

1 AN ACT concerning patient billing.

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

4 Section 5. The Health Maintenance Organization Act is  
5 amended by changing Section 2-8 as follows:

6 (215 ILCS 125/2-8) (from Ch. 111 1/2, par. 1407.01)

7 Sec. 2-8. Provider agreements and stipulations.

8 (a) All provider contracts currently in existence between  
9 any organization and any provider hospital which are renewed  
10 on or after 180 days following the effective date of this  
11 amendatory Act of 1987, and all contracts between any  
12 organization and any provider hospital executed on or after  
13 180 days after such effective date, shall contain the  
14 following "hold-harmless" clause: "The provider agrees that  
15 in no event, including but not limited to nonpayment by the  
16 organization of amounts due the hospital provider under this  
17 contract, insolvency of the organization or any breach of  
18 this contract by the organization, shall the hospital  
19 provider or its assignees or subcontractors have a right to  
20 seek any type of payment from, bill, charge, collect a  
21 deposit from, or have any recourse against, the enrollee,  
22 persons acting on the enrollee's behalf (other than the  
23 organization), the employer or group contract holder for  
24 services provided pursuant to this contract except for the  
25 payment of applicable co-payments or deductibles for services  
26 covered by the organization or fees for services not covered  
27 by the organization. The requirements of this clause shall  
28 survive any termination of this contract for services  
29 rendered prior to such termination, regardless of the cause  
30 of such termination. The organization's enrollees, the  
31 persons acting on the enrollee's behalf (other than the

1 organization) and the employer or group contract holder shall  
2 be third party beneficiaries of this clause. This clause  
3 supersedes any oral or written agreement now existing or  
4 hereafter entered into between the provider and the enrollee,  
5 persons acting on the enrollee's behalf (other than the  
6 organization) and the employer or group contract holder." To  
7 the extent that any hospital provider contract, which is  
8 renewed or entered into on or after 180 days following the  
9 effective date of this amendatory Act of 1987, fails to  
10 incorporate such provisions, such provisions shall be deemed  
11 incorporated into such contracts by operation of law as of  
12 the date of such renewal or execution.

13 (b) Providers and their assignees or subcontractors may  
14 not seek any type of payment from, bill, charge, collect a  
15 deposit from, or have any recourse against an enrollee,  
16 persons acting on an enrollee's behalf (other than the  
17 organization), the employer, or group contract holder for  
18 services provided pursuant to a contract, except for the  
19 payment of applicable copayments or deductibles for services  
20 covered by the organization or fees for services not covered  
21 by the organization.

22 When a provider sends the enrollee a statement for  
23 services billed to the organization, such statement shall  
24 contain the following language conspicuously displayed on the  
25 front of such statement in at least fourteen-point boldface  
26 capital letters: "NOTICE: THIS IS NOT A BILL. DO NOT PAY."

27 Nothing in this subsection shall prevent a provider from  
28 seeking to bill, charge, or collect from an enrollee any  
29 amount that is the legal liability of the enrollee.

30 (c) Any collection or attempt to collect moneys or  
31 maintain action against any subscriber or enrollee as  
32 prohibited in subsection (b) may be reported as a complaint  
33 to the Director by any person. A person making such a  
34 complaint shall be immune from liability for doing so.

1       (d) Within 14 days after of the Director's receipt of a  
2 complaint under this subsection, the Director must provide a  
3 written notice of the complaint to the reported provider's  
4 licensing or disciplinary board or committee.

5       (e) The Director must maintain a record of all notices  
6 of complaint provided to licensing or disciplinary boards or  
7 committees under this Section. This record must be provided  
8 to any person within 14 days after the Director's receipt of  
9 a written request for the record.

10       (f) The Department shall investigate complaints received  
11 by the Director regarding violations of subsection (b).

12       (g) The Department must utilize the most efficient and  
13 effective methods to investigate each complaint. This may  
14 include requirements of the production of documents or review  
15 of records.

16       (h) When the Department determines through its  
17 investigation that a violation of subsection (b) has  
18 occurred, the Director shall require that the provider  
19 reimburse, with interest at the rate of 9% per year, the  
20 subscriber or enrollee for any prohibited collection of  
21 moneys described in subsection (b).

22       (i) When the Department determines through its  
23 investigation that a violation subsection (b) has occurred, a  
24 notice of violation shall be served upon the provider.

25       (j) A notice of violation must be in writing and must  
26 include all of the following:

27               (1) A description of the nature of the violation.

28               (2) A citation of the statutory provision alleged  
29 to have been violated.

30               (3) A description of any action the Department may  
31 take under this Section and any penalties that may be  
32 assessed under the Medical Patient Rights Act.

33               (4) A description of the manner in which the  
34 provider may contest the notice of violation and the

1 right to a hearing to contest the notice.

2 (k) The Director shall establish by rulemaking a formal  
3 hearing process for subsection (b) of this Section.

4 (l) When the Department has determined a violation of  
5 subsection (b) has occurred and (1) any appeal hearing has  
6 taken place resulting in a decision upholding the  
7 Department's determination or (2) the provider has waived the  
8 appeal hearing, the Director shall carry out the sanctions  
9 described in the notice of violation as outlined in item (3)  
10 of subsection (j).

11 (m) The Director must provide a copy of the written  
12 notice of violation imposed by the Department upon a provider  
13 to the provider's licensing or disciplinary board or  
14 committee.

15 (n) The Director must provide a copy of the written  
16 notice of violation imposed by the Department upon a provider  
17 to the State's Attorney's office in the county where the  
18 violation occurred.

19 (o) The Director must maintain a record of all notices  
20 of violation provided to licensing or disciplinary boards or  
21 committees under this Section. This record must be provided  
22 to any person within 14 days after the Director's receipt of  
23 a written request for the record.

24 (p) The Department, an enrollee, or a health maintenance  
25 organization may pursue injunctive relief to ensure  
26 compliance with this Section.

27 (q) ~~(b)~~ All provider and subcontractor contracts must  
28 contain provisions whereby the provider or subcontractor  
29 shall provide, arrange for, or participate in the quality  
30 assurance programs mandated by this Act, unless the Illinois  
31 Department of Public Health certifies that such programs will  
32 be fully implemented without any participation or actions  
33 from such contracting provider.

34 (r) ~~(e)~~ The Director may promulgate rules requiring that

1 provider contracts contain provisions concerning reasonable  
 2 notices to be given between the parties and for the  
 3 organization to provide reasonable notice to its enrollees  
 4 and to the Director. Notice shall be given for such events  
 5 as, but not limited to, termination of insurance protection,  
 6 quality assurance or availability of medical care.

7 (Source: P.A. 86-620.)

8 Section 10. The Medical Patient Rights Act is amended by  
 9 changing Section 4 and adding Section 3.3 as follows:

10 (410 ILCS 50/3.3 new)

11 Sec. 3.3. Prohibited billing practices.

12 (a) Health care providers, physicians, and their  
 13 assignees or subcontractors may not seek any type of payment  
 14 from, bill, charge, collect a deposit from, or have any  
 15 recourse against an insured patient, persons acting on the  
 16 insured patient's behalf (other than the insurer), the  
 17 employer, or group contract holder for services provided  
 18 pursuant to a contract in which an insurance company or  
 19 health services corporation has contractually agreed with a  
 20 health care provider or physician that the health care  
 21 provider or physician does not have such a right or rights,  
 22 except for the payment of applicable copayments or  
 23 deductibles for services covered by the insurance company or  
 24 health services corporation or fees for services not covered  
 25 by the insurance company or health services corporation.

26 (b) The Department of Insurance shall enforce the  
 27 provisions of this Section:

28 (1) Any collection or attempt to collect moneys or  
 29 maintain action against any insured patient as prohibited  
 30 in subsection (a) may be reported as a complaint to the  
 31 Director of the Department of Insurance by any person.

32 (2) A person making such a complaint shall be

1 immune from liability for doing so. Within 14 days after  
2 the Director's receipt of a complaint under this Section,  
3 the Director must provide a written notice of the  
4 complaint to the reported health care provider's or  
5 physician's licensing or disciplinary board or committee.

6 (3) The Director must maintain a record of all  
7 notices of complaint provided to licensing or  
8 disciplinary boards or committees under this Section.  
9 This record must be provided to any person within 14 days  
10 after the Director's receipt of a written request for the  
11 record.

12 (4) The Department shall investigate complaints  
13 received by the Director regarding violations of  
14 subsection (a).

15 (5) The Department must utilize the most efficient  
16 and effective methods to investigate each complaint.  
17 This may include requirements of the production of  
18 documents or review of records.

19 (6) When the Department determines through its  
20 investigation that a violation of subsection (a) has  
21 occurred, the Director shall require that the provider  
22 reimburse, with interest at the rate of 9% per year, the  
23 subscriber or enrollee for any prohibited collection of  
24 moneys described in subsection (a).

25 (7) When the Department determines through its  
26 investigation that a violation subsection (a) has  
27 occurred, a notice of violation shall be served upon the  
28 provider.

29 (8) A notice of violation must be in writing and  
30 must include all of the following:

31 (A) A description of the nature of the  
32 violation.

33 (B) A citation of the statutory provision  
34 alleged to have been violated.

1           (C) A description of any action the Department  
2           may take under this Section and any additional  
3           penalties that may be assessed under this Act.

4           (D) A description of the manner in which the  
5           provider may contest the notice of violation and the  
6           right to a hearing to contest the notice.

7           (9) The Director shall establish by rulemaking a  
8           formal hearing process for subsection (a) of this  
9           Section.

10          (10) When the Department has determined a violation  
11          of subsection (a) has occurred and (i) any appeal hearing  
12          has taken place resulting in a decision upholding the  
13          Department's determination or (ii) the provider has  
14          waived the appeal hearing, the Director shall carry out  
15          the sanctions described in the notice of violation as  
16          outlined in item (8)(C) of this subsection.

17          (11) The Director must provide a copy of the  
18          written notice of violation imposed by the Department  
19          upon a provider to the provider's licensing or  
20          disciplinary board or committee.

21          (12) The Director shall provide a copy of the  
22          written notice of violation imposed by the Department  
23          upon a provider to the State's Attorney's office in the  
24          county where the violation occurred.

25          (13) The Director must maintain a record of all  
26          notices of violation provided to licensing or  
27          disciplinary boards or committees under this Section.  
28          This record must be provided to any person within 14 days  
29          after the Director's receipt of a written request for the  
30          record.

31          (14) The Department, an insured patient, an  
32          insurance company, or a health services corporation may  
33          pursue injunctive relief to ensure compliance with this  
34          Section in addition to the penalties provided for under

1        this Act.

2            (410 ILCS 50/4) (from Ch. 111 1/2, par. 5404)

3            Sec. 4. Offenses; penalties. Any physician or health  
4 care provider that violates a patient's rights as set forth  
5 in subparagraph (a) of Section 3 or Section 3.3 is guilty of  
6 a petty offense and shall be fined \$500 per incident. Any  
7 insurance company or health service corporation that violates  
8 a patient's rights as set forth in subparagraph (b) of  
9 Section 3 is guilty of a petty offense and shall be fined  
10 \$1,000. Any physician, health care provider, health services  
11 corporation or insurance company that violates a patient's  
12 rights as set forth in subsection (c) of Section 3 is guilty  
13 of a petty offense and shall be fined \$1,000.

14        (Source: P.A. 86-902.)

15            Section 10. The Workers' Compensation Act is amended by  
16 changing Section 8 as follows:

17            (820 ILCS 305/8) (from Ch. 48, par. 138.8)

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

21            (a) The employer shall provide and pay for all the  
22 necessary first aid, medical and surgical services, and all  
23 necessary medical, surgical and hospital services thereafter  
24 incurred, limited, however, to that which is reasonably  
25 required to cure or relieve from the effects of the  
26 accidental injury. The employer shall also pay for treatment,  
27 instruction and training necessary for the physical, mental  
28 and vocational rehabilitation of the employee, including all  
29 maintenance costs and expenses incidental thereto. If as a  
30 result of the injury the employee is unable to be  
31 self-sufficient the employer shall further pay for such



1 maintenance or institutional care as shall be required.

2 The employee may at any time elect to secure his own  
3 physician, surgeon and hospital services at the employer's  
4 expense, or,

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

29 Every hospital, physician, surgeon or other person  
30 rendering treatment or services in accordance with the  
31 provisions of this Section shall upon written request furnish  
32 full and complete reports thereof to, and permit their  
33 records to be copied by, the employer, the employee or his  
34 dependents, as the case may be, or any other party to any

1 proceeding for compensation before the Commission, or their  
2 attorneys.

3 Notwithstanding the foregoing, the employer's liability  
4 to pay for such medical services selected by the employee  
5 shall be limited to:

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

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

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

29 When an employer and employee so agree in writing,  
30 nothing in this Act prevents an employee whose injury or  
31 disability has been established under this Act, from relying  
32 in good faith, on treatment by prayer or spiritual means  
33 alone, in accordance with the tenets and practice of a  
34 recognized church or religious denomination, by a duly

1 accredited practitioner thereof, and having nursing services  
2 appropriate therewith, without suffering loss or diminution  
3 of the compensation benefits under this Act. However, the  
4 employee shall submit to all physical examinations required  
5 by this Act. The cost of such treatment and nursing care  
6 shall be paid by the employee unless the employer agrees to  
7 make such payment.

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

23 The furnishing by the employer of any such services or  
24 appliances is not an admission of liability on the part of  
25 the employer to pay compensation.

26 The furnishing of any such services or appliances or the  
27 servicing thereof by the employer is not the payment of  
28 compensation.

29 The provider of any services, treatment, care,  
30 instruction, training, or appliances or other tangible things  
31 for which an employer is responsible for payment under this  
32 subsection (a) agrees to be bound by charges or payment  
33 levels allowed by the Industrial Commission, and any dispute  
34 regarding the reasonableness of a fee, charge, or payment

1 level shall be resolved in accordance with Section 16 of this  
2 Act or Section 16 of the Workers' Occupational Diseases Act.  
3 Neither the provider nor an employer or insurance carrier may  
4 seek payment from the employee if the employer is responsible  
5 for payment under this subsection (a).

6 (b) If the period of temporary total incapacity for work  
7 lasts more than 3 working days, weekly compensation as  
8 hereinafter provided shall be paid beginning on the 4th day  
9 of such temporary total incapacity and continuing as long as  
10 the total temporary incapacity lasts. In cases where the  
11 temporary total incapacity for work continues for a period of  
12 14 days or more from the day of the accident compensation  
13 shall commence on the day after the accident.

14 1. The compensation rate for temporary total  
15 incapacity under this paragraph (b) of this Section shall  
16 be equal to 66 2/3% of the employee's average weekly wage  
17 computed in accordance with Section 10, provided that it  
18 shall be not less than the following amounts in the  
19 following cases:

- 20 \$100.90 in case of a single person;
- 21 \$105.50 in case of a married person with no  
22 children;
- 23 \$108.30 in case of one child;
- 24 \$113.40 in case of 2 children;
- 25 \$117.40 in case of 3 children;
- 26 \$124.30 in case of 4 or more children;

27 nor exceed the employee's average weekly wage computed in  
28 accordance with the provisions of Section 10, whichever  
29 is less.

30 2. The compensation rate in all cases other than  
31 for temporary total disability under this paragraph (b),  
32 and other than for serious and permanent disfigurement  
33 under paragraph (c) and other than for permanent partial  
34 disability under subparagraph (2) of paragraph (d) or

1 under paragraph (e), of this Section shall be equal to 66  
 2 2/3% of the employee's average weekly wage computed in  
 3 accordance with the provisions of Section 10, provided  
 4 that it shall be not less than the following amounts in  
 5 the following cases:

6 \$80.90 in case of a single person;

7 \$83.20 in case of a married person with no  
 8 children;

9 \$86.10 in case of one child;

10 \$88.90 in case of 2 children;

11 \$91.80 in case of 3 children;

12 \$96.90 in case of 4 or more children;

13 nor exceed the employee's average weekly wage computed in  
 14 accordance with the provisions of Section 10, whichever  
 15 is less.

16 2.1. The compensation rate in all cases of serious  
 17 and permanent disfigurement under paragraph (c) and of  
 18 permanent partial disability under subparagraph (2) of  
 19 paragraph (d) or under paragraph (e) of this Section  
 20 shall be equal to 60% of the employee's average weekly  
 21 wage computed in accordance with the provisions of  
 22 Section 10, provided that it shall be not less than the  
 23 following amounts in the following cases:

24 \$80.90 in case of a single person;

25 \$83.20 in case of a married person with no  
 26 children;

27 \$86.10 in case of one child;

28 \$88.90 in case of 2 children;

29 \$91.80 in case of 3 children;

30 \$96.90 in case of 4 or more children;

31 nor exceed the employee's average weekly wage computed in  
 32 accordance with the provisions of Section 10, whichever  
 33 is less.

34 3. As used in this Section the term "child" means a

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

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

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

17 The maximum weekly compensation rate, for the period  
18 July 1, 1984, through June 30, 1987, except as  
19 hereinafter provided, shall be \$293.61. Effective July 1,  
20 1987 and on July 1 of each year thereafter the maximum  
21 weekly compensation rate, except as hereinafter provided,  
22 shall be determined as follows: if during the preceding  
23 12 month period there shall have been an increase in the  
24 State's average weekly wage in covered industries under  
25 the Unemployment Insurance Act, the weekly compensation  
26 rate shall be proportionately increased by the same  
27 percentage as the percentage of increase in the State's  
28 average weekly wage in covered industries under the  
29 Unemployment 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  
33 average weekly wage in covered industries under the  
34 Unemployment Insurance Act in effect on January 1, 1981.

1 Effective January 1, 1984 and on January 1, of each year  
2 thereafter the maximum weekly compensation rate, except  
3 as hereinafter provided, shall be determined as follows:  
4 if during the preceding 12 month period there shall have  
5 been an increase in the State's average weekly wage in  
6 covered industries under the Unemployment Insurance Act,  
7 the 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  
18 an eye under paragraph (e) of this Section shall be  
19 increased to 133-1/3% of the State's average weekly wage  
20 in covered industries under the Unemployment Insurance  
21 Act.

22 4.1. Any provision herein to the contrary  
23 notwithstanding, the weekly compensation rate for  
24 compensation payments under subparagraph 18 of paragraph  
25 (e) of this Section and under paragraph (f) of this  
26 Section and under paragraph (a) of Section 7, shall in no  
27 event be less than 50% of the State's average weekly wage  
28 in covered industries under the Unemployment Insurance  
29 Act.

30 4.2. Any provision to the contrary notwithstanding,  
31 the total compensation payable under Section 7 shall not  
32 exceed the greater of \$250,000 or 20 years.

33 5. For the purpose of this Section this State's  
34 average weekly wage in covered industries under the

1 Unemployment Insurance Act on July 1, 1975 is hereby  
2 fixed at \$228.16 per week and the computation of  
3 compensation rates shall be based on the aforesaid  
4 average weekly wage until modified as hereinafter  
5 provided.

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

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

27 (c) For any serious and permanent disfigurement to the  
28 hand, head, face, neck, arm, leg below the knee or the chest  
29 above the axillary line, the employee is entitled to  
30 compensation for such disfigurement, the amount determined by  
31 agreement at any time or by arbitration under this Act, at a  
32 hearing not less than 6 months after the date of the  
33 accidental injury, which amount shall not exceed 150 weeks at  
34 the applicable rate provided in subparagraph 2.1 of paragraph



1 (b) of this Section.

2 No compensation is payable under this paragraph where  
3 compensation is payable under paragraphs (d), (e) or (f) of  
4 this Section.

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

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

24 2. If, as a result of the accident, the employee  
25 sustains serious and permanent injuries not covered by  
26 paragraphs (c) and (e) of this Section or having sustained  
27 injuries covered by the aforesaid paragraphs (c) and (e), he  
28 shall have sustained in addition thereto other injuries which  
29 injuries do not incapacitate him from pursuing the duties of  
30 his employment but which would disable him from pursuing  
31 other suitable occupations, or which have otherwise resulted  
32 in physical impairment; or if such injuries partially  
33 incapacitate him from pursuing the duties of his usual and  
34 customary line of employment but do not result in an

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

31 (e) For accidental injuries in the following schedule,  
32 the employee shall receive compensation for the period of  
33 temporary total incapacity for work resulting from such  
34 accidental injury, under subparagraph 1 of paragraph (b) of

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

- 8 1. Thumb-70 weeks.
- 9 2. First, or index finger-40 weeks.
- 10 3. Second, or middle finger-35 weeks.
- 11 4. Third, or ring finger-25 weeks.
- 12 5. Fourth, or little finger-20 weeks.
- 13 6. Great toe-35 weeks.
- 14 7. Each toe other than great toe-12 weeks.
- 15 8. The loss of the first or distal phalanx of the  
16 thumb or of any finger or toe shall be considered to be  
17 equal to the loss of one-half of such thumb, finger or  
18 toe and the compensation payable shall be one-half of the  
19 amount above specified. The loss of more than one  
20 phalanx shall be considered as the loss of the entire  
21 thumb, finger or toe. In no case shall the amount  
22 received for more than one finger exceed the amount  
23 provided in this schedule for the loss of a hand.
- 24 9. Hand-190 weeks. The loss of 2 or more digits,  
25 or one or more phalanges of 2 or more digits, of a hand  
26 may be compensated on the basis of partial loss of use of  
27 a hand, provided, further, that the loss of 4 digits, or  
28 the loss of use of 4 digits, in the same hand shall  
29 constitute the complete loss of a hand.
- 30 10. Arm-235 weeks. Where an accidental injury  
31 results in the amputation of an arm below the elbow, such  
32 injury shall be compensated as a loss of an arm. Where  
33 an accidental injury results in the amputation of an arm  
34 above the elbow, compensation for an additional 15 weeks

1 shall be paid, except where the accidental injury results  
2 in the amputation of an arm at the shoulder joint, or so  
3 close to shoulder joint that an artificial arm cannot be  
4 used, or results in the disarticulation of an arm at the  
5 shoulder joint, in which case compensation for an  
6 additional 65 weeks shall be paid.

7 11. Foot-155 weeks.

8 12. Leg-200 weeks. Where an accidental injury  
9 results in the amputation of a leg below the knee, such  
10 injury shall be compensated as loss of a leg. Where an  
11 accidental injury results in the amputation of a leg  
12 above the knee, compensation for an additional 25 weeks  
13 shall be paid, except where the accidental injury results  
14 in the amputation of a leg at the hip joint, or so close  
15 to the hip joint that an artificial leg cannot be used,  
16 or results in the disarticulation of a leg at the hip  
17 joint, in which case compensation for an additional 75  
18 weeks shall be paid.

19 13. Eye-150 weeks. Where an accidental injury  
20 results in the enucleation of an eye, compensation for an  
21 additional 10 weeks shall be paid.

22 14. Loss of hearing of one ear-50 weeks; total and  
23 permanent loss of hearing of both ears-200 weeks.

24 15. Testicle-50 weeks; both testicles-150 weeks.

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

33 (a) Loss of hearing for compensation purposes  
34 shall be confined to the frequencies of 1,000, 2,000

1 and 3,000 cycles per second. Loss of hearing ability  
2 for frequency tones above 3,000 cycles per second  
3 are not to be considered as constituting disability  
4 for hearing.

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

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

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

32 (e) No consideration shall be given to the  
33 question of whether or not the ability of an  
34 employee to understand speech is improved by the use

1 of a hearing aid.

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

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

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

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

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

1 arms, or both feet, or both legs, or both eyes, or of any  
2 two thereof, or the permanent and complete loss of the  
3 use thereof, constitutes total and permanent disability,  
4 to be 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  
7 cases.

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

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

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

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

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

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

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

32 If any employee who receives an award under this  
33 paragraph afterwards returns to work or is able to do so, and  
34 earns or is able to earn as much as before the accident,



1 payments under such award shall cease. If such employee  
2 returns to work, or is able to do so, and earns or is able to  
3 earn part but not as much as before the accident, such award  
4 shall be modified so as to conform to an award under  
5 paragraph (d) of this Section. If such award is terminated  
6 or reduced under the provisions of this paragraph, such  
7 employees have the right at any time within 30 months after  
8 the date of such termination or reduction to file petition  
9 with the Commission for the purpose of determining whether  
10 any disability exists as a result of the original accidental  
11 injury and the extent thereof.

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

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

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

34 In its award the Commission or the Arbitrator shall

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

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

29 (g) Every award for permanent total disability entered  
30 by the Commission on and after July 1, 1965 under which  
31 compensation payments shall become due and payable after the  
32 effective date of this amendatory Act, and every award for  
33 death benefits or permanent total disability entered by the  
34 Commission on and after the effective date of this amendatory

1 Act shall be subject to annual adjustments as to the amount  
2 of the compensation rate therein provided. Such adjustments  
3 shall first be made on July 15, 1977, and all awards made and  
4 entered prior to July 1, 1975 and on July 15 of each year  
5 thereafter. In all other cases such adjustment shall be made  
6 on July 15 of the second year next following the date of the  
7 entry of the award and shall further be made on July 15  
8 annually thereafter. If during the intervening period from  
9 the date of the entry of the award, or the last periodic  
10 adjustment, there shall have been an increase in the State's  
11 average weekly wage in covered industries under the  
12 Unemployment Insurance Act, the weekly compensation rate  
13 shall be proportionately increased by the same percentage as  
14 the percentage of increase in the State's average weekly wage  
15 in covered industries under the Unemployment Insurance Act.  
16 The increase in the compensation rate under this paragraph  
17 shall in no event bring the total compensation rate to an  
18 amount greater than the prevailing maximum rate. Such  
19 increase shall be paid in the same manner as herein provided  
20 for payments under the Second Injury Fund to the injured  
21 employee, or his dependents, as the case may be, out of the  
22 Rate Adjustment Fund provided in paragraph (f) of Section 7  
23 of this Act. Payments shall be made at the same intervals as  
24 provided in the award or, at the option of the Commission,  
25 may be made in quarterly payment on the 15th day of January,  
26 April, July and October of each year. In the event of a  
27 decrease in such average weekly wage there shall be no change  
28 in the then existing compensation rate. The within paragraph  
29 shall not apply to cases where there is disputed liability  
30 and in which a compromise lump sum settlement between the  
31 employer and the injured employee, or his dependents, as the  
32 case may be, has been duly approved by the Industrial  
33 Commission.

34 Provided, that in cases of awards entered by the

1 Commission for injuries occurring before July 1, 1975, the  
2 increases in the compensation rate adjusted under the  
3 foregoing provision of this paragraph (g) shall be limited to  
4 increases in the State's average weekly wage in covered  
5 industries under the Unemployment Insurance Act occurring  
6 after July 1, 1975.

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

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

26 (i) In case the injured employee is under 16 years of  
27 age at the time of the accident and is illegally employed,  
28 the amount of compensation payable under paragraphs (b), (c),  
29 (d), (e) and (f) of this Section is increased 50%.

30 However, where an employer has on file an employment  
31 certificate issued pursuant to the Child Labor Law or work  
32 permit issued pursuant to the Federal Fair Labor Standards  
33 Act, as amended, or a birth certificate properly and duly  
34 issued, such certificate, permit or birth certificate is

1 conclusive evidence as to the age of the injured minor  
2 employee for the purposes of this Section.

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

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

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

1 reimburse the State Employees' Retirement System to the  
2 extent of such credit.

3 2. Nothing contained in this Act shall be construed to  
4 give the employer or the insurance carrier the right to  
5 credit for any benefits or payments received by the employee  
6 other than compensation payments provided by this Act, and  
7 where the employee receives payments other than compensation  
8 payments, whether as full or partial salary, group insurance  
9 benefits, bonuses, annuities or any other payments, the  
10 employer or insurance carrier shall receive credit for each  
11 such payment only to the extent of the compensation that  
12 would have been payable during the period covered by such  
13 payment.

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

22 (Source: P.A. 89-470, eff. 6-13-96.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.