

**Senate File 454 - Introduced**

SENATE FILE 454

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**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:

unofficial

1 Section 1. Section 85.34, subsection 2, unnumbered paragraph  
2 1, Code 2025, is amended to read as follows:

3 Compensation for permanent partial disability shall begin when  
4 it is medically indicated that maximum medical improvement from  
5 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  
8 the guides to the evaluation of permanent impairment, published  
9 by 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 be  
24 paid as follows:

25 Sec. 2. Section 85.34, subsection 2, paragraph x, Code 2025,  
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 be  
31 determined solely by utilizing the most recent annual update  
32 to the most recent edition of the guides to the evaluation  
33 of permanent impairment, published by the American medical  
34 association, ~~as adopted by the workers' compensation commissioner~~  
35 ~~by rule pursuant to chapter 17A.~~ Lay testimony or agency

1 expertise shall not be utilized in determining loss or percentage  
2 of permanent impairment pursuant to paragraphs "a" through "u",  
3 or paragraph "v" when determining functional disability and not  
4 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 to  
15 the evaluation of permanent impairment published by the American  
16 medical association, as adopted by the workers' compensation  
17 commissioner by rule. This bill specifies that the most recent  
18 annual update to the most recent edition of the guides shall  
19 be used. The bill strikes the requirement that the workers'  
20 compensation commissioner adopt the guides by rule.

21 The workers' compensation commissioner has adopted the fifth  
22 edition of the guides, published in 2001, by rule. The most  
23 recent annual update to the most recent edition of the guides is  
24 currently the 2024 update to the sixth edition.

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