

**ADVISORY NO. 69**

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**TOPIC: STATUTORY MMI AT 104 WEEKS**

TWCC has issued Advisory 93-01 (copy attached) addressing statutory MMI at 104 week after income benefits begin to accrue. The first payment of impairment income benefits (IIBs) is due 5 days after the expiration of the 104 weeks. The duration of IIBs is based on the impairment rating as assessed by the treating doctor, or if disputed, as determined by the commission.

TWCC is currently sending letters to all treating doctors for claimants who have not reached MMI and are receiving TIBs 98 weeks after benefits began to accrue. If the treating doctors fail to respond, TWCC is asking the carriers to contact the treating doctors (by phone) to request a TWCC-69 if not received on or before the 104th week after the accrual date. If the treating doctor has not provided an impairment rating at the end of the 104th week, TWCC will require the claimant to submit to a medical exam by a doctor selected by the commission or if requested by the carrier, to a doctor selected by the carrier.

In claims where a rating is not obtained by the end of the 104 weeks, carriers shall initiate IIBs based on carrier's reasonable assessment of the correct rating. The carrier is required to promptly notify TWCC and the claimant of the assessment by filing a TWCC-21 indicating the change to IIBs. If a dispute arises as to the carrier's assessment, the commission shall schedule a BRC to make a determination on entitlement and correct impairment rating.

Also see Flahive, Ogden & Latson Advisory No. 62.