

**SYNOPSIS OF WORKERS' COMPENSATION
LAW IN NEW HAMPSHIRE**

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SYNOPSIS OF WORKERS' COMPENSATION LAW IN NEW HAMPSHIRE

<u>Task</u>	<u>Time</u>	<u>Misc.</u>	<u>Cite</u>
Initial claim	21 days to accept or deny	Can pay w/o prejudice and contest later	NH DOL Admin. Lab Rule 506.01(f); RSA 281-A:42
Memorandum of Payment (MOP)	With each payment or order to pay	Must comply with particular format	Lab 506.02; Lab 515.04
Statute of Limitations: Notice of Injury	Claims for workers' comp. benefits are barred unless notice of injury is provided to the employer within 2 years from the date of the injury		RSA 281-A:19
Statute of Limitations to request hearing	18 months from receipt of denial to request hearing	Use certified mail, return receipt	RSA 281-A:42; Lab 515.04
Statute of Limitations for filing claim	3 years	The statute requires notice by 2 years and a claim for benefits be made within 3 years or the claim is time barred. Time period begins on the date of the injury or the date the employee knows/reasonably should know	RSA 281-A:21-a
Payment of benefits	Benefits include indemnity, medical and/or voc. rehab.	Be sure to comply with DOL decision to pay within a particular timeframe	Lab 506.02

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Wage Schedule	AWW (Average Weekly Wage) is calculated using 26 week schedule	26 weeks precede the date of the injury; up to 52 weeks can be used if requested by claimant	Lab 506.02(e)(2)(4)
AWW unavailable		If unavailable, will be established through alternate method including use of the rate of hire wages from similarly situated employees	RSA 281-A:15
Review of Eligibility for Compensation (commonly called a hearing on extent)	May petition for hearing at any time	Carrier is only entitled to 2 IME's per year; once every 6 months	RSA 281-A:48
Payment of medical bills	Within 30 days accept or deny	A bill may be denied based on insufficient information, lack of reasonableness, necessity or relatedness, not causally related. Denials must be in particularized form. Denials are always without prejudice to pay later	Lab 506.02(i)(j)
Objection to reasonable value of services	Fee schedule does not exist; can accept bill but object to the amount of bill	Cannot direct care; fines up to \$2,500 for failure to pay or deny within 30 days	RSA 281-A:23
TAD (Temporary Alternative Duty)	Employee has right to reinstatement for period of 18 months	Statute requires all employers with 5+ employees develop TAD; if employee fails to accept TAD within restrictions provided by treating doctor; employer may request hearing to reduce or end benefits	RSA 281-A:23-b; Lab 504.04

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Indemnity Benefits	Unless temporary partial or at the DEC (diminished earning capacity rate), claimant may collect for 262 weeks	Carrier requests hearing under Section 48, extent to either reduce or terminate benefits based on ability to return to work	
Medicals	Remain open for the life of the claimant		
Permanent Impairment	At any time, but typically not sooner than 1 year after the injury; carrier may object within 15 days of receiving PI assessment and has 30 days to schedule its own IME. IME does not need to take place within 30 days	AMA Guide Fifth Edition used for calculation; AWW used to calculate permanency = AWW established using the date of injury for calculation of weekly benefits	RSA 281-A:32
Calculation of PI		Whole person impairment (WPI) = (350) x (% permanency) x (AWW) = PI; e.g. (350 weeks) x (10% PI) = 35 weeks x AWW = PI calculated award	RSA 281-A:32; Lab 511.04
Workers' Comp. Bar to Suit		No right to sue employer; workers' comp. statute operates as exclusive remedy for employee. Preclusion extends to spouses of claimant; wrongful termination claims expressly excluded from the preclusion.	RSA 281-A:8

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Lien	Carrier has a right to recover amounts paid against third party proceeds minus a pro rata share of attorney's fees; net excess to claimant results in holiday for carrier		RSA 281-A:13; Lab 511.03; Lab 515.15
Penalties	Civil penalties exist for non-compliance and may be assessed and are assessed for failure to pay claims timely or to file proper documentation		Lab 512.01
Voc. Rehab.	Part of the indemnity benefit; claimant can request at any time and carrier must pay		
SIF (Second Injury Fund)	Specific rules apply, but fund exists for recovery for employer		
Contact the DOL	(603) 271-3176		