

Workers Compensation Claim State Environmental Guide – New Jersey

NEW JERSEY - http://lwd.dol.state.nj.us/labor/wc/wc_index.html

Indemnity issues

Temporary Total Benefits	Temporary benefits are calculated by using the 26-week average of the wages prior to the accident, multiplied by 70%. The min and max change every year and the rates are set by the State Division of WC. (2024Max: \$1131 ; Min: \$302). The waiting period is seven days. Retro back to the first day of lost time after the waiting period. The seven days do not need to be consecutive. 70% of the Average Weekly Gross Wage is paid, not greater than the max or less than the minimum rate of the year the accident occurred. TTD is capped at 400 weeks.
Temporary Partial Benefits	Not required, however in targeted situations can be considered.
Permanent Partial Benefits	Permanent Partial based on the <i>New Jersey Workers' Compensation Disability Scheduled</i> . A schedule of disabilities and maximum benefits are published yearly by the state of NJ. The year that the accident occurred in is the same as the schedule that is used, even if Permanency is awarded years after the accident. Permanent disability ratings are based on a percentage of body part, with a corresponding number of weeks and monetary rate. Permanency exams are scheduled towards the end of 26 weeks after the last date of treatment. A permanency rating is given by an authorized medical provider for the petitioner and respondent and a judge rules on the permanency based on the exams and evidence submitted. Permanency payments accrue after the last date of TT payment and then continue for the stated award. PP rate cannot exceed the TT rate.
Permanent Total Benefits	The rules above also apply to permanent total benefits. In NJ, if we know a claimant will be permanent total from the start, we can voluntarily start to pay permanent total benefits (e.g., permanent brain injury, severe paralysis). Permanent total benefits are lifetime benefits unless the person becomes employable. The 2024 Rates, 70% of wages - \$1131 max/ \$302 min.
Fatality Benefits	There are two references to funeral allowance. In both sections funeral allowance allotted not to exceed \$5000. In section N.J.S.A. 34:15-12(e) the funeral allowance is for schedule of disabilities and is payable if claimant dies while being paid permanent disability benefits. If there are dependents they may be entitled to the accrued benefits on the permanency award. In section N.J.S.A. 34:15-13(h) the funeral allowance is for death related to employment and dependency matters. In Section N.J.S.A. 34:15-13 (j) for dependency benefits children and spouse living with the decedent at the time of death, compensation is based on 70% of wages at death for one or more dependents. Dependents are eligible for benefits until age 23 while enrolled as a full-time student. If the child is not enrolled as a full-time student, benefits end at 18. Spouse's statutory benefits is the continuation after the 450 weeks, should the spouse not remarry or die at that juncture.

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Vocational Rehabilitation	Not required in NJ.
Settlement Allowed	Full and final settlements are allowed under certain circumstances and must be approved within the NJ court system and put through by a judge. Section 34:15-20. (Section 20). Medical cannot be settled Full & Final.
Cap on benefits, exceptions	TTD is capped at 400 weeks.

Medical issues

Initial Choice of Provider	The employer is responsible for furnishing to the injured worker such medical, surgical and other treatment, and hospital service necessary to cure and relieve the worker of the effects of the injury and to restore the functions of the injured member or organ where such restoration is possible. "The mere furnishing of medical treatment or the payment thereof by the employer shall not be construed to be an admission of liability." (Sec. 34:15-15).
Change of Provider	The insurance company acts on behalf of the employer and usually takes over medical management once notice of the claim has been received. The employer/insurer can change the provider without restriction. Where the employee is not satisfied with the level of care, a motion for medical treatment may be filed.
Medical Fee Schedule	No medical fee schedule in NJ. Reasonable and customary is applied.
Managed Care	Insurers may use an approved managed care program to provide medical services. Managed care programs approved by the Department of Insurance. Comprehensive description of certification requirements to be found in New Jersey Administrative Code Title 8 Chapter 38. Subchapter 2.2
Utilization Review	Utilization Review is performed by registered nurses on all treatment requests including hospital admission, surgery, DME, therapies, diagnostic tests. Prospective and Concurrent Reviews are completed to determine medical appropriateness and/or length of treatment. Claim case managers can decide to opt out of utilization review to obtain a second opinion.
Treatment Guidelines	Travelers' position papers and Genex's Clinical Guideline tools (CGTs) are used. Managed care arrangements must develop plan treatment protocols before plan can be certified.
Generic Drug Substitution	The state does not mandate generic substitution.
Medical Mileage Reimbursement Rate	Mileage reimbursement is not required per statute, however considered in targeted situations. Transportation can be provided if medically necessary.
Network Information	Coventry Integrated Network (primary) and CorVel (secondary).
Ability to Terminate Medical Treatment	Medical benefits are paid until the claimant has concluded treatment or until MMI is reached. Medical cannot be settled Full & Final.
Settlement Allowed	Full and final settlements are allowed under N.J.S.A. 34:15-20 (Section 20) in certain limited circumstances and are subject to the approval of the Judge within the Division of Workers' Compensation assigned to the case. Settlements under Section 20 will extinguish certain rights of the claimant on a full and final basis, including the right to seek further compensation or additional medical treatment.
Cap on benefits, exceptions	When the claimant has reached Maximum Medical Improvement or no further medical treatment is necessary as authorized by the treating physician. Or

Medical issues

	when an Independent Medical Exam or IME states that claimant is MMI and no further medical treatment is necessary. If an IW has RTW, TT benefits cease, medical would continue until MMI.
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Other Issues

Compensability Decision Timeframe	Compensability decision for NJ is somewhat silent and should be made within (30) days unless additional investigation is needed. NJ is essentially a state that requires a timely compensability decision be made or documented proof of ongoing investigation.
Staff Counsel	Law Offices of James H. Rohlfing Suite 200 445 South Street Morristown NJ 07960
Hearings require attorney or claim handler participation	Attorney for hearing or trial. Claim professionals can also authorize settlement up to a certain monetary amount, contingent upon the Judge approving. Outcome of hearings – Pro Employee
Occupational Diseases	Cumulative trauma is recognized. All prior carriers are brought in. The last carrier usually gets the brunt of the case unless there was a medical exam proving manifestation or prior treatment for the injury alleged.
Second Injury Fund availability	SIF is available in NJ. To be eligible for Fund benefits, an individual must be totally and permanently disabled as the direct result of a work-related injury in combination with a pre-existing permanent partial disability. It is not necessary that the pre-existing permanent partial disability be work-related.
Other Offset Opportunities	Social Security offset, Second Injury Fund, Credit for Prior Awards or Abdullah
EDI	Claims EDI Release 3: FROI & SROI (7/9/2012)
In-State Adjusting Required	No.
License or Certification Required	No license or certification required.
WC Hearing Docket Speed	Listings are by cycle. One cycle equals 3 weeks. A case can be put off by any number of cycles. A number of judges are fairly new to their assignments and continue to be less effective at moving pending caseloads, thereby leading to backlogs of open cases. First listings of matters in certain venues (Union, Newark), are often delayed by up to 3 months or more.