

## Occupational Disease v. On-the-Job Injury/Accident Treatment by States

	<b>Other States</b>	<b>Montana</b>
Nature of coverage	All diseases covered, with some exceptions. WA and WV exclude claims based on mental conditions. AR, NY specify disease arising in the course of employment.	All diseases
Onset of Disability/Death	Variations in time limits and liability apportionment. --Many states provide time limit for death, disability from silicosis, pneumoconiosis, asbestosis, radiation. AL, AR, AZ, CO, IA, ID, IL, KS, ME, NC, NV, PA, SC, SD, WV. Some states require exposure within state over a specified time period. --Also, some differences re: apportionment of liability.	Assigns liability to last employer in whose employment the worker was last exposed to hazard related to disease.
Time Limit on Filing Claim	Wide variation. Some states specify different times for different diseases, e.g. silicosis, radiation. Some give, for example: 2 yrs after diagnosis (MA) 3 yrs after disablement (IL) 3 yrs after "first manifestation of disease" (CT) 90 days after knowledge of disability/relation to job (NV) some provide deadline from "death or last payment" (PA) 6 yrs after date of disease/ relation to job was apparent (VT)	Within 1 yr of when claimant knew or should have known of occupational disease. Requires 10 yr residency prior to application in silicosis cases.
Medical Care	Unlimited in 46 states, DC Same as injuries (MN) Subj to frequency standard (AK) Unlimited curative, limited palliative (OR)	Same as for injuries
Compensation	Same as for accidents/injuries - 40 states. ID disallows silicosis-partial disability; IA disallows pneumoconiosis disability of less than 1/3; MN provides medical benefits to nondisabled claimants; NM provides same as for physical injuries. OH excludes partial disability for respiratory dust diseases. SD no permanent partial disability for silicosis.	Same as for accidents, excluding partial disability. Provides nondisabled worker who leaves job with \$10,000. Reduces benefits for pneumoconiosis by amount payable under federal law. Provides up to \$200/mo for silicosis victims or beneficiaries not qualifying for occupational disease.

Source: U.S. Chamber of Commerce, *2002 Analysis of Workers' Compensation Laws* (see also [www.analysisupdates.com](http://www.analysisupdates.com))