
**Tennessee Workers' Compensation Data
Calendar Years 2000-2008**



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

August, 2009

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David Wilstermann

**Statistical Report:
Tennessee Workers' Compensation Data: 2000-2008
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Introduction

The Tennessee Workers' Compensation Advisory Council has been benchmarking the workers' compensation system using data from the Tennessee Department of Labor and Workforce Development dating back to calendar year 2000. In the last report, containing 2000-2007 data, statewide and judicial district data were separated into two reports. This report is a continuation of that format adding data from 2008 closed cases. A statistical supplement containing judicial district information will be produced separately. This report presents nine years of statewide data. Appendix A provides graphs of the mean and median amounts for the tables discussed throughout the main body of the report.

As noted in the 2007 report, House Bill 3531/Senate Bill 3424 brought significant changes to Tennessee's workers' compensation system. The changes that could potentially impact data reported 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.

Now having four years of post reform act case history, the changes made in 2004 are being reflected in the data. Specifically:

- The number of trials continues to decline after the implementation of mandatory mediation.
- Temporary Total Disability benefit amounts continue to increase.
- Lump sum payments and medical benefits/expenses have decreased.
- Permanent Partial Disability benefits paid for when an injured worker returns to work have decreased.

The remainder of this report delineates these changes in greater detail. 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.

This statistical report is possible because the General Assembly, in 1998, enacted Tennessee Code Annotated §50-6-244 which 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 dependant 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 2000 through 2008.

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 July of 2009, data from calendar year 2008 was provided. The data is from First Report and SD-1 forms. For 2008 there are 9,666 cases. The Workers' Compensation Advisory Council first started reporting SD-1 data for cases closed in 2000. This report combines previously reported statewide workers' compensation data from 2000 through 2007 with the data provided by the Department. This gives the opportunity to view nine 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 20.2% in 2000 to 56.4% in 2006. From 2006 to 2008, the percent of department approved settlements began to level off, from 56.4% of all conclusion types in 2006 to 59.6% in 2008.¹ All other conclusion types except for joint petition settlements are being utilized less frequently, with trials occurring in less than 1% of Tennessee workers compensation cases in 2008.

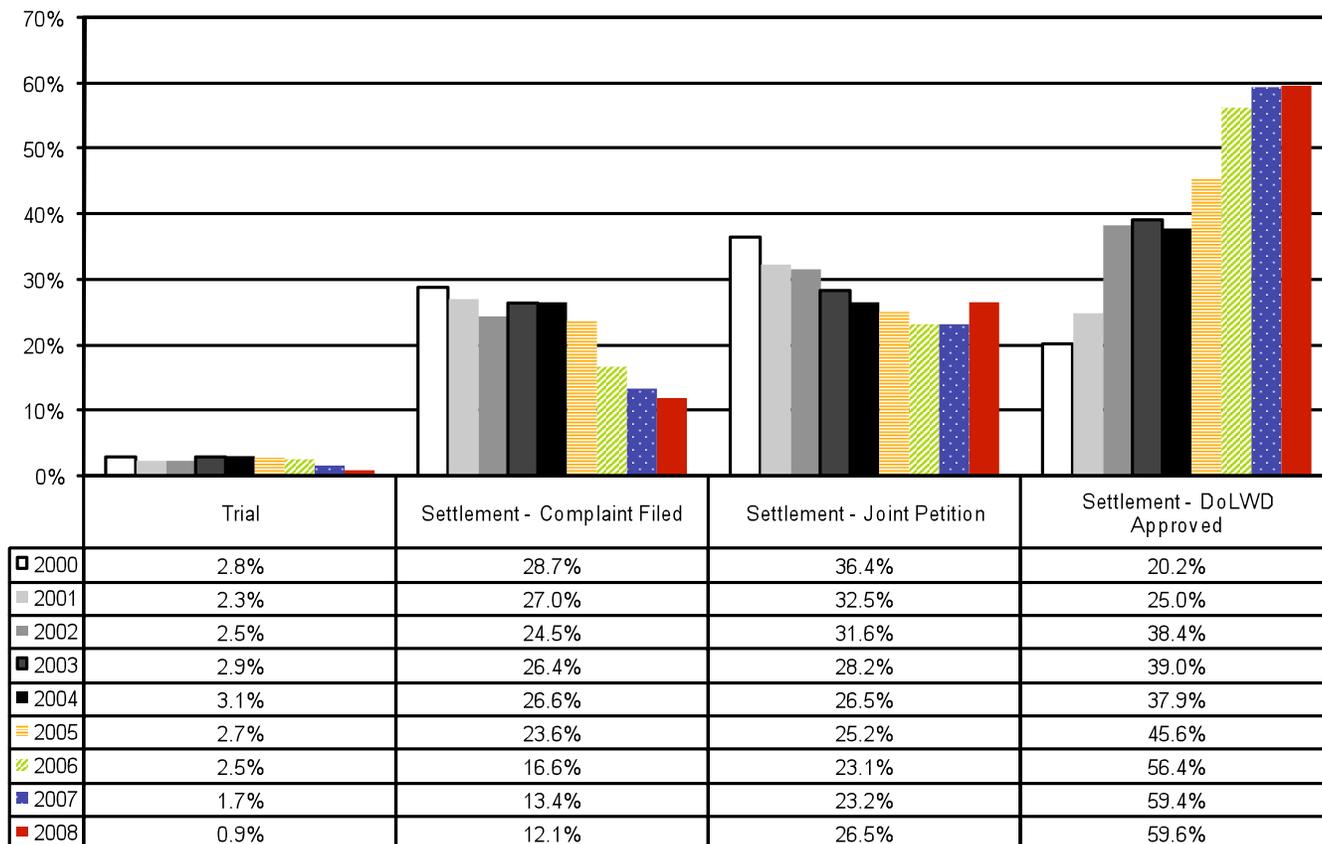
Figure 1 displays the percent of conclusion types reported in Table 1. The percentages do not add up to 100% on the graph due to “conclusion type not given” and “voluntary dismissal” cases not being included.

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	
CY2000	321	2.8%	3281	28.7%	4163	36.4%	2303	20.2%	1357	11.9%	n/c		11425
CY2001	247	2.3%	2868	27.0%	3443	32.5%	2655	25.0%	1392	13.1%	n/c		10605
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

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

Figure 1: Type of Conclusion



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 time from injury to conclusion for 2008 continues to take over 1 year 7 months (85.4 weeks). Department approved settlements where a complaint has been filed take an average of 160 weeks to conclude, which is 1 week more than in 2007. When a complaint has not been filed, the average time from date of injury to conclusion is 77, up from 73 weeks in 2007. The percent of Department approved settlements where a complaint has not been filed has increased from 71% in 2005 to 95% in

2008. 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 a week and a half from last year to 48.4. 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 by a court, the time from injury to MMI in 2008 is 62 weeks, for settlements where a complaint has been filed, 70 weeks, for joint petition settlements, 44 weeks and for Department approved settlements, 46 weeks. When cases are separated by whether a complaint was filed, Department approved settlements averaged 72 weeks from injury to MMI when a complaint was filed and 46 weeks when no complaint was filed.

Maximum Medical Improvement to Date of Conclusion

Table 4 lists the average number of weeks from MMI to conclusion. The mean number of weeks from MMI to conclusion in 2008 is 37.3 weeks, reflecting no change from 2007. For 2008, the average number of weeks from MMI to conclusion for Department approved settlements increased nearly 2 weeks to 35.9. The mean number of weeks from MMI to conclusion for Department approved settlements when a complaint has not been filed is 32 week. When a complaint has been filed, the mean number of weeks from MMI to conclusion is 111 weeks.

In 2008, it took an average of 105.6 weeks for a case to go to trial after MMI had been reached. During this time, the injured employee receives no workers compensation disability benefits if he/she is unable to return to gainful employment. Figure 4 displays the mean number of weeks from MMI to conclusion.

Table 2: Date of Injury to Date of Conclusion

Year	Frequency	Mean	Median	Std. Deviation
CY2000	11330	83.8	69.0	57.5
CY2001	10566	85.4	69.9	59.4
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

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

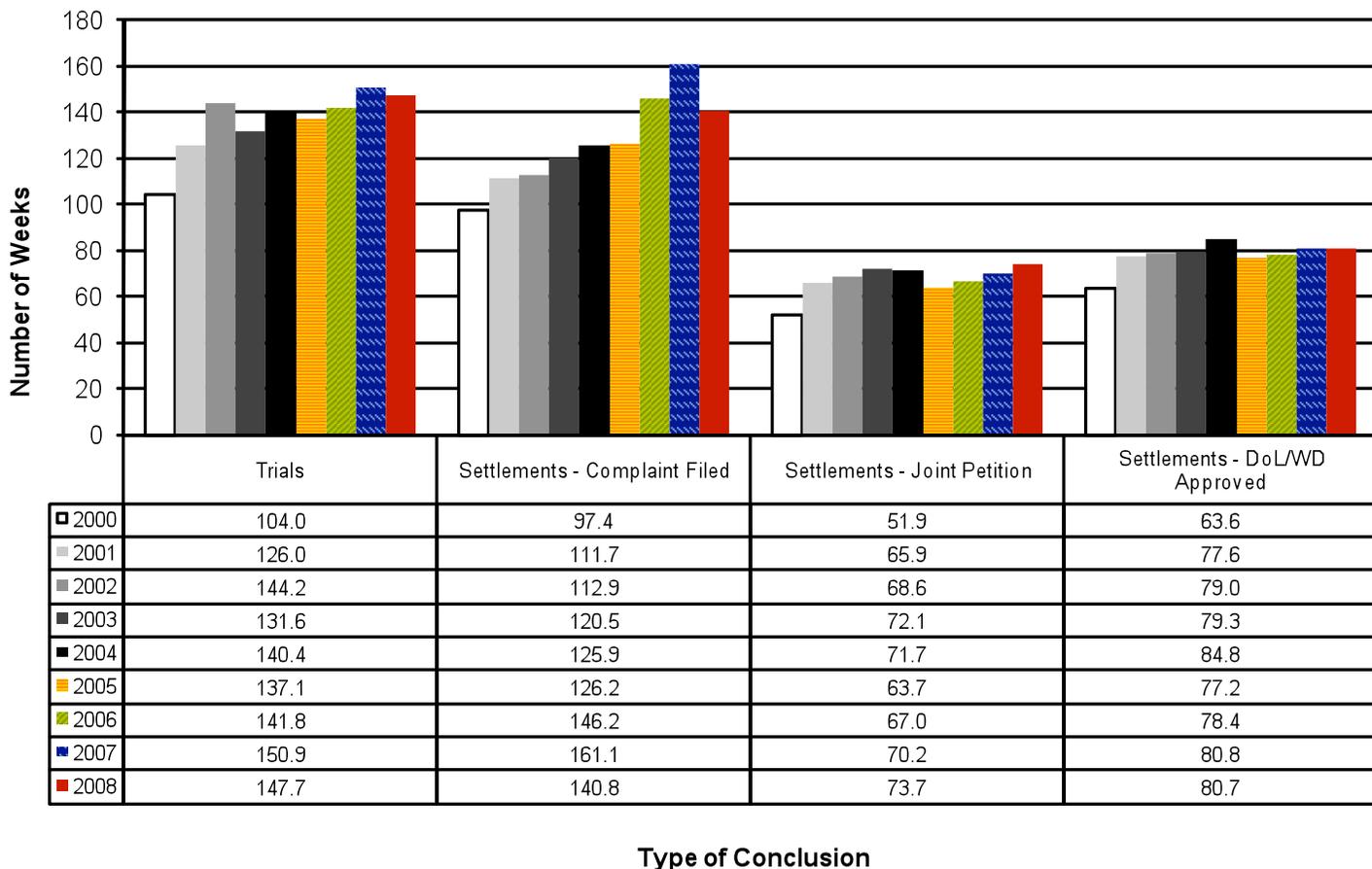


Table 3: Date of Injury to Date of Maximum Medical Improvement

Year	Frequency	Mean	Median	Std. Deviation
CY2000	8836	41.6	31.4	35.8
CY2001	8245	42.5	32.9	35.7
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

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

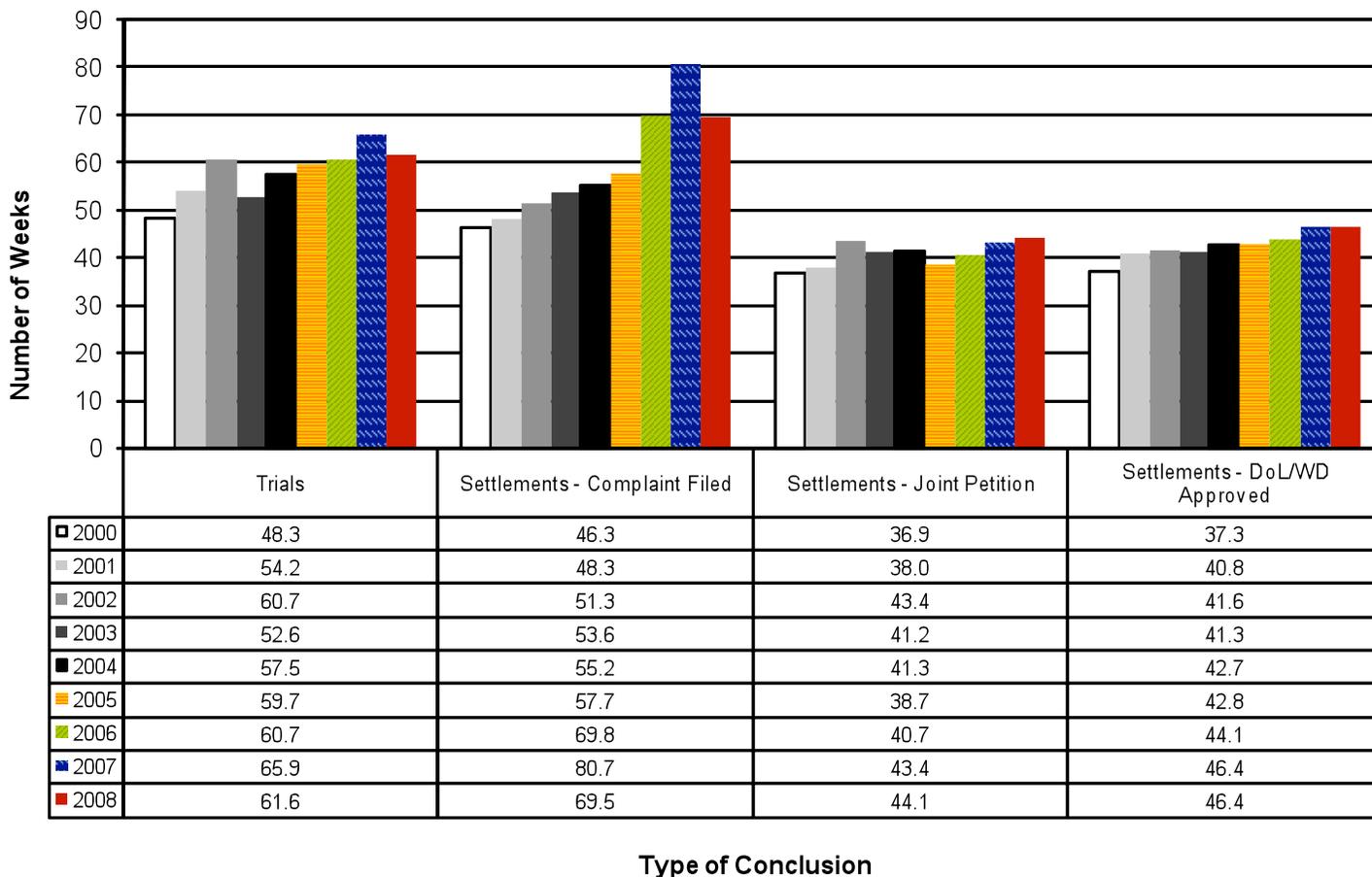
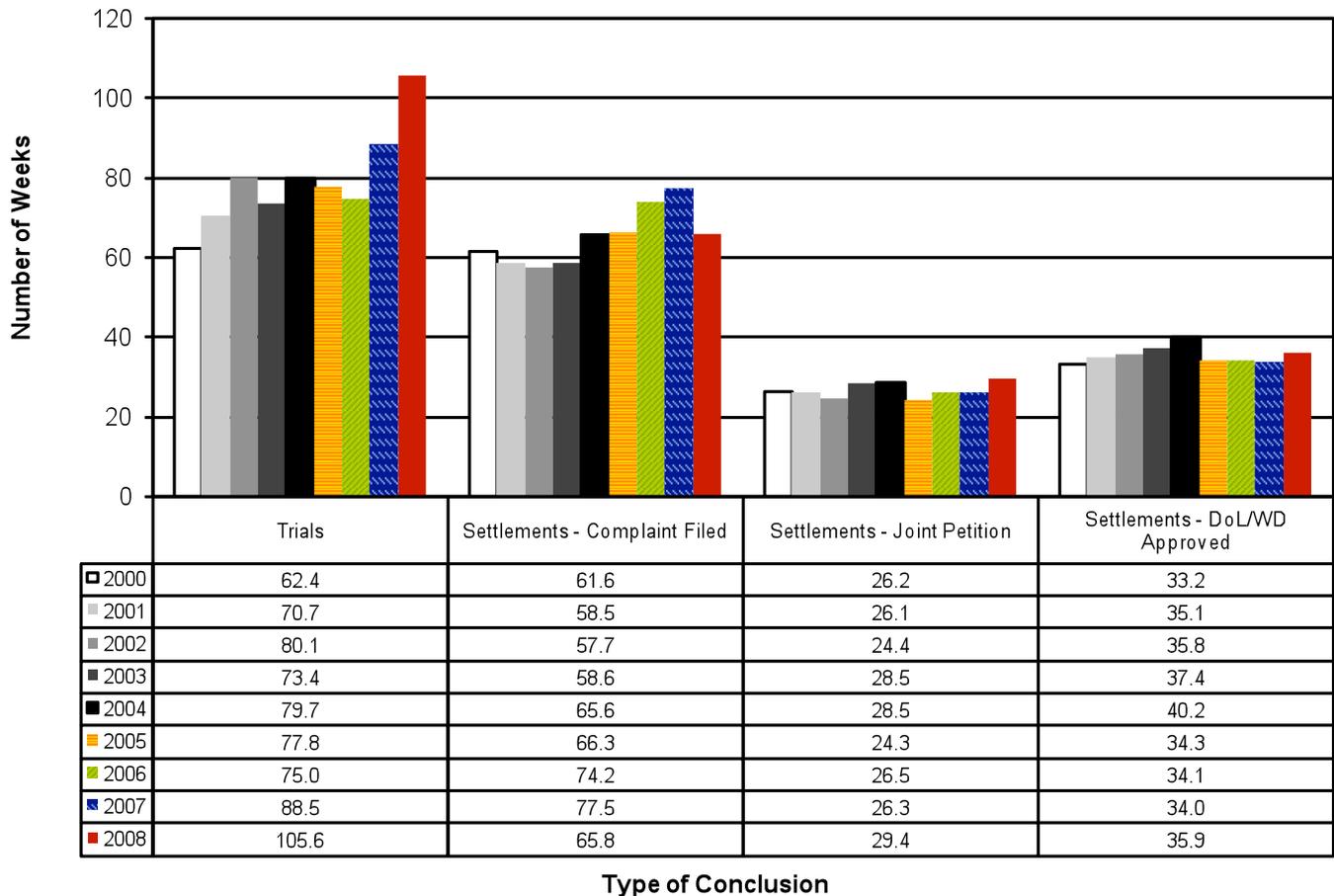


Table 4: Maximum Medical Improvement to Date of Conclusion

Year	Frequency	Mean	Median	Std. Deviation
CY2000	8809	38.6	26.0	39.7
CY2001	8282	38.9	25.4	40.9
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

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



Demographics

Average Age

Table 5 displays statewide average age information for 2000 to 2008 cases.² The mean age for workers involved in workers' compensation cases in Tennessee that were concluded in 2008 is 45.3 years. The average age of injured workers increased only one tenth of a year from 2007 to 2008 after increasing 2 years from 2004 to 2007. Figure 5 displays the distribution of ages for workers involved in Tennessee workers' compensation cases.

Level of Education

In 2008, almost 15% of workers have less than a high school education, 61% have a high school education or equivalent and 24% have more than a high school education. The level of education of injured workers continues to be increasing. Overall, from 2000 to 2008, the percent of injured workers with less than a high school education is decreasing and the percent with a high school education or more is increasing. 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 2000 to 2008. For 2008, the statewide mean is \$412.50. Mean weekly compensation rates have increased steadily from \$319.10 for 2000 cases to \$412.50 for 2008 cases, which is a rate of 3% to 4% per year except for between 2006 and 2007 and between 2007 and 2008, which increased just 2%. The distribution of weekly compensation rates is displayed in Figure 6.

² To limit the effects of potential errors in the data base, ages included in the analysis are limited to those over 14 years and less than 90 years.

Weekly compensation rates are capped at 100% of the average weekly wage in Tennessee for permanent partial benefits. In fiscal year 2004/2005, temporary total benefits are 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.³ For 2005 and 2006 most of the injured workers at the max 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. In fact, by 2008, only 4.5% of cases involved TTD benefits being capped at 110% of the state's average weekly wage. The percentage of permanent partial maximum compensation rates have decreased from 2005 to 2008 from 16.3% in 2005 to 14.4% in 2008.

Table 5: Average Age

Year	Frequency	Mean	Median	Std. Deviation
CY2000	7791	41.5	41.0	11.0
CY2001	7302	41.6	41.0	11.3
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

³ A table of the maximum compensation rates is available at <http://www.state.tn.us/labor-wfd/WCRATETB.pdf>

Figure 5: Age Distribution

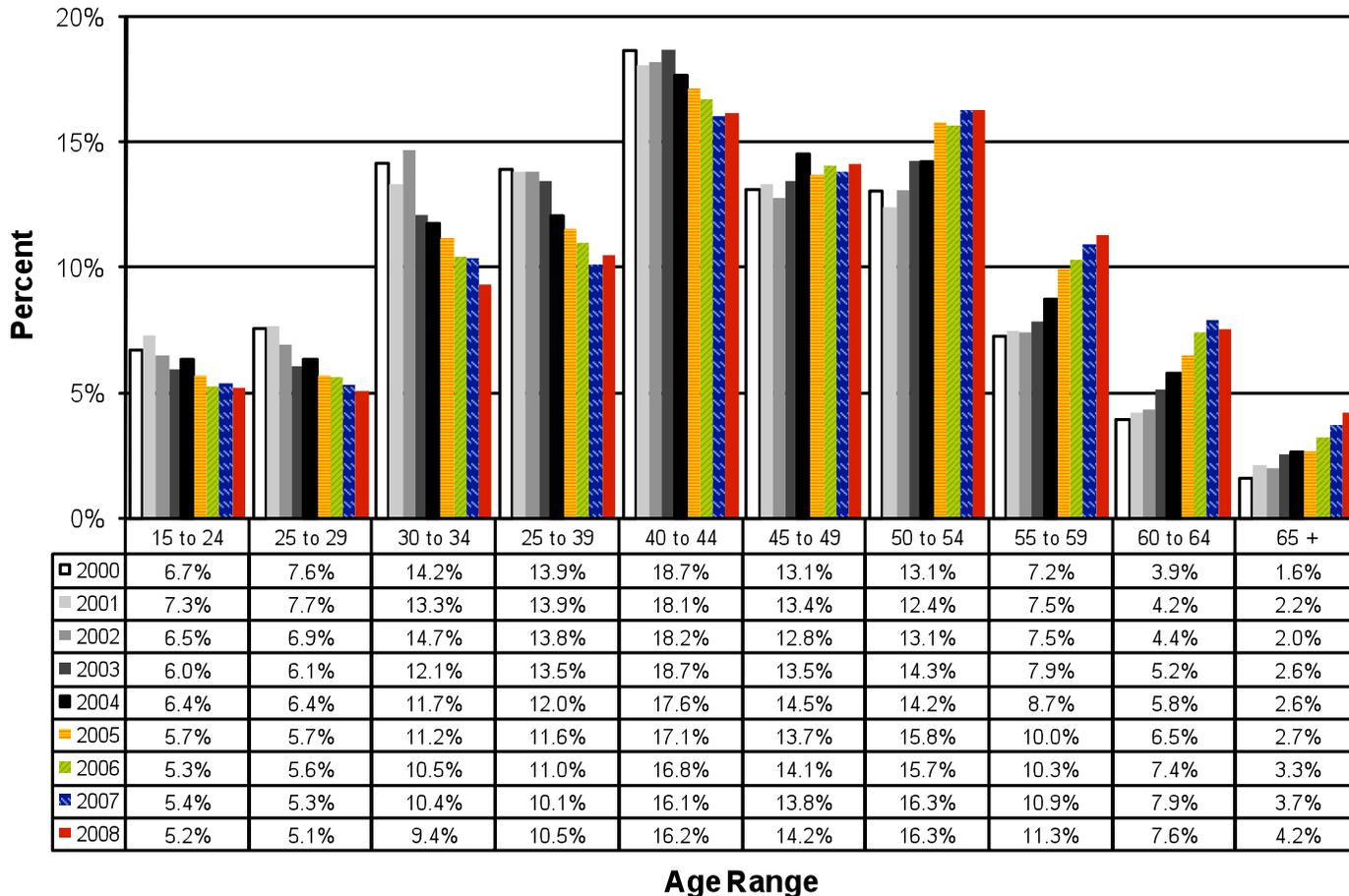


Table 6: Level of Education

Calendar Year	Less Than High School		High School		More Than High School	
	N	Percent	N	Percent	N	Percent
CY2000	1691	20.5	4906	59.4	1663	20.1
CY2001	1624	20.8	4616	59.1	1575	20.2
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
2000 Census Data:		24.1		56.3		19.6

Table 7: Weekly Compensation Rate

Year	Frequency	Mean	Median	Std. Deviation
CY2000	11050	\$319.10	\$302.05	\$127.21
CY2001	10251	\$331.32	\$312.79	\$132.46
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

Figure 6: Compensation Rate Distribution

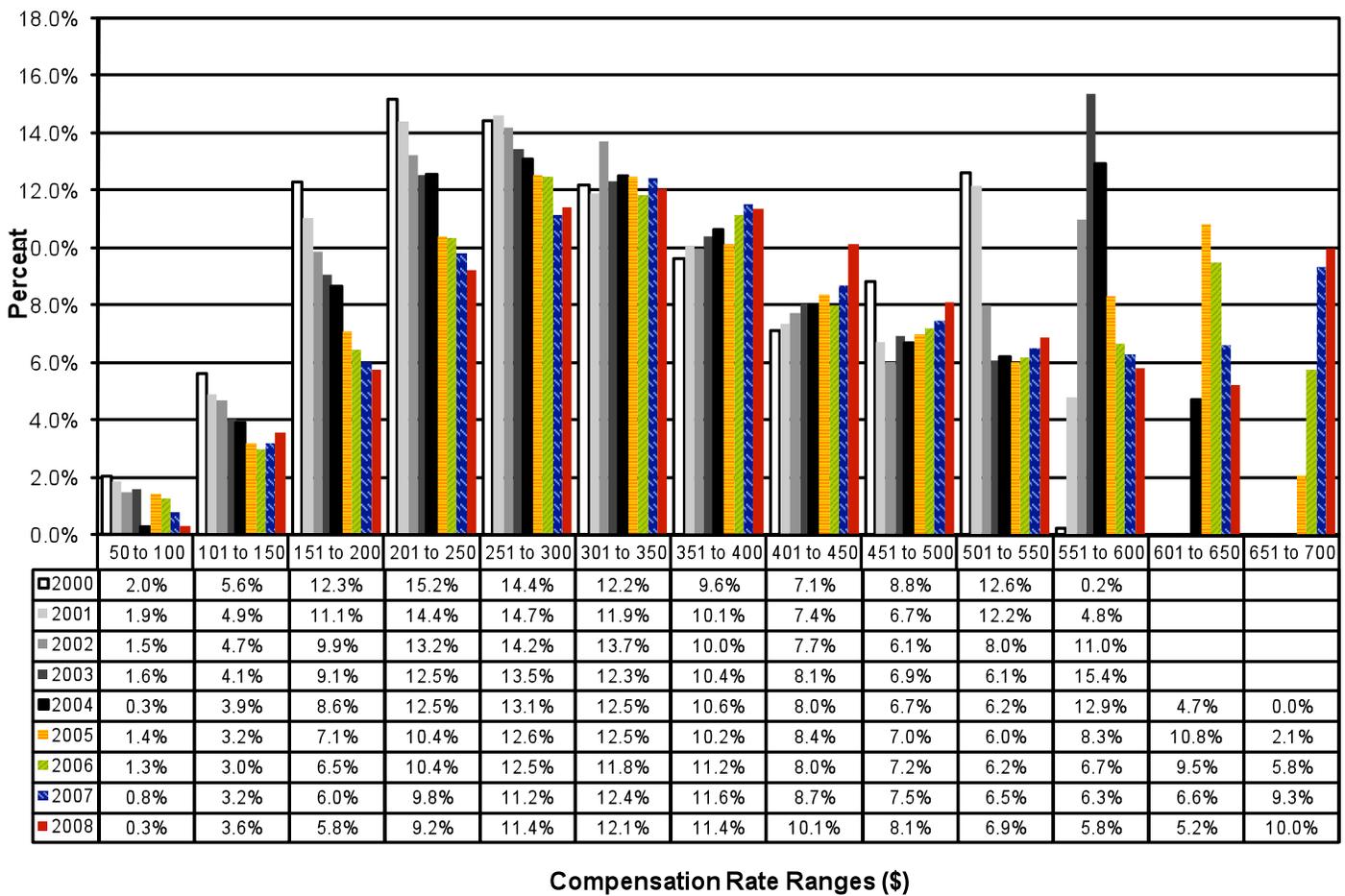


Table 8: Maximum Compensation Rate Frequencies

Year	Number at PPD Max	Percent at PPD Max	Number at TTD Max	Percent at TTD Max
CY2000	1817	15.9%	n/a	n/a
CY2001	1591	15.0%	n/a	n/a
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%

Temporary Total Disability

Number of Weeks

Table 9 lists the average number of weeks of Temporary Total Disability (TTD) benefits that were paid for 2000 to 2008 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 2008 is 23.3 weeks. Other than a slight decrease in 2005 and 2006, the mean duration of TTD benefits being paid has increased from 18.2 to 23.3 in nine years. Figure 7 displays the distribution of TTD duration in weeks.

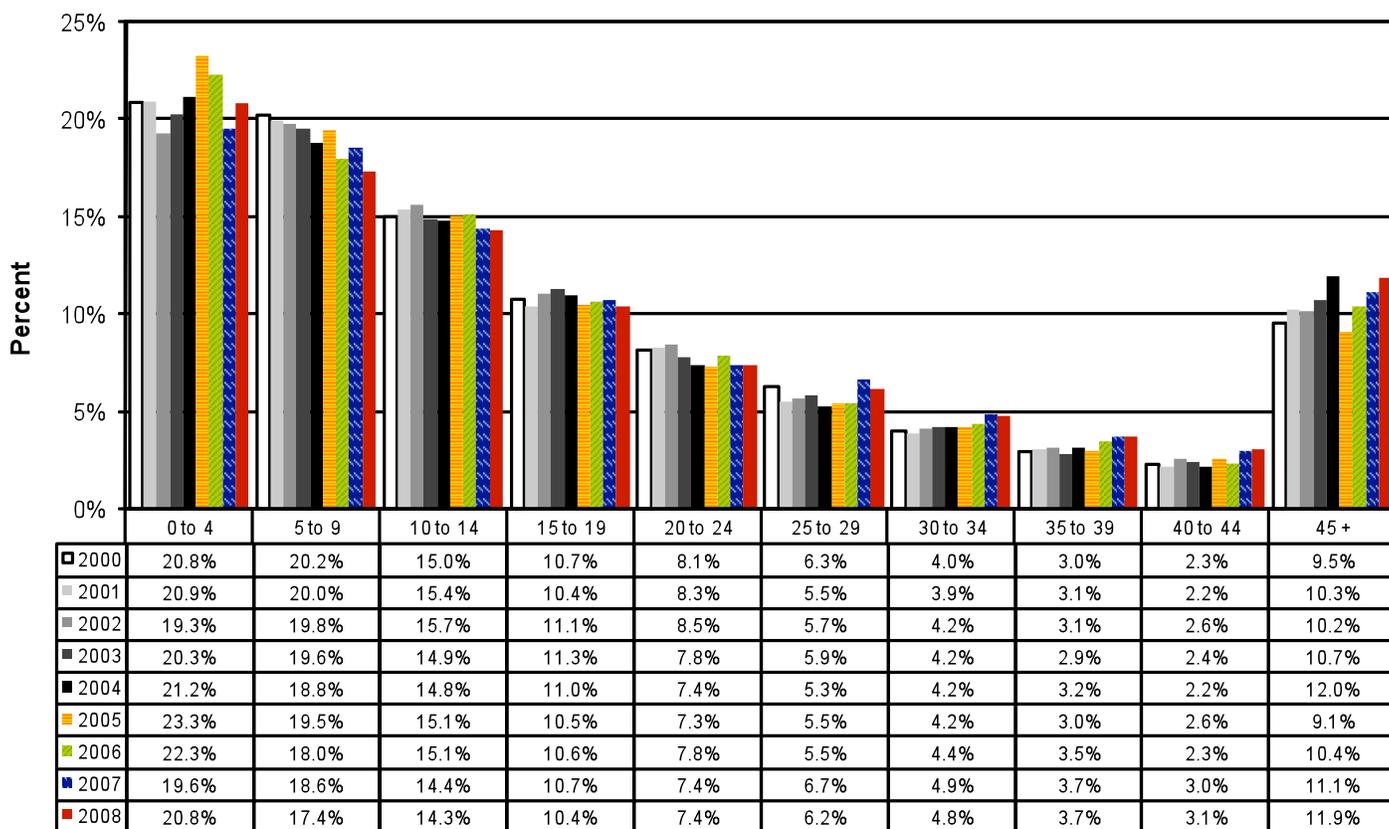
Monetary Amounts

The average amount of TTD benefits paid is listed in Table 10. 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 \$6,116.74 for 2000 cases to \$8,927.05 for 2008 cases. Figure 8 displays the distribution of TTD benefit amounts.

Table 9: Temporary Total Disability – Number of Weeks

Year	Frequency	Mean	Median	Std. Deviation
CY2000	7579	18.2	12.6	17.7
CY2001	6970	18.3	12.3	18.0
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

Figure 7: Number of Weeks of TTD Benefits Paid

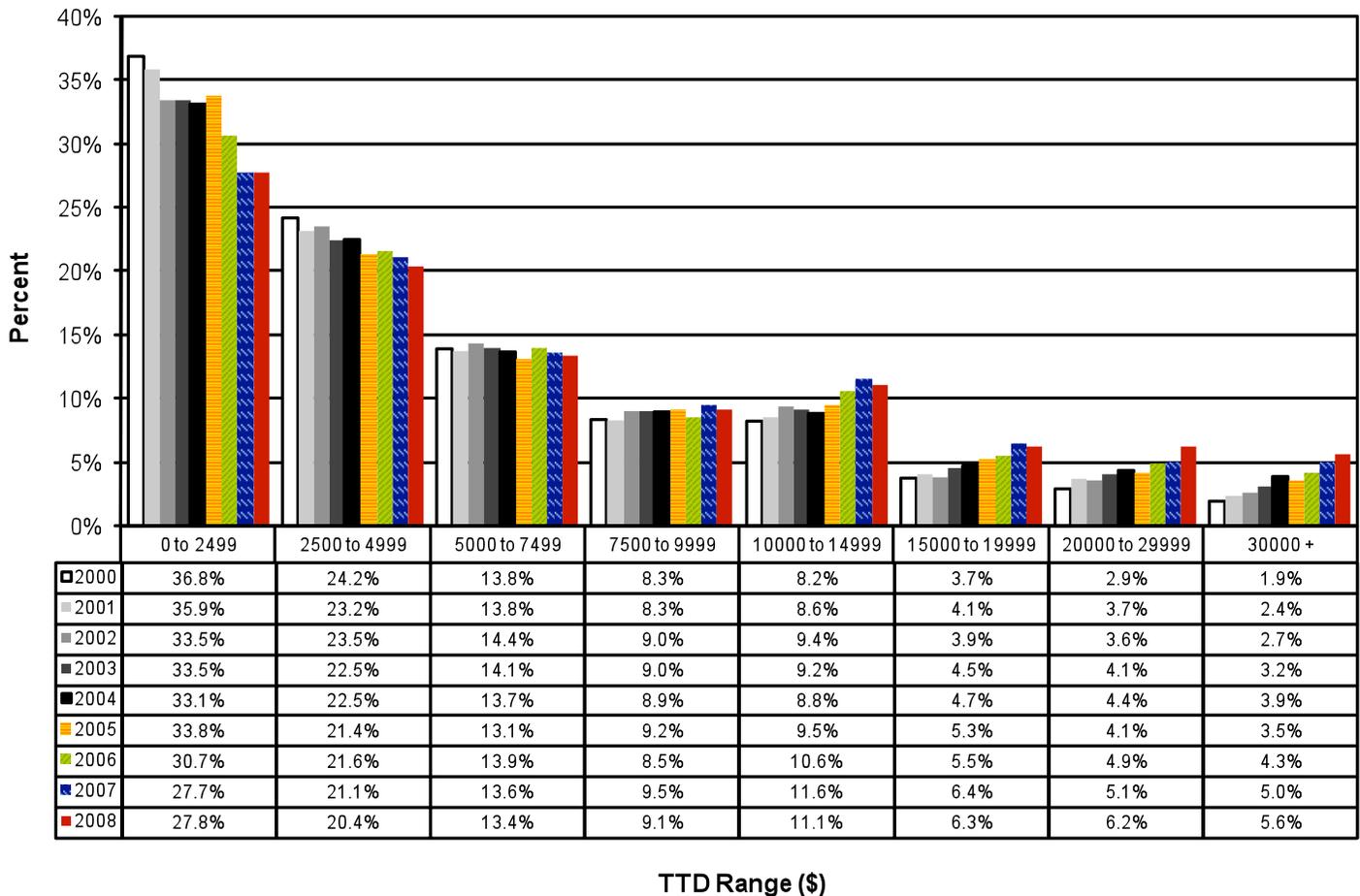


TTD Weeks Range

Table 10: Temporary Total Disability – Monetary Amounts

Year	Frequency	Mean	Median	Std. Deviation
CY2000	7802	\$6,116.74	\$3,679.29	\$7,922.03
CY2001	7192	\$6,594.42	\$3,817.40	\$9,170.98
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

Figure 8: Amount of TTD Benefits



Medical Information

Benefits/Expenses

Table 11 lists the average amount of medical benefits paid for cases closed in 2000 to 2008. Like the TTD data, this includes all types of injuries and severities. The statewide mean for medical benefits paid in 2008 is \$19,697.94. Figure 9 displays the distribution of medical benefits/expenses paid at the time of conclusion. The yearly increases in medical benefits/expenses per year have reversed. Average medical benefits paid have decreased slightly over four years from 2005 to 2008.

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 of cases reported the use of only one PPI rating in 2008.

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 2005 through 2008 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 consistently account for

nearly 75% of all body parts injured and the ten most common types of injuries account for 85% to 88% of all types of injuries reported on SD-1 forms.

Table 11: Medical Benefits/Expenses

Year	Frequency	Mean	Median	Std. Deviation
CY2000	10073	\$14,618.33	\$9,357.55	\$26,686.14
CY2001	9362	\$15,680.80	\$10,093.91	\$28,647.80
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

Figure 9: Medical Benefits/Expenses Distribution

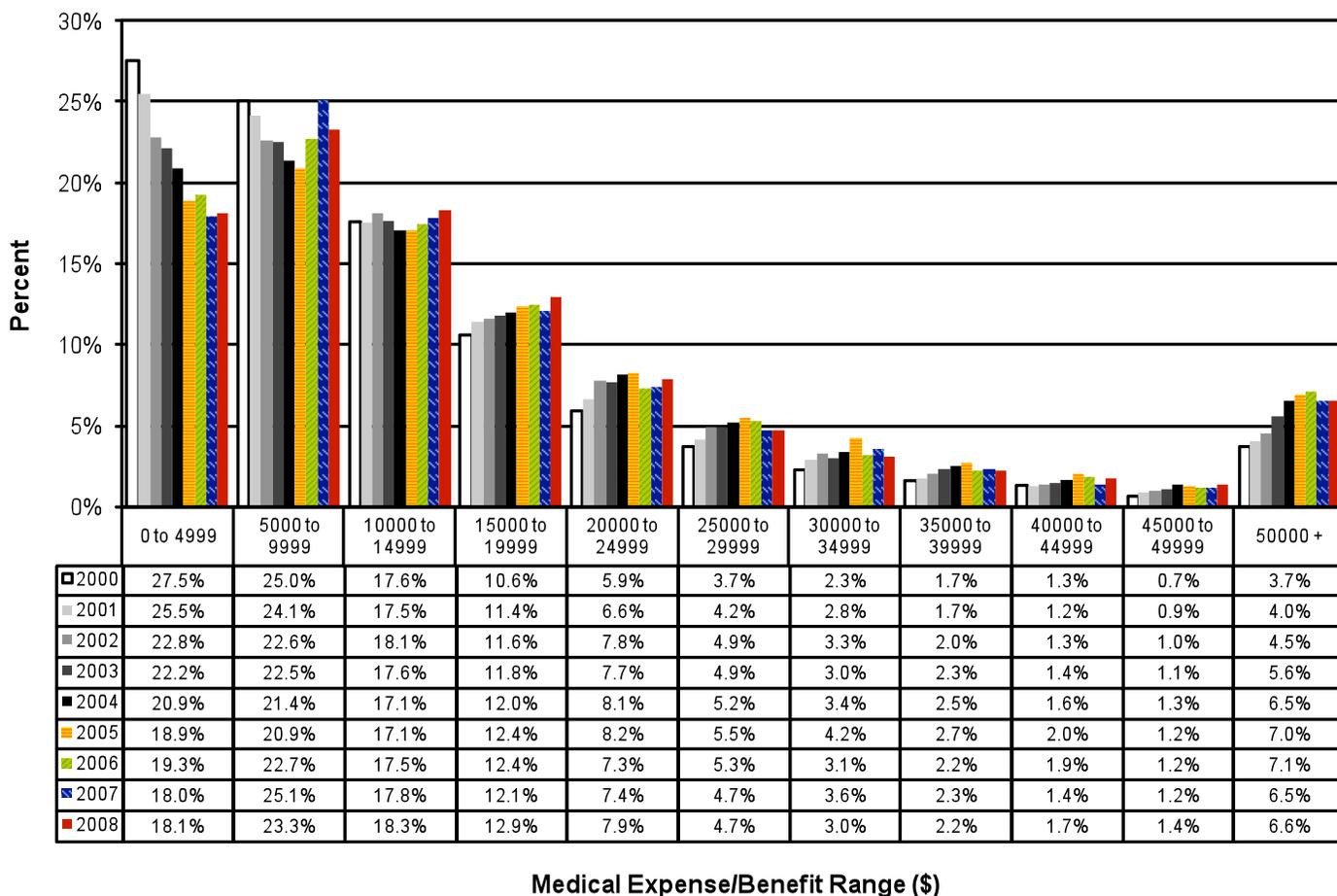


Table 12: Number of Permanent Partial Impairment Ratings

Year	Number of PPI Ratings			
	1	2	3	4+
CY2000	71.1%	19.8%	3.6%	2.5%
CY2001	74.3%	20.0%	3.0%	2.7%
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%

**Table 13: Most Frequent Body Parts Injured
2005**

Body Part Injured	Frequency	Percent of Cases	Cumulative Percent
Shoulder(s)	1499	14.1	14.1
Knee	1208	11.4	25.4
Multiple Body Systems	1049	9.9	35.3
Multiple Upper Extremities	990	9.3	44.6
Finger(s)	709	6.7	51.3
Lower Back Area	655	6.2	57.4
Wrist	556	5.2	62.6
Disc	548	5.1	67.8
Hand	355	3.3	71.1
Ear(s)	350	3.3	74.4

2006

Body Part Injured	Frequency	Percent of Cases	Cumulative Percent
Shoulder(s)	1360	14.0	14.0
Knee	1122	11.6	25.6
Multiple Body Systems	920	9.5	35.0
Multiple Upper Extremities	792	8.2	43.2
Lower Back Area	668	6.9	50.1
Finger(s)	640	6.6	56.7
Disc	478	4.9	61.6
Wrist	450	4.6	66.2
Ear(s)	428	4.4	70.6
Hand	313	3.2	73.8

2007

Body Part Injured	Frequency	Percent of Cases	Cumulative Percent
Shoulder(s)	1300	14.3	14.3
Knee	1106	12.2	26.5
Multiple Body Systems	867	9.6	36.1
Multiple Upper Extremities	784	8.6	44.7
Lower Back Area	620	6.8	51.5
Finger(s)	619	6.8	58.4
Disc	429	4.7	63.1
Wrist	426	4.7	67.8
Ear(s)	361	4.0	71.8
Multiple Trunk	260	2.9	74.6

2008

Body Part Injured	Frequency	Percent of Cases	Cumulative Percent
Shoulder(s)	1489	15.4	15.4
Knee	1226	12.7	28.1
Multiple Body Systems	962	10.0	38.0
Multiple Upper Extremities	804	8.3	46.4
Finger(s)	599	6.2	52.6
Lower Back Area	577	6.0	58.5
Wrist	469	4.9	63.4
Disc	444	4.6	68.0
Ear(s)	366	3.8	71.8
Multiple Trunk	287	3.0	74.7

Table 14: Most Frequently Occurring Nature of Injuries**2005**

Type of Injury	Frequency	Percent of Cases	Cumulative Percent
Strain or Tear	3453	32.4	32.8
Multiple Physical Injuries	1244	11.7	44.6
Fracture	1109	10.4	55.2
Carpal Tunnel Syndrome	800	7.5	62.8
Dislocation	596	5.6	68.4
All Other Specific Injuries NOC	587	5.5	74.0
Sprain or Tear	524	4.9	79.0
Laceration	418	3.9	83.0
Contusion	271	2.5	85.5
Hearing Loss or Impairment	229	2.2	87.7

2006

Type of Injury	Frequency	Percent of Cases	Cumulative Percent
Strain or Tear	3054	31.4	31.4
Fracture	1018	10.5	41.9
All Other Specific Injuries NOC	953	9.8	51.7
Multiple Physical Injuries	736	7.6	59.3
Sprain or Tear	621	6.4	65.7
Carpal Tunnel Syndrome	472	4.9	70.6
Contusion	440	4.5	75.1
Laceration	332	3.4	78.5
All Other Cumulative Injuries NOC	297	3.1	81.6
Dislocation	294	3.0	84.6

2007

Type of Injury	Frequency	Percent of Cases	Cumulative Percent
Strain or Tear	2853	31.4	31.4
Fracture	940	10.4	41.8
All Other Specific Injuries NOC	937	10.3	52.1
Multiple Physical Injuries	611	6.7	58.9
Sprain or Tear	608	6.7	65.6
Contusion	457	5.0	70.6
Carpal Tunnel Syndrome	437	4.8	75.4
Laceration	389	4.3	79.7
Inflammation	282	3.1	82.8
Dislocation	249	2.7	85.5

2008

Type of Injury	Frequency	Percent of Cases	Cumulative Percent
Strain or Tear	3104	32.1	32.3
Fracture	994	10.3	42.6
Multiple Physical Injuries	884	9.1	51.8
All Other Specific Injuries NOC	882	9.1	61.0
Sprain or Tear	700	7.2	68.3
Contusion	471	4.9	73.2
Carpal Tunnel Syndrome	445	4.6	77.8
Laceration	356	3.7	81.5
Dislocation	288	3.0	84.5
Inflammation	270	2.8	87.3

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

Permanent Partial Impairment Ratings

Table 15 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 2008 is 9.5 to the BAW.

Permanent Partial Disability Percentage

Table 16 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 2008 cases is 15.4 (61.2 weeks) to the body as a whole. Average PPD benefits for body as a whole return to work cases have decreased by nearly 19 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 2000 to 2005 at 2.2 then decreased to 1.8 for 2007 and 2008. PPD multiplier data for BAW cases where the injured worker returned to work are listed in Table 17.

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 18 lists the average PPD monetary payments for BAW return to work cases. PPD monetary amounts for BAW return to work cases have increased from \$25,174.00 in 2000 to \$31,084.70 in 2004 then decreased to \$28,482.54 in 2007.

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. For 2008 BAW cases where the injured worker returned to work, the mean amount paid for medical benefits at the time of conclusion is \$21,649.18. Table 19 lists the average medical amounts paid for BAW return to work cases concluded in calendar years 2004 through 2008.

Table 15: Permanent Partial Impairment - Body as a Whole Injuries - Employee Returned to Work for Pre-Injury Employer

Year	Frequency	Mean	Median	Std. Deviation
CY2000	2405	9.3	8.0	8.6
CY2001	2392	9.2	8.0	7.4
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

Table 16: 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
CY2000	2680	18.5	15.0	13.5
CY2001	2618	18.9	15.0	14.0
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

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

Year	Frequency	Mean	Median	Std. Deviation
CY2000	2393	2.2	2.0	0.9
CY2001	2382	2.2	2.0	0.9
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	1996	1.8	1.5	1.5

Table 18: 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

Year	Frequency	Mean
CY2000	2643	\$25,174.00
CY2001	2587	\$26,880.34
CY2002	2442	\$29,734.24
CY2003	2464	\$30,202.73

Table 19: 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

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 2008 is 14.6, the second highest in the nine years for which there is SD-1 data. Average highest permanent partial impairment (PPI) ratings for BAW cases where the injured worker did not return to work are listed in Table 20.

Permanent Partial Disability Percentage

Table 21 lists the average percentage of PPD for employees with injuries to the body as a whole who did not return to work for the pre-injury employer. For calendar year 2008, the average PPD percentage is 35.6 (142.4 weeks), down slightly from 2007.

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 previous eight years reported, ranging from 3.1 to 3.3. For 2008, the mean multiplier dropped to 3.0. Table 22 lists the average PPD multipliers for BAW no return to work cases.

Permanent Partial Disability Monetary Amounts

Table 23 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 were \$54,522.40 in 2007 and \$54,969.22 in 2008.

Medical Benefit/Expense Amounts

The average medical benefit/expense amounts for BAW no return to work cases are displayed in Table 24. The mean amounts paid for 2008 was \$34,207.78, consistent with, but also the lowest in the five years there is data.

Table 20: Permanent Partial Impairment - Body as a Whole Injuries - Employee Did Not Return to Work for Pre-Injury Employer

Year	Frequency	Mean	Median	Std. Deviation
CY2000	831	15.0	10.0	18.6
CY2001	1078	14.2	10.0	16.1
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

Table 21: 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
CY2000	921	32.9	25.0	23.3
CY2001	1198	34.3	30.0	23.5
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

Table 22: 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
CY2000	827	3.1	2.9	1.7
CY2001	1073	3.2	3.0	1.8
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	1218	3.0	2.9	1.7

Table 23: 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

Year	Frequency	Mean
CY2000	909	\$38,697.80
CY2001	1189	\$42,772.66
CY2002	1229	\$43,355.79
CY2003	1139	\$47,429.34

Table 24: 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

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 25. The statewide mean PPI rating for 2008 is 7.0 to the arm. Mean PPI ratings have decreased from 9.1 in 2000 to 7.0 in 2008.

Permanent Partial Disability Percentage

The average PPD percentage for return to work (for pre-injury employer) arm cases are listed in Table 26. Arm injury cases where injured workers returned to work show no consistent trend of increasing or decreasing for cases concluded in 2000 to 2004. However, from 2004 to 2008, average PPD percentage amounts are down from 18.0 to 10.7. This is equivalent to a decrease of 14.6 week of benefits.

Permanent Partial Disability Multipliers

Table 27 lists the average PPD multiplier for cases involving arm injuries where the injured worker returned to work. The multiplier edged up from 2.7 in 2000 to 3.0 in 2004, to then decrease to 1.7 by 2008.

Permanent Partial Disability Monetary Amounts

Table 28 displays the average PPD monetary amounts paid in return to work arm cases. Mean PPD judgment/settlement amounts have remained relatively constant from 2000 to 2004 at around \$13,000. Judgment/settlement amounts for return to work arm cases have decreased by nearly \$5,000 in five years. The mean PPD judgment/settlement amount for return to work arm cases in 2008 is \$8,696.85.

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 29. Mean medical amounts for return to work arm cases are between \$11,400 and \$12,500 for the five years analyzed, with the mean amount at \$12,283.10 for 2008. Median amounts show a steady decline since 2005.

Table 25: Permanent Partial Impairment - Arm Injuries - Employee Returned to Work for Pre-Injury Employer

Year	Frequency	Mean	Median	Std. Deviation
CY2000	1383	9.1	7.0	8.5
CY2001	1289	9.0	6.0	8.3
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

Table 26: Percentage Awarded for Permanent Partial Disability - Arm Injuries - Employee Returned to Work for Pre-Injury Employer

Year	Frequency	Mean	Median	Std. Deviation
CY2000	1380	20.6	17.5	15.8
CY2001	1287	21.1	16.0	16.8
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

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

Year	Frequency	Mean	Median	Std. Deviation
CY2000	1381	2.7	2.3	1.7
CY2001	1286	2.8	2.5	1.8
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

Table 28: 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

Year	Frequency	Mean
CY2000	1541	\$13,175.01
CY2001	1415	\$13,711.41
CY2002	1255	\$12,377.47
CY2003	1358	\$13,055.28

Table 29: 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

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 30. Mean PPI ratings for no return to work arm cases show no pattern of increasing or decreasing and have ranged from 9.6 to 12.9 over the nine years reported. For 2008, the mean PPI rating for no return to work arm cases is 11.1.

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 31. Following the average PPI ratings, PPD judgment/settlement percentages display no clear trend. For 2008 the mean PPD rating for no return to work arm injury cases is up slightly from 2007 at 25.5 (51 weeks).

Permanent Partial Disability Multipliers

Table 32 lists the average PPD multipliers for no return to work arm cases. Like the PPD multiplier for no return to work body as a whole cases, the PPD multiplier for 2008 arm cases is 2.8, the lowest in the nine years analyzed.

Permanent Partial Disability Monetary Amounts

Table 33 displays average PPD monetary benefits paid for no return to work arm cases. The mean PPD monetary amounts paid for 2008 cases is \$16,434.62, similar to 2007 amounts.

Medical Benefit/Expense Amounts

Average monetary amounts paid for medical benefits/expenses for arm injury cases where the injured worker did not return to work are reported in Table 34. Average medical benefits/expenses paid for 2008 were the lowest in the five years reported at \$15,295.95.

Table 30: Permanent Partial Impairment - Arm Injuries - Employee Did Not Return to Work for Pre-Injury Employer

Year	Frequency	Mean	Median	Std. Deviation
CY2000	227	12.9	10.0	12.5
CY2001	308	11.6	10.0	10.3
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

Table 31: Permanent Partial Disability Percentages - Arm Injuries - Employee Did Not Return to Work for Pre-Injury Employer

Year	Frequency	Mean	Median	Std. Deviation
CY2000	227	30.2	25.3	17.7
CY2001	308	28.5	23.8	19.6
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

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

Year	Frequency	Mean	Median	Std. Deviation
CY2000	226	3.2	3.0	1.7
CY2001	306	3.3	3.0	2.0
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

Table 33: 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

Year	Frequency	Mean
CY2000	253	\$16,052.76
CY2001	348	\$16,146.31
CY2002	342	\$16,373.87
CY2003	291	\$17,199.20

Table 34: 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

Leg Injuries - Employee Returned to Pre-Injury Employment

Permanent Partial Impairment Ratings

For 2008, the average PPI rating for cases involving a leg injury where the employee returned to work for the pre-injury employer is 9.0. Over nine years, average PPI ratings ranged from 8.6 to 9.7. No clear trend emerges for leg injury impairment ratings when the injured worker returned to work. 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 35.

Permanent Partial Disability Percentage

Average PPD percentage for judgments and settlements for return to work leg injury cases are reported in Table 36. Average PPD percentage amounts for return to work leg injury cases decreased by 15 weeks from 21.2 (42.4 weeks) in 2003 to 13.7 (27.4 weeks) in 2008.

Permanent Partial Disability Multipliers

Table 37 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. There had been relatively no change in the average statewide PPD multipliers for return to work leg cases from 2000 to 2004. Like the reductions observed in arm cases, average PPD multipliers have decreased from 2.4 in 2005 to 1.6 in 2008.

Permanent Partial Disability Monetary Amounts

The average PPD monetary payments for return to work leg injury cases are listed in Table 38. The mean amount paid for 2008 is \$12,078.36, up slightly from 2007. The median amounts paid for return to work leg injury cases have steadily decreased from 2004 to 2008.

Medical Benefit/Expense Amounts

Table 39 reports the average amount of medical benefits/expenses for leg injury cases where the injured worker returned to work. Medical benefits/expenses have decreased from \$17,282.34 in 2004 to \$14,544.17 in 2008. Median amounts paid for return to work leg cases are between \$10,100 and \$12,300 for the five years there is data.

Table 35: Permanent Partial Impairment - Leg Injuries - Employee Returned to Work for Pre-Injury Employer

Year	Frequency	Mean	Median	Std. Deviation
CY2000	1181	9.7	7.0	9.8
CY2001	1172	9.2	7.0	8.5
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

Table 36: Percentage Awarded for Permanent Partial Disability - Leg Injuries - Employee Returned to Work for Pre-Injury Employer

Year	Frequency	Mean	Median	Std. Deviation
CY2000	1179	21.9	16.0	18.2
CY2001	1171	21.4	17.5	17.4
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

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

Year	Frequency	Mean	Median	Std. Deviation
CY2000	1178	2.7	2.4	1.6
CY2001	1170	2.7	2.5	1.4
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

Table 38: 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

Year	Frequency	Mean
CY2000	1272	\$15,007.87
CY2001	1251	\$14,513.51
CY2002	1199	\$14,732.17
CY2003	1189	\$16,268.29

Table 39: 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

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 40. Average highest PPI ratings ranged from 13.2 to 15.5 with no clear trends emerging. The average highest PPI rating for no return to work leg cases in 2008 is 15.4, one of the highest in nine years.

Permanent Partial Disability Percentage

Average PPD percentages for cases involving leg injuries where the employee did not return to work are listed in Table 41. As is the case for average highest PPI ratings for no return to work leg cases, no clear trend emerges for average PPD percentages. The mean amount of PPD benefits for 2008 leg injury cases where the injured worker did not return to work is 36.8 (73.6 weeks).

Permanent Partial Disability Multipliers

Table 42 lists the average PPD multipliers for leg injury cases where the injured worker did not return to work. The statewide mean multiplier for 2008 no return to work leg injury cases is 2.9. This is the lowest in the nine years reported data.

Permanent Partial Disability Monetary Amounts

Table 43 displays average PPD monetary benefits paid for no return to work leg cases. The mean PPD benefit amount for 2008 is \$27,224.45. This is the highest PPD amount paid for no return to work leg injury cases in nine years.

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 44. The mean medical benefit/expense for 2008 cases is \$24,112.94, the lowest in five years of reporting.

Table 40: Permanent Partial Impairment - Leg Injuries - Employee Did Not Return to Work for Pre-Injury Employer

Year	Frequency	Mean	Median	Std. Deviation
CY2000	196	15.5	10.0	14.8
CY2001	273	14.6	10.0	14.0
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

Table 41: Percentage Awarded for Permanent Partial Disability - Leg Injuries - Employee Did Not Return to Work for Pre-Injury Employer

Year	Frequency	Mean	Median	Std. Deviation
CY2000	196	39.9	30.0	27.9
CY2001	273	35.9	30.0	25.5
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

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

Year	Frequency	Mean	Median	Std. Deviation
CY2000	196	3.3	3.0	2.1
CY2001	272	3.3	3.0	1.9
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

Table 43: 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

Year	Frequency	Mean
CY2000	219	\$24,833.10
CY2001	293	\$21,533.12
CY2002	289	\$22,599.55
CY2003	280	\$21,980.19

Table 44: 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

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 45 and 46 indicate psychological injury and psychological sole claim frequencies respectively. The percent of psychological injuries has reduced from 2.3% in 2004 to 1.7% in years 2006 through 2008. The percent of sole psychological injury claims for 2008 is 0.3% of the total number of cases.

Table 45: Workers' Compensation Cases in Which Psychological Injury Was Claimed

Year	Total Cases	Number Claiming Pysch Injury	Percent
CY2000	11628	285	2.5%
CY2001	10605	261	2.5%
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%

Table 46: Workers' Compensation Cases in Which Psychological Injury Was the Sole Injury Claimed

Year	Total Cases	Number Claiming Sole Pysch Injury	Percent
CY2000	11628	74	0.6%
CY2001	10605	67	0.6%
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%

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 47. The percent of PTD cases as identified on the SD-1 for 2008 is 0.5% (48 cases).

The SD-1 form also collects the amounts of different types of monetary benefits that are associated with each workers' compensation case. Table 48 displays the number of SD-1 forms in which the reported PTD monetary benefit amount is greater than \$0.00 for calendar year 2000 through 2008 cases. The percent of cases in which PTD benefits were paid/awarded is 0.3% (26 cases) for 2008.

Table 47: Permanent Total Disability Case Frequencies

Year	PTD Settlement		PTD Trial		Total
	Frequency	Percent	Frequency	Percent	
2000	171	1.50%	14	0.12%	1.62%
2001	117	1.10%	14	0.13%	1.24%
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%

Table 48: 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	
2000	211	1.85%	13	0.11%	46	0.40%	2.36%
2001	151	1.42%	10	0.09%	32	0.30%	1.82%
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%

Death Cases

The monetary amount of death benefits paid is also reported on SD-1 forms. As in previous years, only a handful of cases report death benefits being paid. For 2008 there were only 3 cases (0.03%).⁴

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 49 contains information regarding workers' compensation appeals that was provided by the Administrative Office of the Courts. Table 50 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 percent of appeals to the number of trials decreased from 72% in 2001 to 34% in 2005 then increased back to 72% in 2007.⁵ For 2008 there were actually more

⁴ The actual number of cases in which death benefits were paid for 2005 through 2007 cases are as follows; 5 (0.05%) in 2005, 15 (0.15%) in 2006 and 3 (0.03%) in 2007.

⁵ It is possible there are more workers' compensation trials conducted in Tennessee annually than the number for which a Statistical Data Form is filed. If so, the appeals percentage would be lower.

appeals than there were trials. This is possible because the number of trials in 2007 is larger than in 2008, thus the percentage for 2008 reflects when some of the cases from 2007 were heard on appeal.

Table 49: 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
2000	193	60	14	48
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

Table 50: 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
2000	321	193	60.1%
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%

Conclusion

There are now two reports utilizing Tennessee workers' compensation data since the implementation of the changes made during the 2004 legislative session.⁶ Previous reports have provided a snapshot of 2000-2007 workers' compensation data. This report adds 2008 to that case history, providing nine years of information regarding closed cases involving permanent disability. Certain trends are observable over time and are highlighted below and provided graphically in Appendix A.

- The utilization of the Tennessee Department of Labor and Workforce Development to conclude cases continues to increase. For 2008, 60% of cases were settlements approved by the Department.
- Trials are occurring in less than 1% of Tennessee workers compensation permanent disability cases in 2008.
- The average time from injury to conclusion for 2008 continues to take over 1 year 7 months (85.4 weeks).
- The percent of Department approved settlements where a complaint has not been filed has increased from 71% in 2005 to 95% in 2008.
- The average age of injured workers increased only one tenth of a year from 2007 to 2008 after increasing 2 years from 2004 to 2007. The average age of injured workers from 2008 SD-1 data is 45.3.
- 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 \$412.50 for 2008 cases.
- The mean duration of TTD benefits being paid has increased from 18.2 to 23.3 in nine years.
- The yearly increases in medical benefits/expenses per year have reversed. Average medical benefits paid have decreased slightly over four years from 2005 to 2008.
- Eighty-two percent of cases reported the use of only one PPI rating in 2008.

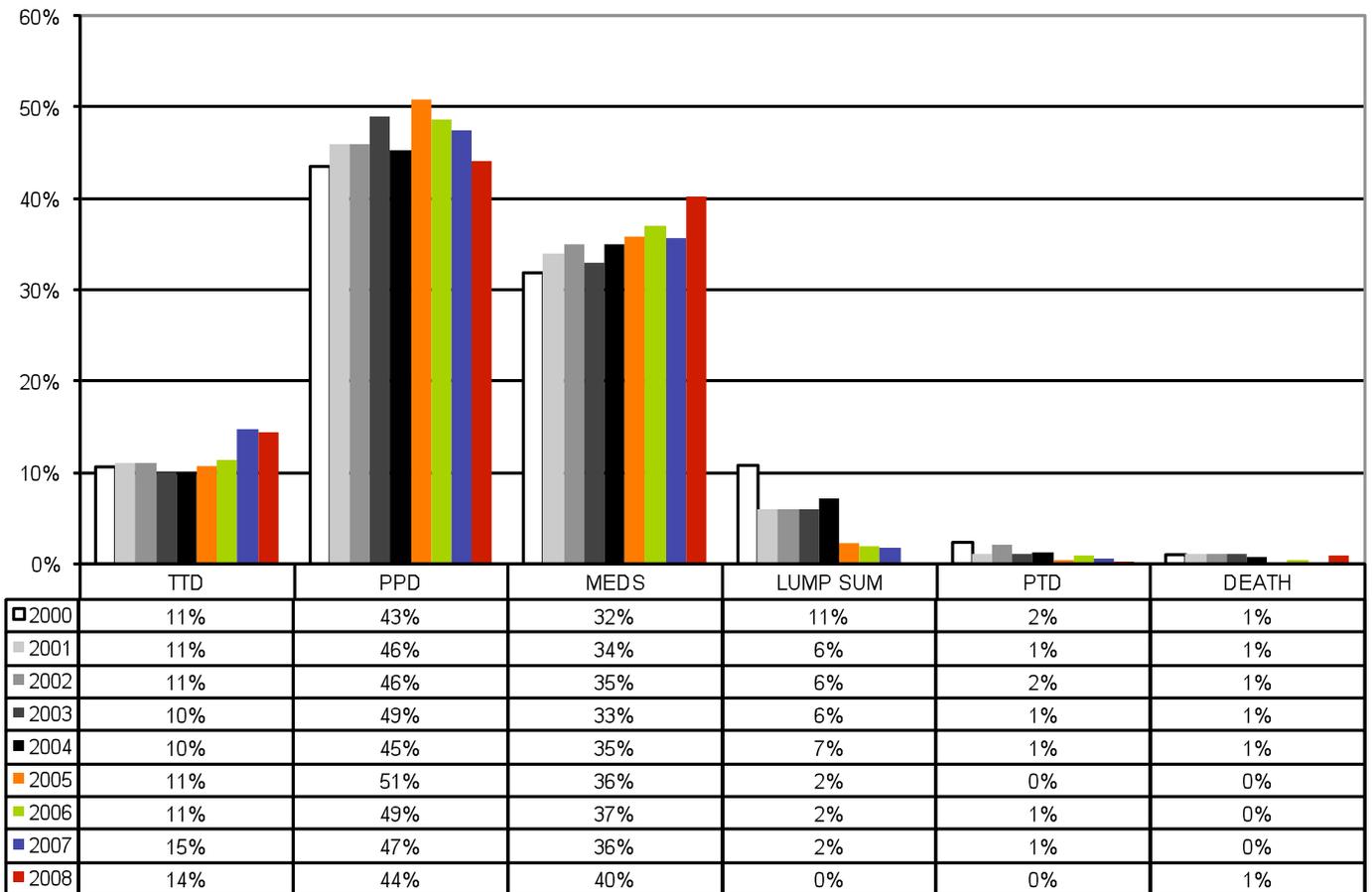
⁶ Senate Bill 3424/House Bill 3531

- Average PPD benefits for body as a whole return to work cases have decreased by nearly 19 weeks since the implementation of the 2004 reforms.
- For arm injury cases where the injured worker returned to work, average PPD percentage amounts are down from 18.0 to 10.7. This is equivalent to a decrease of 14.6 weeks or nearly \$5,000 of benefits.
- Average PPD amounts for return to work leg injury cases decreased by 15 weeks from 21.2 (42.4 weeks) in 2003 to 13.7 (27.4 weeks) in 2008. The decrease amounts to \$4,000 less in PPD benefits per leg injury case.
- The percent of trial verdicts appealed continues to be increasing.

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 10 indicates the percent of all medical and indemnity dollars⁷ reported on SD-1 forms for calendar years 2000 to 2008. 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.

⁷ Figure 10 presents percentages based on the dollar amounts listed on all SD-1 forms, which when totaled, range between \$416 million and \$588 million per year.

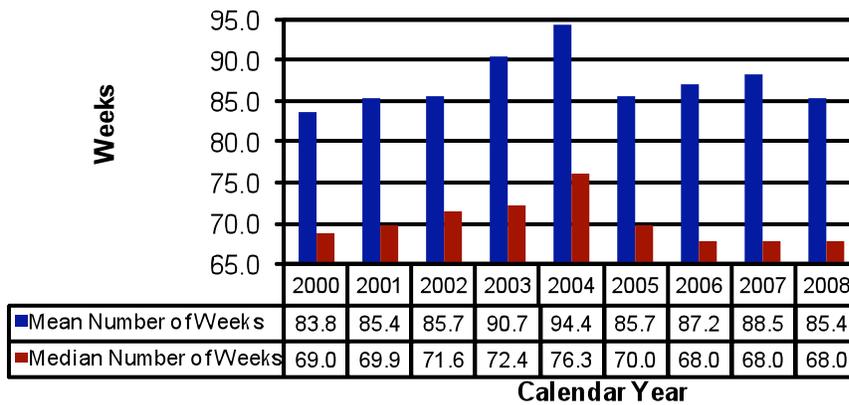
Figure 10: Percent of Workers' Compensation Dollars Paid for Tennessee Permanent Disability Claims



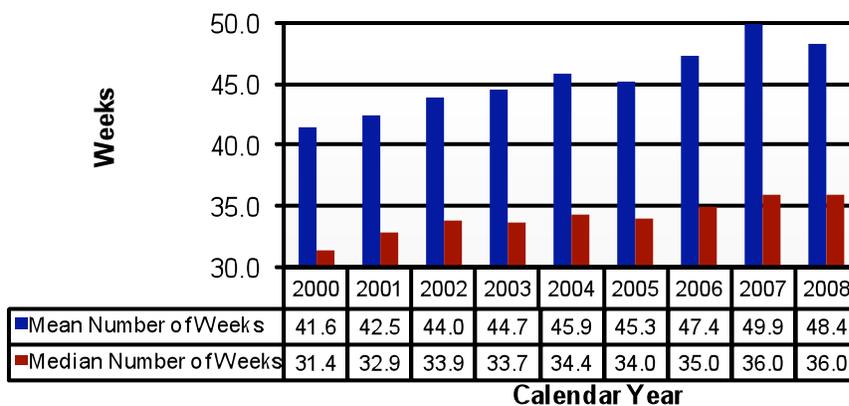
Appendix 1

Nine Year Trend Graphs for Tennessee Workers' Compensation Cases Concluded in Calendar Years 2000 - 2008

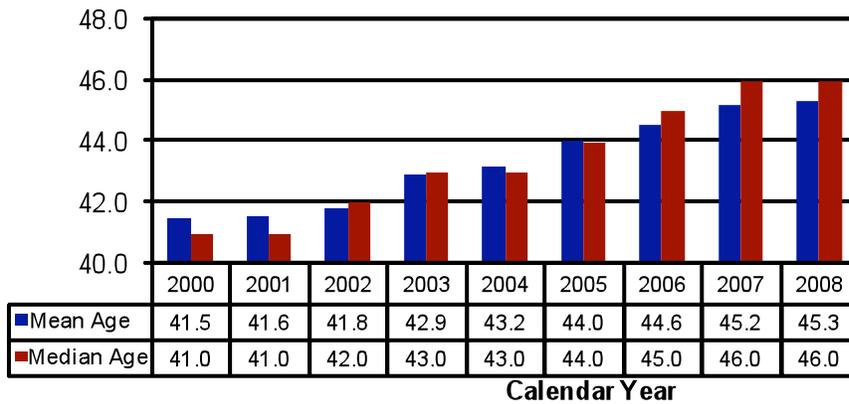
Number of Weeks from Injury to Conclusion



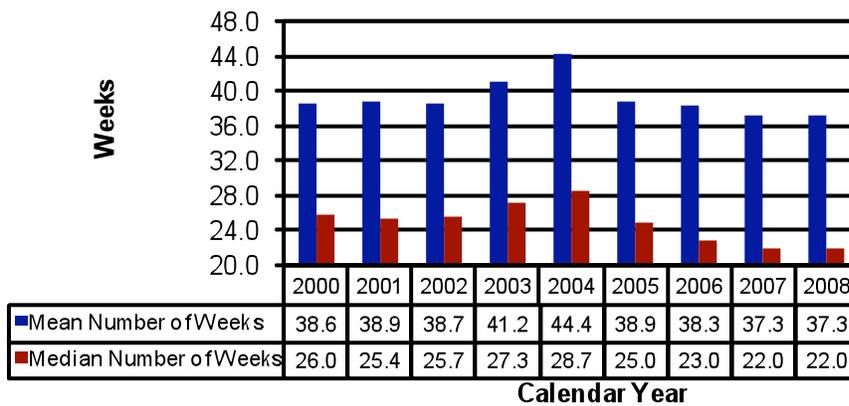
Number of Weeks From Injury to MMI



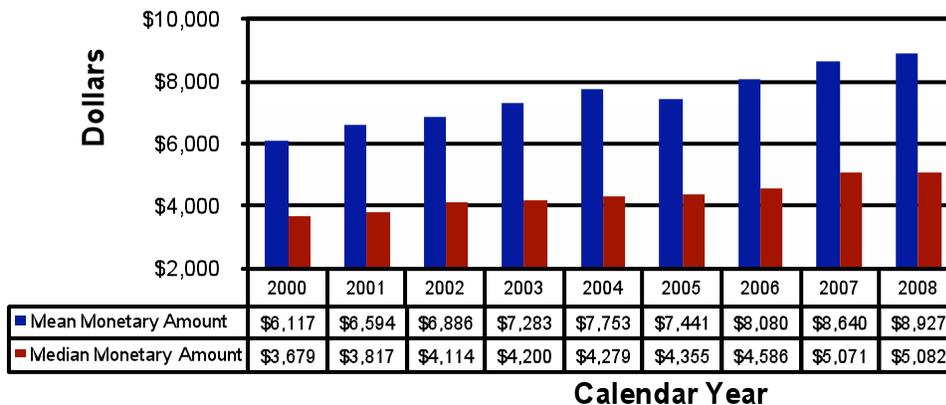
Average Age at Date of Injury



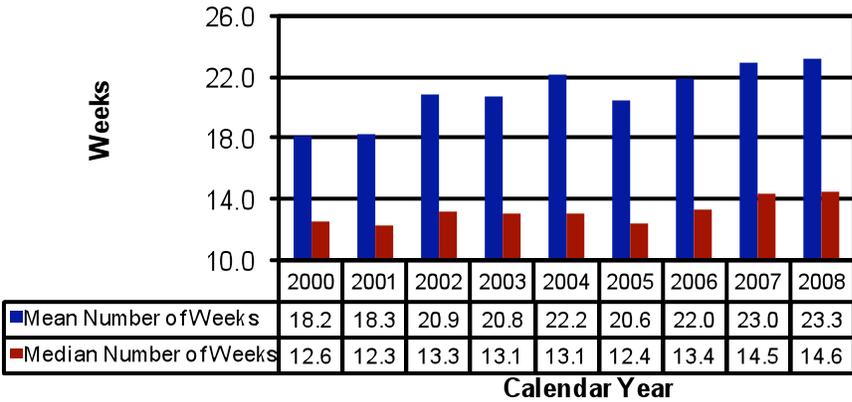
Number of Weeks from MMI to Conclusion



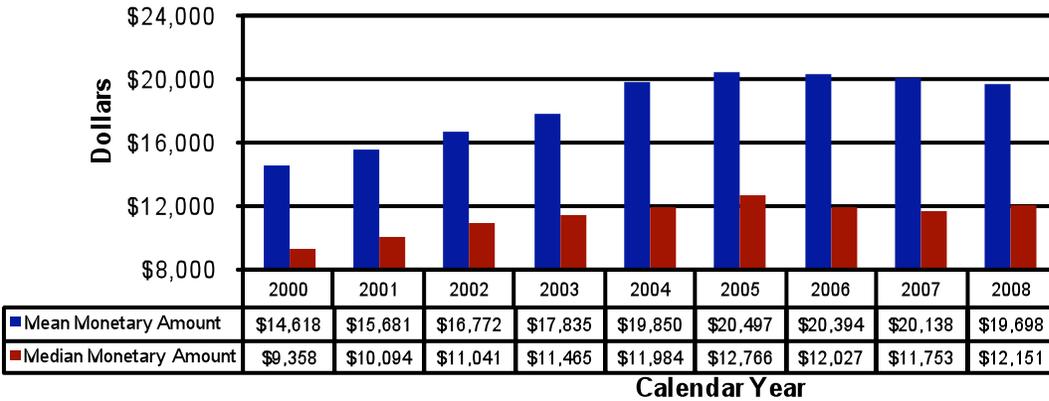
Average Monetary Amount of TTD Benefits



Average Number of Weeks of TTD Benefits

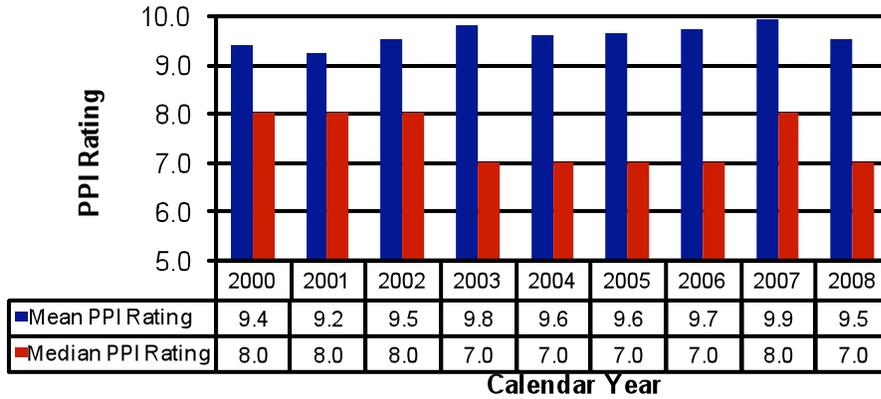


Average Monetary Amount of Medical Benefits/Expenses

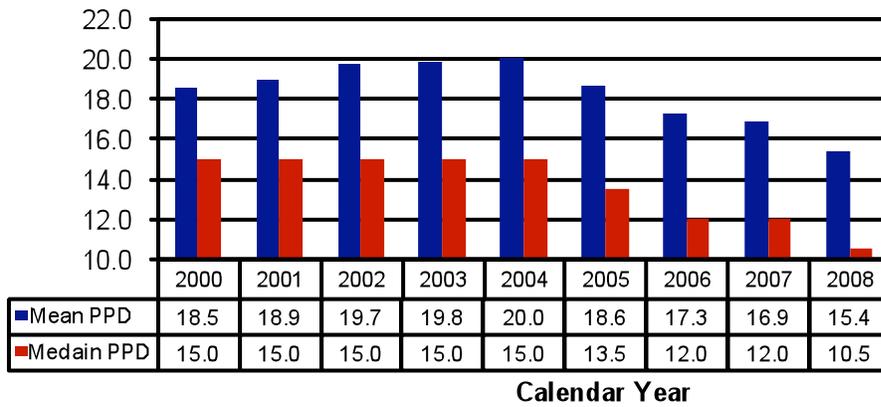


Body as a Whole Cases Where the Injured Worker Returned to Work

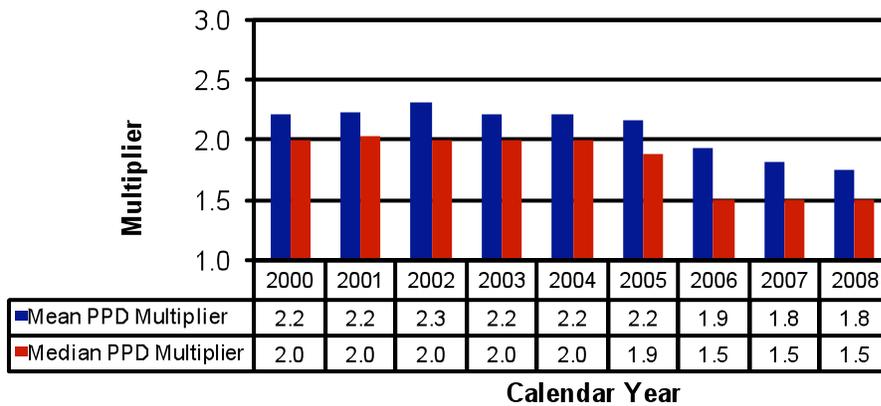
Average PPI Rating



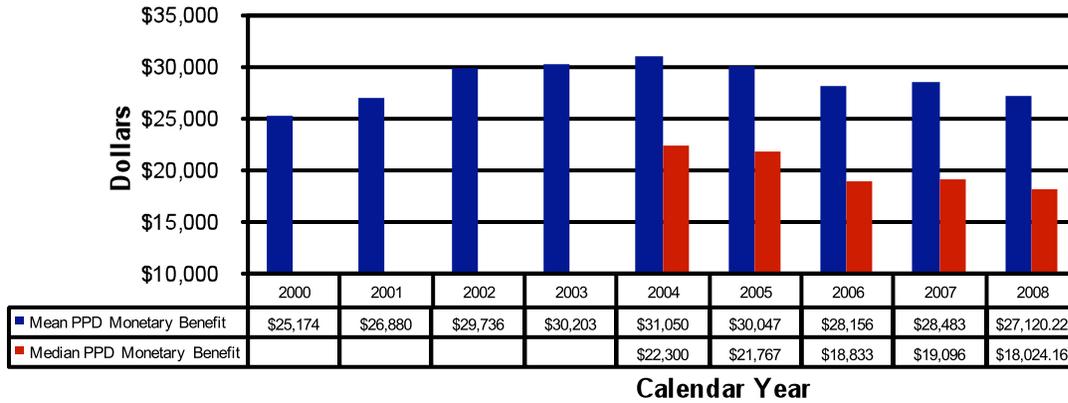
Average PPD Percentage Awarded



Average PPD Multiplier

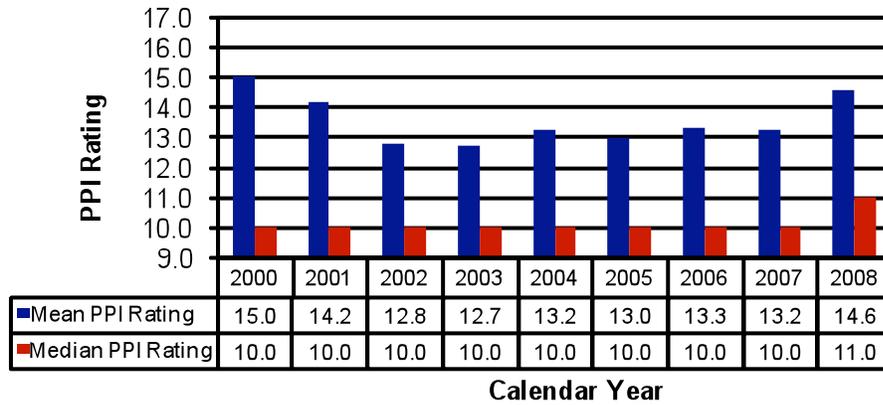


Average PPD Monetary Benefit

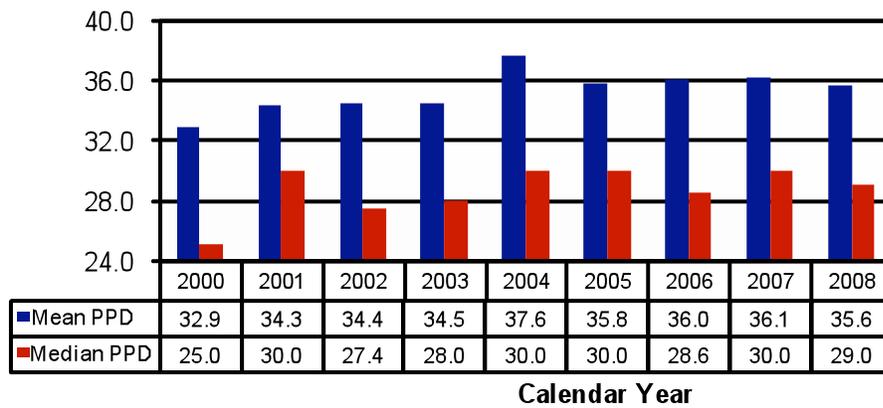


Body as a Whole Cases Where the Injured Worker Did Not Return to Work

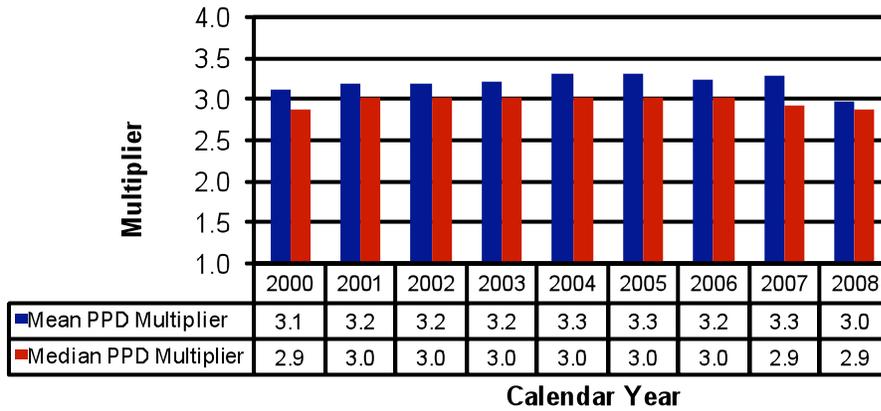
Average PPI Rating



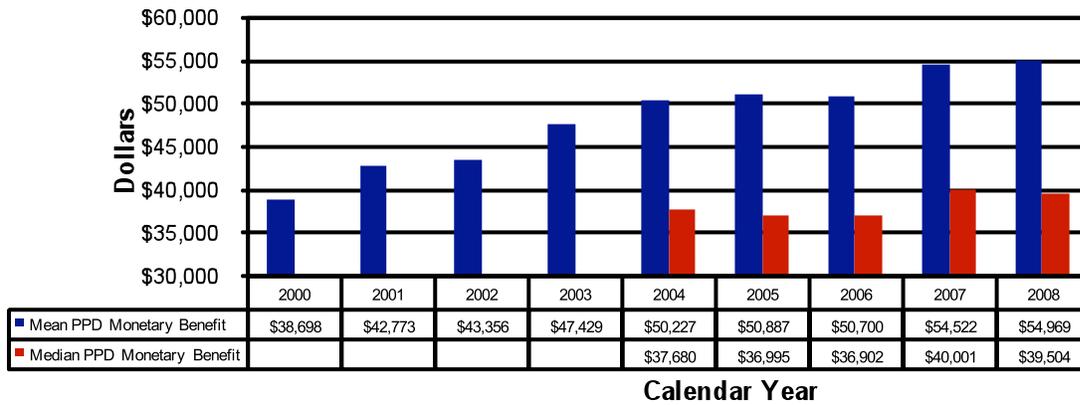
Average PPD Percentage Awarded



Average PPD Multiplier

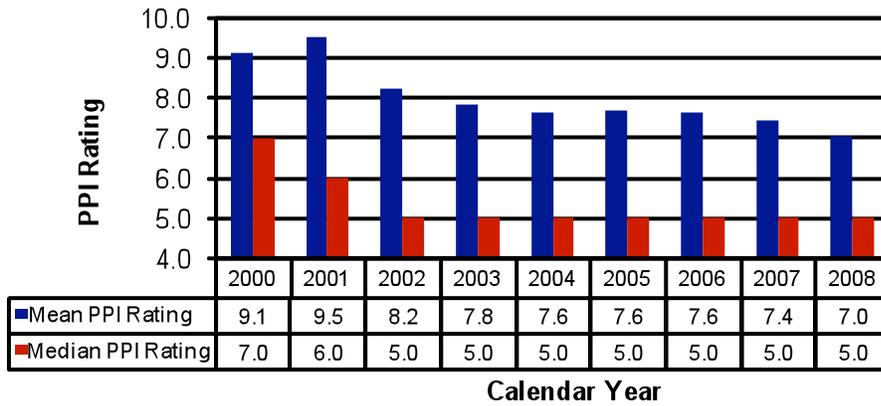


Average PPD Monetary Benefit

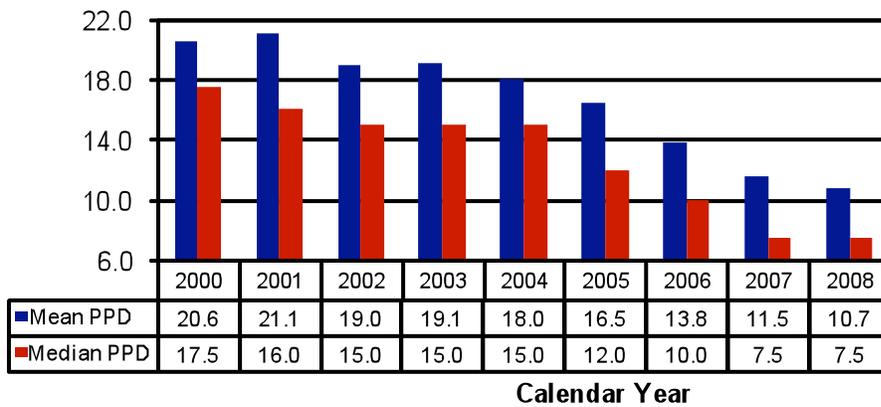


Arm Injury Cases Where the Injured Worker Returned to Work

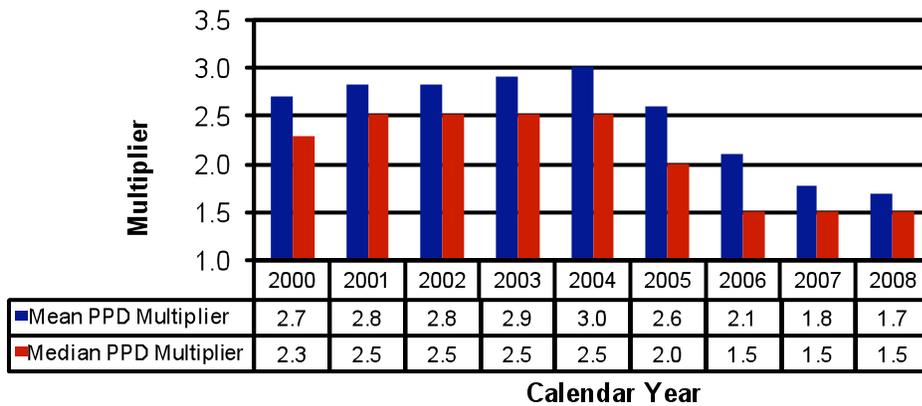
Average PPI Rating



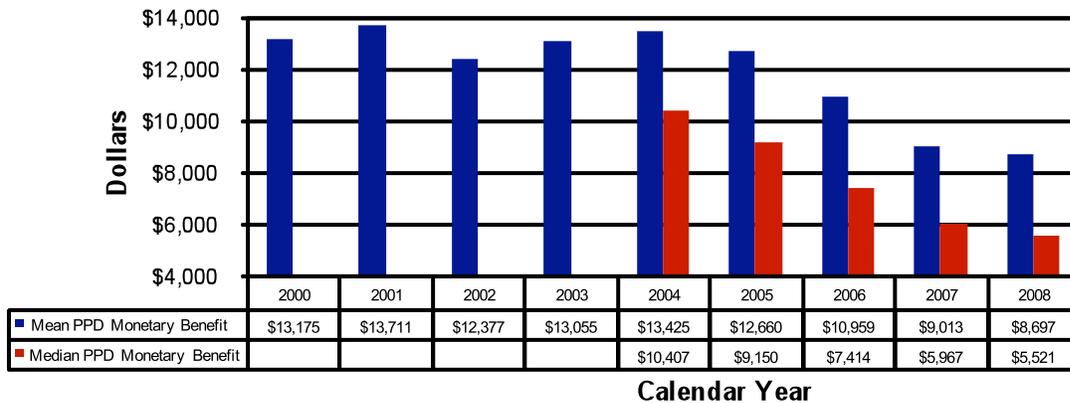
Average PPD Percentage Award



Average PPD Multiplier

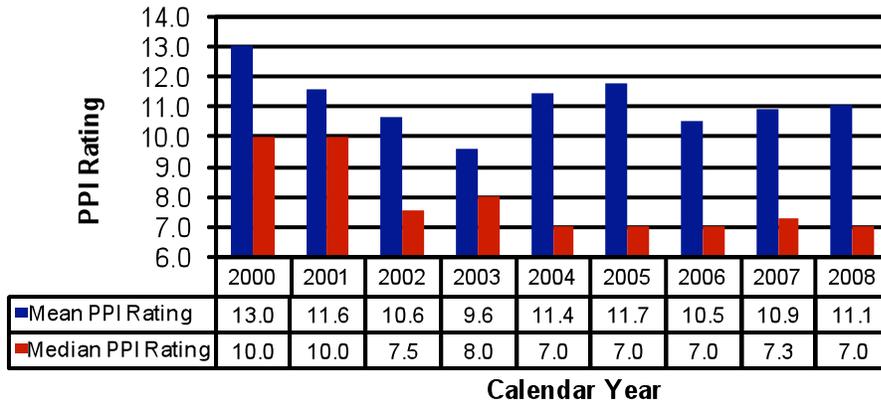


Average PPD Monetary Benefit

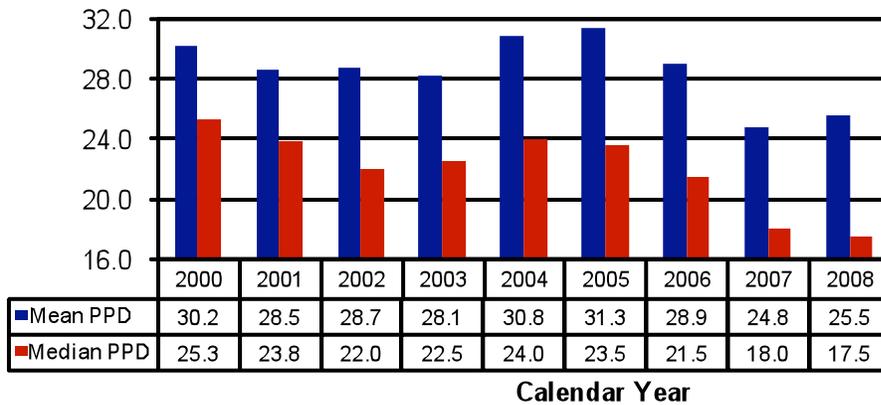


Arm Injury Cases Where the Injured Worker Did Not Return to Work

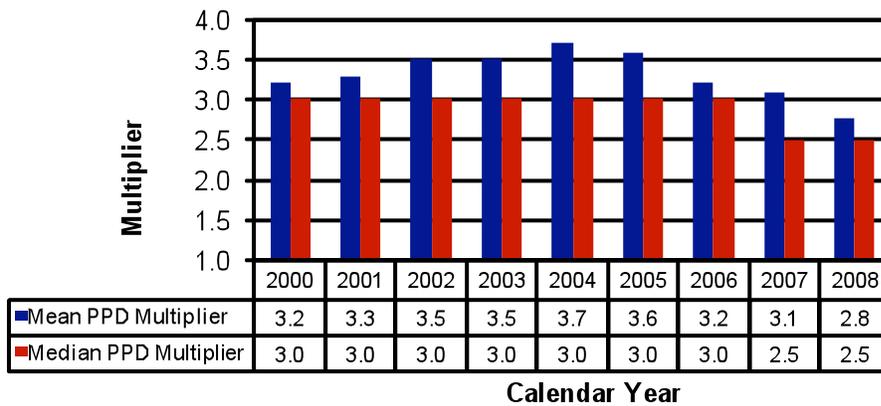
Average PPI Rating



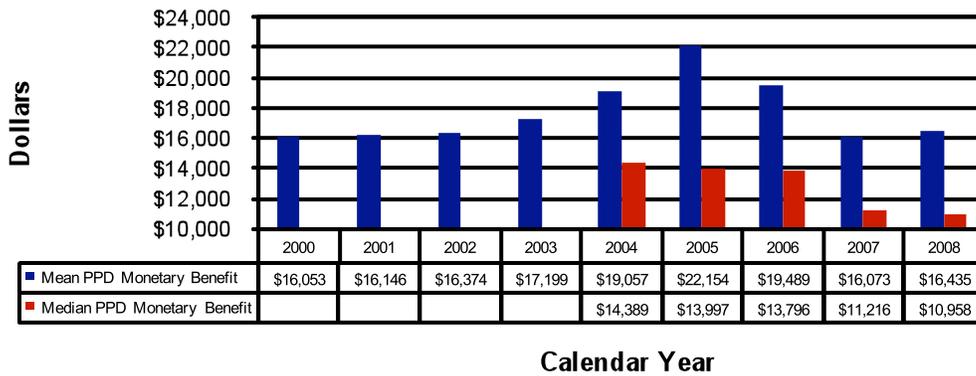
Average PPD Percentage Awarded



Average Arm PPD Multiplier

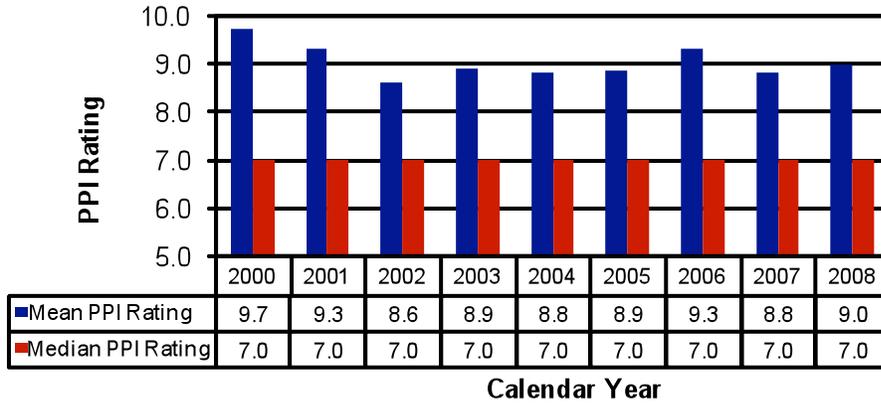


Average PPD Monetary Benefit

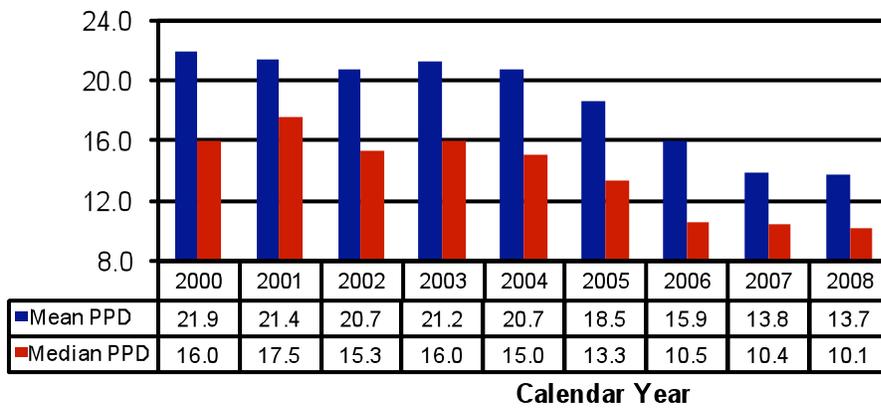


Leg Injury Cases Where the Injured Worker Returned to Work

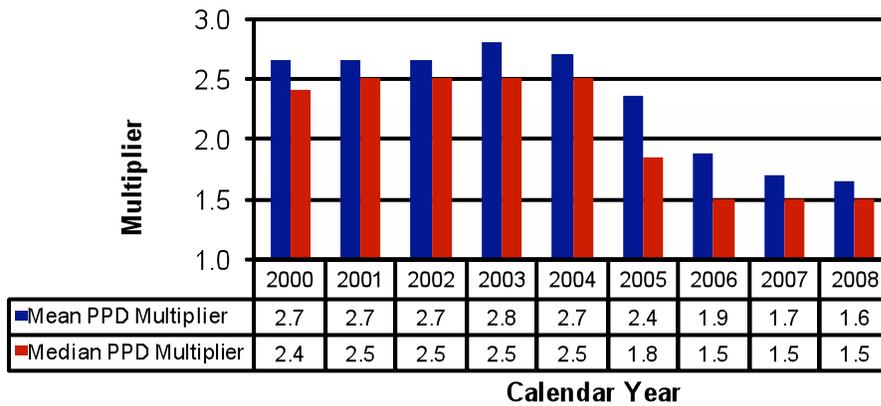
Average PPI Rating



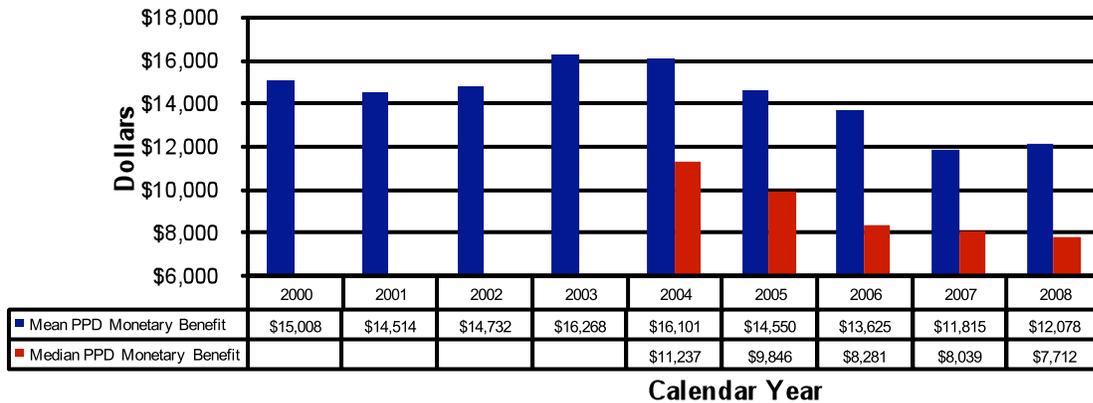
Average PPD Percentage Awarded



Average PPD Multiplier

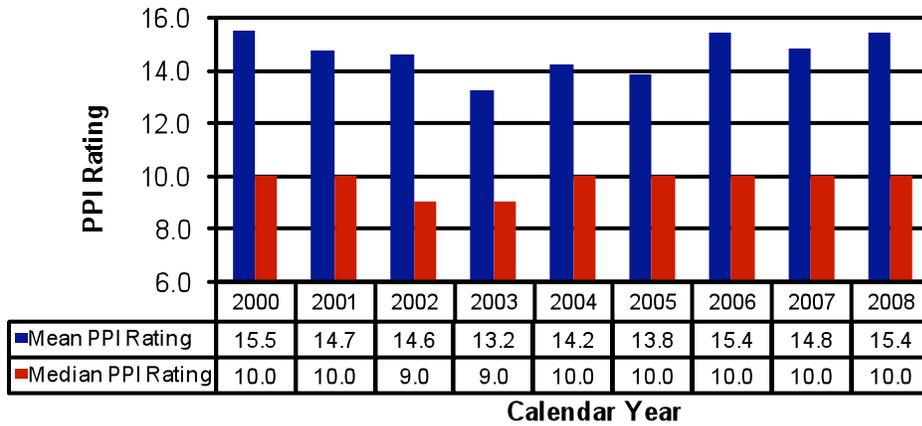


Average Leg PPD Monetary Benefit

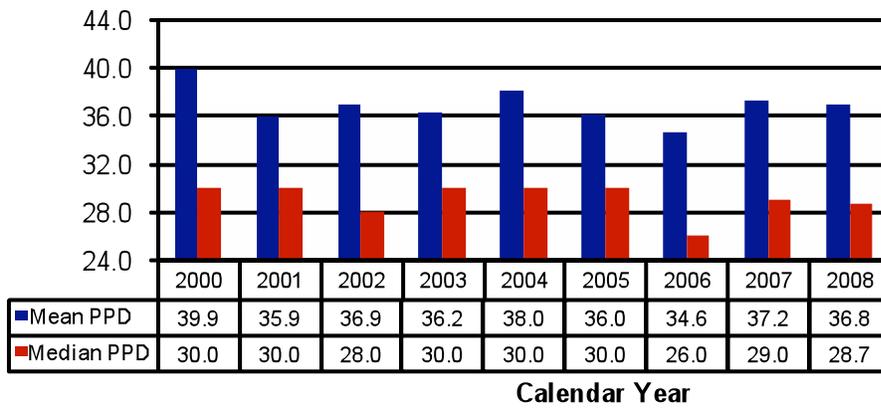


Leg Injury Cases Where the Injured Worker Did Not Return to Work

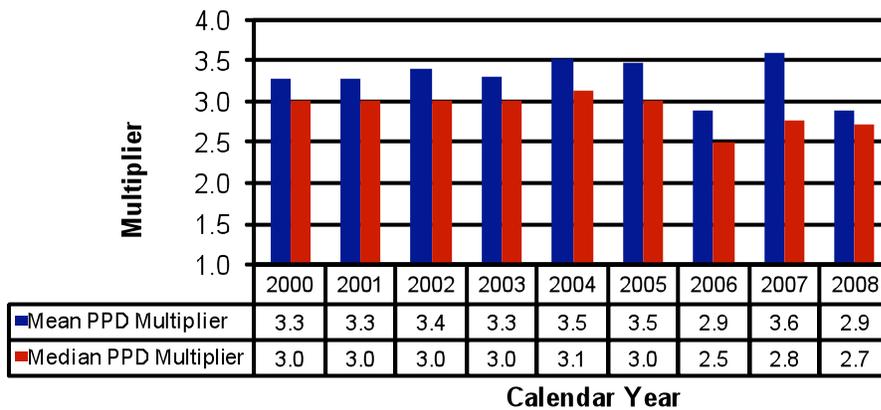
Average PPI Rating



Average PPD Percentage Awarded



Average PPD Multiplier



Average PPD Monetary Benefit

