



Reprinted  
March 3, 2020

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## ENGROSSED HOUSE BILL No. 1332

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DIGEST OF HB 1332 (Updated March 2, 2020 6:56 pm - DI 132)

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

**Synopsis:** Ambulatory surgical centers. Provides that ambulatory surgical centers may be reimbursed in an amount not to exceed 275% of the ambulatory surgical center's Medicare reimbursement rate. Provides that the payment to an ambulatory surgical center for a medical device under worker's compensation may not exceed the invoice amount plus 3%. Increases benefits for injuries and disabilities by 2% each year for three years, beginning on July 1, 2020. Provides that a medical service facility may be reimbursed in an amount not to exceed 200% of the medical service facility's Medicare reimbursement rate.

**Effective:** July 1, 2020; January 1, 2021.

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### Lehman, Carbaugh, Beck

(SENATE SPONSORS — BOOTS, TALLIAN, RANDOLPH LONNIE M)

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January 13, 2020, read first time and referred to Committee on Employment, Labor and Pensions.

January 28, 2020, amended, reported — Do Pass.

January 30, 2020, read second time, amended, ordered engrossed.

January 31, 2020, engrossed.

February 3, 2020, read third time, passed. Yeas 91, nays 1.

#### SENATE ACTION

February 17, 2020, read first time and referred to Committee on Pensions and Labor.

February 27, 2020, amended, reported favorably — Do Pass.

March 2, 2020, read second time, amended, ordered engrossed.

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EH 1332—LS 6804/DI 128





Reprinted  
March 3, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1332

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 22-3-3-5, AS AMENDED BY P.L.275-2013,  
2       SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JANUARY 1, 2021]: Sec. 5. (a) The pecuniary liability of the employer  
4       for a service or product herein required shall be limited to the  
5       following:

6           (1) This subdivision applies before July 1, 2014, to all medical  
7           service providers, and after June 30, 2014, to a medical service  
8           provider that is not a medical service facility **or an ambulatory**  
9           **surgical center**. Such charges as prevail as provided under  
10          IC 22-3-6-1(k)(1), in the same community (as defined in  
11          IC 22-3-6-1(h)) for a like service or product to injured persons.

12          (2) This subdivision applies after June 30, 2014, to a medical  
13          service facility **and an ambulatory surgical center**. The amount  
14          provided under IC 22-3-6-1(k)(2).

15          (b) The employee and the employee's estate do not have liability to  
16          a health care provider for payment for services obtained under  
17          IC 22-3-3-4.

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(c) The right to order payment for all services or products provided under IC 22-3-2 through IC 22-3-6 is solely with the board.

(d) All claims by a medical service provider for payment for services or products are against the employer and the employer's insurance carrier, if any, and must be made with the board under IC 22-3-2 through IC 22-3-6. After June 30, 2011, a medical service provider must file an application for adjustment of a claim for a medical service provider's fee with the board not later than two (2) years after the receipt of an initial written communication from the employer, the employer's insurance carrier, if any, or an agent acting on behalf of the employer after the medical service provider submits a bill for services or products. To offset a part of the board's expenses related to the administration of medical service provider reimbursement disputes, a medical service facility shall pay a filing fee of sixty dollars (\$60) in a balance billing case. The filing fee must accompany each application filed with the board. If an employer, an employer's insurance carrier, or an agent acting on behalf of the employer denies or fails to pay any amount on a claim submitted by a medical service facility, a filing fee is not required to accompany an application that is filed for the denied or unpaid claim. A medical service provider may combine up to ten (10) individual claims into one (1) application whenever:

- (1) all individual claims involve the same employer, insurance carrier, or billing review service; and
- (2) the amount of each individual claim does not exceed two hundred dollars (\$200).

(e) The worker's compensation board may withhold the approval of the fees of the attending physician in a case until the attending physician files a report with the worker's compensation board on the form prescribed by the board.

SECTION 2. IC 22-3-3-5.2, AS AMENDED BY P.L.99-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.2. (a) A billing review service shall adhere to the following requirements to determine the pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under worker's compensation provided before July 1, 2014, by all medical service providers, and after June 30, 2014, by a medical service provider that is not a medical service facility **or, after December 31, 2020, an ambulatory surgical center:**

- (1) The formation of a billing review standard, and any subsequent analysis or revision of the standard, must use data that is based on the medical service provider billing charges as



submitted to the employer and the employer's insurance carrier from the same community. This subdivision does not apply when a unique or specialized service or product does not have sufficient comparative data to allow for a reasonable comparison.

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

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

(b) This subsection applies after June 30, 2014, to a medical service facility **or, after December 31, 2020, an ambulatory surgical center.** The pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under worker's compensation and provided by a medical service facility **or an ambulatory surgical center** is equal to a reasonable amount, which is established by payment of one (1) of the following **as applicable:**

(1) The amount negotiated at any time between the medical service facility **or ambulatory surgical center** and any of the following:

(A) The employer.

(B) The employer's insurance carrier.

(C) A billing review service on behalf of a person described in clause (A) or (B).

(D) A direct provider network that has contracted with a person described in clause (A) or (B).

(2) **For a medical service facility, an amount not to exceed** two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as described in subdivision (1).

(3) **For an ambulatory surgical center, an amount not to exceed two hundred seventy-five percent (275%) of the amount that would be paid to the ambulatory surgical center**



on the same date for the same service or product under the ambulatory surgical center's Medicare reimbursement rate, if an amount has not been negotiated as described in subdivision (1). However, the payment to an ambulatory surgical center for an implant furnished to an employee under IC 22-3-2 through IC 22-3-6 may not exceed the invoice amount plus three percent (3%).

(c) A medical service provider may request an explanation from a billing review service if the medical service provider's bill has been reduced as a result of application of the eightieth percentile or of a Current Procedural Terminology (CPT) or Medicare coding change. The request must be made not later than sixty (60) days after receipt of the notice of the reduction. If a request is made, the billing review service must provide:

- (1) the name of the billing review service used to make the reduction;
- (2) the dollar amount of the reduction;
- (3) the dollar amount of the service or product at the eightieth percentile; and
- (4) in the case of a CPT or Medicare coding change, the basis upon which the change was made;

not later than thirty (30) days after the date of the request.

(d) If, after a hearing, the worker's compensation board finds that a billing review service used a billing review standard that did not comply with subsection (a)(1) through (a)(3), as applicable, in determining the pecuniary liability of an employer or an employer's insurance carrier for a medical service provider's charge for services or products covered under worker's compensation, the worker's compensation board may assess a civil penalty against the billing review service in an amount not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000).

SECTION 3. IC 22-3-3-10, AS AMENDED BY SEA 269-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not to exceed fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury.

(b) With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1988, and before July 1, 1989, the



employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

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

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

(1) Amputation: For the loss by separation of the thumb, sixty (60) weeks, of the index finger forty (40) weeks, of the second finger thirty-five (35) weeks, of the third or ring finger thirty (30) weeks, of the fourth or little finger twenty (20) weeks, of the hand by separation below the elbow joint two hundred (200) weeks, or the arm above the elbow two hundred fifty (250) weeks, of the big toe sixty (60) weeks, of the second toe thirty (30) weeks, of the third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks, of the fifth or little toe ten (10) weeks, for loss occurring on and after April 1, 1959, by separation of the foot below the knee joint, one hundred seventy-five (175) weeks and of the leg above the knee joint two hundred twenty-five (225) weeks. The loss of more than one (1) phalange of a thumb or toes shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) the period for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two



(2) phalanges of the finger, shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

(3) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred seventy-five (175) weeks.

(4) For the permanent and complete loss of hearing in one (1) ear, seventy-five (75) weeks, and in both ears, two hundred (200) weeks.

(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of both testicles, one hundred fifty (150) weeks.

(e) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not exceeding fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars (\$125) average weekly wages for the period stated for the injury.

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

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

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





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

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

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

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

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

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

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

(i) With respect to injuries in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the injury, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent ( $66 \frac{2}{3}\%$ ) of the employee's



average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the injury occurred.

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

(2) Amputations: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, and for the loss by separation of any of the body parts described in subdivision (3), (5), or ~~(8)~~, (7), on or after July 1, 1999, the dollar values per degree applying on the date of the injury as described in subsection (j) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.



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



1 compensation, in the discretion of the worker's compensation  
2 board, not exceeding forty (40) degrees of permanent impairment  
3 except that no compensation shall be payable under this  
4 subdivision where compensation is payable elsewhere in this  
5 section.

6 (j) Compensation for permanent partial impairment shall be paid  
7 according to the degree of permanent impairment for the injury  
8 determined under subsection (i) and the following:

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

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

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

37 (4) With respect to injuries occurring on and after July 1, 1997,  
38 and before July 1, 1998, for each degree of permanent impairment  
39 from one (1) to ten (10), seven hundred fifty dollars (\$750) per  
40 degree; for each degree of permanent impairment from eleven  
41 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;  
42 for each degree of permanent impairment from thirty-six (36) to



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



1 and before July 1, 2008, for each degree of permanent impairment  
2 from one (1) to ten (10), one thousand three hundred forty dollars  
3 (\$1,340) per degree; for each degree of permanent impairment  
4 from eleven (11) to thirty-five (35), one thousand five hundred  
5 forty-five dollars (\$1,545) per degree; for each degree of  
6 permanent impairment from thirty-six (36) to fifty (50), two  
7 thousand four hundred seventy-five dollars (\$2,475) per degree;  
8 for each degree of permanent impairment above fifty (50), three  
9 thousand one hundred fifty dollars (\$3,150) per degree.

10 (10) With respect to injuries occurring on and after July 1, 2008,  
11 and before July 1, 2009, for each degree of permanent impairment  
12 from one (1) to ten (10), one thousand three hundred sixty-five  
13 dollars (\$1,365) per degree; for each degree of permanent  
14 impairment from eleven (11) to thirty-five (35), one thousand five  
15 hundred seventy dollars (\$1,570) per degree; for each degree of  
16 permanent impairment from thirty-six (36) to fifty (50), two  
17 thousand five hundred twenty-five dollars (\$2,525) per degree; for  
18 each degree of permanent impairment above fifty (50), three  
19 thousand two hundred dollars (\$3,200) per degree.

20 (11) With respect to injuries occurring on and after July 1, 2009,  
21 and before July 1, 2010, for each degree of permanent impairment  
22 from one (1) to ten (10), one thousand three hundred eighty  
23 dollars (\$1,380) per degree; for each degree of permanent  
24 impairment from eleven (11) to thirty-five (35), one thousand five  
25 hundred eighty-five dollars (\$1,585) per degree; for each degree  
26 of permanent impairment from thirty-six (36) to fifty (50), two  
27 thousand six hundred dollars (\$2,600) per degree; for each degree  
28 of permanent impairment above fifty (50), three thousand three  
29 hundred dollars (\$3,300) per degree.

30 (12) With respect to injuries occurring on and after July 1, 2010,  
31 and before July 1, 2014, for each degree of permanent impairment  
32 from one (1) to ten (10), one thousand four hundred dollars  
33 (\$1,400) per degree; for each degree of permanent impairment  
34 from eleven (11) to thirty-five (35), one thousand six hundred  
35 dollars (\$1,600) per degree; for each degree of permanent  
36 impairment from thirty-six (36) to fifty (50), two thousand seven  
37 hundred dollars (\$2,700) per degree; for each degree of  
38 permanent impairment above fifty (50), three thousand five  
39 hundred dollars (\$3,500) per degree.

40 (13) With respect to injuries occurring on and after July 1, 2014,  
41 and before July 1, 2015, for each degree of permanent impairment  
42 from one (1) to ten (10), one thousand five hundred seventeen



dollars (\$1,517) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred seventeen dollars (\$1,717) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand eight hundred sixty-two dollars (\$2,862) per degree; for each degree of permanent impairment above fifty (50), three thousand six hundred eighty-seven dollars (\$3,687) per degree.

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

(15) With respect to injuries occurring on and after July 1, 2016, **and before July 1, 2020**, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred fifty dollars (\$1,750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred fifty-two dollars (\$1,952) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand one hundred eighty-six dollars (\$3,186) per degree; for each degree of permanent impairment above fifty (50), four thousand sixty dollars (\$4,060) per degree.

**(16) With respect to injuries occurring on and after July 1, 2020, and before July 1, 2021, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred eighty-five dollars (\$1,785) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred ninety-one dollars (\$1,991) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand two hundred fifty dollars (\$3,250) per degree; for each degree of permanent impairment above fifty (50), four thousand one hundred forty-one dollars (\$4,141) per degree.**

**(17) With respect to injuries occurring on and after July 1, 2021, and before July 1, 2022, for each degree of permanent impairment from one (1) to ten (10), one thousand eight hundred twenty-one dollars (\$1,821) per degree; for each**



degree of permanent impairment from eleven (11) to thirty-five (35), two thousand thirty-one dollars (\$2,031) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred fifteen dollars (\$3,315) per degree; for each degree of permanent impairment above fifty (50), four thousand two hundred twenty-four dollars (\$4,224) per degree.

(18) With respect to injuries occurring on and after July 1, 2022, 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-two dollars (\$2,072) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred eighty-one dollars (\$3,381) per degree; for each degree of permanent impairment above fifty (50), four thousand three hundred eight dollars (\$4,308) per degree.

(k) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (i) and (j) shall not exceed the following:

(1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, and before July 1, 2006, eight hundred eighty-two dollars (\$882).

(11) With respect to injuries occurring on or after July 1, 2006,





and before July 1, 2007, nine hundred dollars (\$900).

(12) With respect to injuries occurring on or after July 1, 2007, and before July 1, 2008, nine hundred thirty dollars (\$930).

(13) With respect to injuries occurring on or after July 1, 2008, and before July 1, 2009, nine hundred fifty-four dollars (\$954).

(14) With respect to injuries occurring on or after July 1, 2009, and before July 1, 2014, nine hundred seventy-five dollars (\$975).

(15) With respect to injuries occurring on or after July 1, 2014, and before July 1, 2015, one thousand forty dollars (\$1,040).

(16) With respect to injuries occurring on or after July 1, 2015, and before July 1, 2016, one thousand one hundred five dollars (\$1,105).

(17) With respect to injuries occurring on or after July 1, 2016, **and before July 1, 2020**, one thousand one hundred seventy dollars (\$1,170).

**(18) With respect to injuries occurring on or after July 1, 2020, and before July 1, 2021, one thousand one hundred ninety-three dollars (\$1,193).**

**(19) With respect to injuries occurring on or after July 1, 2021, and before July 1, 2022, one thousand two hundred seventeen dollars (\$1,217).**

**(20) With respect to injuries occurring on or after July 1, 2022, one thousand two hundred forty-one dollars (\$1,241).**

SECTION 4. IC 22-3-3-22, AS AMENDED BY P.L.275-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

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

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

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

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

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

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

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



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

- 5 (1) not more than three hundred eighty-four dollars (\$384); and  
6 (2) not less than seventy-five dollars (\$75).

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

9 (d) In computing compensation for temporary total disability,  
10 temporary partial disability, and total permanent disability, with respect  
11 to injuries occurring on and after July 1, 1989, and before July 1, 1990,  
12 the average weekly wages are considered to be:

- 13 (1) not more than four hundred eleven dollars (\$411); and  
14 (2) not less than seventy-five dollars (\$75).

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

17 (e) In computing compensation for temporary total disability,  
18 temporary partial disability, and total permanent disability, with respect  
19 to injuries occurring on and after July 1, 1990, and before July 1, 1991,  
20 the average weekly wages are considered to be:

- 21 (1) not more than four hundred forty-one dollars (\$441); and  
22 (2) not less than seventy-five dollars (\$75).

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

25 (f) In computing compensation for temporary total disability,  
26 temporary partial disability, and total permanent disability, with respect  
27 to injuries occurring on and after July 1, 1991, and before July 1, 1992,  
28 the average weekly wages are considered to be:

- 29 (1) not more than four hundred ninety-two dollars (\$492); and  
30 (2) not less than seventy-five dollars (\$75).

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

33 (g) In computing compensation for temporary total disability,  
34 temporary partial disability, and total permanent disability, with respect  
35 to injuries occurring on and after July 1, 1992, and before July 1, 1993,  
36 the average weekly wages are considered to be:

- 37 (1) not more than five hundred forty dollars (\$540); and  
38 (2) not less than seventy-five dollars (\$75).

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

41 (h) In computing compensation for temporary total disability,  
42 temporary partial disability, and total permanent disability, with respect



to injuries occurring on and after July 1, 1993, and before July 1, 1994,  
the average weekly wages are considered to be:

- (1) not more than five hundred ninety-one dollars (\$591); and
- (2) not less than seventy-five dollars (\$75).

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

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

- (1) not more than six hundred forty-two dollars (\$642); and
- (2) not less than seventy-five dollars (\$75).

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

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

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

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

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

- (2) with respect to injuries occurring on and after July 1, 1998,  
and before July 1, 1999:

- (A) not more than seven hundred two dollars (\$702); and

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

- (3) with respect to injuries occurring on and after July 1, 1999,  
and before July 1, 2000:

- (A) not more than seven hundred thirty-two dollars (\$732);

- and

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

- (4) with respect to injuries occurring on and after July 1, 2000,  
and before July 1, 2001:

- (A) not more than seven hundred sixty-two dollars (\$762); and

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

- (5) with respect to injuries occurring on and after July 1, 2001,  
and before July 1, 2002:

- (A) not more than eight hundred twenty-two dollars (\$822);

- and

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

- (6) with respect to injuries occurring on and after July 1, 2002,  
and before July 1, 2006:

- (A) not more than eight hundred eighty-two dollars (\$882);



1                   and  
 2                   (B) not less than seventy-five dollars (\$75);  
 3           (7) with respect to injuries occurring on and after July 1, 2006,  
 4           and before July 1, 2007:  
 5                   (A) not more than nine hundred dollars (\$900); and  
 6                   (B) not less than seventy-five dollars (\$75);  
 7           (8) with respect to injuries occurring on and after July 1, 2007,  
 8           and before July 1, 2008:  
 9                   (A) not more than nine hundred thirty dollars (\$930); and  
 10                   (B) not less than seventy-five dollars (\$75);  
 11           (9) with respect to injuries occurring on and after July 1, 2008,  
 12           and before July 1, 2009:  
 13                   (A) not more than nine hundred fifty-four dollars (\$954); and  
 14                   (B) not less than seventy-five dollars (\$75);  
 15           (10) with respect to injuries occurring on and after July 1, 2009,  
 16           and before July 1, 2014:  
 17                   (A) not more than nine hundred seventy-five dollars (\$975);  
 18                   and  
 19                   (B) not less than seventy-five dollars (\$75);  
 20           (11) with respect to injuries occurring on and after July 1, 2014,  
 21           and before July 1, 2015:  
 22                   (A) not more than one thousand forty dollars (\$1,040); and  
 23                   (B) not less than seventy-five dollars (\$75);  
 24           (12) with respect to injuries occurring on and after July 1, 2015,  
 25           and before July 1, 2016:  
 26                   (A) not more than one thousand one hundred five dollars  
 27                   (\$1,105); and  
 28                   (B) not less than seventy-five dollars (\$75); ~~and~~  
 29           (13) with respect to injuries occurring on and after July 1, 2016,  
 30           **and before July 1, 2020:**  
 31                   (A) not more than one thousand one hundred seventy dollars  
 32                   (\$1,170); and  
 33                   (B) not less than seventy-five dollars (\$75);  
 34           **(14) with respect to injuries occurring on and after July 1,**  
 35           **2020, and before July 1, 2021:**  
 36                   (A) not more than one thousand one hundred ninety-three  
 37                   dollars (\$1, 193); and  
 38                   (B) not less than seventy-five dollars (\$75);  
 39           **(15) with respect to injuries occurring on and after July 1,**  
 40           **2021, and before July 1, 2022:**  
 41                   (A) not more than one thousand two hundred seventeen  
 42                   dollars (\$1,217); and



1                   **(B) not less than seventy-five dollars (\$75); and**  
 2                   **(16) with respect to injuries occurring on and after July 1,**  
 3                   **2022:**

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

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

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

9                   (k) With respect to any injury occurring on and after July 1, 1985,  
 10                  and before July 1, 1986, 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  
 13                  eighty-nine thousand dollars (\$89,000) in any case.

14                  (l) With respect to any injury occurring on and after July 1, 1986,  
 15                  and before July 1, 1988, 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  
 18                  ninety-five thousand dollars (\$95,000) in any case.

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

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

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

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

39                  (q) With respect to any injury occurring on and after July 1, 1992,  
 40                  and before July 1, 1993, the maximum compensation, exclusive of  
 41                  medical benefits, that may be paid for an injury under any provisions  
 42                  of this law or any combination of provisions may not exceed one



1 hundred eighty thousand dollars (\$180,000) in any case.

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

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

12 (t) The maximum compensation, exclusive of medical benefits, that  
13 may be paid for an injury under any provision of this law or any  
14 combination of provisions may not exceed the following amounts in  
15 any case:

16 (1) With respect to an injury occurring on and after July 1, 1997,  
17 and before July 1, 1998, two hundred twenty-four thousand  
18 dollars (\$224,000).

19 (2) With respect to an injury occurring on and after July 1, 1998,  
20 and before July 1, 1999, two hundred thirty-four thousand dollars  
21 (\$234,000).

22 (3) With respect to an injury occurring on and after July 1, 1999,  
23 and before July 1, 2000, two hundred forty-four thousand dollars  
24 (\$244,000).

25 (4) With respect to an injury occurring on and after July 1, 2000,  
26 and before July 1, 2001, two hundred fifty-four thousand dollars  
27 (\$254,000).

28 (5) With respect to an injury occurring on and after July 1, 2001,  
29 and before July 1, 2002, two hundred seventy-four thousand  
30 dollars (\$274,000).

31 (6) With respect to an injury occurring on and after July 1, 2002,  
32 and before July 1, 2006, two hundred ninety-four thousand dollars  
33 (\$294,000).

34 (7) With respect to an injury occurring on and after July 1, 2006,  
35 and before July 1, 2007, three hundred thousand dollars  
36 (\$300,000).

37 (8) With respect to an injury occurring on and after July 1, 2007,  
38 and before July 1, 2008, three hundred ten thousand dollars  
39 (\$310,000).

40 (9) With respect to an injury occurring on and after July 1, 2008,  
41 and before July 1, 2009, three hundred eighteen thousand dollars  
42 (\$318,000).



(10) With respect to an injury occurring on and after July 1, 2009, and before July 1, 2014, three hundred twenty-five thousand dollars (\$325,000).

(11) With respect to an injury occurring on and after July 1, 2014, and before July 1, 2015, three hundred forty-seven thousand dollars (\$347,000).

(12) With respect to an injury occurring on and after July 1, 2015, and before July 1, 2016, three hundred sixty-eight thousand dollars (\$368,000).

(13) With respect to an injury occurring on and after July 1, 2016, **and before July 1, 2020**, three hundred ninety thousand dollars (\$390,000).

**(14) With respect to an injury occurring on and after July 1, 2020, and before July 1, 2021, three hundred ninety-eight thousand dollars (\$398,000).**

**(15) With respect to an injury occurring on and after July 1, 2021, and before July 1, 2022, four hundred six thousand dollars (\$406,000).**

**(16) With respect to an injury occurring on and after July 1, 2022, four hundred fourteen thousand dollars (\$414,000).**

SECTION 5. IC 22-3-6-1, AS AMENDED BY P.L.63-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the context otherwise requires:

(a) "Employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, limited liability partnership, or corporation or the receiver or trustee of the same, using the services of another for pay. A corporation, limited liability company, or limited liability partnership that controls the activities of another corporation, limited liability company, or limited liability partnership, or a corporation and a limited liability company or a corporation and a limited liability partnership that are commonly owned entities, or the controlled corporation, limited liability company, limited liability partnership, or commonly owned entities, and a parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the controlled corporation's, the limited liability company's, the limited liability partnership's, the commonly owned entities', the parent's, or the subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-1. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for



purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term also includes an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5. The term does not include a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

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

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

(2) An executive officer of a municipal corporation or other governmental subdivision or of a charitable, religious, educational, or other nonprofit corporation may, notwithstanding any other provision of IC 22-3-2 through IC 22-3-6, be brought within the coverage of its insurance contract by the corporation by specifically including the executive officer in the contract of insurance. The election to bring the executive officer within the coverage shall continue for the period the contract of insurance is





in effect, and during this period, the executive officers thus brought within the coverage of the insurance contract are employees of the corporation under IC 22-3-2 through IC 22-3-6.

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

(4) An owner of a sole proprietorship may elect to include the owner as an employee under IC 22-3-2 through IC 22-3-6 if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If the owner of a sole proprietorship:

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

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

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

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

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

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

(A) they are licensed real estate agents;

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



- 1 (C) they have written agreements with real estate brokers  
2 stating that they are not to be treated as employees for tax  
3 purposes.
- 4 (7) A person is an independent contractor and not an employee  
5 under IC 22-3-2 through IC 22-3-6 if the person is an independent  
6 contractor under the guidelines of the United States Internal  
7 Revenue Service.
- 8 (8) An owner-operator that provides a motor vehicle and the  
9 services of a driver under a written contract that is subject to  
10 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376 to a motor carrier  
11 is not an employee of the motor carrier for purposes of IC 22-3-2  
12 through IC 22-3-6. The owner-operator may elect to be covered  
13 and have the owner-operator's drivers covered under a worker's  
14 compensation insurance policy or authorized self-insurance that  
15 insures the motor carrier if the owner-operator pays the premiums  
16 as requested by the motor carrier. An election by an  
17 owner-operator under this subdivision does not terminate the  
18 independent contractor status of the owner-operator for any  
19 purpose other than the purpose of this subdivision.
- 20 (9) A member or manager in a limited liability company may elect  
21 to include the member or manager as an employee under  
22 IC 22-3-2 through IC 22-3-6 if the member or manager is actually  
23 engaged in the limited liability company business. If a member or  
24 manager makes this election, the member or manager must serve  
25 upon the member's or manager's insurance carrier and upon the  
26 board written notice of the election. A member or manager may  
27 not be considered an employee under IC 22-3-2 through IC 22-3-6  
28 until the notice has been received.
- 29 (10) An unpaid participant under the federal School to Work  
30 Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the  
31 extent set forth in IC 22-3-2-2.5.
- 32 (11) A person who enters into an independent contractor  
33 agreement with a nonprofit corporation that is recognized as tax  
34 exempt under Section 501(c)(3) of the Internal Revenue Code (as  
35 defined in IC 6-3-1-11(a)) to perform youth coaching services on  
36 a part-time basis is not an employee for purposes of IC 22-3-2  
37 through IC 22-3-6.
- 38 (12) An individual who is not an employee of the state or a  
39 political subdivision is considered to be a temporary employee of  
40 the state for purposes of IC 22-3-2 through IC 22-3-6 while  
41 serving as a member of a mobile support unit on duty for training,  
42 an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).



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

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

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

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

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

(2) If the employee is a minor who, at the time of the accident, is employed, required, suffered, or permitted to work in violation of IC 20-33-3-35, the amount of compensation and death benefits, as provided in IC 22-3-2 through IC 22-3-6, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the injury or death of the minor, and the employer shall be liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age and who at the time of the accident is employed, suffered, or permitted to work at any occupation which is not prohibited by law, this subdivision does not apply.

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

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

(d) "Average weekly wages" means the earnings of the injured



1 employee in the employment in which the employee was working at the  
 2 time of the injury during the period of fifty-two (52) weeks  
 3 immediately preceding the date of injury, divided by fifty-two (52),  
 4 except as follows:

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

10 (2) Where the employment prior to the injury extended over a  
 11 period of less than fifty-two (52) weeks, the method of dividing  
 12 the earnings during that period by the number of weeks and parts  
 13 thereof during which the employee earned wages shall be  
 14 followed, if results just and fair to both parties will be obtained.  
 15 Where by reason of the shortness of the time during which the  
 16 employee has been in the employment of the employee's employer  
 17 or of the casual nature or terms of the employment it is  
 18 impracticable to compute the average weekly wages, as defined  
 19 in this subsection, regard shall be had to the average weekly  
 20 amount which during the fifty-two (52) weeks previous to the  
 21 injury was being earned by a person in the same grade employed  
 22 at the same work by the same employer or, if there is no person so  
 23 employed, by a person in the same grade employed in the same  
 24 class of employment in the same district.

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

28 (4) In computing the average weekly wages to be used in  
 29 calculating an award for permanent impairment under  
 30 IC 22-3-3-10 for a student employee in an approved training  
 31 program under IC 20-37-2-7, the following formula shall be used.  
 32 Calculate the product of:

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

35 The result obtained is the amount of the average weekly wages for  
 36 the student employee.

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

40 (f) "Billing review service" refers to a person or an entity that  
 41 reviews a medical service provider's bills or statements for the purpose  
 42 of determining pecuniary liability. The term includes an employer's



1 worker's compensation insurance carrier if the insurance carrier  
2 performs such a review.

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

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

8 (1) The geographic service area served by ZIP codes with the first  
9 three (3) digits 463 and 464.

10 (2) The geographic service area served by ZIP codes with the first  
11 three (3) digits 465 and 466.

12 (3) The geographic service area served by ZIP codes with the first  
13 three (3) digits 467 and 468.

14 (4) The geographic service area served by ZIP codes with the first  
15 three (3) digits 469 and 479.

16 (5) The geographic service area served by ZIP codes with the first  
17 three (3) digits 460, 461 (except 46107), and 473.

18 (6) The geographic service area served by the 46107 ZIP code and  
19 ZIP codes with the first three (3) digits 462.

20 (7) The geographic service area served by ZIP codes with the first  
21 three (3) digits 470, 471, 472, 474, and 478.

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

24 (i) "Medical service provider" refers to a person or an entity that  
25 provides services or products to an employee under IC 22-3-2 through  
26 IC 22-3-6. Except as otherwise provided in IC 22-3-2 through  
27 IC 22-3-6, the term includes a medical service facility.

28 (j) "Medical service facility" means any of the following that  
29 provides a service or product under IC 22-3-2 through IC 22-3-6 and  
30 uses the CMS 1450 (UB-04) form for Medicare reimbursement:

31 (1) A hospital (as defined in IC 16-18-2-179).

32 (2) A hospital based health facility (as defined in  
33 IC 16-18-2-180).

34 (3) A medical center (as defined in IC 16-18-2-223.4).

35 The term does not include a professional corporation (as defined in  
36 IC 23-1.5-1-10) comprised of health care professionals (as defined in  
37 IC 23-1.5-1-8) formed to render professional services as set forth in  
38 IC 23-1.5-2-3(a)(4) or a health care professional (as defined in  
39 IC 23-1.5-1-8) who bills for a service or product provided under  
40 IC 22-3-2 through IC 22-3-6 as an individual or a member of a group  
41 practice or another medical service provider that uses the CMS 1500  
42 form for Medicare reimbursement.



(k) "Pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under IC 22-3-2 through IC 22-3-6, as follows:

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

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

(A) The amount negotiated at any time between the medical service facility **or ambulatory surgical center** and any of the following, if an amount has been negotiated:

(i) The employer.

(ii) The employer's insurance carrier.

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

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

(B) **For a medical service facility, an amount not to exceed two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as described in clause (A).**

(C) **For an ambulatory surgical center, an amount not to exceed two hundred seventy-five percent (275%) of the amount that would be paid to the ambulatory surgical center on the same date for the same service or product under the ambulatory surgical center's Medicare reimbursement rate, if an amount has not been negotiated as described in clause (A). However, the payment to an ambulatory surgical center for an implant furnished to an employee under IC 22-3-2 through IC 22-3-6 may not exceed the invoice amount plus three percent (3%).**

(l) "Service or product" or "services and products" refers to medical, hospital, surgical, or nursing service, treatment, and supplies provided under IC 22-3-2 through IC 22-3-6.

(m) **"Ambulatory surgical center" refers to an ambulatory**



**outpatient surgical center, as defined in IC 16-18-2-14.**

SECTION 6. IC 22-3-7-9, AS AMENDED BY P.L.204-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 9. (a) As used in this chapter, "employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, limited liability partnership, or corporation or the receiver or trustee of the same, using the services of another for pay. A corporation, limited liability company, or limited liability partnership that controls the activities of another corporation, limited liability company, or limited liability partnership, or a corporation and a limited liability company or a corporation and a limited liability partnership that are commonly owned entities, or the controlled corporation, limited liability company, limited liability partnership, or commonly owned entities, and a parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the controlled corporation's, the limited liability company's, the limited liability partnership's, the commonly owned entities', the parent's, or the subsidiaries' employees for purposes of sections 6 and 33 of this chapter. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for purposes of sections 6 and 33 of this chapter. The term also includes an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this chapter. If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term does not include a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

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

(1) Any reference to an employee who has suffered disablement,



when the employee is dead, also includes the employee's legal representative, dependents, and other persons to whom compensation may be payable.

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

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

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

(3) A partner in a partnership may elect to include the partner as an employee under this chapter if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under this chapter until the notice has been received. If a partner in a partnership:

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

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

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

(A) they are licensed real estate agents;

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

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

(5) A person is an independent contractor in the construction





1 trades and not an employee under this chapter if the person is an  
2 independent contractor under the guidelines of the United States  
3 Internal Revenue Service.

4 (6) An owner-operator that provides a motor vehicle and the  
5 services of a driver under a written contract that is subject to  
6 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376, to a motor  
7 carrier is not an employee of the motor carrier for purposes of this  
8 chapter. The owner-operator may elect to be covered and have the  
9 owner-operator's drivers covered under a worker's compensation  
10 insurance policy or authorized self-insurance that insures the  
11 motor carrier if the owner-operator pays the premiums as  
12 requested by the motor carrier. An election by an owner-operator  
13 under this subdivision does not terminate the independent  
14 contractor status of the owner-operator for any purpose other than  
15 the purpose of this subdivision.

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

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

24 (9) An officer of a corporation who is an employee of the  
25 corporation under this chapter may elect not to be an employee of  
26 the corporation under this chapter. An officer of a corporation  
27 who is also an owner of any interest in the corporation may elect  
28 not to be an employee of the corporation under this chapter. If an  
29 officer makes this election, the officer must serve written notice  
30 of the election on the corporation's insurance carrier and the  
31 board. An officer of a corporation may not be considered to be  
32 excluded as an employee under this chapter until the notice is  
33 received by the insurance carrier and the board.

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

39 (c) As used in this chapter, "minor" means an individual who has  
40 not reached seventeen (17) years of age. A minor employee shall be  
41 considered as being of full age for all purposes of this chapter.  
42 However, if the employee is a minor who, at the time of the last



1 exposure, is employed, required, suffered, or permitted to work in  
 2 violation of the child labor laws of this state, the amount of  
 3 compensation and death benefits, as provided in this chapter, shall be  
 4 double the amount which would otherwise be recoverable. The  
 5 insurance carrier shall be liable on its policy for one-half (1/2) of the  
 6 compensation or benefits that may be payable on account of the  
 7 disability or death of the minor, and the employer shall be wholly liable  
 8 for the other one-half (1/2) of the compensation or benefits. If the  
 9 employee is a minor who is not less than sixteen (16) years of age and  
 10 who has not reached seventeen (17) years of age, and who at the time  
 11 of the last exposure is employed, suffered, or permitted to work at any  
 12 occupation which is not prohibited by law, the provisions of this  
 13 subsection prescribing double the amount otherwise recoverable do not  
 14 apply. The rights and remedies granted to a minor under this chapter on  
 15 account of disease shall exclude all rights and remedies of the minor,  
 16 the minor's parents, the minor's personal representatives, dependents,  
 17 or next of kin at common law, statutory or otherwise, on account of any  
 18 disease.

19 (d) This chapter does not apply to casual laborers as defined in  
 20 subsection (b), nor to farm or agricultural employees, nor to household  
 21 employees, nor to railroad employees engaged in train service as  
 22 engineers, firemen, conductors, brakemen, flagmen, baggagemen, or  
 23 foremen in charge of yard engines and helpers assigned thereto, nor to  
 24 their employers with respect to these employees. Also, this chapter  
 25 does not apply to employees or their employers with respect to  
 26 employments in which the laws of the United States provide for  
 27 compensation or liability for injury to the health, disability, or death by  
 28 reason of diseases suffered by these employees.

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

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

- 40 (1) In all cases of occupational diseases caused by the inhalation  
 41 of silica dust or coal dust, no compensation shall be payable  
 42 unless disablement, as defined in subsection (e), occurs within



three (3) years after the last day of the last exposure to the hazards of the disease.

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

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

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

(5) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1988, no compensation shall be payable unless disablement (as defined in subsection (e)) occurs within thirty-five (35) years after the last day of the last exposure.

(g) For the purposes of this chapter, no compensation shall be payable for or on account of death resulting from any occupational disease unless death occurs within two (2) years after the date of disablement. However, this subsection does not bar compensation for death:

(1) where death occurs during the pendency of a claim filed by an employee within two (2) years after the date of disablement and which claim has not resulted in a decision or has resulted in a decision which is in process of review or appeal; or

(2) where, by agreement filed or decision rendered, a compensable period of disability has been fixed and death occurs within two (2) years after the end of such fixed period, but in no event later than three hundred (300) weeks after the date of disablement.

(h) As used in this chapter, "billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term



includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(i) As used in this chapter, "billing review standard" means the data used by a billing review service to determine pecuniary liability.

(j) As used in this chapter, "community" means a geographic service area based on ZIP code districts defined by the United States Postal Service according to the following groupings:

(1) The geographic service area served by ZIP codes with the first three (3) digits 463 and 464.

(2) The geographic service area served by ZIP codes with the first three (3) digits 465 and 466.

(3) The geographic service area served by ZIP codes with the first three (3) digits 467 and 468.

(4) The geographic service area served by ZIP codes with the first three (3) digits 469 and 479.

(5) The geographic service area served by ZIP codes with the first three (3) digits 460, 461 (except 46107), and 473.

(6) The geographic service area served by the 46107 ZIP code and ZIP codes with the first three (3) digits 462.

(7) The geographic service area served by ZIP codes with the first three (3) digits 470, 471, 472, 474, and 478.

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

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

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

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

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

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

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



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

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

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

(A) The amount negotiated at any time between the medical service facility **or ambulatory surgical center** and any of the following, if an amount has been negotiated:

(i) The employer.

(ii) The employer's insurance carrier.

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

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

(B) **For a medical service facility, an amount not to exceed two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as described in clause (A).**

(C) **For an ambulatory surgical center, an amount not to exceed two hundred seventy-five percent (275%) of the amount that would be paid to the ambulatory surgical center on the same date for the same service or product under the ambulatory surgical center's Medicare reimbursement rate, if an amount has not been negotiated as described in clause (A). The payment to an ambulatory surgical center for an implant furnished to an employee under IC 22-3-2 through IC 22-3-6 may not exceed the invoice amount plus three percent (3%).**

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

(o) **"Ambulatory surgical center" refers to an ambulatory**



**outpatient surgical center, as defined in IC 16-18-2-14.**

SECTION 7. IC 22-3-7-16, AS AMENDED BY SEA 269-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) Compensation shall be allowed on account of disablement from occupational disease resulting in only temporary total disability to work or temporary partial disability to work beginning with the eighth day of such disability except for the medical benefits provided for in section 17 of this chapter. Compensation shall be allowed for the first seven (7) calendar days only as provided in this section. The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than fourteen (14) days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall file a report of payment of compensation with the worker's compensation board electronically and tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. The presentation to the employee or to the employee's dependents of the check, draft, or electronic payment from the employer or the employer's insurance carrier for the proper amount, drawn upon a bank in which money is on deposit to pay the same on demand, shall be sufficient tender of the compensation.

(b) Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

- (1) the extraordinary circumstances that have precluded a determination of liability within the initial sixty (60) days;
- (2) the status of the investigation on the date the petition is filed;
- (3) the facts or circumstances that are necessary to make a determination; and



1 (4) a timetable for the completion of the remaining investigation.  
2 An employer who fails to comply with this section is subject to a civil  
3 penalty under IC 22-3-4-15.

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

6 (1) the employee has returned to work;

7 (2) the employee has died;

8 (3) the employee has refused to undergo a medical examination  
9 under section 20 of this chapter;

10 (4) the employee has received five hundred (500) weeks of  
11 temporary total disability benefits or has been paid the maximum  
12 compensation allowable under section 19 of this chapter; or

13 (5) the employee is unable or unavailable to work for reasons  
14 unrelated to the compensable disease.

15 In each instance, the employer must provide written notice to the  
16 injured worker on a form approved by the board. In all other cases the  
17 employer must notify the employee in writing of the employer's intent  
18 to terminate the payment of temporary total disability benefits, and of  
19 the availability of employment, if any, on a form approved by the  
20 board. In all instances, the employer must file an electronic notice of  
21 the termination with the board.

22 (d) If the employee disagrees with the termination or proposed  
23 termination, the employee must give written notice of disagreement to  
24 the board and the employer within seven (7) days after receipt of the  
25 notice of intent to terminate benefits. If the board and employer do not  
26 receive a notice of disagreement under this section, the employee's  
27 temporary total disability benefits shall be terminated. Upon receipt of  
28 the notice of disagreement, the board shall immediately contact the  
29 parties, which may be by telephone or other means and attempt to  
30 resolve the disagreement. If the board is unable to resolve the  
31 disagreement within ten (10) days of receipt of the notice of  
32 disagreement, the board shall immediately arrange for an evaluation of  
33 the employee by an independent medical examiner. The independent  
34 medical examiner shall be selected by mutual agreement of the parties  
35 or, if the parties are unable to agree, appointed by the board under  
36 IC 22-3-4-11. If the independent medical examiner determines that the  
37 employee is no longer temporarily disabled or is still temporarily  
38 disabled but can return to employment that the employer has made  
39 available to the employee, or if the employee fails or refuses to appear  
40 for examination by the independent medical examiner, temporary total  
41 disability benefits may be terminated. If either party disagrees with the  
42 opinion of the independent medical examiner, the party shall apply to



1 the board for a hearing under section 27 of this chapter.

2 (e) An employer is not required to continue the payment of  
3 temporary total disability benefits for more than fourteen (14) days  
4 after the employer's proposed termination date unless the independent  
5 medical examiner determines that the employee is temporarily disabled  
6 and unable to return to any employment that the employer has made  
7 available to the employee.

8 (f) If it is determined that as a result of this section temporary total  
9 disability benefits were overpaid, the overpayment shall be deducted  
10 from any benefits due the employee under this section and, if there are  
11 no benefits due the employee or the benefits due the employee do not  
12 equal the amount of the overpayment, the employee shall be  
13 responsible for paying any overpayment which cannot be deducted  
14 from benefits due the employee.

15 (g) For disablements occurring on and after July 1, 1976, from  
16 occupational disease resulting in temporary total disability for any work  
17 there shall be paid to the disabled employee during the temporary total  
18 disability weekly compensation equal to sixty-six and two-thirds  
19 percent ( $66\frac{2}{3}\%$ ) of the employee's average weekly wages, as defined  
20 in section 19 of this chapter, for a period not to exceed five hundred  
21 (500) weeks. Compensation shall be allowed for the first seven (7)  
22 calendar days only if the disability continues for longer than twenty-one  
23 (21) days.

24 (h) For disablements occurring on and after July 1, 1974, from  
25 occupational disease resulting in temporary partial disability for work  
26 there shall be paid to the disabled employee during such disability a  
27 weekly compensation equal to sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the difference between the employee's average weekly wages,  
28 as defined in section 19 of this chapter, and the weekly wages at which  
29 the employee is actually employed after the disablement, for a period  
30 not to exceed three hundred (300) weeks. Compensation shall be  
31 allowed for the first seven (7) calendar days only if the disability  
32 continues for longer than twenty-one (21) days. In case of partial  
33 disability after the period of temporary total disability, the latter period  
34 shall be included as a part of the maximum period allowed for partial  
35 disability.

36 (i) For disabilities occurring on and after July 1, 1979, and before  
37 July 1, 1988, from occupational disease in the schedule set forth in  
38 subsection (l), the employee shall receive in addition to disability  
39 benefits, not exceeding fifty-two (52) weeks on account of the  
40 occupational disease, a weekly compensation of sixty percent (60%) of  
41 the employee's average weekly wages, not to exceed one hundred  
42





1 twenty-five dollars (\$125) average weekly wages, for the period stated  
2 for the disabilities.

3 (j) For disabilities occurring on and after July 1, 1988, and before  
4 July 1, 1989, from occupational disease in the schedule set forth in  
5 subsection (l), the employee shall receive in addition to disability  
6 benefits, not exceeding seventy-eight (78) weeks on account of the  
7 occupational disease, a weekly compensation of sixty percent (60%) of  
8 the employee's average weekly wages, not to exceed one hundred  
9 sixty-six dollars (\$166) average weekly wages, for the period stated for  
10 the disabilities.

11 (k) For disabilities occurring on and after July 1, 1989, and before  
12 July 1, 1990, from occupational disease in the schedule set forth in  
13 subsection (l), the employee shall receive in addition to disability  
14 benefits, not exceeding seventy-eight (78) weeks on account of the  
15 occupational disease, a weekly compensation of sixty percent (60%) of  
16 the employee's average weekly wages, not to exceed one hundred  
17 eighty-three dollars (\$183) average weekly wages, for the period stated  
18 for the disabilities.

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

26 (1) Amputations: For the loss by separation, of the thumb, sixty  
27 (60) weeks; of the index finger, forty (40) weeks; of the second  
28 finger, thirty-five (35) weeks; of the third or ring finger, thirty  
29 (30) weeks; of the fourth or little finger, twenty (20) weeks; of the  
30 hand by separation below the elbow, two hundred (200) weeks; of  
31 the arm above the elbow joint, two hundred fifty (250) weeks; of  
32 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;  
33 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)  
34 weeks; of the fifth or little toe, ten (10) weeks; of the foot below  
35 the knee joint, one hundred fifty (150) weeks; and of the leg  
36 above the knee joint, two hundred (200) weeks. The loss of more  
37 than one (1) phalange of a thumb or toe shall be considered as the  
38 loss of the entire thumb or toe. The loss of more than two (2)  
39 phalanges of a finger shall be considered as the loss of the entire  
40 finger. The loss of not more than one (1) phalange of a thumb or  
41 toe shall be considered as the loss of one-half (1/2) of the thumb  
42 or toe and compensation shall be paid for one-half (1/2) of the



period for the loss of the entire thumb or toe. The loss of not more than two (2) phalanges of a finger shall be considered as the loss of one-half (1/2) the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

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

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

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

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

(6) For the permanent and complete loss of vision by enucleation of an eye, or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred fifty (150) weeks, and for any other permanent reduction of the sight of an eye, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

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

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

(9) In all cases of permanent disfigurement, which may impair the future usefulness or opportunities of the employee, compensation in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation



shall be payable under this paragraph where compensation shall be payable under subdivisions (1) through (8). Where compensation for temporary total disability has been paid, this amount of compensation shall be deducted from any compensation due for permanent disfigurement.

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

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

(2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection (n) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1)



phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation, ~~or its reduction to one-tenth (1/10) of normal vision with glasses;~~ thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

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

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

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



a whole person rating.

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

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

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

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

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

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

(3) With respect to disablements occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven



1 (11) to twenty (20), seven hundred dollars (\$700) per degree; for  
 2 each degree of permanent impairment from twenty-one (21) to  
 3 thirty-five (35), one thousand dollars (\$1,000) per degree; for  
 4 each degree of permanent impairment from thirty-six (36) to fifty  
 5 (50), one thousand four hundred dollars (\$1,400) per degree; for  
 6 each degree of permanent impairment above fifty (50), one  
 7 thousand seven hundred dollars (\$1,700) per degree.  
 8 (4) With respect to disablements occurring on and after July 1,  
 9 1997, and before July 1, 1998, for each degree of permanent  
 10 impairment from one (1) to ten (10), seven hundred fifty dollars  
 11 (\$750) per degree; for each degree of permanent impairment from  
 12 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per  
 13 degree; for each degree of permanent impairment from thirty-six  
 14 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per  
 15 degree; for each degree of permanent impairment above fifty (50),  
 16 one thousand seven hundred dollars (\$1,700) per degree.  
 17 (5) With respect to disablements occurring on and after July 1,  
 18 1998, and before July 1, 1999, for each degree of permanent  
 19 impairment from one (1) to ten (10), seven hundred fifty dollars  
 20 (\$750) per degree; for each degree of permanent impairment from  
 21 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per  
 22 degree; for each degree of permanent impairment from thirty-six  
 23 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per  
 24 degree; for each degree of permanent impairment above fifty (50),  
 25 one thousand seven hundred dollars (\$1,700) per degree.  
 26 (6) With respect to disablements occurring on and after July 1,  
 27 1999, and before July 1, 2000, for each degree of permanent  
 28 impairment from one (1) to ten (10), nine hundred dollars (\$900)  
 29 per degree; for each degree of permanent impairment from eleven  
 30 (11) to thirty-five (35), one thousand one hundred dollars  
 31 (\$1,100) per degree; for each degree of permanent impairment  
 32 from thirty-six (36) to fifty (50), one thousand six hundred dollars  
 33 (\$1,600) per degree; for each degree of permanent impairment  
 34 above fifty (50), two thousand dollars (\$2,000) per degree.  
 35 (7) With respect to disablements occurring on and after July 1,  
 36 2000, and before July 1, 2001, for each degree of permanent  
 37 impairment from one (1) to ten (10), one thousand one hundred  
 38 dollars (\$1,100) per degree; for each degree of permanent  
 39 impairment from eleven (11) to thirty-five (35), one thousand  
 40 three hundred dollars (\$1,300) per degree; for each degree of  
 41 permanent impairment from thirty-six (36) to fifty (50), two  
 42 thousand dollars (\$2,000) per degree; for each degree of



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

3 (8) With respect to disablements occurring on and after July 1,  
4 2001, and before July 1, 2007, for each degree of permanent  
5 impairment from one (1) to ten (10), one thousand three hundred  
6 dollars (\$1,300) per degree; for each degree of permanent  
7 impairment from eleven (11) to thirty-five (35), one thousand five  
8 hundred dollars (\$1,500) per degree; for each degree of  
9 permanent impairment from thirty-six (36) to fifty (50), two  
10 thousand four hundred dollars (\$2,400) per degree; for each  
11 degree of permanent impairment above fifty (50), three thousand  
12 dollars (\$3,000) per degree.

13 (9) With respect to disablements occurring on and after July 1,  
14 2007, and before July 1, 2008, for each degree of permanent  
15 impairment from one (1) to ten (10), one thousand three hundred  
16 forty dollars (\$1,340) per degree; for each degree of permanent  
17 impairment from eleven (11) to thirty-five (35), one thousand five  
18 hundred forty-five dollars (\$1,545) per degree; for each degree of  
19 permanent impairment from thirty-six (36) to fifty (50), two  
20 thousand four hundred seventy-five dollars (\$2,475) per degree;  
21 for each degree of permanent impairment above fifty (50), three  
22 thousand one hundred fifty dollars (\$3,150) per degree.

23 (10) With respect to disablements occurring on and after July 1,  
24 2008, and before July 1, 2009, for each degree of permanent  
25 impairment from one (1) to ten (10), one thousand three hundred  
26 sixty-five dollars (\$1,365) per degree; for each degree of  
27 permanent impairment from eleven (11) to thirty-five (35), one  
28 thousand five hundred seventy dollars (\$1,570) per degree; for  
29 each degree of permanent impairment from thirty-six (36) to fifty  
30 (50), two thousand five hundred twenty-five dollars (\$2,525) per  
31 degree; for each degree of permanent impairment above fifty (50),  
32 three thousand two hundred dollars (\$3,200) per degree.

33 (11) With respect to disablements occurring on and after July 1,  
34 2009, and before July 1, 2010, for each degree of permanent  
35 impairment from one (1) to ten (10), one thousand three hundred  
36 eighty dollars (\$1,380) per degree; for each degree of permanent  
37 impairment from eleven (11) to thirty-five (35), one thousand five  
38 hundred eighty-five dollars (\$1,585) per degree; for each degree  
39 of permanent impairment from thirty-six (36) to fifty (50), two  
40 thousand six hundred dollars (\$2,600) per degree; for each degree  
41 of permanent impairment above fifty (50), three thousand three  
42 hundred dollars (\$3,300) per degree.



- 1 (12) With respect to disablements occurring on and after July 1,  
 2 2010, and before July 1, 2014, for each degree of permanent  
 3 impairment from one (1) to ten (10), one thousand four hundred  
 4 dollars (\$1,400) per degree; for each degree of permanent  
 5 impairment from eleven (11) to thirty-five (35), one thousand six  
 6 hundred dollars (\$1,600) per degree; for each degree of  
 7 permanent impairment from thirty-six (36) to fifty (50), two  
 8 thousand seven hundred dollars (\$2,700) per degree; for each  
 9 degree of permanent impairment above fifty (50), three thousand  
 10 five hundred dollars (\$3,500) per degree.
- 11 (13) With respect to disablements occurring on and after July 1,  
 12 2014, and before July 1, 2015, for each degree of permanent  
 13 impairment from one (1) to ten (10), one thousand five hundred  
 14 seventeen dollars (\$1,517) per degree; for each degree of  
 15 permanent impairment from eleven (11) to thirty-five (35), one  
 16 thousand seven hundred seventeen dollars (\$1,717) per degree;  
 17 for each degree of permanent impairment from thirty-six (36) to  
 18 fifty (50), two thousand eight hundred sixty-two dollars (\$2,862)  
 19 per degree; for each degree of permanent impairment above fifty  
 20 (50), three thousand six hundred eighty-seven dollars (\$3,687) per  
 21 degree.
- 22 (14) With respect to disablements occurring on and after July 1,  
 23 2015, and before July 1, 2016, for each degree of permanent  
 24 impairment from one (1) to ten (10), one thousand six hundred  
 25 thirty-three dollars (\$1,633) per degree; for each degree of  
 26 permanent impairment from eleven (11) to thirty-five (35), one  
 27 thousand eight hundred thirty-five dollars (\$1,835) per degree; for  
 28 each degree of permanent impairment from thirty-six (36) to fifty  
 29 (50), three thousand twenty-four dollars (\$3,024) per degree; for  
 30 each degree of permanent impairment above fifty (50), three  
 31 thousand eight hundred seventy-three dollars (\$3,873) per degree.
- 32 (15) With respect to disablements occurring on and after July 1,  
 33 2016, **and before July 1, 2020**, for each degree of permanent  
 34 impairment from one (1) to ten (10), one thousand seven hundred  
 35 fifty dollars (\$1,750) per degree; for each degree of permanent  
 36 impairment from eleven (11) to thirty-five (35), one thousand nine  
 37 hundred fifty-two dollars (\$1,952) per degree; for each degree of  
 38 permanent impairment from thirty-six (36) to fifty (50), three  
 39 thousand one hundred eighty-six dollars (\$3,186) per degree; for  
 40 each degree of permanent impairment above fifty (50), four  
 41 thousand sixty dollars (\$4,060) per degree.
- 42 **(16) With respect to disablements occurring on and after July**





1, 2020, and before July 1, 2021, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred eighty-five dollars (\$1,785) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred ninety-one dollars (\$1,991) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand two hundred fifty dollars (\$3,250) per degree; for each degree of permanent impairment above fifty (50), four thousand one hundred forty-one dollars (\$4,141) per degree.

(17) With respect to disablements occurring on and after July 1, 2021, and before July 1, 2022, for each degree of permanent impairment from one (1) to ten (10), one thousand eight hundred twenty-one dollars (\$1,821) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand thirty-one dollars (\$2,031) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred fifteen dollars (\$3,315) per degree; for each degree of permanent impairment above fifty (50), four thousand two hundred twenty-four dollars (\$4,224) per degree.

(18) With respect to disablements occurring on and after July 1, 2022, 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-two dollars (\$2,072) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred eighty-one dollars (\$3,381) per degree; for each degree of permanent impairment above fifty (50), four thousand three hundred eight dollars (\$4,308) per degree.

(o) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (m) and (n) shall not exceed the following:

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

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

(3) With respect to disablements occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars



- 1 (\$591).
- 2 (4) With respect to disablements occurring on or after July 1,
- 3 1994, and before July 1, 1997, six hundred forty-two dollars
- 4 (\$642).
- 5 (5) With respect to disablements occurring on or after July 1,
- 6 1997, and before July 1, 1998, six hundred seventy-two dollars
- 7 (\$672).
- 8 (6) With respect to disablements occurring on or after July 1,
- 9 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- 10 (7) With respect to disablements occurring on or after July 1,
- 11 1999, and before July 1, 2000, seven hundred thirty-two dollars
- 12 (\$732).
- 13 (8) With respect to disablements occurring on or after July 1,
- 14 2000, and before July 1, 2001, seven hundred sixty-two dollars
- 15 (\$762).
- 16 (9) With respect to disablements occurring on or after July 1,
- 17 2001, and before July 1, 2002, eight hundred twenty-two dollars
- 18 (\$822).
- 19 (10) With respect to disablements occurring on or after July 1,
- 20 2002, and before July 1, 2006, eight hundred eighty-two dollars
- 21 (\$882).
- 22 (11) With respect to disablements occurring on or after July 1,
- 23 2006, and before July 1, 2007, nine hundred dollars (\$900).
- 24 (12) With respect to disablements occurring on or after July 1,
- 25 2007, and before July 1, 2008, nine hundred thirty dollars (\$930).
- 26 (13) With respect to disablements occurring on or after July 1,
- 27 2008, and before July 1, 2009, nine hundred fifty-four dollars
- 28 (\$954).
- 29 (14) With respect to disablements occurring on or after July 1,
- 30 2009, and before July 1, 2014, nine hundred seventy-five dollars
- 31 (\$975).
- 32 (15) With respect to disablements occurring on or after July 1,
- 33 2014, and before July 1, 2015, one thousand forty dollars
- 34 (\$1,040).
- 35 (16) With respect to disablements occurring on or after July 1,
- 36 2015, and before July 1, 2016, one thousand one hundred five
- 37 dollars (\$1,105).
- 38 (17) With respect to disablements occurring on or after July 1,
- 39 2016, **and before July 1, 2020**, one thousand one hundred
- 40 seventy dollars (\$1,170).
- 41 **(18) With respect to disablements occurring on or after July**
- 42 **1, 2020, and before July 1, 2021, one thousand one hundred**



1           **ninety-three dollars (\$1,193).**

2           **(19) With respect to disablements occurring on or after July**  
 3           **1, 2021, and before July 1, 2022, one thousand two hundred**  
 4           **seventeen dollars (\$1,217).**

5           **(20) With respect to disablements occurring on or after July**  
 6           **1, 2022, one thousand two hundred forty-one dollars (\$1,241).**

7           (p) If any employee, only partially disabled, refuses employment  
 8           suitable to the employee's capacity procured for the employee, the  
 9           employee shall not be entitled to any compensation at any time during  
 10          the continuance of such refusal unless, in the opinion of the worker's  
 11          compensation board, such refusal was justifiable. The employee must  
 12          be served with a notice setting forth the consequences of the refusal  
 13          under this subsection. The notice must be in a form prescribed by the  
 14          worker's compensation board.

15          (q) If an employee has sustained a permanent impairment or  
 16          disability from an accidental injury other than an occupational disease  
 17          in another employment than that in which the employee suffered a  
 18          subsequent disability from an occupational disease, such as herein  
 19          specified, the employee shall be entitled to compensation for the  
 20          subsequent disability in the same amount as if the previous impairment  
 21          or disability had not occurred. However, if the permanent impairment  
 22          or disability resulting from an occupational disease for which  
 23          compensation is claimed results only in the aggravation or increase of  
 24          a previously sustained permanent impairment from an occupational  
 25          disease or physical condition regardless of the source or cause of such  
 26          previously sustained impairment from an occupational disease or  
 27          physical condition, the board shall determine the extent of the  
 28          previously sustained permanent impairment from an occupational  
 29          disease or physical condition as well as the extent of the aggravation or  
 30          increase resulting from the subsequent permanent impairment or  
 31          disability, and shall award compensation only for that part of said  
 32          occupational disease or physical condition resulting from the  
 33          subsequent permanent impairment. An amputation of any part of the  
 34          body or loss of any or all of the vision of one (1) or both eyes caused by  
 35          an occupational disease shall be considered as a permanent impairment  
 36          or physical condition.

37          (r) If an employee suffers a disablement from an occupational  
 38          disease for which compensation is payable while the employee is still  
 39          receiving or entitled to compensation for a previous injury by accident  
 40          or disability by occupational disease in the same employment, the  
 41          employee shall not at the same time be entitled to compensation for  
 42          both, unless it be for a permanent injury, such as specified in



1 subsection (m)(1), (m)(4), (m)(5), (m)(8), or (m)(9), but the employee  
2 shall be entitled to compensation for that disability and from the time  
3 of that disability which will cover the longest period and the largest  
4 amount payable under this chapter.

5 (s) If an employee receives a permanent disability from an  
6 occupational disease such as specified in subsection (m)(1), (m)(4),  
7 (m)(5), (m)(8), or (m)(9) after having sustained another such  
8 permanent disability in the same employment the employee shall be  
9 entitled to compensation for both such disabilities, but the total  
10 compensation shall be paid by extending the period and not by  
11 increasing the amount of weekly compensation and, when such  
12 previous and subsequent permanent disabilities, in combination result  
13 in total permanent disability or permanent total impairment,  
14 compensation shall be payable for such permanent total disability or  
15 impairment, but payments made for the previous disability or  
16 impairment shall be deducted from the total payment of compensation  
17 due.

18 (t) When an employee has been awarded or is entitled to an award  
19 of compensation for a definite period from an occupational disease  
20 wherein disablement occurs on and after April 1, 1963, and such  
21 employee dies from other causes than such occupational disease,  
22 payment of the unpaid balance of such compensation not exceeding  
23 three hundred fifty (350) weeks shall be paid to the employee's  
24 dependents of the second and third class as defined in sections 11  
25 through 14 of this chapter and compensation, not exceeding five  
26 hundred (500) weeks shall be made to the employee's dependents of the  
27 first class as defined in sections 11 through 14 of this chapter.

28 (u) Any payment made by the employer to the employee during the  
29 period of the employee's disability, or to the employee's dependents,  
30 which, by the terms of this chapter, was not due and payable when  
31 made, may, subject to the approval of the worker's compensation board,  
32 be deducted from the amount to be paid as compensation, but such  
33 deduction shall be made from the distal end of the period during which  
34 compensation must be paid, except in cases of temporary disability.

35 (v) When so provided in the compensation agreement or in the  
36 award of the worker's compensation board, compensation may be paid  
37 semimonthly, or monthly, instead of weekly.

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



(x) Whenever the aggregate payments of compensation, due to any person under eighteen (18) years of age, exceed one hundred dollars (\$100), the payment thereof shall be made to a trustee, appointed by the circuit or superior court, or to a duly qualified guardian, or, upon the order of the worker's compensation board, to a parent or to such minor person. The payment of compensation, due to any person eighteen (18) years of age or over, may be made directly to such person.

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

(z) All compensation payments named and provided for in this section, shall mean and be defined to be for only such occupational diseases and disabilities therefrom as are proved by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee.

SECTION 8. IC 22-3-7-17.2, AS AMENDED BY P.L.99-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17.2. (a) A billing review service shall adhere to the following requirements to determine the pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under this chapter provided before July 1, 2014, by all medical service providers, and after June 30, 2014, by a medical service provider that is not a medical service facility **or, after December 31, 2020, an ambulatory surgical center:**

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

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

(3) Billing review standards must be revised for prospective future payments of medical service provider bills to provide for payment of the charges at a rate not more than the charges made by eighty percent (80%) of the medical service providers during the prior six (6) months within the same community. The data used to perform the analysis and revision of the billing review standards may not be more than two (2) years old and must be



periodically updated by a representative inflationary or deflationary factor. Reimbursement for these charges may not exceed the actual charge invoiced by the medical service provider.

(b) This subsection applies after June 30, 2014, to a medical service facility **or, after December 31, 2020, an ambulatory surgical center.** The pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under this chapter and provided by a medical service facility **or an ambulatory surgical center** is equal to a reasonable amount, which is established by payment of one (1) of the following **as applicable:**

(1) The amount negotiated at any time between the medical service facility **or ambulatory surgical center** and any of the following:

(A) The employer.

(B) The employer's insurance carrier.

(C) A billing review service on behalf of a person described in clause (A) or (B).

(D) A direct provider network that has contracted with a person described in clause (A) or (B).

(2) **For a medical service facility, an amount not to exceed** two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as described in subdivision (1).

(3) **For an ambulatory surgical center, an amount not to exceed two hundred seventy-five percent (275%) of the amount that would be paid to the ambulatory surgical center on the same date for the same service or product under the ambulatory surgical center's Medicare reimbursement rate, if an amount has not been negotiated as described in subdivision (1). However, the payment to an ambulatory surgical center for an implant furnished to an employee under IC 22-3-2 through IC 22-3-6 may not exceed the invoice amount plus three percent (3%).**

(c) A medical service provider may request an explanation from a billing review service if the medical service provider's bill has been reduced as a result of application of the eightieth percentile or of a Current Procedural Terminology (CPT) or Medicare coding change. The request must be made not later than sixty (60) days after receipt of the notice of the reduction. If a request is made, the billing review



1 service must provide:

- 2 (1) the name of the billing review service used to make the
- 3 reduction;
- 4 (2) the dollar amount of the reduction;
- 5 (3) the dollar amount of the medical service at the eightieth
- 6 percentile; and
- 7 (4) in the case of a CPT or Medicare coding change, the basis
- 8 upon which the change was made;

9 not later than thirty (30) days after the date of the request.

10 (d) If, after a hearing, the worker's compensation board finds that a  
 11 billing review service used a billing review standard that did not  
 12 comply with subsection (a)(1) through (a)(3), as applicable, in  
 13 determining the pecuniary liability of an employer or an employer's  
 14 insurance carrier for a medical service provider's charge for services or  
 15 products covered under occupational disease compensation, the  
 16 worker's compensation board may assess a civil penalty against the  
 17 billing review service in an amount not less than one hundred dollars  
 18 (\$100) and not more than one thousand dollars (\$1,000).

19 SECTION 9. IC 22-3-7-19, AS AMENDED BY P.L.275-2013,  
 20 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2020]: Sec. 19. (a) In computing compensation for temporary  
 22 total disability, temporary partial disability, and total permanent  
 23 disability, with respect to occupational diseases occurring on and after  
 24 July 1, 1985, and before July 1, 1986, the average weekly wages are  
 25 considered to be:

- 26 (1) not more than two hundred sixty-seven dollars (\$267); and
- 27 (2) not less than seventy-five dollars (\$75).

28 (b) In computing compensation for temporary total disability,  
 29 temporary partial disability, and total permanent disability, with respect  
 30 to occupational diseases occurring on and after July 1, 1986, and before  
 31 July 1, 1988, the average weekly wages are considered to be:

- 32 (1) not more than two hundred eighty-five dollars (\$285); and
- 33 (2) not less than seventy-five dollars (\$75).

34 (c) In computing compensation for temporary total disability,  
 35 temporary partial disability, and total permanent disability, with respect  
 36 to occupational diseases occurring on and after July 1, 1988, and before  
 37 July 1, 1989, the average weekly wages are considered to be:

- 38 (1) not more than three hundred eighty-four dollars (\$384); and
- 39 (2) not less than seventy-five dollars (\$75).

40 (d) In computing compensation for temporary total disability,  
 41 temporary partial disability, and total permanent disability, with respect  
 42 to occupational diseases occurring on and after July 1, 1989, and before



July 1, 1990, the average weekly wages are considered to be:

- (1) not more than four hundred eleven dollars (\$411); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) not more than four hundred forty-one dollars (\$441); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) not more than four hundred ninety-two dollars (\$492); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) not more than five hundred forty dollars (\$540); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) not more than five hundred ninety-one dollars (\$591); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) not more than six hundred forty-two dollars (\$642); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) with respect to occupational diseases occurring on and after July 1, 1997, and before July 1, 1998:
  - (A) not more than six hundred seventy-two dollars (\$672); and
  - (B) not less than seventy-five dollars (\$75);
- (2) with respect to occupational diseases occurring on and after July 1, 1998, and before July 1, 1999:





- 1 (A) not more than seven hundred two dollars (\$702); and
- 2 (B) not less than seventy-five dollars (\$75);
- 3 (3) with respect to occupational diseases occurring on and after
- 4 July 1, 1999, and before July 1, 2000:
- 5 (A) not more than seven hundred thirty-two dollars (\$732);
- 6 and
- 7 (B) not less than seventy-five dollars (\$75);
- 8 (4) with respect to occupational diseases occurring on and after
- 9 July 1, 2000, and before July 1, 2001:
- 10 (A) not more than seven hundred sixty-two dollars (\$762); and
- 11 (B) not less than seventy-five dollars (\$75);
- 12 (5) with respect to disablements occurring on and after July 1,
- 13 2001, and before July 1, 2002:
- 14 (A) not more than eight hundred twenty-two dollars (\$822);
- 15 and
- 16 (B) not less than seventy-five dollars (\$75);
- 17 (6) with respect to disablements occurring on and after July 1,
- 18 2002, and before July 1, 2006:
- 19 (A) not more than eight hundred eighty-two dollars (\$882);
- 20 and
- 21 (B) not less than seventy-five dollars (\$75);
- 22 (7) with respect to disablements occurring on and after July 1,
- 23 2006, and before July 1, 2007:
- 24 (A) not more than nine hundred dollars (\$900); and
- 25 (B) not less than seventy-five dollars (\$75);
- 26 (8) with respect to disablements occurring on and after July 1,
- 27 2007, and before July 1, 2008:
- 28 (A) not more than nine hundred thirty dollars (\$930); and
- 29 (B) not less than seventy-five dollars (\$75);
- 30 (9) with respect to disablements occurring on and after July 1,
- 31 2008, and before July 1, 2009:
- 32 (A) not more than nine hundred fifty-four dollars (\$954); and
- 33 (B) not less than seventy-five dollars (\$75);
- 34 (10) with respect to disablements occurring on and after July 1,
- 35 2009, and before July 1, 2014:
- 36 (A) not more than nine hundred seventy-five dollars (\$975);
- 37 and
- 38 (B) not less than seventy-five dollars (\$75);
- 39 (11) with respect to disablements occurring on and after July 1,
- 40 2014, and before July 1, 2015:
- 41 (A) not more than one thousand forty dollars (\$1,040); and
- 42 (B) not less than seventy-five dollars (\$75);



(12) with respect to disablements occurring on and after July 1, 2015, and before July 1, 2016:

(A) not more than one thousand one hundred five dollars (\$1,105); and

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

(13) with respect to disablements occurring on and after July 1, 2016, **and before July 1, 2020:**

(A) not more than one thousand one hundred seventy dollars (\$1,170); and

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

**(14) with respect to disablements occurring on and after July 1, 2020, and before July 1, 2021:**

**(A) not more than one thousand one hundred ninety-three dollars (\$1,193); and**

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

**(15) with respect to disablements occurring on and after July 1, 2021, and before July 1, 2022:**

**(A) not more than one thousand two hundred seventeen dollars (\$1,217); and**

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

**(16) with respect to disablements occurring on and after July 1, 2022:**

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

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

(k) The maximum compensation with respect to disability or death occurring on and after July 1, 1985, and before July 1, 1986, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.

(l) The maximum compensation with respect to disability or death occurring on and after July 1, 1986, and before July 1, 1988, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed ninety-five thousand dollars (\$95,000) in any case.

(m) The maximum compensation with respect to disability or death occurring on and after July 1, 1988, and before July 1, 1989, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

(n) The maximum compensation with respect to disability or death occurring on and after July 1, 1989, and before July 1, 1990, that shall



1 be paid for occupational disease and the results thereof under this  
 2 chapter or under any combination of its provisions may not exceed one  
 3 hundred thirty-seven thousand dollars (\$137,000) in any case.

4 (o) The maximum compensation with respect to disability or death  
 5 occurring on and after July 1, 1990, and before July 1, 1991, that shall  
 6 be paid for occupational disease and the results thereof under this  
 7 chapter or under any combination of its provisions may not exceed one  
 8 hundred forty-seven thousand dollars (\$147,000) in any case.

9 (p) The maximum compensation with respect to disability or death  
 10 occurring on and after July 1, 1991, and before July 1, 1992, that shall  
 11 be paid for occupational disease and the results thereof under this  
 12 chapter or under any combination of the provisions of this chapter may  
 13 not exceed one hundred sixty-four thousand dollars (\$164,000) in any  
 14 case.

15 (q) The maximum compensation with respect to disability or death  
 16 occurring on and after July 1, 1992, and before July 1, 1993, that shall  
 17 be paid for occupational disease and the results thereof under this  
 18 chapter or under any combination of the provisions of this chapter may  
 19 not exceed one hundred eighty thousand dollars (\$180,000) in any case.

20 (r) The maximum compensation with respect to disability or death  
 21 occurring on and after July 1, 1993, and before July 1, 1994, that shall  
 22 be paid for occupational disease and the results thereof under this  
 23 chapter or under any combination of the provisions of this chapter may  
 24 not exceed one hundred ninety-seven thousand dollars (\$197,000) in  
 25 any case.

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

32 (t) The maximum compensation that shall be paid for occupational  
 33 disease and the results of an occupational disease under this chapter or  
 34 under any combination of the provisions of this chapter may not exceed  
 35 the following amounts in any case:

36 (1) With respect to disability or death occurring on and after July  
 37 1, 1997, and before July 1, 1998, two hundred twenty-four  
 38 thousand dollars (\$224,000).

39 (2) With respect to disability or death occurring on and after July  
 40 1, 1998, and before July 1, 1999, two hundred thirty-four  
 41 thousand dollars (\$234,000).

42 (3) With respect to disability or death occurring on and after July



- 1 1, 1999, and before July 1, 2000, two hundred forty-four thousand
- 2 dollars (\$244,000).
- 3 (4) With respect to disability or death occurring on and after July
- 4 1, 2000, and before July 1, 2001, two hundred fifty-four thousand
- 5 dollars (\$254,000).
- 6 (5) With respect to disability or death occurring on and after July
- 7 1, 2001, and before July 1, 2002, two hundred seventy-four
- 8 thousand dollars (\$274,000).
- 9 (6) With respect to disability or death occurring on and after July
- 10 1, 2002, and before July 1, 2006, two hundred ninety-four
- 11 thousand dollars (\$294,000).
- 12 (7) With respect to disability or death occurring on and after July
- 13 1, 2006, and before July 1, 2007, three hundred thousand dollars
- 14 (\$300,000).
- 15 (8) With respect to disability or death occurring on and after July
- 16 1, 2007, and before July 1, 2008, three hundred ten thousand
- 17 dollars (\$310,000).
- 18 (9) With respect to disability or death occurring on and after July
- 19 1, 2008, and before July 1, 2009, three hundred eighteen thousand
- 20 dollars (\$318,000).
- 21 (10) With respect to disability or death occurring on and after July
- 22 1, 2009, and before July 1, 2014, three hundred twenty-five
- 23 thousand dollars (\$325,000).
- 24 (11) With respect to disability or death occurring on and after July
- 25 1, 2014, and before July 1, 2015, three hundred forty-seven
- 26 thousand dollars (\$347,000).
- 27 (12) With respect to disability or death occurring on and after July
- 28 1, 2015, and before July 1, 2016, three hundred sixty-eight
- 29 thousand dollars (\$368,000).
- 30 (13) With respect to disability or death occurring on and after July
- 31 1, 2016, **and before July 1, 2020**, three hundred ninety thousand
- 32 dollars (\$390,000).
- 33 **(14) With respect to disability or death occurring on and after**
- 34 **July 1, 2020, and before July 1, 2021, three hundred**
- 35 **ninety-eight thousand dollars (\$398,000).**
- 36 **(15) With respect to disability or death occurring on and after**
- 37 **July 1, 2021, and before July 1, 2022, four hundred six**
- 38 **thousand dollars (\$406,000).**
- 39 **(16) With respect to disability or death occurring on and after**
- 40 **July 1, 2022, four hundred fourteen thousand dollars**
- 41 **(\$414,000).**
- 42 (u) For all disabilities occurring on and after July 1, 1985, "average



1 weekly wages" means the earnings of the injured employee during the  
2 period of fifty-two (52) weeks immediately preceding the disability  
3 divided by fifty-two (52). If the employee lost seven (7) or more  
4 calendar days during the period, although not in the same week, then  
5 the earnings for the remainder of the fifty-two (52) weeks shall be  
6 divided by the number of weeks and parts of weeks remaining after the  
7 time lost has been deducted. If employment before the date of disability  
8 extended over a period of less than fifty-two (52) weeks, the method of  
9 dividing the earnings during that period by the number of weeks and  
10 parts of weeks during which the employee earned wages shall be  
11 followed if results just and fair to both parties will be obtained. If by  
12 reason of the shortness of the time during which the employee has been  
13 in the employment of the employer or of the casual nature or terms of  
14 the employment it is impracticable to compute the average weekly  
15 wages for the employee, the employee's average weekly wages shall be  
16 considered to be the average weekly amount that, during the fifty-two  
17 (52) weeks before the date of disability, was being earned by a person  
18 in the same grade employed at the same work by the same employer or,  
19 if there is no person so employed, by a person in the same grade  
20 employed in that same class of employment in the same district.  
21 Whenever allowances of any character are made to an employee  
22 instead of wages or a specified part of the wage contract, they shall be  
23 considered a part of the employee's earnings.

24 (v) The provisions of this article may not be construed to result in  
25 an award of benefits in which the number of weeks paid or to be paid  
26 for temporary total disability, temporary partial disability, or permanent  
27 total disability benefits combined exceeds five hundred (500) weeks.  
28 This section shall not be construed to prevent a person from applying  
29 for an award under IC 22-3-3-13. However, in case of permanent total  
30 disability resulting from a disablement occurring on or after January 1,  
31 1998, the minimum total benefit shall not be less than seventy-five  
32 thousand dollars (\$75,000).



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1332, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-3-3-5, AS AMENDED BY P.L.275-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 5. (a) The pecuniary liability of the employer for a service or product herein required shall be limited to the following:

(1) This subdivision applies before July 1, 2014, to all medical service providers, and after June 30, 2014, to a medical service provider that is not a medical service facility **or an ambulatory outpatient surgical center**. Such charges as prevail as provided under IC 22-3-6-1(k)(1), in the same community (as defined in IC 22-3-6-1(h)) for a like service or product to injured persons.

(2) This subdivision applies after June 30, 2014, to a medical service facility **and an ambulatory outpatient surgical center**.

The amount provided under IC 22-3-6-1(k)(2).

(b) The employee and the employee's estate do not have liability to a health care provider for payment for services obtained under IC 22-3-3-4.

(c) The right to order payment for all services or products provided under IC 22-3-2 through IC 22-3-6 is solely with the board.

(d) All claims by a medical service provider for payment for services or products are against the employer and the employer's insurance carrier, if any, and must be made with the board under IC 22-3-2 through IC 22-3-6. After June 30, 2011, a medical service provider must file an application for adjustment of a claim for a medical service provider's fee with the board not later than two (2) years after the receipt of an initial written communication from the employer, the employer's insurance carrier, if any, or an agent acting on behalf of the employer after the medical service provider submits a bill for services or products. To offset a part of the board's expenses related to the administration of medical service provider reimbursement disputes, a medical service facility shall pay a filing fee of sixty dollars (\$60) in a balance billing case. The filing fee must accompany each application filed with the board. If an employer, an employer's insurance carrier, or an agent acting on behalf of the employer denies



or fails to pay any amount on a claim submitted by a medical service facility, a filing fee is not required to accompany an application that is filed for the denied or unpaid claim. A medical service provider may combine up to ten (10) individual claims into one (1) application whenever:

- (1) all individual claims involve the same employer, insurance carrier, or billing review service; and
- (2) the amount of each individual claim does not exceed two hundred dollars (\$200).

(e) The worker's compensation board may withhold the approval of the fees of the attending physician in a case until the attending physician files a report with the worker's compensation board on the form prescribed by the board.

SECTION 2. IC 22-3-3-5.2, AS AMENDED BY P.L.99-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.2. (a) A billing review service shall adhere to the following requirements to determine the pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under worker's compensation provided before July 1, 2014, by all medical service providers, and after June 30, 2014, by a medical service provider that is not a medical service facility **or, after December 31, 2020, an ambulatory outpatient surgical center:**

- (1) The formation of a billing review standard, and any subsequent analysis or revision of the standard, must use data that is based on the medical service provider billing charges as submitted to the employer and the employer's insurance carrier from the same community. This subdivision does not apply when a unique or specialized service or product does not have sufficient comparative data to allow for a reasonable comparison.
- (2) Data used to determine pecuniary liability must be compiled on or before June 30 and December 31 of each year.
- (3) Billing review standards must be revised for prospective future payments of medical service provider bills to provide for payment of the charges at a rate not more than the charges made by eighty percent (80%) of the medical service providers during the prior six (6) months within the same community. The data used to perform the analysis and revision of the billing review standards may not be more than two (2) years old and must be periodically updated by a representative inflationary or deflationary factor. Reimbursement for these charges may not exceed the actual charge invoiced by the medical service provider.



(b) This subsection applies after June 30, 2014, to a medical service facility **or, after December 31, 2020, an ambulatory outpatient surgical center**. The pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under worker's compensation and provided by a medical service facility **or an ambulatory outpatient surgical center** is equal to a reasonable amount, which is established by payment of one (1) of the following **as applicable**:

(1) The amount negotiated at any time between the medical service facility **or ambulatory outpatient surgical center** and any of the following:

(A) The employer.

(B) The employer's insurance carrier.

(C) A billing review service on behalf of a person described in clause (A) or (B).

(D) A direct provider network that has contracted with a person described in clause (A) or (B).

(2) **For a medical service facility, an amount not to exceed** two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as described in subdivision (1).

(3) **For an ambulatory outpatient surgical center, an amount not to exceed two hundred twenty-five percent (225%) of the amount that would be paid to the ambulatory outpatient surgical center on the same date for the same service or product under the ambulatory outpatient surgical center's Medicare reimbursement rate, if an amount has not been negotiated as described in subdivision (1). However, the payment to an ambulatory outpatient surgical center for an implant furnished to an employee under IC 22-3-2 through IC 22-3-6 may not exceed the invoice amount plus three percent (3%).**

(c) A medical service provider may request an explanation from a billing review service if the medical service provider's bill has been reduced as a result of application of the eightieth percentile or of a Current Procedural Terminology (CPT) or Medicare coding change. The request must be made not later than sixty (60) days after receipt of the notice of the reduction. If a request is made, the billing review service must provide:

(1) the name of the billing review service used to make the





reduction;

(2) the dollar amount of the reduction;

(3) the dollar amount of the service or product at the eightieth percentile; and

(4) in the case of a CPT or Medicare coding change, the basis upon which the change was made;

not later than thirty (30) days after the date of the request.

(d) If, after a hearing, the worker's compensation board finds that a billing review service used a billing review standard that did not comply with subsection (a)(1) through (a)(3), as applicable, in determining the pecuniary liability of an employer or an employer's insurance carrier for a medical service provider's charge for services or products covered under worker's compensation, the worker's compensation board may assess a civil penalty against the billing review service in an amount not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000)."

Page 1, line 3, delete "JULY 1, 2020]:" and insert "JANUARY 1, 2021]:".

Page 7, delete lines 36 through 37.

Page 7, line 38, reset in roman "(1)".

Page 7, line 38, delete "(2)".

Page 7, line 39, reset in roman "(2)".

Page 7, line 39, delete "(3)".

Page 7, line 41, reset in roman "(3)".

Page 7, line 41, delete "(4)".

Page 8, line 14, delete "facility." and insert **"facility or an ambulatory outpatient surgical center (as defined in IC 16-18-2-14)."**

Page 8, line 19, delete "following:" and insert **"following, as applicable:"**.

Page 8, line 21, after "facility" insert **"or ambulatory outpatient surgical center"**.

Page 8, line 29, delete "Two" and insert **"For a medical service facility, an amount not to exceed two"**.

Page 8, between lines 33 and 34, begin a new line double block indented and insert:

**"(C) For an ambulatory outpatient surgical center, an amount not to exceed two hundred twenty-five percent (225%) of the amount that would be paid to the ambulatory outpatient surgical center on the same date for the same service or product under the ambulatory outpatient surgical center's Medicare reimbursement rate,**



**if an amount has not been negotiated as described in clause (A). However, the payment to an ambulatory outpatient surgical center for an implant furnished to an employee under IC 22-3-2 through IC 22-3-6 may not exceed the invoice amount plus three percent (3%)."**

Page 8, line 39, delete "JULY 1, 2020]" and insert "JANUARY 1, 2021]:".

Page 14, delete lines 24 through 25.

Page 14, line 26, reset in roman "(1)".

Page 14, line 26, delete "(2)".

Page 14, line 27, reset in roman "(2)".

Page 14, line 27, delete "(3)".

Page 14, line 29, reset in roman "(3)".

Page 14, line 29, delete "(4)".

Page 15, line 2, delete "facility." and insert **"facility or ambulatory outpatient surgical center (as defined in IC 16-18-2-14)."**

Page 15, line 7, delete "following:" and insert **"following, as applicable:"**.

Page 15, line 9, after "facility" insert **"or ambulatory outpatient surgical center"**.

Page 15, line 17, delete "Two" and insert **"For a medical service facility, an amount not to exceed two"**.

Page 15, between lines 21 and 22, begin a new line double block indented and insert:

**"(C) For an ambulatory outpatient surgical center, an amount not to exceed two hundred twenty-five percent (225%) of the amount that would be paid to the ambulatory outpatient surgical center on the same date for the same service or product under the ambulatory outpatient surgical center's Medicare reimbursement rate, if an amount has not been negotiated as described in clause (A). The payment to an ambulatory outpatient surgical center for an implant furnished to an employee under IC 22-3-2 through IC 22-3-6 may not exceed the invoice amount plus three percent (3%)."**

Page 15, after line 24, begin a new paragraph and insert:

**"SECTION 4. IC 22-3-7-17.2, AS AMENDED BY P.L.99-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17.2. (a) A billing review service shall adhere to the following requirements to determine the pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under this chapter provided before July 1, 2014, by all**



medical service providers, and after June 30, 2014, by a medical service provider that is not a medical service facility **or, after December 31, 2020, an ambulatory outpatient surgical center:**

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

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

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

(b) This subsection applies after June 30, 2014, to a medical service facility **or, after December 31, 2020, an ambulatory outpatient surgical center.** The pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under this chapter and provided by a medical service facility **or an ambulatory outpatient surgical center** is equal to a reasonable amount, which is established by payment of one (1) of the following **as applicable:**

(1) The amount negotiated at any time between the medical service facility **or ambulatory outpatient surgical center** and any of the following:

(A) The employer.

(B) The employer's insurance carrier.

(C) A billing review service on behalf of a person described in clause (A) or (B).

(D) A direct provider network that has contracted with a person described in clause (A) or (B).

(2) **For a medical service facility, an amount not to exceed two hundred percent (200%) of the amount that would be paid to the**



medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as described in subdivision (1).

**(3) For an ambulatory outpatient surgical center, an amount not to exceed two hundred twenty-five percent (225%) of the amount that would be paid to the ambulatory outpatient surgical center on the same date for the same service or product under the ambulatory outpatient surgical center's Medicare reimbursement rate, if an amount has not been negotiated as described in subdivision (1). However, the payment to an ambulatory outpatient surgical center for an implant furnished to an employee under IC 22-3-2 through IC 22-3-6 may not exceed the invoice amount plus three percent (3%).**

(c) A medical service provider may request an explanation from a billing review service if the medical service provider's bill has been reduced as a result of application of the eightieth percentile or of a Current Procedural Terminology (CPT) or Medicare coding change. The request must be made not later than sixty (60) days after receipt of the notice of the reduction. If a request is made, the billing review service must provide:

- (1) the name of the billing review service used to make the reduction;
- (2) the dollar amount of the reduction;
- (3) the dollar amount of the medical service at the eightieth percentile; and
- (4) in the case of a CPT or Medicare coding change, the basis upon which the change was made;

not later than thirty (30) days after the date of the request.

(d) If, after a hearing, the worker's compensation board finds that a billing review service used a billing review standard that did not comply with subsection (a)(1) through (a)(3), as applicable, in determining the pecuniary liability of an employer or an employer's insurance carrier for a medical service provider's charge for services or products covered under occupational disease compensation, the worker's compensation board may assess a civil penalty against the billing review service in an amount not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.



(Reference is to HB 1332 as introduced.)

VANNATTER

Committee Vote: yeas 10, nays 0.

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### HOUSE MOTION

Mr. Speaker: I move that House Bill 1332 be amended to read as follows:

Page 3, line 35, delete "an amount not to exceed".  
 Page 11, line 37, delete "an amount not to exceed".  
 Page 18, line 37, delete "an amount not to exceed".  
 Page 20, line 19, delete "an amount not to exceed".

(Reference is to HB 1332 as printed January 28, 2020.)

BARRETT

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### COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1332, 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 3, line 35, after "facility," insert "**an amount not to exceed**".

Page 3, line 41, delete "two hundred twenty-five percent (225%)" and insert "**two hundred seventy-five percent (275%)**".

Page 4, between lines 32 and 33, begin a new paragraph and insert:  
 "SECTION 3. IC 22-3-3-10, AS AMENDED BY P.L.275-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not to exceed fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury.

(b) With respect to injuries in the schedule set forth in subsection

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(d) occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

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

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

(1) Amputation: For the loss by separation of the thumb, sixty (60) weeks, of the index finger forty (40) weeks, of the second finger thirty-five (35) weeks, of the third or ring finger thirty (30) weeks, of the fourth or little finger twenty (20) weeks, of the hand by separation below the elbow joint two hundred (200) weeks, or the arm above the elbow two hundred fifty (250) weeks, of the big toe sixty (60) weeks, of the second toe thirty (30) weeks, of the third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks, of the fifth or little toe ten (10) weeks, for loss occurring on and after April 1, 1959, by separation of the foot below the knee joint, one hundred seventy-five (175) weeks and of the leg above the knee joint two hundred twenty-five (225) weeks. The loss of more than one (1) phalange of a thumb or toes shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) the period for the loss of the entire finger. The loss



of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger, shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

(3) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred seventy-five (175) weeks.

(4) For the permanent and complete loss of hearing in one (1) ear, seventy-five (75) weeks, and in both ears, two hundred (200) weeks.

(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of both testicles, one hundred fifty (150) weeks.

(e) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not exceeding fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars (\$125) average weekly wages for the period stated for the injury.

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

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

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



wages, for the period stated for the injury.

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

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

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

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

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

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

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

(i) With respect to injuries in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the injury, compensation in an amount determined under the following schedule to be paid weekly at





a rate of sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the injury occurred.

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

(2) Amputations: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, and for the loss by separation of any of the body parts described in subdivision (3), (5), or (8), on or after July 1, 1999, the dollar values per degree applying on the date of the injury as described in subsection (j) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half ( $1/2$ ) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third ( $1/3$ ) of the finger and compensation shall be paid for one-third ( $1/3$ ) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half ( $1/2$ ) of the finger and compensation shall be paid for one-half ( $1/2$ ) of the degrees payable for the loss of the entire



finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation, thirty-five (35) degrees of permanent impairment.

(6) For the reduction of vision to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(7) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(8) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(9) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

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

(11) For injuries resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(12) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (h)(4), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(13) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (h)(5), compensation shall be paid in an amount proportionate to the



degree of a permanent reduction.

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

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

(j) Compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the injury determined under subsection (i) and the following:

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

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

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



each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to injuries occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to injuries occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to injuries occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

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

(8) With respect to injuries occurring on and after July 1, 2001, and before July 1, 2007, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars



(\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

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

(10) With respect to injuries occurring on and after July 1, 2008, and before July 1, 2009, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred sixty-five dollars (\$1,365) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred seventy dollars (\$1,570) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand five hundred twenty-five dollars (\$2,525) per degree; for each degree of permanent impairment above fifty (50), three thousand two hundred dollars (\$3,200) per degree.

(11) With respect to injuries occurring on and after July 1, 2009, and before July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred eighty dollars (\$1,380) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred eighty-five dollars (\$1,585) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand six hundred dollars (\$2,600) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree.

(12) With respect to injuries occurring on and after July 1, 2010, and before July 1, 2014, for each degree of permanent impairment from one (1) to ten (10), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand six hundred



dollars (\$1,600) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand five hundred dollars (\$3,500) per degree.

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

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

(15) With respect to injuries occurring on and after July 1, 2016, **and before July 1, 2020**, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred fifty dollars (\$1,750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred fifty-two dollars (\$1,952) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand one hundred eighty-six dollars (\$3,186) per degree; for each degree of permanent impairment above fifty (50), four thousand sixty dollars (\$4,060) per degree.

**(16) With respect to injuries occurring on and after July 1, 2020, and before July 1, 2021, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred eighty-five dollars (\$1,785) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred ninety-one dollars (\$1,991) per degree; for each degree of permanent**



impairment from thirty-six (36) to fifty (50), three thousand two hundred fifty dollars (\$3,250) per degree; for each degree of permanent impairment above fifty (50), four thousand one hundred forty-one dollars (\$4,141) per degree.

(17) With respect to injuries occurring on and after July 1, 2021, and before July 1, 2022, for each degree of permanent impairment from one (1) to ten (10), one thousand eight hundred twenty-one dollars (\$1,821) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand thirty-one dollars (\$2,031) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred fifteen dollars (\$3,315) per degree; for each degree of permanent impairment above fifty (50), four thousand two hundred twenty-four dollars (\$4,224) per degree.

(18) With respect to injuries occurring on and after July 1, 2022, 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-two dollars (\$2,072) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred eighty-one dollars (\$3,381) per degree; for each degree of permanent impairment above fifty (50), four thousand three hundred eight dollars (\$4,308) per degree.

(k) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (i) and (j) shall not exceed the following:

- (1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).
- (2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).
- (3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).
- (4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).
- (5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).
- (6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- (7) With respect to injuries occurring on or after July 1, 1999, and



before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, and before July 1, 2006, eight hundred eighty-two dollars (\$882).

(11) With respect to injuries occurring on or after July 1, 2006, and before July 1, 2007, nine hundred dollars (\$900).

(12) With respect to injuries occurring on or after July 1, 2007, and before July 1, 2008, nine hundred thirty dollars (\$930).

(13) With respect to injuries occurring on or after July 1, 2008, and before July 1, 2009, nine hundred fifty-four dollars (\$954).

(14) With respect to injuries occurring on or after July 1, 2009, and before July 1, 2014, nine hundred seventy-five dollars (\$975).

(15) With respect to injuries occurring on or after July 1, 2014, and before July 1, 2015, one thousand forty dollars (\$1,040).

(16) With respect to injuries occurring on or after July 1, 2015, and before July 1, 2016, one thousand one hundred five dollars (\$1,105).

(17) With respect to injuries occurring on or after July 1, 2016, **and before July 1, 2020**, one thousand one hundred seventy dollars (\$1,170).

**(18) With respect to injuries occurring on or after July 1, 2020, and before July 1, 2021, one thousand one hundred ninety-three dollars (\$1,193).**

**(19) With respect to injuries occurring on or after July 1, 2021, and before July 1, 2022, one thousand two hundred seventeen dollars (\$1,217).**

**(20) With respect to injuries occurring on or after July 1, 2022, one thousand two hundred forty-one dollars (\$1,241).**

SECTION 4. IC 22-3-3-22, AS AMENDED BY P.L.275-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

- (1) not more than two hundred sixty-seven dollars (\$267); and
- (2) not less than seventy-five dollars (\$75).

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





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

- (1) not more than two hundred eighty-five dollars (\$285); and
- (2) not less than seventy-five dollars (\$75).

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

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

- (1) not more than three hundred eighty-four dollars (\$384); and
- (2) not less than seventy-five dollars (\$75).

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

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

- (1) not more than four hundred eleven dollars (\$411); and
- (2) not less than seventy-five dollars (\$75).

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

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

- (1) not more than four hundred forty-one dollars (\$441); and
- (2) not less than seventy-five dollars (\$75).

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

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

- (1) not more than four hundred ninety-two dollars (\$492); and
- (2) not less than seventy-five dollars (\$75).

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

(g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect



to injuries occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

- (1) not more than five hundred forty dollars (\$540); and
- (2) not less than seventy-five dollars (\$75).

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

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

- (1) not more than five hundred ninety-one dollars (\$591); and
- (2) not less than seventy-five dollars (\$75).

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

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

- (1) not more than six hundred forty-two dollars (\$642); and
- (2) not less than seventy-five dollars (\$75).

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

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

- (1) with respect to injuries occurring on and after July 1, 1997, and before July 1, 1998:
  - (A) not more than six hundred seventy-two dollars (\$672); and
  - (B) not less than seventy-five dollars (\$75);
- (2) with respect to injuries occurring on and after July 1, 1998, and before July 1, 1999:
  - (A) not more than seven hundred two dollars (\$702); and
  - (B) not less than seventy-five dollars (\$75);
- (3) with respect to injuries occurring on and after July 1, 1999, and before July 1, 2000:
  - (A) not more than seven hundred thirty-two dollars (\$732); and
  - (B) not less than seventy-five dollars (\$75);
- (4) with respect to injuries occurring on and after July 1, 2000, and before July 1, 2001:
  - (A) not more than seven hundred sixty-two dollars (\$762); and
  - (B) not less than seventy-five dollars (\$75);



- (5) with respect to injuries occurring on and after July 1, 2001, and before July 1, 2002:
  - (A) not more than eight hundred twenty-two dollars (\$822); and
  - (B) not less than seventy-five dollars (\$75);
- (6) with respect to injuries occurring on and after July 1, 2002, and before July 1, 2006:
  - (A) not more than eight hundred eighty-two dollars (\$882); and
  - (B) not less than seventy-five dollars (\$75);
- (7) with respect to injuries occurring on and after July 1, 2006, and before July 1, 2007:
  - (A) not more than nine hundred dollars (\$900); and
  - (B) not less than seventy-five dollars (\$75);
- (8) with respect to injuries occurring on and after July 1, 2007, and before July 1, 2008:
  - (A) not more than nine hundred thirty dollars (\$930); and
  - (B) not less than seventy-five dollars (\$75);
- (9) with respect to injuries occurring on and after July 1, 2008, and before July 1, 2009:
  - (A) not more than nine hundred fifty-four dollars (\$954); and
  - (B) not less than seventy-five dollars (\$75);
- (10) with respect to injuries occurring on and after July 1, 2009, and before July 1, 2014:
  - (A) not more than nine hundred seventy-five dollars (\$975); and
  - (B) not less than seventy-five dollars (\$75);
- (11) with respect to injuries occurring on and after July 1, 2014, and before July 1, 2015:
  - (A) not more than one thousand forty dollars (\$1,040); and
  - (B) not less than seventy-five dollars (\$75);
- (12) with respect to injuries occurring on and after July 1, 2015, and before July 1, 2016:
  - (A) not more than one thousand one hundred five dollars (\$1,105); and
  - (B) not less than seventy-five dollars (\$75); ~~and~~
- (13) with respect to injuries occurring on and after July 1, 2016, **and before July 1, 2020:**
  - (A) not more than one thousand one hundred seventy dollars (\$1,170); and
  - (B) not less than seventy-five dollars (\$75);
- (14) with respect to injuries occurring on and after July 1,



**2020, and before July 1, 2021:**

**(A) not more than one thousand one hundred ninety-three dollars (\$1,193); and**

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

**(15) with respect to injuries occurring on and after July 1, 2021, and before July 1, 2022:**

**(A) not more than one thousand two hundred seventeen dollars (\$1,217); and**

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

**(16) with respect to injuries occurring on and after July 1, 2022:**

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

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

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

(k) With respect to any injury occurring on and after July 1, 1985, and before July 1, 1986, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.

(l) With respect to any injury occurring on and after July 1, 1986, and before July 1, 1988, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed ninety-five thousand dollars (\$95,000) in any case.

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

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

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

(p) With respect to any injury occurring on and after July 1, 1991,



and before July 1, 1992, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred sixty-four thousand dollars (\$164,000) in any case.

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

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

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

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

- (1) With respect to an injury occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).
- (2) With respect to an injury occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).
- (3) With respect to an injury occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).
- (4) With respect to an injury occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).
- (5) With respect to an injury occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).
- (6) With respect to an injury occurring on and after July 1, 2002, and before July 1, 2006, two hundred ninety-four thousand dollars (\$294,000).
- (7) With respect to an injury occurring on and after July 1, 2006,



and before July 1, 2007, three hundred thousand dollars (\$300,000).

(8) With respect to an injury occurring on and after July 1, 2007, and before July 1, 2008, three hundred ten thousand dollars (\$310,000).

(9) With respect to an injury occurring on and after July 1, 2008, and before July 1, 2009, three hundred eighteen thousand dollars (\$318,000).

(10) With respect to an injury occurring on and after July 1, 2009, and before July 1, 2014, three hundred twenty-five thousand dollars (\$325,000).

(11) With respect to an injury occurring on and after July 1, 2014, and before July 1, 2015, three hundred forty-seven thousand dollars (\$347,000).

(12) With respect to an injury occurring on and after July 1, 2015, and before July 1, 2016, three hundred sixty-eight thousand dollars (\$368,000).

(13) With respect to an injury occurring on and after July 1, 2016, **and before July 1, 2020**, three hundred ninety thousand dollars (\$390,000).

**(14) With respect to an injury occurring on and after July 1, 2020, and before July 1, 2021, three hundred ninety-eight thousand dollars (\$398,000).**

**(15) With respect to an injury occurring on and after July 1, 2021, and before July 1, 2022, four hundred six thousand dollars (\$406,000).**

**(16) With respect to an injury occurring on and after July 1, 2022, four hundred fourteen thousand dollars (\$414,000)."**

Page 11, line 36, after "facility," insert "**an amount not to exceed**".

Page 12, line 1, delete "two hundred twenty-five percent" and insert "**two hundred seventy-five percent**".

Page 12, line 2, delete "(225%)" and insert "**(275%)**".

Page 18, line 36, after "facility," insert "**an amount not to exceed**".

Page 19, line 1, delete "two hundred twenty-five percent" and insert "**two hundred seventy-five percent**".

Page 19, line 2, delete "(225%)" and insert "**(275%)**".

Page 19, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 7. IC 22-3-7-16, AS AMENDED BY P.L.204-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) Compensation shall be allowed on account of disablement from occupational disease resulting in only temporary total disability to work or temporary partial disability to work



beginning with the eighth day of such disability except for the medical benefits provided for in section 17 of this chapter. Compensation shall be allowed for the first seven (7) calendar days only as provided in this section. The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall file with the worker's compensation board electronically and tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

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

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

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

- (1) the employee has returned to work;
- (2) the employee has died;
- (3) the employee has refused to undergo a medical examination under section 20 of this chapter;
- (4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum



compensation allowable under section 19 of this chapter; or  
 (5) the employee is unable or unavailable to work for reasons unrelated to the compensable disease.

In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the board. If the employee disagrees with the proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this chapter.

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

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

(e) For disablements occurring on and after July 1, 1976, from





occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during the temporary total disability weekly compensation equal to sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(f) For disablements occurring on and after July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

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

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

(i) For disabilities occurring on and after July 1, 1989, and before July 1, 1990, from occupational disease in the schedule set forth in subsection (j), the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of



the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the disabilities.

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

(1) Amputations: For the loss by separation, of the thumb, sixty (60) weeks; of the index finger, forty (40) weeks; of the second finger, thirty-five (35) weeks; of the third or ring finger, thirty (30) weeks; of the fourth or little finger, twenty (20) weeks; of the hand by separation below the elbow, two hundred (200) weeks; of the arm above the elbow joint, two hundred fifty (250) weeks; of the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks; of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15) weeks; of the fifth or little toe, ten (10) weeks; of the foot below the knee joint, one hundred fifty (150) weeks; and of the leg above the knee joint, two hundred (200) weeks. The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than two (2) phalanges of a finger shall be considered as the loss of one-half (1/2) the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

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

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

(4) For disablements for occupational disease resulting in total



permanent disability, five hundred (500) weeks.

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

(6) For the permanent and complete loss of vision by enucleation of an eye or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred fifty (150) weeks, and for any other permanent reduction of the sight of an eye, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

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

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

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

(k) With respect to disablements in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the disablement, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the disablement occurred:

- (1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight



(8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; of separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection (1) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses,



thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

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

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

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (5), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

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

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

(14) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee,



compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(l) With respect to disablements occurring on and after July 1, 1991, compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the disablement determined under subsection (k) and the following:

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

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

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

(4) With respect to disablements occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per



degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to disablements occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

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

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



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

(10) With respect to disablements occurring on and after July 1, 2008, and before July 1, 2009, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred sixty-five dollars (\$1,365) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred seventy dollars (\$1,570) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand five hundred twenty-five dollars (\$2,525) per degree; for each degree of permanent impairment above fifty (50), three thousand two hundred dollars (\$3,200) per degree.

(11) With respect to disablements occurring on and after July 1, 2009, and before July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred eighty dollars (\$1,380) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred eighty-five dollars (\$1,585) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand six hundred dollars (\$2,600) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree.

(12) With respect to disablements occurring on and after July 1, 2010, and before July 1, 2014, for each degree of permanent impairment from one (1) to ten (10), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand five hundred dollars (\$3,500) per degree.

(13) With respect to disablements occurring on and after July 1, 2014, and before July 1, 2015, for each degree of permanent





impairment from one (1) to ten (10), one thousand five hundred seventeen dollars (\$1,517) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred seventeen dollars (\$1,717) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand eight hundred sixty-two dollars (\$2,862) per degree; for each degree of permanent impairment above fifty (50), three thousand six hundred eighty-seven dollars (\$3,687) per degree.

(14) With respect to disablements occurring on and after July 1, 2015, and before July 1, 2016, for each degree of permanent impairment from one (1) to ten (10), one thousand six hundred thirty-three dollars (\$1,633) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand eight hundred thirty-five dollars (\$1,835) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand twenty-four dollars (\$3,024) per degree; for each degree of permanent impairment above fifty (50), three thousand eight hundred seventy-three dollars (\$3,873) per degree.

(15) With respect to disablements occurring on and after July 1, 2016, **and before July 1, 2020**, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred fifty dollars (\$1,750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred fifty-two dollars (\$1,952) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand one hundred eighty-six dollars (\$3,186) per degree; for each degree of permanent impairment above fifty (50), four thousand sixty dollars (\$4,060) per degree.

**(16) With respect to disablements occurring on and after July 1, 2020, and before July 1, 2021, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred eighty-five dollars (\$1,785) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred ninety-one dollars (\$1,991) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand two hundred fifty dollars (\$3,250) per degree; for each degree of permanent impairment above fifty (50), four thousand one hundred forty-one dollars (\$4,141) per degree.**

(17) With respect to disablements occurring on and after July 1, 2021, and before July 1, 2022, for each degree of permanent



impairment from one (1) to ten (10), one thousand eight hundred twenty-one dollars (\$1,821) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand thirty-one dollars (\$2,031) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred fifteen dollars (\$3,315) per degree; for each degree of permanent impairment above fifty (50), four thousand two hundred twenty-four dollars (\$4,224) per degree.

(18) With respect to disablements occurring on and after July 1, 2022, 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-two dollars (\$2,072) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred eighty-one dollars (\$3,381) per degree; for each degree of permanent impairment above fifty (50), four thousand three hundred eight dollars (\$4,308) per degree.

(m) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (k) and (l) shall not exceed the following:

- (1) With respect to disablements occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).
- (2) With respect to disablements occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).
- (3) With respect to disablements occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).
- (4) With respect to disablements occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).
- (5) With respect to disablements occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).
- (6) With respect to disablements occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- (7) With respect to disablements occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).



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

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

(10) With respect to disablements occurring on or after July 1, 2002, and before July 1, 2006, eight hundred eighty-two dollars (\$882).

(11) With respect to disablements occurring on or after July 1, 2006, and before July 1, 2007, nine hundred dollars (\$900).

(12) With respect to disablements occurring on or after July 1, 2007, and before July 1, 2008, nine hundred thirty dollars (\$930).

(13) With respect to disablements occurring on or after July 1, 2008, and before July 1, 2009, nine hundred fifty-four dollars (\$954).

(14) With respect to disablements occurring on or after July 1, 2009, and before July 1, 2014, nine hundred seventy-five dollars (\$975).

(15) With respect to disablements occurring on or after July 1, 2014, and before July 1, 2015, one thousand forty dollars (\$1,040).

(16) With respect to disablements occurring on or after July 1, 2015, and before July 1, 2016, one thousand one hundred five dollars (\$1,105).

(17) With respect to disablements occurring on or after July 1, 2016, **and before July 1, 2020**, one thousand one hundred seventy dollars (\$1,170).

**(18) With respect to disablements occurring on or after July 1, 2020, and before July 1, 2021, one thousand one hundred ninety-three dollars (\$1,193).**

**(19) With respect to disablements occurring on or after July 1, 2021, and before July 1, 2022, one thousand two hundred seventeen dollars (\$1,217).**

**(20) With respect to disablements occurring on or after July 1, 2022, one thousand two hundred forty-one dollars (\$1,241).**

(n) If any employee, only partially disabled, refuses employment suitable to the employee's capacity procured for the employee, the employee shall not be entitled to any compensation at any time during the continuance of such refusal unless, in the opinion of the worker's compensation board, such refusal was justifiable. The employee must be served with a notice setting forth the consequences of the refusal



under this subsection. The notice must be in a form prescribed by the worker's compensation board.

(o) If an employee has sustained a permanent impairment or disability from an accidental injury other than an occupational disease in another employment than that in which the employee suffered a subsequent disability from an occupational disease, such as herein specified, the employee shall be entitled to compensation for the subsequent disability in the same amount as if the previous impairment or disability had not occurred. However, if the permanent impairment or disability resulting from an occupational disease for which compensation is claimed results only in the aggravation or increase of a previously sustained permanent impairment from an occupational disease or physical condition regardless of the source or cause of such previously sustained impairment from an occupational disease or physical condition, the board shall determine the extent of the previously sustained permanent impairment from an occupational disease or physical condition as well as the extent of the aggravation or increase resulting from the subsequent permanent impairment or disability, and shall award compensation only for that part of said occupational disease or physical condition resulting from the subsequent permanent impairment. An amputation of any part of the body or loss of any or all of the vision of one (1) or both eyes caused by an occupational disease shall be considered as a permanent impairment or physical condition.

(p) If an employee suffers a disablement from an occupational disease for which compensation is payable while the employee is still receiving or entitled to compensation for a previous injury by accident or disability by occupational disease in the same employment, the employee shall not at the same time be entitled to compensation for both, unless it be for a permanent injury, such as specified in subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9), but the employee shall be entitled to compensation for that disability and from the time of that disability which will cover the longest period and the largest amount payable under this chapter.

(q) If an employee receives a permanent disability from an occupational disease such as specified in subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9) after having sustained another such permanent disability in the same employment the employee shall be entitled to compensation for both such disabilities, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation and, when such previous and subsequent permanent disabilities, in combination result in total permanent



disability or permanent total impairment, compensation shall be payable for such permanent total disability or impairment, but payments made for the previous disability or impairment shall be deducted from the total payment of compensation due.

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

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

(t) When so provided in the compensation agreement or in the award of the worker's compensation board, compensation may be paid semimonthly, or monthly, instead of weekly.

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

(v) Whenever the aggregate payments of compensation, due to any person under eighteen (18) years of age, exceed one hundred dollars (\$100), the payment thereof shall be made to a trustee, appointed by the circuit or superior court, or to a duly qualified guardian, or, upon the order of the worker's compensation board, to a parent or to such minor person. The payment of compensation, due to any person eighteen (18) years of age or over, may be made directly to such person.

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

(x) All compensation payments named and provided for in this section, shall mean and be defined to be for only such occupational



diseases and disabilities therefrom as are proved by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee."

Page 20, line 18, after "facility," insert "**an amount not to exceed**".

Page 20, line 24, delete "two hundred twenty-five percent (225%)" and insert "**two hundred seventy-five percent (275%)**".

Page 21, after line 15, begin a new paragraph and insert:

"SECTION 9. IC 22-3-7-19, AS AMENDED BY P.L.275-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19. (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

- (1) not more than two hundred sixty-seven dollars (\$267); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) not more than two hundred eighty-five dollars (\$285); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) not more than three hundred eighty-four dollars (\$384); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) not more than four hundred eleven dollars (\$411); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) not more than four hundred forty-one dollars (\$441); and
- (2) not less than seventy-five dollars (\$75).

(f) In computing compensation for temporary total disability,



temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

- (1) not more than four hundred ninety-two dollars (\$492); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) not more than five hundred forty dollars (\$540); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) not more than five hundred ninety-one dollars (\$591); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) not more than six hundred forty-two dollars (\$642); and
- (2) not less than seventy-five dollars (\$75).

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

- (1) with respect to occupational diseases occurring on and after July 1, 1997, and before July 1, 1998:

- (A) not more than six hundred seventy-two dollars (\$672); and
  - (B) not less than seventy-five dollars (\$75);

- (2) with respect to occupational diseases occurring on and after July 1, 1998, and before July 1, 1999:

- (A) not more than seven hundred two dollars (\$702); and
  - (B) not less than seventy-five dollars (\$75);

- (3) with respect to occupational diseases occurring on and after July 1, 1999, and before July 1, 2000:

- (A) not more than seven hundred thirty-two dollars (\$732);
  - and

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

- (4) with respect to occupational diseases occurring on and after July 1, 2000, and before July 1, 2001:

- (A) not more than seven hundred sixty-two dollars (\$762); and



- (B) not less than seventy-five dollars (\$75);
- (5) with respect to disablements occurring on and after July 1, 2001, and before July 1, 2002:
  - (A) not more than eight hundred twenty-two dollars (\$822); and
  - (B) not less than seventy-five dollars (\$75);
- (6) with respect to disablements occurring on and after July 1, 2002, and before July 1, 2006:
  - (A) not more than eight hundred eighty-two dollars (\$882); and
  - (B) not less than seventy-five dollars (\$75);
- (7) with respect to disablements occurring on and after July 1, 2006, and before July 1, 2007:
  - (A) not more than nine hundred dollars (\$900); and
  - (B) not less than seventy-five dollars (\$75);
- (8) with respect to disablements occurring on and after July 1, 2007, and before July 1, 2008:
  - (A) not more than nine hundred thirty dollars (\$930); and
  - (B) not less than seventy-five dollars (\$75);
- (9) with respect to disablements occurring on and after July 1, 2008, and before July 1, 2009:
  - (A) not more than nine hundred fifty-four dollars (\$954); and
  - (B) not less than seventy-five dollars (\$75);
- (10) with respect to disablements occurring on and after July 1, 2009, and before July 1, 2014:
  - (A) not more than nine hundred seventy-five dollars (\$975); and
  - (B) not less than seventy-five dollars (\$75);
- (11) with respect to disablements occurring on and after July 1, 2014, and before July 1, 2015:
  - (A) not more than one thousand forty dollars (\$1,040); and
  - (B) not less than seventy-five dollars (\$75);
- (12) with respect to disablements occurring on and after July 1, 2015, and before July 1, 2016:
  - (A) not more than one thousand one hundred five dollars (\$1,105); and
  - (B) not less than seventy-five dollars (\$75); ~~and~~
- (13) with respect to disablements occurring on and after July 1, 2016, **and before July 1, 2020:**
  - (A) not more than one thousand one hundred seventy dollars (\$1,170); and
  - (B) not less than seventy-five dollars (\$75);





**(14) with respect to disablements occurring on and after July 1, 2020, and before July 1, 2021:**

**(A) not more than one thousand one hundred ninety-three dollars (\$1,193); and**

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

**(15) with respect to disablements occurring on and after July 1, 2021, and before July 1, 2022:**

**(A) not more than one thousand two hundred seventeen dollars (\$1,217); and**

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

**(16) with respect to disablements occurring on and after July 1, 2022:**

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

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

(k) The maximum compensation with respect to disability or death occurring on and after July 1, 1985, and before July 1, 1986, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.

(l) The maximum compensation with respect to disability or death occurring on and after July 1, 1986, and before July 1, 1988, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed ninety-five thousand dollars (\$95,000) in any case.

(m) The maximum compensation with respect to disability or death occurring on and after July 1, 1988, and before July 1, 1989, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

(n) The maximum compensation with respect to disability or death occurring on and after July 1, 1989, and before July 1, 1990, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

(o) The maximum compensation with respect to disability or death occurring on and after July 1, 1990, and before July 1, 1991, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.

(p) The maximum compensation with respect to disability or death occurring on and after July 1, 1991, and before July 1, 1992, that shall



be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred sixty-four thousand dollars (\$164,000) in any case.

(q) The maximum compensation with respect to disability or death occurring on and after July 1, 1992, and before July 1, 1993, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred eighty thousand dollars (\$180,000) in any case.

(r) The maximum compensation with respect to disability or death occurring on and after July 1, 1993, and before July 1, 1994, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred ninety-seven thousand dollars (\$197,000) in any case.

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

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

- (1) With respect to disability or death occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).
- (2) With respect to disability or death occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).
- (3) With respect to disability or death occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).
- (4) With respect to disability or death occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).
- (5) With respect to disability or death occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).
- (6) With respect to disability or death occurring on and after July 1, 2002, and before July 1, 2006, two hundred ninety-four



thousand dollars (\$294,000).

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

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

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

(10) With respect to disability or death occurring on and after July 1, 2009, and before July 1, 2014, three hundred twenty-five thousand dollars (\$325,000).

(11) With respect to disability or death occurring on and after July 1, 2014, and before July 1, 2015, three hundred forty-seven thousand dollars (\$347,000).

(12) With respect to disability or death occurring on and after July 1, 2015, and before July 1, 2016, three hundred sixty-eight thousand dollars (\$368,000).

(13) With respect to disability or death occurring on and after July 1, 2016, **and before July 1, 2020**, three hundred ninety thousand dollars (\$390,000).

**(14) With respect to disability or death occurring on and after July 1, 2020, and before July 1, 2021, three hundred ninety-eight thousand dollars (\$398,000).**

**(15) With respect to disability or death occurring on and after July 1, 2021, and before July 1, 2022, four hundred six thousand dollars (\$406,000).**

**(16) With respect to disability or death occurring on and after July 1, 2022, four hundred fourteen thousand dollars (\$414,000).**

(u) For all disabilities occurring on and after July 1, 1985, "average weekly wages" means the earnings of the injured employee during the period of fifty-two (52) weeks immediately preceding the disability divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts of weeks remaining after the time lost has been deducted. If employment before the date of disability extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts of weeks during which the employee earned wages shall be



followed if results just and fair to both parties will be obtained. If by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages for the employee, the employee's average weekly wages shall be considered to be the average weekly amount that, during the fifty-two (52) weeks before the date of disability, was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee instead of wages or a specified part of the wage contract, they shall be considered a part of the employee's earnings.

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

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1332 as reprinted January 31, 2020.)

BOOTS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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#### SENATE MOTION

Madam President: I move that Engrossed House Bill 1332 be amended to read as follows:

Page 1, line 9, delete "outpatient".

Page 1, line 9, delete "." and insert ".".

Page 1, line 13, delete "outpatient".

Page 2, line 39, delete "outpatient".

Page 3, line 19, delete "outpatient".

Page 3, line 23, delete "outpatient".

**EH 1332—LS 6804/DI 128**



Page 3, line 27, delete "outpatient".

Page 3, line 41, delete "outpatient".

Page 4, line 1, delete "outpatient".

Page 4, line 3, delete "outpatient".

Page 4, line 6, delete "outpatient".

Page 4, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 3. IC 22-3-3-10, AS AMENDED BY SEA 269-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not to exceed fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury.

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

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

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

(1) Amputation: For the loss by separation of the thumb, sixty (60) weeks, of the index finger forty (40) weeks, of the second finger thirty-five (35) weeks, of the third or ring finger thirty (30) weeks, of the fourth or little finger twenty (20) weeks, of the hand by separation below the elbow joint two hundred (200) weeks, or



the arm above the elbow two hundred fifty (250) weeks, of the big toe sixty (60) weeks, of the second toe thirty (30) weeks, of the third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks, of the fifth or little toe ten (10) weeks, for loss occurring on and after April 1, 1959, by separation of the foot below the knee joint, one hundred seventy-five (175) weeks and of the leg above the knee joint two hundred twenty-five (225) weeks. The loss of more than one (1) phalange of a thumb or toes shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half ( $1/2$ ) of the thumb or toe and compensation shall be paid for one-half ( $1/2$ ) of the period for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third ( $1/3$ ) of the finger and compensation shall be paid for one-third ( $1/3$ ) the period for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger, shall be considered as the loss of one-half ( $1/2$ ) of the finger and compensation shall be paid for one-half ( $1/2$ ) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

(3) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth ( $1/10$ ) of normal vision with glasses, one hundred seventy-five (175) weeks.

(4) For the permanent and complete loss of hearing in one (1) ear, seventy-five (75) weeks, and in both ears, two hundred (200) weeks.

(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of both testicles, one hundred fifty (150) weeks.

(e) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not exceeding fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars (\$125) average weekly wages for the period stated for the injury.

(f) With respect to injuries in the schedule set forth in subsection (h) occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits



not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

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

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

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

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

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

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

(5) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (d)(4),



compensation shall be paid for a period proportional to the degree of such permanent reduction.

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

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

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

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

(2) Amputations: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, and for the loss by separation of any of the body parts described in subdivision (3), (5), or ~~(8)~~, (7), on or after July 1, 1999, the dollar values per degree applying on the date of the injury as described





in subsection (j) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

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

(10) For injuries resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of



compensation, whichever is greater.

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

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (h)(5), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

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

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

(j) Compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the injury determined under subsection (i) and the following:

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

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



degree.

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

(4) With respect to injuries occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to injuries occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to injuries occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to injuries occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars



(\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

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

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

(10) With respect to injuries occurring on and after July 1, 2008, and before July 1, 2009, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred sixty-five dollars (\$1,365) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred seventy dollars (\$1,570) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand five hundred twenty-five dollars (\$2,525) per degree; for each degree of permanent impairment above fifty (50), three thousand two hundred dollars (\$3,200) per degree.

(11) With respect to injuries occurring on and after July 1, 2009, and before July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred eighty dollars (\$1,380) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five



hundred eighty-five dollars (\$1,585) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand six hundred dollars (\$2,600) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree.

(12) With respect to injuries occurring on and after July 1, 2010, and before July 1, 2014, for each degree of permanent impairment from one (1) to ten (10), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand five hundred dollars (\$3,500) per degree.

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

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

(15) With respect to injuries occurring on and after July 1, 2016, **and before July 1, 2020**, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred fifty dollars (\$1,750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred fifty-two dollars (\$1,952) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three



thousand one hundred eighty-six dollars (\$3,186) per degree; for each degree of permanent impairment above fifty (50), four thousand sixty dollars (\$4,060) per degree.

**(16) With respect to injuries occurring on and after July 1, 2020, and before July 1, 2021, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred eighty-five dollars (\$1,785) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred ninety-one dollars (\$1,991) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand two hundred fifty dollars (\$3,250) per degree; for each degree of permanent impairment above fifty (50), four thousand one hundred forty-one dollars (\$4,141) per degree.**

**(17) With respect to injuries occurring on and after July 1, 2021, and before July 1, 2022, for each degree of permanent impairment from one (1) to ten (10), one thousand eight hundred twenty-one dollars (\$1,821) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand thirty-one dollars (\$2,031) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred fifteen dollars (\$3,315) per degree; for each degree of permanent impairment above fifty (50), four thousand two hundred twenty-four dollars (\$4,224) per degree.**

**(18) With respect to injuries occurring on and after July 1, 2022, 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-two dollars (\$2,072) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred eighty-one dollars (\$3,381) per degree; for each degree of permanent impairment above fifty (50), four thousand three hundred eight dollars (\$4,308) per degree.**

(k) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (i) and (j) shall not exceed the following:

- (1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).
- (2) With respect to injuries occurring on or after July 1, 1992, and



before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, and before July 1, 2006, eight hundred eighty-two dollars (\$882).

(11) With respect to injuries occurring on or after July 1, 2006, and before July 1, 2007, nine hundred dollars (\$900).

(12) With respect to injuries occurring on or after July 1, 2007, and before July 1, 2008, nine hundred thirty dollars (\$930).

(13) With respect to injuries occurring on or after July 1, 2008, and before July 1, 2009, nine hundred fifty-four dollars (\$954).

(14) With respect to injuries occurring on or after July 1, 2009, and before July 1, 2014, nine hundred seventy-five dollars (\$975).

(15) With respect to injuries occurring on or after July 1, 2014, and before July 1, 2015, one thousand forty dollars (\$1,040).

(16) With respect to injuries occurring on or after July 1, 2015, and before July 1, 2016, one thousand one hundred five dollars (\$1,105).

(17) With respect to injuries occurring on or after July 1, 2016, **and before July 1, 2020**, one thousand one hundred seventy dollars (\$1,170).

**(18) With respect to injuries occurring on or after July 1, 2020, and before July 1, 2021, one thousand one hundred ninety-three dollars (\$1,193).**

**(19) With respect to injuries occurring on or after July 1, 2021, and before July 1, 2022, one thousand two hundred seventeen dollars (\$1,217).**

**(20) With respect to injuries occurring on or after July 1, 2022, one thousand two hundred forty-one dollars (\$1,241)."**

Delete pages 5 through 14.



Page 15, delete lines 1 through 32.

Page 28, line 17, delete "outpatient".

Page 28, line 17, delete "center" and insert "**center.**".

Page 28, line 17, delete "(as defined in IC 16-18-2-14).".

Page 28, line 25, delete "outpatient".

Page 28, line 39, delete "outpatient".

Page 28, line 42, delete "outpatient".

Page 29, line 2, delete "outpatient".

Page 29, line 4, delete "outpatient".

Page 29, between lines 10 and 11, begin a new paragraph and insert:

**"(m) "Ambulatory surgical center" refers to an ambulatory outpatient surgical center, as defined in IC 16-18-2-14."**

Page 35, line 17, delete "outpatient".

Page 35, line 17, delete "center" and insert "**center.**".

Page 35, line 17, delete "(as defined in IC 16-18-2-14).".

Page 35, line 25, delete "outpatient".

Page 35, line 39, delete "outpatient".

Page 35, line 42, delete "outpatient".

Page 36, line 2, delete "outpatient".

Page 36, line 4, delete "outpatient".

Page 36, delete lines 11 through 42, begin a new paragraph and insert:

**"(o) "Ambulatory surgical center" refers to an ambulatory outpatient surgical center, as defined in IC 16-18-2-14."**

SECTION 7. IC 22-3-7-16, AS AMENDED BY SEA 269-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) Compensation shall be allowed on account of disablement from occupational disease resulting in only temporary total disability to work or temporary partial disability to work beginning with the eighth day of such disability except for the medical benefits provided for in section 17 of this chapter. Compensation shall be allowed for the first seven (7) calendar days only as provided in this section. The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than fourteen (14) days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall file a report of payment of compensation with the worker's compensation board electronically and tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. The presentation to the employee or to the employee's dependents of the check, draft, or electronic payment from the employer or the employer's





insurance carrier for the proper amount, drawn upon a bank in which money is on deposit to pay the same on demand, shall be sufficient tender of the compensation.

(b) Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

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

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

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

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

In each instance, the employer must provide written notice to the injured worker on a form approved by the board. In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the



board. In all instances, the employer must file an electronic notice of the termination with the board.

(d) If the employee disagrees with the termination or proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this chapter.

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

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

(g) For disablements occurring on and after July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during the temporary total disability weekly compensation equal to sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the employee's average weekly wages, as defined



in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(h) For disablements occurring on and after July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

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

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

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

(l) For disabilities occurring on and after July 1, 1990, and before



July 1, 1991, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the disabilities.

(1) Amputations: For the loss by separation, of the thumb, sixty (60) weeks; of the index finger, forty (40) weeks; of the second finger, thirty-five (35) weeks; of the third or ring finger, thirty (30) weeks; of the fourth or little finger, twenty (20) weeks; of the hand by separation below the elbow, two hundred (200) weeks; of the arm above the elbow joint, two hundred fifty (250) weeks; of the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks; of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15) weeks; of the fifth or little toe, ten (10) weeks; of the foot below the knee joint, one hundred fifty (150) weeks; and of the leg above the knee joint, two hundred (200) weeks. The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than two (2) phalanges of a finger shall be considered as the loss of one-half (1/2) the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

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

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

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

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



(6) For the permanent and complete loss of vision by enucleation of an eye, or its reduction to one-tenth ( $1/10$ ) of normal vision with glasses, one hundred fifty (150) weeks, and for any other permanent reduction of the sight of an eye, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

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

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

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

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

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little



finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; of separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection (n) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation, ~~or its reduction to one-tenth (1/10) of normal vision with glasses;~~ thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears,



forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

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

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

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

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

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

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

(n) With respect to disablements occurring on and after July 1, 1991, compensation for permanent partial impairment shall be paid



according to the degree of permanent impairment for the disablement determined under subsection (m) and the following:

- (1) With respect to disablements occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.
- (2) With respect to disablements occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.
- (3) With respect to disablements occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.
- (4) With respect to disablements occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.
- (5) With respect to disablements occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars





(\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

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

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

(9) With respect to disablements occurring on and after July 1, 2007, and before July 1, 2008, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred forty dollars (\$1,340) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred forty-five dollars (\$1,545) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two



thousand four hundred seventy-five dollars (\$2,475) per degree; for each degree of permanent impairment above fifty (50), three thousand one hundred fifty dollars (\$3,150) per degree.

(10) With respect to disablements occurring on and after July 1, 2008, and before July 1, 2009, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred sixty-five dollars (\$1,365) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred seventy dollars (\$1,570) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand five hundred twenty-five dollars (\$2,525) per degree; for each degree of permanent impairment above fifty (50), three thousand two hundred dollars (\$3,200) per degree.

(11) With respect to disablements occurring on and after July 1, 2009, and before July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred eighty dollars (\$1,380) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred eighty-five dollars (\$1,585) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand six hundred dollars (\$2,600) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree.

(12) With respect to disablements occurring on and after July 1, 2010, and before July 1, 2014, for each degree of permanent impairment from one (1) to ten (10), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand five hundred dollars (\$3,500) per degree.

(13) With respect to disablements occurring on and after July 1, 2014, and before July 1, 2015, for each degree of permanent impairment from one (1) to ten (10), one thousand five hundred seventeen dollars (\$1,517) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred seventeen dollars (\$1,717) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand eight hundred sixty-two dollars (\$2,862) per degree; for each degree of permanent impairment above fifty



(50), three thousand six hundred eighty-seven dollars (\$3,687) per degree.

(14) With respect to disablements occurring on and after July 1, 2015, and before July 1, 2016, for each degree of permanent impairment from one (1) to ten (10), one thousand six hundred thirty-three dollars (\$1,633) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand eight hundred thirty-five dollars (\$1,835) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand twenty-four dollars (\$3,024) per degree; for each degree of permanent impairment above fifty (50), three thousand eight hundred seventy-three dollars (\$3,873) per degree.

(15) With respect to disablements occurring on and after July 1, 2016, **and before July 1, 2020**, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred fifty dollars (\$1,750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred fifty-two dollars (\$1,952) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand one hundred eighty-six dollars (\$3,186) per degree; for each degree of permanent impairment above fifty (50), four thousand sixty dollars (\$4,060) per degree.

**(16) With respect to disablements occurring on and after July 1, 2020, and before July 1, 2021, for each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred eighty-five dollars (\$1,785) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand nine hundred ninety-one dollars (\$1,991) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand two hundred fifty dollars (\$3,250) per degree; for each degree of permanent impairment above fifty (50), four thousand one hundred forty-one dollars (\$4,141) per degree.**

**(17) With respect to disablements occurring on and after July 1, 2021, and before July 1, 2022, for each degree of permanent impairment from one (1) to ten (10), one thousand eight hundred twenty-one dollars (\$1,821) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand thirty-one dollars (\$2,031) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred fifteen dollars (\$3,315) per degree; for each degree of**



**permanent impairment above fifty (50), four thousand two hundred twenty-four dollars (\$4,224) per degree.**

**(18) With respect to disablements occurring on and after July 1, 2022, 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-two dollars (\$2,072) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred eighty-one dollars (\$3,381) per degree; for each degree of permanent impairment above fifty (50), four thousand three hundred eight dollars (\$4,308) per degree.**

(o) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (m) and (n) shall not exceed the following:

- (1) With respect to disablements occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).
- (2) With respect to disablements occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).
- (3) With respect to disablements occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).
- (4) With respect to disablements occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).
- (5) With respect to disablements occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).
- (6) With respect to disablements occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- (7) With respect to disablements occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).
- (8) With respect to disablements occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).
- (9) With respect to disablements occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).
- (10) With respect to disablements occurring on or after July 1,



2002, and before July 1, 2006, eight hundred eighty-two dollars (\$882).

(11) With respect to disablements occurring on or after July 1, 2006, and before July 1, 2007, nine hundred dollars (\$900).

(12) With respect to disablements occurring on or after July 1, 2007, and before July 1, 2008, nine hundred thirty dollars (\$930).

(13) With respect to disablements occurring on or after July 1, 2008, and before July 1, 2009, nine hundred fifty-four dollars (\$954).

(14) With respect to disablements occurring on or after July 1, 2009, and before July 1, 2014, nine hundred seventy-five dollars (\$975).

(15) With respect to disablements occurring on or after July 1, 2014, and before July 1, 2015, one thousand forty dollars (\$1,040).

(16) With respect to disablements occurring on or after July 1, 2015, and before July 1, 2016, one thousand one hundred five dollars (\$1,105).

(17) With respect to disablements occurring on or after July 1, 2016, **and before July 1, 2020**, one thousand one hundred seventy dollars (\$1,170).

**(18) With respect to disablements occurring on or after July 1, 2020, and before July 1, 2021, one thousand one hundred ninety-three dollars (\$1,193).**

**(19) With respect to disablements occurring on or after July 1, 2021, and before July 1, 2022, one thousand two hundred seventeen dollars (\$1,217).**

**(20) With respect to disablements occurring on or after July 1, 2022, one thousand two hundred forty-one dollars (\$1,241).**

(p) If any employee, only partially disabled, refuses employment suitable to the employee's capacity procured for the employee, the employee shall not be entitled to any compensation at any time during the continuance of such refusal unless, in the opinion of the worker's compensation board, such refusal was justifiable. The employee must be served with a notice setting forth the consequences of the refusal under this subsection. The notice must be in a form prescribed by the worker's compensation board.

(q) If an employee has sustained a permanent impairment or disability from an accidental injury other than an occupational disease in another employment than that in which the employee suffered a subsequent disability from an occupational disease, such as herein specified, the employee shall be entitled to compensation for the



subsequent disability in the same amount as if the previous impairment or disability had not occurred. However, if the permanent impairment or disability resulting from an occupational disease for which compensation is claimed results only in the aggravation or increase of a previously sustained permanent impairment from an occupational disease or physical condition regardless of the source or cause of such previously sustained impairment from an occupational disease or physical condition, the board shall determine the extent of the previously sustained permanent impairment from an occupational disease or physical condition as well as the extent of the aggravation or increase resulting from the subsequent permanent impairment or disability, and shall award compensation only for that part of said occupational disease or physical condition resulting from the subsequent permanent impairment. An amputation of any part of the body or loss of any or all of the vision of one (1) or both eyes caused by an occupational disease shall be considered as a permanent impairment or physical condition.

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

(s) If an employee receives a permanent disability from an occupational disease such as specified in subsection (m)(1), (m)(4), (m)(5), (m)(8), or (m)(9) after having sustained another such permanent disability in the same employment the employee shall be entitled to compensation for both such disabilities, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation and, when such previous and subsequent permanent disabilities, in combination result in total permanent disability or permanent total impairment, compensation shall be payable for such permanent total disability or impairment, but payments made for the previous disability or impairment shall be deducted from the total payment of compensation due.

(t) When an employee has been awarded or is entitled to an award of compensation for a definite period from an occupational disease



wherein disablement occurs on and after April 1, 1963, and such employee dies from other causes than such occupational disease, payment of the unpaid balance of such compensation not exceeding three hundred fifty (350) weeks shall be paid to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter and compensation, not exceeding five hundred (500) weeks shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter.

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

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

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

(x) Whenever the aggregate payments of compensation, due to any person under eighteen (18) years of age, exceed one hundred dollars (\$100), the payment thereof shall be made to a trustee, appointed by the circuit or superior court, or to a duly qualified guardian, or, upon the order of the worker's compensation board, to a parent or to such minor person. The payment of compensation, due to any person eighteen (18) years of age or over, may be made directly to such person.

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

(z) All compensation payments named and provided for in this section, shall mean and be defined to be for only such occupational diseases and disabilities therefrom as are proved by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee."

Delete pages 37 through 50.

Page 51, delete lines 1 through 19.

**EH 1332—LS 6804/DI 128**



Page 51, line 28, delete "outpatient".  
Page 52, line 8, delete "outpatient".  
Page 52, line 12, delete "outpatient".  
Page 52, line 16, delete "outpatient".  
Page 52, line 30, delete "outpatient".  
Page 52, line 32, delete "outpatient".  
Page 52, line 34, delete "outpatient".  
Page 52, line 37, delete "outpatient".  
Page 52, line 40, delete "." and insert ".".  
Renumber all SECTIONS consecutively.

(Reference is to EHB 1332 as printed February 28, 2020.)

BOOTS

