

HB1254



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1254

Introduced 1/28/2025, by Rep. Dan Ugaste

SYNOPSIS AS INTRODUCED:

820 ILCS 305/8

from Ch. 48, par. 138.8

Amends the Workers' Compensation Act. Makes changes to the compensation periods for accidental injuries resulting in the loss of or the permanent and complete loss of use of the thumb, fingers, or toes; the amputation of an arm, foot, or leg; the enucleation of an eye; and other injuries to reduce the compensation to the amounts in effect for injuries occurring before February 1, 2006. Effective immediately.

LRB104 03226 SPS 13248 b

A BILL FOR

1 AN ACT concerning employment.

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

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

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

7 (Text of Section before amendment by P.A. 103-721)

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

11 (a) The employer shall provide and pay the negotiated
12 rate, if applicable, or the lesser of the health care
13 provider's actual charges or according to a fee schedule,
14 subject to Section 8.2, in effect at the time the service was
15 rendered for all the necessary first aid, medical and surgical
16 services, and all necessary medical, surgical and hospital
17 services thereafter incurred, limited, however, to that which
18 is reasonably required to cure or relieve from the effects of
19 the accidental injury, even if a health care provider sells,
20 transfers, or otherwise assigns an account receivable for
21 procedures, treatments, or services covered under this Act. If
22 the employer does not dispute payment of first aid, medical,
23 surgical, and hospital services, the employer shall make such

1 payment to the provider on behalf of the employee. The
2 employer shall also pay for treatment, instruction and
3 training necessary for the physical, mental and vocational
4 rehabilitation of the employee, including all maintenance
5 costs and expenses incidental thereto. If as a result of the
6 injury the employee is unable to be self-sufficient the
7 employer shall further pay for such maintenance or
8 institutional care as shall be required.

9 The employee may at any time elect to secure his own
10 physician, surgeon and hospital services at the employer's
11 expense, or,

12 Upon agreement between the employer and the employees, or
13 the employees' exclusive representative, and subject to the
14 approval of the Illinois Workers' Compensation Commission, the
15 employer shall maintain a list of physicians, to be known as a
16 Panel of Physicians, who are accessible to the employees. The
17 employer shall post this list in a place or places easily
18 accessible to his employees. The employee shall have the right
19 to make an alternative choice of physician from such Panel if
20 he is not satisfied with the physician first selected. If, due
21 to the nature of the injury or its occurrence away from the
22 employer's place of business, the employee is unable to make a
23 selection from the Panel, the selection process from the Panel
24 shall not apply. The physician selected from the Panel may
25 arrange for any consultation, referral or other specialized
26 medical services outside the Panel at the employer's expense.

1 Provided that, in the event the Commission shall find that a
2 doctor selected by the employee is rendering improper or
3 inadequate care, the Commission may order the employee to
4 select another doctor certified or qualified in the medical
5 field for which treatment is required. If the employee refuses
6 to make such change the Commission may relieve the employer of
7 his obligation to pay the doctor's charges from the date of
8 refusal to the date of compliance.

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

21 The maintenance benefit shall not be less than the
22 temporary total disability rate determined for the employee.
23 In addition, maintenance shall include costs and expenses
24 incidental to the vocational rehabilitation program.

25 When the employee is working light duty on a part-time
26 basis or full-time basis and earns less than he or she would be

1 earning if employed in the full capacity of the job or jobs,
2 then the employee shall be entitled to temporary partial
3 disability benefits. Temporary partial disability benefits
4 shall be equal to two-thirds of the difference between the
5 average amount that the employee would be able to earn in the
6 full performance of his or her duties in the occupation in
7 which he or she was engaged at the time of accident and the
8 gross amount which he or she is earning in the modified job
9 provided to the employee by the employer or in any other job
10 that the employee is working.

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

18 Notwithstanding the foregoing, the employer's liability to
19 pay for such medical services selected by the employee shall
20 be limited to:

21 (1) all first aid and emergency treatment; plus
22 (2) all medical, surgical and hospital services
23 provided by the physician, surgeon or hospital initially
24 chosen by the employee or by any other physician,
25 consultant, expert, institution or other provider of
26 services recommended by said initial service provider or

1 any subsequent provider of medical services in the chain
2 of referrals from said initial service provider; plus

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

18 (4) The following shall apply for injuries occurring
19 on or after June 28, 2011 (the effective date of Public Act
20 97-18) and only when an employer has an approved preferred
21 provider program pursuant to Section 8.1a on the date the
22 employee sustained his or her accidental injuries:

23 (A) The employer shall, in writing, on a form
24 promulgated by the Commission, inform the employee of
25 the preferred provider program;

26 (B) Subsequent to the report of an injury by an

1 employee, the employee may choose in writing at any
2 time to decline the preferred provider program, in
3 which case that would constitute one of the two
4 choices of medical providers to which the employee is
5 entitled under subsection (a)(2) or (a)(3); and

6 (C) Prior to the report of an injury by an
7 employee, when an employee chooses non-emergency
8 treatment from a provider not within the preferred
9 provider program, that would constitute the employee's
10 one choice of medical providers to which the employee
11 is entitled under subsection (a)(2) or (a)(3).

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

24 Where the accidental injury results in the amputation of
25 an arm, hand, leg or foot, or the enucleation of an eye, or the
26 loss of any of the natural teeth, the employer shall furnish an

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

13 The furnishing by the employer of any such services or
14 appliances is not an admission of liability on the part of the
15 employer to pay compensation.

16 The furnishing of any such services or appliances or the
17 servicing thereof by the employer is not the payment of
18 compensation.

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

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

14 2. The compensation rate in all cases other than for
15 temporary total disability under this paragraph (b), and
16 other than for serious and permanent disfigurement under
17 paragraph (c) and other than for permanent partial
18 disability under subparagraph (2) of paragraph (d) or
19 under paragraph (e), of this Section shall be equal to 66
20 2/3% of the employee's average weekly wage computed in
21 accordance with the provisions of Section 10, provided
22 that it shall be not less than 66 2/3% of the sum of the
23 Federal minimum wage under the Fair Labor Standards Act,
24 or the Illinois minimum wage under the Minimum Wage Law,
25 whichever is more, multiplied by 40 hours. This percentage
26 rate shall be increased by 10% for each spouse and child,

1 not to exceed 100% of the total minimum wage calculation,
2 nor exceed the employee's average weekly wage computed in
3 accordance with the provisions of Section 10, whichever is
4 less.

5 2.1. The compensation rate in all cases of serious and
6 permanent disfigurement under paragraph (c) and of
7 permanent partial disability under subparagraph (2) of
8 paragraph (d) or under paragraph (e) of this Section shall
9 be equal to 60% of the employee's average weekly wage
10 computed in accordance with the provisions of Section 10,
11 provided that it shall be not less than 66 2/3% of the sum
12 of the Federal minimum wage under the Fair Labor Standards
13 Act, or the Illinois minimum wage under the Minimum Wage
14 Law, whichever is more, multiplied by 40 hours. This
15 percentage rate shall be increased by 10% for each spouse
16 and child, not to exceed 100% of the total minimum wage
17 calculation, nor exceed the employee's average weekly wage
18 computed in accordance with the provisions of Section 10,
19 whichever is less.

20 3. As used in this Section the term "child" means a
21 child of the employee including any child legally adopted
22 before the accident or whom at the time of the accident the
23 employee was under legal obligation to support or to whom
24 the employee stood in loco parentis, and who at the time of
25 the accident was under 18 years of age and not
26 emancipated. The term "children" means the plural of

1 "child".

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

5 The maximum weekly compensation rate from July 1,
6 1975, except as hereinafter provided, shall be 100% of the
7 State's average weekly wage in covered industries under
8 the Unemployment Insurance Act, that being the wage that
9 most closely approximates the State's average weekly wage.

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

23 The maximum weekly compensation rate, for the period
24 January 1, 1981 through December 31, 1983, except as
25 hereinafter provided, shall be 100% of the State's average
26 weekly wage in covered industries under the Unemployment

1 Insurance Act in effect on January 1, 1981. Effective
2 January 1, 1984 and on January 1, of each year thereafter
3 the maximum weekly compensation rate, except as
4 hereinafter provided, shall be determined as follows: if
5 during the preceding 12 month period there shall have been
6 an increase in the State's average weekly wage in covered
7 industries under the Unemployment Insurance Act, the
8 weekly compensation rate shall be proportionately
9 increased by the same percentage as the percentage of
10 increase in the State's average weekly wage in covered
11 industries under the Unemployment Insurance Act during
12 such period.

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

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

1 Act.

2 4.1. Any provision herein to the contrary
3 notwithstanding, the weekly compensation rate for
4 compensation payments under subparagraph 18 of paragraph
5 (e) of this Section and under paragraph (f) of this
6 Section and under paragraph (a) of Section 7 and for
7 amputation of a member or enucleation of an eye under
8 paragraph (e) of this Section, shall in no event be less
9 than 50% of the State's average weekly wage in covered
10 industries under the Unemployment Insurance Act.

11 4.2. Any provision to the contrary notwithstanding,
12 the total compensation payable under Section 7 shall not
13 exceed the greater of \$500,000 or 25 years.

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

20 6. The Department of Employment Security of the State
21 shall on or before the first day of December, 1977, and on
22 or before the first day of June, 1978, and on the first day
23 of each December and June of each year thereafter, publish
24 the State's average weekly wage in covered industries
25 under the Unemployment Insurance Act and the Illinois
26 Workers' Compensation Commission shall on the 15th day of

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

10 7. The payment of compensation by an employer or his
11 insurance carrier to an injured employee shall not
12 constitute an admission of the employer's liability to pay
13 compensation.

14 (c) For any serious and permanent disfigurement to the
15 hand, head, face, neck, arm, leg below the knee or the chest
16 above the axillary line, the employee is entitled to
17 compensation for such disfigurement, the amount determined by
18 agreement at any time or by arbitration under this Act, at a
19 hearing not less than 6 months after the date of the accidental
20 injury, which amount shall not exceed 150 weeks (if the
21 accidental injury occurs on or after the effective date of
22 this amendatory Act of the 94th General Assembly but before
23 February 1, 2006) or 162 weeks (if the accidental injury
24 occurs on or after February 1, 2006) at the applicable rate
25 provided in subparagraph 2.1 of paragraph (b) of this Section.

26 No compensation is payable under this paragraph where

1 compensation is payable under paragraphs (d), (e) or (f) of
2 this Section.

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

8 (d) 1. If, after the accidental injury has been sustained,
9 the employee as a result thereof becomes partially
10 incapacitated from pursuing his usual and customary line of
11 employment, he shall, except in cases compensated under the
12 specific schedule set forth in paragraph (e) of this Section,
13 receive compensation for the duration of his disability,
14 subject to the limitations as to maximum amounts fixed in
15 paragraph (b) of this Section, equal to 66-2/3% of the
16 difference between the average amount which he would be able
17 to earn in the full performance of his duties in the occupation
18 in which he was engaged at the time of the accident and the
19 average amount which he is earning or is able to earn in some
20 suitable employment or business after the accident. For
21 accidental injuries that occur on or after September 1, 2011,
22 an award for wage differential under this subsection shall be
23 effective only until the employee reaches the age of 67 or 5
24 years from the date the award becomes final, whichever is
25 later.

26 2. If, as a result of the accident, the employee sustains

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

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

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

25 1. Thumb-

26 70 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 76 weeks if the accidental injury occurs on or
4 after February 1, 2006.

5 70 weeks if the accidental injury occurs on or
6 after the effective date of this amendatory Act of the
7 104th General Assembly.

8 2. First, or index finger-

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

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

14 40 weeks if the accidental injury occurs on or
15 after the effective date of this amendatory Act of the
16 104th General Assembly.

17 3. Second, or middle finger-

18 35 weeks if the accidental injury occurs on or
19 after the effective date of this amendatory Act of the
20 94th General Assembly but before February 1, 2006.

21 38 weeks if the accidental injury occurs on or
22 after February 1, 2006, but before the effective date
23 of this amendatory Act of the 104th General Assembly..

24 35 weeks if the accidental injury occurs on or
25 after the effective date of this amendatory Act of the
26 104th General Assembly

1 4. Third, or ring finger-

2 25 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 27 weeks if the accidental injury occurs on or
6 after February 1, 2006, but before the effective date
7 of this amendatory Act of the 104th General Assembly..

8 25 weeks if the accidental injury occurs on or
9 after the effective date of this amendatory Act of the
10 104th General Assembly.

11 5. Fourth, or little finger-

12 20 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 22 weeks if the accidental injury occurs on or
16 after February 1, 2006, but before the effective date
17 of this amendatory Act of the 104th General Assembly..

18 20 weeks if the accidental injury occurs on or
19 after the effective date of this amendatory Act of the
20 104th General Assembly.

21 6. Great toe-

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, but before the effective date

1 of this amendatory Act of the 104th General Assembly.

2 35 weeks if the accidental injury occurs on or
3 after the effective date of this amendatory Act of the
4 104th General Assembly.

5 7. Each toe other than great toe-

6 12 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 13 weeks if the accidental injury occurs on or
10 after February 1, 2006, but before the effective date
11 of this amendatory Act of the 104th General Assembly.

12 12 weeks if the accidental injury occurs on or
13 after the effective date of this amendatory Act of the
14 104th General Assembly.

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

24 9. Hand-

25 190 weeks if the accidental injury occurs on or
26 after the effective date of this amendatory Act of the

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

2 205 weeks if the accidental injury occurs on or
3 after February 1, 2006, but before the effective date
4 of this amendatory Act of the 104th General Assembly.

5 190 weeks if the accidental injury occurs on or
6 after the effective date of this amendatory Act of the
7 104th General Assembly.

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

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

23 10. Arm-

24 235 weeks if the accidental injury occurs on or
25 after the effective date of this amendatory Act of the
26 94th General Assembly but before February 1, 2006.

1 253 weeks if the accidental injury occurs on or
2 after February 1, 2006, but before the effective date
3 of this amendatory Act of the 104th General Assembly.

4 235 weeks if the accidental injury occurs on or
5 after the effective date of this amendatory Act of the
6 104th General Assembly.

7 Where an accidental injury results in the amputation
8 of an arm below the elbow, such injury shall be
9 compensated as a loss of an arm. Where an accidental
10 injury results in the amputation of an arm above the
11 elbow, compensation for an additional 15 weeks (if the
12 accidental injury occurs on or after the effective date of
13 this amendatory Act of the 94th General Assembly but
14 before February 1, 2006, but before the effective date of
15 this amendatory Act of the 104th General Assembly) or an
16 additional 15 weeks (if the accidental injury occurs on or
17 after the effective date of this amendatory Act of the
18 104th General Assembly) or an additional 17 weeks (if the
19 accidental injury occurs on or after February 1, 2006)
20 shall be paid, except where the accidental injury results
21 in the amputation of an arm at the shoulder joint, or so
22 close to shoulder joint that an artificial arm cannot be
23 used, or results in the disarticulation of an arm at the
24 shoulder joint, in which case compensation for an
25 additional 65 weeks (if the accidental injury occurs on or
26 after the effective date of this amendatory Act of the

1 94th General Assembly but before February 1, 2006) or an
2 additional 70 weeks (if the accidental injury occurs on or
3 after February 1, 2006, but before the effective date of
4 this amendatory Act of the 104th General Assembly) or an
5 additional 65 weeks (if the accidental injury occurs on or
6 after the effective date of this amendatory Act of the
7 104th General Assembly) shall be paid.

8 11. Foot-

9 155 weeks if the accidental injury occurs on or
10 after the effective date of this amendatory Act of the
11 94th General Assembly but before February 1, 2006.

12 167 weeks if the accidental injury occurs on or
13 after February 1, 2006, but before the effective date
14 of this amendatory Act of the 104th General Assembly.

15 155 weeks if the accidental injury occurs on or
16 after the effective date of this amendatory Act of the
17 104th General Assembly.

18 12. Leg-

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

22 215 weeks if the accidental injury occurs on or
23 after February 1, 2006, but before the effective date
24 of this amendatory Act of the 104th General Assembly.

25 200 weeks if the accidental injury occurs on or
26 after the effective date of this amendatory Act of the

1 104th General Assembly.

2 Where an accidental injury results in the amputation
3 of a leg below the knee, such injury shall be compensated
4 as loss of a leg. Where an accidental injury results in the
5 amputation of a leg above the knee, compensation for an
6 additional 25 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) or an
9 additional 27 weeks (if the accidental injury occurs on or
10 after February 1, 2006, but before the effective date of
11 this amendatory Act of the 104th General Assembly) or an
12 additional 25 weeks (if the accidental injury occurs on or
13 after the effective date of this amendatory Act of the
14 104th General Assembly) shall be paid, except where the
15 accidental injury results in the amputation of a leg at
16 the hip joint, or so close to the hip joint that an
17 artificial leg cannot be used, or results in the
18 disarticulation of a leg at the hip joint, in which case
19 compensation for an additional 75 weeks (if the accidental
20 injury occurs on or after the effective date of this
21 amendatory Act of the 94th General Assembly but before
22 February 1, 2006) or an additional 81 weeks (if the
23 accidental injury occurs on or after February 1, 2006, but
24 before the effective date of this amendatory Act of the
25 104th General Assembly) or an additional 75 weeks (if the
26 accidental injury occurs on or after the effective date of

1 this amendatory Act of the 104th General Assembly) shall
2 be paid.

3 13. Eye-

4 150 weeks if the accidental injury occurs on or
5 after the effective date of this amendatory Act of the
6 94th General Assembly but before February 1, 2006.

7 162 weeks if the accidental injury occurs on or
8 after February 1, 2006, but before the effective date
9 of this amendatory Act of the 104th General Assembly.

10 150 weeks if the accidental injury occurs on or
11 after the effective date of this amendatory Act of the
12 104th General Assembly.

13 Where an accidental injury results in the enucleation
14 of an eye, compensation for an additional 10 weeks (if the
15 accidental injury occurs on or after the effective date of
16 this amendatory Act of the 94th General Assembly but
17 before February 1, 2006) or an additional 11 weeks (if the
18 accidental injury occurs on or after February 1, 2006, but
19 before the effective date of this amendatory Act of the
20 104th General Assembly) or an additional 10 weeks (if the
21 accidental injury occurs on or after the effective date of
22 this amendatory Act of the 104th General Assembly)) shall
23 be paid.

24 14. Loss of hearing of one ear-

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

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

2 54 weeks if the accidental injury occurs on or
3 after February 1, 2006, but before the effective date
4 of this amendatory Act of the 104th General Assembly.

5 50 weeks if the accidental injury occurs on or
6 after the effective date of this amendatory Act of the
7 104th General Assembly.

8 Total and permanent loss of hearing of both ears-

9 200 weeks if the accidental injury occurs on or
10 after the effective date of this amendatory Act of the
11 94th General Assembly but before February 1, 2006.

12 215 weeks if the accidental injury occurs on or
13 after February 1, 2006, but before the effective date
14 of this amendatory Act of the 104th General Assembly.

15 200 weeks if the accidental injury occurs on or
16 after the effective date of this amendatory Act of the
17 104th General Assembly.

18 15. Testicle-

19 50 weeks if the accidental injury occurs on or
20 after the effective date of this amendatory Act of the
21 94th General Assembly but before February 1, 2006.

22 54 weeks if the accidental injury occurs on or
23 after February 1, 2006, but before the effective date
24 of this amendatory Act of the 104th General Assembly.

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

1 104th General Assembly.

2 Both testicles-

3 150 weeks if the accidental injury occurs on or
4 after the effective date of this amendatory Act of the
5 94th General Assembly but before February 1, 2006.

6 162 weeks if the accidental injury occurs on or
7 after February 1, 2006, but before the effective date
8 of this amendatory Act of the 104th General Assembly.

9 150 weeks if the accidental injury occurs on or
10 after the effective date of this amendatory Act of the
11 104th General Assembly.

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

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

25 (b) The percent of hearing loss, for purposes of
26 the determination of compensation claims for

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

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

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

26 (e) No consideration shall be given to the

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

	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

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

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

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

25 19. In a case of specific loss and the subsequent
26 death of such injured employee from other causes than such

1 injury leaving a widow, widower, or dependents surviving
2 before payment or payment in full for such injury, then
3 the amount due for such injury is payable to the widow or
4 widower and, if there be no widow or widower, then to such
5 dependents, in the proportion which such dependency bears
6 to total dependency.

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

25 On August 1, 1996 and on February 1 and August 1 of each
26 subsequent year, the Commission shall examine the special fund

1 designated as the "Rate Adjustment Fund" and when, after
2 deducting all advances or loans made to said fund, the amount
3 therein is \$4,000,000, the amount required to be paid by
4 employers pursuant to paragraph (f) of Section 7 shall be
5 reduced by one-half. When the Rate Adjustment Fund reaches the
6 sum of \$5,000,000 the payment therein shall cease entirely.
7 However, when said Rate Adjustment Fund has been reduced to
8 \$3,000,000 the amounts required by paragraph (f) of Section 7
9 shall be resumed in the manner herein provided.

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

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

21 If any employee who receives an award under this paragraph
22 afterwards returns to work or is able to do so, and earns or is
23 able to earn as much as before the accident, payments under
24 such award shall cease. If such employee returns to work, or is
25 able to do so, and earns or is able to earn part but not as
26 much as before the accident, such award shall be modified so as

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

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

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

24 The custodian of the Second Injury Fund provided for in
25 paragraph (f) of Section 7 shall be joined with the employer as
26 a party respondent in the application for adjustment of claim.

1 The application for adjustment of claim shall state briefly
2 and in general terms the approximate time and place and manner
3 of the loss of the first member.

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

25 As of July 1, 1980 to July 1, 1982, all claims against and
26 obligations of the Second Injury Fund shall become claims

1 against and obligations of the Rate Adjustment Fund to the
2 extent there is insufficient money in the Second Injury Fund
3 to pay such claims and obligations. In that case, all
4 references to "Second Injury Fund" in this Section shall also
5 include the Rate Adjustment Fund.

6 (g) Every award for permanent total disability entered by
7 the Commission on and after July 1, 1965 under which
8 compensation payments shall become due and payable after the
9 effective date of this amendatory Act, and every award for
10 death benefits or permanent total disability entered by the
11 Commission on and after the effective date of this amendatory
12 Act shall be subject to annual adjustments as to the amount of
13 the compensation rate therein provided. Such adjustments shall
14 first be made on July 15, 1977, and all awards made and entered
15 prior to July 1, 1975 and on July 15 of each year thereafter.
16 In all other cases such adjustment shall be made on July 15 of
17 the second year next following the date of the entry of the
18 award and shall further be made on July 15 annually
19 thereafter. If during the intervening period from the date of
20 the entry of the award, or the last periodic adjustment, there
21 shall have been an increase in the State's average weekly wage
22 in covered industries under the Unemployment Insurance Act,
23 the weekly compensation rate shall be proportionately
24 increased by the same percentage as the percentage of increase
25 in the State's average weekly wage in covered industries under
26 the Unemployment Insurance Act. The increase in the

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

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

26 For every accident occurring on or after July 20, 2005 but

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

1 his or her dependents, as the case may be, has been duly
2 approved by the Illinois Workers' Compensation Commission.

3 The annual adjustments for every award of death benefits
4 or permanent total disability involving accidents occurring
5 before July 20, 2005 and accidents occurring on or after the
6 effective date of this amendatory Act of the 94th General
7 Assembly (Senate Bill 1283 of the 94th General Assembly) shall
8 continue to be paid from the Rate Adjustment Fund pursuant to
9 this paragraph and Section 7(f) of this Act.

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

19 (h-1) In case an injured employee is under legal
20 disability at the time when any right or privilege accrues to
21 him or her under this Act, a guardian may be appointed pursuant
22 to law, and may, on behalf of such person under legal
23 disability, claim and exercise any such right or privilege
24 with the same effect as if the employee himself or herself had
25 claimed or exercised the right or privilege. No limitations of
26 time provided by this Act run so long as the employee who is

1 under legal disability is without a conservator or guardian.

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

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

13 Nothing herein contained repeals or amends the provisions
14 of the Child Labor Law relating to the employment of minors
15 under the age of 16 years.

16 (j) 1. In the event the injured employee receives
17 benefits, including medical, surgical or hospital benefits
18 under any group plan covering non-occupational disabilities
19 contributed to wholly or partially by the employer, which
20 benefits should not have been payable if any rights of
21 recovery existed under this Act, then such amounts so paid to
22 the employee from any such group plan as shall be consistent
23 with, and limited to, the provisions of paragraph 2 hereof,
24 shall be credited to or against any compensation payment for
25 temporary total incapacity for work or any medical, surgical
26 or hospital benefits made or to be made under this Act. In such

1 event, the period of time for giving notice of accidental
2 injury and filing application for adjustment of claim does not
3 commence to run until the termination of such payments. This
4 paragraph does not apply to payments made under any group plan
5 which would have been payable irrespective of an accidental
6 injury under this Act. Any employer receiving such credit
7 shall keep such employee safe and harmless from any and all
8 claims or liabilities that may be made against him by reason of
9 having received such payments only to the extent of such
10 credit.

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

21 2. Nothing contained in this Act shall be construed to
22 give the employer or the insurance carrier the right to credit
23 for any benefits or payments received by the employee other
24 than compensation payments provided by this Act, and where the
25 employee receives payments other than compensation payments,
26 whether as full or partial salary, group insurance benefits,

1 bonuses, annuities or any other payments, the employer or
2 insurance carrier shall receive credit for each such payment
3 only to the extent of the compensation that would have been
4 payable during the period covered by such payment.

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

13 (Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11;
14 97-813, eff. 7-13-12.)

15 (Text of Section after amendment by P.A. 103-721)

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

19 (a) The employer shall provide and pay the negotiated
20 rate, if applicable, or the lesser of the health care
21 provider's actual charges or according to a fee schedule,
22 subject to Section 8.2, in effect at the time the service was
23 rendered for all the necessary first aid, medical and surgical
24 services, and all necessary medical, surgical and hospital
25 services thereafter incurred, limited, however, to that which

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

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

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

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

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

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

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

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

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

(1) all first aid and emergency treatment; plus

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

(3) all medical, surgical and hospital services provided by any second physician, surgeon or hospital subsequently chosen by the employee or by any other physician, consultant, expert, institution or other provider of services recommended by said second service provider or any subsequent provider of medical services in the chain of referrals from said second service provider.

Thereafter the employer shall select and pay for all necessary medical, surgical and hospital treatment and the employee may not select a provider of medical services at the employer's expense unless the employer agrees to such selection. At any time the employee may obtain any medical treatment he desires at his own expense. This paragraph shall not affect the duty to pay for rehabilitation referred to above.

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

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

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

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

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

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

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

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

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

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

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

1 hereinafter provided shall be paid beginning on the 4th day of
2 such temporary total incapacity and continuing as long as the
3 total temporary incapacity lasts. In cases where the temporary
4 total incapacity for work continues for a period of 14 days or
5 more from the day of the accident compensation shall commence
6 on the day after the accident.

7 1. The compensation rate for temporary total
8 incapacity under this paragraph (b) of this Section shall
9 be equal to 66 2/3% of the employee's average weekly wage
10 computed in accordance with Section 10, provided that it
11 shall be not less than 66 2/3% of the sum of the Federal
12 minimum wage under the Fair Labor Standards Act, or the
13 Illinois minimum wage under the Minimum Wage Law,
14 whichever is more, multiplied by 40 hours. This percentage
15 rate shall be increased by 10% for each spouse and child,
16 not to exceed 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. The compensation rate in all cases other than for
21 temporary total disability under this paragraph (b), and
22 other than for serious and permanent disfigurement under
23 paragraph (c) and other than for permanent partial
24 disability under subparagraph (2) of paragraph (d) or
25 under paragraph (e), of this Section shall be equal to 66
26 2/3% of the employee's average weekly wage computed in

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

11 2.1. The compensation rate in all cases of serious and
12 permanent disfigurement under paragraph (c) and of
13 permanent partial disability under subparagraph (2) of
14 paragraph (d) or under paragraph (e) of this Section shall
15 be equal to 60% of the employee's average weekly wage
16 computed in accordance with the provisions of Section 10,
17 provided that it shall be not less than 66 2/3% of the sum
18 of the Federal minimum wage under the Fair Labor Standards
19 Act, or the Illinois minimum wage under the Minimum Wage
20 Law, whichever is more, multiplied by 40 hours. This
21 percentage rate shall be increased by 10% for each spouse
22 and child, not to exceed 100% of the total minimum wage
23 calculation, nor exceed the employee's average weekly wage
24 computed in accordance with the provisions of Section 10,
25 whichever is less.

26 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 the
3 employee was under legal obligation to support or to whom
4 the employee stood in loco parentis, and who at the time of
5 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 the
13 State's average weekly wage in covered industries under
14 the Unemployment Insurance Act, that being the wage that
15 most closely approximates the State's average weekly wage.

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

1 weekly wage in covered industries under the Unemployment
2 Insurance Act during such period.

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

19 From July 1, 1977 and thereafter such maximum weekly
20 compensation rate in death cases under Section 7, and
21 permanent total disability cases under paragraph (f) or
22 subparagraph 18 of paragraph (3) of this Section and for
23 temporary total disability under paragraph (b) of this
24 Section and for amputation of a member or enucleation of
25 an eye under paragraph (e) of this Section shall be
26 increased to 133-1/3% of the State's average weekly wage

1 in covered industries under the Unemployment Insurance
2 Act.

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

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

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

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

26 6. The Department of Employment Security of the State

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

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

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

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

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

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

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

1 accidental injuries that occur on or after September 1, 2011,
2 an award for wage differential under this subsection shall be
3 effective only until the employee reaches the age of 67 or 5
4 years from the date the award becomes final, whichever is
5 later.

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

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

20 (e) For accidental injuries in the following schedule, the
21 employee shall receive compensation for the period of
22 temporary total incapacity for work resulting from such
23 accidental injury, under subparagraph 1 of paragraph (b) of
24 this Section, and shall receive in addition thereto
25 compensation for a further period for the specific loss herein
26 mentioned, but shall not receive any compensation under any

1 other provisions of this Act. The following listed amounts
2 apply to either the loss of or the permanent and complete loss
3 of use of the member specified, such compensation for the
4 length of time as follows:

5 1. Thumb-

6 70 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 76 weeks if the accidental injury occurs on or
10 after February 1, 2006.

11 70 weeks if the accidental injury occurs on or
12 after the effective date of this amendatory Act of the
13 104th General Assembly.

14 2. First, or index finger-

15 40 weeks if the accidental injury occurs on or
16 after the effective date of this amendatory Act of the
17 94th General Assembly but before February 1, 2006.

18 43 weeks if the accidental injury occurs on or
19 after February 1, 2006.

20 40 weeks if the accidental injury occurs on or
21 after the effective date of this amendatory Act of the
22 104th General Assembly.

23 3. Second, or middle finger-

24 35 weeks if the accidental injury occurs on or
25 after the effective date of this amendatory Act of the
26 94th General Assembly but before February 1, 2006.

1 38 weeks if the accidental injury occurs on or
2 after February 1, 2006, but before the effective date
3 of this amendatory Act of the 104th General Assembly.

4 35 weeks if the accidental injury occurs on or
5 after the effective date of this amendatory Act of the
6 104th General Assembly

7 4. Third, or ring finger-

8 25 weeks if the accidental injury occurs on or
9 after the effective date of this amendatory Act of the
10 94th General Assembly but before February 1, 2006.

11 27 weeks if the accidental injury occurs on or
12 after February 1, 2006, but before the effective date
13 of this amendatory Act of the 104th General Assembly.

14 25 weeks if the accidental injury occurs on or
15 after the effective date of this amendatory Act of the
16 104th General Assembly.

17 5. Fourth, or little finger-

18 20 weeks if the accidental injury occurs on or
19 after the effective date of this amendatory Act of the
20 94th General Assembly but before February 1, 2006.

21 22 weeks if the accidental injury occurs on or
22 after February 1, 2006, but before the effective date
23 of this amendatory Act of the 104th General Assembly.

24 20 weeks if the accidental injury occurs on or
25 after the effective date of this amendatory Act of the
26 104th General Assembly.

1 6. Great toe-

2 35 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 38 weeks if the accidental injury occurs on or
6 after February 1, 2006, but before the effective date
7 of this amendatory Act of the 104th General Assembly.

8 35 weeks if the accidental injury occurs on or
9 after the effective date of this amendatory Act of the
10 104th General Assembly.

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, but before the effective date
17 of this amendatory Act of the 104th General Assembly.

18 12 weeks if the accidental injury occurs on or
19 after the effective date of this amendatory Act of the
20 104th General Assembly.

21 8. The loss of the first or distal phalanx of the thumb
22 or of any finger or toe shall be considered to be equal to
23 the loss of one-half of such thumb, finger or toe and the
24 compensation payable shall be one-half of the amount above
25 specified. The loss of more than one phalanx shall be
26 considered as the loss of the entire thumb, finger or toe.

1 In no case shall the amount received for more than one
2 finger exceed the amount provided in this schedule for the
3 loss of a hand.

4 9. Hand-

5 190 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.

8 205 weeks if the accidental injury occurs on or
9 after February 1, 2006, but before the effective date
10 of this amendatory Act of the 104th General Assembly.

11 190 weeks if the accidental injury occurs on or
12 after the effective date of this amendatory Act of the
13 104th General Assembly.

14 190 weeks if the accidental injury occurs on or
15 after June 28, 2011 (the effective date of Public Act
16 97-18) and if the accidental injury involves carpal
17 tunnel syndrome due to repetitive or cumulative
18 trauma, in which case the permanent partial disability
19 shall not exceed 15% loss of use of the hand, except
20 for cause shown by clear and convincing evidence and
21 in which case the award shall not exceed 30% loss of
22 use of the hand.

23 The loss of 2 or more digits, or one or more phalanges
24 of 2 or more digits, of a hand may be compensated on the
25 basis of partial loss of use of a hand, provided, further,
26 that the loss of 4 digits, or the loss of use of 4 digits,

1 in the same hand shall constitute the complete loss of a
2 hand.

3 10. Arm-

4 235 weeks if the accidental injury occurs on or
5 after the effective date of this amendatory Act of the
6 94th General Assembly but before February 1, 2006.

7 253 weeks if the accidental injury occurs on or
8 after February 1, 2006, but before the effective date
9 of this amendatory Act of the 104th General Assembly.

10 235 weeks if the accidental injury occurs on or
11 after the effective date of this amendatory Act of the
12 104th General Assembly.

13 Where an accidental injury results in the amputation
14 of an arm below the elbow, such injury shall be
15 compensated as a loss of an arm. Where an accidental
16 injury results in the amputation of an arm above the
17 elbow, compensation for an additional 15 weeks (if the
18 accidental injury occurs on or after the effective date of
19 this amendatory Act of the 94th General Assembly but
20 before February 1, 2006, but before the effective date of
21 this amendatory Act of the 104th General Assembly) or an
22 additional 15 weeks (if the accidental injury occurs on or
23 after the effective date of this amendatory Act of the
24 104th General Assembly) or an additional 17 weeks (if the
25 accidental injury occurs on or after February 1, 2006)
26 shall be paid, except where the accidental injury results

1 in the amputation of an arm at the shoulder joint, or so
2 close to shoulder joint that an artificial arm cannot be
3 used, or results in the disarticulation of an arm at the
4 shoulder joint, in which case compensation for an
5 additional 65 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) or an
8 additional 70 weeks (if the accidental injury occurs on or
9 after February 1, 2006, but before the effective date of
10 this amendatory Act of the 104th General Assembly) or an
11 additional 65 weeks (if the accidental injury occurs on or
12 after the effective date of this amendatory Act of the
13 104th General Assembly) shall be paid.

14 11. Foot-

15 155 weeks if the accidental injury occurs on or
16 after the effective date of this amendatory Act of the
17 94th General Assembly but before February 1, 2006.

18 167 weeks if the accidental injury occurs on or
19 after February 1, 2006, but before the effective date
20 of this amendatory Act of the 104th General Assembly.

21 155 weeks if the accidental injury occurs on or
22 after the effective date of this amendatory Act of the
23 104th General Assembly.

24 12. Leg-

25 200 weeks if the accidental injury occurs on or
26 after the effective date of this amendatory Act of the

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

2 215 weeks if the accidental injury occurs on or
3 after February 1, 2006, but before the effective date
4 of this amendatory Act of the 104th General Assembly.

5 200 weeks if the accidental injury occurs on or
6 after the effective date of this amendatory Act of the
7 104th General Assembly.

8 Where an accidental injury results in the amputation
9 of a leg below the knee, such injury shall be compensated
10 as loss of a leg. Where an accidental injury results in the
11 amputation of a leg above the knee, compensation for an
12 additional 25 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) or an
15 additional 27 weeks (if the accidental injury occurs on or
16 after February 1, 2006, but before the effective date of
17 this amendatory Act of the 104th General Assembly) or an
18 additional 25 weeks (if the accidental injury occurs on or
19 after the effective date of this amendatory Act of the
20 104th General Assembly) shall be paid, except where the
21 accidental injury results in the amputation of a leg at
22 the hip joint, or so close to the hip joint that an
23 artificial leg cannot be used, or results in the
24 disarticulation of a leg at the hip joint, in which case
25 compensation for an additional 75 weeks (if the accidental
26 injury occurs on or after the effective date of this

1 amendatory Act of the 94th General Assembly but before
2 February 1, 2006) or an additional 81 weeks (if the
3 accidental injury occurs on or after February 1, 2006, but
4 before the effective date of this amendatory Act of the
5 104th General Assembly) or an additional 75 weeks (if the
6 accidental injury occurs on or after the effective date of
7 this amendatory Act of the 104th General Assembly) shall
8 be paid.

9 13. Eye-

10 150 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.

13 162 weeks if the accidental injury occurs on or
14 after February 1, 2006, but before the effective date
15 of this amendatory Act of the 104th General Assembly..

16 150 weeks if the accidental injury occurs on or
17 after the effective date of this amendatory Act of the
18 104th General Assembly.

19 Where an accidental injury results in the enucleation
20 of an eye, compensation for an additional 10 weeks (if the
21 accidental injury occurs on or after the effective date of
22 this amendatory Act of the 94th General Assembly but
23 before February 1, 2006) or an additional 11 weeks (if the
24 accidental injury occurs on or after February 1, 2006, but
25 before the effective date of this amendatory Act of the
26 104th General Assembly) or an additional 10 weeks (if the

1 accidental injury occurs on or after the effective date of
2 this amendatory Act of the 104th General Assembly) shall
3 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, but before the effective date
10 of this amendatory Act of the 104th General Assembly..

11 50 weeks if the accidental injury occurs on or
12 after the effective date of this amendatory Act of the
13 104th General Assembly.

14 Total and permanent loss of hearing of both ears-

15 200 weeks if the accidental injury occurs on or
16 after the effective date of this amendatory Act of the
17 94th General Assembly but before February 1, 2006.

18 215 weeks if the accidental injury occurs on or
19 after February 1, 2006, but before the effective date
20 of this amendatory Act of the 104th General Assembly..

21 200 weeks if the accidental injury occurs on or
22 after the effective date of this amendatory Act of the
23 104th General Assembly.

24 15. Testicle-

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

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

2 54 weeks if the accidental injury occurs on or
3 after February 1, 2006, but before the effective date
4 of this amendatory Act of the 104th General Assembly..

5 50 weeks if the accidental injury occurs on or
6 after the effective date of this amendatory Act of the
7 104th General Assembly.

8 Both testicles-

9 150 weeks if the accidental injury occurs on or
10 after the effective date of this amendatory Act of the
11 94th General Assembly but before February 1, 2006.

12 162 weeks if the accidental injury occurs on or
13 after February 1, 2006.

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

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

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

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

(d) If a hearing loss is established to have existed on July 1, 1975 by audiometric testing the employer shall not be liable for the previous loss so established nor shall he be liable for any loss for

which compensation has been paid or awarded.

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

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

Sound Level DBA

12	Slow Response	Hours Per Day
13	90	8
14	92	6
15	95	4
16	97	3
17	100	2
18	102	1-1/2
19	105	1
20	110	1/2
21	115	1/4

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

24 17. In computing the compensation to be paid to any
25 employee who, before the accident for which he claims
26 compensation, had before that time sustained an injury

1 resulting in the loss by amputation or partial loss by
2 amputation of any member, including hand, arm, thumb or
3 fingers, leg, foot or any toes, such loss or partial loss
4 of any such member shall be deducted from any award made
5 for the subsequent injury. For the permanent loss of use
6 or the permanent partial loss of use of any such member or
7 the partial loss of sight of an eye, for which
8 compensation has been paid, then such loss shall be taken
9 into consideration and deducted from any award for the
10 subsequent injury.

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

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

1 19. In a case of specific loss and the subsequent
2 death of such injured employee from other causes than such
3 injury leaving a widow, widower, or dependents surviving
4 before payment or payment in full for such injury, then
5 the amount due for such injury is payable to the widow or
6 widower and, if there be no widow or widower, then to such
7 dependents, in the proportion which such dependency bears
8 to total dependency.

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

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

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

18 An employee entitled to benefits under paragraph (f) of
19 this Section shall also be entitled to receive from the Rate
20 Adjustment Fund provided in paragraph (f) of Section 7 of the
21 supplementary benefits provided in paragraph (g) of this
22 Section 8.

23 If any employee who receives an award under this paragraph
24 afterwards returns to work or is able to do so, and earns or is
25 able to earn as much as before the accident, payments under
26 such award shall cease. If such employee returns to work, or is

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

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

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

26 The custodian of the Second Injury Fund provided for in

1 paragraph (f) of Section 7 shall be joined with the employer as
2 a party respondent in the application for adjustment of claim.
3 The application for adjustment of claim shall state briefly
4 and in general terms the approximate time and place and manner
5 of the loss of the first member.

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

1 As of July 1, 1980 to July 1, 1982, all claims against and
2 obligations of the Second Injury Fund shall become claims
3 against and obligations of the Rate Adjustment Fund to the
4 extent there is insufficient money in the Second Injury Fund
5 to pay such claims and obligations. In that case, all
6 references to "Second Injury Fund" in this Section shall also
7 include the Rate Adjustment Fund.

8 (g) Every award for permanent total disability entered by
9 the Commission on and after July 1, 1965 under which
10 compensation payments shall become due and payable after the
11 effective date of this amendatory Act, and every award for
12 death benefits or permanent total disability entered by the
13 Commission on and after the effective date of this amendatory
14 Act shall be subject to annual adjustments as to the amount of
15 the compensation rate therein provided. Such adjustments shall
16 first be made on July 15, 1977, and all awards made and entered
17 prior to July 1, 1975 and on July 15 of each year thereafter.
18 In all other cases such adjustment shall be made on July 15 of
19 the second year next following the date of the entry of the
20 award and shall further be made on July 15 annually
21 thereafter. If during the intervening period from the date of
22 the entry of the award, or the last periodic adjustment, there
23 shall have been an increase in the State's average weekly wage
24 in covered industries under the Unemployment Insurance Act,
25 the weekly compensation rate shall be proportionately
26 increased by the same percentage as the percentage of increase

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

21 Provided, that in cases of awards entered by the
22 Commission for injuries occurring before July 1, 1975, the
23 increases in the compensation rate adjusted under the
24 foregoing provision of this paragraph (g) shall be limited to
25 increases in the State's average weekly wage in covered
26 industries under the Unemployment Insurance Act occurring

1 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), the annual adjustments to the compensation rate in
6 awards for death benefits or permanent total disability, as
7 provided in this Act, shall be paid by the employer. The
8 adjustment shall be made by the employer on July 15 of the
9 second year next following the date of the entry of the award
10 and shall further be made on July 15 annually thereafter. If
11 during the intervening period from the date of the entry of the
12 award, or the last periodic adjustment, there shall have been
13 an increase in the State's average weekly wage in covered
14 industries under the Unemployment Insurance Act, the employer
15 shall increase the weekly compensation rate proportionately by
16 the same percentage as the percentage of increase in the
17 State's average weekly wage in covered industries under the
18 Unemployment Insurance Act. The increase in the compensation
19 rate under this paragraph shall in no event bring the total
20 compensation rate to an amount greater than the prevailing
21 maximum rate at the time that the annual adjustment is made. In
22 the event of a decrease in such average weekly wage there shall
23 be no change in the then existing compensation rate. Such
24 increase shall be paid by the employer in the same manner and
25 at the same intervals as the payment of compensation in the
26 award. This paragraph shall not apply to cases where there is

1 disputed liability and in which a compromise lump sum
2 settlement between the employer and the injured employee, or
3 his or her dependents, as the case may be, has been duly
4 approved by the Illinois Workers' Compensation Commission.

5 The annual adjustments for every award of death benefits
6 or permanent total disability involving accidents occurring
7 before July 20, 2005 and accidents occurring on or after the
8 effective date of this amendatory Act of the 94th General
9 Assembly (Senate Bill 1283 of the 94th General Assembly) shall
10 continue to be paid from the Rate Adjustment Fund pursuant to
11 this paragraph and Section 7(f) of this Act.

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

21 (h-1) In case an injured employee is under legal
22 disability at the time when any right or privilege accrues to
23 him or her under this Act, a guardian may be appointed pursuant
24 to law, and may, on behalf of such person under legal
25 disability, claim and exercise any such right or privilege
26 with the same effect as if the employee himself or herself had

1 claimed or exercised the right or privilege. No limitations of
2 time provided by this Act run so long as the employee who is
3 under legal disability is without a conservator or guardian.

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

8 However, where an employer has on file an employment
9 certificate issued pursuant to the Child Labor Law of 2024 or
10 work permit issued pursuant to the Federal Fair Labor
11 Standards Act, as amended, or a birth certificate properly and
12 duly issued, such certificate, permit or birth certificate is
13 conclusive evidence as to the age of the injured minor
14 employee for the purposes of this Section.

15 Nothing herein contained repeals or amends the provisions
16 of the Child Labor Law of 2024 relating to the employment of
17 minors under the age of 16 years.

18 (j) 1. In the event the injured employee receives
19 benefits, including medical, surgical or hospital benefits
20 under any group plan covering non-occupational disabilities
21 contributed to wholly or partially by the employer, which
22 benefits should not have been payable if any rights of
23 recovery existed under this Act, then such amounts so paid to
24 the employee from any such group plan as shall be consistent
25 with, and limited to, the provisions of paragraph 2 hereof,
26 shall be credited to or against any compensation payment for

1 temporary total incapacity for work or any medical, surgical
2 or hospital benefits made or to be made under this Act. In such
3 event, the period of time for giving notice of accidental
4 injury and filing application for adjustment of claim does not
5 commence to run until the termination of such payments. This
6 paragraph does not apply to payments made under any group plan
7 which would have been payable irrespective of an accidental
8 injury under this Act. Any employer receiving such credit
9 shall keep such employee safe and harmless from any and all
10 claims or liabilities that may be made against him by reason of
11 having received such payments only to the extent of such
12 credit.

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

23 2. Nothing contained in this Act shall be construed to
24 give the employer or the insurance carrier the right to credit
25 for any benefits or payments received by the employee other
26 than compensation payments provided by this Act, and where the

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

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

15 (Source: P.A. 103-721, eff. 1-1-25.)

16 Section 95. No acceleration or delay. Where this Act makes
17 changes in a statute that is represented in this Act by text
18 that is not yet or no longer in effect (for example, a Section
19 represented by multiple versions), the use of that text does
20 not accelerate or delay the taking effect of (i) the changes
21 made by this Act or (ii) provisions derived from any other
22 Public Act.

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