

SENATE BILL 5687

State of Washington 60th Legislature 2007 Regular Session

By Senators Keiser, Kohl-Welles and Kline

Read first time 01/29/2007. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to permanent partial disability claims; amending
2 RCW 51.32.080; providing an effective date; and declaring an emergency.

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

10	Of leg above the knee joint with short	\$54,000.00
11	thigh stump (3" or less below the	
12	tuberosity of ischium).....	
13	Of leg at or above knee joint with	48,600.00
14	functional stump.....	
15	Of leg below knee joint.....	43,200.00
16	Of leg at ankle (Syme).....	37,800.00

1	Of foot at mid-metatarsals	18,900.00
2	Of great toe with resection of metatarsal	11,340.00
3	bone	
4	Of great toe at metatarsophalangeal	6,804.00
5	joint	
6	Of great toe at interphalangeal joint	3,600.00
7	Of lesser toe (2nd to 5th) with resection of	4,140.00
8	metatarsal bone	
9	Of lesser toe at metatarsophalangeal	2,016.00
10	joint	
11	Of lesser toe at proximal interphalangeal	1,494.00
12	joint	
13	Of lesser toe at distal interphalangeal	378.00
14	joint	
15	Of arm at or above the deltoid insertion or	54,000.00
16	by disarticulation at the shoulder	
17	Of arm at any point from below the deltoid	51,300.00
18	insertion to below the elbow joint at	
19	the insertion of the biceps tendon	
20	Of arm at any point from below the elbow	48,600.00
21	joint distal to the insertion of the	
22	biceps tendon to and including	
23	mid-metacarpal amputation of the	
24	hand	
25	Of all fingers except the thumb at	29,160.00
26	metacarpophalangeal joints	
27	Of thumb at metacarpophalangeal joint or	19,440.00
28	with resection of carpometacarpal	
29	bone	
30	Of thumb at interphalangeal joint	9,720.00
31	Of index finger at metacarpophalangeal	12,150.00
32	joint or with resection of metacarpal	
33	bone	
34	Of index finger at proximal	9,720.00
35	interphalangeal joint	
36	Of index finger at distal interphalangeal	5,346.00
37	joint	

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

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 rules having the force of law
25 classifying such disabilities in the proportion which the department
26 shall determine such disabilities reasonably bear to total bodily
27 impairment. In enacting such rules, the department shall give
28 consideration to, but need not necessarily adopt, any nationally
29 recognized medical standards or guides for determining various bodily
30 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) If permanent partial disability compensation is followed by
19 permanent total disability compensation, any portion of the permanent
20 partial disability compensation which exceeds the amount that would
21 have been paid the injured worker if permanent total disability
22 compensation had been paid in the first instance((τ)) shall be deemed
23 an overpayment. Such amount shall at the choosing of the claimant
24 either: (a) Be deducted from the worker's monthly pension benefits in
25 an amount not to exceed twenty-five percent of the monthly amount due
26 from the department or self-insurer or one-sixth of the total
27 overpayment, whichever is less; or (b) be deducted from the pension
28 reserve of such injured worker and his or her monthly compensation
29 payments shall be reduced accordingly.

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

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

23 (7) Awards payable under this section are governed by the schedule
24 in effect on the date of injury.

25 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and takes effect
28 July 1, 2007, and applies to claims filed on or after July 2, 2007.

--- END ---