



Rep. Michael J. Kelly

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LRB104 16929 SPS 35961 a

1 AMENDMENT TO HOUSE BILL 5413

2 AMENDMENT NO. _____. Amend House Bill 5413 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. References to Act. This Act may be referred to
5 as the Trooper Brian Frank Act.

6 Section 5. The Workers' Compensation Act is amended by
7 changing Section 8 and by adding Section 8.4 as follows:

8 (820 ILCS 305/8) (from Ch. 48, par. 138.8)

9 Sec. 8. The amount of compensation which shall be paid to
10 the employee for an accidental injury not resulting in death
11 is:

12 (a) The employer shall provide and pay the negotiated
13 rate, if applicable, or the lesser of the health care
14 provider's actual charges or according to a fee schedule,
15 subject to Section 8.2, in effect at the time the service was

1 rendered for all the necessary first aid, medical and surgical
2 services, and all necessary medical, surgical and hospital
3 services thereafter incurred, limited, however, to that which
4 is reasonably required to cure or relieve from the effects of
5 the accidental injury, even if a health care provider sells,
6 transfers, or otherwise assigns an account receivable for
7 procedures, treatments, or services covered under this Act. If
8 the employer does not dispute payment of first aid, medical,
9 surgical, and hospital services, the employer shall make such
10 payment to the provider on behalf of the employee. The
11 employer shall also pay for treatment, instruction and
12 training necessary for the physical, mental and vocational
13 rehabilitation of the employee, including all maintenance
14 costs and expenses incidental thereto. If as a result of the
15 injury the employee is unable to be self-sufficient the
16 employer shall further pay for such maintenance or
17 institutional care as shall be required.

18 The employee may at any time elect to secure his own
19 physician, surgeon and hospital services at the employer's
20 expense, or,

21 Upon agreement between the employer and the employees, or
22 the employees' exclusive representative, and subject to the
23 approval of the Illinois Workers' Compensation Commission, the
24 employer shall maintain a list of physicians, to be known as a
25 Panel of Physicians, who are accessible to the employees. The
26 employer shall post this list in a place or places easily

1 accessible to his employees. The employee shall have the right
2 to make an alternative choice of physician from such Panel if
3 he is not satisfied with the physician first selected. If, due
4 to the nature of the injury or its occurrence away from the
5 employer's place of business, the employee is unable to make a
6 selection from the Panel, the selection process from the Panel
7 shall not apply. The physician selected from the Panel may
8 arrange for any consultation, referral or other specialized
9 medical services outside the Panel at the employer's expense.
10 Provided that, in the event the Commission shall find that a
11 doctor selected by the employee is rendering improper or
12 inadequate care, the Commission may order the employee to
13 select another doctor certified or qualified in the medical
14 field for which treatment is required. If the employee refuses
15 to make such change the Commission may relieve the employer of
16 his obligation to pay the doctor's charges from the date of
17 refusal to the date of compliance.

18 Any vocational rehabilitation counselors who provide
19 service under this Act shall have appropriate certifications
20 which designate the counselor as qualified to render opinions
21 relating to vocational rehabilitation. Vocational
22 rehabilitation may include, but is not limited to, counseling
23 for job searches, supervising a job search program, and
24 vocational retraining including education at an accredited
25 learning institution. The employee or employer may petition to
26 the Commission to decide disputes relating to vocational

1 rehabilitation and the Commission shall resolve any such
2 dispute, including payment of the vocational rehabilitation
3 program by the employer.

4 The maintenance benefit shall not be less than the
5 temporary total disability rate determined for the employee.
6 In addition, maintenance shall include costs and expenses
7 incidental to the vocational rehabilitation program.

8 When the employee is working light duty on a part-time
9 basis or full-time basis and earns less than he or she would be
10 earning if employed in the full capacity of the job or jobs,
11 then the employee shall be entitled to temporary partial
12 disability benefits. Temporary partial disability benefits
13 shall be equal to two-thirds of the difference between the
14 average amount that the employee would be able to earn in the
15 full performance of his or her duties in the occupation in
16 which he or she was engaged at the time of accident and the
17 gross amount which he or she is earning in the modified job
18 provided to the employee by the employer or in any other job
19 that the employee is working.

20 Every hospital, physician, surgeon or other person
21 rendering treatment or services in accordance with the
22 provisions of this Section shall upon written request furnish
23 full and complete reports thereof to, and permit their records
24 to be copied by, the employer, the employee or his dependents,
25 as the case may be, or any other party to any proceeding for
26 compensation before the Commission, or their attorneys.

1 Notwithstanding the foregoing, the employer's liability to
2 pay for such medical services selected by the employee shall
3 be limited to:

4 (1) all first aid and emergency treatment; plus

5 (2) all medical, surgical and hospital services
6 provided by the physician, surgeon or hospital initially
7 chosen by the employee or by any other physician,
8 consultant, expert, institution or other provider of
9 services recommended by said initial service provider or
10 any subsequent provider of medical services in the chain
11 of referrals from said initial service provider; plus

12 (3) all medical, surgical and hospital services
13 provided by any second physician, surgeon or hospital
14 subsequently chosen by the employee or by any other
15 physician, consultant, expert, institution or other
16 provider of services recommended by said second service
17 provider or any subsequent provider of medical services in
18 the chain of referrals from said second service provider.
19 Thereafter the employer shall select and pay for all
20 necessary medical, surgical and hospital treatment and the
21 employee may not select a provider of medical services at
22 the employer's expense unless the employer agrees to such
23 selection. At any time the employee may obtain any medical
24 treatment he desires at his own expense. This paragraph
25 shall not affect the duty to pay for rehabilitation
26 referred to above.

1 (4) The following shall apply for injuries occurring
2 on or after June 28, 2011 (the effective date of Public Act
3 97-18) and only when an employer has an approved preferred
4 provider program pursuant to Section 8.1a on the date the
5 employee sustained his or her accidental injuries:

6 (A) The employer shall, in writing, on a form
7 promulgated by the Commission, inform the employee of
8 the preferred provider program;

9 (B) Subsequent to the report of an injury by an
10 employee, the employee may choose in writing at any
11 time to decline the preferred provider program, in
12 which case that would constitute one of the two
13 choices of medical providers to which the employee is
14 entitled under subsection (a)(2) or (a)(3); and

15 (C) Prior to the report of an injury by an
16 employee, when an employee chooses non-emergency
17 treatment from a provider not within the preferred
18 provider program, that would constitute the employee's
19 one choice of medical providers to which the employee
20 is entitled under subsection (a)(2) or (a)(3).

21 When an employer and employee so agree in writing, nothing
22 in this Act prevents an employee whose injury or disability
23 has been established under this Act, from relying in good
24 faith, on treatment by prayer or spiritual means alone, in
25 accordance with the tenets and practice of a recognized church
26 or religious denomination, by a duly accredited practitioner

1 thereof, and having nursing services appropriate therewith,
2 without suffering loss or diminution of the compensation
3 benefits under this Act. However, the employee shall submit to
4 all physical examinations required by this Act. The cost of
5 such treatment and nursing care shall be paid by the employee
6 unless the employer agrees to make such payment.

7 Where the accidental injury results in the amputation of
8 an arm, hand, leg or foot, or the enucleation of an eye, or the
9 loss of any of the natural teeth, the employer shall furnish an
10 artificial of any such members lost or damaged in accidental
11 injury arising out of and in the course of employment, and
12 shall also furnish the necessary braces in all proper and
13 necessary cases. In cases of the loss of a member or members by
14 amputation, the employer shall, whenever necessary, maintain
15 in good repair, refit or replace the artificial limbs during
16 the lifetime of the employee. Where the accidental injury
17 accompanied by physical injury results in damage to a denture,
18 eye glasses or contact eye lenses, or where the accidental
19 injury results in damage to an artificial member, the employer
20 shall replace or repair such denture, glasses, lenses, or
21 artificial member.

22 The furnishing by the employer of any such services or
23 appliances is not an admission of liability on the part of the
24 employer to pay compensation.

25 The furnishing of any such services or appliances or the
26 servicing thereof by the employer is not the payment of

1 compensation.

2 (a-5) As used in this subsection:

3 "Catastrophic injury" means a work-related injury to the
4 employee that, as determined by a treating physician, results
5 in a major neurocognitive disorder or permanent paralysis and
6 that:

7 (1) requires occasional supervision in the performance
8 of routine daily tasks of self-care;

9 (2) results in a minimally conscious state;

10 (3) requires continual supervision for activities of
11 daily living;

12 (4) requires full-time need for skilled nursing or
13 custodial care; or

14 (5) renders the employee permanently unemployable.

15 "Employee" means a full-time law enforcement, correctional
16 or correctional probation officer, or firefighter, as those
17 terms are used in the Public Safety Employee Benefits Act.

18 Notwithstanding any other provision of this Section, if an
19 employee sustains a catastrophic injury, then the employer, if
20 the employer is self-insured or uninsured, or its insurer
21 shall provide and pay for reasonable and medically necessary
22 services, including medical, surgical, hospital,
23 rehabilitative, prosthetic, long-term skilled nursing,
24 around-the-clock nursing. The employer, if the employer is
25 self-insured or uninsured, or its insurer shall also provide
26 and pay for reasonable and medically necessary treatments,

1 including treatments that are deemed experimental, if: (i) a
2 board-certified treating physician in the relevant field
3 certifies in writing that the treatment, in the physician's
4 reasonable medical judgment, is medically necessary to attempt
5 to relieve or remedy in some way the effects of the employee's
6 injury; (ii) the physician documents that conventional or
7 standard treatments have been considered or attempted; and
8 (iii) the employer, if the employer is self-insured or
9 uninsured, or its insurer is given notice and a copy of the
10 physician's written medical opinion.

11 Upon an injury being deemed catastrophic, the employer, if
12 the employer is self-insured or uninsured, or its insurer
13 shall assign a qualified medical professional to oversee and
14 coordinate the required treatments and services. The employer,
15 if the employer is self-insured or uninsured, or its insurer
16 shall not unreasonably withhold approval of the treatment or
17 services. If the employer, if the employer is self-insured or
18 uninsured, or its insurer does not approve payment, then the
19 employer, if the employer is self-insured or uninsured, or its
20 insurer shall provide the employee and the treating physician
21 a written explanation of the denial within 5 business days
22 after receipt of the physician's written medical opinion. Upon
23 being notified of the denial of treatment or services, an
24 employee may refer the matter for expedited review to the
25 Expedited Catastrophic Review Board as set forth in Section
26 8.4.

1 If the employee sustains a catastrophic injury in the
2 course of employment, then there is a rebuttable presumption
3 that the employee has a permanent total disability under this
4 Act. The presumption is established by the treating
5 physician's written opinion of the catastrophic injury and
6 providing appropriate medical records to the employer, if the
7 employer is self-insured or uninsured, or its insurer. The
8 employer, if the employer is self-insured or uninsured, or its
9 insurer shall pay the permanent total disability benefits
10 without delay, pending any administrative or judicial appeal.
11 As part of the benefits provided under this subsection, the
12 employer, if the employer is self-insured or uninsured, or its
13 insurer shall provide and pay for reasonable and necessary
14 home accessibility modifications, including, but not limited
15 to, ADA-compliant construction and specialized equipment for
16 the home if a treating physician deems it a medically
17 necessary condition.

18 If the employee sustains a catastrophic injury in the
19 course of employment, then the employee shall be eligible for
20 a lifetime income benefit under this Section. The employee
21 shall receive a lifetime income benefit equal to (i)
22 two-thirds of the employee's pre-injury average weekly wage,
23 calculated in accordance with this Act or (ii) the permanent
24 total disability benefit payable under this Act, whichever is
25 greater. Any payments made under this subsection shall begin
26 no later than 30 days after a final determination of permanent

1 total disability under this Act or issuance of a catastrophic
2 injury determination by the Expedited Catastrophic Review
3 Board, whichever occurs first.

4 (b) If the period of temporary total incapacity for work
5 lasts more than 3 working days, weekly compensation as
6 hereinafter provided shall be paid beginning on the 4th day of
7 such temporary total incapacity and continuing as long as the
8 total temporary incapacity lasts. In cases where the temporary
9 total incapacity for work continues for a period of 14 days or
10 more from the day of the accident compensation shall commence
11 on the day after the accident.

12 1. The compensation rate for temporary total
13 incapacity under this paragraph (b) of this Section shall
14 be equal to 66 2/3% of the employee's average weekly wage
15 computed in accordance with Section 10, provided that it
16 shall be not less than 66 2/3% of the sum of the Federal
17 minimum wage under the Fair Labor Standards Act, or the
18 Illinois minimum wage under the Minimum Wage Law,
19 whichever is more, multiplied by 40 hours. This percentage
20 rate shall be increased by 10% for each spouse and child,
21 not to exceed 100% of the total minimum wage calculation,
22 nor exceed the employee's average weekly wage computed in
23 accordance with the provisions of Section 10, whichever is
24 less.

25 2. The compensation rate in all cases other than for
26 temporary total disability under this paragraph (b), and

1 other than for serious and permanent disfigurement under
2 paragraph (c) and other than for permanent partial
3 disability under subparagraph (2) of paragraph (d) or
4 under paragraph (e), of this Section shall be equal to 66
5 2/3% of the employee's average weekly wage computed in
6 accordance with the provisions of Section 10, provided
7 that it shall be not less than 66 2/3% of the sum of the
8 Federal minimum wage under the Fair Labor Standards Act,
9 or the Illinois minimum wage under the Minimum Wage Law,
10 whichever is more, multiplied by 40 hours. This percentage
11 rate shall be increased by 10% for each spouse and child,
12 not to exceed 100% of the total minimum wage calculation,
13 nor exceed the employee's average weekly wage computed in
14 accordance with the provisions of Section 10, whichever is
15 less.

16 2.1. The compensation rate in all cases of serious and
17 permanent disfigurement under paragraph (c) and of
18 permanent partial disability under subparagraph (2) of
19 paragraph (d) or under paragraph (e) of this Section shall
20 be equal to 60% of the employee's average weekly wage
21 computed in accordance with the provisions of Section 10,
22 provided that it shall be not less than 66 2/3% of the sum
23 of the Federal minimum wage under the Fair Labor Standards
24 Act, or the Illinois minimum wage under the Minimum Wage
25 Law, whichever is more, multiplied by 40 hours. This
26 percentage rate shall be increased by 10% for each spouse

1 and child, not to exceed 100% of the total minimum wage
2 calculation, nor exceed the employee's average weekly wage
3 computed in accordance with the provisions of Section 10,
4 whichever is less.

5 3. As used in this Section the term "child" means a
6 child of the employee including any child legally adopted
7 before the accident or whom at the time of the accident the
8 employee was under legal obligation to support or to whom
9 the employee stood in loco parentis, and who at the time of
10 the accident was under 18 years of age and not
11 emancipated. The term "children" means the plural of
12 "child".

13 4. All weekly compensation rates provided under
14 subparagraphs 1, 2 and 2.1 of this paragraph (b) of this
15 Section shall be subject to the following limitations:

16 The maximum weekly compensation rate from July 1,
17 1975, except as hereinafter provided, shall be 100% of the
18 State's average weekly wage in covered industries under
19 the Unemployment Insurance Act, that being the wage that
20 most closely approximates the State's average weekly wage.

21 The maximum weekly compensation rate, for the period
22 July 1, 1984, through June 30, 1987, except as hereinafter
23 provided, shall be \$293.61. Effective July 1, 1987 and on
24 July 1 of each year thereafter the maximum weekly
25 compensation rate, except as hereinafter provided, shall
26 be determined as follows: if during the preceding 12 month

1 period there shall have been an increase in the State's
2 average weekly wage in covered industries under the
3 Unemployment Insurance Act, the weekly compensation rate
4 shall be proportionately increased by the same percentage
5 as the percentage of increase in the State's average
6 weekly wage in covered industries under the Unemployment
7 Insurance Act during such period.

8 The maximum weekly compensation rate, for the period
9 January 1, 1981 through December 31, 1983, except as
10 hereinafter provided, shall be 100% of the State's average
11 weekly wage in covered industries under the Unemployment
12 Insurance Act in effect on January 1, 1981. Effective
13 January 1, 1984 and on January 1, of each year thereafter
14 the maximum weekly compensation rate, except as
15 hereinafter provided, shall be determined as follows: if
16 during the preceding 12 month period there shall have been
17 an increase in the State's average weekly wage in covered
18 industries under the Unemployment Insurance Act, the
19 weekly compensation rate shall be proportionately
20 increased by the same percentage as the percentage of
21 increase in the State's average weekly wage in covered
22 industries under the Unemployment Insurance Act during
23 such period.

24 From July 1, 1977 and thereafter such maximum weekly
25 compensation rate in death cases under Section 7, and
26 permanent total disability cases under paragraph (f) or

1 subparagraph 18 of paragraph (3) of this Section and for
2 temporary total disability under paragraph (b) of this
3 Section and for amputation of a member or enucleation of
4 an eye under paragraph (e) of this Section shall be
5 increased to 133-1/3% of the State's average weekly wage
6 in covered industries under the Unemployment Insurance
7 Act.

8 For injuries occurring on or after February 1, 2006,
9 the maximum weekly benefit under paragraph (d)1 of this
10 Section shall be 100% of the State's average weekly wage
11 in covered industries under the Unemployment Insurance
12 Act.

13 4.1. Any provision herein to the contrary
14 notwithstanding, the weekly compensation rate for
15 compensation payments under subparagraph 18 of paragraph
16 (e) of this Section and under paragraph (f) of this
17 Section and under paragraph (a) of Section 7 and for
18 amputation of a member or enucleation of an eye under
19 paragraph (e) of this Section, shall in no event be less
20 than 50% of the State's average weekly wage in covered
21 industries under the Unemployment Insurance Act.

22 4.2. Any provision to the contrary notwithstanding,
23 the total compensation payable under Section 7 shall not
24 exceed the greater of \$500,000 or 25 years.

25 5. For the purpose of this Section this State's
26 average weekly wage in covered industries under the

1 Unemployment Insurance Act on July 1, 1975 is hereby fixed
2 at \$228.16 per week and the computation of compensation
3 rates shall be based on the aforesaid average weekly wage
4 until modified as hereinafter provided.

5 6. The Department of Employment Security of the State
6 shall on or before the first day of December, 1977, and on
7 or before the first day of June, 1978, and on the first day
8 of each December and June of each year thereafter, publish
9 the State's average weekly wage in covered industries
10 under the Unemployment Insurance Act and the Illinois
11 Workers' Compensation Commission shall on the 15th day of
12 January, 1978 and on the 15th day of July, 1978 and on the
13 15th day of each January and July of each year thereafter,
14 post and publish the State's average weekly wage in
15 covered industries under the Unemployment Insurance Act as
16 last determined and published by the Department of
17 Employment Security. The amount when so posted and
18 published shall be conclusive and shall be applicable as
19 the basis of computation of compensation rates until the
20 next posting and publication as aforesaid.

21 7. The payment of compensation by an employer or his
22 insurance carrier to an injured employee shall not
23 constitute an admission of the employer's liability to pay
24 compensation.

25 (c) For any serious and permanent disfigurement to the
26 hand, head, face, neck, arm, leg below the knee or the chest

1 above the axillary line, the employee is entitled to
2 compensation for such disfigurement, the amount determined by
3 agreement at any time or by arbitration under this Act, at a
4 hearing not less than 6 months after the date of the accidental
5 injury, which amount shall not exceed 150 weeks (if the
6 accidental injury occurs on or after the effective date of
7 this amendatory Act of the 94th General Assembly but before
8 February 1, 2006) or 162 weeks (if the accidental injury
9 occurs on or after February 1, 2006) at the applicable rate
10 provided in subparagraph 2.1 of paragraph (b) of this Section.

11 No compensation is payable under this paragraph where
12 compensation is payable under paragraphs (d), (e) or (f) of
13 this Section.

14 A duly appointed member of a fire department in a city, the
15 population of which exceeds 500,000 according to the last
16 federal or State census, is eligible for compensation under
17 this paragraph only where such serious and permanent
18 disfigurement results from burns.

19 (d) 1. If, after the accidental injury has been sustained,
20 the employee as a result thereof becomes partially
21 incapacitated from pursuing his usual and customary line of
22 employment, he shall, except in cases compensated under the
23 specific schedule set forth in paragraph (e) of this Section,
24 receive compensation for the duration of his disability,
25 subject to the limitations as to maximum amounts fixed in
26 paragraph (b) of this Section, equal to 66-2/3% of the

1 difference between the average amount which he would be able
2 to earn in the full performance of his duties in the occupation
3 in which he was engaged at the time of the accident and the
4 average amount which he is earning or is able to earn in some
5 suitable employment or business after the accident. For
6 accidental injuries that occur on or after September 1, 2011,
7 an award for wage differential under this subsection shall be
8 effective only until the employee reaches the age of 67 or 5
9 years from the date the award becomes final, whichever is
10 later.

11 2. If, as a result of the accident, the employee sustains
12 serious and permanent injuries not covered by paragraphs (c)
13 and (e) of this Section or having sustained injuries covered
14 by the aforesaid paragraphs (c) and (e), he shall have
15 sustained in addition thereto other injuries which injuries do
16 not incapacitate him from pursuing the duties of his
17 employment but which would disable him from pursuing other
18 suitable occupations, or which have otherwise resulted in
19 physical impairment; or if such injuries partially
20 incapacitate him from pursuing the duties of his usual and
21 customary line of employment but do not result in an
22 impairment of earning capacity, or having resulted in an
23 impairment of earning capacity, the employee elects to waive
24 his right to recover under the foregoing subparagraph 1 of
25 paragraph (d) of this Section then in any of the foregoing
26 events, he shall receive in addition to compensation for

1 temporary total disability under paragraph (b) of this
2 Section, compensation at the rate provided in subparagraph 2.1
3 of paragraph (b) of this Section for that percentage of 500
4 weeks that the partial disability resulting from the injuries
5 covered by this paragraph bears to total disability. If the
6 employee shall have sustained a fracture of one or more
7 vertebra or fracture of the skull, the amount of compensation
8 allowed under this Section shall be not less than 6 weeks for a
9 fractured skull and 6 weeks for each fractured vertebra, and
10 in the event the employee shall have sustained a fracture of
11 any of the following facial bones: nasal, lachrymal, vomer,
12 zygoma, maxilla, palatine or mandible, the amount of
13 compensation allowed under this Section shall be not less than
14 2 weeks for each such fractured bone, and for a fracture of
15 each transverse process not less than 3 weeks. In the event
16 such injuries shall result in the loss of a kidney, spleen or
17 lung, the amount of compensation allowed under this Section
18 shall be not less than 10 weeks for each such organ.
19 Compensation awarded under this subparagraph 2 shall not take
20 into consideration injuries covered under paragraphs (c) and
21 (e) of this Section and the compensation provided in this
22 paragraph shall not affect the employee's right to
23 compensation payable under paragraphs (b), (c) and (e) of this
24 Section for the disabilities therein covered.

25 (e) For accidental injuries in the following schedule, the
26 employee shall receive compensation for the period of

1 temporary total incapacity for work resulting from such
2 accidental injury, under subparagraph 1 of paragraph (b) of
3 this Section, and shall receive in addition thereto
4 compensation for a further period for the specific loss herein
5 mentioned, but shall not receive any compensation under any
6 other provisions of this Act. The following listed amounts
7 apply to either the loss of or the permanent and complete loss
8 of use of the member specified, such compensation for the
9 length of time as follows:

10 1. Thumb-

11 70 weeks if the accidental injury occurs on or
12 after the effective date of this amendatory Act of the
13 94th General Assembly but before February 1, 2006.

14 76 weeks if the accidental injury occurs on or
15 after February 1, 2006.

16 2. First, or index finger-

17 40 weeks if the accidental injury occurs on or
18 after the effective date of this amendatory Act of the
19 94th General Assembly but before February 1, 2006.

20 43 weeks if the accidental injury occurs on or
21 after February 1, 2006.

22 3. Second, or middle finger-

23 35 weeks if the accidental injury occurs on or
24 after the effective date of this amendatory Act of the
25 94th General Assembly but before February 1, 2006.

26 38 weeks if the accidental injury occurs on or

1 after February 1, 2006.

2 4. Third, or ring finger-

3 25 weeks if the accidental injury occurs on or
4 after the effective date of this amendatory Act of the
5 94th General Assembly but before February 1, 2006.

6 27 weeks if the accidental injury occurs on or
7 after February 1, 2006.

8 5. Fourth, or little finger-

9 20 weeks if the accidental injury occurs on or
10 after the effective date of this amendatory Act of the
11 94th General Assembly but before February 1, 2006.

12 22 weeks if the accidental injury occurs on or
13 after February 1, 2006.

14 6. Great toe-

15 35 weeks if the accidental injury occurs on or
16 after the effective date of this amendatory Act of the
17 94th General Assembly but before February 1, 2006.

18 38 weeks if the accidental injury occurs on or
19 after February 1, 2006.

20 7. Each toe other than great toe-

21 12 weeks if the accidental injury occurs on or
22 after the effective date of this amendatory Act of the
23 94th General Assembly but before February 1, 2006.

24 13 weeks if the accidental injury occurs on or
25 after February 1, 2006.

26 8. The loss of the first or distal phalanx of the thumb

1 or of any finger or toe shall be considered to be equal to
2 the loss of one-half of such thumb, finger or toe and the
3 compensation payable shall be one-half of the amount above
4 specified. The loss of more than one phalanx shall be
5 considered as the loss of the entire thumb, finger or toe.
6 In no case shall the amount received for more than one
7 finger exceed the amount provided in this schedule for the
8 loss of a hand.

9 9. Hand-

10 190 weeks if the accidental injury occurs on or
11 after the effective date of this amendatory Act of the
12 94th General Assembly but before February 1, 2006.

13 205 weeks if the accidental injury occurs on or
14 after February 1, 2006.

15 190 weeks if the accidental injury occurs on or
16 after June 28, 2011 (the effective date of Public Act
17 97-18) and if the accidental injury involves carpal
18 tunnel syndrome due to repetitive or cumulative
19 trauma, in which case the permanent partial disability
20 shall not exceed 15% loss of use of the hand, except
21 for cause shown by clear and convincing evidence and
22 in which case the award shall not exceed 30% loss of
23 use of the hand.

24 The loss of 2 or more digits, or one or more phalanges
25 of 2 or more digits, of a hand may be compensated on the
26 basis of partial loss of use of a hand, provided, further,

1 that the loss of 4 digits, or the loss of use of 4 digits,
2 in the same hand shall constitute the complete loss of a
3 hand.

4 10. Arm-

5 235 weeks if the accidental injury occurs on or
6 after the effective date of this amendatory Act of the
7 94th General Assembly but before February 1, 2006.

8 253 weeks if the accidental injury occurs on or
9 after February 1, 2006.

10 Where an accidental injury results in the amputation
11 of an arm below the elbow, such injury shall be
12 compensated as a loss of an arm. Where an accidental
13 injury results in the amputation of an arm above the
14 elbow, compensation for an additional 15 weeks (if the
15 accidental injury occurs on or after the effective date of
16 this amendatory Act of the 94th General Assembly but
17 before February 1, 2006) or an additional 17 weeks (if the
18 accidental injury occurs on or after February 1, 2006)
19 shall be paid, except where the accidental injury results
20 in the amputation of an arm at the shoulder joint, or so
21 close to shoulder joint that an artificial arm cannot be
22 used, or results in the disarticulation of an arm at the
23 shoulder joint, in which case compensation for an
24 additional 65 weeks (if the accidental injury occurs on or
25 after the effective date of this amendatory Act of the
26 94th General Assembly but before February 1, 2006) or an

1 additional 70 weeks (if the accidental injury occurs on or
2 after February 1, 2006) shall be paid.

3 11. Foot-

4 155 weeks if the accidental injury occurs on or
5 after the effective date of this amendatory Act of the
6 94th General Assembly but before February 1, 2006.

7 167 weeks if the accidental injury occurs on or
8 after February 1, 2006.

9 12. Leg-

10 200 weeks if the accidental injury occurs on or
11 after the effective date of this amendatory Act of the
12 94th General Assembly but before February 1, 2006.

13 215 weeks if the accidental injury occurs on or
14 after February 1, 2006.

15 Where an accidental injury results in the amputation
16 of a leg below the knee, such injury shall be compensated
17 as loss of a leg. Where an accidental injury results in the
18 amputation of a leg above the knee, compensation for an
19 additional 25 weeks (if the accidental injury occurs on or
20 after the effective date of this amendatory Act of the
21 94th General Assembly but before February 1, 2006) or an
22 additional 27 weeks (if the accidental injury occurs on or
23 after February 1, 2006) shall be paid, except where the
24 accidental injury results in the amputation of a leg at
25 the hip joint, or so close to the hip joint that an
26 artificial leg cannot be used, or results in the

1 disarticulation of a leg at the hip joint, in which case
2 compensation for an additional 75 weeks (if the accidental
3 injury occurs on or after the effective date of this
4 amendatory Act of the 94th General Assembly but before
5 February 1, 2006) or an additional 81 weeks (if the
6 accidental injury occurs on or after February 1, 2006)
7 shall be paid.

8 13. Eye-

9 150 weeks if the accidental injury occurs on or
10 after the effective date of this amendatory Act of the
11 94th General Assembly but before February 1, 2006.

12 162 weeks if the accidental injury occurs on or
13 after February 1, 2006.

14 Where an accidental injury results in the enucleation
15 of an eye, compensation for an additional 10 weeks (if the
16 accidental injury occurs on or after the effective date of
17 this amendatory Act of the 94th General Assembly but
18 before February 1, 2006) or an additional 11 weeks (if the
19 accidental injury occurs on or after February 1, 2006)
20 shall be paid.

21 14. Loss of hearing of one ear-

22 50 weeks if the accidental injury occurs on or
23 after the effective date of this amendatory Act of the
24 94th General Assembly but before February 1, 2006.

25 54 weeks if the accidental injury occurs on or
26 after February 1, 2006.

1 Total and permanent loss of hearing of both ears-

2 200 weeks if the accidental injury occurs on or
3 after the effective date of this amendatory Act of the
4 94th General Assembly but before February 1, 2006.

5 215 weeks if the accidental injury occurs on or
6 after February 1, 2006.

7 15. Testicle-

8 50 weeks if the accidental injury occurs on or
9 after the effective date of this amendatory Act of the
10 94th General Assembly but before February 1, 2006.

11 54 weeks if the accidental injury occurs on or
12 after February 1, 2006.

13 Both testicles-

14 150 weeks if the accidental injury occurs on or
15 after the effective date of this amendatory Act of the
16 94th General Assembly but before February 1, 2006.

17 162 weeks if the accidental injury occurs on or
18 after February 1, 2006.

19 16. For the permanent partial loss of use of a member
20 or sight of an eye, or hearing of an ear, compensation
21 during that proportion of the number of weeks in the
22 foregoing schedule provided for the loss of such member or
23 sight of an eye, or hearing of an ear, which the partial
24 loss of use thereof bears to the total loss of use of such
25 member, or sight of eye, or hearing of an ear.

26 (a) Loss of hearing for compensation purposes

1 shall be confined to the frequencies of 1,000, 2,000
2 and 3,000 cycles per second. Loss of hearing ability
3 for frequency tones above 3,000 cycles per second are
4 not to be considered as constituting disability for
5 hearing.

6 (b) The percent of hearing loss, for purposes of
7 the determination of compensation claims for
8 occupational deafness, shall be calculated as the
9 average in decibels for the thresholds of hearing for
10 the frequencies of 1,000, 2,000 and 3,000 cycles per
11 second. Pure tone air conduction audiometric
12 instruments, approved by nationally recognized
13 authorities in this field, shall be used for measuring
14 hearing loss. If the losses of hearing average 30
15 decibels or less in the 3 frequencies, such losses of
16 hearing shall not then constitute any compensable
17 hearing disability. If the losses of hearing average
18 85 decibels or more in the 3 frequencies, then the same
19 shall constitute and be total or 100% compensable
20 hearing loss.

21 (c) In measuring hearing impairment, the lowest
22 measured losses in each of the 3 frequencies shall be
23 added together and divided by 3 to determine the
24 average decibel loss. For every decibel of loss
25 exceeding 30 decibels an allowance of 1.82% shall be
26 made up to the maximum of 100% which is reached at 85

1 decibels.

2 (d) If a hearing loss is established to have
3 existed on July 1, 1975 by audiometric testing the
4 employer shall not be liable for the previous loss so
5 established nor shall he be liable for any loss for
6 which compensation has been paid or awarded.

7 (e) No consideration shall be given to the
8 question of whether or not the ability of an employee
9 to understand speech is improved by the use of a
10 hearing aid.

11 (f) No claim for loss of hearing due to industrial
12 noise shall be brought against an employer or allowed
13 unless the employee has been exposed for a period of
14 time sufficient to cause permanent impairment to noise
15 levels in excess of the following:

16 Sound Level DBA

17	Slow Response	Hours Per Day
18	90	8
19	92	6
20	95	4
21	97	3
22	100	2
23	102	1-1/2
24	105	1
25	110	1/2
26	115	1/4

1 This subparagraph (f) shall not be applied in cases of
2 hearing loss resulting from trauma or explosion.

3 17. In computing the compensation to be paid to any
4 employee who, before the accident for which he claims
5 compensation, had before that time sustained an injury
6 resulting in the loss by amputation or partial loss by
7 amputation of any member, including hand, arm, thumb or
8 fingers, leg, foot or any toes, such loss or partial loss
9 of any such member shall be deducted from any award made
10 for the subsequent injury. For the permanent loss of use
11 or the permanent partial loss of use of any such member or
12 the partial loss of sight of an eye, for which
13 compensation has been paid, then such loss shall be taken
14 into consideration and deducted from any award for the
15 subsequent injury.

16 18. The specific case of loss of both hands, both
17 arms, or both feet, or both legs, or both eyes, or of any
18 two thereof, or the permanent and complete loss of the use
19 thereof, constitutes total and permanent disability, to be
20 compensated according to the compensation fixed by
21 paragraph (f) of this Section. These specific cases of
22 total and permanent disability do not exclude other cases.

23 Any employee who has previously suffered the loss or
24 permanent and complete loss of the use of any of such
25 members, and in a subsequent independent accident loses
26 another or suffers the permanent and complete loss of the

1 use of any one of such members the employer for whom the
2 injured employee is working at the time of the last
3 independent accident is liable to pay compensation only
4 for the loss or permanent and complete loss of the use of
5 the member occasioned by the last independent accident.

6 19. In a case of specific loss and the subsequent
7 death of such injured employee from other causes than such
8 injury leaving a widow, widower, or dependents surviving
9 before payment or payment in full for such injury, then
10 the amount due for such injury is payable to the widow or
11 widower and, if there be no widow or widower, then to such
12 dependents, in the proportion which such dependency bears
13 to total dependency.

14 Beginning July 1, 1980, and every 6 months thereafter, the
15 Commission shall examine the Second Injury Fund and when,
16 after deducting all advances or loans made to such Fund, the
17 amount therein is \$500,000 then the amount required to be paid
18 by employers pursuant to paragraph (f) of Section 7 shall be
19 reduced by one-half. When the Second Injury Fund reaches the
20 sum of \$600,000 then the payments shall cease entirely.
21 However, when the Second Injury Fund has been reduced to
22 \$400,000, payment of one-half of the amounts required by
23 paragraph (f) of Section 7 shall be resumed, in the manner
24 herein provided, and when the Second Injury Fund has been
25 reduced to \$300,000, payment of the full amounts required by
26 paragraph (f) of Section 7 shall be resumed, in the manner

1 herein provided. The Commission shall make the changes in
2 payment effective by general order, and the changes in payment
3 become immediately effective for all cases coming before the
4 Commission thereafter either by settlement agreement or final
5 order, irrespective of the date of the accidental injury.

6 On August 1, 1996 and on February 1 and August 1 of each
7 subsequent year, the Commission shall examine the special fund
8 designated as the "Rate Adjustment Fund" and when, after
9 deducting all advances or loans made to said fund, the amount
10 therein is \$4,000,000, the amount required to be paid by
11 employers pursuant to paragraph (f) of Section 7 shall be
12 reduced by one-half. When the Rate Adjustment Fund reaches the
13 sum of \$5,000,000 the payment therein shall cease entirely.
14 However, when said Rate Adjustment Fund has been reduced to
15 \$3,000,000 the amounts required by paragraph (f) of Section 7
16 shall be resumed in the manner herein provided.

17 (f) In case of complete disability, which renders the
18 employee wholly and permanently incapable of work, or in the
19 specific case of total and permanent disability as provided in
20 subparagraph 18 of paragraph (e) of this Section, compensation
21 shall be payable at the rate provided in subparagraph 2 of
22 paragraph (b) of this Section for life.

23 An employee entitled to benefits under paragraph (f) of
24 this Section shall also be entitled to receive from the Rate
25 Adjustment Fund provided in paragraph (f) of Section 7 of the
26 supplementary benefits provided in paragraph (g) of this

1 Section 8.

2 If any employee who receives an award under this paragraph
3 afterwards returns to work or is able to do so, and earns or is
4 able to earn as much as before the accident, payments under
5 such award shall cease. If such employee returns to work, or is
6 able to do so, and earns or is able to earn part but not as
7 much as before the accident, such award shall be modified so as
8 to conform to an award under paragraph (d) of this Section. If
9 such award is terminated or reduced under the provisions of
10 this paragraph, such employees have the right at any time
11 within 30 months after the date of such termination or
12 reduction to file petition with the Commission for the purpose
13 of determining whether any disability exists as a result of
14 the original accidental injury and the extent thereof.

15 Disability as enumerated in subdivision 18, paragraph (e)
16 of this Section is considered complete disability.

17 If an employee who had previously incurred loss or the
18 permanent and complete loss of use of one member, through the
19 loss or the permanent and complete loss of the use of one hand,
20 one arm, one foot, one leg, or one eye, incurs permanent and
21 complete disability through the loss or the permanent and
22 complete loss of the use of another member, he shall receive,
23 in addition to the compensation payable by the employer and
24 after such payments have ceased, an amount from the Second
25 Injury Fund provided for in paragraph (f) of Section 7, which,
26 together with the compensation payable from the employer in

1 whose employ he was when the last accidental injury was
2 incurred, will equal the amount payable for permanent and
3 complete disability as provided in this paragraph of this
4 Section.

5 The custodian of the Second Injury Fund provided for in
6 paragraph (f) of Section 7 shall be joined with the employer as
7 a party respondent in the application for adjustment of claim.
8 The application for adjustment of claim shall state briefly
9 and in general terms the approximate time and place and manner
10 of the loss of the first member.

11 In its award the Commission or the Arbitrator shall
12 specifically find the amount the injured employee shall be
13 weekly paid, the number of weeks compensation which shall be
14 paid by the employer, the date upon which payments begin out of
15 the Second Injury Fund provided for in paragraph (f) of
16 Section 7 of this Act, the length of time the weekly payments
17 continue, the date upon which the pension payments commence
18 and the monthly amount of the payments. The Commission shall
19 30 days after the date upon which payments out of the Second
20 Injury Fund have begun as provided in the award, and every
21 month thereafter, prepare and submit to the State Comptroller
22 a voucher for payment for all compensation accrued to that
23 date at the rate fixed by the Commission. The State
24 Comptroller shall draw a warrant to the injured employee along
25 with a receipt to be executed by the injured employee and
26 returned to the Commission. The endorsed warrant and receipt

1 is a full and complete acquittance to the Commission for the
2 payment out of the Second Injury Fund. No other appropriation
3 or warrant is necessary for payment out of the Second Injury
4 Fund. The Second Injury Fund is appropriated for the purpose
5 of making payments according to the terms of the awards.

6 As of July 1, 1980 to July 1, 1982, all claims against and
7 obligations of the Second Injury Fund shall become claims
8 against and obligations of the Rate Adjustment Fund to the
9 extent there is insufficient money in the Second Injury Fund
10 to pay such claims and obligations. In that case, all
11 references to "Second Injury Fund" in this Section shall also
12 include the Rate Adjustment Fund.

13 (g) Every award for permanent total disability entered by
14 the Commission on and after July 1, 1965 under which
15 compensation payments shall become due and payable after the
16 effective date of this amendatory Act, and every award for
17 death benefits or permanent total disability entered by the
18 Commission on and after the effective date of this amendatory
19 Act shall be subject to annual adjustments as to the amount of
20 the compensation rate therein provided. Such adjustments shall
21 first be made on July 15, 1977, and all awards made and entered
22 prior to July 1, 1975 and on July 15 of each year thereafter.
23 In all other cases such adjustment shall be made on July 15 of
24 the second year next following the date of the entry of the
25 award and shall further be made on July 15 annually
26 thereafter. If during the intervening period from the date of

1 the entry of the award, or the last periodic adjustment, there
2 shall have been an increase in the State's average weekly wage
3 in covered industries under the Unemployment Insurance Act,
4 the weekly compensation rate shall be proportionately
5 increased by the same percentage as the percentage of increase
6 in the State's average weekly wage in covered industries under
7 the Unemployment Insurance Act. The increase in the
8 compensation rate under this paragraph shall in no event bring
9 the total compensation rate to an amount greater than the
10 prevailing maximum rate at the time that the annual adjustment
11 is made. Such increase shall be paid in the same manner as
12 herein provided for payments under the Second Injury Fund to
13 the injured employee, or his dependents, as the case may be,
14 out of the Rate Adjustment Fund provided in paragraph (f) of
15 Section 7 of this Act. Payments shall be made at the same
16 intervals as provided in the award or, at the option of the
17 Commission, may be made in quarterly payment on the 15th day of
18 January, April, July and October of each year. In the event of
19 a decrease in such average weekly wage there shall be no change
20 in the then existing compensation rate. The within paragraph
21 shall not apply to cases where there is disputed liability and
22 in which a compromise lump sum settlement between the employer
23 and the injured employee, or his dependents, as the case may
24 be, has been duly approved by the Illinois Workers'
25 Compensation Commission.

26 Provided, that in cases of awards entered by the

1 Commission for injuries occurring before July 1, 1975, the
2 increases in the compensation rate adjusted under the
3 foregoing provision of this paragraph (g) shall be limited to
4 increases in the State's average weekly wage in covered
5 industries under the Unemployment Insurance Act occurring
6 after July 1, 1975.

7 For every accident occurring on or after July 20, 2005 but
8 before the effective date of this amendatory Act of the 94th
9 General Assembly (Senate Bill 1283 of the 94th General
10 Assembly), the annual adjustments to the compensation rate in
11 awards for death benefits or permanent total disability, as
12 provided in this Act, shall be paid by the employer. The
13 adjustment shall be made by the employer on July 15 of the
14 second year next following the date of the entry of the award
15 and shall further be made on July 15 annually thereafter. If
16 during the intervening period from the date of the entry of the
17 award, or the last periodic adjustment, there shall have been
18 an increase in the State's average weekly wage in covered
19 industries under the Unemployment Insurance Act, the employer
20 shall increase the weekly compensation rate proportionately by
21 the same percentage as the percentage of increase in the
22 State's average weekly wage in covered industries under the
23 Unemployment Insurance Act. The increase in the compensation
24 rate under this paragraph shall in no event bring the total
25 compensation rate to an amount greater than the prevailing
26 maximum rate at the time that the annual adjustment is made. In

1 the event of a decrease in such average weekly wage there shall
2 be no change in the then existing compensation rate. Such
3 increase shall be paid by the employer in the same manner and
4 at the same intervals as the payment of compensation in the
5 award. This paragraph shall not apply to cases where there is
6 disputed liability and in which a compromise lump sum
7 settlement between the employer and the injured employee, or
8 his or her dependents, as the case may be, has been duly
9 approved by the Illinois Workers' Compensation Commission.

10 The annual adjustments for every award of death benefits
11 or permanent total disability involving accidents occurring
12 before July 20, 2005 and accidents occurring on or after the
13 effective date of this amendatory Act of the 94th General
14 Assembly (Senate Bill 1283 of the 94th General Assembly) shall
15 continue to be paid from the Rate Adjustment Fund pursuant to
16 this paragraph and Section 7(f) of this Act.

17 (h) In case death occurs from any cause before the total
18 compensation to which the employee would have been entitled
19 has been paid, then in case the employee leaves any widow,
20 widower, child, parent (or any grandchild, grandparent or
21 other lineal heir or any collateral heir dependent at the time
22 of the accident upon the earnings of the employee to the extent
23 of 50% or more of total dependency) such compensation shall be
24 paid to the beneficiaries of the deceased employee and
25 distributed as provided in paragraph (g) of Section 7.

26 (h-1) In case an injured employee is under legal

1 disability at the time when any right or privilege accrues to
2 him or her under this Act, a guardian may be appointed pursuant
3 to law, and may, on behalf of such person under legal
4 disability, claim and exercise any such right or privilege
5 with the same effect as if the employee himself or herself had
6 claimed or exercised the right or privilege. No limitations of
7 time provided by this Act run so long as the employee who is
8 under legal disability is without a conservator or guardian.

9 (i) In case the injured employee is under 16 years of age
10 at the time of the accident and is illegally employed, the
11 amount of compensation payable under paragraphs (b), (c), (d),
12 (e) and (f) of this Section is increased 50%.

13 However, where an employer has on file an employment
14 certificate issued pursuant to the Child Labor Law of 2024 or
15 work permit issued pursuant to the Federal Fair Labor
16 Standards Act, as amended, or a birth certificate properly and
17 duly issued, such certificate, permit or birth certificate is
18 conclusive evidence as to the age of the injured minor
19 employee for the purposes of this Section.

20 Nothing herein contained repeals or amends the provisions
21 of the Child Labor Law of 2024 relating to the employment of
22 minors under the age of 16 years.

23 (j) 1. In the event the injured employee receives
24 benefits, including medical, surgical or hospital benefits
25 under any group plan covering non-occupational disabilities
26 contributed to wholly or partially by the employer, which

1 benefits should not have been payable if any rights of
2 recovery existed under this Act, then such amounts so paid to
3 the employee from any such group plan as shall be consistent
4 with, and limited to, the provisions of paragraph 2 hereof,
5 shall be credited to or against any compensation payment for
6 temporary total incapacity for work or any medical, surgical
7 or hospital benefits made or to be made under this Act. In such
8 event, the period of time for giving notice of accidental
9 injury and filing application for adjustment of claim does not
10 commence to run until the termination of such payments. This
11 paragraph does not apply to payments made under any group plan
12 which would have been payable irrespective of an accidental
13 injury under this Act. Any employer receiving such credit
14 shall keep such employee safe and harmless from any and all
15 claims or liabilities that may be made against him by reason of
16 having received such payments only to the extent of such
17 credit.

18 Any excess benefits paid to or on behalf of a State
19 employee by the State Employees' Retirement System under
20 Article 14 of the Illinois Pension Code on a death claim or
21 disputed disability claim shall be credited against any
22 payments made or to be made by the State of Illinois to or on
23 behalf of such employee under this Act, except for payments
24 for medical expenses which have already been incurred at the
25 time of the award. The State of Illinois shall directly
26 reimburse the State Employees' Retirement System to the extent

1 of such credit.

2 2. Nothing contained in this Act shall be construed to
3 give the employer or the insurance carrier the right to credit
4 for any benefits or payments received by the employee other
5 than compensation payments provided by this Act, and where the
6 employee receives payments other than compensation payments,
7 whether as full or partial salary, group insurance benefits,
8 bonuses, annuities or any other payments, the employer or
9 insurance carrier shall receive credit for each such payment
10 only to the extent of the compensation that would have been
11 payable during the period covered by such payment.

12 3. The extension of time for the filing of an Application
13 for Adjustment of Claim as provided in paragraph 1 above shall
14 not apply to those cases where the time for such filing had
15 expired prior to the date on which payments or benefits
16 enumerated herein have been initiated or resumed. Provided
17 however that this paragraph 3 shall apply only to cases
18 wherein the payments or benefits hereinabove enumerated shall
19 be received after July 1, 1969.

20 (Source: P.A. 103-721, eff. 1-1-25.)

21 (820 ILCS 305/8.4 new)

22 Sec. 8.4. Expedited Catastrophic Review Board.

23 (a) There is created an Expedited Catastrophic Review
24 Board within the Illinois Workers' Compensation Commission.
25 The Board shall adjudicate disputes involving catastrophic

1 injuries to employees who are full-time law enforcement,
2 correctional or correctional probation officers, or
3 firefighters, as those terms are used in the Public Safety
4 Employee Benefits Act, including, but not limited to, disputes
5 concerning:

6 (1) benefits granted under subsection (a-5) of Section

7 8;

8 (2) home accessibility modifications;

9 (3) long-term custodial or nursing care; and

10 (4) experimental treatments.

11 (b) The Board shall be comprised of 3 appointed members
12 with expertise in catastrophic injuries, including one member
13 who is an employee representative, one member who is a public
14 representative, and one member who is an employer
15 representative. The Board shall hold monthly hearings.

16 (c) The Board shall make a final determination on any
17 dispute referred to the Board by a claimant within 60 calendar
18 days. If the Board fails to issue a final determination within
19 60 calendar days, the requested benefits shall be temporarily
20 approved, pending the issuance of a final determination.

21 (d) The Commission shall adopt rules to establish the
22 procedures for the Board.

23 Section 10. The Public Safety Employee Benefits Act is
24 amended by adding Section 4 as follows:

1 (820 ILCS 320/4 new)

2 Sec. 4. Catastrophic injuries; health insurance.
3 Notwithstanding any other provision of this Act, an employee
4 who (i) is determined to have sustained a catastrophic injury
5 under this Act or the Workers' Compensation Act or (ii) is
6 found to be permanently and totally disabled as a result of a
7 compensable work-related catastrophic injury shall be
8 immediately eligible for employer-paid health insurance
9 premium benefits under this Act. The employer's payment of
10 health insurance premiums shall commence upon the treating
11 physician's written opinion of the catastrophic injury and
12 providing appropriate medical records to the employer."