

# Workers' compensation: key legislation in 1981

*Higher benefit levels, broader coverage,  
and improved medical and rehabilitation services  
are among the actions taken by States to provide  
better protection for injured workers*

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Forty-nine States, Puerto Rico, and the District of Columbia were in legislative session during 1981.<sup>1</sup> Deliberations resulted in the introduction of more than 1,500 proposals and enactment of more than 100 laws dealing with workers' compensation. Coverage and benefits were addressed in most of the amendments as in previous years. Numerous administrative changes were also made and medical and rehabilitation services for injured workers were improved.

Workers' compensation coverage was revised by new enactments in 19 States. These revisions extended coverage to workers including apprentices or students in work training or educational programs in four jurisdictions and to specified volunteers serving as State employees in emergency situations.

Forty-six jurisdictions and the District of Columbia raised their maximum weekly benefit levels for total disability and death either statutorily or according to increases linked to each State's average weekly wage. (See table 1.) Total maximums were increased in Arkansas, Mississippi, and Tennessee.

Effective January 1, 1982, Michigan became the second State, after Iowa, to establish maximum weekly benefit levels for disability and death at 80 percent of spendable earnings. Spendable earnings are defined as the employee's gross wage less State and Federal income taxes and social security where appropriate. Previously, maximum weekly benefits in these States were established at 66-2/3 percent of the employee's average weekly wage before taxes.

One State, Maine, rescinded legislation that would have increased maximum weekly benefits to 200 percent of the State's average weekly wage on July 1, 1981. Thus, benefits remain at 166-2/3 percent of the State's average weekly wage.

Legislation was also enacted in Maine which permits injured workers to select their own physician or surgeon from those licensed to practice in the State. Previously, workers were required to select physicians from a panel provided by the State workers' compensation agency.

The laws of Montana, Nebraska, North Carolina, Oregon, and Virginia were amended to increase burial allowances.

Several States updated their rehabilitation provisions for injured workers. For instance, unemployed dependent surviving spouses in Minnesota are now eligible to apply for rehabilitation. The intent of this legislation is to allow dependent surviving spouses the opportunity to

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**Table 1. Jurisdictions that increased maximum weekly temporary total disability benefits during 1981**

Jurisdiction	Former maximum	New maximum
Alabama	\$148.00	\$161.00
Alaska	\$650.00	\$858.00
Arkansas	\$126.00	\$140.00
California	\$154.00	\$175.00
Colorado	\$244.65	\$261.80
Connecticut	\$285.00, plus \$10 for each dependent under 18 years of age not to exceed 75 percent of employee's wage	\$310.00, plus \$10 for each dependent under 18 years of age not to exceed 75 percent of employee's wage
Delaware	\$175.28	\$194.81
District of Columbia	\$456.24	\$496.70
Florida	\$211.00	\$228.00
Georgia	\$110.00	\$115.00
Hawaii	\$215.00	\$235.00
Idaho	\$181.80 to \$252.50 according to number of dependents, plus 7 percent of SAWW for each child up to 5	\$198.00 to \$275.00 according to number of dependents plus 7 percent of SAWW for each child up to 5
Illinois	\$376.33	\$394.19
Iowa	\$384.00	\$501.00
Kansas	\$170.00	\$187.00
Kentucky	\$217.00	\$233.26
Louisiana	\$164.00	\$183.00
Maine	\$332.16	\$367.25
Maryland	\$241.00	\$248.00
Massachusetts	\$245.48, plus \$6 for each dependent; aggregate not to exceed worker's average weekly wage or \$150	\$269.93, plus \$6 for each dependent; aggregate not to exceed worker's average weekly wage or \$150
Michigan	\$171.00 to \$200.00 according to number of dependents	\$181.00 to \$210.00 according to number of dependents
Minnesota	\$244.00	\$267.00
Mississippi	\$ 98.00	\$112.00
Missouri	\$150.00	\$174.00
Montana	\$219.00	\$241.00
Nevada	\$245.09	\$270.20
New Hampshire	\$213.00	\$234.00
New Jersey	\$185.00	\$199.00
New Mexico	\$201.04	\$221.50
North Dakota	\$213.00, plus \$5 for each dependent child; aggregate not to exceed worker's net wage after taxes and social security	\$233.00, plus \$5 for each dependent child; aggregate not to exceed worker's net wage after taxes and social security
Ohio	\$258.00	\$275.00
Oklahoma	\$155.00	\$175.00
Oregon	\$261.32	\$286.88
Pennsylvania	\$242.00	\$262.00
Rhode Island	\$217.00, plus \$6 for each dependent; aggregate not to exceed 80 percent of worker's average weekly wage	\$238.00, plus \$6 for each dependent; aggregate not to exceed 80 percent of worker's average weekly wage
South Carolina	\$197.00	\$216.00
South Dakota	\$191.00	\$208.00
Tennessee	\$119.00	\$126.00
Texas	\$133.00	\$154.00
Utah	\$230.00, plus \$5 for dependent spouse and each dependent child up to 4, but not to exceed 100 percent of SAWW	\$256.00, plus \$5 for dependent spouse and each dependent child up to 4, but not to exceed 100 percent of SAWW
Vermont	\$208.00, plus \$5 for each dependent under 21 years of age	\$225.00, plus \$5 for each dependent under 21 years of age
Virginia	\$213.00	\$231.00
Washington	\$204.66	\$223.34
West Virginia	\$262.08	\$276.26
Wisconsin	\$233.00	\$249.00
Wyoming	\$402.01	\$411.21

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, 9 States (Arizona, Arkansas, California, Georgia, Indiana, Mississippi, Nebraska, New York, and Tennessee)

and Puerto Rico prescribe statutory amounts; 5 States (Arizona, Indiana, Nebraska, New York, and North Carolina) and Puerto Rico are not listed because no increases for temporary total disability were legislated during 1981.

become self-sufficient. Compensation will now be allowed while a workers' potential for rehabilitation is being evaluated in Arkansas.

In Nevada, injured workers may select a second physician from a panel within 90 days after injury (formerly 45 days) if the initial selection proved to be unsatisfactory. Allowances for board, lodging, travel, and maintenance were increased in New Mexico. And in Oregon, workers who fail to enroll in rehabilitation programs may now have their compensation suspended.

More States are penalizing employers for failure to make timely compensation payments and also for failure to make certain notifications regarding claims. In

other States, employees are being penalized for not obtaining insurance coverage.

Additional changes were made in State workers' compensation statutes during the year that focused on various administrative procedures and reporting requirements. Six states established study committees to review and recommend improvements in these areas.

Following is a summary of legislation enacted by individual States.

**Alabama**

County governments are now permitted to cover their officials and employees through group self-insurance programs.

An amendment was proposed to the Alabama Constitution which would prohibit suits by "co-employees" for personal injury, disease, or death arising out of and in the course of employment.

### **Alaska**

The monthly compensation payment during rehabilitation (from the Second Injury Fund) was increased from \$100 to \$200; and the total maximum compensation during rehabilitation from \$5,000 to \$10,000.

Employers are newly required to notify the Workmen's Compensation Board within 14 days of any change in a compensation claim. A civil penalty of \$100, plus \$25 per day, was established for failure to give notice within the specified time period but no fine can exceed \$2,500 for each offense.

### **Arizona**

Coverage was extended to State employees who serve as volunteers without compensation in certain search or rescue operations.

Payments by employers or carriers for no-dependency death were decreased from 2 to 1½ percent of all premiums received during the preceding year.

New provisions were established regarding financing of the Special Fund.

### **Arkansas**

Volunteer emergency services workers were included for coverage.

Participants in the State's workfare project, whose sole purpose for participating is to retain food stamps and not for employment within the State, were excluded from coverage.

Maximum weekly benefits for disability and death were raised in two steps. On March 1, 1981, benefits increased to \$140 from \$126 and on March 1, 1982, benefits will increase to \$154. During the same periods, total maximum benefits for temporary total and permanent partial disability increased to \$63,000 (from \$56,700) and will increase to \$69,000. For permanent total disability or death occurring on or after March 1, 1981, the new total aggregate is \$75,000, formerly \$50,000.

Temporary total disability benefits can now be extended after the first 40 weeks of compensation and beyond for 13-week intervals. Benefits for temporary and permanent total disability will be barred for any week that a claimant can simultaneously receive unemployment compensation benefits.

A limit of \$10,000 and 6 months will be placed on all medical services, hospital, and other treatment available to injured workers. In some instances, these services may be waived or extended.

New procedures were adopted regarding employee rights in change of physician.

Injured workers are now eligible to receive up to 6 weeks of compensation while their potential for rehabilitation is being evaluated if they are not working or receiving any benefits.

Lump sum attorney fees will now be discounted at the current rate of 7 percent.

Benefit payments normally made from the Second Injury Fund will revert to the employer at the time of an accident if the Fund becomes insolvent before July 1, 1983.

The penalty for making late compensation payments was increased from 6 to 10 percent of the unpaid benefit.

The requirement that widowers be incapacitated in order to receive compensation was eliminated, thereby allowing widowers the same benefits as widows.

### **California**

Coverage of persons who perform officiating services at amateur sporting events sponsored by public agencies or by private nonprofit organizations was removed. Students participating as athletes in amateur sporting events were also eliminated from coverage.

### **Colorado**

Mandatory coverage is now required of employers who enter into bona fide cooperative educational or student internship programs sponsored by educational institutions for the purpose of providing on-the-job training for students.

Public entities with annual payrolls of at least \$1 million are now allowed to become workers' compensation self-insurers or form self-insurance pools if their payrolls are less.

A 52-week time limit was set on benefits paid during vocational rehabilitation or for income maintenance. The maximum (\$20,000) on medical aid and vocational rehabilitation was removed.

Chiropractors are now permitted to treat workers' compensation claimants.

In addition to the 1.75-percent premium tax imposed for maintenance of the Major Medical Insurance Fund, another premium tax was added.

Further investment was authorized of moneys in the workers' compensation special funds in the form of notes, loans, bonds, and certain certificates.

The Industrial Commission is newly required to review appealed cases within the scope of the issues presented in the record only.

### **Connecticut**

Participants in work, training, or educational programs approved by the labor commissioner will now be covered for workers' compensation.

Payments for accident and health or life insurance coverage will be borne by the Second Injury Fund in cases where benefits for total incapacity continue for longer than 104 weeks.

A provision was added to the statutes making the last employer or insurer initially liable for payment of compensation. If it is determined that other employers are equally liable for compensation, the commissioner will order them to reimburse the initially liable employer or insurer at a 12-percent interest rate.

By enactment, the State was required to use a private insurance carrier for workers' compensation coverage, and procedures for coverage by private carriers was added to the law.

A Statistical Division was established in the Workers' Compensation Commission to primarily compile and maintain statistics concerning occupational injuries and diseases, voluntary agreements, status of claims, and commissioner's dockets. Funding of the Division will come from the Administrative Cost Fund.

### **Delaware**

Authorization was made for the appointment of a State Disability Reform Committee to recommend legislation to consolidate disability programs.

### **Florida**

Legislation extended the existence of the Workers' Compensation Advisory Council to October 1, 1987. The title of "judges of industrial claims" was changed to "deputy commissioners."

## **Georgia**

Coverage was extended to members of the Georgia National Guard while serving on active duty in the State and to certain volunteer firefighters.

Maximum weekly benefits for disability and death were increased from \$110 to \$115.

Attorney fees assessed against opposing parties are no longer required to be made in a lump sum.

The requirement that the employer or insurer keep the Administrator of the Subsequent Injury Trust Fund informed of any proposed compensation settlements or agreements was eliminated.

Regulation of group self-insurance funds for workers' compensation was transferred from the Secretary of State to the Insurance Commissioner.

## **Idaho**

Officials who serve at athletic contests involving secondary schools were eliminated from coverage.

Total disability benefits less than the State's current applicable minimum for the first 52 weeks of compensation will thereafter be not less than the State's current applicable minimum, or 45 percent.

Children can now receive death benefits beyond age 18 if they are incapable of self-support for an additional 500 weeks, minus the period benefits were paid prior to age 18.

A maximum of \$5,000 was set as payment into the State treasury by employers for no-dependency death cases.

Employers are required to pay interest on all compensation awards due, and at the rate in effect when the award was made. The present rate is 8 percent per annum.

## **Indiana**

Students who are permanently impaired will now receive the same coverage as full-time employees for workers' compensation purposes while performing services for an employer in an approved vocational educational training program.

## **Iowa**

Persons certified by the Council of Accreditation in Occupational Hearing Conservation are now allowed to make audiometric examinations.

## **Kansas**

The medical allowance for selection of another physician by an employee was raised from \$150 to \$350 for cases where the physician selected by the employer is unsatisfactory.

## **Louisiana**

Sole proprietors are now permitted an exemption from coverage upon request.

The coverage waiver allowed to corporate officers, who own at least 10 percent of the corporate stock, and to partners will be unlimited and apply to all trades, businesses, or occupations conducted by the corporation or partnership. This provision also applies to sole proprietors.

Workers who are employed by a private household and perform services that are not incidental to, or do not arise out of any trade, business, or occupation of the household are specifically excluded from coverage.

Group self-insurance funds are newly required to maintain at least \$4 million of excess insurance to secure the payment of all compensation benefits.

The House and Senate Labor and Industry Committees were authorized to direct a study of workers' compensation rate structures and the profit margins of insurance companies.

## **Maine**

Agriculture employment, where 150 cords of wood or less are harvested annually from farm wood lots, and aquaculture employment are removed from coverage provided that their employees are covered by liability insurance of not less than \$25,000 and medical insurance of not less than \$1,000.

Employees who participate in ridesharing programs and receive no remuneration were exempted from coverage as well as those who receive injuries as a result of voluntary participation in an employer-sponsored athletic team or event.

The increase in maximum weekly benefits based on 200 percent of the State's average weekly wage, effective July 1, 1981, was rescinded. Benefits will remain at 166-2/3 percent.

Initial selection of physician or surgeon by an employee is now permitted from a list of those who are licensed to practice in the State of Maine.

Interest and penalties will now be applicable to compensation claims involving State employees who were previously excluded.

An employee with permanent partial disabilities caused partly by a previous injury will be compensated for the entire injury from his or her present employer. The employer will be reimbursed by the Second Injury Fund.

The provision which established the employer's liability for compensation of second injuries and permitted employees to apply for compensation from the Second Injury Fund was repealed.

Employers or insurers may now recover benefit payments made to employees pending an appeal, if the court rules that an employee was not entitled to compensation. The ordering of any repayment of benefits which would cause a hardship or an injustice was prohibited.

Petitions for rehearings are now required to be filed within 30 days of an agreement, award, or decree. Previously, the time limit was 20 days.

Employees or prospective employees are no longer permitted to waive their rights to compensation for an aggravation of an occupational disease.

Upon the discovery of new evidence, the Workers' Compensation Commission can now reopen a workers' compensation case.

Other changes occurred relating to bonding and excess insurance.

## **Maryland**

Coverage was established for volunteer firefighters and rescue workers of Frederick County.

Insurers and self-insurers are allowed to convert, with approval of the Workmen's Compensation Commission, permanent partial disability awards that have not exceeded 51 weeks of benefits to a lump sum without discount, less any attorney fee.

All assets and obligations of the Workers' Compensation Insolvency Fund were transferred to the Maryland Insurance Guaranty Association.

Additional assessments were authorized against insurers and self-insured employers in order to maintain the solvency of the Uninsured Employers' Fund.

The administrator of the Subsequent Injury Fund was authorized to hire any expert to defend the fund, if necessary, when suits are filed against it.

Rules and regulations for group self-insurance will now be developed by the Workmen's Compensation Commission alone, rather than jointly with the insurance commissioner.

Businesses located in urban enterprise zones may be eligible for discounts on insurance premiums paid to the State Accident Fund if certain Federal standards are met.

### Michigan

The definition of "public employer" was broadened to include two employers or more in the same industry with combined assets of at least \$1 million who pool their liabilities as self-insurers.

### Minnesota

Coverage was expanded to include the superintendent of the Bureau of Criminal Apprehension within the application of the law.

A 10-year sliding scale was set up for payment of death benefits which formerly were paid during the lifetime of the recipient.

Permanent partial disability awards will now be paid in a lump sum when the employee returns to work.

Upon request, surviving dependent spouses who are unemployable can now receive rehabilitation.

The time within which an employer is required to make first payment of compensation was reduced from 30 to 14 days.

A medical fee schedule was established with a cap on fees at 75 percent of the usual and customary community charges for the preceding year. Services covered by the fee schedule include medical, chiropractic, podiatric, surgical, hospital, and other health care provider treatment and services.

The burden of proof concerning a work-related injury was made the responsibility of the employee.

Group self-insurance pools are no longer required to consist of employers in the same industry.

Fines charged to uninsured employers were increased from \$50 to \$500; and up to \$2,000 when the employer has five employees or more.

### Mississippi

Maximum weekly benefits for disability and death were raised from \$98 to \$112; and total maximum from \$44,100 to \$50,400. The weekly minimum benefit of \$25 was retained.

The Department of Public Safety is now permitted to become a self-insurer upon proper notification to the Industrial Commission.

### Missouri

The provision which exempted from coverage employers with a total gross annual payroll for the preceding calendar year or part of the current calendar year of not more than \$10,000 was eliminated.

Minimum weekly benefits for disability and death occurring on or after September 28, 1981, were set at \$40. Previously, no statutory minimum was in effect.

Compensation for temporary partial disability was set at 66-2/3 percent of the difference between the average earnings of the employee before the accident and the amount which the employee will reasonably be able to earn during disability. No consideration was previously given to earning capacity during disability when determining benefits.

Permanent partial disability in lieu of all other compensation except for medical and physical rehabilitation expenses was changed. Compensation for permanent partial disability will now be in addition to compensation for temporary total or partial disability.

A fine of \$100 per day was added as a penalty against employers who fail to insure or self-insure their liability for workers' compensation, up to a maximum of \$5,000. Any

fines collected will go to the Second Injury Fund for payments to employees of uninsured employers.

Group self-insurance was authorized and will be regulated by the Division of Workers' Compensation.

### Montana

The Workers' Compensation Division was authorized to set fees for medical, chiropractic, and paramedical services, excluding hospital services, based on 90 percent of the usual and customary charges of the medical specialty involved.

Silicosis victims will now receive up to \$200 in monthly payments, formerly \$175.

The burial allowance was increased from \$1,100 to \$1,400.

### Nebraska

Corporation officers owning at least 25 percent of the corporate stock are permitted to waive coverage.

The burial allowance was raised from \$1,000 to \$2,000.

### Nevada

Apprentices in vocational training classes or receiving bona fide instruction under an apprenticeship committee and receiving at least \$150 a month during such periods are covered for workers' compensation.

Volunteers, excluding students, who perform work for private organizations as part of a public program and who are not otherwise covered for workers' compensation will now be entitled to benefits as employees of a public agency.

Some voluntary ski patrollers were excluded from statutory coverage as well as sole proprietors who are no longer domiciled in Nevada.

Compensation is now allowed for both injury and disease provided the combined award does not exceed compensation payable for the total percentage of disability.

Police officers and firefighters who are partially disabled because of occupational diseases and incapable of performing their work are now entitled to partial disability benefits.

Certain employees of the Department of Motor Vehicles are now entitled to benefits for occupational heart or lung disease.

Injured employees who are not satisfied with their initial choice of physician may select another physician from a panel if the choice is made within 90 days after injury, formerly 45 days.

Physicians who testify at hearings are entitled to the same fees as witnesses in civil cases. An appeals officer may order a fee for the physician according to the fee schedule for medical consultations.

Self-insured employers were instructed not to make payments to physicians until an itemized statement of services has been received.

Every self-insured employer is required to furnish the Commissioner of Insurance with specified insurance information to carry out the provisions of the law.

Excess insurance or reinsurance coverage obtained by a self-insured employer must be written by a Nevada carrier.

Several studies were authorized during the year of which the results and recommendations are to be reported to the 62d session of the legislature. One is to be conducted by the Nevada Industrial Commission on the Occupational Diseases Act and the other by the Legislative Commission on the feasibility and desirability of allowing insurance coverage to be provided through private carriers.

### New Mexico

The maximum benefit allowable for board, lodging, travel, and maintenance of the family during rehabilitation was in-

creased from \$1,000 to \$3,000.

### **New York**

Employers are now liable for payment of services provided an injured employee by a self-employed physiotherapist pursuant to written instructions of an authorized physician or podiatrist.

Employers are now required to pay the attorney fees of employees who win discrimination cases.

Appointment of qualified interpreters is now mandatory at hearings in which a deaf person is a party or witness. Interpreting services will be paid out of administrative funds.

Temporary referees of the Workers' Compensation Board must now be qualified with appropriate training or experience.

The definition of "average weekly wage" was expanded to include an alternative calculation of benefits based on total wages of the last 8 weeks immediately preceding disability and excludes the week in which disability began.

### **North Carolina**

Minimum weekly benefits for disability and death were raised from \$20 to \$30.

The cap (\$80) was removed on weekly benefits for National Guardsmen and the weekly maximum applicable to other employees applied (100 percent of the State's average weekly wage).

Maximum weekly compensation for partial incapacity, total disability, or death due to asbestosis or silicosis was changed from \$80 to 100 percent of the State's average weekly wage.

The statute of limitations for asbestosis, lead poisoning, and silicosis was amended. Compensation for asbestosis may now be awarded up to 10 years after disablement or death from exposure to such disease. The time limit for lead poisoning remains at 2 years. Silicosis was deleted from the law as a special provision and is now subject to the general statute of limitations for occupational diseases, which is 2 years after disablement or death. There is no provision for death after continuous disablement from silicosis.

The burial allowance of \$500 was raised to \$1,200.

A carrier or employer who appeals a compensation award must pay 8-percent interest on the final compensation award from the initial filing date if unsuccessful.

If disputes arise between employer and employee concerning the continuance of medical treatment, the Industrial Commission at its discretion may order further treatment.

### **North Dakota**

Maximum weekly death benefits were raised from \$90 to \$105. Supplementary benefits for permanent total disability and death were increased from 20 to 25 percent of the difference between the benefits a claimant is receiving and the maximum benefits in effect on July 1, 1975.

The burial allowance was raised from \$1,000 to \$2,000.

A rebuttable presumption was created which specifies that an injury can be attributable to intoxication, based on the alcohol level in the blood.

Allowances for rehabilitation can no longer be ordered in lieu of death benefits where there is a rehabilitation contract.

The filing time for claims was extended from 60 days to no more than 1 year after injury for disability, and from 1 year to 2 years following death.

A legislative council was directed to study workmen's compensation wage base and premium determinations, with special emphasis on the effects the statutorily established maximum payroll base has on premium levels of various employers.

### **Oklahoma**

Two employers or more are now permitted to pool their liabilities to qualify as group self-insurers. Boards of education and institutions of higher education may also qualify as self-insurers for workers' compensation.

A special House and Senate Committee was authorized to study the workers' compensation rate structure of the State Insurance Fund.

### **Oregon**

The burial allowance was raised from \$1,000 to \$3,000, and the cost of transportation for the decedent's body is now included as part of the burial allowance.

Dependent children, or the surviving spouse for the dependent children, will now be entitled to \$150 instead of \$100 in death benefits per month.

Workers or their beneficiaries are entitled to recover 33-1/3 percent of an award, up from 25 percent, in third-party cases.

Within 120 days from the date a worker becomes temporarily totally disabled, the insurer or self-insured employer must act to enroll the worker in a physical rehabilitation program, if necessary.

Participants of rehabilitation programs approved by the Workers' Compensation Department are newly entitled to temporary total disability benefits.

Suspension of compensation may be authorized by the Director of the Workers' Compensation Department against a claimant who fails to participate in rehabilitation.

All users of the Department's rehabilitation facility must pay users fees to meet the cost of services and to protect the State against tort and liability claims.

The Department's director was also authorized to enter into contracts for rehabilitation services with private rehabilitation centers if such centers meet the State's licensing requirements.

Travel expenses were granted for employees who travel more than 50 miles from their residence to attend a workers' compensation hearing.

A rebuttable presumption was established that a person is an independent contractor unless such person has qualified either as a carrier-insured employer or a self-insured employer instead of a direct responsibility employer or as a contributing employer.

The State Accident Insurance Fund Corp. may now conduct reinsurance business as well as workers' compensation insurance with Oregon employers.

### **Rhode Island**

Employees will no longer be entitled to receive compensation while incarcerated if they have no dependents.

Qualified employers are permitted to self-insure for a specified sum by furnishing security, indemnity, or bond equal to the particular amount together with insurance for projected losses in excess of such sum.

### **South Carolina**

Fines can now be levied against an employer or carrier for failure to submit certain reports, forms, and records in any phase of the claims process.

Full Commission reviews are now to be conducted by three-member panels composed of commissioners who are appointed by the chairperson, excluding the original hearing commissioner.

### **Tennessee**

The maximum weekly benefits for disability and death were increased from \$119 to \$126, and total maximum from \$47,600 to \$50,400.

Sole proprietors and partners who are covered under the workers' compensation law may continue coverage in effect under any other individual or group accident and sickness policy.

### **Texas**

Political subdivisions are newly authorized to provide full medical benefits and minimum compensation payments to injured volunteer firefighters, police, emergency medical personnel, and other specified volunteers.

Lifetime benefits were established for statutorily prescribed permanent total disability awards.

No attorney fees will be allowed in a case where benefits will be paid for life if the employer's insurance company admits liability and makes payments while the case is pending. If liability is admitted, the claimant's attorney is entitled to a reasonable fee.

Claims for compensation under voluntary policies are subject to the jurisdiction of the Industrial Accident Board.

The Assigned Risk Pool may at its discretion insure an individual entity without insuring any combinable entities.

Various duties and authority were granted to the attorney general relating to investigation of possible workers' compensation fraud.

### **Utah**

Payments for temporary total disability were allowed to be extended in certain cases.

Maximum weekly payments for temporary partial disability were increased from 66-2/3 percent to 100 percent of the State's average weekly wage. Additional payments of \$5 were authorized for a dependent spouse and each dependent child up to 4, under age 18, but total payment not to exceed 100 percent of the State's average weekly wage.

Minimum weekly benefits for persons entitled to compensation from the Second Injury Fund were increased from \$85 to \$100.

### **Vermont**

The exemption for agriculture or farm employment was raised from \$1,000 to \$2,000 per aggregate payroll in a calendar year.

### **Virginia**

The burial allowance was increased from \$1,000 to \$2,000, and for transportation expenses of the deceased from \$300 to \$500.

Documentation regarding social security disability benefits will now be required by the Industrial Commission when a claimant files for cost-of-living supplements in order to establish eligibility under the law.

The House and Senate Committees on Labor and Commerce were authorized to establish a joint subcommittee to study the State's laws concerning brown lung disease (byssinosis) and determine if the present laws should be revised.

### **Washington**

Sole proprietors or partners are permitted an exemption from mandatory coverage after certain conditions are met.

Self-insurers can now insure the payment of permanent total disability or death benefits by setting up a bond with the Department of Labor and Industry.

Claims for medical treatment only, not involving permanent disability, may be closed once treatment is concluded.

### **Wisconsin**

The Department of Administration was authorized to administer workers' compensation for State employees and their dependents.

### **Wyoming**

Permanent total disability benefits were increased to 66-2/3 percent of the State's average weekly wage for a maximum of 257 weeks. Previously, a maximum benefit of \$30,000 was paid in monthly installments at the rate of the State's average weekly wage as determined quarterly.

Benefits for death were also changed to 66-2/3 percent of the State's average weekly wage for a maximum period of 231 weeks. Previously, \$25,000 was paid in monthly installments at the rate of the State's average weekly wage. This enactment also eliminated the provision that allowed surviving spouses, who remarry before the entire award is paid, to receive only \$500 of any unpaid balance.

The monthly contribution paid into the Industrial Accident Account by employers who engage in extrahazardous employment was decreased from 1 percent to .75 percent of the monthly earnings of the employee. □

### **FOOTNOTE**

<sup>1</sup> The following States—Hawaii, Illinois, Kentucky, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, South Dakota, and West Virginia—convened in 1981 but were not discussed in the State-by-State summary of key amendments to workers' compensation laws.