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By: Representative Watson

To: Insurance

HOUSE BILL NO. 1150

1 2 3 4	AN ACT TO AMEND SECTION 71-3-17, MISSISSIPPI CODE OF 1972, TO INCREASE FROM \$2,000.00 TO \$5,000.00 THE AMOUNT OF COMPENSATION THE WORKERS' COMPENSATION COMMISSION IS AUTHORIZED TO AWARD FOR SERIOUS FACIAL OR HEAD DISFIGUREMENTS; AND FOR RELATED PURPOSES.
5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
6	SECTION 1. Section 71-3-17, Mississippi Code of 1972,
7	is amended as follows:
8	71-3-17. Compensation for disability shall be paid to the
9	employee as follows:
10	(a) Permanent total disability: In case of total
11	disability adjudged to be permanent, sixty-six and two-thirds
12	percent (66-2/3%) of the average weekly wages of the injured
13	employee, subject to the maximum limitations as to weekly benefits
14	as set up in this chapter, shall be paid to the employee not to
15	exceed four hundred fifty (450) weeks or an amount greater than
16	the multiple of four hundred fifty (450) weeks times sixty-six and
17	two-thirds percent (66-2/3%) of the average weekly wage for the
18	state. Loss of both hands, or both arms, or both feet, or both
19	legs, or both eyes, or of any two (2) thereof shall constitute
20	permanent total disability. In all other cases permanent total
21	disability shall be determined in accordance with the facts.
22	(b) Temporary total disability: In case of disability,
23	total in character but temporary in quality, sixty-six and
24	two-thirds percent (66-2/3%) of the average weekly wages of the
25	injured employee, subject to the maximum limitations as to weekly
26	benefits as set up in this chapter, shall be paid to the employee
27	during the continuance of such disability not to exceed four
28	hundred fifty (450) weeks or an amount greater than the multiple

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06/HR07/R1359 PAGE 1 (BS\HS) 29 of four hundred fifty (450) weeks times sixty-six and two-thirds

30 percent (66-2/3%) of the average weekly wage for the state.

31 Provided, however, if there arises a conflict in medical opinions

32 of whether or not the claimant has reached maximum medical

33 recovery and the claimant's benefits have terminated by the

34 carrier, then the claimant may demand an immediate hearing before

35 the commissioner upon five (5) days' notice to the carrier for a

determination by the commission of whether or not in fact the

37 claimant has reached maximum recovery.

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38 (c) Permanent partial disability: In case of
39 disability partial in character but permanent in quality, the
40 compensation shall be sixty-six and two-thirds percent (66-2/3%)
41 of the average weekly wages of the injured employee, subject to
42 the maximum limitations as to weekly benefits as set up in this
43 chapter, which shall be paid following compensation for temporary
44 total disability paid in accordance with subsection (b) of this

section, and shall be paid to the employee as follows:

46	Memb	er Lost	Number Weeks Compensation
47	(1)	Arm	200
48	(2)	Leg	175
49	(3)	Hand	150
50	(4)	Foot	125
51	(5)	Еуе	100
52	(6)	Thumb	60
53	(7)	First finger	35
54	(8)	Great toe	30
55	(9)	Second finger	30
56	(10)	Third finger	20
57	(11)	Toe other than great to	e 10
58	(12)	Fourth finger	15
59	(13)	Testicle, one	50
60	(14)	Testicle, both	150
61	(15)	Breast, female, one	50

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62 (16) Breast, female, both 150

- 63 (17) Loss of hearing: Compensation for loss of hearing of
- one (1) ear, forty (40) weeks. Compensation for loss of hearing
- of both ears, one hundred fifty (150) weeks.
- 66 (18) Phalanges: Compensation for loss of more than one (1)
- 67 phalange of a digit shall be the same as for loss of the entire
- 68 digit. Compensation for loss of the first phalange shall be
- 69 one-half (1/2) of the compensation for loss of the entire digit.
- 70 (19) Amputated arm or leg: Compensation for an arm or leg,
- 71 if amputated at or above wrist or ankle, shall be for the loss of
- 72 the arm or leg.
- 73 (20) Binocular vision or percent of vision: Compensation
- 74 for loss of binocular vision or for eighty percent (80%) or more
- 75 of the vision of an eye shall be the same as for loss of the eye.
- 76 (21) Two (2) or more digits: Compensation for loss of two
- 77 (2) or more digits, or one (1) or more phalanges of two (2) or
- 78 more digits, of a hand or foot may be proportioned to the loss of
- 79 the use of the hand or foot occasioned thereby, but shall not
- 80 exceed the compensation for loss of a hand or foot.
- 81 (22) Total loss of use: Compensation for permanent total
- 82 loss of use of a member shall be the same as for loss of the
- 83 member.
- 84 (23) Partial loss or partial loss of use: Compensation for
- 85 permanent partial loss or loss of use of a member may be for
- 86 proportionate loss or loss of use of the member.
- 87 (24) Disfigurement: The commission, in its discretion, is
- 88 authorized to award proper and equitable compensation for serious
- 89 facial or head disfigurements not to exceed Five Thousand Dollars
- 90 (\$5,000.00). No such award shall be made until a lapse of one (1)
- 91 year from the date of the injury resulting in such disfigurement.
- 92 (25) Other cases: In all other cases in this class of
- 93 disability, the compensation shall be sixty-six and two-thirds
- 94 percent (66-2/3%) of the difference between his average weekly

- 95 wages, subject to the maximum limitations as to weekly benefits as
- 96 set up in this chapter, and his wage-earning capacity thereafter
- 97 in the same employment or otherwise, payable during the
- 98 continuance of such partial disability, but subject to
- 99 reconsideration of the degree of such impairment by the commission
- 100 on its own motion or upon application of any party in interest.
- 101 Such payments shall in no case be made for a longer period than
- 102 four hundred fifty (450) weeks.
- 103 (26) In any case in which there shall be a loss of, or loss
- 104 of use of, more than one (1) member or parts of more than one (1)
- 105 member set forth in paragraphs (1) to (23) of this subsection, not
- 106 amounting to permanent total disability, the award of compensation
- 107 shall be for the loss of, or loss of use of, each such member or
- 108 parts thereof, which awards shall run consecutively, except that
- 109 where the injury affects only two (2) or more digits of the same
- 110 hand or foot, paragraph (21) of this subsection shall apply.
- 111 SECTION 2. This act shall take effect and be in force from
- 112 and after July 1, 2006.