

House File 2437 - Introduced

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BY SRINIVAS and YOUNG

A BILL FOR

1 An Act relating to standards for determination of loss or
2 permanent impairment for purposes of permanent partial
3 disability under workers' compensation and including
4 applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 85.34, subsection 2, unnumbered
2 paragraph 1, Code 2024, is amended to read as follows:

3 Compensation for permanent partial disability shall begin
4 when it is medically indicated that maximum medical improvement
5 from the injury has been reached and that the extent of loss or
6 percentage of permanent impairment can be determined by use of
7 the most recent annual update to the most recent edition of the
8 guides to the evaluation of permanent impairment, published by
9 the American medical association, ~~as adopted by the workers'~~
10 ~~compensation commissioner by rule pursuant to chapter 17A.~~ The
11 compensation shall be in addition to the benefits provided by
12 sections 85.27 and 85.28. The compensation shall be based
13 upon the extent of the disability and upon the basis of eighty
14 percent per week of the employee's average spendable weekly
15 earnings, but not more than a weekly benefit amount, rounded to
16 the nearest dollar, equal to one hundred eighty-four percent of
17 the statewide average weekly wage paid employees as determined
18 by the department of workforce development under section 96.1A,
19 subsection 35, and in effect at the time of the injury. The
20 minimum weekly benefit amount shall be equal to the weekly
21 benefit amount of a person whose gross weekly earnings are
22 thirty-five percent of the statewide average weekly wage. For
23 all cases of permanent partial disability, compensation shall
24 be paid as follows:

25 Sec. 2. Section 85.34, subsection 2, paragraph x, Code 2024,
26 is amended to read as follows:

27 x. In all cases of permanent partial disability described in
28 paragraphs "a" through "u", or paragraph "v" when determining
29 functional disability and not loss of earning capacity, the
30 extent of loss or percentage of permanent impairment shall
31 be determined solely by utilizing the most recent annual
32 update to the most recent edition of the guides to the
33 evaluation of permanent impairment, published by the American
34 medical association, ~~as adopted by the workers' compensation~~
35 ~~commissioner by rule pursuant to chapter 17A.~~ Lay testimony

1 or agency expertise shall not be utilized in determining loss
2 or percentage of permanent impairment pursuant to paragraphs
3 "a" through "u", or paragraph "v" when determining functional
4 disability and not loss of earning capacity.

5 Sec. 3. APPLICABILITY. This Act applies to determinations
6 of extent of loss or percentage of permanent impairment for
7 purposes of section 85.34, subsection 2, occurring on or after
8 the effective date of this Act.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 Under current law, determinations of extent of loss or
13 percentage of permanent impairment for purposes of permanent
14 partial disability under workers' compensation use the guides
15 to the evaluation of permanent impairment published by the
16 American medical association, as adopted by the workers'
17 compensation commissioner by rule. This bill specifies that
18 the most recent annual update to the most recent edition of
19 the guides shall be used. The bill strikes the requirement
20 that the workers' compensation commissioner adopt the guides
21 by rule.

22 The workers' compensation commissioner has adopted the fifth
23 edition of the guides, published in 2001, by rule. The most
24 recent annual update to the most recent edition of the guides
25 is the 2023 update to the sixth edition.

26 The bill applies to determinations of extent of loss or
27 percentage of permanent impairment for purposes of permanent
28 partial disability under workers' compensation occurring on or
29 after the effective date of the bill.