

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Shaw offered the following:

Amendment (with directory and title amendments)

5 Remove lines 402-448 and insert:

6 (c) All impairment income benefits shall be based on an
 7 impairment rating using the impairment schedule referred to in
 8 paragraph (b). Impairment income benefits are paid biweekly at
 9 the rate of ~~75 percent~~ of the employee's average weekly
 10 temporary total disability benefit not to exceed the maximum
 11 weekly benefit under s. 440.12; provided, however, that such
 12 benefits shall be reduced by 50 percent for each week in which
 13 the employee has earned income equal to or in excess of the
 14 employee's average weekly wage. An employee's entitlement to
 15 impairment income benefits begins the day after the employee
 16 reaches maximum medical improvement or the expiration of

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17 temporary benefits, whichever occurs earlier, and continues
18 until the earlier of:

19 1. The expiration of a period computed at the rate of 3
20 weeks for each percentage point of impairment; or

21 2. The death of the employee.

22
23 ~~Impairment income benefits as defined by this subsection are~~
24 ~~payable only for impairment ratings for physical impairments.~~
25 ~~If objective medical findings can substantiate a permanent~~
26 ~~psychiatric impairment resulting from the accident, permanent~~
27 ~~impairment benefits are limited for the permanent psychiatric~~
28 ~~impairment to 1-percent permanent impairment.~~

29 (d) After the employee has been certified by a doctor as
30 having reached maximum medical improvement or 6 weeks before
31 the expiration of temporary benefits, whichever occurs
32 earlier, the certifying doctor shall evaluate the condition of
33 the employee and assign an impairment rating, using the
34 impairment schedule referred to in paragraph (b). If the
35 certification and evaluation are performed by a doctor other
36 than the employee's treating doctor, the certification and
37 evaluation must be submitted to the treating doctor, the
38 employee, and the carrier within 10 days after the evaluation.
39 The treating doctor must indicate to the carrier agreement or
40 disagreement with the other doctor's certification and
41 evaluation.

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42 1. The certifying doctor shall issue a written report to
43 the employee and the carrier certifying that maximum medical
44 improvement has been reached, stating the impairment rating to
45 the body as a whole, and providing any other information
46 required by the department by rule. The carrier shall
47 establish an overall maximum medical improvement date and
48 permanent impairment rating, based upon all such reports.

49 2. Within 14 days after the carrier's knowledge of each
50 maximum medical improvement date and impairment rating to the
51 body as a whole upon which the carrier is paying benefits, the
52 carrier shall report such maximum medical improvement date
53 and, when determined, the overall maximum medical improvement
54 date and associated impairment rating to the department in a
55 format as set forth in department rule. If the employee has
56 not been certified as having reached overall maximum medical
57 improvement before the expiration of 254 ~~98~~ weeks after the
58 date temporary disability benefits begin to accrue, the
59 carrier shall notify the treating doctor of the requirements
60 of this section.

61 3. If an employee receiving benefits under subsection
62 (2) has not reached overall maximum medical improvement before
63 receiving the maximum number of weeks of temporary disability
64 benefits, the maximum number of weeks are extended for up to
65 an additional 26 weeks. If the employee has not reached
66 overall maximum medical improvement after receiving the

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67 additional weeks allowed under this subparagraph, a judge of
68 compensation claims, upon petition, must determine the
69 employee's current eligibility for benefits under this
70 subsection and subsection (1).

71 4. If an employee receiving benefits under subsection
72 (4) has not reached overall maximum medical improvement before
73 receiving the maximum number of weeks of temporary disability
74 benefits, the employee shall receive benefits under this
75 subsection in accordance with the greatest single impairment
76 rating assigned to the employee. Impairment benefits received
77 under this subparagraph shall be credited against indemnity
78 benefits subsequently due to the employee.

79 (g) Notwithstanding paragraph (c), for accidents
80 occurring on or after October 1, 2003, an employee's
81 entitlement to impairment income benefits begins the day after
82 the employee reaches maximum medical improvement or the
83 expiration of temporary benefits, whichever occurs earlier,
84 and continues for the following periods:

85 1. Twenty-six ~~Two~~ weeks of benefits are to be paid to
86 the employee for each percentage point of impairment from 1
87 percent up to and including 3 ~~10~~ percent.

88 2. Fifty-two weeks of benefits are to be paid to the
89 employee for each percentage point of impairment from 4
90 percent up to and including 6 percent.

91 3. For each percentage point of impairment from 7 ~~11~~

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92 percent up to and including 9 ~~15~~ percent, 78 ~~3~~ weeks of
93 benefits are to be paid.

94 ~~4.3.~~ For each percentage point of impairment from 10 ~~16~~
95 percent up to and including 12 ~~20~~ percent, 104 ~~4~~-weeks of
96 benefits are to be paid.

97 ~~5.4.~~ For each percentage point of impairment from 13 ~~21~~
98 percent and higher, 208 ~~6~~ weeks of benefits are to be paid.

101 -----
102 **D I R E C T O R Y A M E N D M E N T**

103 Remove lines 379-380 and insert:

104 Section 4. Paragraph (a) of subsection (2), paragraphs (c),
105 (d) and (g) of subsection (3), paragraphs (a) and (e) of
106 subsection (4), and

108 -----
109 **T I T L E A M E N D M E N T**

110 Remove lines 22-24 and insert:

111 receive temporary total disability benefits; increasing the
112 value of permanent impairment benefits; removing certain
113 limitations on permanent impairment income benefits for
114 psychiatric injuries; providing conditions under which employees
115 may receive permanent impairment benefits; increasing the

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Bill No. PCB COM 18-01 (2018)

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116 | duration of permanent impairment benefits; extending the
117 | timeframe in which

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Published On: 11/13/2017 8:17:26 PM