

RCW 51.32.080 Permanent partial disability—Specified—Unspecified, rules for classification—Injury after permanent partial disability. (1) (a) Until July 1, 1993, for the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

LOSS BY AMPUTATION

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
Of great toe with resection of metatarsal bone.	11,340.00
Of great toe at metatarsophalangeal joint.	6,804.00
Of great toe at interphalangeal joint.	3,600.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone.	4,140.00
Of lesser toe at metatarsophalangeal joint.	2,016.00
Of lesser toe at proximal interphalangeal joint.	1,494.00
Of lesser toe at distal interphalangeal joint.	378.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder.	54,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon.	51,300.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand.	48,600.00
Of all fingers except the thumb at metacarpophalangeal joints.	29,160.00
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone.	19,440.00
Of thumb at interphalangeal joint.	9,720.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone.	12,150.00
Of index finger at proximal interphalangeal joint.	9,720.00
Of index finger at distal interphalangeal joint.	5,346.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone.	9,720.00
Of middle finger at proximal interphalangeal joint.	7,776.00
Of middle finger at distal interphalangeal joint.	4,374.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone.	4,860.00
Of ring finger at proximal interphalangeal joint.	3,888.00
Of ring finger at distal interphalangeal joint.	2,430.00

Of little finger at metacarpophalangeal joint or with resection of metacarpal bone.	2,430.00
Of little finger at proximal interphalangeal joint.	1,944.00
Of little finger at distal interphalangeal joint.	972.00

MISCELLANEOUS

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

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

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

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the compensation amounts for the specified disabilities listed in (a) of this subsection, as adjusted under (b) (i) of this subsection, shall be readjusted to reflect the percentage change in the consumer price index, calculated as follows: The index for the calendar year preceding the year in which the July calculation is made, to be known as "calendar year A," is divided by the index for the calendar year preceding calendar year A, and the resulting ratio is multiplied by the compensation amount in effect on June 30 immediately preceding the July 1st on which the respective calculation is made. For the purposes of this subsection, "index" means the same as the definition in RCW 2.12.037(1).

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

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

(b) Until July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be deemed to be ninety thousand dollars.

Beginning on July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be adjusted as follows:

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

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

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

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

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

(4) If permanent partial disability compensation is followed by permanent total disability compensation, all permanent partial disability compensation paid to the worker under the claim or claims for which total permanent disability compensation is awarded shall be, at the choosing of the injured worker, either: (a) Deducted from the worker's monthly pension benefits until the total award or awards paid are recovered; or (b) deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly. Any interest paid on any permanent partial disability compensation may not be deducted from the pension benefits or pension reserve. The provisions of this subsection apply to all permanent total disability determinations issued on or after July 1, 2011.

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

(6) When the compensation provided for in subsections (1) through (3) of this section exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018. Upon application of the injured worker or survivor the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker or survivor to the department and shall rest in the discretion of the department depending upon the merits of each individual application. Upon the death of a worker all unpaid

installments accrued shall be paid according to the payment schedule established prior to the death of the worker to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

(7) Awards payable under this section are governed by the schedule in effect on the date of injury. [2011 1st sp.s. c 37 s 401; 2007 c 172 s 1; 1993 c 520 s 1; 1988 c 161 s 6; 1986 c 58 s 2; 1982 1st ex.s. c 20 s 2; 1979 c 104 s 1; 1977 ex.s. c 350 s 46; 1972 ex.s. c 43 s 21; 1971 ex.s. c 289 s 10; 1965 ex.s. c 165 s 1; 1961 c 274 s 3; 1961 c 23 s 51.32.080. Prior: 1957 c 70 s 32; prior: 1951 c 115 s 4; 1949 c 219 s 1, part; 1947 c 246 s 1, part; 1929 c 132 s 2, part; 1927 c 310 s 4, part; 1923 c 136 s 2, part; 1919 c 131 s 4, part; 1917 c 28 s 1, part; 1913 c 148 s 1, part; 1911 c 74 s 5, part; Rem. Supp. 1949 s 7679, part.]

Finding—Effective date—2011 1st sp.s. c 37: See notes following RCW 51.32.090.

Application—2007 c 172: "This act applies to all pension orders issued on or after July 22, 2007." [2007 c 172 s 2.]

Effective date—1993 c 520: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 18, 1993]." [1993 c 520 s 2.]

Effective dates—1988 c 161: See note following RCW 51.32.050.

Effective date—1986 c 58 ss 2 and 3: "Sections 2 and 3 of this act shall take effect on July 1, 1986." [1986 c 58 s 7.]

Effective date—1982 1st ex.s. c 20: See note following RCW 51.32.075.