



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3594

by Rep. Mark Batinick

SYNOPSIS AS INTRODUCED:

820 ILCS 305/8.1b

Amends the Workers' Compensation Act. Provides that one of the factors upon which the Illinois Workers' Compensation Commission shall base its determination of the level of permanent partial disability shall be evidence of disability corroborated by objective findings in the medical records (rather than evidence of disability corroborated by the treating medical records). Deletes a provision that no single factor shall be the sole determinant of disability.

LRB099 10627 SXM 30863 b

1 AN ACT concerning employment.

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

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

6 (820 ILCS 305/8.1b)

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

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

23 (b) In determining the level of permanent partial

1 disability, the Commission shall base its determination on the
2 following factors: (i) the reported level of impairment
3 pursuant to subsection (a); (ii) the occupation of the injured
4 employee; (iii) the age of the employee at the time of the
5 injury; (iv) the employee's future earning capacity; and (v)
6 evidence of disability corroborated by objective findings in
7 ~~the treating medical records. No single enumerated factor shall~~
8 ~~be the sole determinant of disability.~~ In determining the level
9 of disability, the relevance and weight of any factors used in
10 addition to the level of impairment as reported by the
11 physician must be explained in a written order.
12 (Source: P.A. 97-18, eff. 6-28-11.)