



Reprinted  
February 24, 2000

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# ENGROSSED SENATE BILL No. 52

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DIGEST OF SB 52 (Updated February 23, 2000 4:05 PM - DI 96)

**Citations Affected:** IC 22-3; IC 22-4; IC 23-1; IC 25-1.

**Synopsis:** Makes numerous changes regarding worker's compensation and unemployment compensation, including the following changes to worker's compensation: Increases the compensation benefits per degree of permanent impairment for worker's compensation and occupational disease over a three year period. Provides that if a determination of eligibility for worker's compensation is not made within 30 days and the employer is subsequently determined to be liable to pay compensation, the first installment of compensation must include the accrued weekly compensation and interest at the legal rate computed from the date 14 days after the disability begins. Requires an employer to reimburse an injured employee for loss of wages when treatment or travel to or from the place of treatment causes a loss of working time to the employee. Establishes a formula based on the Consumer Price Index to determine the amount of worker's compensation due for injuries, deaths and occupational diseases occurring on or after July 1, 2003. Increases the worker's compensation death benefit. Creates disabled from trade compensation. Creates the occupational disease second injury fund. Provides that upon reasonable notice and upon the employee's presentation of a written consent for release of the  
(Continued next page)

**Effective:** July 1, 2000.

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## Harrison

(HOUSE SPONSORS — LIGGETT, TORR)

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November 17, 1999, read first time and referred to Committee on Rules and Legislative Procedure.

January 13, 2000, amended; reassigned to Committee on Pensions and Labor.

January 28, 2000, amended, reported favorably — Do Pass.

January 31, 2000, read second time, amended, ordered engrossed.

February 1, 2000, engrossed.

February 7, 2000, read third time, passed. Yeas 29, nays 21.

### HOUSE ACTION

February 10, 2000, read first time and referred to Committee on Labor and Employment.

February 17, 2000, reported — Do Pass.

February 21, 2000, read second time, amended, ordered engrossed.

February 22, 2000, engrossed.

February 23, 2000, re-engrossed. Read third time, made special order of business for 3:00 p.m. Reread third time, recommitted to Committee of One, amended; passed. Yeas 76, nays 21.

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employee's health records, the physician or surgeon must supply to the employee, the employee's attorney, or another authorized representative, the health records (including x-rays) possessed by the physician or surgeon concerning the employee. Prohibits an employer or insurance carrier from transferring an employee from a treating medical service provider to another medical service provider without the employee's consent. Restricts employer and insurance representatives from being present at an employee medical examination unless the employee consents. Makes changes to unemployment compensation, including the following: (1) Makes changes as to the issue of default as to assessment. (2) Provides that the directors and officers of an employer have personal liability for unemployment assessments owed by the employer. (3) Allows unemployment insurance records to be disclosed if the individual and the employing unit authorize the disclosure. (4) Provides that the health professions bureau and the professional licensing agency may allow the department of workforce development to have access to the name of each person who has a license or has applied for a license, and that a professional license may be denied to a person who has unpaid liability with the department of workforce development. Makes conforming amendments.

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Reprinted  
February 24, 2000

Second Regular Session 111th General Assembly (2000)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

## ENGROSSED SENATE BILL No. 52

A BILL FOR AN ACT to amend the Indiana Code concerning worker's compensation and occupational diseases compensation.

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

1 SECTION 1. IC 22-3-3-4 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) After an injury and prior to  
3 an adjudication of permanent impairment, the employer shall furnish  
4 or cause to be furnished, free of charge to the employee, an attending  
5 physician for the treatment of his injuries, and in addition thereto such  
6 surgical, hospital and nursing services and supplies as the attending  
7 physician or the worker's compensation board may deem necessary. If  
8 the employee is requested or required by the employer to submit to  
9 treatment outside the county of employment, the employer shall also  
10 pay the reasonable expense of travel, food, and lodging necessary  
11 during the travel, but not to exceed the amount paid at the time of the  
12 travel by the state to its employees under the state travel policies and  
13 procedures established by the department of administration and  
14 approved by the state budget agency. **If the treatment or travel to or  
15 from the place of treatment causes a loss of working time to the  
16 employee, the employer shall reimburse the employee for the loss  
17 of wages using the basis of the employee's average daily wage.**

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1 (b) During the period of temporary total disability resulting from the  
2 injury, the employer shall furnish the physician services, and supplies,  
3 and the worker's compensation board may, on proper application of  
4 either party, require that treatment by the physician and services and  
5 supplies be furnished by or on behalf of the employer as the worker's  
6 compensation board may deem reasonably necessary.

7 (c) **No representative of the employer or insurance carrier,**  
8 **including case managers or rehabilitation nurses, may be present**  
9 **at any treatment of an injured employee without the express**  
10 **written consent of the employee and the treating medical**  
11 **personnel. At the time of any medical treatment that a**  
12 **representative of the employer wishes to attend, the representative**  
13 **of the employer shall inform the injured employee and treating**  
14 **medical personnel that their written consent is required before the**  
15 **attendance of the employer's representative. The employee's**  
16 **compensation and benefits may not be jeopardized in any way due**  
17 **to the employee's failure or refusal to complete a written waiver**  
18 **allowing the attendance of the employer's representative. The**  
19 **employer's representative may not in any way cause the employee**  
20 **to believe that the employee's compensation and benefits will be**  
21 **terminated if the employee fails or refuses to complete a written**  
22 **waiver allowing the attendance of the employer's representative.**  
23 **The written waivers shall be executed on forms prescribed by the**  
24 **board.**

25 (d) After an employee's injury has been adjudicated by agreement  
26 or award on the basis of permanent partial impairment and within the  
27 statutory period for review in such case as provided in section 27 of  
28 this chapter, the employer may continue to furnish a physician or  
29 surgeon and other medical services and supplies, and the worker's  
30 compensation board may within the statutory period for review as  
31 provided in section 27 of this chapter, on a proper application of either  
32 party, require that treatment by that physician and other medical  
33 services and supplies be furnished by and on behalf of the employer as  
34 the worker's compensation board may deem necessary to limit or  
35 reduce the amount and extent of the employee's impairment. The  
36 refusal of the employee to accept such services and supplies, when  
37 provided by or on behalf of the employer, shall bar the employee from  
38 all compensation otherwise payable during the period of the refusal,  
39 and his right to prosecute any proceeding under IC 22-3-2 through  
40 IC 22-3-6 shall be suspended and abated until the employee's refusal  
41 ceases. The employee must be served with a notice setting forth the  
42 consequences of the refusal under this section. The notice must be in

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1 a form prescribed by the worker's compensation board. No  
 2 compensation for permanent total impairment, permanent partial  
 3 impairment, permanent disfigurement, or death shall be paid or payable  
 4 for that part or portion of the impairment, disfigurement, or death  
 5 which is the result of the failure of the employee to accept the  
 6 treatment, services, and supplies required under this section. However,  
 7 an employer may at any time permit an employee to have treatment for  
 8 his injuries by spiritual means or prayer in lieu of the physician or  
 9 surgeon and other medical services and supplies required under this  
 10 section.

11 ~~(d)~~ (e) If, because of an emergency, or because of the employer's  
 12 failure to provide an attending physician or surgical, hospital, or  
 13 nursing services and supplies, or treatment by spiritual means or  
 14 prayer, as required by this section, or because of any other good reason,  
 15 a physician other than that provided by the employer treats the injured  
 16 employee during the period of the employee's temporary total  
 17 disability, or necessary and proper surgical, hospital, or nursing  
 18 services and supplies are procured within the period, the reasonable  
 19 cost of those services and supplies shall, subject to the approval of the  
 20 worker's compensation board, be paid by the employer.

21 ~~(e)~~ (f) Regardless of when it occurs, where a compensable injury  
 22 results in the amputation of a body part, the enucleation of an eye, or  
 23 the loss of natural teeth, the employer shall furnish an appropriate  
 24 artificial member, braces, and prosthodontics. The cost of repairs to or  
 25 replacements for the artificial members, braces, or prosthodontics that  
 26 result from a compensable injury pursuant to a prior award and are  
 27 required due to either medical necessity or normal wear and tear,  
 28 determined according to the employee's individual use, but not abuse,  
 29 of the artificial member, braces, or prosthodontics, shall be paid from  
 30 the second injury fund upon order or award of the worker's  
 31 compensation board. The employee is not required to meet any other  
 32 requirement for admission to the second injury fund.

33 ~~(f)~~ (g) If an accident arising out of and in the course of employment  
 34 after June 30, 1997, results in the loss of or damage to an artificial  
 35 member, a brace, an implant, eyeglasses, prosthodontics, or other  
 36 medically prescribed device, the employer shall repair the artificial  
 37 member, brace, implant, eyeglasses, prosthodontics, or other medically  
 38 prescribed device or furnish an identical or a reasonably equivalent  
 39 replacement.

40 ~~(g)~~ (h) This section may not be construed to prohibit an agreement  
 41 between an employer and the employer's employees that has the  
 42 approval of the board and that binds the parties to:

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1 (1) medical care furnished by health care providers selected by  
2 agreement before or after injury; or

3 (2) the findings of a health care provider who was chosen by  
4 agreement.

5 **(i) After medical treatment has commenced, neither the**  
6 **employer nor the insurance carrier is entitled to transfer or**  
7 **otherwise redirect treatment to other treating medical personnel,**  
8 **except in an emergency situation, unless the employee requests the**  
9 **transfer or redirected treatment, the treating medical personnel**  
10 **requests discontinuance of providing treatment, or there is other**  
11 **good cause. If the employer or insurance carrier wishes to transfer**  
12 **treatment for good cause, a transfer may not be permitted unless**  
13 **and until the board issues an order granting the request. The**  
14 **request shall be made on forms prescribed by the board.**

15 SECTION 2. IC 22-3-3-6 IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) After an injury and during the  
17 period of claimed resulting disability or impairment, the employee, if  
18 ~~so~~ requested by the employee's employer or ordered by the industrial  
19 board, shall submit to an examination at reasonable times and places  
20 by a duly qualified physician or surgeon designated and paid by the  
21 employer or by order of the worker's compensation board. The  
22 employee shall have the right to have present at any such examination  
23 any duly qualified physician or surgeon provided and paid for by the  
24 employee. No fact communicated to, or otherwise learned by, any  
25 physician or surgeon who may have attended or examined the  
26 employee, or who may have been present at any examination, shall be  
27 privileged, either in the hearings provided for in IC 22-3-2 through  
28 IC 22-3-6, or in any action at law brought to recover damages against  
29 any employer who is subject to the compensation provisions of  
30 IC 22-3-2 through IC 22-3-6. **Upon reasonable notice and upon the**  
31 **employee's presentation of a written consent for release of the**  
32 **employee's health records as provided in IC 16-39-1-4, the**  
33 **physician or surgeon shall supply to the employee, the employee's**  
34 **attorney, or another authorized representative, the health records**  
35 **(including x-rays) possessed by the physician or surgeon**  
36 **concerning the employee.** If the employee refuses to submit to or in  
37 any way obstructs such examinations, the employee's right to  
38 compensation and his right to take or prosecute any proceedings under  
39 IC 22-3-2 through IC 22-3-6 shall be suspended until such refusal or  
40 obstruction ceases. No compensation shall at any time be payable for  
41 the period of suspension unless in the opinion of the worker's  
42 compensation board the circumstances justified the refusal or



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1 obstruction. The employee must be served with a notice setting forth  
2 the consequences of the refusal under this subsection. The notice must  
3 be in a form prescribed by the board.

4 (b) Any employer requesting an examination of any employee  
5 residing within Indiana shall pay, in advance of the time fixed for the  
6 examination, sufficient money to defray the necessary expenses of  
7 travel by the most convenient means to and from the place of  
8 examination, and the cost of meals and lodging necessary during the  
9 travel. If the method of travel is by automobile, the mileage rate to be  
10 paid by the employer shall be the rate currently being paid by the state  
11 to its employees under the state travel policies and procedures  
12 established by the department of administration and approved by the  
13 budget agency. If such examination or travel to or from the place of  
14 examination causes any loss of working time on the part of the  
15 employee, the employer shall reimburse the employee for such loss of  
16 wages upon the basis of the employee's average daily wage. When any  
17 employee injured in Indiana moves outside Indiana, the travel expense  
18 and the cost of meals and lodging necessary during the travel payable  
19 under this section shall be paid from the point in Indiana nearest to the  
20 employee's then residence to the place of examination. No travel and  
21 other expense shall be paid for any travel and other expense required  
22 outside Indiana.

23 (c) A duly qualified physician or surgeon provided and paid for by  
24 the employee may be present at an examination if the employee so  
25 desires. In all cases where the examination is made by a physician or  
26 surgeon engaged by the employer and the injured employee has no  
27 physician or surgeon present at such examination, it shall be the duty  
28 of the physician or surgeon making the examination to deliver to the  
29 injured employee, or the employee's representative, a statement in  
30 writing of the conditions evidenced by such examination. The  
31 statement shall disclose all facts that are reported by such physician or  
32 surgeon to the employer. Such statement shall be furnished to the  
33 employee or the employee's representative, as soon as practicable, but  
34 not later than thirty (30) days before the time the case is set for hearing.  
35 The statement may be submitted by either party as evidence by that  
36 physician or surgeon at a hearing before the worker's compensation  
37 board if the statement meets the requirements of subsection ~~(e)~~ (f). If  
38 such physician or surgeon fails or refuses to furnish the employee or  
39 the employee's representative with such statement thirty (30) days  
40 before the hearing, then the statement may not be submitted as  
41 evidence, and such physician or surgeon shall not be permitted to  
42 testify before the worker's compensation board as to any facts learned

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1 in such examination. All of the requirements of this subsection apply  
2 to all subsequent examinations requested by the employer.

3 (d) **No representative of the employer or insurance carrier,**  
4 **including case managers or rehabilitation nurses, may be present**  
5 **at any examination of an injured employee without the express**  
6 **written consent of the employee and the treating medical**  
7 **personnel. At the time of any medical examination that a**  
8 **representative of the employer wishes to attend, the representative**  
9 **of the employer shall inform the injured employee and treating**  
10 **medical personnel that their written consent is required before the**  
11 **attendance of the employer's representative. The employee's**  
12 **compensation and benefits may not be jeopardized in any way due**  
13 **to the employee's failure or refusal to complete a written waiver**  
14 **allowing the attendance of the employer's representative. The**  
15 **employer's representative may not in any way cause the employee**  
16 **to believe that the employee's compensation and benefits will be**  
17 **terminated if the employee fails or refuses to complete a written**  
18 **waiver allowing the attendance of the employer's representative.**  
19 **The written waivers shall be executed on forms prescribed by the**  
20 **board.**

21 (e) In all cases where an examination of an employee is made by a  
22 physician or surgeon engaged by the employee, and the employer has  
23 no physician or surgeon present at such examination, it shall be the  
24 duty of the physician or surgeon making the examination to deliver to  
25 the employer or the employer's representative a statement in writing of  
26 the conditions evidenced by such examination. The statement shall  
27 disclose all facts that are reported by such physician or surgeon to the  
28 employee. Such statement shall be furnished to the employer or the  
29 employer's representative as soon as practicable, but not later than  
30 thirty (30) days before the time the case is set for hearing. The  
31 statement may be submitted by either party as evidence by that  
32 physician or surgeon at a hearing before the worker's compensation  
33 board if the statement meets the requirements of subsection ~~(e)~~ (f). If  
34 such physician or surgeon fails or refuses to furnish the employer, or  
35 the employer's representative, with such statement thirty (30) days  
36 before the hearing, then the statement may not be submitted as  
37 evidence, and such physician or surgeon shall not be permitted to  
38 testify before the industrial board as to any facts learned in such  
39 examination. All of the requirements of this subsection apply to all  
40 subsequent examinations made by a physician or surgeon engaged by  
41 the employee.

42 ~~(e)~~ (f) All statements of physicians or surgeons required by this



1 section, whether those engaged by employee or employer, shall contain  
2 the following information:

3 (1) The history of the injury, or claimed injury, as given by the  
4 patient.

5 (2) The diagnosis of the physician or surgeon concerning the  
6 patient's physical or mental condition.

7 (3) The opinion of the physician or surgeon concerning the causal  
8 relationship, if any, between the injury and the patient's physical  
9 or mental condition, including the physician's or surgeon's reasons  
10 for the opinion.

11 (4) The opinion of the physician or surgeon concerning whether  
12 the injury or claimed injury resulted in a disability or impairment  
13 and, if so, the opinion of the physician or surgeon concerning the  
14 extent of the disability or impairment and the reasons for the  
15 opinion.

16 (5) The original signature of the physician or surgeon.

17 Notwithstanding any hearsay objection, the worker's compensation  
18 board shall admit into evidence a statement that meets the requirements  
19 of this subsection unless the statement is ruled inadmissible on other  
20 grounds.

21 ~~(f)~~ (g) Delivery of any statement required by this section may be  
22 made to the attorney or agent of the employer or employee and such  
23 action shall be construed as delivery to the employer or employee.

24 ~~(g)~~ (h) Any party may object to a statement on the basis that the  
25 statement does not meet the requirements of subsection ~~(e)~~ (f). The  
26 objecting party must give written notice to the party providing the  
27 statement and specify the basis for the objection. Notice of the  
28 objection must be given no later than twenty (20) days before the  
29 hearing. Failure to object as provided in this subsection precludes any  
30 further objection as to the adequacy of the statement under subsection  
31 ~~(e)~~ (f).

32 ~~(h)~~ (i) The employer upon proper application, or the worker's  
33 compensation board, shall have the right in any case of death to require  
34 an autopsy at the expense of the party requesting the same. If, after a  
35 hearing, the worker's compensation board orders an autopsy and such  
36 autopsy is refused by the surviving spouse or next of kin, then any  
37 claim for compensation on account of such death shall be suspended  
38 and abated during such refusal. The surviving spouse or dependent  
39 must be served with a notice setting forth the consequences of the  
40 refusal under this subsection. The notice must be in a form prescribed  
41 by the worker's compensation board. No autopsy, except one performed  
42 by or on the authority or order of the coroner in the discharge of the



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1 coroner's duties, shall be held in any case by any person, without notice  
 2 first being given to the surviving spouse or next of kin, if they reside in  
 3 Indiana or their whereabouts can reasonably be ascertained, of the time  
 4 and place thereof, and reasonable time and opportunity given such  
 5 surviving spouse or next of kin to have a representative or  
 6 representatives present to witness same. However, if such notice is not  
 7 given, all evidence obtained by such autopsy shall be suppressed on  
 8 motion duly made to the worker's compensation board.

9 SECTION 3. IC 22-3-3-7 IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2000]: Sec. 7. (a) Compensation shall be  
 11 allowed on account of injuries producing only temporary total disability  
 12 to work or temporary partial disability to work beginning with the  
 13 eighth (8th) day of such disability except for medical benefits provided  
 14 in section 4 of the chapter. Compensation shall be allowed for the first  
 15 seven (7) calendar days only if the disability continues for longer than  
 16 twenty-one (21) days.

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

- 39 (1) the extraordinary circumstances that have precluded a
- 40 determination of liability within the initial sixty (60) days;
- 41 (2) the status of the investigation on the date the petition is filed;
- 42 (3) the facts or circumstances that are necessary to make a



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determination; and

(4) a timetable for the completion of the remaining investigation.

**If a determination of liability is not made within thirty (30) days after the employer's knowledge of the claimed injury and the employer is subsequently determined to be liable to pay compensation, the first installment of compensation must include the accrued weekly compensation and interest at the legal rate of interest specified in IC 24-4.6-1-101 computed from the date fourteen (14) days after the disability begins.** An employer who fails to comply with this section is subject to a civil penalty of fifty dollars (\$50), to be assessed and collected by the board upon notice and hearing. Civil penalties collected under this section shall be deposited in the state general fund.

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

(1) the employee has returned to any employment;

(2) the employee has died;

(3) the employee has refused to undergo a medical examination under section 6 of this chapter or has refused to accept suitable employment under section 11 of this chapter;

(4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum compensation allowed under section 22 of this chapter; ~~or~~

(5) the employee is unable or unavailable to work for reasons unrelated to the compensable injury; ~~or~~

**(6) the employee returns to work with limitations or restrictions and the employer converts temporary total disability benefits into disabled from trade compensation under section 33 of this chapter.**

In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits and of the availability of employment, if any, on a form approved by the board. If the employee disagrees with the proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means, and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of



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

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

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

26 SECTION 4. IC 22-3-3-10 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. (a) With respect to  
28 injuries in the following schedule occurring prior to April 1, 1951, the  
29 employee shall receive in addition to temporary total disability benefits  
30 not exceeding twenty-six (26) weeks on account of the injuries, a  
31 weekly compensation of fifty-five percent (55%) of the employee's  
32 average weekly wages. With respect to injuries in the following  
33 schedule occurring on and after April 1, 1951, and prior to July 1,  
34 1971, the employee shall receive in addition to temporary total  
35 disability benefits not exceeding twenty-six (26) weeks on account of  
36 the injuries, a weekly compensation of sixty percent (60%) of the  
37 employee's average weekly wages. With respect to injuries in the  
38 following schedule occurring on and after July 1, 1971, and before July  
39 1, 1977, the employee shall receive in addition to temporary total  
40 disability benefits not exceeding twenty-six (26) weeks on account of  
41 the injuries, a weekly compensation of sixty percent (60%) of the  
42 employee's average weekly wages not to exceed one hundred dollars



1 (\$100) average weekly wages, for the periods stated for the injuries.  
 2 With respect to injuries in the following schedule occurring on and  
 3 after July 1, 1977, and before July 1, 1979, the employee shall receive,  
 4 in addition to temporary total disability benefits not exceeding  
 5 twenty-six (26) weeks on account of the injury, a weekly compensation  
 6 of sixty percent (60%) of his average weekly wages, not to exceed one  
 7 hundred twenty-five dollars (\$125) average weekly wages, for the  
 8 period stated for the injury. With respect to injuries in the following  
 9 schedule occurring on and after July 1, 1979, and before July 1, 1988,  
 10 the employee shall receive, in addition to temporary total disability  
 11 benefits not to exceed fifty-two (52) weeks on account of the injury, a  
 12 weekly compensation of sixty percent (60%) of the employee's average  
 13 weekly wages, not to exceed one hundred twenty-five dollars (\$125)  
 14 average weekly wages, for the period stated for the injury. With respect  
 15 to injuries in the following schedule occurring on and after July 1,  
 16 1988, and before July 1, 1989, the employee shall receive, in addition  
 17 to temporary total disability benefits not exceeding seventy-eight (78)  
 18 weeks on account of the injury, a weekly compensation of sixty percent  
 19 (60%) of the employee's average weekly wages, not to exceed one  
 20 hundred sixty-six dollars (\$166) average weekly wages, for the period  
 21 stated for the injury.

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

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

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



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1 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,  
 2 of the fifth or little toe ten (10) weeks, and for loss occurring  
 3 before April 1, 1959, by separation of the foot below the knee  
 4 joint one hundred fifty (150) weeks and of the leg above the knee  
 5 joint two hundred (200) weeks; for loss occurring on and after  
 6 April 1, 1959, by separation of the foot below the knee joint, one  
 7 hundred seventy-five (175) weeks and of the leg above the knee  
 8 joint two hundred twenty-five (225) weeks. The loss of more than  
 9 one (1) phalange of a thumb or toes shall be considered as the loss  
 10 of the entire thumb or toe. The loss of more than two (2)  
 11 phalanges of a finger shall be considered as the loss of the entire  
 12 finger. The loss of not more than one (1) phalange of a thumb or  
 13 toe shall be considered as the loss of one-half (1/2) of the thumb  
 14 or toe and compensation shall be paid for one-half (1/2) of the  
 15 period for the loss of the entire thumb or toe. The loss of not more  
 16 than one (1) phalange of a finger shall be considered as the loss  
 17 of one-third (1/3) of the finger and compensation shall be paid for  
 18 one-third (1/3) the period for the loss of the entire finger. The loss  
 19 of more than one (1) phalange of the finger but not more than two  
 20 (2) phalanges of the finger, shall be considered as the loss of  
 21 one-half (1/2) of the finger and compensation shall be paid for  
 22 one-half (1/2) of the period for the loss of the entire finger.  
 23 (2) For the loss by separation of both hands or both feet or the  
 24 total sight of both eyes, or any two (2) such losses in the same  
 25 accident, five hundred (500) weeks.  
 26 (3) For the permanent and complete loss of vision by enucleation  
 27 or its reduction to one-tenth (1/10) of normal vision with glasses,  
 28 one hundred seventy-five (175) weeks.  
 29 (4) For the permanent and complete loss of hearing in one (1) ear,  
 30 seventy-five (75) weeks, and in both ears, two hundred (200)  
 31 weeks.  
 32 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of  
 33 both testicles, one hundred fifty (150) weeks.  
 34 (b) With respect to injuries in the following schedule occurring prior  
 35 to April 1, 1951, the employee shall receive in lieu of all other  
 36 compensation on account of the injuries, a weekly compensation of  
 37 fifty-five percent (55%) of the employee's average weekly wages. With  
 38 respect to injuries in the following schedule occurring on and after  
 39 April 1, 1951, and prior to April 1, 1955, the employee shall receive in  
 40 lieu of all other compensation on account of the injuries a weekly  
 41 compensation of sixty percent (60%) of the employee's average weekly  
 42 wages. With respect to injuries in the following schedule occurring on

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1 and after April 1, 1955, and prior to July 1, 1971, the employee shall  
 2 receive in addition to temporary total disability benefits not exceeding  
 3 twenty-six (26) weeks on account of the injuries, a weekly  
 4 compensation of sixty percent (60%) of the employee's average weekly  
 5 wages. With respect to injuries in the following schedule occurring on  
 6 and after July 1, 1971, and before July 1, 1977, the employee shall  
 7 receive in addition to temporary total disability benefits not exceeding  
 8 twenty-six (26) weeks on account of the injuries, a weekly  
 9 compensation of sixty percent (60%) of the employee's average weekly  
 10 wages, not to exceed one hundred dollars (\$100) average weekly  
 11 wages, for the period stated for such injuries respectively. With respect  
 12 to injuries in the following schedule occurring on and after July 1,  
 13 1977, and before July 1, 1979, the employee shall receive, in addition  
 14 to temporary total disability benefits not exceeding twenty-six (26)  
 15 weeks on account of the injury, a weekly compensation of sixty percent  
 16 (60%) of the employee's average weekly wages not to exceed one  
 17 hundred twenty-five dollars (\$125) average weekly wages, for the  
 18 period stated for the injury. With respect to injuries in the following  
 19 schedule occurring on and after July 1, 1979, and before July 1, 1988,  
 20 the employee shall receive, in addition to temporary total disability  
 21 benefits not exceeding fifty-two (52) weeks on account of the injury, a  
 22 weekly compensation of sixty percent (60%) of the employee's average  
 23 weekly wages not to exceed one hundred twenty-five dollars (\$125)  
 24 average weekly wages for the period stated for the injury. With respect  
 25 to injuries in the following schedule occurring on and after July 1,  
 26 1988, and before July 1, 1989, the employee shall receive, in addition  
 27 to temporary total disability benefits not exceeding seventy-eight (78)  
 28 weeks on account of the injury, a weekly compensation of sixty percent  
 29 (60%) of the employee's average weekly wages, not to exceed one  
 30 hundred sixty-six dollars (\$166) average weekly wages, for the period  
 31 stated for the injury.

32 With respect to injuries in the following schedule occurring on and  
 33 after July 1, 1989, and before July 1, 1990, the employee shall receive,  
 34 in addition to temporary total disability benefits not exceeding  
 35 seventy-eight (78) weeks on account of the injury, a weekly  
 36 compensation of sixty percent (60%) of the employee's average weekly  
 37 wages, not to exceed one hundred eighty-three dollars (\$183) average  
 38 weekly wages, for the period stated for the injury.

39 With respect to injuries in the following schedule occurring on and  
 40 after July 1, 1990, and before July 1, 1991, the employee shall receive,  
 41 in addition to temporary total disability benefits not exceeding  
 42 seventy-eight (78) weeks on account of the injury, a weekly

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1 compensation of sixty percent (60%) of the employee's average weekly  
 2 wages, not to exceed two hundred dollars (\$200) average weekly  
 3 wages, for the period stated for the injury.

4 (1) Loss of use: The total permanent loss of the use of an arm,  
 5 hand, thumb, finger, leg, foot, toe, or phalange shall be considered  
 6 as the equivalent of the loss by separation of the arm, hand,  
 7 thumb, finger, leg, foot, toe, or phalange, and compensation shall  
 8 be paid for the same period as for the loss thereof by separation.

9 (2) Partial loss of use: For the permanent partial loss of the use of  
 10 an arm, hand, thumb, finger, leg, foot, toe, or phalange,  
 11 compensation shall be paid for the proportionate loss of the use of  
 12 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

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

15 (4) For any permanent reduction of the sight of an eye less than a  
 16 total loss as specified in subsection (a)(3), compensation shall be  
 17 paid for a period proportionate to the degree of such permanent  
 18 reduction without correction or glasses. However, when such  
 19 permanent reduction without correction or glasses would result in  
 20 one hundred percent (100%) loss of vision, but correction or  
 21 glasses would result in restoration of vision, then in such event  
 22 compensation shall be paid for fifty percent (50%) of such total  
 23 loss of vision without glasses, plus an additional amount equal to  
 24 the proportionate amount of such reduction with glasses, not to  
 25 exceed an additional fifty percent (50%).

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

30 (6) In all other cases of permanent partial impairment,  
 31 compensation proportionate to the degree of such permanent  
 32 partial impairment, in the discretion of the worker's compensation  
 33 board, not exceeding five hundred (500) weeks.

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

40 (c) With respect to injuries in the following schedule occurring on  
 41 and after July 1, 1991, the employee shall receive in addition to  
 42 temporary total disability benefits, not exceeding one hundred

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

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

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

31 (3) The loss of more than one (1) phalange of a thumb or toe shall  
32 be considered as the loss of the entire thumb or toe. The loss of  
33 more than two (2) phalanges of a finger shall be considered as the  
34 loss of the entire finger. The loss of not more than one (1)  
35 phalange of a thumb or toe shall be considered as the loss of  
36 one-half (1/2) of the degrees of permanent impairment for the loss  
37 of the entire thumb or toe. The loss of not more than one (1)  
38 phalange of a finger shall be considered as the loss of one-third  
39 (1/3) of the finger and compensation shall be paid for one-third  
40 (1/3) of the degrees payable for the loss of the entire finger. The  
41 loss of more than one (1) phalange of the finger but not more than  
42 two (2) phalanges of the finger shall be considered as the loss of

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- 1 one-half (1/2) of the finger and compensation shall be paid for  
 2 one-half (1/2) of the degrees payable for the loss of the entire  
 3 finger.
- 4 (4) For the loss by separation of both hands or both feet or the  
 5 total sight of both eyes or any two (2) such losses in the same  
 6 accident, one hundred (100) degrees of permanent impairment.
- 7 (5) For the permanent and complete loss of vision by enucleation,  
 8 thirty-five (35) degrees of permanent impairment.
- 9 (6) For the reduction of vision to one-tenth (1/10) of normal  
 10 vision with glasses, thirty-five (35) degrees of permanent  
 11 impairment.
- 12 (7) For the permanent and complete loss of hearing in one (1) ear,  
 13 fifteen (15) degrees of permanent impairment, and in both ears,  
 14 forty (40) degrees of permanent impairment.
- 15 (8) For the loss of one (1) testicle, ten (10) degrees of permanent  
 16 impairment; for the loss of both testicles, thirty (30) degrees of  
 17 permanent impairment.
- 18 (9) Loss of use: The total permanent loss of the use of an arm, a  
 19 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be  
 20 considered as the equivalent of the loss by separation of the arm,  
 21 hand, thumb, finger, leg, foot, toe, or phalange, and compensation  
 22 shall be paid in the same amount as for the loss by separation.  
 23 However, the doubling provision of subdivision (2) does not apply  
 24 to a loss of use that is not a loss by separation.
- 25 (10) Partial loss of use: For the permanent partial loss of the use  
 26 of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a  
 27 phalange, compensation shall be paid for the proportionate loss of  
 28 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 29 (11) For injuries resulting in total permanent disability, the  
 30 amount payable for impairment or five hundred (500) weeks of  
 31 compensation, whichever is greater.
- 32 (12) For any permanent reduction of the sight of an eye less than  
 33 a total loss as specified in subsection (a)(3), the compensation  
 34 shall be paid in an amount proportionate to the degree of a  
 35 permanent reduction without correction or glasses. However,  
 36 when a permanent reduction without correction or glasses would  
 37 result in one hundred percent (100%) loss of vision, then  
 38 compensation shall be paid for fifty percent (50%) of the total loss  
 39 of vision without glasses, plus an additional amount equal to the  
 40 proportionate amount of the reduction with glasses, not to exceed  
 41 an additional fifty percent (50%).
- 42 (13) For any permanent reduction of the hearing of one (1) or both

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1 ears, less than the total loss as specified in subsection (a)(4),  
 2 compensation shall be paid in an amount proportionate to the  
 3 degree of a permanent reduction.  
 4 (14) In all other cases of permanent partial impairment,  
 5 compensation proportionate to the degree of a permanent partial  
 6 impairment, in the discretion of the worker's compensation board,  
 7 not exceeding one hundred (100) degrees of permanent  
 8 impairment.  
 9 (15) In all cases of permanent disfigurement which may impair  
 10 the future usefulness or opportunities of the employee,  
 11 compensation, in the discretion of the worker's compensation  
 12 board, not exceeding forty (40) degrees of permanent impairment  
 13 except that no compensation shall be payable under this  
 14 subdivision where compensation is payable elsewhere in this  
 15 section.  
 16 (d) Compensation for permanent partial impairment shall be paid  
 17 according to the degree of permanent impairment for the injury  
 18 determined under subsection (c) and the following:  
 19 (1) With respect to injuries occurring on and after July 1, 1991,  
 20 and before July 1, 1992, for each degree of permanent impairment  
 21 from one (1) to thirty-five (35), five hundred dollars (\$500) per  
 22 degree; for each degree of permanent impairment from thirty-six  
 23 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each  
 24 degree of permanent impairment above fifty (50), one thousand  
 25 five hundred dollars (\$1,500) per degree.  
 26 (2) With respect to injuries occurring on and after July 1, 1992,  
 27 and before July 1, 1993, for each degree of permanent impairment  
 28 from one (1) to twenty (20), five hundred dollars (\$500) per  
 29 degree; for each degree of permanent impairment from  
 30 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)  
 31 per degree; for each degree of permanent impairment from  
 32 thirty-six (36) to fifty (50), one thousand three hundred dollars  
 33 (\$1,300) per degree; for each degree of permanent impairment  
 34 above fifty (50), one thousand seven hundred dollars (\$1,700) per  
 35 degree.  
 36 (3) With respect to injuries occurring on and after July 1, 1993,  
 37 and before July 1, 1997, for each degree of permanent impairment  
 38 from one (1) to ten (10), five hundred dollars (\$500) per degree;  
 39 for each degree of permanent impairment from eleven (11) to  
 40 twenty (20), seven hundred dollars (\$700) per degree; for each  
 41 degree of permanent impairment from twenty-one (21) to  
 42 thirty-five (35), one thousand dollars (\$1,000) per degree; for

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- 1 each degree of permanent impairment from thirty-six (36) to fifty  
 2 (50), one thousand four hundred dollars (\$1,400) per degree; for  
 3 each degree of permanent impairment above fifty (50), one  
 4 thousand seven hundred dollars (\$1,700) per degree.
- 5 (4) With respect to injuries occurring on and after July 1, 1997,  
 6 and before July 1, 1998, for each degree of permanent impairment  
 7 from one (1) to ten (10), seven hundred fifty dollars (\$750) per  
 8 degree; for each degree of permanent impairment from eleven  
 9 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;  
 10 for each degree of permanent impairment from thirty-six (36) to  
 11 fifty (50), one thousand four hundred dollars (\$1,400) per degree;  
 12 for each degree of permanent impairment above fifty (50), one  
 13 thousand seven hundred dollars (\$1,700) per degree.
- 14 (5) With respect to injuries occurring on and after July 1, 1998,  
 15 and before July 1, 1999, for each degree of permanent impairment  
 16 from one (1) to ten (10), seven hundred fifty dollars (\$750) per  
 17 degree; for each degree of permanent impairment from eleven  
 18 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;  
 19 for each degree of permanent impairment from thirty-six (36) to  
 20 fifty (50), one thousand four hundred dollars (\$1,400) per degree;  
 21 for each degree of permanent impairment above fifty (50), one  
 22 thousand seven hundred dollars (\$1,700) per degree.
- 23 (6) With respect to injuries occurring on and after July 1, 1999,  
 24 **and before July 1, 2000**, for each degree of permanent  
 25 impairment from one (1) to ten (10), nine hundred dollars (\$900)  
 26 per degree; for each degree of permanent impairment from eleven  
 27 (11) to thirty-five (35), one thousand one hundred dollars (\$1,100)  
 28 per degree; for each degree of permanent impairment from  
 29 thirty-six (36) to fifty (50), one thousand six hundred dollars  
 30 (\$1,600) per degree; for each degree of permanent impairment  
 31 above fifty (50), two thousand dollars (\$2,000) per degree.
- 32 (7) **With respect to injuries occurring on and after July 1,**  
 33 **2000, and before July 1, 2001**, for each degree of permanent  
 34 **impairment from one (1) to ten (10), two thousand fifty**  
 35 **dollars (\$2,050) per degree; for each degree of permanent**  
 36 **impairment from eleven (11) to thirty-five (35), two thousand**  
 37 **seven hundred dollars (\$2,700) per degree; for each degree of**  
 38 **permanent impairment from thirty-six (36) to fifty (50), three**  
 39 **thousand three hundred dollars (\$3,300) per degree; for each**  
 40 **degree of permanent impairment above fifty (50), three**  
 41 **thousand nine hundred dollars (\$3,900) per degree.**
- 42 (8) With respect to injuries occurring on and after July 1,

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1 2001, and before July 1, 2002, for each degree of permanent  
 2 impairment from one (1) to ten (10), two thousand four  
 3 hundred dollars (\$2,400) per degree; for each degree of  
 4 permanent impairment from eleven (11) to thirty-five (35),  
 5 three thousand seventy-five dollars (\$3,075) per degree; for  
 6 each degree of permanent impairment from thirty-six (36) to  
 7 fifty (50), three thousand seven hundred seventy-five dollars  
 8 (\$3,775) per degree; for each degree of permanent  
 9 impairment above fifty (50), four thousand five hundred  
 10 twenty-five dollars (\$4,525) per degree.

11 (9) With respect to injuries occurring on and after July 1,  
 12 2002, and before July 1, 2003, for each degree of permanent  
 13 impairment from one (1) to ten (10), two thousand seven  
 14 hundred forty-seven dollars (\$2,747) per degree; for each  
 15 degree of permanent impairment from eleven (11) to  
 16 thirty-five (35), three thousand four hundred thirty-three  
 17 dollars (\$3,433) per degree; for each degree of permanent  
 18 impairment from thirty-six (36) to fifty (50), four thousand  
 19 two hundred ninety-two dollars (\$4,292) per degree; for each  
 20 degree of permanent impairment above fifty (50), five  
 21 thousand three hundred sixty-five dollars (\$5,365) per degree.

22 (10) As used in this subdivision, "CPI" refers to the United  
 23 States Bureau of Labor Statistics Consumer Price Index, all  
 24 items, all urban consumers, or its successor index. With  
 25 respect to injuries occurring on and after July 1, 2003, the  
 26 amount specified for degrees of permanent impairment in this  
 27 subdivision shall be the greater of:

28 (A) the amount specified for the degrees of permanent  
 29 impairment as provided in subdivision (9); or

30 (B) the amount adjusted as determined and published by  
 31 the worker's compensation board under STEP SEVEN OF  
 32 the following formula:

33 **STEP ONE:** Determine the amount applicable to the  
 34 most recent state fiscal year under this subdivision for  
 35 the degrees of permanent impairment.

36 **STEP TWO:** Determine the CPI for the most recent  
 37 calendar year.

38 **STEP THREE:** Determine the CPI for the immediately  
 39 preceding calendar year used in STEP TWO.

40 **STEP FOUR:** Determine the remainder of STEP TWO  
 41 minus STEP THREE.

42 **STEP FIVE:** Divide STEP FOUR by STEP TWO.



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**STEP SIX: Add one (1) plus STEP FIVE.**

**STEP SEVEN: Multiply STEP ONE by STEP SIX.**

(e) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (c) and (d) shall not exceed the following:

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

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

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

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

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

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

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

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

(9) **With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred forty dollars (\$840).**

(10) **With respect to injuries occurring on or after July 1, 2002, and before July 1, 2003, nine hundred eighteen dollars (\$918).**

(11) **As used in this subdivision, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index, all items, all urban consumers, or its successor index. With respect to injuries occurring on and after July 1, 2003, the amount specified for average weekly wages in this subdivision shall be the greater of:**

**(A) the average weekly wages amount as provided in subdivision (10); or**

**(B) the amount adjusted as determined and published by the worker's compensation board under STEP SEVEN of the following formula:**

**STEP ONE: Determine the amount applicable to the most recent state fiscal year under this subdivision for average weekly wages.**

**STEP TWO: Determine the CPI for the most recent calendar year.**

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- 1           **STEP THREE: Determine the CPI for the immediately**  
 2           **preceding calendar year used in STEP TWO.**  
 3           **STEP FOUR: Determine the remainder of STEP TWO**  
 4           **minus STEP THREE.**  
 5           **STEP FIVE: Divide STEP FOUR by STEP TWO.**  
 6           **STEP SIX: Add one (1) plus STEP FIVE.**  
 7           **STEP SEVEN: Multiply STEP ONE by STEP SIX.**

8           SECTION 5. IC 22-3-3-17 IS AMENDED TO READ AS  
 9           FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 17. On and after April  
 10          1, 1965, and prior to April 1, 1969, when death results from an injury  
 11          within four hundred fifty (450) weeks, there shall be paid to total  
 12          dependent of said deceased, as determined by IC 22-3-3-18, 19 and 20,  
 13          a weekly compensation amounting to sixty percent (60%) of the  
 14          deceased's average weekly wage, until compensation so paid, when  
 15          added to any compensation paid to deceased employee, shall equal four  
 16          hundred fifty (450) weeks, and to partial dependents as hereinafter  
 17          provided.

18          On and after April 1, 1969, and prior to July 1, 1971, when death  
 19          results from an injury within five hundred (500) weeks, there shall be  
 20          paid to the total dependents of said deceased, as determined by the  
 21          provisions of IC 22-3-3-18, 19 and 20, weekly compensation  
 22          amounting to sixty percent (60%) of the deceased's average weekly  
 23          wage, until the compensation so paid, when added to any compensation  
 24          paid to the deceased employee, shall equal five hundred (500) weeks,  
 25          and to partial dependents as hereinafter provided.

26          On and after July 1, 1971, and prior to July 1, 1974, when death  
 27          results from an injury within five hundred (500) weeks, there shall be  
 28          paid to the total dependents of said deceased, as determined by the  
 29          provisions of IC 22-3-3-18, 19, and 20, weekly compensation  
 30          amounting to sixty percent (60%) of the deceased's average weekly  
 31          wage, not to exceed one hundred dollars (\$100) average weekly wages,  
 32          until the compensation so paid, when added to any compensation paid  
 33          to the deceased employee, shall equal five hundred (500) weeks, and  
 34          to partial dependents as hereinafter provided.

35          On and after July 1, 1974, and before July 1, 1976, when death  
 36          results from an injury within five hundred (500) weeks, there shall be  
 37          paid the total dependents of the deceased, as determined by the  
 38          provisions of sections 18, 19, and 20 of this chapter, weekly  
 39          compensation amounting to sixty-six and two-thirds percent (66 2/3%)  
 40          of the deceased's average weekly wage, not to exceed a maximum of  
 41          one hundred thirty-five dollars (\$135) average weekly wages, until the  
 42          compensation so paid, when added to any compensation paid to the



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1 deceased employee, shall equal five hundred (500) weeks, and to  
 2 partial dependents as hereinafter provided. On and after July 1, 1976,  
 3 when death results from an injury within five hundred (500) weeks,  
 4 there shall be paid the total dependents of the deceased as determined  
 5 by sections 18, 19, and 20 of this chapter, weekly compensation  
 6 amounting to ~~sixty-six and two-thirds percent (66 2/3%)~~ **one hundred**  
 7 **percent (100%)** of the deceased's average weekly wage, as defined by  
 8 IC 22-3-3-22, until the compensation paid, when added to the  
 9 compensation paid to the deceased employee, equals five hundred  
 10 (500) weeks, and to partial dependents, as provided in sections 18 and  
 11 20 of this chapter.

12 SECTION 6. IC 22-3-3-22 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 22. (a) In computing  
 14 the compensation under this law with respect to injuries occurring on  
 15 and after April 1, 1963, and prior to April 1, 1965, the average weekly  
 16 wages shall be considered to be not more than seventy dollars (\$70) nor  
 17 less than thirty dollars (\$30). In computing the compensation under this  
 18 law with respect to injuries occurring on and after April 1, 1965, and  
 19 prior to April 1, 1967, the average weekly wages shall be considered to  
 20 be not more than seventy-five dollars (\$75) and not less than thirty  
 21 dollars (\$30). In computing the compensation under this law with  
 22 respect to injuries occurring on and after April 1, 1967, and prior to  
 23 April 1, 1969, the average weekly wages shall be considered to be not  
 24 more than eighty-five dollars (\$85) and not less than thirty-five dollars  
 25 (\$35). In computing the compensation under this law with respect to  
 26 injuries occurring on and after April 1, 1969, and prior to July 1, 1971,  
 27 the average weekly wages shall be considered to be not more than  
 28 ninety-five dollars (\$95) and not less than thirty-five dollars (\$35). In  
 29 computing the compensation under this law with respect to injuries  
 30 occurring on and after July 1, 1971, and prior to July 1, 1974, the  
 31 average weekly wages shall be considered to be: (A) Not more than: (1)  
 32 one hundred dollars (\$100) if no dependents; (2) one hundred five  
 33 dollars (\$105) if one (1) dependent; (3) one hundred ten dollars (\$110)  
 34 if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three (3)  
 35 dependents; (5) one hundred twenty dollars (\$120) if four (4)  
 36 dependents; and (6) one hundred twenty-five dollars (\$125) if five (5)  
 37 or more dependents; and (B) Not less than thirty-five dollars (\$35). In  
 38 computing compensation for temporary total disability, temporary  
 39 partial disability, and total permanent disability under this law with  
 40 respect to injuries occurring on and after July 1, 1974, and before July  
 41 1, 1976, the average weekly wages shall be considered to be (A) not  
 42 more than one hundred thirty-five dollars (\$135), and (B) not less than

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1 seventy-five dollars (\$75). However, the weekly compensation payable  
2 shall in no case exceed the average weekly wages of the employee at  
3 the time of the injury. In computing compensation for temporary total  
4 disability, temporary partial disability and total permanent disability  
5 under this law with respect to injuries occurring on and after July 1,  
6 1976, and before July 1, 1977, the average weekly wages shall be  
7 considered to be (1) not more than one hundred fifty-six dollars (\$156)  
8 and (2) not less than seventy-five dollars (\$75). However, the weekly  
9 compensation payable shall not exceed the average weekly wages of  
10 the employee at the time of the injury. In computing compensation for  
11 temporary total disability, temporary partial disability, and total  
12 permanent disability, with respect to injuries occurring on and after  
13 July 1, 1977, and before July 1, 1979, the average weekly wages are  
14 considered to be (1) not more than one hundred eighty dollars (\$180);  
15 and (2) not less than seventy-five dollars (\$75). However, the weekly  
16 compensation payable may not exceed the average weekly wages of the  
17 employee at the time of the injury. In computing compensation for  
18 temporary total disability, temporary partial disability, and total  
19 permanent disability, with respect to injuries occurring on and after  
20 July 1, 1979, and before July 1, 1980, the average weekly wages are  
21 considered to be (1) not more than one hundred ninety-five dollars  
22 (\$195), and (2) not less than seventy-five dollars (\$75). However, the  
23 weekly compensation payable shall not exceed the average weekly  
24 wages of the employee at the time of the injury. In computing  
25 compensation for temporary total disability, temporary partial  
26 disability, and total permanent disability, with respect to injuries  
27 occurring on and after July 1, 1980, and before July 1, 1983, the  
28 average weekly wages are considered to be (1) not more than two  
29 hundred ten dollars (\$210), and (2) not less than seventy-five dollars  
30 (\$75). However, the weekly compensation payable shall not exceed the  
31 average weekly wages of the employee at the time of the injury. In  
32 computing compensation for temporary total disability, temporary  
33 partial disability, and total permanent disability, with respect to injuries  
34 occurring on and after July 1, 1983, and before July 1, 1984, the  
35 average weekly wages are considered to be (1) not more than two  
36 hundred thirty-four dollars (\$234) and (2) not less than seventy-five  
37 dollars (\$75). However, the weekly compensation payable shall not  
38 exceed the average weekly wages of the employee at the time of the  
39 injury. 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, 1984, and before July 1, 1985,  
42 the average weekly wages are considered to be (1) not more than two

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1 hundred forty-nine dollars (\$249) and (2) not less than seventy-five  
2 dollars (\$75). However, the weekly compensation payable shall not  
3 exceed the average weekly wages of the employee at the time of the  
4 injury. In computing compensation for temporary total disability,  
5 temporary partial disability, and total permanent disability, with respect  
6 to injuries occurring on and after July 1, 1985, and before July 1, 1986,  
7 the average weekly wages are considered to be (1) not more than two  
8 hundred sixty-seven dollars (\$267) and (2) not less than seventy-five  
9 dollars (\$75). However, the weekly compensation payable shall not  
10 exceed the average weekly wages of the employee at the time of the  
11 injury. In computing compensation for temporary total disability,  
12 temporary partial disability, and total permanent disability, with respect  
13 to injuries occurring on and after July 1, 1986, and before July 1, 1988,  
14 the average weekly wages are considered to be (1) not more than two  
15 hundred eighty-five dollars (\$285) and (2) not less than seventy-five  
16 dollars (\$75). However, the weekly compensation payable shall not  
17 exceed the average weekly wages of the employee at the time of the  
18 injury. In computing compensation for temporary total disability,  
19 temporary partial disability, and total permanent disability, with respect  
20 to injuries occurring on and after July 1, 1988, and before July 1, 1989,  
21 the average weekly wages are considered to be (1) not more than three  
22 hundred eighty-four dollars (\$384) and (2) not less than seventy-five  
23 dollars (\$75). However, the weekly compensation payable shall not  
24 exceed the average weekly wages of the employee at the time of the  
25 injury.

26 In computing compensation for temporary total disability, temporary  
27 partial disability, and total permanent disability, with respect to injuries  
28 occurring on and after July 1, 1989, and before July 1, 1990, the  
29 average weekly wages are considered to be (1) not more than four  
30 hundred eleven dollars (\$411) and (2) not less than seventy-five dollars  
31 (\$75). However, the weekly compensation payable shall not exceed the  
32 average weekly wages of the employee at the time of the injury.

33 In computing compensation for temporary total disability, temporary  
34 partial disability, and total permanent disability, with respect to injuries  
35 occurring on and after July 1, 1990, and before July 1, 1991, the  
36 average weekly wages are considered to be (1) not more than four  
37 hundred forty-one dollars (\$441) and (2) not less than seventy-five  
38 dollars (\$75). However, the weekly compensation payable shall not  
39 exceed the average weekly wages of the employee at the time of the  
40 injury.

41 In computing compensation for temporary total disability, temporary  
42 partial disability, and total permanent disability, with respect to injuries

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1 occurring on and after July 1, 1991, and before July 1, 1992, the  
 2 average weekly wages are considered to be (1) not more than four  
 3 hundred ninety-two dollars (\$492) and (2) not less than seventy-five  
 4 dollars (\$75). However, the weekly compensation payable shall not  
 5 exceed the average weekly wages of the employee at the time of the  
 6 injury.

7 In computing compensation for temporary total disability, temporary  
 8 partial disability, and total permanent disability, with respect to injuries  
 9 occurring on and after July 1, 1992, and before July 1, 1993, the  
 10 average weekly wages are considered to be (1) not more than five  
 11 hundred forty dollars (\$540) and (2) not less than seventy-five dollars  
 12 (\$75). However, the weekly compensation payable shall not exceed the  
 13 average weekly wages of the employee at the time of the injury.

14 In computing compensation for temporary total disability, temporary  
 15 partial disability, and total permanent disability, with respect to injuries  
 16 occurring on and after July 1, 1993, and before July 1, 1994, the  
 17 average weekly wages are considered to be (1) not more than five  
 18 hundred ninety-one dollars (\$591) and (2) not less than seventy-five  
 19 dollars (\$75). However, the weekly compensation payable shall not  
 20 exceed the average weekly wages of the employee at the time of the  
 21 injury.

22 In computing compensation for temporary total disability, temporary  
 23 partial disability, and total permanent disability, with respect to injuries  
 24 occurring on and after July 1, 1994, and before July 1, 1997, the  
 25 average weekly wages are considered to be (1) not more than six  
 26 hundred forty-two dollars (\$642) and (2) not less than seventy-five  
 27 dollars (\$75). However, the weekly compensation payable shall not  
 28 exceed the average weekly wages of the employee at the time of the  
 29 injury.

30 (b) In computing compensation for temporary total disability,  
 31 temporary partial disability, and total permanent disability, the average  
 32 weekly wages are considered to be:

33 (1) with respect to injuries occurring on and after July 1, 1997,  
 34 and before July 1, 1998:

35 (A) not more than six hundred seventy-two dollars (\$672); and

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

37 (2) with respect to injuries occurring on and after July 1, 1998,  
 38 and before July 1, 1999:

39 (A) not more than seven hundred two dollars (\$702); and

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

41 (3) with respect to injuries occurring on and after July 1, 1999,  
 42 and before July 1, 2000:



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- 1 (A) not more than seven hundred thirty-two dollars (\$732);
- 2 and
- 3 (B) not less than seventy-five dollars (\$75); ~~and~~
- 4 (4) with respect to injuries occurring on and after July 1, 2000,
- 5 **and before July 1, 2001:**
- 6 (A) not more than seven hundred sixty-two dollars (\$762); and
- 7 (B) not less than seventy-five dollars (\$75);
- 8 **(5) with respect to injuries occurring on and after July 1,**
- 9 **2001, and before July 1, 2002:**
- 10 (A) not more than eight hundred forty dollars (\$840); and
- 11 (B) not less than seventy-five dollars (\$75);
- 12 **(6) with respect to injuries occurring on and after July 1,**
- 13 **2002, and before July 1, 2003:**
- 14 (A) not more than nine hundred eighteen dollars (\$918);
- 15 and
- 16 (B) not less than seventy-five dollars (\$75); and
- 17 **(7) with respect to injuries occurring on and after July 1,**
- 18 **2003, (as used in this subdivision, "CPI" refers to the United**
- 19 **States Bureau of Labor Statistics Consumer Price Index, all**
- 20 **items, all urban consumers, or its successor index), the**
- 21 **amount specified for average weekly wages in this subdivision**
- 22 **shall be the greater of:**
- 23 (A) the average weekly wages amount as provided in
- 24 subdivision (6); or
- 25 (B) the amount adjusted as determined and published by
- 26 the worker's compensation board under STEP SEVEN of
- 27 the following formula:
- 28 **STEP ONE: Determine the amount applicable to the**
- 29 **most recent state fiscal year under this subdivision for**
- 30 **the average weekly wages.**
- 31 **STEP TWO: Determine the CPI for the most recent**
- 32 **calendar year.**
- 33 **STEP THREE: Determine the CPI for the immediately**
- 34 **preceding calendar year used in STEP TWO.**
- 35 **STEP FOUR: Determine the remainder of STEP TWO**
- 36 **minus STEP THREE.**
- 37 **STEP FIVE: Divide STEP FOUR by STEP TWO.**
- 38 **STEP SIX: Add one (1) plus STEP FIVE.**
- 39 **STEP SEVEN: Multiply STEP ONE by STEP SIX.**
- 40 However, the weekly compensation payable shall not exceed the
- 41 average weekly wages of the employee at the time of the injury.
- 42 (c) For the purpose of this section only and with respect to injuries

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1 occurring on and after July 1, 1971, and prior to July 1, 1974, only, the  
2 term "dependent" as used in this section shall mean persons defined as  
3 presumptive dependents under section 19 of this chapter, except that  
4 such dependency shall be determined as of the date of the injury to the  
5 employee.

6 (d) With respect to any injury occurring on and after April 1, 1955,  
7 and prior to April 1, 1957, the maximum compensation exclusive of  
8 medical benefits, which shall be paid for an injury under any provisions  
9 of this law or under any combination of its provisions shall not exceed  
10 twelve thousand five hundred dollars (\$12,500) in any case. With  
11 respect to any injury occurring on and after April 1, 1957 and prior to  
12 April 1, 1963, the maximum compensation exclusive of medical  
13 benefits, which shall be paid for an injury under any provision of this  
14 law or under any combination of its provisions shall not exceed fifteen  
15 thousand dollars (\$15,000) in any case. With respect to any injury  
16 occurring on and after April 1, 1963, and prior to April 1, 1965, the  
17 maximum compensation exclusive of medical benefits, which shall be  
18 paid for an injury under any provision of this law or under any  
19 combination of its provisions shall not exceed sixteen thousand five  
20 hundred dollars (\$16,500) in any case. With respect to any injury  
21 occurring on and after April 1, 1965, and prior to April 1, 1967, the  
22 maximum compensation exclusive of medical benefits which shall be  
23 paid for any injury under any provision of this law or any combination  
24 of provisions shall not exceed twenty thousand dollars (\$20,000) in any  
25 case. With respect to any injury occurring on and after April 1, 1967,  
26 and prior to July 1, 1971, the maximum compensation exclusive of  
27 medical benefits which shall be paid for an injury under any provision  
28 of this law or any combination of provisions shall not exceed  
29 twenty-five thousand dollars (\$25,000) in any case. With respect to any  
30 injury occurring on and after July 1, 1971, and prior to July 1, 1974, the  
31 maximum compensation exclusive of medical benefits which shall be  
32 paid for any injury under any provision of this law or any combination  
33 of provisions shall not exceed thirty thousand dollars (\$30,000) in any  
34 case. With respect to any injury occurring on and after July 1, 1974,  
35 and before July 1, 1976, the maximum compensation exclusive of  
36 medical benefits which shall be paid for an injury under any provision  
37 of this law or any combination of provisions shall not exceed forty-five  
38 thousand dollars (\$45,000) in any case. With respect to an injury  
39 occurring on and after July 1, 1976, and before July 1, 1977, the  
40 maximum compensation, exclusive of medical benefits, which shall be  
41 paid for any injury under any provision of this law or any combination  
42 of provisions shall not exceed fifty-two thousand dollars (\$52,000) in

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1 any case. With respect to any injury occurring on and after July 1,  
2 1977, and before July 1, 1979, the maximum compensation, exclusive  
3 of medical benefits, which may be paid for an injury under any  
4 provision of this law or any combination of provisions may not exceed  
5 sixty thousand dollars (\$60,000) in any case. With respect to any injury  
6 occurring on and after July 1, 1979, and before July 1, 1980, the  
7 maximum compensation, exclusive of medical benefits, which may be  
8 paid for an injury under any provisions of this law or any combination  
9 of provisions may not exceed sixty-five thousand dollars (\$65,000) in  
10 any case. With respect to any injury occurring on and after July 1,  
11 1980, and before July 1, 1983, the maximum compensation, exclusive  
12 of medical benefits, which may be paid for an injury under any  
13 provisions of this law or any combination of provisions may not exceed  
14 seventy thousand dollars (\$70,000) in any case. With respect to any  
15 injury occurring on and after July 1, 1983, and before July 1, 1984, the  
16 maximum compensation, exclusive of medical benefits, which may be  
17 paid for an injury under any provisions of this law or any combination  
18 of provisions may not exceed seventy-eight thousand dollars (\$78,000)  
19 in any case. With respect to any injury occurring on and after July 1,  
20 1984, and before July 1, 1985, the maximum compensation, exclusive  
21 of medical benefits, which may be paid for an injury under any  
22 provisions of this law or any combination of provisions may not exceed  
23 eighty-three thousand dollars (\$83,000) in any case. With respect to  
24 any injury occurring on and after July 1, 1985, and before July 1, 1986,  
25 the maximum compensation, exclusive of medical benefits, which may  
26 be paid for an injury under any provisions of this law or any  
27 combination of provisions may not exceed eighty-nine thousand dollars  
28 (\$89,000) in any case. With respect to any injury occurring on and after  
29 July 1, 1986, and before July 1, 1988, the maximum compensation,  
30 exclusive of medical benefits, which may be paid for an injury under  
31 any provisions of this law or any combination of provisions may not  
32 exceed ninety-five thousand dollars (\$95,000) in any case. With respect  
33 to any injury occurring on and after July 1, 1988, and before July 1,  
34 1989, the maximum compensation, exclusive of medical benefits,  
35 which may be paid for an injury under any provisions of this law or any  
36 combination of provisions may not exceed one hundred twenty-eight  
37 thousand dollars (\$128,000) in any case.

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

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

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

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

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

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

26 (e) 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,**

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1           **2001, and before July 1, 2002, two hundred eighty thousand**  
2           **dollars (\$280,000).**  
3           **(6) With respect to an injury occurring on and after July 1,**  
4           **2002, and before July 1, 2003, three hundred six thousand**  
5           **dollars (\$306,000).**  
6           **(7) As used in this subdivision, "CPI" refers to the United**  
7           **States Bureau of Labor Statistics Consumer Price Index, all**  
8           **items, all urban consumers, or its successor index. With**  
9           **respect to an injury occurring on and after July 1, 2003, the**  
10           **amount specified for maximum compensation for an injury in**  
11           **this subdivision shall be the greater of:**  
12               **(A) the maximum compensation for an injury as provided**  
13               **in subdivision (6); or**  
14               **(B) the amount adjusted as determined and published by**  
15               **the worker's compensation board under STEP SEVEN OF**  
16               **the following formula:**  
17                   **STEP ONE: Determine the amount applicable to the**  
18                   **most recent state fiscal year under this subdivision for**  
19                   **the maximum compensation for an injury.**  
20                   **STEP TWO: Determine the CPI for the most recent**  
21                   **calendar year.**  
22                   **STEP THREE: Determine the CPI for the immediately**  
23                   **preceding calendar year used in STEP TWO.**  
24                   **STEP FOUR: Determine the remainder of STEP TWO**  
25                   **minus STEP THREE.**  
26                   **STEP FIVE: Divide STEP FOUR by STEP TWO.**  
27                   **STEP SIX: Add one (1) plus STEP FIVE.**  
28                   **STEP SEVEN: Multiply STEP ONE by STEP SIX.**  
29           **SECTION 7. IC 22-3-3-33 IS ADDED TO THE INDIANA CODE**  
30           **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
31           **1, 2000]: Sec. 33. (a) If an employee:**  
32                   **(1) receives an injury that results in a temporary total**  
33                   **disability or a permanent partial impairment;**  
34                   **(2) is capable of performing work with limitations or**  
35                   **restrictions that prevent the employee from returning to the**  
36                   **position the employee held before the employee's injury; and**  
37                   **(3) returns to work;**  
38           **the employee may receive disabled from trade compensation.**  
39           **(b) An employee may receive disabled from trade compensation**  
40           **for a period not to exceed:**  
41                   **(1) fifty-two (52) consecutive weeks; or**  
42                   **(2) seventy-eight (78) aggregate weeks.**

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1 (c) An employee is entitled to receive disabled from trade  
2 compensation in a weekly amount equal to STEP FOUR of the  
3 following formula:

4 **STEP ONE:** Determine the employee's average weekly  
5 earnings from employment with limitations or restrictions  
6 that are entered after the employee's injury.

7 **STEP TWO:** Determine the employee's average weekly  
8 earnings from employment before the employee's injury.

9 **STEP THREE:** Determine the greater of:

- 10 (A) the STEP TWO result minus the STEP ONE result; or  
11 (B) zero (0).

12 **STEP FOUR:** Determine the lesser of:

13 (A) the STEP THREE result; or

14 (B) with respect to injuries occurring on or after July 1,  
15 2000, and before July 1, 2001, seven hundred sixty-two  
16 dollars (\$762); or

17 (C) with respect to injuries occurring on or after July 1,  
18 2001, and before July 1, 2002, eight hundred forty dollars  
19 (\$840); or

20 (D) with respect to injuries occurring on or after July 1,  
21 2002, and before July 1, 2003, nine hundred eighteen  
22 dollars (\$918); or

23 (E) As used in this clause, "CPI" refers to the United States  
24 Bureau of Labor Statistics Consumer Price Index, all  
25 items, all urban consumers, or its successor index. With  
26 respect to injuries occurring on and after July 1, 2003, the  
27 amount specified for average weekly earnings in this clause  
28 shall be the greater of:

29 (i) the average weekly wages amount as provided in  
30 clause (D); or

31 (ii) the amount adjusted as determined and published by  
32 the worker's compensation board under STEP SEVEN  
33 of the following formula:

34 **STEP ONE:** Determine the amount applicable to the  
35 most recent state fiscal year under this subdivision for  
36 the average weekly earnings.

37 **STEP TWO:** Determine the CPI for the most recent  
38 calendar year.

39 **STEP THREE:** Determine the CPI for the immediately  
40 preceding calendar year used in STEP TWO.

41 **STEP FOUR:** Determine the remainder of STEP TWO  
42 minus STEP THREE.



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**STEP FIVE: Divide STEP FOUR by STEP TWO.**

**STEP SIX: Add one (1) plus STEP FIVE.**

**STEP SEVEN: Multiply STEP ONE by STEP SIX.**

**(d) Not later than sixty (60) days after the employee's release to return to work with restrictions or limitations, the employee must receive notice from the employer on a form provided by the board that informs the employee that the employee has been released to work with limitations or restrictions. The notice must include:**

- (1) an explanation of the limitations or restrictions placed on the employee;**
- (2) the amount of disabled from trade compensation the employee has been awarded; and**
- (3) information for the employee regarding the terms of this section.**

**(e) Disabled from trade compensation is in addition to any other compensation awarded to an employee as a result of a temporary total disability or a permanent partial impairment.**

**(f) An employer may unilaterally convert an award of benefits for a temporary total disability or a permanent partial impairment into disabled from trade compensation by filing a copy of the notice required under subsection (d) with the board.**

SECTION 8. IC 22-3-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 16. (a) Compensation shall be allowed on account of disablement from occupational disease resulting in only temporary total disability to work or temporary partial disability to work beginning with the eighth day of such disability except for the medical benefits provided for in section 17 of this chapter. Compensation shall be allowed for the first seven (7) calendar days only as provided in this section. The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation

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

9 (1) the extraordinary circumstances that have precluded a  
 10 determination of liability within the initial sixty (60) days;

11 (2) the status of the investigation on the date the petition is filed;

12 (3) the facts or circumstances that are necessary to make a  
 13 determination; and

14 (4) a timetable for the completion of the remaining investigation.

15 **If a determination of liability is not made within thirty (30) days**  
 16 **after the employer's knowledge of the claimed diablement and the**  
 17 **employer is subsequently determined to be liable to pay**  
 18 **compensation, the first installment of compensation must include**  
 19 **the accrued weekly compensation and interest at the legal rate of**  
 20 **interest specified in IC 24-4.6-1-101 computed from the date**  
 21 **fourteen (14) days after the disability begins.** An employer who fails  
 22 to comply with this section is subject to a civil penalty of fifty dollars  
 23 (\$50), to be assessed and collected by the board upon notice and  
 24 hearing. Civil penalties collected under this section shall be deposited  
 25 in the state general fund.

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

28 (1) the employee has returned to work;

29 (2) the employee has died;

30 (3) the employee has refused to undergo a medical examination  
 31 under section 20 of this chapter;

32 (4) the employee has received five hundred (500) weeks of  
 33 temporary total disability benefits or has been paid the maximum  
 34 compensation allowable under section 19 of this chapter; or

35 (5) the employee is unable or unavailable to work for reasons  
 36 unrelated to the compensable disease.

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



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

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

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

33 (e) For disablements occurring on and after April 1, 1951, and prior  
34 to July 1, 1971, from occupational disease resulting in temporary total  
35 disability for any work there shall be paid to the disabled employee  
36 during such temporary total disability a weekly compensation equal to  
37 sixty percent (60%) of the employee's average weekly wages for a  
38 period not to exceed five hundred (500) weeks. Compensation shall be  
39 allowed for the first seven (7) calendar days only if the disability  
40 continues for longer than twenty-eight (28) days.

41 For disablements occurring on and after July 1, 1971, and prior to  
42 July 1, 1974, from occupational disease resulting in temporary total



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1 disability for any work there shall be paid to the disabled employee  
2 during such temporary total disability a weekly compensation equal to  
3 sixty percent (60%) of the employee's average weekly wages, as  
4 defined in section 19 of this chapter, for a period not to exceed five  
5 hundred (500) weeks. Compensation shall be allowed for the first seven  
6 (7) calendar days only if the disability continues for longer than  
7 twenty-eight (28) days.

8 For disablements occurring on and after July 1, 1974, and before  
9 July 1, 1976, from occupational disease resulting in temporary total  
10 disability for any work there shall be paid to the disabled employee  
11 during such temporary total disability a weekly compensation equal to  
12 sixty-six and two-thirds percent (66 2/3%) of the employee's average  
13 weekly wages, up to one hundred thirty-five dollars (\$135) average  
14 weekly wages, as defined in section 19 of this chapter, for a period not  
15 to exceed five hundred (500) weeks. Compensation shall be allowed for  
16 the first seven (7) calendar days only if the disability continues for  
17 longer than twenty-one (21) days.

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

27 (f) For disablements occurring on and after April 1, 1951, and prior  
28 to July 1, 1971, from occupational disease resulting in temporary  
29 partial disability for work there shall be paid to the disabled employee  
30 during such disability a weekly compensation equal to sixty percent  
31 (60%) of the difference between the employee's average weekly wages  
32 and the weekly wages at which the employee is actually employed after  
33 the disablement, for a period not to exceed three hundred (300) weeks.  
34 Compensation shall be allowed for the first seven (7) calendar days  
35 only if the disability continues for longer than twenty-eight (28) days.  
36 In case of partial disability after the period of temporary total disability,  
37 the later period shall be included as part of the maximum period  
38 allowed for partial disability.

39 For disablements occurring on and after July 1, 1971, and prior to  
40 July 1, 1974, from occupational disease resulting in temporary partial  
41 disability for work there shall be paid to the disabled employee during  
42 such disability a weekly compensation equal to sixty percent (60%) of

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1 the difference between the employee's average weekly wages, as  
 2 defined in section 19 of this chapter, and the weekly wages at which the  
 3 employee is actually employed after the disablement, for a period not  
 4 to exceed three hundred (300) weeks. Compensation shall be allowed  
 5 for the first seven (7) calendar days only if the disability continues for  
 6 longer than twenty-eight (28) days. In case of partial disability after the  
 7 period of temporary total disability, the latter period shall be included  
 8 as a part of the maximum period allowed for partial disability.

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

21 (g) For disabilities occurring on and after April 1, 1951, and prior  
 22 to April 1, 1955, from occupational disease in the following schedule,  
 23 the employee shall receive in lieu of all other compensation, on account  
 24 of such disabilities, a weekly compensation of sixty percent (60%) of  
 25 the employee's average weekly wage; for disabilities occurring on and  
 26 after April 1, 1955, and prior to July 1, 1971, from occupational disease  
 27 in the following schedule, the employee shall receive in addition to  
 28 disability benefits not exceeding twenty-six (26) weeks on account of  
 29 said occupational disease a weekly compensation of sixty percent  
 30 (60%) of the employee's average weekly wages.

31 For disabilities occurring on and after July 1, 1971, and before July  
 32 1, 1977, from occupational disease in the following schedule, the  
 33 employee shall receive in addition to disability benefits not exceeding  
 34 twenty-six (26) weeks on account of said occupational disease a weekly  
 35 compensation of sixty percent (60%) of his average weekly wages not  
 36 to exceed one hundred dollars (\$100) average weekly wages, for the  
 37 period stated for such disabilities respectively.

38 For disabilities occurring on and after July 1, 1977, and before July  
 39 1, 1979, from occupational disease in the following schedule, the  
 40 employee shall receive in addition to disability benefits not exceeding  
 41 twenty-six (26) weeks on account of the occupational disease a weekly  
 42 compensation of sixty percent (60%) of the employee's average weekly

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

3 For disabilities occurring on and after July 1, 1979, and before July  
4 1, 1988, from occupational disease in the following schedule, the  
5 employee shall receive in addition to disability benefits, not exceeding  
6 fifty-two (52) weeks on account of the occupational disease, a weekly  
7 compensation of sixty percent (60%) of the employee's average weekly  
8 wages, not to exceed one hundred twenty-five dollars (\$125) average  
9 weekly wages, for the period stated for the disabilities.

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

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

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

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

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



1 board, not exceeding five hundred (500) weeks.

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

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

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

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

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

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1 a total loss as specified in subdivision (3), the compensation shall  
 2 be paid in an amount proportionate to the degree of a permanent  
 3 reduction without correction or glasses. However, when a  
 4 permanent reduction without correction or glasses would result in  
 5 one hundred percent (100%) loss of vision, then compensation  
 6 shall be paid for fifty percent (50%) of the total loss of vision  
 7 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 (12) For any permanent reduction of the hearing of one (1) or both  
 11 ears, less than the total loss as specified in subdivision (4),  
 12 compensation shall be paid in an amount proportionate to the  
 13 degree of a permanent reduction.

14 (13) 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 (14) 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 (h) With respect to disablements occurring on and after July 1,  
 27 1991, compensation for permanent partial impairment shall be paid  
 28 according to the degree of permanent impairment for the disablement  
 29 determined under subsection (d) and the following:

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

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



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

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

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

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

34 (6) With respect to disablements occurring on and after July 1,  
35 1999, **and before July 1, 2000**, for each degree of permanent  
36 impairment from one (1) to ten (10), nine hundred dollars (\$900)  
37 per degree; for each degree of permanent impairment from eleven  
38 (11) to thirty-five (35), one thousand one hundred dollars (\$1,100)  
39 per degree; for each degree of permanent impairment from  
40 thirty-six (36) to fifty (50), one thousand six hundred dollars  
41 (\$1,600) per degree; for each degree of permanent impairment  
42 above fifty (50), two thousand dollars (\$2,000) per degree.

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- 1 (7) With respect to disablements occurring on and after July  
2 1, 2000, and before July 1, 2001, for each degree of permanent  
3 impairment from one (1) to ten (10), two thousand fifty  
4 dollars (\$2,050) per degree; for each degree of permanent  
5 impairment from eleven (11) to thirty-five (35), two thousand  
6 seven hundred dollars (\$2,700) per degree; for each degree of  
7 permanent impairment from thirty-six (36) to fifty (50), three  
8 thousand three hundred dollars (\$3,300) per degree; for each  
9 degree of permanent impairment above fifty (50), three  
10 thousand nine hundred dollars (\$3,900) per degree.
- 11 (8) With respect to disablements occurring on and after July  
12 1, 2001, and before July 1, 2002, for each degree of permanent  
13 impairment from one (1) to ten (10), two thousand four  
14 hundred dollars (\$2,400) per degree; for each degree of  
15 permanent impairment from eleven (11) to thirty-five (35),  
16 three thousand seventy-five dollars (\$3,075) per degree; for  
17 each degree of permanent impairment from thirty-six (36) to  
18 fifty (50), three thousand seven hundred seventy-five dollars  
19 (\$3,775) per degree; for each degree of permanent  
20 impairment above fifty (50), four thousand five hundred  
21 twenty-five dollars (\$4,525) per degree.
- 22 (9) With respect to disablements occurring on and after July  
23 1, 2002, and before July 1, 2003, for each degree of permanent  
24 impairment from one (1) to ten (10), two thousand seven  
25 hundred forty-seven dollars (\$2,747) per degree; for each  
26 degree of permanent impairment from eleven (11) to  
27 thirty-five (35), three thousand four hundred thirty-three  
28 dollars (\$3,433) per degree; for each degree of permanent  
29 impairment from thirty-six (36) to fifty (50), four thousand  
30 two hundred ninety-two dollars (\$4,292) per degree; for each  
31 degree of permanent impairment above fifty (50), five  
32 thousand three hundred sixty-five dollars (\$5,365) per degree.
- 33 (10) As used in this subdivision, "CPI" refers to the United  
34 States Bureau of Labor Statistics Consumer Price Index, all  
35 items, all urban consumers, or its successor index. With  
36 respect to disablements occurring on and after July 1, 2003,  
37 the amount specified for degrees of permanent impairment in  
38 this subdivision shall be the greater of:
- 39 (A) the amount specified for degrees of permanent  
40 impairment as provided in subdivision (9); or  
41 (B) the amount adjusted as determined and published by  
42 the worker's compensation board under STEP SEVEN of



1           **the following formula:**

2           **STEP ONE: Determine the amount applicable to the**  
 3           **most recent state fiscal year under subdivision (9) for the**  
 4           **degrees of permanent impairment.**

5           **STEP TWO: Determine the CPI for the most recent**  
 6           **calendar year.**

7           **STEP THREE: Determine the CPI for the immediately**  
 8           **preceding calendar year used in STEP TWO.**

9           **STEP FOUR: Determine the remainder of STEP TWO**  
 10           **minus STEP THREE.**

11           **STEP FIVE: Divide STEP FOUR by STEP TWO.**

12           **STEP SIX: Add one (1) plus STEP FIVE.**

13           **STEP SEVEN: Multiply STEP ONE by STEP SIX.**

14           (i) The average weekly wages used in the determination of  
 15           compensation for permanent partial impairment under subsections (g)  
 16           and (h) shall not exceed the following:

17           (1) With respect to disablements occurring on or after July 1,  
 18           1991, and before July 1, 1992, four hundred ninety-two dollars  
 19           (\$492).

20           (2) With respect to disablements occurring on or after July 1,  
 21           1992, and before July 1, 1993, five hundred forty dollars (\$540).

22           (3) With respect to disablements occurring on or after July 1,  
 23           1993, and before July 1, 1994, five hundred ninety-one dollars  
 24           (\$591).

25           (4) With respect to disablements occurring on or after July 1,  
 26           1994, and before July 1, 1997, six hundred forty-two dollars  
 27           (\$642).

28           (5) With respect to disablements occurring on or after July 1,  
 29           1997, and before July 1, 1998, six hundred seventy-two dollars  
 30           (\$672).

31           (6) With respect to disablements occurring on or after July 1,  
 32           1998, and before July 1, 1999, seven hundred two dollars (\$702).

33           (7) With respect to disablements occurring on or after July 1,  
 34           1999, and before July 1, 2000, seven hundred thirty-two dollars  
 35           (\$732).

36           (8) With respect to disablements occurring on or after July 1,  
 37           2000, **and before July 1, 2001**, seven hundred sixty-two dollars  
 38           (\$762).

39           **(9) With respect to disablements occurring on or after July 1,**  
 40           **2001, and before July 1, 2002, eight hundred forty dollars**  
 41           **(\$840).**

42           **(10) With respect to disablements occurring on or after July**

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1           **1, 2002, and before July 1, 2003, nine hundred eighteen**  
 2           **dollars (\$918).**

3           **(11) As used in this subdivision, "CPI" refers to the United**  
 4           **States Bureau of Labor Statistics Consumer Price Index, all**  
 5           **items, all urban consumers, or its successor index. With**  
 6           **respect to disablements occurring on and after July 1, 2003,**  
 7           **the amount specified for the average weekly wages in this**  
 8           **subdivision shall be the greater of:**

9           **(A) the average weekly wages amount as provided in**  
 10           **subdivision (10); or**

11           **(B) the amount adjusted as determined and published by**  
 12           **the worker's compensation board under STEP SEVEN OF**  
 13           **the following formula:**

14           **STEP ONE: Determine the amount applicable to the**  
 15           **most recent fiscal year under subdivision (10) for the**  
 16           **average weekly wages.**

17           **STEP TWO: Determine the CPI for the most recent**  
 18           **calendar year.**

19           **STEP THREE: Determine the CPI for the immediately**  
 20           **preceding calendar year used in STEP TWO.**

21           **STEP FOUR: Determine the remainder of STEP TWO**  
 22           **minus STEP THREE.**

23           **STEP FIVE: Divide STEP FOUR by STEP TWO.**

24           **STEP SIX: Add one (1) plus STEP FIVE.**

25           **STEP SEVEN: Multiply STEP ONE by STEP SIX.**

26           (j) If any employee, only partially disabled, refuses employment  
 27           suitable to his capacity procured for him, he shall not be entitled to any  
 28           compensation at any time during the continuance of such refusal  
 29           unless, in the opinion of the worker's compensation board, such refusal  
 30           was justifiable. The employee must be served with a notice setting forth  
 31           the consequences of the refusal under this subsection. The notice must  
 32           be in a form prescribed by the worker's compensation board.

33           (k) If an employee has sustained a permanent impairment or  
 34           disability from an accidental injury other than an occupational disease  
 35           in another employment than that in which he suffered a subsequent  
 36           disability from an occupational disease, such as herein specified, the  
 37           employee shall be entitled to compensation for the subsequent  
 38           disability in the same amount as if the previous impairment or  
 39           disability had not occurred. However, if the permanent impairment or  
 40           disability resulting from an occupational disease for which  
 41           compensation is claimed results only in the aggravation or increase of  
 42           a previously sustained permanent impairment from an occupational



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

13 (l) If an employee suffers a disablement from occupational disease  
14 for which compensation is payable while the employee is still receiving  
15 or entitled to compensation for a previous injury by accident or  
16 disability by occupational disease in the same employment, he shall not  
17 at the same time be entitled to compensation for both, unless it be for  
18 a permanent injury, such as specified in subsection (g)(1), (g)(2),  
19 (g)(3), (g)(6), or (g)(7); but the employee shall be entitled to  
20 compensation for that disability and from the time of that disability  
21 which will cover the longest period and the largest amount payable  
22 under this chapter.

23 (m) If an employee receives a permanent disability from  
24 occupational disease such as specified in subsection (g)(1), (g)(2),  
25 (g)(3), (g)(6), or (g)(7), after having sustained another such permanent  
26 disability in the same employment the employee shall be entitled to  
27 compensation for both such disabilities, but the total compensation  
28 shall be paid by extending the period and not by increasing the amount  
29 of weekly compensation and, when such previous and subsequent  
30 permanent disabilities, in combination result in total permanent  
31 disability or permanent total impairment, compensation shall be  
32 payable for such permanent total disability or impairment, but  
33 payments made for the previous disability or impairment shall be  
34 deducted from the total payment of compensation due.

35 (n) When an employee has been awarded or is entitled to an award  
36 of compensation for a definite period under this chapter for disability  
37 from occupational disease, which disablement occurs on and after April  
38 1, 1951, and prior to April 1, 1963, and such employee dies from any  
39 other cause than such occupational disease, payment of the unpaid  
40 balance of such compensation, not exceeding three hundred (300)  
41 weeks, shall be made to the employee's dependents of the second and  
42 third class as defined in sections 11 through 14 of this chapter, and

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

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

21 (p) When so provided in the compensation agreement or in the  
22 award of the worker's compensation board, compensation may be paid  
23 semimonthly, or monthly, instead of weekly.

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

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

36 (r) If an employee, or a dependent, is mentally incompetent, or a  
37 minor at the time when any right or privilege accrues to the employee  
38 under this chapter, the employee's guardian or trustee may, in the  
39 employee's behalf, claim and exercise such right and privilege.

40 (s) All compensation payments named and provided for in this  
41 section, shall mean and be defined to be for only such occupational  
42 diseases and disabilities therefrom as are proved by competent

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

4 SECTION 9. IC 22-3-7-16.1 IS ADDED TO THE INDIANA CODE  
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 6 1, 2000]: **Sec. 16.1. (a) As used in this section, "board" refers to the  
 7 worker's compensation board created under IC 22-3-1-1.**

8 **(b) If an employee who from an occupational disease becomes  
 9 permanently and totally impaired by reason of the loss, or loss of  
 10 use of, another such member or eye, the employer shall be liable  
 11 only for the compensation payable for the second injury. However,  
 12 in addition to such compensation and after the completion of the  
 13 payment therefor, the employee shall be paid the remainder of the  
 14 compensation that would be due for the total permanent  
 15 impairment out of a special fund known as the occupational disease  
 16 second injury fund.**

17 **(c) Whenever the board determines under the procedures set  
 18 forth in subsection (d) that an assessment is necessary to ensure  
 19 that fund beneficiaries continue to receive compensation in a timely  
 20 manner for a reasonable prospective period, the board shall send  
 21 notice not later than October 1 in any year to:**

22 **(1) all insurance carriers and other entities insuring or  
 23 providing coverage to employers who are or may be liable  
 24 under this article to pay compensation for personal injuries to  
 25 or the death of one (1) of their employees from an  
 26 occupational disease; and**

27 **(2) each employer carrying the employer's own risk for  
 28 personal injuries to or the death of one (1) of their employees  
 29 from an occupational disease;**

30 **stating that an assessment is necessary. The board may conduct an  
 31 assessment under this subsection not more than one (1) time  
 32 annually. Every insurance carrier insuring employers who are or  
 33 may be liable under this article to pay compensation for  
 34 disablement or death from occupational diseases of their employees  
 35 under this article and every employer carrying the employer's own  
 36 risk shall, not later than thirty (30) days after receiving notice from  
 37 the board, pay to the worker's compensation board for the benefit  
 38 of a fund to be known as the occupational diseases second injury  
 39 fund. The payment shall be in a sum equal to one and one-half  
 40 percent (1.5%) of the total amount of all payments under this  
 41 chapter for occupational diseases paid to employees with  
 42 occupational diseases or their beneficiaries under this chapter for**



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1 the calendar year next preceding the due date of such payment. If  
2 the amount to the credit of the occupational diseases second injury  
3 fund as of October 1 of any year exceeds one million dollars  
4 (\$1,000,000), the payments of one and one-half percent (1.5%) shall  
5 not be assessed or collected during the ensuing year. But when on  
6 October 1 of any year the amount to the credit of the fund is less  
7 than one million dollars (\$1,000,000), the payments of one and  
8 one-half percent (1.5%) of the total amount of all payments under  
9 this chapter for occupational diseases paid to employees with  
10 occupational diseases or their beneficiaries under this chapter for  
11 the calendar year next preceding that date shall be resumed and  
12 paid into the fund.

13 (d) The board shall enter into a contract with an actuary or  
14 another qualified firm that has experience in calculating worker's  
15 compensation liabilities. Not later than September 1 of each year,  
16 the actuary or other qualified firm shall calculate the  
17 recommended funding level of the fund based on the previous  
18 year's claims and inform the board of the results of the calculation.  
19 If the amount to the credit of the fund is less than the amount  
20 required under subsection (c), the board may conduct an  
21 assessment under subsection (c). The board shall pay the costs of  
22 the contract under this subsection with money in the fund.

23 (e) An assessment collected under subsection (c) on an employer  
24 who is not self-insured must be assessed through a surcharge based  
25 on the employer's premium. An assessment collected under  
26 subsection (c) does not constitute an element of loss, but for the  
27 purpose of collection shall be treated as a separate cost imposed  
28 upon insured employers. A premium surcharge under this  
29 subsection must be collected at the same time and in the same  
30 manner in which the premium for coverage is collected, and must  
31 be shown as a separate amount on a premium statement. A  
32 premium surcharge under this subsection must be excluded from  
33 the definition of premium for all purposes, including the  
34 computation of agent commissions or premium taxes. However, an  
35 insurer may cancel a worker's compensation policy for  
36 nonpayment of the premium surcharge. A cancellation under this  
37 subsection must be carried out under the statutes applicable to the  
38 nonpayment of premiums.

39 (f) The sums under this section shall be paid by the worker's  
40 compensation board to the treasurer of state, to be deposited in a  
41 special account known as the occupational diseases second injury  
42 fund. The funds are not part of the state general fund. Any balance



1 remaining in the account at the end of any fiscal year does not  
 2 revert to the state general fund. The funds shall be used only for  
 3 the payment of awards of compensation and expense of medical  
 4 examinations or treatment made and ordered by the board and  
 5 chargeable against the occupational diseases second injury fund  
 6 under this section and shall be paid for that purpose by the  
 7 treasurer of state upon award or order of the board.

8 (g) If an employee who is entitled to compensation under this  
 9 chapter either:

- 10 (1) exhausts the maximum benefits under section 19 of this  
 11 chapter without having received the full amount of award  
 12 granted to the employee under section 16 of this chapter; or  
 13 (2) exhausts the employee's benefits under section 16 of this  
 14 chapter;

15 the employee may apply to the worker's compensation board,  
 16 which may award the employee compensation from the  
 17 occupational diseases second injury fund established by this  
 18 section, as provided under subsection (b).

19 (h) An employee who has exhausted the employee's maximum  
 20 benefits under section 10 of this chapter may be awarded  
 21 additional compensation equal to sixty-six and two-thirds percent  
 22 (66 2/3%) of the employee's average weekly wage at the time of the  
 23 employee's disablement from occupational disease, not to exceed  
 24 the maximum then applicable under section 19 of this chapter for  
 25 a period not to exceed one hundred fifty (150) weeks upon  
 26 competent evidence sufficient to establish:

- 27 (1) that the employee is totally and permanently disabled from  
 28 an occupational disease (as defined in section 10 of this  
 29 chapter) of which there are or have been objective conditions  
 30 and symptoms proven that are not within the physical or  
 31 mental control of the employee; and  
 32 (2) that the employee is unable to support the employee in any  
 33 gainful employment, not associated with rehabilitative or  
 34 vocational therapy.

35 (i) The additional award may be renewed during the employee's  
 36 total and permanent disability after appropriate hearings by the  
 37 worker's compensation board for successive periods not to exceed  
 38 one hundred fifty (150) weeks each.

39 SECTION 10. IC 22-3-7-17 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 17. (a) During the  
 41 period of disablement, the employer shall furnish or cause to be  
 42 furnished, free of charge to the employee, an attending physician for



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1 the treatment of his occupational disease, and in addition thereto such  
 2 surgical, hospital, and nursing services and supplies as the attending  
 3 physician or the worker's compensation board may deem necessary. If  
 4 the employee is requested or required by the employer to submit to  
 5 treatment outside the county of employment, ~~said~~ **the** employer shall  
 6 also pay the reasonable expense of travel, food, and lodging necessary  
 7 during the travel, but not to exceed the amount paid at the time of ~~said~~  
 8 **the** travel by the state of Indiana to its employees. **If the treatment or**  
 9 **travel to or from the place of treatment causes a loss of working**  
 10 **time to the employee, the employer shall reimburse the employee**  
 11 **for the loss of wages using the basis of the employee's average daily**  
 12 **wage.**

13 (b) During the period of disablement resulting from the occupational  
 14 disease, the employer shall furnish such physician, services, and  
 15 supplies, and the worker's compensation board may, on proper  
 16 application of either party, require that treatment by such physician and  
 17 such services and supplies be furnished by or on behalf of the employer  
 18 as the board may deem reasonably necessary.

19 (c) **No representative of the employer or insurance carrier,**  
 20 **including case managers or rehabilitation nurses, may be present**  
 21 **at any treatment of an employee with an occupational disease**  
 22 **without the express written consent of the employee and the**  
 23 **treating medical personnel. At the time of any medical treatment**  
 24 **that a representative of the employer wishes to attend, the**  
 25 **representative of the employer shall inform the employee with an**  
 26 **occupational disease and treating medical personnel that their**  
 27 **written consent is required before the attendance of the employer's**  
 28 **representative. The employee's compensation and benefits may not**  
 29 **be jeopardized in any way due to the employee's failure or refusal**  
 30 **to complete a written waiver allowing the attendance of the**  
 31 **employer's representative. The employer's representative may not**  
 32 **in any way cause the employee to believe that the employee's**  
 33 **compensation and benefits will be terminated if the employee fails**  
 34 **or refuses to complete a written waiver allowing the attendance of**  
 35 **the employer's representative. The written waivers shall be**  
 36 **executed on forms prescribed by the board.**

37 (d) After an employee's occupational disease has been adjudicated  
 38 by agreement or award on the basis of permanent partial impairment  
 39 and within the statutory period for review in such case as provided in  
 40 section 27(i) of this chapter, the employer may continue to furnish a  
 41 physician or a surgeon and other medical services and supplies, and the  
 42 board may, within such statutory period for review as provided in



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1 section 27(i) of this chapter, on a proper application of either party,  
2 require that treatment by such physician or surgeon and such services  
3 and supplies be furnished by and on behalf of the employer as the  
4 board may deem necessary to limit or reduce the amount and extent of  
5 such impairment. The refusal of the employee to accept such services  
6 and supplies when so provided by or on behalf of the employer, shall  
7 bar the employee from all compensation otherwise payable during the  
8 period of such refusal and his right to prosecute any proceeding under  
9 this chapter shall be suspended and abated until such refusal ceases.  
10 The employee must be served with a notice setting forth the  
11 consequences of the refusal under this section. The notice must be in  
12 a form prescribed by the worker's compensation board. No  
13 compensation for permanent total impairment, permanent partial  
14 impairment, permanent disfigurement, or death shall be paid or payable  
15 for that part or portion of such impairment, disfigurement, or death  
16 which is the result of the failure of such employee to accept such  
17 treatment, services, and supplies, provided that an employer may at any  
18 time permit an employee to have treatment for his disease or injury by  
19 spiritual means or prayer in lieu of such physician, services, and  
20 supplies.

21 ~~(e)~~ (e) Regardless of when it occurs, where a compensable  
22 occupational disease results in the amputation of a body part, the  
23 enucleation of an eye, or the loss of natural teeth, the employer shall  
24 furnish an appropriate artificial member, braces, and prosthodontics.  
25 The cost of repairs to or replacements for the artificial members,  
26 braces, or prosthodontics that result from a compensable occupational  
27 disease pursuant to a prior award and are required due to either medical  
28 necessity or normal wear and tear, determined according to the  
29 employee's individual use, but not abuse, of the artificial member,  
30 braces, or prosthodontics, shall be paid from the second injury fund  
31 upon order or award of the worker's compensation board. The employee  
32 is not required to meet any other requirement for admission to the  
33 second injury fund.

34 ~~(f)~~ (f) If an emergency or because of the employer's failure to  
35 provide such attending physician or such surgical, hospital, or nurse's  
36 services and supplies or such treatment by spiritual means or prayer as  
37 specified in this section, or for other good reason, a physician other  
38 than that provided by the employer treats the diseased employee within  
39 the period of disability, or necessary and proper surgical, hospital, or  
40 nurse's services and supplies are procured within ~~said~~ **the** period, the  
41 reasonable cost of such services and supplies shall, subject to approval  
42 of the worker's compensation board, be paid by the employer.

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1           (Ⓞ) (g) This section may not be construed to prohibit an agreement  
2 between an employer and employees that has the approval of the board  
3 and that:

- 4           (1) binds the parties to medical care furnished by providers  
5 selected by agreement before or after disablement; or  
6           (2) makes the findings of a provider chosen in this manner  
7 binding upon the parties.

8           (Ⓞ) (h) The employee and the employee's estate do not have liability  
9 to a health care provider for payment for services obtained under this  
10 section. The right to order payment for all services provided under this  
11 chapter is solely with the board. All claims by a health care provider for  
12 payment for services are against the employer and the employer's  
13 insurance carrier, if any, and must be made with the board under this  
14 chapter.

15           **(i) After medical treatment has commenced, neither the**  
16 **employer nor the insurance carrier is entitled to transfer or**  
17 **otherwise redirect treatment to other treating medical personnel,**  
18 **except in an emergency situation, unless the employee requests the**  
19 **transfer or redirected treatment, the treating medical personnel**  
20 **requests discontinuance of providing treatment, or there is other**  
21 **good cause. If the employer or insurance carrier wishes to transfer**  
22 **treatment for good cause, a transfer may not be permitted unless**  
23 **and until the board issues an order granting the request. The**  
24 **request shall be made on forms prescribed by the board.**

25           SECTION 11. IC 22-3-7-19 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 19. (a) In computing  
27 compensation for temporary total disability, temporary partial  
28 disability, and total permanent disability under this law with respect to  
29 occupational diseases occurring:

- 30           (1) on and after July 1, 1974, and before July 1, 1976, the average  
31 weekly wages shall be considered to be:  
32           (A) not more than one hundred thirty-five dollars (\$135); and  
33           (B) not less than seventy-five dollars (\$75);  
34           (2) on and after July 1, 1976, and before July 1, 1977, the average  
35 weekly wages shall be considered to be:  
36           (A) not more than one hundred fifty-six dollars (\$156); and  
37           (B) not less than seventy-five dollars (\$75);  
38           (3) on and after July 1, 1977, and before July 1, 1979, the average  
39 weekly wages are considered to be:  
40           (A) not more than one hundred eighty dollars (\$180); and  
41           (B) not less than seventy-five dollars (\$75);  
42           (4) on and after July 1, 1979, and before July 1, 1980, the average



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- 1 weekly wages are considered to be:
- 2 (A) not more than one hundred ninety-five dollars (\$195); and
- 3 (B) not less than seventy-five dollars (\$75);
- 4 (5) on and after July 1, 1980, and before July 1, 1983, the average
- 5 weekly wages are considered to be:
- 6 (A) not more than two hundred ten dollars (\$210); and
- 7 (B) not less than seventy-five dollars (\$75);
- 8 (6) on and after July 1, 1983, and before July 1, 1984, the average
- 9 weekly wages are considered to be:
- 10 (A) not more than two hundred thirty-four dollars (\$234); and
- 11 (B) not less than seventy-five dollars (\$75); and
- 12 (7) on and after July 1, 1984, and before July 1, 1985, the average
- 13 weekly wages are considered to be:
- 14 (A) not more than two hundred forty-nine dollars (\$249); and
- 15 (B) not less than seventy-five dollars (\$75).
- 16 (b) In computing compensation for temporary total disability,
- 17 temporary partial disability, and total permanent disability, with respect
- 18 to occupational diseases occurring on and after July 1, 1985, and before
- 19 July 1, 1986, the average weekly wages are considered to be:
- 20 (1) not more than two hundred sixty-seven dollars (\$267); and
- 21 (2) not less than seventy-five dollars (\$75).
- 22 (c) In computing compensation for temporary total disability,
- 23 temporary partial disability, and total permanent disability, with respect
- 24 to occupational diseases occurring on and after July 1, 1986, and before
- 25 July 1, 1988, the average weekly wages are considered to be:
- 26 (1) not more than two hundred eighty-five dollars (\$285); and
- 27 (2) not less than seventy-five dollars (\$75).
- 28 (d) In computing compensation for temporary total disability,
- 29 temporary partial disability, and total permanent disability, with respect
- 30 to occupational diseases occurring on and after July 1, 1988, and before
- 31 July 1, 1989, the average weekly wages are considered to be:
- 32 (1) not more than three hundred eighty-four dollars (\$384); and
- 33 (2) not less than seventy-five dollars (\$75).
- 34 (e) In computing compensation for temporary total disability,
- 35 temporary partial disability, and total permanent disability, with respect
- 36 to occupational diseases occurring on and after July 1, 1989, and before
- 37 July 1, 1990, the average weekly wages are considered to be:
- 38 (1) not more than four hundred eleven dollars (\$411); and
- 39 (2) not less than seventy-five dollars (\$75).
- 40 (f) In computing compensation for temporary total disability,
- 41 temporary partial disability, and total permanent disability, with respect
- 42 to occupational diseases occurring on and after July 1, 1990, and before



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- 1 July 1, 1991, the average weekly wages are considered to be:  
 2 (1) not more than four hundred forty-one dollars (\$441); and  
 3 (2) not less than seventy-five dollars (\$75).
- 4 (g) In computing compensation for temporary total disability,  
 5 temporary partial disability, and total permanent disability, with respect  
 6 to occupational diseases occurring on and after July 1, 1991, and before  
 7 July 1, 1992, the average weekly wages are considered to be:  
 8 (1) not more than four hundred ninety-two dollars (\$492); and  
 9 (2) not less than seventy-five dollars (\$75).
- 10 (h) In computing compensation for temporary total disability,  
 11 temporary partial disability, and total permanent disability, with respect  
 12 to occupational diseases occurring on and after July 1, 1992, and before  
 13 July 1, 1993, the average weekly wages are considered to be:  
 14 (1) not more than five hundred forty dollars (\$540); and  
 15 (2) not less than seventy-five dollars (\$75).
- 16 (i) In computing compensation for temporary total disability,  
 17 temporary partial disability, and total permanent disability, with respect  
 18 to occupational diseases occurring on and after July 1, 1993, and before  
 19 July 1, 1994, the average weekly wages are considered to be:  
 20 (1) not more than five hundred ninety-one dollars (\$591); and  
 21 (2) not less than seventy-five dollars (\$75).
- 22 (j) In computing compensation for temporary total disability,  
 23 temporary partial disability and total permanent disability, with respect  
 24 to occupational diseases occurring on and after July 1, 1994, and before  
 25 July 1, 1997, the average weekly wages are considered to be:  
 26 (1) not more than six hundred forty-two dollars (\$642); and  
 27 (2) not less than seventy-five dollars (\$75).
- 28 (k) In computing compensation for temporary total disability,  
 29 temporary partial disability, and total permanent disability, the average  
 30 weekly wages are considered to be:  
 31 (1) with respect to occupational diseases occurring on and after  
 32 July 1, 1997, and before July 1, 1998:  
 33 (A) not more than six hundred seventy-two dollars (\$672); and  
 34 (B) not less than seventy-five dollars (\$75);  
 35 (2) with respect to occupational diseases occurring on and after  
 36 July 1, 1998, and before July 1, 1999:  
 37 (A) not more than seven hundred two dollars (\$702); and  
 38 (B) not less than seventy-five dollars (\$75);  
 39 (3) with respect to occupational diseases occurring on and after  
 40 July 1, 1999, and before July 1, 2000:  
 41 (A) not more than seven hundred thirty-two dollars (\$732);  
 42 and



- 1 (B) not less than seventy-five dollars (\$75); ~~and~~  
 2 (4) with respect to occupational diseases ~~occurring~~ **occurring** on  
 3 and after July 1, 2000, **and before July 1, 2001:**  
 4 (A) not more than seven hundred sixty-two dollars (\$762); and  
 5 (B) not less than seventy-five dollars (\$75);  
 6 **(5) with respect to occupational diseases occurring on and**  
 7 **after July 1, 2001, and before July 1, 2002:**  
 8 (A) not more than eight hundred forty dollars (\$840); and  
 9 (B) not less than seventy-five dollars (\$75); and  
 10 **(6) with respect to occupational diseases occurring on and**  
 11 **after July 1, 2002, and before July 1, 2003:**  
 12 (A) not more than nine hundred eighteen dollars (\$918);  
 13 and  
 14 (B) not less than seventy-five dollars (\$75).  
 15 **(7) As used in this subdivision, "CPI" refers to the United**  
 16 **States Bureau of Labor Statistics Consumer Price Index, all**  
 17 **items, all urban consumers, or its successor index. With**  
 18 **respect to disablements occurring on and after July 1, 2003,**  
 19 **the amount specified for average weekly wages in this**  
 20 **subdivision shall be the greater of:**  
 21 (A) the average weekly wages amount as provided in  
 22 subdivision (6); or  
 23 (B) the amount adjusted as determined and published by  
 24 the worker's compensation board under STEP SEVEN of  
 25 the following formula:  
 26 **STEP ONE: Determine the amount applicable to the**  
 27 **most recent state fiscal year under this subdivision for**  
 28 **average weekly wages.**  
 29 **STEP TWO: Determine the CPI for the most recent**  
 30 **calendar year.**  
 31 **STEP THREE: Determine the CPI for the immediately**  
 32 **preceding calendar year used in STEP TWO.**  
 33 **STEP FOUR: Determine the remainder of STEP TWO**  
 34 **minus STEP THREE.**  
 35 **STEP FIVE: Divide STEP FOUR by STEP TWO.**  
 36 **STEP SIX: Add one (1) plus STEP FIVE.**  
 37 **STEP SEVEN: Multiply STEP ONE by STEP SIX.**  
 38 (l) The maximum compensation that shall be paid for occupational  
 39 disease and its results under any one (1) or more provisions of this  
 40 chapter with respect to disability or death occurring:  
 41 (1) on and after July 1, 1974, and before July 1, 1976, shall not  
 42 exceed forty-five thousand dollars (\$45,000) in any case;



1 (2) on and after July 1, 1976, and before July 1, 1977, shall not  
2 exceed fifty-two thousand dollars (\$52,000) in any case;

3 (3) on and after July 1, 1977, and before July 1, 1979, may not  
4 exceed sixty thousand dollars (\$60,000) in any case;

5 (4) on and after July 1, 1979, and before July 1, 1980, may not  
6 exceed sixty-five thousand dollars (\$65,000) in any case;

7 (5) on and after July 1, 1980, and before July 1, 1983, may not  
8 exceed seventy thousand dollars (\$70,000) in any case;

9 (6) on and after July 1, 1983, and before July 1, 1984, may not  
10 exceed seventy-eight thousand dollars (\$78,000) in any case; and

11 (7) on and after July 1, 1984, and before July 1, 1985, may not  
12 exceed eighty-three thousand dollars (\$83,000) in any case.

13 (m) The maximum compensation with respect to disability or death  
14 occurring on and after July 1, 1985, and before July 1, 1986, which  
15 shall be paid for occupational disease and the results thereof under the  
16 provisions of this chapter or under any combination of its provisions  
17 may not exceed eighty-nine thousand dollars (\$89,000) in any case.  
18 The maximum compensation with respect to disability or death  
19 occurring on and after July 1, 1986, and before July 1, 1988, which  
20 shall be paid for occupational disease and the results thereof under the  
21 provisions of this chapter or under any combination of its provisions  
22 may not exceed ninety-five thousand dollars (\$95,000) in any case. The  
23 maximum compensation with respect to disability or death occurring  
24 on and after July 1, 1988, and before July 1, 1989, that shall be paid for  
25 occupational disease and the results thereof under this chapter or under  
26 any combination of its provisions may not exceed one hundred  
27 twenty-eight thousand dollars (\$128,000) in any case.

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

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

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

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1 case.

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

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

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

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

23 (1) With respect to disability or death occurring on and after July  
24 1, 1997, and before July 1, 1998, two hundred twenty-four  
25 thousand dollars (\$224,000).

26 (2) With respect to disability or death occurring on and after July  
27 1, 1998, and before July 1, 1999, two hundred thirty-four  
28 thousand dollars (\$234,000).

29 (3) With respect to disability or death occurring on and after July  
30 1, 1999, and before July 1, 2000, two hundred forty-four thousand  
31 dollars (\$244,000).

32 (4) With respect to disability or death occurring on and after July  
33 1, 2000, **and before July 1, 2001**, two hundred fifty-four  
34 thousand dollars (\$254,000).

35 **(5) With respect to disability or death occurring on and after**  
36 **July 1, 2001, and before July 1, 2002, two hundred eighty**  
37 **thousand dollars (\$280,000).**

38 **(6) With respect to disability or death occurring on and after**  
39 **July 1, 2002, and before July 1, 2003, three hundred six**  
40 **thousand dollars (\$306,000).**

41 **(7) As used in this subdivision, "CPI" refers to the United**  
42 **States Bureau of Labor Statistics Consumer Price Index, all**

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items, all urban consumers, or its successor index. With respect to disability or death occurring on and after July 1, 2003, the amount specified for maximum compensation for disability or death in this subdivision shall be the greater of:

(A) the amount specified for disability or death as provided in subdivision (6); or

(B) the amount adjusted as determined and published by the worker's compensation board under STEP SEVEN of the following formula:

**STEP ONE:** Determine the amount applicable to the most recent state fiscal year under subdivision (6) for maximum compensation for disability or death.

**STEP TWO:** Determine the CPI for the most recent calendar year.

**STEP THREE:** Determine the CPI for the immediately preceding calendar year used in STEP TWO.

**STEP FOUR:** Determine the remainder of STEP TWO minus STEP THREE.

**STEP FIVE:** Divide STEP FOUR by STEP TWO.

**STEP SIX:** Add one (1) plus STEP FIVE.

**STEP SEVEN:** Multiply STEP ONE by STEP SIX.

(u) For all disabilities occurring before July 1, 1985, "average weekly wages" shall mean the earnings of the injured employee in the employment in which the employee was working at the time of the last exposure during the period of fifty-two (52) weeks immediately preceding the last day of the last exposure divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted. Where the employment prior to the last day of the last exposure extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which, during the fifty-two (52) weeks previous to the last day of the last exposure, was being earned by a person in the same grade employed at the same work by the same employer, or if there is no

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1 person so employed, by a person in the same grade employed in that  
2 same class of employment in the same district. Whenever allowances  
3 of any character are made to an employee in lieu of wages or a  
4 specified part of the wage contract, they shall be deemed a part of the  
5 employee's earnings.

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

30 (w) The provisions of this article may not be construed to result in  
31 an award of benefits in which the number of weeks paid or to be paid  
32 for temporary total disability, temporary partial disability, or permanent  
33 total disability benefits combined exceeds five hundred (500) weeks.  
34 This section shall not be construed to prevent a person from applying  
35 for an award under IC 22-3-3-13. However, in case of permanent total  
36 disability resulting from a disablement occurring on or after January 1,  
37 1998, the minimum total benefit shall not be less than seventy-five  
38 thousand dollars (\$75,000).

39 SECTION 12. IC 22-3-7-20 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 20. (a) After  
41 disablement and during the period of claimed resulting disability or  
42 impairment, the employee, if so requested by the employee's employer

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1 or ordered by the worker's compensation board, shall submit to an  
2 examination at reasonable times and places by a duly qualified  
3 physician or surgeon designated and paid by the employer or by order  
4 of the board. The employee shall have the right to have present at any  
5 such examination any duly qualified physician or surgeon provided and  
6 paid for by the employee. No fact communicated to or otherwise  
7 learned by any physician or surgeon who may have attended or  
8 examined the employee, or who may have been present at any  
9 examination, shall be privileged either in the hearings provided for in  
10 this chapter, or in any action at law brought to recover damages against  
11 any employer who is subject to the compensation provisions of this  
12 chapter. If the employee refuses to submit to, or in any way obstructs  
13 the examinations, the employee's right to compensation and right to  
14 take or prosecute any proceedings under this chapter shall be  
15 suspended until the refusal or obstruction ceases. No compensation  
16 shall at any time be payable for the period of suspension unless in the  
17 opinion of the board, the circumstances justified the refusal or  
18 obstruction. The employee must be served with a notice setting forth  
19 the consequences of the refusal under this subsection. The notice must  
20 be in a form prescribed by the worker's compensation board.

21 (b) Any employer requesting an examination of any employee  
22 residing within Indiana shall pay, in advance of the time fixed for the  
23 examination, sufficient money to defray the necessary expenses of  
24 travel by the most convenient means to and from the place of  
25 examination, and the cost of meals and lodging necessary during the  
26 travel. If the method of travel is by automobile, the mileage rate to be  
27 paid by the employer shall be the rate as is then currently being paid by  
28 the state to its employees under the state travel policies and procedures  
29 established by the department of administration and approved by the  
30 state budget agency. If the examination or travel to or from the place of  
31 examination causes any loss of working time on the part of the  
32 employee, the employer shall reimburse the employee for the loss of  
33 wages upon the basis of such employee's average daily wage.

34 (c) When any employee injured in Indiana moves outside Indiana,  
35 the travel expense and the cost of meals and lodging necessary during  
36 the travel, payable under this section, shall be paid from the point in  
37 Indiana nearest to the employee's then residence to the place of  
38 examination. No travel and other expense shall be paid for any travel  
39 and other expense required outside Indiana.

40 (d) A duly qualified physician or surgeon provided and paid for by  
41 the employee may be present at an examination, if the employee so  
42 desires. In all cases, where the examination is made by a physician or

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1 surgeon engaged by the employer and the disabled or injured employee  
2 has no physician or surgeon present at the examination, it shall be the  
3 duty of the physician or surgeon making the examination to deliver to  
4 the injured employee, or the employee's representative, a statement in  
5 writing of the conditions evidenced by such examination. The  
6 statement shall disclose all facts that are reported by the physician or  
7 surgeon to the employer. This statement shall be furnished to the  
8 employee or the employee's representative as soon as practicable, but  
9 not later than thirty (30) days before the time the case is set for hearing.  
10 The statement may be submitted by either party as evidence by that  
11 physician or surgeon at a hearing before the worker's compensation  
12 board if the statement meets the requirements of subsection (f) (g). If  
13 the physician or surgeon fails or refuses to furnish the employee or the  
14 employee's representative with such statement thirty (30) days before  
15 the hearing, then the statement may not be submitted as evidence, and  
16 the physician shall not be permitted to testify before the worker's  
17 compensation board as to any facts learned in the examination. All of  
18 the requirements of this subsection apply to all subsequent  
19 examinations requested by the employer.

20 (e) **No representative of the employer or insurance carrier,**  
21 **including case managers or rehabilitation nurses, may be present**  
22 **at any examination of an employee with an occupational disease**  
23 **without the express written consent of the employee and the**  
24 **treating medical personnel. At the time of any medical examination**  
25 **that a representative of the employer wishes to attend, the**  
26 **representative of the employer shall inform the employee with an**  
27 **occupational disease and treating medical personnel that their**  
28 **written consent is required before the attendance of the employer's**  
29 **representative. The employee's compensation and benefits may not**  
30 **be jeopardized in any way due to the employee's failure or refusal**  
31 **to complete a written waiver allowing the attendance of the**  
32 **employer's representative. The employer's representative may not**  
33 **in any way cause the employee to believe that the employee's**  
34 **compensation and benefits will be terminated if the employee fails**  
35 **or refuses to complete a written waiver allowing the attendance of**  
36 **the employer's representative. The written waivers shall be**  
37 **executed on forms prescribed by the board.**

38 (f) In all cases where an examination of an employee is made by a  
39 physician or surgeon engaged by the employee, and the employer has  
40 no physician or surgeon present at such examination, it shall be the  
41 duty of the physician or surgeon making the examination to deliver to  
42 the employer or the employer's representative a statement in writing of

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1 the conditions evidenced by such examination. The statement shall  
 2 disclose all the facts that are reported by such physician or surgeon to  
 3 the employee. The statement shall be furnished to the employer or the  
 4 employer's representative as soon as practicable, but not later than  
 5 thirty (30) days before the time the case is set for hearing. The  
 6 statement may be submitted by either party as evidence by that  
 7 physician or surgeon at a hearing before the worker's compensation  
 8 board if the statement meets the requirements of subsection ~~(f)~~ (g). If  
 9 the physician or surgeon fails or refuses to furnish the employer or the  
 10 employer's representative with such statement thirty (30) days before  
 11 the hearing, then the statement may not be submitted as evidence, and  
 12 the physician or surgeon shall not be permitted to testify before the  
 13 worker's compensation board as to any facts learned in such  
 14 examination. All of the requirements of this subsection apply to all  
 15 subsequent examinations made by a physician or surgeon engaged by  
 16 the employee.

17 ~~(f)~~ (g) All statements of physicians or surgeons required by this  
 18 section, whether those engaged by employee or employer, shall contain  
 19 the following information:

- 20 (1) The history of the injury, or claimed injury, as given by the  
 21 patient.
- 22 (2) The diagnosis of the physician or surgeon concerning the  
 23 patient's physical or mental condition.
- 24 (3) The opinion of the physician or surgeon concerning the causal  
 25 relationship, if any, between the injury and the patient's physical  
 26 or mental condition, including the physician's or surgeon's reasons  
 27 for the opinion.
- 28 (4) The opinion of the physician or surgeon concerning whether  
 29 the injury or claimed injury resulted in a disability or impairment  
 30 and, if so, the opinion of the physician or surgeon concerning the  
 31 extent of the disability or impairment and the reasons for the  
 32 opinion.
- 33 (5) The original signature of the physician or surgeon.

34 Notwithstanding any hearsay objection, the worker's compensation  
 35 board shall admit into evidence a statement that meets the requirements  
 36 of this subsection unless the statement is ruled inadmissible on other  
 37 grounds.

38 ~~(g)~~ (h) Delivery of any statement required by this section may be  
 39 made to the attorney or agent of the employer or employee and such an  
 40 action shall be construed as delivery to the employer or employee.

41 ~~(h)~~ (i) Any party may object to a statement on the basis that the  
 42 statement does not meet the requirements of subsection ~~(e)~~ (f). The



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1 objecting party must give written notice to the party providing the  
 2 statement and specify the basis for the objection. Notice of the  
 3 objection must be given no later than twenty (20) days before the  
 4 hearing. Failure to object as provided in this subsection precludes any  
 5 further objection as to the adequacy of the statement under subsection  
 6 ~~(f)~~ (g).

7 ~~(i)~~ (j) The employer upon proper application, or the worker's  
 8 compensation board, shall have the right in any case of death to require  
 9 an autopsy at the expense of the party requesting the same. If, after a  
 10 hearing, the board orders an autopsy and the autopsy is refused by the  
 11 surviving spouse or next of kin, in this event any claim for  
 12 compensation on account of the death shall be suspended and abated  
 13 during the refusal. The surviving spouse or dependent must be served  
 14 with a notice setting forth the consequences of the refusal under this  
 15 subsection. The notice must be in a form prescribed by the worker's  
 16 compensation board. No autopsy, except one performed by or on the  
 17 authority or order of the coroner in discharge of the coroner's duties,  
 18 shall be held in any case by any person without notice first being given  
 19 to the surviving spouse or next of kin, if they reside in Indiana or their  
 20 whereabouts can reasonably be ascertained, of the time and place  
 21 thereof, and reasonable time and opportunity shall be given such  
 22 surviving spouse or next of kin to have a representative or  
 23 representatives present to witness same. However, if such notice is not  
 24 given, all evidence obtained by the autopsy shall be suspended on  
 25 motion duly made to the board.

26 SECTION 13. IC 22-4-19-6, AS AMENDED BY P.L.235-1999,  
 27 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2000]: Sec. 6. (a) Each employing unit shall keep true and  
 29 accurate records containing information the department considers  
 30 necessary. These records are:

- 31 (1) open to inspection; and
- 32 (2) subject to being copied;

33 by an authorized representative of the department at any reasonable  
 34 time and as often as may be necessary. The commissioner, the review  
 35 board, or an administrative law judge may require from any employing  
 36 unit any verified or unverified report, with respect to persons employed  
 37 by it, which is considered necessary for the effective administration of  
 38 this article.

39 (b) Except as provided in subsection (d), information obtained or  
 40 obtained from any person in the administration of this article and the  
 41 records of the department relating to the unemployment tax or the  
 42 payment of benefits is confidential and may not be published or be



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1 open to public inspection in any manner revealing the individual's or  
2 the employing unit's identity, except:

3 (1) in obedience to an order of a court;

4 **(2) when authorized by the individual and the employing unit;**

5 or

6 **(3) as provided in this section.**

7 (c) A claimant at a hearing before an administrative law judge or the  
8 review board shall be supplied with information from the records  
9 referred to in this section to the extent necessary for the proper  
10 presentation of the subject matter of the appearance. The commissioner  
11 may make the information necessary for a proper presentation of a  
12 subject matter before an administrative law judge or the review board  
13 available to an agency of the United States or an Indiana state agency.

14 (d) The commissioner may release the following information:

15 (1) Summary statistical data may be released to the public.

16 (2) Employer specific information known as ES 202 data and data  
17 resulting from enhancements made through the business  
18 establishment list improvement project may be released to the  
19 department of commerce only for the following purposes:

20 (A) The purpose of conducting a survey.

21 (B) The purpose of aiding the officers or employees of the  
22 department of commerce in providing economic development  
23 assistance through program development, research, or other  
24 methods.

25 (C) Other purposes consistent with the goals of the department  
26 of commerce and not inconsistent with those of the  
27 department.

28 (3) Employer specific information known as ES 202 data and data  
29 resulting from enhancements made through the business  
30 establishment list improvement project may be released to the  
31 budget agency only for aiding the employees of the budget agency  
32 in forecasting tax revenues.

33 (4) Information obtained from any person in the administration of  
34 this article and the records of the department relating to the  
35 unemployment tax or the payment of benefits for use by the  
36 following governmental entities:

37 (A) department of state revenue; or

38 (B) state or local law enforcement agencies;

39 only if there is an agreement that the information will be kept  
40 confidential and used for legitimate governmental purposes.

41 (e) The commissioner may make information available under  
42 subsection (d)(1), (d)(2), or (d)(3) only:

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- 1 (1) if:
- 2 (A) data provided in summary form cannot be used to identify
- 3 information relating to a specific employer or specific
- 4 employee; or
- 5 (B) there is an agreement that the employer specific
- 6 information released to the department of commerce or budget
- 7 agency will be treated as confidential and will be released only
- 8 in summary form that cannot be used to identify information
- 9 relating to a specific employer or a specific employee; and
- 10 (2) after the cost of making the information available to the
- 11 person requesting the information is paid under IC 5-14-3.
- 12 (f) An employee:
- 13 (1) of the department who recklessly violates subsection (a), (c),
- 14 (d), or (e); or
- 15 (2) of any governmental entity listed in subsection (d)(4) of this
- 16 chapter who recklessly violates subsection (d)(4) of this chapter;
- 17 commits a Class B misdemeanor.
- 18 (g) An employee of the department of commerce or the budget
- 19 agency who violates subsection (d) or (e) commits a Class B
- 20 misdemeanor.
- 21 SECTION 14. IC 22-4-29-3 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. The commissioner,
- 23 or the commissioner's duly authorized representative, shall immediately
- 24 notify the employing unit of the assessment in writing by mail, and,
- 25 **except as provided in section 4.5 of this chapter**, such assessment
- 26 shall be final unless the employing unit protests such assessment within
- 27 fifteen (15) days after the mailing of the notice.
- 28 SECTION 15. IC 22-4-29-4.5 IS ADDED TO THE INDIANA
- 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 30 [EFFECTIVE JULY 1, 2000]: **Sec. 4.5. (a) Upon terms that are just,**
- 31 **by motion filed with the commissioner, the liability administrative**
- 32 **law judge may relieve an employing unit from a final assessment**
- 33 **under section 3 of this chapter for the following reasons:**
- 34 (1) Mistake.
- 35 (2) Surprise.
- 36 (3) Excusable neglect, including, but not limited to, the
- 37 employing unit showing to the satisfaction of the liability
- 38 administrative law judge that no return was filed because
- 39 there was no contribution liability for the period covered by
- 40 the final assessment.
- 41 (b) The motion must be filed not later than two (2) years after
- 42 the date of the mailing of the notice of assessment under section 3

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- 1 of this chapter.
- 2 (c) The motion must contain:
- 3 (1) the grounds for an appeal under this section; and
- 4 (2) a defense to the assessment imposed in section 2 of this
- 5 chapter.
- 6 (d) Upon receipt of an appeal under this section, if a warrant
- 7 has been filed with the clerk of the circuit court under section 6 of
- 8 this chapter, the commissioner or the commissioner's
- 9 representative shall immediately notify the clerk of the circuit
- 10 court that an appeal has been filed.
- 11 (e) The filing of a motion stays the following:
- 12 (1) Issuance of a warrant by the commissioner or the
- 13 commissioner's representative under section 6 of this chapter.
- 14 (2) Action to be performed by the sheriff or clerk in response
- 15 to the demands of the warrant under section 6 of this chapter.
- 16 (3) Placement of a lien upon the real and personal property of
- 17 the employing unit under section 6 of this chapter.
- 18 (4) Issuance of the warrant to the sheriff of the county by the
- 19 department under section 7 of this chapter.
- 20 (f) Costs due under section 8 of this chapter and amounts
- 21 retained under section 9 of this chapter may not be returned to an
- 22 employing unit that is relieved from assessment liability under this
- 23 section.
- 24 (g) At the hearing, the employing unit seeking to set aside the
- 25 final assessment must show:
- 26 (1) the grounds for relief set forth in subsection (a); and
- 27 (2) the defense to the assessment as required by section 4 of
- 28 this chapter.
- 29 (h) Judicial relief of the decision of the liability administrative
- 30 law judge may be sought under section 5 of this chapter.
- 31 SECTION 16. IC 22-4-32-4 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. **Except as provided**
- 33 **in IC 22-4-29-4.5**, an employing unit shall have fifteen (15) days
- 34 within which to protest in writing initial determinations of the
- 35 commissioner with respect to:
- 36 (1) the assessments of contributions, penalties, and interest;
- 37 (2) the transfer of charges from an employer's account;
- 38 (3) merit rate calculations;
- 39 (4) successorships;
- 40 (5) the denial of claims for refunds and adjustments; and
- 41 (6) a protest arising from an initial determination of the director
- 42 relating to any matter listed in subdivisions (1) through (5).



1 The fifteen (15) day period shall commence with the day following the  
 2 day upon which the initial determination or denial of claim for refund  
 3 or adjustment is mailed to the employing unit.

4 SECTION 17. IC 22-4-32-20 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 20. The contributions,  
 6 penalties, and interest due from any employer under the provisions of  
 7 this article from the time they shall be due shall be a personal liability  
 8 of the:

9 (1) employer; **and**

10 (2) **directors and officers of an employer;**

11 to and for the benefit of the fund and the employment and training  
 12 services administration fund.

13 SECTION 18. IC 22-4-32-23 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 23. (a) As used in this  
 15 section:

16 (1) "Dissolution" refers to dissolution of a corporation under  
 17 IC 23-1-45 through IC 23-1-48.

18 (2) "Liquidation" means the operation or act of winding up a  
 19 corporation's affairs, when normal business activities have ceased,  
 20 by settling its debts and realizing upon and distributing its assets.

21 (3) "Withdrawal" refers to the withdrawal of a foreign corporation  
 22 from Indiana under IC 23-1-50.

23 (b) The officers and directors of a corporation effecting dissolution,  
 24 liquidation, or withdrawal shall do the following:

25 (1) File all necessary documents with the department in a timely  
 26 manner as required by this article.

27 (2) Make all payments of contributions to the department in a  
 28 timely manner as required by this article.

29 (3) File with the department a form of notification within thirty  
 30 (30) days of the adoption of a resolution or plan. The form of  
 31 notification shall be prescribed by the department and may  
 32 require information concerning:

33 (A) the corporation's assets;

34 (B) the corporation's liabilities;

35 (C) details of the plan or resolution;

36 (D) the names and addresses of corporate officers, directors,  
 37 and shareholders;

38 (E) a copy of the minutes of the shareholders' meeting at which  
 39 the plan or resolution was formally adopted; and

40 (F) such other information as the board may require.

41 The commissioner may accept, in lieu of the department's form of  
 42 notification, a copy of Form 966 that the corporation filed with the

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1 Internal Revenue Service.

2 (c) ~~Notwithstanding IC 23-1-35-1(e)~~, unless a clearance is issued  
3 under subsection ~~(g)~~ for a period of one ~~(1)~~ year following the filing of  
4 the form of notification with the department; ~~(e)~~, the corporate officers  
5 and directors remain personally liable ~~subject to IC 23-1-35-1(e)~~; for  
6 any acts or omissions that result in the distribution of corporate assets  
7 in violation of the interests of the state. An officer or director held  
8 liable for an unlawful distribution under this subsection is entitled to  
9 contribution:

10 ~~(1)~~ from every other director who voted for or assented to the  
11 distribution; subject to IC 23-1-35-1(e); and

12 ~~(2)~~ from each shareholder for the amount the shareholder  
13 accepted.

14 ~~(d)~~ The corporation's officers' and directors' personal liability  
15 includes for all contributions, penalties, interest, and fees associated  
16 with the collection of the liability due the department. In addition to the  
17 penalties provided elsewhere in this article, a penalty of up to thirty  
18 percent (30%) of the unpaid contributions may be imposed on the  
19 corporate officers and directors for failure to take reasonable steps to  
20 set aside corporate assets to meet the liability due the department.

21 ~~(e)~~ If the department fails to begin a collection action against a  
22 corporate officer or director within one ~~(1)~~ year after the filing of a  
23 completed form of notification with the department; the personal  
24 liability of the corporate officer or director expires. The filing of a  
25 substantially blank form of notification or a form containing  
26 misrepresentation of material facts does not constitute filing a form of  
27 notification for the purpose of determining the period of personal  
28 liability of the officers and directors of the corporation.

29 ~~(f)~~ ~~(d)~~ In addition to the remedies contained in this section, the  
30 department is entitled to pursue corporate assets that have been  
31 distributed to shareholders in violation of the interests of the state. The  
32 election to pursue one (1) remedy does not foreclose the state's option  
33 to pursue other legal remedies.

34 ~~(g)~~ ~~(e)~~ The department may issue a clearance to a corporation  
35 effecting dissolution, liquidation, or withdrawal if:

36 (1) the officers and directors of the corporation have met the  
37 requirements of subsection (b); and

38 (2) request for the clearance is made in writing by the officers and  
39 directors of the corporation within thirty (30) days after the filing  
40 of the form of notification with the department.

41 ~~(h)~~ ~~(f)~~ The issuance of a clearance by the department under  
42 subsection ~~(g)~~ ~~(e)~~ releases the officers and directors from personal



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1 liability under this section.

2 SECTION 19. IC 23-1-46-3 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) A corporation  
4 administratively dissolved under section 2 of this chapter may apply to  
5 the secretary of state for reinstatement. The application must:

6 (1) recite the name of the corporation and the effective date of its  
7 administrative dissolution;

8 (2) state that the ground or grounds for dissolution either did not  
9 exist or have been eliminated;

10 (3) state that the corporation's name satisfies the requirements of  
11 IC 23-1-23-1; ~~and~~

12 (4) contain a certificate from the department of state revenue  
13 reciting that all taxes owed by the corporation have been paid;  
14 **and**

15 **(5) contain a certificate from the department of workforce**  
16 **development stating that all employer contributions owed by**  
17 **the corporation under IC 22-4-10 have been paid.**

18 (b) If the secretary of state determines that the application contains  
19 the information required by subsection (a) and that the information is  
20 correct, the secretary of state shall cancel the certificate of dissolution  
21 and prepare a certificate of reinstatement that recites the determination  
22 and the effective date of reinstatement, file the original of the  
23 certificate, and serve a copy on the corporation under IC 23-1-24-4.

24 (c) When the reinstatement is effective, it relates back to and takes  
25 effect as of the effective date of the administrative dissolution and the  
26 corporation resumes carrying on its business as if the administrative  
27 dissolution had never occurred.

28 SECTION 20. IC 25-1-5-8 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) The bureau and  
30 the boards may allow the department of state revenue **and the**  
31 **department of workforce development** access to the name of each  
32 person who:

33 (1) is licensed under this chapter; or

34 (2) has applied for a license under this chapter.

35 (b) If the department of state revenue notifies the bureau that a  
36 person is on the most recent tax warrant list, the bureau may not issue  
37 or renew the person's license until:

38 (1) the person provides to the bureau a statement from the  
39 department of state revenue that the person's delinquent tax  
40 liability has been satisfied; or

41 (2) the bureau receives a notice from the commissioner of the  
42 department of state revenue under IC 6-8.1-8-2(k).



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1           **(c) If the department of workforce development notifies the**  
 2 **bureau that a person has unpaid contribution liability, the bureau**  
 3 **may not issue or renew the person's license until the person**  
 4 **provides to the bureau a statement from the department of**  
 5 **workforce development that the person's delinquent contribution**  
 6 **liability has been satisfied.**

7           SECTION 21. IC 25-1-6-8 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) The bureau and  
 9 the boards may allow the department of state revenue **and the**  
 10 **department of workforce development** access to the name of each  
 11 person who:

- 12           (1) is licensed under this chapter; or
- 13           (2) has applied for a license under this chapter.

14           (b) If the department of state revenue notifies the bureau that a  
 15 person is on the most recent tax warrant list, the bureau may not issue  
 16 or renew the person's license until:

- 17           (1) the person provides to the bureau a statement from the  
 18 department of revenue that the person's delinquent tax liability  
 19 has been satisfied; or
- 20           (2) the bureau receives a notice from the commissioner of the  
 21 department of state revenue under IC 6-8.1-8-2(k).

22           **(c) If the department of workforce development notifies the**  
 23 **bureau that a person has unpaid contribution liability, the bureau**  
 24 **may not issue or renew the person's license until the person**  
 25 **provides to the bureau a statement from the department of**  
 26 **workforce development that the person's delinquent contribution**  
 27 **liability has been satisfied.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 52, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert :

A BILL FOR AN ACT to amend the Indiana Code concerning worker's compensation and occupational diseases compensation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Pensions and Labor.

(Reference is to SB 52 as introduced.)

GARTON, Chairperson

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COMMITTEE REPORT

Mr. President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 52, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 52 as printed January 14, 2000.)

HARRISON, Chairperson

Committee Vote: Yeas 7, Nays 3.

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## SENATE MOTION

Mr. President: I move that Senate Bill 52 be amended to read as follows:

Page 11, line 29, delete "or an affirmative finding of a hearing officer concerning".

Page 11, line 30, delete "the disability".

Page 11, line 30, delete "disability." and insert ", **unless a member of the worker's compensation board determines, based upon other clear and convincing evidence, that due to the severity and nature of the injury, temporary total disability or temporary partial disability is obvious without medical opinion evidence of disability.**".

Page 31, between lines 27 and 28, begin a new paragraph and insert: "SECTION 12. IC 22-3-3-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 32. The provisions of this article may not be construed to result in an award ~~of~~ **or series of awards for** benefits in which the number of weeks paid and to be paid for temporary total disability, temporary partial disability, or permanent total disability combined exceeds five hundred (500) weeks. This section shall not be construed to prevent a person who is permanently totally disabled from applying for an award under IC 22-3-3-13. However, in case of permanent total disability resulting from an injury occurring on or after January 1, 1998, the minimum total benefit shall not be less than seventy-five thousand dollars (\$75,000).".

Page 63, line 10, reset in roman "However, in case of permanent total".

Page 63, reset in roman lines 11 through 13.

Re-number all SECTIONS consecutively.

(Reference is to SB 52 as printed January 28, 2000.)

HARRISON

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Senate Bill 52, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LIGGETT, Chair

Committee Vote: yeas 6, nays 2.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 52 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

(Reference is to ESB as printed February 18, 2000.)

LIGGETT

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 52 be amended to read as follows:

Page 63, after line 27, begin a new paragraph and insert:

"SECTION 19. IC 22-4-19-6, AS AMENDED BY P.L.235-1999, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) Each employing unit shall keep true and accurate records containing information the department considers necessary. These records are:

- (1) open to inspection; and
- (2) subject to being copied;

by an authorized representative of the department at any reasonable time and as often as may be necessary. The commissioner, the review board, or an administrative law judge may require from any employing unit any verified or unverified report, with respect to persons employed by it, which is considered necessary for the effective administration of this article.

(b) Except as provided in subsection (d), information obtained or obtained from any person in the administration of this article and the records of the department relating to the unemployment tax or the payment of benefits is confidential and may not be published or be open to public inspection in any manner revealing the individual's or the employing unit's identity, except:

- (1) in obedience to an order of a court;
- (2) **when authorized by the individual and the employing unit;**
- or
- (3) as provided in this section.

(c) A claimant at a hearing before an administrative law judge or the review board shall be supplied with information from the records

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referred to in this section to the extent necessary for the proper presentation of the subject matter of the appearance. The commissioner may make the information necessary for a proper presentation of a subject matter before an administrative law judge or the review board available to an agency of the United States or an Indiana state agency.

(d) The commissioner may release the following information:

(1) Summary statistical data may be released to the public.

(2) Employer specific information known as ES 202 data and data resulting from enhancements made through the business establishment list improvement project may be released to the department of commerce only for the following purposes:

(A) The purpose of conducting a survey.

(B) The purpose of aiding the officers or employees of the department of commerce in providing economic development assistance through program development, research, or other methods.

(C) Other purposes consistent with the goals of the department of commerce and not inconsistent with those of the department.

(3) Employer specific information known as ES 202 data and data resulting from enhancements made through the business establishment list improvement project may be released to the budget agency only for aiding the employees of the budget agency in forecasting tax revenues.

(4) Information obtained from any person in the administration of this article and the records of the department relating to the unemployment tax or the payment of benefits for use by the following governmental entities:

(A) department of state revenue; or

(B) state or local law enforcement agencies;

only if there is an agreement that the information will be kept confidential and used for legitimate governmental purposes.

(e) The commissioner may make information available under subsection (d)(1), (d)(2), or (d)(3) only:

(1) if:

(A) data provided in summary form cannot be used to identify information relating to a specific employer or specific employee; or

(B) there is an agreement that the employer specific information released to the department of commerce or budget agency will be treated as confidential and will be released only in summary form that cannot be used to identify information

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relating to a specific employer or a specific employee; and  
 (2) after the cost of making the information available to the person requesting the information is paid under IC 5-14-3.

(f) An employee:

(1) of the department who recklessly violates subsection (a), (c), (d), or (e); or

(2) of any governmental entity listed in subsection (d)(4) of this chapter who recklessly violates subsection (d)(4) of this chapter; commits a Class B misdemeanor.

(g) An employee of the department of commerce or the budget agency who violates subsection (d) or (e) commits a Class B misdemeanor.

SECTION 20. IC 22-4-29-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. The commissioner, or the commissioner's duly authorized representative, shall immediately notify the employing unit of the assessment in writing by mail, and, **except as provided in section 4.5 of this chapter**, such assessment shall be final unless the employing unit protests such assessment within fifteen (15) days after the mailing of the notice.

SECTION 21. IC 22-4-29-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 4.5. (a) Upon terms that are just, by motion filed with the commissioner, the liability administrative law judge may relieve an employing unit from a final assessment under section 3 of this chapter for the following reasons:**

(1) Mistake.

(2) Surprise.

(3) Excusable neglect, including, but not limited to, the employing unit showing to the satisfaction of the liability administrative law judge that no return was filed because there was no contribution liability for the period covered by the final assessment.

(b) The motion must be filed not later than two (2) years after the date of the mailing of the notice of assessment under section 3 of this chapter.

(c) The motion must contain:

(1) the grounds for an appeal under this section; and

(2) a defense to the assessment imposed in section 2 of this chapter.

(d) Upon receipt of an appeal under this section, if a warrant has been filed with the clerk of the circuit court under section 6 of this chapter, the commissioner or the commissioner's

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representative shall immediately notify the clerk of the circuit court that an appeal has been filed.

(e) The filing of a motion stays the following:

- (1) Issuance of a warrant by the commissioner or the commissioner's representative under section 6 of this chapter.
- (2) Action to be performed by the sheriff or clerk in response to the demands of the warrant under section 6 of this chapter.
- (3) Placement of a lien upon the real and personal property of the employing unit under section 6 of this chapter.
- (4) Issuance of the warrant to the sheriff of the county by the department under section 7 of this chapter.

(f) Costs due under section 8 of this chapter and amounts retained under section 9 of this chapter may not be returned to an employing unit that is relieved from assessment liability under this section.

(g) At the hearing, the employing unit seeking to set aside the final assessment must show:

- (1) the grounds for relief set forth in subsection (a); and
- (2) the defense to the assessment as required by section 4 of this chapter.

(h) Judicial relief of the decision of the liability administrative law judge may be sought under section 5 of this chapter.

SECTION 22. IC 22-4-32-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. **Except as provided in IC 22-4-29-4.5**, an employing unit shall have fifteen (15) days within which to protest in writing initial determinations of the commissioner with respect to:

- (1) the assessments of contributions, penalties, and interest;
- (2) the transfer of charges from an employer's account;
- (3) merit rate calculations;
- (4) successorships;
- (5) the denial of claims for refunds and adjustments; and
- (6) a protest arising from an initial determination of the director relating to any matter listed in subdivisions (1) through (5).

The fifteen (15) day period shall commence with the day following the day upon which the initial determination or denial of claim for refund or adjustment is mailed to the employing unit.

SECTION 23. IC 22-4-32-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 20. The contributions, penalties, and interest due from any employer under the provisions of this article from the time they shall be due shall be a personal liability of the:

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- (1) employer; **and**  
 (2) **directors and officers of an employer;**

to and for the benefit of the fund and the employment and training services administration fund.

SECTION 24. IC 22-4-32-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 23. (a) As used in this section:

- (1) "Dissolution" refers to dissolution of a corporation under IC 23-1-45 through IC 23-1-48.  
 (2) "Liquidation" means the operation or act of winding up a corporation's affairs, when normal business activities have ceased, by settling its debts and realizing upon and distributing its assets.  
 (3) "Withdrawal" refers to the withdrawal of a foreign corporation from Indiana under IC 23-1-50.

(b) The officers and directors of a corporation effecting dissolution, liquidation, or withdrawal shall do the following:

- (1) File all necessary documents with the department in a timely manner as required by this article.  
 (2) Make all payments of contributions to the department in a timely manner as required by this article.  
 (3) File with the department a form of notification within thirty (30) days of the adoption of a resolution or plan. The form of notification shall be prescribed by the department and may require information concerning:  
 (A) the corporation's assets;  
 (B) the corporation's liabilities;  
 (C) details of the plan or resolution;  
 (D) the names and addresses of corporate officers, directors, and shareholders;  
 (E) a copy of the minutes of the shareholders' meeting at which the plan or resolution was formally adopted; and  
 (F) such other information as the board may require.

The commissioner may accept, in lieu of the department's form of notification, a copy of Form 966 that the corporation filed with the Internal Revenue Service.

(c) **Notwithstanding IC 23-1-35-1(e)**, unless a clearance is issued under subsection (g) for a period of one (1) year following the filing of the form of notification with the department; (e), the corporate officers and directors remain personally liable subject to IC 23-1-35-1(e), for any acts or omissions that result in the distribution of corporate assets in violation of the interests of the state. An officer or director held liable for an unlawful distribution under this subsection is entitled to



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contribution:

- (1) from every other director who voted for or assented to the distribution; subject to IC 23-1-35-1(e); and
- (2) from each shareholder for the amount the shareholder accepted.

(d) The corporation's officers' and directors' personal liability includes for all contributions, penalties, interest, and fees associated with the collection of the liability due the department. In addition to the penalties provided elsewhere in this article, a penalty of up to thirty percent (30%) of the unpaid contributions may be imposed on the corporate officers and directors for failure to take reasonable steps to set aside corporate assets to meet the liability due the department.

(e) If the department fails to begin a collection action against a corporate officer or director within one (1) year after the filing of a completed form of notification with the department; the personal liability of the corporate officer or director expires. The filing of a substantially blank form of notification or a form containing misrepresentation of material facts does not constitute filing a form of notification for the purpose of determining the period of personal liability of the officers and directors of the corporation.

(f) (d) In addition to the remedies contained in this section, the department is entitled to pursue corporate assets that have been distributed to shareholders in violation of the interests of the state. The election to pursue one (1) remedy does not foreclose the state's option to pursue other legal remedies.

(g) (e) The department may issue a clearance to a corporation effecting dissolution, liquidation, or withdrawal if:

- (1) the officers and directors of the corporation have met the requirements of subsection (b); and
- (2) request for the clearance is made in writing by the officers and directors of the corporation within thirty (30) days after the filing of the form of notification with the department.

(h) (f) The issuance of a clearance by the department under subsection (g) (e) releases the officers and directors from personal liability under this section.

SECTION 25. IC 23-1-46-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) A corporation administratively dissolved under section 2 of this chapter may apply to the secretary of state for reinstatement. The application must:

- (1) recite the name of the corporation and the effective date of its administrative dissolution;
- (2) state that the ground or grounds for dissolution either did not



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exist or have been eliminated;

(3) state that the corporation's name satisfies the requirements of IC 23-1-23-1; ~~and~~

(4) contain a certificate from the department of state revenue reciting that all taxes owed by the corporation have been paid; **and**

**(5) contain a certificate from the department of workforce development stating that all employer contributions owed by the corporation under IC 22-4-10 have been paid.**

(b) If the secretary of state determines that the application contains the information required by subsection (a) and that the information is correct, the secretary of state shall cancel the certificate of dissolution and prepare a certificate of reinstatement that recites the determination and the effective date of reinstatement, file the original of the certificate, and serve a copy on the corporation under IC 23-1-24-4.

(c) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the corporation resumes carrying on its business as if the administrative dissolution had never occurred.

SECTION 26. IC 25-1-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) The bureau and the boards may allow the department of state revenue **and the department of workforce development** access to the name of each person who:

(1) is licensed under this chapter; or

(2) has applied for a license under this chapter.

(b) If the department of state revenue notifies the bureau that a person is on the most recent tax warrant list, the bureau may not issue or renew the person's license until:

(1) the person provides to the bureau a statement from the department of state revenue that the person's delinquent tax liability has been satisfied; or

(2) the bureau receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

**(c) If the department of workforce development notifies the bureau that a person has unpaid contribution liability, the bureau may not issue or renew the person's license until the person provides to the bureau a statement from the department of workforce development that the person's delinquent contribution liability has been satisfied.**

SECTION 27. IC 25-1-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) The bureau and



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the boards may allow the department of state revenue **and the department of workforce development** access to the name of each person who:

- (1) is licensed under this chapter; or
- (2) has applied for a license under this chapter.

(b) If the department of state revenue notifies the bureau that a person is on the most recent tax warrant list, the bureau may not issue or renew the person's license until:

- (1) the person provides to the bureau a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or
- (2) the bureau receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

**(c) If the department of workforce development notifies the bureau that a person has unpaid contribution liability, the bureau may not issue or renew the person's license until the person provides to the bureau a statement from the department of workforce development that the person's delinquent contribution liability has been satisfied."**

(Reference is to ESB 52 as printed February 18, 2000.)

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## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 52 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 19, line 12, after "2002," insert "**and before July 1, 2003,**".

Page 19, between lines 21 and 22, begin a new line block indented and insert:

**"(10) As used in this subdivision, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index, all items, all urban consumers, or its successor index. With respect to injuries occurring on and after July 1, 2003, the amount specified for degrees of permanent impairment in this subdivision shall be the greater of:**

**(A) the amount specified for the degrees of permanent impairment as provided in subdivision (9); or**

**(B) the amount adjusted as determined and published by the worker's compensation board under STEP SEVEN of the following formula:**

**STEP ONE: Determine the amount applicable to the most recent state fiscal year under this subdivision for the degrees of permanent impairment.**

**STEP TWO: Determine the CPI for the most recent calendar year.**

**STEP THREE: Determine the CPI for the immediately preceding calendar year used in STEP TWO.**

**STEP FOUR: Determine the remainder of STEP TWO minus STEP THREE.**

**STEP FIVE: Divide STEP FOUR by STEP TWO.**

**STEP SIX: Add one (1) plus STEP FIVE.**

**STEP SEVEN: Multiply STEP ONE by STEP SIX."**

Page 20, line 2, after "2002," insert "**and before July 1, 2003,**".

Page 20, between lines 2 and 3, begin a new line block indented and insert:

**"(11) As used in this subdivision, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index, all items, all urban consumers, or its successor index. With respect to injuries occurring on and after July 1, 2003, the amount specified for average weekly wages in this subdivision shall be the greater of:**

**(A) the average weekly wages amount as provided in subdivision (10); or**

**(B) the amount adjusted as determined and published by**



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the worker's compensation board under STEP SEVEN of the following formula:

**STEP ONE:** Determine the amount applicable to the most recent state fiscal year under this subdivision for average weekly wages.

**STEP TWO:** Determine the CPI for the most recent calendar year.

**STEP THREE:** Determine the CPI for the immediately preceding calendar year used in STEP TWO.

**STEP FOUR:** Determine the remainder of STEP TWO minus STEP THREE.

**STEP FIVE:** Divide STEP FOUR by STEP TWO.

**STEP SIX:** Add one (1) plus STEP FIVE.

**STEP SEVEN:** Multiply STEP ONE by STEP SIX."

Page 25, line 6, delete "and".

Page 25, line 8, delete ":" and insert ", and before July 1, 2003:".

Page 25, line 11, delete "." and insert "; and".

Page 25, between lines 11 and 12, begin a new line block indented and insert:

**"(7) with respect to injuries occurring on and after July 1, 2003, (as used in this subdivision, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index, all items, all urban consumers, or its successor index), the amount specified for average weekly wages in this subdivision shall be the greater of:**

**(A) the average weekly wages amount as provided in subdivision (6); or**

**(B) the amount adjusted as determined and published by the worker's compensation board under STEP SEVEN of the following formula:**

**STEP ONE:** Determine the amount applicable to the most recent state fiscal year under this subdivision for the average weekly wages.

**STEP TWO:** Determine the CPI for the most recent calendar year.

**STEP THREE:** Determine the CPI for the immediately preceding calendar year used in STEP TWO.

**STEP FOUR:** Determine the remainder of STEP TWO minus STEP THREE.

**STEP FIVE:** Divide STEP FOUR by STEP TWO.

**STEP SIX:** Add one (1) plus STEP FIVE.

**STEP SEVEN:** Multiply STEP ONE by STEP SIX."



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Page 28, line 18, after "2002," insert "**and before July 1, 2003,**".

Page 28, between lines 18 and 19, begin a new line block indented and insert:

**"(7) As used in this subdivision, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index, all items, all urban consumers, or its successor index. With respect to an injury occurring on and after July 1, 2003, the amount specified for maximum compensation for an injury in this subdivision shall be the greater of:**

**(A) the maximum compensation for an injury as provided in subdivision (6); or**

**(B) the amount adjusted as determined and published by the worker's compensation board under STEP SEVEN of the following formula:**

**STEP ONE: Determine the amount applicable to the most recent state fiscal year under this subdivision for the maximum compensation for an injury.**

**STEP TWO: Determine the CPI for the most recent calendar year.**

**STEP THREE: Determine the CPI for the immediately preceding calendar year used in STEP TWO.**

**STEP FOUR: Determine the remainder of STEP TWO minus STEP THREE.**

**STEP FIVE: Divide STEP FOUR by STEP TWO.**

**STEP SIX: Add one (1) plus STEP FIVE.**

**STEP SEVEN: Multiply STEP ONE by STEP SIX."**

Page 29, line 11, after "2002," insert "**and before July 1, 2003,**".

Page 29, line 11, delete "." and insert "**: or**".

Page 29, between lines 11 and 12, begin a new line double block indented and insert:

**"(E) As used in this clause, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index, all items, all urban consumers, or its successor index. With respect to injuries occurring on and after July 1, 2003, the amount specified for average weekly earnings in this clause shall be the greater of:**

**(i) the average weekly wages amount as provided in clause (D); or**

**(ii) the amount adjusted as determined and published by the worker's compensation board under STEP SEVEN of the following formula:**

**STEP ONE: Determine the amount applicable to the**

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most recent state fiscal year under this subdivision for the average weekly earnings.

**STEP TWO:** Determine the CPI for the most recent calendar year.

**STEP THREE:** Determine the CPI for the immediately preceding calendar year used in STEP TWO.

**STEP FOUR:** Determine the remainder of STEP TWO minus STEP THREE.

**STEP FIVE:** Divide STEP FOUR by STEP TWO.

**STEP SIX:** Add one (1) plus STEP FIVE.

**STEP SEVEN:** Multiply STEP ONE by STEP SIX."

Page 40, line 9, delete "injuries" and insert "disabilities".

Page 40, line 19, delete "injuries" and insert "disabilities".

Page 40, line 30, delete "injuries" and insert "disabilities".

Page 40, line 31, after "2002," insert "and before July 1, 2003,".

Page 40, between lines 40 and 41, begin a new line block indented and insert:

**"(10) As used in this subdivision, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index, all items, all urban consumers, or its successor index. With respect to disabilities occurring on and after July 1, 2003, the amount specified for degrees of permanent impairment in this subdivision shall be the greater of:**

**(A) the amount specified for degrees of permanent impairment as provided in subdivision (9); or**

**(B) the amount adjusted as determined and published by the worker's compensation board under STEP SEVEN of the following formula:**

**STEP ONE:** Determine the amount applicable to the most recent state fiscal year under subdivision (9) for the degrees of permanent impairment.

**STEP TWO:** Determine the CPI for the most recent calendar year.

**STEP THREE:** Determine the CPI for the immediately preceding calendar year used in STEP TWO.

**STEP FOUR:** Determine the remainder of STEP TWO minus STEP THREE.

**STEP FIVE:** Divide STEP FOUR by STEP TWO.

**STEP SIX:** Add one (1) plus STEP FIVE.

**STEP SEVEN:** Multiply STEP ONE by STEP SIX."

Page 41, line 24, delete "injuries" and insert "disabilities".

Page 41, line 26, delete "injuries" and insert "disabilities".



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Page 41, line 27, after "2002," insert "**and before July 1, 2003**,".

Page 41, between lines 27 and 28, begin a new line block indented and insert:

**"(11) As used in this subdivision, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index, all items, all urban consumers, or its successor index. With respect to disablements occurring on and after July 1, 2003, the amount specified for the average weekly wages in this subdivision shall be the greater of:**

**(A) the average weekly wages amount as provided in subdivision (10); or**

**(B) the amount adjusted as determined and published by the worker's compensation board under STEP SEVEN of the following formula:**

**STEP ONE: Determine the amount applicable to the most recent fiscal year under subdivision (10) for the average weekly wages.**

**STEP TWO: Determine the CPI for the most recent calendar year.**

**STEP THREE: Determine the CPI for the immediately preceding calendar year used in STEP TWO.**

**STEP FOUR: Determine the remainder of STEP TWO minus STEP THREE.**

**STEP FIVE: Divide STEP FOUR by STEP TWO.**

**STEP SIX: Add one (1) plus STEP FIVE.**

**STEP SEVEN: Multiply STEP ONE by STEP SIX."**

Page 52, line 8, delete "injuries" and insert "**occupational diseases**".

Page 52, line 12, delete "injuries" and insert "**occupational diseases**".

Page 52, line 13, after "2002" insert "**, and before July 1, 2003**".

Page 52, between lines 16 and 17, begin a new line block indented and insert:

**"(7) As used in this subdivision, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index, all items, all urban consumers, or its successor index. With respect to disablements occurring on and after July 1, 2003, the amount specified for average weekly wages in this subdivision shall be the greater of:**

**(A) the average weekly wages amount as provided in subdivision (6); or**

**(B) the amount adjusted as determined and published by the worker's compensation board under STEP SEVEN of**

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the following formula:

**STEP ONE:** Determine the amount applicable to the most recent state fiscal year under this subdivision for average weekly wages.

**STEP TWO:** Determine the CPI for the most recent calendar year.

**STEP THREE:** Determine the CPI for the immediately preceding calendar year used in STEP TWO.

**STEP FOUR:** Determine the remainder of STEP TWO minus STEP THREE.

**STEP FIVE:** Divide STEP FOUR by STEP TWO.

**STEP SIX:** Add one (1) plus STEP FIVE.

**STEP SEVEN:** Multiply STEP ONE by STEP SIX."

Page 54, line 14, delete "an injury" and insert "**disability or death**".

Page 54, line 17, delete "an injury" and insert "**disability or death**".

Page 54, line 18, after "2002," insert "**and before July 1, 2003,**".

Page 54, between lines 18 and 19, begin a new line block indented, and insert:

**"(7) As used in this subdivision, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index, all items, all urban consumers, or its successor index. With respect to disability or death occurring on and after July 1, 2003, the amount specified for maximum compensation for disability or death in this subdivision shall be the greater of:**

**(A) the amount specified for disability or death as provided in subdivision (6); or**

**(B) the amount adjusted as determined and published by the worker's compensation board under STEP SEVEN of the following formula:**

**STEP ONE:** Determine the amount applicable to the most recent state fiscal year under subdivision (6) for maximum compensation for disability or death.

**STEP TWO:** Determine the CPI for the most recent calendar year.

**STEP THREE:** Determine the CPI for the immediately preceding calendar year used in STEP TWO.

**STEP FOUR:** Determine the remainder of STEP TWO minus STEP THREE.

**STEP FIVE:** Divide STEP FOUR by STEP TWO.

**STEP SIX:** Add one (1) plus STEP FIVE.



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**STEP SEVEN: Multiply STEP ONE by STEP SIX."**

(Reference is to ESB 52 as Reprinted-Digest Correction February 22, 2000.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 52, begs leave to report that said bill has been amended as directed.

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