

5223.0650 COSMETIC DISFIGUREMENT.

Subpart 1. **General.** This part provides the percentage of disability of the whole body for permanent partial impairment due to cosmetic disfigurement. This part applies only to disfigurement on the face, head, neck, or dorsum of the hands. If there has been an operation, this rating is done after correction by plastic surgery. The final rating under this schedule shall not be done until 24 months after the injury. The ratings under this part may be combined as described in part 5223.0300, subpart 3, item E.

Subp. 2. Face.

A. The face is the anterior head from the forehead, to and including the chin.

B. The nose:

(1) deformity of nasal tip, or external deformity, thinning, or eversion of ala nasi, five percent;

(2) loss of more than 50 percent of nasal cartilage, or of both ala nasi, 25 percent;

(3) deforming fracture of the nose, four percent.

C. The eyes, where this rating may be combined with any additional rating as provided in part 5223.0330, if visual impairment is present:

(1) loss of one eyebrow, 2.5 percent;

(2) loss of two eyebrows, five percent;

(3) ectropion:

(a) lower lid pulled from eye when mouth is opened and neck extended, five percent;

(b) lower lid pulled away with no movement of face or neck, ten percent;

(c) cornea unprotected when sleeping, 15 percent;

(4) epiphora, ten percent;

(5) scarring of an eyelid, four percent.

D. The mouth, a rating under this item is the sum of subitems (1) to (4):

(1) noncongenital microstomia or distortion affecting eating and dental hygiene, ten percent;

(2) eversion of the upper lip, 7.5 percent;

(3) eversion of the lower lip, 7.5 percent;

(4) distortion of vermillion border, ten percent.

E. The ear:

- (1) loss of 75 percent or more of one external ear, five percent;
- (2) loss of less than 75 percent of one external ear, or significant scarring or disfigurement of an ear, four percent.

F. The face, in areas other than those covered in items B to E:

- (1) deforming fractures of facial skeleton, other than nose, eight percent per side of face involved;
- (2) diffuse scarring, that is, secondary to burns:
 - (a) hypertrophic scarring, as defined in part 5223.0310, subpart 32, affecting only forehead above the eyebrows, ten percent;
 - (b) hypertrophic scarring affecting the lower face from eyebrows to chin, 25 percent;
 - (c) hypertrophic scarring affecting both the forehead above the eyebrows and the lower face from the eyebrows to chin, 35 percent;
- (3) wrinkling, as defined in part 5223.0310, subpart 62, of face in areas covered in subitem (2), units (a) to (c), one-third of listed percentages;
- (4) linear scarring, that is, secondary to lacerations:
 - (a) linear scar less than two centimeters in length, zero percent;
 - (b) linear scar greater than two centimeters in length but less than eight centimeters in length, two percent;
 - (c) linear scar greater than eight centimeters or multiple linear scars, four percent;
 - (d) hypertrophic linear scarring, multiply listed percentages in units (a) to (c), by 1.25.

Subp. 3. **Head, alopecia.**

A. Anterior hairline:

- (1) loss of less than 20 percent of hair on anterior hairline, zero percent;
- (2) loss of 20 to 50 percent of hair on anterior hairline, two percent;
- (3) loss of more than 50 percent of hair on anterior hairline, three percent.

B. Elsewhere on head and not affecting anterior hairline:

- (1) loss of zero to 15 percent of hair, zero percent;
- (2) loss of 16 to 30 percent of hair, one percent;

- (3) loss of 31 to 50 percent of hair, two percent;
- (4) loss of more than 50 percent of hair, three percent.

The ratings under this item and item A must be combined as provided in Minnesota Statutes, section 176.105, subdivision 4, paragraph (c).

Subp. 4. Anterior neck.

A. The anterior neck extends from the ear lobule anteriorly to the ear lobule and downward to midclavicle. Disfigurement on the posterior neck from the ear lobule posteriorly to the ear lobule shall be rated under subpart 6. Ratings under items B and C shall be combined as described in part 5223.0300, subpart 3, item E.

B. Hypertrophic scarring, as defined in part 5223.0310, subpart 32, or banding, as defined in part 5223.0310, subpart 10, of the anterior neck:

- (1) affecting less than ten percent of the anterior neck, zero percent;
- (2) affecting ten to 30 percent of the anterior neck, ten percent;
- (3) affecting 30 to 50 percent of the anterior neck, 12 percent;
- (4) affecting more than 50 percent of the anterior neck, 15 percent.

C. The chin shelf is the area from the chin backwards to the neck:

- (1) chin shelf extends less than two inches, three percent;
- (2) chin shelf extends less than one inch, ten percent.

Subp. 5. Hand. The hand extends from the carpus distally. Loss of body parts and loss of function are rated in parts 5223.0400 to 5223.0550 and ratings as provided in those parts may be combined as described in part 5223.0300, subpart 3, item E, with ratings under this subpart.

A. Hypertrophic scarring, as defined in part 5223.0310, subpart 32, affecting less than 30 percent of dorsum of one hand, zero percent.

B. Hypertrophic scarring affecting 30 to 50 percent of dorsum of one hand, three percent.

C. Hypertrophic scarring affecting 50 percent or more of dorsum of one hand, seven percent.

D. Hypertrophic scarring affecting the palm of the hand, zero percent.

Subp. 6. Other disfigurements.

A. Loss of volume of female breast tissue, rate each breast separately and add the ratings for the overall disability due to loss of volume. Ratings under this item may be added as described in part 5223.0300, subpart 3, item F, to ratings under item B:

- (1) loss of zero to 25 percent of volume of breast, zero percent;
- (2) loss of 26 to 50 percent of volume of breast, two percent;
- (3) loss of greater than 50 percent of volume of breast, four percent.

B. Loss of nipple, either male or female, rate each nipple separately and add the ratings for the overall impairment due to loss of nipple. Ratings under this item may be added as described in part 5223.0300, subpart 3, item F, to ratings under item A and combined as described in part 5223.0300, subpart 3, item E, with ratings under other applicable items. Loss of nipple, three percent.

C. Disfigurement other than of the face, head, anterior neck, and hand rated in subparts 2 to 4, or loss of volume of female breast tissue or loss of nipple rated in items A and B. Visible loss of tissue, hypertrophic scarring, as defined in part 5223.0310, subpart 32, and visible pigment changes are considered disfigurements under this item:

- (1) less than five percent of body surface area according to the method of Lund and Browder, as defined in part 5223.0310, subpart 36, zero percent;
- (2) five percent to 20 percent of the body surface area, two percent;
- (3) 21 percent to 50 percent of the body surface area, four percent;
- (4) greater than 50 percent of the body surface area, ten percent.

Statutory Authority: *MS s 176.105*

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