event later than 100 weeks after the injury or death.

**What Benefits are Available?**

Initially, the workers’ compensation claim is handled no differently than any other workers’ compensation claim. For an eligible

case, the Second Injury Fund may begin to reimburse the insurance company for compensation and medical benefits paid to the disabled worker. This amount varies depending upon the date of injury and the amount of benefits paid.

For an eligible case in which the second injury was prior to 01/01/1991, after the first 104 weeks of disability the Second Injury Fund will reimburse all costs of medical care and treatment, weekly compensation benefits, and benefits paid to dependents in the case of a fatality. For those accepted cases, in which the second injury is after 01/01/1991, the carrier will be reimbursed 50% over and above the first $10,000 pain in eligible benefits prior to the 104 weeks.

The Fund is prohibited from reimbursing the insurer for vocational rehabilitation services or for permanent impairment awards in certain cases.

**Where, When and How to File a Claim**

When employee with a pre-existing permanent impairment is injured on the job, the employer or the insurance carrier must file a Notice of a Potential Claim within 100 weeks of the date of injury. The Notice of a Potential Claim can be mailed or emailed to:

**State of New Hampshire**

**Department of Labor**

**Second Injury Fund**

**95 Pleasant Street**

**Concord, NH 03301**

**Email:** **SIFMC@dol.nh.gov**

Forms for filing a claim along with the Rules and Regulations can be found by visiting: <https://nh.gov/labor>

If you need any additional information, please contact our Special Funds Coordinator at **603-271-3799**.

**THE**

**NEW HAMPSHIRE**

**WORKER’S COMPSENSATION**

**SECOND INJURY FUND**



<https://www.nh.gov/labor/workers-comp/cost-containment/second-injury-fund.htm>

Revised January 2019

**STATE OF NEW HAMPSHIRE**

**WORKERS’ COMPENSATION**

**SECOND INJURY FUND**

**95 Pleasant Street**

**Concord, NH 03301**

**603-271-3799**

The following information is designed to familiarize employers, employees, insurance carriers and agents as well as the general public with the State of New Hampshire Workers’ Compensation Second Injury Fund.

**What is the Second Injury Fund?**

The Fund is a state agency which reimburses insurance carriers, or self-insured employers, for compensation and medical benefits paid when an employee with a pre-existing permanent impairment gets injured on the job.

**Who Administers the Fund?**

The Fund is administered by the Commissioner of the NH Department of Labor.

**How is the Fund Financed?**

Each insurance carrier and self-insurer shall, pursuant to rules adopted by the commissioner, make payments to the fund in an amount equal to that proportion of 115 percent of the total obligation of the fund during the preceding 12 months, less the amount of the net assets in the fund as of March 31 of the current year, which the total workers' compensation benefits, including medical benefits, paid by each insurance carrier and self-insurer bore to the total workers' compensation benefits, including medical benefits, paid by all insurance carriers and self-insurers in the fiscal year ending in the preceding calendar year.

**What is the Purpose of the Second Injury Fund?**

Quite often employers are reluctant or will not hire employees with a pre-existing permanent impairment because they fear an increase in workers’ compensation insurance costs. The Second Injury Fund is designed to encourage employers to hire and retain such employees by reimbursing the employer or his insurance carrier for part of the compensation costs, in certain instances, when such an employee is injured on the job.

**Is it Safe to Hire Employees with a Pre-existing Permanent Impairment?**

Yes, because such workers are generally considered to be most desirable, from both individual and societal perspectives that impaired people be as independent as possible, earning their livings on their own whenever feasible.

The Second Injury Fund helps protect employers from excess liability for workers’ compensation when an employee sustains an on-the-job injury.

**What Are the Basic Pre-Requisites for Reimbursement?**

1. The employee must have a pre-existing permanent impairment that is an obstacle or hindrance in obtaining employment.
2. The employer shall establish by written records, or by affidavit executed at the time of hire or retention in employment, that the employer had knowledge of the employee's permanent physical or mental impairment at the time that the employee was hired or at the time that the employee was retained in employment after the employer acquired such knowledge and it must be dated prior to the subsequent injury.
3. The employee must sustain a subsequent compensable, work-related injury that results in a compensation liability for a disability that is greater by reason of the combined effects of the pre-existing impairment that that which would have resulted from the subsequent injury alone.
4. An employer or insurance carrier shall notify the commissioner of any possible claim against the special fund as soon as practicable but in no