

## **5223.0010 WORKERS' COMPENSATION PERMANENT PARTIAL DISABILITY SCHEDULES.**

Subpart 1. **Purpose of schedules.** Minnesota Statutes, section 176.105, subdivision 4, requires the commissioner of labor and industry to adopt rules assigning specific percentages of disability of the whole body for specific permanent partial disabilities. This chapter assigns percentages of disability of the whole body for permanent partial disabilities.

Subp. 2. **Interpretation of schedules.** Only the categories in the schedules in this chapter may be used when rating the extent of a disability. Where a category represents the disabling condition, the disability determination shall not be based on the cumulation of lesser included categories. If more than one category may apply to a condition, the category most closely representing the condition shall be selected. Where more than one category is necessary to represent the disabling condition, categories shall be selected to avoid double compensation for any part of a condition. The percentages of disability to the whole body as set forth in two or more categories shall not be averaged, prorated, or otherwise deviated from, unless specifically provided in the schedule. Unless provided otherwise, where an impairment must be rated under more than one category, the ratings must be combined using the  $A + B(1-A)$  formula as provided in Minnesota Statutes, section 176.105, subdivision 4, paragraph (c). With respect to the musculoskeletal schedule, the percent of whole body disability for motor or sensory loss of a member shall not exceed the percent of whole body disability for amputation of that member.

Subp. 3. **Disabilities not part of schedules.** A category not found within this chapter shall not be used to determine permanent partial disability.

Subp. 4. **Rules of construction.** The technical terms in this chapter are defined in either part 5223.0020, or by the documents incorporated by reference in this chapter. Documents are incorporated by reference only to the extent necessary for definition or to the extent specifically referenced in a schedule. The documents incorporated by reference are not subject to frequent change, although new editions occasionally may be published. These documents are common medical references and are conveniently available to the public as noted in items A to K. These documents are as follows:

A. Guides to the Evaluation of Permanent Impairment, published by the American Medical Association, Committee on Rating of Mental and Physical Impairment, second edition 1984. This document is also known as the A.M.A. Guides. Available at the University of Minnesota, Biomedical Library.

B. Snellen Charts, published by American Medical Association Committee for Eye Injuries and designated Industrial Vision Test Charts. These charts are also known and referred to as A.M.A. charts. Available at the Minnesota State Law Library.

C. American Medical Association Rating Reading Card of 1932, published by the American Medical Association Committee for Eye Injuries. This document is also known as the A.M.A. Card. Available at the Minnesota State Law Library.

D. S3.1-1977 Criteria for Permissible Ambient Noise during Audiometric Testing and S3.6-1969 (R1973) Specification for Audiometers, published by the American National Standard Institutes, Inc. in 1973 and 1977, respectively. Available at the Minnesota State Law Library.

E. Metropolitan Life Insurance Company Height and Weight Tables, published by the Metropolitan Life Insurance Company, 1983. Available at the Minnesota State Law Library.

F. The Revised Kenny Self-Care Evaluation: A Numerical Measure of Independence in Activities of Daily Living, published by Sister Kenny Institute, 1973. Available at the Minnesota State Law Library.

G. Dorland's Illustrated Medical Dictionary, 26th edition, published by W.B. Saunders Company, 1981. This document is also known as Dorland's. Available at the University of Minnesota Biomedical Library.

H. D.S.M. III, Diagnostic and Statistical Manual of Mental Disorders, published by American Psychiatric Association, 1980. This document is also known as D.S.M. III. Available at the University of Minnesota Biomedical Library.

I. Fractures, Charles A. Rockwood and David Green, published by Lippencott, 1975. Available at the University of Minnesota Biomedical Library.

J. Textbook on Anatomy, William Henry Hollinshead, published by Harper & Row, 1985. Available at the University of Minnesota Biomedical Library.

K. "The Estimation of Areas of Burns," in Surgery, Gynecology and Obstetrics, by Lund and Browder, pages 352-358, volume 79, published by Surgical Publishing Company of Chicago, 1944. This document is referred to as Lund and Browder. Available at the Minnesota State Law Library.

Subp. 5. **Severability.** If any provision of this chapter is held to conflict with a governing statute, applicable provisions of the Minnesota Administrative Procedure Act, or other relevant law; to exceed the statutory authority conferred; to lack a reasonable relationship to statutory purposes or to be unconstitutional, arbitrary, or unreasonable; or to be invalid for any other reason; the validity and enforceability of the remaining provisions of the rule shall in no manner be affected.

**Statutory Authority:** *MS s 176.105*

**History:** *10 SR 1124*

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