

Adopted	Rejected
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## COMMITTEE REPORT

YES:	9
NO:	2

### MR. SPEAKER:

*Your Committee on Labor and Employment, to which was referred House Bill 1116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1           Page 1, between the enacting clause and line 1, begin a new
- 2           paragraph and insert:
- 3           "SECTION 1. IC 22-3-2-22 IS AMENDED TO READ AS
- 4           FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 22. (a) Each employer
- 5           subject to IC 22-3-2 through IC 22-3-6 shall post a notice in the
- 6           employer's place of business to inform the employees that their
- 7           employment is covered by worker's compensation. The notice must also
- 8           contain the name, address, and telephone number of the employer's
- 9           insurance carrier or the person responsible for administering the
- 10          employer's worker's compensation claims if the employer is self
- 11          insured.
- 12          (b) The notice required under this section must be in a form
- 13          approved by the board and shall be posted at a conspicuous location at
- 14          the employer's place of business to provide reasonable notice to all
- 15          employees. If the employer is required by federal law or regulation to
- 16          post a notice for the employer's employees, the notice required under

1 this section must be posted in the same location or locations where the  
2 notice required by federal law or regulation is posted.

3 (c) An employer who fails to comply with this section is subject to  
4 a civil penalty of fifty dollars (\$50); to be assessed and collected by the  
5 board. ~~Civil penalties collected under this section shall be deposited in~~  
6 ~~the state general fund. under IC 22-3-4-15."~~

7 Page 2, line 8, delete "After June 30, 2010, this subsection applies  
8 whenever an" and insert "**No employer or employer's insurance**  
9 **carrier shall delay the provision of medical care whenever the**  
10 **delay may negatively impact the employee's medical outcome."**

11 Page 2, delete lines 9 through 19.

12 Page 3, between lines 41 and 42, begin a new paragraph and insert:

13 "SECTION 3. IC 22-3-3-7 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Compensation  
15 shall be allowed on account of injuries producing only temporary total  
16 disability to work or temporary partial disability to work beginning  
17 with the eighth (~~8th~~) day of such disability except for medical benefits  
18 provided in section 4 of the chapter. Compensation shall be allowed for  
19 the first seven (7) calendar days only if the disability continues for  
20 longer than twenty-one (21) days.

21 (b) The first weekly installment of compensation for temporary  
22 disability is due fourteen (14) days after the disability begins. Not later  
23 than fifteen (15) days from the date that the first installment of  
24 compensation is due, the employer or the employer's insurance carrier  
25 shall tender to the employee or to the employee's dependents, with all  
26 compensation due, a properly prepared compensation agreement in a  
27 form prescribed by the board. Whenever an employer or the employer's  
28 insurance carrier denies or is not able to determine liability to pay  
29 compensation or benefits, the employer or the employer's insurance  
30 carrier shall notify the worker's compensation board and the employee  
31 in writing on a form prescribed by the worker's compensation board not  
32 later than thirty (30) days after the employer's knowledge of the  
33 claimed injury. If a determination of liability cannot be made within  
34 thirty (30) days, the worker's compensation board may approve an  
35 additional thirty (30) days upon a written request of the employer or the  
36 employer's insurance carrier that sets forth the reasons that the  
37 determination could not be made within thirty (30) days and states the  
38 facts or circumstances that are necessary to determine liability within

1 the additional thirty (30) days. More than thirty (30) days of additional  
 2 time may be approved by the worker's compensation board upon the  
 3 filing of a petition by the employer or the employer's insurance carrier  
 4 that sets forth:

- 5 (1) the extraordinary circumstances that have precluded a
- 6 determination of liability within the initial sixty (60) days;
- 7 (2) the status of the investigation on the date the petition is filed;
- 8 (3) the facts or circumstances that are necessary to make a
- 9 determination; and
- 10 (4) a timetable for the completion of the remaining investigation.

11 An employer who fails to comply with this section is subject to a civil  
 12 penalty of fifty dollars (\$50), to be assessed and collected by the board  
 13 upon notice and hearing. ~~Civil penalties collected under this section~~  
 14 ~~shall be deposited in the state general fund. under IC 22-3-4-15.~~

15 (c) Once begun, temporary total disability benefits may not be  
 16 terminated by the employer unless:

- 17 (1) the employee has returned to any employment;
- 18 (2) the employee has died;
- 19 (3) the employee has refused to undergo a medical examination
- 20 under section 6 of this chapter or has refused to accept suitable
- 21 employment under section 11 of this chapter;
- 22 (4) the employee has received five hundred (500) weeks of
- 23 temporary total disability benefits or has been paid the maximum
- 24 compensation allowed under section 22 of this chapter; or
- 25 (5) the employee is unable or unavailable to work for reasons
- 26 unrelated to the compensable injury.

27 In all other cases the employer must notify the employee in writing of  
 28 the employer's intent to terminate the payment of temporary total  
 29 disability benefits and of the availability of employment, if any, on a  
 30 form approved by the board. If the employee disagrees with the  
 31 proposed termination, the employee must give written notice of  
 32 disagreement to the board and the employer within seven (7) days after  
 33 receipt of the notice of intent to terminate benefits. If the board and  
 34 employer do not receive a notice of disagreement under this section,  
 35 the employee's temporary total disability benefits shall be terminated.  
 36 Upon receipt of the notice of disagreement, the board shall immediately  
 37 contact the parties, which may be by telephone or other means, and  
 38 attempt to resolve the disagreement. If the board is unable to resolve

1 the disagreement within ten (10) days of receipt of the notice of  
2 disagreement, the board shall immediately arrange for an evaluation of  
3 the employee by an independent medical examiner. The independent  
4 medical examiner shall be selected by mutual agreement of the parties  
5 or, if the parties are unable to agree, appointed by the board under  
6 IC 22-3-4-11. If the independent medical examiner determines that the  
7 employee is no longer temporarily disabled or is still temporarily  
8 disabled but can return to employment that the employer has made  
9 available to the employee, or if the employee fails or refuses to appear  
10 for examination by the independent medical examiner, temporary total  
11 disability benefits may be terminated. If either party disagrees with the  
12 opinion of the independent medical examiner, the party shall apply to  
13 the board for a hearing under IC 22-3-4-5.

14 (d) An employer is not required to continue the payment of  
15 temporary total disability benefits for more than fourteen (14) days  
16 after the employer's proposed termination date unless the independent  
17 medical examiner determines that the employee is temporarily disabled  
18 and unable to return to any employment that the employer has made  
19 available to the employee.

20 (e) If it is determined that as a result of this section temporary total  
21 disability benefits were overpaid, the overpayment shall be deducted  
22 from any benefits due the employee under section 10 of this chapter  
23 and, if there are no benefits due the employee or the benefits due the  
24 employee do not equal the amount of the overpayment, the employee  
25 shall be responsible for paying any overpayment which cannot be  
26 deducted from benefits due the employee."

27 Page 8, between lines 3 and 4, begin a new paragraph and insert:

28 "SECTION 5. IC 22-3-4-13, AS AMENDED BY P.L.1-2007,  
29 SECTION 159, IS AMENDED TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2010]: Sec. 13. (a) Every employer shall keep  
31 a record of all injuries, fatal or otherwise, received by or claimed to  
32 have been received by the employer's employees in the course of their  
33 employment. Within seven (7) days after the occurrence and  
34 knowledge thereof, as provided in IC 22-3-3-1, of any injury to an  
35 employee causing death or absence from work for more than one (1)  
36 day, a report thereof shall be made in writing and mailed to the  
37 employer's insurance carrier or, if the employer is self insured,  
38 delivered to the worker's compensation board in the manner provided

1 in subsections (b) and (c). The insurance carrier shall deliver the report  
 2 to the worker's compensation board in the manner provided in  
 3 subsections (b) and (c) not later than seven (7) days after receipt of the  
 4 report or fourteen (14) days after the employer's knowledge of the  
 5 injury, whichever is later. An employer or insurance carrier that fails  
 6 to comply with this subsection is subject to a civil penalty of fifty  
 7 dollars (\$50); to be assessed and collected by the board. Civil penalties  
 8 collected under this section shall be deposited in the state general fund:  
 9 **under section 15 of this chapter.**

10 (b) All insurance carriers, companies who carry risk without  
 11 insurance, and third party administrators reporting accident information  
 12 to the board in compliance with subsection (a) shall

13 ~~(1) report the information using electronic data interchange~~  
 14 ~~standards prescribed by the board. no later than June 30, 1999; or~~

15 ~~(2) in the alternative, the reporting entity shall have an~~  
 16 ~~implementation plan approved by the board no later than June 30,~~  
 17 ~~2000, that provides for the ability to report the information using~~  
 18 ~~electronic data interchange standards prescribed by the board no~~  
 19 ~~later than December 31, 2000.~~

20 ~~Prior to the June 30, 2000, and December 31, 2000, deadlines, the~~  
 21 ~~reporting entity may continue to report accidents to the board by mail~~  
 22 ~~in compliance with subsection (a).~~

23 (c) The report shall contain the name, nature, and location of the  
 24 business of the employer, the name, age, sex, wages, occupation of the  
 25 injured employee, the date and hour of the accident causing the alleged  
 26 injury, the nature and cause of the injury, and such other information  
 27 as may be required by the board.

28 (d) A person who violates any provision of this article, except  
 29 IC 22-3-5-1, IC 22-3-7-34(b), or IC 22-3-7-34(c), commits a Class C  
 30 infraction. A person who violates IC 22-3-5-1, IC 22-3-7-34(b), or  
 31 IC 22-3-7-34(c) commits a Class A infraction. The worker's  
 32 compensation board in the name of the state may seek relief from any  
 33 court of competent jurisdiction to enjoin any violation of this article.

34 (e) The venue of all criminal actions under this section lies in the  
 35 county in which the employee was injured. The prosecuting attorney of  
 36 the county shall prosecute all such violations upon written request of  
 37 the worker's compensation board. Such violations shall be prosecuted  
 38 in the name of the state.

1 (f) In an action before the board against an employer who at the time  
 2 of the injury to or occupational disease of an employee had failed to  
 3 comply with IC 22-3-5-1, IC 22-3-7-34(b), or IC 22-3-7-34(c), the  
 4 board may award to the employee or the dependents of a deceased  
 5 employee:

- 6 (1) compensation not to exceed double the compensation
- 7 provided by this article;
- 8 (2) medical expenses; and
- 9 (3) reasonable attorney fees in addition to the compensation and
- 10 medical expenses.

11 (g) In an action under subsection ~~(c)~~ (d) the court may:

- 12 (1) order the employer to cease doing business in Indiana until the
- 13 employer furnishes proof of insurance as required by IC 22-3-5-1
- 14 and IC 22-3-7-34(b) or IC 22-3-7-34(c);
- 15 (2) require satisfactory proof of the employer's financial ability to
- 16 pay any compensation or medical expenses in the amount and
- 17 manner and when due as provided for in IC 22-3, for any injuries
- 18 which occurred during any period of noncompliance; and
- 19 (3) require the employer to deposit with the worker's
- 20 compensation board an acceptable security, indemnity, or bond to
- 21 secure the payment of such compensation and medical expense
- 22 liabilities.

23 (h) The penalty provisions of subsection ~~(c)~~ (d) shall apply only to  
 24 the employer and shall not apply for a failure to exact a certificate of  
 25 insurance under IC 22-3-2-14 or IC 22-3-7-34(i) or IC 22-3-7-34(j).

26 SECTION 6. IC 22-3-4-15 IS ADDED TO THE INDIANA CODE  
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 28 1, 2010]: **Sec. 15. (a) In addition to any other remedy available to  
 29 the worker's compensation board under this article or at law, the  
 30 board may, after notice and a hearing, assess a civil penalty under  
 31 this section for any of the following:**

- 32 **(1) Failure to post a notice required by IC 22-3-2-22.**
- 33 **(2) Failure to determine employer liability for a claim as**
- 34 **required by IC 22-3-3-7 or IC 22-3-7-16.**
- 35 **(3) Failure to file an injury record with the board as required**
- 36 **by section 13 of this chapter or to file a report of a**
- 37 **disablement by occupational disease as required by**
- 38 **IC 22-3-7-37.**

1           **(b) For the first violation of an offense listed in subsection (a),**  
2 **the board may assess a civil penalty not to exceed fifty dollars**  
3 **(\$50).**

4           **(c) For the second unrelated violation of the same offense listed**  
5 **in subsection (a), the board may assess a civil penalty not to exceed**  
6 **one hundred fifty dollars (\$150).**

7           **(d) For the third or subsequent unrelated violation of the same**  
8 **offense listed in subsection (a), the board may assess a civil penalty**  
9 **not to exceed three hundred dollars (\$300).**

10           **(e) Civil penalties collected under this section shall be deposited**  
11 **in the worker's compensation supplemental administrative fund**  
12 **established by IC 22-3-5-6.**

13           SECTION 7. IC 22-3-5-2.5 IS ADDED TO THE INDIANA CODE  
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
15 1, 2010]: **Sec. 2.5. (a) The worker's compensation board is entitled**  
16 **to request that an employer provide the board with current proof**  
17 **of compliance with section 2 of this chapter.**

18           **(b) If an employer fails or refuses to provide current proof of**  
19 **compliance by the seventh day after the employer receives the**  
20 **board's request under subsection (a), the board may assess a civil**  
21 **penalty against the employer not to exceed one hundred fifty**  
22 **dollars (\$150).**

23           **(c) If an employer fails or refuses to provide a current proof of**  
24 **compliance by the fourteenth day after the date the employer**  
25 **receives the board's request under subsection (a), the board may**  
26 **assess a civil penalty not to exceed three hundred dollars (\$300).**

27           **(d) If an employer fails or refuses to provide a current proof of**  
28 **compliance by the twenty-fifth day after the date the employer**  
29 **receives the board's request under subsection (a), the board may:**

30           **(1) assess a civil penalty not to exceed one thousand dollars**  
31 **(\$1,000); and**

32           **(2) after notice to the employer and a hearing, order that the**  
33 **noncompliant employer's name be listed on the board's**  
34 **Internet web site.**

35           **(e) The civil penalties provided for in this section are**  
36 **cumulative.**

37           **(f) Civil penalties collected under this section shall be deposited**  
38 **in the worker's compensation supplemental administrative fund**

1 **established by section 6 of this chapter.**

2 SECTION 8. IC 22-3-5-6 IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) The worker's compensation  
4 supplemental administrative fund is established for the purpose of  
5 carrying out the administrative purposes and functions of the worker's  
6 compensation board.

7 **(b)** The fund consists of:

8 **(1)** fees collected from employers under sections 1 through 2 of  
9 this chapter; ~~and from~~

10 **(2)** fees collected under IC 22-3-2-14.5 and IC 22-3-7-34.5; **and**

11 **(3) civil penalties assessed under IC 22-3-4-15, section 2.5 of**  
12 **this chapter, and IC 22-3-7-34.3.**

13 **(c)** The fund shall be administered by the worker's compensation  
14 board. Money in the fund is annually appropriated to the worker's  
15 compensation board and shall be used for all expenses incurred by the  
16 worker's compensation board.

17 ~~(b)~~ **(d)** The money in the fund is not to be used to replace funds  
18 otherwise appropriated to the board. Money in the fund at the end of  
19 the state fiscal year does not revert to the state general fund.

20 SECTION 9. IC 22-3-7-16, AS AMENDED BY P.L.134-2006,  
21 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2010]: Sec. 16. (a) Compensation shall be allowed on account  
23 of disablement from occupational disease resulting in only temporary  
24 total disability to work or temporary partial disability to work  
25 beginning with the eighth day of such disability except for the medical  
26 benefits provided for in section 17 of this chapter. Compensation shall  
27 be allowed for the first seven (7) calendar days only as provided in this  
28 section. The first weekly installment of compensation for temporary  
29 disability is due fourteen (14) days after the disability begins. Not later  
30 than fifteen (15) days from the date that the first installment of  
31 compensation is due, the employer or the employer's insurance carrier  
32 shall tender to the employee or to the employee's dependents, with all  
33 compensation due, a properly prepared compensation agreement in a  
34 form prescribed by the board. Whenever an employer or the employer's  
35 insurance carrier denies or is not able to determine liability to pay  
36 compensation or benefits, the employer or the employer's insurance  
37 carrier shall notify the worker's compensation board and the employee  
38 in writing on a form prescribed by the worker's compensation board not

1 later than thirty (30) days after the employer's knowledge of the  
 2 claimed disablement. If a determination of liability cannot be made  
 3 within thirty (30) days, the worker's compensation board may approve  
 4 an additional thirty (30) days upon a written request of the employer or  
 5 the employer's insurance carrier that sets forth the reasons that the  
 6 determination could not be made within thirty (30) days and states the  
 7 facts or circumstances that are necessary to determine liability within  
 8 the additional thirty (30) days. More than thirty (30) days of additional  
 9 time may be approved by the worker's compensation board upon the  
 10 filing of a petition by the employer or the employer's insurance carrier  
 11 that sets forth:

- 12 (1) the extraordinary circumstances that have precluded a
- 13 determination of liability within the initial sixty (60) days;
- 14 (2) the status of the investigation on the date the petition is filed;
- 15 (3) the facts or circumstances that are necessary to make a
- 16 determination; and
- 17 (4) a timetable for the completion of the remaining investigation.

18 An employer who fails to comply with this section is subject to a civil  
 19 penalty of fifty dollars (\$50); to be assessed and collected by the board  
 20 upon notice and hearing. Civil penalties collected under this section  
 21 shall be deposited in the state general fund. **under IC 22-3-4-15.**

22 (b) Once begun, temporary total disability benefits may not be  
 23 terminated by the employer unless:

- 24 (1) the employee has returned to work;
- 25 (2) the employee has died;
- 26 (3) the employee has refused to undergo a medical examination
- 27 under section 20 of this chapter;
- 28 (4) the employee has received five hundred (500) weeks of
- 29 temporary total disability benefits or has been paid the maximum
- 30 compensation allowable under section 19 of this chapter; or
- 31 (5) the employee is unable or unavailable to work for reasons
- 32 unrelated to the compensable disease.

33 In all other cases the employer must notify the employee in writing of  
 34 the employer's intent to terminate the payment of temporary total  
 35 disability benefits, and of the availability of employment, if any, on a  
 36 form approved by the board. If the employee disagrees with the  
 37 proposed termination, the employee must give written notice of  
 38 disagreement to the board and the employer within seven (7) days after

1 receipt of the notice of intent to terminate benefits. If the board and  
2 employer do not receive a notice of disagreement under this section,  
3 the employee's temporary total disability benefits shall be terminated.  
4 Upon receipt of the notice of disagreement, the board shall immediately  
5 contact the parties, which may be by telephone or other means and  
6 attempt to resolve the disagreement. If the board is unable to resolve  
7 the disagreement within ten (10) days of receipt of the notice of  
8 disagreement, the board shall immediately arrange for an evaluation of  
9 the employee by an independent medical examiner. The independent  
10 medical examiner shall be selected by mutual agreement of the parties  
11 or, if the parties are unable to agree, appointed by the board under  
12 IC 22-3-4-11. If the independent medical examiner determines that the  
13 employee is no longer temporarily disabled or is still temporarily  
14 disabled but can return to employment that the employer has made  
15 available to the employee, or if the employee fails or refuses to appear  
16 for examination by the independent medical examiner, temporary total  
17 disability benefits may be terminated. If either party disagrees with the  
18 opinion of the independent medical examiner, the party shall apply to  
19 the board for a hearing under section 27 of this chapter.

20 (c) An employer is not required to continue the payment of  
21 temporary total disability benefits for more than fourteen (14) days  
22 after the employer's proposed termination date unless the independent  
23 medical examiner determines that the employee is temporarily disabled  
24 and unable to return to any employment that the employer has made  
25 available to the employee.

26 (d) If it is determined that as a result of this section temporary total  
27 disability benefits were overpaid, the overpayment shall be deducted  
28 from any benefits due the employee under this section and, if there are  
29 no benefits due the employee or the benefits due the employee do not  
30 equal the amount of the overpayment, the employee shall be  
31 responsible for paying any overpayment which cannot be deducted  
32 from benefits due the employee.

33 (e) For disablements occurring on and after July 1, 1976, from  
34 occupational disease resulting in temporary total disability for any work  
35 there shall be paid to the disabled employee during the temporary total  
36 disability weekly compensation equal to sixty-six and two-thirds  
37 percent (66 2/3%) of the employee's average weekly wages, as defined  
38 in section 19 of this chapter, for a period not to exceed five hundred

1 (500) weeks. Compensation shall be allowed for the first seven (7)  
2 calendar days only if the disability continues for longer than twenty-one  
3 (21) days.

4 (f) For disablements occurring on and after July 1, 1974, from  
5 occupational disease resulting in temporary partial disability for work  
6 there shall be paid to the disabled employee during such disability a  
7 weekly compensation equal to sixty-six and two-thirds percent (66  
8 2/3%) of the difference between the employee's average weekly wages,  
9 as defined in section 19 of this chapter, and the weekly wages at which  
10 the employee is actually employed after the disablement, for a period  
11 not to exceed three hundred (300) weeks. Compensation shall be  
12 allowed for the first seven (7) calendar days only if the disability  
13 continues for longer than twenty-one (21) days. In case of partial  
14 disability after the period of temporary total disability, the latter period  
15 shall be included as a part of the maximum period allowed for partial  
16 disability.

17 (g) For disabilities occurring on and after July 1, 1979, and before  
18 July 1, 1988, from occupational disease in the schedule set forth in  
19 subsection (j), the employee shall receive in addition to disability  
20 benefits, not exceeding fifty-two (52) weeks on account of the  
21 occupational disease, a weekly compensation of sixty percent (60%) of  
22 the employee's average weekly wages, not to exceed one hundred  
23 twenty-five dollars (\$125) average weekly wages, for the period stated  
24 for the disabilities.

25 (h) For disabilities occurring on and after July 1, 1988, and before  
26 July 1, 1989, from occupational disease in the schedule set forth in  
27 subsection (j), the employee shall receive in addition to disability  
28 benefits, not exceeding seventy-eight (78) weeks on account of the  
29 occupational disease, a weekly compensation of sixty percent (60%) of  
30 the employee's average weekly wages, not to exceed one hundred  
31 sixty-six dollars (\$166) average weekly wages, for the period stated for  
32 the disabilities.

33 (i) For disabilities occurring on and after July 1, 1989, and before  
34 July 1, 1990, from occupational disease in the schedule set forth in  
35 subsection (j), the employee shall receive in addition to disability  
36 benefits, not exceeding seventy-eight (78) weeks on account of the  
37 occupational disease, a weekly compensation of sixty percent (60%) of  
38 the employee's average weekly wages, not to exceed one hundred

1 eighty-three dollars (\$183) average weekly wages, for the period stated  
2 for the disabilities.

3 (j) For disabilities occurring on and after July 1, 1990, and before  
4 July 1, 1991, from occupational disease in the following schedule, the  
5 employee shall receive in addition to disability benefits, not exceeding  
6 seventy-eight (78) weeks on account of the occupational disease, a  
7 weekly compensation of sixty percent (60%) of the employee's average  
8 weekly wages, not to exceed two hundred dollars (\$200) average  
9 weekly wages, for the period stated for the disabilities.

10 (1) Amputations: For the loss by separation, of the thumb, sixty  
11 (60) weeks; of the index finger, forty (40) weeks; of the second  
12 finger, thirty-five (35) weeks; of the third or ring finger, thirty  
13 (30) weeks; of the fourth or little finger, twenty (20) weeks; of the  
14 hand by separation below the elbow, two hundred (200) weeks; of  
15 the arm above the elbow joint, two hundred fifty (250) weeks; of  
16 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;  
17 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)  
18 weeks; of the fifth or little toe, ten (10) weeks; of the foot below  
19 the knee joint, one hundred fifty (150) weeks; and of the leg  
20 above the knee joint, two hundred (200) weeks. The loss of more  
21 than one (1) phalange of a thumb or toe shall be considered as the  
22 loss of the entire thumb or toe. The loss of more than two (2)  
23 phalanges of a finger shall be considered as the loss of the entire  
24 finger. The loss of not more than one (1) phalange of a thumb or  
25 toe shall be considered as the loss of one-half (1/2) of the thumb  
26 or toe and compensation shall be paid for one-half (1/2) of the  
27 period for the loss of the entire thumb or toe. The loss of not more  
28 than two (2) phalanges of a finger shall be considered as the loss  
29 of one-half (1/2) the finger and compensation shall be paid for  
30 one-half (1/2) of the period for the loss of the entire finger.

31 (2) Loss of Use: The total permanent loss of the use of an arm,  
32 hand, thumb, finger, leg, foot, toe, or phalange shall be considered  
33 as the equivalent of the loss by separation of the arm, hand,  
34 thumb, finger, leg, foot, toe, or phalange and the compensation  
35 shall be paid for the same period as for the loss thereof by  
36 separation.

37 (3) Partial Loss of Use: For the permanent partial loss of the use  
38 of an arm, hand, thumb, finger, leg, foot, toe, or phalange,

- 1 compensation shall be paid for the proportionate loss of the use of  
2 such arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 3 (4) For disablements for occupational disease resulting in total  
4 permanent disability, five hundred (500) weeks.
- 5 (5) For the loss of both hands, or both feet, or the total sight of  
6 both eyes, or any two (2) of such losses resulting from the same  
7 disablement by occupational disease, five hundred (500) weeks.
- 8 (6) For the permanent and complete loss of vision by enucleation  
9 of an eye or its reduction to one-tenth (1/10) of normal vision with  
10 glasses, one hundred fifty (150) weeks, and for any other  
11 permanent reduction of the sight of an eye, compensation shall be  
12 paid for a period proportionate to the degree of such permanent  
13 reduction without correction or glasses. However, when such  
14 permanent reduction without correction or glasses would result in  
15 one hundred percent (100%) loss of vision, but correction or  
16 glasses would result in restoration of vision, then compensation  
17 shall be paid for fifty percent (50%) of such total loss of vision  
18 without glasses plus an additional amount equal to the  
19 proportionate amount of such reduction with glasses, not to  
20 exceed an additional fifty percent (50%).
- 21 (7) For the permanent and complete loss of hearing, two hundred  
22 (200) weeks.
- 23 (8) In all other cases of permanent partial impairment,  
24 compensation proportionate to the degree of such permanent  
25 partial impairment, in the discretion of the worker's compensation  
26 board, not exceeding five hundred (500) weeks.
- 27 (9) In all cases of permanent disfigurement, which may impair the  
28 future usefulness or opportunities of the employee, compensation  
29 in the discretion of the worker's compensation board, not  
30 exceeding two hundred (200) weeks, except that no compensation  
31 shall be payable under this paragraph where compensation shall  
32 be payable under subdivisions (1) through (8). Where  
33 compensation for temporary total disability has been paid, this  
34 amount of compensation shall be deducted from any  
35 compensation due for permanent disfigurement.
- 36 (k) With respect to disablements in the following schedule occurring  
37 on and after July 1, 1991, the employee shall receive in addition to  
38 temporary total disability benefits, not exceeding one hundred

1 twenty-five (125) weeks on account of the disablement, compensation  
2 in an amount determined under the following schedule to be paid  
3 weekly at a rate of sixty-six and two-thirds percent ( $66 \frac{2}{3}\%$ ) of the  
4 employee's average weekly wages during the fifty-two (52) weeks  
5 immediately preceding the week in which the disablement occurred:

6 (1) Amputation: For the loss by separation of the thumb, twelve  
7 (12) degrees of permanent impairment; of the index finger, eight  
8 (8) degrees of permanent impairment; of the second finger, seven  
9 (7) degrees of permanent impairment; of the third or ring finger,  
10 six (6) degrees of permanent impairment; of the fourth or little  
11 finger, four (4) degrees of permanent impairment; of the hand by  
12 separation below the elbow joint, forty (40) degrees of permanent  
13 impairment; of the arm above the elbow, fifty (50) degrees of  
14 permanent impairment; of the big toe, twelve (12) degrees of  
15 permanent impairment; of the second toe, six (6) degrees of  
16 permanent impairment; of the third toe, four (4) degrees of  
17 permanent impairment; of the fourth toe, three (3) degrees of  
18 permanent impairment; of the fifth or little toe, two (2) degrees of  
19 permanent impairment; of separation of the foot below the knee  
20 joint, thirty-five (35) degrees of permanent impairment; and of the  
21 leg above the knee joint, forty-five (45) degrees of permanent  
22 impairment.

23 (2) Amputations occurring on or after July 1, 1997: For the loss  
24 by separation of any of the body parts described in subdivision (1)  
25 on or after July 1, 1997, the dollar values per degree applying on  
26 the date of the injury as described in subsection (1) shall be  
27 multiplied by two (2). However, the doubling provision of this  
28 subdivision does not apply to a loss of use that is not a loss by  
29 separation.

30 (3) The loss of more than one (1) phalange of a thumb or toe shall  
31 be considered as the loss of the entire thumb or toe. The loss of  
32 more than two (2) phalanges of a finger shall be considered as the  
33 loss of the entire finger. The loss of not more than one (1)  
34 phalange of a thumb or toe shall be considered as the loss of  
35 one-half ( $1/2$ ) of the degrees of permanent impairment for the loss  
36 of the entire thumb or toe. The loss of not more than one (1)  
37 phalange of a finger shall be considered as the loss of one-third  
38 ( $1/3$ ) of the finger and compensation shall be paid for one-third

1 (1/3) of the degrees payable for the loss of the entire finger. The  
2 loss of more than one (1) phalange of the finger but not more than  
3 two (2) phalanges of the finger shall be considered as the loss of  
4 one-half (1/2) of the finger and compensation shall be paid for  
5 one-half (1/2) of the degrees payable for the loss of the entire  
6 finger.

7 (4) For the loss by separation of both hands or both feet or the  
8 total sight of both eyes or any two (2) such losses in the same  
9 accident, one hundred (100) degrees of permanent impairment.

10 (5) For the permanent and complete loss of vision by enucleation  
11 or its reduction to one-tenth (1/10) of normal vision with glasses,  
12 thirty-five (35) degrees of permanent impairment.

13 (6) For the permanent and complete loss of hearing in one (1) ear,  
14 fifteen (15) degrees of permanent impairment, and in both ears,  
15 forty (40) degrees of permanent impairment.

16 (7) For the loss of one (1) testicle, ten (10) degrees of permanent  
17 impairment; for the loss of both testicles, thirty (30) degrees of  
18 permanent impairment.

19 (8) Loss of use: The total permanent loss of the use of an arm, a  
20 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be  
21 considered as the equivalent of the loss by separation of the arm,  
22 hand, thumb, finger, leg, foot, toe, or phalange, and compensation  
23 shall be paid in the same amount as for the loss by separation.  
24 However, the doubling provision of subdivision (2) does not  
25 apply to a loss of use that is not a loss by separation.

26 (9) Partial loss of use: For the permanent partial loss of the use of  
27 an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a  
28 phalange, compensation shall be paid for the proportionate loss of  
29 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

30 (10) For disablements resulting in total permanent disability, the  
31 amount payable for impairment or five hundred (500) weeks of  
32 compensation, whichever is greater.

33 (11) For any permanent reduction of the sight of an eye less than  
34 a total loss as specified in subdivision (5), the compensation shall  
35 be paid in an amount proportionate to the degree of a permanent  
36 reduction without correction or glasses. However, when a  
37 permanent reduction without correction or glasses would result in  
38 one hundred percent (100%) loss of vision, then compensation

1 shall be paid for fifty percent (50%) of the total loss of vision  
2 without glasses, plus an additional amount equal to the  
3 proportionate amount of the reduction with glasses, not to exceed  
4 an additional fifty percent (50%).

5 (12) For any permanent reduction of the hearing of one (1) or both  
6 ears, less than the total loss as specified in subdivision (6),  
7 compensation shall be paid in an amount proportionate to the  
8 degree of a permanent reduction.

9 (13) In all other cases of permanent partial impairment,  
10 compensation proportionate to the degree of a permanent partial  
11 impairment, in the discretion of the worker's compensation board,  
12 not exceeding one hundred (100) degrees of permanent  
13 impairment.

14 (14) In all cases of permanent disfigurement which may impair  
15 the future usefulness or opportunities of the employee,  
16 compensation, in the discretion of the worker's compensation  
17 board, not exceeding forty (40) degrees of permanent impairment  
18 except that no compensation shall be payable under this  
19 subdivision where compensation is payable elsewhere in this  
20 section.

21 (l) With respect to disablements occurring on and after July 1, 1991,  
22 compensation for permanent partial impairment shall be paid according  
23 to the degree of permanent impairment for the disablement determined  
24 under subsection (k) and the following:

25 (1) With respect to disablements occurring on and after July 1,  
26 1991, and before July 1, 1992, for each degree of permanent  
27 impairment from one (1) to thirty-five (35), five hundred dollars  
28 (\$500) per degree; for each degree of permanent impairment from  
29 thirty-six (36) to fifty (50), nine hundred dollars (\$900) per  
30 degree; for each degree of permanent impairment above fifty (50),  
31 one thousand five hundred dollars (\$1,500) per degree.

32 (2) With respect to disablements occurring on and after July 1,  
33 1992, and before July 1, 1993, for each degree of permanent  
34 impairment from one (1) to twenty (20), five hundred dollars  
35 (\$500) per degree; for each degree of permanent impairment from  
36 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)  
37 per degree; for each degree of permanent impairment from  
38 thirty-six (36) to fifty (50), one thousand three hundred dollars

1 (\$1,300) per degree; for each degree of permanent impairment  
2 above fifty (50), one thousand seven hundred dollars (\$1,700) per  
3 degree.

4 (3) With respect to disablements occurring on and after July 1,  
5 1993, and before July 1, 1997, for each degree of permanent  
6 impairment from one (1) to ten (10), five hundred dollars (\$500)  
7 per degree; for each degree of permanent impairment from eleven  
8 (11) to twenty (20), seven hundred dollars (\$700) per degree; for  
9 each degree of permanent impairment from twenty-one (21) to  
10 thirty-five (35), one thousand dollars (\$1,000) per degree; for  
11 each degree of permanent impairment from thirty-six (36) to fifty  
12 (50), one thousand four hundred dollars (\$1,400) per degree; for  
13 each degree of permanent impairment above fifty (50), one  
14 thousand seven hundred dollars (\$1,700) per degree.

15 (4) With respect to disablements occurring on and after July 1,  
16 1997, and before July 1, 1998, for each degree of permanent  
17 impairment from one (1) to ten (10), seven hundred fifty dollars  
18 (\$750) per degree; for each degree of permanent impairment from  
19 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per  
20 degree; for each degree of permanent impairment from thirty-six  
21 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per  
22 degree; for each degree of permanent impairment above fifty (50),  
23 one thousand seven hundred dollars (\$1,700) per degree.

24 (5) With respect to disablements occurring on and after July 1,  
25 1998, and before July 1, 1999, for each degree of permanent  
26 impairment from one (1) to ten (10), seven hundred fifty dollars  
27 (\$750) per degree; for each degree of permanent impairment from  
28 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per  
29 degree; for each degree of permanent impairment from thirty-six  
30 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per  
31 degree; for each degree of permanent impairment above fifty (50),  
32 one thousand seven hundred dollars (\$1,700) per degree.

33 (6) With respect to disablements occurring on and after July 1,  
34 1999, and before July 1, 2000, for each degree of permanent  
35 impairment from one (1) to ten (10), nine hundred dollars (\$900)  
36 per degree; for each degree of permanent impairment from eleven  
37 (11) to thirty-five (35), one thousand one hundred dollars  
38 (\$1,100) per degree; for each degree of permanent impairment

1 from thirty-six (36) to fifty (50), one thousand six hundred dollars  
2 (\$1,600) per degree; for each degree of permanent impairment  
3 above fifty (50), two thousand dollars (\$2,000) per degree.

4 (7) With respect to disablements occurring on and after July 1,  
5 2000, and before July 1, 2001, for each degree of permanent  
6 impairment from one (1) to ten (10), one thousand one hundred  
7 dollars (\$1,100) per degree; for each degree of permanent  
8 impairment from eleven (11) to thirty-five (35), one thousand  
9 three hundred dollars (\$1,300) per degree; for each degree of  
10 permanent impairment from thirty-six (36) to fifty (50), two  
11 thousand dollars (\$2,000) per degree; for each degree of  
12 permanent impairment above fifty (50), two thousand five  
13 hundred fifty dollars (\$2,500) per degree.

14 (8) With respect to disablements occurring on and after July 1,  
15 2001, and before July 1, 2007, for each degree of permanent  
16 impairment from one (1) to ten (10), one thousand three hundred  
17 dollars (\$1,300) per degree; for each degree of permanent  
18 impairment from eleven (11) to thirty-five (35), one thousand five  
19 hundred dollars (\$1,500) per degree; for each degree of  
20 permanent impairment from thirty-six (36) to fifty (50), two  
21 thousand four hundred dollars (\$2,400) per degree; for each  
22 degree of permanent impairment above fifty (50), three thousand  
23 dollars (\$3,000) per degree.

24 (9) With respect to disablements occurring on and after July 1,  
25 2007, and before July 1, 2008, for each degree of permanent  
26 impairment from one (1) to ten (10), one thousand three hundred  
27 forty dollars (\$1,340) per degree; for each degree of permanent  
28 impairment from eleven (11) to thirty-five (35), one thousand five  
29 hundred forty-five dollars (\$1,545) per degree; for each degree of  
30 permanent impairment from thirty-six (36) to fifty (50), two  
31 thousand four hundred seventy-five dollars (\$2,475) per degree;  
32 for each degree of permanent impairment above fifty (50), three  
33 thousand one hundred fifty dollars (\$3,150) per degree.

34 (10) With respect to disablements occurring on and after July 1,  
35 2008, and before July 1, 2009, for each degree of permanent  
36 impairment from one (1) to ten (10), one thousand three hundred  
37 sixty-five dollars (\$1,365) per degree; for each degree of  
38 permanent impairment from eleven (11) to thirty-five (35), one

1 thousand five hundred seventy dollars (\$1,570) per degree; for  
2 each degree of permanent impairment from thirty-six (36) to fifty  
3 (50), two thousand five hundred twenty-five dollars (\$2,525) per  
4 degree; for each degree of permanent impairment above fifty (50),  
5 three thousand two hundred dollars (\$3,200) per degree.

6 (11) With respect to disablements occurring on and after July 1,  
7 2009, and before July 1, 2010, for each degree of permanent  
8 impairment from one (1) to ten (10), one thousand three hundred  
9 eighty dollars (\$1,380) per degree; for each degree of permanent  
10 impairment from eleven (11) to thirty-five (35), one thousand five  
11 hundred eighty-five dollars (\$1,585) per degree; for each degree  
12 of permanent impairment from thirty-six (36) to fifty (50), two  
13 thousand six hundred dollars (\$2,600) per degree; for each degree  
14 of permanent impairment above fifty (50), three thousand three  
15 hundred dollars (\$3,300) per degree.

16 (12) With respect to disablements occurring on and after July 1,  
17 2010, for each degree of permanent impairment from one (1) to  
18 ten (10), one thousand four hundred dollars (\$1,400) per degree;  
19 for each degree of permanent impairment from eleven (11) to  
20 thirty-five (35), one thousand six hundred dollars (\$1,600) per  
21 degree; for each degree of permanent impairment from thirty-six  
22 (36) to fifty (50), two thousand seven hundred dollars (\$2,700)  
23 per degree; for each degree of permanent impairment above fifty  
24 (50), three thousand five hundred dollars (\$3,500) per degree.

25 (m) The average weekly wages used in the determination of  
26 compensation for permanent partial impairment under subsections (k)  
27 and (l) shall not exceed the following:

28 (1) With respect to disablements occurring on or after July 1,  
29 1991, and before July 1, 1992, four hundred ninety-two dollars  
30 (\$492).

31 (2) With respect to disablements occurring on or after July 1,  
32 1992, and before July 1, 1993, five hundred forty dollars (\$540).

33 (3) With respect to disablements occurring on or after July 1,  
34 1993, and before July 1, 1994, five hundred ninety-one dollars  
35 (\$591).

36 (4) With respect to disablements occurring on or after July 1,  
37 1994, and before July 1, 1997, six hundred forty-two dollars  
38 (\$642).

- 1 (5) With respect to disablements occurring on or after July 1,  
2 1997, and before July 1, 1998, six hundred seventy-two dollars  
3 (\$672).
- 4 (6) With respect to disablements occurring on or after July 1,  
5 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- 6 (7) With respect to disablements occurring on or after July 1,  
7 1999, and before July 1, 2000, seven hundred thirty-two dollars  
8 (\$732).
- 9 (8) With respect to disablements occurring on or after July 1,  
10 2000, and before July 1, 2001, seven hundred sixty-two dollars  
11 (\$762).
- 12 (9) With respect to injuries occurring on or after July 1, 2001, and  
13 before July 1, 2002, eight hundred twenty-two dollars (\$822).
- 14 (10) With respect to injuries occurring on or after July 1, 2002,  
15 and before July 1, 2006, eight hundred eighty-two dollars (\$882).
- 16 (11) With respect to injuries occurring on or after July 1, 2006,  
17 and before July 1, 2007, nine hundred dollars (\$900).
- 18 (12) With respect to injuries occurring on or after July 1, 2007,  
19 and before July 1, 2008, nine hundred thirty dollars (\$930).
- 20 (13) With respect to injuries occurring on or after July 1, 2008,  
21 and before July 1, 2009, nine hundred fifty-four dollars (\$954).
- 22 (14) With respect to injuries occurring on or after July 1, 2009,  
23 nine hundred seventy-five dollars (\$975).
- 24 (n) If any employee, only partially disabled, refuses employment  
25 suitable to the employee's capacity procured for the employee, the  
26 employee shall not be entitled to any compensation at any time during  
27 the continuance of such refusal unless, in the opinion of the worker's  
28 compensation board, such refusal was justifiable. The employee must  
29 be served with a notice setting forth the consequences of the refusal  
30 under this subsection. The notice must be in a form prescribed by the  
31 worker's compensation board.
- 32 (o) If an employee has sustained a permanent impairment or  
33 disability from an accidental injury other than an occupational disease  
34 in another employment than that in which the employee suffered a  
35 subsequent disability from an occupational disease, such as herein  
36 specified, the employee shall be entitled to compensation for the  
37 subsequent disability in the same amount as if the previous impairment  
38 or disability had not occurred. However, if the permanent impairment

1 or disability resulting from an occupational disease for which  
2 compensation is claimed results only in the aggravation or increase of  
3 a previously sustained permanent impairment from an occupational  
4 disease or physical condition regardless of the source or cause of such  
5 previously sustained impairment from an occupational disease or  
6 physical condition, the board shall determine the extent of the  
7 previously sustained permanent impairment from an occupational  
8 disease or physical condition as well as the extent of the aggravation or  
9 increase resulting from the subsequent permanent impairment or  
10 disability, and shall award compensation only for that part of said  
11 occupational disease or physical condition resulting from the  
12 subsequent permanent impairment. An amputation of any part of the  
13 body or loss of any or all of the vision of one (1) or both eyes caused by  
14 an occupational disease shall be considered as a permanent impairment  
15 or physical condition.

16 (p) If an employee suffers a disablement from an occupational  
17 disease for which compensation is payable while the employee is still  
18 receiving or entitled to compensation for a previous injury by accident  
19 or disability by occupational disease in the same employment, the  
20 employee shall not at the same time be entitled to compensation for  
21 both, unless it be for a permanent injury, such as specified in  
22 subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9), but the employee shall  
23 be entitled to compensation for that disability and from the time of that  
24 disability which will cover the longest period and the largest amount  
25 payable under this chapter.

26 (q) If an employee receives a permanent disability from  
27 occupational disease such as specified in subsection (k)(1), (k)(4),  
28 (k)(5), (k)(8), or (k)(9) after having sustained another such permanent  
29 disability in the same employment the employee shall be entitled to  
30 compensation for both such disabilities, but the total compensation  
31 shall be paid by extending the period and not by increasing the amount  
32 of weekly compensation and, when such previous and subsequent  
33 permanent disabilities, in combination result in total permanent  
34 disability or permanent total impairment, compensation shall be  
35 payable for such permanent total disability or impairment, but  
36 payments made for the previous disability or impairment shall be  
37 deducted from the total payment of compensation due.

38 (r) When an employee has been awarded or is entitled to an award

1 of compensation for a definite period from an occupational disease  
2 wherein disablement occurs on and after April 1, 1963, and such  
3 employee dies from other causes than such occupational disease,  
4 payment of the unpaid balance of such compensation not exceeding  
5 three hundred fifty (350) weeks shall be paid to the employee's  
6 dependents of the second and third class as defined in sections 11  
7 through 14 of this chapter and compensation, not exceeding five  
8 hundred (500) weeks shall be made to the employee's dependents of the  
9 first class as defined in sections 11 through 14 of this chapter.

10 (s) Any payment made by the employer to the employee during the  
11 period of the employee's disability, or to the employee's dependents,  
12 which, by the terms of this chapter, was not due and payable when  
13 made, may, subject to the approval of the worker's compensation board,  
14 be deducted from the amount to be paid as compensation, but such  
15 deduction shall be made from the distal end of the period during which  
16 compensation must be paid, except in cases of temporary disability.

17 (t) When so provided in the compensation agreement or in the  
18 award of the worker's compensation board, compensation may be paid  
19 semimonthly, or monthly, instead of weekly.

20 (u) When the aggregate payments of compensation awarded by  
21 agreement or upon hearing to an employee or dependent under eighteen  
22 (18) years of age do not exceed one hundred dollars (\$100), the  
23 payment thereof may be made directly to such employee or dependent,  
24 except when the worker's compensation board shall order otherwise.

25 (v) Whenever the aggregate payments of compensation, due to any  
26 person under eighteen (18) years of age, exceed one hundred dollars  
27 (\$100), the payment thereof shall be made to a trustee, appointed by the  
28 circuit or superior court, or to a duly qualified guardian, or, upon the  
29 order of the worker's compensation board, to a parent or to such minor  
30 person. The payment of compensation, due to any person eighteen (18)  
31 years of age or over, may be made directly to such person.

32 (w) If an employee, or a dependent, is mentally incompetent, or a  
33 minor at the time when any right or privilege accrues to the employee  
34 under this chapter, the employee's guardian or trustee may, in the  
35 employee's behalf, claim and exercise such right and privilege.

36 (x) All compensation payments named and provided for in this  
37 section, shall mean and be defined to be for only such occupational  
38 diseases and disabilities therefrom as are proved by competent

1 evidence, of which there are or have been objective conditions or  
 2 symptoms proven, not within the physical or mental control of the  
 3 employee."

4 Page 9, line 10, delete "After June 30, 2010, this subsection applies  
 5 whenever an" and insert "**No employer or employer's insurance  
 6 carrier shall delay the provision of medical care whenever the  
 7 delay may negatively impact the employee's medical outcome.**".

8 Page 9, delete lines 11 through 21.

9 Page 10, after line 15, begin a new paragraph and insert:

10 "SECTION 11. IC 22-3-7-34.3 IS ADDED TO THE INDIANA  
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2010]: **Sec. 34.3. (a) The worker's  
 13 compensation board is entitled to request that an employer provide  
 14 the board with current proof of compliance with section 34 of this  
 15 chapter.**

16 **(b) If an employer fails or refuses to provide current proof of  
 17 compliance by the seventh day after the employer receives the  
 18 board's request under subsection (a), the board may assess a civil  
 19 penalty against the employer not to exceed one hundred fifty  
 20 dollars (\$150).**

21 **(c) If an employer fails or refuses to provide a current proof of  
 22 compliance by the fourteenth day after the date the employer  
 23 receives the board's request under subsection (a), the board may  
 24 assess a civil penalty against the employer not to exceed three  
 25 hundred dollars (\$300).**

26 **(d) If an employer fails or refuses to provide a current proof of  
 27 compliance by the twenty-fifth day after the date the employer  
 28 receives the board's request under subsection (a), the board may:**

29 **(1) assess a civil penalty against the employer not to exceed  
 30 one thousand dollars (\$1,000); and**

31 **(2) after notice to the employer and a hearing, order that the  
 32 noncompliant employer's name be listed on the board's  
 33 Internet web site.**

34 **(e) The civil penalties provided for in this section are  
 35 cumulative.**

36 **(f) Civil penalties collected under this section shall be deposited  
 37 in the worker's compensation supplemental administrative fund  
 38 established by IC 22-3-5-6.**

1 SECTION 12. IC 22-3-7-37 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 37. (a) Every employer  
3 operating under the compensation provisions of this chapter shall keep  
4 a record of all disablements by occupational disease, fatal or otherwise,  
5 received by ~~his~~ **the employer's** employees in the course of their  
6 employment. Within seven (7) days after the occurrence and  
7 knowledge thereof, as provided in section 32 of this chapter, of  
8 disablement to an employee causing ~~his~~ **the employee's** death or ~~his~~  
9 absence from work for more than one (1) day, a report thereof shall be  
10 made in writing and mailed to the employer's insurance carrier or, if the  
11 employer is self insured, to the worker's compensation board on blanks  
12 to be procured from the board for the purpose. The insurance carrier  
13 shall mail the report to the worker's compensation board not later than  
14 seven (7) days after receipt or fourteen (14) days after the employer's  
15 knowledge of the occurrence, whichever is later. An employer or  
16 insurance carrier that fails to comply with this subsection is subject to  
17 a civil penalty of fifty dollars (\$50); ~~to be assessed and collected by the~~  
18 ~~board. Civil penalties collected under this section shall be deposited in~~  
19 ~~the state general fund.~~ **under IC 22-3-4-15.**

20 (b) The report shall contain the name, nature and location of the  
21 business of the employer, the name, age, sex, wages, occupation of the  
22 employee, the approximate dates between which exposure occurred,  
23 the nature and cause of the occupational disease, and such other  
24 information as may be required by the board.

25 (c) A person who violates this section commits a Class C infraction.

26 (d) The venue of all criminal actions for the violation of this section  
27 lies in the county in which the employee was last exposed to the  
28 occupational disease causing disablement. The prosecuting attorney of  
29 the county shall prosecute these violations upon written request of the

1 worker's compensation board. These shall be prosecuted in the name  
2 of the state.".

3 Renumber all SECTIONS consecutively.  
(Reference is to HB 1116 as introduced.)

**and when so amended that said bill do pass.**

---

Representative Niezgodski