

SENATE BILL 6311

State of Washington 53rd Legislature 1994 Regular Session

By Senators Prentice and Pelz; by request of Department of Labor & Industries

Read first time 01/19/94. Referred to Committee on Labor & Commerce.

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
13	Of leg below knee joint.....	43,200.00
14	Of leg at ankle (Syme).....	37,800.00
15	Of foot at mid-metatarsals.....	18,900.00
16	Of great toe with resection of metatarsal bone.....	11,340.00
17	Of great toe at metatarsophalangeal joint.....	6,804.00

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
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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
11 this subsection, as adjusted under (b)(i) of this subsection, shall be
12 readjusted to reflect the percentage change in the consumer price
13 index, calculated as follows: The index for the calendar year
14 preceding the year in which the July calculation is made, to be known
15 as "calendar year A," is divided by the index for the calendar year
16 preceding calendar year A, and the resulting ratio is multiplied by the
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
22 site other than those specified in subsection (1) of this section, and
23 for loss of central visual acuity and loss of hearing other than
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
26 approximates. Compensation shall be calculated based on the adjusted
27 schedule of compensation in effect for the respective time period as
28 prescribed in subsection (1) of this section.

29 (3)(a) Compensation for any other permanent partial disability not
30 involving amputation shall be in the proportion which the extent of
31 such other disability, called unspecified disability, shall bear to the
32 disabilities specified in subsection (1) of this section, which most
33 closely resembles and approximates in degree of disability such other
34 disability, and compensation for any other unspecified permanent
35 partial disability shall be in an amount as measured and compared to
36 total bodily impairment. To reduce litigation and establish more
37 certainty and uniformity in the rating of unspecified permanent partial
38 disabilities, the department shall enact rules having the force of law

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:

13 (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,

1 resulting in the amputation thereof or in an aggravation or increase in
2 such permanent partial disability but not resulting in the permanent
3 total disability of such worker, his or her compensation for such
4 partial disability shall be adjudged with regard to the previous
5 disability of the injured member or part and the degree or extent of
6 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
11 wage in the state as most recently computed under RCW 51.08.018 before
12 the date the permanent partial disability award is made, but in no case
13 in an amount less than the monthly payments in accordance with the
14 schedule of temporary total disability payments set forth in RCW
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
18 the provisions of RCW 51.08.018, and interest shall be paid at the rate
19 of eight percent on the unpaid balance of such compensation commencing
20 with the second monthly payment. However, upon application of the
21 injured worker or survivor the monthly payment may be converted, in
22 whole or in part, into a lump sum payment, in which event the monthly
23 payment shall cease in whole or in part. Such conversion may be made
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
28 payment schedule established prior to the death of the worker to the
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
31 children, then to such other dependents as defined by this title.

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

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