

February 8, 1951.
Passed on File.

Senate File 290
By McCARVILLE and DAILEY.

Passed Senate, Date
Vote: Ayes..... Nays.....
Passed House, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to amend sections eighty-five point twenty-seven (85.27), eighty-five point thirty-one (85.31), eighty-five point thirty-two (85.32), eighty-five point thirty-three (85.33), eighty-five point thirty-four (85.34), eighty-five point thirty-five (85.35), eighty-five point thirty-six (85.36), and eighty-five point thirty-seven (85.37), Code 1950, relating to the Iowa workmen's compensation law.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section eighty-five point twenty-seven (85.27),
2 Code 1950, is hereby amended by striking the word "and" in line
3 four (4) thereof.
1 Sec. 2. Section eighty-five point twenty-seven (85.27) is
2 further amended by adding after the word "supplies" in line four
3 (4), the following: "crutches, artificial members, appliances,
4 and training in the use of artificial members and appliances.
5 "The employee shall have the right to make a choice of the
6 attending physicians from a panel of physicians to be named by
7 the employer. Failure of the employer to maintain a reasonable
8 number of competent and impartial physicians shall constitute
9 neglect and refusal to furnish such attendance and treatment.
10 "In determining the reasonableness of the size of the medical

11 panel the commissioner shall take into account the number of
12 competent physicians immediately available to the community in
13 panel the commissioner shall take into account the number of
14 competent physicians immediately available to the community in
15 which the medical service is required; and where only one
16 such physician is available the tender of attention by such
17 physician shall be construed as a compliance with this section,
18 unless specialized or extraordinary treatment is necessary.”

1 Sec. 3. Section eighty-five point twenty-seven (85.27)
2 is further amended by striking from line four (4) thereof, the
3 word and period (.) “therefor.”

1 Sec. 4. Section eighty-five point twenty-seven (85.27) is
2 further amended by adding after the word and comma (,) “dollars,”
3 in line ten (10) the following: “except upon proper showing the
4 necessity of further medical and hospital treatment in these
5 isolated cases that the industrial commissioner may, upon order
6 after proper hearing, provide the additional medical and hospital
7 service to be furnished by the employer to the employee in excess
8 of the present limitations, excluding therefrom all reasonable
9 charges, which shall be paid in full,”

1 Sec. 5. Section eighty-five point thirty-one (85.31),
2 Code 1950, is hereby amended by striking all of subsection two
3 (2), and inserting in lieu thereof the following:

4 “2. When the injury causing death of a minor employee,
5 whose earnings were received by the parent, the compensation
6 to be paid such parent shall be that of the weekly compensation

7 for an adult with like earnings.”

1 Sec. 6. Section eighty-five point thirty-two (85.32), Code
2 1950, is hereby amended by striking from line four (4) the word
3 “eighth” (8th) and inserting in lieu thereof the word “fourth”
4 (4th).

1 Sec. 7. Section eighty-five point thirty-two (85.32) is
2 further amended by striking from line six (6) thereof the word
3 “twenty-eighth” (28th) and inserting in lieu thereof the word
4 “fourteenth” (14th); and by striking from line seven (7) of said
5 section the word “fourth” (4th) and inserting in lieu thereof the
6 word “third” (3rd); and by striking from line nine (9) the word
7 “one-third” (1/3rd) and inserting in lieu therefor the word
8 “three-fifths” (3/5ths).

1 Sec. 8. Section eighty-five point thirty-three (85.33),
2 Code 1950, is hereby amended by striking the word “a” in line
3 twelve (12) and inserting in lieu thereof the word “the”; and
4 by inserting a period (.) after the word “period” in line thirteen
5 (13) of said section, and by striking the remainder of said
6 section; and further amend by adding a new third (3rd) and
7 fourth (4th) paragraphs to said section as follows:

8 “If an employee is so permanently disfigured about the
9 face, head, neck, hand or arm as to occasion loss of wage, the
10 commission may allow such sum for compensation on account
11 thereof, as the disability bears to those produced by the injuries
12 named in the schedule.

13 “If the injury causes partial disability, during the partial

14 disability, such proportion of the weekly indemnity rate for
15 total disability as the actual wage loss of the injured employee
16 bears to his average weekly wage at the time of his injury.”

1 Sec. 9. Section eighty-five point thirty-four (85.34), Code
2 1950, is hereby amended by striking from lines four (4) and
3 five (5) following the word “disability” the words and commas (,)
4 “, not, however, beyond four hundred (400) weeks.”

1 Sec. 10. Section eighty-five point thirty-five (85.35),
2 Code 1950, is hereby amended by striking subsection one (1) to
3 twenty (20) inclusive, and substituting in lieu thereof the
4 following:

5 “1. For the loss of a thumb, weekly compensation during
6 sixty (60) weeks.

7 2. For the loss of a first finger, commonly called the
8 index finger, weekly compensation during thirty-five (35) weeks.

9 3. For the loss of a second finger, weekly compensation
10 during thirty (30) weeks.

11 4. For the loss of a third finger, weekly compensation
12 during twenty-five (25) weeks.

13 5. For the loss of a fourth finger, commonly called the
14 little finger, weekly compensation during twenty (20) weeks.

15 6. The loss of the first or distal phalange of the thumb
16 or of any finger shall equal the loss of one-half ($1\frac{1}{2}$) of such
17 thumb or finger and compensation shall be one-half ($1\frac{1}{2}$) of the
18 time for the loss of such thumb or finger.

19 7. The loss of more than one phalange shall equal the

20 loss of the entire finger or thumb.

21 8. For the loss of a great toe, weekly compensation during
22 forty (40) weeks.

23 9. For the loss of one of the toes other than the great
24 toe, weekly compensation during fifteen (15) weeks.

25 10. The loss of the first phalange of any toe shall equal
26 the loss of one-half ($\frac{1}{2}$) of such toe and the compensation shall
27 be one-half ($\frac{1}{2}$) of the time provided for the loss of such toe.

28 11. The loss of more than one (1) phalange shall equal
29 the loss of the entire toe.

30 12. For the loss of a hand, weekly compensation during two
31 hundred (200) weeks.

32 13. The loss of two-thirds ($\frac{2}{3}$ rds) of that part of an arm
33 between the shoulder joint and the elbow joint shall equal the
34 loss of an arm and the compensation therefor shall be weekly
35 compensation during two hundred fifty (250) weeks.

36 14. For the loss of a foot, weekly compensation during
37 one hundred fifty (150) weeks.

38 15. The loss of two-thirds ($\frac{2}{3}$ rds) of that part of a leg
39 between the hip joint and the knee joint shall equal the loss
40 of a leg, and the compensation therefor shall be weekly compensation
41 during two hundred fifty (250) weeks.

42 16. For the loss of an eye, weekly compensation during
43 one hundred fifty (150) weeks.

44 17. For the loss of hearing in one (1) ear, weekly
45 compensation during sixty (60) weeks, and for the loss of hearing

46 in both ears, weekly compensation during two hundred (200) weeks.

47 18. The loss of both arms, or both hands, or both feet,
48 or both legs, or both eyes, or of any two (2) thereof, caused
49 by a single accident, shall equal permanent total disability,
50 to be compensation as such.

51 19. In all other cases of permanent partial disability,
52 the compensation shall bear such relation to the periods of
53 compensation stated in the above schedule as the disability
54 bears to those produced by the injuries named in the schedule.”

1 Sec. 11. Section eighty-five point thirty-six (85.36),
2 Code 1950, is hereby amended by striking from line four (4) of
3 subsection seven (7) the word “exclude” and inserting in lieu
4 thereof the word “include”.

1 Sec. 12. Section eighty-five point thirty-seven (85.37),
2 Code 1950, is hereby amended by striking from line eight (8) the
3 word “twenty-four” (24) and the word “twelve” (12) and by
4 inserting in lieu therefor the following words, respectively:
5 “thirty-six” (36) and, “eighteen” (18); and by striking from
6 line ten (10) of said section the word “twelve” (12) and
7 inserting in lieu thereof the word “eighteen” (18).

1 Sec. 13. Section eighty-five point thirty-seven (85.37)
2 is further amended by adding after the word and period (.)
3 “earnings.” in line thirteen (13), the following paragraph:

4 “In all cases where an employee or his dependent receives
5 compensation, ten per cent (10%) of average weekly earning
6 shall be paid for one (1) child and five per cent (5%) for each

7 additional child until attaining the age of eighteen (18)
8 years, however, in no case shall the total weekly payment exceed
9 the average weekly wage of the employee.”