury.							
25	New Brunswick - Remuneration received during the worker's compensation period but earned prior to the compensation period shall not be deducted from loss of earning benefits. Examples include but are not limited to vacation pay, bonuses, sick leave benefits.							
26	Ontario - For the purpose of answering questions related to PTD benefits, the assumption is that it is a NEL benefit that is awarded as a result of a permanent impairment. This would be in addition to benefits for loss of earnings.							

Table 6 Permanent Partial Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019

Information on the approach used for the payment and calculation for permanent partial disability (PPD) benefits, the maximum and minimum, any limitations placed on unscheduled injuries and, if a rating guide is used, which one.									
Jurisdiction	Types Of PPD Benefits Offered	Basis Of Weekly PPD Calculation	Basis Of PPD Calculation (If Not Weekly)	PPD Disability Benefit		Basis Of Weekly Maximum Calculation	Maximum PPD Benefits For Unscheduled Injuries	Statutory Requirements For Use Of Specific Rating Guide	
				Weekly Minimum	Weekly Maximum			Yes/No	AMA Guide Required
Alabama	Statutory scheduled PPD benefits; benefits based on actual wage losses; benefits based on an estimated loss of wage-earning capacity; unscheduled PPD based on functional impairment alone; benefits are paid more like a percentage of PTD	66 2/3% AWW	N/A	None	\$220.00	Statutory cap of \$220	300 weeks	No	N/A
Alaska	Scheduled permanent partial impairment benefits (1)	N/A	% of impairment x \$177,000	(2)	(2)	120% of the state average weekly wage	No unscheduled PPD	Yes	6th Edition
Arizona	Statutory scheduled PPD benefits; benefits based on functional impairment or total loss; unscheduled PPD benefits based on actual wage loss/loss of earning capacity plus other factors, such as age, education, occupation, work experience, limitations	N/A	Monthly	None	Scheduled injuries based upon the schedule, unscheduled injuries based upon the average monthly wage	Unscheduled injuries 55% of the difference between average monthly wage and earning capacity	None	If applicable	Latest edition
Arkansas	Statutory scheduled PPD benefits based on objective anatomical rating based on AMA Guides, 4th Edition; unscheduled PPD benefits; benefits based on objective anatomical rating based on AMA Guides, 4th Edition plus other wage-loss disability factors, such as age, education, and occupation	75% of TTD rate; 100% of TTD rate if total loss or amputation of scheduled injury	N/A	\$20.00	\$521.00	75% of 85% of the SAWW	450-week maximum for all disability (3)	Yes	4th Edition
California	Statutory scheduled PPD benefits; PD level translates to number of weeks as set by legislature	2/3 of AWW, subject to minimum and maximum rates	N/A	\$160.00	\$290.00	Set by legislature	N/A	Yes	5th Edition
Colorado	Statutory scheduled PPD benefits; unscheduled PPD benefits based on functional impairment plus age and TTD rate (4)	For statutory scheduled PPD benefits: % of PPD x number of weeks (based on body part injured) x rate (based on date of injury); for nonscheduled PPD benefits: % of PPD x age factor x TTD rate x 400 weeks (4)	For statutory scheduled PPD benefits: % of PPD x number of weeks (based on body part injured) x rate (based on date of injury); for nonscheduled PPD benefits: % of PPD x age factor x TTD rate x 400 weeks (4)	\$150.00	\$307.26 is set weekly rate for all scheduled injuries occurring after July 1, 2018; \$542.78 is the weekly maximum for nonscheduled injuries	Legislature set the scheduled maximum which increases each July 1st based on increase in the SAWW; unscheduled weekly maximum is paid at the TTD rate but not more than 50% of the SAWW at the time of injury and not less than \$150 (4)	400 weeks (5)	Yes	3rd Edition (revised)
Connecticut	Statutory scheduled PPD benefits	75% of spendable, after-tax, or net wages	N/A	\$50.00	\$1,046.00	100% of production wage	780 weeks (6)	No	Discretionary
Delaware	Statutory scheduled PPD benefits; benefits based on actual wage losses; unscheduled PPD based on functional impairment alone; injured worker can receive both TTD/TPD benefits while receiving PPD benefits	Number of weeks multiplied by the injured worker's AWW fixed at the date of the permanent impairment	N/A	\$237.88	\$713.65	66 2/3% of the SAWW	300 weeks	No	N/A

Table 6 Permanent Partial Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019

Information on the approach used for the payment and calculation for permanent partial disability (PPD) benefits, the maximum and minimum, any limitations placed on unscheduled injuries and, if a rating guide is used, which one.									
Jurisdiction	Types Of PPD Benefits Offered	Basis Of Weekly PPD Calculation	Basis Of PPD Calculation (If Not Weekly)	PPD Disability Benefit		Basis Of Weekly Maximum Calculation	Maximum PPD Benefits For Unscheduled Injuries	Statutory Requirements For Use Of Specific Rating Guide	
				Weekly Minimum	Weekly Maximum			Yes/No	AMA Guide Required
District of Columbia	Statutory scheduled PPD benefits; benefits based on actual wage losses	66 2/3% of the worker's AWW	N/A	\$380.44	\$1,521.74	100% of the D.C. employed average weekly wage	500-week limit for all disability; worker may petition for an additional 167 weeks	Yes	Most recent edition of the AMA guides
Florida	Statutory scheduled PPD benefits; benefits paid at 75% of the average TTD (reduced by 50% if return to work at same or higher preinjury wages)	75% of the average TTD rate, reduced by 50% if wages are equal to or higher than preinjury	N/A	\$20 or actual wages if AWW less than \$20	\$939.00	100% of the SAWW	2 weeks for each % of impairment from 1–10%; 3 weeks from 11–15%; 4 weeks from 16–20%; and 6 weeks for each rating over 21%	Yes, the Florida Impairment Rating Guide	N/A
Georgia	Statutory scheduled PPD benefits	Paid at TTD rate	N/A	\$50.00	\$575.00	Set by the legislature	300 weeks	Yes	5th Edition
Hawaii	Statutory scheduled PPD benefits; unscheduled PPD based on functional impairment alone; unscheduled PPD benefits based on functional impairment plus other disability factors, such as age, education, and occupation	The payout is based on the average weekly wage multiplied by 66 2/3%	N/A	\$225.00	\$899.00	100% SAWW	312 weeks	Yes	5th Edition
Idaho	Statutory scheduled PPD benefits (55% of the average weekly state wage for the year of injury); benefits based on an estimated loss of wage-earning capacity (based on a % of loss of labor market); unscheduled PPD based on functional impairment plus other disability factors, such as age, education, and occupation (based on medical and non-medical factors)	55% of the SAWW for the year of injury	N/A	\$432.30	55% of the SAWW for the year of injury (7)	55% of the SAWW for the year of injury	500 weeks	No	N/A
Illinois	Statutory scheduled PPD benefits; benefits based on actual wage losses; benefits based on an estimated loss of wage-earning capacity; unscheduled PPD based on functional impairment plus other disability factors, such as age, education, and occupation	Multiply employee's AWW times 60%, subject to max. and min. levels	N/A	\$220.00	\$813.87	Multiply previous maximum times change in SAWW	500 weeks	Yes	Most recent
Indiana	None	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Iowa	Statutory scheduled PPD benefits; benefits based on an estimated loss of wage-earning capacity; unscheduled PPD based on functional impairment plus other disability factors, such as age, education, and occupation; unscheduled PPD benefits using a tiered approach, where the rating takes into account return-to-work status (whether release to work or actual return to work)	80% of the worker's spendable, after-tax, or net weekly wages	N/A	Based on AWW of \$309.00 and the employee's marital status and number of entitled exemptions	\$1,623.00	184% of the SAWW	500 weeks	No (8)	N/A
Kansas	66 2/3% of the worker's AWW	66 2/3% of preinjury AWW up to the maximum	N/A	\$25.00	\$645.00	75% of the SAWW	415 weeks	Yes	6th Edition as of 1/1/2019

Table 6 Permanent Partial Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019

Information on the approach used for the payment and calculation for permanent partial disability (PPD) benefits, the maximum and minimum, any limitations placed on unscheduled injuries and, if a rating guide is used, which one.									
Jurisdiction	Types Of PPD Benefits Offered	Basis Of Weekly PPD Calculation	Basis Of PPD Calculation (If Not Weekly)	PPD Disability Benefit		Basis Of Weekly Maximum Calculation	Maximum PPD Benefits For Unscheduled Injuries	Statutory Requirements For Use Of Specific Rating Guide	
				Weekly Minimum	Weekly Maximum			Yes/No	AMA Guide Required
Kentucky	Unscheduled PPD benefits based upon permanent impairment rating and statutory modifiers	66 2/3% worker's AWW subject to maximum of 82.5% of the SAWW x permanent impairment rating as determined by AMA Guides x statutory grid factor contained in KRS 342.730(1)(b) x other specific factors if applicable	N/A	None	\$716.49	82.5% of the SAWW	425 weeks if disability rating is 50% or less; 520 weeks if disability rating is over 50%; limited to age 70 or a minimum of four years	Yes	5th Edition
Louisiana	Statutory scheduled PPD benefits and/or Supplemental Earnings Benefits	66 2/3% of the difference between pre- and post-accident AWW, calculated monthly and subject to the maximum	Monthly payment based on the difference between what the employee can earn and what he or she earned at the time of injury multiplied by 66 2/3%	\$177.00	\$665.00	75% of the SAWW	520 weeks	No	N/A
Maine	Statutory scheduled PPD benefits; benefits based on an estimated loss of wage-earning capacity (9)	1/1/1993–12/31/2012: 80% of the worker's spendable, after-tax, or net wage; 1/1/2013 and after: 2/3 of average gross weekly wages	N/A	None	DOI 1/1/1993–12/31/2012: \$746.37; DOI on/after 1/1/2013: \$829.30	DOI 1/1/1993–12/31/2012: 90% of the SAWW; DOI on/after 1/1/2013: 100% SAWW	1/1/1993–12/31/2012: 520 weeks or for duration of disability if PI rating is greater than a threshold of approximately 13.4%; on/after 1/1/2013: 520 weeks; longer if PI > 18% & earning 65% or less of AWW & worked 12 months out of 24-month period before benefits end	Yes	4th Edition
Maryland	Statutory scheduled PPD benefits; unscheduled PPD based on functional impairment plus other disability factors such as age, education, and occupation; unscheduled PPD benefits using a tiered approach, where the rating takes into account return-to-work status (whether release to work or actual return to work)	(10)	(10)	\$50.00 or the AWW of the covered employee, if the AWW is less than \$50.00	\$837.00	75% of the SAWW	None	Yes	4th Edition
Massachusetts	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Michigan	None	No scheduled PPD paid	N/A	N/A	N/A	N/A	N/A	No	N/A

Table 6 Permanent Partial Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019

Information on the approach used for the payment and calculation for permanent partial disability (PPD) benefits, the maximum and minimum, any limitations placed on unscheduled injuries and, if a rating guide is used, which one.

Jurisdiction	Types Of PPD Benefits Offered	Basis Of Weekly PPD Calculation	Basis Of PPD Calculation (If Not Weekly)	PPD Disability Benefit		Basis Of Weekly Maximum Calculation	Maximum PPD Benefits For Unscheduled Injuries	Statutory Requirements For Use Of Specific Rating Guide	
				Weekly Minimum	Weekly Maximum			Yes/No	AMA Guide Required
Minnesota	See two columns to right	See column to right	PPD benefits are determined by impairment rating (percentage of whole body) in conjunction with statutory payment table that indicates benefit per rating point depending on impairment rating	(11)	(11)	By statutory formula	Rated by analogy to similar scheduled injury	No (12)	No
Mississippi	Statutory scheduled PPD benefits; benefits based on actual wage losses; benefits based on an estimated loss of wage-earning capacity	Wage difference or medical impairment rating if injury is scheduled	N/A	No minimum	\$494.48	66 2/3% x SAWW	450 weeks	Yes	Most current
Missouri	PPD benefits are a lump sum based on the weekly statutory value assigned to the injured body part	66 2/3% of worker's preinjury average weekly wage, not to exceed 55% of the state average weekly wage (SAWW)	N/A	None	\$496.38 (13)	55% of the SAWW	400 weeks	No	N/A
Montana	Awards PPD benefits only to injured workers who suffer a whole person impairment rating greater than zero and a wage loss or to injured workers with a Class 2 or greater impairment rating converted to a whole person and no wage loss	66 2/3% of preinjury wage	N/A	None	\$396.50	50% of the SAWW	400 weeks	Yes	6th Edition
Nebraska	Statutory scheduled PPD benefits; benefits based on actual wage losses (note maximum compensation limits); unscheduled PPD based on functional impairment plus other disability factors, such as age, education, and occupation	66 2/3% of the worker's AWW	N/A	\$49.00	\$855.00	100% of the SAWW	300 weeks	No	N/A
Nevada as of January 1, 2016 (14)	Statutory scheduled PPD benefits; benefits based on actual wage losses (note maximum compensation limits); benefits are paid more like a percentage of PTD	66 2/3% of the worker's AWW	0.666% of the workers' average monthly wage is paid for each 1% of disability as rated under the AMA Guides	No minimum	\$831.88	150% of the SAWW	PPD benefits paid for 5 years or to age 70, whichever is later	Yes	5th edition
New Hampshire	Statutory scheduled PPD benefits	60% of AWW multiplied by number of weeks for scheduled body part percentage	N/A	\$316.50	\$1,582.50	150% of the SAWW	350 weeks for a whole-person award	Yes	5th Edition

Table 6 Permanent Partial Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019

Information on the approach used for the payment and calculation for permanent partial disability (PPD) benefits, the maximum and minimum, any limitations placed on unscheduled injuries and, if a rating guide is used, which one.									
Jurisdiction	Types Of PPD Benefits Offered	Basis Of Weekly PPD Calculation	Basis Of PPD Calculation (If Not Weekly)	PPD Disability Benefit		Basis Of Weekly Maximum Calculation	Maximum PPD Benefits For Unscheduled Injuries	Statutory Requirements For Use Of Specific Rating Guide	
				Weekly Minimum	Weekly Maximum			Yes/No	AMA Guide Required
New Jersey	Statutory scheduled PPD benefits	70% of the worker's preinjury weekly wage	N/A	\$35.00	\$921.00	75% of the SAWW	600 weeks	No	N/A
New Mexico	Statutory scheduled PPD benefits, plus other disability factors, such as age, education and physical capacity	66 2/3% of the worker's AWW	N/A	None	\$814.64	100% of the SAWW	500 weeks if the rating is less than 80%, 700 weeks if rating is greater	Yes	Most recent edition
New York	Statutory scheduled PPD benefits based on loss of use; and nonscheduled PPD benefits based on actual wage losses or based on an estimated loss of wage-earning capacity. Unscheduled PPD based on impairment, functional impairment, and vocational factors such as age, education, skills, English proficiency, and occupation	(15)	N/A	\$150.00 (16)	\$904.74	Weekly maximum benefit is 2/3 of the New York SAWW (17)	\$474,988.50 (18)	(19)	N/A
North Carolina	(20)	66 2/3% of the workers' preinjury average weekly wage	N/A	\$30 for scheduled injuries	\$1,028 for scheduled injuries	110% of SAWW	\$20,000	Yes	NC Rating Guide used
North Dakota	Statutory scheduled PPI benefits; unscheduled PPI based on whole body impairment	N/A	PPI rate (35% of SAWW) multiplied by the permanent impairment multiplier tied to the percentage of whole body impairment (21)	N/A	N/A	N/A	100% impairment based on lump-sum payment	Yes	6th Edition
Ohio	Statutory scheduled PPD benefits; benefits based on actual wage losses; benefits based on an estimated loss of wage-earning capacity	33 1/3% of the AWW; two weeks of %PP for each percent of impairment	N/A	No minimum	\$316.67	33 1/3% of the SAWW	200 weeks	No	By policy, 5th Edition
Oklahoma	Scheduled and unscheduled losses	70% of the employee's AWW not to exceed \$323	N/A	None	\$323.00	Statutory	350 weeks	Yes	Most current
Oregon	Impairment is the loss of use or function of a body part or system; and Work disability, for workers who cannot return to regular work, is impairment modified by social-vocational factors: age, education, and adaptability to perform a given job	N/A	Impairment = % of whole person impairment x 100 x state AWW; Work disability = (% of whole person impairment + social-vocational factor) x 150 x worker's AWW (22)	N/A	N/A	N/A	\$385,992.94 (23)	No	Oregon has its own disability rating standards, established under Oregon Administrative Rules Chapter 436, Division 035
Pennsylvania	66 2/3% of the difference between the employee's pre-injury AWW and their post-injury AWW or earning power	The employee's earning power (24)	N/A	N/A	\$1,049.00	SAWW	500 weeks	Yes	6th edition of the AMA Guides (second printing April 2009)

Table 6 Permanent Partial Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019

Information on the approach used for the payment and calculation for permanent partial disability (PPD) benefits, the maximum and minimum, any limitations placed on unscheduled injuries and, if a rating guide is used, which one.									
Jurisdiction	Types Of PPD Benefits Offered	Basis Of Weekly PPD Calculation	Basis Of PPD Calculation (If Not Weekly)	PPD Disability Benefit		Basis Of Weekly Maximum Calculation	Maximum PPD Benefits For Unscheduled Injuries	Statutory Requirements For Use Of Specific Rating Guide	
				Weekly Minimum	Weekly Maximum			Yes/No	AMA Guide Required
Rhode Island	Loss of use and loss of hearing	Weekly payment based on 50% of the AWW	N/A	\$90.00	\$180.00	Per statute 28-33-19, 1/2 the average weekly earnings but no more than \$180 and no less than \$90	500 weeks	No	N/A
South Carolina	Statutory scheduled PPD benefits; benefits based on actual wage losses; unscheduled PPD based on functional impairment plus other disability factors, such as age, education, and occupation	66 2/3% of the AWW	N/A	N/A	Depends on scheduled body part	100% of the SAWW	340 weeks	No	N/A
South Dakota	Statutory scheduled PPD benefits; unscheduled PPD based on functional impairment alone	66 2/3% of the worker's AWW	N/A	\$403.00	\$805.00	100% of the SAWW	312 weeks	Yes	6th Edition
Tennessee	Statutory PPD benefits	Percentage of the disability multiplied by 450 weeks multiplied by 2/3 of AWW, up to the SAWW (additional multipliers may apply if no return to work)	N/A	\$139.35	\$929.00	100% of SAWW	450 weeks	Yes	6th edition AMA Guides
Texas	For Impairment Income Benefits (IIBs): unscheduled PPD based on functional impairment alone; for Supplemental Income Benefits (SIBs): unscheduled PPD after IIBs expire for each quarter of eligibility	For IIBs: 70% of AWW, subject to maximums and minimums	For SIBs: 80% of the difference between 80% of the injured employee's pre- and post-injury AWW, subject to maximums. SIBs are paid monthly	\$141.00	\$656.00	70% of the state AWW	For IIBs: 300 weeks; for SIBs: maximum duration for all income benefits is 401 weeks after the injured employee's date of injury	Yes	4th Edition (25)
US Federal Programs - FECA	Statutory scheduled PPD benefits; benefits based on actual wage losses; benefits based on an estimated loss of wage-earning capacity	Based on pay rate on date of injury, date disability began, or date disability recurred	N/A	GS-2, step 1	GS-15, step 10	Maximum and minimum are based on federal GS pay schedules	None	Yes	No (26)
US Federal Programs - Longshore	Statutory scheduled PPD benefits; benefits based on an estimated loss of wage-earning capacity	66 2/3% of the worker's AWW	2/3 of difference between the wage at injury and the post-injury wage	None	\$1,510.76	200% of the national AWW	None	Yes, for hearing loss or pulmonary cases only	Not specified
Utah	Statutory scheduled PPD benefits for amputations, total loss of sight or hearing in one or both eyes or ears; other impairments paid in proportionate amounts based on medical evidence	Weekly PPD is 66 2/3% of the worker's AWW, not to exceed 66 2/3% of the SAWW	N/A	\$45.00	\$586.00	66 2/3% of the SAWW	312 Weeks	Yes	Yes (27)
Vermont	Unscheduled PPD based on functional impairment alone (28) ; schedule by administrator for injuries not rated by AMA 5th Edition Guidelines	66 2/3% of AWW	N/A	\$437.00	\$1,311.00	150% of the SAWW	405 weeks for non-spinal; 550 weeks spinal	Yes	5th Edition
Virginia	Statutory scheduled PPD benefits (29)	66 2/3% of the worker's AWW	N/A	\$270.50	\$1,082.00	100% of the SAWW	None	No	N/A

Table 6 Permanent Partial Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019

Information on the approach used for the payment and calculation for permanent partial disability (PPD) benefits, the maximum and minimum, any limitations placed on unscheduled injuries and, if a rating guide is used, which one.									
Jurisdiction	Types Of PPD Benefits Offered	Basis Of Weekly PPD Calculation	Basis Of PPD Calculation (If Not Weekly)	PPD Disability Benefit		Basis Of Weekly Maximum Calculation	Maximum PPD Benefits For Unscheduled Injuries	Statutory Requirements For Use Of Specific Rating Guide	
				Weekly Minimum	Weekly Maximum			Yes/No	AMA Guide Required
Washington	Statutory scheduled PPD benefits; benefits based on an estimated loss of wage-earning capacity	N/A	When award exceeds three times the SAMW, down payment made in that amount; benefits are then paid monthly based on the TTD schedule	(30)	\$1,444.03	Set by statute	\$205,485.09	Yes	5th Edition
West Virginia	Statute sets forth a schedule of PPD awards for certain specific amputation/loss injuries	66 2/3% of the worker's AWW, not to exceed 70% of the average weekly wage in West Virginia	N/A	Federal minimum wage	\$576.20	70% of the SAWW	None	Yes	4th Edition
Wisconsin	Statutory scheduled PPD benefits; benefits based on actual wage losses; unscheduled PPD based on functional impairment alone	66 2/3% of the worker's AWW	N/A	\$20.00 (31)	\$362.00	Set by the legislature	1,000 weeks	No	N/A
Wyoming	Benefits based on actual wage losses	Must be less than 95% of preinjury wage before eligible for PPD	(32)	Dependent on date of injury	Dependent on date of injury	SAWW on the date of injury	None	Yes	Most current
Canadian Jurisdictions Participating (stated in Canadian currency)									
British Columbia as of January 1, 2016 (33)	Statutory schedule for non-traumatic hearing loss (34); benefits based on an estimated loss of wage-earning capacity (35); unscheduled PPD based on functional impairment plus other disability factors, such as age, education, and occupation (36); benefits are paid more like a percentage of PTD (in the majority of cases)	(37)	(38)	\$394.41 (39)	\$1,037.86	(40)	No distinction made between scheduled and unscheduled	No	N/A
Prince Edward Island	Wage-loss benefits	Wages are average wage indexed to current year and then the worker's loss of earning capacity is calculated at 85% of net	N/A	N/A	Based on maximum annual earning for the year of accident	Based on maximum annual earnings	N/A	No	N/A
New Brunswick	N/A (41)	N/A (41)	N/A (41)	N/A (41)	N/A (41)	N/A (41)	N/A (41)	N/A (41)	N/A (41)
Nova Scotia	Benefits based on actual wage losses; benefits based on an estimated loss of wage-earning capacity; unscheduled PPD based on functional impairment alone	75% of the worker's earnings loss minus the permanent impairment benefit for first 26 weeks, 85% of earnings loss minus permanent impairment benefit for over 26 weeks (42)	N/A	\$1.00	\$1,171.15	137.5% of the average industrial wage for Nova Scotia	None	Yes	5th Edition for chronic pain impairment rating and 4th Edition for all other impairment ratings
Ontario	(43)	N/A	Base amount is adjusted for the worker's age and multiplied by % of impairment	N/A	N/A	Depending on the worker's age, the worker may be entitled to the maximum NEL base amount, which is multiplied by % of impairment	Limit would be in accordance with the annually indexed maximum base amount	Yes	3rd Edition (revised)

Table 6 Permanent Partial Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019

Information on the approach used for the payment and calculation for permanent partial disability (PPD) benefits, the maximum and minimum, any limitations placed on unscheduled injuries and, if a rating guide is used, which one.									
Jurisdiction	Types Of PPD Benefits Offered	Basis Of Weekly PPD Calculation	Basis Of PPD Calculation (If Not Weekly)	PPD Disability Benefit		Basis Of Weekly Maximum Calculation	Maximum PPD Benefits For Unscheduled Injuries	Statutory Requirements For Use Of Specific Rating Guide	
				Weekly Minimum	Weekly Maximum			Yes/No	AMA Guide Required
Saskatchewan	Benefits based on actual earnings loss and estimated earning capacity. Permanent Functional Impairment award (lump sum) (44)	Paid as the difference between earnings before injury and earnings after injury. PFI awards based on measurable permanent functional impairment or disfigurement resulting from compensable injury	Partial benefits are paid as the difference between earnings before injury and earnings after injury. PFI award based on measurable impairment	\$514.65	\$1,528.51	Based on a covered annual wage of \$88,314	None (44)	No	No
Notes:	Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.								
1	Alaska - These are based on the whole person impairment system utilized in the <i>AMA Guides to the Evaluation of Permanent Impairment, 6th Edition</i> . The percentage of whole person impairment is multiplied by \$177,000 for benefit determination.								
2	Alaska - PPI is paid in a lump-sum amount unless the claimant is in a reemployment training program, in which case PPI benefits can be paid at the weekly TTD rate. In that case the TTD minimum (\$266) and maximum (\$1,211) rates apply.								
3	Arkansas - Except for PTSD, which is payable for life at the TTD rate.								
4	Colorado - Scheduled PPD benefits are calculated based on the statutory number of weeks for that type of injury and are all paid at a statutory \$307.26 per week multiplied by the percentage increase in the SAWW from July 1, 2000, and each year until the date of injury. Unscheduled injuries are paid as medical impairment benefits and are calculated by taking the medical impairment rating and multiplying it by the statutory age factor and then by 400 weeks, and the TTD rate. These benefits are paid at the TTD rate but no less than \$150 a week and no more than 50 percent of the SAWW beginning on the date of maximum medical improvement.								
5	Colorado - Beginning January 1, 2012, the caps are adjusted each year. As of January 1, 2019, the caps are \$91,126.84 for nonscheduled impairments of 25 percent or less and \$182,251.37 for nonscheduled impairments of 26 percent or more.								
6	Connecticut - No unscheduled PPD since 1993.								
7	Idaho - If the injury occurred in 2019 and PPD is a factor, it would be paid at \$432.30 per week.								
8	Iowa - AMA Guides are not required by statute, but the 5th Edition is adopted as a guide. Other medical opinions or guides, or other material evidence, may be presented.								
9	Maine - Maine is a wage-loss state; partial is a percentage of total.								
10	Maryland - For awards for a period less than 75 weeks for events occurring on or after January 1, 2009, compensation is to be paid at the rate of thirty-three and one-third per centum of the employee's Average Weekly Wage, not to exceed \$114.00. The minor disability category does not apply to certain public safety employees. See LE 9-628(a). For awards for a period less than 75 weeks for events occurring on or after January 1, 2009 but before January 1, 2010, compensation is to be paid at the rate of thirty-three and one-third per centum of the employee's Average Weekly Wage, not to exceed 14.3% of the State Average Weekly Wage or \$130.00. The minor disability category does not apply to certain public safety employees. See LE 9-628(a). For awards for a period of less than 75 weeks for events occurring on or after January 1, 2010 but before January 1, 2011, compensation is to be paid at the rate of thirty-three and one-third per centum of the employee's Average Weekly Wage, not to exceed 15.4% of the State Average Weekly Wage or \$142.00. The minor disability category does not apply to certain public safety employees. See LE 9-628(a). For awards for a period of less than 75 weeks for events occurring on or after January 1, 2011 but before January 1, 2012, compensation is to be paid at the rate of thirty-three and one-third per centum of the employee's Average Weekly Wage, not to exceed 16.7% of the State Average Weekly Wage or \$157.00. The minor disability category does not apply to certain public safety employees. See LE 9-628(a). For awards for a period of less than 75 weeks for events occurring on or after January 1, 2012 but before January 1, 2013, compensation is to be paid at the rate of thirty-three and one-third per centum of the employee's Average Weekly Wage, not to exceed 16.7% of the State Average Weekly Wage or \$162.00. The minor disability category does not apply to certain public safety employees. See LE 9-628(a). For awards for a period of less than 75 weeks for events occurring on or after January 1, 2013 but before January 1, 2014, compensation is to be paid at the rate of thirty-three and one-third per centum of the employee's Average Weekly Wage, not to exceed 16.7% of the State Average Weekly Wage or \$166.00. The minor disability category does not apply to certain public safety employees. See LE 9-628(a). For awards for a period of less than 75 weeks for events occurring on or after January 1, 2014 but before January 1, 2015, compensation is to be paid at the rate of thirty-three and one-third per centum of the employee's Average Weekly Wage, not to exceed 16.7% of the State Average Weekly Wage or \$167.00. The minor disability category does not apply to certain public safety employees. See LE 9-628(a). For awards for a period of less than 75 weeks for events occurring on or after January 1, 2015 but before January 1, 2016, compensation is to be paid at the rate of thirty-three and one-third per centum of the employee's Average Weekly Wage, not to exceed 16.7% of the State Average Weekly Wage or \$176.00. The minor disability category does not apply to certain public safety employees. See LE 9-628(a). For awards for a period of less than 75 weeks for events occurring on or after January 1, 2016 but before January 1, 2017, compensation is to be paid at the rate of thirty-three and one-third per centum of the employee's Average Weekly Wage, not to exceed 16.7% of the State Average Weekly Wage or \$172.00. The minor disability category does not apply to certain public safety employees. See LE 9-628(a). For awards for a period of less than 75 weeks for events occurring on or after January 1, 2017 but before January 1, 2018, compensation is to be paid at the rate of thirty-three and one-third per centum of the employee's Average Weekly Wage, not to exceed 16.7% of the State Average Weekly Wage or \$176.00. The minor disability category does not apply to certain public safety employees. See LE 9-628(a). For awards for a period of less than 75 weeks for events occurring on or after January 1, 2018 but before January 1, 2019, compensation is to be paid at the rate of thirty-three and one-third per centum of the employee's Average Weekly Wage, not to exceed 16.7% of the State Average Weekly Wage or \$183.00. The minor disability category does not apply to certain public safety employees. See LE 9-628(a). For awards for a period of less than 75 weeks for events occurring on or after January 1, 2019 but before January 1, 2020, compensation is to be paid at the rate of thirty-three and one-third per centum of the employee's Average Weekly Wage, not to exceed 16.7% of the State Average Weekly Wage or \$187.00. The minor disability category does not apply to certain public safety employees. See LE 9-628(a). For awards for a period equal to or greater than 75 weeks, but less than 250 weeks, for events occurring on or after January 1, 2018 but before January 1, 2019, the compensation is to be paid at two-thirds of the employee's Average Weekly Wage not to exceed one-third of the State Average Weekly Wage or \$365.00. For awards for a period equal to or greater than 75 weeks, but less than 250 weeks, for events occurring on or after January 1, 2019 but before January 1, 2020, the compensation is to be paid at two-thirds of the employee's Average Weekly Wage not to exceed one-third of the State Average Weekly Wage or \$372.00.								
11	Minnesota - PPD benefits are paid weekly at the TTD rate until the total PPD benefit amount is paid. The employee may elect to receive PPD benefits in a lump sum, in which case a discount rate of 5 percent per year is applied to the weekly benefits.								

Table 6 Permanent Partial Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019

Information on the approach used for the payment and calculation for permanent partial disability (PPD) benefits, the maximum and minimum, any limitations placed on unscheduled injuries and, if a rating guide is used, which one.

Jurisdiction	Types Of PPD Benefits Offered	Basis Of Weekly PPD Calculation	Basis Of PPD Calculation (If Not Weekly)	PPD Disability Benefit		Basis Of Weekly Maximum Calculation	Maximum PPD Benefits For Unscheduled Injuries	Statutory Requirements For Use Of Specific Rating Guide	
				Weekly Minimum	Weekly Maximum			Yes/No	AMA Guide Required
12	Minnesota - Minnesota has developed by rule its own PPD schedule. Minn. Stat. 176.105 requires DLI, in establishing Minnesota's PPD schedule, to "study disability or permanent impairment schedules set up by other states, the American Medical Associations and other organizations." Additionally, the rules incorporate the AMA Guides to incorporate by reference some terminology, and incorporates a couple of ANSI measurement standards. See, https://www.revisor.mn.gov/statutes/?id=176.105 ; https://www.revisor.mn.gov/rules/?id=5223.0300 . However, the statute does not require that the AMA ratings be used to determine the PPD rating for injured workers.								
13	Missouri - PPD benefits are a lump sum based on the weekly statutory value assigned to the injured body part.								
14	Nevada - 2016 responses. No 2019 data were provided.								
15	New York - For scheduled PPD benefits the basis is 66 2/3 percent of the worker's preinjury average weekly wage multiplied by the appropriate number of weeks based on the percentage loss of use for the particular body part. For nonscheduled PPD benefits when the claimant is not working, the basis is 66 2/3 percent of the difference between the preinjury average weekly wage and the worker's wage-earning capacity as agreed to by the parties or as determined by the Workers' Compensation Board. However, if the worker is working, the worker will receive PPD benefits equal to 2/3 of the difference between the preinjury average weekly wage and the postinjury wages. Unless the worker earns less than \$150, then the worker receives the full wages.								
16	New York - Unless the worker earns less than \$150, then the worker receives the full wages. However, if the worker who earns less than \$150 is working, the worker will receive the difference between the preinjury average weekly wage and the postinjury wages.								
17	New York - New York State Average Weekly Wage is the average weekly wage of the state of New York for the previous calendar year as reported by the Commissioner of Labor to the Superintendent of Financial Services on March 31 of each year.								
18	New York - Calculated by multiplying 525 (maximum number of weeks) by the maximum weekly rate (\$904.74).								
19	New York - In 2017, the Workers' Compensation Law was amended to direct the Chair to adopt by regulation impairment guidelines for scheduled PPDs effective January 1, 2018. The Chair was not directed to adopt a specific rating guide, but was to consult with stakeholders for revisions to existing guidelines that reflect advances in modern medicine that enhance hearing and result in better outcomes. The regulations were adopted and were effective January 1, 2018.								
20	North Carolina - See N. C. Gen Stat §97-31.								
21	North Dakota - PPI benefits are one-time lump-sum awards with no ties to wage loss. Schedule for impairment—NDCC 65-05-12.2(10).								
22	Oregon - Whole person impairment percentages are established under the Disability Rating Standards of Oregon Administrative Rules Chapter 436, Division 035. The worker's average weekly wage, as used in the calculation of work disability, may not exceed 133 percent of the state AWW and may not be less than 50 percent of the state AWW.								
23	Oregon - Oregon no longer has "scheduled" and "unscheduled" benefits. The maximum PPD award, for a worker qualifying for an award for impairment and work disability, is \$385,992.94.								
24	Pennsylvania - An employee's earning power, depending on the date of the injury, can be determined either by an impairment rating exam, labor market survey, or by comparing the employee's pre-injury AWW and post-injury AWW.								
25	Texas - The commissioner may adopt a subsequent edition of the AMA Guides by rule.								
26	US Federal Programs - FECA - 6th edition is currently being used.								
27	Utah - All impairment raters are to use the Utah Supplemental Impairment Guides (2006 edition); AMA 5th Edition is to be used in instances not covered by the Utah Supplemental Guides.								
28	Vermont - Impairment of whole person per AMA Guides, 5th Edition.								
29	Virginia - Or percentage thereof, if loss of use of scheduled body part is less than 100 percent.								
30	Washington - The Washington State Legislature has increased the minimum workers' compensation benefits for claims with dates of injury (DOI) or date of manifestation (DOM) on or after July 2, 2008. This change results in three different possible minimum rates: -15 percent of the state average monthly wage (SAMW) + \$10.00 for spouse + \$10.00 for each dependent child up to five dependent children -100 percent of the worker's gross monthly wage -Minimum time-loss rate in effect prior to July 2, 2008.								
31	Wisconsin - The PPD rate is based on two-thirds of wages up to the maximum PPD rate for year of injury. The minimum wage is \$30. Therefore, the minimum PPD rate would be \$20. However, this is obsolete and would only come up in circumstances in which the employer were licensed to pay subminimum wage (e.g., sheltered workers).								
32	Wyoming - The calculation is based on a computer calculation that uses the disability factors (age, education, occupation, etc.) entered by the claims analyst. Injured workers can take an optional vocational training award instead of PPD.								
33	British Columbia - 2016 responses. No 2019 data were provided.								
34	British Columbia - Policy item 39.10 of the Rehabilitation Services and Claims Manual, Volume II, ("RSCM") establishes a permanent disability evaluation schedule based on functional impairment, with disability factors such as age and enhancement and devaluation for multiple disabilities taken into account.								
35	British Columbia - PPD can be based on comparison between a worker's preinjury earnings and the earnings the worker would have been capable of earning after the injury.								
36	British Columbia - Age of worker and disability factors such as enhancement and devaluation for multiple disabilities may be taken into account.								
37	British Columbia - A loss of earnings award compares a worker's pre- and postinjury average net earnings. Loss of function applies the percentage of disability to 90% of the worker's average net earnings. The loss of function approach is used most often, while the loss of earnings approach is only used in exceptional circumstances.								
38	British Columbia - The basis of PPD calculation is monthly.								
39	British Columbia - Unless the worker's average earnings are less than this amount; if this is the case, the worker will receive an amount equal to his or her average earnings but only to the extent of the partial disability.								

Table 6 Permanent Partial Disability Benefits Provided by Workers' Compensation Systems as of January 1, 2019									
Information on the approach used for the payment and calculation for permanent partial disability (PPD) benefits, the maximum and minimum, any limitations placed on unscheduled injuries and, if a rating guide is used, which one.									
Jurisdiction	Types Of PPD Benefits Offered	Basis Of Weekly PPD Calculation	Basis Of PPD Calculation (If Not Weekly)	PPD Disability Benefit		Basis Of Weekly Maximum Calculation	Maximum PPD Benefits For Unscheduled Injuries	Statutory Requirements For Use Of Specific Rating Guide	
				Weekly Minimum	Weekly Maximum			Yes/No	AMA Guide Required
40	British Columbia - The weekly maximum is based on the maximum annual wage rate of \$80,600 [90% x (\$80,600 - federal tax - provincial tax - Canada Pension Plan contributions - employment insurance premium)]. The actual amount would depend on the percentage of disability and taxation status, status for Canada Pension Plan Disability, and employment insurance used in the calculation of net.								
41	New Brunswick - WorkSafeNB pays loss of earnings benefits until age 65 (see Table 4).								
42	Nova Scotia - Permanent impairment benefits are calculated as the permanent impairment rate multiplied by 30% multiplied by 85% of the net average weekly earnings.								
43	Ontario - For the purpose of answering questions related to PPD benefits, the assumption is that it is a non-economic loss (NEL) benefit that is awarded as a result of a permanent impairment. This would be in addition to benefits for loss of earnings.								
44	Saskatchewan - In addition to earnings loss benefits, worker may also receive a Permanent Functional Impairment (PFI) award for any measurable permanent functional impairment or disfigurement resulting from a compensable injury greater than 0.5 percent. This will be assessed in accordance with the AMA Guides. This lump sum will be no less than \$2,200 and no greater than \$45,200.								

Table 7 Maximum Benefit Payments for Selected Permanent Partial Disabilities as of January 1, 2019

This table compares the maximum benefit due an injured worker for a specific loss of permanent bodily function when it is considered a *scheduled* injury across jurisdictions with statutory PPD schedules. The injured worker in each example made \$1,000.00 a week, had four dependents, and was 50 years old at the time of injury. In some cases, the injured worker would also be eligible for TTD and/or PT, which are not supposed to be included in these figures. If jurisdictions pay ongoing TTD, or would pay PT (or pensions) in these cases and do not pay scheduled PPD benefits, this amount should not be included in this table. The reader should be cautious about using these comparisons for interstate comparisons unless they have a significant understanding of the different jurisdictional benefits structures. To better understand the different jurisdictional PPD structures for states in the U.S., the reader should refer to another WCRI report entitled *Permanent Partial Disability Benefits: Interstate Differences*. Users are also reminded that benefit levels in each jurisdiction are heavily affected by jurisdictional wage rates and varying maximum statutory benefit levels and the fact that these figures are undiscounted and not usually paid in a lump sum, but over time in biweekly or monthly amounts.

Jurisdiction	Amputation Of Dominant Arm At The Shoulder	Amputation Of Dominant Hand	Amputation Of Left Leg At The Hip	Amputation Of Left Foot	Loss Of One Eye	Loss Of Hearing In Both Ears	Loss Of Hearing In One Ear	Maximum Payable For A Nonscheduled Loss
Alabama	\$48,840.00	\$37,400.00	\$44,000.00	\$30,580.00	\$27,280.00	\$35,860.00	\$11,600.00	\$66,000.00
Alaska	\$106,200.00 (1)	\$95,580.00	\$70,800.00	\$60,180.00	\$177,000.00 is maximum (2)	\$61,950.00	\$10,620.00	N/A
Arizona	\$142,989.00	\$119,157.50	\$119,157.50	\$95,326.00	\$71,494.50	\$142,989.00	\$47,663.00	None
Arkansas	\$169,580.00 (3)	\$127,185.00	\$127,880.00	\$91,045.00	\$72,975.00	\$109,810.00	\$29,190.00	N/A (4)
California (5)	\$168,817.50 (6)	\$147,217.50 (6)	\$88,147.50	\$54,280.00	\$57,500.00	\$73,427.50	\$6,957.50	No maximum
Colorado	\$63,910.08 (7)	\$31,955.04 (7)	\$63,910.08 (7)	\$31,955.04 (7)	\$31,955.04 (7)	\$42,709.14 (7)	\$10,754.10 (7)	\$182,251.37 (7)
Connecticut (8)	\$131,924.00	\$106,554.00	\$98,308.75	\$79,281.25	\$99,577.25	\$65,962.00	\$22,199	780 weeks recommended for injuries to brain or heart prior to 7/1/1993 (9)
Delaware	250 weeks x AWW	220 weeks x AWW	250 weeks x AWW	160 weeks x AWW	Percentages are statutorily mandated and will not fluctuate	175 weeks x AWW	75 weeks x AWW	300 weeks x maximum compensation rate of \$679.63
District of Columbia	312 weeks of compensation at 75% of the weekly pay rate	244 weeks of compensation at 75% of the weekly pay rate	288 weeks of compensation at 75% of the weekly pay rate	205 weeks of compensation at 75% of the weekly pay rate	160 weeks of compensation at 75% of the weekly pay rate	200 weeks of compensation at 75% of the weekly pay rate	52 weeks of compensation at 75% of the weekly pay rate	N/A
Florida	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Georgia	225 weeks x TTD rate	160 weeks x TTD rate	225 weeks x TTD rate	135 weeks x TTD rate	150 weeks x TTD rate	150 weeks x TTD rate	75 weeks x TTD rate	Rating x 300 weeks x TTD rate
Hawaii	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Idaho	\$129,690.00	\$116,721.00	\$86,460.00	\$60,522.00	\$75,652.50 (10)	\$75,652.50	(11)	\$432.30 (per week) (12)
Illinois (13)	\$193,800.00	\$123,000.00	\$177,600.00	\$100,200.00	\$97,200 if 100% loss of vision; \$103,800.00 if enucleation of eye	\$129,000.00	\$32,400.00	N/A
Indiana	\$228,180.00	\$164,460.00	\$196,320.00	\$132,600.00	\$132,600.00	\$82,230.00	\$27,260.00	\$390,000.00
Iowa	\$167,442.50	\$127,256.30	\$147,349.40	\$100,465.50	\$93,767.80	\$117,209.75	\$33,488.50	\$334,885.00
Kansas	\$75,000.00 (14)	\$75,000.00 (14)	\$75,000.00 (14) (15)	\$75,000.00 (14)	\$70,440.00	\$64,570.00	\$17,610.00	\$75,000.00
Kentucky	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$716.49 per week for either 425 weeks or 520 weeks, depending on disability rating
Louisiana	\$133,334; credit can be taken for other indemnity benefits paid	\$100,000; subject to credit for other indemnity benefits paid	\$116,667; subject to credit for other indemnity benefits paid	\$83,334; subject to credit for other indemnity benefits paid	\$66,667; subject to credit for other indemnity benefits paid	\$66,667; subject to credit for other indemnity benefits paid	\$66,667; subject to credit for other indemnity benefits paid	N/A
Maine	N/A (16)	N/A (16)	N/A (16)	N/A (16)	N/A (16)	N/A (16)	N/A (16)	N/A (16)
Maryland	\$333,963.00	\$278,721.00	\$333,963.00	\$278,721.00	\$278,721.00	\$278,721.00	\$46,035.00	\$556,605.00
Massachusetts	\$59,486.63	\$47,035.94	\$53,952.99	\$40,118.89	\$53,952.99	\$106,522.57	\$40,118.89	\$110,672.80
Michigan	\$175,092.10	\$139,943.50	\$139,943.50	\$105,445.80	\$105,445.80	N/A	N/A	N/A
Minnesota (17)	\$119,700.00	\$93,582.00	\$50,400.00	\$27,300.00	\$23,952.00	\$40,425.00	\$5,040.00	\$540,800.00
Mississippi	\$98,896.00	\$74,172.00	\$86,534.00	\$61,810.00	\$49,448.00	\$74,172.00	\$19,779.20	\$222,516.00
Missouri (18)	\$126,676.18	\$95,553.15	\$113,025.73	\$81,902.70	\$76,442.52	\$98,283.24	\$26,754.88	\$198,552.00
Montana	N/A (19)	N/A (19)	N/A (19)	N/A (19)	N/A (19)	N/A (19)	N/A (19)	N/A (19)
Nebraska	\$150,000.00	\$116,667.25	\$143,333.33	\$100,000.00	\$83,333.33	PTD	\$33,333.33	Benefits could be payable for life
Nevada as of January 1, 2016 (20)	\$375,717.60	\$344,407.20	\$250,478.40	\$219,168.00	\$175,334.40	\$100,190.40	\$37,572.00	There are no nonscheduled injury evaluations
New Hampshire	\$126,000.00	\$113,400.00	\$84,000.00	\$58,800.00	\$50,400.00	\$73,800.00	\$18,000.00	\$210,000.00
New Jersey	\$223,080.00 (21)	\$135,485.00 (21)	\$212,940.00 (21)	\$112,930.00 (21)	\$86,000.00 (21) (22)	\$86,000.00 (21)	\$14,760.00 (21)	\$524,970.00
New Mexico	\$162,928.00 (23)	\$101,830.00	\$93,628.00	\$97,756.80	\$122,196.00	\$32,585.60	\$570,248.00	\$570,248.00
New York	\$208,001.04 (24) (25)	\$162,667.48 (24) (25)	\$192,000.96 (24) (25)	\$136,667.35 (24) (25)	\$106,667.20 (24)	\$100,000.50 (24)	\$40,000.20 (24)	\$336,000.00 (26)
North Carolina	Compensation rate x 240 weeks	Compensation rate x 200 weeks	Compensation rate x 200 weeks	Compensation rate x 144 weeks	Compensation rate x 120 weeks	Compensation rate x 150 weeks	Compensation rate x 70 weeks	(27)

Table 7 Maximum Benefit Payments for Selected Permanent Partial Disabilities as of January 1, 2019

This table compares the maximum benefit due an injured worker for a specific loss of permanent bodily function when it is considered a *scheduled* injury across jurisdictions with statutory PPD schedules. The injured worker in each example made \$1,000.00 a week, had four dependents, and was 50 years old at the time of injury. In some cases, the injured worker would also be eligible for TTD and/or PTD, which are not supposed to be included in these figures. If jurisdictions pay ongoing TTD, or would pay PTD (or pensions) in these cases and do not pay scheduled PPD benefits, this amount should not be included in this table. The reader should be cautious about using these comparisons for interstate comparisons unless they have a significant understanding of the different jurisdictional benefits structures. To better understand the different jurisdictional PPD structures for states in the U.S., the reader should refer to another WCRI report entitled *Permanent Partial Disability Benefits: Interstate Differences*. Users are also reminded that benefit levels in each jurisdiction are heavily affected by jurisdictional wage rates and varying maximum statutory benefit levels and the fact that these figures are undiscounted and not usually paid in a lump sum, but over time in biweekly or monthly amounts.

Jurisdiction	Amputation Of Dominant Arm At The Shoulder	Amputation Of Dominant Hand	Amputation Of Left Leg At The Hip	Amputation Of Left Foot	Loss Of One Eye	Loss Of Hearing In Both Ears	Loss Of Hearing In One Ear	Maximum Payable For A Nonscheduled Loss
North Dakota	(28)	(28)	(28)	(28)	(28)	(28)	(28)	(28)
Ohio	\$213,750.00	\$166,250.00	\$190,000.00	\$142,500.00	\$118,750.00	\$118,750.00	\$23,750.00	\$63,334.00
Oklahoma	\$88,825.00	\$71,060.00	\$88,825.00	\$71,060.00	\$88,825.00	\$106,590.00	\$35,530.00	\$113,050.00
Oregon (29)	60% of whole person Impairment = \$60,423.00 Max. work disability (WD) = \$153,000.00 Total = \$213,423.00	47% of whole person Impairment = \$47,331.35 Max. WD = \$133,500.00 Total = \$180,831.35	47% of whole person Impairment = \$47,331.35 Max. WD = \$133,500.00 Total = \$180,831.35	42% of whole person Impairment = \$42,296.10 Max. WD = \$126,000.00 Total = \$168,296.10	31% of whole person Impairment = \$31,218.55 Max. WD = \$109,500.00 Total = \$140,718.55	60% of whole person Impairment = \$60,423.00 Max. WD = \$153,000.00 Total = \$213,423.00	19% of whole person Impairment = \$19,133.95 Max. WD = \$91,500.00 Total = \$110,633.95	100% of whole person Impairment = \$100,705.00 WD = \$213,000 Total = \$313,705.00
Pennsylvania (30)	410 weeks x TTD rate	335 weeks x TTD rate	410 weeks x TTD rate	250 weeks x TTD rate	275 weeks x TTD rate	The number of weeks of benefits to which an employee is entitled is determined based on the percent of hearing loss under the AMA Impairment Rating Guides multiplied by 260 weeks. That amount is then multiplied by the employee's TTD rate	The number of weeks of benefits to which an employee is entitled is determined based on the percent of hearing loss under the AMA Impairment Rating Guides multiplied by 60 weeks. That amount is then multiplied by the employee's TTD rate	N/A
Rhode Island	\$28,080.00	\$21,960.00	\$28,080.00	\$18,450.00	\$14,400.00	\$18,000 if traumatic; \$21,960 if an occupational disease	\$5,400 if due to trauma; \$6,750 if an occupational disease	\$275,184.00
South Carolina	300 weeks	185 weeks	195 weeks	140 weeks	140 weeks	165 weeks	80 weeks	500 weeks
South Dakota	\$161,000.00	\$12,050.00	\$128,800.00	\$100,625.00	\$120,750.00	\$120,750.00	\$40,250.00	\$251,160.00
Tennessee	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Texas (31)	Not scheduled	Not scheduled	Not scheduled	Not scheduled	Not scheduled	Not scheduled	Not scheduled	\$196,800.00
US Federal Programs - FECA	312 weeks of compensation at 75% of the weekly pay rate	244 weeks of compensation at 75% of the weekly pay rate	288 weeks of compensation at 75% of the weekly pay rate	205 weeks of compensation at 75% of the weekly pay rate	160 weeks of compensation at 75% of the weekly pay rate	200 weeks of compensation at 75% of the weekly pay rate	52 weeks of compensation at 75% of the weekly pay rate	N/A
US Federal Programs - Longshore (32)	\$208,001.04	\$162,667.48	\$192,000.96	\$136,667.35	\$106,667.20	\$133,334.00	\$34,666.84	2/3 of the difference between \$1,000 and post-accident wages for life
Utah	\$109,582.00	\$98,448.00	\$73,250.00	\$51,568.00	By enucleation: \$70,320.00; total loss of sight in one eye: \$58,600.00	\$63,874.00	\$11,134.00	N/A
Vermont	Not scheduled	Not scheduled	Not scheduled	Not scheduled	Not scheduled	Not scheduled	Not scheduled	Theoretically, \$617,000 before COLAs: 100% WPI x maximum CR rate \$1,122 x 550; however, a person with 100% WPI would likely be eligible for PTD instead
Virginia	\$195,000.00 (33)	\$146,250.00	\$170,625.00	\$121,875.00	\$97,500.00	\$97,500.00	\$48,750.00	None; only payable for scheduled body parts and losses, such as disfigurement
Washington	\$123,291.12 (34)	\$110,961.99 (34)	\$123,291.12 (34)	\$86,303.85 (34)	\$49,316.34	\$98,633.04	\$16,438.71	\$205,485.09
West Virginia	60 percent (60 months)	50 percent (50 months)	60 percent (60 months)	35 percent (35 months)	33 percent (33 months)	55 percent (55 months)	22.5 percent (22.5 months)	N/A
Wisconsin (35)	\$226,250.00	\$181,000.00	\$181,000.00	\$90,500.00	\$99,550.00, if by enucleation/evisceration (36)	Traumatic: \$119,460.00; Occupational hearing loss: \$78,192.00	Traumatic: \$19,910.00; Occupational hearing loss: \$13,032.00	\$362,000.00
Wyoming (37)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Table 7 Maximum Benefit Payments for Selected Permanent Partial Disabilities as of January 1, 2019

This table compares the maximum benefit due an injured worker for a specific loss of permanent bodily function when it is considered a *scheduled* injury across jurisdictions with statutory PPD schedules. The injured worker in each example made \$1,000.00 a week, had four dependents, and was 50 years old at the time of injury. In some cases, the injured worker would also be eligible for TTD and/or PTD, which are not supposed to be included in these figures. If jurisdictions pay ongoing TTD, or would pay PTD (or pensions) in these cases and do not pay scheduled PPD benefits, this amount should not be included in this table. The reader should be cautious about using these comparisons for interstate comparisons unless they have a significant understanding of the different jurisdictional benefits structures. To better understand the different jurisdictional PPD structures for states in the U.S., the reader should refer to another WCRI report entitled *Permanent Partial Disability Benefits: Interstate Differences*. Users are also reminded that benefit levels in each jurisdiction are heavily affected by jurisdictional wage rates and varying maximum statutory benefit levels and the fact that these figures are undiscounted and not usually paid in a lump sum, but over time in biweekly or monthly amounts.

Jurisdiction	Amputation Of Dominant Arm At The Shoulder	Amputation Of Dominant Hand	Amputation Of Left Leg At The Hip	Amputation Of Left Foot	Loss Of One Eye	Loss Of Hearing In Both Ears	Loss Of Hearing In One Ear	Maximum Payable For A Nonscheduled Loss
Canadian Jurisdictions Participating (stated in Canadian currency)								
British Columbia as of January 1, 2016 (38)	\$290,353.93 (39)	\$223,987.51 (39)	\$269,614.83 (39)	\$103,698.11 (39)	\$74,662.07 (39)	\$124,437.21 (39)	\$12,443.46 (39)	Potential 100% of \$395,039.68 (39)
New Brunswick	\$45,360 (70% of the MAE for 2019) (40)	\$34,992 (54% of the MAE for 2019) (40)	\$42,120 (65% of the MIAE for 2019) (40)	\$16,200 (25% of the MAE for 2019) (40)	\$11,664 (18% of the MAE for 2019) (40)	\$19,440 (30% of the MAE for 2018) (40) (41)	\$3,240 (5% of the MAE for 2019) (40)	Cannot exceed the maximum annual earnings for the year of the work-related accident (40)
Nova Scotia	\$1,000.00 (42)	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
Ontario	Benefit determined based on worker's age and % of impairment	Benefit determined based on worker's age and % of impairment	Benefit determined based on worker's age and % of impairment	Benefit determined based on worker's age and % of impairment	Benefit determined based on worker's age and % of impairment	Benefit determined based on worker's age and % of impairment	Benefit determined based on worker's age and % of impairment	Maximum would be in accordance with the annually-indexed maximum base amount
Prince Edward Island	The benefit would be based on the percentage of impairment, using the AMA Guides	The benefit would be based on the percentage of impairment, using the AMA Guides	The benefit would be based on the percentage of impairment, using the AMA Guides	The benefit would be based on the percentage of impairment, using the AMA Guides	The benefit would be based on the percentage of impairment, using the AMA Guides	The benefit would be based on the percentage of impairment, using the AMA Guides	The benefit would be based on the percentage of impairment, using the AMA Guides	The benefit would be based on the percentage of impairment, using the AMA Guides
Saskatchewan	Based on % of impairment	\$45,200.00						

Notes: Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.

- 1 **Alaska** - As per AMA Guides, 6th Edition: 60% x \$177,000.00.
- 2 **Alaska** - Assumes vision in other eye is poor.
- 3 **Arkansas** - TTD rate, not PPD rate, is used for total loss involving scheduled injury.
- 4 **Arkansas** - Claimant receives PTD benefits for life.
- 5 **California** - All amounts are calculated for level for maximum PD earnings with no adjustment for age or occupation, which could cause the amount to either increase or decrease. In addition, the amount awarded may be subject to a 15% increase or decrease depending on whether the injured worker returns to work with his or her employer for dates of injury between January 1, 2005 and January 1, 2013. Ratings of 70% or greater receive a lifetime, life-pension benefit due at the expiration of PD benefits.
- 6 **California** - There is an additional life pension due.
- 7 **Colorado** - There is a maximum combined TTD and PPD total payment set at \$182,251.37 for a whole person impairment greater than 25% and \$91,126.84 for less than 25%.
- 8 **Connecticut** - All calculations based on married filing jointly with four exemptions.
- 9 **Connecticut** - No unscheduled PPD after 7/1/1993.
- 10 **Idaho** - Loss of an eye by enucleation: \$75,652.50. Total loss of vision for one eye: \$64,845.00.
- 11 **Idaho** - Only binaural hearing loss is addressed in the statutes.
- 12 **Idaho** - All permanent partial impairment ratings are calculated based upon 55% of the average weekly state wage for the year of injury.
- 13 **Illinois** - Updated amounts provided by the Illinois Workers' Compensation Commission.
- 14 **Kansas** - There is an additional allowance of 10 percent and not over 15 weeks for the healing period following an amputation.
- 15 **Kansas** - Amputation of the left leg at the hip is a body as a whole injury—nonscheduled.
- 16 **Maine** - There is no maximum. Maine is a wage-loss state.
- 17 **Minnesota** - MN PPD benefits are determined by impairment rating (percentage of whole body) in conjunction with the statutory payment table that indicates benefit per rating point depending on impairment rating. For the injuries in this table, the impairment rating varies from 6 to 60 percent. The amount in the last column corresponds to a 100 percent full body impairment.
- 18 **Missouri** - If the disability suffered in any of the items of the schedule of losses is total by reason of severance or complete loss of use thereof, the number of weeks of compensation allowed in the schedule for such disability shall be increased by 10 percent.
- 19 **Montana** - Benefits are paid according to the degree of impairment and wage loss. If eligible, other factors of age, education, wage loss, and lifting restrictions may apply.
- 20 **Nevada** - 2016 responses. No 2019 data were provided.
- 21 **New Jersey** - Plus any PPD attributed to neurological/psychological.
- 22 **New Jersey** - If the eye is enucleated, an additional 25 weeks of benefits are awarded.
- 23 **New Mexico** - In cases of actual amputation of arm or leg, the WCA judge has discretion to double this award if certain criteria are met.
- 24 **New York** - Per the assumptions, the claimant's AWW is \$1,000. An additional assumption is that the date of accident was after June 30, 2010. The claimant's total weekly benefit rate is 2/3 x \$1000 = \$666.67, and it is below the maximum benefit for all periods after June 30, 2010. As scheduled PPDs are paid at the permanent total rate, that is the rate used to calculate the maximum benefit payable.
- 25 **New York** - The worker may also be entitled to unscheduled PPD benefits, since there has been a loss of use greater than 50%, if the worker is unable to work solely due to the loss of the member.

Table 7 Maximum Benefit Payments for Selected Permanent Partial Disabilities as of January 1, 2019

This table compares the maximum benefit due an injured worker for a specific loss of permanent bodily function when it is considered a *scheduled* injury across jurisdictions with statutory PPD schedules. The injured worker in each example made \$1,000.00 a week, had four dependents, and was 50 years old at the time of injury. In some cases, the injured worker would also be eligible for TTD and/or PT, which are not supposed to be included in these figures. If jurisdictions pay ongoing TTD, or would pay PT (or pensions) in these cases and do not pay scheduled PPD benefits, this amount should not be included in this table. The reader should be cautious about using these comparisons for interstate comparisons unless they have a significant understanding of the different jurisdictional benefits structures. To better understand the different jurisdictional PPD structures for states in the U.S., the reader should refer to another WCRI report entitled *Permanent Partial Disability Benefits: Interstate Differences*. Users are also reminded that benefit levels in each jurisdiction are heavily affected by jurisdictional wage rates and varying maximum statutory benefit levels and the fact that these figures are undiscounted and not usually paid in a lump sum, but over time in biweekly or monthly amounts.

Jurisdiction	Amputation Of Dominant Arm At The Shoulder	Amputation Of Dominant Hand	Amputation Of Left Leg At The Hip	Amputation Of Left Foot	Loss Of One Eye	Loss Of Hearing In Both Ears	Loss Of Hearing In One Ear	Maximum Payable For A Nonscheduled Loss
26	New York - If the claimant's AWW is \$1,000, and the date of accident is after June 30, 2010, then the weekly benefit rate when the claimant is totally disabled is \$666.67. For unscheduled PPD the claimant's wage earning capacity must be set to determine the weekly benefit rate. Claimant's wage earning capacity cannot be greater than 75%. For this example assume the claimant's wage earning capacity has been set at 4% and the claimant's loss of wage earning capacity set at 96%. The maximum number of benefit weeks for loss of wage-earning capacity greater than 95% but less than 100%, is 525 weeks. If the claimant's wage earning capacity is 4%, then the weekly benefit rate \$640.00. However, as the loss of wage-earning capacity is greater than 75%, in the last year of benefits, the worker can request to be reclassified as PT or total industrial disabled due to factors reflecting extreme hardship.							
27	North Carolina - Loss or permanent injury to important external or internal organs or parts of the body for which no compensation is payable: \$20,000. Facial or head disfigurement: \$20,000. Serious bodily disfigurement: \$10,000.							
28	North Dakota - PPI benefit is 35% of SAWW multiplied by statutory permanent impairment multiplier. Impairments are paid as a lump sum and are not based on any disability of the injured worker. Impairment schedule—NDCC 65-05-12.2 (10). Statutory scheduled awards exist for certain amputations—NDCC 65-05-12.2(11).							
29	Oregon - Dominance of extremity and right/left do not affect award values. Whole person percentages on chart are listed in ORS 656.214; additional whole person percentages are listed in OAR 436-035. Impairment benefits are determined by multiplying the impairment value times 100 times the state average weekly wage. Work disability benefits are determined by multiplying the impairment value, as modified by social-vocational factors, times 150 times the worker's weekly wage at injury; this wage factor cannot be more than 133 percent nor less than 50 percent of the state average weekly wage.							
30	Pennsylvania - Pennsylvania refers to the losses identified in this table as specific loss injuries, not permanent partial disability. Under the specific loss classification employees are entitled to a set number of weeks of compensation benefits for the loss, or loss of use of, a particular body part. Employees are entitled to the scheduled number of weeks of benefits multiplied by the employee's compensation rate, which, as previously noted, is based on the employee's average weekly wage. In addition to the scheduled benefits, claimants may also be eligible for an additional number of weeks' benefits for a "healing period." The numbers in the above chart refer only to the base specific loss schedule and do not include any applicable healing period.							
31	Texas - All permanent partial disability benefits are unscheduled in Texas and based on an injured employee's percentage of whole body impairment as determined by the 4th edition of the American Medical Association (AMA) <i>Guides to the Evaluation of Permanent Impairment</i> .							
32	US Federal Programs - Longshore - The figures have been rounded up to a compensation rate of \$666.67.							
33	Virginia - No distinction is made for dominant arm, age, number of dependents, etc. PPD and TTD are not payable simultaneously, and all are subject to the 500-week limitation.							
34	Washington - There is no difference in compensation between dominant/non-dominant or left/right.							
35	Wisconsin - All calculations executed on the assumption that the injured worker received the maximum weekly PPD rate.							
36	Wisconsin - \$90,500.00 for total impairment of one eye for industrial use.							
37	Wyoming - AMA Guide impairment ratings are used to calculate the benefit, which is determined by multiplying the AMA Guide whole-body impairment rating by 60 months, multiplied by 2/3 of the statewide average monthly wage for the quarter of injury.							
38	British Columbia - 2016 responses. No 2019 data were provided.							
39	British Columbia - Figures shown assume the worker is age 50 at injury and would normally retire at age 65. Figures include retirement benefits. This case assumes no loss of earnings and excludes medical aid and medical costs, which are payable for life. Excludes additional allowances, such as clothing allowance and independence and home maintenance allowances, as well as prosthetics, orthotics, hearing aids, and batteries, which are also provided for life. Dominant side is not a factor considered in rating permanent disability. Hearing loss assumed to be traumatic loss.							
40	New Brunswick - Permanent physical impairment award is a lump-sum payment provided to injured workers in addition to any loss of earnings. It is provided once per claim and is based on the percentage of impairment, multiplied by the maximum annual earnings (MAE) for the year in which the accident occurred. (For 2019, the maximum annual earnings is \$64,800.)							
41	New Brunswick - If there is complete deafness in both ears, occurring as a sudden and complete traumatic loss of hearing, the impairment percentage would be 60% of the MAE.							
42	Nova Scotia - \$1,000.00 is the maximum payable, regardless of the injury. Permanent benefits reflect both the permanent impairment and the earnings loss; an increase in the impairment will only offset the earnings loss as the combination of the two cannot exceed the maximum of \$1,000.00.							

Table 8 Sequence of Disability Payments Made within Workers' Compensation Systems as of January 1, 2019

Information on when permanent partial disability payments begin, if they are paid in addition to temporary disability and/or permanent total disability benefits, and if they are to be paid sequentially or can be paid concurrently with other benefits.					
Jurisdiction	Both Temporary Disability And PPD Paid	Scheduled PPD Paid Upon Termination Of Temporary Benefits	PPD Benefits Reduced By Temporary Benefits Paid	PPD Benefits Paid In Addition To PTD	PPD And PTD Paid Concurrently
Alabama	Yes	Yes	Yes (1)	No	No
Alaska	Yes	Yes	No	No	No
Arizona	Yes	Yes	No	Yes	No
Arkansas	Yes	Yes	No	No (2)	No
California	Yes, but not at the same time	Yes	No	No	No
Colorado	Yes	Yes	Sometimes (3)	Sometimes (4)	No
Connecticut	Yes, for different dates of injury	Yes	No	Yes, if different body part	No
Delaware	Yes	Yes	No	Yes	Yes
District of Columbia	Yes	Yes	No	No	No
Florida	Yes	Yes	No	Possibly (5)	No
Georgia	Yes, but not at the same time	Yes	No	N/A (6)	N/A (6)
Hawaii	Yes, but not at the same time	Yes	No	No	No
Idaho	Yes	Yes (PPI)	No	Yes (Supreme Court Decision)	No
Illinois	Yes, but not at the same time	Yes	No	Yes	No
Indiana	No	No	Only after 125 weeks paid	N/A	No
Iowa	Yes, but not at the same time	Yes	No	No	No
Kansas	Yes	Yes	Yes	No	No
Kentucky	May have overlap of TTD with PPD from prior injury so long as benefits do not exceed statutory maximum	N/A	No	Yes	Not for the same injury, may be an overlap from prior PPD award and new PTD award so long as benefits do not exceed statutory maximum
Louisiana	Yes	Yes	Yes	No	No
Maine	No (7)	N/A	N/A	N/A	N/A
Maryland	Yes	Yes	No	No	Not for a single injury
Massachusetts	No	No	N/A (8)	N/A (8)	N/A (8)
Michigan	No (9)	No	No	No	No
Minnesota	Yes	TTD and PPD are not paid concurrently, but TPD and PTD can be paid concurrently with PPD	No	Yes	Yes
Mississippi	Yes	Yes	No (10)	No	No
Missouri	Yes, but not at the same time	Yes	No	No	No
Montana	Impairment PPD may be paid concurrently with TTD	N/A	No	Yes	Impairment PPD may be paid concurrently with PTD
Nebraska	Yes	Yes	No if scheduled PPD; yes, if nonscheduled PPD	Sometimes (11)	Yes (12)
Nevada as of January 1, 2016 (13)	No	Yes	No	No	No
New Hampshire	Yes	No (14)	No	Yes	Yes
New Jersey	Yes	Yes	No	No	N/A
New Mexico	Yes, but not at the same time	Yes	No	No	No
New York	(15)	Yes	Yes (16)	No	No
North Carolina	Yes	Yes	No	No	No
North Dakota	N/A (17)	N/A (17)	N/A (17)	N/A (17)	N/A (17)
Ohio	Yes	Yes	No	No	No
Oklahoma	Yes	Yes	No unless credit for overpayment (18)	No	No
Oregon	Yes	N/A	No	Not in the same claim. However, if a worker is receiving PTD and incurs a new compensable injury, the worker is eligible to receive additional PPD benefits	Not in the same claim. However, if a worker is receiving PTD and incurs a new compensable injury, the worker is eligible to receive additional PPD benefits
Pennsylvania	No (19)	Yes (20)	N/A (21)	N/A (21)	Yes (22)

Table 8 Sequence of Disability Payments Made within Workers' Compensation Systems as of January 1, 2019

Information on when permanent partial disability payments begin, if they are paid in addition to temporary disability and/or permanent total disability benefits, and if they are to be paid sequentially or can be paid concurrently with other benefits.					
Jurisdiction	Both Temporary Disability And PPD Paid	Scheduled PPD Paid Upon Termination Of Temporary Benefits	PPD Benefits Reduced By Temporary Benefits Paid	PPD Benefits Paid In Addition To PTD	PPD And PTD Paid Concurrently
Rhode Island	Yes	No (23)	No	Yes	Yes
South Carolina	Yes	Yes	No (24)	Possible if change of condition for worse	No
South Dakota	Yes	Yes	No	No	No
Tennessee	Yes, but not at the same time	Yes	No	No	No
Texas	Yes, but not at the same time	N/A	N/A	No	No
US Federal Programs - FECA	Yes, but not at the same time	Yes	No	Yes	Not for the same part of the body/same injury
US Federal Programs - Longshore	Yes	Yes	No	Yes	Only in the case where there is both an unscheduled and scheduled injury
Utah	Yes	Yes	No	No	No
Vermont	Yes, but not at the same time	Yes	No	No	No
Virginia	Yes, but not at the same time	Yes	No (25)	No	No
Washington	Yes	Yes	No	No (26)	No
West Virginia	Yes	Yes	No	Yes	No
Wisconsin	Yes	Yes (27)	No	No	No
Wyoming	No	Yes	No	No	No
Canadian Jurisdictions Participating (stated in Canadian currency)					
British Columbia as of January 1, 2016 (28)	No (29)	Yes	Yes (30)	No	No
New Brunswick	N/A (31)	N/A (31)	N/A (31)	N/A (31)	N/A (31)
Nova Scotia	No	Yes	No	No	No
Ontario	Yes (32)	N/A	No	Depends on the circumstances	Depends on the circumstances
Prince Edward Island	No	Yes	N/A	N/A	N/A
Saskatchewan	N/A (33)	N/A	N/A	N/A	N/A
Notes:	Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.				
1	Alabama - The number of TTD weeks are subtracted from the 300-week, nonscheduled maximum.				
2	Arkansas - However, if the worker became PTD after already having received PPD, this could result in the worker receiving both.				
3	Colorado - A scheduled award may be modified by section 8-42-107.5 which limits combined temporary and permanent partial disability payment to \$91,126.84 for a whole body impairment equal to or less than 25% and \$182,251.37 for a whole body impairment that is greater than 25%. Also C.R.S. 8-42-301(2) limits mental impairment awards to 12 weeks, inclusive of any temporary disability benefits (with some exceptions).				
4	Colorado - If the worker becomes PTD after already having received PPD, this could result in the worker receiving both.				
5	Florida - If the worker becomes PTD after already having received PPD, this could result in the worker receiving both but not concurrently.				
6	Georgia - There is no PTD in Georgia, but PPD is not paid in addition to catastrophic benefits.				
7	Maine - Maine is a wage-loss state.				
8	Massachusetts - Massachusetts is a wage-loss state.				
9	Michigan - Michigan does not have PPD benefits. It is a wage-loss state, and disability is defined as a limitation of wage-earning capacity in work suitable to an employee's qualifications and training resulting from a personal injury or work-related disease. Partial benefits may be paid if the employee retains a wage-earning capacity at a pay level less than his/her maximum wages in suitable work.				
10	Mississippi - PPD can be reduced by any excess TB paid.				
11	Nebraska - If the worker became PTD after already having received PPD, this could result in the worker receiving both.				
12	Nebraska - Subject to the weekly maximum. Employee may receive benefits for separate injuries arising out of separate accidents so long as the combined payments do not exceed the maximum weekly rate allowed by statute.				
13	Nevada - 2016 responses. No 2019 data were provided.				
14	New Hampshire - They can be paid concurrently.				
15	New York - Workers usually cannot receive temporary disability and PPD benefits at the same time. Temporary disability benefits are paid until the worker either has no further causally related disability or reaches maximum medical improvement and is classified with a permanent disability.				
16	New York - Scheduled PPD benefits are reduced by all temporary benefits paid. For claims with a date of accident or disablement after April 9, 2017, where temporary disability benefits have been paid for 130 weeks from the date of accident or disablement, the carrier or self-insured employer receives a credit against the maximum benefits payable for non-schedule PPD benefits for any periods of temporary disability benefits paid beyond the 130 weeks, unless the Workers' Compensation Board determines the worker has not reached maximum medical improvement on that date.				
17	North Dakota - North Dakota does not have PPD. North Dakota has PPI awards which are lump-sum payments made in addition to disability benefits (NDCC65-05-12.2).				
18	Oklahoma - PPD benefits shall also be reduced by employer-paid wages in excess of statutory TTD amount.				
19	Pennsylvania - Injured workers in Pennsylvania do not get TTD and specific-loss compensation for the specific-loss injury. However, if at the time of injury, the claimant sustains an injury "separate and apart" from the specific-loss injury, he or she can get TTD for "separate and apart" injuries and specific-loss compensation for the specific-loss injury.				

Table 8 Sequence of Disability Payments Made within Workers' Compensation Systems as of January 1, 2019

Information on when permanent partial disability payments begin, if they are paid in addition to temporary disability and/or permanent total disability benefits, and if they are to be paid sequentially or can be paid concurrently with other benefits.

Jurisdiction	Both Temporary Disability And PPD Paid	Scheduled PPD Paid Upon Termination Of Temporary Benefits	PPD Benefits Reduced By Temporary Benefits Paid	PPD Benefits Paid In Addition To PTD	PPD And PTD Paid Concurrently
20	Pennsylvania - Specific loss gets paid after TTD period ends.				
21	Pennsylvania - Cannot get both TTD and specific loss for specific-loss injury.				
22	Pennsylvania - Can receive specific loss and PTD for "separate and apart" injuries at the same time.				
23	Rhode Island - They can be paid concurrently.				
24	South Carolina - PPD benefits are reduced by temporary benefits unless more than 500 weeks.				
25	Virginia - The total paid for TTD and PPD is subject to the 500-week limitation.				
26	Washington - If the worker became PTD after already having received PPD, the amount of PPD paid is deducted from PTD benefits.				
27	Wisconsin - According to 102.32(6)(e), payments for permanent partial disability "shall accrue and be payable between intermittent periods of temporary disability so long as the employer or insurer knows the nature of the permanent disability."				
28	British Columbia - 2016 responses. No 2019 data were provided.				
29	British Columbia - If later temporary disability recurs, permanent disability pension is deducted from temporary total or partial disability benefits payable.				
30	British Columbia - To the extent that the TDB exceeds the maximum payable for the total disability; a worker's benefits would be reduced by the amount the TDB exceeds the maximum payable for the total disability.				
31	New Brunswick - Permanent physical impairment (PPI) award is a lump-sum payment provided to injured workers in addition to any loss of earnings. It is provided once per claim and is based on the percentage impairment which is multiplied by the maximum annual earnings for the year in which the accident occurred. (For 2019, the maximum annual earnings is \$64,800.)				
32	Ontario - For the purposes of answering these questions, the assumption is that temporary disability is a loss-of-earnings (LOE) benefit and PPD is a non-economic loss (NEL) benefit, which is awarded as a result of a permanent impairment.				
33	Saskatchewan - Permanent Functional Impairment (PFI) award is a lump-sum payment provided to injured worker in addition to any earnings loss. It is a one-time lump sum based on percentage of impairment.				

Table 9 Coverage of Mental Stress, Cumulative Trauma, Hearing Loss, and Disfigurement as of January 1, 2019				
Information on breadth of coverage in each jurisdiction and on which jurisdictions' statutes cover mental stress, cumulative trauma, hearing loss, and disfigurement.				
Jurisdiction	Coverage Of Mental Stress Claims When No Physical Injury	Coverage Of Cumulative Trauma	Coverage Of Occupational Hearing Loss	Coverage Of Disfigurement
Alabama	No	Yes	Yes	Yes
Alaska	Yes (1)	Yes	Yes	No
Arizona	Yes	Yes	Yes	Yes (2)
Arkansas	No (3)	Limited to rapid repetitive motion, back or neck, and hearing loss injuries	Yes	Yes (4)
California	Yes	Yes	Yes	Yes
Colorado	Yes (5)	Yes	Yes	Yes
Connecticut	No	Yes	Yes	Yes, on head, face or neck or any other area of the body which handicaps the employee in obtaining or continuing work
Delaware	Yes	Yes	Yes	Yes
District of Columbia			Yes	Yes
Florida	No—except first responders	No specific statute related to cumulative trauma exposure	Yes	No
Georgia	No	Yes	Yes	No
Hawaii	Yes	Yes (6)	Yes	Yes
Idaho	No	Yes	Yes	Yes (7)
Illinois	Yes	Yes	Yes	Yes
Indiana	No	Yes	Yes	No
Iowa	Yes	Yes	Yes	Yes
Kansas	No	Yes	Yes	No
Kentucky	No	Yes	Yes	Not separately; covered if results in a permanent impairment
Louisiana	Yes	Only when considered an occupational disease	Yes	Yes
Maine	Yes	Yes	Yes	No
Maryland	Yes (8)	Yes	Yes	Yes
Massachusetts	Yes	Yes	Yes	Yes
Michigan	Yes (9)	Yes	Yes (10)	No
Minnesota	PTSD according to DSM-V, for dates of injury on or after 10/1/2013	Yes	Yes	Yes

Table 9 Coverage of Mental Stress, Cumulative Trauma, Hearing Loss, and Disfigurement as of January 1, 2019				
Information on breadth of coverage in each jurisdiction and on which jurisdictions' statutes cover mental stress, cumulative trauma, hearing loss, and disfigurement.				
Jurisdiction	Coverage Of Mental Stress Claims When No Physical Injury	Coverage Of Cumulative Trauma	Coverage Of Occupational Hearing Loss	Coverage Of Disfigurement
Mississippi	Yes	Yes	Yes	Yes
Missouri	Yes	Yes	Yes	Yes (11)
Montana	No	Yes	Yes	Yes
Nebraska	Yes (12)	Yes	Yes	No
Nevada as of January 1, 2016 (13)	Yes	Yes	Yes	Yes, if impairment included in PPD evaluation
New Hampshire	Yes (14)	Yes	Yes	Yes
New Jersey	Yes	Yes	Yes	Yes
New Mexico	Yes	Yes	Yes	Yes
New York	Yes	Yes	Yes	Yes
North Carolina	Yes	Yes	Yes	Yes
North Dakota	No	Yes	Yes	Yes
Ohio	No	Yes	Yes	Yes
Oklahoma	No	Yes	Yes	Yes
Oregon	Yes (15)	Yes (16)	Yes (17)	Yes (18)
Pennsylvania	Yes	Yes	Yes	Yes
Rhode Island	Yes	Yes	Yes	Yes
South Carolina	Yes	Yes	Yes	Yes
South Dakota	No	Yes	Yes	Yes
Tennessee	Yes	Yes (19)	Yes (19)	Not for injuries on or after 7/1/2014
Texas	No (20)	Yes	Yes	No
US Federal Programs - FECA	Yes	Yes	Yes	Yes
US Federal Programs - Longshore	Yes	Yes	Yes	Yes
Utah	Yes (21)	Yes	Yes	Yes
Vermont	Yes (22) (23)	Yes	Yes	Yes
Virginia	Yes	Possibly (24)	Possibly (25)	Yes
Washington	Yes (26)	Yes	Yes	No
West Virginia	No	Yes	Yes	Yes
Wisconsin	Yes	Yes	Yes	Yes
Wyoming	No	Yes	Yes	Yes

Table 9 Coverage of Mental Stress, Cumulative Trauma, Hearing Loss, and Disfigurement as of January 1, 2019				
Information on breadth of coverage in each jurisdiction and on which jurisdictions' statutes cover mental stress, cumulative trauma, hearing loss, and disfigurement.				
Jurisdiction	Coverage Of Mental Stress Claims When No Physical Injury	Coverage Of Cumulative Trauma	Coverage Of Occupational Hearing Loss	Coverage Of Disfigurement
Canadian Jurisdictions Participating (stated in Canadian currency)				
British Columbia as of January 1, 2016 (27)	Yes (28)	Yes	Yes	Yes
New Brunswick	Yes (29)	Yes (30)	Yes	No (31)
Nova Scotia	Yes (32)	Yes	Yes	Yes
Ontario	Yes	Any trauma resulting from accidents in the course of employment is covered	Yes	Yes
Prince Edward Island	Yes, when stress is an acute reaction to a traumatic event	Yes (33)	Yes	Yes
Saskatchewan	Yes	Yes	Yes	Yes
Notes:	Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.			
1	Alaska - Mental stress is covered if work stress was extraordinary and unusual compared to the experiences of others in a comparable work environment; work stress was the predominant cause of the mental injury; and the work stress was not the result of "a disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by the employer."			
2	Arizona - Disfigurement covered only for head or face.			
3	Arkansas - There is an exception for victims of crimes of violence.			
4	Arkansas - Limited to facial or head.			
5	Colorado - A claim of mental impairment must be proven by evidence supported by the testimony of a licensed physician or psychologist. For purposes of this subsection (2), "mental impairment" means a recognized, permanent disability arising from an accidental injury arising out of and in the course of employment when the accidental injury involves no physical injury and consists of a psychologically traumatic event that is generally outside of a worker's usual experience and would evoke significant symptoms of distress in a worker in similar circumstances. A mental impairment shall not be considered to arise out of and in the course of employment if it results from a disciplinary action, work evaluation, job transfer, lay-off, demotion, promotion, termination, retirement, or similar action taken in good faith by the employer; and (2)(b)...the claimant shall be limited to twelve weeks of medical impairment benefits. A mental impairment may be within an employee's usual experience if they have been diagnosed with post-traumatic stress disorder after experiencing a psychologically traumatic event. This limitation shall not apply to any victim of a crime of violence...nor to the victim of a physical injury or occupational disease that causes neurological brain damage.			
6	Hawaii - Not in the statute, but these are handled just like any other claim.			
7	Idaho - If it affects return to work and an impairment rating is given.			
8	Maryland - This is covered but under very limited circumstances.			
9	Michigan - If arising out of actual events of employment, not unfounded perceptions thereof, and if the employee's perception of the actual events is reasonably grounded in fact or reality.			
10	Michigan - 418.315 The employer shall also supply to the injured employee dental service, crutches, artificial limbs, eyes, teeth, eyeglasses, hearing apparatus, and other appliances necessary to cure, so far as reasonably possible, and relieve from the effects of the injury.			
11	Missouri - Disfigurement coverage is restricted to the head, neck, hands, and arms.			

Table 9 Coverage of Mental Stress, Cumulative Trauma, Hearing Loss, and Disfigurement as of January 1, 2019				
Information on breadth of coverage in each jurisdiction and on which jurisdictions' statutes cover mental stress, cumulative trauma, hearing loss, and disfigurement.				
Jurisdiction	Coverage Of Mental Stress Claims When No Physical Injury	Coverage Of Cumulative Trauma	Coverage Of Occupational Hearing Loss	Coverage Of Disfigurement
12	Nebraska - Effective July 15, 2010, first responders may claim mental injury unaccompanied by physical injury if the mental injury was a result of extraordinary and unusual conditions as compared to the normal conditions of the employment. Mental injuries incidental to employee/employer relations are not compensable. Effective August 24, 2017, this section of the statutes extended coverage to frontline state employees, defined as an employee of the Department of Correctional Services or the Department of Health and Human Services whose duties involve regular and direct interaction with high risk individuals.			
13	Nevada - 2016 responses. No 2019 data were provided.			
14	New Hampshire - There must be a physical manifestation of stress. Disfigurement must be caused by burns.			
15	Oregon - A mental disorder, including any physical disorder caused or worsened by mental stress, may be compensable if the worker proves that employment conditions were the major contributing cause of the mental disorder. The worker must also prove the employment conditions producing the mental disorder exist in a real and objective sense; those employment conditions are conditions other than conditions generally inherent in every working situation or reasonable disciplinary, corrective or job performance evaluation actions by the employer, or cessation of employment or employment decisions attendant upon ordinary business or financial cycles; there is a diagnosis of a mental or emotional disorder which is generally recognized in the medical or psychological community; and there is clear and convincing evidence that the mental disorder arose out of and in the course of employment.			
16	Oregon - If categorized as an occupational disease, as a disease or infection caused by substances or activities to which an employee is not ordinarily subjected or exposed, the worker's claim is only compensable if the worker proves that employment conditions were the major contributing cause of the disease.			
17	Oregon - If categorized as an occupational disease, the worker's claim is only compensable if the worker proves that employment conditions were the major contributing cause of the occupational hearing loss. If the hearing loss is categorized as an injury, the worker's claim is only compensable if the worker proves the work injury was a material contributing cause of his/her disability or need for treatment.			
18	Oregon - May be limited. Resulting psychological treatment may be compensable.			
19	Tennessee - Workers' compensation claims are compensable only if the injury/condition primarily arises out of and in the scope of employment.			
20	Texas - Specific statutory provisions exist for first responders diagnosed with post-traumatic stress disorder (PTSD). PTSD is a compensable injury if it is based on a diagnosis that the disorder is caused by an event occurring in the course and scope of the first responder's employment and the preponderance of the evidence indicates that the event was a substantial contributing factor of the disorder. The definition of PTSD relies on the diagnostic criteria for PTSD specified by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, fifth edition, or a later edition adopted by the commissioner of workers' compensation.			
21	Utah - Mental stress claims are allowed, without a physical injury, only when there is extraordinary mental stress from a sudden stimulus arising out of and in the course and scope of employment. Mental stress claims are not allowed if the basis for the claim is good faith employer personnel actions.			
22	Vermont - Effective July 2017, first responders receive a rebuttable presumption for PTSD claims under specified circumstances.			
23	Vermont - Also effective 2017, applicable standard for all "mental-mental" claims changed.			
24	Virginia - Cumulative trauma is generally not compensable, except for hearing loss and carpal tunnel syndrome but at the higher evidentiary standard.			
25	Virginia - It is covered upon clear and convincing evidence as an "ordinary disease of life" under Va. Code Section 65.2-401.			

Table 9 Coverage of Mental Stress, Cumulative Trauma, Hearing Loss, and Disfigurement as of January 1, 2019				
Information on breadth of coverage in each jurisdiction and on which jurisdictions' statutes cover mental stress, cumulative trauma, hearing loss, and disfigurement.				
Jurisdiction	Coverage Of Mental Stress Claims When No Physical Injury	Coverage Of Cumulative Trauma	Coverage Of Occupational Hearing Loss	Coverage Of Disfigurement
26	Washington - A claim for mental stress can only be allowed if the stress resulted from a single, traumatic event.			
27	British Columbia - 2016 responses. No 2019 data were provided.			
28	British Columbia - This is covered if it is the result of an acute reaction to a sudden and unexpected traumatic event, predominantly caused by a significant work-related stressor or a cumulative series of significant work-related stressors arising out of and in the course of the worker's employment and not caused by a decision of the worker's employer relating to the worker's employment. A stressor can include bullying or harassment.			
29	New Brunswick - Under limited circumstances. The WC Act excludes mental stress as a compensable condition, except when the mental stress or disablement caused by mental stress is the result of an acute reaction to a traumatic event.			
30	New Brunswick - Yes, if proven to arise out of and in the course of employment.			
31	New Brunswick - Not specifically; however, if the disfigurement leads to increased impairment, then the higher impairment translates into a higher PPI award. Otherwise, there is no specific award.			
32	Nova Scotia - When stress is an acute reaction to a traumatic event(s).			
33	Prince Edward Island - If risk factors are present.			

Table 10 Details on Disfigurement Claims as of January 1, 2019			
A listing of the disfigurement coverage in jurisdictions, the nature of the disfigurements covered, and the maximum compensation allowed.			
Jurisdiction	Disfigurement Covered	Types Of Disfigurement Covered	Maximum Compensation Allowed
Alabama	Yes	Those that affect the employability of the claimant	100 weeks
Alaska	No	N/A	N/A
Arizona	Yes	Head or face	18 months of permanent compensation
Arkansas	Yes	Face or head	\$3,500.00
California	Yes	Per disability rater rating	Based on PD rate
Colorado	Yes	Any serious, permanent disfigurement about the head, face, or parts of the body normally exposed to public view	Director has the authority to allow up to \$5,229.68 and up to \$10,457.52 for extensive facial or body scars, burn scars, or stumps resulting from loss of limbs
Connecticut	Yes, on head, face or neck or any other area of the body which handicaps the employee in obtaining or continuing work	Any permanent significant disfigurement of, or permanent significant scar on, the face, head, or neck or on any other area of the body which handicaps the employee in obtaining or continuing to work	208 weeks times the APW max. \$217,568.00
Delaware	Yes	Pursuant to 19 <i>Del. C.</i> §2326(f), serious and permanent disfigurement, provided such disfigurement is visible and offensive when the body is clothed normally	The higher of either (1) the amount of compensation found to be due for disfigurement without regard to compensation for loss of or loss of use, or (2) the amount of compensation due for loss of or loss of use plus 20% thereof for disfigurement
District of Columbia	Yes	Serious disfigurement of the face, head, neck, or other normally exposed bodily areas	\$7,500.00
Florida	No	N/A	N/A
Georgia	No	N/A	N/A
Hawaii	Yes	Scarring and other disfiguring consequences caused by medical, surgical, and hospital treatment	\$30,000.00
Idaho	Yes, if caused by work-related accident or injury	All caused by work-related accidents	No maximum—benefits due are paid
Illinois	Yes, but not at the same time	Yes	No
Indiana	No	N/A	N/A
Iowa	Yes	Disfigurement of the face or head which shall impair the future usefulness and earnings of the employee in the employee's occupation at the time of injury	150 weeks
Kansas	Yes; limited	Same as other permanent disabilities	Same as other disabilities

Table 10 Details on Disfigurement Claims as of January 1, 2019			
A listing of the disfigurement coverage in jurisdictions, the nature of the disfigurements covered, and the maximum compensation allowed.			
Jurisdiction	Disfigurement Covered	Types Of Disfigurement Covered	Maximum Compensation Allowed
Kentucky	Not separately covered	Those with a permanent impairment pursuant to the AMA Guides	Same as with all PPD/PTD
Louisiana	Yes	Any percentage of anatomical loss as per AMA Guidelines	\$66,500.00
Maine	No	N/A	N/A
Maryland	Yes	See LE § 9-627(i)	156 weeks
Massachusetts	Yes	Scarring on face, neck, and hands only	\$15,000.00
Michigan	No	N/A	N/A
Minnesota	Yes	Various	Various
Mississippi	Yes	Serious facial or head disfigurement	\$5,000.00
Missouri	Yes, but only disfigurement to the head, neck, hands, or arms	Seriously and permanently disfigured about the head, neck, hands, or arms	40 weeks of compensation at the applicable PPD rate
Montana	Yes	Injured workers who suffer serious face, head, or neck disfigurement	\$2,500.00
Nebraska	No	N/A	N/A
Nevada as of January 1, 2016 (1)	Yes	Per the AMA Guides, 5th edition	Variable
New Hampshire	Yes, all resulting from burns	Scarring, disfigurement, or other skin impairments resulting from burns	350 weeks
New Jersey	Yes	Significant permanent disfigurement	Based on extent of permanent disability
New Mexico	Yes	All	\$2,500 for disfigurement about the face or head
New York	Yes	Serious facial or head disfigurement, including a disfigurement continuous in length which is partially in the facial region area and extends into the neck region	\$20,000.00
North Carolina	Yes	Any type of disfigurement not payable in a subdivision of the schedule of injuries section of the statute (N.C.G.S. §97-31), but excluding the disfigurement resulting from permanent or partial loss of a specific body part for which compensation is fixed in the schedule in the statute	\$20,000 for serious head or facial disfigurement; \$10,000 for serious bodily disfigurement
North Dakota	Yes	Not specified	No set figure, but permanent impairment awards may include an award for disfigurement (2)
Ohio	Yes	Facial	\$10,000

Table 10 Details on Disfigurement Claims as of January 1, 2019			
A listing of the disfigurement coverage in jurisdictions, the nature of the disfigurements covered, and the maximum compensation allowed.			
Jurisdiction	Disfigurement Covered	Types Of Disfigurement Covered	Maximum Compensation Allowed
Oklahoma	Yes	Serious and permanent disfigurement	\$50,000.00
Oregon	Yes, but very limited (3)	N/A	N/A
Pennsylvania	Yes	Serious and permanent disfigurement of the head, neck, or face; the disfigurement must produce an unsightly appearance and not usually be incidental to the employment	275 weeks
Rhode Island	Yes	Permanent disfigurement of body	500 weeks
South Carolina	Yes, if visible in employment or evidence of keloid	At discretion of Commissioner	50 weeks
South Dakota	Yes	Not specified	\$251,160.00
Tennessee	No	N/A	N/A
Texas	No	N/A	N/A
US Federal Programs - FECA	Yes	Face, neck, or head	\$3,500.00
US Federal Programs - Longshore	Yes	Face, head, neck, or other normally exposed area likely to handicap employee in securing or maintaining employment	\$7,500.00
Utah	Yes	As provided in the Utah 2006 Supplemental Impairment Rating Guides and the AMA 5th Edition	Up to 312 weeks
Vermont	Yes	Not specified	Same as any other permanent partial disability
Virginia	Yes	Whole body	\$64,920 (4)
Washington	No	N/A	N/A
West Virginia	Yes	No specification	No maximum; impairment is calculated under the AMA Guides, 4th Edition
Wisconsin	Yes (5)	Consideration for disfigurement is confined to areas of the body that are exposed in the normal course of employment	Disfigurement cannot exceed the employee's average annual earnings
Wyoming	Yes	Any treatment deemed reasonable or necessary	N/A

Table 10 Details on Disfigurement Claims as of January 1, 2019			
A listing of the disfigurement coverage in jurisdictions, the nature of the disfigurements covered, and the maximum compensation allowed.			
Jurisdiction	Disfigurement Covered	Types Of Disfigurement Covered	Maximum Compensation Allowed
Canadian Jurisdictions Participating (stated in Canadian currency)			
British Columbia as of January 1, 2016 (6)	Yes	Disfigurement to five areas of the body are recognized: head and neck, hand, arm, leg, torso (7)	Lump-sum payments: Head and neck: maximum is \$67,209.91 Each hand: maximum is \$22,403.11 Each arm: maximum is \$16,760.60 Each leg (including foot): maximum is \$11,082.34 Torso: maximum is \$11,082.34
New Brunswick	It may be covered if it is part of a compensable claim	Physical injuries	Physical permanent impairment rating of 100%
Nova Scotia	Yes	Case-by-case basis, evaluation based on Guides to the Evaluation of Permanent Impairment, 4th Edition	No set figure, but permanent impairment awards may include an award for disfigurement
Ontario	Yes	Any injury in the course of employment that necessitates health care or results in a loss of earnings is covered	No separate maximum for disfigurement (i.e., same maximums would apply as for all other injuries)
Prince Edward Island	Yes	Not specified	No set figure, but permanent impairment awards may include an award for disfigurement
Saskatchewan	Yes	Disfigurement means a conspicuous alteration or abnormal change in the features of the face, neck, hands, torso, and upper and lower extremities and/or substantial and permanent scarring of these areas. It is related to the cosmetic appearance of the body and not the loss of bodily function	No separate maximum for disfigurement (i.e., same PFI as for other impairments)
Notes:	Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.		
	1 Nevada - 2016 responses. No 2019 data were provided.		
	2 North Dakota - Permanent impairment means the loss of or loss of use of a member of the body existing after the date of MMI and includes disfigurement resulting from an injury.		
	3 Oregon - No impairment value is assigned to disfigurement, but resulting psychological adjustment problems may be compensable.		
	4 Virginia - Maximum 60 weeks of benefits x maximum compensation rate in effect.		
	5 Wisconsin - Compensation for disfigurement will not be permitted for an employee who returns to work for the employer at the time of injury or who is offered employment by that employer at the same or higher wage unless the employee suffers an actual wage loss due to the disfigurement. s. 102.56 (1) & (2), Wis. Stats.		
	6 British Columbia - 2016 responses. No 2019 data were provided.		
	7 British Columbia - Statute requires that the disfigurement be permanent, serious, and capable of impairing the worker's earning capacity.		

Table 11 Fatality Benefits Paid under Workers' Compensation Systems as of January 1, 2019

The burial allowance and weekly benefits allowed for one or more dependents in the case of a work-related fatality, the maximum and minimum payable, how the benefit is calculated, the maximum time period for benefits under different scenarios, and if offsets are allowed.															
Jurisdiction	Maximum Burial Allowance	Basis Of Payment For Spouse And One Child	Statutory Limit For Dependency Benefits	Dependency Benefits		Basis Of Weekly Maximum Calculation	Spouses' Benefits End			Payment Upon Remarriage	Children's Benefits End			Offsets Allowed On Dependency Benefits	Additional Benefits Available
				Weekly Minimum	Weekly Maximum		When Statutory Limit Is Paid	Upon Death	Upon Remarriage		At Age	If A Student, At Age	If Child Is Disabled, At Age		
Alabama	\$6,500	66 2/3% of deceased worker's AWW	500 weeks	\$238.00	\$865.00	66 2/3% of AWW	Yes	Yes	Yes	None	18	No exception in statute	Until benefits are exhausted	No	\$7,500 paid to estate if no dependents
Alaska	\$10,000	90% of the worker's spendable, after-tax, or net weekly wages	12 years (1)	\$75 to spouse, \$25 to one child, \$50 to children	\$1,211.00	120% of the SAWW	Yes	Yes	Yes	2-year lump sum	19	23	N/A (2)	50% of the amount paid in Social Security retirement or survivor's benefits	One-time \$5,000 lump-sum death benefit; \$10,000 to Second Injury Fund if no qualifying dependents
Arizona	\$5,000	35% of the average monthly wage of the deceased to be paid to spouse and to surviving children an additional 31 2/3% of the average monthly wage to be divided equally among them	None	None	\$729.56	66 2/3% of the average monthly wage	N/A	Yes	Yes	2-year lump sum	18	22	None	None	None
Arkansas	\$6,000	50% of deceased worker's AWW	Remarriage of spouse, attainment of age 18 of dependent child or 25 if full-time student; 450-week limit for partial dependents (3)	\$20.00	\$695.00	Maximum TTD rate	N/A	Yes	Yes	104-week lump sum	18	25	No age limit	None	None
California	\$10,000	See Labor Code section 4702 and various death benefits	There is a maximum amount paid per Labor Code section 4702 but that amount can be higher based on Labor Code section 4703.5	\$224.00	\$1,251.38	Maximum death benefits are awarded at 2/3 of AWW with caps set by statute	Yes	Yes	No	N/A	18	18 (4)	Benefits can continue	None	None
Colorado	\$7,000	66 2/3% of the deceased worker's AWW	None	\$249.96	\$987.84	91% of SAWW	N/A	Yes	Yes (5)	2-year lump sum (5)	18	21	Benefits can continue	Dependency benefits can be reduced up to 50% of any federal survivor's benefits received	Reasonable, necessary, and related medical expenses for the deceased prior to death and funeral and burial benefits of up to \$7,000.00
Connecticut	\$4,000	75% of the deceased worker's spendable earnings	None	Same as TTD minimum	\$1,256.00	SAWW	N/A	Yes	Yes	None	18	22	Benefits can continue	None	None
Delaware	\$3,500	AWW	None (7)	\$237.88	\$713.65	66 2/3% of AWW	No	Yes	Yes	2-year lump sum	18	25	N/A (8)	None	None
District of Columbia	\$5,000	50% of deceased worker's AWW	None	\$380.44	\$1,521.74	100% of SAWW	N/A	Yes	Yes	2-year lump sum	18	23	Benefits can continue		
Florida	\$7,500	50% of deceased worker's AWW for spouse, 16 2/3% of AWW for child	Maximum payable is \$150,000	\$20, unless wages are less than \$20, then full wages	\$939.00	SAWW	Yes	Yes	Yes	N/A	18	22	22	No	Spouse may receive payment for post-secondary educational student fees
Georgia	\$7,500	Workers' TTD rate applicable	\$230,000 for surviving spouse with no dependents	\$50.00	\$575.00	2/3 of the decedent's AWW	Yes (9)	Yes	Yes	None	18	22	Benefits can continue	No	None
Hawaii	\$4,495	66 2/3% of SAWW	312 weeks	\$225.00	\$899.00	SAWW	Yes	Yes	Yes	2-year lump sum	18	22	Can continue	No	If no dependent, then 25% of 312 weeks multiplied by \$899 to the non-dependent parents
Idaho	\$6,000	50% of current average state wage	500 weeks for spouse, age 18 for children or age 23 if enrolled in an accredited learning institution	5% per child with dependent widow or \$36.05	60% of current average state wage or \$432.60 weekly	60% of ASW per statute	Yes	Yes	Yes	100-week lump sum or remainder left of the 500 weeks, whichever is less	18	Until age 23 if enrolled in an accredited learning institution	Can continue past 18 if child has not received 500 weeks prior to reaching 18	No	Transportation of the employee's body to his or her place of residence in addition to burial expense
Illinois	\$8,000	Calculate 66 2/3% of the worker's preinjury gross average weekly wage, subject to max. and min. levels	\$500,000 or 25 years	\$565.06	\$1,506.81	Increase in SAWW	Yes	Yes	Yes	2-year lump sum	18	25	N/A	No	No

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				Weekly Minimum	Weekly Maximum		When Statutory Limit Is Paid	Upon Death	Upon Remarriage		At Age	If A Student, At Age	If Child Is Disabled, At Age		
Indiana	\$7,500	% of AWW	500 weeks	\$50.00	\$780.00	66 2/3% of AWW	Yes	Yes	Yes	125 weeks or remainder of 500 weeks, whichever is less	18	21	Can continue	No	None
Iowa	\$10,587	80% of the worker's spendable, after-tax, or net weekly wages	None	Based on AWW of \$309.00 and the employee's marital status and number of entitled exemptions	\$1,765.00	200% of the SAWW	N/A	Yes	Yes	2 year's benefits paid in a lump sum if there are no children entitled to benefits	18	25	Benefits can continue	No	None
Kansas	\$5,000	66 2/3% of the deceased worker's AWW	\$300,000	\$391.00	\$645.00	66 2/3% of the deceased worker's AWW	Yes	Yes	No	N/A	18	23	23	No	None
Kentucky	\$85,307	40% of employee's AWW to widow and 15% of AWW to child subject to state maximum	18 or 22 if in school	None	All combined cannot exceed amount payable for total disability	110% SAWW	Yes	Yes	Yes	Lump sum of two years of benefits	18	22	None specifically identified except qualification for old age social security	No	No
Louisiana	\$8,500	46.25% of AWW, subject to minimum/maximum benefits		\$177 or actual wage, whichever is less	\$665.00	75% of the SAWW	N/A	Yes	Yes	2-year lump sum	18	23	Can continue	No	A lump-sum benefit to children over age of majority if no spouse or minor dependent children; or a lump-sum benefit to parent or parents if no spouse, minor dependent children or children over age of majority
Maine	\$4,000	1/1/93-12/31/12: 80% of the worker's spendable, after-tax, or net wage; 1/1/13 and after: 2/3 of average gross weekly wages	500 weeks or until age 18 for children	None	DOI 1/1/1993-12/31/2012: \$746.37; DOI on/after 1/1/2013: \$829.30	DOI 1/1/1993-12/31/2012: 90% of the SAWW; DOI on/after 1/1/13: 100% SAWW	Yes	Yes	Yes	N/A	18	23	Over 18 if no surviving dependent parent	50% of the amount paid in Social Security old age benefits	\$3,000 in incidental compensation to the employee's estate
Maryland (10)	\$7,000	Deceased covered employee's AWW as a percentage of total household income	144 months or on the date of what would have been the 70th birthday of the deceased employee, provided that a minimum of 5 years of death benefits has been paid	\$25 or the AWW of the worker, whichever is less	\$1,116.00	SAWW	Yes	Yes	Continue payments to spouse for 2 years after remarriage if no dependent children	Continue payments to spouse for 2 years after remarriage if no dependent children	18	23	Continue for duration of dependent's disability	Disability retirement paid to employees of governmental units or quasi-public corporations	None
Massachusetts	\$11,067.28	66.67% of the AWW of the deceased worker plus six dollars more a week for each child	250 weeks	\$110.00	\$1,000.00	SAWW as of October 1st	Yes	Yes	No	N/A	18	18	Can continue	No	Burial costs (11)
Michigan	\$6,000	Using same formula for calculating TTD benefits: 80% of the worker's after-tax, or net weekly wages, taking into account 1 dependent	500 weeks	\$511.46	\$921.00	Using same formula for calculating TTD benefits: 80% of the worker's after-tax AWW	Yes	Yes	Yes	N/A	18	18 (12)	18 (12)	No	None
Minnesota	\$15,000	60% of deceased worker's daily wage	Benefit ends after 10 years or 10 years after the last child is no longer dependent; minimum payable is \$60,000	None	102% of SAWW for preceding year	Set by statute, same as TTD	Yes	Yes	No	Benefits continue for the remaining period	18	25	Can continue	Federal government survivor benefits	If no dependents, \$60,000 is paid to the estate
Mississippi	\$5,000	Spouse gets 35% of deceased's AWW, child gets 10%; subject to maximum of \$494.48 combined	450 weeks; remarriage for spouse; age 18-23 for child	\$25.00	\$494.48	SAWW	Yes	Yes	Yes	None	18	23	450 weeks	No	An immediate payment of \$1,000 to the spouse

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				Weekly Minimum	Weekly Maximum		When Statutory Limit Is Paid	Upon Death	Upon Remarriage		At Age	If A Student, At Age	If Child Is Disabled, At Age		
Missouri	\$5,000	(13) and (14)	Refer to notes (13), (14), and (15)	\$40.00	\$947.64, but see (14)	105% of SAWW, but see (14)	N/A	Yes	Yes	2-year lump sum	(15)	(15)	Can continue for life	No	(14) and (16)
Montana	\$4,000	66 2/3% of preinjury wage, not to exceed SAWW, and it must be divided equally between beneficiaries	If the beneficiary dies; after 500 weeks of benefits to the spouse; or until the spouse remarries	50% of SAWW	May not exceed the state's average weekly wage at time of injury	100% of SAWW	Yes	Yes	Yes	N/A	18	22	Can continue for life	N/A	For dependent parent or dependent brother or sister, if no other dependents exist, up to statutory maximums or, if no dependents, \$3,000 must be paid to dependent's surviving parent(s)
Nebraska	\$10,000	75% of the deceased worker's AWW	None	\$49.00	\$855.00	75% of deceased worker's AWW	N/A	Yes	Yes	Two years indemnity in one lump sum	19 (17)	25	Can continue	No	None
Nevada as of January 1, 2016 (18)	\$10,000	50/50	None	None	\$831.88	SAWW	N/A	Yes	Yes	N/A	18	22	18 (exception, incapable of supporting self)	No	None
New Hampshire	\$10,000	No set calculation	18 (or 25, if full-time student)	\$316.50	\$1,582.50	150% of AWW	N/A	Yes	Yes	Benefits cease	18	25	As long as the incapacity continues	No	None
New Jersey	\$3,500	70% of wages	Lifetime with exceptions	\$246.00	\$921.00	Decedent's wages	Yes	Yes	Yes	450 weeks minus amount already paid	18	23	Can continue	No	None
New Mexico	\$7,500	66 2/3% of AWW	100% of the SAWW for 700 weeks	66 2/3% of SAWW	66 2/3% of AWW as stated in Statute 52-1-46	66 2/3% of AWW as stated in Statute 52-1-46	Yes	Yes	Yes	2-year lump sum	18	23	Benefit can continue if dependent incapable of self-support	No	None
New York	\$10,500 to \$12,500, depending on county (19)	Spouse gets 36 2/3% of deceased worker's AWW and child gets 30% of deceased worker's AWW	(20)	\$30.00	\$904.74	2/3 of the deceased worker's AWW for the 52 weeks prior to death, up to the statutory weekly maximum benefit	N/A	Yes	Yes	2-year lump sum	18	23	When blindness or physical disability ends	Spouse's benefit reduced by spouse's share of Social Security survivors insurance (21)	N/A
North Carolina	\$10,000	66 2/3% of the deceased worker's AWW, divided equally (22)	500 weeks (22)	\$30.00	\$1,028.00	66 2/3% of AWW (22)	Yes	No	No (22)	N/A	500 weeks or until child turns 18, whichever is longer	18	18	No	None
North Dakota	\$10,000	66 2/3% of the worker's preinjury wage, as well as \$15 per child per week	\$300,000 or death	\$576 (23)	\$1,200.00	125% of SAWW	Yes	Yes	Yes	Lump sum equal to 104 weeks' compensation (24)	18	22	Can continue, NDCC 65-01-02 (9)	No	A lump sum of \$2,500 to the decedent's spouse or guardian of the children and \$800 for each dependent child (25)
Ohio	\$5,500	Discretionary based on circumstances	None	\$475.00	\$950.00	66 2/3% of AWW, not to exceed the SAWW	N/A	Yes	Yes	1 payment = two years of benefits	19	25	Continue until death or disability ends	No	Dependents may receive funeral expenses up to the maximum and depending on the circumstance, may be eligible for other comp, such as scheduled loss that "accrued" prior to the injured worker's death
Oklahoma	\$10,000	85% of deceased worker's AWW, plus statutory lump sum (70% to spouse and 15% to child)	None	None	\$867.71	70% of the deceased worker's AWW up to a maximum of 100% of the SAWW	N/A	Yes	Yes	2-year lump sum	18	23	No age limitation: weekly income benefit continues as long as child is physically or mentally incapable of self-support	No	N/A

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				Weekly Minimum	Weekly Maximum		When Statutory Limit Is Paid	Upon Death	Upon Remarriage		At Age	If A Student, At Age	If Child Is Disabled, At Age		
Oregon	\$20,141.00 [26]	Monthly benefit of 4.35 times 66 2/3% of the state AWW plus 4.35 times 25% of the state AWW for one child [27]	None	N/A	\$438.07 unless benefits per ORS 656.204(6) for secondary education [28]	4.35 times 10 percent of the state average weekly wage	N/A	Yes	Yes	3-year lump sum	19	26 [29]	Can continue for life	None	None
Pennsylvania	\$7,000	60% of deceased worker's AWW	N/A	No less than 50% of SAWW	\$1,049.00	100% of SAWW	N/A	Yes	Yes	2-year lump sum	18	23	For duration of disability	None	None
Rhode Island	\$20,000	Spouse receives weekly rate for total incapacity of deceased and \$40 per week for each dependent child	None	None	\$1,253.00	Weekly rate for total incapacity payments of deceased	Until death	Yes	Yes	Payments go to remaining dependents	18	23	Can continue	None	None
South Carolina	\$2,500	Spouse receives 50% of award, dependent children divide remaining 50% equally	500 weeks	\$75 if wages are > \$75; otherwise, comp rate is equal to wages	\$845.74	100% of SAWW	Yes	N/A	No	No	[30]	[30]	Can receive benefits for maximum weeks	None	None
South Dakota	\$10,000	66 2/3% of the worker's preinjury wage [31]	None	\$403.00	\$805.00	100% of SAWW	N/A	Yes	Yes	2-year lump sum	18	22	Can receive benefits for life	None	Children receive \$50 per month until age 18 and can receive up to \$2,000 a year for up to 5 years for college expenses at a SD post-secondary school
Tennessee	\$10,000	[32]	\$418,050.00	\$139.35	\$929.00	450 X SAWW	Yes	Yes	Yes	None	18	22	Can continue but not to exceed the maximum total benefit	None	\$20,000 paid to estate if no dependents, excluding burial expenses
Texas	\$10,000	50/50	Minimum of 364 weeks	None	\$938.00	100% of SAWW	N/A	Yes	Yes [33]	2-year lump sum [33]	18	25	Until death or no longer has the disability	None	No additional benefits available; if dependency benefits are not paid for 364 weeks, any remainder to be paid to the Texas Workers' Compensation Subsequent Injury Fund
US Federal Programs - FECA	\$800	The surviving spouse receives 45%, and the child receives 15% of employee's monthly pay	None	GS-2, step 1	GS-15, step 10	GS-15, step 10	N/A	Yes	Yes (if before age 55)	2-year lump sum	18	23	Can continue	FERS automatic death benefit cannot be received concurrently	\$200 administrative fee to the estate; death gratuity up to \$100,000 for employee for death due to service with an Armed Force in a contingency operation
US Federal Programs - Longshore	\$3,000	66 2/3 of AWW	Death or independence	\$377.69	\$1,510.76	200% of NAWW	N/A	Yes	Yes	2-year lump sum	18	23	Can continue	None	If no qualifying dependents, \$5,000 paid to the Special Fund
Utah	\$9,000 for funeral and burial expenses	66 2/3% of AWW not to exceed 85% of SAWW; apportioned equally among all dependents	312 weeks; however may be extended when beneficiary remains wholly dependent	\$45.00	\$747.00	85% of SAWW at the time of injury	Yes; except when beneficiary remains wholly dependent	Yes	Yes	Up to one year of benefits	18	18	Benefits continue as long as child is dependent	Reduced by 50% of Social Security death benefits	None
Vermont	\$10,000	71 2/3% AWW	Varies with dependent	\$437.00	\$1,311.00	150% of SAWW	There is no statutory limit, but after minimum of 330 weeks, spousal benefits end at age 62, when eligible for Social Security, or with remarriage or with death of spouse	Yes	Yes	Balance of 330 weeks of benefits, if applicable	18	No age limit while enrolled in approved educational or vocational training institution	Can continue	None	None
Virginia	\$10,000	66 2/3% of AWW	500 weeks	\$270.50	\$1,082.00	100% of SAWW	Yes	Yes	Yes	No	18	23	Can continue	None	Reasonable transportation expenses for the deceased, not to exceed \$1,000

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				Weekly Minimum	Weekly Maximum		When Statutory Limit Is Paid	Upon Death	Upon Remarriage		At Age	If A Student, At Age	If Child Is Disabled, At Age		
Washington	\$10,315	62% of worker's wage on DOI, up to statutory maximum	N/A	(34)	\$1,433.15	120% of SAMW	N/A	Yes	Yes	2-year lump sum (3-year law enforcement officers and fire fighters)	18	23	Can continue, possible for life	None	Immediate payment equal to 100% of SAMW based on DOI
West Virginia	\$7,000	The benefit received by the deceased worker		Federal minimum wage	\$823.14	The benefit received by the deceased worker	N/A	Yes	Yes	None	18	25	Can continue for life	None	None
Wisconsin	\$10,000	Four multiplied by the annual wage up to a maximum of \$304,800.00	\$304,800.00	N/A	\$1,016.00	110% of the SAWW	Yes	Yes (35)	Yes (36)	N/A	18	Statute is silent on the child's status of student/non-student	Payments can continue beyond the child's 18th birthday but may not continue for more than a total of 15 years	None	(37)
Wyoming	\$10,000	(38)	None	2/3 of SAMW	Cannot exceed more than 2x the SAMW	(38)	N/A	Yes	Yes	No	21	25	Can continue	None	Spouse can apply to WC based upon need and receive an additional 12 months' award not to exceed 1/3 SAMW; this is renewable until the spouse dies or remarries
Canadian Jurisdictions Participating (stated in Canadian currency)															
British Columbia as of January 1, 2016 (39)	\$9,006.74	85% of permanent total disability award rate - 50% of federal benefit (CPP) for dependents	None	\$257.07 (40)	\$933.86 (41)	Permanent total disability award	N/A	Yes	N/A	N/A	19	25	Benefits can continue possibly for life	Dependency benefits can be reduced up to 50% of any federal survivor's benefits received (42)	Yes (43)
New Brunswick	\$17,283.60 (44)	(45)	(46)	None	(47)	(48)	Yes	Yes	(49)	(49)	18	21	Can continue	(50)	None
Nova Scotia	\$4,000 up to \$5,000 on certain conditions	For spouse, 85% of worker's net average earnings before the accident; for child, \$196 per month	When the spouse reaches 65 or the worker would have reached 65, whichever is later	None	\$1,171.15	137.5% of the average industrial wage for Nova Scotia	Until age 65 or until the deceased would have reached age 65, whichever is later	Yes	No	N/A	18	25	Can continue for life	CPP survivor benefits	In the absence of a surviving spouse, a monthly payment up to 85% of the worker's net average earnings before the accident is payable to the dependent child
Ontario	No maximum	Lump sum (base amount adjusted according to the spouse's age when worker died) plus periodic payments (85% of worker's net average earnings) to be paid until youngest child turns 19, at which point periodic payment is calculated as though no dependent children	\$122,825.02	Benefit amount varies depending on the date of injury, the number of dependents, and maximum net average earnings (51)	Benefit amount varies depending on the date of injury, the number of dependents, and maximum net average earnings (51)	In accordance with the legislation	No	Yes	No	N/A	19	30	Can continue for life	Offset if CPP paid to spouse in relation to death	Labour market re-entry assistance for the spouse is available if requested within one year of the worker's death
Prince Edward Island	\$7,500	Lump-sum amount plus monthly benefit as prescribed by regulation	Until age 65 or until the deceased would have reached age 65, whichever is later	None	Depends on date of injury, number of dependents, and net average earnings	Wage-loss benefits that would have been payable to the worker	Yes	Until age 65 or until the deceased would have reached age 65, whichever is later	N/A	N/A	18	22	For duration of disability	CPP survivor benefits	In the absence of a surviving spouse, a lump-sum payment of \$10,000 per child is available

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Saskatchewan	\$13,524 (52)	90% of workers net earnings less probable deductions	5 years, to age 65, or until youngest child is 18	\$514.65	\$1,528.51	Earnings loss benefits that would have been payable to the worker	Yes	Yes	No	N/A	18	25	For duration of disability	Federal government survivor benefits at 50% (after 12 months); payments for children no offset	None
Notes: Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.															
1	Alaska - Spouse 52 years of age or older, or permanently disabled, is not subject to 12-year limitation.														
2	Alaska - There is no age limit for a child who is wholly dependent upon the deceased employee and incapable of self-support by reason of mental or physical disability.														
3	Arkansas - If total amount of weekly compensation is less than \$7.00 per week.														
4	California - Some children of specified safety officers may be entitled to continued benefits until age 19 under Labor Code section 4703.5.														
5	Colorado - Upon remarriage, a lump sum is available only if there are no other dependents.														
7	Delaware - When spouse remarries or if minor dependents reach 18 years of age (or 25 if attending an accredited higher learning institution).														
8	Delaware - Compensation shall be payable under this section to or on account of any child beyond the age of 18 years if and while mentally or physically handicapped and actually dependent upon the deceased for at least 50 percent of their support at the time of the worker's death (19 Del. C. §2330(c)).														
9	Georgia - Until age 65 or 400 weeks from the date of injury, whichever provides greater benefits.														
10	Maryland - Effective October 1, 2011, Maryland's dependency benefits changed due to enactment of a new law. The information provided in this chart does not apply to certain public service officers of a municipal corporation or a county, unless the municipal corporation or county has made an election to be included in the new statutory provisions. Therefore, the benefits for certain public service officers have not changed from previous charts with the exception of the amount of the SAWW, which is \$1,116.00 for January 1, 2019. There are also more nuances to the statute than can be reflected in a chart of this nature. In accordance with Section 9-683.3(i) of the Labor and Employment Article, all dependents who are neither a dependent spouse nor a dependent child shall be entitled to no more than a total of \$75,172.00, collectively, as their portion of the total death benefits payable, effective January 1, 2019. Since January 1, 2012, this benefit limit has been adjusted annually by the same percent applicable to the adjustment of the State Average Weekly Wage.														
11	Massachusetts - Maximum burial allowance under G.L. c. 152, §33 is eight (8) times the average weekly wage in the Commonwealth as determined by G.L. c. 151A, §29.														
12	Michigan - Magistrate may order continued payment up to age 21.														
13	Missouri - So long as there is one "total dependent" (such as the spouse or a minor child), the weekly death benefit payment is 66 2/3% of the worker's preinjury weekly wage, not to exceed 105% of state average weekly wage. Additional total or partial dependents do not increase the payment amount.														
14	Missouri - Mo. Rev. Stat. § 287.010.11, effective 01/01/2014, defines "occupational diseases due to toxic exposure" as the following: mesothelioma, asbestosis, berylliosis, coal worker's pneumoconiosis, bronchiolitis obliterans, silicosis, silicotuberculosis, manganism, acute myelogenous leukemia, and myelodysplastic syndrome. Mo. Rev. Stat. § 287.200.4, effective 01/01/2014, provides enhanced benefits to employees with "occupational diseases due to toxic exposure" which result in a Permanent Total Disability or Death as follows: (a) For occupational diseases due to toxic exposure, but not including mesothelioma, an amount equal to 200% of the State's Average Weekly Wage (as of the date of diagnosis) shall be paid to the employee for 100 weeks. (b) If the employee is diagnosed with mesothelioma (and if the employer has accepted mesothelioma liability) an amount equal to 300% of the State's Average Weekly Wage shall be paid to the employee for 212 weeks—provided that any employee who obtains benefits for asbestosis and who later obtains an award for mesothelioma shall not receive more benefits than such employee would receive having only obtained benefits for mesothelioma. (c) The amounts due to the employee during his or her lifetime for an award of Permanent Total Disability due to any other compensable cause shall be paid to the employee after the enhanced benefits for "occupational diseases due to toxic exposure" have been exhausted. (d) Should the employee die before all of the enhanced benefits for "occupational diseases due to toxic exposure" have been paid, the remainder of the enhanced benefits are payable to the employee's spouse or children, natural or adopted, legitimate or illegitimate, in addition to the benefits provided for a death due to any other compensable cause. If there is no surviving spouse or child and the employee, in his or her lifetime, has not received all of the enhanced benefits for "occupational diseases due to toxic exposure," the remainder of such enhanced benefits shall be paid as a single payment to the estate of the employee.														
15	Missouri - Dependency benefits end at various times depending upon a determination made in the award: spouses—lifetime or until remarriage; children—until they reach age 18 (22 years if a full-time student); and other situations described in §287.240 (4)(b), RSMo.														
16	Missouri - Mo. Rev. Stat. § 287.243 allows for an additional, one-time payment of \$25,000.00 to the survivor(s) of an employee who was killed in the "line of duty" while serving as a "public safety officer," as defined in the statute.														
17	Nebraska - Benefits cease when a child dies, marries, or reaches the age of 19, or if enrolled as a full-time student and ceases to be so enrolled or reaches the age of 25. A child who originally qualified as a dependent by virtue of being less than 19 may, upon reaching age 19, continue to qualify if he or she is physically or mentally incapable of self-support, is actually dependent, or is enrolled in an educational institution.														
18	Nevada - 2016 responses. No 2019 data were provided.														
19	New York - Reimbursement for funeral expenses or memorial services shall not exceed \$12,500 for the counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk, and Westchester, and in all other counties the reimbursement shall not exceed \$10,500.														
20	New York - Benefits end for spouse upon remarriage or upon death and end for children upon turning 18 or, if still in school, 23 (if not blind or physically disabled). If blind or physically disabled, then the benefits end when the blindness or physical disability ends, after age 18 or 23 as appropriate. If benefits are paid to dependent parents or grandparents, they end upon death. For brothers, sisters, or grandchildren, they end at age 18, or if in school, 23.														
21	New York - Spouse's share of death benefit is reduced by 5% of the spouse's share of the survivors insurance benefits under the Social Security Act for each ten dollars of deceased's average weekly wage in excess of \$100, but the reduction shall not exceed 50% of the spouse's share of the survivors insurance benefits under the Social Security Act as set forth in Workers' Compensation Law §16.														
22	North Carolina - A widow/widow may receive lifetime payments or benefits until widow/widower remarries if he or she is totally disabled at the date of decedent's death, and a child will receive weekly payments for 500 weeks or until age 18, whichever is longer.														
23	North Dakota - The minimum benefit is equal to 60% of the SAWW unless the amount exceeds the employee's net wages, in which case the employee receives net wages as a weekly compensation rate.														
24	North Dakota - Marriage settlement exception—if a spouse has received a partial lump sum previously, that amount is deducted from the 104 weeks.														
25	North Dakota - Also available are scholarships for spouse and children (up to age 26) of decedent; the award may not exceed \$10,000 per year per individual for no more than 5 years (NDCC 65-05-20.1).														
26	Oregon - The insurer must pay for final disposition of the body, including transportation, up to 20 multiplied by the state AWW. If after 60 days of claim acceptance there is remaining benefit, the insurer must pay the remainder to the estate of the worker.														
27	Oregon - The maximum monthly benefit for all children when there is a surviving spouse is 4.35 times 133 and 1/3 percent of the state AWW. If the sum of individual benefits exceeds this maximum, the benefit for each child must be reduced proportionally. The monthly benefit for a child without a surviving parent, who is 19 to 26 years of age and attending secondary education, is 4.35 times 66 2/3 percent of the state AWW. Benefits payable under ORS 656.204(6) during secondary education are generally not subject to proportional reduction.														
28	Oregon - "Dependent" means any of the following relatives of the worker who, at the time of the accident, depended in whole or in part on the earnings of the deceased worker for support: parent, grandparent, stepparent, grandson, granddaughter, brother, sister, half-brother, half-sister, niece, or nephew. A dependent benefit is 50 percent of the average monthly support the dependent actually received from the worker during the 12 months preceding the injury. The maximum benefit for all dependents may not exceed 4.35 times 10 percent of the state AWW, except the monthly benefit for a dependent without a surviving parent, who is 19 to 26 years of age and attending secondary education, is 4.35 times 66 2/3 percent of the state AWW. Benefits payable under ORS 656.204(6) during secondary education are generally not subject to proportional reduction.														
29	Oregon - Benefits are paid for up to 48 months while the child is completing secondary education, obtaining a GED certificate, or attending a program of higher education.														
30	South Carolina - Children's benefits vest upon the parent's death. If a child is under 19 or disabled, once vested he or she is entitled to benefits until the statutory limit is paid; if over 19 but a student, he or she can receive benefits until age 23.														
31	South Dakota - If the weekly wage is below 50% of the SAWW, the calculation is wages, less income tax and Social Security.														
32	Tennessee - Directed by TN Code Annotated 50-6-209, 210.														
33	Texas - If deceased employee was a first responder, then spouse receives death benefits for life, regardless of remarriage.														
34	Washington - The Washington State Legislature has increased the minimum workers' compensation benefits for claims with dates of injury (DOI) or dates of manifestation (DOM) on or after July 2, 2008. This change results in three different possible minimum rates: -15% of the state average monthly wage (SAMW) + \$10.00 for spouse + \$10.00 for each dependent child up to five dependent children -100% of the worker's gross monthly wage -Minimum time-loss rate in effect prior to July 2, 2008														
35	Wisconsin - Upon a spouse's death any unpaid balance goes to the spouse's estate.														
36	Wisconsin - The department will reassign the death benefits to children unless a showing is made that reassignment results in an undue hardship for the spouse.														
37	Wisconsin - Special lump-sum payment equal to 75 percent of the primary death benefit, but not less than \$50,000, if deceased employee is law enforcement officer, correctional officer, fire fighter, rescue squad member, diving team member, national or state guard member or emergency management personnel.														
38	Wyoming - If the actual monthly earnings is less than 73% of the SAMW, 92% of actual wage will be the monthly payment; if the actual monthly earnings are less than 73% of the SAMW, the monthly payment would be 2/3 of the SAMW; if the actual monthly earnings are greater than the SAMW, the monthly payment would be 2/3 of the actual monthly wage; spouse benefits pay 100 months; children's benefits are calculated on the months until the child reaches the age of majority.														
39	British Columbia - 2016 responses. No 2019 data were provided.														
40	British Columbia - This figure assumes the benefits apply to a surviving spouse with no children. The weekly amount is based on the minimum monthly payment of \$1,117.04, which is calculated by multiplying this figure by 12 months, dividing by 365 days, and multiplying by 7 days. The minimum is the actual minimum paid by the Board. Federal benefits are not deducted from this minimum amount.														
41	British Columbia - This figure assumes there is a surviving spouse with two dependent children using the 2016 maximum wage rate of \$80,600. If there are additional children, a benefit of \$345.68 per child would be added to the weekly maximum.														

The burial allowance and weekly benefits allowed for one or more dependents in the case of a work-related fatality, the maximum and minimum payable, how the benefit is calculated, the maximum time period for benefits under different scenarios, and if offsets are allowed.															
Jurisdiction	Maximum Burial Allowance	Basis Of Payment For Spouse And One Child	Statutory Limit For Dependency Benefits	Dependency Benefits		Basis Of Weekly Maximum Calculation	Spouses' Benefits End			Payment Upon Remarriage	Children's Benefits End			Offsets Allowed On Dependency Benefits	Additional Benefits Available
				Weekly Minimum	Weekly Maximum		When Statutory Limit Is Paid	Upon Death	Upon Remarriage		At Age	If A Student, At Age	If Child Is Disabled, At Age		
42	British Columbia - Note that dependency means a member of the worker's family (a spouse, parent, grandparent, stepparent, child, grandchild, stepchild, sibling or half sibling, and a person who stood in the place of a parent to the worker or to whom the worker stood in place of a parent, whether related to the worker by blood or not) who was wholly or partly dependent on the worker's earnings at the time of the worker's death, or who, but for the incapacity due to the accident, would have been so dependent.														
43	British Columbia - The following funeral/burial benefits are available: emergency lump sum to spouse of \$2,660.14; up to \$1,423.00 for transportation of the body; grief counseling for dependents; and vocational rehabilitation under section 16(2) of the Statute.														
44	New Brunswick - Provides a burial amount equal to 40% of the NBIAE and an additional amount equal to 50% of the NBIAE for additional death benefits; in 2019 the NBIAE is \$43,209.00.														
45	New Brunswick - A surviving spouse must select between two options within a one-year time frame. The spouse will receive 80% of the NBIAE for one year until the option is made. After which, the option of 85% or 60% plus lump sum must be chosen. An annuity would also be received according to section 38.54 of the WC Act. Dependent children also receive a percentage of the NBIAE on a scale determined by the child's age.														
46	New Brunswick - At age 65, or, where a worker is 63 or more as of the date of the accident, for 2 years. In the case of an invalid child, ongoing; other dependent children up to age 21, if still in school.														
47	New Brunswick - The benefits cannot exceed the compensation that would have been payable to the worker had that worker survived and been unable to work, assuming that estimated capable earnings are zero. When benefits are paid to multiple recipients, benefits are prorated in proportion to the dependency level to ensure benefits do not exceed the maximum benefits payable. The survivor receives a portion of the deceased salary and increases it annually by the percentage increase in the NBIAE.														
48	New Brunswick - The amount must not exceed the amount that would be received by the injured worker had he or she survived, which is 1.5 multiplied by NBIAE of \$43,209 (2019) for a maximum of \$64,800.														
49	New Brunswick - Benefits payable under this plan are subject to a family-means test. This means that should the surviving spouse remarry or live with a new spouse, and the net earnings of the new spouse plus the benefits paid to the surviving spouse exceed 85% of the net family income, then only the portion that does not exceed 85% is payable to the dependent surviving spouse.														
50	New Brunswick - If a surviving spouse remarries or increases his/her earnings, or receives a new benefit, the new income would be calculated in the annual review. Does not apply to dependent children benefits.														
51	Ontario - If there is a spouse + children then for 2018 the minimum periodic payment on an annual basis is \$23,248.16 and the maximum periodic payment on an annual basis is \$90,300.00.														
52	Saskatchewan - 2018 amount.														

Table 12 Initial Payments, Waiting Periods, Retroactive Payments, and Time Frames for TTD as of January 1, 2019

The number of days workers must be disabled before they are eligible for workers' compensation temporary disability benefits, the number of days they must be disabled before those waiting period days are paid to them, and circumstances under which the waiting period can be waived, as well as when and how the initial payment is to begin.

Jurisdiction	Waiting Period Before Worker Can Receive Indemnity Benefits	Retroactive Period	Circumstances Under Which Waiting Period Can Be Waived	Payment Begins Upon	Payment Or Denial To Be Made Within
Alabama	3 days	21 days	None	Payment to the worker by the employer/insurer	Statute requires report to agency in 15 days and then at 30 days must explain why no payment
Alaska	3 days	28 days	None	Payment is due on the 14th day	Statute requires initial payment to be made within 14 days or controversy filed within 21 days
Arizona	7 calendar days	14 days	None	Day 8	21 days of notification
Arkansas	7 days	14 days	None	8th day not including date of injury	15 days of notice of disability
California	3 days	14 days	If employee is hospitalized	With a direct payment to the worker by the insurer/employer	14 days of notice of disability
Colorado	3 scheduled days	14 calendar days	If it is presumed that the worker will be disabled for more than two weeks, the waiting period may be waived	With a direct payment to the worker by the employer/insurer	20 days of notice of claim
Connecticut	3 days	7 days	None	With a direct payment to the worker by the employer/insurer within 20 days of a voluntary agreement	Within 28 days of the receipt by the employer of the claim for compensation, unless the employer has contested the claim prior to the end of that 28-day period
Delaware	3 days	7 calendar days	If amputation or hospitalization	Agreement necessary	14 days of notice of disability
District of Columbia	3 days	14 days	None	With a direct payment to the worker by the employer/insurer	14 days of notice of disability
Florida	7 days	22 days	None	A direct payment to the worker by the employer/insurer	14 days of notice of disability
Georgia	7 days	21 days	None	With a direct payment to the worker by the employer/insurer	21 days of notice of disability
Hawaii	3 days	None	None	With a direct payment to the worker by the employer/insurer	TTD must be paid by the 10th day after notification to the employer
Idaho	5 days	Disability extends over 14 days	Inpatient hospitalization	With a direct payment to the worker by the employer/insurer	Payment due within 28 days from the date of disability; denial due within 30 days of claim administrator knowledge of injury
Illinois	3 days	14 calendar days	None	15th day after injury	14 days of notice of disability
Indiana	7 days	21 days	None	With a direct payment to the worker by the employer/insurer	30 days from notice
Iowa	3 days	14 days	None	The first payment is to be made on the 11th day after the injury	No time frame is required by statute (1)
Kansas	7 days	21 consecutive days	None	With a direct payment to the worker by the employer/insurer	No time frame is required by statute
Kentucky	7 days	Two weeks (statutory language) determined by courts to mean 14 days	Employer can pay voluntarily	The regular payday of the employee with first payment at time of first payday after qualifies	Within a "reasonable" time
Louisiana	7 days	2 weeks	None	Notice of inability to work by a medical doctor	14 days of notice of disability
Maine	7 days (2)	14 calendar days	None	Notice of claim and when waiting period met	14 days of notice of disability
Maryland	3 days	14 days	None	With a direct payment to the worker by the employer/insurer	21 days of the mailing of the notice of the filing of a claim
Massachusetts	5 days	21 days	None	With a direct payment to the worker by the employer/insurer	14 days of the mailing of the notice of the filing of a claim
Michigan	7 calendar days	14 calendar days	None	8th day of consecutive wage loss	14 days of notice of disability

Table 12 Initial Payments, Waiting Periods, Retroactive Payments, and Time Frames for TTD as of January 1, 2019

The number of days workers must be disabled before they are eligible for workers' compensation temporary disability benefits, the number of days they must be disabled before those waiting period days are paid to them, and circumstances under which the waiting period can be waived, as well as when and how the initial payment is to begin.

Jurisdiction	Waiting Period Before Worker Can Receive Indemnity Benefits	Retroactive Period	Circumstances Under Which Waiting Period Can Be Waived	Payment Begins Upon	Payment Or Denial To Be Made Within
Minnesota	3 days	10 days	None	With a direct payment to the worker by the employer/insurer	Within 14 days of notice to or knowledge by the employer of a compensable injury
Mississippi	5 days (3)	14 days	None	Direct payment to the worker by the employer/insurer	14 days of notice of disability
Missouri	3 days in which the employer is open for business	14 days	None	The obligation to pay temporary total disability benefits begins upon the fourth day of the employee's disability. The compensation shall be payable as the employee's wages were paid prior to the injury, but at least once every two weeks	No particular time limit set by statute
Montana	32 hours or 4 days, whichever is less	21 days	If the worker is totally disabled and unable to work in any capacity for 21 days or longer, compensation must be paid retroactively to the first day of total wage loss unless the worker waives the retroactive payment and receives a sick leave benefit from the employer instead	The fifth day of disability after acceptance of a claim or under reservation of rights. Medical benefits are compensated from the date of injury	30 days of receipt of the claim, the employer/insurer must accept, deny, or pay the claim under a reservation of rights
Nebraska	7 days	6 weeks	None	Direct payment to the worker by the employer/insurer	No time frame is required by statute
Nevada as of January 1, 2016 (4)	5 days	5 consecutive days or 5 cumulative days within a 20-day period	None	With direct payment to the worker by the employer/insurer	14 working days of insurer's receipt of disability certification or within 30 working days from notice of an occupational disease
New Hampshire	3 days	14 days	If they return to temporary alternate duty within 5 days of injury	With a direct payment to the worker by the employer/insurer	21 days of notice of disability
New Jersey	7 days	7 calendar days	None	After waiting period, with a direct payment to the worker by the employer/insurer	30 days of notice of disability
New Mexico	7 days	4 weeks	None	With a direct payment to the worker by the employer/insurer	14 days of notice of disability
New York	7 days	More than 14 days	None	When the employer reports a work-related injury/illness and lost time exceeds the waiting period	Accepted claim must be paid by the 18th day after disability or 10 days of knowledge, whichever is greater; denial must be filed on or before the 18th day after disability or 10 days of knowledge of the injury, whichever is greater, or within 25 days of notice of indexing by the Board
North Carolina	7 days	21 days	None	The eighth day of disability	Payment or denial must be made on or before the 14th day after notice of injury (5)
North Dakota	5 days	5 days	None	With direct payment to the worker after a determination of claim compensability	No time frame is required by statute
Ohio	7 days	14 calendar days	None	A determination of claim compensability and approval of the period of temporary disability	No time frame is required by statute
Oklahoma	3 days	None	None	Elapse of the 3-day waiting period	Payment is due on the 15th day after notice of the injury, unless a controversion of claim is timely filed

Table 12 Initial Payments, Waiting Periods, Retroactive Payments, and Time Frames for TTD as of January 1, 2019

The number of days workers must be disabled before they are eligible for workers' compensation temporary disability benefits, the number of days they must be disabled before those waiting period days are paid to them, and circumstances under which the waiting period can be waived, as well as when and how the initial payment is to begin.

Jurisdiction	Waiting Period Before Worker Can Receive Indemnity Benefits	Retroactive Period	Circumstances Under Which Waiting Period Can Be Waived	Payment Begins Upon	Payment Or Denial To Be Made Within
Oregon	3 days	14 days	If the worker is totally disabled and the total disability continues for 14 consecutive days; or if the worker is admitted as an inpatient to a hospital within 14 days of the onset of total disability	14th day after the employer's notice or knowledge of a claim and the worker's disability, if claim has not yet been denied and if the attending physician authorizes payment	Payment to begin within 14 days of the employer's notice or knowledge of a claim and the worker's disability, if claim has not yet been denied and attending physician has authorized disability compensation. Notice of denial must be provided within 60 days after the employer has notice or knowledge of the claim
Pennsylvania	7 days	14 calendar days	None	With a direct payment to the worker by the employer/insurer	21 days of notice of disability
Rhode Island	3 days	No payment for waiting period days	None	Agreement is necessary	No time frame is required by statute
South Carolina	7 days	More than 14 days	None	With a direct payment to the worker by the employer/insurer	No time frame is required by statute
South Dakota	7 days	7 calendar days	None	With a direct payment to the worker by the employer/insurer	20 days after receipt of the report of injury (this can be extended to 50 days with agency approval)
Tennessee	7 days	14 days	None	8th day of disability	Payment or denial to be made within 15 days after employer had knowledge of the injury or death
Texas	7 days	14 days	None	A direct payment to the injured employee by the employer/insurance carrier	Not later than the 15th day after the date on which an insurance carrier received written notice of an injury
US Federal Programs - FECA	3 days	14 days	None	Continuation of pay by employer, after the waiting period, up to the first 45 days	No time frame is required by statute
US Federal Programs - Longshore	3 days	14 days	None	With a direct payment to the worker by the employer/insurer	14 days if paid voluntarily; within 10 days if pursuant to WC agency order
Utah	3 days	14 calendar days	None	Establishment of compensability	21 days from notice of disability, with up to 45 days if an extension of time is needed
Vermont	3 days	10 days	None	With a direct payment to the worker by the employer/insurer	21 days of notice of disability
Virginia	7 days	3 weeks	None	With a direct payment to the worker by the employer/insurer	No time frame is required by statute (6)
Washington	The 3 days immediately following the date of injury (DOI)	14 calendar days immediately following the DOI	None	Notice of disability	14 calendar days of notice of disability
West Virginia	3 days	7 consecutive days	None	Upon conditional approval of claim compensability	15 days
Wisconsin	3 days, not including day of injury	Waiting period paid if disability exists after 7 calendar days	When PPD exists	A direct payment to the worker by the employer/insurer	80% of a carriers' first payments are to be made within 14 days. If not making payment, notice must be sent to employee within 14 days that still investigating claim or denying it. Penalty may be assessed in cases where it is determined that the initial payment was unreasonably delayed
Wyoming	3 days	8 days	None	Certification by health care provider	14 days of notice of disability

Table 12 Initial Payments, Waiting Periods, Retroactive Payments, and Time Frames for TTD as of January 1, 2019

The number of days workers must be disabled before they are eligible for workers' compensation temporary disability benefits, the number of days they must be disabled before those waiting period days are paid to them, and circumstances under which the waiting period can be waived, as well as when and how the initial payment is to begin.

Jurisdiction	Waiting Period Before Worker Can Receive Indemnity Benefits	Retroactive Period	Circumstances Under Which Waiting Period Can Be Waived	Payment Begins Upon	Payment Or Denial To Be Made Within
Canadian Jurisdictions Participating (stated in Canadian currency)					
British Columbia as of January 1, 2016 (7)	Eligibility begins the day following injury	N/A	N/A	Acceptance of claim (8)	No time frame is required by statute
New Brunswick	3 days (9)	20 working days (10)	There is no 3-day wait for police officers and firefighters; as well, a worker admitted as an inpatient as a result of the injury or a recurrence of the injury is exempt from the waiting period	Completion of waiting period or immediately if the waiting period has been waived	No time frame is required by statute
Nova Scotia	2 days	5 weeks	None	With direct payment to the worker	No time frame is required by statute
Ontario	None	N/A	N/A	Agreement necessary (agency must allow the claim)	No time frame is required by statute
Prince Edward Island	N/A (11)	N/A (11)	N/A (11)	With direct payment to the worker	No time frame is required by statute
Saskatchewan	None; eligibility begins if loss of earnings beyond the day of injury	N/A	N/A	Acceptance of claim	No time frame is required by statute
Notes:	Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.				
1	Iowa - However, interest begins to accrue on late payments beginning on the 11th day after the injury. If there is a delay in commencement without reasonable or probable cause or excuse, the Commissioner may award a penalty up to 50 percent of the amount of benefits that were unreasonably delayed or denied.				
2	Maine - Does not apply to firefighters.				
3	Mississippi - Any day on which a worker earns less than full wage because of an injury is considered a day of disability for the waiting period, and neither the 5-day period nor the 14-day period have to consist of consecutive calendar days.				
4	Nevada - 2016 responses. No 2019 data were provided.				
5	North Carolina - Defendants may accept the claim without prejudice to deny the claim after a 90-day investigation with a possible 30-day extension.				
6	Virginia - Unless payment is due pursuant to an award from the Commission, in which case the payment must be made within 2 weeks of when due or is subject to 20 percent penalty.				
7	British Columbia - 2016 responses. No 2019 data were provided.				
8	British Columbia - Approximately 16% of employers continue to pay the worker and WorkSafeBC then reimburses the employer the amount the worker would otherwise have been paid. A tax form is issued to the worker allowing the worker to claim these amounts as tax-free income just as if they had been paid directly to the worker.				
9	New Brunswick - The three day waiting period is being phased out (on July 1, 2020, it will become two working days; on July 1, 2021, it will become one working day).				
10	New Brunswick - Injured workers who were disabled as a result of an injury or recurrence of injury for more than 20 working days were then entitled to regular loss of earnings benefits for the 3-day waiting period, as per 38.11(7) of the WC Act.				
11	Prince Edward Island - Wait period was removed for injuries occurring on or after January 1, 2016.				

Table 13 Rehabilitation Benefits Allowed under Workers' Compensation Systems as of January 1, 2019

Statutory citations for the following rehabilitation provisions within workers' compensation statutes, whether the agency has staff and their responsibilities, which benefits are provided, who can make referrals, whether there is a maximum amount of benefits allowed for rehabilitation services, whether there is a penalty to the worker if he or she does not cooperate, and who pays for the services.										
Jurisdiction	Statutory Cite For Rehabilitation Benefits	This Statutory Section Addresses		Agency Has Staff Assigned To Rehabilitation Responsibilities	Agency Staff Responsibilities	Benefits Provided During Vocational Rehabilitation	Referrals Can Be Initiated By	Maximum Vocational Rehab. Benefits	Penalty For Employee's Failure To Cooperate	Funding For Services
		Vocational Rehab.	Physical Rehab.							
Alabama	25-5-57(i)	Yes	Yes	No	N/A	Continue weekly TTD and PPD benefit entitlement; mileage and travel reimbursement	Order by judge, commissioner, or magistrate	None	Benefits can be suspended	Employer/insurer
Alaska	AS 23.30.041	Yes	No	Yes	Make referrals; monitor rehabilitation plans; approve qualified providers; are involved in the resolution of rehabilitation disputes	Continue weekly benefit entitlement; mileage and travel reimbursement; tuition, room and board, books and other expenses up to \$13,500; may also pay a separate benefit if weekly TTD and PPI are exhausted	Treating physician; referral by employer; referral by agency	Plan cost limited to \$13,300 exclusive of rehabilitation consultant's fees or 2 years	Benefits may be terminated	Employer/insurer
Arizona	Discretionary	Yes	No	Yes	Make referrals to rehabilitation consultants through state agency; monitor rehabilitation plans; approve qualified providers; are involved in resolving rehabilitation disputes	Separate retraining benefit; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Request from employee; referred by insurance carrier	None	None	Agency through a fund created for this purpose
Arkansas	11-9-505	Yes	No	No	N/A	Mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Treating physician; request from employee; referral by employer; order by judge or commissioner	Up to 72 weeks of additional benefits	No PPD in excess of the percentage of PPD impairment established by objective physical findings	Employer/insurer
California (1)	Assembly Bill (AB) 227 (2003); Labor Code section 4658.5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Colorado	8-43-407; 8-43-404(1)&(3); 8-42-111(3); and 8-42-105(1)	Yes	No	No	N/A	Since rehabilitation is voluntary, it would be whatever the parties agree to provide	Insurer	None	May not be eligible for PTD benefits	Employer/insurer
Connecticut	Section 31-283a, Connecticut General Statutes	Yes	No	Transferred to new Bureau of Rehabilitative Services	Monitor rehab plans; approve qualified providers	Tuition, room and board if necessary, books and other expenses if part of an agreed plan; provide general information	Request from employee; referral by employer; referral by agency	None	None	Bureau of Rehabilitative Services through a fund created for this purpose
Delaware	Title 19, Chapter 23	No	Yes	No	N/A	N/A	Referral by employer; order by Hearing Officer or Board	None	May have to defend against a petition to terminate benefits	Employer/insurer
District of Columbia	32-1507(a),(c), and (d)	Yes	No	Yes	Mayor has responsibility to monitor rehabilitation	Continue weekly entitlement and up to an additional \$50 per week	Request from employee; referral by employer; mayor	None	Benefits may be suspended	Employer/insurer or mayor may fund out of the Special Fund with reimbursement from employer/insurer

Table 13 Rehabilitation Benefits Allowed under Workers' Compensation Systems as of January 1, 2019

Statutory citations for the following rehabilitation provisions within workers' compensation statutes, whether the agency has staff and their responsibilities, which benefits are provided, who can make referrals, whether there is a maximum amount of benefits allowed for rehabilitation services, whether there is a penalty to the worker if he or she does not cooperate, and who pays for the services.										
Jurisdiction	Statutory Cite For Rehabilitation Benefits	This Statutory Section Addresses		Agency Has Staff Assigned To Rehabilitation Responsibilities	Agency Staff Responsibilities	Benefits Provided During Vocational Rehabilitation	Referrals Can Be Initiated By	Maximum Vocational Rehab. Benefits	Penalty For Employee's Failure To Cooperate	Funding For Services
		Vocational Rehab.	Physical Rehab.							
Florida	Florida Statute 440.491	Yes	No	Rehabilitation services are provided by the Department of Education/DWC provides Reemployment Services along with Training & Education	Screen cases for eligibility for services; make referrals to rehabilitation providers; pay for sponsorship of training and education; monitor injured employees enrolled in training and education programs	TTD benefits up to 52 weeks	Requests from employee; referral by employer; referral by agency; order by judge, commissioner, or magistrate; attorneys, carriers, treating physician, and other governmental agencies	N/A	Persons who refuse to accept training and education that is recommended by the vocational evaluator and considered necessary by the department will forfeit any additional training and education benefits and any additional payment for wages	For the department, fees are paid from the Florida Workers' Compensation Administrative Trust Fund; voluntary for employers
Georgia	34-9-200.1 & Board Rule 200.1	Yes	Yes	Yes	Monitor rehabilitation plans; approve qualified providers; are involved in resolving rehabilitation disputes	Depends on the case	Vocational rehabilitation mandatory in catastrophic claims and available by agreement of parties in other claims (2).	None	Suspension of benefits	Employer/insurer
Hawaii	Section 386-25, Hawaii Revised Statutes	Yes	No	Yes	Approve qualified providers	Continue weekly TTD and PPD benefit entitlement; separate retraining benefit; mileage and travel reimbursement; tuition, room and board, books and other expenses if part of an agreed plan	Referral agency; referral by employee	None	None	Employer/insurer
Idaho	Idaho Code 72-450 and 72-501A	Yes	No	Yes	Direct services to injured worker; make referrals to rehabilitation consultants (rehabilitation consultants on staff with IC); monitor rehabilitation plans; are involved in resolving rehabilitation disputes	Continue weekly TTD and PPD benefit entitlement; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Treating physician; request from employee; referral by employer; referral by agency	2 years for formal retraining plan	Benefits are suspended during the period of refusal to cooperate	No fees; rehabilitation is a part of IC and funded by IC
Illinois	820 ILCS 305/8(a)	Yes	Yes	No	N/A	Mileage and travel reimbursement; tuition, room, board, books, etc., and a separate maintenance benefit that cannot be less than the employee's TTD rate	Order by arbitrator or commissioner, or by agreement	None	Loss of benefits	Employer/insurer
Indiana	Indiana Code 22-3-12-5	Yes	No	No	N/A	None	Employee	Unknown	No	Unknown
Iowa	Iowa Code section 85.70	Yes	No	No	N/A	Continued weekly TTD and PPD benefit entitlement; a separate retraining benefit	Request from employee	Additional benefit amount for 13 weeks, may request an additional 13 weeks	None	State vocational rehabilitation service
Kansas	K.S.A 44-510g	Yes	No	Yes	Make referrals to rehabilitation consultants; approve qualified providers	Continuation of TTD or PPD benefits; a separate retraining benefit; mileage and travel reimbursement; tuition, room and board, books <i>only</i> if agreed to by the parties (judges have no authority to order)	Employer/insurer	None	None	Employer/insurer

Table 13 Rehabilitation Benefits Allowed under Workers' Compensation Systems as of January 1, 2019

Statutory citations for the following rehabilitation provisions within workers' compensation statutes, whether the agency has staff and their responsibilities, which benefits are provided, who can make referrals, whether there is a maximum amount of benefits allowed for rehabilitation services, whether there is a penalty to the worker if he or she does not cooperate, and who pays for the services.										
Jurisdiction	Statutory Cite For Rehabilitation Benefits	This Statutory Section Addresses		Agency Has Staff Assigned To Rehabilitation Responsibilities	Agency Staff Responsibilities	Benefits Provided During Vocational Rehabilitation	Referrals Can Be Initiated By	Maximum Vocational Rehab. Benefits	Penalty For Employee's Failure To Cooperate	Funding For Services
		Vocational Rehab.	Physical Rehab.							
Kentucky	KRS 342.710	Yes	Yes	Yes	Make referrals to rehabilitation consultants	Accelerated PPD benefits; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Upon order of an administrative law judge or voluntarily	52 weeks and under certain circumstances an additional 52 weeks	50% reduction of benefits	Employer/insurer
Louisiana	LA R.S. 23:1226	Yes	No	No	N/A	Continuation of TTD or PPD benefits; mileage and travel reimbursement; tuition, room and board, books if part of an agreed plan	Employer/insurer	52 weeks	Reduction of benefits during period of refusal	Employer/insurer
Maine	Section 217 of Title 39	Yes	No	Yes	Make referrals to rehabilitation consultants	Continuation of TTD or PPD benefits (presumption employee cannot work if in approved plan); mileage and travel reimbursement; tuition, room and board, books if part of an agreed plan	Employee; employer; WC agency; by order of a judge	52 weeks; can be extended for up to 52 weeks	Reduction of benefits during period of refusal	Employer/insurer or the agency from a fund created for this purpose
Maryland	Labor and Employment Article, Title 9, subtitles 6 and 6A, Annotated Code of Maryland	Yes	Yes	Yes	Make referrals to rehabilitation consultants; monitor rehabilitation plans; approve qualified providers; are involved in resolving rehabilitation disputes	Continue weekly TTD and PPD benefit entitlement; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Request from employee; referral by employer; order by judge, commissioner, or magistrate	2 years retraining	Termination of benefits	Employer/insurer
Massachusetts	M.G.L.c. 152, 30(4), 30E, 30F, 30G, 30H, 35D, (5), 45,48 (2), 48 (3), 65(2)(d) and Title 452 CMR Sec. 4.01 to 4.11	Yes	No	Yes	Monitor rehabilitation plans; approve qualified providers; are involved in resolving rehabilitation disputes; partial approval to lump sums	Continue weekly TTD and PPD benefit entitlement; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Request from employee; referral by agency; order by judge, commissioner, or magistrate; insurer	VR plan not to exceed 104 weeks	Temporary reduction of weekly benefits by 15% and cessation of weekly benefits if claimant fails to meet with DIA for mandatory meeting	Employer/insurer
Michigan	Section 319 of the Michigan Workers' Compensation Act	Yes	No	Yes	Approve qualified providers; monitor rehabilitation services; are involved in rehabilitation dispute hearings; make referrals to rehabilitation consultants in hearing process as needed	All benefits due an injured worker per statute	Employee; employer; WC agency; by order of a hearing officer	104 weeks	Loss of benefits during period of refusal	Employer/insurer
Minnesota	Minnesota Statutes 176.102	Yes	No	Yes	Provide direct services to some workers; monitor rehabilitation plans; approve qualified providers; are involved in resolving rehabilitation disputes; monitor provider professional conduct	Continue weekly TTD, TPD, and PPD benefit entitlement, plus additional compensation up to 25% of comp otherwise payable if employee is in retraining; employee is also entitled to mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Request from employee; referral by employer or insurer; referral by agency; order by judge or commissioner	Job development services by a QRC or vendor limited to 20 hours per month or 26 weeks; formal retraining plans limited to 156 weeks	Benefits may be discontinued or suspended after order from commissioner or compensation judge	Employer/insurer

Table 13 Rehabilitation Benefits Allowed under Workers' Compensation Systems as of January 1, 2019

Statutory citations for the following rehabilitation provisions within workers' compensation statutes, whether the agency has staff and their responsibilities, which benefits are provided, who can make referrals, whether there is a maximum amount of benefits allowed for rehabilitation services, whether there is a penalty to the worker if he or she does not cooperate, and who pays for the services.										
Jurisdiction	Statutory Cite For Rehabilitation Benefits	This Statutory Section Addresses		Agency Has Staff Assigned To Rehabilitation Responsibilities	Agency Staff Responsibilities	Benefits Provided During Vocational Rehabilitation	Referrals Can Be Initiated By	Maximum Vocational Rehab. Benefits	Penalty For Employee's Failure To Cooperate	Funding For Services
		Vocational Rehab.	Physical Rehab.							
Mississippi	71-3-105	Yes	Yes	Yes	Provide direct services to injured workers; make referrals to rehabilitation consultants; monitor rehabilitation plans; are involved in resolving rehabilitation disputes	Continue weekly TTD and PPD benefit entitlement plus additional \$25 per week for up to 52 weeks; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Treating physician; request from employee; referral by employer; referral by agency; order by judge, commissioner, or magistrate	An additional \$25 per week for up to 52 weeks	Benefits may be suspended	Employer/insurer
Missouri	Mo. Rev. Stat. §§ 287.146 (vocational rehab); 287.140-.141 (physical rehab)	Yes (3)	Yes	Yes	Monitor physical rehabilitation plans; approve qualified providers; assist in resolving rehabilitation disputes	Continue weekly TTD and/or TPD benefit entitlement; mileage and travel reimbursement; tuition room and board if necessary, books and other expenses if part of an agreed plan (not to exceed \$5,000 without Division approval)	Treating physician; request from employee; referral by employer	None	50% reduction in all disability payments to the employee for each week in which the employee refuses to cooperate, see also (4)	Employer/insurer. Additional compensation for physical rehabilitation may be available from the Second Injury Fund
Montana	39-71-1006, MCA	Yes	No	Yes	Are involved in resolving rehabilitation disputes; provide information about the rehabilitation statutes and rules	Rehab benefits are paid biweekly at the TTD rate, not to exceed 104 weeks. A lump-sum rehab benefit may be paid for job placement services. Additional benefits include payment for tuition, fees, books, and other reasonable and necessary retraining expenses excluding travel and living expenses	N/A	N/A	Benefits may terminate, except medical benefits and the impairment award	Employer/insurer
Nebraska	Neb.Rev.Stat. §§ 48-121; 48-162.01; 48-162.02	Yes	Yes	Yes	Review and approve vocational rehabilitation plans; monitor approved vocational rehabilitation plans; certify vocational rehabilitation counselors; appoint vocational rehabilitation counselors from list of certified counselors; determine what plan expenses may be reimbursed by the Workers' Compensation Trust Fund	Vocational rehabilitation TTD and PPD benefits are paid; mileage; tuition; room and board if necessary; books and other costs as part of an approved plan	Request from any employee; employer can refer; by Court Order	None	Reduction or suspension of benefits or termination of vocational rehabilitation services including termination of vocational rehabilitation plan	Workers' Compensation Trust Fund; Employer
Nevada as of January 1, 2016 (5)	NRS 616C.530	Yes	No	No	N/A	There is a separate retraining benefit; mileage and travel reimbursement; tuition, room and board, books and other expenses if part of an agreed plan	Treating physician	Benefits may be provided for up to 2 1/2 years	Compensation may be reduced or suspended	Employer/insurer
New Hampshire	RSA 281-A:25	Yes	No	Yes	Monitor rehabilitation plans; approve qualified providers; are involved in resolving rehabilitation disputes	Continue weekly TTD and PPD benefit entitlement; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Referral by employer; order by hearing officer or Compensation Appeals Board; or referral by carrier	1 year; extended in unusual cases, as deemed necessary	Suspension of benefits	Employer/insurer
New Jersey	None	N/A	N/A	No	N/A	N/A	Request from employee; referral by employer; referral by agency; order by a judge	N/A	Benefits can be terminated	Employer/insurer or the state vocational rehabilitation services

Table 13 Rehabilitation Benefits Allowed under Workers' Compensation Systems as of January 1, 2019

Statutory citations for the following rehabilitation provisions within workers' compensation statutes, whether the agency has staff and their responsibilities, which benefits are provided, who can make referrals, whether there is a maximum amount of benefits allowed for rehabilitation services, whether there is a penalty to the worker if he or she does not cooperate, and who pays for the services.										
Jurisdiction	Statutory Cite For Rehabilitation Benefits	This Statutory Section Addresses		Agency Has Staff Assigned To Rehabilitation Responsibilities	Agency Staff Responsibilities	Benefits Provided During Vocational Rehabilitation	Referrals Can Be Initiated By	Maximum Vocational Rehab. Benefits	Penalty For Employee's Failure To Cooperate	Funding For Services
		Vocational Rehab.	Physical Rehab.							
New Mexico	None	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
New York	Workers' Compensation Law § 15(9)	Yes	No	Yes	Do not provide vocational or physical rehabilitation services to workers; monitor rehabilitation plans; are involved in resolving rehabilitation disputes; make referrals to rehabilitation consultant	Continue weekly TPD and PPD benefit entitlement; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Order by judge, board member, or advocate; referral by agency; referral by employer; request from employee; treating physician	\$30.00 per week (6)	None	Employer/insurer if agree; state vocational rehabilitation service
North Carolina	97-25, 97-59, 97-2(19), and 97-32.2	Yes	Yes	No	N/A	None by the agency; employer/insurer may provide private rehabilitation services	Employer, employee (7)	No limit	Suspension of benefits	Employer/insurer
North Dakota	Rehabilitation Services 65-05.1 & Vocational Training and Work Evaluation programs 65-07.1	Yes	No	Yes	Direct services to injured worker; monitor rehabilitation plans; are involved in resolving rehabilitation disputes	Continue weekly TTD benefit entitlement; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Referral by agency	For claims filed on or after January 1, 2006, the maximum TTD is 104 weeks, maximum rehabilitation allowance is 104 weeks, and the maximum TPD is up to 5 years	Disability and vocational rehabilitation benefits shall be discontinued	Agency fund created for this purpose
Ohio	Ohio R.C. 4121.61 et seq.	Yes	No	Yes	Approve qualified providers; monitor rehabilitation plans; are involved in rehabilitation disputes; and make referrals to rehabilitation consultants in hearing process at times	Living maintenance benefits, similar to TTD benefits	Any person	None	No penalty per se, but can affect whether or not employee is granted PTD benefits	Surplus fund
Oklahoma	85A O.S. Section 45	Yes	Yes	Yes	Assist the Commission in determining if it is appropriate for claimant to receive vocational rehabilitation	Tuition, board, lodging, travel, books and necessary equipment in training, if rehabilitation requires residence at or near the facility, or institution which is away from employee's customary residence	Request from employee, referral by employer, Commission order	52 weeks	If vocational evaluation or services are unreasonably refused, costs of training or rehabilitation may be deducted from benefits	Employer/insurer
Oregon	ORS 656.258, 656.340	Yes	No	Yes	Certification of vocational assistance counselors, interns, and return-to-work specialists; resolution of disputes regarding vocational services	Temporary disability; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Insurers or self-insured employers; workers	Temporary disability payments for up to 16 months, subject to extension to 21 months for good cause; vocational fee schedule maximums are set by OAR 436-120-0720 and are indexed to the state AWW	Possible end of training program	Insurer or self-insured employer
Pennsylvania	Sec 306(f.1)(1) - 77 P.S. § 531	No	Yes (8)	No	N/A	N/A	N/A	N/A	N/A	Employer/insurer

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Jurisdiction	Statutory Cite For Rehabilitation Benefits	This Statutory Section Addresses		Agency Has Staff Assigned To Rehabilitation Responsibilities	Agency Staff Responsibilities	Benefits Provided During Vocational Rehabilitation	Referrals Can Be Initiated By	Maximum Vocational Rehab. Benefits	Penalty For Employee's Failure To Cooperate	Funding For Services
		Vocational Rehab.	Physical Rehab.							
Rhode Island	28-33-41 and 28-33-41.1	Yes	Yes	Yes	Provide direct services to injured workers; are involved in resolving rehabilitation disputes	Continue weekly TTD or PPD; mileage and travel reimbursement; tuition, room and board and books if part of an agreed plan	Request from employee; referral by employer; order by a judge; referral by physicians or attorneys	None	Petition can be submitted to suspend benefits	Employer/insurer
South Carolina	None	N/A	N/A	No	N/A	N/A	Treating physician; request from employee; referral by employer; order by judge, commissioner, or magistrate	None	Possible suspension of benefits	Employer/insurer
South Dakota	SDCL 62-4-5.1	Yes	No	No	N/A	At the employer's discretion, either 66 2/3% of the employee's AWW, or 66 2/3% of the AWW x 1.2, less weekly wages earned	Treating physician; request from the employee; referral by employer; order by judge, commissioner, or magistrate	None	None	Employer/insurer
Tennessee	T.C.A. 50-6-208	Yes	No	Yes	Administering tuition payments from Subsequent Injury and Vocational Recovery Fund	Educational benefits not to exceed \$5,000 per year per student, \$20,000 max per student	Employer, Carrier, Attorney, Mediator, Judge, Ombudsman, any Bureau employee	\$5,000 per year per worker, \$20,000 per worker maximum	None, it's a voluntary program	Subsequent Injury Fund
Texas	Texas Labor Code Chapter 408, Sections 408.150 and 409.012	Yes	No	Yes	Make referrals to Texas Workforce Commission for vocational rehabilitation services	Weekly TTD or PPD benefit entitlement	Treating doctor, request from injured employee, referral by employer or insurance carrier, referral by agency	None	Possible suspension of income benefits	Employer/insurance carrier or state vocational rehabilitation services agency
US Federal Programs - FECA	5 U.S.C. section 8104	Yes	No	Yes	Make referrals to rehabilitation consultants; monitor rehabilitation plans; approve qualified providers; are involved in resolving disputes	Continue weekly TTD or PPD benefits; pay for mileage and travel expenses; tuition, books if part of an agreed upon plan (9)	Treating physician; request from employee; referral by employer; referral by agency; referral by field nurses; claims examiners	None	Insurer discontinues wage-loss payments	Employer/insurer
US Federal Programs - Longshore	Sec. 39(c) of the Act. Codified at 33 USC 939(c)	Yes	No	Yes	Direct services to injured workers; make referrals to rehabilitation consultants; monitor rehabilitation plans; approve qualified providers	Continue weekly TTD and PPD benefit entitlement; mileage and travel reimbursement; tuition, books and other expenses if part of an agreed plan	Request from employee; referral by employer; referral by agency (OWCP)	None	None	Agency through a fund created for this purpose
Utah	34A-2-413.5 (elective for employer/insurer)	Yes	No	No	N/A	None	Referral by employer/insurer or by order of an ALJ	None	May be disqualified from receiving indemnity benefits	Employer/insurer
Vermont	21 V.S.A. Sec. 641	Yes	No	Yes	Monitor rehabilitation plans; approve qualified providers; are involved in resolving rehabilitation disputes	Continue weekly TTD and PPD benefit entitlement; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Request from employee; referral by employer	None	Refusal of VR services ordered by the Commissioner may result in loss of compensation for each week of refusal	Employer/insurer
Virginia	Va. Code Section 65.2-603 and Commission's Vocational Rehabilitation Guidelines	Yes	Yes	No	N/A	Continue weekly TTD and PPD benefit entitlement; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Treating physician; request from employee; referral by employer (vocational rehabilitation not physical rehabilitation); order of Commission	None	Possible suspension of compensation benefits if the refusal or failure to cooperate is unreasonable	Employer/insurer

Table 13 Rehabilitation Benefits Allowed under Workers' Compensation Systems as of January 1, 2019

Statutory citations for the following rehabilitation provisions within workers' compensation statutes, whether the agency has staff and their responsibilities, which benefits are provided, who can make referrals, whether there is a maximum amount of benefits allowed for rehabilitation services, whether there is a penalty to the worker if he or she does not cooperate, and who pays for the services.										
Jurisdiction	Statutory Cite For Rehabilitation Benefits	This Statutory Section Addresses		Agency Has Staff Assigned To Rehabilitation Responsibilities	Agency Staff Responsibilities	Benefits Provided During Vocational Rehabilitation	Referrals Can Be Initiated By	Maximum Vocational Rehab. Benefits	Penalty For Employee's Failure To Cooperate	Funding For Services
		Vocational Rehab.	Physical Rehab.							
Washington	RCW 51.32.095; 51.32.099; 51.32.0991	Yes	No	Yes	Provide direct services to injured workers; make referrals to rehabilitation consultants; monitor rehabilitation plans; approve qualified providers; are involved in resolving rehabilitation disputes	Continue bi-weekly TTD and PPD benefit entitlement; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan	Self-insured employer or department staff	\$18,249.57 (10)	Possible termination of TTD and vocational rehabilitation	The agency through a fund created for this purpose; or a self-insured employer
West Virginia	W. Va. Code § 23-4-9 and W. Va. Code R. §85-15-1	Yes	Yes	No	N/A	Temporary total disability rehabilitation benefits or temporary partial rehabilitation benefits; physical and vocational rehabilitation assistance; tuition, room and board and books if part of an agreed upon plan	Treating physician; request from employee; referral by private carrier or self-insured employer; order from Workers' Compensation Office of Judges, Workers' Compensation Board of Review, or West Virginia Supreme Court of Appeals	\$20,000	Can be denied benefits or suffer a reduction in benefits	Employer/insurer
Wisconsin	ss. 102.43(5) and 102.61, Wis. Stats.	Yes	No	Yes	Make referrals to rehabilitation consultants; approve qualified providers; are involved in resolving rehabilitation disputes	Continuation of TTD or PPD benefits; mileage and travel reimbursement; tuition, room and board, books if part of an agreed upon plan	Request from employee; referral by employer	80 weeks (11)	None	Employer/insurer
Wyoming	27-14-408	Yes	No	No	N/A	Monthly stipend for a separate retraining benefit	Treating physician; request from employee; referral by agency	\$30,000	Rehabilitation benefits may be modified, suspended, or terminated	The agency through a fund created for this purpose
Canadian Jurisdictions Participating (stated in Canadian currency)										
British Columbia as of January 1, 2016 (12)	Section 16 of the Workers' Compensation Act (13)	Yes	No	Yes	Direct services to injured workers; make referrals to rehabilitation consultants; monitor rehabilitation plans; approve qualified providers; are involved in resolving rehabilitation disputes; responsible for monitoring rehabilitation plans	Continue weekly TTD and PPD entitlement; a separate retraining benefit; mileage and travel reimbursement; tuition, room and board, books and other expenses if part of an approved plan; relocation (14)	Treating physician; request from employee; referral by agency; request of worker case manager; nurse advisor	There is a maximum wage-loss equivalency but not for vocational rehabilitation services	Vocational rehabilitation benefits may be suspended	Agency through a fund created for this purpose (WorkSafeBC)
New Brunswick	Section 43 of WC Act	Yes	Yes	Yes	Direct services to injured workers; make referrals to rehabilitation consultants; monitor rehabilitation plans; approve qualified providers; are involved in resolving rehabilitation disputes	(15)	Request from employee or a vocational institution	None (16)	Reduction or suspension of benefits	WorkSafeNB

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Statutory citations for the following rehabilitation provisions within workers' compensation statutes, whether the agency has staff and their responsibilities, which benefits are provided, who can make referrals, whether there is a maximum amount of benefits allowed for rehabilitation services, whether there is a penalty to the worker if he or she does not cooperate, and who pays for the services.										
Jurisdiction	Statutory Cite For Rehabilitation Benefits	This Statutory Section Addresses		Agency Has Staff Assigned To Rehabilitation Responsibilities	Agency Staff Responsibilities	Benefits Provided During Vocational Rehabilitation	Referrals Can Be Initiated By	Maximum Vocational Rehab. Benefits	Penalty For Employee's Failure To Cooperate	Funding For Services
		Vocational Rehab.	Physical Rehab.							
Nova Scotia	Sections 112 & 113 of the Nova Scotia Workers' Compensation Act	Yes	Yes	Yes	Make referrals to rehabilitation consultants; monitor rehabilitation plans; approve qualified providers; are involved in resolving rehabilitation disputes	Continue weekly TTD and PPD benefit entitlement; a separate retraining benefit; mileage and travel reimbursement; tuition, room and board if necessary, books and other expenses if part of an agreed plan; resume writing; job-search skills training	Treating physician for physical rehabilitation; order by judge, commissioner, or magistrate	None	The Board may suspend, reduce, or terminate any compensation made to the worker where worker fails to cooperate	Employer/insurer
Ontario	Sections 32-33 (health care) and 40-42 (return to work) of the Ontario Workplace Safety and Insurance Act	Yes	Yes	Yes	Provide direct services to injured workers; make referrals to rehabilitation consultants; monitor rehabilitation plans; approve qualified providers; are involved in resolving disputes	Continuation of loss of earnings and non-economic loss benefits as appropriate; mileage and travel reimbursement depending on the case; tuition, room and board if necessary, books and other expenses if part of an agreed plan, depending on the case	Worker's Compensation Board	None	Benefits may be reduced or suspended	Agency from General Insurance Fund
Prince Edward Island	Workers' Compensation Act, R.S.P.E.I., 1988, Cap. W-7.1, Sections 18, 30, 41, 42, 86.1 - 86.12	Yes	Yes	Yes	Develop and monitor rehabilitation plans; make referrals to rehabilitation consultants	Continue weekly TWL benefits; expenses may be covered, including mileage, tuition, books and room and board	Workers Compensation Board	The maximum is based on TWL	Benefits are terminated for non-compliance	Workers Compensation Board
Saskatchewan	111 (17)	Yes	Yes	Yes	Provide direct services to injured workers; make referrals to rehabilitation consultants; monitor rehabilitation plans; approve qualified providers; are involved in resolving disputes	Continue weekly TTD or PPD; separate retraining benefit; pay for mileage and travel expenses, and tuition, room and board and books if part of an agreed upon plan	Treating physician; request from employee; referral by employer; referral by agency	None	Wage-loss benefits may be reduced or terminated	WCB
Notes:	Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.									
1	California - California's vocational rehabilitation program sunsetted on January 1, 2009. Injured employees are eligible for a Supplemental Job Displacement Benefit (SJDB) voucher which can be used to pay for training to obtain a job in a different field. The voucher can pay for costs associated with training, tuition, books, and career counseling.									
2	Georgia - The employer designates provider.									
3	Missouri - The employer is not required to offer vocational rehabilitation to a severely injured employee but may choose to provide it voluntarily.									
4	Missouri - No compensation shall be payable for the death or disability of an employee, if and insofar as the death or disability may be caused, continued or aggravated by any unreasonable refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the division or the commission, inconsiderable in view of the seriousness of the injury. Mo. Rev. Stat. § 287.140.5.									
5	Nevada - 2016 responses. No 2019 data were provided.									
6	New York - A claimant who, under the direction of the New York State Education Department, is being rendered fit to engage in a remunerative occupation may receive additional compensation up to \$30.00 per week. This additional remuneration is rarely awarded.									
7	North Carolina - Employee can request vocational rehabilitation if he or she has not returned to work or has returned to work in a position earning less than 75% of his or her AWW and is receiving TPD.									
8	Pennsylvania - Yes, to the extent that it pertains to reasonable and necessary medical treatment.									
9	US Federal Programs - FECA - Room and board not included.									
10	Washington - Instead of undergoing retraining while the claim is open, the worker may choose a vocational award that is equal to nine months of the TTD rate and the claim is closed with any indicated PPD. The worker then has five years to access the rehabilitation benefit.									
11	Wisconsin - Additional training can be authorized through determination of department or through litigation process.									
12	British Columbia - 2016 responses. No 2019 data were provided.									
13	British Columbia - Vocational Rehabilitation Services helps injured workers return to suitable employment with either their injury employer or a new employer. Vocational rehabilitation consultants work in offices throughout the province and become involved as early as reasonable and necessary to assist in the return-to-work process. Programs and services for injured workers may include vocational counseling, return-to-work planning, worker/employer mediation, work assessment, work site/job modification, graduated return to work, job-search assistance, job placement, on-the-job training, or formal training sponsorship.									
14	British Columbia - Also included are training on the job (usually paid to the employer), business start-up and legal fees, and wage-loss equivalency benefits when not in receipt of TTD and PPD.									

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Jurisdiction	Statutory Cite For Rehabilitation Benefits	This Statutory Section Addresses		Agency Has Staff Assigned To Rehabilitation Responsibilities	Agency Staff Responsibilities	Benefits Provided During Vocational Rehabilitation	Referrals Can Be Initiated By	Maximum Vocational Rehab. Benefits	Penalty For Employee's Failure To Cooperate	Funding For Services
		Vocational Rehab.	Physical Rehab.							
15	New Brunswick - Weekly loss of earnings benefits are continued based on the vocational rehabilitation program, looking at the injured worker as a whole and evaluating the possible rehabilitation plans. Consideration is given to skills, etc. Mileage and travel reimbursement are offered in some instances; tuition, room, board, books, etc. are offered if part of an agreed upon plan where appropriate.									
16	New Brunswick - Subject to cost-benefit analysis.									
17	Saskatchewan - The Board may take any measures that it considers necessary or expedient (a) to assist an injured worker in returning to work, (b) to assist in lessening or removing any handicap resulting from his injury, or (c) to encourage a dependent spouse of a deceased worker to become self-sufficient.									

Table 14 Advocate and Attorney Fee Provisions under Workers' Compensation Statutes as of January 1, 2019

Information on whether the agency provides ombudsperson or other worker and/or employer advocates, the basis of attorney fee calculations, who determines attorney fees, whether there are additional fees allowed and under what circumstances, whether laypersons can represent claimants, what the source of payment to a worker attorney is, and whether defense attorney fees are regulated.								
Jurisdiction	Laypersons Can Represent Workers	Public Advocates Or Ombudsperson Provided By Agency		Fees For Worker Attorney Established By	Worker Attorney Fee Formula	Formula For Medical-Only Disputes	Source Of Payments To Worker Attorney	Worker Attorney Fee Must Be Approved By
		For Employee	For Employer					
Alabama	No	No	No	Statutory formula	15% of award	No	15% of award	None
Alaska	Yes	No	No	Statutory & administrative rule; fees must be approved by adjudicative body	25% of first \$1,000 and 10% of remainder; or actual fees are awarded if requested by attorney	No	Employer/insurer	Alaska Workers' Compensation Board
Arizona	No	Ombudsman	Ombudsman	Contract - but fee dispute handled by Commission	If attorney fees are awarded under A.R.S. §23-1071, the fees shall not be more than 25% up to 10 years from the date of the award; in cases involving solely loss of earning capacity, the maximum shall be 25% up to 5 years from the date of the final award; when the payment of the award to the claimant is made in installments, or in other than a lump-sum manner, in no event may an amount in excess of 25% of any one such installment payment be withheld for the attorney's fees	No	Directly from employee's benefits	None
Arkansas	Yes	No (1)	No	Statutory formula; determined in each case by the judge or commissioner	25% of indemnity awarded	No fee is allowed for only medical benefits	1/2 comes from award, 1/2 from carrier	Arkansas Workers' Compensation Commission
California	Yes, as long as he or she is not a disbarred attorney	Neutral Information & Assistance officers at each office	Neutral Information & Assistance officers at each office	Labor Code sections 4906 and 5710 and Administrative rules	Based on time spent, results obtained, responsibility assumed, and care exercised per California Code of Regulations, section 10775	No	Deposition fees are paid by the employer. Fees for representation come out of an award and are paid to attorneys only; lay representatives are not entitled to attorney fees	Workers' Compensation Appeals Board
Colorado	Yes	No	No	Statutory up to 20%, excess at the Director's discretion	A fee in excess of 20% of the benefits awarded is to be presumed unreasonable, but the Director can make exceptions for cases that have been appealed	Reasonable fees calculated on a per hour basis; contingent fee if approved by Director	Paid out of the worker's benefits	None
Connecticut	Yes, during informal hearings	No	No	Administrative rule	20% of total award in most cases	No	Paid out of worker's benefits	Workers' compensation commissioner hearing the case if there is a dispute
Delaware	No	No	No	Statutory formula; determined in each case by the Hearing Officer or Board; by agreement of the parties	The Board can award attorneys' fee an amount not to exceed 30% of the award or 10 times the AWW	No	Employer/carrier and employee benefits	The Industrial Accident Board; fees must be approved only as part of an award for commutation
District of Columbia	No	No	No	Statute	Not to exceed 20% of benefits secured	No	Paid out of the worker's benefits, but there are exceptions	
Florida (2)	No, but Ombudsman can intervene on injured worker's behalf but cannot represent the injured worker before the judge	Ombudsman	No	Statutory formula	20% of first \$5,000 of the amount of the benefits secured; 15% of the next \$5,000 of the amount of the benefits secured; 10% of the remaining amount of the benefits secured to be provided during first 10 years after the date the claim is filed; 5% of the benefits secured after 10 years. A Judge of Compensation Claims can approve an alternative fee amount should the statutory formula result in an unreasonable fee amount	\$1,500 once per accident based on hourly rate of \$150	Employer, in addition to employee's benefits/the employee, unless the employer prevails before a judge, then it would be the employer/carrier. In addition the injured worker may contract directly with their attorney for additional fees	The Office of Judges of Compensation Claims

Table 14 Advocate and Attorney Fee Provisions under Workers' Compensation Statutes as of January 1, 2019

Information on whether the agency provides ombudspeople or other worker and/or employer advocates, the basis of attorney fee calculations, who determines attorney fees, whether there are additional fees allowed and under what circumstances, whether laypersons can represent claimants, what the source of payment to a worker attorney is, and whether defense attorney fees are regulated.								
Jurisdiction	Laypersons Can Represent Workers	Public Advocates Or Ombudspeople Provided By Agency		Fees For Worker Attorney Established By	Worker Attorney Fee Formula	Formula For Medical-Only Disputes	Source Of Payments To Worker Attorney	Worker Attorney Fee Must Be Approved By
		For Employee	For Employer					
Georgia	No	No	No	Statutory formula	Fees over \$100 approved by the Board; maximum fee is 25% of income benefits	No fees unless medical unreasonably denied	Employee or employer/insurer if unreasonable defense	If over \$100.00, approved by the Board
Hawaii	Yes	No	No	Administrative rule	None	No	Is a lien upon compensation to be paid to employee	Director of Labor and Industrial Relations
Idaho	No	No	No	Administrative rule	25% of benefits secured by the attorney without hearing, 30% with hearing	No	A set percentage of the benefits paid to the employee that were secured by the attorney, or if employer/surety actions are found unreasonable, employee's attorney fees are paid by employer/surety as awarded by the Commission	Subject to approval by the Commission
Illinois	No (3)	No	No	Statutory formula; additional fees by order of Commission	20% of disputed amount up to 364 weeks of benefits at permanent total disability rate	No	Out of award; employer may be ordered to pay fee as penalty	IWCC
Indiana	No	No	No	Statutory formula	20% of first \$50,000; 15% of in excess of \$50,000	No	Comes out of employee's recovery	None
Iowa	No	No	No	Agreement of parties	None	No	From award of benefits or percentage of settlement	None
Kansas	No	Yes	Yes	Statutory formula	25% of the amount of compensation recovered and paid	No	Comes out of the employee's award	Department of Labor, Division of Workers Compensation administrative law judge
Kentucky	No	No	No	Statutory	20% of the first \$25,000 of the income benefits recovered in an award or settlement; 15% of the next \$25,000; 10% of the remainder with \$18,000 maximum fee	N/A	Income benefits recovered on behalf of the worker by way of award or settlement	Administrative Law Judge in Department of Workers' Claims
Louisiana	No	Yes (very limited)	Yes (very limited)	Statutory formula	20% of award	No	Paid out of the employee's benefits	Louisiana Office of Workers' Compensation
Maine	Yes	Yes	No	Agreement of parties and subject to limits and appealable to an administrative law judge	May not exceed 30% of award after deducting expenses	No	Deducted from employee's award	None
Maryland	No	No	No	Administrative rule; determined in each case by the judge, commissioner, magistrates	For PPD, up to 20% of the first 75 weeks awarded, up to 15% of the amount due for the next 120 weeks, and up to 10% of the amount due in excess of 195 weeks (see COMAR 14.09.04.03)	Absent exceptional circumstances, no fee allowed	Injured worker's weekly benefit is reduced by the amount of the fee	Workers' Compensation Commission
Massachusetts	Yes	No	No	Statutory formula, percentage of lump-sum agreement	20% of lump-sum settlement or award ordered by administrative judge	N/A	Attorneys are entitled to fees if an administrative judge awards benefits in a conference order or a hearing decision; a percentage is taken out of any lump-sum settlement (20% if liability is established, 15% if not)	Department of Industrial Accidents, but rates are set by statute (see M.G.L. c. 152, Secs. 12A and 13A)

Table 14 Advocate and Attorney Fee Provisions under Workers' Compensation Statutes as of January 1, 2019

Information on whether the agency provides ombudsperson or other worker and/or employer advocates, the basis of attorney fee calculations, who determines attorney fees, whether there are additional fees allowed and under what circumstances, whether laypersons can represent claimants, what the source of payment to a worker attorney is, and whether defense attorney fees are regulated.								
Jurisdiction	Laypersons Can Represent Workers	Public Advocates Or Ombudsperson Provided By Agency		Fees For Worker Attorney Established By	Worker Attorney Fee Formula	Formula For Medical-Only Disputes	Source Of Payments To Worker Attorney	Worker Attorney Fee Must Be Approved By
		For Employee	For Employer					
Michigan	No	No	No	Statutory formula and by administrative rule	Reasonable expenses and then a fee no more than 30% for a redemption or 15% of the first \$25,000 and 10% thereafter (see 408.44 for details)	No	Paid on contingency out of benefits awarded to employee	Approved by workers' compensation magistrate under Michigan Administrative Hearing System Agency (MAHS)
Minnesota	No	Yes	Yes	Statutory formula; by agreement of the parties with judge's approval; attorney may petition for additional fees	20% of the first \$130,000 is presumed adequate; attorney may petition court for additional fees	Same formula applies to the dollar amount of disputed medical benefit awarded; where no dollar value is ascertainable, the amount is hourly or \$500, whichever is less	Employee's awarded benefits, unless contingency fee is inadequate to reasonably compensate the attorney in medical and rehabilitation cases, in which case the employer or insurer is liable for the attorney fees (4)	A compensation judge at the Office of Administrative Hearings
Mississippi	Claimants can proceed pro se, a non-attorney may not represent another person	No	No	Statutory rule: 25%	25% of total award	No	Only from the award	Mississippi Workers' Compensation Commission
Missouri	No	Yes, limited (5)	Yes, limited (5)	Determined in each case by the ALJ or the Labor and Industrial Relations Commission (LIRC) (6)	No statutory formula	No	Generally, the employee's attorney's fee is paid out of the sum paid to the employee by settlement or award, subject to the approval of the ALJ or LIRC, but see (7)	Missouri Division of Workers' Compensation or the Labor and Industrial Relations Commission of Missouri
Montana	Yes (8)	No	No	Determined in each case by the judge or by agreement of the parties (39-71-613, MCA)	20% of benefits gained through attorney's efforts; 25% if prevails in court	N/A	Paid out of worker's benefits, unless court assesses fee against the insurer	Employment Relations Division
Nebraska	No	No	No	Established between employee and attorney by fee agreement; ordered by a judge	Local customary fee agreement; reasonableness	None (9)	Paid out of benefits; may be awarded in addition to benefits	Judge in a lump-sum settlement, when enforcement of lien is requested and to award a penalty (9)
Nevada as of January 1, 2016 (10)	Yes	Yes	No	By agreement of both parties	None	No	Paid by the state if represented by the Nevada Attorney for Injured Workers	None
New Hampshire	Yes	Yes	No	Administrative rule	20% of the retroactive indemnity benefits	Yes (11)	Award comes from employee award (12)	Department of Labor
New Jersey	No	No	No	Statutory formula but determined in each case by the Judge of Compensation	Statutory formula up to 20% of award, but determined in each case by the Judge of Compensation	No	From award and/or paid all or in part by respondent	Division of Workers' Compensation
New Mexico	Yes (13)	Yes	Yes	Determined in each case by the judge or by agreement of the parties	None	No	Fees are usually split between worker and employer/insurer, but offers of judgment can shift fees all to worker or all to employer	Workers' Compensation Judge

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Jurisdiction	Laypersons Can Represent Workers	Public Advocates Or Ombudspersons Provided By Agency		Fees For Worker Attorney Established By	Worker Attorney Fee Formula	Formula For Medical-Only Disputes	Source Of Payments To Worker Attorney	Worker Attorney Fee Must Be Approved By
		For Employee	For Employer					
New York	Yes (14)	Yes (15)	Yes (16)	Determined in each case by the judge or members of the Board based upon provisions of Workers' Compensation Law § 24 and 12 NYCRR 300.17 (17)	None	None	Worker's attorney's fee is a lien on compensation awarded to the worker	NYS Workers' Compensation Board
North Carolina	No	No (18)	No (18)	Statute permits contract between the parties subject to approval of the Industrial Commission	Contract between the parties, subject to the approval of the Industrial Commission based upon "not... unreasonable" standard (19)	No (20)	The employee's compensation (20)	NC Industrial Commission
North Dakota	No	Yes (21)	No	Administrative rule (92-01-02-11.1)	Subject to maximum fee set by administrative rule (92-01-02-11.1). Paid only when injured worker prevails	No	Workers' Compensation Administrator	Workers' Compensation Administrator
Ohio	Yes	No	No	Individual contract between injured worker and attorney	No statutory formula	No	Paid out of the benefits awarded to the employee	None
Oklahoma	No	Yes (22)	Yes (22)	Statutory formula	10% of contested TTD, 20% of PPD, PT, death compensation	Attorney fees shall not be awarded on medical benefits or services	Attorney fee deducted from employee's award	By Commission approval
Oregon	No	Yes	Yes	Statute and administrative rule	Varies according to the type of dispute, but generally the forum adjudicating the dispute will either: 1) Set the fee based on attorney time devoted to the case and results achieved, by using the attorney fee matrix (23); or 2) Determine a "reasonable fee," considering factors set by rule	Reasonable hourly rate of no less than \$275/hour and no more than \$400/hour	Approved fees are paid out of the worker's compensation award and are a lien on the worker's compensation; assessed fees are paid by the insurer or self-insured employer	Workers' Compensation Division, Workers' Compensation Board, or court depending on type of dispute
Pennsylvania	No	No	No	Statute	Up to 20% of compensation awarded	No	Usually paid out of the award to the worker, but there are exceptions	Fee must be approved by either the workers' compensation Judge or, in certain cases, the Workers' Compensation Appeal Board
Rhode Island	No	No	No	Determined in each case by the judge or by agreement of the parties	No statutory formula	No	Usually paid in addition to the benefits paid to the worker; for a settlement, fees are generally paid out of worker's award and are not to exceed 20%	Workers' Compensation Court
South Carolina	No	Yes	Yes	Statutory formula	33% for claimant attorney	None	Deducted from award	SC Workers' Compensation Commission
South Dakota	No, unless a medical-only dispute of \$8,000 or less	No	No	Statutory rule	Maximum of 25% of disputed benefits if settled, 30% if hearing, 35% if appealed to courts	No	Out of employee's award unless insurer's conduct unreasonable/vexatious	DLR

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Jurisdiction	Laypersons Can Represent Workers	Public Advocates Or Ombudsperson Provided By Agency		Fees For Worker Attorney Established By	Worker Attorney Fee Formula	Formula For Medical-Only Disputes	Source Of Payments To Worker Attorney	Worker Attorney Fee Must Be Approved By
		For Employee	For Employer					
Tennessee	No	Yes	No	Statutory formula; approved in each case by the judge	The attorney's fees to be charged employees shall not be in excess of 20% of the amount of the recovery or award	No, but worker's attorney can recover a fee not in excess of 20% of the amount of the recovery or award for disputed medical bills	Worker's attorney fees come from the award	Court of WC Claims
Texas	Yes (24)	Yes, provided by a separate state agency—Office of Injured Employee Counsel	No	By administrative rule and are determined in each case by the judge, commissioner, or magistrates	Number of hours multiplied by hourly fee; number of hours and maximum hourly fee (\$200/hr) established by rule	No	Paid from injured employee's weekly income benefits; amount may not exceed 25% of weekly benefit amount	DWC or a court of competent jurisdiction
US Federal Programs - FECA	Yes	No	No	Claimant and representative agree on fees, OWCP approves them—no contingency fees allowed	N/A	N/A	N/A	The Office of Workers' Compensation Programs
US Federal Programs - Longshore	Yes	No	No	Market rates; determined in each case by the tribunal before whom earned	None	No	Employee (though fees may shift to employer/carrier in certain circumstances)	DOL - District Director or OALJ
Utah	No	No	No	N/A	N/A	N/A	N/A	N/A
Vermont	No	No	No	Administrative rule and determined in each case by the judge, commissioner	Up to 20% of award or up to \$210.00 per hour	No	If awarded by commissioner/judge, fee paid by the employer/carrier in addition to employee's benefits	None
Virginia	No	No	No	Determined in each case by the Commission	None	No	Payable by worker directly or paid out of comp award unless bad-faith defense on part of employer/insurer, in which case all or part can be assessed against employer/insurer	Virginia Workers' Compensation Commission
Washington	Yes	Yes	Yes	Statutory formula or by agreement of the parties	30% of increase in award or benefits secured by the attorney	No	Paid out of the benefits awarded to the employee	N/A
West Virginia	No	No	No	Statute	20% of indemnity benefits to a maximum of 20% of 208 weeks of benefits (25)	Hourly rate and reasonable costs (26)	Paid from employee's benefits; however, in certain cases, attorney fees and costs will be paid by a private carrier or self-insured employer	It varies depending on protested action (27)
Wisconsin	Yes (28)	No	No	Statutory formula; administrative rule	20% of the disputed amount; if no dispute, 10% of the amount awarded up to a maximum of \$250	No	Paid out of employee's award	An administrative law judge
Wyoming	No	Yes	Yes	Administrative rule	None	No	Always paid in addition to the worker's benefits whether the worker wins or loses	Attorney General's office
Canadian Jurisdictions Participating (stated in Canadian currency)								
British Columbia as of January 1, 2016 (29)	Yes	Yes (30)	Yes (30)	Policy item #100.40 of the RSCM sets out that WorkSafeBC does not pay expenses for any advocate or any fees for legal advice or advocacy	N/A	N/A	N/A	N/A

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		For Employee	For Employer					
New Brunswick	No	No (31)	No (31)	Worker and employer advocates are a free service provided by the provincial government and funded by WorkSafeNB	N/A	N/A	N/A	N/A
Nova Scotia	Yes	Yes	No	N/A (32)	No fees	N/A	N/A	N/A
Ontario	Yes	WSIB funds the Office of the Worker Advisor	WSIB funds the Office of the Employer Advisor	Arrangement between the worker and their attorney	None	No	Arrangement between the worker and their attorney	N/A
Prince Edward Island	Yes	Yes	Yes	Legal fees are not covered	N/A	N/A	N/A	N/A
Saskatchewan	Yes	Yes	No	N/A	N/A	N/A	N/A	N/A
Notes:	Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.							
1	Arkansas - Legal advisors are available to both parties and the public but are not advocates.							
2	Florida - FL Supreme Court recently ruled the attorney fee schedule unconstitutional (<i>Castellanos v. Next Door Company</i>).							
3	Illinois - Except a legal guardian.							
4	Minnesota - A portion of fees are reimbursed to the employee by the employer/insurer if the worker's attorney successfully procures payments from a denial of liability, notice of discontinuance of benefits, or failure to make a payment of compensation or medical expenses within the statutory period after the notice of injury or occupational disease, or otherwise unsuccessfully resists the payment of rehabilitation benefits or other aspects of a rehabilitation plan. Reimbursement is not available if the employee's attorney fees were paid by the employer/insurer.							
5	Missouri - The Missouri Division of Workers' Compensation has a voluntary alternative dispute resolution process to mediate disputes that arise over issues such as medical treatment and lost wages soon after an injury occurs.							
6	Missouri - Fee arrangements can be made between the employee and his or her attorney. The fee must be reasonable and must be approved by the ALJ or LIRC. In practice, the usual and customary attorney's fee is 25 percent.							
7	Missouri - Mo. Rev. Stat. § 287.560 has been interpreted to provide that if an ALJ or the LIRC determines that any proceedings have been defended without reasonable ground, the ALJ or the LIRC may order the employer/insurer to pay the whole cost of the proceedings, including the employee's attorney's fees.							
8	Montana - If they are not paid for representation.							
9	Nebraska - Attorney fees may not be assessed against any medical fees recovered. Neb.Rev.Stat. § 48-108.							
10	Nevada - 2016 responses. No 2019 data were provided.							
11	New Hampshire - Reasonable fees if bills are ordered after a hearing.							
12	New Hampshire - Unless it is after an appeal to the Compensation Appeals Board.							
13	New Mexico - A non-attorney cannot be compensated.							
14	New York - If they are licensed by the Workers' Compensation Board for this purpose.							
15	New York - The Ombudsman for Injured Workers acts as an advocate for injured workers by accepting, investigating and trying to resolve complaints relating to workers' compensation, and providing information to injured workers about their rights and the workers' compensation system. The Ombudsman does not give legal advice or represent claimants at proceedings.							
16	New York - The Ombudsman for Business acts as an advocate for business and provides information and assistance with regards to workers' compensation insurance and claim processing matters. The Ombudsman does not give legal advice or represent employers at proceedings.							
17	New York - Fee is to be commensurate with the services rendered, having due regard for the financial status of the worker, whether the attorney engaged in dilatory tactics or failed to comply with Board rules in a timely manner. In no case shall the fee be based solely on the amount of the award.							
18	North Carolina - Information specialists assist claimants who are not represented by an attorney, employers, or other parties in protecting their rights, but they do not give legal advice or appear at proceedings. Information specialists answer questions pertaining to all aspects of workers' compensation.							
19	North Carolina - The Industrial Commission can tax attorney fees as costs for appeals in a limited class of cases. The attorney fee is determined by multiplying the number of hours reasonably expended on the case by a reasonable hourly rate.							
20	North Carolina - The Industrial Commission may, in its discretion, tax attorney fees if any hearing has been brought, prosecuted, or defended without reasonable ground; it may assess the whole cost of the proceedings, including reasonable fees for the defendant's attorney or the plaintiff's attorney upon the party who has brought or defended.							
21	North Dakota - Decision Review Office Statute 65-02-27 and Admin Rule 92-01-03.							
22	Oklahoma - Oklahoma provides counselors or ombudsmen to assist all stakeholders, including injured workers and employers. Counselors are not advocates and cannot provide legal advice.							
23	Oregon - ORS 656.385; OAR 436-001-0410—The fee must fall within the ranges of a published matrix (unless extraordinary circumstances are shown or the parties otherwise agree), based on the value of the benefit received and number of hours the attorney worked on the issue.							

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Jurisdiction	Laypersons Can Represent Workers	Public Advocates Or Ombudspeople Provided By Agency		Fees For Worker Attorney Established By	Worker Attorney Fee Formula	Formula For Medical-Only Disputes	Source Of Payments To Worker Attorney	Worker Attorney Fee Must Be Approved By
		For Employee	For Employer					
24	Texas - The lay representative must register with DWC. A lay representative may not receive a fee or remuneration, directly or indirectly, for the representation.							
25	West Virginia - In the case where a claim is settled, the fee may not exceed 20% of the total value of the medical and indemnity benefits. However, this fee, when combined with any fees previously charged or received by the attorney for PPD or PTD benefits, may not exceed 20% of the award of benefits to be paid during a period of 208 weeks.							
26	West Virginia - W. Va. Code § 23-5-16(c)(2) directs that for a denial of medical benefits, attorney fees may not exceed \$125 per hour, and the reasonable costs to the claimant may be awarded. However, in no event may an award of the claimant's attorney fees exceed \$500 per litigated medical issue, not to exceed \$2,500 in a claim.							
27	West Virginia - For most actions, the fee will be paid from the employee's benefits and there is no need for approval. However, pursuant to W. Va. Code § 23-2C-21(c), the Workers' Compensation Office of Judges can award reasonable attorney's fees and costs if it finds that a denial of compensability, a denial of an award of TTD benefits or a denial of an authorization for medical benefits was unreasonable. The fees and costs will be paid either by the carrier or self-insured employer. In addition, pursuant to W. Va. Code § 23-5-16(c)(1), an attorney's fees (and costs) may be awarded to an attorney, and paid by a private carrier or self-insured employer, if the claimant is successful in reversing a denial of medical benefits. Such action could be brought before an arbitrator or mediator, but normally will be brought before the Office of Judges, the Workers' Compensation Board of Review, or the West Virginia Supreme Court of Appeals (entity depends on where denial was reversed).							
28	Wisconsin - The lay representative must be approved by the WC Division if he or she has had three or less appearances in formal hearings. If the lay person has had more than three appearances, he or she must be a licensed representative in order to appear.							
29	British Columbia - 2016 responses. No 2019 data were provided.							
30	British Columbia - The statute provides for the Office of the Workers' Adviser at no cost to workers. All other advocates are not funded by WorkSafeBC.							
31	New Brunswick - Public advocates are available for both employees and employers as a free service, however they are provided by the Provincial government.							
32	Nova Scotia - Workers do not pay fees for attorneys. The WCB has a legislated obligation to pay for a separate body, the Workers' Advisors Program, which provides legal representation for workers at no cost.							

Table 15 Workers' Compensation Boards, Advisory Committees, and Other Commissions within Jurisdictions as of January 1, 2019

A listing of boards, committees, or commissions involved in the administration of the workers' compensation statutes, their purpose, the appointing authority, membership make up and their terms, and a listing of any reports or products they are directed to publish.								
Jurisdiction	Name Of Board Or Committee Or Commission	Authorized By		Appointing Authority	Membership	Length Of Appointment	Purpose	Products Produced
		Statute	Executive Branch					
Alabama	Medical Services Board	Yes	No	Secretary of Department of Labor	5 physicians licensed to practice in Alabama	5 years	Exercise general supervision in all matters related to the provision of medical services provided by physicians	None
	Legal Advisory Committee	Yes	No	Secretary of Department of Labor	Attorneys	Not in statute	To guide and assist the Director in creating and promulgating rules and regulations for the efficient administration of the Ombudsman Program	None
Alaska	Alaska Workers' Compensation Board	Yes	No	Governor	18 members; 9 representing industry and 9 representing labor; chaired by Commissioner of the Department of Labor & Workforce Development or their designee	3 years	Adjudicate disputes; adopt regulations; advise the Department on matters relating to workers' compensation	Decisions and orders; regulations; bulletins; resolutions
	Medical Services Review Committee	Yes	No	Commissioner of Labor and Workforce Development	9 members: 1 general health care provider, 1 representative of the state medical association, 1 representative from the state chiropractic association, 1 representative from the state hospital and nursing home association, 4 public members, and 1 chair appointed by the Commissioner	Indefinite	To assist and advise in matters involving the appropriateness, necessity, and cost of medical and related services provided under the Alaska WC Act	Resolutions and recommendations
	Alaska Workers' Compensation Appeals Commission	Yes	No	Governor	5 members; chairperson who is an admitted attorney, 2 labor representatives, and 2 industry representatives	5 years	The Commission to hear appeals of decisions and orders of the Alaska Workers' Compensation Board	Decisions and orders; memorandum decisions; annual reports
Arizona	Industrial Commission	Yes	No	Governor with confirmation by the Senate	5 members	5 years	To efficiently administer and effectively enforce all applicable laws and regulations not specifically delegated to others, relative to the protection of life, health, safety, and welfare of employees within the state	None required, however numerous publications are produced; additionally rules are reviewed every 5 years
Arkansas	Arkansas Workers' Compensation Commission	Yes	No	Governor	Three members: one representative of employers, one representative of employees, and one who is an attorney and serves as Chair	6 years	To pay timely temporary total and permanent disability benefits to all legitimately injured workers who suffer an injury or disease arising out of and in the course of their employment; to pay reasonable and necessary medical expenses resulting there from, and then to return the worker to the work force	Biennial report to the Governor and the General Assembly and quarterly reports from the Health and Safety Division and Medical Cost Containment Divisions (1)
California	Workers' Compensation Appeals Board	Yes	No	Governor, Senate	7 total: 5 attorneys, 2 do not need to be attorneys	6 years	Oversees judicial branch of Division of Workers' Compensation; reviews appeals from trial judges' decisions; issues decisions and orders	Decisions can be found on their website at http://www.dir.ca.gov/wcab/wcab.htm
	Workers' Compensation Ethics Advisory Committee	No	Yes	Administrative Director	9 members, each representing a different sector of the workers' compensation community	4 years	Reviews ethics complaints made against workers' compensation administrative law judges	Annual report can be found at http://www.dir.ca.gov/dwc/dwcrep.htm
	Pharmacy and Therapeutics Committee	Yes	No	Administrative Director	Executive Medical Director of the Division of Workers' Compensation plus 6 additional members, 3 pharmacists and 3 physicians (medical doctors or doctors of osteopathy) who meet the criteria set forth in Labor Code section 5307.29	2 years	Review and consult with the Administrative Director on available evidence of the relative safety, efficacy, and effectiveness of drugs within a class of drugs for purposes of updating the Medical Treatment Utilization Schedule (MTUS) Drug List	Summaries of meetings and recommendations can be found at https://www.dir.ca.gov/dwc/MTUS/MTUS-Pharmacy-and-Therapeutics-Committee.html
	Medical Evidence Evaluation Advisory Committee	No	Yes	Executive Medical Director	Executive Medical Director of the Division of Workers' Compensation plus 19 additional members, each representing a different medical specialty or field	2 years	Make advisory recommendations to the Medical Director to revise, update, or supplement the MTUS	Advisory recommendations to the Administrative Director through the Executive Medical Director
	Commission on Health and Safety and Workers' Compensation	Yes	No	Governor, Senate, and Assembly	8 total: 4 representing employers and 4 representing labor	4 years	Conducts a continuing examination of the workers' compensation system and of the state's activities to prevent industrial injuries and occupational illnesses and to examine those programs in other states. Also administers the Worker Occupational Safety and Health Training and Education Program, which sponsors workplace health and safety training programs and distributes educational materials on job safety	Recommend administrative or legislative modifications based on findings

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Jurisdiction	Name Of Board Or Committee Or Commission	Authorized By		Appointing Authority	Membership	Length Of Appointment	Purpose	Products Produced
		Statute	Executive Branch					
Colorado	Premium Cost Containment Board	Yes	No	Governor with confirmation by the Senate	Seven members: the Commissioner of Insurance, Chief Executive Officer of Pinnacol Assurance, and five other members; the five members are chosen from employers or their designated representatives engaged in businesses having workers' compensation insurance rates in the upper 5 percent of the rate schedule, actuaries or executives with risk management experience in the insurance industry, or employers who have demonstrated good risk management experience with respect to their workers' compensation insurance	The Commissioner of Insurance and Chief Executive Officer of Pinnacol Assurance's terms are served continuously; the remaining five members serve three-year terms	Certification status is granted by the Premium Cost Containment Board to employers who can document that they have had a loss-prevention/loss-control program in effect for at least one year that meets minimum requirements; certified employers are reviewed by the Board to ensure the program requirements are continually met	(2)
	Special Funds Board for Workers' Compensation Self-Insurers	Yes	No	Governor with confirmation by the Senate, with the exception of the Executive Director	Five members: the Executive Director and four members who are managers or employees of self-insurance employers in good standing, two of whom shall demonstrate knowledge of risk management and finance	The Executive Director's term is served continuously; the remaining four members serve four-year terms	The Board determines the assessments to be made pursuant to immediate payment fund and the guaranty fund and determines the qualifications and requirements for any claims administrators hired to adjust the claims of a self insurer who fails to meet obligations with respect to benefits awarded; the Board also participates, in an advisory capacity only, in matters concerning granting or termination of self-insurance permits and the setting of security requirements	(2)
	Workers' Compensation Classification Appeals Board	Yes	No	Commissioner of Insurance	Five voting members and one non-voting member as follows: two shall be salaried employees from an insurance company, alternate member to represent the insurance industry, three members shall represent private employers; the non-voting member is an employee of a workers' compensation rating organization	Five voting members serve 3-year terms; the non-voting member can serve without limitation	To hear grievances brought by employers against insurers concerning the calculation of experience modification factors and classification assignments	(2)
	Task forces (3) representing specialists in a specific area or representatives of the impacted community are convened to provide input as needed	No	Yes	The task forces are by invitation of the Director	Varies	Varies	Depends on need; examples include providing input into medical treatment guidelines, implementation of new legislation, opine on proposed rules, etc.	Depends on task force
Connecticut	Workers' Compensation Advisory Board	Yes	No	Governor	8 members with advisory board choosing one more as a chair (4 employer reps including one from a major hospital and 4 employee reps including one with an extensive work-related disability)	4 years	General recommendations and advice on re-appointment of Commissioners	Reports on Commissioner re-appointments
	Medical Advisory Board	No	Yes	Chairman of Commission	Currently, 30 physicians and medical providers from a variety of specialties that treat within the workers' compensation system	No set term	Any medical matter related to workers' compensation	Advice and reports as needed
	Legal Advisory Board	No	Yes	Chairman of Commission	Currently, 19 attorneys	No set term	Any legal matter related to workers' compensation	Advice and reports as needed
Delaware	Workers' Compensation Oversight Panel	Yes	No	Governor	24 members, including legal, medical, business, labor, and insurance	3 years	Makes recommendations regarding law, rules, and regulations as well as medical cost containment initiatives	Advice and reports as needed (4)
District of Columbia	None	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Florida	Three-Member Panel (440.13(12))	Yes	Yes	Governor (two of the three members)	3-member panel: Florida CFO or designee and 2 representatives appointed by Governor and confirmed by Senate (1 representative of employers and 1 representative of employees)	Indefinite	To establish the uniform schedule of maximum reimbursement allowances; to evaluate the adequacy of these fee schedules; to determine the estimated impact of fee schedule changes on carrier costs and WC rates; to determine availability and accessibility of WC health care delivery systems to injured workers; to establish a uniform permanent impairment rating schedule; and to submit recommendations to the Legislature to improve the WC health care delivery system	Produces 3 fee schedules: hospitals, ambulatory surgical centers, and health care providers; establishes a uniform permanent impairment rating schedule
	Statewide nominating commission (440.45(2)(b))	Yes	No	Board of Governors of the Florida Bar and the Governor	10 members: 5 members of the Florida Bar appointed by the Board of Governors of the Florida Bar, plus 5 electors appointed by the Governor	4 years	To nominate 3 choices when a JCC position becomes vacant	Produces 3 nominations for any vacant JCC position

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Jurisdiction	Name Of Board Or Committee Or Commission	Authorized By		Appointing Authority	Membership	Length Of Appointment	Purpose	Products Produced
		Statute	Executive Branch					
Georgia	Workers' Compensation Advisory Council	No	Yes	WC Board	Physicians, employers, labor, insurers, self insurers, rehabilitation providers, and attorneys	Indefinite	To foster better communications between the Board and the various participants in the system	Subcommittees continually make recommendations to improve system
Hawaii	Labor and Industrial Relations Appeals Board	Yes	No	Governor	3 members, including a chairperson of the Board who shall be an attorney-at-law, licensed to practice in all of the courts in this state	10 years	Decide appeals from decisions and orders of the Director of Labor and Industrial Relations issued under the workers' compensation law	Appeal decisions
Idaho	Industrial Commission Advisory Committee on Workers' Compensation	Yes, 72-509(2)	No	The Idaho Industrial Commission	3 persons representing workers, 3 persons representing employers, 2 persons representing the insurance industry, 2 worker attorneys and 2 employer attorneys, and 2 persons representing medical providers	3 years	To provide assistance and advice to the Industrial Commission on the Idaho WC System	(5)
Illinois	Workers' Compensation Advisory Board	Yes	No	Appointed by the Governor with the advice and consent of the Senate	12 members: 6 members represent employees, and 6 represent employers. The IWCC chairman serves as the ex officio chairman of the Board	4 years	The Board assists the IWCC in formulating policies, setting priorities, and developing administrative goals. The Board makes recommendations to the governor regarding Commission appointments	N/A
	Medical Fee Advisory Board	Yes	No	Appointed by the Governor, with the advice and consent of the Senate	9 members: 3 members represent employees, 3 represent employers, and 3 represent medical providers	4 years	The Board advises the IWCC on the establishment of fees for medical services and the accessibility of medical treatment	N/A
	Commission Review Board	Yes	No	The Chairman certifies the election of the arbitrators; two members who are not commissioners, arbitrators, or Commission employees are selected by the Governor	7 members: the Chairman of the Commission is the Chairman; the senior Labor and Management Commissioners serve; and arbitrators elect 1 Chicago and 1 downstate arbitrator; and 2 members who are not commissioners, arbitrators, or Commission employees are selected by the governor	2 years	The Board investigates complaints regarding misconduct made against arbitrators and commissioners of the Commission	N/A
	Self Insured Advisory Board	Yes	No	Commission Chairman	Chairman of the Commission and 6 other members appointed by the Chairman who are experts in workers' compensation self insurance; 1 of the 6 members shall represent the general public	4 years	The Board reviews applications from private companies for the self-insurance privilege and makes recommendations to the Chairman of the Commission and ensures the continued payment of benefits to workers of bankrupt self insurers	N/A
Indiana	Worker's Compensation Board	Yes	Yes	Governor	6 hearing judges and chairman	4 years	Adjudicate disputed cases	N/A
Iowa	Workers' Compensation Advisory Committee	No	No	They are a non-profit corporation	N/A	N/A	N/A	N/A
Kansas	Per Senate Bill 187: Workers Compensation Judges and Board Nominating Committee; Fee Schedule Advisory Council	Yes	N/A	N/A	N/A	2 years	Judges and Board Nominating Committee—for selection of Board member or administrative law judge; Fee Schedule Advisory makes recommendations on fee schedule changes	N/A
Kentucky	Workers' Compensation Board	Yes	No	Governor	3 members with staggered terms; must be attorneys with at least 8 years of legal practice	4-year terms	First step in appellate process; issue opinions and orders on matters appealed from administrative law judge decisions	Opinions and orders
Louisiana	Workers' Compensation Advisory Council	Yes	No	Governor	17 members: 2 labor, 2 business, 1 self insurer, 1 attorney/employer, 1 attorney/claimant, 1 state medical society, 5 general public, 1 orthopaedic assoc., 1 OWC director, 1 chiropractic assoc., 1 psychological assoc.	No set term	To monitor the administration of the workers' compensation law	None
Maine	Board of Directors	Yes	No	Governor	7 members: 3 labor, 3 management, and the Chair	Appointments are for 4-year terms	To administer the Act	(6)
Maryland	Workers' Compensation Benefit and Insurance Oversight Committee	Yes	No	Senate President and House Speaker	15 members: 2 from the Senate, 2 House delegates, 1 business, 1 representative of MD labor organization, 1 representative of MD building and construction labor organization, 2 public members, 1 member of the insurance industry, 1 member of the medical and chirological faculty of MD, 1 plaintiff attorney, 1 defense attorney, and 1 rehabilitation provider	Members serve at the pleasure of their appointing authority	To evaluate and examine the structure for workers' compensation and benefits in Maryland	Annual report to the Governor and Legislature due each December 31

Table 15 Workers' Compensation Boards, Advisory Committees, and Other Commissions within Jurisdictions as of January 1, 2019

A listing of boards, committees, or commissions involved in the administration of the workers' compensation statutes, their purpose, the appointing authority, membership make up and their terms, and a listing of any reports or products they are directed to publish.

Jurisdiction	Name Of Board Or Committee Or Commission	Authorized By		Appointing Authority	Membership	Length Of Appointment	Purpose	Products Produced
		Statute	Executive Branch					
Massachusetts	Workers' Compensation Advisory Council	Yes	No	Governor	11 members: 3 labor representatives, 5 business, 1 insurer, 1 claimants' attorney, 1 vocational rehabilitation representative	2-year terms	Advises the Commissioner on budgetary and policy matters	Produces an annual statistical and financial report
	Health Care Services Board	Yes (7)	Yes	Director of the DIA	14 members: Commissioner or his or her designee is ex officio member and Chairman, 1 employer representative, 1 employee representative, 1 public representative, 1 chiropractic representative, 1 dental representative, 1 hospital administrator, 1 physical therapist, and 6 physicians representing different health care specialties most frequently utilized by injured employees	2-year terms	Sets treatment guidelines, investigates complaints against impartial medical examiners, and advises the Commissioner on medical issues	Produces treatment guidelines
	Judicial Nominating Committee	No	Yes	Governor	13 members (8)	1-year term	Screens candidates for appointment as administrative law judges	Recommendations for appointment of hearing officers
Michigan	Director's Advisory Committee	No	Yes	Agency Director	Members represent labor, business, and the public	At the pleasure of the Director	To provide input on the workers' compensation system	Products are not statutorily required, but reports may be generated
	Health Care Services Advisory Committee	Yes	Yes	Agency Director	15 members: 5 business, 5 medical industry, 5 employees	No specific term limits	Assists in establishing the schedules of maximum charges or fees payable under the Workers' Disability Compensation Act	HCS Fee Schedule produced annually (9)
	Board of Magistrates	Yes	Yes	Governor	17 impartial magistrates	4 years (12 years maximum)	To hear and decide workers' compensation disputes	Magistrate decisions on individual cases
	Michigan Compensation Appellate Commission	Yes	Yes	Governor	Up to 9 members	4 years	Reviews decisions appealed from the Board of Magistrates	Appeal decisions
	Funds Administration Board	Yes	Yes	Governor	3 total; 2 trustees appointed by governor: 1 represents the insurance industry, and 1 represents self-insured employers; 3rd member is agency director	Agency Director is permanent appointee, others have 4-year terms	Makes rules, maintains records, and institutes systems and procedures to carry out Chapter 5 of the WC Act	Rules, records, and procedures
Minnesota	Workers' Compensation Advisory Council	M.S. 175.007	No	Governor, majority and minority leaders of state house and senate	16 members: 6 business, 6 labor, 2 Senate members, 2 House members	Five years; may be reappointed	Advises the Commissioner of the Department of Labor and Industry about matters of workers' compensation and submits its recommendations for proposed statutory changes to the appropriate legislative committees	Minutes of meetings; recommendations to the legislature on statutory amendments must be supported by a majority of the employer members and a majority of the labor members
	Medical Services Review Board	Yes	No	Commissioner of Labor and Industry	14 members: 2 chiropractic, 1 hospital, 1 physical therapist, 1 occupational therapist, 1 registered nurse, 6 physicians of different specialties, 1 labor, 1 employer or insurer, and the Commissioner or his or her designee	4 years	Advises the Department about WC medical issues; is the liaison between the Department and the medical provider community; supports and engages the provider community in WC education and has authority to sanction providers violating statute or rules	Minutes; reports may be generated; orders related to authorized determinations
	Rehabilitation Review Panel	Yes	No	Commissioner of Labor and Industry	14 members: 2 employers, 2 insurers, 2 rehabilitation providers, 2 medical providers, 1 chiropractor, 4 labor, and the Commissioner or his or her designee	4 years	Reviews and makes determinations on appeals from orders of the Commissioner regarding certification of rehabilitation consultants and vendors; advises the Department on rehabilitation matters; assists in education efforts; has the authority to sanction rehabilitation providers if there has been a violation of the statutes or rules	Minutes; reports may be generated; orders related to authorized determinations
Mississippi	Workers' Compensation Advisory Committee	Yes	No	Workers' Compensation Commissioners	25 members representing employers, carriers, attorneys, and employees	No set terms	Make a recommendation on changes needed to the law, rules, or medical fee schedule	No written reports are publicly available
	Medical Advisory Committee	Yes	No	Workers' Compensation Commissioners	5 members representing medical providers	No set terms	Make a recommendation on changes needed to the law, rules, or medical fee schedule	No written reports are publicly available
Missouri	Labor and Industrial Relations Commission	Yes	No	Commissioners are appointed by the Governor, subject to the advice and consent of the Senate	1 member represents business; 1 member represents labor; and 1 member represents the public	6 years	To hear appeals of workers' compensation and employment security cases and have original jurisdiction over prevailing wage law cases	(10)

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		Statute	Executive Branch					
Montana	Labor-Management Advisory Council on Workers' Compensation (LMAC)	N/A	Approved by the Governor	Formed under agency order of Commissioner of the Department of Labor and Industry	5 representatives of employers, 5 representatives of workers, chaired by the Lt. Governor	The council will expire or be renewed by December 31, 2018	Provide a structure for an organized discussion of workers' compensation public policy	The advisory council will gather information, furnish advice, and make recommendations concerning work comp issues
Nebraska	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Nevada as of January 1, 2016 (11)	Advisory Council	Yes	No	Governor	7 members: 3 labor, 3 management, and 1 public member (12)	3-year term	Advise the Administrator, conduct studies or investigations concerning the organization and administration for the Department of Industrial Relations and make recommendations	Recommendations and advice
New Hampshire	Workers' Compensation Advisory Council	Yes	No	Governor	9 members: Insurance Commissioner or designee, Labor Commissioner or designee, 1 member of the House, 1 member of the Senate, 1 management, 1 labor, 1 insurance carrier, 1 self insured, and 1 health care provider	3 years	Approve managed care programs and make recommendations to the Commissioner for improvement in the system	Annual report
New Jersey	N/A	No	N/A	N/A	N/A	N/A	N/A	N/A
New Mexico	Workers' Compensation Advisory Committee	Yes	No	Governor	6 voting members: 3 employers and 3 workers and Director sits ex officio	4-year terms	Reviews workers' compensation and occupational disease information in NM and reports findings to the Governor and superintendent of insurance; also makes recommendations on statutory changes, regulations, methods, and forms of statistical data collection	Report of findings and conclusions
	Medical Advisory Committee	Yes	No	Agency Director	Undetermined number representing provider and carrier communities	At the pleasure of the Director	Advise the agency Director on physician fee schedules	Advisory only
New York	Medical Advisory Committee	No	No	Chair, Workers' Compensation Board	The Board's Medical Director is the chair, 5 physicians (Labor and Business each recommend 2, Agency recommends 1), 1 representative of AFL-CIO, and 1 representative of Business Council of New York State. The physician members may vary according to the condition under discussion	Unspecified	Develop medical treatment guidelines in addition to existing guidelines for mid and low back, neck, shoulder, knee, carpal tunnel, and non-acute pain, and update existing guidelines	Recommend medical treatment guidelines for adoption by the Chair
	Advisory Council	No	No	Chair, Workers' Compensation Board	Approximately 18 members representing carriers, third party administrators, claimant attorneys, defense attorneys, self-insured employers, employers, injured workers, medical providers and unionized workers	1 to 3 years	Advise Chair and Board on issues and proposed changes to the system	None
	IME Utilization Study	WCL § 137(12)	No	Chair, Workers' Compensation Board	Labor, business, carriers, self-insured employers, medical providers, and others as designated by the Chair	1 year	To make recommendations to Legislature and Governor "regarding administrative improvements, and regulatory and statutory proposals that will ensure fairness, and highest medical quality, while improving methods of combatting fraud." The report, "shall consider, among other items, the feasibility of new methods of assigning IMEs, such as through rotating providers or panels, statewide networks, or other arrangements"	Committee report due 12/31/2019
North Carolina	Industrial Commission	Yes	No	Governor	6 members	6 years	To effectively administer and efficiently enforce the Workers' Compensation Act	Judicial decisions, administrative regulations, and other reports may be required by statute or administrative direction
	Advisory Medical Committee (13)	Yes	No	Industrial Commission with approval by Governor	3 members	6-year terms	To provide medical advice to the agency; review treatment guidelines, RTW protocols; assist with education of providers; review standards of care and make recommendations	Advice and reports consistent with the purpose of the body
	Advisory Council (14)	Repealed	N/A	Chair of the Industrial Commission	Currently inactive	Unknown	To advise and counsel the Industrial Commission on issues related to the administration of the Worker's Compensation Act	Advice and reports consistent with the purpose of the body
	Opioid Task Force (15)	No	No	Chair of the Industrial Commission	14 volunteers representing key stakeholder groups and 2 Commissioners	No specific term—until draft rules proposed	To study and recommend solutions for the problems arising from the intersection of the opioid epidemic and related issues in workers' compensation claims	Draft Rules for the Utilization of Opioids, Related Prescriptions, and Pain Management Treatment in Workers' Compensation Claims

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Jurisdiction	Name Of Board Or Committee Or Commission	Authorized By		Appointing Authority	Membership	Length Of Appointment	Purpose	Products Produced
		Statute	Executive Branch					
North Dakota	Board of Directors	Yes	No	Governor	11 members	Up to two 4-year terms	Advisory	Recommendations on rates, dividends, investment allocation, and legislation
Ohio	Stakeholder Health Care Quality Assurance Advisory Committee	No	Yes	BWC Administrator	Not more than 13 per OAC 4123-6-22	1-year term; may be reappointed	To provide medical advice to the agency; review treatment guidelines; RTW protocols; assist with education of providers; review standards of care and make recommendations	Advisory only; submits annual report
	Board of Directors	Yes	No	Governor	11 members	3-year terms	Establishes the overall administrative policy for the bureau; monitors investment policy; and approves all rules	Annual Report
Oklahoma	Advisory Council on Workers' Compensation	Yes	No	Governor, Speaker of the House, President Pro Tem of the Senate	9 members: 3 employer, 3 employee, 3 attorney	3 years	Analyze and review the workers' compensation system reports of the Commission, and trends in the field of workers' compensation; recommend improvements and proper responses to developing trends	Reports annually
	Physician Advisory Committee	Yes	No	Governor, Speaker of the House, President Pro Tem of the Senate	9 physician members	3 years	Assist and advise the Workers' Compensation Commission regarding utilization review, review and make findings and recommendations to the Commission with respect to charges of inappropriate or unnecessary treatment or procedures, abusive practices, or excessive billing disclosed through utilization review	Reports annually
Oregon	Workers' Compensation Management-Labor Advisory Committee	Yes	No	Governor, State Senate confirmation required	5 labor and 5 management; Director of DCBS serves as ex officio member	3 years and may be reappointed	Provides a forum for business and labor to explore and resolve issues involving workers' compensation and to provide advice to the agency	Director of DCBS or Legislature may request specific study or review; statute also requires review of PPD benefits (every two years), litigation, adequacy of benefits, medical and legal system costs, adequacy of assessments for reserves, operation of programs funded by Workers' Benefit Fund
	Advisory Committee on Medical Care	Yes	No	Director of DCBS	Health care providers, 1 insurer, 1 employer, 1 worker, and 1 managed care organization	No term specified	Advises the Director in matters relating to the provision of medical care to workers	Advice on whether a type of medical treatment is unscientific, unproven as to its effectiveness, outmoded, or experimental
	Workers' Compensation Board	Yes	No	Governor, State Senate confirmation required	5 members, no more than 3 from one political party, 2 each representing employers, employees, and 1 the general public (serves as chair)	4 years and may be reappointed. Serves at pleasure of governor	Reviews appealed orders of administrative law judges on matters concerning a claim, and resolves disputes arising under Oregon Workers' Compensation Law and the Oregon Safe Employment Act	Administrative Orders, appealable to the Court of Appeals
Pennsylvania	Workers' Compensation Advisory Committee	Yes	No	The President pro tem of the Senate, the Speaker of the House, the minority leader of the Senate, and the minority leader of the House each appoint an employee and an employer member, with the Secretary of Labor and Industry serving as an ex officio member	9 members: 4 employer, 4 employee, and the Secretary of Labor and Industry serving as an ex officio member	2-year terms	To make recommendations to the Governor, Secretary, and Legislature for improving aspects of the WC system	Produce a report no later than May 1st each year
Rhode Island	Governor's Workers' Compensation Advisory Council	Yes	Yes	Governor	17 members: 3 WC Court, 1 WC Insurance Fund, 3 State Department directors, 3 labor, 3 business, 1 public, 1 House member, and 1 Senate member	Indefinite	To advise the Governor and general assembly on the administration of the workers' compensation system	Annual report and recommendations on proposed legislation
South Carolina	Workers' Compensation Commission	Yes	No	Governor with advice and consent by the Senate	7 commissioners	6 years	To hear and issue decisions in WC disputes	Decisions in individual workers' compensation cases; annual reports
	Advisory Committee for Improvement of WC Laws of SC	Yes	No	Governor	5 members	5 years	Meets quarterly to consider improvements in WC laws and monitor effectiveness of existing laws	Recommendations annually to General Assembly

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Jurisdiction	Name Of Board Or Committee Or Commission	Authorized By		Appointing Authority	Membership	Length Of Appointment	Purpose	Products Produced
		Statute	Executive Branch					
South Dakota	Workers' Compensation Advisory Council	Yes	No	Governor	9 members: the Lt. Governor, 4 representing employers, and 4 representing labor (with 2 of those from the AFL)	3 years	To aid in reviewing the workers' compensation program as to its content, adequacy, and effectiveness and to make recommendations for improvement	Annual report
Tennessee	Workers' Compensation Advisory Council	Yes	No	Speaker of the House, Speaker of the Senate, and the Governor	7 voting members: 3 employers, 3 employees, and the State Treasurer or his or her designee as Chair	4-year term	To meet at least twice a year to annually review workers' compensation in TN	Annual report
	Medical Advisory/Medical Payment Committees	Yes	No	Administrator of Bureau of Workers' Compensation	Comprised of practitioners in the medical community having experience in the treatment of workers' compensation injuries, representatives of the insurance industry, employer representatives, and employee representatives	Staggered terms initially, then can be reappointed for 4-year term and serve until a successor is appointed	Assist the Administrator in the development of treatment guidelines and advise the administrator on issues relating to medical care in the workers' compensation system	Minutes, recommendations to the Administrator regarding treatment guidelines and drug formulary
	Medical Payment Committee	Yes	No	Administrator of Bureau of Workers' Compensation	7 voting members (3 representative of the medical provider industry; (3) members representative of the workers' compensation industry and the medical director who shall cast a vote only in the event of a tie	4-year term	Hear disputes on medical bill payments between providers and insurers and advise the administrator on issues relating to the medical fee schedule and medical care cost containment in workers' compensation	Minutes, decisions on appealed cases, recommendations for medical fee schedule changes
	Joint Government Operations Committee	Yes	No	Speakers of the House and Senate	20 members: 11 from Senate and 9 from House	Serve at will	To review proposed rules of state departments/agencies	None required
Texas	Stakeholder groups	No	Yes	Commissioner of Insurance and Commissioner of Workers' Compensation	Undetermined number representing all industry groups	Informal groups with no official terms	Used as resource group(s) to address legislation, rules, and policy development issues	None required
	Medical Quality Review Panel (MQRP)	Yes	No	Under contract with DWC	44 members representing all areas of health care practice	2-year appointment with ability to reapply	Conduct clinical reviews of medical case files to assess the medical necessity and appropriateness of the medical care provided to injured employees; MQRP members also perform reviews of utilization and peer review decisions, independent review organization medical dispute decisions, as well as reviews of doctors who perform designated doctor and required medical examinations; MQRP members provide recommendations to close a review with no action or proceed with possible enforcement action to the DWC medical advisor	None required
US Federal Programs - FECA	Medical Advisory Committee	No	Yes	Program Management	National Medical Director consults with several other physicians	Career employees	Provide medical direction related to FECA procedures and policies	None required
	Legal Advisory Committee or Panel	No	Yes	Program Management	Department of Labor's Office of the Solicitor	Career employees	Provide legal counsel to the agency on all matters involving FECA	None required
US Federal Programs - Longshore	Benefits Review Board	Yes	No	Secretary of Labor	5 members	Pleasure of Secretary	Appellate Review	Appellate opinions
Utah	Workers Compensation Advisory Council	Yes	No	Labor Commissioner	10 voting members: 5 from labor and 5 from business; other non-voting members are the Labor Commissioner, the Workers Compensation Fund Executive Director, a private insurance carrier representative, a health care provider representative, and the State Insurance Department Commissioner	4 years	Consider and make recommendations on all workers' compensation legislation and rules	None required
Vermont	Labor Advisory Council	Yes	No	Governor	4 employer representatives and 4 employee representatives	4-year, staggered terms	Advise Commissioner on policy formation	Council is frequently named as a participant in legislatively mandated studies assigned to the Department of Labor
Virginia	The Workers' Compensation Commission	Yes	No	State Legislature	3 commissioners, one representing employers and one representing employees	6-year terms	To administer the Workers' Compensation Act and to adjudicate issues and controversies relating thereto, and to operate the agency and its related functions	(16)

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		Statute	Executive Branch					
Washington	Workers' Compensation Advisory Committee	Yes	No	Labor and Industries Director	10 members representing workers, employers, self insurers, and the Department	3-year terms	Conducts continuing study of workers' compensation and assist in the identification of priorities for safety and health investment projects. They report their findings to the Department or Board of Industrial Appeals as appropriate	Reports
	Medical and Chiropractic Advisory Committees	Yes	No	Labor and Industries Director	Medical Advisory Committee: 14 members; Chiropractic Advisory Committee: 9 members	1,2 or 3 year terms, but chiropractors can be reelected for additional terms but not to exceed 6 years total	Advise the Department on safe, effective, and cost-effective treatment for workers; may assist in the development of treatment guidelines, coverage technology, and health care rules	Advise
	Board of Industrial Insurance Appeals	Yes	Yes	Governor	3 members representing employers, employees, and the public	6-year terms	Hears appeals from parties aggrieved by department decisions	Appeal decisions
West Virginia	Industrial Council	Yes	No	Governor	5 voting members: 1 CPA with financial, pension, or insurance auditing expertise; 1 attorney with financial experience; 1 academician with an advanced degree; and 1 representing organized labor	4 years with a limit of two terms	In consultation with the Insurance Commissioner, the Council establishes guidelines and policies designed to ensure effective administration of the WC insurance market; reviews and approves rules and regulations; establishes and monitors performance standards	Conduct an overview of the safety initiatives currently utilized in the WC insurance market and report to the Joint Committee on Government and Finance
Wisconsin	Worker's Compensation Advisory Council	Yes	No	Secretary of the Department of Workforce Development appoints representatives	5 voting representatives from organized labor, 5 voting representatives from management, 3 non-voting representatives from the insurance industry, 1 representative from the WC Division and liaison representatives from the medical community	5 years and may be reappointed	Advise the Department, the Division of Hearings and Appeals, and the Legislature on policy matters concerning the development and administration of the worker's compensation law	The Worker's Compensation Advisory Council recommends changes in the worker's compensation law to the Legislature
	Worker's Compensation Self-Insurers Council	Yes	No	Secretary of the Department of Workforce Development appoints representatives	5 members that are representatives of employers that are currently self insured in Wisconsin	3-year terms and may be reappointed	Advise the Department about matters related to companies that are self-insured	Advises the Department on self-insurance matters and makes its recommendations to the Department on the approval or denial of self-insurance applications
Wyoming	Chiropractic Panel (17)	No	Yes	Division administrator	3 members who are chiropractors licensed to practice in Wyoming	Rotating terms of 1-, 2-, and 3-year terms	Establish guidelines and review for utilization compliance	Establish guidelines and review for utilization compliance
	Rehabilitation Panel (17)	No	Yes	Division administrator	4 members: practicing therapists or occupational therapists licensed in Wyoming or members of the Wyoming Speech-Language-Hearing Association	No limits	Establish guidelines and review for utilization compliance	Establish guidelines and review for utilization compliance
Canadian Jurisdictions Participating (stated in Canadian currency)								
British Columbia as of January 1, 2016 (18)	WorkSafeBC Board of Directors	Yes	No	Lieutenant Governor in Council	1 director, representative of workers; 1 director, representative of employers; 2 directors, representative of the public interest; 1 additional director, representative of the public interest, who is Chair; 1 director who at the time of appointment is a professional providing health care or rehabilitation services to persons with disabilities; 1 director who at the time of appointment is an actuary; 1 director who is or was a professional in law or law enforcement; 1 director who is or was a professional in the area of occupational health and safety; and the president, who is a non-voting director	3 years to a maximum continuous period of 6 years for Board members; 5 years to a maximum of 10 years for the Chair	To set and revise as necessary the policies of the Board of Directors, including policies respecting compensation, assessment, rehabilitation, and occupational health and safety; set and supervise the direction of the Board	Annual report and service plan, Occupational Health and Safety Regulation, Rehabilitation Services and Claims Manual (published policy), Assessments Manual (published policy), Prevention Manual (published policy) (19)
	Workers' Compensation Appeal Tribunal	Yes	No	Lieutenant Governor in Council	One or more vice chairs appointed by the Chair, after consultation with the Minister	Chair holds office for an initial term of 3 to 5 years and may be reappointed for one or more successive terms of up to 5 years each; vice chairs hold office for an initial term of 2 to 4 years and may be reappointed for additional terms of up to 5 years	The Independent Appeal Tribunal external to WorkSafeBC is the final level of appeal in the British Columbia workers' compensation system; WCAT's mandate is to decide appeals brought by workers and employers from decisions of WorkSafeBC; WCAT receives compensation, assessment, and prevention appeals from decisions of WorkSafeBC's internal appeal body, the Review Division, and directs appeals from decisions regarding applications for reopening of compensation claims and complaints regarding discriminatory actions; WCAT also receives applications for certificates from the courts regarding the workplace status of workplace parties at the time of an injury, death, or occupational disease	Decisions, annual report, regulations, Manual of Rules of Practice and Procedure (20)

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		Statute	Executive Branch					
New Brunswick	Board of Directors	Yes	No	Lieutenant Governor in Council	Chairperson, vice-chairperson, 4 or more worker representatives, 4 or more employer representatives, and the President and CEO (21)	Chairperson up to five years. Vice-Chairperson and board members is for five years	Overall responsibility for ensuring that the organization fulfills the purposes for which it was created in statute	Annual report to the legislative assembly. See www.worksafenb.ca
	Committees of the Board: (1) Governance and Nominating Committee (2) Audit Committee (3) Financial Services and Investment Committee (4) Human Resources and Compensation Committee	No	No	Board of Directors or chairperson on Board's behalf	<p>The following sit on all committees: Voting board member who serves as chair but does not have voting authority at the committee President and CEO as a non voting member Board member who is a voting representative of workers as the primary member Board member who is a voting representative of workers as an alternative member Board member who is a voting representative of employers as the primary member Board member who is a voting representative of employers as an alternative member</p> <p>In the case of the Financial Services and Investment Committee a representative of WCB of Prince Edward Island who votes on investment matters</p>	2 years and are renewable	<p>(1) Governance Committee assists the Board of Directors in the continuous improvement of the effectiveness and efficiency of the performance of the Board of Directors through the adoption of progressive governance practices. (2) Audit Committee assists the Board of directors in fulfilling its oversight responsibilities. The Audit Committee is appointed to provide oversight in four areas: Financial reporting and disclosure; External audit activities; Risk management and control; and Other oversight activities as determined by the Board. (3) Financial Services and Investment Committee enables the Board of Directors to fulfill its governance responsibilities regarding the financial services policies, activities, and reporting under the Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act, the Workers' Compensation Act, the Occupational Health and Safety Act and the Firefighters' Compensation Act. (4) Human Resources and Compensation Committee enables the Board of Directors to fulfill its governance responsibilities related to ensuring that WorkSafeNB has human resources strategies and policies in place that create high performance teams that are competent, engaged and empowered to achieve WorkSafeNB's strategic goals, meet applicable requirements set by government and stakeholders, and meet the test of public scrutiny</p>	Recommendations and advice to Board of Directors regarding matters pertaining to each committee's purpose
Nova Scotia	Board of Directors	Yes	No	Governor in Council	10 members	4 years	Establishes the overall administrative policy for the bureau; monitors investment policy; and approves all rules	Advisory only
Ontario	Board of Directors	Yes	No	Lieutenant Governor in Council	Chair, president, and 7-9 board members representing various interest groups and areas of expertise	Terms of appointments vary	Manages and administers the affairs of the Board	Annual report
Prince Edward Island	Board of Directors	Yes	No	Lieutenant Governor in Council	The Board is composed of a chairperson and as many members, equal in number, representative of employers and workers as the Lieutenant Governor in Council may determine. Currently, there are 4 employer and 4 worker representatives	For a term not exceeding 3 years and are eligible for appointment	Establish policies and programs, approve budgets, periodically review the Act and regulations, set and monitor the direction of the Board	Annual report
Saskatchewan	Board of Directors	Yes	No	Lieutenant Governor in Council	3 members:1 business, 1 labor, and a neutral chair (22)	Chair - 5 year term; Board Members - 4 year term; may be reappointed	Governance oversight; strategic direction; approve policies; approve budget; oversee financial integrity and audit matters; Board Appeal Tribunal	Annual report to the Provincial Government

Notes: Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.

- 1 **Arkansas** - Reports are available at www.awcc.state.ar.us.
- 2 **Colorado** - Information is available at <http://www.dora.state.co.us/>.
- 3 **Colorado** - Task forces representing specialists in a specific area or representatives of the community that is impacted are convened to provide input as needed.
- 4 **Delaware** - Drafted initial regulations and makes recommendations to update all the pieces (fee schedule guidelines and data, utilization review, provider certification, forms, and practice guidelines) in the Delaware Workers' Compensation Health Care Payment System; see the annual report at www.delawareworks.com.
- 5 **Idaho** - Meeting minutes can be accessed at <https://iic.idaho.gov/advisory-committee/>.
- 6 **Maine** - See www.maine.gov/wcb/.
- 7 **Massachusetts** - M.G.L. c. 152, Sec. 13(3).

Table 15 Workers' Compensation Boards, Advisory Committees, and Other Commissions within Jurisdictions as of January 1, 2019

A listing of boards, committees, or commissions involved in the administration of the workers' compensation statutes, their purpose, the appointing authority, membership make up and their terms, and a listing of any reports or products they are directed to publish.								
Jurisdiction	Name Of Board Or Committee Or Commission	Authorized By		Appointing Authority	Membership	Length Of Appointment	Purpose	Products Produced
		Statute	Executive Branch					
8	Massachusetts - Commissioner (Chair), Sr. Judge, Secretary of Labor and Workforce Development, Gov.'s Chief Legal Counsel, Director of Economic Development (or designee), two of whom shall be representatives of business, two of whom shall be representatives of organized labor, one health care provider, one attorney who represents claimants in workers' compensation matters, one attorney who represents employers or insurers in workers' compensation matters, one attorney who does not practice workers' compensation law; one of the representatives of business shall be the president of the Associated Industries of Massachusetts, or his or her designee, and one of the representatives of organized labor shall be the president of the Massachusetts AFL-CIO, or his or her designee. Per M.G.L. c. 23E Sec. 9.							
9	Michigan - Found at www.michigan.gov/wca .							
10	Missouri - Additional information is available at http://www.labor.mo.gov .							
11	Nevada - 2016 responses. No 2019 data were provided.							
12	Nevada - No term limit Three from labor (organized labor) three from management (at least two must represent employers who employ at least 250 persons). One from general public knowledgeable in field of industrial relations. Administrator's AA IV serves as Secretary to the Board. Quorum consists of at least four members.							
13	North Carolina - See N.C. Gen. Stat. § 97-72. Currently there are no appointed members to this Committee.							
14	North Carolina - Currently there are no appointed members to this Council.							
15	North Carolina - This Task Force met from February 2017 to April 2018.							
16	Virginia - Written decisions in cases on appeal and annual statistics can be found at www.workcomp.virginia.gov .							
17	Wyoming - Advisory only.							
18	British Columbia - 2016 responses. No 2019 data were provided.							
19	British Columbia - All required published policies and the regulations are available at www.WorkSafeBC.com .							
20	British Columbia - Available at www.wcat.bc.ca/publications .							
21	New Brunswick - The President/CEO of the Commission is a non-voting member of the Board.							
22	Saskatchewan - Statute allows a maximum of 5 members.							

Table 16 Workers' Compensation Second Injury Funds as of January 1, 2019

Various jurisdictions' statutory cites and titles of <i>second</i> or <i>subsequent</i> injury funds; when they were created; whether they are still open and, if not, the date after which no additional claims will be honored; the funding method; and the most recent count of claims and outstanding liabilities.											
Jurisdiction	Statutory Cite For Second Injury Fund	Official Name For Second Injury Fund	Date Of Creation	Still Open And Active	If Eliminated, Date After Which No Additional Claims Will Be Honored	Current Method Of Revenue Collection	Revenue Collected During Most Recent Fiscal Year	Number Of Claims Paid During Most Recent Fiscal Year	Total Expenditures For Claim Payments During Most Recent Fiscal Year	Fiscal Year Of Total Expenditures And Number Of Claims In Prior Columns	Estimated Outstanding Liabilities
Alabama	25-5-70	Second Injury Trust Fund	N/A	No	5/19/1992	Assessment	Included in assessment, not specific	22	\$192,403	10/1/17-9/30/18	Unknown
Alaska	AS 23.30.205	Second Injury Fund	1959	Yes	9/1/2018	Employer and carrier assessment of up to 6% of all time loss and impairment compensation paid	\$3,257,228	100	\$2,408,649	7/1/17-6/30/18	Unknown
Arizona	ARS 23-1065	Special Fund	1969	Yes	N/A	Tax on premiums	\$0.00	136	\$12.6 million	7/1/2017-6/30/2018	\$255.9 million
Arkansas	A.C.A. 11-9-301, 11-9-502, 11-9-525	Second Injury Trust Fund	1973	Yes, for injuries occurring on or before 12/31/2007	12/31/2007	Investment income	\$22,971.00	0	\$0.00	7/1/17-6/30/18	\$18,549.00
California	Labor Code section 4751	Subsequent Injury Benefit Trust Fund	1945	Yes	N/A	Annual employer assessment and other sources	\$91,588,000.00	4,603	\$67,366,000	7/1/17-6/30/18	Unknown
Colorado	C.R.S. 8-46-101	Subsequent Injury Fund (SIF), Major Medical Insurance Fund (MMIF), and Medical Disaster Fund (MDF)	9-Apr-45	(1)	7/1/93 (2) , 4/1/94 (3)	Surcharge on premium and premium equivalents from insurers and self-insured employers (4) .	Revenue for this fund comes from a surcharge that covers both this fund and the Major Medical Insurance Fund; accordingly, the amount of revenue for this specific fund is not available.	SIF 167; MMIF 364; MDF 0	SIF - \$1,113,034; MMIF - \$4,241,605.80	7/01/2017-06/30/2018	\$106,959,286 (5)
Connecticut (6)	31-349 to 31-355b	Second Injury Fund	1949	Yes, but not for new 31-349 claims	N/A	Assessments on all CT employers	\$39,200,000.00	2,762	\$27,042,426	7/17-6/30/18	\$307,000,000.00
Delaware	19 Del.C. §2327	Workers' Compensation Fund	1915	Yes	N/A	Employers insured through commercial insurance	Not available	Not available	Not available	7/1/17-6/30/18	Unknown
District of Columbia	32-1507(e); 32-1508(6); 32-1519(b); and 32-1540	Special Fund	1980	After 4/16/99 covers only default judgment cases	Closed to new second-injury injuries occurring on or after 4/16/99	Payment of \$5,000.00 for each fatality claim with no dependents; amounts collected as fines and penalties under 32-1540; and assessments on self-insured employers and insurers as necessary based on paid losses	Unknown	Unknown	Unknown	Unknown	Unknown
Florida	Section 440.49, Florida Statutes	Special Disability Trust Fund	1955	Yes, for injuries occurring on or before 12/31/1997	N/A	Assessment on workers' compensation premium (7)	\$47,490,877	946	\$34,109,075	7/1/17-6/30/18	\$437,022 (8)
Georgia	34-9-350 through 34-9-368	Subsequent Injury Trust Fund (SITF)	1977	Yes, but not for injuries occurring after 6/30/2006	6/30/2006	Assessments against insurers and self-insured employers	\$105,991,224.31	2,160	\$30,716,039	7/1/17-6/30/18	\$544,000,000.00
Hawaii	386-151 to 386-155, Hawaii Revised Statutes	Special Compensation Fund	1947	Yes	N/A	Assessments against insurers and self-insured employers	\$16,503,284.42	Not available	\$15,609,977.23	7/1/17 to 6/30/18	\$5,000.00
Idaho	72-323 to 72-334	Industrial Special Indemnity Fund	1927	Yes	N/A	Annual assessments	\$2,970,515	(9)	(9)	10/1/18-9/30/19	(9)
Illinois	820 ILCS 305/7(f), 8(e)18-19, 8(f)	Second Injury Fund	1950s	Yes	N/A	Assessments on employers	\$896,341.03	744	\$1,070,000	Fiscal Year 2018	N/A
Indiana	Indiana Code 22-3-3-13	Second Injury Fund	1949	Yes	N/A	Annual assessments	\$5,769,745.00	250 PTD, 70 prosthetics	\$6,339,251.00	7/1/2017-6/30/2018	None
Iowa	Sections 85.63 to 85.69	Second Injury Fund	1945	Yes	N/A	Surcharge on employers and death claim assessments	\$4,948,416.416.12	Unknown	\$8,356,191	7/1/17-6/30/18	Unknown
Kansas	44-566a(a)	Workers' Compensation Fund	Late 1940s	No, except for old medical cases	Accidents after 7/1/94	Assessment of insurance	Not available	Not available	Not available	Not available	Not available
Kentucky	KRS 342.120	Special Fund	1946	No	12/12/1996	Insurance premium assessment	\$45,613,000.00	4,565 (no new claims)	\$48,312,777	6/30/2018	Not available

Table 16 Workers' Compensation Second Injury Funds as of January 1, 2019

Various jurisdictions' statutory cites and titles of <i>second</i> or <i>subsequent</i> injury funds; when they were created; whether they are still open and, if not, the date after which no additional claims will be honored; the funding method; and the most recent count of claims and outstanding liabilities.											
Jurisdiction	Statutory Cite For Second Injury Fund	Official Name For Second Injury Fund	Date Of Creation	Still Open And Active	If Eliminated, Date After Which No Additional Claims Will Be Honored	Current Method Of Revenue Collection	Revenue Collected During Most Recent Fiscal Year	Number Of Claims Paid During Most Recent Fiscal Year	Total Expenditures For Claim Payments During Most Recent Fiscal Year	Fiscal Year Of Total Expenditures And Number Of Claims In Prior Columns	Estimated Outstanding Liabilities
Louisiana	R.S. 23:1371-1379	Louisiana Workers' Compensation Second Injury Fund	1974	Yes	N/A	Annual assessments	\$59,509,408	3,806	\$58,196,635	7/1/17-6/30/18	\$311,382,669 undiscounted
Maine	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Maryland	Annotated Code of Maryland, Labor and Employment Article, Sections 10-204 to 10-219	Subsequent Injury Fund	1945	Yes	N/A	6.5% assessment on each award for permanent disability or death and amounts payable pursuant to settlements	Unknown	Unknown	Unknown	Unknown	Unknown
Massachusetts	M.G.L. c. 152, Sec. 37	Compensation for disability subsequent to physical impairment reimbursement	1986	Yes	N/A	Assessments on employers	\$38,100,000	265	\$38,100,000	7/01/17-6/30/18	Unknown
Michigan	MCL 418.351, 481.361(3), 418.521, 418.901-941(Chapter 9), 418.862(1), 418.372, 418.356(1)	Second Injury Fund	7/30/1943	Yes	N/A	Assessments on insurance carriers and self-insured employers	\$10,152,284.36	N/A	N/A	N/A	N/A
Minnesota	Repealed	Second Injury Fund	1921 (10)	No, except for previous injuries	Dates of injury on or after July 1, 1992	Employer/insurer assessment	Funds collected as part of overall assessment	222 (11)	\$6,719,622 (11)	7/1/17-6/30/18	\$72M undiscounted; \$52M discounted at 5% annually
Mississippi	WC Act 71-3-73	Second Injury Fund	1942	Yes	N/A	Death claim assessments; WC budget transfers	\$6,500.00	4	\$36,089	2018, calendar year	Unknown
Missouri	Mo. Rev. Stat. § 287.220	Second Injury Fund	1943	Yes	N/A, but see (12)	Surcharge assessed on policyholders and self-insurers' net deposits, net premiums, or net assessments	\$105,791,758.25	6,183	\$100,650,819.28	7/1/17-6/30/18	\$1,346,000,000.00 (13)
Montana	39-71-901 to 39-71-915, MCA	Subsequent Injury Fund	1973	Yes	N/A	Surcharge to Montana employers through WC policy or direct assessment if self-insured	\$1,378,610.38	56	\$1,338,725	7/1/17-6/30/18	(14)
Nebraska	Neb.Rev.Stat. §48-128	Workers' Compensation Trust Fund f/k/a Second Injury Fund (15)	1947	No	12/1/1997	Insurers, governmental risk management pools, and self-insured employers pay each March 1, to the Director of Insurance, 2% of the workers' compensation benefits paid by it during the preceding calendar year	Cannot be identified; assessments are now paid to the Workers' Compensation Trust Fund, which also supports vocational rehabilitation payments (15)	275	\$200,732	7/1/2017-6/30/2018	Unknown
Nevada as of January 1, 2016 (16)	NRS 616B.545, NRS 616B.569, NRS 616B.584	Subsequent Injury Account	1981	Yes	N/A	Assessments of Insurers	\$8,510,000.00	90	\$4,125,242	FY 2015 (7/1/14-6/30/15)	\$1,434,148.87
New Hampshire	RSA 281-A:55	Special Funds for Second Injuries	1975	Yes	N/A	Assessments	\$22,286,804	1,201 (17)	\$18,607,621	FY 2016 (18)	\$0
New Jersey	NJSA 34:15-95	Second Injury Fund	1923	Yes	N/A	Assessment on policyholders and self-insurers	\$205,400,000.00	8,663	\$189,400,000	7/1/17-6/30/18	\$0
New Mexico	52-2-4 (Repealed)	Subsequent Injury Fund	1961	No	1996	None	None	None	None	N/A	None
New York	NYS Workers' Compensation Law §15(8)	Special Disability Fund	1945	No	7/1/2010 (dates of accident or disablement must be before 7/1/2007)	Assessments on insurance carriers, self-insured employers, and the State Insurance Fund	\$634,000,000	\$85,353 (19)	\$464,000,000	1/1/2017-12/31/2017	\$13,000,000,000.00 (20)
North Carolina	97-33, 97-35, 97-29, 97-40.1	Second Injury Fund	(21)	Yes	N/A	Assessments on employers and carriers for each case where permanent partial disability that meets statutory threshold is awarded	\$2,500.00	6 claimants; 55 payments for workers' compensation claims and 27 legal services payments	\$51,442.52	7/1/17-6/30/18	\$0 (22)
North Dakota	NDCC Section 65-04-18 (23)	N/A	N/A	Yes	N/A	Part of premium structure	No special revenue provisions	N/A	N/A	N/A	N/A

Table 16 Workers' Compensation Second Injury Funds as of January 1, 2019

Various jurisdictions' statutory cites and titles of <i>second</i> or <i>subsequent</i> injury funds; when they were created; whether they are still open and, if not, the date after which no additional claims will be honored; the funding method; and the most recent count of claims and outstanding liabilities.											
Jurisdiction	Statutory Cite For Second Injury Fund	Official Name For Second Injury Fund	Date Of Creation	Still Open And Active	If Eliminated, Date After Which No Additional Claims Will Be Honored	Current Method Of Revenue Collection	Revenue Collected During Most Recent Fiscal Year	Number Of Claims Paid During Most Recent Fiscal Year	Total Expenditures For Claim Payments During Most Recent Fiscal Year	Fiscal Year Of Total Expenditures And Number Of Claims In Prior Columns	Estimated Outstanding Liabilities
Ohio	R.C. 4123.343	Handicap Reimbursement fund	1955	Yes	N/A	N/A	N/A	3,793	Not available	7/1/17-6/30/18	Unknown
Oklahoma	85A O.S. Section 31	Multiple Injury Trust Fund	1943	Yes	N/A	Assessment	N/A	N/A	N/A	N/A	N/A
Oregon (24)	ORS 656.605	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pennsylvania	Sections 306.1 & 306.2 of the PA Workers' Compensation Act, 77 P.S. §§ 516 & 517	Subsequent Injury Fund	1945	Yes	N/A	Assessment	\$180,656.00 (25)	12	\$183,793.48	17/18	Unknown
Rhode Island	RIGL Chapter 28-37	Workers' Compensation Administrative Fund	1938	Limited to existing claims for all sections except RIGL 28-35-20(f)	Varies by section	Annual assessment on premiums	\$19,338,429	137	\$1,692,116	7/1/17-6/30/18	Unknown
South Carolina	South Carolina Code 42-7-310	Second Injury Fund	1962	No	7/1/2008	N/A	N/A	N/A	N/A	N/A	N/A
South Dakota	SDCL 62-4-34.1	Subsequent Injury Fund	Not available	Yes	N/A	Assessment of insurers and self insurers	\$26,250	50	\$1,089,452	7/1/17-6/30/18	Unknown
Tennessee	Tennessee Code Annotated 50-6-208	Subsequent Injury and Vocational Recovery Fund	1945	Yes	N/A	Percentage of taxes collected on workers' compensation premiums	Not available	123	\$2,602,743	7/1/17-6/30/18	\$11,746,113.00
Texas	Texas Labor Code, Section 403.006	Texas Workers' Compensation Subsequent Injury Fund (SIF)	1947	Yes	N/A	Insurance carriers make payment of benefits to SIF when there are no legal beneficiaries for death benefits	\$10,978,000.00	31 lifetime claims; 230 requests for reimbursement	\$555,732 for lifetime claims; \$4,132,912 for reimbursements	9/1/17-8/31/18	\$28,956,000
US Federal Programs - FECA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
US Federal Programs - Longshore	Yes (26)	The Special Fund	1927	Yes	N/A	Annual assessments	\$107,889,606.54	3,541	\$101,433,884	10/1/17-9/30/18	N/A
Utah	34A-2-702, Utah Code Annotated	Employers' Reinsurance Fund	7/1/1917	Open exclusively for claims incurred prior to 7/1/1994	7/1/1994	Annual Assessment	Not available	1,000 approximately	Not available	Not available	Not available
Vermont (27)	N/A	None		No	Never	N/A	N/A	None	None	0	\$0.00
Virginia	Va. Code Sec. 65.2-1100	Second Injury Fund	1975	Open	N/A	Tax of 1/4 of 1% of premiums; currently not collected because no claims against the fund	\$0.00	0	\$0	7/1/17-6/30/18	\$0.00
Washington	Revised Code of Washington 51.44.040 and 51.16.120	Second Injury Fund	1947	Yes	N/A	Transfer of costs from the accident fund and assessment of self insurers, including payment of \$10,000 on death cases with no beneficiary	\$53,187,206.00	N/A	\$47,830,700	2018	\$726,785,000.00
West Virginia	W. Va Code 23-3-1(d)	Second Injury Reserve Fund	1947	No	July 1, 2003	N/A	N/A	N/A	N/A	N/A	N/A
Wisconsin	s.102.59, Wis. Stats.	Work Injury Supplemental Benefit Fund (28)	1919	Yes	N/A	Payments by insurance companies (29)	\$10,053,981 (30)	13	\$697,828	7/1/17-6/30/18	Not available
Wyoming	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Canadian Jurisdictions Participating (stated in Canadian currency)											
British Columbia as of January 1, 2016 (31)	WCA S.39(1)(e) (32)	No official name for cost relief fund	1978	Yes	N/A	Collected as part of employers' base rate	(33)	9,677	352,368,420 (34)	1/1/15-12/31/15	N/A
New Brunswick	Workers' Compensation Act - section 66	Special Fund	1974	Yes	N/A	Assessments on payroll	Not available	Not available	Not available	Not available	Not available
Nova Scotia	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ontario	Section 98(1) of the Workplace Safety and Insurance Act	Secondary Injury and Enhancement Fund (SIEF)	1925	Yes	N/A	SIEF is funded by the premiums paid by employers	N/A	38,969	\$287,713,810	January 1-December 31, 2017	N/A
Prince Edward Island	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Table 16 Workers' Compensation Second Injury Funds as of January 1, 2019

Various jurisdictions' statutory cites and titles of <i>second</i> or <i>subsequent</i> injury funds; when they were created; whether they are still open and, if not, the date after which no additional claims will be honored; the funding method; and the most recent count of claims and outstanding liabilities.											
Jurisdiction	Statutory Cite For Second Injury Fund	Official Name For Second Injury Fund	Date Of Creation	Still Open And Active	If Eliminated, Date After Which No Additional Claims Will Be Honored	Current Method Of Revenue Collection	Revenue Collected During Most Recent Fiscal Year	Number Of Claims Paid During Most Recent Fiscal Year	Total Expenditures For Claim Payments During Most Recent Fiscal Year	Fiscal Year Of Total Expenditures And Number Of Claims In Prior Columns	Estimated Outstanding Liabilities
Saskatchewan	W-17.1 section 144	Second Injury and Re-Employment Reserve	1970	Yes	N/A	Included in annual premium rates	N/A	Not available	\$28,896,000	1/1/17-12/31/17	N/A
Notes:	Amounts for Canadian jurisdictions are stated in Canadian currency; amounts for U.S. jurisdictions are stated in U.S. currency.										
1	Colorado - Closed to new claims after a certain date; ongoing payment of claims with established entitlement.										
2	Colorado - The fund closed to trauma injuries occurring after July 1, 1993.										
3	Colorado - The fund closed to occupational disease injuries occurring after April 1, 1994.										
4	Colorado - In addition to surcharge monies, funding relies on receipt of \$15,000 on fatal claims with no dependents, as well as 50% of penalties awarded in accordance with C.R.S. 8-43-203(2a).										
5	Colorado - SIF \$1,058,848; MMIF \$95,847,273; MDF \$53,156.										
6	Connecticut - All of the Second Injury Fund data has been discerned from existing web-based publications of the Treasurer's Office, State of Connecticut. The Connecticut Workers' Compensation Commission does not have administration or oversight authority of the Second Injury Fund. For a better sampling and likely more accurate data pertaining to Second Injury Fund and its operations, contact the Second Injury Fund.										
7	Florida - Written by approved carriers in the state and calculated by the division for authorized, individual self insurers.										
8	Florida - Unfunded, undiscounted claim liability as of 6/30/18.										
9	Idaho - www.adm.idaho.gov .										
10	Minnesota - Perhaps earlier.										
11	Minnesota - Excludes settlements.										
12	Missouri - In cases where the most recent compensable injury occurred on or after January 1, 2014, benefits from the SIF are payable only for "physical rehabilitation," pursuant to Mo. Rev. Stat. § 287.141 and/or if the "combination" of the permanent effects of the most recent compensable injury with the employee's "pre-existing condition" renders the employee permanently, totally disabled. Benefits for permanent partial disability, second job lost wages, uninsured medical expenses, and uninsured death benefits are not available in cases where the most recent compensable injury occurred on or after January 1, 2014. The information in this footnote is subject to change based on a case currently pending in the Supreme Court of Missouri, which is challenging the validity and interpretation of these statutory amendments.										
13	Missouri - As of December 31, 2017, per the most recent actuarial study.										
14	Montana - SIF is based on reimbursement to insurers and therefore it is unknown what insurers reserve on the claims. Outstanding liability is limited to what is available in the fund and the anticipated assessment in the next fiscal year.										
15	Nebraska - The Second Injury Fund was eliminated with the Creation of the Workers' Compensation Trust Fund on July 1, 2000. In order to receive benefits under the Second Injury Fund, work injury must have occurred before December 1, 1997.										
16	Nevada - 2016 responses. No 2019 data were provided.										
17	New Hampshire - The Second Injury Fund also reimburses for combined earnings and job modifications, as well as Second Injury Fund claims.										
18	New Hampshire - Payments are based on calendar year.										
19	New York - The \$85,353 in reimbursements paid were in 44,360 workers' compensation claims.										
20	New York - This number is an approximation.										
21	North Carolina - 1929 for specified provisions and 1953 for the creation of the fund.										
22	North Carolina - Total monthly expenditures is approximately \$5,175 per month. The six claimants are authorized to receive payments until they pass away.										
23	North Dakota - When a previous injury or pre-existing condition is worsened or aggravated by employment, employer will be charged with only that percent attributable to the employment. The remaining loss will be applied to the subsequent injury fund.										
24	Oregon - Oregon does not have a second injury fund, but the Workers' Benefit Fund (WBF) funds some programs comparable to those of a second injury fund (ORS 656.605). The WBF funds several programs. The Employer-at-Injury Program provides assistance to employers to encourage early return-to-work of their injured workers before claim closure. Benefits offered are a wage subsidy of 45% and not to exceed 66 workdays as well as purchases such as tools or clothing needed for the job and work-site modifications in an amount up to \$5,000 for purchases and modifications combined. In the Preferred Worker Program, employers hiring preferred workers are exempt from paying premiums and premium assessments on the worker for three years. The WBF reimburses all claim costs incurred by the worker for any compensable injury within the 3-year premium exemption period. Other return-to-work incentives include work-site modification up to \$35,000, wage subsidy of 50% up to 183 calendar days, and necessary purchases for a worker to find, accept, or retain employment. The Retroactive Program provides increased benefits to claimants or beneficiaries, when the amount of compensation received under the law in effect at the time of injury is lower than currently being paid for like injuries. The WBF also funds claims re-opened by the Workers' Compensation Board under own motion jurisdiction (ORS 656.278).										
25	Pennsylvania - Collected revenue reflects fiscal year July 1, 2017 to June 30, 2018.										
26	US Federal Programs - Longshore - The Special Fund established by 33U.S.C.944 includes, but is not limited to, the second injury provisions of 33U.S.C.908(f).										
27	Vermont - Fund was created in 1947 but never activated. Only source of funding was to be \$500 paid to fund by insurer if worker died with no dependents. That seldom happened. In 1999, the Legislature dissolved the fund and repealed the statute. No claims ever filed, accepted, or paid.										
28	Wisconsin - The WISBF, s.102.65 Wis. Stats., is a state fund that pays benefits to individuals or dependents under four different benefit programs. The Second Injury Fund is one of those four programs. All financial data is current as of December 12, 2018 and is for State Fiscal Year 2018.										
29	Wisconsin - The WISBF is funded via statutory assessments against insurance carriers, self-insured employers and/or employers related to reporting requirement surcharges (and interest thereon if applicable), death claims, illegal employment of minors, interest on late assessment payments and certain specified injuries (i.e., dismemberments).										
30	Wisconsin - This amount is for the WISBF as a whole.										
31	British Columbia - 2016 responses. No 2019 data were provided.										
32	British Columbia - Workers Compensation Act, section 39 (1) (e), allows WorkSafeBC to "provide and maintain a reserve for payment of that portion of the disability enhanced by reason of a pre-existing disease, condition or disability." This provision allows WorkSafeBC to relieve an employer from costs that would otherwise impact experience rating. The 39 (1)(e) provision is analogous to the second injury fund concept in the US but is not exactly the same. The headings require some interpretation in order for us to complete the chart.										
33	British Columbia - Section 39(1)(e) of the Workers Compensation Act allows WorkSafeBC to provide and maintain a reserve for payment of that portion of a worker's disability that is enhanced by reason of a preexisting disease, condition, or disability. Costs relieved under 39(1)(e) are excluded from calculation of an employer's experience rating, which may result in a lower net premium for that employer. The value of all relieved costs are allocated among all employers in a rate group; the revenue necessary to cover these enhanced disability costs are built into the premium rate for all rate groups.										
34	British Columbia - This includes amounts paid for Health Care, Wageless, Long-term Disability, Vocational Rehabilitation, and Fatal claims on all claims that have one or more compensable consequences included in the claim file.										