
SENATE BILL No. 346

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-3.

Synopsis: Worker's compensation. Requires the worker's compensation board, not later than January 1, 2013, to adopt rules to establish the reimbursement rates for charges for medical services, treatment, or supplies provided by a medical services facility to an employee for purposes of determining the pecuniary liability of an employer or an employer's insurance carrier for a specific service, treatment, or supply covered under worker's compensation or occupational diseases compensation. Increases benefit amounts for injuries and disablements occurring on and after July 1, 2012.

Effective: July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Pensions and Labor.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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SENATE BILL No. 346



A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-3-3-5.2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.2. (a) **This**
3 **subsection does not apply to charges for medical services,**
4 **treatment, or supplies provided after December 31, 2012, by a**
5 **medical services facility to an employee.** A billing review service
6 shall adhere to the following requirements to determine the pecuniary
7 liability of an employer or an employer's insurance carrier for a specific
8 service or product covered under worker's compensation:
9 (1) The formation of a billing review standard, and any
10 subsequent analysis or revision of the standard, must use data that
11 is based on the medical service provider billing charges as
12 submitted to the employer and the employer's insurance carrier
13 from the same community. This subdivision does not apply when
14 a unique or specialized service or product does not have sufficient
15 comparative data to allow for a reasonable comparison.
16 (2) Data used to determine pecuniary liability must be compiled
17 on or before June 30 and December 31 of each year.



1 (3) Billing review standards must be revised for prospective
 2 future payments of medical service provider bills to provide for
 3 payment of the charges at a rate not more than the charges made
 4 by eighty percent (80%) of the medical service providers during
 5 the prior six (6) months within the same community. The data
 6 used to perform the analysis and revision of the billing review
 7 standards may not be more than two (2) years old and must be
 8 periodically updated by a representative inflationary or
 9 deflationary factor. Reimbursement for these charges may not
 10 exceed the actual charge invoiced by the medical service
 11 provider.

12 ~~(4) The billing review standard shall include the billing charges~~
 13 ~~of all hospitals in the applicable community for the service or~~
 14 ~~product.~~

15 **(b) Not later than January 1, 2013, the worker's compensation**
 16 **board shall adopt rules under IC 4-22-2 to establish the**
 17 **reimbursement rates for charges for medical services, treatment,**
 18 **or supplies provided by a medical services facility to an employee**
 19 **for purposes of determining the pecuniary liability of an employer**
 20 **or an employer's insurance carrier for a specific service, treatment,**
 21 **or supply covered under worker's compensation.**

22 ~~(b)~~ (c) A medical service provider may request an explanation from
 23 a billing review service if the medical service provider's bill has been
 24 reduced as a result of application of the eightieth percentile or of a
 25 Current Procedural Terminology (CPT) coding change. The request
 26 must be made not later than sixty (60) days after receipt of the notice
 27 of the reduction. If a request is made, the billing review service must
 28 provide:

- 29 (1) the name of the billing review service used to make the
 30 reduction;
 31 (2) the dollar amount of the reduction;
 32 (3) the dollar amount of the medical service at the eightieth
 33 percentile; and
 34 (4) in the case of a CPT coding change, the basis upon which the
 35 change was made;

36 not later than thirty (30) days after the date of the request.

37 ~~(c)~~ (d) If after a hearing the worker's compensation board finds that
 38 a billing review service used a billing review standard that did not
 39 comply with subsection (a)(1) through ~~(a)(4)~~ **(a)(3) or rules adopted**
 40 **under subsection (b)** in determining the pecuniary liability of an
 41 employer or an employer's insurance carrier for a health care provider's
 42 charge for services or products covered under worker's compensation,

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1 the worker's compensation board may assess a civil penalty against the
 2 billing review service in an amount not less than one hundred dollars
 3 (\$100) and not more than one thousand dollars (\$1,000).

4 SECTION 2. IC 22-3-3-10, AS AMENDED BY P.L.3-2008,
 5 SECTION 156, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) With respect to injuries in
 7 the schedule set forth in subsection (d) occurring on and after July 1,
 8 1979, and before July 1, 1988, the employee shall receive, in addition
 9 to temporary total disability benefits not to exceed fifty-two (52) weeks
 10 on account of the injury, a weekly compensation of sixty percent (60%)
 11 of the employee's average weekly wages, not to exceed one hundred
 12 twenty-five dollars (\$125) average weekly wages, for the period stated
 13 for the injury.

14 (b) With respect to injuries in the schedule set forth in subsection
 15 (d) occurring on and after July 1, 1988, and before July 1, 1989, the
 16 employee shall receive, in addition to temporary total disability benefits
 17 not exceeding seventy-eight (78) weeks on account of the injury, a
 18 weekly compensation of sixty percent (60%) of the employee's average
 19 weekly wages, not to exceed one hundred sixty-six dollars (\$166)
 20 average weekly wages, for the period stated for the injury.

21 (c) With respect to injuries in the schedule set forth in subsection
 22 (d) occurring on and after July 1, 1989, and before July 1, 1990, the
 23 employee shall receive, in addition to temporary total disability benefits
 24 not exceeding seventy-eight (78) weeks on account of the injury, a
 25 weekly compensation of sixty percent (60%) of the employee's average
 26 weekly wages, not to exceed one hundred eighty-three dollars (\$183)
 27 average weekly wages, for the period stated for the injury.

28 (d) With respect to injuries in the following schedule occurring on
 29 and after July 1, 1990, and before July 1, 1991, the employee shall
 30 receive, in addition to temporary total disability benefits not exceeding
 31 seventy-eight (78) weeks on account of the injury, a weekly
 32 compensation of sixty percent (60%) of the employee's average weekly
 33 wages, not to exceed two hundred dollars (\$200) average weekly
 34 wages, for the period stated for the injury.

35 (1) Amputation: For the loss by separation of the thumb, sixty
 36 (60) weeks, of the index finger forty (40) weeks, of the second
 37 finger thirty-five (35) weeks, of the third or ring finger thirty (30)
 38 weeks, of the fourth or little finger twenty (20) weeks, of the hand
 39 by separation below the elbow joint two hundred (200) weeks, or
 40 the arm above the elbow two hundred fifty (250) weeks, of the big
 41 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the
 42 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,

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1 of the fifth or little toe ten (10) weeks, for loss occurring on and
2 after April 1, 1959, by separation of the foot below the knee joint,
3 one hundred seventy-five (175) weeks and of the leg above the
4 knee joint two hundred twenty-five (225) weeks. The loss of more
5 than one (1) phalange of a thumb or toes shall be considered as
6 the loss of the entire thumb or toe. The loss of more than two (2)
7 phalanges of a finger shall be considered as the loss of the entire
8 finger. The loss of not more than one (1) phalange of a thumb or
9 toe shall be considered as the loss of one-half (1/2) of the thumb
10 or toe and compensation shall be paid for one-half (1/2) of the
11 period for the loss of the entire thumb or toe. The loss of not more
12 than one (1) phalange of a finger shall be considered as the loss
13 of one-third (1/3) of the finger and compensation shall be paid for
14 one-third (1/3) the period for the loss of the entire finger. The loss
15 of more than one (1) phalange of the finger but not more than two
16 (2) phalanges of the finger, shall be considered as the loss of
17 one-half (1/2) of the finger and compensation shall be paid for
18 one-half (1/2) of the period for the loss of the entire finger.
19 (2) For the loss by separation of both hands or both feet or the
20 total sight of both eyes, or any two (2) such losses in the same
21 accident, five hundred (500) weeks.
22 (3) For the permanent and complete loss of vision by enucleation
23 or its reduction to one-tenth (1/10) of normal vision with glasses,
24 one hundred seventy-five (175) weeks.
25 (4) For the permanent and complete loss of hearing in one (1) ear,
26 seventy-five (75) weeks, and in both ears, two hundred (200)
27 weeks.
28 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of
29 both testicles, one hundred fifty (150) weeks.
30 (e) With respect to injuries in the schedule set forth in subsection
31 (h) occurring on and after July 1, 1979, and before July 1, 1988, the
32 employee shall receive, in addition to temporary total disability benefits
33 not exceeding fifty-two (52) weeks on account of the injury, a weekly
34 compensation of sixty percent (60%) of the employee's average weekly
35 wages not to exceed one hundred twenty-five dollars (\$125) average
36 weekly wages for the period stated for the injury.
37 (f) With respect to injuries in the schedule set forth in subsection (h)
38 occurring on and after July 1, 1988, and before July 1, 1989, the
39 employee shall receive, in addition to temporary total disability benefits
40 not exceeding seventy-eight (78) weeks on account of the injury, a
41 weekly compensation of sixty percent (60%) of the employee's average
42 weekly wages, not to exceed one hundred sixty-six dollars (\$166)

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1 average weekly wages, for the period stated for the injury.

2 (g) With respect to injuries in the schedule set forth in subsection
3 (h) occurring on and after July 1, 1989, and before July 1, 1990, the
4 employee shall receive, in addition to temporary total disability benefits
5 not exceeding seventy-eight (78) weeks on account of the injury, a
6 weekly compensation of sixty percent (60%) of the employee's average
7 weekly wages, not to exceed one hundred eighty-three dollars (\$183)
8 average weekly wages, for the period stated for the injury.

9 (h) With respect to injuries in the following schedule occurring on
10 and after July 1, 1990, and before July 1, 1991, the employee shall
11 receive, in addition to temporary total disability benefits not exceeding
12 seventy-eight (78) weeks on account of the injury, a weekly
13 compensation of sixty percent (60%) of the employee's average weekly
14 wages, not to exceed two hundred dollars (\$200) average weekly
15 wages, for the period stated for the injury.

16 (1) Loss of use: The total permanent loss of the use of an arm,
17 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
18 as the equivalent of the loss by separation of the arm, hand,
19 thumb, finger, leg, foot, toe, or phalange, and compensation shall
20 be paid for the same period as for the loss thereof by separation.

21 (2) Partial loss of use: For the permanent partial loss of the use of
22 an arm, hand, thumb, finger, leg, foot, toe, or phalange,
23 compensation shall be paid for the proportionate loss of the use of
24 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

25 (3) For injuries resulting in total permanent disability, five
26 hundred (500) weeks.

27 (4) For any permanent reduction of the sight of an eye less than a
28 total loss as specified in subsection (d)(3), compensation shall be
29 paid for a period proportionate to the degree of such permanent
30 reduction without correction or glasses. However, when such
31 permanent reduction without correction or glasses would result in
32 one hundred percent (100%) loss of vision, but correction or
33 glasses would result in restoration of vision, then in such event
34 compensation shall be paid for fifty percent (50%) of such total
35 loss of vision without glasses, plus an additional amount equal to
36 the proportionate amount of such reduction with glasses, not to
37 exceed an additional fifty percent (50%).

38 (5) For any permanent reduction of the hearing of one (1) or both
39 ears, less than the total loss as specified in subsection (d)(4),
40 compensation shall be paid for a period proportional to the degree
41 of such permanent reduction.

42 (6) In all other cases of permanent partial impairment,

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1 compensation proportionate to the degree of such permanent
 2 partial impairment, in the discretion of the worker's compensation
 3 board, not exceeding five hundred (500) weeks.

4 (7) In all cases of permanent disfigurement which may impair the
 5 future usefulness or opportunities of the employee, compensation,
 6 in the discretion of the worker's compensation board, not
 7 exceeding two hundred (200) weeks, except that no compensation
 8 shall be payable under this subdivision where compensation is
 9 payable elsewhere in this section.

10 (i) With respect to injuries in the following schedule occurring on
 11 and after July 1, 1991, the employee shall receive in addition to
 12 temporary total disability benefits, not exceeding one hundred
 13 twenty-five (125) weeks on account of the injury, compensation in an
 14 amount determined under the following schedule to be paid weekly at
 15 a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's
 16 average weekly wages during the fifty-two (52) weeks immediately
 17 preceding the week in which the injury occurred.

18 (1) Amputation: For the loss by separation of the thumb, twelve
 19 (12) degrees of permanent impairment; of the index finger, eight
 20 (8) degrees of permanent impairment; of the second finger, seven
 21 (7) degrees of permanent impairment; of the third or ring finger,
 22 six (6) degrees of permanent impairment; of the fourth or little
 23 finger, four (4) degrees of permanent impairment; of the hand by
 24 separation below the elbow joint, forty (40) degrees of permanent
 25 impairment; of the arm above the elbow, fifty (50) degrees of
 26 permanent impairment; of the big toe, twelve (12) degrees of
 27 permanent impairment; of the second toe, six (6) degrees of
 28 permanent impairment; of the third toe, four (4) degrees of
 29 permanent impairment; of the fourth toe, three (3) degrees of
 30 permanent impairment; of the fifth or little toe, two (2) degrees of
 31 permanent impairment; by separation of the foot below the knee
 32 joint, thirty-five (35) degrees of permanent impairment; and of the
 33 leg above the knee joint, forty-five (45) degrees of permanent
 34 impairment.

35 (2) Amputations: For the loss by separation of any of the body
 36 parts described in subdivision (1) on or after July 1, 1997, and for
 37 the loss by separation of any of the body parts described in
 38 subdivision (3), (5), or (8), on or after July 1, 1999, the dollar
 39 values per degree applying on the date of the injury as described
 40 in subsection (j) shall be multiplied by two (2). However, the
 41 doubling provision of this subdivision does not apply to a loss of
 42 use that is not a loss by separation.

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- 1 (3) The loss of more than one (1) phalange of a thumb or toe shall
 2 be considered as the loss of the entire thumb or toe. The loss of
 3 more than two (2) phalanges of a finger shall be considered as the
 4 loss of the entire finger. The loss of not more than one (1)
 5 phalange of a thumb or toe shall be considered as the loss of
 6 one-half (1/2) of the degrees of permanent impairment for the loss
 7 of the entire thumb or toe. The loss of not more than one (1)
 8 phalange of a finger shall be considered as the loss of one-third
 9 (1/3) of the finger and compensation shall be paid for one-third
 10 (1/3) of the degrees payable for the loss of the entire finger. The
 11 loss of more than one (1) phalange of the finger but not more than
 12 two (2) phalanges of the finger shall be considered as the loss of
 13 one-half (1/2) of the finger and compensation shall be paid for
 14 one-half (1/2) of the degrees payable for the loss of the entire
 15 finger.
- 16 (4) For the loss by separation of both hands or both feet or the
 17 total sight of both eyes or any two (2) such losses in the same
 18 accident, one hundred (100) degrees of permanent impairment.
- 19 (5) For the permanent and complete loss of vision by enucleation,
 20 thirty-five (35) degrees of permanent impairment.
- 21 (6) For the reduction of vision to one-tenth (1/10) of normal
 22 vision with glasses, thirty-five (35) degrees of permanent
 23 impairment.
- 24 (7) For the permanent and complete loss of hearing in one (1) ear,
 25 fifteen (15) degrees of permanent impairment, and in both ears,
 26 forty (40) degrees of permanent impairment.
- 27 (8) For the loss of one (1) testicle, ten (10) degrees of permanent
 28 impairment; for the loss of both testicles, thirty (30) degrees of
 29 permanent impairment.
- 30 (9) Loss of use: The total permanent loss of the use of an arm, a
 31 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
 32 considered as the equivalent of the loss by separation of the arm,
 33 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
 34 shall be paid in the same amount as for the loss by separation.
 35 However, the doubling provision of subdivision (2) does not
 36 apply to a loss of use that is not a loss by separation.
- 37 (10) Partial loss of use: For the permanent partial loss of the use
 38 of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
 39 phalange, compensation shall be paid for the proportionate loss of
 40 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 41 (11) For injuries resulting in total permanent disability, the
 42 amount payable for impairment or five hundred (500) weeks of

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1 compensation, whichever is greater.

2 (12) For any permanent reduction of the sight of an eye less than
3 a total loss as specified in subsection (h)(4), the compensation
4 shall be paid in an amount proportionate to the degree of a
5 permanent reduction without correction or glasses. However,
6 when a permanent reduction without correction or glasses would
7 result in one hundred percent (100%) loss of vision, then
8 compensation shall be paid for fifty percent (50%) of the total loss
9 of vision without glasses, plus an additional amount equal to the
10 proportionate amount of the reduction with glasses, not to exceed
11 an additional fifty percent (50%).

12 (13) For any permanent reduction of the hearing of one (1) or both
13 ears, less than the total loss as specified in subsection (h)(5),
14 compensation shall be paid in an amount proportionate to the
15 degree of a permanent reduction.

16 (14) In all other cases of permanent partial impairment,
17 compensation proportionate to the degree of a permanent partial
18 impairment, in the discretion of the worker's compensation board,
19 not exceeding one hundred (100) degrees of permanent
20 impairment.

21 (15) In all cases of permanent disfigurement which may impair
22 the future usefulness or opportunities of the employee,
23 compensation, in the discretion of the worker's compensation
24 board, not exceeding forty (40) degrees of permanent impairment
25 except that no compensation shall be payable under this
26 subdivision where compensation is payable elsewhere in this
27 section.

28 (j) Compensation for permanent partial impairment shall be paid
29 according to the degree of permanent impairment for the injury
30 determined under subsection (i) and the following:

31 (1) With respect to injuries occurring on and after July 1, 1991,
32 and before July 1, 1992, for each degree of permanent impairment
33 from one (1) to thirty-five (35), five hundred dollars (\$500) per
34 degree; for each degree of permanent impairment from thirty-six
35 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each
36 degree of permanent impairment above fifty (50), one thousand
37 five hundred dollars (\$1,500) per degree.

38 (2) With respect to injuries occurring on and after July 1, 1992,
39 and before July 1, 1993, for each degree of permanent impairment
40 from one (1) to twenty (20), five hundred dollars (\$500) per
41 degree; for each degree of permanent impairment from
42 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)

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1 per degree; for each degree of permanent impairment from
 2 thirty-six (36) to fifty (50), one thousand three hundred dollars
 3 (\$1,300) per degree; for each degree of permanent impairment
 4 above fifty (50), one thousand seven hundred dollars (\$1,700) per
 5 degree.

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

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

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

35 (6) With respect to injuries occurring on and after July 1, 1999,
 36 and before July 1, 2000, for each degree of permanent impairment
 37 from one (1) to ten (10), nine hundred dollars (\$900) per degree;
 38 for each degree of permanent impairment from eleven (11) to
 39 thirty-five (35), one thousand one hundred dollars (\$1,100) per
 40 degree; for each degree of permanent impairment from thirty-six
 41 (36) to fifty (50), one thousand six hundred dollars (\$1,600) per
 42 degree; for each degree of permanent impairment above fifty (50),

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- 1 two thousand dollars (\$2,000) per degree.
- 2 (7) With respect to injuries occurring on and after July 1, 2000,
- 3 and before July 1, 2001, for each degree of permanent impairment
- 4 from one (1) to ten (10), one thousand one hundred dollars
- 5 (\$1,100) per degree; for each degree of permanent impairment
- 6 from eleven (11) to thirty-five (35), one thousand three hundred
- 7 dollars (\$1,300) per degree; for each degree of permanent
- 8 impairment from thirty-six (36) to fifty (50), two thousand dollars
- 9 (\$2,000) per degree; for each degree of permanent impairment
- 10 above fifty (50), two thousand five hundred fifty dollars (\$2,500)
- 11 per degree.
- 12 (8) With respect to injuries occurring on and after July 1, 2001,
- 13 and before July 1, 2007, for each degree of permanent impairment
- 14 from one (1) to ten (10), one thousand three hundred dollars
- 15 (\$1,300) per degree; for each degree of permanent impairment
- 16 from eleven (11) to thirty-five (35), one thousand five hundred
- 17 dollars (\$1,500) per degree; for each degree of permanent
- 18 impairment from thirty-six (36) to fifty (50), two thousand four
- 19 hundred dollars (\$2,400) per degree; for each degree of
- 20 permanent impairment above fifty (50), three thousand dollars
- 21 (\$3,000) per degree.
- 22 (9) With respect to injuries occurring on and after July 1, 2007,
- 23 and before July 1, 2008, for each degree of permanent impairment
- 24 from one (1) to ten (10), one thousand three hundred forty dollars
- 25 (\$1,340) per degree; for each degree of permanent impairment
- 26 from eleven (11) to thirty-five (35), one thousand five hundred
- 27 forty-five dollars (\$1,545) per degree; for each degree of
- 28 permanent impairment from thirty-six (36) to fifty (50), two
- 29 thousand four hundred seventy-five dollars (\$2,475) per degree;
- 30 for each degree of permanent impairment above fifty (50), three
- 31 thousand one hundred fifty dollars (\$3,150) per degree.
- 32 (10) With respect to injuries occurring on and after July 1, 2008,
- 33 and before July 1, 2009, for each degree of permanent impairment
- 34 from one (1) to ten (10), one thousand three hundred sixty-five
- 35 dollars (\$1,365) per degree; for each degree of permanent
- 36 impairment from eleven (11) to thirty-five (35), one thousand five
- 37 hundred seventy dollars (\$1,570) per degree; for each degree of
- 38 permanent impairment from thirty-six (36) to fifty (50), two
- 39 thousand five hundred twenty-five dollars (\$2,525) per degree; for
- 40 each degree of permanent impairment above fifty (50), three
- 41 thousand two hundred dollars (\$3,200) per degree.
- 42 (11) With respect to injuries occurring on and after July 1, 2009,

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1 and before July 1, 2010, for each degree of permanent impairment
 2 from one (1) to ten (10), one thousand three hundred eighty
 3 dollars (\$1,380) per degree; for each degree of permanent
 4 impairment from eleven (11) to thirty-five (35), one thousand five
 5 hundred eighty-five dollars (\$1,585) per degree; for each degree
 6 of permanent impairment from thirty-six (36) to fifty (50), two
 7 thousand six hundred dollars (\$2,600) per degree; for each degree
 8 of permanent impairment above fifty (50), three thousand three
 9 hundred dollars (\$3,300) per degree.

10 (12) With respect to injuries occurring on and after July 1, 2010,
 11 **and before July 1, 2012**, for each degree of permanent
 12 impairment from one (1) to ten (10), one thousand four hundred
 13 dollars (\$1,400) per degree; for each degree of permanent
 14 impairment from eleven (11) to thirty-five (35), one thousand six
 15 hundred dollars (\$1,600) per degree; for each degree of
 16 permanent impairment from thirty-six (36) to fifty (50), two
 17 thousand seven hundred dollars (\$2,700) per degree; for each
 18 degree of permanent impairment above fifty (50), three thousand
 19 five hundred dollars (\$3,500) per degree.

20 **(13) With respect to injuries occurring on and after July 1,**
 21 **2012, for each degree of permanent impairment from one (1)**
 22 **to ten (10), one thousand six hundred eighty dollars (\$1,680)**
 23 **per degree; for each degree of permanent impairment from**
 24 **eleven (11) to thirty-five (35), one thousand nine hundred**
 25 **twenty dollars (\$1,920) per degree; for each degree of**
 26 **permanent impairment from thirty-six (36) to fifty (50), three**
 27 **thousand two hundred forty dollars (\$3,240) per degree; for**
 28 **each degree of permanent impairment above fifty (50), four**
 29 **thousand two hundred dollars (\$4,200) per degree.**

30 (k) The average weekly wages used in the determination of
 31 compensation for permanent partial impairment under subsections (i)
 32 and (j) shall not exceed the following:

- 33 (1) With respect to injuries occurring on or after July 1, 1991, and
 34 before July 1, 1992, four hundred ninety-two dollars (\$492).
- 35 (2) With respect to injuries occurring on or after July 1, 1992, and
 36 before July 1, 1993, five hundred forty dollars (\$540).
- 37 (3) With respect to injuries occurring on or after July 1, 1993, and
 38 before July 1, 1994, five hundred ninety-one dollars (\$591).
- 39 (4) With respect to injuries occurring on or after July 1, 1994, and
 40 before July 1, 1997, six hundred forty-two dollars (\$642).
- 41 (5) With respect to injuries occurring on or after July 1, 1997, and
 42 before July 1, 1998, six hundred seventy-two dollars (\$672).

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1 (6) With respect to injuries occurring on or after July 1, 1998, and
2 before July 1, 1999, seven hundred two dollars (\$702).

3 (7) With respect to injuries occurring on or after July 1, 1999, and
4 before July 1, 2000, seven hundred thirty-two dollars (\$732).

5 (8) With respect to injuries occurring on or after July 1, 2000, and
6 before July 1, 2001, seven hundred sixty-two dollars (\$762).

7 (9) With respect to injuries occurring on or after July 1, 2001, and
8 before July 1, 2002, eight hundred twenty-two dollars (\$822).

9 (10) With respect to injuries occurring on or after July 1, 2002,
10 and before July 1, 2006, eight hundred eighty-two dollars (\$882).

11 (11) With respect to injuries occurring on or after July 1, 2006,
12 and before July 1, 2007, nine hundred dollars (\$900).

13 (12) With respect to injuries occurring on or after July 1, 2007,
14 and before July 1, 2008, nine hundred thirty dollars (\$930).

15 (13) With respect to injuries occurring on or after July 1, 2008,
16 and before July 1, 2009, nine hundred fifty-four dollars (\$954).

17 (14) With respect to injuries occurring on or after July 1, 2009,
18 **and before July 1, 2012**, nine hundred seventy-five dollars
19 (\$975).

20 **(15) With respect to injuries occurring on or after July 1,**
21 **2012, one thousand one hundred seventy dollars (\$1,170).**

22 SECTION 3. IC 22-3-3-22, AS AMENDED BY P.L.134-2006,
23 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2012]: Sec. 22. (a) In computing compensation for temporary
25 total disability, temporary partial disability, and total permanent
26 disability, with respect to injuries occurring on and after July 1, 1985,
27 and before July 1, 1986, the average weekly wages are considered to
28 be:

29 (1) not more than two hundred sixty-seven dollars (\$267); and

30 (2) not less than seventy-five dollars (\$75).

31 However, the weekly compensation payable shall not exceed the
32 average weekly wages of the employee at the time of the injury.

33 (b) In computing compensation for temporary total disability,
34 temporary partial disability, and total permanent disability, with respect
35 to injuries occurring on and after July 1, 1986, and before July 1, 1988,
36 the average weekly wages are considered to be:

37 (1) not more than two hundred eighty-five dollars (\$285); and

38 (2) not less than seventy-five dollars (\$75).

39 However, the weekly compensation payable shall not exceed the
40 average weekly wages of the employee at the time of the injury.

41 (c) In computing compensation for temporary total disability,
42 temporary partial disability, and total permanent disability, with respect

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1 to injuries occurring on and after July 1, 1988, and before July 1, 1989,
2 the average weekly wages are considered to be:

- 3 (1) not more than three hundred eighty-four dollars (\$384); and
4 (2) not less than seventy-five dollars (\$75).

5 However, the weekly compensation payable shall not exceed the
6 average weekly wages of the employee at the time of the injury.

7 (d) In computing compensation for temporary total disability,
8 temporary partial disability, and total permanent disability, with respect
9 to injuries occurring on and after July 1, 1989, and before July 1, 1990,
10 the average weekly wages are considered to be:

- 11 (1) not more than four hundred eleven dollars (\$411); and
12 (2) not less than seventy-five dollars (\$75).

13 However, the weekly compensation payable shall not exceed the
14 average weekly wages of the employee at the time of the injury.

15 (e) In computing compensation for temporary total disability,
16 temporary partial disability, and total permanent disability, with respect
17 to injuries occurring on and after July 1, 1990, and before July 1, 1991,
18 the average weekly wages are considered to be:

- 19 (1) not more than four hundred forty-one dollars (\$441); and
20 (2) not less than seventy-five dollars (\$75).

21 However, the weekly compensation payable shall not exceed the
22 average weekly wages of the employee at the time of the injury.

23 (f) In computing compensation for temporary total disability,
24 temporary partial disability, and total permanent disability, with respect
25 to injuries occurring on and after July 1, 1991, and before July 1, 1992,
26 the average weekly wages are considered to be:

- 27 (1) not more than four hundred ninety-two dollars (\$492); and
28 (2) not less than seventy-five dollars (\$75).

29 However, the weekly compensation payable shall not exceed the
30 average weekly wages of the employee at the time of the injury.

31 (g) In computing compensation for temporary total disability,
32 temporary partial disability, and total permanent disability, with respect
33 to injuries occurring on and after July 1, 1992, and before July 1, 1993,
34 the average weekly wages are considered to be:

- 35 (1) not more than five hundred forty dollars (\$540); and
36 (2) not less than seventy-five dollars (\$75).

37 However, the weekly compensation payable shall not exceed the
38 average weekly wages of the employee at the time of the injury.

39 (h) In computing compensation for temporary total disability,
40 temporary partial disability, and total permanent disability, with respect
41 to injuries occurring on and after July 1, 1993, and before July 1, 1994,
42 the average weekly wages are considered to be:

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- 1 (1) not more than five hundred ninety-one dollars (\$591); and
 2 (2) not less than seventy-five dollars (\$75).
 3 However, the weekly compensation payable shall not exceed the
 4 average weekly wages of the employee at the time of the injury.
 5 (i) In computing compensation for temporary total disability,
 6 temporary partial disability, and total permanent disability, with respect
 7 to injuries occurring on and after July 1, 1994, and before July 1, 1997,
 8 the average weekly wages are considered to be:
 9 (1) not more than six hundred forty-two dollars (\$642); and
 10 (2) not less than seventy-five dollars (\$75).
 11 However, the weekly compensation payable shall not exceed the
 12 average weekly wages of the employee at the time of the injury.
 13 (j) In computing compensation for temporary total disability,
 14 temporary partial disability, and total permanent disability, the average
 15 weekly wages are considered to be:
 16 (1) with respect to injuries occurring on and after July 1, 1997,
 17 and before July 1, 1998:
 18 (A) not more than six hundred seventy-two dollars (\$672); and
 19 (B) not less than seventy-five dollars (\$75);
 20 (2) with respect to injuries occurring on and after July 1, 1998,
 21 and before July 1, 1999:
 22 (A) not more than seven hundred two dollars (\$702); and
 23 (B) not less than seventy-five dollars (\$75);
 24 (3) with respect to injuries occurring on and after July 1, 1999,
 25 and before July 1, 2000:
 26 (A) not more than seven hundred thirty-two dollars (\$732);
 27 and
 28 (B) not less than seventy-five dollars (\$75);
 29 (4) with respect to injuries occurring on and after July 1, 2000,
 30 and before July 1, 2001:
 31 (A) not more than seven hundred sixty-two dollars (\$762); and
 32 (B) not less than seventy-five dollars (\$75);
 33 (5) with respect to injuries occurring on and after July 1, 2001,
 34 and before July 1, 2002:
 35 (A) not more than eight hundred twenty-two dollars (\$822);
 36 and
 37 (B) not less than seventy-five dollars (\$75);
 38 (6) with respect to injuries occurring on and after July 1, 2002,
 39 and before July 1, 2006:
 40 (A) not more than eight hundred eighty-two dollars (\$882);
 41 and
 42 (B) not less than seventy-five dollars (\$75);

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1 (7) with respect to injuries occurring on and after July 1, 2006,
2 and before July 1, 2007:

3 (A) not more than nine hundred dollars (\$900); and

4 (B) not less than seventy-five dollars (\$75);

5 (8) with respect to injuries occurring on and after July 1, 2007,
6 and before July 1, 2008:

7 (A) not more than nine hundred thirty dollars (\$930); and

8 (B) not less than seventy-five dollars (\$75);

9 (9) with respect to injuries occurring on and after July 1, 2008,
10 and before July 1, 2009:

11 (A) not more than nine hundred fifty-four dollars (\$954); and

12 (B) not less than seventy-five dollars (\$75); ~~and~~

13 (10) with respect to injuries occurring on and after July 1, 2009,
14 **and before July 1, 2012:**

15 (A) not more than nine hundred seventy-five dollars (\$975);
16 and

17 (B) not less than seventy-five dollars (\$75); **and**

18 **(11) with respect to injuries occurring on and after July 1,**
19 **2012:**

20 **(A) not more than one thousand one hundred seventy**
21 **dollars (\$1,170); and**

22 **(B) not less than seventy-five dollars (\$75).**

23 However, the weekly compensation payable shall not exceed the
24 average weekly wages of the employee at the time of the injury.

25 (k) With respect to any injury occurring on and after July 1, 1985,
26 and before July 1, 1986, the maximum compensation, exclusive of
27 medical benefits, which may be paid for an injury under any provisions
28 of this law or any combination of provisions may not exceed
29 eighty-nine thousand dollars (\$89,000) in any case.

30 (l) With respect to any injury occurring on and after July 1, 1986,
31 and before July 1, 1988, the maximum compensation, exclusive of
32 medical benefits, which may be paid for an injury under any provisions
33 of this law or any combination of provisions may not exceed
34 ninety-five thousand dollars (\$95,000) in any case.

35 (m) With respect to any injury occurring on and after July 1, 1988,
36 and before July 1, 1989, the maximum compensation, exclusive of
37 medical benefits, which may be paid for an injury under any provisions
38 of this law or any combination of provisions may not exceed one
39 hundred twenty-eight thousand dollars (\$128,000) in any case.

40 (n) With respect to any injury occurring on and after July 1, 1989,
41 and before July 1, 1990, the maximum compensation, exclusive of
42 medical benefits, which may be paid for an injury under any provisions

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1 of this law or any combination of provisions may not exceed one
2 hundred thirty-seven thousand dollars (\$137,000) in any case.

3 (o) With respect to any injury occurring on and after July 1, 1990,
4 and before July 1, 1991, the maximum compensation, exclusive of
5 medical benefits, which may be paid for an injury under any provisions
6 of this law or any combination of provisions may not exceed one
7 hundred forty-seven thousand dollars (\$147,000) in any case.

8 (p) With respect to any injury occurring on and after July 1, 1991,
9 and before July 1, 1992, the maximum compensation, exclusive of
10 medical benefits, that may be paid for an injury under any provisions
11 of this law or any combination of provisions may not exceed one
12 hundred sixty-four thousand dollars (\$164,000) in any case.

13 (q) With respect to any injury occurring on and after July 1, 1992,
14 and before July 1, 1993, the maximum compensation, exclusive of
15 medical benefits, that may be paid for an injury under any provisions
16 of this law or any combination of provisions may not exceed one
17 hundred eighty thousand dollars (\$180,000) in any case.

18 (r) With respect to any injury occurring on and after July 1, 1993,
19 and before July 1, 1994, the maximum compensation, exclusive of
20 medical benefits, that may be paid for an injury under any provisions
21 of this law or any combination of provisions may not exceed one
22 hundred ninety-seven thousand dollars (\$197,000) in any case.

23 (s) With respect to any injury occurring on and after July 1, 1994,
24 and before July 1, 1997, the maximum compensation, exclusive of
25 medical benefits, which may be paid for an injury under any provisions
26 of this law or any combination of provisions may not exceed two
27 hundred fourteen thousand dollars (\$214,000) in any case.

28 (t) The maximum compensation, exclusive of medical benefits, that
29 may be paid for an injury under any provision of this law or any
30 combination of provisions may not exceed the following amounts in
31 any case:

32 (1) With respect to an injury occurring on and after July 1, 1997,
33 and before July 1, 1998, two hundred twenty-four thousand
34 dollars (\$224,000).

35 (2) With respect to an injury occurring on and after July 1, 1998,
36 and before July 1, 1999, two hundred thirty-four thousand dollars
37 (\$234,000).

38 (3) With respect to an injury occurring on and after July 1, 1999,
39 and before July 1, 2000, two hundred forty-four thousand dollars
40 (\$244,000).

41 (4) With respect to an injury occurring on and after July 1, 2000,
42 and before July 1, 2001, two hundred fifty-four thousand dollars

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- 1 (\$254,000).
- 2 (5) With respect to an injury occurring on and after July 1, 2001,
- 3 and before July 1, 2002, two hundred seventy-four thousand
- 4 dollars (\$274,000).
- 5 (6) With respect to an injury occurring on and after July 1, 2002,
- 6 and before July 1, 2006, two hundred ninety-four thousand dollars
- 7 (\$294,000).
- 8 (7) With respect to an injury occurring on and after July 1, 2006,
- 9 and before July 1, 2007, three hundred thousand dollars
- 10 (\$300,000).
- 11 (8) With respect to an injury occurring on and after July 1, 2007,
- 12 and before July 1, 2008, three hundred ten thousand dollars
- 13 (\$310,000).
- 14 (9) With respect to an injury occurring on and after July 1, 2008,
- 15 and before July 1, 2009, three hundred eighteen thousand dollars
- 16 (\$318,000).
- 17 (10) With respect to an injury occurring on and after July 1, 2009,
- 18 **and before July 1, 2012**, three hundred twenty-five thousand
- 19 dollars (\$325,000).

20 **(11) With respect to an injury occurring on and after July 1,**
 21 **2012, three hundred ninety thousand dollars (\$390,000).**

22 SECTION 4. IC 22-3-6-1, AS AMENDED BY P.L.168-2011,
 23 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the
 25 context otherwise requires:

26 (a) "Employer" includes the state and any political subdivision, any
 27 municipal corporation within the state, any individual or the legal
 28 representative of a deceased individual, firm, association, limited
 29 liability company, or corporation or the receiver or trustee of the same,
 30 using the services of another for pay. A parent corporation and its
 31 subsidiaries shall each be considered joint employers of the
 32 corporation's, the parent's, or the subsidiaries' employees for purposes
 33 of IC 22-3-2-6 and IC 22-3-3-31. Both a lessor and a lessee of
 34 employees shall each be considered joint employers of the employees
 35 provided by the lessor to the lessee for purposes of IC 22-3-2-6 and
 36 IC 22-3-3-31. If the employer is insured, the term includes the
 37 employer's insurer so far as applicable. However, the inclusion of an
 38 employer's insurer within this definition does not allow an employer's
 39 insurer to avoid payment for services rendered to an employee with the
 40 approval of the employer. The term also includes an employer that
 41 provides on-the-job training under the federal School to Work
 42 Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in

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1 IC 22-3-2-2.5. The term does not include a nonprofit corporation that
2 is recognized as tax exempt under Section 501(c)(3) of the Internal
3 Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the
4 corporation enters into an independent contractor agreement with a
5 person for the performance of youth coaching services on a part-time
6 basis.

7 (b) "Employee" means every person, including a minor, in the
8 service of another, under any contract of hire or apprenticeship, written
9 or implied, except one whose employment is both casual and not in the
10 usual course of the trade, business, occupation, or profession of the
11 employer.

12 (1) An executive officer elected or appointed and empowered in
13 accordance with the charter and bylaws of a corporation, other
14 than a municipal corporation or governmental subdivision or a
15 charitable, religious, educational, or other nonprofit corporation,
16 is an employee of the corporation under IC 22-3-2 through
17 IC 22-3-6. An officer of a corporation who is the sole officer of
18 the corporation is an employee of the corporation under IC 22-3-2
19 through IC 22-3-6, but may elect not to be an employee of the
20 corporation under IC 22-3-2 through IC 22-3-6. If an officer
21 makes this election, the officer must serve written notice of the
22 election on the corporation's insurance carrier and the board. An
23 officer of a corporation who is the sole officer of the corporation
24 may not be considered to be excluded as an employee under
25 IC 22-3-2 through IC 22-3-6 until the notice is received by the
26 insurance carrier and the board.

27 (2) An executive officer of a municipal corporation or other
28 governmental subdivision or of a charitable, religious,
29 educational, or other nonprofit corporation may, notwithstanding
30 any other provision of IC 22-3-2 through IC 22-3-6, be brought
31 within the coverage of its insurance contract by the corporation by
32 specifically including the executive officer in the contract of
33 insurance. The election to bring the executive officer within the
34 coverage shall continue for the period the contract of insurance is
35 in effect, and during this period, the executive officers thus
36 brought within the coverage of the insurance contract are
37 employees of the corporation under IC 22-3-2 through IC 22-3-6.

38 (3) Any reference to an employee who has been injured, when the
39 employee is dead, also includes the employee's legal
40 representatives, dependents, and other persons to whom
41 compensation may be payable.

42 (4) An owner of a sole proprietorship may elect to include the

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1 owner as an employee under IC 22-3-2 through IC 22-3-6 if the
 2 owner is actually engaged in the proprietorship business. If the
 3 owner makes this election, the owner must serve upon the owner's
 4 insurance carrier and upon the board written notice of the
 5 election. No owner of a sole proprietorship may be considered an
 6 employee under IC 22-3-2 through IC 22-3-6 until the notice has
 7 been received. If the owner of a sole proprietorship:

8 (A) is an independent contractor in the construction trades and
 9 does not make the election provided under this subdivision,
 10 the owner must obtain a certificate of exemption under
 11 IC 22-3-2-14.5; or

12 (B) is an independent contractor and does not make the
 13 election provided under this subdivision, the owner may obtain
 14 a certificate of exemption under IC 22-3-2-14.5.

15 (5) A partner in a partnership may elect to include the partner as
 16 an employee under IC 22-3-2 through IC 22-3-6 if the partner is
 17 actually engaged in the partnership business. If a partner makes
 18 this election, the partner must serve upon the partner's insurance
 19 carrier and upon the board written notice of the election. No
 20 partner may be considered an employee under IC 22-3-2 through
 21 IC 22-3-6 until the notice has been received. If a partner in a
 22 partnership:

23 (A) is an independent contractor in the construction trades and
 24 does not make the election provided under this subdivision,
 25 the partner must obtain a certificate of exemption under
 26 IC 22-3-2-14.5; or

27 (B) is an independent contractor and does not make the
 28 election provided under this subdivision, the partner may
 29 obtain a certificate of exemption under IC 22-3-2-14.5.

30 (6) Real estate professionals are not employees under IC 22-3-2
 31 through IC 22-3-6 if:

32 (A) they are licensed real estate agents;

33 (B) substantially all their remuneration is directly related to
 34 sales volume and not the number of hours worked; and

35 (C) they have written agreements with real estate brokers
 36 stating that they are not to be treated as employees for tax
 37 purposes.

38 (7) A person is an independent contractor in the construction
 39 trades and not an employee under IC 22-3-2 through IC 22-3-6 if
 40 the person is an independent contractor under the guidelines of
 41 the United States Internal Revenue Service.

42 (8) An owner-operator that provides a motor vehicle and the

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1 services of a driver under a written contract that is subject to
 2 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376 to a motor carrier
 3 is not an employee of the motor carrier for purposes of IC 22-3-2
 4 through IC 22-3-6. The owner-operator may elect to be covered
 5 and have the owner-operator's drivers covered under a worker's
 6 compensation insurance policy or authorized self-insurance that
 7 insures the motor carrier if the owner-operator pays the premiums
 8 as requested by the motor carrier. An election by an
 9 owner-operator under this subdivision does not terminate the
 10 independent contractor status of the owner-operator for any
 11 purpose other than the purpose of this subdivision.

12 (9) A member or manager in a limited liability company may elect
 13 to include the member or manager as an employee under
 14 IC 22-3-2 through IC 22-3-6 if the member or manager is actually
 15 engaged in the limited liability company business. If a member or
 16 manager makes this election, the member or manager must serve
 17 upon the member's or manager's insurance carrier and upon the
 18 board written notice of the election. A member or manager may
 19 not be considered an employee under IC 22-3-2 through IC 22-3-6
 20 until the notice has been received.

21 (10) An unpaid participant under the federal School to Work
 22 Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the
 23 extent set forth in IC 22-3-2-2.5.

24 (11) A person who enters into an independent contractor
 25 agreement with a nonprofit corporation that is recognized as tax
 26 exempt under Section 501(c)(3) of the Internal Revenue Code (as
 27 defined in IC 6-3-1-11(a)) to perform youth coaching services on
 28 a part-time basis is not an employee for purposes of IC 22-3-2
 29 through IC 22-3-6.

30 (c) "Minor" means an individual who has not reached seventeen
 31 (17) years of age.

32 (1) Unless otherwise provided in this subsection, a minor
 33 employee shall be considered as being of full age for all purposes
 34 of IC 22-3-2 through IC 22-3-6.

35 (2) If the employee is a minor who, at the time of the accident, is
 36 employed, required, suffered, or permitted to work in violation of
 37 IC 20-33-3-35, the amount of compensation and death benefits,
 38 as provided in IC 22-3-2 through IC 22-3-6, shall be double the
 39 amount which would otherwise be recoverable. The insurance
 40 carrier shall be liable on its policy for one-half (1/2) of the
 41 compensation or benefits that may be payable on account of the
 42 injury or death of the minor, and the employer shall be liable for

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1 the other one-half (1/2) of the compensation or benefits. If the
2 employee is a minor who is not less than sixteen (16) years of age
3 and who has not reached seventeen (17) years of age and who at
4 the time of the accident is employed, suffered, or permitted to
5 work at any occupation which is not prohibited by law, this
6 subdivision does not apply.

7 (3) A minor employee who, at the time of the accident, is a
8 student performing services for an employer as part of an
9 approved program under IC 20-37-2-7 shall be considered a
10 full-time employee for the purpose of computing compensation
11 for permanent impairment under IC 22-3-3-10. The average
12 weekly wages for such a student shall be calculated as provided
13 in subsection (d)(4).

14 (4) The rights and remedies granted in this subsection to a minor
15 under IC 22-3-2 through IC 22-3-6 on account of personal injury
16 or death by accident shall exclude all rights and remedies of the
17 minor, the minor's parents, or the minor's personal
18 representatives, dependents, or next of kin at common law,
19 statutory or otherwise, on account of the injury or death. This
20 subsection does not apply to minors who have reached seventeen
21 (17) years of age.

22 (d) "Average weekly wages" means the earnings of the injured
23 employee in the employment in which the employee was working at the
24 time of the injury during the period of fifty-two (52) weeks
25 immediately preceding the date of injury, divided by fifty-two (52),
26 except as follows:

27 (1) If the injured employee lost seven (7) or more calendar days
28 during this period, although not in the same week, then the
29 earnings for the remainder of the fifty-two (52) weeks shall be
30 divided by the number of weeks and parts thereof remaining after
31 the time lost has been deducted.

32 (2) Where the employment prior to the injury extended over a
33 period of less than fifty-two (52) weeks, the method of dividing
34 the earnings during that period by the number of weeks and parts
35 thereof during which the employee earned wages shall be
36 followed, if results just and fair to both parties will be obtained.
37 Where by reason of the shortness of the time during which the
38 employee has been in the employment of the employee's employer
39 or of the casual nature or terms of the employment it is
40 impracticable to compute the average weekly wages, as defined
41 in this subsection, regard shall be had to the average weekly
42 amount which during the fifty-two (52) weeks previous to the

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1 injury was being earned by a person in the same grade employed
 2 at the same work by the same employer or, if there is no person so
 3 employed, by a person in the same grade employed in the same
 4 class of employment in the same district.

5 (3) Wherever allowances of any character made to an employee
 6 in lieu of wages are a specified part of the wage contract, they
 7 shall be deemed a part of the employee's earnings.

8 (4) In computing the average weekly wages to be used in
 9 calculating an award for permanent impairment under
 10 IC 22-3-3-10 for a student employee in an approved training
 11 program under IC 20-37-2-7, the following formula shall be used.
 12 Calculate the product of:

- 13 (A) the student employee's hourly wage rate; multiplied by
 14 (B) forty (40) hours.

15 The result obtained is the amount of the average weekly wages for
 16 the student employee.

17 (e) "Injury" and "personal injury" mean only injury by accident
 18 arising out of and in the course of the employment and do not include
 19 a disease in any form except as it results from the injury.

20 (f) "Billing review service" refers to a person or an entity that
 21 reviews a medical service provider's bills or statements for the purpose
 22 of determining pecuniary liability. The term includes an employer's
 23 worker's compensation insurance carrier if the insurance carrier
 24 performs such a review.

25 (g) "Billing review standard" means the data used by a billing
 26 review service to determine pecuniary liability.

27 (h) "Community" means a geographic service area based on ZIP
 28 code districts defined by the United States Postal Service according to
 29 the following groupings:

- 30 (1) The geographic service area served by ZIP codes with the first
 31 three (3) digits 463 and 464.
 32 (2) The geographic service area served by ZIP codes with the first
 33 three (3) digits 465 and 466.
 34 (3) The geographic service area served by ZIP codes with the first
 35 three (3) digits 467 and 468.
 36 (4) The geographic service area served by ZIP codes with the first
 37 three (3) digits 469 and 479.
 38 (5) The geographic service area served by ZIP codes with the first
 39 three (3) digits 460, 461 (except 46107), and 473.
 40 (6) The geographic service area served by the 46107 ZIP code and
 41 ZIP codes with the first three (3) digits 462.
 42 (7) The geographic service area served by ZIP codes with the first

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1 three (3) digits 470, 471, 472, 474, and 478.

2 (8) The geographic service area served by ZIP codes with the first
3 three (3) digits 475, 476, and 477.

4 (i) "Medical service provider" refers to a person or an entity,
5 **excluding a medical services facility**, that provides medical services,
6 treatment, or supplies to an employee under IC 22-3-2 through
7 IC 22-3-6.

8 (j) **"Medical services facility" means a hospital, clinic, surgery
9 center, nursing home, rehabilitation center, or other health care
10 facility that provides services, treatment, or supplies to an
11 employee under IC 22-3-2 through IC 22-3-6.**

12 (k) "Pecuniary liability" means the responsibility of an employer
13 or the employer's insurance carrier for the payment of the charges for
14 each specific service or product for human medical treatment provided
15 under IC 22-3-2 through IC 22-3-6 **determined using one (1) of the
16 following:**

17 **(1) Except as provided in subdivision (2), for services or
18 products provided** in a defined community, equal to or less than
19 the charges made by medical service providers at the eightieth
20 percentile in the same community for like services or products.

21 **(2) For services or products provided after December 31,
22 2012, by a medical services facility, equal to the
23 reimbursement rates determined under rules adopted by the
24 worker's compensation board and in effect on the date a
25 service or product is provided.**

26 SECTION 5. IC 22-3-7-9, AS AMENDED BY P.L.168-2011,
27 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2012]: Sec. 9. (a) As used in this chapter, "employer" includes
29 the state and any political subdivision, any municipal corporation
30 within the state, any individual or the legal representative of a deceased
31 individual, firm, association, limited liability company, or corporation
32 or the receiver or trustee of the same, using the services of another for
33 pay. A parent corporation and its subsidiaries shall each be considered
34 joint employers of the corporation's, the parent's, or the subsidiaries'
35 employees for purposes of sections 6 and 33 of this chapter. Both a
36 lessor and a lessee of employees shall each be considered joint
37 employers of the employees provided by the lessor to the lessee for
38 purposes of sections 6 and 33 of this chapter. The term also includes an
39 employer that provides on-the-job training under the federal School to
40 Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth
41 under section 2.5 of this chapter. If the employer is insured, the term
42 includes the employer's insurer so far as applicable. However, the

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1 inclusion of an employer's insurer within this definition does not allow
 2 an employer's insurer to avoid payment for services rendered to an
 3 employee with the approval of the employer. The term does not include
 4 a nonprofit corporation that is recognized as tax exempt under Section
 5 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a))
 6 to the extent the corporation enters into an independent contractor
 7 agreement with a person for the performance of youth coaching
 8 services on a part-time basis.

9 (b) As used in this chapter, "employee" means every person,
 10 including a minor, in the service of another, under any contract of hire
 11 or apprenticeship written or implied, except one whose employment is
 12 both casual and not in the usual course of the trade, business,
 13 occupation, or profession of the employer. For purposes of this chapter
 14 the following apply:

15 (1) Any reference to an employee who has suffered disablement,
 16 when the employee is dead, also includes the employee's legal
 17 representative, dependents, and other persons to whom
 18 compensation may be payable.

19 (2) An owner of a sole proprietorship may elect to include the
 20 owner as an employee under this chapter if the owner is actually
 21 engaged in the proprietorship business. If the owner makes this
 22 election, the owner must serve upon the owner's insurance carrier
 23 and upon the board written notice of the election. No owner of a
 24 sole proprietorship may be considered an employee under this
 25 chapter unless the notice has been received. If the owner of a sole
 26 proprietorship:

27 (A) is an independent contractor in the construction trades and
 28 does not make the election provided under this subdivision,
 29 the owner must obtain a certificate of exemption under section
 30 34.5 of this chapter; or

31 (B) is an independent contractor and does not make the
 32 election provided under this subdivision, the owner may obtain
 33 a certificate of exemption under ~~IC 22-3-2-14.5~~ **section 34.5**
 34 **of this chapter.**

35 (3) A partner in a partnership may elect to include the partner as
 36 an employee under this chapter if the partner is actually engaged
 37 in the partnership business. If a partner makes this election, the
 38 partner must serve upon the partner's insurance carrier and upon
 39 the board written notice of the election. No partner may be
 40 considered an employee under this chapter until the notice has
 41 been received. If a partner in a partnership:

42 (A) is an independent contractor in the construction trades and

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- 1 does not make the election provided under this subdivision,
- 2 the partner must obtain a certificate of exemption under
- 3 section 34.5 of this chapter; or
- 4 (B) is an independent contractor and does not make the
- 5 election provided under this subdivision, the partner may
- 6 obtain a certificate of exemption under ~~IC 22-3-2-14.5~~. **section**
- 7 **34.5 of this chapter.**
- 8 (4) Real estate professionals are not employees under this chapter
- 9 if:
- 10 (A) they are licensed real estate agents;
- 11 (B) substantially all their remuneration is directly related to
- 12 sales volume and not the number of hours worked; and
- 13 (C) they have written agreements with real estate brokers
- 14 stating that they are not to be treated as employees for tax
- 15 purposes.
- 16 (5) A person is an independent contractor in the construction
- 17 trades and not an employee under this chapter if the person is an
- 18 independent contractor under the guidelines of the United States
- 19 Internal Revenue Service.
- 20 (6) An owner-operator that provides a motor vehicle and the
- 21 services of a driver under a written contract that is subject to
- 22 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376, to a motor
- 23 carrier is not an employee of the motor carrier for purposes of this
- 24 chapter. The owner-operator may elect to be covered and have the
- 25 owner-operator's drivers covered under a worker's compensation
- 26 insurance policy or authorized self-insurance that insures the
- 27 motor carrier if the owner-operator pays the premiums as
- 28 requested by the motor carrier. An election by an owner-operator
- 29 under this subdivision does not terminate the independent
- 30 contractor status of the owner-operator for any purpose other than
- 31 the purpose of this subdivision.
- 32 (7) An unpaid participant under the federal School to Work
- 33 Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the
- 34 extent set forth under section 2.5 of this chapter.
- 35 (8) A person who enters into an independent contractor agreement
- 36 with a nonprofit corporation that is recognized as tax exempt
- 37 under Section 501(c)(3) of the Internal Revenue Code (as defined
- 38 in IC 6-3-1-11(a)) to perform youth coaching services on a
- 39 part-time basis is not an employee for purposes of this chapter.
- 40 (9) An officer of a corporation who is the sole officer of the
- 41 corporation is an employee of the corporation under this chapter.
- 42 An officer of a corporation who is the sole officer of the

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1 corporation may elect not to be an employee of the corporation
 2 under this chapter. If an officer makes this election, the officer
 3 must serve written notice of the election on the corporation's
 4 insurance carrier and the board. An officer of a corporation who
 5 is the sole officer of the corporation may not be considered to be
 6 excluded as an employee under this chapter until the notice is
 7 received by the insurance carrier and the board.

8 (c) As used in this chapter, "minor" means an individual who has
 9 not reached seventeen (17) years of age. A minor employee shall be
 10 considered as being of full age for all purposes of this chapter.
 11 However, if the employee is a minor who, at the time of the last
 12 exposure, is employed, required, suffered, or permitted to work in
 13 violation of the child labor laws of this state, the amount of
 14 compensation and death benefits, as provided in this chapter, shall be
 15 double the amount which would otherwise be recoverable. The
 16 insurance carrier shall be liable on its policy for one-half (1/2) of the
 17 compensation or benefits that may be payable on account of the
 18 disability or death of the minor, and the employer shall be wholly liable
 19 for the other one-half (1/2) of the compensation or benefits. If the
 20 employee is a minor who is not less than sixteen (16) years of age and
 21 who has not reached seventeen (17) years of age, and who at the time
 22 of the last exposure is employed, suffered, or permitted to work at any
 23 occupation which is not prohibited by law, the provisions of this
 24 subsection prescribing double the amount otherwise recoverable do not
 25 apply. The rights and remedies granted to a minor under this chapter on
 26 account of disease shall exclude all rights and remedies of the minor,
 27 the minor's parents, the minor's personal representatives, dependents,
 28 or next of kin at common law, statutory or otherwise, on account of any
 29 disease.

30 (d) This chapter does not apply to casual laborers as defined in
 31 subsection (b), nor to farm or agricultural employees, nor to household
 32 employees, nor to railroad employees engaged in train service as
 33 engineers, firemen, conductors, brakemen, flagmen, baggagemen, or
 34 foremen in charge of yard engines and helpers assigned thereto, nor to
 35 their employers with respect to these employees. Also, this chapter
 36 does not apply to employees or their employers with respect to
 37 employments in which the laws of the United States provide for
 38 compensation or liability for injury to the health, disability, or death by
 39 reason of diseases suffered by these employees.

40 (e) As used in this chapter, "disablement" means the event of
 41 becoming disabled from earning full wages at the work in which the
 42 employee was engaged when last exposed to the hazards of the

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1 occupational disease by the employer from whom the employee claims
2 compensation or equal wages in other suitable employment, and
3 "disability" means the state of being so incapacitated.

4 (f) For the purposes of this chapter, no compensation shall be
5 payable for or on account of any occupational diseases unless
6 disablement, as defined in subsection (e), occurs within two (2) years
7 after the last day of the last exposure to the hazards of the disease
8 except for the following:

9 (1) In all cases of occupational diseases caused by the inhalation
10 of silica dust or coal dust, no compensation shall be payable
11 unless disablement, as defined in subsection (e), occurs within
12 three (3) years after the last day of the last exposure to the hazards
13 of the disease.

14 (2) In all cases of occupational disease caused by the exposure to
15 radiation, no compensation shall be payable unless disablement,
16 as defined in subsection (e), occurs within two (2) years from the
17 date on which the employee had knowledge of the nature of the
18 employee's occupational disease or, by exercise of reasonable
19 diligence, should have known of the existence of such disease and
20 its causal relationship to the employee's employment.

21 (3) In all cases of occupational diseases caused by the inhalation
22 of asbestos dust, no compensation shall be payable unless
23 disablement, as defined in subsection (e), occurs within three (3)
24 years after the last day of the last exposure to the hazards of the
25 disease if the last day of the last exposure was before July 1, 1985.

26 (4) In all cases of occupational disease caused by the inhalation
27 of asbestos dust in which the last date of the last exposure occurs
28 on or after July 1, 1985, and before July 1, 1988, no compensation
29 shall be payable unless disablement, as defined in subsection (e),
30 occurs within twenty (20) years after the last day of the last
31 exposure.

32 (5) In all cases of occupational disease caused by the inhalation
33 of asbestos dust in which the last date of the last exposure occurs
34 on or after July 1, 1988, no compensation shall be payable unless
35 disablement (as defined in subsection (e)) occurs within
36 thirty-five (35) years after the last day of the last exposure.

37 (g) For the purposes of this chapter, no compensation shall be
38 payable for or on account of death resulting from any occupational
39 disease unless death occurs within two (2) years after the date of
40 disablement. However, this subsection does not bar compensation for
41 death:

42 (1) where death occurs during the pendency of a claim filed by an

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1 employee within two (2) years after the date of disablement and
 2 which claim has not resulted in a decision or has resulted in a
 3 decision which is in process of review or appeal; or
 4 (2) where, by agreement filed or decision rendered, a
 5 compensable period of disability has been fixed and death occurs
 6 within two (2) years after the end of such fixed period, but in no
 7 event later than three hundred (300) weeks after the date of
 8 disablement.

9 (h) As used in this chapter, "billing review service" refers to a
 10 person or an entity that reviews a medical service provider's bills or
 11 statements for the purpose of determining pecuniary liability. The term
 12 includes an employer's worker's compensation insurance carrier if the
 13 insurance carrier performs such a review.

14 (i) As used in this chapter, "billing review standard" means the data
 15 used by a billing review service to determine pecuniary liability.

16 (j) As used in this chapter, "community" means a geographic service
 17 area based on ZIP code districts defined by the United States Postal
 18 Service according to the following groupings:

19 (1) The geographic service area served by ZIP codes with the first
 20 three (3) digits 463 and 464.

21 (2) The geographic service area served by ZIP codes with the first
 22 three (3) digits 465 and 466.

23 (3) The geographic service area served by ZIP codes with the first
 24 three (3) digits 467 and 468.

25 (4) The geographic service area served by ZIP codes with the first
 26 three (3) digits 469 and 479.

27 (5) The geographic service area served by ZIP codes with the first
 28 three (3) digits 460, 461 (except 46107), and 473.

29 (6) The geographic service area served by the 46107 ZIP code and
 30 ZIP codes with the first three (3) digits 462.

31 (7) The geographic service area served by ZIP codes with the first
 32 three (3) digits 470, 471, 472, 474, and 478.

33 (8) The geographic service area served by ZIP codes with the first
 34 three (3) digits 475, 476, and 477.

35 (k) As used in this chapter, "medical service provider" refers to a
 36 person or an entity, **excluding a medical services facility**, that
 37 provides medical services, treatment, or supplies to an employee under
 38 this chapter.

39 **(l) As used in this chapter, "medical services facility" means a**
 40 **hospital, clinic, surgery center, nursing home, rehabilitation center,**
 41 **or other health care facility that provides services, treatment, or**
 42 **supplies to an employee under this chapter.**



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1 ⊕ (m) As used in this chapter, "pecuniary liability" means the
2 responsibility of an employer or the employer's insurance carrier for the
3 payment of the charges for each specific service or product for human
4 medical treatment provided under this chapter **determined using one**
5 **(1) of the following:**

6 **(1) Except as provided in subdivision (2), for services or**
7 **products provided** in a defined community, equal to or less than
8 the charges made by medical service providers at the eightieth
9 percentile in the same community for like services or products.

10 **(2) For services or products provided after December 31,**
11 **2012, by a medical services facility, equal to the**
12 **reimbursement rates determined under rules adopted by the**
13 **worker's compensation board and in effect on the date a**
14 **service or product is provided.**

15 SECTION 6. IC 22-3-7-16, AS AMENDED BY P.L.168-2011,
16 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2012]: Sec. 16. (a) Compensation shall be allowed on account
18 of disablement from occupational disease resulting in only temporary
19 total disability to work or temporary partial disability to work
20 beginning with the eighth day of such disability except for the medical
21 benefits provided for in section 17 of this chapter. Compensation shall
22 be allowed for the first seven (7) calendar days only as provided in this
23 section. The first weekly installment of compensation for temporary
24 disability is due fourteen (14) days after the disability begins. Not later
25 than fifteen (15) days from the date that the first installment of
26 compensation is due, the employer or the employer's insurance carrier
27 shall tender to the employee or to the employee's dependents, with all
28 compensation due, a properly prepared compensation agreement in a
29 form prescribed by the board. Whenever an employer or the employer's
30 insurance carrier denies or is not able to determine liability to pay
31 compensation or benefits, the employer or the employer's insurance
32 carrier shall notify the worker's compensation board and the employee
33 in writing on a form prescribed by the worker's compensation board not
34 later than thirty (30) days after the employer's knowledge of the
35 claimed disablement. If a determination of liability cannot be made
36 within thirty (30) days, the worker's compensation board may approve
37 an additional thirty (30) days upon a written request of the employer or
38 the employer's insurance carrier that sets forth the reasons that the
39 determination could not be made within thirty (30) days and states the
40 facts or circumstances that are necessary to determine liability within
41 the additional thirty (30) days. More than thirty (30) days of additional
42 time may be approved by the worker's compensation board upon the

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1 filing of a petition by the employer or the employer's insurance carrier
2 that sets forth:

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

9 An employer who fails to comply with this section is subject to a civil
10 penalty under IC 22-3-4-15.

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

- 13 (1) the employee has returned to work;
- 14 (2) the employee has died;
- 15 (3) the employee has refused to undergo a medical examination
- 16 under section 20 of this chapter;
- 17 (4) the employee has received five hundred (500) weeks of
- 18 temporary total disability benefits or has been paid the maximum
- 19 compensation allowable under section 19 of this chapter; or
- 20 (5) the employee is unable or unavailable to work for reasons
- 21 unrelated to the compensable disease.

22 In all other cases the employer must notify the employee in writing of
 23 the employer's intent to terminate the payment of temporary total
 24 disability benefits, and of the availability of employment, if any, on a
 25 form approved by the board. If the employee disagrees with the
 26 proposed termination, the employee must give written notice of
 27 disagreement to the board and the employer within seven (7) days after
 28 receipt of the notice of intent to terminate benefits. If the board and
 29 employer do not receive a notice of disagreement under this section,
 30 the employee's temporary total disability benefits shall be terminated.
 31 Upon receipt of the notice of disagreement, the board shall immediately
 32 contact the parties, which may be by telephone or other means and
 33 attempt to resolve the disagreement. If the board is unable to resolve
 34 the disagreement within ten (10) days of receipt of the notice of
 35 disagreement, the board shall immediately arrange for an evaluation of
 36 the employee by an independent medical examiner. The independent
 37 medical examiner shall be selected by mutual agreement of the parties
 38 or, if the parties are unable to agree, appointed by the board under
 39 IC 22-3-4-11. If the independent medical examiner determines that the
 40 employee is no longer temporarily disabled or is still temporarily
 41 disabled but can return to employment that the employer has made
 42 available to the employee, or if the employee fails or refuses to appear

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1 for examination by the independent medical examiner, temporary total
 2 disability benefits may be terminated. If either party disagrees with the
 3 opinion of the independent medical examiner, the party shall apply to
 4 the board for a hearing under section 27 of this chapter.

5 (c) An employer is not required to continue the payment of
 6 temporary total disability benefits for more than fourteen (14) days
 7 after the employer's proposed termination date unless the independent
 8 medical examiner determines that the employee is temporarily disabled
 9 and unable to return to any employment that the employer has made
 10 available to the employee.

11 (d) If it is determined that as a result of this section temporary total
 12 disability benefits were overpaid, the overpayment shall be deducted
 13 from any benefits due the employee under this section and, if there are
 14 no benefits due the employee or the benefits due the employee do not
 15 equal the amount of the overpayment, the employee shall be
 16 responsible for paying any overpayment which cannot be deducted
 17 from benefits due the employee.

18 (e) For disablements occurring on and after July 1, 1976, from
 19 occupational disease resulting in temporary total disability for any work
 20 there shall be paid to the disabled employee during the temporary total
 21 disability weekly compensation equal to sixty-six and two-thirds
 22 percent (66 2/3%) of the employee's average weekly wages, as defined
 23 in section 19 of this chapter, for a period not to exceed five hundred
 24 (500) weeks. Compensation shall be allowed for the first seven (7)
 25 calendar days only if the disability continues for longer than twenty-one
 26 (21) days.

27 (f) For disablements occurring on and after July 1, 1974, from
 28 occupational disease resulting in temporary partial disability for work
 29 there shall be paid to the disabled employee during such disability a
 30 weekly compensation equal to sixty-six and two-thirds percent (66
 31 2/3%) of the difference between the employee's average weekly wages,
 32 as defined in section 19 of this chapter, and the weekly wages at which
 33 the employee is actually employed after the disablement, for a period
 34 not to exceed three hundred (300) weeks. Compensation shall be
 35 allowed for the first seven (7) calendar days only if the disability
 36 continues for longer than twenty-one (21) days. In case of partial
 37 disability after the period of temporary total disability, the latter period
 38 shall be included as a part of the maximum period allowed for partial
 39 disability.

40 (g) For disabilities occurring on and after July 1, 1979, and before
 41 July 1, 1988, from occupational disease in the schedule set forth in
 42 subsection (j), the employee shall receive in addition to disability

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1 benefits, not exceeding fifty-two (52) weeks on account of the
 2 occupational disease, a weekly compensation of sixty percent (60%) of
 3 the employee's average weekly wages, not to exceed one hundred
 4 twenty-five dollars (\$125) average weekly wages, for the period stated
 5 for the disabilities.

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

14 (i) For disabilities occurring on and after July 1, 1989, and before
 15 July 1, 1990, from occupational disease in the schedule set forth in
 16 subsection (j), the employee shall receive in addition to disability
 17 benefits, not exceeding seventy-eight (78) weeks on account of the
 18 occupational disease, a weekly compensation of sixty percent (60%) of
 19 the employee's average weekly wages, not to exceed one hundred
 20 eighty-three dollars (\$183) average weekly wages, for the period stated
 21 for the disabilities.

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

29 (1) Amputations: For the loss by separation, of the thumb, sixty
 30 (60) weeks; of the index finger, forty (40) weeks; of the second
 31 finger, thirty-five (35) weeks; of the third or ring finger, thirty
 32 (30) weeks; of the fourth or little finger, twenty (20) weeks; of the
 33 hand by separation below the elbow, two hundred (200) weeks; of
 34 the arm above the elbow joint, two hundred fifty (250) weeks; of
 35 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;
 36 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)
 37 weeks; of the fifth or little toe, ten (10) weeks; of the foot below
 38 the knee joint, one hundred fifty (150) weeks; and of the leg
 39 above the knee joint, two hundred (200) weeks. The loss of more
 40 than one (1) phalange of a thumb or toe shall be considered as the
 41 loss of the entire thumb or toe. The loss of more than two (2)
 42 phalanges of a finger shall be considered as the loss of the entire

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- 1 finger. The loss of not more than one (1) phalange of a thumb or
 2 toe shall be considered as the loss of one-half (1/2) of the thumb
 3 or toe and compensation shall be paid for one-half (1/2) of the
 4 period for the loss of the entire thumb or toe. The loss of not more
 5 than two (2) phalanges of a finger shall be considered as the loss
 6 of one-half (1/2) the finger and compensation shall be paid for
 7 one-half (1/2) of the period for the loss of the entire finger.
- 8 (2) Loss of Use: The total permanent loss of the use of an arm,
 9 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
 10 as the equivalent of the loss by separation of the arm, hand,
 11 thumb, finger, leg, foot, toe, or phalange and the compensation
 12 shall be paid for the same period as for the loss thereof by
 13 separation.
- 14 (3) Partial Loss of Use: For the permanent partial loss of the use
 15 of an arm, hand, thumb, finger, leg, foot, toe, or phalange,
 16 compensation shall be paid for the proportionate loss of the use of
 17 such arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 18 (4) For disablements for occupational disease resulting in total
 19 permanent disability, five hundred (500) weeks.
- 20 (5) For the loss of both hands, or both feet, or the total sight of
 21 both eyes, or any two (2) of such losses resulting from the same
 22 disablement by occupational disease, five hundred (500) weeks.
- 23 (6) For the permanent and complete loss of vision by enucleation
 24 of an eye or its reduction to one-tenth (1/10) of normal vision with
 25 glasses, one hundred fifty (150) weeks, and for any other
 26 permanent reduction of the sight of an eye, compensation shall be
 27 paid for a period proportionate to the degree of such permanent
 28 reduction without correction or glasses. However, when such
 29 permanent reduction without correction or glasses would result in
 30 one hundred percent (100%) loss of vision, but correction or
 31 glasses would result in restoration of vision, then compensation
 32 shall be paid for fifty percent (50%) of such total loss of vision
 33 without glasses plus an additional amount equal to the
 34 proportionate amount of such reduction with glasses, not to
 35 exceed an additional fifty percent (50%).
- 36 (7) For the permanent and complete loss of hearing, two hundred
 37 (200) weeks.
- 38 (8) In all other cases of permanent partial impairment,
 39 compensation proportionate to the degree of such permanent
 40 partial impairment, in the discretion of the worker's compensation
 41 board, not exceeding five hundred (500) weeks.
- 42 (9) In all cases of permanent disfigurement, which may impair the

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1 future usefulness or opportunities of the employee, compensation
 2 in the discretion of the worker's compensation board, not
 3 exceeding two hundred (200) weeks, except that no compensation
 4 shall be payable under this paragraph where compensation shall
 5 be payable under subdivisions (1) through (8). Where
 6 compensation for temporary total disability has been paid, this
 7 amount of compensation shall be deducted from any
 8 compensation due for permanent disfigurement.

9 (k) With respect to disablements in the following schedule occurring
 10 on and after July 1, 1991, the employee shall receive in addition to
 11 temporary total disability benefits, not exceeding one hundred
 12 twenty-five (125) weeks on account of the disablement, compensation
 13 in an amount determined under the following schedule to be paid
 14 weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the
 15 employee's average weekly wages during the fifty-two (52) weeks
 16 immediately preceding the week in which the disablement occurred:

17 (1) Amputation: For the loss by separation of the thumb, twelve
 18 (12) degrees of permanent impairment; of the index finger, eight
 19 (8) degrees of permanent impairment; of the second finger, seven
 20 (7) degrees of permanent impairment; of the third or ring finger,
 21 six (6) degrees of permanent impairment; of the fourth or little
 22 finger, four (4) degrees of permanent impairment; of the hand by
 23 separation below the elbow joint, forty (40) degrees of permanent
 24 impairment; of the arm above the elbow, fifty (50) degrees of
 25 permanent impairment; of the big toe, twelve (12) degrees of
 26 permanent impairment; of the second toe, six (6) degrees of
 27 permanent impairment; of the third toe, four (4) degrees of
 28 permanent impairment; of the fourth toe, three (3) degrees of
 29 permanent impairment; of the fifth or little toe, two (2) degrees of
 30 permanent impairment; of separation of the foot below the knee
 31 joint, thirty-five (35) degrees of permanent impairment; and of the
 32 leg above the knee joint, forty-five (45) degrees of permanent
 33 impairment.

34 (2) Amputations occurring on or after July 1, 1997: For the loss
 35 by separation of any of the body parts described in subdivision (1)
 36 on or after July 1, 1997, the dollar values per degree applying on
 37 the date of the injury as described in subsection (1) shall be
 38 multiplied by two (2). However, the doubling provision of this
 39 subdivision does not apply to a loss of use that is not a loss by
 40 separation.

41 (3) The loss of more than one (1) phalange of a thumb or toe shall
 42 be considered as the loss of the entire thumb or toe. The loss of

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- 1 more than two (2) phalanges of a finger shall be considered as the
 2 loss of the entire finger. The loss of not more than one (1)
 3 phalange of a thumb or toe shall be considered as the loss of
 4 one-half (1/2) of the degrees of permanent impairment for the loss
 5 of the entire thumb or toe. The loss of not more than one (1)
 6 phalange of a finger shall be considered as the loss of one-third
 7 (1/3) of the finger and compensation shall be paid for one-third
 8 (1/3) of the degrees payable for the loss of the entire finger. The
 9 loss of more than one (1) phalange of the finger but not more than
 10 two (2) phalanges of the finger shall be considered as the loss of
 11 one-half (1/2) of the finger and compensation shall be paid for
 12 one-half (1/2) of the degrees payable for the loss of the entire
 13 finger.
- 14 (4) For the loss by separation of both hands or both feet or the
 15 total sight of both eyes or any two (2) such losses in the same
 16 accident, one hundred (100) degrees of permanent impairment.
- 17 (5) For the permanent and complete loss of vision by enucleation
 18 or its reduction to one-tenth (1/10) of normal vision with glasses,
 19 thirty-five (35) degrees of permanent impairment.
- 20 (6) For the permanent and complete loss of hearing in one (1) ear,
 21 fifteen (15) degrees of permanent impairment, and in both ears,
 22 forty (40) degrees of permanent impairment.
- 23 (7) For the loss of one (1) testicle, ten (10) degrees of permanent
 24 impairment; for the loss of both testicles, thirty (30) degrees of
 25 permanent impairment.
- 26 (8) Loss of use: The total permanent loss of the use of an arm, a
 27 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
 28 considered as the equivalent of the loss by separation of the arm,
 29 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
 30 shall be paid in the same amount as for the loss by separation.
 31 However, the doubling provision of subdivision (2) does not
 32 apply to a loss of use that is not a loss by separation.
- 33 (9) Partial loss of use: For the permanent partial loss of the use of
 34 an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
 35 phalange, compensation shall be paid for the proportionate loss of
 36 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 37 (10) For disablements resulting in total permanent disability, the
 38 amount payable for impairment or five hundred (500) weeks of
 39 compensation, whichever is greater.
- 40 (11) For any permanent reduction of the sight of an eye less than
 41 a total loss as specified in subdivision (5), the compensation shall
 42 be paid in an amount proportionate to the degree of a permanent

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1 reduction without correction or glasses. However, when a
 2 permanent reduction without correction or glasses would result in
 3 one hundred percent (100%) loss of vision, then compensation
 4 shall be paid for fifty percent (50%) of the total loss of vision
 5 without glasses, plus an additional amount equal to the
 6 proportionate amount of the reduction with glasses, not to exceed
 7 an additional fifty percent (50%).

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

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

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

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

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

35 (2) With respect to disablements occurring on and after July 1,
 36 1992, and before July 1, 1993, for each degree of permanent
 37 impairment from one (1) to twenty (20), five hundred dollars
 38 (\$500) per degree; for each degree of permanent impairment from
 39 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
 40 per degree; for each degree of permanent impairment from
 41 thirty-six (36) to fifty (50), one thousand three hundred dollars
 42 (\$1,300) per degree; for each degree of permanent impairment

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1 above fifty (50), one thousand seven hundred dollars (\$1,700) per
2 degree.
3 (3) With respect to disablements occurring on and after July 1,
4 1993, and before July 1, 1997, for each degree of permanent
5 impairment from one (1) to ten (10), five hundred dollars (\$500)
6 per degree; for each degree of permanent impairment from eleven
7 (11) to twenty (20), seven hundred dollars (\$700) per degree; for
8 each degree of permanent impairment from twenty-one (21) to
9 thirty-five (35), one thousand dollars (\$1,000) per degree; for
10 each degree of permanent impairment from thirty-six (36) to fifty
11 (50), one thousand four hundred dollars (\$1,400) per degree; for
12 each degree of permanent impairment above fifty (50), one
13 thousand seven hundred dollars (\$1,700) per degree.
14 (4) With respect to disablements occurring on and after July 1,
15 1997, and before July 1, 1998, for each degree of permanent
16 impairment from one (1) to ten (10), seven hundred fifty dollars
17 (\$750) per degree; for each degree of permanent impairment from
18 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
19 degree; for each degree of permanent impairment from thirty-six
20 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
21 degree; for each degree of permanent impairment above fifty (50),
22 one thousand seven hundred dollars (\$1,700) per degree.
23 (5) With respect to disablements occurring on and after July 1,
24 1998, and before July 1, 1999, for each degree of permanent
25 impairment from one (1) to ten (10), seven hundred fifty dollars
26 (\$750) per degree; for each degree of permanent impairment from
27 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
28 degree; for each degree of permanent impairment from thirty-six
29 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
30 degree; for each degree of permanent impairment above fifty (50),
31 one thousand seven hundred dollars (\$1,700) per degree.
32 (6) With respect to disablements occurring on and after July 1,
33 1999, and before July 1, 2000, for each degree of permanent
34 impairment from one (1) to ten (10), nine hundred dollars (\$900)
35 per degree; for each degree of permanent impairment from eleven
36 (11) to thirty-five (35), one thousand one hundred dollars
37 (\$1,100) per degree; for each degree of permanent impairment
38 from thirty-six (36) to fifty (50), one thousand six hundred dollars
39 (\$1,600) per degree; for each degree of permanent impairment
40 above fifty (50), two thousand dollars (\$2,000) per degree.
41 (7) With respect to disablements occurring on and after July 1,
42 2000, and before July 1, 2001, for each degree of permanent

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1 impairment from one (1) to ten (10), one thousand one hundred
2 dollars (\$1,100) per degree; for each degree of permanent
3 impairment from eleven (11) to thirty-five (35), one thousand
4 three hundred dollars (\$1,300) per degree; for each degree of
5 permanent impairment from thirty-six (36) to fifty (50), two
6 thousand dollars (\$2,000) per degree; for each degree of
7 permanent impairment above fifty (50), two thousand five
8 hundred fifty dollars (\$2,500) per degree.

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

19 (9) With respect to disablements occurring on and after July 1,
20 2007, and before July 1, 2008, for each degree of permanent
21 impairment from one (1) to ten (10), one thousand three hundred
22 forty dollars (\$1,340) per degree; for each degree of permanent
23 impairment from eleven (11) to thirty-five (35), one thousand five
24 hundred forty-five dollars (\$1,545) per degree; for each degree of
25 permanent impairment from thirty-six (36) to fifty (50), two
26 thousand four hundred seventy-five dollars (\$2,475) per degree;
27 for each degree of permanent impairment above fifty (50), three
28 thousand one hundred fifty dollars (\$3,150) per degree.

29 (10) With respect to disablements occurring on and after July 1,
30 2008, and before July 1, 2009, for each degree of permanent
31 impairment from one (1) to ten (10), one thousand three hundred
32 sixty-five dollars (\$1,365) per degree; for each degree of
33 permanent impairment from eleven (11) to thirty-five (35), one
34 thousand five hundred seventy dollars (\$1,570) per degree; for
35 each degree of permanent impairment from thirty-six (36) to fifty
36 (50), two thousand five hundred twenty-five dollars (\$2,525) per
37 degree; for each degree of permanent impairment above fifty (50),
38 three thousand two hundred dollars (\$3,200) per degree.

39 (11) With respect to disablements occurring on and after July 1,
40 2009, and before July 1, 2010, for each degree of permanent
41 impairment from one (1) to ten (10), one thousand three hundred
42 eighty dollars (\$1,380) per degree; for each degree of permanent

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1 impairment from eleven (11) to thirty-five (35), one thousand five
 2 hundred eighty-five dollars (\$1,585) per degree; for each degree
 3 of permanent impairment from thirty-six (36) to fifty (50), two
 4 thousand six hundred dollars (\$2,600) per degree; for each degree
 5 of permanent impairment above fifty (50), three thousand three
 6 hundred dollars (\$3,300) per degree.

7 (12) With respect to disablements occurring on and after July 1,
 8 2010, **and before July 1, 2012**, for each degree of permanent
 9 impairment from one (1) to ten (10), one thousand four hundred
 10 dollars (\$1,400) per degree; for each degree of permanent
 11 impairment from eleven (11) to thirty-five (35), one thousand six
 12 hundred dollars (\$1,600) per degree; for each degree of
 13 permanent impairment from thirty-six (36) to fifty (50), two
 14 thousand seven hundred dollars (\$2,700) per degree; for each
 15 degree of permanent impairment above fifty (50), three thousand
 16 five hundred dollars (\$3,500) per degree.

17 **(13) With respect to disablements occurring on and after July**
 18 **1, 2012, for each degree of permanent impairment from one**
 19 **(1) to ten (10), one thousand six hundred eighty dollars**
 20 **(\$1,680) per degree; for each degree of permanent**
 21 **impairment from eleven (11) to thirty-five (35), one thousand**
 22 **nine hundred twenty dollars (\$1,920) per degree; for each**
 23 **degree of permanent impairment from thirty-six (36) to fifty**
 24 **(50), three thousand two hundred forty dollars (\$3,240) per**
 25 **degree; for each degree of permanent impairment above fifty**
 26 **(50), four thousand two hundred dollars (\$4,200) per degree.**

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

30 (1) With respect to disablements occurring on or after July 1,
 31 1991, and before July 1, 1992, four hundred ninety-two dollars
 32 (\$492).

33 (2) With respect to disablements occurring on or after July 1,
 34 1992, and before July 1, 1993, five hundred forty dollars (\$540).

35 (3) With respect to disablements occurring on or after July 1,
 36 1993, and before July 1, 1994, five hundred ninety-one dollars
 37 (\$591).

38 (4) With respect to disablements occurring on or after July 1,
 39 1994, and before July 1, 1997, six hundred forty-two dollars
 40 (\$642).

41 (5) With respect to disablements occurring on or after July 1,
 42 1997, and before July 1, 1998, six hundred seventy-two dollars

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- 1 (\$672).
- 2 (6) With respect to disablements occurring on or after July 1,
3 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- 4 (7) With respect to disablements occurring on or after July 1,
5 1999, and before July 1, 2000, seven hundred thirty-two dollars
6 (\$732).
- 7 (8) With respect to disablements occurring on or after July 1,
8 2000, and before July 1, 2001, seven hundred sixty-two dollars
9 (\$762).
- 10 (9) With respect to **injuries disablements** occurring on or after
11 July 1, 2001, and before July 1, 2002, eight hundred twenty-two
12 dollars (\$822).
- 13 (10) With respect to **injuries disablements** occurring on or after
14 July 1, 2002, and before July 1, 2006, eight hundred eighty-two
15 dollars (\$882).
- 16 (11) With respect to **injuries disablements** occurring on or after
17 July 1, 2006, and before July 1, 2007, nine hundred dollars
18 (\$900).
- 19 (12) With respect to **injuries disablements** occurring on or after
20 July 1, 2007, and before July 1, 2008, nine hundred thirty dollars
21 (\$930).
- 22 (13) With respect to **injuries disablements** occurring on or after
23 July 1, 2008, and before July 1, 2009, nine hundred fifty-four
24 dollars (\$954).
- 25 (14) With respect to **injuries disablements** occurring on or after
26 July 1, 2009, **and before July 1, 2012**, nine hundred seventy-five
27 dollars (\$975).
- 28 **(15) With respect to disablements occurring on or after July**
29 **1, 2012, one thousand one hundred seventy dollars (\$1,170).**
- 30 (n) If any employee, only partially disabled, refuses employment
31 suitable to the employee's capacity procured for the employee, the
32 employee shall not be entitled to any compensation at any time during
33 the continuance of such refusal unless, in the opinion of the worker's
34 compensation board, such refusal was justifiable. The employee must
35 be served with a notice setting forth the consequences of the refusal
36 under this subsection. The notice must be in a form prescribed by the
37 worker's compensation board.
- 38 (o) If an employee has sustained a permanent impairment or
39 disability from an accidental injury other than an occupational disease
40 in another employment than that in which the employee suffered a
41 subsequent disability from an occupational disease, such as herein
42 specified, the employee shall be entitled to compensation for the

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1 subsequent disability in the same amount as if the previous impairment
 2 or disability had not occurred. However, if the permanent impairment
 3 or disability resulting from an occupational disease for which
 4 compensation is claimed results only in the aggravation or increase of
 5 a previously sustained permanent impairment from an occupational
 6 disease or physical condition regardless of the source or cause of such
 7 previously sustained impairment from an occupational disease or
 8 physical condition, the board shall determine the extent of the
 9 previously sustained permanent impairment from an occupational
 10 disease or physical condition as well as the extent of the aggravation or
 11 increase resulting from the subsequent permanent impairment or
 12 disability, and shall award compensation only for that part of said
 13 occupational disease or physical condition resulting from the
 14 subsequent permanent impairment. An amputation of any part of the
 15 body or loss of any or all of the vision of one (1) or both eyes caused by
 16 an occupational disease shall be considered as a permanent impairment
 17 or physical condition.

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

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

40 (r) When an employee has been awarded or is entitled to an award
 41 of compensation for a definite period from an occupational disease
 42 wherein disablement occurs on and after April 1, 1963, and such

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

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

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

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

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

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

34 (x) All compensation payments named and provided for in this
 35 section, shall mean and be defined to be for only such occupational
 36 diseases and disabilities therefrom as are proved by competent
 37 evidence, of which there are or have been objective conditions or
 38 symptoms proven, not within the physical or mental control of the
 39 employee.

40 SECTION 7. IC 22-3-7-17.2 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17.2. (a) **This**
 42 **subsection does not apply to charges for medical services,**

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1 **treatment, or supplies provided after December 31, 2012, by a**
 2 **hospital to an employee.** A billing review service shall adhere to the
 3 following requirements to determine the pecuniary liability of an
 4 employer or an employer's insurance carrier for a specific service or
 5 product covered under this chapter:

6 (1) The formation of a billing review standard, and any
 7 subsequent analysis or revision of the standard, must use data that
 8 is based on the medical service provider billing charges as
 9 submitted to the employer and the employer's insurance carrier
 10 from the same community. This subdivision does not apply when
 11 a unique or specialized service or product does not have sufficient
 12 comparative data to allow for a reasonable comparison.

13 (2) Data used to determine pecuniary liability must be compiled
 14 on or before June 30 and December 31 of each year.

15 (3) Billing review standards must be revised for prospective
 16 future payments of medical service provider bills to provide for
 17 payment of the charges at a rate not more than the charges made
 18 by eighty percent (80%) of the medical service providers during
 19 the prior six (6) months within the same community. The data
 20 used to perform the analysis and revision of the billing review
 21 standards may not be more than two (2) years old and must be
 22 periodically updated by a representative inflationary or
 23 deflationary factor. Reimbursement for these charges may not
 24 exceed the actual charge invoiced by the medical service
 25 provider.

26 ~~(4)~~ The billing review standard shall include the billing charges
 27 of all hospitals in the applicable community for the service or
 28 product.

29 **(b) Not later than January 1, 2013, the worker's compensation**
 30 **board shall adopt rules under IC 4-22-2 to establish the**
 31 **reimbursement rates for charges for medical services, treatment,**
 32 **or supplies provided by a medical services facility to an employee**
 33 **for purposes of determining the pecuniary liability of an employer**
 34 **or an employer's insurance carrier for a specific service, treatment,**
 35 **or supply covered under this chapter.**

36 ~~(b)~~ **(c)** A medical service provider may request an explanation from
 37 a billing review service if the medical service provider's bill has been
 38 reduced as a result of application of the eightieth percentile or of a
 39 Current Procedural Terminology (CPT) coding change. The request
 40 must be made not later than sixty (60) days after receipt of the notice
 41 of the reduction. If a request is made, the billing review service must
 42 provide:

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- 1 (1) the name of the billing review service used to make the
- 2 reduction;
- 3 (2) the dollar amount of the reduction;
- 4 (3) the dollar amount of the medical service at the eightieth
- 5 percentile; and
- 6 (4) in the case of a CPT coding change, the basis upon which the
- 7 change was made;

8 not later than thirty (30) days after the date of the request.

9 ~~(c)~~ **(d)** If after a hearing the worker's compensation board finds that
 10 a billing review service used a billing review standard that did not
 11 comply with subsection (a)(1) through ~~(a)(4)~~ **(a)(3) or rules adopted**
 12 **under subsection (b)** in determining the pecuniary liability of an
 13 employer or an employer's insurance carrier for a health care provider's
 14 charge for services or products covered under occupational disease
 15 compensation, the worker's compensation board may assess a civil
 16 penalty against the billing review service in an amount not less than
 17 one hundred dollars (\$100) and not more than one thousand dollars
 18 (\$1,000).

19 SECTION 8. IC 22-3-7-19, AS AMENDED BY P.L.134-2006,
 20 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2012]: Sec. 19. (a) In computing compensation for temporary
 22 total disability, temporary partial disability, and total permanent
 23 disability, with respect to occupational diseases occurring on and after
 24 July 1, 1985, and before July 1, 1986, the average weekly wages are
 25 considered to be:

- 26 (1) not more than two hundred sixty-seven dollars (\$267); and
- 27 (2) not less than seventy-five dollars (\$75).

28 (b) In computing compensation for temporary total disability,
 29 temporary partial disability, and total permanent disability, with respect
 30 to occupational diseases occurring on and after July 1, 1986, and before
 31 July 1, 1988, the average weekly wages are considered to be:

- 32 (1) not more than two hundred eighty-five dollars (\$285); and
- 33 (2) not less than seventy-five dollars (\$75).

34 (c) In computing compensation for temporary total disability,
 35 temporary partial disability, and total permanent disability, with respect
 36 to occupational diseases occurring on and after July 1, 1988, and before
 37 July 1, 1989, the average weekly wages are considered to be:

- 38 (1) not more than three hundred eighty-four dollars (\$384); and
- 39 (2) not less than seventy-five dollars (\$75).

40 (d) In computing compensation for temporary total disability,
 41 temporary partial disability, and total permanent disability, with respect
 42 to occupational diseases occurring on and after July 1, 1989, and before

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- 1 July 1, 1990, the average weekly wages are considered to be:
 2 (1) not more than four hundred eleven dollars (\$411); and
 3 (2) not less than seventy-five dollars (\$75).
 4 (e) In computing compensation for temporary total disability,
 5 temporary partial disability, and total permanent disability, with respect
 6 to occupational diseases occurring on and after July 1, 1990, and before
 7 July 1, 1991, the average weekly wages are considered to be:
 8 (1) not more than four hundred forty-one dollars (\$441); and
 9 (2) not less than seventy-five dollars (\$75).
 10 (f) In computing compensation for temporary total disability,
 11 temporary partial disability, and total permanent disability, with respect
 12 to occupational diseases occurring on and after July 1, 1991, and before
 13 July 1, 1992, the average weekly wages are considered to be:
 14 (1) not more than four hundred ninety-two dollars (\$492); and
 15 (2) not less than seventy-five dollars (\$75).
 16 (g) In computing compensation for temporary total disability,
 17 temporary partial disability, and total permanent disability, with respect
 18 to occupational diseases occurring on and after July 1, 1992, and before
 19 July 1, 1993, the average weekly wages are considered to be:
 20 (1) not more than five hundred forty dollars (\$540); and
 21 (2) not less than seventy-five dollars (\$75).
 22 (h) In computing compensation for temporary total disability,
 23 temporary partial disability, and total permanent disability, with respect
 24 to occupational diseases occurring on and after July 1, 1993, and before
 25 July 1, 1994, the average weekly wages are considered to be:
 26 (1) not more than five hundred ninety-one dollars (\$591); and
 27 (2) not less than seventy-five dollars (\$75).
 28 (i) In computing compensation for temporary total disability,
 29 temporary partial disability and total permanent disability, with respect
 30 to occupational diseases occurring on and after July 1, 1994, and before
 31 July 1, 1997, the average weekly wages are considered to be:
 32 (1) not more than six hundred forty-two dollars (\$642); and
 33 (2) not less than seventy-five dollars (\$75).
 34 (j) In computing compensation for temporary total disability,
 35 temporary partial disability, and total permanent disability, the average
 36 weekly wages are considered to be:
 37 (1) with respect to occupational diseases occurring on and after
 38 July 1, 1997, and before July 1, 1998:
 39 (A) not more than six hundred seventy-two dollars (\$672); and
 40 (B) not less than seventy-five dollars (\$75);
 41 (2) with respect to occupational diseases occurring on and after
 42 July 1, 1998, and before July 1, 1999:

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- 1 (A) not more than seven hundred two dollars (\$702); and
 2 (B) not less than seventy-five dollars (\$75);
 3 (3) with respect to occupational diseases occurring on and after
 4 July 1, 1999, and before July 1, 2000:
 5 (A) not more than seven hundred thirty-two dollars (\$732);
 6 and
 7 (B) not less than seventy-five dollars (\$75);
 8 (4) with respect to occupational diseases occurring on and after
 9 July 1, 2000, and before July 1, 2001:
 10 (A) not more than seven hundred sixty-two dollars (\$762); and
 11 (B) not less than seventy-five dollars (\$75);
 12 (5) with respect to disablements occurring on and after July 1,
 13 2001, and before July 1, 2002:
 14 (A) not more than eight hundred twenty-two dollars (\$822);
 15 and
 16 (B) not less than seventy-five dollars (\$75);
 17 (6) with respect to disablements occurring on and after July 1,
 18 2002, and before July 1, 2006:
 19 (A) not more than eight hundred eighty-two dollars (\$882);
 20 and
 21 (B) not less than seventy-five dollars (\$75);
 22 (7) with respect to disablements occurring on and after July 1,
 23 2006, and before July 1, 2007:
 24 (A) not more than nine hundred dollars (\$900); and
 25 (B) not less than seventy-five dollars (\$75);
 26 (8) with respect to disablements occurring on and after July 1,
 27 2007, and before July 1, 2008:
 28 (A) not more than nine hundred thirty dollars (\$930); and
 29 (B) not less than seventy-five dollars (\$75);
 30 (9) with respect to disablements occurring on and after July 1,
 31 2008, and before July 1, 2009:
 32 (A) not more than nine hundred fifty-four dollars (\$954); and
 33 (B) not less than seventy-five dollars (\$75);
 34 (10) with respect to disablements occurring on and after July 1,
 35 2009, **and before July 1, 2012:**
 36 (A) not more than nine hundred seventy-five dollars (\$975);
 37 and
 38 (B) not less than seventy-five dollars (\$75); **and**
 39 **(11) with respect to disablements occurring on and after July**
 40 **1, 2012:**
 41 **(A) not more than one thousand one hundred seventy**
 42 **dollars (\$1,170); and**

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1 **(B) not less than seventy-five dollars (\$75).**

2 (k) The maximum compensation with respect to disability or death
3 occurring on and after July 1, 1985, and before July 1, 1986, which
4 shall be paid for occupational disease and the results thereof under the
5 provisions of this chapter or under any combination of its provisions
6 may not exceed eighty-nine thousand dollars (\$89,000) in any case.

7 (l) The maximum compensation with respect to disability or death
8 occurring on and after July 1, 1986, and before July 1, 1988, which
9 shall be paid for occupational disease and the results thereof under the
10 provisions of this chapter or under any combination of its provisions
11 may not exceed ninety-five thousand dollars (\$95,000) in any case.

12 (m) The maximum compensation with respect to disability or death
13 occurring on and after July 1, 1988, and before July 1, 1989, that shall
14 be paid for occupational disease and the results thereof under this
15 chapter or under any combination of its provisions may not exceed one
16 hundred twenty-eight thousand dollars (\$128,000) in any case.

17 (n) The maximum compensation with respect to disability or death
18 occurring on and after July 1, 1989, and before July 1, 1990, that shall
19 be paid for occupational disease and the results thereof under this
20 chapter or under any combination of its provisions may not exceed one
21 hundred thirty-seven thousand dollars (\$137,000) in any case.

22 (o) The maximum compensation with respect to disability or death
23 occurring on and after July 1, 1990, and before July 1, 1991, that shall
24 be paid for occupational disease and the results thereof under this
25 chapter or under any combination of its provisions may not exceed one
26 hundred forty-seven thousand dollars (\$147,000) in any case.

27 (p) The maximum compensation with respect to disability or death
28 occurring on and after July 1, 1991, and before July 1, 1992, that shall
29 be paid for occupational disease and the results thereof under this
30 chapter or under any combination of the provisions of this chapter may
31 not exceed one hundred sixty-four thousand dollars (\$164,000) in any
32 case.

33 (q) The maximum compensation with respect to disability or death
34 occurring on and after July 1, 1992, and before July 1, 1993, that shall
35 be paid for occupational disease and the results thereof under this
36 chapter or under any combination of the provisions of this chapter may
37 not exceed one hundred eighty thousand dollars (\$180,000) in any case.

38 (r) The maximum compensation with respect to disability or death
39 occurring on and after July 1, 1993, and before July 1, 1994, that shall
40 be paid for occupational disease and the results thereof under this
41 chapter or under any combination of the provisions of this chapter may
42 not exceed one hundred ninety-seven thousand dollars (\$197,000) in

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any case.

(s) The maximum compensation with respect to disability or death occurring on and after July 1, 1994, and before July 1, 1997, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed two hundred fourteen thousand dollars (\$214,000) in any case.

(t) The maximum compensation that shall be paid for occupational disease and the results of an occupational disease under this chapter or under any combination of the provisions of this chapter may not exceed the following amounts in any case:

- (1) With respect to disability or death occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).
- (2) With respect to disability or death occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).
- (3) With respect to disability or death occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).
- (4) With respect to disability or death occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).
- (5) With respect to disability or death occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).
- (6) With respect to disability or death occurring on and after July 1, 2002, and before July 1, 2006, two hundred ninety-four thousand dollars (\$294,000).
- (7) With respect to disability or death occurring on and after July 1, 2006, and before July 1, 2007, three hundred thousand dollars (\$300,000).
- (8) With respect to disability or death occurring on and after July 1, 2007, and before July 1, 2008, three hundred ten thousand dollars (\$310,000).
- (9) With respect to disability or death occurring on and after July 1, 2008, and before July 1, 2009, three hundred eighteen thousand dollars (\$318,000).
- (10) With respect to disability or death occurring on or after July 1, 2009, **and before July 1, 2012**, three hundred twenty-five thousand dollars (\$325,000).
- (11) **With respect to disability or death occurring on and after**

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1 **July 1, 2012, three hundred ninety thousand dollars**
2 **(\$390,000).**
3 (u) For all disabilities occurring on and after July 1, 1985, "average
4 weekly wages" means the earnings of the injured employee during the
5 period of fifty-two (52) weeks immediately preceding the disability
6 divided by fifty-two (52). If the employee lost seven (7) or more
7 calendar days during the period, although not in the same week, then
8 the earnings for the remainder of the fifty-two (52) weeks shall be
9 divided by the number of weeks and parts of weeks remaining after the
10 time lost has been deducted. If employment before the date of disability
11 extended over a period of less than fifty-two (52) weeks, the method of
12 dividing the earnings during that period by the number of weeks and
13 parts of weeks during which the employee earned wages shall be
14 followed if results just and fair to both parties will be obtained. If by
15 reason of the shortness of the time during which the employee has been
16 in the employment of the employer or of the casual nature or terms of
17 the employment it is impracticable to compute the average weekly
18 wages for the employee, the employee's average weekly wages shall be
19 considered to be the average weekly amount that, during the fifty-two
20 (52) weeks before the date of disability, was being earned by a person
21 in the same grade employed at the same work by the same employer or,
22 if there is no person so employed, by a person in the same grade
23 employed in that same class of employment in the same district.
24 Whenever allowances of any character are made to an employee
25 instead of wages or a specified part of the wage contract, they shall be
26 considered a part of the employee's earnings.
27 (v) The provisions of this article may not be construed to result in
28 an award of benefits in which the number of weeks paid or to be paid
29 for temporary total disability, temporary partial disability, or permanent
30 total disability benefits combined exceeds five hundred (500) weeks.
31 This section shall not be construed to prevent a person from applying
32 for an award under IC 22-3-3-13. However, in case of permanent total
33 disability resulting from a disablement occurring on or after January 1,
34 1998, the minimum total benefit shall not be less than seventy-five
35 thousand dollars (\$75,000).

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