

Approved \_\_\_\_\_

Date

*Clint Acheson* 4-7-87

MINUTES OF THE House COMMITTEE ON Labor & Industry

The meeting was called to order by Representative Clint Acheson at  
VICE-Chairperson

9:10 a.m./~~p.m.~~ on March 18, 1987 in room 526-S of the Capitol.

All members were present except:

Representative Douville - Excused  
Representatives Holmes, R.D. Miller & Webb - Excused

Committee staff present:

Jerry Ann Donaldson, Research Department  
Juel Bennewitz, Secretary to the Committee

Conferees appearing before the committee:

Judy Shorman, IntraCorp, Kansas City

Distributed to the committee were:

A letter to Chairman Douville from Shelby Smith, Acting Secretary of Human Resources, requesting an amendment to provide for disbursement of monies for the special unemployment compensation fund under the correct statute, attachment #1.

A letter to Chairman Douville from Judy Shorman, IntraCorp, Kansas City, including suggestions for alterations of language in the proposed rehabilitation amendment, attachment #2.

Statistics on rehabilitation nationwide, attachments #3, 4, & 5.

Judy Shorman was recognized and addressed the committee on handouts of her material.

Some of the questions from the committee were:

- Representative Acheson - when does physical rehabilitation stop and vocational rehabilitation begin?  
Ms. Shorman - the rehabilitation plan should be developed and ongoing as the medical rehabilitation is happening. She recommended that as soon as a person realizes that he will be returning to work with an injury that he begin planning what he will do and that the employer should decide if he has a place to which the employee can return. If so, then that would be an adequate rehabilitation plan, if not, then rehabilitation plan should be developed.

Major points emphasized by Ms. Shorman were:

1. The importance of timely intervention. The most successful rehabilitation occurs during the first 90 days after injury, the employee's attitude playing a large part as well as the physical and rehabilitation process.
2. Mandatory vocational rehabilitation would not seem to be a practical course. She believes that it should be offered but it cannot be forced.
3. Suggested that priorities be put in the rehabilitation amendment regarding employment goals -
  - a. Same job/same employer
  - b. Modified job/same employer
  - c. Similar job/different employer
  - d. Different job/different employer
  - e. Retraining

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Labor and Industry,  
room 526-S, Statehouse, at 9:10 a.m./~~p.m.~~ on March 18, 1987

Questions from the committee:

Representative Green - based on her experience, did Ms. Shorman have any figures that reflected how many employees stop "just short of refusing" rehabilitation.

Ms. Shorman - cited California and Minnesota which have mandatory rehabilitation laws and how the system can be "worked" by a person for a number of years by entering the rehabilitation process and staying in it until just short of the time for the person to return to work, then moving out of state. The employer had to pay lost wages during the time of rehabilitation. The employee enters another rehabilitation program in another state, begin a rehabilitation evaluation process and just before the training process begins, the employee returns to the state with the mandatory rehabilitation law and begins the process all over.

Representative Roper - referring to the paragraph in Ms. Shorman's material regarding considerations of the plan, age is omitted, was that done on purpose, and if so, why?

Ms. Shorman - felt that age was irrelevant if the employee had a good educational background, good work experience and no restrictions.

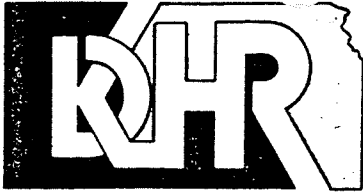
Representative Roper - felt that in the majority of cases when it involved new job, new employer, that the majority of people over 45 found it difficult to find a job. He maintained that it should be considered.

The meeting was adjourned at 9:31 a.m.

The next meeting will be March 19, 1987, 9:00 a.m.

HOUSE COMMITTEE  
ON  
LABOR AND INDUSTRY

<u>Name</u>	<u>GUEST LIST City</u>	<u>DATE</u> <u>March 19, 1987</u> <u>Representing</u>
Larry E. Oakley	Wichita	Beech Aircraft Corp.
Bill Morrissey	Topeka	DHR/Work Comp
DICK JAMES	Topeka	MRS/SRS
Wayne Mailey	Topeka	KS. AFL-CIO
Maule Gelschert	Topeka	KACEN
Richard Hansen		KTCA
Jan Chappell	Chapman	RMC
RS Hedge	Topeka	KCCI



## OFFICE OF THE SECRETARY

401 S.W. Topeka Boulevard, Topeka, Kansas 66603-3182  
913-296-7474

February 26, 1987

The Honorable William Buntin  
Chairperson, House Ways and  
Means Committee  
State Capitol Building  
Room 514-S  
Topeka, Kansas 66612

RE: K.S.A. 44-712

Dear Representative Buntin:

Please find the enclosed amendment for your review, consideration and augmentation. This technical amendment deletes language in K.S.A. 44-712 whereby "all fines and penalties collected..." are part of the employment security fund. The present language is in contradiction to K.S.A. 44-716a which states "All interest and penalties collected under the provisions of the Kansas employment security law shall be paid into this fund" (the special employment security fund). K.S.A. 44-717 also substantiates K.S.A. 44-716a in stating "Penalties and interest collected pursuant to this subsection shall be paid into the special employment security fund." All fines and penalties have historically been deposited into the special employment security fund as stated in K.S.A. 44-717. The attached amendment is a technical clean up of the statutes. It is unknown why the reference to fines and penalties is presently contained in K.S.A. 44-712. This amendment will, therefore, clarify and remove conflicting language.

If you have any questions regarding this request, I and my staff are available at your convenience.

Sincerely,

Shelby Smith  
Acting Secretary of  
Human Resources

Attachment #1  
House Labor and Industry  
3/18/87

SS:GS:ck

March 13, 1987

The Honorable Representative Arthur Douville  
Chairman of the House Labor & Industry Committee  
Kansas State House  
Topeka, KS 66212

Re: Amendments to SB 2186 ("PA2186K1")

Dear Chairman Douville:

I am writing in response to your request for information on scheduled injuries and vocational rehabilitation in other states. The next page is a comparison of some other states. If you would like a comparison of all states, I can assemble that and bring it to Topeka for your committee meeting of March 18, 1987. Please call me Monday if you need me to provide a total comparison.

The other 2 pages attached are my recommendations and rationale for Sections "d" and "e". I'll be happy to discuss these with you, or to present them to the committee 3/18/87 if you wish.

In addition, I would like to work with whoever will be writing any regulations for rehabilitation providers to be "qualified" by, or procedures that will be followed. My goals are to see timely, cost-effective, and objective rehabilitation provided to injured workers in Kansas. To that end I'll be pleased to assist you and other committees, in whatever way possible.

I will be attending your committee meeting 3/18/87. If I can be of assistance, please feel free to call on me.

Thank you for your attention to Workers' Compensation rehabilitation.

Best Regards,



Judy Shorman  
District Manager

JS:sm

Attachment #2  
House Labor and Industry  
3/18/87

cc: Rob Hodges, KCCI  
Bud Langston, Division  
Mary Ellen Conlee, Lobbyist

STATE	MANDATORY VOCATIONAL REHABILITATION?	WORK DISABILITY PAID?	DOES A SCHEDULE EXIST?	DO SCHEDULED INJURIES GET VOC REHAB?
Missouri	No	No	Yes	No
Indiana	No	No	Yes	No
Illinois	Can be ordered during arbitration	No	No	Can be ordered during arbitration
Iowa	No, but can decrease work disability rating	Yes - based on 7 factors	Yes	If employer chooses to provide
Nebraska	Referred automatically to State DVR 90 days post injury	Yes (wage loss)	Yes	Sometimes
Arkansas	Court may order voc. rehab. if employer doesn't provide it.	Yes (wage loss)	Yes	Court may order if employer doesn't provide it
Colorado	Must be referred in 120 days. Employee can choose his voc. rehab providers if employer doesn't provide within 120 days	Yes (wage loss and permanent disability rating)	Yes	(Same as 1st column)

Section "d", lines 44 to 52:

I suggest this section be used to conceptionally communicate that employees should be offered a vocational evaluation and rehabilitation if they cannot return to their same employer, either in the same job, or another job. This would encourage employers to work with their employees, and not increase their vocational rehabilitation costs by requiring outside vendors and plans. The language could be:

"When, as a result of an injury or occupational disease which is compensable under the Workers' Compensation Act, the employee is unable to perform work for the same employer with or without accommodation, such employee shall be entitled to a vocational rehabilitation evaluation and suggested plan. The plan shall consider the individual's prior education, work experience, and expected physical restrictions. The plan shall adhere to the following priority of goals:

- (1) Same job; same employer
- (2) Modified job; same employer
- (3) Same job; new employer
- (4) Modified job; new employer
- (b) New job; new employer
- (6) Independent living"

Section "e":

This section is good as is, I believe. I support it because:

1. We know vocational rehabilitation must be provided promptly to be effective, and this section requires a plan within 60 days post injury. This should encourage employers to get their employees physically treated quickly, by high quality medical providers, and plans made for return to work.
2. We believe the State Rehabilitation Administrator should, in a timely manner, ensure objective rehabilitation evaluations are completed, and the suggested goals in Section "d" are adhered to. This language, I believe, provides that.
3. We should aim to keep rehabilitation out of litigation as much as possible. This language encourages that goal, I believe.

My suggestions for Section "e" are:

1. Line 66 - To encourage timely services, this should read:  
"Within 30 days after such referral . . . ."
2. Line 65 - This is a duplication (typographical error) of Line 66. Delete it.
3. Lines 53 to 55 - Should be revised to follow up on the goals in Section "d":  
"If the employee has remained off work 60 days and if a return to work plan between the employee and the same employer is not in place, or the employer has not voluntarily furnished a rehabilitation evaluation to the employee, the director. . . . ."





INTERNATIONAL  
REHABILITATION  
ASSOCIATES INC.

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"Proposed credentials for rehab providers in Kansas Worker's Compensation"

- A. All private rehab providers should maintain errors and omissions and malpractice insurance (individually or through their organization), and submit proof of insurance to the Division.
- B. All private agencies should have specialized doctors as contracted consultants. These should be orthopedic surgeons, psychiatrists, neurologists, and physiatrists. Psychologists and chiropractors should also be included.
- C. All public employed providers should be required to comply with existing civil service standards.
- D. Private providers who complete medical management should be licensed or registered as required in their professional field. Their credentials could be:
  - 1. B.S. degree in nursing, occupational therapy, or physical therapy and two years experience in adult physical disability treatment; or
  - 2. LMSW, with one year experience in adult physical disability treatment; or
  - 3. Graduate of nursing school with a current R.N. license and two years experience in adult physical disability treatment; or
  - 4. Master's degree (or higher) in health support services and one year experience in adult physical disability treatment; or
  - 5. CRC or CIRS.
- E. Private Vocational Evaluators credentials could be:  
CARF standards for testors and interpretation of tests.

CHART VII

INCOME BENEFITS FOR SCHEDULED INJURIES

January 1, 1985

JURISDICTION	ARM AT SHOULDER	HAND	THUMB	FIRST FINGER	SECOND FINGER	THIRD FINGER	FOURTH FINGER	LEG AT HIP	FOOT	GREAT TOE	OTHER TOES	ONE EYE	HEARING ONE EAR	HEARING BOTH EARS
GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY														
ALABAMA*	\$48,840	\$37,400	\$13,640	\$ 9,460	\$ 6,820	\$ 4,840	\$ 3,520	\$44,000	\$30,580	\$ 7,040	\$ 2,420	\$27,280	\$11,660	\$35,860
ALASKA*	59,000	45,400	14,000	8,700	5,700	4,700	2,800	54,400	39,700	7,200	3,000	30,200	9,800	37,800
PPD benefits paid at 66-2/3% of wages for specified number of weeks, no maximum*														
AMERICAN SAMOA														
ARIZONA*	43,725	36,437	10,931	6,559	5,101	3,644	2,915	36,437	29,150	5,101	1,822	21,862	14,575	43,725
ARKANSAS*	30,800	23,100	9,240	5,390	4,620	3,080	2,310	26,950	19,250	4,620	1,540	15,400	6,160	23,100
CALIFORNIA*	58,975**	43,540	7,595	3,360	3,360	2,520	2,520	64,575**	33,740	4,235	840	21,105**	6,335	43,540
COLORADO*	17,472	8,736	4,200	2,184	1,512	924	1,092	17,472	8,736	2,184	924	11,676	2,940	11,676
CONNECTICUT*	118,872	96,012	36,195	20,574	16,764	11,811	9,906	90,678	75,438	16,002	4,953	89,535	19,812	59,436
DELAWARE	57,908	50,959	17,372	11,582	9,265	6,949	4,633	57,908	37,061	9,265	3,474	46,326	17,372	40,535
DISTRICT OF COLUMBIA*	128,937	100,835	30,995	19,010	12,398	10,332	6,199	119,019	84,718	12,398	6,613	66,122	21,490	62,652
FLORIDA														
No schedule. Benefits paid according to degree of impairment and loss of earnings*														
GEORGIA	30,375	21,600	8,100	5,400	4,725	4,050	3,375	30,375	18,225	4,050	2,700	16,875	8,100	20,250
GUAM	39,200	29,680	7,140	3,920	2,520	2,380	980	34,720	24,220	3,640	1,120	19,600	7,280	28,000
HAWAII*	90,792	71,004	21,825	13,386	8,730	7,275	4,365	83,808	59,655	11,058	4,656	46,560	15,132	58,200
IDAHO*	47,685	42,917	17,485	11,127	8,742	3,974	2,384	31,790	22,253	6,676	1,113	27,816	—	27,816
ILLINOIS*	115,538	93,414	34,416	19,666	17,208	12,291	9,833	98,330	76,206	17,208	5,900	78,664	14,681	58,722
IOWA*	133,250	101,270	31,980	18,655	15,990	13,325	10,660	117,260	79,950	21,320	7,995	74,620	26,650	93,275
MAINE	89,584	73,907	22,396	14,333	12,542	8,958	7,615	89,584	73,907	11,198	4,479	44,792	22,396	89,584
MARYLAND*	87,200	72,594	10,900	4,360	3,815	3,270	2,725	87,200	72,594	4,360	1,090	72,594	13,625	72,594
MASSACHUSETTS*	11,140	8,675	—	—	—	—	—	9,900	7,425	—	—	9,900	7,425	19,800
MICHIGAN*	96,302	76,970	23,270	13,604	11,814	7,876	5,728	76,970	57,996	11,814	3,938	57,996	(--)	(--)
MINNESOTA														
No schedule. Benefits paid according to degree of impairment and loss of earnings*														
MISSISSIPPI	25,200	18,900	7,560	4,410	3,780	2,520	1,890	22,050	15,750	3,780	1,260	12,600	5,040	18,900
MISSOURI*	33,220	25,058	8,591	6,444	5,012	5,012	3,150	29,640	21,479	5,728	2,005	20,047	6,300**	24,056**
MONTANA*	40,040	28,600	10,725	5,720	5,291	3,575	2,145	42,900	25,740	5,291	2,228	23,595	5,720	28,600
NEBRASKA*	45,000	35,000	12,000	7,000	6,000	4,000	3,000	43,000	30,000	6,000	2,000	25,000	10,000	(--)
NEVADA														
No schedule. Degree of disability determined in relation to whole man.*														
NEW HAMPSHIRE	93,240	83,916	33,744	20,868	16,872	8,436	3,996	62,160	43,512	7,992	1,332	37,296	13,320	54,612
NEW JERSEY*	65,010	39,445	5,400	3,600	2,880	2,160	1,440	62,055	32,890	2,880	1,080	25,000	4,320	25,000
NEW MEXICO	59,726	37,329	16,425	8,362	6,570	5,160	4,181	59,726	34,342	10,452	4,181	38,822	11,945	44,795
NORTH CAROLINA	67,200	56,000	21,000	12,600	11,200	7,000	5,600	56,000	40,320	9,800	2,800	33,600	19,600	42,000
NORTH DAKOTA*	18,750	15,000	4,875	3,000	2,250	1,500	1,200	14,040	9,000	1,800	720	9,000	3,000	12,000
OHIO*	39,825	30,975	10,620	6,195	5,310	3,540	2,655	35,400	26,550	5,310	1,770	22,125	4,425	22,125
OREGON*	19,200	15,000	4,800	2,400	2,200	1,000	600	15,000	13,500	1,800	400	10,000	6,000	19,200
PUERTO RICO*	10,000	9,000	3,375	1,800	1,350	1,125	675	10,000	7,875	1,350	675	(--)	2,250	9,000
RHODE ISLAND*	28,080	21,960	6,750	4,140	2,700	2,250	1,800	28,080	18,450	3,420	900	14,400	5,400	18,000
SOUTH CAROLINA	63,144	53,099	18,656	11,481	10,046	7,176	3,740	55,969	40,183	10,046	2,870	31,572	22,962	47,358
SOUTH DAKOTA	49,400	37,050	12,350	8,645	7,410	4,940	3,705	39,520	30,875	7,410	2,470	37,050	12,350	37,050
TENNESSEE	27,200	20,400	8,160	4,760	4,080	2,720	2,040	27,200	17,000	4,080	1,360	13,600	10,200	20,400
UTAH*	38,522	34,608	13,802	8,662	7,004	3,502	1,648	25,750	18,128	5,356	824	24,720	3,434**	20,600
VERMONT*	59,770	48,650	13,900	8,896	6,950	5,560	3,336	59,770	48,650	6,950	2,780	34,750	14,456*	59,770
VIRGINIA*	59,000	44,250	17,700	10,325	8,850	5,900	4,425	51,625	36,875	8,850	2,950	29,500	14,750	29,500
VIRGIN ISLANDS*	40,260	32,940	14,640	14,640	14,640	14,640	13,725	32,940	21,960	14,640	13,725**	35,685	21,960	32,940
WASHINGTON*	36,000	32,400	12,960	8,100	6,480	3,240	1,620	36,000	25,200	7,560	2,760	14,400	4,800	28,800
WEST VIRGINIA*	51,408	42,840	17,136	8,568	5,998	4,284	4,284	51,408	29,988	8,568	3,427	28,274	21,420	55,692
WISCONSIN*	54,000	43,200	17,280	6,480	4,860	2,808	3,024	54,000	27,000	9,000	2,700**	29,700	5,940***	35,640***
WYOMING*	34,727	28,244	10,186	6,714	3,473	3,473	3,473	34,727	23,151	4,630	1,621	21,762	9,260	—
F.E.C.A.*	305,729	239,096	73,493	45,075	29,397	24,498	14,699	282,211	200,880	37,236	15,678	156,784	50,955	195,980
LONGSHORE ACT	180,854	141,437	43,475	26,664	17,390	14,492	8,695	166,942	118,830	17,390	9,275	32,746	30,142	115,932
GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY														
INDIANA*	18,750	15,000	4,500	3,000	2,625	2,250	1,500	16,875	13,125	4,500	2,250**	13,125	5,625	15,000
KANSAS*	47,670	34,050	13,620	8,399	6,810	4,540	3,405	45,400	28,375	6,810	2,270	27,240	8,810	24,970
NEW YORK*	42,120	32,940	10,125	5,210	4,050	3,375	2,025	38,880	27,675	5,130	2,160	21,600	8,100	20,250
PENNSYLVANIA*	37,780	12,580	33,600	16,800	13,440	10,080	3,408	37,780	34,000	13,440	5,376	92,400	20,160	37,360
IN THIS GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY IS DEDUCTED FROM THE ALLOWANCE FOR SCHEDULED INJURY														
KENTUCKY														
No schedule. PP benefits paid at 66-2/3% of wages up to 425 weeks according to degree of disability***														
LOUISIANA*	49,600	37,200	12,400	7,440	4,960	4,960	4,960	43,400	31,000	4,960	2,480	24,800	—	—
OKLAHOMA*	40,750	32,600	9,780	5,705	4,890	3,260	2,445	40,750	32,600	4,890	1,630	32,600	16,300	48,900
TEXAS	40,600	30,450	12,180	9,135	6,090	4,263	3,045	40,600	25,375	6,090	2,030	20,300	—	30,450

NOTE—Amounts in chart reflect maximum potential entitlement. In Canada, permanent physical impairments generally are compensated by degree of disability using medical rating schedules as guidelines. Numbers in italics are computations for loss of major member, loss of leg precluding use of artificial limb, or loss of eye by enucleation.

## CHART VII INCOME BENEFITS FOR SCHEDULED INJURIES January 1, 1985 (continued)

Ala. *Effective 2/1/85, maximum weekly PP benefit is lesser of \$220 or 100% SAWW.	Mo. *Maximum weekly PP benefit is 45% of SAWW (\$143.19 effective 7-1-84); minimum is \$40. If amputation or 100% loss of use, additional 10% compensation
Alaska *Maximum dollar amount fixed by statute.	**Occupational hearing loss law provides benefits up to 40 weeks (1 ear) or 148 weeks (both ears).
Ariz. *Arm—312, hand—244, thumb—75, first finger—46, second finger—30, third finger—25, fourth finger—15, leg—288, foot—205, great toe—30, other toes—16, one eye—160, one ear—52, both ears—200.	Mont. *Maximum weekly PP benefit is 50% of SAWW (= \$143.00, effective 7-1-84). Claimant may elect schedule or wage-loss indemnity.
Ariz. **PP benefit is 55% of monthly compensation up to \$1,325 (= \$168.01 weekly).	Neb. *Terms run consecutively for loss of, or loss of use of, more than 1 member but less than total disability.
Ark. *Maximum amount for PP is \$63,000.	**Permanent total loss of hearing is compensated as permanent total disability.
Calif. *Maximum PP benefit is \$140.00, effective 1-1-84. Duration varies according to percentage of permanent disability, adjusted for age and occupation. Chart reflects standard rating for individual age 39 and loss of major arm.	Nev. *Each 1% of impairment is compensated by 8% of worker's monthly wage up to maximum, payable for 5 years or until age 66 (rising 1 year annually until age 70 beginning 7-1-86), whichever is later. Maximum monthly wages are \$2,117.31 as of 7-1-84.
**Chart reflects benefits for loss of eye if unable to wear artificial eye. Life pension up to \$64.21 weekly also payable for loss of arm or leg.	N.J. *Computations include allowance for amputation of member (30% additional compensation). Compensation is payable weekly at 70% of pre-injury weekly wages, up to a maximum of 55% of SAWW for arm or leg, 45% of SAWW for hand, 40% of SAWW for foot or one eye, 35% of SAWW for hearing—both ears, 20% of SAWW for other scheduled injuries in chart.
Colo. *Maximum weekly benefit is \$84.	N.Y. *Additional weeks for TT in excess of statutory healing period: maximum \$135 weekly. Maximum increased to \$150 as of 7-1-85. Compensation for wage-loss in addition to schedule if impairment due to loss of 50% or more of member.
Conn. *Commission may award additional benefits based on loss of earnings.	N.D. *PP benefit is \$60 weekly for scheduled number of weeks.
D.C. *Effective 7-26-82.	Ohio *Maximum weekly PP benefit is 50% of SAWW (= \$177.00 for 1985). Compensation payable for 200 weeks if percentage of disability is 90% or greater.
Fla. *Permanent impairment caused by amputation, loss of 80% of vision in either eye after correction, or serious facial disfigurement—\$250 per 1% of disability up to 10%, and \$500 per 1% of disability over 10%. Wage-loss benefits also payable in all permanent impairment cases—95% of difference between 85% of pre-injury wages and earnings after maximum medical improvement, up to 100% of SAWW weekly. Social Security retirement benefits are deducted from wage loss benefits.	Okla. *Maximum PP benefit is 50% of SAWW (= \$163.00 effective 11-1-84).
Hawaii *In cases in which the disability is determined as a percentage of total loss or impairment of physical or mental function of the whole man, the maximum compensation is the corresponding percentage of 312 times SAWW (= \$90,792 effective 1-1-84).	Ore. *Calculated at \$100 per degree of injury.
Idaho *Maximum weekly PP benefit is 55% of SAWW (= \$158.95 for 1985).	Pa. *Healing period is 25 weeks for leg or foot, 20 weeks for an arm or hand, 12 weeks for great toe, 10 weeks for thumb, eye, or hearing, 6 weeks for finger or toe.
Ill. *Effective January 15, figures reflect benefits for amputation of member—maximum 133-1/3% of SAWW. For other PP benefits, wage replacement rate is 60% and maximum is \$293.61 from 7-1-84-6-30-87, and thereafter increased by percentage increase in SAWW. Increase effective 1-15-85 not available at date of publication.	P.R. *Maximum PP benefit is \$45 weekly.
Ind. *Payable for 52 weeks; maximum weekly PP benefit is \$75.	**Permanent visual disability is compensated according to percentage of total disability, in addition, loss of eye by enucleation is compensated at 10% of permanent total disability.
**Second toe—\$2,250, third toe—\$1,500, fourth toe—\$1,125, fifth toe—\$750.	R.I. *Maximum scheduled PP benefit is \$90.00 weekly. Maximum is 100% of SAWW for unscheduled injury.
Iowa *Maximum weekly PP benefit is 184% of SAWW (= \$533.00).	Utah *Maximum per week, including allowance for dependents, is 66-2/3% of SAWW (= \$206 effective 7-1-84).
Kan. *Additional healing period up to 15 weeks may be allowed. Maximum weekly PP benefit is 75% of SAWW.	**Entry presumes total loss of hearing in one ear and no loss of hearing in the other (16-23 weeks). Benefits are based on the percentage of binaural hearing loss, adjusted for claimant's age.
Ky. *Maximum weekly PP benefit is 75% of SAWW (= \$228.60). Degree of disability is determined by American Medical Association Guide or decrease in earning capacity, whichever is greater.	Vt. *In addition to TT except for loss of hearing in 1 ear.
**Since 1980, an employee sustaining work-related hearing loss is entitled to either functional loss to the body as a whole or occupational disability, whichever is greater. Hearing loss claims receive same treatment as occupational diseases and injuries, with a final determination by the Board as to degree of disability.	Va. *Benefits for scheduled injuries are payable, in addition to compensation for temporary disability. <i>County of Spotsylvania v. Hart</i> , 218 Va. 565, 238 S.E.2d 813 (1977). After expiration of scheduled award, claimant may file for further benefits within 1 year if still incapacitated.
La. *Schedule applies to amputation or at least 50% loss of use. Supplemental earnings benefits are 74% of the difference between 90% of pre-injury wages and post-injury earnings, minimum 104 and maximum 520 weeks, cease 2 years after termination of temporary total disability (unless paid for 13 consecutive weeks during that time) or upon retirement or receipt of Social Security retirement benefits.	V.I. *PP benefit is 66-2/3% of SAWW weekly (= \$183.00 effective 1-1-85).
Md. *Maximum weekly PP benefit is 33-1/3% of SAWW (= \$109.00), where benefits are payable for 250 weeks or more, the number of weeks are increased by 1/3, and maximum is 66-2/3% of SAWW (= \$218.00).	**For loss of two or more digits or one or more phalanges of two or more digits on a hand or foot, benefits may be proportioned to the loss of use of the hand or foot.
Mass. *Benefits fixed at amount reflected in chart. Proportional benefits for functional loss of use of arm, hand, leg, or foot.	Wash. *Benefits fixed at amount reflected in chart, 25% less for disability not involving amputation.
Mich. *Wage-loss benefits payable for life.	W.Va. *PP benefit is 70% of wages, payable in 4-week periods per 1% of disability up to 85%, which is considered PT. Maximum is 66-2/3% of SAWW (= \$214.20 effective 7-1-84).
**Hearing loss compensable based on lost earnings.	Wis. *Maximum weekly PP benefit is \$108 effective 1-1-85.
Minn. *For permanent partial disability, impairment compensation (IC) is paid in lump sum if take job. If no job offer made, economic recovery compensation (ER) is paid weekly. IC equals scheduled dollar amount (\$75,000 to \$400,000) times percent whole body disability. ER equals percent disability times scheduled number of weeks (600 to 200 weeks) times weekly TT rate.	**Second toe—\$2,700, other toe—\$2,160.
	***Under occupational hearing loss law, maximum is \$3,500.56 weeks for one ear and \$21,600.216 weeks for both ears, as of 1-1-83.
	Wyo. *PP benefit is 66-2/3% of SAWW.
	F.E.C.A. *Includes allowance for dependents.

**CHART X**

**REHABILITATION OF DISABLED WORKERS**

**January 1, 1985**

JURISDICTION	SOURCE OF FUND	MAINTENANCE ALLOWANCE	SPECIAL PROVISIONS
ALABAMA	No fund established	Board, lodging, and travel, if away from home.	Physical and vocational rehabilitation to restore employee to gainful employment furnished at employer's expense. Employee's refusal results in loss of compensation.
ALASKA	No fund established	Board, lodging, travel, and temporary disability benefits. Additional \$200 monthly if extreme financial hardship.	Employer pays full cost. Services available 37 weeks, extendable to 74 weeks. Compensation suspended for unreasonable refusal of evaluation or failure to participate in approved or agreed plan.
AMERICAN SAMOA	Second Injury Fund	\$10 weekly paid by employer plus maintenance from Special Fund.	Commission arranges for vocational rehabilitation of permanently disabled workers.
ARIZONA	\$1,150 in no-dependency death cases. Appropriations annually from general fund up to 2% of annual premium.	Commission may authorize additional necessary awards to persons undergoing vocational rehabilitation.	Vocational rehabilitation trainees considered an employee at \$200 monthly wage rate for compensation benefits.
ARKANSAS	No fund established	Reasonable expenses for maintenance, travel, and other necessary costs for 60 weeks maximum.	Must apply to Commission within 60 days. Commission may authorize vocational rehabilitation if reasonable in relation to disability, but worker may refuse.
CALIFORNIA	No fund established	All additional necessary living expenses during rehabilitation.	Rehabilitation unit in Division of Industrial Accidents. Rehabilitation program is compulsory on part of employer or carrier. Rehabilitation trainee is considered employee of training employer for insurance purposes.
COLORADO	No fund established for vocational rehabilitation	Maintenance, tuition, and transportation during 26 weeks	Period of time may be extended another 26 weeks if necessary. Employee cannot receive disability benefits and maintenance simultaneously.
CONNECTICUT	2% tax upon compensation paid by insurers and self-insurers	Weekly subsistence allowance during vocational rehabilitation.	Employer pays full cost of medical rehabilitation, which continues until employee reaches maximum improvement. Vocational rehabilitation is furnished by Division of Workers' Rehabilitation.
DELAWARE	No fund established	Reasonable board, lodging, and travel.	Physical and vocational rehabilitation furnished at employer's expense. Employee's refusal results in loss of compensation.
DISTRICT OF COLUMBIA	No fund established	Not exceeding \$50 per week.	Employer must provide vocational rehabilitation. Benefits forfeited if worker fails to cooperate.
FLORIDA	Payments from Special Fund and assessments upon insurers and self-insurers	Reasonable board, lodging, and travel.	Injured worker is entitled to prompt rehabilitation including retraining, provided by or at the expense of the employer. Rehabilitation may be up to 26 weeks extendable for an additional 26 weeks. Refusal to accept rehabilitation deemed necessary by deputy commissioner results in automatic 50% reduction in compensation for each week of refusal.
GEORGIA	No fund established	Board, lodging, and travel, if away from home.	Vocational rehabilitation furnished for 52 weeks but may be extended if necessary. Employee's unreasonable refusal may result in suspension of compensation.
GUAM	State fund (appropriation)	\$10 per week during retraining.	Commission directs the vocational rehabilitation of permanently disabled employees and arranges with the appropriate public or private agencies for such education.
HAWAII	Payments from Second Injury Fund	Director of Labor to issue rules.	Rehabilitation unit within Department of Labor makes recommendation for physical or vocational rehabilitation.
IDAHO	7% tax on insurers and self-insurers	Reasonable expenses for maintenance and travel.	Rehabilitation Division administers. Temporary disability benefits payable up to 104 weeks where retraining required.
ILLINOIS	No fund established	Maintenance costs and incidental expenses.	Physical, mental and vocational rehabilitation as may be necessary. Institutional care, if required.
INDIANA	No fund established	No specific statutory provision*	
IOWA	No fund established	\$20 weekly in addition to other compensation for 13 weeks	May be extended additional 13 weeks. Medical care includes physical rehabilitation
KANSAS	No fund established	If employer provides vocational rehabilitation, must pay reasonable board, lodging, and travel up to \$2,000 for a 26-week period (may be increased to \$3,000).	If vocational rehabilitation unavailable through public facility, employer must provide up to 26 weeks, extendable additional 26 weeks. Compensation suspended for worker's unreasonable refusal of physical or vocational rehabilitation, compensation canceled after 90 days' refusal. Rehabilitation Section of Division administers. Compensation paid during vocational rehabilitation is deducted from benefits for permanent partial disability.
KENTUCKY	No fund established	Board, lodging, and travel, if away from home.	Unlimited medical rehabilitation; vocational rehabilitation up to 52 weeks (may be extended). Employee's refusal results in loss of 50% of compensation.
LOUISIANA	No fund established	Board, lodging, and travel paid by employer or carrier.	Employer or carrier provides up to 26 weeks of vocational rehabilitation, extendable another 26 weeks. Benefits reduced 50% for refusal of necessary rehabilitation.
MAINE	No fund established	\$35 per week for 52 weeks	Commission member may extend vocational or educational rehabilitation benefits for additional 52 weeks or for a 3rd period of 52 weeks.*
MARYLAND	No fund established	Up to \$40 weekly paid by employer	Workers' Compensation Commission investigates all claims and reports of injury or disability for referral to Division of Vocational Rehabilitation. Employee entitled to 24 months of vocational rehabilitation. Employee's unreasonable refusal results in loss of compensation. Employer pays compensation for temporary total disability plus expenses of vocational rehabilitation.
MASSACHUSETTS	No fund established. Paid the same as compensation.	Rehabilitation Commission may approve room, board, and travel expenses.	Necessary cost of rehabilitation subject to approval of Rehabilitation Commission.
MICHIGAN	No fund established	Transportation and other necessary expenses during 52 weeks training	Medical and vocational rehabilitation services under Workers' Compensation Bureau. Bureau may extend training period additional 52 weeks, maximum total 104 weeks.
MINNESOTA	No fund established	Necessary expenses, including tuition, books, travel, board, lodging, and custodial daycare.	Qualified injured worker entitled to rehab, provided by at expense of employer. Employer must provide rehab for up to 156 weeks, through approved plan.* Participant may request 25% benefit increase and is eligible for one-time reevaluation allowance. Employer may seek termination or suspension of benefits if worker fails to cooperate. Appeals of rehab. decisions are heard by Rehab. Review Panel.
MISSISSIPPI	No fund established	Up to \$10 per week up to 52 weeks.	Commission cooperates with federal and state agencies.
MISSOURI	Second Injury Fund	\$40 weekly for physical rehabilitation (by order of Division after 20 weeks).	Administered by Director of Worker's Compensation Division. Division may order employer to provide transportation.
MONTANA	Rehabilitation Fund by 1% tax upon compensation paid by insurers, self-insured, and state fund	Additional \$50 weekly for living expenses while in training plus transportation, tuition, books, and equipment.	Administered by Workers' Compensation Division in conjunction with Department of Social and Rehabilitation Services. Employee's refusal may result in loss of compensation.
NEBRASKA	Vocational Rehabilitation Fund by 1% premium tax on insurers and self-insurers (minimum \$25) payable to Court	Board, lodging, and travel paid by fund. Temporary total indemnity paid by self-insurer or carrier.	Insurer must furnish medical, physical, and vocational rehabilitation services voluntarily (if not, may be ordered to do so). Costs may be apportioned between the employer and the Vocational Rehabilitation Fund. Payments into fund suspended when fund reaches \$400,000 (see Chart XII).
NEVADA	State Insurance Fund and self-insurance	Insurer may allow maintenance as needed.	Insurer is authorized to provide all necessary rehabilitation services. Employee's refusal results in loss of all benefits.
NEW HAMPSHIRE	No fund established	Board, lodging, travel, books, and basic materials in addition to compensation.	Insurer must furnish rehabilitation services voluntarily, or may be ordered to do so, for one year and further treatment if needed. Vocational and physical rehabilitation staff assist in program.
NEW JERSEY	No fund established		Permanent total disability benefits may be stopped after 450 weeks unless the worker has submitted to physical or educational retraining.

Ind. \*State Rehabilitation Services Board administers vocational rehabilitation programs. Compensation suspended for refusal of suitable on employment by partially disabled claimant.

Maine \*Paras may agree to 3-month trial work period during which compensation is suspended. Compensation resumed if unsuccessful.

Minn. \*Surviving spouse may request rehabilitation.

3/18/87  
 (continued)

**CHART X  REHABILITATION OF DISABLED WORKERS  January 1, 1985**

JURISDICTION	SOURCE OF FUND	MAINTENANCE ALLOWANCE	SPECIAL PROVISIONS
NEW MEXICO	No fund established	Board, lodging, travel, and maintenance for family. \$3,000 maximum in addition to other compensation.	Employer must furnish vocational rehabilitation services to render worker fit to engage in remunerative employment.
NEW YORK	\$2,000 in no-dependency death cases	Up to \$30 per week for rehabilitation maintenance.	Department of Labor cooperates with Department of Education.
NORTH CAROLINA	No fund established		Insurer must furnish rehabilitation services required to lessen disability. Employee's unreasonable refusal of services ordered by Commission results in loss of compensation.
NORTH DAKOTA	Benefit Fund	Rehabilitation allowance in lieu of and equal to compensation, plus 25%.	Bureau through its Director of Rehabilitation provides retraining. Employee's unreasonable refusal to cooperate shall forfeit compensation. Additional allowance of \$5,000 maximum during lifetime, for remodeling living or business facilities, if required.
OHIO	State Insurance Fund	Same as for temporary total disability, minimum 50% of SAWW, for 6 months (renewable).	Rehabilitation Division within Commission administers. Division may make all necessary expenditures, medically including treatment of non-occupational conditions inhibiting return to work.
OKLAHOMA	No fund established	Board, lodging, travel, tuition, and books.	Court may order necessary rehabilitation up to 52 weeks.
OREGON	Rehabilitation reserve out of Administrative Fund	Worker receives temporary total disability compensation during rehabilitation.	Rehabilitation Reserve pays cost of physical rehabilitation. Need determined within 120 days after temporary total disability; benefits may be suspended for failure to participate. Vocational assistance may be provided by employer or insurer. Department reimburses employer for temporary disability benefits paid after injury is medically stationary and for authorized costs of rehabilitation.
PENNSYLVANIA	No fund established	Rehabilitation Board may provide cash payments for living expenses.	State Board of Rehabilitation may provide vocational rehabilitation, training, and services.
PUERTO RICO	No fund established	Administrator may grant \$45 weekly for up to 26 weeks.	Rehabilitation center provides physical, medical, and rehabilitation services.
RHODE ISLAND	\$750 in no-dependency death cases; 1% of insurance premium	Board, lodging, and travel.	Rehabilitation clinic financed by the Curative Centre Fund. Compensation suspended for willful refusal of rehabilitation.
SOUTH CAROLINA	No fund established	No specific statutory provision	
SOUTH DAKOTA			TT during period of approved vocational rehabilitation.
TENNESSEE	No fund established		Division of Workers' Compensation refers feasible cases to Department of Education pursuant to plan providing full or partial recovery of expenses from employer or insurer.
TEXAS	No fund established		Insurer furnishes necessary medical care and services for physical rehabilitation. Board may refer employee to Texas Rehabilitation Commission for vocational services.
UTAH	\$18,720 in no-dependency death cases	\$1,000 maximum during rehabilitation of permanently and totally disabled person.	If cannot be rehabilitated, worker receives benefits for life from Second Injury Fund, minimum \$85 per week.
VERMONT	No fund established	Board, lodging, travel, books, and tools.	Commissioner may order vocational rehabilitation services. If employee refuses, compensation may be suspended.
VIRGIN ISLANDS	Government Insurance Fund	Board, lodging, and travel.	Income benefits during rehabilitation suspended for employee's refusal to accept vocational rehabilitation. See Chart V—Total Disability Benefits.
VIRGINIA	Second Injury Fund		Commission may award compensation, medical care, and vocational rehabilitation. Employee's unreasonable refusal may suspend compensation.
WASHINGTON	No fund established	Compensation; board, lodging, travel, books, equipment, and child care allowance, up to 52 weeks (maximum \$3,000).	Supervisor may extend period for another 52 weeks. Dept. operates a Rehabilitation Center and pays maintenance and employer's cost of job modification. Compensation may be halved for refusing rehabilitation without good cause. Evaluation mandatory in 120 day time-loss cases.
WEST VIRGINIA	State Fund used; no special account	Up to \$10,000 (includes tuition, books, supplies, travel, lodging, and tools). No limit on physical rehabilitation costs. Temporary total disability payments if totally disabled.	Fund-employed Rehabilitation Counselors provide referrals and direct services. Direct job placement preferred, but short-term training is provided when necessary. Medical services and devices are authorized for physical rehabilitation.
WISCONSIN	No fund established	Board, lodging, and travel up to 40 weeks. Temporary total disability paid during training.	Course of instructions must be undertaken with 60 days from date sufficiently recovered or as soon thereafter as State Board provides opportunity. 40-week period may be extended if necessary. Department employs rehabilitation specialists (physical, medical, and vocational) to evaluate and refer injured employee for treatment.
WYOMING	No fund established	Up to \$10 per week (may be increased to \$15 per week if insufficient) up to 72 weeks.	District judge grants maintenance allowance on recommendations of Board of Education.
F.E.C.A.	Employees' Compensation Fund	Up to \$200 per month.	If person fails to undergo rehabilitation, administrator may reduce benefit if rehabilitation would have increased earnings.
LONGSHORE ACT	50% of Special Fund*	Up to \$25 per week.	Surplus in Fund in any one year may be carried over. Appropriations authorized.
ALBERTA	Accident Fund	Discretion of Board.	Board operates physical rehabilitation center. Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.
BRITISH COLUMBIA	Accident Fund	Discretion of Board.	Rehabilitation Clinic established. Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.
MANITOBA	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
NEW BRUNSWICK	Accident Fund	Discretion of Board.	Board operates physical rehabilitation center. Board may make necessary expenditures to aid rehabilitation.
NEWFOUNDLAND	Accident Fund	Discretion of Commission.	Commission may make necessary expenditures to aid rehabilitation.
NORTHWEST TERRITORIES	Accident Fund	\$80 daily for first 7 days, \$50 daily thereafter. Employer pays transportation cost.	Board may order rehabilitation and retraining.
NOVA SCOTIA	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
ONTARIO	Schedule 1 cases—Accident Fund Schedule 2 cases—employers individually	Discretion of Board. Discretion of Board.	No limit on amount in any one case or in any year for rehabilitation.
PRINCE EDWARD ISLAND	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
QUEBEC	Accident Fund Annex B—employers individually	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
SASKATCHEWAN	Injury Fund	Discretion of Board.	Board provides on-the-job training, employer assistance, and physical and occupational therapy. Vocational training is also available for spouse.
YUKON TERRITORY	Compensation Fund	Subsistence in Commissioner's discretion.	Commissioner may make necessary expenditures to aid rehabilitation.
CANADIAN MERCHANT SEAMEN'S ACT	No fund established	No specific statutory provision	

Longshore \*See Chart XII—Second-Injury Funds—Special Provisions