



For immediate release  
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## **WSI Announces Expanded Injured Worker Benefits**

Workforce Safety & Insurance Director Bryan Klipfel announced today that thousands of injured workers and their families will see a number of benefit enhancements and program advancements as a result of the recently concluded 61<sup>st</sup> North Dakota Legislative Assembly.

19 bills were passed that will directly benefit injured workers and their families and are currently being implemented by Workforce Safety & Insurance (WSI). While most have an effective date of August 1, 2009, some have an emergency clause and took effect as soon as they were filed with the Secretary of State.

“We are very pleased to see the legislation this session help some of our most severely injured workers by increasing benefits, expanding our vocational retraining programs and speeding up some cost-of-living increases,” said WSI Director Klipfel. It is anticipated that the combined effect of these benefit bills will serve to increase future payments on existing injured worker claims by nearly \$5 million.

Many of the benefit enhancements were contained in House Bill 1101, which passed unanimously in both chambers and was signed by Governor John Hoeven on April 8<sup>th</sup>. House Bill 1101, when implemented later in the year, will increase a number of benefits, including:

- **The maximum disability benefit:** Raised from 110% to 125% of the state’s average weekly wage (SAWW).
- **Death Benefits:** Increased the lifetime death benefit cap from \$250,000 to \$300,000 and increased the weekly dependency allowance from \$10 to \$15 per child; burial expenses increased from \$6,500 to \$10,000, one-time payments for spouse and dependent children increased from \$1,200 to \$2,500 for spouses and from \$400 to \$800 per dependent child.
- **The dependency allowance:** Raised from \$10 to \$15 per week per child.
- **Pre-acceptance disability benefits:** Increased from the minimum benefit rate to the standard rate.
- **Travel and other personal reimbursements:** Increased on aggravation claims to 100%.

The other bills will also have a positive impact on injured workers in a variety of ways from enhancing benefits to streamlining WSI processes and procedures. Here is a breakdown on what some of those changes include:

- Shortens the waiting period for eligible injured workers of supplementary benefits (COLAs) for pre-1/1/2006 total disability claims from 7 to 3 years.
- Provides injured workers payment for “artificial members’ such as eyeglasses, contact lenses, dental braces and orthopedic braces if an injury occurs and damages those prescriptive devices.
- Allows WSI to extend an additional 20 weeks to the current 104-week limit for those injured workers in vocational retraining programs.
- Expands the categories for injured workers within the vocational rehabilitation hierarchy that would be eligible for up to two months of job search benefits.
- The calculation of mileage paid to injured workers for appointments for travel by motor vehicle will be now be for the miles they actually used and necessarily traveled, instead of the city limit to city limit standard used before.
- Adds a permanent partial impairment schedule award for the partial loss of an injured worker’s eye sight.
- Provides an injured worker with attorney fees and costs for a review of their claim after successfully completing their review at the newly named Decision Review Office (formerly the Office of Independent Review). Attorney fees are capped at \$500 and costs are capped at \$150.
- Provides a surviving spouse to receive for up to six months, their decedent’s permanent total disability, supplementary or additional benefits payable benefits if the injured worker was permanently and totally disabled for at least 10 years and was married to the surviving spouse for at least 10 years and the surviving spouse provided WSI approved home health care for the decedent.
- Provides an injured worker a 30% expense allowance for maintaining a 2<sup>nd</sup> household or traveling more than 25 miles one-way when attending a retraining program. Also provides a sliding scale mileage allowance for those commuting less than 50 miles round trip while attending a school program.

Another change the public will notice as well is a change in name on August 1<sup>st</sup> to the WSI Office of Independent Review to Decision Review Office. While the mission of the office will not change, the name will better reflect the operation of the office that provides alternative dispute resolution services to injured workers after a decision has been made on their claim.