


Workers Compensation Claim State Environmental Guide - Kansas

KANSAS - [HTTP://WWW.WORKERSCOMPENSATION.COM/KANSAS.PHP](http://www.workerscompensation.com/kansas.php)

Indemnity issues

<p>Temporary Total Benefits</p>	<p>As of 07/01/ 2022 - \$765.00 max \$25.00/ min, waiting period 7 calendar days, 21 consecutive days, limited to \$130,000 or 415 weeks. Volunteer firefighters paid at State Maximum compensation rate. After the injury, if claimant voluntarily resigns, or terminated for cause, rebuttable presumption that no TTD is owed. No TTD while receiving unemployment benefits.</p>
<p>Temporary Partial Benefits</p>	<p>As of 07/01/2022, no minimum, max rate \$765.00, no waiting period or retro period, limited to 415 weeks, or \$130,000. As of 5/15/2011 DOL – temp partial is owed on scheduled injuries. Injuries prior to 5/15/11 -Temporary partial disability is <u>not owed for scheduled injuries</u>, e.g., one foot, one wrist. Temporary partial disability is owed for body-as-a-whole injuries only; e.g., back, neck, head.</p>
<p>Permanent Partial Benefits</p>	<p>No minimum, maximum \$130,000. Scheduled injury, take credit for all weeks of lost time paid. Bilateral scheduled injuries in opposing extremities are compensated based on BAW. Multiple injuries to single extremity are combined and rated at the highest scheduled member actually impaired. Body as a whole injury, take credit for any temporary total or temporary partial paid in excess of 15 weeks. No waiting or retro periods. Benefits limited for scheduled body parts per 44-510d, benefits limited for body as a whole to 415 weeks per 44-510e. For injuries on or before December 31, 2014, rating completed by physician based on 4th Edition AMA Guides. For injuries sustained on or after 01/01/2015, 6th Edition AMA Guides. If claimant has a body as a whole injury and does not return to 90% of the pre-injury wages (including value of lost fringe benefits on last date of employment), work disability is created. Dates of loss after 05/15/2011 allow wages to be imputed claimant to make good faith effort to locate subsequent employment to qualify for wage loss. For permanent partial disability, where functional impairment only is awarded, maximum payable is \$75,000. The \$75,000 is owed <u>in addition</u> to the TTD/TPD paid.</p>
<p>Permanent Total Benefits</p> 	<p>Minimum and maximum cap \$155,000 less credit for all temporary total, temporary partial and permanent partial previously paid, if any. No waiting or retro period. Can only be PTD once in their lifetime.</p>

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Indemnity issues

<p>Fatality Benefits</p>	<p>If employee leaves dependents (whole or partial) 44-510b provides max cap of \$300,000. Fatality benefits may exceed \$300,000, if the child has not yet attained the age of 18, then benefits would continue until the age of 18 is reached.</p> <p>As of July 1, 2020, minimum weekly survivors Benefit is \$ 491.00</p> <p>No waiting or retro periods.</p> <p>Initial payment of \$60,000 is immediately due and payable to surviving legal spouse or wholly dependent child underage of 18 (if over 18 but enrolled in high school, the earlier of May 30th of senior year or until age of 19), or if full time student through age 23 or not physically or mentally capable of earning wages in any substantial and gainful employment. Hearing should be held before payment of any benefits, including initial \$60,000, to obtain judicial determination of recipients of death benefits.</p> <p>If the employee does not leave any dependents (wholly or partially), a lump sum payment of \$100,000 shall be made to the designated legal heirs, but if the the employer has procured a life insurance policy with beneficiaries designated by the employee in an amount not less than \$50,000, the amount paid to the legal heirs shall be reduced by the amount of the life insurance policy up to a maximum of \$100,000.</p> <p>Funeral benefits limited to \$10,000.</p> <p>Fees of up to \$2,500 may be owed by employer/carrier to set up conservatorship for minor child.</p>
<p>Vocational Rehabilitation</p>	<p>Not required</p>
<p>Settlement Allowed</p>	<p>Full and final settlement is allowed. If a running award is entered, either party may file an application to review and modify the award if the facts change. Claimant counsel fees for post award filings are paid by the carrier.</p>
<p>Cap on benefits, exceptions</p>	<p>Indemnity benefits are capped, per the above</p>
<p>Temp Total Cap</p>	<p>Limited to state caps - \$130,000. Perm partial/\$155,000. Perm total</p>
<p>Permanent Partial based on AMA Guidelines</p>	<p>Yes – 4th Edition until 01/01/2015. For injuries on or after January 1, 2015, 6th Edition</p>

Medical issues

<p>Initial Choice of Provider</p>	<p>Employer</p>
<p>Change of Provider</p>	<p>Employer or employee on Application to ALJ</p>
<p>Medical Fee Schedule</p>	<p>Yes</p>
<p>Medical Fee Schedule percent over Medicare</p>	<p>Unavailable</p>
<p>Managed Care</p>	<p>No</p>
<p>Utilization Review</p>	<p>Procedure exists for utilization review under K.S.A. 44-510j.</p>
<p>Treatment Guidelines</p>	<p>No</p>
<p>Generic Drug Substitution</p>	<p>The state mandates generic substitution.</p>
<p>Medical Mileage Reimbursement Rate</p>	<p>Effective 7/1/ 2022, \$. 58.5 per mile</p>

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Medical issues

Network Information	First Health (primary) and CorVel (secondary).
Ability to Terminate Medical Treatment	Determined by physician only
Settlement Allowed	Settlement is allowed. If a running award is entered, either party may file an application to review and modify the award if the facts change.
Cap on benefits, exceptions	No cap on medical, indemnity capped per above

Other Issues

Staff Counsel	Andersen & Associates 7465 West 132 nd St., #100 Overland Park, KS 66213 913-685-7000 855-229-9702 Fax
Hearings require attorney or claim handler participation	Attorney
Occupational Diseases	Yes
Second Injury Fund availability	Additional payments to injured workers for combination of injuries stopped as of 1993. Currently, if carrier is insolvent, the Fund will cover new benefits owed.
Other Offset Opportunities	Apportionment for prior WC ratings only, subrogation applies
EDI	Claims EDI Release 3.1: FROI & SROI (11/29/2018)
In-State Adjusting Required	No
License or Certification Required	No
WC Hearing Docket Speed	Hearings scheduled within 7 days of application for hearing.