

Workers Compensation Claim State Environmental Guide - Illinois

ILLINOIS – <http://iwcc.il.gov/>

Indemnity issues

<p>Temporary Total Benefits</p>	<p>TTD rate is based on 2/3 of the AWW. AWW is based on gross earnings for the 52 week period prior to injury. Overtime is included at the straight time rate if overtime is regular or mandatory. Concurrent employment earnings are included if the employer was aware of the concurrent employment at the time of the injury. TTD rate is subject to the maximum & minimum rates.</p> <p>Minimum: The minimum is the employee's average weekly wage or the rate below, whichever is lower:</p> <table border="1" data-bbox="568 714 1526 1470"> <thead> <tr> <th># of Children +/or spouse</th> <th>Minimum</th> <th>Effective Date</th> <th>Maximum</th> </tr> </thead> <tbody> <tr><td>0</td><td>\$220.00</td><td>1/15/2006</td><td>\$1,096.27</td></tr> <tr><td>1</td><td>\$253.00</td><td>7/15/2006</td><td>\$1,120.87</td></tr> <tr><td>2</td><td>\$286.00</td><td>1/15/2007</td><td>\$1,148.51</td></tr> <tr><td>3</td><td>\$319.00</td><td>7/15/2007</td><td>\$1,164.37</td></tr> <tr><td>4</td><td>\$330.00</td><td>1/15/2008</td><td>\$1,178.48</td></tr> <tr><td></td><td></td><td>7/15/2008</td><td>\$1,216.75</td></tr> <tr><td></td><td></td><td>1/15/2009</td><td>\$1,243.00</td></tr> <tr><td></td><td></td><td>1/15/2010</td><td>\$1,243.00</td></tr> <tr><td></td><td></td><td>1/15/2011</td><td>\$1,243.00</td></tr> <tr><td></td><td></td><td>7/15/2011</td><td>\$1,261.41</td></tr> <tr><td></td><td></td><td>1/15/2012</td><td>\$1,288.96</td></tr> <tr><td></td><td></td><td>7/15/2012</td><td>\$1,295.47</td></tr> <tr><td></td><td></td><td>1/15/2013</td><td>\$1,320.03</td></tr> <tr><td></td><td></td><td>7/15/2013</td><td>\$1,331.20</td></tr> <tr><td></td><td></td><td>1/15/2014</td><td>\$1,336.91</td></tr> <tr><td></td><td></td><td>7/15/2014</td><td>\$1,341.07</td></tr> <tr><td></td><td></td><td>1/15/2015</td><td>\$1,361.79</td></tr> <tr><td></td><td></td><td>7/15/2015</td><td>\$1,379.73</td></tr> <tr><td></td><td></td><td>1/15/2016</td><td>\$1,398.23</td></tr> </tbody> </table> <p>Waiting period: 3 working days Retro period: 14 calendar days Limited or unlimited benefits: Not Applicable.</p>	# of Children +/or spouse	Minimum	Effective Date	Maximum	0	\$220.00	1/15/2006	\$1,096.27	1	\$253.00	7/15/2006	\$1,120.87	2	\$286.00	1/15/2007	\$1,148.51	3	\$319.00	7/15/2007	\$1,164.37	4	\$330.00	1/15/2008	\$1,178.48			7/15/2008	\$1,216.75			1/15/2009	\$1,243.00			1/15/2010	\$1,243.00			1/15/2011	\$1,243.00			7/15/2011	\$1,261.41			1/15/2012	\$1,288.96			7/15/2012	\$1,295.47			1/15/2013	\$1,320.03			7/15/2013	\$1,331.20			1/15/2014	\$1,336.91			7/15/2014	\$1,341.07			1/15/2015	\$1,361.79			7/15/2015	\$1,379.73			1/15/2016	\$1,398.23
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<p>Temporary Partial Benefits</p>	<p>Temporary Partial Benefits became effective 2/1/06. Temporary Partial Benefits are equal to 2/3 of the difference between the average amount that the employee would be able to earn in the full performance of his/her regular job compared to the net amount he/she is earning in the modified job provided by the employer or in any other job the employee is working.</p>																																																																																

Indemnity issues

Permanent Partial Benefits

The PPD rate is based on 60% of the AWW subject to the maximum & minimum rates.

Minimum: Same as TTD minimums.

Maximum: If amputation of a member or enucleation of an eye.

7/15/2005	\$1,078.31
1/15/2006	\$1,096.27
2/1/2006	\$1,096.27
7/15/2006	\$1,120.87
1/15/2007	\$1,148.51
7/15/2007	\$1,164.37
1/15/2008	\$1,178.48
7/15/2008	\$1,216.75
1/15/2009	\$1,231.41
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1/15/2011	\$1,261.41
1/15/2012	\$1,288.96
1/15/2013	\$1,320.03
1/15/2014	\$1,336.91
1/15/2015	\$1361.79
1/15/2016	\$1398.23

Maximum: If *not* amputation of a member or enucleation of an eye.

1/1/2005	\$591.77
7/1/2006	\$619.97
7/1/2007	\$636.15
7/1/2008	\$664.72
7/1/2009	\$664.72
7/1/2010	\$669.64
7/1/2011	\$695.78
7/1/2012	\$712.55
7/1/2013	\$712.55
7/1/2014	\$721.66
7/1/2015	\$755.22

Waiting period: Upon achievement of maximum medical improvement except in cases involving a statutory loss, e.g., amputations, loss of organ, facial/vertebra fractures) must be addressed upon cessation of temporary total disability benefits.

Indemnity issues

Permanent Total Benefits	Permanent Partial Disability is not based on AMA guidelines. It is based on the following Schedule:				
	Part of Body or Member	Before 7/20/2005	7/20/2005 through 11/15/2005	11/16/2005 through 1/31/2006	On or after 2/1/2006
	Disfigurement	150	162	150	162
	Thumb	70	76	70	76
	First (index) finger	40	43	40	43
	Second (middle) finger	35	38	35	38
	Third (ring) finger	25	27	25	27
	Fourth (little) finger	20	22	20	22
	Great toe	35	38	35	38
	Each other toe	12	13	12	13
	Hand	190	205	190	205
	Arm	235	253	235	253
	Amputation above elbow	250	270	250	270
	Amputation at shoulder joint	300	323	300	323
	Foot	155	167	155	167
	Leg	200	215	200	215
	Amputation above knee	225	242	225	242
	Amputation at hip joint	275	296	275	296
	Eye	150	162	150	162
	Inclination of eye	160	173	160	173
	Hearing loss of one ear	50	54	50	54
	Hearing loss of both ears	200	215	200	215
	Testicle – 1	50	54	50	54
Testicle – 2	150	162	150	162	

Indemnity issues

<p>Fatality Benefits</p>	<p>Permanent total disability benefits are payable in cases of complete disability that renders the employee wholly and permanently incapable of work. The specific loss of both hands, both arms and both feet, or both legs, or both eyes, or of any two thereof, of the permanent and complete loss of use thereof, constitutes total and permanent disability.</p> <table border="0" style="width: 100%;"> <thead> <tr> <th align="center" colspan="2">Minimum</th> <th align="center" colspan="2">Maximum</th> </tr> </thead> <tbody> <tr> <td>1/15/2006</td> <td>\$411.10</td> <td>1/15/2006</td> <td>\$1,096.27</td> </tr> <tr> <td>7/15/2006</td> <td>\$420.33</td> <td>7/15/2006</td> <td>\$1,120.87</td> </tr> <tr> <td>1/15/2007</td> <td>\$430.69</td> <td>1/15/2007</td> <td>\$1,148.51</td> </tr> <tr> <td>7/15/2007</td> <td>\$436.64</td> <td>7/15/2007</td> <td>\$1,164.37</td> </tr> <tr> <td>1/15/2008</td> <td>\$441.93</td> <td>1/15/2008</td> <td>\$1,178.48</td> </tr> <tr> <td>7/15/2008</td> <td>\$456.28</td> <td>7/15/2008</td> <td>\$1,216.75</td> </tr> <tr> <td>1/15/2009</td> <td>\$461.78</td> <td>1/5/2009</td> <td>\$1,231.41</td> </tr> <tr> <td>7/15/2009</td> <td>\$466.13</td> <td>7/15/2009</td> <td>\$1,243.00</td> </tr> <tr> <td>1/15/2010</td> <td>\$466.13</td> <td>1/15/2010</td> <td>\$1,243.00</td> </tr> <tr> <td>1/15/2011</td> <td>\$473.07</td> <td>1/15/2011</td> <td>\$1,261.41</td> </tr> <tr> <td>1/15/2012</td> <td>\$483.36</td> <td>1/15/2012</td> <td>\$1,288.96</td> </tr> <tr> <td>1/15/2013</td> <td>\$495.01</td> <td>1/15/2013</td> <td>\$1,320.03</td> </tr> <tr> <td>1/15/2014</td> <td>\$501.34</td> <td>1/15/2014</td> <td>\$1,336.91</td> </tr> <tr> <td>1/15/2015</td> <td>\$510.67</td> <td>1/15/2015</td> <td>\$1,361.79</td> </tr> <tr> <td>1/15/2016</td> <td>\$524.34</td> <td>1/15/2016</td> <td>\$1,398.23</td> </tr> </tbody> </table> <p>Waiting period: Upon stipulation by parties or award by the Illinois Workers' Compensation Commission.</p> <p>Unlimited benefits</p>	Minimum		Maximum		1/15/2006	\$411.10	1/15/2006	\$1,096.27	7/15/2006	\$420.33	7/15/2006	\$1,120.87	1/15/2007	\$430.69	1/15/2007	\$1,148.51	7/15/2007	\$436.64	7/15/2007	\$1,164.37	1/15/2008	\$441.93	1/15/2008	\$1,178.48	7/15/2008	\$456.28	7/15/2008	\$1,216.75	1/15/2009	\$461.78	1/5/2009	\$1,231.41	7/15/2009	\$466.13	7/15/2009	\$1,243.00	1/15/2010	\$466.13	1/15/2010	\$1,243.00	1/15/2011	\$473.07	1/15/2011	\$1,261.41	1/15/2012	\$483.36	1/15/2012	\$1,288.96	1/15/2013	\$495.01	1/15/2013	\$1,320.03	1/15/2014	\$501.34	1/15/2014	\$1,336.91	1/15/2015	\$510.67	1/15/2015	\$1,361.79	1/15/2016	\$524.34	1/15/2016	\$1,398.23
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<p>Vocational Rehabilitation</p>	<p>Death benefits are paid to the spouse and/or children. Benefits are paid to children until age 18; or until age 25 if a full-time student; or, if physically or mentally incapacitated, for the duration of the incapacity.</p> <p>For injuries occurring prior to 2/1/06: Death benefits are paid for 20 years or \$250,000, whichever is greater.</p> <p>Burial expense Max: \$4,200</p> <p>For injuries occurring on or after 2/1/06: Death benefits are paid for 25 years or \$500,000, whichever is greater.</p> <p>Burial Expense Max: \$8,000</p> <p>Minimum: Same as Permanent Total minimums.</p> <p>Maximum: Same as Permanent Total maximums.</p> <p>Waiting Period: Must prove up spousal relationship and/or dependency.</p>																																																																
<p>Settlement Allowed</p>	<p>Where appropriate, the employer must pay for treatment, instruction and training necessary for the physical, mental and vocational rehabilitation of the employee. Vocational rehabilitation counselor providing service under the Act must have the appropriate certifications.</p>																																																																
<p>Cap on benefits, exceptions</p>	<p>Yes</p>																																																																

Medical issues

<p>Initial Choice of Provider</p>	<p>Reform has provided for employee to see physician within approved network. Employee has 2 choices of treating physicians (and any referrals within the chain of the 2 choices) unless employee opts out of network, which is in effect their second choice. Rules are not yet in place for Travelers.</p>
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Illinois Workers Compensation Claim State Environmental Guide

Medical issues

Change of Provider	One provider change is allowed. Referrals within employee's 2 choices are allowed. Reform has allowed opt out of network. Rules are not yet in place for Travelers.
Medical Fee Schedule	Yes. Effective for treatment beginning 2/1/06. It is not Medicare based. It is based from an IL state specific formula.
Managed Care	None.
Utilization Review	Yes. May include prospective review, second opinions, concurrent review, discharge planning, peer review, independent medical examinations and retrospective review. Only a health care professional may make determinations regarding the medical necessity of health care services during the course of utilization review.
Treatment Guidelines	No
Generic Drug Substitution	The state allows generic substitution; however, it is not mandatory.
Medical Mileage Reimbursement Rate	Mileage is mandatory for IME attendance only. Paid at \$.54 per mile.
Network Information	Coventry (primary) and Corvel (secondary).
Ability to Terminate Medical Treatment	Medical treatment may be terminated based on an Independent Medical Examination which supports termination of medical treatment.
Settlement Allowed	Yes. Future medical treatment can be closed out on settlement contracts.
Cap on benefits, exceptions	Yes. Subject to Medical Fee Schedule. Balance billing is not allowed.

Other Issues

WC Hearing Docket Speed	Cases set on initial status call 60 days post filing of an Application for Adjustment of Claim. Cases are returned to the Docket every 60 days thereafter until resolved or motioned for hearing. Can take up to 2 years for average case to proceed to a hearing.	
Staff Counsel	Holecek & Associates 161 N. Clark Street Suite 800 Chicago, IL 60601	Law Offices of Steven Larson 940 West Port Plaza, Suite 208 St. Louis, MO 63146
Hearings require attorney or claim handler participation	Attorney participation is required.	
Occupational Diseases	Handled same as Occupational Injury.	
Second Injury Fund availability	Available through the state.	
Other Offset Opportunities	May take credit for prior injuries involving a specific body member. No credit allowed for prior Body as a Whole injuries.	
EDI	Claims EDI Release 1: FROI only (7/1/1993)	
In-State Adjusting Required	No	
License or Certification Required	No	

Other Issues

	<p>The Illinois Workers' Compensation Act underwent significant reform in September, 2011. Major changes included the Medical Fee Schedule, maximum PPD cap on carpal tunnel injuries, and creation of PPP networks, wage differential using work life expectancy, and reporting requirements. These changes and their effects are summarized in these documents:</p> <p>Illinois Reform White Paper Public Act 97-18 Illinois Reform NCCI Filing HB 1698 7-11</p>

Additional Comments

	<p>The Statute of Limitations is 3 years from the date of injury or 2 years from the last workers' compensation payment, whichever is later.</p>