## HOUSE BILL 2444

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State of Washington 53rd Legislature 1994 Regular Session

By Representatives Springer, Chandler, G. Cole and J. Kohl; by request of Department of Labor & Industries

Read first time 01/14/94. Referred to Committee on Commerce & Labor.

- 1 AN ACT Relating to adjusting permanent partial disability payments
- 2 using the state average wage; 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:
- 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

- 16 Of great toe with resection of metatarsal bone......... 11,340.00
- 17 Of great toe at metatarsophalangeal joint........... 6,804.00

p. 1 HB 2444

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 distal 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	
37	Loss of one eye by enucleation	21,600.00

HB 2444 p. 2

1	Loss of central visual acuity in one eye	18,000.00
2	Complete loss of hearing in both ears	43,200.00
3	Complete loss of hearing in one ear	7.200.00

- 4 (b) Beginning on July 1, 1993, compensation under this subsection 5 shall be computed as follows:
- 6 (i) Beginning on July 1, 1993, the compensation amounts for the 7 specified disabilities listed in (a) of this subsection shall be 8 increased by thirty-two percent; and
- 9 (ii) Beginning on July 1, 1994, and each July 1 thereafter, the 10 compensation amounts for the specified disabilities listed in (a) of this subsection, as adjusted under (b)(i) of this subsection, shall be 11 readjusted to reflect the percentage change in the consumer price 12 index, calculated as follows: The index for the calendar year 13 14 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 15 preceding calendar year A, and the resulting ratio is multiplied by the 16 17 compensation amount in effect on June 30 immediately preceding the July 18 1st on which the respective calculation is made. For the purposes of 19 this subsection, "index" means the same as the definition in RCW 20 2.12.037(1).
- 21 (2) Compensation for amputation of a member or part thereof at a site other than those specified in subsection (1) of this section, and 22 for loss of central visual acuity and loss of hearing other than 23 24 complete, shall be in proportion to that which such other amputation or 25 partial loss of visual acuity or hearing most closely resembles and approximates. Compensation shall be calculated based on the adjusted 26 schedule of compensation in effect for the respective time period as 27 prescribed in subsection (1) of this section. 28
- 29 (3)(a) Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of 30 31 such other disability, called unspecified disability, shall bear to the 32 disabilities specified in subsection (1) of this section, which most closely resembles and approximates in degree of disability such other 33 34 disability, and compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to 35 36 total bodily impairment. To reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial 37 38 disabilities, the department shall enact rules having the force of law

p. 3 HB 2444

- 1 classifying such disabilities in the proportion which the department
- 2 shall determine such disabilities reasonably bear to total bodily
- 3 impairment. In enacting such rules, the department shall give
- 4 consideration to, but need not necessarily adopt, any nationally
- 5 recognized medical standards or guides for determining various bodily
- 6 impairments.
- 7 (b) Until July 1, 1993, for purposes of calculating monetary
- 8 benefits under (a) of this subsection, the amount payable for total
- 9 bodily impairment shall be deemed to be ninety thousand dollars.
- 10 Beginning on July 1, 1993, for purposes of calculating monetary
- 11 benefits under (a) of this subsection, the amount payable for total
- 12 bodily impairment shall be adjusted as follows:
- (i) Beginning on July 1, 1993, the amount payable for total bodily
- 14 impairment under this section shall be increased to one hundred
- 15 eighteen thousand eight hundred dollars; and
- 16 (ii) Beginning on July 1, 1994, and each July 1 thereafter, the
- 17 amount payable for total bodily impairment prescribed in (b)(i) of this
- 18 subsection shall be adjusted as provided in subsection (1)(b)(ii) of
- 19 this section.
- 20 (c) Until July 1, 1993, the total compensation for all unspecified
- 21 permanent partial disabilities resulting from the same injury shall not
- 22 exceed the sum of ninety thousand dollars. Beginning on July 1, 1993,
- 23 total compensation for all unspecified permanent partial disabilities
- 24 resulting from the same injury shall not exceed a sum calculated as
- 25 follows:
- 26 (i) Beginning on July 1, 1993, the sum shall be increased to one
- 27 hundred eighteen thousand eight hundred dollars; and
- 28 (ii) Beginning on July 1, 1994, and each July 1 thereafter, the sum
- 29 prescribed in (b)(i) of this subsection shall be adjusted as provided
- 30 in subsection (1)(b)(ii) of this section.
- 31 (4) If permanent partial disability compensation is followed by
- 32 permanent total disability compensation, any portion of the permanent
- 33 partial disability compensation which exceeds the amount that would
- 34 have been paid the injured worker if permanent total disability
- 35 compensation had been paid in the first instance, shall be deducted
- 36 from the pension reserve of such injured worker and his or her monthly
- 37 compensation payments shall be reduced accordingly.
- 38 (5) Should a worker receive an injury to a member or part of his or
- 39 her body already, from whatever cause, permanently partially disabled,

HB 2444 p. 4

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.

7 (6) When the compensation provided for in subsections (1) through 8 (3) of this section exceeds three times the average monthly wage in the 9 state as computed under the provisions of RCW 51.08.018, payment shall 10 be made in monthly payments in an amount equal to the average monthly wage in the state as most recently computed under RCW 51.08.018 before 11 the date the permanent partial disability award is made, but in no case 12 in an amount less than the monthly payments in accordance with the 13 schedule of temporary total disability payments set forth in RCW 14 15 51.32.090, until such compensation is paid to the injured worker in 16 full, except that the first monthly payment shall be in an amount equal 17 to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate 18 19 of eight percent on the unpaid balance of such compensation commencing 20 with the second monthly payment. However, upon application of the injured worker or survivor the monthly payment may be converted, in 21 whole or in part, into a lump sum payment, in which event the monthly 22 payment shall cease in whole or in part. Such conversion may be made 23 24 only upon written application of the injured worker or survivor to the 25 department and shall rest in the discretion of the department depending 26 upon the merits of each individual application. Upon the death of a 27 worker all unpaid installments accrued shall be paid according to the payment schedule established prior to the death of the worker to the 28 29 widow or widower, or if there is no widow or widower surviving, to the 30 dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title. 31

in effect on the date of injury.

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(7) Awards payable under this section are governed by the schedule

p. 5 HB 2444