

SENATE BILL No. 470

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-3.

Synopsis: Worker's compensation. Requires the worker's compensation board, not later than January 1, 2014, to adopt rules to establish the reimbursement rates for charges for medical services, treatment, and 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, 2013.

Effective: July 1, 2013.

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January 14, 2013, read first time and referred to Committee on Pensions and Labor.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 470



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, AS AMENDED BY P.L.168-2011,
- 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]: Sec. 5. (a) The pecuniary liability of the employer for
- 4 medical, surgical, hospital, and nurse service herein required shall be
- 5 limited to such charges as prevail as provided under ~~IC 22-3-6-1(j); in~~
- 6 ~~the same community (as defined in IC 22-3-6-1(h)) for a like service or~~
- 7 ~~product to injured persons: IC 22-3-6-1(k).~~
- 8 (b) The employee and the employee's estate do not have liability to
- 9 a health care provider for payment for services obtained under
- 10 IC 22-3-3-4.
- 11 (c) The right to order payment for all services provided under
- 12 IC 22-3-2 through IC 22-3-6 is solely with the board.
- 13 (d) All claims by a health care provider for payment for services are
- 14 against the employer and the employer's insurance carrier, if any, and
- 15 must be made with the board under IC 22-3-2 through IC 22-3-6. ~~After~~
- 16 ~~June 30, 2011,~~ A health care provider must file an application for
- 17 adjustment of a claim for a health care provider's fee with the board not



1 later than two (2) years after the receipt of an initial written
 2 communication from the employer, the employer's insurance carrier, if
 3 any, or an agent acting on behalf of the employer after the health care
 4 provider submits a bill for services. To offset a part of the board's
 5 expenses related to the administration of health care provider
 6 reimbursement disputes, a hospital or facility that is a medical service
 7 provider (as defined in IC 22-3-6-1) shall pay a filing fee of sixty
 8 dollars (\$60) in a balance billing case. The filing fee must accompany
 9 each application filed with the board. If an employer, an employer's
 10 insurance carrier, or an agent acting on behalf of the employer denies
 11 or fails to pay any amount on a claim submitted by a hospital or facility
 12 that is a medical service provider, a filing fee is not required to
 13 accompany an application that is filed for the denied or unpaid claim.
 14 A health care provider may combine up to ten (10) individual claims
 15 into one (1) application whenever:

- 16 (1) all individual claims involve the same employer, insurance
 17 carrier, or billing review service; and
- 18 (2) the amount of each individual claim does not exceed two
 19 hundred dollars (\$200).

20 (e) The worker's compensation board may withhold the approval of
 21 the fees of the attending physician in a case until the attending
 22 physician files a report with the worker's compensation board on the
 23 form prescribed by the board.

24 SECTION 2. IC 22-3-3-5.2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5.2. (a) **This**
 26 **subsection does not apply to charges for medical services,**
 27 **treatment, or supplies provided after December 31, 2013, by a**
 28 **medical services facility to an employee.** A billing review service
 29 shall adhere to the following requirements to determine the pecuniary
 30 liability of an employer or an employer's insurance carrier for a specific
 31 service or product covered under worker's compensation:

- 32 (1) The formation of a billing review standard, and any
 33 subsequent analysis or revision of the standard, must use data that
 34 is based on the medical service provider billing charges as
 35 submitted to the employer and the employer's insurance carrier
 36 from the same community. This subdivision does not apply when
 37 a unique or specialized service or product does not have sufficient
 38 comparative data to allow for a reasonable comparison.
- 39 (2) Data used to determine pecuniary liability must be compiled
 40 on or before June 30 and December 31 of each year.
- 41 (3) Billing review standards must be revised for prospective
 42 future payments of medical service provider bills to provide for

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

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

13 **(b) Not later than January 1, 2014, the worker's compensation**
 14 **board shall adopt rules under IC 4-22-2 to establish the**
 15 **reimbursement rates for charges for medical services, treatment,**
 16 **and supplies provided by a medical services facility to an employee**
 17 **for purposes of determining the pecuniary liability of an employer**
 18 **or an employer's insurance carrier for a specific service, treatment,**
 19 **or supply covered under worker's compensation.**

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

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

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

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

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1 (\$100) and not more than one thousand dollars (\$1,000).

2 SECTION 3. IC 22-3-3-10, AS AMENDED BY P.L.3-2008,
3 SECTION 156, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) With respect to injuries in
5 the schedule set forth in subsection (d) occurring on and after July 1,
6 1979, and before July 1, 1988, the employee shall receive, in addition
7 to temporary total disability benefits not to exceed fifty-two (52) weeks
8 on account of the injury, a weekly compensation of sixty percent (60%)
9 of the employee's average weekly wages, not to exceed one hundred
10 twenty-five dollars (\$125) average weekly wages, for the period stated
11 for the injury.

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

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

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

33 (1) Amputation: For the loss by separation of the thumb, sixty
34 (60) weeks, of the index finger forty (40) weeks, of the second
35 finger thirty-five (35) weeks, of the third or ring finger thirty (30)
36 weeks, of the fourth or little finger twenty (20) weeks, of the hand
37 by separation below the elbow joint two hundred (200) weeks, or
38 the arm above the elbow two hundred fifty (250) weeks, of the big
39 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the
40 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,
41 of the fifth or little toe ten (10) weeks, for loss occurring on and
42 after April 1, 1959, by separation of the foot below the knee joint,

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1 one hundred seventy-five (175) weeks and of the leg above the
 2 knee joint two hundred twenty-five (225) weeks. The loss of more
 3 than one (1) phalange of a thumb or toes shall be considered as
 4 the loss of the entire thumb or toe. The loss of more than two (2)
 5 phalanges of a finger shall be considered as the loss of the entire
 6 finger. The loss of not more than one (1) phalange of a thumb or
 7 toe shall be considered as the loss of one-half (1/2) of the thumb
 8 or toe and compensation shall be paid for one-half (1/2) of the
 9 period for the loss of the entire thumb or toe. The loss of not more
 10 than one (1) phalange of a finger shall be considered as the loss
 11 of one-third (1/3) of the finger and compensation shall be paid for
 12 one-third (1/3) the period for the loss of the entire finger. The loss
 13 of more than one (1) phalange of the finger but not more than two
 14 (2) phalanges of the finger, shall be considered as the loss of
 15 one-half (1/2) of the finger and compensation shall be paid for
 16 one-half (1/2) of the period for the loss of the entire finger.

17 (2) For the loss by separation of both hands or both feet or the
 18 total sight of both eyes, or any two (2) such losses in the same
 19 accident, five hundred (500) weeks.

20 (3) For the permanent and complete loss of vision by enucleation
 21 or its reduction to one-tenth (1/10) of normal vision with glasses,
 22 one hundred seventy-five (175) weeks.

23 (4) For the permanent and complete loss of hearing in one (1) ear,
 24 seventy-five (75) weeks, and in both ears, two hundred (200)
 25 weeks.

26 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of
 27 both testicles, one hundred fifty (150) weeks.

28 (e) With respect to injuries in the schedule set forth in subsection
 29 (h) occurring on and after July 1, 1979, and before July 1, 1988, the
 30 employee shall receive, in addition to temporary total disability benefits
 31 not exceeding fifty-two (52) 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 one hundred twenty-five dollars (\$125) average
 34 weekly wages for the period stated for the injury.

35 (f) With respect to injuries in the schedule set forth in subsection (h)
 36 occurring on and after July 1, 1988, and before July 1, 1989, the
 37 employee shall receive, in addition to temporary total disability benefits
 38 not exceeding seventy-eight (78) weeks on account of the injury, a
 39 weekly compensation of sixty percent (60%) of the employee's average
 40 weekly wages, not to exceed one hundred sixty-six dollars (\$166)
 41 average weekly wages, for the period stated for the injury.

42 (g) With respect to injuries in the schedule set forth in subsection

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

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

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

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

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

25 (4) For any permanent reduction of the sight of an eye less than a
 26 total loss as specified in subsection (d)(3), 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 in such event
 32 compensation shall be paid for fifty percent (50%) of such total
 33 loss of vision without glasses, plus an additional amount equal to
 34 the proportionate amount of such reduction with glasses, not to
 35 exceed an additional fifty percent (50%).

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

40 (6) In all other cases of permanent partial impairment,
 41 compensation proportionate to the degree of such permanent
 42 partial impairment, in the discretion of the worker's compensation

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board, not exceeding five hundred (500) weeks.

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

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

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

(2) Amputations: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, and for the loss by separation of any of the body parts described in subdivision (3), ~~(5)~~; **(4)** or (8), on or after July 1, 1999, the dollar values per degree applying on the date of the injury as described in subsection (j) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

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

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

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

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

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

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

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

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

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1 (\$1,300) per degree; for each degree of permanent impairment
 2 above fifty (50), one thousand seven hundred dollars (\$1,700) per
 3 degree.
 4 (3) With respect to injuries occurring on and after July 1, 1993,
 5 and before July 1, 1997, for each degree of permanent impairment
 6 from one (1) to ten (10), five hundred dollars (\$500) per degree;
 7 for each degree of permanent impairment from eleven (11) to
 8 twenty (20), seven hundred dollars (\$700) per degree; for each
 9 degree of permanent impairment from twenty-one (21) to
 10 thirty-five (35), one thousand dollars (\$1,000) per degree; for
 11 each degree of permanent impairment from thirty-six (36) to fifty
 12 (50), one thousand four hundred dollars (\$1,400) per degree; for
 13 each degree of permanent impairment above fifty (50), one
 14 thousand seven hundred dollars (\$1,700) per degree.
 15 (4) With respect to injuries occurring on and after July 1, 1997,
 16 and before July 1, 1998, for each degree of permanent impairment
 17 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
 18 degree; for each degree of permanent impairment from eleven
 19 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
 20 for each degree of permanent impairment from thirty-six (36) to
 21 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
 22 for each degree of permanent impairment above fifty (50), one
 23 thousand seven hundred dollars (\$1,700) per degree.
 24 (5) With respect to injuries occurring on and after July 1, 1998,
 25 and before July 1, 1999, for each degree of permanent impairment
 26 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
 27 degree; for each degree of permanent impairment from eleven
 28 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
 29 for each degree of permanent impairment from thirty-six (36) to
 30 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
 31 for each degree of permanent impairment above fifty (50), one
 32 thousand seven hundred dollars (\$1,700) per degree.
 33 (6) With respect to injuries occurring on and after July 1, 1999,
 34 and before July 1, 2000, for each degree of permanent impairment
 35 from one (1) to ten (10), nine hundred dollars (\$900) per degree;
 36 for each degree of permanent impairment from eleven (11) to
 37 thirty-five (35), one thousand one hundred dollars (\$1,100) per
 38 degree; for each degree of permanent impairment from thirty-six
 39 (36) to fifty (50), one thousand six hundred dollars (\$1,600) per
 40 degree; for each degree of permanent impairment above fifty (50),
 41 two thousand dollars (\$2,000) per degree.
 42 (7) With respect to injuries occurring on and after July 1, 2000,

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1 and before July 1, 2001, for each degree of permanent impairment
2 from one (1) to ten (10), one thousand one hundred dollars
3 (\$1,100) per degree; for each degree of permanent impairment
4 from eleven (11) to thirty-five (35), one thousand three hundred
5 dollars (\$1,300) per degree; for each degree of permanent
6 impairment from thirty-six (36) to fifty (50), two thousand dollars
7 (\$2,000) per degree; for each degree of permanent impairment
8 above fifty (50), two thousand five hundred fifty dollars (\$2,500)
9 per degree.

10 (8) With respect to injuries occurring on and after July 1, 2001,
11 and before July 1, 2007, for each degree of permanent impairment
12 from one (1) to ten (10), one thousand three hundred dollars
13 (\$1,300) per degree; for each degree of permanent impairment
14 from eleven (11) to thirty-five (35), one thousand five hundred
15 dollars (\$1,500) per degree; for each degree of permanent
16 impairment from thirty-six (36) to fifty (50), two thousand four
17 hundred dollars (\$2,400) per degree; for each degree of
18 permanent impairment above fifty (50), three thousand dollars
19 (\$3,000) per degree.

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

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

40 (11) With respect to injuries occurring on and after July 1, 2009,
41 and before July 1, 2010, for each degree of permanent impairment
42 from one (1) to ten (10), one thousand three hundred eighty

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

8 (12) With respect to injuries occurring on and after July 1, 2010,
 9 **and before July 1, 2013**, for each degree of permanent
 10 impairment from one (1) to ten (10), one thousand four hundred
 11 dollars (\$1,400) per degree; for each degree of permanent
 12 impairment from eleven (11) to thirty-five (35), one thousand six
 13 hundred dollars (\$1,600) per degree; for each degree of
 14 permanent impairment from thirty-six (36) to fifty (50), two
 15 thousand seven hundred dollars (\$2,700) per degree; for each
 16 degree of permanent impairment above fifty (50), three thousand
 17 five hundred dollars (\$3,500) per degree.

18 **(13) With respect to injuries occurring on and after July 1,**
 19 **2013, for each degree of permanent impairment from one (1)**
 20 **to ten (10), one thousand six hundred eighty dollars (\$1,680)**
 21 **per degree; for each degree of permanent impairment from**
 22 **eleven (11) to thirty-five (35), one thousand nine hundred**
 23 **twenty dollars (\$1,920) per degree; for each degree of**
 24 **permanent impairment from thirty-six (36) to fifty (50), three**
 25 **thousand two hundred forty dollars (\$3,240) per degree; for**
 26 **each degree of permanent impairment above fifty (50), four**
 27 **thousand two hundred dollars (\$4,200) per degree.**

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

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

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

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

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

39 (5) With respect to injuries occurring on or after July 1, 1997, and
 40 before July 1, 1998, six hundred seventy-two dollars (\$672).

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



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- 1 (7) With respect to injuries occurring on or after July 1, 1999, and
- 2 before July 1, 2000, seven hundred thirty-two dollars (\$732).
- 3 (8) With respect to injuries occurring on or after July 1, 2000, and
- 4 before July 1, 2001, seven hundred sixty-two dollars (\$762).
- 5 (9) With respect to injuries occurring on or after July 1, 2001, and
- 6 before July 1, 2002, eight hundred twenty-two dollars (\$822).
- 7 (10) With respect to injuries occurring on or after July 1, 2002,
- 8 and before July 1, 2006, eight hundred eighty-two dollars (\$882).
- 9 (11) With respect to injuries occurring on or after July 1, 2006,
- 10 and before July 1, 2007, nine hundred dollars (\$900).
- 11 (12) With respect to injuries occurring on or after July 1, 2007,
- 12 and before July 1, 2008, nine hundred thirty dollars (\$930).
- 13 (13) With respect to injuries occurring on or after July 1, 2008,
- 14 and before July 1, 2009, nine hundred fifty-four dollars (\$954).
- 15 (14) With respect to injuries occurring on or after July 1, 2009,
- 16 **and before July 1, 2013**, nine hundred seventy-five dollars
- 17 (\$975).
- 18 **(15) With respect to injuries occurring on or after July 1,**
- 19 **2013, one thousand one hundred seventy dollars (\$1,170).**

20 SECTION 4. IC 22-3-3-22, AS AMENDED BY P.L.134-2006,
 21 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2013]: Sec. 22. (a) In computing compensation for temporary
 23 total disability, temporary partial disability, and total permanent
 24 disability, with respect to injuries occurring on and after July 1, 1985,
 25 and before July 1, 1986, the average weekly wages are considered to
 26 be:

- 27 (1) not more than two hundred sixty-seven dollars (\$267); 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 (b) 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, 1986, and before July 1, 1988,
 34 the average weekly wages are considered to be:

- 35 (1) not more than two hundred eighty-five dollars (\$285); 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 (c) 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, 1988, and before July 1, 1989,
 42 the average weekly wages are considered to be:

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1 (1) not more than three hundred eighty-four dollars (\$384); 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 (d) 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, 1989, and before July 1, 1990,
8 the average weekly wages are considered to be:
9 (1) not more than four hundred eleven dollars (\$411); 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 (e) In computing compensation for temporary total disability,
14 temporary partial disability, and total permanent disability, with respect
15 to injuries occurring on and after July 1, 1990, and before July 1, 1991,
16 the average weekly wages are considered to be:
17 (1) not more than four hundred forty-one dollars (\$441); and
18 (2) not less than seventy-five dollars (\$75).
19 However, the weekly compensation payable shall not exceed the
20 average weekly wages of the employee at the time of the injury.
21 (f) In computing compensation for temporary total disability,
22 temporary partial disability, and total permanent disability, with respect
23 to injuries occurring on and after July 1, 1991, and before July 1, 1992,
24 the average weekly wages are considered to be:
25 (1) not more than four hundred ninety-two dollars (\$492); and
26 (2) not less than seventy-five dollars (\$75).
27 However, the weekly compensation payable shall not exceed the
28 average weekly wages of the employee at the time of the injury.
29 (g) In computing compensation for temporary total disability,
30 temporary partial disability, and total permanent disability, with respect
31 to injuries occurring on and after July 1, 1992, and before July 1, 1993,
32 the average weekly wages are considered to be:
33 (1) not more than five hundred forty dollars (\$540); and
34 (2) not less than seventy-five dollars (\$75).
35 However, the weekly compensation payable shall not exceed the
36 average weekly wages of the employee at the time of the injury.
37 (h) In computing compensation for temporary total disability,
38 temporary partial disability, and total permanent disability, with respect
39 to injuries occurring on and after July 1, 1993, and before July 1, 1994,
40 the average weekly wages are considered to be:
41 (1) not more than five hundred ninety-one dollars (\$591); and
42 (2) not less than seventy-five dollars (\$75).

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

3 (i) In computing compensation for temporary total disability,
4 temporary partial disability, and total permanent disability, with respect
5 to injuries occurring on and after July 1, 1994, and before July 1, 1997,
6 the average weekly wages are considered to be:

- 7 (1) not more than six hundred forty-two dollars (\$642); and
8 (2) not less than seventy-five dollars (\$75).

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

11 (j) In computing compensation for temporary total disability,
12 temporary partial disability, and total permanent disability, the average
13 weekly wages are considered to be:

- 14 (1) with respect to injuries occurring on and after July 1, 1997,
15 and before July 1, 1998:

- 16 (A) not more than six hundred seventy-two dollars (\$672); and
17 (B) not less than seventy-five dollars (\$75);

- 18 (2) with respect to injuries occurring on and after July 1, 1998,
19 and before July 1, 1999:

- 20 (A) not more than seven hundred two dollars (\$702); and
21 (B) not less than seventy-five dollars (\$75);

- 22 (3) with respect to injuries occurring on and after July 1, 1999,
23 and before July 1, 2000:

- 24 (A) not more than seven hundred thirty-two dollars (\$732);
25 and
26 (B) not less than seventy-five dollars (\$75);

- 27 (4) with respect to injuries occurring on and after July 1, 2000,
28 and before July 1, 2001:

- 29 (A) not more than seven hundred sixty-two dollars (\$762); and
30 (B) not less than seventy-five dollars (\$75);

- 31 (5) with respect to injuries occurring on and after July 1, 2001,
32 and before July 1, 2002:

- 33 (A) not more than eight hundred twenty-two dollars (\$822);
34 and
35 (B) not less than seventy-five dollars (\$75);

- 36 (6) with respect to injuries occurring on and after July 1, 2002,
37 and before July 1, 2006:

- 38 (A) not more than eight hundred eighty-two dollars (\$882);
39 and

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

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

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- 1 (A) not more than nine hundred dollars (\$900); and
 2 (B) not less than seventy-five dollars (\$75);
 3 (8) with respect to injuries occurring on and after July 1, 2007,
 4 and before July 1, 2008:
 5 (A) not more than nine hundred thirty dollars (\$930); and
 6 (B) not less than seventy-five dollars (\$75);
 7 (9) with respect to injuries occurring on and after July 1, 2008,
 8 and before July 1, 2009:
 9 (A) not more than nine hundred fifty-four dollars (\$954); and
 10 (B) not less than seventy-five dollars (\$75); ~~and~~
 11 (10) with respect to injuries occurring on and after July 1, 2009,
 12 **and before July 1, 2013:**
 13 (A) not more than nine hundred seventy-five dollars (\$975);
 14 and
 15 (B) not less than seventy-five dollars (\$75); **and**
 16 **(11) with respect to injuries occurring on and after July 1,**
 17 **2013:**
 18 **(A) not more than one thousand one hundred seventy**
 19 **dollars (\$1,170); and**
 20 **(B) 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 (k) With respect to any injury occurring on and after July 1, 1985,
 24 and before July 1, 1986, 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
 27 eighty-nine thousand dollars (\$89,000) in any case.

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

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

38 (n) With respect to any injury occurring on and after July 1, 1989,
 39 and before July 1, 1990, the maximum compensation, exclusive of
 40 medical benefits, which may be paid for an injury under any provisions
 41 of this law or any combination of provisions may not exceed one
 42 hundred thirty-seven thousand dollars (\$137,000) in any case.



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

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

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

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

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

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

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

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

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

39 (4) With respect to an injury occurring on and after July 1, 2000,
40 and before July 1, 2001, two hundred fifty-four thousand dollars
41 (\$254,000).

42 (5) With respect to an injury occurring on and after July 1, 2001,

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- 1 and before July 1, 2002, two hundred seventy-four thousand
- 2 dollars (\$274,000).
- 3 (6) With respect to an injury occurring on and after July 1, 2002,
- 4 and before July 1, 2006, two hundred ninety-four thousand dollars
- 5 (\$294,000).
- 6 (7) With respect to an injury occurring on and after July 1, 2006,
- 7 and before July 1, 2007, three hundred thousand dollars
- 8 (\$300,000).
- 9 (8) With respect to an injury occurring on and after July 1, 2007,
- 10 and before July 1, 2008, three hundred ten thousand dollars
- 11 (\$310,000).
- 12 (9) With respect to an injury occurring on and after July 1, 2008,
- 13 and before July 1, 2009, three hundred eighteen thousand dollars
- 14 (\$318,000).
- 15 (10) With respect to an injury occurring on and after July 1, 2009,
- 16 **and before July 1, 2013**, three hundred twenty-five thousand
- 17 dollars (\$325,000).
- 18 **(11) With respect to an injury occurring on and after July 1,**
- 19 **2013, three hundred ninety thousand dollars (\$390,000).**

20 SECTION 5. IC 22-3-6-1, AS AMENDED BY P.L.168-2011,
 21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2013]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the
 23 context otherwise requires:

24 (a) "Employer" includes the state and any political subdivision, any
 25 municipal corporation within the state, any individual or the legal
 26 representative of a deceased individual, firm, association, limited
 27 liability company, or corporation or the receiver or trustee of the same,
 28 using the services of another for pay. A parent corporation and its
 29 subsidiaries shall each be considered joint employers of the
 30 corporation's, the parent's, or the subsidiaries' employees for purposes
 31 of IC 22-3-2-6 and IC 22-3-3-31. Both a lessor and a lessee of
 32 employees shall each be considered joint employers of the employees
 33 provided by the lessor to the lessee for purposes of IC 22-3-2-6 and
 34 IC 22-3-3-31. If the employer is insured, the term includes the
 35 employer's insurer so far as applicable. However, the inclusion of an
 36 employer's insurer within this definition does not allow an employer's
 37 insurer to avoid payment for services rendered to an employee with the
 38 approval of the employer. The term also includes an employer that
 39 provides on-the-job training under the federal School to Work
 40 Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in
 41 IC 22-3-2-2.5. The term does not include a nonprofit corporation that
 42 is recognized as tax exempt under Section 501(c)(3) of the Internal

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1 Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the
2 corporation enters into an independent contractor agreement with a
3 person for the performance of youth coaching services on a part-time
4 basis.

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

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

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

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

40 (4) An owner of a sole proprietorship may elect to include the
41 owner as an employee under IC 22-3-2 through IC 22-3-6 if the
42 owner is actually engaged in the proprietorship business. If the

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- 1 owner makes this election, the owner must serve upon the owner's
- 2 insurance carrier and upon the board written notice of the
- 3 election. No owner of a sole proprietorship may be considered an
- 4 employee under IC 22-3-2 through IC 22-3-6 until the notice has
- 5 been received. If the owner of a sole proprietorship:
- 6 (A) is an independent contractor in the construction trades and
- 7 does not make the election provided under this subdivision,
- 8 the owner must obtain a certificate of exemption under
- 9 IC 22-3-2-14.5; or
- 10 (B) is an independent contractor and does not make the
- 11 election provided under this subdivision, the owner may obtain
- 12 a certificate of exemption under IC 22-3-2-14.5.
- 13 (5) A partner in a partnership may elect to include the partner as
- 14 an employee under IC 22-3-2 through IC 22-3-6 if the partner is
- 15 actually engaged in the partnership business. If a partner makes
- 16 this election, the partner must serve upon the partner's insurance
- 17 carrier and upon the board written notice of the election. No
- 18 partner may be considered an employee under IC 22-3-2 through
- 19 IC 22-3-6 until the notice has been received. If a partner in a
- 20 partnership:
- 21 (A) is an independent contractor in the construction trades and
- 22 does not make the election provided under this subdivision,
- 23 the partner must obtain a certificate of exemption under
- 24 IC 22-3-2-14.5; or
- 25 (B) is an independent contractor and does not make the
- 26 election provided under this subdivision, the partner may
- 27 obtain a certificate of exemption under IC 22-3-2-14.5.
- 28 (6) Real estate professionals are not employees under IC 22-3-2
- 29 through IC 22-3-6 if:
- 30 (A) they are licensed real estate agents;
- 31 (B) substantially all their remuneration is directly related to
- 32 sales volume and not the number of hours worked; and
- 33 (C) they have written agreements with real estate brokers
- 34 stating that they are not to be treated as employees for tax
- 35 purposes.
- 36 (7) A person is an independent contractor in the construction
- 37 trades and not an employee under IC 22-3-2 through IC 22-3-6 if
- 38 the person is an independent contractor under the guidelines of
- 39 the United States Internal Revenue Service.
- 40 (8) An owner-operator that provides a motor vehicle and the
- 41 services of a driver under a written contract that is subject to
- 42 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376 to a motor carrier

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1 is not an employee of the motor carrier for purposes of IC 22-3-2
 2 through IC 22-3-6. The owner-operator may elect to be covered
 3 and have the owner-operator's drivers covered under a worker's
 4 compensation insurance policy or authorized self-insurance that
 5 insures the motor carrier if the owner-operator pays the premiums
 6 as requested by the motor carrier. An election by an
 7 owner-operator under this subdivision does not terminate the
 8 independent contractor status of the owner-operator for any
 9 purpose other than the purpose of this subdivision.

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

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

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

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

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

33 (2) If the employee is a minor who, at the time of the accident, is
 34 employed, required, suffered, or permitted to work in violation of
 35 IC 20-33-3-35, the amount of compensation and death benefits,
 36 as provided in IC 22-3-2 through IC 22-3-6, shall be double the
 37 amount which would otherwise be recoverable. The insurance
 38 carrier shall be liable on its policy for one-half (1/2) of the
 39 compensation or benefits that may be payable on account of the
 40 injury or death of the minor, and the employer shall be liable for
 41 the other one-half (1/2) of the compensation or benefits. If the
 42 employee is a minor who is not less than sixteen (16) years of age

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1 and who has not reached seventeen (17) years of age and who at
2 the time of the accident is employed, suffered, or permitted to
3 work at any occupation which is not prohibited by law, this
4 subdivision does not apply.

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

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

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

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

30 (2) Where the employment prior to the injury extended over a
31 period of less than fifty-two (52) weeks, the method of dividing
32 the earnings during that period by the number of weeks and parts
33 thereof during which the employee earned wages shall be
34 followed, if results just and fair to both parties will be obtained.
35 Where by reason of the shortness of the time during which the
36 employee has been in the employment of the employee's employer
37 or of the casual nature or terms of the employment it is
38 impracticable to compute the average weekly wages, as defined
39 in this subsection, regard shall be had to the average weekly
40 amount which during the fifty-two (52) weeks previous to the
41 injury was being earned by a person in the same grade employed
42 at the same work by the same employer or, if there is no person so

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- 1 employed, by a person in the same grade employed in the same
 2 class of employment in the same district.
- 3 (3) Wherever allowances of any character made to an employee
 4 in lieu of wages are a specified part of the wage contract, they
 5 shall be deemed a part of the employee's earnings.
- 6 (4) In computing the average weekly wages to be used in
 7 calculating an award for permanent impairment under
 8 IC 22-3-3-10 for a student employee in an approved training
 9 program under IC 20-37-2-7, the following formula shall be used.
 10 Calculate the product of:
- 11 (A) the student employee's hourly wage rate; multiplied by
 12 (B) forty (40) hours.
- 13 The result obtained is the amount of the average weekly wages for
 14 the student employee.
- 15 (e) "Injury" and "personal injury" mean only injury by accident
 16 arising out of and in the course of the employment and do not include
 17 a disease in any form except as it results from the injury.
- 18 (f) "Billing review service" refers to a person or an entity that
 19 reviews a medical service provider's bills or statements for the purpose
 20 of determining pecuniary liability. The term includes an employer's
 21 worker's compensation insurance carrier if the insurance carrier
 22 performs such a review.
- 23 (g) "Billing review standard" means the data used by a billing
 24 review service to determine pecuniary liability.
- 25 (h) "Community" means a geographic service area based on ZIP
 26 code districts defined by the United States Postal Service according to
 27 the following groupings:
- 28 (1) The geographic service area served by ZIP codes with the first
 29 three (3) digits 463 and 464.
- 30 (2) The geographic service area served by ZIP codes with the first
 31 three (3) digits 465 and 466.
- 32 (3) The geographic service area served by ZIP codes with the first
 33 three (3) digits 467 and 468.
- 34 (4) The geographic service area served by ZIP codes with the first
 35 three (3) digits 469 and 479.
- 36 (5) The geographic service area served by ZIP codes with the first
 37 three (3) digits 460, 461 (except 46107), and 473.
- 38 (6) The geographic service area served by the 46107 ZIP code and
 39 ZIP codes with the first three (3) digits 462.
- 40 (7) The geographic service area served by ZIP codes with the first
 41 three (3) digits 470, 471, 472, 474, and 478.
- 42 (8) The geographic service area served by ZIP codes with the first

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1 three (3) digits 475, 476, and 477.

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

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

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

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

19 (2) **For services or products provided after December 31,**
 20 **2013, by a medical services facility, equal to the**
 21 **reimbursement rates determined under rules adopted by the**
 22 **worker's compensation board and in effect on the date a**
 23 **service or product is provided.**

24 SECTION 6. IC 22-3-7-9, AS AMENDED BY P.L.6-2012,
 25 SECTION 150, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) As used in this chapter,
 27 "employer" includes the state and any political subdivision, any
 28 municipal corporation within the state, any individual or the legal
 29 representative of a deceased individual, firm, association, limited
 30 liability company, or corporation or the receiver or trustee of the same,
 31 using the services of another for pay. A parent corporation and its
 32 subsidiaries shall each be considered joint employers of the
 33 corporation's, the parent's, or the subsidiaries' employees for purposes
 34 of sections 6 and 33 of this chapter. Both a lessor and a lessee of
 35 employees shall each be considered joint employers of the employees
 36 provided by the lessor to the lessee for purposes of sections 6 and 33
 37 of this chapter. The term also includes an employer that provides
 38 on-the-job training under the federal School to Work Opportunities Act
 39 (20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this
 40 chapter. If the employer is insured, the term includes the employer's
 41 insurer so far as applicable. However, the inclusion of an employer's
 42 insurer within this definition does not allow an employer's insurer to

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

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

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

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

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

30 (B) is an independent contractor and does not make the
 31 election provided under this subdivision, the owner may obtain
 32 a certificate of exemption under section 34.5 of this chapter.

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

40 (A) is an independent contractor in the construction trades and
 41 does not make the election provided under this subdivision,
 42 the partner must obtain a certificate of exemption under

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

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

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

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

38 (e) As used in this chapter, "disablement" means the event of
 39 becoming disabled from earning full wages at the work in which the
 40 employee was engaged when last exposed to the hazards of the
 41 occupational disease by the employer from whom the employee claims
 42 compensation or equal wages in other suitable employment, and

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1 "disability" means the state of being so incapacitated.

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

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

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

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

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

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

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

40 (1) where death occurs during the pendency of a claim filed by an
41 employee within two (2) years after the date of disablement and
42 which claim has not resulted in a decision or has resulted in a

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1 decision which is in process of review or appeal; or
 2 (2) where, by agreement filed or decision rendered, a
 3 compensable period of disability has been fixed and death occurs
 4 within two (2) years after the end of such fixed period, but in no
 5 event later than three hundred (300) weeks after the date of
 6 disablement.

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (m) As used in this chapter, "pecuniary liability" means the
 42 responsibility of an employer or the employer's insurance carrier for the

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1 payment of the charges for each specific service or product for human
2 medical treatment provided under this chapter **determined using one**
3 **(1) of the following:**

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

8 **(2) For services or products provided after December 31,**
9 **2013, by a medical services facility, equal to the**
10 **reimbursement rates determined under rules adopted by the**
11 **worker's compensation board and in effect on the date a**
12 **service or product is provided.**

13 SECTION 7. IC 22-3-7-16, AS AMENDED BY P.L.168-2011,
14 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2013]: Sec. 16. (a) Compensation shall be allowed on account
16 of disablement from occupational disease resulting in only temporary
17 total disability to work or temporary partial disability to work
18 beginning with the eighth day of such disability except for the medical
19 benefits provided for in section 17 of this chapter. Compensation shall
20 be allowed for the first seven (7) calendar days only as provided in this
21 section. The first weekly installment of compensation for temporary
22 disability is due fourteen (14) days after the disability begins. Not later
23 than fifteen (15) days from the date that the first installment of
24 compensation is due, the employer or the employer's insurance carrier
25 shall tender to the employee or to the employee's dependents, with all
26 compensation due, a properly prepared compensation agreement in a
27 form prescribed by the board. Whenever an employer or the employer's
28 insurance carrier denies or is not able to determine liability to pay
29 compensation or benefits, the employer or the employer's insurance
30 carrier shall notify the worker's compensation board and the employee
31 in writing on a form prescribed by the worker's compensation board not
32 later than thirty (30) days after the employer's knowledge of the
33 claimed disablement. If a determination of liability cannot be made
34 within thirty (30) days, the worker's compensation board may approve
35 an additional thirty (30) days upon a written request of the employer or
36 the employer's insurance carrier that sets forth the reasons that the
37 determination could not be made within thirty (30) days and states the
38 facts or circumstances that are necessary to determine liability within
39 the additional thirty (30) days. More than thirty (30) days of additional
40 time may be approved by the worker's compensation board upon the
41 filing of a petition by the employer or the employer's insurance carrier
42 that sets forth:

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

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

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

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

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

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1 opinion of the independent medical examiner, the party shall apply to
2 the board for a hearing under section 27 of this chapter.

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

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

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

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

38 (g) For disabilities occurring on and after July 1, 1979, and before
39 July 1, 1988, from occupational disease in the schedule set forth in
40 subsection (j), the employee shall receive in addition to disability
41 benefits, not exceeding fifty-two (52) weeks on account of the
42 occupational disease, a weekly compensation of sixty percent (60%) of

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1 the employee's average weekly wages, not to exceed one hundred
 2 twenty-five dollars (\$125) average weekly wages, for the period stated
 3 for the disabilities.

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

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

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

27 (1) Amputations: For the loss by separation, of the thumb, sixty
 28 (60) weeks; of the index finger, forty (40) weeks; of the second
 29 finger, thirty-five (35) weeks; of the third or ring finger, thirty
 30 (30) weeks; of the fourth or little finger, twenty (20) weeks; of the
 31 hand by separation below the elbow, two hundred (200) weeks; of
 32 the arm above the elbow joint, two hundred fifty (250) weeks; of
 33 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;
 34 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)
 35 weeks; of the fifth or little toe, ten (10) weeks; of the foot below
 36 the knee joint, one hundred fifty (150) weeks; and of the leg
 37 above the knee joint, two hundred (200) weeks. The loss of more
 38 than one (1) phalange of a thumb or toe shall be considered as the
 39 loss of the entire thumb or toe. The loss of more than two (2)
 40 phalanges of a finger shall be considered as the loss of the entire
 41 finger. The loss of not more than one (1) phalange of a thumb or
 42 toe shall be considered as the loss of one-half (1/2) of the thumb

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

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1 exceeding two hundred (200) weeks, except that no compensation
 2 shall be payable under this paragraph where compensation shall
 3 be payable under subdivisions (1) through (8). Where
 4 compensation for temporary total disability has been paid, this
 5 amount of compensation shall be deducted from any
 6 compensation due for permanent disfigurement.

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

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

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

39 (3) The loss of more than one (1) phalange of a thumb or toe shall
 40 be considered as the loss of the entire thumb or toe. The loss of
 41 more than two (2) phalanges of a finger shall be considered as the
 42 loss of the entire finger. The loss of not more than one (1)

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- 1 phalange of a thumb or toe shall be considered as the loss of
 2 one-half (1/2) of the degrees of permanent impairment for the loss
 3 of the entire thumb or toe. The loss of not more than one (1)
 4 phalange of a finger shall be considered as the loss of one-third
 5 (1/3) of the finger and compensation shall be paid for one-third
 6 (1/3) of the degrees payable for the loss of the entire finger. The
 7 loss of more than one (1) phalange of the finger but not more than
 8 two (2) phalanges of the finger shall be considered as the loss of
 9 one-half (1/2) of the finger and compensation shall be paid for
 10 one-half (1/2) of the degrees payable for the loss of the entire
 11 finger.
- 12 (4) For the loss by separation of both hands or both feet or the
 13 total sight of both eyes or any two (2) such losses in the same
 14 accident, one hundred (100) degrees of permanent impairment.
- 15 (5) For the permanent and complete loss of vision by enucleation
 16 or its reduction to one-tenth (1/10) of normal vision with glasses,
 17 thirty-five (35) degrees of permanent impairment.
- 18 (6) For the permanent and complete loss of hearing in one (1) ear,
 19 fifteen (15) degrees of permanent impairment, and in both ears,
 20 forty (40) degrees of permanent impairment.
- 21 (7) For the loss of one (1) testicle, ten (10) degrees of permanent
 22 impairment; for the loss of both testicles, thirty (30) degrees of
 23 permanent impairment.
- 24 (8) Loss of use: The total permanent loss of the use of an arm, a
 25 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
 26 considered as the equivalent of the loss by separation of the arm,
 27 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
 28 shall be paid in the same amount as for the loss by separation.
 29 However, the doubling provision of subdivision (2) does not
 30 apply to a loss of use that is not a loss by separation.
- 31 (9) Partial loss of use: For the permanent partial loss of the use of
 32 an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
 33 phalange, compensation shall be paid for the proportionate loss of
 34 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 35 (10) For disablements resulting in total permanent disability, the
 36 amount payable for impairment or five hundred (500) weeks of
 37 compensation, whichever is greater.
- 38 (11) For any permanent reduction of the sight of an eye less than
 39 a total loss as specified in subdivision (5), the compensation shall
 40 be paid in an amount proportionate to the degree of a permanent
 41 reduction without correction or glasses. However, when a
 42 permanent reduction without correction or glasses would result in

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1 one hundred percent (100%) loss of vision, then compensation
2 shall be paid for fifty percent (50%) of the total loss of vision
3 without glasses, plus an additional amount equal to the
4 proportionate amount of the reduction with glasses, not to exceed
5 an additional fifty percent (50%).

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

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

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

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

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

33 (2) With respect to disablements occurring on and after July 1,
34 1992, and before July 1, 1993, for each degree of permanent
35 impairment from one (1) to twenty (20), five hundred dollars
36 (\$500) per degree; for each degree of permanent impairment from
37 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
38 per degree; for each degree of permanent impairment from
39 thirty-six (36) to fifty (50), one thousand three hundred dollars
40 (\$1,300) per degree; for each degree of permanent impairment
41 above fifty (50), one thousand seven hundred dollars (\$1,700) per
42 degree.

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

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1 impairment from eleven (11) to thirty-five (35), one thousand
2 three hundred dollars (\$1,300) per degree; for each degree of
3 permanent impairment from thirty-six (36) to fifty (50), two
4 thousand dollars (\$2,000) per degree; for each degree of
5 permanent impairment above fifty (50), two thousand five
6 hundred fifty dollars (\$2,500) per degree.
7 (8) With respect to disablements occurring on and after July 1,
8 2001, and before July 1, 2007, for each degree of permanent
9 impairment from one (1) to ten (10), one thousand three hundred
10 dollars (\$1,300) per degree; for each degree of permanent
11 impairment from eleven (11) to thirty-five (35), one thousand five
12 hundred dollars (\$1,500) per degree; for each degree of
13 permanent impairment from thirty-six (36) to fifty (50), two
14 thousand four hundred dollars (\$2,400) per degree; for each
15 degree of permanent impairment above fifty (50), three thousand
16 dollars (\$3,000) per degree.
17 (9) With respect to disablements occurring on and after July 1,
18 2007, and before July 1, 2008, for each degree of permanent
19 impairment from one (1) to ten (10), one thousand three hundred
20 forty dollars (\$1,340) per degree; for each degree of permanent
21 impairment from eleven (11) to thirty-five (35), one thousand five
22 hundred forty-five dollars (\$1,545) per degree; for each degree of
23 permanent impairment from thirty-six (36) to fifty (50), two
24 thousand four hundred seventy-five dollars (\$2,475) per degree;
25 for each degree of permanent impairment above fifty (50), three
26 thousand one hundred fifty dollars (\$3,150) per degree.
27 (10) With respect to disablements occurring on and after July 1,
28 2008, and before July 1, 2009, for each degree of permanent
29 impairment from one (1) to ten (10), one thousand three hundred
30 sixty-five dollars (\$1,365) per degree; for each degree of
31 permanent impairment from eleven (11) to thirty-five (35), one
32 thousand five hundred seventy dollars (\$1,570) per degree; for
33 each degree of permanent impairment from thirty-six (36) to fifty
34 (50), two thousand five hundred twenty-five dollars (\$2,525) per
35 degree; for each degree of permanent impairment above fifty (50),
36 three thousand two hundred dollars (\$3,200) per degree.
37 (11) With respect to disablements occurring on and after July 1,
38 2009, and before July 1, 2010, for each degree of permanent
39 impairment from one (1) to ten (10), one thousand three hundred
40 eighty dollars (\$1,380) per degree; for each degree of permanent
41 impairment from eleven (11) to thirty-five (35), one thousand five
42 hundred eighty-five dollars (\$1,585) per degree; for each degree

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1 of permanent impairment from thirty-six (36) to fifty (50), two
 2 thousand six hundred dollars (\$2,600) per degree; for each degree
 3 of permanent impairment above fifty (50), three thousand three
 4 hundred dollars (\$3,300) per degree.

5 (12) With respect to disablements occurring on and after July 1,
 6 2010, **and before July 1, 2013**, for each degree of permanent
 7 impairment from one (1) to ten (10), one thousand four hundred
 8 dollars (\$1,400) per degree; for each degree of permanent
 9 impairment from eleven (11) to thirty-five (35), one thousand six
 10 hundred dollars (\$1,600) per degree; for each degree of
 11 permanent impairment from thirty-six (36) to fifty (50), two
 12 thousand seven hundred dollars (\$2,700) per degree; for each
 13 degree of permanent impairment above fifty (50), three thousand
 14 five hundred dollars (\$3,500) per degree.

15 **(13) With respect to disablements occurring on and after July**
 16 **1, 2013, for each degree of permanent impairment from one**
 17 **(1) to ten (10), one thousand six hundred eighty dollars**
 18 **(\$1,680) per degree; for each degree of permanent**
 19 **impairment from eleven (11) to thirty-five (35), one thousand**
 20 **nine hundred twenty dollars (\$1,920) per degree; for each**
 21 **degree of permanent impairment from thirty-six (36) to fifty**
 22 **(50), three thousand two hundred forty dollars (\$3,240) per**
 23 **degree; for each degree of permanent impairment above fifty**
 24 **(50), four thousand two hundred dollars (\$4,200) per degree.**

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

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

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

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

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

39 (5) With respect to disablements occurring on or after July 1,
 40 1997, and before July 1, 1998, six hundred seventy-two dollars
 41 (\$672).

42 (6) With respect to disablements occurring on or after July 1,

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- 1 1998, and before July 1, 1999, seven hundred two dollars (\$702).
 2 (7) With respect to disablements occurring on or after July 1,
 3 1999, and before July 1, 2000, seven hundred thirty-two dollars
 4 (\$732).
 5 (8) With respect to disablements occurring on or after July 1,
 6 2000, and before July 1, 2001, seven hundred sixty-two dollars
 7 (\$762).
 8 (9) With respect to ~~injuries~~ **disablements** occurring on or after
 9 July 1, 2001, and before July 1, 2002, eight hundred twenty-two
 10 dollars (\$822).
 11 (10) With respect to ~~injuries~~ **disablements** occurring on or after
 12 July 1, 2002, and before July 1, 2006, eight hundred eighty-two
 13 dollars (\$882).
 14 (11) With respect to ~~injuries~~ **disablements** occurring on or after
 15 July 1, 2006, and before July 1, 2007, nine hundred dollars
 16 (\$900).
 17 (12) With respect to ~~injuries~~ **disablements** occurring on or after
 18 July 1, 2007, and before July 1, 2008, nine hundred thirty dollars
 19 (\$930).
 20 (13) With respect to ~~injuries~~ **disablements** occurring on or after
 21 July 1, 2008, and before July 1, 2009, nine hundred fifty-four
 22 dollars (\$954).
 23 (14) With respect to ~~injuries~~ **disablements** occurring on or after
 24 July 1, 2009, **and before July 1, 2013**, nine hundred seventy-five
 25 dollars (\$975).
 26 **(15) With respect to disablements occurring on or after July**
 27 **1, 2013, one thousand one hundred seventy dollars (\$1,170).**
 28 (n) If any employee, only partially disabled, refuses employment
 29 suitable to the employee's capacity procured for the employee, the
 30 employee shall not be entitled to any compensation at any time during
 31 the continuance of such refusal unless, in the opinion of the worker's
 32 compensation board, such refusal was justifiable. The employee must
 33 be served with a notice setting forth the consequences of the refusal
 34 under this subsection. The notice must be in a form prescribed by the
 35 worker's compensation board.
 36 (o) If an employee has sustained a permanent impairment or
 37 disability from an accidental injury other than an occupational disease
 38 in another employment than that in which the employee suffered a
 39 subsequent disability from an occupational disease, such as herein
 40 specified, the employee shall be entitled to compensation for the
 41 subsequent disability in the same amount as if the previous impairment
 42 or disability had not occurred. However, if the permanent impairment

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

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

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

38 (r) When an employee has been awarded or is entitled to an award
39 of compensation for a definite period from an occupational disease
40 wherein disablement occurs on and after April 1, 1963, and such
41 employee dies from other causes than such occupational disease,
42 payment of the unpaid balance of such compensation not exceeding

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1 three hundred fifty (350) weeks shall be paid to the employee's
 2 dependents of the second and third class as defined in sections 11
 3 through 14 of this chapter and compensation, not exceeding five
 4 hundred (500) weeks shall be made to the employee's dependents of the
 5 first class as defined in sections 11 through 14 of this chapter.

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

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

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

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

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

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

38 SECTION 8. IC 22-3-7-17.2 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17.2. (a) **This**
 40 **subsection does not apply to charges for medical services,**
 41 **treatment, or supplies provided after December 31, 2013, by a**
 42 **hospital to an employee.** A billing review service shall adhere to the

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1 following requirements to determine the pecuniary liability of an
 2 employer or an employer's insurance carrier for a specific service or
 3 product covered under this chapter:

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

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

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

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

27 **(b) Not later than January 1, 2014, the worker's compensation**
 28 **board shall adopt rules under IC 4-22-2 to establish the**
 29 **reimbursement rates for charges for medical services, treatment,**
 30 **and supplies provided by a medical services facility to an employee**
 31 **for purposes of determining the pecuniary liability of an employer**
 32 **or an employer's insurance carrier for a specific service, treatment,**
 33 **or supply covered under this chapter.**

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

41 (1) the name of the billing review service used to make the
 42 reduction;



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- 1 (2) the dollar amount of the reduction;
- 2 (3) the dollar amount of the medical service at the eightieth
- 3 percentile; and
- 4 (4) in the case of a CPT coding change, the basis upon which the
- 5 change was made;
- 6 not later than thirty (30) days after the date of the request.

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

17 SECTION 9. IC 22-3-7-19, AS AMENDED BY P.L.134-2006,
 18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2013]: Sec. 19. (a) In computing compensation for temporary
 20 total disability, temporary partial disability, and total permanent
 21 disability, with respect to occupational diseases occurring on and after
 22 July 1, 1985, and before July 1, 1986, the average weekly wages are
 23 considered to be:

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

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

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

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

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

38 (d) In computing compensation for temporary total disability,
 39 temporary partial disability, and total permanent disability, with respect
 40 to occupational diseases occurring on and after July 1, 1989, and before
 41 July 1, 1990, the average weekly wages are considered to be:

- 42 (1) not more than four hundred eleven dollars (\$411); and

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- 1 (2) not less than seventy-five dollars (\$75).
- 2 (e) In computing compensation for temporary total disability,
3 temporary partial disability, and total permanent disability, with respect
4 to occupational diseases occurring on and after July 1, 1990, and before
5 July 1, 1991, the average weekly wages are considered to be:
6 (1) not more than four hundred forty-one dollars (\$441); and
7 (2) not less than seventy-five dollars (\$75).
- 8 (f) In computing compensation for temporary total disability,
9 temporary partial disability, and total permanent disability, with respect
10 to occupational diseases occurring on and after July 1, 1991, and before
11 July 1, 1992, the average weekly wages are considered to be:
12 (1) not more than four hundred ninety-two dollars (\$492); and
13 (2) not less than seventy-five dollars (\$75).
- 14 (g) In computing compensation for temporary total disability,
15 temporary partial disability, and total permanent disability, with respect
16 to occupational diseases occurring on and after July 1, 1992, and before
17 July 1, 1993, the average weekly wages are considered to be:
18 (1) not more than five hundred forty dollars (\$540); and
19 (2) not less than seventy-five dollars (\$75).
- 20 (h) In computing compensation for temporary total disability,
21 temporary partial disability, and total permanent disability, with respect
22 to occupational diseases occurring on and after July 1, 1993, and before
23 July 1, 1994, the average weekly wages are considered to be:
24 (1) not more than five hundred ninety-one dollars (\$591); and
25 (2) not less than seventy-five dollars (\$75).
- 26 (i) In computing compensation for temporary total disability,
27 temporary partial disability and total permanent disability, with respect
28 to occupational diseases occurring on and after July 1, 1994, and before
29 July 1, 1997, the average weekly wages are considered to be:
30 (1) not more than six hundred forty-two dollars (\$642); and
31 (2) not less than seventy-five dollars (\$75).
- 32 (j) In computing compensation for temporary total disability,
33 temporary partial disability, and total permanent disability, the average
34 weekly wages are considered to be:
35 (1) with respect to occupational diseases occurring on and after
36 July 1, 1997, and before July 1, 1998:
37 (A) not more than six hundred seventy-two dollars (\$672); and
38 (B) not less than seventy-five dollars (\$75);
39 (2) with respect to occupational diseases occurring on and after
40 July 1, 1998, and before July 1, 1999:
41 (A) not more than seven hundred two dollars (\$702); and
42 (B) not less than seventy-five dollars (\$75);

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- 1 (3) with respect to occupational diseases occurring on and after
 2 July 1, 1999, and before July 1, 2000:
 3 (A) not more than seven hundred thirty-two dollars (\$732);
 4 and
 5 (B) not less than seventy-five dollars (\$75);
 6 (4) with respect to occupational diseases occurring on and after
 7 July 1, 2000, and before July 1, 2001:
 8 (A) not more than seven hundred sixty-two dollars (\$762); and
 9 (B) not less than seventy-five dollars (\$75);
 10 (5) with respect to disablements occurring on and after July 1,
 11 2001, and before July 1, 2002:
 12 (A) not more than eight hundred twenty-two dollars (\$822);
 13 and
 14 (B) not less than seventy-five dollars (\$75);
 15 (6) with respect to disablements occurring on and after July 1,
 16 2002, and before July 1, 2006:
 17 (A) not more than eight hundred eighty-two dollars (\$882);
 18 and
 19 (B) not less than seventy-five dollars (\$75);
 20 (7) with respect to disablements occurring on and after July 1,
 21 2006, and before July 1, 2007:
 22 (A) not more than nine hundred dollars (\$900); and
 23 (B) not less than seventy-five dollars (\$75);
 24 (8) with respect to disablements occurring on and after July 1,
 25 2007, and before July 1, 2008:
 26 (A) not more than nine hundred thirty dollars (\$930); and
 27 (B) not less than seventy-five dollars (\$75);
 28 (9) with respect to disablements occurring on and after July 1,
 29 2008, and before July 1, 2009:
 30 (A) not more than nine hundred fifty-four dollars (\$954); and
 31 (B) not less than seventy-five dollars (\$75);
 32 (10) with respect to disablements occurring on and after July 1,
 33 2009, **and before July 1, 2013:**
 34 (A) not more than nine hundred seventy-five dollars (\$975);
 35 and
 36 (B) not less than seventy-five dollars (\$75); **and**
 37 **(11) with respect to disablements occurring on and after July**
 38 **1, 2013:**
 39 **(A) not more than one thousand one hundred seventy**
 40 **dollars (\$1,170); and**
 41 **(B) not less than seventy-five dollars (\$75).**
 42 (k) The maximum compensation with respect to disability or death

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

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

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

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

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

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

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

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

42 (s) The maximum compensation with respect to disability or death

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1 occurring on and after July 1, 1994, and before July 1, 1997, that shall
 2 be paid for occupational disease and the results thereof under this
 3 chapter or under any combination of the provisions of this chapter may
 4 not exceed two hundred fourteen thousand dollars (\$214,000) in any
 5 case.

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

10 (1) With respect to disability or death occurring on and after July
 11 1, 1997, and before July 1, 1998, two hundred twenty-four
 12 thousand dollars (\$224,000).

13 (2) With respect to disability or death occurring on and after July
 14 1, 1998, and before July 1, 1999, two hundred thirty-four
 15 thousand dollars (\$234,000).

16 (3) With respect to disability or death occurring on and after July
 17 1, 1999, and before July 1, 2000, two hundred forty-four thousand
 18 dollars (\$244,000).

19 (4) With respect to disability or death occurring on and after July
 20 1, 2000, and before July 1, 2001, two hundred fifty-four thousand
 21 dollars (\$254,000).

22 (5) With respect to disability or death occurring on and after July
 23 1, 2001, and before July 1, 2002, two hundred seventy-four
 24 thousand dollars (\$274,000).

25 (6) With respect to disability or death occurring on and after July
 26 1, 2002, and before July 1, 2006, two hundred ninety-four
 27 thousand dollars (\$294,000).

28 (7) With respect to disability or death occurring on and after July
 29 1, 2006, and before July 1, 2007, three hundred thousand dollars
 30 (\$300,000).

31 (8) With respect to disability or death occurring on and after July
 32 1, 2007, and before July 1, 2008, three hundred ten thousand
 33 dollars (\$310,000).

34 (9) With respect to disability or death occurring on and after July
 35 1, 2008, and before July 1, 2009, three hundred eighteen thousand
 36 dollars (\$318,000).

37 (10) With respect to disability or death occurring on ~~or~~ **and** after
 38 July 1, 2009, **and before July 1, 2013**, three hundred twenty-five
 39 thousand dollars (\$325,000).

40 **(11) With respect to disability or death occurring on and after**
 41 **July 1, 2013, three hundred ninety thousand dollars**
 42 **(\$390,000).**

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1 (u) For all disabilities occurring on and after July 1, 1985, "average
2 weekly wages" means the earnings of the injured employee during the
3 period of fifty-two (52) weeks immediately preceding the disability
4 divided by fifty-two (52). If the employee lost seven (7) or more
5 calendar days during the period, although not in the same week, then
6 the earnings for the remainder of the fifty-two (52) weeks shall be
7 divided by the number of weeks and parts of weeks remaining after the
8 time lost has been deducted. If employment before the date of disability
9 extended over a period of less than fifty-two (52) weeks, the method of
10 dividing the earnings during that period by the number of weeks and
11 parts of weeks during which the employee earned wages shall be
12 followed if results just and fair to both parties will be obtained. If by
13 reason of the shortness of the time during which the employee has been
14 in the employment of the employer or of the casual nature or terms of
15 the employment it is impracticable to compute the average weekly
16 wages for the employee, the employee's average weekly wages shall be
17 considered to be the average weekly amount that, during the fifty-two
18 (52) weeks before the date of disability, was being earned by a person
19 in the same grade employed at the same work by the same employer or,
20 if there is no person so employed, by a person in the same grade
21 employed in that same class of employment in the same district.
22 Whenever allowances of any character are made to an employee
23 instead of wages or a specified part of the wage contract, they shall be
24 considered a part of the employee's earnings.

25 (v) The provisions of this article may not be construed to result in
26 an award of benefits in which the number of weeks paid or to be paid
27 for temporary total disability, temporary partial disability, or permanent
28 total disability benefits combined exceeds five hundred (500) weeks.
29 This section shall not be construed to prevent a person from applying
30 for an award under IC 22-3-3-13. However, in case of permanent total
31 disability resulting from a disablement occurring on or after January 1,
32 1998, the minimum total benefit shall not be less than seventy-five
33 thousand dollars (\$75,000).

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