

**ADVISORY NO. 62**

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**TOPIC: TERMINATION OF TIBs - THE NEW LAW WILL SOON BE 104 WEEKS OLD!**

If 104 weeks have expired since the date that temporary income benefits began to accrue, and claimant is currently receiving TIBs, maximum medical improvement has, by definition, been reached. According to Rule 130.2(c), the commission shall mail a notice to a treating doctor on expiration of 98 weeks from the date temporary income began to accrue and advise of the requirements that an impairment rating report must be mailed to the commission no later than 104 weeks from the date TIBs began to accrue (check your payments and remind the commission to act according to the above rule).

**To determine the date benefits began to accrue, use the following:**

If disability of a compensable injury extends beyond one week, weekly income benefits begin to accrue on the eighth day after injury;

If disability does not follow at once after the injury occurs, weekly benefits begin to accrue on the eighth day after the date the disability began;

If disability continues for 4 weeks (or longer), after the beginning date of the disability, the benefits are computed (and thus accrued) from the beginning date of disability.

No later than the 10th day after the date on which compensation is terminated, carrier shall file notice, and state the reasons for such termination.

**Note:** Impairment Income Benefits accrue on the day after the claimant reaches MMI, regardless of 7 or more days of disability. Carrier must pay IIBs on or before the 5th day after the last day of the 104th week.

In the absence of a doctor's report assigning an impairment rating at 104 weeks, there is no rule requiring the payment of IIBs. In keeping with the practice of good faith, carrier should make a "reasonable assessment" of impairment, based on the type of injury and medical reports received. This might well be 0%; however, care must be exercised that carrier's position can be justified.