



Ankin Law Office LLC

Protecting the Rights of Injured Workers

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Changes in the Illinois Workers' Compensation Act

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Over the past year Illinois lawmakers have determined to pass new [Worker's Compensation](#) Reform bill. This new law is scheduled to become effective September 1, 2011; it will dramatically impact the rights of injured workers. The two major changes provides for changes in obtaining medical treatment, permanency or monetary awards. Now more an injured worker needs a highly skilled [Workers Compensation attorney](#) in order to receive workers compensation benefits.

Medical Treatment:

The old law gave an injured worker the opportunity to be treated by a doctor of their choosing, and also to get a second opinion. Under the new law, the injured worker must see a company doctor or a preferred provider from the company's list of doctors. The injured worker can now only see one doctor of their choice by rejecting the companies' preferred doctor providers in writing. In the past an injured worker could handle a claim on his or her own and an attorney would fix the claim with two-doctor rule in place. Now that the law has changed everything must be done right the first time.

[Permanency:](#)

Under the old law, permanency (the percentage of loss to the injured body part or person as a whole) was either established via settlement or by the Arbitrator via trial. Under the new law, the [American Medical Association](#) permanency guidelines are used. This means that a doctor will establish the percentage of what your permanency is. The Arbitrator will then take this information under advisement as one of multiple factors in determining what the permanency or percentage of loss is in each case. Experienced workers compensation counsel is more important than ever to obtain a full permanency award.

As an example, under the new law, carpal tunnel cases are now limited to a maximum of 28.5 weeks of compensation for permanency. (28.5 x 60% of your average weekly wage) Under the old law, carpal tunnel cases were typically worth 41 week of permanency.

8(d)(1) Wage differential cases are also now limited. Under the old law, an 8(d)(1) wage differential case (a case where you are injured, unable to return to your previous job and are forced to take a lower paying job) would have provided the injured worker with 2/3 of the difference between the new wages and the old wages for the rest of their life. Under the new law, you can only receive that money until age 67 or 5 years from the date that the award is final, whichever is later. Many claims will need an attorney to be tried for full benefits under the new law.

These are only a few of the changes under the new law. If you or a loved one has suffered a work related injury, contact **The Ankin Law Office at 312.346.8780** to schedule an appointment with a Worker's Compensation attorney. Worker's Compensation cases are taken on a contingency fee basis. If we accept your case, there is no fee unless we recover damages for you. We can help hold those at fault responsible for the injuries.

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