2017 50-STATE ANALYSIS OF WORKERS’ COMPENSATION MEDICAL BENEFIT CAPS

Compendium of Law
INTRODUCTION

Your company operates in multiple jurisdictions, each with a different limit on the responsibility for providing medical treatment to injured employees. What is your potential medical exposure in that jurisdiction? Do you have to pay lifetime medical treatment to your injured employee? This Compendium provides a comprehensive state-by-state analysis of caps/limits on an employer’s responsibility for providing an injured employee with medical treatment. Your USLAW medical cap compendium utilizes USLAW’s resources and experience in all 50 states.

We hope you find the material useful.

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Mega-firms...big, impersonal bastions of legal tradition, encumbered by bureaucracy and often slow to react. The need for an alternative was obvious. A vision of a network of smaller, regionally based, independent firms with the capability to respond quickly, efficiently and economically to client needs from Atlantic City to Pacific Grove was born. In its infancy, it was little more than a possibility, discussed around a small table and dreamed about by a handful of visionaries. But the idea proved too good to leave on the drawing board. Instead, with the support of some of the country's brightest legal minds, USLAW NETWORK became a reality.

Fast-forward to today.
The commitment remains the same as originally envisioned. To provide the highest quality legal representation and seamless cross-jurisdictional service to major corporations, insurance carriers, and to both large and small businesses alike, through a network of professional, innovative law firms dedicated to their client's legal success. Now as a diverse network with more than 6,000 attorneys from more than 60 independent, full practice firms with roots in civil litigation across the U.S., Canada, Latin America and Asia, and with affiliations with TELFA in Europe and ALN in Africa, USLAW NETWORK remains a responsive, agile legal alternative to the mega-firms.

Home Field Advantage.
USLAW NETWORK offers what it calls The Home Field Advantage which comes from knowing and understanding the venue in a way that allows a competitive advantage – a truism in both sports and business. Jurisdictional awareness is a key ingredient to successfully operating throughout the United States and abroad. Knowing the local rules, the judge, and the local business and legal environment provides our firms' clients this advantage. The strength and power of an international presence combined with the understanding of a respected local firm makes for a winning line-up.

A Legal Network for Purchasers of Legal Services.
USLAW NETWORK firms go way beyond providing quality legal services to their clients. Unlike other legal networks, USLAW is organized around client expectations, not around the member law firms. Clients receive ongoing educational opportunities, online resources including webinars, jurisdictional updates, and resource libraries. We also provide a semi-annual USLAW Magazine, USLAW DigiKnow, which features insights into today's trending legal topics, compendiums of law, as well as annual membership and practice group directories. To ensure our goals are the same as the clients our member firms serve, our Client Leadership Council and Practice Group Client Advisors are directly involved in the development of our programs and services. This communication pipeline is vital to our success and allows us to better monitor and meet client needs and expectations.

USLAW Abroad.
Just as legal issues seldom follow state borders, they often extend beyond U.S. boundaries as well. In 2007, USLAW established a relationship with the Trans-European Law Firms Alliance (TELFA), a network of more than 20 independent law firms representing more than 700 lawyers through Europe. Subsequently, in 2010 we entered a similar affiliation with the ALN (formerly the Africa Legal Network) to further our service and reach. Additionally, USLAW member firms are located throughout Canada, Latin America, and Asia.

How USLAW NETWORK Membership is Determined.
Firms are admitted to the NETWORK by invitation only and only after they are fully vetted through a rigorous review process. Many firms have been reviewed over the years, but only a small percentage were eventually invited to join. The search for quality member firms is a continuous and ongoing effort. Firms admitted must possess broad commercial legal capabilities and have substantial litigation and trial experience. In addition, USLAW NETWORK members must subscribe to a high level of service standards and are continuously evaluated to ensure these standards of quality and expertise are met.

USLAW in Review.
• All vetted firms with demonstrated, robust practices and specialties
• Efficient use of legal budgets, providing maximum return on legal services investments
• Seamless, cross-jurisdictional service
• Responsive and flexible
• Multitude of educational opportunities and online resources
• Team approach to legal services

The USLAW Success Story.
The reality of our success is simple: we succeed because our member firms’ clients succeed. Our member firms provide high-quality legal results through the efficient use of legal budgets. We provide cross-jurisdictional services eliminating the time and expense of securing adequate representation in different regions. We provide trusted and experienced specialists quickly.

When a difficult legal matter emerges – whether it’s in a single jurisdiction, nationwide or internationally – USLAW is there. Success.

For more information, please contact Roger M. Yaffe, USLAW CEO, at (800) 231-9110 or roger@uslaw.org

www.uslaw.org
The USLAW NETWORK Worker’s Comp Community offers a global network of attorneys who assist clients with creating, managing, implementing and updating employee guidelines and policies as well as defending any workplace-related complaints. Through information exchanges, idea sharing and policy updating, our attorneys remain current with the latest issues facing the work environment – from both the employee and employer perspective – so they can best assist all clients with questions and case-related issues.

Why Choose USLAW NETWORK Worker’s Comp Law Firms?
Our attorneys represent public and private employers of all sizes, whether union or nonunion, insurance carriers, self-insured employers/servicing agents, and uninsured employers in all manner of workers’ compensation cases. We offer extensive experience in the defense of all types of employment-related lawsuits and grievances. Whether a client needs drafting, revising, and updating personnel policies, employee handbooks, employment contracts, severance agreements, contractor agreements, non-competition/non-solicitation/confidentiality agreements, and other employment-related documents reflecting the individual employer’s unique needs and preferences, we have a network of attorneys able to provide legal counsel. While workers’ compensation laws seek to protect employees, USLAW attorneys helps to shield our clients from abuses of the system, ensuring fair and just awards for employers and insurance companies.

Areas of Practice
USLAW Worker’s Comp attorneys defend and provide legal counsel on a wide range of worker’s compensation cases on issues related to:

- ADA
- ADEA
- Arbitration
- Collective bargaining
- EEOC
- Employment Security
- ERISA
- FMLA
- MSHA
- NLRA
- NLRB
- OSHA
- Union campaigning and elections
- Wage & Hour
- WARN
- And other employment-related state and federal laws
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ALABAMA

Medical Benefit Cap
No cap on reasonable and necessary medical benefits.

ALASKA

Medical Benefit Cap
Medical benefits may be provided for a period of two years. If the condition is latent, the two-year period is tolled until the employee becomes aware of the nature of the disability and its relationship to the employment and after disablement. If care is needed beyond the two-year cap, the employee can request a review by the board which may authorize continued payment for treatment.

ARIZONA

Medical Benefit Cap
No cap on medical benefits.

ARKANSAS

Medical Benefit Cap
The amounts payable or time periods allowable for authorized medical benefits, unless waived by the employer or approved the Workers’ Compensation Commission, are:
1) Six months if the claimant lost no time from work as a result of the injury;
2) Six months following an injured employee’s return to work who has been receiving authorized medical services or treatment;
3) Ten thousand dollars for all authorized medical treatment and services, including any amounts paid under subsections 1) and 2) above.

CALIFORNIA

Medical Benefit Cap
No cap on necessary medical benefits. For injuries after January 1, 2004, an employee is limited to 24 chiropractic, 24 occupational therapy, and 24 physical therapy visits per industrial injury. However, an employer may authorize additional visits in writing.
COLORADO

**Medical Benefit Cap**
No cap on reasonable and necessary authorized medical benefits related to or resulting from the injury.

**CONNECTICUT**

**Medical Benefit Cap**
No cap on medical benefits that are deemed reasonable or necessary.

**DELAWARE**

**Medical Benefit Cap**
No cap on all necessary medical treatment and hospitalization services provided during the period of disability.

**FLORIDA**

**Medical Benefit Cap**
No cap on reasonable and medically necessary authorized medical benefits related to or resulting from the injury or treatment rendered for the injury. Chiropractic services that are provided 12 weeks after the initial chiropractic treatment or are provided through more than 24 sessions are not medically necessary unless they have been authorized by the insurance carrier or the employee has suffered a catastrophic injury.

**GEORGIA**

**Medical Benefit Cap**
Georgia has a 400-week cap on medical benefits for all non-catastrophic injuries that occur on or after July 1, 2013. Catastrophic injuries are not subject to a cap.

**HAWAII**

**Medical Benefit Cap**
No cap on reasonable and necessary medical benefits.
**IDAHO**

**Medical Benefit Cap**
No cap on reasonable and necessary medical benefits. Treatment must be provided for a reasonable period of time.

**ILLINOIS**

**Medical Benefit Cap**
No cap on medical benefits that are reasonably necessary to the cure or relieve the effects of the injury.

**INDIANA**

**Medical Benefit Cap**
No cap on necessary medical benefits.

**IOWA**

**Medical Benefit Cap**
No cap on reasonable and necessary medical benefits.

**KANSAS**

**Medical Benefit Cap**
No cap on medical benefits reasonably needed to cure or relieve the effects of the injury.

**KENTUCKY**

**Medical Benefit Cap**
No cap on medical benefits reasonably required throughout the course of the injury.

**LOUISIANA**

**Medical Benefit Cap**
No cap on reasonable and necessary medical treatments and services.
MAINE

Medical Benefit Cap
No cap on reasonable and proper medical benefits.

MARYLAND

Medical Benefit Cap
No cap on medical benefits that are reasonably required by the nature of the injury, compensable hernia, or occupational disease.

MASSACHUSETTS

Medical Benefit Cap
No cap on medical benefits.

MICHIGAN

Medical Benefit Cap
No cap on reasonable and necessary medical benefits.

MINNESOTA

Medical Benefit Cap
No cap for reasonable and necessary medical benefits needed to cure or relieve effects of the injury.

MISSISSIPPI

Medical Benefit Cap
No cap for reasonable and necessary medical benefits that are required by the nature of the injury or to facilitate recovery.
MISSOURI

Medical Benefit Cap
No cap for reasonable and necessary medical benefits needed to cure or relieve the effects of the injury.

MONTANA

Medical Benefit Cap
For claims occurring on 7/1/2011 and after, employees are subject to a 60-month cap for medical benefits. The 60 months begin on the date of injury or diagnosis of an occupational disease. An employee may make a request to reopen terminated medical benefits within 5 years of the termination.

There is no cap for reasonable and necessary benefits for an employee that has become permanently totally disabled as a result of the injury.

NEBRASKA

Medical Benefit Cap
No cap on reasonable and necessary medical benefits.

NEVADA

Medical Benefit Cap
Medical benefits may be provided at the time of the injury and for the 6-month period following the injury. The 6-month period may be extended as necessary.

NEW HAMPSHIRE

Medical Benefit Cap
No cap on reasonable and necessary medical benefits.

NEW JERSEY

Medical Benefit Cap
No cap on necessary medical benefits.
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<th>State</th>
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<tr>
<td><strong>NEW MEXICO</strong></td>
<td>N.M. Stat. Ann. § 52-1-49</td>
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<tr>
<td>Medical Benefit Cap</td>
<td>No cap on reasonable and necessary medical benefits.</td>
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<td><strong>NEW YORK</strong></td>
<td>N.Y. Workers’ Comp. Law § 13</td>
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<tr>
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<td><strong>NORTH DAKOTA</strong></td>
<td>N.D. Cent. Code Ann. § 65-05-07 amended by 2017 N.D. Laws H.B. 1156 (West’s No. 281) (no substantive changes to relevant section)</td>
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<tr>
<td>Medical Benefit Cap</td>
<td>No cap on reasonable and necessary medical care. Section 8 of § 65-05-07 describes specific categories of medical products and services that workers’ compensation will not pay for.</td>
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<td><strong>OHIO</strong></td>
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<td><strong>OREGON</strong></td>
<td>Or. Rev. Stat. Ann. § 656.245</td>
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WYOMING


Medical Benefit Cap
No cap on medical benefits.

WASHINGTON D.C.

D.C. Code Ann. § 32-1507

Medical Benefit Cap
No cap on medical benefits.