

5223.0360 CENTRAL NERVOUS SYSTEM.

Subpart 1. **General.** For permanent partial impairment of the central nervous system the percentage of disability of the whole body is as provided in subparts 2 to 7.

Subp. 2. **Trigeminal nerve.** For permanent partial impairment of the trigeminal nerve, the percent of disability is provided in items A to J:

- A. partial unilateral sensory loss, three percent;
- B. complete unilateral sensory loss, ten percent;
- C. partial bilateral sensory loss, ten percent;
- D. complete bilateral sensory loss, 25 percent;
- E. intractable trigeminal neuralgia, as defined in part 5223.0310, subpart 57, 20 percent;
- F. atypical facial neuralgia, five percent;
- G. partial unilateral motor loss:
 - (1) less than 25 percent of function lost, zero percent;
 - (2) 25 to 75 percent of function lost, two percent;
- H. complete unilateral motor loss, more than 75 percent of function lost, five percent;
- I. partial bilateral motor loss:
 - (1) less than 25 percent of function lost, zero percent;
 - (2) 25 to 75 percent of overall function lost, ten percent;
- J. complete bilateral motor loss, more than 75 percent of overall function lost, 30 percent.

Subp. 3. **Taste or smell.** For permanent partial impairment of taste or smell, the percent of disability is provided in items A and B:

- A. total loss of taste, one percent;
- B. total loss of smell, one percent.

Subp. 4. **Facial nerve.** For injuries to the lower motor neuron, rate each side independently, then add the ratings for the overall impairment:

- A. partial unilateral motor loss, 25 to 75 percent of function lost, three percent;
- B. unilateral motor loss, more than 75 percent of function lost:
 - (1) able to close the eye without assistance, seven percent;

(2) unable to close the eye without assistance, ten percent.

Subp. 5. **Dysequilibrium or vertigo.** Signs or symptoms of dysequilibrium, as defined in part 5223.0310, subpart 23, or vertigo, as defined in part 5223.0310, subpart 59, are present and persistent despite therapy, and there is anatomic loss or alteration or objectively measurable neurologic deficit in the vestibular mechanism, ocular mechanism, proprioceptive sense organs, spinal cord, brain stem, cerebellum, or cerebral cortex of a type known to cause dysequilibrium or vertigo:

A. can live independently without supervision or assistance but with restrictions on working at exposed heights, walking on scaffolding or girders, and activities such as riding a bicycle, ten percent;

B. can live independently without supervision or assistance but with restrictions preventing the operation of any motor vehicle, 20 percent;

C. able to perform self cares, as defined in part 5223.0310, subpart 45, independently but requires adaptive equipment for ambulation as defined in part 5223.0310, subpart 6, and is not capable of operating any motor vehicle, 40 percent;

D. requires some assistance with self cares and a wheelchair or human assistance with ambulation, 75 percent;

E. unable to perform self cares and dependent even with wheelchair locomotion, 95 percent.

Subp. 6. **Spinal cord.** To rate under this subpart, determine the impairment to the central nervous system, peripheral nervous system, respiratory system, urinary bladder, anus, penis, and any other members as provided in items A to G. The ratings obtained are then combined for the final rating as described in part 5223.0300, subpart 3, item E:

A. central nervous system ataxia, movement disorder, tremor, or spasticity as provided in subpart 7, item E;

B. the extremities as provided in parts 5223.0400 to 5223.0430;

C. the respiratory system as provided in part 5223.0560;

D. the urinary bladder as provided in part 5223.0600, subpart 4;

E. the anus as provided in part 5223.0590, subpart 4;

F. the penis as provided in part 5223.0600, subpart 6, or the vagina or vulva as provided in part 5223.0600, subpart 9;

G. any other members as provided in the appropriate parts of this schedule.

Subp. 7. **Brain dysfunction.** Signs or symptoms of organic brain dysfunction due to illness or injury must be present and persistent with anatomic loss or alteration, or

objectively measurable neurologic deficit. A rating under this part is the combination as described in part 5223.0300, subpart 3, item E, of the ratings assigned by items A to I.

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 paraphasia, ten percent;

(2) unintelligible oral language, 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;

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

B. Communication disturbances, receptive:

(1) unable to comprehend oral speech without the addition of visual cues such as gestures, facial expressions, or written material, 35 percent;

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

(3) no evidence of functional comprehension of language, 95 percent.

C. Disturbances of consciousness or complex integrated cerebral function disturbances must be determined by medical observation, and in the case of complex integrated cerebral function, supported by psychometric testing. Functional overlay or primary psychiatric disturbances shall not be rated under this part. Disturbances of complex integrated cerebral function include defects in orientation, ability to abstract or understand concepts, memory, judgment, ability to initiate and perform planned activity, and acceptable social behavior. Disturbances of consciousness include lethargy, clouding of consciousness, delirium, stupor, and coma:

(1) mild impairment of complex integrated cerebral function is demonstrated by psychometric testing but able to live independently, ten percent;

(2) mild impairment of complex integrated cerebral function is demonstrated by psychometric testing and able to live independently but requiring supervision with executive function, as defined in part 5223.0310, subpart 25, 20 percent;

(3) moderate impairment of complex integrated cerebral function is demonstrated by psychometric testing or there is a mild clouding of consciousness and able to perform all activities of daily living, as defined in part 5223.0310, subpart 5, independently but requiring some supervision on a daily basis, 40 percent;

(4) moderately severe impairment of complex integrated cerebral function is demonstrated by psychometric testing or there is a moderate clouding of consciousness or persistent lethargy as defined in part 5223.0311, subpart 38, and requires supervision for activities of daily living, as defined in part 5223.0310, subpart 5, 75 percent;

(5) severe impairment of complex integrated cerebral function is demonstrated by psychometric testing or there is delirium as defined in part 5223.0310, subpart 19, and requires assistance as well as supervision in activities of daily living, 95 percent;

(6) stupor, as defined in part 5223.0310, subpart 53; coma, as defined in part 5223.0310, subpart 16; or persistent vegetative state, 99 percent.

D. Emotional disturbances and personality changes must be substantiated by medical observation and supported by psychometric testing. These disturbances may include irritability, outbursts of rage or aggression, absence of normal emotional response, inappropriate euphoria, depression, abnormal emotional interaction with others, involuntary laughing and crying, akinetic mutism, and uncontrollable fluctuation of emotional state. Primary psychiatric disturbances, including functional overlay, shall not be rated under this part:

(1) intermittent emotional disturbances requiring intervention by a caregiver are only present under stressful situations such as losing one's job, getting a divorce, or a death in the family, ten percent;

(2) mild emotional disturbance is present at all times but can live independently and relate to others, 20 percent;

(3) moderate emotional disturbance is present at all times and can live independently but requires some supervision on a daily basis, 40 percent;

(4) moderate to severe emotional disturbances are present at all times, and requires sheltering with some supervision of all activities, 75 percent;

(5) severe degree of emotional disturbance is present at all times and is confined to continuous supervision and protective care, 95 percent.

E. Ataxia, movement disorder including tremor, or spasticity:

(1) in the upper extremity:

(a) performance on the nine hole peg test better, that is, faster, than the tenth percentile of the age-sex specific normative value in both arms, zero percent;

(b) performance on the nine hole peg test worse, that is, slower, than the tenth percentile of the age-sex specific normative value in one arm, ten percent;

(c) performance on the nine hole peg test worse, that is, slower, than the tenth percentile of the age-sex specific normative value in both arms, 40 percent;

(d) requires some assistance with activities of daily living, as defined in part 5223.0310, subpart 5, 75 percent;

(e) unable to perform activities of daily living, 95 percent;

(2) the tenth percentile of the age-sex specific normative value, in seconds, of the nine hold peg test is:

(a) at less than 25 years of age:

i. for a male: right hand - 18.5; left hand - 19.6;

ii. for a female: right hand - 18.5; left hand - 20.3;

(b) at 25 to 29 years of age:

i. for a male: right hand - 18.7; left hand - 19.7;

ii. for a female: right hand - 18.6; left hand - 19.9;

(c) at 30 to 34 years of age:

i. for a male: right hand - 20.9; left hand - 21.5;

ii. for a female: right hand - 18.7; left hand - 20.4;

(d) at 35 to 39 years of age:

i. for a male: right hand - 21.0; left hand - 23.9;

ii. for a female: right hand - 18.4; left hand - 19.9;

(e) at 40 to 44 years of age;

i. for a male: right hand - 20.5; left hand - 21.5;

ii. for a female: right hand - 19.5; left hand - 22.2;

(f) at 45 to 49 years of age:

i. for a male: right hand - 21.7; left hand - 24.1;

ii. for a female: right hand - 19.9; left hand - 20.8;

(g) at 50 to 54 years of age:

i. for a male: right hand - 21.5; left hand - 23.6;

ii. for a female: right hand - 21.2; left hand - 23.9;

(h) at 55 to 59 years of age:

i. for a male: right hand - 22.5; left hand - 25.1;

- ii. for a female: right hand - 21.2; left hand - 22.3;
 - (i) at 60 to 64 years of age:
 - i. for a male: right hand - 23.6; left hand - 24.2;
 - ii. for a female: right hand - 21.0; left hand - 23.4;
 - (j) at 65 to 69 years of age:
 - i. for a male: right hand - 24.4; left hand - 27.4;
 - ii. for a female: right hand - 22.4; left hand - 24.9;
 - (k) at 70 to 74 years of age:
 - i. for a male: right hand - 26.2; left hand - 28.8;
 - ii. for a female: right hand - 23.7; left hand - 25.5;
 - (l) at greater than 74 years of age:
 - i. for a male: right hand - 28.0; left hand - 32.5;
 - ii. for a female: right hand - 25.2; left hand - 30.1;
- (3) in the lower extremity:
 - (a) normal tandem gait, as defined in part 5223.0310, subpart 55, zero percent;
 - (b) abnormal tandem gait and with restriction on working on exposed heights and walking on scaffolding or girders, ten percent;
 - (c) unable to walk on level ground without adaptive equipment for ambulation, as defined in part 5223.0310, subpart 6, 40 percent;
 - (d) unable to walk and must use a wheelchair, 75 percent;
 - (e) abnormal sitting balance impairs use of the upper extremities so unable to perform any activities of daily living, as defined in part 5223.0310, subpart 5, 95 percent.
- F. Impairments of respiration, urinary bladder function, anorectal function, or sexual function, the rating is as provided in parts 5223.0560 to 5223.0600.
- G. Episodic neurologic disorders, that is, syncope, epilepsy, or convulsive disorders:
 - (1) able to live independently without supervision or assistance but with restrictions preventing the operation of motor vehicles or dangerous machinery and working on exposed heights, 20 percent;

(2) able to live independently but having three or more seizures per 12-month period despite adequate treatment and with restrictions preventing the operation of motor vehicles or dangerous machinery and working on exposed heights, 30 percent;

(3) able to perform all self cares, as defined in part 5223.0310, subpart 45, independently, but some supervision is required, 40 percent;

(4) requires some assistance with self care, supervision is required, and some protective care is required, 75 percent;

(5) unable to perform any self cares, constant supervision and constant protective care is required, and confinement to home or domicile is necessary, 95 percent.

H. Recurring vascular headaches characterized as throbbing in nature, accompanied by nausea and vomiting, and associated with an inability to perform activities of daily living, as defined in part 5223.0310, subpart 5, in excess of 12 hours, two percent.

I. Motor or sensory impairments, the rating is as provided in parts 5223.0400 to 5223.0430.

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