



Permanent Total Disabilities in the Oregon Workers' Compensation System, 2010

Information Management Division

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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 2010, 23 Oregon workers received **PTD grants**, as shown in Table 1. Insurers made 22 of the awards; the remaining award was by board own motion. There were no other 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 The Court of Appeals hasn't granted or rescinded a PTD award since 1990.

All of the 2010 grants were first-time PTD awards; none were reinstatements of rescinded awards. Six workers had received permanent partial disability before the PTD grant. The average such worker had 65 degrees scheduled disability and 94 degrees unscheduled disability. (None of the workers had the newer whole-person impairment or work-disability awards.)

There were no **PTD rescissions** in 2010. Recent changes in the numbers and levels of PTD rescissions 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.

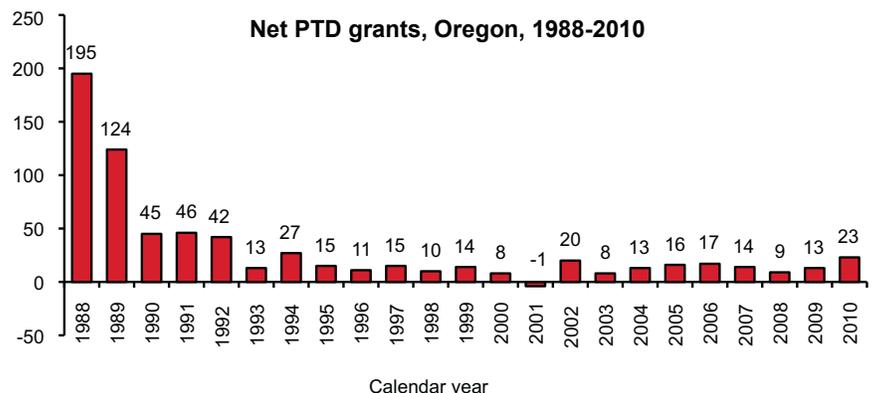
Table 1. PTD award grants and rescissions, by order level, Oregon, 2000-2010

Year of award	Claim closure			Reconsideration			Hearing			Board			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
2010	22	0	0	0	0	0	0	0	0	1	0	0	23	0	0	23

Notes: “Claim closure” includes claims in own-motion status (the 2010 count includes three such claims). “Board” includes board review and board own motion (all 2000-2010 board grants were by **own motion**). “Grant” includes original awards (Orig.) and reinstatements of awards (Re-in).

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 59 percent from 1988 to 2010, while net PTD grants fell by 88 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



Notes: “Net grants” is grants minus rescissions. Net grants peaked in 1975 at 299. The 1988 value was the highest since 1978.

“substantial 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 2010, 15 claims were classified as “multiple parts,” but none were classified as primarily head injuries. Falls and highway accidents have been the most frequent **causal events** in recent PTD-grant claims. In 2010, the most frequent causal event was falls, with five; two claims were for vehicle accidents. At least four of 2010 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 19 claims with hire data, was 6.2 years. However, in seven of those claims, the worker had been on the job less than a year when injured. The average age of the workers, at injury, was almost 46. Three workers were past age 60, and one was almost 79, when injured.

Table 2. Characteristics of Oregon claims with PTD grants in 2010

Item	Classification	Cases	Percentage
Insurer	SAIF	14	61%
	Self-insured employer	1	4%
	Priv. ins. except Liberty	3	13%
	Liberty group	5	22%
Gender	Male	20	87%
	Female	3	13%
Industry	Forestry/agriculture	6	26%
	Construction	4	17%
	Manufacturing	3	13%
	All other	9	39%
	Non-classifiable	1	4%
Body part (principle)	Multiple parts	15	65%
	Back	4	17%
	Legs	3	13%
	All other	1	4%
Nature	Multiple injuries/diseases	17	74%
	Fractures	3	13%
	All other	3	13%
Event	Fall	5	22%
	Struck by object	4	17%
	Overexertion	3	13%
	Assaults/violence	3	13%
	All other	5	22%
	Non-classifiable	3	13%

Table 3. Time lags (years), Oregon 2010 PTD grants

Time lag	Mean	Range of values	2009 mean
Tenure at injury	6.2	0.0 - 36.6	7.1
Age at injury	45.8	21.6 - 78.8	47.4
Age at PTD award	54.8	36.4 - 80.0	54.0
Time, injury to award	9.0	1.1 - 35.6	6.6

Notes: All values are in years, rounded to 1/10 year.
Data on tenure were not available for four workers.
Data for 2009 (right column) are provided for comparison.

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