

Introduced by

1 A BILL for an Act to amend and reenact subsection 11 of section 65-05-12.2 of the North  
2 Dakota Century Code, relating to workers' compensation permanent partial impairment awards  
3 for loss of vision; to provide for application; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 11 of section 65-05-12.2 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 11. An amputation of a finger or toe at the level of the distal interphalangeal joint or  
8 proximal to that joint, or the thumb or the great toe at the interphalangeal joint or  
9 proximal to that joint, which is determined to result in a whole body impairment of  
10 less than sixteen percent and which is not identified in the following schedule, is  
11 payable as a sixteen percent impairment. If an evaluation for the loss of an eye or  
12 for an amputation results in an award that is less than the permanent impairment  
13 multiplier identified in the following schedule, the organization shall pay an award  
14 equal to the permanent impairment multiplier set out in the following schedule:

|    |                                        |                      |
|----|----------------------------------------|----------------------|
| 15 | For amputation of a thumb              | permanent impairment |
| 16 |                                        | multiplier of 65     |
| 17 | For amputation of the second or distal | permanent impairment |
| 18 | phalanx of the thumb                   | multiplier of 28     |
| 19 | For amputation of the first finger     | permanent impairment |
| 20 |                                        | multiplier of 40     |
| 21 | For amputation of the middle or second | permanent impairment |
| 22 | phalanx of the first finger            | multiplier of 28     |
| 23 | For amputation of the third or distal  | permanent impairment |
| 24 | phalanx of the first finger            | multiplier of 22     |

|    |                                               |                      |
|----|-----------------------------------------------|----------------------|
| 1  | For amputation of the second finger           | permanent impairment |
| 2  |                                               | multiplier of 30     |
| 3  | For amputation of the middle or second        | permanent impairment |
| 4  | phalanx of the second finger                  | multiplier of 22     |
| 5  | For amputation of the third or distal         | permanent impairment |
| 6  | phalanx of the second finger                  | multiplier of 14     |
| 7  | For amputation of the third finger            | permanent impairment |
| 8  |                                               | multiplier of 20     |
| 9  | For amputation of the middle or second        | permanent impairment |
| 10 | phalanx of the third finger                   | multiplier of 16     |
| 11 | For amputation of the fourth finger           | permanent impairment |
| 12 |                                               | multiplier of 16     |
| 13 | For amputation of the middle or second        | permanent impairment |
| 14 | phalanx of the fourth finger                  | multiplier of 12     |
| 15 | For amputation of the leg at the hip          | permanent impairment |
| 16 |                                               | multiplier of 234    |
| 17 | For amputation of the leg at or above         | permanent impairment |
| 18 | the knee                                      | multiplier of 195    |
| 19 | For amputation of the leg at or above         | permanent impairment |
| 20 | the ankle                                     | multiplier of 150    |
| 21 | For amputation of a great toe                 | permanent impairment |
| 22 |                                               | multiplier of 30     |
| 23 | For amputation of the second or               | permanent impairment |
| 24 | distal phalanx of the great toe               | multiplier of 18     |
| 25 | For amputation of any other toe               | permanent impairment |
| 26 |                                               | multiplier of 12     |
| 27 | For loss of an eye                            | permanent impairment |
| 28 |                                               | multiplier of 150    |
| 29 | <u>For loss of vision, awards for vision</u>  |                      |
| 30 | <u>loss based on a change of corrected</u>    |                      |
| 31 | <u>visual acuity for the listed permanent</u> |                      |

|    |                                           |            |
|----|-------------------------------------------|------------|
| 1  | <u>impairment multipliers as follows:</u> |            |
| 2  | <u>20/80</u>                              | <u>50</u>  |
| 3  | <u>20/180</u>                             | <u>55</u>  |
| 4  | <u>20/280</u>                             | <u>60</u>  |
| 5  | <u>20/385</u>                             | <u>65</u>  |
| 6  | <u>20/485</u>                             | <u>70</u>  |
| 7  | <u>20/585</u>                             | <u>75</u>  |
| 8  | <u>20/690</u>                             | <u>80</u>  |
| 9  | <u>20/790</u>                             | <u>85</u>  |
| 10 | <u>20/890</u>                             | <u>90</u>  |
| 11 | <u>20/995</u>                             | <u>95</u>  |
| 12 | <u>20/1095</u>                            | <u>100</u> |
| 13 | <u>20/1195</u>                            | <u>105</u> |
| 14 | <u>20/1300</u>                            | <u>110</u> |
| 15 | <u>20/1400</u>                            | <u>115</u> |
| 16 | <u>20/1500</u>                            | <u>120</u> |
| 17 | <u>20/1605</u>                            | <u>125</u> |
| 18 | <u>20/1705</u>                            | <u>130</u> |
| 19 | <u>20/1805</u>                            | <u>135</u> |
| 20 | <u>20/1910</u>                            | <u>140</u> |
| 21 | <u>20/2000</u>                            | <u>145</u> |

22 The award for the amputation of more than one finger of one hand may not exceed  
23 an award for the amputation of a hand. The award for the amputation of more than  
24 one toe of one foot may not exceed an award for the amputation of a foot. If any of  
25 the amputations or losses set out in this subsection combine with other  
26 impairments for the same work-related injury or condition, the organization shall  
27 issue an impairment award based on the greater of the permanent impairment  
28 multiplier allowed for the combined rating established under the fifth edition of the  
29 American medical association's "Guides to the Evaluation of Permanent  
30 Impairment" or the permanent impairment multiplier set forth in this subsection.

- 1           **SECTION 2. APPLICATION.** This Act applies to injuries that occur on or after the  
2 effective date of this Act.
- 3           **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.