

34A-2-412 Permanent partial disability -- Scale of payments.

(1) An employee who sustained a permanent impairment as a result of an industrial accident and who files an application for hearing under Section 34A-2-417 may receive a permanent partial disability award from the commission.

(2) Weekly payments may not in any case continue after the disability ends, or the death of the injured person.

(3) (a) In the case of the injuries described in Subsections (4) through (6), the compensation shall be 66-2/3% of that employee's average weekly wages at the time of the injury, but not more than a maximum of 66-2/3% of the state average weekly wage at the time of the injury per week and not less than a minimum of \$45 per week plus \$5 for a dependent spouse and \$5 for each dependent child under the age of 18 years, up to a maximum of four dependent children, but not to exceed 66-2/3% of the state average weekly wage at the time of the injury per week.

(b) The compensation determined under Subsection (3)(a) shall be:

- (i) paid in routine pay periods not to exceed four weeks for the number of weeks provided for in this section; and
- (ii) in addition to the compensation provided for temporary total disability and temporary partial disability.

(4) For the loss of:

Number of Weeks

(a) Upper extremity

(i) Arm

(A) Arm and shoulder (forequarter amputation) 218

(B) Arm at shoulder joint, or above deltoid insertion 187

(C) Arm between deltoid insertion and elbow joint, at elbow joint, or below elbow joint proximal to insertion of biceps tendon 178

(D) Forearm below elbow joint distal to insertion of biceps tendon 168

(ii) Hand

(A) At wrist or midcarpal or midmetacarpal amputation 168

(B) All fingers except thumb at metacarpophalangeal joints 101

(iii) Thumb

(A) At metacarpophalangeal joint or with resection of carpometacarpal bone 67

(B) At interphalangeal joint 50

(iv) Index finger

(A) At metacarpophalangeal joint or with resection of metacarpal bone 42

(B) At proximal interphalangeal joint 34

(C) At distal interphalangeal joint

	.....	18
(v) Middle finger		
(A) At metacarpophalangeal joint or with resection of metacarpal bone	.....	34
(B) At proximal interphalangeal joint	.....	27
(C) At distal interphalangeal joint	.....	15
(vi) Ring finger		
(A) At metacarpophalangeal joint or with resection of metacarpal bone	.....	17
(B) At proximal interphalangeal joint	.....	13
(C) At distal interphalangeal joint	.....	8
(vii) Little finger		
(A) At metacarpophalangeal joint or with resection of metacarpal bone	.....	8
(B) At proximal interphalangeal joint	.....	6
(C) At distal interphalangeal joint	.....	4
(b) Lower extremity		
(i) Leg		
(A) Hemipelvectomy (leg, hip and pelvis)	.....	156
(B) Leg at hip joint or three inches or less below tuberosity of ischium	.....	125
(C) Leg above knee with functional stump, at knee joint or Gritti-Stokes amputation or below knee with short stump (three inches or less below intercondylar notch)	.....	112
(D) Leg below knee with functional stump	.....	88
(ii) Foot		
(A) Foot at ankle	.....	88
(B) Foot partial amputation (Chopart's)	.....	66
(C) Foot midmetatarsal amputation	.....	44
(iii) Toes		
(A) Great toe		
(I) With resection of metatarsal bone	.....	26
(II) At metatarsophalangeal joint	.....	16
(III) At interphalangeal joint		

	.....	12
(B) Lesser toe (2nd -- 5th)		
(I) With resection of metatarsal bone	.....	4
(II) At metatarsophalangeal joint	.....	3
(III) At proximal interphalangeal joint	.....	2
(IV) At distal interphalangeal joint	.....	1
(C) All toes at metatarsophalangeal joints	.....	26
(iv) Miscellaneous		
(A) One eye by enucleation	.....	120
(B) Total blindness of one eye	.....	100
(C) Total loss of binaural hearing	.....	109
(5) Permanent and complete loss of use shall be deemed equivalent to loss of the member. Partial loss or partial loss of use shall be a percentage of the complete loss or loss of use of the member. This Subsection (5) does not apply to the items listed in Subsection (4)(b)(iv).		
(6)		
(a) For any permanent impairment caused by an industrial accident that is not otherwise provided for in the schedule of losses in this section, permanent partial disability compensation shall be awarded by the commission based on the medical evidence.		
(b) Compensation for any impairment described in Subsection (6)(a) shall, as closely as possible, be proportionate to the specific losses in the schedule set forth in this section.		
(c) Permanent partial disability compensation may not:		
(i) exceed 312 weeks, which shall be considered the period of compensation for permanent total loss of bodily function; and		
(ii) be paid for any permanent impairment that existed prior to an industrial accident.		
(7) The amounts specified in this section are all subject to the limitations as to the maximum weekly amount payable as specified in this section, and in no event shall more than a maximum of 66-2/3% of the state average weekly wage at the time of the injury for a total of 312 weeks in compensation be required to be paid.		

Renumbered and Amended by Chapter 375, 1997 General Session