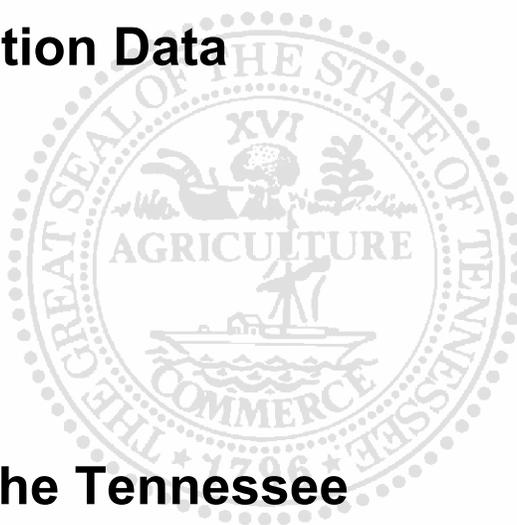

Tennessee Workers' Compensation Data
Calendar Years 2003-2012

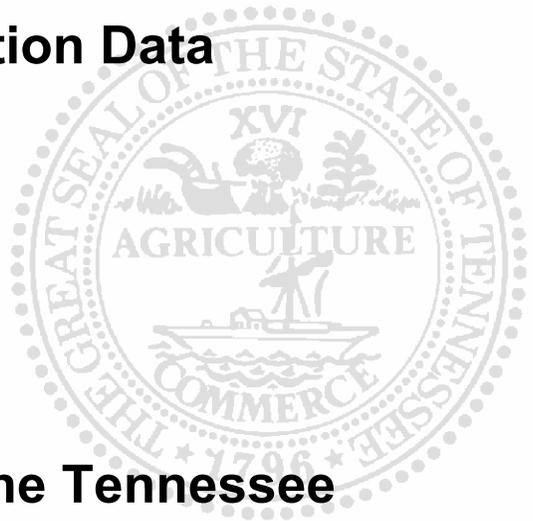


A Report of Statewide Data for the Tennessee
Advisory Council on Workers' Compensation

August 2013

Tennessee Workers' Compensation Data

Calendar Years 2003-2012



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August 2013

David Wilstermann

Statistical Report: Tennessee Workers' Compensation Data: 2003-2012 Table of Contents

	Page Number
Introduction	6
Methods	7
Number of Cases / Conclusion Types	8
Table 1; Figure 1	
Case Length	
Date of Injury to Date of Conclusion	10
Table 2; Figure 2	
Date of Injury to Maximum Medical Improvement	11
Table 3; Figure 3	
Maximum Medical Improvement to Date of Conclusion	11
Table 4; Figure 4	
Demographics	
Average Age	15
Table 5	
Level of Education	15
Table 6	
Weekly Compensation Rate	15
Table 7; Table 8	
Temporary Total Disability	
Temporary Total Disability - Number of Weeks	18
Table 9	

Temporary Total Disability - Monetary Amounts	18
Table 10	
Medical Information	
Medical Benefits/Expenses	19
Table 11	
Number of Permanent Partial Impairment Ratings	20
Table 12	
Most Frequent Injuries	20
Tables 13 & 14	
Body as a Whole, Arm and Leg Injury Cases with Return to Work Status	
Tables 15 & 16	22
Body as a Whole Cases - Employee Returned To Pre-Injury Employment	
Permanent Partial Impairment Ratings	23
Table 17	
Permanent Partial Disability Percentage	24
Table 18	
Permanent Partial Disability Multipliers	24
Table 19	
Permanent Partial Disability Monetary Amounts	24
Table 20	
Medical Benefits/Expenses	25
Table 21	
Body as a Whole Cases - Employee Did Not Return To Pre- Injury Employment	
Permanent Partial Impairment Ratings	27
Table 22	
Permanent Partial Disability Percentage	27
Table 23	
Permanent Partial Disability Multipliers	27

Table 24	
Permanent Partial Disability Monetary Amounts	28
Table 25	
Medical Benefits/Expenses	28
Table 26	
Arm Injuries - Employee Returned To Pre-Injury Employment	
Permanent Partial Impairment Ratings	30
Table 27	
Permanent Partial Disability Percentage	31
Table 28	
Permanent Partial Disability Multipliers	31
Table 29	
Permanent Partial Disability Monetary Amounts	31
Table 30	
Medical Benefits/Expenses	31
Table 31	
Arm Injuries - Employee Did Not Return To Pre-Injury Employment	
Permanent Partial Impairment Ratings	34
Table 32	
Permanent Partial Disability Percentage	34
Table 33	
Permanent Partial Disability Multipliers	35
Table 34	
Permanent Partial Disability Monetary Amounts	35
Table 35	
Medical Benefits/Expenses	35
Table 36	

Leg Injuries - Employee Returned To Pre-Injury Employment	
Permanent Partial Impairment Ratings	38
Table 37	
Permanent Partial Disability Percentage	38
Table 38	
Permanent Partial Disability Multipliers	38
Table 39	
Permanent Partial Disability Monetary Amounts	39
Table 40	
Medical Benefits/Expenses	39
Table 41	
Leg Injuries - Employee Did Not Return To Pre-Injury Employment	
Permanent Partial Impairment Ratings	41
Table 42	
Permanent Partial Disability Percentage	41
Table 43	
Permanent Partial Disability Multipliers	42
Table 44	
Permanent Partial Disability Monetary Amounts	42
Table 45	
Medical Benefits/Expenses	42
Table 46	
Psychological Injury	44
Tables 47 & 48	
Permanent Total Disability	45
Tables 49 & 50	

Death Cases	47
Appeals	47
Tables 51 & 52	
Conclusion	49
Figure 5	
Appendix A:	52
Ten Year Trend Graphs - Calendar Years 2003 - 2012	

Introduction

The Tennessee Advisory Council on Workers' Compensation began reporting workers' compensation data dating back to 1996. Initially, trial data was reported to analyze the implementation of the reforms passed in 1992. In 2000, with the adoption of the SD-1 form and the Tennessee Department of Labor and Workforce Development's Workers' Compensation Computer System (WCS), the Advisory Council's data reporting expanded to cover permanent injury (partial and total) settlements as well as trials. Several years and reforms later, the Advisory Council on Workers' Compensation still benchmarks systemic data from permanent disability cases. This report adds to the data previously presented, with a focus on cases closed in calendar year 2012. Closed case data from the nine years prior to 2012 are also presented for contextual comparisons. While major systemic reforms were passed during the 2013 legislative session, it will be several years before cases under the new system will be concluded. Data from this report will be able to provide important comparisons in the future.

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. Appendix A provides graphs of the mean and median amounts for the tables discussed throughout the main body of the report.

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 2003 through 2012.

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 (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 May of 2013,

data from calendar year 2012 was provided. The data is from First Report and SD-1 forms. For 2012 there are 8,427 cases. This report combines previously reported statewide workers' compensation data from 2003 through 2011. This gives the opportunity to view ten years of Tennessee workers' compensation data.

Number of Cases

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

Conclusion Type	Description
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 DoLWD	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.

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, at around 60% from 2007 to 2011.¹ For calendar year 2012, 50.7% of cases were DoLWD approved settlements. The percent of settlements where a complaint was filed continued to show decreases, with 6.2% of cases being concluded in that manner compared to 26.4% in 2003. The percent of joint petition settlements rose from

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

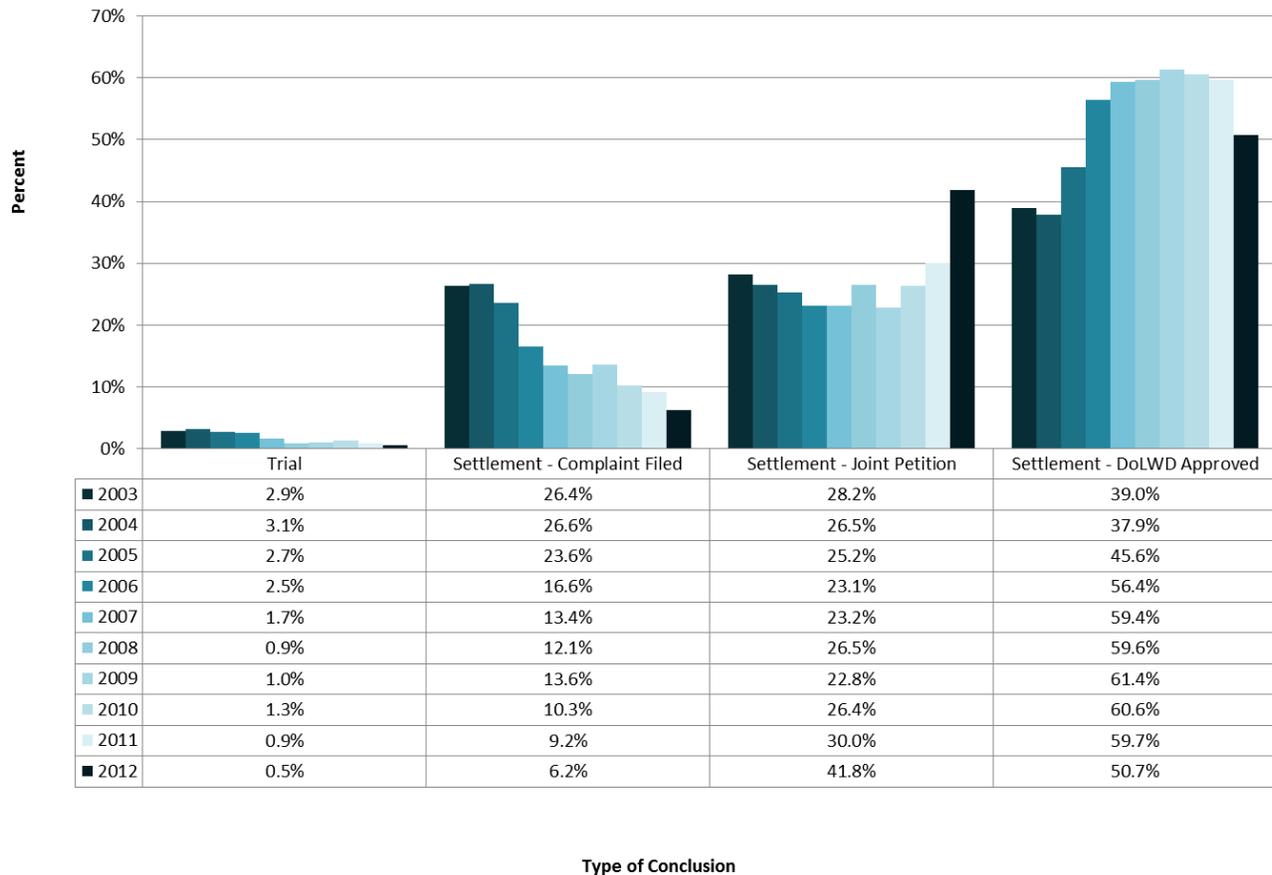
30.0% in 2011 to 41.8% in 2012, half of which were in Judicial District 20 (Davidson County). Trails are utilized to conclude cases 0.5% of the time (46 cases). Table 1 displays the number and percent of each type of conclusion for cases involving permanent injury in Tennessee.

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	
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
CY2012	46	0.5%	515	6.2%	3524	41.8%	4271	50.7%	66	0.8%	5	0.1%	8427

Figure 1: Type of Conclusion²



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 2012 takes just over 1 year 7 months (83.8 weeks). Previous reports have separated the case lengths for Department approved settlements by whether a complaint had been filed. Over time, it became evident that nearly all Department approved settlements are cases where a complaint has not been filed. Because of those systemic practices, case length differences in whether a complaint is filed will no longer be reported. Figure 2 displays the number of weeks from injury to conclusion by injury year and conclusion type.

² For the actual number of cases, see Table 1.

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 for 2012 is 49.8. 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 2012 is 64 weeks, for settlements where a complaint has been filed, 69 weeks, for joint petition settlements, 47 weeks, and for Department approved settlements, 50 weeks.

Maximum Medical Improvement to Date of Conclusion

The mean number of weeks from MMI to conclusion in 2012 is 34.1 weeks. Table 4 lists the average number of weeks from MMI to conclusion. For 2012, the average number of weeks from MMI to conclusion for Department approved settlements is 31.9. The mean number of weeks from MMI to conclusion for joint petition settlements is 29.8 weeks. Settlements when a complaint was filed take 84.8 weeks from MMI to conclusion. For 2012, trials take 120.3 weeks from MMI to conclude, up nearly 33 weeks from 2011. 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
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
CY2012	7712	83.8	66.0	60.3

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

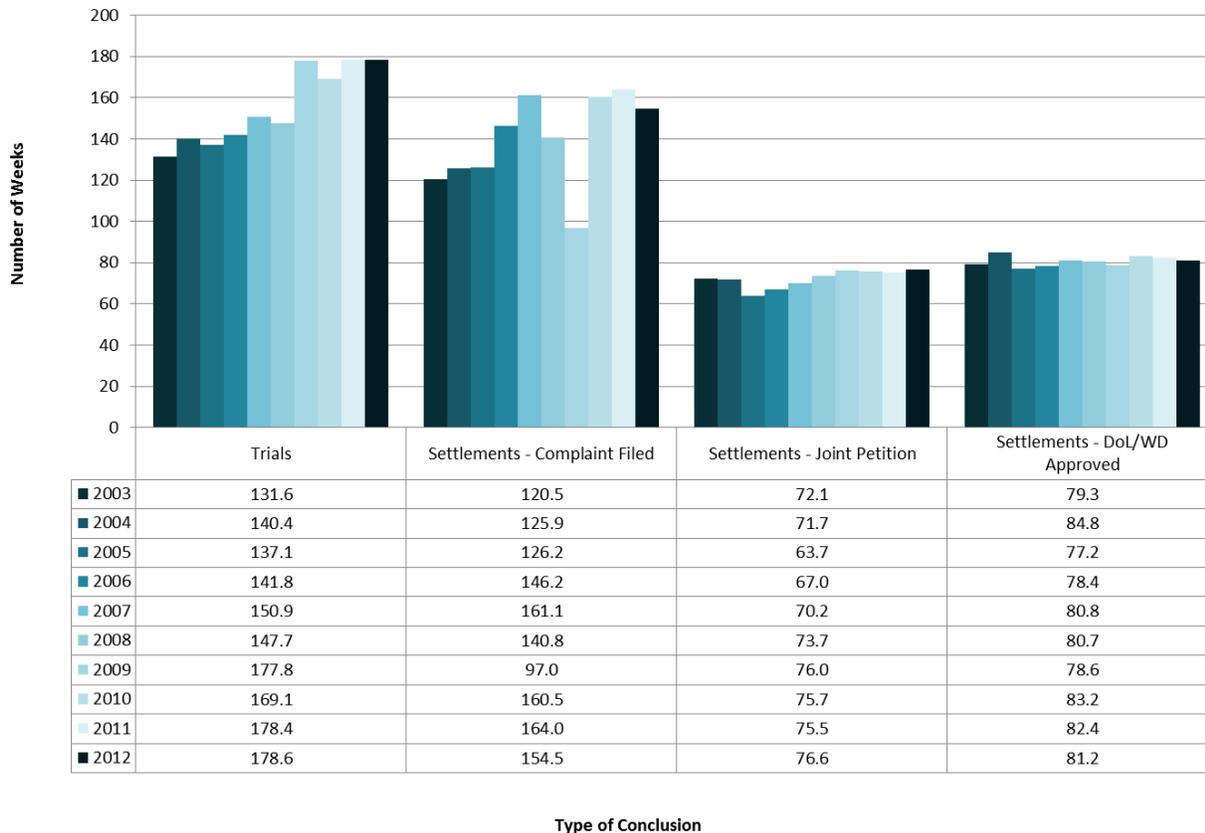


Table 3: Number of Weeks from Date of Injury to Date of Maximum Medical Improvement

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	7931	49.8	38.0	43.7

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

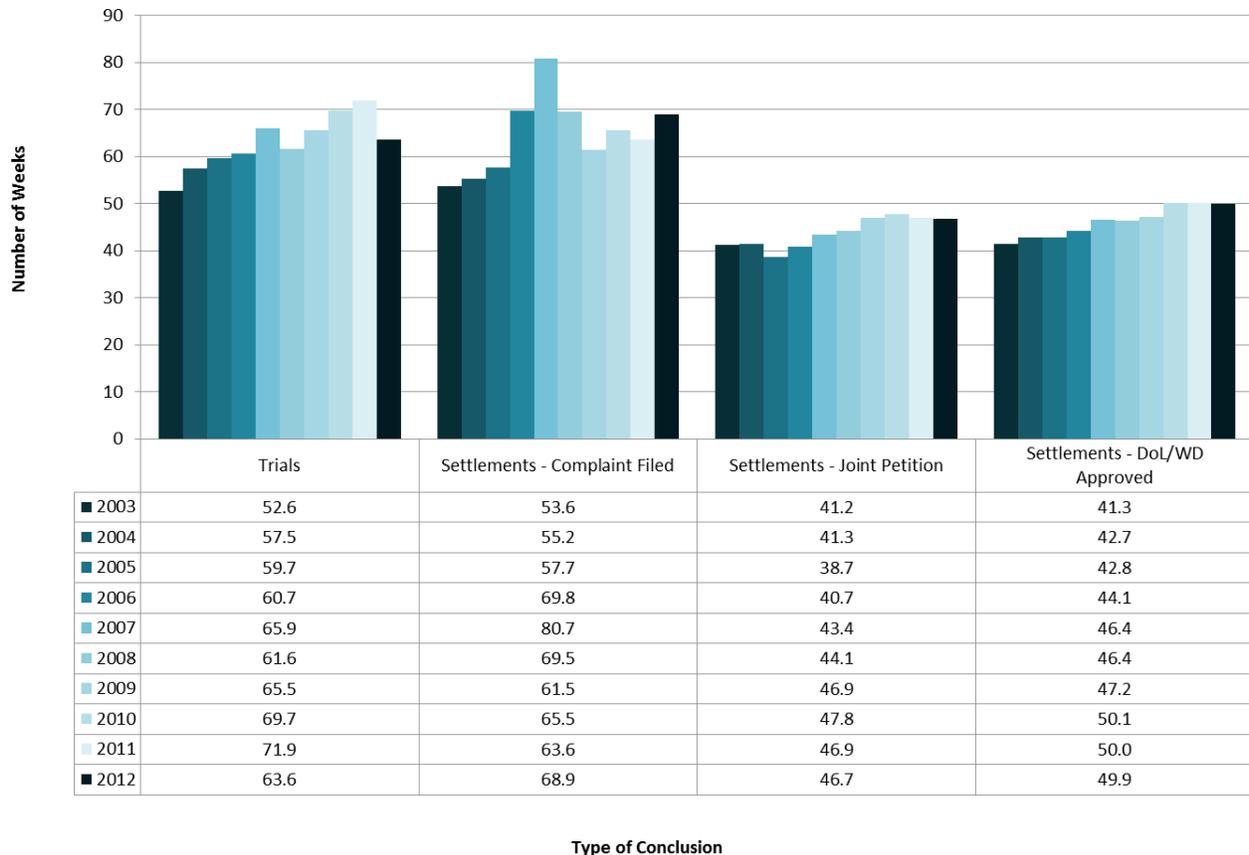
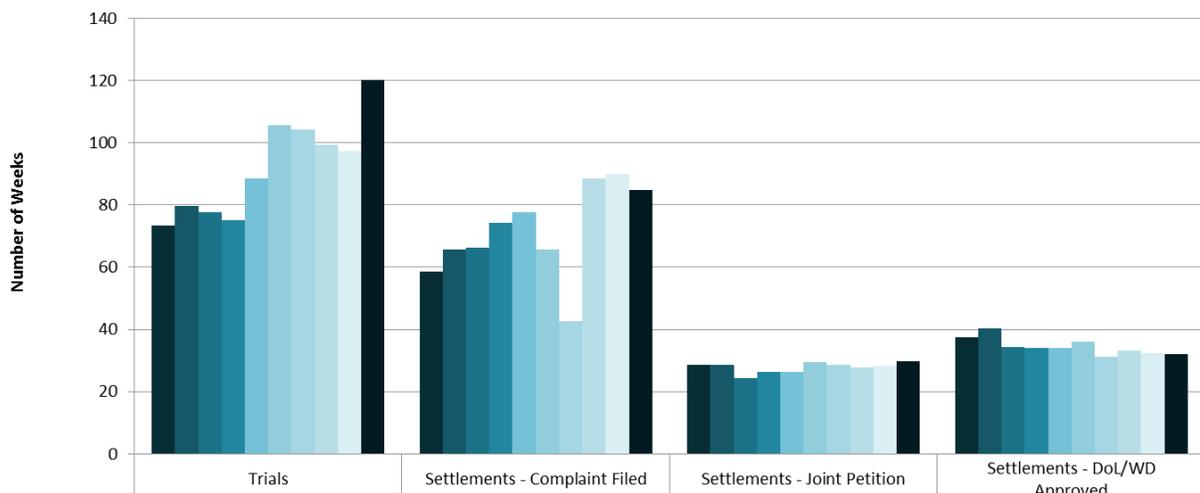


Table 4: Number of Weeks from Maximum Medical Improvement to Date of Conclusion

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	7325	34.1	22.0	39.7

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



	Trials	Settlements - Complaint Filed	Settlements - Joint Petition	Settlements - DoI/WD Approved
■ 2003	73.4	58.6	28.5	37.4
■ 2004	79.7	65.6	28.5	40.2
■ 2005	77.8	66.3	24.3	34.3
■ 2006	75.0	74.2	26.5	34.1
■ 2007	88.5	77.5	26.3	34.0
■ 2008	105.6	65.8	29.4	35.9
■ 2009	104.3	42.6	28.5	31.3
■ 2010	99.5	88.5	27.8	33.1
■ 2011	97.4	90.0	28.4	32.3
■ 2012	120.3	84.8	29.8	31.9

Type of Conclusion

Demographics

Average Age

Table 5 displays the average age of injured workers for 2003 to 2012 cases.³ The mean age for workers involved in workers' compensation cases in Tennessee that were concluded in 2012 is 46.5 years. The average age of injured workers increased nearly 3.5 years since 2003.

Level of Education

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 2012, 11.5% of workers have less than a high school education, 61.0% have a high school education or equivalent and 27.5% have more than a high school education. The education levels of injured workers in Tennessee are displayed in Table 6.

Weekly Compensation Rate

Table 7 lists the average weekly compensation rates for calendar years 2003 to 2012. Mean weekly compensation rates have been steadily increasing each year with the exception of a decrease in 2010. For 2012, the statewide mean is \$446.41. 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 benefits were capped at 105% of the average weekly wage. From 2005/2006 and on, temporary total benefits in Tennessee

³ 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.

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.⁴ 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. The percent of cases at the temporary total max leveled off to around 2.5% between 2009 and 2011. For 2012, 1.7% of cases are at the TTD. As in 2011, the percentage of permanent partial maximum compensation rates remains at 11.6%.

Table 5: Average Age

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	5729	46.5	48.0	11.6

⁴ 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
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
CY2012	748	11.5	3955	61.0	1782	27.5

Table 7: Weekly Compensation Rate

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	8294	\$446.41	\$418.93	\$195.84

Table 8: Maximum Compensation Rate Frequencies

Year	Number at PPD Max	Percent at PPD Max	Number at TTD Max	Percent at TTD Max
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%
CY2012	975	11.6%	142	1.7%

Temporary Total Disability

Number of Weeks

Table 9 lists the average number of weeks of Temporary Total Disability (TTD) benefits that were paid for 2003 to 2012 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 2012 is 24.2 weeks. The number of weeks for TTD benefits appears to have peaked in 2010 at 26.2.

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 \$7,282.93 for 2003 cases to \$10,241.56 for 2011 cases, and then dropped slightly to \$10,075.16 for 2012. The average amount of TTD benefits paid is listed in Table 10.

Table 9: Temporary Total Disability – Number of Weeks

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	5845	24.2	15.0	28.8

Table 10: Temporary Total Disability – Monetary Amounts

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	5845	\$10,075.16	\$5,747.28	\$12,662.20

Medical Information

Benefits/Expenses

Table 11 lists the average amount of medical benefits paid for cases closed in 2003 to 2012. Like the TTD data, this includes all types of injuries and severities. While the rate of increase has slowed, average medical benefits paid have risen since 2008. Calendar year

2012 represents the highest average medical amounts paid in the ten years reported. The statewide mean for medical benefits paid in 2012 is \$22,927.13.

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. Eighty-two percent (82%) of cases reported the use of only one PPI rating in 2012. While 2012 represents the highest percentage of cases utilizing only one PPI rating since 2003, the percent of cases with only one PPI rating has ranged between 78.4% and 82.9%.

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 2012 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 2012 account for 71% of all body parts injured. The ten most common types of injuries account for 89% of all types of injuries reported on SD-1 forms.

Table 11: Medical Benefits/Expenses

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	7721	\$22,927.13	\$14,675.59	\$42,097.75

Table 12: Number of Permanent Partial Impairment Ratings

Year	Number of PPI Ratings			
	1	2	3	4+
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%
CY2012	82.0%	15.5%	2.0%	0.5%

Table 13: Most Frequent Body Parts Injured

Body Part Injured	Frequency	Percent of Cases	Cumulative Percent
Shoulder(s)	1513	18.0	18.0
Knee	1100	13.1	31.0
Lower Back Area	724	8.6	39.6
Multiple Body Systems	713	8.5	48.1
Finger(s)	551	6.5	54.6
Whole Body	347	4.1	58.7
Wrist	281	3.3	62.1
Upper Arm	259	3.1	65.1
Ankle	250	3.0	68.1
Ear(s)	229	2.7	70.8

Table 14: Most Frequently Occurring Nature of Injuries

Type of Injury	Frequency	Percent of Cases	Cumulative Percent
Strain or Tear	2405	28.5	28.7
All Other Specific Injuries NOC	1280	15.2	43.9
Fracture	971	11.5	55.5
Multiple Physical Injuries	698	8.3	63.8
Sprain or Tear	485	5.8	69.6
Contusion	445	5.3	74.9
Dislocation	411	4.9	79.8
Laceration	299	3.5	83.4
Carpal Tunnel Syndrome	250	3.0	86.4
Inflammation	191	2.3	88.7

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. What is evident from looking at the injury type and return to work status over time is that the percent of arm cases where the injured workers returned to work are decreasing while the percentage of BAW and leg cases where the injured workers did not return to work are increasing.

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	
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
2012	25.5%	8.8%	13.3%	18.3%	2.5%	4.4%	8427

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	
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
2012	22.3%	7.9%	11.9%	15.6%	2.2%	3.8%	8427

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 2012 is 6.7 to the BAW. Calendar year 2012 represents the lowest amount observed in the ten years reported and continues a downward trend from 9.9 in 2007.

Permanent Partial Disability Percentage

The mean PPD percentage for 2012 cases is 10.6 (42.4 weeks) to the body as a whole. Average PPD benefits for body as a whole return to work cases have over nine months (37.6 weeks) since the implementation of the 2004 reforms. 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.

Permanent Partial Disability Multipliers

PPD multiplier data for BAW cases where the injured worker returned to work are listed in Table 19. 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 constant from 2002 to 2005 at 2.2, then decreased to 1.8 for 2007 and 1.7 for 2008 through 2012. The median multiplier has been 1.5 since 2006.

Permanent Partial Disability Monetary Amounts

Table 20 lists the average PPD monetary payments for BAW return to work cases. 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. PPD monetary amounts for BAW return to work cases have decreased from \$31,084.70 in 2004 to \$20,360.14 in 2012.

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. The mean amount paid for medical benefits at the time of conclusion is \$23,649.34 for 2012 BAW cases where the injured worker returned to work. The mean amount paid for BAW return to work medical benefits have been within \$400 of each other for the last three years. Table 21 lists the average medical amounts paid for BAW return to work cases concluded in calendar years 2004 through 2012.

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

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	2147	6.7	6.0	5.8

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
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
CY2012	1882	10.6	7.5	10.5

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
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	1827	1.7	1.5	1.0
CY2012	1881	1.7	1.5	1.1

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
CY2012	1866	\$20,360.14	\$13,864.48	\$22,754.86

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
CY2012	2034	\$23,649.34	\$19,162.64	\$27,432.65

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 2012 is 11.0, the same mean as 2011. The median PPI went down from 9.0 to 8.0 in 2012. 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.

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 2012, the average PPD percentage is 30.9 (123.6 weeks), up a week and a half from 2011.

Permanent Partial Disability Multipliers

. 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.

The mean multiplier for calendar year 2012 is 3.3. Table 24 lists the average PPD multipliers for BAW no return to work cases

Permanent Partial Disability Monetary Amounts

For calendar year 2012, the mean PPD judgment and settlement amounts is \$52,437.00. 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 had 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 2012 is \$39,230.54 up nearly \$2,500 from 2011. The median amount is the highest since 2004 at \$23,481.67.

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
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
CY2012	1543	11.0	8.0	9.6

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
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
CY2012	1312	30.9	24.5	23.2

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
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
CY2012	1312	3.3	3.0	2.3

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
CY2012	1300	\$52,437.00	\$36,719.38	\$49,894.66

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
CY2012	1406	\$39,230.54	\$23,481.67	\$70,383.91

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 2012 is 5.5 to the arm. Mean PPI ratings have decreased from 7.8 in 2003 to 5.5 in 2012. The median PPI rating has been 5.0 for 2003 through 2009 and 4.0 for 2010 through 2012.

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 2012 arm injury cases where injured workers returned to work is 8.4. This amount is the same as 2011, which follows a decrease from 2004 equivalent to 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. For 2012, there was a slight increase to 1.6. The median multiplier has been 1.5 since 2006.

Permanent Partial Disability Monetary Amounts

The mean PPD judgment/settlement amount for return to work arm cases in 2012 is \$7,765.56. Judgment/settlement amounts for return to work arm cases have decreased by over \$5,000 in since 2004. Table 30 displays the average PPD monetary amounts paid in return to work arm cases.

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 \$13,794.29 for the nine years reported. The mean amount of medical expenses/benefits for 2012 is \$13,794.29.

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

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	741	5.5	4.0	6.0

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

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	664	8.4	5.3	10.2

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

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	664	1.6	1.5	0.9

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
CY2012	658	\$7,765.56	\$4,855.68	\$10,909.77

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
CY2012	715	\$13,794.29	\$10,299.80	\$21,918.72

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

Permanent Partial Impairment Ratings

For 2012, the mean PPI rating for no return to work arm cases is 10.5. Mean PPI ratings for no return to work arm cases show no pattern of increasing or decreasing and continue to range between 7.8 and 11.7 over the ten years reported. 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.

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 2012 the mean PPD rating for no return to work arm injury cases is 23.6 (47.2 weeks).

Permanent Partial Disability Multipliers

The PPD multiplier for 2012 arm cases is 3.0. Between 2006 and 2012, multipliers for no return to work arm cases have varied 2.8 and 3.2. Table 34 lists the average PPD multipliers for no return to work arm cases.

Permanent Partial Disability Monetary Amounts

The mean PPD monetary amounts paid for 2012 cases is \$20,361.47. Table 35 displays average PPD monetary benefits paid for no return to work arm cases. After five years of decreases, the mean PPD monetary amounts paid for 2011 and 2012 are over \$4,000 and \$5,000 more than 2010 respectively for 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 2012 are \$19,523.72. Medical amounts fro arm no return to work cases trend similarly to PPD amounts; years of decreases followed by increases starting in 2011 and carrying into 2012.

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

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	209	10.5	6.0	14.3

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

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	185	23.6	15.0	23.4

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

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	185	3.0	3.0	1.8

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
CY2012	186	\$20,361.47	\$11,074.96	\$27,364.13

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
CY2012	193	\$19,523.72	\$12,002.02	\$26,421.42

Leg Injuries - Employee Returned to Pre-Injury Employment

Permanent Partial Impairment Ratings

The average PPI rating for 2012 cases involving a leg injury where the employee returned to work for the pre-injury employer is 7.7. 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. Over ten years, average PPI ratings ranged from 7.5 to 9.3. 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 through 2012.

Permanent Partial Disability Percentage

Average PPD percentage for judgments and settlements for return to work leg injury cases are reported in Table 38. The mean PPD percentage amount for return to work leg injury cases for 2012 is 11.0 (22 weeks). The median for 2012 is 7.5.

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 and 2012. Return to work leg cases from 2010 through 2012 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 2012 is \$10,444.54, the second lowest amount since 2004, up from 2011. The median amounts paid for return to work leg injury cases have steadily decreased from 2004 to 2012 from \$11,236.94 to \$6,027.42.

Medical Benefit/Expense Amounts

The mean medical benefits/expenses for 2012 is \$16,430.07, up nearly \$2,000 from 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

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	1118	7.7	5.0	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
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
CY2012	1004	11.0	7.5	11.2

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

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	1003	1.5	1.5	0.8

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
CY2012	999	\$10,444.54	\$6,027.42	\$13,579.81

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
CY2012	1061	\$16,430.07	\$11,961.13	\$16,739.61

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 2012 is 11.8, the second lowest in ten years, up from 11.4 in 2011. The median PPI ratings for leg injury no return to work cases has been 10.0 since 2004.

Permanent Partial Disability Percentage

The mean amount of PPD benefits for 2012 leg injury cases where the injured worker did not return to work is 32.0 (64 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. Average PPD percentages for cases involving leg injuries where the employee did not return to work are listed in Table 43.

Permanent Partial Disability Multipliers

The statewide mean multiplier for 2012 no return to work leg injury cases is 3.1 and have ranged from 2.9 to 3.5 historically. Table 44 lists the average PPD multipliers for leg injury cases where the injured worker did not return to work. Median multipliers have ranged between 2.5 and 3.0. The median multiplier for 2012 is 2.9.

Permanent Partial Disability Monetary Amounts

The mean PPD benefit amount for 2012 is \$24,967.29. The median multiplier is \$14,454.08. 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 2012 cases is \$27,580.24, up nearly \$1,800 from 2011. The median amount is \$18,051.90, the highest median amount in nine years.

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

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	369	11.8	10.0	11.0

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
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
CY2012	323	32.0	23.3	27.3

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

Year	Frequency	Mean	Median	Std. Deviation
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
CY2012	323	3.1	2.9	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
CY2012	320	\$24,967.29	\$14,454.08	\$27,390.89

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
CY2012	347	\$27,580.24	\$18,051.90	\$28,608.09

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 2012, 1.9% of the cases claimed psychological injury. The percent of sole psychological injury claims for 2012 is 0.7% 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
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%
CY2012	8427	160	1.9%

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

Year	Total Cases	Number Claiming Sole Pysch Injury	Percent
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%
CY2012	8427	57	0.7%

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 2012 is 0.3% (28 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 2003 through 2012 cases. The percent of cases in which PTD benefits were paid/awarded is 0.3% (28 cases) for 2012.

Table 49: Permanent Total Disability Case Frequencies

Year	PTD Settlement		PTD Trial		Total
	Frequency	Percent	Frequency	Percent	
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%
2012	27	0.32%	1	0.01%	0.33%

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	
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%
2012	27	0.32%	1	0.01%	0	0.00%	0.33%

Death Cases

The monetary amount of death benefits paid is also reported on SD-1 forms. There was one case in 2012 in which death benefits were 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).

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 some of the cases from previous years were heard on appeal in subsequent calendar years while the number of cases per year is diminishing. In previous reports, this has been reported as a percentage. This year, this is being changed to a ratio. For example, 2008 was previously reported as 138%, this is now being reported as 1.38. For 2012, the ratio of the number of appeals to the number of trials is 1.67, the highest in 10 years.

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
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
2012	77	25	1	25

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	Ratio of Trial Verdicts Appealed*
2002	243	166	0.68
2003	304	124	0.41
2004	380	145	0.38
2005	285	96	0.34
2006	241	138	0.57
2007	155	111	0.72
2008	87	128	1.47
2009	85	111	1.31
2010	105	94	0.90
2011	73	97	1.33
2012	46	77	1.67

*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 and to aid stakeholders in future decision making. Highlights from calendar year 2012 data are listed below. Appendix A provides ten-year trend graphs of the means and medians of the information presented throughout the previous pages. A subsequent statistical supplement will be produced of the data presented in this report broken up by judicial districts.

- The utilization of the Tennessee Department of Labor and Workforce Development to conclude cases had leveled off between 2005 and 2011 at around 60% of permanent injury cases. For 2012, nearly 51% of cases are DoLWD approved settlements.
- The percent of joint petition settlements increased from 30% in 2011 to 42% in 2012.
- Trials are occurring in 0.5% of Tennessee workers' compensation permanent disability cases in 2011.
- The average time from injury to conclusion for 2012 cases takes over 1 year 7 months (83.8 weeks).
- The average age of injured workers continues to increase. The average age of injured workers from 2012 SD-1 data is 46.5.
- The level of education of injured workers continues to be increasing.
- The mean weekly compensation rate is only two dollars more than last year. For 2012, the mean compensation rate for permanent injury cases is \$446.41.
- The mean duration of temporary total benefits being paid peaked in 2010 at 26.2 weeks. For calendar year 2012 the mean duration of TTD benefits paid is 24.2 weeks.
- The mean amount of medical benefits/expenses paid for 2012 is \$22,927.13, the highest amount in ten years.
- Eighty-two percent (82%) of cases reported the use of only one PPI rating in 2012.

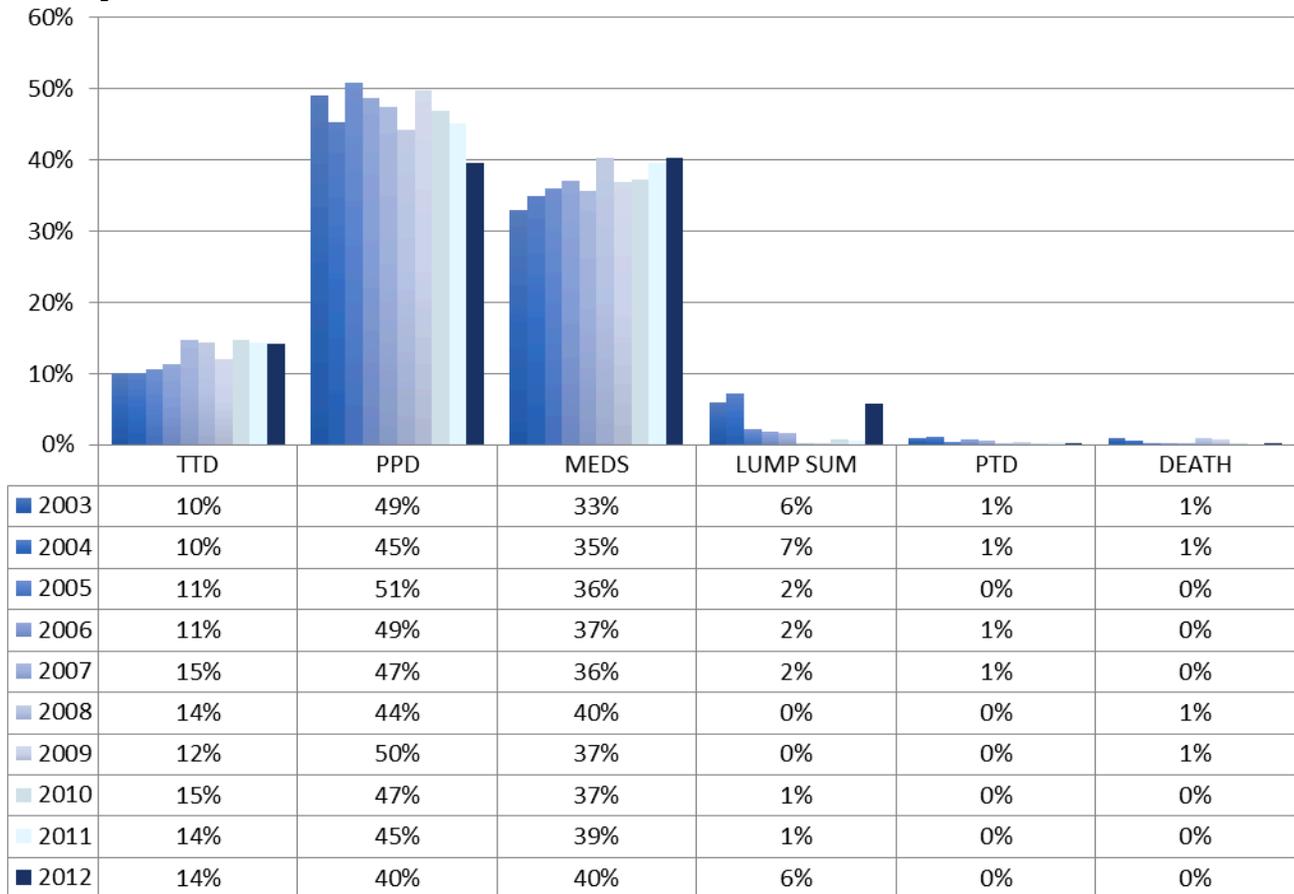
- The percent of arm cases where the injured workers returned to work are decreasing while the percentage of BAW and leg cases where the injured workers did not return to work are increasing.
- Average PPD benefits for body as a whole return to work cases have decreased by over 37 weeks since the multiplier was reduced to 1.5. The decrease amounts to \$16,785 less in PPD benefits per body as a whole return to work case.⁵
- 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 \$9,732 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 \$9,106 less in PPD benefits per leg injury case.

The numbers reported throughout this report 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 dollars⁶ reported on SD-1 forms for calendar years 2003 to 2012. 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. Parties can once again settle future medical payments, which is reflected in the increase in the "lump sum" percentage for 2012.

⁵ The amount is based on 37 weeks of benefits multiplied by the average weekly compensation rate (\$446.41).

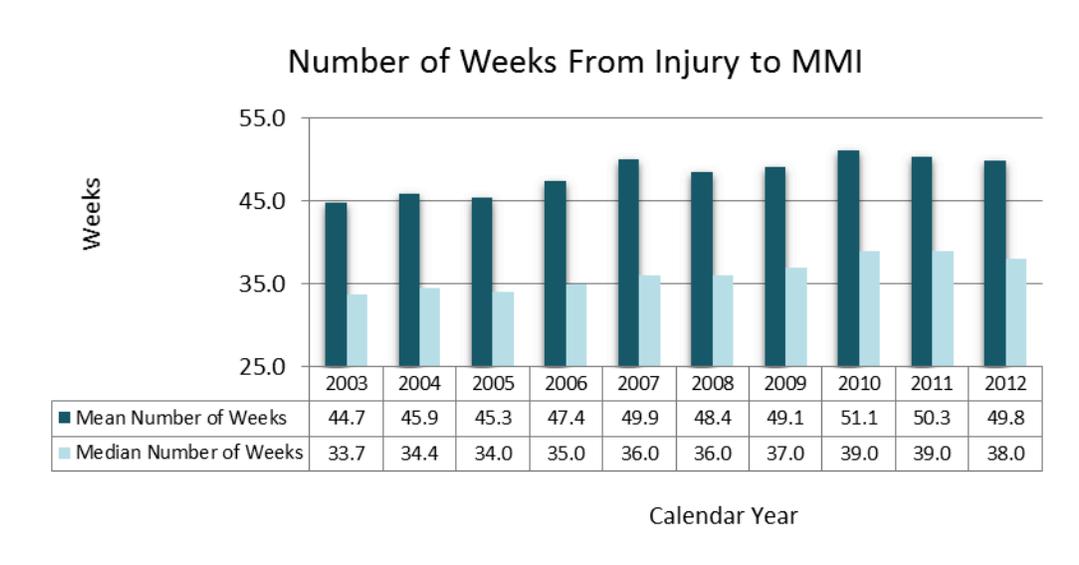
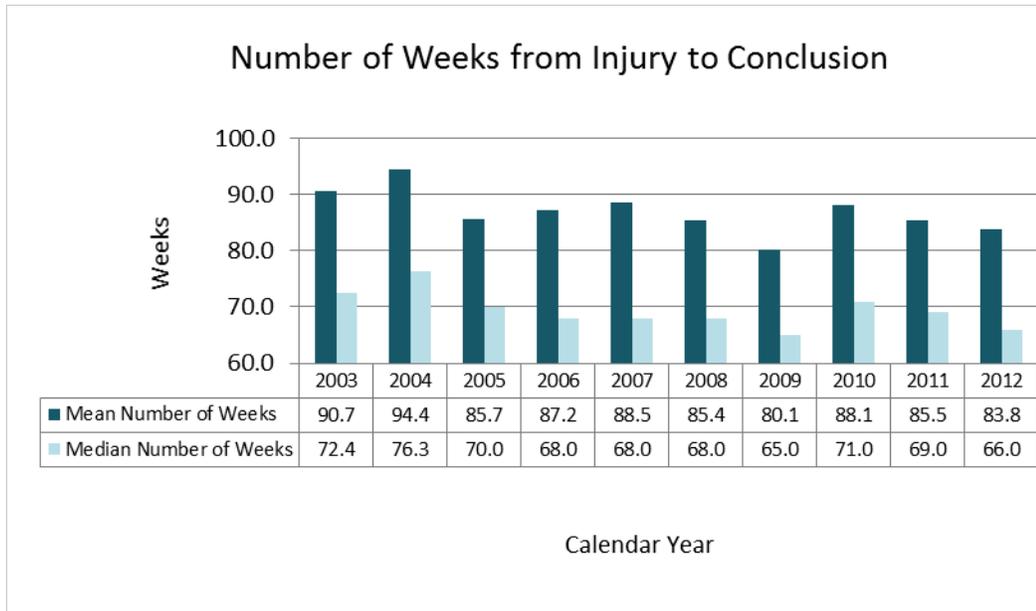
⁶ Figure 10 presents percentages based on the dollar amounts listed on all SD-1 forms, which when totaled, range between \$407 million and \$543 million per year.

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

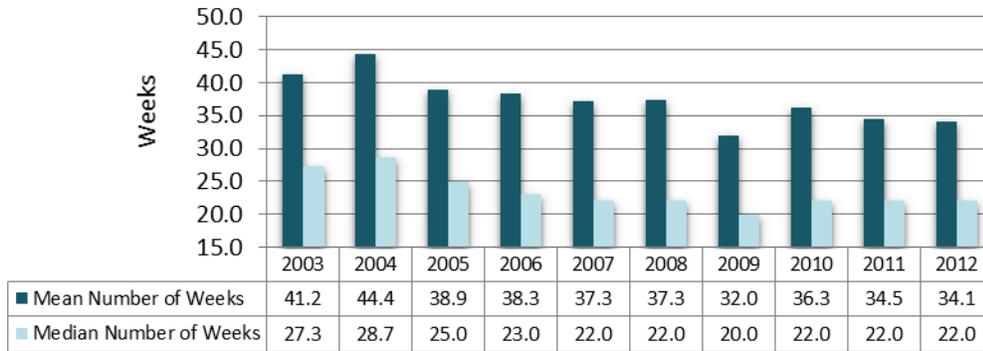


Appendix A

Ten Year Trend Graphs for Tennessee Workers' Compensation Cases Concluded in Calendar Years 2003 - 2012

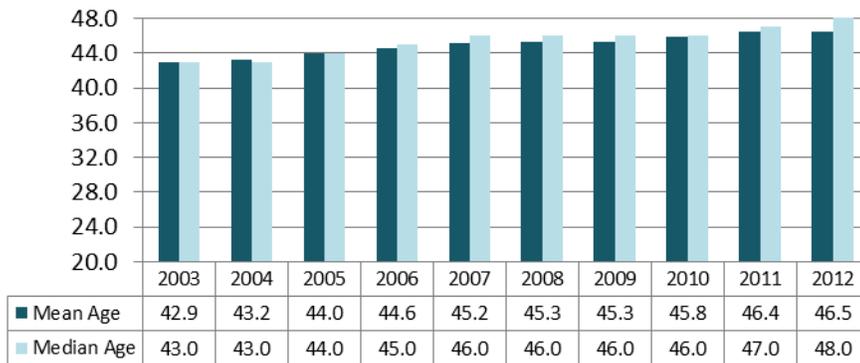


Number of Weeks from MMI to Conclusion



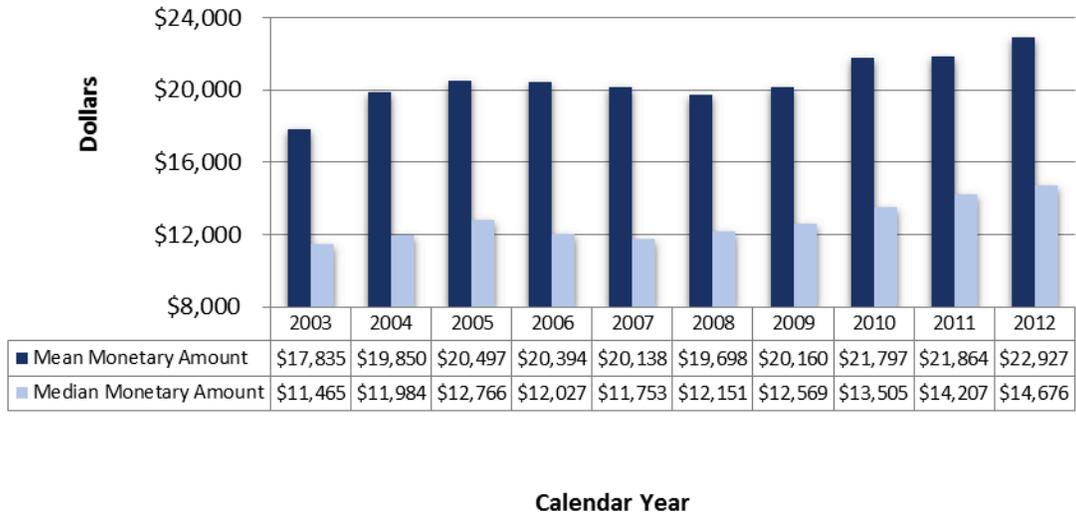
Calendar Year

Average Age at Date of Injury

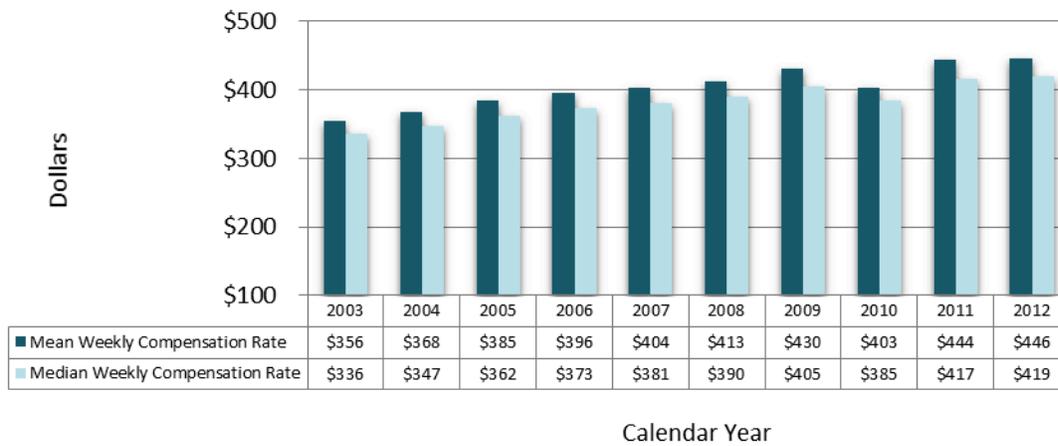


Calendar Year

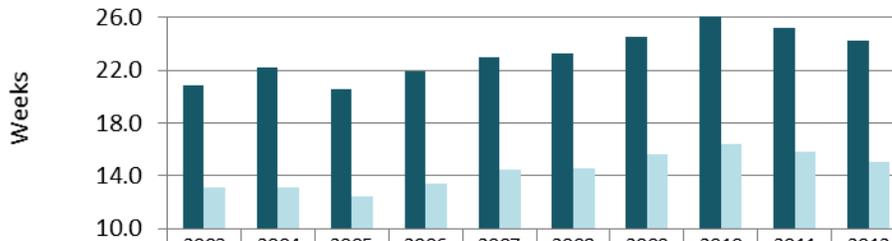
Average Monetary Amount of Medical Benefits/Expenses



Average Weekly Compensation Rate



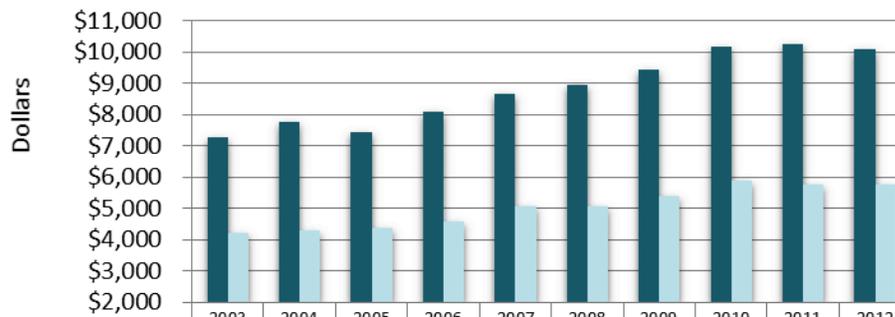
Average Number of Weeks of TTD Benefits



	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
■ Mean Number of Weeks	20.8	22.2	20.6	22.0	23.0	23.3	24.5	26.2	25.2	24.2
■ Median Number of Weeks	13.1	13.1	12.4	13.4	14.5	14.6	15.6	16.4	15.8	15.0

Calendar Year

Average Monetary Amount of TTD Benefits

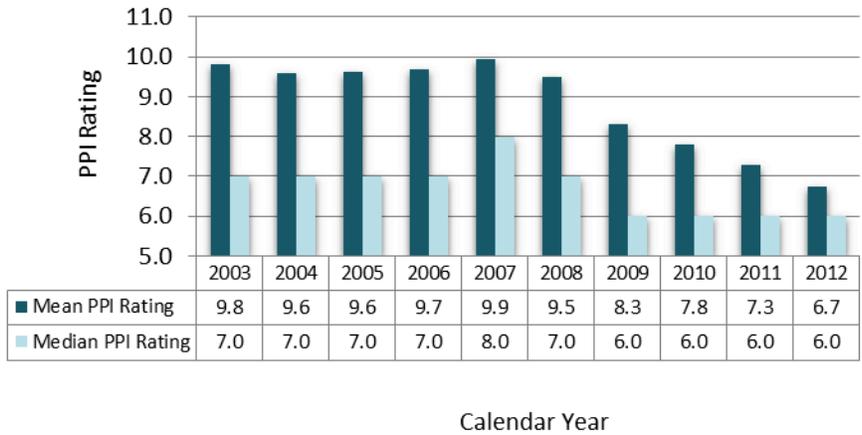


	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
■ Mean Monetary Amount	\$7,283	\$7,753	\$7,441	\$8,080	\$8,640	\$8,927	\$9,417	\$10,170	\$10,242	\$10,075
■ Median Monetary Amount	\$4,200	\$4,279	\$4,355	\$4,586	\$5,071	\$5,082	\$5,389	\$5,877	\$5,770	\$5,747

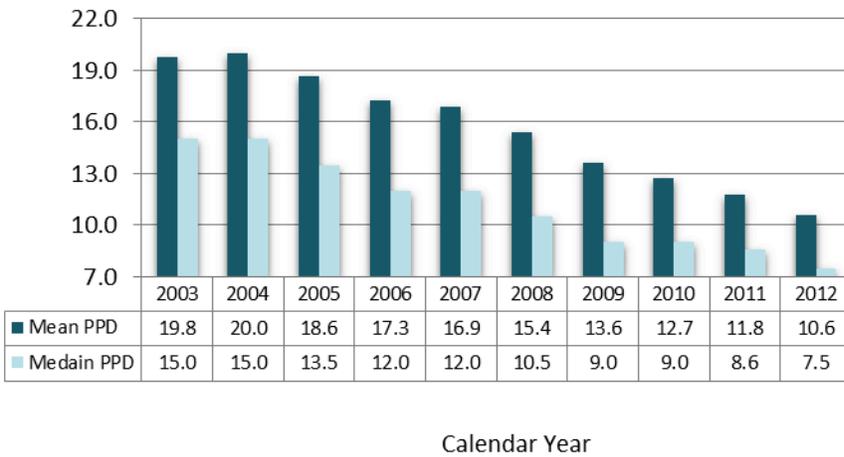
Calendar Year

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

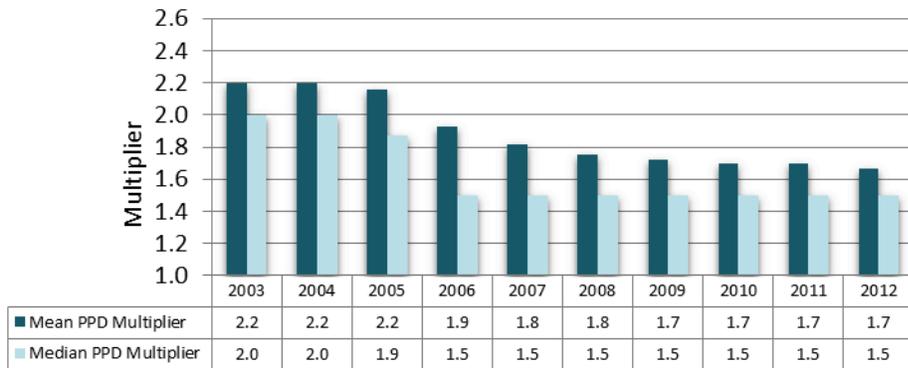
Average PPI Rating



Average PPD Percentage Awarded

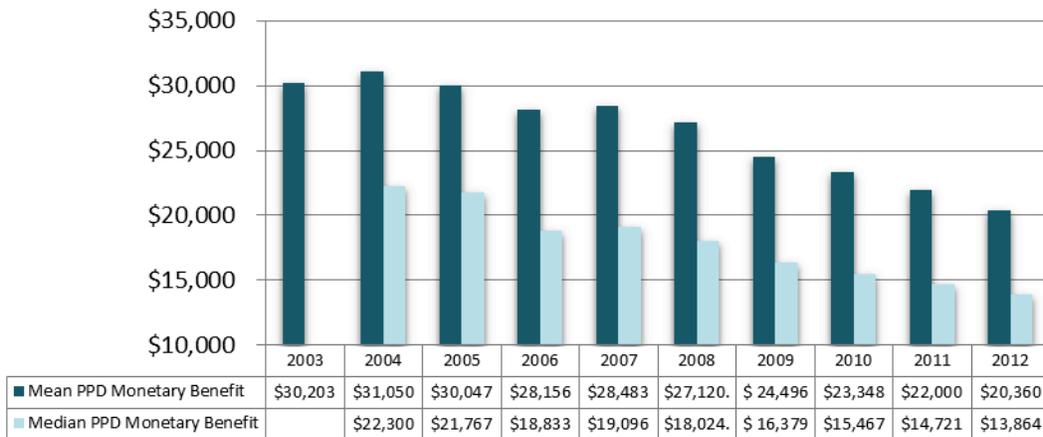


Average PPD Multiplier



Calendar Year

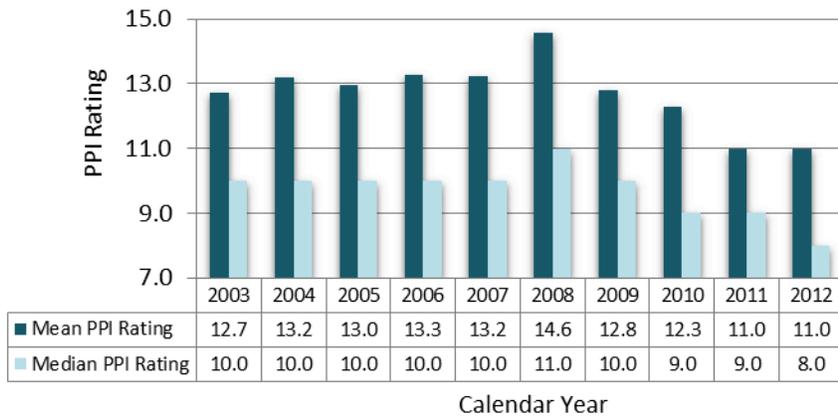
Average PPD Monetary Benefit



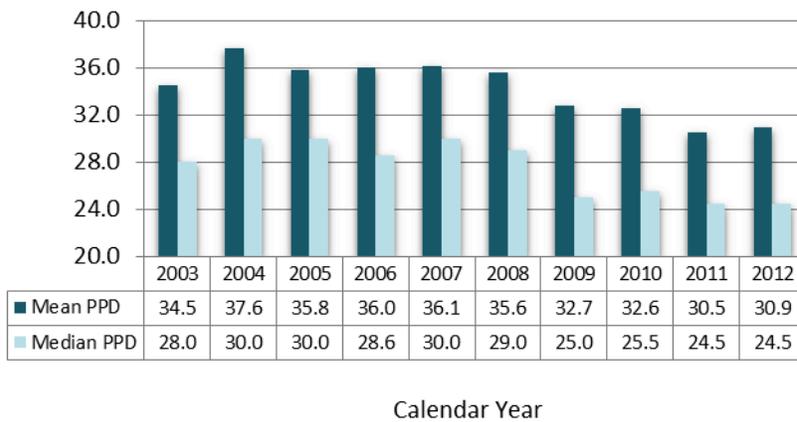
Calendar Year

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

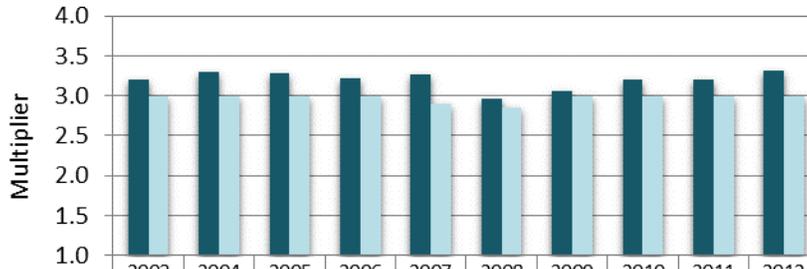
Average PPI Rating



Average PPD Percentage Awarded



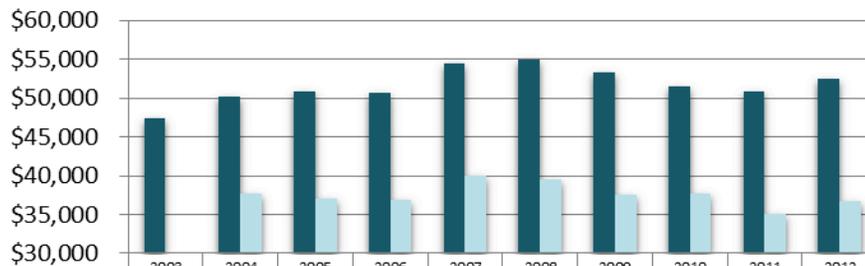
Average PPD Multiplier



■ Mean PPD Multiplier	3.2	3.3	3.3	3.2	3.3	3.0	3.1	3.2	3.2	3.3
■ Median PPD Multiplier	3.0	3.0	3.0	3.0	2.9	2.9	3.0	3.0	3.0	3.0

Calendar Year

Average PPD Monetary Benefit

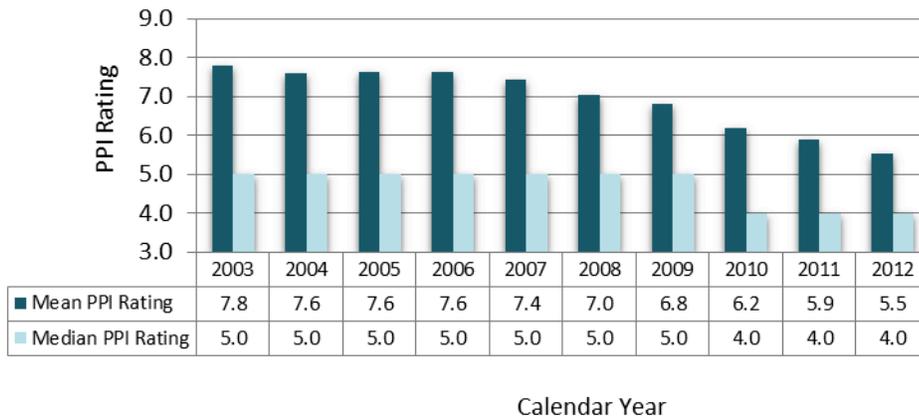


■ Mean PPD Monetary Benefit	\$47,429	\$50,227	\$50,887	\$50,700	\$54,522	\$54,969	\$53,357	\$51,560	\$50,820	\$52,437
■ Median PPD Monetary Benefit		\$37,680	\$36,995	\$36,902	\$40,001	\$39,504	\$37,478	\$37,738	\$35,054	\$36,719

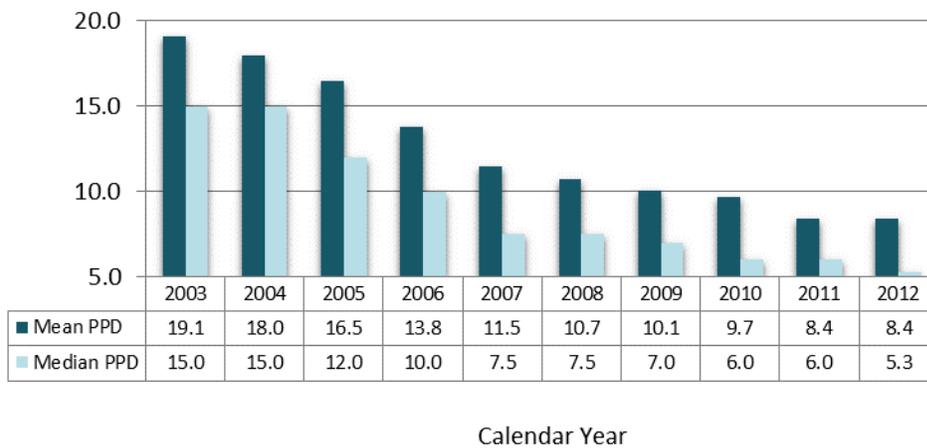
Calendar Year

Arm Injury Cases Where the Injured Worker Returned to Work

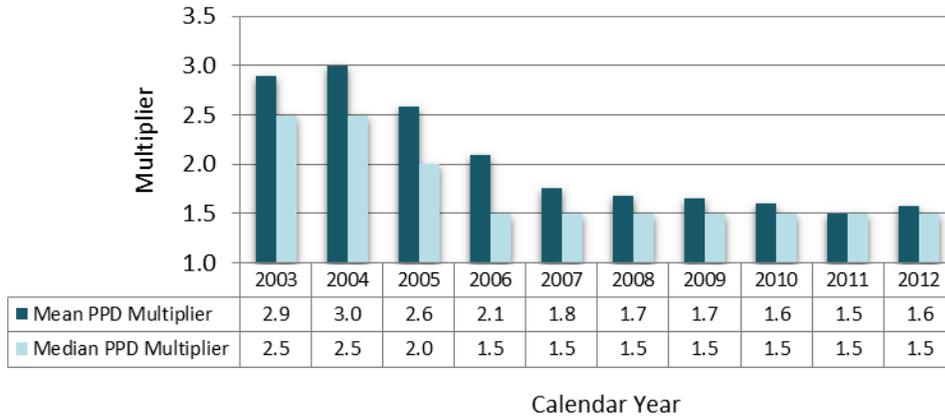
Average PPI Rating



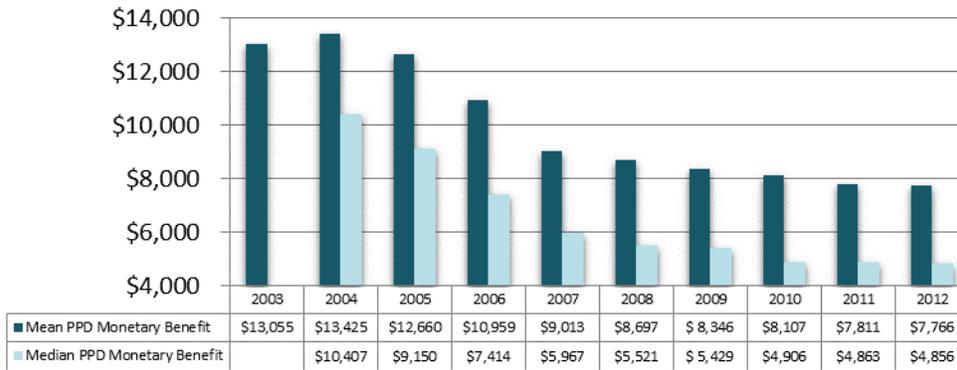
Average PPD Percentage Award



Average PPD Multiplier

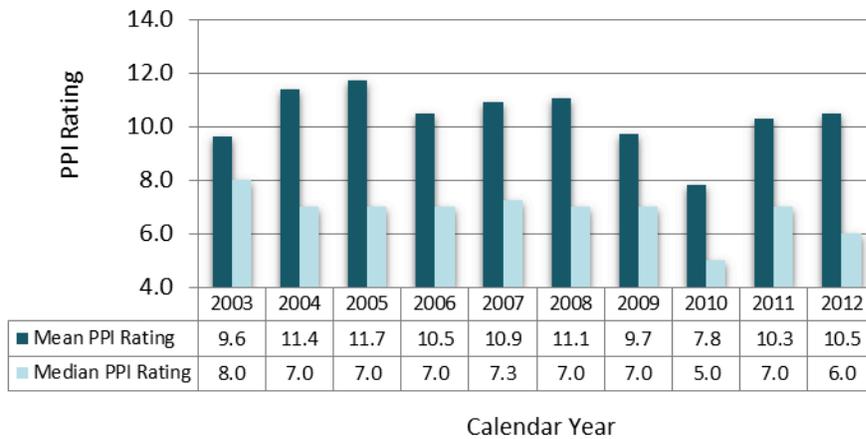


Average PPD Monetary Benefit

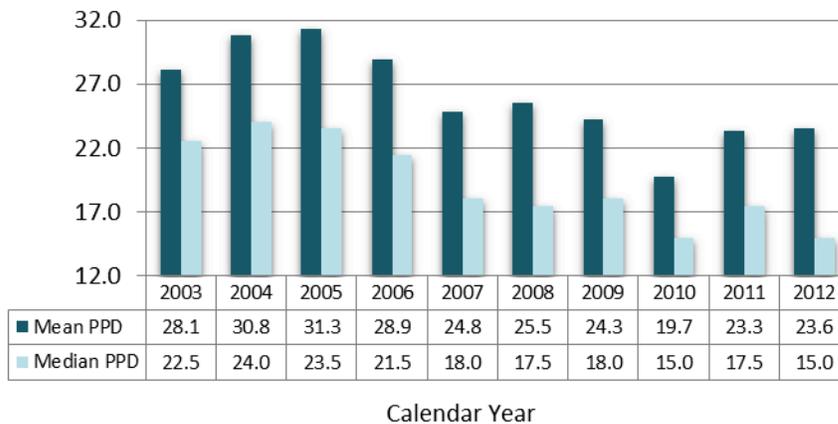


Arm Injury Cases Where the Injured Worker Did Not Return to Work

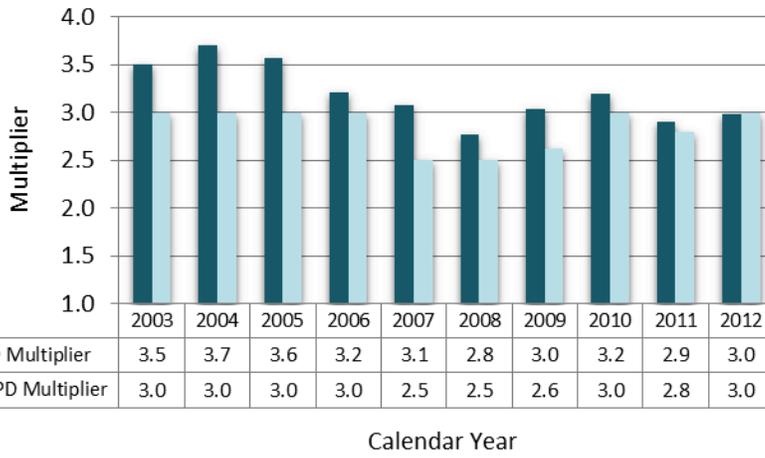
Average PPI Rating



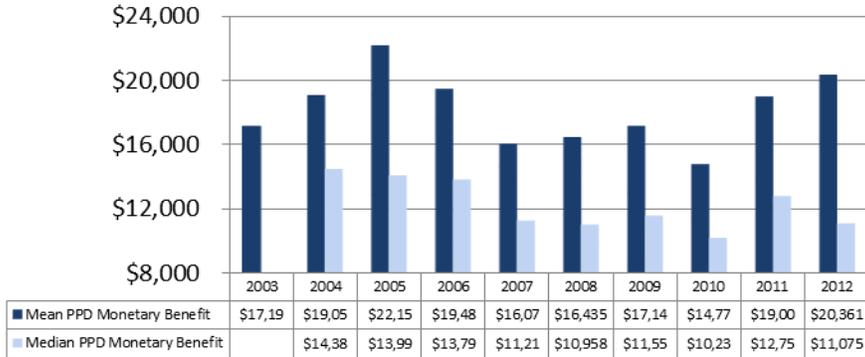
Average PPD Percentage Awarded



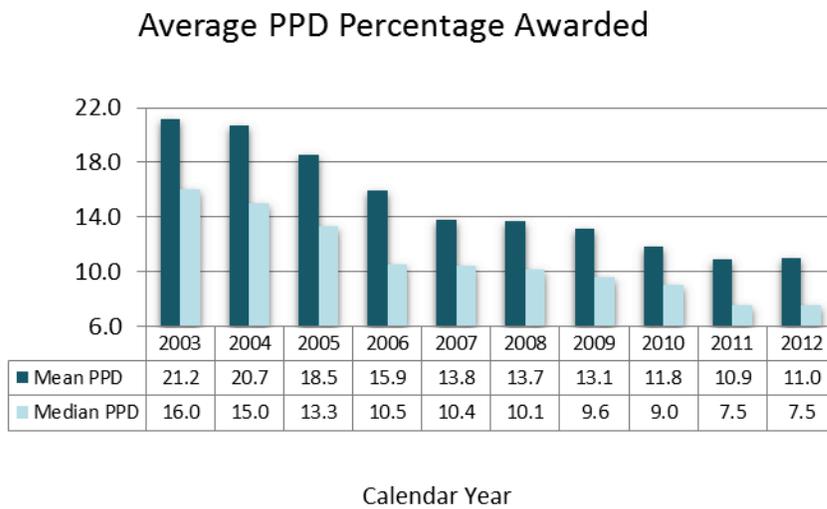
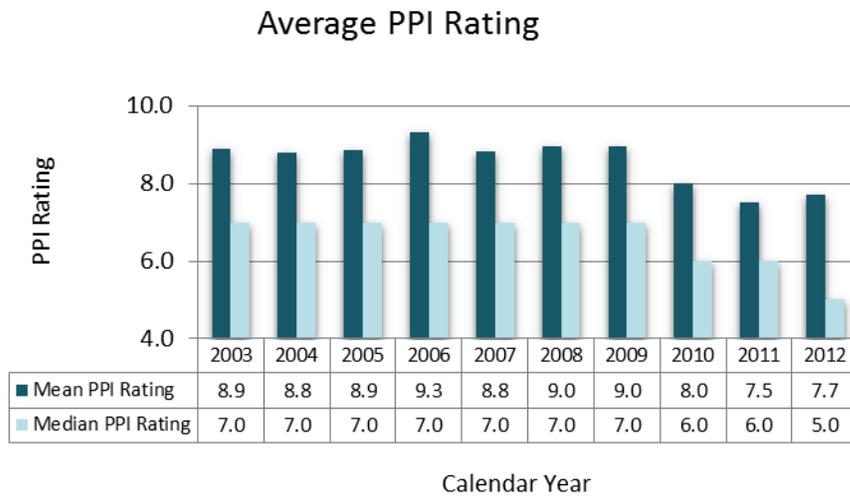
Average Arm PPD Multiplier



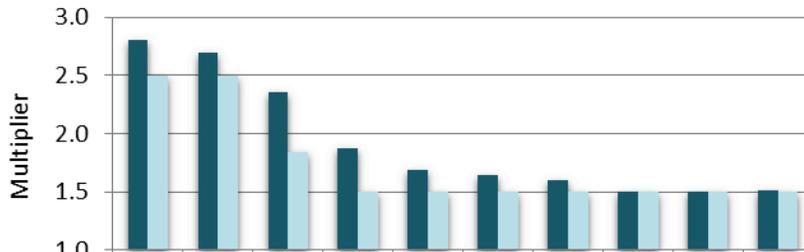
Average PPD Monetary Benefit



Leg Injury Cases Where the Injured Worker Returned to Work



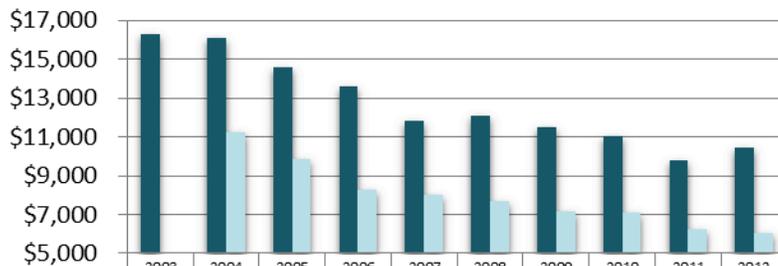
Average PPD Multiplier



	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
■ Mean PPD Multiplier	2.8	2.7	2.4	1.9	1.7	1.6	1.6	1.5	1.5	1.5
■ Median PPD Multiplier	2.5	2.5	1.8	1.5	1.5	1.5	1.5	1.5	1.5	1.5

Calendar Year

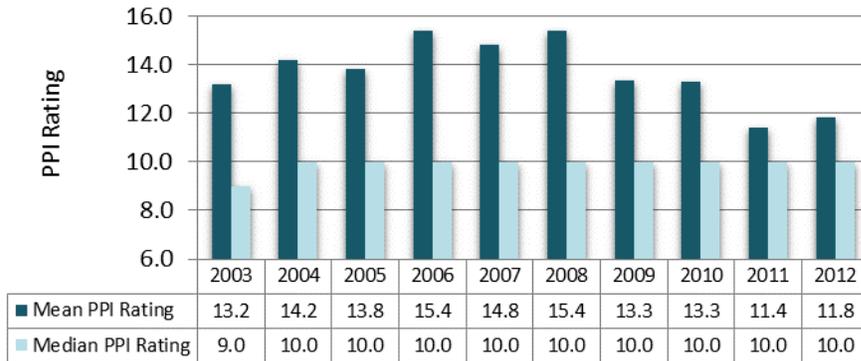
Average Leg PPD Monetary Benefit



	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
■ Mean PPD Monetary Benefit	\$16,268	\$16,101	\$14,550	\$13,625	\$11,815	\$12,078	\$ 11,501	\$11,036	\$9,819	\$10,445
■ Median PPD Monetary Benefit		\$11,237	\$9,846	\$8,281	\$8,039	\$7,712	\$ 7,149	\$7,079	\$6,258	\$6,027

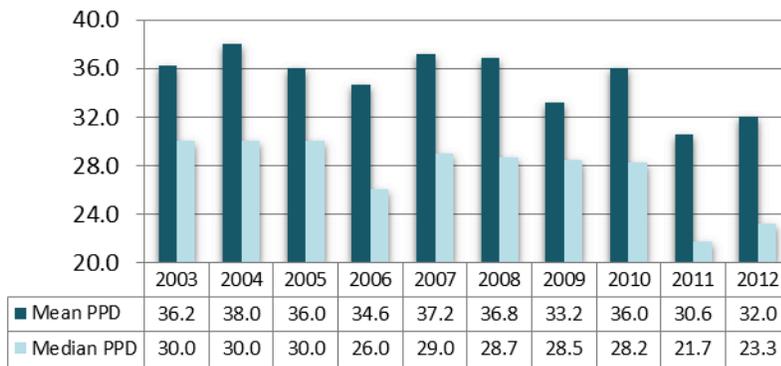
Leg Injury Cases Where the Injured Worker Did Not Return to Work

Average PPI Rating



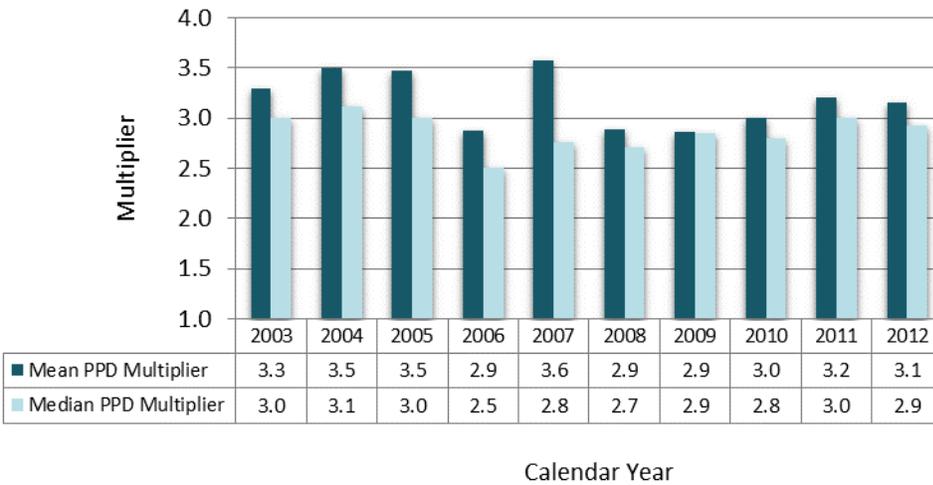
Calendar Year

Average PPD Percentage Awarded



Calendar Year

Average PPD Multiplier



Average PPD Monetary Benefit

