

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 Sections 7, 8, 8.2, 8.7, and 13.1 as follows:

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

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

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

23 The term "child" means a child whom the deceased employee
24 left surviving, including a posthumous child, a child legally
25 adopted, a child whom the deceased employee was legally
26 obligated to support or a child to whom the deceased employee
27 stood in loco parentis. The term "children" means the plural of
28 "child".

29 The term "physically or mentally incapacitated child or
30 children" means a child or children incapable of engaging in
31 regular and substantial gainful employment.

32 In the event of the remarriage of a widow or widower, where

1 the decedent did not leave surviving any child or children who,
2 at the time of such remarriage, are entitled to compensation
3 benefits under this Act, the surviving spouse shall be paid a
4 lump sum equal to 2 years compensation benefits and all further
5 rights of such widow or widower shall be extinguished.

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

12 Any beneficiary entitled to compensation under this
13 paragraph (a) of this Section shall receive from the special
14 fund provided in paragraph (f) of this Section, in addition to
15 the compensation herein provided, supplemental benefits in
16 accordance with paragraph (g) of Section 8.

17 (b) If no compensation is payable under paragraph (a) of
18 this Section and the employee leaves surviving a parent or
19 parents who at the time of the accident were totally dependent
20 upon the earnings of the employee then weekly payments equal to
21 the compensation rate payable in the case where the employee
22 leaves surviving a widow or widower, shall be paid to such
23 parent or parents for the duration of their lives, and in the
24 event of the death of either, for the life of the survivor.

25 (c) If no compensation is payable under paragraphs (a) or
26 (b) of this Section and the employee leaves surviving any child
27 or children who are not entitled to compensation under the
28 foregoing paragraph (a) but who at the time of the accident
29 were nevertheless in any manner dependent upon the earnings of
30 the employee, or leaves surviving a parent or parents who at
31 the time of the accident were partially dependent upon the
32 earnings of the employee, then there shall be paid to such
33 dependent or dependents for a period of 8 years weekly
34 compensation payments at such proportion of the applicable rate
35 if the employee had left surviving a widow or widower as such
36 dependency bears to total dependency. In the event of the death

1 of any such beneficiary the share of such beneficiary shall be
2 divided equally among the surviving beneficiaries and in the
3 event of the death of the last such beneficiary all the rights
4 under this paragraph shall be extinguished.

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

18 (e) The compensation to be paid for accidental injury which
19 results in death, as provided in this Section, shall be paid to
20 the persons who form the basis for determining the amount of
21 compensation to be paid by the employer, the respective shares
22 to be in the proportion of their respective dependency at the
23 time of the accident on the earnings of the deceased. The
24 Commission or an Arbitrator thereof may, in its or his
25 discretion, order or award the payment to the parent or
26 grandparent of a child for the latter's support the amount of
27 compensation which but for such order or award would have been
28 paid to such child as its share of the compensation payable,
29 which order or award may be modified from time to time by the
30 Commission in its discretion with respect to the person to whom
31 shall be paid the amount of the order or award remaining unpaid
32 at the time of the modification.

33 The payments of compensation by the employer in accordance
34 with the order or award of the Commission discharges such
35 employer from all further obligation as to such compensation.

36 (f) The sum of \$8,000 for burial expenses shall be paid by

1 the employer to the widow or widower, other dependent, next of
2 kin or to the person or persons incurring the expense of
3 burial.

4 In the event the employer failed to provide necessary first
5 aid, medical, surgical or hospital service, he shall pay the
6 cost thereof to the person or persons entitled to compensation
7 under paragraphs (a), (b), (c) or (d) of this Section, or to
8 the person or persons incurring the obligation therefore, or
9 providing the same.

10 On January 15 and July 15, 1981, and on January 15 and July
11 15 of each year thereafter the employer shall within 60 days
12 pay a sum equal to 1/8 of 1% of all compensation payments made
13 by him after July 1, 1980, either under this Act or the
14 Workers' Occupational Diseases Act, whether by lump sum
15 settlement or weekly compensation payments, but not including
16 hospital, surgical or rehabilitation payments, made during the
17 first 6 months and during the second 6 months respectively of
18 the fiscal year next preceding the date of the payments, into a
19 special fund which shall be designated the "Second Injury
20 Fund", of which the State Treasurer is ex-officio custodian,
21 such special fund to be held and disbursed for the purposes
22 hereinafter stated in paragraphs (f) and (g) of Section 8,
23 either upon the order of the Commission or of a competent
24 court. Said special fund shall be deposited the same as are
25 State funds and any interest accruing thereon shall be added
26 thereto every 6 months. It is subject to audit the same as
27 State funds and accounts and is protected by the General bond
28 given by the State Treasurer. It is considered always
29 appropriated for the purposes of disbursements as provided in
30 Section 8, paragraph (f), of this Act, and shall be paid out
31 and disbursed as therein provided and shall not at any time be
32 appropriated or diverted to any other use or purpose.

33 On January 15, 1991, the employer shall further pay a sum
34 equal to one half of 1% of all compensation payments made by
35 him from January 1, 1990 through June 30, 1990 either under
36 this Act or under the Workers' Occupational Diseases Act,

1 whether by lump sum settlement or weekly compensation payments,
2 but not including hospital, surgical or rehabilitation
3 payments, into an additional Special Fund which shall be
4 designated as the "Rate Adjustment Fund". On March 15, 1991,
5 the employer shall pay into the Rate Adjustment Fund a sum
6 equal to one half of 1% of all such compensation payments made
7 from July 1, 1990 through December 31, 1990. Within 60 days
8 after July 15, 1991, the employer shall pay into the Rate
9 Adjustment Fund a sum equal to one half of 1% of all such
10 compensation payments made from January 1, 1991 through June
11 30, 1991. Within 60 days after January 15 of 1992 and each
12 subsequent year through 1996, the employer shall pay into the
13 Rate Adjustment Fund a sum equal to one half of 1% of all such
14 compensation payments made in the last 6 months of the
15 preceding calendar year. Within 60 days after July 15 of 1992
16 and each subsequent year through 1995, the employer shall pay
17 into the Rate Adjustment Fund a sum equal to one half of 1% of
18 all such compensation payments made in the first 6 months of
19 the same calendar year. Within 60 days after January 15 of 1997
20 and each subsequent year through 2005, the employer shall pay
21 into the Rate Adjustment Fund a sum equal to three-fourths of
22 1% of all such compensation payments made in the last 6 months
23 of the preceding calendar year. Within 60 days after July 15 of
24 1996 and each subsequent year through 2004, the employer shall
25 pay into the Rate Adjustment Fund a sum equal to three-fourths
26 of 1% of all such compensation payments made in the first 6
27 months of the same calendar year. ~~Within 60 days after January~~
28 ~~15 of 2006 and each subsequent year, the employer shall pay~~
29 ~~into the Rate Adjustment Fund a sum equal to 1% of such~~
30 ~~compensation payments made in the last 6 months of the~~
31 ~~preceding calendar year.~~ Within 60 days after July 15 of 2005
32 ~~and each subsequent year,~~ the employer shall pay into the Rate
33 Adjustment Fund a sum equal to 1% of such compensation payments
34 made in the first 6 months of the same calendar year. Within 60
35 days after January 15 of 2006 and each subsequent year, the
36 employer shall pay into the Rate Adjustment Fund a sum equal to

1 1.25% of such compensation payments made in the last 6 months
2 of the preceding calendar year. Within 60 days after July 15 of
3 2006 and each subsequent year, the employer shall pay into the
4 Rate Adjustment Fund a sum equal to 1.25% of such compensation
5 payments made in the first 6 months of the same calendar year.

6 The administrative costs of collecting assessments from
7 employers for the Rate Adjustment Fund shall be paid from the
8 Rate Adjustment Fund. The cost of an actuarial audit of the
9 Fund shall be paid from the Rate Adjustment Fund. The State
10 Treasurer is ex officio custodian of such Special Fund and the
11 same shall be held and disbursed for the purposes hereinafter
12 stated in paragraphs (f) and (g) of Section 8 upon the order of
13 the Commission or of a competent court. The Rate Adjustment
14 Fund shall be deposited the same as are State funds and any
15 interest accruing thereon shall be added thereto every 6
16 months. It shall be subject to audit the same as State funds
17 and accounts and shall be protected by the general bond given
18 by the State Treasurer. It is considered always appropriated
19 for the purposes of disbursements as provided in paragraphs (f)
20 and (g) of Section 8 of this Act and shall be paid out and
21 disbursed as therein provided and shall not at any time be
22 appropriated or diverted to any other use or purpose. Within 5
23 days after the effective date of this amendatory Act of 1990,
24 the Comptroller and the State Treasurer shall transfer
25 \$1,000,000 from the General Revenue Fund to the Rate Adjustment
26 Fund. By February 15, 1991, the Comptroller and the State
27 Treasurer shall transfer \$1,000,000 from the Rate Adjustment
28 Fund to the General Revenue Fund. The Comptroller and Treasurer
29 are authorized to make transfers at the request of the Chairman
30 up to a total of \$19,000,000 from the Second Injury Fund, the
31 General Revenue Fund, and the Workers' Compensation Benefit
32 Trust Fund to the Rate Adjustment Fund to the extent that there
33 is insufficient money in the Rate Adjustment Fund to pay claims
34 and obligations. Amounts may be transferred from the General
35 Revenue Fund only if the funds in the Second Injury Fund or the
36 Workers' Compensation Benefit Trust Fund are insufficient to

1 pay claims and obligations of the Rate Adjustment Fund. All
2 amounts transferred from the Second Injury Fund, the General
3 Revenue Fund, and the Workers' Compensation Benefit Trust Fund
4 shall be repaid from the Rate Adjustment Fund within 270 days
5 of a transfer, together with interest at the rate earned by
6 moneys on deposit in the Fund or Funds from which the moneys
7 were transferred.

8 Upon a finding by the Commission, after reasonable notice
9 and hearing, that any employer has willfully and knowingly
10 failed to pay the proper amounts into the Second Injury Fund or
11 the Rate Adjustment Fund required by this Section or if such
12 payments are not made within the time periods prescribed by
13 this Section, the employer shall, in addition to such payments,
14 pay a penalty of 20% of the amount required to be paid or
15 \$2,500, whichever is greater, for each year or part thereof of
16 such failure to pay. This penalty shall only apply to
17 obligations of an employer to the Second Injury Fund or the
18 Rate Adjustment Fund accruing after the effective date of this
19 amendatory Act of 1989. All or part of such a penalty may be
20 waived by the Commission for good cause shown.

21 Any obligations of an employer to the Second Injury Fund
22 and Rate Adjustment Fund accruing prior to the effective date
23 of this amendatory Act of 1989 shall be paid in full by such
24 employer within 5 years of the effective date of this
25 amendatory Act of 1989, with at least one-fifth of such
26 obligation to be paid during each year following the effective
27 date of this amendatory Act of 1989. If the Commission finds,
28 following reasonable notice and hearing, that an employer has
29 failed to make timely payment of any obligation accruing under
30 the preceding sentence, the employer shall, in addition to all
31 other payments required by this Section, be liable for a
32 penalty equal to 20% of the overdue obligation or \$2,500,
33 whichever is greater, for each year or part thereof that
34 obligation is overdue. All or part of such a penalty may be
35 waived by the Commission for good cause shown.

36 The Chairman of the Illinois Workers' Compensation

1 Commission shall, annually, furnish to the Director of the
2 Department of Insurance a list of the amounts paid into the
3 Second Injury Fund and the Rate Adjustment Fund by each
4 insurance company on behalf of their insured employers. The
5 Director shall verify to the Chairman that the amounts paid by
6 each insurance company are accurate as best as the Director can
7 determine from the records available to the Director. The
8 Chairman shall verify that the amounts paid by each
9 self-insurer are accurate as best as the Chairman can determine
10 from records available to the Chairman. The Chairman may
11 require each self-insurer to provide information concerning
12 the total compensation payments made upon which contributions
13 to the Second Injury Fund and the Rate Adjustment Fund are
14 predicated and any additional information establishing that
15 such payments have been made into these funds. Any deficiencies
16 in payments noted by the Director or Chairman shall be subject
17 to the penalty provisions of this Act.

18 The State Treasurer, or his duly authorized
19 representative, shall be named as a party to all proceedings in
20 all cases involving claim for the loss of, or the permanent and
21 complete loss of the use of one eye, one foot, one leg, one arm
22 or one hand.

23 The State Treasurer or his duly authorized agent shall have
24 the same rights as any other party to the proceeding, including
25 the right to petition for review of any award. The reasonable
26 expenses of litigation, such as medical examinations,
27 testimony, and transcript of evidence, incurred by the State
28 Treasurer or his duly authorized representative, shall be borne
29 by the Second Injury Fund.

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

35 Any person, corporation or organization who has paid or
36 become liable for the payment of burial expenses of the

1 deceased employee may in his or its own name institute
2 proceedings before the Commission for the collection thereof.

3 For the purpose of administration, receipts and
4 disbursements, the Special Fund provided for in paragraph (f)
5 of this Section shall be administered jointly with the Special
6 Fund provided for in Section 7, paragraph (f) of the Workers'
7 Occupational Diseases Act.

8 (g) All compensation, except for burial expenses provided
9 in this Section to be paid in case accident results in death,
10 shall be paid in installments equal to the percentage of the
11 average earnings as provided for in Section 8, paragraph (b) of
12 this Act, at the same intervals at which the wages or earnings
13 of the employees were paid. If this is not feasible, then the
14 installments shall be paid weekly. Such compensation may be
15 paid in a lump sum upon petition as provided in Section 9 of
16 this Act. However, in addition to the benefits provided by
17 Section 9 of this Act where compensation for death is payable
18 to the deceased's widow, widower or to the deceased's widow,
19 widower and one or more children, and where a partial lump sum
20 is applied for by such beneficiary or beneficiaries within 18
21 months after the deceased's death, the Commission may, in its
22 discretion, grant a partial lump sum of not to exceed 100 weeks
23 of the compensation capitalized at their present value upon the
24 basis of interest calculated at 3% per annum with annual rests,
25 upon a showing that such partial lump sum is for the best
26 interest of such beneficiary or beneficiaries.

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

31 Nothing herein contained repeals or amends the provisions
32 of the Child Labor Law relating to the employment of minors
33 under the age of 16 years.

34 However, where an employer has on file an employment
35 certificate issued pursuant to the Child Labor Law or work
36 permit issued pursuant to the Federal Fair Labor Standards Act,

1 as amended, or a birth certificate properly and duly issued,
2 such certificate, permit or birth certificate is conclusive
3 evidence as to the age of the injured minor employee for the
4 purposes of this Section only.

5 (i) Whenever the dependents of a deceased employee are
6 aliens not residing in the United States, Mexico or Canada, the
7 amount of compensation payable is limited to the beneficiaries
8 described in paragraphs (a), (b) and (c) of this Section and is
9 50% of the compensation provided in paragraphs (a), (b) and (c)
10 of this Section, except as otherwise provided by treaty.

11 In a case where any of the persons who would be entitled to
12 compensation is living at any place outside of the United
13 States, then payment shall be made to the personal
14 representative of the deceased employee. The distribution by
15 such personal representative to the persons entitled shall be
16 made to such persons and in such manner as the Commission
17 orders.

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

19 (820 ILCS 305/8) (from Ch. 48, par. 138.8)

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

23 (a) The employer shall provide and pay the negotiated rate,
24 if applicable, or the lesser of the health care provider's
25 actual charges or according to a fee schedule, subject to
26 Section 8.2, in effect at the time the service was rendered for
27 all the necessary first aid, medical and surgical services, and
28 all necessary medical, surgical and hospital services
29 thereafter incurred, limited, however, to that which is
30 reasonably required to cure or relieve from the effects of the
31 accidental injury. If the employer does not dispute payment of
32 first aid, medical, surgical, and hospital services, the
33 employer shall make such payment to the provider on behalf of
34 the employee. The employer shall also pay for treatment,
35 instruction and training necessary for the physical, mental and

1 vocational rehabilitation of the employee, including all
2 maintenance costs and expenses incidental thereto. If as a
3 result of the injury the employee is unable to be
4 self-sufficient the employer shall further pay for such
5 maintenance or institutional care as shall be required.

6 The employee may at any time elect to secure his own
7 physician, surgeon and hospital services at the employer's
8 expense, or,

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

32 Any vocational rehabilitation counselors who provide
33 service under this Act shall have appropriate certifications
34 which designate the counselor as qualified to render opinions
35 relating to vocational rehabilitation. Vocational
36 rehabilitation may include, but is not limited to, counseling

1 for job searches, supervising a job search program, and
2 vocational retraining including education at an accredited
3 learning institution. The employee or employer may petition to
4 the Commission to decide disputes relating to vocational
5 rehabilitation and the Commission shall resolve any such
6 dispute, including payment of the vocational rehabilitation
7 program by the employer.

8 The maintenance benefit shall not be less than the
9 temporary total disability rate determined for the employee. In
10 addition, maintenance shall include costs and expenses
11 incidental to the vocational rehabilitation program.

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

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

31 Notwithstanding the foregoing, the employer's liability to
32 pay for such medical services selected by the employee shall be
33 limited to:

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

35 (2) all medical, surgical and hospital services
36 provided by the physician, surgeon or hospital initially

1 chosen by the employee or by any other physician,
2 consultant, expert, institution or other provider of
3 services recommended by said initial service provider or
4 any subsequent provider of medical services in the chain of
5 referrals from said initial service provider; plus

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

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

33 Where the accidental injury results in the amputation of an
34 arm, hand, leg or foot, or the enucleation of an eye, or the
35 loss of any of the natural teeth, the employer shall furnish an
36 artificial of any such members lost or damaged in accidental

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

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

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

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

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

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

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

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

36 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 emancipated.
6 The term "children" means the plural of "child".

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

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

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

28 The maximum weekly compensation rate, for the period
29 January 1, 1981 through December 31, 1983, except as
30 hereinafter provided, shall be 100% of the State's average
31 weekly wage in covered industries under the Unemployment
32 Insurance Act in effect on January 1, 1981. Effective
33 January 1, 1984 and on January 1, of each year thereafter
34 the maximum weekly compensation rate, except as
35 hereinafter provided, shall be determined as follows: if
36 during the preceding 12 month period there shall have been

1 an increase in the State's average weekly wage in covered
2 industries under the Unemployment Insurance Act, the
3 weekly compensation rate shall be proportionately
4 increased by the same percentage as the percentage of
5 increase in the State's average weekly wage in covered
6 industries under the Unemployment Insurance Act during
7 such period.

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

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

21 4.1. Any provision herein to the contrary
22 notwithstanding, the weekly compensation rate for
23 compensation payments under subparagraph 18 of paragraph
24 (e) of this Section and under paragraph (f) of this Section
25 and under paragraph (a) of Section 7 and for amputation of
26 a member or enucleation of an eye under paragraph (e) of
27 this Section, shall in no event be less than 50% of the
28 State's average weekly wage in covered industries under the
29 Unemployment Insurance Act.

30 4.2. Any provision to the contrary notwithstanding,
31 the total compensation payable under Section 7 shall not
32 exceed the greater of \$500,000 or 25 years.

33 5. For the purpose of this Section this State's average
34 weekly wage in covered industries under the Unemployment
35 Insurance Act on July 1, 1975 is hereby fixed at \$228.16
36 per week and the computation of compensation rates shall be

1 based on the aforesaid average weekly wage until modified
2 as hereinafter provided.

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

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

23 (c) For any serious and permanent disfigurement to the
24 hand, head, face, neck, arm, leg below the knee or the chest
25 above the axillary line, the employee is entitled to
26 compensation for such disfigurement, the amount determined by
27 agreement at any time or by arbitration under this Act, at a
28 hearing not less than 6 months after the date of the accidental
29 injury, which amount shall not exceed 150 weeks (if the
30 accidental injury occurs on or after the effective date of this
31 amendatory Act of the 94th General Assembly but before February
32 1, 2006) or 162 weeks (if the accidental injury occurs on or
33 after February 1, 2006) at the applicable rate provided in
34 subparagraph 2.1 of paragraph (b) of this Section.

35 No compensation is payable under this paragraph where
36 compensation is payable under paragraphs (d), (e) or (f) of

1 this Section.

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

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

20 2. If, as a result of the accident, the employee sustains
21 serious and permanent injuries not covered by paragraphs (c)
22 and (e) of this Section or having sustained injuries covered by
23 the aforesaid paragraphs (c) and (e), he shall have sustained
24 in addition thereto other injuries which injuries do not
25 incapacitate him from pursuing the duties of his employment but
26 which would disable him from pursuing other suitable
27 occupations, or which have otherwise resulted in physical
28 impairment; or if such injuries partially incapacitate him from
29 pursuing the duties of his usual and customary line of
30 employment but do not result in an impairment of earning
31 capacity, or having resulted in an impairment of earning
32 capacity, the employee elects to waive his right to recover
33 under the foregoing subparagraph 1 of paragraph (d) of this
34 Section then in any of the foregoing events, he shall receive
35 in addition to compensation for temporary total disability
36 under paragraph (b) of this Section, compensation at the rate

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

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

33 1. Thumb-

34 70 weeks if the accidental injury occurs on or
35 after the effective date of this amendatory Act of the
36 94th General Assembly but before February 1, 2006.

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

3 2. First, or index finger-

4 40 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 43 weeks if the accidental injury occurs on or
8 after February 1, 2006.

9 3. Second, or middle finger-

10 35 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 38 weeks if the accidental injury occurs on or
14 after February 1, 2006.

15 4. Third, or ring finger-

16 25 weeks if the accidental injury occurs on or
17 after the effective date of this amendatory Act of the
18 94th General Assembly but before February 1, 2006.

19 27 weeks if the accidental injury occurs on or
20 after February 1, 2006.

21 5. Fourth, or little finger-

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

27 6. Great toe-

28 35 weeks if the accidental injury occurs on or
29 after the effective date of this amendatory Act of the
30 94th General Assembly but before February 1, 2006.

31 38 weeks if the accidental injury occurs on or
32 after February 1, 2006.

33 7. Each toe other than great toe-

34 12 weeks if the accidental injury occurs on or
35 after the effective date of this amendatory Act of the
36 94th General Assembly but before February 1, 2006.

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

3 8. The loss of the first or distal phalanx of the thumb
4 or of any finger or toe shall be considered to be equal to
5 the loss of one-half of such thumb, finger or toe and the
6 compensation payable shall be one-half of the amount above
7 specified. The loss of more than one phalanx shall be
8 considered as the loss of the entire thumb, finger or toe.
9 In no case shall the amount received for more than one
10 finger exceed the amount provided in this schedule for the
11 loss of a hand.

12 9. Hand-

13 190 weeks if the accidental injury occurs on or
14 after the effective date of this amendatory Act of the
15 94th General Assembly but before February 1, 2006.

16 205 weeks if the accidental injury occurs on or
17 after February 1, 2006.

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

24 10. Arm-

25 235 weeks if the accidental injury occurs on or
26 after the effective date of this amendatory Act of the
27 94th General Assembly but before February 1, 2006.

28 253 weeks if the accidental injury occurs on or
29 after February 1, 2006.

30 Where an accidental injury results in the amputation of
31 an arm below the elbow, such injury shall be compensated as
32 a loss of an arm. Where an accidental injury results in the
33 amputation of an arm above the elbow, compensation for an
34 additional 15 weeks (if the accidental injury occurs on or
35 after the effective date of this amendatory Act of the 94th
36 General Assembly but before February 1, 2006) or an

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

13 11. Foot-

14 155 weeks if the accidental injury occurs on or
15 after the effective date of this amendatory Act of the
16 94th General Assembly but before February 1, 2006.

17 167 weeks if the accidental injury occurs on or
18 after February 1, 2006.

19 12. Leg-

20 200 weeks if the accidental injury occurs on or
21 after the effective date of this amendatory Act of the
22 94th General Assembly but before February 1, 2006.

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

25 Where an accidental injury results in the amputation of
26 a leg below the knee, such injury shall be compensated as
27 loss of a leg. Where an accidental injury results in the
28 amputation of a leg above the knee, compensation for an
29 additional 25 weeks (if the accidental injury occurs on or
30 after the effective date of this amendatory Act of the 94th
31 General Assembly but before February 1, 2006) or an
32 additional 27 weeks (if the accidental injury occurs on or
33 after February 1, 2006) shall be paid, except where the
34 accidental injury results in the amputation of a leg at the
35 hip joint, or so close to the hip joint that an artificial
36 leg cannot be used, or results in the disarticulation of a

1 leg at the hip joint, in which case compensation for an
2 additional 75 weeks (if the accidental injury occurs on or
3 after the effective date of this amendatory Act of the 94th
4 General Assembly but before February 1, 2006) or an
5 additional 81 weeks (if the accidental injury occurs on or
6 after February 1, 2006) shall be paid.

7 13. Eye-

8 150 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.

11 162 weeks if the accidental injury occurs on or
12 after February 1, 2006.

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 before
17 February 1, 2006) or an additional 11 weeks (if the
18 accidental injury occurs on or after February 1, 2006)
19 shall be paid.

20 14. Loss of hearing of one ear-

21 50 weeks if the accidental injury occurs on or
22 after the effective date of this amendatory Act of the
23 94th General Assembly but before February 1, 2006.

24 54 weeks if the accidental injury occurs on or
25 after February 1, 2006.

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

27 200 weeks if the accidental injury occurs on or
28 after the effective date of this amendatory Act of the
29 94th General Assembly but before February 1, 2006.

30 215 weeks if the accidental injury occurs on or
31 after February 1, 2006.

32 15. Testicle-

33 50 weeks if the accidental injury occurs on or
34 after the effective date of this amendatory Act of the
35 94th General Assembly but before February 1, 2006.

36 54 weeks if the accidental injury occurs on or

1 after February 1, 2006.

2 Both ~~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.

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

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

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

36 (c) In measuring hearing impairment, the lowest

1 measured losses in each of the 3 frequencies shall be
 2 added together and divided by 3 to determine the
 3 average decibel loss. For every decibel of loss
 4 exceeding 30 decibels an allowance of 1.82% shall be
 5 made up to the maximum of 100% which is reached at 85
 6 decibels.

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

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

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

21 Sound Level DBA

22	Slow Response	Hours Per Day
23	90	8
24	92	6
25	95	4
26	97	3
27	100	2
28	102	1-1/2
29	105	1
30	110	1/2
31	115	1/4

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

34 17. In computing the compensation to be paid to any
 35 employee who, before the accident for which he claims
 36 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 or
6 the permanent partial loss of use of any such member or the
7 partial loss of sight of an eye, for which compensation has
8 been paid, then such loss shall be taken into consideration
9 and deducted from any award for the subsequent injury.

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

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

26 19. In a case of specific loss and the subsequent death
27 of such injured employee from other causes than such injury
28 leaving a widow, widower, or dependents surviving before
29 payment or payment in full for such injury, then the amount
30 due for such injury is payable to the widow or widower and,
31 if there be no widow or widower, then to such dependents,
32 in the proportion which such dependency bears to total
33 dependency.

34 Beginning July 1, 1980, and every 6 months thereafter, the
35 Commission shall examine the Second Injury Fund and when, after
36 deducting all advances or loans made to such Fund, the amount

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

16 On August 1, 1996 and on February 1 and August 1 of each
17 subsequent year, the Commission shall examine the special fund
18 designated as the "Rate Adjustment Fund" and when, after
19 deducting all advances or loans made to said fund, the amount
20 therein is \$4,000,000, the amount required to be paid by
21 employers pursuant to paragraph (f) of Section 7 shall be
22 reduced by one-half. When the Rate Adjustment Fund reaches the
23 sum of \$5,000,000 the payment therein shall cease entirely.
24 However, when said Rate Adjustment Fund has been reduced to
25 \$3,000,000 the amounts required by paragraph (f) of Section 7
26 shall be resumed in the manner herein provided.

27 (f) In case of complete disability, which renders the
28 employee wholly and permanently incapable of work, or in the
29 specific case of total and permanent disability as provided in
30 subparagraph 18 of paragraph (e) of this Section, compensation
31 shall be payable at the rate provided in subparagraph 2 of
32 paragraph (b) of this Section for life.

33 An employee entitled to benefits under paragraph (f) of
34 this Section shall also be entitled to receive from the Rate
35 Adjustment Fund provided in paragraph (f) of Section 7 of the
36 supplementary benefits provided in paragraph (g) of this

1 Section 8.

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

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

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

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

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

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

29 (g) Every award for permanent total disability entered by
30 the Commission on and after July 1, 1965 under which
31 compensation payments shall become due and payable after the
32 effective date of this amendatory Act, and every award for
33 death benefits or permanent total disability entered by the
34 Commission on and after the effective date of this amendatory
35 Act shall be subject to annual adjustments as to the amount of
36 the compensation rate therein provided. Such adjustments shall

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

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

1 Unemployment Insurance Act occurring after July 1, 1975.

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

32 The annual adjustments for every award of death benefits or
33 permanent total disability involving accidents occurring
34 before July 20, 2005 and accidents occurring on or after the
35 effective date of this amendatory Act of the 94th General
36 Assembly (Senate Bill 1283 of the 94th General Assembly) ~~the~~

1 ~~effective date of this amendatory Act of the 94th General~~
2 ~~Assembly~~ shall continue to be paid from the Rate Adjustment
3 Fund pursuant to this paragraph and Section 7(f) of this Act.

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

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

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

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

33 Nothing herein contained repeals or amends the provisions
34 of the Child Labor Law relating to the employment of minors
35 under the age of 16 years.

36 (j) 1. In the event the injured employee receives benefits,

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

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

30 2. Nothing contained in this Act shall be construed to give
31 the employer or the insurance carrier the right to credit for
32 any benefits or payments received by the employee other than
33 compensation payments provided by this Act, and where the
34 employee receives payments other than compensation payments,
35 whether as full or partial salary, group insurance benefits,
36 bonuses, annuities or any other payments, the employer or

1 insurance carrier shall receive credit for each such payment
2 only to the extent of the compensation that would have been
3 payable during the period covered by such payment.

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

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

13 (820 ILCS 305/8.2)

14 Sec. 8.2. Fee schedule.

15 (a) Except as provided for in subsection (c), for
16 procedures, treatments, or services covered under this Act and
17 rendered or to be rendered on and after February 1, 2006, the
18 maximum allowable payment ~~for procedures, treatments, or~~
19 ~~services covered under this Act~~ shall be 90% of the 80th
20 percentile of charges and fees as determined by the Commission
21 utilizing information provided by employers' and insurers'
22 national databases, with a minimum of 12,000,000 Illinois line
23 item charges and fees comprised of health care provider and
24 hospital charges and fees as of August 1, 2004 but not earlier
25 than August 1, 2002. These charges and fees are provider billed
26 amounts and shall not include discounted charges. The 80th
27 percentile is the point on an ordered data set from low to high
28 such that 80% of the cases are below or equal to that point and
29 at most 20% are above or equal to that point. The Commission
30 shall adjust these historical charges and fees as of August 1,
31 2004 by the Consumer Price Index-U for the period August 1,
32 2004 through September 30, 2005. The Commission shall establish
33 fee schedules for procedures, treatments, or services for
34 hospital inpatient, hospital outpatient, emergency room and
35 trauma, ambulatory surgical treatment centers, and

1 professional services. These charges and fees shall be
2 designated by geozip or any smaller geographic unit. The data
3 shall in no way identify or tend to identify any patient,
4 employer, or health care provider. As used in this Section,
5 "geozip" means a three-digit zip code based on data
6 similarities, geographical similarities, and frequencies. A
7 geozip does not cross state boundaries. As used in this
8 Section, "three-digit zip code" means a geographic area in
9 which all zip codes have the same first 3 digits. If a geozip
10 does not have the necessary number of charges and fees to
11 calculate a valid percentile for a specific procedure,
12 treatment, or service, the Commission may combine data from the
13 geozip with up to 4 other geozips that are demographically and
14 economically similar and exhibit similarities in data and
15 frequencies until the Commission reaches 9 charges or fees for
16 that specific procedure, treatment, or service. In cases where
17 the compiled data contains less than 9 charges or fees for a
18 procedure, treatment, or service, reimbursement shall occur at
19 76% of charges and fees as determined by the Commission in a
20 manner consistent with the provisions of this paragraph. The
21 Commission has the authority to set the maximum allowable
22 payment to providers of out-of-state procedures, treatments,
23 or services covered under this Act in a manner consistent with
24 this Section. Not later than September 30 in 2006 and each year
25 thereafter, the Commission shall automatically increase or
26 decrease the maximum allowable payment for a procedure,
27 treatment, or service established and in effect on January 1 of
28 that year by the percentage change in the Consumer Price
29 Index-U for the 12 month period ending August 31 of that year.
30 The increase or decrease shall become effective on January 1 of
31 the following year. As used in this Section, "Consumer Price
32 Index-U" means the index published by the Bureau of Labor
33 Statistics of the U.S. Department of Labor, that measures the
34 average change in prices of all goods and services purchased by
35 all urban consumers, U.S. city average, all items, 1982-84=100.

36 (b) Notwithstanding the provisions of subsection (a), if

1 the Commission finds that there is a significant limitation on
2 access to quality health care in either a specific field of
3 health care services or a specific geographic limitation on
4 access to health care, it may change the Consumer Price Index-U
5 increase or decrease for that specific field or specific
6 geographic limitation on access to health care to address that
7 limitation.

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

13 (d) When a patient notifies a provider that the treatment,
14 procedure, or service being sought is for a work-related
15 illness or injury and furnishes the provider the name and
16 address of the responsible employer, the provider shall bill
17 the employer directly. The employer shall make payment and
18 providers shall submit bills and records in accordance with the
19 provisions of this Section. All payments to providers for
20 treatment provided pursuant to this Act shall be made within 60
21 days of receipt of the bills as long as the claim contains
22 substantially all the required data elements necessary to
23 adjudicate the bills. In the case of nonpayment to a provider
24 within 60 days of receipt of the bill which contained
25 substantially all of the required data elements necessary to
26 adjudicate the bill or nonpayment to a provider of a portion of
27 such a bill up to the lesser of the actual charge or the
28 payment level set by the Commission in the fee schedule
29 established in this Section, the bill, or portion of the bill,
30 shall incur interest at a rate of 1% per month payable to the
31 provider.

32 (e) Except as provided in subsections (e-5), (e-10), and
33 (e-15), a provider shall not hold an employee liable for costs
34 related to a non-disputed procedure, treatment, or service
35 rendered in connection with a compensable injury. The
36 provisions of subsections (e-5), (e-10), (e-15), and (e-20)

1 shall not apply if an employee provides information to the
2 provider regarding participation in a group health plan. If the
3 employee participates in a group health plan, the provider may
4 submit a claim for services to the group health plan. If the
5 claim for service is covered by the group health plan, the
6 employee's responsibility shall be limited to applicable
7 deductibles, co-payments, or co-insurance. Except as provided
8 under subsections (e-5), (e-10), (e-15), and (e-20), a provider
9 shall not bill or otherwise attempt to recover from the
10 employee the difference between the provider's charge and the
11 amount paid by the employer or the insurer on a compensable
12 injury.

13 (e-5) If an employer notifies a provider that the employer
14 does not consider the illness or injury to be compensable under
15 this Act, the provider may seek payment of the provider's
16 actual charges from the employee for any procedure, treatment,
17 or service rendered. Once an employee informs the provider that
18 there is an application filed with the Commission to resolve a
19 dispute over payment of such charges, the provider shall cease
20 any and all efforts to collect payment for the services that
21 are the subject of the dispute. Any statute of limitations or
22 statute of repose applicable to the provider's efforts to
23 collect payment from the employee shall be tolled from the date
24 that the employee files the application with the Commission
25 until the date that the provider is permitted to resume
26 collection efforts under the provisions of this Section.

27 (e-10) If an employer notifies a provider that the employer
28 will pay only a portion of a bill for any procedure, treatment,
29 or service rendered in connection with a compensable illness or
30 disease, the provider may seek payment from the employee for
31 the remainder of the amount of the bill up to the lesser of the
32 actual charge, negotiated rate, if applicable, or the payment
33 level set by the Commission in the fee schedule established in
34 this Section. Once an employee informs the provider that there
35 is an application filed with the Commission to resolve a
36 dispute over payment of such charges, the provider shall cease

1 any and all efforts to collect payment for the services that
2 are the subject of the dispute. Any statute of limitations or
3 statute of repose applicable to the provider's efforts to
4 collect payment from the employee shall be tolled from the date
5 that the employee files the application with the Commission
6 until the date that the provider is permitted to resume
7 collection efforts under the provisions of this Section.

8 (e-15) When there is a dispute over the compensability of
9 or amount of payment for a procedure, treatment, or service,
10 and a case is pending or proceeding before an Arbitrator or the
11 Commission, the provider may mail the employee reminders that
12 the employee will be responsible for payment of any procedure,
13 treatment or service rendered by the provider. The reminders
14 must state that they are not bills, to the extent practicable
15 include itemized information, and state that the employee need
16 not pay until such time as the provider is permitted to resume
17 collection efforts under this Section. The reminders shall not
18 be provided to any credit rating agency. The reminders may
19 request that the employee furnish the provider with information
20 about the proceeding under this Act, such as the file number,
21 names of parties, and status of the case. If an employee fails
22 to respond to such request for information or fails to furnish
23 the information requested within 90 days of the date of the
24 reminder, the provider is entitled to resume any and all
25 efforts to collect payment from the employee for the services
26 rendered to the employee and the employee shall be responsible
27 for payment of any outstanding bills for a procedure,
28 treatment, or service rendered by a provider.

29 (e-20) Upon a final award or judgment by an Arbitrator or
30 the Commission, or a settlement agreed to by the employer and
31 the employee, a provider may resume any and all efforts to
32 collect payment from the employee for the services rendered to
33 the employee and the employee shall be responsible for payment
34 of any outstanding bills for a procedure, treatment, or service
35 rendered by a provider as well as the interest awarded under
36 subsection (d) of this Section. In the case of a procedure,

1 treatment, or service deemed compensable, the provider shall
2 not require a payment rate, excluding the interest provisions
3 under subsection (d), greater than the lesser of the actual
4 charge or the payment level set by the Commission in the fee
5 schedule established in this Section. Payment for services
6 deemed not covered or not compensable under this Act is the
7 responsibility of the employee unless a provider and employee
8 have agreed otherwise in writing. Services not covered or not
9 compensable under this Act are not subject to the fee schedule
10 in this Section.

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

15 (g) On or before January 1, 2010 the Commission shall
16 provide to the Governor and General Assembly a report regarding
17 the implementation of the medical fee schedule and the index
18 used for annual adjustment to that schedule as described in
19 this Section.

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

21 (820 ILCS 305/8.7)

22 Sec. 8.7. Utilization review programs.

23 (a) As used in this Section:

24 "Utilization review" means the evaluation of proposed or
25 provided health care services to determine the appropriateness
26 of both the level of health care services medically necessary
27 and the quality of health care services provided to a patient,
28 including evaluation of their efficiency, efficacy, and
29 appropriateness of treatment, hospitalization, or office
30 visits based on medically accepted standards. The evaluation
31 must be accomplished by means of a system that identifies the
32 utilization of health care services based on standards of care
33 or nationally recognized peer review guidelines as well as
34 nationally recognized evidence based upon standards as
35 provided in this Act. Utilization techniques may include

1 prospective review, second opinions, concurrent review,
2 discharge planning, peer review, independent medical
3 examinations, and retrospective review (for purposes of this
4 sentence, retrospective review shall be applicable to services
5 rendered on or after July 20, 2005). Nothing in this Section
6 applies to prospective review of necessary first aid or
7 emergency treatment.

8 (b) No person may conduct a utilization review program for
9 workers' compensation services in this State unless once every
10 2 years the person registers the utilization review program
11 with the Department of Financial and Professional Regulation
12 and certifies compliance with the Workers' Compensation
13 Utilization Management standards or Health Utilization
14 Management Standards of URAC sufficient to achieve URAC
15 accreditation or submits evidence of accreditation by URAC for
16 its Workers' Compensation Utilization Management Standards or
17 Health Utilization Management Standards. Nothing in this Act
18 shall be construed to require an employer or insurer or its
19 subcontractors to become URAC accredited.

20 (c) In addition, the Secretary of Financial and
21 Professional Regulation may certify alternative utilization
22 review standards of national accreditation organizations or
23 entities in order for plans to comply with this Section. Any
24 alternative utilization review standards shall meet or exceed
25 those standards required under subsection (b).

26 (d) This registration shall include submission of all of
27 the following information regarding utilization review program
28 activities:

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

31 (2) The organization and governing structure of the
32 utilization review programs.

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

35 (4) Hours of operation of each utilization review
36 program.

1 (5) Description of the grievance process for each
2 utilization review program.

3 (6) Number of covered lives for which utilization
4 review was conducted for the previous calendar year for
5 each utilization review program.

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

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

12 (1) kept confidential in accordance with applicable
13 State and federal laws; and

14 (2) shared only with the employee, the employee's
15 designee, and the employee's health care provider, and
16 those who are authorized by law to receive the information.
17 Summary data shall not be considered confidential if it
18 does not provide information to allow identification of
19 individual patients or health care providers.

20 Only a health care professional may make determinations
21 regarding the medical necessity of health care services during
22 the course of utilization review.

23 When making retrospective reviews, utilization review
24 programs shall base reviews solely on the medical information
25 available to the attending physician or ordering provider at
26 the time the health care services were provided.

27 (f) If the Department of Financial and Professional
28 Regulation finds that a utilization review program is not in
29 compliance with this Section, the Department shall issue a
30 corrective action plan and allow a reasonable amount of time
31 for compliance with the plan. If the utilization review program
32 does not come into compliance, the Department may issue a cease
33 and desist order. Before issuing a cease and desist order under
34 this Section, the Department shall provide the utilization
35 review program with a written notice of the reasons for the
36 order and allow a reasonable amount of time to supply

1 additional information demonstrating compliance with the
2 requirements of this Section and to request a hearing. The
3 hearing notice shall be sent by certified mail, return receipt
4 requested, and the hearing shall be conducted in accordance
5 with the Illinois Administrative Procedure Act.

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

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

12 (i) A utilization review will be considered by the
13 Commission, along with all other evidence and in the same
14 manner as all other evidence, in the determination of the
15 reasonableness and necessity of the medical bills or treatment.
16 Nothing in this Section shall be construed to diminish the
17 rights of employees to reasonable and necessary medical
18 treatment or employee choice of health care provider under
19 Section 8(a) or the rights of employers to medical examinations
20 under Section 12.

21 (j) When an employer denies payment of or refuses to
22 authorize payment of first aid, medical, surgical, or hospital
23 services under Section 8(a) of this Act, if that denial or
24 refusal to authorize complies with a utilization review program
25 registered under this Section and complies with all other
26 requirements of this Section, then there shall be a rebuttable
27 presumption that the employer shall not be responsible for
28 payment of additional compensation pursuant to Section 19(k) of
29 this Act and if that denial or refusal to authorize does not
30 comply with a utilization review program registered under this
31 Section and does not comply with all other requirements of this
32 Section, then that will be considered by the Commission, along
33 with all other evidence and in the same manner as all other
34 evidence, in the determination of whether the employer may be
35 responsible for the payment of additional compensation
36 pursuant to Section 19(k) of this Act.

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

2 (820 ILCS 305/13.1) (from Ch. 48, par. 138.13-1)

3 Sec. 13.1. (a) There is created a Workers' Compensation
4 Advisory Board hereinafter referred to as the Advisory Board.
5 After the effective date of this amendatory Act of the 94th
6 General Assembly, the Advisory Board shall consist of 12
7 members appointed by the Governor with the advice and consent
8 of the Senate. Six members of the Advisory Board shall be
9 representative citizens chosen from the employee class, and 6
10 members shall be representative citizens chosen from the
11 employing class. The Chairman of the Commission shall serve as
12 the ex officio Chairman of the Advisory Board. After the
13 effective date of this amendatory Act of the 94th General
14 Assembly, each member of the Advisory Board shall serve a term
15 ending on the third Monday in January 2007 and shall continue
16 to serve until his or her successor is appointed and qualified.
17 Members of the Advisory Board shall thereafter be appointed for
18 4 year terms from the third Monday in January of the year of
19 their appointment, and until their successors are appointed and
20 qualified. Seven members of the Advisory Board shall constitute
21 a quorum to do business, but in no case shall there be less
22 than one representative from each class. A vacancy on the
23 Advisory Board shall be filled by the Governor for the
24 unexpired term.

25 (b) Members of the Advisory Board shall receive no
26 compensation for their services but shall be reimbursed for
27 expenses incurred in the performance of their duties by the
28 Commission from appropriations made to the Commission for such
29 purpose.

30 (c) The Advisory Board shall aid the Commission in
31 formulating policies, discussing problems, setting priorities
32 of expenditures, reviewing advisory rates filed by an advisory
33 organization as defined in Section 463 of the Illinois
34 Insurance Code, and establishing short and long range
35 administrative goals. Prior to making appointments to the

1 Commission, the Governor shall request that the Advisory Board
2 make recommendations as to candidates to consider for
3 appointment and the Advisory Board may then make such
4 recommendations.

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

6 Section 95. Construction. Nothing in this Act shall be
7 construed to accelerate or otherwise supersede the provisions
8 of Section 95 of Public Act 94-277 regarding the applicability
9 of the amendatory changes to subsections (a) and (b) of Section
10 8 of the Workers' Compensation Act that were made by Public Act
11 94-277.

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