



Workers Compensation Claim State Environmental Guide - Illinois

ILLINOIS – <http://iwcc.il.gov/>

Indemnity issues

Temporary Total Benefits	<p>TTD rate is based on 2/3 of the AWW. AWW is based on gross earnings for the 52 week period prior to injury. Overtime is included at the straight time rate if overtime is regular or mandatory. Concurrent employment earnings are included if the employer was aware of the concurrent employment at the time of the injury.</p> <p>TTD rate is subject to the maximum & minimum.</p> <p>Click here to access the state TT benefit rate by year</p> <p>Waiting period: 3 working days</p> <p>Retro period: 14 calendar days</p> <p>Limited or unlimited benefits: Not Applicable.</p>
Temporary Partial Benefits	<p>Temporary Partial Benefits became effective 2/1/06. Temporary Partial Benefits are equal to 2/3 of the difference between the average amount that the employee would be able to earn in the full performance of his/her regular job compared to the gross amount he/she is earning in the modified job provided by the employer or in any other job the employee is working. On or after 6/28/2011, the TPD benefit is 2/3 of the difference between the average amount the employee would be able to earn in their pre-injury job and the gross amount he/she earns in the light duty job. Prior to 6/28/2011 the TPD was calculated utilizing their gross earnings less net earnings while on light duty.</p>
Permanent Partial Benefits	<p>The PPD rate is based on 60% of the AWW subject to the maximum & minimum rates.</p> <p>Minimum: Same as TTD minimums.</p> <p>Maximum: If amputation of a member or enucleation of an eye.</p> <p>Click here to access state PP rates by year.</p> <p>Waiting period: Upon achievement of maximum medical improvement except in cases involving a statutory loss, e.g., amputations, loss of organ, facial/vertebra fractures) must be addressed upon cessation of temporary total disability benefits.</p>
Permanent Partial Benefits (continued)	<p>Permanent Partial Disability is not based on AMA guidelines. It is based on the following Schedule:</p> <p>*on or after 6/28/2011 PPD for accidents resulting in CTS from repetitive trauma is up to 15% of the hand (at 190 weeks, not 205 weeks) totaling 28.5 weeks and can be increased to no more than 30% of the hand, 57 weeks.</p>
Permanent Total Benefits	<p>Permanent total disability benefits are payable in cases of complete disability that renders the employee wholly and permanently incapable of work. The specific loss of both hands, both arms and both feet, or both legs, or both eyes, or of any two thereof, or the permanent and complete loss of use thereof, constitutes total and permanent disability.</p> <p>Waiting period: Upon stipulation by parties or award by the Illinois Workers' Compensation Commission.</p> <p>Unlimited benefits</p>



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Indemnity issues

Fatality Benefits	<p>The primary beneficiaries of the survivors' benefit are the spouse and children under the age of 18. If no primary beneficiaries exist, benefits may be paid to totally dependent parents. If no totally dependent parents exist, benefits may be paid to persons who were at least 50% dependent on the employee at the time of death.</p> <p>If there are eligible children at the time of remarriage, benefits will continue. If there are no eligible children at the time of remarriage, the spouse is entitled to a final lump sum payment equal to two years of compensation. All rights to further benefits are extinguished.</p> <p>For injuries occurring on or after 2/1/06: Death benefits are paid for 25 years or \$500,000, whichever is greater. Statutory Burial Expense: \$8,000 Minimum: Same as Permanent Total minimums. Maximum: Same as Permanent Total maximums. Waiting Period: Must prove up spousal relationship and/or dependency.</p>
Vocational Rehabilitation Settlement Allowed	<p>If, as a result of the accident, the employee cannot return to his pre-accident regular duties in which he or she was engaged at the time of injury, the employee and employer are required to develop a vocational rehabilitation plan. If a vocational rehabilitation plan cannot be developed by the parties, the Arbitrator will determine if the employee is a vocational candidate and impose a vocational rehabilitation plan. The employee must cooperate in a reasonable rehabilitation program or risk the suspension of benefits.</p>
Cap on benefits, exceptions	Yes

Medical issues

Initial Choice of Provider/ Change of Provider	<p>First aid and emergency care are not considered to be one of the employee's two choices. Nonemergency care obtained before the employee reports the injury to the employer does not count as one of the two choices.</p> <p>Travelers has an approved Preferred Provider Program or "PPP". The employee has a choice of two physicians within the Travelers PPP. If the employee declines to participate in the PPP he/she is limited to one choice of doctor. Further, referrals from the selected provider are not considered a choice of provider.</p>
Medical Fee Schedule	Yes. Effective for treatment beginning 2/1/06. It is not Medicare based. It is based from an IL state specific formula.
Managed Care	Yes. The employee may decline participation in the PPP at any time by sending the employer a written statement. If the employee declines participation, it counts as one of the two choices of medical providers. See "Choice of Provider/Change of Provider" section above.
Utilization Review	Yes. May include prospective review, second opinions, concurrent review, discharge planning, peer review, independent medical examinations and retrospective review. Only a health care professional may make determinations regarding the medical necessity of health care services during the course of utilization review. Must be a Certified Illinois Utilization Program to obtain the rebuttable presumption.
Treatment Guidelines	No
Generic Drug Substitution	The state allows generic substitution; however, it is not mandatory.
Medical Mileage Reimbursement Rate	Mileage is mandatory for IME attendance and paid at 65.5cents per mile effective January 1, 2023
Network Information	Coventry Integrated Network
Ability to Terminate Medical Treatment	Medical treatment may be terminated based on an Independent Medical Examination which supports termination of medical treatment.
Settlement Allowed	Yes. Future medical treatment can be closed out on settlement contracts.

Medical issues

Cap on benefits, exceptions	Yes. Subject to Medical Fee Schedule. Balance billing is not allowed.
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Other Issues

WC Hearing Docket Speed	Arbitrators must pre-trial cases before assigning a trial date.	
Staff Counsel	Holecek & Associates 161 N. Clark Street Suite 800 Chicago, IL 60601	Law Offices of Steven Larson 940 West Port Plaza, Suite 208 St. Louis, MO 63146
Hearings require attorney or claim handler participation	Attorney participation is required.	
Occupational Diseases	Handled same as Occupational Injury.	
Second Injury Fund availability	Available through the state.	
Other Offset Opportunities	May take credit for prior injuries involving a specific body member. No credit allowed for prior Body as a Whole injuries.	
EDI	Transition from EDI Release 1 to EDI release 3.1 effective 6/14/2019	
In-State Adjusting Required	No	
License or Certification Required	No	