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HOUSE BILL 503

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO WORKERS' COMPENSATION; PROVIDING FOR ADDITIONAL  
TEMPORARY TOTAL DISABILITY COMPENSATION UNDER CERTAIN  
CIRCUMSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 52-1-25.1 NMSA 1978 (being Laws 1990  
(2nd S.S.), Chapter 2, Section 10) is amended to read:

"52-1-25.1. TEMPORARY TOTAL DISABILITY--RETURN TO WORK.--

A. As used in the Workers' Compensation Act,  
"temporary total disability" means the inability of ~~the~~ a  
worker, by reason of accidental injury arising out of and in  
the course of his employment, to perform his duties prior to  
the date of his maximum medical improvement.

B. If, prior to the date of maximum medical  
improvement, an injured worker's health care provider releases

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1 the worker to return to work and the employer offers work at  
2 the worker's pre-injury wage, the worker is not entitled to  
3 temporary total disability benefits.

4 C. If, prior to the date of maximum medical  
5 improvement, an injured worker's health care provider releases  
6 the worker to return to work and the employer offers work at  
7 less than the worker's pre-injury wage, the worker is disabled  
8 and shall receive temporary total disability compensation  
9 benefits equal to sixty-six and two-thirds percent of the  
10 difference between the worker's pre-injury wage and his post-  
11 injury wage.

12 D. When an injured worker reaches maximum medical  
13 improvement, the injured worker shall be entitled to an  
14 additional twenty-six weeks of temporary total disability  
15 compensation benefits equal to sixty-six and two-thirds percent  
16 of the injured worker's pre-injury wage subject to the  
17 application of Section 52-1-50.1 NMSA 1978.

18 [~~D.~~] E. If the worker returns to work pursuant to  
19 the provisions of Subsection B of this section or Section  
20 52-1-50.1 NMSA 1978, the employer shall continue to provide  
21 reasonable and necessary medical care pursuant to Section  
22 52-1-49 NMSA 1978. "