



WISCONSIN
DWD

Disability Ratings and Medical Reports

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Program

- Introduction
- Scheduled & Unscheduled Injuries
- Amputation & Loss of Use
- Statutory Minimum PPD Ratings
- Additional PPD Considerations
 - Multipliers
 - Deductions
 - Apportionment

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Dispute Resolution Specialists

Lisa Halsey, Section Chief	
Jasmine Decorah	Advances, Delays, ADR
Cherie Goetz	Supplemental and Death Benefits, ADR
Faith Howe	Advances, Delays, ADR
Becca Marshall	In Training
Chelsea Newby	Delays, Voc Rehab, LOEC, Training
Jason Przybylo	In Training
Phil Roberts	Advances
Frank Salvi	Death Benefits, Voc Rehab, Tie Breakers, ADR
Gail Wickman	Advances, Delays
Karee Williams	Delays, ADR, LOEC
Kati Zieroth	Hearing Loss, Vision Loss

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PTD versus PPD

- **Unscheduled** (body as a whole = 1000 weeks)
 - Head (including smell)
 - Spine
 - Torso (including kidneys)
 - Systemic
- **Scheduled** (compared to amputation, loss of use)
 - Peripheral joints
 - Eyes and ears



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Rating Disability

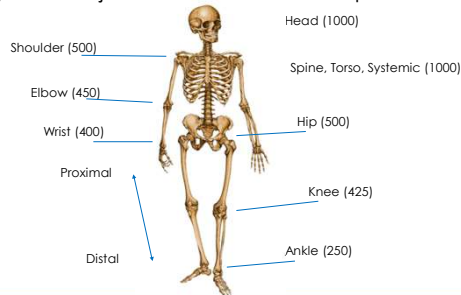
- **Amputation**
 - Anatomic level of bone loss
- **Loss of use**
 - Percentage of total loss
- **Hearing** (DWD 80.25)
 - Pre- and post-audiogram formula
- **Vision** (DWD 80.26)
 - Acuity, field of vision, other



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Body and Major Joints Weeks of Compensation



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Foot Injury Weeks of Compensation Due

Great Toe 2nd 3rd 4th 5th

Distal interphalangeal joint (DIPJ)
Proximal interphalangeal joint (PIPJ)
Metatarsal phalangeal joint (MTPJ)
Tarsal metatarsal joint (TMTJ)

Subtalar joint (talocalcaneal):
between talus and calcaneus bones
Ankle joint (tibiotalar):
between tibia and talus bones (250)

Distal phalanges = Red
Middle phalanges = Blue
Proximal phalanges = Green

Distal level (Dist)
Middle level (Mid)
Proximal level (Prox)

Metatarsal Level (Meta)

Tarsal bones (left to right, dist to prox):
Med, Intermed, and Lat Cuneiform,
Cuboid, Navicular and Calcaneous

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Hand Weeks of Compensation Due

Little (5th) Ring (4th) Middle (3rd) Index (2nd) Thumb (1st)

Fingertip (distal phalanx) amputations:
Less than or equal to 1/3 = 45%
Between 1/3 and 2/3 = 80%
Greater than 2/3 = 100%

Distal interphalangeal joint (DIPJ)
Proximal interphalangeal joint (PIPJ)
Metacarpophalangeal joint (MCPJ)
Carpometacarpal joint (CMCJ)
Wrist Joint

Distal level (Dist)
Middle level (Mid)
Proximal level (Prox)

Metacarpal level (Meta)

Amputation at:
Palm where thumb remains = 325
All fingers at proximal level = 225
Wrist joint = 400

Carpal bones (from radial "thumb" to ulnar "little" side)
Top row: Trapezium, Trapezoid, Capitate, Hamate
Bottom row: Scaphoid, Lunate, Triquetrum, Pisiform

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Amputations

- Fingers (DWD 80.33)
 - Distal phalanx
 - Rule of 1/3's
 - Mid or prox phalanx
 - Comparative X-rays
- Other
 - Joint proximal to amp

DISTAL PHALANX


Less than or equal to 1/3 = 45%
Between 1/3 and 2/3 = 80%
Greater than 2/3 = 100%

Distal inter-phalangeal joint
Middle phalanx
Proximal inter-phalangeal joint
Proximal phalanx

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Loss of Use



Statutory minimum ratings (DWD 80.32)

- Several procedures
- Lost range of motion
- Nerve injuries
- Other
- <https://dwd.wisconsin.gov/dwd/publications/wc/wkc-7761-p.htm>



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Statutory Minimum Ratings

- Assumptions
 - Excellent surgical outcome
 - No prior disability
- Other elements of disability: **if present, shall result in a higher estimate!**


◦ Pain	◦ Altered sensation
◦ Weakness	◦ Unstable grafts
◦ Activity limitations	


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Statutory Minimum Ratings (cont.)

- Prosthesis and resurfacing
 - Total vs. partial joint replacement
 - Hip resurfacing = at least 35%
 - Shoulder resurfacing = 50%
- Ankle inversion and eversion = 7.5% each
- Pronation and supination at elbow
- Foot drop = peroneal nerve damage or paralysis at knee


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Statutory Minimum Ratings - Back

- Surgery
 - Relieve from the effects of a disc lesion or spinal cord pressure
 - Laminectomy
 - Facetectomy
 - Other
 - Fusion
 - Instrumentation
 - Cages
- Compression fractures = 5% if symptomatic
- Artificial disc = 7.5%



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Statutory Minimum Ratings - Fingers

- Range of Motion
- Lost Sensation
- Amputations
- Other Elements

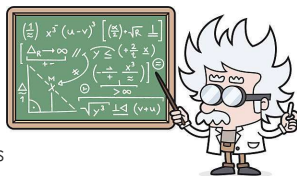


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Additional PPD Considerations

- Multipliers
- Stacking
- Deductions
- Apportionment
- Medical Report Submissions
 - Avoiding letters from the state
 - Final medical report checklist



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Multipliers

- Multiple Injuries (stat. 102.53)
 - Equal or lesser disabled parts = 20%
 - Multiple injuries to hand
 - First equal or lesser disability = 100%
 - Second + third equal or lesser disability = 150%
 - Both eyes = 200%
- Dominant Hand (stat. 102.54) when rating at least 100% of distal joint = 25%



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Stacking

- Statutory minimum surgeries related to same injury date
 - Sequential meniscectomies and ACL repairs
 - Statutory minimum knee surgery with subsequent partial or total knee replacement
 - Redo joint replacements
 - Spinal decompression and fusion surgeries
- Rating cannot exceed 100%
 - Madison Gas & Electric v. LIRC (2011)



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Deductions

- Distal disabilities deducted from proximal disabilities before applying % rating for proximal disability
- Scheduled disabilities deducted from unscheduled disabilities
 - Pre-existing conditions do not apply
 - Multipliers are not deducted

(DWD 80.50)



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Apportionment

- For two (2) or more distinct injuries, liability apportioned according to proof of relative contribution to disability from each injury
- Disability caused by other factors, before or after disabling work injury, can be deducted
- Traumatic injuries only
 - Does not apply to occupational exposures

(Wis. Stat. 102.175)



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Questions

- Why not call!



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 <https://dwd.wisconsin.gov/wc/>

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