

5223.0530 MUSCULOSKELETAL SCHEDULE; FOOT AND TOES.

Subpart 1. **General.** For permanent partial impairment to the foot and toes, disability of the whole body is as provided in subparts 2 to 4. The percent of whole body disability under this part may not exceed the percent of whole body disability for amputation of the foot, or toe when the impairing condition is confined to a toe under part 5223.0550. Each mutually exclusive impairing condition must be rated separately and the ratings must be combined as described in part 5223.0300, subpart 3, item E.

If an impairing condition is represented by a category designated as exclusive under subpart 2, it must be rated by that category only and that rating may not be combined with a rating under any other category of this part for that impairing condition.

If an impairing condition is not represented by a category designated either exclusive or combinable, it must be rated only under the appropriate categories describing loss of function under subpart 3.

Subp. 2. Exclusive categories.

A. Painful organic syndrome, as defined in part 5223.0310, subpart 40, not elsewhere specified and substantiated by appropriate, consistent, and reproducible clinical or radiographic findings which results in persistent limitation of active range of motion or persistent deviation of gait but no limitation of passive range of motion, zero percent.

B. Tarsal fractures:

- (1) healed with normal weight bearing, zero percent;
- (2) healed with deformity resulting in abnormal weight bearing as evidenced by skin calluses, three percent;
- (3) nonunion, three percent.

C. Tarsal metatarsal fracture or dislocation:

- (1) reduced, two percent;
- (2) unreduced, five percent.

D. Metatarsal fractures:

- (1) healed with normal weight bearing, zero percent;
- (2) healed with deformity resulting in abnormal weight bearing as evidenced by skin calluses, three percent;
- (3) nonunion, two percent.

E. Phalangeal fractures:

- (1) healed with normal weight bearing, zero percent;

(2) healed with deformity resulting in abnormal weight bearing as evidenced by skin calluses or corns, one percent.

Subp. 3. **Categories describing loss of function.** Function of the toes is the availability of passive motion at the joints. When there is more than one impairment to a toe, combine the separate disabilities for the final rating. If there is impairment to more than one toe, add the separate disabilities of each toe for the final rating for loss of function.

A. Ankylosis, as defined in part 5223.0310, subpart 7, of the interphalangeal joint of the great toe:

- (1) between neutral position and 20 degrees of flexion, one percent;
- (2) at greater than 20 degrees of flexion, or in extension, four percent.

B. Ankylosis of the metatarsophalangeal joint of the great toe as determined by standing in a barefoot lateral projection X-ray and through being measured of the proximal phalanx from the weight-bearing surface:

- (1) between neutral position and 20 degrees of dorsiflexion, three percent;
- (2) in plantar flexion, five percent;
- (3) at greater than 20 degrees of dorsiflexion, five percent.

C. Ankylosis of joints of second through fifth toes:

- (1) at the distal interphalangeal joint, zero percent;
- (2) at the proximal interphalangeal joint:
 - (a) between five degrees of dorsiflexion and ten degrees of plantar flexion, zero percent;
 - (b) at greater than five degrees of dorsiflexion, or at greater than ten degrees of plantar flexion, one percent;
- (3) at the metatarsophalangeal joint:
 - (a) between neutral position and ten degrees of dorsiflexion, zero percent;
 - (b) in plantar flexion or at greater than ten degrees of dorsiflexion, one percent.

Statutory Authority: *MS s 176.105*

History: *17 SR 3364*

Published Electronically: *August 16, 2010*