



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2584

by Rep. Thomas M. Bennett

SYNOPSIS AS INTRODUCED:

820 ILCS 305/8.1b

Amends the Workers' Compensation Act in relation to permanent partial disability. Provides that if an impairment report exists, it must be considered by the Illinois Workers' Compensation Commission in its determination of the level of permanent partial disability. Provides that in determining the level of permanent partial disability, the Commission shall base its determination on the level of impairment reported and shall consider specified factors. Provides that the relevance and weight of factors used in addition to the level of impairment as reported by a physician must be explained in a written order. Provides that an impairment report is not required for the arbitrator or Commission to approve a Settlement Contract Lump Sum Petition.

LRB101 08369 JLS 53438 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Workers' Compensation Act is amended by
5 changing Section 8.1b as follows:

6 (820 ILCS 305/8.1b)

7 Sec. 8.1b. Determination of permanent partial disability.
8 For accidental injuries that occur on or after September 1,
9 2011, permanent partial disability shall be established using
10 the following criteria:

11 (a) A physician licensed to practice medicine in all of its
12 branches preparing a permanent partial disability impairment
13 report shall report the level of impairment in writing. The
14 report shall include an evaluation of medically defined and
15 professionally appropriate measurements of impairment that
16 include, but are not limited to: loss of range of motion; loss
17 of strength; measured atrophy of tissue mass consistent with
18 the injury; and any other measurements that establish the
19 nature and extent of the impairment. The most current edition
20 of the American Medical Association's "Guides to the Evaluation
21 of Permanent Impairment" shall be used by the physician in
22 determining the level of impairment.

23 (b) If an impairment report pursuant to subsection (a)

1 exists, it must be considered by the Commission in its
2 determination of the level of permanent partial disability. In
3 determining the level of permanent partial disability, the
4 Commission shall base its determination on the level of
5 impairment reported pursuant to subsection (a). In addition to
6 any impairment report submitted, the Commission shall, by a
7 preponderance of credible evidence, consider the following
8 additional factors to determine disability:

9 (i) the occupation of the injured employee;

10 (ii) the age of the employee at the time of the injury;

11 (iii) the employee's future earning capacity; and

12 (iv) evidence of disability at maximum medical
13 improvement corroborated by findings in the treating
14 medical records.

15 In determining the level of permanent partial disability,
16 the Commission shall base its determination on the report of
17 impairment, after considering by a preponderance of credible
18 evidence, the additional factors to determine disability. No
19 single enumerated factor shall be the sole determinant of
20 disability. In determining the level of disability, the
21 relevance and weight of any factors used in addition to the
22 level of impairment as reported by the physician must be
23 explained in a written order.

24 (c) A report of impairment prepared pursuant to subsection
25 (a) is not required for the arbitrator or Commission to approve
26 a Settlement Contract Lump Sum Petition. In determining the

1 ~~level of permanent partial disability, the Commission shall~~
2 ~~base its determination on the following factors: (i) the~~
3 ~~reported level of impairment pursuant to subsection (a); (ii)~~
4 ~~the occupation of the injured employee; (iii) the age of the~~
5 ~~employee at the time of the injury; (iv) the employee's future~~
6 ~~earning capacity; and (v) evidence of disability corroborated~~
7 ~~by the treating medical records. No single enumerated factor~~
8 ~~shall be the sole determinant of disability. In determining the~~
9 ~~level of disability, the relevance and weight of any factors~~
10 ~~used in addition to the level of impairment as reported by the~~
11 ~~physician must be explained in a written order.~~

12 (Source: P.A. 97-18, eff. 6-28-11.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.