

To: Workers' Compensation Advisory Council
From: James Marsh, SDDL
Date: September 5, 2012
Re: State by State Comparisons of Notice Periods, COLAs, Waiting Periods, and Impairment Guides

Following is the summary of my review of available information comparing state laws on timely notice, COLAs, waiting periods, and the version of the AMA (if any) states are using.

1. Timely Notice.

- **11** states do not specify a notice period, saying claims should be reported “as soon as possible,” or only specifying a “claim” period, which in their parlance has to do with requesting an administrative hearing. (Nebraska).
- **7** states use notice periods of **7 days** or less (North Dakota, South Dakota, and Wyoming).
- The remaining **32** states use notice periods of **more than 7 days**, [Iowa (90), Minnesota (14), and Montana (30)].

2. COLAs.

- **23** states have some sort of annual benefit adjustment for **permanent total disability** claims. (Minnesota, Montana, North Dakota, South Dakota, Wyoming) No state except South Dakota makes any sort of adjustment for other claims.
- **27** states do not make benefit adjustments of any kind (Nebraska, Iowa).

3. Waiting Periods.

- **23** states have a **7-day** period. (Nebraska, South Dakota)
- **5** states have a **5-day** period. (North Dakota)
- **21** states have a **3 or 4-day** period. (Iowa, Minnesota, Montana, Wyoming).

4. AMA Guide Version Adopted in Law or Rule.

- **24** states have adopted **no Guide**, or use an internally developed one. (Iowa, Minnesota, Nebraska)

- **7** states have adopted the **4th Edition**. (South Dakota)
- **9** states have adopted the **5th Edition**. (none in the area)
- **9** states have adopted the **6th Edition**, or at least “the latest version.” (Montana, North Dakota, and Wyoming)