

LOST TIME ISSUES

The goal in tackling these issues is to make sure workers are not facing unneeded financial calamities while recovering from ailments caused by on-the-job events. Getting hurt on the job is stressful enough. We want to improve predictability, punctuality, and accuracy of lost-time payments. The issues we raise are recurring problems for our clients.

Workers and insurers should be subject to the same deadlines for correcting issues with time loss payments. Workers should be able to rely on the insurer's calculations of their lost wage payments, and should not be surprised by reductions in their compensation for large overpayments that are discovered by the insurer long after the payments are issued. One solution would be to provide a deadline for insurers to discover and correct overpayments so they do not continue to accrue into a large amount and so the worker can promptly correct any deficiencies in the payments.

Workers should be allowed to collect lost wages while the insurer is in the process of evaluating their permanent impairment. *Sec 656.268 4(b) and 4(e)* Current law allows insurers to deduct any lost wages paid past the date of maximum improvement from compensation. If the doctor says in hindsight the worker actually reached maximum improvement months before making that declaration, the worker suffers a large overpayment which is recovered from their permanent impairment compensation. We recommend that this not be permitted.

Workers should be notified before payments of lost wages are cut off. *Sec 656.262* Current law does not require insurers to notify the worker that their next wage loss check will not be issued or provide a reason in advance. The worker may first learn there is an issue when the check for lost wages does not appear. This simple requirement would allow workers to correct any deficiencies before payments are withheld, or plan for the loss of needed income before it suddenly occurs.

Insurers should have incentives to make settlement payments on time. *Sec 656.236(1)(a)* Current law allows an unsuspecting worker to waive penalties for late payment of their settlement. These penalties should not be waivable.

In a dispute over time loss calculations, employers should be expected to produce the wage records. *Sec. 652.236(1)(a)* If a worker and an employer are in dispute over wages that the employer did not document, the worker's testimony should receive more weight.