



February 18, 2022

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# ENGROSSED HOUSE BILL No. 1153

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DIGEST OF HB 1153 (Updated February 16, 2022 12:08 pm - DI 144)

**Citations Affected:** IC 22-3.

**Synopsis:** Worker's compensation. Provides that if, after the occurrence of an accident, compensation is paid for temporary total disability or temporary partial disability, then the two year limitation period to file an application for adjustment of claim begins to run on the last date for which the compensation was paid. Increases benefits for injuries and disablements by 3% each year for four years, beginning on July 1, 2022. Adds an ambulatory outpatient surgical center to the definition of "medical service facility" under the worker's compensation law. Makes certain changes to the definition of "pecuniary liability". Establishes clean claim payment requirements related to worker's compensation claims. Removes outdated language. Makes conforming amendments.

**Effective:** July 1, 2022; January 1, 2023.

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## Lehman, VanNatter

(SENATE SPONSOR — BOOTS)

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January 6, 2022, read first time and referred to Committee on Employment, Labor and Pensions.

January 20, 2022, amended, reported — Do Pass.

January 25, 2022, read second time, amended, ordered engrossed.

January 26, 2022, engrossed. Read third time, passed. Yeas 67, nays 29.

SENATE ACTION

February 1, 2022, read first time and referred to Committee on Pensions and Labor.

February 17, 2022, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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EH 1153—LS 6981/DI 141





February 18, 2022

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1153

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 22-3-3-3 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2022]: Sec. 3. **(a)** The right to compensation  
3 under IC 22-3-2 through IC 22-3-6 shall be forever barred unless  
4 within two (2) years after the occurrence of the accident, or if death  
5 results therefrom, within two (2) years after such death, a claim for  
6 compensation thereunder shall be filed with the worker's compensation  
7 board. However, in all cases wherein an accident or death results from  
8 the exposure to radiation, a claim for compensation shall be filed with  
9 the board within two (2) years from the date on which the employee  
10 had knowledge of his injury or by exercise of reasonable diligence  
11 should have known of the existence of such injury and its causal  
12 relationship to his employment.

13 **(b) If, after the occurrence of an accident, compensation is paid**  
14 **for:**  
15 **(1) temporary total disability under section 7 of this chapter;**  
16 **or**  
17 **(2) temporary partial disability under section 9 of this**

EH 1153—LS 6981/DI 141



1           **chapter;**  
 2           **then the two (2) year limitation period to file an application for**  
 3           **adjustment of claim begins to run on the last date for which the**  
 4           **compensation under subdivision (1) or (2) was paid.**

5           SECTION 2. IC 22-3-3-5.2, AS AMENDED BY P.L.99-2014,  
 6           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7           JANUARY 1, 2023]: Sec. 5.2. (a) A billing review service shall adhere  
 8           to the following requirements to determine the pecuniary liability of an  
 9           employer or an employer's insurance carrier for a specific service or  
 10          product covered under worker's compensation provided before July 1,  
 11          2014, by all medical service providers, and after June 30, 2014, by a  
 12          medical service provider that is not a medical service facility:

13          (1) The formation of a billing review standard, and any  
 14          subsequent analysis or revision of the standard, must use data that  
 15          is based on the medical service provider billing charges as  
 16          submitted to the employer and the employer's insurance carrier  
 17          from the same community. This subdivision does not apply when  
 18          a unique or specialized service or product does not have sufficient  
 19          comparative data to allow for a reasonable comparison.

20          (2) Data used to determine pecuniary liability must be compiled  
 21          on or before June 30 and December 31 of each year.

22          (3) Billing review standards must be revised for prospective  
 23          future payments of medical service provider bills to provide for  
 24          payment of the charges at a rate not more than the charges made  
 25          by eighty percent (80%) of the medical service providers during  
 26          the prior six (6) months within the same community. The data  
 27          used to perform the analysis and revision of the billing review  
 28          standards may not be more than two (2) years old and must be  
 29          periodically updated by a representative inflationary or  
 30          deflationary factor. Reimbursement for these charges may not  
 31          exceed the actual charge invoiced by the medical service  
 32          provider.

33          (b) This subsection applies after June 30, 2014, to a medical service  
 34          facility. The pecuniary liability of an employer or an employer's  
 35          insurance carrier for a specific service or product covered under  
 36          worker's compensation and provided by a medical service facility is  
 37          equal to a reasonable amount, which is established by payment of one  
 38          (1) of the following:

39          (1) The amount negotiated at any time between the medical  
 40          service facility and any of the following:

41                  (A) The employer.

42                  (B) The employer's insurance carrier.



- 1 (C) A billing review service on behalf of a person described in  
 2 clause (A) or (B).  
 3 (D) A direct provider network that has contracted with a  
 4 person described in clause (A) or (B).  
 5 (2) **An amount not to exceed** two hundred percent (200%) of the  
 6 amount that would be paid to the medical service facility on the  
 7 same date for the same service or product under the medical  
 8 service facility's Medicare reimbursement rate, if, ~~an amount has~~  
 9 ~~not been negotiated as after conducting the negotiations~~  
 10 ~~described in subdivision (1), an agreement has not been~~  
 11 ~~reached.~~  
 12 (c) A medical service provider may request an explanation from a  
 13 billing review service if the medical service provider's bill has been  
 14 reduced as a result of application of the eightieth percentile or of a  
 15 Current Procedural Terminology (CPT) or Medicare coding change.  
 16 The request must be made not later than sixty (60) days after receipt of  
 17 the notice of the reduction. If a request is made, the billing review  
 18 service must provide:  
 19 (1) the name of the billing review service used to make the  
 20 reduction;  
 21 (2) the dollar amount of the reduction;  
 22 (3) the dollar amount of the service or product at the eightieth  
 23 percentile; and  
 24 (4) in the case of a CPT or Medicare coding change, the basis  
 25 upon which the change was made;  
 26 not later than thirty (30) days after the date of the request.  
 27 (d) If, after a hearing, the worker's compensation board finds that a  
 28 billing review service used a billing review standard that did not  
 29 comply with subsection (a)(1) through (a)(3), as applicable, in  
 30 determining the pecuniary liability of an employer or an employer's  
 31 insurance carrier for a medical service provider's charge for services or  
 32 products covered under worker's compensation, the worker's  
 33 compensation board may assess a civil penalty against the billing  
 34 review service in an amount not less than one hundred dollars (\$100)  
 35 and not more than one thousand dollars (\$1,000).  
 36 SECTION 3. IC 22-3-3-10, AS AMENDED BY P.L.32-2021,  
 37 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2022]: Sec. 10. (a) ~~With respect to injuries in the schedule set~~  
 39 ~~forth in subsection (d) occurring on and after July 1, 1979; and before~~  
 40 ~~July 1, 1988; the employee shall receive, in addition to temporary total~~  
 41 ~~disability benefits not to exceed fifty-two (52) weeks on account of the~~  
 42 ~~injury, a weekly compensation of sixty percent (60%) of the employee's~~



1 average weekly wages; not to exceed one hundred twenty-five dollars  
 2 (\$125) average weekly wages; for the period stated for the injury:

3 (b) With respect to injuries in the schedule set forth in subsection  
 4 (d) occurring on and after July 1, 1988, and before July 1, 1989, the  
 5 employee shall receive, in addition to temporary total disability benefits  
 6 not exceeding seventy-eight (78) weeks on account of the injury, a  
 7 weekly compensation of sixty percent (60%) of the employee's average  
 8 weekly wages; not to exceed one hundred sixty-six dollars (\$166)  
 9 average weekly wages; for the period stated for the injury:

10 (c) With respect to injuries in the schedule set forth in subsection  
 11 (d) occurring on and after July 1, 1989, and before July 1, 1990, the  
 12 employee shall receive, in addition to temporary total disability benefits  
 13 not exceeding seventy-eight (78) weeks on account of the injury, a  
 14 weekly compensation of sixty percent (60%) of the employee's average  
 15 weekly wages; not to exceed one hundred eighty-three dollars (\$183)  
 16 average weekly wages; for the period stated for the injury:

17 (d) (a) With respect to injuries in the following schedule occurring  
 18 on and after July 1, 1990, and before July 1, 1991, the employee shall  
 19 receive, in addition to temporary total disability benefits not exceeding  
 20 seventy-eight (78) weeks on account of the injury, a weekly  
 21 compensation of sixty percent (60%) of the employee's average weekly  
 22 wages; not to exceed two hundred dollars (\$200) average weekly  
 23 wages; for the period stated for the injury.

24 (1) Amputation: For the loss by separation of the thumb, sixty  
 25 (60) weeks, of the index finger forty (40) weeks, of the second  
 26 finger thirty-five (35) weeks, of the third or ring finger thirty (30)  
 27 weeks, of the fourth or little finger twenty (20) weeks, of the hand  
 28 by separation below the elbow joint two hundred (200) weeks, or  
 29 the arm above the elbow two hundred fifty (250) weeks, of the big  
 30 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the  
 31 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,  
 32 of the fifth or little toe ten (10) weeks, for loss occurring on and  
 33 after April 1, 1959, by separation of the foot below the knee joint,  
 34 one hundred seventy-five (175) weeks and of the leg above the  
 35 knee joint two hundred twenty-five (225) weeks. The loss of more  
 36 than one (1) phalange of a thumb or toes shall be considered as  
 37 the loss of the entire thumb or toe. The loss of more than two (2)  
 38 phalanges of a finger shall be considered as the loss of the entire  
 39 finger. The loss of not more than one (1) phalange of a thumb or  
 40 toe shall be considered as the loss of one-half (1/2) of the thumb  
 41 or toe and compensation shall be paid for one-half (1/2) of the  
 42 period for the loss of the entire thumb or toe. The loss of not more



- 1 than one (1) phalange of a finger shall be considered as the loss  
 2 of one-third (1/3) of the finger and compensation shall be paid for  
 3 one-third (1/3) the period for the loss of the entire finger. The loss  
 4 of more than one (1) phalange of the finger but not more than two  
 5 (2) phalanges of the finger, shall be considered as the loss of  
 6 one-half (1/2) of the finger and compensation shall be paid for  
 7 one-half (1/2) of the period for the loss of the entire finger.
- 8 (2) For the loss by separation of both hands or both feet or the  
 9 total sight of both eyes, or any two (2) such losses in the same  
 10 accident, five hundred (500) weeks.
- 11 (3) For the permanent and complete loss of vision by enucleation  
 12 or its reduction to one-tenth (1/10) of normal vision with glasses,  
 13 one hundred seventy-five (175) weeks.
- 14 (4) For the permanent and complete loss of hearing in one (1) ear,  
 15 seventy-five (75) weeks, and in both ears, two hundred (200)  
 16 weeks.
- 17 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of  
 18 both testicles, one hundred fifty (150) weeks.
- 19 ~~(e)~~ (b) With respect to injuries in the schedule set forth in  
 20 subsection ~~(h)~~ (e) occurring on and after July 1, 1979, and before July  
 21 1, 1988, the employee shall receive, in addition to temporary total  
 22 disability benefits not exceeding fifty-two (52) weeks on account of the  
 23 injury, a weekly compensation of sixty percent (60%) of the employee's  
 24 average weekly wages not to exceed one hundred twenty-five dollars  
 25 (\$125) average weekly wages for the period stated for the injury.
- 26 ~~(f)~~ (c) With respect to injuries in the schedule set forth in subsection  
 27 ~~(h)~~ (e) occurring on and after July 1, 1988, and before July 1, 1989, the  
 28 employee shall receive, in addition to temporary total disability benefits  
 29 not exceeding seventy-eight (78) weeks on account of the injury, a  
 30 weekly compensation of sixty percent (60%) of the employee's average  
 31 weekly wages, not to exceed one hundred sixty-six dollars (\$166)  
 32 average weekly wages, for the period stated for the injury.
- 33 ~~(g)~~ (d) With respect to injuries in the schedule set forth in  
 34 subsection ~~(h)~~ (e) occurring on and after July 1, 1989, and before July  
 35 1, 1990, the employee shall receive, in addition to temporary total  
 36 disability benefits not exceeding seventy-eight (78) weeks on account  
 37 of the injury, a weekly compensation of sixty percent (60%) of the  
 38 employee's average weekly wages, not to exceed one hundred  
 39 eighty-three dollars (\$183) average weekly wages, for the period stated  
 40 for the injury.
- 41 ~~(h)~~ (e) With respect to injuries in the following schedule occurring  
 42 on and after July 1, 1990, and before July 1, 1991, the employee shall



1 receive, in addition to temporary total disability benefits not exceeding  
 2 seventy-eight (78) weeks on account of the injury, a weekly  
 3 compensation of sixty percent (60%) of the employee's average weekly  
 4 wages, not to exceed two hundred dollars (\$200) average weekly  
 5 wages, for the period stated for the injury.

6 (1) Loss of use: The total permanent loss of the use of an arm,  
 7 hand, thumb, finger, leg, foot, toe, or phalange shall be considered  
 8 as the equivalent of the loss by separation of the arm, hand,  
 9 thumb, finger, leg, foot, toe, or phalange, and compensation shall  
 10 be paid for the same period as for the loss thereof by separation.

11 (2) Partial loss of use: For the permanent partial loss of the use of  
 12 an arm, hand, thumb, finger, leg, foot, toe, or phalange,  
 13 compensation shall be paid for the proportionate loss of the use of  
 14 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

15 (3) For injuries resulting in total permanent disability, five  
 16 hundred (500) weeks.

17 (4) For any permanent reduction of the sight of an eye less than a  
 18 total loss as specified in subsection ~~(d)(3)~~; **(a)(3)**, compensation  
 19 shall be paid for a period proportionate to the degree of such  
 20 permanent reduction without correction or glasses. However,  
 21 when such permanent reduction without correction or glasses  
 22 would result in one hundred percent (100%) loss of vision, but  
 23 correction or glasses would result in restoration of vision, then in  
 24 such event compensation shall be paid for fifty percent (50%) of  
 25 such total loss of vision without glasses, plus an additional  
 26 amount equal to the proportionate amount of such reduction with  
 27 glasses, not to exceed an additional fifty percent (50%).

28 (5) For any permanent reduction of the hearing of one (1) or both  
 29 ears, less than the total loss as specified in subsection ~~(d)(4)~~;  
 30 **(a)(4)**, compensation shall be paid for a period proportional to the  
 31 degree of such permanent reduction.

32 (6) In all other cases of permanent partial impairment,  
 33 compensation proportionate to the degree of such permanent  
 34 partial impairment, in the discretion of the worker's compensation  
 35 board, not exceeding five hundred (500) weeks.

36 (7) In all cases of permanent disfigurement which may impair the  
 37 future usefulness or opportunities of the employee, compensation,  
 38 in the discretion of the worker's compensation board, not  
 39 exceeding two hundred (200) weeks, except that no compensation  
 40 shall be payable under this subdivision where compensation is  
 41 payable elsewhere in this section.

42 ~~(i)~~ **(f)** With respect to injuries in the following schedule occurring





1 on and after July 1, 1991, the employee shall receive in addition to  
2 temporary total disability benefits, not exceeding one hundred  
3 twenty-five (125) weeks on account of the injury, compensation in an  
4 amount determined under the following schedule to be paid weekly at  
5 a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's  
6 average weekly wages during the fifty-two (52) weeks immediately  
7 preceding the week in which the injury occurred.

8 (1) Amputation: For the loss by separation of the thumb, twelve  
9 (12) degrees of permanent impairment; of the index finger, eight  
10 (8) degrees of permanent impairment; of the second finger, seven  
11 (7) degrees of permanent impairment; of the third or ring finger,  
12 six (6) degrees of permanent impairment; of the fourth or little  
13 finger, four (4) degrees of permanent impairment; of the hand by  
14 separation below the elbow joint, forty (40) degrees of permanent  
15 impairment; of the arm above the elbow, fifty (50) degrees of  
16 permanent impairment; of the big toe, twelve (12) degrees of  
17 permanent impairment; of the second toe, six (6) degrees of  
18 permanent impairment; of the third toe, four (4) degrees of  
19 permanent impairment; of the fourth toe, three (3) degrees of  
20 permanent impairment; of the fifth or little toe, two (2) degrees of  
21 permanent impairment; by separation of the foot below the knee  
22 joint, thirty-five (35) degrees of permanent impairment; and of the  
23 leg above the knee joint, forty-five (45) degrees of permanent  
24 impairment.

25 (2) Amputations: For the loss by separation of any of the body  
26 parts described in subdivision (1) on or after July 1, 1997, and for  
27 the loss by separation of any of the body parts described in  
28 subdivision (3), (5), or (7), on or after July 1, 1999, the dollar  
29 values per degree applying on the date of the injury as described  
30 in subsection (f) (g) shall be multiplied by two (2). However, the  
31 doubling provision of this subdivision does not apply to a loss of  
32 use that is not a loss by separation.

33 (3) The loss of more than one (1) phalange of a thumb or toe shall  
34 be considered as the loss of the entire thumb or toe. The loss of  
35 more than two (2) phalanges of a finger shall be considered as the  
36 loss of the entire finger. The loss of not more than one (1)  
37 phalange of a thumb or toe shall be considered as the loss of  
38 one-half (1/2) of the degrees of permanent impairment for the loss  
39 of the entire thumb or toe. The loss of not more than one (1)  
40 phalange of a finger shall be considered as the loss of one-third  
41 (1/3) of the finger and compensation shall be paid for one-third  
42 (1/3) of the degrees payable for the loss of the entire finger. The



- 1           loss of more than one (1) phalange of the finger but not more than  
2           two (2) phalanges of the finger shall be considered as the loss of  
3           one-half (1/2) of the finger and compensation shall be paid for  
4           one-half (1/2) of the degrees payable for the loss of the entire  
5           finger.
- 6           (4) For the loss by separation of both hands or both feet or the  
7           total sight of both eyes or any two (2) such losses in the same  
8           accident, one hundred (100) degrees of permanent impairment.
- 9           (5) For the permanent and complete loss of vision by enucleation,  
10          thirty-five (35) degrees of permanent impairment.
- 11          (6) For the permanent and complete loss of hearing in one (1) ear,  
12          fifteen (15) degrees of permanent impairment, and in both ears,  
13          forty (40) degrees of permanent impairment.
- 14          (7) For the loss of one (1) testicle, ten (10) degrees of permanent  
15          impairment; for the loss of both testicles, thirty (30) degrees of  
16          permanent impairment.
- 17          (8) Loss of use: The total permanent loss of the use of an arm, a  
18          hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be  
19          considered as the equivalent of the loss by separation of the arm,  
20          hand, thumb, finger, leg, foot, toe, or phalange, and compensation  
21          shall be paid in the same amount as for the loss by separation.  
22          However, the doubling provision of subdivision (2) does not  
23          apply to a loss of use that is not a loss by separation.
- 24          (9) Partial loss of use: For the permanent partial loss of the use of  
25          an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a  
26          phalange, compensation shall be paid for the proportionate loss of  
27          the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 28          (10) For injuries resulting in total permanent disability, the  
29          amount payable for impairment or five hundred (500) weeks of  
30          compensation, whichever is greater.
- 31          (11) Visual impairments shall be based on the Functional Vision  
32          Score (FVS) assessing the visual acuity and visual field to  
33          evaluate any reduction in ability to perform vision-related  
34          Activities of Daily Living (ADL). Unless such loss is otherwise  
35          specified in subdivision (5), visual impairments shall be paid as  
36          a whole person rating.
- 37          (12) For any permanent reduction of the hearing of one (1) or both  
38          ears, less than the total loss as specified in subsection ~~(h)(5)~~;  
39          **(e)(5)**, compensation shall be paid in an amount proportionate to  
40          the degree of a permanent reduction.
- 41          (13) In all other cases of permanent partial impairment,  
42          compensation proportionate to the degree of a permanent partial



1           impairment, in the discretion of the worker's compensation board,  
2           not exceeding one hundred (100) degrees of permanent  
3           impairment.

4           (14) In all cases of permanent disfigurement which may impair  
5           the future usefulness or opportunities of the employee,  
6           compensation, in the discretion of the worker's compensation  
7           board, not exceeding forty (40) degrees of permanent impairment  
8           except that no compensation shall be payable under this  
9           subdivision where compensation is payable elsewhere in this  
10          section.

11          (f)(g) Compensation for permanent partial impairment shall be paid  
12          according to the degree of permanent impairment for the injury  
13          determined under subsection (f) and the following:

14           (1) ~~With respect to injuries occurring on and after July 1, 1991,~~  
15           ~~and before July 1, 1992, for each degree of permanent impairment~~  
16           ~~from one (1) to thirty-five (35), five hundred dollars (\$500) per~~  
17           ~~degree; for each degree of permanent impairment from thirty-six~~  
18           ~~(36) to fifty (50), nine hundred dollars (\$900) per degree; for each~~  
19           ~~degree of permanent impairment above fifty (50), one thousand~~  
20           ~~five hundred dollars (\$1,500) per degree.~~

21           (2) ~~With respect to injuries occurring on and after July 1, 1992,~~  
22           ~~and before July 1, 1993, for each degree of permanent impairment~~  
23           ~~from one (1) to twenty (20), five hundred dollars (\$500) per~~  
24           ~~degree; for each degree of permanent impairment from~~  
25           ~~twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)~~  
26           ~~per degree; for each degree of permanent impairment from~~  
27           ~~thirty-six (36) to fifty (50), one thousand three hundred dollars~~  
28           ~~(\$1,300) per degree; for each degree of permanent impairment~~  
29           ~~above fifty (50), one thousand seven hundred dollars (\$1,700) per~~  
30           ~~degree.~~

31           (3) ~~With respect to injuries occurring on and after July 1, 1993,~~  
32           ~~and before July 1, 1997, for each degree of permanent impairment~~  
33           ~~from one (1) to ten (10), five hundred dollars (\$500) per degree;~~  
34           ~~for each degree of permanent impairment from eleven (11) to~~  
35           ~~twenty (20), seven hundred dollars (\$700) per degree; for each~~  
36           ~~degree of permanent impairment from twenty-one (21) to~~  
37           ~~thirty-five (35), one thousand dollars (\$1,000) per degree; for~~  
38           ~~each degree of permanent impairment from thirty-six (36) to fifty~~  
39           ~~(50), one thousand four hundred dollars (\$1,400) per degree; for~~  
40           ~~each degree of permanent impairment above fifty (50), one~~  
41           ~~thousand seven hundred dollars (\$1,700) per degree.~~

42           (4) ~~With respect to injuries occurring on and after July 1, 1997,~~



1 and before July 1, 1998; for each degree of permanent impairment  
 2 from one (1) to ten (10); seven hundred fifty dollars (\$750) per  
 3 degree; for each degree of permanent impairment from eleven  
 4 (11) to thirty-five (35); one thousand dollars (\$1,000) per degree;  
 5 for each degree of permanent impairment from thirty-six (36) to  
 6 fifty (50); one thousand four hundred dollars (\$1,400) per degree;  
 7 for each degree of permanent impairment above fifty (50); one  
 8 thousand seven hundred dollars (\$1,700) per degree.  
 9 (5) With respect to injuries occurring on and after July 1, 1998,  
 10 and before July 1, 1999; for each degree of permanent impairment  
 11 from one (1) to ten (10); seven hundred fifty dollars (\$750) per  
 12 degree; for each degree of permanent impairment from eleven  
 13 (11) to thirty-five (35); one thousand dollars (\$1,000) per degree;  
 14 for each degree of permanent impairment from thirty-six (36) to  
 15 fifty (50); one thousand four hundred dollars (\$1,400) per degree;  
 16 for each degree of permanent impairment above fifty (50); one  
 17 thousand seven hundred dollars (\$1,700) per degree.  
 18 (6) With respect to injuries occurring on and after July 1, 1999,  
 19 and before July 1, 2000; for each degree of permanent impairment  
 20 from one (1) to ten (10); nine hundred dollars (\$900) per degree;  
 21 for each degree of permanent impairment from eleven (11) to  
 22 thirty-five (35); one thousand one hundred dollars (\$1,100) per  
 23 degree; for each degree of permanent impairment from thirty-six  
 24 (36) to fifty (50); one thousand six hundred dollars (\$1,600) per  
 25 degree; for each degree of permanent impairment above fifty (50);  
 26 two thousand dollars (\$2,000) per degree.  
 27 (7) With respect to injuries occurring on and after July 1, 2000,  
 28 and before July 1, 2001; for each degree of permanent impairment  
 29 from one (1) to ten (10); one thousand one hundred dollars  
 30 (\$1,100) per degree; for each degree of permanent impairment  
 31 from eleven (11) to thirty-five (35); one thousand three hundred  
 32 dollars (\$1,300) per degree; for each degree of permanent  
 33 impairment from thirty-six (36) to fifty (50); two thousand dollars  
 34 (\$2,000) per degree; for each degree of permanent impairment  
 35 above fifty (50); two thousand five hundred fifty dollars (\$2,500)  
 36 per degree.  
 37 (8) With respect to injuries occurring on and after July 1, 2001,  
 38 and before July 1, 2007; for each degree of permanent impairment  
 39 from one (1) to ten (10); one thousand three hundred dollars  
 40 (\$1,300) per degree; for each degree of permanent impairment  
 41 from eleven (11) to thirty-five (35); one thousand five hundred  
 42 dollars (\$1,500) per degree; for each degree of permanent



1           impairment from thirty-six (36) to fifty (50); two thousand four  
2           hundred dollars (\$2,400) per degree; for each degree of  
3           permanent impairment above fifty (50); three thousand dollars  
4           (\$3,000) per degree.  
5           (9) With respect to injuries occurring on and after July 1, 2007;  
6           and before July 1, 2008; for each degree of permanent impairment  
7           from one (1) to ten (10); one thousand three hundred forty dollars  
8           (\$1,340) per degree; for each degree of permanent impairment  
9           from eleven (11) to thirty-five (35); one thousand five hundred  
10          forty-five dollars (\$1,545) per degree; for each degree of  
11          permanent impairment from thirty-six (36) to fifty (50); two  
12          thousand four hundred seventy-five dollars (\$2,475) per degree;  
13          for each degree of permanent impairment above fifty (50); three  
14          thousand one hundred fifty dollars (\$3,150) per degree.  
15          (10) With respect to injuries occurring on and after July 1, 2008;  
16          and before July 1, 2009; for each degree of permanent impairment  
17          from one (1) to ten (10); one thousand three hundred sixty-five  
18          dollars (\$1,365) per degree; for each degree of permanent  
19          impairment from eleven (11) to thirty-five (35); one thousand five  
20          hundred seventy dollars (\$1,570) per degree; for each degree of  
21          permanent impairment from thirty-six (36) to fifty (50); two  
22          thousand five hundred twenty-five dollars (\$2,525) per degree; for  
23          each degree of permanent impairment above fifty (50); three  
24          thousand two hundred dollars (\$3,200) per degree.  
25          (11) With respect to injuries occurring on and after July 1, 2009;  
26          and before July 1, 2010; for each degree of permanent impairment  
27          from one (1) to ten (10); one thousand three hundred eighty  
28          dollars (\$1,380) per degree; for each degree of permanent  
29          impairment from eleven (11) to thirty-five (35); one thousand five  
30          hundred eighty-five dollars (\$1,585) per degree; for each degree  
31          of permanent impairment from thirty-six (36) to fifty (50); two  
32          thousand six hundred dollars (\$2,600) per degree; for each degree  
33          of permanent impairment above fifty (50); three thousand three  
34          hundred dollars (\$3,300) per degree.  
35          (12) (1) With respect to injuries occurring on and after July 1,  
36          2010, and before July 1, 2014, for each degree of permanent  
37          impairment from one (1) to ten (10), one thousand four hundred  
38          dollars (\$1,400) per degree; for each degree of permanent  
39          impairment from eleven (11) to thirty-five (35), one thousand six  
40          hundred dollars (\$1,600) per degree; for each degree of  
41          permanent impairment from thirty-six (36) to fifty (50), two  
42          thousand seven hundred dollars (\$2,700) per degree; for each



1 degree of permanent impairment above fifty (50), three thousand  
 2 five hundred dollars (\$3,500) per degree.

3 ~~(+3)~~ **(2)** With respect to injuries occurring on and after July 1,  
 4 2014, and before July 1, 2015, for each degree of permanent  
 5 impairment from one (1) to ten (10), one thousand five hundred  
 6 seventeen dollars (\$1,517) per degree; for each degree of  
 7 permanent impairment from eleven (11) to thirty-five (35), one  
 8 thousand seven hundred seventeen dollars (\$1,717) per degree;  
 9 for each degree of permanent impairment from thirty-six (36) to  
 10 fifty (50), two thousand eight hundred sixty-two dollars (\$2,862)  
 11 per degree; for each degree of permanent impairment above fifty  
 12 (50), three thousand six hundred eighty-seven dollars (\$3,687) per  
 13 degree.

14 ~~(+4)~~ **(3)** With respect to injuries occurring on and after July 1,  
 15 2015, and before July 1, 2016, for each degree of permanent  
 16 impairment from one (1) to ten (10), one thousand six hundred  
 17 thirty-three dollars (\$1,633) per degree; for each degree of  
 18 permanent impairment from eleven (11) to thirty-five (35), one  
 19 thousand eight hundred thirty-five dollars (\$1,835) per degree; for  
 20 each degree of permanent impairment from thirty-six (36) to fifty  
 21 (50), three thousand twenty-four dollars (\$3,024) per degree; for  
 22 each degree of permanent impairment above fifty (50), three  
 23 thousand eight hundred seventy-three dollars (\$3,873) per degree.

24 ~~(+5)~~ **(4)** With respect to injuries occurring on and after July 1,  
 25 2016, **and before July 1, 2022**, for each degree of permanent  
 26 impairment from one (1) to ten (10), one thousand seven hundred  
 27 fifty dollars (\$1,750) per degree; for each degree of permanent  
 28 impairment from eleven (11) to thirty-five (35), one thousand nine  
 29 hundred fifty-two dollars (\$1,952) per degree; for each degree of  
 30 permanent impairment from thirty-six (36) to fifty (50), three  
 31 thousand one hundred eighty-six dollars (\$3,186) per degree; for  
 32 each degree of permanent impairment above fifty (50), four  
 33 thousand sixty dollars (\$4,060) per degree.

34 **(5) With respect to injuries occurring on and after July 1,**  
 35 **2022, and before July 1, 2023**, for each degree of permanent  
 36 **impairment from one (1) to ten (10), one thousand eight**  
 37 **hundred three dollars (\$1,803) per degree; for each degree of**  
 38 **permanent impairment from eleven (11) to thirty-five (35),**  
 39 **two thousand eleven dollars (\$2,011) per degree; for each**  
 40 **degree of permanent impairment from thirty-six (36) to fifty**  
 41 **(50), three thousand two hundred eighty-two dollars (\$3,282)**  
 42 **per degree; for each degree of permanent impairment above**



- 1           **fifty (50), four thousand one hundred eighty-two dollars**  
 2           **(\$4,182) per degree.**  
 3           **(6) With respect to injuries occurring on and after July 1,**  
 4           **2023, and before July 1, 2024, for each degree of permanent**  
 5           **impairment from one (1) to ten (10), one thousand eight**  
 6           **hundred fifty-seven dollars (\$1,857) per degree; for each**  
 7           **degree of permanent impairment from eleven (11) to**  
 8           **thirty-five (35), two thousand seventy-one dollars (\$2,071) per**  
 9           **degree; for each degree of permanent impairment from**  
 10           **thirty-six (36) to fifty (50), three thousand three hundred**  
 11           **eighty dollars (\$3,380) per degree; for each degree of**  
 12           **permanent impairment above fifty (50), four thousand three**  
 13           **hundred seven dollars (\$4,307) per degree.**  
 14           **(7) With respect to injuries occurring on and after July 1,**  
 15           **2024, and before July 1, 2025, for each degree of permanent**  
 16           **impairment from one (1) to ten (10), one thousand nine**  
 17           **hundred thirteen dollars (\$1,913) per degree; for each degree**  
 18           **of permanent impairment from eleven (11) to thirty-five (35),**  
 19           **two thousand one hundred thirty-three dollars (\$2,133) per**  
 20           **degree; for each degree of permanent impairment from**  
 21           **thirty-six (36) to fifty (50), three thousand four hundred**  
 22           **eighty-one dollars (\$3,481) per degree; for each degree of**  
 23           **permanent impairment above fifty (50), four thousand four**  
 24           **hundred thirty-six dollars (\$4,436) per degree.**  
 25           **(8) With respect to injuries occurring on and after July 1,**  
 26           **2025, for each degree of permanent impairment from one (1)**  
 27           **to ten (10), one thousand nine hundred seventy dollars**  
 28           **(\$1,970) per degree; for each degree of permanent**  
 29           **impairment from eleven (11) to thirty-five (35), two thousand**  
 30           **one hundred ninety-seven dollars (\$2,197) per degree; for**  
 31           **each degree of permanent impairment from thirty-six (36) to**  
 32           **fifty (50), three thousand five hundred eighty-five dollars**  
 33           **(\$3,585) per degree; for each degree of permanent**  
 34           **impairment above fifty (50), four thousand five hundred**  
 35           **sixty-nine dollars (\$4,569) per degree.**  
 36           ~~(h)~~ **(h)** The average weekly wages used in the determination of  
 37           compensation for permanent partial impairment under subsections ~~(f)~~  
 38           ~~(f)~~ and ~~(j)~~ **(g)** shall not exceed the following:  
 39           ~~(1)~~ **(1)** With respect to injuries occurring on or after July 1, 1991, and  
 40           before July 1, 1992, four hundred ninety-two dollars (\$492).  
 41           ~~(2)~~ **(2)** With respect to injuries occurring on or after July 1, 1992, and  
 42           before July 1, 1993, five hundred forty dollars (\$540).



- 1 (3) With respect to injuries occurring on or after July 1, 1993, and  
 2 before July 1, 1994, five hundred ninety-one dollars (\$591).  
 3 (4) With respect to injuries occurring on or after July 1, 1994, and  
 4 before July 1, 1997, six hundred forty-two dollars (\$642).  
 5 (5) With respect to injuries occurring on or after July 1, 1997, and  
 6 before July 1, 1998, six hundred seventy-two dollars (\$672).  
 7 (6) With respect to injuries occurring on or after July 1, 1998, and  
 8 before July 1, 1999, seven hundred two dollars (\$702).  
 9 (7) With respect to injuries occurring on or after July 1, 1999, and  
 10 before July 1, 2000, seven hundred thirty-two dollars (\$732).  
 11 (8) With respect to injuries occurring on or after July 1, 2000, and  
 12 before July 1, 2001, seven hundred sixty-two dollars (\$762).  
 13 (9) With respect to injuries occurring on or after July 1, 2001, and  
 14 before July 1, 2002, eight hundred twenty-two dollars (\$822).  
 15 (10) With respect to injuries occurring on or after July 1, 2002,  
 16 and before July 1, 2006, eight hundred eighty-two dollars (\$882).  
 17 (11) With respect to injuries occurring on or after July 1, 2006,  
 18 and before July 1, 2007, nine hundred dollars (\$900).  
 19 (12) With respect to injuries occurring on or after July 1, 2007,  
 20 and before July 1, 2008, nine hundred thirty dollars (\$930).  
 21 (13) With respect to injuries occurring on or after July 1, 2008,  
 22 and before July 1, 2009, nine hundred fifty-four dollars (\$954).  
 23 (14) (1) With respect to injuries occurring on or after July 1,  
 24 2009, and before July 1, 2014, nine hundred seventy-five dollars  
 25 (\$975).  
 26 (15) (2) With respect to injuries occurring on or after July 1,  
 27 2014, and before July 1, 2015, one thousand forty dollars  
 28 (\$1,040).  
 29 (16) (3) With respect to injuries occurring on or after July 1,  
 30 2015, and before July 1, 2016, one thousand one hundred five  
 31 dollars (\$1,105).  
 32 (17) (4) With respect to injuries occurring on or after July 1,  
 33 2016, **and before July 1, 2022**, one thousand one hundred  
 34 seventy dollars (\$1,170).  
 35 (5) **With respect to injuries occurring on or after July 1, 2022,**  
 36 **and before July 1, 2023, one thousand two hundred five**  
 37 **dollars (\$1,205).**  
 38 (6) **With respect to injuries occurring on or after July 1, 2023,**  
 39 **and before July 1, 2024, one thousand two hundred forty-one**  
 40 **dollars (\$1,241).**  
 41 (7) **With respect to injuries occurring on or after July 1, 2024,**  
 42 **and before July 1, 2025, one thousand two hundred**





1           **seventy-eight dollars (\$1,278).**

2           **(8) With respect to injuries occurring on or after July 1, 2025,**  
 3           **one thousand three hundred sixteen dollars (\$1,316).**

4           SECTION 4. IC 22-3-3-22, AS AMENDED BY P.L.275-2013,  
 5           SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6           JULY 1, 2022]: Sec. 22. (a) In computing compensation for temporary  
 7           total disability; temporary partial disability; and total permanent  
 8           disability; with respect to injuries occurring on and after July 1, 1985;  
 9           and before July 1, 1986; the average weekly wages are considered to  
 10          be:

11           (1) not more than two hundred sixty-seven dollars (\$267); and

12           (2) not less than seventy-five dollars (\$75).

13          However, the weekly compensation payable shall not exceed the  
 14          average weekly wages of the employee at the time of the injury:

15          (b) In computing compensation for temporary total disability;  
 16          temporary partial disability; and total permanent disability; with respect  
 17          to injuries occurring on and after July 1, 1986; and before July 1, 1988;  
 18          the average weekly wages are considered to be:

19           (1) not more than two hundred eighty-five dollars (\$285); and

20           (2) not less than seventy-five dollars (\$75).

21          However, the weekly compensation payable shall not exceed the  
 22          average weekly wages of the employee at the time of the injury:

23          (c) In computing compensation for temporary total disability;  
 24          temporary partial disability; and total permanent disability; with respect  
 25          to injuries occurring on and after July 1, 1988; and before July 1, 1989;  
 26          the average weekly wages are considered to be:

27           (1) not more than three hundred eighty-four dollars (\$384); and

28           (2) not less than seventy-five dollars (\$75).

29          However, the weekly compensation payable shall not exceed the  
 30          average weekly wages of the employee at the time of the injury:

31          (d) In computing compensation for temporary total disability;  
 32          temporary partial disability; and total permanent disability; with respect  
 33          to injuries occurring on and after July 1, 1989; and before July 1, 1990;  
 34          the average weekly wages are considered to be:

35           (1) not more than four hundred eleven dollars (\$411); and

36           (2) not less than seventy-five dollars (\$75).

37          However, the weekly compensation payable shall not exceed the  
 38          average weekly wages of the employee at the time of the injury:

39          (e) In computing compensation for temporary total disability;  
 40          temporary partial disability; and total permanent disability; with respect  
 41          to injuries occurring on and after July 1, 1990; and before July 1, 1991;  
 42          the average weekly wages are considered to be:



1 (1) not more than four hundred forty-one dollars (\$441); and

2 (2) not less than seventy-five dollars (\$75).

3 However, the weekly compensation payable shall not exceed the  
4 average weekly wages of the employee at the time of the injury.

5 (f) In computing compensation for temporary total disability;  
6 temporary partial disability; and total permanent disability; with respect  
7 to injuries occurring on and after July 1, 1991, and before July 1, 1992;  
8 the average weekly wages are considered to be:

9 (1) not more than four hundred ninety-two dollars (\$492); and

10 (2) not less than seventy-five dollars (\$75).

11 However, the weekly compensation payable shall not exceed the  
12 average weekly wages of the employee at the time of the injury.

13 (g) In computing compensation for temporary total disability;  
14 temporary partial disability; and total permanent disability; with respect  
15 to injuries occurring on and after July 1, 1992, and before July 1, 1993;  
16 the average weekly wages are considered to be:

17 (1) not more than five hundred forty dollars (\$540); and

18 (2) not less than seventy-five dollars (\$75).

19 However, the weekly compensation payable shall not exceed the  
20 average weekly wages of the employee at the time of the injury.

21 (h) In computing compensation for temporary total disability;  
22 temporary partial disability; and total permanent disability; with respect  
23 to injuries occurring on and after July 1, 1993, and before July 1, 1994;  
24 the average weekly wages are considered to be:

25 (1) not more than five hundred ninety-one dollars (\$591); and

26 (2) not less than seventy-five dollars (\$75).

27 However, the weekly compensation payable shall not exceed the  
28 average weekly wages of the employee at the time of the injury.

29 (i) In computing compensation for temporary total disability;  
30 temporary partial disability; and total permanent disability; with respect  
31 to injuries occurring on and after July 1, 1994, and before July 1, 1997;  
32 the average weekly wages are considered to be:

33 (1) not more than six hundred forty-two dollars (\$642); and

34 (2) not less than seventy-five dollars (\$75).

35 However, the weekly compensation payable shall not exceed the  
36 average weekly wages of the employee at the time of the injury.

37 (j) (a) In computing compensation for temporary total disability,  
38 temporary partial disability, and total permanent disability, the average  
39 weekly wages are considered to be:

40 (1) with respect to injuries occurring on and after July 1, 1997,  
41 and before July 1, 1998:

42 (A) not more than six hundred seventy-two dollars (\$672); and



- 1 (B) not less than seventy-five dollars (\$75);  
 2 (2) with respect to injuries occurring on and after July 1, 1998;  
 3 and before July 1, 1999:  
 4 (A) not more than seven hundred two dollars (\$702); and  
 5 (B) not less than seventy-five dollars (\$75);  
 6 (3) with respect to injuries occurring on and after July 1, 1999;  
 7 and before July 1, 2000:  
 8 (A) not more than seven hundred thirty-two dollars (\$732);  
 9 and  
 10 (B) not less than seventy-five dollars (\$75);  
 11 (4) with respect to injuries occurring on and after July 1, 2000;  
 12 and before July 1, 2001:  
 13 (A) not more than seven hundred sixty-two dollars (\$762); and  
 14 (B) not less than seventy-five dollars (\$75);  
 15 (5) with respect to injuries occurring on and after July 1, 2001;  
 16 and before July 1, 2002:  
 17 (A) not more than eight hundred twenty-two dollars (\$822);  
 18 and  
 19 (B) not less than seventy-five dollars (\$75);  
 20 (6) with respect to injuries occurring on and after July 1, 2002;  
 21 and before July 1, 2006:  
 22 (A) not more than eight hundred eighty-two dollars (\$882);  
 23 and  
 24 (B) not less than seventy-five dollars (\$75);  
 25 (7) with respect to injuries occurring on and after July 1, 2006;  
 26 and before July 1, 2007:  
 27 (A) not more than nine hundred dollars (\$900); and  
 28 (B) not less than seventy-five dollars (\$75);  
 29 (8) with respect to injuries occurring on and after July 1, 2007;  
 30 and before July 1, 2008:  
 31 (A) not more than nine hundred thirty dollars (\$930); and  
 32 (B) not less than seventy-five dollars (\$75);  
 33 (9) with respect to injuries occurring on and after July 1, 2008;  
 34 and before July 1, 2009:  
 35 (A) not more than nine hundred fifty-four dollars (\$954); and  
 36 (B) not less than seventy-five dollars (\$75);  
 37 (10) (1) with respect to injuries occurring on and after July 1,  
 38 2009, and before July 1, 2014:  
 39 (A) not more than nine hundred seventy-five dollars (\$975);  
 40 and  
 41 (B) not less than seventy-five dollars (\$75);  
 42 (11) (2) with respect to injuries occurring on and after July 1,



- 1           2014, and before July 1, 2015:
- 2           (A) not more than one thousand forty dollars (\$1,040); and
- 3           (B) not less than seventy-five dollars (\$75);
- 4           ~~(12)~~ **(3)** with respect to injuries occurring on and after July 1,
- 5           2015, and before July 1, 2016:
- 6           (A) not more than one thousand one hundred five dollars
- 7           (\$1,105); and
- 8           (B) not less than seventy-five dollars (\$75); ~~and~~
- 9           ~~(13)~~ **(4)** with respect to injuries occurring on and after July 1,
- 10          2016, **and before July 1, 2022:**
- 11          (A) not more than one thousand one hundred seventy dollars
- 12          (\$1,170); and
- 13          (B) not less than seventy-five dollars (\$75);
- 14          **(5) with respect to injuries occurring on and after July 1,**
- 15          **2022, and before July 1, 2023:**
- 16          **(A) not more than one thousand two hundred five dollars**
- 17          **(\$1,205); and**
- 18          **(B) not less than seventy-five dollars (\$75);**
- 19          **(6) with respect to injuries occurring on and after July 1,**
- 20          **2023, and before July 1, 2024:**
- 21          **(A) not more than one thousand two hundred forty-one**
- 22          **dollars (\$1,241); and**
- 23          **(B) not less than seventy-five dollars (\$75);**
- 24          **(7) with respect to injuries occurring on and after July 1,**
- 25          **2024, and before July 1, 2025:**
- 26          **(A) not more than one thousand two hundred seventy-eight**
- 27          **dollars (\$1,278); and**
- 28          **(B) not less than seventy-five dollars (\$75); and**
- 29          **(8) with respect to injuries occurring on and after July 1,**
- 30          **2025:**
- 31          **(A) not more than one thousand three hundred sixteen**
- 32          **dollars (\$1,316); and**
- 33          **(B) not less than seventy-five dollars (\$75).**
- 34          However, the weekly compensation payable shall not exceed the
- 35          average weekly wages of the employee at the time of the injury.
- 36          ~~(k) With respect to any injury occurring on and after July 1, 1985,~~
- 37          ~~and before July 1, 1986, the maximum compensation, exclusive of~~
- 38          ~~medical benefits, which may be paid for an injury under any provisions~~
- 39          ~~of this law or any combination of provisions may not exceed~~
- 40          ~~eighty-nine thousand dollars (\$89,000) in any case.~~
- 41          ~~(l) With respect to any injury occurring on and after July 1, 1986,~~
- 42          ~~and before July 1, 1988, the maximum compensation, exclusive of~~



1 medical benefits; which may be paid for an injury under any provisions  
2 of this law or any combination of provisions may not exceed  
3 ninety-five thousand dollars (\$95,000) in any case.

4 (m) With respect to any injury occurring on and after July 1, 1988,  
5 and before July 1, 1989; the maximum compensation, exclusive of  
6 medical benefits; which may be paid for an injury under any provisions  
7 of this law or any combination of provisions may not exceed one  
8 hundred twenty-eight thousand dollars (\$128,000) in any case.

9 (n) With respect to any injury occurring on and after July 1, 1989,  
10 and before July 1, 1990; the maximum compensation, exclusive of  
11 medical benefits; which may be paid for an injury under any provisions  
12 of this law or any combination of provisions may not exceed one  
13 hundred thirty-seven thousand dollars (\$137,000) in any case.

14 (o) With respect to any injury occurring on and after July 1, 1990,  
15 and before July 1, 1991; the maximum compensation, exclusive of  
16 medical benefits; which may be paid for an injury under any provisions  
17 of this law or any combination of provisions may not exceed one  
18 hundred forty-seven thousand dollars (\$147,000) in any case.

19 (p) With respect to any injury occurring on and after July 1, 1991,  
20 and before July 1, 1992; the maximum compensation, exclusive of  
21 medical benefits; that may be paid for an injury under any provisions  
22 of this law or any combination of provisions may not exceed one  
23 hundred sixty-four thousand dollars (\$164,000) in any case.

24 (q) With respect to any injury occurring on and after July 1, 1992,  
25 and before July 1, 1993; the maximum compensation, exclusive of  
26 medical benefits; that may be paid for an injury under any provisions  
27 of this law or any combination of provisions may not exceed one  
28 hundred eighty thousand dollars (\$180,000) in any case.

29 (r) With respect to any injury occurring on and after July 1, 1993,  
30 and before July 1, 1994; the maximum compensation, exclusive of  
31 medical benefits; that may be paid for an injury under any provisions  
32 of this law or any combination of provisions may not exceed one  
33 hundred ninety-seven thousand dollars (\$197,000) in any case.

34 (s) With respect to any injury occurring on and after July 1, 1994,  
35 and before July 1, 1997; the maximum compensation, exclusive of  
36 medical benefits; which may be paid for an injury under any provisions  
37 of this law or any combination of provisions may not exceed two  
38 hundred fourteen thousand dollars (\$214,000) in any case.

39 (t) (b) The maximum compensation, exclusive of medical benefits,  
40 that may be paid for an injury under any provision of this law or any  
41 combination of provisions may not exceed the following amounts in  
42 any case:



- 1 (1) With respect to an injury occurring on and after July 1, 1997,  
 2 and before July 1, 1998, two hundred twenty-four thousand  
 3 dollars (\$224,000).  
 4 (2) With respect to an injury occurring on and after July 1, 1998,  
 5 and before July 1, 1999, two hundred thirty-four thousand dollars  
 6 (\$234,000).  
 7 (3) With respect to an injury occurring on and after July 1, 1999,  
 8 and before July 1, 2000, two hundred forty-four thousand dollars  
 9 (\$244,000).  
 10 (4) With respect to an injury occurring on and after July 1, 2000,  
 11 and before July 1, 2001, two hundred fifty-four thousand dollars  
 12 (\$254,000).  
 13 (5) With respect to an injury occurring on and after July 1, 2001,  
 14 and before July 1, 2002, two hundred seventy-four thousand  
 15 dollars (\$274,000).  
 16 (6) With respect to an injury occurring on and after July 1, 2002,  
 17 and before July 1, 2006, two hundred ninety-four thousand dollars  
 18 (\$294,000).  
 19 (7) With respect to an injury occurring on and after July 1, 2006,  
 20 and before July 1, 2007, three hundred thousand dollars  
 21 (\$300,000).  
 22 (8) With respect to an injury occurring on and after July 1, 2007,  
 23 and before July 1, 2008, three hundred ten thousand dollars  
 24 (\$310,000).  
 25 (9) With respect to an injury occurring on and after July 1, 2008,  
 26 and before July 1, 2009, three hundred eighteen thousand dollars  
 27 (\$318,000).  
 28 (10) (1) With respect to an injury occurring on and after July 1,  
 29 2009, and before July 1, 2014, three hundred twenty-five  
 30 thousand dollars (\$325,000).  
 31 (11) (2) With respect to an injury occurring on and after July 1,  
 32 2014, and before July 1, 2015, three hundred forty-seven  
 33 thousand dollars (\$347,000).  
 34 (12) (3) With respect to an injury occurring on and after July 1,  
 35 2015, and before July 1, 2016, three hundred sixty-eight thousand  
 36 dollars (\$368,000).  
 37 (13) (4) With respect to an injury occurring on and after July 1,  
 38 2016, and before July 1, 2022, three hundred ninety thousand  
 39 dollars (\$390,000).  
 40 (5) With respect to an injury occurring on and after July 1,  
 41 2022, and before July 1, 2023, four hundred two thousand  
 42 dollars (\$402,000).



1           **(6) With respect to an injury occurring on and after July 1,**  
 2           **2023, and before July 1, 2024, four hundred fourteen**  
 3           **thousand dollars (\$414,000).**

4           **(7) With respect to an injury occurring on and after July 1,**  
 5           **2024, and before July 1, 2025, four hundred twenty-six**  
 6           **thousand dollars (\$426,000).**

7           **(8) With respect to an injury occurring on and after July 1,**  
 8           **2025, four hundred thirty-nine thousand dollars (\$439,000).**

9           SECTION 5. IC 22-3-6-1, AS AMENDED BY P.L.147-2020,  
 10          SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11          JANUARY 1, 2023]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the  
 12          context otherwise requires:

13          (a) "Employer" includes the state and any political subdivision, any  
 14          municipal corporation within the state, any individual or the legal  
 15          representative of a deceased individual, firm, association, limited  
 16          liability company, limited liability partnership, or corporation or the  
 17          receiver or trustee of the same, using the services of another for pay. A  
 18          corporation, limited liability company, or limited liability partnership  
 19          that controls the activities of another corporation, limited liability  
 20          company, or limited liability partnership, or a corporation and a limited  
 21          liability company or a corporation and a limited liability partnership  
 22          that are commonly owned entities, or the controlled corporation,  
 23          limited liability company, limited liability partnership, or commonly  
 24          owned entities, and a parent corporation and its subsidiaries shall each  
 25          be considered joint employers of the corporation's, the controlled  
 26          corporation's, the limited liability company's, the limited liability  
 27          partnership's, the commonly owned entities', the parent's, or the  
 28          subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-31.  
 29          Both a lessor and a lessee of employees shall each be considered joint  
 30          employers of the employees provided by the lessor to the lessee for  
 31          purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured,  
 32          the term includes the employer's insurer so far as applicable. However,  
 33          the inclusion of an employer's insurer within this definition does not  
 34          allow an employer's insurer to avoid payment for services rendered to  
 35          an employee with the approval of the employer. The term also includes  
 36          an employer that provides on-the-job training under the federal School  
 37          to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set  
 38          forth in IC 22-3-2-2.5. The term does not include a nonprofit  
 39          corporation that is recognized as tax exempt under Section 501(c)(3)  
 40          of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the  
 41          extent the corporation enters into an independent contractor agreement  
 42          with a person for the performance of youth coaching services on a



1 part-time basis.

2 (b) "Employee" means every person, including a minor, in the  
3 service of another, under any contract of hire or apprenticeship, written  
4 or implied, except one whose employment is both casual and not in the  
5 usual course of the trade, business, occupation, or profession of the  
6 employer.

7 (1) An executive officer elected or appointed and empowered in  
8 accordance with the charter and bylaws of a corporation, other  
9 than a municipal corporation or governmental subdivision or a  
10 charitable, religious, educational, or other nonprofit corporation,  
11 is an employee of the corporation under IC 22-3-2 through  
12 IC 22-3-6. An officer of a corporation who is an employee of the  
13 corporation under IC 22-3-2 through IC 22-3-6 may elect not to  
14 be an employee of the corporation under IC 22-3-2 through  
15 IC 22-3-6. An officer of a corporation who is also an owner of any  
16 interest in the corporation may elect not to be an employee of the  
17 corporation under IC 22-3-2 through IC 22-3-6. If an officer  
18 makes this election, the officer must serve written notice of the  
19 election on the corporation's insurance carrier and the board. An  
20 officer of a corporation may not be considered to be excluded as  
21 an employee under IC 22-3-2 through IC 22-3-6 until the notice  
22 is received by the insurance carrier and the board.

23 (2) An executive officer of a municipal corporation or other  
24 governmental subdivision or of a charitable, religious,  
25 educational, or other nonprofit corporation may, notwithstanding  
26 any other provision of IC 22-3-2 through IC 22-3-6, be brought  
27 within the coverage of its insurance contract by the corporation by  
28 specifically including the executive officer in the contract of  
29 insurance. The election to bring the executive officer within the  
30 coverage shall continue for the period the contract of insurance is  
31 in effect, and during this period, the executive officers thus  
32 brought within the coverage of the insurance contract are  
33 employees of the corporation under IC 22-3-2 through IC 22-3-6.

34 (3) Any reference to an employee who has been injured, when the  
35 employee is dead, also includes the employee's legal  
36 representatives, dependents, and other persons to whom  
37 compensation may be payable.

38 (4) An owner of a sole proprietorship may elect to include the  
39 owner as an employee under IC 22-3-2 through IC 22-3-6 if the  
40 owner is actually engaged in the proprietorship business. If the  
41 owner makes this election, the owner must serve upon the owner's  
42 insurance carrier and upon the board written notice of the





1 election. No owner of a sole proprietorship may be considered an  
 2 employee under IC 22-3-2 through IC 22-3-6 until the notice has  
 3 been received. If the owner of a sole proprietorship:

4 (A) is an independent contractor in the construction trades and  
 5 does not make the election provided under this subdivision,  
 6 the owner must obtain a certificate of exemption under  
 7 IC 22-3-2-14.5; or

8 (B) is an independent contractor and does not make the  
 9 election provided under this subdivision, the owner may obtain  
 10 a certificate of exemption under IC 22-3-2-14.5.

11 (5) A partner in a partnership may elect to include the partner as  
 12 an employee under IC 22-3-2 through IC 22-3-6 if the partner is  
 13 actually engaged in the partnership business. If a partner makes  
 14 this election, the partner must serve upon the partner's insurance  
 15 carrier and upon the board written notice of the election. No  
 16 partner may be considered an employee under IC 22-3-2 through  
 17 IC 22-3-6 until the notice has been received. If a partner in a  
 18 partnership:

19 (A) is an independent contractor in the construction trades and  
 20 does not make the election provided under this subdivision,  
 21 the partner must obtain a certificate of exemption under  
 22 IC 22-3-2-14.5; or

23 (B) is an independent contractor and does not make the  
 24 election provided under this subdivision, the partner may  
 25 obtain a certificate of exemption under IC 22-3-2-14.5.

26 (6) Real estate professionals are not employees under IC 22-3-2  
 27 through IC 22-3-6 if:

28 (A) they are licensed real estate agents;

29 (B) substantially all their remuneration is directly related to  
 30 sales volume and not the number of hours worked; and

31 (C) they have written agreements with real estate brokers  
 32 stating that they are not to be treated as employees for tax  
 33 purposes.

34 (7) A person is an independent contractor and not an employee  
 35 under IC 22-3-2 through IC 22-3-6 if the person is an independent  
 36 contractor under the guidelines of the United States Internal  
 37 Revenue Service.

38 (8) An owner-operator that provides a motor vehicle and the  
 39 services of a driver under a written contract that is subject to  
 40 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376 to a motor carrier  
 41 is not an employee of the motor carrier for purposes of IC 22-3-2  
 42 through IC 22-3-6. The owner-operator may elect to be covered



1 and have the owner-operator's drivers covered under a worker's  
 2 compensation insurance policy or authorized self-insurance that  
 3 insures the motor carrier if the owner-operator pays the premiums  
 4 as requested by the motor carrier. An election by an  
 5 owner-operator under this subdivision does not terminate the  
 6 independent contractor status of the owner-operator for any  
 7 purpose other than the purpose of this subdivision.

8 (9) A member or manager in a limited liability company may elect  
 9 to include the member or manager as an employee under  
 10 IC 22-3-2 through IC 22-3-6 if the member or manager is actually  
 11 engaged in the limited liability company business. If a member or  
 12 manager makes this election, the member or manager must serve  
 13 upon the member's or manager's insurance carrier and upon the  
 14 board written notice of the election. A member or manager may  
 15 not be considered an employee under IC 22-3-2 through IC 22-3-6  
 16 until the notice has been received.

17 (10) An unpaid participant under the federal School to Work  
 18 Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the  
 19 extent set forth in IC 22-3-2-2.5.

20 (11) A person who enters into an independent contractor  
 21 agreement with a nonprofit corporation that is recognized as tax  
 22 exempt under Section 501(c)(3) of the Internal Revenue Code (as  
 23 defined in IC 6-3-1-11(a)) to perform youth coaching services on  
 24 a part-time basis is not an employee for purposes of IC 22-3-2  
 25 through IC 22-3-6.

26 (12) An individual who is not an employee of the state or a  
 27 political subdivision is considered to be a temporary employee of  
 28 the state for purposes of IC 22-3-2 through IC 22-3-6 while  
 29 serving as a member of a mobile support unit on duty for training,  
 30 an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).

31 (13) A driver providing drive away operations is an independent  
 32 contractor and not an employee when:

33 (A) the vehicle being driven is the commodity being delivered;  
 34 and

35 (B) the driver has entered into an agreement with the party  
 36 arranging for the transportation that specifies the driver is an  
 37 independent contractor and not an employee.

38 (c) "Minor" means an individual who has not reached seventeen  
 39 (17) years of age.

40 (1) Unless otherwise provided in this subsection, a minor  
 41 employee shall be considered as being of full age for all purposes  
 42 of IC 22-3-2 through IC 22-3-6.



1 (2) If the employee is a minor who, at the time of the accident, is  
 2 employed, required, suffered, or permitted to work in violation of  
 3 IC 22-2-18-40 (before its expiration on June 30, 2021) and  
 4 IC 22-2-18.1-23, the amount of compensation and death benefits,  
 5 as provided in IC 22-3-2 through IC 22-3-6, shall be double the  
 6 amount which would otherwise be recoverable. The insurance  
 7 carrier shall be liable on its policy for one-half (1/2) of the  
 8 compensation or benefits that may be payable on account of the  
 9 injury or death of the minor, and the employer shall be liable for  
 10 the other one-half (1/2) of the compensation or benefits. If the  
 11 employee is a minor who is not less than sixteen (16) years of age  
 12 and who has not reached seventeen (17) years of age and who at  
 13 the time of the accident is employed, suffered, or permitted to  
 14 work at any occupation which is not prohibited by law, this  
 15 subdivision does not apply.

16 (3) A minor employee who, at the time of the accident, is a  
 17 student performing services for an employer as part of an  
 18 approved program under IC 20-37-2-7 shall be considered a  
 19 full-time employee for the purpose of computing compensation  
 20 for permanent impairment under IC 22-3-3-10. The average  
 21 weekly wages for such a student shall be calculated as provided  
 22 in subsection (d)(4).

23 (4) The rights and remedies granted in this subsection to a minor  
 24 under IC 22-3-2 through IC 22-3-6 on account of personal injury  
 25 or death by accident shall exclude all rights and remedies of the  
 26 minor, the minor's parents, or the minor's personal  
 27 representatives, dependents, or next of kin at common law,  
 28 statutory or otherwise, on account of the injury or death. This  
 29 subsection does not apply to minors who have reached seventeen  
 30 (17) years of age.

31 (d) "Average weekly wages" means the earnings of the injured  
 32 employee in the employment in which the employee was working at the  
 33 time of the injury during the period of fifty-two (52) weeks  
 34 immediately preceding the date of injury, divided by fifty-two (52),  
 35 except as follows:

36 (1) If the injured employee lost seven (7) or more calendar days  
 37 during this period, although not in the same week, then the  
 38 earnings for the remainder of the fifty-two (52) weeks shall be  
 39 divided by the number of weeks and parts thereof remaining after  
 40 the time lost has been deducted.

41 (2) Where the employment prior to the injury extended over a  
 42 period of less than fifty-two (52) weeks, the method of dividing



1 the earnings during that period by the number of weeks and parts  
 2 thereof during which the employee earned wages shall be  
 3 followed, if results just and fair to both parties will be obtained.  
 4 Where by reason of the shortness of the time during which the  
 5 employee has been in the employment of the employee's employer  
 6 or of the casual nature or terms of the employment it is  
 7 impracticable to compute the average weekly wages, as defined  
 8 in this subsection, regard shall be had to the average weekly  
 9 amount which during the fifty-two (52) weeks previous to the  
 10 injury was being earned by a person in the same grade employed  
 11 at the same work by the same employer or, if there is no person so  
 12 employed, by a person in the same grade employed in the same  
 13 class of employment in the same district.

14 (3) Wherever allowances of any character made to an employee  
 15 in lieu of wages are a specified part of the wage contract, they  
 16 shall be deemed a part of the employee's earnings.

17 (4) In computing the average weekly wages to be used in  
 18 calculating an award for permanent impairment under  
 19 IC 22-3-3-10 for a student employee in an approved training  
 20 program under IC 20-37-2-7, the following formula shall be used.

21 Calculate the product of:

- 22 (A) the student employee's hourly wage rate; multiplied by
- 23 (B) forty (40) hours.

24 The result obtained is the amount of the average weekly wages for  
 25 the student employee.

26 (e) "Injury" and "personal injury" mean only injury by accident  
 27 arising out of and in the course of the employment and do not include  
 28 a disease in any form except as it results from the injury.

29 (f) "Billing review service" refers to a person or an entity that  
 30 reviews a medical service provider's bills or statements for the purpose  
 31 of determining pecuniary liability. The term includes an employer's  
 32 worker's compensation insurance carrier if the insurance carrier  
 33 performs such a review.

34 (g) "Billing review standard" means the data used by a billing  
 35 review service to determine pecuniary liability.

36 (h) "Community" means a geographic service area based on ZIP  
 37 code districts defined by the United States Postal Service according to  
 38 the following groupings:

- 39 (1) The geographic service area served by ZIP codes with the first  
 40 three (3) digits 463 and 464.
- 41 (2) The geographic service area served by ZIP codes with the first  
 42 three (3) digits 465 and 466.



- 1 (3) The geographic service area served by ZIP codes with the first  
 2 three (3) digits 467 and 468.
- 3 (4) The geographic service area served by ZIP codes with the first  
 4 three (3) digits 469 and 479.
- 5 (5) The geographic service area served by ZIP codes with the first  
 6 three (3) digits 460, 461 (except 46107), and 473.
- 7 (6) The geographic service area served by the 46107 ZIP code and  
 8 ZIP codes with the first three (3) digits 462.
- 9 (7) The geographic service area served by ZIP codes with the first  
 10 three (3) digits 470, 471, 472, 474, and 478.
- 11 (8) The geographic service area served by ZIP codes with the first  
 12 three (3) digits 475, 476, and 477.
- 13 (i) "Medical service provider" refers to a person or an entity that  
 14 provides services or products to an employee under IC 22-3-2 through  
 15 IC 22-3-6. Except as otherwise provided in IC 22-3-2 through  
 16 IC 22-3-6, the term includes a medical service facility.
- 17 (j) "Medical service facility" means any of the following that  
 18 provides a service or product under IC 22-3-2 through IC 22-3-6 and  
 19 uses the CMS 1450 (UB-04) form **or the CMS 1500 (HCFA-1500)**  
 20 **form** for Medicare reimbursement:
- 21 (1) **An ambulatory outpatient surgical center (as defined in**  
 22 **IC 16-18-2-14).**
- 23 (†) (2) A hospital (as defined in IC 16-18-2-179).
- 24 (2) (3) A hospital based health facility (as defined in  
 25 IC 16-18-2-180).
- 26 (3) (4) A medical center (as defined in IC 16-18-2-223.4).
- 27 ~~The term does not include a professional corporation (as defined in~~  
 28 ~~IC 23-1.5-1-10) comprised of health care professionals (as defined in~~  
 29 ~~IC 23-1.5-1-8) formed to render professional services as set forth in~~  
 30 ~~IC 23-1.5-2-3(a)(4) or a health care professional (as defined in~~  
 31 ~~IC 23-1.5-1-8) who bills for a service or product provided under~~  
 32 ~~IC 22-3-2 through IC 22-3-6 as an individual or a member of a group~~  
 33 ~~practice or another medical service provider that uses the CMS 1500~~  
 34 ~~form for Medicare reimbursement.~~
- 35 (k) "Pecuniary liability" means the responsibility of an employer or  
 36 the employer's insurance carrier for the payment of the charges for each  
 37 specific service or product for human medical treatment provided  
 38 under IC 22-3-2 through IC 22-3-6, as follows:
- 39 (1) This subdivision applies before July 1, 2014, to all medical  
 40 service providers, and after June 30, 2014, to a medical service  
 41 provider that is not a medical service facility. Payment of the  
 42 charges in a defined community, equal to or less than the charges



1 made by medical service providers at the eightieth percentile in  
2 the same community for like services or products.  
3 (2) Payment of the charges in a reasonable amount, which is  
4 established by payment of one (1) of the following:  
5 (A) The amount negotiated at any time between the medical  
6 service facility and any of the following, if an amount has been  
7 negotiated:  
8 (i) The employer.  
9 (ii) The employer's insurance carrier.  
10 (iii) A billing review service on behalf of a person described  
11 in item (i) or (ii).  
12 (iv) A direct provider network that has contracted with a  
13 person described in item (i) or (ii).  
14 (B) **An amount not to exceed** two hundred percent (200%) of  
15 the amount that would be paid to the medical service facility  
16 on the same date for the same service or product under the  
17 medical service facility's Medicare reimbursement rate, if, ~~an~~  
18 **amount has not been negotiated as after conducting the**  
19 **negotiations** described in clause (A), **an agreement has not**  
20 **been reached.**  
21 (l) "Service or product" or "services and products" refers to medical,  
22 hospital, surgical, or nursing service, treatment, and supplies provided  
23 under IC 22-3-2 through IC 22-3-6.  
24 SECTION 6. IC 22-3-7-9, AS AMENDED BY P.L.147-2020,  
25 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JANUARY 1, 2023]: Sec. 9. (a) As used in this chapter, "employer"  
27 includes the state and any political subdivision, any municipal  
28 corporation within the state, any individual or the legal representative  
29 of a deceased individual, firm, association, limited liability company,  
30 limited liability partnership, or corporation or the receiver or trustee of  
31 the same, using the services of another for pay. A corporation, limited  
32 liability company, or limited liability partnership that controls the  
33 activities of another corporation, limited liability company, or limited  
34 liability partnership, or a corporation and a limited liability company  
35 or a corporation and a limited liability partnership that are commonly  
36 owned entities, or the controlled corporation, limited liability company,  
37 limited liability partnership, or commonly owned entities, and a parent  
38 corporation and its subsidiaries shall each be considered joint  
39 employers of the corporation's, the controlled corporation's, the limited  
40 liability company's, the limited liability partnership's, the commonly  
41 owned entities', the parent's, or the subsidiaries' employees for purposes  
42 of sections 6 and 33 of this chapter. Both a lessor and a lessee of



1 employees shall each be considered joint employers of the employees  
 2 provided by the lessor to the lessee for purposes of sections 6 and 33  
 3 of this chapter. The term also includes an employer that provides  
 4 on-the-job training under the federal School to Work Opportunities Act  
 5 (20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this  
 6 chapter. If the employer is insured, the term includes the employer's  
 7 insurer so far as applicable. However, the inclusion of an employer's  
 8 insurer within this definition does not allow an employer's insurer to  
 9 avoid payment for services rendered to an employee with the approval  
 10 of the employer. The term does not include a nonprofit corporation that  
 11 is recognized as tax exempt under Section 501(c)(3) of the Internal  
 12 Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the  
 13 corporation enters into an independent contractor agreement with a  
 14 person for the performance of youth coaching services on a part-time  
 15 basis.

16 (b) As used in this chapter, "employee" means every person,  
 17 including a minor, in the service of another, under any contract of hire  
 18 or apprenticeship written or implied, except one whose employment is  
 19 both casual and not in the usual course of the trade, business,  
 20 occupation, or profession of the employer. For purposes of this chapter  
 21 the following apply:

22 (1) Any reference to an employee who has suffered disablement,  
 23 when the employee is dead, also includes the employee's legal  
 24 representative, dependents, and other persons to whom  
 25 compensation may be payable.

26 (2) An owner of a sole proprietorship may elect to include the  
 27 owner as an employee under this chapter if the owner is actually  
 28 engaged in the proprietorship business. If the owner makes this  
 29 election, the owner must serve upon the owner's insurance carrier  
 30 and upon the board written notice of the election. No owner of a  
 31 sole proprietorship may be considered an employee under this  
 32 chapter unless the notice has been received. If the owner of a sole  
 33 proprietorship:

34 (A) is an independent contractor in the construction trades and  
 35 does not make the election provided under this subdivision,  
 36 the owner must obtain a certificate of exemption under section  
 37 34.5 of this chapter; or

38 (B) is an independent contractor and does not make the  
 39 election provided under this subdivision, the owner may obtain  
 40 a certificate of exemption under section 34.5 of this chapter.

41 (3) A partner in a partnership may elect to include the partner as  
 42 an employee under this chapter if the partner is actually engaged



1 in the partnership business. If a partner makes this election, the  
 2 partner must serve upon the partner's insurance carrier and upon  
 3 the board written notice of the election. No partner may be  
 4 considered an employee under this chapter until the notice has  
 5 been received. If a partner in a partnership:

6 (A) is an independent contractor in the construction trades and  
 7 does not make the election provided under this subdivision,  
 8 the partner must obtain a certificate of exemption under  
 9 section 34.5 of this chapter; or

10 (B) is an independent contractor and does not make the  
 11 election provided under this subdivision, the partner may  
 12 obtain a certificate of exemption under section 34.5 of this  
 13 chapter.

14 (4) Real estate professionals are not employees under this chapter  
 15 if:

16 (A) they are licensed real estate agents;

17 (B) substantially all their remuneration is directly related to  
 18 sales volume and not the number of hours worked; and

19 (C) they have written agreements with real estate brokers  
 20 stating that they are not to be treated as employees for tax  
 21 purposes.

22 (5) A person is an independent contractor in the construction  
 23 trades and not an employee under this chapter if the person is an  
 24 independent contractor under the guidelines of the United States  
 25 Internal Revenue Service.

26 (6) An owner-operator that provides a motor vehicle and the  
 27 services of a driver under a written contract that is subject to  
 28 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376, to a motor  
 29 carrier is not an employee of the motor carrier for purposes of this  
 30 chapter. The owner-operator may elect to be covered and have the  
 31 owner-operator's drivers covered under a worker's compensation  
 32 insurance policy or authorized self-insurance that insures the  
 33 motor carrier if the owner-operator pays the premiums as  
 34 requested by the motor carrier. An election by an owner-operator  
 35 under this subdivision does not terminate the independent  
 36 contractor status of the owner-operator for any purpose other than  
 37 the purpose of this subdivision.

38 (7) An unpaid participant under the federal School to Work  
 39 Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the  
 40 extent set forth under section 2.5 of this chapter.

41 (8) A person who enters into an independent contractor agreement  
 42 with a nonprofit corporation that is recognized as tax exempt





1 under Section 501(c)(3) of the Internal Revenue Code (as defined  
2 in IC 6-3-1-11(a)) to perform youth coaching services on a  
3 part-time basis is not an employee for purposes of this chapter.

4 (9) An officer of a corporation who is an employee of the  
5 corporation under this chapter may elect not to be an employee of  
6 the corporation under this chapter. An officer of a corporation  
7 who is also an owner of any interest in the corporation may elect  
8 not to be an employee of the corporation under this chapter. If an  
9 officer makes this election, the officer must serve written notice  
10 of the election on the corporation's insurance carrier and the  
11 board. An officer of a corporation may not be considered to be  
12 excluded as an employee under this chapter until the notice is  
13 received by the insurance carrier and the board.

14 (10) An individual who is not an employee of the state or a  
15 political subdivision is considered to be a temporary employee of  
16 the state for purposes of this chapter while serving as a member  
17 of a mobile support unit on duty for training, an exercise, or a  
18 response, as set forth in IC 10-14-3-19(c)(2)(B).

19 (c) As used in this chapter, "minor" means an individual who has  
20 not reached seventeen (17) years of age. A minor employee shall be  
21 considered as being of full age for all purposes of this chapter.  
22 However, if the employee is a minor who, at the time of the last  
23 exposure, is employed, required, suffered, or permitted to work in  
24 violation of the employment of minors laws of this state, the amount of  
25 compensation and death benefits, as provided in this chapter, shall be  
26 double the amount which would otherwise be recoverable. The  
27 insurance carrier shall be liable on its policy for one-half (1/2) of the  
28 compensation or benefits that may be payable on account of the  
29 disability or death of the minor, and the employer shall be wholly liable  
30 for the other one-half (1/2) of the compensation or benefits. If the  
31 employee is a minor who is not less than sixteen (16) years of age and  
32 who has not reached seventeen (17) years of age, and who at the time  
33 of the last exposure is employed, suffered, or permitted to work at any  
34 occupation which is not prohibited by law, the provisions of this  
35 subsection prescribing double the amount otherwise recoverable do not  
36 apply. The rights and remedies granted to a minor under this chapter on  
37 account of disease shall exclude all rights and remedies of the minor,  
38 the minor's parents, the minor's personal representatives, dependents,  
39 or next of kin at common law, statutory or otherwise, on account of any  
40 disease.

41 (d) This chapter does not apply to casual laborers as defined in  
42 subsection (b), nor to farm or agricultural employees, nor to household



1 employees, nor to railroad employees engaged in train service as  
2 engineers, firemen, conductors, brakemen, flagmen, baggagemen, or  
3 foremen in charge of yard engines and helpers assigned thereto, nor to  
4 their employers with respect to these employees. Also, this chapter  
5 does not apply to employees or their employers with respect to  
6 employments in which the laws of the United States provide for  
7 compensation or liability for injury to the health, disability, or death by  
8 reason of diseases suffered by these employees.

9 (e) As used in this chapter, "disablement" means the event of  
10 becoming disabled from earning full wages at the work in which the  
11 employee was engaged when last exposed to the hazards of the  
12 occupational disease by the employer from whom the employee claims  
13 compensation or equal wages in other suitable employment, and  
14 "disability" means the state of being so incapacitated.

15 (f) For the purposes of this chapter, no compensation shall be  
16 payable for or on account of any occupational diseases unless  
17 disablement, as defined in subsection (e), occurs within two (2) years  
18 after the last day of the last exposure to the hazards of the disease  
19 except for the following:

20 (1) In all cases of occupational diseases caused by the inhalation  
21 of silica dust or coal dust, no compensation shall be payable  
22 unless disablement, as defined in subsection (e), occurs within  
23 three (3) years after the last day of the last exposure to the hazards  
24 of the disease.

25 (2) In all cases of occupational disease caused by the exposure to  
26 radiation, no compensation shall be payable unless disablement,  
27 as defined in subsection (e), occurs within two (2) years from the  
28 date on which the employee had knowledge of the nature of the  
29 employee's occupational disease or, by exercise of reasonable  
30 diligence, should have known of the existence of such disease and  
31 its causal relationship to the employee's employment.

32 (3) In all cases of occupational diseases caused by the inhalation  
33 of asbestos dust, no compensation shall be payable unless  
34 disablement, as defined in subsection (e), occurs within three (3)  
35 years after the last day of the last exposure to the hazards of the  
36 disease if the last day of the last exposure was before July 1, 1985.

37 (4) In all cases of occupational disease caused by the inhalation  
38 of asbestos dust in which the last date of the last exposure occurs  
39 on or after July 1, 1985, and before July 1, 1988, no compensation  
40 shall be payable unless disablement, as defined in subsection (e),  
41 occurs within twenty (20) years after the last day of the last  
42 exposure.



- 1 (5) In all cases of occupational disease caused by the inhalation  
 2 of asbestos dust in which the last date of the last exposure occurs  
 3 on or after July 1, 1988, no compensation shall be payable unless  
 4 disablement (as defined in subsection (e)) occurs within  
 5 thirty-five (35) years after the last day of the last exposure.
- 6 (g) For the purposes of this chapter, no compensation shall be  
 7 payable for or on account of death resulting from any occupational  
 8 disease unless death occurs within two (2) years after the date of  
 9 disablement. However, this subsection does not bar compensation for  
 10 death:
- 11 (1) where death occurs during the pendency of a claim filed by an  
 12 employee within two (2) years after the date of disablement and  
 13 which claim has not resulted in a decision or has resulted in a  
 14 decision which is in process of review or appeal; or
- 15 (2) where, by agreement filed or decision rendered, a  
 16 compensable period of disability has been fixed and death occurs  
 17 within two (2) years after the end of such fixed period, but in no  
 18 event later than three hundred (300) weeks after the date of  
 19 disablement.
- 20 (h) As used in this chapter, "billing review service" refers to a  
 21 person or an entity that reviews a medical service provider's bills or  
 22 statements for the purpose of determining pecuniary liability. The term  
 23 includes an employer's worker's compensation insurance carrier if the  
 24 insurance carrier performs such a review.
- 25 (i) As used in this chapter, "billing review standard" means the data  
 26 used by a billing review service to determine pecuniary liability.
- 27 (j) As used in this chapter, "community" means a geographic service  
 28 area based on ZIP code districts defined by the United States Postal  
 29 Service according to the following groupings:
- 30 (1) The geographic service area served by ZIP codes with the first  
 31 three (3) digits 463 and 464.
- 32 (2) The geographic service area served by ZIP codes with the first  
 33 three (3) digits 465 and 466.
- 34 (3) The geographic service area served by ZIP codes with the first  
 35 three (3) digits 467 and 468.
- 36 (4) The geographic service area served by ZIP codes with the first  
 37 three (3) digits 469 and 479.
- 38 (5) The geographic service area served by ZIP codes with the first  
 39 three (3) digits 460, 461 (except 46107), and 473.
- 40 (6) The geographic service area served by the 46107 ZIP code and  
 41 ZIP codes with the first three (3) digits 462.
- 42 (7) The geographic service area served by ZIP codes with the first



1 three (3) digits 470, 471, 472, 474, and 478.

2 (8) The geographic service area served by ZIP codes with the first  
3 three (3) digits 475, 476, and 477.

4 (k) As used in this chapter, "medical service provider" refers to a  
5 person or an entity that provides services or products to an employee  
6 under this chapter. Except as otherwise provided in this chapter, the  
7 term includes a medical service facility.

8 (l) As used in this chapter, "medical service facility" means any of  
9 the following that provides a service or product under this chapter and  
10 uses the CMS 1450 (UB-04) form **or the CMS 1500 (HCFA-1500)**  
11 **form** for Medicare reimbursement:

12 **(1) An ambulatory outpatient surgical center (as defined in**  
13 **IC 16-18-2-14).**

14 ~~(+)~~ **(2)** A hospital (as defined in IC 16-18-2-179).

15 ~~(2)~~ **(3)** A hospital based health facility (as defined in  
16 IC 16-18-2-180).

17 ~~(3)~~ **(4)** A medical center (as defined in IC 16-18-2-223.4).

18 ~~The term does not include a professional corporation (as defined in~~  
19 ~~IC 23-1.5-1-10) comprised of health care professionals (as defined in~~  
20 ~~IC 23-1.5-1-8) formed to render professional services as set forth in~~  
21 ~~IC 23-1.5-2-3(a)(4) or a health care professional (as defined in~~  
22 ~~IC 23-1.5-1-8) who bills for a service or product provided under this~~  
23 ~~chapter as an individual or a member of a group practice or another~~  
24 ~~medical service provider that uses the CMS 1500 form for Medicare~~  
25 ~~reimbursement.~~

26 (m) As used in this chapter, "pecuniary liability" means the  
27 responsibility of an employer or the employer's insurance carrier for the  
28 payment of the charges for each specific service or product for human  
29 medical treatment provided under this chapter as follows:

30 (1) This subdivision applies before July 1, 2014, to all medical  
31 service providers, and after June 30, 2014, to a medical service  
32 provider that is not a medical service facility. Payment of the  
33 charges in a defined community, equal to or less than the charges  
34 made by medical service providers at the eightieth percentile in  
35 the same community for like services or products.

36 (2) Payment of the charges in a reasonable amount, which is  
37 established by payment of one (1) of the following:

38 (A) The amount negotiated at any time between the medical  
39 service facility and any of the following, if an amount has been  
40 negotiated:

41 (i) The employer.

42 (ii) The employer's insurance carrier.



1 (iii) A billing review service on behalf of a person described  
2 in item (i) or (ii).

3 (iv) A direct provider network that has contracted with a  
4 person described in item (i) or (ii).

5 (B) **An amount not to exceed** two hundred percent (200%) of  
6 the amount that would be paid to the medical service facility  
7 on the same date for the same service or product under the  
8 medical service facility's Medicare reimbursement rate, if, ~~an~~  
9 **amount has not been negotiated as after conducting the**  
10 **negotiations** described in clause (A), **an agreement has not**  
11 **been reached.**

12 (n) "Service or product" or "services and products" refers to  
13 medical, hospital, surgical, or nursing service, treatment, and supplies  
14 provided under this chapter.

15 SECTION 7. IC 22-3-7-16, AS AMENDED BY P.L.32-2021,  
16 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2022]: Sec. 16. (a) Compensation shall be allowed on account  
18 of disablement from occupational disease resulting in only temporary  
19 total disability to work or temporary partial disability to work  
20 beginning with the eighth day of such disability except for the medical  
21 benefits provided for in section 17 of this chapter. Compensation shall  
22 be allowed for the first seven (7) calendar days only as provided in this  
23 section. The first weekly installment of compensation for temporary  
24 disability is due fourteen (14) days after the disability begins. Not later  
25 than fourteen (14) days from the date that the first installment of  
26 compensation is due, the employer or the employer's insurance carrier  
27 shall file a report of payment of compensation with the worker's  
28 compensation board electronically and tender to the employee or to the  
29 employee's dependents, with all compensation due, a properly prepared  
30 compensation agreement in a form prescribed by the board. The  
31 presentation to the employee or to the employee's dependents of the  
32 check, draft, or electronic payment from the employer or the employer's  
33 insurance carrier for the proper amount, drawn upon a bank in which  
34 money is on deposit to pay the same on demand, shall be sufficient  
35 tender of the compensation.

36 (b) Whenever an employer or the employer's insurance carrier  
37 denies or is not able to determine liability to pay compensation or  
38 benefits, the employer or the employer's insurance carrier shall notify  
39 the worker's compensation board and the employee in writing on a form  
40 prescribed by the worker's compensation board not later than thirty (30)  
41 days after the employer's knowledge of the claimed disablement. If a  
42 determination of liability cannot be made within thirty (30) days, the



1 worker's compensation board may approve an additional thirty (30)  
 2 days upon a written request of the employer or the employer's insurance  
 3 carrier that sets forth the reasons that the determination could not be  
 4 made within thirty (30) days and states the facts or circumstances that  
 5 are necessary to determine liability within the additional thirty (30)  
 6 days. More than thirty (30) days of additional time may be approved by  
 7 the worker's compensation board upon the filing of a petition by the  
 8 employer or the employer's insurance carrier that sets forth:

- 9 (1) the extraordinary circumstances that have precluded a
- 10 determination of liability within the initial sixty (60) days;
- 11 (2) the status of the investigation on the date the petition is filed;
- 12 (3) the facts or circumstances that are necessary to make a
- 13 determination; and
- 14 (4) a timetable for the completion of the remaining investigation.

15 An employer who fails to comply with this section is subject to a civil  
 16 penalty under IC 22-3-4-15.

17 (c) Once begun, temporary total disability benefits may not be  
 18 terminated by the employer unless:

- 19 (1) the employee has returned to work;
- 20 (2) the employee has died;
- 21 (3) the employee has refused to undergo a medical examination
- 22 under section 20 of this chapter;
- 23 (4) the employee has received five hundred (500) weeks of
- 24 temporary total disability benefits or has been paid the maximum
- 25 compensation allowable under section 19 of this chapter; or
- 26 (5) the employee is unable or unavailable to work for reasons
- 27 unrelated to the compensable disease.

28 In each instance, the employer must provide written notice to the  
 29 injured worker on a form approved by the board. In all other cases the  
 30 employer must notify the employee in writing of the employer's intent  
 31 to terminate the payment of temporary total disability benefits, and of  
 32 the availability of employment, if any, on a form approved by the  
 33 board. In all instances, the employer must file an electronic notice of  
 34 the termination with the board.

35 (d) If the employee disagrees with the termination or proposed  
 36 termination, the employee must give written notice of disagreement to  
 37 the board and the employer within seven (7) days after receipt of the  
 38 notice of intent to terminate benefits. If the board and employer do not  
 39 receive a notice of disagreement under this section, the employee's  
 40 temporary total disability benefits shall be terminated. Upon receipt of  
 41 the notice of disagreement, the board shall immediately contact the  
 42 parties, which may be by telephone or other means and attempt to



1 resolve the disagreement. If the board is unable to resolve the  
2 disagreement within ten (10) days of receipt of the notice of  
3 disagreement, the board shall immediately arrange for an evaluation of  
4 the employee by an independent medical examiner. The independent  
5 medical examiner shall be selected by mutual agreement of the parties  
6 or, if the parties are unable to agree, appointed by the board under  
7 IC 22-3-4-11. If the independent medical examiner determines that the  
8 employee is no longer temporarily disabled or is still temporarily  
9 disabled but can return to employment that the employer has made  
10 available to the employee, or if the employee fails or refuses to appear  
11 for examination by the independent medical examiner, temporary total  
12 disability benefits may be terminated. If either party disagrees with the  
13 opinion of the independent medical examiner, the party shall apply to  
14 the board for a hearing under section 27 of this chapter.

15 (e) An employer is not required to continue the payment of  
16 temporary total disability benefits for more than fourteen (14) days  
17 after the employer's proposed termination date unless the independent  
18 medical examiner determines that the employee is temporarily disabled  
19 and unable to return to any employment that the employer has made  
20 available to the employee.

21 (f) If it is determined that as a result of this section temporary total  
22 disability benefits were overpaid, the overpayment shall be deducted  
23 from any benefits due the employee under this section and, if there are  
24 no benefits due the employee or the benefits due the employee do not  
25 equal the amount of the overpayment, the employee shall be  
26 responsible for paying any overpayment which cannot be deducted  
27 from benefits due the employee.

28 (g) For disablements occurring on and after July 1, 1976, from  
29 occupational disease resulting in temporary total disability for any work  
30 there shall be paid to the disabled employee during the temporary total  
31 disability weekly compensation equal to sixty-six and two-thirds  
32 percent (66 2/3%) of the employee's average weekly wages, as defined  
33 in section 19 of this chapter, for a period not to exceed five hundred  
34 (500) weeks. Compensation shall be allowed for the first seven (7)  
35 calendar days only if the disability continues for longer than twenty-one  
36 (21) days.

37 (h) For disablements occurring on and after July 1, 1974, from  
38 occupational disease resulting in temporary partial disability for work  
39 there shall be paid to the disabled employee during such disability a  
40 weekly compensation equal to sixty-six and two-thirds percent (66  
41 2/3%) of the difference between the employee's average weekly wages,  
42 as defined in section 19 of this chapter, and the weekly wages at which



1 the employee is actually employed after the disablement, for a period  
 2 not to exceed three hundred (300) weeks. Compensation shall be  
 3 allowed for the first seven (7) calendar days only if the disability  
 4 continues for longer than twenty-one (21) days. In case of partial  
 5 disability after the period of temporary total disability, the latter period  
 6 shall be included as a part of the maximum period allowed for partial  
 7 disability.

8 (i) For disabilities occurring on and after July 1, 1979, and before  
 9 July 1, 1988, from occupational disease in the schedule set forth in  
 10 subsection (i); the employee shall receive in addition to disability  
 11 benefits, not exceeding fifty-two (52) weeks on account of the  
 12 occupational disease; a weekly compensation of sixty percent (60%) of  
 13 the employee's average weekly wages; not to exceed one hundred  
 14 twenty-five dollars (\$125) average weekly wages; for the period stated  
 15 for the disabilities.

16 (j) For disabilities occurring on and after July 1, 1988, and before  
 17 July 1, 1989, from occupational disease in the schedule set forth in  
 18 subsection (i); the employee shall receive in addition to disability  
 19 benefits; not exceeding seventy-eight (78) weeks on account of the  
 20 occupational disease; a weekly compensation of sixty percent (60%) of  
 21 the employee's average weekly wages; not to exceed one hundred  
 22 sixty-six dollars (\$166) average weekly wages; for the period stated for  
 23 the disabilities.

24 (k) For disabilities occurring on and after July 1, 1989, and before  
 25 July 1, 1990; from occupational disease in the schedule set forth in  
 26 subsection (i); the employee shall receive in addition to disability  
 27 benefits; not exceeding seventy-eight (78) weeks on account of the  
 28 occupational disease; a weekly compensation of sixty percent (60%) of  
 29 the employee's average weekly wages; not to exceed one hundred  
 30 eighty-three dollars (\$183) average weekly wages; for the period stated  
 31 for the disabilities.

32 (l) For disabilities occurring on and after July 1, 1990, and before  
 33 July 1, 1991, from occupational disease in the following schedule; the  
 34 employee shall receive in addition to disability benefits; not exceeding  
 35 seventy-eight (78) weeks on account of the occupational disease; a  
 36 weekly compensation of sixty percent (60%) of the employee's average  
 37 weekly wages; not to exceed two hundred dollars (\$200) average  
 38 weekly wages; for the period stated for the disabilities.

39 (1) Amputations: For the loss by separation; of the thumb; sixty  
 40 (60) weeks; of the index finger; forty (40) weeks; of the second  
 41 finger; thirty-five (35) weeks; of the third or ring finger; thirty  
 42 (30) weeks; of the fourth or little finger; twenty (20) weeks; of the





1 hand by separation below the elbow, two hundred (200) weeks; of  
 2 the arm above the elbow joint, two hundred fifty (250) weeks; of  
 3 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;  
 4 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)  
 5 weeks; of the fifth or little toe, ten (10) weeks; of the foot below  
 6 the knee joint, one hundred fifty (150) weeks; and of the leg  
 7 above the knee joint, two hundred (200) weeks. The loss of more  
 8 than one (1) phalange of a thumb or toe shall be considered as the  
 9 loss of the entire thumb or toe. The loss of more than two (2)  
 10 phalanges of a finger shall be considered as the loss of the entire  
 11 finger. The loss of not more than one (1) phalange of a thumb or  
 12 toe shall be considered as the loss of one-half (1/2) of the thumb  
 13 or toe and compensation shall be paid for one-half (1/2) of the  
 14 period for the loss of the entire thumb or toe. The loss of not more  
 15 than two (2) phalanges of a finger shall be considered as the loss  
 16 of one-half (1/2) the finger and compensation shall be paid for  
 17 one-half (1/2) of the period for the loss of the entire finger.

18 (2) Loss of Use: The total permanent loss of the use of an arm,  
 19 hand, thumb, finger, leg, foot, toe, or phalange shall be considered  
 20 as the equivalent of the loss by separation of the arm, hand,  
 21 thumb, finger, leg, foot, toe, or phalange and the compensation  
 22 shall be paid for the same period as for the loss thereof by  
 23 separation.

24 (3) Partial Loss of Use: For the permanent partial loss of the use  
 25 of an arm, hand, thumb, finger, leg, foot, toe, or phalange,  
 26 compensation shall be paid for the proportionate loss of the use of  
 27 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

28 (4) For disablements for occupational disease resulting in total  
 29 permanent disability, five hundred (500) weeks.

30 (5) For the loss of both hands, or both feet, or the total sight of  
 31 both eyes, or any two (2) of such losses resulting from the same  
 32 disablement by occupational disease, five hundred (500) weeks.

33 (6) For the permanent and complete loss of vision by enucleation  
 34 of an eye, or its reduction to one-tenth (1/10) of normal vision  
 35 with glasses, one hundred fifty (150) weeks; and for any other  
 36 permanent reduction of the sight of an eye, compensation shall be  
 37 paid for a period proportionate to the degree of such permanent  
 38 reduction without correction or glasses. However, when such  
 39 permanent reduction without correction or glasses would result in  
 40 one hundred percent (100%) loss of vision, but correction or  
 41 glasses would result in restoration of vision, then compensation  
 42 shall be paid for fifty percent (50%) of such total loss of vision



1 without glasses plus an additional amount equal to the  
 2 proportionate amount of such reduction with glasses; not to  
 3 exceed an additional fifty percent (50%).

4 (7) For the permanent and complete loss of hearing; two hundred  
 5 (200) weeks.

6 (8) In all other cases of permanent partial impairment;  
 7 compensation proportionate to the degree of such permanent  
 8 partial impairment; in the discretion of the worker's compensation  
 9 board; not exceeding five hundred (500) weeks.

10 (9) In all cases of permanent disfigurement, which may impair the  
 11 future usefulness or opportunities of the employee; compensation  
 12 in the discretion of the worker's compensation board; not  
 13 exceeding two hundred (200) weeks; except that no compensation  
 14 shall be payable under this paragraph where compensation shall  
 15 be payable under subdivisions (1) through (8). Where  
 16 compensation for temporary total disability has been paid; this  
 17 amount of compensation shall be deducted from any  
 18 compensation due for permanent disfigurement.

19 (m) (i) With respect to disablements in the following schedule  
 20 occurring on and after July 1, 1991, the employee shall receive in  
 21 addition to temporary total disability benefits, not exceeding one  
 22 hundred twenty-five (125) weeks on account of the disablement,  
 23 compensation in an amount determined under the following schedule  
 24 to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%)  
 25 of the employee's average weekly wages during the fifty-two (52)  
 26 weeks immediately preceding the week in which the disablement  
 27 occurred:

28 (1) Amputation: For the loss by separation of the thumb, twelve  
 29 (12) degrees of permanent impairment; of the index finger, eight  
 30 (8) degrees of permanent impairment; of the second finger, seven  
 31 (7) degrees of permanent impairment; of the third or ring finger,  
 32 six (6) degrees of permanent impairment; of the fourth or little  
 33 finger, four (4) degrees of permanent impairment; of the hand by  
 34 separation below the elbow joint, forty (40) degrees of permanent  
 35 impairment; of the arm above the elbow, fifty (50) degrees of  
 36 permanent impairment; of the big toe, twelve (12) degrees of  
 37 permanent impairment; of the second toe, six (6) degrees of  
 38 permanent impairment; of the third toe, four (4) degrees of  
 39 permanent impairment; of the fourth toe, three (3) degrees of  
 40 permanent impairment; of the fifth or little toe, two (2) degrees of  
 41 permanent impairment; of separation of the foot below the knee  
 42 joint, thirty-five (35) degrees of permanent impairment; and of the



- 1 leg above the knee joint, forty-five (45) degrees of permanent  
2 impairment.
- 3 (2) Amputations occurring on or after July 1, 1997: For the loss  
4 by separation of any of the body parts described in subdivision (1)  
5 on or after July 1, 1997, the dollar values per degree applying on  
6 the date of the injury as described in subsection ~~(n)~~ (j) shall be  
7 multiplied by two (2). However, the doubling provision of this  
8 subdivision does not apply to a loss of use that is not a loss by  
9 separation.
- 10 (3) The loss of more than one (1) phalange of a thumb or toe shall  
11 be considered as the loss of the entire thumb or toe. The loss of  
12 more than two (2) phalanges of a finger shall be considered as the  
13 loss of the entire finger. The loss of not more than one (1)  
14 phalange of a thumb or toe shall be considered as the loss of  
15 one-half (1/2) of the degrees of permanent impairment for the loss  
16 of the entire thumb or toe. The loss of not more than one (1)  
17 phalange of a finger shall be considered as the loss of one-third  
18 (1/3) of the finger and compensation shall be paid for one-third  
19 (1/3) of the degrees payable for the loss of the entire finger. The  
20 loss of more than one (1) phalange of the finger but not more than  
21 two (2) phalanges of the finger shall be considered as the loss of  
22 one-half (1/2) of the finger and compensation shall be paid for  
23 one-half (1/2) of the degrees payable for the loss of the entire  
24 finger.
- 25 (4) For the loss by separation of both hands or both feet or the  
26 total sight of both eyes or any two (2) such losses in the same  
27 accident, one hundred (100) degrees of permanent impairment.
- 28 (5) For the permanent and complete loss of vision by enucleation  
29 or its reduction to one-tenth (1/10) of normal vision with glasses,  
30 thirty-five (35) degrees of permanent impairment.
- 31 (6) For the permanent and complete loss of hearing in one (1) ear,  
32 fifteen (15) degrees of permanent impairment, and in both ears,  
33 forty (40) degrees of permanent impairment.
- 34 (7) For the loss of one (1) testicle, ten (10) degrees of permanent  
35 impairment; for the loss of both testicles, thirty (30) degrees of  
36 permanent impairment.
- 37 (8) Loss of use: The total permanent loss of the use of an arm, a  
38 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be  
39 considered as the equivalent of the loss by separation of the arm,  
40 hand, thumb, finger, leg, foot, toe, or phalange, and compensation  
41 shall be paid in the same amount as for the loss by separation.  
42 However, the doubling provision of subdivision (2) does not



1 apply to a loss of use that is not a loss by separation.

2 (9) Partial loss of use: For the permanent partial loss of the use of  
3 an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a  
4 phalange, compensation shall be paid for the proportionate loss of  
5 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

6 (10) For disablements resulting in total permanent disability, the  
7 amount payable for impairment or five hundred (500) weeks of  
8 compensation, whichever is greater.

9 (11) Visual impairments shall be based on the Functional Vision  
10 Score (FVS) assessing the visual acuity and visual field to  
11 evaluate any reduction in ability to perform vision-related  
12 Activities of Daily Living (ADL). Unless such loss is otherwise  
13 specified in subdivision (5), visual impairments shall be paid as  
14 a whole person rating.

15 (12) For any permanent reduction of the hearing of one (1) or both  
16 ears, less than the total loss as specified in subdivision (6),  
17 compensation shall be paid in an amount proportionate to the  
18 degree of a permanent reduction.

19 (13) In all other cases of permanent partial impairment,  
20 compensation proportionate to the degree of a permanent partial  
21 impairment, in the discretion of the worker's compensation board,  
22 not exceeding one hundred (100) degrees of permanent  
23 impairment.

24 (14) In all cases of permanent disfigurement which may impair  
25 the future usefulness or opportunities of the employee,  
26 compensation, in the discretion of the worker's compensation  
27 board, not exceeding forty (40) degrees of permanent impairment  
28 except that no compensation shall be payable under this  
29 subdivision where compensation is payable elsewhere in this  
30 section.

31 ~~(m)~~ (j) With respect to disablements occurring on and after July 1,  
32 1991, compensation for permanent partial impairment shall be paid  
33 according to the degree of permanent impairment for the disablement  
34 determined under subsection ~~(m)~~ (i) and the following:

35 ~~(1) With respect to disablements occurring on and after July 1,~~  
36 ~~1991, and before July 1, 1992, for each degree of permanent~~  
37 ~~impairment from one (1) to thirty-five (35); five hundred dollars~~  
38 ~~(\$500) per degree; for each degree of permanent impairment from~~  
39 ~~thirty-six (36) to fifty (50); nine hundred dollars (\$900) per~~  
40 ~~degree; for each degree of permanent impairment above fifty (50);~~  
41 ~~one thousand five hundred dollars (\$1,500) per degree.~~

42 ~~(2) With respect to disablements occurring on and after July 1,~~



- 1 1992; and before July 1, 1993; for each degree of permanent  
 2 impairment from one (1) to twenty (20); five hundred dollars  
 3 (\$500) per degree; for each degree of permanent impairment from  
 4 twenty-one (21) to thirty-five (35); eight hundred dollars (\$800)  
 5 per degree; for each degree of permanent impairment from  
 6 thirty-six (36) to fifty (50); one thousand three hundred dollars  
 7 (\$1,300) per degree; for each degree of permanent impairment  
 8 above fifty (50); one thousand seven hundred dollars (\$1,700) per  
 9 degree.
- 10 (3) With respect to disablements occurring on and after July 1,  
 11 1993; and before July 1, 1997; for each degree of permanent  
 12 impairment from one (1) to ten (10); five hundred dollars (\$500)  
 13 per degree; for each degree of permanent impairment from eleven  
 14 (11) to twenty (20); seven hundred dollars (\$700) per degree; for  
 15 each degree of permanent impairment from twenty-one (21) to  
 16 thirty-five (35); one thousand dollars (\$1,000) per degree; for  
 17 each degree of permanent impairment from thirty-six (36) to fifty  
 18 (50); one thousand four hundred dollars (\$1,400) per degree; for  
 19 each degree of permanent impairment above fifty (50); one  
 20 thousand seven hundred dollars (\$1,700) per degree.
- 21 (4) With respect to disablements occurring on and after July 1,  
 22 1997; and before July 1, 1998; for each degree of permanent  
 23 impairment from one (1) to ten (10); seven hundred fifty dollars  
 24 (\$750) per degree; for each degree of permanent impairment from  
 25 eleven (11) to thirty-five (35); one thousand dollars (\$1,000) per  
 26 degree; for each degree of permanent impairment from thirty-six  
 27 (36) to fifty (50); one thousand four hundred dollars (\$1,400) per  
 28 degree; for each degree of permanent impairment above fifty (50);  
 29 one thousand seven hundred dollars (\$1,700) per degree.
- 30 (5) With respect to disablements occurring on and after July 1,  
 31 1998; and before July 1, 1999; for each degree of permanent  
 32 impairment from one (1) to ten (10); seven hundred fifty dollars  
 33 (\$750) per degree; for each degree of permanent impairment from  
 34 eleven (11) to thirty-five (35); one thousand dollars (\$1,000) per  
 35 degree; for each degree of permanent impairment from thirty-six  
 36 (36) to fifty (50); one thousand four hundred dollars (\$1,400) per  
 37 degree; for each degree of permanent impairment above fifty (50);  
 38 one thousand seven hundred dollars (\$1,700) per degree.
- 39 (6) With respect to disablements occurring on and after July 1,  
 40 1999; and before July 1, 2000; for each degree of permanent  
 41 impairment from one (1) to ten (10); nine hundred dollars (\$900)  
 42 per degree; for each degree of permanent impairment from eleven



1 (11) to thirty-five (35); one thousand one hundred dollars  
 2 (\$1,100) per degree; for each degree of permanent impairment  
 3 from thirty-six (36) to fifty (50); one thousand six hundred dollars  
 4 (\$1,600) per degree; for each degree of permanent impairment  
 5 above fifty (50); two thousand dollars (\$2,000) per degree.

6 (7) With respect to disablements occurring on and after July 1,  
 7 2000; and before July 1, 2001; for each degree of permanent  
 8 impairment from one (1) to ten (10); one thousand one hundred  
 9 dollars (\$1,100) per degree; for each degree of permanent  
 10 impairment from eleven (11) to thirty-five (35); one thousand  
 11 three hundred dollars (\$1,300) per degree; for each degree of  
 12 permanent impairment from thirty-six (36) to fifty (50); two  
 13 thousand dollars (\$2,000) per degree; for each degree of  
 14 permanent impairment above fifty (50); two thousand five  
 15 hundred fifty dollars (\$2,500) per degree.

16 (8) With respect to disablements occurring on and after July 1,  
 17 2001; and before July 1, 2007; for each degree of permanent  
 18 impairment from one (1) to ten (10); one thousand three hundred  
 19 dollars (\$1,300) per degree; for each degree of permanent  
 20 impairment from eleven (11) to thirty-five (35); one thousand five  
 21 hundred dollars (\$1,500) per degree; for each degree of  
 22 permanent impairment from thirty-six (36) to fifty (50); two  
 23 thousand four hundred dollars (\$2,400) per degree; for each  
 24 degree of permanent impairment above fifty (50); three thousand  
 25 dollars (\$3,000) per degree.

26 (9) With respect to disablements occurring on and after July 1,  
 27 2007; and before July 1, 2008; for each degree of permanent  
 28 impairment from one (1) to ten (10); one thousand three hundred  
 29 forty dollars (\$1,340) per degree; for each degree of permanent  
 30 impairment from eleven (11) to thirty-five (35); one thousand five  
 31 hundred forty-five dollars (\$1,545) per degree; for each degree of  
 32 permanent impairment from thirty-six (36) to fifty (50); two  
 33 thousand four hundred seventy-five dollars (\$2,475) per degree;  
 34 for each degree of permanent impairment above fifty (50); three  
 35 thousand one hundred fifty dollars (\$3,150) per degree.

36 (10) With respect to disablements occurring on and after July 1,  
 37 2008; and before July 1, 2009; for each degree of permanent  
 38 impairment from one (1) to ten (10); one thousand three hundred  
 39 sixty-five dollars (\$1,365) per degree; for each degree of  
 40 permanent impairment from eleven (11) to thirty-five (35); one  
 41 thousand five hundred seventy dollars (\$1,570) per degree; for  
 42 each degree of permanent impairment from thirty-six (36) to fifty



1 (50); two thousand five hundred twenty-five dollars (\$2,525) per  
 2 degree; for each degree of permanent impairment above fifty (50);  
 3 three thousand two hundred dollars (\$3,200) per degree.  
 4 (11) With respect to disablements occurring on and after July 1,  
 5 2009, and before July 1, 2010; for each degree of permanent  
 6 impairment from one (1) to ten (10); one thousand three hundred  
 7 eighty dollars (\$1,380) per degree; for each degree of permanent  
 8 impairment from eleven (11) to thirty-five (35); one thousand five  
 9 hundred eighty-five dollars (\$1,585) per degree; for each degree  
 10 of permanent impairment from thirty-six (36) to fifty (50); two  
 11 thousand six hundred dollars (\$2,600) per degree; for each degree  
 12 of permanent impairment above fifty (50); three thousand three  
 13 hundred dollars (\$3,300) per degree.  
 14 (12) (1) With respect to disablements occurring on and after July  
 15 1, 2010, and before July 1, 2014, for each degree of permanent  
 16 impairment from one (1) to ten (10), one thousand four hundred  
 17 dollars (\$1,400) per degree; for each degree of permanent  
 18 impairment from eleven (11) to thirty-five (35), one thousand six  
 19 hundred dollars (\$1,600) per degree; for each degree of  
 20 permanent impairment from thirty-six (36) to fifty (50), two  
 21 thousand seven hundred dollars (\$2,700) per degree; for each  
 22 degree of permanent impairment above fifty (50), three thousand  
 23 five hundred dollars (\$3,500) per degree.  
 24 (13) (2) With respect to disablements occurring on and after July  
 25 1, 2014, and before July 1, 2015, for each degree of permanent  
 26 impairment from one (1) to ten (10), one thousand five hundred  
 27 seventeen dollars (\$1,517) per degree; for each degree of  
 28 permanent impairment from eleven (11) to thirty-five (35), one  
 29 thousand seven hundred seventeen dollars (\$1,717) per degree;  
 30 for each degree of permanent impairment from thirty-six (36) to  
 31 fifty (50), two thousand eight hundred sixty-two dollars (\$2,862)  
 32 per degree; for each degree of permanent impairment above fifty  
 33 (50), three thousand six hundred eighty-seven dollars (\$3,687) per  
 34 degree.  
 35 (14) (3) With respect to disablements occurring on and after July  
 36 1, 2015, and before July 1, 2016, for each degree of permanent  
 37 impairment from one (1) to ten (10), one thousand six hundred  
 38 thirty-three dollars (\$1,633) per degree; for each degree of  
 39 permanent impairment from eleven (11) to thirty-five (35), one  
 40 thousand eight hundred thirty-five dollars (\$1,835) per degree; for  
 41 each degree of permanent impairment from thirty-six (36) to fifty  
 42 (50), three thousand twenty-four dollars (\$3,024) per degree; for



1 each degree of permanent impairment above fifty (50), three  
 2 thousand eight hundred seventy-three dollars (\$3,873) per degree.  
 3 ~~(15)~~ **(4)** With respect to disablements occurring on and after July  
 4 1, 2016, **and before July 1, 2022**, for each degree of permanent  
 5 impairment from one (1) to ten (10), one thousand seven hundred  
 6 fifty dollars (\$1,750) per degree; for each degree of permanent  
 7 impairment from eleven (11) to thirty-five (35), one thousand nine  
 8 hundred fifty-two dollars (\$1,952) per degree; for each degree of  
 9 permanent impairment from thirty-six (36) to fifty (50), three  
 10 thousand one hundred eighty-six dollars (\$3,186) per degree; for  
 11 each degree of permanent impairment above fifty (50), four  
 12 thousand sixty dollars (\$4,060) per degree.

13 **(5) With respect to disablements occurring on and after July**  
 14 **1, 2022, and before July 1, 2023, for each degree of permanent**  
 15 **impairment from one (1) to ten (10), one thousand eight**  
 16 **hundred three dollars (\$1,803) per degree; for each degree of**  
 17 **permanent impairment from eleven (11) to thirty-five (35),**  
 18 **two thousand eleven dollars (\$2,011) per degree; for each**  
 19 **degree of permanent impairment from thirty-six (36) to fifty**  
 20 **(50), three thousand two hundred eighty-two dollars (\$3,282)**  
 21 **per degree; for each degree of permanent impairment above**  
 22 **fifty (50), four thousand one hundred eighty-two dollars**  
 23 **(\$4,182) per degree.**

24 **(6) With respect to disablements occurring on and after July**  
 25 **1, 2023, and before July 1, 2024, for each degree of permanent**  
 26 **impairment from one (1) to ten (10), one thousand eight**  
 27 **hundred fifty-seven dollars (\$1,857) per degree; for each**  
 28 **degree of permanent impairment from eleven (11) to**  
 29 **thirty-five (35), two thousand seventy-one dollars (\$2,071) per**  
 30 **degree; for each degree of permanent impairment from**  
 31 **thirty-six (36) to fifty (50), three thousand three hundred**  
 32 **eighty dollars (\$3,380) per degree; for each degree of**  
 33 **permanent impairment above fifty (50), four thousand three**  
 34 **hundred seven dollars (\$4,307) per degree.**

35 **(7) With respect to disablements occurring on and after July**  
 36 **1, 2024, and before July 1, 2025, for each degree of permanent**  
 37 **impairment from one (1) to ten (10), one thousand nine**  
 38 **hundred thirteen dollars (\$1,913) per degree; for each degree**  
 39 **of permanent impairment from eleven (11) to thirty-five (35),**  
 40 **two thousand one hundred thirty-three dollars (\$2,133) per**  
 41 **degree; for each degree of permanent impairment from**  
 42 **thirty-six (36) to fifty (50), three thousand four hundred**





1 eighty-one dollars (\$3,481) per degree; for each degree of  
 2 permanent impairment above fifty (50), four thousand four  
 3 hundred thirty-six dollars (\$4,436) per degree.

4 (8) With respect to disablements occurring on and after July  
 5 1, 2025, for each degree of permanent impairment from one  
 6 (1) to ten (10), one thousand nine hundred seventy dollars  
 7 (\$1,970) per degree; for each degree of permanent  
 8 impairment from eleven (11) to thirty-five (35), two thousand  
 9 one hundred ninety-seven dollars (\$2,197) per degree; for  
 10 each degree of permanent impairment from thirty-six (36) to  
 11 fifty (50), three thousand five hundred eighty-five dollars  
 12 (\$3,585) per degree; for each degree of permanent  
 13 impairment above fifty (50), four thousand five hundred  
 14 sixty-nine dollars (\$4,569) per degree.

15 ~~(o)~~ (k) The average weekly wages used in the determination of  
 16 compensation for permanent partial impairment under subsections ~~(m)~~  
 17 (i) and ~~(n)~~ (j) shall not exceed the following:

18 ~~(1)~~ With respect to disablements occurring on or after July 1,  
 19 1991, and before July 1, 1992, four hundred ninety-two dollars  
 20 (\$492):

21 ~~(2)~~ With respect to disablements occurring on or after July 1,  
 22 1992, and before July 1, 1993, five hundred forty dollars (\$540):

23 ~~(3)~~ With respect to disablements occurring on or after July 1,  
 24 1993, and before July 1, 1994, five hundred ninety-one dollars  
 25 (\$591):

26 ~~(4)~~ With respect to disablements occurring on or after July 1,  
 27 1994, and before July 1, 1997, six hundred forty-two dollars  
 28 (\$642):

29 ~~(5)~~ With respect to disablements occurring on or after July 1,  
 30 1997, and before July 1, 1998, six hundred seventy-two dollars  
 31 (\$672):

32 ~~(6)~~ With respect to disablements occurring on or after July 1,  
 33 1998, and before July 1, 1999, seven hundred two dollars (\$702):

34 ~~(7)~~ With respect to disablements occurring on or after July 1,  
 35 1999, and before July 1, 2000, seven hundred thirty-two dollars  
 36 (\$732):

37 ~~(8)~~ With respect to disablements occurring on or after July 1,  
 38 2000, and before July 1, 2001, seven hundred sixty-two dollars  
 39 (\$762):

40 ~~(9)~~ With respect to disablements occurring on or after July 1,  
 41 2001, and before July 1, 2002, eight hundred twenty-two dollars  
 42 (\$822):



- 1           ~~(10)~~ With respect to disablements occurring on or after July 1,  
2           2002, and before July 1, 2006, eight hundred eighty-two dollars  
3           ~~(\$882)~~.
- 4           ~~(11)~~ With respect to disablements occurring on or after July 1,  
5           2006, and before July 1, 2007, nine hundred dollars ~~(\$900)~~.
- 6           ~~(12)~~ With respect to disablements occurring on or after July 1,  
7           2007, and before July 1, 2008, nine hundred thirty dollars ~~(\$930)~~.
- 8           ~~(13)~~ With respect to disablements occurring on or after July 1,  
9           2008, and before July 1, 2009, nine hundred fifty-four dollars  
10          ~~(\$954)~~.
- 11          ~~(14)~~ **(1)** With respect to disablements occurring on or after July 1,  
12          2009, and before July 1, 2014, nine hundred seventy-five dollars  
13          ~~(\$975)~~.
- 14          ~~(15)~~ **(2)** With respect to disablements occurring on or after July 1,  
15          2014, and before July 1, 2015, one thousand forty dollars  
16          ~~(\$1,040)~~.
- 17          ~~(16)~~ **(3)** With respect to disablements occurring on or after July 1,  
18          2015, and before July 1, 2016, one thousand one hundred five  
19          dollars ~~(\$1,105)~~.
- 20          ~~(17)~~ **(4)** With respect to disablements occurring on or after July 1,  
21          2016, **and before July 1, 2022**, one thousand one hundred  
22          seventy dollars ~~(\$1,170)~~.
- 23          **(5) With respect to disablements occurring on or after July 1,**  
24          **2022, and before July 1, 2023, one thousand two hundred five**  
25          **dollars (\$1,205).**
- 26          **(6) With respect to disablements occurring on or after July 1,**  
27          **2023, and before July 1, 2024, one thousand two hundred**  
28          **forty-one dollars (\$1,241).**
- 29          **(7) With respect to disablements occurring on or after July 1,**  
30          **2024, and before July 1, 2025, one thousand two hundred**  
31          **seventy-eight dollars (\$1,278).**
- 32          **(8) With respect to disablements occurring on or after July 1,**  
33          **2025, one thousand three hundred sixteen dollars (\$1,316).**
- 34          ~~(p)~~ **(l)** If any employee, only partially disabled, refuses employment  
35          suitable to the employee's capacity procured for the employee, the  
36          employee shall not be entitled to any compensation at any time during  
37          the continuance of such refusal unless, in the opinion of the worker's  
38          compensation board, such refusal was justifiable. The employee must  
39          be served with a notice setting forth the consequences of the refusal  
40          under this subsection. The notice must be in a form prescribed by the  
41          worker's compensation board.
- 42          ~~(q)~~ **(m)** If an employee has sustained a permanent impairment or



1 disability from an accidental injury other than an occupational disease  
 2 in another employment than that in which the employee suffered a  
 3 subsequent disability from an occupational disease, such as herein  
 4 specified, the employee shall be entitled to compensation for the  
 5 subsequent disability in the same amount as if the previous impairment  
 6 or disability had not occurred. However, if the permanent impairment  
 7 or disability resulting from an occupational disease for which  
 8 compensation is claimed results only in the aggravation or increase of  
 9 a previously sustained permanent impairment from an occupational  
 10 disease or physical condition regardless of the source or cause of such  
 11 previously sustained impairment from an occupational disease or  
 12 physical condition, the board shall determine the extent of the  
 13 previously sustained permanent impairment from an occupational  
 14 disease or physical condition as well as the extent of the aggravation or  
 15 increase resulting from the subsequent permanent impairment or  
 16 disability, and shall award compensation only for that part of said  
 17 occupational disease or physical condition resulting from the  
 18 subsequent permanent impairment. An amputation of any part of the  
 19 body or loss of any or all of the vision of one (1) or both eyes caused by  
 20 an occupational disease shall be considered as a permanent impairment  
 21 or physical condition.

22 (†) (n) If an employee suffers a disablement from an occupational  
 23 disease for which compensation is payable while the employee is still  
 24 receiving or entitled to compensation for a previous injury by accident  
 25 or disability by occupational disease in the same employment, the  
 26 employee shall not at the same time be entitled to compensation for  
 27 both, unless it be for a permanent injury, such as specified in  
 28 subsection (m)(1), (m)(4), (m)(5), (m)(8), or (m)(9); (i)(1), (i)(4), (i)(5),  
 29 (i)(8), or (i)(9), but the employee shall be entitled to compensation for  
 30 that disability and from the time of that disability which will cover the  
 31 longest period and the largest amount payable under this chapter.

32 (‡) (o) If an employee receives a permanent disability from an  
 33 occupational disease such as specified in subsection (m)(1), (m)(4),  
 34 (i)(1), (i)(4), (m)(5), (m)(8), or (m)(9) (i)(5), (i)(8), or (i)(9) after  
 35 having sustained another such permanent disability in the same  
 36 employment the employee shall be entitled to compensation for both  
 37 such disabilities, but the total compensation shall be paid by extending  
 38 the period and not by increasing the amount of weekly compensation  
 39 and, when such previous and subsequent permanent disabilities, in  
 40 combination result in total permanent disability or permanent total  
 41 impairment, compensation shall be payable for such permanent total  
 42 disability or impairment, but payments made for the previous disability



1 or impairment shall be deducted from the total payment of  
2 compensation due.

3 (†) (p) When an employee has been awarded or is entitled to an  
4 award of compensation for a definite period from an occupational  
5 disease wherein disablement occurs on and after April 1, 1963, and  
6 such employee dies from other causes than such occupational disease,  
7 payment of the unpaid balance of such compensation not exceeding  
8 three hundred fifty (350) weeks shall be paid to the employee's  
9 dependents of the second and third class as defined in sections 11  
10 through 14 of this chapter and compensation, not exceeding five  
11 hundred (500) weeks shall be made to the employee's dependents of the  
12 first class as defined in sections 11 through 14 of this chapter.

13 (†) (q) Any payment made by the employer to the employee during  
14 the period of the employee's disability, or to the employee's dependents,  
15 which, by the terms of this chapter, was not due and payable when  
16 made, may, subject to the approval of the worker's compensation board,  
17 be deducted from the amount to be paid as compensation, but such  
18 deduction shall be made from the distal end of the period during which  
19 compensation must be paid, except in cases of temporary disability.

20 (†) (r) When so provided in the compensation agreement or in the  
21 award of the worker's compensation board, compensation may be paid  
22 semimonthly, or monthly, instead of weekly.

23 (†) (s) When the aggregate payments of compensation awarded by  
24 agreement or upon hearing to an employee or dependent under eighteen  
25 (18) years of age do not exceed one hundred dollars (\$100), the  
26 payment thereof may be made directly to such employee or dependent,  
27 except when the worker's compensation board shall order otherwise.

28 (†) (t) Whenever the aggregate payments of compensation, due to  
29 any person under eighteen (18) years of age, exceed one hundred  
30 dollars (\$100), the payment thereof shall be made to a trustee,  
31 appointed by the circuit or superior court, or to a duly qualified  
32 guardian, or, upon the order of the worker's compensation board, to a  
33 parent or to such minor person. The payment of compensation, due to  
34 any person eighteen (18) years of age or over, may be made directly to  
35 such person.

36 (†) (u) If an employee, or a dependent, is mentally incompetent, or  
37 a minor at the time when any right or privilege accrues to the employee  
38 under this chapter, the employee's guardian or trustee may, in the  
39 employee's behalf, claim and exercise such right and privilege.

40 (†) (v) All compensation payments named and provided for in this  
41 section, shall mean and be defined to be for only such occupational  
42 diseases and disabilities therefrom as are proved by competent



1 evidence, of which there are or have been objective conditions or  
 2 symptoms proven, not within the physical or mental control of the  
 3 employee.

4 SECTION 8. IC 22-3-7-17.2, AS AMENDED BY P.L.99-2014,  
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JANUARY 1, 2023]: Sec. 17.2. (a) A billing review service shall  
 7 adhere to the following requirements to determine the pecuniary  
 8 liability of an employer or an employer's insurance carrier for a specific  
 9 service or product covered under this chapter provided before July 1,  
 10 2014, by all medical service providers, and after June 30, 2014, by a  
 11 medical service provider that is not a medical service facility:

12 (1) The formation of a billing review standard, and any  
 13 subsequent analysis or revision of the standard, must use data that  
 14 is based on the medical service provider billing charges as  
 15 submitted to the employer and the employer's insurance carrier  
 16 from the same community. This subdivision does not apply when  
 17 a unique or specialized service or product does not have sufficient  
 18 comparative data to allow for a reasonable comparison.

19 (2) Data used to determine pecuniary liability must be compiled  
 20 on or before June 30 and December 31 of each year.

21 (3) Billing review standards must be revised for prospective  
 22 future payments of medical service provider bills to provide for  
 23 payment of the charges at a rate not more than the charges made  
 24 by eighty percent (80%) of the medical service providers during  
 25 the prior six (6) months within the same community. The data  
 26 used to perform the analysis and revision of the billing review  
 27 standards may not be more than two (2) years old and must be  
 28 periodically updated by a representative inflationary or  
 29 deflationary factor. Reimbursement for these charges may not  
 30 exceed the actual charge invoiced by the medical service  
 31 provider.

32 (b) This subsection applies after June 30, 2014, to a medical service  
 33 facility. The pecuniary liability of an employer or an employer's  
 34 insurance carrier for a specific service or product covered under this  
 35 chapter and provided by a medical service facility is equal to a  
 36 reasonable amount, which is established by payment of one (1) of the  
 37 following:

38 (1) The amount negotiated at any time between the medical  
 39 service facility and any of the following:

40 (A) The employer.

41 (B) The employer's insurance carrier.

42 (C) A billing review service on behalf of a person described in



- 1 clause (A) or (B).
- 2 (D) A direct provider network that has contracted with a
- 3 person described in clause (A) or (B).
- 4 (2) **An amount not to exceed** two hundred percent (200%) of the
- 5 amount that would be paid to the medical service facility on the
- 6 same date for the same service or product under the medical
- 7 service facility's Medicare reimbursement rate, if, ~~an amount has~~
- 8 ~~not been negotiated as after conducting the negotiations~~
- 9 ~~described in subdivision (1), an agreement has not been~~
- 10 ~~reached.~~
- 11 (c) A medical service provider may request an explanation from a
- 12 billing review service if the medical service provider's bill has been
- 13 reduced as a result of application of the eightieth percentile or of a
- 14 Current Procedural Terminology (CPT) or Medicare coding change.
- 15 The request must be made not later than sixty (60) days after receipt of
- 16 the notice of the reduction. If a request is made, the billing review
- 17 service must provide:
- 18 (1) the name of the billing review service used to make the
- 19 reduction;
- 20 (2) the dollar amount of the reduction;
- 21 (3) the dollar amount of the medical service at the eightieth
- 22 percentile; and
- 23 (4) in the case of a CPT or Medicare coding change, the basis
- 24 upon which the change was made;
- 25 not later than thirty (30) days after the date of the request.
- 26 (d) If, after a hearing, the worker's compensation board finds that a
- 27 billing review service used a billing review standard that did not
- 28 comply with subsection (a)(1) through (a)(3), as applicable, in
- 29 determining the pecuniary liability of an employer or an employer's
- 30 insurance carrier for a medical service provider's charge for services or
- 31 products covered under occupational disease compensation, the
- 32 worker's compensation board may assess a civil penalty against the
- 33 billing review service in an amount not less than one hundred dollars
- 34 (\$100) and not more than one thousand dollars (\$1,000).
- 35 SECTION 9. IC 22-3-7-19, AS AMENDED BY P.L.275-2013,
- 36 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2022]: Sec. 19. (a) ~~In computing compensation for temporary~~
- 38 ~~total disability, temporary partial disability, and total permanent~~
- 39 ~~disability, with respect to occupational diseases occurring on and after~~
- 40 ~~July 1, 1985, and before July 1, 1986, the average weekly wages are~~
- 41 ~~considered to be:~~
- 42 (1) ~~not more than two hundred sixty-seven dollars (\$267); and~~



- 1           (2) not less than seventy-five dollars (\$75).
- 2           (b) In computing compensation for temporary total disability;  
3 temporary partial disability; and total permanent disability, with respect  
4 to occupational diseases occurring on and after July 1, 1986, and before  
5 July 1, 1988, the average weekly wages are considered to be:  
6           (1) not more than two hundred eighty-five dollars (\$285); and  
7           (2) not less than seventy-five dollars (\$75).
- 8           (c) In computing compensation for temporary total disability;  
9 temporary partial disability; and total permanent disability, with respect  
10 to occupational diseases occurring on and after July 1, 1988, and before  
11 July 1, 1989, the average weekly wages are considered to be:  
12           (1) not more than three hundred eighty-four dollars (\$384); and  
13           (2) not less than seventy-five dollars (\$75).
- 14           (d) In computing compensation for temporary total disability;  
15 temporary partial disability; and total permanent disability, with respect  
16 to occupational diseases occurring on and after July 1, 1989, and before  
17 July 1, 1990, the average weekly wages are considered to be:  
18           (1) not more than four hundred eleven dollars (\$411); and  
19           (2) not less than seventy-five dollars (\$75).
- 20           (e) In computing compensation for temporary total disability;  
21 temporary partial disability; and total permanent disability, with respect  
22 to occupational diseases occurring on and after July 1, 1990, and before  
23 July 1, 1991, the average weekly wages are considered to be:  
24           (1) not more than four hundred forty-one dollars (\$441); and  
25           (2) not less than seventy-five dollars (\$75).
- 26           (f) In computing compensation for temporary total disability;  
27 temporary partial disability; and total permanent disability, with respect  
28 to occupational diseases occurring on and after July 1, 1991, and before  
29 July 1, 1992, the average weekly wages are considered to be:  
30           (1) not more than four hundred ninety-two dollars (\$492); and  
31           (2) not less than seventy-five dollars (\$75).
- 32           (g) In computing compensation for temporary total disability;  
33 temporary partial disability; and total permanent disability, with respect  
34 to occupational diseases occurring on and after July 1, 1992, and before  
35 July 1, 1993, the average weekly wages are considered to be:  
36           (1) not more than five hundred forty dollars (\$540); and  
37           (2) not less than seventy-five dollars (\$75).
- 38           (h) In computing compensation for temporary total disability;  
39 temporary partial disability; and total permanent disability, with respect  
40 to occupational diseases occurring on and after July 1, 1993, and before  
41 July 1, 1994, the average weekly wages are considered to be:  
42           (1) not more than five hundred ninety-one dollars (\$591); and



- 1           (2) not less than seventy-five dollars (\$75).  
2           (i) In computing compensation for temporary total disability;  
3           temporary partial disability and total permanent disability, with respect  
4           to occupational diseases occurring on and after July 1, 1994, and before  
5           July 1, 1997, the average weekly wages are considered to be:  
6           (1) not more than six hundred forty-two dollars (\$642); and  
7           (2) not less than seventy-five dollars (\$75).  
8           (j) (a) In computing compensation for temporary total disability,  
9           temporary partial disability, and total permanent disability, the average  
10          weekly wages are considered to be:  
11          (1) with respect to occupational diseases occurring on and after  
12          July 1, 1997, and before July 1, 1998:  
13               (A) not more than six hundred seventy-two dollars (\$672); and  
14               (B) not less than seventy-five dollars (\$75);  
15          (2) with respect to occupational diseases occurring on and after  
16          July 1, 1998, and before July 1, 1999:  
17               (A) not more than seven hundred two dollars (\$702); and  
18               (B) not less than seventy-five dollars (\$75);  
19          (3) with respect to occupational diseases occurring on and after  
20          July 1, 1999, and before July 1, 2000:  
21               (A) not more than seven hundred thirty-two dollars (\$732);  
22               and  
23               (B) not less than seventy-five dollars (\$75);  
24          (4) with respect to occupational diseases occurring on and after  
25          July 1, 2000, and before July 1, 2001:  
26               (A) not more than seven hundred sixty-two dollars (\$762); and  
27               (B) not less than seventy-five dollars (\$75);  
28          (5) with respect to disablements occurring on and after July 1,  
29          2001, and before July 1, 2002:  
30               (A) not more than eight hundred twenty-two dollars (\$822);  
31               and  
32               (B) not less than seventy-five dollars (\$75);  
33          (6) with respect to disablements occurring on and after July 1,  
34          2002, and before July 1, 2006:  
35               (A) not more than eight hundred eighty-two dollars (\$882);  
36               and  
37               (B) not less than seventy-five dollars (\$75);  
38          (7) with respect to disablements occurring on and after July 1,  
39          2006, and before July 1, 2007:  
40               (A) not more than nine hundred dollars (\$900); and  
41               (B) not less than seventy-five dollars (\$75);  
42          (8) with respect to disablements occurring on and after July 1,





- 1 2007, and before July 1, 2008:
- 2 (A) not more than nine hundred thirty dollars (\$930); and
- 3 (B) not less than seventy-five dollars (\$75);
- 4 ~~(9)~~ (9) with respect to disablements occurring on and after July 1,
- 5 2008, and before July 1, 2009:
- 6 (A) not more than nine hundred fifty-four dollars (\$954); and
- 7 (B) not less than seventy-five dollars (\$75);
- 8 ~~(10)~~ (1) with respect to disablements occurring on and after July
- 9 1, 2009, and before July 1, 2014:
- 10 (A) not more than nine hundred seventy-five dollars (\$975);
- 11 and
- 12 (B) not less than seventy-five dollars (\$75);
- 13 ~~(11)~~ (2) with respect to disablements occurring on and after July
- 14 1, 2014, and before July 1, 2015:
- 15 (A) not more than one thousand forty dollars (\$1,040); and
- 16 (B) not less than seventy-five dollars (\$75);
- 17 ~~(12)~~ (3) with respect to disablements occurring on and after July
- 18 1, 2015, and before July 1, 2016:
- 19 (A) not more than one thousand one hundred five dollars
- 20 (\$1,105); and
- 21 (B) not less than seventy-five dollars (\$75); ~~and~~
- 22 ~~(13)~~ (4) with respect to disablements occurring on and after July
- 23 1, 2016, **and before July 1, 2022:**
- 24 (A) not more than one thousand one hundred seventy dollars
- 25 (\$1,170); and
- 26 (B) not less than seventy-five dollars (\$75);
- 27 **(5) with respect to disablements occurring on and after July**
- 28 **1, 2022, and before July 1, 2023:**
- 29 **(A) not more than one thousand two hundred five dollars**
- 30 **(\$1,205); and**
- 31 **(B) not less than seventy-five dollars (\$75);**
- 32 **(6) with respect to disablements occurring on and after July**
- 33 **1, 2023, and before July 1, 2024:**
- 34 **(A) not more than one thousand two hundred forty-one**
- 35 **dollars (\$1,241); and**
- 36 **(B) not less than seventy-five dollars (\$75);**
- 37 **(7) with respect to disablements occurring on and after July**
- 38 **1, 2024, and before July 1, 2025:**
- 39 **(A) not more than one thousand two hundred seventy-eight**
- 40 **dollars (\$1,278); and**
- 41 **(B) not less than seventy-five dollars (\$75); and**
- 42 **(8) with respect to disablements occurring on and after July**



- 1           **1, 2025:**  
 2           **(A) not more than one thousand three hundred sixteen**  
 3           **dollars (\$1,316); and**  
 4           **(B) not less than seventy-five dollars (\$75).**  
 5           (k) The maximum compensation with respect to disability or death  
 6           occurring on and after July 1, 1985; and before July 1, 1986; which  
 7           shall be paid for occupational disease and the results thereof under the  
 8           provisions of this chapter or under any combination of its provisions  
 9           may not exceed eighty-nine thousand dollars (\$89,000) in any case.  
 10          (l) The maximum compensation with respect to disability or death  
 11          occurring on and after July 1, 1986; and before July 1, 1988; which  
 12          shall be paid for occupational disease and the results thereof under the  
 13          provisions of this chapter or under any combination of its provisions  
 14          may not exceed ninety-five thousand dollars (\$95,000) in any case.  
 15          (m) The maximum compensation with respect to disability or death  
 16          occurring on and after July 1, 1988; and before July 1, 1989; that shall  
 17          be paid for occupational disease and the results thereof under this  
 18          chapter or under any combination of its provisions may not exceed one  
 19          hundred twenty-eight thousand dollars (\$128,000) in any case.  
 20          (n) The maximum compensation with respect to disability or death  
 21          occurring on and after July 1, 1989; and before July 1, 1990; that shall  
 22          be paid for occupational disease and the results thereof under this  
 23          chapter or under any combination of its provisions may not exceed one  
 24          hundred thirty-seven thousand dollars (\$137,000) in any case.  
 25          (o) The maximum compensation with respect to disability or death  
 26          occurring on and after July 1, 1990; and before July 1, 1991; that shall  
 27          be paid for occupational disease and the results thereof under this  
 28          chapter or under any combination of its provisions may not exceed one  
 29          hundred forty-seven thousand dollars (\$147,000) in any case.  
 30          (p) The maximum compensation with respect to disability or death  
 31          occurring on and after July 1, 1991; and before July 1, 1992; that shall  
 32          be paid for occupational disease and the results thereof under this  
 33          chapter or under any combination of the provisions of this chapter may  
 34          not exceed one hundred sixty-four thousand dollars (\$164,000) in any  
 35          case.  
 36          (q) The maximum compensation with respect to disability or death  
 37          occurring on and after July 1, 1992; and before July 1, 1993; that shall  
 38          be paid for occupational disease and the results thereof under this  
 39          chapter or under any combination of the provisions of this chapter may  
 40          not exceed one hundred eighty thousand dollars (\$180,000) in any case.  
 41          (r) The maximum compensation with respect to disability or death  
 42          occurring on and after July 1, 1993; and before July 1, 1994; that shall



1 be paid for occupational disease and the results thereof under this  
 2 chapter or under any combination of the provisions of this chapter may  
 3 not exceed one hundred ninety-seven thousand dollars (\$197,000) in  
 4 any case.

5 (s) The maximum compensation with respect to disability or death  
 6 occurring on and after July 1, 1994, and before July 1, 1997, that shall  
 7 be paid for occupational disease and the results thereof under this  
 8 chapter or under any combination of the provisions of this chapter may  
 9 not exceed two hundred fourteen thousand dollars (\$214,000) in any  
 10 case.

11 (t) (b) The maximum compensation that shall be paid for  
 12 occupational disease and the results of an occupational disease under  
 13 this chapter or under any combination of the provisions of this chapter  
 14 may not exceed the following amounts in any case:

15 (1) With respect to disability or death occurring on and after July  
 16 1, 1997, and before July 1, 1998, two hundred twenty-four  
 17 thousand dollars (\$224,000):

18 (2) With respect to disability or death occurring on and after July  
 19 1, 1998, and before July 1, 1999, two hundred thirty-four  
 20 thousand dollars (\$234,000):

21 (3) With respect to disability or death occurring on and after July  
 22 1, 1999, and before July 1, 2000, two hundred forty-four thousand  
 23 dollars (\$244,000):

24 (4) With respect to disability or death occurring on and after July  
 25 1, 2000, and before July 1, 2001, two hundred fifty-four thousand  
 26 dollars (\$254,000):

27 (5) With respect to disability or death occurring on and after July  
 28 1, 2001, and before July 1, 2002, two hundred seventy-four  
 29 thousand dollars (\$274,000):

30 (6) With respect to disability or death occurring on and after July  
 31 1, 2002, and before July 1, 2006, two hundred ninety-four  
 32 thousand dollars (\$294,000):

33 (7) With respect to disability or death occurring on and after July  
 34 1, 2006, and before July 1, 2007, three hundred thousand dollars  
 35 (\$300,000):

36 (8) With respect to disability or death occurring on and after July  
 37 1, 2007, and before July 1, 2008, three hundred ten thousand  
 38 dollars (\$310,000):

39 (9) With respect to disability or death occurring on and after July  
 40 1, 2008, and before July 1, 2009, three hundred eighteen thousand  
 41 dollars (\$318,000):

42 (10) (1) With respect to disability or death occurring on and after



- 1 July 1, 2009, and before July 1, 2014, three hundred twenty-five  
 2 thousand dollars (\$325,000).
- 3 ~~(1)~~ **(2)** With respect to disability or death occurring on and after  
 4 July 1, 2014, and before July 1, 2015, three hundred forty-seven  
 5 thousand dollars (\$347,000).
- 6 ~~(2)~~ **(3)** With respect to disability or death occurring on and after  
 7 July 1, 2015, and before July 1, 2016, three hundred sixty-eight  
 8 thousand dollars (\$368,000).
- 9 ~~(3)~~ **(4)** With respect to disability or death occurring on and after  
 10 July 1, 2016, **and before July 1, 2022**, three hundred ninety  
 11 thousand dollars (\$390,000).
- 12 **(5) With respect to disability or death occurring on and after**  
 13 **July 1, 2022, and before July 1, 2023, four hundred two**  
 14 **thousand dollars (\$402,000).**
- 15 **(6) With respect to disability or death occurring on and after**  
 16 **July 1, 2023, and before July 1, 2024, four hundred fourteen**  
 17 **thousand dollars (\$414,000).**
- 18 **(7) With respect to disability or death occurring on and after**  
 19 **July 1, 2024, and before July 1, 2025, four hundred twenty-six**  
 20 **thousand dollars (\$426,000).**
- 21 **(8) With respect to disability or death occurring on and after**  
 22 **July 1, 2025, four hundred thirty-nine thousand dollars**  
 23 **(\$439,000).**
- 24 ~~(4)~~ **(c)** For all disabilities occurring on and after July 1, 1985,  
 25 "average weekly wages" means the earnings of the injured employee  
 26 during the period of fifty-two (52) weeks immediately preceding the  
 27 disability divided by fifty-two (52). If the employee lost seven (7) or  
 28 more calendar days during the period, although not in the same week,  
 29 then the earnings for the remainder of the fifty-two (52) weeks shall be  
 30 divided by the number of weeks and parts of weeks remaining after the  
 31 time lost has been deducted. If employment before the date of disability  
 32 extended over a period of less than fifty-two (52) weeks, the method of  
 33 dividing the earnings during that period by the number of weeks and  
 34 parts of weeks during which the employee earned wages shall be  
 35 followed if results just and fair to both parties will be obtained. If by  
 36 reason of the shortness of the time during which the employee has been  
 37 in the employment of the employer or of the casual nature or terms of  
 38 the employment it is impracticable to compute the average weekly  
 39 wages for the employee, the employee's average weekly wages shall be  
 40 considered to be the average weekly amount that, during the fifty-two  
 41 (52) weeks before the date of disability, was being earned by a person  
 42 in the same grade employed at the same work by the same employer or,



1 if there is no person so employed, by a person in the same grade  
 2 employed in that same class of employment in the same district.  
 3 Whenever allowances of any character are made to an employee  
 4 instead of wages or a specified part of the wage contract, they shall be  
 5 considered a part of the employee's earnings.

6 ~~(v)~~ (d) The provisions of this article may not be construed to result  
 7 in an award of benefits in which the number of weeks paid or to be paid  
 8 for temporary total disability, temporary partial disability, or permanent  
 9 total disability benefits combined exceeds five hundred (500) weeks.  
 10 This section shall not be construed to prevent a person from applying  
 11 for an award under IC 22-3-3-13. However, in case of permanent total  
 12 disability resulting from a disablement occurring on or after January 1,  
 13 1998, the minimum total benefit shall not be less than seventy-five  
 14 thousand dollars (\$75,000).

15 SECTION 10. IC 22-3-7.2 IS ADDED TO THE INDIANA CODE  
 16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 17 JANUARY 1, 2023]:

18 **Chapter 7.2. Payments of Claims**

19 **Sec. 1. As used in this chapter, "clean claim" means a claim**  
 20 **submitted by a medical service provider for payment under**  
 21 **IC 22-3-2 through IC 22-3-7 that has no defect, impropriety, or**  
 22 **particular circumstance requiring special treatment preventing**  
 23 **payment.**

24 **Sec. 2. As used in this chapter, "payor" means an employer or**  
 25 **an employer's insurance carrier that is liable for a claim for a**  
 26 **service or product under IC 22-3-2 through IC 22-3-7.**

27 **Sec. 3. As used in this chapter, "medical service facility" means**  
 28 **any of the following that provides a service or product under**  
 29 **IC 22-3-2 through IC 22-3-7 and uses the CMS 1450 (UB-04) form**  
 30 **or the CMS 1500 (HCFA-1500) form for Medicare reimbursement:**

31 (1) **An ambulatory outpatient surgical center (as defined in**  
 32 **IC 16-18-2-14).**

33 (2) **A hospital (as defined in IC 16-18-2-179).**

34 (3) **A hospital based health facility (as defined in**  
 35 **IC 16-18-2-180).**

36 (4) **A medical center (as defined in IC 16-18-2-223.4).**

37 **Sec. 4. As used in this chapter, "medical service provider"**  
 38 **means a person or an entity that provides services or products to**  
 39 **an employee under IC 22-3-2 through IC 22-3-7. Except as**  
 40 **otherwise provided in this chapter, the term includes a medical**  
 41 **service facility.**

42 **Sec. 5. (a) A payor shall pay or deny each clean claim in**



1 accordance with section 6 of this chapter.

2 (b) A payor shall notify a medical service provider of any  
3 deficiencies in a submitted claim not more than:

4 (1) thirty (30) days after the date the claim is received by the  
5 payor, for a claim that is filed electronically; or

6 (2) forty-five (45) days after the date the claim is received by  
7 the payor, for a claim that is filed on paper;

8 and describe any remedy necessary to establish a clean claim.

9 (c) Failure of a payor to notify a medical service provider as  
10 required under subsection (b) establishes the submitted claim as a  
11 clean claim.

12 Sec. 6. (a) A payor shall pay or deny each clean claim as follows:

13 (1) If the claim is filed electronically, not more than thirty (30)  
14 days after the date the claim is received by the payor.

15 (2) If the claim is filed on paper, not more than forty-five (45)  
16 days after the date the claim is received by the payor.

17 (b) If:

18 (1) a payor fails to pay or deny a clean claim in the time  
19 required under subsection (a); and

20 (2) the payor subsequently pays the claim;

21 the payor shall pay the medical service provider that submitted the  
22 claim interest on the amount of the payor's pecuniary liability  
23 under IC 22-3-2 through IC 22-3-7 for the claim paid under this  
24 section.

25 (c) Interest paid under subsection (b):

26 (1) accrues beginning:

27 (A) thirty-one (31) days after the date the claim is received  
28 under subsection (a)(1); or

29 (B) forty-six (46) days after the date the claim is received  
30 under subsection (a)(2); and

31 (2) stops accruing on the date the claim is paid.

32 (d) In paying interest under subsection (b), a payor shall use the  
33 same interest rate as provided in IC 12-15-21-3(7)(A).

34 Sec. 7. A medical service provider shall submit only the  
35 following forms for payment by a payor:

36 (1) CMS 1450 (UB-04).

37 (2) CMS 1500 (HCFA-1500).

38 (3) American Dental Association (ADA) claim form.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1153, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 27, delete lines 23 through 28.

Page 34, delete lines 20 through 25.

Page 60, delete lines 2 through 7.

and when so amended that said bill do pass.

(Reference is to HB 1153 as introduced.)

VANNATTER

Committee Vote: yeas 9, nays 4.

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1153 be amended to read as follows:

Page 3, line 38, strike "(a) With respect to injuries in the schedule set".

Page 3, strike lines 39 through 42.

Page 4, strike lines 1 through 16.

Page 4, line 17, strike "(d)" and insert "**(a)**".

Page 5, line 19, strike "(e)" and insert "**(b)**".

Page 5, line 20, strike "(h)" and insert "**(e)**".

Page 5, line 26, strike "(f)" and insert "**(c)**".

Page 5, line 26, strike "(h)" and insert "**(e)**".

Page 5, line 33, strike "(g)" and insert "**(d)**".

Page 5, line 34, strike "(h)" and insert "**(e)**".

Page 5, line 40, strike "(h)" and insert "**(e)**".

Page 6, line 17, strike "(d)(3)," and insert "**(a)(3)**".

Page 6, line 28, strike "(d)(4)," and insert "**(a)(4)**".

Page 6, line 41, strike "(i)" and insert "**(f)**".

Page 7, line 29, strike "(j)" and insert "**(g)**".

Page 8, line 37, strike "(h)(5)," and insert "**(e)(5)**".

Page 9, line 10, strike "(j)" and insert "**(g)**".

Page 9, line 12, strike "(i)" and insert "**(f)**".

Page 9, strike lines 13 through 42.

EH 1153—LS 6981/DI 141



Page 10, strike lines 1 through 42.  
 Page 11, strike lines 1 through 33.  
 Page 11, line 34, strike "(12)" and insert "**(1)**".  
 Page 12, line 2, strike "(13)" and insert "**(2)**".  
 Page 12, line 12, strike "(14)" and insert "**(3)**".  
 Page 12, line 22, strike "(15)" and insert "**(4)**".  
 Page 12, line 32, delete "(16)" and insert "**(5)**".  
 Page 13, line 1, delete "(17)" and insert "**(6)**".  
 Page 13, line 12, delete "(18)" and insert "**(7)**".  
 Page 13, line 23, delete "(19)" and insert "**(8)**".  
 Page 13, line 34, strike "(k)" and insert "**(h)**".  
 Page 13, line 35, strike "(i)" and insert "**(f)**".  
 Page 13, line 36, strike "(j)" and insert "**(g)**".  
 Page 13, strike lines 37 through 42.  
 Page 14, strike lines 1 through 20.  
 Page 14, line 21, strike "(14)" and insert "**(1)**".  
 Page 14, line 23, strike "(15)" and insert "**(2)**".  
 Page 14, line 25, strike "(16)" and insert "**(3)**".  
 Page 14, line 28, strike "(17)" and insert "**(4)**".  
 Page 14, line 31, delete "(18)" and insert "**(5)**".  
 Page 14, line 34, delete "(19)" and insert "**(6)**".  
 Page 14, line 37, delete "(20)" and insert "**(7)**".  
 Page 14, line 40, delete "(21)" and insert "**(8)**".  
 Page 15, line 2, strike "(a) In computing compensation for temporary".  
 Page 15, strike lines 3 through 42.  
 Page 16, strike lines 1 through 32.  
 Page 16, line 33, strike "(j)" and insert "**(a)**".  
 Page 16, strike lines 36 through 42.  
 Page 17, strike lines 1 through 32.  
 Page 17, line 33, strike "(10)" and insert "**(1)**".  
 Page 17, line 38, strike "(11)" and insert "**(2)**".  
 Page 17, line 42, strike "(12)" and insert "**(3)**".  
 Page 18, line 5, strike "(13)" and insert "**(4)**".  
 Page 18, line 10, delete "(14)" and insert "**(5)**".  
 Page 18, line 15, delete "(15)" and insert "**(6)**".  
 Page 18, line 20, delete "(16)" and insert "**(7)**".  
 Page 18, line 25, delete "(17)" and insert "**(8)**".  
 Page 18, strike lines 32 through 42.  
 Page 19, strike lines 1 through 34.  
 Page 19, line 35, strike "(t)" and insert "**(b)**".  
 Page 19, strike lines 39 through 42.





Page 20, strike lines 1 through 23.  
 Page 20, line 24, strike "(10)" and insert "(1)".  
 Page 20, line 27, strike "(11)" and insert "(2)".  
 Page 20, line 30, strike "(12)" and insert "(3)".  
 Page 20, line 33, strike "(13)" and insert "(4)".  
 Page 20, line 36, delete "(14)" and insert "(5)".  
 Page 20, line 39, delete "(15)" and insert "(6)".  
 Page 20, line 42, delete "(16)" and insert "(7)".  
 Page 21, line 3, delete "(17)" and insert "(8)".  
 Page 38, strike lines 4 through 42.  
 Page 39, strike lines 1 through 42.  
 Page 40, strike lines 1 through 14.  
 Page 40, line 15, strike "(m)" and insert "(i)".  
 Page 41, line 2, strike "(n)" and insert "(j)".  
 Page 42, line 27, strike "(n)" and insert "(j)".  
 Page 42, line 30, strike "(m)" and insert "(i)".  
 Page 42, strike lines 31 through 42.  
 Page 43, strike lines 1 through 42.  
 Page 44, strike lines 1 through 42.  
 Page 45, strike lines 1 through 9.  
 Page 45, line 10, strike "(12)" and insert "(1)".  
 Page 45, line 20, strike "(13)" and insert "(2)".  
 Page 45, line 31, strike "(14)" and insert "(3)".  
 Page 45, line 41, strike "(15)" and insert "(4)".  
 Page 46, line 9, delete "(16)" and insert "(5)".  
 Page 46, line 20, delete "(17)" and insert "(6)".  
 Page 46, line 31, delete "(18)" and insert "(7)".  
 Page 46, line 42, delete "(19)" and insert "(8)".  
 Page 47, line 11, strike "(o)" and insert "(k)".  
 Page 47, line 12, strike "(m)" and insert "(i)".  
 Page 47, line 13, strike "(n)" and insert "(j)".  
 Page 47, strike lines 14 through 42.  
 Page 48, strike lines 1 through 6.  
 Page 48, line 7, strike "(14)" and insert "(1)".  
 Page 48, line 10, strike "(15)" and insert "(2)".  
 Page 48, line 13, strike "(16)" and insert "(3)".  
 Page 48, line 16, strike "(17)" and insert "(4)".  
 Page 48, line 19, delete "(18)" and insert "(5)".  
 Page 48, line 22, delete "(19)" and insert "(6)".  
 Page 48, line 25, delete "(20)" and insert "(7)".  
 Page 48, line 28, delete "(21)" and insert "(8)".  
 Page 48, line 30, strike "(p)" and insert "(l)".



- Page 48, line 38, strike "(q)" and insert "**(m)**".
- Page 49, line 18, strike "(r)" and insert "**(n)**".
- Page 49, line 24, strike "(m)(1), (m)(4), (m)(5), (m)(8), or (m)(9)," and insert "**(i)(1), (i)(4), (i)(5), (i)(8), or (i)(9),**".
- Page 49, line 28, strike "(s)" and insert "**(o)**".
- Page 49, line 29, strike "(m)(1), (m)(4)," and insert "**(i)(1), (i)(4),**".
- Page 49, line 30, strike "(m)(5), (m)(8), or (m)(9)" and insert "**(i)(5), (i)(8), or (i)(9)**".
- Page 49, line 41, strike "(t)" and insert "**(p)**".
- Page 50, line 9, strike "(u)" and insert "**(q)**".
- Page 50, line 16, strike "(v)" and insert "**(r)**".
- Page 50, line 19, strike "(w)" and insert "**(s)**".
- Page 50, line 24, strike "(x)" and insert "**(t)**".
- Page 50, line 31, strike "(y)" and insert "**(u)**".
- Page 50, line 35, strike "(z)" and insert "**(v)**".
- Page 52, line 32, strike "(a) In computing compensation for temporary".
- Page 52, strike lines 33 through 42.
- Page 53, strike lines 1 through 42.
- Page 54, strike lines 1 through 2.
- Page 54, line 3, strike "(j)" and insert "**(a)**".
- Page 54, strike lines 6 through 42.
- Page 55, strike lines 1 through 2.
- Page 55, line 3, strike "(10)" and insert "**(1)**".
- Page 55, line 8, strike "(11)" and insert "**(2)**".
- Page 55, line 12, strike "(12)" and insert "**(3)**".
- Page 55, line 17, strike "(13)" and insert "**(4)**".
- Page 55, line 22, delete "(14)" and insert "**(5)**".
- Page 55, line 27, delete "(15)" and insert "**(6)**".
- Page 55, line 32, delete "(16)" and insert "**(7)**".
- Page 55, line 37, delete "(17)" and insert "**(8)**".
- Page 55, strike line 42.
- Page 56, strike lines 1 through 42.
- Page 57, strike lines 1 through 5.
- Page 57, line 6, strike "(t)" and insert "**(b)**".
- Page 57, strike lines 10 through 36.
- Page 57, line 37, strike "(10)" and insert "**(1)**".
- Page 57, line 40, strike "(11)" and insert "**(2)**".
- Page 58, line 1, strike "(12)" and insert "**(3)**".
- Page 58, line 4, strike "(13)" and insert "**(4)**".
- Page 58, line 7, delete "(14)" and insert "**(5)**".
- Page 58, line 10, delete "(15)" and insert "**(6)**".



Page 58, line 13, delete "(16)" and insert "(7)".  
 Page 58, line 16, delete "(17)" and insert "(8)".  
 Page 58, line 19, strike "(u)" and insert "(c)".  
 Page 59, line 1, strike "(v)" and insert "(d)".  
 Page 59, line 19, delete ""insurer"" and insert ""**payor**"".  
 Page 59, line 37, delete "An insurer" and insert "**A payor**".  
 Page 59, line 39, delete "An insurer" and insert "**A payor**".  
 Page 59, line 42, delete "insurer," and insert "**payor,**".  
 Page 60, line 2, delete "insurer," and insert "**payor,**".  
 Page 60, line 4, delete "an insurer" and insert "**a payor**".  
 Page 60, line 7, delete "An insurer" and insert "**A payor**".  
 Page 60, line 10, delete "insurer." and insert "**payor.**".  
 Page 60, line 12, delete "insurer." and insert "**payor.**".  
 Page 60, line 14, delete "an insurer" and insert "**a payor**".  
 Page 60, line 16, delete "insurer" and insert "**payor**".  
 Page 60, line 17, delete "insurer" and insert "**payor**".  
 Page 60, line 18, delete "insurer's" and insert "**payor's**".  
 Page 60, line 28, delete "an insurer" and insert "**a payor**".  
 Page 60, line 31, delete "an insurer:" and insert "**a payor:**".

(Reference is to HB 1153 as printed January 20, 2022.)

LEHMAN

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1153, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 12, delete lines 34 through 42.

Page 13, delete lines 1 through 35, begin a new line block indented and insert:

**"(5) With respect to injuries occurring on and after July 1, 2022, and before July 1, 2023, for each degree of permanent impairment from one (1) to ten (10), one thousand eight hundred three dollars (\$1,803) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand eleven dollars (\$2,011) per degree; for each degree of permanent impairment from thirty-six (36) to fifty**

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(50), three thousand two hundred eighty-two dollars (\$3,282) per degree; for each degree of permanent impairment above fifty (50), four thousand one hundred eighty-two dollars (\$4,182) per degree.

(6) With respect to injuries occurring on and after July 1, 2023, and before July 1, 2024, for each degree of permanent impairment from one (1) to ten (10), one thousand eight hundred fifty-seven dollars (\$1,857) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand seventy-one dollars (\$2,071) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred eighty dollars (\$3,380) per degree; for each degree of permanent impairment above fifty (50), four thousand three hundred seven dollars (\$4,307) per degree.

(7) With respect to injuries occurring on and after July 1, 2024, and before July 1, 2025, for each degree of permanent impairment from one (1) to ten (10), one thousand nine hundred thirteen dollars (\$1,913) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand one hundred thirty-three dollars (\$2,133) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand four hundred eighty-one dollars (\$3,481) per degree; for each degree of permanent impairment above fifty (50), four thousand four hundred thirty-six dollars (\$4,436) per degree.

(8) With respect to injuries occurring on and after July 1, 2025, for each degree of permanent impairment from one (1) to ten (10), one thousand nine hundred seventy dollars (\$1,970) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand one hundred ninety-seven dollars (\$2,197) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand five hundred eighty-five dollars (\$3,585) per degree; for each degree of permanent impairment above fifty (50), four thousand five hundred sixty-nine dollars (\$4,569) per degree."

Page 14, delete lines 35 through 42, begin a new line block indented and insert:

"(5) With respect to injuries occurring on or after July 1, 2022, and before July 1, 2023, one thousand two hundred five dollars (\$1,205).



**(6) With respect to injuries occurring on or after July 1, 2023, and before July 1, 2024, one thousand two hundred forty-one dollars (\$1,241).**

**(7) With respect to injuries occurring on or after July 1, 2024, and before July 1, 2025, one thousand two hundred seventy-eight dollars (\$1,278).**

**(8) With respect to injuries occurring on or after July 1, 2025, one thousand three hundred sixteen dollars (\$1,316)."**

Page 15, delete lines 1 through 3.

Page 18, delete lines 14 through 33, begin a new line block indented and insert:

**"(5) with respect to injuries occurring on and after July 1, 2022, and before July 1, 2023:**

**(A) not more than one thousand two hundred five dollars (\$1,205); and**

**(B) not less than seventy-five dollars (\$75);**

**(6) with respect to injuries occurring on and after July 1, 2023, and before July 1, 2024:**

**(A) not more than one thousand two hundred forty-one dollars (\$1,241); and**

**(B) not less than seventy-five dollars (\$75);**

**(7) with respect to injuries occurring on and after July 1, 2024, and before July 1, 2025:**

**(A) not more than one thousand two hundred seventy-eight dollars (\$1,278); and**

**(B) not less than seventy-five dollars (\$75); and**

**(8) with respect to injuries occurring on and after July 1, 2025:**

**(A) not more than one thousand three hundred sixteen dollars (\$1,316); and**

**(B) not less than seventy-five dollars (\$75)."**

Page 20, delete lines 40 through 42.

Page 21, delete lines 1 through 8, begin a new line block indented and insert:

**"(5) With respect to an injury occurring on and after July 1, 2022, and before July 1, 2023, four hundred two thousand dollars (\$402,000).**

**(6) With respect to an injury occurring on and after July 1, 2023, and before July 1, 2024, four hundred fourteen thousand dollars (\$414,000).**

**(7) With respect to an injury occurring on and after July 1, 2024, and before July 1, 2025, four hundred twenty-six**



thousand dollars (\$426,000).

**(8) With respect to an injury occurring on and after July 1, 2025, four hundred thirty-nine thousand dollars (\$439,000)."**

Page 46, delete lines 13 through 42.

Page 47, delete lines 1 through 14, begin a new line block indented and insert:

**"(5) With respect to disablements occurring on and after July 1, 2022, and before July 1, 2023, for each degree of permanent impairment from one (1) to ten (10), one thousand eight hundred three dollars (\$1,803) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand eleven dollars (\$2,011) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand two hundred eighty-two dollars (\$3,282) per degree; for each degree of permanent impairment above fifty (50), four thousand one hundred eighty-two dollars (\$4,182) per degree.**

**(6) With respect to disablements occurring on and after July 1, 2023, and before July 1, 2024, for each degree of permanent impairment from one (1) to ten (10), one thousand eight hundred fifty-seven dollars (\$1,857) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand seventy-one dollars (\$2,071) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred eighty dollars (\$3,380) per degree; for each degree of permanent impairment above fifty (50), four thousand three hundred seven dollars (\$4,307) per degree.**

**(7) With respect to disablements occurring on and after July 1, 2024, and before July 1, 2025, for each degree of permanent impairment from one (1) to ten (10), one thousand nine hundred thirteen dollars (\$1,913) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand one hundred thirty-three dollars (\$2,133) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand four hundred eighty-one dollars (\$3,481) per degree; for each degree of permanent impairment above fifty (50), four thousand four hundred thirty-six dollars (\$4,436) per degree.**

**(8) With respect to disablements occurring on and after July 1, 2025, for each degree of permanent impairment from one (1) to ten (10), one thousand nine hundred seventy dollars**



**(\$1,970) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand one hundred ninety-seven dollars (\$2,197) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand five hundred eighty-five dollars (\$3,585) per degree; for each degree of permanent impairment above fifty (50), four thousand five hundred sixty-nine dollars (\$4,569) per degree."**

Page 48, delete lines 23 through 33, begin a new line block indented and insert:

**"(5) With respect to disablements occurring on or after July 1, 2022, and before July 1, 2023, one thousand two hundred five dollars (\$1,205).**

**(6) With respect to disablements occurring on or after July 1, 2023, and before July 1, 2024, one thousand two hundred forty-one dollars (\$1,241).**

**(7) With respect to disablements occurring on or after July 1, 2024, and before July 1, 2025, one thousand two hundred seventy-eight dollars (\$1,278).**

**(8) With respect to disablements occurring on or after July 1, 2025, one thousand three hundred sixteen dollars (\$1,316)."**

Page 55, delete lines 27 through 42, begin a new line block indented and insert:

**"(5) with respect to disablements occurring on and after July 1, 2022, and before July 1, 2023:**

**(A) not more than one thousand two hundred five dollars (\$1,205); and**

**(B) not less than seventy-five dollars (\$75);**

**(6) with respect to disablements occurring on and after July 1, 2023, and before July 1, 2024:**

**(A) not more than one thousand two hundred forty-one dollars (\$1,241); and**

**(B) not less than seventy-five dollars (\$75);**

**(7) with respect to disablements occurring on and after July 1, 2024, and before July 1, 2025:**

**(A) not more than one thousand two hundred seventy-eight dollars (\$1,278); and**

**(B) not less than seventy-five dollars (\$75); and**

**(8) with respect to disablements occurring on and after July 1, 2025:**

**(A) not more than one thousand three hundred sixteen dollars (\$1,316); and**



**(B) not less than seventy-five dollars (\$75)."**

Page 56, delete lines 1 through 4.

Page 58, delete lines 12 through 23, begin a new line block indented and insert:

**"(5) With respect to disability or death occurring on and after July 1, 2022, and before July 1, 2023, four hundred two thousand dollars (\$402,000).**

**(6) With respect to disability or death occurring on and after July 1, 2023, and before July 1, 2024, four hundred fourteen thousand dollars (\$414,000).**

**(7) With respect to disability or death occurring on and after July 1, 2024, and before July 1, 2025, four hundred twenty-six thousand dollars (\$426,000).**

**(8) With respect to disability or death occurring on and after July 1, 2025, four hundred thirty-nine thousand dollars (\$439,000)."**

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1153 as reprinted January 26, 2022.)

BOOTS, Chairperson

Committee Vote: Yeas 9, Nays 1.

