

This is an amendment to 11.4.3 NMAC, Sections 8 and 11, effective 1/1/2025.

**11.4.3.8 PAYMENT OF CLAIMS:**

**A.** If an accidental injury or occupational disease occurs to a worker during the course of employment and results in lost time to the worker of more than seven cumulative days, the employer shall file an E1.2 report with the WCA, and shall concurrently provide a copy to the worker.

**B.** The employer shall pay the worker the first ~~and remaining~~ ~~[installment]~~ installments of compensation benefits in accordance with Section 52-1-30 NMSA 1978. ~~[on a compensable claim no later than 14 days of the date of filing of the E1.2 report with the WCA.]~~

**C.** If a claim is denied, the employer shall, upon the request of the worker, provide a written statement of the basis for the denial within 30 days of receiving a request.

**D.** Compromise payments by the employer shall not be construed as an admission of liability by any person or party.

[5/2/87, 5/26/87, 5/29/91, 6/1/96; 11.4.3.8 NMAC - Rn, 11 NMAC 4.3.8, 11/30/04; A, 6/16/16; A, 1/1/2025]

**11.4.3.11 MILEAGE BENEFITS:**

**A.** Employer shall pay worker's mileage, transportation, meal and commercial lodging expenses for travel to HCPs pursuant to this rule. Payment shall be made only to the injured worker and within 30 days of the employer's receipt of an original itemized receipt that complies with the requirements of this rule:

**(1)** for travel to HCPs of 15 miles or more, one way, from the worker's residence or place of employment, depending upon the point of origin of travel, mileage shall be reimbursed at the mileage reimbursement rate set by the New Mexico Department of Finance and Administration regulations in effect on the date of travel;

**(2)** actual reimbursement for the cost of a ticket on a common carrier, if applicable;

**(3)** actual reimbursement up to \$ ~~[15.00]~~ 25 for any one meal with up to three meals total and \$ ~~[30]~~ 75 total reimbursed for a 24 hour period; and,

**(4)** actual reimbursement up \$ ~~[85.00]~~ 150 for the cost of overnight commercial lodging in the event of required travel of at least 150 miles one way from worker's residence or place of employment, depending upon the point of origin of travel.

**B.** Unless a judge otherwise orders, ~~[The]~~ the employer in its sole discretion may make payments under this section in advance. If worker accepts an advance payment and fails to appear for the scheduled HCP or IME appointment for which an advance has been issued, the employer/insurer may deduct the amount of the advance from the present indemnity benefits.

[5/26/87...6/1/96; 11.4.3.11 NMAC - A/E, 11/15/04; 11.4.3.11 NMAC - Rn, 11 NMAC 4.3.11, 11/30/04; A/E, 2/19/10; A, 12/31/12; A, 6/30/16; A, 1/1/2025]