

**5223.0410 PERIPHERAL NERVOUS SYSTEM; UPPER EXTREMITY-SENSORY LOSS.**

Subpart 1. **Total loss.** For permanent partial impairment to the peripheral nerves, plexuses, and nerve roots of the upper extremities resulting from nerve injury or disease and if there is loss of sensory function for those particular portions of the body served by the peripheral nerve, plexus, or root, the disability of the whole body is as provided in subparts 2 to 7.

A. Total or complete sensory loss means that there is no preserved sensation.

B. If injury to a nerve, plexus, or nerve root results only in motor loss, the rating is as provided in part 5223.0400.

C. If motor loss occurs together with sensory loss, then the rating under this part may be combined as described in part 5223.0300, subpart 3, item E, with the rating under part 5223.0400.

Subp. 2. **Peripheral nerve.** There is total or complete sensory loss of the peripheral nerve, and signs or symptoms of organic disease or injury are present, and there is anatomic loss or alteration:

A. in the distribution of the axillary, one percent;

B. in the distribution of the medial antebrachial cutaneous, two percent;

C. in the distribution of the medial brachial cutaneous, two percent;

D. in the distribution of the musculocutaneous, one percent;

E. in the distribution of the radial, three percent;

F. in the distribution of the suprascapular, three percent;

G. in the distribution of the median, 24 percent; or

H. in the distribution of the ulnar:

(1) entire distribution, ten percent;

(2) dorsal ulnar sensory nerve only, three percent;

(3) ulnar digital nerve to the fifth finger only, both proximal and distal to the metacarpophalangeal joint of the fifth finger, 5.5 percent, if only distal to the metacarpophalangeal joint, the rating is as provided in subpart 6, item A, subitem (5).

Subp. 3. **Brachial plexus.** There is total or complete sensory loss of the brachial plexus, and signs or symptoms of organic disease or injury are present, and there is anatomic loss or alteration:

A. in the distribution of the entire plexus, unilateral, 60 percent;

- B. in the distribution of the upper trunk, 15 percent;
- C. in the distribution of the middle trunk, three percent;
- D. in the distribution of the lower trunk, 12 percent.

Subp. 4. **Nerve root.** There is total or complete sensory loss of the nerve root, and signs or symptoms of organic disease or injury are present, and there is anatomic loss or alteration:

- A. in the distribution of the C5 nerve root, three percent;
- B. in the distribution of the C6 nerve root, 12 percent;
- C. in the distribution of the C7 nerve root, seven percent;
- D. in the distribution of the C8 nerve root, ten percent;
- E. in the distribution of the T1 nerve root, three percent.

Subp. 5. **Partial loss.** Partial loss means that there is incomplete sensory loss. Partial loss is rated at 25 percent of the percentages assigned in subparts 2 to 4 except as provided for in subpart 6 in regard to sensory loss in the digits.

Subp. 6. **Loss of sensation in the digits.**

A. Total sensory loss in the digits: signs or symptoms of organic disease or injury are present, and there is anatomic loss or alteration, and sensory loss is confined to the digits and not part of a larger sensory loss rated in subpart 2, 3, or 4.

(1) Loss of sensation in the thumb:

- (a) whole, 10.5 percent;
- (b) radial side distal to the metacarpophalangeal joint, four percent;
- (c) ulnar side distal to the metacarpophalangeal joint, 6.5 percent.

(2) Loss of sensation in the index finger:

- (a) whole, 5.5 percent;
- (b) radial side distal to the metacarpophalangeal joint, whole, 3.5 percent;
- (c) ulnar side distal to the metacarpophalangeal joint, two percent.

(3) Loss of sensation in the middle finger:

- (a) whole, 5.5 percent;
- (b) radial side distal to the metacarpophalangeal joint, 3.5 percent;
- (c) ulnar side distal to the metacarpophalangeal joint, two percent.

- (4) Loss of sensation in the ring finger:
  - (a) whole, three percent;
  - (b) radial side distal to the metacarpophalangeal joint, two percent;
  - (c) ulnar side distal to the metacarpophalangeal joint, one percent.
- (5) Loss of sensation in the little finger:
  - (a) whole, three percent;
  - (b) radial side distal to the metacarpophalangeal joint, one percent;
  - (c) ulnar side distal to the metacarpophalangeal joint, two percent.

B. Sensory loss distal to proximal interphalangeal joint, 75 percent of the value as provided in item A, either whole, radial side, or ulnar side as applicable.

C. Sensory loss distal to the middle of the distal phalanx, 50 percent of the value as provided in item A, either whole, radial side, or ulnar side as applicable.

D. The levels of sensory loss in the digits and the corresponding disabilities of the whole body are measured as follows:

- (1) minimal, two-point discrimination at six millimeters or less, zero percent;
- (2) moderate, two-point discrimination greater than six millimeters, one-half of the value in item A;
- (3) severe, two-point discrimination at greater than ten millimeters, three-fourths of the value in item A;
- (4) total, two-point discrimination at greater than 15 millimeters, the same value as in item A.

Subp. 7. **Reflex sympathetic dystrophy, causalgia, and cognate conditions.** This subpart applies to dates of injury from July 1, 1993, through August 8, 2010. For dates of injury on or after August 9, 2010, rate complex regional pain syndrome, reflex sympathetic dystrophy, causalgia, and cognate conditions as provided under part 5223.0435. For purposes of rating under this part, reflex sympathetic dystrophy, causalgia, and cognate conditions are deemed to occur in a member if at least five of the following conditions persist concurrently in that member: edema, local skin color change of red or purple, osteoporosis in underlying bony structures demonstrated by radiograph, local dyshidrosis, local abnormality of skin temperature regulation, reduced passive range of motion in contiguous or contained joints, local alteration of skin texture of smooth or shiny, or typical findings of reflex sympathetic dystrophy on bone scan.

If reflex sympathetic dystrophy is present and persistent despite treatment, the permanent partial disability, rating from the most proximal joint of the involved member, is:

A. mild: meets the requirements of this subpart, 25 percent of the rating for the appropriate category in part 5223.0540;

B. moderate: meets the requirements of this subpart and the involved member is limited to a helping role in bilateral upper extremity activities, 50 percent of the rating for the appropriate category in part 5223.0540;

C. severe: meets the requirements of this subpart and the involved member cannot be used for most of the activities of daily living, 75 percent of the rating for the appropriate category in part 5223.0540.

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

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