

SUBSTITUTE HOUSE BILL 1249

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Heavey, King, Franklin, Orr, G. Cole, Jones, Veloria, Johanson and R. Meyers)

Read first time 03/03/93.

1 AN ACT Relating to industrial insurance permanent partial
2 disability awards; amending RCW 51.32.080; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 51.32.080 and 1988 c 161 s 6 are each amended to read
5 as follows:

6 (1)(a) Until July 1, 1993, for the permanent partial disabilities
7 here specifically described, the injured worker shall receive
8 compensation as follows:

9	LOSS BY AMPUTATION	
10	Of leg above the knee joint with short thigh stump	
11	(3" or less below the tuberosity of ischium).....	\$54,000.00
12	Of leg at or above knee joint with functional stump.....	48,600.00
13	Of leg below knee joint.....	43,200.00
14	Of leg at ankle (Syme).....	37,800.00
15	Of foot at mid-metatarsals.....	18,900.00
16	Of great toe with resection of metatarsal bone.....	11,340.00
17	Of great toe at metatarsophalangeal joint.....	6,804.00

1	Of great toe at interphalangeal joint.....	3,600.00
2	Of lesser toe (2nd to 5th) with resection of	
3	metatarsal bone.....	4,140.00
4	Of lesser toe at metatarsophalangeal joint.....	2,016.00
5	Of lesser toe at proximal interphalangeal joint.....	1,494.00
6	Of lesser toe at distalarm interphalangeal joint.....	378.00
7	Of arm at or above the deltoid insertion or by	
8	disarticulation at the shoulder.....	54,000.00
9	Of arm at any point from below the deltoid insertion to	
10	below the elbow joint at the insertion of the biceps	
11	tendon.....	51,300.00
12	Of arm at any point from below the elbow joint distal to	
13	the insertion of the biceps tendon to and including	
14	mid-metacarpal amputation of the hand.....	48,600.00
15	Of all fingers except the thumb at metacarpophalangeal	
16	joints.....	29,160.00
17	Of thumb at metacarpophalangeal joint or with resection	
18	of carpometacarpal bone.....	19,440.00
19	Of thumb at interphalangeal joint.....	9,720.00
20	Of index finger at metacarpophalangeal joint or with	
21	resection of metacarpal bone.....	12,150.00
22	Of index finger at proximal interphalangeal joint.....	9,720.00
23	Of index finger at distal interphalangeal joint.....	5,346.00
24	Of middle finger at metacarpophalangeal joint or with	
25	resection of metacarpal bone.....	9,720.00
26	Of middle finger at proximal interphalangeal joint.....	7,776.00
27	Of middle finger at distal interphalangeal joint.....	4,374.00
28	Of ring finger at metacarpophalangeal joint or with	
29	resection of metacarpal bone.....	4,860.00
30	Of ring finger at proximal interphalangeal joint.....	3,888.00
31	Of ring finger at distal interphalangeal joint.....	2,430.00
32	Of little finger at metacarpophalangeal joint or with	
33	resection of metacarpal bone.....	2,430.00
34	Of little finger at proximal interphalangeal joint.....	1,944.00
35	Of little finger at distal interphalangeal joint.....	972.00

36 MISCELLANEOUS

1	Loss of one eye by enucleation.....	21,600.00
2	Loss of central visual acuity in one eye.....	18,000.00
3	Complete loss of hearing in both ears.....	43,200.00
4	Complete loss of hearing in one ear.....	7,200.00

5 (b) Beginning on July 1, 1993, compensation under this subsection
6 shall be computed as follows:

7 (i) Beginning on July 1, 1993, the compensation amounts for the
8 specified disabilities listed in (a) of this subsection shall be
9 increased by thirty-two percent; and

10 (ii) Beginning on July 1, 1994, and each July 1 thereafter, the
11 compensation amounts for the specified disabilities listed in (a) of
12 this subsection, as adjusted under (b)(i) of this subsection, shall be
13 readjusted to the nearest cent which bears the ratio of its original
14 amount that exists between the index for 1992 and the index for the
15 calendar year prior to the year of adjustment. For the purposes of
16 this subsection, "index" means the same as the definition in RCW
17 2.12.037(1).

18 (2) Compensation for amputation of a member or part thereof at a
19 site other than those ((above)) specified in subsection (1) of this
20 section, and for loss of central visual acuity and loss of hearing
21 other than complete, shall be in proportion to that which such other
22 amputation or partial loss of visual acuity or hearing most closely
23 resembles and approximates. Compensation shall be calculated based on
24 the adjusted schedule of compensation in effect for the respective
25 time period as prescribed in subsection (1) of this section.

26 (3)(a) Compensation for any other permanent partial disability not
27 involving amputation shall be in the proportion which the extent of
28 such other disability, called unspecified disability, shall bear to
29 ((that above)) the disabilities specified in subsection (1) of this
30 section, which most closely resembles and approximates in degree of
31 disability such other disability, and compensation for any other
32 unspecified permanent partial disability shall be in an amount as
33 measured and compared to total bodily impairment(~~(:—PROVIDED, That in~~
34 ~~order)).~~ To reduce litigation and establish more certainty and
35 uniformity in the rating of unspecified permanent partial disabilities,
36 the department shall enact rules having the force of law classifying
37 such disabilities in the proportion which the department shall
38 determine such disabilities reasonably bear to total bodily impairment.

1 In enacting such rules, the department shall give consideration to, but
2 need not necessarily adopt, any nationally recognized medical standards
3 or guides for determining various bodily impairments.

4 (b) Until July 1, 1993, for purposes of calculating monetary
5 benefits under (a) of this subsection, the amount payable for total
6 bodily impairment shall be deemed to be ninety thousand dollars(~~(~~
7 ~~PROVIDED, That))~~). Beginning on July 1, 1993, for purposes of
8 calculating monetary benefits under (a) of this subsection, the amount
9 payable for total bodily impairment shall be adjusted as follows:

10 (i) Beginning on July 1, 1993, the amount payable for total bodily
11 impairment under this section shall be increased to one hundred
12 seventeen thousand dollars; and

13 (ii) Beginning on July 1, 1994, and each July 1 thereafter, the
14 amount payable for total bodily impairment prescribed in (b)(i) of this
15 subsection shall be adjusted as provided in subsection (1)(b)(ii) of
16 this section.

17 (c) Until July 1, 1993, the total compensation for all unspecified
18 permanent partial disabilities resulting from the same injury shall not
19 exceed the sum of ninety thousand dollars(~~(~~
20 ~~PROVIDED FURTHER, That in~~
21 ~~ease))~~). Beginning on July 1, 1993, total compensation for all
22 unspecified permanent partial disabilities resulting from the same
23 injury shall not exceed a sum calculated as follows:

24 (i) Beginning on July 1, 1993, the sum shall be increased to one
25 hundred seventeen thousand dollars; and

26 (ii) Beginning on July 1, 1994, and each July 1 thereafter, the sum
27 prescribed in (b)(i) of this subsection shall be adjusted as provided
28 in subsection (1)(b)(ii) of this section.

29 (4) If permanent partial disability compensation is followed by
30 permanent total disability compensation, any portion of the permanent
31 partial disability compensation which exceeds the amount that would
32 have been paid the injured worker if permanent total disability
33 compensation had been paid in the first instance, shall be deducted
34 from the pension reserve of such injured worker and his or her monthly
35 compensation payments shall be reduced accordingly.

36 ~~((3))~~ (5) Should a worker receive an injury to a member or part
37 of his or her body already, from whatever cause, permanently partially
38 disabled, resulting in the amputation thereof or in an aggravation or
39 increase in such permanent partial disability but not resulting in the
permanent total disability of such worker, his or her compensation for

1 such partial disability shall be adjudged with regard to the previous
2 disability of the injured member or part and the degree or extent of
3 the aggravation or increase of disability thereof.

4 ~~((+4))~~ (6) When the compensation provided for in subsections (1)
5 ~~((and -2))~~ through (3) of this section exceeds three times the average
6 monthly wage in the state as computed under the provisions of RCW
7 51.08.018, payment shall be made in monthly payments in accordance with
8 the schedule of temporary total disability payments set forth in RCW
9 51.32.090 until such compensation is paid to the injured worker in
10 full, except that the first monthly payment shall be in an amount equal
11 to three times the average monthly wage in the state as computed under
12 the provisions of RCW 51.08.018, and interest shall be paid at the rate
13 of eight percent on the unpaid balance of such compensation commencing
14 with the second monthly payment(~~(:—PROVIDED, That)~~). However, upon
15 application of the injured worker or survivor the monthly payment may
16 be converted, in whole or in part, into a lump sum payment, in which
17 event the monthly payment shall cease in whole or in part. Such
18 conversion may be made only upon written application of the injured
19 worker or survivor to the department and shall rest in the discretion
20 of the department depending upon the merits of each individual
21 application(~~(:—PROVIDED FURTHER, That)~~). Upon the death of a worker
22 all unpaid installments accrued shall be paid according to the payment
23 schedule established prior to the death of the worker to the widow or
24 widower, or if there is no widow or widower surviving, to the dependent
25 children of such claimant, and if there are no such dependent children,
26 then to such other dependents as defined by this title.

27 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the
29 state government and its existing public institutions, and shall take
30 effect immediately.

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