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4900

CIRCULAR LETTER NO. 219

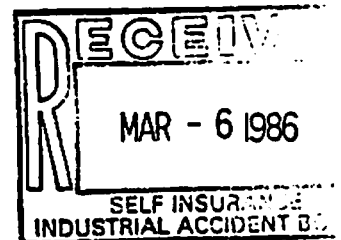
January 1986

TO: All Interested Parties
FROM: Joel M. Pressman, Chairman *Joel*
RE: Workers' Compensation Reform

This is the first of what this agency plans to be a series of documents and informational mailings on the new workers' compensation system. We invite your review, comments and recommendations.

Enclosed you will find a compilation of new § 36 rates as well as a chart showing effective dates for various sections of the act and the injury dates affected.

This is a preliminary review, additional information will be forthcoming.



EFFECTIVE DATES AND INJURIES COVERED BY PROVISIONS OF H.6850

<u>PROVISION:</u>	<u>EFFECTIVE DATE:</u>	<u>INJURIES COVERED:</u>
I. Benefits		
1. Change in compensation rate for persons who have suffered injuries compensable under Sec. 36 or brain deaths	01/01/86	Those with injury dates after 01/01/86
2. Change in reimbursement rate for health care services	01/01/86	All injuries
3. Change in formula for determining weekly and aggregate partial disability benefits	1/01/86	Those with injury dates after 01/01/86
4. Change in formula for determining aggregate temporary total disability benefits	01/01/86	Those with injury dates after 01/01/86
5. Relationship of partial disability benefits to unemployment compensation benefits	01/01/86	Those with injury dates after 01/01/86
6. Use of A.M.A. guidelines in determination of losses compensable under Sec. 36	01/01/86	Those with injury dates after 01/01/86
7. COLA for persons receiving survivors and permanent total disability benefits	11/01/86 and each succeeding 10/01	All with injury dates at least 2 years old

PROVISION:

EFFECTIVE DATE:

INJURIES COVERED:

5. Unilateral discontinuance procedures
6. Review of lump sum agreements by Office of Education
7. Criteria for determining post-injury earnings capability

11/01/86

11/01/86

11/01/86

All injuries

All injuries

All injuries

III. Miscellaneous

1. Prohibition of mental disability claims resulting from personnel actions (unless from intentional infliction of emotional distress)

12/10/85

Those with injury dates after 12/10/85

2. Prohibition of claims based on loss of consortium or the like

12/10/85

Those with injury dates after 12/10/85

3. Quarterly assessments for trust fund and special fund disbursements

12/10/85

N/A

4. Change in definitions of "employee" and "personal injury"

01/01/86

Those with injury dates after 01/01/86

5. Change in statute of limitations

01/01/86

Those with injury dates after 01/01/86

LOSS OF FUNCTION

SECTION 36, sub-section 2

"Where applicable, losses under this section shall be determined in accordance with standards set forth in the American Medical Association Guides to the Evaluation of Permanent Impairments. Nothing in this section shall adversely affect the employee's rights to any compensation which is or may become due under the provisions of any other section."

EYES

Section 36, Paragraphs a-b-c

a.	Total loss of vision, or reduction to 20/70 of one eye with glasses. Loss of single binocular vision.	(AWW x 39)	\$14,060.00 14,060.00
b.	Total loss of vision, or reduction to 20/70 of both eyes with glasses.	(AWW x 96)	\$34,610.00
c.	For any permanent but partial reduction in acuity or field of vision, which requires the use of glasses or contact lens to produce normal vision	(AWW x 7)	\$2,525.00
	For any correctible permanent but partial reduction in acuity or field of vision an amount in proportion to the total loss of use or the reduction to 20/70 of normal vision.		
		20/30	\$3,515.00
		20/35	4,395.00
		20/40	5,275.00
		20/45	7,030.00
		20/50	8,790.00
		20/60	12,305.00
		20/70	14,060.00

EARS

Section 36, Paragraph (d)

Total loss of hearing for all practical purposes:

One ear	(AWW x 29)	\$10,455.00
Both ears	(AWW x 77)	27,760.00

TOES

(Functional loss)

Section 36, Paragraph (h) (Continued)

Large toe - 25% of foot	\$2,615.00
First joint of large toe - 2/3 of above amount	1,745.00
All other toes - 10% of foot	1,045.00
First joint - 5% of foot	525.00
Both joints - 9% of foot	940.00

VARIOUS LOSSES OF FUNCTION

Section 36, Paragraph (j)

<u>SPINE</u>	(dorsal, lumbar sacrum)		
	Total loss	(AWW x 32)	\$11,535.00
	(Cervical) - Total loss of function payment would be 75% of maximum under S. 36 (j). i.e. - for a 10% loss of function of the cervical spine, the payment would be \$865.00		
<u>LUNG</u>	Loss of one lung		\$5,770.00
<u>SPLEEN</u>	Total loss		\$3,460.00
<u>TASTE & SMELL</u>	Total loss		\$11,535.00
<u>KIDNEY</u>	Loss of one kidney		\$5,770.00
<u>TEETH</u>	Loss of each natural tooth		\$265.00

THE AGGREGATE PAYMENT FOR ALL LOSSES OF
FUNCTION WITHIN SECTION 36 (j) AWWx80 \$28,840.00

II BODILY DISFIGUREMENT

SECTION 36, Paragraph (k)

DISFIGUREMENT OF EYE (k)

Enucleation	\$5,770.00
Loss of pupil or any prominent disruption of pupil.	\$2,100.00
Obvious change in iris of eye, such as prominent scar across iris or change in color.	\$3,145.00
Drooping eyelid, (Ptosis) quite prominent.	\$3,145.00

In any case where there is obvious disfigurement of the eye, payment should be quite high.

DISFIGUREMENT FOR VARIOUS INJURIES UNDER SECTION 36 (k)

Ruptured Disc, linear scar, not discolored, \$140.00 per inch below waistline; \$175.00 per inch above waistline.

Ruptured Disc, discolored linear scar, \$175.00 per inch below waistline; \$215.00 per inch above waistline.

Ruptured Disc, wide and discolored scar, \$215.00 per inch below waistline; \$265.00 per inch above waistline.

Scar on hip, donor site for spinal fusion, \$210.00

VENTRAL or UMBILICAL hernia scar, \$140.00 per inch;
1/2" wide, discolored or having stitch marks, \$265.00 per inch.

INGUINAL hernia scar, \$175.00

BODILY DISFIGUREMENT --LEGS (k)

AMPUTATION OF FOOT AT ANKLE \$7,340.00

Going up proportionately to knee
(i. e. 3" above ankle) \$7,690.00
(i. e. 6" above ankle) \$8,175.00

AMPUTATION AT KNEE

Going up proportionately to hip
(i. e. 3" above knee) \$8,805.00
(i. e. 6" above knee) \$9,225.00

AMPUTATION AT HIP \$9,440.00

SCARS ON LEGS

Fine, linear scar, \$175.00 per inch.

Wide scar, 1/2", no discoloration,
\$265.00 per inch.

Wide scar, 1/2", with discoloration or
noticeable stitch marks, \$350.00 per inch.

DISFIGUREMENT FOR AMPUTATION OF TOES (k)

Large toe amputated \$1,050.00
First joint of large toe 735.00

All other toes \$630.00
First joint 315.00
Both joints 530.00

A MORE LIBERAL INTERPRETATION IN EVALUATING DISFIGUREMENT
BASED ON THE FOREGOING SUMS SHOULD BE GIVEN IN THE CASE
OF A YOUNG INDIVIDUAL.