

2 **ESHB 1249** - S COMM AMD
3 By Committee on Labor & Commerce

4 ADOPTED (WITH AMENDMENTS) 4/15/93

5 Strike everything after the enacting clause and insert the
6 following:

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

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

12 LOSS BY AMPUTATION

13	Of leg above the knee joint with short thigh stump	
14	(3" or less below the tuberosity of ischium).....	\$54,000.00
15	Of leg at or above knee joint with functional stump.....	48,600.00
16	Of leg below knee joint.....	43,200.00
17	Of leg at ankle (Syme).....	37,800.00
18	Of foot at mid-metatarsals.....	18,900.00
19	Of great toe with resection of metatarsal bone.....	11,340.00
20	Of great toe at metatarsophalangeal joint.....	6,804.00
21	Of great toe at interphalangeal joint.....	3,600.00
22	Of lesser toe (2nd to 5th) with resection of	
23	metatarsal bone.....	4,140.00
24	Of lesser toe at metatarsophalangeal joint.....	2,016.00
25	Of lesser toe at proximal interphalangeal joint.....	1,494.00
26	Of lesser toe at distal interphalangeal joint.....	378.00
27	Of arm at or above the deltoid insertion or by	
28	disarticulation at the shoulder.....	54,000.00
29	Of arm at any point from below the deltoid insertion to	
30	below the elbow joint at the insertion of the biceps	
31	tendon.....	51,300.00
32	Of arm at any point from below the elbow joint distal to	
33	the insertion of the biceps tendon to and including	
34	mid-metacarpal amputation of the hand.....	48,600.00

1 preceding the year in which the July calculation is made, to be known
2 as "calendar year A," is divided by the index for the calendar year
3 preceding calendar year A, and the resulting ratio is multiplied by the
4 compensation amount in effect on June 30 immediately preceding the July
5 1st on which the respective calculation is made. For the purposes of
6 this subsection, "index" means the same as the definition in RCW
7 2.12.037(1).

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

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

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

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

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

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

14 (i) Beginning on July 1, 1993, the sum shall be increased to one
15 hundred twenty-one thousand five hundred dollars; and

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

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

26 ~~((+3))~~ (5) Should a worker receive an injury to a member or part
27 of his or her body already, from whatever cause, permanently partially
28 disabled, resulting in the amputation thereof or in an aggravation or
29 increase in such permanent partial disability but not resulting in the
30 permanent total disability of such worker, his or her compensation for
31 such partial disability shall be adjudged with regard to the previous
32 disability of the injured member or part and the degree or extent of
33 the aggravation or increase of disability thereof.

34 ~~((+4))~~ (6) When the compensation provided for in subsections (1)
35 ~~((and -2))~~ through (3) of this section exceeds three times the average
36 monthly wage in the state as computed under the provisions of RCW
37 51.08.018, payment shall be made in monthly payments in accordance with
38 the schedule of temporary total disability payments set forth in RCW
39 51.32.090 until such compensation is paid to the injured worker in

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

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

20 NEW SECTION. Sec. 2. This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and shall take
23 effect immediately."

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27 On page 1, line 2 of the title, after "awards;" strike the
28 remainder of the title and insert "amending RCW 51.32.080; and
29 declaring an emergency."

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