



2019

50-STATE ANALYSIS OF
WORKERS' COMPENSATION
MEDICAL BENEFIT CAPS

Compendium *of* Law

50-State Analysis

of Workers' Compensation Medical Benefit Caps | 2019

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.

*Fred L. Hubbs, Jr prepared original content;
updated annually by USLAW members firms*

USLAW NETWORK **WORKERS' COMPENSATION** PRACTICE AREA

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 help 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

Ala. Code § 25-5-77

Medical Benefit Cap

No cap on reasonable and necessary medical benefits.

ALASKA

Alaska Stat. Ann. § 23.30.095(a)

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

Ariz. Rev. Stat. Ann. § 23-1062

*amended by 2017 Ariz. Legis. Serv. Ch. 287 (S.B. 1332)
(no substantive changes to relevant section)*

Medical Benefit Cap

No cap on medical benefits.

ARKANSAS

Ark. Code Ann. § 11-9-509

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.
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CALIFORNIA

**Cal. Lab. Code § 4600
Cal. Lab. Code § 4604.5**

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.

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COLORADO

Colo. Rev. Stat. Ann. § 8-42-101

Medical Benefit Cap

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

CONNECTICUT

Conn. Gen. Stat. Ann. § 31-294d

Medical Benefit Cap

No cap on medical benefits that are deemed reasonable or necessary.

DELAWARE

Del. Code Ann. tit. 19, § 2322

Medical Benefit Cap

No cap on all reasonable surgical, medical, dental, optometric, chiropractic and hospital services, medicine and supplies provided during the period of disability. However, health care services and costs are subject to Health Care Practice Guidelines and Fee Schedule per 19 Del. C. §§ 2322A - 2322F, and Department of Labor regulations, 19 Del. Admin. C. §§ 1341 - 1342

FLORIDA

Fla. Stat. Ann. § 440.13

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

Ga. Code Ann. § 34-9-200

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.

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HAWAII

Haw. Rev. Stat. Ann. Sections 386-21 and 386-21.1

Medical Benefit Cap

No cap on reasonable and necessary medical benefits, however, in the event of a controverted claim, the injured employee's private health care plan is required to pay for or provide medical care, services, and supplies in accordance with the private health care contract. When the claim is accepted or determined to be compensable, the employer is required to reimburse the private health care plan and the injured employee in amounts as authorized by HRS Chapter 386 and rules adopted by the Hawaii State Director of Labor and Industrial Relations.

IDAHO

Idaho Code Ann. § 72-432

Medical Benefit Cap

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

ILLINOIS

820 Ill. Comp. Stat. Ann. 305/8

Medical Benefit Cap

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

INDIANA

Ind. Code Ann. § 22-3-7-17

Medical Benefit Cap

No cap on necessary medical benefits.

IOWA

Iowa Code Ann. § 85.27

Medical Benefit Cap

No cap on reasonable and necessary medical benefits.

KANSAS

Kan. Stat. Ann. § 44-510h

Medical Benefit Cap

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

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KENTUCKY

Ky. Rev. Stat. Ann. § 342.020

Medical Benefit Cap

No cap on medical benefits reasonably required throughout the course of the injury.

LOUISIANA

La. Stat. Ann. § 23:1203

Medical Benefit Cap

No cap on reasonable and necessary medical treatments and services.

MAINE

Me. Rev. Stat. tit. 39-A, § 206

Medical Benefit Cap

No cap on reasonable and proper medical benefits.

MARYLAND

Md. Code Ann., Lab. & Empl. § 9-660
amended by 2017 Md. Laws Ch. 567 (H.B. 1484)
(no substantive changes to relevant section)

Medical Benefit Cap

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

MASSACHUSETTS

Mass. Gen. Laws Ch. 152, § 30

Medical Benefit Cap

No cap on medical benefits.

MICHIGAN

Mich. Comp. Laws Ann. § 418.31

Medical Benefit Cap

No cap on reasonable and necessary medical benefits.

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MINNESOTA

Minn. Stat. Ann. § 176.135

*amended by 2017 Minn. Sess. Law Serv. Ch. 94 (S.F. 1456)
(no substantive changes to relevant section)*

Medical Benefit Cap

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

MISSISSIPPI

Miss. Code. Ann. § 71-3-15

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

Mo. Ann. Stat. § 287.140

Medical Benefit Cap

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

MONTANA

Mont. Code Ann. § 39-71-704

*amended by 2017 Mont. Laws Ch. 433 (S.B. 312)
(no substantive changes to relevant section)*

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

Neb. Rev. Stat. Ann. § 48-120

Medical Benefit Cap

No cap on reasonable and necessary medical benefits.

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NEVADA

Nev. Rev. Stat. Ann. § 616C.245

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

N.H. Rev. Stat. Ann. § 281-A:23

Medical Benefit Cap

No cap on reasonable and necessary medical benefits.

NEW JERSEY

N.J. Stat. Ann. § 34:15-15

Medical Benefit Cap

No cap on necessary medical benefits.

NEW MEXICO

N.M. Stat. Ann. § 52-1-49

Medical Benefit Cap

No cap on reasonable and necessary medical benefits.

NEW YORK

N.Y. Workers' Comp. Law § 13

Medical Benefit Cap

No cap on reasonable and necessary medical benefits.

NORTH CAROLINA

N.C. Gen. Stat. Ann. § 97-25

Medical Benefit Cap

No cap on reasonable and necessary medical benefits.

NORTH DAKOTA

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)*

Medical Benefit Cap

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.

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OHIO

Ohio Rev. Code Ann. § 4123.54

Medical Benefit Cap

No cap on medical benefits.

OKLAHOMA

Okla. Stat. Ann. tit. 85A, § 51

Medical Benefit Cap

No cap on medical benefits.

OREGON

Or. Rev. Stat. Ann. § 656.245

Medical Benefit Cap

No cap on reasonable and necessary medical benefits.

PENNSYLVANIA

77 Pa. Stat. and Cons. Stat. Ann. § 531

Medical Benefit Cap

No cap on reasonable and necessary medical benefits.

RHODE ISLAND

28 R.I. Gen. Laws Ann. § 28-33-5

Medical Benefit Cap

No cap on reasonable medical benefits.

SOUTH CAROLINA

S.C. Code Ann. § 42-15-60

Medical Benefit Cap

Reasonably required medical benefits to cure or provide relief may be provided for up to 10 weeks from the date of injury. Treatment beyond 10 weeks requires approval from the commission. In the case of permanent and total disability, reasonable and necessary medical treatment will be provided for the remainder of injured employee's life.

SOUTH DAKOTA

S.D. Codified Laws § 62-4-1

Medical Benefit Cap

No cap on necessary medical benefits.

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TENNESSEE

Tenn. Code Ann. § 50-6-204

*amended by 2017 Tenn. Laws Pub. Ch. 380 (S.B. 297)
(no substantive changes to relevant section)*

Medical Benefit Cap

No cap on reasonable and necessary medical benefits.

TEXAS

Tex. Lab. Code Ann. § 408.021

Medical Benefit Cap

No cap on reasonable medical expenses.

UTAH

Utah Code Ann. § 34A-2-401

Medical Benefit Cap

No cap on reasonable medical benefits.

VERMONT

Vt. Stat. Ann. tit. 21, § 640

Medical Benefit Cap

No cap on medical benefits.

VIRGINIA

Va. Code Ann. § 65.2-603

*amended by 2017 Va. Laws Ch. 491 (S.B. 1201)
(no substantive changes to relevant section)*

Medical Benefit Cap

No cap on medical benefits.

WASHINGTON

Wash. Rev. Code Ann. § 51.36.010

Medical Benefit Cap

No cap on proper and necessary medical benefits.

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WEST VIRGINIA

W. Va. Code Ann. § 23-4-3

Medical Benefit Cap

No cap on medical benefits.

WISCONSIN

Wis. Stat. Ann. § 102.42

Medical Benefit Cap

No cap on medical benefits that are reasonably required to cure and relieve the effects of the injury.

WYOMING

Wyo. Stat. Ann. § 27-14-401

non-relevant sections preempted by EagleMed, LLC v. Wyoming ex rel. Dep't of Workforce Servs., Workers' Comp. Div., No. 15-CV-26-ABJ, 2016 WL 8969452 (D. Wyo. May 16, 2016)

Medical Benefit Cap

Wyo. Stat. Ann. § 27-14-401

WASHINGTON D.C.

D.C. Code Ann. § 32-1507

Medical Benefit Cap

No cap on medical benefits.