

Workers' compensation in 1982 significant legislation enacted

Most States still concentrate on improving benefits and services for work-related injuries; 18 jurisdictions modified coverage, most often to extend to volunteer workers, and several improved rehabilitation services

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During the year, 44 States, Puerto Rico, and the District of Columbia were in legislative session.¹ More than 1,000 workers' compensation proposals were introduced and 167 were enacted, most of which pertained to coverage, benefits, and rehabilitation services.

Eighteen States modified their coverage provisions in some manner—either by expanding exclusions or by extending coverage to volunteers and other workers who previously had no protection. Coverage was extended to volunteer fire and rescue personnel in three Maryland counties; to call fire and rescue personnel in Dover, Mass.; to certain volunteers of search and rescue missions in New Hampshire; and to volunteers in employer-sponsored athletic or social events in Rhode Island. In Michigan, libraries that qualify as independent employers must now have coverage if they are located in counties with populations of less than 600,000. Arizona broadened coverage to include the State Game and Fish Department Reserve; and, in Virginia, employees sexually assaulted in the course of their employment are now entitled to benefits.

Maximum weekly benefit levels for total disability and death were increased in 46 jurisdictions. Total maximum benefits were raised for temporary total disability

in Arkansas, for death only in Florida, and for both total disability and death in Tennessee. Three States (Arkansas, Georgia, and Tennessee) raised maximum weekly benefit levels statutorily, 43 jurisdictions adjusted benefits according to increases in each State's average weekly wage, and the District of Columbia adjusted benefits according to the national average weekly wage.

The method of computing minimum weekly benefits for permanent total disability in Connecticut and for disability and death in Iowa changed from a dollar amount to a percentage of the State's average weekly wage.

In Washington, the immediate cash payment to dependent survivors upon the death of an employee due to a work-related injury was doubled. Similarly, in Wisconsin, compensation was doubled for dependents of certain law enforcement and correctional officers, firefighters, rescue squad members, and members of the national or State guard on active duty. Florida, Hawaii, Kentucky, New York, Rhode Island, South Dakota, and Washington raised burial or funeral allowances. Rhode Island and Vermont raised weekly benefit allowances for dependents.

The compensation period for loss of a hand was changed from 165 to 185 weeks in South Carolina, and for permanent disfigurement of the body, from 300 to 500 weeks in Rhode Island. Awards were doubled for serious head and facial disfigurement in New York.

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Vermont changed the compensation period for permanent total disability from a maximum of 330 weeks to a minimum of 330 weeks, and provided that benefits be paid for the duration of the disability.

New cost-of-living adjustments were established in Washington for recipients of temporary total disability, permanent total disability, death, or occupational disease awards, if the disability or death occurred between July 1, 1971, and June 30, 1982. Another cost-of-living adjustment will go into effect on July 1, 1983.

An injured employee in Mississippi may now select his or her own physician from those in the State; however, the employer can also select another physician to examine the employee. Employers in Iowa can require that employees be examined by physicians outside the State. If an injured employee in Kansas requires a medical examination, lost wages will not be compensated at 66-2/3 percent of his or her wages. In Virginia, medical provisions now include the services of a chiropractor.

Rehabilitation services received a lot of attention during the year. Vermont eliminated the 1-year limit on vocational rehabilitation training, treatment, and services, and also authorized the Commissioner of the Department of Labor and Industry to set costs of medical services (previously these costs were based on prevailing rates). Alaska now provides for a Rehabilitation Administrator and staff to administer the rehabilitation program and plan rehabilitation services for each injured worker. Legislation in Washington created the Office of Rehabilitation Review to ensure that rehabilitation procedures are implemented according to law, and raised the allowance for vocational rehabilitation retraining from \$1,000 to \$3,000. Hawaii now requires the Department of Labor and Industrial Relations to investigate possible abuses in rehabilitation services provided by private agencies.

Subsequent injury provisions were revised in seven States. Rhode Island instituted a direct payment system in lieu of agreements, and in Hawaii, compromises will not be valid unless approved by the Appellate Board. In Virginia, employees allegedly discharged from their employment because they filed compensation claims may now sue their employers for damages and attorney fees, as well as for reinstatement with back pay, plus interest.

Other modifications in State workers' compensation statutes during the year included various administrative and insurance revisions, changes in offset provisions, and the establishment of study committees.

Following is a summary of legislation enacted by individual States.

Alaska

Legislation provides for the appointment of a rehabilitation administrator and staff to administer a rehabilitation pro-

gram to enhance the return of injured workers to suitable and gainful employment.

The same legislation now allows permanently disabled employees whose injuries preclude their returning to gainful employment to be fully evaluated by a qualified rehabilitation professional within 90 days after injury; and requires that individual rehabilitation plans be developed where appropriate. Vocational rehabilitation services will be provided for a maximum of 37 weeks, unless an extension is approved. Refusal of an injured worker to participate in a rehabilitation evaluation, may result in forfeiture of benefits during the period of refusal. Additional compensation up to \$200 per month may be awarded during rehabilitation in extreme hardship cases.

Employers are now required to provide reasonable costs of board, lodging, and travel for employees while they are receiving rehabilitation services away from their customary residence.

The Workers' Compensation Board is required to adopt a schedule for use in determining the existence and degree of permanent impairment that is consistent with American Medical Association guidelines.

A provision was added to the law to remove an employee's entitlement to workers' compensation benefits during any week in which he or she is also entitled to receive unemployment compensation benefits.

The definition of "arising out of and in the course of employment" was broadened to include "employer-required or supplied travel to and from a remote job site; activities performed at the direction or under the control of the employer; and employer-sanctioned activities at employer provided facilities."

Employers who fail to insure or provide security as required by law may now be ordered to cease their use of employee labor until such requirements have been met. A civil penalty of \$1,000 per day may be assessed against employers who fail to comply with the stop order.

Arizona

Political subdivisions were given authority to cover volunteers while they are performing services; and members of the Arizona Game and Fish Department were also included for coverage.

California

Persons under contract to create a specially ordered or commissioned work of authorship will now be covered as employees under the law when the ordering or commissioning parties obtain ownership of the copyrighted works.

The average weekly earnings for total disabilities that occur in 1983 will now be determined at no more than \$294, nor less than \$126; previously a maximum of \$262.50, and a minimum of \$73.50. In 1984, the maximum will not exceed \$336 and the minimum, no less than \$168. In 1983, average weekly earnings for partial disability will not exceed \$195, nor be less than \$75; currently the maximum is \$105, and the minimum, \$45.

Injuries caused by serious and willful misconduct of the employer are no longer limited to \$10,000 above the statutory recoverable compensation amount.

The total maximum benefit for death due to injuries will increase from \$75,000 to \$85,000 in 1983, and to \$95,000 in 1984.

Injured employees must now make requests for vocational rehabilitation benefits to the Appeals Board within 1 year after the last finding of permanent disability by the Board, or within 1 year after its approval of a compromise and release of other related issues.

By amendment, the Appeals Board is required to consider the general financial condition of the claimant, including his or her ability to live without periodic payments, and to discharge any debts incurred prior to injury, when determining whether to commute awards in a lump sum or in periodic payments.

Dependents of a worker whose death was caused by asbestosis may now seek compensation from the Asbestos Workers' Account Fund. Third party suits are permitted for injuries suffered by police officers or firefighters as a result of the negligent or willful act of others; however, employers are allowed subrogation rights in such cases (formerly, the employers alone were liable for compensation).

Connecticut

The minimum weekly benefit level for permanent total disability was changed from \$20 to 20 percent of the State's average weekly wage. Benefits may not exceed 80 percent of the employee's average weekly wage.

Delaware

Lessees of motor vehicles who transport passengers for hire are not entitled to compensation under the law.

Florida

Law enforcement officers are now included for coverage under certain conditions.

Compensation for permanent impairment of the body was increased to \$250 (previously \$50) for each percent of permanent impairment up to 10 percent, and to \$500 (previously \$100) for each additional percent of permanent impairment.

The total maximum payable for death was increased from \$50,000 to \$100,000; and the burial allowance was raised from \$1,000 to \$2,500.

The Florida Self-Insurers Guaranty Association, Inc. was created. All individual self-insurers (except public utilities and governmental entities) are required to become members of this association as a condition of their authority to individually self insure. The same legislation created an Insolvency Fund to ensure that members of the association meet their obligations.

Georgia

Corporate officers may be exempted from coverage, however, coverage can be reinstated upon proper notification to the Board of Workers' Compensation.

Weekly maximum benefits for disability and death were increased from \$115 to \$135.

Percentage of disability for bodily loss must now be determined based on American Medical Association guidelines or other recognized medical criteria or books.

The definition of occupational disease was broadened to establish coverage for disability or death caused by byssinosis. Byssinosis is defined as a pulmonary disease caused by exposure to cotton dust for a period of 7 years or longer, and must be diagnosed by a pulmonary specialist certified by the American Board of Internal Medicine.

A freeze was placed on workers' compensation insurance rates until April 1, 1983; however, exceptions may be permitted at the discretion of the Insurance Commissioner.

A Workers' Compensation Reform Study Committee was established to review the State's workers' compensation law to

determine whether a wage loss system or other changes in the law would provide for efficient administration and adequate compensation at a reasonable cost. The report must be submitted to the legislature on or before December 1, 1983.

Hawaii

For coverage purposes, the definition of a child was amended to include a "hanai child," a child who is a member of the employee's household and treated as a member of the employee's family without the initiation of formal adoption proceedings.

Funeral expenses were increased from \$1,000 to 10 times the maximum weekly benefit rate in effect at the time of death, currently \$252; and burial expenses from \$500 to a sum five times the maximum weekly benefit rate.

The first 104 weeks of compensation for a subsequent injury will now be the responsibility of the present employer, and compensation for the greater of the disabilities must be made from the Special Compensation Fund. If it is determined that a previous disability warrants less than 52 weeks of compensation, the present employer will be liable for compensation of both injuries.

A compromise will not be valid if a claimant waives or otherwise prejudices his or her right to reopen a claim for benefits or for future medical benefits, unless approved in writing by the Appellate Board. Fines were raised from \$250 to \$1,000 in cases where false statements or representations are willfully made in order to obtain benefits or payments.

The Department of Labor and Industrial Relations was requested to conduct an investigation of possible abuses by private vocational rehabilitation agencies.

Idaho

Corporate officers who are exempt from coverage if they own at least 10 percent of all the issued and outstanding voting stock of a corporation, in order to maintain that exemption, must now also be directors of the corporations, if the corporations have directors. The deduction in benefits for the waiting period that previously applied only to temporary total and partial disability benefits during recovery, now applies to permanent total disability.

Illinois

A Labor Law Revisory Commission was established to study the State's labor and employment laws, particularly unemployment insurance and workers' compensation. The Commission will consider the possibility of revising these laws and placing them into one code and providing for coordination between administrative departments and agencies. Annual reports must be made to the General Assembly by January 15 of 1984, 1985, and 1986. Competitive rating for workers' compensation insurance is now permitted under the insurance code.

Indiana

New guidelines and penalties were established for employers who do not comply with insurance requirements under the workers' compensation law.

Iowa

Certain corporate officers will be exempted from coverage after they sign and file a witnessed acceptance of exemption with the Industrial Commissioner. The exemption may not be

considered a waiver of one's civil rights or remedies.

The provision exempting from coverage agricultural employers whose total case payroll to nonexempt nonagricultural employees is less than \$1,000 during the preceding calendar year was amended by increasing the amount to \$2,500. No longer covered are spouses of certain family members, spouses of officers of a family farm corporation, and relatives of partners involved in agriculture.

Minimum weekly benefits for disability and death will not exceed 35 percent of the State's average weekly wage, or the earnings of the employee, whichever is less. Previously, these benefits were based on a statutory amount. If the employee is a minor or a full-time student under age 25 and attending an accredited educational institution, the minimum weekly benefits must be equal to the weekly benefit of a person whose gross weekly earnings are 35 percent of the State's average weekly wage.

The law now specifies that temporary disability benefits will be terminated when the employee either returns to work, or is medically capable of returning to employment substantially similar to the job in which the injury occurred.

Compensation for temporary partial disability may now be received at 66-2/3 percent of the difference between the employee's weekly earnings at the time of injury and the employee's actual gross weekly income from employment during the period of temporary partial disability.

Volunteer firefighters and reserve peace officers are eligible for the same compensation that they would receive if injured in the course of their regular employment, or an amount equal to 140 percent of the State's average weekly wage, whichever is greater. Previously, they were only eligible for compensation not exceeding the maximums under the workers' compensation law.

Injured employees must now submit to medical examinations by physicians outside the State of Iowa, if requested by the employer.

Payments to the Second Injury Fund were raised from \$1,000 to \$2,000 for each death case where there are dependents and to \$5,000 for each case where there are no dependents. The Fund must maintain a maximum of \$500,000 and a minimum of \$300,000 before contributions by insurers or employers will be terminated. Formerly, maintenance of the fund required a maximum of \$100,000 and minimum of \$50,000.

The memorandum of agreement for compensation was replaced with a notice regarding commencement of payments. Notices must be filed with the Industrial Commissioner and copies given to all parties involved.

Kansas

Employees who lose wages while attending required medical examinations are now entitled to 66-2/3 percent of lost wages, depending on the maximum compensation allowable.

Payments made by employers to the Insurance Commissioner in no-dependency death cases were raised from \$5,000 to \$18,000. Work-related injuries attributable to the negligence of either the employer or the employees will now reduce the employer's subrogation interest in future compensation payments by the percentage of negligence attributable to the employer.

The Workers' Compensation Fund was created in the State treasury and the existing Second Injury Fund was abolished as of July 1, 1982. All monies and liabilities were transferred from the old fund to the new fund, which will be administered by the Commissioner of Insurance.

Kentucky

The burial allowance was raised from \$1,500 to \$2,500. Subsequent Injury compensation will now be apportioned according to the number of weeks awarded for a specific scheduled loss and all other awards according to actuarial tables.

The interest on late compensation payments for occupational disease was increased from 6 to 12 percent.

Employers can now have their employees who file claims for occupational diseases examined by vocational experts or institutions at the expense of the employer, the Special Fund, or any other party involved.

Louisiana

Real estate brokers or salespersons are now excluded from coverage.

Maine

All self-insured or group self-insured employers were required to be registered with the Bureau of Insurance on or before August 1, 1982, in order to maintain their self-insurance status.

Maryland

Coverage was extended to members of volunteer fire and rescue squads of Worcester, Wicomico, and Washington counties. County boards of education may now be included in group self-insurance programs.

The definition of "employer" was broadened to include a group of counties or municipalities, or both. The Commission is required to develop rules and regulations prescribing requirements and procedures for self-insurance. Definitions were added for "injury," "personal injury," "accidental injury" and "accidental personal injury" for coverage purposes.

Massachusetts

The town of Dover now requires employers to provide compensation and medical care for its "call firemen" and "call ambulance personnel" for injury or death while in the line of duty.

Michigan

Corporate officers who own 10 percent or more of the corporate stock may, under certain conditions, elect to be excluded from coverage requirements. Libraries in counties with populations of less than 600,000 must now be covered if they become separate employers from the counties in which they are located.

The weekly minimum compensation for scheduled injuries will now be applicable to all other permanent partial disability.

Supplemental benefits will be computed as a percentage of the weekly compensation rate (formerly, the weekly basic rate) in effect January 1, 1982. Retroactive payments for any period of disability prior to January 1, 1982, are prohibited.

The 5-percent annual reduction of benefits after age 65 years will no longer be applicable in cases where benefits are totally reduced by an employer's self-insurance plan, wage continuation plan, disability insurance policy, or pension or retirement plan.

Forest and forest products industries are now permitted to qualify as group self-insurers.

Minnesota

If injured employees are entitled to workers' compensation

benefits under a collective bargaining agreement or other plan in effect on January 1, 1980, the combined benefits may not exceed the weekly wage of the employee.

Mississippi

The State Highway Commission was authorized to establish and maintain a special fund to pay workers' compensation judgments, awards, or settlements.

Injured employees can now select a physician of their choice from those licensed in the State; however, the employer may have the employee examined by another physician. Compensation will be suspended during periods in which the employee unreasonably refuses to submit to medical treatment.

Missouri

Dependents of workers killed on the job can now collect benefits from the Second Injury Fund, if the employer is uninsured.

New Hampshire

Coverage was authorized for certain persons who assist or volunteer in search and rescue missions.

New York

Executive officers of corporations who own all of the issued and outstanding stock and who hold all or any combination of offices are not included for coverage, unless they elect to be covered.

The funeral benefits were raised from \$1,250 to \$1,500.

Maximum compensation for serious head and facial disfigurement was raised from \$1,500 to \$10,000. The chest area of the body was added as a serious body disfigurement which will be subject to the new \$10,000 maximum.

Cancellation of an insurance contract because of non-payment of premiums will not be effective until 10 days after a notice of cancellation has been given, and if for other reasons, will not be effective until at least 30 days after notification has been given to all parties involved.

A sum of \$67,000,000 was appropriated to maintain the solvency of the Stock Workmen's Compensation Security Fund.

Oklahoma

Boards of education and city, county, and public trust hospitals must have their liabilities for workers' compensation insured either through the State Fund or through a licensed carrier.

To maintain the solvency of the Workers' Compensation Administration Fund, after July 1, 1983, the Oklahoma Tax Commission will have authority to assess and collect a 2-percent tax from employers who cover their own workers' compensation risks for permanent total disability, permanent partial disability, and death awards.

Rhode Island

Coverage was established for employees who volunteer for employer-sponsored social or athletic events, and for specified persons who receive no remuneration for participating in ridesharing programs.

The weekly compensation for dependents was increased to \$10 (from \$6). Benefits for scheduled losses were raised to a maximum of \$90 per week (from \$45); and the minimum to

\$45 (previously \$30). Burial expenses were raised to \$3,000 (from \$1,800).

Compensation for a permanent disfigurement of the body may now be paid for up to 500 weeks, formerly 300 weeks.

"Mental injury" was added to the law and is defined as a mental disablement associated with physical trauma or stress resulting from a situation of greater dimensions than day-to-day tensions encountered by all employees.

If requested by the employer, injured employees must undergo a physical examination to qualify for compensation when the insurer controverts liability for benefits.

All payments for rehabilitative services, including board, lodging, and travel, must now come directly from the employer, instead of from the Rehabilitation Center Fund.

A direct payment system of compensation was instituted and the agreement method was eliminated.

The employer in whose employ a claimant aggravated his or her preexisting condition is now responsible for payment of all compensation. Under certain conditions, the employer can be reimbursed by the Second Injury Fund for all payments made subsequent to the first 104 weeks.

Ten or more employers in the same trade or profession are now permitted to pool their liabilities to qualify for group self-insurance.

South Carolina

The compensation period of benefits for the loss of a hand was increased from 165 to 185 weeks.

Payments in death cases will now go into the Second Injury Fund if there are no qualifying dependents to receive them.

The definition of "permanent physical impairment" was broadened to include pulmonary disease, cancer, and sickle-cell anemia; however, compensation claims filed prior to the effective date of this legislation (June 8, 1982) for these impairments will not be allowed.

A State Workmen's Compensation Insolvency Fund was created within the Workmen's Compensation Fund to cover compensation payments to injured workers.

South Dakota

"Workfare" program participants who suffer permanent disabilities, disease, or death are now eligible (or their dependents in case of their death) for compensation after certain requirements are met.

Students enrolled in post-secondary vocational-technical schools are not employees of the school for coverage purposes, unless they are enrolled in a work experience educational class off the school premises and receive no wages or salary from any source.

The burial allowance was raised from \$2,000 to \$2,500.

Tennessee

Maximum weekly compensation for disability and death was increased from \$126 to \$136; and total maximum from \$50,400 to \$54,400.

Hypertension or heart disease of an emergency medical technician was added to the law as a work-related presumption if the technician is licensed by the State and regularly employed by a county that maintains a division of emergency ambulance rescue service.

Utah

The referral of a case to a medical panel when the carrier

Table 1. Jurisdictions which increased maximum weekly temporary total disability benefits during 1982

Jurisdiction	Former maximum	New maximum	Jurisdiction	Former maximum	New maximum
Alabama	\$161.00	\$174.00	New Hampshire	\$234.00	\$256.00
Alaska	\$858.00	\$942.00	New Jersey	\$199.00	\$217.00
Arkansas	\$140.00	\$154.00	New Mexico	\$221.50	\$246.44
Colorado	\$261.80	\$283.71	North Carolina	\$210.00	\$228.00
Connecticut	\$310.00 plus \$10 for each dependent under age 18, not to exceed 75 percent of employee's wage	\$326.00, plus \$10 for each dependent under age 18, not to exceed 75 percent of employee's wage	North Dakota	\$233.00, plus \$5 for each dependent child; aggregate not to exceed worker's net wages after taxes and social security	\$261.00, plus \$5 for each dependent child; aggregate not to exceed worker's net wages after taxes and social security
Delaware	\$194.81	\$208.45	Ohio	\$275.00	\$298.00
District of Columbia	\$496.70	\$524.54	Oklahoma	\$175.00	\$196.00
Florida	\$228.00	\$253.00	Oregon	\$286.88	\$304.60
Georgia	\$115.00	\$135.00	Pennsylvania	\$262.00	\$284.00
Hawaii	\$235.00	\$252.00	Rhode Island	\$238.00, plus \$6 for each dependent; aggregate not to exceed 80 percent of worker's average weekly wage	\$257.00, plus \$6 for each dependent; aggregate not to exceed 80 percent of worker's average weekly wage
Idaho	\$198.00 to \$275.00, according to number of dependents, plus 7 percent of State's average weekly wage for each child up to 5 children	\$217.80 to \$302.50, according to number of dependents, plus 7 percent of State's average weekly wage for each child up to 5 children	South Carolina	\$216.00	\$235.00
Illinois	\$403.12	\$426.44	South Dakota	\$208.00	\$227.00
Iowa	\$501.00	\$542.00	Tennessee	\$126.00	\$136.00
Kansas	\$187.00	\$204.00	Texas	\$154.00	\$182.00
Kentucky	\$233.26	\$254.33	Utah	\$256.00, plus \$5 for dependent spouse and each dependent child up to 4 children, but not to exceed 100 percent of State's average weekly wage	\$284.00, plus \$5 for dependent spouse and each dependent child up to 4 children, but not to exceed 100 percent of State's average weekly wage
Louisiana	\$183.00	\$204.00	Vermont	\$225.00, plus \$5 for each dependent under age 21	\$243.00, plus \$5 for each dependent under age 21
Maine	\$367.25	\$396.48	Virgin Island	\$139.00	\$153.00
Maryland	\$248.00	\$267.00	Virginia	\$231.00	\$253.00
Massachusetts	\$269.93, plus \$6 for each dependent; aggregate not to exceed worker's average weekly wage or \$150	\$297.85, plus \$6 for each dependent; aggregate not to exceed worker's average weekly wage or \$150	Washington	\$223.34	\$243.10
Michigan	\$210.00	\$307.00	West Virginia	\$276.26	\$301.00
Minnesota	\$267.00	\$290.00	Wisconsin	\$249.00	\$269.00
Missouri	\$174.00	\$189.49	Wyoming	\$428.44	\$434.42
Montana	\$241.00	\$262.00			
Nevada	\$270.20	\$297.21			

NOTE: Benefit increases are based on the applicable State's average weekly or monthly wage, and for the District of Columbia, the national average weekly wage. However, nine States (Arizona, Arkansas, California, Georgia, Indiana, Mississippi, Nebraska, New York,

and Tennessee) and Puerto Rico prescribe statutory amounts; six States (Arizona, California, Indiana, Mississippi, Nebraska, and New York) and Puerto Rico are not listed because no increases for temporary total disability were legislated during 1982.

or employer denies liability will be done at the discretion of the Industrial Commission, rather than as a requirement.

The Legislative Management Committee was directed to assign an Interim Study Committee the task of studying workers' compensation coverage of agricultural labor and make recommendations for reforming the statute.

Vermont

Dependent children are now entitled to receive weekly compensation of \$10, previously \$5.

The percentage of wages for determining temporary partial disability benefits was raised to 66-2/3 percent of the difference between the pre-injury and post-injury wages, previously 50 percent.

The compensation period for permanent total disability was changed. Benefits will now be paid for the duration of disability and for no less than 330 weeks. Formerly, benefits were paid for a maximum of 330 weeks.

Vocational rehabilitation training, treatment, or services are no longer limited to 1 year. By legislation, this time limit was eliminated from the law.

Rates for medical, surgical, hospital, and nursing services must not exceed those established by the commissioner of labor and industry; formerly, the rates were limited to prevailing rates.

The definition of "employment" was broadened to include public employment; and "dependent" to include a child, grandchild, brother, or sister of any age if mentally or physically disabled at the time of the employee's death and partially or totally dependent upon the employee.

Virginia

Employees who have been sexually assaulted in the course of their employment, are now entitled to receive compensation.

Coverage was expanded to include the permanent loss of use of a body member or part of the anatomy which, prior to this legislation, was not compensated.

Chiropractic services or treatment were added to the medical provisions under the act.

Employees who allege that they were discharged because they filed, or intended to file, a claim for compensation may now seek damages and reinstatement with back pay through the court.

A statute separate from the general occupational disease statute of limitations was established which allows byssinosis claims to be filed up to 7 years from the last date of injurious exposure.

A joint subcommittee was created to review the State's workers' compensation law to determine whether gradually-incurred injuries should be covered.

Washington

Persons who own and operate trucks that are leased to a common or contract carrier were exempted from coverage.

The immediate cash payment to a surviving spouse, children, or dependent parent(s) of a fatally injured worker was raised from \$800 to \$1,600. Burial expenses were increased from \$1,000 to \$2,000.

Cost-of-living increases went into effect on July 1, 1982, for workers injured between July 1, 1971, and June 30, 1982; and

on July 1, 1983, another increase will cover workers injured between July 1, 1971 and June 30, 1983.

The Office of Rehabilitation Review was created within the Industrial Insurance Division. This office was authorized to establish definitions, eligibility criteria, timetables, and procedures for provision of vocational services; mediate disputes; review and approve or disapprove vocational rehabilitation plans; establish procedures for registering rehabilitation counselors or agencies; and develop criteria or procedures for removal of counselors who fail to comply with established procedures.

Maximum compensation payable for vocational rehabilitation retraining was increased from \$1,000 to \$3,000 during a 52-week period.

Beginning January 1, 1983, disability benefits can be reduced by social security disability benefits until age 65, previously age 62.

Self-insured employers must now inform the Department of Labor and Industry and the worker that a claim is being denied within 30 days after a claim has been filed, formerly 7 days.

West Virginia

A reduction or discontinuation of medical coverage when an employee is receiving temporary disability benefits is no longer allowed, unless medical coverage for all employees is discontinued or reduced.

The interest on overdue insurance premiums paid to the Workmen's Compensation Fund will now be 2 percent instead of 1 percent.

Wisconsin

Persons wholly dependent on a deceased law enforcement or correctional officer, firefighter, rescue squad member, or national or State guard member on active duty are entitled to compensation of \$50,000, formerly \$25,000. □

— *FOOTNOTE* —

¹ Alabama, Colorado, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Pennsylvania, and Wyoming convened in 1982, but are not included in this summary because they made no significant changes in their workers' compensation legislation.