

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

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

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 22-3-3-7 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2000]: Sec. 7. (a) Compensation shall be
- 4 allowed on account of injuries producing only temporary total disability
- 5 to work or temporary partial disability to work beginning with the
- 6 eighth (8th) day of such disability except for medical benefits provided
- 7 in section 4 of the chapter. Compensation shall be allowed for the first
- 8 seven (7) calendar days only if the disability continues for longer than
- 9 twenty-one (21) days.
- 10 (b) The first weekly installment of compensation for temporary
- 11 disability is due fourteen (14) days after the disability begins. Not later
- 12 than fifteen (15) days from the date that the first installment of
- 13 compensation is due, the employer or the employer's insurance carrier
- 14 shall tender to the employee or to the employee's dependents, with all
- 15 compensation due, a properly prepared compensation agreement in a
- 16 form prescribed by the board. Whenever an employer or the employer's
- 17 insurance carrier denies or is not able to determine liability to pay
- 18 compensation or benefits, the employer or the employer's insurance
- 19 carrier shall notify the worker's compensation board and the employee
- 20 in writing on a form prescribed by the worker's compensation board not
- 21 later than thirty (30) days after the employer's knowledge of the
- 22 claimed injury. If a determination of liability cannot be made within
- 23 thirty (30) days, the worker's compensation board may approve an
- 24 additional thirty (30) days upon a written request of the employer or the

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

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

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

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

- 26 (1) the employee has returned to any employment;
- 27 (2) the employee has died;
- 28 (3) the employee has refused to undergo a medical examination
- 29 under section 6 of this chapter or has refused to accept suitable
- 30 employment under section 11 of this chapter;
- 31 (4) the employee has received five hundred (500) weeks of
- 32 temporary total disability benefits or has been paid the maximum
- 33 compensation allowed under section 22 of this chapter; or
- 34 (5) the employee is unable or unavailable to work for reasons
- 35 unrelated to the compensable injury.

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

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

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

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

28 SECTION 2. IC 22-3-3-10 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. (a) With respect to
30 injuries in the following schedule occurring prior to April 1, 1951, the
31 employee shall receive in addition to temporary total disability benefits
32 not exceeding twenty-six (26) weeks on account of the injuries, a
33 weekly compensation of fifty-five percent (55%) of the employee's
34 average weekly wages. With respect to injuries in the following
35 schedule occurring on and after April 1, 1951, and prior to July 1,
36 1971, the employee shall receive in addition to temporary total
37 disability benefits not exceeding twenty-six (26) weeks on account of
38 the injuries, a weekly compensation of sixty percent (60%) of the
39 employee's average weekly wages. With respect to injuries in the
40 following schedule occurring on and after July 1, 1971, and before July
41 1, 1977, the employee shall receive in addition to temporary total
42 disability benefits not exceeding twenty-six (26) weeks on account of
43 the injuries, a weekly compensation of sixty percent (60%) of the
44 employee's average weekly wages not to exceed one hundred dollars
45 (\$100) average weekly wages, for the periods stated for the injuries.
46 With respect to injuries in the following schedule occurring on and

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

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

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

34 (1) Amputation: For the loss by separation of the thumb, sixty
 35 (60) weeks, of the index finger forty (40) weeks, of the second
 36 finger thirty-five (35) weeks, of the third or ring finger thirty (30)
 37 weeks, of the fourth or little finger twenty (20) weeks, of the hand
 38 by separation below the elbow joint two hundred (200) weeks, or
 39 the arm above the elbow two hundred fifty (250) weeks, of the big
 40 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the
 41 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,
 42 of the fifth or little toe ten (10) weeks, and for loss occurring
 43 before April 1, 1959, by separation of the foot below the knee
 44 joint one hundred fifty (150) weeks and of the leg above the knee
 45 joint two hundred (200) weeks; for loss occurring on and after
 46 April 1, 1959, by separation of the foot below the knee joint, one

- 1 hundred seventy-five (175) weeks and of the leg above the knee
 2 joint two hundred twenty-five (225) weeks. The loss of more than
 3 one (1) phalange of a thumb or toes shall be considered as the loss
 4 of the entire thumb or toe. The loss of more than two (2)
 5 phalanges of a finger shall be considered as the loss of the entire
 6 finger. The loss of not more than one (1) phalange of a thumb or
 7 toe shall be considered as the loss of one-half (1/2) of the thumb
 8 or toe and compensation shall be paid for one-half (1/2) of the
 9 period for the loss of the entire thumb or toe. The loss of not more
 10 than one (1) phalange of a finger shall be considered as the loss
 11 of one-third (1/3) of the finger and compensation shall be paid for
 12 one-third (1/3) the period for the loss of the entire finger. The loss
 13 of more than one (1) phalange of the finger but not more than two
 14 (2) phalanges of the finger, shall be considered as the loss of
 15 one-half (1/2) of the finger and compensation shall be paid for
 16 one-half (1/2) of the period for the loss of the entire finger.
- 17 (2) For the loss by separation of both hands or both feet or the
 18 total sight of both eyes, or any two (2) such losses in the same
 19 accident, five hundred (500) weeks.
- 20 (3) For the permanent and complete loss of vision by enucleation
 21 or its reduction to one-tenth (1/10) of normal vision with glasses,
 22 one hundred seventy-five (175) weeks.
- 23 (4) For the permanent and complete loss of hearing in one (1) ear,
 24 seventy-five (75) weeks, and in both ears, two hundred (200)
 25 weeks.
- 26 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of
 27 both testicles, one hundred fifty (150) weeks.
- 28 (b) With respect to injuries in the following schedule occurring prior
 29 to April 1, 1951, the employee shall receive in lieu of all other
 30 compensation on account of the injuries, a weekly compensation of
 31 fifty-five percent (55%) of the employee's average weekly wages. With
 32 respect to injuries in the following schedule occurring on and after
 33 April 1, 1951, and prior to April 1, 1955, the employee shall receive in
 34 lieu of all other compensation on account of the injuries a weekly
 35 compensation of sixty percent (60%) of the employee's average weekly
 36 wages. With respect to injuries in the following schedule occurring on
 37 and after April 1, 1955, and prior to July 1, 1971, the employee shall
 38 receive in addition to temporary total disability benefits not exceeding
 39 twenty-six (26) weeks on account of the injuries, a weekly
 40 compensation of sixty percent (60%) of the employee's average weekly
 41 wages. With respect to injuries in the following schedule occurring on
 42 and after July 1, 1971, and before July 1, 1977, the employee shall
 43 receive in addition to temporary total disability benefits not exceeding
 44 twenty-six (26) weeks on account of the injuries, a weekly
 45 compensation of sixty percent (60%) of the employee's average weekly
 46 wages, not to exceed one hundred dollars (\$100) average weekly

1 wages, for the period stated for such injuries respectively. With respect
 2 to injuries in the following schedule occurring on and after July 1,
 3 1977, and before July 1, 1979, the employee shall receive, in addition
 4 to temporary total disability benefits not exceeding twenty-six (26)
 5 weeks on account of the injury, a weekly compensation of sixty percent
 6 (60%) of the employee's 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 exceeding 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) Loss of use: The total permanent loss of the use of an arm,
 37 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
 38 as the equivalent of the loss by separation of the arm, hand,
 39 thumb, finger, leg, foot, toe, or phalange, and compensation shall
 40 be paid for the same period as for the loss thereof by separation.

41 (2) Partial loss of use: For the permanent partial loss of the use of
 42 an arm, hand, thumb, finger, leg, foot, toe, or phalange,
 43 compensation shall be paid for the proportionate loss of the use of
 44 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

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

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

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

16 (6) In all other cases of permanent partial impairment,
17 compensation proportionate to the degree of such permanent
18 partial impairment, in the discretion of the worker's compensation
19 board, not exceeding five hundred (500) weeks.

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

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

34 (1) Amputation: For the loss by separation of the thumb, twelve
35 (12) degrees of permanent impairment; of the index finger, eight
36 (8) degrees of permanent impairment; of the second finger, seven
37 (7) degrees of permanent impairment; of the third or ring finger,
38 six (6) degrees of permanent impairment; of the fourth or little
39 finger, four (4) degrees of permanent impairment; of the hand by
40 separation below the elbow joint, forty (40) degrees of permanent
41 impairment; of the arm above the elbow, fifty (50) degrees of
42 permanent impairment; of the big toe, twelve (12) degrees of
43 permanent impairment; of the second toe, six (6) degrees of
44 permanent impairment; of the third toe, four (4) degrees of
45 permanent impairment; of the fourth toe, three (3) degrees of
46 permanent impairment; of the fifth or little toe, two (2) degrees of

- 1 permanent impairment; by separation of the foot below the knee
2 joint, thirty-five (35) degrees of permanent impairment; and of the
3 leg above the knee joint, forty-five (45) degrees of permanent
4 impairment.
- 5 (2) Amputations: For the loss by separation of any of the body
6 parts described in subdivision (1) on or after July 1, 1997, and for
7 the loss by separation of any of the body parts described in
8 subdivision (3), (5), or (8), on or after July 1, 1999, the dollar
9 values per degree applying on the date of the injury as described
10 in subsection (d) shall be multiplied by two (2). However, the
11 doubling provision of this subdivision does not apply to a loss of
12 use that is not a loss by separation.
- 13 (3) The loss of more than one (1) phalange of a thumb or toe shall
14 be considered as the loss of the entire thumb or toe. The loss of
15 more than two (2) phalanges of a finger shall be considered as the
16 loss of the entire finger. The loss of not more than one (1)
17 phalange of a thumb or toe shall be considered as the loss of
18 one-half (1/2) of the degrees of permanent impairment for the loss
19 of the entire thumb or toe. The loss of not more than one (1)
20 phalange of a finger shall be considered as the loss of one-third
21 (1/3) of the finger and compensation shall be paid for one-third
22 (1/3) of the degrees payable for the loss of the entire finger. The
23 loss of more than one (1) phalange of the finger but not more than
24 two (2) phalanges of the finger shall be considered as the loss of
25 one-half (1/2) of the finger and compensation shall be paid for
26 one-half (1/2) of the degrees payable for the loss of the entire
27 finger.
- 28 (4) For the loss by separation of both hands or both feet or the
29 total sight of both eyes or any two (2) such losses in the same
30 accident, one hundred (100) degrees of permanent impairment.
- 31 (5) For the permanent and complete loss of vision by enucleation,
32 thirty-five (35) degrees of permanent impairment.
- 33 (6) For the reduction of vision to one-tenth (1/10) of normal
34 vision with glasses, thirty-five (35) degrees of permanent
35 impairment.
- 36 (7) For the permanent and complete loss of hearing in one (1) ear,
37 fifteen (15) degrees of permanent impairment, and in both ears,
38 forty (40) degrees of permanent impairment.
- 39 (8) For the loss of one (1) testicle, ten (10) degrees of permanent
40 impairment; for the loss of both testicles, thirty (30) degrees of
41 permanent impairment.
- 42 (9) Loss of use: The total permanent loss of the use of an arm, a
43 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
44 considered as the equivalent of the loss by separation of the arm,
45 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
46 shall be paid in the same amount as for the loss by separation.

- 1 However, the doubling provision of subdivision (2) does not
2 apply to a loss of use that is not a loss by separation.
- 3 (10) Partial loss of use: For the permanent partial loss of the use
4 of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
5 phalange, compensation shall be paid for the proportionate loss of
6 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 7 (11) For injuries resulting in total permanent disability, the
8 amount payable for impairment or five hundred (500) weeks of
9 compensation, whichever is greater.
- 10 (12) For any permanent reduction of the sight of an eye less than
11 a total loss as specified in subsection (a)(3), the compensation
12 shall be paid in an amount proportionate to the degree of a
13 permanent reduction without correction or glasses. However,
14 when a permanent reduction without correction or glasses would
15 result in one hundred percent (100%) loss of vision, then
16 compensation shall be paid for fifty percent (50%) of the total loss
17 of vision without glasses, plus an additional amount equal to the
18 proportionate amount of the reduction with glasses, not to exceed
19 an additional fifty percent (50%).
- 20 (13) For any permanent reduction of the hearing of one (1) or both
21 ears, less than the total loss as specified in subsection (a)(4),
22 compensation shall be paid in an amount proportionate to the
23 degree of a permanent reduction.
- 24 (14) In all other cases of permanent partial impairment,
25 compensation proportionate to the degree of a permanent partial
26 impairment, in the discretion of the worker's compensation board,
27 not exceeding one hundred (100) degrees of permanent
28 impairment.
- 29 (15) In all cases of permanent disfigurement which may impair
30 the future usefulness or opportunities of the employee,
31 compensation, in the discretion of the worker's compensation
32 board, not exceeding forty (40) degrees of permanent impairment
33 except that no compensation shall be payable under this
34 subdivision where compensation is payable elsewhere in this
35 section.
- 36 (d) Compensation for permanent partial impairment shall be paid
37 according to the degree of permanent impairment for the injury
38 determined under subsection (c) and the following:
- 39 (1) With respect to injuries occurring on and after July 1, 1991,
40 and before July 1, 1992, for each degree of permanent impairment
41 from one (1) to thirty-five (35), five hundred dollars (\$500) per
42 degree; for each degree of permanent impairment from thirty-six
43 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each
44 degree of permanent impairment above fifty (50), one thousand
45 five hundred dollars (\$1,500) per degree.
- 46 (2) With respect to injuries occurring on and after July 1, 1992,

1 and before July 1, 1993, for each degree of permanent impairment
2 from one (1) to twenty (20), five hundred dollars (\$500) per
3 degree; for each degree of permanent impairment from
4 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
5 per degree; for each degree of permanent impairment from
6 thirty-six (36) to fifty (50), one thousand three hundred dollars
7 (\$1,300) per degree; for each degree of permanent impairment
8 above fifty (50), one thousand seven hundred dollars (\$1,700) per
9 degree.

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

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

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

39 (6) With respect to injuries occurring on and after July 1, 1999,
40 **and before July 1, 2000**, for each degree of permanent
41 impairment from one (1) to ten (10), nine hundred dollars (\$900)
42 per degree; for each degree of permanent impairment from eleven
43 (11) to thirty-five (35), one thousand one hundred dollars
44 (\$1,100) per degree; for each degree of permanent impairment
45 from thirty-six (36) to fifty (50), one thousand six hundred dollars
46 (\$1,600) per degree; for each degree of permanent impairment

1 above fifty (50), two thousand dollars (\$2,000) per degree.

2 **(7) With respect to injuries occurring on and after July 1,**
 3 **2000, and before July 1, 2001, for each degree of permanent**
 4 **impairment from one (1) to ten (10), one thousand four**
 5 **dollars (\$1,400) per degree; for each degree of permanent**
 6 **impairment from eleven (11) to thirty-five (35), two thousand**
 7 **one hundred dollars (\$2,100) per degree; for each degree of**
 8 **permanent impairment from thirty-six (36) to fifty (50), three**
 9 **thousand six hundred dollars (\$3,600) per degree; for each**
 10 **degree of permanent impairment above fifty (50), four**
 11 **thousand five hundred dollars (\$4,500) per degree.**

12 **(8) As used in this subsection, "CPI" refers to the United**
 13 **States Bureau of Labor Statistics Consumer Price Index, all**
 14 **items, all urban consumers, or its successor index. With**
 15 **respect to injuries occurring on and after July 1, 2001, the**
 16 **amount specified for degrees of impairment in this subsection**
 17 **shall be adjusted as determined under STEP SEVEN of the**
 18 **following formula:**

19 **STEP ONE: Determine the amount applicable to fiscal**
 20 **year 2001 under subdivision (7) for the degree of**
 21 **permanent impairment.**

22 **STEP TWO: Determine the CPI for calendar year 2000.**

23 **STEP THREE: Determine the CPI for the immediately**
 24 **preceding calendar year.**

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

27 **STEP FIVE: Divide the STEP FOUR amount by the STEP**
 28 **TWO amount.**

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

30 **STEP SEVEN: Multiply the STEP ONE amount by the**
 31 **STEP SIX amount.**

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

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

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

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

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

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

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

47 (7) With respect to injuries occurring on or after July 1, 1999, and

1 before July 1, 2000, seven hundred thirty-two dollars (\$732).

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

4 **(9) With respect to injuries occurring on or after July 1, 2001,**
5 **and before July 1, 2002, eight hundred thirty-eight dollars**
6 **(\$838).**

7 **(10) With respect to injuries occurring on or after July 1,**
8 **2002, nine hundred fourteen dollars (\$914).**

9 SECTION 3. IC 22-3-3-22 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 22. (a) In computing
11 the compensation under this law with respect to injuries occurring on
12 and after April 1, 1963, and prior to April 1, 1965, the average weekly
13 wages shall be considered to be not more than seventy dollars (\$70) nor
14 less than thirty dollars (\$30). In computing the compensation under this
15 law with respect to injuries occurring on and after April 1, 1965, and
16 prior to April 1, 1967, the average weekly wages shall be considered
17 to be not more than seventy-five dollars (\$75) and not less than thirty
18 dollars (\$30). In computing the compensation under this law with
19 respect to injuries occurring on and after April 1, 1967, and prior to
20 April 1, 1969, the average weekly wages shall be considered to be not
21 more than eighty-five dollars (\$85) and not less than thirty-five dollars
22 (\$35). In computing the compensation under this law with respect to
23 injuries occurring on and after April 1, 1969, and prior to July 1, 1971,
24 the average weekly wages shall be considered to be not more than
25 ninety-five dollars (\$95) and not less than thirty-five dollars (\$35). In
26 computing the compensation under this law with respect to injuries
27 occurring on and after July 1, 1971, and prior to July 1, 1974, the
28 average weekly wages shall be considered to be: (A) Not more than: (1)
29 one hundred dollars (\$100) if no dependents; (2) one hundred five
30 dollars (\$105) if one (1) dependent; (3) one hundred ten dollars (\$110)
31 if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three
32 (3) dependents; (5) one hundred twenty dollars (\$120) if four (4)
33 dependents; and (6) one hundred twenty-five dollars (\$125) if five (5)
34 or more dependents; and (B) Not less than thirty-five dollars (\$35). In
35 computing compensation for temporary total disability, temporary
36 partial disability, and total permanent disability under this law with
37 respect to injuries occurring on and after July 1, 1974, and before July
38 1, 1976, the average weekly wages shall be considered to be (A) not
39 more than one hundred thirty-five dollars (\$135), and (B) not less than
40 seventy-five dollars (\$75). However, the weekly compensation payable
41 shall in no case exceed the average weekly wages of the employee at
42 the time of the injury. In computing compensation for temporary total
43 disability, temporary partial disability and total permanent disability
44 under this law with respect to injuries occurring on and after July 1,
45 1976, and before July 1, 1977, the average weekly wages shall be
46 considered to be (1) not more than one hundred fifty-six dollars (\$156)

1 and (2) not less than seventy-five dollars (\$75). However, the weekly
2 compensation payable shall not exceed the average weekly wages of
3 the employee at the time of the injury. In computing compensation for
4 temporary total disability, temporary partial disability, and total
5 permanent disability, with respect to injuries occurring on and after
6 July 1, 1977, and before July 1, 1979, the average weekly wages are
7 considered to be (1) not more than one hundred eighty dollars (\$180);
8 and (2) not less than seventy-five dollars (\$75). However, the weekly
9 compensation payable may not exceed the average weekly wages of the
10 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, 1979, and before July 1, 1980, the average weekly wages are
14 considered to be (1) not more than one hundred ninety-five dollars
15 (\$195), and (2) not less than seventy-five dollars (\$75). However, the
16 weekly compensation payable shall not exceed the average weekly
17 wages of the employee at the time of the injury. In computing
18 compensation for temporary total disability, temporary partial
19 disability, and total permanent disability, with respect to injuries
20 occurring on and after July 1, 1980, and before July 1, 1983, the
21 average weekly wages are considered to be (1) not more than two
22 hundred ten dollars (\$210), and (2) not less than seventy-five dollars
23 (\$75). However, the weekly compensation payable shall not exceed the
24 average weekly wages of the employee at the time of the injury. In
25 computing compensation for temporary total disability, temporary
26 partial disability, and total permanent disability, with respect to injuries
27 occurring on and after July 1, 1983, and before July 1, 1984, the
28 average weekly wages are considered to be (1) not more than two
29 hundred thirty-four dollars (\$234) and (2) not less than seventy-five
30 dollars (\$75). However, the weekly compensation payable shall not
31 exceed the average weekly wages of the employee at the time of the
32 injury. In computing compensation for temporary total disability,
33 temporary partial disability, and total permanent disability, with respect
34 to injuries occurring on and after July 1, 1984, and before July 1, 1985,
35 the average weekly wages are considered to be (1) not more than two
36 hundred forty-nine dollars (\$249) 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, 1985, and before July 1, 1986,
42 the average weekly wages are considered to be (1) not more than two
43 hundred sixty-seven dollars (\$267) and (2) not less than seventy-five
44 dollars (\$75). However, the weekly compensation payable shall not
45 exceed the average weekly wages of the employee at the time of the
46 injury. In computing compensation for temporary total disability,

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

15 In computing compensation for temporary total disability, temporary
16 partial disability, and total permanent disability, with respect to injuries
17 occurring on and after July 1, 1989, and before July 1, 1990, the
18 average weekly wages are considered to be (1) not more than four
19 hundred eleven dollars (\$411) and (2) not less than seventy-five dollars
20 (\$75). However, the weekly compensation payable shall not exceed the
21 average weekly wages of the employee at the time of the 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, 1990, and before July 1, 1991, the
25 average weekly wages are considered to be (1) not more than four
26 hundred forty-one dollars (\$441) 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 In computing compensation for temporary total disability, temporary
31 partial disability, and total permanent disability, with respect to injuries
32 occurring on and after July 1, 1991, and before July 1, 1992, the
33 average weekly wages are considered to be (1) not more than four
34 hundred ninety-two dollars (\$492) and (2) not less than seventy-five
35 dollars (\$75). However, the weekly compensation payable shall not
36 exceed the average weekly wages of the employee at the time of the
37 injury.

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

45 In computing compensation for temporary total disability, temporary
46 partial disability, and total permanent disability, with respect to injuries

1 occurring on and after July 1, 1993, and before July 1, 1994, the
 2 average weekly wages are considered to be (1) not more than five
 3 hundred ninety-one dollars (\$591) 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, 1994, and before July 1, 1997, the
 10 average weekly wages are considered to be (1) not more than six
 11 hundred forty-two dollars (\$642) and (2) not less than seventy-five
 12 dollars (\$75). However, the weekly compensation payable shall not
 13 exceed the average weekly wages of the employee at the time of the
 14 injury.

15 (b) In computing compensation for temporary total disability,
 16 temporary partial disability, and total permanent disability, the average
 17 weekly wages are considered to be:

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

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

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

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

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

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

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

28 (A) not more than seven hundred thirty-two dollars (\$732);

29 and

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

31 (4) with respect to injuries occurring on and after July 1, 2000,
 32 **and before July 1, 2001:**

33 (A) not more than seven hundred sixty-two dollars (\$762); and

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

35 **(5) with respect to injuries occurring on and after July 1,**
 36 **2001, and before July 1, 2002:**

37 **(A) not more than eight hundred thirty-eight dollars**
 38 **(\$838); and**

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

40 **(6) with respect to injuries occurring on and after July 1,**
 41 **2002:**

42 **(A) not more than nine hundred fourteen dollars (\$914);**
 43 **and**

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

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

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

7 (d) With respect to any injury occurring on and after April 1, 1955,
8 and prior to April 1, 1957, the maximum compensation exclusive of
9 medical benefits, which shall be paid for an injury under any provisions
10 of this law or under any combination of its provisions shall not exceed
11 twelve thousand five hundred dollars (\$12,500) in any case. With
12 respect to any injury occurring on and after April 1, 1957 and prior to
13 April 1, 1963, the maximum compensation exclusive of medical
14 benefits, which shall be paid for an injury under any provision of this
15 law or under any combination of its provisions shall not exceed fifteen
16 thousand dollars (\$15,000) in any case. With respect to any injury
17 occurring on and after April 1, 1963, and prior to April 1, 1965, the
18 maximum compensation exclusive of medical benefits, which shall be
19 paid for an injury under any provision of this law or under any
20 combination of its provisions shall not exceed sixteen thousand five
21 hundred dollars (\$16,500) in any case. With respect to any injury
22 occurring on and after April 1, 1965, and prior to April 1, 1967, the
23 maximum compensation exclusive of medical benefits which shall be
24 paid for any injury under any provision of this law or any combination
25 of provisions shall not exceed twenty thousand dollars (\$20,000) in any
26 case. With respect to any injury occurring on and after April 1, 1967,
27 and prior to July 1, 1971, the maximum compensation exclusive of
28 medical benefits which shall be paid for an injury under any provision
29 of this law or any combination of provisions shall not exceed
30 twenty-five thousand dollars (\$25,000) in any case. With respect to any
31 injury occurring on and after July 1, 1971, and prior to July 1, 1974, the
32 maximum compensation exclusive of medical benefits which shall be
33 paid for any injury under any provision of this law or any combination
34 of provisions shall not exceed thirty thousand dollars (\$30,000) in any
35 case. With respect to any injury occurring on and after July 1, 1974,
36 and before July 1, 1976, the maximum compensation exclusive of
37 medical benefits which shall be paid for an injury under any provision
38 of this law or any combination of provisions shall not exceed forty-five
39 thousand dollars (\$45,000) in any case. With respect to an injury
40 occurring on and after July 1, 1976, and before July 1, 1977, the
41 maximum compensation, exclusive of medical benefits, which shall be
42 paid for any injury under any provision of this law or any combination
43 of provisions shall not exceed fifty-two thousand dollars (\$52,000) in
44 any case. With respect to any injury occurring on and after July 1,
45 1977, and before July 1, 1979, the maximum compensation, exclusive
46 of medical benefits, which may be paid for an injury under any

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

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

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

45 With respect to any injury occurring on and after July 1, 1991, and
46 before July 1, 1992, the maximum compensation, exclusive of medical

1 benefits, that may be paid for an injury under any provisions of this law
2 or any combination of provisions may not exceed one hundred
3 sixty-four thousand dollars (\$164,000) in any case.

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

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

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

19 (e) The maximum compensation, exclusive of medical benefits, that
20 may be paid for an injury under any provision of this law or any
21 combination of provisions may not exceed the following amounts in
22 any case:

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

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

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

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

35 **(5) With respect to an injury occurring on and after July 1,**
36 **2001, and before July 1, 2002, two hundred seventy-nine**
37 **thousand three hundred five dollars (\$279,305).**

38 **(6) With respect to an injury occurring on and after July 1,**
39 **2002, three hundred four thousand six hundred thirty-six**
40 **dollars (\$304,636).**

41 SECTION 4. IC 22-3-7-16 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 16. (a) Compensation
43 shall be allowed on account of disablement from occupational disease
44 resulting in only temporary total disability to work or temporary partial
45 disability to work beginning with the eighth day of such disability
46 except for the medical benefits provided for in section 17 of this

1 chapter. Compensation shall be allowed for the first seven (7) calendar
 2 days only as provided in this section. The first weekly installment of
 3 compensation for temporary disability is due fourteen (14) days after
 4 the disability begins. Not later than fifteen (15) days from the date that
 5 the first installment of compensation is due, the employer or the
 6 employer's insurance carrier shall tender to the employee or to the
 7 employee's dependents, with all compensation due, a properly prepared
 8 compensation agreement in a form prescribed by the board. Whenever
 9 an employer or the employer's insurance carrier denies or is not able to
 10 determine liability to pay compensation or benefits, the employer or the
 11 employer's insurance carrier shall notify the worker's compensation
 12 board and the employee in writing on a form prescribed by the worker's
 13 compensation board not later than thirty (30) days after the employer's
 14 knowledge of the claimed disablement. If a determination of liability
 15 cannot be made within thirty (30) days, the worker's compensation
 16 board may approve an additional thirty (30) days upon a written request
 17 of the employer or the employer's insurance carrier that sets forth the
 18 reasons that the determination could not be made within thirty (30)
 19 days and states the facts or circumstances that are necessary to
 20 determine liability within the additional thirty (30) days. More than
 21 thirty (30) days of additional time may be approved by the worker's
 22 compensation board upon the filing of a petition by the employer or the
 23 employer's insurance carrier that sets forth:

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

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

- 40 (b) Once begun, temporary total disability benefits may not be
 41 terminated by the employer unless:
- 42 (1) the employee has returned to work;
 - 43 (2) the employee has died;
 - 44 (3) the employee has refused to undergo a medical examination
 - 45 under section 20 of this chapter;
 - 46 (4) the employee has received five hundred (500) weeks of

1 temporary total disability benefits or has been paid the maximum
2 compensation allowable under section 19 of this chapter; or
3 (5) the employee is unable or unavailable to work for reasons
4 unrelated to the compensable disease.

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

30 (c) An employer is not required to continue the payment of
31 temporary total disability benefits for more than fourteen (14) days
32 after the employer's proposed termination date unless the independent
33 medical examiner determines that the employee is temporarily disabled
34 and unable to return to any employment that the employer has made
35 available to the employee.

36 (d) If it is determined that as a result of this section temporary total
37 disability benefits were overpaid, the overpayment shall be deducted
38 from any benefits due the employee under this section and, if there are
39 no benefits due the employee or the benefits due the employee do not
40 equal the amount of the overpayment, the employee shall be
41 responsible for paying any overpayment which cannot be deducted
42 from benefits due the employee.

43 (e) For disablements occurring on and after April 1, 1951, and prior
44 to July 1, 1971, from occupational disease resulting in temporary total
45 disability for any work there shall be paid to the disabled employee
46 during such temporary total disability a weekly compensation equal to

1 sixty percent (60%) of the employee's average weekly wages for a
2 period not to exceed five hundred (500) weeks. Compensation shall be
3 allowed for the first seven (7) calendar days only if the disability
4 continues for longer than twenty-eight (28) days.

5 For disablements occurring on and after July 1, 1971, and prior to
6 July 1, 1974, from occupational disease resulting in temporary total
7 disability for any work there shall be paid to the disabled employee
8 during such temporary total disability a weekly compensation equal to
9 sixty percent (60%) of the employee's average weekly wages, as
10 defined in section 19 of this chapter, for a period not to exceed five
11 hundred (500) weeks. Compensation shall be allowed for the first seven
12 (7) calendar days only if the disability continues for longer than
13 twenty-eight (28) days.

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

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

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

45 For disablements occurring on and after July 1, 1971, and prior to
46 July 1, 1974, from occupational disease resulting in temporary partial

1 disability for work there shall be paid to the disabled employee during
2 such disability a weekly compensation equal to sixty percent (60%) of
3 the difference between the employee's average weekly wages, as
4 defined in section 19 of this chapter, and the weekly wages at which the
5 employee is actually employed after the disablement, for a period not
6 to exceed three hundred (300) weeks. Compensation shall be allowed
7 for the first seven (7) calendar days only if the disability continues for
8 longer than twenty-eight (28) days. In case of partial disability after the
9 period of temporary total disability, the latter period shall be included
10 as a part of the maximum period allowed for partial disability.

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

23 (g) For disabilities occurring on and after April 1, 1951, and prior
24 to April 1, 1955, from occupational disease in the following schedule,
25 the employee shall receive in lieu of all other compensation, on account
26 of such disabilities, a weekly compensation of sixty percent (60%) of
27 the employee's average weekly wage; for disabilities occurring on and
28 after April 1, 1955, and prior to July 1, 1971, from occupational disease
29 in the following schedule, the employee shall receive in addition to
30 disability benefits not exceeding twenty-six (26) weeks on account of
31 said occupational disease a weekly compensation of sixty percent
32 (60%) of the employee's average weekly wages.

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

40 For disabilities occurring on and after July 1, 1977, and before July
41 1, 1979, from occupational disease in the following schedule, the
42 employee shall receive in addition to disability benefits not exceeding
43 twenty-six (26) weeks on account of the occupational disease a weekly
44 compensation of sixty percent (60%) of the employee's average weekly
45 wages, not to exceed one hundred twenty-five dollars (\$125) average
46 weekly wages, for the period stated for the disabilities.

1 For disabilities occurring on and after July 1, 1979, and before July
2 1, 1988, from occupational disease in the following schedule, the
3 employee shall receive in addition to disability benefits, not exceeding
4 fifty-two (52) weeks on account of the occupational disease, a weekly
5 compensation of sixty percent (60%) of the employee's average weekly
6 wages, not to exceed one hundred twenty-five dollars (\$125) average
7 weekly wages, for the period stated for the disabilities.

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

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

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

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

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

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

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

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

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

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

1 (14) In all cases of permanent disfigurement which may impair
2 the future usefulness or opportunities of the employee,
3 compensation, in the discretion of the worker's compensation
4 board, not exceeding forty (40) degrees of permanent impairment
5 except that no compensation shall be payable under this
6 subdivision where compensation is payable elsewhere in this
7 section.

8 (h) With respect to disablements occurring on and after July 1,
9 1991, compensation for permanent partial impairment shall be paid
10 according to the degree of permanent impairment for the disablement
11 determined under subsection (d) and the following:

12 (1) With respect to disablements occurring on and after July 1,
13 1991, and before July 1, 1992, for each degree of permanent
14 impairment from one (1) to thirty-five (35), five hundred dollars
15 (\$500) per degree; for each degree of permanent impairment from
16 thirty-six (36) to fifty (50), nine hundred dollars (\$900) per
17 degree; for each degree of permanent impairment above fifty (50),
18 one thousand five hundred dollars (\$1,500) per degree.

19 (2) With respect to disablements occurring on and after July 1,
20 1992, and before July 1, 1993, for each degree of permanent
21 impairment from one (1) to twenty (20), five hundred dollars
22 (\$500) per degree; for each degree of permanent impairment from
23 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
24 per degree; for each degree of permanent impairment from
25 thirty-six (36) to fifty (50), one thousand three hundred dollars
26 (\$1,300) per degree; for each degree of permanent impairment
27 above fifty (50), one thousand seven hundred dollars (\$1,700) per
28 degree.

29 (3) With respect to disablements occurring on and after July 1,
30 1993, and before July 1, 1997, for each degree of permanent
31 impairment from one (1) to ten (10), five hundred dollars (\$500)
32 per degree; for each degree of permanent impairment from eleven
33 (11) to twenty (20), seven hundred dollars (\$700) per degree; for
34 each degree of permanent impairment from twenty-one (21) to
35 thirty-five (35), one thousand dollars (\$1,000) per degree; for
36 each degree of permanent impairment from thirty-six (36) to fifty
37 (50), one thousand four hundred dollars (\$1,400) per degree; for
38 each degree of permanent impairment above fifty (50), one
39 thousand seven hundred dollars (\$1,700) per degree.

40 (4) With respect to disablements occurring on and after July 1,
41 1997, and before July 1, 1998, for each degree of permanent
42 impairment from one (1) to ten (10), seven hundred fifty dollars
43 (\$750) per degree; for each degree of permanent impairment from
44 eleven (11) thirty-five (35), one thousand dollars (\$1,000) per
45 degree; for each degree of permanent impairment from thirty-six
46 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per

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

3 (5) With respect to disablements occurring on and after July 1,
 4 1998, and before July 1, 1999, for each degree of permanent
 5 impairment from one (1) to ten (10), seven hundred fifty dollars
 6 (\$750) per degree; for each degree of permanent impairment from
 7 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
 8 degree; for each degree of permanent impairment from thirty-six
 9 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
 10 degree; for each degree of permanent impairment above fifty (50),
 11 one thousand seven hundred dollars (\$1,700) per degree.

12 (6) With respect to disablements occurring on and after July 1,
 13 1999, **and before July 1, 2000**, for each degree of permanent
 14 impairment from one (1) to ten (10), nine hundred dollars (\$900)
 15 per degree; for each degree of permanent impairment from eleven
 16 (11) to thirty-five (35), one thousand one hundred dollars
 17 (\$1,100) per degree; for each degree of permanent impairment
 18 from thirty-six (36) to fifty (50), one thousand six hundred dollars
 19 (\$1,600) per degree; for each degree of permanent impairment
 20 above fifty (50), two thousand dollars (\$2,000) per degree.

21 **(7) With respect to disablements occurring on and after July**
 22 **1, 2000, and before July 1, 2001, for each degree of permanent**
 23 **impairment from one (1) to ten (10), one thousand four**
 24 **hundred dollars (\$1,400) per degree; for each degree of**
 25 **permanent impairment from eleven (11) to thirty-five (35),**
 26 **two thousand one hundred dollars (\$2,100) per degree; for**
 27 **each degree of permanent impairment from thirty-six (36) to**
 28 **fifty (50), three thousand six hundred dollars (\$3,600) per**
 29 **degree; for each degree of permanent impairment above fifty**
 30 **(50), four thousand five hundred dollars (\$4,500) per degree.**

31 **(8) As used in this subsection, "CPI" refers to the United**
 32 **States Bureau of Labor Statistics Consumer Price Index, all**
 33 **items, all urban consumers, or its successor index. With**
 34 **respect to disablements occurring on and after July 1, 2001,**
 35 **the amount specified for degrees of impairment in this**
 36 **subsection shall be adjusted as determined under STEP**
 37 **SEVEN of the following formula:**

38 **STEP ONE: Determine the amount applicable to fiscal**
 39 **year 2001 under subdivision (7) for the degree of**
 40 **permanent impairment.**

41 **STEP TWO: Determine the CPI for calendar year 2000.**

42 **STEP THREE: Determine the CPI for the immediately**
 43 **preceding calendar year.**

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

46 **STEP FIVE: Divide the STEP FOUR amount by the STEP**
 47 **TWO amount.**

1 **STEP SIX: Add one (1) plus the STEP FIVE amount.**
 2 **STEP SEVEN: Multiply the STEP ONE amount by the**
 3 **STEP SIX amount.**

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

7 (1) With respect to disablements occurring on or after July 1,
 8 1991, and before July 1, 1992, four hundred ninety-two dollars
 9 (\$492).

10 (2) With respect to disablements occurring on or after July 1,
 11 1992, and before July 1, 1993, five hundred forty dollars (\$540).

12 (3) With respect to disablements occurring on or after July 1,
 13 1993, and before July 1, 1994, five hundred ninety-one dollars
 14 (\$591).

15 (4) With respect to disablements occurring on or after July 1,
 16 1994, and before July 1, 1997, six hundred forty-two dollars
 17 (\$642).

18 (5) With respect to disablements occurring on or after July 1,
 19 1997, and before July 1, 1998, six hundred seventy-two dollars
 20 (\$672).

21 (6) With respect to disablements occurring on or after July 1,
 22 1998, and before July 1, 1999, seven hundred two dollars (\$702).

23 (7) With respect to disablements occurring on or after July 1,
 24 1999, and before July 1, 2000, seven hundred thirty-two dollars
 25 (\$732).

26 (8) With respect to disablements occurring on or after July 1,
 27 2000, **and before July 1, 2001**, seven hundred sixty-two dollars
 28 (\$762).

29 **(9) With respect to injuries occurring on or after July 1, 2001,**
 30 **and before July 1, 2002, eight hundred thirty-eight dollars**
 31 **(\$838).**

32 **(10) With respect to injuries occurring on or after July 1,**
 33 **2002, nine hundred fourteen dollars (\$914).**

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

41 (k) If an employee has sustained a permanent impairment or
 42 disability from an accidental injury other than an occupational disease
 43 in another employment than that in which he suffered a subsequent
 44 disability from an occupational disease, such as herein specified, the
 45 employee shall be entitled to compensation for the subsequent
 46 disability in the same amount as if the previous impairment or

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

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

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

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

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
 43 evidence, of which there are or have been objective conditions or
 44 symptoms proven, not within the physical or mental control of the
 45 employee himself.

46 SECTION 5. IC 22-3-7-19 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 19. (a) In computing
2 compensation for temporary total disability, temporary partial
3 disability, and total permanent disability under this law with respect to
4 occupational diseases occurring:

5 (1) on and after July 1, 1974, and before July 1, 1976, the average
6 weekly wages shall be considered to be:

7 (A) not more than one hundred thirty-five dollars (\$135); and

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

9 (2) on and after July 1, 1976, and before July 1, 1977, the average
10 weekly wages shall be considered to be:

11 (A) not more than one hundred fifty-six dollars (\$156); and

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

13 (3) on and after July 1, 1977, and before July 1, 1979, the average
14 weekly wages are considered to be:

15 (A) not more than one hundred eighty dollars (\$180); and

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

17 (4) on and after July 1, 1979, and before July 1, 1980, the average
18 weekly wages are considered to be:

19 (A) not more than one hundred ninety-five dollars (\$195); and

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

21 (5) on and after July 1, 1980, and before July 1, 1983, the average
22 weekly wages are considered to be:

23 (A) not more than two hundred ten dollars (\$210); and

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

25 (6) on and after July 1, 1983, and before July 1, 1984, the average
26 weekly wages are considered to be:

27 (A) not more than two hundred thirty-four dollars (\$234); and

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

29 (7) on and after July 1, 1984, and before July 1, 1985, the average
30 weekly wages are considered to be:

31 (A) not more than two hundred forty-nine dollars (\$249); and

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

33 (b) In computing compensation for temporary total disability,
34 temporary partial disability, and total permanent disability, with respect
35 to occupational diseases occurring on and after July 1, 1985, and before
36 July 1, 1986, the average weekly wages are considered to be:

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

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

39 (c) In computing compensation for temporary total disability,
40 temporary partial disability, and total permanent disability, with respect
41 to occupational diseases occurring on and after July 1, 1986, and before
42 July 1, 1988, the average weekly wages are considered to be:

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

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

45 (d) In computing compensation for temporary total disability,
46 temporary partial disability, and total permanent disability, with respect

- 1 to occupational diseases occurring on and after July 1, 1988, and before
2 July 1, 1989, the average weekly wages are considered to be:
- 3 (1) not more than three hundred eighty-four dollars (\$384); and
 - 4 (2) not less than seventy-five dollars (\$75).
- 5 (e) In computing compensation for temporary total disability,
6 temporary partial disability, and total permanent disability, with respect
7 to occupational diseases occurring on and after July 1, 1989, and before
8 July 1, 1990, the average weekly wages are considered to be:
- 9 (1) not more than four hundred eleven dollars (\$411); and
 - 10 (2) not less than seventy-five dollars (\$75).
- 11 (f) In computing compensation for temporary total disability,
12 temporary partial disability, and total permanent disability, with respect
13 to occupational diseases occurring on and after July 1, 1990, and before
14 July 1, 1991, the average weekly wages are considered to be:
- 15 (1) not more than four hundred forty-one dollars (\$441); and
 - 16 (2) not less than seventy-five dollars (\$75).
- 17 (g) In computing compensation for temporary total disability,
18 temporary partial disability, and total permanent disability, with respect
19 to occupational diseases occurring on and after July 1, 1991, and before
20 July 1, 1992, the average weekly wages are considered to be:
- 21 (1) not more than four hundred ninety-two dollars (\$492); and
 - 22 (2) not less than seventy-five dollars (\$75).
- 23 (h) In computing compensation for temporary total disability,
24 temporary partial disability, and total permanent disability, with respect
25 to occupational diseases occurring on and after July 1, 1992, and before
26 July 1, 1993, the average weekly wages are considered to be:
- 27 (1) not more than five hundred forty dollars (\$540); and
 - 28 (2) not less than seventy-five dollars (\$75).
- 29 (i) In computing compensation for temporary total disability,
30 temporary partial disability, and total permanent disability, with respect
31 to occupational diseases occurring on and after July 1, 1993, and before
32 July 1, 1994, the average weekly wages are considered to be:
- 33 (1) not more than five hundred ninety-one dollars (\$591); and
 - 34 (2) not less than seventy-five dollars (\$75).
- 35 (j) In computing compensation for temporary total disability,
36 temporary partial disability and total permanent disability, with respect
37 to occupational diseases occurring on and after July 1, 1994, and before
38 July 1, 1997, the average weekly wages are considered to be:
- 39 (1) not more than six hundred forty-two dollars (\$642); and
 - 40 (2) not less than seventy-five dollars (\$75).
- 41 (k) In computing compensation for temporary total disability,
42 temporary partial disability, and total permanent disability, the average
43 weekly wages are considered to be:
- 44 (1) with respect to occupational diseases occurring on and after
45 July 1, 1997, and before July 1, 1998:
 - 46 (A) not more than six hundred seventy-two dollars (\$672); and

- 1 (B) not less than seventy-five dollars (\$75);
 2 (2) with respect to occupational diseases occurring on and after
 3 July 1, 1998, and before July 1, 1999:
 4 (A) not more than seven hundred two dollars (\$702); and
 5 (B) not less than seventy-five dollars (\$75);
 6 (3) with respect to occupational diseases occurring on and after
 7 July 1, 1999, and before July 1, 2000:
 8 (A) not more than seven hundred thirty-two dollars (\$732);
 9 and
 10 (B) not less than seventy-five dollars (\$75); ~~and~~
 11 (4) with respect to occupational diseases ~~occurring~~ **occurring** on
 12 and after July 1, 2000, **and before July 1, 2001:**
 13 (A) not more than seven hundred sixty-two dollars (\$762); and
 14 (B) not less than seventy-five dollars (\$75);
 15 **(5) with respect to injuries occurring on and after July 1,**
 16 **2001, and before July 1, 2002:**
 17 **(A) not more than eight hundred thirty-eight dollars**
 18 **(\$838); and**
 19 **(B) not less than seventy-five dollars (\$75); and**
 20 **(6) with respect to injuries occurring on and after July 1,**
 21 **2002:**
 22 **(A) not more than nine hundred fourteen dollars (\$914);**
 23 **and**
 24 **(B) not less than seventy-five dollars (\$75).**
 25 (l) The maximum compensation that shall be paid for occupational
 26 disease and its results under any one (1) or more provisions of this
 27 chapter with respect to disability or death occurring:
 28 (1) on and after July 1, 1974, and before July 1, 1976, shall not
 29 exceed forty-five thousand dollars (\$45,000) in any case;
 30 (2) on and after July 1, 1976, and before July 1, 1977, shall not
 31 exceed fifty-two thousand dollars (\$52,000) in any case;
 32 (3) on and after July 1, 1977, and before July 1, 1979, may not
 33 exceed sixty thousand dollars (\$60,000) in any case;
 34 (4) on and after July 1, 1979, and before July 1, 1980, may not
 35 exceed sixty-five thousand dollars (\$65,000) in any case;
 36 (5) on and after July 1, 1980, and before July 1, 1983, may not
 37 exceed seventy thousand dollars (\$70,000) in any case;
 38 (6) on and after July 1, 1983, and before July 1, 1984, may not
 39 exceed seventy-eight thousand dollars (\$78,000) in any case; and
 40 (7) on and after July 1, 1984, and before July 1, 1985, may not
 41 exceed eighty-three thousand dollars (\$83,000) in any case.
 42 (m) The maximum compensation with respect to disability or death
 43 occurring on and after July 1, 1985, and before July 1, 1986, which
 44 shall be paid for occupational disease and the results thereof under the
 45 provisions of this chapter or under any combination of its provisions
 46 may not exceed eighty-nine thousand dollars (\$89,000) in any case.

1 The maximum compensation with respect to disability or death
2 occurring on and after July 1, 1986, and before July 1, 1988, which
3 shall be paid for occupational disease and the results thereof under the
4 provisions of this chapter or under any combination of its provisions
5 may not exceed ninety-five thousand dollars (\$95,000) in any case. The
6 maximum compensation with respect to disability or death occurring
7 on and after July 1, 1988, and before July 1, 1989, that shall be paid for
8 occupational disease and the results thereof under this chapter or under
9 any combination of its provisions may not exceed one hundred
10 twenty-eight thousand dollars (\$128,000) in any case.

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

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

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

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

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

38 (s) The maximum compensation with respect to disability or death
39 occurring on and after July 1, 1994, and before July 1, 1997, 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 two hundred fourteen thousand dollars (\$214,000) in any
43 case.

44 (t) The maximum compensation that shall be paid for occupational
45 disease and the results of an occupational disease under this chapter or
46 under any combination of the provisions of this chapter may not exceed

- 1 the following amounts in any case:
- 2 (1) With respect to disability or death occurring on and after July
- 3 1, 1997, and before July 1, 1998, two hundred twenty-four
- 4 thousand dollars (\$224,000).
- 5 (2) With respect to disability or death occurring on and after July
- 6 1, 1998, and before July 1, 1999, two hundred thirty-four
- 7 thousand dollars (\$234,000).
- 8 (3) With respect to disability or death occurring on and after July
- 9 1, 1999, and before July 1, 2000, two hundred forty-four thousand
- 10 dollars (\$244,000).
- 11 (4) With respect to disability or death occurring on and after July
- 12 1, 2000, **and before July 1, 2001**, two hundred fifty-four
- 13 thousand dollars (\$254,000).
- 14 **(5) With respect to an injury occurring on and after July 1,**
- 15 **2001, and before July 1, 2002, two hundred seventy-nine**
- 16 **thousand three hundred five dollars (\$279,305).**
- 17 **(6) With respect to an injury occurring on and after July 1,**
- 18 **2002, three hundred four thousand six hundred thirty-six**
- 19 **dollars (\$304,636).**
- 20 (u) For all disabilities occurring before July 1, 1985, "average
- 21 weekly wages" shall mean the earnings of the injured employee in the
- 22 employment in which the employee was working at the time of the last
- 23 exposure during the period of fifty-two (52) weeks immediately
- 24 preceding the last day of the last exposure divided by fifty-two (52). If
- 25 the employee lost seven (7) or more calendar days during the period,
- 26 although not in the same week, then the earnings for the remainder of
- 27 the fifty-two (52) weeks shall be divided by the number of weeks and
- 28 parts thereof remaining after the time lost has been deducted. Where
- 29 the employment prior to the last day of the last exposure extended over
- 30 a period of less than fifty-two (52) weeks, the method of dividing the
- 31 earnings during that period by the number of weeks and parts thereof
- 32 during which the employee earned wages shall be followed if results
- 33 just and fair to both parties will be obtained. Where by reason of the
- 34 shortness of the time during which the employee has been in the
- 35 employment of the employer or of the casual nature or terms of the
- 36 employment it is impracticable to compute the average weekly wages
- 37 as above defined, regard shall be had to the average weekly amount
- 38 which, during the fifty-two (52) weeks previous to the last day of the
- 39 last exposure, was being earned by a person in the same grade
- 40 employed at the same work by the same employer, or if there is no
- 41 person so employed, by a person in the same grade employed in that
- 42 same class of employment in the same district. Whenever allowances
- 43 of any character are made to an employee in lieu of wages or a
- 44 specified part of the wage contract, they shall be deemed a part of the
- 45 employee's earnings.
- 46 (v) For all disabilities occurring on and after July 1, 1985, "average

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

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

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

Representative Young D