

MAXIMUM COMPENSATION BENEFITS

Date	Max Comp Rate	Max Perm Total Disability	Max Temp or Partial Disability	Death \$ to Spouse/ Dependents
7/1/00 - 6/30/01	\$401	\$125,000	\$100,000	\$250,000
7/1/01 - 6/30/02	\$417	\$125,000	\$100,000	\$250,000
7/1/02 - 6/30/03	\$432	\$125,000	\$100,000	\$250,000
7/1/03 - 6/30/04	\$440	\$125,000	\$100,000	\$250,000
7/1/04 - 6/30/05	\$449	\$125,000	\$100,000	\$250,000
7/1/05 - 6/30/06	\$467	\$125,000	\$100,000	\$250,000
7/1/06 - 6/30/07	\$483	\$125,000	\$100,000	\$250,000
7/1/07 - 6/30/08	\$510	\$125,000	\$100,000	\$250,000
7/1/08 - 6/30/09	\$529	\$125,000	\$100,000	\$250,000
7/1/09 - 6/30/10	\$546	\$125,000	\$100,000	\$250,000
7/1/10 - 6/30/11	\$545	\$125,000	\$100,000	\$250,000
7/1/11 - 6/30/12	\$555	\$155,000	\$130,000	\$300,000

Burial - \$5,000; **Medical Expenses** - Unlimited; **Unauthorized Medical Expenses** - \$500
 Non-dependent death cases, effective 7/1/98, \$25,000 to heirs or employee-provided life insurance proceeds to designated beneficiaries.

Part of the Body	Maximum weeks paid
Body as a whole	415
Shoulder	225
Arm	210
Forearm	200
Hand	150
Leg	200
Lower Leg	190
Foot	125
Eye	120
Hearing/both ears	110
Hearing/one ear	30
Thumb	60
1 st Finger (index)	37
2 nd Finger (middle)	30
3 rd Finger (ring)	20
4 th Finger (little)	15
Great to	30
Great toe/end joint	15
Each other toe	10
Each other toe/end joint only	5
Allowance of 10% and not over 15 weeks for healing period following an amputation.	

MEDICAL MILEAGE EFFECTIVE

07/15/2000	.325
07/01/2001	.33
07/01/2002	.33
07/01/2003	.36
07/01/2004	.37
07/01/2005	.40
07/01/2006	.43
07/01/2007	.47
07/01/2008	.505
07/01/2009	.55
07/01/2010	.50
07/01/2011	.50

MAXIMUM BENEFITS – EFFECTIVE 07/01/2011

Medical and Hospital Allowances	no limit
Death: spouse/dependent child	\$300,000
Death: heirs (no dependents)	\$25,000
Burial allowance	\$5,000
Permanent total disability	\$155,000
Temporary total disability	\$130,000
Partial disability	\$130,000
Partial disability (functional impairment)	\$75,000

JURISDICTION - K.S.A. §44-506 - Kansas has jurisdiction over claims for accident occurring within the state. For out-of-state accidents, Kansas has jurisdiction where the contract of employment was made within the state, or where the principal place of employment is within the state.

NOTICE - K.S.A. §44-520. The employee must give oral or written notice of a work-related accident or injury within 30 days to include the time, date, place, name of the injured worker, and particulars of the accident or injury. The duty to provide notice is waived if the worker can prove the employer had actual notice of the event, was unavailable, or the worker was physically unable to give notice.

STATUTE OF LIMITATION - K.S.A. §44-523f(1) (2) – If a claim has not proceeded to hearing, settlement, or award within 3 years after the worker files an application for hearing, the employer may request dismissal for failure to prosecute. The worker may be granted an extension of he can show good cause for failure to conclude the claim.

If a claim has not proceeded to hearing, settlement, or award within 1 year after a preliminary hearing was held, the employer may request dismissal for failure to prosecute. The worker may be granted an extension of he can show good faith reason for delay.

COMPENSABLE ACCIDENT/INJURY: An injury is compensable only if the accident was the prevailing factor in causing both the resulting medical condition and disability. "Prevailing factor" is defined as the primary factor, in relation to any other factor. An injury is not compensable merely because work was a triggering or precipitating factor, or if it was the result of an idiopathic condition.

SCHEDULED INJURIES – Permanent benefits for impairment for a scheduled injury is computed by subtracting the weeks of TTD paid from the maximum weeks of compensation available, multiplying the result by the impairment rating, and then multiplying that result by the weekly benefit rate.

Example: 10/01/10 – knee injury

Scheduled weeks - 200	200-30=187 weeks
Weeks of TTD paid – 13	187x12%=22.44 weeks
Impairment rating – 12%	22.44x\$546=\$12,252.24
Average weekly wage \$900	
Maximum benefit rate \$546	

K.S.A. §510d(b)(24) – Where the worker has injuries to multiple levels of the same extremity, benefits are based on the highest level involved. For instance, if a worker fractures a wrist and has a rotator cuff tear, the functional impairment will be based on the shoulder level, rather than separate awards for the wrist and shoulder.

WHOLE BODY INJURIES – For injuries occurring after 7/01/93, the first 15 weeks of TTD benefits paid are not deductible from the 415 total weeks for a whole body injury. NOTE: The Casco decision has been reversed by the 2011 Act, and injuries to parallel extremities are to be treated as whole body injuries.

Example: 10/01/10 – whole body

Scheduled weeks - 415	415-15=400 wks
Weeks of TTD paid – 30	400x15%=60 wks benefits payable
Impairment rating – 15%	60x\$510=\$30,600.00 AWARD
Average weekly wage \$800	
Maximum benefit rate \$510	

TTD – K.S.A. §44-510(c). Weekly compensation during a period of temporary total disability is paid at the rate of 66 2/3% of the average weekly wage, up to the maximum benefits published by the Division of Workers Compensation. A worker may not receive both TTD and unemployment compensation benefits at the same time.

WORK DISABILITY - K.S.A. §44-510(e). If an employee is not able to return to work after a whole body (or parallel extremities) injury, the worker may be entitled to general, or work disability. In order to qualify the worker must have a whole body injury equivalent to 7.5% BAW if this is the worker's first injury. If the worker has a pre-existing injury, the worker must have a whole body injury equivalent to 10% of the body as a whole. In addition, the worker must be earning < 90% of pre-injury wages.

The benefit is based on 66 2/3% of the difference between the average gross weekly wage the employee was earning prior to the injury and the amount the employee is actually earning after the injury.

In order to determine the level of work disability to which the worker is entitled, the workers' task loss and wage loss are averaged together. Task loss is the percentage of job tasks the employee is no longer able to do (as determined by a physician). The physician will evaluate tasks the worker performed during the 5 years before the work injury.

Wage loss is the difference between the average weekly wage the worker earned before the injury, and the AWW he is capable of earning after the injury, assuming the difference is > 10%. If the worker refuses to accept accommodated work, there is a presumption that the worker is earning 90% of his pre-injury wages.

PREEXISTING DISABILITY - K.S.A. §44-501(e); K.S.A. §44-508(f)(2). Any award of compensation is reduced by the amount of functional impairment determined to be preexisting. An injury is not longer compensable which merely aggravates, accelerates or exacerbates a preexisting condition, or renders a preexisting condition symptomatic.

FUTURE MEDICAL BENEFITS - K.S.A. §44-510(k) – The worker must establish that it is more true than not that the work injury was the prevailing factor in a need for future medical care in order to obtain an award for future medical. If a worker has an award with open medical, but has not received any treatment for 2 years, the employer can request that the benefits be terminated.

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