

STATE OF WISCONSIN



Department of Workforce Development

Disability Ratings and Medical Reports

CHELSEA NEWBY and FRANK SALVI
Dispute Resolution Specialists

Program

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



Dispute Resolution Specialists

Lisa Halsey, Section Chief

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



PTD versus PPD

- Unscheduled (body as a whole = 1000 weeks)
 - Head (including smell)
 - Torso (including spine and kidneys)
 - Systemic
- Scheduled (compared to amputation, loss of use)
 - Extremities (including peripheral joints)
 - Hearing
 - Vision

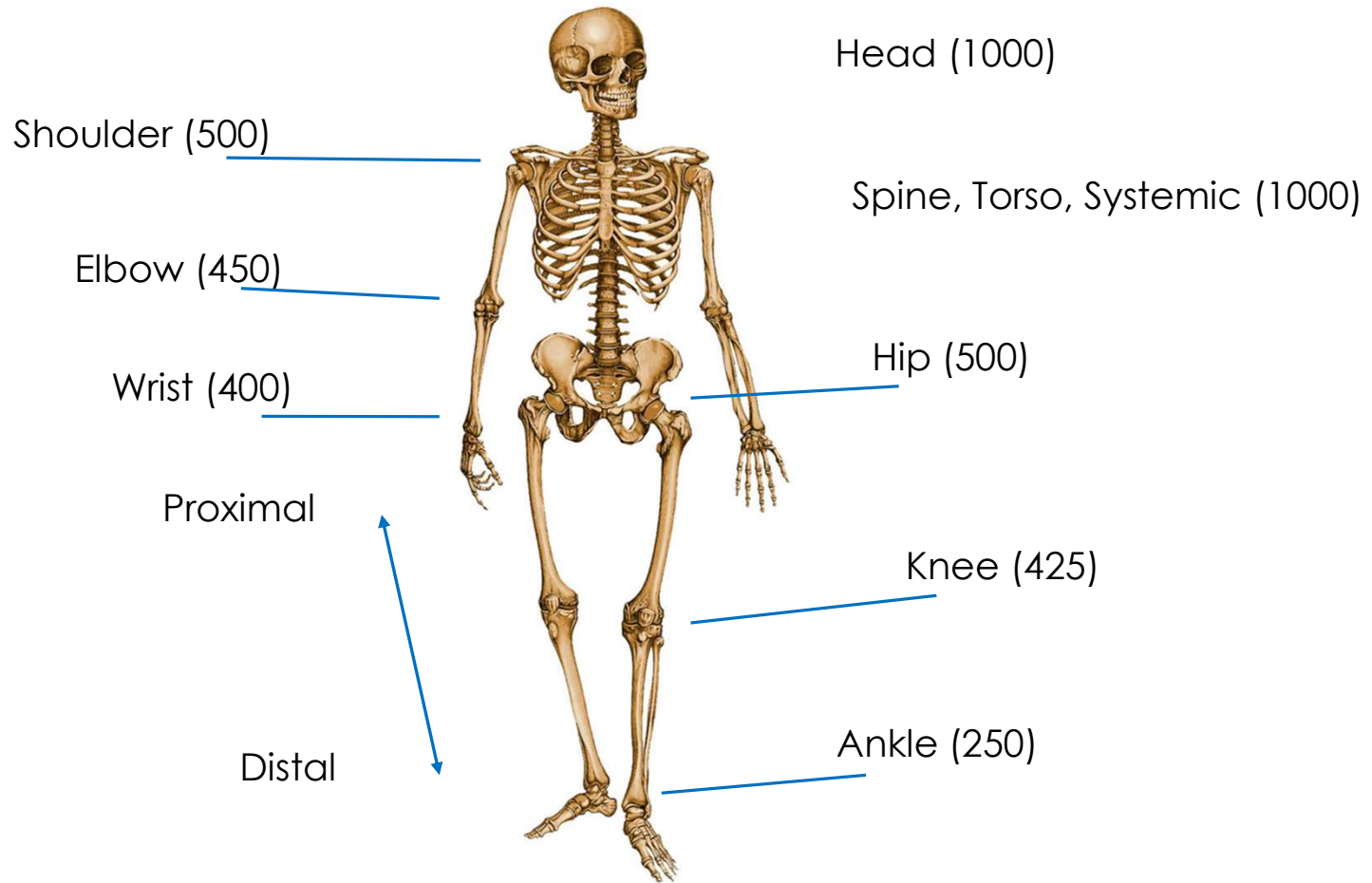


Rating Disability

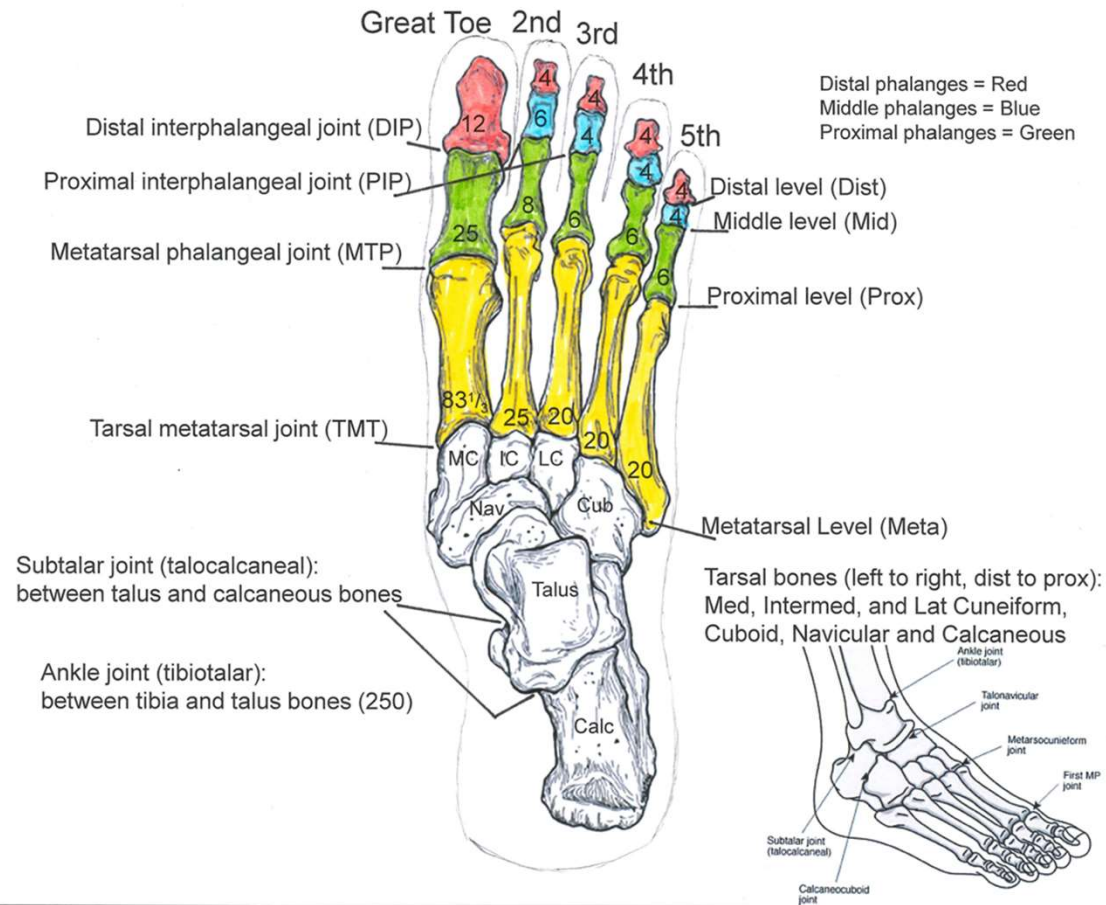
- Amputation
 - Anatomic level of bone loss
- Loss of use
 - Percentage of total loss
- Hearing (DWD 80.25)
 - Pre- and post-audiogram formula
- Vision (DWD 80.26)
 - Acuity, field of vision, other



Body and Major Joints Weeks of Compensation



Foot Injury Weeks of Compensation Due



Hand Weeks of Compensation Due

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 phalanges = Red
 Middle phalanges = Blue
 Proximal phalanges = Green

Distal interphalangeal joint (DIP)
 Proximal interphalangeal joint (PIP)
 Metacarpophalangeal joint (MCP)

Carpometacarpal joint (CMC)

Wrist Joint

Prox

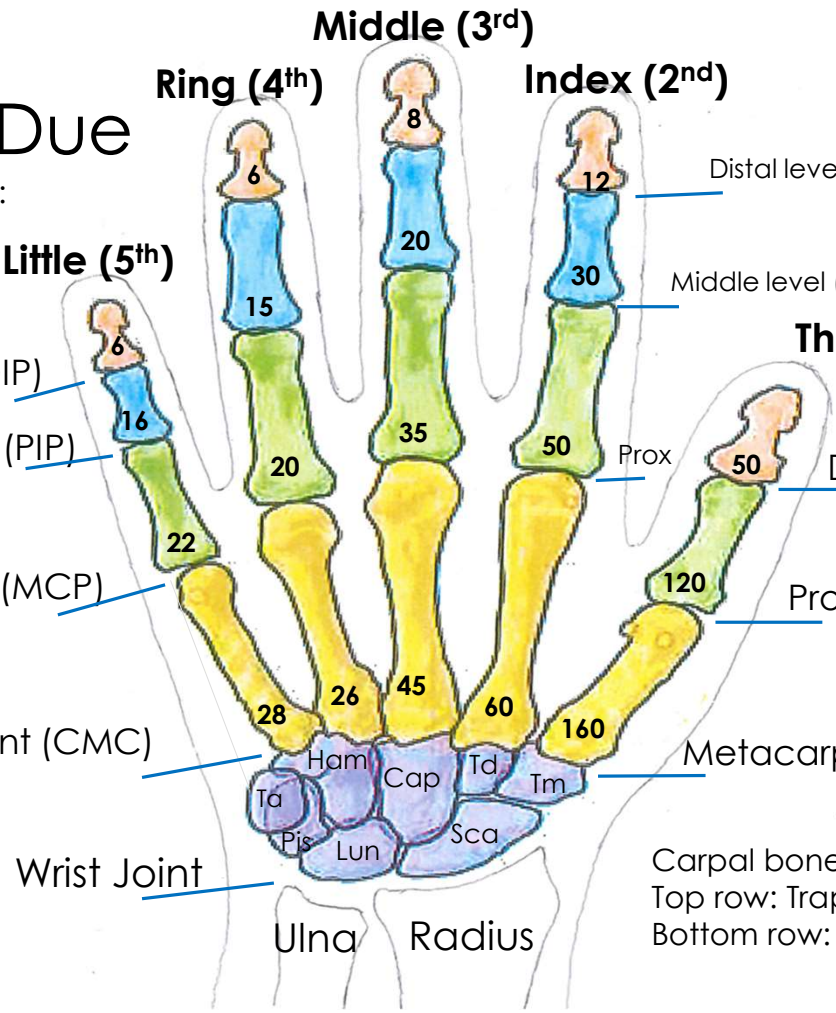
Distal level (Dist)
 Middle level (Mid)

Thumb (1st)

Distal level (Dist)
 Proximal level (Prox)

Metacarpal level (Meta)

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

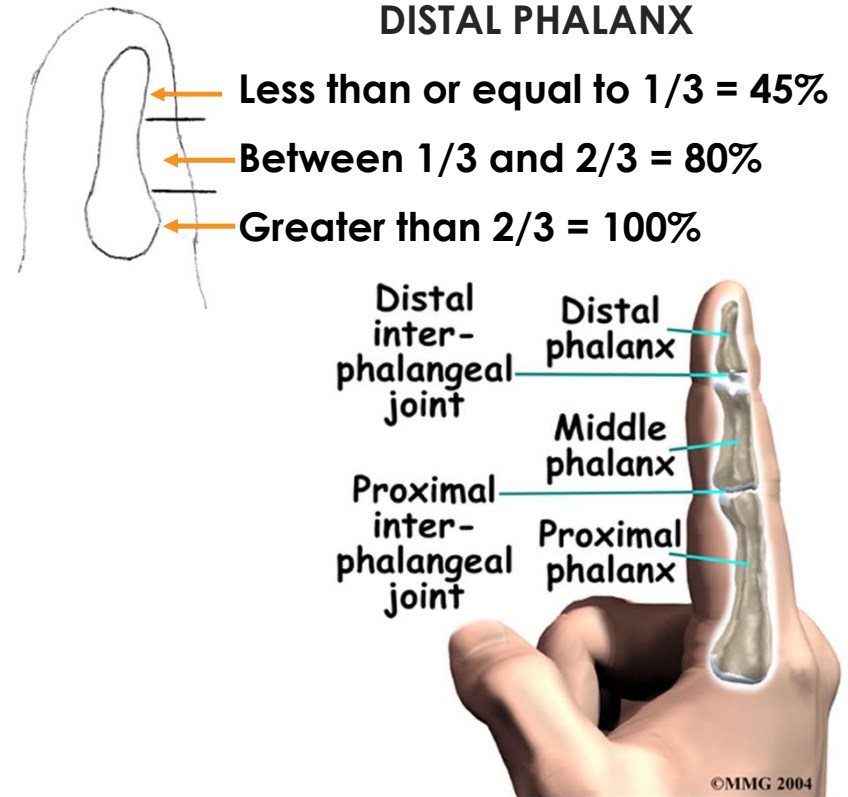


Amputation at:
 Palm where thumb remains = 325
 All fingers at proximal level = 225
 Wrist joint = 400

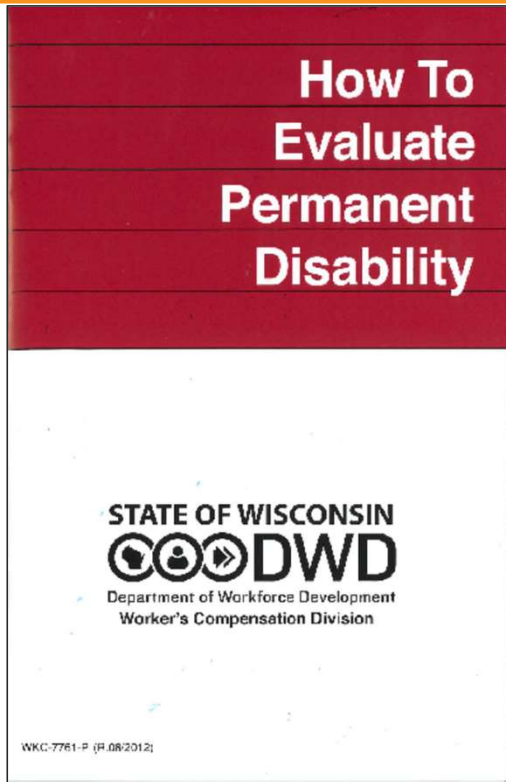


Amputations

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



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>



Statutory Minimum Ratings

- Assumptions
 - Excellent surgical outcome
 - No prior disability
- Other elements of disability: **If present, shall result in a higher estimate**
 - Pain
 - Weakness
 - Activity limitations
 - Altered sensation
 - Unstable grafts



Amputations DWD 80.32(2)

- Involves upper extremity past the level of the wrist or lower extremity past the level of the ankle
- Stump can accommodate prosthesis: equals amputation at midpoint between the joints distal and proximal to injury
 - Example for lower leg amputation:
 - $425 \text{ weeks (knee)} - 250 \text{ weeks (ankle)} = 175 \text{ weeks} / 2 = 87.5 \text{ weeks}$
 - $250 \text{ weeks} + 87.5 \text{ weeks} = 337.5 \text{ weeks}$
- Stump cannot accommodate prosthesis: equals amputation at the proximal joint



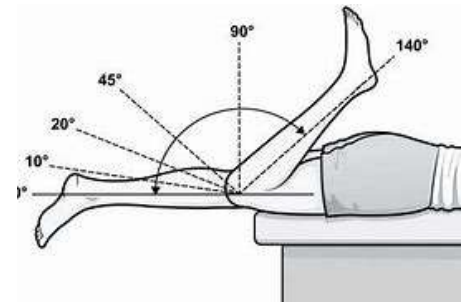
Hip DWD 80.32(3)

- Prosthesis
 - Total hip arthroplasty (THA) = 40%
 - Partial hip replacement/hemiarthroplasty = 35%
 - Replacement of any portion of the prosthesis, including hip resurfacing, is considered a partial joint replacement
- Fusion, optimum position = 50%
- Lost motion of flexion, extension, internal rotation, external rotation, abduction, adduction
- Shortening of the leg by at least $\frac{3}{4}$ inch = 5%
 - Stat min increases with the amount of leg shortening



Knee DWD 80.32(4)

- Prosthesis
 - Total knee arthroplasty (TKA) = 50%
 - Partial knee replacement/unicompartamental knee arthroplasty (UKA) = 45%
 - Replacement of any portion of the prosthesis = partial joint replacement
- Fusion, optimum position = 40%
- Remaining degrees of flexion
 - 90 degrees = 10%
 - 45 degrees = 25%
- Anterior cruciate ligament (ACL) repair = 10%
- Meniscectomy = 5%



Ankle DWD 80.32(5)

- Prosthesis – no stat min, doctors should interpolate based on minimum ratings for other joint replacements
- Fusion, optimum position = 40%
 - Total loss of motion of both the tibiotalar and subtalar joints
- Loss of dorsi and plantar flexion = 30%
 - Tibiotalar fusion
 - 15% stat min for dorsiflexion and 15% stat min for plantar flexion
- Loss of inversion and eversion = 15%
 - Triple arthrodesis
 - 7.5% stat min for inversion and 7.5% stat min for eversion



Toes DWD 80.32(6)

- Fusion of great toe at proximal joint = 50%
- Fusion of all other toes at proximal joint = 40%
- Fusion of great toe at distal joint = 15%



Shoulder DWD 80.32(7)

- Prosthesis = 50%
 - Includes all types of shoulder replacements: total shoulder arthroplasty (TSA), reverse shoulder arthroplasty, partial shoulder arthroplasty, shoulder resurfacing
- Fusion, optimum position = 55%
- Remaining degrees of forward flexion and abduction
 - 135 degrees = 5%
 - 90 degrees = 20%
 - 45 degrees = 30%



Elbow DWD 80.32(8)

- Prosthesis – no stat min; doctors should interpolate based on minimum ratings for other joint replacements
- Fusion, optimum position = 60%
- Total loss supination = 10%
- Total loss pronation = 15%
- Total loss flexion/extension = 45%
 - Extension: Degrees lost x 0.2222 = PPD%
 - Flexion: Degrees lost x 0.1666 = PPD%



Wrist DWD 80.32(9)

- Prosthesis – no stat min; doctors should interpolate based on minimum ratings for other joint replacements
- Fusion, optimum position = 30%
- Total loss dorsiflexion = 12.5%
- Total loss palmar flexion = 7.5%
- Total loss inversion = 5%
- Total loss eversion = 5%



Complete Sensory Loss DWD 80.32(10)

- Any digit = 50%
 - Palmar sensory loss only = 35%
 - Dorsal sensory loss only = 15%
- Median nerve thenar paralysis with sensory loss = 40 - 50% at wrist
- Peroneal nerve paralysis (foot drop) = 25 - 30% at knee



Back DWD 80.32(11)

- Surgery

- Relieve from the effects of a disc lesion or spinal cord pressure = 5% per level

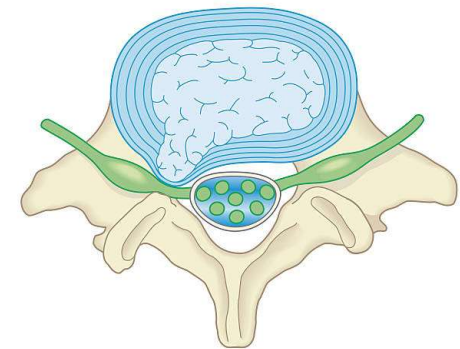
- Laminectomy
 - Facetectomy
 - Other

- Fusion = 5% per level

- Instrumentation
 - Cages with bone graft

- Artificial disc = 7.5% per level

- Compression fractures = 5% per level if symptomatic



Fingers DWD 80.32(12)

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

Instructions for finger injuries
 Please use statutory terms in referring to fingers, such as thumbs, index, middle, ring, and little fingers, and distal, middle, and proximal joints. Where there is limitation of motion, list separately the normal range of motion in degrees, the "degrees" loss of flexion, and the "degrees" loss of extension for each joint of each finger. The Worker's Compensation Division will evaluate the loss of use due to loss of motion of the fingers.

Where there are other elements of disability of the fingers, such as deformity, weakness, pain, or lack of endurance, give your opinion on the percentage loss of use as compared to amputation for such elements of disability and specify the joint at which such loss is estimated.

Digit	Joint	Angle Ext./Flex.	Normal Range of Motion	Degrees Loss Extension	Degrees Loss Flexion	Estimate % loss of use for additional factors at joint involved and reason for additional allowance
Thumb	Dist					
	Prox					
Index	Dist					
	Mid					
Middle	Dist					
	Mid					
Ring	Dist					
	Mid					
Little	Dist					
	Mid					
	Prox					

CIRCLE HAND INVOLVED: Right Left **DOMINANT HAND:** Right Left

See DWD 80.32 & 80.33 for guides to evaluation for amputations, restrictions of motion, ankylosis, sensory loss, and surgical results for disability to the hip, knee, ankle, toes, shoulder, elbow, wrist, fingers and back.

If fingertip amputation is present, submit comparative x-rays or a statement indicating whether the bone loss was less than one-third, between one-third and two-thirds, or more than two-thirds of the distal phalanx.

If amputation is below the distal joint, submit comparative x-rays.



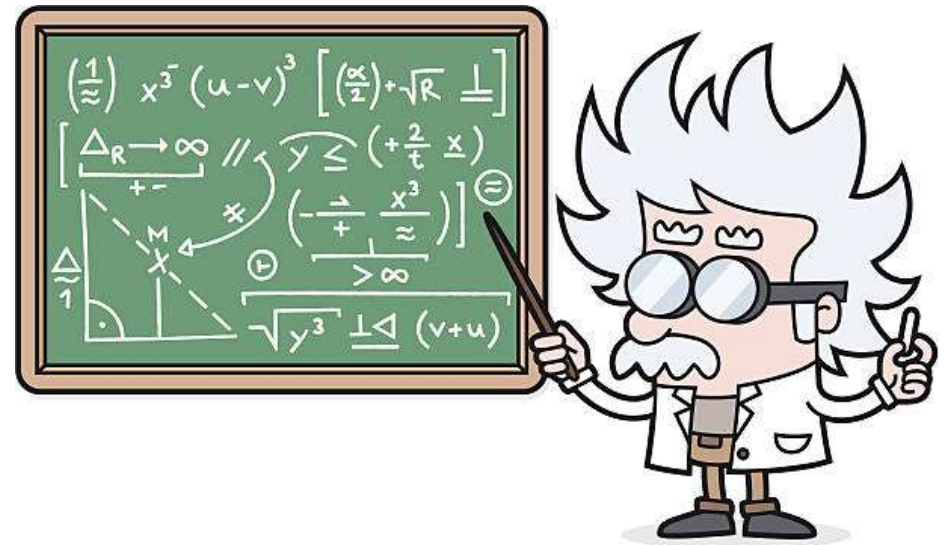
Kidney DWD 80.32(13) and Loss of Smell DWD 80.32(14)

- Loss of one kidney = 5%
- Total loss of sense of smell = 2.5%



Additional PPD Considerations

- Multipliers
- Stacking
- Deductions
- Apportionment



Multipliers

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



Standard Multiplier

- Claimant falls on steps causing R knee and wrist pain
- R knee anterior cruciate ligament (ACL) tear repaired surgically
Residual R wrist pain and stiffness
- 10% PPD for knee (stat min) = $425 \times .10 = 42.5$ weeks
2% PPD for wrist = $400 \times .02 = 8$ weeks
- Lesser injury 20% multiplier = $8 \times .20 = \mathbf{1.6}$ weeks
- Total PPD = $42.5 + 8 + \mathbf{1.6} = 52.1$ weeks



Hand Lesser Injury Multipliers

- R hand caught in a machine
- Amputation R middle finger 50% of distal phalanx
Residual R index and ring finger pain and stiffness
- 80% PPD for middle finger DIP (stat min) = $8 \times .80 = 6.4$ weeks
10% PPD for index finger MCP = $50 \times .10 = 5$ weeks
10% PPD for ring finger MCP = $20 \times .10 = 2$ weeks
- First lesser injury 100% multiplier = $5 \times 1.0 = \mathbf{5}$ weeks
- Second lesser injury 150% multiplier = $2 \times 1.5 = \mathbf{3}$ weeks
- Total PPD = $6.4 + 5 + \mathbf{5} + 2 + \mathbf{3} = 21.4$ weeks



Dominant Hand Multiplier

- R hand caught in a machine
Amputation of R middle finger 100% of distal phalanx
Residual R index and ring finger pain and stiffness
- 100% PPD for middle finger DIP (stat min) = $8 \times 1.0 = 8$ weeks
10% PPD for index finger MCP = $50 \times .10 = 5$ weeks
10% PPD for ring finger MCP = $20 \times .10 = 2$ weeks
- Dominant hand multiplier = $8 \times .25 = \mathbf{2}$ weeks
- First lesser injury 100% multiplier = $5 \times 1.0 = \mathbf{5}$ weeks
Second lesser injury 150% multiplier = $2 \times 1.5 = \mathbf{3}$ weeks
- Total PPD = $8 + \mathbf{2} + 5 + \mathbf{5} + 2 + \mathbf{3} = 25$ weeks



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)



Stacking

- Construction worker steps in unseen hole and twists knee. R medial meniscus tear and ACL tear treated surgically.
- 10% PPD for ACL repair (stat min) = $425 \times .10 = 42.5$ weeks
5% PPD for meniscectomy (stat min) = $425 \times .05 = 21.25$ weeks
- Total PPD = $42.5 + 21.25 = 63.75$ weeks
- 5 years later, total knee replacement attributed to first injury
- 50% PPD for total knee (stat min) = $425 \times .50 = 212.5$ weeks
- Total PPD = $42.5 + 21.25 + 212.5 = 276.25$ weeks



Stacking (cont.)

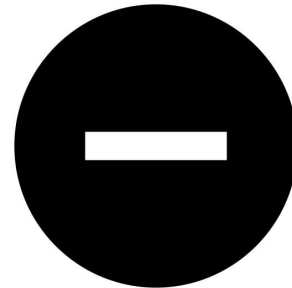
- 10 years later, original total knee replacement has to be replaced by a new total knee
- 50% PPD for total knee (stat min) = $425 \times .50 = 212.5$ weeks
- Total PPD = $42.5 + 21.25 + 212.5 + 212.5 = 488.75$ weeks
- **No**, PPD capped at 100% of knee joint value = 425 weeks



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)



Distal from Proximal Disability

- Old R thumb DIP amp, new fall onto outstretched R arm
- R rotator cuff tear treated surgically
- 5% PPD for rotator cuff repair
- R thumb DIP 100% amputation = $50 \times 1.0 = 50$ weeks
- Value of shoulder with distal deduction = $500 - 50 = 450$ weeks (no multipliers considered here)
- Total PPD = $450 \times .05 = 22.5$ weeks



Scheduled from Unscheduled Injury

- Fall injures neck and shoulder
- L rotator cuff tear surgically repaired
C5-6 disc herniation treated with decompression and fusion
- 5% for L rotator cuff repair = $500 \times .05 = 25$ weeks
10% for C5-6 decompression and fusion = $1000 \times .10 = 100$ weeks
- $1000 - 25 = 975$ weeks
- $975 \times .10 = 97.5$ weeks
- Total PPD = $25 + 97.5 = 122.5$ weeks



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)



Apportionment

- Injured shoulder from fall at work
- Before end of healing, non-work related car crash aggravates shoulder injury
- 10% disability assigned to shoulder = $500 \times .10 = 50$ weeks
- Doctor attributes 50% of PPD to fall and 50% to car crash
- Total PPD owed by insurer = $50 \times .50 = 25$ weeks



Questions?



Please contact us.



WI DWD Worker's Compensation Division

(608) 266-1340



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

Frank Salvi, DRS
(608) 267-4327

Frank.Salvi@dwd.wisconsin.gov

Chelsea Newby, DRS
(608) 266-5303

ChelseaL.Newby@dwd.wisconsin.gov



DWD.WISCONSIN.GOV