



Permanent Total Disabilities in the Oregon Workers' Compensation System, 2009

Information Management Division

Oregon Department of Consumer and Business Services

January 2011

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Permanent total disability means “the loss, including pre-existing disability, of use or function of any portion of the body which permanently incapacitates the worker from regularly performing work at a gainful and suitable occupation” (ORS 656.206).

In 2009, 13 Oregon workers received permanent total disability (**PTD**) grants, as shown in Table 1. Insurers made 10 of the awards, eight of which were original claim closures; two claims, including one in own-motion status, had prior closures. The other three grants were by department reconsideration. For the reconsiderations, the prior closure awards averaged about 46 percent impairment and 67 percent work disability.

There were no grants by litigation (the latest hearing PTD grant was a reinstatement in 2006). The Court of Appeals hasn't granted or rescinded a PTD award since 1990. All of the 2009 grants were first-time PTD awards; none were reinstatements of rescinded awards. There were no **PTD rescissions** in 2009.

The recent changes in the numbers and levels of PTD rescinds may be due in significant part to Senate Bill 386 (effective January 2006). To rescind a PTD award, the law now requires that (1) insurers show material medical or vocational improvement, (2) reports supporting rescissions include one whose author personally observed the worker, (3) benefits continue during appeal, and (4) workers are eligible for vocational assistance upon PTD termination.

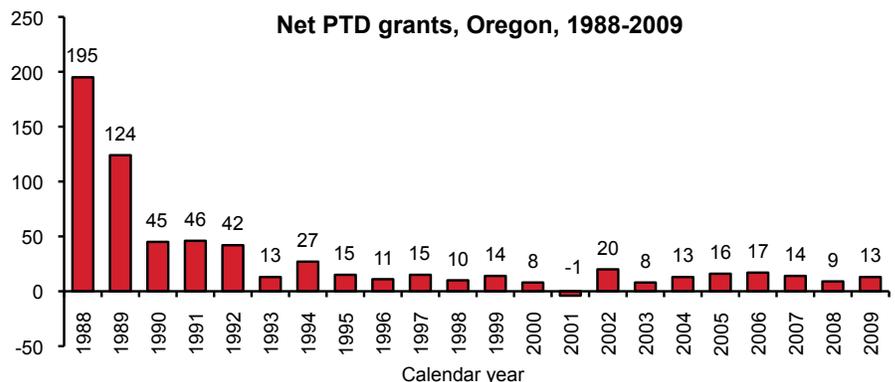
Table 1. PTD award grants and rescissions, by order level, Oregon, 2000-2009

Year of award	Claim closure			Reconsideration			Hearing			Board review*			All levels			Net grants
	Grant		Re-scind	Grant		Re-scind	Grant		Re-scind	Grant		Re-scind	Grant		Re-scind	
	Orig.	Re-in.		Orig.	Re-in.		Orig.	Re-in.		Orig.	Re-in.		Orig.	Re-in.		
2000	6	0	6	3	0	0	2	3	0	0	0	0	11	3	6	8
2001	11	0	13	1	0	0	0	1	1	0	0	0	12	1	14	-1
2002	12	0	3	4	1	0	0	6	0	0	0	0	16	7	3	20
2003	7	0	6	1	1	0	0	4	0	0	1	0	8	6	6	8
2004	11	1	7	0	0	0	0	8	0	0	0	0	11	9	7	13
2005	16	0	4	0	0	0	1	2	0	1	0	0	18	2	4	16
2006	9	0	0	5	1	1	0	1	0	2	0	0	16	2	1	17
2007	13	0	0	2	0	0	0	0	1	0	0	0	15	0	1	14
2008	8	0	0	2	0	0	0	0	1	0	0	0	10	0	1	9
2009	10	0	0	3	0	0	0	0	0	0	0	0	13	0	0	13

Notes: "Grant" includes original awards (Orig.) and reinstatements of awards (Re-in.). *The 2005 and 2006 board grants were all by **own motion**.

The graph gives historical values of **net PTD grants**. Since 1988, PTD grants, and hence net grants, have declined faster than the number of claims: accepted disabling claims fell by 57 percent from 1988 to 2009, while net PTD grants fell by 93 percent.

The primary **reasons for decreasing PTD awards** are: (1) fewer injuries and accepted disabling claims; (2) less-severe injuries, with less impairment; (3) law changes in 1987 by HB 2900 (disability standards, reduced board own motion authority, and change in the court review standard to "substantial



Notes: "Net grants" is grants minus rescissions.

Net grants peaked in 1975 at 299. The 1988 value was the highest since 1978.

evidence”); (4) law changes in 1990 by SB 1197 (CDAs, required reconsideration of claim closures, elimination of “clear and convincing evidence” as a reason to exceed the disability standards, and medical arbiters for impairment disputes); and (5) law changes in 1995 by SB 369 (limitation on evidence and issues after reconsideration and the definition of “gainful occupation”).

Table 2 provides **information about the claims and workers with PTD grants**. In the past several years, head and “multiple parts” have been the **body parts** most often injured. For 2009, 10 claims were classified as “multiple parts” and two were head injuries. Falls and highway accidents have been the most frequent **causal events** in recent PTD-grant claims. In 2009, the most frequent causal event was falls, with four. Four of 2009 PTD grants were for claims with **accepted psychological conditions**.

Table 3 provides **time-lag data** about the PTD grants. The average hire to injury time, for the 12 claims with hire data, was 7.1 years. However, in six of those claims, the worker had been on the job less than 1.5 years when injured, and in three of those six claims, 75 days or less. The average age of the workers, at injury, was more than 47; the two oldest workers were age 69 and 82 when injured.

Table 2. Characteristics of Oregon claims with PTD grants in 2009

Item	Classification	Cases	Percentage
Insurer	SAIF	7	53.8%
	Self-insured employer	3	23.1%
	Priv. ins. except Liberty	2	15.4%
	Liberty group	1	7.7%
Gender	Male	10	76.9%
	Female	3	23.1%
Industry	Logging	4	30.8%
	Educational services	2	15.4%
	All other	5	38.5%
	Non-classifiable	2	15.4%
Body part (principle)	Multiple parts	10	76.9%
	Head	2	15.4%
	Knees	1	7.7%
Nature	Multiple injuries	9	69.2%
	All other	4	30.8%
Event	Fall	4	30.8%
	Overexertion	2	15.4%
	All other	3	23.1%
	Non-classifiable	4	30.8%

Table 3. Time lags (years), Oregon 2009 PTD grants

Time lag	Mean	Range of values	2008 mean
Tenure at injury	7.1	0.0 - 23.9	5.3
Age at injury	47.4	20.1 - 81.7	48.5
Age at PTD award	54.0	29.8 - 82.9	51.6
Time, injury to award	6.6	1.2 - 30.6	3.1

Notes: All values are in years, rounded to 1/10 year. Data on tenure were not available for one worker. Data for 2008 are provided for comparison.

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