

Impairment Income Benefits (IIBs) BEN

Information for Injured Employees from the Division of Workers' Compensation

Income benefits replace a portion of wages you lose because of a work-related injury or illness. There are four types of income benefits:

- temporary income benefits (TIBs);
- impairment income benefits (IIBs);
- supplemental income benefits (SIBs); and
- lifetime income benefits (LIBs).

Income benefits may not exceed the maximum weekly amount set by state law. Temporary income benefits, impairment income benefits, and lifetime income benefits are also subject to a minimum amount set by state law. The maximum and minimum benefit amounts are based on the state average weekly wage.



You must report any income (other than income benefits you may be receiving) to the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) and the insurance carrier so an adjustment can be made to your income benefit payments. You may be fined and/or charged with fraud if you receive temporary income benefits or supplemental income benefits while also receiving wages

from an employer without informing the TDI-DWC and the insurance carrier.

Income benefits are not payable following the death of an injured employee. In the case of an injured employee's death, the injured employee's beneficiaries may be eligible to file a claim for and receive death benefits if the injured employee's death was due to the work-related injury or illness.

Impairment Income Benefits (IIBs)

[Texas Labor Code §§408.121 – 408.129; 28 Texas Administrative Code §§130.1 – 130.11]

You may be entitled to Impairment Income Benefits (IIBs) if you have permanent impairment from a work-related injury or illness. Generally, Maximum Medical Improvement (MMI) is reached when you are as well as you are going to be from the work-related injury or illness. This does not mean that you will not need follow

up care with your health care provider, be completely pain free, or that you are released to return to work. When the health care provider determines you have reached MMI, the health care provider will determine if there is any permanent physical or functional damage. The health care provider will assign an impairment rating (IR) using the 4th Edition of the *American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment*. The impairment rating describes the degree of permanent damage to your body as a whole.

If you have not previously reached maximum medical improvement, the workers' compensation law generally establishes MMI at 104 weeks from the 8th day of disability. A doctor that is certified by the TDI-DWC to do Impairment Rating examinations must make an assessment of permanent impairment, if any. If an IR has not been assigned before the 104-week date when your temporary income benefits (TIBs) end, you may not receive IIBs until a doctor assigns an IR. TIBs can no longer be paid after 104 weeks (or maximum medical improvement). Your impairment rating determines whether you are eligible for IIBs. Three (3) weeks of IIBs are paid for each percentage of impairment.

For example, if you receive a 10 percent Impairment Rating, you will receive 30 weeks of IIBs because 3 weeks of IIBs are paid for each percentage of impairment ($10 \times 3 = 30$ weeks of IIBs).

Amount of Impairment Income Benefits

Impairment Income Benefits equal 70 percent of your average weekly wage (AWW). There is a state maximum for impairment income benefits just as there is for TIBs. The maximum for IIBs is 70 percent of the state AWW. A copy of the current maximum and minimum benefits for each type of income benefit can be found on the TDI website at www.tdi.texas.gov/wc/employee/maxminbens.html.

For example, if your average weekly wage was \$539, your weekly IIB rate would be \$377.

For further assistance, call

1-800-252-7031

or visit

www.tdi.texas.gov/wc/employee/index.html

Average weekly wage = \$539
70 percent of \$539 = \$377

If your average weekly wage was \$500, your weekly IIB rate would be \$350.

Average weekly wage = \$500
70 percent of \$500 = \$350

If your IIB rate is greater than the maximum benefit amount (\$541), you will only receive the maximum benefit amount.

State Average Weekly Wage = \$787
Your average weekly wage = \$836.42
70 percent of \$836.42 = \$585.49
(\$551 maximum limit for IIBs)
You will receive \$551

When Impairment Benefits Begin and End

You become eligible for Impairment Income Benefits (IIBs) the day after you reach maximum medical improvement (MMI). IIBs end after you have received a total of three (3) weeks of payments for each percentage point of your impairment rating.

For example, if you have an impairment rating of 6 percent, you would receive a total of 18 weeks of IIBs. Because IIBs are not wage replacement benefits, you can work while receiving IIBs.

Definitions

Average Weekly Wage (AWW) typically is the average amount of weekly wages you earned during the 13 weeks immediately before your work-related injury or illness occurred. Income and death benefit payments are based on your average weekly wage.

Disability occurs when a work-related injury or illness causes you to lose the ability to earn your weekly wages. Disability refers to your inability to earn an income, not to a physical handicap.

Impairment Rating is the percentage of permanent physical damage to your body that resulted from a work-related injury or illness.

Maximum Medical Improvement (MMI) is the earlier of:

- the point in time when your work-related injury or illness has improved as much as it is going to improve; or
- 104 weeks from the date you became eligible to receive income benefits (also known as “statutory MMI”) or any approved extension based upon approval for spinal surgery.

If you have had spinal surgery or have been approved for spinal surgery within 12 weeks of the expiration of the statutory MMI period, you may request an extension of MMI from the TDI-DWC in accordance with 28 Texas Administrative Code §126.11.

Maximum Weekly Income Benefit may not exceed 100 percent of the state average weekly wage rounded to the nearest whole dollar. The TDI-DWC will compute the maximum weekly income benefit for October 1 through September 30 of each year no later than October 1st of each year.

Minimum Weekly Income Benefit is 15 percent of the state average weekly wage rounded to the nearest whole dollar. The TDI-DWC will compute the maximum weekly income benefit for October 1 through September 30 of each year no later than October 1st of each year.

For more information on Workers' Compensation Benefits see the following fact sheets:

- Workers' Compensation Benefits
- Dispute Resolution