

# 2011 Illinois Workers' Compensation Reform Key Components

Effective June 28, 2011	Effective July 1, 2011	Effective September 1, 2011
<p><b>Carpal Tunnel Syndrome</b></p> <ul style="list-style-type: none"> <li>• Repetitive or cumulative traumas only</li> <li>• CTS awards capped at 15% loss of use of the hand (28.5 wks)</li> <li>• For “clear &amp; convincing evidence” award can increase to 30% (57 wks)</li> </ul> <p><b>Preferred Physician Panels (PPPs)</b></p> <ul style="list-style-type: none"> <li>• If no PPP, current law applies:               <ul style="list-style-type: none"> <li>○ employee can choose 2 doctors and all referrals</li> </ul> </li> <li>• If PPP:               <ul style="list-style-type: none"> <li>○ employee can opt out in writing and choose 1 doctor and all referrals</li> <li>○ employee can opt in and choose 2 doctors all referrals</li> </ul> </li> </ul>	<p><b>Arbitrators</b></p> <ul style="list-style-type: none"> <li>• All arbitrators terminated, but continue to serve until re-appointed or replaced</li> <li>• 3-year terms</li> <li>• Must be IL-licensed attorneys (current non-attorneys grandfathered in)</li> <li>• Minimum of three arbitrators in all venues</li> </ul>	<p><b>Fee Schedule</b></p> <ul style="list-style-type: none"> <li>• If fee schedule amount is in place: charge shall be no more than 70% of fee scheduled amount</li> <li>• If not fee scheduled: reimbursement will be 53.2% (remains at 76% until 9/1/11)</li> </ul> <p><b>Intoxication</b></p> <ul style="list-style-type: none"> <li>• No compensation:               <ul style="list-style-type: none"> <li>○ intoxication is proximate cause of injury</li> <li>○ so intoxicated that the intoxication was departure from employment</li> </ul> </li> <li>• Employee overcomes rebuttable presumption by proving, by preponderance of evidence, that intoxication was not “sole proximate cause” of injury</li> </ul> <p><b>PPD</b></p> <ul style="list-style-type: none"> <li>• AMA guidelines to be used to determine impairment along with 4 other factors (occupation, age, future earning capacity, evidence of disability in medical records)</li> <li>• No single factor shall determine disability</li> </ul> <p><b>Utilization Review</b></p> <ul style="list-style-type: none"> <li>• If UR denies treatment, employee has a burden to show treatment is reasonably required</li> <li>• UR only for extent &amp; scope of treatment</li> <li>• UR professional must be available in IL or by phone for deposition</li> </ul> <p><b>Wage Differential</b></p> <ul style="list-style-type: none"> <li>• Age 67 or 5 years, whichever is later</li> </ul>