

5223.0060 CENTRAL NERVOUS SYSTEM.

Subpart 1. **General.** For permanent partial disability of the central nervous system the percentage of disability of the whole body is as provided in subparts 2 to 9.

Subp. 2. **Trigeminal nerve.** Permanent partial disability of the trigeminal nerve is a disability of the whole body as follows:

- A. partial unilateral sensory loss, 3 percent;
- B. complete unilateral sensory loss, 5 percent;
- C. partial bilateral sensory loss, 10 percent;
- D. complete bilateral sensory loss, 25 percent;
- E. intractable trigeminal neuralgia, 20 percent;
- F. atypical facial pain, 5 percent;
- G. partial unilateral motor loss, 2 percent;
- H. complete unilateral motor loss, 5 percent;
- I. partial bilateral motor loss, 10 percent; or
- J. complete bilateral motor loss, 30 percent.

Subp. 3. **Facial nerve.** Permanent partial disability of the facial nerve is a disability of the whole body as follows:

- A. total loss of taste, 3 percent;
- B. partial unilateral motor loss, 25 to 75 percent of function lost, 3 percent;
- C. unilateral motor loss, more than 75 percent of function lost, 10 percent;
- D. partial bilateral motor loss, 25 to 75 percent of function lost, 10 percent; or
- E. bilateral motor loss, more than 75 percent of function lost, 20 percent.

Subp. 4. **Vestibular loss with vertigo or disequilibrium.** Vestibular loss with vertigo or disequilibrium is a disability of the whole body as follows:

- A. a score of 24 to 28 on the Kenny scale, and restricted in activities involving personal or public safety, such as operating a motor vehicle or riding a bicycle, 10 percent;
- B. a score of 16 to 28 on the Kenny scale, and ambulation impaired due to equilibrium disturbance, 30 percent;
- C. a score of 10 to 16 on the Kenny scale, 40 percent; or
- D. a score of 0 to 10 on the Kenny scale, 70 percent.

Subp. 5. **Glossopharyngeal, vagus and spinal accessory nerves.** Permanent partial disability to glossopharyngeal, vagus and spinal accessory nerves is a disability of the whole body as follows:

A. Swallowing impairment caused by disability to any one or more of these nerves:

- (1) diet restricted to semisolids, 10 percent;
- (2) diet restricted to liquids, 25 percent; or
- (3) diet by tube feeding or gastrostomy, 50 percent.

B. Mechanical disturbances of articulation due to disability to any one or more of these nerves:

(1) 95 percent or more of words are understood by those who are not family members and others outside the immediate family, but speech is distorted, 5 percent;

(2) 95 percent or more of words are understood by family members, but speech is distorted and not easily understood by those who are not family members, 10 percent;

(3) 75 percent or more of words are understood by family members, but speech is distorted, 15 percent;

(4) more than 50 percent of words are understood by family members, 20 percent;

(5) less than 50 percent of words are understood by family members, 25 percent; or

(6) 10 percent or less of words are understood by family members, 30 percent.

Subp. 6. **Hypoglossal nerve.** Permanent partial disability of hypoglossal nerve is a disability of the whole body as follows:

A. Bilateral paralysis; swallowing impairment:

- (1) diet restricted to semisolids, 10 percent;
- (2) diet restricted to liquids, 25 percent; and
- (3) diet by tube feeding or gastrostomy, 50 percent.

B. Mechanical disturbances of articulation:

(1) 95 percent or more of words are understood by family members and others outside the immediate family, but speech is distorted, 5 percent;

(2) 95 percent or more of words are understood by family members, but speech is distorted and not easily understood by nonfamily members, 10 percent;

(3) 75 percent or more of words are understood by family members, but speech is distorted, 15 percent;

(4) more than 50 percent of words are understood by family members, 20 percent;

(5) less than 50 percent of words are understood by family members, 25 percent; or

(6) 10 percent or less of words are understood by family members, 30 percent.

Subp. 7. **Spinal cord.** To rate under this subpart, determine the disability to the lower extremities, upper extremities, respiration, urinary bladder, anorectal, and sexual functions as follows. The percentage of whole body disability under this subpart is determined by combining the disabilities under items A to F in the manner described in Minnesota Statutes, section 176.105, subdivision 4, paragraph (c).

A. A permanent partial disability in the use of lower extremities is a disability of the whole body as follows:

(1) can rise to a standing position and can walk, but has difficulty walking onto elevations, grades, steps, and distances, 15 percent;

(2) can stand but can walk only on a level surface, 30 percent;

(3) can stand but cannot walk, 45 percent; and

(4) can neither stand nor walk, 65 percent.

B. Permanent partial disability in the use of upper extremities is a disability of the whole body as follows:

Whole Body Disability, Percentages

	Preferred Extremity	Nonpreferred Extremity	Both
score of 24 to 28 on Kenny scale, but some difficulty with digital dexterity	10	5	15
score of 16 to 28 on Kenny scale, but no digital dexterity	20	10	30
score of 10 to 16 on Kenny scale	40	40	50
score of 0 to 10 on Kenny scale	70	70	85

C. Permanent partial disability of the respiratory function is a disability of the whole body as follows:

- (1) difficulty only where extra exertion is required, such as running, climbing stairs, heavy lifting, or carrying loads, 10 percent;
- (2) restricted to limited walking, confined to one's own home, 35 percent;
- (3) restricted to bed, 75 percent; and
- (4) has no spontaneous respiration, 95 percent.

D. Permanent partial disability of the bladder is a disability of the whole body as set forth below. Evaluative procedures to be followed are in part 5223.0220, subpart 2.

- (1) impaired voluntary control evidenced by urgency or hesitancy, but continent without collecting devices, 10 percent;
- (2) impaired voluntary control, incontinent requiring external collecting devices, 20 percent; or
- (3) impaired voluntary control, incontinent requiring internal collecting or continence devices, 30 percent.

E. The permanent partial disability of the anorectal function is a disability of the whole body as follows:

- (1) impaired voluntary control with urgency, 10 percent;
- (2) impaired voluntary control without reflex regulation, 20 percent; or
- (3) impaired voluntary control, incontinent without diversion, 30 percent.

F. Permanent partial disability of sexual function is a disability of the whole body as follows:

- (1) Male: rate under part 5223.0220, subpart 6.
- (2) Female: rate under part 5223.0220, subpart 9.

Subp. 8. **Brain injury.** Supporting objective evidence of structural injury, neurological deficit, or psychomotor findings is required to substantiate the permanent partial disability. Permanent partial disability of the brain is a disability of the whole body as follows:

A. Communications disturbances, expressive:

- (1) mild disturbance of expressive language ability not significantly impairing ability to be understood, such as mild word-finding difficulties, mild degree of paraphasias, or mild dysarthria, 10 percent;

(2) severe impairment of expressive language ability, but still capable of functional communication with the use of additional methods such as gestures, facial expression, writing, word board, or alphabet board, 35 percent; or

(3) unable to produce any functional expressive language, 70 percent.

B. Communication disturbances, receptive:

(1) mild impairment of comprehension of aural speech, but comprehension functional with the addition of visual cues such as gestures, facial expressions, or written material, 40 percent;

(2) some ability to comprehend language is present, but significant impairment even with use of visual cues such as gestures, facial expressions, and written material, 60 percent; or

(3) no evidence of functional comprehension of language, 90 percent.

C. Complex integrated cerebral function disturbances must be determined by medical observation and organic dysfunctions supported by psychometric testing. Functional overlay or primary psychiatric disturbances shall not be rated under this part. The permanent partial disabilities are as follows:

(1) mild impairment of higher level cognitive function or memory, but able to live independently and function in the community as evidenced by independence in activities such as shopping and taking a bus, 20 percent;

(2) same as subitem (1), and also requires supporting devices and direction to carry out limited vocational tasks, 30 percent;

(3) moderate impairment of memory, judgment, or other higher level cognitive abilities, can live alone with some supervision such as for money management, some limitation in ability to function independently outside the home in activities such as shopping and traveling, 50 percent;

(4) moderately severe impairment of memory, judgment, or other higher cognitive abilities, unable to live alone and some supervision required at all times, but able to perform self cares independently, 70 percent; or

(5) severe impairment of memory, judgment, or other higher cognitive abilities such that constant supervision and assistance in self cares are required, 95 percent.

D. Emotional disturbances and personality changes must be substantiated by medical observation and by organic dysfunction supported by psychometric testing. Permanent partial disability is a disability of the whole body as follows:

(1) only present under stressful situation such as losing one's job, getting a divorce, or a death in the family, 10 percent;

(2) present at all times but not significantly impairing ability to relate to others, to live with others, or to perform self cares, 30 percent;

(3) present at all times in moderate to severe degree, minimal ability to live with others, some supervision required, 65 percent; or

(4) severe degree of emotional disturbance which, because of danger to self and others, requires continuous supervision, 95 percent.

E. Psychotic disorders, as described in D.S.M. III, not caused by organic dysfunction and substantiated by medical observation:

(1) only present under stressful situation, such as losing one's job, getting divorced, a death in the family, 10 percent;

(2) present at all times but not significantly impairing ability to relate to others, live with others, or perform self cares, 30 percent;

(3) present at all times in moderate to severe degree significantly affecting ability to live with others, and requiring some supervision, 65 percent; or

(4) severe degree of emotional disturbance which, because of danger to self or others, requires continuous supervision, 95 percent.

F. Consciousness disturbances; permanent partial disability of the whole body is as follows:

(1) mild or intermittent decreased level of consciousness manifested by periodic mild confusion or lethargy, a score of 16 to 28 on the Kenny scale, 40 percent;

(2) moderate intermittent or continuous decreased level of consciousness manifested by a moderate level of confusion or lethargy, and a score of 10 to 16 on the Kenny scale, 70 percent;

(3) severe decreased level of consciousness manifested as stupor with inability to function independently, and a score of 0 to 10 on the Kenny scale, 95 percent; or

(4) comatose or persistent vegetative state, 99 percent.

G. Motor dysfunction, movement disorder, paralysis, spasticity, sensory loss, or neglect. Where these impairments are due to brain or brain stem injury, rate as provided in subpart 7, items A and B.

H. Other impairments; impairments of respiration, urinary bladder function, anorectal function, or sexual function due to brain or brain stem injury are rated as provided in subpart 7, items C to F.

I. Epilepsy; permanent partial disability due to epilepsy is a disability of the whole body as follows:

(1) well controlled, on medication for one year or more, able to enter work force but with restrictions preventing operation of motor vehicles or dangerous machinery and climbing above six feet in height, 10 percent;

(2) seizures occurring at least once a year, but not severely limiting ability to live independently, 20 percent;

(3) seizures occurring at least six times per year, some supervision required, 40 percent;

(4) seizures poorly controlled with at least 15 seizures per year, supervision required, protective care required with activities restricted, 75 percent; or

(5) frequency of seizures requires continuous supervision and protective care, activities restricted, unable to perform self cares, 95 percent.

J. Headaches; permanent partial disability due to vascular headaches with nausea or vomiting is a five percent disability of the whole body.

K. Total loss of taste, 3 percent.

L. Traumatic head injury, complete and total loss of smell, supported by objective examination, 3 percent.

Statutory Authority: *MS s 176.105*

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