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1 AMENDMENT TO SENATE BILL 1177

2 AMENDMENT NO. _____. Amend Senate Bill 1177 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Workers' Compensation Act is amended by
5 changing Section 8 as follows:

6 (820 ILCS 305/8) (from Ch. 48, par. 138.8)

7 Sec. 8. The amount of compensation which shall be paid to
8 the employee for an accidental injury not resulting in death
9 is:

10 (a) The employer shall provide and pay the negotiated rate,
11 if applicable, or the lesser of the health care provider's
12 actual charges or according to a fee schedule, subject to
13 Section 8.2, in effect at the time the service was rendered for
14 all the necessary first aid, medical and surgical services, and
15 all necessary medical, surgical and hospital services
16 thereafter incurred, limited, however, to that which is

1 reasonably required to cure or relieve from the effects of the
2 accidental injury, even if a health care provider sells,
3 transfers, or otherwise assigns an account receivable for
4 procedures, treatments, or services covered under this Act. If
5 the employer does not dispute payment of first aid, medical,
6 surgical, and hospital services, the employer shall make such
7 payment to the provider on behalf of the employee. The employer
8 shall also pay for treatment, instruction and training
9 necessary for the physical, mental and vocational
10 rehabilitation of the employee, including all maintenance
11 costs and expenses incidental thereto. If as a result of the
12 injury the employee is unable to be self-sufficient the
13 employer shall further pay for such maintenance or
14 institutional care as shall be required.

15 The employee may at any time elect to secure his own
16 physician, surgeon and hospital services at the employer's
17 expense, or,

18 Upon agreement between the employer and the employees, or
19 the employees' exclusive representative, and subject to the
20 approval of the Illinois Workers' Compensation Commission, the
21 employer shall maintain a list of physicians, to be known as a
22 Panel of Physicians, who are accessible to the employees. The
23 employer shall post this list in a place or places easily
24 accessible to his employees. The employee shall have the right
25 to make an alternative choice of physician from such Panel if
26 he is not satisfied with the physician first selected. If, due

1 to the nature of the injury or its occurrence away from the
2 employer's place of business, the employee is unable to make a
3 selection from the Panel, the selection process from the Panel
4 shall not apply. The physician selected from the Panel may
5 arrange for any consultation, referral or other specialized
6 medical services outside the Panel at the employer's expense.
7 Provided that, in the event the Commission shall find that a
8 doctor selected by the employee is rendering improper or
9 inadequate care, the Commission may order the employee to
10 select another doctor certified or qualified in the medical
11 field for which treatment is required. If the employee refuses
12 to make such change the Commission may relieve the employer of
13 his obligation to pay the doctor's charges from the date of
14 refusal to the date of compliance.

15 Any vocational rehabilitation counselors who provide
16 service under this Act shall have appropriate certifications
17 which designate the counselor as qualified to render opinions
18 relating to vocational rehabilitation. Vocational
19 rehabilitation may include, but is not limited to, counseling
20 for job searches, supervising a job search program, and
21 vocational retraining including education at an accredited
22 learning institution. The employee or employer may petition to
23 the Commission to decide disputes relating to vocational
24 rehabilitation and the Commission shall resolve any such
25 dispute, including payment of the vocational rehabilitation
26 program by the employer.

1 The maintenance benefit shall not be less than the
2 temporary total disability rate determined for the employee. In
3 addition, maintenance shall include costs and expenses
4 incidental to the vocational rehabilitation program.

5 When the employee is working light duty on a part-time
6 basis or full-time basis and earns less than he or she would be
7 earning if employed in the full capacity of the job or jobs,
8 then the employee shall be entitled to temporary partial
9 disability benefits. Temporary partial disability benefits
10 shall be equal to two-thirds of the difference between the
11 average amount that the employee would be able to earn in the
12 full performance of his or her duties in the occupation in
13 which he or she was engaged at the time of accident and the
14 gross amount which he or she is earning in the modified job
15 provided to the employee by the employer or in any other job
16 that the employee is working.

17 Every hospital, physician, surgeon or other person
18 rendering treatment or services in accordance with the
19 provisions of this Section shall upon written request furnish
20 full and complete reports thereof to, and permit their records
21 to be copied by, the employer, the employee or his dependents,
22 as the case may be, or any other party to any proceeding for
23 compensation before the Commission, or their attorneys.

24 Notwithstanding the foregoing, the employer's liability to
25 pay for such medical services selected by the employee shall be
26 limited to:

1 (1) all first aid and emergency treatment; plus

2 (2) all medical, surgical and hospital services
3 provided by the physician, surgeon or hospital initially
4 chosen by the employee or by any other physician,
5 consultant, expert, institution or other provider of
6 services recommended by said initial service provider or
7 any subsequent provider of medical services in the chain of
8 referrals from said initial service provider; plus

9 (3) all medical, surgical and hospital services
10 provided by any second physician, surgeon or hospital
11 subsequently chosen by the employee or by any other
12 physician, consultant, expert, institution or other
13 provider of services recommended by said second service
14 provider or any subsequent provider of medical services in
15 the chain of referrals from said second service provider.
16 Thereafter the employer shall select and pay for all
17 necessary medical, surgical and hospital treatment and the
18 employee may not select a provider of medical services at
19 the employer's expense unless the employer agrees to such
20 selection. At any time the employee may obtain any medical
21 treatment he desires at his own expense. This paragraph
22 shall not affect the duty to pay for rehabilitation
23 referred to above.

24 (4) The following shall apply for injuries occurring on
25 or after June 28, 2011 (the effective date of Public Act
26 97-18) and only when an employer has an approved preferred

1 provider program pursuant to Section 8.1a on the date the
2 employee sustained his or her accidental injuries:

3 (A) The employer shall, in writing, on a form
4 promulgated by the Commission, inform the employee of
5 the preferred provider program;

6 (B) Subsequent to the report of an injury by an
7 employee, the employee may choose in writing at any
8 time to decline the preferred provider program, in
9 which case that would constitute one of the two choices
10 of medical providers to which the employee is entitled
11 under subsection (a) (2) or (a) (3); and

12 (C) Prior to the report of an injury by an
13 employee, when an employee chooses non-emergency
14 treatment from a provider not within the preferred
15 provider program, that would constitute the employee's
16 one choice of medical providers to which the employee
17 is entitled under subsection (a) (2) or (a) (3).

18 When an employer and employee so agree in writing, nothing
19 in this Act prevents an employee whose injury or disability has
20 been established under this Act, from relying in good faith, on
21 treatment by prayer or spiritual means alone, in accordance
22 with the tenets and practice of a recognized church or
23 religious denomination, by a duly accredited practitioner
24 thereof, and having nursing services appropriate therewith,
25 without suffering loss or diminution of the compensation
26 benefits under this Act. However, the employee shall submit to

1 all physical examinations required by this Act. The cost of
2 such treatment and nursing care shall be paid by the employee
3 unless the employer agrees to make such payment.

4 Where the accidental injury results in the amputation of an
5 arm, hand, leg or foot, or the enucleation of an eye, or the
6 loss of any of the natural teeth, the employer shall furnish an
7 artificial of any such members lost or damaged in accidental
8 injury arising out of and in the course of employment, and
9 shall also furnish the necessary braces in all proper and
10 necessary cases. In cases of the loss of a member or members by
11 amputation, the employer shall, whenever necessary, maintain
12 in good repair, refit or replace the artificial limbs during
13 the lifetime of the employee. Where the accidental injury
14 accompanied by physical injury results in damage to a denture,
15 eye glasses or contact eye lenses, or where the accidental
16 injury results in damage to an artificial member, the employer
17 shall replace or repair such denture, glasses, lenses, or
18 artificial member.

19 The furnishing by the employer of any such services or
20 appliances is not an admission of liability on the part of the
21 employer to pay compensation.

22 The furnishing of any such services or appliances or the
23 servicing thereof by the employer is not the payment of
24 compensation.

25 (b) If the period of temporary total incapacity for work
26 lasts more than 3 working days, weekly compensation as

1 hereinafter provided shall be paid beginning on the 4th day of
2 such temporary total incapacity and continuing as long as the
3 total temporary incapacity lasts. The foregoing
4 notwithstanding, in the case of an employee who is employed as
5 a volunteer, paid-on-call, or part-time firefighter, emergency
6 medical technician, or paramedic or in ~~in~~ cases where the
7 temporary total incapacity for work continues for a period of
8 14 days or more from the day of the accident compensation shall
9 commence on the day after the accident.

10 1. The compensation rate for temporary total
11 incapacity under this paragraph (b) of this Section shall
12 be equal to 66 2/3% of the employee's average weekly wage
13 computed in accordance with Section 10, provided that it
14 shall be not less than 66 2/3% of the sum of the Federal
15 minimum wage under the Fair Labor Standards Act, or the
16 Illinois minimum wage under the Minimum Wage Law, whichever
17 is more, multiplied by 40 hours. This percentage rate shall
18 be increased by 10% for each spouse and child, not to
19 exceed 100% of the total minimum wage calculation, nor
20 exceed the employee's average weekly wage computed in
21 accordance with the provisions of Section 10, whichever is
22 less.

23 2. The compensation rate in all cases other than for
24 temporary total disability under this paragraph (b), and
25 other than for serious and permanent disfigurement under
26 paragraph (c) and other than for permanent partial

1 disability under subparagraph (2) of paragraph (d) or under
2 paragraph (e), of this Section shall be equal to 66 2/3% of
3 the employee's average weekly wage computed in accordance
4 with the provisions of Section 10, provided that it shall
5 be not less than 66 2/3% of the sum of the Federal minimum
6 wage under the Fair Labor Standards Act, or the Illinois
7 minimum wage under the Minimum Wage Law, whichever is more,
8 multiplied by 40 hours. This percentage rate shall be
9 increased by 10% for each spouse and child, not to exceed
10 100% of the total minimum wage calculation, nor exceed the
11 employee's average weekly wage computed in accordance with
12 the provisions of Section 10, whichever is less.

13 2.1. The compensation rate in all cases of serious and
14 permanent disfigurement under paragraph (c) and of
15 permanent partial disability under subparagraph (2) of
16 paragraph (d) or under paragraph (e) of this Section shall
17 be equal to 60% of the employee's average weekly wage
18 computed in accordance with the provisions of Section 10,
19 provided that it shall be not less than 66 2/3% of the sum
20 of the Federal minimum wage under the Fair Labor Standards
21 Act, or the Illinois minimum wage under the Minimum Wage
22 Law, whichever is more, multiplied by 40 hours. This
23 percentage rate shall be increased by 10% for each spouse
24 and child, not to exceed 100% of the total minimum wage
25 calculation, nor exceed the employee's average weekly wage
26 computed in accordance with the provisions of Section 10,

1 whichever is less.

2 3. As used in this Section the term "child" means a
3 child of the employee including any child legally adopted
4 before the accident or whom at the time of the accident the
5 employee was under legal obligation to support or to whom
6 the employee stood in loco parentis, and who at the time of
7 the accident was under 18 years of age and not emancipated.
8 The term "children" means the plural of "child".

9 4. All weekly compensation rates provided under
10 subparagraphs 1, 2 and 2.1 of this paragraph (b) of this
11 Section shall be subject to the following limitations:

12 The maximum weekly compensation rate from July 1, 1975,
13 except as hereinafter provided, shall be 100% of the
14 State's average weekly wage in covered industries under the
15 Unemployment Insurance Act, that being the wage that most
16 closely approximates the State's average weekly wage.

17 The maximum weekly compensation rate, for the period
18 July 1, 1984, through June 30, 1987, except as hereinafter
19 provided, shall be \$293.61. Effective July 1, 1987 and on
20 July 1 of each year thereafter the maximum weekly
21 compensation rate, except as hereinafter provided, shall
22 be determined as follows: if during the preceding 12 month
23 period there shall have been an increase in the State's
24 average weekly wage in covered industries under the
25 Unemployment Insurance Act, the weekly compensation rate
26 shall be proportionately increased by the same percentage

1 as the percentage of increase in the State's average weekly
2 wage in covered industries under the Unemployment
3 Insurance Act during such period.

4 The maximum weekly compensation rate, for the period
5 January 1, 1981 through December 31, 1983, except as
6 hereinafter provided, shall be 100% of the State's average
7 weekly wage in covered industries under the Unemployment
8 Insurance Act in effect on January 1, 1981. Effective
9 January 1, 1984 and on January 1, of each year thereafter
10 the maximum weekly compensation rate, except as
11 hereinafter provided, shall be determined as follows: if
12 during the preceding 12 month period there shall have been
13 an increase in the State's average weekly wage in covered
14 industries under the Unemployment Insurance Act, the
15 weekly compensation rate shall be proportionately
16 increased by the same percentage as the percentage of
17 increase in the State's average weekly wage in covered
18 industries under the Unemployment Insurance Act during
19 such period.

20 From July 1, 1977 and thereafter such maximum weekly
21 compensation rate in death cases under Section 7, and
22 permanent total disability cases under paragraph (f) or
23 subparagraph 18 of paragraph (3) of this Section and for
24 temporary total disability under paragraph (b) of this
25 Section and for amputation of a member or enucleation of an
26 eye under paragraph (e) of this Section shall be increased

1 to 133-1/3% of the State's average weekly wage in covered
2 industries under the Unemployment Insurance Act.

3 For injuries occurring on or after February 1, 2006,
4 the maximum weekly benefit under paragraph (d)1 of this
5 Section shall be 100% of the State's average weekly wage in
6 covered industries under the Unemployment Insurance Act.

7 4.1. Any provision herein to the contrary
8 notwithstanding, the weekly compensation rate for
9 compensation payments under subparagraph 18 of paragraph
10 (e) of this Section and under paragraph (f) of this Section
11 and under paragraph (a) of Section 7 and for amputation of
12 a member or enucleation of an eye under paragraph (e) of
13 this Section, shall in no event be less than 50% of the
14 State's average weekly wage in covered industries under the
15 Unemployment Insurance Act.

16 4.2. Any provision to the contrary notwithstanding,
17 the total compensation payable under Section 7 shall not
18 exceed the greater of \$500,000 or 25 years.

19 5. For the purpose of this Section this State's average
20 weekly wage in covered industries under the Unemployment
21 Insurance Act on July 1, 1975 is hereby fixed at \$228.16
22 per week and the computation of compensation rates shall be
23 based on the aforesaid average weekly wage until modified
24 as hereinafter provided.

25 6. The Department of Employment Security of the State
26 shall on or before the first day of December, 1977, and on

1 or before the first day of June, 1978, and on the first day
2 of each December and June of each year thereafter, publish
3 the State's average weekly wage in covered industries under
4 the Unemployment Insurance Act and the Illinois Workers'
5 Compensation Commission shall on the 15th day of January,
6 1978 and on the 15th day of July, 1978 and on the 15th day
7 of each January and July of each year thereafter, post and
8 publish the State's average weekly wage in covered
9 industries under the Unemployment Insurance Act as last
10 determined and published by the Department of Employment
11 Security. The amount when so posted and published shall be
12 conclusive and shall be applicable as the basis of
13 computation of compensation rates until the next posting
14 and publication as aforesaid.

15 7. The payment of compensation by an employer or his
16 insurance carrier to an injured employee shall not
17 constitute an admission of the employer's liability to pay
18 compensation.

19 (c) For any serious and permanent disfigurement to the
20 hand, head, face, neck, arm, leg below the knee or the chest
21 above the axillary line, the employee is entitled to
22 compensation for such disfigurement, the amount determined by
23 agreement at any time or by arbitration under this Act, at a
24 hearing not less than 6 months after the date of the accidental
25 injury, which amount shall not exceed 150 weeks (if the
26 accidental injury occurs on or after the effective date of this

1 amendatory Act of the 94th General Assembly but before February
2 1, 2006) or 162 weeks (if the accidental injury occurs on or
3 after February 1, 2006) at the applicable rate provided in
4 subparagraph 2.1 of paragraph (b) of this Section.

5 No compensation is payable under this paragraph where
6 compensation is payable under paragraphs (d), (e) or (f) of
7 this Section.

8 A duly appointed member of a fire department in a city, the
9 population of which exceeds 500,000 according to the last
10 federal or State census, is eligible for compensation under
11 this paragraph only where such serious and permanent
12 disfigurement results from burns.

13 (d) 1. If, after the accidental injury has been sustained,
14 the employee as a result thereof becomes partially
15 incapacitated from pursuing his usual and customary line of
16 employment, he shall, except in cases compensated under the
17 specific schedule set forth in paragraph (e) of this Section,
18 receive compensation for the duration of his disability,
19 subject to the limitations as to maximum amounts fixed in
20 paragraph (b) of this Section, equal to 66-2/3% of the
21 difference between the average amount which he would be able to
22 earn in the full performance of his duties in the occupation in
23 which he was engaged at the time of the accident and the
24 average amount which he is earning or is able to earn in some
25 suitable employment or business after the accident. For
26 accidental injuries that occur on or after September 1, 2011,

1 an award for wage differential under this subsection shall be
2 effective only until the employee reaches the age of 67 or 5
3 years from the date the award becomes final, whichever is
4 later.

5 2. If, as a result of the accident, the employee sustains
6 serious and permanent injuries not covered by paragraphs (c)
7 and (e) of this Section or having sustained injuries covered by
8 the aforesaid paragraphs (c) and (e), he shall have sustained
9 in addition thereto other injuries which injuries do not
10 incapacitate him from pursuing the duties of his employment but
11 which would disable him from pursuing other suitable
12 occupations, or which have otherwise resulted in physical
13 impairment; or if such injuries partially incapacitate him from
14 pursuing the duties of his usual and customary line of
15 employment but do not result in an impairment of earning
16 capacity, or having resulted in an impairment of earning
17 capacity, the employee elects to waive his right to recover
18 under the foregoing subparagraph 1 of paragraph (d) of this
19 Section then in any of the foregoing events, he shall receive
20 in addition to compensation for temporary total disability
21 under paragraph (b) of this Section, compensation at the rate
22 provided in subparagraph 2.1 of paragraph (b) of this Section
23 for that percentage of 500 weeks that the partial disability
24 resulting from the injuries covered by this paragraph bears to
25 total disability. If the employee shall have sustained a
26 fracture of one or more vertebra or fracture of the skull, the

1 amount of compensation allowed under this Section shall be not
2 less than 6 weeks for a fractured skull and 6 weeks for each
3 fractured vertebra, and in the event the employee shall have
4 sustained a fracture of any of the following facial bones:
5 nasal, lachrymal, vomer, zygoma, maxilla, palatine or
6 mandible, the amount of compensation allowed under this Section
7 shall be not less than 2 weeks for each such fractured bone,
8 and for a fracture of each transverse process not less than 3
9 weeks. In the event such injuries shall result in the loss of a
10 kidney, spleen or lung, the amount of compensation allowed
11 under this Section shall be not less than 10 weeks for each
12 such organ. Compensation awarded under this subparagraph 2
13 shall not take into consideration injuries covered under
14 paragraphs (c) and (e) of this Section and the compensation
15 provided in this paragraph shall not affect the employee's
16 right to compensation payable under paragraphs (b), (c) and (e)
17 of this Section for the disabilities therein covered.

18 (e) For accidental injuries in the following schedule, the
19 employee shall receive compensation for the period of temporary
20 total incapacity for work resulting from such accidental
21 injury, under subparagraph 1 of paragraph (b) of this Section,
22 and shall receive in addition thereto compensation for a
23 further period for the specific loss herein mentioned, but
24 shall not receive any compensation under any other provisions
25 of this Act. The following listed amounts apply to either the
26 loss of or the permanent and complete loss of use of the member

1 specified, such compensation for the length of time as follows:

2 1. Thumb-

3 70 weeks if the accidental injury occurs on or
4 after the effective date of this amendatory Act of the
5 94th General Assembly but before February 1, 2006.

6 76 weeks if the accidental injury occurs on or
7 after February 1, 2006.

8 2. First, or index finger-

9 40 weeks if the accidental injury occurs on or
10 after the effective date of this amendatory Act of the
11 94th General Assembly but before February 1, 2006.

12 43 weeks if the accidental injury occurs on or
13 after February 1, 2006.

14 3. Second, or middle finger-

15 35 weeks if the accidental injury occurs on or
16 after the effective date of this amendatory Act of the
17 94th General Assembly but before February 1, 2006.

18 38 weeks if the accidental injury occurs on or
19 after February 1, 2006.

20 4. Third, or ring finger-

21 25 weeks if the accidental injury occurs on or
22 after the effective date of this amendatory Act of the
23 94th General Assembly but before February 1, 2006.

24 27 weeks if the accidental injury occurs on or
25 after February 1, 2006.

26 5. Fourth, or little finger-

1 20 weeks if the accidental injury occurs on or
2 after the effective date of this amendatory Act of the
3 94th General Assembly but before February 1, 2006.

4 22 weeks if the accidental injury occurs on or
5 after February 1, 2006.

6 6. Great toe-

7 35 weeks if the accidental injury occurs on or
8 after the effective date of this amendatory Act of the
9 94th General Assembly but before February 1, 2006.

10 38 weeks if the accidental injury occurs on or
11 after February 1, 2006.

12 7. Each toe other than great toe-

13 12 weeks if the accidental injury occurs on or
14 after the effective date of this amendatory Act of the
15 94th General Assembly but before February 1, 2006.

16 13 weeks if the accidental injury occurs on or
17 after February 1, 2006.

18 8. The loss of the first or distal phalanx of the thumb
19 or of any finger or toe shall be considered to be equal to
20 the loss of one-half of such thumb, finger or toe and the
21 compensation payable shall be one-half of the amount above
22 specified. The loss of more than one phalanx shall be
23 considered as the loss of the entire thumb, finger or toe.
24 In no case shall the amount received for more than one
25 finger exceed the amount provided in this schedule for the
26 loss of a hand.

1 9. Hand-

2 190 weeks if the accidental injury occurs on or
3 after the effective date of this amendatory Act of the
4 94th General Assembly but before February 1, 2006.

5 205 weeks if the accidental injury occurs on or
6 after February 1, 2006.

7 190 weeks if the accidental injury occurs on or
8 after June 28, 2011 (the effective date of Public Act
9 97-18) and if the accidental injury involves carpal
10 tunnel syndrome due to repetitive or cumulative
11 trauma, in which case the permanent partial disability
12 shall not exceed 15% loss of use of the hand, except
13 for cause shown by clear and convincing evidence and in
14 which case the award shall not exceed 30% loss of use
15 of the hand.

16 The loss of 2 or more digits, or one or more phalanges
17 of 2 or more digits, of a hand may be compensated on the
18 basis of partial loss of use of a hand, provided, further,
19 that the loss of 4 digits, or the loss of use of 4 digits,
20 in the same hand shall constitute the complete loss of a
21 hand.

22 10. Arm-

23 235 weeks if the accidental injury occurs on or
24 after the effective date of this amendatory Act of the
25 94th General Assembly but before February 1, 2006.

26 253 weeks if the accidental injury occurs on or

1 after February 1, 2006.

2 Where an accidental injury results in the amputation of
3 an arm below the elbow, such injury shall be compensated as
4 a loss of an arm. Where an accidental injury results in the
5 amputation of an arm above the elbow, compensation for an
6 additional 15 weeks (if the accidental injury occurs on or
7 after the effective date of this amendatory Act of the 94th
8 General Assembly but before February 1, 2006) or an
9 additional 17 weeks (if the accidental injury occurs on or
10 after February 1, 2006) shall be paid, except where the
11 accidental injury results in the amputation of an arm at
12 the shoulder joint, or so close to shoulder joint that an
13 artificial arm cannot be used, or results in the
14 disarticulation of an arm at the shoulder joint, in which
15 case compensation for an additional 65 weeks (if the
16 accidental injury occurs on or after the effective date of
17 this amendatory Act of the 94th General Assembly but before
18 February 1, 2006) or an additional 70 weeks (if the
19 accidental injury occurs on or after February 1, 2006)
20 shall be paid.

21 11. Foot-

22 155 weeks if the accidental injury occurs on or
23 after the effective date of this amendatory Act of the
24 94th General Assembly but before February 1, 2006.

25 167 weeks if the accidental injury occurs on or
26 after February 1, 2006.

1 12. Leg-

2 200 weeks if the accidental injury occurs on or
3 after the effective date of this amendatory Act of the
4 94th General Assembly but before February 1, 2006.

5 215 weeks if the accidental injury occurs on or
6 after February 1, 2006.

7 Where an accidental injury results in the amputation of
8 a leg below the knee, such injury shall be compensated as
9 loss of a leg. Where an accidental injury results in the
10 amputation of a leg above the knee, compensation for an
11 additional 25 weeks (if the accidental injury occurs on or
12 after the effective date of this amendatory Act of the 94th
13 General Assembly but before February 1, 2006) or an
14 additional 27 weeks (if the accidental injury occurs on or
15 after February 1, 2006) shall be paid, except where the
16 accidental injury results in the amputation of a leg at the
17 hip joint, or so close to the hip joint that an artificial
18 leg cannot be used, or results in the disarticulation of a
19 leg at the hip joint, in which case compensation for an
20 additional 75 weeks (if the accidental injury occurs on or
21 after the effective date of this amendatory Act of the 94th
22 General Assembly but before February 1, 2006) or an
23 additional 81 weeks (if the accidental injury occurs on or
24 after February 1, 2006) shall be paid.

25 13. Eye-

26 150 weeks if the accidental injury occurs on or

1 after the effective date of this amendatory Act of the
2 94th General Assembly but before February 1, 2006.

3 162 weeks if the accidental injury occurs on or
4 after February 1, 2006.

5 Where an accidental injury results in the enucleation
6 of an eye, compensation for an additional 10 weeks (if the
7 accidental injury occurs on or after the effective date of
8 this amendatory Act of the 94th General Assembly but before
9 February 1, 2006) or an additional 11 weeks (if the
10 accidental injury occurs on or after February 1, 2006)
11 shall be paid.

12 14. Loss of hearing of one ear-

13 50 weeks if the accidental injury occurs on or
14 after the effective date of this amendatory Act of the
15 94th General Assembly but before February 1, 2006.

16 54 weeks if the accidental injury occurs on or
17 after February 1, 2006.

18 Total and permanent loss of hearing of both ears-

19 200 weeks if the accidental injury occurs on or
20 after the effective date of this amendatory Act of the
21 94th General Assembly but before February 1, 2006.

22 215 weeks if the accidental injury occurs on or
23 after February 1, 2006.

24 15. Testicle-

25 50 weeks if the accidental injury occurs on or
26 after the effective date of this amendatory Act of the

1 94th General Assembly but before February 1, 2006.

2 54 weeks if the accidental injury occurs on or
3 after February 1, 2006.

4 Both testicles-

5 150 weeks if the accidental injury occurs on or
6 after the effective date of this amendatory Act of the
7 94th General Assembly but before February 1, 2006.

8 162 weeks if the accidental injury occurs on or
9 after February 1, 2006.

10 16. For the permanent partial loss of use of a member
11 or sight of an eye, or hearing of an ear, compensation
12 during that proportion of the number of weeks in the
13 foregoing schedule provided for the loss of such member or
14 sight of an eye, or hearing of an ear, which the partial
15 loss of use thereof bears to the total loss of use of such
16 member, or sight of eye, or hearing of an ear.

17 (a) Loss of hearing for compensation purposes
18 shall be confined to the frequencies of 1,000, 2,000
19 and 3,000 cycles per second. Loss of hearing ability
20 for frequency tones above 3,000 cycles per second are
21 not to be considered as constituting disability for
22 hearing.

23 (b) The percent of hearing loss, for purposes of
24 the determination of compensation claims for
25 occupational deafness, shall be calculated as the
26 average in decibels for the thresholds of hearing for

1 the frequencies of 1,000, 2,000 and 3,000 cycles per
2 second. Pure tone air conduction audiometric
3 instruments, approved by nationally recognized
4 authorities in this field, shall be used for measuring
5 hearing loss. If the losses of hearing average 30
6 decibels or less in the 3 frequencies, such losses of
7 hearing shall not then constitute any compensable
8 hearing disability. If the losses of hearing average 85
9 decibels or more in the 3 frequencies, then the same
10 shall constitute and be total or 100% compensable
11 hearing loss.

12 (c) In measuring hearing impairment, the lowest
13 measured losses in each of the 3 frequencies shall be
14 added together and divided by 3 to determine the
15 average decibel loss. For every decibel of loss
16 exceeding 30 decibels an allowance of 1.82% shall be
17 made up to the maximum of 100% which is reached at 85
18 decibels.

19 (d) If a hearing loss is established to have
20 existed on July 1, 1975 by audiometric testing the
21 employer shall not be liable for the previous loss so
22 established nor shall he be liable for any loss for
23 which compensation has been paid or awarded.

24 (e) No consideration shall be given to the question
25 of whether or not the ability of an employee to
26 understand speech is improved by the use of a hearing

1 aid.

2 (f) No claim for loss of hearing due to industrial
3 noise shall be brought against an employer or allowed
4 unless the employee has been exposed for a period of
5 time sufficient to cause permanent impairment to noise
6 levels in excess of the following:

7 Sound Level DBA

8	Slow Response	Hours Per Day
9	90	8
10	92	6
11	95	4
12	97	3
13	100	2
14	102	1-1/2
15	105	1
16	110	1/2
17	115	1/4

18 This subparagraph (f) shall not be applied in cases of
19 hearing loss resulting from trauma or explosion.

20 17. In computing the compensation to be paid to any
21 employee who, before the accident for which he claims
22 compensation, had before that time sustained an injury
23 resulting in the loss by amputation or partial loss by
24 amputation of any member, including hand, arm, thumb or
25 fingers, leg, foot or any toes, such loss or partial loss
26 of any such member shall be deducted from any award made

1 for the subsequent injury. For the permanent loss of use or
2 the permanent partial loss of use of any such member or the
3 partial loss of sight of an eye, for which compensation has
4 been paid, then such loss shall be taken into consideration
5 and deducted from any award for the subsequent injury.

6 18. The specific case of loss of both hands, both arms,
7 or both feet, or both legs, or both eyes, or of any two
8 thereof, or the permanent and complete loss of the use
9 thereof, constitutes total and permanent disability, to be
10 compensated according to the compensation fixed by
11 paragraph (f) of this Section. These specific cases of
12 total and permanent disability do not exclude other cases.

13 Any employee who has previously suffered the loss or
14 permanent and complete loss of the use of any of such
15 members, and in a subsequent independent accident loses
16 another or suffers the permanent and complete loss of the
17 use of any one of such members the employer for whom the
18 injured employee is working at the time of the last
19 independent accident is liable to pay compensation only for
20 the loss or permanent and complete loss of the use of the
21 member occasioned by the last independent accident.

22 19. In a case of specific loss and the subsequent death
23 of such injured employee from other causes than such injury
24 leaving a widow, widower, or dependents surviving before
25 payment or payment in full for such injury, then the amount
26 due for such injury is payable to the widow or widower and,

1 if there be no widow or widower, then to such dependents,
2 in the proportion which such dependency bears to total
3 dependency.

4 Beginning July 1, 1980, and every 6 months thereafter, the
5 Commission shall examine the Second Injury Fund and when, after
6 deducting all advances or loans made to such Fund, the amount
7 therein is \$500,000 then the amount required to be paid by
8 employers pursuant to paragraph (f) of Section 7 shall be
9 reduced by one-half. When the Second Injury Fund reaches the
10 sum of \$600,000 then the payments shall cease entirely.
11 However, when the Second Injury Fund has been reduced to
12 \$400,000, payment of one-half of the amounts required by
13 paragraph (f) of Section 7 shall be resumed, in the manner
14 herein provided, and when the Second Injury Fund has been
15 reduced to \$300,000, payment of the full amounts required by
16 paragraph (f) of Section 7 shall be resumed, in the manner
17 herein provided. The Commission shall make the changes in
18 payment effective by general order, and the changes in payment
19 become immediately effective for all cases coming before the
20 Commission thereafter either by settlement agreement or final
21 order, irrespective of the date of the accidental injury.

22 On August 1, 1996 and on February 1 and August 1 of each
23 subsequent year, the Commission shall examine the special fund
24 designated as the "Rate Adjustment Fund" and when, after
25 deducting all advances or loans made to said fund, the amount
26 therein is \$4,000,000, the amount required to be paid by

1 employers pursuant to paragraph (f) of Section 7 shall be
2 reduced by one-half. When the Rate Adjustment Fund reaches the
3 sum of \$5,000,000 the payment therein shall cease entirely.
4 However, when said Rate Adjustment Fund has been reduced to
5 \$3,000,000 the amounts required by paragraph (f) of Section 7
6 shall be resumed in the manner herein provided.

7 (f) In case of complete disability, which renders the
8 employee wholly and permanently incapable of work, or in the
9 specific case of total and permanent disability as provided in
10 subparagraph 18 of paragraph (e) of this Section, compensation
11 shall be payable at the rate provided in subparagraph 2 of
12 paragraph (b) of this Section for life.

13 An employee entitled to benefits under paragraph (f) of
14 this Section shall also be entitled to receive from the Rate
15 Adjustment Fund provided in paragraph (f) of Section 7 of the
16 supplementary benefits provided in paragraph (g) of this
17 Section 8.

18 If any employee who receives an award under this paragraph
19 afterwards returns to work or is able to do so, and earns or is
20 able to earn as much as before the accident, payments under
21 such award shall cease. If such employee returns to work, or is
22 able to do so, and earns or is able to earn part but not as much
23 as before the accident, such award shall be modified so as to
24 conform to an award under paragraph (d) of this Section. If
25 such award is terminated or reduced under the provisions of
26 this paragraph, such employees have the right at any time

1 within 30 months after the date of such termination or
2 reduction to file petition with the Commission for the purpose
3 of determining whether any disability exists as a result of the
4 original accidental injury and the extent thereof.

5 Disability as enumerated in subdivision 18, paragraph (e)
6 of this Section is considered complete disability.

7 If an employee who had previously incurred loss or the
8 permanent and complete loss of use of one member, through the
9 loss or the permanent and complete loss of the use of one hand,
10 one arm, one foot, one leg, or one eye, incurs permanent and
11 complete disability through the loss or the permanent and
12 complete loss of the use of another member, he shall receive,
13 in addition to the compensation payable by the employer and
14 after such payments have ceased, an amount from the Second
15 Injury Fund provided for in paragraph (f) of Section 7, which,
16 together with the compensation payable from the employer in
17 whose employ he was when the last accidental injury was
18 incurred, will equal the amount payable for permanent and
19 complete disability as provided in this paragraph of this
20 Section.

21 The custodian of the Second Injury Fund provided for in
22 paragraph (f) of Section 7 shall be joined with the employer as
23 a party respondent in the application for adjustment of claim.
24 The application for adjustment of claim shall state briefly and
25 in general terms the approximate time and place and manner of
26 the loss of the first member.

1 In its award the Commission or the Arbitrator shall
2 specifically find the amount the injured employee shall be
3 weekly paid, the number of weeks compensation which shall be
4 paid by the employer, the date upon which payments begin out of
5 the Second Injury Fund provided for in paragraph (f) of Section
6 7 of this Act, the length of time the weekly payments continue,
7 the date upon which the pension payments commence and the
8 monthly amount of the payments. The Commission shall 30 days
9 after the date upon which payments out of the Second Injury
10 Fund have begun as provided in the award, and every month
11 thereafter, prepare and submit to the State Comptroller a
12 voucher for payment for all compensation accrued to that date
13 at the rate fixed by the Commission. The State Comptroller
14 shall draw a warrant to the injured employee along with a
15 receipt to be executed by the injured employee and returned to
16 the Commission. The endorsed warrant and receipt is a full and
17 complete acquittance to the Commission for the payment out of
18 the Second Injury Fund. No other appropriation or warrant is
19 necessary for payment out of the Second Injury Fund. The Second
20 Injury Fund is appropriated for the purpose of making payments
21 according to the terms of the awards.

22 As of July 1, 1980 to July 1, 1982, all claims against and
23 obligations of the Second Injury Fund shall become claims
24 against and obligations of the Rate Adjustment Fund to the
25 extent there is insufficient money in the Second Injury Fund to
26 pay such claims and obligations. In that case, all references

1 to "Second Injury Fund" in this Section shall also include the
2 Rate Adjustment Fund.

3 (g) Every award for permanent total disability entered by
4 the Commission on and after July 1, 1965 under which
5 compensation payments shall become due and payable after the
6 effective date of this amendatory Act, and every award for
7 death benefits or permanent total disability entered by the
8 Commission on and after the effective date of this amendatory
9 Act shall be subject to annual adjustments as to the amount of
10 the compensation rate therein provided. Such adjustments shall
11 first be made on July 15, 1977, and all awards made and entered
12 prior to July 1, 1975 and on July 15 of each year thereafter.
13 In all other cases such adjustment shall be made on July 15 of
14 the second year next following the date of the entry of the
15 award and shall further be made on July 15 annually thereafter.
16 If during the intervening period from the date of the entry of
17 the award, or the last periodic adjustment, there shall have
18 been an increase in the State's average weekly wage in covered
19 industries under the Unemployment Insurance Act, the weekly
20 compensation rate shall be proportionately increased by the
21 same percentage as the percentage of increase in the State's
22 average weekly wage in covered industries under the
23 Unemployment Insurance Act. The increase in the compensation
24 rate under this paragraph shall in no event bring the total
25 compensation rate to an amount greater than the prevailing
26 maximum rate at the time that the annual adjustment is made.

1 Such increase shall be paid in the same manner as herein
2 provided for payments under the Second Injury Fund to the
3 injured employee, or his dependents, as the case may be, out of
4 the Rate Adjustment Fund provided in paragraph (f) of Section 7
5 of this Act. Payments shall be made at the same intervals as
6 provided in the award or, at the option of the Commission, may
7 be made in quarterly payment on the 15th day of January, April,
8 July and October of each year. In the event of a decrease in
9 such average weekly wage there shall be no change in the then
10 existing compensation rate. The within paragraph shall not
11 apply to cases where there is disputed liability and in which a
12 compromise lump sum settlement between the employer and the
13 injured employee, or his dependents, as the case may be, has
14 been duly approved by the Illinois Workers' Compensation
15 Commission.

16 Provided, that in cases of awards entered by the Commission
17 for injuries occurring before July 1, 1975, the increases in
18 the compensation rate adjusted under the foregoing provision of
19 this paragraph (g) shall be limited to increases in the State's
20 average weekly wage in covered industries under the
21 Unemployment Insurance Act occurring after July 1, 1975.

22 For every accident occurring on or after July 20, 2005 but
23 before the effective date of this amendatory Act of the 94th
24 General Assembly (Senate Bill 1283 of the 94th General
25 Assembly), the annual adjustments to the compensation rate in
26 awards for death benefits or permanent total disability, as

1 provided in this Act, shall be paid by the employer. The
2 adjustment shall be made by the employer on July 15 of the
3 second year next following the date of the entry of the award
4 and shall further be made on July 15 annually thereafter. If
5 during the intervening period from the date of the entry of the
6 award, or the last periodic adjustment, there shall have been
7 an increase in the State's average weekly wage in covered
8 industries under the Unemployment Insurance Act, the employer
9 shall increase the weekly compensation rate proportionately by
10 the same percentage as the percentage of increase in the
11 State's average weekly wage in covered industries under the
12 Unemployment Insurance Act. The increase in the compensation
13 rate under this paragraph shall in no event bring the total
14 compensation rate to an amount greater than the prevailing
15 maximum rate at the time that the annual adjustment is made. In
16 the event of a decrease in such average weekly wage there shall
17 be no change in the then existing compensation rate. Such
18 increase shall be paid by the employer in the same manner and
19 at the same intervals as the payment of compensation in the
20 award. This paragraph shall not apply to cases where there is
21 disputed liability and in which a compromise lump sum
22 settlement between the employer and the injured employee, or
23 his or her dependents, as the case may be, has been duly
24 approved by the Illinois Workers' Compensation Commission.

25 The annual adjustments for every award of death benefits or
26 permanent total disability involving accidents occurring

1 before July 20, 2005 and accidents occurring on or after the
2 effective date of this amendatory Act of the 94th General
3 Assembly (Senate Bill 1283 of the 94th General Assembly) shall
4 continue to be paid from the Rate Adjustment Fund pursuant to
5 this paragraph and Section 7(f) of this Act.

6 (h) In case death occurs from any cause before the total
7 compensation to which the employee would have been entitled has
8 been paid, then in case the employee leaves any widow, widower,
9 child, parent (or any grandchild, grandparent or other lineal
10 heir or any collateral heir dependent at the time of the
11 accident upon the earnings of the employee to the extent of 50%
12 or more of total dependency) such compensation shall be paid to
13 the beneficiaries of the deceased employee and distributed as
14 provided in paragraph (g) of Section 7.

15 (h-1) In case an injured employee is under legal disability
16 at the time when any right or privilege accrues to him or her
17 under this Act, a guardian may be appointed pursuant to law,
18 and may, on behalf of such person under legal disability, claim
19 and exercise any such right or privilege with the same effect
20 as if the employee himself or herself had claimed or exercised
21 the right or privilege. No limitations of time provided by this
22 Act run so long as the employee who is under legal disability
23 is without a conservator or guardian.

24 (i) In case the injured employee is under 16 years of age
25 at the time of the accident and is illegally employed, the
26 amount of compensation payable under paragraphs (b), (c), (d),

1 (e) and (f) of this Section is increased 50%.

2 However, where an employer has on file an employment
3 certificate issued pursuant to the Child Labor Law or work
4 permit issued pursuant to the Federal Fair Labor Standards Act,
5 as amended, or a birth certificate properly and duly issued,
6 such certificate, permit or birth certificate is conclusive
7 evidence as to the age of the injured minor employee for the
8 purposes of this Section.

9 Nothing herein contained repeals or amends the provisions
10 of the Child Labor Law relating to the employment of minors
11 under the age of 16 years.

12 (j) 1. In the event the injured employee receives benefits,
13 including medical, surgical or hospital benefits under any
14 group plan covering non-occupational disabilities contributed
15 to wholly or partially by the employer, which benefits should
16 not have been payable if any rights of recovery existed under
17 this Act, then such amounts so paid to the employee from any
18 such group plan as shall be consistent with, and limited to,
19 the provisions of paragraph 2 hereof, shall be credited to or
20 against any compensation payment for temporary total
21 incapacity for work or any medical, surgical or hospital
22 benefits made or to be made under this Act. In such event, the
23 period of time for giving notice of accidental injury and
24 filing application for adjustment of claim does not commence to
25 run until the termination of such payments. This paragraph does
26 not apply to payments made under any group plan which would

1 have been payable irrespective of an accidental injury under
2 this Act. Any employer receiving such credit shall keep such
3 employee safe and harmless from any and all claims or
4 liabilities that may be made against him by reason of having
5 received such payments only to the extent of such credit.

6 Any excess benefits paid to or on behalf of a State
7 employee by the State Employees' Retirement System under
8 Article 14 of the Illinois Pension Code on a death claim or
9 disputed disability claim shall be credited against any
10 payments made or to be made by the State of Illinois to or on
11 behalf of such employee under this Act, except for payments for
12 medical expenses which have already been incurred at the time
13 of the award. The State of Illinois shall directly reimburse
14 the State Employees' Retirement System to the extent of such
15 credit.

16 2. Nothing contained in this Act shall be construed to give
17 the employer or the insurance carrier the right to credit for
18 any benefits or payments received by the employee other than
19 compensation payments provided by this Act, and where the
20 employee receives payments other than compensation payments,
21 whether as full or partial salary, group insurance benefits,
22 bonuses, annuities or any other payments, the employer or
23 insurance carrier shall receive credit for each such payment
24 only to the extent of the compensation that would have been
25 payable during the period covered by such payment.

26 3. The extension of time for the filing of an Application

1 for Adjustment of Claim as provided in paragraph 1 above shall
2 not apply to those cases where the time for such filing had
3 expired prior to the date on which payments or benefits
4 enumerated herein have been initiated or resumed. Provided
5 however that this paragraph 3 shall apply only to cases wherein
6 the payments or benefits hereinabove enumerated shall be
7 received after July 1, 1969.

8 (Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11; 97-813,
9 eff. 7-13-12.)".