



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 1283

2 AMENDMENT NO. _____. Amend Senate Bill 1283 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Workers' Compensation Act is amended by
5 changing Sections 7, 8, 8.2, 8.7, and 13.1 as follows:

6 (820 ILCS 305/7) (from Ch. 48, par. 138.7)

7 Sec. 7. The amount of compensation which shall be paid for
8 an accidental injury to the employee resulting in death is:

9 (a) If the employee leaves surviving a widow, widower,
10 child or children, the applicable weekly compensation rate
11 computed in accordance with subparagraph 2 of paragraph (b) of
12 Section 8, shall be payable during the life of the widow or
13 widower and if any surviving child or children shall not be
14 physically or mentally incapacitated then until the death of
15 the widow or widower or until the youngest child shall reach
16 the age of 18, whichever shall come later; provided that if
17 such child or children shall be enrolled as a full time student
18 in any accredited educational institution, the payments shall
19 continue until such child has attained the age of 25. In the
20 event any surviving child or children shall be physically or
21 mentally incapacitated, the payments shall continue for the
22 duration of such incapacity.

23 The term "child" means a child whom the deceased employee
24 left surviving, including a posthumous child, a child legally

1 adopted, a child whom the deceased employee was legally
2 obligated to support or a child to whom the deceased employee
3 stood in loco parentis. The term "children" means the plural of
4 "child".

5 The term "physically or mentally incapacitated child or
6 children" means a child or children incapable of engaging in
7 regular and substantial gainful employment.

8 In the event of the remarriage of a widow or widower, where
9 the decedent did not leave surviving any child or children who,
10 at the time of such remarriage, are entitled to compensation
11 benefits under this Act, the surviving spouse shall be paid a
12 lump sum equal to 2 years compensation benefits and all further
13 rights of such widow or widower shall be extinguished.

14 If the employee leaves surviving any child or children
15 under 18 years of age who at the time of death shall be
16 entitled to compensation under this paragraph (a) of this
17 Section, the weekly compensation payments herein provided for
18 such child or children shall in any event continue for a period
19 of not less than 6 years.

20 Any beneficiary entitled to compensation under this
21 paragraph (a) of this Section shall receive from the special
22 fund provided in paragraph (f) of this Section, in addition to
23 the compensation herein provided, supplemental benefits in
24 accordance with paragraph (g) of Section 8.

25 (b) If no compensation is payable under paragraph (a) of
26 this Section and the employee leaves surviving a parent or
27 parents who at the time of the accident were totally dependent
28 upon the earnings of the employee then weekly payments equal to
29 the compensation rate payable in the case where the employee
30 leaves surviving a widow or widower, shall be paid to such
31 parent or parents for the duration of their lives, and in the
32 event of the death of either, for the life of the survivor.

33 (c) If no compensation is payable under paragraphs (a) or
34 (b) of this Section and the employee leaves surviving any child

1 or children who are not entitled to compensation under the
2 foregoing paragraph (a) but who at the time of the accident
3 were nevertheless in any manner dependent upon the earnings of
4 the employee, or leaves surviving a parent or parents who at
5 the time of the accident were partially dependent upon the
6 earnings of the employee, then there shall be paid to such
7 dependent or dependents for a period of 8 years weekly
8 compensation payments at such proportion of the applicable rate
9 if the employee had left surviving a widow or widower as such
10 dependency bears to total dependency. In the event of the death
11 of any such beneficiary the share of such beneficiary shall be
12 divided equally among the surviving beneficiaries and in the
13 event of the death of the last such beneficiary all the rights
14 under this paragraph shall be extinguished.

15 (d) If no compensation is payable under paragraphs (a), (b)
16 or (c) of this Section and the employee leaves surviving any
17 grandparent, grandparents, grandchild or grandchildren or
18 collateral heirs dependent upon the employee's earnings to the
19 extent of 50% or more of total dependency, then there shall be
20 paid to such dependent or dependents for a period of 5 years
21 weekly compensation payments at such proportion of the
22 applicable rate if the employee had left surviving a widow or
23 widower as such dependency bears to total dependency. In the
24 event of the death of any such beneficiary the share of such
25 beneficiary shall be divided equally among the surviving
26 beneficiaries and in the event of the death of the last such
27 beneficiary all rights hereunder shall be extinguished.

28 (e) The compensation to be paid for accidental injury which
29 results in death, as provided in this Section, shall be paid to
30 the persons who form the basis for determining the amount of
31 compensation to be paid by the employer, the respective shares
32 to be in the proportion of their respective dependency at the
33 time of the accident on the earnings of the deceased. The
34 Commission or an Arbitrator thereof may, in its or his

1 discretion, order or award the payment to the parent or
2 grandparent of a child for the latter's support the amount of
3 compensation which but for such order or award would have been
4 paid to such child as its share of the compensation payable,
5 which order or award may be modified from time to time by the
6 Commission in its discretion with respect to the person to whom
7 shall be paid the amount of the order or award remaining unpaid
8 at the time of the modification.

9 The payments of compensation by the employer in accordance
10 with the order or award of the Commission discharges such
11 employer from all further obligation as to such compensation.

12 (f) The sum of \$8,000 for burial expenses shall be paid by
13 the employer to the widow or widower, other dependent, next of
14 kin or to the person or persons incurring the expense of
15 burial.

16 In the event the employer failed to provide necessary first
17 aid, medical, surgical or hospital service, he shall pay the
18 cost thereof to the person or persons entitled to compensation
19 under paragraphs (a), (b), (c) or (d) of this Section, or to
20 the person or persons incurring the obligation therefore, or
21 providing the same.

22 On January 15 and July 15, 1981, and on January 15 and July
23 15 of each year thereafter the employer shall within 60 days
24 pay a sum equal to 1/8 of 1% of all compensation payments made
25 by him after July 1, 1980, either under this Act or the
26 Workers' Occupational Diseases Act, whether by lump sum
27 settlement or weekly compensation payments, but not including
28 hospital, surgical or rehabilitation payments, made during the
29 first 6 months and during the second 6 months respectively of
30 the fiscal year next preceding the date of the payments, into a
31 special fund which shall be designated the "Second Injury
32 Fund", of which the State Treasurer is ex-officio custodian,
33 such special fund to be held and disbursed for the purposes
34 hereinafter stated in paragraphs (f) and (g) of Section 8,

1 either upon the order of the Commission or of a competent
2 court. Said special fund shall be deposited the same as are
3 State funds and any interest accruing thereon shall be added
4 thereto every 6 months. It is subject to audit the same as
5 State funds and accounts and is protected by the General bond
6 given by the State Treasurer. It is considered always
7 appropriated for the purposes of disbursements as provided in
8 Section 8, paragraph (f), of this Act, and shall be paid out
9 and disbursed as therein provided and shall not at any time be
10 appropriated or diverted to any other use or purpose.

11 On January 15, 1991, the employer shall further pay a sum
12 equal to one half of 1% of all compensation payments made by
13 him from January 1, 1990 through June 30, 1990 either under
14 this Act or under the Workers' Occupational Diseases Act,
15 whether by lump sum settlement or weekly compensation payments,
16 but not including hospital, surgical or rehabilitation
17 payments, into an additional Special Fund which shall be
18 designated as the "Rate Adjustment Fund". On March 15, 1991,
19 the employer shall pay into the Rate Adjustment Fund a sum
20 equal to one half of 1% of all such compensation payments made
21 from July 1, 1990 through December 31, 1990. Within 60 days
22 after July 15, 1991, the employer shall pay into the Rate
23 Adjustment Fund a sum equal to one half of 1% of all such
24 compensation payments made from January 1, 1991 through June
25 30, 1991. Within 60 days after January 15 of 1992 and each
26 subsequent year through 1996, the employer shall pay into the
27 Rate Adjustment Fund a sum equal to one half of 1% of all such
28 compensation payments made in the last 6 months of the
29 preceding calendar year. Within 60 days after July 15 of 1992
30 and each subsequent year through 1995, the employer shall pay
31 into the Rate Adjustment Fund a sum equal to one half of 1% of
32 all such compensation payments made in the first 6 months of
33 the same calendar year. Within 60 days after January 15 of 1997
34 and each subsequent year through 2005, the employer shall pay

1 into the Rate Adjustment Fund a sum equal to three-fourths of
2 1% of all such compensation payments made in the last 6 months
3 of the preceding calendar year. Within 60 days after July 15 of
4 1996 and each subsequent year through 2004, the employer shall
5 pay into the Rate Adjustment Fund a sum equal to three-fourths
6 of 1% of all such compensation payments made in the first 6
7 months of the same calendar year. ~~Within 60 days after January~~
8 ~~15 of 2006 and each subsequent year, the employer shall pay~~
9 ~~into the Rate Adjustment Fund a sum equal to 1% of such~~
10 ~~compensation payments made in the last 6 months of the~~
11 ~~preceding calendar year.~~ Within 60 days after July 15 of 2005
12 ~~and each subsequent year,~~ the employer shall pay into the Rate
13 Adjustment Fund a sum equal to 1% of such compensation payments
14 made in the first 6 months of the same calendar year. Within 60
15 days after January 15 of 2006 and each subsequent year, the
16 employer shall pay into the Rate Adjustment Fund a sum equal to
17 1.25% of such compensation payments made in the last 6 months
18 of the preceding calendar year. Within 60 days after July 15 of
19 2006 and each subsequent year, the employer shall pay into the
20 Rate Adjustment Fund a sum equal to 1.25% of such compensation
21 payments made in the first 6 months of the same calendar year.
22 The administrative costs of collecting assessments from
23 employers for the Rate Adjustment Fund shall be paid from the
24 Rate Adjustment Fund. The cost of an actuarial audit of the
25 Fund shall be paid from the Rate Adjustment Fund. The State
26 Treasurer is ex officio custodian of such Special Fund and the
27 same shall be held and disbursed for the purposes hereinafter
28 stated in paragraphs (f) and (g) of Section 8 upon the order of
29 the Commission or of a competent court. The Rate Adjustment
30 Fund shall be deposited the same as are State funds and any
31 interest accruing thereon shall be added thereto every 6
32 months. It shall be subject to audit the same as State funds
33 and accounts and shall be protected by the general bond given
34 by the State Treasurer. It is considered always appropriated

1 for the purposes of disbursements as provided in paragraphs (f)
2 and (g) of Section 8 of this Act and shall be paid out and
3 disbursed as therein provided and shall not at any time be
4 appropriated or diverted to any other use or purpose. Within 5
5 days after the effective date of this amendatory Act of 1990,
6 the Comptroller and the State Treasurer shall transfer
7 \$1,000,000 from the General Revenue Fund to the Rate Adjustment
8 Fund. By February 15, 1991, the Comptroller and the State
9 Treasurer shall transfer \$1,000,000 from the Rate Adjustment
10 Fund to the General Revenue Fund. The Comptroller and Treasurer
11 are authorized to make transfers at the request of the Chairman
12 up to a total of \$19,000,000 from the Second Injury Fund, the
13 General Revenue Fund, and the Workers' Compensation Benefit
14 Trust Fund to the Rate Adjustment Fund to the extent that there
15 is insufficient money in the Rate Adjustment Fund to pay claims
16 and obligations. Amounts may be transferred from the General
17 Revenue Fund only if the funds in the Second Injury Fund or the
18 Workers' Compensation Benefit Trust Fund are insufficient to
19 pay claims and obligations of the Rate Adjustment Fund. All
20 amounts transferred from the Second Injury Fund, the General
21 Revenue Fund, and the Workers' Compensation Benefit Trust Fund
22 shall be repaid from the Rate Adjustment Fund within 270 days
23 of a transfer, together with interest at the rate earned by
24 moneys on deposit in the Fund or Funds from which the moneys
25 were transferred.

26 Upon a finding by the Commission, after reasonable notice
27 and hearing, that any employer has willfully and knowingly
28 failed to pay the proper amounts into the Second Injury Fund or
29 the Rate Adjustment Fund required by this Section or if such
30 payments are not made within the time periods prescribed by
31 this Section, the employer shall, in addition to such payments,
32 pay a penalty of 20% of the amount required to be paid or
33 \$2,500, whichever is greater, for each year or part thereof of
34 such failure to pay. This penalty shall only apply to

1 obligations of an employer to the Second Injury Fund or the
2 Rate Adjustment Fund accruing after the effective date of this
3 amendatory Act of 1989. All or part of such a penalty may be
4 waived by the Commission for good cause shown.

5 Any obligations of an employer to the Second Injury Fund
6 and Rate Adjustment Fund accruing prior to the effective date
7 of this amendatory Act of 1989 shall be paid in full by such
8 employer within 5 years of the effective date of this
9 amendatory Act of 1989, with at least one-fifth of such
10 obligation to be paid during each year following the effective
11 date of this amendatory Act of 1989. If the Commission finds,
12 following reasonable notice and hearing, that an employer has
13 failed to make timely payment of any obligation accruing under
14 the preceding sentence, the employer shall, in addition to all
15 other payments required by this Section, be liable for a
16 penalty equal to 20% of the overdue obligation or \$2,500,
17 whichever is greater, for each year or part thereof that
18 obligation is overdue. All or part of such a penalty may be
19 waived by the Commission for good cause shown.

20 The Chairman of the Illinois Workers' Compensation
21 Commission shall, annually, furnish to the Director of the
22 Department of Insurance a list of the amounts paid into the
23 Second Injury Fund and the Rate Adjustment Fund by each
24 insurance company on behalf of their insured employers. The
25 Director shall verify to the Chairman that the amounts paid by
26 each insurance company are accurate as best as the Director can
27 determine from the records available to the Director. The
28 Chairman shall verify that the amounts paid by each
29 self-insurer are accurate as best as the Chairman can determine
30 from records available to the Chairman. The Chairman may
31 require each self-insurer to provide information concerning
32 the total compensation payments made upon which contributions
33 to the Second Injury Fund and the Rate Adjustment Fund are
34 predicated and any additional information establishing that

1 such payments have been made into these funds. Any deficiencies
2 in payments noted by the Director or Chairman shall be subject
3 to the penalty provisions of this Act.

4 The State Treasurer, or his duly authorized
5 representative, shall be named as a party to all proceedings in
6 all cases involving claim for the loss of, or the permanent and
7 complete loss of the use of one eye, one foot, one leg, one arm
8 or one hand.

9 The State Treasurer or his duly authorized agent shall have
10 the same rights as any other party to the proceeding, including
11 the right to petition for review of any award. The reasonable
12 expenses of litigation, such as medical examinations,
13 testimony, and transcript of evidence, incurred by the State
14 Treasurer or his duly authorized representative, shall be borne
15 by the Second Injury Fund.

16 If the award is not paid within 30 days after the date the
17 award has become final, the Commission shall proceed to take
18 judgment thereon in its own name as is provided for other
19 awards by paragraph (g) of Section 19 of this Act and take the
20 necessary steps to collect the award.

21 Any person, corporation or organization who has paid or
22 become liable for the payment of burial expenses of the
23 deceased employee may in his or its own name institute
24 proceedings before the Commission for the collection thereof.

25 For the purpose of administration, receipts and
26 disbursements, the Special Fund provided for in paragraph (f)
27 of this Section shall be administered jointly with the Special
28 Fund provided for in Section 7, paragraph (f) of the Workers'
29 Occupational Diseases Act.

30 (g) All compensation, except for burial expenses provided
31 in this Section to be paid in case accident results in death,
32 shall be paid in installments equal to the percentage of the
33 average earnings as provided for in Section 8, paragraph (b) of
34 this Act, at the same intervals at which the wages or earnings

1 of the employees were paid. If this is not feasible, then the
2 installments shall be paid weekly. Such compensation may be
3 paid in a lump sum upon petition as provided in Section 9 of
4 this Act. However, in addition to the benefits provided by
5 Section 9 of this Act where compensation for death is payable
6 to the deceased's widow, widower or to the deceased's widow,
7 widower and one or more children, and where a partial lump sum
8 is applied for by such beneficiary or beneficiaries within 18
9 months after the deceased's death, the Commission may, in its
10 discretion, grant a partial lump sum of not to exceed 100 weeks
11 of the compensation capitalized at their present value upon the
12 basis of interest calculated at 3% per annum with annual rests,
13 upon a showing that such partial lump sum is for the best
14 interest of such beneficiary or beneficiaries.

15 (h) In case the injured employee is under 16 years of age
16 at the time of the accident and is illegally employed, the
17 amount of compensation payable under paragraphs (a), (b), (c),
18 (d) and (f) of this Section shall be increased 50%.

19 Nothing herein contained repeals or amends the provisions
20 of the Child Labor Law relating to the employment of minors
21 under the age of 16 years.

22 However, where an employer has on file an employment
23 certificate issued pursuant to the Child Labor Law or work
24 permit issued pursuant to the Federal Fair Labor Standards Act,
25 as amended, or a birth certificate properly and duly issued,
26 such certificate, permit or birth certificate is conclusive
27 evidence as to the age of the injured minor employee for the
28 purposes of this Section only.

29 (i) Whenever the dependents of a deceased employee are
30 aliens not residing in the United States, Mexico or Canada, the
31 amount of compensation payable is limited to the beneficiaries
32 described in paragraphs (a), (b) and (c) of this Section and is
33 50% of the compensation provided in paragraphs (a), (b) and (c)
34 of this Section, except as otherwise provided by treaty.

1 In a case where any of the persons who would be entitled to
2 compensation is living at any place outside of the United
3 States, then payment shall be made to the personal
4 representative of the deceased employee. The distribution by
5 such personal representative to the persons entitled shall be
6 made to such persons and in such manner as the Commission
7 orders.

8 (Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05.)

9 (820 ILCS 305/8) (from Ch. 48, par. 138.8)

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

13 (a) The employer shall provide and pay the negotiated rate,
14 if applicable, or the lesser of the health care provider's
15 actual charges or according to a fee schedule, subject to
16 Section 8.2, in effect at the time the service was rendered for
17 all the necessary first aid, medical and surgical services, and
18 all necessary medical, surgical and hospital services
19 thereafter incurred, limited, however, to that which is
20 reasonably required to cure or relieve from the effects of the
21 accidental injury. If the employer does not dispute payment of
22 first aid, medical, surgical, and hospital services, the
23 employer shall make such payment to the provider on behalf of
24 the employee. The employer shall also pay for treatment,
25 instruction and training necessary for the physical, mental and
26 vocational rehabilitation of the employee, including all
27 maintenance costs and expenses incidental thereto. If as a
28 result of the injury the employee is unable to be
29 self-sufficient the employer shall further pay for such
30 maintenance or institutional care as shall be required.

31 The employee may at any time elect to secure his own
32 physician, surgeon and hospital services at the employer's
33 expense, or,

1 Upon agreement between the employer and the employees, or
2 the employees' exclusive representative, and subject to the
3 approval of the Illinois Workers' Compensation Commission, the
4 employer shall maintain a list of physicians, to be known as a
5 Panel of Physicians, who are accessible to the employees. The
6 employer shall post this list in a place or places easily
7 accessible to his employees. The employee shall have the right
8 to make an alternative choice of physician from such Panel if
9 he is not satisfied with the physician first selected. If, due
10 to the nature of the injury or its occurrence away from the
11 employer's place of business, the employee is unable to make a
12 selection from the Panel, the selection process from the Panel
13 shall not apply. The physician selected from the Panel may
14 arrange for any consultation, referral or other specialized
15 medical services outside the Panel at the employer's expense.
16 Provided that, in the event the Commission shall find that a
17 doctor selected by the employee is rendering improper or
18 inadequate care, the Commission may order the employee to
19 select another doctor certified or qualified in the medical
20 field for which treatment is required. If the employee refuses
21 to make such change the Commission may relieve the employer of
22 his obligation to pay the doctor's charges from the date of
23 refusal to the date of compliance.

24 Any vocational rehabilitation counselors who provide
25 service under this Act shall have appropriate certifications
26 which designate the counselor as qualified to render opinions
27 relating to vocational rehabilitation. Vocational
28 rehabilitation may include, but is not limited to, counseling
29 for job searches, supervising a job search program, and
30 vocational retraining including education at an accredited
31 learning institution. The employee or employer may petition to
32 the Commission to decide disputes relating to vocational
33 rehabilitation and the Commission shall resolve any such
34 dispute, including payment of the vocational rehabilitation

1 program by the employer.

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

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

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

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

- 28 (1) all first aid and emergency treatment; plus
29 (2) all medical, surgical and hospital services
30 provided by the physician, surgeon or hospital initially
31 chosen by the employee or by any other physician,
32 consultant, expert, institution or other provider of
33 services recommended by said initial service provider or
34 any subsequent provider of medical services in the chain of

1 referrals from said initial service provider; plus

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

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

29 Where the accidental injury results in the amputation of an
30 arm, hand, leg or foot, or the enucleation of an eye, or the
31 loss of any of the natural teeth, the employer shall furnish an
32 artificial of any such members lost or damaged in accidental
33 injury arising out of and in the course of employment, and
34 shall also furnish the necessary braces in all proper and

1 necessary cases. In cases of the loss of a member or members by
2 amputation, the employer shall, whenever necessary, maintain
3 in good repair, refit or replace the artificial limbs during
4 the lifetime of the employee. Where the accidental injury
5 accompanied by physical injury results in damage to a denture,
6 eye glasses or contact eye lenses, or where the accidental
7 injury results in damage to an artificial member, the employer
8 shall replace or repair such denture, glasses, lenses, or
9 artificial member.

10 The furnishing by the employer of any such services or
11 appliances is not an admission of liability on the part of the
12 employer to pay compensation.

13 The furnishing of any such services or appliances or the
14 servicing thereof by the employer is not the payment of
15 compensation.

16 (b) If the period of temporary total incapacity for work
17 lasts more than 3 working days, weekly compensation as
18 hereinafter provided shall be paid beginning on the 4th day of
19 such temporary total incapacity and continuing as long as the
20 total temporary incapacity lasts. In cases where the temporary
21 total incapacity for work continues for a period of 14 days or
22 more from the day of the accident compensation shall commence
23 on the day after the accident.

24 1. The compensation rate for temporary total
25 incapacity under this paragraph (b) of this Section shall
26 be equal to 66 2/3% of the employee's average weekly wage
27 computed in accordance with Section 10, provided that it
28 shall be not less than 66 2/3% of the sum of the Federal
29 minimum wage under the Fair Labor Standards Act, or the
30 Illinois minimum wage under the Minimum Wage Law, whichever
31 is more, multiplied by 40 hours. This percentage rate shall
32 be increased by 10% for each spouse and child, not to
33 exceed 100% of the total minimum wage calculation,
34 nor exceed the employee's average weekly wage computed in

1 accordance with the provisions of Section 10, whichever is
2 less.

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

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

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

30 The maximum weekly compensation rate, for the period
31 January 1, 1981 through December 31, 1983, except as
32 hereinafter provided, shall be 100% of the State's average
33 weekly wage in covered industries under the Unemployment
34 Insurance Act in effect on January 1, 1981. Effective

1 January 1, 1984 and on January 1, of each year thereafter
2 the maximum weekly compensation rate, except as
3 hereinafter provided, shall be determined as follows: if
4 during the preceding 12 month period there shall have been
5 an increase in the State's average weekly wage in covered
6 industries under the Unemployment Insurance Act, the
7 weekly compensation rate shall be proportionately
8 increased by the same percentage as the percentage of
9 increase in the State's average weekly wage in covered
10 industries under the Unemployment Insurance Act during
11 such period.

12 From July 1, 1977 and thereafter such maximum weekly
13 compensation rate in death cases under Section 7, and
14 permanent total disability cases under paragraph (f) or
15 subparagraph 18 of paragraph (3) of this Section and for
16 temporary total disability under paragraph (b) of this
17 Section and for amputation of a member or enucleation of an
18 eye under paragraph (e) of this Section shall be increased
19 to 133-1/3% of the State's average weekly wage in covered
20 industries under the Unemployment Insurance Act.

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

25 4.1. Any provision herein to the contrary
26 notwithstanding, the weekly compensation rate for
27 compensation payments under subparagraph 18 of paragraph
28 (e) of this Section and under paragraph (f) of this Section
29 and under paragraph (a) of Section 7 and for amputation of
30 a member or enucleation of an eye under paragraph (e) of
31 this Section, shall in no event be less than 50% of the
32 State's average weekly wage in covered industries under the
33 Unemployment Insurance Act.

34 4.2. Any provision to the contrary notwithstanding,

1 the total compensation payable under Section 7 shall not
2 exceed the greater of \$500,000 or 25 years.

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

9 6. The Department of Employment Security of the State
10 shall on or before the first day of December, 1977, and on
11 or before the first day of June, 1978, and on the first day
12 of each December and June of each year thereafter, publish
13 the State's average weekly wage in covered industries under
14 the Unemployment Insurance Act and the Illinois Workers'
15 Compensation Commission shall on the 15th day of January,
16 1978 and on the 15th day of July, 1978 and on the 15th day
17 of each January and July of each year thereafter, post and
18 publish the State's average weekly wage in covered
19 industries under the Unemployment Insurance Act as last
20 determined and published by the Department of Employment
21 Security. The amount when so posted and published shall be
22 conclusive and shall be applicable as the basis of
23 computation of compensation rates until the next posting
24 and publication as aforesaid.

25 7. The payment of compensation by an employer or his
26 insurance carrier to an injured employee shall not
27 constitute an admission of the employer's liability to pay
28 compensation.

29 (c) For any serious and permanent disfigurement to the
30 hand, head, face, neck, arm, leg below the knee or the chest
31 above the axillary line, the employee is entitled to
32 compensation for such disfigurement, the amount determined by
33 agreement at any time or by arbitration under this Act, at a
34 hearing not less than 6 months after the date of the accidental

1 injury, which amount shall not exceed 150 weeks (if the
2 accidental injury occurs on or after the effective date of this
3 amendatory Act of the 94th General Assembly but before February
4 1, 2006) or 162 weeks (if the accidental injury occurs on or
5 after February 1, 2006) at the applicable rate provided in
6 subparagraph 2.1 of paragraph (b) of this Section.

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

10 A duly appointed member of a fire department in a city, the
11 population of which exceeds 200,000 according to the last
12 federal or State census, is eligible for compensation under
13 this paragraph only where such serious and permanent
14 disfigurement results from burns.

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

28 2. If, as a result of the accident, the employee sustains
29 serious and permanent injuries not covered by paragraphs (c)
30 and (e) of this Section or having sustained injuries covered by
31 the aforesaid paragraphs (c) and (e), he shall have sustained
32 in addition thereto other injuries which injuries do not
33 incapacitate him from pursuing the duties of his employment but
34 which would disable him from pursuing other suitable

1 occupations, or which have otherwise resulted in physical
2 impairment; or if such injuries partially incapacitate him from
3 pursuing the duties of his usual and customary line of
4 employment but do not result in an impairment of earning
5 capacity, or having resulted in an impairment of earning
6 capacity, the employee elects to waive his right to recover
7 under the foregoing subparagraph 1 of paragraph (d) of this
8 Section then in any of the foregoing events, he shall receive
9 in addition to compensation for temporary total disability
10 under paragraph (b) of this Section, compensation at the rate
11 provided in subparagraph 2.1 of paragraph (b) of this Section
12 for that percentage of 500 weeks that the partial disability
13 resulting from the injuries covered by this paragraph bears to
14 total disability. If the employee shall have sustained a
15 fracture of one or more vertebra or fracture of the skull, the
16 amount of compensation allowed under this Section shall be not
17 less than 6 weeks for a fractured skull and 6 weeks for each
18 fractured vertebra, and in the event the employee shall have
19 sustained a fracture of any of the following facial bones:
20 nasal, lachrymal, vomer, zygoma, maxilla, palatine or
21 mandible, the amount of compensation allowed under this Section
22 shall be not less than 2 weeks for each such fractured bone,
23 and for a fracture of each transverse process not less than 3
24 weeks. In the event such injuries shall result in the loss of a
25 kidney, spleen or lung, the amount of compensation allowed
26 under this Section shall be not less than 10 weeks for each
27 such organ. Compensation awarded under this subparagraph 2
28 shall not take into consideration injuries covered under
29 paragraphs (c) and (e) of this Section and the compensation
30 provided in this paragraph shall not affect the employee's
31 right to compensation payable under paragraphs (b), (c) and (e)
32 of this Section for the disabilities therein covered.

33 (e) For accidental injuries in the following schedule, the
34 employee shall receive compensation for the period of temporary

1 total incapacity for work resulting from such accidental
2 injury, under subparagraph 1 of paragraph (b) of this Section,
3 and shall receive in addition thereto compensation for a
4 further period for the specific loss herein mentioned, but
5 shall not receive any compensation under any other provisions
6 of this Act. The following listed amounts apply to either the
7 loss of or the permanent and complete loss of use of the member
8 specified, such compensation for the length of time as follows:

9 1. Thumb-

10 70 weeks if the accidental injury occurs on or
11 after the effective date of this amendatory Act of the
12 94th General Assembly but before February 1, 2006.

13 76 weeks if the accidental injury occurs on or
14 after February 1, 2006.

15 2. First, or index finger-

16 40 weeks if the accidental injury occurs on or
17 after the effective date of this amendatory Act of the
18 94th General Assembly but before February 1, 2006.

19 43 weeks if the accidental injury occurs on or
20 after February 1, 2006.

21 3. Second, or middle finger-

22 35 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 38 weeks if the accidental injury occurs on or
26 after February 1, 2006.

27 4. Third, or ring finger-

28 25 weeks if the accidental injury occurs on or
29 after the effective date of this amendatory Act of the
30 94th General Assembly but before February 1, 2006.

31 27 weeks if the accidental injury occurs on or
32 after February 1, 2006.

33 5. Fourth, or little finger-

34 20 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 22 weeks if the accidental injury occurs on or
4 after February 1, 2006.

5 6. Great toe-

6 35 weeks if the accidental injury occurs on or
7 after the effective date of this amendatory Act of the
8 94th General Assembly but before February 1, 2006.

9 38 weeks if the accidental injury occurs on or
10 after February 1, 2006.

11 7. Each toe other than great toe-

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

15 13 weeks if the accidental injury occurs on or
16 after February 1, 2006.

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

26 9. Hand-

27 190 weeks if the accidental injury occurs on or
28 after the effective date of this amendatory Act of the
29 94th General Assembly but before February 1, 2006.

30 205 weeks if the accidental injury occurs on or
31 after February 1, 2006.

32 The loss of 2 or more digits, or one or more phalanges
33 of 2 or more digits, of a hand may be compensated on the
34 basis of partial loss of use of a hand, provided, further,

1 that the loss of 4 digits, or the loss of use of 4 digits,
2 in the same hand shall constitute the complete loss of a
3 hand.

4 10. Arm-

5 235 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.

8 253 weeks if the accidental injury occurs on or
9 after February 1, 2006.

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

29 11. Foot-

30 155 weeks if the accidental injury occurs on or
31 after the effective date of this amendatory Act of the
32 94th General Assembly but before February 1, 2006.

33 167 weeks if the accidental injury occurs on or
34 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
27 after the effective date of this amendatory Act of the
28 94th General Assembly but before February 1, 2006.

29 162 weeks if the accidental injury occurs on or
30 after February 1, 2006.

31 Where an accidental injury results in the enucleation
32 of an eye, compensation for an additional 10 weeks (if the
33 accidental injury occurs on or after the effective date of
34 this amendatory Act of the 94th General Assembly but before

1 February 1, 2006) or an additional 11 weeks (if the
2 accidental injury occurs on or after February 1, 2006)
3 shall be paid.

4 14. Loss of hearing of one ear-

5 50 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 54 weeks if the accidental injury occurs on or
9 after February 1, 2006.†

10 Total ~~total~~ and permanent loss of hearing of both ears-

11 200 weeks if the accidental injury occurs on or
12 after the effective date of this amendatory Act of the
13 94th General Assembly but before February 1, 2006.

14 215 weeks if the accidental injury occurs on or
15 after February 1, 2006.

16 15. Testicle-

17 50 weeks if the accidental injury occurs on or
18 after the effective date of this amendatory Act of the
19 94th General Assembly but before February 1, 2006.

20 54 weeks if the accidental injury occurs on or
21 after February 1, 2006.†

22 Both ~~both~~ testicles-

23 150 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.

26 162 weeks if the accidental injury occurs on or
27 after February 1, 2006.

28 16. For the permanent partial loss of use of a member
29 or sight of an eye, or hearing of an ear, compensation
30 during that proportion of the number of weeks in the
31 foregoing schedule provided for the loss of such member or
32 sight of an eye, or hearing of an ear, which the partial
33 loss of use thereof bears to the total loss of use of such
34 member, or sight of eye, or hearing of an ear.

1 (a) Loss of hearing for compensation purposes
2 shall be confined to the frequencies of 1,000, 2,000
3 and 3,000 cycles per second. Loss of hearing ability
4 for frequency tones above 3,000 cycles per second are
5 not to be considered as constituting disability for
6 hearing.

7 (b) The percent of hearing loss, for purposes of
8 the determination of compensation claims for
9 occupational deafness, shall be calculated as the
10 average in decibels for the thresholds of hearing for
11 the frequencies of 1,000, 2,000 and 3,000 cycles per
12 second. Pure tone air conduction audiometric
13 instruments, approved by nationally recognized
14 authorities in this field, shall be used for measuring
15 hearing loss. If the losses of hearing average 30
16 decibels or less in the 3 frequencies, such losses of
17 hearing shall not then constitute any compensable
18 hearing disability. If the losses of hearing average 85
19 decibels or more in the 3 frequencies, then the same
20 shall constitute and be total or 100% compensable
21 hearing loss.

22 (c) In measuring hearing impairment, the lowest
23 measured losses in each of the 3 frequencies shall be
24 added together and divided by 3 to determine the
25 average decibel loss. For every decibel of loss
26 exceeding 30 decibels an allowance of 1.82% shall be
27 made up to the maximum of 100% which is reached at 85
28 decibels.

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

34 (e) No consideration shall be given to the question

1 of whether or not the ability of an employee to
 2 understand speech is improved by the use of a hearing
 3 aid.

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

9 Sound Level DBA

10	Slow Response	Hours Per Day
11	90	8
12	92	6
13	95	4
14	97	3
15	100	2
16	102	1-1/2
17	105	1
18	110	1/2
19	115	1/4

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

22 17. In computing the compensation to be paid to any
 23 employee who, before the accident for which he claims
 24 compensation, had before that time sustained an injury
 25 resulting in the loss by amputation or partial loss by
 26 amputation of any member, including hand, arm, thumb or
 27 fingers, leg, foot or any toes, such loss or partial loss
 28 of any such member shall be deducted from any award made
 29 for the subsequent injury. For the permanent loss of use or
 30 the permanent partial loss of use of any such member or the
 31 partial loss of sight of an eye, for which compensation has
 32 been paid, then such loss shall be taken into consideration
 33 and deducted from any award for the subsequent injury.

34 18. The specific case of loss of both hands, both arms,

1 or both feet, or both legs, or both eyes, or of any two
2 thereof, or the permanent and complete loss of the use
3 thereof, constitutes total and permanent disability, to be
4 compensated according to the compensation fixed by
5 paragraph (f) of this Section. These specific cases of
6 total and permanent disability do not exclude other cases.

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

16 19. In a case of specific loss and the subsequent death
17 of such injured employee from other causes than such injury
18 leaving a widow, widower, or dependents surviving before
19 payment or payment in full for such injury, then the amount
20 due for such injury is payable to the widow or widower and,
21 if there be no widow or widower, then to such dependents,
22 in the proportion which such dependency bears to total
23 dependency.

24 Beginning July 1, 1980, and every 6 months thereafter, the
25 Commission shall examine the Second Injury Fund and when, after
26 deducting all advances or loans made to such Fund, the amount
27 therein is \$500,000 then the amount required to be paid by
28 employers pursuant to paragraph (f) of Section 7 shall be
29 reduced by one-half. When the Second Injury Fund reaches the
30 sum of \$600,000 then the payments shall cease entirely.
31 However, when the Second Injury Fund has been reduced to
32 \$400,000, payment of one-half of the amounts required by
33 paragraph (f) of Section 7 shall be resumed, in the manner
34 herein provided, and when the Second Injury Fund has been

1 reduced to \$300,000, payment of the full amounts required by
2 paragraph (f) of Section 7 shall be resumed, in the manner
3 herein provided. The Commission shall make the changes in
4 payment effective by general order, and the changes in payment
5 become immediately effective for all cases coming before the
6 Commission thereafter either by settlement agreement or final
7 order, irrespective of the date of the accidental injury.

8 On August 1, 1996 and on February 1 and August 1 of each
9 subsequent year, the Commission shall examine the special fund
10 designated as the "Rate Adjustment Fund" and when, after
11 deducting all advances or loans made to said fund, the amount
12 therein is \$4,000,000, the amount required to be paid by
13 employers pursuant to paragraph (f) of Section 7 shall be
14 reduced by one-half. When the Rate Adjustment Fund reaches the
15 sum of \$5,000,000 the payment therein shall cease entirely.
16 However, when said Rate Adjustment Fund has been reduced to
17 \$3,000,000 the amounts required by paragraph (f) of Section 7
18 shall be resumed in the manner herein provided.

19 (f) In case of complete disability, which renders the
20 employee wholly and permanently incapable of work, or in the
21 specific case of total and permanent disability as provided in
22 subparagraph 18 of paragraph (e) of this Section, compensation
23 shall be payable at the rate provided in subparagraph 2 of
24 paragraph (b) of this Section for life.

25 An employee entitled to benefits under paragraph (f) of
26 this Section shall also be entitled to receive from the Rate
27 Adjustment Fund provided in paragraph (f) of Section 7 of the
28 supplementary benefits provided in paragraph (g) of this
29 Section 8.

30 If any employee who receives an award under this paragraph
31 afterwards returns to work or is able to do so, and earns or is
32 able to earn as much as before the accident, payments under
33 such award shall cease. If such employee returns to work, or is
34 able to do so, and earns or is able to earn part but not as much

1 as before the accident, such award shall be modified so as to
2 conform to an award under paragraph (d) of this Section. If
3 such award is terminated or reduced under the provisions of
4 this paragraph, such employees have the right at any time
5 within 30 months after the date of such termination or
6 reduction to file petition with the Commission for the purpose
7 of determining whether any disability exists as a result of the
8 original accidental injury and the extent thereof.

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

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

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

31 In its award the Commission or the Arbitrator shall
32 specifically find the amount the injured employee shall be
33 weekly paid, the number of weeks compensation which shall be
34 paid by the employer, the date upon which payments begin out of

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

18 As of July 1, 1980 to July 1, 1982, all claims against and
19 obligations of the Second Injury Fund shall become claims
20 against and obligations of the Rate Adjustment Fund to the
21 extent there is insufficient money in the Second Injury Fund to
22 pay such claims and obligations. In that case, all references
23 to "Second Injury Fund" in this Section shall also include the
24 Rate Adjustment Fund.

25 (g) Every award for permanent total disability entered by
26 the Commission on and after July 1, 1965 under which
27 compensation payments shall become due and payable after the
28 effective date of this amendatory Act, and every award for
29 death benefits or permanent total disability entered by the
30 Commission on and after the effective date of this amendatory
31 Act shall be subject to annual adjustments as to the amount of
32 the compensation rate therein provided. Such adjustments shall
33 first be made on July 15, 1977, and all awards made and entered
34 prior to July 1, 1975 and on July 15 of each year thereafter.

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

30 Provided, that in cases of awards entered by the Commission
31 for injuries occurring before July 1, 1975, the increases in
32 the compensation rate adjusted under the foregoing provision of
33 this paragraph (g) shall be limited to increases in the State's
34 average weekly wage in covered industries under the

1 Unemployment Insurance Act occurring after July 1, 1975.

2 For every accident occurring on or after July 20, 2005 but
3 before the effective date of this amendatory Act of the 94th
4 General Assembly (Senate Bill 1283 of the 94th General
5 Assembly) after the effective date of this amendatory Act of
6 ~~the 94th General Assembly~~, the annual adjustments to the
7 compensation rate in awards for death benefits or permanent
8 total disability, as provided in this Act, shall be paid by the
9 employer. The adjustment shall be made by the employer on July
10 15 of the second year next following the date of the entry of
11 the award and shall further be made on July 15 annually
12 thereafter. If during the intervening period from the date of
13 the entry of the award, or the last periodic adjustment, there
14 shall have been an increase in the State's average weekly wage
15 in covered industries under the Unemployment Insurance Act, the
16 employer shall increase the weekly compensation rate
17 proportionately by the same percentage as the percentage of
18 increase in the State's average weekly wage in covered
19 industries under the Unemployment Insurance Act. The increase
20 in the compensation rate under this paragraph shall in no event
21 bring the total compensation rate to an amount greater than the
22 prevailing maximum rate at the time that the annual adjustment
23 is made. In the event of a decrease in such average weekly wage
24 there shall be no change in the then existing compensation
25 rate. Such increase shall be paid by the employer in the same
26 manner and at the same intervals as the payment of compensation
27 in the award. This paragraph shall not apply to cases where
28 there is disputed liability and in which a compromise lump sum
29 settlement between the employer and the injured employee, or
30 his or her dependents, as the case may be, has been duly
31 approved by the Illinois Workers' Compensation Commission.

32 The annual adjustments for every award of death benefits or
33 permanent total disability involving accidents occurring
34 before July 20, 2005 and accidents occurring on or after the

1 effective date of this amendatory Act of the 94th General
2 Assembly (Senate Bill 1283 of the 94th General Assembly) ~~the~~
3 ~~effective date of this amendatory Act of the 94th General~~
4 ~~Assembly~~ shall continue to be paid from the Rate Adjustment
5 Fund pursuant to 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),
27 (e) and (f) of this Section is increased 50%.

28 However, where an employer has on file an employment
29 certificate issued pursuant to the Child Labor Law or work
30 permit issued pursuant to the Federal Fair Labor Standards Act,
31 as amended, or a birth certificate properly and duly issued,
32 such certificate, permit or birth certificate is conclusive
33 evidence as to the age of the injured minor employee for the
34 purposes of this Section.

1 Nothing herein contained repeals or amends the provisions
2 of the Child Labor Law relating to the employment of minors
3 under the age of 16 years.

4 (j) 1. In the event the injured employee receives benefits,
5 including medical, surgical or hospital benefits under any
6 group plan covering non-occupational disabilities contributed
7 to wholly or partially by the employer, which benefits should
8 not have been payable if any rights of recovery existed under
9 this Act, then such amounts so paid to the employee from any
10 such group plan as shall be consistent with, and limited to,
11 the provisions of paragraph 2 hereof, shall be credited to or
12 against any compensation payment for temporary total
13 incapacity for work or any medical, surgical or hospital
14 benefits made or to be made under this Act. In such event, the
15 period of time for giving notice of accidental injury and
16 filing application for adjustment of claim does not commence to
17 run until the termination of such payments. This paragraph does
18 not apply to payments made under any group plan which would
19 have been payable irrespective of an accidental injury under
20 this Act. Any employer receiving such credit shall keep such
21 employee safe and harmless from any and all claims or
22 liabilities that may be made against him by reason of having
23 received such payments only to the extent of such credit.

24 Any excess benefits paid to or on behalf of a State
25 employee by the State Employees' Retirement System under
26 Article 14 of the Illinois Pension Code on a death claim or
27 disputed disability claim shall be credited against any
28 payments made or to be made by the State of Illinois to or on
29 behalf of such employee under this Act, except for payments for
30 medical expenses which have already been incurred at the time
31 of the award. The State of Illinois shall directly reimburse
32 the State Employees' Retirement System to the extent of such
33 credit.

34 2. Nothing contained in this Act shall be construed to give

1 the employer or the insurance carrier the right to credit for
2 any benefits or payments received by the employee other than
3 compensation payments provided by this Act, and where the
4 employee receives payments other than compensation payments,
5 whether as full or partial salary, group insurance benefits,
6 bonuses, annuities or any other payments, the employer or
7 insurance carrier shall receive credit for each such payment
8 only to the extent of the compensation that would have been
9 payable during the period covered by such payment.

10 3. The extension of time for the filing of an Application
11 for Adjustment of Claim as provided in paragraph 1 above shall
12 not apply to those cases where the time for such filing had
13 expired prior to the date on which payments or benefits
14 enumerated herein have been initiated or resumed. Provided
15 however that this paragraph 3 shall apply only to cases wherein
16 the payments or benefits hereinabove enumerated shall be
17 received after July 1, 1969.

18 (Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05.)

19 (820 ILCS 305/8.2)

20 Sec. 8.2. Fee schedule.

21 (a) Except as provided for in subsection (c), for
22 procedures, treatments, or services covered under this Act and
23 rendered or to be rendered on and after February 1, 2006, the
24 maximum allowable payment ~~for procedures, treatments, or~~
25 ~~services covered under this Act~~ shall be 90% of the 80th
26 percentile of charges and fees as determined by the Commission
27 utilizing information provided by employers' and insurers'
28 national databases, with a minimum of 12,000,000 Illinois line
29 item charges and fees comprised of health care provider and
30 hospital charges and fees as of August 1, 2004 but not earlier
31 than August 1, 2002. These charges and fees are provider billed
32 amounts and shall not include discounted charges. The 80th
33 percentile is the point on an ordered data set from low to high

1 such that 80% of the cases are below or equal to that point and
2 at most 20% are above or equal to that point. The Commission
3 shall adjust these historical charges and fees as of August 1,
4 2004 by the Consumer Price Index-U for the period August 1,
5 2004 through September 30, 2005. The Commission shall establish
6 fee schedules for procedures, treatments, or services for
7 hospital inpatient, hospital outpatient, emergency room and
8 trauma, ambulatory surgical treatment centers, and
9 professional services. These charges and fees shall be
10 designated by geozip or any smaller geographic unit. The data
11 shall in no way identify or tend to identify any patient,
12 employer, or health care provider. As used in this Section,
13 "geozip" means a three-digit zip code based on data
14 similarities, geographical similarities, and frequencies. A
15 geozip does not cross state boundaries. As used in this
16 Section, "three-digit zip code" means a geographic area in
17 which all zip codes have the same first 3 digits. If a geozip
18 does not have the necessary number of charges and fees to
19 calculate a valid percentile for a specific procedure,
20 treatment, or service, the Commission may combine data from the
21 geozip with up to 4 other geozips that are demographically and
22 economically similar and exhibit similarities in data and
23 frequencies until the Commission reaches 9 charges or fees for
24 that specific procedure, treatment, or service. In cases where
25 the compiled data contains less than 9 charges or fees for a
26 procedure, treatment, or service, reimbursement shall occur at
27 76% of charges and fees as determined by the Commission in a
28 manner consistent with the provisions of this paragraph. The
29 Commission has the authority to set the maximum allowable
30 payment to providers of out-of-state procedures, treatments,
31 or services covered under this Act in a manner consistent with
32 this Section. Not later than September 30 in 2006 and each year
33 thereafter, the Commission shall automatically increase or
34 decrease the maximum allowable payment for a procedure,

1 treatment, or service established and in effect on January 1 of
2 that year by the percentage change in the Consumer Price
3 Index-U for the 12 month period ending August 31 of that year.
4 The increase or decrease shall become effective on January 1 of
5 the following year. As used in this Section, "Consumer Price
6 Index-U" means the index published by the Bureau of Labor
7 Statistics of the U.S. Department of Labor, that measures the
8 average change in prices of all goods and services purchased by
9 all urban consumers, U.S. city average, all items, 1982-84=100.

10 (b) Notwithstanding the provisions of subsection (a), if
11 the Commission finds that there is a significant limitation on
12 access to quality health care in either a specific field of
13 health care services or a specific geographic limitation on
14 access to health care, it may change the Consumer Price Index-U
15 increase or decrease for that specific field or specific
16 geographic limitation on access to health care to address that
17 limitation.

18 (c) The Commission shall establish by rule a process to
19 review those medical cases or outliers that involve
20 extra-ordinary treatment to determine whether to make an
21 additional adjustment to the maximum payment within a fee
22 schedule for a procedure, treatment, or service.

23 (d) When a patient notifies a provider that the treatment,
24 procedure, or service being sought is for a work-related
25 illness or injury and furnishes the provider the name and
26 address of the responsible employer, the provider shall bill
27 the employer directly. The employer shall make payment and
28 providers shall submit bills and records in accordance with the
29 provisions of this Section. All payments to providers for
30 treatment provided pursuant to this Act shall be made within 60
31 days of receipt of the bills as long as the claim contains
32 substantially all the required data elements necessary to
33 adjudicate the bills. In the case of nonpayment to a provider
34 within 60 days of receipt of the bill which contained

1 substantially all of the required data elements necessary to
2 adjudicate the bill or nonpayment to a provider of a portion of
3 such a bill up to the lesser of the actual charge or the
4 payment level set by the Commission in the fee schedule
5 established in this Section, the bill, or portion of the bill,
6 shall incur interest at a rate of 1% per month payable to the
7 provider.

8 (e) Except as provided in subsections (e-5), (e-10), and
9 (e-15), a provider shall not hold an employee liable for costs
10 related to a non-disputed procedure, treatment, or service
11 rendered in connection with a compensable injury. The
12 provisions of subsections (e-5), (e-10), (e-15), and (e-20)
13 shall not apply if an employee provides information to the
14 provider regarding participation in a group health plan. If the
15 employee participates in a group health plan, the provider may
16 submit a claim for services to the group health plan. If the
17 claim for service is covered by the group health plan, the
18 employee's responsibility shall be limited to applicable
19 deductibles, co-payments, or co-insurance. Except as provided
20 under subsections (e-5), (e-10), (e-15), and (e-20), a provider
21 shall not bill or otherwise attempt to recover from the
22 employee the difference between the provider's charge and the
23 amount paid by the employer or the insurer on a compensable
24 injury.

25 (e-5) If an employer notifies a provider that the employer
26 does not consider the illness or injury to be compensable under
27 this Act, the provider may seek payment of the provider's
28 actual charges from the employee for any procedure, treatment,
29 or service rendered. Once an employee informs the provider that
30 there is an application filed with the Commission to resolve a
31 dispute over payment of such charges, the provider shall cease
32 any and all efforts to collect payment for the services that
33 are the subject of the dispute. Any statute of limitations or
34 statute of repose applicable to the provider's efforts to

1 collect payment from the employee shall be tolled from the date
2 that the employee files the application with the Commission
3 until the date that the provider is permitted to resume
4 collection efforts under the provisions of this Section.

5 (e-10) If an employer notifies a provider that the employer
6 will pay only a portion of a bill for any procedure, treatment,
7 or service rendered in connection with a compensable illness or
8 disease, the provider may seek payment from the employee for
9 the remainder of the amount of the bill up to the lesser of the
10 actual charge, negotiated rate, if applicable, or the payment
11 level set by the Commission in the fee schedule established in
12 this Section. Once an employee informs the provider that there
13 is an application filed with the Commission to resolve a
14 dispute over payment of such charges, the provider shall cease
15 any and all efforts to collect payment for the services that
16 are the subject of the dispute. Any statute of limitations or
17 statute of repose applicable to the provider's efforts to
18 collect payment from the employee shall be tolled from the date
19 that the employee files the application with the Commission
20 until the date that the provider is permitted to resume
21 collection efforts under the provisions of this Section.

22 (e-15) When there is a dispute over the compensability of
23 or amount of payment for a procedure, treatment, or service,
24 and a case is pending or proceeding before an Arbitrator or the
25 Commission, the provider may mail the employee reminders that
26 the employee will be responsible for payment of any procedure,
27 treatment or service rendered by the provider. The reminders
28 must state that they are not bills, to the extent practicable
29 include itemized information, and state that the employee need
30 not pay until such time as the provider is permitted to resume
31 collection efforts under this Section. The reminders shall not
32 be provided to any credit rating agency. The reminders may
33 request that the employee furnish the provider with information
34 about the proceeding under this Act, such as the file number,

1 names of parties, and status of the case. If an employee fails
2 to respond to such request for information or fails to furnish
3 the information requested within 90 days of the date of the
4 reminder, the provider is entitled to resume any and all
5 efforts to collect payment from the employee for the services
6 rendered to the employee and the employee shall be responsible
7 for payment of any outstanding bills for a procedure,
8 treatment, or service rendered by a provider.

9 (e-20) Upon a final award or judgment by an Arbitrator or
10 the Commission, or a settlement agreed to by the employer and
11 the employee, a provider may resume any and all efforts to
12 collect payment from the employee for the services rendered to
13 the employee and the employee shall be responsible for payment
14 of any outstanding bills for a procedure, treatment, or service
15 rendered by a provider as well as the interest awarded under
16 subsection (d) of this Section. In the case of a procedure,
17 treatment, or service deemed compensable, the provider shall
18 not require a payment rate, excluding the interest provisions
19 under subsection (d), greater than the lesser of the actual
20 charge or the payment level set by the Commission in the fee
21 schedule established in this Section. Payment for services
22 deemed not covered or not compensable under this Act is the
23 responsibility of the employee unless a provider and employee
24 have agreed otherwise in writing. Services not covered or not
25 compensable under this Act are not subject to the fee schedule
26 in this Section.

27 (f) Nothing in this Act shall prohibit an employer or
28 insurer from contracting with a health care provider or group
29 of health care providers for reimbursement levels for benefits
30 under this Act different from those provided in this Section.

31 (g) On or before January 1, 2010 the Commission shall
32 provide to the Governor and General Assembly a report regarding
33 the implementation of the medical fee schedule and the index
34 used for annual adjustment to that schedule as described in

1 this Section.

2 (Source: P.A. 94-277, eff. 7-20-05.)

3 (820 ILCS 305/8.7)

4 Sec. 8.7. Utilization review programs.

5 (a) As used in this Section:

6 "Utilization review" means the evaluation of proposed or
7 provided health care services to determine the appropriateness
8 of both the level of health care services medically necessary
9 and the quality of health care services provided to a patient,
10 including evaluation of their efficiency, efficacy, and
11 appropriateness of treatment, hospitalization, or office
12 visits based on medically accepted standards. The evaluation
13 must be accomplished by means of a system that identifies the
14 utilization of health care services based on standards of care
15 or nationally recognized peer review guidelines as well as
16 nationally recognized evidence based upon standards as
17 provided in this Act. Utilization techniques may include
18 prospective review, second opinions, concurrent review,
19 discharge planning, peer review, independent medical
20 examinations, and retrospective review (for purposes of this
21 sentence, retrospective review shall be applicable to services
22 rendered on or after July 20, 2005). Nothing in this Section
23 applies to prospective review of necessary first aid or
24 emergency treatment.

25 (b) No person may conduct a utilization review program for
26 workers' compensation services in this State unless once every
27 2 years the person registers the utilization review program
28 with the Department of Financial and Professional Regulation
29 and certifies compliance with the Workers' Compensation
30 Utilization Management standards or Health Utilization
31 Management Standards of URAC sufficient to achieve URAC
32 accreditation or submits evidence of accreditation by URAC for
33 its Workers' Compensation Utilization Management Standards or

1 Health Utilization Management Standards. Nothing in this Act
2 shall be construed to require an employer or insurer or its
3 subcontractors to become URAC accredited.

4 (c) In addition, the Secretary of Financial and
5 Professional Regulation may certify alternative utilization
6 review standards of national accreditation organizations or
7 entities in order for plans to comply with this Section. Any
8 alternative utilization review standards shall meet or exceed
9 those standards required under subsection (b).

10 (d) This registration shall include submission of all of
11 the following information regarding utilization review program
12 activities:

13 (1) The name, address, and telephone number of the
14 utilization review programs.

15 (2) The organization and governing structure of the
16 utilization review programs.

17 (3) The number of lives for which utilization review is
18 conducted by each utilization review program.

19 (4) Hours of operation of each utilization review
20 program.

21 (5) Description of the grievance process for each
22 utilization review program.

23 (6) Number of covered lives for which utilization
24 review was conducted for the previous calendar year for
25 each utilization review program.

26 (7) Written policies and procedures for protecting
27 confidential information according to applicable State and
28 federal laws for each utilization review program.

29 (e) A utilization review program shall have written
30 procedures to ensure that patient-specific information
31 obtained during the process of utilization review will be:

32 (1) kept confidential in accordance with applicable
33 State and federal laws; and

34 (2) shared only with the employee, the employee's

1 designee, and the employee's health care provider, and
2 those who are authorized by law to receive the information.
3 Summary data shall not be considered confidential if it
4 does not provide information to allow identification of
5 individual patients or health care providers.

6 Only a health care professional may make determinations
7 regarding the medical necessity of health care services during
8 the course of utilization review.

9 When making retrospective reviews, utilization review
10 programs shall base reviews solely on the medical information
11 available to the attending physician or ordering provider at
12 the time the health care services were provided.

13 (f) If the Department of Financial and Professional
14 Regulation finds that a utilization review program is not in
15 compliance with this Section, the Department shall issue a
16 corrective action plan and allow a reasonable amount of time
17 for compliance with the plan. If the utilization review program
18 does not come into compliance, the Department may issue a cease
19 and desist order. Before issuing a cease and desist order under
20 this Section, the Department shall provide the utilization
21 review program with a written notice of the reasons for the
22 order and allow a reasonable amount of time to supply
23 additional information demonstrating compliance with the
24 requirements of this Section and to request a hearing. The
25 hearing notice shall be sent by certified mail, return receipt
26 requested, and the hearing shall be conducted in accordance
27 with the Illinois Administrative Procedure Act.

28 (g) A utilization review program subject to a corrective
29 action may continue to conduct business until a final decision
30 has been issued by the Department.

31 (h) The Secretary of Financial and Professional Regulation
32 may by rule establish a registration fee for each person
33 conducting a utilization review program.

34 (i) A utilization review will be considered by the

1 Commission, along with all other evidence and in the same
2 manner as all other evidence, in the determination of the
3 reasonableness and necessity of the medical bills or treatment.
4 Nothing in this Section shall be construed to diminish the
5 rights of employees to reasonable and necessary medical
6 treatment or employee choice of health care provider under
7 Section 8(a) or the rights of employers to medical examinations
8 under Section 12.

9 (j) When an employer denies payment of or refuses to
10 authorize payment of first aid, medical, surgical, or hospital
11 services under Section 8(a) of this Act, if that denial or
12 refusal to authorize complies with a utilization review program
13 registered under this Section and complies with all other
14 requirements of this Section, then there shall be a rebuttable
15 presumption that the employer shall not be responsible for
16 payment of additional compensation pursuant to Section 19(k) of
17 this Act and if that denial or refusal to authorize does not
18 comply with a utilization review program registered under this
19 Section and does not comply with all other requirements of this
20 Section, then that will be considered by the Commission, along
21 with all other evidence and in the same manner as all other
22 evidence, in the determination of whether the employer may be
23 responsible for the payment of additional compensation
24 pursuant to Section 19(k) of this Act.

25 (Source: P.A. 94-277, eff. 7-20-05.)

26 (820 ILCS 305/13.1) (from Ch. 48, par. 138.13-1)

27 Sec. 13.1. (a) There is created a Workers' Compensation
28 Advisory Board hereinafter referred to as the Advisory Board.
29 After the effective date of this amendatory Act of the 94th
30 General Assembly, the Advisory Board shall consist of 12
31 members appointed by the Governor with the advice and consent
32 of the Senate. Six members of the Advisory Board shall be
33 representative citizens chosen from the employee class, and 6

1 members shall be representative citizens chosen from the
2 employing class. The Chairman of the Commission shall serve as
3 the ex officio Chairman of the Advisory Board. After the
4 effective date of this amendatory Act of the 94th General
5 Assembly, each member of the Advisory Board shall serve a term
6 ending on the third Monday in January 2007 and shall continue
7 to serve until his or her successor is appointed and qualified.
8 Members of the Advisory Board shall thereafter be appointed for
9 4 year terms from the third Monday in January of the year of
10 their appointment, and until their successors are appointed and
11 qualified. Seven members of the Advisory Board shall constitute
12 a quorum to do business, but in no case shall there be less
13 than one representative from each class. A vacancy on the
14 Advisory Board shall be filled by the Governor for the
15 unexpired term.

16 (b) Members of the Advisory Board shall receive no
17 compensation for their services but shall be reimbursed for
18 expenses incurred in the performance of their duties by the
19 Commission from appropriations made to the Commission for such
20 purpose.

21 (c) The Advisory Board shall aid the Commission in
22 formulating policies, discussing problems, setting priorities
23 of expenditures, reviewing advisory rates filed by an advisory
24 organization as defined in Section 463 of the Illinois
25 Insurance Code, and establishing short and long range
26 administrative goals. Prior to making appointments to the
27 Commission, the Governor shall request that the Advisory Board
28 make recommendations as to candidates to consider for
29 appointment and the Advisory Board may then make such
30 recommendations.

31 (Source: P.A. 94-277, eff. 7-20-05.)

32 Section 95. Construction. Nothing in this Act shall be
33 construed to accelerate or otherwise supersede the provisions

1 of Section 95 of Public Act 94-277 regarding the applicability
2 of the amendatory changes to subsections (a) and (b) of Section
3 8 of the Workers' Compensation Act that were made by Public Act
4 94-277.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".