



Workers Compensation Claim State Environmental Guide – New Hampshire

NEW HAMPSHIRE - [HTTP://WWW.NH.GOV/LABOR/WORKERS-COMP/](http://www.nh.gov/labor/workers-comp/)

Indemnity issues

Temporary Total Benefits

The applicable TTD rate represents 60% of the injured worker's average weekly wage for the 26 week period prior to the date of loss (though up to 52 weeks may be used if more advantageous to the injured worker).

Effective July 1, 2024, the minimum rate will be \$427.87 and the maximum rate will be \$2,139.00.

Effective July 1, 2023 the minimum rate will be \$415.25 and the maximum rate will be \$2,076.00

Effective 7/1/2021 the minimum rate will be \$373.01 and the maximum rate will be \$1865.00

Eff 7/1/18 Minimum Rate: \$316.50, Maximum Rate: \$1582.50. Effective 7/1/19 the Minimum rate will be \$325.80 and the Maximum rate will be \$1629.00. Effective 7/1/2020 the minimum rate will be \$337.20 and the maximum rate will be \$1686.00.

Waiting Period: Three days (waived if the injured worker returns to work on modified duty within 5 days from date of injury)

Retroactive Period: 14 days

Limited or Unlimited Benefits: There is no cap on TTD wage benefits.

Temporary Partial Benefits

Minimum Rate: None, Maximum Rate: The injured worker's compensation rate (TPD benefits are calculated by subtracting the injured worker's gross earnings from their average weekly wage and multiplying that amount by 60%),
Waiting Period: Same as TTD, Retroactive period: Same as TTD

An injured worker who attains a partial work capacity but is not working may be placed, with approval of the Department of Labor, on the DEC (diminished earning capacity) rate. The DEC rate imputes a minimum wage earning capacity and is calculated using a formula embodied in the regulations. The waiting period and retroactive period are the same as for the TPD rate.

Limited or Unlimited benefits: There is a 262-week cap on TPD wage benefits (TTD wage benefits are included in calculating the 262-week cap).

Permanent Partial Benefits

Minimum Rate: One week of wage benefits, Maximum Rate: 350 weeks of wage benefits

Scheduled v. Whole Body: Permanent impairment awards relative to individual body parts are calculated by multiplying the injured worker's compensation rate by the percentage of impairment assessed based upon the total weeks allow in the statute. Permanent impairments to multiple body parts as well as injuries to the brain, spine and scars resulting from burns result in a whole person award, which is limited to 350 weeks of wage benefits. **PPD assessments are based upon AMA 5th edition guidelines.** 6th edition to be used for MMI reached only during period 1/1/08 – 6/30/08.**

Permanent Partial based on AMA Guidelines – 5th Edition

Permanent Total Benefits

PTD status is rarely conferred since there is no cap on TTD wage benefits.



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Indemnity issues

Fatality Benefits

In the event that the deceased injured worker does not have any dependents, a \$10,000.00 benefit is provided for to help defer funeral costs. Otherwise, the equivalent of TTD wage benefits are payable to the deceased injured worker's dependent spouse until he or she remarries and/or dependents until the child becomes 18 or until the child becomes 25 and is enrolled as a full-time student in an accredited education institution. A dependent child who is physically/mentally incapacitated shall continue to receive compensation, regardless of age, as long as the incapacity continues. The allocation of benefits among dependents, etc. is determined by the Dept of Labor

Vocational Rehabilitation

Yes. If an employee is unable to perform work for which he or she has previous training or experience, the employee shall be entitled to such vocational rehabilitation services, including retraining and job placement, as may be reasonably necessary to restore such employee to suitable employment. If such services are not voluntarily offered by the employer or the carrier and accepted by the employee, the commissioner, if necessary through informal hearing may refer the employee to a qualified physician or appropriate facility for evaluation of the practicability of, need for, and kind of service, treatment, or training necessary and appropriate to render the employee fit for a remunerative occupation.

Settlement Allowed

All benefits, with the exception of medical benefits may be settled through a Labor Department approved lump sum settlement.

Cap on benefits, exceptions

There is a 262 week cap on the payment of temporary partial disability benefits. Also, in most circumstances, pursuant to the jurisdiction's "four-year rule," injured workers are not entitled to a continuing wage benefit when no such benefit has been paid in the prior four-year time period.

Medical issues

Initial Choice of Provider

NH Managed Care program participants: Injured workers must choose a provider within the Travelers/Corvel network. Injured workers employed by non-managed care employers may choose any provider. Effective 1/1/14 injured employees also have choice of pharmacy.

Change of Provider

Injured workers may change providers, but generally are limited to no more than two second opinions within medical specialties.

Medical Fee Schedule

None currently – although legislation pending to consider establishing fee schedule or other methods to control cost of medical treatment on Workers Compensation claims in the state. Effective September 4, 2015 under RSA 281-A: 24 Payment for Reasonable Value of Services has switched the burden of establishing the reasonableness of a bill for services rendered. It is now the provider's burden to establish that the bill for services is reasonable. The parties are to make every effort to resolve any dispute as to the reasonable value of service prior to applying to the commissioner for resolution of the dispute.

Managed Care

Yes, but only if the insured is enrolled in Travelers' New Hampshire Managed Care Program. All NH Residual Market employers are automatically enrolled in the program. Employers from other markets may or may not be enrolled.

Utilization Review

Yes. No person, partnership, or corporation, other than an insured, nonprofit service organization, or a health maintenance organization shall perform utilization review services without obtaining a license from the Department of Insurance. URAC standards are the minimum acceptable standards for licensure (unless the Department adopts stricter rules).

Treatment Guidelines

Within Travelers' New Hampshire Managed Care Program, Travelers' protocols for laminectomy, spinal fusion, carpal tunnel release, and knee arthroscopy, as well as Intracorp's optimal treatment guidelines, have been approved as

Medical issues

decision support tools.
Generic Drug Substitution The state mandates generic substitution.
Medical Mileage Reimbursement Rate 58.5¢ for miles incurred– rate effective January 1, 2022
Network Information Corvel
Ability to Terminate Medical Treatment No.
Settlement Allowed No.
Cap on benefits, exceptions No.

Other Issues

Compensability Decision Timeframe Compensability decision made within (21) days unless additional investigation is needed.
WC Hearing Docket Speed 4-6 weeks at the Department of Labor level, three to six months at the appellate level.
Staff Counsel both staff and panel counsel are used in this jurisdiction
Hearings require attorney or claim handler participation A representative from the insured or its carrier is required though generally speaking, attorneys rather than claim professionals typically participate.
Occupational Diseases Yes.
Second Injury Fund availability Yes.
Other Offset Opportunities Claim apportionment is not recognized, however, cost apportionment is recognized – e.g., carrier liability is limited due to holiday created by a third party award.
EDI Claims EDI Release 3: FROI only (7/9/2012)
In-State Adjusting Required Yes
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