

SB 863 and PD



DWC Conference 2013

Presented By

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1

QME Summary Supplemental Report to Correct Factual Error

- LC 4061 (d)
- May be requested by party within 30 days receipt of QME process
- Suspends QME summary rating process



2

QME Summary Supplemental Report to Correct Factual Error

- CCR 10159
- DEU to hold all QME summary ratings 30 days before rating
- New QME Form 37 – Request to Correct Factual Error



3

What is a Factual Error?

- Term not defined in Labor Code or regulations
- QME report based on incorrect facts



4

Effective Date of PD Changes

- Date of injury controls
- On or after January 1, 2013 DOI
- DWC has a new rate chart



5

PD Rate and Weeks

- PD Weeks remain the same
- LC 4453 (d) (8)
- PD minimum and maximum rates increase

Year	Min	Max
2012	\$130	\$230 \$270
2013	\$160	\$230 \$270 \$290
2014	\$160	\$290



6



PD Advances



- PD advances not required following last payment of TD prior to an award (LC 4650 (b))
- If employer offers position at 85% of wages at DOI
- If employee returns to work at 100% of wages at DOI

7



DEU Annotation

- On summary ratings
- Permanent disability advances not required if injured worker employed pursuant to LC 4650 (b)



8

PD Advance Issues

- What constitutes a valid job offer under LC 4650 (b)?
- What happens with PD if employment situation changes?



9

Elimination of 15% PD Adjustment

- For DOI on/after 1/1/2013
- No more +/- 15% RTW adjustment



10

Rating Formula Changes

- LC 4660.1
- Elimination of FEC modifier
- Replacement with 1.4 modifier
- First modification of standard WP impairment



DOI 1/1/13

11

New Rating Formula

2012 DOI

15.03.01.00 – 20 – **[5]25** – 360G – 28 – 30 PD

2013 DOI

15.03.01.00 – 20 – **[1.4]28** – 360G – 31 – 33 PD



DOI 1/1/13

12

New Rating Schedule

- Eventually a new PDRS will be adopted
- Until then use 2005 PDRS
- Replace FEC modifier with 1.4 modifier
- DWC has a 1.4 modifier chart

13

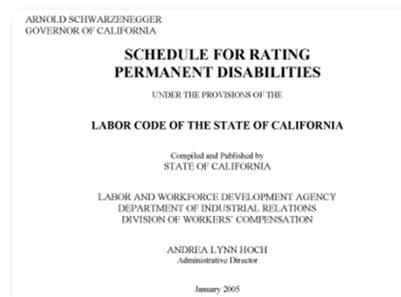
New Rating Schedule Changes?

- No major changes anticipated at this time

- Same

Occupation modifier

Age modifier



14

No add-on for sleep or sexual dysfunction



DOI 1/1/13

- LC 4660.1
- Arising out of compensable physical injury
- Table 13-4 Sleep Arousal Impairment
- Does prohibition for add-on sleep dysfunction preclude use of Table 13-4 with other impairments?

15

Example #1



DOI 1/1/13

- DOI 3/1/13
- 35 year old electrician
- Lumbar DRE V: 25 WP
- Insomnia – Sleep Arousal Class I – 9 WP

16

Example #1



DOI 1/1/13

Lumbar DRE V: 28 WP

15.03.01.00 – 25 – [1.4]35 – 380H – 41 – 40 PD

Sleep Arousal Class I: 9 WP (not used)

Per LC 4660.1 there are no increases in impairment rating for sleep dysfunction or sexual dysfunction arising out of a compensable physical injury.

17

DEU Procedure



DOI 1/1/13

- List, but do not rate the impairment in the presence of other physical impairments
- Rate if impairment is not accompanied by other impairments
- Furnish informational rating including sleep arousal upon request

18

No Add-on for Psychiatric Disorder

- LC 4660.1
- Arising out of compensable physical injury
- Psyche GAF
- Exception for violent act or catastrophic injury

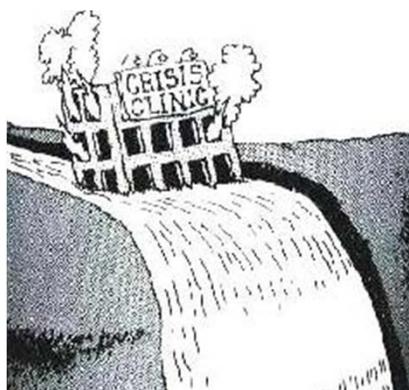


DOI 1/1/13

19

No Add-on for Psychiatric Disorder

- What is a catastrophic injury?
- Term not fully defined
- Includes
 - Loss of limb
 - Severe head injury
 - Severe burn



20

Example #2



DOI 1/1/13

- Electrician age 35
- Low back and psychiatric injury
- Psychiatric report – Psyche GAF 60

21

Example #2



DOI 1/1/13

- Psyche GAF 60: 15 WP

14.01.00.00 – 15 – [1.4]21 – 380H – 26 – 25 PD

Per LC 4660.1 there are no increases in impairment rating for psychiatric disorder arising out of a compensable physical injury.

Note: DEU rated the psyche impairment because there were no other impairments in report.

22

Example #2



DOI 1/1/13

- If the psychiatric report and the orthopedic report impairments were combined there would be an issue with LC 4660.1.
- What if the psyche rates higher than the orthopedic impairment? Can the psyche stand alone?

23

LC 4660.1 Issues



DOI 1/1/13

- What is a compensable physical injury?
- What about spinal cord injuries?
- What about sleep arousal or sexual dysfunction in psychiatric injuries?

24

What About Formal Ratings

- DEU rater to follow judge's instructions
- Judge's decision on whether sleep arousal, sexual, or psyche impairments are rated



25

SB 863 Effect on Almaraz/Guzman

- PDRS remains prima facie evidence
- Therefore the PDRS is rebuttable
- No effect of Almaraz/Guzman

26

RTW Program Payments

- LC 139.48
- \$120 million set aside annually
- Payments to workers with low PD/earnings loss
- Regulations to be adopted based on studies

27

SEC. 6.5. Section 139.48 is added to the Labor Code, to read:

139.48. There shall be in the department a return-to-work program administered by the director, funded by one hundred twenty million dollars (\$120,000,000) annually derived from non-General Funds of the Workers' Compensation Administration Revolving Fund, for the purpose of making supplemental payments to workers whose permanent disability benefits are disproportionately low in comparison to their earnings loss. Eligibility for payments and the amount of payments shall be determined by regulations adopted by the director, based on findings from studies conducted by the director in consultation with the Commission on Health and Safety and Workers' Compensation. Determinations of the director shall be subject to review at the trial level of the appeals board upon the same grounds as prescribed for petitions for reconsideration.

SEC. 34. Section 4453 of the Labor Code is amended to read:

4453.

...

(b) In computing average annual earnings for purposes of permanent partial disability indemnity, except as provided in Section 4659, the average weekly earnings shall be taken at:

(1) Not less than seventy-five dollars (\$75), nor more than one hundred ninety-five dollars (\$195), for injuries occurring on or after January 1, 1983.

(2) Not less than one hundred five dollars (\$105), nor more than two hundred ten dollars (\$210), for injuries occurring on or after January 1, 1984.

(3) When the final adjusted permanent disability rating of the injured employee is 15 percent or greater, but not more than 24.75 percent: (A) not less than one hundred five dollars (\$105), nor more than two hundred twenty-two dollars (\$222), for injuries occurring on or after July 1, 1994;

(B) not less than one hundred five dollars (\$105), nor more than two hundred thirty-one dollars (\$231), for injuries occurring on or after July 1, 1995; (C) not less than one hundred five dollars (\$105), nor more than two hundred forty dollars (\$240), for injuries occurring on or after July 1, 1996.

(4) When the final adjusted permanent disability rating of the injured employee is 25 percent or greater, not less than one hundred five dollars (\$105), nor more than two hundred twenty-two dollars (\$222), for injuries occurring on or after January 1, 1991.

(5) When the final adjusted permanent disability rating of the injured employee is 25 percent or greater but not more than 69.75 percent: (A) not less than one hundred five dollars (\$105), nor more than two hundred thirty-seven dollars (\$237), for injuries occurring on or after July 1, 1994; (B) not less than one hundred five dollars (\$105), nor more than two hundred forty-six dollars (\$246), for injuries occurring on or after July 1,

1995; and (C) not less than one hundred five dollars (\$105), nor more than two hundred fifty-five dollars (\$255), for injuries occurring on or after July 1, 1996.

(6) When the final adjusted permanent disability rating of the injured employee is less than 70 percent: (A) not less than one hundred fifty dollars (\$150), nor more than two hundred seventy-seven dollars and fifty cents (\$277.50), for injuries occurring on or after January 1, 2003; (B) not less than one hundred fifty-seven dollars and fifty cents (\$157.50), nor more than three hundred dollars (\$300), for injuries occurring on or after January 1, 2004; (C) not less than one hundred fifty-seven dollars and fifty cents (\$157.50), nor more than three hundred thirty dollars (\$330), for injuries occurring on or after January 1, 2005; and (D) not less than one hundred ninety-five dollars (\$195), nor more than three hundred forty-five dollars (\$345), for injuries occurring on or after January 1, 2006.

(7) When the final adjusted permanent disability rating of the injured employee is 70 percent or greater, but less than 100 percent: (A) not less than one hundred five dollars (\$105), nor more than two hundred fifty-two dollars (\$252), for injuries occurring on or after July 1, 1994; (B) not less than one hundred five dollars (\$105), nor more than two hundred ninety-seven dollars (\$297), for injuries occurring on or after July 1, 1995; (C) not less than one hundred five dollars (\$105), nor more than three hundred forty-five dollars (\$345), for injuries occurring on or after July 1, 1996; (D) not less than one hundred fifty dollars (\$150), nor more than three hundred forty-five dollars (\$345), for injuries occurring on or after January 1, 2003; (E) not less than one hundred fifty-seven dollars and fifty cents (\$157.50), nor more than three hundred seventy-five dollars (\$375), for injuries occurring on or after January 1, 2004; (F) not less than one hundred fifty-seven dollars and fifty cents (\$157.50), nor more than four hundred five dollars (\$405), for injuries occurring on or after January 1, 2005; and (G) not less than one hundred ninety-five dollars (\$195), nor more than four hundred five dollars (\$405), for injuries occurring on or after January 1, 2006.

...

(8) For injuries occurring on or after January 1, 2013:

(A) When the final adjusted permanent disability rating is less than 55 percent, not less than two hundred forty dollars (\$240) nor more than three hundred forty-five dollars (\$345).

(B) When the final adjusted permanent disability rating is 55 percent or greater but less than 70 percent, not less than two hundred forty dollars (\$240) nor more than four hundred five dollars (\$405).

(C) When the final adjusted permanent disability rating is 70 percent or greater but less than 100 percent, not less than two hundred forty dollars (\$240) nor more than four hundred thirty-five dollars (\$435).

(9) For injuries occurring on or after January 1, 2014, not less than two hundred forty dollars (\$240) nor more than four hundred thirty-five dollars (\$435). ...

SEC. 55. Section 4658 of the Labor Code is amended to read:

4658.

...

(d) (1) This subdivision shall apply to injuries occurring on or after January 1, 2005, and as additionally provided in paragraph (4). If the injury causes permanent disability, the percentage of disability to total disability shall be determined, and the basic disability payment computed as follows:

Column 1—Range of percentage of permanent disability incurred:	Column 2—Number of weeks for which two-thirds of average weekly earnings allowed for each 1 percent of permanent disability within percentage range:
0.25–9.75.....	3
10–14.75.....	4
15–24.75.....	5
25–29.75.....	6
30–49.75.....	7
50–69.75.....	8
70–99.75.....	16

The numbers set forth in column 2 above are based upon the percentage of permanent disability set forth in column 1 above and shall be cumulative, and shall increase with the severity of the disability in the manner illustrated in subdivision (a).

(2) If, within 60 days of a disability becoming permanent and stationary, an employer does not offer the injured employee regular work, modified work, or alternative work, in the form and manner prescribed by the administrative director, for a period of at least 12 months, each disability payment remaining to be paid to the injured employee from the date of the end of the 60-day period shall be paid in accordance with paragraph (1) and increased by 15 percent. This paragraph shall not apply to an employer that employs fewer than 50 employees.

(3) (A) If, within 60 days of a disability becoming permanent and stationary, an employer offers the injured employee regular work, modified work, or alternative work, in the form and manner prescribed by the administrative director, for a period of at least 12 months, and regardless of whether the injured employee accepts or rejects the offer, each disability payment remaining to be paid to the injured employee from the date the offer was made shall be paid in accordance with paragraph (1) and decreased by 15 percent.

(B) If the regular work, modified work, or alternative work is terminated by the employer before the end of the period for which disability payments are due the injured employee, the amount of each of the remaining disability payments shall be paid in accordance with paragraph (1) and increased by 15 percent. An employee who

voluntarily terminates employment shall not be eligible for payment under this subparagraph. This paragraph shall not apply to an employer that employs fewer than 50 employees.

(4) For compensable claims arising before April 30, 2004, the schedule provided in this subdivision shall not apply to the determination of permanent disabilities when there has been either a comprehensive medical-legal report or a report by a treating physician, indicating the existence of permanent disability, or when the employer is required to provide the notice required by Section 4061 to the injured worker.

(e) This subdivision shall apply to injuries occurring on or after January 1, 2013. If the injury causes permanent disability, the percentage of disability to total disability shall be determined, and the disability payment computed and allowed as follows:

Column 1—Range of percentage of permanent disability incurred:	Column 2—Number of weeks for which two-thirds of average weekly earnings allowed for each 1 percent of permanent disability within percentage range:
0.25–9.75.....	3
10–14.75.....	4
15–24.75.....	5
25–29.75.....	6
30–49.75.....	7
50–69.75.....	8
70–99.75.....	16

(1) The numbers set forth in column 2 above are based upon the percentage of permanent disability set forth in column 1 above and shall be cumulative, and shall increase with the severity of the disability in the manner illustrated in subdivision (a).

(2) If the permanent disability directly caused by the industrial injury is total, payment shall be made as provided in Section 4659.

SEC. 56. Section 4658.5 of the Labor Code is amended to read:

4658.5. (a) This section shall apply to injuries occurring on or after January 1, 2004, and before January 1, 2013.

(b) Except as provided in Section 4658.6, if the injury causes permanent partial disability and the injured employee does not return to work for the employer within 60 days of the termination of temporary disability, the injured employee shall be eligible for a supplemental job displacement benefit in the form of a nontransferable voucher for education-related retraining or skill enhancement, or both, at state-approved or accredited schools, as follows:

(1) Up to four thousand dollars (\$4,000) for permanent partial disability awards of less than 15 percent.

(2) Up to six thousand dollars (\$6,000) for permanent partial disability awards between 15 and 25 percent.

(3) Up to eight thousand dollars (\$8,000) for permanent partial disability awards between 26 and 49 percent.

(4) Up to ten thousand dollars (\$10,000) for permanent partial disability awards between 50 and 99 percent.

(c) The voucher may be used for payment of tuition, fees, books, and other expenses required by the school for retraining or skill enhancement. No more than 10 percent of the voucher moneys may be used for vocational or return-to-work counseling. The administrative director shall adopt regulations governing the form of payment, direct reimbursement to the injured employee upon presentation to the employer of appropriate documentation and receipts, and other matters necessary to the proper administration of the supplemental job displacement benefit.

(d) A voucher issued on or after January 1, 2013, shall expire two years after the date the voucher is furnished to the employee or five years after the date of injury, whichever is later. The employee shall not be entitled to payment or reimbursement of any expenses that have not been incurred and submitted with appropriate documentation to the employer prior to the expiration date.

(e) An employer shall not be liable for compensation for injuries incurred by the employee while utilizing the voucher.

SEC. 57. Section 4658.6 of the Labor Code is amended to read:

4658.6. The employer shall not be liable for the supplemental job displacement benefit pursuant to Section 4658.5 if the employer meets either of the following conditions:

(a) Within 30 days of the termination of temporary disability indemnity payments, the employer offers, and the employee rejects, or fails to accept, in the form and manner prescribed by the administrative director, modified work, accommodating the employee's work restrictions, lasting at least 12 months.

(b) Within 30 days of the termination of temporary disability indemnity payments, the employer offers, and the employee rejects, or fails to accept, in the form and manner prescribed by the administrative director, alternative work meeting all of the following conditions:

(1) The employee has the ability to perform the essential functions of the job provided.

(2) The job provided is in a regular position lasting at least 12 months.

(3) The job provided offers wages and compensation that are within 15 percent of those paid to the employee at the time of injury.

(4) The job is located within reasonable commuting distance of the employee's residence at the time of injury.

SEC. 58. Section 4658.7 is added to the Labor Code, to read:

4658.7. (a) This section shall apply to injuries occurring on or after January 1, 2013.

(b) If the injury causes permanent partial disability, the injured employee shall be entitled to a supplemental job displacement benefit as provided in this section unless the employer makes an offer of regular, modified, or alternative work, as defined in Section 4658.1, that meets both of the following criteria:

(1) The offer is made no later than 60 days after receipt by the claims administrator of the first report received from either the primary treating physician, an agreed medical evaluator, or a qualified medical evaluator, in the form created by the administrative director pursuant to subdivision (h), finding that the disability from all conditions for which compensation is claimed has become permanent and stationary and that the injury has caused permanent partial disability.

(A) If the employer or claims administrator has provided the physician with a job description of the employee's regular work, proposed modified work, or proposed alternative work, the physician shall evaluate and describe in the form whether the work capacities and activity restrictions are compatible with the physical requirements set forth in that job description.

(B) The claims administrator shall forward the form to the employer for the purpose of fully informing the employer of work capacities and activity restrictions resulting from the injury that are relevant to potential regular, modified, or alternative work.

(2) The offer is for regular work, modified work, or alternative work lasting at least 12 months.

(c) The supplemental job displacement benefit shall be offered to the employee within 20 days after the expiration of the time for making an offer of regular, modified, or alternative work pursuant to paragraph (1) of subdivision (b).

(d) The supplemental job displacement benefit shall be in the form of a voucher redeemable as provided in this section up to an aggregate of six thousand dollars (\$6,000).

(e) The voucher may be applied to any of the following expenses at the choice of the injured employee:

(1) Payment for education-related retraining or skill enhancement, or both, at a California public school or with a provider that is certified and on the state's Eligible Training Provider List (EPTL), as authorized by the federal Workforce Investment Act (P.L. 105-220), including payment of tuition, fees, books, and other expenses required by the school for retraining or skill enhancement.

(2) Payment for occupational licensing or professional certification fees, related examination fees, and examination preparation course fees.

(3) Payment for the services of licensed placement agencies, vocational or return-to-work counseling, and résumé preparation, all up to a combined limit of 10 percent of the amount of the voucher.

(4) Purchase of tools required by a training or educational program in which the employee is enrolled.

(5) Purchase of computer equipment, up to one thousand dollars (\$1,000).

(6) Up to five hundred dollars (\$500) as a miscellaneous expense reimbursement or advance, payable upon request and without need for itemized documentation or accounting. The employee shall not be entitled to any other voucher payment for transportation, travel expenses, telephone or Internet access, clothing or uniforms, or incidental expenses.

(f) The voucher shall expire two years after the date the voucher is furnished to the employee, or five years after the date of injury, whichever is later. The employee shall not be entitled to payment or reimbursement of any expenses that have not been incurred and submitted with appropriate documentation to the employer prior to the expiration date.

(g) Settlement or commutation of a claim for the supplemental job displacement benefit shall not be permitted under Chapter 2 (commencing with Section 5000) or Chapter 3 (commencing with Section 5100) of Part 3.

(h) The administrative director shall adopt regulations for the administration of this section, including, but not limited to, both of the following:

(1) The time, manner, and content of notices of rights under this section.

(2) The form of a mandatory attachment to a medical report to be forwarded to the employer pursuant to paragraph (1) of subdivision (b) for the purpose of fully informing the employer of work capacities and of activity restrictions resulting from the injury that are relevant to potential regular work, modified work, or alternative work.

(i) An employer shall not be liable for compensation for injuries incurred by the employee while utilizing the voucher.

SEC. 59. Section 4660 of the Labor Code is amended to read:

4660. This section shall only apply to injuries occurring before January 1, 2013.

(a) In determining the percentages of permanent disability, account shall be taken of the nature of the physical injury or disfigurement, the occupation of the injured employee, and his or her age at the time of the injury, consideration being given to an employee's diminished future earning capacity.

(b) (1) For purposes of this section, the "nature of the physical injury or disfigurement" shall incorporate the descriptions and measurements of physical impairments and the corresponding percentages of impairments published in the American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment (5th Edition).

(2) For purposes of this section, an employee's diminished future earning capacity shall be a numeric formula based on empirical data and findings that aggregate the average percentage of long-term loss of income resulting from each type of injury for similarly situated employees. The administrative director shall formulate the adjusted rating schedule based on empirical data and findings from the Evaluation of California's Permanent Disability Rating Schedule, Interim Report (December 2003), prepared by the RAND Institute for Civil Justice, and upon data from additional empirical studies. (c) The administrative director shall amend the schedule for the determination of the percentage of permanent disability in accordance with this section at least once every five years. This schedule shall be available for public inspection and, without formal introduction in evidence, shall be prima facie evidence of the percentage of permanent disability to be attributed to each injury covered by the schedule.

(d) The schedule shall promote consistency, uniformity, and objectivity. The schedule and any amendment thereto or revision thereof shall apply prospectively and shall apply to and govern only those permanent disabilities that result from compensable injuries received or occurring on and after the effective date of the adoption of the schedule, amendment or revision, as the fact may be. For compensable claims arising before January 1, 2005, the schedule as revised pursuant to changes made in legislation enacted during the 2003-04 Regular and Extraordinary Sessions shall apply to the determination of permanent disabilities when there has been either no comprehensive medical-legal report or no report by a treating physician indicating the existence of permanent disability, or when the employer is not required to provide the notice required by Section 4061 to the injured worker.

(e) On or before January 1, 2005, the administrative director shall adopt regulations to implement the changes made to this section by the act that added this subdivision.

SEC. 60. Section 4660.1 is added to the Labor Code, to read:

4660.1. This section shall apply to injuries occurring on or after January 1, 2013.

(a) In determining the percentages of permanent partial or permanent total disability, account shall be taken of the nature of the physical injury or disfigurement, the occupation of the injured employee, and his or her age at the time of injury.

(b) For purposes of this section, the “nature of the physical injury or disfigurement” shall incorporate the descriptions and measurements of physical impairments and the corresponding percentages of impairments published in the American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment (5th Edition) with the employee’s whole person impairment, as provided in the Guides, multiplied by an adjustment factor of 1.4.

(c) (1) Except as provided in paragraph (2), there shall be no increases in impairment ratings for sleep dysfunction, sexual dysfunction, or psychiatric disorder, or any combination thereof, arising out of a compensable physical injury. Nothing in this section shall limit the ability of an injured employee to obtain treatment for sleep dysfunction, sexual dysfunction, or psychiatric disorder, if any, that are a consequence of an industrial injury.

(2) An increased impairment rating for psychiatric disorder shall not be subject to paragraph (1) if the compensable psychiatric injury resulted from either of the following:

(A) Being a victim of a violent act or direct exposure to a significant violent act within the meaning of Section 3208.3.

(B) A catastrophic injury, including, but not limited to, loss of a limb, paralysis, severe burn, or severe head injury.

(d) The administrative director may formulate a schedule of age and occupational modifiers and may amend the schedule for the determination of the age and occupational modifiers in accordance with this section. The Schedule for Rating Permanent Disabilities pursuant to the American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment (5th Edition) and the schedule of age and occupational modifiers shall be available for public inspection and, without formal introduction in evidence, shall be prima facie evidence of the percentage of permanent disability to be attributed to each injury covered by the schedule. Until the schedule of age and occupational modifiers is amended, for injuries occurring on or after January 1, 2013, permanent disabilities shall be rated using the age and occupational modifiers in the permanent disability rating schedule adopted as of January 1, 2005.

(e) The schedule of age and occupational modifiers shall promote consistency, uniformity, and objectivity.

(f) The schedule of age and occupational modifiers and any amendment thereto or revision thereof shall apply prospectively and shall apply to and govern only those permanent disabilities that result from compensable injuries received or occurring on and after the effective date of the adoption of the schedule, amendment, or revision, as the case may be.

(g) Nothing in this section shall preclude a finding of permanent total disability in accordance with Section 4662.

(h) In enacting the act adding this section, it is not the intent of the Legislature to overrule the holding in *Milpitas Unified School District v. Workers' Comp. Appeals Bd. (Guzman)* (2010) 187 Cal.App.4th 808.

(i) The Commission on Health and Safety and Workers' Compensation shall conduct a study to compare average loss of earnings for employees who sustained work-related injuries with permanent disability ratings under the schedule, and shall report the results of the study to the appropriate policy and fiscal committees of the Legislature no later than January 1, 2016.

Initial 1.4 Modification to Whole Person Impairment Table

Effective for dates of injury on or after January 1, 2013. This table replaces the Future Earning Capacity adjustment for dates of injury prior to January 1, 2013.

Directions: To adjust for 1.4 modification to Whole Person Impairment per Labor Code section 4660.1, look up the Whole Person Impairment and read right across the modified WPI after the 1.4 adjustment.

WPI	1.4 Adjustment						
1	1	26	36	51	71	76	100
2	3	27	38	52	73	77	100
3	4	28	39	53	74	78	100
4	6	29	41	54	76	79	100
5	7	30	42	55	77	80	100
6	8	31	43	56	78	81	100
7	10	32	45	57	80	82	100
8	11	33	46	58	81	83	100
9	13	34	48	59	83	84	100
10	14	35	49	60	84	85	100
11	15	36	50	61	85	86	100
12	17	37	52	62	87	87	100
13	18	38	53	63	88	88	100
14	20	39	55	64	90	89	100
15	21	40	56	65	91	90	100
16	22	41	57	66	92	91	100
17	24	42	59	67	94	92	100
18	25	43	60	68	95	93	100
19	27	44	62	69	97	94	100
20	28	45	63	70	98	95	100
21	29	46	64	71	99	96	100
22	31	47	66	72	100	97	100
23	32	48	67	73	100	98	100
24	34	49	69	74	100	99	100
25	35	50	70	75	100	100	100

Permanent Disability Indemnity Chart

Amended per AB863
LC 4453 (d) (8) and
LC4453 (d) (9)

		2006-2012		2013		2014	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
		\$130/wk	1-69 \$230/wk 70-99 \$270/wk	\$160/wk	0-54 \$230/wk 55-69 \$270/wk 70-99 \$290/wk	\$160/wk	\$290/wk
PD %	Weeks	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1	3.00	\$390.00	\$690.00	\$480.00	\$690.00	\$480.00	\$870.00
2	6.00	\$780.00	\$1,380.00	\$960.00	\$1,380.00	\$960.00	\$1,740.00
3	9.00	\$1,170.00	\$2,070.00	\$1,440.00	\$2,070.00	\$1,440.00	\$2,610.00
4	12.00	\$1,560.00	\$2,760.00	\$1,920.00	\$2,760.00	\$1,920.00	\$3,480.00
5	15.00	\$1,950.00	\$3,450.00	\$2,400.00	\$3,450.00	\$2,400.00	\$4,350.00
6	18.00	\$2,340.00	\$4,140.00	\$2,880.00	\$4,140.00	\$2,880.00	\$5,220.00
7	21.00	\$2,730.00	\$4,830.00	\$3,360.00	\$4,830.00	\$3,360.00	\$6,090.00
8	24.00	\$3,120.00	\$5,520.00	\$3,840.00	\$5,520.00	\$3,840.00	\$6,960.00
9	27.00	\$3,510.00	\$6,210.00	\$4,320.00	\$6,210.00	\$4,320.00	\$7,830.00
10	30.25	\$3,932.50	\$6,957.50	\$4,840.00	\$6,957.50	\$4,840.00	\$8,772.50
11	34.25	\$4,452.50	\$7,877.50	\$5,480.00	\$7,877.50	\$5,480.00	\$9,932.50
12	38.25	\$4,972.50	\$8,797.50	\$6,120.00	\$8,797.50	\$6,120.00	\$11,092.50
13	42.25	\$5,492.50	\$9,717.50	\$6,760.00	\$9,717.50	\$6,760.00	\$12,252.50
14	46.25	\$6,012.50	\$10,637.50	\$7,400.00	\$10,637.50	\$7,400.00	\$13,412.50
15	50.50	\$6,565.00	\$11,615.00	\$8,080.00	\$11,615.00	\$8,080.00	\$14,645.00
16	55.50	\$7,215.00	\$12,765.00	\$8,880.00	\$12,765.00	\$8,880.00	\$16,095.00
17	60.50	\$7,865.00	\$13,915.00	\$9,680.00	\$13,915.00	\$9,680.00	\$17,545.00
18	65.50	\$8,515.00	\$15,065.00	\$10,480.00	\$15,065.00	\$10,480.00	\$18,995.00
19	70.50	\$9,165.00	\$16,215.00	\$11,280.00	\$16,215.00	\$11,280.00	\$20,445.00
20	75.50	\$9,815.00	\$17,365.00	\$12,080.00	\$17,365.00	\$12,080.00	\$21,895.00
21	80.50	\$10,465.00	\$18,515.00	\$12,880.00	\$18,515.00	\$12,880.00	\$23,345.00
22	85.50	\$11,115.00	\$19,665.00	\$13,680.00	\$19,665.00	\$13,680.00	\$24,795.00
23	90.50	\$11,765.00	\$20,815.00	\$14,480.00	\$20,815.00	\$14,480.00	\$26,245.00
24	95.50	\$12,415.00	\$21,965.00	\$15,280.00	\$21,965.00	\$15,280.00	\$27,695.00
25	100.75	\$13,097.50	\$23,172.50	\$16,120.00	\$23,172.50	\$16,120.00	\$29,217.50
26	106.75	\$13,877.50	\$24,552.50	\$17,080.00	\$24,552.50	\$17,080.00	\$30,957.50
27	112.75	\$14,657.50	\$25,932.50	\$18,040.00	\$25,932.50	\$18,040.00	\$32,697.50
28	118.75	\$15,437.50	\$27,312.50	\$19,000.00	\$27,312.50	\$19,000.00	\$34,437.50
29	124.75	\$16,217.50	\$28,692.50	\$19,960.00	\$28,692.50	\$19,960.00	\$36,177.50
30	131.00	\$17,030.00	\$30,130.00	\$20,960.00	\$30,130.00	\$20,960.00	\$37,990.00

Permanent Disability indemnity rate is calculated at 2/3 of weekly earnings, subject to minimum and maximum PD rates in effect at time of injury.

Chart does not include +/- 15% rate change based on job offer per LC 4658 (d). This rate change is only for 2005-2012 dates of injury. This is no longer in effect for dates of injury on or after 1/1/2013.

PD %	Weeks	2006-2012		2013		2014	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
31	138.00	\$17,940.00	\$31,740.00	\$22,080.00	\$31,740.00	\$22,080.00	\$40,020.00
32	145.00	\$18,850.00	\$33,350.00	\$23,200.00	\$33,350.00	\$23,200.00	\$42,050.00
33	152.00	\$19,760.00	\$34,960.00	\$24,320.00	\$34,960.00	\$24,320.00	\$44,080.00
34	159.00	\$20,670.00	\$36,570.00	\$25,440.00	\$36,570.00	\$25,440.00	\$46,110.00
35	166.00	\$21,580.00	\$38,180.00	\$26,560.00	\$38,180.00	\$26,560.00	\$48,140.00
36	173.00	\$22,490.00	\$39,790.00	\$27,680.00	\$39,790.00	\$27,680.00	\$50,170.00
37	180.00	\$23,400.00	\$41,400.00	\$28,800.00	\$41,400.00	\$28,800.00	\$52,200.00
38	187.00	\$24,310.00	\$43,010.00	\$29,920.00	\$43,010.00	\$29,920.00	\$54,230.00
39	194.00	\$25,220.00	\$44,620.00	\$31,040.00	\$44,620.00	\$31,040.00	\$56,260.00
40	291.00	\$37,830.00	\$66,930.00	\$46,560.00	\$66,930.00	\$46,560.00	\$84,390.00
41	208.00	\$27,040.00	\$47,840.00	\$33,280.00	\$47,840.00	\$33,280.00	\$60,320.00
42	215.00	\$27,950.00	\$49,450.00	\$34,400.00	\$49,450.00	\$34,400.00	\$62,350.00
43	222.00	\$28,860.00	\$51,060.00	\$35,520.00	\$51,060.00	\$35,520.00	\$64,380.00
44	229.00	\$29,770.00	\$52,670.00	\$36,640.00	\$52,670.00	\$36,640.00	\$66,410.00
45	236.00	\$30,680.00	\$54,280.00	\$37,760.00	\$54,280.00	\$37,760.00	\$68,440.00
46	243.00	\$31,590.00	\$55,890.00	\$38,880.00	\$55,890.00	\$38,880.00	\$70,470.00
47	250.00	\$32,500.00	\$57,500.00	\$40,000.00	\$57,500.00	\$40,000.00	\$72,500.00
48	257.00	\$33,410.00	\$59,110.00	\$41,120.00	\$59,110.00	\$41,120.00	\$74,530.00
49	264.00	\$34,320.00	\$60,720.00	\$42,240.00	\$60,720.00	\$42,240.00	\$76,560.00
50	271.25	\$35,262.50	\$62,387.50	\$43,400.00	\$62,387.50	\$43,400.00	\$78,662.50
51	279.25	\$36,302.50	\$64,227.50	\$44,680.00	\$64,227.50	\$44,680.00	\$80,982.50
52	287.25	\$37,342.50	\$66,067.50	\$45,960.00	\$66,067.50	\$45,960.00	\$83,302.50
53	295.25	\$38,382.50	\$67,907.50	\$47,240.00	\$67,907.50	\$47,240.00	\$85,622.50
54	303.25	\$39,422.50	\$69,747.50	\$48,520.00	\$69,747.50	\$48,520.00	\$87,942.50
55	311.25	\$40,462.50	\$71,587.50	\$49,800.00	\$84,037.50	\$49,800.00	\$90,262.50
56	319.25	\$41,502.50	\$73,427.50	\$51,080.00	\$86,197.50	\$51,080.00	\$92,582.50
57	327.25	\$42,542.50	\$75,267.50	\$52,360.00	\$88,357.50	\$52,360.00	\$94,902.50
58	335.25	\$43,582.50	\$77,107.50	\$53,640.00	\$90,517.50	\$53,640.00	\$97,222.50
59	343.25	\$44,622.50	\$78,947.50	\$54,920.00	\$92,677.50	\$54,920.00	\$99,542.50
60	351.25	\$45,662.50	\$80,787.50	\$56,200.00	\$94,837.50	\$56,200.00	\$101,862.50
61	359.25	\$46,702.50	\$82,627.50	\$57,480.00	\$96,997.50	\$57,480.00	\$104,182.50
62	367.25	\$47,742.50	\$84,467.50	\$58,760.00	\$99,157.50	\$58,760.00	\$106,502.50
63	375.25	\$48,782.50	\$86,307.50	\$60,040.00	\$101,317.50	\$60,040.00	\$108,822.50
64	383.25	\$49,822.50	\$88,147.50	\$61,320.00	\$103,477.50	\$61,320.00	\$111,142.50
65	391.25	\$50,862.50	\$89,987.50	\$62,600.00	\$105,637.50	\$62,600.00	\$113,462.50
66	399.25	\$51,902.50	\$91,827.50	\$63,880.00	\$107,797.50	\$63,880.00	\$115,782.50
67	407.25	\$52,942.50	\$93,667.50	\$65,160.00	\$109,957.50	\$65,160.00	\$118,102.50

PD %	Weeks	2006-2012		2013		2014	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
68	415.25	\$53,982.50	\$95,507.50	\$66,440.00	\$112,117.50	\$66,440.00	\$120,422.50
69	423.25	\$55,022.50	\$97,347.50	\$67,720.00	\$114,277.50	\$67,720.00	\$122,742.50
70	433.25	\$56,322.50	\$116,977.50	\$69,320.00	\$125,642.50	\$69,320.00	\$125,642.50
71	449.25	\$58,402.50	\$121,297.50	\$71,880.00	\$130,282.50	\$71,880.00	\$130,282.50
72	465.25	\$60,482.50	\$125,617.50	\$74,440.00	\$134,922.50	\$74,440.00	\$134,922.50
73	481.25	\$62,562.50	\$129,937.50	\$77,000.00	\$139,562.50	\$77,000.00	\$139,562.50
74	497.25	\$64,642.50	\$134,257.50	\$79,560.00	\$144,202.50	\$79,560.00	\$144,202.50
75	513.25	\$66,722.50	\$138,577.50	\$82,120.00	\$148,842.50	\$82,120.00	\$148,842.50
76	529.25	\$68,802.50	\$142,897.50	\$84,680.00	\$153,482.50	\$84,680.00	\$153,482.50
77	545.25	\$70,882.50	\$147,217.50	\$87,240.00	\$158,122.50	\$87,240.00	\$158,122.50
78	561.25	\$72,962.50	\$151,537.50	\$89,800.00	\$162,762.50	\$89,800.00	\$162,762.50
79	577.25	\$75,042.50	\$155,857.50	\$92,360.00	\$167,402.50	\$92,360.00	\$167,402.50
80	593.25	\$77,122.50	\$160,177.50	\$94,920.00	\$172,042.50	\$94,920.00	\$172,042.50
81	609.25	\$79,202.50	\$164,497.50	\$97,480.00	\$176,682.50	\$97,480.00	\$176,682.50
82	625.25	\$81,282.50	\$168,817.50	\$100,040.00	\$181,322.50	\$100,040.00	\$181,322.50
83	641.25	\$83,362.50	\$173,137.50	\$102,600.00	\$185,962.50	\$102,600.00	\$185,962.50
84	657.25	\$85,442.50	\$177,457.50	\$105,160.00	\$190,602.50	\$105,160.00	\$190,602.50
85	673.25	\$87,522.50	\$181,777.50	\$107,720.00	\$195,242.50	\$107,720.00	\$195,242.50
86	689.25	\$89,602.50	\$186,097.50	\$110,280.00	\$199,882.50	\$110,280.00	\$199,882.50
87	705.25	\$91,682.50	\$190,417.50	\$112,840.00	\$204,522.50	\$112,840.00	\$204,522.50
88	721.25	\$93,762.50	\$194,737.50	\$115,400.00	\$209,162.50	\$115,400.00	\$209,162.50
89	737.25	\$95,842.50	\$199,057.50	\$117,960.00	\$213,802.50	\$117,960.00	\$213,802.50
90	753.25	\$97,922.50	\$203,377.50	\$120,520.00	\$218,442.50	\$120,520.00	\$218,442.50
91	769.25	\$100,002.50	\$207,697.50	\$123,080.00	\$223,082.50	\$123,080.00	\$223,082.50
92	785.25	\$102,082.50	\$212,017.50	\$125,640.00	\$227,722.50	\$125,640.00	\$227,722.50
93	801.25	\$104,162.50	\$216,337.50	\$128,200.00	\$232,362.50	\$128,200.00	\$232,362.50
94	817.25	\$106,242.50	\$220,657.50	\$130,760.00	\$237,002.50	\$130,760.00	\$237,002.50
95	833.25	\$108,322.50	\$224,977.50	\$133,320.00	\$241,642.50	\$133,320.00	\$241,642.50
96	849.25	\$110,402.50	\$229,297.50	\$135,880.00	\$246,282.50	\$135,880.00	\$246,282.50
97	865.25	\$112,482.50	\$233,617.50	\$138,440.00	\$250,922.50	\$138,440.00	\$250,922.50
98	881.25	\$114,562.50	\$237,937.50	\$141,000.00	\$255,562.50	\$141,000.00	\$255,562.50
99	897.25	\$116,642.50	\$242,257.50	\$143,560.00	\$260,202.50	\$143,560.00	\$260,202.50

100% PD = Temporary Total Disability rate for life per LC 4659 (b) plus SAWW increases for dates of injury on or after 1/1/03.