

5223.0300 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 impairments. Parts 5223.0300 to 5223.0650 assign percentages of disability of the whole body for permanent partial impairment.

Subp. 2. **Applicability.** Unless otherwise specified, parts 5223.0300 to 5223.0650 apply to dates of injury on or after July 1, 1993.

Subp. 3. **Interpretation of schedules.** In applying these schedules, the rules of construction in items A to H apply.

A. Only the categories in the schedules in parts 5223.0300 to 5223.0650 may be used when rating the extent of impairment. If a category applicable to the impairing condition cannot be found in parts 5223.0300 to 5223.0650, then the category most closely resembling the impairment or the percentage of permanent partial disability based on analogy shall be chosen.

B. If a category represents the impairing condition, the disability determination shall not be based on the cumulation of lesser included categories.

C. If more than one category may apply to a condition, the category most closely representing the condition shall be selected.

D. If more than one category is necessary to represent all of the mutually exclusive impairing conditions resulting from an injury, categories shall be selected to avoid double compensation for any part of a condition.

E. The percentages of disability to the whole body as provided in two or more categories shall not be averaged, prorated, or otherwise deviated from, unless specifically provided in the schedule. Unless provided otherwise, if an impairment must be rated under more than one category, the ratings must be combined using the $A + B(1 - A)$ formula set forth in Minnesota Statutes, section 176.105, subdivision 4, paragraph (f), where A is the rating with the largest percentage and B is the rating with the next largest percentage. If there are more than two impairments, the combination of the largest and next largest percentages becomes the new A and the third largest percentage becomes the new B. This process is continued interactively until all percentages are combined.

F. In certain situations as specifically noted elsewhere in these schedules, the percentages of disability must be added ($A + B$) rather than combined. These summed percentages may then be combined or added with other percentages as appropriate.

G. 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.

H. A category not found within parts 5223.0300 to 5223.0650 shall not be used to determine permanent partial disability.

Subp. 4. **Incorporations by reference.** The technical terms in parts 5223.0300 to 5223.0650 are defined either in part 5223.0310 or by the documents incorporated by reference in parts 5223.0300 to 5223.0650. 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 at the University of Minnesota, Biomedical Library and are accessible through the Minitex interlibrary loan system. These documents are as follows:

A. "Adult Normal for the Nine Hole Peg Test of Finger Dexterity," V. Mathiowetz et al. The Occupational Therapy Journal of Research, volume 5, pp. 24-38 (1985).

B. Guides to the Evaluation of Permanent Impairment, published by the American Medical Association, Committee on Rating of Mental and Physical Impairment, 3rd edition, 1988. This document is also referred to as the A.M.A. Guides.

C. S3.1-1977 Criteria for Permissible Ambient Noise during Audiometric Testing, published by the American National Standards Institute, Inc., 1973.

D. S3.6-1969 (R1973) Specification for Audiometers, published by the American National Standards Institute, Inc., 1977.

E. Metropolitan Life Insurance Company Height and Weight Tables, published by the Metropolitan Life Insurance Company, 1983, and reproduced in the A.M.A. Guides, 3rd edition, page 178.

F. F. F. Plum and J. B. Posner, Diagnosis of Stupor and Coma, 2nd edition, published by F. A. Davis, Philadelphia, 1972.

G. Dorland's Illustrated Medical Dictionary, 27th edition, published by W. B. Saunders Company, 1988. This document is also referred to as Dorland's.

H. D.S.M. III, Diagnostic and Statistical Manual of Mental Disorders, published by American Psychiatric Association, 1980. This document is also referred to as D.S.M. III.

I. Fractures, 2nd edition, Charles A. Rockwood and David Green, published by Lippencott, 1984.

J. Textbook on Anatomy, William Henry Hollinshead, published by Harper & Row, 1985.

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 also referred to as Lund and Browder.

L. Stedman's Medical Dictionary, 25th edition, published by Williams and Wilkins, 1990. This document is also referred to as Stedman's.

Statutory Authority: *MS s 176.105*

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