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# **Tennessee Workers' Compensation Data**

## **Calendar Years 2002-2011**



# **A Report of Statewide Data for the Tennessee**

## **Advisory Council on Workers' Compensation**

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**August, 2012**

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**August, 2012**

David Wilstermann



**Statistical Report:**  
**Tennessee Workers' Compensation Data: 2002-2012**  
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## Introduction

Since calendar year 2000, the Tennessee Advisory Council on Workers' Compensation has been benchmarking the state's workers' compensation system using data collected by the Tennessee Department of Labor and Workforce Development. This report presents ten years of statewide workers' compensation data from cases involving permanent disability closed in 2002 to 2011. Even though ten years are presented, the 2011 data will be the focus. Contained in the following pages are data background information, conclusion type information, case length information, injured worker demographics, and temporary and permanent disability information. A statistical supplement containing judicial district data will be produced separately. There have been no major changes to Tennessee's workers' compensation system since 2004, therefore there have been no modifications on what information is contained in this report.<sup>1</sup> Appendix A provides graphs of the mean and median amounts for the tables discussed throughout the main body of the report. Appendix B provides a summary of the changes made to Tennessee's workers' compensation system in 2004.

While it is possible to infer systemic changes, the primary function of this report is to be a snapshot of the Tennessee workers' compensation system from year to year. Some of the systemic changes observed for 2011 are:

- Trials are utilized as a method of concluding cases in 0.9% of cases in 2011 and have been between 0.9% and 1.3% of cases since 2008.
- The percent of cases that were settlements approved by the Department of Labor and Workforce Development remains around 60%, but were utilized less than 40% of the time prior to the implantation of mandatory mediation.
- Both the length and the amount of temporary total disability benefits may have peaked in 2010. For 2011, benefits were paid

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<sup>1</sup> SB 932/SB1503, 2011 PC 416 addressed repetitive motion injuries, however, there has not been enough time for cases of this nature to have gone through the system in meaningful numbers to provide analysis.

for an average of 25.2 weeks. The mean amount of benefits paid was \$10,242.

- Post reform medical benefits/expenses leveled off after years of annual increases pre reform.
- Permanent Partial Disability benefits paid for when an injured worker returns to work continue to decrease.
- The total number of cases closed per year has decreased by nearly 1,800 since 2008 and over 4,200 since 2004.

This statistical report is possible because the General Assembly, in 1998, enacted Tennessee Code Annotated §50-6-244 that established a method by which workers' compensation data specific to each Tennessee claim is to be reported to the Department of Labor and Workforce Development (hereinafter, "Department"). The statute requires the parties to complete and file a statistical data form (SD-1) at the conclusion of a case, contemporaneously with the final order or, if the settlement is approved by the Department, at the time the settlement is approved.

After the statistical data forms are received by the Department, the data from the individual forms are entered into the integrated workers' compensation computer system. The Department provided the Advisory Council with data from the database. It is from this database that the following statistics were developed. The number of cases will vary from chart to chart. This is because the statewide figures reported are calculated with the data available in the Department's database, which is dependent on the degree to which the SD-1 forms are fully completed. In other words, all data listed on the forms sent in are entered into the database, but not all fields on the filed SD-1 forms are fully complete.

The following is the compilation of statistics from SD-1 forms received by the Department for claims/cases concluded in calendar years 2002 through 2011.

## Methods

Pursuant to Tennessee statute, participants in the Tennessee workers' compensation system are required to send certain reports to the Tennessee Department of Labor and Workforce Development (hereinafter Department). One report, the "Employer's First Report of Work Injury or Illness" (hereinafter First Report or C-20), is the document that initiates a claim file within the Department for a reportable workers' compensation claim. This form is required to be completed by the employer for every work-related injury. One of the final reports received by the Department is the "Statistical Data Form" (hereinafter SD-1). It is the closing document for a claim in which a permanent injury was sustained. The SD-1 form is filed by the attorney representing the employer/insurance carrier with the clerk of the court in which a claim is concluded by trial or settlement and the clerk then transmits the completed SD-1 form to the Department. For settlement agreements approved by the Department, the SD-1 form is submitted to the Department at the time of the approval.

The Department operates an integrated computer system which is referred to as the "Workers' Compensation Computer System" (hereinafter WCS). It is into this database that the information from the First Report and the SD-1 forms are entered. The Department has provided, at the request of the Workers' Compensation Advisory Council, data from the WCS. In June of 2012, data from calendar year 2011 was provided. The data is from First Report and SD-1 forms. For 2011 there are 7,892 cases. This report combines previously reported statewide workers' compensation data from 2002 through 2010. This gives the opportunity to view ten years of Tennessee workers' compensation data.

## Number of Cases

Workers' compensation cases which involve permanent injury may be concluded four different ways in Tennessee. Those four ways are as follows:

### *Trial*

A complaint is filed, the case does not settle and the case is tried before a judge who determines the outcome of the case.

### *Settlement - Complaint Filed*

A complaint is filed, but the parties reach a settlement agreement prior to trial. Such a settlement may be approved by the court or the Department of Labor and Workforce Development.

### *Joint Petition Settlement*

A complaint is not filed. However, the parties reach an agreed settlement and the agreement is presented to a court for approval. The court requires a petition and an order to be filed.

### *Settlement Approved by Department of Labor and Workforce Development*

The Department has the authority to approve settlements reached in cases in which a complaint has been filed and in cases in which no complaint has been filed.

Table 1 displays the number and percent of each type of conclusion for cases involving permanent injury in Tennessee. The percent of Department approved settlements rose consistently from 25.0% in 2001 to 56.4% in 2006. While still continuing to rise, the percent of Department approved settlements began to level off, from 56.4% of all conclusion types in 2006 to peak in 2009 at 61.4%.<sup>2</sup> Cases from calendar year 2011 continue the DoLWD approved settlement rate at around 61%. The actual percent of Department approved settlements for 2011 is 59.7%. The percent of settlements where a complaint was filed continued to show decreases, with 9.2% of cases being of that manner compared to 13.6% in 2009. Trails are utilized to conclude cases 0.9% of the time.

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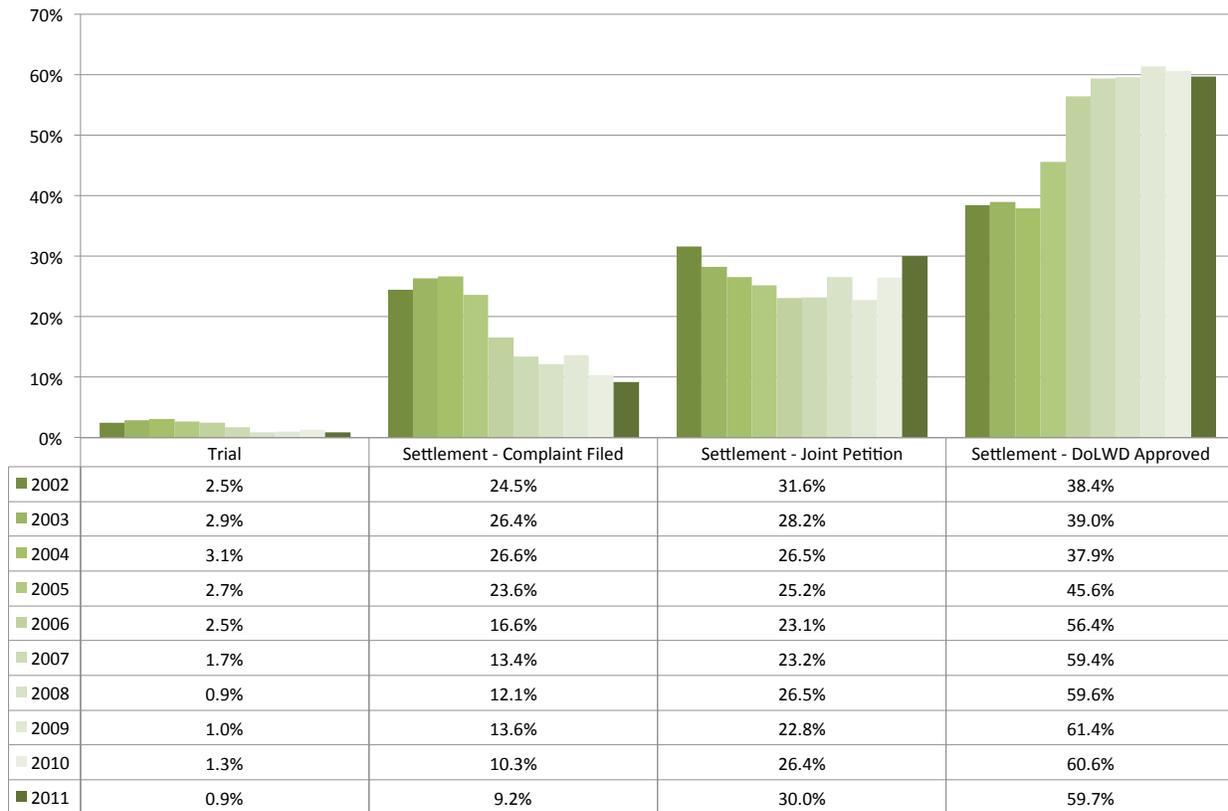
<sup>2</sup> Effective January 1<sup>st</sup> of 2005, the parties involved in workers' compensation cases are required to participate in the benefit review process.

Figure 1 displays the percent of conclusion types reported in Table 1. The percentages do not add up to 100% on the graph due to “conclusion type not given” and “voluntary dismissal” cases not being included.

**Table 1: Type of Conclusion**

Year	Trial		Settlement - Complaint Filed		Settlement - Joint Petition		Settlement - DoLWD Approved		Conclusion Type Not Given		Voluntary Dismissal		Total
	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent	
CY2002	243	2.5%	2417	24.5%	3120	31.6%	3793	38.4%	304	3.1%	n/c		9877
CY2003	304	2.9%	2742	26.4%	2931	28.2%	4053	39.0%	196	1.9%	168	1.6%	10394
CY2004	380	3.1%	3246	26.6%	3228	26.5%	4616	37.9%	553	4.5%	158	1.3%	12181
CY2005	285	2.7%	2509	23.6%	2687	25.2%	4848	45.6%	204	1.9%	109	1.0%	10642
CY2006	241	2.5%	1613	16.6%	2243	23.1%	5477	56.4%	74	0.8%	63	0.6%	9711
CY2007	155	1.7%	1214	13.4%	2106	23.2%	5391	59.4%	195	2.1%	14	0.2%	9075
CY2008	87	0.9%	1170	12.1%	2566	26.5%	5765	59.6%	70	0.7%	8	0.1%	9666
CY2009	85	1.0%	1169	13.8%	1953	22.8%	5262	61.4%	84	1.0%	18	0.2%	8571
CY2010	105	1.3%	851	10.3%	2172	26.4%	4986	60.6%	77	0.9%	36	0.4%	8227
CY2011	73	0.9%	724	9.2%	2364	30.0%	4712	59.7%	11	0.1%	8	0.1%	7892

**Figure 1: Type of Conclusion<sup>3</sup>**



<sup>3</sup> For the actual number of cases, see Table 1.

## Case Length

### *Date of Injury to Date of Conclusion*

The average number of weeks from the date of injury to the date of settlement approval or date of trial is listed in Table 2. The average time from injury to conclusion for 2011 takes just over 1 year 9 months (85.5 weeks). Department approved settlements where a complaint has been filed take an average of 162 weeks to conclude. When a complaint has not been filed, the average time from date of injury to conclusion is 81 weeks. Nearly all Department approved settlements are cases where a complaint has not been filed. The percent of Department approved settlements where a complaint has not been filed has increased from 71% in 2005 to 99% in 2011. Figure 2 displays the number of weeks from injury to conclusion by injury year and conclusion type.

### *Date of Injury to Maximum Medical Improvement*

Table 3 displays the average number of weeks from the date of injury to the date of maximum medical improvement (MMI). The mean number of weeks from the date of injury to the date of MMI has decreased by almost a week from 2010 to 50.3. Figure 3 displays date of injury to date of MMI data broken up by conclusion type and year of conclusion. For cases that were tried in a court, the time from injury to MMI in 2011 is 72 weeks, for settlements where a complaint has been filed, 64 weeks, for joint petition settlements, 47 weeks, and for Department approved settlements, 50 weeks. When cases are separated by whether a complaint was filed, Department approved settlements averaged 57 weeks from injury to MMI when a complaint was filed and 50 weeks when no complaint was filed.

### *Maximum Medical Improvement to Date of Conclusion*

The mean number of weeks from MMI to conclusion in 2011 is 34.5 weeks. Table 4 lists the average number of weeks from MMI to conclusion. For 2011, the average number of weeks from MMI to conclusion for Department approved settlements is 32.3. The mean number of weeks from MMI to conclusion for Department approved settlements when a

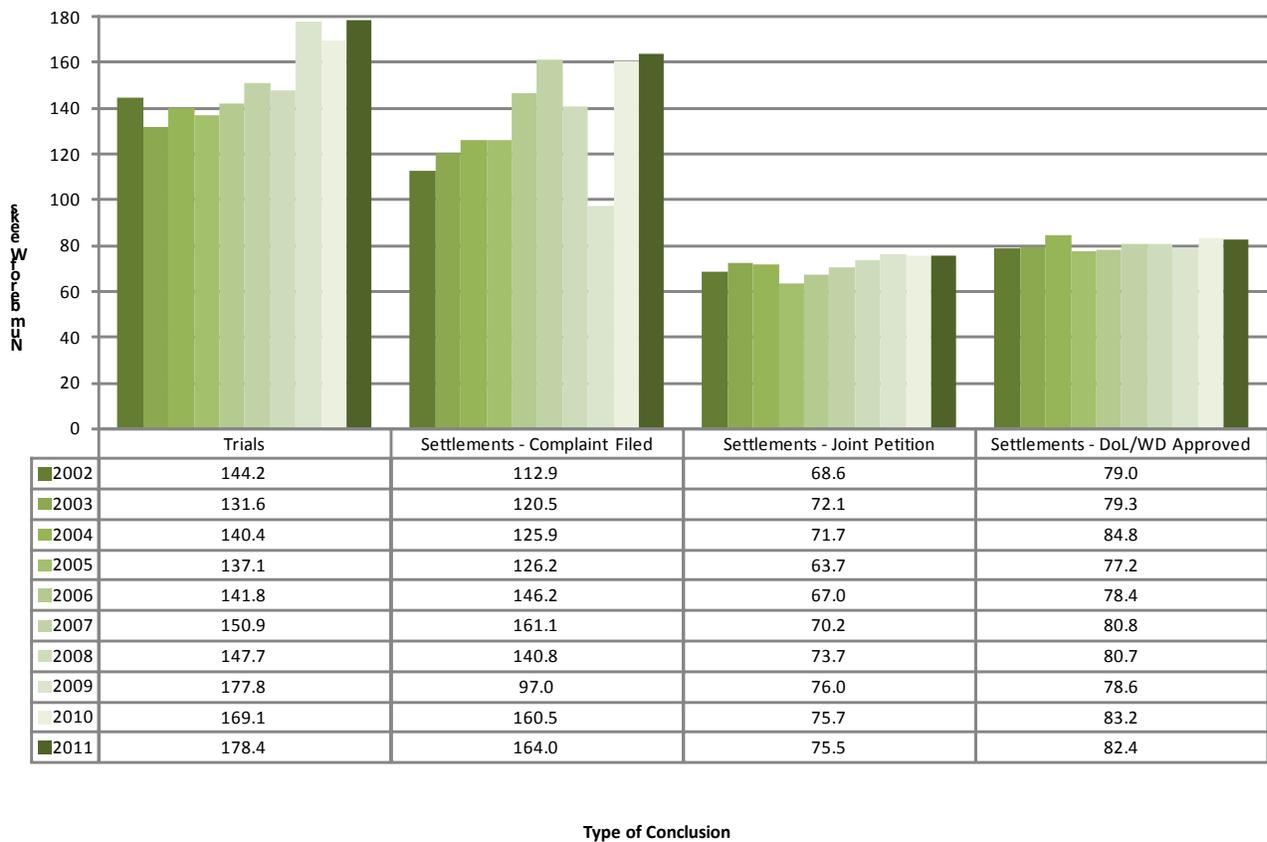
complaint has not been filed is 31 weeks. When a complaint has been filed, the mean number of weeks from MMI to conclusion is 102 weeks.

Continuing a downward trend began in 2009, the average weeks for a case to go to trial after MMI had been reached for 2011 cases is 97.4. Figure 4 displays the mean number of weeks from MMI to conclusion.

**Table 2: Number of Weeks from Date of Injury to Date of Conclusion**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	9826	85.7	71.6	59.6
CY2003	9921	90.7	72.4	69.7
CY2004	12139	94.4	76.3	68.6
CY2005	9739	85.7	70.0	60.5
CY2006	9024	87.2	68.0	65.8
CY2007	8180	88.5	68.0	68.9
CY2008	8934	85.4	68.0	62.5
CY2009	7716	80.1	65.0	55.3
CY2010	7682	88.1	71.0	61.5
CY2011	7350	85.5	69.0	58.6

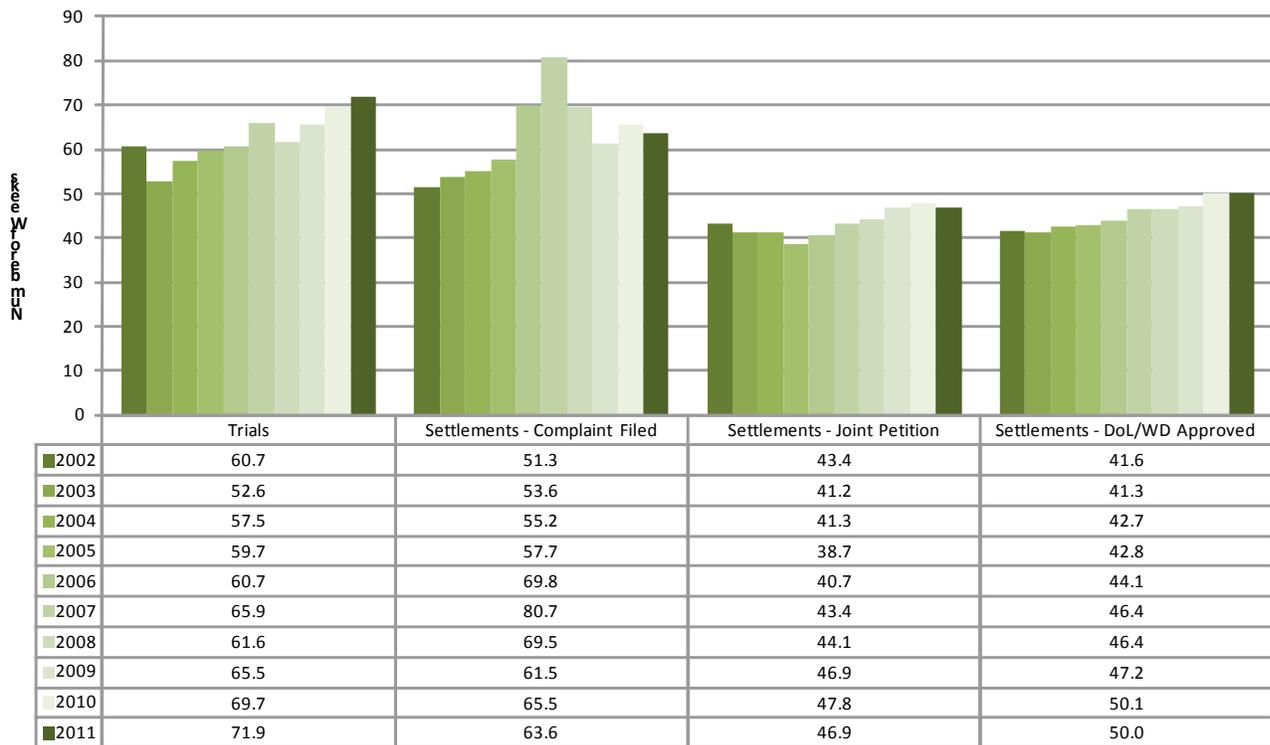
**Figure 2: Number of Weeks from Number of Weeks from Date of Injury to Date of Conclusion**



**Table 3: Number of Weeks from Date of Injury to Date of Maximum Medical Improvement**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	8143	44.0	33.9	36.9
CY2003	8415	44.7	33.7	38.8
CY2004	10066	45.9	34.4	40.5
CY2005	9328	45.3	34.0	40.7
CY2006	8571	47.4	35.0	43.5
CY2007	8046	49.9	36.0	50.2
CY2008	8697	48.4	36.0	45.1
CY2009	7861	49.1	37.0	43.3
CY2010	7589	51.1	39.0	42.1
CY2011	7330	50.3	39.0	42.6

**Figure 3: Number of Weeks from Date of Injury to Date of MMI**

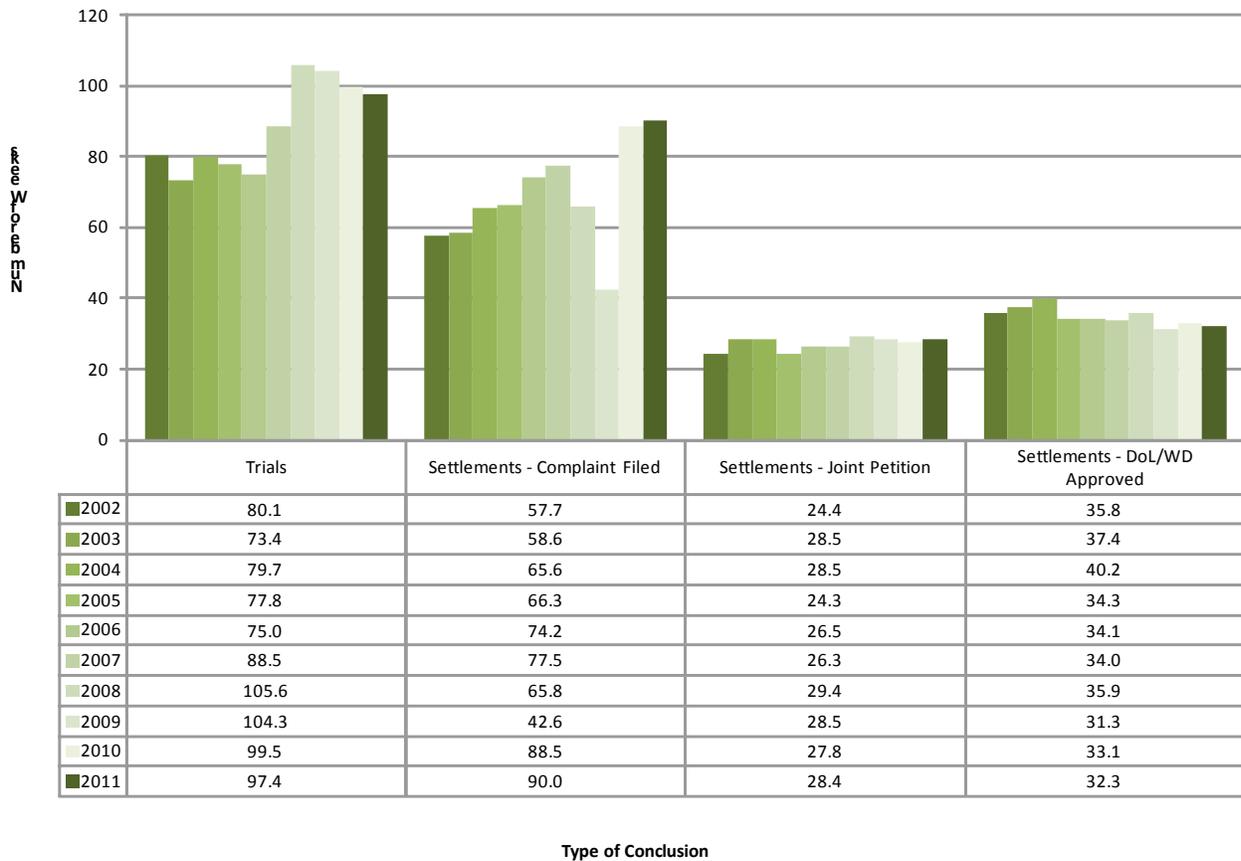


Type of Conclusion

**Table 4: Number of Weeks from Maximum Medical Improvement to Date of Conclusion**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	8201	38.7	25.7	39.6
CY2003	8074	41.2	27.3	50.4
CY2004	10079	44.4	28.7	47.0
CY2005	8655	38.9	25.0	42.9
CY2006	8208	38.3	23.0	46.1
CY2007	7501	37.3	22.0	44.9
CY2008	8314	37.3	22.0	45.6
CY2009	7256	32.0	20.0	36.0
CY2010	7232	36.3	22.0	43.4
CY2011	6916	34.5	22.0	38.4

**Figure 4: Number of Weeks from Maximum Medical Improvement to Date of Conclusion**



## Demographics

### *Average Age*

Table 5 displays the average age of injured workers for 2002 to 2011 cases.<sup>4</sup> The mean age for workers involved in workers' compensation cases in Tennessee that were concluded in 2011 is 46.4 years, which is a half of a year more than 2010. The average age of injured workers increased nearly five years since 2002.

### *Level of Education*

The education levels of injured workers in Tennessee are displayed in Table 6. The overall level of education of injured workers continues to be increasing. The percent of injured workers with less than a high school education is decreasing, the percent with a high school education is fairly constant and the percent with more than a high school education has been steadily increasing. In 2011, 12.5% of workers have less than a high school education, 60.6% have a high school education or equivalent and 27.0% have more than a high school education.

### *Weekly Compensation Rate*

Table 7 lists the average weekly compensation rates for calendar years 2002 to 2011. Mean weekly compensation rates have been steadily increasing each year except for a decrease in 2010. For 2011, the statewide mean is \$444.03. This is the first time since SD-1 data has been collected that average weekly compensation rates have decreased.

Weekly compensation rates are capped at 100% of the average weekly wage in Tennessee for permanent partial disability benefits. In fiscal year 2004/2005, temporary total

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<sup>4</sup> To limit the effects of potential errors in the database, ages included in the analysis are limited to those over 14 years and less than 90 years.

benefits were capped at 105% of the average weekly wage. From 2005/2006 and on, temporary total benefits in Tennessee are capped at 110% of the state's average weekly wage. Table 8 displays the number of injured workers whose benefits were at the maximum amount.<sup>5</sup> For 2005 and 2006 most of the injured workers at the maximum rate were still capped at 100% of the state's average weekly wage. However, it appears that the number at the maximum amount is decreasing as the percentage of those that would be capped at 110% work their way through the system. By 2008, only 4.5% of cases involved TTD benefits being capped at 110% of the state's average weekly wage. It appears the percent of cases at the temporary total max have leveled off to around 2.5%. For 2009, 2.4% were at 110%, 2.7% for 2010, and 2.4% for 2011. The percentage of permanent partial maximum compensation rates have decreased from 16.3% in 2005 to 11.6% in 2011.

**Table 5: Average Age**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	6411	41.8	42.0	11.1
CY2003	5839	42.9	43.0	11.3
CY2004	6639	43.2	43.0	11.5
CY2005	6570	44.0	44.0	11.6
CY2006	6374	44.6	45.0	11.7
CY2007	6069	45.2	46.0	12.0
CY2008	6717	45.3	46.0	12.0
CY2009	5967	45.3	46.0	11.8
CY2010	5386	45.8	46.0	11.4
CY2011	5284	46.4	47.0	11.6

<sup>5</sup> A table of the maximum compensation rates is available at <http://www.state.tn.us/labor-wfd/WCRATETB.pdf>

**Table 6: Level of Education**

Calendar Year	Less Than High School		High School		More Than High School	
	N	Percent	N	Percent	N	Percent
CY2002	1402	19.0	4228	57.2	1762	23.8
CY2003	1611	20.4	4342	54.9	1952	24.7
CY2004	1701	18.7	5298	58.2	2105	23.1
CY2005	1387	17.1	4842	59.7	1882	23.2
CY2006	1237	16.3	4514	59.3	1856	24.4
CY2007	1094	15.7	4202	60.3	1676	24.0
CY2008	1106	14.8	4551	60.9	1821	24.4
CY2009	896	13.7	4008	61.5	1613	24.8
CY2010	818	13.3	3706	60.2	1633	26.5
CY2011	737	12.5	3586	60.6	1595	27.0

**Table 7: Weekly Compensation Rate**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	9580	\$342.07	\$322.28	\$136.37
CY2003	10062	\$355.60	\$336.16	\$142.86
CY2004	11686	\$367.77	\$346.67	\$145.56
CY2005	10475	\$384.75	\$362.06	\$155.38
CY2006	9550	\$396.08	\$372.67	\$161.51
CY2007	8743	\$403.64	\$381.05	\$163.42
CY2008	9218	\$412.50	\$390.19	\$166.78
CY2009	8301	\$430.27	\$405.18	\$182.48
CY2010	7235	\$403.70	\$385.95	\$160.69
CY2011	7752	\$444.03	\$416.74	\$191.64

**Table 8: Maximum Compensation Rate Frequencies**

Year	Number at PPD Max	Percent at PPD Max	Number at TTD Max	Percent at TTD Max
CY2002	1409	14.4%	n/a	n/a
CY2003	1559	15.0%	n/a	n/a
CY2004	1389	11.4%	n/a	n/a
CY2005	1731	16.3%	1429	13.4%
CY2006	1547	15.9%	826	8.5%
CY2007	1380	15.2%	569	6.3%
CY2008	1391	14.4%	434	4.5%
CY2009	1077	12.6%	207	2.4%
CY2010	1045	12.7%	226	2.7%
CY2011	918	11.6%	188	2.4%

## Temporary Total Disability

### *Number of Weeks*

Table 9 lists the average number of weeks of Temporary Total Disability (TTD) benefits that were paid for 2002 to 2011 cases. The number of weeks of TTD benefits was calculated from SD-1 data by identifying the total monetary amount of TTD benefits reported as paid and dividing by the injured workers reported weekly compensation rate. It is the average of the calculated number of weeks of TTD benefits that Table 9 reports. It is also important to note that this data includes all injury types and severities. The statewide mean for 2011 is 25.2 weeks. The number of weeks for TTD benefits appears to have peaked in 2010.

### *Monetary Amounts*

Unlike the number of weeks of TTD benefits, the TTD amount is directly affected by a workers' weekly compensation rate. Mean TTD benefit amounts rose from \$6,885.68 for 2002 cases to \$10,241.56 for 2011 cases. The average amount of TTD benefits paid is listed in Table 10. The mean amount has risen every year since the 2004 reforms. The median amount peaked in 2010, indicating that average TTD amounts could be leveling off.

**Table 9: Temporary Total Disability – Number of Weeks**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	6603	20.9	13.3	26.8
CY2003	6707	20.8	13.1	25.3
CY2004	7595	22.2	13.1	31.5
CY2005	6925	20.6	12.4	25.4
CY2006	6121	22.0	13.4	27.5
CY2007	5697	23.0	14.5	26.5
CY2008	6029	23.3	14.6	26.9
CY2009	5292	24.5	15.6	28.4
CY2010	5035	26.2	16.4	30.0
CY2011	5244	25.2	15.8	29.2

**Table 10: Temporary Total Disability – Monetary Amounts**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	6664	\$6,885.68	\$4,114.30	\$9,264.46
CY2003	6807	\$7,282.93	\$4,200.33	\$10,208.67
CY2004	7798	\$7,753.45	\$4,278.78	\$11,612.67
CY2005	6925	\$7,440.86	\$4,354.85	\$9,669.76
CY2006	6121	\$8,079.84	\$4,586.29	\$10,609.52
CY2007	5697	\$8,640.04	\$5,071.11	\$10,703.37
CY2008	6029	\$8,927.05	\$5,082.24	\$11,073.27
CY2009	5292	\$9,416.75	\$5,388.63	\$11,756.49
CY2010	5035	\$10,169.71	\$5,876.90	\$12,627.18
CY2011	5244	\$10,241.56	\$5,770.48	\$12,894.04

## Medical Information

### *Benefits/Expenses*

Table 11 lists the average amount of medical benefits paid for cases closed in 2002 to 2011. Like the TTD data, this includes all types of injuries and severities. Average medical benefits paid have leveled off since the passage of the 2004 reforms. The statewide mean for medical benefits paid in 2011 is \$21,864.11.

### *Number of Permanent Partial Impairment Ratings*

Table 12 displays the number of PPI ratings given per case. In most instances this number will be equal to the number of doctors per case, but not always. It is possible that one doctor could give more than one PPI rating for the same injury (i.e., a specific impairment to the hand is converted to a percentage of impairment to the arm). It is also possible that the same doctor could give more than one PPI rating to different body parts injured in the same case (i.e., 10% PPI to the left arm and 5% PPI to the left leg). Usually multiple body part PPI ratings are for injuries to the fingers. Nearly eighty-one percent (81%) of cases reported the use of only one PPI rating in 2011.

## Body Parts Injured

Body part injured and the nature of injury are coded by the Department using IAIABC nature of injury and body part codes. Table 13 lists the 10 most frequently occurring body parts injured for 2011 cases in Tennessee. Table 14 lists the 10 most frequently occurring nature of injuries. Shoulders and knees continue to be the most common body parts injured and strains or tears and fractures are continually the most common types of injuries. The ten most common body parts injured in 2011 account for 72% of all body parts injured and the ten most common types of injuries account for 90% of all types of injuries reported on SD-1 forms.

**Table 11: Medical Benefits/Expenses**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	8758	\$16,772.33	\$11,040.80	\$26,410.43
CY2003	8993	\$17,834.84	\$11,464.55	\$34,874.95
CY2004	10509	\$19,850.35	\$11,984.05	\$35,609.41
CY2005	9391	\$20,496.63	\$12,765.89	\$44,799.14
CY2006	8351	\$20,394.13	\$12,026.73	\$41,728.60
CY2007	7936	\$20,137.67	\$11,753.19	\$55,893.69
CY2008	8401	\$19,697.94	\$12,151.08	\$34,784.07
CY2009	7575	\$20,160.47	\$12,569.04	\$49,514.83
CY2010	7365	\$21,796.64	\$13,505.17	\$39,768.69
CY2011	7173	\$21,864.11	\$14,207.37	\$33,420.47

**Table 12: Number of Permanent Partial Impairment Ratings**

Year	Number of PPI Ratings			
	1	2	3	4+
CY2002	85.5%	13.2%	1.1%	0.1%
CY2003	82.9%	15.6%	1.3%	0.2%
CY2004	81.7%	16.7%	1.4%	0.2%
CY2005	79.6%	17.2%	2.5%	0.6%
CY2006	78.8%	17.8%	2.6%	0.8%
CY2007	78.4%	18.3%	2.5%	0.7%
CY2008	81.9%	15.8%	1.8%	0.4%
CY2009	81.8%	15.8%	1.9%	0.5%
CY2010	79.7%	17.7%	2.1%	0.5%
CY2011	80.7%	16.7%	2.1%	0.5%

**Table 13: Most Frequent Body Parts Injured**

Body Part Injured	Frequency	Percent of Cases	Cumulative Percent
Shoulder(s)	1558	19.7	19.7
Knee	992	12.6	32.3
Multiple Body Systems	700	8.9	41.2
Lower Back Area	574	7.3	48.5
Finger(s)	511	6.5	54.9
Disc	298	3.8	58.7
Wrist(s) & Hand(s)	289	3.7	62.4
Whole Body	276	3.5	65.9
Wrist	269	3.4	69.3
Multiple Upper Extremities	231	2.9	72.2

**Table 14: Most Frequently Occurring Nature of Injuries**

Type of Injury	Frequency	Percent of Cases	Cumulative Percent
Strain or Tear	2211	28.0	28.2
All Other Specific Injuries NOC	1224	15.5	43.8
Fracture	913	11.6	55.4
Multiple Physical Injuries	684	8.7	64.1
Dislocation	554	7.0	71.2
Sprain or Tear	367	4.7	75.8
Contusion	335	4.2	80.1
Carpal Tunnel Syndrome	307	3.9	84.0
Laceration	280	3.5	87.6
Inflammation	198	2.5	90.1

### *Body as a Whole, Arm and Leg Injury Cases*

Tables 15 and 16 display the percent of body as a whole (BAW), arm and leg injury cases where the injured workers were returned to pre injury employment and those who were not. They are included to give a snapshot of the numbers of cases with these types of injuries and return to work status. Table 15 displays the percent of PPI ratings compared to the total number of cases. Table 16 displays the percent of PPD percentages compared to the total number of cases.

**Table 15: Percent of Total Cases of Specific Injury Types by Return to Work Status – Injury Type Based on Permanent Partial Impairment Rating**

Calendar Year	RTW			No RTW			N
	BAW	Arm	Leg	BAW	Arm	Leg	
2002	20.4%	11.0%	10.9%	10.0%	2.9%	2.5%	9877
2003	21.1%	11.7%	10.4%	9.8%	2.4%	2.4%	10394
2004	14.4%	11.5%	10.0%	6.9%	2.4%	2.3%	12181
2005	24.8%	14.1%	10.5%	12.7%	2.6%	2.5%	10642
2006	25.4%	12.4%	11.0%	13.1%	2.7%	2.8%	9711
2007	25.0%	11.8%	11.7%	14.9%	2.9%	3.0%	9075
2008	24.6%	10.6%	11.4%	15.7%	2.7%	3.1%	9666
2009	23.4%	8.6%	12.0%	16.7%	2.6%	3.7%	8571
2010	24.9%	9.1%	12.2%	18.6%	2.4%	3.9%	8227
2011	26.8%	8.7%	12.6%	18.0%	2.5%	4.1%	7892

**Table 16: Percent of Total Cases of Specific Injury Types by Return to Work Status – Injury Type Based on Permanent Partial Disability Amount**

Calendar Year	RTW			No RTW			N
	BAW	Arm	Leg	BAW	Arm	Leg	
2002	25.0%	11.0%	10.9%	12.6%	2.9%	2.5%	9877
2003	24.0%	11.7%	10.4%	11.1%	2.4%	2.4%	10394
2004	14.4%	11.4%	9.9%	6.9%	2.4%	2.3%	12181
2005	24.5%	14.0%	10.4%	12.5%	2.6%	2.5%	10642
2006	25.2%	12.3%	10.9%	12.8%	2.7%	2.7%	9711
2007	18.9%	9.0%	8.8%	11.1%	2.2%	2.1%	9075
2008	20.6%	8.8%	9.7%	12.6%	2.4%	2.6%	9666
2009	18.8%	7.0%	10.0%	13.5%	2.1%	2.9%	8571
2010	20.7%	7.6%	10.3%	15.8%	2.1%	3.4%	8227
2011	23.2%	7.6%	11.1%	14.8%	2.2%	3.5%	7892

## Body as a Whole – Employee Returned to Pre-Injury Employment

### *Permanent Partial Impairment Ratings*

Table 17 lists the average of the highest permanent partial impairment (PPI) ratings given for BAW cases in which the injured workers returned to work for their pre-injury employers at the same or higher pay. As with previous reports, the “average highest PPI rating” is the average of each of the highest impairment ratings given by a physician to the injured worker in each of the cases reviewed. The average highest PPI is utilized as a comparison because a judge has discretion to accept any of the PPI ratings given. The

statewide mean PPI for 2011 is 7.3 to the BAW. The lowest amount observed in the ten years reported and continuing a downward trend from 9.9 in 2007.

### *Permanent Partial Disability Percentage*

Table 18 lists the average percentage of permanent partial disability (PPD) awards/settlements for body as a whole injuries in cases where the injured employee returned to work for the same employer. The mean PPD percentage for 2011 cases is 11.8 (47.2 weeks) to the body as a whole. Average PPD benefits for body as a whole return to work cases have decreased eight months (32 weeks) since the implementation of the 2004 reforms.

### *Permanent Partial Disability Multipliers*

A permanent partial disability (PPD) multiplier is the ratio of the PPD judgment or settlement amount to the highest PPI rating given to an injured employee. To determine the multiplier, the PPD percent was divided by the highest PPI rating. To ensure accuracy, cases were selected for analysis only if the SD-1 form included both a BAW PPI rating and a BAW PPD judgment or settlement amount.

PPD multipliers stayed nearly constant from 2002 to 2005 around 2.2, then decreased to 1.8 for 2007 and 1.7 for 2008 through 2011. PPD multiplier data for BAW cases where the injured worker returned to work are listed in Table 19. The median multiplier has been 1.5 since 2006.

### *Permanent Partial Disability Monetary Amounts*

In order to provide the most complete data and also to be consistent with previously reported data, PPD monetary benefit amounts are calculated by multiplying PPD percent amounts, compensation rates and the appropriate number of weeks of benefits. Table 20 lists the average PPD monetary payments for BAW return to work cases. PPD monetary amounts for BAW return to work cases have decreased from \$31,084.70 in 2004 to \$21,999.97 in 2011.

### Medical Benefit/Expense Amounts

Medical benefit/expense amounts for specific body part and judgment/settlement types as reported on the SD-1 were first reported for 2004 data. After steady decreases, the mean amount paid for medical benefits at the time of conclusion is \$23,627.81 for 2011 BAW cases where the injured worker returned to work. Table 21 lists the average medical amounts paid for BAW return to work cases concluded in calendar years 2004 through 2011. Given the experience of the last two years, it appears the BAW RTW medical amounts are leveling

**Table 17: Permanent Partial Impairment - Body as a Whole Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	2011	9.5	8.0	7.8
CY2003	2189	9.8	7.0	8.6
CY2004	1758	9.6	7.0	7.9
CY2005	2637	9.6	7.0	8.1
CY2006	2467	9.7	7.0	8.0
CY2007	2267	9.9	8.0	8.0
CY2008	2382	9.5	7.0	7.6
CY2009	2006	8.3	6.0	6.8
CY2010	2052	7.8	6.0	6.9
CY2011	2116	7.3	6.0	6.4

**Table 18: Percentage Awarded for Permanent Partial Disability Body as a Whole Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	2465	19.7	15.0	15.6
CY2003	2495	19.8	15.0	16.0
CY2004	1755	20.0	15.0	16.0
CY2005	2608	18.6	13.5	16.0
CY2006	2447	17.3	12.0	15.9
CY2007	1715	16.9	12.0	15.6
CY2008	1993	15.4	10.5	14.1
CY2009	1609	13.6	9.0	13.2
CY2010	1707	12.7	9.0	12.4
CY2011	1828	11.8	8.6	12.3

**Table 19: Permanent Partial Disability Multipliers - Body as a Whole Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	1994	2.3	2.0	0.9
CY2003	2172	2.2	2.0	0.9
CY2004	1752	2.2	2.0	1.1
CY2005	2608	2.2	1.9	3.5
CY2006	2450	1.9	1.5	2.2
CY2007	1712	1.8	1.5	1.4
CY2008	1980	1.7	1.5	0.9
CY2009	1601	1.7	1.5	1.0
CY2010	1707	1.7	1.5	1.3
CY2011	1707	1.7	1.5	1.3

**Table 20: Permanent Partial Disability - Monetary Benefits - Body as a Whole Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2004	1738	\$31,084.70	\$22,300.02	\$28,651.73
CY2005	2588	\$30,047.00	\$21,767.22	\$28,030.02
CY2006	2415	\$28,156.24	\$18,833.40	\$27,678.34
CY2007	1703	\$28,482.54	\$19,096.00	\$28,535.71
CY2008	1979	\$27,120.22	\$18,024.16	\$28,748.87
CY2009	1572	\$24,496.33	\$16,379.04	\$26,135.85
CY2010	1684	\$23,347.74	\$15,467.18	\$26,072.77
CY2011	1799	\$21,999.97	\$14,721.36	\$25,785.33

**Table 21: Medical Benefits/Expenses - Body as a Whole Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2004	1618	\$24,969.51	\$16,874.51	\$89,954.14
CY2005	2381	\$24,157.68	\$17,613.00	\$59,323.92
CY2006	2210	\$21,860.94	\$15,669.99	\$25,429.05
CY2007	2073	\$22,187.07	\$15,869.00	\$31,785.25
CY2008	2172	\$21,649.18	\$16,215.01	\$25,200.70
CY2009	1827	\$21,148.11	\$15,871.00	\$31,835.69
CY2010	1899	\$23,989.78	\$17,939.76	\$51,465.70
CY2011	1970	\$23,627.81	\$18,556.32	\$31,355.15

## Body as a Whole Cases - Employee Did Not Return to Pre-Injury Employment

### *Permanent Partial Impairment Ratings*

The mean PPI rating for body as a whole cases where the injured worker did not return to work for 2011 is 11.0. Average highest permanent partial impairment (PPI) ratings for BAW cases where the injured worker did not return to work for the last ten years are listed in Table 22. There appears to be no consistent trend in body as a whole non return to work PPI ratings, however 11.0 is the lowest PPI rating in 10 years.

### *Permanent Partial Disability Percentage*

Table 23 lists the average percentage of PPD for employees with injuries to the body as a whole that did not return to work for the pre-injury employer. For calendar year 2011, the average PPD percentage is 30.5 (122 weeks), the lowest amount in ten years of data.

### *Permanent Partial Disability Multipliers*

Table 24 lists the average PPD multipliers for BAW no return to work cases. Mean PPD multipliers for BAW cases in which the employee did not return to work for the pre-injury employer are consistent over the ten years reported, ranging from 2.9 to 3.3. Calendar Year 2011 mirrors 2010 with a mean multiplier of 3.2.

### *Permanent Partial Disability Monetary Amounts*

Table 25 lists the average judgment and settlement monetary amounts for BAW no return to work cases. Mean PPD judgment and settlement amounts for BAW no return to work cases have decreased from \$54,969.22 in 2008 to \$50,820.14 in 2011.

### Medical Benefit/Expense Amounts

The average medical benefit/expense amounts for BAW no return to work cases are displayed in Table 26. The mean amounts paid for 2011 is \$36,817.80, up slightly from previous years. Of note is that the median amount is the highest since 2004, but quite similar to 2010.

**Table 22: Permanent Partial Impairment - Body as a Whole Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	988	12.8	10.0	12.1
CY2003	1017	12.7	10.0	11.4
CY2004	843	13.2	10.0	11.2
CY2005	1356	12.9	10.0	10.7
CY2006	1274	13.3	10.0	11.4
CY2007	1348	13.2	10.0	10.3
CY2008	1521	14.6	11.0	12.2
CY2009	1430	12.8	10.0	11.4
CY2010	1534	12.3	9.0	11.1
CY2011	1421	11.0	9.0	9.0

**Table 23: Percentage Awarded for Permanent Partial Disability Body as a Whole Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	1240	34.4	27.4	24.4
CY2003	1150	34.5	28.0	23.6
CY2004	843	37.6	30.0	24.7
CY2005	1327	35.8	30.0	24.2
CY2006	1246	36.0	28.6	24.6
CY2007	1005	36.1	30.0	24.0
CY2008	1217	35.6	29.0	24.5
CY2009	1160	32.7	25.0	24.0
CY2010	1303	32.6	25.5	23.6
CY2011	1167	30.5	24.5	22.6

**Table 24: Permanent Partial Disability Multipliers - Body as a Whole Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	976	3.2	3.0	1.8
CY2003	1014	3.2	3.0	1.5
CY2004	841	3.3	3.0	1.9
CY2005	1327	3.3	3.0	2.4
CY2006	1248	3.2	3.0	2.2
CY2007	1005	3.3	2.9	2.7
CY2008	1207	2.9	2.8	1.4
CY2009	1160	3.1	3.0	1.8
CY2010	1302	3.2	3.0	2.4
CY2011	1167	3.2	3.0	1.8

**Table 25: Permanent Partial Disability - Monetary Benefits - Body as a Whole Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2004	839	\$50,226.98	\$37,680.00	\$41,765.70
CY2005	1315	\$50,886.72	\$36,994.72	\$43,756.92
CY2006	1230	\$50,700.04	\$36,901.94	\$44,230.32
CY2007	1005	\$54,522.40	\$40,000.59	\$46,229.65
CY2008	1206	\$54,969.22	\$39,504.00	\$47,027.61
CY2009	1140	\$53,357.30	\$37,478.28	\$48,269.76
CY2010	1286	\$51,560.34	\$37,738.46	\$45,576.88
CY2011	1159	\$50,820.14	\$35,053.82	\$47,988.14

**Table 26: Medical Benefits/Expenses - Body as a Whole Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2004	740	\$34,505.83	\$20,651.32	\$50,976.70
CY2005	1177	\$35,172.25	\$20,284.38	\$53,427.19
CY2006	1089	\$40,066.38	\$20,249.61	\$84,825.80
CY2007	1182	\$35,635.97	\$19,689.36	\$82,364.35
CY2008	1249	\$34,207.78	\$19,704.91	\$55,883.29
CY2009	1218	\$34,835.16	\$19,718.70	\$87,921.57
CY2010	1311	\$36,557.80	\$22,042.26	\$53,714.74
CY2011	1222	\$36,817.80	\$22,609.43	\$53,829.84

## Arm Injuries - Employee Returned to Pre- Injury Employment

### *Permanent Partial Impairment Ratings*

Average PPI ratings for cases involving an injury to the arm where the injured worker returned to work are listed in Table 27. The statewide mean PPI rating for 2011 is 5.9 to the arm. Mean PPI ratings have decreased from 8.2 in 2001 to 5.9 in 2011. The median PPI rating has been 5.0 for 2002 through 2009 and 4.0 for 2010 and 2011.

### *Permanent Partial Disability Percentage*

The average PPD percentage for return to work (for pre-injury employer) arm cases are listed in Table 28. The mean PPD percent for arm injury cases where injured workers returned to work is 8.4. From 2004 to 2011, average PPD percentage amounts have decreased from 18.0 to 8.4. This is equivalent to a decrease of 19 weeks of benefits.

### *Permanent Partial Disability Multipliers*

Table 29 lists the average PPD multiplier for cases involving arm injuries where the injured worker returned to work. The multiplier decreased from 3.0 in 2004 to 1.5 for 2011. While the median has been 1.5 since 2006, this is the first time the mean and the median are both the same.

### *Permanent Partial Disability Monetary Amounts*

Table 30 displays the average PPD monetary amounts paid in return to work arm cases. The mean PPD judgment/settlement amount for return to work arm cases in 2011 is \$7,819.59. Judgment/settlement amounts for return to work arm cases have decreased by over \$5,000 in eight years.

### Medical Expense/Benefit Amounts

The mean amounts of medical benefits/expenses for arm cases where the injured worker returned to work are presented in Table 31. Mean medical amounts for return to work arm cases are between \$11,100 and \$12,500 for the eight years reported. The mean amount of medical expenses/benefits for 2011 is \$11,919.00.

**Table 27: Permanent Partial Impairment - Arm Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	1089	8.2	5.0	7.9
CY2003	1214	7.8	5.0	7.9
CY2004	1395	7.6	5.0	7.6
CY2005	1505	7.6	5.0	7.8
CY2006	1206	7.6	5.0	7.3
CY2007	1068	7.4	5.0	7.3
CY2008	1021	7.0	5.0	7.6
CY2009	740	6.8	5.0	7.3
CY2010	750	6.2	4.0	6.4
CY2011	687	5.9	4.0	6.2

**Table 28: Percentage Awarded for Permanent Partial Disability - Arm Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	1089	19.0	15.0	16.8
CY2003	1211	19.1	15.0	15.6
CY2004	1394	18.0	15.0	14.6
CY2005	1492	16.5	12.0	14.9
CY2006	1195	13.8	10.0	13.1
CY2007	821	11.5	7.5	11.9
CY2008	855	10.7	7.5	11.7
CY2009	603	10.1	7.0	10.8
CY2010	623	9.7	6.0	10.9
CY2011	602	8.4	6.0	8.8

**Table 29: Permanent Partial Disability Multipliers - Arm Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	1086	2.8	2.5	1.7
CY2003	1209	2.9	2.5	1.7
CY2004	1386	3.0	2.5	2.0
CY2005	1487	2.6	2.0	2.0
CY2006	1194	2.1	1.5	1.9
CY2007	821	1.8	1.5	1.4
CY2008	855	1.7	1.5	1.1
CY2009	603	1.7	1.5	1.2
CY2010	622	1.6	1.5	0.9
CY2011	602	1.5	1.5	1.0

**Table 30: Permanent Partial Disability - Monetary Benefits - Arm Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2004	1386	\$13,451.21	\$10,406.82	\$13,244.43
CY2005	1478	\$12,659.52	\$9,149.85	\$12,923.27
CY2006	1189	\$10,958.72	\$7,413.66	\$12,856.51
CY2007	812	\$9,013.23	\$5,967.00	\$9,904.65
CY2008	847	\$8,696.85	\$5,520.77	\$9,887.96
CY2009	594	\$8,346.35	\$5,429.12	\$9,046.60
CY2010	615	\$8,106.75	\$4,906.33	\$10,115.77
CY2011	597	\$7,810.59	\$4,863.00	\$12,276.61

**Table 31: Medical Benefits/Expenses - Arm Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2004	1302	\$12,267.05	\$9,622.75	\$11,237.46
CY2005	1379	\$12,436.26	\$9,819.23	\$12,208.85
CY2006	1125	\$12,391.11	\$9,530.00	\$21,530.27
CY2007	988	\$11,490.15	\$9,097.65	\$10,464.42
CY2008	959	\$12,283.10	\$8,725.00	\$21,937.14
CY2009	690	\$11,714.77	\$8,948.51	\$12,973.90
CY2010	699	\$11,129.38	\$8,731.39	\$9,416.85
CY2011	650	\$11,919.00	\$8,855.09	\$12,492.53

## Arm Injuries- Employee Did Not Return to Pre-Injury Employment

### *Permanent Partial Impairment Ratings*

The average PPI ratings for arm cases in which the employee did not return to work for the pre-injury employer are listed in Table 32. For 2011, the mean PPI rating for no return to work arm cases is 10.3. Mean PPI ratings for no return to work arm cases show no pattern of increasing or decreasing and have ranged from 7.8 to 11.7 over the ten years reported.

### *Permanent Partial Disability Percentage*

Average PPD percentages for cases that involved arm injuries where the worker did not return to work for the pre-injury employer are listed in Table 33. Following the average PPI ratings, PPD judgment/settlement percentages display no clear trend. For 2011 the mean PPD rating for no return to work arm injury cases is 23.3 (46.6 weeks), up seven weeks from 2010.

### *Permanent Partial Disability Multipliers*

Table 34 lists the average PPD multipliers for no return to work arm cases. The PPD multiplier for 2011 arm cases is 2.9. Between 2006 and 2011, multipliers for no return to work arm cases have varied 2.8 and 3.2

### *Permanent Partial Disability Monetary Amounts*

The mean PPD monetary amounts paid for 2010 cases is \$19,003.55. Table 35 displays average PPD monetary benefits paid for no return to work arm cases. This reflects an average increase of over \$4,000 per 2010 arm injury case where the injured worker did not return to pre injury employment.

### Medical Benefit/Expense Amounts

Table 36 displays the average monetary amounts paid for medical benefits/expenses for arm injury cases where the injured worker did not return to work. Average medical benefits/expenses paid for 2011 are \$19,327.70, nearly a \$4,500 increase over 2010.

**Table 32: Permanent Partial Impairment - Arm Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	285	10.6	7.5	9.8
CY2003	252	9.6	8.0	8.3
CY2004	293	11.4	7.0	13.4
CY2005	277	11.7	7.0	14.1
CY2006	267	10.5	7.0	10.0
CY2007	262	10.9	7.3	12.2
CY2008	257	11.1	7.0	12.7
CY2009	225	9.7	7.0	8.6
CY2010	198	7.8	5.0	9.0
CY2011	198	10.3	7.0	13.0

**Table 33: Permanent Partial Disability Percentages - Arm Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	285	28.7	22.0	19.6
CY2003	251	28.1	22.5	19.7
CY2004	293	30.8	24.0	22.9
CY2005	274	31.3	23.5	25.5
CY2006	262	28.9	21.5	23.8
CY2007	199	24.8	18.0	21.6
CY2008	233	25.5	17.5	22.9
CY2009	183	24.3	18.0	21.3
CY2010	169	19.7	15.0	17.5
CY2011	173	23.3	17.5	20.9

**Table 34: Permanent Partial Disability Multipliers - Arm Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	285	3.5	3.0	2.0
CY2003	248	3.5	3.0	1.9
CY2004	293	3.7	3.0	2.3
CY2005	272	3.6	3.0	2.3
CY2006	261	3.2	3.0	1.9
CY2007	199	3.1	2.5	2.9
CY2008	233	2.8	2.5	1.5
CY2009	183	3.0	2.6	2.9
CY2010	169	3.2	3.0	2.1
CY2011	173	2.9	2.8	1.5

**Table 35: Monetary Benefits - Arm Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2004	290	\$19,056.63	\$14,388.66	\$15,650.03
CY2005	270	\$22,154.12	\$13,996.89	\$25,812.74
CY2006	263	\$19,489.04	\$13,796.00	\$18,114.63
CY2007	198	\$16,072.93	\$11,216.24	\$14,876.02
CY2008	231	\$16,434.62	\$10,958.00	\$17,505.02
CY2009	179	\$17,145.18	\$11,550.60	\$17,120.47
CY2010	165	\$14,775.51	\$10,230.00	\$16,246.08
CY2011	172	\$19,003.55	\$12,753.76	\$18,989.55

**Table 36: Medical Benefits/Expenses - Arm Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2004	261	\$15,847.82	\$12,089.88	\$14,076.20
CY2005	241	\$23,295.53	\$12,371.79	\$74,518.91
CY2006	222	\$19,525.28	\$13,198.87	\$20,874.63
CY2007	226	\$17,943.90	\$11,183.59	\$28,889.06
CY2008	223	\$15,295.95	\$11,365.64	\$14,461.59
CY2009	190	\$17,800.18	\$11,957.12	\$30,243.86
CY2010	174	\$14,867.28	\$11,172.41	\$15,395.26
CY2011	178	\$19,327.70	\$14,415.43	\$22,407.30

## Leg Injuries - Employee Returned to Pre-Injury Employment

### *Permanent Partial Impairment Ratings*

Average highest PPI ratings for cases involving a leg injury where the employee returned to work for the pre-injury employer are listed in Table 37. The average PPI rating for 2011 cases involving a leg injury where the employee returned to work for the pre-injury employer is 7.5. Over ten years, average PPI ratings ranged from 7.5 to 9.0. No clear trend emerges for leg injury impairment ratings when the injured worker returned to work, however, average PPI ratings for leg injury return to work cases are the lowest observed for 2010 and 2011.

### *Permanent Partial Disability Percentage*

Average PPD percentage for judgments and settlements for return to work leg injury cases are reported in Table 38. Average PPD percentage amounts for return to work leg injury cases decreased by nearly 21 weeks from 21.2 (42.4 weeks) in 2003 to 10.9 (21.8 weeks) in 2011.

### *Permanent Partial Disability Multipliers*

Table 39 lists the average PPD multipliers for return to work leg injury cases. Only cases in which the PPI rating and the PPD percentage were attributed to the leg on the SD-1 form are included in the analysis. Average PPD multipliers have decreased from 2.4 in 2005 to 1.5 in 2010, where they remained for 2011. Return to work leg cases from 2010 and 2011 also have equal means and medians and display very little variance compared to other years.

### *Permanent Partial Disability Monetary Amounts*

The average PPD monetary payments for return to work leg injury cases are listed in Table 40. The mean amount paid for 2011 is \$9,818.80, the lowest amount since 2004. The median amounts paid for return to work leg injury cases have steadily decreased from 2004 to 2011.

### *Medical Benefit/Expense Amounts*

Medical benefits/expenses have decreased from \$17,282.34 in 2004 to \$14,053.31 in 2009, and then increased slightly to \$14,534.32 in 2011. Table 41 reports the average amount of medical benefits/expenses for leg injury cases where the injured worker returned to work.

**Table 37: Permanent Partial Impairment - Leg Injuries - Employee Returned to Work for Pre-Injury Employer**

<b>Year</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
CY2002	1075	8.6	7.0	7.8
CY2003	1085	8.9	7.0	8.9
CY2004	1216	8.9	7.0	8.5
CY2005	1119	8.9	7.0	8.6
CY2006	1071	9.3	7.0	9.2
CY2007	1059	8.8	7.0	8.6
CY2008	1101	9.0	7.0	8.7
CY2009	1028	8.7	7.0	8.9
CY2010	1003	8.0	6.0	7.8
CY2011	995	7.5	6.0	7.7

**Table 38: Percentage Awarded for Permanent Partial Disability - Leg Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	1075	20.7	15.3	17.4
CY2003	1082	21.2	16.0	18.0
CY2004	1211	20.8	15.0	17.8
CY2005	1108	18.5	13.3	17.2
CY2006	1058	15.9	10.5	16.7
CY2007	802	13.8	10.4	14.1
CY2008	936	13.7	10.1	14.0
CY2009	855	13.1	9.6	13.9
CY2010	851	11.8	9.0	11.8
CY2011	876	10.9	7.5	12.0

**Table 39: Permanent Partial Disability Multipliers - Leg Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	1071	2.7	2.5	1.6
CY2003	1081	2.8	2.5	1.8
CY2004	1205	2.7	2.5	1.6
CY2005	1105	2.4	1.8	1.6
CY2006	1058	1.9	1.5	1.5
CY2007	802	1.7	1.5	1.5
CY2008	936	1.6	1.5	1.3
CY2009	855	1.6	1.5	1.0
CY2010	851	1.5	1.5	0.7
CY2011	876	1.5	1.5	0.6

**Table 40: Permanent Partial Disability - Monetary Benefits - Leg Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2004	1208	\$16,233.97	\$11,236.94	\$17,305.87
CY2005	1101	\$14,550.43	\$9,845.55	\$14,534.84
CY2006	1049	\$13,625.03	\$8,280.93	\$16,638.65
CY2007	789	\$11,815.15	\$8,038.80	\$13,271.77
CY2008	928	\$12,078.36	\$7,711.53	\$13,312.54
CY2009	826	\$11,501.14	\$7,149.04	\$13,356.65
CY2010	836	\$11,035.89	\$7,079.30	\$12,173.35
CY2011	870	\$9,818.80	\$6,257.83	\$12,762.32

**Table 41: Medical Benefits/Expenses - Leg Injuries - Employee Returned to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2004	1164	\$17,282.34	\$12,215.58	\$39,665.52
CY2005	1050	\$16,809.98	\$12,565.83	\$15,519.89
CY2006	1000	\$16,078.26	\$11,513.51	\$17,228.34
CY2007	1007	\$14,853.99	\$10,187.93	\$23,618.81
CY2008	1028	\$14,544.17	\$10,313.77	\$19,210.71
CY2009	955	\$14,053.31	\$10,188.21	\$13,878.93
CY2010	944	\$14,478.57	\$10,633.40	\$14,882.10
CY2011	949	\$14,534.32	\$11,141.61	\$12,903.50

## Leg Injuries - Employee Did Not Return to Pre-Injury Employment

### *Permanent Partial Impairment Ratings*

The average highest PPI ratings for leg injury cases where the injured worker did not return to work for the pre-injury employer are listed in Table 42. The average highest PPI rating for no return to work leg cases in 2011 is 11.4, the lowest in ten years. Average highest PPI ratings ranged from 11.4 to 15.5 with no clear trends emerging.

### *Permanent Partial Disability Percentage*

Average PPD percentages for cases involving leg injuries where the employee did not return to work are listed in Table 43. The mean amount of PPD benefits for 2011 leg injury cases where the injured worker did not return to work is 30.6 (61.2 weeks). As is the case for average highest PPI ratings for no return to work leg cases, no clear trend emerges for average PPD percentages, however 2011 presents the lowest year on record.

### *Permanent Partial Disability Multipliers*

The statewide mean multiplier for 2011 no return to work leg injury cases is 3.2 and have historically ranged from 2.9 to 3.5. Table 44 lists the average PPD multipliers for leg injury cases where the injured worker did not return to work.

### *Permanent Partial Disability Monetary Amounts*

The mean PPD benefit amount for 2011 is \$23,868.85, down over \$4,000 from 2010 after an uncharacteristically high amount in 2010. Table 45 displays average PPD monetary benefits paid for no return to work leg cases.

### *Medical Benefit/Expense Amounts*

The statewide average amounts for medical benefits/expenses paid for leg injury cases where the injured worker did not return to work are presented in Table 46. The mean medical benefit/expense for 2011 cases is \$25,818.16, up only slightly from 2010. The median amount was \$17,883.83, the highest median amount in 10 years.

**Table 42: Permanent Partial Impairment - Leg Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

<b>Year</b>	<b>Frequency</b>	<b>Mean</b>	<b>Median</b>	<b>Std. Deviation</b>
CY2002	243	14.6	9.0	15.5
CY2003	252	13.2	9.0	11.5
CY2004	284	14.2	10.0	13.3
CY2005	271	13.8	10.0	13.9
CY2006	275	15.4	10.0	15.3
CY2007	271	14.8	10.0	14.4
CY2008	304	15.4	10.0	14.5
CY2009	315	13.3	10.0	11.3
CY2010	319	13.3	10.0	11.3
CY2011	326	11.4	10.0	9.8

**Table 43: Percentage Awarded for Permanent Partial Disability - Leg Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	243	36.9	28.0	26.9
CY2003	252	36.2	30.0	24.3
CY2004	284	38.0	30.0	25.2
CY2005	261	36.0	30.0	24.7
CY2006	264	34.6	26.0	26.7
CY2007	191	37.2	29.0	27.4
CY2008	253	36.8	28.7	27.6
CY2009	249	33.2	28.5	24.6
CY2010	279	36.0	28.2	27.0
CY2011	276	30.6	21.7	24.6

**Table 44: Permanent Partial Disability Multipliers - Leg Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2002	242	3.4	3.0	1.9
CY2003	250	3.3	3.0	1.7
CY2004	283	3.5	3.1	2.0
CY2005	261	3.5	3.0	2.5
CY2006	263	2.9	2.5	2.4
CY2007	191	3.6	2.8	4.8
CY2008	253	2.9	2.7	1.4
CY2009	248	2.9	2.9	1.5
CY2010	279	3.0	2.8	2.2
CY2011	276	3.2	3.0	2.7

**Table 45: Permanent Partial Disability - Monetary Benefits - Leg Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2004	281	\$24,077.05	\$17,280.00	\$20,753.44
CY2005	260	\$24,061.13	\$17,392.90	\$22,053.35
CY2006	263	\$22,759.14	\$16,800.84	\$20,993.24
CY2007	187	\$26,031.90	\$18,501.87	\$23,445.06
CY2008	253	\$27,224.45	\$17,065.60	\$25,487.76
CY2009	245	\$24,377.13	\$16,000.80	\$22,292.26
CY2010	275	\$28,216.21	\$19,998.59	\$27,091.10
CY2011	272	\$23,868.85	\$14,084.83	\$25,186.16

**Table 46: Medical Benefits/Expenses - Leg Injuries - Employee Did Not Return to Work for Pre-Injury Employer**

Year	Frequency	Mean	Median	Std. Deviation
CY2004	261	\$27,438.01	\$16,965.55	\$36,235.01
CY2005	244	\$25,631.45	\$16,477.21	\$27,482.28
CY2006	240	\$27,355.79	\$16,079.43	\$35,514.35
CY2007	247	\$26,452.14	\$14,998.59	\$38,762.99
CY2008	275	\$24,112.94	\$15,785.42	\$26,605.41
CY2009	284	\$21,493.21	\$14,160.04	\$22,888.88
CY2010	284	\$25,697.14	\$15,971.33	\$29,377.97
CY2011	306	\$25,818.16	\$17,883.83	\$28,143.82

## Psychological Injury

On the SD-1 form, the parties are to fill out whether there was a psychological injury claimed and whether that injury was the sole claim. Tables 47 and 48 indicate psychological injury and psychological sole claim frequencies respectively. In 2011, 2.0% of the cases claimed psychological injury. The percent of sole psychological injury claims for 2011 is 0.5% of the total number of cases.

**Table 47: Workers' Compensation Cases in Which Psychological Injury Was Claimed**

Year	Total Cases	Number Claiming Pysch Injury	Percent
CY2002	9877	219	2.2%
CY2003	10394	204	2.0%
CY2004	12181	234	2.3%
CY2005	10642	170	1.6%
CY2006	9711	163	1.7%
CY2007	9075	155	1.7%
CY2008	9666	166	1.7%
CY2009	8571	149	1.7%
CY2010	8227	170	2.1%
CY2011	7892	155	2.0%

**Table 48: Workers' Compensation Cases in Which Psychological Injury Was the Sole Injury Claimed**

Year	Total Cases	Number Claiming Sole Pysch Injury	Percent
CY2002	9877	78	0.8%
CY2003	10394	41	0.4%
CY2004	12181	71	0.7%
CY2005	10642	42	0.4%
CY2006	9711	39	0.4%
CY2007	9075	19	0.2%
CY2008	9666	32	0.3%
CY2009	8571	58	0.7%
CY2010	8227	45	0.5%
CY2011	7892	36	0.5%

## Permanent Total Disability

There are two methods of collecting data on the frequency of permanent total disability (PTD) cases. The SD-1 form permits a case to be identified as a permanent total disability trial or settlement. The frequencies in which those specific fields on the SD-1 are filled in are displayed in Table 49. The percent of PTD cases as identified on the SD-1 for 2011 is 0.4% (30 cases).

The SD-1 form also collects the amounts of different types of monetary benefits that are associated with each workers' compensation case. Table 50 displays the number of SD-1 forms in which the reported PTD monetary benefit amount is greater than \$0.00 for calendar year 2002 through 2011 cases. The percent of cases in which PTD benefits were paid/awarded is 0.3% (22 cases) for 2011.

**Table 49: Permanent Total Disability Case Frequencies**

Year	PTD Settlement		PTD Trial		Total
	Frequency	Percent	Frequency	Percent	
2002	120	1.21%	13	0.13%	1.35%
2003	85	0.82%	13	0.13%	0.94%
2004	99	0.77%	17	0.13%	0.90%
2005	40	0.38%	1	0.01%	0.39%
2006	47	0.48%	4	0.04%	0.53%
2007	46	0.51%	5	0.06%	0.56%
2008	48	0.51%	0	0.00%	0.51%
2009	42	0.49%	0	0.00%	0.49%
2010	25	0.30%	1	0.01%	0.32%
2011	29	0.37%	1	0.01%	0.38%

**Table 50: Frequencies of Monetary Permanent Total Disability Benefits Paid**

Year	PTD Settlement Benefits Paid		PTD Trial Benefits Paid		PTD Benefits Paid Conclusion Type Missing		Total
	Frequency	Percent	Frequency	Percent	Frequency	Percent	
2002	113	1.14%	10	0.10%	6	0.06%	1.31%
2003	68	0.65%	6	0.06%	2	0.02%	0.73%
2004	47	0.37%	6	0.05%	3	0.02%	0.44%
2005	55	0.54%	1	0.01%	2	0.02%	0.57%
2006	36	0.39%	1	0.01%	1	0.01%	0.41%
2007	36	0.43%	1	0.01%	4	0.01%	0.45%
2008	25	0.26%	1	0.01%	0	0.01%	0.27%
2009	41	0.48%	1	0.01%	0	0.00%	0.49%
2010	9	0.11%	1	0.01%	1	0.01%	0.12%
2011	21	0.26%	1	0.01%	0	0.00%	0.27%

## Death Cases

The monetary amount of death benefits paid is also reported on SD-1 forms. None of the 2011 cases reported any death benefits being paid.

## Appeals

After a case has been tried by a court in Tennessee, either party may appeal the court's verdict to the Tennessee Supreme Court. Pursuant to Supreme Court rules, all workers' compensation cases are referred to the Special Workers' Compensation Panel for hearing. It is mandatory for the Appeals Panel to hear the case. After the decision of the Panel has been sent to the parties, either or both of the parties can request the Supreme Court for a Full Court Review of the case. This review is discretionary with the Supreme Court. If the Supreme Court grants a Full Court Review, the case is argued before the entire Supreme Court and an opinion is issued. If a motion for a Full Court Review is not filed, the Supreme Court formally adopts the Panel's opinion. Decisions of both the Appeals Panel and the Supreme Court are published on the Supreme Court's website ([www.tncourts.gov](http://www.tncourts.gov)).

Table 51 contains information regarding workers' compensation appeals that was provided by the Administrative Office of the Courts. Table 52 compares the number of trials reported on the Statistical Data Form with the number of appeals reported by the AOC. This is not a direct one to one comparison, but is provided to give a relative amount of appeal court utilization. The number of appeals to the number of trials decreased prior to the 2004 reforms and have increased since then. For every year since 2008 except for 2010, there were more appeals than there were trials. This is possible because the percentage reflects that some of the cases from previous years were heard on appeal in subsequent calendar years while the number of cases per year is diminishing. For 2011, the percent of appeals to the number of trials is 132.9%.

**Table 51: Workers' Compensation Appeals**

Year	Workers' Compensation Appeals	Number of Motions for Full Court Review FILED	Number of Motions for Full Court Review GRANTED	Number of Motions for Full Court Review DENIED
2001	178	68	10	59
2002	166	55	6	51
2003	154	45	1	39
2004	145	52	2	40
2005	96	29	4	28
2006	138	34	2	30
2007	111	40	7	31
2008	128	34	3	25
2009	111	42	2	45
2010	94	22	3	17
2011	97	27	2	20

**Table 52: Comparison of Number of Trials to Number of Appeals Filed**

Year	Number of Trials Reported on SD-1 Forms	Number of Appeals Filed with Supreme Court	Percent of Trial Verdicts Appealed*
2001	247	178	72.1%
2002	243	166	68.3%
2003	304	124	40.8%
2004	380	145	38.2%
2005	285	96	33.7%
2006	241	138	57.3%
2007	155	111	71.6%
2008	87	128	147.1%
2009	85	111	130.5%
2010	105	94	89.5%
2011	73	97	132.9%

\*not based on actual case to case numbers, but the number of appeals compared to the number of trials in a particular year

## Conclusion

This report provides a yearly data snapshot of the Tennessee workers' compensation system for cases involving permanent disability. Its intent is to give a firsthand impression of what is happening with permanent disability cases, effects of the reforms that have been passed, and to aid stakeholders in future decision making. Highlights from calendar year 2011 data are listed below. Appendix A provides ten year trend graphs of the means and medians of the information presented throughout the previous pages.

- The utilization of the Tennessee Department of Labor and Workforce Development to conclude cases has leveled off. The percent of cases concluded in this manner is between 56% and 62% of cases between 2005 and 2011.
- Trials are occurring in 0.9% of Tennessee workers compensation permanent disability cases in 2011.
- The average time from injury to conclusion for 2011 cases takes over 1 year 9 months (85.5 weeks).
- The percent of Department approved settlements where a complaint has not been filed has increased from 71% in 2005 to 99% in 2011.
- The average age of injured workers continues to increase. The average age of injured workers from 2011 SD-1 data is 46.4.
- The level of education of injured workers continues to be increasing.
- Mean weekly compensation rates have increased steadily from \$319.10 for 2000 cases to \$444.03 for 2011 cases. Year to year changes in mean compensation rates mirror inflation.
- The mean duration of temporary total benefits being paid has ranged from 20.9 weeks to 26.2 weeks in the past ten years. Calendar year 2011 was the first year in which the average number of weeks of temporary total benefits paid has not increased.
- The yearly increases in medical benefits/expenses per year have leveled off. For 2004 through 2011 cases, average medical benefits paid have ranged between \$19,645 and \$21,864.
- Eighty-one percent (81%) of cases reported the use of only one PPI rating in 2011.

- Average PPD benefits for body as a whole return to work cases have decreased by nearly 33 weeks since the implementation of the 2004 reforms. The decrease amounts to \$14,653 less in PPD benefits per body as a whole return to work case.<sup>6</sup>
- For arm injury cases where the injured worker returned to work, average PPD percentage amounts are down from 19.1 to 8.4. This is equivalent to a decrease over 21 weeks or \$9,502 of PPD benefits per case.
- Average PPD percentage amounts for return to work leg injury cases decreased by almost 21 weeks from 2003. The decrease amounts to \$9,413 less in PPD benefits per leg injury case.

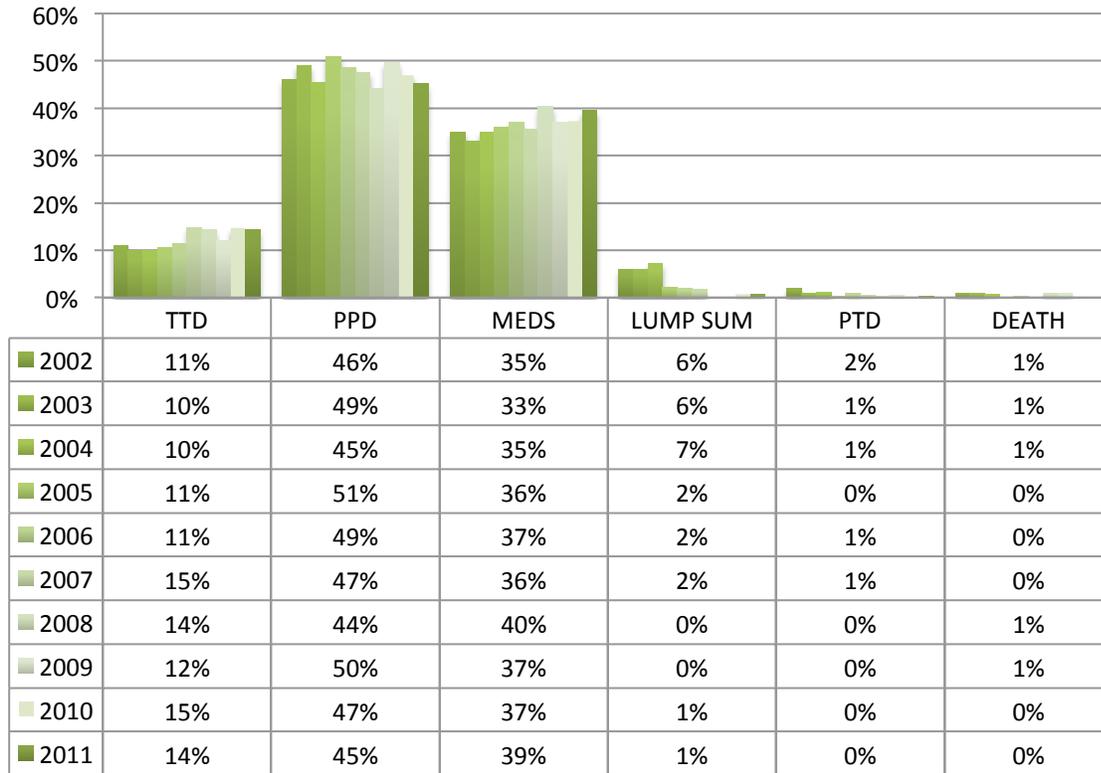
The numbers reported previously have been based on average amounts. It is also important to consider what is happening with permanent disability cases in Tennessee as a whole. Figure 5 indicates the percent of all medical and indemnity dollars<sup>7</sup> reported on SD-1 forms for calendar years 2002 to 2011. The medical data reported is the amount paid as of the date the case is closed with the state agency and does not reflect any additional medical payments over the course of the employee's lifetime. These data do not include monetary amounts paid in medical only claims.

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<sup>6</sup> The amount is based on 33 weeks of benefits multiplied by the average weekly compensation rate (\$444.03).

<sup>7</sup> Figure 10 presents percentages based on the dollar amounts listed on all SD-1 forms, which when totaled, range between \$407 million and \$588 million per year.

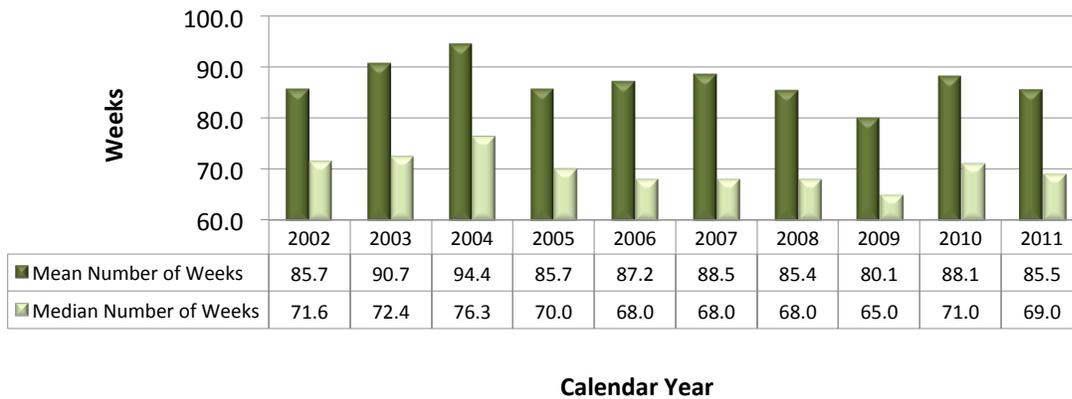
**Figure 5: Percent of Workers' Compensation Dollars Paid for Tennessee Permanent Disability Claims**



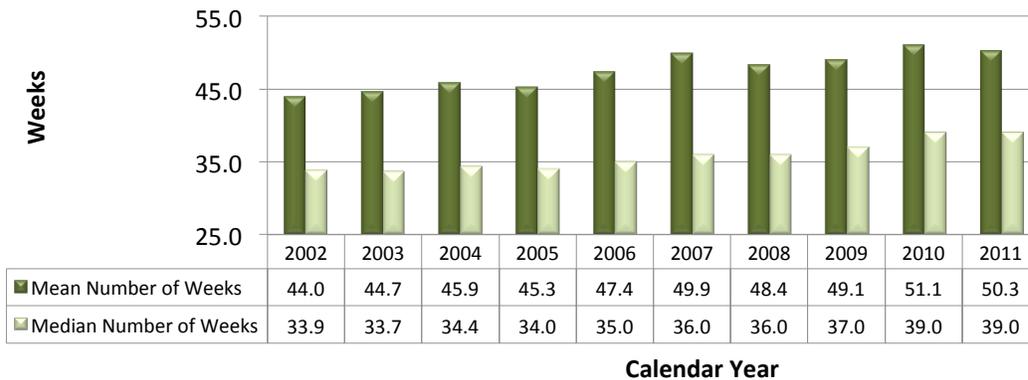
## Appendix A

### Ten Year Trend Graphs for Tennessee Workers' Compensation Cases Concluded in Calendar Years 2001 - 2010

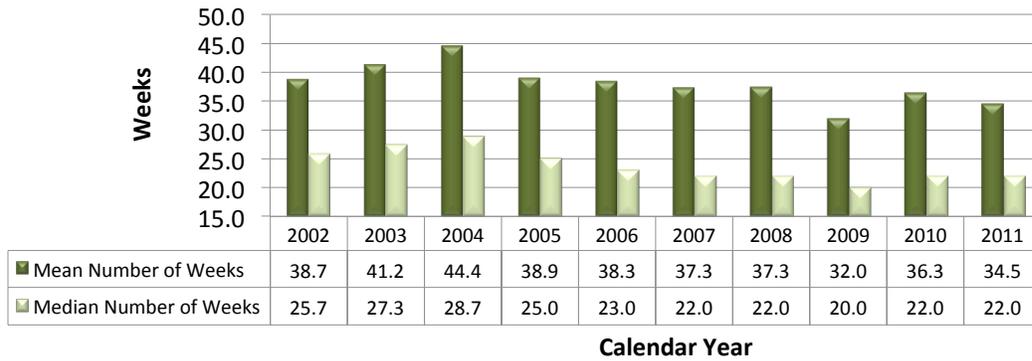
**Number of Weeks from Injury to Conclusion**



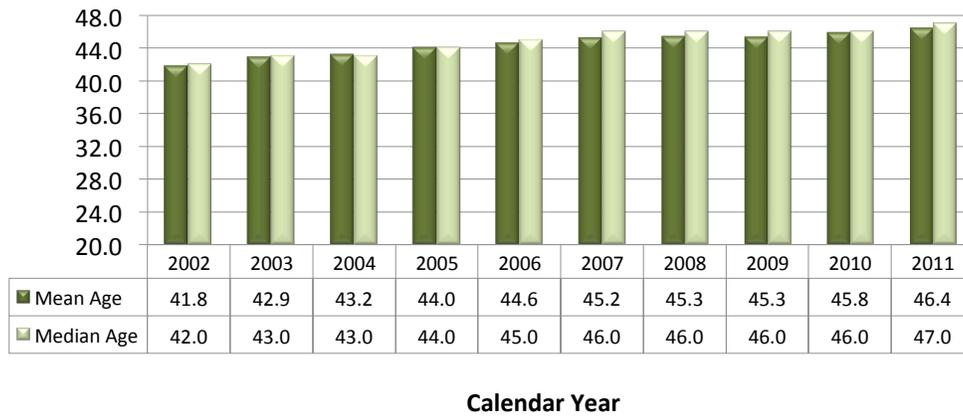
**Number of Weeks From Injury to MMI**



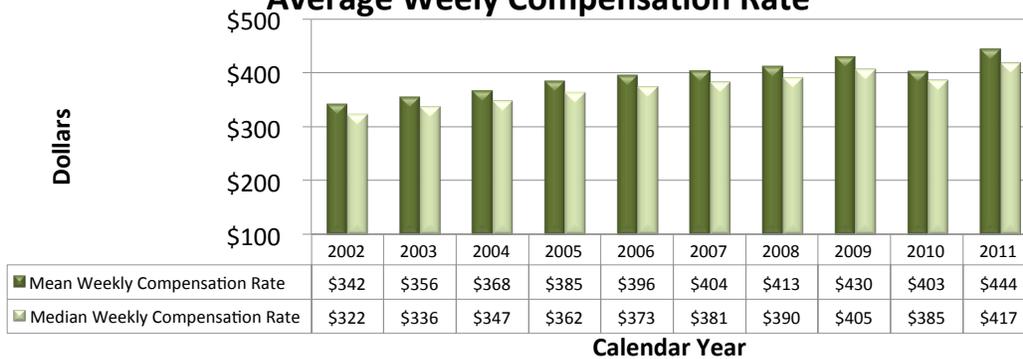
### Number of Weeks from MMI to Conclusion



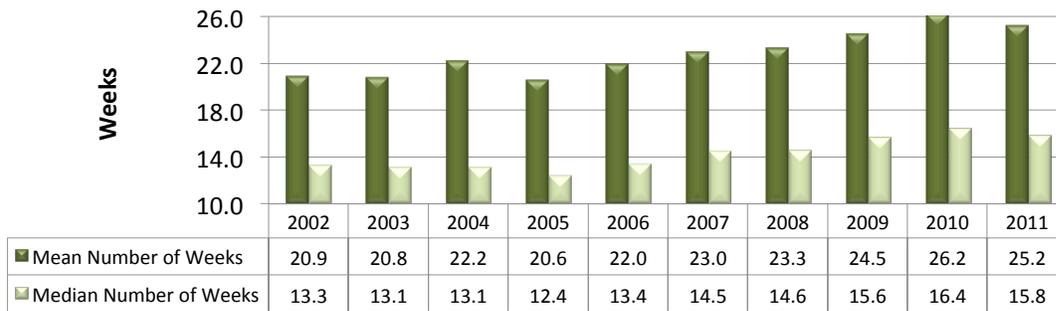
### Average Age at Date of Injury



### Average Weekly Compensation Rate

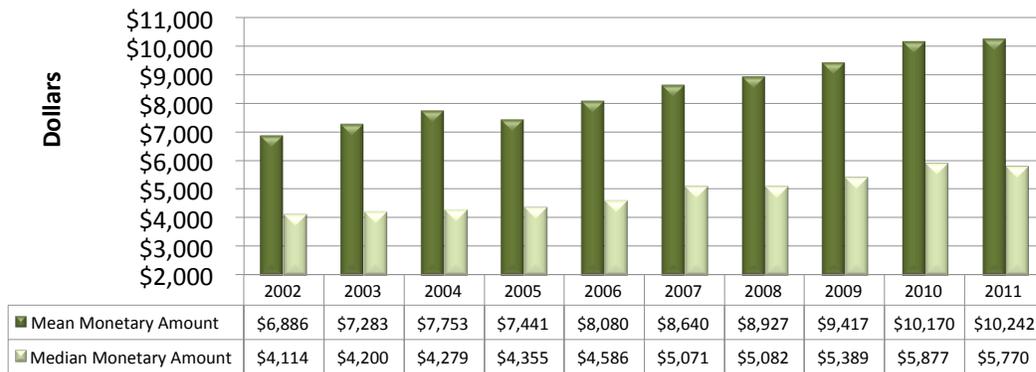


### Average Number of Weeks of TTD Benefits



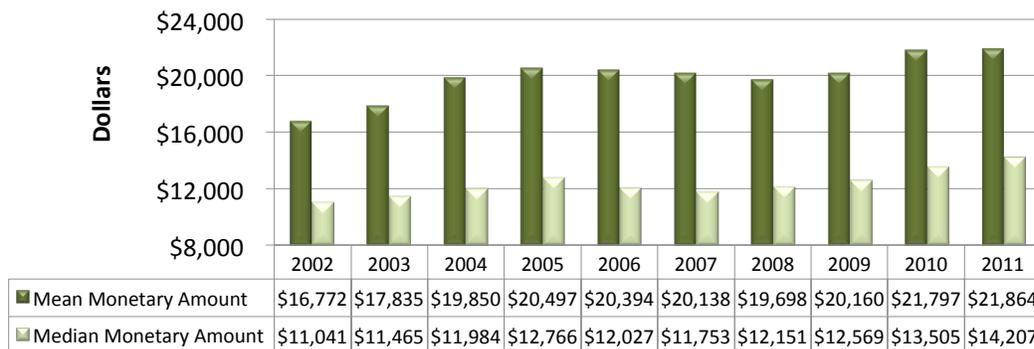
Calendar Year

### Average Monetary Amount of TTD Benefits



Calendar Year

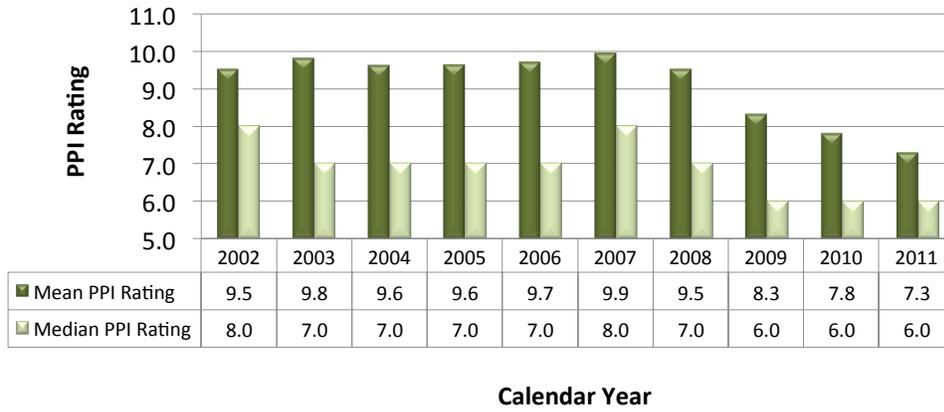
### Average Monetary Amount of Medical Benefits/Expenses



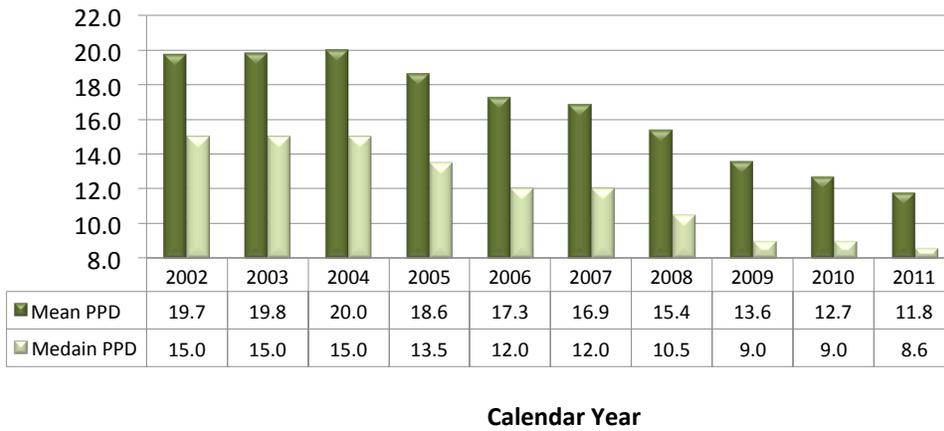
Calendar Year

# Body as a Whole Cases Where the Injured Worker Returned to Work

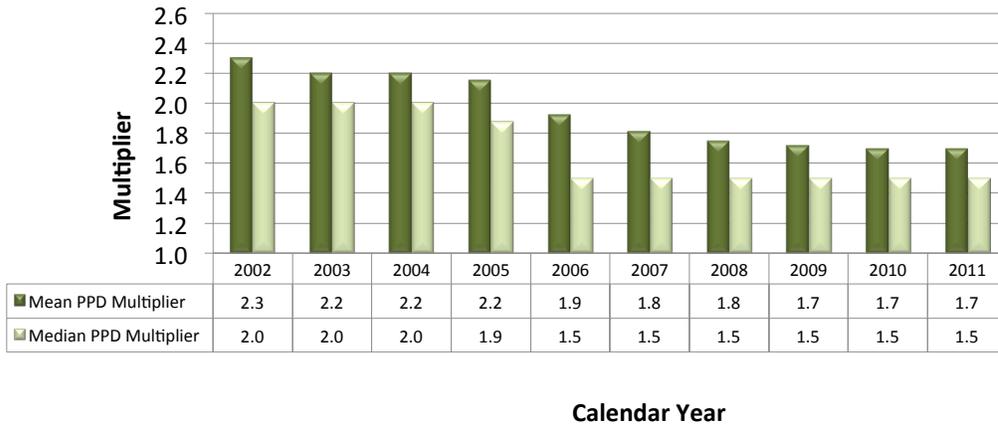
### Average PPI Rating



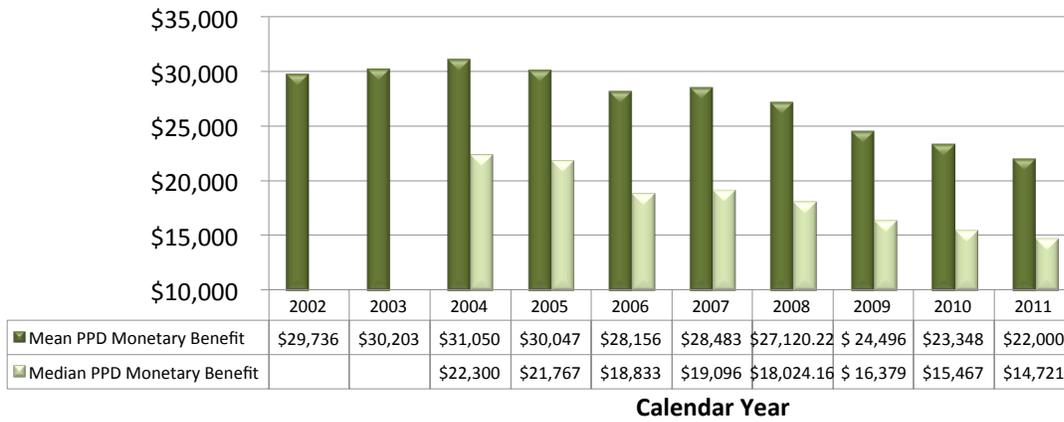
### Average PPD Percentage Awarded



### Average PPD Multiplier

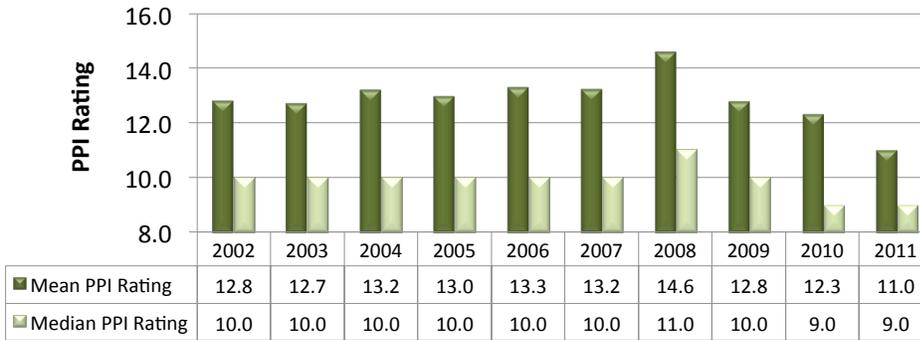


### Average PPD Monetary Benefit



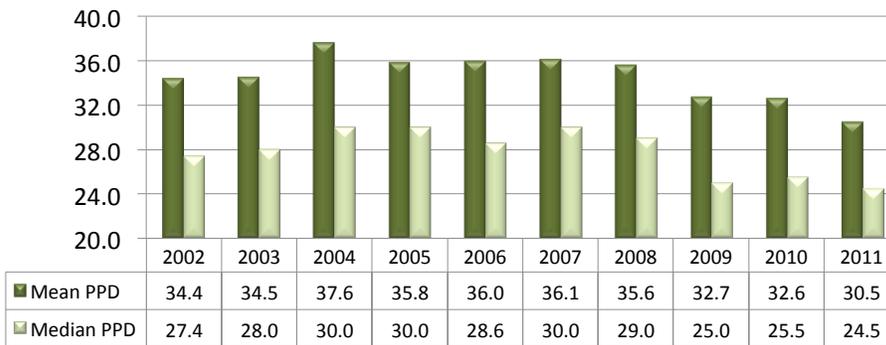
## Body as a Whole Cases Where the Injured Worker Did Not Return to Work

### Average PPI Rating



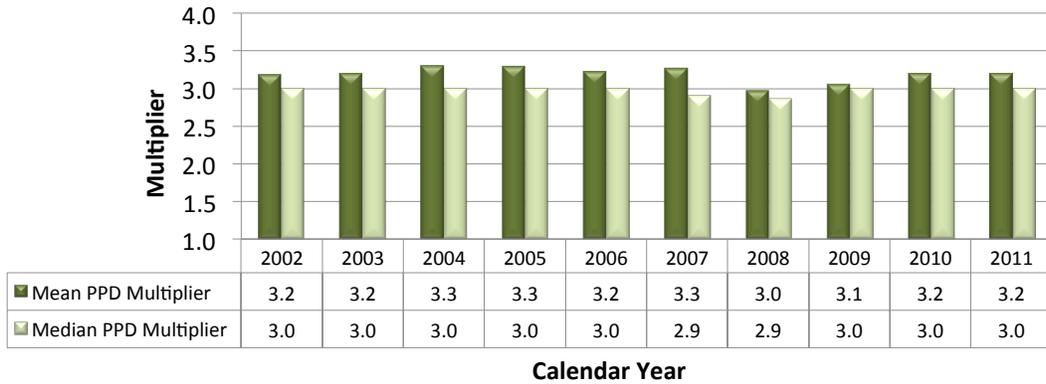
Calendar Year

### Average PPD Percentage Awarded

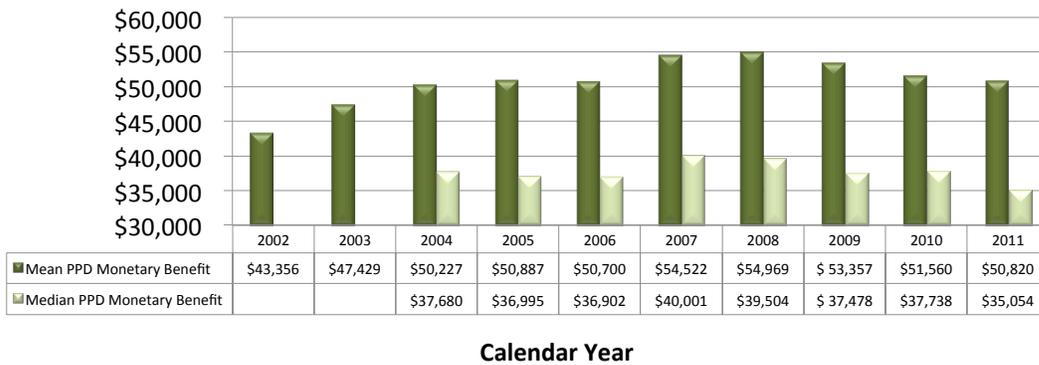


Calendar Year

### Average PPD Multiplier

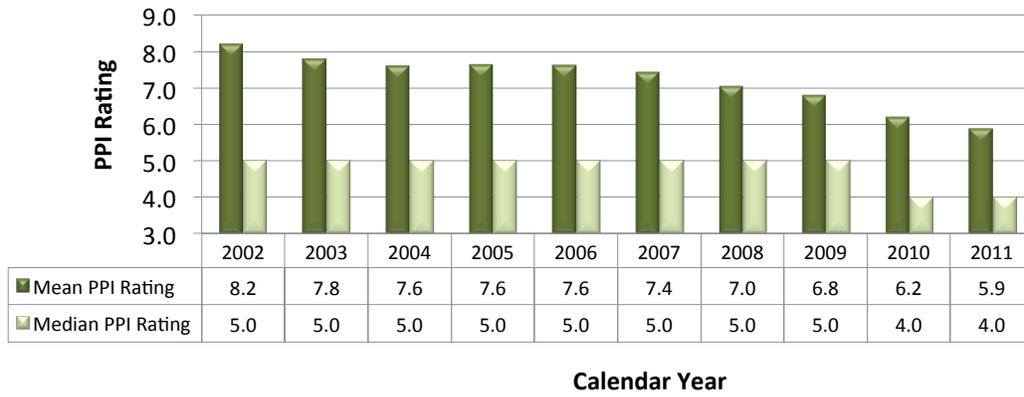


### Average PPD Monetary Benefit

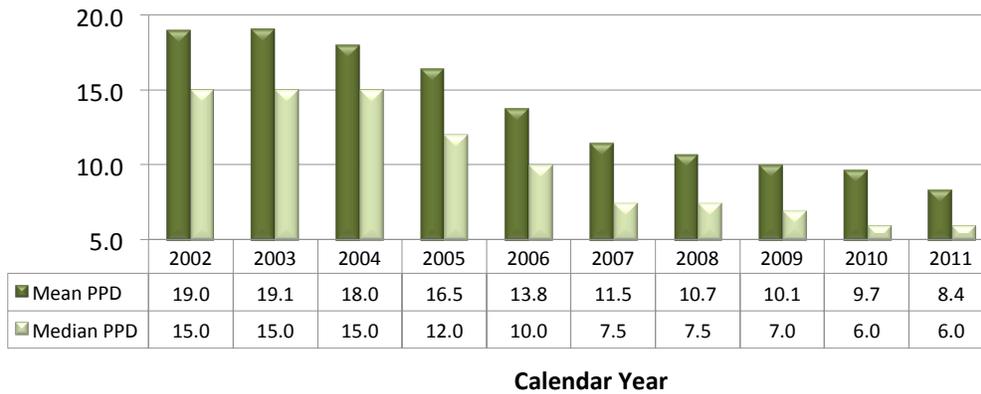


## Arm Injury Cases Where the Injured Worker Returned to Work

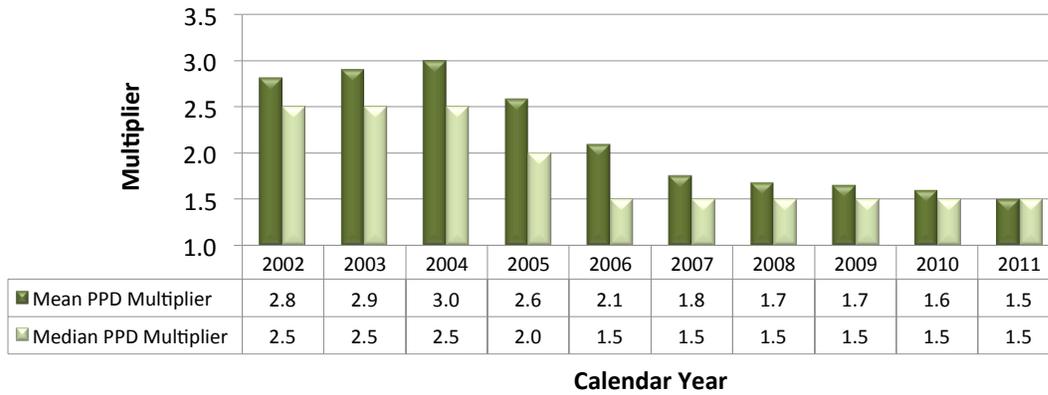
### Average PPI Rating



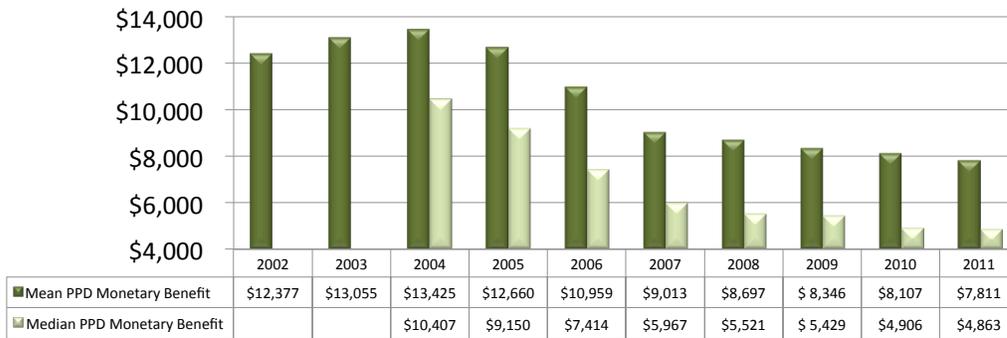
### Average PPD Percentage Award



### Average PPD Multiplier

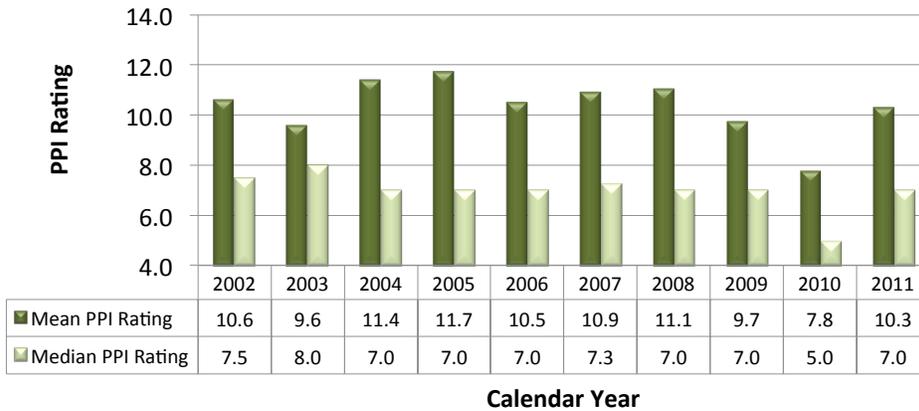


### Average PPD Monetary Benefit

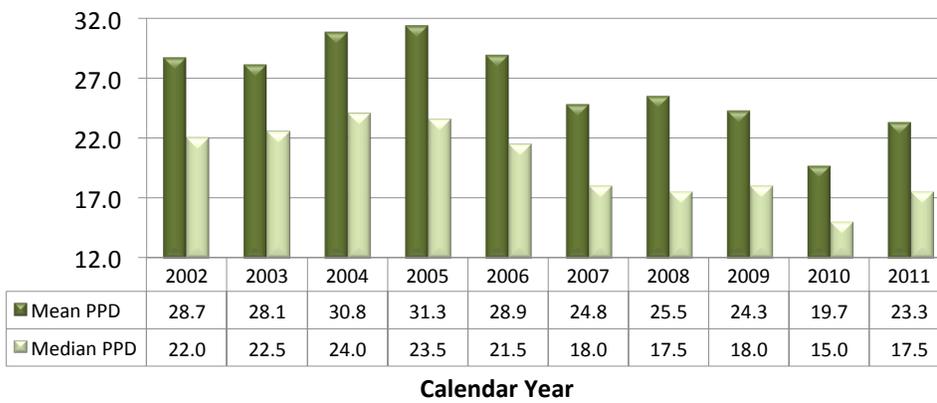


# Arm Injury Cases Where the Injured Worker Did Not Return to Work

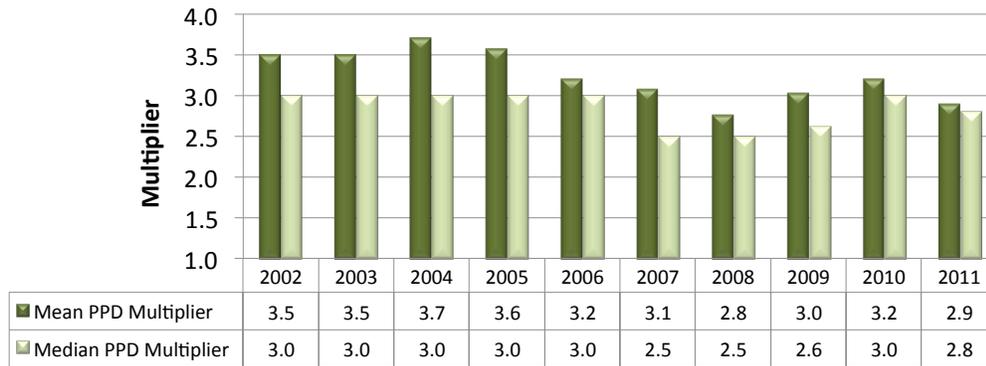
### Average PPI Rating



### Average PPD Percentage Awarded

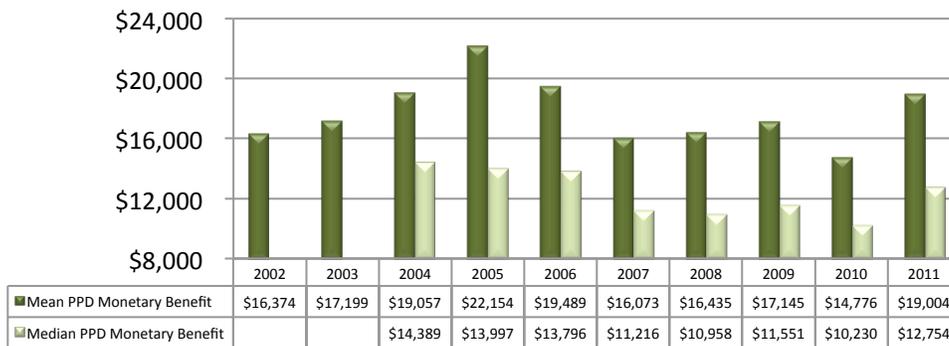


### Average Arm PPD Multiplier



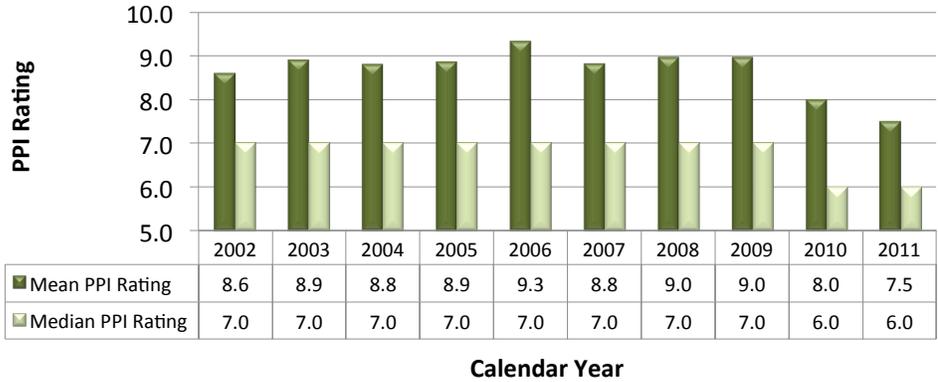
Calendar Year

### Average PPD Monetary Benefit

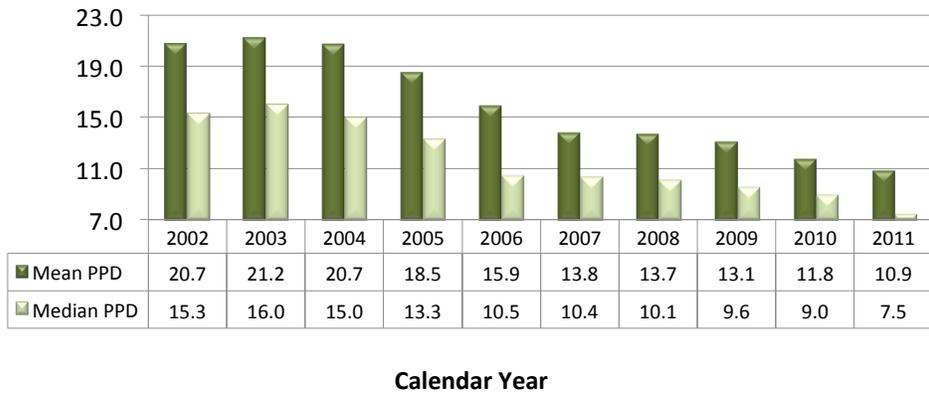


## Leg Injury Cases Where the Injured Worker Returned to Work

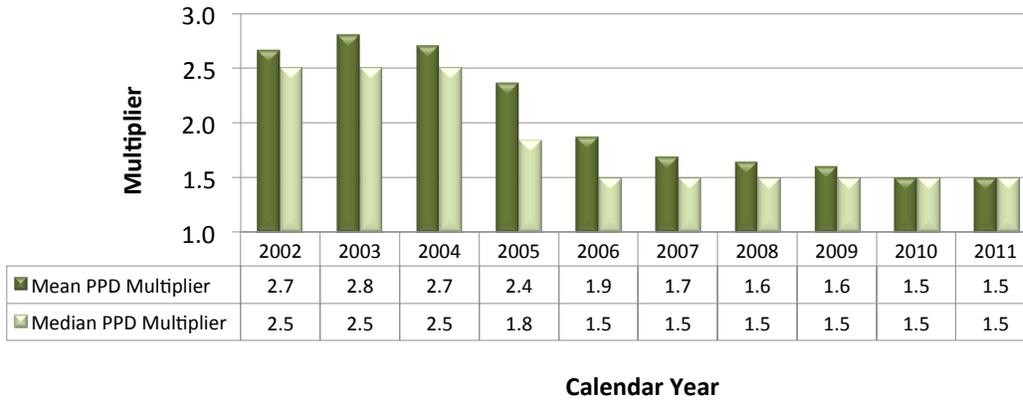
### Average PPI Rating



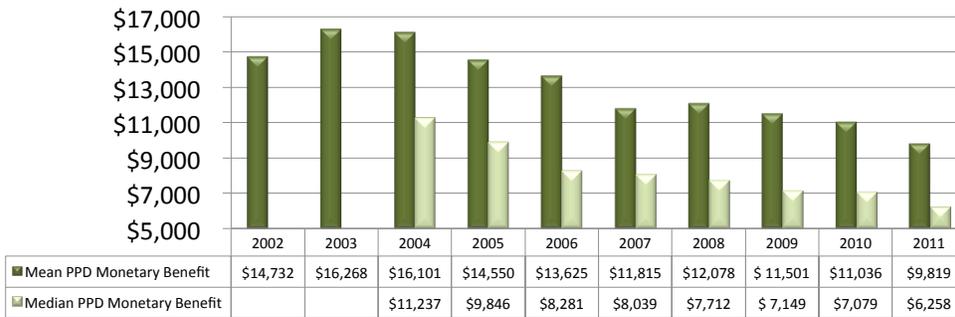
### Average PPD Percentage Awarded



### Average PPD Multiplier

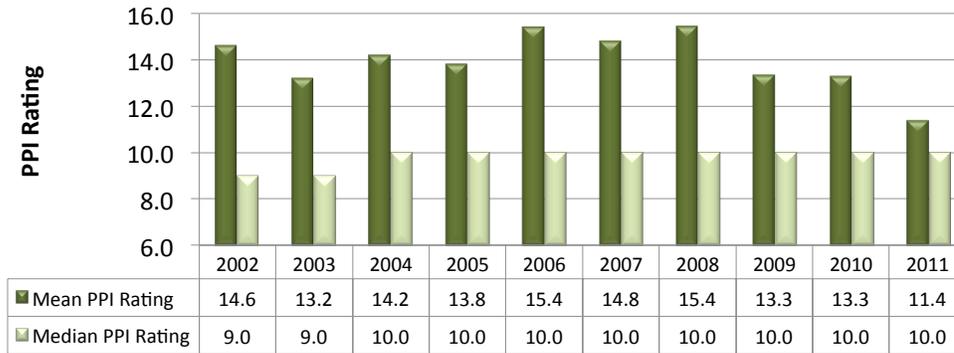


### Average Leg PPD Monetary Benefit



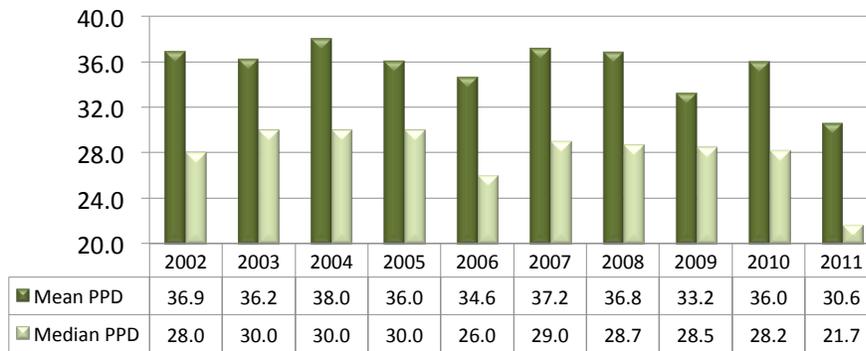
# Leg Injury Cases Where the Injured Worker Did Not Return to Work

### Average PPI Rating



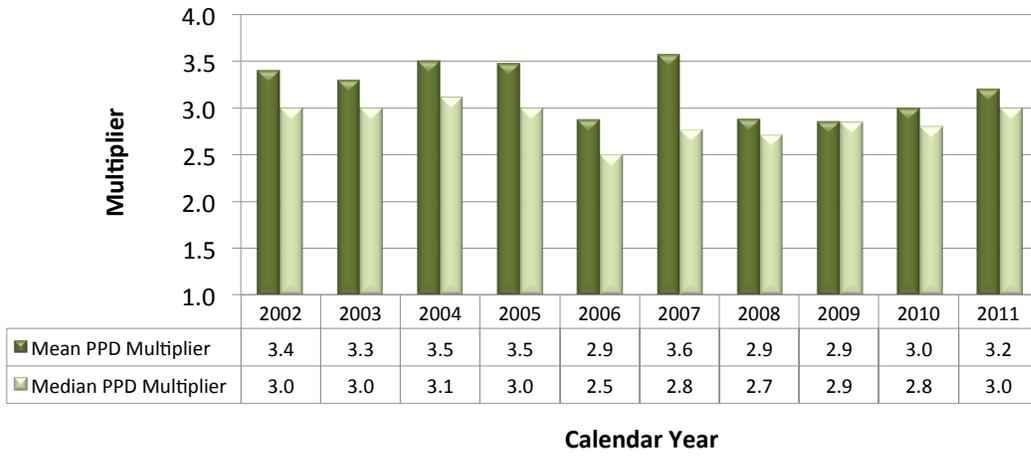
Calendar Year

### Average PPD Percentage Awarded

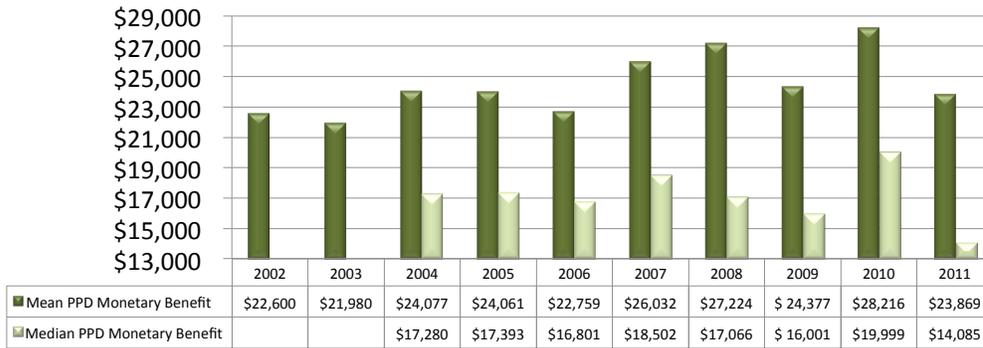


Calendar Year

### Average PPD Multiplier



### Average PPD Monetary Benefit



## Appendix B

### Summary of 2004 Legislative Changes

As noted in previous reports, House Bill 3531/Senate Bill 3424 (referred to as the 2004 workers' compensation reforms) brought significant changes to Tennessee's workers' compensation system. The changes that could potentially impact the system as reflected in the data presented in this report are highlighted below.

#### *Mandatory Mediation*

No claim is to be filed in court until the parties have exhausted the benefit review conference process, unless the parties have agreed to settle prior to the benefit review conference taking place (effective 1/1/2005).

#### *Temporary Total Disability Benefits*

The maximum benefit amount was increased to 105% of the State's Average Weekly Wage (SAWW) effective 7/1/2004 and to 110% of the SAWW as of 7/1/2005.

#### *Medical Benefits/Expenses*

Effective 7/1/2004, future medical benefits cannot be closed at the time of trial or settlement for body as a whole injuries and scheduled member injuries of 200 weeks or greater. Parties can agree to settle future medical benefits after three years from the time of trial or settlement approval. In addition to medical benefits remaining open for at least three years, a medical fee schedule was implemented on 7/1/2005.

### *Permanent Partial Disability Benefits*

The cap on permanent partial disability benefits for injured workers who return to work for their pre-injury employer at the same or higher wage was reduced from 2.5 times the impairment rating to 1.5 times the impairment rating. This became effective 7/1/2004 and is for body as a whole and scheduled member injuries of 200 weeks or more.