

SENATE BILL 5621

State of Washington 58th Legislature 2003 Regular Session

By Senators Franklin, Thibaudeau, Kohl-Welles, Fraser, Regala, Keiser, Kline and Rasmussen

Read first time 02/03/2003. Referred to Committee on Commerce & Trade.

1 AN ACT Relating to adopting standards under industrial insurance
2 for rating pain-related impairments; and amending RCW 51.32.080.

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

4 Sec. 1. RCW 51.32.080 and 1993 c 520 s 1 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:

LOSS BY AMPUTATION

Table with 2 columns: Description of amputation and Compensation amount. Rows include: Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium) \$54,000.00; Of leg at or above knee joint with functional stump 48,600.00; Of leg below knee joint 43,200.00; Of leg at ankle (Syme) 37,800.00; Of foot at mid-metatarsals 18,900.00

1	Of great toe with resection of metatarsal	
2	bone	11,340.00
3	Of great toe at metatarsophalangeal	
4	joint	6,804.00
5	Of great toe at interphalangeal joint	3,600.00
6	Of lesser toe (2nd to 5th) with resection of	
7	metatarsal bone	4,140.00
8	Of lesser toe at metatarsophalangeal	
9	joint	2,016.00
10	Of lesser toe at proximal interphalangeal	
11	joint	1,494.00
12	Of lesser toe at distal interphalangeal	
13	joint	378.00
14	Of arm at or above the deltoid insertion or	
15	by disarticulation at the shoulder	54,000.00
16	Of arm at any point from below the deltoid	
17	insertion to below the elbow joint at	
18	the insertion of the biceps tendon	51,300.00
19	Of arm at any point from below the elbow	
20	joint distal to the insertion of the	
21	biceps tendon to and including	
22	mid-metacarpal amputation of the	
23	hand	48,600.00
24	Of all fingers except the thumb at	
25	metacarpophalangeal joints	29,160.00
26	Of thumb at metacarpophalangeal joint or	
27	with resection of carpometacarpal	
28	bone	19,440.00
29	Of thumb at interphalangeal joint	9,720.00
30	Of index finger at metacarpophalangeal	
31	joint or with resection of metacarpal	
32	bone	12,150.00
33	Of index finger at proximal	
34	interphalangeal joint	9,720.00
35	Of index finger at distal interphalangeal	
36	joint	5,346.00

1	Of middle finger at metacarpophalangeal	
2	joint or with resection of metacarpal	
3	bone	9,720.00
4	Of middle finger at proximal	
5	interphalangeal joint	7,776.00
6	Of middle finger at distal interphalangeal	
7	joint	4,374.00
8	Of ring finger at metacarpophalangeal	
9	joint or with resection of metacarpal	
10	bone	4,860.00
11	Of ring finger at proximal interphalangeal	
12	joint	3,888.00
13	Of ring finger at distal interphalangeal	
14	joint	2,430.00
15	Of little finger at metacarpophalangeal	
16	joint or with resection of metacarpal	
17	bone	2,430.00
18	Of little finger at proximal interphalangeal	
19	joint	1,944.00
20	Of little finger at distal interphalangeal	
21	joint	972.00

MISCELLANEOUS

23	Loss of one eye by enucleation	21,600.00
24	Loss of central visual acuity in one eye ...	18,000.00
25	Complete loss of hearing in both ears	43,200.00
26	Complete loss of hearing in one ear	7,200.00

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

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

32 (ii) Beginning on July 1, 1994, and each July 1 thereafter, the
 33 compensation amounts for the specified disabilities listed in (a) of
 34 this subsection, as adjusted under (b)(i) of this subsection, shall be
 35 readjusted to reflect the percentage change in the consumer price
 36 index, calculated as follows: The index for the calendar year
 37 preceding the year in which the July calculation is made, to be known

1 as "calendar year A," is divided by the index for the calendar year
2 preceding calendar year A, and the resulting ratio is multiplied by the
3 compensation amount in effect on June 30 immediately preceding the July
4 1st on which the respective calculation is made. For the purposes of
5 this subsection, "index" means the same as the definition in RCW
6 2.12.037(1).

7 (2) Compensation for amputation of a member or part thereof at a
8 site other than those specified in subsection (1) of this section, and
9 for loss of central visual acuity and loss of hearing other than
10 complete, shall be in proportion to that which such other amputation or
11 partial loss of visual acuity or hearing most closely resembles and
12 approximates. Compensation shall be calculated based on the adjusted
13 schedule of compensation in effect for the respective time period as
14 prescribed in subsection (1) of this section.

15 (3)(a) Compensation for any other permanent partial disability not
16 involving amputation shall be in the proportion which the extent of
17 such other disability, called unspecified disability, shall bear to the
18 disabilities specified in subsection (1) of this section, which most
19 closely resembles and approximates in degree of disability such other
20 disability, and compensation for any other unspecified permanent
21 partial disability shall be in an amount as measured and compared to
22 total bodily impairment. To reduce litigation and establish more
23 certainty and uniformity in the rating of unspecified permanent partial
24 disabilities, the department shall (~~enact~~) adopt rules having the
25 force of law classifying such disabilities in the proportion which the
26 department shall determine such disabilities reasonably bear to total
27 bodily impairment. In (~~enacting~~) adopting such rules, the department
28 shall give consideration to, but need not necessarily adopt, any
29 nationally recognized medical standards or guides for determining
30 various bodily impairments.

31 (b) Until July 1, 1993, for purposes of calculating monetary
32 benefits under (a) of this subsection, the amount payable for total
33 bodily impairment shall be deemed to be ninety thousand dollars.
34 Beginning on July 1, 1993, for purposes of calculating monetary
35 benefits under (a) of this subsection, the amount payable for total
36 bodily impairment shall be adjusted as follows:

37 (i) Beginning on July 1, 1993, the amount payable for total bodily

1 impairment under this section shall be increased to one hundred
2 eighteen thousand eight hundred dollars; and

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

7 (c) Until July 1, 1993, the total compensation for all unspecified
8 permanent partial disabilities resulting from the same injury shall not
9 exceed the sum of ninety thousand dollars. Beginning on July 1, 1993,
10 total compensation for all unspecified permanent partial disabilities
11 resulting from the same injury shall not exceed a sum calculated as
12 follows:

13 (i) Beginning on July 1, 1993, the sum shall be increased to one
14 hundred eighteen thousand eight hundred dollars; and

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

18 (4) The department shall adopt by rule a nationally recognized
19 medical standard or guide for rating pain-related impairment under this
20 section.

21 (5) If permanent partial disability compensation is followed by
22 permanent total disability compensation, any portion of the permanent
23 partial disability compensation which exceeds the amount that would
24 have been paid the injured worker if permanent total disability
25 compensation had been paid in the first instance, shall be deducted
26 from the pension reserve of such injured worker and his or her monthly
27 compensation payments shall be reduced accordingly.

28 ((+5+)) (6) Should a worker receive an injury to a member or part
29 of his or her body already, from whatever cause, permanently partially
30 disabled, resulting in the amputation thereof or in an aggravation or
31 increase in such permanent partial disability but not resulting in the
32 permanent total disability of such worker, his or her compensation for
33 such partial disability shall be adjudged with regard to the previous
34 disability of the injured member or part and the degree or extent of
35 the aggravation or increase of disability thereof.

36 ((+6+)) (7) When the compensation provided for in subsections (1)
37 through (3) of this section exceeds three times the average monthly
38 wage in the state as computed under the provisions of RCW 51.08.018,

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

20 ((+7)) (8) Awards payable under this section are governed by the
21 schedule in effect on the date of injury.

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