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SENATE BILL NO. 351

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact § 65.2-5503 of the Code of Virginia, relating to workers' compensation; compensation for permanent and total incapacity; compensation for compensable consequence of an injury sustained in original accident.

Patron—Surovell

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:**1. That § 65.2-503 of the Code of Virginia is amended and reenacted as follows:****§ 65.2-503. Permanent loss.**

A. Compensation for permanent partial and permanent total loss and disfigurement shall be awarded as provided in this section.

B. The following losses shall be compensated for the period specified at the rate of 66 2/3 percent of the average weekly wage as defined in § 65.2-101:

Loss	Compensation Period
1. Thumb	60 weeks.
2. First finger (index finger)	35 weeks.
3. Second finger	30 weeks.
4. Third finger	20 weeks.
5. Fourth finger (little finger)	15 weeks.
6. First phalanx of the thumb or any finger	one-half compensation for loss of entire thumb or finger.

The loss of more than one phalanx of a thumb or finger is deemed the loss of the entire thumb or finger. Amounts received for loss of more than one finger shall not exceed compensation provided for the loss of a hand.

7. Great toe	30 weeks.
8. A toe other than a great toe	10 weeks.
9. First phalanx of any toe	one-half compensation for loss of entire toe.

The loss of more than one phalanx of a toe is deemed the loss of the entire toe.

10. Hand	150 weeks.
11. Arm	200 weeks.
12. Foot	125 weeks.
13. Leg	175 weeks.
14. Permanent total loss of the vision of an eye	100 weeks.
15. Permanent total loss of hearing of an ear	50 weeks.
16. Severely marked disfigurement of the body resulting from an injury not otherwise compensated by this section	not exceeding 60 weeks.
17. Pneumoconiosis, including but not limited to silicosis and asbestosis, medically determined to be in the	
a. First stage	50 weeks.
b. Second stage	100 weeks.
c. Third stage	300 weeks.
18. Byssinosis	50 weeks.

C. Compensation shall be awarded pursuant to § 65.2-500 for permanent and total incapacity when there is:

1. Loss of both hands, both arms, both feet, both legs, both eyes, or any two thereof ~~in~~ *either from the same accident or a compensable consequence of an injury sustained in the original accident;*

2. Injury for all practical purposes resulting in total paralysis, as determined by the Commission based on medical evidence; or

3. Injury to the brain which is so severe as to render the employee permanently unemployable in gainful employment.

D. In construing this section, the permanent loss of the use of a member shall be equivalent to the loss of such member, and for the permanent partial loss or loss of use of a member, compensation may be proportionately awarded. Compensation shall also be awarded proportionately for partial loss of vision or hearing.

E. Except as provided in subsection C, the weekly compensation payments referred to in this section

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62 shall be subject to the same limitations as to maximum and minimum as set out in § 65.2-500.

63 1. Compensation awarded pursuant to this section shall be payable after payments for temporary total
64 incapacity pursuant to § 65.2-500.

65 2. Compensation pursuant to this section may be paid simultaneously with payments for partial
66 incapacity pursuant to § 65.2-502. Where compensation pursuant to this section is paid simultaneously
67 with payments for partial incapacity pursuant to § 65.2-502, each combined payment shall count as two
68 weeks against the total maximum allowable period of 500 weeks.