
Industrial Commission update

Temporary total compensation (TT) and maximum medical improvement (MMI)

The Ohio Supreme Court recently issued a decision that relates to the date that temporary total compensation (TT) should be terminated when the Industrial Commission deems that an injured worker has achieved maximum medical improvement (MMI). In the case of *State ex rel. Dillon v Industrial Commission*, it was determined that employers are now permitted to request that the Industrial Commission (IC) terminate TT effective the date of the medical exam that determined the injured worker to be at MMI.

Prior to this decision, the date of TT termination typically would be designated as the date that the IC hearing took place to address this issue. With the implementation of Dillon, the IC will now have to determine if TT is payable beyond the date of the MMI exam, which typically takes place one to two months prior to the Industrial Commission hearing that determines whether an MMI finding is appropriate.

So what does this decision really mean for you, as the employer? From a financial perspective, if there is a finding of MMI by the Industrial Commission effective the date that the examination took place and there was temporary total compensation paid beyond that exam date, the Bureau of Workers' Compensation will need to review to determine if an overpayment exists. If the IC uses a date other than the date of the exam to render an MMI finding, then you will want to review this with your assigned claims team to determine what appeal options may be available to you.

It is important to remember that this change is a legal change and therefore any presentation to the Industrial Commission asking that they apply Dillon to MMI date should be made by your legal counsel. Your claims team at Sedgwick is here to assist you with the financial implications of the result so that you can make an informed decision on your next steps in either accepting the IC decision or filing an appeal.

If you have any questions, contact our Sedgwick program manager, David Deyo, at 614-376-5401 or david.deyo@sedgwick.com