

## Pay During Appeal

### When does the Self-insured Employer (SIE) have to pay for benefits ordered by the department?

Note<sup>1</sup>: Payments will be considered paid “immediately” when the check is issued and mailed within 14 calendar days from the date of the order.

<b>Benefit Type: Timeloss (TL) or Loss of Earning Power (LOEP)</b>	<b>No SIE Protest</b>	<b>SIE Protests</b>	<b>SIE Appeals</b>
<b>A. Back (or prior) periods</b>	Immediately <sup>1</sup> .	<ul style="list-style-type: none"> <li>If the protest is received by the department on the date of the order, \$0.00 is due. If the protest is received the day after or later, the payment(s) must be made immediately<sup>1</sup>.</li> </ul>	Immediately <sup>1</sup> .
<b>B. Current (or ongoing) periods</b>	First payment is due immediately <sup>1</sup> . Ongoing payments must be paid per statutory timeframes.	<ul style="list-style-type: none"> <li>If the protest is received by the department on the date of the order, \$0.00 is due.</li> <li>If the protest is received the day after or later, payments must commence immediately<sup>1</sup> and be paid ongoing per statutory timeframes for all days from the date of the order up to and including the day before the protest is received.</li> <li>The SIE is not required to make payments from the date the protest is received forward, until L&amp;I issues a further order.</li> </ul>	First payment is due immediately <sup>1</sup> . Ongoing payments must continue per statutory timeframes up to the date the BIIA grants a stay. If no stay is requested, or a stay is denied, payments must continue until the BIIA reverses the L&I order or until the worker is no longer eligible.
<b>Benefit Type: Wage Order</b>	<b>No SIE Protest</b>	<b>SIE Protests</b>	<b>SIE Appeals</b>
	SIE must immediately modify the timeloss amount based on wage order, including any underpayments for previous payments.	<ul style="list-style-type: none"> <li>If the protest is received the department on the date of the order, the SIE must continue paying TL at the rate most recently reported to the department on an SIF-5A</li> <li>If the protest is received the day after the order is issued or later, the SIE must pay timeloss based on the wage order for any payments prior to the order, as well as any days up to and including the day before the protest was received. For any days after the protest is received, the SIE may use rate most recently reported to the department on an SIF-5A.</li> </ul>	The SIE may continue paying at the rate most recently reported to the department on an SIF-5A.

Benefit Type: Permanent Partial Disability (PPD) Award	No SIE Protest	SIE Protests	SIE Appeals
<p><b>A. When ordered by L&amp;I AND for an initial award only, not an increase to a prior protested amount</b></p> <p><i>Reminder: If the employer closes a claim with PPD, the down-payment is due within 5 days of the date of the employer's order.</i></p>	<p>Down-payment is due immediately<sup>1</sup>. Subsequent payments must continue per statutory timeframes until the full award, including interest, has been paid.</p>	<ul style="list-style-type: none"> <li>• Down-payment is due immediately<sup>1</sup>.</li> <li>• If the protest is received before a subsequent payment would have been due under statutory timeframes, no subsequent payments are required.</li> <li>• If the protest is received after a subsequent payment was due, the payment, including interest, must also be paid per statutory timeframes.</li> </ul> <p><i>If the PPD award is later affirmed, the SIE will owe interest for any portion of the PPD award held while awaiting L&amp;I's decision.</i></p>	<p>Down-payment due immediately<sup>1</sup> and ongoing payments must be paid according to schedule up to date the BIIA grants a stay. If no stay is requested, or a stay is denied, payments must continue until the PPD award is paid in full or until the date the BIIA reverses the L&amp;I order.</p> <p><i>If the PPD award is affirmed by the BIIA, the SIE will owe interest for any portion of the PPD award held while awaiting the BIIA's decision.</i></p>
<p><b>B. When ordered by L&amp;I AND for an increased amount in response to a worker protest to a prior, lower PPD award</b></p>	<p>Payments must continue for the initial (previously ordered) PPD amount according to the established payment schedule.</p> <p>The SIE may choose to wait until the order is final and binding (60 days) before adjusting the payment schedule to include the new, higher PPD award.</p>	<p>Payments for the initial (previously ordered) PPD amount must continue according to the established payment schedule.</p> <p>The increased amount is automatically stayed if the order is protested, no matter what date the protest is received.</p> <p>Note: Interest will accrue on any stayed portion of a PPD award.</p>	<p>Payments for the initial (previously ordered) PPD amount must continue according to the established payment schedule.</p> <p>The increased amount is automatically stayed if appealed.</p> <p>Note: Interest will accrue on any stayed portion of a PPD award.</p>

<b>Benefit Type: Medical Treatment</b>	<b>No SIE Protest</b>	<b>SIE Protests</b>	<b>SIE Appeals</b>
<b>A. Bills for Prior Medical treatment</b>	Bills for dates of service prior to the date of the order must be paid according to statutory timeframes, including interest for bills that may have been pending over 30 days.	Bills for dates of service prior to the date of the order must be paid according to statutory timeframes, including interest for bills that may have been pending over 30 days.  These bills must be paid even if received after protest as the treatment was provided prior to the date of the order.	Bills for dates of service prior to the date of the order must be paid according to statutory timeframes, including interest for bills that may have been pending over 30 days.  These bills must be paid even if received after appeal as the treatment was provided prior to date of the order.
<b>B. Current (or ongoing) Medical treatment and Bills</b>  1) Specific medical treatment authorization. (e.g. fusion surgery, or an MRI)	Treatment proceeds as indicated in the order. Bills for ordered treatment must be paid according to statutory timeframes.	<ul style="list-style-type: none"> <li>• For any ordered treatment that occurs prior to the date the protest is received by L&amp;I, the bill must be paid according to statutory timeframes, even if the bill is received after the order is protested.</li> <li>• Until L&amp;I issues a further order, the employer is not responsible for any bills for any ordered treatment provided on the day the protest is received by L&amp;I or later.</li> </ul>	<ul style="list-style-type: none"> <li>• If there is no motion for stay, or if the stay is denied, any bills for ordered treatment must be paid according to statutory timeframes.</li> <li>• If any ordered treatment occurs before the day a stay is granted, bills must be paid within statutory timeframes, even if the bill is received after the stay has been granted.</li> <li>• If any ordered treatment occurs on the day a stay is granted or later, the employer is not responsible for the bills until a further order is issued by the BIIA.</li> </ul>
2) Specific type of ongoing medical treatment (e.g. psychiatric or chiropractic treatment)	Treatment proceeds as indicated in the order. Bills for ordered treatment must be paid according to statutory timeframes.	<ul style="list-style-type: none"> <li>• For any ordered treatment that occurs prior to the date the protest is received by L&amp;I, the bill must be paid according to statutory timeframes, even if the bill is received after the order is protested.</li> <li>• Until L&amp;I issues a further order, the employer is not responsible for any bills for any ordered treatment provided on the day the protest is received by L&amp;I or later.</li> </ul>	<ul style="list-style-type: none"> <li>• If there is no motion for stay, or if the stay is denied, any bills for ordered treatment must be paid according to statutory timeframes.</li> <li>• If any order treatment occurs before the day a stay is granted, bills must be paid within statutory timeframes, even if the bill is received after the stay has been granted.</li> <li>• If any ordered treatment occurs on the day a stay is granted or later, the employer is not responsible for the bills until a further order is issued by the BIIA.</li> </ul>

<p>3) Allowance of a claim or a condition</p>	<p>Treatment proceeds as indicated in the order. Bills for treatment related to the allowed claim or condition must be paid according to statutory timeframes.</p>	<ul style="list-style-type: none"> <li>• For any treatment related to the allowed claim or condition that occurs prior to the date the protest is received by L&amp;I, the bill must be paid according to statutory timeframes, even if the bill is received after the order is protested.</li> <li>• Until L&amp;I issues a further order, the employer is not responsible for any bills for ordered treatment provided on the day the protest is received by L&amp;I or later.</li> </ul>	<ul style="list-style-type: none"> <li>• If there is no motion for stay, or if the stay is denied, bills for treatment related to the claim must be paid according to statutory timeframes.</li> <li>• Bills for any treatment that occurs before the day a stay is granted must be paid within statutory timeframes, even if the bill is received after the stay has been granted.</li> <li>• If the treatment occurs on the day a stay is granted, or any day after, the employer is not responsible for the bill until a further order is issued by the BIIA.</li> </ul>
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